



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

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

**City Council Workshop Agenda
October 28, 2019
7:00 PM**

Workshop Agenda Items:

1. Budget Discussion: Fire Department
2. Budget Discussion: Police Department
3. Budget Discussion: City Administrator and Finance Director
4. Noise Ordinance Local Law
5. 248 Tioronda Avenue Concept Plan
6. Central Main Street District: Balconies and Four-Story Buildings
7. Special Use Permit Application for 296 Main Street
8. Board of Ethics Appointment
9. Lighting Ordinance
10. Capital Plan Discussion

Upcoming Agenda Items and Meetings:

1. Budget Discussion: Water and Sewer Department November 12, 2019
2. Budget Discussion: Highway Department November 12, 2019

Upcoming Public Hearings

1. Public Hearing Regarding 23-28 Creek Drive Concept Plan November 4, 2019
2. Public Hearing Regarding the Proposed 2020 City of Beacon Budget November 18, 2019
3. Public Hearing Regarding the City of Beacon Noise Ordinance November 18, 2019

Executive Session:

1. Personnel

City of Beacon Workshop Agenda
10/28/2019

Title:

Budget Discussion: Fire Department

Subject:

Background:

City of Beacon Workshop Agenda
10/28/2019

Title:

Budget Discussion: Police Department

Subject:

Background:

City of Beacon Workshop Agenda
10/28/2019

Title:

Budget Discussion: City Administrator and Finance Director

Subject:

Background:

City of Beacon Workshop Agenda
10/28/2019

Title:

Noise Ordinance Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
Noise Ordinance Local Law	Local Law

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 Chapter 149 of the Code of the City of Beacon entitled “Noise” is hereby repealed in its entirety.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

City of Beacon Workshop Agenda
10/28/2019

Title:

248 Tioronda Avenue Concept Plan

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Attorney Regarding 248 Tioronda Avenue	Cover Memo/Letter
Memorandum from the City Attorney Regarding 248 Tioronda Avenue Concept Plan Approval	Cover Memo/Letter
Letter from the Army Corps of Engineers Regarding 248 Tioronda	Cover Memo/Letter
Jurisdictional Determination	Backup Material
Photo Simulations	Backup Material
248 Tioronda Avenue Site Section Elevations	Backup Material
City of Beacon City Code Chapter 223 Regarding Uses, Plan Review and Design Standards	Backup Material

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: 248 Tioronda Avenue

DATE: October 28, 2019

248 Beacon Holdings LLC (the “Applicant”) submitted an application to the City Council for Concept Plan Approval. The Applicant proposes to construct two multifamily buildings with a total of 64 dwelling units and a separate office building with 25,400 square feet along with a Greenway Trail on two parcels containing 9.18 acres located on property at 248 Tioronda Avenue in the Fishkill Creek Development (“FCD”) District and LWRP area (the “Project” or “Proposed Action”). The subject property is located at the intersection of Wolcott Avenue and Tioronda Avenue, between the Fishkill Creek and the Metropolitan Transit Authority (MTA) railroad, and designated on the City tax maps as **Parcel Nos. 5954-16-993482 and 6054-45-012574** (the “Property”). The proposed residential and business office uses are principal uses permitted on the Property.

Review Completed by the Planning Board.

On January 22, 2019, the City Council referred the Concept Plan to the Planning Board for report and recommendation and requested the Planning Board serve as Lead Agency for the environmental review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and to evaluate the application for consistency in accordance with the City’s Local Waterfront Revitalization Program (“LWRP”). The Planning Board reviewed the application materials at its meetings on February 13, 2019, March 12, 2019, April 9, 2019, May 14, 2019 and June 11, 2019. The Proposed Action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and on June 11, 2019 after hearing public comment and taking a “hard look” at the Environmental Assessment Form (“EAF”) and all of the associated materials prepared in connection with the Proposed Action, the Planning Board adopted its Local Waterfront Revitalization Program Consistency Determination and Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts.

The Planning Board submitted a report and recommendation on the Proposed Project to the City Council, dated June 12, 2019. The Planning Board advised that at its June 11, 2019 meeting all the Planning Board members present voted to issue a

positive recommendation to the Council on the proposed Concept Plan. The Planning Board found that the application is complete and satisfies the Concept Plan criteria of the Fishkill Creek Development District. The Planning Board will review specific architectural, landscaping, lighting, parking, and engineering details during the subsequent Site Plan review process.

Next Steps

The Concept Plan is shown on a 4-sheet conceptual plan, last revised April 2019, prepared by Chazen Companies.

The City Council shall render a decision on the application for Fishkill Creek Development Concept Plan approval after it has held the required public hearing, completed the SEQRA process, has made the requisite SEQRA determination of significance and has made the consistency determination required under the City's Local Waterfront Consistency Law. These steps have been completed and the City Council is free to now render its decision, with respect to the Concept Plan proposed for 248 Tioronda.

After approval of the Fishkill Creek Development Concept Plan by the City Council, the Planning Board shall review the proposed site plan.

Concept Plan Approval

The City Council may grant the Applicant Concept Plan approval if it finds that the following conditions and standards set forth in City Code § 223-41.13.F(3)(b) have been met:

- [1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.
- [2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.
- [3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.
- [4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.
- [5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

- [6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.
- [7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.
- [8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.

The Council should also be familiar with, and review the Fishkill Creek Development Design Standards set forth in City Code § 223-41.13I, which has been added to the agenda packet and is available at <https://ecode360.com/15154785>.

■ **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

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: 248 Tioronda Avenue - Concept Plan Approval

DATE: October 22, 2019

248 Beacon Holdings LLC (the “Applicant”) submitted an application to the City Council for Concept Plan Approval. The Applicant proposes to construct two multifamily buildings with a total of 64 dwelling units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres located on property at 248 Tioronda Avenue in the Fishkill Creek Development (“FCD”) District and LWRP area. The buildings are three (3) stories when viewed from Tioronda Avenue and four (4) stories when viewed from Fishkill Creek.

On Monday, October 22, 2019, concerns were raised during the public hearing on the 248 Tioronda Avenue Concept Plan regarding the proposed height of the structures. In response to the public’s concerns, our office was asked to confirm the proposed height of the structures. Based on the plans entitled “Site Plan 248 Tioronda Ave, Beacon NY,” prepared by Chazen Engineering, last revised April 30, 2019, the maximum proposed building height is three (3) stories (36 feet), with the third floor setback. The proposed heights of Building 200 (Building A) and Building 300 (Building B) do not include the parking garages located underneath.

The height of each proposed structure is permitted under the Code of the City of Beacon, which provides that the maximum permitted building height in the FCD District is three (3) stories and 40 feet pursuant to Section 223-41.14.F of the Code of the City of Beacon. Under Section 223-41.14.F of the Code of the City of Beacon, maximum building height is measured from the average grade level of the side of the building facing the primary street view. The proposed parking underneath Building 200 and Building 300 may appear to create a fourth story when viewed from the east, however the parking is in fact located below the average grade level of the side of the building facing the primary street view, which is from Tioronda Avenue to the west side of the building. The parking garage level is not visible from the primary street. Therefore, the parking garage level is not included in the building height calculations.



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

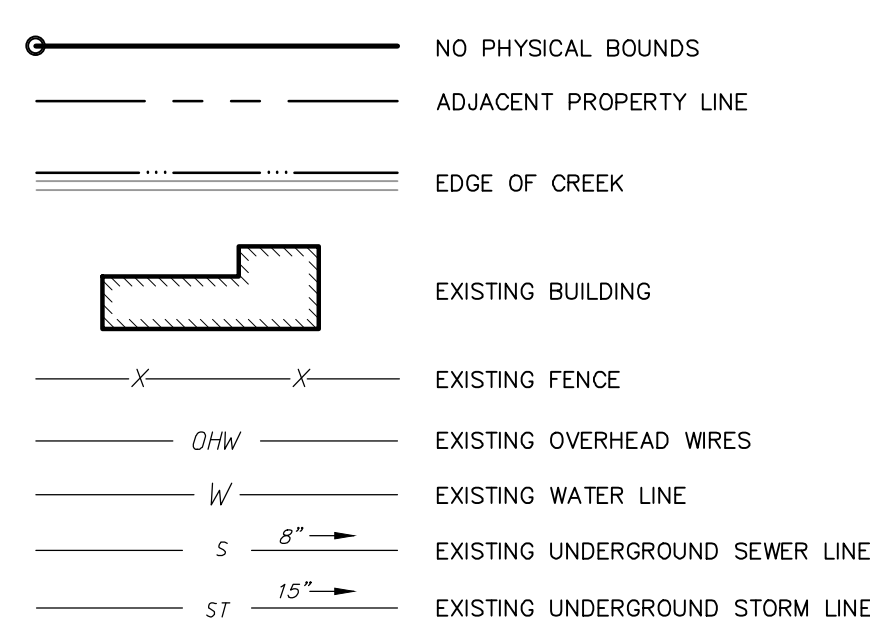
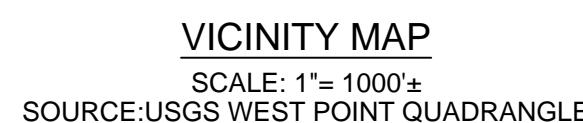
Table 10. Non-Waters/Excluded Waters and Features

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

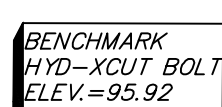
Other Non-Waters of U.S. Feature/Water Name	Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.
N/A	N/A

[illegible]



- | | |
|--------------------------------|---|
| EXISTING RAILROAD TRACKS | ITEM 18. PERMANENT AND TEMPORARY EASEMENTS CONTAINED IN APPROPRIATION NOTICE RECORDED IN LIBER 2002 PAGE 516. (PERMANENT EASEMENT MAP NO. 18, PARCEL NO. 28 AFFECTS SUBJECT PARCEL AND SHOWN HEREIN. TEMPORARY EASEMENTS SHOWN ON MAP NO. 19. (PARCEL NO. 27 AND 28 WERE TERMINATED ON NOVEMBER 16, 1999.) |
| EXISTING SIGN | ITEM 19. EASEMENT AGREEMENT OVER PARCEL 1B, (F.M. 10970), GRANTED IN FAVOR OF PARCEL 1A, (F.M. # 10970). EASEMENT IS SHOWN ON FILED MAP # 10970. AFFECTS SUBJECT PARCEL AND SHOWN HEREIN. |
| EXISTING BENCHMARK | 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 TO THE TRAIL LOCATED ALONG THE FISHPICK CREEK, (AFFECTS SUBJECT PARCEL AND SHOWN HEREIN). |
| EXISTING BOLLARD | |
| EXISTING CATCH BASIN | EASEMENT AGREEMENT GRANTED IN FAVOR OF PARCEL 19, OVER PARCEL 1B. AFFECTS SUBJECT PARCEL AND SHOWN HEREIN. |
| EXISTING DECIDUOUS TREE | ITEM 21. LEASE AND EASEMENT RECORDED IN DOCUMENT #001-2003-9779, AS MODIFIED IN DOCUMENT #001-2005-7447, AS ASSIGNED AND ASSUMED IN DOCUMENT #001-2005-7449 AS MODIFIED IN DOCUMENT #001-2005-7448 AND AS ASSIGNED IN DOCUMENT #001-2005-7450. |
| EXISTING GUY WIRE | |
| EXISTING GAS VALVE | |
| EXISTING HOISTING | DOCUMENT #001-2003-9779 RESERVES TO THE LANDLORD THE RIGHT TO PASS THROUGH AND ACROSS THE LEASED PREMISES TO REACH THE LEASE PARCEL, IS SHOWN ON A PORTION OF A MAP PREPARED BY BADEY & WATSON SURVEYING AND ENGINEERING, P.C., (BEING AN UNRECORDED MAP, (AFFECTS SUBJECT PARCEL AND SHOWN HEREIN). |
| EXISTING HANTARY MANHOLE | |
| EXISTING UNKNOWN MANHOLE | DOCUMENT #001-2005-7447 DESCRIBES CONSENT TO ASSIGNMENT OF LEASE TO "SISTERS PROPERTIES, L.L.C." AS ASSIGNED. |
| EXISTING UTILITY POLE | DOCUMENT #001-2005-7449 AS ASSIGNED AND ASSUMED BY "SISTERS PROPERTIES, L.L.C." |
| EXISTING UTILITY POLE W/ LIGHT | DOCUMENT #001-2005-7448, BEING A MODIFICATION OF THE LEASE AGREEMENT. |
| EXISTING WATER VALVE | DOCUMENT #001-2005-7450 PROVIDES A METES AND BOUNDS DESCRIPTION OF THE LEASE PARCEL, (AFFECTS SUBJECT PARCEL AND SHOWN HEREIN). |
| EXISTING MONITORING WELL | |
| EXISTING TELEPHONE MANHOLE | |
| EXISTING UTILITY FEDETALE | |

"GRADE CROSSING EASEMENT"
GRANTED BY METRO NORTH COMMUTER RAILROAD
CO. TO BEACON 248 DEVELOPMENT, LLC IN
DOCUMENT #02 2009 1123 DATED 03/12/2009



DEED REFERENCE TAX PARCEL NUMBER AREA: 8.175 ACRES

DEED REFERENCE
JOSEPH RENDEIRO
- TO -
BEACON 248 DEVELOPMENT, LLC
DOC. # 02-2006-4859
FILED JUNE 30, 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 AND WATSON SURVEYING AND ENGINEERING, P.C., FILED IN THE DUTCHESS COUNTY CLERKS OFFICE AS FILED MAP # 10970 ON FEBRUARY 22, 2000.

FLOOD ZONE NOTE:

FLOOD ZONE NOTE:

THE FLOODWAY LINE AND FLOOD ZONE LINE "ZONE X OTHER FLOOD AREAS" SHOWN HEREON ARE ASSUMED TO BE BASED ON INSURANCE RATE MAPPING (IRM) LISTED BELOW. THE "ZONE X" 100 YEAR FLOOD ZONE WITHIN THE SUBJECT PARCEL WAS DRAWN AT ELEVATION 85.9(NGV029) PER THE TOPOGRAPHY SHOWN HEREON.

PARCEL SHOWN HEREON LIES WITHIN "SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 100 YEAR FLOOD ZONE WITHIN OTHER FLOOD AREAS, ZONE X".

PARCEL SHOWN HEREON LIES WITHIN FLOODWAY AREAS IN ZONE AE, AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) 17020C0201. THE COMMUNITY NUMBER 360217 MAP NUMBER 3602700575, HAS AN EFFECTIVE DATE OF MAY 2, 2012.

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 #360217-0003-B, DATED MARCH 1, 1984. VERTICAL DATUM IS NGVD 1929. CONTOUR INTERVAL IS 2 FEET.

NOTES

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UNDERGROUND FACILITIES AND STRUCTURES SHOWN HEREON WERE TAKEN FROM DATA OBTAINED FROM PREVIOUS MAPS AND RECORD DRAWINGS. ALL ABOVE GROUND STRUCTURES AND SURFACE FEATURES SHOWN HEREON ARE THE RESULT OF A FIELD SURVEY UNLESS OTHERWISE NOTED. THERE MAY BE OTHER UNDERGROUND UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN OR CERTIFIED BY THE UNDERSIGNED. THE SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES AND STRUCTURES MUST BE VERIFIED BY THE APPROPRIATE AUTHORITIES. THE UNDERGROUND FACILITIES PROTECTIVE ORGANIZATION MUST BE NOTIFIED PRIOR TO CONDUCTING TEST BORINGS, EXCAVATION AND CONSTRUCTION.

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SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

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.

SEWER NOTE

2" FORCE MAIN SHOWN ON THESE PLANS IS REPUTED TO BE INSTALLED IN A 12" STEEL CASING PIPE UNDER THE RAILROAD PROPERTY WHERE SHOWN PURSUANT TO LICENSE AGREEMENT NUMBER 240 047 MADE WITH THE PREVIOUS OWNERS TUCK INDUSTRIES, INC. AND CONSOLIDATED RAILROAD DATED 30 JUNE 1980.



NAN-2019-00513-WNE

Approved Jurisdictional Determination issued September 30, 2019

248 TIORONDA AVE., BEACON, N.Y.

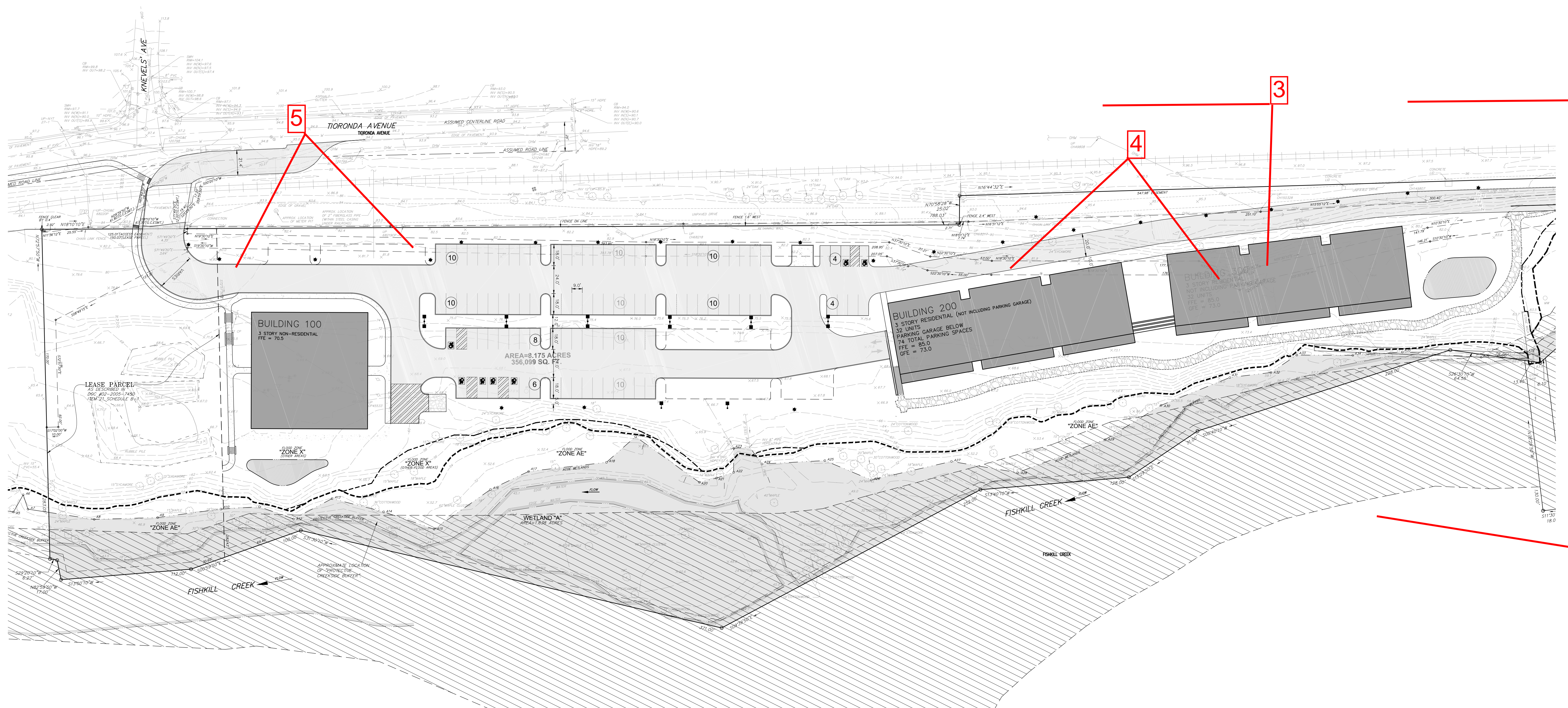
EXISTING CONDITIONS

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

Designed APB	check LA
Date 09/10/18	scale 1"=
project no. 81750.00	
sheet no.	

C101

Drawing Name: Z:\projects\81700-81799\81750.00 CH4 Builders B-248\DWG\01_C101_81750-00_EX257.dwg
 Xrefs Attached: XBASE-SVY_81056-00; XTB_81750-00_36x48; XBASE-ENG_81750-00















SITE SECTION

248 TIORONDA AVENUE
BEACON, NEW YORK

PROPOSED REVISIONS
JAN 17, 2019

abarchitekten



SITE SECTION

248 TIORONDA AVENUE
BEACON, NEW YORK

PROPOSED REVISIONS
JAN 17, 2019

abarchitekten



WEST ELEVATION BLDG 300 (B)

WEST ELEVATION BLDG 200 (A)



EAST ELEVATION BLDG 200 (A)

EAST ELEVATION BLDG 300 (B)



SOUTH ELEVATION BLDG 200 (A)



NORTH ELEVATION BLDG 200 (A)



NORTH ELEVATION BLDG 300 (B)



WEST ELEVATION BLDG 300 (B)



WEST ELEVATION BLDG 200 (A)



— — — — ROOF
+36'-0"

— — — — 3RD FLOOR
+24'-0"

— — — — 2ND FLOOR
+12'-0"

— — — — 1ST FLOOR
+0'-0"

— — — — CELLAR
-12'-0"

EAST ELEVATION BLDG 300 (B)



— — — — ROOF
+36'-0"

— — — — 3RD FLOOR
+24'-0"

— — — — 2ND FLOOR
+12'-0"

— — — — 1ST FLOOR
+0'-0"

— — — — CELLAR
-12'-0"

EAST ELEVATION BLDG 200 (A)



NORTH ELEVATION BLDG 100



EAST ELEVATION BLDG 100

§ 223-41.13. Uses; plan review; design standards.

- A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.
- B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:
- (1) Apartment, attached and multifamily dwellings.
 - (2) Artist live/work spaces, artist studios and workshops of artisans.
 - (3) Bed-and-breakfast establishments and inns.
 - (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face streets.
 - (5) Restaurants and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face streets. No individual restaurant use shall contain more than 5,000 square feet of gross floor area.
 - (6) Professional and business offices in buildings that face streets.
 - (7) Galleries, exhibit spaces and museums.
 - (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
 - (9) Assembly and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.
 - (10) Other nonresidential uses similar to the above uses as determined by resolution of the City Council.
- C. Permitted accessory uses. Permitted accessory uses may include:
- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and

- pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities, including parking structures.
- D. Procedure for review of Fishkill Creek development proposals.
- (1) Each Fishkill Creek development project shall require:
- (a) Concept plan approval by the City Council; and
 - (b) Site plan approval by the Planning Board.
- (2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development concept plan has been submitted to the City Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the City Council.
- E. Application fees. Applications to the City Council and Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- F. Procedure for Fishkill Creek development concept plan review.
- (1) Application. The concept plan application for a Fishkill Creek development for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the City Council meeting at which it will be considered. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:
- (a) A written description of the Fishkill Creek development project(s) concept plan, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed

Fishkill Creek development, including a description of the benefits to the City.

- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
 - (c) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.
 - (d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.
 - (e) A general indication of any phasing of construction.
 - (f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.
 - (g) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.
 - (h) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.
 - (i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.
 - (j) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.
 - (k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.
- (2) City Council review of Fishkill Creek development concept plan application.
- (a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.

- (b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing a fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.
- (c) City Council referrals.
 - [1] The City Council shall refer the application for a Fishkill Creek development concept plan approval to the Planning Board for a recommendation. The Planning Board shall review all documents and materials relating to the application and may make any advisory recommendations it deems appropriate.
 - [2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-1 and 239-m. In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.
- (d) Public hearing. The City Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on Fishkill Creek development concept plan.
 - (a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval after it has held the required public hearing, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings, and, if applicable, has made the consistency determination under the City's Local Waterfront Consistency Law.¹
 - (b) Concept plan approval. The City Council may approve the concept plan upon a finding that the following conditions and standards have been met:
 - [1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.
 - [2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.

- [3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.
 - [4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.
 - [5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.
 - [6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.
 - [7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.
 - [8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.
- (c) Conditions. In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.
- (4) Revisions to FCD concept plan. After approval, any proposed revisions shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and

whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.

G. Site development plan review. After approval of the Fishkill Creek development concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this chapter. In addition, the applicant shall submit the following:

- (a) Information to establish that the proposed site plan complies with § 223-41.13 I(15), Fishkill Creek vegetative buffer, of this chapter.
- (b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection I below.
- (c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan.
- (d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.
- (e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).
- (f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
- (g) Application fees as required pursuant to Subsection E above.

(2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire FCD District, as it is finally developed.
- (b) In acting on any site development plan application, the Planning Board shall take into consideration the Fishkill

Creek development concept plan, the proposed design and layout of the entire FCD District, including the proposed location, height and landscaping of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the Fishkill Creek development design standards set forth in Subsection I below.

- (c) The proposed site development plan shall be in substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek development concept plan approved by the City Council. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the Fishkill Creek development concept plan.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the

approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5) below. If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.
- H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter 195, Subdivision of Land, of the City Code. The setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
- I. Fishkill Creek development design standards.
 - (1) All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
 - (2) Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the

City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in and unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.

- (3) General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.
 - (a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.
 - (b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).
 - (c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.
- (4) Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.²
 - (a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.
 - (b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.
 - (c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage

and an interconnected sidewalk and walking/bicycle path system to allow residents access to the street and Greenway Trail along the creek frontage.

- (d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.
- (e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.
- (f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.
- (g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (h) Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.
- (i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.
- (j) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard,

terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.

- (5) Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.
- (6) Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.
 - (a) Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
 - (b) The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.
 - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.
 - (d) Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.
- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.
- (8) Signage.
 - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall

be subject to Planning Board review and approval as part of site plan review process.

- (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.
- (10) Public access for greenway trails.
 - (a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.
 - (b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.
 - (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be

maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.

(11) Off-street parking and loading.

(a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.

[3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.

(b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.

(c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.

(d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

(e) Off-street loading shall be provided as the Planning Board may find appropriate.

(12) Utilities and services.

(a) Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having

jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.

- (b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.
 - (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.
 - (d) Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
 - (e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
 - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.
 - (g) Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.
- (13) Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.
- (14) Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.
- (15) Fishkill Creek vegetative buffer.
- (a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.

- (b) The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.
- (c) With respect to development near the creekside buffer, the site plan shall address the following requirements:
 - [1] Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.
 - [2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
 - [3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.
- (d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.
- (e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.

City of Beacon Workshop Agenda
10/28/2019

Title:

Central Main Street District: Balconies and Four-Story Buildings

Subject:

Background:

ATTACHMENTS:

Description

Central Main Street (CMS) District

Type

Backup Material

ARTICLE IVD

Central Main Street (CMS) District

[Added 2-19-2013 by L.L. No. 3-2013; amended 8-9-2013 by L.L. No. 14-2013; 5-19-2014 by L.L. No. 8-2014; 7-21-2014 by L.L. No. 10-2014; 7-21-2014 by L.L. No. 11-2014; 6-4-2018 by L.L. No. 10-2018]

§ 223-41.16. Purpose.

The purpose of this Article IVD is to preserve the traditional character of Main Street, particularly for buildings in the Historic District and Landmark Overlay (HDLO) Zone, while also increasing the vitality, attractiveness, and marketability of Main Street, as recommended in the City of Beacon Comprehensive Plan Update adopted on April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses.

§ 223-41.17. Applicability and boundaries.

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

§ 223-41.18. Regulations.

- A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review and approval. Site plan review shall not be required for a change of use in an existing building where

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

the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor. The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.
- (2) One-family, two-family, attached, and multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223-20; inn, or bed-and-breakfast establishment, subject to § 223-24.4.
- (4) Offices of any kind, including professional, medical, business, and banks or other financial institutions.
- (5) Artist studio.
- (6) Art gallery.
- (7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages, and are not a bar.
- (8) Food preparation business.
- (9) Retail and personal services.
- (10) Funeral home.
- (11) Off-street parking facilities, provided that they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the street by buildings and/or landscaping.
- (12) Public garage, as defined in this chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the street by buildings and/or landscaping.
- (13) School, public or not-for-profit educational institution, trade or vocational school, job placement or training program, continuing education program or instructional school such

as karate school, dance school or studio, language school or vehicular driving school.

(14)Indoor commercial recreation.

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

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

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

(18)Auction gallery.

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

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

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

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

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

(24)Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar artisan workshops, having a retail component of at least 200 square feet.

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

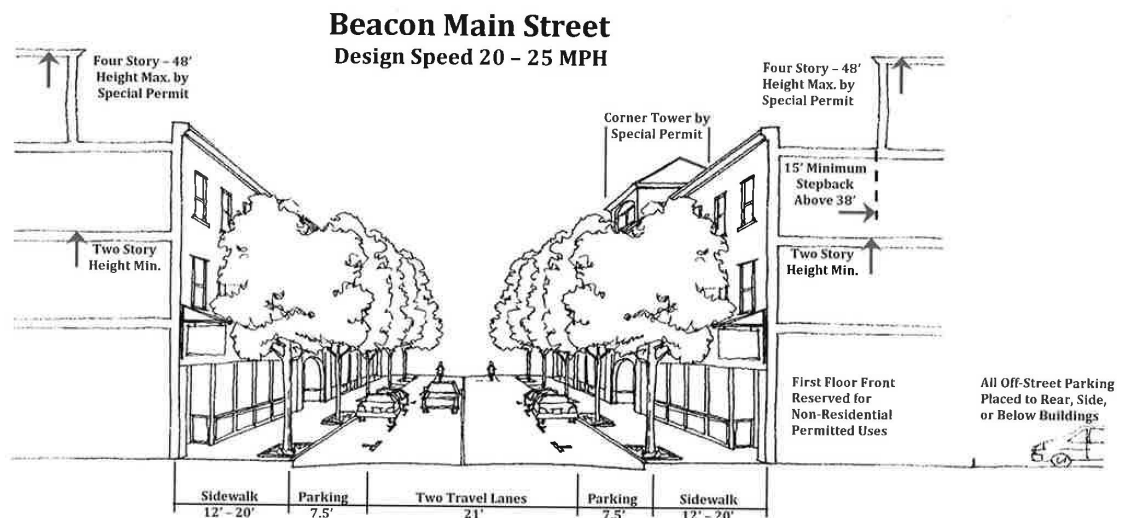
(26)Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the City Council, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met:
 - (a) A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.
 - (b) A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.
 - (2) In considering the appropriateness of the proposed use, the City Council shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the City Council shall follow the regulations in § 223-18 of this chapter.
- C. Accessory uses. The following are permitted accessory uses in the CMS District:
- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
 - (2) Signs, in accordance with the provisions of § 223-15, as applicable.
 - (3) Off-street parking areas, in accordance with § 223-41.18G.
 - (4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13).
 - (5) Home occupation, subject to § 223-17.1.
 - (6) Roof garden.
 - (7) Greenhouse.
- D. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the CMS District:

- (1) Gasoline filling stations.
 - (2) Drive-through facilities, standalone or used in connection with any other use.
- E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection J(15).

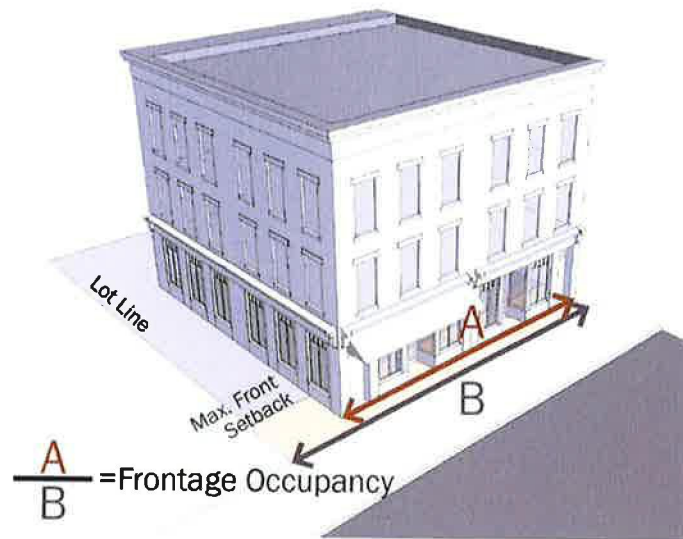
**Figure
18-1:
Central
Main
Street
Zoning
Requirements
Illustrative
View**



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

- (2) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front yard setbacks shall apply to both, as appropriate to the street.
- (3) Side setbacks: minimum of zero. The minimum side setback may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows or to allow future development of an abutting parcel to the permitted building height.
- (4) Rear setbacks: minimum 25 feet for parcels 100 feet deep or more and minimum 10 feet for parcels under 100 feet deep, except that if the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (5) Minimum frontage occupancy on Main Street or East Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board: a) to the extent necessary to allow light and air into an adjacent building that has side windows; b) allow future development of an abutting parcel to the permitted building height; or c) if the applicant provides a suitably surfaced and lighted pedestrian passageway between the street and parking areas, public open spaces, or other streets, located behind the building.

**Figure
18-2:
Frontage
Occupancy**



- (6) Building height: minimum two stories, maximum three stories and 38 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens, fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum permitted height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the edge of the roof along any street frontage.
- (7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story with a stepback of at least 15 feet behind the facade along any street frontage. A fifteen-foot building stepback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district.

Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a setback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building.

- (a) For proposed buildings on CMS parcels in or abutting the Historic District and Landmark Overlay Zone, any fourth story shall require a special permit by the City Council. The City Council may reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure.
 - (b) All such special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met. Although not required, additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, or extra sidewalk width, plaza space, or green space that is accessible to the public may be a positive factor for consideration during the special permit review process.
- (8) Building depth: Corner buildings shall not extend along a side street more than 150 feet from the Main Street or East Main Street frontage, unless the rear building height is reduced to two stories.
 - (9) Lot area and lot width: There are no minimum lot area or lot width requirements.
 - (10) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City and accepted by the City Council for public parking, there shall be no minimum depth requirement.
 - (11) Floor area ratio: There is no maximum floor area ratio.
 - (12) Landscaped area: A minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass in locations approved by the Planning Board that enhance the streetscape, provide

a landscaped rear yard or courtyard, and are found to be consistent with the intent of the CMS District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. These requirements may be waived for lots of 5,000 square feet or less.

(13) Dimensional standards.

Figure 18-3: Dimensional Standards

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

BUILDING HEIGHTS	
	minimum
	allowed by-right

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



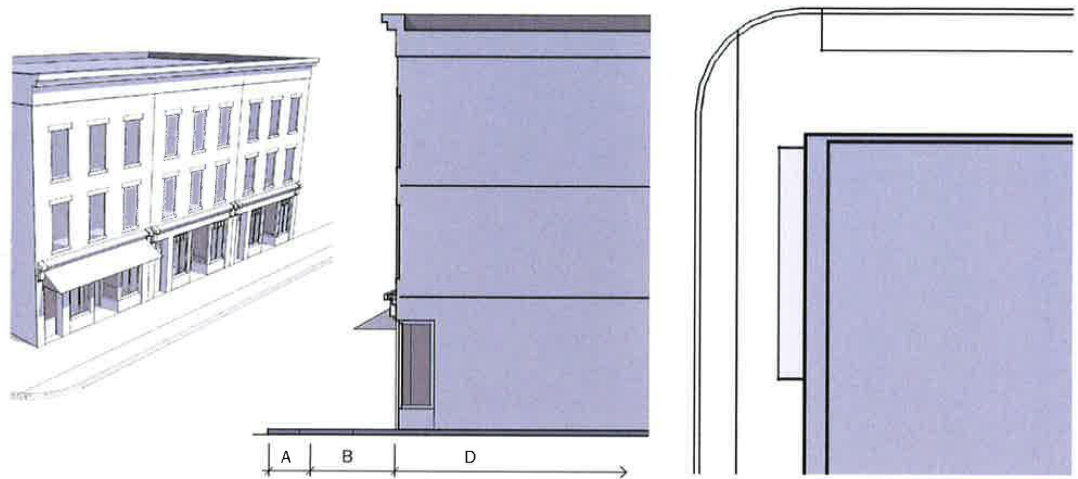
See text for exceptions and clarifications to Figure 18.3. Rear setback 10 feet for lots less than 100 feet deep.

F. Frontage types.

- (1) For new buildings, only the following building frontage types are permitted:
 - (a) Storefront.
 - (b) Forecourt.

