



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

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

City Council Workshop Agenda
February 10, 2020
7:00 PM

Workshop Agenda Items:	Duration (Minutes)
1. Main Street Access Initiative Discussion	15
2. Discussion Regarding a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Concerning the Historic District Landmark Overlay	15
3. Proposed Local Law to Amend Chapter 223, Section 61.3C of the Code of the City of Beacon Regarding Noticing Public Hearings Discussion	10
4. Water Moratorium Local Law Discussion	10
5. Edgewater Special Use Permit Extension Request Discussion	15
6. Street Name Dedication Discussion	10
7. Water and Waste Water Bids Discussion	5
8. LGTBQ Advisory Committee Discussion	10

Upcoming Agenda Items and Meetings:	Duration (Minutes)
1. Community Segment: Presentation on Digital Equity February 18, 2020	
2. Community Development Forum February 20th and 29th	

Upcoming Public Hearings	Duration (Minutes)
1. Public Hearing to Discuss a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Regarding the Historic District Landmark Overlay Zone February 18, 2020	
2. Public Hearing to Discuss the Water Moratorium Local Law February 18, 2020	
3. Public Hearing to Discuss the Addition of 35 Proposed Properties to the Historic District Landmark Overlay Zone February 18, 2020	

Executive Session:	Duration (Minutes)
1. Personnel	
2. Real Estate	

City of Beacon Workshop Agenda
2/10/2020

Title:

Main Street Access Initiative Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Press Release Announcing a Main Street Access Initiative	Backup Material



CITY OF BEACON

New York

Lee Kyriacou, Mayor

OFFICE OF THE MAYOR

845-838-5011

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

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

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

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

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

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

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

Funding: Plans at a high level must consider funding mechanisms – other than property tax increases – for proposed capital investment in parking or other infrastructure. Funding discussions should look at grants, contributions from Main Street buildings that lack sufficient parking, monthly user fees for resident parking stickers, allocation of a portion of existing higher tax rates paid by commercial properties, and other concepts.

The Mayor said, “Our Main Street is the heart of Beacon. Improving access is critical to Main Street’s ability to handle more people living nearby, which itself is critical to Main Street’s

viability. We need to deal with access holistically and for the long term. I trust our community will come together to help build a better, vibrant and sustainable Main Street.”

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

About the City of Beacon:

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

City of Beacon Workshop Agenda
2/10/2020

Title:

Discussion Regarding a Proposed Local Law to Amend Chapter 134 of the Code of the City of Beacon Concerning the Historic District Landmark Overlay

Subject:

Background:

ATTACHMENTS:

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

**Dutchess County Department of
Planning and Development**

FAX INFO ONLY

To Jen Cocozza

Date 12/10/2019

pgs 11

Co./Dept. Planning and Development

From Collin Millone

Fax # 845 486 3610

Phone # 845 838 5010

239 Planning/Zoning Referral - Standard Form

Municipality: City of Beacon

Referring Agency: ☐ Planning Board ☐ Zoning Board of Appeals ☒ Municipal Board

Tax Parcel Number(s):

Project Name: Proposed Local Law to Amend Ch. 134 of C.O.B Code Concerning Historic Preservation

Applicant:

Address of Property:

Type of Action:

- ☒ Local Law / Text Amendment
☐ Rezoning
☐ Site Plan
☐ Special Permit
☐ Use Variance
☐ Area Variance
☐ Other: _____

Parcels within 500 feet of:

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

Date Response Requested (if less than 30 days):

Jan 21st. 2020

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development
No Comments:

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

Comments Attached:

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

Date Submitted: 12/10/19

Date Received: 12/10/19

Date Requested: 1/21/20

Date Required: 2/5/20

Date Response Faxed: 1/17/20

Notes: map recd 1/7/2020

☐ Major Project

Referral #: 19-407

☐ Also mailed
hard copy

Reviewer: Jennifer Hough



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law to Amend Chapter 134 concerning Historic Preservation

DATE: January 15, 2020

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

DRAFT 2/3/2020

DRAFT LOCAL LAW NO. ____ OF 2019

CITY COUNCIL
CITY OF BEACON

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

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

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

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

§ 134-1. Purpose.

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

§ 134-2. Historic District.

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

§ 134-3. Definitions.

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

ALTERATION

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

CERTIFICATE OF APPROPRIATENESS

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

CERTIFICATE OF ECONOMIC HARDSHIP

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

CONSTRUCTION

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

DEMOLITION

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

EXTERIOR ARCHITECTURAL FEATURES

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

HISTORIC DISTRICT

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

LANDMARK

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

OWNER OF RECORD

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

RECONSTRUCTION

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

REPAIR

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

STRUCTURE

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

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

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

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

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

§ 134-5. Uses permitted by special permit.

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

§ 134-6. Certificate of appropriateness.

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

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

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

- (8) Alterations to existing landscaping, driveways, retaining walls, and other site features, unless the site feature is identified as a contributing historic element on the Historic Resource Inventory Form; and
- (9) Emergency or security-related measures as approved by the Building Inspector; and
- (10) Minor accessory or utility-related change that does not detract from the historic character of the building or site, such as a new lighting fixture, power line, electrical outlet, dryer vent, water spigot or fuel tank, as determined by the Building Inspector.

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

- A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:
 - (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.
 - (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
 - (3) The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.
- B. In applying the principle of compatibility, the City Council or Planning Board shall use the following standards for new structures, additions, or alterations in the HDLO. Standards using the verb “shall” are required; “should” is used when the standard is to be applied unless the Planning Board or City Council finds a strong justification for an alternative solution in an unusual and specific circumstance; and “may” means that the “standard” is an optional guideline that is encouraged but not required.
 - (1) The design, character, and appropriateness to the property of the proposed alteration or new construction.
 - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.

- (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
 - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
 - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
 - (e) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
- (a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.
 - (b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.
 - (c) The height of any new building facades in the HDLO shall not conflict with the heights of adjacent historic structures on adjoining HDLO parcels.
 - (d) Larger buildings or additions should incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) Architectural and site elements and their relation to similar features of other properties in the HDLO.
- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
 - (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
 - (c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.

- (d) New buildings in the HDLO should have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

§ 134-8. Certificate of appropriateness application procedure.

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

- (1) The name, address and telephone number of the applicant.
- (2) Scaled drawings showing the ~~proposed~~ changes, only if new construction is proposed.
- (3) Descriptions or samples of materials to be used.

- (4) Where the proposal includes signs or lettering, a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.
 - (5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.
- B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any site plan, subdivision, special permit or building permit that may be required by any other ordinance of the City of Beacon.
- C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.
- D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.
- E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.
- F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.

§ 134-9. Hardship criteria and application procedure.

- A. An applicant whose certificate of appropriateness has been denied may apply ~~for relief~~ to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.
- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:

- (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
 - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
 - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.
- F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.

§ 134-10. Enforcement.

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

§ 134-11. Penalties for offenses.

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

§ 134-12. Fees.

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

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

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

§ 134-13. Assessment abatement.

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

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

City of Beacon Workshop Agenda
2/10/2020

Title:

Proposed Local Law to Amend Chapter 223, Section 61.3C of the Code of the City of Beacon Regarding Noticing Public Hearings Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Attorney Regarding Public Notices for Public Hearings	Cover Memo/Letter
Proposed Local Law to Amend Chapter 223, Section 61.3C of the Code of the City of Beacon Regarding Noticing Public Hearings	Local Law

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

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

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

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: Proposed Local Law Concerning the Posting Requirements for
Public Notice Signs

DATE: February 4, 2020

Our office has prepared the attached Local Law to amend Chapter 223, Section 61.3, Subsection C of the Code of the City of Beacon entitled “Public Notice Signs” to require applicants to post one notification sign on the subject property, no later than 10 days prior to the initial public hearing. The City Code previously required an applicant to post the required public notice sign no later than 14 days prior to the initial public hearing.

Applicants are required to mail public hearing notices to neighboring properties at least 10 days before the public hearing. (City Code § 223-61.3.B). The proposed Local Law eliminates the 14 day posting requirement to require that the public notice sign and written public hearing notices be posted and mailed within the same time period, which is at least 10 days before the public hearing.

An applicant cannot post their public notice sign before the public hearing is scheduled. While the ZBA and Planning Board meet once a month and the 14 day sign posting requirement can be satisfied in advance of their meetings, the City Council meets every two (2) weeks and applicants are unable to post their public notice signs in time for the next Council meeting, but rather must present their applications a month later at the next meeting (30 days later).

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 61.3C OF THE CODE OF THE CITY OF
BEACON**

A LOCAL LAW to amend Chapter 223, Section 61.3C of the Code of the City of Beacon concerning the posting requirements for public notice signs.

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

Section 1. Chapter 223, Section 61.3, Subsection C of the Code of the City of Beacon entitled “Public notice signs” is hereby amended as follows:

§ 223-61.3 Hearing notice requirements.

....

C. Public notice signs.

- (1) The applicant shall post one notification sign on the subject property, or in the case of a corner lot post a notification sign on all abutting streets, no later than ~~10~~ 14 days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least ~~10~~ 14-days prior to every public hearing at which the applicant's matter will be heard. The Building Inspector may require, in his or her discretion, the applicant to post an additional public notice sign, based on topography of the surrounding land, parcel size and shape, or any other factors the Building Inspector, in his or her discretion, feels may impact effective public notice.
- (2) Such sign shall be at least two feet by three feet in size, consist of sturdy and serviceable material containing a white background with black letters and be placed in a location visible from the most commonly traveled street or highway upon which the property fronts, or in the case of a corner lot on all streets, but in no case more than 20 feet back from the front lot line. Such sign shall read as follows, in legible lettering

with the heading at least five inches in height and the content at least two inches in height:

PUBLIC NOTICE A PUBLIC HEARING FOR A [application type]
APPLICATION WILL BE HELD BY THE CITY OF BEACON [City Council,
Planning Board, or Zoning Board of Appeals] ON [insert date] AT [insert time] P.M.
AT THE CITY OF BEACON CITY HALL, 1 MUNICIPAL PLAZA, BEACON,
NY ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON
BUILDING DEPARTMENT (845) 838-5020

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.
- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period.
- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 Section 61.3 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

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

Section 4. Severability

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

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

Section 5. Effective Date

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

City of Beacon Workshop Agenda
2/10/2020

Title:

Water Moratorium Local Law Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Local Law Regarding Extension of Water Moratorium	Local Law

LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW REGARDING
EXTENSION OF A MORATORIUM**

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

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

SECTION 1. TITLE

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

SECTION 2. LEGISLATIVE INTENT AND PURPOSE

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

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

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

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

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

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

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

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

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

SECTION 3. MORATORIUM

1. Effective immediately upon filing with the Secretary of State and continuing for a period of three (3) months from such date, and subject to paragraph 2 below, no

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

2. All applications for building permits, use variance, area variance, special use permit, site plan approval and subdivision approval submitted to the City on or before June 11, 2019, or pending before the Building Department or Land Use Board on or before June 11, 2019 are exempt from this moratorium. Any application submitted after June 11, 2019 may be heard and reviewed by any Land Use Board, but may not be subject to a vote and any application that was submitted to any Land Use Board after June 11, 2019 and received a vote, may not receive a Building Permit. The Land Use Board may hold public hearings and discuss the application, but the Land Use Board may not formally approve or deny such application. Any building permit application for a single family home and any application seeking a modification or extension of an existing approval that does not increase the density (by unit or bedroom count) shall be exempt from this moratorium and any residential application that would result in an increase in water usage of no more than 440 gallons of water per day, as determined by the City Building Inspector, is exempt from this moratorium. Any non-residential application that would result in an increase in water usage of less than 2,000 gallons per day, as determined by the City Building Inspector, is exempt from this moratorium. In addition, this moratorium shall not apply to the reuse of any existing non-residential building for industrial or manufacturing uses, as determined by the Building Inspector, where such use does not increase the existing building footprint or otherwise increase the building square footage.
3. This moratorium shall automatically expire thirty (30) days after the City Administrator’s receipt of a report from the City’s Water Consultant that (i) confirms Well 2 has been repaired; (ii) states the gallons per minute being pumped from Well 2; (iii) confirms the total capacity available to the City from all water production; (iv) advises if any of the Conclusions in its March 2018 Comprehensive Water Supply Plan are affected by the new yield from Well 2 (if less than previously studied); and (v) confirms the City of Beacon has sufficient safe yield from the sources of supply to meet the current and projected Long Term Build-Out demand as detailed in the March 2018 Comprehensive Water Supply Plan. Should the repairs not be completed or the above referenced report not meet the criteria detailed above, the City Council may extend the moratorium, after following the procedure to adopt a Local Law, for a period of time as the City Council, in its sole discretion, deem necessary.

SECTION 4. ADMINISTRATIVE RELIEF FROM MORATORIUM

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

SECTION 5. CONFLICTING LAWS SUPERSEDED

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

SECTION 6. SEPARABILITY

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

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

SECTION 7. EFFECTIVE DATE

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

City of Beacon Workshop Agenda
2/10/2020

Title:

Edgewater Special Use Permit Extension Request Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Edgewater Special Use Permit, Subdivision, Site Plan, and Area Variance Approvals Joint Request for One Year Extension of Approvals	Cover Memo/Letter



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White Plains, New York 10601
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Taylor M. Palmer
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January 30, 2020

BY FEDERAL EXPRESS AND E-MAIL

Hon. Lee Kyriacou, Mayor
& Members of the City Council
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Hon. David Jensen, Chairman
& Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Hon. John Gunn, Chairman
& Members of the Planning Board
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: Edgewater Special Use Permit, Subdivision, Site Plan & Area Variance Approvals
Joint Request for One (1) Year Extension of Approvals
Tax IDs: 5954-25-566983, 574979, 582985, & 5955-19-590022

Dear Mayor Kryiacou, Chairman Gunn, Chairman Jensen, and Members of the City Council,
Planning Board and Zoning Board of Appeals:

On behalf of Scenic Beacon Developments, LLC (the "Applicant"), we are writing to request a six (6) month (or two (2) 90-day)) extension for each of the following Approval Resolutions pertaining to the Edgewater Project:

- 1) City Council Resolution Granting a Special Use Permit, dated August 6, 2019 (the "City Council Resolution"). **See Exhibit A.**
 - a. Note: The City Council Resolution was extended by Resolution 115 of 2019, dated August 19, 2019, extending the City Council Resolution until February 6, 2020. **See Exhibit A – Extension.**
- 2) Planning Board Resolution Granting Preliminary & Final Subdivision Plat and Site Plan Approval for the Edgewater Project adopted September 11, 2018 and dated September 17, 2018 (the "Planning Board Resolution"). **See Exhibit B**
 - a. Note: The Planning Board Resolution was extended on August 13, 2019, extending the Planning Board Resolution until March 3, 2020. **See Exhibit B – Extension.**
- 3) Zoning Board of Appeals Area Variance Approval Resolution dated January 17, 2018 (the "ZBA Resolution"). **See Exhibit C.**
 - a. Note: The ZBA Resolution was extended on August 20, 2019, extending the ZBA Resolution until March 10, 2020. **See Exhibit C – Extension.**

This joint request is timely, as 180 days (six (6) months)) have not elapsed since the dates of the last extensions granted for the Approval Resolutions.



January 30, 2020

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Since the Applicant last appeared before each of your Boards, in response to the County Health Department's May 29, 2019 letter to the Applicant's Engineer, Hudson Land Design, the City's Engineering Consultant, Henning, Durham & Richardson Architecture and Engineering, P.C. ("HDR"), prepared a supplemental hydraulic capacity analysis of the City's sanitary sewer system. Based on our discussions with City Staff and based on the HDR report we understand that the City of Beacon is in the process of upgrading its sanitary sewer system, specifically including the North Interceptor and West Main Street sewer pump station that service the property, which improvements include but are not limited to the following:

1. Conducting work on the sluiceway at the STP headwork;
2. Replacing an 18" gravity line within the DIA Beacon property and along Dennings Avenue to the Sluiceway at the STP with a new 30" pipe;
3. Replacing dual 10" force mains from West Main Street pump station to the gravity line through DIA Beacon; and
4. Replacing the West Main Street pump station.

Provided the above, in the meantime the Applicant is working with City Staff toward satisfying the final comment from the Dutchess County Department of Behavior and Community Health (the "County Health Department") regarding the project, so that the Final Subdivision Plat may be approved and signed by the County Health Department. The Applicant has been in contact with the City Attorney and the City Administrator regarding the sign-off from the County Health Department, and we understand the Applicant and City Staff will be working together to contact the County Health Department to close out this final condition.

Additionally, we also understand that the Planning Board Attorney is in the process of reviewing each of the draft agreements that the Applicant has submitted to the City for review in order to satisfy the prerequisite Conditions provided in the Planning Board Resolution so that the Final Subdivision Plat can be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. At this time, we understand that comments are forthcoming from the City regarding same.

Accordingly, given the Applicant's diligent efforts to see that the Final Subdivision Plat is approved by the County Health Department, as well as the Applicant's efforts to satisfy the conditions to the Approval Resolutions, we respectfully submit this formal request for two (2) 90-day extensions (180 days) of the City Council Resolution, Planning Board Resolution and ZBA Resolution, thus extending to the City Council Resolution until August 6, 2020 and extending the Planning Board Resolution to September 4, 2020 and extending the ZBA Resolution until September 10, 2020, the dates by which the Applicant must satisfy the conditions in the Approval Resolutions.



January 30, 2020

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We respectfully request that you please place the respective requests for extensions on the next available City Council, Planning Board and Zoning Board Agendas, respectively, for consideration of the Applicant's request for two (2) 90-day extensions. Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Taylor M. Palmer', written over a faint, larger signature.

Taylor M. Palmer

Enclosures

cc: Nicholas M. Ward-Willis, Esq. – City Attorney
Jennifer L. Gray, Esq. – Planning Board Attorney
Drew V. Gamils, Esq. – ZBA Attorney

Exhibit A

1



**CITY OF BEACON
CITY COUNCIL**

Resolution No. 116 of 2018

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, Scenic Beacon Developments, LLC (the “Applicant”) submitted an application for a Special Use Permit to construct multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Parcel IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §223-18; and

WHEREAS, the Special Use Permit application was submitted by the Applicant in conjunction with its application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings originally containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Project” or “Proposed Action”); and

WHEREAS, the Subdivision is shown on the drawing, entitled, “Lot Consolidation Map Prepared for Weber Projects LLC,” dated March 6, 2017, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan Edgewater,” Sheets 1-15, dated January 31, 2017, last revised June 26, 2018, prepared by Aryeh Siegal, Architect; and

WHEREAS, the original Proposed Action was a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA)

public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Project; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals opened and closed a public hearing on the Applicant’s variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant’s variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts;

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, 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; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,533 square feet being deducted prior to determining the net buildable area for the Project.

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans for the Project which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions to the Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage, while increasing the area to remain as green space and not developed and

providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed (“Amended Project” or “Amended Proposed Action”); and

WHEREAS, the Project will provide twenty five (25) Below Market Rate Housing as per the City Code; and

WHEREAS, the Amended Project is no longer a Type I action because it was amended to include 246 total dwelling units which falls below the threshold for Type I actions; and

WHEREAS, the Amended Project is therefore an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Proposed Action and the Amended Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Amended Project; and

WHEREAS, on July 16, 2018, the City Council opened a public hearing on the Special Use Permit application in connection with the Amended Project, at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 16, 2018; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code Sections 223-18 and finds the proposal complies with this section of the Zoning Law, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to Sections 223-18 of the City Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

2. The project is within walking distance of the Beacon Train Station and will provide economic benefits of pedestrian traffic to Main Street, while not significantly increasing vehicular impacts on City streets.
3. The Project includes a balanced mix of housing types and sizes, including 25 below-market-rate units in accordance with the City's Affordable Workforce Housing Law.
4. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
5. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
6. The proposed Amended Project is compatible with other multifamily developments in the surrounding neighborhood, which include the existing Tompkins Terrace and Colonial Springs residential developments.
7. Parking areas will be of adequate size for the particular use and property located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

BE IT FURTHER RESOLVED, that the City Council grants a Special Use Permit to Scenic Beacon Developments, LLC to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District, and designated on the City Tax Map as Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Subdivision and Site Plan approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.
4. The Applicant has agreed that the trail depicted on the western side of the property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent, and that such trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). Regulations regarding public

use of the Connection Trail will be determined during Site Plan review. The specific location of the connection between the Greenway Trail and the Connection Trail cannot presently be identified by the City. Therefore, the Amended Site Plan shall be designed to accommodate a pedestrian connection to the Metro-North northern parking lot immediately to the west or any proposed development on such property (City Tax Map as Parcel IDs 5954-25-549980 and 5954-33-549777), and thereby also more directly connect to Train Station and any future northern extension of the Hudson River Greenway Trail through the Metro-North parking area. The Subdivision shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, to locate, construct and maintain said Greenway Trail connection.

5. A copy of this Resolution shall be attached to the Certificate of Occupancy.
6. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
7. In accordance with Section 223-18.F(1)(b)(2) of the Zoning Law, this Special Permit approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit approval; or
 - b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
8. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
9. The Building Inspector may revoke this Special Permit approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit approval.
10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.

11. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: August 6, 2018

Resolution No. <u>116</u> of 2018		Date: <u>August 6, 2018</u>		<input type="checkbox"/> 2/3 Required.			
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 3/4 Required			
<input type="checkbox"/> Not on roll call.							
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCredo		x			
x		George Mansfield	x				
		Lee Kyriacou	x				
	x	John Rembert		x			
		Amber Grant					x
		Mayor Randy J. Casale	x				
		Motion Carried	x				

Received In the Office of the
City Clerk
August 7, 2018

2



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 115 OF 2019

**GRANTING A SPECIAL USE PERMIT EXTENSION FOR
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the “Applicant”) to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the “Special Permit Resolution”). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the Applicant’s request was timely, as one (1) year had not elapsed since the date of the August 6, 2018 Special Permit Resolution; and

WHEREAS, the City Council is in receipt of a letter from Michael A. Bodendorf, P.E., dated July 26, 2019, requesting two (2) six (6) month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018; and

WHEREAS, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 of the Special Permit Resolution, the City Council may grant one (1) or more extensions of up to six (6) months each, to “(a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit;” and

WHEREAS, Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board’s Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk’s Office; and

WHEREAS, the Applicant appeared at the Council’s August 5, 2019 Work Session meeting and answered questions from the Council and the Council discussed that granting two (2) six (6) month extensions was not warranted.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants one (1) six (6) month extension of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Dated: August 19, 2019

Resolution No. <u>115</u> of 2019			Date: <u>August 19, 2019</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCredo	x				
x		George Mansfield	x				
		Lee Kyriacou	x				
		John Rembert	x				
	x	Amber Grant	x				
		Mayor Randy J. Casale	x				
		Motion Carried	x				

*Received in the Office of the
City Clerk
August 20, 2019*

Exhibit B

1

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS AND SITE PLAN APPROVAL FOR EDGEWATER PROJECT (22 EDGEWATER PLACE)

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals (lot merger), Site Plan Approval and Special Use Permit Approval from Scenic Beacon Developments, LLC (the “Applicant”), to demolish two existing buildings and construct seven buildings, containing 246 apartments including 25 workforce housing units (350 bedrooms¹), on 12.009 acres on property located and collectively known as 22 Edgewater Place and designated on the Tax Map of the City of Beacon as **Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979** (the “Property”) in the RD-1.7 Zoning District, within the within the Local Waterfront Revitalization Program (“LWRP”) boundary, (the “Amended Project” or “Amended Proposed Action”); and

WHEREAS, the City Council is the approval authority for the Special Use Permit to permit multifamily housing on the Property pursuant to City of Beacon Zoning Code § 223-18; and

WHEREAS, the Planning Board is the approval authority for the Subdivision and Site Plan pursuant to City of Beacon Code §§ 195-2 and 223-25; and

WHEREAS, the Amended Proposed Action also includes a request for a determination of consistency with the LWRP; and

WHEREAS, the application consists of application forms, correspondence, the Full Environmental Assessment Form (“Full EAF”) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Subdivision is shown on the drawing, entitled, "Lot Consolidation Map Prepared for Weber Projects LLC," dated August 27, 2018, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings, entitled “Special Use Permit Application,” Sheets 1-15 last revised August 28, 2018, as prepared by Hudson Land Design; TEC Land Surveying; and Aryeh Siegel, Architect; and

¹ The Amended Proposed Action proposes 246 units comprised of 25 studios, 126 1-bedroom units, 86 2-bedroom units, and 9 3-bedroom units.

WHEREAS, the Applicant originally submitted an application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Original Proposed Action”); and

WHEREAS, the Original Proposed Action was a Type I Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Original Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the SEQRA public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Full EAF and all associated materials prepared in connection with the Original Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, on December 12, 2017 the Planning Board adopted a Resolution finding the Original Proposed Action to be consistent with the relevant policies of the LWRP; and

WHEREAS, the Zoning Board of Appeals opened a duly advertised public hearing on the Applicant’s variance application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard were given such opportunity on the Applicant’s variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on December 19, 2017 the Zoning Board of Appeals closed the public hearing; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant’s variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts; and

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, 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; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,284² square feet being deducted prior to determining the net buildable area for the Project, as shown on the Steep Slopes Analysis Map, dated June 8, 2018, as prepared by Hudson Land Design; and

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions provided in the Amended Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage while increasing the area to remain as green space and not developed, adjustments to a retaining wall along the eastern parking lot and relocation of the pathway on the western side of the Property to avoid Very Steep Slopes, and providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed; and

WHEREAS, the Amended Project is no longer a Type I Action because it was amended to include 246 total dwelling units, which falls below the threshold for Type I Actions, and accordingly the Amended Project is an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Original Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the LWRP policies which apply to the Amended Project; and

² The Applicant's representatives calculated the deduction of total lot area as 110,284 square feet whereas the City Engineer calculated the deduction of total lot area as 110,533 square feet. The Special Permit Resolution by the City Council references 110,284 square feet. Both figures result in a maximum density of 252 units.

WHEREAS, on July 16, 2018, the City Council opened and closed a public hearing on the Special Use Permit application in connection with the Amended Project and approved the Special Use Permit application by Resolution 116-2018 (the “Special Permit Resolution”) after finding the Amended Proposed Action complies with City of Beacon Zoning Code § 223-18; and

WHEREAS, on August 8, 2017 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval concerning the Original Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was continued to September 12, 2017, October 11, 2017, November 14, 2017, December 12, 2017 and thereafter adjourned month to month to June 12, 2018; and

WHEREAS, on August 14, 2018 the Planning Board re-opened a duly re-noticed public hearing on the application for Site Plan approval and opened a duly noticed public hearing pursuant to City of Beacon Zoning Code § 223-16.C regarding impacts to very steep slopes, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, on September 11, 2018 the Planning Board opened a public hearing on the application for Subdivision approval, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes; and

WHEREAS, on September 7, 2017, the Planning Board’s Architectural and Community Appearance Board of Review (the “ARB”) reviewed the Original Proposed Action and recommended approval of the design, basing its criteria on City Code §86-6, such that no building or structure is so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more harmful effects set forth in City Code §86-2, and the Amended Project does not materially change the design of the proposed seven buildings; and

WHEREAS, the Planning Board is fully familiar with the Amended Project and has reviewed the Amended Project relative to all applicable provisions of the City of Beacon Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes and finds that the Project avoids construction on Very Steep Slopes, as defined by the City of Beacon Zoning Code, to the extent practicable and further finds that to the extent there are impacts to Very Steep Slopes:

- (1) There is no other suitable alternative area within the lot available for the proposed development. Disturbing a small portion of Very Steep Slopes is necessary for

almost any type of reasonable development of the Property. A looped road with two points of ingress and egress is recommended for safety purposes and would likely be required for any type of multifamily development on the Property, which is evidenced by the prior disturbance of Very Steep Slopes for previous development on the Property. Further, moving the interior drives to avoid disturbance to Very Steep Slopes would decrease ADA accessibility. Most of the Very Steep Slopes on the Property with the exception of the Bluff on the west side appear to be man-made from previous development of the Property and construction of Bank Street.

- (2) The proposed development is the minimum necessary to make reasonable use of the land. The density of the Project has been reduced from 307 units to 246 units which is six fewer units than the maximum permitted on the Property. In addition, clustering the development reduces the need for a larger footprint which would disturb additional land. Several site design elements have been proposed to further reduce disturbance to the minimum necessary to make reasonable use of the Property, including (i) reduction of parking areas and travel lanes, (ii) landbanked parking and parking under buildings, (iii) retaining wall along the parking area along Buildings 1 and 2 to minimize impacts to Very Steep Slopes along Bank Street and maintain existing vegetation, (iv) relocation of the trail along the Bluff further from the ridgeline, (v) elimination of parallel parking spaces from the access road to reduce impacts to fragmented interior Very Steep Slopes, and (vi) relocation of the retaining wall along the west side of the site entrance off Branch Street to minimize impacts to Very Steep Slopes;
- (3) All feasible construction standards and precautions will be taken to assure that environmental impacts are minimized. Temporary erosion and sediment control (E&SC) measures will be implemented during construction, and permanent E&SC measures are incorporated into the project design. Weekly inspections of the temporary E&SC measures by a qualified professional will be required; and
- (4) The purpose and intent of Section 223-16.B of the Zoning Code are satisfied to the maximum extent feasible. As stated above, most of the Very Steep Slopes on the Property appear to be man-made as a result of previous development of the Property, with the exception of the Bluff at the western edge of the Property. The Bluff will remain largely undisturbed as a result of the Project. Thus, the purpose and intent of the Code in preventing erosion, minimizing stormwater runoff, preserving the City's underground water resources, and protecting the City's character and property values, is satisfied by the Project's avoidance of disturbance to Very Steep Slopes, particularly those that are natural and not man-made, to the maximum extent feasible.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Amended Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, as shown on the application materials referenced above, subject to the conditions and modifications set forth herein, and also hereby grants Site Plan Approval for the Property located and collectively known as 22 Edgewater Place, as shown on the application materials enumerated above, subject to the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Amended Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant has agreed that the trail depicted on the western side of the Property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent. A note shall be added to the plat to this effect.
6. The Applicant has further agreed that the Connection Trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). The note on the plat regarding the future trail linking the future Greenway Trail to the Connection Trail shall be revised to replace the reference to a reservation of rights by the City of Beacon with a grant of easement rights to the City of Beacon and otherwise clarify the scope of the

easement to the satisfaction of the City Attorney, consistent with the Special Permit Resolution adopted by the City Council, which provides the Final Subdivision Plat shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, for the City to locate, construct and maintain said Greenway Trail connection.

7. As per the Special Permit Resolution adopted by the City Council for this Project, regulations regarding public use of the Connection Trail were directed to be determined during Site Plan review. Accordingly, the Connection Trail is subject to the following regulations:
 - i. The Connection Trail shall be open to the public from dawn to dusk, subject to weather conditions.
 - ii. The Applicant has the right to close the Connection Trail due to weather conditions or other unsafe or hazardous conditions, including but not limited to construction activity on the Property.
 - iii. The Connection Trail shall be used for purposes of pedestrian recreation or otherwise traveling to and from the Metro North Train Station.
 - iv. The Applicant shall keep the Connection Trail in good working order for the purposes described above.
 - v. The Applicant shall be solely responsible for the construction, maintenance, repair and replacement of the Connection Trail.
8. All easements shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.
9. The following easement agreements, declarations of restrictive covenants or other appropriate documents shall be prepared and submitted to the City Attorney for review and shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat, with a copy of the recorded documents submitted to the City Clerk for filing:
 - i. Stormwater Easement and Maintenance Agreement
 - ii. "Connection Trail" Easement Agreement or Declaration for the purpose of authorizing public access over the "Connection Trail" from Tompkins Terrace to Branch Street.
 - iii. Declaration or Easement Agreement granting to the City of Beacon a 20-foot right-of-way for the construction and maintenance of a trail linking the off-site Greenway Trail to the "Connection Trail" within

the area depicted on the Final Subdivision Plat as “Limits of ‘Connection Trail’ Connection Area,” with the exact location of the 20-foot right-of-way to be determined at a future date. The easement shall include reference to the “Limits of the ‘Connection Trail’ Connection Area” as shown on the Final Subdivision Plat. As per Special Permit Resolution #116-2018 adopted by the City Council for the Project, construction of the trail linkage shall be at the City of Beacon’s sole cost and expense.

10. An Offer of Dedication with a description of the area to be dedicated as shown on the subdivision plat to the north of the Branch Street right-of-way shall be submitted to the City Council.
11. The proposed water lines serving the Project are being offered for dedication to the City of Beacon. An Offer of Dedication shall be submitted to the City Council along with a draft Water Line Easement Agreement. In the event the City Council does not accept dedication of the installed water lines, the Applicant shall be solely responsible for the maintenance, repair and replacement of such lines.
12. The Applicant shall post a performance bond with the City of Beacon for the public improvements which include, but are not limited to, the proposed water system, Branch Street improvements, and traffic signal timing modifications. The Applicant’s engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.

When the conditions above have been satisfied, four (4) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

B. Prior to the signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:

1. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Amended Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
2. The comments contained in the City Engineer’s letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.

3. The comments contained in the City Planner's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

C. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled:

1. The Applicant shall submit a Maintenance Agreement, License Agreement or other similar document to the City Council for review concerning the Applicant's agreement to maintain the approximately 155 foot section of the Branch Street public right-of-way which extends from the intersection of Bank Street and Branch Street westward to the point where Branch Street becomes a private right-of-way, due its use as the primary access to the Project with only one other private user (Bobbitt, Parcel ID 5954-25-569966).
2. The Applicant shall establish an escrow with the City of Beacon for the inspection of the water main installation.
3. The Applicant shall establish an escrow for stormwater inspections by the City Engineer on behalf of the City of Beacon.
4. Pursuant to Section 223-41.10.A, the Applicant shall submit floor plans which provide a mix of unit types in the same proportion as all other units in the development, subject to approval by the Planning Board. The floor plans should indicate the location of each BMR unit to be provided.
5. Pursuant to Section 223-26.E of the Zoning Code, the Applicant shall be responsible for the construction of the forty-five (45) landbanked parking spaces as shown on the approved site plan referenced herein within six (6) months of the date such spaces may be deemed necessary by the Planning Board. A landbanked parking agreement shall be submitted to the City Attorney for review and approval.

D. Prior to the issuance of a Certificate of Occupancy, the following conditions shall be fulfilled:

1. The Applicant shall perform the traffic signal timing modifications, including adaptive software technology if required, for the AM Peak Hour for the Wolcott Avenue/Verplanck Avenue intersection and for the PM Peak Hour for the Wolcott Avenue/Beekman Street intersection, as set forth in the Traffic Impact Study, dated January 18, 2017, revised February 27, 2017, including any subsequent revisions thereto, as prepared by Maser Consulting, P.A., Hawthorne, N.Y., to the satisfaction of the Building Inspector, City Engineer, City Traffic Consultant and NYSDOT.

E. The following are general conditions which shall be fulfilled:

1. Within 6-12 months following completion and full occupancy of the Amended Project, the following intersections will be monitored by the Applicant to assess whether traffic signal warrants are satisfied at these locations:
 - a. Wolcott Avenue/Tompkins Avenue
 - b. Beekman Street/West Main Street


Prior to monitoring, the Applicant shall submit a Monitoring Protocol for review and approval of the City Traffic Consultant and NYSDOT, which shall include pedestrian and bicyclist counts. If a traffic signal is warranted, the Applicant shall contribute its fair share toward the installation of a traffic signal based on the level of traffic volume the Project contributes to the intersection or other reasonable basis consistent with best practices in the industry.

2. Pursuant to NYSDEC recommendations, removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and April 1 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees.
3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.
4. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Amended Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site or is otherwise impractical. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Section 225-25.H of the City Code. The Planning Board hereby requires that, prior to the issuance of the first Certificate of Occupancy for each building, the Applicant shall pay a Recreation Fee for the number of units located in the subject building, as per the City's Fee Schedule in effect at the time of payment.
5. Rock removal operations shall be limited to 8 a.m. to 5 p.m., Monday through Friday. Rock removal shall not occur on any federal holidays or weekends.

6. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
7. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Full EAF and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the Full EAF, the terms of this resolution shall be controlling.
8. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this Amended Project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
9. As used herein, the term "Applicant" shall include Scenic Beacon Developments, LLC, and its heirs, successors and assigns.
10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
11. The approvals granted by this resolution do not supersede the authority of any other entity.
12. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.
13. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this resolution and proof of recording of the easement documents described above.

14. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.

Resolution Adopted: September 11, 2018
Beacon, New York



John Gunn, Chairman
City of Beacon Planning Board

9/17, 2018
Dated

Motion by R.Williams, seconded by P.Lambert:

Gary Barrack	Voting: Excused	Jill Reynolds	Voting: AYE
David Burke	Voting: AYE	Randall Williams	Voting: AYE
Patrick Lambert	Voting: AYE	John Gunn, Chairman	Voting: AYE
Rick Muscat	Voting: Excused		

Approved: 5-0

*Received in the Office of the
City Clerk
on September 17, 2018*

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**Planning Board
August 13, 2019**

The Planning Board meeting was held on Tuesday, August 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Gary Barrack, Jill Reynolds, David Burke and Rick Muscat. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Members Pat Lambert and Randall Williams were excused.

Training Session

Mr. Clarke provided members with Greenway Connections, a Power Point presentation from Dutchess County Planning on the Greenway Compact, a guide showing planning techniques for local planning initiatives to preserve outside green spaces.

Regular Meeting

The regular meeting started at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the July 9, 2019 meeting. Mr. Barrack made a motion to approve the minutes of the July 9, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE

Due to inactivity, a letter will be sent to the applicant advising them that the application will be removed from future agendas unless a new submission is made.

ITEM NO. 2 PUBLIC HEARING ON APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, TO ADD APARTMENT, STAIRWELL AND COMMERCIAL SPACE, 162 MAIN STREET, SUBMITTED BY THE HOSE COMPANY, LLC

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Burke. All voted in favor. Motion carried.

Engineer Dan Koehler, with applicant Michael Benzer, described the proposal to construct a rear addition to include a new three-story stairway, storage space, and one-story shop extension, and access to a new two-bedroom apartment on the existing third floor. The property is located in the Historic and Landmark Overlay District and is adjacent to a municipal parking lot.

Mr. Clarke asked that final elevation drawings, including materials, colors, and general dimensions be submitted. He suggested re-using the existing tall windows proposed to be closed up on the second floor in place of the proposed smaller windows on the side and rear elevations however Mr. Benzer explained they are not original to the building. Consideration was given to enlarging the smaller windows and Mr. Clarke asked for more detail on the tree well and how it will fit within the existing pavers and concrete sidewalk.

Mr. Tully reported easements must be obtained from the City and neighbor for access during construction. Mr. Benzer reported they are working with the neighbor who has agreed to give them access. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked about setbacks because the building sits on the property line. She was informed that it is permitted in the CMS Zoning District.

A lengthy discussion took place with regard to materials, brick step backs and roof lines of the proposed addition. The architect and a better rendering of the building will be provided for the next meeting. The public hearing will remain open for the month of September. After some consideration, Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the next meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.

Attorney Neil Alexander of Cuddy & Feder was present to continue review of the Ferry Landing residential project on Beekman Street. Discussion took place with regard to sight distance based on the latest correspondence from the City's traffic consultant. Mr. Alexander believed the draft resolution that was circulated for review addressed sight distance concerns and he was comfortable with the resolution as drafted. A lengthy debate took place with regard to limiting the height of landscaping in front of the building and possibly shifting the building back to assure sight distance is not affected in the future. Mr. Alexander contended that a sight easement area will guarantee that landscaping will be appropriately maintained, and he suggested other mechanisms that could be done by the City to make the exit from Ferry Street safer. Discussion took place about speed limits and it was noted that speeds traveled by those going to or leaving from the train station are often higher than the speed limit. Mr. Alexander felt sight distances and changes to the plan should have been discussed before a draft resolution was prepared for consideration. He asked that the draft resolution be modified so they don't need to return next month. After a lengthy discussion, members agreed to change language in the resolution by adding a condition that the Site Plan will be revised to shift Unit #1 to the rear by up to four feet, shift Unit #2 to the rear by up to two feet in order to allow the proposed landscape plan to be implemented without causing obstruction to the sight lines, and to maintain a minimum 24 ft. drive aisle at the rear of the building. The foundation must be staked before the installation of foundation forms and pouring to confirm that required minimum sight distance can be achieved. After careful consideration of the revised resolution as modified by the City Attorney's description, Mr. Muscat made a motion to approve the revised resolution, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 4 CONTINUE REVIEW OF APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL (ADD A PARTIAL 4TH FLOOR), RETAIL/RESIDENTIAL, 208 MAIN STREET, SUBMITTED BY 206-208 MAIN STREET, LLC

Mr. Siegel provided a revised shadow study for the setback fourth floor and added additional area to the roof garden as requested. He received the draft resolution of approval and felt it to be appropriate. Mr. Clarke reported the applicant has provided a narrative addressing each required Special Use Permit condition as discussed in previous meetings. He advised the applicant to remove reference to the Certificate of Appropriateness on the plans because the property is not located in the Historic District and Landmark Overlay Zone.

City Attorney Jennifer Gray reviewed the resolution for Special Use Permit Approval as circulated and Mr. Burke made a motion to approve the resolution as presented, seconded by Mr. Barrack. All voted in favor with the exception of Ms. Reynolds. Motion carried; 4-1.

ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, 27 FOWLER STREET, SUBMITTED BY MARIANNE HUGHES-JOINER

Architect Stephen Whalen described his client's proposal to replace an existing garage with a studio accessory apartment and reported the latest consultant comments can be easily addressed. He explained that he added a portion of the water and sewer map to show the extent of water sewer lines that can be found. Mr. Tully advised him that more research is needed because the specific location of utilities must be determined before final site plan approval can be granted.

After careful consideration Mr. Muscat made a motion to schedule a public hearing on the application for Site Plan Approval for the September meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Discussion took place with regard to the applicant's proposal to install windows higher rather than reverse the floor plan in order to provide privacy for the adjacent neighbors. The higher window line allowed them to keep the morning light and preserve views of the mountain. Members agreed it was a good balance and supported the floor plan as presented. After some discussion Ms. Reynolds made a motion to authorize the City Attorney's office to draft a resolution of Site Plan Approval for consideration at the next meeting, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 6 CONTINUE REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER

Architect Brad Will of Ashokan Architecture and owner Douglas Ballinger were present to describe the proposal to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio. Revised plans and changes to the building façade were done based on comments from the July meeting.

Mr. Clarke reviewed his comments and discussion took place with regard to the width of sidewalk, signage, hours of operation, patio hours, and façade materials. Mr. Tully asked the applicant to provide details on how connection to the sanitary sewer will be corrected and information on the alley and right-of-way/easement. The applicant reported there will be no outdoor music, amplified or otherwise.

After careful consideration, Mr. Muscat made a motion to make a favorable recommendation to the City Council in support of the Special Use Permit application, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – August Agenda

Members reviewed the agenda for the Zoning Board of Appeals' August meeting and had no comments.

Consider request for two 90-day extensions of Subdivision and Site Plan Approval – Edgewater

On behalf of Scenic Beacon Developments, Engineer Dan Koehler of Hudson Land Design requested two 90-day extensions of Subdivision Approval and Site Plan Approval to finalize items that must be completed with the Health Department. He reported they are close but a larger scale study must be completed. City Attorney Jennifer Grey confirmed that easement documentation has been submitted and is under review. After some consideration, Mr. Gunn made a motion to grant two 90-day extensions as requested, seconded by Mr. Barrack. All voted in favor. Motion carried.

Architectural Review

Single Family House – St. Luke's Place

This item was postponed at the applicant's request.

Single Family House – Miller Street

Robert Palisi, managing member of Fulton Avenue Realty Restoration Company, LLC, presented proposed elevations for a new house on a vacant lot on Miller Street. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Burke, to approve the elevations, color and material scheme as presented with the following: Siding – Glacier Blue (Mastic Quest); Roof – Timberline Charcoal Shingles; Windows – Double Hung 6/6 in White with Black Shutters; Trim – White; Front Door – Soft Duckling; and Porch – Trex in Pebble Grey. All voted in favor. Motion carried.

Single Family House – Shea Lane

Architect Heike Schneider presented proposed elevations for a new house on a vacant lot on Shea Lane. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Mr. Muscat made a motion, seconded by Ms. Reynolds, to approve the elevations, color and material scheme as presented with the following: Siding – Hardie Clapboard Style in Sandstone Beige; Roof – Metal Standing Seam in Gray; Windows – Double Hung 6/6 Black frame and grilles; Trim – Windham Cream Azek material; and Front Door – Essex Green. All voted in favor. Motion carried.

Certificate of Appropriateness – 554 Main Street; Walden Bank Sign

A representative of Timely Signs of Kingston described his client's proposal to install a double-sided "Walden Savings Bank" sign for their office located at 554 Main Street. The 24" x 26" metal sign will be anchored to the building. Members reviewed the sign and suggested that the line separating the word "lending" and "office" be removed or relocated under the word "bank". Mr. Burke made a motion to approve the sign as suggested, seconded by Mr. Muscat. All voted in favor. Motion carried.

Certificate of Appropriateness – 182 Main Street; change façade color

Property owner Courtney Smith Wiesmore of 182 Main Street, LLC, described their proposal to repaint the storefront at 182 Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration, Mr. Burke made a motion to approve the change from red trim to PPG "Black Magic" and to paint the yellow stucco to match the brick, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Certificate of Appropriateness – 484 Main Street; change façade color

Property owner Courtney Smith Wiesmore of 484 Main Street Beacon, LLC, described their proposal to repaint the storefront at 484 Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration, Mr. Muscat made a motion to approve the change from mauve and blue trim to PPG "Black Magic" and the recessed panels and cornice details in PPG "Knights Armor", seconded by Ms. Reynolds. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 9:40 p.m.

Exhibit C

1

**City of Beacon
Zoning Board of Appeals**

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Scenic Beacon Developments, LLC** (the “Applicant”) to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the Applicant is proposing to demolish two existing buildings, construct seven (7) apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District (the “Proposed Project”); and

WHEREAS, the Proposed Project requires variance approvals from the Zoning Board of Appeals, Special Permit approval from the City Council and Site Plan approval from the Planning Board; and

WHEREAS, the Proposed Action is a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Project; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on

the application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on December 19, 2017; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and Zoning Code Section 223.55(C)(2)(b), when deciding the request for an area variance:

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) “the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to each of the requested variances as follows:

1. **The variances will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variances.**

A. Maximum Building Height- Number of Stories

The City's Zoning Code Section 223-17.C/223 Attachment 1:6 permits a building height to be no greater than fifty-five (55) feet or 4 ½ stories. Each of the seven proposed buildings will comply with the maximum height of 55 feet permitted by the Zoning Code Section 223-17.C. A height variance of half a story is required for three buildings designed with gabled roofs.

The Board find that no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance of half a story permitting a maximum height of 5 stories for three of the seven buildings where the maximum amount of stories permitted by the code is 4 ½ stories. Under the Zoning Code Section 223-63, the "height of building" is measured as the "vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, whichever is higher, to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type." Under this definition, gabled roofs and angled roofs are measured differently. The gabled roofs are measured with an extra half story because of its design. The three buildings for which variances are required are not as tall at the peak of the angled roofs as the other four buildings that comply with the 4 ½ story height requirement. Furthermore, the roofs of the buildings are all accessible by the Beacon Fire Department apparatuses. As all seven buildings are within the permitted height of 55 feet, the granting of a half story variance for three of the seven buildings does not create a detriment to nearby properties.

B. Maximum Number of Dwelling Units Per Building

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of an area variance permitting more than 36 dwelling units. The Zoning Code Section 223-17.C states that the maximum number of dwelling units per building shall not exceed 36. The Applicant proposes to construct a total of 307 dwelling units, to be distributed among seven buildings, as permitted on the 12-acre parcel by right. The buildings are proposed to contain the following number of units:

- Building 1- 48 units;
- Building 2- 52 units;

- Building 3- 59 units
- Building 4- 32 units (no variance required)
- Building 5- 32 units (no variance required)
- Buildings 6- 51 units; and
- Building 7- 32 units (no variance required)

Three (3) of the buildings are proposed to contain 32 residential dwelling units, this is four less units than permitted. All the buildings will look similar from the exterior, and the total number of units (307 units) proposed for the 12-acre property is permitted. Under the density regulation in 223 Attachment 1:6, the lot area required per dwelling unit is 1,700 square feet. Therefore, on a 12 acre lot, approximately 522,720 square feet, 307 dwelling units may be constructed. The proposed development will not result in any adverse impacts to the neighborhood character because by permitting the Applicant to have more dwelling units per building, the Applicant is able to preserve more open space and decrease overall lot coverage and impervious surface. Otherwise, the Applicant could construct the same number of units (307), but in more buildings which would have greater impacts.

C. Minimum Separation Between Buildings

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of a variance to permit a minimum distance of less than 36 feet between buildings. There are a total of five openings between the proposed seven buildings on the premises. The closest minimum distance between the buildings is 12 feet. By reducing the distance between buildings the Applicant is able to cluster the buildings to preserve a maximum amount of open space. In addition, the buildings include additional fire suppression systems and will utilize fire suppression materials to ensure fire safety and further preserve the welfare of the neighborhood and ensure the safety of all residents. The Fire Department received the plans and had no objection to the reduced separation distance between buildings. Overall, the proposed project enhances the character of the neighborhood, and will not have a detrimental impact to either the neighborhood or adjacent properties.

2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variances.

A. Maximum Building Height- Number of Stories

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant may construct 307 dwelling units on the premises by right. The Applicant has presented two other alternatives. Such alternatives require the Applicant to construct eight buildings (providing 288 dwelling units) or nine buildings (providing 307 units). Both alternatives create higher development impacts. The Applicant wants to pursue a sustainable development to maximize open space. Under the

proposed project there is 35% impervious coverage. Both alternatives require at least 40% impervious coverage.

The premises is located in the Coastal Management Zone as defined by the City's Local Water Front Revitalization Program (LWRP). The proposed project condenses and clusters the footprint of the buildings and decreases impervious surfaces to achieve the clustered effect recommended by the LWRP. Specifically the LWRP provides that "the scenic qualities of Beacon results from the combination of clustered buildings (many historic) and wooded hillsides against the backdrop of the Hudson Highlands." On December 12, 2017, the Planning Board issued a Local Waterfront Revitalization (LWRP) Consistency Determination, which provides in part that the proposed Project is consistent with the policies in the LWRP because it condenses and clusters the footprint of the buildings and impervious surfaces to achieve the clustered effected by the LWRP. The proposed alternatives do not achieve the same effect.

B. Maximum Number of Dwelling Units Per Building

The Applicant is proposing 31 dwelling units as below-market rate units, in accordance with the City's Affordable-Workforce Housing Laws. By granting the variance and permitting more than 36 dwelling units in a building, the Applicant can create a better mix of unit types and overall diversity in unit counts to better achieve the goals of the Affordable-Workforce Housing Law.

The Applicant is permitted to build 307 units on the premises pursuant to the density requirements of the RD-1.7 Zoning District on a 12 acre parcel, subject to special use permit approval by the City Council to approve multifamily complexes. Without the variances, the Applicant will need to construct one or two extra buildings, increasing lot coverage and impervious surface. The Applicant's goal to preserve 65% green space, create diversity in buildings and unit types and provide common gathering space for residents cannot be achieved without the requested variance.

If each building contained the same number of units it would necessitate more buildings, and would therefore create a much higher-impact development. Therefore, there is no other feasible means to achieve the required number of units but for the granting of the variance to permit more than 36 dwelling units per building.

C. Minimum Separation Between Buildings

As discussed above, the relative clustering of the buildings contributes to maximizing the amount of open space provided onsite. The proposed layout allows for the preservation of the maximum amount of green space (65%) and will overall enhance the community. Thus, the benefit the Applicant seeks, to develop 307 residential dwelling units and preserve 65% open space, cannot be achieved without the requested variance.

3. The requested variances are mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variances are mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. Here, the variances are not substantial in their effect. The project design provides a variety of units, both market-rate and below-market rate units, while preserving the most amount of open space. Moreover, even though the requested variances are mathematically substantial, this factor alone does not preclude the granting of the variances.

The Board reviewed the overall effect of the requested variances to permit the clustering of units on this 12 acre parcel requiring (1) a half story height variance for three buildings, (2) a variance to permit more than 36 residential dwelling units per building and (3) a variance to allow less than 30 feet between the proposed buildings. While the requested variance is mathematically substantial, the variance will result in minimal impacts to the surrounding neighborhood and environment. Therefore, the Board finds that the requested variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variances. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts. As mentioned above, the Planning Board also granted a LWRP Consistency Determination which provides that the proposed Project is consistent with policies and guidance of the LWRP. The proposed project will preserve 65% open space and utilize green infrastructure practices to reduce runoff, minimize grading and soil disturbance, and minimize impervious surface areas. The proposed project will also incorporate soil conservation and dust control best management practices and utilize native vegetation in all proposed landscaping to enhance wildlife habitat.

5. The alleged difficulty was self-created but this factor does not preclude the granting of the area variances.

The need for the variances is self-created since it is presumed the Applicant selected the Property as the location for its proposed development knowing the zoning requirements pertaining to the maximum height of buildings permitted, the maximum number of residential dwelling units per building and the minimum distance required between buildings. However, this does not preclude the granting of the area variance.

NOW THEREFORE, BE IT RESOLVED, that, for the reasons set forth above, the application of Scenic Beacon Developments, LLC (the "Applicant") to allow Building 3, Building 4, and Building 6, as identified on the proposed Site Plan dated January 31, 2017, to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. If the Applicant builds less than 252 units (7 buildings x 36 dwelling units= 252 units), this variance is void. The Applicant will be required to comply with the Zoning Code requirements restricting the number of units per building and may not exceed 36 residential dwelling units per building.
2. The Applicant is permitted to construct a maximum number of four buildings with more than 36 residential dwelling units. The maximum number of dwelling units for any one building may not exceed 59 residential dwelling units per building.


BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. The Applicant shall maintain at least 65% of the 12-acre parcel as open space, but for Planning Board approval of impervious infrastructure including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total amount of open space land preserved after Planning Board approval of said impervious infrastructure shall not be less than 60% of the 12-acre parcel.
2. Impervious surface shall not exceed 35% of the 12-acre parcel, but for Planning Board approval of impervious infrastructure, including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total impervious surface area, including any additional approved impervious surfaces, shall not to exceed 40% of the 12-acre parcel.
3. The distance between any of the proposed buildings shall not be less than 12 feet.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant shall obtain a building permit within twelve months from the date of obtaining the last land use approval.
3. The variance shall terminate unless the Proposed Project, as defined herein, has been substantially completed within five years from the date of obtaining the last land use approval or the Applicant appears before the Board for an extension.

Dated: January 17, 2018



Mr. John Dunne, Chairman

Height Variance

Mr. Dunne called the roll							
Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
		Jordan Haug	X				
	X	Robert Lanier	X				
X		Judy Smith	X				
		David Jensen		X			
		Motion Carried	4	1			

Maximum Number of Dwelling Units Variance

Mr. Dunne called the roll:							
Motion	Second	Zoning Board Members	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
X		Jordan Haug	X				
		Robert Lanier	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried:	4	1			

Maximum Distance Between Buildings Variance

Mr. Dunne called the roll:							
Motion	Second	Zoning Board Members	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
X		Jordan Haug	X				
	X	Robert Lanier	X				
		Judy Smith	X				
		David Jensen		X			
Motion Carried:			4	1			

2



**CITY OF BEACON
MUNICIPAL CENTER
ONE MUNICIPAL PLAZA, SUITE 1
BEACON, NEW YORK 12508
PHONE 845-838-5002**

August 21, 2019

Scenic Beacon Developments, LLC
Attention: Rodney Weber
11 Creek Drive
Beacon, New York 12508

SUBJECT: Variance Application
Applicant: Scenic Beacon Developments, LLC
Address: 22 Edgewater Place
Tax Grid No.: 30-5954-25-566983, 574979, 582985 and
5955-19-590022-00
Zoning Classification: RD-1.7

Dear Mr. Weber:

Enclosed please find a copy of the resolution adopted by the Zoning Board of Appeals to grant a six (6) month extension of the variances outlined in the resolution dated January 17, 2018 as requested.

Anyone aggrieved by the decision of the Zoning Board may appeal to the Supreme Court of the State of New York in the manner prescribed by law.

Yours truly,

A handwritten signature in cursive script, appearing to read "Etha Grogan".

Etha Grogan, Secretary
Zoning Board of Appeals

Filed: August 21, 2019
cc: Building Inspector

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, on January 17, 2018 the City of Beacon Zoning Board of Appeals granted **Scenic Beacon Developments, LLC** (the "Applicant") variances to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as **22 Edgewater Place**, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the approval resolution required the Applicant to obtain a building permit within twelve months from the date of obtaining the last land use approval; and

WHEREAS, on August 6, 2018, the Applicant received a special use permit from the City Council to construct multifamily housing on the Property; and

WHEREAS, on September 11, 2018, the Beacon Planning Board granted preliminary and final subdivision plat approvals and site plan approval to the Applicant; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the variance therefore expires on September 11, 2019; and

WHEREAS, the Zoning Board is in receipt of a letter from Michael A. Bodendorf, P.E., dated August 26, 2019, requesting an extension of the Zoning Board of Appeals January 17, 2018 Resolution; and

WHEREAS; Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the prerequisite conditions provided in the 2019 Planning Board Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon Zoning Board hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants a six (6) month extension of the variances referenced herein for property located at 22 Edgewater Place to expire on March 11, 2020, unless a building permit is issued prior to March 11, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Zoning Board of Appeals Resolution dated January 17, 2018 is otherwise to remain in full force and effect.

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
	X	Garrett Duquesne	X				
		Jordan Haug	X				
		Judy Smith	X				
X		David Jensen	X				
Motion Carried			5	0			

Dated: August 20, 2019



Mr. Robert Lanier, Chairman

City of Beacon Workshop Agenda
2/10/2020

Title:

Street Name Dedication Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Naming Request	Cover Memo/Letter
Poughkeepsie Journal Article Regarding Scalzo Family	Backup Material
City of Beacon Naming Policy	Local Law

Dear Mayor Casale, City Administrator Ruggiero, Councilman Nelson, Councilman Rembert, Councilwoman McCredo, Councilwoman Grant, Councilman Mansfield, and Councilman Kyriacou,

First, I'd like to thank you for taking your time to read my letter! I appreciate all you do and have done for the city of Beacon. My family has a long history in Beacon that traces back to the early-mid 1900s. I am writing to petition to get a secondary street named in their honor. I will do my best to demonstrate why it would be important to both my family and the history of Beacon.

Things are obviously changing in Beacon and while I am enjoying it's renaissance- my cousin, who owns my grandparent's home is in the process of selling it. I am aware that things change with time, but I would truly like anyone who finds themselves traveling or living on this street to know about the family who basically occupied it for over 50 years.

This was prompted by my cousin, who now owns my grandparent's house on Henry Street. My grandfather built this house with his own hands, after World War II. His father and sisters lived right next door. I would like to take you through the history of some of the members of my family, who contributed to this area:

Salvatore Scalzo Sr.

My great grandfather came over here from Catanzaro, Italy, in the late 1800s. He did so by traveling to Ellis Island by himself when he was 14. He settled in Storm King, NY- not the one we know currently- but there was a Storm King approximately where the tunnel is on Route 9 in Cold Spring.

This is where he started his family. He also became the caretaker of Bannerman's Castle at this time. He traveled across the Hudson, by row boat, to take care of the grounds, before the explosion. My grandfather and great aunts had many stories of being entertained by Mrs. Bannerman in her home, while she played the organ by candle - light.

When Storm King was paved over, for Route 9, my great grandfather moved his home to Henry Street in Beacon, NY. He also bought the land up to Madame Brett's home. He sold portions of it- but retained some land for both his sons to build homes for their future families.

He was a member of St. Rocco's Society until his death.

My great grandfather was once the oldest man in Beacon and was included in a parade and honored. He died at 102 in 1992.

Eleanore Chiarella Scalzo

My great grandmother was born in Dutchess County- to immigrant parents from Italy. They opened a boarding house in Storm King, and this is where she met my great grandfather. When they were married and settled in to their home, she was the first Postmaster of Storm King- which was also a feat, because she was a woman, almost completely unheard of for the early 1900s..

Salvatore Patrick Scalzo Jr.

My great grandfather built and lived in the home on 25 Henry Street. This is where he raised his family after World War 2. He was a World War 2 hero, being injured 3 times. He received a Purple Heart for his first injury- then subsequently received Oak Leaf Clusters- while fighting for Beacon, NY.

He fought in the 4th armored division, under General Patton, and participated in the Battle of the Bulge.

He was a great community member, as well as a member of St. '.

When he returned from War, he worked for IBM, in it's Dutchess County hayday- submitting grants to better their operations.

Another interesting fact about him is while my grandfather was in boot camp in California, Hollywood was filming the blockbuster film Sahara. He was actually chosen as an extra to play a NAZI in the film! I have the original script from the movie.

Ramona Scalzo

My great aunt was ahead of her times. She was an independent and single woman, whom worked for IBM in the mid 1900s and was also an avid world traveler.

Besides this, she contributed to Beacon, NY, until her death.

My Aunt Mona worked in the accounting department at IBM, East Fishkill. She was well traveled and, after her retirement, she spent time gardening, reading, and following the Yankees. She was a member of Court Liberatta, Catholic Daughters of America, where she was a past Regent, and Beacon Historical Society and a parishioner of St. Joachim-St. John the Evangelist Church.

Anthony Scalzo

Unfortunately, I never got to meet my great uncle Anthony. He also never got to build on the land my great grandfather bought for him on Henry Street. He signed up at 21 years old to fighting in the army for Beacon in the Korean War.

While there, he was on a mission to see if the enemy was within the area his regiment was in. Unfortunately, they were. He was shot and died several days later, in Korea, from his injuries. My great grandparents were informed around Christmas time that he had passed away.

If you walk to Main Street, in front of the Memorial Building, his name is on the War Memorial in the front. He is THE ONLY name listed under the Korean War. He is literally the only person from Beacon to die in the Korean War. He and my family paid the ultimate sacrifice for their country and city.

Therefore, I am requesting that the street name be changed from Henry Street to Scalzo Street. Your consideration would be greatly appreciated.

For your enjoyment, I am attaching a Poughkeepsie Journal Article on the history of my family with Bannerman's Island. My great grandfather, aunts, and grandfather are included in the History of Beacon book volume 1- for their memories of Bannerman's Island.

<https://www.poughkeepsiejournal.com/story/news/2017/05/24/4-generations-family-honor-bannerman-islands-groundskeeper/342991001/>

I truly thank you so much for your consideration and time. It is because of their hard work and sacrifices that I find myself to be a successful contributing member of society as a teacher in Wappingers today. They truly lived the American dream and inspire me everyday. Even if I am unable to get the street named altered, I had to try! I am extremely proud of their story!

Thank you so much for your time,

Nicole M. Scalzo

4 generations of family honor Bannerman Island's groundskeeper

Poughkeepsie Journal Published 3:12 p.m. ET May 24, 2017



(Photo: Courtesy photo)

Town of Poughkeepsie resident Sandy Scalzo and her family make an annual outing to Bannerman Island to honor a family patriarch and her late husband.



Erin Simmons, left to right, Sandy Scalzo, Nick Scalzo, Amanda Scalzo, Jeff Scalzo, Nicole Scalzo, Joy Ann Simmons, Amelia Simmons (fourth generation), Luke Simmons and Caroline Simmons gather for a family portrait on Bannerman Island May 7. (Photo: Courtesy photo)

Four generations of the Scalzo family, 11 family members, took a tour boat May 7 to the island to honor Salvatore Scalzo, her husband Richard's grandfather. Salvatore Scalzo, who came to this country from Calabria, Italy, in 1904, at the age of 14, was a groundskeeper at Pollepel Island, today known as Bannerman Island. He lived to be 103, Sandy Scalzo said.

Salvatore Scalzo's first and only grandchild, Richard Scalzo, Sandy Scalzo's husband, died in 2004.

POLLEPEL ISLAND: Child's life on Bannerman Island inspires book (/story/news/local/2016/09/21/childs-life-bannerman-island-inspires-book/90799380/)

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"Every year, around the anniversary of my husband's grandfather's passing, the family gets together to celebrate his life," Sandy Scalzo said. "This was the 13th year, and his brother, Nick, suggested we go to Bannerman's Island, where their grandfather, Salvatore Scalzo Sr., worked for many years, first as a builder then as a gardener. The year was around 1918.

"We represent the second, third and fourth descendants of Salvatore," she said. "It was an overcast day, but still beautiful. Most of us were surprised to learn the castle was not their home. The residence was a short walk from the ruins of the castle and in pretty good shape."

Read or Share this story: <http://pojonews.co/2rilUVf>

Salvatore Scalzo Sr. is shown
circa 1925. (Photo: Courtesy photo)



City of Beacon
Municipal Naming Policy

I. PURPOSE

The purpose of this policy is to establish a uniform policy regarding requests for the naming or renaming of City-owned land and facilities including parks, recreation facilities, buildings, and streets (“City Assets”). This policy provides a guide to ensure that such name designations are compatible with community interests and will enhance the values and heritage of the City of Beacon.

II. GENERAL

- A. The City Council shall have the final authority to name and rename any City Asset and shall have the authority to designate commemorative street names and plaques.
- B. Under extraordinary circumstances that would cast a negative image upon the City, any naming of City-owned facilities in honor of an individual, family or group may be revoked at the discretion of City Council.
- C. The names of individuals or corporations or groups involved in controversial enterprises or activities, such as those that would be detrimental to the mission or image of the City of Beacon, shall be avoided.
- D. The donation of land, facilities or funds for the acquisition, renovation or maintenance of land or facilities shall not constitute an obligation by the City to name the City Asset or any portion thereof after an individual, family or organization.
- E. Any naming or renaming of any City property or other location within the City shall be made by resolution of the City Council.
- F. To avoid duplication, confusing similarity or inappropriateness, the City Council in considering name suggestions, shall review existing park, facility and/or street names, as applicable.
- G. In considering any proposal to name or rename a City Asset, the following questions shall be considered individually and collectively:
 - 1. Will the name have historical, cultural and social significance for generations to come?
 - 2. Will the name engender a strong and positive image?
 - 3. Will the name memorialize or commemorate people, places or events that are of enduring importance to the community or the nation?

4. Will the name engender significant ties of friendship and mutual recognition and support within the community or with those outside of the community?
5. Will the name be identified with some major achievement or the advancement of the public good within the community or the nation?
6. Will the name be particularly suitable for the park or recreational facility based on the location or history of the park, recreational facility or the surrounding neighborhood?
7. Will the name have symbolic value that transcends its ordinary meaning or use and enhance the character and identity of the park or recreational facility?

III. NAMING CRITERIA

A. Naming a City Asset Generally

1. Location. As a general policy, a name should assist the public in identifying its location. The City shall first consider the name of the community area, the names of nearby geographic features, and the names of adjacent schools and streets when it is considering a naming/renaming request.
2. Significant Events, People, and Places. The history of a major event, place, or person may play an important role to preserve and honor a community's history, landmarks, or prominent geographical features. The City may name a City Asset for a major event, place, or person of social, cultural or historical significance to the local area when the City Asset is associated with or located near the events, people, or places of social, cultural or historical significance. The relationship of the event, person, or place to the City Asset must be demonstrated through research and documentation.
3. Outstanding Individuals: This category is designed to acknowledge individuals who have made substantial contributions to benefit the City, local community, park and recreation system, or public library. Naming or renaming a City Asset for an outstanding individual is encouraged for those person's whose significance and good reputation have been accepted in the community, City and/or State/National history. Naming or renaming can be subordinate to the name of the larger City Asset or the City may name an area or portion of the City Asset after an individual, including but not limited to a meeting room, structure, fountain, or garden. The individual must be deceased and shall have performed outstanding service in one or more of the following categories:
 - a. Maintained involvement in a leadership role in civic organizations that are devoted to community improvement.

- b. Provided assistance to the underprivileged, economically disadvantaged or physically and/or mentally handicapped.
- c. Actively promoted and directed community events and activities that have clearly added to the enrichment of the quality and quantity of cultural life within the community.
- d. Actively promoted and implemented effective programs and activities within the community for the City's youth.
- e. Actively promoted and implemented effective programs and activities within the community for the City's senior citizens.
- f. Assumed an active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public or residential level.
- g. Assumed an active leadership role in developing programs and Facilities directed toward the improvement of community social and health needs as well as programs directed toward humanitarian purposes.

B. *Additional Criteria Applicable for Honorary Street Names*

- 1. The person whose name is proposed for such honorary naming shall have resided in the City of Beacon for at least five continuous or non-continuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question.
- 2. Names shall be unique, easily discernible and simple to pronounce for public safety consideration. Similar sounding or duplicate street names shall not be considered.
- 3. Street names may recognize native wildlife, flora, fauna or natural geologic features related to the community and the City of Beacon.
- 4. Street names shall not contain more than 18-letter characters, including any combination of spaces or letters.
- 5. Cumbersome, corrupted or modified names, discriminatory or derogatory names, from the point of view of race, sex, color, creed, ethnicity, religious affiliation, political affiliation or other social factors are not acceptable.
- 6. Commemorative street name signs are additions to the street name and will not change the street address. Existing street names shall be retained and a supplemental sign or plaque shall be installed. Commemorative street name signs shall consider the same criteria as for naming of streets.

City of Beacon Workshop Agenda
2/10/2020

Title:

Water and Waste Water Bids Discussion

Subject:

Background:

ATTACHMENTS:

Description	Type
Award Recommendation: Supply and Deliver Hypochlorite Solution	Cover Memo/Letter
Award Recommendation: Supply and Deliver Liquid Polymer	Cover Memo/Letter
Bid Rejection Recommendation: Supply and Deliver Liquid Phase Product	Cover Memo/Letter

BIPIN GANDHI, P.C.

Consulting Engineer

P.O. BOX 38
ROUTE 207
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February 5, 2020

(845) 294-5404
FAX (845) 294-3857

Mr. Anthony Ruggiero
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: Supply and Deliver Hypochlorite Solution
(12.5%) at
City of Beacon Wastewater Treatment Facility
Award Recommendation

Dear Mr. Ruggiero:

The supply and delivery of hypochlorite solution (12.5%) for the plant effluent disinfection at the City of Beacon Wastewater Treatment Facility was bid for a three (3) year duration on January 15, 2020. Four (4) bid proposals were received and opened on January 30, 2020.

The following tabulation shows the order from the lowest bidder, the name and the bid price.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT
SURPASS Chemical Company, Inc.	\$1.10 per gallon
JCI Jones Chemicals, Inc.	\$1.50 per gallon
Slack Chemical Co., Inc.	\$1.847 per gallon
Kuehne Chemical Co., Inc.	\$6.0 per gallon

All bid proposals submitted were found to be complete. The low bidder Surpass Chemical Company, Inc. of 1254 Broadway, Albany, NY 12204 had a bid price of \$1.10 per gallon, which is very reasonable. In our opinion, SURPASS Chemical Company, Inc. should be considered for the supply and delivery of hypochlorite solution (12.5%) for the plant effluent disinfection at the City of Beacon Wastewater Treatment Facility for a three (3) year duration.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly



Bipin Gandhi, P.E.

cc: Ed Balicki, Water & Sewer Superintendent
Nick Ward-Willis, City Attorney
John Russo, P.E.

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February 5, 2020

Mr. Anthony Ruggiero
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: Supply and Deliver Liquid Polymer
City of Beacon Wastewater Treatment Facility
Award Recommendation

Dear Mr. Ruggiero:

The supply and delivery of liquid polymer for sludge conditioning at the City of Beacon Wastewater Treatment Facility was bid for a three (3) year duration on January 15, 2020. Two (2) bid proposals were received and opened on January 30, 2020.

Bidder SNF Polydyne of 1 Chemical Plant Road, Riceboro, GA, 31323 had a bid price of \$1.30355 per gallon. The bidder Surpass Chemical did not provide a bid price per gallon and stated in the bid proposal that they are not bidding at this time.

Bidder SNF Polydyne's proposal was found to be complete and their bid price is reasonable. In our opinion, SNF Polydyne should be considered for the supply and delivery of liquid polymer for the next three (3) years.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly



Bipin Gandhi, P.E.

cc: Ed Balicki, Water & Sewer Superintendent
Nick Ward-Willis, City Attorney
John Russo, P.E.

BIPIN GANDHI, P.C.

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February 5, 2020

Mr. Anthony Ruggiero
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: Supply and Deliver Liquid Phase
Product VX 465 for Odor Control
City of Beacon
Rejection of Bids

Dear Mr. Ruggiero:

The supply and delivery of liquid phase product VX 465 for odor control at the City of Beacon Wastewater Treatment Facility was bid for a three (3) year duration on January 15, 2020. Three (3) bid proposals were received and opened on January 30, 2020. The following tabulation shows the order from lowest bidder, the name and the bid price.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT
Coyne Chemical Co., Inc	\$0.8023 per lb.
Evoqua water Technologies	\$1.11 per lb.
Surpass Chemical Company	No Bid Price

Coyne Chemical Co., Inc.'s bid price is lower than current supplier Evoqua Water Technologies, however, Evoqua Water Technologies has supplied the chemical storage tank for storage of their chemical delivered at the project site along with the chemical feed pumps. If the City accepts the bid proposal from Coyne Chemical Co., Inc., then the 2nd low bidder Evoqua Water Technologies will remove their storage tank and feed pumps.

At this time, we recommend that the City reject both the bids. The project is expected to be rebid with the provision that the chemical supplier is to furnish and install the chemical storage tank and feed pumps.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly



Bipin Gandhi, P.E.

cc: Ed Balicki, Water & Sewer Superintendent
Nick Ward-Willis, City Attorney
John Russo, P.E.

City of Beacon Workshop Agenda
2/10/2020

Title:

LGTBQ Advisory Committee Discussion

Subject:

Background: