



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

Councilmember Terry Nelson, Ward 1  
Councilmember Air Rhodes, Ward 2  
Councilmember George Mansfield, At Large  
Councilmember Jodi M. McCredo, Ward 3  
Councilmember Amber J. Grant, At Large  
Councilmember Dan Aymar-Blair, Ward 4  
City Administrator Anthony Ruggiero  
Mayor Lee Kyriacou

February 3, 2020  
7:00 PM  
City Council Agenda

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Public Comment:**

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

**Community Segment:**

- Comprehensive Plan Discussion

**Public Hearings:**

- Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Regarding Historic Preservation

**Reports:**

- Council Member Terry Nelson
- Council Member Air Rhodes
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Amber J. Grant
- Council Member Dan Aymar-Blair
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Lee Kyriacou

**Local Laws and Resolutions - Consent Agenda:**

1. Resolution Amending the 2020 City of Beacon City Council Meeting Schedule
2. Resolution Approving the Reappointment of Michael Deane to the Human Relations Commission
3. Resolution Approving the Appointment of Faye Leone to the Conservation Advisory Committee
4. Resolution Approving the Reappointment of Brian DiFeo to the Conservation Advisory Committee

**Local Laws and Resolutions:**

1. Resolution Setting a Public Hearing to Receive Comments on the Proposed Local Law to Extend for Three Months the Moratorium Imposed by Local Law 6 of 2019 for February 18, 2020
2. Resolution Setting a Public Hearing to Receive Comments on the Special Use Permit Application for 3 Water Street for March 16, 2020
3. Resolution Authorizing the City of Beacon to Enter into a Contract with David Church for Professional Services
4. Resolution Authorizing the City of Beacon to Enter into a Contract with Mitchell Associates Architecture PLLC for Architectural Design Services

**Approval of Minutes:**

- City Council Meeting Minutes January 21, 2020

**Budget Amendments:**

- Budget Amendments

**2nd Opportunity for Public Comments:**

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

**Adjournment:**

**Upcoming Agenda Items:**

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Comprehensive Plan Discussion**

**Subject:**

**Background:**

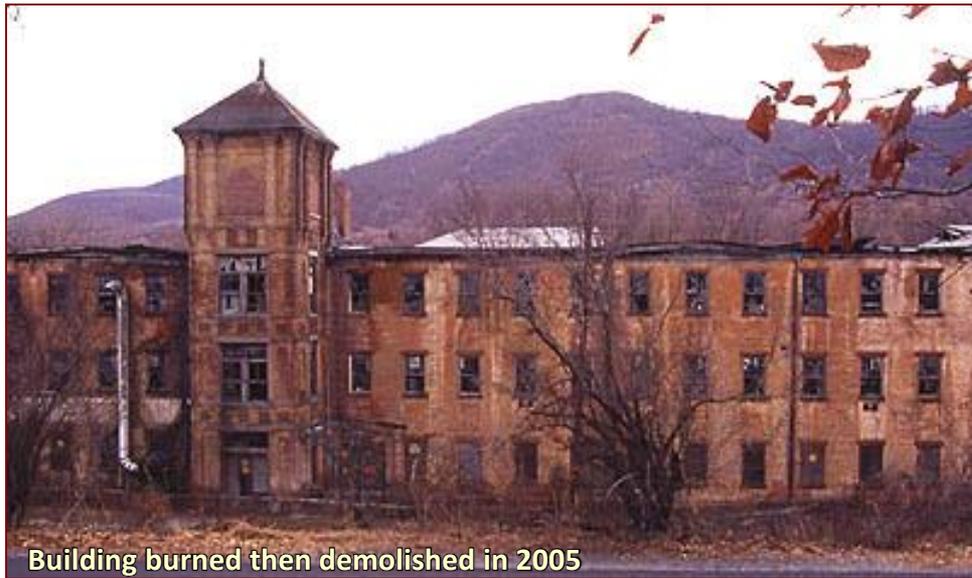
**ATTACHMENTS:**

Description

Presentation by City Planner

Type

Presentation



Building burned then demolished in 2005

Rob Yasinsac



248 Tioronda Avenue

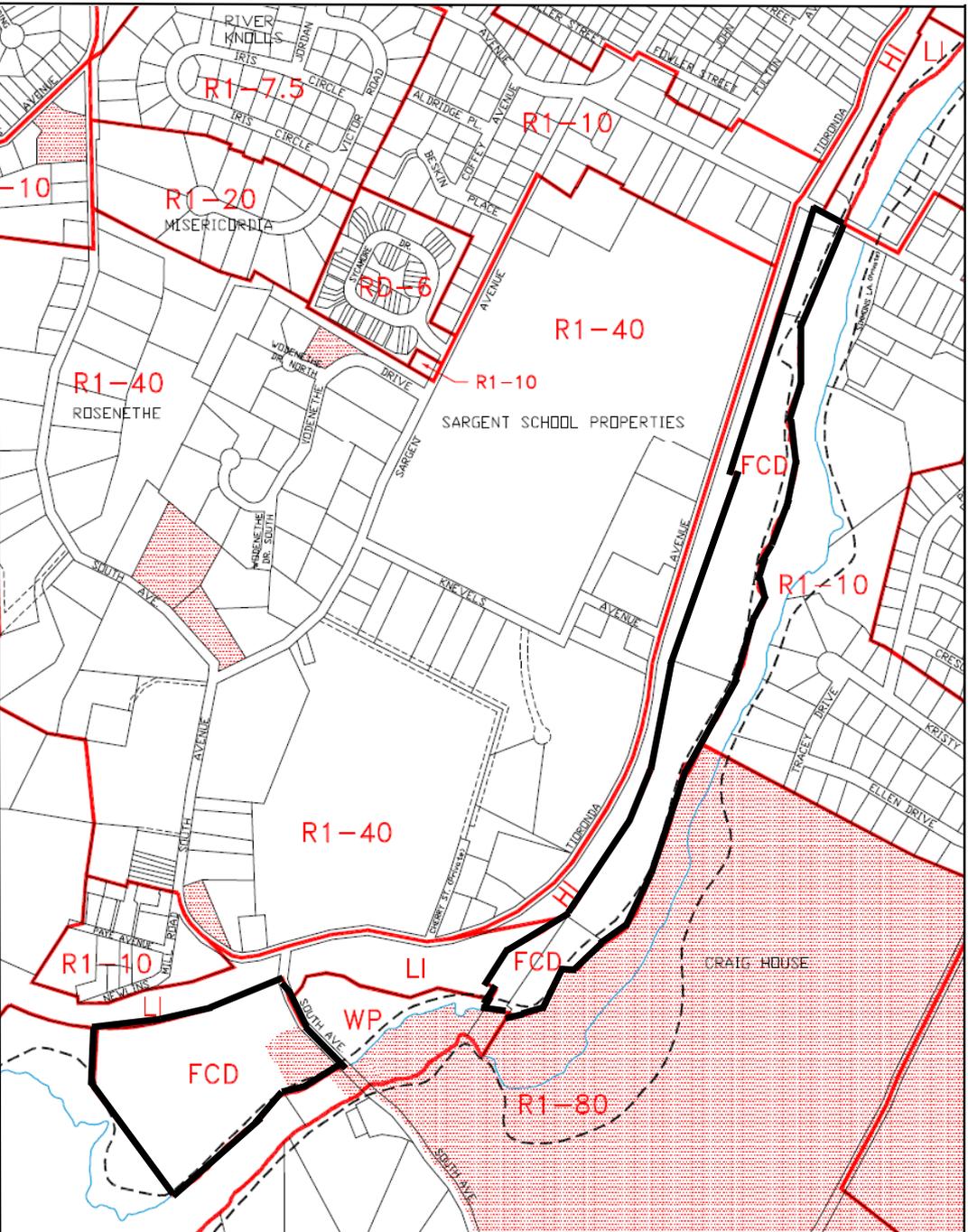
### Fishkill Creek Development District Created in 2010

#### Primary Purposes:

- Encourage the redevelopment of vacant or underutilized industrial properties with a mix of residential and non-residential uses.
- Preserve open space corridors along the Fishkill Creek, including a greenway buffer and trail to be constructed by the developer and maintained by the owner.

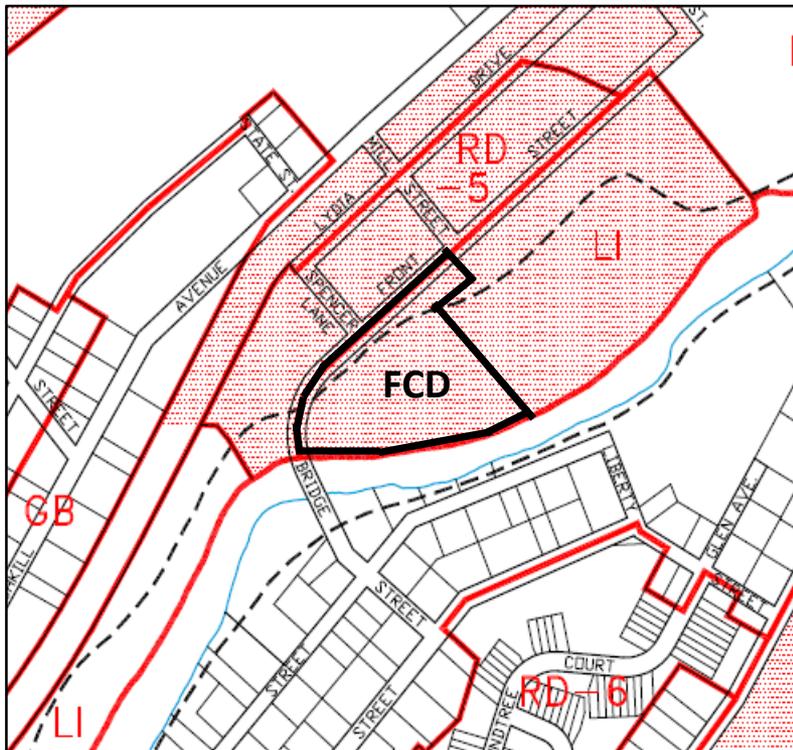
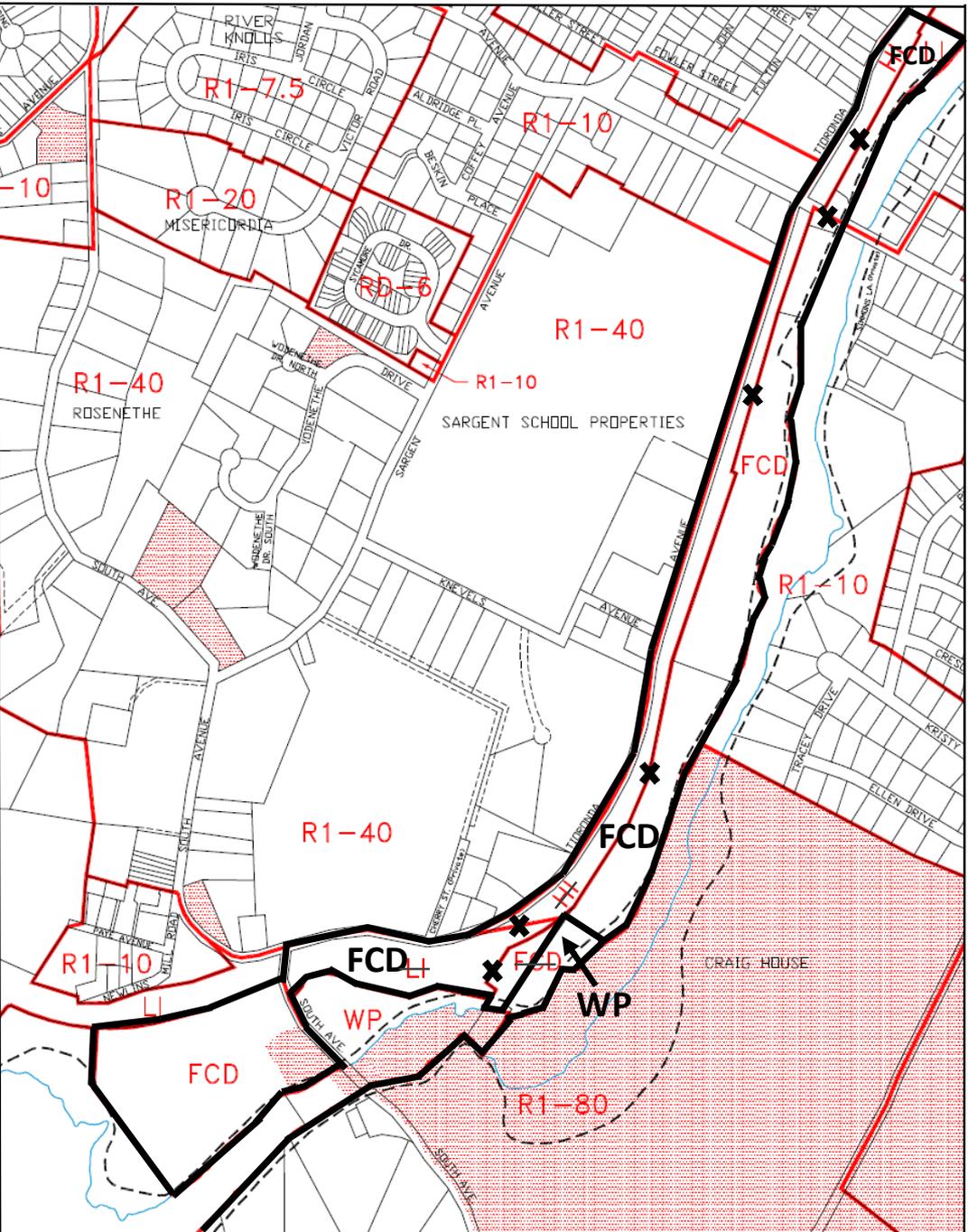


555 South Avenue



## Fishkill Creek Development District 2010

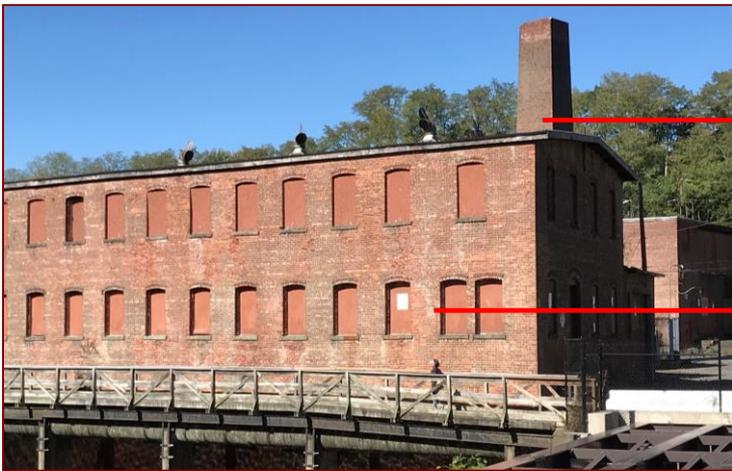
- Only six parcels, including 555 South Avenue and 248 Tioronda Avenue;
- Lowered development potential from previous 29 units/acre to 11 units/acre;
- Bonus allowed 15 units/acre if commercial is included in the proposal;
- Building Height set at 35 feet, or 45 feet with extra buffer from creek.



**Fishkill Creek Development District  
2017 Amendments**

- Expanded FCD district, including vacant Groveville Mills parcel;
- Required 25% non-residential use and removed 15 unit/acre bonus;
- Building Height set at 3 stories/40 feet;
- Added detailed design standards, including illustrative examples.

# FCD Design Standards Illustrative Examples



555 South Avenue and Tioronda Bridge

Industrial artifacts, such as stacks, towers, window frames, loading doors, and docks, should be incorporated into the design.

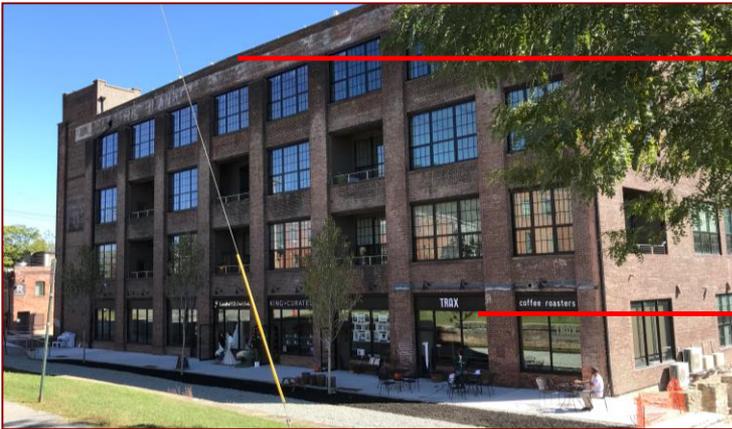
Historic mill buildings generally had simple forms and repetitive window openings with flat or low-pitched gable roofs.



248 Tioronda Avenue Former Factory Buildings

A tower one story above the building height may add architectural interest and encourage access to rooftop gardens.

Buildings shall have an emphasized entrance doorway to visually connect the building to the street and sidewalk.



One East Main Street

New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

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.

Rob Yasinsac

## Urban Renewal and 1974 Zoning

- Clear Out Older Neighborhoods;
- Separate Housing from Businesses;
- One-Story Stores/High-Rise Housing;
- Rely on Cars and Large Parking Lots.



**Main Street Vision, Beacon Center Renewal Plan, 1965**



**Eastern Main Street Historic District**



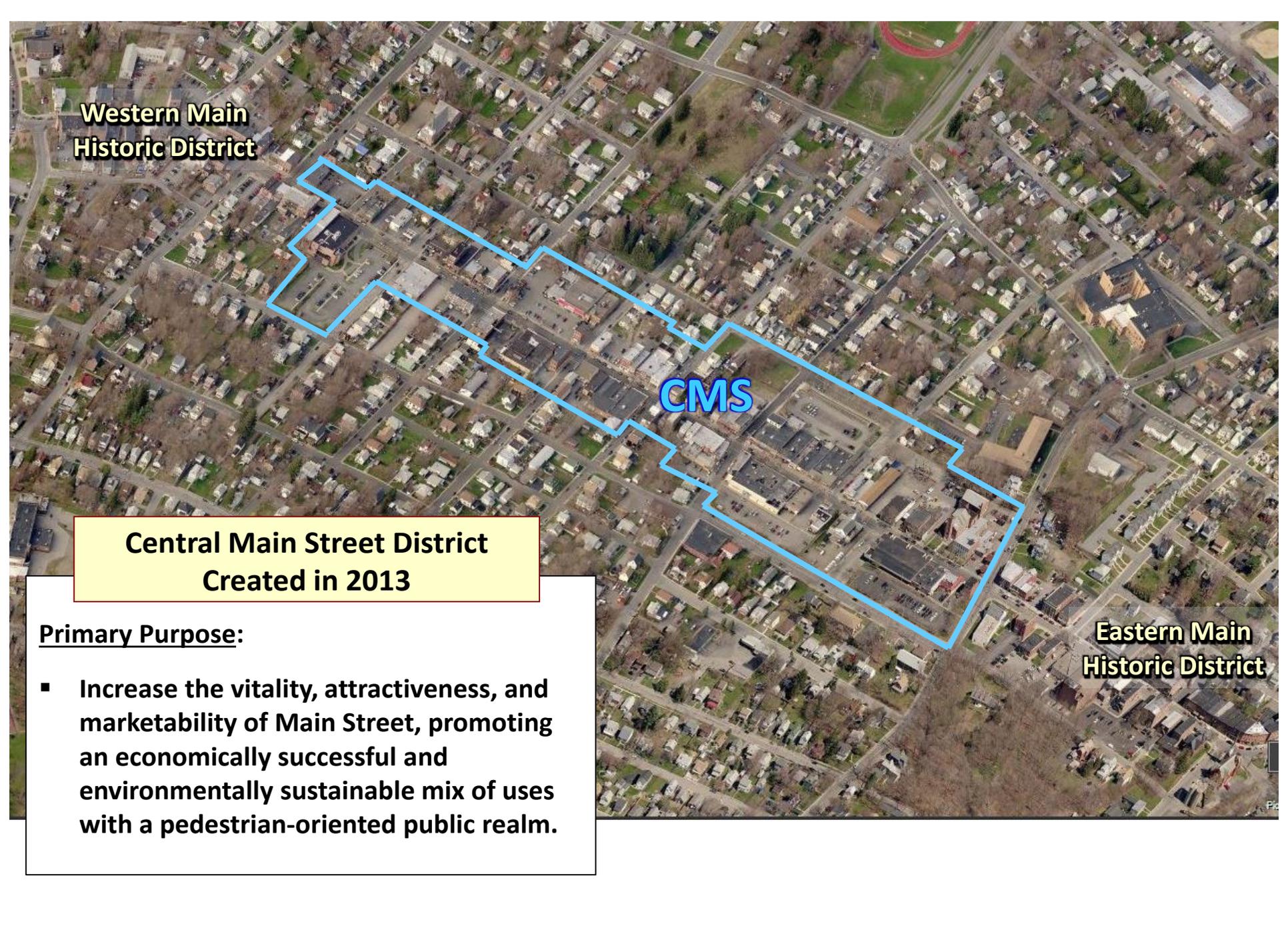
**Western Main Street Historic District**

## **Central Main Form-Based Code:**

- **Build On Historic District Precedents;**
- **Integrate Residential with Commercial;**
- **Multi-Story Housing Over Storefronts;**
- **Make Pedestrian Activity High Priority.**



**Central Main Street**



**Western Main  
Historic District**

**CMS**

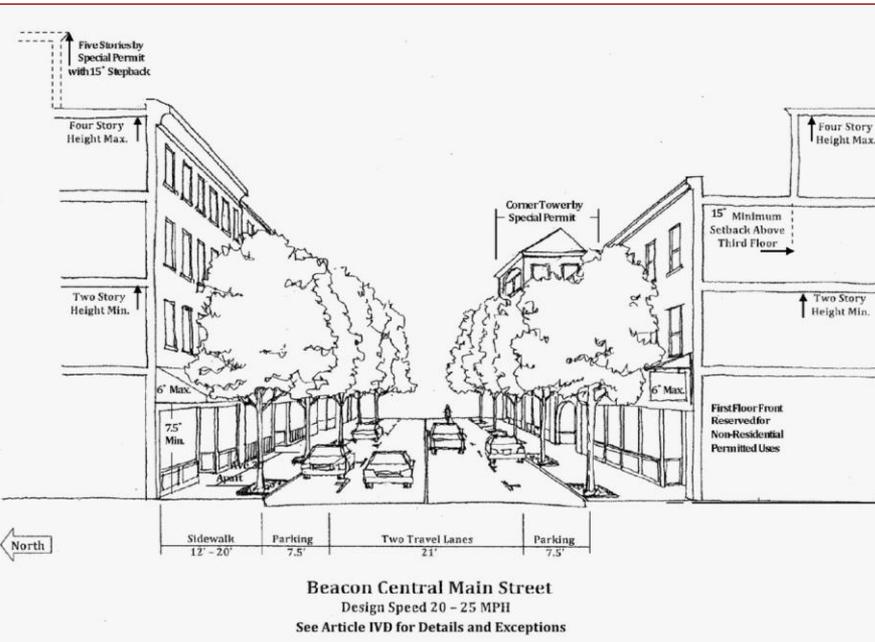
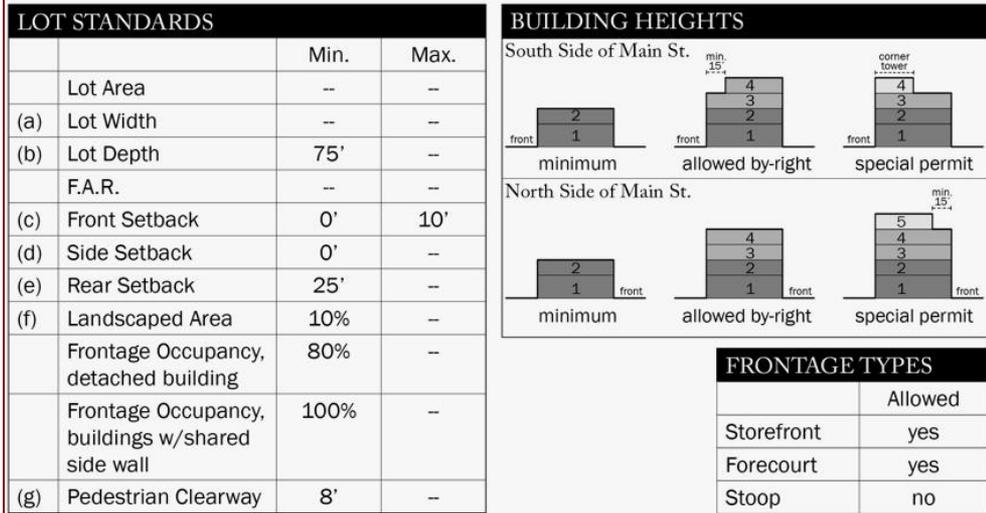
**Central Main Street District  
Created in 2013**

**Primary Purpose:**

- **Increase the vitality, attractiveness, and marketability of Main Street, promoting an economically successful and environmentally sustainable mix of uses with a pedestrian-oriented public realm.**

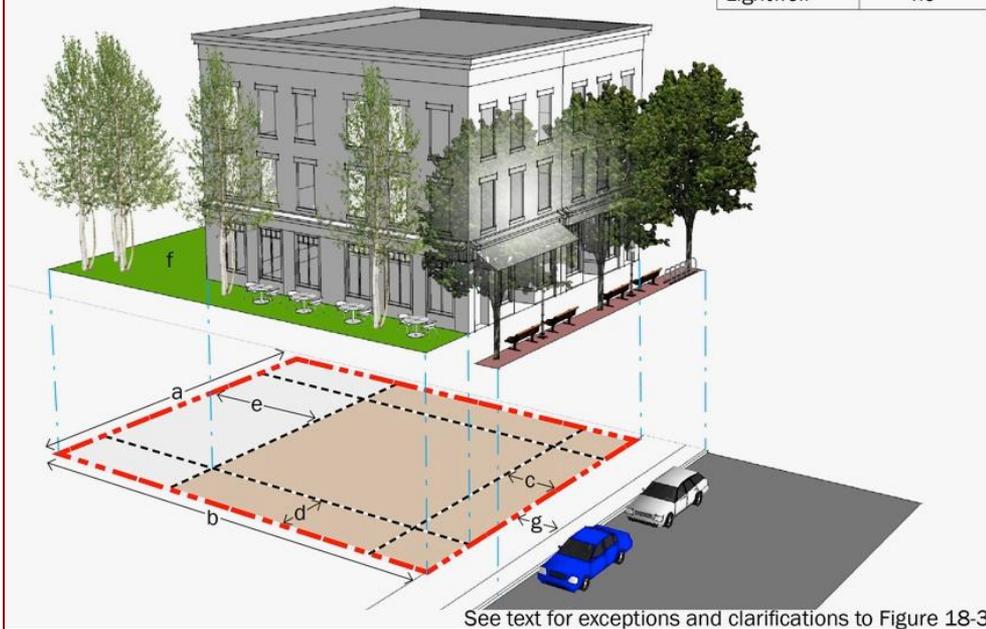
**Eastern Main  
Historic District**

**FIGURE 18-3: LOTS THAT FRONT ON MAIN STREET**

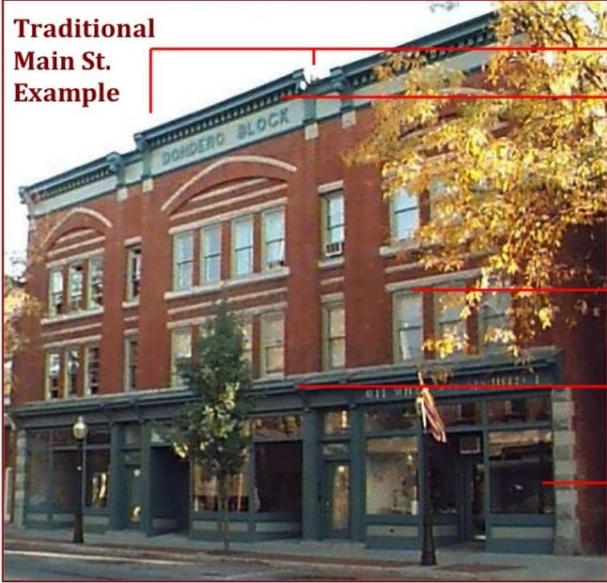


**Central Main Street District  
2013**

- Increased building height to 4 stories with a minimum of 2 stories;
- Allowed 5<sup>th</sup> story with stepback on north side or corner tower by Special Permit;
- Required 0- to 10-foot front setbacks;
- Lowered minimum parking requirements;
- Included street and sidewalk standards;
- Added illustrated design standards.



# Illustrated Design Standards (CMS and L)



**Traditional Main St. Example**

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



**More Modern Example**

## Design Standards Consistent Examples

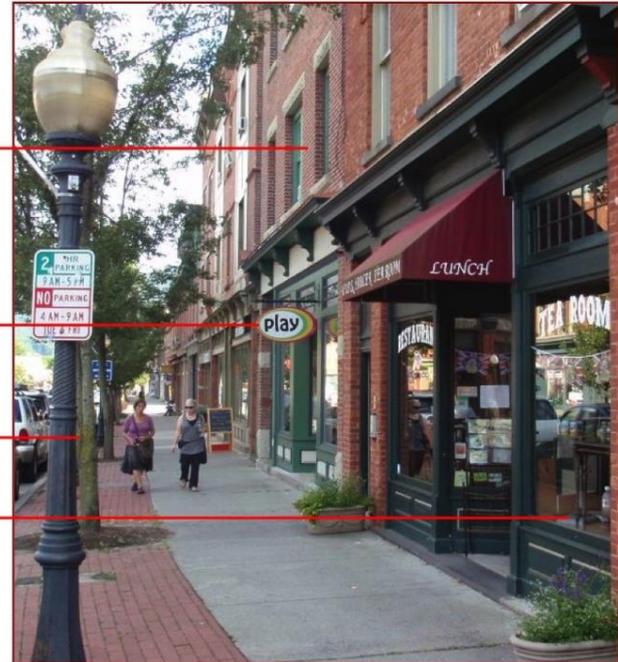


Wood, brick, stucco, stone, or fiber-cement siding and trim recommended

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





**226 Main Street**

**Previous Buildings**

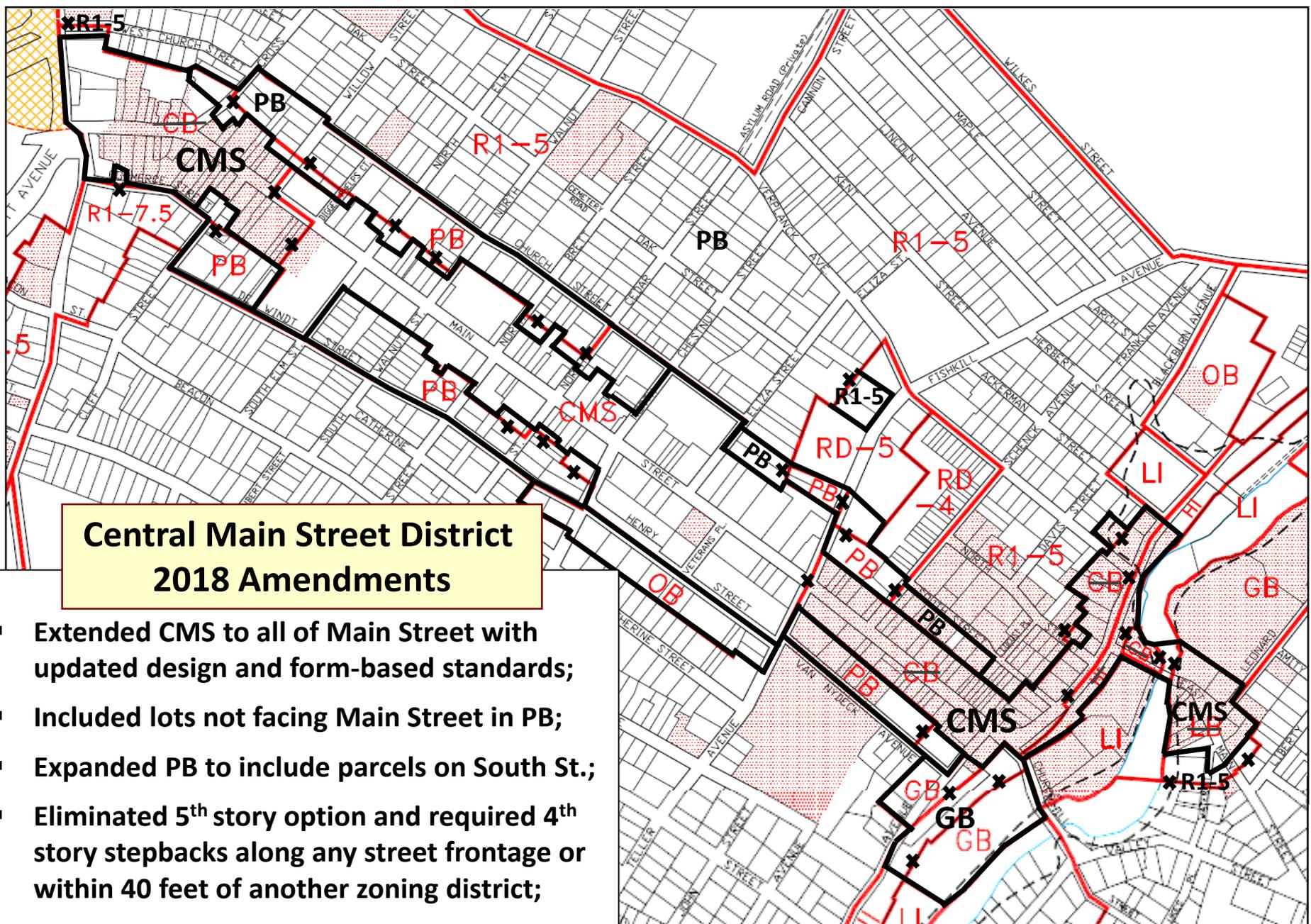


**249 Main Street**



## Central Main Street District 2018 Amendments

- Extended CMS to all of Main Street with updated design and form-based standards;
- Included lots not facing Main Street in PB;
- Expanded PB to include parcels on South St.;
- Eliminated 5<sup>th</sup> story option and required 4<sup>th</sup> story setbacks along any street frontage or within 40 feet of another zoning district;
- 4<sup>th</sup> story needs Special Permit by City Council in or abutting HDLO or by Planning Board.



# 2013 Linkage District and 2017 Plan Update Rezoning



Waterfront  
Park District

WD District  
North

West Main St.

Beekman St.

Main Street

Linkage District

LI District

WD District  
South

Ferry  
Dock

Train  
Platform

NYS Route 9D

Waterfront  
Park District

# 2013 Linkage District and 2020 Implementation Update

## Primary Purpose:

- Increase the vitality, attractiveness, and marketability of the area between Main Street and the Train Station by providing more residential development along with flexibility of land use and enhanced urban form;
- 4 stories with 4<sup>th</sup> floor stepback;
- Similar form-based streetscape and design standards as CMS district.



**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Regarding Historic Preservation**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from Dutchess County Planning and Development Regarding the Historic District Landmark Overlay	Cover Memo/Letter
Memorandum from the City of Beacon Planning Board Regarding the Historic District Landmark Overlay	Cover Memo/Letter
Proposed Local Law to Amend Chapter 134 of the Code of Beacon Concerning Historic Preservation	Local Law

<b>Dutchess County Department of Planning and Development</b>	<b>FAX INFO ONLY</b>	To Jen Cocozza	Date 12/10/2019	# pgs 11
		Co./Dept. Planning and Development	From Collin Millone	
		Fax # 845 486 3610	Phone # 845 838 5010	
<b>239 Planning/Zoning Referral - Standard Form</b>				
Municipality: City of Beacon				
Referring Agency: <input type="checkbox"/> Planning Board <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> Municipal Board				
Tax Parcel Number(s):				
Project Name: Proposed Local Law to Amend Ch. 134 of C.O.B Code Concerning Historic Preservation				
Applicant:				
Address of Property:				
Please fill in this section	<b>Type of Action:</b> <input checked="" type="checkbox"/> Local Law / Text Amendment <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Permit <input type="checkbox"/> Use Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Other: _____		<b>Parcels within 500 feet of:</b> <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property (with recreation area or public building) <input type="checkbox"/> County Property (with recreation area or public building) <input type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District	
	Date Response Requested (if less than 30 days): <u>Jan 21st. 2020</u>			
If subject of a previous referral, please note County referral number(s):				

FOR COUNTY OFFICE USE ONLY		
<b>Response from Dutchess County Department of Planning and Development</b>		
<b>No Comments:</b> <input checked="" type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Withdrawn		<b>Comments Attached:</b> <input type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County
Date Submitted: <u>12/10/19</u>	Notes: <u>map recd 1/7/2020</u>	<input type="checkbox"/> Major Project
Date Received: <u>12/10/19</u>		Referral #: <u>19-407</u>
Date Requested: <u>1/21/20</u>		
Date Required: <u>2/5/20</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Jennifer Toussaint</u>
Date Response Faxed: <u>1/17/20</u>		



# Memorandum

## *Planning Board*

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TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law to Amend Chapter 134 concerning Historic Preservation

DATE: January 15, 2020

As requested the Planning Board reviewed the Local Law to amend Chapter 134 of the City of Beacon Code concerning Historic Preservation at their January 14, 2020 meeting. City Planner John Clarke reviewed amendments proposed and discussion took place with regard to preservation of the interior of a building when special historic or architectural features exist, i.e. the interior of the Howland Center, the Post Office murals, buildings with original tin ceilings, etc. Members discussed the possibility of protecting certain interiors by setting a different standard for buildings that are on the National Register of Historic Places. Review took place about the process that places a building on the National Register, and discussion took place about the process under the City Code for nominating and preserving specimen trees or landscape features. After a lengthy discussion, members unanimously voted in favor of the proposed amendments to Chapter 134 of the City Code, and asked that consideration be given to protecting interiors of buildings that are open to the public and listed on the National Historic Register by amending the language of proposed Section 134-6.B(1) to exclude such properties from the exemption for a Certificate of Appropriateness. If you have any questions please feel free to contact me.

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

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND  
CHAPTER 134 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 134 of the Code of the City of Beacon concerning Historic Preservation.

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

**Section 1.** Chapter 134 of the Code of the City of Beacon entitled “Historic Preservation” is hereby amended as follows:

§ 134-1. Purpose.

There exist within the City of Beacon landmarks, structures, buildings and districts of special historic significance which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation.

§ 134-2. Historic District.

A Historic District and Landmark Overlay Zone (HDLO) is hereby established for the purposes of encouraging the protection, enhancement, perpetuation and use of buildings and structures and appurtenant vistas having special historical or aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history.

§ 134-3. Definitions.

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

## **ALTERATION**

Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, ~~restoration, renovation,~~ reconstruction, demolition, moving or removal of any structure.

## **CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Planning Board indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within an historic district.

