



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

May 18, 2020
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Public Comment:

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

- a. Notice of Change in Public Meeting Location May 18

Public Hearings:

- Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223 and 210 of the Code of the City of Beacon Regarding Zoning and a Proposed Local Law to Amend the Zoning Map of the City of Beacon
- Public Hearing to Discuss a Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals for May 18, 2020

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:

Local Laws and Resolutions:

1. Resolution Approving the Appointment of Marilyn Joseph to the Human Relations Commission
2. Resolution Accepting Stormwater Maintenance Easement Agreement 160 Rombout Avenue
3. Resolution Authorizing Execution of a Grant Agreement with NYS Environmental Facilities Corporation
4. Resolution Accepting Easements at 23-28 Creek Drive

Approval of Minutes:

- City Council Meeting Minutes April 20, 2020

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.

Executive Session:

1. Personnel
2. Real Estate

Adjournment:

Upcoming Agenda Items:

City of Beacon Council Agenda
5/18/2020

Title:

Notice of Change in Public Meeting Location May 18

Subject:

Background:

ATTACHMENTS:

Description

Notice of Change in Public Meeting Location May 18

Type

Cover Memo/Letter



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the City Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the videoconference meeting and comment during regular City Council meetings (i.e for public hearings and during designated public comment periods). To access the meeting, visit

<https://us02web.zoom.us/j/92414040331?pwd=RXUzRE1iYkIWdHUzdVIIN0xXL3BSQT09>

(Webinar ID 924 1404 0331 Password: 689930). To the extent internet access is not available, the public can attend and comment via telephone by dialing + 1 929 205 6099 (Webinar ID 924 1404 0331 Password: 689930). The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>. The public can email written comments or questions for regular City Council Meetings by 5pm on the day of the meeting addressed to cityofbeacon@cityofbeacon.org. Any member of the public who has questions should contact the City Administrator in advance of the meeting at 845 838 5010 or aruggiero@cityofbeacon.org.

PLEASE TAKE FURTHER NOTICE, that any Executive Session of the Council will be initiated with the Council first convening on the public videoconferencing site, and then adopting a motion to go into Executive Session.

PLEASE TAKE FURTHER NOTICE, that the City Council Meeting of Monday, May 18, 2020 at 7:00pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon Council Agenda
5/18/2020

Title:

Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223 and 210 of the Code of the City of Beacon Regarding Zoning and a Proposed Local Law to Amend the Zoning Map of the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
Zoning Tables Presentation 5.14.20	Presentation
Memorandum from the City of Beacon Planning Board Regarding Zoning	Cover Memo/Letter
Proposed Local Law to amend the Zoning Map of the City of Beacon	Local Law
Proposed Local Law Amending Chapters 223 and 210 of the Code of the City of Beacon	Local Law
Zoning Dimensional Table Draft 4.24.20 Edits	Backup Material
Zoning Dimensional Table Draft 4.24.20	Backup Material
Zoning Tables Map Changes 5.12.20	Map
Zoning Use Table Draft 4.24.20 Edits	Backup Material
Zoning Use Table Draft 4.24.20	Backup Material

Draft Use Table

- 1. Simple X - Y axis chart grouped by use types – shorter and easier to understand;**
 - 2. Combines Off-Street Parking (PB) and Office Business (OB) into Transitional (T) zone with some additional uses and residential options;**
 - 3. Combines Local Business (LB) and General Business (GB) districts;**
 - 4. Reduces the number of required Special Permits and shifts some Special Permits to the Planning Board;**
 - 5. Adds several new use categories:**
 - Vehicle Sales or Rental Lot**
 - Animal Care Facility**
 - Golf Course**
- Eliminates a few use categories:**
- Ski Facility**
 - Retail Truck or Trailer**
 - Medical Service Structure**

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-Family Detached Dwelling		P	P	P	x	x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	P	x	x	P	x	x	P	x	x
Two-Family Dwelling		x	P	P	x	x	x	x	x	x	x	x
Multifamily Dwelling		x	SP*	P	P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	P	P	P	P	P	x	P	P	x
Retail/Office/Service												
Retail, Personal Service, or Bank		x	x	x	P	P	P	P	x	x	P	x
Office		x	x	P	P	P	P	P	x	P	P	x
Artist Studio, Art Gallery/Exhibit Space		x	x	P	P	P	P	x	x	P	P	x
Funeral Home		x	x	x	P	x	x	x	x	x	P	x
Commercial Recreation, Indoor		x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	P	x	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	SP	x
Food/Lodging												
Restaurant or Coffee House		x	x	x	P	P	P	P	SP*	P	x	x
Bar/Brew Pub/Microbrewery/Microdistillery		x	x	x	P	P	P	P	x	P	P	P
Food Preparation Business		x	x	x	P	SP	SP	x	x	x	P	P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	P	x	P	x	SP*	P	P	x
Inn		x	x	x	P	P	P	P	SP*	P	P	x
Hotel	Subject to §223-14.1	x	x	x	P	P	P	P	x	x	P	x
Social/Community												
Spa/Fitness Center/Exercise Studio		x	x	SP	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	P	P	P	P	P	P	x
Theater, Concert or Conference Space		x	x	x	P	P	P	P	x	P	P	x
Museum		SP*	SP*	SP*	P	P	P	P	x	P	P	SP
Place of Worship/Religious Facility		P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x
Healthcare												
Hospital or Nursing Home	Subject to §223-21.1 and 22	SP*	SP*	x	x	x	x	x	x	P	P	P
Animal Care Facility		SP	SP	x	SP	x	x	x	x	x	SP	x
Educational												
College or University		SP*	SP*	x	P	P	P	x	x	P	P	P
Trade School or Training Program		x	x	x	P	P	P	x	x	P	P	P
Private School or Nursery School		SP	SP	SP	P	x	P	x	x	P	SP	x

x = Use Not Permitted
P = Permitted Use
SP=Special Permit Use by Planning Board
SP*=Special Permit Use by City Council

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC

4.24.20

DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
Parking/Auto-Oriented												
Off-Street Parking or Parking Structure	Subject to §223-26	x	x	SP	SP	SP	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch. 210 & 223-21	x	x	x	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	x	x	x	x	x	SP	x
Ambulance Service		SP	SP	SP	P	x	x	x	x	x	P	x
Industrial or Assembly												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
Other												
Wireless Telecommunications Facility	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
Farm		P	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		P	P	x	P	x	x	x	x	x	P	x
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	x	P	P	P	x	P	x	x
Garden, Roof Garden, or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific Standards See -->

Article IVD

Article IVE

Article IVA

Article IVA

Article IVC

4.24.20

DRAFT

Draft Dimensional Table

- 1. Adds standards for new Transitional (T) district;**
- 2. Eliminates inconsistencies in the table;**
- 3. Decreases some setbacks in single-family districts and increases side setbacks in certain multifamily districts;**
- 3. Adds dimensional standards (setbacks, building height, building coverage, minimum open space) instead of floor area ratios;**
- 4. Removes more than half of the existing footnotes.**

Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

Draft 4.24.20

Zoning District	Minimum Lot Size Area ^h (see also 223-12 I)				Minimum Yard ^a			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Side (ft)	Rear ^{d,e} (ft)			Multi-Fam	All Other				
R1-120	120,000	120,000	250'	350'	75'	50'	75'		2.5 35'	N.A.	7%	1		R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	50'		2.5 35'	N.A.	10%	1		R1-80	
R1-40	40,000	40,000	150'	150'	40'	25'	50'		2.5 35'	N.A.	15%	1		R1-40	
R1-20	20,000	20,000	125'	125'	30'	20'	40'		2.5 35'	N.A.	20%	1		R1-20	
R1-10	10,000	10,000	85'	100'	25'	15'	35'		2.5 35'	N.A.	25%	1		R1-10	
R1-7.5	7,500	7,500	75'	100'	20'	10'	25'		2.5 35'	N.A.	30%	1		R1-7.5	
R1-5	5,000	5,000	50'	100'	15'	10'	20'		2.5 35'	N.A.		1		R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	30'	3 35'	15%	20%	12		RD-7.5 ^{d,e}	
RD-6 ^{d,e}	2 acres	6,000	200'	200'	50'	25'	50'	30'	2.5 35'	15%	20%	16		RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10'	25'	30'	3 35'	20%	30%	16		RD-5 ^{d,e}	
RD-4 ^{d,e}	5,000	4,000	200'	200'	40'	20'	40'	30'	2.5 35'	20%	25%	20		RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	20'	25'	30'	3.5 45'	20%	40%	24		RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	20'	25'	30'	10 ^b 100'	25%	40%	c		RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	20'	25'	30'	4.5 ^f 55 ^f	25%	40%	36 ^g		RD-1.7 ^{d,e}	
T	5,000	i	50'	100'	10'	10'	20'		2.5 35'					T	
GB		1,500		100'	15'	20'	25'		- 35'					GB	
CMS				75'	0-10'	0'	20'		3 38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	25'		4 48'				15%	L	Art IVE
FCD	2 acres	3,960							3 40'	35%			30%	FCD	Art IVC
WP	1 acre				10'				2.5 35'	20%				WP	Art IVA
WD	5 acres								See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'	25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'	25'		40'	70%			20%	HI	

NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~h~~ But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~i~~ But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~j~~ This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
- ~~k~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~l~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~m~~ Except that any new one-family detached dwelling lot created subsequent to July 11, 1988, shall be required to comply with the minimum size and dimensional requirements of the R1-7.5 District. [Added 7-5-1988]
- ~~n~~ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~o~~ And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~p~~ There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
- ~~q~~ For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- i One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.
- ~~b~~ ~~Abutting residential districts or where driveway is proposed between building and lot line-~~
- ~~c~~ ~~First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces-~~

Draft Zoning - Major Text Amendments:

- 1. Updates uses and cross-references to be consistent with the new tables;**
- 2. Broadens the general Special Permit conditions in Section 223-18 to include potential conflicts with adjacent blocks and adds traffic hazards or congestion, emergency services, infrastructure requirements, and consistency with the Comprehensive Plan as factors to consider;**
- 3. Adds hotels to the list of potential uses allowed by Special Permit in the Historic District and Landmark Overlay Zone;**
- 4. Requires 25% non-residential uses in the Waterfront Development district within 400 feet of the Train Station;**
- 5. Requires 1st floor non-residential uses in the Linkage district along the north side of West Main Street and Beekman Street;**
- 6. Removes the expedited review process in the Linkage district;**
- 7. Adds missing definitions.**

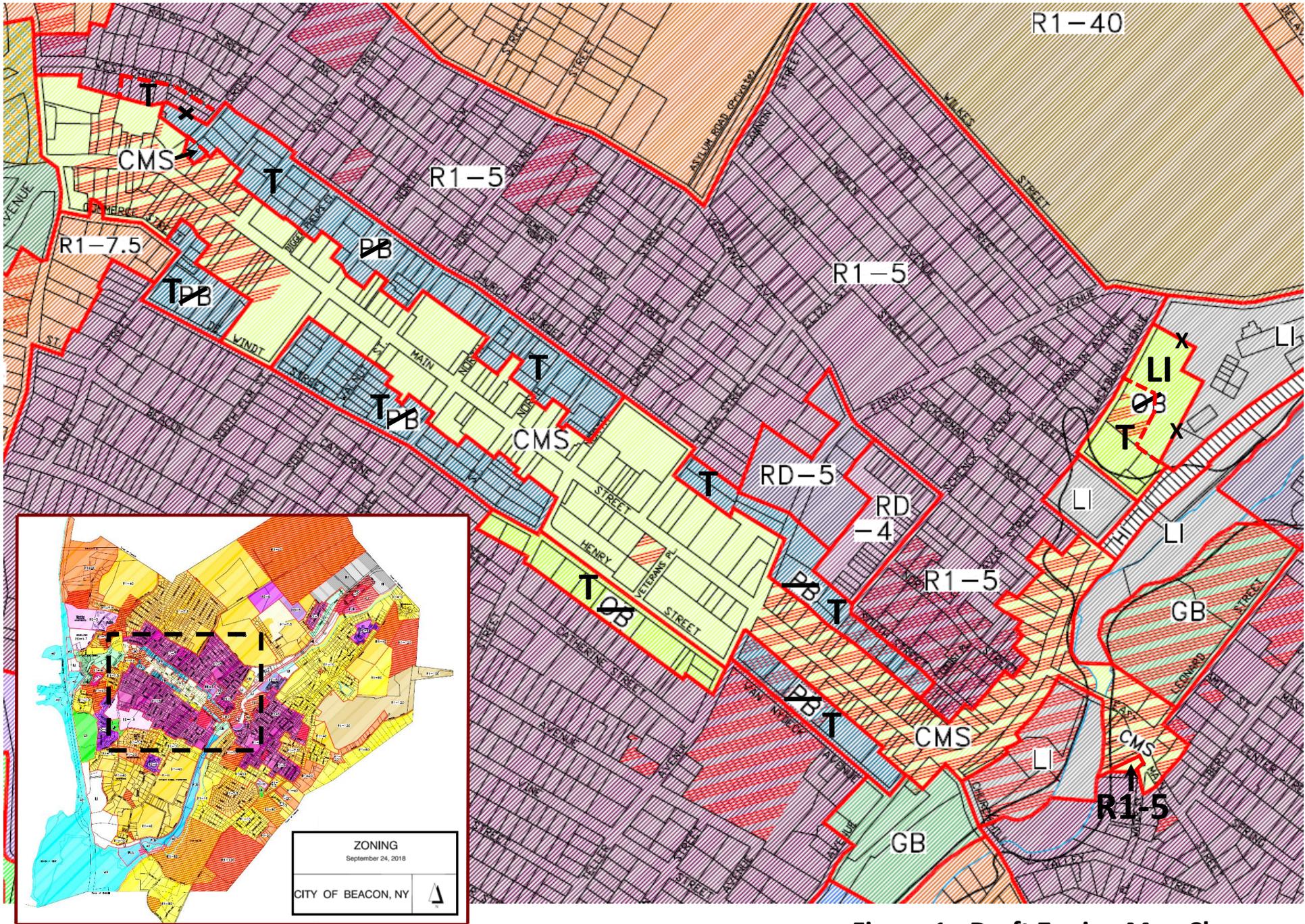


Figure 1 - Draft Zoning Map Changes



BLACKBURN WAY

FRANKLIN AV

HERBERT ST

PANAMA LN

L

T

T

231901

149895

168896

162888

157890

153896

162881

183889

211880

210887

209885

208883

214882

207879

215877

141870

151871

148886

151882

172886

176880

197883

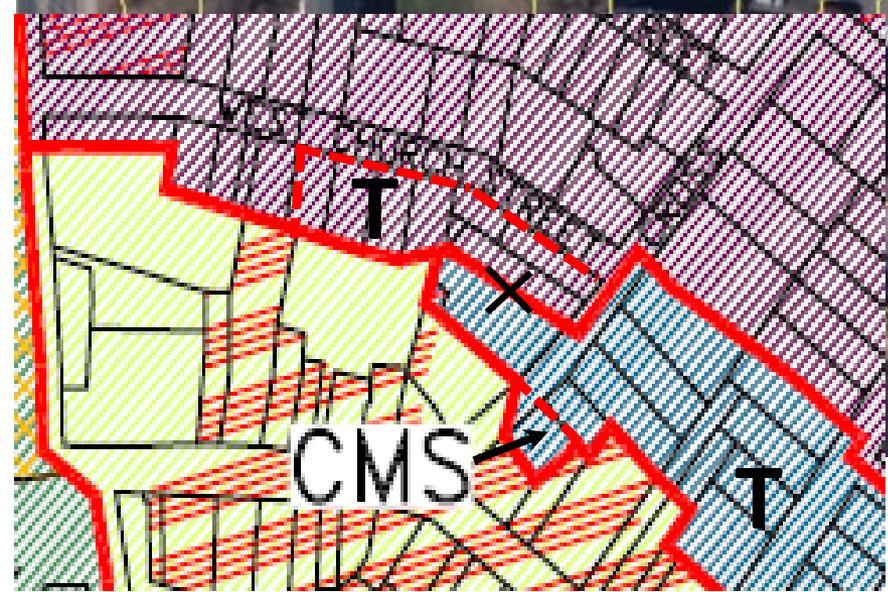
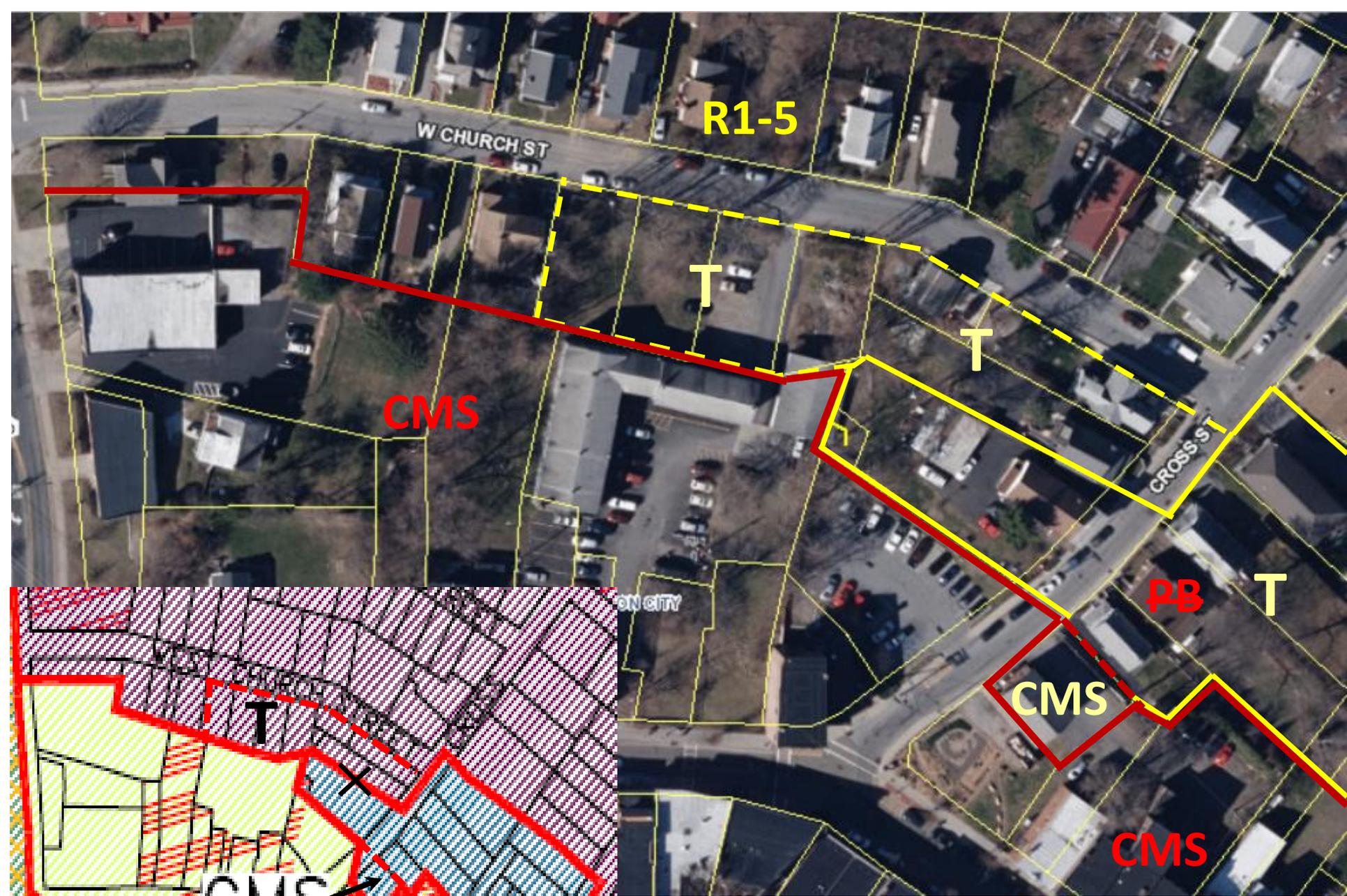
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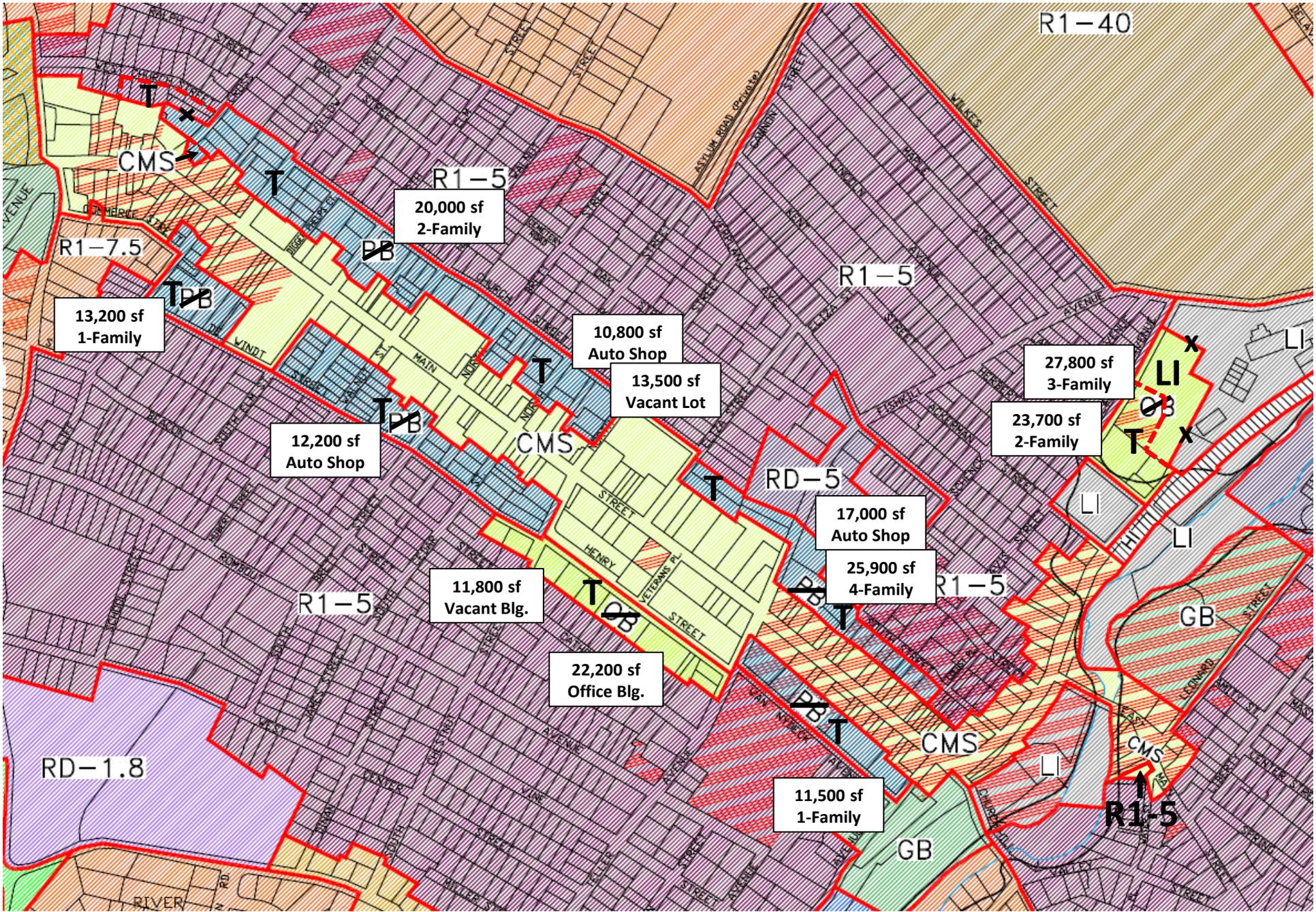
172841

208853



The following table represents the lot size and number of units per lot, according to the County's Parcel Access, for existing residential parcels in the proposed T district:

Lot Area in Square Feet	Total Parcels	1-Family	2-Family	3-Family	4-Family
1,000 - 1,999	3	3			
2,000 - 2,999	5	4	1		
3,000 - 3,999	28	26	2		
4,000 - 4,999	15	13	2		
5,000 - 5,999	17	10	6	1	
6,000 - 6,999	10	7	2	1	
7,000 - 7,999	5	4	1		
8,000 - 8,999	7	5	2		
9,000 - 9,999	2		2		
10,000 - 10,999	3	3			
11,000 - 11,999	9	4	4	1	
13,000 - 13,000	1	1			
19,000 - 19,999	1		1		
23,000 - 23,999	1		1		
25,000 - 25,999	1				1
27,000 - 27,999	1			1	
	109	80	24	4	1



Larger Lots in the T District

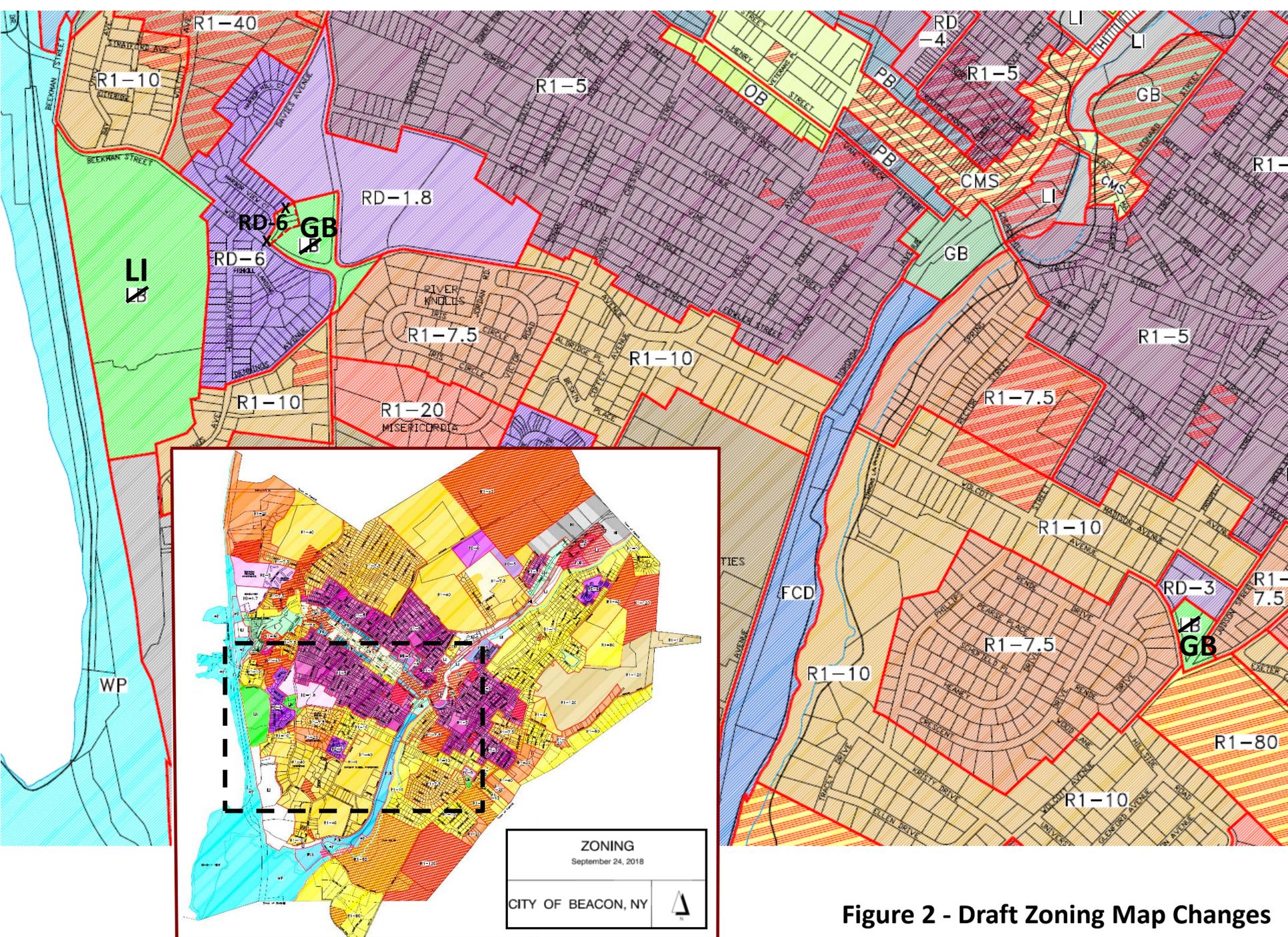


Figure 2 - Draft Zoning Map Changes



RD-6

GB

HARBOUR VIEW CT

WALCOTT AV

SOUTH AV

BEACON CITY

90

PRICHARD LN

684726
68725
690722
683718
683719
68717
672715
677713
678709
691708
708720
667703
7698
7693
675893
680690
685886
690683
693878
695875
699871
702873
667677
675874
682870
678089
667665
677663
699864
712882
731679
743875
752865

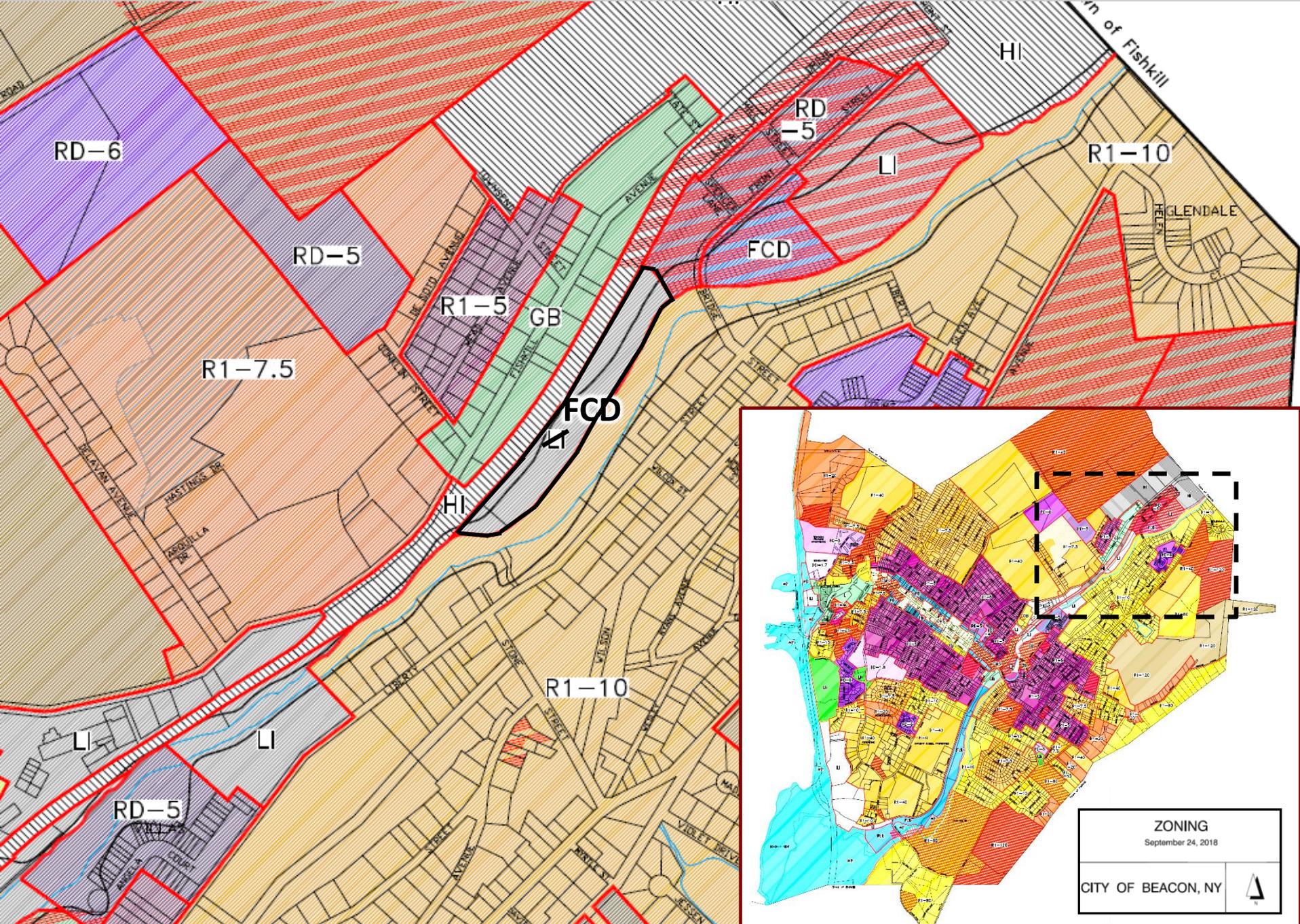


Figure 3 - Draft Zoning Map Changes

2017 Comprehensive Plan Update Rezoning



Waterfront Park District

WD District North

LI District

WD District South

Linkage District

Ferry Dock

Train Platform

West Main St.

Beekman St.

Main Street

NYS Route 9D

Waterfront Park District

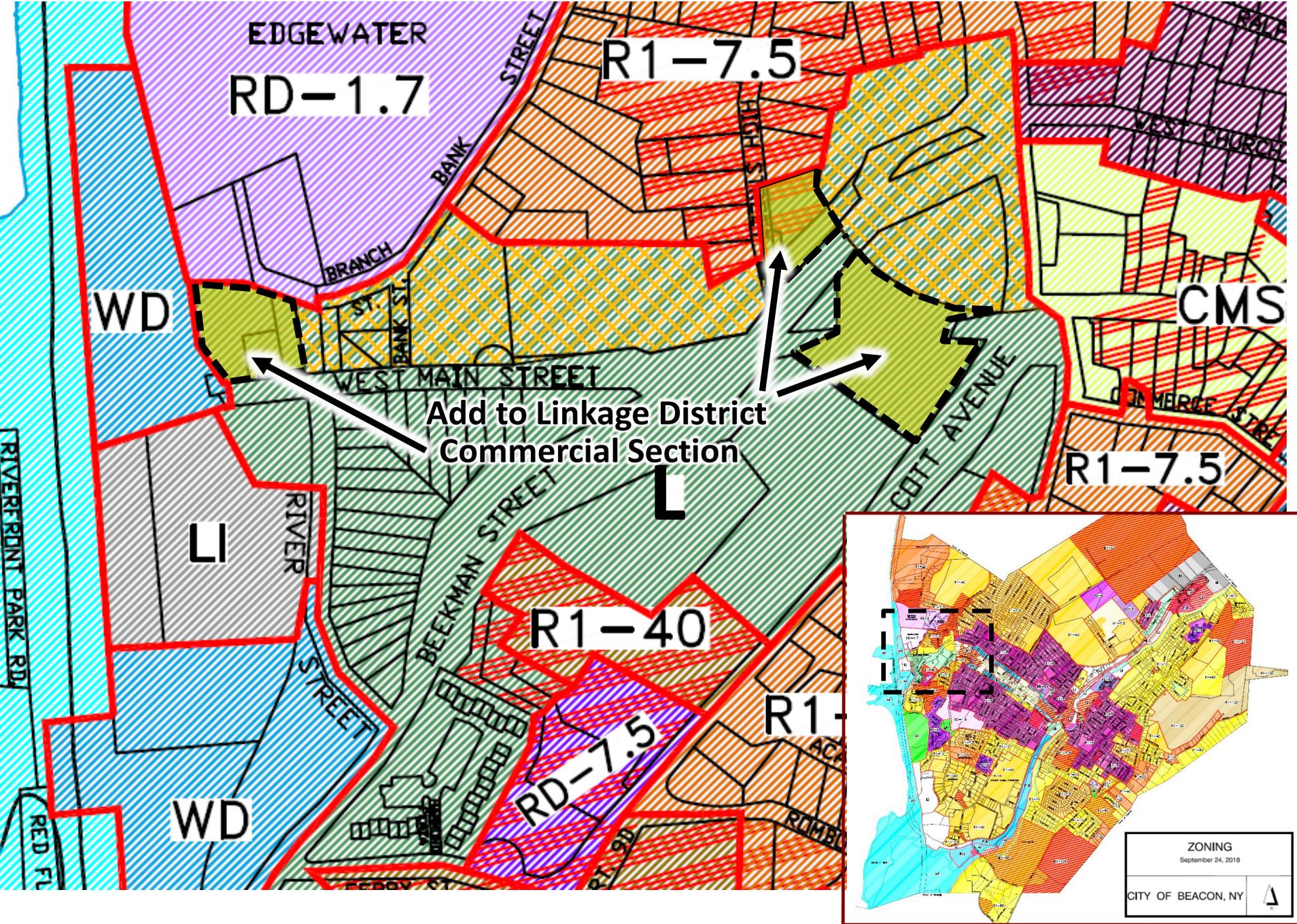


Figure 4 - Draft Zoning Map Changes



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law to amend Chapters 223 and 210 regarding the Schedule of Regulations and associated amendments; and proposed Local Law to amend the City's Zoning Map

DATE: May 13, 2020

As requested, the Planning Board reviewed the Local Law amending Chapters 223 and 210 of the City of Beacon Code concerning the Schedule of Regulations and associated amendments, and changes to the Zoning Map at their May 12, 2020 meeting. City Planner John Clarke gave a detailed explanation of the proposed zoning amendments and creation of the Transition Zone. A lengthy discussion and review of the revised zoning tables took place. There was much debate about the commercial requirement for the Linkage Zone and the affect increased density would have on properties in the Transition Zone. Members felt the City Council should consider generating a schematic example of both a commercial and residential site by applying the new zoning regulations to better understand the resulting bulk increased density would have on neighboring properties.

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

LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING THE ZONING MAP OF
THE CITY OF BEACON**

A LOCAL LAW to amend the Zoning Map of the City of Beacon.

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

Section 1. Intent. The City Council believes that it is reasonable and appropriate to rezone certain areas in the central downtown business district and along Fishkill Creek in a manner that is not inconsistent with the City’s Comprehensive Plan and provides for more efficient zoning boundaries. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

Section 2. The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table and as shown in Figure 1 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner’s Name and Address	Existing Zoning District	New Zoning District
p/o 6054-29-056780 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon, NY 12508	McDermott Properties 48 Foxboro Rd Essex CT 06840	PB	T

p/o 6054-29-086757 (See Fig. 1- portion of lot fronting on South Street)	Main Street, Beacon, NY 12508	Qualamar Corporation PO Box 4292 New Windsor NY 12553	PB	T
6054-29-082764	28 South St, Beacon, NY 12508	Ross J. Beeley America Olivo Campbell Rebecca A. Engle 25 Rombout Avenue Beacon, NY 12508	PB	T
6054-29-079768	32 South St, Beacon, NY 12508	Jennifer Rossa 425 Prospect Pl Brooklyn, NY 11238	PB	T
6054-29-075770	34 South St, Beacon NY 12508	Neil Vaughn Erika M Foy 432 Main Street Beacon NY 12508	PB	T
p/o 6054-29-068768 (See Fig. 1- portion of lot fronting on South Street)	432 Main Street, Beacon, NY 12508	Neil Vaughn 432 Main Street Beacon, NY 12508	PB	T
p/o 6054-29-062771 (See. Fig. 1-portion of lot fronting on South Street)	422-428 Main Street, Beacon, NY 12508	Beacon Main Real Estate Group 8 Bellford Lane Beacon, NY 12508	PB	T
6054-29-063780	48 South Street Beacon NY 12508	John WH Dacey Holly R Sumner 48 South Street Beacon, NY 12508	PB	T
6054-29-049789	Schenck Avenue Beacon, NY 12508	JP Morgan Chase Bank Natl Assn. PO Box 810490 Dallas TX 75381	PB	T

6054-29-054793	12 Schenck Avenue Beacon, NY 12508	George E Buckley Dolores M Way Howard E Way 12 Schenck Avenue Beacon, NY 12508	PB	T
6054-29-041801	152 Fishkill Avenue Beacon, NY 12508	152-158 Fishkill Avenue LLC 316 Main St Poughkeepsie NY 12601	PB	T
6054-29-042814	158 Fishkill Avenue Beacon, NY 12508	152-158 Fishkill Avenue LLC 316 Main St Poughkeepsie NY 12601	PB	T
6054-29-026830	163 Fishkill Avenue Beacon, NY 12508	James Vivian Melissa L. Vivian 163 Fishkill Avenue Beacon NY 12508	PB	T
6054-29-024827	159 Fishkill Avenue Beacon, NY 12508	Kimberly L. Garcia James J. Halstead 159 Fishkill Avenue Beacon NY 12508	PB	T
6054-29-007841	23 Eliza Street Beacon, NY 12508	John C. Thom Tara E. Thom 82 Sunrise Hill Rd Fishkill NY 12524	PB	T
6054-29-004836	Eliza Street Beacon, NY 12508	O'Donnell Construction Corp. PO Box 526 Fishkill NY 12524	PB	T
5954-36-958873	Church Street Beacon, NY 12508	59 Church Street Development PO Box 390 Beacon, NY 12508	PB	T
5954-36-951861	12 N. Chestnut Street Beacon, NY 12508	Suzanne McElduff Judith Keating 232 S. Smith Street LaGrangeville, NY 12540	PB	T

5954-36-954865	14 N. Chestnut Street Beacon, NY 12508	Pamela S. Koeber-Diebboll 14 N. Chestnut Street Beacon, NY 12508	PB	T
5954-28-951876	Church Street Beacon, NY 12508	Joseph Neville Joan Ehrenberg 91 Rombout Avenue Beacon, NY 12508	PB	T
5954-28-943881	N. Cedar Street Beacon, NY 12508	Cervone Realty LLC 111 N Walnut Street Beacon, NY	PB	T
5954-28-943875	10 N. Cedar Street Beacon, NY 12508	Aaron T. Ketry Rebecca L. Eaton 10 N. Cedar Street Beacon, NY 12508	PB	T
5954-36-938872	8 N. Cedar Street Beacon, NY 12508	Anthony Risicato 8 N. Cedar Street Beacon, NY 12508	PB	T
5954-28-938892	15 N. Cedar Street Beacon, NY 12508	Thomas W. Hoyt 15 N. Cedar Street Beacon, NY 12508	PB	T
5954-28-933886	11 N. Cedar Street Beacon, NY 12508	Eileen Ohare 11 N. Cedar Street Beacon, NY 12508	PB	T
5954-28-930881	7 N. Cedar Street Beacon, NY 12508	Lydia Panko LT Treanor Luba RM TR Weidler Nina Panko RM TR Keating Peter RM TR Panko 7 N. Cedar Street Beacon, NY 12508	PB	T
5954-28-931894	Church Street Beacon, NY 12508	Movil Development Corp. 284 Main Street Beacon, NY 12508	PB	T
5954-28-929896	43 Church Street Beacon, NY 12508	Dolores Hughes 43 Church Street Beacon, NY 12508	PB	T
5954-28-926898	41 Church Street Beacon, NY 12508	Nicholas J. Dennany Jessica Shaffer 41 Church Street Beacon, NY 12508	PB	T

5954-28-924903	14 N. Brett Street Beacon, NY 12508	Adella F. Coultas 14 N. Brett Street Beacon, NY 12508	PB	T
5954-28-922900	12 N. Brett Street Beacon, NY 12508	Dana Collins PO Box 1798 Pleasant Valley NY 12569	PB	T
5954-28-920897	10 N. Brett Street Beacon, NY 12508	Asif B. Hemdani 10 N. Brett Street Beacon, NY 12508	PB	T
5954-28-920893	8 N. Brett Street Beacon, NY 12508	Theodore Henry 8 N. Brett Street Beacon, NY 12508	PB	T
5954-28-917889	6 N. Brett Street Beacon, NY 12508	Movil Development Corp. 284 Main Street Beacon, NY 12508	PB	T
5954-28-915905	37 Church Street Beacon, NY 12508	Clarence Heroy 37 Church Street Beacon, NY 12508	PB	T
5954-28-912908	35 Church Street Beacon, NY 12508	Nicholas G. Lovallo Allison M. Lovallo 35 Church Street Beacon, NY 12508	PB	T
5954-28-909910	33 Church Street Beacon, NY 12508	Isaac Gutierrez 33 Church Street Beacon, NY 12508	PB	T
5954-28-904913	31 Church Street Beacon, NY 12508	Jaime Q. LT Montanez James RM Montanez Stacy RM Montanez 31 Church Street Beacon, NY 12508	PB	T
5954-28-897918	27 Church Street Beacon, NY 12508	Christopher D. Brown Babette J. Brown 27 Church Street Beacon, NY 12508	PB	T
5954-28-888923	25 Church Street Beacon, NY 12508	Karan Garewal 6 Brentwood Ct. Mt. Kisco, NY 10549	PB	T
5954-28-885926	23 Church Street Beacon, NY 12508	Ryan K. Green 23 Church Street Beacon, NY 12508	PB	T

5954-28-880926	21 Church Street Beacon, NY 12508	Michelle Hilton 21 Church Street Beacon, NY 12508	PB	T
5954-28-882920	9 N. Walnut Street Beacon, NY 12508	Angelo A. Cervone Paula J. Cervone 111 N. Walnut Street Beacon, NY 12508	PB	T
5954-28-880917	7 N. Walnut Street Beacon, NY 12508	Jessica Dias 7 N. Walnut Street Beacon, NY 12508	PB	T
5954-28-879914	5 N. Walnut Street Beacon, NY 12508	Colin Cheyne Helen Nelsen 5 N. Walnut Street Beacon, NY 12508	PB	T
5954-27-864924	4 N. Elm Street Beacon, NY 12508	4 Elm Holdings LLC 15 Sumter Road Airmont, NY 10952	PB	T
5954-27-862944	13 Mattie Cooper Square Beacon, NY 12508	Ana Tapia Miguel Tapia 13 Mattie Cooper Square Beacon, NY 12508	PB	T
5954-27-858938	11 N. Elm Street Beacon, NY 12508	Daniel L. Aubry 196 Bowery New York, NY 10012	PB	T
5954-27-857931	5 N. Elm Street Beacon, NY 12508	Daniel L. Aubry 196 Bowery New York, NY 10012	PB	T
5954-27-853946	9 Mattie Cooper Square Beacon, NY 12508	Erich Hess Hattie C. Hess 9 Mattie Cooper Square Beacon, NY 12508	PB	T
5954-27-846941	6 Digger Phelps Ct. Beacon, NY 12508	David Maros Agnieszka Maros 1456 Ulster Hts Ellenville, NY 12428	PB	T
5954-27-845957	13 Digger Phelps Ct. Beacon, NY 12508	Springfield Baptist Church 8 Mattie Cooper Square Beacon, NY 12508	PB	T
5954-27-843954	11 Digger Phelps Ct. Beacon, NY 12508	Jonathan Bailey Gemma Simon 11 Digger Phelps Ct. Beacon, NY 12508	PB	T

5954-27-840949	7 Digger Phelps Ct. Beacon, NY 12508	Thomas R. Garrett Zina Garrett 7 Digger Phelps Ct. Beacon, NY 12508	PB	T
5954-27-837945	5 Digger Phelps Ct. Beacon, NY 12508	Richard F. Benash Shelita Birchett 339 Roberts Avenue Yonkers, NY 10703	PB	T
5954-27-838962	12 Willow Street Beacon, NY 12508	KG Beacon LLC 460 W. 24 th Street New York, NY 10011	PB	T
5954-27-836959	10 Willow Street Beacon, NY 12508	Jill F. Reynolds Daniel M. Spitzer 10 Willow Street Beacon, NY 12508	PB	T
5954-27-833955	8 Willow Street Beacon, NY 12508	Anthony Davis Deva Woodly 8 Willow Street Beacon, NY 12508	PB	T
5954-27-831951	6 Willow Street Beacon, NY 12508	Jonathan Halevah 6 Willow Street Beacon, NY 12508	PB	T
5954-27-830970	13 Willow Street Beacon, NY 12508	Joell Morales 13 Willow Street Beacon, NY 12508	PB	T
5954-27-827970	11 Willow Street Beacon, NY 12508	Lelach Shani David Lant 29 Cutler Ln Garrison, NY 10524	PB	T
5954-27-873931	17 Church Street Beacon, NY 12508	Brenda Belladone Edwards, Trustee 17 Church Street Beacon, NY 12508	PB	T
5954-27-824967	9 Willow Street Beacon, NY 12508	Patrick LT Kerr John F. RM Kerr Kevin M. RM Kerr Martin William RM Kerr Mary B. RM Mateer Patrick E RM Kerr Pauline Patricia LT Kerr 9 Willow St Beacon NY 125080000	PB	T

5954-27-820961	5 Willow Street Beacon, NY 12508	Susan C. Battersby 1 Mountain Ln. Beacon, NY 12508	PB	T
p/o 5954-27-813963(See Fig. 1 - portion of lot adjacent to Parcel #s 820961 and 824967)	182 Main Street Beacon, NY 12508	182 Main Street Beacon LLC 3169 Glendale Blvd Los Angeles, CA 90039	PB	T
p/o 5954-27-813968(See Fig. 1 - portion of lot adjacent to Parcel #s 808975, 811979 and 814984)	180 Main Street Beacon, NY 12508	180 Main LLC 48 Angola Rd Cornwall, NY 12518	PB	T
5954-27-814984	14 Cross Street Beacon, NY 12508	Linda M. Owen 50 Red Schoolhouse Rd Fishkill, NY 12524	PB	T
5954-27-811979	12 Cross Street Beacon, NY 12508	Charles Lashley Alyce Lashley 12 Cross Street Beacon, NY 12508	PB	T
5954-27-808975	10 Cross Street Beacon, NY 12508	Crossix LLC 50 Simmons Ln Beacon, NY 12508	PB	T
5954-27-802974	8 Cross Street Beacon, NY 12508	Jose R. Santiago Myriam Orrego 8 Cross Street Beacon, NY 12508	PB	T
5954-27-798971	4 Cross Street Beacon, NY 12508	Hudson Todd LLC 4 Cross Street Beacon, NY 12508	PB	T
5954-27-792985	9 Cross Street Beacon, NY 12508	Crossix LLC 50 Simmons Ln Beacon, NY 12508	PB	T
5954-27-788982	Cross Street Beacon, NY 12508	Crossix, LLC 50 Simmons Ln Beacon, NY 12508	PB	T
5954-27-813905	18 Dewindt Street Beacon, NY 12508	Denise M. Szuniewicz 1128 Parker Mountain Rd Strafford, NH 03884	PB	T

5954-27-814910	Dewindt Street Beacon, NY 12508	AMGC Corp. 6405 Atlantic Avenue Wildwood, NJ 08260	PB	T
5954-27-809909	12 Dewindt Street Beacon, NY 12508	Ana Iris Quintana, Trustee 12 Dewindt Street Beacon, NY 12508	PB	T
5954-27-804912	10 Dewindt Street Beacon, NY 12508	Juan Tacuri 10 Dewindt Street Beacon, NY 12508	PB	T
5954-27-799915	8 Dewindt Street Beacon, NY 12508	Luis Collado Jaifa Collado 8 Dewindt Street Beacon, NY 12508	PB	T
5954-27-787915	4 Dewindt Street Beacon, NY 12508	Eleni Chrones David Smolen 4 Dewindt Street Beacon, NY 12508	PB	T
5954-27-793921	12 Cliff Street Beacon, NY 12508	Rhonda Elizabeth Thompson 12 Cliff Street Beacon, NY 12508	PB	T
5954-27-801923	10 Cliff Street Beacon, NY 12508	Juan Claudio 10 Cliff Street Beacon, NY 12508	PB	T
5954-27-795926	10 Cliff Street Beacon, NY 12508	Juan Claudio Alexandria Claudio 10 Cliff Street Beacon, NY 12508	PB	T
5954-27-796928	Cliff Street Beacon, NY 12508	Lazarus Rising LLC 98 Smithtown Rd Fishkill, NY 12524	PB	T
5954-27-797931	8 Cliff Street Beacon, NY 12508	Minerva Cabrera 8 Cliff Street Beacon, NY 12508	PB	T
5954-27-799935	6 Cliff Street Beacon, NY 12508	Willie L. Reed, Sr. 6 Cliff Street Beacon, NY 12508	PB	T
5954-27-790938	Commerce Street Beacon, NY 12508	Paul B. Supple PO Box 227 Beacon, NY 12508	PB	T

5954-27-793942	5 Cliff Street Beacon, NY 12508	Paul B. Supple PO Box 227 Beacon, NY 12508	PB	T
5954-27-836884	16 S. Elm Street Beacon, NY 12508	Bernardo Valentin Oscar Valentin 74 Church Street Beacon, NY 12508	PB	T
5954-27-839887	14 S. Elm Street Beacon, NY 12508	Manuel LT Quintana Barbara RM Quintana Carmen LT Quintana Manuel Jr RM Quintana 14 S. Elm Street Beacon, NY 12508	PB	T
5954-27-841890	12 S. Elm Street Beacon, NY 12508	Benjamin Harnett 12 S. Elm Street Beacon, NY 12508	PB	T
5954-27-844894	10 S. Elm Street Beacon, NY 12508	Carole Brown-Naidu, Trustee 10 S. Elm Street Beacon, NY 12508	PB	T
5954-27-846897	8 S. Elm Street Beacon, NY 12508	Melissa J. Kozlowski 8 S. Elm Street Beacon, NY 12508	PB	T
5954-27-848901	6 S. Elm Street Beacon, NY 12508	Brenda M. Cahill 6 S. Elm Street Beacon, NY 12508	PB	T
5954-27-849876	15 S. Walnut Street Beacon, NY 12508	Jose M. Roman Miriam Santana-Roman 15 S. Walnut Street Beacon, NY 12508	PB	T
p/o 5954-27-852906 (See Fig. 1 – portion of lot fronting on Dewindt Street)	249 Main Street Beacon, NY 12508	249 Main Street LLC 80 Business Park Drive Armonk, NY 10504	PB	T
5954-27-852879	13 S. Walnut Street Beacon, NY 12508	Anthony L. Thomaselli Gina M. Thomaselli 149 Sargent Avenue Beacon, NY 12508	PB	T

5954-27-854882	11 S. Walnut Street Beacon, NY 12508	Lucille R. Rodriguez 11 S. Walnut Street Beacon, NY 12508	PB	T
5954-27-856885	9 S. Walnut Street Beacon, NY 12508	Richard C. Burton Imogene D. Jones 9 S. Walnut Street Beacon, NY 12508	PB	T
5954-27-859888	7 S. Walnut Street Beacon, NY 12508	Samuel R. Basso 7 S. Walnut Street Beacon, NY 12508	PB	T
5954-27-861891	5 S. Walnut Street Beacon, NY 12508	Roland Desmarais Eva Desmarais 5 S. Walnut Street Beacon, NY 12508	PB	T
5954-35-862869	16 S. Walnut Street Beacon, NY 12508	Elise C. Knudson 16 S. Walnut Street Beacon, NY 12508	PB	T
5954-35-864871	14 S. Walnut Street Beacon, NY 12508	Frank R. Martinez Stephen A. Yount 14 S. Walnut Street Beacon, NY 12508	PB	T
5954-35-866874	12 S. Walnut Street Beacon, NY 12508	Joseph Valentin 74 Church Street Beacon, NY 12508	PB	T
5954-27-868876	10 S. Walnut Street Beacon, NY 12508	US Bank Trust NA, Trustee 3630 Peachtree Rd Atlanta, GA 30326	PB	T
5954-27-870879	8 S. Walnut Street Beacon, NY 12508	8 Walnut St Realty LLC 43 Watch Hill Dr Fishkill, NY 12524	PB	T
5954-27-872882	6 S. Walnut Street Beacon, NY 12508	Dennis E. Conklin Joan A. Conklin 6 S. Walnut Street Beacon, NY 12508	PB	T
5954-35-874868	40 Dewindt Street Beacon, NY 12508	Thomas C. Di Perno, Jr 40 Dewindt Street Beacon, NY 12508	PB	T
5954-36-880861	11 S. Brett Street Beacon, NY 12508	11 Brett Street LLC 114-11 Lefferts Blvd. South Ozone Park, NY 11420	PB	T

5954-36-883865	9 S. Brett Street Beacon, NY 12508	Victor M. DeJesus Denora DeJesus 9 S. Brett Street Beacon, NY 12508	PB	T
5954-36-886869	7 S. Brett Street Beacon, NY 12508	Andrew Szustka Patricia Szustka 7 S. Brett Street Beacon, NY 12508	PB	T
5954-36-892853	12 S. Brett Street Beacon, NY 12508	Jennifer Burnley Earlene Mallory 12 S. Brett Street Beacon, NY 12508	PB	T
p/o 5954-36-899864 (See Fig. 1 – portion of lot fronting on Dewindt Street)	297 Main Street Beacon, NY 12508	Hedgestone Associates, Inc 17 Stonehedge Drive West Nyack, NY 10994	PB	T
5954-36-895857	10 S. Brett Street Beacon, NY 12508	Ana I. Santos Alejandro Quintana 10 S. Brett Street Beacon, NY 12508	PB	T
5954-36-903845	13 S. Cedar Street Beacon, NY 12508	Juana M. Rivera Chris Stamo 13 S. Cedar Street Beacon, NY 12508	PB	T
5954-36-906849	11 S. Cedar Street Beacon, NY 12508	Alfredo J. Gneiting 11 S. Cedar Street Beacon, NY 12508	PB	T
5954-36-909853	7-9 S. Cedar Street Beacon, NY 12508	Ramroop Bhagwandin Chanderdai Bhagwandi 14 Richmond Pl Cortlandt Manor, NY 10567	PB	T
5954-36-915835	16 S. Cedar Street Beacon, NY 12508	Danie Murgatroyd PO Box 187 Beacon, NY 1250	PB	T
5954-36-918839	14 S. Cedar Street Beacon, NY 12508	RUBIQ LLC 170 Second Avenue New York, NY 10003	PB	T
5954-36-922841	10 S. Cedar Street Beacon, NY 12508	J & S Ritter Realty 2 Cedarcliff Ln Poughkeepsie, NY 12601	PB	T

5954-36-923843	8 S. Cedar Street Beacon, NY 12508	Hudson Todd LLC 4 Cross Street Beacon, NY	PB	T
5954-36-922847	6 S. Cedar Street Beacon, NY 12508	Hudson Todd LLC 4 Cross Street Beacon, NY	PB	T
5954-36-928828	20 S. Chestnut Street Beacon, NY 12508	Jeffrey R. McHugh 20 S. Chestnut Street Beacon, NY 12508	PB	T
5954-36-930832	18 S. Chestnut Street Beacon, NY 12508	Michael Loughran Joanne Loughran 18 S. Chestnut Street Beacon, NY 12508	PB	T
5954-36-935836	S. Chestnut Street Beacon, NY 12508	J & S Ritter Realty 2 Cedarcliff Ln Poughkeepsie, NY 12601	PB	T
6054-37-073725	5 Tioronda Avenue Beacon, NY 12508	Dennis Meyer Karen Meyer 43 Ackerman Street Beacon, NY 12508	PB	T
p/o Partial 6054-37- 062739(See Fig. 1 - portion of lot fronting on Van Nydeck Avenue)	25 Van Nydeck Avenue Beacon, NY 12508	City of Beacon 1 Municipal Plaza Beacon, NY 12508	PB	T
p/o 6054-29- 055758 (See Fig. 1 – portion of lot fronting on Van Nydeck Avenue)	445-449 Main Street Beacon, NY 12508	Beacon Main Street Theater LLC 484 Main Street Beacon, NY 12508	PB	T
p/o 6054-29- 045758 (See Fig. 1 – portion of lot fronting on Van Nydeck)	443 Main Street Beacon, NY 12508	Verizon New York Inc. PO Box 2749 Addison, TX 75001	PB	T
p/o 6054-29- 041761 (See Fig. 1 – portion of lot fronting on Van Nydeck Avenue)	433 Main Street Beacon, NY 12508	Verizon New York Inc. PO Box 2749 Addison, TX 75001	PB	T

p/o 6054-29-035764 (See Fig. 1 – portion of lot fronting on Van Nydeck Avenue)	427 Main Street Beacon, NY 12508	Beacon Court Associates Inc. 427 Main Street Beacon, NY 12508	PB	T
p/o 6054-29-026773 (See Fig. 1 – portion of lot fronting on Van Nydeck Avenue)	423-425 Main Street Beacon, NY 12508	City of Beacon 1 Municipal Plaza Beacon, NY 12508	PB	T
5954-36-918821	Dewindt Street Beacon, NY 12508	St. Rocco Society 26 S. Chestnut Street Beacon, NY 12508	OB	T
5954-36-926817	26 S. Chestnut Street Beacon, NY 12508	St. Rocco Society 26 S. Chestnut Street Beacon, NY 12508	OB	T
5954-36-939808	5 Henry Street Beacon, NY 12508	Ninnie Management Corp. PO Box 328 Beacon, NY 12508	OB	T
5954-36-948802	7 Henry Street Beacon, NY 12508	Garth T. Mark 434 Clermont Avenue Brooklyn, NY 11238	OB	T
5954-36-955796	19 Henry Street Beacon, NY 12508	Anthony J. Furco, Trustee 19 Henry Street Beacon, NY 12508	OB	T
5954-36-963790	21 Henry Street Beacon, NY 12508	Lorraine Koscal, LT Glenn Koscal RM John Koscal LT Lynn Golde RM Thomas Koscal RM 21 Henry Street Beacon, NY 12508	OB	T
5954-36-970785	25 Henry Street Beacon, NY 12508	Lucas F. Simmons 25 Henry Street Beacon, NY 12508	OB	T
5954-36-973782	Henry Street Beacon, NY 12508	Lucas F. Simmons 25 Henry Street Beacon, NY 12508	OB	T
5954-36-986773	33 Henry Street Beacon, NY 12508	Henry St. Professional Bldg LLC 33 Henry Street Beacon, NY 12508	OB	T

5954-36-992768	37 Henry Street Beacon, NY 12508	Maria Caputo LT Felicia McKeon RM 111 Teller Avenue Beacon, NY 12508	OB	T
5954-36-994766	Henry Street Beacon, NY 12508	Maria Caputo LT Felicia McKeon RM 111 Teller Avenue Beacon, NY 12508	OB	T
6054-29-002765	111 Teller Avenue Beacon, NY 12508	Felicia McKeon 111 Teller Avenue Beacon, NY 12508	OB	T
5954-36-999761	107 Teller Avenue Beacon, NY 12508	Alexander W. Bloomstein 61 Cold Water Street PO Box 248 Hillsdale, NY 12529	OB	T
p/o 6054-38-170722 (See Fig. 1 - portion of lot fronting on E Main Street)	3 Water Street Beacon, NY 12508	Pok Beacon LLC 3 Water Street Beacon, NY 12508	CMS	R1-5
6054-30-172841	590 Main Street Beacon, NY 12508	John Kelly Zoe Markwalter-Kelly 590 Main Street Beacon, NY 12508	OB	T
6054-30-177846	592 Main Street Beacon, NY 12508	Michael Huxta 592 Main Street Beacon, NY 12508	OB	T
6054-30-166854	3 Blackburn Avenue Beacon, NY 12508	James F. Mesmain Euphema A. Mesmain	OB	T
6054-30-172867	16 Hanna Lane Beacon, NY 12508	EjC I LLC 16 Hanna Lane Beacon, NY 12508	OB	T
6054-30-187866	12 Hanna Lane Beacon, NY 12508	EjC II LLC 16 Hanna Lane Beacon, NY 12508	OB	LI
6054-22-183889	4 Hanna Lane Beacon, NY 12508	EjC III LLC 16 Hanna Lane Beacon, NY 12508	OB	LI
p/o 5954-49-608543 (See Fig. 2 - portion of lot	Dennings Avenue Beacon, NY 12508	D I A Center for Arts 3 Beekman Street Beacon, NY 12508	LB	LI

adjacent to Parcel # 605699)				
5954-41-605699	3 Beekman Street Beacon, NY 12508	D I A Center for Arts 3 Beekman Street Beacon, NY 12508	LB	LI
5954-42-709720	73-75 South Avenue Beacon, NY 12508	The McKinney Family LP 10 Greenwood Drive Beacon, NY 12508	LB	GB
5954-42-693718	506 Harbor View Court Beacon, NY 12508	John David O'Leary Kaouthar Arroum 395 12 th Street Brooklyn, NY 11215	LB	RD-6
5954-42-694714	504 Harbor View Court Beacon, NY 12508	Annie C. Harden 504 Harbor View Court Beacon, NY 12508	LB	RD-6
5954-42-691708	502 Harbor View Court Beacon, NY 12508	Victor Rivera Mary Rivera 502 Harbor View Court Beacon, NY 12508	LB	RD-6
5954-42-706703	1020 Wolcott Avenue Beacon, NY 12508	Movil Development Corp. 284 Main Street Beacon, NY 12508	LB	GB
5954-42-731679	100 South Avenue Beacon, NY 12508	100 South Avenue LLC 105 Sedgman Ct Cary, NC 27511	LB	GB
6054-13-220480	798 Wolcott Avenue Beacon, NY 12508	Prospect Realty Syndicate Inc. 1100 Route 9 Fishkill, NY 12524	LB	GB
6054-13-223470	796 Wolcott Avenue Beacon, NY 12508	Prospect Realty Syndicate Inc. 1100 Route 9 Fishkill, NY 12524	LB	GB
6054-13-228457	790 Wolcott Avenue Beacon, NY 12508	Rafiq Ahmed 790 Wolcott Avenue Beacon, NY 12508	LB	GB
6055-80-459057	Fishkill Avenue Beacon, NY 12508	Landgrove Realty Inc. 29 Lydia Drive Beacon, NY 12508	LI	FCD

p/o 6054-37-096715(See Fig. 3- portion of lot adjacent to Parcel # 459057)	Main Street Beacon, NY 12508	Midtown Trackage Ventures LLC 347 Madison Avenue New York, NY 10017	LI	FCD
5954-27-798971	4 Cross Street Beacon, NY 12508	Hudson Todd LLC 4 Cross Street Beacon, NY 12508	PB	CMS
5954-27-795990	11 Cross Street Beacon, NY 12508	Jeremy M. Goulder 11 Cross Street Beacon, NY 12508	R1-5	T
5954-27-798992	13 Cross Street Beacon, NY 12508	Richard L. Brigati Ethel Jean Brigati 335 Woodmont Road Hopewell Junction, NY 12533	R1-5	T
5954-27-790996	25 West Church Street Beacon, NY 12508	Lisa Taravella 25 West Church Street Beacon, NY 12508	R1-5	T
5954-27-784996	West Church Street Beacon, NY 12508	Lindley Todd LLC 4 Cross Street Beacon, NY 12508	R1-5	T
p/o 5954-27-774986(See Fig 1 – portion of lot fronting on West Church Street	152 Main Street Beacon, NY 12508	Lindley Todd LLC 4 Cross Street Beacon, NY 12508	R1-5	T
5954-27-774997	West Church Street Beacon, NY 12508	Lindley Todd LLC 4 Cross Street Beacon, NY 12508	R1-5	T
5954-27-769998	West Church Street Beacon, NY 12508	Lindley Todd LLC 4 Cross Street Beacon, NY 12508	R1-5	T

5954-26-689990	High Street Beacon, NY 12508	Bay Ridge Studios LLC 25-02 Francis Lewis Blvd Flushing, NY 11358	L	L Commercial Uses Permitted
5954-26-781983	High Street Beacon, NY 12508	Bay Ridge Studios LLC 25-02 Francis Lewis Blvd Flushing, NY 11358	L	L Commercial Uses Permitted
5954-25-581962	6 W. Main Street Beacon, NY 12508	James E. Ward, Jr. Marie Ward 6 W. Main Street Beacon, NY 12508	L	L Commercial Uses Permitted
5954-25-580959	4 W. Main Street Beacon, NY 12508	Carl Wade Yvette Wade 4 W. Main Street Beacon, NY 12508	L	L Commercial Uses Permitted
5954-25-569966	11 Branch Street Beacon, NY 12508	Mark Bobbitt Carmen Bobbitt 11 Branch Street Beacon, NY 12508	L	L Commercial Uses Permitted
5954-26-708967	1 Municipal Plaza Beacon, NY 12508	City of Beacon 1 Municipal Plaza Beacon, NY 12508	L	L Commercial Uses Permitted

Section 5. 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 6. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

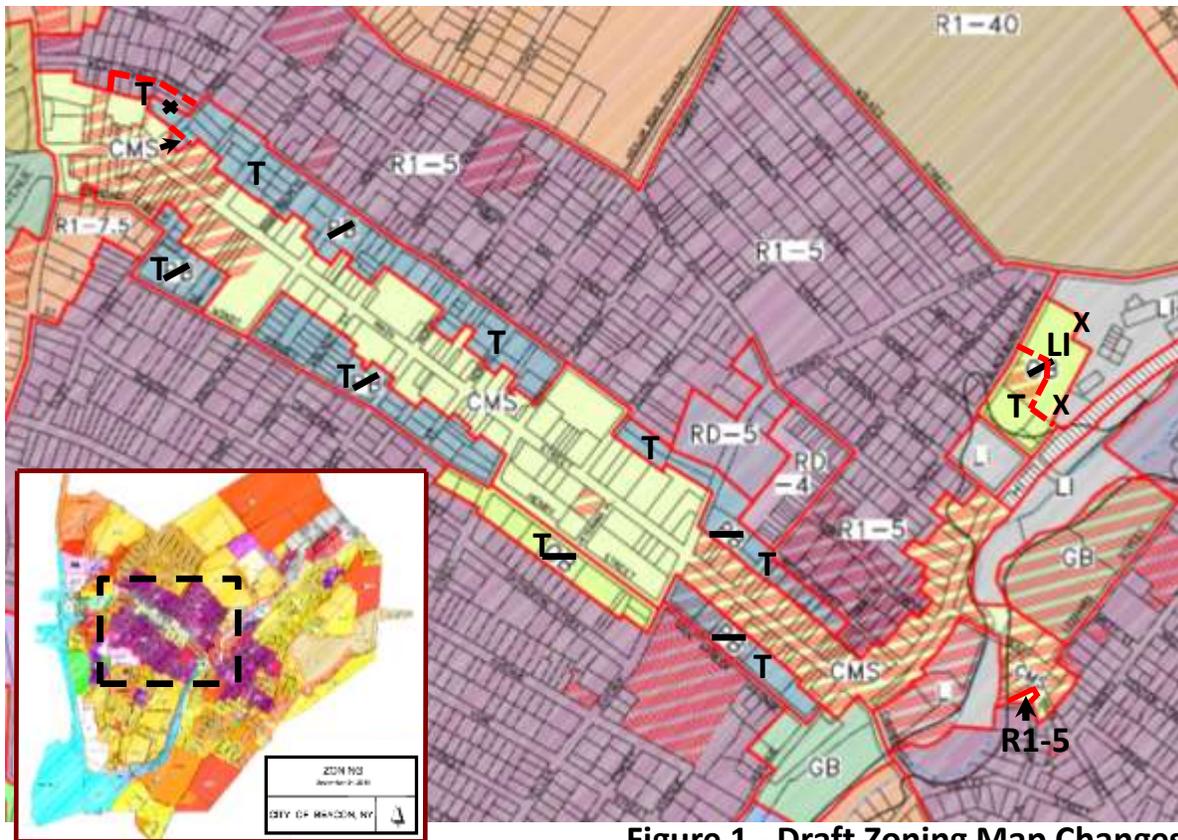


Figure 1 - Draft Zoning Map Changes

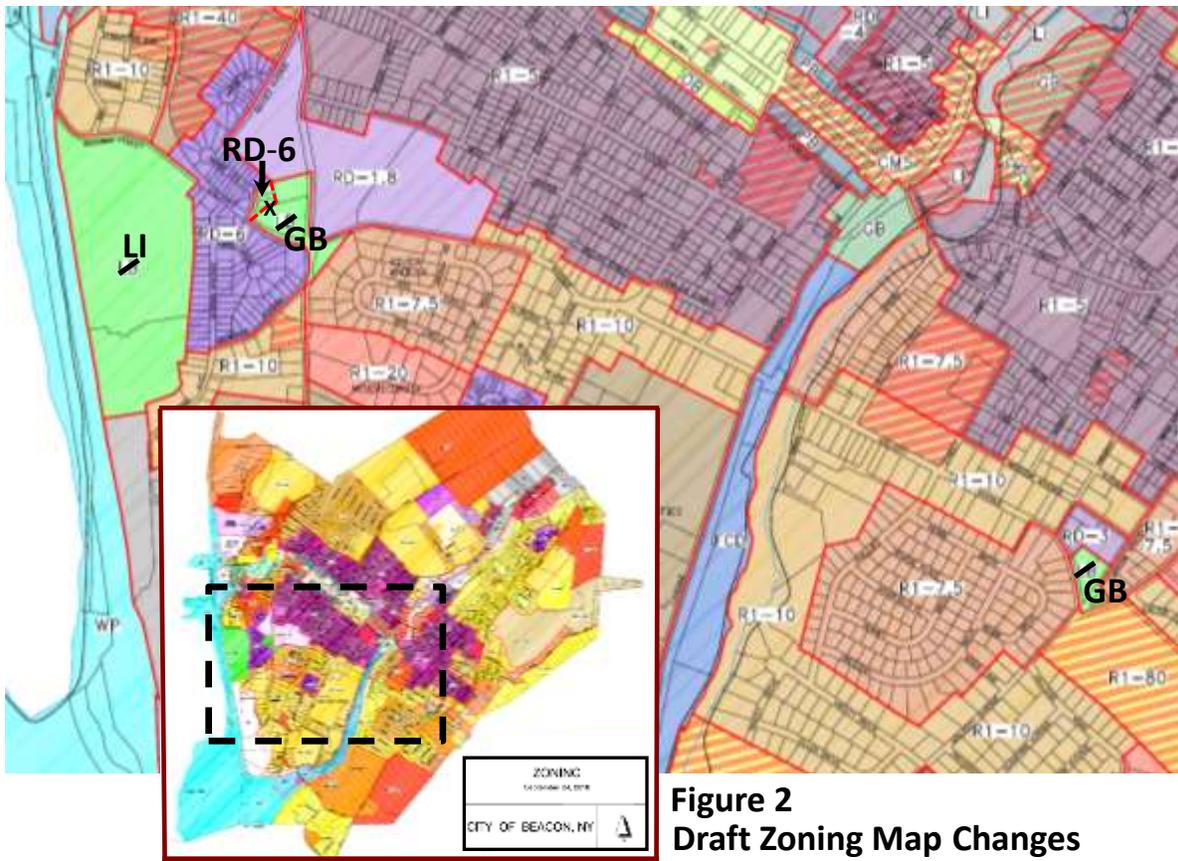


Figure 2
Draft Zoning Map Changes

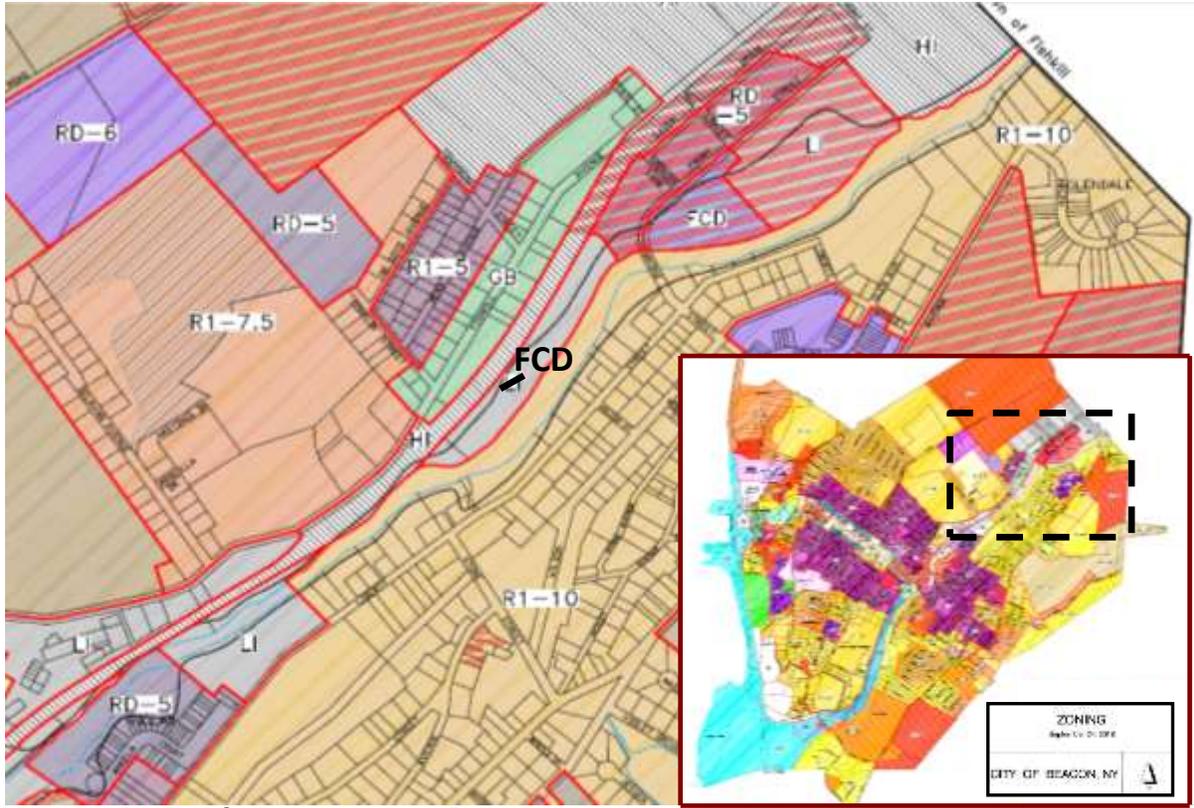


Figure 3 - Draft Zoning Map Changes

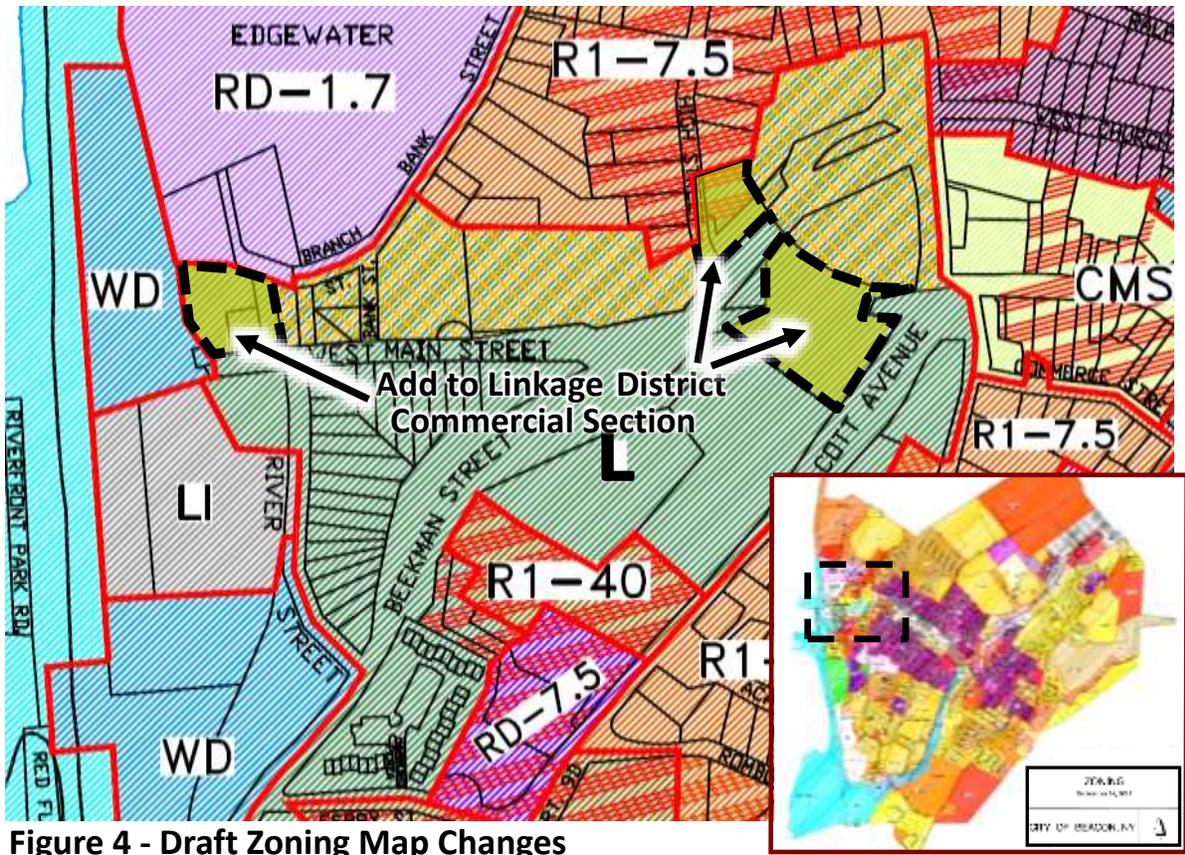


Figure 4 - Draft Zoning Map Changes

LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTERS 223 AND 210
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapters 223 and 210 of the Code of the City of Beacon regarding the Schedule of Regulations and associated amendments.

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

Section 1. Chapter 223 of the Code of the City of Beacon, Article II, Section 2, entitled “Establishment of Districts” is hereby amended as follows:

§ 223-2 Establishment of districts.

The City of Beacon is hereby divided into the following classes of districts:

A. Residential:

- (1) R1-120 One-Family Residence District, 120,000 square feet per dwelling unit.
- (2) R1-80 One-Family Residence District, 80,000 square feet per dwelling unit.
- (3) R1-40 One-Family Residence District, 40,000 square feet per dwelling unit.
- (4) R1-20 One-Family Residence District, 20,000 square feet per dwelling unit.
- (5) R1-10 One-Family Residence District, 10,000 square feet per dwelling unit.
- (6) R1-7.5 One -Family Residence District, 7,500 square feet per dwelling unit.
- (7) R1-5 One-Family Residence District, 5,000 square feet per dwelling unit.
- (8) RD-7.5 Designed Residence District, 7,500 square feet per dwelling unit (minimum lot size of two acres).

~~[1] Editor's Note: This local law also provided for the renumbering of former Subsections A(8) through (16) as Subsections A(9) through (17).~~

- (9) RD-6 Designed Residence District, 6,000 square feet per dwelling unit (minimum lot size of ~~five~~ two acres).
- (10) RD-5 Designed Residence District, 5,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (11) RD-4 Designed Residence District, 4,000 square feet per dwelling unit (minimum lot size of ~~two acres~~ 5,000 square feet).
- (12) RD-3 Designed Residence District, 3,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (13) RD-1.8 Designed Residence District, 1,800 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (14) RD-1.7 Designed Residence District, 1,700 square feet per dwelling unit (minimum lot size of 5,000 square feet).

~~{2} Editor's Note: This local law also provided for the redesignation of former subsection A(13) and (14) as A(14) and (15), respectively.~~

- ~~(15) RMF-1.5 Multifamily Residence District, 1,500 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~
- ~~(16) RMF-8 Multifamily Residence District, 800 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~
- ~~(15)-(17) Senior Affordable Housing Overlay (SAHO) District.~~

B. Commercial:

(1) ~~PB Business Off-Street Parking~~ T Transitional District.

~~(2){3} OB Office Business District.~~

~~{3} Editor's Note: Former Subsection B(2), HB Hotel Business District, was repealed 6-17-2013 by L.L. No. 11-2013. This local law also provided for the renumbering of former Subsection B(3) through (8) as Subsection B(2) through (7), respectively.~~

~~(3) LB Local Business District.~~

~~(4) CB Central Business District.~~

(2) GB General Business District.

(3) CMS Central Main Street District.

(4) L Linkage District.

C. Industrial:

(1) LI Light Industrial District.

(2) HI Heavy Industrial District.

D. POD Parking Overlay District.

E. WP Waterfront Park Zone.

F. WD Waterfront Development Zone.

G. FCD Fishkill Creek Development District.

Section 2. Chapter 223 of the Code of the City of Beacon, Article III, Section 10, entitled “Non-conforming uses and structures,” Subsections H-L are hereby amended as follows:

§ 223-10 Non-conforming uses and structures

...

~~H. Residential uses on Main Street. [Added 12-29-1997 by L.L. No. 14-1997]~~

- ~~(1) Legislative intent. The Central Business (CB) and General Business (GB) Districts along Main Street have traditionally been and will continue in the future to essentially be retail/service in nature. In order for the Main Street business district to be healthy and vital, it must compete successfully with other business districts. One of the essential characteristics of a healthy downtown business district is a high degree of continuity between adjacent retail and service uses, so that consumers can conveniently walk from one storefront to the next without frequently being interrupted by gaps between the retail and service uses. These gaps are the result of uses which are not open to the general public such as, in this case, residential uses. Residences which are located at the front of the ground floor of the buildings on Main Street are believed to be more injurious to the health and vitality of this business district than residences located at the rear of the ground floor of said buildings because the shopping portion of the business district is primarily, but not exclusively, at the front of said buildings. It is recognized, however, that there are currently several vacant storefronts on Main Street. The City Council has determined that the residential units affected by this subsection should not be converted to retail space unless the vacancy rate for such retail space has declined to an acceptable level in the discretion of the City Council. As a result, the special permit procedure outlined herein will specifically take into consideration the vacancy rate on Main Street at the time this subsection is implemented.~~
- ~~(2) Discontinuance. The following provisions pertain to buildings located on Main Street in the Central Business and General Business Zoning Districts: residential uses which are neither located on the upper floors nor in the rear of the first floor of said buildings shall be discontinued effective October 1, 2002. The City of Beacon shall notify all affected property~~

~~owners no later than October 1, 2001, that all residential units so situated in the Central Business (CB) and General Business (GB) Zoning Districts must be converted no later than October 1, 2002, pursuant to the terms of this subsection.~~

~~(3) Special use permit. Any property owner affected by this section shall be eligible to apply to the City Council for a special use permit to continue said residential occupancy for a period of two years. There shall be no further permits issued after the aforementioned permit has expired. Such application must be made no later than April 1, 2002, in order to maintain eligibility for the special use permit. The general provisions regarding the issuance of special use permits set forth in this chapter shall also apply to this application. In addition, the City Council shall take the vacancy rate for storefronts on Main Street into consideration when determining whether to issue such a permit.~~

~~I. I. Variance procedure. Any person or persons jointly or severally aggrieved by the terms of this chapter shall have the right to review a special permit determination by the City Council by a public hearing before the Zoning Board of Appeals and by a proceeding under Article 78 of the Civil Practice Law and Rules, which proceedings must be commenced within 30 days of the filing of such determination with the City Clerk.~~

~~J. Exemption. This local law shall not apply to the residence located at 317 Main Street. This use as a single family dwelling shall be continued as a nonconforming use notwithstanding the remaining provisions of this local law. However, the existing commercial portion of these premises which front on Main Street, may not be converted to a residential use.~~

~~H. H. General nuisances. Upon a complaint registered by the Building Inspector or 50% of the property owners within 250 feet of a nonconforming use which is considered to be a general nuisance or hazard to the health, safety, welfare and morals of uses or structures within 250 feet of such nonconforming use or uses, the Zoning Board of Appeals shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Zoning Board of Appeals as related to the reasonable amortization of the capital investment in such uses.~~

Section 3. Chapter 223 of the Code of the City of Beacon, Article III, Section 13, entitled “Yards; building projections,” Subsections I-O are hereby amended and added as follows:

§223-13 Yards, building projections, heights, and accessory structures

...

I. Visibility at intersections. On a corner lot in any residence district, no fence wall, hedge or other structure or planting more than ~~three~~ 3.5 feet in height shall be erected, placed or maintained within the triangular area formed by ~~the intersecting street center lines and~~ a straight line joining ~~said street center lines at~~ points which are ~~100~~ 25 feet distant from ~~the point of intersection,~~ measured along said street center lines intersecting lines of the curb or edge of pavement. The height of ~~three~~ 3.5 feet shall be measured above the road surface at the ~~center line~~ edge of the road

having the lesser elevation. This subsection shall not apply to existing trees, provided that no branches are closer than six feet to the ground and they are not obstructing street views from the corner.

- J. Corner lots. On a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width.
- K. Exception for existing alignment of buildings. If on one side of a street within 250 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedules of Regulations,[1] a front yard shall be required in connection with any new building which shall conform as nearly as practicable to those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 40 feet.
- L. Awnings. No awning, or similar weather shielding feature, projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight feet above the sidewalk area.
- M. Swimming pools. All swimming pools shall be considered structures and shall set back from lot lines at least the minimum distance required for other principal buildings and structures in that district.

(1) If a swimming pool, as located, is within 100 feet from a dwelling other than the owner's or within 50 feet from any street or property line, the same must be completely surrounded by a fence or wall enclosure not less than four feet in height with openings, holes or gaps (exclusive of gates or doors) therein not more than four inches in one dimension, a part of which enclosure may consist of a dwelling house or accessory building. A wall or fence or other enclosure wholly enclosing a dwelling house shall constitute compliance with this requirement.

(2) Each and every swimming pool gate or door opening through such enclosure shall be equipped and maintained with effective self-closing and self-latching devices, except that the floor of any occupied dwelling house forming a part of such enclosure need not be so equipped. The use of a natural barrier, hedge or pool cover will be deemed to satisfy the requirement of a fence or wall as specified above when approved by the Building Inspector.

N. The minimum height of any principal building on a lot shall be one-story and 12 feet.

Section 4. Chapter 223 of the Code of the City of Beacon, Article III, Section 14, entitled “Landscaping, lighting, and miscellaneous regulations,” Subsection E is hereby amended as follows:

§223-14 Landscaping, lighting, and miscellaneous regulations

...

E. Accessory buildings on residential lots. [Added 1-19-2016 by L.L. No. 2-2016]

(1) General. No detached accessory building, including a garage, utility shed, storage shed or other outbuilding, but not including construction sheds, is permitted, until such time as the principal building has been substantially completed in conformance with all applicable provisions of this chapter. All accessory buildings shall comply with the dimensional and bulk requirements set forth on the accompanying Schedules of Regulations constituting § 223-17 ~~C and E~~ of this chapter unless specifically provided otherwise herein. For the purpose of this section, "residential lots" shall mean any lot containing a permitted residential use.

(2) Sheds. A shed may be erected, provided that it is used for storage and utility purposes that are customary and incidental to the existing residence. Notwithstanding any requirement in the Schedules of Regulations ~~for Residential Districts~~[1] to the contrary, the shed shall be no larger than 144 square feet in floor area and a maximum of 10 feet in height at its highest point.

[1] Editor's Note: The Schedules of Regulations ~~for Residential Districts~~ is ~~is~~ are included as an attachment to this chapter.

(3) Detached garages and other accessory buildings. Detached garages and other accessory buildings are permitted, provided that they comply with the accompanying Schedules of Regulations[2] and meet the following additional requirements:

(a) The building shall be located behind the front line of the primary building.

(b) The building shall be permanent, except that fabric-covered frames or structures are permitted, provided that the structure and the fabric are appropriately maintained in good condition.

(c) The building shall not be equipped with showers or bathing fixtures and equipment.

(d) In no case shall the total square footage of all accessory buildings exceed the limits established in the Schedules of Regulations.

(e) Space provided above the grade story shall be utilized for storage only.

[2] Editor's Note: The Schedules of Regulations are included as attachments to this chapter.

Section 5. Chapter 223 of the Code of the City of Beacon, Article III, Section 17, entitled "Schedule of Regulations" is hereby amended as follows:

§ 223-17 Schedules of Regulations.

A. The accompanying Schedules of Regulations constituting § 223-17C and D herein list and define the use of land and buildings, the height of buildings, the yards and other open space to be provided in connection with buildings, the area of lots, off-street parking space and other matters.

The regulations listed for each district as designated are hereby adopted and prescribed for each such district, subject to the provisions of this section, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

B. It is the intention that the uses set forth for each district shall not be permitted uses in any other district in the schedules, unless allowed specifically or by reference as permitted uses in said district.

C. Schedule of Use Regulations ~~for Residential Districts~~.^[1]

[1] Editor's Note: The Schedule of Use Regulations ~~for Residential Districts~~ is included as an attachment to this chapter.

D. Schedule of Dimensional Regulations ~~for Nonresidential Districts~~.^[2]

[2] Editor's Note: The Schedule of Dimensional Regulations ~~for Nonresidential Districts~~ is included as an attachment to this chapter.

E. Schedule of Regulations for Accessory Buildings on Residential Lots.^[3]

[3] Editor's Note: The Schedule of Regulations for Accessory Buildings on Residential Lots is included as an attachment to this chapter.

Section 6. Chapter 223 of the Code of the City of Beacon, Article III, Section 18, entitled “Special permit uses,” Subsection B is hereby amended as follows:

§ 223-18 Special permit uses.

...

B. Application for a special permit.

(1) Application for required special permits shall be made to the City Council or Planning Board as indicated in §223-17, Schedule of Use Regulations. If the approval authority is the City Council, the application shall be first submitted to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving ~~such an~~ application for the City Council, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each such application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council or Planning Board shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice

of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council or Planning Board shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council or Planning Board must render its decision may be extended by mutual consent of the applicant and the ~~Board~~ approving authority. The City Council or Planning Board may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

- (a) The location and size of the use, the nature, hours, 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 not conflict~~ with the appropriate and orderly development of the ~~district in which it is located~~ site and the existing permitted uses on adjacent blocks.
 - (b) 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 conflict with the existing permitted uses on adjacent blocks and will not hinder or discourage the appropriate development use of adjacent land and buildings.
 - (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic in Article IV than would be the operations of any permitted use, not requiring a special permit.
 - (d) 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, and uses will not cause unreasonable traffic congestion or create a traffic hazard.
 - (e) Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
 - (f) The use will comply with other regulations in the Code and will be compatible with the recommendations in the City's Comprehensive Plan and Local Waterfront Revitalization Program.
- (2) The decision of the City Council or Planning Board on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

Section 7. Chapter 223 of the Code of the City of Beacon, Article III, Section 20, entitled “Hotels” in its entirety is hereby renumbered as follows:

§ 223-14.1 Hotels.

Section 8. Chapter 223 of the Code of the City of Beacon, Article III, Section 20.1, entitled “Adult uses,” Subsection C is hereby amended as follows:

§ 223-20.1 Adult uses.

...

C. Location. Adult uses are to be restricted as to location in the following manner in addition to any other requirements of this code:

- (1) Adult uses shall not be located within a five-hundred-foot radius of the following zoning districts which permit residential development: R1-120, R1-80, R1-40, R1-20, R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8, RD-1.7, ~~RMF-1.5 and RMF-8.~~ and Senior Affordable Housing Overlay District.
- (2) Adult uses shall not be located within a one-half-mile radius of another such use.
- (3) Adult uses shall not be located within a five-hundred-foot radius of the property lines of any school, church or other religious institution or place of religious worship, park, playground or playing field.
- (4) Adult uses shall not be located in or within 500 feet of any Historic District and Landmark Overlay Zone.

Section 9. Chapter 223 of the Code of the City of Beacon, Article III, Section 22, entitled “Nursing homes,” Subsection B is hereby amended as follows:

§ 223-22 Nursing homes.

...

B. Site.

- (1) In any R1-40 or R1-20 District, the minimum lot area shall be 40,000 square feet, plus 2,500 square feet for each additional resident person over 10 in number.
- (2) In any R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8 or RD-1.7 District, the minimum lot area shall be 20,000 square feet, plus 1,500 square feet for each additional resident person over 10 in number.
- (3) ~~In any other district, where permitted~~ In any FCD, LI, or HI district, the minimum lot area shall be 10,000 square feet, plus 1,000 square feet for each additional resident person over 10 in number.

Section 10. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.1, entitled “Accessory apartments,” Subsections D and F are hereby amended as follows:

§ 223-24.1 Accessory apartments.

...

D. Apartment size. 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 Planning Board 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.

...

F. Off-street parking. A minimum of ~~two~~ one 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.

...

Section 11. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.3, entitled “Artist live/work spaces” is hereby renumbered in its entirety as follows:

§ 223-14.2 Artist live/work spaces.

Section 12. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.5, entitled “Wireless telecommunications services facilities,” Subsection H(3) is hereby amended as follows:

§ 223-24.5 Wireless telecommunications services facilities.

...

H. Location and access

(3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection H(3)(a) being the highest priority and Subsection H(3)(g) being the lowest priority:

- (a) Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City.
- (b) Collocation on a site with existing wireless telecommunication services facilities in the City.

- (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
- (d) On sites, buildings and structures in the ~~PB, OB, LB~~ and GB Zoning Districts.
- (e) On sites, buildings and structures in the L, T, and CMS Zoning Districts.
- (f) On sites, buildings and structures in Residential Zoning Districts.
- (g) On sites, buildings and structures in the FCD, WD, WP, or Historic District and Landmark Overlay Zone.

Section 13. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.6, entitled “Artist studio as an accessory special permit use” is deleted in its entirety.

Section 14. Chapter 223 of the Code of the City of Beacon, Article III, Section 223-24.7, entitled “Uses permitted by special permit in the Historic District and Landmark Overlay Zone” is hereby amended as follows:

§ 223-24.7 Uses permitted by special permit in the Historic District and Landmark Overlay Zone.

The following uses may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone:

- A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:
 - (1) Artists' or artisans' studios.
 - (2) Antique shops.
 - (3) Rare book, coin or stamp shops or similar type uses as determined by the City Council.
- B. Residential, hotel, or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the City Council. These uses may include the following:
 - (1) Sit-down restaurants not to exceed a seating capacity of 50.
 - (2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.
 - (3) Professional offices not to exceed 10 employees.

(4) Multifamily residential use not to exceed four units.

(5) Artist live/work spaces not to exceed four units.

(6) Hotel and hotel-related accessory uses and structures with adequate screening of any new structures from surrounding public street views.

C. Special permits warranted under certain conditions.

(1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the City Council may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:

(a) Building(s) size.

(b) Building(s) configuration.

(c) The nature of the proposed preservation and/or adaptive reuse of the building(s).

(d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.

(2) In approving any such special permit, the City Council shall establish such limitations on the number of seats, employees, dwelling units, ~~or~~ artist live/work spaces, or accessory uses and structures, as the case may be, as it deems warranted.

Section 15. Chapter 223 of the Code of the City of Beacon, Article III, Section 26, entitled “Off-street parking, loading, and vehicular access,” Subsections C, E and F are hereby amended as follows:

§ 223-26 Off-street parking, loading, and vehicular access.

...

C. Location, use, design, construction and maintenance.

(1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five

feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2) Parking specifications.

- (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under § 223-25, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the ~~EB~~ CMS District.
- (b) Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 18 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
- (c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 24 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(3) Landscaping. Except for parking spaces accessory to a one-family dwelling, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 10 parking spaces.

- (a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.
- (b) The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
- (c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.

(4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended

from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD ~~and RMF~~ Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

- (5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
- (6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.
- (7) Designed residence and multifamily residence districts.
 - (a) In RD ~~and RMF~~ Districts, in order that some of the required parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the required car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.
 - (b) In RD ~~or RMF~~ Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

...

- E. Waiver of improvement. Except within ~~the Central Business District and~~ the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained

assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

F. Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows, except that the Board of Appeals may modify these provisions as a condition of the issuance of a special permit according to the provisions of § 223-19.

1- and 2-family dwelling	2 spaces for each dwelling unit
Multifamily dwelling and/or apartment or artist live/work space	1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area
Professional <u>home</u> office or home occupation permitted in a residential district	2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
Bed-and-breakfast establishment, rooming house or boardinghouse	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel <u>or inn</u>	Subject to § 223- 20L <u>14.1 C</u>
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships
Bowling alley or other place of <u>indoor</u> commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater
Retail or service business, including auction gallery	1 space for each 200 square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area,

Office for business or professional use (other than accessory to residential use)	excluding kitchen and storage areas, whichever is greater
Banking office	1 space for each 200 square feet of gross floor area, excluding utility areas
Funeral parlor <u>home</u> or under-taking establishment	1 space for each 200 square feet of gross floor area, excluding utility areas
Motor vehicle sales and service	10 spaces per establishment, plus 1 space per employee
Veterinary office <u>Animal care facility</u>	1 space per employee, plus 1 space per 150 square feet of gross floor space
Car washing establishment	1 space per employee, plus 1 space per 300 square feet of gross floor space
Research or development laboratory	Subject to § 223-21F
Manufacturing or industrial use	1 space per employee, but not less than 1 space per 600 square feet of gross floor space
Wholesale, storage, utility or other similar commercial use	1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space
Senior citizen-use <u>housing</u>	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
Museums in LI and/or LB Zone located within walking distance (3,000 feet) of entrance to train station	2 spaces for each 3 dwelling units
Artist studio	1 parking space per 3,000 feet of gross floor space
Art gallery/exhibit space	1 space for each 500 square feet of gross floor space
Bar or brew pub	1 space for each 250 square feet of gross floor area
Microbrewery or microdistillery	1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Museum	1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public
Other uses not listed	1 space for each 300 square feet of gross floor area
	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of relevant factors entering into the parking needs of each such use

(1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City

Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.

...

Section 16. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.2, entitled “Tattoo parlors” is deleted in its entirety.

Section 17. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.3, entitled “Retail sales from a truck or trailer” is deleted in its entirety.

Section 18. Chapter 223 of the Code of the City of Beacon, Article IVA, Section 41.4, entitled “Waterfront Development (WD) Zone,” Subsections B, C, G(2), G(6), H, J(7) and J(11)(b) are hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

B. Permitted principal uses. Permitted principal uses shall be as follows, subject to a requirement that a minimum of 25 percent of the total development’s floor area within 400 feet of the Train Station shall be permitted nonresidential uses, not including artist live/work spaces, which must be built out before or concurrently with any residential development of the site:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily ~~and/or attached~~ dwelling units.
- (3) Convenience retail and personal service shops designed to serve the needs of area residents and commuters.
- (4) Restaurants, bars or brew pubs.
- (5) Inns, hotels, fitness centers, spas ~~and or~~ day care centers.
- (6) Art, craft or fine arts galleries.

- (7) ~~Professional or small business offices in a mixed-use buildings, and not to exceed 40% of the total floor area in a mixed-use buildings~~ Office. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.
- (8) Professional, small business and service facilities ~~es~~y in the lower floors of a multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade or pocket park.
- (11) Public or semipublic use; live theater, concert hall, museum or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference space or conference center.
- (13) Microbrewery or microdistillery
- (14) Other use similar to the above uses as determined by resolution of the City Council.

C. Special permit uses. The following uses may require a special permit ~~from the Planning Board, pursuant to the provisions set forth~~ in Subsection F:

- (1) ~~Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities~~ Wireless telecommunication services facility, subject to §223-24.5.
- ~~(2) Conference centers. Small cell wireless telecommunications facility, subject to §223-26.4.~~
- ~~(3) Other uses similar to the above uses as determined by resolution of the City Council.~~

...

G. Procedure for special permit and waterfront development concept plan review.

- (2) Planning Board review of special permit and waterfront development concept plan application.
 - (a) Environmental compliance.
 - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
 - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.

- [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.
 - [4] To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and waterfront development concept plan review. When a SEQR hearing is to be held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.
 - [5] Notwithstanding Subsection ~~F~~ G(2)(a)[1] through [4] immediately above, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, and where a lead agency has been established and has scoped a DEIS for the overall waterfront development project, said phase (or phases) may be segmented for the purposes of environmental review in accordance with the provisions of SEQR. In such case, the lead agency shall require the preparation of a full environmental assessment form (EAF) for its use in rendering a determination of significance regarding said phase(s). Further, the lead agency shall notify all involved and interested agencies that the phase(s) will be segmented and shall send a copy of the EAF with said notification.
- (b) Special permit approval. The Planning Board may authorize the issuance of a special permit for a waterfront development project, provided that it shall find that the following conditions and standards have been met:
- [1] The proposed waterfront development project will fulfill the purposes of the waterfront development zone.
 - [2] The proposed waterfront development project meets the Waterfront Development Design Standards set forth in § 223-41.4J, to the extent applicable at the special permit stage.
 - [3] The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.
 - [4] The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.
 - [5] The proposed land uses will be in accordance with the approved waterfront development concept plan.
 - [6] The proposed waterfront development uses meet the standards of § 223-41.4B.

[7] The proposed project is otherwise in the public interest.

- (c) Conditions. In approving any waterfront development concept plan and special permit, the Planning Board may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this law.

...

- (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4 ~~F(2)(a)~~^{F5} herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the Planning Board; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to site development plan review and approval for said phase(s) in accordance with Subsection H immediately below.

H. Site development plan review. After approval of the waterfront development special permit the Planning Board may grant site plan approval to a waterfront development project.

- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:
 - (a) Information to establish that the proposed site plan meets the waterfront development standards set forth in Subsection ~~F~~^I.
 - (b) Information to establish that the proposed site plan is in substantial conformance with the approved waterfront development concept plan.
 - (c) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
 - (d) Information to establish the relationship of the proposed project to later elements of the development of the site, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
 - (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (f) Application fees as may be required pursuant to Subsection ~~F~~^F.

- (2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire ~~peninsula~~ waterfront area, as it is finally developed.
 - (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed location, height and buffer of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the waterfront development standards set forth in Subsection ~~H~~ I.
 - (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
 - (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or

regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve the site plan amendment by resolution.

- J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards:

...

- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.

- (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.~~
- (b) All exterior lighting shall comply with the standards in §223-14B.

...

- (11) Off-street parking and loading.

- (b) Parking requirements.

[1] Multifamily dwelling: one space per unit.

[2] Retail or service business: one space for each 333 square feet of gross floor, excluding basement storage utility areas.

[3] Restaurant: one space for each ~~two~~ three patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater.

[4] Office for business or professional use: one space for each ~~350~~ 400 square feet of gross floor area.

[5] Hotel: 0.75 space for each hotel guest room.

Section 19. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.6, entitled “Bulk regulations applicable to Waterfront Park Zone” is hereby amended as follows:

§ 223-41.6 Bulk regulations applicable to Waterfront Park Zone.

A. Minimum lot size: one acre. (NOTE: The minimum lot size shall be two acres for those uses requiring a special permit from the City Council.)

B. Maximum building coverage: 20%.

~~C. Maximum floor area ratio: 0.5.~~

~~D C.~~ Minimum building setback from mean high water line: 10 feet.

~~E D.~~ Maximum building height: 2 1/2 stories/35 feet. (NOTE: All habitable stories must be elevated above the one-hundred- year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for business purposes shall not be counted as a story.)

Section 20. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.7, entitled “Bulk regulations applicable to Waterfront Development Zone” is hereby amended as follows:

§ 223-41.7 Bulk regulations applicable to Waterfront Development Zone.

A. Minimum site size: five acres.

B. Maximum height.

(1) Area north of West Main Street (see illustration [1]): Average of four stories of residential/mixed use over parking. Height may not exceed average of 75 feet from average ground level of the existing Metro-North parking.

[1] Editor's Note: Said illustration is included as an attachment to this chapter.

(2) Area south of Light Industry (LI) zone (see illustration [2]): Average of three stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman

Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

[2] Editor's Note: Said illustration is included as an attachment to this chapter.

(3) The illustrations of height attached in this subsection shall not be exceeded so that the public views to the east are adequately protected.

~~C. Maximum floor area ratio (excluding parking):~~

~~(1) Area north of West Main Street: 3.0.~~

~~(2) Area south of Light Industry (LI) zone: 2.0.~~

~~D C.~~ Minimum open space: 15% of the site area, 10% of which must be publicly accessible.

Section 21. Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.12, entitled “Purposes,” is hereby amended as follows:

§ 223-41.12 Purposes.

Purposes of the Fishkill Creek Development (FCD) District are to:

- A. Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central ~~Business~~ Main Street District, but offer larger sites for a flexible range of compatible nonresidential uses.
- B. Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.
- C. Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.

Section 22. Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.13, entitled “Uses; plan review; design standards,” Subsections B, C, and I(7) are hereby amended as follows:

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

...

B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:

- (1) Apartment, attached ~~and or~~ multifamily dwellings.
- (2) Artist live/work spaces, artist studios ~~and or~~ workshops of artisans.
- (3) Bed-and-breakfast establishments ~~and or~~ inns.
- (4) Spas, fitness centers~~/,~~ noncommercial swimming pools, exercise studios, day-care centers, ~~and or~~ similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a streets.
- (5) Restaurants, ~~bar, brew pub, and or~~ other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a streets. No such individual ~~restaurant~~ use shall contain more than 5,000 square feet of gross floor area.
- (6) Professional and business offices in buildings that face a streets.
- (7) Galleries~~y~~, exhibit spaces ~~and or~~ museums.
- (8) Community facilities~~y~~ that complements residential and commercial uses, such as a public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks ~~and or~~ gazebos.
- (9) Assembly, ~~manufacturing, workshop, and or~~ other light industrial uses, as determined by the City Council, in a fully enclosed buildings and not including any form of outdoor storage.
- (10) Day care center.
- (11) Trade school or training program, college, private school, or nursery school.
- (12) ~~(40)~~ Other nonresidential uses similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities~~y~~, including parking structures.

- (3) Solar collector, roof garden, or greenhouse.

...

I. Fishkill Creek Development design standards.

- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use.
- (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high.
- (b) ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky. All exterior lighting shall comply with the standards in §223-14B.~~

Section 23. Chapter 223 of Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 41.18, entitled “Regulations,” Subsections A, B, C, G(1), J(13), J(16) are hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review and approval. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor. ~~The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.~~
- (2) ~~One family, two family, attached, and~~ Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223- ~~20 14.1; or inn, or bed and breakfast establishment, subject to § 223-24.4.~~
- (4) Offices of any kind, including professional, medical, business, ~~and~~ banks or other financial institutions.
- (5) Artist studio.

- (6) Art gallery or exhibit space.
- (7) Restaurant, coffee house, brew pub, bar, and or other establishments that serves food with or without alcoholic beverages, ~~and are not a bar~~.
- ~~(8) Food preparation business.~~
- ~~(8) (9) Retail and or~~ personal services.
- ~~(10) Funeral home.~~
- ~~(11) Off-street parking facilities, provided that they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the street by buildings and/or landscaping.~~
- ~~(12) Public garage, as defined in this chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the street by buildings and/or landscaping.~~
- ~~(9) (13) School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.~~
- ~~(10) (14) Indoor commercial recreation.~~
- ~~(11) (15) Park, plaza, green, preserve, or community garden, ~~and other forms of outdoor plant cultivation~~.~~
- ~~(12) (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.~~
- ~~(13) (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.~~
- ~~(18) Auction gallery.~~
- ~~(19) Wireless telecommunications services facilities, provided that they are consistent with § 223-24.5 and, if mounted on a building, they do not increase its height by more than 15 feet above applicable height limits.~~
- ~~(15) (20) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.~~
- ~~(16) (21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.~~
- ~~(17) (22) Microbrewery or microdistillery, which has a retail or tasting room component of at least 200 square feet of floor area.~~

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

~~(18) (24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar artisan workshops, having a retail component of at least 200 square feet.~~

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

~~(19) (26) Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.~~

B. Uses by special permit.

(1) The following uses are allowed by special permit from the City Council or Planning Board as indicated in §223-17, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through ~~(d) (f)~~ have been met:

~~(a) Food preparation business. A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sales of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.~~

~~(b) Off-street parking lot or parking structure as principal uses, in accordance with § 223-41.18G. A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.~~

~~(c) Wireless telecommunications facilities, subject to §223-24.5 and §223-26.4, provided that if mounted on a building, it does not increase its height by more than 15 feet above applicable height limits.~~

~~(d) Historic District or Landmark Overlay use, subject to §223-24.7.~~

(2) In considering the appropriateness of the proposed use, the City Council or Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the City Council or Planning Board shall follow the regulations in § 223-18 of this chapter.

C. Accessory uses. The following are permitted accessory uses in the CMS District:

(1) Any accessory building or use customarily incident to a permitted use, except outside storage.

(2) Signs, in accordance with the provisions of § 223-15, as applicable.

(3) Off-street parking areas or parking structure, in accordance with § 223-41.18G.

(4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13) and § 223-14B.

(5) Home occupation, subject to § 223-17.1.

(6) Roof garden or solar collector.

(7) Greenhouse.

...

G. Parking location and quantity.

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

(2) The minimum quantity of required on-site parking spaces shall be as follows:

(a) Residential: one space per unit.

(b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.

(c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.

(d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.

(3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:

(a) That the projected operational characteristics of the proposed use require a different amount of parking.

(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or ~~PB~~ I Districts.

(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.

(d) That there is sufficient public parking available within 800 feet of the site and within the

CMS or **PB I** Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.

- (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or **PB I** Districts and voluntarily dedicate such land to the City for public parking.
 - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this chapter shall apply in the CMS District.

...

J. Design standards

...

(13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures. All exterior lighting shall comply with the standards in §223-14B.~~

...

(16) The following Figure 18-7 provides annotated photographs to illustrate design standards in this section:

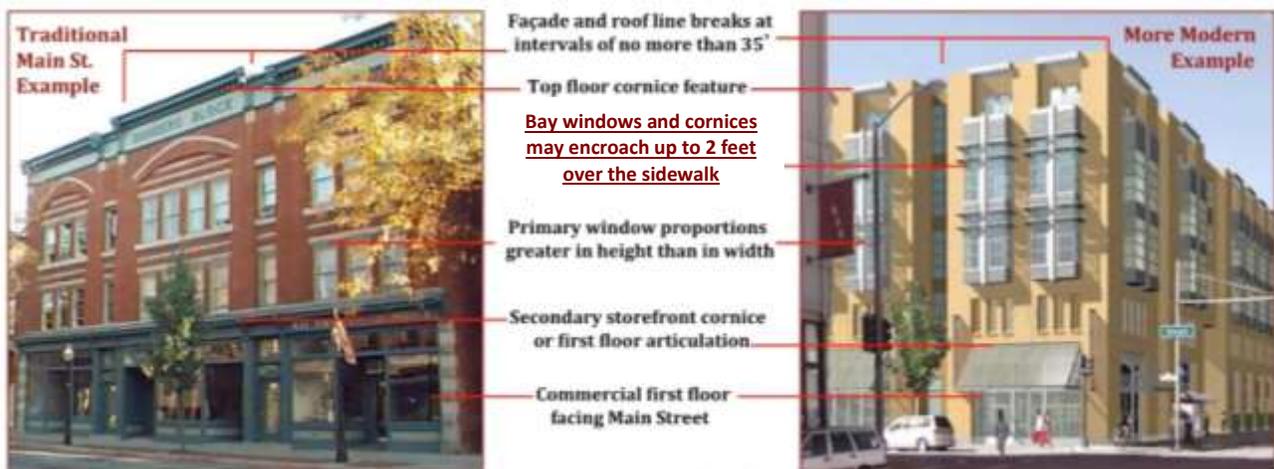


Figure 18-7: Design Illustrations

Bay windows, balconies,
and open porches cornices
may encroach up to 4' 2
feet over the sidewalk

...

Section 24. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.19, entitled “Purpose” is hereby amended as follows:

§ 223-41.19 Purpose.

The purpose of this Article IVE is to increase the vitality, attractiveness and marketability of the part of the City of Beacon lying between Main Street and the Metro North Train Station (the "Linkage District") by providing more residential development along with flexibility of land use, while enhancing urban form as recommended in the City of Beacon Comprehensive Plan adopted on December 17, 2007 and the Comprehensive Plan Update adopted on April 3, 2017. This article is intended to encourage residential development to help support Main Street businesses and to create a vibrant, economically successful, walkable, and environmentally sustainable connection between Beacon's Central Business Main Street District and the train station and riverfront. It is intended to implement the general intent of the plan entitled "Connecting Beacon's Main Street with the Hudson River and Railroad Station," dated March 6, 2007 (hereinafter the "Linkage Plan"), prepared by the Dutchess County Department of Planning and Development and contained in the Appendix of the Comprehensive Plan (see Figure 21-21).[1] This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. [1] Editor's Note: See § 223-41.21L.

Section 25. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.21, entitled “Regulations,” Subsections A, B, B.1, H and K(12) are hereby amended as follows:

§ 223-41.21 Regulations.

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, ~~to be conducted in an expedited fashion pursuant to Subsection H below in this §223-41.21.~~ Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review a requirement that any apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the façade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection:

- (1) Multifamily dwelling ~~Two-family dwelling.~~

- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery, or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, preserve, or community garden, ~~greenhouse and commercial plant cultivation.~~
- (9) Retail, personal services business, bank, or restaurant, coffee house, bar, brew pub or other establishment that serves food, with or without alcoholic beverages, provided that:

(a) The floor area of each such establishment is not greater than 5,000 square feet;

(b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map;

~~(Reserved)[1][1] Editor's Note: Former Subsection A(9), Home occupation, was repealed 7-21-2014 by L.L. No. 11-2014.~~

- (10) Office, trade school, training program, microbrewery, or microdistillery, provided that:

(a) The total floor area of each such establishment is no greater than 25,000 square feet;

(b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map;

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

- (11) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

(12) Day care center.

(13) Museum, theater, concert or conference space.

(14) College, university, private school, or nursery school.

(15) Workshop.

(16) Artist live/work space, provided that, if the use faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection, the residential space shall only be located on the upper stories or at least 50 feet behind the façade in the rear portion of the ground floor, unless the first 50 feet behind the façade is used for the retail sale of the artist’s wares.

(17) Spa, fitness center, or exercise studio.

B. Uses by special permit.

(1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through ~~(d)~~ (f) have been met:

~~(a) Retail, personal services business, or restaurant, coffee house, retail sales from trucks or trailers in accordance with § 223-26.3 or other establishment that serves food, with or without alcoholic beverages, provided that:~~

~~{1} The floor area of each such establishment is not greater than 5,000 square feet;~~

~~{2} The use is within 400 feet of the Route 9D–Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and~~

~~{3} The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.~~

(a) (b) Office and mManufacturing uses, including but not limited to microbreweries, microdistilleries, wineries and other or food preparation businesses, with or without tasting rooms, that may also sell goods made on the site for consumption off the premises, provided that:

[1] The total ~~office or~~ manufacturing or food preparation business floor area of the building is no greater than 25,000 square feet;

[2] ~~The use is on West Main Street or the use is within 400 feet of the Route 9D–Beekman Street intersection, as identified on the Zoning Map; The parcel is within 400 feet of the~~ Route 9D–Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

(b) Wireless telecommunications services facility, subject to §223-24.5 and §223-26.4, provided that if mounted on a building, it does not increase the height by more than 15 feet above applicable height limits.

(c) Historic District and Landmark Overlay use, subject to §23-24.7.

(2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. ~~When making a decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21H(2) of this chapter.~~

B.1. Accessory uses. The following are permitted accessory uses in the L District:

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.21F.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12) and § 223-14B.
- (5) Parking structure ~~Home occupation, site plan review not required.~~
- (6) Roof garden or solar collector, site plan review not required.
- (7) Greenhouse.

H. ~~(Reserved) Site plan review/special permit procedures and criteria.~~

~~(1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building or group buildings with 10,000 square feet or less in footprint area, as follows:~~

~~(a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.~~

~~(b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article and is consistent with the general intent of the Linkage Plan.~~

~~(c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.~~

~~(d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.~~

~~(2) For projects with over 20,000 square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.~~

~~(3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.~~

~~(4) After completion of construction for a new building, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.~~

K. Design standards.

(12) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky. All exterior lighting shall comply with the standards in §223-14B.~~

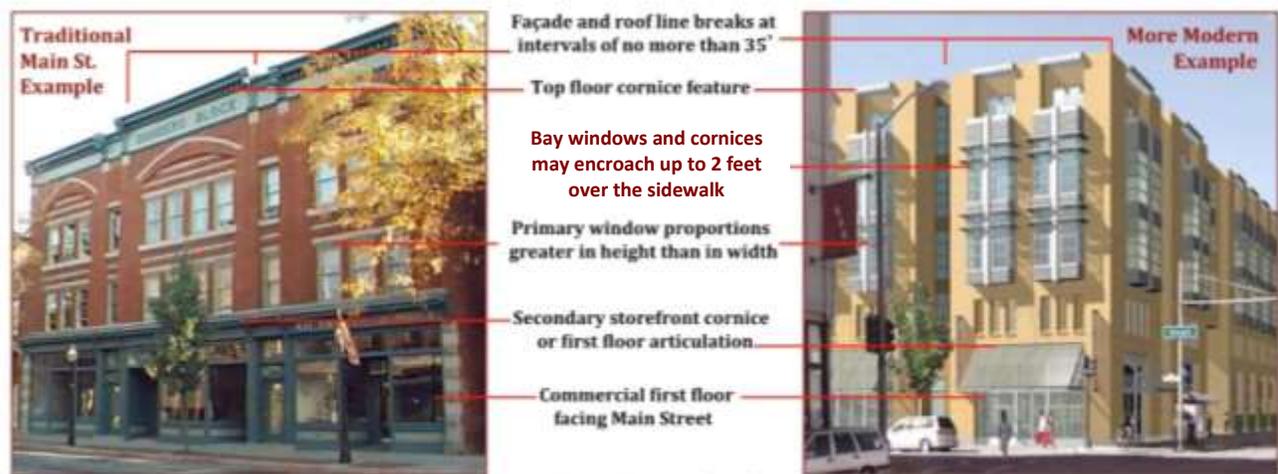


Figure 21-18: Design Standards

Examples A

Bay windows, balconies, and open porches cornices may encroach up to 4' 2 feet over the sidewalk

Section 26. Chapter 223 of the Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 63, entitled “Definitions” is hereby amended to add or amend the following definitions

§223-63 Definitions

ACCESSORY APARTMENT

A small rental housing unit, subject to the conditions in §223-24.1, allowed on single-family properties in residential districts and designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income, or property owner relatives.

AMUSEMENT CENTER

Any place in which there are maintained or operated for the patronage or recreation of the public three or more coin-, token- or otherwise controlled amusement devices of any description, including but not necessarily limited to the types commonly known as video, gaming, pinball, baseball and football amusement games, where the use of such devices is a primary use of the premises.

ANIMAL CARE FACILITY

A facility used to temporarily house or give health care to domesticated household animals, such as cats and dogs, which is devoted to the welfare, protection, and humane treatment of animals. An animal care facility may or may not contain outdoor exercise areas or boarding kennels, as determined in the special permit review process under §223-18.

ARTIST STUDIO

The working and/or teaching space for one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo appliers, body piercers and similar businesses shall not be considered artists for the purposes of this definition. An artist studio as an accessory use is considered a home occupation, subject to §223-17.1. See also “Home Occupation”

AUCTION GALLERY

An establishment for the sale of goods or property to the highest bidder.

BANK

An establishment in which financial transactions are conducted and may include professionals administering advice related to financial matters.

CONCERT HALL

A building or part thereof devoted to the showing of live theatrical, musical, dance, or other performances.

CONFERENCE CENTER OR CONFERENCE SPACE

A facility used for business meetings, cultural, educational, or professional programs, conferences, retreats, and seminars, which may have accommodations for eating and recreation.

DAY CARE CENTER

A program or facility, which is not a residence, in which child day care is provided to more than six children for more than three hours but less than 24 hours per day per child for compensation or otherwise, as certified under the laws of the State of New York.

DWELLING UNIT, ONE-FAMILY

A dwelling containing one dwelling unit only, not to include house trailer or mobile home.

DWELLING UNIT, ATTACHED

A dwelling unit having common walls with two or more other dwelling units. See also "Townhouse."

FAÇADE OR FRONT WALL

The front wall of a building ~~is the wall~~ nearest to and facing the street on which the lot fronts.

FARM

Land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. For the purposes of this chapter, a "farm" specifically excludes the display of farm products for sale, on-site advertising, and the raising of animals for fur-bearing purposes.

HOME OFFICE, PROFESSIONAL

Home office of a properly certified physician; psychologist; physical, occupational or speech therapist; licensed social worker; dentist; lawyer; engineer; architect; accountant; teacher or other similar professional person, when conducted entirely within a dwelling by the residents thereof, at least one of whom is said professional person, provided that no more than two nonresident persons are employed therein, and where there is no external evidence of such office, except for a sign and off-street parking facilities as respectively permitted and required in this chapter. A home professional office shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall be regulated in accordance with the requirements of §223-17.1 of this chapter. See also "Home Occupation"

HORTICULTURAL NURSERY

Any place used as a garden for the open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.

LOT WIDTH

The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

OFFICE

A building or part thereof used primarily for the conduct of business relating to administrative, clerical, financial, social services, or consulting, as well as medical, dental, veterinarian, and other professional or client services not related to retail sales.

PARKING STRUCTURE

A multi-level structure for the parking of vehicles, conducted as a business or to serve a business or district.

SOLAR COLLECTOR

See Article X, §223-81.

STORAGE BUSINESS

A fully enclosed structure for the containment of materials, including warehouses and residential storage facilities with individual bays that are leased for the storage of personal property.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include accessory buildings, decks, swimming pools, and tennis courts, but sidewalks, ground-level parking lots, driveways, and patios are not considered structures.

THEATER

A building or part thereof devoted to the showing of films, live theatrical, musical, dance, or other performances.

TOWNHOUSE

A one-family dwelling attached in a row of at least three such units with each home having its own front and rear access to the outside. See also "Dwelling Unit, Attached."

TRADE SCHOOL OR TRAINING PROGRAM

A facility offering educational services designed to give students the skills to prepare them for a specific occupation. Also referred to as a vocational school or technical school.

WHOLESALE BUSINESS

An enclosed place of business primarily engaged in sales, storage, display, and distribution of merchandise to retailers, industrial users, institutional uses, or other commercial businesses,

including a warehouse, but not to include auto wrecking yards, junkyards, or outdoor storage of materials, unless outdoor storage of materials is specifically permitted as an accessory use in the district.

WORKSHOP

Work places, including retail sales, for carpenters, plumbers, cabinetmakers, upholsters, electricians, printers, tailors, dressmakers, shoemakers, jewelers, sculptors, watch and clockmakers, opticians and musical or scientific instrument repairers, or shops which employ similarly skilled persons.

Section 27. Chapter 223 of the Code of the City of Beacon, Article VII, Miscellaneous Provisions, Section 67, entitled “Referral of Proposals to Dutchess County Planning Department” is hereby amended as follows:

§ 223-67 Referral of proposals to Dutchess County Planning Department.

At least 30 days prior to the public hearing at which ~~such amendment~~ a proposal is to be considered, the ~~Town Board approving authority~~, in accordance with the provisions of Article 12-B, §§ 239-l and 239-m of the General Municipal Laws, as amended, shall refer to the Dutchess County Planning Department all proposals a zoning amendment to the code or map, site plan, special permit, area or use variance, comprehensive plan, or other authorization under the zoning provisions applying to affecting real property ~~abutting~~ within 500 feet of the following:

- A. The boundary of any existing or proposed state or county park or recreation area.
- B. The right-of-way of any existing or proposed county or state road, highway, parkway or expressway.
- C. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
- D. The existing or proposed boundary of any county- or state-owned land on which a public building or institution is located.
- E. The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.
- F. The boundary of any city, village or town.

Section 28. Chapter 223 of the Code of the City of Beacon, Article IX, Scenic Roads, Section 71, entitled “Authority” is hereby amended as follows:

§ 223-71 Authority.

Pursuant to the authority granted by Municipal Home Rule Law, Article 2, § 10 of the Consolidated Laws of New York and consistent with the goals of the ~~1974 Development Plan~~ 2017 Comprehensive Plan Update, as amended, the City of Beacon hereby provides for the balancing of traditional matters of common convenience and public safety with designation of City roads as scenic roads. Further, in order to maintain the irreplaceable character and aesthetic and historic features and the scenic nature of roads so designated, the City of Beacon is authorized to regulate, in accordance with this article, the future alterations for improvements of roads so designated, including but not limited to widening of the right-of-way or of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

Section 29. Chapter 223 of the Code of the City of Beacon, Article X, Solar Collectors and Installations, §223-82, entitled “Permitting and placement requirements,” Subsection A(2) is hereby amended as follows

§ 223-82 Permitting and placement requirements.

A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the City, subject to the following requirements.

...

(2) Any height limitations provided in the City Code shall not be applicable to solar collectors except for the restrictions provided for in the Central Main Street District § 223-41.18 E(6) and (7) ~~D(7) and (8)~~ and the Linkage District § 223-41.21D(5). Solar collectors shall be erected only to such height as reasonably necessary to accomplish the purpose for which they are intended to serve, but in no case shall the maximum height of a panel in a tilted position exceed two feet above the surface of the roof, unless in a nonresidential district, and such structures shall not obstruct solar access to neighboring properties.

...

Section 30. Chapter 223 Attachments 1 and 2 of the Code of the City of Beacon, entitled “Schedule of Regulations for Residential Districts” and “Schedule of Regulations for Nonresidential Districts” as set forth at the end of Chapter 223 are hereby deleted in their entirety.

Section 31. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 32. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, Schedule of Dimensional Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 33. Chapter 210 of the Code of the City of Beacon, Vehicle Repair and Sales, §210-2, entitled “Motor vehicle repair shops, body shops and detail shops; gasoline filling stations,” Subsection B is hereby amended as follows

§ 210-2 Motor vehicle repair shops, body shops and detail shops; gasoline filling stations.

...

B. Within ~~an LB Local Business or CB Central Business~~ the GB General Business District, gasoline filling stations shall comply with the following additional standards and requirements:

- (1) The site for each gasoline filling station shall have a street frontage of at least 100 feet and an area of at least 10,000 square feet.
- (2) No new gasoline filling station shall be permitted to locate within 750 feet of any portion of an existing gasoline filling station.
- (3) Along all property boundaries adjoining streets, a continuous landscaped area shall be maintained, except where interrupted by permitted access drives. The City Council may, in approving the issuance of a special use permit, require such other additional landscaping and screening as set forth above as, in its opinion, may be necessary or appropriate for the proper development of the particular site.

Section 34. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 35. 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 36. 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 37. Effective Date

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

Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

Draft 4.24.20

Zoning District	Minimum Lot Size (see also 223-12 l) Area ^h				Minimum		Yards ^a		Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories ft)	Minimum Height (stories + ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor Area Ratio	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Total Side		Rear ^{d,e} (ft)				Multi-Fam	All Other				
						Side (ft)	of 2 (ft)										
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	–	2.5 35'	1 + 12'	N.A.	7%	1	–	R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	–	2.5 35'	1 + 12'	N.A.	10%	1	–	R1-80	
R1-40	40,000	40,000	150'	150'	50' 40'	25'	60'	50'	–	2.5 35'	1 + 12'	N.A.	15%	1	–	R1-40	
R1-20	20,000	20,000	125'	125'	40' 30'	20'	50'	40'	–	2.5 35'	1 + 12'	20% N.A.	20%	1	–	R1-20	
R1-10	10,000	10,000	85'	100'	35' 25'	15'	40'	35'	–	2.5 35'	1 + 12'	N.A.	25%	1	–	R1-10	
R1-7.5	7,500	7,500	75'	100'	30' 20'	10'	20'	30' 25'	–	2.5 35'	1 + 12'	N.A.	30%	1	–	R1-7.5	
R1-5	5,000	5,000	50'	100'	30' 15'	10'	20'	30' 20'	–	2.5 35'	1 + 12'	N.A.	–	1	–	R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3 35'	1 + 12'	15%	20%	12	–	RD-7.5 ^{d,e}	
RD-6 ^{d,e}	5 2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5 35'	1 + 12'	15%	20%	16	–	RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3 35'	1 + 12'	20%	30%	16	–	RD-5 ^{d,e}	
RD-4 ^{d,e}	2 acres 5,000	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5 35'	1 + 12'	20%	25%	20	–	RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	10' 20'	20'	25'	30'	2.5 35 3.5 45'	1 + 12'	20%	40%	24	–	RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	10' 20'	20'	25'	30'	10 ^b 100'	1 + 12'	15 25%	40%	– ^c	–	RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	10' 20'	20'	25'	30'	4.5 ^f 55' ^{fi}	1 + 12'	25%	40%	36 ^g	–	RD-1.7 ^{d,e}	
PB	As regulated in the least restrictive adjoining residential district															PB	
OB T	5,000	i	40' 50'	100'	30' 10'	20' 10'	–	25' 20'	–	2.5 35'	–	–	–	–	1	OB T	
LB	–	–	–	100'	–	20'	–	25'	–	– 35'	–	–	–	Min Open Space	2	LB	
GB	–	1,500	–	100'	– 15'	20'	–	25'	–	– 35'	–	–	–		2	GB	
CMS	–	–	–	75'	0-10'	0'	–	25' 20'	–	3 48'	2 –	–	–	10%	–	CMS	Art IVD
L	–	–	–	75'	0-20'	0-30'	–	25'	–	4 38'	2 –	–	–	15%	–	L	Art IVE
FCD	2 acres	3,960	–	–	–	–	–	–	–	3 40'	–	35%	30%	–	–	FCD	Art IVC
WP	1 acre	–	–	–	10'	–	–	–	–	2.5 35'	–	20%	–	–	0.5	WP	Art IVA
WD	5 acres	–	–	–	–	–	–	–	–	See Art IVA	–	–	15%	–	3/2	WD	Art IVA
LI	–	1,500	– 60'	100'	– 20'	20'	–	25'	–	– – 35'	–	70%	– 20%	–	2	LI	
HI	–	–	– 60'	100'	– 30'	20'	–	25'	–	– 35' 40'	–	70%	– 20%	–	2	HI	

NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one-story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~a~~b Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~b~~h But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~c~~i But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~j~~ This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
- ~~k~~k For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~e~~l In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~m~~ Except that any new one-family detached dwelling lot created subsequent to July 11, 1988, shall be required to comply with the minimum size and dimensional requirements of the R1-7.5 District. [Added 7-5-1988]
- ~~f~~n A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~g~~o And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~p~~ There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
- ~~h~~q For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- i One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.
- ~~b~~ Abutting residential districts or where driveway is proposed between building and lot line.
- ~~c~~ First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces.

Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

Draft 4.24.20

Zoning District	Minimum Lot Size Area ^h (see also 223-12 l)				Minimum Yard ^a			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Side (ft)	Rear ^{d,e} (ft)			Multi-Fam	All Other				
R1-120	120,000	120,000	250'	350'	75'	50'	75'		2.5 35'	N.A.	7%	1		R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	50'		2.5 35'	N.A.	10%	1		R1-80	
R1-40	40,000	40,000	150'	150'	40'	25'	50'		2.5 35'	N.A.	15%	1		R1-40	
R1-20	20,000	20,000	125'	125'	30'	20'	40'		2.5 35'	N.A.	20%	1		R1-20	
R1-10	10,000	10,000	85'	100'	25'	15'	35'		2.5 35'	N.A.	25%	1		R1-10	
R1-7.5	7,500	7,500	75'	100'	20'	10'	25'		2.5 35'	N.A.	30%	1		R1-7.5	
R1-5	5,000	5,000	50'	100'	15'	10'	20'		2.5 35'	N.A.		1		R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	30'	3 35'	15%	20%	12		RD-7.5 ^{d,e}	
RD-6 ^{d,e}	2 acres	6,000	200'	200'	50'	25'	50'	30'	2.5 35'	15%	20%	16		RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10'	25'	30'	3 35'	20%	30%	16		RD-5 ^{d,e}	
RD-4 ^{d,e}	5,000	4,000	200'	200'	40'	20'	40'	30'	2.5 35'	20%	25%	20		RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	20'	25'	30'	3.5 45'	20%	40%	24		RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	20'	25'	30'	10 ^b 100'	25%	40%	c		RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	20'	25'	30'	4.5 ^f 55 ^f	25%	40%	36 ^g		RD-1.7 ^{d,e}	
T	5,000	i	50'	100'	10'	10'	20'		2.5 35'					T	
GB		1,500		100'	15'	20'	25'		- 35'					GB	
CMS				75'	0-10'	0'	20'		3 38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	25'		4 48'				15%	L	Art IVE
FCD	2 acres	3,960							3 40'	35%			30%	FCD	Art IVC
WP	1 acre				10'				2.5 35'	20%				WP	Art IVA
WD	5 acres								See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'	25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'	25'		40'	70%			20%	HI	

NOTES:

- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~bh~~ But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~ci~~ But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~dk~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~el~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~fn~~ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.[Added 2-16-2010 by L.L. No. 2-2010]
- ~~ge~~ And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~he~~ For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- i One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

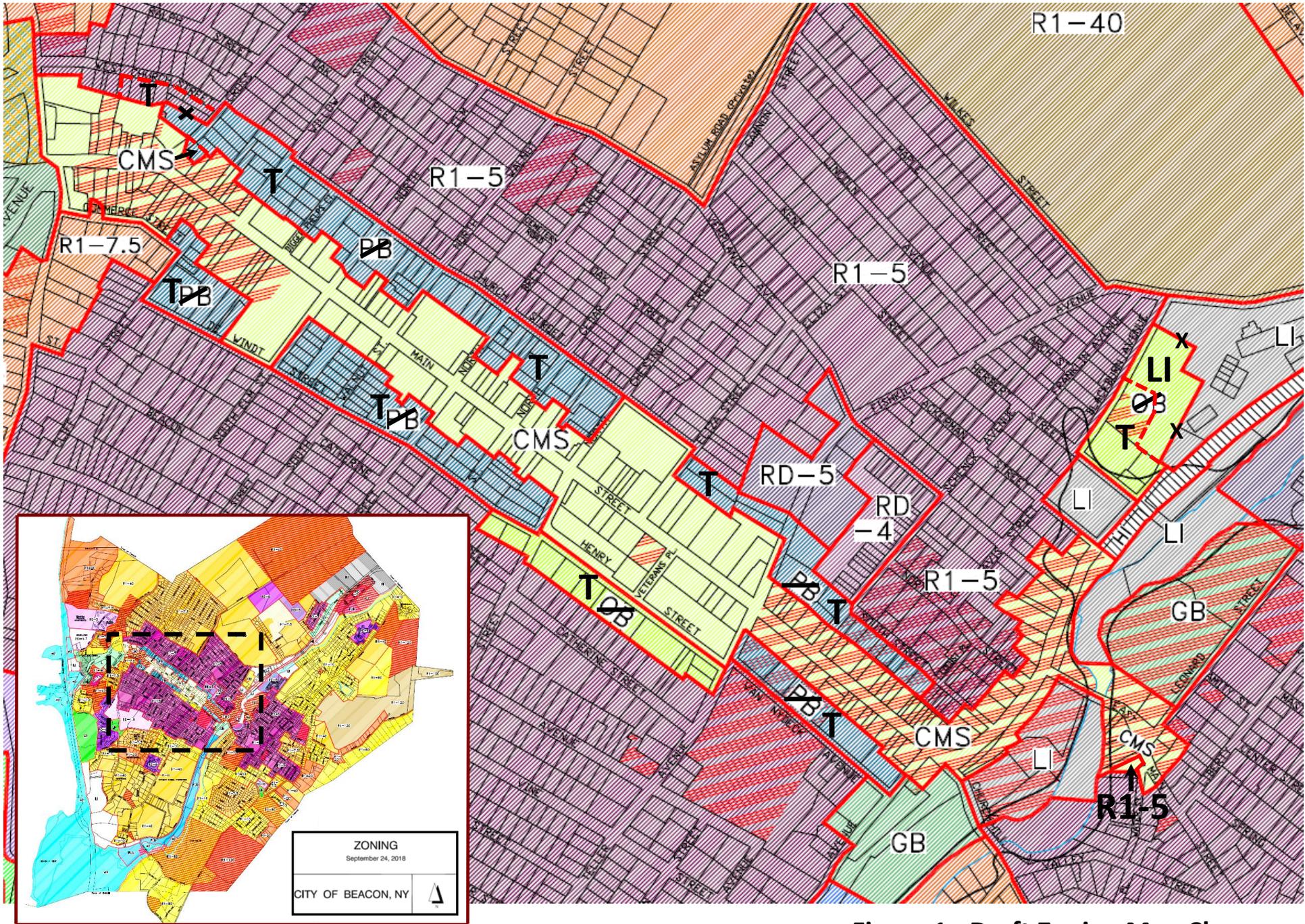


Figure 1 - Draft Zoning Map Changes

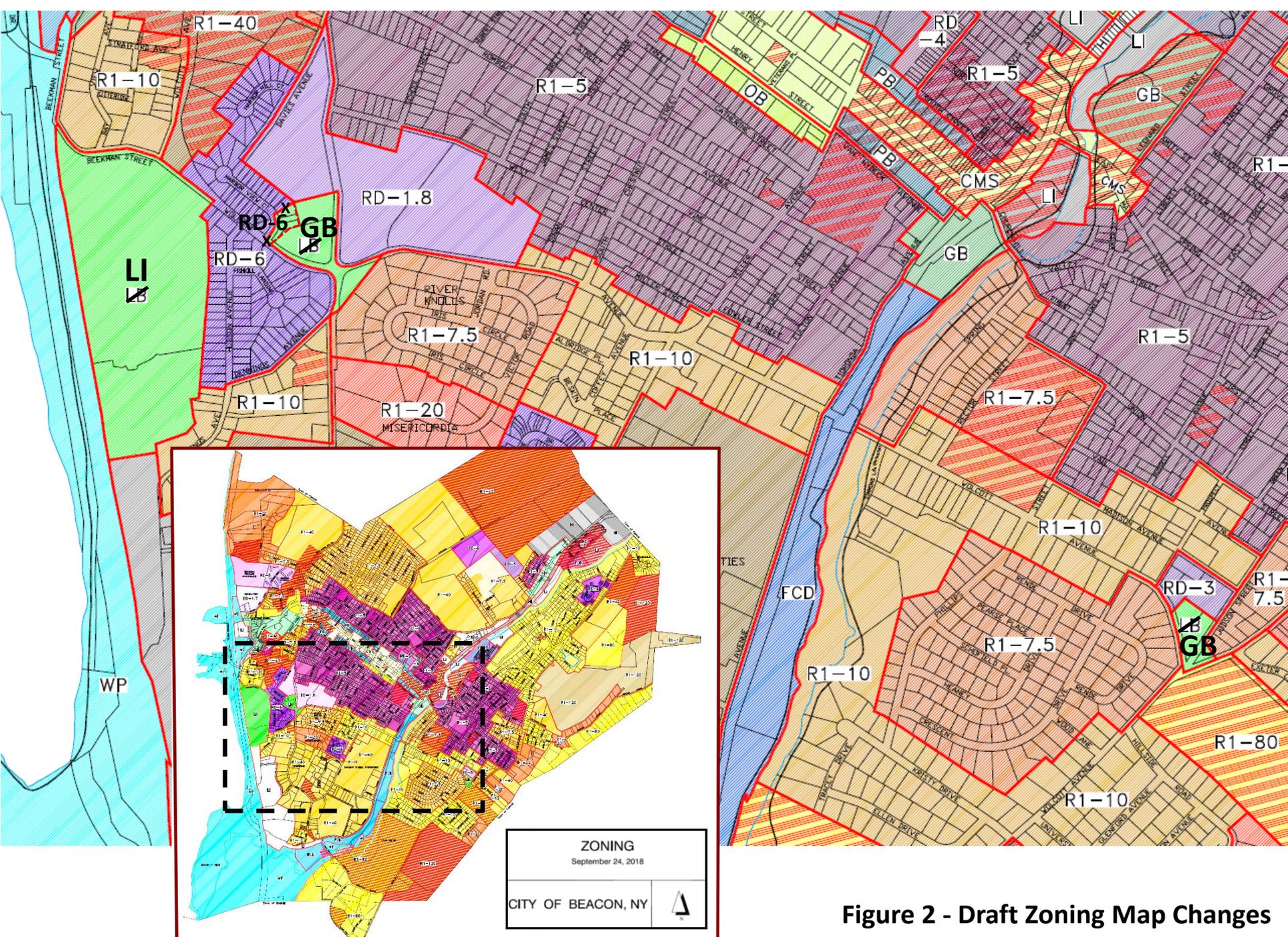


Figure 2 - Draft Zoning Map Changes

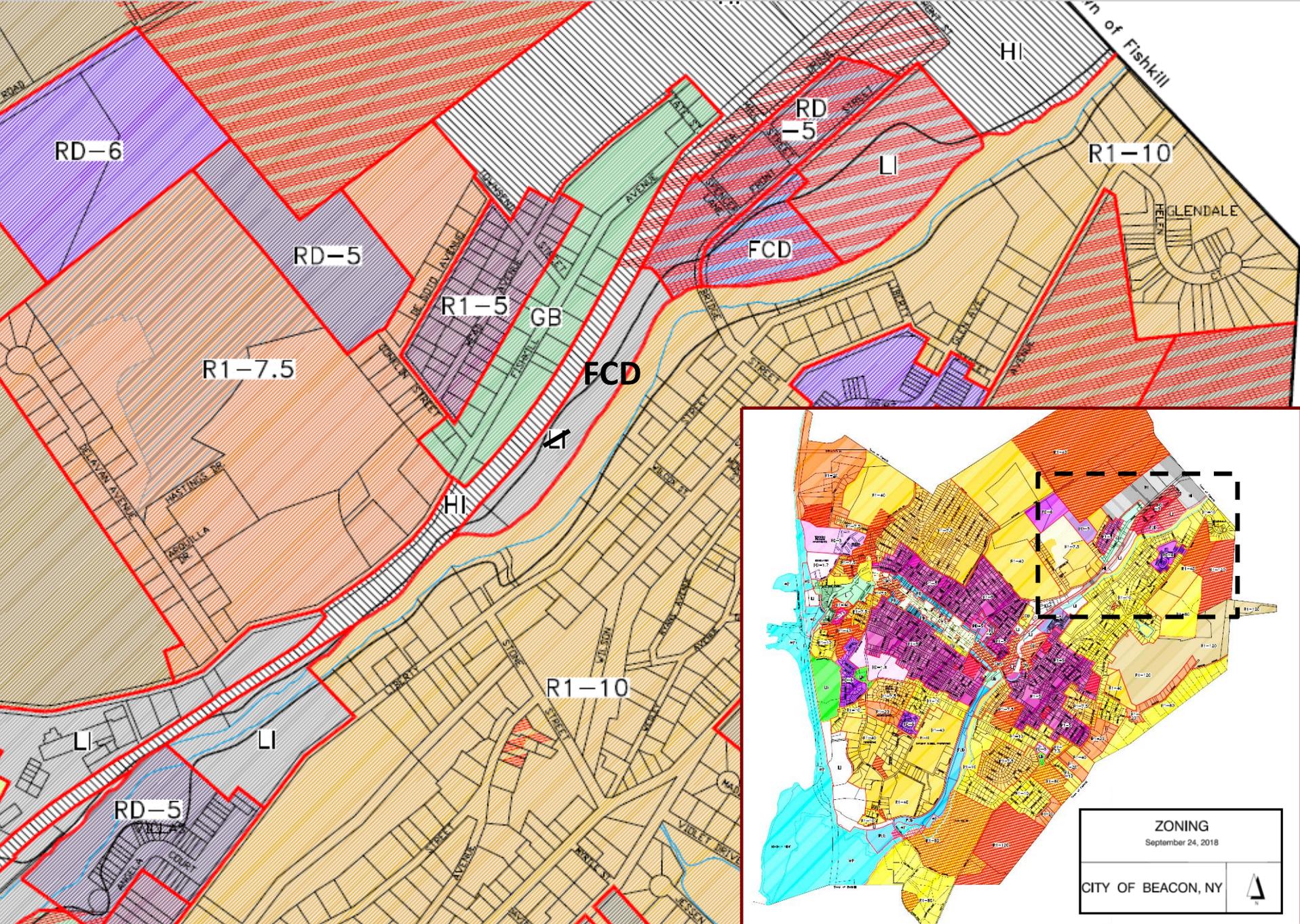


Figure 3 - Draft Zoning Map Changes

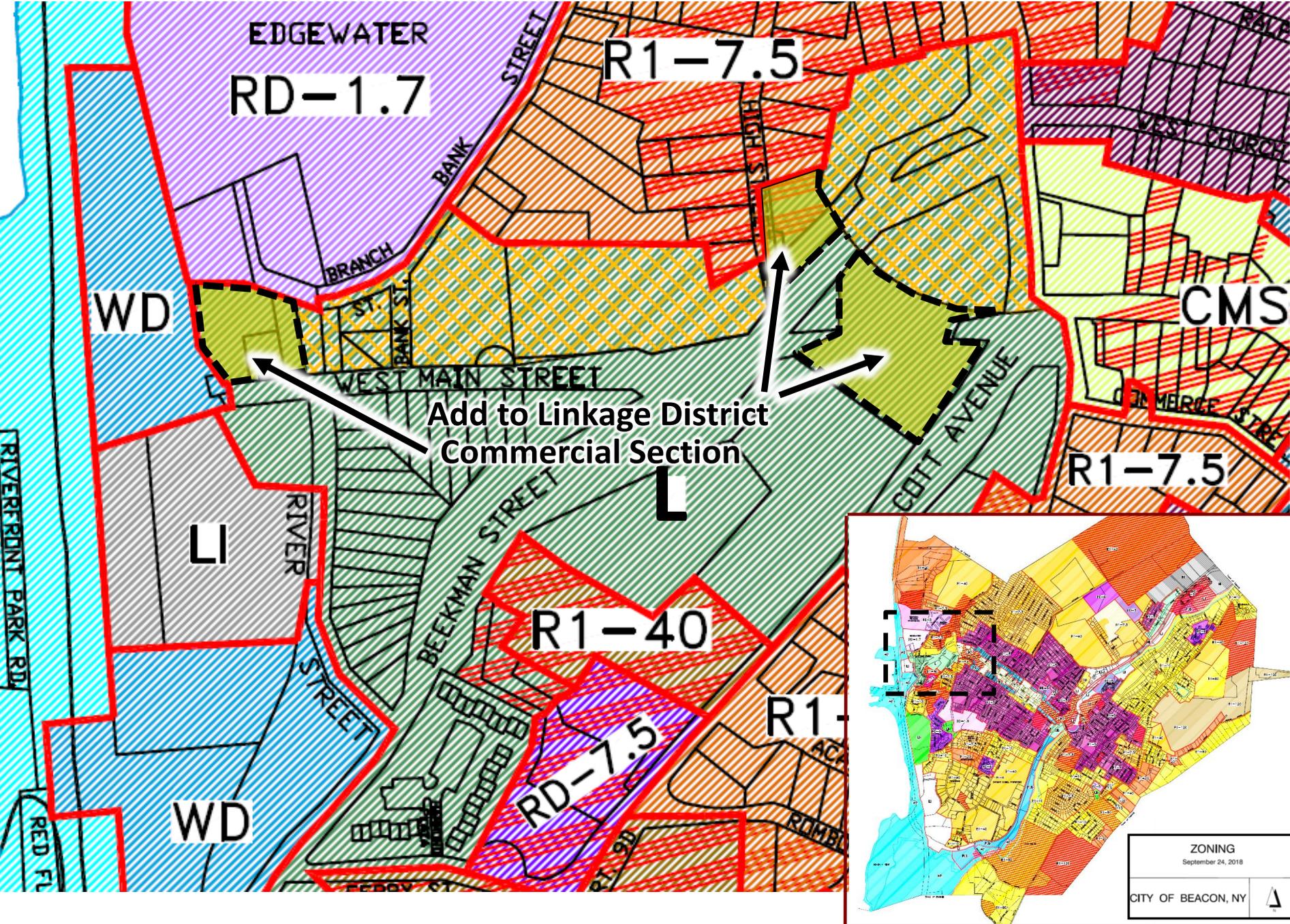


Figure 4 - Draft Zoning Map Changes

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	PB	GBT	LB	GB	CMS	L	WD	WP	FCD	LI	HI	
Residential															
One-Family Detached Dwelling		P	P	P	P	P	x	Px	x	x	x	x	x	x	
One-Family Attached/Semidetached	Including Townhouses	x	P	x	xP	P	x	Px	P	Px	x	P	x	x	
Two-Family Dwelling		x	SP* P	x	xP	x	x	Px	Px	x	x	x	x	x	
Multifamily Dwelling		x	SP*	x	xP	x	SP* P	P	P	P	x	P	x	x	
Artist Live/Work Space	Subject to §223-14.2	x	x	x	xP	SP*	SP* P	P	SP P	P	x	P	SP* P	x	
Retail/Office/Service															
Retail, Personal Service, or Bank		x	x	x	x	P	P	P	SP P	P	x	x	P	Px	
Office		x	x	x	P	P	P	P	SP P	P	x	P	P	Px	
Retail Truck or Trailer	Subject to §223-26.3	x	x	x	x	x	P	P	P	x	SP*	x	P	P	
Artist Studio, Art Gallery/Exhibit Space		SP* x	SP* x	SP*	SP* P	SP*	SP* P	P	P	x	x	P	SP* P	SP* x	
Funeral Home		x	x	x	x	P	P	Px	x	x	x	x	P	Px	
Commercial Recreation, Indoor		x	x	x	x	x	P	P	x	x	x	x	P	P	
Auction Gallery		x	x	x	x	x	P	Px	x	x	x	x	P	P	
Tattoo Parlor	Subject to §223-26.2	x	x	x	x	x	P	P	x	x	x	x	P	P	
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	x	SP*	SP* x	
Food/Lodging															
Restaurant or Coffee House		x	x	x	SP* x	SP*	P	P	SP P	P	SP*	P	Px	Px	
Bar or Brew Pub		x	x	x	x	SP*	SP* P	SP* P	xP	P	x	P	SP* P	SP* P	
Microbrewery/Microdistillery		x	x	x	x	SP*	SP* P	P	SP* P	xP	x	x	SP* P	SP* P	
Food Preparation Business		x	x	x	x	x	xP	P SP	SP	x	x	x	xP	xP	
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP*	SP	SP*	SP* P	Px	P	x	SP*	P	SP* P	Px	
Inn		x	x	x	x	x	xP	P	P	P	SP*	P	xP	x	
Hotel	Subject to §223-14.1	x	x	x	x	x	SP* P	P	P	P	x	x	SP* P	SP* x	
Social/Community															
Spa/Fitness Center/Exercise Studio		x	x	x	x SP	x	xP	P	xP	P	x	P	xP	x	
Day Care Center		x	x	x	xP	x	xP	x	xP	P	x	P	x SP	x	
Park, Preserve, Community Garden	With No Admission Fee	SP* P	SP* P	SP*	SP* P	SP*	SP* P	P	P	P	P	xP	SP* P	SP* x	
Theater, Concert or Conference Space		x	x	x	x	x	P	P	xP	SP* P	x	P	P	Px	
Museum		SP*	SP*	SP*	SP*	P	P	P	xP	SP* P	x	P	P	SP* SP	
Place of Worship/Religious Facility		P	P	P	P	P	P	x	x	x	x	x	P	Px	
Social Club	Subject to §223-24.2	SP* SP	SP* SP	SP*	SP* SP	SP*	SP* SP	P	x	x	x	x	SP* SP	SP* x	
Government Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	
Golf Course		SP*	SP*		x		x	x	x	x	x	x	x	x	
Healthcare															
Hospital or Nursing Home	Subject to 223-21.1/22	SP*	SP*	SP*	SP* x	SP*	x	x	x	x	x	x	xP	xP	
Animal Care Facility		x SP	x SP		x		x SP	x	x	x	x	x	x SP	x	
Educational															
College or University		x SP*	x SP*	x	x	x	SP* P	P	xP	x	x	xP	SP* P	SP* P	
Trade School or Training Program		x	x	x	x	x	SP* P	P	xP	x	x	xP	SP* P	SP* P	
Private School or Nursery School		SP*	SP*	SP*	SP*	SP*	xP	Px	xP	x	x	xP	SP*	SP* x	

x = Use Not Permitted
P = Permitted Use
SP=Special Permit Use by Planning Board
SP*=Special Permit Use by City Council

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVC 4.24.20

DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	PB	GBT	LB	GB	CMS	L	WD	WP	FCD	LI	HI	
Parking/Auto-Oriented															
Off-Street Parking or Parking Structure	Subject to §223-26	SP* x	SP* x	SP*	P SP	P	P SP	P SP	x	x	x	x	P x	P x	
Vehicle Sales or Rental Lot		x	x		x		P SP	x	x	x	x	x	x SP	x	
Gas Filling Station and/or Car Wash	Subject to Ch.210/§223-21	x	x	x	x	x	SP* SP	x	x	x	x	x	x SP	SP* x	
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	x	x	SP* SP	x	x	x	x	x	SP	SP* x	
Ambulance Service		SP* SP	SP* SP	SP*	SP* SP	SP*	SP* P	x	x	x	x	x	SP* P	SP* x	
Industrial or Assembly															
Wholesale or Storage Business		x	x	x	x	x	P	x	x	x	x	x	SP* P	P	
Workshop		x	x	x	x SP	x	P	P	x P	x	x	P	P	P	
Industrial or Manufacturing Use		x	x	x	x	x	x	x	SP	x	x	P	P	P	
Other															
Wireless Communication	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	P SP*	P SP*	x SP*	x SP*	x SP*	SP*	SP*	
Small Cell Wireless Facility	Subject to §223-26.4	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	
Farm		P	P x	P	P x	P	x	x	x	x	x	x	x	x	
Horticultural Nursery		SP* P	SP* P	SP*	SP* x	SP	SP* P	x	x	x	x	x	SP* P	SP* x	
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	
Ski Facility (Mt. Beacon)		SP	x	x	x	x	x	x	x	x	x	x	x	x	
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)															
Accessory Apartment	Subject to §223-24.1	SP* SP	SP* SP	x	x SP	x	x	x	x	x	x	x	x	x	
Private Tennis Court or Pool	Subject to §223-13	P	P	x	x P	x	x	x	x	x	x	x	x	x	
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	x	x P	x	x	P x	P x	x	x	x	x	x	
Medical Service Structure		P	P		P		x	x	x	x	x	x	x	x	
Parking Structure		x	x		x SP		x	P	x P	x P	x	x P	x	x	
Garden, Roof Garden, or Greenhouse		P	P	x	x P	x	x P	P	P	P	x P	x P	x P	x P	
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P	P	

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific

Standards See -->

Article Article Article Article Article 4.24.20

IVD IVE IVA IVA IVC

DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-Family Detached Dwelling		P	P	P	x	x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	P	x	x	P	x	x	P	x	x
Two-Family Dwelling		x	P	P	x	x	x	x	x	x	x	x
Multifamily Dwelling		x	SP*	P	P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	P	P	P	P	P	x	P	P	x
Retail/Office/Service												
Retail, Personal Service, or Bank		x	x	x	P	P	P	P	x	x	P	x
Office		x	x	P	P	P	P	P	x	P	P	x
Artist Studio, Art Gallery/Exhibit Space		x	x	P	P	P	P	x	x	P	P	x
Funeral Home		x	x	x	P	x	x	x	x	x	P	x
Commercial Recreation, Indoor		x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	P	x	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	SP	x
Food/Lodging												
Restaurant or Coffee House		x	x	x	P	P	P	P	SP*	P	x	x
Bar/Brew Pub/Microbrewery/Microdistillery		x	x	x	P	P	P	P	x	P	P	P
Food Preparation Business		x	x	x	P	SP	SP	x	x	x	P	P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	P	x	P	x	SP*	P	P	x
Inn		x	x	x	P	P	P	P	SP*	P	P	x
Hotel	Subject to §223-14.1	x	x	x	P	P	P	P	x	x	P	x
Social/Community												
Spa/Fitness Center/Exercise Studio		x	x	SP	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	P	P	P	P	P	P	x
Theater, Concert or Conference Space		x	x	x	P	P	P	P	x	P	P	x
Museum		SP*	SP*	SP*	P	P	P	P	x	P	P	SP
Place of Worship/Religious Facility		P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x
Healthcare												
Hospital or Nursing Home	Subject to §223-21.1 and 22	SP*	SP*	x	x	x	x	x	x	P	P	P
Animal Care Facility		SP	SP	x	SP	x	x	x	x	x	SP	x
Educational												
College or University		SP*	SP*	x	P	P	P	x	x	P	P	P
Trade School or Training Program		x	x	x	P	P	P	x	x	P	P	P
Private School or Nursery School		SP	SP	SP	P	x	P	x	x	P	SP	x

x = Use Not Permitted
P = Permitted Use
SP=Special Permit Use by Planning Board
SP*=Special Permit Use by City Council

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC 4.24.20

DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
Parking/Auto-Oriented												
Off-Street Parking or Parking Structure	Subject to §223-26	x	x	SP	SP	SP	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch. 210 & 223-21	x	x	x	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	x	x	x	x	x	SP	x
Ambulance Service		SP	SP	SP	P	x	x	x	x	x	P	x
Industrial or Assembly												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
Other												
Wireless Telecommunications Facility	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
Farm		P	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		P	P	x	P	x	x	x	x	x	P	x
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	x	P	P	P	x	P	x	x
Garden, Roof Garden, or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific Standards See -->

Article IVD

Article IVE

Article IVA

Article IVA

Article IVC

4.24.20

DRAFT

City of Beacon Council Agenda
5/18/2020

Title:

Public Hearing to Discuss a Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals for May 18, 2020

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from Dutchess County Planning and Development	Cover Memo/Letter
Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals	Local Law
Memorandum from the City of Beacon Planning Board Regarding Short Term Rentals	Cover Memo/Letter
Letter from Dutchess County Association of Realtors	Cover Memo/Letter
Full Environmental Assessment Form Part 1	EAF
Full Environmental Assessment Form Part 2	EAF
Full Environmental Assessment Form Part 3	EAF



COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

May 15, 2020

To: City Council, City of Beacon
Re: **Referral 20-107, LL: Short-Term Rentals**

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

ACTION

The City Council is considering adoption of a local law to regulate short-term rentals.

COMMENTS

By proposing to allow and regulate short-term rentals (STRs), the City is recognizing the increased popularity of short-term rentals prior to the pandemic and is preparing now for the eventual return of travel and commerce. We have reviewed the proposed local law and offer the following comments, in order of appearance:

Definitions:

- **Owner** could be modified to clearly include individual or other non-business forms of ownership.
- The definition of **Owner-Occupied** raises several questions, which crop up repeatedly throughout the draft law as the juxtaposition of “owner” and “tenant” language is confusing:
 - The first sentence refers to use by an owner or tenant. Logic dictates a tenant cannot also be considered an owner, and tenants are not referenced anywhere in the preceding definition of Owner. Perhaps this definition is trying to do too much? It appears to be trying to get at the idea of an STR only being permitted when it is someone’s primary residence. That someone might be the owner or the tenant. If that is correct, the term and definition could be modified – perhaps to something like **Primary Resident-Occupied**, and indicate that the dwelling unit associated with the proposed short-term rental must be the primary residence of the property owner(s) or tenant of said unit.
 - The word “domicile” found in the first sentence is not a defined term and could be removed in order to reduce potential confusion.
 - The requirement that all owners, even if it’s a business entity rather than individual ownership, must use the premises as their principal residence seems unrealistic. Individual ownership and business ownership seem to be conflated in this definition, which makes it somewhat confusing.
- The first sentence of **Short-Term Rental** includes the statement, “...or other living or sleeping space made available...” This language is vague and could cause some to think that the short-term rental of tents, motor homes, etc (which are all things that one can rent on many of these online STR platforms) would qualify. Subsection H(2) clarifies that those types of rentals are not allowed, so the definition of short-term rental could be tightened up to reflect as such. For example, tacking on “within a dwelling unit” at the end of the phrase would match E(1), though anything other than entire dwelling units or actual bedrooms within is not acknowledged in E(4)(iii).

- The terms “principal residence” and “primary residence” are used throughout the proposed regulations but are not defined. We suggest choosing one of these terms and using it consistently throughout the code, and adding a definition for whichever term is selected.

Section E, Permit Application:

- In describing what is meant by an application for a short-term rental permit in subsection E(1), the language goes beyond what is included in the proposed definition for Short-Term Rental. To eliminate any inconsistency, we suggest removal of a portion of the paragraph, as follows: “...or other living or sleeping space within a dwelling unit, ~~or any other space~~ is advertised for short-term rental.”
- Section E(1) only requires an STR permit application be *filed*, rather than the permit obtained, before the STR is advertised. If the advertising is successful and visitors book stays prior to the STR permit being issued, is that OK?
- Subsection E(4)(ii) requires the utility bill be in the owner’s name. What if the utilities are in the tenant’s name? The City could consider rephrasing it to require the utility bill be in the primary resident’s name.
- Portions of subsection E(4)(iii) do not comport with the flexibility found in the definition for Short-Term Rental (though we have suggested alterations to that definition): section (d) is worded to limit the STR to dwelling units or individual bedrooms proposed for STR, while the proposed definition also refers to “other living or sleeping space” offerings; section (e) clearly states the STR must be located “within the building,” which is a detail absent from the STR definition.
- Subsection E(4)(iii)(a) requires “the location of each such dwelling unit or individual bedroom within the building.” Can this information be provided as a narrative, or will the City require a graphic showing the property and/or building layout? If a graphic is required, does it need to be prepared by a professional, or can the applicant prepare a sketch?
- Portions of subsection E(4)(iv) are difficult to understand given the owner/tenant language issue discussed earlier. In addition, we suggest removing “domicile” from subsection (a).
- In subsection E(4)(v), the term “owner-occupied” could be replaced with primary resident-occupied, or something similar.

Section G, owner-occupancy: Again, the term “owner-occupied” is confusing when it also applies to tenants. The City could consider different terminology to reduce confusion.

Section H, short-term rental standards:

- The short-term rental of a dwelling unit or rooms within could be considered a commercial endeavor. Therefore, we suggest the following edits to subsection H(3), “ A short-term rental property shall not be rented for any other commercial purpose, ~~or any other purpose~~ commercial or otherwise, not expressly permitted under this section, such as concerts or weddings.”
- The City is proposing a limit of 100 days for the short-term rental of an entire dwelling unit (versus rooms within). How will this be tracked/reported?

Section K, Revocation of a permit: Are there any performance measures that will be applied in determining when subsection K(1)(iii) would be invoked, or is it at the discretion of the building inspector?

Section 3, Schedule of Use Regulations: What is meant by the distinction of "...single-family properties...?" The term is not defined and sounds like it conflicts with the proposed allowance for STRs in 2-family dwellings. We suggest deleting "on single-family properties."

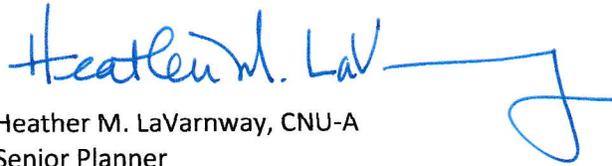
As always, we would be happy to discuss our comments with representatives from the City.

RECOMMENDATION

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

Eoin Wrafter, AICP, Commissioner

By

A handwritten signature in blue ink that reads "Heather M. LaV" followed by a stylized flourish.

Heather M. LaVarnway, CNU-A
Senior Planner

emailed HM 5/15/2020

Dutchess County Department of Planning and Development	Fax Info To: <u>Jen Cozza</u>	Date: <u>4/23</u>	# pgs: <u>33</u>
	Dept: <u>Planning & Dev.</u>	From: <u>Collin Milone</u>	
	Fax #:	Phone #: <u>845 838 5010</u>	

239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

Referring Agency: Planning Board Zoning Board of Appeals Municipal Board

Tax Parcel Number(s):

Project Name: Proposed Local Law Concerning Short Term Rentals

Applicant:

Address of Property:

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): May 15, 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>No Comments:</p> <p><input type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Project Withdrawn</p> <p><input type="checkbox"/> Exempt from 239 Review</p>	<p>Comments Attached:</p> <p><input checked="" type="checkbox"/> Local Concern with Comments</p> <p><input type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete — <i>municipality must resubmit to County</i></p> <p><input type="checkbox"/> Incomplete with Comments — <i>municipality must resubmit to County</i></p> <p><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</p>
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Date Submitted: <u>4/23/20</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>4/23/20</u>		Referral #: <u>ZR 20-107</u>
Date Requested: <u>5/15/20</u>		
Date Required: <u>5/22/20</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Heather M. Lav</u>
Date Response Faxed: <u>5/15/20</u>		

emailed HM

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE
SECTION 223-26.5 AND AMEND SECTION 223-63 OF THE CODE OF
THE CITY OF BEACON**

A LOCAL LAW to create Section 223-26.5 and amend Section 223-63 of the Code of the City of Beacon concerning Short-Term Rentals.

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

SECTION 1. Chapter 223, Article III, Section 26.5 entitled “Short-Term Rentals,” of the Code of the City of Beacon is hereby created as follows.

§ 223-26.5 Short-Term Rentals

- A. Findings. The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow home-owners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of homes for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. The City Council believes that the restrictions and requirements imposed herein further those objectives and the protection of the health, safety and welfare of the City and its residents.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:

OWNER

An individual or group of individuals who are in possession of and have a fee interest in real property. The term “owner” shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity.

OWNER-OCCUPIED

A one-family or two-family house used by the owner or tenant as his or her or their domicile or principal residence. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.

SHORT-TERM RENTAL

An entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term “short-term rental” does not include multifamily dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.

- C. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit.
- D. Only one-family homes, two-family homes or accessory apartment units may be used as short-term rentals subject to the requirements set forth in this section. Short-term rentals shall be permitted in all zoning districts within the City of Beacon.
- E. Permit application.
 - (1) An application for a short-term rental permit shall be filed before the dwelling unit, or a room or group of rooms or other living or sleeping space within a dwelling unit, or any other space is advertised for short-term rental, and if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.
 - (2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City fee schedule.
 - (3) If a tenant seeks a short-term rental permit, the tenant’s application shall be signed by the landlord.

- (4) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
- (i) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property; and
 - (ii) Copy of utility bill in owner or tenant's name.
 - (iii) (a) The property address; (b) the total number of dwelling units located within the building; (c) the total number of bedrooms and bathrooms inside the building; (d) the total number of dwelling units and individual bedrooms proposed for short-term rental use; (e) the location of each such dwelling unit or individual bedroom within the building; and (f) the number of persons to be accommodated in each short-term rental area; and
 - (iv) A signed and notarized certification in a form acceptable to the City Clerk by each property owner attesting to the fact that (a) the owner resides at the property and it is the owner's domicile (primary residence); (b) that the property is fit for human habitation and safe; (c) that the property owner will comply with all of the conditions and restrictions of the permit; (d) that no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law; (e) that the property is in compliance with all the provisions of this Article, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and (f) the required building permits and certificates of occupancy are in place for all existing structures on the property if applicable; and
 - (v) Such other information as the City may require to prove the property is owner-occupied and safe for renters.
 - (vi) If a property owner or tenant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of an agent with the right to enter and maintain possession of the dwelling. Such agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City; and

- (5) All permits issued pursuant to this section shall be for a period of two years and shall be renewable for subsequent two-year terms upon application, conformance with this section and payment of the permit fee.
 - (6) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.
- F. Inspection. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the City Code, the International Series of Codes and New York State Code Supplement. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee as set forth in the City Fee Schedule.
- G. Owner-occupancy. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not owner-occupied. The property used as a short-term rental shall be the principal residence of the owner, tenant, grantor or grantee at all times during the term of the permit.
- H. All short term rentals shall comply with the following standards:
- (1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.
 - (2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.
 - (3) A short-term rental property shall not be rented for any commercial purpose, or any other purpose not expressly permitted under this section, such as concerts or weddings.
 - (4) Short-term rental of an entire dwelling units is limited to 100 days in any one calendar year. A rental day shall be deemed to mean any day that the property is occupied for rental overnight.

- (5) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.
 - (6) All guests are subject to the provisions of Code of the City of Beacon. The property owner or tenant is responsible for informing each guest of these provisions.
- I. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
- (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
 - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.
- J. A list of all short-term rental units located in the City of Beacon shall be maintained on the City's website and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.
- K. Revocation of a permit.
- (1) The grounds upon which a permit can be revoked shall include but shall not be limited to:
 - (i) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification; or
 - (ii) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as his, her or their primary residence; or
 - (iii) Use of the property as a short-term rental creates a hazard or public nuisance or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
 - (iv) Failure to comply or violating the conditions of the permit.
 - (2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

L. Appeals

- (1) Upon the denial, suspension or revocation of a permit, the applicant may, within 15 business days from the date of the written notice, file a request, for a hearing before the Zoning Board of Appeals. Such request shall be filed with the Zoning Board of Appeals Secretary. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall be final and conclusive.
- (2) The hearing shall commence no later than 30 days after the date on which the request was filed.
- (3) The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the permit, shall be modified or withdrawn. The Building Inspector or his or her designated agent may also present evidence. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or reverse the decision of the Building Inspector or his or her designated agent.
- (4) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Zoning Board of Appeals' decision with the City Clerk of the City of Beacon and service of the same upon the applicant.

M. Violations. A violation of any provision of this chapter is an offense, punishable as provided for in **§ 1-3, General penalty**. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.

SECTION 2. The following definitions listed in Chapter 223, Article VI, Section 63 entitled “Definitions,” of the Code of the City of Beacon are hereby amended as follows.

DWELLING

A detached building designed or used exclusively as living quarters for one or more families. The term shall not be deemed to include "automobile court," motel," "boarding- or rooming house," "house trailer," "~~tourist home~~" or "tent."

HOME OCCUPATION

An accessory use of a character customarily conducted entirely within a dwelling by the residents thereof using only customary home and home-scale equipment, including but not limited to typewriters, computers, fax machines, small-scale photocopiers, scanners, small-scale printers, file cabinets, drafting equipment and postage meters, which use is clearly incidental and secondary to the use of the residence for dwelling purposes, does not change the character thereof, does not have any exterior evidence of such secondary use other than a small nameplate not over one square foot in area, and does not involve the keeping of stock-in-trade. Home offices and artist studios meeting the criteria above shall be considered home occupations. However, the conducting of a tattoo and/or body piercing parlor, clinic, hospital, barbershop, beauty parlor, photographer's salon, tearoom, ~~tourist home~~ short-term rental, real estate office, animal hospital, dancing instruction, band instrument instruction in groups, convalescent home, funeral home, stores of any kind or any similar use shall not be deemed to be a home occupation. Any instruction of a musical instrument shall be limited to one pupil at a time. Home occupations are regulated in accordance with § 223-17.1 of this chapter.

HOTEL

A building, or portion thereof, containing rooms occupied primarily by transient guests, who are lodged with or without meals, and in which there may be provided such services as are accessory and incidental to the use thereof as a temporary residence, such as dining, recreational facilities, public rooms and meeting rooms, and gift shops. The term "hotel" shall not include bed-and-breakfast establishment, boardinghouse, rooming house, ~~tourist home~~ short-term rental or single-room-occupancy building for the purposes of this chapter.

SHORT-TERM RENTAL

An entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term “short-term rental” does not include multifamily dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.

TOURIST HOME

~~A dwelling, except a hotel, boardinghouse or rooming house, as defined elsewhere in this chapter, in which overnight accommodations are provided or offered for transient guests.~~

SECTION 3. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations for Residential Districts” shall be amended to add the following Permitted Accessory Use:

13. Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 4. Chapter 223 Attachment 2 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations for NonResidential Districts” shall be amended to add the following Permitted Accessory Use in the PB Business Off-Street Parking District:

2. Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 5. Chapter 223 Attachment 2 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations for NonResidential Districts” shall be amended to add the following Permitted Accessory Use in the OB Office Business O District:

5. Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 6. Chapter 223 Attachment 2 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations for NonResidential Districts” shall be amended to add the following Permitted Accessory Use in the LI Light Industrial District:

5. Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 7. Chapter 223, Article IVA, Section 41.3 entitled “Waterfront Park (WP) Zone,” Subsection D of the Code of the City of Beacon is hereby amended as follows.

§ 223-41.3 Waterfront Park (WP) Zone.

...

D. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Uses customarily incidental to permitted uses and support facilities necessary to serve permitted uses.
- (2) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code).

- (3) Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.
- (4) Lighthouses or other navigational aids.
- (5) Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 8. Chapter 223, Article IVA, Section 41.4 entitled “Waterfront Development (WD) Zone,” Subsection D of the Code of the City of Beacon is hereby amended as follows.

§ 223-41.4 Waterfront Development (WD) Zone.

...

D. Permitted accessory uses. Permitted accessory uses shall be as follows:

- (1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.)
- (2) Uses customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.
- (3) Public garages and off-street parking.
- (4) Enclosed storage.
- (5) Rooftop gardens, greenhouses and solar collectors.
- (6) Public or semipublic accessory uses, such as bandshells, kiosks and gazebos.
- (7) Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 9. Chapter 223, Article IVC (Fishkill Creek Development (FCD) District), Section 41.13 entitled “Uses; plan review; design standards,” Subsection C of the Code of the City of Beacon is hereby amended as follows.

§ 41.13 Uses; plan review; design standards.

...

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.

- (2) Parking and bicycle facilities, including parking structures.
- (3) Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 10. Chapter 223, Article IVD (Central Main Street (CMS) District), Section 41.18 entitled “Regulations,” Subsection C of the Code of the City of Beacon is hereby amended as follows.

§ 41.18 Regulations.

...

C. Accessory uses. The following are permitted accessory uses in the CMS District:

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § **223-15**, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13).
- (5) Home occupation, subject to § **223-17.1**.
- (6) Roof garden.
- (7) Greenhouse.
- (8) Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 11. Chapter 223, Article IVE (Linkage District (L)), Section 41.21 entitled “Regulations,” Subsection B.1 of the Code of the City of Beacon is hereby amended as follows.

§ 41.21 Regulations.

...

B.1. Accessory uses. The following are permitted accessory uses in the L District.

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § **223-15**, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.21F.

- (4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12).
- (5) Home occupation, site plan review not required.
- (6) Roof garden, site plan review not required.
- (7) Greenhouse.
- (8) Short-Term Rentals on single-family properties, as provided in § 223-26.5.

SECTION 12. Ratification, Readoption and Confirmation

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

SECTION 13. 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 14. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State. Any short-term rental, as defined herein, in existence prior to adoption of this local law shall have 45 days to file an application to obtain a short-term rental permit. Any short-term rental existing prior to the effective date that (a) does not meet the definition of short-term rental or (b) is a short-term rental, as defined, and does not file an application within 45 days of the effective date is deemed to be in violation of this local law and subject to enforcement.



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law to Create Section 223-26.5 and Amend Section 223-63 Concerning Short Term Rentals

DATE: May 13, 2020

As requested, the Planning Board reviewed the Local Law to create Section 223-26.5 and amend Section 223-63 concerning short-term rentals at their May 12, 2020 meeting. City Attorney Jennifer Gray provided a detailed overview of the proposed law and related changes. After discussing the matter, members felt the law was reasonable and in the best interest of the City. Members voted unanimously to send a positive recommendation in support of the proposed legislation. If you have any questions please feel free to contact me.



May 11, 2020

Comments Re: City of Beacon Short-Term Rental Proposal

Dear Mayor Kyriacou and City Council Members:

The Dutchess County Association of REALTORS® (DCAR) is the leading advocate of home ownership rights in Dutchess County. With close to a thousand REALTORS®, the association serves its members and the public through a variety of means, including governmental advocacy. We advocate for property rights, increased homeownership, and smart land-use.

Our Association would like to commend the Mayor and Council members for engaging the public and seeking input on the proposed short-term rental law. As residents of this county we have seen the rapid growth of short-term rentals (STR's) in a very short period. The influx of tourism and visitors to our region is undoubtedly an economic benefit. Beacon has certainly been a beneficiary of that economic expansion.

As more people visit Beacon and look for places to stay, the need to regulate enterprises like STR's becomes paramount. We support the City's proposed STR law because we feel it balances the needs of the local community while also allowing the operation of short-term rentals and protecting property rights. We strongly believe that whenever a municipality regulates STR, a permitting system must be put in place, and these regulations include that. We also support the provision that allows STR's to operate within all zoning districts throughout the City, because we strongly believe that every property owner should be able to benefit economically from operating an STR.

Additionally, we support allowing the use of a designated agent or property manager to manage the home when the owner is not present. Many visitors are traveling with families and are looking to rent whole homes. While we would support allowing more days for whole home rentals, beyond the 100-day limit, we understand the Council wanting to balance the needs of the residents who live in Beacon's neighborhoods.

Thank you again for allowing our Association the opportunity to comment. We appreciate the collaborative approach you have taken in this process. Overall, we support the STR proposal and believe it strikes an appropriate balance. Please do not hesitate to reach out to us in the future. Our members are full of knowledge and experience and we are always willing to share.

Sincerely,

Daniel L. Staley
2020 President, Dutchess County Association of REALTORS®



**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: Proposed Local Law Regulating Short-Term Rentals		
Project Location (describe, and attach a general location map): City of Beacon		
Brief Description of Proposed Action (include purpose or need): The City has prepared a proposed local law to create Chapter 223, Article III, Section 26.5 entitled "Short-Term Rentals." The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. A short-term rental is an entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term "short-term rental" does not include multifamily dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance. Property owners and tenants, including corporations, limited-liability companies, partnerships, associations, trustees or other business entities must obtain a short-term rental permit from the City of Beacon to operate a short-term rental. The practice of renting a home or a room for less than 30 days is growing in popularity with the advent of internet and social-media based programs. The City Council believes that the restrictions and requirements imposed by the local law will protect the City's housing stock and protect the health, safety and welfare of the City and its residents.		
Name of Applicant/Sponsor: City of Beacon	Telephone: 845-838-5000	E-Mail: Mayor@cityofbeacon.org
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12509
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. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council- Legislative approval of local law.	Public Hearing on June 1
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</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</p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

C.3. Zoning

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

The law permits short-term rentals in one-family homes, two-family homes or accessory apartment units in all zoning districts within the City of Beacon.

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? Beacon City School District

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

c. Which fire protection and emergency medical services serve the project site?
Dutchess County Emergency Response Unit, Mase Hook and Ladder, BEacon Engine Station 1, and Lewis Tompkins Hose Station 2

d. What parks serve the project site?
The proposed local-law permits short-term rentals in every Zoning District within the City of Beacon. The City maintains six parks that may possibly be used by short-term rental properties.

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)?

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

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

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

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

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
 If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will 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:

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

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

If Yes:

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

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

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

- Source(s) of supply for the district: _____

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

If Yes:

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

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

vi. If water supply will be from wells (public or private), 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: _____ gallons/day

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

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

If Yes:

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>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? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>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)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>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? _____</p> <p>If Yes:</p> <p>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) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

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): _____

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): _____

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

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

l. Hours of operation. Answer all items which apply.
 i. During Construction:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: _____
 • Saturday: _____
 • Sunday: _____
 • Holidays: _____

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No
 If Yes:
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
 ii. Anticipated rate of disposal/processing:
 • _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 • _____ Tons/hour, if combustion or thermal treatment
 iii. If landfill, anticipated site life: _____ years

t. Will 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			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

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:

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): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

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: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

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: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % 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: _____

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: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing (endangered or threatened): _____ _____ _____	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Species and listing: _____ _____	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> 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 type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
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 type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<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 type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<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.): _____	
<i>iii.</i> Distance between project and resource: _____ 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 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 _____ Date _____

Signature _____ Title _____

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

Agency Use Only [If applicable]
Project : Short-Term Rental Local Law
Date : April 16, 2020

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features

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

NO

YES

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

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

3. Impacts on Surface Water

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

NO

YES

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

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

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
If “Yes”, answer questions a - h. If “No”, move on to Section 5.

NO YES

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

5. Impact on Flooding
 The proposed action may result in development on lands subject to flooding.
 (See Part 1. E.2)
If “Yes”, answer questions a - g. If “No”, move on to Section 6.

NO YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

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

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

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

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

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

13. Impact on Transportation

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

 NO YES

(See Part 1. D.2.j)

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

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

14. Impact on Energy

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

 NO YES

(See Part 1. D.2.k)

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

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

15. Impact on Noise, Odor, and Light

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

 NO YES

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

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

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

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

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)
If "Yes", answer questions a - m. If "No", go to Section 17.

NO

YES

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

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

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

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. Short-term rentals are defined as an entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term "short-term rental" does not include multifamily dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance. The City Council recognizes the benefits of short-term rentals to allow home-owners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of homes for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. The City Council believes that the restrictions and requirements imposed herein further those objectives and the protection of the health, safety and welfare of the City and its residents.

Under the proposed local law, it shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit. Short-term rentals must be owner-occupied whereby the property is the principal residence of the owner, tenant, grantor or grantee at all times during the term of the permit. Only one-family, two-family or accessory apartment units may be used as short-term rentals. Short-term rental permits are permitted in all zoning districts within the City of Beacon.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information including memorandums and comments from the City's Planning Consultant and City staff, local laws from other municipalities, reports and case law updates.

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

- A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.
- B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

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

Name of Action: Local Law Regulating Short-Term Rentals

Name of Lead Agency: City Council of the City of Beacon

Name of Responsible Officer in Lead Agency: Lee Kyriacou

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency: _____ Date: _____

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:
 Contact Person: Anthony Ruggiero, City Administrator
 Address: 1 Municipal Plaza, NY 12509
 Telephone Number: 845-838-5000
 E-mail: aruggiero@cityofbeacon.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:
 Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
 Other involved agencies (if any)
 Applicant (if any)
 Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

City of Beacon Council Agenda
5/18/2020

Title:

Resolution Approving the Appointment of Marilyn Joseph to the Human Relations Commission

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Approving the Appointment of Marilyn Joseph to the Human Relations Commission	Resolution



CITY OF BEACON

CITY COUNCIL

Resolution No. __ of 2020

RESOLUTION APPROVING THE APPOINTMENT OF MARILYN JOSEPH TO THE HUMAN RELATIONS COMMISSION

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby approves the appointment of Marilyn Joseph to the Human Relations Commission for a term set to begin on May 19, 2020 and to expire on May 18, 2022.

Resolution No. __ of 2020			Date: <u>May 18, 2020</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon Council Agenda
5/18/2020

Title:

Resolution Accepting Stormwater Maintenance Easement Agreement 160 Rombout Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Accepting Stormwater Maintenance Easement Agreement 160 Rombout Avenue	Resolution
Stormwater Control Facility Maintenance Agreement and Easement-Compiled	Agreement



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION AUTHORIZING EASEMENT AGREEMENT FOR
STORMWATER CONTROL FACILITY MAINTENANCE
AT 160 ROMBOUT AVENUE**

Parcel ID#: 5954-35-853796

WHEREAS, on April 14, 2020 the City of Beacon Planning Board approved applications for Preliminary and Final Subdivision Plat Approvals from Hudson Land Design, on behalf of the applicant Karic Associates, LLC, (the “Applicant”) for a 2-lot residential subdivision (the “Project”) on an 0.33-acre parcel located at 160 Rombout Avenue and designated on the Tax Map of the City of Beacon as **Parcel ID#: 5954-35-853796** (the “Property”) as set forth in the Preliminary and Final Subdivision Plat Approval Resolution (the “Resolution”) dated April 14, 2020; and

WHEREAS, the Resolution is subject to a condition that the Applicant submit to the City a Stormwater Control Facility Maintenance and Easement Agreement which would require the owner of Lot 2 to provide for and ensure the long term maintenance and continuation of the stormwater control measures required by the approved plans, and grant the City the right but not the obligation to enter the property to inspect and maintain the facilities if necessary; and

WHEREAS, in satisfaction of the condition of the Resolution the Applicant submitted a Stormwater Control Facility Maintenance and Easement Agreement which has been reviewed and accepted by the City Attorney’s office as to form.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Stormwater Control Facility Maintenance and Easement Agreement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and subject to review and acceptance by the City Engineer of the metes and bounds description for Schedule A of the Agreement.

Resolution No. ___ of 2020

Date: May 18, 2020

Amendments

2/3 Required

Not on roll call.

On roll call

3/4 Required

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

**STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, the CITY OF BEACON (“City of Beacon”) and KARIC ASSOCIATES, LLC (“Owner” or Declarant) desire to enter into this agreement (the “Agreement”) dated this ____ day of ____, 2020, to provide for the long term maintenance and continuation of stormwater control measures approved by the City of Beacon for certain real property located at 160 Rombout Avenue, Beacon, New York, identified as tax parcel 5954-35-853796, more fully shown on a the subdivision map entitled “Final Subdivision Plan 160 Rombout Avenue Subdivision”, prepared by Hudson Land Design Professional Engineering, P.C., dated December 31, 2019, last revised _____, 2020 filed in the Dutchess County Clerk’s Office on _____, 2020 as Filed Map No. _____ (“Subdivision Plat”); and

WHEREAS, this Agreement is provided in connection with a 2-lot subdivision of the Premises, which received Subdivision Approval from the City of Beacon Planning Board by resolution on April 14, 2020 based on a 4-sheet Subdivision Plan set prepared by Hudson Land Design and on file at the City of Beacon Building Department (the 4- sheet plan set is referred to herein as the “Approved Project Plans”), which Approved Project Plans include certain stormwater management facilities and control measures (collectively, the “Structures”) required to be constructed and maintained on Lot 2 as such lot is shown on the Subdivision Plat and described more fully as set forth on Schedule A, in accordance with the Approved Project Plans, and the Stormwater Operation and Maintenance Plan (the “SOMP”) prepared by Hudson Land Design Professional Engineering, P.C., and set forth in Schedule B; and

WHEREAS, the City of Beacon and the Owner desire that the Structures be built in accordance with the Approved Project Plans set forth on said map and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Structures.

NOW, THEREFORE, IN WITNESS WHEREOF, the City of Beacon and the Owner agree as follows:

1. This Agreement binds the Owner of Lot 2, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in the SOMP set forth at Schedule B. The Premises shall be held, transferred, sold, conveyed and occupied subject to this Agreement.
2. The Owner of Lot 2 as shown on the Subdivision Plat shall maintain, clean, repair, and replace the Structures and keep the Structures in continuous operation in accordance with the Approved Project Plans and the SOMP as necessary to ensure optimum performance of the stormwater control measures to design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: above ground infiltration basin with plantings. The maintenance schedule of the SOMP is set forth on the Approved Project Plans.

3. The Declarant hereby grants unto the City of Beacon, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Structures at reasonable times and in a reasonable manner for periodic inspection by the City of Beacon to ensure that the Structures are maintained in proper working condition and meets the design standards established by the SOMP.

4. The Declarant its successors and/or assigns shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Structures except in accordance with written approval of the City of Beacon which approval shall not be unreasonably withheld, delayed or conditioned.

5. The Declarant its successors and/or assigns shall promptly undertake necessary repairs and replacement of the Structures at the direction of the City of Beacon or in accordance with the recommendations of the inspecting professional.

6. The Declarant hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing to the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement.

7. This Agreement shall not confer unto the City of Beacon any duty or obligation to repair or maintain the Structures. Further, the City of Beacon's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Structures, except that any damage to the Structures caused by the City of Beacon's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the City of Beacon at the City of Beacon's sole cost.

8. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final subdivision approval.

9. If ever the City of Beacon determines that the Declarant its successors and/or assigns has failed to construct or maintain the Structures in accordance with the SOMP, or has failed to undertake corrective action specified by the City of Beacon, the City of Beacon shall provide the Declarant with written notice via certified mail, return receipt requested, specifying such failure. The written notice shall provide that the Declarant has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Declarant shall advise the City of Beacon as to same in writing within fifteen (15) days of receipt of the City of Beacon's notice to cure. The Declarant shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Declarant so desires. If the Declarant fails to provide written notice requesting an extension of time to cure a failure/defect and the Declarant does not cure said failure/defect, the City of Beacon is authorized but not obligated to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Structures and to affix the expenses thereof as a lien against the Premises. All notices and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage prepaid thereon, if to Declarant to the address on file with the City Tax Assessor for the current owner of the Premises, and if to the City of Beacon, addressed as follows:

City Administrator
City Hall
1 Municipal Plaza
Beacon, New York 12508

With a copy to:
Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

10. In the event the City of Beacon exercises its rights hereunder, it shall return the Premises to a reasonably similar condition as it existed prior to the exercise of such rights.

11. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Declarant and the City of Beacon have executed this Agreement as of the date first herein above set forth.

DECLARANT

By: _____
Name: Karic Associates, LLC
Karen V. Cantanessa

CITY OF BEACON

By: _____
Name: Anthony Ruggiero
Title: City Administrator

STATE OF NEW YORK)
)
COUNTY OF _____) SS.:

On the _____ day of _____, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared KAREN V. CANTANESSA personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public – State of New York

Schedule A
Description of Premises
Lot 2

Schedule B
Stormwater Operation and Maintenance Plan (SOMP)

1.0 PROJECT LOCATION

The 160 Rombout Avenue Subdivision is located on Rombout Avenue and sits on approximately 0.33 acre of land identified as parcel number 5954-35-853796 on the City of Beacon Tax Maps.

2.0 SUMMARY OF STORMWATER MANAGEMENT SYSTEM

The project consists of the subdivision of the existing 0.33-acre lot, with an existing single-family residence, to two lots with a proposed single-family residence. This report summarizes all data and information necessary for the operation and maintenance of the stormwater infrastructure that will serve the newly created lots.

Lot 1 contains the existing single-family residence. Lot 2 contains the proposed single-family residence. Stormwater collected from the impervious roof top for the proposed house on Lot 2 will be collected by a gutter and downspout system to a drain basin along the southern side of the residence and conveyed to an existing catch basin along Rombout Avenue. Stormwater runoff from the grassed areas on both lots, the majority of the rooftop runoff from the existing house on Lot 1, the impervious driveways from both lots, and off-site drainage from neighboring properties will travel via sheet flow to the northern portion of Lot 2, which will consist of a modified infiltration basin.

2.0 STORMWATER SYSTEM COMPONENTS

2.1 Drain Basin

A Drain Basin may be used as a confluence point for the roof collection system consisting of gutters and downspouts and header pipes located on Lot 2. The Drain Basin is a pre-cast concrete structure located below grade that collects site runoff from the surface via a grate inlet, or from other portions of the site via pipe inlet. In this case, the Drain Basin would collect flow from the header pipes from the roof collection system. The Drain Basin is equipped with a sump to capture sediment. All yard drains have an outlet culvert pipe that conveys the runoff to its designed outlet.

2.2 Culvert Piping

Culvert Piping consists of solid PVC pipe to convey flow from the Drain Basin to the existing catch basin located along Rombout Avenue. The Culvert Pipe provides the discharge from the Drain Basin that collects the rooftop runoff on Lot 2 and is 6" diameter SDR-35 PVC.

2.3 Infiltration Basin

The proposed Infiltration Basin on Lot 2 is a shallow excavated stormwater area used to promote stormwater infiltration and stormwater uptake from plantings. The bottom and sides of the basin are mulched, with plantings spaced throughout to promote filtration and uptake. Stormwater runoff is directed into the Infiltration Basin via overland flow and seeps into the soil over a short period.

3.0 MAINTENANCE

3.1 Responsibility for Maintenance

The owner of record for Lot 2 shall be responsible for the periodic maintenance and overall condition of the respective stormwater management system.

3.2 Maintenance Requirements

3.2.1 Culvert Piping and Drain Basins

Frequency	Observation	Maintenance Activity
Spring and Fall	Inspect all culvert inlets and outlets and the drain basin. Look for obstructions, vegetation, debris, litter, sediment, etc.	Remove obstructions and sediment build-up as needed

3.2.2 Infiltration Basin

The Infiltration Basin shall be inspected monthly for sediment and debris accumulation. Any accumulated sediment or debris should be removed as necessary. After storm events, the Infiltration Basin dewatering duration should also be monitored. Sediment shall be cleaned out of the Infiltration Basin annually.

Frequency	Observation	Maintenance Activity
After several storm events or after an extreme storm event	Inspect outfalls and other areas for signs of erosion, signs of mulch movement out of the treatment area, signs of damaged plants or dead or diseased vegetation. Observe dewatering capability.	Replace mulch as needed, repair areas of erosion and replace dead, diseased or damage plants. If dewatering is in excess of 48 hours, scarify the top $\pm 6''$ of the basin bottom area to ensure adequate infiltration. Replace mulch after scarification.
Spring and Fall	Inspect inflow points for erosion. Inspect shrubs and other vegetation to evaluate their health and replace any dead or diseased vegetation. Inspect surrounding drainage area for erosion or signs of sediment delivery to the rain garden.	Fill rill erosion and add hardwood mulch, as necessary. Remove sediment into basin if found. Remove any invasive plant species.
Annually		Remove sediment build-up. Replace mulch where the mulch has degraded. If dewatering is in excess of 48 hours, scarify the top $\pm 6''$ of the basin bottom area to ensure adequate infiltration. Replace mulch after scarification.

City of Beacon Council Agenda
5/18/2020

Title:

Resolution Authorizing Execution of a Grant Agreement with NYS Environmental Facilities Corporation

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing Execution of a Grant Agreement with NYS Environmental Facilities Corporation	Resolution



**CITY COUNCIL
CITY OF BEACON
Resolution No. ___ of 2020**

**RESOLUTION AUTHORIZING EXECUTION OF A GRANT AGREEMENT
WITH THE NEW YORK STATE ENVIRONMENTAL FACILITIES
CORPORATION**

NOW THEREFORE BE IT RESOLVED, that the City of Beacon City Administrator is authorized to execute a Grant Agreement with the New York State Environmental Facilities Corporation and any and all other contracts, documents, and instruments necessary to bring about the project and to fulfill the City of Beacon’s obligations under the Grant Agreement.

Resolution No. ___ of 2020			Date: <u>May 18, 2020</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon Council Agenda
5/18/2020

Title:

Resolution Accepting Easements at 23-28 Creek Drive

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Accepting Easements at 23-28 Creek Drive	Resolution
Beacon Deed to 23-28 Creek Drive LLC	Backup Material
Beacon Creek Drive Schedule B	Backup Material
Easement Agreement Utility	Agreement
Greenway Trail Easement - 23-28 Creek Drive - DPW	Backup Material
Stormwater Control Facility Maintenance Agreement and Easement	Agreement



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION AUTHORIZING EASEMENTS
AT 23-28 CREEK DRIVE**

Parcel ID#: 6054-37-037625

WHEREAS, on January 14, 2020 the City of Beacon Planning Board approved 23-28 Creek Drive, LLC's, (the "Applicant") applications for Preliminary and Final Subdivision Plat Approvals (lot line realignment) and Site Plan Approval to construct a mixed-use development with a total of eight (8) residential units and 20,000 square feet of commercial space (the "Project") on a total of 3.144 acres, 2.807 acres of property located at 23-28 Creek Drive and designated on the Tax Map of the City of Beacon as **Parcel ID#: 6054-37-037625** and 0.337 acres from the adjacent parcel which consists of land owned by Weber Projects III, LLC located at 7-15 Creek Drive and designated on the Tax Map of the City of Beacon as **Parcel ID#: 6054-37-066670** (the "Property") as set forth in the Preliminary and Final Subdivision Plat Approval and Site Plan Approval Resolution (the "Resolution") signed on January 14, 2020; and

WHEREAS, the Resolution is subject to a condition that the Applicant submit to the City the following easements: (1) Stormwater Control Facility Maintenance and Easement Agreement; (2) Utility Easement; and (3) Greenway Trail Easement; and

WHEREAS, the Applicant submitted the foregoing easements which have been reviewed and accepted by the City Attorney as to form.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the aforementioned easements for the purposes stated therein, along with all documents as may be necessary for the recording of such Agreements, subject to review and approval by the City Attorney and subject to review and acceptance by the City Engineer of the metes and bounds descriptions.

Resolution No. ___ of 2020

Date: May 18, 2020

Amendments

2/3 Required

Not on roll call.

On roll call

3/4 Required

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

QUITCLAIM DEED

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the _____ day of May, 2020

between

CITY OF BEACON, a Municipal Corporation, having its offices at One Municipal Plaza, Suite One, Beacon, New York 12508

party of the first part, and

23-28 CREEK DRIVE LLC, a New York limited liability company, having an address of 11 Creek Drive, Suite 102A, Beacon, New York 12508

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten dollars (10.00), lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, more particularly described in Schedule "A" attached hereto.

BEING the same premises conveyed to the City of Beacon, successor in interest to the Village of Matteawan from Standard Oil Company of New York by deed dated August 29, 1903 and recorded September 18, 1903 in Book 328, Liber 447 of the Dutchess County Clerk's Office.

SUBJECT to Terms and Conditions of Sale annexed hereto as Schedule "B" and made a part hereof. All obligations contained within Schedule "B" shall run with the land and shall be binding on upon and shall inure to the benefit of the parties herein and their successors and assigns.

No part of the property herein conveyed shall be used as a used car lot, junkyard or for any other dangerous, noxious or offensive purpose.

The party of the second part shall maintain the park in perpetuity and in a condition to the reasonable satisfaction of the City of Beacon and consistent with the maintenance of the Greenway Trail, this condition shall be binding upon all subsequent owners of the property.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises, *TO HAVE AND TO HOLD* the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

CITY OF BEACON

By: Anthony Ruggiero
Title: City Administrator

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

On the ____ day of May, 2020, before me, the undersigned, personally appeared ANTHONY RUGGIERO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

Quitclaim Deed

Grid No: 6054-37-037625

Return By Mail To:

Cuddy & Feder LLP 445 Hamilton Avenue – Suite 1500 White Plains, New York 10601

Schedule A – Property Description

Schedule B – Terms and Conditions of Sale

I. Redevelopment and Transfer Conditions

1. Within fourteen (14) days of conveyance of title to the Property, the Property shall be secured and the Property shall comply with Sections 107.2, 302, 303 and 307 of the Property Maintenance Code of the State of New York and Chapter 92 of the City of Beacon Code.

2. Purchaser shall, in accordance with all applicable laws, rules and regulations, (a) within thirty (30) days of Closing, commence demolition work and remediation work, pursuant to the remediation work plan dated February 20, 2020, as prepared by Gallagher Basset Technical Services (the “Remediation Work”) and as required by all applicable statutes and regulations and by the NYSDEC, and diligently complete same, and (b) within sixty (60) days of closing, obtain (i) a Building Permit and (ii) construction financing in an amount sufficient to construct the Project. Purchaser shall commence construction on the Project within thirty (30) days of the later of the issuance of a Building Permit or completion of the Remediation Work. Purchasers’ obligations to (i) commence Remediation Work, (ii) secure construction financing, (iii) obtain a Building Permit and (iv) commence construction on the Project, in accordance with the herein terms and conditions, shall be incorporated into the language of the deed and binding upon all subsequent owners of the Property. The terms and conditions of this herein paragraph shall survive the closing of title for the Property.

3. Purchaser must diligently pursue construction and obtain any and all Certificates of Occupancy for the complete Project within eighteen (18) months after issuance of a Building Permit of the Project.

4. Prior to the issuance of any Certificate of Occupancy for the Project, the following conditions shall be fulfilled: (i) Purchaser shall construct the Greenway Trail on the Property; and (ii) Purchaser shall enter into an agreement with the City and any other necessary parties whereby the maintenance of the Greenway Trail on the Property shall be performed by the person(s), entity(ies), or organization(s) responsible under the rules and regulations for the complete greenway trail of which the Greenway Trail to be constructed hereunder shall be a part.

5. Any requests for an extension of time frames set forth in Paragraphs 1 and 2 above shall be subject to the approval of the City Council, in its sole discretion, which consent shall not be unreasonably withheld, conditioned or delayed provided that Purchaser has been diligently and in good faith proceeding toward completion of the Project.

6. The Parties agree that the dates set forth in paragraphs 1 and 2 of this Schedule B are subject to Unavoidable Delays (as hereinafter defined) and the dates set forth in such paragraphs shall be extended for the period of Unavoidable Delay provided Purchaser promptly advises the City in writing of the Unavoidable Delay and sets forth a date by which it anticipates such Unavoidable Delay will be resolved and provides a written update every thirty (30) days and proceeds with those portions of the Project not affected by the Unavoidable Delay. Any Unavoidable Delay is subject to the City’s reasonable approval, which approval shall not be

unreasonably withheld, conditioned, or delayed. "Unavoidable Delays" shall mean delays due to fire, casualty, labor trouble, inclement weather conditions, natural disaster, civil unrest; unforeseen site conditions or other unforeseen conditions, governmental preemption of priorities or other controls in connection with a national or other public emergency or shortages of fuel, supplies or labor resulting therefrom, or any other cause, whether similar or dissimilar, beyond Purchaser's reasonable control.

7. The Seller selected Purchaser on the basis of the Purchaser's assurance that the Property would be developed in the manner, and within the timeframes, described herein so that the Property will be utilized for the benefit of the City of Beacon and its residents and visitors. Therefore, except as permitted below, the Purchaser shall neither be permitted to sell nor transfer the Property until five (5) years following the issuance of the last Certificate of Occupancy for the Project and nor shall Rodney Weber sell, transfer or dilute more than 49% of his membership interests in the Purchaser until after expiration of this five (5) year period. At the time of signing of this Agreement, Purchaser is owned 100% by Rodney Weber. Notwithstanding the foregoing, (i) sales and/or transfers of individual condominium units in a building constructed on the Property shall not be subject to the restrictions on sales or transfers of the Property as contained in this paragraph 23, and (ii) Seller recognizes the rights of mortgage lenders under applicable mortgages to foreclose on the Property, subject to the deed restrictions set forth herein. The deed shall contain language to this effect.

II. Restrictions on Use of the Property

8. The Property is being sold upon the condition that all or any part thereof shall not be used as a used car lot, junkyard or for any other dangerous, noxious or offensive purpose or establishment whatsoever. The deed shall contain language to this effect.

9. All improvements must be made in compliance with the Building Code and Zoning Ordinances of the City of Beacon and all other applicable codes, rules, and standards.

10. Except as otherwise permitted in paragraph 5(b) of this Agreement, the Property must be kept free from all accumulation of construction debris and materials at all times, except for the staging of construction materials pursuant to a duly issued building permit.

III. Possibility of Reverter

11. Seller selected Purchaser on the basis of Purchaser's assurance that the Property would be developed in the manner, and within the timeframes, described herein so that the Property will be utilized for the benefit of the City of Beacon and its residents and visitors. Seller hereby retains a possibility of reverter in the Property for the purpose of assuring compliance with the Conditions of Sale set forth herein. The Terms and Conditions of Sale are covenants that shall run with the land and be binding to the fullest extent permitted by law and in equity. These Terms and Conditions of Sale shall inure to the benefit of the City of Beacon and shall be enforceable against Purchaser and its successors and assigns. This possibility of reverter shall be set forth in the deed and shall be binding upon any successor owner of the Property until such time as all post-Closing conditions have been satisfied. If the post-Closing Terms and

Conditions of Sale are not satisfied within the specified times outlined herein (as such specified times may be extended), the Property shall revert to Seller, free and clear of any and all claims, encumbrances or other liens as set forth below. Notwithstanding the foregoing, however, Seller agrees to fully subordinate its possibility of reverter rights to any first or second mortgage secured against the Property if such subordination is required by Purchaser's lender to allow Purchaser to obtain financing for the construction of the Project.

i. If Purchaser fails to comply with any of the post-Closing conditions set forth in this Schedule B, Seller shall provide Purchaser a written Notice of Failure to Comply (the "Notice") with Terms and Conditions of Sale. Purchaser shall have forty-five (45) days after receipt of such Notice to comply; provided, however, that if any such failure to comply cannot be cured within such forty-five (45) day period, Mortgagor shall be afforded up to an additional forty-five (45) days to cure such failure to comply provided Purchaser shall have commenced such cure within such initial forty-five (45) day period and shall thereafter diligently continue to cure such failure to comply;

ii. If Purchaser has failed to correct the condition that is set forth in the Notice by the end of thirty (30) days or as such time as may be extended as set forth in (i) above or in writing by Seller, the City Council and Seller shall at its regularly scheduled meeting, adopt a Resolution declaring Purchaser to be in default.

iii. Seller shall send a certified copy of such Resolution to Purchaser. Purchaser agrees that upon receipt of a certified copy of the Resolution adopted by the City Council declaring Purchaser to be in default of these post-Closing Terms and Conditions of Sale, Purchaser shall, within ten (10) days, execute a deed conveying the Property to the Seller at no cost.

iv. In the event Purchaser fails to execute such deed, Seller shall have the right to commence an action in Supreme Court, Dutchess County compelling Purchaser to execute the deed and convey the Property to the Seller. Purchaser shall be responsible for all reasonable legal fees and expenses incurred by the Seller in preparing the Notice, Resolution and costs associated with any litigation.

Upon issuance of all permanent Certificates of Occupancy for the Property conforming to the complete Project, the conditions set forth in these Terms and Conditions of Sale shall have been deemed fulfilled (aside from the restriction on using all or any part of the Property as a used car lot, junkyard or for any other dangerous, noxious or offensive purpose or establishment whatsoever, which restriction shall continue to remain in effect) and the possibility of reverter set forth herein and on the deed shall automatically terminate and be of no further force and effect.

IV. Miscellaneous Matters

12. Except as specifically provided for in the Conditions of Sale, the City of Beacon makes no representation and gives no warranties as to the environmental conditions of the aforesaid structure(s), lands and premises (the Property).

a. For the purposes of these conditions, "Environmental Laws" mean Federal, State and local laws and regulations, common law, orders, and permits governing the protection of the environment, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq. as amended (CERCLA); the Resource Conservation and Recovery Act, as amended 42 U.S.C. 6901, et seq.; the Clean Water Act, 33 U.S.C. 1251, et seq.; the Clean Air Act, 42, U.S.C. 7401, et seq.; The Toxic Substance Control Act, 15 U.S.C. 300f through 300j; Et seq. and any amendments thereto together with any other similar laws regulating the environment existing at the time of coming into existence in the future.

b. Purchaser acknowledges that it is taking the Property subject to all environmental conditions existing at the Property, whether known or unknown.

c. Unless this Agreement is terminated pursuant to paragraph 12A(h), paragraph 2 or paragraph 17 of this Schedule B, Purchaser agrees to indemnify, defend, and hold harmless the City of Beacon from all liability for any claims relating to any contamination, or violations of any Environmental Laws, as defined above relating to conditions known or unknown regardless of whether existing prior to or following Closing, including reasonable attorneys' fees.

d. The representations and warranties contained in this paragraph shall survive Closing.

13. All sales shall be final and without recourse, and in no event shall the Seller be liable for any defects in title for any cause whatsoever. Except as set forth in paragraph 14 of the Agreement, no claim, demand or suit of any nature shall exist in favor of the Purchaser, his/her heirs, successors or assigns, against the Seller arising from this sale. This paragraph shall survive the Closing.

EASEMENT AGREEMENT
(Utility)

THIS EASEMENT AGREEMENT (this “**Agreement**”) is made as of the ____ day of _____, 2020, by and between **23-28 CREEK DRIVE, LLC**, a _____ limited liability company (together with its successors and/or assigns, “**Grantor**”) having an office at 25 East Main Street, Beacon, New York 12508 and **CITY OF BEACON**, a municipal corporation having an office at One Municipal Plaza, Beacon, New York 12508 (together with its successors and/or assigns, “**Grantee**”).

WITNESSETH

WHEREAS, Grantor is the sole owner in fee simple of certain real property located in the City of Beacon, County of Dutchess and State of New York, as designated on the Tax Map of the City of Beacon as Parcel ID# 6054-37-037625 (the “**Encumbered Parcel**”), as more fully described by metes and bounds on **Schedule “A”** annexed hereto and made a part hereof; and

WHEREAS, the City of Beacon City Council (the “**City Council**”) approved the sale of the Encumbered Parcel to the Grantor by Resolution No. 52 of 2018, dated March 19, 2019; and

WHEREAS, Grantor purchased the Encumbered Parcel from Grantee by virtue of the Purchase and Sale Agreement dated May 11, 2018 (the “**Sale Agreement**”) by and between Grantor and Grantee. The Sale Agreement conditioned the sale of the Encumbered Parcel upon Grantor’s agreement to redevelop the Encumbered Parcel, which process included land use development applications to the City of Beacon Zoning Board of Appeals (the “**ZBA**”) for Area Variances, to the City of Beacon Planning Board (the “**Planning Board**”) to obtain Preliminary and Final Subdivision Plat Approvals and Site Plan Approval and to the City Council for Concept Plan Approval; and

WHEREAS, Grantor submitted applications for Preliminary and Final Subdivision Plat Approvals and for Site Plan Approval to the Planning Board in order to construct a mixed-use development on the Encumbered Parcel and upon 0.337 acres of the adjacent parcel which consists of land owned by Weber Projects III, LLC, located at 7-15 Creek Drive, and designated on the Tax Map of the City of Beacon as Parcel ID# 6054-37-066670 (the “**7-15 Creek Drive Parcel**”); and

WHEREAS, by Resolution adopted on September 17, 2019, the ZBA granted the Grantor’s application for area variances, and by Resolution dated November 18, 2019, the City Council granted concept plan approval to Grantor; and

WHEREAS, by Resolution adopted January 14, 2020 (the “**Planning Board Resolution**”), the Planning Board granted Grantor Preliminary and Final Subdivision Plat Approval and Site Plan Approval to construct a mixed-use development with a total of eight (8) residential units and 20,000 square feet of commercial space on the Encumbered Parcel, as shown on a certain subdivision map entitled “Lot Line Alteration Prepared for 23-28 Creek Drive” prepared by TEC Land Surveying, dated February 20, 2020, last revised _____, 2020 and filed in the Office of the Dutchess County Clerk on _____, 2020, as Filed Map No. _____ (the “**Final Subdivision Plat**”) and as shown on site plans entitled “Site Plan Application 23-28 Creek Drive”, consisting of Sheets 1-12, last revised _____, as prepared by Aryeh Siegel Architect, Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations (the “**Site Plan**”), upon certain conditions, which must be fulfilled prior to the signing of the Final Subdivision Plat and the Site Plan by the Chairman of the Planning Board; and

WHEREAS, the Grantee already has an existing utility easement encumbering the 7-15 Creek Drive Parcel as shown and labeled on the Final Subdivision Plat as “Existing Utility Easement FM 12519” (the “**Existing Utility Easement**”); and

WHEREAS, the Planning Board Resolution requires, among other things, the conveyance to the City of Beacon certain new easements corresponding with the easements shown on the Final Subdivision Plat including the utility easement described herein; and

WHEREAS, as part of the construction of the subject mixed-use development certain utilities will be installed including existing and/or proposed water and sewer mains as shown on Sheet 7 of the afore-referenced Site Plan (“Utility Plan”) which is annexed hereto as **Schedule “B”** (the “**Public Utility Improvements**”); and

WHEREAS, Grantor has agreed to submit an Irrevocable Offer of Dedication and Bill of Sale to the City Council offering such Public Utility Improvements for dedication to the City of Beacon which Offer may be accepted by the City at any time following their installation subject

to the submittal of an As-Built Survey and a one-year maintenance guaranty to the City in an amount to be determined by the City Engineer.

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. Preamble. The provisions of the preamble are hereby incorporated in this Agreement by this reference and made a part of this Agreement.

2. Grant of Easement. Grantor hereby grants to Grantee, its successors and assigns, a perpetual right and easement over, on and under those portions of the Encumbered Parcel shown, and labeled on the Final Subdivision Plat as “New Utility Easement” (the “**Easement**”), which area is more particularly described in Schedule “C” attached hereto and made a part hereof (the “**New Utility Easement Area**”) for the purposes of operating, maintaining, repairing, reconstructing, replacing and inspecting the Public Utility Improvements. With respect to potable water supply, Grantee shall be responsible for all water mains and hydrants. Grantor shall be responsible for the water service lines into the unit up to the water main, including the connection thereto. With respect to the sanitary sewer, Grantee shall be responsible for all sanitary sewer system manholes and mains. Grantor shall be responsible for the interior sewage plumbing and the service line up to the main, including the connection thereto. Without limiting the generality of the foregoing, Grantee’s rights shall include the right of ingress and egress for persons, motor vehicles and construction equipment necessary to perform the purposes set forth herein, and the right to clear, excavate, fill or grade the Property for the purposes set forth herein.

(a) Obligations upon Completion. Upon completion of the Utility Improvements, Grantor shall, at Grantor’s sole cost and expense, cause an “as-built” survey of the Utility Improvements within the New Utility Easement Area (the “As-Built Survey”) to be prepared and delivered to Grantee.

3. Reserved Rights/Limitations. Notwithstanding anything in this Agreement to the contrary:

(a) The Grantor is hereby prohibited from constructing and/or maintaining any type of permanent structure on the surface of the Property, including trees and fences, in the location of the Public Utility Improvements as shown on Schedule B.

(b) Notwithstanding the foregoing, the Grantor shall have the right to install limited landscaping (ground cover, no trees or shrubs), erect limited traffic control and way-finding signs with no footings within, pave over, stripe and otherwise use the New Utility Easement Area to the extent expressly permitted by approvals heretofore or hereafter granted by the City of Beacon or its Planning Board for the development of the Premises. Grantor shall neither cause nor allow any act or omission that would unreasonably interfere with Grantee's ability to exercise its rights pursuant to this Agreement.

(c) The Grantee agrees that it shall, to the extent reasonably practicable, restore the New Utility Easement Area to the condition as existed immediately prior to any such construction or the exercise of its rights under this Agreement.

(d) Following any acceptance of the Public Utility Improvements by the Grantee, Grantee agrees at all times to maintain the Public Utility Improvements in good order and repair at its sole cost and expense.

4. Indemnity.

(a) The Grantee will defend, indemnify and hold harmless the Grantor from and against any loss, liability, cost damage, expense (including reasonable attorneys' fees) or claims for personal injury or property damage arising out of or in connection with the Grantee's exercise of any rights contained under this Agreement by Grantee or any of Grantee's representatives, agents or employees.

5. Miscellaneous.

(a) *Covenants Run with the Land.* This Agreement and the provisions of the Easement granted hereby are intended to be perpetual, shall run with the land and be binding upon and inure to the benefit of, and shall be enforceable by, the parties hereto, their respective heirs, legal representatives, successors and assigns. The failure of any party benefited by this

Agreement to enforce any provision contained herein shall not be deemed a waiver of the right to do so thereafter.

(b) *Ownership of the Encumbered Parcel.* Ownership of the real estate comprising the Encumbered Parcel remains in all respects vested in the Grantor, and the use and enjoyment of all such portions of the Grantor's property is retained in perpetuity by and for Grantor, its successors and/or assigns, as the case may be, subject to the provisions of this Agreement and the Easement granted hereby.

(c) *No Unreasonable Use.* The Easement granted pursuant to this Agreement shall be used in such a manner so as to not unreasonably interfere with the use and enjoyment by Grantor, or any tenant, licensee or occupant of any space within the Encumbered Parcel.

(d) *Mechanics' Liens.* It is expressly understood and agreed that in the event Grantee performs or causes to be performed any work with respect to the New Utility Easement Area, Grantee will not permit any mechanics', materialmens' or other similar liens to stand against the Encumbered Parcel in connection with any work so performed.

(e) *Due Authorization.* The parties hereto represent and warrant to each other that it has the right, power and authority to execute and deliver this Agreement and to perform its obligations hereunder, and this Agreement has been duly authorized, executed and delivered by it and is a valid and binding obligation of it enforceable against it in accordance with the terms hereof.

(f) *Partial Invalidity.* If any provision of this Agreement or the application thereof to any person or circumstance is determined by a court of competent jurisdiction to be invalid, the remainder of the provisions of this Agreement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

(g) *Entire Agreement.* This Agreement contains the entire agreement of the parties hereto in respect of the transactions contemplated hereby, and all prior agreements among or between such parties, whether oral or written, are superseded by the terms of this Agreement.

(h) *Counterpart Execution.* The parties may execute this instrument in any number of counterparts, which shall, in the aggregate, be signed by all parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

(i) *Governing Law.* This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to the conflicts of laws rules thereof.

(j) *Recording of Agreement.* Grantor shall record this Agreement in the Office of the Dutchess County Clerk, Division of Land Records.

(k) *No Third-Party Beneficiaries.* No person not a party hereto is intended to be a third-party beneficiary of this Agreement.

(l) *Amendment.* This Agreement may not be modified, amended, waived, extended, changed, discharged or terminated orally or by any act or failure to act on the part of any party hereto, but only by an agreement in writing signed by both parties hereto and recorded in the Office of the Dutchess County Clerk, Division of Land Records. Upon the completion of the construction and installation of the Public Utility Improvements, this Easement may be modified by recording an Amended Easement acknowledged by Grantor and Grantee, for the purpose of modifying the description of the New Utility Easement Area from that which is described at Schedule "C" to a more specific description of the as-built location of the Public Utility Improvements, as necessary.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and sealed as of the day and year first above written.

GRANTOR:

23-28 Creek Drive, LLC

By: _____

Name: Rodney Weber

Title:

GRANTEE:

City of Beacon

By: _____

Name: Anthony Ruggiero

Title: City of Beacon City Administrator

[ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]

ACKNOWLEDGMENTS

STATE OF NEW YORK)
)ss.:
COUNTY OF _____)

On the ___ day of _____, in the year 20___, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
)ss.:
COUNTY OF _____)

On the ___ day of _____, in the year 20___, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Section:
Block:
Lots:
County of Dutchess

Record & Return to:

City of Beacon
c/o Keane & Beane P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis,
Esq.

Schedule "A"

Description of the Premises

Beginning at a rebar set at the new division line between Tax Parcel 6054-37-037625, to the southwest and Tax Parcel 6054-37-066670, to the northeast as shown on a map entitled "Lot Line Alteration Prepared for 23-28 Creek Drive" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office as Map No. _____, said rebar lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009- 1705) and being locate South 35° 21' 37" West a distance of 95.47 feet from a rebar found at the southwest corner of a Right-of-Way as described in Liber 153, Page 477; Thence through Tax Parcel 6054-37-066670 South 55° 07' 29" East a distance of 188.58 feet to a point located on the northwesterly line of the Fishkill Creek; Thence along the same South 43° 50' 37" West a distance of 79.22 feet to a point; thence South 56° 40' 23" East a distance of 51.60 feet to a point located in the center of the Fishkill Creek; Thence along the same the following eight (8) courses:

1. South 41° 11' 27" West a distance of 100.95 feet to a point;
2. South 48° 37' 58" West a distance of 103.68 feet to a point;
3. South 49° 42' 47" West a distance of 104.23 feet to a point;
4. South 38° 05' 01" West a distance of 100.35 feet to a point;
5. South 34° 42' 44" West a distance of 100.03 feet to a point;
6. South 26° 17' 10" West a distance of 100.76 feet to a point;
7. South 10° 24' 48" West a distance of 108.57 feet to a point;
8. South 26° 41' 07" West a distance of 132.27 feet to a point located on the northerly line of Wolcott Avenue (A.K.A. N.Y.S. Route 9D); thence along the same the following four (4) courses:

1. North 61° 42' 57" West a distance of 42.46 feet to a point;
2. North 17° 55' 13" East a distance of 23.35 feet to a point;
3. North 20° 31' 19" West a distance of 65.81 feet to a point;
4. North 56° 16' 42" West a distance of 60.32 feet to a point located on the westerly line of the aforementioned Metro North Commuter Railroad Co.; thence along the same the following four (4) courses:

1. North 28° 50' 36" East a distance 541.00 feet to a curve;
2. Turning to the right having a radius of 1,860.58 feet and an arc length of 167.37 feet to a point;
3. North 54° 35' 15" West a distance of 9.99 feet to a point;
4. North 35° 33' 59" East a distance of 66.50 feet to a point and
5. North 35° 21' 37" East a distance of 83.03 feet to the place or Point of Beginning.

Containing 3.144 Acres more or less.

Schedule "B"

Utility Plan, Sheet 7 of 12, last revised _____, as prepared by Aryeh Siegel Architect,
Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations

Schedule "C"

New Utility Easement Area

Beginning at a point located on the southeasterly line of the lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705), said point also being the Northerly most corner of the proposed new lot line shown hereon;

Thence S 55° 07' 29" E for a distance of 35.07 feet to a point;
Thence S 34° 32' 51" W for a distance of 2.21 feet to a point;
Thence S 55° 27' 09" E for a distance of 24.04 feet to a point;
Thence S 34° 32' 51" W for a distance of 20.00 feet to a point;
Thence N 55° 27' 09" W for a distance of 25.37 feet to a point;
Thence S 22° 17' 51" W for a distance of 93.62 feet to a point;
Thence S 49° 14' 37" W for a distance of 37.94 feet to a point;
Thence S 33° 49' 37" W for a distance of 59.17 feet to a point;
Thence S 04° 14' 37" W for a distance of 10.31 feet to a point;
Thence N 85° 45' 23" W for a distance of 18.50 feet to a point;
Thence S 33° 49' 37" W for a distance of 67.82 feet to a point;
Thence S 01° 11' 26" E for a distance of 72.08 feet to a point;
Thence S 20° 16' 36" W for a distance of 110.33 feet to a point;
Thence S 57° 11' 20" E for a distance of 54.17 feet to a point;
Thence S 38° 05' 01" W for a distance of 20.09 feet to a point;
Thence N 57° 32' 34" W for a distance of 66.15 feet to a point;
Thence N 04° 43' 10" E for a distance of 7.34 feet to a point;
Thence N 20° 13' 21" E for a distance of 116.40 feet to a point;
Thence N 01° 11' 26" W for a distance of 73.62 feet to a point;
Thence N 29° 22' 28" E for a distance of 7.27 feet to a point;
Thence N 33° 49' 37" E for a distance of 147.01 feet to a point;
Thence N 12° 29' 40" E for a distance of 39.03 feet to a point;
Thence N 35° 33' 59" E for a distance of 29.75 feet to a point;
Thence N 35° 21' 37" E a distance of 83.03 feet to the Point or Place of Beginning.

**ACCESS EASEMENT AND MAINTENANCE AGREEMENT FOR
PERMANENT PEDESTRIAN GREENWAY TRAIL**

This Permanent Pedestrian Greenway Trail Easement Agreement (“**Easement Agreement**”) is made and entered into this _____ day of _____, 2020, by and between **23-28 CREEK DRIVE, LLC**, with offices located at 25 East Main Street, Beacon, NY 12508 (hereinafter, the “**Grantor**”) and the **CITY OF BEACON**, a municipal corporation having an office at One Municipal Plaza, Beacon NY, 12508, (hereinafter, the “**Grantee**”).

WITNESSETH:

WHEREAS, Grantor is the owner of certain improved real property located at 23-28 Creek Drive (the “**Property**”) in the City of Beacon, Dutchess County New York, presently identified as Tax Parcel 16054-37-037625, such property having been conveyed to Grantor by deed recorded in the Dutchess County Clerk’s Office dated _____, 2020 and depicted on a certain subdivision plat consisting of one (1) sheet entitled Lot Line Alteration Prepared for 23-28 Creek Drive”, prepared by TEC Land Surveying, dated February 20, 2020, last revised _____, 2020 and filed in the Office of the Dutchess County Clerk on _____, 2020 as Filed Map No. _____ (the “**Subdivision Plat**”) as more fully described by metes and bounds on **Schedule “A”** annexed hereto; and

WHEREAS, by Resolution adopted January 14, 2020, the City of Beacon Planning Board (the “**Planning Board**”) granted Grantor Preliminary and Final Subdivision Plat Approvals and Site Plan Approval to subdivide the Property (the “**Planning Board Resolution**”), which involves a lot line adjustment consisting of .0337 acres of the adjacent parcel of land owned by Weber Projects III, LLC, located at 7-15 Creek Drive, and designated on the Tax Map of the City of Beacon as Parcel ID# 6054-37-066670 (the “**7-15 Creek Drive Parcel**”) as shown on the Subdivision Plat; and

WHEREAS, the Planning Board Resolution granted Site Plan Approval to Grantor to construct a mixed-use development with a total of eight (8) residential units and 20,000

square feet of commercial space (the “**Project**”) as shown on the site plans entitled “Site Plan Application 23-28 Creek Drive”, consisting of Sheets 1-12, last revised _____, as prepared by Aryeh Siegel Architect, Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations (the “**Site Plans**”) upon certain conditions, including the granting of a Greenway Trail Easement; and

WHEREAS, by Resolution adopted on September 17, 2019, the City of Beacon Zoning Board of Appeals (the “**ZBA**”) granted the Grantor’s application for area variances, and by Resolution dated November 18, 2019, the City of Beacon City Council (the “**City Council**”) granted concept plan approval to Grantor; and

WHEREAS, the Project incorporates public linkages to the Greenway Trail (defined below) and includes the construction of a half-acre public park along Fishkill Creek as shown on the Site Plans; and

WHEREAS, the Project includes certain common area and related improvements relating to access, parking, lighting, landscaping and other improvements and amenities for the use of the residents of the Project only (the “**Private Improvements**”), and also contains certain physical improvements to which non-exclusive public access is being provided under the terms of this Easement Agreement (the “**Public Improvements**”), all as further set forth in this Easement Agreement and referred to in the Planning Board Resolution and on the Subdivision Plat and Site Plans (collectively the “**Approved Plans**”); and

WHEREAS, Grantee is a municipal corporation, and regulates and operates a public trail system throughout the City, which includes trails on public and private lands; and

WHEREAS, in furtherance of State and Regional policies to encourage Greenway Trails throughout the Hudson Valley, the Grantee has undertaken activities to support the establishment and operation of the Fishkill Creek Greenway & Heritage Trail (the “**FCGHT**” or “**the Trail**”) along the Fishkill Creek within the City of Beacon, including: establishing a comprehensive document entitled “Fishkill Creek Greenway & Heritage Trail Master Plan,” (hereafter, “**Trail Master Plan**”) funded in part by the New York State

Hudson River Valley Greenway and adopted by the Beacon City Council by Resolution dated June 17, 2013; and

WHEREAS, pursuant to the Trail Master Plan, the Grantee is acquiring and continues to acquire pedestrian trail easements on properties along the Fishkill Creek, including those adjacent to the Parcel, for the purpose of establishing connectivity of other existing and future pedestrian trail easements along the Fishkill Creek that together will establish the FCGHT; and

WHEREAS, in furtherance of the above trail policies, the Grantee, in its legislative capacity, has on April 3, 2017, enacted a uniform set of rules and regulations governing the use of all public trails in the City, to wit: Chapter 170 of the Code of the City of Beacon, covering operation and use of trails on publicly owned land, and also trails, including the FCGHT, where a trail is located on private land over which the City has acquired an easement for trail purposes on behalf of the public, and has established supplementary rules and regulations applicable to the FCGHT in Section 170-5 thereof; and

WHEREAS, in furtherance of the above trail policies, as well as the specific terms and conditions of the project approvals granted to the Project, the Grantee has requested the Grantor to establish a pedestrian trail on the Project to become part of the FCGHT, and Grantor has consented to establish a portion of such trail on its Property; and

WHEREAS, the Planning Board Resolution requires the conveyance of a Greenway Trail Easement to Grantee providing for pedestrian public access along the Trail to be constructed over and across the Project, all as more particularly shown on the Approved Plans, and also provide pedestrian access to the Trail from adjoining parcels. A reduced copy of the Subdivision Plat is attached hereto and made part hereof as **Schedule “B”**, which shows the proposed location of the Trail. The area of the Greenway Trail Easement is more particularly described in the metes and bounds description attached hereto and made a part hereof as **Schedule “C”** (the “**Easement Area**”); and

WHEREAS, the parties intend that the Greenway Trail Easement granted herein shall be used only for passive, non-motorized, pedestrian recreation in the form of walking and hiking, including visual enjoyment of the Fishkill Creek corridor, with non-motorized bicycle riding on segments of the trail which have been specifically designated by the City as appropriate for joint use by bicycles and pedestrians and signed for such dual use, all such activities being within the ambit of the protections granted under New York State General Obligations Law §9-103 and New York State Environmental Conservation Law §44-0119(7), and within the coverage requirements of the Greenway Trail Insurance Program; and

WHEREAS, the parties further intend that the Trail will be open to the public only during daylight hours (dawn to dusk), and is also subject to the further rules and regulations set forth in Chapter 170 of the City Code; and

WHEREAS, the parties recognize that Grantee shall have the continuing authority to establish further terms and limitations on public use of the Trail, as it may deem appropriate.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants below, and One dollar (\$1.00) and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

1. Construction and Location of Improvements: Grantor shall construct the Public Improvements as shown on the Approved Plans according to the construction standards set forth on the Approved Plans and according to all applicable accepted industry standards for such construction. The Public Improvements in the Easement Area include the following, all of which are shown in more detail on the Approved Plans:

- a. Grantor shall construct the pedestrian Trail of variable width, with the width of the Easement Area being 20' along the Fishkill Creek. The location of the Trail within the Easement Area shall be as shown on the Approved Plans,

although the City Building Inspector may authorize variations in the route during construction based on field conditions.

- b. The pedestrian Trail improvements, running in a generally east-west direction generally parallel with the Fishkill Creek, beginning, at the southeast end of the Property at the property line of the 7-15 Creek Drive Parcel owned by Weber Projects III, LLC, identified as Tax Parcel 130200-6054-37-066670, heading west paralleling the Fishkill Creek along the south side of the Proposed 4-Story Building toward the Wolcott Avenue Bridge (NYS Route 9D) and terminating at its westerly end at the property line abutting the right-of-way of the New York State Department of Transportation.
- c. It is specifically understood that due to topographic conditions relating to the Property, the Trail will not meet ADA standards and will not be handicapped accessible.
- d. Limits on Areas Open for Public Access: The Easement granted herein is solely for the purpose of through access for pedestrian users of the Trail traveling between portions of the Trail located northeast of Grantor's property and portions of the Trail located to the southwest of Grantor's property. No right is granted to access any portion of the Grantor's properties other than the Easement Area. No right is granted to park vehicles on Grantor's properties, with the exception of two (2) handicapped parking spaces as indicated on the Site Plans, or to access the Trail over any portion of Grantor's properties which is not part of the Easement Area. Grantor shall have the right to have cars towed which are improperly parked on the Property. Grantee acknowledges and agrees that Grantor shall have the right to prohibit access to the Trail until the same has been grass-seeded and grown.

2. Grant of Easement: Grantor hereby grants, transfers and conveys to Grantee, for the benefit of the Grantee and the public, to be accepted and exercised under the terms set forth in this agreement, and subject to the further limitations set forth in Chapter 170 of the City Code and any amendments thereto adopted after this conveyance is recorded, a non-exclusive easement and right-of-way over, across and upon the Easement Area, as described herein, for passive, non-motorized pedestrian walking and hiking, including visual enjoyment of the Fishkill Creek corridor, during daylight hours (dawn to dusk), under the further limitations set forth in the following paragraphs. The trail shall be of variable width, with the width of the Easement Area being 20' with an 8' wide trail, 2' shoulder on both sides, and a 2' buffer between the shoulder and any obstacles on both sides, with the exception of a pinch point at the building retaining wall where there is 1.5' on the west side of the Trail for approximately 50', as shown on the Approved Plans (see, **Schedule "B"**) and further described by metes and bounds at **Schedule "C"**. All the easement rights granted herein are non-exclusive, and to be enjoyed subject to the Grantor's reserved rights, on behalf of itself, its successors, assigns and tenants, to use these improvements jointly with members of the public. Grantor and Grantee agree that public access to the Trail, shall not be permitted until the issuance of the first Certificate of Occupancy for the residential component of the Project unless otherwise agreed to in writing by Grantor and Grantee. Grantee acknowledges and agrees that Grantor shall have the right to prohibit access to the Trail until the same has been grass-seeded and grown. The foregoing restriction shall not apply to the commercial component of the Project.

3. Limits on Permitted Public Activities on the Property: The pedestrian uses authorized by this easement are for quiet, non-motorized, passive recreational trail hiking and walking use by members of the public who are users of the Trail, and subject to the further limitations set forth in Chapter 170 of the Code of the City of Beacon, and any amendments thereto adopted after this conveyance is recorded, and may include non-motorized bicycle use in segments of the trail which have been specifically designated by Grantee as appropriate for joint use by bicycles and pedestrians, and signed for such

dual use, all of which activities are within the coverage of New York State General Obligations Law §9-103. Without in any way limiting the generality of the foregoing, authorized uses shall not include running, skiing, snowshoeing, skateboards, roller skates or use of any all-terrain vehicles, snowmobiles, or any other motorized vehicles. Without limiting the foregoing, cross-country skiing is not permitted in this easement. Lawful construction, maintenance and emergency services activities relating to the Trail and the project site are not subject to the prohibition of motorized vehicles. There shall be no dumping of trash, garbage, or other unsightly or hazardous material within the Easement Area. No use of the Trail shall be permitted before dawn or after dusk. Rules and Regulations governing the use of the public trailways in the City, including the FCGHT are set forth in Chapter 170 of the Code of the City of Beacon, as it may be amended from time to time. Grantee may make any further restrictions it deems appropriate in managing the public use of the Trail. Public access to the FCGHT does not constitute permission to enter onto private property adjoining the Trail, and entry on private property adjoining the Trail is subject to prosecution as Trespass under the New York State Penal Law, in addition to constituting a violation of Chapter 170 of the Code of the City of Beacon.

4. Operation of Trail: Upon completion, including the seeding and planting of grass and trees in accordance with paragraph 1(d) hereinabove, and prior to any public use of the Trail, the construction of the Trail shall be inspected, and approved for purposes of City acceptance of the opening of the Trail for public use by the City Building Inspector, with written confirmation of such approval provided to Grantor and Grantee. After the Grantee, through the City Building Inspector, inspects, approves and accepts the constructed Trail, the City shall have the authority to determine when and whether the Trail shall be open for public use, and may suspend public use of the Trail at any time for any length of time, as it may deem appropriate. Operation of the Trail is further subject to the provisions of Chapter 170 of the Code of the City of Beacon as such may be amended from time to time. In view of the natural and open character of the FCGHT, and the changing character of the natural environment, neither the Grantee nor the

Grantor can make any representation that any portion of the Trail is safely passable at all times when the Trail is open. All users shall approach the Trail with caution and use it prudently and safely at the trail users own risk, in light of seasonal, weather, and other natural conditions. Neither the Grantee nor the Grantor are obligated to clear snow and ice from the Trail. Without limiting the general ability of the Grantee to suspend public use of the trail at any time for any length of time, as it may deem appropriate, the FCGHT shall be closed during snow and ice storms.

5. Repair and maintenance obligations: Grantor shall be responsible for construction and maintenance of the Trail. Grantor shall not be obligated to clear snow from the Trail, but shall not pile cleared snow from other parts of the Property in a way that will prevent or restrict access to the Trail. Unless such obligations are superseded by City enactment of uniform standards for maintenance and repair of the City's Greenway Trail System, the Trail shall be inspected at least once a year and after significant storm events, and Grantor shall restore the Trail as near as may be possible to its original condition after significant storm events and flooding (as determined by the Building Inspector) and shall repair any damage to the Trail, however, Grantee shall not be obligated to restore or replace eroded areas of the Trail abutting the Fishkill Creek. Grantee shall also have the right to seek grants for trail improvements and to make any such improvements in its sole discretion, and may assign any portion of day-to-day maintenance responsibilities for the trail to an agency of government or a qualified not-for-profit entity, as the Grantee in its sole discretion may deem appropriate, provided that any such group shall carry liability insurance meeting the standards of this Easement Agreement.

6. Liability and Insurance: Grantee, which already maintains a municipal general liability policy, agrees to include coverage for this Greenway Trail Easement insofar as it is open for public use, in its standard policy of general commercial liability insurance, to include a coverage limit not less than \$1,000,000 for any one occurrence and \$2,000,000 in the aggregate, such limits to be adjusted at least every five (5) years to an

amount equivalent to that sum in 2020 dollars. Grantee shall cause the Grantor, as owner of the fee title of the Easement Area to be named as an additional insured on such policy of municipal liability insurance, as its interests may appear. Grantee shall indemnify and hold Grantor harmless for any claims, losses, damages or suits connected with or arising out of the use of the Trail and existence of the Greenway Trail Easement, except to the extent that such claims arise from the gross negligence or willful misconduct of Grantor. Notwithstanding the foregoing, Grantor shall also purchase liability insurance relating to the Trail, either through the Greenway Trail Program Insurance or otherwise, with the same limits of coverage, and shall name the Grantee as an additional insured on such policy as its interest may appear.

7. Grantor Reserved Rights: Subject to the easement rights granted herein, the Grantors, for themselves, and their successors and assigns, reserve all rights as the owner of their respective properties, including the right to fully use and enjoy the Easement Area herein described, including the rights of ingress and egress to, upon, over, under, through and across the Easement Area, provided same shall not eliminate or obstruct the Easement Area, or unreasonably interfere with Grantee's rights hereunder. Grantors shall not construct anything in or below the Easement Area except as authorized by any required governmental approvals, which shall not be unreasonably denied provided that the proposed use does not unreasonably interfere with Grantee's rights hereunder. In the event that any construction below the Trail is conducted, it shall be performed in a timely manner, and the Easement Area shall be returned as near as possible to its prior condition as soon as the construction is completed. Nothing herein shall be construed as limiting the right of Grantor to sell, give, transfer, or otherwise convey or encumber the Project, or any portion or portions of the Project, provided that such conveyance is subject to the terms of this Greenway Trail Easement Agreement.

8. Reliance on State Law: Grantor and Grantee agree that in creating this easement for public access, Grantor and Grantee are relying on the protection against liability contained in section 9-103 of the New York State General Obligation Law, as the same

may be amended from time to time, and that for such purposes both the Grantor and the Grantee shall be deemed “occupants” of the Easement Area. The limitation of activities permitted within the Easement Area is intended to assure that all activities are within the coverage of this provision of State Law. The parties agree, however, that any repeal or amendment of Section 9-103 that may diminish its protective effect shall not affect the validity of the Easement herein granted. Grantor and Grantee further agree that, given the City’s participation as a Trail Manager, they are relying on the New York State indemnity for participating Greenway Compact Communities contained in the New York State Environmental Conservation Law Section 44-0119(7), as the same may be amended from time to time. Grantor and Grantee further agree that they will limit activities within the Easement Area, including a prohibition on motorized uses, to assure eligibility for participation by Grantor in the Hudson River Valley Greenway Trail Program Insurance program.

9. Binding Effect: The easement granted herein is permanent and non-exclusive. The terms, covenants and agreements herein contained shall inure to the benefit of, and be binding upon the parties hereto, their successors and assigns, and all covenants herein shall run with the land affected thereby and shall be perpetual in duration. Notwithstanding the foregoing, no party shall be liable for a breach of this agreement resulting from acts or conditions occurring prior to or after the period of his or her ownership.

10. Amendment/Modification: This Easement Agreement may be amended upon written consent of Grantor and Grantee by a document duly recorded in the Dutchess County Clerk’s Office. Upon the completion of the installation of the Trail, this Easement may be modified by recording an Amended Easement acknowledged by Grantor and Grantee, for the purpose of modifying the description of the Easement Area from that which is described at Schedule “C” to a more specific description of the as-built location of the Easement Area, as necessary.

11. Enforcement of Easement Agreement and Resolution of Disputes Concerning the Easement: The parties may enforce this Easement Agreement in law or equity against any and all persons responsible for any violation thereof. Any failure to enforce a provision of this Easement Agreement shall in no event be deemed a waiver of a right to do so thereafter, either as to the same violation or breach or as to any other violation occurring prior or subsequent thereto. The parties agree to attempt to mutually resolve any differences informally prior to enforcement proceedings. Any authorization of activities outside the protection of General Obligations Law 9-103, as amended, shall be subject to immediate injunctive relief, and the parties hereby consent to the issuance of preliminary injunctive relief.

12. Severability: Any invalidation of a provision of this Easement Agreement by court order or judgment, or by statute, or otherwise, shall not affect the validity of any other provision of this agreement, and all such other provisions shall remain in full force and effect.

13. Governing Law: This Easement Agreement and all disputes relating thereto shall be governed by and construed in accordance with the laws of the State of New York.

14. Notices: Any Notices to be provided pursuant to this Easement Agreement shall be in writing and emailed and sent by nationally recognized overnight carrier, addressed as follows:

City of Beacon:
City Administrator
City Hall
1 Municipal Plaza
Beacon, New York 12508

With a copy to:
Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

Grantor:
23-28 Creek Drive, LLC
25 East Main Street
Beacon, New York 12508
Attn: Rodney Weber

With a copy to:
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attn: Taylor M. Palmer, Esq.

Either party may designate a different person or entity to receive notice on its behalf by sending notice to the other parties pursuant to this paragraph.

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

IN WITNESS WHEREOF, Grantor has executed this instrument as of the date first set forth above. This conveyance is made and executed pursuant to the consent of the members of the Grantor and is made in the regular course of business of the Grantor, and the property interest conveyed does not constitute all, or substantially all, of the assets of the Grantor.

The signature of this Agreement by the Mayor or City Administrator of the City of Beacon was duly authorized by a Resolution of the City Council adopted at a duly scheduled public meeting held on _____, 2020.

**GRANTOR:
23-28 CREEK DRIVE LLC**

By: _____
Name: Rodney Weber
Title:

**GRANTEE:
CITY OF BEACON**

By: _____
Name:
Title:

[ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]

ACKNOWLEDGMENTS

STATE OF NEW YORK)
)ss.:
COUNTY OF _____)

On the ____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
)ss.:
COUNTY OF _____)

On the ____ day of _____, in the year 20____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Section:
Block:
Lots:
County of Dutchess

Record & Return to:
City of Beacon
c/o Keane & Beane P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis,
Esq.

Schedule "A"

Description of the Premises

Beginning at a rebar set at the new division line between Tax Parcel 6054-37-037625, to the southwest and Tax Parcel 6054-37-066670, to the northeast as shown on a map entitled "Lot Line Alteration Prepared for 23-28 Creek Drive" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office as Map No. _____, said rebar lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705) and being locate South 35° 21' 37" West a distance of 95.47 feet from a rebar found at the southwest corner of a Right-of-Way as described in Liber 153, Page 477; Thence through Tax Parcel 6054-37-066670 South 55° 07' 29" East a distance of 188.58 feet to a point located on the northwesterly line of the Fishkill Creek; Thence along the same South 43° 50' 37" West a distance of 79.22 feet to a point; thence South 56° 40' 23" East a distance of 51.60 feet to a point located in the center of the Fishkill Creek; Thence along the same the following eight (8) courses:

1. South 41° 11' 27" West a distance of 100.95 feet to a point;
2. South 48° 37' 58" West a distance of 103.68 feet to a point;
3. South 49° 42' 47" West a distance of 104.23 feet to a point;
4. South 38° 05' 01" West a distance of 100.35 feet to a point;
5. South 34° 42' 44" West a distance of 100.03 feet to a point;
6. South 26° 17' 10" West a distance of 100.76 feet to a point;
7. South 10° 24' 48" West a distance of 108.57 feet to a point;
8. South 26° 41' 07" West a distance of 132.27 feet to a point located on the northerly line of Wolcott Avenue (A.K.A. N.Y.S. Route 9D); thence along the same the following four (4) courses:
 1. North 61° 42' 57" West a distance of 42.46 feet to a point;
 2. North 17° 55' 13" East a distance of 23.35 feet to a point;
 3. North 20° 31' 19" West a distance of 65.81 feet to a point;
 4. North 56° 16' 42" West a distance of 60.32 feet to a point located on the westerly line of the aforementioned Metro North Commuter Railroad Co.; thence along the same the following four (4) courses:
 1. North 28° 50' 36" East a distance 541.00 feet to a curve;
 2. Turning to the right having a radius of 1,860.58 feet and an arc length of 167.37 feet to a point;
 3. North 54° 35' 15" West a distance of 9.99 feet to a point;
 4. North 35° 33' 59" East a distance of 66.50 feet to a point and
 5. North 35° 21' 37" East a distance of 83.03 feet to the place or Point of Beginning.

Containing 3.144 Acres more or less.

Schedule "B"

Reduced Copy of Subdivision Plat

Schedule "C"

Description of Greenway Trail Easement Area

Beginning at a point located on the northerly bounds of Walcott Avenue (AKA NYS Route 9D); said point being S 56° 16' 42" E for a distance of 60.32 feet from the southeasterly line of the lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705), said point also being the Southwesterly corner of the proposed new lot (Tax Id: 6054-37-037625);

Thence N 56° 16' 42" W for a distance of 17.41 feet to a point;

Thence N 02° 18' 42" W for a distance of 47.99 feet to a curve;

Thence turning to the right, having a radius of 24.00 feet and a length of 62.43, with a chord of N 72° 12' 50" E for a distance of 46.26 feet;

Thence S 33° 15' 38" E for a distance of 25.64 feet to a point;

Thence N 49° 44' 36" E for a distance of 5.51 feet to a curve;

Thence turning to the left, having a radius of 40.00 feet and a length of 23.92, with a chord of N 32° 36' 46" E for a distance of 23.56 feet;

Thence N 15° 28' 56" E for a distance of 60.11 feet to a curve;

Thence turning to the left, having a radius of 90.00 feet and a length of 17.87, with a chord of N 09° 47' 38" E for a distance of 17.84 feet;

Thence N 04° 06' 20" E for a distance of 12.45 feet to a curve;

Thence turning to the right, having a radius of 60.00 feet and a length of 30.49, with a chord of N 18° 39' 47" E for a distance of 30.16 feet;

Thence N 33° 13' 15" E for a distance of 43.86 feet to a curve;

Thence turning to the left, having a radius of 40.00 feet and a length of 10.30, with a chord of N 25° 50' 45" E for a distance of 10.27 feet;

Thence N 18° 28' 16" E for a distance of 24.78 feet to a point;

Thence N 15° 02' 57" E for a distance of 23.15 feet to a curve;

Thence turning to the right, having a radius of 68.00 feet and a length of 11.69, with a chord of N 19° 58' 22" E for a distance of 11.67 feet;

Thence N 24° 53' 47" E for a distance of 9.90 feet to a curve;

Thence turning to the right, having a radius of 64.00 feet and a length of 11.58, with a chord of N 30° 04' 41" E for a distance of 11.56 feet;

Thence N 35° 15' 35" E for a distance of 129.76 feet to a curve;

Thence turning to the right, having a radius of 64.00 feet and a length of 29.43, with a chord of N 48° 25' 57" E for a distance of 29.17 feet;

Thence N 61° 36' 20" E for a distance of 18.83 feet to a curve;

Thence turning to the right, having a radius of 87.00 feet and a length of 19.31, with a chord of N 67° 57' 40" E for a distance of 19.27 feet to a non-tangential curve;

Thence turning to the left, having a radius of 55.79 feet and a length of 16.21, with a chord of N 79° 22' 32" E for a distance of 16.16 feet to a point of intersection with a non-tangential line;

Thence N 51° 58' 12" E for a distance of 15.68 feet to a non-tangential curve;

Thence turning to the right, having a radius of 115.81 feet and a length of 5.28, with a chord of N 49° 19' 48" E for a distance of 5.28 feet to a point of intersection with a non-tangential line;

Thence N 49° 26' 50" E for a distance of 26.62 feet to a non-tangential curve;

Thence turning to the right, having a radius of 872.57 feet and a length of 13.63, with a chord of N 47° 47' 44" E for a distance of 13.63 feet to a point of intersection with a non-tangential line;

Thence N 62° 08' 00" E for a distance of 24.47 feet to a curve;

Thence turning to the left, having a radius of 61.00 feet and a length of 15.30, with a chord of N 54° 56' 58" E for a distance of 15.26 feet;

Thence N 47° 45' 56" E for a distance of 74.09 feet to a curve;

Thence turning to the left, having a radius of 36.00 feet and a length of 5.34, with a chord of N 43° 30' 51" E for a distance of 5.34 feet;

Thence N 39° 15' 47" E for a distance of 47.59 feet to a curve;

Thence turning to the right, having a radius of 64.00 feet and a length of 13.88, with a chord of N 45° 28' 39" E for a distance of 13.86 feet to a point of intersection with a non-tangential line;

Thence N 52° 03' 39" E for a distance of 16.86 feet to a curve;

Thence turning to the left, having a radius of 36.00 feet and a length of 6.43, with a chord of N 46° 57' 03" E for a distance of 6.42 feet;

Thence N 41° 50' 10" E for a distance of 12.05 feet to a non-tangential curve;

Thence turning to the left, having a radius of 53.04 feet and a length of 90.92, with a chord of N 05° 23' 32" W for a distance of 80.19 feet to a point of intersection with a non-tangential line;

Thence N 34° 52' 31" E for a distance of 20.00 feet to a non-tangential curve;

Thence turning to the right, having a radius of 72.91 feet and a length of 123.02, with a chord of S 06° 25' 25" E for a distance of 108.94 feet to a point of intersection with a non-tangential line;

Thence S 41° 50' 10" W for a distance of 13.83 feet to a curve;

Thence turning to the right, having a radius of 56.00 feet and a length of 10.00, with a chord of S 46° 57' 03" W for a distance of 9.98 feet;

Thence S 52° 03' 56" W for a distance of 16.44 feet to a curve;

Thence turning to the left, having a radius of 44.00 feet and a length of 9.83, with a chord of S 45° 39' 51" W for a distance of 9.81 feet;

Thence S 39° 15' 47" W for a distance of 47.59 feet to a curve;

Thence turning to the right, having a radius of 56.00 feet and a length of 8.31, with a chord of S 43° 30' 51" W for a distance of 8.30 feet;

Thence S 47° 45' 56" W for a distance of 74.09 feet to a curve;

Thence turning to the right, having a radius of 81.00 feet and a length of 20.31, with a chord of S 54° 56' 58" W for a distance of 20.26 feet;

Thence S 62° 08' 00" W for a distance of 22.02 feet to a non-tangential curve;

Thence turning to the left, having a radius of 852.57 feet and a length of 11.26, with a chord of S 47° 42' 06" W for a distance of 11.26 feet to a point of intersection with a non-tangential line;

Thence S 49° 26' 50" W for a distance of 27.21 feet to a non-tangential curve;

Thence turning to the left, having a radius of 95.81 feet and a length of 5.22, with a chord of S 49° 11' 35" W for a distance of 5.22 feet to a point of intersection with a non-tangential line;

Thence S 51° 58' 12" W for a distance of 19.50 feet to a non-tangential curve;

Thence turning to the right, having a radius of 75.79 feet and a length of 22.96, with a chord of S 76° 59' 56" W for a distance of 22.87 feet to a non-tangential curve;

Thence turning to the left, having a radius of 67.00 feet and a length of 12.86, with a chord of S 67° 05' 57" W for a distance of 12.84 feet;

Thence S 61° 36' 20" W for a distance of 18.83 feet to a curve;

Thence turning to the left, having a radius of 44.00 feet and a length of 20.23, with a chord of S 48° 25' 57" W for a distance of 20.05 feet;

Thence S 35° 15' 35" W for a distance of 129.76 feet to a curve;

Thence turning to the left, having a radius of 44.00 feet and a length of 7.96, with a chord of S 30° 04' 41" W for a distance of 7.95 feet;

Thence S 24° 53' 47" W for a distance of 9.90 feet to a curve;

Thence turning to the left, having a radius of 48.00 feet and a length of 8.25, with a chord of S 19° 58' 22" W for a distance of 8.24 feet;

Thence S 15° 02' 57" W for a distance of 23.75 feet to a point;

Thence S 18° 28' 16" W for a distance of 25.38 feet to a curve;

Thence turning to the right, having a radius of 60.00 feet and a length of 15.45, with a chord of S 25° 50' 45" W for a distance of 15.40 feet;

Thence S 33° 13' 15" W for a distance of 43.86 feet to a curve;

Thence turning to the left, having a radius of 40.00 feet and a length of 20.33, with a chord of S 18° 39' 47" W for a distance of 20.11 feet;

Thence S 04° 06' 20" W for a distance of 12.45 feet to a curve;

Thence turning to the right, having a radius of 110.00 feet and a length of 21.84, with a chord of S 09° 47' 38" W for a distance of 21.81 feet;

Thence S 15° 28' 56" W for a distance of 71.56 feet to a curve;

Thence turning to the right, having a radius of 60.00 feet and a length of 52.77, with a chord of S 40° 40' 33" W for a distance of 51.08 feet;

Thence S 65° 52' 10" W for a distance of 45.50 feet to the Point or Place of Beginning.

**STORMWATER CONTROL FACILITY
MAINTENANCE AGREEMENT AND EASEMENT**

WHEREAS, the **CITY OF BEACON** (“Municipality”), and **23-28 CREEK DRIVE, LLC** (“Facility Owner”) desire to enter into this agreement (the “Agreement”), dated this ____ day of _____, 2020, to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for certain real property designated on the Tax Map of the City of Beacon as Parcel ID# 6054-37-037625, more fully shown on a certain subdivision map entitled “Lot Line Alteration Prepared for 23-28 Creek Drive”, prepared by TEC Land Surveying, dated February 20, 2020, last revised _____, 2020 and filed in the Office of the Dutchess County Clerk on _____, 2020, as Filed Map No. _____ (the “Subdivision Map”), and further described by metes and bounds in Schedule A annexed hereto (the “Premises”); and

WHEREAS, this Agreement is provided in connection with a mixed-use development with a total of eight (8) residential units and 20,000 square feet of commercial space on the Premises, which received Subdivision and Site Plan approval from the City of Beacon Planning Board on January 14, 2020, based on site plans entitled “Site Plan Application 23-28 Creek Drive”, consisting of Sheets 1-12, last revised December 31, 2019, as prepared by Aryeh Siegel Architect, Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations (“Approved Project Plans”), which Approved Project Plans include certain stormwater management facilities and stormwater control measures (collectively, the “Facility”) required to be constructed and maintained in accordance with the Approved Project Plans and the approved Stormwater Pollution Prevention Plan (“SWPPP”) dated October 23, 2018 and last revised April 9, 2020. A copy of the Approved Project Plans and SWPPP are on file in the City of Beacon Building Department; and

WHEREAS, the Municipality and the Facility Owner desire that the Facility be built in accordance with the Approved Project Plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Facility;

NOW, THEREFORE, IN WITNESS WHEREOF, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in the Operation and Maintenance Plan entitled “Stormwater Management System Long Term Operation and Maintenance Plan for 23-28 Creek Drive,” prepared by Hudson Land Design Professional Engineering, P.C., dated December 16, 2019, which is included in Schedule B of this Agreement.

2. The Facility Owner shall maintain, clean, repair, and replace the Facility and keep the Facility in continuous operation in accordance with the in the Approved Project Plans and the SWPPP as necessary to ensure optimum performance of the stormwater control measures to

design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, detention ponds and retention ponds. The Operation and Maintenance Plan is included in Schedule B of this Agreement.

3. The Facility Owner hereby grants unto the Municipality, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Facility at reasonable times and in a reasonable manner for periodic inspection by the Municipality to ensure that the Facility is maintained in proper working condition and meets the design standards established by the SWPPP.

4. The Facility Owner shall be responsible for all expenses related to the maintenance of the Facility and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities, as applicable, except as otherwise set forth hereinafter.

5. The Facility Owner shall provide for the periodic inspection of the Facility in accordance with the SWPPP, and shall have the facilities inspected on a yearly basis by a Professional Engineer licensed by the State of New York, to determine the condition and integrity of the stormwater control measures. The inspecting professional shall prepare and submit to the Municipality within 30 days of the inspection but not later than June 1 of each year, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

6. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facility except in accordance with written approval of the Municipality which approval shall not be unreasonably withheld.

7. The Facility Owner shall promptly undertake necessary repairs and replacement of the Facility at the direction of the Municipality or in accordance with the recommendations of the inspecting professional.

8. The Facility Owner hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement; and shall execute and deliver any further documents reasonably necessary to assure the benefits of this Agreement to the Municipality.

9. This Agreement shall not confer unto the Municipality any duty or obligation to repair or maintain the Facility. Further, the Municipality's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Facility, except that any damage to the Facility caused by the Municipality's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the Municipality at the Municipality's sole cost.

10. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final site plan approval and as a condition to the issuance of a building permit.

11. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the Facility in accordance with the Approved Project Plan or SWPPP, or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality shall provide the Facility Owner with written notice via certified mail, return receipt requested, specifying such failure. Copies of any written notices to the Facility Owner shall be contemporaneously provided to the Fee Owner, if different from the Facility Owner, via certified mail, return receipt requested. The written notice shall provide that the Facility Owner has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Facility Owner shall advise the Municipality as to same in writing within fifteen (15) days of receipt of the Municipality's notice to cure. The Facility Owner shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Facility Owner so desires. If the Facility Owner fails to provide written notice requesting an extension of time to cure a failure/defect and the Facility Owner does not cure said failure/defect, the Municipality is authorized to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Facility and to affix the expenses thereof as a lien against the Premises.

12. In the event the Municipality exercises its rights hereunder, it shall return the Premises to a reasonably similar condition as it existed prior to the exercise of such rights.

13. All notice and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage pre-paid thereon, addressed as follows:

City of Beacon:
City Administrator
City Hall
1 Municipal Plaza
Beacon, New York 12508

Facility Owner:
23-28 Creek Drive, LLC
25 East Main Street
Beacon, New York 12508
Attn: Rodney Weber

With a copy to:
Keane & Beane, P.C.
445 Hamilton Avenue, Ste 1500
White Plains, New York 10601
Attn: Nicholas M. Ward-Willis, Esq.

With a copy to:
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Attn: Taylor M. Palmer, Esq.

14. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which, when taken together, shall constitute one and the same instrument.

Signature pages follow.

IN WITNESS WHEREOF, the Facility Owner and the Municipality have each executed this Agreement as of the date first herein above set forth.

CITY OF BEACON

By: _____
Name:
Title:

23-28 CREEK DRIVE, LLC

By: _____
Name:
Title:

STATE OF NEW YORK)
)
COUNTY OF _____) SS.:

On the ____ day of _____, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public – State of New York

Schedule "A"

Description of the Premises

Beginning at a rebar set at the new division line between Tax Parcel 6054-37-037625, to the southwest and Tax Parcel 6054-37-066670, to the northeast as shown on a map entitled "Lot Line Alteration Prepared for 23-28 Creek Drive" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office as Map No. _____, said rebar lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009- 1705) and being locate South 35° 21' 37" West a distance of 95.47 feet from a rebar found at the southwest corner of a Right-of-Way as described in Liber 153, Page 477; Thence through Tax Parcel 6054-37-066670 South 55° 07' 29" East a distance of 188.58 feet to a point located on the northwesterly line of the Fishkill Creek; Thence along the same South 43° 50' 37" West a distance of 79.22 feet to a point; thence South 56° 40' 23" East a distance of 51.60 feet to a point located in the center of the Fishkill Creek; Thence along the same the following eight (8) courses:

1. South 41° 11' 27" West a distance of 100.95 feet to a point;
2. South 48° 37' 58" West a distance of 103.68 feet to a point;
3. South 49° 42' 47" West a distance of 104.23 feet to a point;
4. South 38° 05' 01" West a distance of 100.35 feet to a point;
5. South 34° 42' 44" West a distance of 100.03 feet to a point;
6. South 26° 17' 10" West a distance of 100.76 feet to a point;
7. South 10° 24' 48" West a distance of 108.57 feet to a point;
8. South 26° 41' 07" West a distance of 132.27 feet to a point located on the northerly line of Wolcott Avenue (A.K.A. N.Y.S. Route 9D); thence along the same the following four (4) courses:
 1. North 61° 42' 57" West a distance of 42.46 feet to a point;
 2. North 17° 55' 13" East a distance of 23.35 feet to a point;
 3. North 20° 31' 19" West a distance of 65.81 feet to a point;
 4. North 56° 16' 42" West a distance of 60.32 feet to a point located on the westerly line of the aforementioned Metro North Commuter Railroad Co.; thence along the same the following four (4) courses:
 1. North 28° 50' 36" East a distance 541.00 feet to a curve;
 2. Turning to the right having a radius of 1,860.58 feet and an arc length of 167.37 feet to a point;
 3. North 54° 35' 15" West a distance of 9.99 feet to a point;
 4. North 35° 33' 59" East a distance of 66.50 feet to a point and
 5. North 35° 21' 37" East a distance of 83.03 feet to the place or Point of Beginning.

Containing 3.144 Acres more or less.

Schedule B

Stormwater Management System Long Term Operation and Maintenance Plan

City of Beacon Council Agenda
5/18/2020

Title:

City Council Meeting Minutes April 20, 2020

Subject:

Background:

ATTACHMENTS:

Description	Type
City Council Meeting Minutes April 20, 2020	Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council Meeting on April 20, 2020. Due to the COVID-19 pandemic, the meeting took place remotely and was available via live stream on YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>, the meeting was also available via telephone at +1 929 205 6099. Please note that the video recording of this meeting is available at <https://vimeo.com/410196390>. A full transcript of the meeting can be found on page 4.

Council Members Present:

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

Council Members Absent:**Also Present:**

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

-
- 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 Energy Code
 - Motion to close the public hearing by Councilmember Amber Grant
 - Second by Councilmember Air Rhodes
 - Motion passes 7 – 0

 - Public Hearing to Discuss a Proposed Local Law to Amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon Regarding Building Height in the Central Main Street District
 - Motion to adjourn the public hearing to May 4, 2020 by Councilmember Terry Nelson
 - Second by Councilmember Jodi McCredo
 - Motion passes 7 – 0

 - 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
 - Motion to close the public hearing by Councilmember Amber Grant

- Second by Councilmember Dan Aymar-Blair
 - Motion passes 7 – 0
- 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
 - Motion to Close the Public Hearing (excluding items 5,6 and 7 in the Memorandum from the City Administrator referring to Roundtree Court-related proposals) by Councilmember Jodi McCredo
 - Second by Councilmember Terry Nelson
 - Motion passes 7 – 0

Local Laws and Resolutions - Consent Agenda

1. Resolution Adopting the New York Stretch Energy Code 2020
 - Motion by Councilmember Amber Grant
 - Second by Councilmember Terry Nelson
 - Motion Passes 7 – 0

2. Resolution Setting a Public Hearing to Discuss a Proposed Local Law to Create Section 223 26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals for May 18, 2020
 - Motion by Councilmember Amber Grant
 - Second by Councilmember Terry Nelson
 - Motion Passes 7 – 0

3. Resolution Accepting a Sight Easement Regarding Saint Luke's Place Subdivision
 - Motion by Councilmember Dan Aymar-Blair
 - Second by Councilmember Jodi McCredo
 - Motion Passes 7 – 0

4. Resolution Accepting Offer of Dedication of Portion of Union Street
 - Motion by Councilmember Dan Aymar-Blair
 - Second by Councilmember Jodi McCredo
 - Motion Passes 7 – 0

5. Resolution Approving the Beacon Farmer's Market Interim Operations
 - Motion by Councilmember Jodi McCredo

- Second by Councilmember Air Rhodes
- Motion Passes 7 – 0

6. Resolution to Extend Tow Agreement with Cervones Autobody

- Motion by Councilmember Air Rhodes
- Second by Councilmember Jodi McCrede
- Motion Passes 7 – 0

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:

Motion by Councilmember Terry Nelson

Second by Councilmember Jodi McCrede

Motion passes 7 - 0

April 20 Council Meeting Audio

Thu, 5/14 2:12PM • 1:25:11

SUMMARY KEYWORDS

beacon, city, planning board, working, public hearing, item, code, motion, people, parkinson, hearing, council, required, comments, community, main street, number, adjourn, included, public

SPEAKERS

City Council, John Clarke, City Planner, Mayor Kyriacou, Councilmember Dan Aymar-Blair, Councilmember Terry Nelson, Nick Ward Willis, City Attorney, Theresa Kraft, Councilmember Air Rhodes, Anthony Ruggiero, Councilmember Jodi McCredo, Councilmember George Mansfield, Collin Milone, Councilmember Amber Grant

00:00

Mayor Kyriacou 20:50

All right, that's seven on my clock. Start up. So I think we open with a call to order there's a pretend gavel in front of me. Just gambled it. Let's do a pledge I'm gonna stand for that you all can do it. There we go. So I pledge allegiance... We could just have a moment of silence to mourn the loss of many of our community members, whether here or across the in New York or across the country. And also just a moment of thanks for all the healthcare workers who are the front line of defense against this crisis, such as tomorrow. Thank you. Let's do a roll call. I think I got up there. So I have George Mansfield. I can see you and Amber here. Yep. Terry Ward one here. Air War Two. I'm here.

Nick Ward Willis, City Attorney 22:13

Shawnee Ward three.

Mayor Kyriacou 22:17

And Dan Ward four here. All right, we got a full house. I'm here. I can see Anthony and I can see our city attorney. So welcome, everybody. everybody hear me? Okay. Yes, good. All right. So first order of business is public comment. We have two versions of it. Let's see if we can do this. So one is just a pure couple of comments. But I want to note that there are public hearings on for items and so you're free to speak on any item or any subject matter for up to three minutes. Other than those to which there's a public hearing tonight. Let me remind you what the four public hearings are. Here's one on the stretch energy code. One on zoning for the central Mainstreet district is one on notices for public hearings, and then there's one on vehicles and signs. We did have one on HTML. We're pulling that we're going to adjourn it. And we will have to re notice that because we're not ready to go yet. Okay,

those are the ones if anyone has the public who's on. Oh, do we need an Otis on virtual public meetings? Nick?

Nick Ward Willis, City Attorney 23:23

No, no need to know that other than the fact that the council's meet tonight pursuant to the governor's executive order, and it's fully complied with that order.

Mayor Kyriacou 23:31

All right, thank you very much. So again, anyone on the line who wants to have an opportunity to speak other than those items, just let us know. How do we do that call? We've got one person on the line. Okay. All right. So that's I think we're okay. not hearing any comments. Let's just go on directly to our public hearings. That's all right. There'll be another opportunity at the back end. So if you want to say something, then you'll have that opportunity as well. And I'll take a motion to open that

Councilmember Air Rhodes 25:12

motion

Councilmember Jodi McCrede 25:14

in a second.

Mayor Kyriacou 25:16

So who was the second? That was me. Okay. So err. And Jodi, and then let's open it up. And then if Nick, you can give a, you know, two sentence explanation of what it is.

Nick Ward Willis, City Attorney 25:27

Certainly Anthony was going to do that. Yep.

Anthony Ruggiero 25:30

That's okay. So the two sentence explanation is for the stretch code. It's more stringent than the New York state space energy code that can be adapted by the local jurisdictions, to stretch code amends the current energy code with a standard that is 10 to 20% more efficient, again, depending on climate zone and building type. We also received that's in into the record a letter of support from Janet Joseph senior vice president strategy marketing Or NYSERDA, she actually was here and gave a presentation with Eleanor. And I also understand that later on in the year this may be amended again. But depending on with everything happening, we thought it was good to go forward with this will be I understand New York City adopted so but we'll be the first city smaller than New York City, municipality smaller than New York City to adopt it.

Mayor Kyriacou 26:30

Okay, and the only thing I will note is that the code is actually presented by the state and then it is based on the existing code and it simply accelerates a likely implementation of the next pieces. So it's not as if it's dramatically different as much as moving a step ahead. This graph Alright, so any public comments on this one?

27:07

Teresa, yes, it

John Clarke, City Planner 27:09

is. Okay.

Mayor Kyriacou 27:12

Welcome. Hello. Yes, go ahead.

Theresa Kraft 27:20

Hi. I was calling in for the public hearing, or the public comment which goes first.

Mayor Kyriacou 27:27

Well, you kind of missed the public comment, unless you

John Clarke, City Planner 27:29

want I kept hitting I kept hitting the numbers and it wasn't getting any

Mayor Kyriacou 27:33

public comment. That'd be perfectly fine. Okay.

John Clarke, City Planner 27:37

Okay. So I'm curious, where are the numbers of deaths and Deacon? Where are the numbers in Dutchess County? And why have they stopped being publicized? What are they hiding? Everyone knows you have to pay for a newspaper obituary. So we're not seeing the real numbers. Following social media accounts with photos of the mob streets of beacon and the trail is disheartening as putting us all in danger. Raising the hostility banter between neighbors is even worse. We are beacons strong. We must be diligent. Thank you. Thank you.

Mayor Kyriacou 28:14

Let's go back to the public hearing on the stretch, energy code.

John Clarke, City Planner 28:22

Look, there are a lot of people online.

Mayor Kyriacou 28:27

Can you help us out?

28:28

We have one person on the line. Okay.

Mayor Kyriacou 28:37

Anyone want to comment on it? I do. All right. State your name.

Theresa Kraft 28:43

This is Teresa craft. I, I've been reading up on this quite a bit. I understand the New York stretches and initiatives Minnesota, supporting Statewide Health to achieve reduced energy consumption and reduce greenhouse gas emissions to the adoption have advanced energy code. But we must also consider the physical health of humanity and the quality of life for beacon residents is the adding of larger amounts of hazardous plastic insulation within these wall assemblies to reduce fuel eating consumption constructs construction design professionals have traditionally used non combustibile insulation products. However, putting the R value higher will force projects to specify the use of more flammable plastic insulation products such as spray foam and XPS and ETS board. contains a toxin substance styrene and benzene. suspected carcinogen a neurotoxin hazards to human plastic insulation does not have a history of practical use and exterior application on taller building. But we'll see increased use of commissionable insulation could increase fire risk and fire spreading in the structure and beyond. In addition, many of these foam plastic insulation products are dimensionally unstable with this that will destroy this degrade over a long period of time decreasing the our values. Why would we want to stand behind these guidelines that have so many unquestioned answers so many unanswered questions. I'm sorry.

John Clarke, City Planner 30:32

That's my take on the poison.

Mayor Kyriacou 30:36

Okay, thank you. Any other comments for this public hearing?

30:44

There is no one else on the line and we did not receive any written comments.

30:50

Take a motion to close. Motion. That's Amber.

Councilmember Air Rhodes 30:56

Second,

Mayor Kyriacou 30:56

and air is Second. All in favor. Okay, so that's one. So the next two I open public hearings with motions, or just close them, or do I do but we just closed them to

Nick Ward Willis, City Attorney 31:14

typically the city. It's not it's not legally required, you've already noticed it. So we just take a motion to close. Alright, so don't

Mayor Kyriacou 31:20

go to the second one. The second one is regarding building height on central Main Street. If we can get the, you know, three minute overview of that, I would appreciate it. I don't know if that's john. It's I think you're there.

31:38

I'm here.

John Clarke, City Planner 31:41

So right now the central Main Street district allows four storey buildings with a step back. But the council wanted to tighten up the law a little bit more. And so they made suggestions here in the draft law for a number of refinements. The first one is that the council may waive or reduce the setback requirements set forth here upon a finding that the city council that does waiver is warranted due to special conditions at the site or particular character limited nature of the proposed development. And to that the waiver is consistent with the goals and promoting the health, safety and general welfare of the community. This was designed to give the council a little leeway if there are some special circumstances to the site. And it also allows the council to weigh in first, before an applicant might go for a variance to the Zba. So that the Zba would understand what the council's thinking on it. The second one is under the current law. You if there's a special permit for a foreign story if you're in The HDL, oh by landmark or Historic District overlay zone. And you're you're a budding that parcel, you have to go to the Council for the special permit rather than the planning board. This tightens it up a little further by making the parcel across the street also have to go to the council. So if you're in the clo, if you're a budding or if you're directly across the street, you have to go to the Council for the count for the special permit rather than the planning board. It allows for changes to limit that allows the council to limit the length of any such fourth floor. So if they think the building is too long, and for some other reason, they want to modify the length of the fourth floor. addition, they can do that. I'm

Councilmember Air Rhodes 33:45

done. For those who aren't familiar. Can you just just lay out what HDL low is,

John Clarke, City Planner 33:51

as a historic district and landmark overlay zone. It's administered by the city. It's recognized identified and historic properties in the city that deserve extra look either by the planning board or the council. Next change is that the council or the planning board shall have the right to require an applicant to provide alternative plans or renderings in sufficient detail detail as requested. So if they're proposing a fourth story, you can ask for alternatives to see what what other options might be available. And then the last one, which I think is probably the most important of the changes is that right now,

Nick Ward Willis, City Attorney 34:42

all the

John Clarke, City Planner 34:43

code says that although not required, you can get extra points for additional below market rate housing or commercial uses on upper floors or provision of public space or green Based instead of making that a factor to consider, the council is proposing that that be required so that all such building height special permits shall also require a specific specific public benefit, as determined by the council or planning board. And then it lists three or four examples of what might be an acceptable public benefit, including additional blower market rate housing above what would other wise be mandated, commercial uses

included on the upper floor, additional parking spaces available for general public use green building or renewable energy features beyond what is required by code or the construction and or maintenance of public Plaza space or green space. So those are the primary changes.

Mayor Kyriacou 35:48

Okay, thank you, John. Thanks, Jim.

Nick Ward Willis, City Attorney 35:50

Question.

Councilmember Dan Aymar-Blair 35:52

I had written a memo with some ideas with regards to the public benefits. We ran out of time and it works Meeting in late February. And I agreed that we would take up the contents of that memo in a later workshop. Do we still have time to do that? Even though we're in public hearing?

Mayor Kyriacou 36:12

Yes, as I understand it, we can finish our public hearing, and then take it up and then go from there, we can either a journal or finish it, is that right?

Nick Ward Willis, City Attorney 36:22

That is that is corrected. If you're intending over potentials there to make significant changes, then I would recommend to journal public hearing because otherwise, you would have to reverse it.

Mayor Kyriacou 36:32

Alright, so I think the prudent thing to do would be do a journal, that would give us the option either way, and then we go from there. That's kind of how I was thinking it through. That's alright. Thank you very much.

Nick Ward Willis, City Attorney 36:42

Yep, of course.

Mayor Kyriacou 36:46

All right. Any comments on fourth floors?

Anthony Ruggiero 36:53

Just the one that we received by email, if you could read it. Sure. So it says Do city council I cannot take part in tonight's meeting. I think that setback requirements for fourth floor should be absolute to avoid further bulking of the Main Street View escape and maintaining sufficient sunlight further respect to special conditions for fourth floor I suggest adding the word significant in front of the word additional respect below market rate housing beyond what is required. And this is received from Arthur Caymans.

37:25

Okay, thank you.

37:29

Okay, other comments?

John Clarke, City Planner 37:33

Please comment. Have a public comment is Teresa. Okay.

Theresa Kraft 37:39

How many times do we get the golden opportunity to change our mistakes or hit the restart button? I don't think the money will be flowing into these types of math build outs in the near or unforeseeable future. We could not allow developers to tempt us with incentives to build out beyond the new proposed max height of three and a half stories with that setback. The city should not be able to waive or reduce the setback requirements or allow additional floors regardless of any special conditions offered. I say no more six month moratorium. We need one that's longer. Let's give it a year to put creative strategy on the agenda. Today we're facing a hunger crisis as demand for food bank floors in our own community. And it's only been a few short weeks in this pandemic, and people are scrambling. This is hardcore evidence. That beacon must work harder on the affordable and low income housing crisis. Thank you.

Mayor Kyriacou 38:36

Thank you, sir.

John Clarke, City Planner 38:39

If I could throw in one more suggestion that came up today as I was rereading the law in preparation for this meeting. Under one of the pet public benefits it says commercial uses included on an upper floor that's in the existing code it was left with as is I would suggest you either change that to a commercial use. So if there were is a larger commercial use rather than a plural commercial use, you says that you could put in a document or some other large employer and it would count. Or if you wanted to further refine the language, you could say a commercially used floor or floors included above the ground level. So instead of just a commercial use or commercial uses, you would have to have an entire floor of commercial uses, which I think is the was the intent when this was put in the words just never got fully described.

Mayor Kyriacou 39:36

Okay, so we could take that up at workshop because I think we'll have that opportunity. Thanks, john.

39:44

Other public comments?

39:48

Okay, you've got one say, Man, you got two people on the line. Oh, anyone.

39:56

If you'd like to speak, press star nine on your keypad. Okay,

Mayor Kyriacou 40:13

so it looks to me like I will entertain a motion to adjourn. The public hearing for May for I'm sorry,

Nick Ward Willis, City Attorney 40:23

may 4 would be your next council meeting date? Yes.

Mayor Kyriacou 40:26

All right. Let's try may 4, we get a motion for that.

Councilmember Jodi McCredo 40:29

Motion. public hearing till May 4.

Mayor Kyriacou 40:32

All right. I think I heard Terry and Jody said, right. Okay. All in favor? Aye. All right. Any nays? Hearing none. So We're adjourned. Give us an opportunity to pick this up in workshop. We've got at least a couple of items to go through. And we'll go from there. All right. Thank you. Yeah, this was one of the ones where we thought we could do most of the public hearing. The HDL was the one we did Feel like we really had a statute in front of us. So we wanted to defer that one I didn't want to defer to many more. So thank you for your patience on that. The third one is on noticing of public hearings. So if we could get the quick version of that from Nick.

Nick Ward Willis, City Attorney 41:16

Thank you, Mayor. So this is an amendments to Section 223 dash 61.3 of the zoning board intended pertains to public hearings for land use application special use permits before the city council planning board and zoning board applications. And so there are a number of changes in which I was playing and then I'll go through the procedural aspect. We're now requiring the opportunity to require one additional local newspaper for publication. As an addition to the official newspaper, the requirement for when you send it in mail is not going to be returned receipt are not required. It will only be by certified mail because there's been issues in the past with people not picking up a return receipt, certified mail, make sure that there is proof that it was actually made And the distance, radius distance as the modified to that it's 250 feet for all single to pre family properties and to all property owners within a radius of 500 feet for multi family, non residential zoned and non residential uses. And the third category of changes was for signs to be posted to reduce that from 14 days to 10 days. And that was because the city council meets every two weeks we're getting up against a log jam on agendas. It just wasn't procedurally working out well but staff level. The local law was referred to the county planning board which had no comment and defer to the city as it was a local matter as well as to the city planning board. The City Planning Board reviewed this at its meeting last Tuesday so you did not have a chance to workshop their comments, or they had three comments which are detailed in your agenda packet. One, the deadline for public notice signposting should be changed to 10 days for African For all boards, the planning board detailed how that for two weeks requirement 14 days poses problems to their applicants as well which if they miss it, they then have to come up back into the 30 days, and they felt that 10 days was sufficient notice. Second adverb following waiver provisions, modifications, the notification requirements, the approval authority may modify or waive the notification requirements, as described here in unless required elsewhere by county or state law. There was a discussion of the planning board meeting about an applicant is a day late, or sign pulls down doesn't get picked up or

something of that nature, that the planning board would have the ability to waive waive that discrepancy. An item previously noted was clarify language to make clear the classification of the application subject property, terms Republic notice radius, not the classification of the recipient. So they want to make sure it's the project that determines already it's not the person who would receive the notice. So that's an easy one to clarify. First two would require discussion by the City Council. Okay.

Mayor Kyriacou 44:06

Thank you, Nick. So I'll just open up any public comments on this one?

44:17

I do not see anybody stands.

Mayor Kyriacou 44:20

Okay. I'll just wait another few seconds and then we'll make a motion. So, Nick, if we are undertaking the recommended changes of the planning board, do you think that's significant enough to require leaving open the public hearing or can we adjourn it You think?

Nick Ward Willis, City Attorney 44:41

I think you can close it based upon the ones that they may have been discussed at the public hearing. They were discussed by the planning board. I don't see that they're substantively significant. So the council wish to close the hearing, workshop the discussion and then vote on a modified local At the next meeting, that would be appropriate.

Mayor Kyriacou 45:03

All right. So if I've got a council member willing to make a motion to close this hearing, I'll entertain it. Yeah.

45:12

What's that closing? You have a raised hand. Oh,

Mayor Kyriacou 45:16

okay. So just who was the motion? And who was the second one? We used to

Councilmember Amber Grant 45:23

think I was the motion

Mayor Kyriacou 45:25

number. And the second. I think I may have gotten alright Dan, and then hold a minute and let's see what we got. Alright, so let's wait just a moment. And if someone likes to speak, this is a good time.

Theresa Kraft 45:41

It was only me. It's Teresa. I was hitting the button all time. I just wanted to support the new changes and requirements going forward. It makes a lot of sense. Thank you. Okay.

Mayor Kyriacou 45:51

Thank you very much. So I had a motion from amber and a second from Dan to close this public hearing on favor? All right on hearing those, we've we've got that closed, we will take it back into workshop. But unless there's a substantial change, we'll move to a vote after workshop. All right. Thank you. And the last one is regarding from the recommendations from traffic safety regarding vehicles and transportation. Is this when yours Anthony?

Anthony Ruggiero 46:24

Yes. So as we went through the the workshop, there's just a number and series of actual stop signs that we're looking to codify that are there but haven't been put into the code. There is also removal, remove Walker Avenue from the city code section 211 dash 12 be doing so would allow trucks to drive on Walcott Avenue. That's a little stretch that kind of goes up around the corner. The only other thing that we're also recommending is the items that deal with Roundtree court. The homeowners association we had a request from they haven't had a chance to review them yet. So, just for those items alone, we were recommending during the public hearings till May 4, I'll give them the time to review it and also they're going to meet the highway Superintendent out there to go through those issues. So you can close the public hearing for all the other items except for Roundtree court.

Mayor Kyriacou 47:21

All right, thank you. So let's see if there's any public comments on these. These are mostly stop signs and making adjustments to do things like have trucks on hold.

47:32

Hey, you have one raised hand, man.

Mayor Kyriacou 47:35

Okay, let's happen. There raised hand. Is

47:54

it coming through Collin? No, I don't hear them. Can you hear me? Yep.

John Clarke, City Planner 48:01

Kind of wacky here. This is Tracy Kraft.

Theresa Kraft 48:06

I just have one other item that I'd like you to add to that list. I still like to see a stop sign at Willow Street and Main Street by the m&t Bank, and possibly they should do a stop sign on all streets that enter Main Street and East Main Street. I asked the city and the traffic safety committee in January, about a stop sign at the willow in Maine. And the answer was just not rational enough not to incur the modest expense to install on for the safety of residents and tourists alike. Can you please reconsider this request?

John Clarke, City Planner 48:40

Thank you.

48:45

All right, someone's noticed that

Mayor Kyriacou 48:51

what I'll do is I'll take a motion to close the public hearing but for the the item effect Round tree court and we'll make a motion that motion should include a journeyman item until May 4,

Nick Ward Willis, City Attorney 49:06

fourth, right. And that would be items five, six and seven of the administrators April 20. memorandum.

Mayor Kyriacou 49:12

Okay. So got a motion for that

Councilmember Jodi McCredo 49:16

motion to close the public hearing for everything except Roundtree Court, which will be adjourned to may 4. Second.

Mayor Kyriacou 49:23

All right. That's pretty clear. Sodium, Terry.

Councilmember Terry Nelson 49:27

All in favor. Hi.

Councilmember Air Rhodes 49:29

Hi.

Mayor Kyriacou 49:31

Okay. Onwards for public hearings. Thank you all. Let's do reports. Starting with Terry.

Councilmember Terry Nelson 49:42

Thank you. I just have one really quick item. I want to give a big thanks to fairground and Carradine. For all their efforts to help the underserved communities here in beacon. They're doing a great job and Just in the spirit of beacon strong they, you're doing a wonderful thing and I just wanted to thank them for for all their efforts. That's all I got

Mayor Kyriacou 50:10

right there

Councilmember Air Rhodes 50:13

was gonna thank fairground also. And I can provide a little, little detail as you think all fair ground as well as all of the other organizations who are involved in doing food distribution in beacon. For those of you who might not be aware, there's a lot of people who are really struggling financially right now and beacon and so that very quickly turns into people who are hungry and people who are struggling to

access food. They're stuck at home and they might not have as much money as they're used to having and so people are really looking for ways to feed their families. And so the beacon school district fairgrounds, the food bank of the Hudson Valley, Hudson Valley seed which just change his name to land to learn, common ground, farm and other organizations are all working together to get food to beacons families. At this past week's Wednesday food distribution 375 families were served. And so that's it's going up every week more and more families are needing access to this food and everyone's working really amazingly well together own beacon media mutual aid, of course, as well. So thank you to everyone who is helping to make this happen. And it's just been an amazing to watch the community come together and, and feed each other and take care of each other. So thank you, for anyone who needs food. Next, this week, Wednesday at 10am. You can go to South Africa for pedestrian of food access, so isn't walking up or arriving by bicycle and from middle to the middle school for driving up for food access. So again, that's Wednesday, 10am South Africa for pedestrian and bicycle and the middle school for driving up. If you don't need the food, please don't come leave it for those who do. fit more than 50 families had to be turned away. Last week because there wasn't enough food to go around and more than 100, the week before. So we're everyone's working to make sure that there is enough food to go around. But every week we have, we've not yet had enough food to go around. So if you don't need the food, leave it for those who really do need the food. And thank you for everyone who is working to make sure that we do have as much food as we can to distribute. So that's the first item I have two other quick items. The next is not a wonderful way to say thank you to everyone who is working to on behalf of everyone, others, everyone else. It is a Friday cheer and candle. I did not come up with this idea of just passing along the news. The idea is that on 7pm on Friday, from your doors and windows, everyone can clap into you're totally optional, but I'm going to be doing it myself. The idea is that we can be tearing from our doors and windows for essential workers who have been working for us and are about to start a busier Saturday and Sunday and for closed businesses who are hoping beyond hope that they can Restart. And then at 8pm, if you'd like you can light a candle for people who have passed or who are struggling. And a little beacon blog is going to be collecting video clips and images of this. So if you have any that you'd like to share, you can send them along to Katie there. So 7pm on Friday, I'll be hearing from my door window. And my third item very quickly, is that I am going to hold an office hour because I have missed hearing from my neighbors and constituents. And so I know that many of you may have things you want to share with me or questions you may want to ask. So tomorrow, right away Tuesday, April 21 5pm. I'll be holding an open office hour on zoom, which is the same con context we're meeting here. You can email me at a Rhodes at city of beacon org or call me at 845-202-1091. Again, that's 845-202-1091 if you'd like me to tell you what the invite link is, or call it number, so I really look forward to hearing from you and being able to answer your question. So that's all for me.

Mayor Kyriacou 54:04

Thank you, Jodi.

Councilmember Jodi McCredo 54:08

Hi. Um, first, I want to wholeheartedly second everything that Eric just said in her first item. I also would like to say that everybody talks about honoring our essential workers and caring for our essential workers and appreciating what heroes are essential workers are and if you really truly want to honor and appreciate our essential workers who are doing such an incredible job under such extreme

circumstances, please just stay home. That is the absolute best way to honor them. That is the best way to thank them for what they're doing. Please don't make their jobs any more difficult than they already are. And then they already need to be just don't take unnecessary risks because that's who you're hurting. Um, a great analogy that I heard and I'm just gonna share this because I think a lot of people have been making comments about how the curve is flattening, and therefore things are getting better and everything's great. And we can start doing things again. Somebody compare that to going out in the rain and saying, oh, that stinks, I'm getting wet. So then you open up an umbrella and you're not getting wet anymore. And then you say, Oh, look, I'm not getting wet anymore, everything's fine. And you close the umbrella again, guess what's gonna happen? The curve is flattening, because we're doing the right thing. And as long as we continue to do the right thing, will continue to head in the right direction. If we stop that, you know, it's not going to be good. Um, so that's what I got as far as a small business owners. I am one I feel your pain. It's rough. Just a little bit of information that I've gotten from the Small Business Administration if you had applied previously for the payroll Protection Program. If you received a low number from the Small Business Association, that means even if You haven't gotten an official approval or gotten your funds. If you received a confirmation that included a low number from the Small Business Administration. That means that the funds are earmarked for you, and you are still moving in the right direction. So once you have that number, you should be okay. In the pipeline. I think a lot of us saw the news that steak shack just returns a lot of the money that they got, which was a large portion of money. I don't know how that's going to work in terms of accepting new applications. But all I can say is that, you know, I agree with you that small businesses need first of all, that the payroll Protection Program absolutely needs to be funded better and needs to get out to more small businesses, and also that it simply isn't enough. And it's not really the right help for small businesses who aren't going to be ready to hire employees back within the timeframe that the payroll Protection Program allows for forgiveness. So please just continue to write to your representatives and let them know that they really do to do more because that's the only way that we will be able to stay home and save lives. So that's it be safe, take care of each other. Take care of yourselves. Be kind. That's all I got.

57:17

Guys, thank you

Councilmember Dan Aymar-Blair 57:19

have a couple items. First I want to just say thank you to all of our city employees, including our police and fire departments for keeping the city running and running safely. Everybody's doing a great job. I had first hand experience we had a small fire at our house that didn't cause much damage but we got a very fast response from the fire department and when they they showed up everybody was keeping their distance and except for me, I walked right up to someone and wearing masks and everything so it was great to see you. Next item. I have is The Census. So we're making a big push in beacon, the best that we can during these times to get everybody counted. Right now, only 49.7% of beacon has been counted that's relative to the nationwide percentage, which is 50.7%. So we're just a tiny bit behind that. So, if you have not taken your census yet please do so. And then the last item is more of a question around the operations of the traffic and Safety Board. So sometimes the the traffic and Safety Board reaches a conclusion that a study needs to be done on traffic patterns in order to determine say whether a stop sign is necessary. Obviously, traffic patterns are not what they normally are. So I'm

assuming these studies have been postponed. I don't know if that's a question for Anthony. But for example, we there was a study that was supposed to be happening by Barb's book. corner of East Main Street and that was was the take place in the month of March. I think we're half of the month people were in lockdown. So just curious how this all works.

Mayor Kyriacou 59:15

Yeah, I think

Anthony Ruggiero 59:17

I think Jody might have also brought that up. So I think they're going to relook at that I'll have to get together with column so it depends on because I know there was also a question over by St. John's as far as the traffic late so that that study obviously got postponed because of the executive orders plus I also wanted to add in a couple other traffic light intersections, so depending on the study, it could be revisited depending also on obviously the current situation. But I will get together with Collin because I don't think they really came to a conclusion on that one. But we can we look at that. So I'll also have Mickey look at an ISO and police.

Councilmember Dan Aymar-Blair 59:57

Okay, thank you.

Mayor Kyriacou 60:01

George,

Councilmember George Mansfield 60:03

I guess I just want to follow up with what Jody was saying, as a small business owner. To put put it mildly. I think the the payroll Protection Program has turned out to be an absolute travesty, and it certainly doesn't help anybody on Main Street and beacon. You can have a minimum or maximum of 500 workers per plates. So any McDonald's any franchise, they've gotten the money, they have the lawyers, they have the accountants, and they they got all the money and the small businesses on Main Street and beacon. No one's getting the money. And it's terribly frustrating. It's heartbreaking for us all and I can only hope and I don't have much hope for this next round that's coming through which will probably be seen in the next day or two. But they're talking about a fourth round, but we'd need to actively representatives And have worked for small, actually small businesses with Far, far less than 500 people per location. It's unbelievable that this has happened and they talk about saving small businesses, but that's certainly not what's happening. And as a small business owner, I think I speak for many small businesses on Main Street. We are not being helped and we're suffering and we can only hope that we can keep our doors open. So please, contact if you love your main street, contact you have representatives in Washington. Thanks,

Mayor Kyriacou 61:37

George. Amber.

Councilmember Amber Grant 61:41

Um, I'll just echo some of my colleagues that Now's not the time to give up we want progress to continue so keep staying the course keep social distancing keep handwashing, where I'm at yourself and your neighbor safe. I know it's difficult time in many ways, but we have to keep looking out for each other, to get through it, and that hope everybody is well. And I'm a little bit of a different note, first day is Wednesday, April 22. It's hard to remember what it is. But it's this week. And while our city won't have or barbecue this weekend, all do a little bit individually to care for our world in our own way. So please take a moment on Wednesday to pick up letter make a change in your daily life to be more sustainable, or just appreciate your surroundings and celebration. So that might be a nice diversion for everybody. So that's all for me. Thank you.

Mayor Kyriacou 62:40

So I don't think our county legislators are on the line. But if they are, they can raise their hand. So thank you, counsel. It's actually really good to listen to you all. First, you cover a lot of ground that's really important. And some of it's good news and some of it's harder News. I'm just very appreciative of all your comments, and I think we all share many of the concerns and many of the kudos that people are giving. I just want to go through a couple of things. One, just we put out a release on the city, as Dan put it kind of continuing without missing a beat in terms of providing essential services. So I just want to read portions of that. So the city of beacon continues to provide uninterrupted services to the community during the statewide effort to slow and reverse the spread of COVID-19. I want to thank all city employees during this time of hardship, for maintaining essential services for adapting to almost daily changes in these uncharted waters, and for assuring residents that city services are always here, no matter what. Amid the challenge the city has adapted and remained open without layoffs and despite a state order for at least 50% of non essential staff to work from or remain at home, sitting in Have its departments are committed to doing its part. And I just want to list a few of them so police and fire I think everyone knows the police and fire continue to operate without reduction with specific safety protocols adapted to COVID-19 as well as awareness of the potential for domestic violence because we're all stuck at home. response times are as fast if not faster. As I've said before, water, sewer trash and recycling, are all continuing without interruption. Residents can absolutely rely on quality and safety standards of all those areas. Our curbside trash and recycling are on the same schedule. Our only change is that our recycling facility on Dennis Avenue is only open at present on Saturdays from eight to noon, so it's open, but just on Saturdays at noon. So, with respect to City Hall, unlike many other communities, City Hall has never shut. We've remained open but have done extensive changes improve seizure to keep everyone safe. residents have been steered to remote methods of Bill Payment online application forums and the dropbox in front of City Hall. There should be a remote procedure available for every application or bill involving the city. I don't think we've got them all nailed down yet, but we're working on the billing department continues to accept and process permits remotely. And then finally the governor's latest order, even marriages can be performed remotely or with appropriate social distancing. So I'm happy to oblige anyone. That's what the governor did on Sunday. And I thought, yeah, he's right. It's worth doing. So in terms of Parks and Rec, the city parks I think everyone knows are open. We have worked hard to keep them open and to give residents a place to be outdoors while social distancing. We've got large signs on appropriate use. They went up on playgrounds and courts, combined with active monitoring by the police and other city staff. However, despite near universal compliance here in the city based on our monitoring pursuant to the governor's orders of this city shut playgrounds and courts, so I'm sorry but that's where the state wanted us to go

and obviously you will comply are nearby state parks mount beacon and Dennis point are open. But the mount beacon trailhead on Route 90 was closed as scenic Hudson could not staff it, which is what our request was to them, which is understandable. The rec department head is now our COVID 19th communication director and assists local eight groups as well. I think you all know that city councils and boards. Again, unlike other communities, or even our county, the Council, the planning board, the zoning board, the conservation Advisory Committee, and even our new main street access committee have all continued uninterrupted. So we do things at their usual scheduled time. I just want to make sure to compliment folks and figure out how to do that. We have had and I wanted to announce an E beacon initiative to substantially improve the city's website electronic communication and bill payment. This crisis has led us to immediately implement a number of these changes which you now see our website [www dot city. beacon.org](http://www.dot.city.beacon.org) has a number of new features including a dedicated COVID-19 web page, the ability to sign up for swift 911 community alerts, a comprehensive communication plan using swift 911 channel 22. Press and the internet pages of community resources such as listings for food pantries, free meals, takeout restaurants, beacon businesses and remote shopping. We have a bill pay function for card or checking accounts and with almost 400 that have signed up in the first month. And again, that helps keep our office staff safe. So thank you, and a request for service button. I just want a quick shout out to our Public Works staff, which is operating at half staff and yet continues to main state maintained street Parks, city buildings and more. That included a great response last week with our downed trees and wires in the latest storm. And then finally, I just want to say everyone has a part to do to help us safely get through the peak of this pandemic and to get us to the next phase of prevention and recovery. Thank you all. city workers, healthcare personnel, volunteers, providing community aid and residents for doing your part, keeps social distancing. Be kind and respectful to all. So thank you. A couple of other items if I may. There was some coverage of the fire department and police department providing free lunches to healthcare workers. I just want to shout out to our police and fire staff. Thank you for doing that. It's great that you can keep up and then oh, based on a public comment, I just want to provide the latest information on staff from the county's website. County says as of today, 1800 and 64 Five active COVID-19 cases in the county that says only slight increase from the end of the last week. There are 28 deaths in the county. We are not informed of deaths by community. So we are not aware of official statistics and cannot report anything as a result. I do know that beacon in the city we have 107 of those 1800 and change cases in the county or in the city of beacon. Our city beacon numbers have been pretty stable. They were a little less than 100. Before the weekend, I think it was 9897 right in there. So it's a little higher, but not much. Right. So those I can report those are official. And then finally I just want to do a proclamation. So this month is Autism Awareness Month, but it's also Parkinson's Awareness Month So here you go. Whereas Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has unique impact on each patient. Whereas according to the Parkinson's Action Network, the foundation the American Parkinson's disease Association, and the NIH There are over a million Americans diagnosed with Parkinson's. And whereas an increase education and research are needed to help find more effective treatments with side effects, and ultimately a cure, and whereas the multidisciplinary approach to Parkinson's disease includes care, Local Wellness support and caregiver groups, and whereas April has been proclaimed as worldwide Parkinson's awareness month for all to recognize the need for more research and help. Now therefore, I merely Kiriakou do hereby proclaim April as Parkinson's Awareness Month here in the city of beacon. I will sign that and dated. That's it from me. I appreciate your patience. Anything from the city administrator?

Anthony Ruggiero 70:50

Yes, I just had a one item Thank you matter. This is actually from our fire chiefs. So this is regarding Dutchess County on Thursday, April 23. At 7pm so all the all the fire departments in the area, they will come together and thank all those in Dutchess County who have been working tirelessly in emergency services, health care, local government, and all supporting agencies in our communities by activating our house sirens in unison throughout the county, thanks to the siren activation will be two cycles. So we'll announce this again and put on our website. But this will be for Thursday, April 23. At 7pm. If you hear the sirens, it's just thanking all of the healthcare workers local government and emergency services.

Mayor Kyriacou 71:34

And Anthony you think our siren on Tompkins Hose works?

Anthony Ruggiero 71:39

I would be the one on actually he's going to test it. Thank you, Mayor. So he's going to test that in the next couple days. So you may hear that also. And that's just the testing and we can also put that on that we can actually do a swift or put that on our website so people don't misinterpret it.

Mayor Kyriacou 71:56

Right. We don't use them in our in our modern response. But we're using it for this. Correct. Great, thank you. Okay. Local awesome resolution we have it says a consent agenda. Do we want to do these all together? Or if they do them in parts? I'm going to suggest we do them individually. That's all right. All right. So let's do a resolution adopting the New York stretch code is I think there may be some comments on some of these. I'll take a motion on that. So Amber,

Councilmember Terry Nelson 72:37

second. And,

Mayor Kyriacou 72:40

Terry, any discussion on adopting the near stretch energy? Well, go ahead here.

Councilmember Air Rhodes 72:53

I'm very excited about the stretch code. Ever since I became aware of the stretch code when we were discussing it officially On the CAC, a number of years ago, I saw the great potential that this had for encompassing a number of the different priorities that the city had been discussing and that the CDC had been discussing. And the way that the stretch code is so very well researched, and has the benefit of the the knowledge of so many people who have been just thinking about this and spending a lot of time lawyers and building code experts and construction experts have just put so much thought into, into just really exactly what the code should be in exactly what materials should be used and all of that. So I really appreciate the amount of thought and time that's already been put into informing the sort of the really best practices code that that we as a as a municipality can adopt, so that we can really be taking beacon into the future of what is the The best energy code for for the greenest speaking. So I'm really excited that we're going to be moving forward with this.

Mayor Kyriacou 74:13

So I just want to add one comment to that, which is, when I first heard of it, I had some sort of uncertainty as to what it is. And once you hear that it is actually taking the current state energy code and as air reference having NYSERDA and the relevant people in the state suggest here is how you take one step forward on a number of categories, as opposed to coming up with totally different standards or picking and choosing, you know, favorite items. It's just saying it's the current code, move forward one step in terms of the direction it was likely going anyway and doing it once one time cycle sooner. That's just a very effective answer. rational approach. So I think it's great.

Councilmember Air Rhodes 75:04

And if anyone was interested, I know that there's a lot of information in tonight's agenda. And if anyone was overwhelmed by the amount of information on page 81 of tonight's agenda, there's an FAQ that summarizes a good deal of the other information that's available on this topic. So, go to page 81 of tonight's agenda, if you want the, the short, FAQ version of the information on this topic.

Mayor Kyriacou 75:33

The last thing I will I'm sorry, go ahead.

75:38

I was just saying I always appreciate Air's thoroughness.

Councilmember Jodi McCredo 75:42

reading a lot of details.

Mayor Kyriacou 75:46

I mean, she's impressed you got to page 81. So the only other thing I'll add is also a number of builders who are forward thinking will already meet the standard right? So actually may not have much impact on our best builders, but it will pull the others.

Councilmember Air Rhodes 76:06

And you might, you know, might not believe it looking at what you see behind me. But I was actually delighted to find that the renovations that I've done on my own home since I moved in here actually meet all of these code requirements. And I didn't do that on purpose, but just doing what I was doing already, just sort of as a, you know, this seems like the right thing to be doing. Home renovator myself, I was actually really surprised to find that I was actually already meeting all of these energy codes, just buying stuff at Home Depot as a DIY home renovator. So I don't think people need to be worried about what this means in terms of code. Okay.

Mayor Kyriacou 76:45

We all said Do we get a motion? Or do we already have

Nick Ward Willis, City Attorney 76:52

you have emotion you need a vote now by roll call.

Mayor Kyriacou 76:55

Oh, oh, we need a roll call. It's even though it's a resolution.

Nick Ward Willis, City Attorney 76:59

Yes. Good. You're Adopting local law and your procedures require that on local laws.

Mayor Kyriacou 77:03

Alright, so let's go by Ward Terry. Yes. Air

77:10

Jodi. Yes,

Mayor Kyriacou 77:11

Dan? Yes, George. Yes, Amber. Yes, of course. I will vote yes as well. So there you go. We got a unanimous one. Okay. So now let's do a resolution setting a public hearing to discuss short term rentals. We're far enough along to have a public hearing. And we want to set it for May 18. So that is basically four meetings from today. And is there emotion on that motion? Okay, Terry. And Jodi, any discussion? Again, we're just setting the public hearing and referring this to the county and city planning board. Okay, so we've got a we've got to first That we saw at our last workshop with some minor adjustments that are being shipped out to them.

Nick Ward Willis, City Attorney 78:09

Yes, correct.

Mayor Kyriacou 78:11

All right. Any further discussion on setting hearing for the 18th of may? Okay, hearing none, that's a voice vote All in favor?

City Council 78:21

Aye. Aye.

Mayor Kyriacou 78:23

Okay, Any opposed? Okay. Next item of business is a resolution accepting a site easement on St. Luke's place subdivision. And I'd also do it at the same time a resolution accepting an offer of dedication of a portion of Union Street. Those two go together if someone wants to take us through what they are

Nick Ward Willis, City Attorney 78:46

certain I will do some there. This is for arises out of subdivision approval from the planning board. The site easement is granted to the city to ensure that the city has the ability to enforce maintain appropriate Traffic sight line distances so that landscaping doesn't encroach into the area that is easy for the traveling public to see around the corner. The second is an opera dedication of a portion of Union Street that is located on the private property which is being given to the city at no cost to legalize the

city's use of that portion of the public treat on private property. And both of these would be a roll call because they're accepting property.

Mayor Kyriacou 79:27

Okay, and then they just add this as the law on the northeast corner of St. Luke's and union. And the side easement is basically the corner. And the dedication is a small portion of the lot to give Union Street its full length in terms of being part of the city. So given that, Nick has said we need virtual roll calls. I'll do them one at a time. Let's do the site at Eastman regarding St. Luke's Place I get a motion on that. One and Jody. One at a time, Terry? Yes. Air? Yes. Really? Yes. Dan?

Councilmember Dan Aymar-Blair 80:15

Yes, George.

80:19

Sure.

Mayor Kyriacou 80:22

Let's go to that. There we go. Amber. Yes. Emily says yes. Okay. See the second one. Now this is dedicating a portion of that lot for Union Street to get it all under city property. I need a motion. Is that Dan again? Yes. And Jody is the second. Okay. Let's do the roll call. Terry. Yes. Err, yes. God.

Councilmember Jodi McCredo 80:46

Yes.

Mayor Kyriacou 80:48

Yes, George. Yes. Amber. Yes. Lee votes yes. Okay. That's for Dan. And we have a resolution approving Room operations for the beacons farmer farmers market. Not sure we need it. But Nick recommended that we do a quick resolution on it. So can you just take us through?

Anthony Ruggiero 81:12

Sure. This is really just formalizing what we discussed last week. Their plan. Also they were an operation for the distribution, only the interim distribution. This weekend. I spoke to the market manager on Sunday and everything went fine and weren't any issues. Also, you know, I just checked at staff level and there wasn't any issues, everything went well, while the resolution is just formalizing going forward for the distribution and the plan is attached to the resolution.

81:44

I get a motion on that

Councilmember Amber Grant 81:45

motion. I think it was God then the mail Second.

Councilmember Air Rhodes 81:49

All right. There we go. Any discussion? point of clarification?

Anthony Ruggiero 81:54

Yes.

Councilmember Air Rhodes 81:56

In the agenda, it said the letter was dated Did the April 14 and I believe the email letter that you emailed us a copy of was dated April 16. Super minor, just wanting to be accurate. Yes.

Anthony Ruggiero 82:14

We can just change that. Okay.

Mayor Kyriacou 82:23

I just want to compliment the thoroughness of the manager in both laying out a plan that works under the current social distancing arrangements and being responsive to both the city and to neighbors. I think that's the right approach to get distance. Thank you. Okay. All in favor?

City Council 82:45

Aye. Aye.

Mayor Kyriacou 82:47

All right, great. Five. Now, last one is a resolution to extend a tolling agreement with Travon auto body. Anybody want that one? make that motion?

Councilmember Air Rhodes 82:58

Me I was too eager last year. I'm gonna do it now emotion here. Second.

Mayor Kyriacou 83:04

And God. Any discussion? Is there anything interesting you need to say, Anthony on this one? Again,

Anthony Ruggiero 83:10

this is just a total agreement word surrounds. And this is just the agreement with the city for city vehicles or if there's an accident. I know there's another section of the code that discusses private property. That's not this. This is again, just the city's agreement. The police are happy with right now the way it's operating, and this will just take it expired, and then this will just renew the contract. Okay.

Mayor Kyriacou 83:38

Got a motion in a second. Any discussion? All in favor? Aye. Aye. Nick, I don't have to do a roll call on that. Do I

Nick Ward Willis, City Attorney 83:49

No. Okay, so he's not spending money, so not needed.

Mayor Kyriacou 83:52

All right. I think we're at second opportunity for public companies. anyone elses spoken at the first one or the first session? hearings. Collin we got anybody?

Collin Milone 84:06

you've got two people on the line, no hands are raised. If you'd like to raise your hand and you're on a phone, please press star nine. If you're on a computer or phone, please look at the bottom of the video chat. You'll see an unmute option. Okay.

Mayor Kyriacou 84:29

So I'm hearing none, I'll entertain a motion to adjourn.

84:36

motion. Second,

Mayor Kyriacou 84:38

Terry and Jodi, I just want to say I this is an interesting process works. Okay. I'm really looking forward to seeing you all in person. But you know, this, this is working and we keep everything moving forward. So thank you so much for all your participation. All in favor the motion to adjourn. Thank you

**City of Beacon Council Agenda
5/18/2020**

Title:

Personnel

Subject:

Background:

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Real Estate

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