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

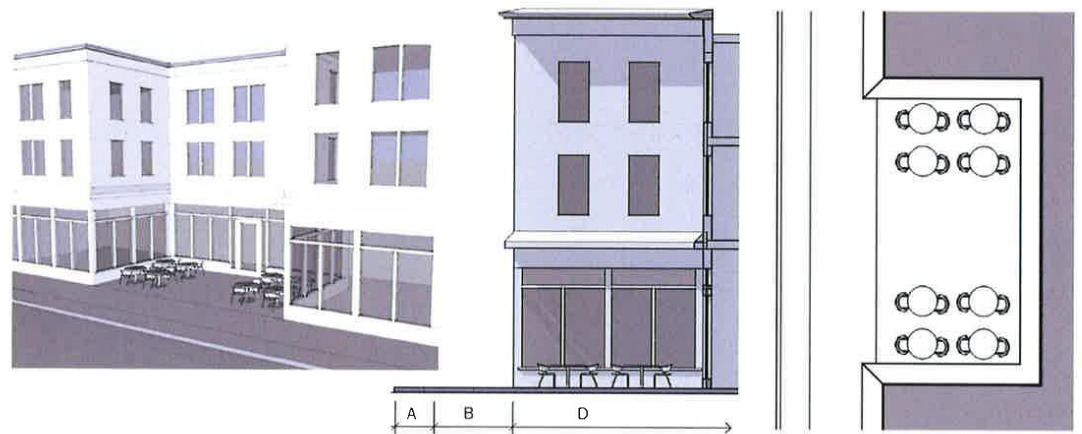
**Figure
18-4:
Illustrative
View,
Section
View,
and
Plan
View
of
Storefront
Frontage
Type**



See Figure 18-7 for key to letters

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

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



See Figure 18-7 for key to letters

G. Parking location and quantity.

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

minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

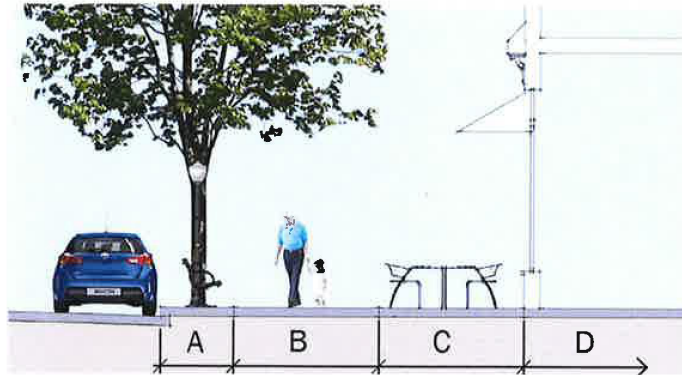
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
 - (a) Residential: one space per unit.
 - (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
 - (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
 - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
 - (a) That the projected operational characteristics of the proposed use require a different amount of parking.
 - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB Districts and voluntarily dedicate such land to the City for public parking.

- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this chapter shall apply in the CMS District.

H. Streetscape improvements.

- (1) Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board shall require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval, whenever street and sidewalk conditions permit.
- (3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.
- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.

**Figure
18-6:
Parts
of
the
Streetscape**



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

- I. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.
- J. Design standards.
 - (1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the CMS District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:
 - (a) Preserve and enhance the unique character and general public welfare of the City of Beacon;

- (b) Promote pedestrian access and activity, as well as a general sense of area security;
 - (c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;
 - (d) Encourage economic development and a convenient mix of uses and services; and
 - (e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing architectural flexibility.
- (2) Key terms: Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.
- (3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include scale, type and texture of materials, roof and cornice forms, spacing and proportion of windows and doors, signs, and street-front fixtures. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CMS District shall reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, most evident in window construction and interiors.
- (4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.
- (5) Architectural features and windows shall be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
- (6) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and

cornices, may encroach up to four feet above the sidewalk, if the bottom of the encroaching building elements is at least 12 feet above grade.

- (7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district.
- (8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Main Street or East Main Street buildings should have at least 30% glass on the upper-floor facades.
- (11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, barbed wire, plastic, or vinyl fencing shall not be permitted.
- (12) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.

- (13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.
- (14) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front facade of new buildings or additions.
- (15) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.
- (16) The following Figure 18-7 provides annotated photographs to illustrate design standards in this section:

**Figure
18-7:
Design
Illustrations**

Traditional Main St. Example

More Modern Example

Design Standards Consistent Examples

Design Standards Consistent Examples

Design Standards

- Façade and roof line breaks at intervals of no more than 35'
- Top floor cornice feature
- Bay windows, balconies and open porches may encroach up to 4' over the sidewalk
- Primary window proportions greater in height than in width
- Secondary storefront cornice or first floor articulation
- Commercial first floor facing Main Street
- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Metal, glass, or canvas-type awnings and canopies or projecting signs may encroach up to 6 feet over the sidewalk above 7 feet
- Street trees planted on average 30' - 40' apart
- Commercial buildings shall have at least 70% glass on first floor facades between 2' and 10' above the sidewalk

Design Standards Inconsistent Examples

Design Standards Consistent Examples

Design Standards Inconsistent Examples

Design Standards Consistent Examples

Design Standards

- Two-story minimum required, allowing second floor occupancy
- Architectural features and windows should be continued on all sides, avoiding any blank walls
- Vinyl, aluminum, or sheet metal siding or sheet trim shall not be permitted
- Buildings should have a top floor cornice feature
- Primary window proportions shall be greater in height than in width
- Commercial buildings shall have at least 70% glass on the first floor facade
- Vinyl awnings are discouraged, but metal, glass, and canvas-type awnings are encouraged
- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Bay windows, balconies and open porches may encroach up to 4' into the setback
- Required landscaping between the sidewalk and building to enhance the streetscape
- In the Linkage District, a step-back of at least 15' behind the façade above the third story
- Primary window proportions greater in height than in width
- Secondary cornice or first floor articulation
- Residential buildings shall have at least 30% glass on first floor facades
- Top floor cornice feature
- Façade and roof line breaks at intervals of no more than 35'
- Street trees planted on average 30' - 40' apart
- Metal, glass, or canvas-type awnings and canopies may encroach up to 6 feet over the sidewalk above 7 feet

- K. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill development with parking to the rear, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District. The Plan also recommended the provision of periodic pocket parks or plazas and transit shuttle stops to be coordinated with new development projects and civic uses (see pages 61-67).²

**Figure
18-8:
Central
Main
Street
Infill
Strategies
and
Illustrative
Sketch
Plan**



2. Editor's Note: The 2017 Comprehensive Plan Update is on file in the City offices.

**City of Beacon Workshop Agenda
10/28/2019**

Title:

Special Use Permit Application for 296 Main Street

Subject:

Background:

ATTACHMENTS:

Description	Type
Planner Review Letter	Cover Memo/Letter
Engineer Review Letter	Cover Memo/Letter
296 Main Street Narrative	Backup Material
296 Main Street Sheet 1 Site Plan	Backup Material
296 Main Street Sheet 2 Existing Survey Demolition Plan	Backup Material
296 Main Street Sheet 3 Plans and Elevations	Backup Material
296 Main Street Sheet 4 Stormwater Utility Plan	Backup Material
296 Main Street Site Plan & SUP Application	Backup Material

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

Date: October 3, 2019

Re: **296 Main Street Site Plan**

I have reviewed a response letter and September 24, 2019 Special Permit Narrative from Aryeh Siegel and a 4-sheet Site Plan Application set with the latest revision date of September 24, 2019.

Proposal

The applicant is proposing to convert an existing one-story rear garage into a bar with outdoor patio, maintaining the front building's first floor retail use and second story office use. The 0.124-acre parcel is in the Central Main Street (CMS) district.

Comments and Recommendations

1. The approximately 3-foot tall drooping laurel shrubs proposed along the eastern edge of the patio do not seem sufficient to provide adequate screening for the neighboring property. The Board and applicant should consider taller and additional plantings.
2. Note 4 on Sheet 1 should state whether the patio is proposed to have outdoor speakers or any live or amplified music. Any later changes may require an amendment to the Site Plan and/or Special Permit.
3. A note on the plans should describe the proposed use of the garage doors. The Planning Board should consider restrictions on the opening of the garage doors along North Cedar Street, except for deliveries.
4. According to the design standards in 223-41.18 J(9), individual window proportions shall be greater in height than in width, with a few exceptions. The Board should decide if the garage doors qualify as specialty window exceptions.
5. For the Parking Table, the bar should require two spaces per 1,000 square feet of floor area as a non-retail commercial use in the CMS district.
6. Sheet 3 proposes a wood front gate, so a gate detail drawing should be included in the plans to supplement the photo example.
7. A bar in the CMS district requires a Special Permit from the City Council. Once the Board is generally satisfied with the plans, it should submit a recommendations report on the bar/arcade use to the Council.

Page 2, October 3, 2019 Memo re: 296 Main Street

If you have any questions or need additional information, please feel free to contact 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
 Aryeh Siegel, Project Architect

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

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

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

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

October 2, 2019

Mr. John Gunn
Beacon Planning Board Chair
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

RE: Happy Valley Bar - 296 Main Street
City of Beacon

Dear Mr. Gunn:

My office has received the following in regard to the above application:

- Response correspondence from Aryeh Siegel, Architect, dated May 28, 2019.
- Special Permit Narrative dated September 24, 2019, as prepared by Aryeh Siegel, Architect.
- Entity Disclosure Forms.
- Set of plans entitled "Site Plan Application – 296 Main Street – Happy Valley Bar", with the latest revision date of September 24, 2019 and consisting of sheets 1 through 4 as prepared by Aryeh Siegel, Architect and Hudson Land Design.

Based on our review of the above our office has no engineering comments at this time. Further comments may be provided based on future submissions. If you have any questions, or require any additional information, please do not hesitate to contact our office.

Very truly,

LANC & TULLY, P.C.


John Russo, P.E.

cc: John Clarke, Planner
Jennifer Gray, Esq.
David Buckley, Building Inspector

Special Permit Narrative
296 Main Street
Proposed Bar / Arcade

September 24, 2019

Summary

The Applicant proposes a Bar use with Arcade games at 296 Main Street. The Planning Board requested additional information about the operation of the Bar / Arcade.

1. Arcade Game List

The following is a list of proposed cabinet games:

- a. Donkey Kong
- b. Missile Command
- c. Galaxian
- d. High Impact Football
- e. Cruis'n World (Upright)
- f. NBA Jam (Tournament Edition)
- g. Neo Geo (2-Slot: Bust-a-Move/Samarai Showdown)
- h. Simpsons
- i. Xmen 6 player
- j. Ninja Turtles
- k. Tapper
- l. Duck hunt
- m. Frogger
- n. Paper Boy
- o. Mario Bros
- p. Street Fighter II
- q. Mortal Kombat
- r. Metal Slug(Neo Geo)
- s. Smash TV
- t. Blitz
- u. Golden Tee
- v. Terminator 2 or Aerosmith
- w. Killer Queen
- x. BurgerTime

2. Acoustics

- a. Arcade Game Sound Control
 - i. The Applicant states that the volume of each individual game can be controlled independently, with a range of volume between silent and full volume.
 - ii. The Applicant plans to adjust the volume to a level where the individual player at the game console can hear the game, but low enough so that other players, bar patrons, and the public outside of the building will not be disturbed.
 - iii. If there are any complaints about the volume of the games outside of the building, the Applicant has the ability to reduce the volume or turn it off completely.
- b. Music
 - i. The Applicant plans to play recorded music inside the Bar. The volume will be adjusted so that music will not be heard outside the building.
 - ii. The Applicant plans to provide speakers in the garden so recorded music can be enjoyed in the courtyard. The Applicant will follow the regulations for noise control as determined by the City Council regarding decibel levels and times when music can be played.
 - iii. The Applicant will cooperate with the City in keeping the volume level to an acceptable level during times when music is allowed to be played.
 - iv. The Applicant does not have current plans to play live music in the building or Courtyard. If the Applicant decides to provide live music in the future, they will comply with all applicable regulations in effect at the time of performance.

3. Garage Doors

- a. The main entrance to the Bar is from Main Street, through the courtyard.
- b. The garage doors on North Cedar Street will not be used as a building entrance, apart from deliveries of large items.
- c. Acoustics will play a large part in determining the specifications of the garage doors.
- d. The Applicant plans to have the option to open the garage doors on North Cedar Street when the weather allows.
- e. The Applicant will follow the regulations for noise control as determined by the City Council regarding decibel levels and times.
- f. If opening the garage doors creates a problem with sound levels outside the building, the Applicant agrees to keep the doors closed.

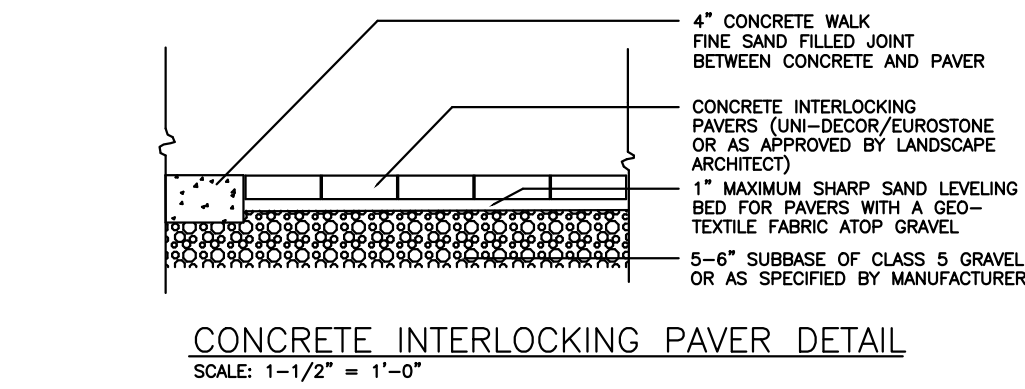
APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS _____ DAY OF _____, 20____, BY _____

CHAIRMAN

SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.



MODERN FORMS "SUSPENSE"
OUTDOOR DARK SKY COMPLIANT
WALL SCONCE #306563. SIZE:
SMALL. BRUSHED ALUMINUM
FINISH, 11 WATT (590 LUMENS)
120 VOLT INTEGRATED LED. CRI:
90 COLOR TEMP: 3000K

L1: Wall Mounted

NOTE: THE MANUFACTURER DOES NOT PROVIDE PHOTOMETRIC INFORMATION FOR THESE FIXTURES. FIXTURES WILL BE SHIELDED TO AVOID LIGHT SPILLAGE ONTO ADJACENT PROPERTIES, AND TO SHIELD FROM LIGHT PROJECTING UPWARD TO THE SKY

L2: Wall Mounted

HAMPTON BAY
"1-LIGHT ZINC OUTDOOR WALL
LANTERN" MODEL # HSP1691A
60 W INCANDESCENT LAMP OR
LED EQUIVALENT - MAX COLOR
TEMPERATURE SHALL BE 3000K

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	9/24/19	Revised Per Planning Board Comments	AJS

PLANT SCHEDULE						
KEY	BOTANICAL NAME	QTY.	SIZE	ROOT	SPACING	COMMENTS
SHRUBS						
AV	THUJA OCCIDENTALIS (ARBOR VITAE)	15	7 GAL.	CONT	3' O.C. - STAGGERED	
LF	LEUCOTHOE FONTANESIANA (DROOPING LEUCOTHOE)	12	7 GAL.	CONT	4' O.C. - STAGGERED	
RP	RHODODENDRON PRUNIFOLIUM (SMALL) (RHODODENDRON)	14	5 GAL.	CONT	6' O.C. - STAGGERED	

LAWN
SEEDED WITH 5311 CONSERVATION MIX (OR APPROVED EQUAL). APPLIED AT 3-5LBS PER 1000SF 30% CREEPING RED FESCUE; 30% ANNUAL RYEGRASS; 25% KENTUCKY BLUEGRASS 'CORSAIR'; 25% KENTUCKY BLUEGRASS 'SHAMROCK'; 10% ANNUAL RYEGRASS; 10% PERENNIAL RYEGRASS. SOURCE: ERNST CONSERVATION SEEDS

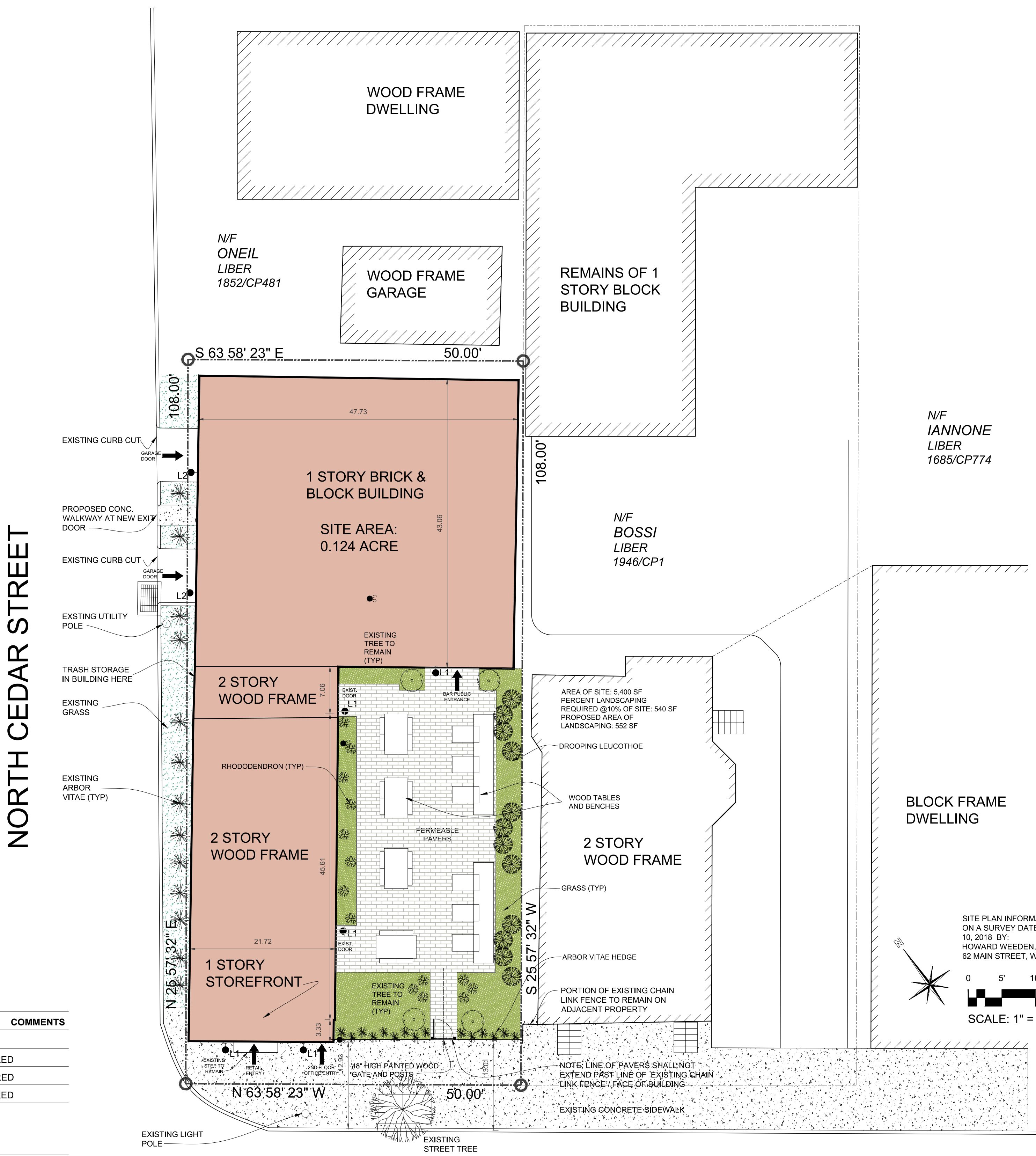
HATCHING LEGEND

- CONCRETE SIDEWALK
- PAVERS
- GRASS

Bulk Zoning Regulations Table

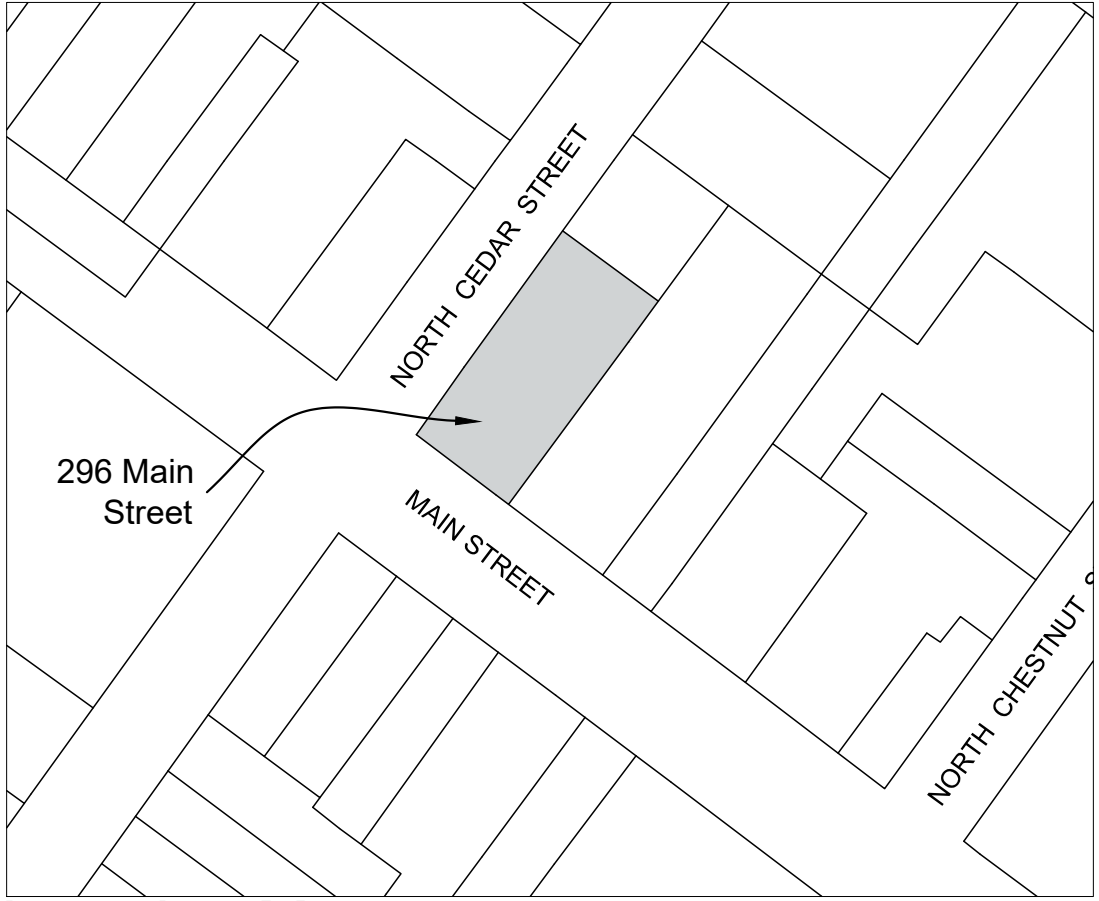
	Required Setbacks			Proposed Setbacks			Lot Depth Required	Lot Depth Existing	Lot Width Required	Lot Width Existing	Minimum Building Frontage	Proposed Building Frontage	Minimum Landscaped Area	Proposed Landscaped Area	Allowable Building Height	Proposed Building Height	Allowable Building Depth	Proposed Building Depth	Lot Area
	Front	Side	Rear	Front	Side	Rear													
Zoning District																			
CMS (Central Main Street District)	0' min. 10' max.	0'	25'	7.7' ¹	.75' 1.5'	2.1' ¹	75'	108'	N/A	50'	80%	<50% ¹	10%	10%	38'	24'	150'	98' ¹	5,401 sf

Notes:
1. Existing Condition



Site Plan

Scale: 1" = 10'



Location Map

Not to Scale

Zoning Summary

Zoning District:	CMS (Central Main Street District)
Tax Map No.:	5459-36-933866
Lot Area:	0.124 acre (5,401 sf)
Building Footprint:	3,294 square feet
Historical Overlay District:	No
Parking Overlay District:	Yes
Existing Use:	Retail / Office Space
Proposed Use:	Bar / Retail / Office Space

Parking & Loading

Use & Parking Requirements	1964 Area	1964 Parking Requirement	Proposed Area	Current Parking Requirement
Retail Service (1964 Use) Automobile Service Garage 1 space per 200 gsf	1,856 gsf	10 spaces		
Apartment (1964 Use) 1 1/2 space per Apartment	1 Apartment	2 spaces		
Mercantile (1964 Use) 1964 - 1 space per 200 SF of gross floor area excluding basement and utility areas	998 sf	5 spaces		
Bar- Current 2.5 spaces per 1,000 SF			1,800 sf	5 spaces
Retail - Current 2 spaces per 1,000 SF of gross floor area			998 sf	2 spaces
Office- Current 2 spaces per 1,000 square feet			1,109 sf	3 spaces
Total Required Parking Spaces		17 spaces		10 spaces
Total Proposed Parking Spaces				0 spaces (Note 1)

- Notes:
- Parking is not required per Beacon Zoning Code Section 223-26 (B.2): The building was in existence on April 20, 1964. The existing use in 1964 was found in the 1964 Beacon Directory. The new use is less than 25% greater intensity than the use existing in 1964. 17 parking spaces would have been required in 1964 for the uses in existence at that time. 9 parking spaces are required for the current proposed uses.
 - There is no space on the property to provide parking.
 - 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
 - There is currently no plan to present live music in the garden. If the Applicant decides to present live music at a later date, they will comply with City of Beacon regulations regarding both times and decibel levels in effect at that time.
 - Arcade / Bar Hours of operation:
Monday and Tuesday: closed
Wednesday & Thursday: 4pm to midnight,
Friday: 3pm to 1am
Saturday: 12pm to 1am,
Sunday: 12pm to 10pm. .
Note: Must be 21+ (unless accompanied by adult). 21+ only after 9pm

Index of Drawings

- Sheet 1 of 4 Site Plan
- Sheet 2 of 4 Existing Conditions & Demolition Plan
- Sheet 3 of 4 Plans & Elevations
- Sheet 4 of 4 Storm Water Utility Plan

Site Plan Application
Sheet 1 of 4 - Site Plan

296 Main Street - Happy Valley Bar

Owner:
Field Properties, LLC
36 Winston Lane
Garrison, New York 10524

Applicant:
Big Village Media
1192 North Avenue
Beacon, New York 12508

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Beacon, New York
Scale: 1" = 10'
August 27, 2019

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY
RESPECTIVELY MAY SIGN IN THIS PLACE.

N/F
NUCITELLI
LIBER
1234/CP362

N/F
ONEIL
LIBER
1852/CP481

WOOD FRAME
DWELLING

WOOD FRAME
GARAGE

REMAINS OF 1
STORY BLOCK
BUILDING

N/F
IANNONE
LIBER
1685/CP774

N/F
BOSSI
LIBER
1946/CP1

BLOCK FRAME
DWELLING

0 5' 10' 20'

SCALE: 1" = 10'

NORTH CEDAR STREET

1 STORY BLOCK
BUILDING

SITE AREA:
0.124 ACRE

2 STORY
WOOD FRAME

2 STORY
WOOD FRAME

1 STORY
STOREFR

EXISTING CEDAR
TREES TO REMAIN

2 STORY
WOOD FRAME

N 63° 58' 23" W

MAIN STREET

Existing Conditions & Demolition Plan

Scale: 1" = 10'

Owner:
Field Properties, LLC

36 Winston Lane
Garrison, New York 10524

Applicant:
Big Village Media

1192 North Avenue
Beacon, New York 12508

Architect:
Aryeh Siegel, Architect

84 Mason Circle
Beacon, New York 12508

Site Plan Application

Sheet 2 of 4 - Existing Conditions / Demolition Plan

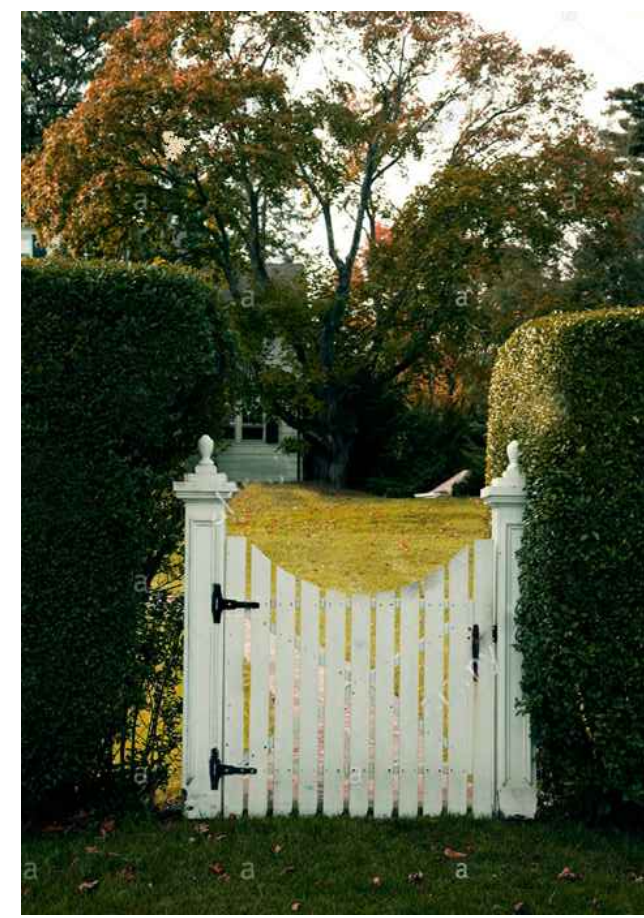
296 Main Street - Happy Valley Bar

Beacon, New York
Scale: 1" = 10'
August 27, 2019

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	9/24/19	Revised Per Planning Board Comments	AJS

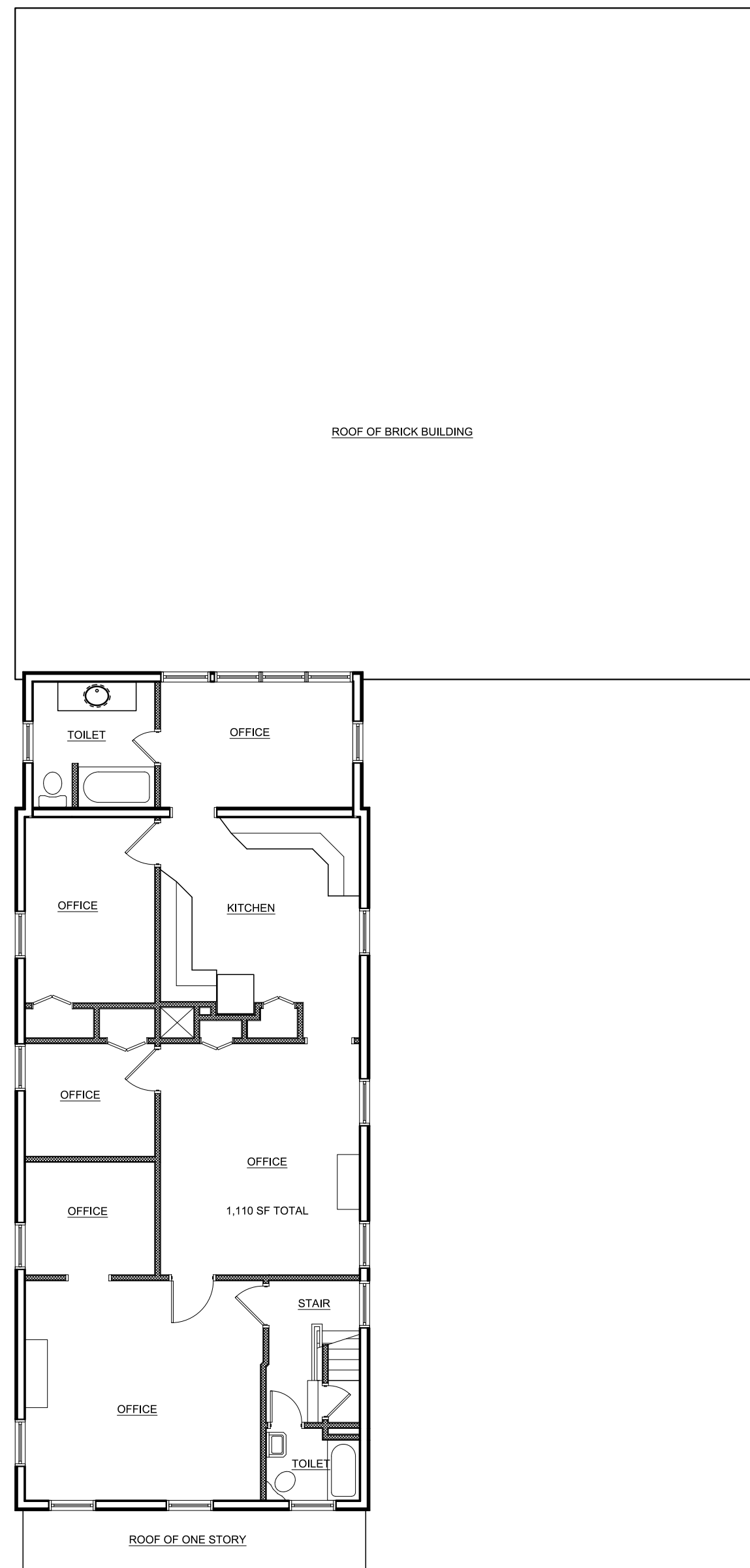
IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY
RESPECTIVELY MAY SIGN IN THIS PLACE.

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	9/24/19	Revised Per Planning Board Comments	AJS



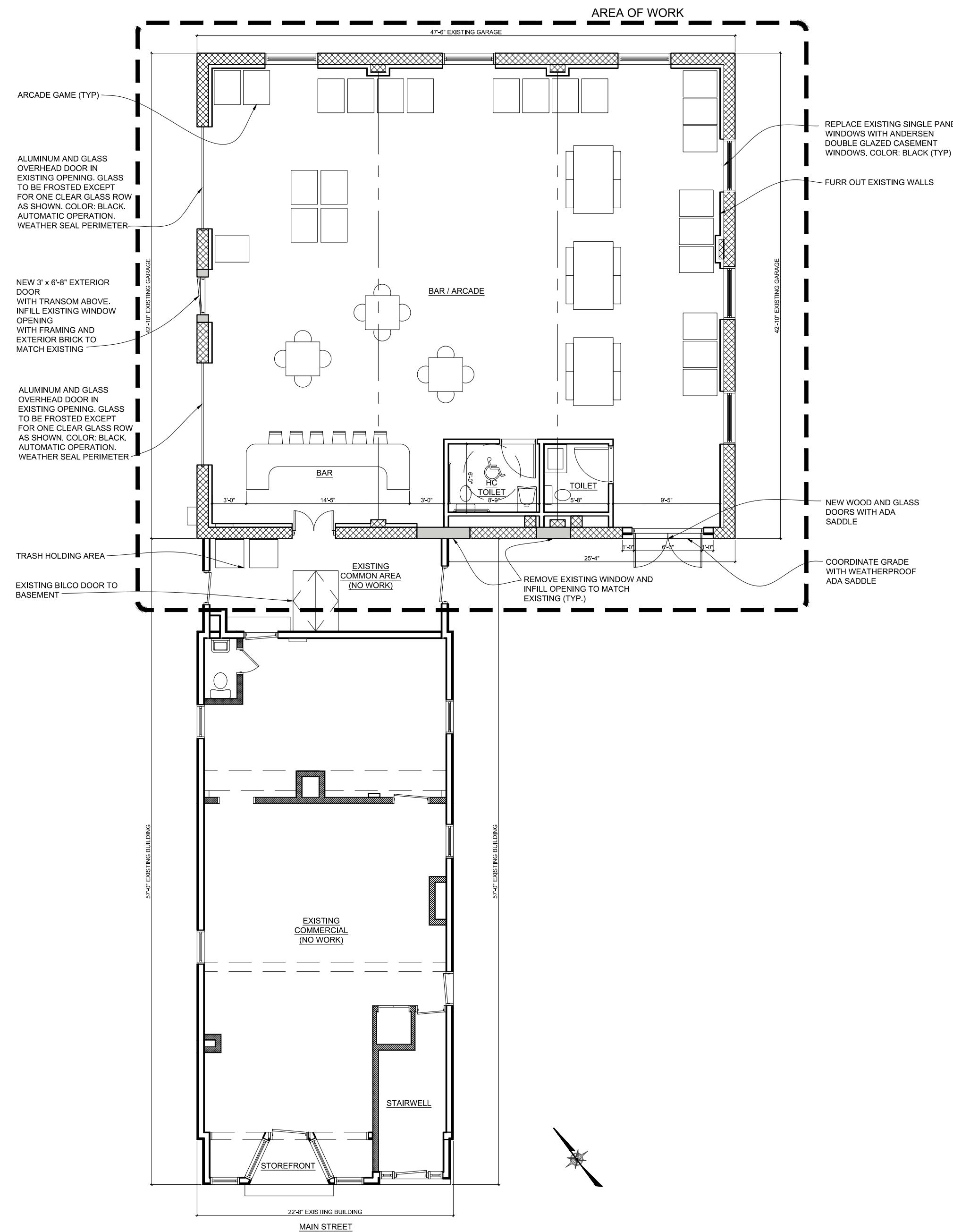
Gate Image

Not to Scale



2nd Floor Plan (For Reference)

Scale: $\frac{1}{8}" = 1'-0"$



1st Floor Plan

Scale: $\frac{1}{8}" = 1'-0"$



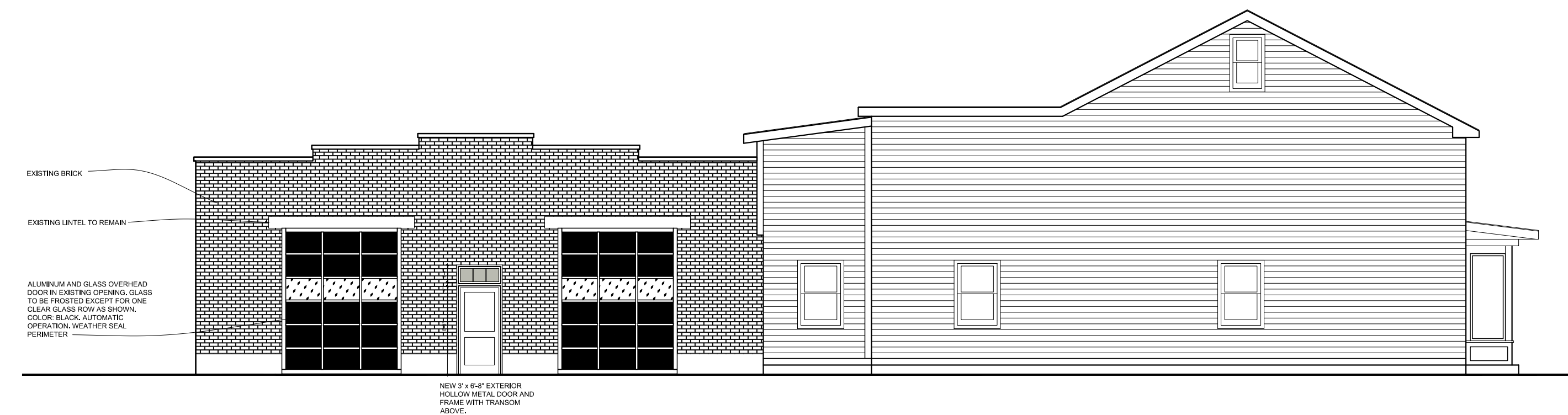
Main Street Elevation

Scale: $\frac{1}{8}'' = 1'-0''$



Main Street / Garage Elevation

Scale: $\frac{1}{8}'' = 1'-0''$



North Cedar Street Elevation

Scale: $\frac{1}{8}" = 1'-0"$

Site Plan Application

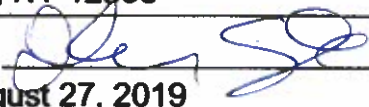
Sheet 3 of 4 - Plans & Elevations

Beacon, New York
Scale: As Noted
August 27, 2019

APPLICATION FOR SPECIAL USE PERMIT

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

IDENTIFICATION OF APPLICANT

Name: Happy Valley Arcade, LLC
Address: 1192 North Avenue
Beacon, NY 12508
Signature: 
Date: August 27, 2019
Phone: 312-833-2554

(For Official Use Only)

Application & Fee Rec'd
Initial Review

Date Initials

8-27-19
9-10-19

PB Public Hearing

Sent to City Council

City Council Workshop

City Council Public Hearing

City Council Approve/Disapprove

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Aryeh Siegel Architect
Address: 84 Mason Circle
Beacon, NY 12508

Phone: 845-838-2490

Fax: 845-838-2657

Email address: ajs@ajsarch.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 296 Main Street

Tax Map Designation: Section 5954

Block 36

Lot(s) 933866

Land Area: 0.124 Acres

Zoning District(s) CMS

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Bar

Gross Non-Residential Floor Space: Existing 4,403 sf

Proposed 0

TOTAL: 4,403 sf

Dwelling Units (by type): Existing

Proposed 0

TOTAL: 0

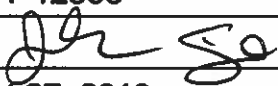
ITEMS TO ACCOMPANY THIS APPLICATION

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

APPLICATION FOR SITE PLAN APPROVAL

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

IDENTIFICATION OF APPLICANT

Name: Happy Valley Arcade, LLC
Address: 1192 North Avenue
Beacon, NY 12508
Signature: 
Date: August 27, 2019
Phone: 312-833-2554

(For Official Use Only)
Application & Fee Rec'd
Initial Review
Public Hearing
Conditional Approval
Final Approval

Date Initials

8-27-19
9-10-19

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Aryeh Siegel Architect
Address: 84 Mason Circle
Beacon NY 12508

Phone: 845-838-2490
Fax: 845-838-2657
Email address: ajs@ajsarch.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 296 Main Street
Tax Map Designation: Section 5954 Block 36 Lot(s) 933866
Land Area: 0.124 Acres Zoning District(s) CMS

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Bar
Gross Non-Residential Floor Space: Existing 4,403 sf Proposed 0
TOTAL: 4,403 sf
Dwelling Units (by type): Existing 0 Proposed 0
TOTAL: 0

ITEMS TO ACCOMPANY THIS APPLICATION

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

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

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

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

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

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

Chairman, City Planning Board

Date

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: The Field Holding Company, LLC

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

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

Applicant Address: 296 Main Street

Project Address: 296 Main Street

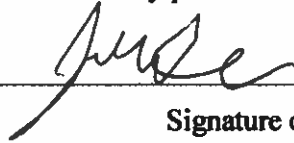
Project Tax Grid # 5954-36-933866

Type of Application Site Plan

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

I, Jeffrey Werner, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- | | |
|---|-------------------------------------|
| 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon | <input checked="" type="checkbox"/> |
| 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon | <input type="checkbox"/> |
| 3. ALL tax payments due to the City of Beacon are current | <input checked="" type="checkbox"/> |
| 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon | <input type="checkbox"/> |
| 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon | <input type="checkbox"/> |
| 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current | <input checked="" type="checkbox"/> |



Signature of Owner

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>jm</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>jm</u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>jm</u>

FOR OFFICE USE ONLY

Application #

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

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

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.**IF AFFIANT IS A PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:**

Name of Entity <i>Field Properties, LLC</i>	Address of Entity <i>36 Winston Lane, Garrison, NY 10524</i>
Place where such business entity was created <i>New York</i>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <i>NY Department of State</i>
Date such business entity or partnership was created <i>11/10/2017</i>	Telephone Contact Information <i>914-490-1432</i>

IF AFFIANT IS A CORPORATION:

Name of Entity	Telephone Contact Information
Principal Place of Business of Entity	Place and date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Jeffrey Werner	36 Winston Lane Garrison, NY 10524	914-490-1432	Member - 100%

SECTION C. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Field Properties, LLC	350 Winston Lane Garrison, NY 10524	914-490-1432	12/11/17 Purchase	

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☐

YES

☒

NO

Name	Employer	Position

SECTION E. Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐

YES

☒

NO

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

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

SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐

YES

☒

NO

Current Name	Other Names

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
Field Properties, LLC	36 Winston Lane, Garrison, NY 10524

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

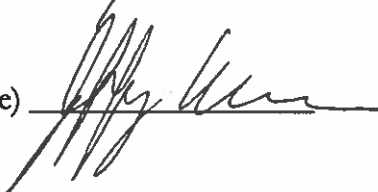
SECTION I. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES

☒ NO

I, Jeffrey Werner being first duly sworn, according to law, deposes and says that I am (Title) Member, an active and qualified member of the Field Properties, LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Jeffrey Werner

(Signature) 

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: 296 Main Street - Happy Valley Bar

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

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

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

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

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Items marked no are not applicable to this project

Applicant/Sponsor Name: Johnny Coughlin

Signature: 

Date: August 27, 2019

City of Beacon Workshop Agenda
10/28/2019

Title:

Board of Ethics Appointment

Subject:

Background:

ATTACHMENTS:

Description	Type
Board of Ethics Application	Application

Committee Application



Submit Forms:
One Municipal Plaza, Suite One
Beacon, NY 12508

Phone: (845) 838-5010
FAX: (845) 838-5012
Email: cityofbeacon@cityofbeacon.org

Name

Address

Phone Number

Alternate Phone

Email Address

- Committee You are Interested In
- ☐ Board of Assessment Review
 - ☒ Board of Ethics
 - ☐ Conservation Advisory Committee
 - ☐ Emergency Management Committee
 - ☐ Human Relations Commission
 - ☒ Planning Board
 - ☐ Recreation Committee
 - ☐ Traffic Safety Committee
 - ☒ Zoning Board of Appeals
 - ☐ Any of the above
 - ☐ Other

Available number of Hours per week (for Committee work)

Occupation

Employer

Work Address

Work Phone

Education

- ☐ Some High School
- ☐ High School Diploma
- ☐ Some College
- ☐ Associates Degree
- ☐ Bachelor's Degree
- ☒ Master's Degree
- ☐ Doctorate Degree

Interest & Skills

**Areas of Expertise
(business & civic)**

* 32-yr Information Technology professional.
* ZBA committee member (2002-2016).

Reference

Reference Name

Joe Galbo

Address

56 Phillips St., Beacon, NY 12508

Phone

Email Address

Relationship

Friend

Applicant Signature: _____



Date: Sep. 6, 2019

City of Beacon Workshop Agenda
10/28/2019

Title:

Lighting Ordinance

Subject:

Background:

ATTACHMENTS:


Description	Type
Memorandum from the Building Inspector Regarding a Lighting Ordinance	Cover Memo/Letter
City Code Sample Regarding Lighting I	Backup Material
City Code Sample Regarding Lighting II	Backup Material
City Code Sample Regarding Lighting III	Backup Material
City Code Sample Regarding Lighting IV	Backup Material
City Code Sample Regarding Residential Lighting V	Backup Material



Memorandum

Building Department

TO: Anthony Ruggiero

FROM: David Buckley, Building Inspector 

RE: Lighting Ordinance

DATE: October 25, 2019

As requested I reviewed local laws from other communities and offer the following:

- Should not be retroactive except for complaints
- Definitions helpful for enforcement
- A lighting plan should not be required for a building or sign permit
- The Planning Board should not be reviewing building and sign permits for lighting
- The Planning Board should not be involved in correcting violations
- Training and a light meter would be required if light levels are to be measured (for prosecution purposes)

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

§ 301-259. Exterior lighting standards.

A. General standards.

- (1) All exterior lighting shall be designed, located and lamped in order to prevent:
 - (a) Overlighting;
 - (b) Energy waste;
 - (c) Glare;
 - (d) Light trespass;
 - (e) Skyglow.
- (2) All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor-activated lights are encouraged to replace existing lighting that is desired for security purposes.
- (3) Canopy lights, such as service station lighting, shall be fully recessed and full cutoff luminaires so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.
- (4) Area lights. All area lights shall be full-cut-off-type luminaires.
- (5) The Long Island Power Authority shall not install any luminaires after the effective date of this article that light the public right-of-way.

B. Type of luminaires.

- (1) All exterior lighting, with an exemption granted to municipal recreational fields, rated to be lamped at greater than 1,800 lumens (100 watts incandescent) shall use full cutoff luminaires as determined by photometry test or certified by the manufacturer and installed as designed with the light source directed downward. Municipal recreational fields, at a minimum, shall utilize partially shielded fixtures to direct light to the field of play, and to minimize upglow and light trespass.

[Amended 4-17-2018 by L.L. No. 9-2018]

- (2) All exterior light fixtures rated to emit 1,800 lumens (100 watts incandescent) and less, regardless of the number of lamps, shall use fully shielded fixtures (See Figure 1.) and shall be installed as designed. (See Figure 1.¹)²

C. Exempt exterior lighting. The following types of exterior lighting are exempt from the provisions of this section:

- (1) Holiday lighting lit between November 15 and January 15 of the following year.
- (2) Motion-sensor-activated luminaires, provided:

1. Figure 1 is included as an attachment to this chapter.

2. Editor's Note: Former Subsection B(3), regarding privately owned or leased light fixtures, which immediately followed, was repealed 4-17-2018 by L.L. No. 9-2018.

- (a) They are fully shielded and located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way;
 - (b) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;
 - (c) The luminaire shall not be triggered by activity off the property; and
 - (d) The luminaire, regardless of the number of lamps, does not exceed 1,800 lumens and is not rated to exceed 100 watts.
- (3) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
 - (4) Uplighting for flags, provided the flag is not used for advertising and the total maximum lumen output is 1,300 lumens.
 - (5) Lighting of radio, communications and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article, and that the provisions of this article are otherwise met.
 - (6) Runway lighting. Lighting on any landing strip or runway, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.
 - (7) Neon lights. Neon lights as permitted pursuant to Article XLVIII, Signs, of this chapter.
 - (8) Residential landscape lighting as defined herein, provided the lamp or lamps are not visible across property lines and, in addition, are not triggered by a dusk-to-dawn timer.
- D. Placement and height of luminaires. **[Amended 4-17-2018 by L.L. No. 9-2018]**
- (1) Luminaires, exclusive of municipal streetlighting, and municipal recreational fields, shall be mounted no higher than 16 feet from the level ground to the lowest light-emitting part of the fixture.
 - (2) Luminaires on commercially used properties shall be located and shielded in a manner to prevent light projection beyond the property line. (See Figure 3.³)
 - (3) Luminaires used for municipal recreational fields and municipal outdoor recreational uses shall be exempt from the height restriction, and illuminance levels, provided all other

provisions of this article are met and the light is used only while the field is in use.

- (4) Sign lighting. Lighting shall be mounted on the top of the sign, directed downward, and positioned and shielded so that the light source is not visible. No individual lamp shall exceed 1,000 lumens. Mounting height of lights shall not exceed 16 feet.
- (5) Mounting height of residential luminaires may not exceed 14 feet.

E. Illuminance and type of lamp. **[Added 4-17-2018 by L.L. No. 9-2018]**

- (1) Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the IESNA Recommended Practices, either PR33 or RP20, depending on the application. (See Tables 1, 2 and 3.⁴) The Town of Riverhead recognizes that not every such area will require lighting.
- (2) Parking lot lighting shall not exceed an overall average illumination as listed on Table 1.⁵
- (3) Streetlight luminaires shall be full cutoff luminaires and be lamped with high-pressure sodium or compact fluorescent light source. The Engineering Division shall make a determination for the type of light distribution, the height, and lumen value of the light source for each location, based on the manufacturer's supplied photometric information, in order to meet the streetlighting warrants. The criteria for evaluating the warrant of streetlights shall be in conformance with the American Association of State Highway Transportation Officials (AASHTO) standards and/or a safety hazard as determined by the Town Engineer. The Town Engineer shall reserve the option to alter the type of light, light intensity of public roads and public facilities in areas where public safety is an issue. Streetlight luminaires shall be brought into compliance with this section no later than December 31, 2017.
- (4) All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
- (5) Gas station under-canopy fixtures shall be lamped so as not to exceed light level measurements as recommended in RP33, Table 2.⁶
- (6) All ATM and bank lighting shall conform to the provisions of the New York State ATM Safety Act, as contained in the New

4. Editor's Note: The tables are included as attachments to this chapter.

York State Banking Law § 75-a et seq., and the provisions of this article.

- (7) All Long Island Power Authority leased preexisting nonconforming unshielded floodlight fixtures, including GE Powerflood, mercury-vapor fixtures, and all one-thousand-watt fixtures shall not be relamped, repaired or replaced.
- F. All Long Island Power Authority (LIPA) leased preexisting nonconforming fixtures shall be replaced on or before December 31, 2010, with full cutoff fixtures and must meet the light solutions "Installation and Criteria" as adopted by LIPA on March 24, 2006: **[Added 4-17-2018 by L.L. No. 9-2018]**
 - (1) Light levels shall not exceed recommendations (Table 1).
- G. Prohibited exterior lighting. The following types of lighting are prohibited: **[Added 4-17-2018 by L.L. No. 9-2018]**
 - (1) Searchlights, except those used for governmental, emergency and law enforcement purposes.
 - (2) Strobe lights, laser lights, or revolving lighting.
 - (3) Neon lights, except as legally permitted.
 - (4) Blinking, pulsating, tracing, or flashing lights, unless temporarily triggered by a security system.
 - (5) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
 - (6) Lighting that is determined by municipal law enforcement personnel to contribute to disabling or distracting glare into a public roadway.
 - (7) Any light fixture located within a designated nature preserve, easement, or waterway.
 - (8) Illuminated signs without a municipal permit.
 - (9) Nonmunicipal recreational field lighting, including but not limited to tennis, basketball and handball courts, and sports fields, including but not limited to baseball, soccer, and football, without site plan approval and a building permit.
 - (10) Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.
 - (11) No exterior LED light fixtures shall exceed 3,000K.
 - (12) Mercury vapor.
 - (13) Unshielded LED lamps, except as exempt for holiday lighting.
 - (14) Metal halide, except as approved by the Town Engineer and only when the correlated color temperature (CCT) is less than

5. Editor's Note: Table 1 is included as an attachment to this chapter.

6. Editor's Note: Table 2 is included as an attachment to this chapter.

3,200K and when the arc tube of the lamp is enclosed with a protective acrylic or tempered glass shroud.

Chapter 49

EXTERIOR LIGHTING

GENERAL REFERENCES

Uniform code enforcement — See Ch. 39. Streets and sidewalks — See Ch. 109.
Design and construction standards — See Ch. 48. Zoning — See Ch. 130.

§ 49-1. Purpose.

The general purpose of this chapter is to protect and promote the public health, safety and welfare of the residents of the Town of Avon, as well as preserve the quality of life, retain the rural character of Avon and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. To provide safe roadways for motorists, cyclists and pedestrians;
- B. To protect against direct glare and excessive lighting;
- C. To ensure that sufficient lighting can be provided where needed to promote safety and security;
- D. To prevent light trespass in all areas of the Town;
- E. To protect and reclaim the ability to view the night sky;
- F. To allow for flexibility in the service of lighting fixtures;
- G. To provide lighting guidelines;
- H. To provide assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter;
- I. To promote the conservation of energy for exterior lighting;
- J. To reduce the impact of artificial lighting on human health, flora, fauna and the environment.

§ 49-2. Title; conflict with other laws.

- A. Title. Chapter 49, together with the amendments thereto, shall be known and may be cited as the "Town of Avon Lighting Ordinance."
- B. Conflict with other laws. In a case where this article is found to be in conflict with a provision of a zoning, fire, safety, health, water supply, subdivision or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

§ 49-3. Applicability; exemptions.

- A. New lighting. All exterior lighting installed after the effective date of this article shall conform to the standards established by this article, except exterior lighting required to protect and promote public health and safety.

- B. Upon adoption of this article as established by its effective date, all subsequent installation, replacement, alteration, change, repair or relocation of any nonconforming luminaire shall conform with the provisions of this article.
- C. All exterior lighting installed shall comply with §§ 49-5 and 49-7D of this article regarding glare, light pollution, light trespass and skyglow as defined in this article.
- D. The following exterior lighting, existing or installed prior to the effective date of the adoption herein, which does not conform with the provisions of this chapter, shall be exempt, provided the following requirements are met:
 - (1) Preexisting residential floodlight luminaires are exempt, provided that the total light output for the fixture does not exceed 1,800 lumens (equivalent to 100 watts incandescent) regardless of the number of lamps; and angled downward or shielded so as not to cause glare or light trespass or beam spread beyond the intended target or across property lines. This exemption expires no later than December 31, 2010, at which time full conformance is required.
 - (2) Preexisting unshielded residential fixtures mounted on the primary structure are exempt, provided the light output, regardless of the number of lamps, is no greater than 900 lumens (60 watts incandescent). This exemption expires no later than December 31, 2010, at which time full conformance is required.
 - (3) Preexisting nonconforming nonresidential luminaires rated over 1,800 lumens (100 watts incandescent), regardless of the number of lamps, shall be altered to the greatest extent possible to prevent visible glare across property lines by re-aiming, shielding, adding louvers, relamping, or other means, to meet the definition of "fully shielded" or "partially shielded." This exemption expires no later than December 31, 2010, at which time full conformance is required.
 - (4) Preexisting nonconforming automated teller machine (ATM) lighting; fuel filling and gas service station canopy lighting shall be in full compliance with the provisions of this article no later than December 31, 2010.
 - (5) Preexisting nonconforming commercial and industrial parking lot lighting illuminating less than 20 parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2012.
 - (6) Preexisting nonconforming commercial and industrial parking lot lighting illuminating 20 or more parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2017, and may be achieved by partial areas of complete renovations regarding lighting levels, pole heights and lamp types in increments of 10% of the parking lot area per year.

§ 49-4. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

AREA LIGHT — A luminaire equipped with a lamp that produces over 1,800 lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation, measured at ground level with the light meter placed parallel to the ground.

CODE ENFORCEMENT OFFICER — The officer or employee designated by the Town Board to enforce the zoning provisions of Avon Town Code as well as the related applicable provisions of the New York State Code of Rules and Regulations and New York State Building Code.

CORRELATED COLOR TEMPERATURE (CCT) — A measurement on the Kelvin (K) scale that indicates the warmth or coolness of a lamp's color appearance. The higher the color temperature, the cooler the color appearance. Typically, a CCT rating below 3,200 K is considered warm, while a rating above 4,000 K is considered cool.

EXTERIOR LIGHTING — Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this article.

FLOODLIGHT — A luminaire rated to produce 1,800 lumens (100 watts incandescent) or more, regardless of the number of lamps, and which is designed to flood an area with light.

FOOTCANDLE (fc) — The American unit used to measure the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. For example, the full moon produces 0.01 fc as measured with a light meter.

FULL CUTOFF LUMINAIRES — A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. (See Figure 1.¹) Further, no more than 10% of the lumen output should be provided at angles between 90° and 80° below the lowest light-emitting part of the luminaire.

FULLY SHIELDED — A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below a horizontal plane through the luminaire's lowest light emitting part, as designed and installed. (See Figure 1.²)

GLARE — Stray, unshielded light striking the eye that may result in:

- A. Nuisance or annoyance glare such as light shining into a window;
- B. Discomfort glare such as bright light causing squinting of the eyes;

1. Editor's Note: Figure 1 is included at the end of this chapter.

2. Editor's Note: Figure 1 is included at the end of this chapter.

C. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or

D. Distracting glare, such as light which diverts the eye from a visual task.

HOLIDAY LIGHTING — Temporary lighting used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated nativity scenes, illuminated candles, and various yard decorations seasonal in nature.

IESNA — Illuminating Engineering Society of North America (IES or IESNA); the professional society of lighting engineers.

IESNA RECOMMENDED PRACTICES — The current publications of the IESNA setting forth illuminance levels.

ILLUMINANCE — The amount of light falling on any point of a surface measured at footcandles.

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (See "luminaire."); commonly referred to as "bulb" or "light bulb."

LANDSCAPING LIGHTING — Nonessential low-lumen output fixtures (maximum of 500 lumens or 40 watts incandescent) used to illuminate residential walkways and foliage.

LIGHT — The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHT-EMITTING DIODE (LED) — A semiconductor device that emits light when an electric current passes through it.

LIGHTING — Any or all parts of a luminaire that function to produce light.

LIGHT POLLUTION — Any adverse effect of man-made light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, uplighting, the uncomfortable distraction to the eye or any man-made light that diminishes the ability to view the night sky.

LIGHT TRESPASS — Light falling on the property of another or the public right-of-way when it is not required to do so.

LUMEN — The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a sixty-watt incandescent lamp produces 950 lumens while a fifty-five-watt low-pressure sodium lamp produces 8,000 lumens.

LUMINAIRE — A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power; when used, includes ballasts and photocells; commonly referred to as "fixture."

MUNICIPAL RECREATIONAL FIELDS — Includes, but is not limited to, tennis, basketball and handball courts; football, baseball, softball and soccer fields; hockey, skating and skateboarding rinks constructed by or at the behest of the Town of Avon.

NONESSENTIAL LIGHTING — Lighting that is not necessary for an intended purpose after the purpose has been served; does not include any lighting used for safety and/or public circulation purposes.

PARTIALLY SHIELDED — A light fixture which incorporates an opaque barrier, shield, louvers or other means, so that the light source is not visible across property lines or into roadways.

REPAIR OF A LUMINAIRE OR SIGN — Any service normally provided by a licensed electrician upon a luminaire or sign. Repair shall be considered to include replacement or modification of any of the following: poles, mounting arms, housings, hardware, wiring, ballasts, lenses, reflectors, diffusers, baffles, shields, sensors, switches, relays, power supplies, and lamp replacement modules which contain any of the items listed above. Replacement of a user-serviceable lamp will not by itself be considered a repair.

SKYGLOW — The overhead glow from light emitted sideways and upwards. Skyglow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere. Skyglow reduces one's ability to view the night sky.

TEMPORARY LIGHTING — Lighting that is intended to be used for a special event for seven days or less.

UPLIGHTING — Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

§ 49-5. Exterior lighting standards.

A. General standards.

- (1) All exterior lighting shall be designed, located and lamped in order to prevent:
 - (a) Overlighting;
 - (b) Energy waste;
 - (c) Glare;
 - (d) Light trespass;
 - (e) Skyglow.
- (2) All nonessential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor-activated lights are encouraged to replace existing lighting that is desired for security purposes.
- (3) Canopy lights, such as service station lighting, shall be fully recessed and full cutoff luminaires so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.
- (4) Area lights. All area lights shall be full-cutoff-type luminaires.

B. Type of luminaires.

- (1) All exterior lighting, with an exemption granted to municipal recreational fields, rated to be lamped at 1,800 lumens (100 watts incandescent) and greater shall use full cutoff luminaires as determined by photometry test or certified by the manufacturer

and installed as designed with the light source directed downward. Municipal recreational fields, at a minimum, shall utilize partially shielded fixtures to direct light to the field of play and to minimize up-glow and light trespass.

- (2) All exterior light fixtures rated to emit 1,800 lumens (100 watts incandescent) and less, regardless of the number of lamps, shall use fully shielded fixtures (See Figure 1.³) and shall be installed as designed.
 - (3) Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.
- C. Exempt exterior lighting. The following types of exterior lighting are exempt from the provisions of this section:
- (1) Holiday lighting lit between November 15 and January 15 of the following year.
 - (2) Motion-sensor-activated luminaires, provided:
 - (a) They are fully shielded and located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way; and
 - (b) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased;
 - (c) The luminaire shall not be triggered by activity off the property; and
 - (d) The luminaire, regardless of the number of lamps, does not exceed 1,800 lumens and not rated to exceed 100 watts.
 - (3) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.
 - (4) Uplighting for flags, provided the flag is not used for advertising and the total maximum lumen output is 1,300 lumens.
 - (5) Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with Chapter 49, and that the provisions of Chapter 49 are otherwise met.
 - (6) Runway lighting. Lighting on any landing strip or runway, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.
 - (7) Neon lights. Neon lights as permitted pursuant to the Town of Avon sign regulations.⁴
 - (8) Residential landscape lighting as defined herein, provided the lamp or lamps are not visible across property lines and, in addition, are not triggered by a dusk-to-dawn timer.
- D. Prohibited exterior lighting. The following types of lighting are prohibited:
- (1) Searchlights, except those used for governmental, emergency and law enforcement purposes.

3. Editor's Note: Figure 1 is included at the end of this chapter.

4. Editor's Note: See § 130-23, Sign regulations.

- (2) Strobe lights, laser lights or revolving lighting.
- (3) Neon lights, except as legally permitted.
- (4) Blinking, pulsating, tracing or flashing lights unless temporarily triggered by a security system.
- (5) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
- (6) Lighting that is determined by municipal law enforcement personnel to contribute to disabling or distracting glare into a public roadway.
- (7) Any light fixture located within a designated nature preserve, easement or waterway.
- (8) Illuminated signs without a municipal permit.
- (9) Nonmunicipal recreational field lighting, including but not limited to tennis, basketball and handball courts, and sports fields, including but not limited to baseball, soccer and football, without site plan approval and a building permit.

§ 49-6. Placement and height of luminaires.

- A. Luminaires, exclusive of municipal streetlighting and municipal recreational fields, shall be mounted no higher than 16 feet from the level ground to the lowest light-emitting part of the fixture.
- B. Luminaires on commercially used properties shall be located and shielded in a manner to prevent light projection beyond the property line. (See Figure 3.⁵)
- C. Luminaires used for municipal recreational fields and municipal outdoor recreational uses shall be exempt from the height restriction and illuminance levels, provided all other provisions of this article are met and the light is used only while the field is in use.
- D. Sign lighting. Lighting shall be mounted on the top of the sign directed downward and positioned and shielded so that the light source meets all the requirements set forth in this article. No individual lamp shall exceed 1,000 lumens. Mounting height of lights shall not exceed 20 feet.
- E. Mounting height of residential luminaries may not exceed 14 feet.

§ 49-7. Illuminance and type of lamp.

- A. Illuminance levels for parking lots, sidewalks and other walkways affected by side-mounted building lights and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the IESNA Recommended Practices, either PR33 or RP20, depending on the application. (See Tables 1, 2 and 3.⁶) The Town of Avon recognizes that not every such area will require lighting.
- B. Parking lot lighting shall not exceed an overall average illumination as listed on Table 1.⁷
- C. Streetlight luminaires shall be full cutoff luminaires and be lamped with high-pressure sodium or compact fluorescent light source. The Town Engineer shall make a determination for the type of light distribution,

5. Editor's Note: Figure 3 is included at the end of this chapter.

6. Editor's Note: Table 1, Table 2 and Table 3 are included at the end of this chapter.

7. Editor's Note: Table 1 is included at the end of this chapter.

the height and lumen value of the light source for each location, based on the manufacturer's supplied photometric information, in order to meet the streetlighting warrants. The criteria for evaluating the warrant of streetlights shall be nonconformance to the American Association of State Highway Transportation Officials (AASHTO) standards and/or a safety hazard as determined by the Town Engineer. The Town Engineer shall reserve the option to alter the type of light, light intensity of public roads and public facilities in areas where public safety is an issue. Streetlight luminaries shall be brought into compliance with this section no later than December 31, 2017.

- D. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
- E. Gas station under-canopy fixtures shall be lamped so as not to exceed light level measurements as recommended in RP33, Table 2.⁸
- F. All ATM and bank lighting shall conform to the provisions of the New York State ATM Safety Act as contained in the New York State Banking Law § 75-a et seq., and the provisions of this chapter.
- G. All utility-company-leased preexisting nonconforming unshielded floodlight fixtures, including GE Powerflood, Mercury Vapor fixtures and all one-thousand-watt fixtures, shall not be relamped, repaired or replaced.
- H. The following types of lamps shall not be permitted:
 - (1) Mercury vapor.
 - (2) Unshielded LED lamps, except as exempt for holiday lighting.
 - (3) Metal halide except as approved by the Town Engineer and only when the correlated color temperature (CCT) is less than 3,200 K and when the arc tube of the lamp is enclosed with a protective acrylic or tempered glass shroud.

§ 49-8. Figures and tables.⁹

The attached figures and tables shall be incorporated into Chapter 49 as guidelines for the public and the Town of Avon for use in enforcing this article. The Town does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples.

- A. Figure 1: illustrations of full cutoff and full shielded fixtures.
- B. Figure 2: diagrams of generally acceptable and generally unacceptable light fixtures.
- C. Figure 3: diagrams of recommended fixture placement in relation to the property line to control light trespass.
- D. Table 1: limits of illumination for target areas for parking lots.
- E. Table 2: limits of illumination for target areas for car dealerships, sidewalks, walkways and gas stations.
- F. Table 3: limits of illumination for roadways.

8. Editor's Note: Table 2 is included at the end of this chapter.

9. Editor's Note: Figure 1, Figure 2, Figure 3, Table 1, Table 2 and Table 3 are included at the end of this chapter.

§ 49-9. Lighting plans required.

- A. All applications for site plan review, use permits, planned unit developments, subdivision approvals, applicable sign permits or building permits shall include lighting plans showing location of each existing and proposed outdoor light fixture, and luminaire distribution, type, lamp source type, wattage, mounting height, hours of operation, lumen output and illuminance levels in ten-foot grids in order to verify that lighting conforms to the provisions of this article. The Code Enforcement Officer may waive the requirement for illuminance level information only, if the Town Engineer finds that the illuminance levels conform to this article. For all other exterior lights which must conform to the requirements of this Chapter 49, an application shall be made to the Planning Board showing location, luminaire and bulb type, height, hours of operation, lumen output and illuminance levels.
- B. The Planning Board shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, site plan review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit to determine whether the exterior lighting complies with the standards of this Chapter 49.
- C. For all other exterior lighting which must conform to the requirements of Chapter 49, the Planning Board shall issue a decision whether the exterior lighting complies with the standards of this Chapter 49. All such decisions may be appealed to the Town of Avon Zoning Board of Appeals within 30 days of the decision.

§ 49-10. Violations and legal actions.

If the Code Enforcement Officer finds that any provision of this article is being violated, the Code Enforcement Officer shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Planning Board shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article.

§ 49-11. Severability.

If any clause, sentence, paragraph or section of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

§ 49-12. When effective.

This article shall be in full force and effect from and after its passage, approval and publication.

§ 125-56. Lighting regulations.

- A. Intent and purpose. The intent and purpose of this section is to provide standards for outdoor lighting to maintain and protect the scenic and aesthetic character of the Town, to encourage conservation of energy and nonrenewable resources while providing safety, utility and security; to minimize glare; to protect the privacy of residences; to reduce atmospheric light pollution in the rural Town; to ensure that development fits into its natural and rural surroundings rather than being superimposed as a dominant element in the countryside; to avoid impacts on nearby residential properties; and to enhance the Town's nighttime ambience and rural and historic character. These regulations apply in all zoning and lighting districts in the Town and are designed to be compatible with the Town of Rhinebeck Design Standards (see Appendix A¹).
- B. Definitions. There are terms used in this section of the Zoning Law that are applicable principally if not exclusively within this section alone. The terms used in this section or in documents prepared or reviewed under this section of the Zoning Law shall have the meaning as set forth in Article XIII, § 125-139.
- C. Applicability and submission of plans. An application for any work involving outdoor lighting fixtures that requires subdivision, special use permit and/or site plan approval or involving a lighting district established pursuant to Article 12 of the Town Law shall submit, as part of the application, evidence that the proposed work shall comply with the standards of this section. Special regulations govern lighting of signage. Reference is made herein to Article V, § 125-37, Sign regulations, for additional requirements. The submission shall contain the following:
 - (1) Plans indicating the location, height, orientation, type of illuminating device, and wattage of each outdoor lighting fixture.
 - (2) Location and use of adjacent properties.
 - (3) Nearby properties that may be affected by the proposed lighting plan.
 - (4) Description of the illuminating fixtures, lamps, supports, reflectors, and other devices, including, but not limited to, catalog cut sheets by manufacturers and drawings (including sections where required), glare reduction/control devices, on-off cycle control devices, and mounting devices.
 - (5) Photometric data showing an isolux/isofootcandle plot or lux/footcandle grid that demonstrates intensities and uniformity of light emissions.
 - (6) Statement of the proposed hours and days of the week when the luminaires will be on and when they will be extinguished.
 - (7) Additional information that the Planning Board or Code Enforcement Officer determines is necessary.

1. Editor's Note: Appendix A is on file in the Town offices.

- D. Lamp or fixture substitution. Should any outdoor lighting fixture or the type of light source therein be changed after the approval has been issued, a change request shall be submitted to the Planning Board for revised approval. The Planning Board shall review the change request to assure compliance with this section.
- E. Approved materials and methods of construction or installation/operation. The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the Planning Board. The Planning Board may approve such proposed alternative, provided it:
- (1) Offers at least approximate equivalence to the applicable specific requirements of this section; and
 - (2) Is otherwise satisfactory and complies with the purposes of this section.
- F. General requirements for all zoning districts.
- (1) General standards. All outdoor lights and illuminated signs shall be designed, located, installed, and directed in such a manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property. The lighting levels for outdoor lighting shall be as described in Subsection F(15). The Town encourages, and in some cases requires, that the minimum lighting levels be used to attain efficient and effective use of outdoor lighting. The latest recommended levels for outdoor lighting set by the Illuminating Engineering Society of North America (IESNA) shall be observed.
 - (2) Nonconforming outdoor lighting. All outdoor lighting fixtures already installed prior to June 12, 1989, shall be brought into compliance with the provisions of this section within five years from the effective date of this chapter. No replacement or installation of new luminaires shall be permitted unless in conformance with this section. Nonconforming outdoor lighting that is the subject of subdivision, special use permit and/or site plan applications, certificates of occupancy, no-violation letters, or other permit, approval, entitlement, or authorization from the Town of Rhinebeck shall be subject to all of the terms and conditions of this section.
 - (3) Prohibitions. The following forms of lighting are prohibited:
 - (a) Uplighting is prohibited, with the exception of flags, as defined herein. The Town of Rhinebeck encourages the lowering of flags at sunset so that nighttime illumination of flags is unnecessary. Externally lit signs, displays, buildings, structures, streets, parking areas, recreational areas, landscaping, and other objects lit for aesthetic or similar purposes shall be lit from the top and shine downward.
 - (b) Roof-mounted area lighting.
 - (c) Laser lighting for outdoor advertising or entertainment.
 - (d) The use of and the operation of searchlights for advertising purposes.

- (e) The use of mercury vapor lamps, which cast a very bright, unattractive light.
- (f) Unshielded wallpack-type fixtures.
- (g) Neon roping or trimming.
- (4) Exemptions. The following forms of lighting are exempted from the requirements of the lighting regulations:
 - (a) Temporary circus, fair, carnival, religious, historic, or civic uses.
 - (b) Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
 - (c) Temporary holiday lighting for no more than two months per year.
 - (d) Lighting that is considered a landscape design element and is integral to the aesthetic value of the design, as determined by the Planning Board.
- (5) Shielding. All outdoor fixtures, with the exception of those using lamps not requiring shielding cited in Table 1 below, shall be fully shielded using full-cutoff light fixtures and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. For example, a one-hundred-watt incandescent bulb has a light output of 1,690 lumens while a twenty-six-watt compact fluorescent bulb has a light output of 1,800 lumens, both of which would be exempt from the shielding requirements. The lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the target area. All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective as described in the definition of a fully shielded fixture in this section. Floodlighting is discouraged and, if used, must be shielded to prevent direct glare for drivers and pedestrians; light trespass beyond the property line; and light above a horizontal plane.

Table 1: Shielding Requirements

Fixture Lamp Type	Shielded
High-pressure sodium, low-pressure sodium, fluorescent, and incandescent of 2,000 lumens or more	Fully
Any light source of less than 2,000 lumens	None
Other sources	As approved by the Planning Board

- (6) Light trespass. Light trespass from a property shall be designed not to exceed 0.25 footcandle at the property line. Adjacent to residential property, no direct light source shall be visible at the property line at

ground level or above. Mitigation to avoid or minimize light trespass may include landscaping and berming.

- (7) Height. Unless specified elsewhere herein, the maximum allowable height of a freestanding luminaire shall be 15 feet above the average finished grade. The maximum allowable height of a building or structure-mounted luminaire shall be 15 feet.
- (8) Spacing. The space between fixtures should be approximately four times the height or as determined by the Planning Board.
- (9) Time controls. All nonessential lighting shall be turned off after business hours, leaving only the necessary lighting for site security, which shall be reduced to the minimum level necessary. "Nonessential" can apply to display, aesthetic, parking and sign lighting. Motion-sensor security lighting may be used to promote safety and reduce the amount of night lighting in the Town, as determined by the Planning Board.
- (10) Electrical feeds. To improve the aesthetics of the area, electrical feeds to lighting fixtures and standards shall be run underground, not overhead.
- (11) Gas stations. Island canopy ceiling fixtures shall be recessed into the canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- (12) Recreational facilities, public or private. Lighting for sports fields, tennis courts and similar outdoor recreational facilities may be permitted to exceed the fifteen-foot height maximum. Lighting for parking, walkways and buildings at recreational facilities shall comply with all other requirements of this section. Lighting for sports fields, tennis courts, golf courses, gun clubs and similar outdoor recreational facilities shall only be allowed by special permit, provided that the following special conditions, in addition to the general conditions found in Article VI, are met:
 - (a) The proposed pole height is required to illuminate the center of the field while avoiding direct glare on adjacent properties.
 - (b) Surrounding vegetation or topography will substantially screen views of the lighting standards from adjacent properties.
 - (c) The fixtures will be fully shielded to prevent light spillage on adjacent properties and to prevent sky glow.
 - (d) The proposed lighting levels conform to the recommendations of the Illuminating Engineering Society of North America, Greenway Connections and/or International Dark Sky Association for playing fields.
 - (e) Adjacent municipalities shall be contacted for their input on the proposed recreational lighting, when applicable.
- (13) Indoor light sources. Indoor light sources that are visible in outdoor locations shall be subject to Planning Board approval.
- (14) Streetlights. Streetlights shall be provided in the Village Gateway Districts and in other locations as determined necessary by the Planning Board, in accordance with the following standards:
 - (a) Streetlighting shall comply with Subsection F(16).
 - (b) Streetlighting shall not exceed 12 feet in height.

- (c) Streetlighting shall be provided on one or both sides of all streets at intervals no greater than 75 feet on center and at intersections.
 - (d) Lighting posts and fixtures for streetlights shall be of consistent architectural style.
 - (e) Streetlighting shall be located between the street curb or pavement and the sidewalk.
 - (f) Existing streetlighting, including municipal lighting, shall be brought into conformance with the provisions of this section when fixture or light source replacements are made or when funding becomes available to undertake a comprehensive lighting replacement program.
- (15) Illuminance and uniformity. Parking lots shall have an average lighting level at or below one footcandle. High-security areas shall have lighting levels of no more than five footcandles, and two footcandles to five footcandles is the recommended range. Lighting levels greater than five footcandles is generally a waste of energy and a source of glare and atmospheric light pollution. Design should establish a hierarchy of lighting to assure a smooth transition from bright areas to those with subdued lighting. Light levels shall be maintained at design levels with lamp or luminaire replacement as needed. Unless accessory to a bank, all ATM banking machines shall be installed indoors so that the New York State ATM Safety Act design requirements shall not be applicable. The Planning Board remains responsible for ensuring that outdoor ATM banking machines accessory to a bank do not cause glare or other unwanted light spillage affecting residential areas and uses.
- (16) Recommended outdoor lighting types. Table 2 presents recommended outdoor lighting types. For better color quality, system designs that use a few incandescent, LED or fluorescent fixtures with sodium fixtures is recommended in pedestrian and commercial areas.

Table 2

Lighting Type	Color	Recommended Uses	Comments
Incandescent	Full spectrum, white light	Infrequently used lighting, occupant sensor-activated lighting	Most common but most energy inefficient of common lamp types
Fluorescent	Clear white light	Residential lighting, walkways, building entrances	Excellent color rendition, energy efficient, and inexpensive

Table 2

Lighting Type	Color	Recommended Uses	Comments
High-pressure sodium	Yellowish cast	Sports fields, parking, roadways	Recommended only where light distribution is valued more than appearance; can negatively affect vegetation
Low-pressure sodium	Monochromatic	Roadways, walkways, parking, security lighting	One of the most energy efficient but recommended only where color rendering is not important
Light-emitting diodes (LED)	Variable, especially when digitally controlled	Area, architectural, walkway, landscaping and flood lighting	The emerging technology for LED lighting is eventually expected to eclipse traditional lighting due to long life, broad application and highest energy efficiency

- (17) Enforcement and inspections. The Town of Rhinebeck Code Enforcement Officer is responsible for conducting post-installation nighttime inspection to verify compliance with the provisions of this section and, if appropriate, to require remedial action.
- (18) Maintenance. Lighting fixtures shall be maintained so that they always meet the requirements of this section.
- (19) Nonconforming outdoor lighting. No replacement or installation of new lighting fixtures shall be permitted unless in conformance with this section. Nonconforming outdoor lighting that is the subject of subdivision, special use permit and/or site plan applications or other permit, approval, entitlement, or authorization from the Town of Rhinebeck shall be subject to all of the terms and conditions of this section.

Chapter 188

LIGHTING, OUTDOOR

GENERAL REFERENCES

Design and site review — See Ch. 121.

Zoning — See Ch. 278.

Subdivision — See Ch. 252.

§ 188-1. Purpose and intent.

- A. The general purpose of this chapter is to protect and promote the public health, safety and welfare, the quality of life, the Village's unique character, and the ability to view the night sky by establishing regulations and a process for review of exterior lighting.
- B. This chapter establishes standards for exterior lighting in order to accomplish the following:
 - (1) To provide safe lighting on roadways for motorists, cyclists and pedestrians;
 - (2) To protect against direct glare and excessive lighting on private and public properties;
 - (3) To ensure that sufficient lighting can be provided where needed to promote safety and security;
 - (4) To prevent light trespass in all areas of the Village;
 - (5) To protect and reclaim the ability to view the night sky;
 - (6) To allow the flexibility in the style of lighting fixtures;
 - (7) To provide lighting guidelines;
 - (8) To provide assistance to property owners; institutions; and county, state, and utility facilities in bringing nonconforming lighting into conformance with this chapter.
 - (9) To use energy wisely and to conserve natural resources;
 - (10) To preserve the desired rural character of the Village; and
 - (11) To reduce excessive illumination which has been demonstrated to have a detrimental effect on the local flora and fauna that depend on the natural cycle of day and night.

§ 188-2. Definitions.

- A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

AREA LIGHT — A fixture designed for illumination of a broad area. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights over 1,800 lumens.

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation measured at ground level with the

light meter placed parallel to the ground. It can be also determined by the "Key" on a lighting plan as provided by a lighting manufacturer's application department.

CORRELATED COLOR TEMPERATURE (CCT) — The perceived color of the light emitted by a lamp, expressed in Kelvin (K) units. Generally, the lower the Kelvin rating the "warmer" the light; the higher the rating, the "cooler" or more blue the light. Incandescent bulbs emit approximately 2,300 Kelvin.

ESSENTIAL LIGHTING — Light that is used for a specified period of time, which is necessary for location identification or public circulation purposes.

EXCESSIVE LIGHTING — Illuminance levels beyond that which is required for safety, as recommended in IESNA Recommended Practices, or higher than five FC on any lit surface unless a higher level is indicated on the Table of Limits of Illumination Levels.

EXTERIOR LIGHTING — Temporary or permanent lighting equipment that is installed, located or used in such a manner with the intention to cause light rays to shine outdoors.

FIXTURE (ALSO CALLED "LUMINAIRE") — The bulb and the assembly that holds the bulb (or lamp) in a lighting system, including reflecting elements, shielding elements, cover glass or lenses, the ballast, and the housing. For purposes of determining total light output from a luminaire or light fixture, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

FLOODLIGHT — A lamp or fixture intended to light a large area, and which can produce light above the fixture. Such lamps (bulbs) may incorporate prismatic lenses that distribute the light in various directions.

FOOTCANDLE ("FC") — The basic unit of illuminance (the amount of light falling on a surface). Footcandle measurement is taken with a light meter. One footcandle is approximately equal to the illuminance produced by a light source of one candela in intensity, measured on a surface at a one-foot distance from the source. Horizontal footcandles measure the illumination striking a horizontal plane. Footcandle values can be measured directly with certain handheld incident light meters.

FULLY SHIELDED OR ZERO UPLIGHT — A fixture designed, constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected in a fixed direction below the horizontal. It can be identified without a manufacturer's photometric report. Also referred to as "zero uplight."

GLARE — The sensation produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which can cause annoyance, discomfort, or loss in visual

performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

HID LIGHTING — A family of bulb types that are known as "high-intensity discharge," including high-pressure sodium, mercury vapor, and metal halide. These types may require a warmup time, usually require a ballast, and have a higher lumen output per watt than incandescent (or halogen) lamps.

HOLIDAY LIGHTING — Temporary strings of small individual lamps.

IESNA — Illuminating Engineering Society of North America (IES or IESNA), a private-membership organization that establishes updated standards and illumination guidelines for the lighting industry.

IESNA RECOMMENDED PRACTICES — The most current publications of the IESNA setting forth illuminance levels for different task areas, e.g., walkways, streets, sportslights, etc.

ILLUMINANCE — The density of light falling on any point of a surface, usually measured in footcandles in the United States. See "footcandle."

KELVIN — The unit of measurement used to characterize the color of light emitted by a lamp. See also "correlated color temperature."

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (see "fixture"); commonly referred to as the "light bulb."

LED — Light emitting diodes are assembled into a lamp to emit light. LEDs are energy efficient, directional, and have a long-life for maintenance purposes. Unfiltered LEDs are high in the blue spectrum (6,000+ Kelvin) and require colored filters to produce "white" light. Also referred to as "solid state lighting."

LIGHT — The form of radiant energy acting on the retina of the eye to make sight possible.

LIGHTING ASSEMBLY — Any or all parts of a fixture that function to produce light, including the bulb, assembly, ballast, mounting features and/or pole.

LIGHT LEVEL — The illuminance on a surface, as measured by a light meter or reported in photometric calculations. Light levels are indicated in footcandle measurements on a lighting plan and may also be expressed as uniformity ratios and as isofootcandle plots.

LIGHT POLLUTION — Any adverse effect of man-made light, including but not limited to glare, light trespass, skyglow, visual clutter, wasted energy due to excessive or unnecessary lighting, or any man-made light that unnecessarily diminishes the ability to view the night sky or is disruptive to flora and fauna.

LIGHT SOURCE — The light bulb and all reflecting and refracting parts of the fixture that transmit light.

LIGHT TRESPASS — Light projected onto the property of another or into the public right-of-way when it is not required or permitted to do so. For reference, full moonlight averages 0.01 footcandle.

LUMEN — A unit used to measure the actual amount of light that is produced by a bulb. The lumen quantifies the amount of light energy produced by a lamp at the lamp, not by the energy input, which is indicated by the wattage. For example, a 75-watt incandescent lamp can produce 1,000 lumens while a 70-watt high-pressure sodium lamp produces 6,000 lumens. Lumen output is listed by the manufacturer on the packaging or can be available from the manufacturer's website.

LUMINAIRE — A fixture.

LUMINANCE — The brightness of a source of light.

MAINTAINED ILLUMINANCE — The light levels that are produced by a lamp and in a fixture after a period of time, taking the normal losses due to lamp aging and fixture dirt accumulation into account.

MOUNTING HEIGHT — The distance from level ground to the lowest light-emitting part of the fixture.

NONESSENTIAL LIGHTING — Lighting for an intended purpose when that intended purpose is not taking place.

PARTIALLY SHIELDED — A fixture, which incorporates a partial shield around the lamp, concealing the lamp from view only in certain directions.

PHOTOMETRICS — Technical test reports that indicate light distribution and performance from a fixture. Photometric reports may include candlepower distribution data, cutoff classifications, isofootcandle charts, etc. These are generally available from the fixture manufacturers as IES files or isofootcandle plots.

SHIELD or SHIELDED — An opaque device that is attached to a light fixture to prevent light from being emitted in certain directions. Auxiliary "back" or "house-side" shielding added to an already fully shielded fixture can help limit trespass where a fixture is located near a property line.

SKYGLOW — The overhead glow from light emitted sideways and upwards, including light reflected upward from the ground or other surfaces. Skyglow is caused by the reflection and scattering of various forms of light by dust, water, and other particles suspended in the atmosphere. Among other effects, skyglow reduces one's ability to view the night sky. Different sources of light, in equal quantities, can contribute differently to sky glow.

TEMPORARY LIGHTING — Lighting that is intended to be used for a limited time and removed thereafter.

UL RATING — Refers to "Underwriters Laboratory," a commercial agency that certifies the maximum safe wattage for fixtures and other

electrical devices. A UL label indicating the maximum safe wattage is affixed or imprinted on all electrical fixtures which are offered for sale.

UNIFORMITY RATIO (U RATIO) — A ratio that describes uniformity of illuminance across an area. The uniformity ratio may be a ratio of the maximum-to-minimum illuminance or the average-to-minimum illuminance. For example, if the Illuminating Engineering Society recommends an average-to-minimum ratio of 4:1 for a parking lot, the minimum illuminance should be no less than 1/4 of the average illuminance across the parking lot. Uniformity ratios meeting professional recommendations will reduce adaptation problems and promote better nighttime vision.

§ 188-3. Applicability.

- A. All exterior light fixtures installed, replaced, or repaired after the effective date of this chapter shall conform to the standards established by this chapter.
- B. All existing residential, private commercial, institutional, and utility owned or operated exterior lighting lawfully installed prior to the effective date of this chapter shall not cause light trespass and shall protect adjacent properties and beyond from glare and excessive lighting.
- C. Existing lighting in conflict with this chapter shall be classified as "nonconforming." All lighting existing or installed prior to the date of the adoption of this chapter which does not conform with the provisions of this chapter shall be exempt under the following conditions:
 - (1) Lighting that violates the light trespass limits or creates a public nuisance or hazard can be ordered removed or altered at any time.
 - (2) On the effective date of this chapter, any lighting installation which would comply by re-aiming of the fixture shall be brought in compliance with the terms of this chapter without delay.
 - (3) Upon adoption of this chapter, with any repair or replacement of any nonconforming fixture, or relocation of such fixture, that fixture shall be brought into compliance with the terms of this chapter at the completion of the repair or replacement.
 - (4) Upon installation of any new fixture, the provisions of this chapter shall fully apply. For nonresidential lighting, an inventory of existing lighting submitted to the Design Review Board by the applicant will be required when the application for installing new fixture(s), is made.
 - (5) Residential lighting shall be required to conform to the light trespass and glare provisions upon enactment of this chapter.

§ 188-4. Outdoor lighting standards.

- A. General standards for nonresidential.
 - (1) All exterior lighting shall be designed, located, and lamped in order to prevent:
 - (a) Overlighting;
 - (b) Energy waste;

- (c) Glare;
 - (d) Light trespass; and
 - (e) Unnecessary skyglow.
 - (2) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded and located to prevent glare and light trespass.
 - (3) Area lights. All area lights shall be fully shielded or zero uplight.
 - (4) Electrical utility companies, including their agents, shall not install, replace, re-lamp, nor repair any utility-pole-mounted fixtures after the effective date of this chapter without first receiving prior approval for such installation by the Design Review Board.
 - (a) No fixture shall exceed 3,000K.
 - (b) Every fixture shall be fully shielded, as designed and installed.
 - (c) Every fixture shall be fitted with middle-of-the-night shutoffs when the need for such lighting has been met.
 - (d) Light levels shall meet the provisions herein and shall not exceed five footcandles.
 - (5) Automatic teller machine (ATM) and other bank lighting shall be fully shielded and shall not cause glare or light trespass.
 - (6) Wall packs and floodlights that are not fully shielded are not permitted.
- B. Type of fixtures for all exterior lighting. All exterior lighting shall use fully shielded fixtures, as determined by a photometry test or certified, by the manufacturer, with the light source directed downward and with the lowest light-emitting part of the fixture level with the horizontal plane, with the following exceptions:
- (1) Unshielded residential fixtures mounted within five feet of a doorway, equal to the lumen output of one 60-watt incandescent light per fixture (900 lumens), regardless of the number of lamps in such fixtures, are allowed, provided the light trespass limitations and other provisions are met. Residential fixtures do not require photometric testing if UL rated no more than 60 watts aggregate.
 - (2) Residential floodlights that are UL rated at no more than 60 watts aggregate are permitted if angled downward and only if the fixture does not cause glare or light trespass, and beam spread does not extend beyond the intended target or across property lines. Photocells with operable timers that allow a light to go on at dusk and off by 11:00 p.m., as well as motion-sensor-activated lights for pedestrian safety and security concerns, are encouraged.
 - (3) Holiday lighting installed and lit between November 15 and January 15 of the following year.
 - (4) Residential sensor-activated fixtures, provided:
 - (a) The fixtures are operational and located in such a manner, or shielded, to prevent glare and light trespass;
 - (b) The fixtures are set to only go on when activated and to go off within five minutes after activation has ceased; and
 - (c) The sensor shall not be triggered by activity off the property.
 - (d) The fixture, regardless of the number of bulbs, is lamped no greater than 900 lumens (equivalent to 60 watts incandescent).

- (5) Vehicular lights and all temporary emergency lighting needed by the fire, ambulance, and police departments, or other emergency services are exempt.
- (6) Lighting of radio, communication and navigation towers is allowed, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter, and that the provisions of this chapter are otherwise met. Tower lighting shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity, and red, unless specifically forbidden under FAA requirements.
- (7) Neon lights, searchlights, pulse and laser lights are prohibited. Blinking, tracing or flashing lights are prohibited.
- (8) Fixtures used for municipal playing fields may be exempt from the shielding requirements when fully shielded fixtures or shielding devices are not available for the intended purpose, and provided all other provisions of this chapter are met and the light is used only while the field is being used for permitted uses. There shall be no lighting of private sporting courts or playing fields, surfaces or areas within the Village.
- (9) In situations of lighted flags which are not illuminated with downward lighting, upward lighting may be used in the form of a narrow cone spotlight, which confines the illumination to the flag. Municipal flags are exempt from this requirement.
- (10) Sign lighting equipment, provided that the light falls entirely on the surface of the sign and no glare is visible from property lines or from public streets. Top-mounted sign lights are encouraged.

§ 188-5. Placement and height of fixtures for all exterior lighting.

- A. No fixtures shall be taller than 20 feet from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. (See Attachment 1.)
- B. Fixtures for municipal streetlights and playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met. Setbacks from the property line and back and side shielding are encouraged in the design process, to avoid light trespass and glare.
- C. All residential, private commercial, institutional, and utility existing and/or new exterior lighting shall be located and at a mounting height to prevent light trespass and shall protect adjacent properties from glare and excessive lighting.
- D. Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.

§ 188-6. Illuminance and type of lamp for all nonresidential lighting.

- A. No fixture shall be located or concentrated so as to produce glare or direct illumination across the boundary property line, nor shall any such light be of such intensity as to create a nuisance or detract from the

use and enjoyment of adjacent property. The maximum illuminance at or beyond the property line that adjoins a residential parcel or public right-of-way may not exceed 0.05 FC horizontal on the ground or 0.05 FC vertical measured at a five-foot height above the ground unless another applicable law supersedes. Maximum horizontal or vertical illuminance allowed between adjacent commercial properties is 0.1 FC.

- B. The average illuminance levels listed in the Illumination Levels for Various Common Tasks, as provided in the IESNA Recommended Practices, RP-33, Lighting for Exterior Environments, shall not be exceeded for nonresidential lighting unless otherwise specified or approved by the Design Review Board. The Village recognizes that not every situation will require lighting, and excessive or unnecessary light shall be avoided. Also, appropriate lighting levels are dependent upon the general nature of the surroundings and the Design Review Board may require more or less than those listed in the IESNA Recommended Practices Guidelines. Illuminance level measurements for parking lots, sidewalks, and other walkways shall include any light from nearby side-mounted building lights, freestanding sidewalk lights affected by side-mounted building lights, and streetlights. In no instance may any lighted surface, as installed, except for nonprofessional sports fields, exceed five footcandles, as measured horizontally or vertically by a light meter.
- C. No light source shall be permitted that exceeds 3,000 Kelvin.
- D. Streetlights shall be fully shielded and shall not be lamped to exceed 3,000 Kelvin. At ground level, footcandle measurements shall not exceed professional recommendations as set by IESNA Recommended Practices, RP 8, for Roadway Lighting. [Exception to "fully shielded": replacements of historic municipal streetlights; e.g., if the fixture is an historic or decorative fixture which is part of a continuous lighting design where the replacement of the fixture piecemeal with compliant fixtures would unacceptably alter the aesthetic characteristics of the existing lighting design.]

§ 188-7. Procedures for nonresidential lighting.

- A. Any change or alteration of nonresidential exterior lighting must be approved by the Design Review Board and verified, post installation, by the Code Enforcement Officer, to insure compliance with all the provisions of this chapter. Where new installations have been designed by an illuminating engineer/professional, he or she shall also conduct a post-installation inspection to verify and certify that the installed system operates as designed.
- B. All applications for design review or site plan review, special exception permits, or building permits shall include lighting plans, fixture and controls specifications and additional documentation, if any lighting is to be used, regardless of whether the lighting is preexisting or proposed, showing the following, if requested by the DRB, in order to verify that lighting conforms to the provisions of this chapter:
 - (1) Location of each current and proposed outdoor lighting fixture indicated on a site plan.

- (2) Type of exterior lighting equipment, including cutoff characteristics, indicating manufacturer and model number.
 - (3) Lamp source type, lumen output, and wattage.
 - (4) Mounting height indicated, with distance noted to nearest property line, for each fixture.
 - (5) Shielding and all mounting details, including pole foundation description.
 - (6) Initial illuminance levels as expressed in footcandle measurements on a grid of the site showing footcandle readings in every five-foot grid. The grid shall include light contributions from all sources (i.e., pole-mounted lights, wall-mounted lights, and signs, including streetlights).
 - (7) Statement of the proposed hours when each fixture will be operated.
 - (8) Total exterior initial lamp lumens for proposed property.
 - (9) Lighting manufacturer specifications (cut sheets) with photographs of the fixtures, indicating the cutoff characteristics of the fixture.
 - (10) Detailed photometric layout, in five-foot grids, indicating footcandle measurements, with a "Key" on the lighting plan indicating the uniformity ratios as provided by the lighting manufacturer's Applications Department.
 - (11) Types of timing devices used to control on/off.
 - (12) If necessary, documentation by a lighting designer or engineer showing that the provisions can only be met with a design that does not comply with this chapter.
 - (13) Exceptions may be made for additions or replacements to existing exterior lighting installations, when the total lumens for the fixtures does not exceed a total of 4,000 initial lumens. An application shall be submitted to the Design Review Board for a permit, and shall include:
 - (a) The manufacturer's cut sheet with a photograph of the fixture(s) to assure compliance to meet the definition of "fully shielded."
 - (b) Location of the fixture(s) on a diagram of the site or on a site plan indicating the height of the fixture and the distance in feet from level ground under the fixture(s) to the nearest property line.
 - (c) The initial lumen output of the fixture(s).
 - (d) Bulb (light source) type(s).
 - (e) The Kelvin rating of the light source(s).
 - (f) Hours of operation and lighting (timing) control device.
 - (14) Upon any such application, the Design Review Board may require all preexisting lighting to be changed to conform to all the provisions of this chapter.
- C. No exterior lighting shall be altered, enlarged, moved, improved, or converted unless it conforms to a lighting plan approved by the Design Review Board.
- D. The following guidelines will be made available to applicants to facilitate compliance:

- (1) Diagrams of generally acceptable and generally unacceptable light fixtures.
- (2) Diagrams of positioning of sign lights.
- (3) Various wattage/lumen conversions.
- (4) Latest version of Illumination Levels for Various Tasks, including uniformity ratios (from IESNA Recommended Practices, Lighting for Exterior Environments, RP 33).
- (5) Diagram for setbacks for freestanding fixtures.
- (6) Educational/support information for the public and the building trades.

§ 188-8. Violations; penalties for offenses.

- A. It shall be unlawful for any person, firm or corporation to install, alter, repair, move, equip, use or maintain any lighting in violation of any of the provisions of this chapter, or to fail in any manner to comply with a notice, directive or order of the Code Enforcement Officer.
- B. Any person who shall fail to comply with a written order of the Code Enforcement Officer within the time fixed for compliance therewith and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any person taking part or assisting in the installation, alteration, repair, equipping, use or maintenance of any lighting in violation of any of the applicable provisions of this chapter or any lawful order, notice, directive, permit or certificate of the Code Enforcement Officer made hereunder, shall commit a violation of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not exceeding the sum of \$250 for any offense, and each day that a violation continues shall be deemed to constitute a separate offense.

§ 330-345. Residential lighting standards.

All residential and multifamily residential properties shall comply with the following standards. For new construction, the Architectural Review Board may permit minor adjustments to any lighting requirement herein, provided that the proposed outdoor lighting is found to be reasonable, necessary, and consistent with the purposes of this article.

- A. Nuisance prevention. Outdoor lighting on residential properties shall be designed and installed so that all light which is emitted by any outdoor light fixture shall not shine on or illuminate any neighboring property. No outdoor lighting shall be maintained or operated in such a manner so as to be nuisance lighting, as defined in § 330-341.
- B. Shielding. All outdoor lighting fixtures shall be fully shielded and aimed straight downward, with the following exceptions:
 - (1) Outdoor lighting fixtures with total light output of 900 lumens or less (60 watts incandescent or less) are exempt from the shielding and aiming requirement above.
 - (2) Unshielded outdoor lighting fixtures operated by motion sensors are permitted, provided that:
 - (a) The fixture is set to go on only when activated and to go off within five minutes after activation has ceased; and
 - (b) The sensor shall not be triggered by activity off the property; and
 - (c) The output per fixture does not exceed 1,800 lumens (100 watts incandescent).
 - (3) Unshielded floodlights not exceeding 1,800 lumens per fixture (100 watts incandescent) are permitted, provided they are aimed no higher than 45° and do not cause nuisance lighting, as defined in § 330-341.

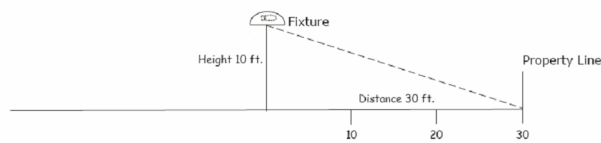
Figure 2



- (4) Driveway lighting. Unshielded fixtures installed in or on a pillar or post at the foot of a driveway may not exceed 250 lumens (25 watts incandescent) per pillar/post. **[Added 7-14-2015 by L.L. No. 22-2015]**
- C. Mounting height.
 - (1) The mounting height of a fixture attached to any structure shall not exceed 12 feet from the lowest light-emitting point on the fixture to the area to be lit directly below the fixture, except for fully recessed soffit lighting that otherwise complies with this article.

- (2) The mounting height of any freestanding light fixture shall not exceed 10 feet and, when located in side and/or rear yards, shall meet the setback requirements of Subsection D below, unless otherwise authorized by the Town.
- D. Setback. The setback for freestanding light fixtures from closest side and/or rear yard property lines shall be greater than or equal to three times the mounting height.

Figure 3



- E. Hours of operation. Automated shutoff controls for outdoor lighting are encouraged to conserve energy, to extinguish lighting that is not needed for safety, and to alleviate nuisance lighting.
- (1) Nonessential outdoor lighting shall not remain on continuously from 12:00 midnight until dawn.
- (2) Essential outdoor lighting sufficient for security purposes may be in operation continuously from 12:00 midnight until dawn, provided that illumination on the ground or on any vertical surface is not greater than 0.5 footcandle.
- F. No light fixture on a residential property (other than sports lighting) shall have a total light output exceeding 2,600 lumens (150 watts incandescent). **[Amended 7-14-2015 by L.L. No. 22-2015]**

City of Beacon Workshop Agenda
10/28/2019

Title:

Capital Plan Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
2020 Proposed Capital Plan	Backup Material

CITY OF BEACON CAPITAL PLAN 2020-2029										
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
HIGHWAY:										
<u>PUBLIC BUILDINGS</u>										
Memorial Building Front entrance	20,000									
City Hall hardscaping and stairs in parking lot	100,000									
City Hall security improvements and efficiencies	150,000									
Park Shed Design		20,000								
City Hall HVAC Chiller		175,000								
Park Shed			300,000							
City Hall Roof				250,000						
<u>PARK</u>										
Green Stgreet Play Structure Surface	35,000									
WeePlay play surface replacement	80,000									
ADA Compliant Path Green Street Park		35,000								
Pool Restoration		200,000								
Riverfront Park Basketball Court Restoration/Fencing and Parking Lot/Walkway Expansion		315,000								
Memorial (Hilltop) 20x30 Pavilion		30,000								
Riverfront playground			120,000							
Memorial playground				120,000						
<u>HIGHWAY EQUIPMENT</u>										
Deputy Building Inspector Truck	40,000									
Replace 2003 Chevy 1 ton 031 with new 1 ton w/plow	65,000									
Replace 2003 Chevy pickup 032 with new Chevy Pick up	52,000									
Replace 1993 #932 truck with 6-wheel w/ plow		300,000								
Replace 1992 #992 Dump/Plow/Sander		300,000								
Replace 2000 John Deere excavator		225,000								
Replace 950 truck: 6 wheel w/plow			600,000							
Replace 954 trucks: 6 wheel w/plow										
Replace 1998 Backhoe				125,000						
Replace 2001 Trackless Mower				175,000						
Replace 2005 Front-end Loader					175,000					

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CITY OF BEACON CAPITAL PLAN 2020-2029										
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Replace 2000 Daewoo Excavator					225,000					
<u>ROAD RECONSTRUCTION</u>										
Teller Avenue from Main Street to Wolcott Avenue	2,850,000									
Fishkill Avenue from City Line to Main Street		3,000,000								
<u>SIDEWALKS</u>										
Wilkes Street sidewalk/running path along park	219,786									
Main Street Bump Outs and Signals	609,000									
<u>POLICE</u>										
Locker room renovation and design	115,000									
Ford Interceptor SUV	45,000									
Ford Interceptor SUV	45,000									
Ford Interceptor SUV	40,000									
<u>FIRE</u>										
Replace Generator Tompkins Hose	25,000									
Station #2 Apparatus Ramp Replacment		70,000								
Replace 1993 Pumper				600,000						
Replace 12 SCBA harness/bottles				120,000						
TOTAL ANNUAL PROJECT AMOUNTS	4,490,786	4,670,000	1,020,000	1,390,000	400,000	-	-	-	-	-
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Grants	Amount	Grant								
Wilkes Street sidewalk/running path along park	160,000	CDBG								
Teller Avenue from Main Street to Wolcott Avenue	2,100,000	TIP								
TOTAL	2,260,000									

<u>CITY OF BEACON WATER CAPITAL PLAN 2020-2029</u>										
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<u>WATER MAIN IMPROVEMENTS</u>										
Wedll 3 Rehab Pump House Road	250,000									
Cargill Line (well field to Route 9) Construction	1,300,000									
Fulton St line replacement		402,000								
Fowler St line replacement		476,000								
John St line replacement		411,000								
<u>WATER TREATMENT FACILITY IMPROVEMENTS</u>										
Re-face Mt. Beacon Dam - Construction	2,500,000									
Melzingah Dam Piping	400,000									
Filter Plant Roof Replacement	200,000									
Removal of Existing Underground 1000 gallons storage tank and installation of new natural gas generator	-	350,000								
<u>EQUIPMENT</u>										
Replace 2002 Box Van #022		62,500								
TOTAL ANNUAL PROJECT AMOUNTS	4,650,000	1,701,500	-	-	-	-	-	-	-	-

CITY OF BEACON SEWER CAPITAL PLAN 2020-2029										
	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
<u>WWTP UPGRADES</u>										
Chlorine Contact Basin and Dechlorination Construction	2,900,000									
Centerfuge Construction			1,000,000							
<u>SEWER LINE IMPROVEMENTS</u>										
West Main Pump Station - Forcemain Replacement	1,800,000									
West Main Pump Station	2,100,000									
North Interceptor Replacement - Behind DIA to STP	1,600,000									
TOTAL ANNUAL PROJECT AMOUNTS	8,400,000	-	1,000,000	-	-	-	-	-	-	-

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City of Beacon Workshop Agenda
10/28/2019

Title:

Personnel

Subject:

Background: