



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

March 16, 2020  
7:00 PM  
City Council Agenda

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

- a. COVID-19 Update

**Public Comment:**

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

**Public Hearings:**

- Public Hearing to Discuss a Special Use Permit Application for 3 Water Street
- Public Hearing to Discuss a Special Use Permit Application for 1182 North Avenue
- Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Concerning the Historic District Landmark Overlay (Council Expected to Adjourn to a Later Date)

**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 Approving the Appointment of Robert Palisi to the Board of Assessment Review
2. Resolution of the City of Beacon City Council Regarding the Merger of the New York State Bridge Authority into the New York State Thruway Authority
3. Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 211, Article II, Section 10 and 12 and Article III, Section 15 of the Code of the City of Beacon Regarding Vehicles and Transportation for April 20, 2020
4. Resolution Setting a 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 for April 20, 2020
5. Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Create Chapter 106, Article 4 of the Code of the City of Beacon Regarding NY Stretch Code for April 20, 2020
6. Resolution Setting a Public Hearing to Discuss a Local Law to Amend Chapter 223, Section 61.3 of the Code of the City of Beacon Regarding Noticing Public Hearings for April 20, 2020
7. Resolution Setting 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 Regarding Building Height for April 20, 2020

**Local Laws and Resolutions:**

1. Resolution Granting a Special Use Permit for 3 Water Street
2. Resolution Granting a Special Use Permit for 1182 North Avenue
3. Resolution Adopting an Ordinance as to SEQRA Determination
4. Resolution Approving Budget Amendments
5. Resolution Authorizing a Bond for City Hall Improvements
6. Resolution Authorizing a Bond for the Lewis Tompkins Fire Station Generator
7. Resolution Authorizing a Bond for Sewer Lines and Wastewater Treatment Plant Improvements
8. Resolution Authorizing a Bond for Water Supply Treatment and Distribution System

**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**  
**3/16/2020**

**Title:**

**Public Hearing to Discuss a Special Use Permit Application for 3 Water Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from the City Attorney Regarding Accessory Apartment Special Use Permits	Cover Memo/Letter
Criteria for Approval of Certificate of Appropriateness for Special Permits	Backup Material
Planning Board Referral to City Council	Cover Memo/Letter
3 Water Street Site Plan and Special Use Application	Application
3 Water Street Site Plan	Plans
3 Water Street Existing Conditions Plan	Plans
Public Hearing Notice Confirmation Poughkeepsie Journal	Cover Memo/Letter
Affidavit of Posting	Backup Material
Affidavit of Mailing	Backup Material

## MEMORANDUM

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

**FROM:** Keane & Beane, P.C.

**RE:** Accessory Apartment Special Use Permit Requirements

**DATE:** February 26, 2020

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In the City of Beacon, accessory apartments are permitted on single-family properties in all residential zoning districts by special use permits approved by the City Council. The term “accessory apartment” is not defined in the City Code. An accessory apartment is commonly defined as “a separate housekeeping unit, usually with its own kitchen and bathroom, either within or adjacent to an existing one-family house.”

The City Council may grant a special use permit to allow an accessory apartment in the City of Beacon if it finds that all of the conditions and standards set forth in City Code §§ 223-18.B and 223-24.1 are satisfied.

### **General Special Use Permit Standards (§ 223-18.B)**

The City Council may authorize the issuance of a special use permit, provided that it shall find that all of the following conditions and standards have been met:

- The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
- Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a Special Permit.

- Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The City Council must review the above standards for all special use permit applications. Prior to approving a special use permit, the City Council may adopt such conditions and safeguards to the special use permit as are necessary to assure continual conformance with all applicable standards and requirements. City Code § 223-18.E. The conditions must relate to the conditions and standards set forth in City Code § 223-18.B.

### **Special Use Permit Standards for Accessory Apartments (§ 223-24.1)**

It is the purpose and intent of the City Code to allow accessory apartments on single-family properties in all residence districts in order to provide an opportunity and encourage the development of small, rental housing units designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income and relatives of families presently living in Beacon. It is the further purpose and intent of the City Code to allow for the more efficient use of the City's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to otherwise help to protect and preserve property values. *See* City Code § 223-24.1.A.

Accessory apartments in the City of Beacon must meet the following requirements:

- The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.
- An accessory apartment may be located either in a detached single-family dwelling or in an accessory building on such a single-family lot.
- The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall also be 300 square feet, and the maximum shall be 600 square feet, except that the City Council may permit a smaller or larger accessory apartment where appropriate in an existing accessory building constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot

area required in the district in which the lot is located for each accessory apartment in excess of the first one.

- If an accessory apartment is located in a detached single-family dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain that of a single family residence.
- A minimum of two off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.
- Each accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with this section. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.

**Additional Requirements for Accessory Apartments in the Historic District Landmark Overlay Zone**

If the proposed accessory apartment is located in the Historic District Landmark Overlay Zone, the City Council will need to consider the criteria set forth in City Code § 134-7. 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 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.

In applying the principle of compatibility, the City Council must review the standards set forth in City Code § 134-7.B for new structures, additions, or alterations in the HDLO. These standards are attached hereto.

**§ 134-7. Criteria for approval of certificate of appropriateness or special permit in 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 facade of new buildings or additions.

**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,

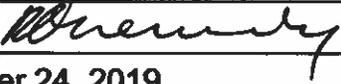


John Gunn, Chairman

**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 EB  
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

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Property Address: 3 Water Street  
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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 all items marked "NO" above, please explain below why the required information has not been provided:

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Items marked "No" are not applicable to this application

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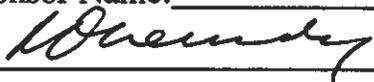
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Applicant/Sponsor Name: Peter O'Kennedy

Signature: 

Date: October 24, 2019

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**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

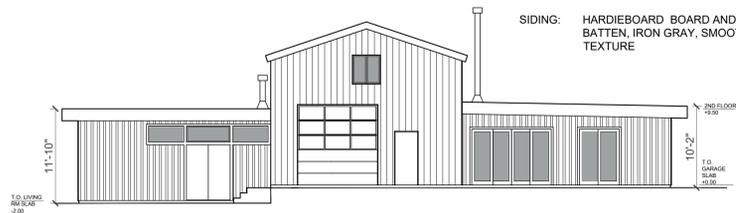
(Signature) *P. Kennedy*

EXISTING SIDING: RIBBED GALVANIZED METAL

WINDOWS: ANDERSEN A-SERIES, BLACK

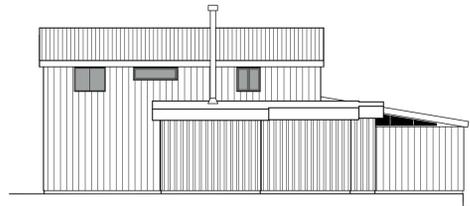
DOORS: ANDERSEN A-SERIES, BLACK

SIDING: HARDIEBOARD BOARD AND BATTEN, IRON GRAY, SMOOTH TEXTURE



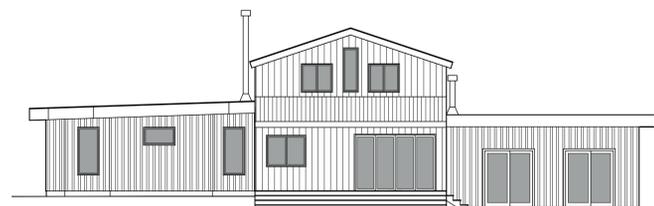
### Water Street (East) Elevation

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



### North Elevation

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



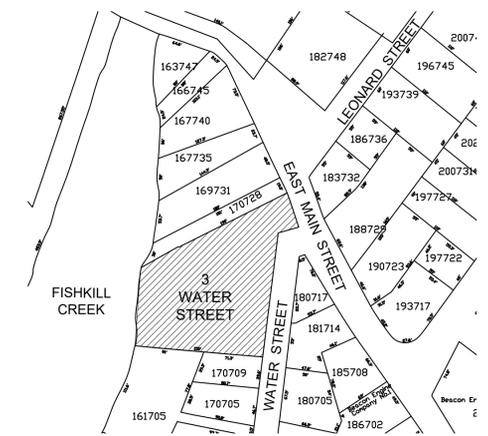
### West Elevation

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

### Bulk Regulations Table

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

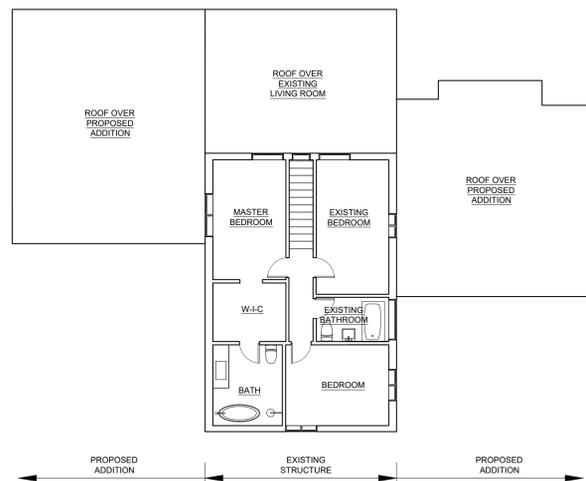
Zoning District:	R1-5 & CMS
Tax Map No.:	6054-38-170722
Lot Area:	0.54 acre
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Single Family Residence
Proposed Use:	Owner-Occupied Single-Family Residence with Accessory Apartment

### 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>

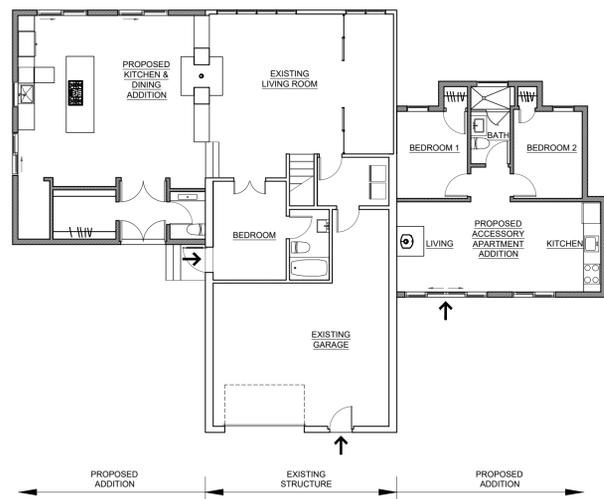
### Notes:

- 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.



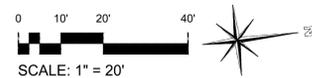
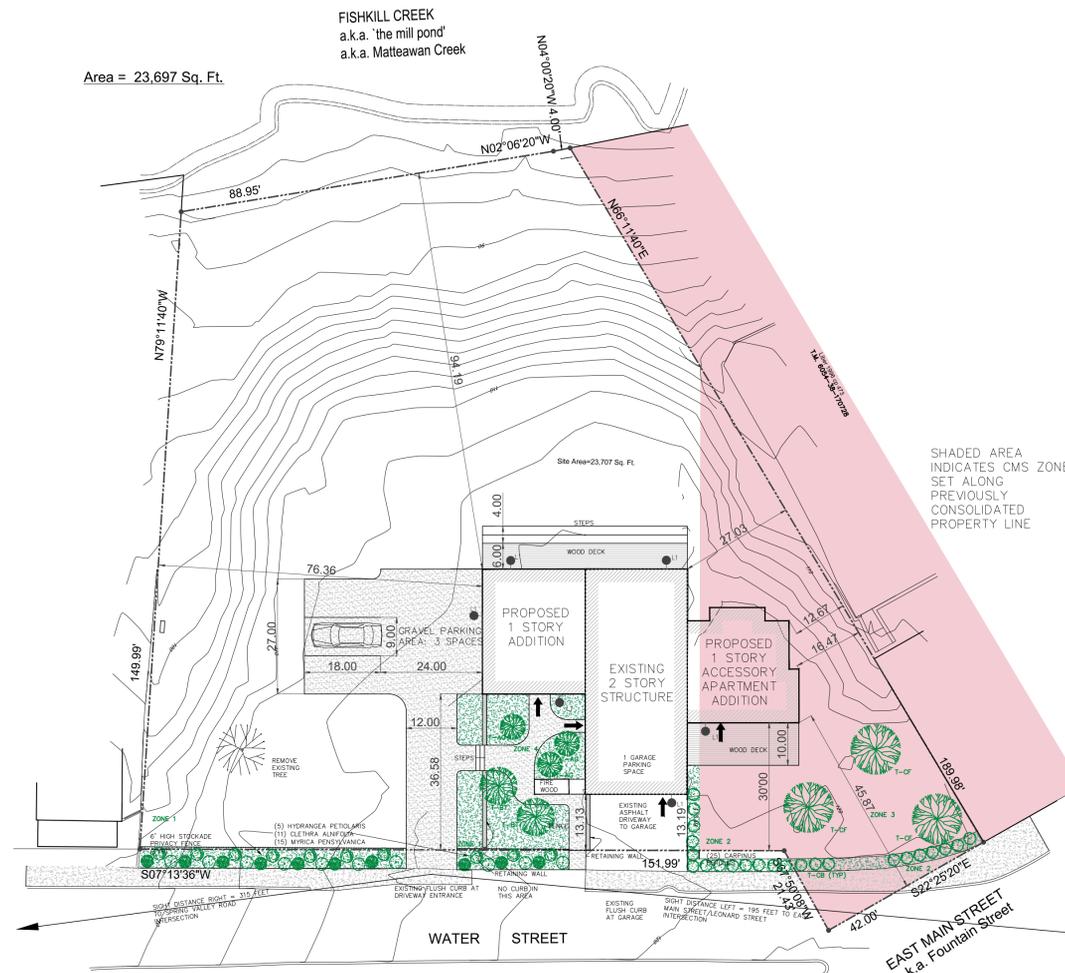
### 2nd Floor Plan

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

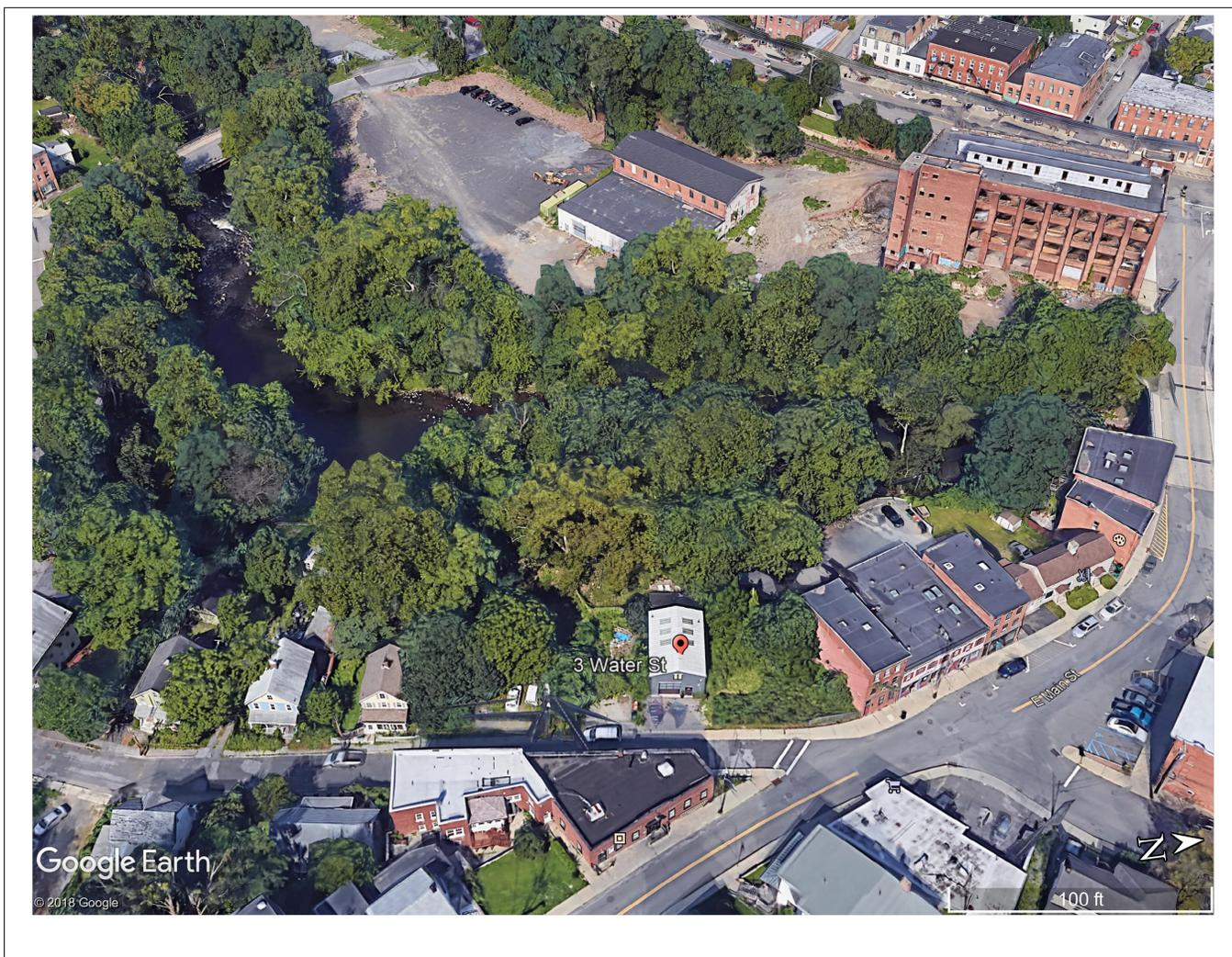
### Recommended For Approval:

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

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

**Customer:** CITY OF BEACON

**Ad No.:** 0004043268

**Address:** 1 MUNICIPAL PLZ  
BEACON NY 12508  
USA

**Pymt Method** Credit Card

**Net Amt:** \$40.39

**Run Times:** 1

**Run Dates:** 02/07/20

**Text of Ad:**

CITY OF BEACON  
CITY COUNCIL

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, March 16, 2020 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider a Special Use Permit relative to an application for Approval for an Accessory Apartment at 3 Water Street, identified on City Tax Maps as Section 6054, Block 38, Lot 170722, as submitted by Peter O'Kennedy.

City Council will hear all persons in support of such matter or any objections thereto at the time and place aforesaid. Individuals may appear in person, by agent or counsel.

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday, 8:00a.m. - 4:00p.m.)  
Iola C. Taylor, City Clerk  
Dated: February 5, 2020  
4043268

In the matter of the application for

POK Beacon LLC Special Use Permit

3 Water Street  
(Property Address)

130200-6054-38-170722-0000

(Parcel Number)

The undersigned, Peter O'Kennedy, being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of NEW YORK
2. That on FEB. 29, 2020, in anticipation of the Public Hearing on MARCH 16, 2020, the public notice sign at the referenced address was posted to reflect the Public Hearing in accordance with the City of Beacon's Zoning Ordinance.

A photograph was taken on FEB 29, 2020 showing the sign and the location is attached.

  
(Signature)

PETER O'KENNEDY  
(Printed Name)

NOTARY ACKNOWLEDGEMENT:

Sworn to before me this  
12<sup>th</sup> day of March, 2020  
Toniann Killmer  
Notary Public

TONIANN KILLMER  
Notary Public, State of New York  
No. 01KI6221635  
Qualified in Dutchess County  
Commission Expires May 10, 2022



In the matter of the application for

POK Beacon LLC  
(Special Use Permit Application)

3 Water Street

130200-6054-38-170722-0000

(Parcel Number)

The undersigned, Peter O'Kennedy, being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of New York.
2. Pursuant to § 223-61.3.B of the Zoning Code of the City of Beacon, on MARCH 4, 2020 I mailed copies of the annexed NOTICE OF PUBLIC HEARING relating to the premises known and designated as 3 Water Street, Beacon, New York, by certified mail. The Notice of Public Hearing is attached hereto as Exhibit "A," and the list of property owners named on the Assessment Roll of the City of Beacon within 250 feet of 3 Water Street are attached hereto as Exhibit "B" and the Certified Mail receipts are annexed hereto as Exhibit "C."

(Signature) *Peter O'Kennedy*  
 (Printed Name) PETER O'KENNEDY

NOTARY ACKNOWLEDGEMENT:

Sworn to before me this  
12<sup>th</sup> day of March, 2020

ToniAnn Killmer  
Notary Public

TONIANN KILLMER  
Notary Public, State of New York  
No. 01KI6221635  
Qualified in Dutchess County  
Commission Expires May 10, 20 22

**Beacon City Council  
Notice of Public Hearing**

Notice is hereby given that a public hearing will be held by the City Council of the City of Beacon, Dutchess County, New York, in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York, on March 16<sup>th</sup> which begins at 7:00 PM, to hear and consider comments related to an application for Special Use Permit Approvals for an accessory apartment at 3 Water Street, identified on City Tax Maps as Section 6054, Block 38, Lot 170722, submitted by Peter O’Kennedy. Said City Council will, at said time and place hear all persons in support of such matter or any objections thereto. Individuals may appear in person, by agent or by attorney.

Colin Milone  
Assistant to the Mayor

Dear Neighboring Property Owner:

Peter O’Kennedy has applied to the City Council for Special Use Permit Approval for an accessory apartment for property located at 3 Water Street. A copy of their proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:30 a.m. – 3:30 p.m.)

Plans are also available online at <http://www.cityofbeacon.org/Government/novusagenda.htm>

**Jalor Properties LLC**  
26 Roxanne Blvd  
Highland, NY 12528  
For Property:13020000605400381327270000

**MKHJ LLC**  
30 Logans Way  
Hopewell Junction, NY 12533  
For Property:13020000605400381867360000

**Jose Perez**  
11 Leonard St  
Beacon, NY 12508  
For Property:13020000605400381967450000

**Brick Row LLC**  
52 Dennings Ave  
Beacon, NY 12508  
For Property:13020000605400381926920000

**Ivan Morales**  
19 Water St  
Beacon, NY 12508  
For Property:13020000605400381686990000

**Kurt L. Mc Millen**  
160 Chelsea Rd  
Wappingers Falls, NY 12590  
For Property:13020000605400381827480000

**John Duggan**  
24 Liberty St  
Beacon, NY 12508  
For Property:13020000605400382027340000

**Brian William Mendes**  
20 Liberty St  
Beacon, NY 12508  
For Property:13020000605400382007310000

**Jean Huang**  
12 Liberty St  
Beacon, NY 12508  
For Property:13020000605400381977220000

**Judith M. Blomquist, Trustee**  
332 Minnesota St #W1070  
St Paul, MN 55101  
For Property:13020000605400381456910000

**Sharon Bronte**  
180 58th St W  
New York, NY 10019  
For Property:13020000605400381637470000

**Kurt McMillen**  
20 Main St E  
Beacon, NY 12508  
For Property:13020000605400381937390000

**Beacon Engine Co #1**  
57 Main St E  
Beacon, NY 12508  
For Property:13020000605400382047020000

**Mohinder Mangat**  
30 Logans Way  
Hopewell Junction, NY 12533  
For Property:13020000605400381707050000

**Beacon Engine Co #1**  
57 Main St E  
Beacon, NY 12508  
For Property:13020000605400381867020000

**Charalambos M. Peratikos**  
PO Box 16  
Beacon, NY 12508  
For Property:13020000605400381677400000

**Joseph A. Seranto**  
27 Spring Valley St  
Beacon, NY 12508  
For Property:13020000605400381856860000

**Emil J. Acevedo**  
50 Main St E  
Beacon, NY 12508  
For Property:13020000605400381937170000

**Gwenno M. James**  
20 Chestnut St S  
Beacon, NY 12508  
For Property:13020000605400381667450000

**David Jensen**  
39 Spring Valley St  
Beacon, NY 12508  
For Property:13020000605400381776920000

**Larry Way**  
39 Van Buren St  
Beacon, NY 12508  
For Property:13020000605400381887290000

**Pok Beacon LLC**  
3 Water St  
Beacon, NY 12508  
For Property:13020000605400381707220000

**Rafiq Ahmed**  
28 Main St E  
Beacon, NY 12508  
For Property:13020000605400381837320000

**Clodagh Aubry**  
420 Lexington Ave Ste 2312  
New York, NY 10170  
For Property:13020000605400381617050000

**Dieter Fanz**  
123 South Ave  
Beacon, NY 12508  
For Property:13020000605400381626950000

**Accord Realty & Development In**  
PO Box 1296  
Carmel, NY 10512  
For Property:13020000605400381697310000

**Janet Peratikos**  
PO Box 16  
Beacon, NY 12508  
For Property:13020000605400381857080000

**David Lant**  
29 Cutler Ln  
Garrison, NY 10524  
For Property:13020000605400381896980000

**Barbara D'Amico Smith**  
162 Main St  
Cold Spring, NY 10516  
For Property:13020000605400381616820000

**47 East Main Street LLC**  
47 Main St E  
Beacon, NY 12508  
For Property:13020000605400381807170000

1/22/2020

<https://gis.dutchessny.gov/parcelaccess/addListResults.asp>

Jonathan Schwartz  
13 Water St  
Beacon, NY 12508  
For Property:13020000605400381707090000

10 Boulevard LLC  
24 Woodbine Ave Ste 15  
Northport, NY 11768  
For Property:13020000605400301687720000

City Of Beacon  
1 Municipal Plz  
Beacon, NY 12508  
For Property:13020000605400371217150000

Richard Hollister  
303 Honness Rd  
Fishkill, NY 12524  
For Property:13020000605400381977270000

VBK Properties LLC  
PO Box 1296  
Carmel, NY 10512  
For Property:13020000605400381707280000

Sophia Stuart  
3 Water St  
Beacon, NY 12508  
For Property:13020000605400381817140000

Echo Porperties I LLC  
PO Box 1296  
Carmel, NY 10512  
For Property:13020000605400381907230000

Leo J. Schnetzler, III  
PO Box 1133  
Beacon, NY 12508  
For Property:13020000605400381806880000

Weber Projects II LLC  
11 Creek Dr 102A  
Beacon, NY 12508  
For Property:13020000605400381677350000

Deutsche Bank National Trust  
1661 Worthington Rd Ste 100  
West Palm Beach, FL 33409  
For Property:13020000605400381796980000

Debra Rhodes  
35 Cedar St N  
Beacon, NY 12508  
For Property:13020000605400382057380000

Brian Kolb  
37 Old State Rd  
Wappingers Falls, NY 12590  
For Property:13020000605400381807050000

Barbara D'Amico-Smith  
162 Main St  
Cold Spring, NY 10516  
For Property:13020000605400381556810000

[Printing tips for labels.](#)  
[Download or Open CSV file.](#)

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Public Hearing to Discuss a Special Use Permit Application for 1182 North Avenue**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from the Planning Board Regarding 1182 North Avenue	Cover Memo/Letter
Attachement to Negative Declaration Reason Supporting Determination	Cover Memo/Letter
Memorandum from Dutchess County Planning and Development Regarding 1182 North Avenue	Cover Memo/Letter
Special Use Permit Application 1182 North Avenue	Application
Full EAF 1182 North Avenue	EAF
Affidavit of Mailing 1182 North Avenue	Backup Material
Affidavit of Posting 1182 North Avenue	Backup Material
Public Hearing Notice Confirmation Poughkeepsie Journal	Cover Memo/Letter



# CITY OF BEACON New York

John Gunn  
Planning Board Chairman

Planning Board

845-838-5002

November 25, 2019

Dutchess County Department of Health  
✓Beacon City Council  
Beacon Zoning Board of Appeals

Subject: **1182 North Avenue, Beacon, New York**  
**Tax Grid No. 30-5955-19-738049-00**  
**Designation of Lead Agency in Accordance with SEQRA**

Dear Sir/Madam:

The City of Beacon Planning Board is hereby notifying you that it has received applications for Subdivision (lot line realignment) Approval, Special Use Permits and Site Plan Approvals for property located at 1182 North Avenue. Two existing lots will be reconfigured and a new single-family house will be constructed, including an attached accessory apartment and an attached for-rent artist studio. The Beacon City Council is the approval authority for the Special Use Permits (for-rent artist studio and accessory apartment), and the Beacon Planning Board is the approval authority for Subdivision Approval and Site Plan Approvals. The proposed action also includes a request for area variances from the Beacon Zoning Board of Appeals. The property is located in the R1-7.5 Zoning District and the Historic District and Landmark Overlay (HDLO) zone.

The City of Beacon Planning Board hereby declares its intent to serve as the Lead Agency for the environmental review of the proposed Unlisted action. Further, the City of Beacon Planning Board is hereby notifying you that, in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), the Planning Board will automatically become the Lead Agency unless you submit a written objection to the Board within 30 calendar days of the mailing of this notification. Enclosed for your use, if you choose, is a form for responding to the Planning Board.

In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Long Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the proposed action, and a copy of the application.

Very truly yours,

John Gunn, Chairman

Enclosures: 3

cc: David Buckley                      Arthur R. Tully, PE  
      Jennifer L. Gray, Esq.            John Clarke, City Planner

**RESPONSE FORM TO CITY OF BEACON PLANNING BOARD**

**To:** City of Beacon Planning Board

**From:** \_\_\_\_\_ [please insert your agency name]

**Date:** \_\_\_\_\_ [please insert date]

**Subject:** **1182 North Avenue, Beacon, New York**  
**Tax Grid No. 30-5955-19-738049-00**  
**Designation of Lead Agency in Accordance with SEQRA**

With respect to the declaration that the City of Beacon Planning Board intends to serve as the Lead Agency for Subdivision (lot line realignment) Approval, Special Use Permits and Site Plan Approvals for property located at 1182 North Avenue in connection with a lot line realignment, new single-family house, including an attached accessory apartment and an attached for-rent artist studio, the above identified agency:

[please check one box below]

- Has no objection to the Planning Board serving as Lead Agency.
- Takes no position with respect to the Planning Board serving as Lead Agency.
- Objects to the Planning Board serving as Lead Agency.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**ATTACHMENT TO  
NEGATIVE DECLARATION  
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR SUBDIVISION, SITE PLAN  
AND SPECIAL USE PERMIT APPROVAL  
FOR 1182 NORTH AVENUE**

Parcel ID Nos. 5955-19-738049 & 747060

**CONCLUSIONS**

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the Planning Board. This narrative will discuss and explain the analysis of the potential impacts, and why a particular element of the proposed action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in Part 3, even if the potential impact was identified as “none” or “small.” Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, provides the following rationale for its SEQRA Determination.

**Project Description:**

The Proposed Action is a lot line realignment between two parcels, where an existing single-family residence will remain on Parcel No. 5955-19-738049 which will consist of 0.284 acres, and a single-family residence with a 646 square foot accessory apartment is proposed on Parcel No. 5955-19-747060 which will consist of 0.39 acres. The property is located at 1182 North Avenue in the R1-7.5 Zoning District and the Historic District and Landmark Overlay (HDLO) Zone (the “Property” or “Site”).

The Proposed Action is an Unlisted Action. The Planning Board circulated its Notice of Intent to be Lead Agency, and received no objections. The Planning Board, as Lead Agency, opened and closed a public hearing to consider comments on its environmental review of the Proposed Action on December 10, 2019.

**Summary of Rationale for Negative Declaration**

The Proposed Action will not result in any significant adverse impacts on the environment.

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.**

The Property is located in the R1-7.5 Zoning District and the Historic District and Landmark Overlay Zone and is currently improved with an existing single-family residence. The Applicant now seeks a lot line realignment between two parcels where the existing single-family residence will remain, and proposes to construct a single-family residence with a 646 square foot accessory apartment on the enlarged vacant lot. The Proposed Action will reconfigure the lot lines between two existing lots so as to convert a landlocked lot consisting of 0.123 acres to a 0.392 acre lot suitable for development. There are no steep slopes or natural features that require significant grading or excavation. No significant adverse environmental impacts are expected as a result of any physical change to the project site.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

The Project does not include or require wastewater discharged to groundwater.

The Project includes the implementation of erosion and sediment controls, including stormwater management structures. The Applicant has also agreed to use gravel or other permeable materials in the construction of the proposed 9' x 18' off-street parking area at the rear of the site to reduce the impervious coverage and stormwater runoff.

The Project will be connected to the existing public water distribution and sanitary sewer systems. The total estimated water and wastewater demand for the Site is 440 gallons per day (gpd).

Due to the proposed potable water demand of 440 gpd the Proposed Action is exempt from the existing moratorium enacted by the City of Beacon City Council on September 3, 2019 and modified on February 18, 2020. According to the terms of the moratorium, it was established "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." Well #2 of the City's water supply system is off-line while it is undergoing repairs. The Proposed Action will not adversely affect the City's water supply.

As a result, the Project will not result in a significant adverse impact on surface or groundwater quality or quantity.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

For the reasons set forth above, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or on surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

Construction activities including paving, grading and excavation could result in temporary air quality impacts. However, air quality in the area is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction will be limited to 8:00 am – 4:00 p.m. Monday through Friday and 9:00 a.m. – 4:00 p.m. on Saturdays. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials. These unavoidable short term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes. It is anticipated that nearby properties may experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed project. This is a temporary, construction-related, unavoidable impact that is not significant.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

Although the Full EAF indicates that the Property may contain or serve as habitat for the endangered Atlantic Sturgeon, Shortnose Sturgeon and Indiana Bat, the habitat of the Sturgeon will not be disturbed and removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and March 31 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees. The Applicant will be removing eight (8) trees from the property including the removal of the pines along the border of the property which the Applicant represented pose a risk of toppling during inclement weather. However, the Applicant has proposed to landscape the Property by planting trees, shrubs and grass as shown on the proposed Site Plan, including planting new trees with a lower canopy where the existing pines are located along the eastern property line. Further, two (2) trees that were originally proposed for removal (12-inch maple and 15-inch maple) are now proposed to be preserved due to the reduction in the number of proposed parking spaces in the rear of the Site. For these reasons, the Proposed Action will not have a significant adverse environmental impact on flora and fauna.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources. The construction of the additional building will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visibility from any publicly accessible vantage points either seasonally or year around.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The Proposed Action is adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. However, the proposed development on the Property is consistent with the existing neighborhood and will not affect archaeological resources. The Project is located near the Dewindt House and the Lower Main Street Historic District, but the Project is not visible from these resources and will therefore not impact either historic resource. The Proposed Action will not have a significant adverse environmental impact on historic or archaeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

Traffic. The additional traffic generated by the construction of a single-family residence with an accessory apartment near a major thoroughfare (Route 9D) will be insignificant.

Parking. The proposed parking includes 6 parking spaces as required by the City of Beacon Code. Demand is sufficiently met and there will be no impact on parking.

The Proposed Action will not have a significant adverse environmental impact on transportation.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the additional demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any discernable odors at the property line. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction. Proposed lighting for the expanded parking lot will be shielded to prevent light pollution onto neighboring properties.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The construction of a single-family residence with an accessory apartment and associated parking is generally not associated with significant adverse impacts on human health from exposure to new or existing sources of contaminants. According to EAF Part 1, the project has never been used as a solid waste management facility, has never been the site of hazardous waste generation or disposal and has not been the site of any oil spills or other contamination. Additionally, use as a single-family residence and an accessory apartment do not typically produce contaminants that will be released into the air exposing humans to adverse environmental impacts, the effects of air disturbance and noise are limited to the construction period which is temporary and confined to the Property. As such the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

City of Beacon Planning Board  
March 10, 2020

The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Resolution Adopted: March 10, 2020  
Beacon, New York

\_\_\_\_\_  
John Gunn, Chairman  
City of Beacon Planning Board

\_\_\_\_\_, 2020  
Dated

Motion by J.Reynolds, seconded by K.Quiana:

Kevin Byrne	Voting: AYE	Leonard Warner	Voting: AYE
Rick Muscat	Voting: EXCUSED	J. Randall Williams	Voting: EXCUSED
Karen Quiana	Voting: AYE	John Gunn, Chairman	Voting: AYE
Jill Reynolds	Voting: AYE		

Approved 5-0

**Dutchess County Department of Planning and Development**

Fax info To Jen Cocozza Date 3/11/20 # pgs 32  
 Dept Planning & Dev. From Collin Milone  
 Fax # \_\_\_\_\_ Phone # 845 838 5010

**239 Planning/Zoning Referral - Exemption Communities**

Municipality: City of Beacon

Referring Agency:  Planning Board  Zoning Board of Appeals  Municipal Board

Tax Parcel Number(s): 130200 - 5955 - 19 - 7380 49 - 0000

Project Name:

Applicant: Andrew MacDonald working with Dan Koehler of Hudson Land Design

Address of Property: 1182 North Avenue, Beacon, NY 12508

Please fill in this section

- Parcel(s) within 500 feet of:**
- State Road \_\_\_\_\_
  - County Road \_\_\_\_\_
  - State Property (w/public building or recreation area)
  - County Property (w/public building or recreation area)
  - Municipal Boundary
  - Farm operation in an Agricultural District

- Actions Requiring 239 Review**
- Comprehensive/Master Plans
  - Zoning Amendments (standards, uses, definitions, district regulations, etc.)
  - Rezoning involving all map changes
  - Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
  - Site Plans (all)
  - Special Permits for all non-residential uses
  - Use Variances for all non-residential uses
  - Area Variances for all non-residential uses

- Exempt Actions:\***  
**239 Review is NOT Required**
- Administrative Amendments (fees, procedures, penalties, etc.)
  - Special Permits for residential uses (accessory apts, home occupations, etc.)
  - Use Variances for residential uses
  - Area Variances for residential uses
  - Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
  - Subdivisions / Lot Line Adjustments
  - Interpretations
- Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): March 16, 2020

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

\* These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

FOR COUNTY OFFICE USE ONLY

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

- |  |   |
|--|---|
| <p><b>No Comments:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Matter of Local Concern</li> <li><input type="checkbox"/> No Jurisdiction</li> <li><input type="checkbox"/> No Authority</li> <li><input type="checkbox"/> Project Withdrawn</li> <li><input checked="" type="checkbox"/> Exempt from 239 Review</li> </ul> | <p><b>Comments Attached:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Local Concern with Comments</li> <li><input type="checkbox"/> Conditional</li> <li><input type="checkbox"/> Denial</li> <li><input type="checkbox"/> Incomplete — municipality must resubmit to County</li> <li><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</li> <li><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</li> </ul> |
|--|---|

Date Submitted: <u>3/11</u>	Notes: <u>Special permits for residential actions are exempt</u>	<input type="checkbox"/> Major Project
Date Received: <u>3/11</u>		Referral #: <u>2020-092</u>
Date Requested: <u>3/16</u>		
Date Required: <u>4/9</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>[Signature]</u>
Date Response Faxed: <u>3/13</u> <i>emailed to C. Milone.</i>		

**APPLICATION FOR SPECIAL USE PERMIT**

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

**IDENTIFICATION OF APPLICANT**

*(For Official Use Only)*

Date Initials

Name: Andrew G. MacDonald

Application & Fee Rec'd

10-29-19 AG

Initial Review

11-13-19

Address: 97 Roosevelt Drive

PB Public Hearing

Poughquag, NY 12570

Sent to City Council

Signature: Andrew MacDonald

City Council Workshop

Date: 10/28/2019

City Council Public Hearing

Phone: 914-645-4351

City Council Approve/Disapprove

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: Daniel G. Koehler, P.E.

Phone: 845-440-6926

Address: 174 Main Street, Beacon, NY 12508

Fax: 845-440-6631

Email address: dkoehler@hudsonlanddesign.com

**IDENTIFICATION OF SUBJECT PROPERTY:**

Property Address: 1182 North Avenue, Beacon, NY 12508

Tax Map Designation: Section 5955 Block 19 Lot(s) 747060

Land Area: 0.676 acres total (after Lot Line alteration) Zoning District(s) R1-7.5

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Proposed 726 sqft of artist studio space and 646 Accessory apartment within proposed single-family residence

Gross Non-Residential Floor Space: Existing 0 Proposed 726 sqft

TOTAL: 726 sqft non-residential; 646 sqft residential accessory apartment

Dwelling Units (by type): Existing 0 Proposed 2

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: Andrew G. MacDonald  
Address: 97 Roosevelt Drive  
Poughquag, NY 12570  
Signature: *Andrew MacDonald*  
Date: 10/29/19  
Phone: 914-645-4351

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

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

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: Daniel G. Koehler, P.E.  
Address: 174 Main Street  
Beacon, NY 12508

Phone: 845-440-6926  
Fax: 845-440-6637  
Email address: dkoehler@hudsonlanddesign.com

**IDENTIFICATION OF SUBJECT PROPERTY:**

Property Address: 1182 North Avenue, Beacon, NY 12508  
Tax Map Designation: Section 5955 Block 19 Lot(s) 747060  
Land Area: 0.68 acres total (After lot line alteration) Zoning District(s) R1-7.5

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

Proposed Use: Lot Line realignment of Existing Lots into 2 new lots with a single-family residence, accessory apartment and artist studio on new lot.  
Gross Non-Residential Floor Space: Existing 0 sqft Proposed 728 sqft  
TOTAL: 728 sqft  
Dwelling Units (by type): Existing 1 Proposed 2  
TOTAL: 3

**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.

**FOR OFFICE USE ONLY**

Application #

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

**INDIVIDUAL DISCLOSURE FORM**

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

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

**SECTION A**

Name of Applicant: Andrew G. MacDonald

Address of Applicant: 97 Roosevelt Drive, Poughquag, NY 12570

Telephone Contact Information: 914-645-4351

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Andrew MacDonald		845-591-8176		
	97 Roosevelt Dr			
	Poughquag NY		Dec 2013	Address
				County NY Jan 2014

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

YES

NO

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

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

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

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

YES

NO

I, Andrew Maschewald being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Andrew Maschewald

(Signature) Andrew Maschewald

**APPLICATION PROCESSING RESTRICTION LAW**  
**Affidavit of Property Owner**

Property Owner: Andrew G. MacDonald

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

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

Applicant Address: 97 Roosevelt Drive, Poughquag, NY 12570

Project Address: 1182 North Avenue, Beacon, NY 12508

Project Tax Grid # 5955-19-738049 & 747060

Type of Application Lot Line Realignment, Site Plan and Special Use Permits

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, Andrew MacDonald, 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 AM
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 AM
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 AM

Andrew MacDonald

Signature of Owner

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	✓	—	AM
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	—	X	AM
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	—	X	AM

**CITY OF BEACON  
SITE PLAN SPECIFICATION FORM**

Name of Application: 1182 NORTH AVENUE SITE PLAN

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

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:		
<b>LEGAL DATA</b>		
Name and address of the owner of record.		
Name and address of the applicant (if other than the owner).		
Name and address of person, firm or organization preparing the plan.		
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.		
Approximate boundaries of any areas subject to flooding or stormwater overflows.		
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.		
<b>EXISTING STRUCTURES, UTILITIES, ETC.</b>		
Outlines of all structures and the location of all uses not requiring structures.		
Paved areas, sidewalks, and vehicular access between the site and public streets.		
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.		
Other existing development, including fences, retaining walls, landscaping, and screening.		
Sufficient description or information to define precisely the boundaries of the property.		
The owners of all adjoining lands as shown on the latest tax records.		
The locations, names, and existing widths of adjacent streets and curb lines.		
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.		

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



**APPLICATION FOR SUBDIVISION APPROVAL**

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

**IDENTIFICATION OF APPLICANT**

*(For Official Use Only)*

Date Initials

Name: ANDREW G. MACDONALD

Preliminary Application Rec'd

10-29-19 EB

Application Fee:

Address: 97 Roosevelt Drive

Public Hearing

Poughquag, NY 12570

Preliminary Plat Approved:

Signature: Andrew MacDonald

Final Plat Approved:

Date: 10/29/2019

Recreation Fee:

Phone: 917-645-4351

Performance Bond:

**IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL**

Name: Daniel G. Koehler, P.E.

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**IDENTIFICATION OF SUBJECT PROPERTY:**

Subdivision name or identifying title:

MacDonald Subdivision

Street which property abuts: NYS Route 9D (North Avenue) and Ralph Street

Current Tax Map Designation: Section 5955 Block 19 Lot(s) 738049 & 747060

Property (does) ~~(does not)~~ connect directly into a (State) ~~(County)~~ highway. NYS Route 9D

Land in subdivision ~~(is)~~ (is not) within 500 feet of a Municipal boundary.

Total area of property is 0.68 acres

**ITEMS TO ACCOMPANY THIS APPLICATION**

- a. One electronic and five (5) **folded** copies of a subdivision plat showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- c. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.



PRELIMINARY CONSTRUCTION PLANS	YES	NO
The preliminary construction plans shall be drawn at the same scale as the preliminary plat and shall include the following information:		
Location and sizes of any existing water, sewer storm drainage and other utility lines and structures within and nearby the proposed subdivision.		
The proposed system for the provision of water supply and fire protection facilities, sewage disposal, stormwater drainage, and other utility services.		
Proposed street or private road profiles and cross-sections showing the approximate grade of proposed streets or private roads, the relationship of existing to proposed grades, and the proposed grades, and the proposed vertical curvature along the center line of all new streets or private roads.		
Location of all existing and proposed monuments and other subdivision improvements.		
Such additional information as may be required by this chapter, the Zoning chapter, or the Planning Board.		

FINAL SUBDIVISION PLAT <i>(continued)</i>	YES	NO
<p>Form for endorsement by Planning Board Chairman as follows:</p> <p>“Approved by Resolution of the Planning Board of the City of Beacon, New York, on the _____ day of _____, 20_____, subject to All requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval.</p> <p>Signed this _____ day of _____, 20_____, by _____, Chairman _____, Secretary</p> <p>In absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary Respectively may sign in this place.</p>		
<p>Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.</p>		
<p>Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter 190 and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 190, Article II. The approved final subdivision plat shall be consistent with the provisions of Chapter 190.</p>		

FINAL CONSTRUCTION PLANS	YES	NO
<p>Final construction plans and profiles shall be prepared for all proposed streets, private roads and other required improvements. Plans shall be drawn at the same scale as the final plat and on the same size sheets, but not on the same sheets. The following information shall be shown:</p>		
<p>Plans and profiles showing the location and a typical cross-section of street and/or private road pavements including curbs and gutters, sidewalks, manholes and catch basins; the location of street or private road trees, lighting and signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; the location and size of all water, gas or other underground utilities or structures; and the location and design of any other required improvements.</p>		
<p>Profiles showing existing and proposed elevations along the center line of all streets and private roads. Where a proposed street or private road intersects an existing street or private road, the elevation along the center line of the existing street or private road within 100 feet of intersection, shall be shown. All elevations must be referred to established U.S. Government of approved local benchmarks, where they exist within ½ mile of the boundary of the subdivision.</p>		
<p>The Planning Board may require, where steep slopes exist, cross-sections showing existing and proposed elevations of all new streets and private roads every 100 feet at five points on a line at right angles to the center line of the street or private road, said elevation points to be at the center line of the street or private road, each property line, and points 30 feet inside each property line.</p>		
<p>Location, size, elevation and other appropriate description of any existing facilities which will be connected to proposed facilities and utilities within the subdivision.</p>		





**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: MacDonald Lot Line Realignment, Site Plan and Special Use Permit		
Project Location (describe, and attach a general location map): 1182 North Avenue, Beacon, NY 12508		
Brief Description of Proposed Action (include purpose or need): Lot Line realignment between two parcels, where an existing single-family residence will remain, and a single-family residence with an accessory apartment (646 sqft) and an accessory artist studio (728 sqft) is proposed on the enlarged vacant lot.		
Name of Applicant/Sponsor: Andrew MacDonald		Telephone: 914-645-4351
		E-Mail: andrew.g.macdonald@aol.com
Address: 97 Roosevelt Drive		
City/PO: Poughquag	State: New York	Zip Code: 12570
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council - Special Use Permit in Historic District and Landmark Overlay Zone	
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Site Plan and Lot Line Realignment	
c. City, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dutchess County Department of Community and Behavioral Health - Permission To File	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
<u>Historic District and Landmark Overlay</u> _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	
_____ _____ _____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
R1-7.5 and Historic District and Landmark Overlay Zone

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? City of Beacon School District

b. What police or other public protection forces serve the project site?  
City of Beacon Police Department

c. Which fire protection and emergency medical services serve the project site?  
City of Beacon Fire Department

d. What parks serve the project site?  
Memorial Park; South Avenue Park; River Front Park; Green Street Park

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential with Artist Studio

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ 0.68 acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ 0.35 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ 0.68 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
Lot Line realignment to correct existing land-locked parcel.  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? 2  
 iv. Minimum and maximum proposed lot sizes? Minimum 12391 sqft Maximum 17082 sqft

e. Will the proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ 6 months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

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

If Yes:

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

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

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

If Yes:

4 BR @ 110 GPD/BR

i. Total anticipated water usage/demand per day: \_\_\_\_\_ 470 gallons/day + 2 Artists @ 15 GPD/artist

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ 470 gallons/day 4 BR @ 110 GPD/BR + 2 Artists @ 15 GPD/Artist

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

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

If Yes:

- Name of wastewater treatment plant to be used: City of Beacon Wastewater Treatment Plant
- Name of district: City of Beacon Municipal Sewer System
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

Yes  No  
 Yes  No

• Do existing sewer lines serve the project site?  
 • Will a line extension within an existing district be necessary to serve the project?  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_  
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 08:00-16:00</li> <li>• Saturday: _____ 09:00-16:00</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations: <span style="float: right;">24/7 residential, Artist Studio Hours are below:</span></p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 10:00-8:00</li> <li>• Saturday: _____ 11:00-8:00</li> <li>• Sunday: _____ 11:00-8:00</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
Excavation machinery during construction hours outlined in Section D.2.I.

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
Building mounted lighting for entrances and garage. Fixtures are >18 feet from nearest structure to the east.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 • Operation: \_\_\_\_\_

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: \_\_\_\_\_

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

### E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

- Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0482	0.258	+ 0.2103
• Forested	0.123	0.110	- 0.013
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0	0	0
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0.0303	0	- 0.0303
• Other Describe: <u>Grassed Areas</u>	0.475	0.308	- 0.167

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain; \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities:  
 Astor Head Start  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection:  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): 314069, V00293  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
 314069: Classification N: No Further Action at this Time  
 V00293: Classification C: Completed

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6.7 feet Per Soil Maps

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: Dutchess-Cardigan Urban Land-DxB 100 %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ >6.7 feet Per Soil Maps

e. Drainage status of project site soils:  Well Drained: 100 % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_  
 \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_  
 \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100-year Floodplain?  Yes  No

k. Is the project site in the 500-year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:  
 i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ Grey Squirrel _____ All Northeastern Bird Species _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: i. Species and listing (endangered or threatened): _____ Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Species and listing: _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District		
<i>ii.</i> Name: <u>Lower Main Street Historic District, Bogardus--DeWindt House</u>		
<i>iii.</i> Brief description of attributes on which listing is based: <u>Site is located in Historic District and Landmark Overlay Zone</u>		
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Describe possible resource(s): _____		
<i>ii.</i> Basis for identification: _____		
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify resource: <u>Hudson Highlands Scenic Area of State Significance</u>		
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>Natural, Historical and Cultural Feature</u>		
<i>iii.</i> Distance between project and resource: _____ 1 miles.		
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:		
<i>i.</i> Identify the name of the river and its designation: _____		
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?		<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

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

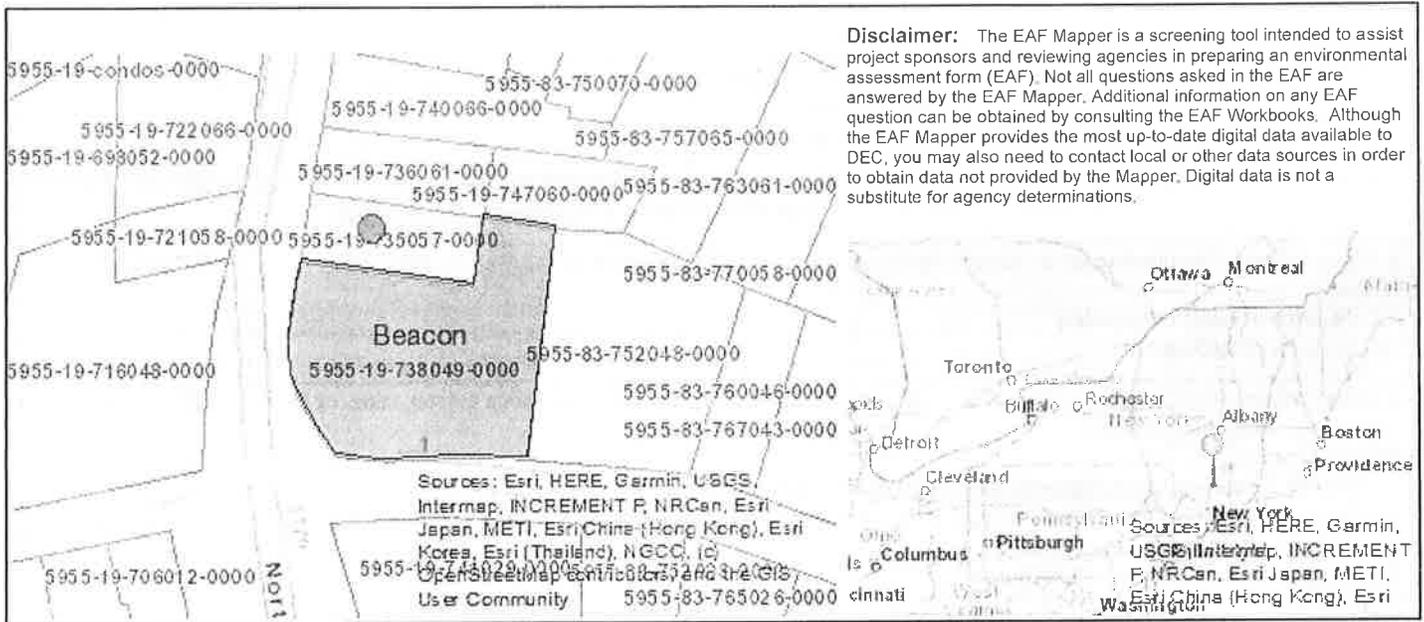
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

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

Applicant/Sponsor Name Daniel G. Koehler, P.E. Date \_\_\_\_\_

Signature \_\_\_\_\_ Title Engineer for Applicant



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	314069, V00293
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Atlantic Sturgeon, Shortnose Sturgeon, Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National or State Register of Historic Places or State Eligible Sites - Name]	Lower Main Street Historic District, Bogardus--DeWindt House
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No



In the matter of the application for

Andrew MacDonald  
(Special Use Permit Application)

1182 North Avenue

130200-5955-19-738049-0000  
(Parcel Number)

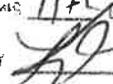
The undersigned, Courtney Bodendorf being duly sworn hereby deposes and says:

1. I am over the age of 18 years of age and am a resident of the State of New York.
2. Pursuant to § 223-61.3.B of the Zoning Code of the City of Beacon, on Feb. 28, 2020 I mailed copies of the annexed NOTICE OF PUBLIC HEARING relating to the premises known and designated as 1182 North Avenue, Beacon, New York, by certified mail. The Notice of Public Hearing is attached hereto as Exhibit "A," and the list of property owners named on the Assessment Roll of the City of Beacon within 250 feet of 1182 North Avenue are attached hereto as Exhibit "B" and the Certified Mail receipts are annexed hereto as Exhibit "C."

  
(Signature)  
Courtney Bodendorf  
(Printed Name)

NOTARY ACKNOWLEDGEMENT:



RECORDED AND SWORN TO BEFORE ME  
THIS 11<sup>th</sup> DAY OF MARCH 2020  
BY   
NOTARY PUBLIC



In the matter of the application for

Andrew MacDonald Special Use Permit Application

1182 North Avenue  
(Property Address)

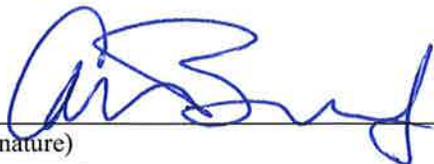
130200-5955-19-738049-0000

(Parcel Number)

The undersigned, Courtney Bodendorf, being duly sworn hereby  
deposes and says:

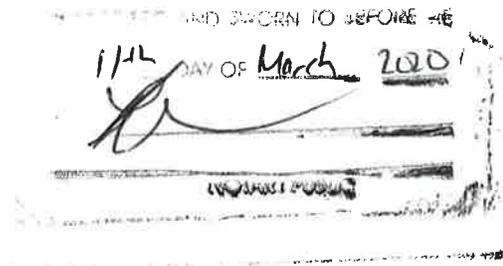
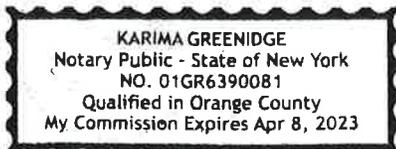
1. I am over the age of 18 years of age and am a resident of the State of New York
2. That on February 28, 2020, in anticipation of the Public  
Hearing on March 16, 2020, the public notice  
sign at the referenced address was posted to reflect the Public Hearing in accordance with  
the City of Beacon's Zoning Ordinance.

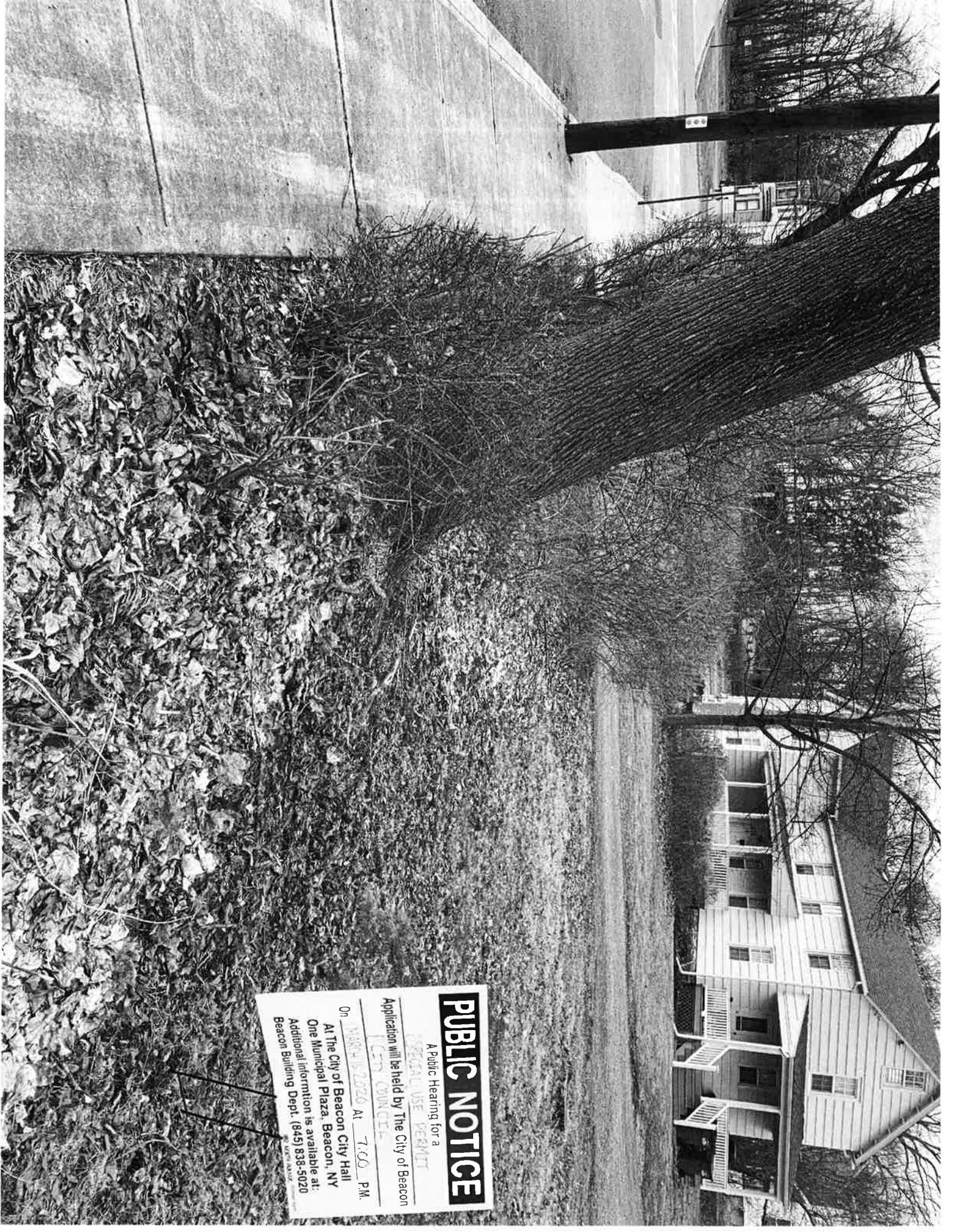
A photograph was taken on February 28, 2020 showing the sign and the  
location is attached.

  
(Signature)

Courtney Bodendorf  
(Printed Name)

NOTARY ACKNOWLEDGEMENT:





# PUBLIC NOTICE

A Public Hearing for a

SPECIAL USE PERMIT

Application will be held by The City of Beacon

CITY COUNCIL

On MARCH 16, 2020 At 7:00 P.M.

At The City of Beacon City Hall  
One Municipal Plaza, Beacon, NY

Additional information is available at:  
Beacon Building Dept. (845) 838-5020

BY JOHN ANZIO

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

**Customer:** CITY OF BEACON

**Ad No.:** 0004070737

**Address:** 1 MUNICIPAL PLZ  
BEACON NY 12508  
USA

**Pymt Method** Credit Card

**Net Amt:** \$42.01

**Run Times:** 1

**Run Dates:** 02/22/20

**Text of Ad:**

CITY OF BEACON  
CITY COUNCIL

**NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, March 16, 2020 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider a Special Use Permit relative to an application for Approval to build a new single family house, including an attached accessory apartment and attached for-rent artist studio space with associated parking at 1182 North Avenue, identified on City Tax Maps as Section 5955, Block 19, Lot 738049, as submitted by Andrew MacDonald.

City Council will hear all persons in support of such matter or any objections thereto at the time and place aforesaid. Individuals may appear in person, by agent or counsel.

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday, 8:00a.m. - 4:00p.m.)

Amanda C. Caputo, Deputy City Clerk

Dated: February 20, 2020  
4070737

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Concerning the Historic District Landmark Overlay (Council Expected to Adjourn to a Later Date)**

**Subject:**

**Background:**

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Approving the Appointment of Robert Palisi to the Board of Assessment Review**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Appointing Robert Palisi to the Board of Assessment Review	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_ OF 2020**

**RESOLUTION APPOINTING ROBERT PALISI TO THE  
BOARD OF ASSESSMENT REVIEW**

**BE IT RESOLVED**, the Mayor hereby appoints, with the consent of the City Council, Robert Palisi to the Board of Assessment Review for a five-year term ending March 15, 2025.

<b>Resolution No. ___ of 2020</b>			<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution of the City of Beacon City Council Regarding the Merger of the New York State Bridge Authority into the New York State Thruway Authority**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution of the City of Beacon City Council Regarding the Merger of the New York State Bridge Authority into the New York State Thruway Authority	Resolution



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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEACON REGARDING THE  
MERGER OF THE NEW YORK STATE BRIDGE AUTHORITY INTO THE NEW YORK  
STATE THRUWAY AUTHORITY**

**WHEREAS**, the Hamilton Fish Newburgh Beacon Bridge (the "Newburgh Beacon Bridge") spans the Hudson River between the City of Beacon ("City") and the Town of Newburgh; and

**WHEREAS**, the New York State Bridge Authority ("Bridge Authority") operates the Newburgh Beacon Bridge and other bridges across the Hudson River in the MidHudson region, which serve as vital links for the lives and commerce of numerous residents and businesses located in the City and in the Newburgh-Beacon economic area, who utilize the bridge crossings of the River on a daily basis; and

**WHEREAS**, Governor Andrew Cuomo, in his 2020-21 budget address, announced legislation to merge the Bridge Authority into the New York State Thruway Authority ("Thruway Authority"); and

**WHEREAS**, the tolls on the five bridges operated by the Bridge Authority are relatively low, and presumably reflect an efficient and well-maintained operation by the Bridge Authority

**WHEREAS**, the City is concerned that a merger may result in either Bridge Authority revenue being used to subsidize Thruway Authority efforts, or in reduced Bridge Authority expense to offset higher Thruway Authority expense, or in reduced Bridge Authority operational staffing and capital efforts, thereby negatively affecting the Newburgh Beacon Bridge and the critical linkage it provides to the Newburgh-Beacon economic area

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon encourages New York State to ensure that any actions involving the Bridge Authority and the Thruway Authority do not negatively affect the Bridge Authority's mission of providing five efficient, well maintained and low-toll bridges crossing the Hudson River, and in particular the Newburgh Beacon Bridge; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution be delivered, by the City Clerk to the Hon. Andrew J. Cuomo, Governor, the Hon. Susan Serino, Senator for the 41ST District and the Hon. Jonathon G. Jacobson, Assemblyman for the 104TH District.

<b>Resolution No. ____ of 2020</b>			<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 211, Article II, Section 10 and 12 and Article III, Section 15 of the Code of the City of Beacon Regarding Vehicles and Transportation for April 20, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 211, Article II, Section 10 and 12 and Article III, Section 15 of the Code of the City of Beacon Regarding Vehicles and Transportation for April 20, 2020	Resolution
Proposed Local Law to Amend Chapter 211, Article II, Section 10 and 12 and Article III, Section 15 of the Code of the City of Beacon Regarding Vehicles and Transportation	Local Law



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

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A PROPOSED LOCAL  
LAW TO AMEND CHAPTER 211 ARTICLE II SECTION 10 AND 12 AND ARTICLE  
III SECTION 15 OF THE CODE OF THE CITY OF BEACON REGARDING  
PARKING AND TRANSPORTATION FOR APRIL 20, 2020**

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Beacon City Council hereby sets a Public Hearing to Discuss a Proposed Local Law to Amend Chapter 211 Article II Section 10 and 12 and Article III Section 15 of the Code of the City of Beacon Regarding Parking and Transportation for April 20, 2020.

<b>Resolution No. ___ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW TO AMEND CHAPTER 211, ARTICLE II, SECTIONS 10  
AND 12, AND ARTICLE III, SECTION 15 OF THE CODE OF THE CITY  
OF BEACON**

A LOCAL LAW to amend Chapter 211, Article II, Sections 10 and 12, and Article III Section 15 of the Code of the City of Beacon concerning installation of stop signs, trucks over certain weights excluded and no parking zones.

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

**Section 1.** Chapter 211, Article II, Section 10, Subsection B of the Code of the City of Beacon is hereby amended to install stop signs as follows:

§ 211-10. Stop intersections.

...

B. Schedule VII: Stop intersections. In accordance with the provisions of Subsection **A**, described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At intersection of</b>
<u>Pearse Place</u>	<u>Northwest</u>	<u>Phillips Street</u>
<u>Phillips Street</u>	<u>Both</u>	<u>Schofield Place</u>
<u>Roundtree Court</u>	<u>Northeast</u>	<u>Liberty Street</u>
<u>Roundtree Court</u>	<u>Northeast</u>	<u>Roundtree Court</u>
<u>Roundtree Court</u>	<u>Northwest</u>	<u>Roundtree Court</u>
<u>Schofield Place</u>	<u>Northwest</u>	<u>Phillips Street</u>

**Section 2.** Chapter 211, Article II, Section 12, Subsection B of the Code of the City of Beacon is hereby amended as follows:

§ 211-12. Trucks over certain weights excluded.

...

B. Schedule IX: Trucks Over Certain Weights Excluded. In accordance with the provision of Subsection **A**, all commercial vehicles, including but not limited to trucks, tractors and tractor trailer combinations, are hereby excluded from the following streets or parts of streets, except for the pickup and delivery of materials on such streets:

Name of Street	Location
<del>Wolcott Avenue</del>	<del>Entire length</del>

**Section 3.** Chapter 211, Article III, Section 15, Subsection B of the Code of the City of Beacon is hereby amended to restrict parking as follows:

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

...

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

**Name of Street**

**Side**

**Location**

Roundtree Court

Northwest

From the easternmost point of the north parking lot to a point 110 feet east.

**Section 4.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 211, Article II, Sections 10 and 12, and Article III, Section 15 of the Code of the City of Beacon are otherwise to remain in full force and effect and are otherwise ratified, readopted and confirmed.

**Section 5.** Numbering for Codification

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

**Section 6.** Severability.

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

**Section 7.** Effective date.

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

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Setting a 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 for April 20, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting a 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 for	Resolution



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

**RESOLUTION APPROVING A 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 FOR APRIL 20, 2020**

**NOW, THEREFOR, BE IT RESOLVED**, that the City of Beacon City Council hereby sets a 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 for April 20, 2020.

<b>Resolution No. ___ of 2020</b>			<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Create Chapter 106, Article 4 of the Code of the City of Beacon Regarding NY Stretch Code for April 20, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Public Hearing to Discuss a Proposed Local Law to Create Chapter 106, Article 4 of the Code of the City of Beacon Regarding NY Stretch Code for April 20, 2020	Resolution
Local Law to Create Chapter 106 Article 4 of the Code of the City of Beacon Regarding Stretch Code	Local Law
New York Stretch Energy Code 2019	Backup Material



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

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A PROPOSED LOCAL LAW TO CREATE CHAPTER 106, ARTICLE 4 OF THE CODE OF THE CITY OF BEACON REGARDING NY STRETCH CODE FOR APRIL 20, 2020**

**NOW, THEREFOR, BE IT RESOLVED**, that the City of Beacon City Council hereby sets a Public Hearing to discuss a proposed Local Law to Create Chapter 106, Article 4 of the Code of the City of Beacon Regarding NY Stretch Code for April 20, 2020.

<b>Resolution No. ___ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</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

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

A LOCAL LAW to create Chapter 106, Article IV of the Code of the City of Beacon concerning the NYStretch Energy Code.

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

**Section 1. Legislative Intent**

The City of Beacon City Council seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. On May 12, 2020, the 2020 Energy Conservation Construction Code of New York State (ECCCNYS), updated by the New York State Fire Prevention and Building Code Council, will become effective and must be complied with for residential and commercial buildings unless a more restrictive energy code is voluntarily adopted by a local jurisdiction. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNYS. This proposed Local Law seeks to modify the City of Beacon City Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

**Section 2. Amendment**

Chapter 106, Article IV of the Code of the City of Beacon entitled “NYStretch Energy Code 2020” is hereby created as follows:

**§ 106-29 NYStretch Energy Code 2020**

Effective for all building permit applications submitted on or after October 1, 2020, the NYStretch Energy Code 2020, published by the New York State Energy Research and Development Authority (hereafter referred to as “NYStretch”), shall be applicable to all new construction and substantial renovations in the City of Beacon.

**Section 3. Authority**

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule §20.

#### **Section 4. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 106 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 5. Numbering for Codification**

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

#### **Section 6. Severability**

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

#### **Section 7. Effective Date**

This Local Law shall take effect on October 1, 2020.



## 2019 NYStretch Energy Code

An Overlay of the 2019 New York State Energy Conservation Construction Code

Published by the New York State Energy Research and Development Authority

Draft: January 2019

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*Prepared in cooperation with New Buildings Institute*

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DRAFT

# PREFACE

The NYStretch Energy Code 2018 project was undertaken by NYSERDA to develop a pivotal tool for New York jurisdictions to support New York’s energy and climate goals by accelerating the savings obtained through their local building energy codes. Authorities having jurisdiction have the legal ability to voluntarily adopt NYStretch-Energy.

With a combination of research, technical development including energy simulations, and guidance from a 35-member stakeholder group, NYSERDA developed the NYStretch Energy Code 2018 (“NYStretch Code”) to reduce the impact of buildings on the environment. The NYStretch Code amends certain provisions of the 2018 International Energy Conservation Code (2018 IECC) and ASHRAE 90.1-2016. It is expected that New York State will publish the *2019 Supplement to the New York State Energy Conservation Construction Code* (“Energy Code”), based on the 2018 IECC and ASHRAE 90.1-2016, in the fourth quarter of 2019. The NYStretch Code will overlay the Energy Code with a standard that is approximately 12% more efficient.

NYStretch Code was developed as a statewide model code to save more energy than New York’s minimum code and to be readily adopted as a more restrictive local standard to the Energy Code. It was developed with the following goals:

- Technically sound
- Thoroughly reviewed by stakeholders
- Written in code enforceable language
- Fully consistent with the 2018 IECC, ASHRAE 90.1-2016 and uniform codes

NYStretch Code will, in communities that adopt it, provide greater savings over 2019 NYS Energy Conservation Construction Code for both residential and commercial buildings.

## **Marginal Markings**

Solid vertical lines in the margins of Parts 1, 2 and 3 indicate a technical change from the requirements of 2018 IECC and ASHRAE 90.1-2016. Black, right-facing arrows in the left-hand margin indicate a deletion from the requirements.

## **Unaffected Provisions**

The chapters, sections, tables, and other provisions in the Energy Code that are not amended by NYStretch Code shall continue in full force and effect. Nothing in the NYStretch Code shall be construed as deleting all or part of any unaffected provision.

# ACKNOWLEDGEMENTS

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# PART 1

## Amendments to 2018 International Energy Conservation Construction Code Commercial Provisions

### 1.1 Amendments to Section C401.2 (Application)

**C401.2 Application.** *Commercial buildings* shall comply with one of the following compliance paths:

1. ASHRAE Compliance Path (prescriptive): The requirements of ASHRAE 90.1-2016 (as amended) Section 4.2.1.1(a). The building shall also comply with the following:
  - a. The *building thermal envelope* opaque assembly requirements of Section C402.1.4.  
**EXCEPTION:** *Semi-heated spaces* in compliance with ASHRAE 90.1-2016 (as amended) are not required to comply with Section C402.1.4.
  - b. The *fenestration* requirements of Section C402.4.  
**EXCEPTION:** *Semi-heated spaces* in compliance with ASHRAE 90.1-2016 (as amended) are not required to comply with Section C402.4.3.
  - c. The interior lighting power allowance requirements of Section C405.3.2.
  - d. The requirements of Section C406 and tenant spaces shall comply with the requirements of Section C406.1.1.
  - e. The requirements of Section C408.
2. ASHRAE Compliance Path (Section 11): The requirements of ASHRAE 90.1-2016 (as amended) Section 4.2.1.1(b). The building shall also comply with Section C408.
3. ASHRAE Compliance Path (Appendix G): The requirements of ASHRAE 90.1-2016 (as amended) 4.2.2.1(c). The building shall also comply with Section C408.
4. Prescriptive Compliance Path: The requirements of Sections C402 through C406, and Section C408.

### 1.2 Amendments to Section C402.1 General (Prescriptive).

**C402.1 General (Prescriptive).** Building thermal envelope assemblies for buildings that are intended to comply with the code on a prescriptive basis in accordance with the compliance path described in Item 4 of Section C401.2, shall comply with the following:

1. The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of the *U-, C- and F-factor*-based method of Section C402.1.4, or the component performance alternative of section C402.1.5.
2. Roof solar reflectance and thermal emittance shall comply with Section C402.3.
3. Fenestration in building envelope assemblies shall comply with Section C402.4.
4. Air leakage of building envelope assemblies shall comply with Section C402.5.

Alternatively, where buildings have a *vertical fenestration* area or skylight area exceeding that allowed in Section C402.4, the building and building thermal envelope shall comply with Section C401.2, Item 1 or Section C401.2, Item 2 or Section C401.2, Item 3.

Walk-in coolers, walk-in freezers, refrigerated warehouse coolers and refrigerated warehouse freezers shall comply with Section C403.10.1 or C403.10.2.

### 1.3 Replace Section C402.1.3 (Insulation Component R-Value-Based Method)

#### C402.1.3 (Reserved)

### 1.4 Amendments to Table C402.1.4 (OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, U-FACTOR METHOD).

**Table C402.1.4**  
**OPAQUE THERMAL ENVELOPE ASSEMBLY MAXIMUM REQUIREMENTS, U-FACTOR METHOD<sup>a,b</sup>**

CLIMATE ZONE	4 EXCEPT MARINE		5 AND MARINE 4		6	
	All other	Group R	All other	Group R	All other	Group R
Roofs						
Insulation Entirely above roof deck	U-0.030	U-0.030	U-0.030	U-0.030	U-0.029	U-0.029
Metal buildings	U-0.035	U-0.035	U-0.035	U-0.035	U-0.028	U-0.026
Attic and other	U-0.020	U-0.020	U-0.020	U-0.020	U-0.019	U-0.019
Walls, above grade						
Mass <sup>e</sup>	U-0.099	U-0.086	U-0.086	U-0.076	U-0.076	U-0.067
Metal building	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048	U-0.048
Metal framed	U-0.061	U-0.061	U-0.052	U-0.052	U-0.047	U-0.044
Wood framed and other <sup>c</sup>	U-0.061	U-0.061	U-0.048	U-0.048	U-0.048	U-0.046
Walls, below grade						
Below-grade wall <sup>c</sup>	C-0.119	C-0.092	C-0.119	C-0.092	C-0.092	C-0.063
Floors						
Mass <sup>d</sup>	U-0.057	U-0.051	U-0.057	U-0.051	U-0.051	U-0.051
Joist/framing	U-0.033	U-0.033	U-0.033	U-0.033	U-0.027 <sup>f</sup>	U-0.027 <sup>f</sup>
Slab-on-grade floors						
Unheated slabs	F-0.52	F-0.52	F-0.52	F-0.51	F-0.51	F-0.434
Heated slabs	F-0.63	F-0.63	F-0.63	F-0.63	F-0.63	F-0.63
Opaque doors						
Swinging	U-0.50	U-0.50	U-0.37	U-0.37	U-0.37	U-0.37
Garage door <14% glazing	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31	U-0.31

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/m<sup>2</sup>, 1 pound per cubic foot = 16 kg/m<sup>3</sup>.

ci = Continuous insulation, NR = No Requirement, LS = Liner System.

- a. Where assembly *U*-factors, *C*-factors, and *F*-factors are established in ANSI/ASHRAE/IESNA 90.1 Appendix A, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table, and provided that the construction, excluding the cladding system on walls, complies with the appropriate construction details from ANSI/ASHRAE/ISNEA 90.1 Appendix A.
- b. Where *U*-factors have been established by testing in accordance with ASTM C1363, such opaque assemblies shall be a compliance alternative where those values meet the criteria of this table. The *R*-value of continuous insulation shall be permitted to be added to or subtracted from the original tested design.
- c. Where heated slabs are below grade, below-grade walls shall comply with the *U*-factor requirements for above-grade mass walls.
- d. "Mass floors" shall be in accordance with Section C402.2.3.
- e. "Mass walls" shall be in accordance with Section C402.2.2.



## 1.5 Addition of new Section C402.1.4.2 (Thermal resistance of mechanical equipment penetrations (Mandatory))

**C402.1.4.2 Thermal resistance of mechanical equipment penetrations (Mandatory).** When the total area of penetrations from mechanical equipment listed in Table C403.2.3(3) exceeds 1 percent of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5.

**Exception:** Where mechanical equipment has been tested in accordance with testing standards approved by the authority having jurisdiction, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.

## 1.6 Amendments to Section C402.2 (Specific building thermal envelope insulation requirements (Prescriptive))

**C402.2 Specific building thermal envelope insulation requirements (Prescriptive).** Insulation in building thermal envelope opaque assemblies shall comply with Sections C402.2.1 through C402.2.8 and Table C402.1.4.

## 1.7 Addition of new Section C402.2.8 (Continuous insulation (Mandatory)).

**C402.2.8 Continuous insulation (Mandatory).** In new construction, structural elements of balconies and parapets that penetrate the *building thermal envelope*, shall comply with one of the following:

1. Structural elements penetrating the *building thermal envelope* shall be insulated with *continuous insulation* having a minimum thermal resistance of R-3.
2. Structural elements of penetrations of the *building thermal envelope* shall incorporate a minimum R-3 thermal break where the structural element penetrates the *building thermal envelope*.

## 1.8 Amendments to Section C402.4 (Fenestration (Prescriptive))

**C402.4 Fenestration (Prescriptive).** Fenestration shall comply with Sections C402.4.1 through C402.4.5 and Table C402.4. Daylight responsive controls shall comply with this section and Section C405.2.3.

## 1.9 Amendments to Table C402.4 (BUILDING ENVELOPE FENESTRATION MAXIMUM U-FACTOR AND SHGC REQUIREMENTS)

**Table C402.4**  
**BUILDING ENVELOPE FENESTRATION MAXIMUM U-FACTOR AND SHGC REQUIREMENTS**

CLIMATE ZONE	4		5		6	
<b>Vertical Fenestration</b>						
<b>U-Factor</b>						
U-factor for windows rated a Class AW in accordance with AAMA/CSA 101/I.S.2/A440 and vertical curtain wall systems <sup>a</sup>						
Fixed fenestration	0.36		0.36		0.34	
Operable fenestration	0.43		0.43		0.41	
All other vertical fenestration						
All fenestration	0.30		0.27		0.27	
Entrance doors	0.77		0.77		0.77	
<b>SHGC</b>						
Orientation <sup>b</sup>	SEW	N	SEW	N	SEW	N
PF < 0.2	0.36	0.48	0.38	0.51	0.40	0.53
0.2 ≤ PF < 0.5	0.43	0.53	0.46	0.56	0.48	0.58
PF ≥ 0.5	0.58	0.58	0.61	0.61	0.64	0.64
<b>Skylights</b>						
U-Factor	0.48		0.48		0.48	
SHGC	0.38		0.38		0.38	
PF = Projection Factor.						
a. U-factor and SHGC shall be rated in accordance with NFRC 100.						
b. "N" indicates vertical fenestration oriented within 45 degrees of true north. "SEW" indicates orientations other than "N." For buildings in the southern hemisphere, reverse south and north. Buildings located at less than 23.5 degrees latitude shall use SEW for all orientations.						

## 1.10 Amendments to Section C402.5 (Air leakage--thermal envelope (Mandatory))

**C402.5 Air leakage--thermal envelope (Mandatory).** The *thermal envelope* of buildings shall comply with Section C402.5.9, or shall comply with Sections C402.5.1 through C402.5.8 and C408.4. New buildings not less than 25,000 square feet and not greater than 50,000 square feet, and less than or equal to 75 feet in height, shall show compliance through testing in accordance with Section C402.5.9.

## 1.11 Addition of New Section C402.5.9. (Air Barrier Testing)

**C402.5.9 Air Barrier Testing.** The *building thermal envelope* shall be tested in accordance with ASTM E779 at a pressure differential of 0.3 inch water gauge (75 Pa) or an equivalent method approved by the code official and shall be deemed to comply with the provisions of this section when the tested air leakage rate of the building thermal envelope is not greater than 0.40 cfm/ft<sup>2</sup> (2.0 L/s \* m<sup>2</sup>). Where the compliance is based on such testing, the building shall also comply with Sections C402.5.5, C402.5.6, and C402.5.7. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the code official and the building owner.

## 1.12 Amendments to Section C403.7.4 (Energy recovery ventilation systems (Mandatory))

**C403.7.4 Energy recovery ventilation systems (Mandatory).** Where the supply airflow rate of a fan system exceeds the values specified in Tables C403.7.4(1) and C403.7.4(2), the system shall include an

energy recovery ventilation system. The energy recovery ventilation system shall be configured to provide a change in the enthalpy of the outdoor air supply of not less than 50 percent of the difference between the outdoor air and return air enthalpies, at design conditions. Where an air economizer is required, the energy recovery ventilation system shall include a bypass or controls that permit operation of the economizer as required by Section C403.5.

**Exception:** An energy recovery ventilation system shall not be required in any of the following conditions:

1. Where energy recovery systems are prohibited by the *International Mechanical Code*.
2. Laboratory fume hood systems that include not fewer than one of the following features:
  - 2.1. Variable-air-volume hood exhaust and room supply systems configured to reduce exhaust and makeup air volume to 50 percent or less of design values.
  - 2.2. Direct makeup (auxiliary) air supply equal to or greater than 75 percent of the exhaust rate, heated not warmer than 2°F (1.1°C) above room setpoint, cooled to not cooler than 3°F (1.7°C) below room setpoint, with no humidification added, and no simultaneous heating and cooling used for dehumidification control.
3. Systems serving spaces that are heated to less than 60°F (15.5°C) and that are not cooled.
4. Where more than 60 percent of the outdoor heating energy is provided from site-recovered or site-solar energy.
5. Heating energy recovery in Climate Zones 1 and 2.
6. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7 and 8.
7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
8. Where the largest source of air exhausted at a single location at the building exterior is less than 75 percent of the design ventilation outdoor air flow rate. Multiple exhaust fans or outlets located within a 30 foot radius from the *outdoor air* supply unit shall be considered a single exhaust location.
9. Systems expected to operate less than 20 hours per week at the *outdoor air* percentage covered by Table C403.7.4(1).
10. Systems exhausting toxic, flammable, paint or corrosive fumes or dust.
11. Commercial kitchen hoods used for collecting and removing grease vapors and smoke.

### 1.13 Amendments to Section C403.8.1 (Allowable fan horsepower)

**C403.8.1 Allowable fan horsepower (Mandatory).** Each HVAC system having a total fan system motor nameplate horsepower exceeding 5 hp (3.7 kW) at fan system design conditions shall not exceed the allowable *fan system motor nameplate hp* (Option 1) or *fan system bhp* (Option 2) shown in Table C403.8.1(1). This includes supply fans, exhaust fans, return/relief fans, and fan-powered terminal units associated with systems providing heating or cooling capability. Single-zone variable air volume systems shall comply with the constant volume fan power limitation.

**Exceptions:**

1. Hospital, vivarium and laboratory systems that utilize flow control devices on exhaust or return to maintain space pressure relationships necessary for occupant health and safety or environmental control shall be permitted to use variable volume fan power limitation.
2. Individual exhaust fans with motor nameplate horsepower of 1 hp (0.746 kW) or less are exempt from the allowable fan horsepower requirement.
3. Fans supplying air to active chilled beams.

## 1.14 Amendments to Table C403.8.1(1) (FAN POWER LIMITATION).

**Table C403.8.1(1)**  
**FAN POWER LIMITATION**

	LIMIT	CONSTANT VOLUME	VARIABLE VOLUME
Option 1: Fan system motor nameplate hp	Allowable nameplate motor hp	$hp \leq CFM_s * 0.0009$	$hp \leq CFM_s * 0.0011$
Option 2: Fan system bhp	Allowable fan system bhp	$bhp \leq CFM_s \times 0.00088 + A$	$bhp \leq CFM_s \times 0.0010 + A$

For SI: 1 bhp = 735.5 W, 1 hp = 745.5 W, 1 cfm = 0.4719 L/S

Where:

CFM<sub>s</sub> = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute.

hp = The maximum combined motor nameplate horsepower.

bhp = The maximum combined fan brake horsepower.

A = Sum of [PD X CFM<sub>d</sub>/4131]

Where:

PD = Each applicable pressure drop adjustment from Table C403.8.1 (2) in. w.c.

CFM<sub>d</sub> = The design airflow through each applicable device from Table C403.8.1(2) in cubic feet per minute.

## 1.15 Amendments to Section C404.2.1 (High input service water-heating systems)

**C404.2.1 Service water-heating systems.** All *service water heating* equipment installed in new *buildings*, except for R-1 and R-2, shall be in compliance with this section. Where a singular piece of *service water heating* equipment serves the entire *building* and the input rating of the equipment is 1,000,000 Btu/h (293 kW) or greater, such equipment shall have a rating of not less than 125 percent of the required performance values in Table C404.2, or is no less than a thermal *efficiency* (E<sub>t</sub>) or *energy factor* (EF) of 0.94 as determined by applicable test procedures in Table C404.2. Where multiple pieces of *service water heating* equipment serve the building, and the combined input rating of the *service water heating* equipment is 1,000,000 Btu/h (293 kW) or greater, the capacity-weighted-average rating shall not be less than 125 percent of the required performance values in Table C404.2, or is no less than an E<sub>t</sub> or EF of 0.94 as determined by the applicable test procedures in Table C404.2.

**Exception:**

1. Where not less than 25 percent of the annual *service water-heating* requirement is provided from any combination of the following sources:
  - a. Renewable energy generated on site that is not being used to satisfy other requirements of this code, or;
  - b. Heat recovered on site from the *building's* wastewater, air source heat pumps or from air that would otherwise be exhausted to the outdoors without heat recovery that is not being used to satisfy other requirements of this code.

## 1.16 Addition of new Section C404.2.2 (R-1 and R-2 renewable and site-recovered heat).

**C404.2.2 R-1 and R-2 Renewable and site-recovered heat.** In new construction of R-1 and R-2 buildings with over 1,000,000 Btu/h installed *service water-heating* capacity, at least 25 percent of annual *service water heating* energy shall be provided from any combination of the following sources:

1. Renewable energy generated on site that is not being used to satisfy other requirements of this code, or;

2. Heat recovered on site from the building's wastewater, air source heat pumps or from air that would otherwise be exhausted to the outdoors without heat recovery that is not being used to satisfy other requirements of this code.

**Exception:** Compliance with this section is not required if the combined input-capacity-weighted average equipment rating for all *service water heating* is no less than 125 percent of the required performance values in Table C404.2, or is no less than an  $E_t$  or EF of 0.94 as determined by the applicable test procedures in Table C404.2.

### 1.17 Amendments to Section C405.2.1 (Occupant sensor controls).

**C405.2.1 Occupant sensor controls.** Occupant *sensor controls* shall be installed to control lights in the following space types:

1. Classrooms/lecture/training rooms.
2. Conference/meeting/multipurpose rooms.
3. Copy/print rooms.
4. Corridor/transition areas.
5. Dining areas.
6. Lounges/breakrooms.
7. Enclosed offices.
8. Open plan office areas.
9. Restrooms.
10. Storage rooms.
11. Locker rooms.
12. Other spaces 300 square feet (28 m<sup>2</sup>) or less that are enclosed by floor-to-ceiling height partitions.
13. Warehouse storage areas.

### 1.18 Addition of new Section C405.2.1.4 (Occupant sensor control function for egress illumination).

**C405.2.1.4 Occupant sensor control function for egress illumination.** In new buildings, luminaires serving the exit access and providing means of egress illumination required by Section 1008.1 of the *International Building Code*, including luminaires that function as both normal and emergency means of egress illumination shall be controlled by a combination of listed emergency relay and occupancy sensors, or signal from another building control system, that automatically reduces the lighting power by 50% when unoccupied for a period longer than 15 minutes.

**Exceptions:**

1. Means of egress illumination serving the exit access that does not exceed 0.02 watts per square foot of building area is exempt from this requirement.
2. Emergency lighting designated to meet Section 1008.3 of the *International Building Code*.

### 1.19 Amendments to Section C405.2.3 (Daylight responsive controls)

**C405.2.3 Daylight responsive controls.** *Daylight-responsive controls* complying with Section C405.2.3.1 shall be provided to control the electric lights within *daylight zones* in the following spaces:

1. Spaces with a total of more than 100 watts of *general lighting* within sidelit zones complying with Section C405.2.3.2. *General lighting* does not include lighting that is required to have specific application control in accordance with Section C405.2.4.
2. Spaces with a total of more than 100 watts of *general lighting* within toplit zones complying with Section C405.2.3.3.

**Exceptions:** Daylight responsive controls are not required for the following:

1. Spaces in health care facilities where patient care is directly provided.
2. Lighting that is required to have specific application control in accordance with Section C405.2.4.
3. Sidelit zones on the first floor above grade in Group A-2 and Group M occupancies.
4. New buildings where the total connected lighting power calculated in accordance with Section C405.3.1 is not greater than the adjusted interior lighting power allowance ( $LPA_{adj}$ ) calculated in accordance with Equation 4-9:

$$LPA_{adj} = [LPA_{norm} \times (1.0 - 0.4 \times UDZFA / TBFA)] \quad \text{(Equation 4-9)}$$

Where:

$LPA_{adj}$  = Adjusted building interior lighting power allowance in watts.

$LPA_{norm}$  = Normal building lighting power allowance in watts calculated in accordance with Section C405.3.2 and reduced in accordance with Section C406.3 where Option 2 of Section C406.1 is used to comply with the requirements of Section C406.

UDZFA = Uncontrolled daylight zone floor area is the sum of all sidelit and toplit zones, calculated in accordance with Sections C405.2.3.2 and C405.2.3.3, that do not have daylight responsive controls.

TBFA = Total building floor area is the sum of all floor areas included in the lighting power allowance calculation in Section C405.3.2.

## 1.20 Amendments to Section C405.2.3.2 (Sidelit Zone)

**C405.2.3.2 Sidelit zone.** The sidelit zone is the floor area adjacent to vertical *fenestration* that complies with all of the following:

1. Where the fenestration is located in a wall, the sidelit zone shall extend laterally to the nearest full-height wall, or up to 1.0 times the height from the floor to the top of the fenestration, and longitudinally from the edge of the fenestration to the nearest full-height wall, or up to 2 feet (610 mm), whichever is less, as indicated in Figure C405.2.3.2.
2. The area of the fenestration is not less than 24 square feet (2.23 m<sup>2</sup>).
3. The distance from the fenestration to any building or geological formation that would block access to daylight is no greater than one-half of the height from the bottom of the fenestration to the top of the building or geologic formation.
4. The visible transmittance of the fenestration is not less than 0.20.

## 1.21 Amendments to Section C405.2.6 (Exterior lighting controls).

**C405.2.6 Exterior lighting controls.** Exterior lighting systems shall be provided with controls that comply with Sections C405.2.6.1 through C405.2.6.5. Decorative lighting systems shall comply with Sections C405.2.6.1, C405.2.6.2 and C405.2.6.4.

**Exceptions:**

1. Lighting for covered vehicle entrances and exits from buildings and parking structures where required for eye adaptation.
2. Lighting controlled from within dwelling units.

**C405.2.6.1 (Daylight shutoff) is unchanged.**

**C405.2.6.2 (Decorative lighting shutoff) is unchanged.**

**C405.2.6.3 Lighting setback.** Lighting that is not controlled in accordance with Section C405.2.6.2 shall be controlled so that the total wattage of such lighting is automatically reduced by not less than 50 percent by selectively switching off or dimming luminaires at one of the following times:

1. From not later than midnight to not earlier than 6 a.m.
2. From not later than one hour after business closing to not earlier than one hour before business opening.
3. During any time where activity has not been detected for 15 minutes or more.

**C405.2.6.4 (Exterior time-switch control function) is unchanged.**

**1.22 Addition of new Section C405.2.6.5 (Outdoor parking area lighting control).**

**C405.2.6.5 Outdoor parking area lighting control.** Outdoor parking area luminaires mounted 24' or less above the ground shall be controlled to automatically reduce the power of each luminaire by a minimum of 50% when no activity has been detected for at least 15 minutes. No more than 1500 W of lighting power shall be controlled together.

**Exception:** Outdoor parking areas with less than 1,000 watts of lighting.

**1.23 Amendments to Table C405.3.2(1) (Interior lighting power allowances: building area method)**

**TABLE C405.3.2(1)  
INTERIOR LIGHTING POWER ALLOWANCES: BUILDING AREA METHOD**

BUILDING AREA TYPE	LPD (w/ft <sup>2</sup> )
Automotive facility	0.64
Convention center	0.70
Courthouse	0.74
Dining: bar lounge/leisure	0.69
Dining: cafeteria/fast food	0.66
Dining: family	0.61
Dormitory <sup>a, b</sup>	0.52
Exercise center	0.65
Fire station <sup>a</sup>	0.50
Gymnasium	0.67
Health care clinic	0.68
Hospital <sup>a</sup>	0.86
Hotel/motel <sup>a, b</sup>	0.70
Library	0.78

Manufacturing facility	0.60
Motion picture theater	0.62
Multifamily <sup>c</sup>	0.49
Museum	0.68
Office	0.69
Parking garage	0.12
Penitentiary	0.67
Performing arts theater	0.85
Police station	0.68
Post office	0.62
Religious building	0.72
Retail	0.91
School/university	0.67
Sports arena	0.76
Town hall	0.72
Transportation	0.51
Warehouse	0.41
Workshop	0.83
<p>a. Where sleeping units are excluded from lighting power calculations by application of Section R405.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.</p> <p>b. Where dwelling units are excluded from lighting power calculations by application of R405.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.</p> <p>c. Dwelling units are excluded. Neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.</p>	

1.24 Amendments to Table C405.3.2(2) (Interior lighting power allowances: Space-by-space method).

**Table C405.3.2(2)**  
**INTERIOR LIGHTING POWER ALLOWANCES: SPACE-BY-SPACE METHOD**

COMMON SPACE TYPES <sup>a</sup>	LPD (w/ft <sup>2</sup> )
Atrium	
Less than 40 feet in height	0.023 per foot in total height
Greater than 40 feet in height	0.40 + 0.02 per foot in total height
Audience seating area	
In an auditorium	0.63
In a convention center	0.65
In a gymnasium	0.43
In a motion picture theater	0.64
In a penitentiary	0.28
In a performing arts theater	1.34
In a religious building	0.98
In a sports arena	0.42
Otherwise	0.40
Banking activity area	0.79
Breakroom (See Lounge/Breakroom)	
Classroom/lecture hall/training room	
In a penitentiary	1.06
Otherwise	0.74
Computer room	1.16
Conference/meeting/multipurpose room	0.93
Confinement cells	0.52
Copy/print room	0.50
Corridor	
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	0.81
In a hospital	0.81
In a manufacturing facility	0.28
In a primary or secondary school (and not used primarily by the staff)	0.74
Otherwise	0.58
Courtroom	1.06
Dining area	
In bar/lounge or leisure dining	0.62
In cafeteria or fast food dining	0.53
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	1.48

<b>COMMON SPACE TYPES <sup>a</sup></b>	<b>LPD (w/ft<sup>2</sup>)</b>
In family dining	0.54
In a penitentiary	0.72
Otherwise	0.53
Electrical/mechanical room	0.39
Emergency vehicle garage	0.41
Food preparation area	0.92
Guestroom <sup>c, d</sup>	0.75
Laboratory	
In or as a classroom	1.04
Otherwise	1.32
Laundry/washing area	0.43
Loading dock, interior	0.51
Lobby	
For an elevator	0.52
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	2.03
In a hotel	0.68
In a motion picture theater	0.38
In a performing arts theater	0.82
Otherwise	0.9
Locker room	0.45
Lounge/breakroom	
In a healthcare facility	0.53
Otherwise	0.44
Office	
Enclosed	0.85
Open plan	0.78
Parking area, interior <sup>i</sup>	0.11
Pharmacy area	1.23
Restroom	
In a facility for the visually impaired (and not used primarily by the staff) <sup>b</sup>	0.81
Otherwise	0.75
Sales area	1.06
Seating area, general	0.38
Stairway (See space containing stairway)	
Stairwell	0.50
Storage room	0.43
Vehicular maintenance area	0.53
Workshop	1.09

<b>BUILDING TYPE SPECIFIC SPACE TYPES <sup>a</sup></b>	<b>LPD (w/ft<sup>2</sup>)</b>
Automotive (See Vehicular Maintenance Area above)	
Convention Center—exhibit space	0.69
Dormitory—living quarters <sup>c, d</sup>	0.46
Facility for the visually impaired <sup>b</sup>	
In a chapel (and not used primarily by the staff)	0.89
In a recreation room (and not used primarily by the staff)	1.53
Fire Station—sleeping quarters <sup>c</sup>	0.19
Gymnasium/fitness center	
In an exercise area	0.50
In a playing area	0.75
Healthcare facility	
In an exam/treatment room	1.16
In an imaging room	0.98
In a medical supply room	0.54
In a nursery	0.94
In a nurse's station	0.75
In an operating room	1.87
In a patient room <sup>c</sup>	0.45
In a physical therapy room	0.84
In a recovery room	0.89
Library	
In a reading area	0.77
In the stacks	1.20
Manufacturing facility	
In a detailed manufacturing area	0.86
In an equipment room	0.61
In an extra-high-bay area (greater than 50' floor-to-ceiling height)	0.73
In a high-bay area (25-50' floor-to-ceiling height)	0.58
In a low-bay area (less than 25' floor-to-ceiling height)	0.61
Museum	
In a general exhibition area	0.61
In a restoration room	0.77
Performing arts theater—dressing room	0.35
Post Office—Sorting Area	0.66
Religious buildings	
In a fellowship hall	0.54
In a worship/pulpit/choir area	0.98
Retail facilities	
In a dressing/fitting room	0.49
In a mall concourse	0.79

BUILDING TYPE SPECIFIC SPACE TYPES <sup>a</sup>	LPD (w/ft <sup>2</sup> )
Sports arena—playing area	
For a Class I facility <sup>e</sup>	2.26
For a Class II facility <sup>f</sup>	1.45
For a Class III facility <sup>g,j</sup>	1.08
For a Class IV facility <sup>h,j</sup>	0.72
Transportation facility	
In a baggage/carousel area	0.40
In an airport concourse	0.31
At a terminal ticket counter	0.48
Warehouse—storage area	
For medium to bulky, palletized items	0.27
For smaller, hand-carried items	0.65
<p>a. In cases where both a common space type and a building area specific space are listed, the building area specific space type shall apply.</p> <p>b. A 'Facility for the Visually Impaired' is a facility that is licensed or will be licensed by local or state authorities for senior long-term care, adult daycare, senior support or people with special visual needs.</p> <p>c. Where sleeping units are excluded from lighting power calculations by application of Section R405.1, neither the area of the sleeping units nor the wattage of lighting in the sleeping units is counted.</p> <p>d. Where dwelling units are excluded from lighting power calculations by application of Section R405.1, neither the area of the dwelling units nor the wattage of lighting in the dwelling units is counted.</p> <p>e. Class I facilities consist of Professional facilities; and Semi-professional, Collegiate, or Club facilities with seating for 5,000 or more spectators.</p> <p>f. Class II facilities consist of Collegiate and Semi-professional facilities with seating for fewer than 5,000 spectators; Club facilities with seating for between 2,000 and 5,000 spectators; and Amateur League and High School facilities with seating for more than 2,000 spectators.</p> <p>g. Class III facilities consist of Club, Amateur League, and High School facilities with seating for 2,000 or fewer spectators.</p> <p>h. Class IV facilities consist of Elementary School and Recreational facilities, and Amateur League and High School facilities without provisions for spectators.</p> <p>i. The wattage of lighting in daylight transition zones and ramps without parking is excluded</p> <p>j. Pool surfaces are excluded. Neither the surface area of the swimming or spa pool nor the wattage of the lighting serving them shall be counted.</p>	

1.25 Amendments to Table C405.4.2(2) (Lighting power allowances for building exteriors).

**Table C405.4.2(2)**  
**LIGHTING POWER ALLOWANCES FOR BUILDING EXTERIORS**

	LIGHTING ZONES			
	Zone 1	Zone 2	Zone 3	Zone 4
Base Site Allowance	350 W	400 W	500 W	900 W
<b>Uncovered Parking Areas</b>				
Parking areas and drives	0.04 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.05 W/ft <sup>2</sup>	0.05 W/ft <sup>2</sup>
<b>Building Grounds</b>				
Walkways and ramps less than 10 feet wide	0.5 W/linear foot	0.5 W/linear foot	0.6 W/linear foot	0.7 W/linear foot
Walkways and ramps 10 feet wide or greater, plaza areas special feature areas	0.10 W/ft <sup>2</sup>	0.10 W/ft <sup>2</sup>	0.11 W/ft <sup>2</sup>	0.14 W/ft <sup>2</sup>
Dining areas	0.65 W/ft <sup>2</sup>	0.65 W/ft <sup>2</sup>	0.75 W/ft <sup>2</sup>	0.95 W/ft <sup>2</sup>
Stairways	0.6 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>
Pedestrian tunnels	0.12 W/ft <sup>2</sup>	0.12 W/ft <sup>2</sup>	0.14 W/ft <sup>2</sup>	0.21 W/ft <sup>2</sup>
Landscaping	0.03 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>	0.04 W/ft <sup>2</sup>
<b>Building Entrances and Exits</b>				
Pedestrian and vehicular entrances and exits	12.6 W/linear foot of opening width	12.6 W/linear foot of opening width	20 W/linear foot of opening width	20 W/linear foot of opening width
Entry canopies	0.20 W/ft <sup>2</sup>	0.25 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>	0.4 W/ft <sup>2</sup>
Loading docks	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>
<b>Sales Canopies</b>				
Free-standing and attached	0.40 W/ft <sup>2</sup>	0.40 W/ft <sup>2</sup>	0.6 W/ft <sup>2</sup>	0.7 W/ft <sup>2</sup>
<b>Outdoor Sales</b>				
Open areas (including vehicle sales lots)	0.20 W/ft <sup>2</sup>	0.20 W/ft <sup>2</sup>	0.35 W/ft <sup>2</sup>	0.50 W/ft <sup>2</sup>
Street frontage for vehicle sales lots in addition to "open area" allowance	No allowance	7 W/linear foot	7 W/linear foot	21 W/linear foot

For SI: 1 foot = 304.8 mm, 1 watt per square foot = 1 W/0.0929 m<sup>2</sup>.  
W = watts

## 1.26 Addition of new Section C405.8.1.1 (Power conversion system)

**C405.8.1.1 Power conversion system.** New traction elevators with a rise of 75 feet or more in new buildings shall have a power conversion system that complies with Sections 405.8.1.1.1 through 405.8.1.1.3.

**C405.8.1.1.1 Motor.** Induction motors with a Class IE2 efficiency ratings, as defined by IEC EN 60034-30, or alternative technologies, such as permanent magnet synchronous motors that have equal or better efficiency, shall be used.

**C405.8.1.1.2 Transmission.** Transmissions shall not reduce the efficiency of the combined motor/transmission below that shown for the Class IE2 motor for elevators with capacities below 4,000 lbs. Gearless machines shall be assumed to have a 100 percent transmission efficiency.

**C405.8.1.1.3 Drive.** Potential energy released during motion shall be recovered with a regenerative drive that supplies electrical energy to the building electrical system.

## 1.27 Addition of new Section C405.9 (Commercial Kitchen Equipment)

**C405.9 Commercial Kitchen Equipment.** Commercial kitchen equipment shall comply with the minimum efficiency requirements of Tables C405.9(1) through table C405.9(5).

**Table C405.9(1)**

**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL FRYERS**

	Heavy-Load Cooking Energy Efficiency	Idle Energy Rate	Test Procedure
Standard Open Deep-Fat Gas Fryers	≥ 50%	≤ 9,000 Btu/hr	ASTM Standard F1361-99
Standard Open Deep-Fat Electric Fryers	≥ 83%	≤ 800 watts	
Large Vat Open Deep-Fat Gas Fryers	≥ 50%	≤ 12,000 Btu/hr	ASTM Standard F2144-09
Large Vat Open Deep-Fat Electric Fryers	≥ 80%	≤ 1,100 watts	

**Table C405.9(2)**

**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL HOT FOOD HOLDING CABINETS**

Product Interior Volume (Cubic Feet)	Maximum Idle Energy Consumption Rate (Watts)	Test Procedure
0 < V < 13	≤ 21.5 V	ASTM Standard F2140-01
13 ≤ V < 28	≤ 2.0 V + 254.0	
28 ≤ V	≤ 3.8 V + 203.5	

**Table C405.9(3)**

**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL STEAM COOKERS**

Fuel Type	Pan Capacity	Cooking Energy Efficiency <sup>a</sup>	Idle Rate	Test Procedure
Electric Steam	3-pan	50%	400 watts	ASTM Standard F1484-99
	4-pan	50%	530 watts	
	5-pan	50%	670 watts	
	6-pan and larger	50%	800 watts	
Gas Steam	3-pan	38%	6,250 Btu/h	
	4-pan	38%	8,350 Btu/h	
	5-pan	38%	10,400 Btu/h	
	6-pan and larger	38%	12,500 Btu/h	

a. Cooking Energy Efficiency is based on heavy load (potato) cooking capacity

**Table C405.9(4)**

**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL DISHWASHERS**

Machine Type	High Temp Efficiency Requirements		Low Temp Efficiency Requirements		Test Procedure
	Idle Energy Rate <sup>a</sup>	Water Consumption <sup>b</sup>	Idle Energy Rate <sup>a</sup>	Water Consumption <sup>b</sup>	
Under Counter	≤ 0.50 kW	≤ 0.86 GPR	≤ 0.50 kW	≤ 1.19 GPR	US EPA Energy Star Commercial Dishwasher Specification Version 1.1
Stationary Single Tank Door	≤ 0.70 kW	≤ 0.89 GPR	≤ 0.60 kW	≤ 1.18 GPR	
Pot, Pan , and Utensil	≤ 1.20 kW	≤ 0.58 GPR	≤ 1.00 kW	≤ 0.58 GPR	
Single Tank Conveyor	≤ 1.50 kW	≤ 0.70 GPR	≤ 1.50 kW	≤ 0.79 GPR	
Multiple Tank Conveyor	≤ 2.25 kW	≤ 0.54 GPR	≤ 2.00 kW	≤ 0.54 GPR	
Single Tank Flight Type	Reported	GPH ≤ 2.975x + 55.00	Reported	GPH ≤ 2.975x + 55.00	
Multiple Tank Flight Type	Reported	GPH ≤ 4.96x + 17.00	Reported	GPH ≤ 4.96x + 17.00	

a. Idle results shall be measured with the door closed and represent the total idle energy consumed by the machine including all tank heater(s) and controls. Booster heater (internal or external) energy consumption should not be part of this measurement unless it cannot be separately monitored per US EPA Energy Star Commercial Dishwasher Specification Version 1.1.

b. GPR = gallons per rack; GPSF = gallons per square foot of rack; GPH = gallons per hour; x = maximum conveyor speed (feet/min) x conveyor belt width (feet).

**Table C405.9(5)**

**MINIMUM EFFICIENCY REQUIREMENTS: COMMERCIAL OVENS**

Fuel Type	Classification	Idle Rate	Cooking-Energy Efficiency, %	Test Procedure
<b>Convection Ovens</b>				
Gas	Full-Size	$\leq 12,000$ Btu/h	$\geq 46$	ASTM F1496 - 13
Electric	Half-Size	$\leq 1.0$ Btu/h	$\geq 71$	
	Full-Size	$\leq 1.60$ Btu/h		
<b>Combination Ovens</b>				
Gas	Steam Mode	$\leq 200P^a + 6,511$ Btu/h	$\geq 41$	ASTM F2861 - 14
	Convection Mode	$\leq 150P^a + 5,425$ Btu/h	$\geq 56$	
Electric	Steam Mode	$\leq 0.133P^a + 0.6400$ kW	$\geq 55$	
	Convection Mode	$\leq 0.080P^a + 0.4989$ kW	$\geq 76$	
<b>Rack Ovens</b>				
Gas	Single	$\leq 25,000$ Btu/h	$\geq 48$	ASTM F2093 - 11
	Double	$\leq 30,000$ Btu/h	$\geq 52$	

a. P = Pan Capacity: The number of steam table pans the combination oven is able to accommodate as per the ASTM F – 1495 – 05 standard specification.

**1.28 Addition of new Section C405.10 (Electric vehicle charging station capable)**

**C405.10 Electric vehicle charging station capable.** New parking garages and new parking lots powered by the energy services for a building, and with 10 or greater parking spaces, shall provide either:

1. Panel capacity and conduit for the future installation of minimum 208/240V 40 amp outlets for 5 percent of the total parking spaces and not less than 2 parking spaces or;
2. Minimum 208/240V 40 amp outlets for 5 percent of the total parking spaces and not less than 2 parking spaces.

**1.29 Addition of new Section C405.11 (Solar-ready zone)**

**C405.11 Solar-ready zone (Mandatory).** New *buildings* shall comply with the provisions of Appendix CA.

**1.30 Addition of Section C405.12 (Whole building energy monitoring)**

**C405.12 Whole building energy monitoring.** Measurement devices shall be installed in new buildings to individually monitor energy use of each of the following types of energy supplied by a utility, energy provider, or plant that is not within the building:

1. Natural gas
2. Fuel oil
3. Propane
4. Steam
5. Chilled Water
6. Hot Water

**Exceptions:**

1. Buildings less than 25,000 square feet (2,325 m<sup>2</sup>).
2. *Group R* buildings with less than 10,000 square feet of common area (930 m<sup>2</sup>).
3. Fuel use for on-site emergency equipment.

### 1.31 Addition of Section C405.13 (Whole building electrical monitoring)

**C405.13 Whole building electrical monitoring.** Each new building shall have a measurement device capable of recording electrical energy use every 60 minutes and the capability to report that use on an hourly, daily, monthly and annual basis. The measurement device shall be capable of retaining the recorded data for 36 months.

**Exceptions:**

1. Buildings less than 25,000 square feet (2,325 m<sup>2</sup>).
2. *Group R* buildings with less than 10,000 square feet of common area (930 m<sup>2</sup>).
3. Fuel use for on-site emergency equipment.

### 1.32 Replacement of Section C406.1 (Requirements)

**C406.1 Requirements.** Buildings shall comply with at least one of the following Sections.

1. More efficient HVAC equipment in accordance with Section C406.2.
2. Reduced lighting power in accordance with Section C406.3.
3. Enhanced digital lighting controls in accordance with Section C406.4.
4. Dedicated outdoor air systems with energy recovery ventilation in accordance with Section C406.5.
5. Enhanced envelope performance in accordance with Section C406.6.
6. Reduced air infiltration in accordance with Section C406.7.

### 1.33 Amendment to Section C406.1.1 (Tenant Spaces).

**C406.1.1. Tenant spaces.** Tenant spaces shall comply with Section C406.2, C406.3, C406.4 or C406.7. Alternatively, tenant spaces shall be in compliance with Section C406.5 or C406.6 where the entire building is in compliance.

**Exception:** Previously occupied tenant spaces that comply with this code using Section C501.

### 1.34 Replacement of Section C406.5 (On-site renewable energy).

**C406.5 Dedicated outdoor air system.** Buildings containing equipment or systems regulated by Section C403.3.4, C403.4.3, C403.4.4, C403.4.5, C403.6, C403.8.4, C403.8.5, C403.8.5.1, C403.9.1, C403.9.2, C403.9.3 or C403.9.4 shall be equipped with an independent ventilation system designed to provide not less than the minimum 100-percent outdoor air to each individual occupied space, as specified by the International Mechanical Code. The ventilation system shall be equipped with an energy recovery system meeting the requirements of Section C403.7.4, without exception (Note: C406.5 cannot be selected where ERV is prohibited by the *International Mechanical Code* or otherwise prohibited.) The HVAC system shall include supply-air temperature controls that automatically reset the supply-air temperature in response to representative building loads, or to outdoor air temperatures. The controls shall reset the

supply-air temperature not less than 25 percent of the difference between the design supply-air temperature and the design room-air temperature.

### 1.35 Replacement of Section C406.6 (Dedicated outdoor air system).

**C406.6 Enhanced envelope performance.** The thermal performance of the envelope shall demonstrate a 15 percent improvement compared to the requirements of Section C402.1.5.

### 1.36 Replacement of Section C406.7 (Reduced energy use in service water heating).

**C406.7 Reduced air infiltration.** Air infiltration shall be verified by whole building pressurization testing conducted in accordance with Section C402.5.9. The measured air leakage rate of the building envelope shall not exceed 0.25 cfm/ft<sup>2</sup> (2.0 L/s x m<sup>2</sup>) under a pressure differential of 0.3 in. water (75 Pa), with the calculated surface area being the sum of the above and below grade building envelope. A report that includes the tested surface area, floor area, air by volume, stories above grade, and leakage rates shall be submitted to the code official and the building owner.

**Exception:** For buildings having over 250,000 square feet (25 000 m<sup>2</sup>) of conditioned floor area, air leakage testing need not be conducted on the whole building where testing is conducted on representative above-grade sections of the building. Tested areas shall total not less than 25 percent of the conditioned floor area and shall be tested in accordance with this section.

### 1.37 Replacement of Section C407 (Total Building Performance).

#### C407

#### Total Building Performance

**C407.1 Scope.** This section establishes criteria for compliance using total building performance. Buildings following the total building performance path must comply with ASHRAE 90.1-2016 (as amended), demonstrating compliance under Section 11 or Appendix G of such standard.

### 1.38 Amendments to Section C408.2 (Mechanical systems and service water-heating systems commissioning and completion requirements).

**C408.2 Mechanical, renewable energy, and service water heating systems commissioning and completion requirements.** This Section is required when one of the following conditions is met:

1. The *building* is not less than 25,000 square feet (2,325 m<sup>2</sup>)
2. The total mechanical equipment capacity being installed is greater than 480,000 Btu/h (140.7 kW) cooling capacity
3. The combined *service water-heating* and space-heating capacity is greater than 600,000 Btu/h (175.8 kW).

Prior to passing the final mechanical and plumbing inspections, the *registered design professional or approved agency* shall provide evidence of systems *commissioning* and completion in accordance with the provisions of this section.

*Construction document* notes shall clearly indicate provisions for *commissioning* and completion requirements in accordance with this section and are permitted to refer to specifications for further

requirements. Copies of all documentation shall be given to the owner or owner's authorized agent and made available to the *code official* upon request in accordance with Sections C408.2.4 and C408.2.5.

Mechanical systems, renewable energy, and *service water heating* systems shall include but are not limited to, at a minimum, the following systems (mechanical and/or passive) and associated controls:

1. Heating, cooling, air handling and distribution, ventilation, and exhaust systems, and their related air quality monitoring systems.
2. Air, water, and other energy recovery systems.
3. Manual or automatic controls, whether local or remote, on energy using systems including but not limited to temperature controls, setback sequences, and occupancy-based control, including energy management functions of the building management system.
4. Plumbing, including insulation of piping and associated valves, domestic and process water pumping, and mixing systems.
5. Mechanical heating systems and service water heating systems.
6. Refrigeration systems.
7. Renewable energy and energy storage systems where installed generating capacity is not less than 25kW.
8. Other systems, equipment and components that are used for heating, cooling or ventilation and that affect energy use.

**C408.2.1 Commissioning Plan.** A *commissioning plan* shall be developed by a *registered design professional* or *approved agency* and shall include the following items:

1. A narrative description of the activities that will be accomplished during each phase of *commissioning*, including the personnel intended to accomplish each of the activities.
2. A listing of the specific equipment, appliances or systems to be tested and a description of the tests to be performed.
3. Functions to be tested including, but not limited to, calibrations and economizer controls.
4. Conditions under which the test will be performed. Testing shall affirm winter and summer design conditions and full outside air conditions.
5. Measurable criteria for performance.

### 1.39 Amendments to Section C408.2.2 (Systems adjusting and balancing).

**C408.2.2 Systems adjusting and balancing.** HVAC systems shall be balanced in accordance with ANSI/ASHRAE 111, "Testing, Adjusting, and Balancing of Building HVAC Systems" or other approved engineering standards.

**C408.2.2.1 Air systems balancing.** Each supply air outlet and *zone* terminal device shall be equipped with means for air balancing in accordance with the requirements of Chapter 6 of the *International Mechanical Code*. Discharge dampers used for air-system balancing are prohibited on constant-volume fans and variable volume fans with motors 10 hp (18.6 kW) and larger. Air systems shall be balanced in a manner to first minimize throttling losses then, for fans with system power of greater than 1 hp (0.746 kW), fan speed shall be adjusted to meet design flow conditions.

**Exception:** Fans with fan motors of 1 hp (0.74 kW) or less are not required to be provided with a means for air balancing.

**C408.2.2.2 Hydronic systems balancing.** Individual hydronic heating and cooling coils shall be equipped with means for balancing and measuring flow. Hydronic systems shall be proportionately balanced in a manner to first minimize throttling losses, then the pump impeller shall be trimmed or pump speed shall be adjusted to meet design flow conditions. Each hydronic system shall have either the capability to measure pressure across the pump, or test ports at each side of each pump.

**Exception:** The following equipment is not required to be equipped with a means for balancing or measuring flow:

1. Pumps with pump motors of 5 hp (3.7 kW) or less.
2. Where throttling results in not greater than 5 percent of the nameplate horsepower draw above that required if the impeller were trimmed.

#### 1.40 Addition of new Section C408.4 (Air barrier commissioning).

**C408.4 Air barrier commissioning.** Prior to passing final inspection, the registered design professional or approved agent shall provide evidence of air barrier commissioning and substantial completion in accordance with the provisions of sections C408.4.1 through C408.4.3.

#### 1.41 Addition of new Section C408.4.1 (Documentation).

**C408.4.1 Documentation.** Construction documents shall include documentation of the continuous air barrier components included in the design and a field inspection checklist that includes all requirements necessary for maintaining air barrier continuity and durability in accordance with Section C402.5.1.

#### 1.42 Addition of new Section C408.4.2 (Field inspections).

**C408.4.2 Field inspections.** Reports from field inspections during project construction showing compliance with continuous air barrier requirements including proper material handling and storage, use of approved materials and material substitutes, proper material and surface preparation, and air barrier continuity shall be provided to the owner and, upon request, to the code official. Air barrier continuity shall be determined by testing or inspecting each type of unique air barrier joint or seam in the building envelope for continuity and defects.

#### 1.43 Addition of new Section C408.4.3 (Report).

**C408.4.3 Report.** A final commissioning report indicating compliance with the continuous air barrier requirements shall be provided to the building owner and, upon request, to the code official.

#### 1.44 Addition of new Section C502.2.3.1 (Commissioning).

**C502.2.3.1 Commissioning.** New heating, cooling and duct system components that are part of the addition and the controls that serve them shall comply with Sections C408.2.2, C408.2.3 and C408.2.5.

**Exception:** Mechanical systems in additions where the total mechanical equipment capacity of the building is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

#### 1.45 Addition of new Section C502.2.4.1 (Commissioning).

**C502.2.4.1 Commissioning.** New service hot water system components that are part of the addition and the controls that serve them shall comply with Sections C408.2.2, C408.2.3 and C408.2.5.

**Exception:** Service hot water systems in additions where the combined service water heating and space heating capacity of the building is less than 600,000 Btu/h (175.8 kW).

#### 1.46 Addition of new Section C502.3 (Air barriers).

**C502.3 Air barriers.** The thermal envelope of additions shall comply with Sections C402.5.1 through C402.5.8.

#### 1.47 Addition of new Section C503.3.4 (Air barriers).

**C503.3.4 Air barriers.** The thermal envelope of alterations shall comply with Sections C402.5.1 through C402.5.8.

#### 1.48 Addition of new Section C503.4.2 (Commissioning).

**C503.4.2 Commissioning.** New heating, cooling and duct system components that are part of the alteration and the controls that serve them shall comply with Sections C408.2.2, C408.2.3 and C408.2.5.

**Exceptions:** Mechanical systems in alterations where the total mechanical equipment capacity of the building is less than 480,000 Btu/h (140.7 kW) cooling capacity and 600,000 Btu/h (175.8 kW) combined service water heating and space heating capacity.

#### 1.49 Addition of new Section C503.5.1 (Commissioning).

**C503.5.1 Commissioning.** New service hot water system components that are part of the alteration and the controls that serve them shall comply with Sections C408.2.2, C408.2.3 and C408.2.5.

**Exception:** Service hot water systems in alterations where the combined service water heating and space heating capacity of the building is less than 600,000 Btu/h (175.8 kW).

1.50 Addition of new appendix CB (Rated R-value of insulation – Commercial)

# Appendix CB

## Rated R-value of insulation – Commercial

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

### Section CB101

#### Scope

**CB101.1 General.** These provisions shall be applicable for new construction where an Insulation R-value based method is required.

### Section CB102

#### Insulation component R-value-based method

**CB102.1 General.** The opaque portions of the building thermal envelope shall comply with the specific insulation requirements of Section C402.2 and the thermal requirements of the R-value-based method of Section CB102.2.

**CB102.2 Insulation component R-value-based method.** *Building thermal envelope* opaque assemblies shall comply with the requirements of Sections C402.2 and C402.4 based on the *climate zone* specified in Chapter 3. For opaque portions of the *building thermal envelope* intended to comply on an insulation component *R-value* basis, the *R-values* for insulation shall be not less than that specified in Table CB102.2. Commercial buildings or portions of commercial buildings enclosing *Group R* occupancies shall use the R values from the “*Group R*” column of Table CB102.2. Commercial buildings or portions of commercial buildings enclosing occupancies other than *Group R* shall use the *R-values* from the “*All other*” column of Table CB102.2.

**Table CB102.2**

**Opaque Thermal Envelope Insulation Component Minimum Requirements, R-Value Method<sup>a, h</sup>**

CLIMATE ZONE	4 EXCEPT MARINE		5 AND MARINE 4		6	
	All other	Group R	All other	Group R	All other	Group R
Roofs						
Insulation Entirely above roof deck	R-33ci	R-33ci	R-33ci	R-33ci	R-33ci	R-33ci
Metal buildings <sup>b</sup>	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-19 + R-11 LS	R-30 + R-11 LS	R-30 + R-11 LS
Attic and other	R-53	R-53	R-53	R-53	R-53	R-53
Walls, above grade						
Mass <sup>f</sup>	R-11.4ci	R-13.3ci	R-13.3ci	R-15.2ci	R-15.2ci	R-15.2ci
Metal building	R-13 + R-13ci	R-13+ R-19.5ci	R-13+ R-19.5ci	R-13+ R-19.5ci	R-13+ R-19.5ci	R-13+ R-19.5ci
Metal framed	R-13 + R-8.5ci	R-13 + R-8.5ci	R-13 + R-11ci	R-13 + R-11ci	R-13+ R13.5ci	R-13+ R14.5ci
Wood framed and other	R-13 + R-4.5ci or R-19 + R-1.5ci	R-13 + R-4.5ci or R-19 + R-1.5ci	R-13 + R-9ci or R-19 + R-5ci	R-13 + R-9ci or R-19 + R-5ci	R-13 + R-9ci or R-19 + R-5ci	R-13 + R-9.5ci or R-19 + R-6ci
Walls, below grade						
Below-grade wall <sup>c</sup>	R-7.5ci	R-10ci	R-7.5ci	R-10ci	R-10ci	R-15.0ci

Floors						
Mass <sup>d</sup>	R-15ci	R-16.7ci	R-15ci	R-16.7ci	R-16.7ci	R-16.7ci
Joist/framing	R-30	R-30 <sup>e</sup>	R-30 <sup>e</sup>	R-30 <sup>e</sup>	R-38	R-38
Slab-on-grade floors						
Unheated slabs	R-15 for 24" below					
Heated slabs <sup>g</sup>	R-20 for 48" below + R-5 full slab					
Opaque doors						
Non-Swinging	R-4.75	R-4.75	R-4.75	R-4.75	R-4.75	R-4.75

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 4.88 kg/ m<sup>2</sup>, 1 pound per cubic foot = 16 kg/m<sup>3</sup>.

ci = Continuous insulation, NR = No Requirement, LS = Liner System.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.4.
- c. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- d. "Mass floors" shall be in accordance with Section C402.2.3.
- e. Steel floor joist systems shall be insulated to R-38.
- f. "Mass walls" shall be in accordance with Section C402.2.2.
- g. The first value is for perimeter insulation and the second value is for slab insulation. Perimeter insulation is not required to extend below the bottom of the slab.
- h. Not applicable to garage doors. See Table C402.1.4.

# Appendix CC

## Additional power distribution system packages – Commercial

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

### Section CC101

#### Scope

**CC101.1 General.** These provisions shall be applicable for new construction where additional power distribution system packages are required.

### Section CC102

#### Additional Power Distribution System Packages

**CC102.1 General.** New buildings shall comply with at least one of the following:

1. Additional *on-site renewable energy* in accordance with Section CC102.2.
2. Electrical energy monitoring in accordance with Section CC102.3.
3. Interoperable automated demand-response (AutoDR) infrastructure in accordance with Section CC102.4.
4. Electric vehicle charging stations in accordance with Section CC102.5.
5. Automatic receptacle controls in accordance with CC102.6.

**CC102.2 On-site renewable energy.** The total minimum rating of *on-site renewable energy* systems shall be one of the following:

1. Not less than 1.71 Btu/hr/ft<sup>2</sup> (5.4 w/ m<sup>2</sup>) or 0.50 w/ft<sup>2</sup> of conditioned floor area.
2. Not less than 3 percent of energy use within the building for mechanical, service hot water heating and lighting regulated in Chapter 4 [CE].

**CC102.3 Electrical energy monitoring.** Buildings shall comply with Sections CC102.3.1 through CC102.3.4. Buildings shall be equipped to measure, monitor, record and report electricity consumption data for each end-use category listed in Table CC102.3.1. For buildings with tenants, the end-uses in Table CC102.3.1 shall be separately monitored for the total building load and (excluding shared systems) for each individual tenant.

#### Exception:

1. Up to 10% of the load for each of the end uses shall be allowed to be from other electrical loads.
2. Individual tenant spaces that have their own utility services and meters and have less than 5,000 square feet (465 m<sup>2</sup>) of conditioned floor area.

**CC102.3.1 End-use metering categories.** Meters or other approved measurement devices shall be provided to collect energy use data for each end-use category specified in Table CC102.3.1. These meters shall have the capability to collect energy consumption data for the whole building or for each separately metered portion of the building. Where multiple meters are used to measure any end-use category, the data acquisition system shall total all the energy used by that category. Not more than 5 percent of the measured load for each end-use category specified in Table CC102.3.1 shall be from a load not within that category.

**TABLE CC102.3.1  
ENERGY USE CATEGORIES**

LOAD CATEGORY
HVAC systems
Interior lighting
Exterior lighting
Receptacle circuits
Total electrical energy

**CC102.3.2 Meters.** Meters and other measurement devices required by this Section shall be configured to automatically communicate energy consumption data to the data acquisition system required by Section CC102.3.3. Source meters shall be any digital-type meter. Lighting, HVAC and other building systems that can monitor their energy consumption shall not require meters. Current sensors are an alternative to meters, provided that they have a tested accuracy of +/-2 percent. Required metering systems and equipment shall be able to provide not less than hourly data that is fully integrated into the data acquisition system and produce a graphical energy report in accordance with Sections CC102.3.3 and CC102.3.4.

**CC102.3.3 Data acquisition systems.** A data acquisition system shall have the capability to store data from the required meters and other sensing devices for not less than 36 months. The data acquisition system shall be able to store real-time energy consumption data and provide hourly, daily, monthly, and yearly logged data for each end-use category required by Table CC102.3.1.

**CC102.3.4 Graphical energy report.** A permanent reporting mechanism shall be provided in the building that can be accessed by building operation and management personnel. The reporting mechanism shall be able to graphically provide the energy consumption data for each end-use category required by Table CC102.3.1 for not less than every hour, day, month and year for the previous 36 months.

**CC102.4 Interoperable automated demand-response (AutoDR) infrastructure.** The building controls shall be designed with automated demand-response (Auto-DR) infrastructure capable of receiving demand-response requests from the utility, electrical system operator, or third party DR program provider, and of automatically implementing load adjustments to the HVAC and lighting-systems.

Buildings shall comply with the following:

1. HVAC systems shall be programmed to allow automatic centralized demand reduction in response to a signal from a centralized contact or software point.
2. HVAC equipment with variable speed control shall be programmed to allow automatic adjustment of the maximum speed of the equipment.
3. Lighting systems with central control shall be programmed to allow automatic reduction of total connected lighting power.

**CC102.5 Electric vehicle charging stations.** Not less than two electric vehicle charging stations at minimum 208/240V 40 amp shall be provided on the *building site*.

**CC102.6 Automatic receptacle controls.** The following receptacles shall be automatically controlled in accordance with Section CC102.6.1:

1. At least 50% of all 125 V, 15 and 20 amp receptacles in all private offices, conference rooms, rooms used primarily for printing and/or copying functions, break rooms, classrooms, and individual workstations.
2. At least 25% of branch circuit feeders installed for modular furniture not shown on the construction documents.

All controlled receptacles shall be permanently marked to visually differentiate them from uncontrolled receptacles and are to be uniformly distributed throughout the space. Plug-in devices shall not be used to comply with Section CC102.6.1.

**Exceptions:**

1. Receptacles specifically designated for equipment intended for continuous operation (24 hours/day, 365 days/year).
2. Spaces where an automatic shutoff would endanger occupant safety or security.

**CC102.6.1 Automatic receptacle control function.** Automatic receptacle controls shall comply with one of the following:

1. Automatically turn receptacles off at specific programmed times, and the occupant shall be able to manually override the control device for up to two hours. An independent program schedule shall be provided for controlled areas of not more than 5000 square feet and not more than one floor.
2. Be an occupant sensor to automatically turn receptacles off within 20 minutes of all occupants leaving a space.
3. Be an automated signal from another control or alarm system to automatically turn receptacles off within 20 minutes of all occupants leaving a space.

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# PART 2

## Amendments to ASHRAE 90.1-2016

### 2.1 Addition to Section 3.2 Definitions.

**Baseline building source energy:** the annual *source energy* use in units of BTU for a *building* design intended for use as a baseline for rating above-standard design or when using the *performance rating method* as an alternative path for minimum standard compliance in accordance with Section 4.2.1.1.

**On-site electricity generation systems:** systems located at the *building* site that generate electricity, including but not limited to generators, combined heat and power systems, fuel cells, and *on-site renewable energy* systems.

**Proposed building source energy:** the annual *source energy* use in units of BTU for a *proposed design*.

**Site Energy:** The amount of fuel that is consumed on-site to operate a building.

**Source Energy:** the total amount of primary fuel that is required to operate a building incorporating transmission, delivery, and production losses. Source Energy is calculated by multiplying site energy of each fuel type by the conversion factors in Table 4.2.1.2.

### 2.2 Amendments to Section 4.2.1.1 New Buildings

#### 4.2.1.1 New Buildings.

New *buildings* shall comply with either the provisions of

- a. Section 5, “*Building Envelope*”; Section 6, “*Heating, Ventilating, and Air Conditioning*”; Section 7, “*Service Water Heating*”; Section 8, “*Power*”; Section 9, “*Lighting*”; and Section 10, “*Other Equipment*,” or
- b. Section 11, “*Energy Cost Budget Method*,” or
- c. Appendix G, “*Performance Rating Method*”, using one of the following methods:

1. **Performance Cost Index Method.** When using Appendix G, the Performance Cost Index (PCI) shall be less than or equal to the Performance Cost Index Target (PCIt) when calculated in accordance with the following:

$$PCIt = [BBUEC + (BPF_{cost} \times BBREC)]/BBP$$

Where

PCI = Performance Cost Index calculated in accordance with Section G1.2.

BBUEC = Baseline *Building Unregulated Energy Cost*, the portion of the annual *energy cost* of a *Baseline building design* that is due to *unregulated energy use*.

BBREC = Baseline *Building Regulated Energy Cost*, the portion of the annual *energy cost* of a *Baseline building design* that is due to *regulated energy use*.

BPF<sub>cost</sub> = *Building Performance Factor* from Table 4.2.1.1. For *building area types* not

listed in Table 4.2.1.1 use “All others.” Where a *building* has multiple *building* area types, the required  $BPF_{\text{cost}}$  shall be equal to the area-weighted average of the *building* area types.

BBP = *Baseline Building Performance.*

Regulated *energy* cost shall be calculated by multiplying the total *energy* cost by the ratio of *regulated energy* use to total *energy* use for each *fuel* type. Unregulated *energy* cost shall be calculated by subtracting regulated *energy* cost from total *energy* cost.

2. **Performance Source Energy Index Method.** When using Appendix G, the Performance Source Energy Index (PSEI) shall be less than or equal to the Performance Source Energy Index Target (PSEIt) when calculated in accordance with the following:

$$PSEIt = [BBUSE + (BPF_{\text{source}} \times BBRSE)]/BBSE$$

Where

PSEI = Performance Source Energy Index calculated in accordance with Section G1.2

BBUSE = Baseline building unregulated source energy use in units of BTU, the portion of the annual site energy of a baseline building design that is due to unregulated energy use multiplied by the site to source conversion ratios in Table 4.2.1.2 for each fuel type.

BBRSE = Baseline building regulated source energy use in units of BTU, the portion of the annual site energy of a baseline building design that is due to regulated energy use multiplied by the site to source conversion ratios in Table 4.2.1.2 for each fuel type.

$BPF_{\text{source}}$  = Building Performance Factor from Table 4.2.1.3. For building area types not listed in Table 4.2.1.3 use “All others.” Where a building has multiple building area types, the required  $BPF_{\text{source}}$  shall be equal to the area-weighted average of the building area types.

BBSE = *Baseline building source energy.*

### 2.3 Replacement of Table 4.2.1.1 *Building Performance Factor*.

**Table 4.2.1.1 Building Performance Factor (Cost) (BPF<sub>cost</sub>)**

Building Area Type	4A	5A	6A
Office	.54	.54	.55
Retail	.45	.42	.44
School	.45	.46	.46
Hotel/motel	.62	.56	.56
Multifamily	.67	.67	.64
Healthcare/hospital	.54	.53	.52
Restaurant	.56	.55	.58
Warehouse	.42	.42	.48
All others	.53	.52	.53

### 2.4 Addition of Table 4.2.1.2 Site to Source Energy Conversion Ratios.

**Table 4.2.1.2 Site to Source Energy Conversion Ratios**

Energy Type	New York Ratio
Electricity (Grid Purchase)	2.55
Electricity ( <i>On-site Renewable Energy</i> Installation)	1.00
Natural Gas	1.05
Fuel Oil	1.01
Propane & Liquid Propane	1.01
Steam	1.20
Hot Water	1.20
Chilled Water, Coal, Wood, Other	1.00

### 2.5 Addition of Table 4.2.1.3 Building Performance Factor (Source) (BPF<sub>source</sub>)

**Table 4.2.1.3 Building Performance Factor (BPF<sub>source</sub>)**

Building Area Type	4A	5A	6A
Office	.55	.55	.56
Retail	.45	.42	.43
School	.45	.45	.45
Hotel/motel	.62	.56	.56
Multifamily	.68	.68	.65
Healthcare/hospital	.56	.55	.55
Restaurant	.64	.64	.66
Warehouse	.44	.46	.51
All others	.55	.54	.55

## 2.6 Addition of new Section 5.2.3 (Additional Requirements to Comply with Section 11 and Appendix G)

### 5.2.3 Additional Requirements to Comply with Section 11 and Appendix G

The *building envelope* in new buildings 50,000 square feet and greater shall comply with either:

- a) Section 5.5, “*Prescriptive Building Envelope Option*”, or
- b) An *envelope performance factor* shall be calculated in accordance with 90.1 Appendix C, and buildings shall comply with one of the following:
  - i. For multifamily, hotel/motel and dormitory building area types, the margin by which the *proposed envelope performance factor* exceeds the *base envelope performance factor* shall not be greater than 15 percent. For compliance with this requirement, the *base envelope performance factor* shall be calculated using metal framing operable windows. In *buildings* with window area accounting for 40 percent or more of the *gross wall area*, the SHGC of the *vertical fenestration* on east and west oriented façade may be reduced by the following multiplier to account for the permanent site shading from existing buildings or infrastructure.

$$M_{\text{West}} = 0.18 + 0.33/\text{WWR}$$

$$M_{\text{East}} = 0.35 + 0.26/\text{WWR}$$

Where:

$M_{\text{West}}$  = SHGC multiplier for the West façade

$M_{\text{East}}$  = SHGC multiplier for the East façade

WWR = the ratio of the proposed *vertical fenestration* area to the *gross wall area* in consistent units.

The multiplier may be applied to the rated SHGC of the *vertical fenestration* which has at least 50 percent of the area located directly opposite of the shading surfaces and no higher from the street level than the difference between the shading surface height and the shading surface distance from the façade. *Orientation* must be determined following Section 5.5.4.5, Fenestration Orientation.

- ii. For all other *building area types*, the margin by which the *proposed envelope performance factor* exceeds the *base envelope performance factor* shall be not greater than 7 percent. For compliance with this requirement, the *base envelope performance factor* shall be calculated using metal framing fixed windows.
- iii. For mixed-use *buildings* the margin shall be calculated as the *gross wall area-weighted* average of i and ii above.

## 2.7 Addition of new Section 5.4.1.1 (Continuous Insulation)

### 5.4.1.1 Continuous Insulation

In new construction, structural elements of balconies and parapets that penetrate the *building envelope*, shall comply with one of the following:

1. Structural elements penetrating the *building thermal envelope* shall be insulated with *continuous insulation* having a minimum thermal resistance of R-3.

2. Structural elements of penetrations of the *building thermal envelope* shall incorporate a minimum R-3 thermal break where the structural element penetrates the *building thermal envelope*.

## 2.8 Amendments to Section 5.4.3.1.3 (Testing, Acceptable Materials, and Assemblies)

### 5.4.3.1.3 Testing, Acceptable Materials, and Assemblies

The *building* shall comply with whole-*building* pressurization testing in accordance with Section 5.4.3.1.3(a) or with the *continuous air barrier* requirements in Section 5.4.3.1.3(b) or 5.4.3.1.3(c). New *buildings* not less than 25,000 square feet and not greater than 50,000 square feet, and less than or equal to 75 feet in height, must show compliance through testing in accordance with Section 5.4.3.1.3(a).

## 2.9 Amendments to Section 5.5.3 (Opaque Areas)

### 5.5.3 Opaque Areas

For all *opaque* surfaces except *doors*, compliance shall be demonstrated by one of the following two methods:

- a. Minimum rated *R-value* of insulation for the *thermal resistance* of the added insulation in framing cavities and *continuous insulation* only. Specifications listed in Normative Appendix A for each *class of construction* shall be used to determine compliance.
- b. Maximum *U-factor*, *C-factor*, or *F-factor* for the entire assembly. The values for typical *construction* assemblies listed in Normative Appendix A shall be used to determine compliance.

#### Exceptions to 5.5.3

1. For assemblies significantly different than those in Appendix A, calculations shall be performed in accordance with the procedures required in Appendix A.
2. For multiple assemblies within a single *class of construction* for a single *space-conditioning category*, compliance shall be shown for either (a) the most restrictive requirement or (b) an area-weighted average *U-factor*, *C-factor*, or *F-factor*.
3. When the total area of penetrations from mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the *opaque above-grade wall* area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default *U-factor* of 0.5, and compliance shall be shown with method b. Where mechanical equipment has been tested in accordance with testing standards, approved by the *authority having jurisdiction*, the mechanical equipment penetration area may be calculated as a separate wall assembly with the *U-factor* as determined by such test.

## 2.10 Amendments to Section 5.6.1.1 (subsection to 5.6 Building Envelope Trade-Off Option)

### 5.6.1.1

All components of the *building envelope* shown on architectural drawings or installed in *existing buildings* shall be modeled in the *proposed design*. The *simulation program* model *fenestration* and *opaque building envelope* types and area shall be consistent with the *construction documents*. Any *building envelope* assembly that covers less than 5% of the total area of that assembly type (e.g., *exterior walls*) need not be separately described, provided it is similar to an assembly being modeled. If not separately described, the area of a *building envelope* assembly

shall be added to the area of an assembly of that same type with the same *orientation* and thermal properties. When the total area of penetrations from mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the *opaque above-grade wall* area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default *U-factor* of 0.5.

**Exception:** Where mechanical equipment has been tested in accordance with testing standards approved by the *authority having jurisdiction*, the mechanical equipment penetration area may be calculated as a separate wall assembly with the *U-factor* as determined by such test.

## 2.11 Amendments to Section 6.5.3.1.1 (Allowable fan horsepower)

### 6.5.3.1.1 Allowable fan horsepower

Each HVAC system having a total fan system motor nameplate horsepower exceeding 5 hp at fan system design conditions shall not exceed the allowable fan system motor nameplate horsepower (Option 1) or fan system bhp (Option 2) as shown in Table 6.5.3.1-1. This includes supply fans, return/relief fans, exhaust fans, and fan-powered terminal units associated with systems providing heating or cooling capability that operate at fan system design conditions. Single-zone VAV systems shall comply with the constant-volume fan power limitation.

#### Exceptions to 6.5.3.1.1

1. Hospital, vivarium, and laboratory systems that use flow control devices on exhaust and/or return to maintain space pressure relationships necessary for occupant health and safety or environmental control may use variable-volume fan power limitation.
2. Individual exhaust fans with motor nameplate horsepower of 1 hp or less.
3. Fans supplying air to active chilled beams.

## 2.12 Amendments to Table 6.5.3.1-1 (Fan Power Limitation)

**Table 6.5.3.1-1 Fan Power Limitation**

	Limit	Constant volume	Variable volume
Option 1: Fan system motor nameplate hp	Allowable nameplate motor hp	$hp \leq CFM_s * 0.0009$	$hp \leq CFM_s * 0.0011$
Option 2: Fan system bhp	Allowable fan system bhp	$bhp \leq CFM_s \times 0.00088 + A$	$bhp \leq CFM_s \times 0.0010 + A$
For SI: 1 bhp = 735.5 W, 1 hp = 745.5 W, 1 cfm = 0.4719 L/S Where: $CFM_s$ = The maximum design supply airflow rate to conditioned spaces served by the system in cubic feet per minute. $hp$ = The maximum combined motor nameplate horsepower. $bhp$ = The maximum combined fan brake horsepower. $A$ = Sum of $[PD \times CFM_D / 4131]$ Where: $PD$ = Each applicable pressure drop adjustment from Table 6.5.3.1-2 in in. of water $CFM_D$ = The design airflow through each applicable device from Table 6.5.3.1-2 in cubic feet per minute.			

## 2.13 Amendments to Section 6.5.6.1 (Exhaust Air Energy Recovery)

### 6.5.6.1 Exhaust Air Energy Recovery

Each fan system shall have an energy recovery system when the design supply fan airflow rate exceeds the value listed in Tables 6.5.6.1-1 and 6.5.6.1-2, based on the climate zone and percentage of outdoor air at design airflow conditions. Table 6.5.6.1-1 shall be used for all ventilation systems that operate less than 8000 hours per year, and Table 6.5.6.1-2 shall be used for all ventilation systems that operate 8000 or more hours per year.

Energy recovery systems required by this section shall result in an enthalpy recovery ratio of at least 50%. A 50% enthalpy recovery ratio shall mean a change in the enthalpy of the outdoor air supply equal to 50% of the difference between the outdoor air and entering exhaust air enthalpies at design conditions. Provision shall be made to bypass or control the energy recovery system to permit air economizer operation as required by Section 6.5.1.1.

#### Exceptions to 6.5.6.1

1. Laboratory systems meeting Section 6.5.7.3.
2. Systems serving spaces that are not cooled and that are heated to less than 60°F.
3. Where more than 60% of the outdoor air heating energy is provided from site-recovered energy or site-solar energy.
4. Heating energy recovery in Climate Zones 0, 1, and 2.
5. Cooling energy recovery in Climate Zones 3C, 4C, 5B, 5C, 6B, 7, and 8.
6. Where the largest source of air exhausted at a single location at the building exterior is less than 75 percent of the design ventilation outdoor air flow rate, multiple exhaust fans or outlets located within a 30 foot radius from the outdoor air supply unit shall be considered a single exhaust location.
7. Systems requiring dehumidification that employ energy recovery in series with the cooling coil.
8. Systems expected to operate less than 20 hours per week at the outdoor air percentage covered by Table 6.5.6.1-1.

## 2.14 Amendments to Section 7.5.3 (Buildings with High-Capacity Service Water-Heating Systems)

### 7.5.3 Buildings with High-Capacity Service water-heating systems.

Water-heating equipment installed in new buildings, except for R-1 and R-2, shall be in compliance with this section. Where a singular piece of water-heating equipment serves the entire building and the input rating of the equipment is 1,000,000 Btu/h (293 kW) or greater, such equipment shall have a rating of not less than 125 percent of the required performance values in Table 7.8, or is not less than a thermal efficiency ( $E_t$ ) or energy factor (EF) of 0.94 as determined by applicable test procedures in Table 7.8. Where multiple pieces of water-heating equipment serve the building, and the combined input rating of the water-heating equipment is 1,000,000 Btu/h (293 kW) or greater, the capacity-weighted-average rating shall not be less than 125 percent of the required performance values in Table 7.8, or no less than an  $E_t$  or EF of 0.94 as determined by the applicable test procedures in Table 7.8.

### Exceptions to 7.5.3

Where not less than 25 percent of the annual service water-heating requirement is provided from any combination of the following sources:

- 1) Renewable energy generated on site that is not being used to satisfy other requirements of this code, **or**;
- 2) Heat recovered on site from the *building's* wastewater, air source heat pumps or from air that would otherwise be exhausted to the outdoors without heat recovery that is not being used to satisfy other requirements of this code.

## 2.15 Addition of new Section 7.5.4 (Renewable and site-recovered heat in R-1 and R-2)

### 7.5.4 Renewable and site-recovered heat in R-1 and R-2.

In new construction of R-1 and R-2 *buildings* with over 1,000,000 Btu/h installed *service water heating* capacity, at least 25 percent of annual water heating energy shall be provided from any combination of the following sources:

1. Renewable energy generated on site that is not being used to satisfy other requirements of this code, or;
2. Heat recovered on site from the *building's* wastewater, air source heat pumps or from air that would otherwise be exhausted to the outdoors without heat recovery that is not being used to satisfy other requirements of this code.

### Exception to 7.5.4

Compliance with this section is not required if the combined input-capacity-weighted average equipment rating for all *service water heating* is no less than 125 percent of the required performance values in Table 7.8, or is no less than an  $E_i$  or EF of 0.94 as determined by the applicable test procedures in Table 7.8.

## 2.16 Addition of new Section 10.4.3.5 (Power Conversion System)

### 10.4.3.5 Power Conversion System

New traction elevators with a rise of 75 feet or more in new buildings shall have a power conversion system that complies with Sections 10.4.3.5.1 through 10.4.3.5.3.

#### 10.4.3.5.1 Motor

Induction motors with a Class IE2 efficiency ratings, as defined by IEC EN 60034-30, or alternative technologies, such as permanent magnet synchronous motors that have equal or better efficiency, shall be used.

#### 10.4.3.5.2 Transmission

Transmissions shall not reduce the efficiency of the combined motor/transmission below that shown for the Class IE2 motor for elevators with capacities below 4,000 lbs. Gearless machines shall be assumed to have a 100 percent transmission efficiency.

### 10.4.3.5.3 Drive

Potential energy released during motion shall be recovered with a regenerative drive that supplies electrical energy to the building electrical system.

## 2.17 Addition of new Section 10.4.6 (Commercial Kitchen Equipment)

### 10.4.6 Commercial Kitchen Equipment

Commercial kitchen equipment shall comply with the minimum efficiency requirements of Tables 10.4.6-1 through Table 10.4.6-5.

**Table 10.4.6-1  
Minimum Efficiency Requirements: Commercial Fryers**

	Heavy-Load Cooking Energy Efficiency	Idle Energy Rate	Test Procedure
Standard Open Deep-Fat Gas Fryers	≥ 50%	≤ 9,000 Btu/hr	ASTM Standard F1361-99
Large Vat Open Deep-Fat Gas Fryers	≥ 50%	≤ 12,000 Btu/hr	
Standard Open Deep-Fat Electric Fryers	≥ 83%	≤ 800 watts	ASTM Standard F2144-09
Large Vat Open Deep-Fat Electric Fryers	≥ 80%	≤ 1,100 watts	

**Table 10.4.6-2  
Minimum Efficiency Requirements: Commercial Hot Food Holding Cabinets**

Product Interior Volume (Cubic Feet)	Maximum Idle Energy Consumption Rate (Watts)	Test Procedure
0 < V < 13	≤ 21.5 V	ASTM Standard F2140-01
13 ≤ V < 28	≤ 2.0 V + 254.0	
28 ≤ V	≤ 3.8 V + 203.5	

**Table 10.4.6-3  
Minimum Efficiency Requirements: Commercial Steam Cookers**

Fuel Type	Pan Capacity	Cooking Energy Efficiency <sup>a</sup>	Idle Rate	Test Procedure
Electric Steam	3-pan	50%	400 watts	ASTM Standard F1484-99
	4-pan	50%	530 watts	
	5-pan	50%	670 watts	
	6-pan and larger	50%	800 watts	
Gas Steam	3-pan	38%	6,250 Btu/h	
	4-pan	38%	8,350 Btu/h	
	5-pan	38%	10,400 Btu/h	
	6-pan and larger	38%	12,500 Btu/h	

a. Cooking Energy Efficiency is based on heavy load (potato) cooking capacity

**Table 10.4.6-4  
Minimum Efficiency Requirements: Commercial Dishwashers**

Machine Type	High Temp Efficiency Requirements		Low Temp Efficiency Requirements		Test Procedure
	Idle Energy Rate <sup>a</sup>	Water Consumption <sup>b</sup>	Idle Energy Rate <sup>a</sup>	Water Consumption <sup>b</sup>	
Under Counter	≤ 0.50 kW	≤ 0.86 GPR	≤ 0.50 kW	≤ 1.19 GPR	US EPA Energy Star Commercial Dishwasher Specification Version 1.1
Stationary Single Tank Door	≤ 0.70 kW	≤ 0.89 GPR	≤ 0.60 kW	≤ 1.18 GPR	
Pot, Pan , and Utensil	≤ 1.20 kW	≤ 0.58 GPR	≤ 1.00 kW	≤ 0.58 GPR	
Single Tank Conveyor	≤ 1.50 kW	≤ 0.70 GPR	≤ 1.50 kW	≤ 0.79 GPR	
Multiple Tank Conveyor	≤ 2.25 kW	≤ 0.54 GPR	≤ 2.00 kW	≤ 0.54 GPR	
Single Tank Flight Type	Reported	GPH ≤ 2.975x + 55.00	Reported	GPH ≤ 2.975x + 55.00	
Multiple Tank Flight Type	Reported	GPH ≤ 4.96x + 17.00	Reported	GPH ≤ 4.96x + 17.00	

- Idle results shall be measured with the door closed and represent the total idle energy consumed by the machine including all tank heater(s) and controls. Booster heater (internal or external) energy consumption should not be part of this measurement unless it cannot be separately monitored per US EPA Energy Star Commercial Dishwasher Specification Version 1.1
- GPR = gallons per rack; GPSF = gallons per square foot of rack; GPH = gallons per hour; x = maximum conveyor speed (feet/min) x conveyor belt width (feet).

**Table 10.4.6-5  
Minimum Efficiency Requirements: Commercial Ovens**

Fuel Type	Classification	Idle Rate	Cooking-Energy Efficiency, %	Test Procedure
<b>Convection Ovens</b>				
Gas	Full-Size	≤ 12,000 Btu/h	≥ 46	ASTM F1496 - 13
Electric	Half-Size	≤ 1.0 Btu/h	≥ 71	
	Full-Size	≤ 1.60 Btu/h		
<b>Combination Ovens</b>				
Gas	Steam Mode	≤ 200P <sup>a</sup> +6,511 Btu/h	≥ 41	ASTM F2861 - 14
	Convection Mode	≤ 150P <sup>a</sup> +5,425 Btu/h	≥ 56	
Electric	Steam Mode	≤ 0.133P <sup>a</sup> +0.6400 kW	≥ 55	
	Convection Mode	≤ 0.080P <sup>a</sup> +0.4989 kW	≥ 76	
<b>Rack Ovens</b>				
Gas	Single	≤ 25,000 Btu/h	≥ 48	ASTM F2093 - 11
	Double	≤ 30,000 Btu/h	≥ 52	

- P = Pan Capacity: The number of steam table pans the combination oven is able to accommodate as per the ASTM F – 1495 – 05 standard specification.

## 2.18 Addition of new Section 10.4.7 (Electric vehicle charging station capable)

### 10.4.7 Electric vehicle charging station capable.

New parking garages and new parking lots powered by the energy services for a building, and with 10 or greater parking spaces, shall provide either:

1. Panel capacity and conduit for the future installation of minimum 208/240V 40 amp outlets for 5 percent of the total parking spaces and not less than 2 parking spaces or;
2. Minimum 208/240V 40 amp outlets for 5 percent of the total parking spaces and not less than 2 parking spaces.

## 2.19 Addition of new Section 10.4.8 (Solar-ready zone)

### 10.4.8 Solar-ready zone (Mandatory)

Comply with the provisions of Appendix CA of 2018 IECC (as amended).

## 2.20 Amendments to Section 11.2 (Compliance)

### 11.2 Compliance

Compliance with Section 11 will be achieved if

- a. All requirements of Sections 5.4, 6.4, 7.4, 8.4, 9.4, and 10.4, and Section C408 of the 2018 IECC (as amended) are met;
- b. the *design energy cost*, as calculated in Section 11.5, does not exceed the *building energy use budget*, as calculated by the *simulation program* described in Section 11.4, and
- c. the *energy efficiency* level of components specified in the *building design* meet or exceed the *efficiency* levels used to calculate the design energy cost; and
- d. In new buildings 50,000 square feet and greater, an envelope performance factor shall be calculated in accordance with 90.1 Appendix C, and buildings shall comply with one of the following:

- i. For multifamily, hotel/motel and dormitory building area types, the margin by which the *proposed envelope performance factor* exceeds the *base envelope performance factor* shall not be greater than 15 percent. For compliance with this requirement, the *base envelope performance factor* shall be calculated using metal framing operable windows. In buildings with window area accounting for 40 percent or more of the wall area, the SHGC of the *vertical fenestration* on east and west oriented façade may be reduced by the following multiplier to account for the permanent site shading from existing buildings or infrastructure.

$$M_{\text{West}} = 0.18 + 0.33/\text{WWR}$$

$$M_{\text{East}} = 0.35 + 0.26/\text{WWR}$$

Where:

$M_{\text{West}}$  = SHGC multiplier for the West facade

$M_{\text{East}}$  = SHGC multiplier for the East facade

WWR = the ratio of the proposed *vertical fenestration* area to the *gross wall area* in consistent units.

The multiplier may be applied to the rated SHGC of the *vertical fenestration* which has at least 50 percent of the area located directly opposite of the shading surfaces and no higher from the street level than the difference between the shading surface

height and the shading surface distance from the façade. Orientation must be determined following Section 5.5.4.5.

- ii. For all other buildings area types, the margin by which the proposed *envelope performance factor* exceeds the *base envelope performance factor* shall be not greater than 7 percent. For compliance with this requirement, the *base envelope performance factor* shall be calculated using metal framing fixed windows.
- iii. For mixed-use buildings, the margin shall be calculated as the *gross wall area-weighted average* of i) and ii) above.

## 2.21 Amendments to Section 11.4.3.2 (Annual Energy Costs)

### 11.4.3.2 Annual Energy Costs

The *design energy cost* and *energy cost budget* shall be determined using rates for *purchased energy* (such as electricity, gas, oil, propane, steam, and chilled water) that are approved by the *adopting authority*. Where *on-site renewable energy* or *site-recovered energy* is used, the *budget building design* shall be based on the *energy source* used as the *backup energy source*, or electricity if no *backup energy source* has been specified. Where the proposed design includes electricity generated from sources other than *on-site renewable energy*, the baseline design shall include the same generation system.

## 2.22 Amendments to Table 11.5.1 (Modeling Requirements for Calculating Design Energy Cost and Energy Cost Budget)

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost**

<i>Proposed Design</i> (Column A) <i>Design Energy Cost</i> (DEC)	<i>Budget Building Design</i> (Column B) <i>Energy Cost Budget</i> (ECB)
<b>1. Design Model</b>	
<ul style="list-style-type: none"> <li>a. The simulation model of the <i>proposed design</i> shall be consistent with the design documents, including proper accounting of <i>fenestration</i> and <i>opaque envelope</i> types and area; interior lighting power and <i>controls</i>; <i>HVAC system</i> types, sizes, and <i>controls</i>; and <i>service water-heating systems</i> and <i>controls</i>.</li> <li>b. All <i>conditioned spaces</i> in the <i>proposed design</i> shall be simulated as being both heated and cooled, even if no cooling or heating <i>system</i> is being installed. Temperature and humidity <i>control set points</i> and schedules, as well as <i>temperature control throttling range</i>, shall be the same for <i>proposed design</i> and <i>baseline building design</i>.</li> <li>c. When the <i>Energy Cost Budget Method</i> is applied to <i>buildings</i> in which <i>energy-related features</i> have not yet been designed (e.g., a <i>lighting system</i>), those yet-to-be-designed features shall be described in the <i>proposed design</i> so that they minimally comply with applicable mandatory and prescriptive requirements from Sections 5 through 10. Where the <i>space classification</i> for a <i>building</i> is not known, the <i>building</i> shall be categorized as an office <i>building</i>.</li> </ul>	<p>The <i>budget building design</i> shall be developed by modifying the <i>proposed design</i> as described in this table. Except as specifically instructed in this table, all <i>building systems</i> and <i>equipment</i> shall be modeled identically in the <i>budget building design</i> and <i>proposed design</i>.</p>

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

<b>Proposed Design (Column A) Design Energy Cost (DEC)</b>	<b>Budget Building Design (Column B) Energy Cost Budget (ECB)</b>
<b>2. Additions and Alterations</b>	
<p>It is acceptable to demonstrate compliance using <i>building</i> models that exclude parts of the <i>existing building</i>, provided all of the following conditions are met:</p> <ol style="list-style-type: none"> <li>Work to be performed under the current permit application in excluded parts of the <i>building</i> shall meet the requirements of Sections 5 through 10.</li> <li>Excluded parts of the <i>building</i> are served by <i>HVAC systems</i> that are entirely separate from those serving parts of the <i>building</i> that are included in the <i>building</i> model.</li> <li>Design <i>space</i> temperature and <i>HVAC system</i> operating <i>set points</i> and schedules on either side of the boundary between included and excluded parts of the <i>building</i> are identical.</li> <li>If a declining block or similar utility rate is being used in the analysis and the excluded and included parts of the <i>building</i> are on the same utility meter, the rate shall reflect the utility block or rate for the <i>building</i> plus the addition.</li> </ol>	<p>Same as proposed design.</p>
<b>3. Space Use Classification</b>	
<p>The <i>building</i> area type or <i>space</i> type classifications shall be chosen in accordance with Section 9.5.1 or 9.6.1. The user or designer shall specify the <i>space</i> use classifications using either the <i>building</i> area type or <i>space</i> type categories but shall not combine the two types of categories within a single permit application. More than one <i>building</i> area type category may be used for a <i>building</i> if it is a mixed-use facility.</p>	<p>Same as <i>proposed design</i>.</p>
<b>4. Schedules</b>	
<p>The schedule types listed in Section 11.4.1.1(b) shall be required input. The schedules shall be typical of the <i>proposed design</i> as determined by the designer and approved by the <i>authority having jurisdiction</i>. Required schedules shall be identical for the <i>proposed design</i> and <i>budget building design</i>.</p>	<p>Same as <i>proposed design</i>.</p>

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

Proposed Design (Column A) Design Energy Cost (DEC)	Budget Building Design (Column B) Energy Cost Budget (ECB)
5. Building Envelope	
<p>All components of the <i>building envelope</i> in the <i>proposed design</i> shall be modeled as shown on architectural drawings or as installed for <i>existing building envelopes</i>.</p> <p><b>Exceptions:</b> The following <i>building</i> elements are permitted to differ from architectural drawings.</p> <ol style="list-style-type: none"> <li>1. Any <i>building envelope</i> assembly that covers less than 5% of the total area of that assembly type (e.g., exterior walls) need not be separately described. If not separately described, the area of a <i>building envelope</i> assembly must be added to the area of the adjacent assembly of that same type. When the total area of penetrations from mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the opaque above-grade wall area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default U-factor of 0.5. Where mechanical equipment has been tested in accordance with testing standards approved by the department, the mechanical equipment penetration area may be calculated as a separate wall assembly with the U-factor as determined by such test.</li> <li>2. Exterior surfaces whose azimuth <i>orientation</i> and tilt differ by no more than 45 degrees and are otherwise the same may be described as either a single surface or by using multipliers.</li> <li>3. The exterior <i>roof</i> surface shall be modeled using the aged solar <i>reflectance</i> and thermal <i>emittance</i> determined in accordance with Section 5.5.3.1.1(a). Where aged test data are unavailable, the <i>roof</i> surface shall be modeled with a solar <i>reflectance</i> of 0.30 and a thermal <i>emittance</i> of 0.90.</li> <li>4. Manually operated <i>fenestration</i> shading devices, such as blinds or shades, shall not be modeled. Permanent shading devices, such as fins, overhangs, and lightshelves, shall be modeled.</li> </ol>	<p>The <i>budget building design</i> shall have identical <i>conditioned floor area</i> and identical exterior dimensions and orientations as the <i>proposed design</i>, except as follows:</p> <ol style="list-style-type: none"> <li>a. <i>Opaque</i> assemblies, such as <i>roof, floors, doors, and walls</i>, shall be modeled as having the same <i>heat capacity</i> as the <i>proposed design</i> but with the minimum <i>U-factor</i> required in Table C402.1.4 for new buildings or additions and Section C503.3 for alterations. <i>Opaque</i> assemblies in semi-heated spaces shall be modeled as having the same <i>heat capacity</i> as the <i>proposed design</i> but with the minimum <i>U-factor</i> required in Section 5.5.</li> <li>b. The exterior <i>roof</i> surfaces shall be modeled with a solar <i>reflectance</i> and thermal <i>emittance</i> as required in Section 5.5.3.1.1(a). All other <i>roofs</i>, including <i>roofs</i> exempted from the requirements in Section 5.5.3.1.1, shall be modeled the same as the <i>proposed design</i>.</li> <li>c. No shading projections are to be modeled; <i>fenestration</i> shall be assumed to be flush with the <i>wall or roof</i>. If the <i>fenestration area</i> for new buildings or additions exceeds the maximum allowed by Section 5.5.4.2, the area shall be reduced proportionally along each exposure until the limit set in Section 5.5.4.2 is met. If the <i>vertical fenestration area</i> facing west or east of the <i>proposed design</i> exceeds the area limit set in Section 5.5.4.5 then the <i>energy cost budget</i> shall be generated by simulating the <i>budget building design</i> with its actual <i>orientation</i> and again after rotating the entire <i>budget building design</i> 90, 180, and 270 degrees and then averaging the results. <i>Fenestration</i> U-factor shall be equal to the criteria from Table C402.4 for the appropriate climate, and the <i>SHGC</i> shall be equal to the criteria from C402.4 for the appropriate climate. For portions of those tables where there are no <i>SHGC</i> requirements, the <i>SHGC</i> shall be equal to that determined in accordance with Section C3.6(c). The <i>VT</i> shall be equal to that determined in accordance with Section C3.6(c). The <i>fenestration</i> model for <i>building envelope alterations</i> shall reflect the limitations on area, <i>U-factor</i>, and <i>SHGC</i> as described in Section 5.1.3.</li> </ol> <p><b>Exceptions:</b> When trade-offs are made between an addition and an <i>existing building</i>, as described in the exception to Section 4.2.1.2, the <i>building envelope</i> assumptions for the <i>existing building</i> in the <i>budget building design</i> shall reflect existing conditions prior to any revisions that are part of this permit.</p>

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

Proposed Design (Column A) Design Energy Cost (DEC)	Budget Building Design (Column B) Energy Cost Budget (ECB)
<b>6. Lighting</b>	
<p>Lighting power in the <i>proposed design</i> shall be determined as follows:</p> <ul style="list-style-type: none"> <li>a. Where a complete <i>lighting system</i> exists, the actual lighting power for each <i>thermal block</i> shall be used in the model.</li> <li>b. Where a <i>lighting system</i> has been designed, lighting power shall be determined in accordance with Sections 9.1.3 and 9.1.4.</li> <li>c. Where no lighting exists or is specified, lighting power shall be determined in accordance with the <i>Building Area Method</i> for the appropriate <i>building area type</i>.</li> <li>d. <i>Lighting system</i> power shall include all <i>lighting system</i> components shown or provided for on plans (including <i>lamps, ballasts, task fixtures, and furniture-mounted fixtures</i>).</li> <li>e. The lighting schedules in the <i>proposed design</i> shall reflect the mandatory <i>automatic lighting control</i> requirements in Section 9.4.1 (e.g., programmable <i>controls</i> or occupancy sensors)</li> </ul> <p><b>Exception:</b> <i>Automatic</i> daylighting controls required by Section 9.4.1 shall be modeled directly in the <i>proposed design</i> or through schedule adjustments determined by a daylighting analysis approved by the <i>building official</i>.</p> <ul style="list-style-type: none"> <li>f. <i>Automatic lighting controls</i> included in the <i>proposed design</i> but not required by Section 9.4.1 may be modeled directly in the <i>building</i> simulation or be modeled in the building simulation through schedule adjustments determined by a separate analysis approved by the <i>authority having jurisdiction</i>. As an alternative to modeling such lighting controls, the <i>proposed design</i> lighting power may be reduced for each <i>luminaire</i> under control by dividing the rated lighting power of the <i>luminaire</i> by the factor <math>(1 + \sum CF)</math>, where <math>\sum CF</math> indicates the sum of all applicable control factors (CF) per Section 9.6.3 and Table 9.6.3.</li> </ul>	<ul style="list-style-type: none"> <li>a. Lighting power in the <i>budget building design</i> shall be determined using the same categorization procedure (<i>Building Area Method</i> or <i>Space-by-Space Method</i>) and categories as the <i>proposed design</i> with lighting power set equal to the maximum allowed for the corresponding method and category in Tables C405.3.2(1) and C405.3.2(2). Additional interior lighting power for nonmandatory <i>controls</i> allowed under Section 9.6.3 shall not be included in the <i>budget building design</i>.</li> <li>b. Power for <i>fixtures</i> not included in the lighting power calculation shall be modeled identically in the <i>proposed design</i> and <i>budget building design</i>.</li> <li>c. Mandatory <i>automatic lighting controls</i> required by Section 9.4.1 shall be modeled the same as the <i>proposed design</i>.</li> </ul>
<b>7. Thermal Blocks – HVAC Zones Designed</b>	
<p>Where <i>HVAC zones</i> are defined on HVAC design drawings, each <i>HVAC zone</i> shall be modeled as a separate <i>thermal block</i>.</p> <p><b>Exceptions:</b> Different <i>HVAC zones</i> may be combined to create a single <i>thermal block</i> or identical <i>thermal blocks</i> to which multipliers are applied, provided all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>1. The <i>space-use</i> classification is the same throughout the <i>thermal block</i>.</li> <li>2. All <i>HVAC zones</i> in the <i>thermal block</i> that are adjacent to glazed <i>exterior walls</i> and glazed <i>semiexterior walls</i> face the same <i>orientation</i> or their orientations are within 45 degrees of each other.</li> </ul>	<p>Same as <i>proposed design</i>.</p>

3. All of the zones are served by the same HVAC system or by the same kind of HVAC system.	
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**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

<b>Proposed Design (Column A) Design Energy Cost (DEC)</b>	<b>Budget Building Design (Column B) Energy Cost Budget (ECB)</b>
<b>8. Thermal Blocks – HVAC Zones Not Designed</b>	
<p>Where the HVAC zones and systems have not yet been designed, <i>thermal blocks</i> shall be defined based on similar internal load densities, occupancy, lighting, thermal and <i>space</i> temperature schedules, and in combination with the following:</p> <ol style="list-style-type: none"> <li>Separate <i>thermal blocks</i> shall be assumed for interior and perimeter <i>spaces</i>. Interior <i>spaces</i> shall be those located more than 15 ft from an <i>exterior wall</i> or <i>semiexterior wall</i>. Perimeter <i>spaces</i> shall be those located closer than 15 ft from an <i>exterior wall</i> or <i>semiexterior wall</i>. A separate thermal zone does not need to be modeled for areas adjacent to <i>semiexterior walls</i> that separate <i>semiheated space</i> from <i>conditioned space</i>.</li> <li>Separate <i>thermal blocks</i> shall be assumed for <i>spaces</i> adjacent to glazed <i>exterior walls</i> or glazed <i>semiexterior walls</i>; a separate zone shall be provided for each <i>orientation</i>, except that orientations that differ by no more than 45 degrees may be considered to be the same <i>orientation</i>. Each zone shall include all <i>floor</i> area that is 15 ft or less from a glazed perimeter <i>wall</i>, except that <i>floor</i> area within 15 ft of glazed perimeter <i>walls</i> having more than one <i>orientation</i> shall be divided proportionately between zones.</li> <li>Separate <i>thermal blocks</i> shall be assumed for <i>spaces</i> having <i>floors</i> that are in contact with the ground or exposed to ambient conditions from zones that do not share these features.</li> <li>Separate <i>thermal blocks</i> shall be assumed for <i>spaces</i> having <i>roof</i> assemblies from zones that do not share these features.</li> </ol>	Same as <i>proposed design</i> .
<b>9. Thermal Blocks – Multifamily Residential Buildings</b>	
<p><i>Residential spaces</i> shall be modeled using one <i>thermal block</i> per <i>space</i> except that those facing the same orientations may be combined into one <i>thermal block</i>. Corner units and units with <i>roof</i> or <i>floor</i> loads shall only be combined with units sharing these features.</p>	Same as <i>proposed design</i> .

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

Proposed Design (Column A) Design Energy Cost (DEC)	Budget Building Design (Column B) Energy Cost Budget (ECB)
<b>10. HVAC</b>	
<p>The HVAC system type and all related performance parameters, such as equipment capacities and efficiencies, in the <i>proposed design</i> shall be determined as follows:</p> <ol style="list-style-type: none"> <li>Where a complete HVAC system exists, the model shall reflect the actual system type using actual component capacities and efficiencies.</li> <li>Where an HVAC system has been designed, the HVAC model shall be consistent with design documents. Mechanical equipment efficiencies shall be adjusted from actual design conditions to the standard rating conditions specified in Section 6.4.1 if required by the simulation model. Where efficiency ratings include supply fan energy, the efficiency rating shall be adjusted to remove the supply fan energy from the efficiency rating in the <i>budget building design</i>. The equations in Section 11.5.2 shall not be used in the <i>proposed design</i>. The <i>proposed design</i> HVAC system shall be modeled using manufacturers' full- and part- load data for the HVAC system without fan power.</li> <li>Where no heating system exists, or no heating system has been specified, the heating system shall be modeled as fossil fuel. The system characteristics shall be identical to the system modeled in the <i>budget building design</i>.</li> <li>Where no cooling system exists, or no cooling system has been specified, the cooling system shall be modeled as an air-cooled single-zone system, one unit per thermal block. The system characteristics shall be identical to the system modeled in the <i>budget building design</i>.</li> </ol>	<p>The HVAC system type and related performance parameters for the <i>budget building design</i> shall be determined from Figure 11.5.2, the system descriptions in Table 11.5.2-1 and accompanying notes, and in accord with rules specified in Section 11.5.2(a) through 11.5.2(k).</p>

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

Proposed Design (Column A) Design Energy Cost (DEC)	Budget Building Design (Column B) Energy Cost Budget (ECB)
<b>11. Service Water-Heating Systems</b>	
<p>The <i>service water-heating system</i> type and all related performance parameters, such as <i>equipment</i> capacities and efficiencies, in the <i>proposed design</i> shall be determined as follows:</p> <ol style="list-style-type: none"> <li>Where a complete <i>service water-heating system</i> exists, the model shall reflect the actual system type using actual component capacities and efficiencies.</li> <li>Where a <i>service water-heating system</i> has been designed, the <i>service water-heating</i> model shall be consistent with design documents.</li> <li>Where no <i>service water-heating system</i> exists or is specified, no <i>service water heating</i> shall be modeled.</li> </ol>	<p>The <i>service water-heating system</i> type in the <i>budget building design</i> shall be identical to the <i>proposed design</i>. The <i>service water-heating system</i> performance of the <i>budget building design</i> shall meet the requirements of Section C404.2, and where applicable the requirements of C404.2.1 and C404.2.2, without exception.</p> <p><b>Exceptions:</b></p> <ol style="list-style-type: none"> <li>If the service water heating system type is not listed in Table C404.2, it shall be identical to the <i>proposed design</i>.</li> <li>Where Section 7.5.1 or 7.5.2 applies, the <i>boiler</i> shall be split into a separate <i>space-heating boiler</i> and <i>hot-water heater</i>.</li> <li>For 24-hour facilities that meet the prescriptive criteria for use of condenser heat recovery <i>systems</i> described in Section 6.5.6.2, a <i>system</i> meeting the requirements of that section shall be included in the <i>baseline building design</i>, regardless of the exceptions to Section 6.5.6.2. If a condenser heat recovery <i>system</i> meeting the requirements described in Section 6.5.6.2 cannot be modeled, the requirement for including such a <i>system</i> in the actual <i>building</i> shall be met as a prescriptive requirement in accordance with Section 6.5.6.2 and no heat recovery <i>system</i> shall be included in the <i>proposed design</i> or <i>budget building design</i>.</li> </ol>
<b>12. Miscellaneous Loads</b>	
<p>Receptacle, motor, and <i>process</i> loads shall be modeled and estimated based on the <i>building area type</i> or <i>space type</i> category and shall be assumed to be identical in the proposed and budget <i>building designs</i>. These loads shall be included in simulations of the <i>building</i> and shall be included when calculating the <i>energy cost budget</i> and <i>design energy cost</i>. All end-use load components within and associated with the <i>building</i> shall be modeled, unless specifically excluded by Sections 13 and 14 of Table 11.5.1, including but not limited to exhaust fans, parking garage <i>ventilation</i> fans, exterior <i>building</i> lighting, swimming <i>pool</i> heaters and pumps, elevators and escalators, refrigeration <i>equipment</i>, and cooking <i>equipment</i>.</p>	<p>Receptacle, motor, and <i>process</i> loads shall be modeled and estimated based on the <i>building area type</i> or <i>space type</i> category and shall be assumed to be identical in the <i>proposed design</i> and <i>budget building design</i>. These loads shall be included in simulations of the <i>building</i> and shall be included when calculating the <i>energy cost budget</i> and <i>design energy cost</i>. All end-use load components within and associated with the <i>building</i> shall be modeled, unless specifically excluded by Sections 13 and 14 of Table 11.5.1, including, but not limited to, exhaust fans, parking garage <i>ventilation</i> fans, exterior <i>building</i> lighting, swimming <i>pool</i> heaters and pumps, elevators and escalators, refrigeration <i>equipment</i>, and cooking <i>equipment</i>.</p>

**Table 11.5.1 Modeling Requirements for Calculating Design Energy Cost and Energy Cost (Continued)**

<i>Proposed Design (Column A)</i> <i>Design Energy Cost (DEC)</i>	<i>Budget Building Design (Column B)</i> <i>Energy Cost Budget (ECB)</i>
<b>13. Modeling Exceptions</b>	
<p>All elements of the <i>proposed design building envelope</i>, HVAC, <i>service water heating</i>, lighting, and electrical systems shall be modeled in the <i>proposed design</i> in accordance with the requirements of Sections 1 through 12 of Table 11.5.1.</p> <p><b>Exceptions:</b> Components and systems in the <i>proposed design</i> may be excluded from the simulation model provided that</p> <ol style="list-style-type: none"> <li>1. component <i>energy</i> use does not affect the <i>energy</i> use of systems and components that are being considered for trade-off and</li> <li>2. the applicable prescriptive requirements of Sections 5.5, 6.5, 7.5, and either 9.5 or 9.6 applying to the excluded components are met.</li> </ol>	None
<b>14. Modeling Limitations to the <i>Simulation Program</i></b>	
<p>If the <i>simulation program</i> cannot model a component or system included in the <i>proposed design</i>, one of the following methods shall be used with the approval of the <i>authority having jurisdiction</i>:</p> <ol style="list-style-type: none"> <li>a. Ignore the component if the <i>energy</i> impact on the trade-offs being considered is not significant.</li> <li>b. Model the component substituting a thermodynamically similar component model.</li> <li>c. Model the HVAC system components or systems using the <i>budget building design's</i> HVAC system in accordance with Section 10 of Table 11.5.1. Whichever method is selected, the component shall be modeled identically for both the <i>proposed design</i> and <i>budget building design</i>.</li> </ol>	Same as <i>proposed design</i> .

## 2.23 Amendments to Section G1.2.1 (Mandatory Provisions)

### G1.2.1 Mandatory Provisions

This *performance rating method* requires conformance with the following provisions:

- a. All requirements of Sections 5.4, 6.4, 7.4, 8.4, 9.4, 10.4, and Sections C408 of the 2018 IECC (as amended) shall be met. These sections contain the mandatory provisions of the standard and are prerequisites for this rating method.
- b. The interior lighting power shall not exceed the *interior lighting power allowance* determined using either Tables G3.7 or G3.8 and the methodology described in Sections 9.5.1 and 9.6.1.

## 2.24 Amendments to Section G1.2.2 (Performance Rating Calculation)

### G1.2.2 Performance Rating Calculation

The performance of the *proposed design* is calculated by either the provisions of G1.2.2.1 Performance Cost Index or G1.2.2.2 Performance Source Energy Index.

## 2.25 Addition of new Section G1.2.2.1 (Performance Cost Index)

### G1.2.2.1 Performance Cost Index

The performance of the proposed design is calculated in accordance with provisions of this appendix using the following formula:

$$\text{Performance Cost Index} = \frac{\text{Proposed building performance}}{\text{Baseline building performance}}$$

Both the *proposed building performance* and the *baseline building performance* shall include all end-use load components within and associated with the building when calculating the Performance Cost Index.

## 2.26 Addition of new Section G1.2.2.2 (Performance Source Energy Index)

### G1.2.2.2 Performance Source Energy Index

The performance of the proposed design is calculated in accordance with provisions of this appendix using the following formula:

$$\text{Performance Source Energy Index} = \frac{\text{Proposed building source energy}}{\text{Baseline building source energy}}$$

Both the *proposed building source energy* and the *baseline building source energy* shall include all end-use load components within and associated with the building when calculating the Performance Source Energy Index.

## 2.27 Amendments to Section G2.4.1 (On-site Renewable Energy and Site-Recovered Energy)

### G2.4.1 On-site Renewable Energy and Site-Recovered Energy

*Site-recovered energy* shall not be considered *purchased energy* and shall be subtracted from the *proposed design energy* consumption prior to calculating the *proposed building performance*. *On-site renewable energy* generated by systems included on the *building permit* that is used by the *building* shall be subtracted from the *proposed design energy* consumption prior to calculating the *proposed building performance* or *proposed building source energy*. The reduction in *proposed building performance* or *proposed building source energy* associated with *on-site renewable energy* systems shall not exceed 5 percent of the calculated *baseline building performance* or *baseline building source energy*, respectively.

## 2.28 Amendments to Section G2.4.2 (Annual Energy Costs)

### G2.4.2 Annual Energy Costs

The *design energy cost* and *baseline energy cost* shall be determined using either actual rates for *purchased energy* or state average *energy prices* published by DOE's Energy Information Administration (EIA) for commercial *building* customers, but rates from different sources may not be mixed in the same project. Where *on-site renewable energy* or *site-recovered energy* is used, the *baseline building design* shall be based on the *energy source* used as the backup *energy source*, or the *baseline system energy source* in that category if no backup *energy source*

has been specified. Where the proposed design includes electricity generated from sources other than *on-site renewable energy*, the baseline design shall include the same generation system.

## 2.29 Amendments to Table G3.1 (Modeling Requirements for Calculating Proposed and Baseline Building Performance (No. 5 Building Envelope))

**Table G3.1 Modeling Requirements for Calculating Proposed and Baseline Building Performance**

No.	Proposed Building Performance	Baseline Building Performance
<b>5. Building Envelope</b>		
<p>a. All components of the <i>building envelope</i> in the <i>proposed design</i> shall be modeled as shown on architectural drawings or as built for <i>existing building envelopes</i>.</p> <p><b>Exceptions:</b> The following <i>building</i> elements are permitted to differ from architectural drawings:</p> <ol style="list-style-type: none"> <li>1. All uninsulated assemblies (e.g., projecting balconies, perimeter edges of intermediate <i>floor</i> slabs, concrete <i>floor</i> beams over parking garages, <i>roof</i> parapet) shall be separately modeled using either of the following techniques:               <ol style="list-style-type: none"> <li>a. Separate model of each of these assemblies within the <i>energy</i> simulation model.</li> <li>b. Separate calculation of the <i>U-factor</i> for each of these assemblies. The <i>U-factors</i> of these assemblies are then averaged with larger adjacent surfaces using an area-weighted average method. This average <i>U-factor</i> is modeled within the <i>energy</i> simulation model.</li> </ol> <p>Any other <i>building envelope</i> assembly that covers less than 5% of the total area of that assembly type (e.g., <i>exterior walls</i>) need not be separately described, provided that it is similar to an assembly being modeled. If not separately described, the area of a <i>building envelope</i> assembly shall be added to the area of an assembly of that same type with the same <i>orientation</i> and thermal properties. When the total area of penetrations from mechanical equipment listed in Table 6.8.1-4 exceeds 1% of the <i>opaque above-grade wall</i> area, the mechanical equipment penetration area shall be calculated as a separate wall assembly with a default <i>U-factor</i> of 0.5. Where mechanical equipment has been tested in accordance with testing standards approved by the <i>authority having jurisdiction</i>, the mechanical equipment penetration area may be calculated as a separate <i>wall</i> assembly with the <i>U-factor</i> as determined by such test.</p> </li> <li>2. Exterior surfaces whose azimuth <i>orientation</i> and tilt differ by less than 45 degrees and are otherwise the same may be described as either a single surface or by using multipliers.</li> <li>3. The exterior <i>roof</i> surface shall be modeled using the aged solar <i>reflectance</i> and thermal <i>emittance</i> determined in accordance with Section 5.5.3.1.1(a). Where aged test data are unavailable, the <i>roof</i> surface</li> </ol>		<p>Equivalent dimensions shall be assumed for each <i>building envelope</i> component type as in the <i>proposed design</i>; i.e., the total gross area of <i>walls</i> shall be the same in the <i>proposed design</i> and <i>baseline building design</i>. The same shall be true for the areas of <i>roofs</i>, <i>floors</i>, and <i>doors</i>, and the exposed perimeters of concrete slabs on <i>grade</i> shall also be the same in the <i>proposed design</i> and <i>baseline building design</i>. The following additional requirements shall apply to the modeling of the <i>baseline building design</i>.</p> <p><b>a. Orientation.</b> The <i>baseline building performance</i> shall be generated by simulating the <i>building</i> with its actual <i>orientation</i> and again after rotating the entire <i>building</i> 90, 180, and 270 degrees, then averaging the results. The <i>building</i> shall be modeled so that it does not shade itself.</p> <p><b>Exceptions:</b></p> <ol style="list-style-type: none"> <li>1. If it can be demonstrated to the satisfaction of the <i>rating authority</i> that the <i>building orientation</i> is dictated by site considerations.</li> <li>2. <i>Buildings</i> where the <i>vertical fenestration area</i> on each <i>orientation</i> varies by less than 5%.</li> </ol> <p><b>b. Opaque Assemblies.</b> <i>Opaque</i> assemblies used for new <i>buildings</i>, <i>existing buildings</i>, or additions shall conform with assemblies detailed in <u>Appendix A</u> and shall match the appropriate assembly maximum <i>U-factors</i> in Tables G3.4-1 through G3.4-8:</p> <ul style="list-style-type: none"> <li>• <i>Roofs--Insulation</i> entirely above deck (A2.2).</li> <li>• <i>Above--grade walls-Steel-framed</i> (A3.3).</li> <li>• <i>Below--grade walls- Concrete block</i> (A4).</li> <li>• <i>Floors--Steel-joist</i> (A5.3).</li> <li>• <i>Slab-on-grade floors</i> shall match the <i>F-factor</i> for unheated slabs from the same tables (A6).</li> <li>• <i>Opaque door</i> types shall be of the same type of <i>constructions</i> as the <i>proposed design</i> and conform to the <i>U-factor</i> requirements from the same tables (A7).</li> </ul> <p><b>c. Vertical Fenestration Areas.</b> For <i>building area</i> types included in Table G3.1.1-1, <i>vertical fenestration areas</i> for new <i>buildings</i> and additions shall equal that in Table G3.1.1-1 based on the area of gross <i>above-grade walls</i> that separate <i>conditioned spaces</i> and <i>semiheated spaces</i> from the exterior. Where a <i>building</i> has multiple <i>building area</i> types, each type</p>

<p>may be modeled with a reflectance of 0.30 and a thermal <i>emittance</i> of 0.90.</p> <p>4. <i>Manual fenestration</i> shading devices, such as blinds or shades, shall be modeled or not modeled the same as in the <i>baseline building design</i>. Automatically controlled <i>fenestration</i> shades or blinds shall be modeled. Permanent shading devices, such as fins, overhangs, and light shelves shall be modeled.</p> <p>5. Automatically controlled <i>dynamic glazing</i> may be modeled. Manually controlled <i>dynamic glazing</i> shall use the average of the minimum and maximum <i>SHGC</i> and <i>VT</i>.</p> <p>b. <i>Infiltration</i> shall be modeled using the same methodology, air leakage rate, and adjustments for weather and <i>building</i> operation in both the <i>proposed design</i> and the <i>baseline building design</i>. These adjustments shall be made for each simulation time step and must account for but not be limited to weather conditions and <i>HVAC</i> system operation, including strategies that are intended to positively pressurize the <i>building</i>. The air leakage rate of the <i>building envelope</i> (<math>I_{75Pa}</math>) at a fixed <i>building</i> pressure differential of 0.3 in. of water shall be 0.4 cfm/ft<sup>2</sup>. The air leakage rate of the <i>building envelope</i> shall be converted to appropriate units for the <i>simulation</i> program using one of the methods in Section G3.1.1.4.</p> <p><b>Exceptions:</b> When whole-<i>building</i> air leakage testing, in accordance with ASTM E779, is specified during design and completed after <i>construction</i>, the <i>proposed design</i> air leakage rate of the <i>building envelope</i> shall be as measured.</p>	<p>shall use the values in the table. The <i>vertical fenestration</i> shall be distributed on each face of the <i>building</i> in the same proportion as in the <i>proposed design</i>. For <i>building</i> areas not shown in Table G3.1.1-1, <i>vertical fenestration area</i> for new <i>buildings</i> and additions shall equal that in the <i>proposed design</i> or 40% of gross <i>above-grade wall</i> area, whichever is smaller, and shall be distributed on each face of the <i>building</i> in the same proportions in the <i>proposed design</i>. The <i>fenestration area</i> for an <i>existing building</i> shall equal the existing <i>fenestration area</i> prior to the proposed work and shall be distributed on each face of the <i>building</i> in the same proportions as the <i>existing building</i>. For portions of those tables where there are no <i>SHGC</i> requirements, the <i>SHGC</i> shall be equal to that determined in accordance with Section C3.6(c).</p> <p>d. <b>Vertical Fenestration Assemblies.</b> <i>Fenestration</i> for new <i>buildings</i>, <i>existing buildings</i>, and additions shall comply with the following:</p> <ul style="list-style-type: none"> <li>• <i>Fenestration U-factors</i> shall match the appropriate requirements in Tables G3.4-1 through G3.4-8 for the applicable glazing percentage for <math>U_{all}</math>.</li> <li>• <i>Fenestration SHGCs</i> shall match the appropriate requirements in Tables G3.4-1 through G3.4-8 using the value for <math>SHGC_{all}</math> for the applicable vertical glazing percentage.</li> <li>• All <i>vertical fenestration</i> shall be assumed to be flush with the <i>exterior wall</i>, and no shading projections shall be modeled.</li> <li>• <i>Manual</i> window shading devices such as blinds or shades are not required to be modeled.</li> </ul> <p>e. <b>Skylights and Glazed Smoke Vents.</b> <i>Skylight</i> area shall be equal to that in the <i>proposed design</i> or #%, whichever is smaller. If the <i>skylight</i> area of the <i>proposed design</i> is greater than 3%, baseline <i>skylight</i> area shall be decreased by an identical percentage in all <i>roof</i> components in which <i>skylights</i> are located to reach 3%. <i>Skylight orientation</i> and tilt shall be the same as in the <i>proposed design</i>. <i>Skylight U-factor</i> and <i>SHGC</i> properties shall match the appropriate requirements in Tables G3.4-1 through G3.4-8 using the value and the applicable <i>skylight</i> percentage.</p> <p>f. <b>Roof Solar Reflectance and Thermal Emittance.</b> The exterior <i>roof</i> surfaces shall be modeled using a solar <i>reflectance</i> of 0.30 and a thermal <i>emittance</i> of 0.90.</p> <p>g. <b>Roof Albedo.</b> All <i>roof</i> surfaces shall be modeled with a reflectivity of 0.30.</p>
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# PART 3

## Amendments to 2018 International Energy Conservation Construction Code Residential Provisions

### 3.1 Amendments to Section 401.2 (Compliance)

**R401.2 Compliance.** Projects shall comply with one of the following:

1. The provisions of Sections R401 through R404 and the provisions of Section R407 (Additional Energy Efficiency Credits).
2. The provisions of Sections R401 through R404 and the provisions of Section R408 (passive house).
3. The provisions of Section R406 (ERI).
4. For *Group R-2, Group R-3 and Group R-4 buildings*, the provisions of Section R405 (simulated performance) and the provisions of Sections R401 through R404 labeled “Mandatory.” The building energy cost shall be equal to or less than 80 percent of the standard reference design building.

### 3.2 Amendments to Table R402.1.2 (Insulation and fenestration requirements by component)

**Table R402.1.2**

**INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT<sup>a</sup>**

Climate Zone	Fenestration U-factor <sup>h</sup>	Skylight U-factor <sup>h</sup>	Glazed fenestration SHGC <sup>h</sup>	Ceiling R-Value	Wood Frame Wall <sup>b,c</sup> R-Value	Mass Wall <sup>d</sup> R-Value	Floor R-Value	Basement Wall <sup>e</sup> R-Value	Slab <sup>f</sup> R-Value and Depth	Crawl Space Wall <sup>e</sup> R-Value
4	0.27	0.50	0.4	49	21 int. or 20+5 or 13+10	15/20	30 <sup>g</sup>	15/19	10,4 ft	15/19
5	0.27	0.50	NR	49	21 int. or 20+5 or 13+10	15/20	30 <sup>g</sup>	15/19	10,4 ft	15/19
6	0.27	0.50	NR	49	20+5 or 13+10	15/20	30 <sup>g</sup>	15/19	10,4 ft	15/19

NR = Not Required

For SI: 1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity that is less than the label or design thickness of the insulation, the installed R-value of the insulation shall be not less than the R-value specified in the table.
- b. Int. (intermediate framings) denotes standard framing 16 inches on center. Headers shall be insulated with a minimum of R-10 insulation.
- c. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, “13+10” means R-13 cavity insulation plus R-10 continuous insulation.
- d. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- e. 15/19 means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall.
- f. R-10 continuous insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.
- g. Alternatively, insulation sufficient to fill the framing cavity and providing not less than an R-value of R-19.
- h. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

### 3.3 Amendments to Table R402.1.4 (Equivalent U-factors)

**Table R402.1.4**  
**EQUIVALENT U-FACTORS<sup>a</sup>**

Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling U-factor	Frame Wall U-factor	Mass Wall U-factor <sup>b</sup>	Floor U-factor	Basement Wall U-factor	Crawl Space Wall U-factor
4	0.27	0.50	0.026	0.045	0.056	0.029	0.042	0.042
5	0.27	0.50	0.026	0.045	0.056	0.029	0.042	0.042
6	0.27	0.50	0.026	0.045	0.056	0.029	0.042	0.042

- a. Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.
- b. Mass wall shall be in accordance with Section R402.2.5. Where more than half the insulation is on the interior, the mass wall U-factor shall not exceed 0.056.

### 3.4 Amendments to Section R402.2.2 (Ceilings without attic spaces).

**R402.2.2 Ceiling without attic spaces.** Where Section R402.1.2 requires insulation R-values greater than R-38 in the ceiling and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation R-value for such roof/ceiling assemblies shall be R-38. Insulation shall extend over the top of the wall plate to the outer edge of such plate and shall not be compressed. This reduction of insulation from the requirements of Section R402.1.2 shall be limited to 500 square feet (46 m<sup>2</sup>) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section R402.1.4 and the Total UA alternative in Section R402.1.5.

### 3.5 Amendments to Section R402.4.1.1 (Installation)

**R402.4.1.1 Installation.** The components of the *building thermal envelope* as indicated in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instruction and the criteria indicated in Table R402.4.1.1 as applicable to the method of construction. An approved agency shall inspect all components and verify compliance. The inspection shall include an open wall visual inspection of all components included in Table R402.4.1.1 and shall be installed so that the insulation material uniformly fills each cavity side-to-side and top-to-bottom, without substantial gaps or voids around obstructions, and is split, installed, or fitted tightly around wiring and other penetrations in the cavity. No more than 2% of the total insulated area shall be compressed below the thickness required to attain the labeled R-value or contain gaps or voids in the insulation.

### 3.6 Amendments to Section R403.3 (Ducts)

**R403.3 Ducts.** All ducts and air handlers shall be installed in accordance with Section R403.3.1 through R403.3.8, where applicable. The duct system in new buildings and additions shall be located in a conditioned space in accordance with Sections R403.3.7 (1) and R403.3.7 (2).

### 3.7 Addition of new Section R403.3.8 (Duct system sizing (Mandatory)).

**R403.3.8 Duct system sizing (Mandatory).** Ducts shall be sized in accordance with ACCA Manual D based on calculations made in accordance with Section R403.7 and Section R403.8.

### 3.8 Amendments to Section R403.5 (Service hot water systems).

**R403.5 Service hot water systems.** Energy conservation measures for service hot water systems shall be in accordance with Sections R403.5.1 through R403.5.5

### 3.9 Amendments to Section R403.5.4 (Drain water heat recovery units).

**R403.5.4 Drain water heat recovery units.** Drain water heat recovery units shall have a minimum efficiency of 40% if installed for equal flow or a minimum efficiency of 52% if installed for unequal flow. Vertical drain water heat recovery units shall comply with CSA B55.2, and be tested and labeled in accordance with CSA B55.1 or IAPMO 346. Sloped drain water heat recovery units shall comply with IAPMO PS 92 and be tested and labeled in accordance with IAPMO 346. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi for individual units connected to three or more showers.

### 3.10 Addition of new Section R403.5.5 (Supply of heated water)

**R403.5.5 Supply of heated water.** In new *buildings*, heated water supply piping shall be in accordance with either Section R403.5.5.1, Section R403.5.5.2, Section R403.5.5.3 or Section R403.5.5.4.

**R403.5.5.1 Maximum allowable pipe length method.** The maximum allowable pipe length from the nearest source of heated water to the termination of the fixture supply pipe shall be in accordance with the maximum pipe length in Table R403.5.5.1. Where the length contains more than one size of pipe, the largest size shall be used for determining the maximum allowable length of the piping in Table R403.5.5.1.

**R403.5.5.2 Maximum allowable pipe volume method.** The water volume in the piping shall be calculated in accordance with Section R403.5.5.2.1. The maximum volume of hot or tempered water in the piping to public lavatory faucets shall be 2 ounces. For fixtures other than public lavatory faucets, the maximum volume shall be 64 ounces for hot or tempered water from a water heater or boiler; and 24 ounces for hot or tempered water from a circulation loop pipe or an electrically heat-traced pipe. The water volume in the piping shall be calculated in accordance with Section R403.5.5.2.1.

**R403.5.5.2.1 Water volume determination.** The volume shall be the sum of the internal volumes of pipe, fittings, valves, meters and manifolds between the source of hot water and the termination of the fixture supply pipe. The volume shall be determined from the "Volume" column of Table R403.5.5.1. The volume contained within fixture shutoff valves, flexible water supply connectors to a fixture fitting, or within a fixture fitting shall not be included in the water volume determination. Where hot or tempered water is supplied by a circulation loop pipe or a heat-traced pipe, the volume shall include the portion of the fitting on the branch pipe that supplies water to the fixture.

**Table R403.5.5.1  
PIPE VOLUME AND MAXIMUM PIPING LENGTHS**

Nominal Pipe or Tube Size (inch)	VOLUME (Liquid Ounces Per Foot Length)	Maximum Pipe or Tube Length		
		System without a circulation loop or heat-traced line (feet)	System with a circulation loop or heat-traced line (feet)	Lavatory faucets – public (metering and nonmetering (feet)
1/4 <sup>a</sup>	0.33	50	16	6
5/16 <sup>a</sup>	0.5	50	16	4
3/8 <sup>a</sup>	0.75	50	16	3
1/2	1.5	43	16	2
5/8	2	32	12	1
3/4	3	21	8	0.5
7/8	4	16	6	0.5
1	5	13	5	0.5
1 1/4	8	8	3	0.5
1 1/2	11	6	2	0.5
2 or larger	18	4	1	0.5

a. The flow rate for ¼-inch size pipe or tube is limited to 0.5 gallons per minute; for 5/16-inch size, it is limited to 1 gpm; for 3/8-inch size, it is limited to 1.5 gpm.

**R403.5.5.3 Drain water heat recovery units.** New buildings shall include a drain water heat recovery unit that captures heat from at least one shower, and such drain water heat recovery unit must have a minimum efficiency of 40% if installed for equal flow or a minimum efficiency of 52% if installed for unequal flow. Vertical drain water heat recovery units shall comply with CSA B55.2, and be tested and labeled in accordance with CSA B55.1 or IAPMO 346. Sloped drain water heat recovery units shall comply with IAPMO PS 92 and be tested and labeled in accordance with IAPMO 346. Potable water-side pressure loss of drain water heat recovery units shall be less than 3 psi for individual units connected to one or two showers. Potable water-side pressure loss of drain water heat recovery units shall be less than 2 psi for individual units connected to three or more showers.

**R403.5.5.4 Recirculation Systems.** Projects shall include a recirculation system with no more than 0.5 gallon (1.9 liter) storage. The storage limit shall be measured from the point where the branch feeding the fixture branches off the recirculation loop to the fixture. Recirculation systems must be based on an occupant-controlled switch or an occupancy sensor, installed in each bathroom which is located beyond a 0.5 gallon stored-volume range from the water heater.

### 3.11 Addition of new Section R403.6.2 (Balanced and HRV/ERV systems (Mandatory))

**R403.6.2 Balanced and HRV/ERV systems (Mandatory).** In new buildings, every dwelling unit shall be served by a heat recovery ventilator (HRV) or energy recovery ventilator (ERV) installed per manufacturer’s instructions. The HRV/ERV must be sized adequately for the specific application, which will include the building’s conditioned area, and number of occupants.

**Exception:** In Climate Zone 4, a balanced *ventilation* system designed and installed according to the requirements of Section M1507.3 of the 2015 International Residential Code (IRC) that uses the return side of the building’s heating and/or cooling system air handler to supply outdoor air, shall be permitted to comply with this section. When the outdoor air supply is ducted to the heating and/or cooling system air handler, the mixed air temperature shall not be less than that permitted by the heating equipment manufacturer’s installation instructions. Heating and/or

cooling system air handlers used to distribute outdoor air shall be field-verified to not exceed an efficacy of 45 W/CFM if using furnaces for heating and 58 W/CFM if using other forms of heating. In the balanced system design, an equivalent exhaust air flow rate shall be provided simultaneously by one or more exhaust fans, located remotely from the source of supply air. The balanced system's exhaust and supply fans shall be interlocked for operation, sized to provide equivalent air flow at a rate greater than or equal to that determined by IRC Table M1507.3.3(1) and shall have their fan capacities adjusted for intermittent run time per Table M1507.3.3(2). Continuous operation of the balanced *ventilation* system shall not be permitted.

### 3.12 Addition of new Section R403.6.3 (Verification).

**R403.6.3 Verification.** Installed performance of the mechanical *ventilation* system shall be tested and verified by an *approved agency* and measured using a flow hood, flow grid, or other airflow measuring device in accordance with Air Conditioning Contractors of America (ACCA) HVAC Quality Installation Verification Protocols – ANSI/ACCA 9QIvp-2016.

### 3.13 Amendments to Section R404.1 (Lighting equipment (Mandatory))

**R404.1 Lighting equipment (Mandatory).** Not less than 90 percent of the permanently installed lighting fixtures shall use lamps with an efficacy of at least 65 lumens per watt, or have a total luminaire efficacy of at least 45 lumens per watt.

**R404.1.1 Lighting equipment (Mandatory).** Fuel gas lighting systems shall not have continuously burning pilot lights.

### 3.14 Addition of new Section R404.2 (Electrical power packages (Mandatory))

**R404.2 Electrical power packages (Mandatory).** New buildings shall comply with the following:

1. Solar-ready zone. Detached one and two-family dwellings and townhouses where the conditioned space is greater than 1,400 square feet shall comply with the requirements of Appendix RA.
2. Electrical Vehicle Service Equipment Capable. Detached one or two-family dwellings and townhouses with parking area provided on the *building site* shall provide a 208/240V 40-amp outlet for each dwelling unit or panel capacity and conduit for the future installation of such an outlet. Outlet or conduit termination shall be adjacent to the parking area. For residential occupancies where there is a common parking area, provide either:
  - a. Panel capacity and conduit for the future installation of 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet, or
  - b. 208/240V 40-amp outlets for 5 percent of the total parking spaces, but not less than one outlet.

### 3.15 Amendments to Table R406.4 (Maximum Energy Rating Index)

**Table R406.4**  
**MAXIMUM ENERGY RATING INDEX**

Climate Zone	Energy Rating Index <sup>a</sup>
4	50
5	50
6	50

a. Where *on-site renewable energy* is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or R402.1.4 of the 2015 *International Energy Conservation Code*.

### 3.16 Addition of new Section R407 (Additional Energy Efficiency Credits)

**Section R407**  
**Additional Energy Efficiency Credits**

**R407.1 Additional Energy Efficiency Credit Requirements.** New buildings shall comply with sufficient options from Table R407.1 so as to achieve the following minimum number of credits:

1. Detached one and two-family dwellings, semi-detached two-family dwellings, and townhouses: 2.0 credits taken from Column A in Table R407.1
2. All other residential buildings: 3.0 credits taken from Column B in Table R407.1

Where compliance with one option in Table R407.1 also complies with the requirements of another option, credits can only be claimed for one of those options.

**Table R407.1  
ADDITIONAL ENERGY EFFICIENCY CREDITS**

Option	Description	Column A	Column B
<b>High efficiency envelope options</b>			
1.1	<ul style="list-style-type: none"> <li>Above-grade opaque exterior wall – <math>U \leq 0.042</math></li> </ul>	1	0.5
1.2	<ul style="list-style-type: none"> <li>Ceiling – <math>U \leq 0.020</math></li> <li>Windows – <math>U \leq 0.25</math> (area-weighted average for the window package)</li> </ul>	0.5	0.5
1.3	<ul style="list-style-type: none"> <li>Proposed thermal envelope UA is 15% lower than the UA when calculated in Table R402.1.4.</li> </ul>	1.5	1.0
1.4	<ul style="list-style-type: none"> <li>Windows – <math>U \leq 0.24</math> (area-weighted average for the window package)</li> </ul>	0.5	0.5
1.5	<ul style="list-style-type: none"> <li>The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding two air changes per hour in accordance with the requirements of R402.4.1.2.</li> <li>All whole house ventilation requirements as determined by Section M1507.3 of the International Residential Code shall be met with a high efficiency fan (maximum 0.35 Watt/cfm), not interlocked with the furnace fan. Ventilation systems using a furnace with a variable speed fan (not a multi-speed fan) are allowed, provided that they are controlled to operate at the lowest speed required to provide adequate ventilation in ventilation-only mode.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the qualified ventilation system.</p>	0.5	0.5
1.6	<ul style="list-style-type: none"> <li>The <i>building or dwelling unit</i> shall be tested and verified as having an air leakage rate not exceeding two air changes per hour in accordance with the requirements of R402.4.1.2.</li> <li>All whole house ventilation requirements as determined by Section M1507.3 of the International Residential Code shall be met with a heat recovery ventilation system (HRV) system with a minimum sensible heat recovery efficiency (SRE) of 0.80 and high efficiency fans (maximum of 0.75 Watts/cfm combined).</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the maximum tested building air leakage and shall show the heat recovery ventilation system.</p>	1.0	1.0
<b>High efficiency equipment and power generation options</b>			
2.1	<p>The building shall be heated by one of the following sources:</p> <ul style="list-style-type: none"> <li>Gas, propane or oil-fired furnace with a minimum AFUE of 94%</li> <li>Gas, propane or oil-fired boiler with a minimum AFUE of 94%</li> <li>Air-source heat pump with a minimum HSPF of 9.0</li> <li>Closed-loop ground source heat pump with a minimum COP of 3.3</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	1.5	1.0
2.2	<ul style="list-style-type: none"> <li>Provide the primary (largest) zone(s) of the building with a least one ductless or ducted mini-split heat pump system having a minimum HSPF of 9.0. The unit shall not have integrated backup resistance heat, and the unit (or units, if more than one is installed in the building) shall be sized to have capacity to meet no more than 125% of the building design heat loss rate at outdoor design temperature condition.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the heating equipment type and the minimum equipment efficiency.</p>	0.5	1.0

**Table R407.1  
ADDITIONAL ENERGY EFFICIENCY CREDITS (CONTINUED)**

Option	Description	Column A	Column B
<b>High efficiency equipment and power generation options</b>			
2.3	<ul style="list-style-type: none"> <li>Natural gas or propane water heating with minimum UEF of 0.90, or Heat Pump Water Heater with a minimum UEF of 2.0. Installations of on-demand natural gas or propane water heaters shall not include any buffer tank or hot water storage capacity outside the water heater itself.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	0.5	1.5
2.4	<ul style="list-style-type: none"> <li>Natural gas or propane water heating with minimum UEF of 0.97, or Heat Pump Water Heater with minimum UEF of 2.6. Installations of on-demand natural gas or propane water heaters shall not include any buffer tank or hot water storage capacity outside the water heater itself.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall specify the water heater equipment type and the minimum equipment efficiency.</p>	1.0	2.0
2.5	<p>Minimum 1 kW of photovoltaic power or wind power.</p> <ul style="list-style-type: none"> <li>For each 1 kW of electrical generation per housing unit provided by on-site wind or solar equipment a 1.0 credit shall be allowed, up to 2 credits. Generation/capacity shall be calculated as follows: For solar electric systems, the design shall be demonstrated to meet this requirement using the National Renewable Energy Laboratory calculator PVWATTS. Documentation of solar access shall be included on the plans.</li> <li>For wind generation projects designs shall document annual power generation based on the following factors: The wind turbine power curve; average annual wind speed at the site; frequency distribution of the wind speed at the site and height of the tower.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall show the photovoltaic or wind turbine equipment type, provide documentation of solar and wind access, and include a calculation of the rated capacity and estimated annual energy production.</p>	1.0/kW/housing unit (max 2 credits)	1.0/kW/housing unit (max 2 credits)
2.6	<ul style="list-style-type: none"> <li>Minimum of 40 ft<sup>2</sup> of gross collector area for solar water heating per dwelling unit.</li> </ul> <p>To qualify to claim this credit, the drawings shall specify the option being selected and shall provide a calculation of the minimum energy savings.</p>	1.0/dwelling unit	1.0/dwelling unit

### 3.17 Addition of New Section R408 (Passive House)

#### Section R408 Passive House

**R408.1 General.** *Buildings* shall comply with either Section R408.1.1 or R408.1.2, and shall comply with Section R408.2.

**R408.1.1. Passive House Institute US (PHIUS) Approved Software. PHIUS+.** Passive Building Standard - North America, where Specific Space Heat Demand and (sensible only) Cooling Demand, as modeled and field-verified by a Certified Passive House Consultant, is less than or equal to 9kBTU/ft<sup>2</sup>/year. The *dwelling unit* shall also be tested with a blower door and found to exhibit no more than 0.05 CFM50/ft<sup>2</sup> or 0.08 CFM75/ft<sup>2</sup> of air leakage.

**R408.1.2 Passive House Institute (PHI) Approved Software.** Passive House Institute: Low Energy Building Standard, where Specific Space Heating and (sensible only) Cooling Demand is less than or equal to 9.5 kBTU/ft<sup>2</sup>/year, as modeled and field-verified by a Certified Passive House Consultant. The *dwelling unit* shall also be tested with a blower door and found to exhibit an *infiltration* rate of no more than 1.0 air changes per hour under a pressure of 50 Pascals.

#### R408.2 Documentation

1. If using the PHIUS software:
  - a. Prior to the issuance of a building permit, the following items must be provided to the *code official*:
    - i. A list of compliance features; and
    - ii. A statement that the estimated Specific Space Heat Demand is “based on plans.”
  - b. Prior to the issuance of a certificate of occupancy, the following item must be provided to the *code official*:
    - i. A copy of the final report, submitted on a form that is approved to document compliance with PHIUS+ standards. Said report must indicate that the finished building achieves a Certified Passive House Consultant verified Specific Space Heat Demand of less than or equal to 9 kBTU/ft<sup>2</sup>/year.
2. If using the PHI software:
  - a. Prior to the issuance of a building permit, the following items must be provided to the *code official*:
    - i. A list of compliance features; and
    - ii. A statement that the estimated Specific Space Heating and Cooling Demand is “based on plans.”
  - b. Prior to the issuance of a certificate of occupancy, the following item must be provided to the *code official*:
    - i. A copy of the final report, submitted on a form that is approved to document compliance with PHI standards. Said report must indicate that the finished building achieves a Certified Passive House Consultant verified Specific Space Heating or Cooling Demand is less than or equal to 9.5 kBTU/ft<sup>2</sup>/year.

### 3.18 Amendments to “ACCA” in Chapter 6 (Referenced Standards).

**Manual D—16: Residential Duct Systems**

R403.3.8

**Manual J—16: Residential Load Calculation Eighth Edition**

R403.7

**Manual S—14: Residential Equipment Selection**

R403.7

### 3.19 Addition of a new entry for “IAPMO” to Chapter 6 (Referenced Standards).

**IAPMO** International Association of Plumbing and Mechanical Officials  
4755 E. Philadelphia St.  
Ontario, CA 91761

**IAPMO IGC 346:2017 Test Method for Measuring the Performance of Drain Water Heat Recovery Units**

R403.5.4.3

**IAPMO PS 92-2013: Heat Exchangers and Indirect Water Heaters**

R403.5.4.3

### 3.20 Addition of a new entry for “PHI” to Chapter 6 (Referenced Standards).

**PHI** Passive House Institute  
Rheistrasse 44/46  
64283 Darmstadt, Germany

**PHI 2016: Low Energy Building Standard, version 9f**

R408.1

### 3.21 Addition of a new entry for “PHIUS” to Chapter 6 (Referenced Standards).

**PHIUS** Passive House Institute US  
116 West Illinois Street, Suite 5E  
Chicago, IL 60654, USA

**PHIUS+ 2015: Passive Building Standard – North America**

R408.1

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Setting a Public Hearing to Discuss a Local Law to Amend Chapter 223, Section 61.3 of the Code of the City of Beacon Regarding Noticing Public Hearings for April 20, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting a Public Hearing to Discuss Noticing Public Hearings for April 20, 2020	Resolution



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

**RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS A PROPOSED LOCAL  
LAW TO AMEND CHAPTER 223, SECTION 61.3 OF THE CODE OF THE CITY OF  
BEACON REGARDING NOTICING PUBLIC HEARINGS FOR APRIL 20, 2020**

**NOW, THEREFOR, BE IT RESOLVED**, that the City of Beacon City Council hereby sets a Public Hearing to discuss noticing public hearings for April 20, 2020.

<b>Resolution No. ___ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Setting 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 Regarding Building Height for April 20, 2020**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Setting 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 Regarding Building Height for April 20, 2020	Resolution
Proposed Local Law to Amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon Regarding Building Height	Local Law



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

**RESOLUTION SETTING A 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 REGARDING BUILDING HEIGHT FOR APRIL 20, 2020**

**NOW, THEREFOR, BE IT RESOLVED**, that the City of Beacon City Council hereby sets a 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 Regarding Building Height for April 20, 2020.

<b>Resolution No. ___ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

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

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND  
CHAPTER 223, SECTION 41.18.E(7) OF THE CODE OF THE CITY OF  
BEACON**

A 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 CMS District.

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

**Section 1.** Chapter 223, Article IVD, Central Main Street (CMS) District, Section 41.18, Subsection E(7) of the Code of the City of Beacon is hereby amended as follows:

**§ 223-41.18 Regulations.**

....

E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection J(15).

....

(7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story only if the proposed fourth story contains with a stepback of at least 15 feet behind the facade along any street frontage. A fifteen-foot building stepback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district. Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a stepback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building. The City Council may waive or reduce the stepback requirements set forth herein upon a finding by the City Council that (i) such a waiver is warranted due to the special conditions of a site or the particular character or limited nature of the proposed development, and (ii) such a

waiver is consistent with the goals of promoting the public health, safety and general welfare of the community.

- (a) For proposed buildings on CMS parcels in ~~or abutting~~ the Historic District and Landmark Overlay Zone, abutting an HDLO parcel, or having a property line frontage directly across a street from an HDLO parcel, any fourth story or corner tower shall require a special permit by the City Council. The City Council may limit the length of any such fourth floor or reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure.
- (b) All such building height special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met. The City Council or Planning Board shall have the right to require an applicant provide alternative plans or renderings in sufficient detail as requested.
- (c) ~~Although not required,~~ All such building height special permits shall also require a specific public benefit as determined by the City Council or Planning Board, such as additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, additional parking spaces available for general public use, green building or renewable energy features beyond what is required by code, or~~extra sidewalk width,~~ the construction and/or maintenance of public plaza space; or green space ~~that is accessible to the public may be a positive factor for consideration during the special permit review process.~~

## Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Section 41.18 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**  
**3/16/2020**

**Title:**

**Resolution Granting a Special Use Permit for 3 Water Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Granting a Special Use Permit for 3 Water Street	Cover Memo/Letter



**CITY OF BEACON**

**CITY COUNCIL**

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

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
3 WATER STREET**

**Parcel ID# 6054-38-170722**

**WHEREAS**, POK Beacon LLC (the “Applicant”), submitted an application for a Special Use Permit to construct a one-story 590 square foot accessory apartment and addition to an existing single-family house (the “Proposed Action”) on property located at 3 Water Street in the R1-5 and Central Main Street Zoning Districts. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-38-170722** (the “Property”); and

**WHEREAS**, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan approval and Subdivision Approval (to consolidate two parcels into one lot); and

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

**WHEREAS**, the Site Plan is shown on drawings, entitled “Special Use Permit Application” last revised December 31, 2019, as prepared by Aryeh Siegal Architect; and

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

**WHEREAS**, the Planning Board issued a report to the City Council dated January 22, 2020 recommending approval of the Special Use Permit; and

**WHEREAS**, on March 16, 2020, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on March 16, 2020; and

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

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

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the

appropriate development use of adjacent land and buildings. The proposed accessory apartment use is compatible with the surrounding residential and commercial uses in the neighborhood.

3. Operations in connection with the accessory apartment will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses.
5. The accessory apartment is connected to an owner occupied single-family residence.
6. Peter O' Kennedy, the owner of POK Beacon LLC (the Applicant), occupies the single-family home located on the same lot upon which the accessory apartment will be located.
7. The minimum floor area for an accessory apartment shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. The area of the accessory apartment is 590 square feet, or approximately 21% of the total floor area of the dwelling building.
8. The entry to the accessory apartment and its design is such that the exterior appearance of the building remains that of a single-family residence.

**BE IT FURTHER RESOLVED**, that the City Council [grants] an application for Special Use Permit to POK Beacon LLC to construct a one-story 590 square foot accessory apartment and addition to an existing single-family house on property located at 3 Water Street in the R1-5 and Central Main Street Zoning Districts as set forth and detailed on the plans prepared by Aryeh Siegel Architect, last revised December 31, 2019 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval and Subdivision approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with § 223-24.1 of the City of Beacon Zoning Code. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.
5. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
6. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
  - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or

- b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
  - c. If said use ceases for more than six (6) months for any reason.
7. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
  8. Any proposed revision to this Amended Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
  9. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.
  10. The accessory apartment shall not be used for short term rentals and shall only be occupied by tenants for a long term lease of one year or more.
  11. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
  12. The approvals granted by this resolution do not supersede the authority of any other entity.

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

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Granting a Special Use Permit for 1182 North Avenue**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Granting a Special Use Permit for 1182 North Avenue	Resolution



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

**CITY OF BEACON  
CITY COUNCIL**

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

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
1182 NORTH AVENUE**

**Parcel ID# 5955-19-747060**

**WHEREAS**, Andrew G. MacDonald (the “Applicant”), submitted an application for a Special Use Permit to construct an attached 646 square foot accessory apartment (the “Proposed Action”) on property located at 1182 North Avenue in the R1-7.5 and Historic District and Landmark Overlay Zone. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 5955-19-747060** (the “Property”); and

**WHEREAS**, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan approval and Subdivision Approval (lot line realignment); and

**WHEREAS**, the Proposed Action includes a request for a Certificate of Appropriateness from the Planning Board pursuant to the criteria set forth in § 134-7 of the City of Beacon Code; and

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

**WHEREAS**, the Site Plan is shown on drawings, entitled “1182 North Avenue” last revised February 25, 2020, as prepared by Hudson Land Design Professional Engineering P.C.; and

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

**WHEREAS**, on December 10, 2020, the Planning Board, as Lead Agency, opened and closed a public hearing to consider comments regarding any environmental impacts associated with the proposed lot line realignment between two parcels, where an existing single-family residence will remain, and proposed construction of a single-family residence with a 646 square foot accessory apartment; and

**WHEREAS**, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on March 10, 2020; and

**WHEREAS**, the Planning Board issued a report to the City Council dated December 12, 2020 recommending approval of the Special Use Permit; and

**WHEREAS**, on March 16, 2020, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on March 16, 2020; and

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

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

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The proposed accessory apartment use is compatible with the surrounding residential uses in the neighborhood.
3. Operations in connection with the accessory apartment will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses.
5. The accessory apartment is connected to an owner occupied single-family residence.
6. The owner of the single-family lot upon which the accessory apartment is located shall occupy at least one of the dwelling units.
7. The minimum floor area for an accessory apartment shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. The proposed accessory apartment is 646 square feet, or approximately 16.7% of the total floor area of the dwelling building.
8. The plan calls for a single entry leading to a common foyer, thereby providing an exterior appearance of a single-family residence.

**BE IT FURTHER RESOLVED**, that the City Council [grants] an application for a Special Use Permit to Andrew G. MacDonald to construct an attached 646 square foot accessory apartment on property located at 1182 North Avenue in the R1-7.5 and Historic District and Landmark Overlay Zone as set forth and detailed on the plans prepared by Hudson Land Design Professional Engineering P.C., last revised February 25, 2020 upon the following conditions:

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

9. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.
10. The accessory apartment shall not be used for short term rentals and shall only be occupied by tenants for a long term lease of one year or more.
11. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
12. The approvals granted by this resolution do not supersede the authority of any other entity.

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

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda  
3/16/2020**

**Title:**

**Resolution Adopting an Ordinance as to SEQRA Determination**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Adopting an Ordinance as to SEQRA Determination	Resolution



Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10014-6142  
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Orrick.com

Douglas E. Goodfriend

E dgoodfriend@orrick.com  
D +1 212 506 5211  
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February 24, 2020

**VIA E-MAIL** (stucker@cityofbeacon.org)

Susan K. Tucker, CPA  
Director of Finance  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: City of Beacon, Dutchess County, New York  
2020 Capital Plan Projects  
Orrick File: New

Dear Susan:

Enclosed please find a form of SEQRA ordinance that the Board will need to adopt **prior to the bond ordinances of March 16<sup>th</sup>**. It uses "Type II Action" and we can revise, if necessary. You may need to change after consult with the City Attorney. Any City initial SEQRA compliance materials can be attached. This ordinance requires only a majority approval of the voting strength of the City Council. No publication is necessary.

Please provide me with a certified copy of the same or whatever ordinance form(s) you use to serve as SEQRA determination.

With best wishes,

Very truly yours,

*Douglas*

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4143-6984-2211.01

Enclosures

cc: Ms. Berth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(SEQRA Ordinance)*

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at \_\_\_\_\_ o’clock, \_\_\_\_\_.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote \_\_\_\_\_ affirmative votes (being at least a majority of the voting strength of the City Council of the City) with \_\_\_\_\_ negative votes and \_\_\_\_\_ votes absent.

ORDINANCE DATED MARCH 16, 2020.

A ORDINANCE OF THE CITY OF BEACON, DUTCHESS COUNTY,  
NEW YORK AS TO SEQRA DETERMINATION.

BE IT RESOLVED by the City Council of the City of Beacon, Dutchess County, as follows:

Section 1. It is hereby determined that the Board adopting this ordinance has declared itself to be the lead agency under the State Environmental Quality Review Act (“SEQRA”) and the regulations promulgated thereunder for purposes of determining the environmental impact of the projects described in Section 3 hereof.

Section 2. It is hereby determined that the projects described in Section 3 hereof are each a Type II Action which it has been determined, will not result in any significant adverse impacts upon the environment in accordance with the attached SEQRA compliance documentation pursuant to 6 NYCRR Part 617.5(c)(1), (2) and (6) of the SEQRA regulations.

Section 3. The projects which is the subject of this ordinance are described as follows:

- a) City Hall improvements, \$250,000 Bonds
- b) Lewis Tompkins Hose Fire Station Generator - \$25,000 Bonds
- c) Water Supply Treatment and Distribution System - \$5,100,000 Bonds
- d) Sewer Lines and Wastewater Treatment Plant Improvements - \$4,500,000 Bonds

Section 4. This ordinance shall take effect immediately.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of March, 2020.

**(SEAL)**

---

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

<b>Resolution No. ____ of 2020</b>			<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Approving Budget Amendments**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Approving Budget Amendments	Resolution
Budget Amendments	Budget Amendment



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

**RESOLUTION APPROVING BUDGET AMENDMENTS**

**WHEREAS**, the City of Beacon City Council adopted the Fiscal Year 2020 Budget; and

**WHEREAS**, the City of Beacon City Council wishes to amend the adopted budget.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby approves the budget amendments attached hereto.

<b>Resolution No. ___ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

Council Budget Amendments  
March 16, 2020 Meeting

1. Amend the 2019 General Fund Police and Detective Budget for Retroactive pay upon the settlement of the Union contract for 2019. Below is the proposed budget amendment:

<b>Transfer to:</b>		
A -03-3120-101002-	POLICE RETROACTIVE PAY	\$ 64,361
A -03-3130-101002-	DETECTIVES RETROACTIVE PAY	<u>15,628</u>
		<u>\$ 79,989</u>
<b>Transfer from:</b>		
A -01-1990-400001-	CONTINGENCY FUND	\$ 37,633
A -01-1990-400004-	CONTINGENCY-RETIREMENT	<u>42,356</u>
		<u>\$ 79,989</u>

2. Amend the 2020 Sewer Fund budget to alleviate potential I&I issues and corrective actions for I&I per Department of Environmental Conservation and Department of Health. Below is the proposed budget amendment:

<b>Transfer to:</b>		
G -08-8130-454000-	ENGINEERS	<u>\$ 100,916</u>
<b>Transfer from:</b>		
G -01-1990-400001-	CONTINGENCY FUND	<u>\$ 100,916</u>

3. Amend the 2020 General Fund Council Budget to provide for costs of upgrading Novus Agenda. Below is the proposed budget amendment:

<b>Transfer to:</b>		
A -01-1010-444100-	PROFESS. LICENSE & PERMIT FEES	<u>\$ 4,000</u>
<b>Transfer from:</b>		
A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 4,000</u>

Respectfully submitted,  
Susan K. Tucker CPA

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Authorizing a Bond for City Hall Improvements**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Bond for City Hall Improvements	Resolution

February 24, 2020



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Douglas E. Goodfriend

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F +1 212 506 5151

**VIA E-MAIL** (stucker@cityofbeacon.org)

Susan K. Tucker, CPA  
Director of Finance  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508



Re: City of Beacon, Dutchess County, New York  
City Hall Improvements - \$250,000 Bonds  
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in black ink that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4125-5980-3171.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(\$250,000-City Hall Improvements, 25 years)*

A regular meeting of the City Council of the City of Beacon (the "City"), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at \_\_\_\_\_ o'clock, \_\_\_\_\_.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote \_\_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with \_\_\_\_\_ negative votes and \_\_\_\_\_ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.**

**WHEREAS**, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction of improvements to City Hall, in and for the City, including site and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$250,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$250,000 to finance the costs of the Project at a total estimated cost not to exceed \$250,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$250,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of the twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice

provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of March, 2020.

(SEAL)

---

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

\_\_\_\_\_  
**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2020.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.

<b>Specific object or purpose:</b>	Construction of City Hall improvements
<b>Period of probable usefulness:</b>	25 years
<b>Maximum estimated cost:</b>	\$250,000
<b>Amount of obligations to be issued pursuant to this resolution:</b>	\$250,000 bonds
<b>SEQRA status:</b>	Type II Action

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Authorizing a Bond for the Lewis Tompkins Fire Station Generator**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Bond for the Lewis Tompkins Fire Station Generator	Resolution

February 24, 2020



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D +1 212 506 5211  
F +1 212 506 5151

**VIA E-MAIL** (stucker@cityofbeacon.org)

Susan K. Tucker, CPA  
Director of Finance  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508



Re: City of Beacon, DutchessCounty, New York  
Lewis Tompkins Hose Fire Station Generator - \$25,000 Bonds  
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in black ink that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4131-0270-3395.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(\$25,000-Lewis Tompkins Hose Fire Station Generator, 10 years)*

A regular meeting of the City Council of the City of Beacon (the "City"), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at \_\_\_\_\_ o'clock, \_\_\_\_\_.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_.

The City Council of the City was polled. The motion was adopted by a vote \_\_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with \_\_\_\_\_ negative votes and \_\_\_\_\_ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$25,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE REPLACEMENT GENERATOR AT LEWIS TOMPKINS HOSE FIRE STATION, IN AND FOR THE CITY.**

**WHEREAS**, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the replacement generator at Lewis Tompkins Hose Fire Station, in and for the City, including incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$25,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$25,000 to finance the costs of the Project at a total estimated cost not to exceed \$25,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$25,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of the ten (10) years computed from the earlier of (a) the date of the

first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the

advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the

agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of March, 2020.

(SEAL)

---

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$25,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE REPLACEMENT GENERATOR AT LEWIS TOMPKINS HOSE FIRE STATION, IN AND FOR THE CITY.

<b>Specific object or purpose:</b>	Replacement generator at Lewis Tompkins Hose Fire Station
<b>Period of probable usefulness:</b>	10 years
<b>Maximum estimated cost:</b>	\$25,000
<b>Amount of obligations to be issued pursuant to this resolution:</b>	\$25,000 bonds
<b>SEQRA status:</b>	Type II Action

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Authorizing a Bond for Sewer Lines and Wastewater Treatment Plant Improvements**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Bond for Sewer Lines and Wastewater Treatment Plant Improvements	Resolution

February 24, 2020



Orrick, Herrington & Sutcliffe LLP  
51 West 52nd Street  
New York, NY 10019-6142  
+1 212-1106-5000  
Orrick.com

Douglas E. Goodfriend

E dgoodfriend@orrick.com  
D +1 212 506 5211  
F +1 212 506 5151

**VIA E-MAIL** (stucker@cityofbeacon.org)

Susan K. Tucker, CPA  
Director of Finance  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508



Re: City of Beacon, DutchessCounty, New York  
Sewer Lines and Wastewater Treatment Plant Improvements - \$4,500,000 Bonds  
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in black ink that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4140-3265-9491.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladivors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(\$4,500,000-Sewer Lines and Wastewater Treatment Plant Improvements, 40 years)*

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at \_\_\_\_\_ o’clock, \_\_\_\_\_.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_.

The City Council of the City was polled. The motion was adopted by a vote \_\_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with \_\_\_\_\_ negative votes and \_\_\_\_\_ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$4,500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF IMPROVEMENTS TO SEWER LINES AND THE WASTEWATER TREATMENT PLANT, IN AND FOR THE CITY.**

**WHEREAS**, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the improvements to sewer lines and the Wastewater Treatment Plant, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$4,500,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$4,500,000 to finance the costs of the Project at a total estimated cost not to exceed \$4,500,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$4,500,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein

shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form

prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by

the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of March, 2020.

(SEAL)

---

**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$4,500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF IMPROVEMENTS TO SEWER LINES AND THE WASTEWATER TREATMENT PLANT, IN AND FOR THE CITY.

<b>Class of objects or purposes:</b>	Sewer lines and Wastewater Treatment Plant Improvements
<b>Period of probable usefulness:</b>	40 years
<b>Maximum estimated cost:</b>	\$4,500,000
<b>Amount of obligations to be issued pursuant to this resolution:</b>	\$4,500,000 bonds
<b>SEQRA status:</b>	Type II Action

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>					
		<b>George Mansfield</b>					
		<b>Amber Grant</b>					
		<b>Air Rhodes</b>					
		<b>Dan Aymar-Blair</b>					
		<b>Mayor Lee Kyriacou</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**3/16/2020**

**Title:**

**Resolution Authorizing a Bond for Water Supply Treatment and Distribution System**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Authorizing a Bond for Water Supply Treatment and Distribution System	Resolution

February 24, 2020



Orrick, Herrington & Sutcliffe LLP  
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New York, NY 10019-6142  
+1 212-1106-5000  
Orrick.com

Douglas E. Goodfriend

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**VIA E-MAIL** (stucker@cityofbeacon.org)

Susan K. Tucker, CPA  
Director of Finance  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508



Re: City of Beacon, DutchessCounty, New York  
Water Supply Treatment and Distribution System - \$5,100,000 Bonds  
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in black ink that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt  
Enclosures  
4156-0683-4211.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL  
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

*(\$5,100,000-Water Supply Treatment and Distribution System, 40 years)*

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at \_\_\_\_\_ o’clock, \_\_\_\_\_.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Councilperson \_\_\_\_\_ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson \_\_\_\_\_. The City Council of the City was polled. The motion was adopted by a vote \_\_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with \_\_\_\_\_ negative votes and \_\_\_\_\_ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE  
ISSUANCE OF UP TO \$5,100,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF  
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL  
FINANCE LAW, TO FINANCE THE COSTS OF THE  
RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS  
TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION  
SYSTEM, IN AND FOR THE CITY.**

**WHEREAS**, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

**WHEREAS**, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of and construction of improvements to the City water supply treatment system, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$5,100,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$5,100,000 to finance the costs of the Project at a total estimated cost not to exceed \$5,100,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$5,100,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the

issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the City, this \_\_\_\_ day of March, 2020.

(SEAL)

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**IOLA C. TAYLOR**  
City Clerk  
City of Beacon, New York

**CITY OF BEACON  
COUNTY OF DUTCHESS, NEW YORK**

**ESTOPPEL NOTICE**

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the "City"), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

**IOLA C. TAYLOR**

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION SYSTEM, IN AND FOR THE CITY.

<b>Class of objects or purposes:</b>	Reconstruction/construction of improvements to the City water supply, treatment and distribution system
<b>Period of probable usefulness:</b>	40 years
<b>Maximum estimated cost:</b>	\$5,100,000
<b>Amount of obligations to be issued pursuant to this resolution:</b>	\$5,100,000 bonds
<b>SEQRA status:</b>	Type II Action

<b>Resolution No. ____ of 2020</b>		<b>Date: <u>March 16, 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>Jodi McCredo</b>							
		<b>George Mansfield</b>							
		<b>Amber Grant</b>							
		<b>Air Rhodes</b>							
		<b>Dan Aymar-Blair</b>							
		<b>Mayor Lee Kyriacou</b>							
		<b>Motion Carried</b>							