## **CERTIFICATE OF ECONOMIC HARDSHIP**

A certificate issued by the Zoning Board of Appeals authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied.

## **CONSTRUCTION**

The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a lot or parcel.

## **DEMOLITION**

Any act or process that destroys in part or in whole a landmark or a structure within an historic district.

## **EXTERIOR ARCHITECTURAL FEATURES**

The design and general arrangement of the exterior of a structure open to view from a public ~~street, public sidewalk, or public park way, public property or any part of any public building,~~ including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other site features visible from a public ~~street way, public sidewalk property or any public park, part of any public building, that are specifically identified as a contributing historic element on the~~ Historic Resource Inventory Form.

## **HISTORIC DISTRICT**

An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

## LANDMARK

A property or structure designated as a "landmark" by action of the City Council in enacting this chapter that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon.

## OWNER OF RECORD

The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.

## RECONSTRUCTION

The act of rebuilding an existing exterior architectural feature that involves an alteration of the existing outward appearance or materials.

## REPAIR

Any change that restores an exterior architectural feature in kind without change to materials or outward appearance and is not construction, ~~removal~~ demolition or alteration.

## STRUCTURE

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

§ 134-4. Designation of landmarks or historic districts.

- A. The City Council may act upon its own initiative or upon petition from the owner of a proposed landmark, site, structure or property, the Planning Board, or historic preservation committee, to consider designation of a historic district or historic landmark, site, structure or property. ~~All designated historic districts and landmarks shall be included in the HDLO.~~ All nominations shall include a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, or an equivalent form, describing the building and site and identifying the criteria for nomination under § 134-4.B.
- B. The City Council shall, upon investigation as it deems necessary, make a determination as to whether a proposed district or landmark meets one or more of the following criteria:

- (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;
  - (2) Is identified with historic personages or with important events in national, state or local history;
  - (3) Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship;
  - (4) Is the work of a designer whose work has significantly influenced an age; or
  - (5) Qualifies for inclusion on the State or National Registers of Historic Places.
- C. Notice of a proposed designation shall be sent by certified mail or personal delivery to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.
- D. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least fourteen (14) calendar days prior to the date of such hearing.
- E. The City Council shall hold a public hearing prior to designation of any landmark or historic district. The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.
- F. In determining whether or not to designate a new historic landmark, the City Council shall consider the factors listed in § 134-4.B and any testimony or evidence presented during the public hearing.
- G. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing, the City Council shall render its decision on the proposed designation. If the City Council fails to act within sixty (60) days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super-majority vote of five (5) Council members is necessary to designate a new historic landmark if the property owner objects to such designation. All designated historic districts and landmarks shall be included in the HDLO.
- H. The City Council shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.

- I. A list of designated properties shall be maintained on file with the City Clerk and shown on the City of Beacon Zoning Map.

§ 134-5. Uses permitted by special permit.

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates the uses which may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone, and the process by which such uses may be permitted.

§ 134-6. Certificate of appropriateness.

- A. No person shall carry out any exterior alteration of a landmark or property within a historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. ~~No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street, or way, public property, or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district.~~ Nothing in this chapter shall be construed to require any historic upgrade or change in materials, unless an alteration is proposed by the property owner, or prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material, or outward appearance.

- B. No certificate of appropriateness is needed for the following actions:

- (1) Alterations to interior features or spaces;
- (2) Alterations to exterior architectural features that are not visible from a public street, public sidewalk, or public park;
- (3) Repair or replacement of an existing architectural feature in kind;
- (4) Installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon, if located in a nonresidential district;
- (5) Painting or color changes consistent with § 134-7B(3)(i);
- (6) Addition of seasonal and removable accessory features, such as storm windows and holiday decorations;
- (7) Alterations to existing landscaping, driveways, retaining walls, and other site features, unless the site feature is identified as a contributing historic element on the Historic Resource Inventory Form; and

(8) Emergency or security-related measures as approved by the Building Inspector; and

(9) Minor accessory or utility-related change that does not detract from the historic character of the building or site, such as a new lighting fixture, power line, electrical outlet, dryer vent, water spigot or fuel tank, as determined by the Building Inspector.

§ 134-7. Criteria for approval of a certificate of appropriateness or special permit in the HDLO.

A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:

- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.
- (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
- (3) The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.

B. In applying the principle of compatibility, the City Council or Planning Board shall use the following standards for new structures, additions, or alterations in the HDLO. Standards using the verb “shall” are required; “should” is used when the standard is to be applied unless the Planning Board or City Council 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.

- (1) The design, character, and appropriateness to the property of the proposed alteration or new construction.
  - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.
  - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
  - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.

- (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
  - (e) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
- (a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.
  - (b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.
  - (c) The height of any new building facades in the HDLO shall not conflict with the heights of adjacent historic structures on adjoining HDLO parcels.
  - (d) Larger buildings or additions should incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) Architectural and site elements and their relation to similar features of other properties in the HDLO.
- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
  - (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
  - (c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.
  - (d) New buildings in the HDLO should have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
  - (e) Architectural features and windows shall be continued on all sides 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.

- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) 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, plastic, or vinyl fencing shall not be permitted.
- (i) 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.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

§ 134-8. Certificate of appropriateness application procedure.

A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:

- (1) The name, address and telephone number of the applicant.
- (2) Scaled drawings showing the ~~proposed~~ changes, only if new construction is proposed.
- (3) Descriptions or samples of materials to be used.
- (4) Where the proposal includes signs or lettering, a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.
- (5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.

- B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any site plan, subdivision, special permit or building permit that may be required by any other ordinance of the City of Beacon.
- C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.
- D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.
- E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.
- F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.

§ 134-9. Hardship criteria and application procedure.

- A. An applicant whose certificate of appropriateness has been denied may apply ~~for relief~~ to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.
- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:
  - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
  - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.
- F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.

§ 134-10. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 134-11. Penalties for offenses.

- A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.
- B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 134-12. Fees.

The applicant shall not be charged an application fee, professional review fees or fees to prepare and publish any public notice incurred in connection with the certificate of appropriateness application, unless the certificate of appropriateness application is part of another land use application concerning the historic property.

~~A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.~~

~~B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.~~

#### § 134-13. Assessment abatement.

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

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

Except as specifically modified by the amendments contained herein, Chapter 134 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### Section 3. Numbering for Codification

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

#### Section 4. Severability

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

#### Section 5. Effective Date

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

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Amending the 2020 City of Beacon City Council Meeting Schedule**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Amending the 2020 City Council Meeting Schedule	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION AUTHORIZING AMENDMENTS TO  
THE 2020 CITY COUNCIL MEETING SCHEDULE**

**WHEREAS**, City Council Meetings and Workshops are held every Monday at 7 pm with the exception of holidays and the fourth Monday in any month containing five Mondays.

**WHEREAS**, all City Council Meetings and Workshops are noticed on the City of Beacon website, open to the public, televised live on Channel 22, and available for viewing at any point beginning the day following a meeting on the City of Beacon website.

**WHEREAS**, the public can speak on any topic they choose during the Public Comment segment as long as they do so within the standards of conduct found in the City Council's adopted Rules of Procedure.

**WHEREAS**, due to a plethora of scheduling reasons, many interested parties cannot attend City Council meetings on Mondays at 7 pm.

**BE IT RESOLVED**, that the City Council of the City of Beacon hereby amends the 2020 City Council Meeting Schedule as follows:

<b>Move</b>	<b>To</b>
City Council Workshop March 30, 2020 City Hall	Saturday, March 28, 2020 at 10 am City Hall
City Council Meeting April 20, 2020 City Hall	Saturday, April 18, 2020 at 10 am City Hall

Resolution No. \_\_\_\_\_ of 2020

Date: February 3, 2020

Amendments

2/3 Required

Not on roll call.

On roll call

3/4 Required

Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Approving the Reappointment of Michael Deane to the Human Relations Commission**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving the Reappointment of Michael Deane to the Human Relations Commission	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION APPROVING THE REAPPOINTMENT OF MICHAEL DEANE TO THE  
HUMAN RELATIONS COMMISSION**

**BE IT RESOLVED**, that the Mayor hereby reappoints, and the Council approves, Michael Deane to the Human Relations Commission for a term to expire on February 2, 2022.

<b>Resolution No. _____ of 2020</b>		<b>Date: February 3, 2020</b>					
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Approving the Appointment of Faye Leone to the Conservation Advisory Committee**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving the Appointment of Faye Leone to the Conservation Advisory Committee	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION APPROVING THE APPOINTMENT OF FAYE LEONE TO THE  
CONSERVATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, that the Mayor hereby reappoints, and the Council approves, Faye Leone to the Conservation Advisory Committee to fill the remainder of a vacated term expiring December 31, 2020.

<b>Resolution No. _____ of 2020</b>		<b>Date: <u>February 3, 2020</u></b>					
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Approving the Reappointment of Brian DiFeo to the Conservation Advisory Committee**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving the Reappointment of Brian DiFeo to the Conservation Advisory Committee	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION APPROVING THE REAPPOINTMENT OF BRIAN DIFEO TO THE  
CONSERVATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, that the Mayor hereby reappoints, and the Council approves, Brian DiFeo to the Conservation Advisory Committee for a term to expire on February 2, 2022.

<b>Resolution No. _____ of 2020</b>		<b>Date: February 3, 2020</b>					
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Setting a Public Hearing to Receive Comments on the Proposed Local Law to Extend for Three Months the Moratorium Imposed by Local Law 6 of 2019 for February 18, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution To Set a Public Hearing to Receive Comments on a on the Proposed Local Law to Extend for Three Months the Moratorium Imposed by Local Law 6 of 2019 for February 18, 2020	Resolution
Local Law Regarding Extension of a Moratorium	Local Law



**CITY OF BEACON  
CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2020

**RESOLUTION SETTING A PUBLIC HEARING TO RECEIVE COMMENTS A PROPOSED LOCAL LAW PURSUANT TO MUNICIPAL HOME RULE LAW SECTION 10, TO EXTEND THE ENACTMENT OF A LOCAL LAW WITH RESPECT TO LAND USE APPROVALS TO REVIEW CERTAIN SPECIAL USE, SITE PLAN, AND SUBDIVISION APPLICATIONS INVOLVING RESIDENTIAL, COMMERCIAL AND MIXED-USE DEVELOPMENTS WITHIN THE CITY OF BEACON FOR FEBRUARY 18, 2020**

**WHEREAS**, the Proposed Action is a Type II Action under Section 617.5(c)(8) of the State Environmental Quality Review Act (SEQRA), requiring no further environmental review pursuant to the requirements of SEQRA.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Beacon hereby sets a public hearing to discuss a Proposed Local Law to Extend a Building Moratorium for February 18, 2020.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Beacon refers the proposed local law to the City of Beacon Planning Board and the Dutchess County Planning and Development Department for comment.

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>February 3, 2020</u></b>					
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**LOCAL LAW NO. \_\_\_\_ OF 2020**

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW REGARDING  
EXTENSION OF A MORATORIUM**

A LOCAL LAW to extend for three (3) months the Moratorium imposed by Local Law 6 of 2019.

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

**SECTION 1. TITLE**

This local law shall be entitled, “A Local Law, pursuant to Municipal Home Rule Law § 10, extending the Moratorium imposed by Local Law 6 of 2019 of the City of Beacon with respect to land use approvals to review certain special use, site plan, and subdivision applications involving residential, commercial and mixed use developments within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon.”

**SECTION 2. LEGISLATIVE INTENT AND PURPOSE**

Pursuant to the statutory powers vested in the City of Beacon to regulate and control land use and to protect the health, safety and welfare of its residents, it is the intent of the City Council to extend for an additional three (3) months the Moratorium contained in Local Law 6 of 2019 previously adopted by the City Council on September 3, 2019, and filed with the Secretary of State on September 16, 2019, with respect to the review and approval of certain special use, site plan, and subdivision applications involving residential, commercial and mixed use developments within the City of Beacon, by means of amending Chapter 223, Zoning, of the Code of the City of Beacon. The Moratorium contained in Local Law 6 of 2019 is set to expire on March 3, 2020, unless otherwise extended.

In February 2019, Well #2 was taken off line because tests of the well showed high turbidity from silting. WSP examined Well #2 and determined that the excessive silting was entering

the well from a fracture about 240 feet down. Well #2 has remained off line while the City developed a mitigation plan to restore the well.

WSP performed a Water Supply Adequacy review with Well #2 out of service, incorporating and assessing the water needs of existing developments, and projects in the process of being built, recently approved and pending before the Planning Board. WSP's review concluded that there is an adequate supply of water and an approximate surplus of 170,000 gpd (gallons per day).

The City has developed a course of action to correct the silting and bring Well #2 back on line. The City is concerned that approving new development proposals while repairs are being made to Well #2 would be imprudent and it would not be fair to applicants to entertain new applications during this time of uncertainty because the success of the repairs to Well #2 will be unknown until the work is completed and evaluated.

It is the purpose of this Local Law to establish a temporary moratorium on residential and commercial development in order to protect the City and its residents, businesses and visitors from the potential impacts of new development on the City's water supply given the condition of Well #2. Imposition of this moratorium will allow the City additional time to repair Well #2 and regulate residential and commercial development within the City of Beacon to further protect the City's water supply.

Since the adoption of Local Law 6 of 2019 on September 3, 2019, the following actions have been taken:

1. WSP completed a flow test for the portion of the raw water main from the Cargill Reservoir to the treatment plant that included evaluating the flow conditions at Well 1 and Well 2. Based on the results of the flow test and the hydraulic model, WSP determined the design parameters to allow for specifying the proposed well pump for Well 2.
2. The design parameters were provided to a pump vendor and a new well pump was selected for installation. WSP is in the process of preparing bid specifications for pump purchase and installation. Once the new pump is installed, the well will be pumped to waste to further develop the well and reduce the turbidity in the well to below the drinking water standard.

WSP requires additional time to repair Well #2. The City believes, based upon progress to date, that the repairs will be completed within three (3) months. Therefore, extending the existing Moratorium for another three (3) months is reasonable and necessary.

### **SECTION 3. MORATORIUM**

1. Effective immediately and continuing for a period of three (3) months following the date on which this Local Law is adopted by the City Council, and subject to

paragraph 2 below, no application for a building permit (other than a building permit for a project previously approved by a land use board), area variance, use variance, special use permit, site plan approval, or subdivision approval will be processed by the Building Department, or City Council, Planning Board or Zoning Board of Appeals (“Land Use Boards”), and no permit or approval will be issued by the Building Department or any Land Use Board for the modification, expansion or establishment of residential, commercial or mixed use developments within the City until this ordinance has expired as set forth in paragraph 3 below or has been repealed according to applicable law.

2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before June 11, 2019, or pending before the Building Department or Land Use Board on or before June 11, 2019 are exempt from this moratorium. Any application submitted after June 11, 2019 may be heard and reviewed by any Land Use Board, but may not be subject to a vote and any application that was submitted to any Land Use Board after June 11, 2019 and received a vote, may not receive a Building Permit. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium and any residential application that would result in an increase in water usage of less than 440 gallons of water per day, as determined by the City Building Inspector, is exempt from this moratorium. Any non-residential application that would result in an increase in water usage of less than 2,000 gallons per day, as determined by the City Building Inspector, is exempt from this moratorium. In addition, this moratorium shall not apply to the reuse of any existing non-residential building for industrial or manufacturing uses, as determined by the Building Inspector, where such use does not increase the existing building footprint or otherwise increase the building square footage.
3. This moratorium shall automatically expire thirty (30) days after the City Administrator’s receipt of a report from the City’s Water Consultant that (i) confirms Well 2 has been repaired; (ii) states the gallons per minute being pumped from Well 2; (iii) confirms the total capacity available to the City from all water production; (iv) advises if any of the Conclusions in its March 2018 Comprehensive Water Supply Plan are affected by the new yield from Well 2 (if less than previously studied); and (v) confirms the City of Beacon has sufficient safe yield from the sources of supply to meet the current and projected Long Term Build-Out demand as detailed in the March 2018 Comprehensive Water Supply Plan. Should the repairs not be completed or the above referenced report not meet the criteria detailed above, the City Council may extend the moratorium, after following the procedure to adopt a Local Law, for a period of time as the City Council, in its sole discretion, deem necessary.

#### **SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM**

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

#### **SECTION 5. CONFLICTING LAWS SUPERSEDED**

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

#### **SECTION 6. SEPARABILITY**

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

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

**SECTION 7. EFFECTIVE DATE**

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

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Setting a Public Hearing to Receive Comments on the Special Use Permit Application for 3 Water Street for March 16, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting A Public Hearing to Receive Comments on the Special Use Permit Application for 3 Water Street for March 16, 2020	Resolution
3 Water Street Site Plan and Special Use Permit Application	Plans
3 Water Street Sheet 1 Site Plan	Plans
3 Water Street Sheet 2 Existing Conditions Plan	Plans
Memorandum from the City of Beacon Planning Board Referring Special Use Permit to Council	Cover Memo/Letter



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_ 2020**

**RESOLUTION TO SET A PUBLIC HEARING TO RECEIVE  
COMMENTS ON THE SPECIAL USE PERMIT APPLICATION  
FOR 3 WATER STREET FOR MARCH 16, 2020**

**BE IT RESOLVED**, that the City Council hereby sets a Public Hearing to discuss the Special Use Permit Application for 3 Water Street for March 16, 2020.

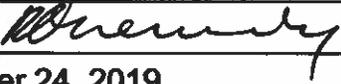
**BE IT FURTHER RESOLVED**, that the City Council refers the Special Use Permit Application to the City of Beacon Planning Board and Dutchess County Planning and Development for review and comment.

<b>Resolution No. ___ of 2020</b>		<b>Date: February 3, 2020</b>					
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**APPLICATION FOR SPECIAL USE PERMIT**

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

**IDENTIFICATION OF APPLICANT**

Name: POK Beacon LLC  
Address: 3 Water Street  
Beacon, NY 12508  
Signature:   
Date: October 24, 2019  
Phone: 845-464-4935

*(For Official Use Only)*

Application & Fee Rec'd 10-29-19 EB  
Initial Review 11-13-19  
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: 3 Water Street  
Tax Map Designation: Section 6054 Block 38 Lot(s) 170722  
Land Area: 0.54 acres Zoning District(s) R1-5 & CMS

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Single Family Residential with a proposed accessory apartment  
Gross Non-Residential Floor Space: Existing 0 Proposed 0  
TOTAL: 0  
Dwelling Units (by type): Existing Single Family Residence Proposed Accessory apartment  
TOTAL: 2

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. 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.
- b. 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.
- c. Five (5) **folded** copies and One (1) digital copy of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. 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: POK Beacon LLC  
Address: 3 Water Street  
Beacon, NY 12508  
Signature: *[Handwritten Signature]*  
Date: October 24, 2019  
Phone: 845-464-4935

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

Date Initials  
10-29-19 EL  
11-13-19  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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: 3 Water Street  
Tax Map Designation: Section 6054 Block 38 Lot(s) 170722  
Land Area: 0.54 acres Zoning District(s) R1-5 & CMS

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Single Family Residential with a proposed accessory apartment  
Gross Non-Residential Floor Space: Existing 0 Proposed 0  
TOTAL: 0  
Dwelling Units (by type): Existing Single Family Residence Proposed Accessory apartment  
TOTAL: 2

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. 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.
- b. 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.
- c. One electronic and five (5) **folded** paper copies of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

# APPLICATION PROCESSING RESTRICTION LAW

## Affidavit of Property Owner

Property Owner: POK Beacon 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:

3 Water St, Beacon, NY 12508

Applicant Address: 3 Water Street

Project Address: 3 Water Street

Project Tax Grid # 6054-38-170722

Type of Application Special Use Permit

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, Peter O'Kennedy, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon

2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon

3. ALL tax payments due to the City of Beacon are current

4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon

5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon

6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current



Signature of Owner

Title if owner is corporation

Office Use Only:

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

NO

YES

Initial

POK

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

POK

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

POK

**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**

**CITY OF BEACON  
SITE PLAN SPECIFICATION FORM**

Name of Application: 3 Water Street Accessory Apartment

**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"/>
<b>LEGAL DATA</b>		
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.		
<b>NATURAL FEATURES</b>		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.	<input checked="" type="checkbox"/>	<input 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"/>
<b>EXISTING STRUCTURES, UTILITIES, ETC.</b>		
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"/>

<b>PROPOSED DEVELOPMENT</b>	<b>YES</b>	<b>NO</b>
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>
<b>MISCELLANEOUS</b>		
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 type="checkbox"/>	<input checked="" 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 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 223-61.4 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 <b>POK BEACON LLC</b>	Address of Entity <b>S WATER ST, BEACON, NY 12509</b>
Place where such business entity was created <b>ALBANY, NY 12231</b>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <b>N.Y.S. DEPARTMENT OF STATE, DIVISION OF CORPORATION AND STATE RECORDS</b>
Date such business entity or partnership was created <b>09/08/2006</b>	Telephone Contact Information <b>845 464 4935</b>

**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, mortgage, encumbrance or other interest (recorded or unrecorded) 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
PETER O'KENNEDY	3 WATER ST BEACON, NY 12508	845 464 4935	OWNER

**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.
POK BEACON LLC	S WATER ST BEACON NY 12509	845 464 4935	7/22/2015 FEE TITLE LLC	DUTCHESS COUNTY CLERK'S OFFICE

**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
POK BEACON LLC	5, WATER ST BEACON NY 12508
PETER O'KENNEDY	3, WATER ST, BEACON, NY 12508

**SECTION H.** If the applicant is not a record owner of the subject property, describe the applicant's interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

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**SECTION I.** 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. Any sensitive or confidential information may be redacted from the contract prior to production.

**SECTION J.**

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted:

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

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	Residence or business address	Telephone number

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

YES

NO

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address

**SECTION K.** 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.

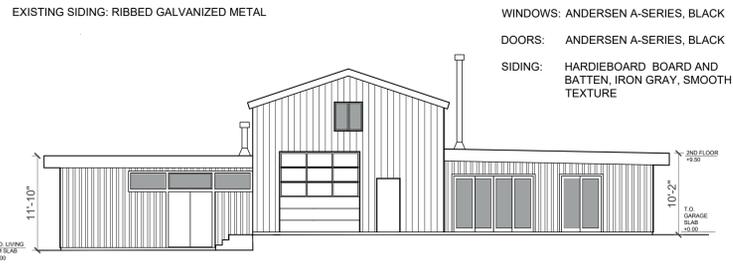
YES

NO

I, PETER O'KENNEDY being first duly sworn, according to law, deposes and says that I am (Title) OWNER, an active and qualified member of the 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.

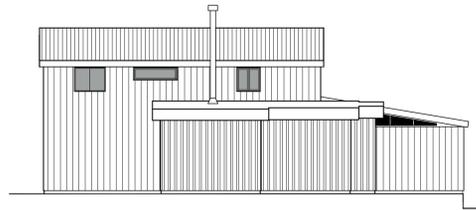
(Print) PETER O'KENNEDY

(Signature) *P. Kennedy*



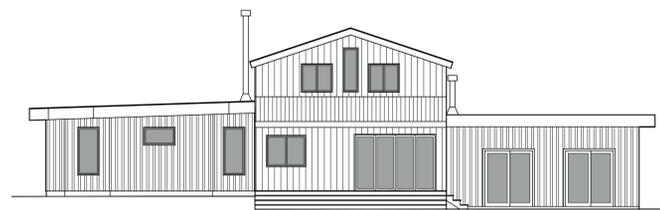
### Water Street (East) Elevation

Scale: 3/32" = 1'-0"



### North Elevation

Scale: 3/32" = 1'-0"



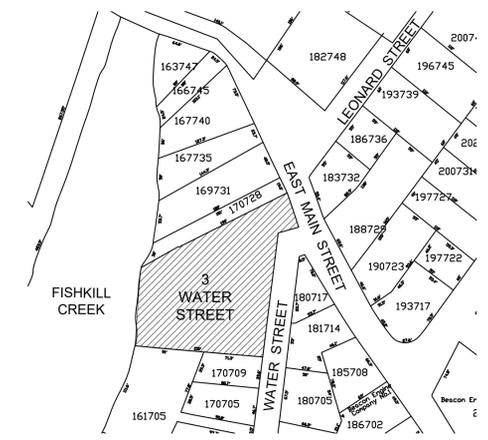
### West Elevation

Scale: 3/32" = 1'-0"



### South Elevation

Scale: 3/32" = 1'-0"



### Location Plan

Not to Scale



### L1: Wall Mounted

HAMPTON BAY  
"1-LIGHT ZINC OUTDOOR WALL LANTERN" MODEL # HSP1691A - 60 W INCANDESCENT LAMP OR LED EQUIVALENT - MAX COLOR TEMPERATURE SHALL BE 2700K. SHIELD LIGHTS TO PREVENT LIGHT SPILL ACROSS TO ADJACENT PROPERTIES OR ABOVE THE HORIZONTAL PLANE INTO THE SKY

Zoning District	Required Setbacks			Proposed Setbacks			Lot Depth Required	Lot Depth Existing	Maximum Building Coverage	Proposed Building Coverage	Allowable Building Height	Proposed Building Height	Lot Area
	Front	Side	Rear	Front	Side	Rear							
R1-5 ONE FAMILY RESIDENCE	30'	10'	30'	13.1' Existing non-conforming	76.36'	94.19'	100'	149.69'	NA	2,056 SF	2-1/2 Story	2 Story	19,423 SF
CMS - CENTRAL MAIN STREET	0 Minimum, 10' Maximum	0	25'	40.76'	15.69'	NA	75'	130	NA	573 SF	2 Story min.	1 Story	4,272 SF

### Zoning Summary

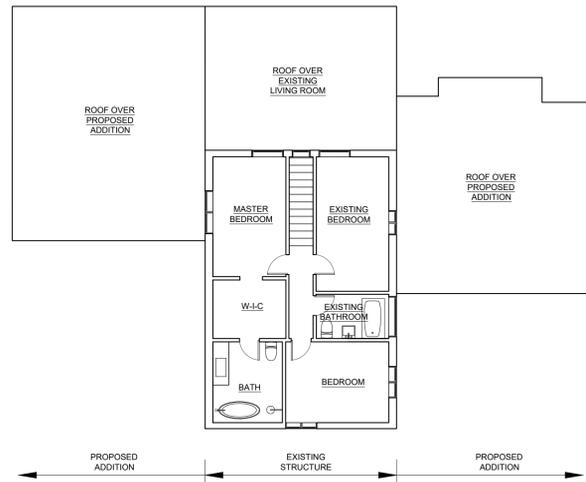
Zoning District:	R1-5 & CMS
Tax Map No.:	6054-38-170722
Lot Area:	0.54 acre
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Single Family Residence
Proposed Use:	Owner-Occupied Single-Family Residence with Accessory Apartment

### Parking & Loading

Use & Parking Requirements	Proposed Area	Current Parking Requirement
Residential		
2 spaces per dwelling unit	1 single family	2 parking spaces
	Accessory apartment	2 parking spaces
<b>Total Required Parking Spaces</b>		<b>4 Parking Spaces</b>
<b>Total Proposed Parking Spaces</b>		<b>4 Parking Spaces</b>

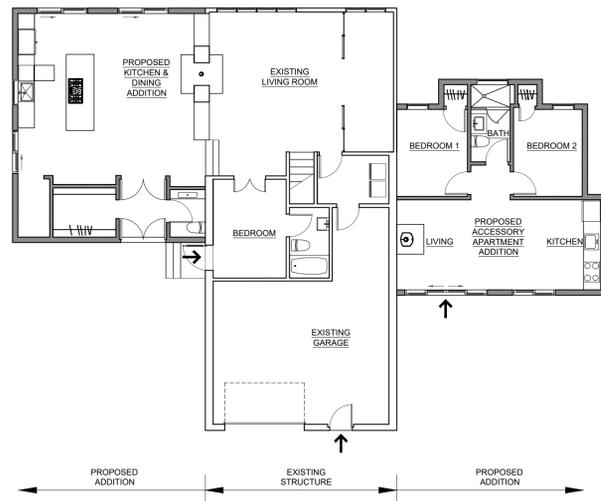
### Notes:

- The applicant merged the separate parcels to create one lot prior to the re-zoning of a portion of the lot to CMS.
- It is understood that the City may also require the Applicant to submit a Subdivision application to merge the lots according to the City's specifications.
- Per City of Beacon Zoning Section 223-24.1 Accessory Apartments:
  - The Accessory Apartment is connected to an owner occupied single family residence
  - The area of the accessory apartment is 590 SF (Maximum 650 SF for attached accessory apartments).
  - The accessory apartment constitutes 21% of the total square footage (2,792 SF). The maximum area for an Accessory Apartment shall not exceed 30% of the floor area of the residence in which it is located.
  - The exterior appearance maintains that of a single family residence.
  - The Accessory Apartment has 2 parking spaces assigned to it.



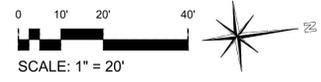
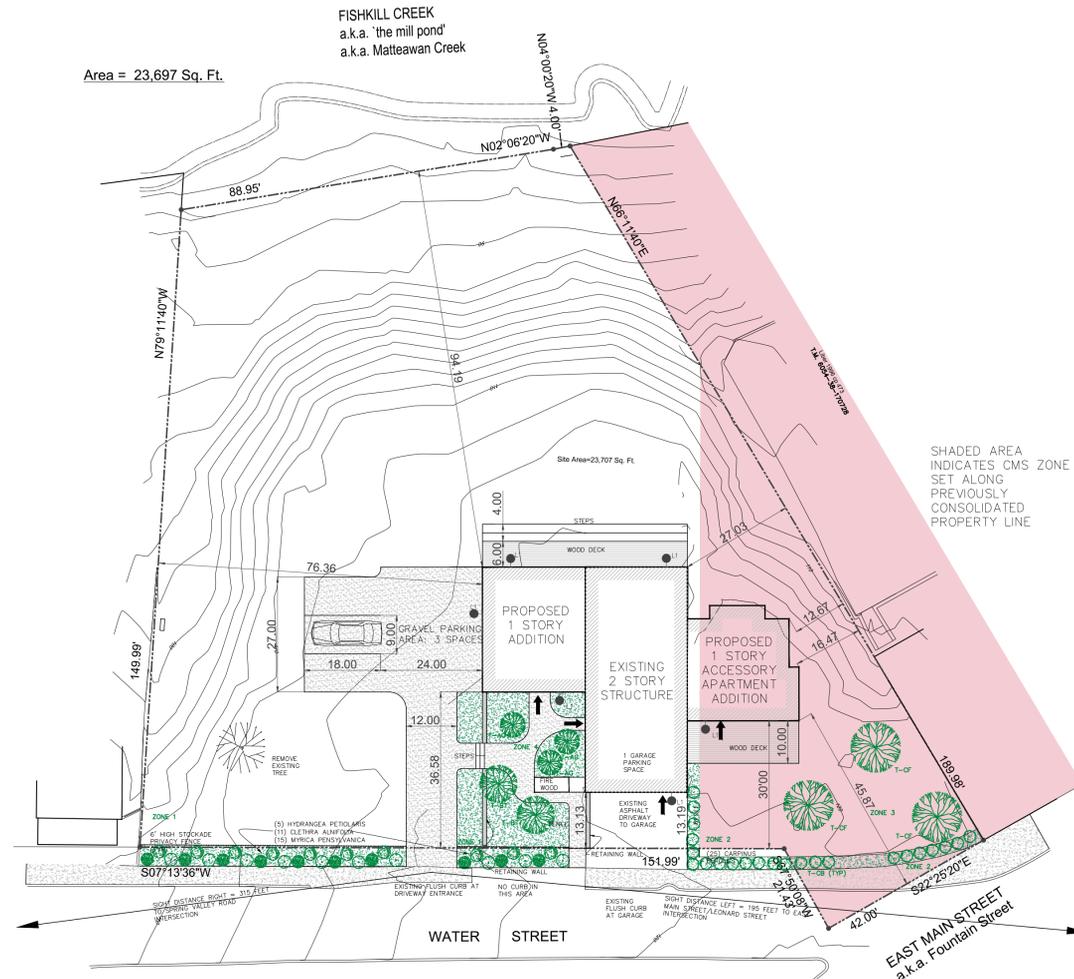
### 2nd Floor Plan

Scale: 3/32" = 1'-0"



### 1st Floor Plan

Scale: 3/32" = 1'-0"



SITE PLAN BASED ON INFORMATION FROM THE SURVEY DATED JULY 14, 2011 BY BADEY & WATSON SURVEYING & ENGINEERING, P.C. 306.3 ROUTE 9, COLD SPRING, NY 10516

PLANT SCHEDULE   3 WATER ST BEACON						
QUANTITY		BOTANIC NAME	COMMON NAME	SIZE	PLANTING TIME	AREA
<b>TREES</b>						
3	T-AG	Amelanchier x grandiflora 'Autumn Brilliance'	apple serviceberry	2" cal	Spring Fall	Zone 4
2	T-BT	Betula nigra	river birch	10'-12'	Spring Fall	zone 4
25	T-CB	Carpinus betulus	common hornbeam	10 gal	Spring Fall	Zone 2
3	T-CF	Cornus florida	flowering dogwood	2" cal	Spring Fall	Zone 3
<b>SHRUBS</b>						
11	S-CA	Clethra alnifolia	sweet pepperbush	7 gal	Spring Fall	Zone 1
15	S-MP	Myrica pensylvanica	bayberry	7 gal	Spring Fall	Zone 1
<b>VINES</b>						
5	V-HA	Hydrangea anomala subsp. petiolaris	climbing hydrangea	5 gal	Spring Fall	Zone 1

REVISIONS:				
NO.	DATE	DESCRIPTION	BY	
1	12-31-19	REVISED PER PLANNING BOARD COMMENTS	AJS	

Index of Drawings	
Sheet 1 of 2	Site Plan, Floor Plans & Elevations
Sheet 2 of 2	Existing Conditions / Site Demolition Plan

# Special Use Permit Application

## Sheet 1 of 2 - Site Plan

# 3 Water Street Accessory Apartment

Beacon, New York  
Scale: As Noted  
October 29, 2019

Recommended For Approval:

Chairman, City Planning Board \_\_\_\_\_ Date \_\_\_\_\_

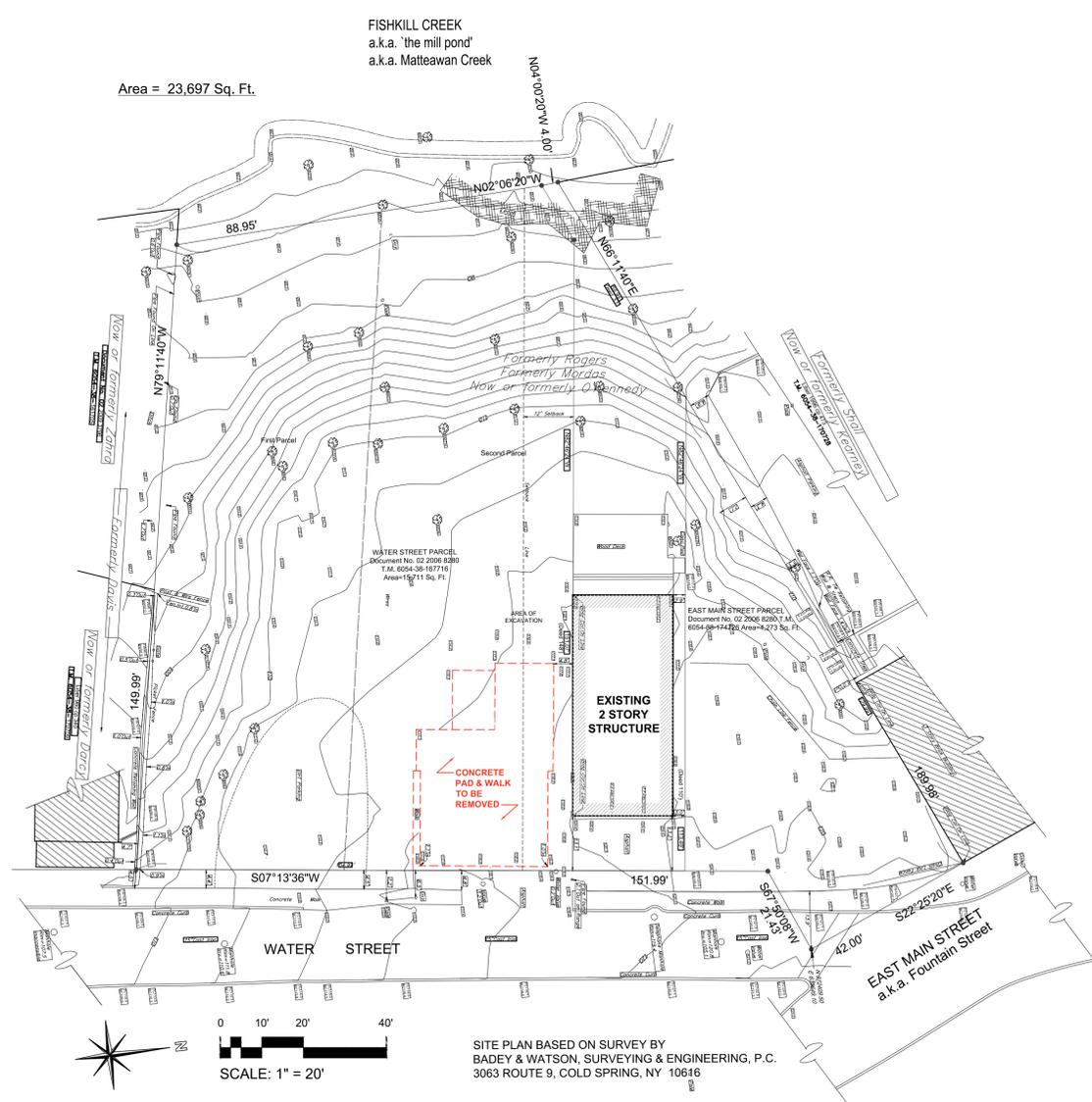
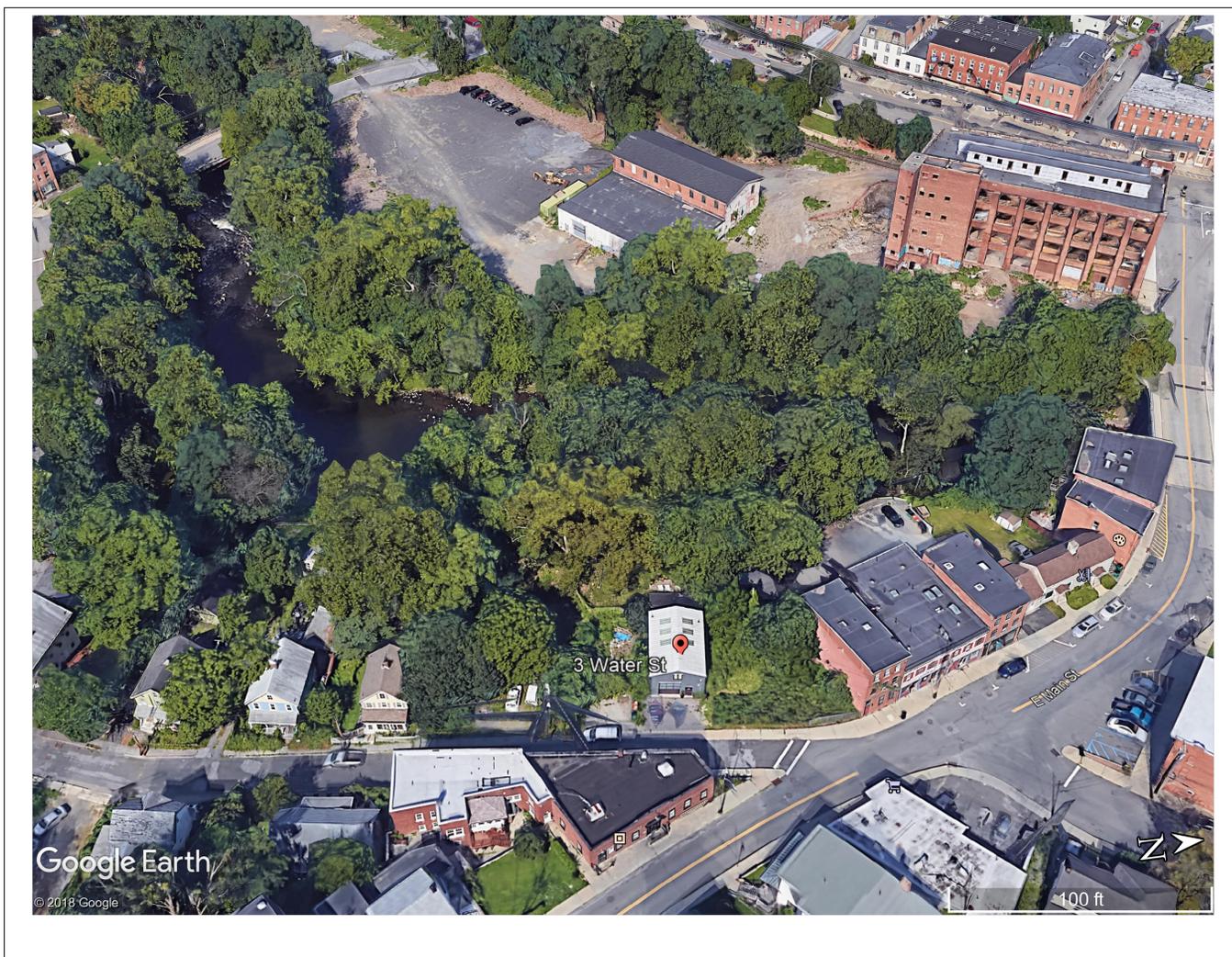
Approved by Resolution of the City Council of Beacon  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

City Clerk \_\_\_\_\_

Owner:  
**POK Beacon LLC**  
3 Water Street  
Beacon, NY 12508

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

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	12-31-19	REVISED PER PLANNING BOARD COMMENTS	AJS



**Site Demolition Plan**  
Scale: 1" = 20'

**Special Use Permit Application**  
Sheet 2 of 2 - Existing Conditions / Site Demolition Plan

**3 Water Street Accessory Apartment**

Beacon, New York  
Scale: As Noted  
October 29, 2019

Owner:  
**POK Beacon LLC**  
3 Water Street  
Beacon, NY 12508

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

Recommended For Approval:

Chairman, City Planning Board      Date \_\_\_\_\_

Approved by Resolution of the City Council of Beacon  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

City Clerk \_\_\_\_\_

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

January 22, 2020

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

RE: Special Use Permit – Accessory Apartment  
3 Water Street  
30-6054-38-170722-00

Applicant: POK Beacon, LLC – Peter O’Kennedy

Dear Mayor Kyriacou & Council Members:

At its January 14, 2020 meeting, the Planning Board reviewed a Special Use Permit application submitted by POK Beacon, LLC to construct a one-story accessory apartment and addition to an existing single-family house at 3 Water Street. The property is located in the R1-5 and CMS zoning districts. Site Plan Approval and Subdivision Approval (to consolidate two parcels into one lot) are needed from the Planning Board. The site was merged into one parcel with Dutchess County however, the building lots must be consolidated at the City level. The applications are a Type 2 action pursuant to SEQRA. Part of this action includes an offer by the applicant to dedicate to the City a small triangular area along Water Street that extends into the City’s right-of-way. A formal irrevocable offer of dedication will be submitted by the applicant including a metes and bounds description of the area offered for dedication and a proposed deed. While reviewing the Special Use Permit application, the Planning Board recommends the City Council opine whether it would be interested in accepting this area offered for dedication.

After careful consideration, Board members voted unanimously to issue a favorable recommendation and forward the application for a Special Use Permit for the accessory apartment to the City Council for consideration.

If you have any questions regarding the Planning Board’s action, please call me.

Yours truly,



John Gunn, Chairman

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Contract with David Church for Professional Services**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with David Church for Professional Services	Resolution
David Church Proposal	Cover Memo/Letter
David Church Resume	Backup Material



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION AUTHORIZING THE CITY OF BEACON  
TO ENTER INTO A CONTRACT WITH  
DAVID CHUCH FOR PROFESSIONAL SERVICES**

**NOW, THEREFOR BE IT RESOLVED**, that the City Council hereby authorizes the Mayor or City Administrator to enter the City of Beacon into a contract, in the amount of \$4,375.00, with David Church for Professional Services related to Community Development Forums.

**BE IT FURTHER RESOLVED**, that the contract with David Church for professional services shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

<b>Resolution No. _____ of 2020</b>			<b>Date: February 3, 2020</b>				
<input type="checkbox"/> <b>Amendments</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

David E. Church, AICP  
3540 State Route 52, Pine Bush, New York 12566  
dchurch@hvc.rr.com / 845 702-0050

To: Anthony Ruggiero, Beacon City Administrator

From: David Church

Re: Community Forum Facilitation Proposal - UPDATED

Date: 02/02/20

Based on a request from the City of Beacon, and a meeting with City Mayor, City Administrator, and City Planning, I offer this letter proposal for professional planning and facilitation services in support of a series of community forums. My resume is attached.

The City proposes to conduct two (2) or more community forums to present, discuss and take comments on targeted City activities being considered related to land use policies, plans, and codes including zoning. The request is for professional services to assist City leadership and staff in the preparation and facilitation and analysis of outcomes from these forums.

Forums are currently proposed for February 20 and 29, 2020. Both dates are acceptable – and I am flexible on scheduling if needed.

The following is proposed:

Three (3) hours of meeting preparation @ \$125 / hour =	375.00
Three (3) hours each Forum, 2 Forums @ \$125 / hour =	750.00
Twenty-four (24) hours post Forum review and summary @ \$125 / hour	3000.00
<b>TOTAL PROPOSAL</b>	<b>\$4125.00</b>

DAVID E. CHURCH, AICP  
3540 State Route 52, Pine Bush, New York 12566  
[REDACTED] \* [REDACTED]  
dchurch@hvc.rr.com \* dchurch@orangecountygov.com

## PROFESSIONAL EXPERIENCE

*Commissioner of Planning* – 2002 to 2020 (February retired)

**Orange County**, Goshen, New York. Appointed department head for County agency with oversight responsibility for approximate \$8 million annual operating budget, \$6 million capital budget, and 25 staff. Includes oversight for County Planning Board, Water Authority, Agricultural and Farmland Protection Board, Tourism Department, Grants Unit, Transportation Council (MPO), and Public Transit Unit.

*Strategic/Planning Consultant* - 1999 to present

Professional planning, project review, and facilitation assistance to public and private clients.

*Executive Director* - 1993 to 2002

**New York Planning Federation**, Albany, New York. Chief executive for statewide non-profit organization promoting sound community and land use planning with an emphasis on education, training, technical assistance and facilitation services.

*Adjunct Professor* - 1999 to 2000

**State University of New York at Albany**, Graduate Studio in Regional Planning

*Adjunct Professor* - 1982 to 1996

**Ramapo College**, Mahwah, New Jersey. Past teaching assignments have included environmental studies, planning, and introductory geology.

*Consultant / Director of Planning* - 1991 to 1993

**The Catskill Center**, Arkville, New York. Initiated and oversaw planning and community assistance program in a six county region.

*Associate* - 1988 to 1991

**The Conservation Foundation & the World Wildlife Fund**, Washington, D.C.

Mid-Atlantic field representative for nationwide, three-year land planning and growth management assistance program titled "Successful Communities".

*Freelance Consultant* - 1985 to 1988

Environmental planning and research for public, private, and non-profit organizations.

*Partner / Environmental Consultant*- 1979 to 1985

**Landscape Studies, Inc.**, Newton, New Jersey. Consulting firm conducting environmental assessments for public and private clients. Specialized in historic preservation, archeological surveys and cultural resource assessments.

## EDUCATION

*Bachelor of Arts in Geology and Anthropology*

**Hamilton College**

*Post Graduate - Public Policy*

**State University of New York / Empire State College**

Mount Greylock Regional High School

**Williamstown, Massachusetts**

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Resolution Authorizing the City of Beacon to Enter into a Contract with Mitchell Associates Architecture PLLC for Architectural Design Services**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing the City of Beacon to Enter into a Contract with Mitchell Architecture Associates PLLC for Architectural Services	Resolution
Mitchell Architecture Contract with the City of Beacon	Backup Material
Memorandum from the Fire Chief Regarding Fire Stations Project	Cover Memo/Letter
Proposal for Fire Stations Project	Backup Material



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION AUTHORIZING THE CITY OF BEACON  
TO ENTER INTO A CONTRACT WITH  
MITCHEL ARCHITECTURE ASSOCIATES PLLC FOR ARCHITECTURAL SERVICES**

**NOW, THEREFOR BE IT RESOLVED**, that the City Council hereby authorizes the Mayor or City Administrator to enter the City of Beacon into a contract, in the amount of \$40,730.00, with Mitchell Architecture Associates PLLC for architectural services.

**BE IT FURTHER RESOLVED**, that the contract with Mitchell Associates Architecture, PLLC shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

<b>Resolution No. _____ of 2020</b>		<b>Date: <u>February 3, 2020</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**AGREEMENT** made as of the \_\_\_\_\_ day of February, 2020

**BETWEEN** the Owner:

City of Beacon  
One Municipal Plaza  
Beacon, NY 12508

and the Architect:

Mitchell Associates Architects, PLLC  
29 Thacher Park Road  
Voorheesville, NY 12186

for the following Project:

Feasibility Study, for the consolidation of 3 fire stations into two in accordance with the Beacon RFP-COB-05-19, and the architects proposal dated September 27, 2019.

The Owner and Architect agree as follows.

#### **ARTICLE 1 ARCHITECT'S RESPONSIBILITIES**

§ 1.1 The Architect shall provide the professional services as described in Exhibit "A," attached hereto.

§ 1.2 The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

§ 1.3 Peter Signorelli, Ken Gale and Robert Mitchell are each authorized to act on behalf of the Architect with respect to the Project.

§ 1.4 Except with the Owner's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Architect's professional judgment with respect to this Project.

§ 1.5 Prior to commencement of any work under this Agreement and until completion and final acceptance of the work, the Architect shall, at its sole expense, maintain the following insurance on its own behalf, and furnish to the Owner certificates of insurance evidencing same and reflecting the effective date of such coverage as follows:

1. General Liability: \$1,000,000 each occurrence, \$2,000,000 general aggregate
2. Automobile Liability: \$1,000,000 combined single limit
3. Workers' Compensation: \$1,000,000
4. Professional Liability: \$1,000,000

Certificates shall provide that thirty (30) days written notice, by registered mail with return receipt requested, prior to cancellation or expiration be given to the Owner. Policies that lapse and/or expire during term of work shall be recertified and received by the Owner no less than thirty (30) days prior to expiration or cancellation

29 Thacher Park Road  
Voorheesville, NY 12186  
(518) 765-4571  
[www.Mitchell-Architects.com](http://www.Mitchell-Architects.com)  
[Bob@Mitchell-Architects.com](mailto:Bob@Mitchell-Architects.com)



**Mitchell Associates  
Architects PLLC**

## ARTICLE 2 OWNER'S RESPONSIBILITIES

§ 2.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including a written response to the program template provided by M-A which shall set forth the Owner's objectives, schedule, constraints and criteria, including space requirements and relationships, flexibility, expandability, special equipment, systems and site requirements. Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of or enforce lien rights.

§ 2.2 The Owner shall establish and periodically update the Owner's budget for the Project, including (1) the budget for the Cost of the Work; (2) the Owner's other costs; and, (3) reasonable contingencies related to all of these costs. If the Owner significantly increases or decreases the Owner's budget for the Cost of the Work, the Owner shall notify the Architect. The Owner and the Architect may thereafter agree to a corresponding change in the Project's scope and quality. This section shall have no bearing on the provisions of Article 5 of this Contract unless the Architect and Owner otherwise agree.

§ 2.3 Upon written request from the Architect, within 15 days, the Owner shall furnish surveys to describe the physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designate wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.

§ 2.4 The Owner shall identify a representative authorized to act on the Owner's behalf with respect to the Project. The Owner shall render decisions and approve the Architect's submittals in a timely manner in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

§ 2.5 Upon request of the Architect, the Owner shall furnish services of geotechnical engineers or other consultants, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluations, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. Upon request of the Architect **and upon consent and approval of the owner**, the Owner shall furnish services of geotechnical engineers or other consultants, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluations, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project.

## ARTICLE 3 COPYRIGHTS AND LICENSES

§ 3.1 The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project. If the Owner and Architect intend to transmit Instruments of Service or any other information or documentation in digital form, they shall endeavor to establish necessary protocols governing such transmissions.

§ 3.2 The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official



regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

**§ 3.3** Upon execution of this Agreement, the Architect grants to the Owner a nonexclusive license to use the Architect's Instruments of Service solely and exclusively for the Project, provided that the Owner substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and material or equipment suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Sections 4.4 and 4.5, the license granted in this Section 3.3 shall terminate.

**§ 3.3.1** In the event the Owner uses the Instruments of Service without retaining the author of the Instruments of Service, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 3.3.1. To the extent the Owner provides the Architect with drawings, specifications, or other documents, the Owner shall defend, indemnify and hold harmless the Architect for any expense, loss, damages, or claims, including reasonable attorney's fees arising out of a copyright or related claim against the Architect or its Consultants.

**§ 3.4** Except for the licenses granted in this Article 3, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Architect and the Architect's consultants.

#### **ARTICLE 4 TERMINATION OR SUSPENSION**

**§ 4.1** If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Architect shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

**§ 4.2** If the Owner suspends the Project, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

**§ 4.3** If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.

**§ 4.4** Either party may terminate this Agreement upon not less than fourteen days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

**§ 4.5** The Owner may terminate this Agreement upon not less than seven days' written notice to the Architect for the Owner's convenience and without cause.



§ 4.6 In the event of termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses as defined in Section 4.7.

§ 4.7 Termination Expenses are in addition to compensation for the Architect's services and include expenses directly attributable to termination for which the Architect is not otherwise compensated, plus an amount for the Architect's anticipated profit on the value of the services not performed by the Architect. Termination expenses shall be computed as follows:

- .1 For services provided on the basis of stipulated sum, 10 percent of the stipulated sum per Section 5.1.1 of this Agreement irrespective of the services provided by the Architect.

§ 4.8 The Owner's rights to use the Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 3 and Section 5.3.

## ARTICLE 5 COMPENSATION

§ 5.1.1 The Owner shall compensate the Architect for services described in Exhibit "A," attached.

§ 5.1.2 For additional services not described in Exhibit "A" that may arise during the course of the Project the Owner shall compensate the Architect in accordance with the fee schedule in Exhibit "A".

§ 5.1.3 Compensation for Additional Services of the Architect's consultants when not specifically included in any other section of this Agreement, shall be the amount invoiced to the Architect plus 15%.

§ 5.1.4 The hourly billing rates for services of the Architect and the Architect's consultants, if any, are set forth in Exhibit "A," attached. Compensation for Additional Services of the Architect's consultants when not specifically included in any other section of this Agreement, shall be the amount invoiced to the Architect plus 15%.

## § 5.2 COMPENSATION FOR REIMBURSABLE EXPENSES

§ 5.2.1 Reimbursable Expenses are in addition to compensation for the Architect's professional services and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

- .1 In-house reproductions, plots, standard form documents, postage, handling and delivery of Instruments of Service, electronic communications, telephone, and fax will be billed at five (5) percent of the invoiced portion of the Contract value;
- .2 Special printing, reproductions, plots, standard form documents, outsourced printing, and photography will be billed at 115% of cost without markup defined in 5.2.1.1;
- .3 Outsourced postage, handling and delivery will be billed at cost without markup defined in 5.2.1.1;
- .4 Renderings, models, mock-ups, professional photography, and presentation materials requested by the Owner in addition to that provided in Exhibit "A" as part of the base services will be billed at 115% of cost, without markup defined in 5.2.1.1;
- .5 Transportation and authorized out-of-town travel and subsistence will be billed at cost. Mileage will be billed at the current federally recognized;
- .6 Fees paid for securing approval of authorities having jurisdiction over the Project; and
- .7 Other similar Project-related expenditures.



### § 5.3 PAYMENTS TO THE ARCHITECT

§ 5.3.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid sixty (60) days after the invoice date shall bear interest at the rate of eight (8) percent per annum.

§ 5.3.2 The Owner shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 5.3.3 Records of Reimbursable Expenses, expenses related to additional services, and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times

### ARTICLE 6 MISCELLANEOUS PROVISIONS

§ 6.1 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Owner or Architect.

§ 6.2 Unless otherwise expressly required in this Agreement, the Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site(s).

§ 6.3 The Architect shall have the right to include photographic or artistic representations of the design of the Project among the Architect's promotional and professional materials. The Architect shall be given reasonable access to the completed Project to make such representations. However, the Architect's materials shall not include the Owner's confidential or proprietary information if the Owner has previously advised the Architect in writing of the specific information considered by the Owner to be confidential or proprietary. The Owner shall provide professional credit for the Architect in the Owner's promotional materials for the Project.

§ 6.4 If the Architect or Owner receives information specifically designated by the other party as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except to (1) its employees, (2) those who need to know the content of such information in order to perform services or construction solely and exclusively for the Project, or (3) its consultants and contractors whose contracts include similar restrictions on the use of confidential information.

### ARTICLE 7 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

§7.1 To the fullest extent permitted by law, the Owner shall defend, indemnify and hold harmless the Architect, Architect's Consultants, its agents and employees for all expenses, loss, damages and claims, including reasonable attorney's fees arising out of the negligent acts, errors, or omissions of the Owner, its consultants, contractors, or anyone acting on their behalf. To the fullest extent permitted by law, the Architect shall defend, indemnify and hold harmless the Owner, its officers, employees, volunteers and agents for all expenses, damages and claims, including reasonable attorneys' fees, loss, damages, or claims arising out of the negligent acts, errors, or omissions of the Architect, its agents, employees, consultants or contractors.

§7.2 To the extent the Owner provides the Architect with drawings, specifications, or other documents, the Owner shall defend, indemnify and hold harmless the Architect for any expense, loss, damages, or claims, including reasonable attorney's fees arising out of a copyright or related claim against the Architect or its Consultant's.

§7.3 The Architect and the Owner waive consequential damages for claims, disputes or other matters in question arising out of the services and work or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination in accordance with this Agreement.

29 Thacher Park Road  
Voorheesville, NY 12186  
(518) 765-4571  
[www.Mitchell-Architects.com](http://www.Mitchell-Architects.com)  
[Bob@Mitchell-Architects.com](mailto:Bob@Mitchell-Architects.com)



**Mitchell Associates**  
**Architects PLLC**

**§7.4 Limitation of Liability:** The liability of the Architect and the Architect's Consultants for actions, damages, claims, demands, judgments, losses, costs or expenses arising out of or resulting from the Architect's or its Consultants' negligent acts, errors, or omissions, is limited to the Architect's fee collected pursuant to this Agreement.

**§7.5 Hazardous Materials:** The Owner shall be responsible for the detection of any and all toxic or hazardous substances which may be encountered on the site(s). However, if the Architect reasonably believes that a substance is either toxic or hazardous, the Owner shall be notified immediately. The Owner shall obtain the services of a licensed laboratory to verify the presence or absence of the material or substance and, in the event such material or substances are found to be present to verify that it has been rendered harmless. The Owner shall furnish in writing to the Architect the names and qualifications of the persons or entities who are to perform tests verifying the presence or absence of such materials or substances or who are to perform the task(s) of removal or safe containment of such material or substance. To the fullest extent permitted by law, the Owner shall indemnify and hold harmless the Architect, the Architect's Consultants, its agents and employees from any expense, loss, damage, and/or claim, including reasonable attorney's fees, arising out of the presence of such toxic or hazardous substance, provided that such damage, loss, or expense, is not due to the sole negligence of the Architect.

**§7.6** If the Architect or its consultants determine that physical testing or selective demolition is required to verify existing conditions, the Owner shall bear the costs of such testing. Services of the Architect or its consultants related to such testing is an additional service.

**§7.7** It is expressly understood that the evaluation of existing conditions requires that certain assumptions be made by the Architect and that certain assumptions cannot be verified without expending additional sums of money or otherwise destroying portions of the building. As such, the Owner agrees that the Architect shall not be liable for assumptions made in connection with existing conditions. Furthermore, to the extent that the Architect is provided with any information, including but not limited to, drawings, specifications, or studies, the Architect may reasonably rely on said information in the performance of services. To the extent that the information provided to the Architect is inaccurate, contains errors or omissions, the Architect shall have no liability in connection with the information provided or for any damages resulting therefrom. The Owner further agrees, to the fullest extent permitted by law, that the Owner shall indemnify and hold harmless, the Architect, the Architect's consultants, its agents and employees for any expense, loss, damage, and/or claim, including reasonable attorney's fees arising out of the Architect's reliance of this information.

**§7.8** If a court having jurisdiction over the subject matter of this Agreement shall determine that any one or more of the provisions are illegal, void, or otherwise unenforceable as a matter of law, that such provision(s) shall be severed from this Agreement and the balance of this Agreement shall be given full force and effect to accomplish the intention of the parties.

**§7.9** The Architect acknowledges and agrees that none of its employees, contractors, subcontractors or agents shall hold themselves out as being an employee or representative of the Owner. The Architect acknowledges that it is being retained by the Owner only for the purposes and to the extent of this Agreement, and that its services hereunder shall be those of an independent contractor. No employee, contractor, subcontractor or agents of the Architect shall be deemed an employee of the Owner for any purpose. Nothing contained in this Agreement shall be construed as providing the Architect any authority to bind the Owner in any respect.







**FIRE DEPARTMENT**  
**13 South Avenue**  
**Beacon, New York 12508**

To: Anthony Ruggiero, MPA, City Administrator  
From: Fire Chief, Gary Van Voorhis  
Date: January 23, 2020  
Subject: Architectural/Engineering Firm request for service

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In 2019 the City Council voted on going from 3 fire stations to 2 fire stations. The City distributed an RFP to Architectural/Engineering firms for the consolidating of 3 to 2 fire stations; seventeen (17) Firms replied to the RFP.

All seventeen (17) firms conducted a walk-through of the Tompkins and Mase fire stations; with eleven (11) firms submitting proposals to the City ranging from \$25,000 to \$232,106

Peter Gaito Associates	\$25,000
Minuta Architecture	\$30,000
Mauri Architects	\$36,000
Mitchell Architects	\$40,730
CS ARCH	\$82,520
Ronnette Riley Architecture	\$89,750
Lothrop	\$99,000
Bottoglia Lanza Architectural Group	\$154,116
CPL	\$179,045
Belifiore Architects, PC	\$219,951
The LiRo Group	\$232,106

A fire station committee interviewed the lowest 4 quoted firms. The committee reviewed the scope of the project with each firm. After reviewing and discussing the presentations, the committee selected Mitchell and Associates Architecture firm. Mitchell and Associates has done projects in the City and are very familiar with the City, the fire stations and properties. Mitchell and Associates has worked with career and combination fire departments. The majority of Mitchell and Associate projects are fire stations new constructions and renovations.

Mitchell and Associates met the following proposed requested services the best in their proposal compared to the other firms:

- Assessment of the fire stations, will be evaluated by mechanical, plumbing, and electrical engineers, structural engineers.
- Evaluate for compliance with New York State building codes.
- Project programing for assessment of existing station conditions. (spreadsheets and diagrams)
- Develop a conceptual budget for the project.
- Complete schematic drawings.
- Completed report and presentation to the City Council.

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# MITCHELL ASSOCIATES ARCHITECTS, PLLC

## • EMERGENCY SERVICES FACILITIES •

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October 2, 2019

Gary VanVoorhis, Fire Chief  
City of Beacon  
1 Municipal Plaza, Suite 1  
Beacon, NY 12508

Re: Request for Proposals (RFP-COB-05-19) – Architectural Services

Dear Chief VanVoorhis,

Mitchell Associates Architects, PLLC, is pleased to submit our proposal to serve as the architect for the City of Beacon for the consolidation of three fire stations to two. We understand that the City has decided to keep both Lewis Tompkins Hose Company and W.H. Mase Hook and Ladder Company open.

We look forward to working with the City to provide the expertise needed to support your endeavors. Please consider this letter to be our formal expression of interest in proposing to do this work. Our team has the deep experience and knowledge necessary to offer high-quality service for every aspect of the project. We feel that we have a good working relationship with the City and Fire Department.

In the following pages we will describe our understanding of your project and how we propose to serve you. Our proposal meets the 25 page limit required, except that the addenda are attached as separate documents, not as a part of the proposal, though the required documents from the RFP are included.

Thank you very much for your consideration. If you have any questions about our qualifications and capabilities, you can contact me anytime at: (518) 765-4571 or at [Bob@mitchell-architects.com](mailto:Bob@mitchell-architects.com).

Sincerely,

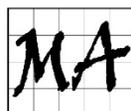


Robert Mitchell, AIA, NCARB  
Principal



Kenneth Gale, Assoc. AIA  
Project Manager

*Mitchell Associates Architects, PLLC*  
29 Thacher Park Road  
Voorheesville, NY 12186  
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[www.Mitchell-Architects.com](http://www.Mitchell-Architects.com)  
[info@mitchell-architects.com](mailto:info@mitchell-architects.com)



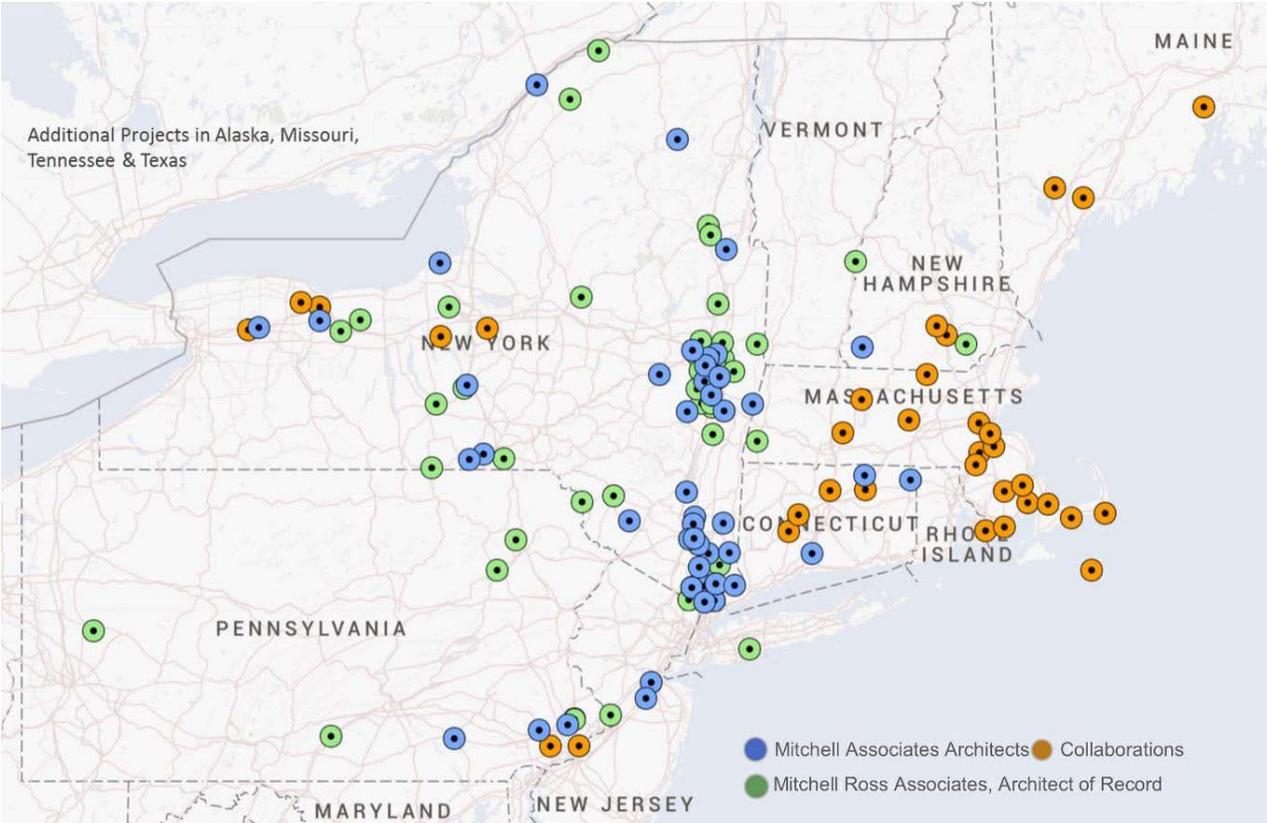
**Mitchell Associates**  
**Architects PLLC**

# 1. Firm Overview

## Mitchell Associates Architects, PLLC

Robert Mitchell has provided architectural services to the emergency response community for more than twenty-five years and has been directly involved in over 160 projects addressing over 290 public safety facilities throughout the Northeast, the Eastern Seaboard, Missouri, Texas, and Alaska. Mitchell Associates Architects (founded in 2004), evolved from Robert Mitchell’s earlier firms including *Robert Mitchell Solar Systems Design, Inc.*, founded in 1974; *Mitchell Associates, Inc.*, founded in 1986; and *Mitchell Ross Associates Architects, PC*, founded in 1992.

Mitchell Associates’ extensive public safety experience results in knowledge-based critical thinking that creates cost-effective, innovative designs that are particularly well suited to our clients’ needs. In addition to design, we actively lead our clients through this complete process, including feasibility studies, financial planning, programming and project design, probable construction cost estimating, public education and bond vote marketing, value engineering, financial analysis, bidding, contract negotiations, and construction administration.



Locations of related projects in the Northeast

We have completed needs assessment & programming for more than 145 fire station and emergency services facilities. Our proprietary programming tools and techniques have been developed specifically for firematic projects using our specialized knowledge and what we have learned from our clients. In addition, we have completed more than 60 feasibility studies evaluating renovations and additions to existing emergency services facilities.

With experience in building as well as design, Mitchell Associates understands probable construction cost, estimating, and value engineering techniques. This experience is reflected in the cost control measures we employ at all stages of our work, as well as management and schedule controls we use throughout the project. As a direct result, the vast majority of our projects bid at or under budget.

Our office is located at 29 Thacher Park Road, Voorheesville, NY, just west of Albany. We have a staff of seven full time employees and three

part time employees who provide us with firematic expertise and marketing consulting.

Mitchell Associates are very pleased to announce that our projects won a bronze award for the Peekskill, NY Fire Headquarters, a silver award for the Newton, MA Fire Station and Headquarters, a gold award for the Hartford Fire Station in Augusta, ME and a gold award for the Walpole, MA Central Fire Station at the FIERO Fire Station Design Symposium; and a gold award for the Peekskill, NY Fire Headquarters and a silver award for the Hartford Fire Station in Augusta, ME from [Firehouse Magazine](#).

The RFP calls for Professional errors and Omissions insurance at \$2,000,000 per occurrence and \$2,000,000 aggregate. Mitchell Associates carries \$1,000,000 per occurrence and \$2,000,000 aggregate for professional liability insurance. We feel that this is adequate for a study of this type, but If \$2,000,000 Professional Liability Insurance per occurrence is required, then additional compensation would be required for these limits.

## 2. Project Team

### *Mitchell Associates Architects, PLLC*

#### **Proposer & Project Lead and Architect of Record**

MITCHELL ASSOCIATES ARCHITECTS (MA) will be the lead firm for the proposed team. We are focused exclusively on public safety design and committed to assisting communities to develop cost-effective, durable, state-of-the-art facilities. Robert Mitchell has provided architectural services to the emergency response community for more than twenty-five years and has been directly involved in more than 145 programs for emergency services facilities and over 160 projects addressing over 290 public safety facilities.

Mr. Mitchell is a frequent speaker at emergency service conferences including the Firehouse Station Design Conference & the F.I.E.R.O. Station Design Symposium. He has authored the chapter on renovation/addition for the International Association of Fire Chiefs' Station Design Manual. We have

expertise and a notable history in completing feasibility studies that include review of existing building and site conditions, evaluation of renovations/additions versus demolition and reconstruction, cost analysis, consolidation of services, shared facilities, and site reviews and recommendations. Most recently, we were the architects for the Peekskill Fire Headquarters, which recently won a Gold Award from Firehouse Magazine and a Bronze Award with FIERO Fire Station Design Symposium. We also designed fire stations for Midway, Glenville Fire District #5 (Beukendaal), Niagara Engine CO. #6 (Schoharie), and Briarcliff Manor fire stations. We are also currently working in Purchase, Poughkeepsie, and Chappaqua, NY.

**Kenneth Gale, Assoc. AIA is the proposed Project Manager for this project.** Mr. Gale has 22 years of experience in planning, design, and contract documentation, including 14 years in management positions. He has experience in designing, detailing, scheduling and coordinating projects in the public and private sectors. Ken's duties include project management, construction administration, product and systems data, and specifications. Ken has been with Mitchell Associates Architects since 2014 and has participated in studies as well as the design and construction of 47 fire stations, emergency operation centers and combined municipal facilities. He is currently working on several projects including:

- Purchase Fire Department – Construction just began
- Long Hill Fire Department – Construction just completed; finalizing punch list
- Town of Poughkeepsie – Facilities Assessment Report

Ken Gale will be supported in his work on this project with the following Mitchell Associates staff:

- Robert Mitchell, AIA, NCARB – Principal in Charge
- Peter Signorelli, AIA, LEED AP – Senior Architect
- Juan Carrascal – Designer/Rendering Specialist
- James Alexander – Designer/Detailer
- John Ruggieri – Designer/Detailer

## 3. Consultants

### ***NASCO Construction Services, Inc.***

#### **Cost Estimating**

NASCO is a cost consulting firm with over 38 years of experience in all areas of construction including renovation, rehabilitation, and new construction. They generally provide approximately 200 estimates per year for projects ranging from very small to nearly \$1 billion. They have worked with MA since 2005, estimating more than 45 of our emergency services projects.

- Edward Hiney – Principal Estimator

## ***Craig Maloney, PE***

### **Structural Engineer**

Craig Maloney is a New York State licensed structural engineer with more than 25 years' experience in structural design. He has provided structural design services on **more than 50 emergency services projects** for MA and its predecessor firm. Mr. Maloney was the structural engineer for both the Schoharie and Midway fire stations as well as countless others.

- Craig Maloney, PE – Senior Structural Engineer

## ***Huston Engineering, LLC***

### **Mechanical, Electrical, Plumbing and Fire Protection**

Our mechanical/ electrical/ plumbing/ fire protection engineer is Huston Engineering, LLC (Huston). They have been in practice since 1983. Located in Troy, NY, Huston has assisted in the design of numerous other building types including the SUNY Adirondack Nursing, Science, and Workforce Center, and Genesee Community College, Wellness and Event Center. Huston has worked with us on four fire stations projects.

- Craig A. Huston, PE – Senior Building Systems Engineer

## ***Quality Environmental Solutions & Technologies (QuES&T)***

### **Environmental Health & Safety Consultant**

QuES&T's professional staff possesses extensive experience in project design, risk assessment, project management, engineering controls, health physics, respiratory protection, environmental sampling, air sampling and laboratory services. QuES&T is conveniently located in Wappingers Falls. We have teamed with them on our current facilities master plan for the Cite of Newburgh.

- Rudy Lipinski – LEED AP – Director of Field Operations

See consultants' resumes at the end of this proposal.

# 4. Project Experience

## 4.1. Mitchell Associates Experience



### **SOUTH RIVER FIRE HEADQUARTERS; SOUTH RIVER, NJ**

The South River Fire Department is a 70-member volunteer department. The existing station, built ca. 1917, experienced flooding along area roadways during Superstorm Sandy, after which time it was decided that a new location was needed. Determining a new location was a complicated, two-year process because the Borough of South River is 95% built out and located in a flood plain. Site issues, the new building required being constructed on 325 piles & required removal of contaminated soil to a depth of 15 ft.

Mitchell Associates provided programming and design for the new, two-story, 21,388 sf building and renovations to the adjacent building to house several association office and meeting space as well as records storage.

The 5,730 sf apparatus bay has three double-deep drive through and two back-in bays, allowing the cab of the ladder truck to be lifted while inside. The decon/laundry has two 105-pound capacity washer/extractors and two drying cabinets.

These upgraded health and safety features protect firefighters from toxins and contaminants encountered during calls. The SCBA fill compressor is isolated from the fill station room for hearing protection. Training space includes a classroom, a mezzanine with a bailout window and confined space extrication manhole, and an exercise room.

The meeting room can accommodate 85 people seated at tables and can be divided into two rooms. It is serviced by a kitchenette, with storage for tables, chairs, and training props. The station also includes space for future bunking to accommodate ten firefighters. The building envelope and all mechanical and electrical items exceed current energy efficiency standards. Mitchell Associates worked with the department to meet the funding requirements from the United States Department of Agriculture.



## **TOWN OF GLENVILLE FIRE DISTRICT #5 (BEUKENDAAL) FIRE STATION; GLENVILLE, NY**

The Town of Glenville Fire District #5 (Beukendaal) supports a volunteer department of 48 active members. They respond to approximately 300 calls per year. The original 1,296 sq. ft. one story structure was built in 1950, and a 3,030 sq. ft. one story addition was constructed in 1979. This facility could only house four of the department's nine vehicles, which were housed remotely.

The existing station had a footprint size of 6,621 sq ft, a basement of 671 sq. ft., and a wooden storage mezzanine of approximately 400 sq. ft., for a total size of 7,692 sq. ft. The renovation and 10,147 sq ft addition brought the building footprint up to 16,768, with a storage & training mezzanine of 1,088 sq. ft. for a total building size to 17,856 sq. ft. The basement was filled in due to a high-water table and persistent leakage problems.

The building envelope was brought well above code. High-efficiency HVAC systems were installed including heat recovery ventilation and variable frequency motors. High efficiency lighting was used in all instances. A decon-laundry and dedicated secure EMS room were provided along with a bailout window and confined space extrication manhole. The SCBA compressor was isolated from the fill station room to minimize noise. The building was zoned to allow public use without violation of the security of the District's operations. The radio room has visual control of the apparatus bay front line as well as the front apron. Bathrooms were provided that have direct access to the rear of the property to support Department rentals of a grove on the property while not breaching the security of the building.

The construction cost included an extensive storm water retention system, and measures to protect a sensitive aquifer.

Town of Glenville Fire District #5 project won a Bronze Award from the Firehouse Magazine.

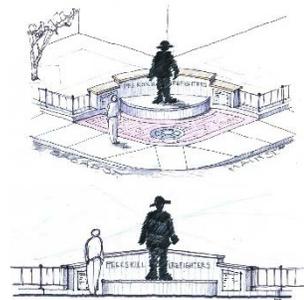
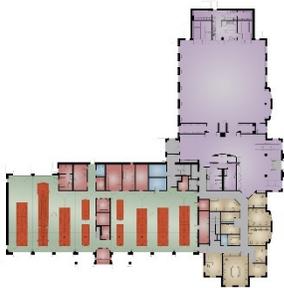


## **CONSOLIDATION OF FIRE STATIONS AND DESIGN OF THE NEW PEEKSKILL FIRE HEADQUARTERS; PEEKSKILL, NY**

The Peekskill Volunteer Fire Department was started in 1813, and subsequent companies were founded in 1831, 1848, 1852, 1876 and 1923, and in 1862, the department had approximately 200 active members. The City Fire Department is currently staffed by 107 active volunteers and 24 career firefighters and is composed of 6 companies working out of five stations. The Department covers 4.3 square miles, with a population of 23,600 people, and typically responds to 4,500 calls per year. Of the five stations, two are from the 19<sup>th</sup> century and one is a metal pole building. The newest building is nearly fifty years old. All are significantly deficient, with glaring operational and firefighter health and safety issues.

The city was seeking to consolidate the fire stations within the City. In order to determine the best location for the new station, a site analysis was completed by Manitou, Inc., a specialist in fire/EMS deployment analysis and planning services. The proposed site was at a main downtown intersection. The building is the new gateway to the city and will add to the revitalization of the downtown area while providing space to house and maintain apparatus, space for training, and space for both volunteer and career personnel. The plan included a lobby museum that will house the city's restored 19th century apparatus.

The Peekskill Fire Headquarters project recently won a Gold Award from the Fire Station Design Awards and a Bronze Award from FIERO Fire Station Design Symposium.



*Above: Sample renderings and site plans, used in the planning and public approval process.*



## **MIDWAY FIRE DISTRICT STATION #1; COLONIE, NY**

The original Midway Station One was built in 1951, with additions in 1987 and 1992. In poor physical condition, the station clearly needed updating. The department worked with the architect to determine if they should renovate or knock down. Problems with asbestos, mold, and structural deficiencies led to the decision to build new. The department was able to operate out of their Station Two during construction and the result is a new 15,474, sq. ft., three bay fire station with a 4,100 sq. ft. apparatus bay, firematic support, offices, day room, and meeting/training space. In the words of the Board of Fire Commissioners, the design goal was to be "functional not fancy".

This emphasis on function in the final design was essential, as voters had initially turned down a plan for a four-bay, 23,976 sq. ft. facility.

Back at the drawing board, the Building Committee and the architect down sized the meeting room and eliminated museum space, a physical exercise room, a bay designed for future trucks, and an enclosed turnout gear storage room. Carried forward into the new plan were the following health/safety features and energy efficiencies:

- Tailpipe exhaust capture
- Air tight boundary between clean and dirty side, with work regularly inspected by an envelope commissioning agent
- No ductwork passing through boundary between dirty & clean
- Constant heat recover ventilation
- 95% efficiency heating combustion
- Variable frequency drives for pumps & fans
- LED and T-5 lighting

## 4.2. Consultant Experience

Mitchell Associates has an exceptional relationship with the consultants we have brought in to supplement our team. We have worked with NASCO, Craig Maloney, PE, and Huston Engineering on many projects in the past, including the design and construction of the South River, NJ Fire Headquarters, the Glenville Fire District #5 (Beukendaal), the City of Peekskill Fire Headquarters and the Midway Fire Station.

We believe that QuES&T would be a valuable asset to the project team because of their close proximity to the City of Beacon. The design team does not interface with the QuES&T as much as all other members of the design team, so we didn't feel that past experience was as important as close proximity to the building sites.

## 4.3. Simulations and Modeling Experience

The designers at Mitchell Associates Architects have experience providing animations to illustrate design concepts, as well as 3D "Virtual Tours" of new stations, renderings and plans, and other illustrative products to help engage the public and illustrate the need for the projects to move forward. The following items are a sampling of our animation and 3D visualization tools.



*Above: Sample animations illustrate where the building additions will be located, how the new building fits in the site plan, and how the overall project will look when it is completed.*



*Above: A screenshot of a 3D virtual tour of a fire station. You can take a virtual tour on our website, at: <https://www.mitchell-architects.com/visualizing-a-fire-station-before-its-built/>*

#### 4.4. Utilization of Other Visual Tools

The following samples are renderings that have been used to illustrate our building designs before the buildings have been built. Our visualization tools include colored floorplans, room diagrams, floor charts, 3D renderings, and interior and exterior design tools.



## 5. Client References

Please contact any of these client references for a testimonial about their experience working with Mitchell Associates Architects.

### SLINGERLANDS FIRE DISTRICT

Contact: Ryan McKonky, Commiss. (former)  
1520 New Scotland Rd.  
Slingerlands, NY 12159  
Firehouse: (518) 605-2854  
Mobile: (518) 605-2854  
Email: [rmcconky@gmail.com](mailto:rmcconky@gmail.com)

This project involved the renovation and addition of the Slingerlands Fire Station. The 14,866 sq. ft. station won a Notable Design Award.

### MIDWAY FIRE DISTRICT

#### Station #1

Contact: Charles Rapazzo, Commissioner  
1956 Central Avenue | Colonie, NY 12205  
Firehouse: (518) 456-1993  
Mobile: (518) 376-5647  
Email: [Rappazzoc@Gmail.com](mailto:Rappazzoc@Gmail.com)

This project involved the design of a new fire station in Colonie, NY. The new fire station is 15,474 sq. ft. and won a Notable Design Award.

### PHILIPSTOWN NORTH HIGHLAND FIRE DISTRICT

Contact: George Lisikatos, Commiss. (former)  
504 Fishkill Rd. | Cold Spring, NY 10516  
Firehouse: (845) 265-7285  
Mobile: (845) 656-0455  
Email: [nhfiredistrict@optonline.net](mailto:nhfiredistrict@optonline.net)

This project involved additions and renovations to the Philipstown North Highlands Fire Station. The 16,679 sq. ft. station won a Notable Design Award.

### PURCHASE FIRE DISTRICT

Contact: Bob Makowski, Secretary  
614 Anderson Hill Rd. | Purchase, NY 10577  
Firehouse: (914) 253-9044 X1  
Mobile: (914) 906-5116  
Email: [rmakowski@purchasefd.com](mailto:rmakowski@purchasefd.com)

This project involved the design of a 31,380 sq. ft. building addition. This project is currently under construction.

### NIAGARA ENGINE CO. #6

#### Schoharie Fire Department

Contact: John Wolfe, Commissioner  
114 Fort Rd. Box 428 | Schoharie, NY 12157  
Firehouse: (518) 295-7197  
Mobile: (518) 496-7784  
Email: [rsjpitfire@gmail.com](mailto:rsjpitfire@gmail.com)

This project involved the design of a new fire station in Schoharie, NY. The 20,313 sq. ft. building won a Notable Design Award.

### CAYUGA HEIGHTS FIRE DEPARTMENT

Contact: George Tamborelle, Chief  
194 Pleasant Grove Road | Ithaca, NY 14850  
Firehouse: (607) 257-2377  
Mobile: (607) 327-0353  
Email: [chief@chfd.net](mailto:chief@chfd.net)

This project involved additions and renovations of the Cayuga Heights Fire Station. The 17,050 sq. ft. station won a Gold Station Style Design Award.

## 6. Project Understanding

We understand that the City is seeking to consolidate from three fire stations to two. The City has decided to keep both Lewis Tompkins Hose Company and W.H. Mase Hook and Ladder Company open. Both will need facility improvements to meet the needs and demands of their community. The improvements may require the City to bring the stations in line with state and federal codes and standards as essential buildings. The City intends to maintain this two-station operation for a minimum of twenty years. Therefore, any proposal must provide accommodation for future growth.

The City of Beacon Fire Department is a “combination” department of both thirteen career and twenty-two volunteer firefighters protecting approximately five square miles. The career firefighters operate out of the three stations which are staffed twenty-four hours a day, seven days a week, 365 days a year. The City’s Fire Department operates with three engines, a 105-foot ladder truck and a heavy rescue truck. In 2018, the department responded to 1,610 emergency calls for assistance. Currently the City’s Fire Department response time to an incident is within three minutes of the time it was dispatched.

The Beacon Fire Department currently operates out of the following three firehouses (stations):

Beacon Engine Company 425 Main Street, Beacon, NY 12508 (constructed 1889)	Lewis Tompkins Hose Company 13 South Avenue, Beacon, NY 12508 (constructed 1982)	W.H. Mase Hook and Ladder 425 Main Street, Beacon, NY 12508 (constructed 1911)
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The project team will review and evaluate Tompkins and Mase, including but not limited to the mechanical, plumbing, electrical, fire alarm systems, living quarters, and apparatus bays of the two stations into which the Department will consolidate.

## 7. Project Approach

The following is the proposed approach to completing the requested services.

- **Task 1: Kickoff Meeting.** The project team will hold a kickoff meeting with the designated contacts with the City in order to fully address and outline the scope of work, identify unique concerns and considerations that need to be made, the study timeline, and facility access requirements.
- **Task 2: Evaluation of Current Facilities.** The assessment of the stations will include field and office work to assemble schematic level CADD files of the plans. Building systems will be evaluated by our mechanical, plumbing and electrical engineers and our structural engineer will review drawings and evaluate visible conditions. An item with a critical timeline includes CAD-generation of the existing fire station drawings will need to be started by this point in the study.
- **Task 3: Code Analysis of the Existing Structure:** As part of Task 2, the existing building will be evaluated for compliance with New York State Building Code. The work for these tasks will be undertaken concurrently.

- **Task 4: Programming.** The design team will conduct multiple meetings for project programming with the City Council, the public, and stakeholders. This will coincide with our initial assessment of the existing conditions of the two stations. Architectural and firematic reviews will identify missing or inefficient areas of firefighting tasks (decontaminating, training, etc.) as well as office and living spaces throughout the stations. The Program will include summaries including description text, spreadsheet, and individual room diagrams.
- **Task 5: Initial Decisions.** Once the programming is complete, we will work with stakeholders to determine which functions will be located at each station, using simple diagrams.
- **Task 6: Initial Budgets.** we will develop a conceptual budget for the project. Hard and soft cost will be compared for the two options of this study.
- **Task 7: Complete Schematic Drawings of Two Buildings:** Upon acceptance of the budget by the City, schematic plans and elevations will be developed. Conceptual site plans will be provided for review of ingress/egress, parking, responding abilities, maintenance, etc.
- **Task 8: Provide Estimates of Two Buildings:** Upon acceptance of the schematic plans and elevations, conceptual estimates will be developed for the chosen options.
- **Task 9: Complete Report.** We will provide a complete report that provides details about the building condition survey, code analysis, programming, conceptual plans, cost estimates, and timelines. We understand the need for the fire stations to remain operational throughout the construction process, and a phasing plan will be provided. One original plus five bound hard copies and a PDF file of the study report will be provided as a reference for the subsequent steps of design and construction.
- **Task 10: Presentation to the City Council.** We will provide a summary of our results to the City Council. Our presentation will include copies of our final report, a PowerPoint presentation.

## 8. Proposed Project Schedule

<b>Task</b>	<b>Time</b>
1. <b>Kick-Off Meeting</b>	0 weeks
2. <b>Evaluate Current Facilities</b>	3 weeks
3. <b>Code analysis of the existing structure</b>	2 weeks
4. <b>Programming</b>	4 weeks
5. <b>Initial Decisions</b>	2 weeks
6. <b>Initial Budgets</b>	2 weeks
7. <b>Complete schematic drawings x 2 buildings</b>	6 weeks
8. <b>Provide estimates x 2 buildings</b>	3 weeks
9. <b>Complete Report</b>	2 weeks
10. <b>Presentation to the City Council</b>	1 week

It should be noted, that many of these tasks will be performed concurrently by members of the design team, such as the evaluation of the current facilities and the code analysis. Therefore, the project schedule

will not be the summation of these tasks. We anticipate the overall schedule of this phase of the work to be approximately five (5) months.

## 9. Minimum Qualifications & Experience

Twenty-Eight of our fire station projects have been completed in the past 10 years. Mitchell Associates has had direct involvement in over **160 Projects** addressing over **290 Public Safety Facilities** throughout the northeast, eastern seaboard as well as several other states. See the List of Project Experience at the end of this proposal for the complete list of projects.

We have successfully completed fire station programming for more than 145 stations, using a proprietary programming tool to walk our clients through every aspect of the operation of their Fire Station. This tool reviews each space needed in the facility and vets what activities, storage and personnel needs are essential for optimum usage and response results. We have taught fire station programming at national conferences such as F.I.E.R.O. and Fire Chief Station Style.

All we design are public safety facilities. Every one of them was required to take into account the codes and regulations mentioned above. We are leaders in the field of fire station design and lecture annually to other field leaders on various aspects of proper fire station design. This fall one of our lectures at the F.I.E.R.O. conference is titled “How to Design a Proper Decon Laundry.”

Mitchell Associates Architects, PLLC is prepared to enter into a fixed fee for design services for this project with the City of Beacon. Mitchell Associates Architects has never entered into an agreement for services based on a percentage fee. We strongly believe that a professional must commit to the performance of a given scope of work for a given fee. We are opposed to the use of fee structures that financially reward a professional for failing to maintain the Client’s budget.

Our cost proposal can be found in the separate, sealed portion of this proposal response.

Mitchell Associates Architects was formed in December 2004, and became Mitchell Associates Architects, PLLC in 2019. Mitchell Associates Architects is certified to provide architectural services in the State of New York.

Mitchell Associates has provided architectural services to the emergency response community for more than twenty-five years. Our proposed project manager, Ken Gale, has 22 years of experience.

Mitchell Associates Architects has experience utilizing visual tools including renderings, drawings, 3D visualizations and walk-throughs, animations, and other materials to present our design concepts. You can see samples in Sections 4.3 and 4.4 of this proposal.

Mitchell Associates consistently use processes that creatively include your personnel and other stakeholders in all stages of planning and design. Good design results from a process where the

architecture/engineering team listens to the client and then uses its' collective skills and experience to bring the client's needs and goals to reality. Our team will be your partner and will engage with you to determine the extent to which you are interested in using a bottom-up versus a top-down design approach. In all cases, the result should meet the needs of the end-users of the facility and the needs of the broader community, now and in the future. We bring to the table our deep knowledge of operations, building/site issues, equipment, training, and personnel needs based on our years of experience working closely with emergency services and municipalities.

A good example of this is the Peekskill Fire Headquarters project, where we and our team of consultants worked with the City & Fire Department through the programming and design process, prepared and presented materials to the Planning Board, as well as the Mayor and Common Council, made presentations to the Fire Department membership and the public.

Mitchell Associates Architects has the staff and consultant staff to complete a study of this type. We have completed many studies of this type, as is evidenced in our qualifications highlighted above.

## 10. General Terms and Conditions

The fee is based solely on the services proposed. These services will be defined in a standard American Institute of Architects Contract for Architectural Services. Additional services not provided for in this proposal will be billed at our hourly rates. Special printing, renderings, models, or photography will be billed at 115% of cost. Travel and food will be billed at cost. Mileage will be billed at the current federally recognized rate. Reimbursements for regularly repeated expenses are computed at 5% of the total contract amount. Billing will be monthly, based on the amount of work completed. Payment of invoice will be net 30 days.

### Additional Services Hourly Rates

- \$210.00/Hour, Principal
- \$175.00/Hour, Architect
- \$165.00/Hour, Project Manager
- \$135.00/Hour, Senior Technician
- \$125.00/Hour, Draftsperson
- \$115.00/Hour, Support Staff
- Consultant -110% of Invoice

*Note: Hourly rates will increase automatically on January 1, 2021 and each January thereafter at a rate of \$5.00/ hour for each category listed.*

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**City Council Meeting Minutes January 21, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
City Council Meeting Minutes January 21, 2020	Minutes

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 21, 2020. Please note that the video recording of this meeting is available at <https://vimeo.com/386463035>

**Council Members Present:**

Amber Grant, At Large  
George Mansfield, At Large  
Terry Nelson, Ward One  
Air Rhodes, Ward Two  
Jodi McCredo, Ward Three  
Dan Aymar-Blair, Ward Four  
Lee Kyriacou, Mayor

**Council Members Absent:****Also Present:**

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

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Mayor Kyriacou held a moment of silence in memory of Dr. Martin Luther King Jr.

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**First Opportunity for Public Comments:** Each speaker may have one opportunity to speak up to three minutes on any subject matter.

**Speakers:**

Louis Amoroso Sr.

Mr. Amoroso said that at the end of 2019 he was under the impression that Beacon was going to renovate all three of the fire stations. However, it was stated at the January 7<sup>th</sup> meeting with the Firehouse, that Beacon Engine was going to close. He said he is not happy about it for several reasons. There are nursing homes in that area as well as four Councilmembers who live in that area. He asked how much money was spent on the three buildings over the last twenty years. He posited that there hasn't been much money that went into the buildings other than grant money. He said the only time he saw the City spend any money in the fire stations, other than the furnace and electric and gas bills, was when the City bought paint and paint brushes so the volunteers could paint.

Stosh Yankowski

Mr. Yankowski said that the City should test the background radiation at the Howland Avenue site. He congratulated Mayor Kyriacou for the way he conducts the meetings.

Mr. Yankowski asked the Council how much they actually know about the Paris Accords. Money is supposed to be given to the developing countries to help control gas emissions. China is allowed to increase their carbon emissions, India is allowed to increase their carbon emissions, yet the United States will have to drop their emissions by 26 percent. He reminded the Council that carbon dioxide is needed for plants to create oxygen. He said he supports the Council's initiative go control emissions but he does not support the Paris Accords.

Theresa Kraft

Ms. Kraft said that Well 3 cannot act as a new source of water because of a report from WSP. Getting the well into stable condition will require extensive funds. People must question the motive to put money into the well. The City has also not addressed the chemical pollutants found in the water.

### **Community Segment: Comprehensive Plan Discussion**

Sara Pasti, Co-Chair of the Comprehensive Planning Committee

John Clarke, City of Beacon Planner

Ms. Pasti and Mr. Clarke gave a joint presentation on the history of development in Beacon. To view the entire presentation, please visit the link below:

<http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=8537&MeetingID=533>

Louis Amoroso Sr.

Mr. Amoroso said that the survey used during the information-gathering phase of the Comprehensive Plan process was sent to Beacon Hills, Hudson View and Chelsea. He asked John Clarke the difference between a four-story building that is ten feet compared to a loft. Developers can determine their floor-to-floor height within that parameter.

John Clarke

Mr. Clarke said residential floors typically are ten feet in height however commercial first floors are higher. In the CMS you can have a four-story building up to 48 feet. Historically, buildings on Main Street had higher floors than 10 feet.

Sara Pasti

Ms. Pasti said that two representatives from Metro North sat on the 2017 Committee. They said that they did not want to get into a conflict with the Committee and essentially approved the plan.

Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Concerning Historic Preservation

John Clarke

Mr. Clarke said that during the public hearings for the 35 buildings proposed to be included in the Landmark Overlay Zone stricter guidelines were discussed. Now, additional changes are being made in response to the public's comments on the matter from a public hearing held in 2019. If a homeowner of an historic home wants to renovate their home, they will need a certificate of appropriateness in certain cases. The Council has included some exceptions: alterations to interior spaces or features, alterations to exterior architectural features that are not visible from a sidewalk, park or street, ordinary repair or replacement of an existing architectural feature in kind, installation of a temporary sign, painting or color changes, seasonal updates such as storm windows, site features other than building, emergency or security measures as approved by the Building Inspector, minor accessories such as new lighting features or dryer head. Additionally, no historic upgrades or maintenance are required of homeowners. Further, there will be no additional fees attached to this application of appropriateness.

The City of Beacon Planning Board was concerned about the loss of a review for the inside of an historic building. They suggested maintaining interior protection for buildings that are on the National Register of Historic Places. Dutchess County had no comments on the proposed local law.

Rebecca Valk, Cuddy and Feder

Ms. Valk thanked the Council for the changes from the proposed draft, in particular removing the interior of buildings from their law. The Council can avoid overbreadth by using the criteria of publicly owned buildings, not buildings that are open to the public. The financial impact is unduly harmful to places of worship. The City law is excessive and unduly harsh. It imposes a great hardship, especially to houses of worship. Once the designation is in place, the City offers no realistic avenue of relief to property owners whose application has been denied. The single proposed method of relief is an appeal to the ZBA for a Certificate of Economic Hardship. However, the law is written such that the standards are virtually impossible to obtain. The City applies this to any change to the structure and not to the demolition alone, which is common in many other municipalities. Relief should be less onerous. There should be modifications for measures that require immediate emergency attention.

Karen Meyer, Vice President of the Beacon Hebrew Alliance Representative

Ms. Meyer said that the new windows in their synagogue are a part of their religious experience. She requested that architectural elements of religious significance be exempted from the law. Those windows are religiously significant with symbols and texts. She questioned whether the Council would consider exempting houses of worship. California has completely exempted churches and synagogues.

Theresa Kraft

Ms. Kraft said she is in favor of the proposed changes. Enforcing the codes will enhance the visual aspect of the City. Any proposed property should be able to opt out because of economic hardship and that exemption should not be transferrable to the next property owner. She said that exempting religious buildings will make things a lot easier.

- Motion to adjourn the Public Hearing to February 3 by Councilmember Mansfield
- Second by Councilmember Grant
- Motion passes 7 – 0

Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon Concerning Building Height Special Permits in the Central Main Street District

John Clarke

Mr. Clarke presented the proposed local law that was the subject of the public hearing. The proposed legislation can be found here <http://agenda.cityofbeacon.org/CoverSheet.aspx?ItemID=8536&MeetingID=533>. He pointed out that properties in the Historic District Overlay Zone or abutting properties would be considered by the Council for a special permit. Further, the City Council may limit the length of any such fourth-floor proposal. Another addition to the proposed law is that any fourth-floor proposal will have to include public benefits.

Nick Ward Willis

Mr. Ward Willis specifically pointed out a proposal within the law to allow the City Council to grant a waiver provision, if special conditions at the site are met, before an applicant goes to the Zoning Board of Appeals for a variance.

Councilmember Mansfield

Mr. Mansfield said that the law should clearly state what “across the street” means. John Clarke agreed and said he would propose specific language.

Theresa Kraft

Ms. Kraft supports the proposed amendments as long as the City does not cave in to developers for any of the givebacks. Mechanical rooms should be considered early on in the approval process. The city’s historic heritage must remain the driving force in the decision making.

Stosh Yankowski

Mr. Yankowski said that people wore top hats a long time ago. He wore the hat to prove a point. Just because there used to be tall buildings on Main Street does not mean we have to have them now. He said that a developer said the same thing as the City Planner, although he is not accusing anyone of collusion. The Council is allowing windmills on top of buildings, please do not allow windmills on top of buildings on Main Street. Also, anything found on top of roofs should be considered as part of the height. We have to keep Beacon beautiful. He recommended keeping the public hearing open.

He thought the person who designed 344 Main Street must have been drunk. A bag should be placed over the building so people can’t see it.

John Clarke

Mr. Clarke said that the Planning Board agreed to the step back requirement however they had concern that there was no mechanism for exceptions in unique circumstances. They suggested the Council allow a waiver under the law under certain circumstances pertaining to buildings with small footprints.

Councilmember McCredo

Ms. McCredo said she would like to leave the public hearing open until the public forums on development.

Councilmember Aymar-Blair

Mr. Aymar-Blair said that the public hearing should not continue beyond the second and final forum on community development on February 29<sup>th</sup>.

Councilmember Nelson

Mr. Nelson said he would like to hear from more people before closing the public hearing.

- Motion to close the Public Hearing by Councilmember Grant
- Second by Councilmember Nelson
- Motion passes 7 – 0

Public Hearing to Discuss a Proposed Local Law to Amend Chapters 223 and 210 of the Code of the City of Beacon Concerning the City’s Schedule of Regulations and Associated Amendments Regarding Permitted Uses in the City of Beacon

John Clarke

Mr. Clarke said that all of the tables have been posted to [cityofbeacon.org](http://cityofbeacon.org). He simplified the tables and made

them more user-friendly. Some special permits that are not of city-wide importance have shifted to the Planning Board. He took the Council through specific properties throughout the City that would transition to different zoning districts.

Speaking of the dimensional tables he said that new standards have been added for the new transitional district, some setbacks in the R1 districts have been decreased and side setbacks in some RD districts have been increased. The new tables add dimensional standards instead of floor area ratios. Further, the new tables eliminate more than half of the existing footnotes.

Nick Ward Willis, City Attorney

Mr. Ward Willis read aloud the comments provided by Dutchess County on the matter. The full comments can be found at the end of these minutes.

John Clarke

Mr. Clarke answered a clarifying question from Councilmember Rhodes that gardens and incidental urban agriculture in front yards are allowed.

Theresa Kraft

Ms. Kraft said that the documentation attached the proposal is lengthy and difficult to follow. She hoped that the Council holds off on adopting the measures until after the Community Development Forums.

John Clarke

Mr. Clarke said he will update the law to incorporate the County's comments.

- Motion to close the Public Hearing by Councilmember Grant
- Second by Councilmember Nelson
- Motion passes 7 – 0

## **Council Reports**

### Councilmember Terry Nelson

Mr. Nelson will be holding office hours on Saturday from 12:00 – 2 pm at the Howland Public Library. He will try to do this on a consistent basis. He asked why there are no speed limit signs on Main Street and requested that the speed limit be limited by five miles per hour.

### Councilmember Rhodes

Ms. Rhodes will be holding office hours every month on second Saturday at Big Mouth Coffee shop from 8 – 9 am. They expressed their delight at seeing so many people at the Martin Luther King Jr. Celebration. They are pleased with how many people showed up at the Women's March on Saturday. The Councilmember thanked all of the Beaconites who are advocating in Albany for family members of incarcerated individuals. They said that best way to help Beacon is to shop on Main Street.

### Councilmember Mansfield

Mr. Mansfield thanked the County Legislators Nick Page and Fritz Zernike for their work on the legislation

regarding liquor store hours. Liquor stores are now able to stay open to 9 pm each night of the week.

#### Councilmember McCredo

Ms. McCredo asked about shortening the parking spaces on Main Street by restriping. Anthony Ruggiero said the work will be done this summer when additional safety measures will be added to Main Street including repaving.

#### Councilmember Grant

Ms. Grant thanked students Noah, Esther, Annabel and Gabe for their enthusiasm and hard work to bring composting to Beacon schools. She is interested in speaking about ways to making composting more widespread.

#### Councilperson Aymar-Blair

Mr. Blair thanked everyone who participated in the Martin Luther King Jr Day Celebrations. He said that protestors make our society and our democracy stronger. He will be setting up Office Hours on the Second Saturday of each month.

#### Mayor Kyriacou

The Mayor announced a Main Street Access Initiative which will include a special committee of residents and businesses. Mayor Kyriacou referenced a press release found at the end of these minutes announcing the creation of an ad-hoc committee.

#### Anthony Ruggiero

Mr. Ruggiero said that the reservoirs are full and that the water moratorium will be discussed at the next workshop.

### **Local Laws and Resolutions**

Resolution Appointing Tyler Rath as a City of Beacon Police Officer

Chief Kevin Junjulas

Chief Junjulas said that after an extensive search and background investigation the Beacon Police Department would like to recommend Tyler Rath be hired as a Beacon Police Officer.

- Motion by Councilmember McCredo
- Second by Councilmember Nelson
- Resolution passes 7 – 0

Resolution Setting a Public Hearing to Receive Public Comment on the 1182 North Avenue Special Use Permit Application for March 2, 2020

Mayor Kyriacou removed this resolution.

Resolution Adopting the City of Beacon Inventory of Community and Municipal Operations Greenhouse Gas

## Emissions

- Motion by Councilmember Nelson
- Second by Councilmember Grant
- Resolution passes 7 – 0

## City Council Meeting Minutes December 16, 2019

- Motion by Councilmember McCrede
- Second by Councilmember Grant
- Motion passes 5 – 0 – 2 (Councilmember Rhodes and Aymar-Blair abstained because they were not on Council at the time of the December 16, 2019 meeting)

## City Council Meeting Minutes January 6, 2020

- Motion to Adjourn by Councilmember Grant
- Second by Councilmember Nelson
- Motion passes 7 – 0

**Next Council Workshop: January 27, 2020**

**Next Council Meeting: February 3, 2020**

## **Motion to Adjourn**

- Motion to Adjourn by Councilmember McCrede
- Second by Councilmember Rhodes
- Motion passes 7 – 0



**COUNTY OF DUTCHESS**  
DEPARTMENT OF PLANNING AND DEVELOPMENT

January 17, 2020

To: City Council, City of Beacon  
Re: **ZR19-406, Local Law Amending the City Code regarding Schedule of Use and Bulk Regulations**

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

**ACTION**

The City is seeking to amend its Schedule of Uses and Bulk Regulations.

**COMMENTS**

We are pleased to see that the City has revised its Schedule of Uses to be much easier to read and has combined similar districts to streamline the code. We have a few minor comments for the Council's consideration:

1. Museums are proposed in all R-1 and RD districts via special permit by the Council. This use may be too intense for residential areas, especially on small lots.
2. A definition should be provided for Trade Schools and Training Programs. As "Colleges or Universities" and "Private Schools or Nursery Schools" are permitted in All R1 and RD districts, it is unclear why "Trade Schools or Training Programs" aren't as well.
3. There is no definition for Medical Service Structure. "Medical service accessory structure" is also referred to in section 223-13(O).
4. The City should consider permitting forms of urban agriculture.
5. Section 223-14.4 Waterfront Development (WD) Zone and §223-63 Definitions references "Conference Centers" while the Schedule of Uses references "Conference space."
6. The current proposal defines the term "Workshop" in the text of §223-41.18(17), but then does not in §223-41.21(15). Perhaps the definition of this use should not be included in these sections but should appear in the Definitions.

**RECOMMENDATION**

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP, Commissioner

By

Jennifer F. Cocozza  
Deputy Commissioner

**Dutchess County Department of Planning and Development**

FAX INFO ONLY

To Jen Cocozza	Date 12/10/2019	# pgs 55
Co./Dept. Planning and Development	From Collin Milone	
Fax # 845 486 3610	Phone # 845 838 5010	

**239 Planning/Zoning Referral - Standard Form**

Municipality: City of Beacon

Referring Agency:  Planning Board  Zoning Board of Appeals  Municipal Board

Tax Parcel Number(s):

Project Name: Proposed Local Law to Amend Ch 223 and 210 of the C.O.B Code Re Schedule of Regulations...

Applicant: ... and Associated Amendments

Address of Property:

Please fill in this section

**Type of Action:**

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: \_\_\_\_\_

**Parcels within 500 feet of:**

- State Road \_\_\_\_\_
- County Road \_\_\_\_\_
- State Property (with recreation area or public building)
- County Property (with recreation area or public building)
- Municipal Boundary
- Farm operation in an Agricultural District

Date Response Requested (if less than 30 days): Jan 21, 2020

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

FOR COUNTY OFFICE USE ONLY

**Response from Dutchess County Department of Planning and Development**

**No Comments:**

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn

**Comments Attached:**

- Local Concern with Comments
- Conditional
- Denial
- Incomplete — municipality must resubmit to County
- Incomplete with Comments — municipality must resubmit to County

Date Submitted: <u>12/10/19</u>	Notes: <u>map received 1/7/2020</u>	<input type="checkbox"/> Major Project
Date Received: <u>12/10/19</u>		Referral #: <u>19-406</u>
Date Requested: <u>1/21/20</u>		
Date Required: <u>2/5/20</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Jennifer Houz</u>
Date Response Faxed: <u>1/17/20</u>		



# CITY OF BEACON New York

Lee Kyriacou, Mayor

OFFICE OF THE MAYOR

845-838-5011

## FOR IMMEDIATE RELEASE

January 23, 2020

Contact: Collin Milone; [cityofbeacon@cityofbeacon.org](mailto:cityofbeacon@cityofbeacon.org) (845) 838 5010

### **MAYOR KYRIACOU ANNOUNCES MAIN STREET ACCESS INITIATIVE, WITH CITIZEN COMMITTEE TO TACKLE PARKING, TRAFFIC, TRANSIT AND PEDESTRIAN ISSUES**

Beacon, NY: At the second official meeting of the 2020 Beacon City Council on January 21, Mayor Lee Kyriacou announced a Main Street Access Initiative to improve and plan for parking, traffic, transit and pedestrian issues – beginning with the formation of a special committee of Beacon residents and Main Street businesses.

In announcing the Main Street Access Initiative, Mayor Kyriacou noted, “The City has not kept pace with development in terms of planning for and providing Main Street parking, traffic management and pedestrian access. We must quickly make some basic improvements in Main Street access, while laying out plans for longer term capital investments. I will work closely with the City Council to establish, set goals for and provide resources for this initiative.”

Kyriacou outlined the basic components that he wants to see in the Main Street Access Initiative:

*Main Street Access Committee:* With City Council input and oversight, the Mayor will create an *ad hoc* committee, appoint members and a chair, establish specific objectives and timing, and provide needed planning resources.

*Overall Goal:* The Committee is to develop a holistic action plan for sustainable Main Street parking, traffic, public transit and pedestrian use – both short-term improvements (e.g., large blue “P” parking signs, modified striping to create extra parking spaces) and a long-term plan for appropriate infrastructure investment and funding (e.g., parking facilities, transit options).

*Long-Term Plan:* The Committee’s long-term view should look at access in a comprehensive fashion over at least a 10-year horizon. Current and projected parking needs should be considered block-by-block, with a focus on at least some parking for each side of each block of Main Street. Traffic and parking plans should take into account changing patterns of private vehicle use, as well as public transit, pedestrian and non-vehicular access.

*Funding:* Plans at a high level must consider funding mechanisms – other than property tax increases – for proposed capital investment in parking or other infrastructure.

Funding discussions should look at grants, contributions from Main Street buildings that lack sufficient parking, monthly user fees for resident parking stickers, allocation of a portion of existing higher tax rates paid by commercial properties, and other concepts.

The Mayor said, “Our Main Street is the heart of Beacon. Improving access is critical to Main Street’s ability to handle more people living nearby, which itself is critical to Main Street’s viability. We need to deal with access holistically and for the long term. I trust our community will come together to help build a better, vibrant and sustainable Main Street.”

The next step will be discussions by the City Council of the proposed Main Street Access Initiative at the next workshop in January.

### **About the City of Beacon:**

Beacon, New York is located on the eastern shore of the Hudson River 60 miles north of New York City, with a population of 15,000. Originally a Native American settlement, the area was purchased from the Wappinger Tribe in 1683 and settled by Dutch and other Europeans, leading to the riverfront community of Fishkill Landing on the Hudson, and the mill community of Matteawan on Fishkill Creek. The two communities were incorporated together as the City of Beacon in 1913, named for the Revolutionary War signal fires on Mount Beacon. Beacon thrived as a 19<sup>th</sup> and 20<sup>th</sup> Century factory city, but as factories closed after WWII and the local economy declined, the city went through a period of hard times. Today, Beacon has successfully reinvented itself as a 21<sup>st</sup> Century river community centered around tourism, the arts and access to the scenic Hudson River heritage area. A diverse and thriving small city, it is now home to DIA:Beacon (one of the largest exhibition spaces in the country for modern and contemporary art), a network of Hudson River parks connecting to Fishkill Creek and Mount Beacon trails, and a vibrant historic Main Street of art galleries, shops, cultural venues and restaurants.

**City of Beacon Council Agenda**  
**2/3/2020**

**Title:**

**Budget Amendments**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving Budget Amendments to the Fiscal Year 2019 Budget	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_\_ OF 2020**

**RESOLUTION APPROVING BUDGET AMENDMENTS TO THE  
FISCAL YEAR 2019 BUDGET**

**NOW, THEREFOR BE IT RESOLVED**, that the Fiscal Year 2019 adopted budget is hereby amended as attached.

<b>Resolution No. _____ of 2020</b>		<b>Date: <u>February 3, 2020</u></b>					
<input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>Air Rhodes</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

1. Amend the 2019 General Fund Legal Budget for November and December 2019 legal bills not originally budgeted. Below is the proposed budget amendment:

**Transfer to:**

A -01-1420-450400-	ATTORNEYS	\$ 8,048
A -01-1420-450439-	CSEA UNION MATTERS	15,360
A -01-1420-450442-	PBA/POLICE UNION MATTERS	4,294
A -01-1420-450454-	EMPLOYEE DISCIPLINE	675
A -01-1420-450600-	ARBITRATORS	4,891
A -01-1420-456500-	CIVIL ACTION EXPENSE	2,025
	Total	<u>\$ 35,293</u>

**Transfer from:**

A -01-1420-450433-	TAX SETTLEMENT MATTERS	\$ 293
A -01-1420-450436-	IN REM & SALE OF PROPERTY	21,000
A -01-1420-450437-	PROPERTY ASSESSMENT SETTLEMENT	14,000
	Total	<u>\$ 35,293</u>

2. Amend the 2019 General Fund Council budget for the noise consultant and the climate smart coordinator not originally budgeted. Below is the proposed budget amendment:

**Transfer to:**

A -01-1010-452000-	CONSULTANT (Noise)	\$ 13,700
A -01-1010-452000-	CONSULTANT (Climate Smart)	2,525
	Total	<u>\$ 16,225</u>

**Transfer from:**

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 16,225</u>
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3. Amend the 2019 General Fund Council and Mayor budget for the Health insurance buyout budgeted for in the Contingency Fund. Below is the proposed budget amendment:

**Transfer to:**

A -01-1010-120000-	HEALTH INSURANCE BUY-OUT	\$ 10,000
A -01-1210-120000-	HEALTH INSURANCE BUY-OUT	2,500
	Total	<u>\$ 12,500</u>

**Transfer from:**

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 12,500</u>
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4. Amend the 2019 General Fund Patrol and Detective budget for payments of unused accumulation of time for a retiring Detective and resigning officer. Below is the proposed budget amendment:

**Transfer to:**

A -03-3120-190000-	SEVERANCE/RETIREMENT PAY	\$ 5,623
A -03-3130-190000-	SEVERANCE/RETIREMENT PAY	<u>63,054</u>
	Total	<u>\$ 68,677</u>

**Transfer from:**

A -01-1990-400004-	CONTINGENCY-RETIREMENT	<u>\$ 68,677</u>
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