



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
March 9, 2020
7:00 PM

Workshop Agenda Items:	Duration (Minutes)
1. New York Stretch Building Code Presentation	10
2. Short Term Rentals	15
3. Building Height in the Central Main Street District	15
4. Transition District	25
5. Appointments	5
6. Bond Authorizations	10
7. Budget Amendments	5
8. Proposed Amendments to the City of Beacon Code Chapter 211 Regarding Vehicles and Transit	5
9. Noticing of Public Hearings	10
10. New York State Bridge Authority and New York State Thruway Authority Merger	10
11. Status of Natural Resources Inventory	

Executive Session:	Duration (Minutes)
1. Personnel	10
2. Real Estate	10

City of Beacon Workshop Agenda
3/9/2020

Title:

New York Stretch Building Code Presentation

Subject:

Background:

ATTACHMENTS:

Description

NY Stretch Presentation

Type

Presentation



NYStretch Energy Code:

A Tool for Meeting Your Community's Climate Goals

Beacon, NY

March 9, 2020

Marilyn Dare, Senior Project Manager, Energy Codes
NYSEDA

Mike DeWein, NY Stretch Outreach Circuit Rider – North Branch Services

Agenda

- Overview of Climate Leadership and Community Protection Act
- NYStretch Energy Code 2020:
 - What is a Stretch Code?
 - Overview of NYStretch
 - Benefits and economics
 - Comparison to 2020 ECCCCNYS
 - Available Resources
 - Timeline

NYStretch Energy Code — 2020

An Overlay of the 2018 International Energy
Conservation Code and ASHRAE Standard 90.1-2016

Version 1.0 | July 2019

New York Climate Leadership and Community Protection Act



NYSERDA

CLCPA by the Numbers, Targets Codified into Law

**Carbon neutral economy, mandating at least an
85% reduction in emissions below 1990 levels**

40% reduction in emissions by 2030

100% zero-carbon electricity by 2040

70% renewable electricity by 2030

9,000 MW of offshore wind by 2035

6,000 MW of distributed solar by 2025

3,000 MW of energy storage by 2030

185 Tbtu on-site energy savings by 2025

Energy Efficiency

New Efficiency: New York

- > New utility energy efficiency investments of \$1.6 billion

185 TBtu
end-use savings
in buildings and industrial sector
below forecasted energy use in 2025
by 2025

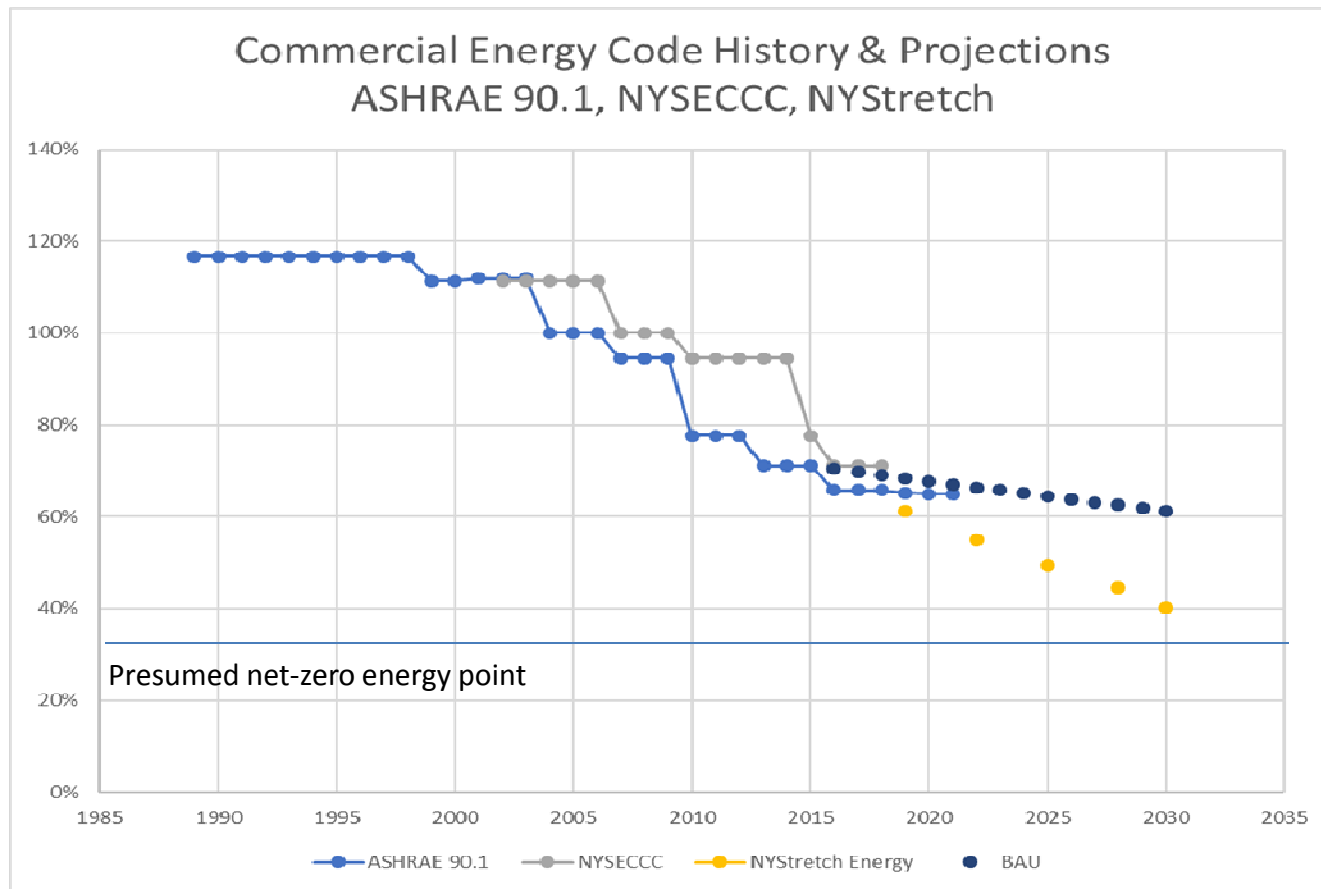
equivalent to fueling
and powering more than
1.8 million New York homes
by 2025

delivering **nearly one-third**
of the greenhouse gas
emissions reductions needed
to meet **40% reduction by 2030**

Additional existing activities and support:

- > NYSERDA's Clean Energy Fund (\$2 billion over 10 years)
- > Currently authorized utility programs (\$1.21 billion)

What is a Stretch Energy Code?



Why is NYStretch important?



We are facing a different future than what was envisioned
10-20 years ago.

To meet energy efficiency and net-zero goals, we need to move the needle.

185 TBtu
end-use savings



What is NYStretch Energy Code 2020?

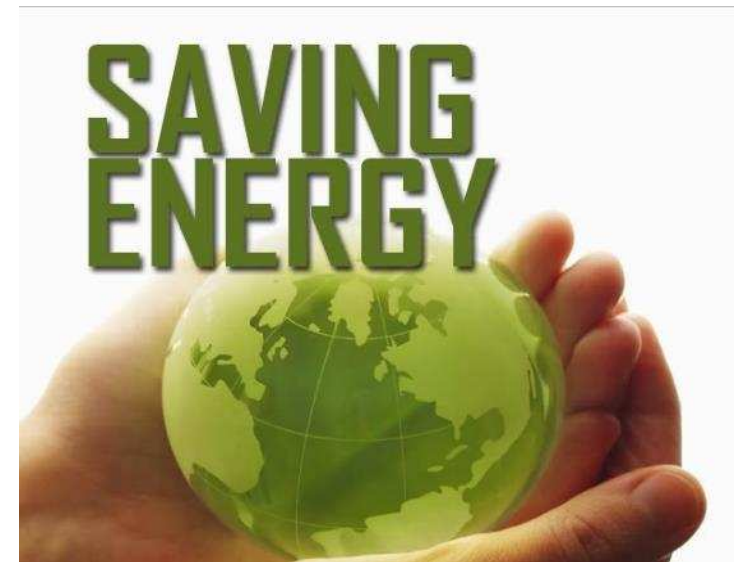
- Readily adoptable local energy code that is more efficient than NYS's base energy code.
- Based on proven technologies & construction techniques.
- A pivotal tool in supporting energy/climate goals.
- Calls for higher energy efficiency standards for new and renovated construction projects.



Roughly 11% more efficient than 2020 ECCCCNYS.

Why should a community adopt NYStretch?

- Saves energy and money:
 - Long-term benefits by building smarter today.
 - Use less energy, reduce operating costs, help achieve energy/GHG reduction goals
- Sets the path for future energy codes:
 - Increased emphasis will be on beneficial electrification
- Boosts the local economy:
 - Develops and utilizes local workforce, builds expertise in newer technologies, creates more green jobs



NYStretch - Benefits

- Improves community growth:
 - Increases community attractiveness as more home/business owners and tenants look for green & energy efficient buildings
- Increases property values:
 - New and renovated buildings benefit from long-term energy and cost savings
- Encourages Plan Review and Site Inspection by Third Parties / HERS Raters
 - Lessons load on Code Officials



NYStretch – Community interest

- New York City's 2020 Energy Code is NYStretch with NYC-centric amendments.
- Ithaca using NYStretch as part of their Green Building Code.
 - Goal: Carbon-neutral community by 2030
- Other communities already expressing interest in NYStretch include:
 - Albany, Austerlitz, Croton, Marbletown, New Paltz, North Salem, Pelham, Poughkeepsie, other Lower Hudson Valley towns and cities, Towns of Long Island



NYStretch vs. 2020 ECCCNY

Economics

- Commercial Savings and Incremental Cost

Weighted average results for **CZ4 Dutchess County**:

- Energy Cost Savings: 10.5%
- Incremental Cost: \$1.81 / SF
- Simple Payback: 10.5 years

NOTE: This does not reflect any available incentives

Based on prescriptive and mandatory provisions, 9 building prototypes. Results will vary depending on building / construction type, energy sources, location in NY State, and use of performance compliance paths.

Economics: Single Family and Multifamily by Climate Zone

Climate Design Zone	Single-family			Multifamily		
	Total Annual Energy Cost Savings (\$/dwelling unit)	Total Incremental Costs (\$/dwelling unit)	Simple Payback (Years)	Total Annual Energy Cost Savings (\$/dwelling unit)	Total Incremental Costs (\$/dwelling unit)	Simple Payback (Years)
4A-NYC	\$301	\$1,910	6.3	\$176	\$1,625	9.2
4A-balance	\$301	\$2,463	8.2	\$167	\$1,488	8.9
5A	\$351	\$2,202	6.3	\$172	\$1,751	10.2
6A	\$372	\$1,506	4.1	NA	NA	NA
NY State	\$348	\$2,057	5.9	\$171	\$1,591	9.3

Aggregated Energy Cost Savings in CZ5: 19.6%

Aggregated savings over 4 foundation types / 3 fuel configurations: electric heat pump, gas heat w/electric A/C, Oil heat w/electric A/C

NYStretch Costs/Benefits-CZ 5A- Dutchess County

Single-Family Home with Gas Furnace and Electric AC									
	Costs				Benefits		Net		
	Total Incremental Cost	Increase in Down Payment + Mortgage Fees	Increase in Annual Mortgage Payment	Increase in Annual Property Tax	Annual Energy Cost Savings	Non-Energy Benefits	Year 1 Cash Flow	Year 2+ Cash Flow	Simple Payback
Homeowner	\$2,202	\$475	\$77	\$39	\$233	Increased home value & thermal comfort	-\$344	\$131	9 years

Single-Family Home with Electric Heat Pump									
Homeowner	\$2,202	\$475	\$77	\$39	\$652	Increased home value & thermal comfort	\$77	\$554	3 years

NYStretch vs. 2020 ECCCNY

NYStretch requirements include:

Building Envelope:

Improved window performance, increased insulation requirements, air leakage testing, air barrier commissioning, mandatory mechanical ventilation

Lighting/Electrical:

Reduced interior and exterior lighting power, lighting controls, whole-building energy monitoring

Compatibility:

Renewable and electric vehicle readiness

Miscellaneous:

Commercial kitchen equipment efficiencies; introduces Passive House compliance path

Options:

Communities may also adopt code appendices requiring solar installations for New Construction

NYStretch Resources

- Template legislation: resolution/legislation template to help facilitate local adoption
- Single volume code manual: to aid in consistent interpretation among code officials
- Training: for Code Officials, Architects, Builders
- Updated REScheck and COMcheck tools
- FAQs document
- NYSERDA staff or Outreach Coordinators available for guidance/meetings
- Hotline for technical and interpretation assistance
- www.nyserda.ny.gov/stretchenergy2020

Timeline

- NYStretch Energy Code 2020 Available now
- Template legislation, FAQs, Fact Sheets Available now
- Cost Effectiveness Analyses Reports Available now
- Training Opportunities Commence Q2/2020
- Single Volume Code Manual Q2/2020
- Updated RES*check* and COM*check* tools Q2/2020
- 2020 ECCCCNYS goes into effect 5/2020

www.nyserda.ny.gov/stretchenergy2020

NYStretch Energy Code 2020

Questions?

codes@nyserda.ny.gov

marilyn.dare@nyserda.ny.gov

dewein53@gmail.com

Thank you!

City of Beacon Workshop Agenda
3/9/2020

Title:

Short Term Rentals

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Attorney Regarding Short Term Rentals	Cover Memo/Letter

■ **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: Short Term Rental Local Law

DATE: March 5, 2020

In 2018, the City Council considered adopting a local law to permit and regulate short-term rentals in the City of Beacon. At that time it was determined by the Building Inspector, Timothy Dexter, that if the City were to allow short-term rentals as principal permitted uses in the City such rental properties would require a permit and robust fire safety requirements to comply with the International Fire Code Requirements, including a full fire alarm system and NFPA automatic sprinkler system in Section 903.2.8 of the International Fire Code. The permit would create a change in the “use” on the premise which would result in a change in the use designation of the property under the International Building and Fire Codes. The new “use” was determined to be similar to boarding houses, hotels, motel, or lodging house, which triggered fire protection items such as larger windows, automatic fire alarm system and sprinkler system.

Our office has prepared a revised local law to permit short-term rentals as an accessory use for single-family homes. Under the proposed local law, short-term rentals are permitted in all residential zoning districts upon approval and issuance of a short-term rental permit from the Building Department. The Building Department, Dave Buckley, has determined that a permit for a short-term rental accessory use will not change the use designation of the premises under the International Building and Fire Codes and would, therefore, not trigger any additional fire safety measures.

Due to this interpretation our office has revised the short-term rental local law to permit short-term rentals as accessory uses for single family homes and has amended the City’s Schedule of Regulations for Residential Districts to incorporate such change. The law does not require any substantive change to the prior draft.

City of Beacon Workshop Agenda
3/9/2020

Title:

Building Height in the Central Main Street District

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from Dutchess County Planning and Development Regarding Height in the CMS District	Cover Memo/Letter
Memorandum from the City of Beacon Planning Board Regarding Height in the CMS District	Cover Memo/Letter
Proposed Local Law to Amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon Regarding Building Height in the CMS	Local Law

**Dutchess County Department of
Planning and Development**

To Jen CoCozza

Date 12/10/2019

pgs 3

Co./Dept. Planning and Development

From Collin Milone

Fax # 845 486 3610

Phone # 845 838 5010

239 Planning/Zoning Referral - Standard Form

Municipality: City of Beacon

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

Tax Parcel Number(s):

Project Name: Proposed Local Law to Amend Ch. 223, Section 41.18.E(7) of the C.O.B Code Re Building ...

Applicant: ... Height in the CMS District

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 21, 2020

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

FOR COUNTY OFFICE USE ONLY
Response from Dutchess County Department of Planning and Development
No Comments:

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

Comments Attached:

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

Date Submitted: 12/10/19

Notes:

☐ Major Project

Date Received: 12/10/19

map recd 1/7/2020

Date Requested: 1/21/20

Referral #: 19-405

Date Required: 2/5/20

☐ Also mailed
hard copy

Date Response Faxed:

Reviewer: Jennifer Flouzy



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Local Law Amending the Chapter 223, Section 41.18E(7) concerning Building Height Special Permits

DATE: December 12, 2019

As requested, the Planning Board reviewed the Local Law Amending the Chapter 223, Section 41.18E(7) concerning Building Height Special Permits at their December 10th meeting. The City Planner reviewed proposed the changes, and explained a special permit can be granted for the addition of a fourth story, but the fourth story must include a fifteen-foot stepback. It was discussed that the local law proposes that there will be no opportunity to seek a variance from the Zoning Board of Appeals for the fifteen-foot stepback requirement. Members understood the law does not allow an applicant to seek a variance to reduce or eliminate the stepback. Although they agreed with the stepback requirement, they had concern that there is no mechanism for the smallest exception in the case of a unique circumstance. After a lengthy discussion, members supported the proposed amendment and suggested the City Council consider adding a provision that would reserve unto the Council the authority to grant a waiver from the stepback requirement, in whole or in part, under certain proscribed circumstances.

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

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTION 41.18.E(7) OF THE CODE OF THE CITY OF
BEACON**

A LOCAL LAW to amend Chapter 223, Section 41.18.E(7) of the Code of the City of Beacon concerning building height special permits in the CMS District.

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

Section 1. Chapter 223, Article IVD, Central Main Street (CMS) District, Section 41.18, Subsection E(7) of the Code of the City of Beacon is hereby amended as follows:

§ 223-41.18 Regulations.

....

E. Dimensional regulations. All new construction or enlargement of existing structures in the CMS District shall be subject to the following minimum and maximum dimensional regulations. These may be modified as provided in Subsection J(15).

....

- (7) Except for parcels facing East Main Street, a special permit may be granted by the Planning Board for a fourth story only if the proposed fourth story contains with a stepback of at least 15 feet behind the facade along any street frontage. A fifteen-foot building stepback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district. Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a stepback at a corner facing an intersection and occupying no more than 25 feet of the corner frontage of the building. No variance shall be granted from this subsection to reduce the stepback requirements set forth herein. The City Council may waive or reduce the stepback requirements set forth herein upon a finding by the City Council that (i) such a waiver is warranted due to the special

conditions of a site or the particular character or limited nature of the proposed development, and (ii) such a waiver is consistent with the goals of promoting the public health, safety and general welfare of the community.

- (a) For proposed buildings on CMS parcels in ~~or abutting~~ the Historic District and Landmark Overlay Zone, abutting a HDLO parcel, or directly across a street from a HDLO parcel, any fourth story ~~or corner tower~~ shall require a special permit by the City Council. The City Council may limit the length of any such fourth floor or reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure.
- (b) All such building height special permits in the CMS District shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18B(1)(a) through (d) have been met.
- ~~(c) Although not required, All such building height special permits shall also require a specific public benefit as determined by the City Council or Planning Board, such as~~ additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, additional parking spaces available for general public use, green building or renewable energy features beyond what is required by code, ~~or extra sidewalk width, the construction and/or maintenance of public plaza space; or green space that is accessible to the public may be a positive factor for consideration during the special permit review process.~~

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223, Section 41.18 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. Effective Date

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

City of Beacon Workshop Agenda
3/9/2020

Title:

Transition District

Subject:

Background:

ATTACHMENTS:

Description	Type
Zoning Use Table Draft 3.5.20	Backup Material
Zoning Use Table Draft 3.5.20 Edits	Backup Material
Zoning Tables LL Draft 3.5.20	Backup Material
Zoning Tables Draft Map Changes 3.5.20	Backup Material
Zoning Dimensional Table Draft 1.7.20	Backup Material
Zoning Dimensional Table Draft 1.7.20 Edits	Backup Material

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article
IVD

Article
IVE

Article
IVA

Article
IVA

Article
IVC

3.5.20

DRAFT

Permitted Uses by District	Reference Notes	<u>All R1</u>	<u>All RD</u>	<u>T</u>	<u>GB</u>	<u>CMS</u>	<u>L</u>	<u>WD</u>	<u>WP</u>	<u>FCD</u>	<u>LI</u>	<u>HI</u>
Parking/Auto-Oriented												
Off-Street Parking or Parking Structure	Subject to §223-26	x	x	SP	SP	SP	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch. 210 & 223-21	x	x	x	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	x	x	x	x	x	SP	x
Ambulance Service		SP	SP	SP	P	x	x	x	x	x	P	x
Industrial or Assembly												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial/Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
Other												
Wireless Telecommunications Facility	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
Farm		P	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		P	P	x	P	x	x	x	x	x	P	x
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Medical Service Structure	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	x	P	P	P	x	P	x	x
Roof Garden or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
x = Use Not Permitted P = Permitted Use SP=Special Permit Use by Planning Board SP*=Special Permit Use by City Council						Article IVD	Article IVE	Article IVA	Article IVA	Article IVC	3.5.20	DRAFT
For Specific Standards See -->												

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article 3.5.20
IVD IVE IVA IVA IVC

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article Article Article Article Article 3.5.20
IVD IVE IVA IVA IVC

DRAFT

LOCAL LAW NO. ____ OF 2019

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§ 223-2 Establishment of districts.

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

A. Residential:

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

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

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

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

~~(15) RMF-1.5 Multifamily Residence District, 1,500 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(16) RMF-8 Multifamily Residence District, 800 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(15)-(17)~~ Senior Affordable Housing Overlay (SAHO) District.

B. Commercial:

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

~~(2)[3] OB Office Business District.~~

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

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

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

(2) GB General Business District.

(3) CMS Central Main Street District.

(4) L Linkage District.

C. Industrial:

(1) LI Light Industrial District.

(2) HI Heavy Industrial District.

D. POD Parking Overlay District.

E. WP Waterfront Park Zone.

F. WD Waterfront Development Zone.

G. FCD Fishkill Creek Development District.

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

§ 223-10 Non-conforming uses and structures

...

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

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

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

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

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

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

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

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

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

...

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

elevation. This subsection shall not apply to existing and city-approved street trees, provided that no branches are closer than six feet to the ground.

- J. Corner lots. On a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width.
- K. Exception for existing alignment of buildings. If on one side of a street within 250 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedules of Regulations,[1] a front yard shall be required in connection with any new building which shall conform as nearly as practicable to those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 40 feet.
- L. Awnings. No awning, or similar weather shielding feature, projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight feet above the sidewalk area.
- M. Swimming pools and tennis courts. All swimming pools and tennis courts shall be considered structures and shall set back from lot lines at least the minimum distance required for other principal buildings and structures in that district.
 - (1) If a swimming pool, as located, is within 100 feet from a dwelling other than the owner's or within 50 feet from any street or property line, the same must be completely surrounded by a fence or wall enclosure not less than four feet in height with openings, holes or gaps (exclusive of gates or doors) therein not more than four inches in one dimension, a part of which enclosure may consist of a dwelling house or accessory building. A wall or fence or other enclosure wholly enclosing a dwelling house shall constitute compliance with this requirement.
 - (2) Each and every swimming pool gate or door opening through such enclosure shall be equipped and maintained with effective self-closing and self-latching devices, except that the floor of any occupied dwelling house forming a part of such enclosure need not be so equipped. The use of a natural barrier, hedge or pool cover will be deemed to satisfy the requirement of a fence or wall as specified above when approved by the Building Inspector.
- N. The minimum height of any principal building on a lot shall be one-story and 12 feet.
- O. Medical service accessory structure. A single temporary structure is permitted not exceeding 250 square feet, in compliance with § 223-17E, conforming to the minimum accessory building setback requirements and located in the rear or side yard, behind the front building line, not displacing or blocking access to required off street parking, and connected to the principal dwelling unit in a manner that is satisfactory to the Building Inspector for a period not exceeding one year. A medical service accessory structure shall be solely used, without charge, by the owner or occupant of the dwelling unit or an individual related to the owner or occupant, for medical services to be provided until permanent accessible housing can be arranged, as demonstrated by a medical note and other

proof to the satisfaction of the Building Inspector. The Building Inspector, upon good cause shown, may extend the one-year limitation for a period not to exceed one year.

Section 4. Chapter 223 of the Code of the City of Beacon, Article III, Section 17, entitled “Schedule of Regulations” is hereby amended as follows:

§ 223-17 Schedules of Regulations.

- A. The accompanying Schedules of Regulations constituting § 223-17C and D herein list and define the use of land and buildings, the height of buildings, the yards and other open space to be provided in connection with buildings, the area of lots, off-street parking space and other matters. The regulations listed for each district as designated are hereby adopted and prescribed for each such district, subject to the provisions of this section, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.
- B. It is the intention that the uses set forth for each district shall not be permitted uses in any other district in the schedules, unless allowed specifically or by reference as permitted uses in said district.
- C. Schedule of Use Regulations ~~for Residential Districts~~.^[1]
 - [1] Editor's Note: The Schedule of Use Regulations ~~for Residential Districts~~ is included as an attachment to this chapter.
- D. Schedule of Dimensional Regulations ~~for Nonresidential Districts~~.^[2]
 - [2] Editor's Note: The Schedule of Dimensional Regulations ~~for Nonresidential Districts~~ is included as an attachment to this chapter.
- E. Schedule of Regulations for Accessory Buildings on Residential Lots.^[3]
 - [3] Editor's Note: The Schedule of Regulations for Accessory Buildings on Residential Lots is included as an attachment to this chapter.

Section 5. Chapter 223 of the Code of the City of Beacon, Article III, Section 18, entitled “Special permit uses,” Subsection B is hereby amended as follows:

§ 223-18 Special permit uses.

- B. Application for a special permit.
 - (1) Application for required special permits shall be made to the City Council or Planning Board as indicated in §223-17, Schedule of Use Regulations. If the approval authority is the City Council, the application shall be first submitted to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or

amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving ~~such an~~ application for the City Council, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each such application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council or Planning Board shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council or Planning Board shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council or Planning Board must render its decision may be extended by mutual consent of the applicant and the ~~Board-approving authority~~. The City Council or Planning Board may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

- (a) The location and size of the use, the nature, hours, and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will ~~be in harmony~~ not conflict with the existing permitted uses on adjacent blocks or the appropriate and orderly development of the ~~district in which~~ area where it is located.
 - (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not conflict with the existing permitted uses on adjacent blocks and will not hinder or discourage the appropriate development use of adjacent land and buildings.
 - (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic in Article IV than would be the operations of any permitted use, not requiring a special permit.
 - (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, ~~and~~ the entrance and exit drives shall be laid out so as to achieve maximum safety, and uses will not cause unreasonable traffic congestion or create a traffic hazard.
 - (e) Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
 - (f) The use will comply with other regulations in the Code and will be compatible with the recommendations in the City's Comprehensive Plan and Local Waterfront Revitalization Program.
- (2) The decision of the City Council or Planning Board on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

Section 6. Chapter 223 of the Code of the City of Beacon, Article III, Section 20, entitled “Hotels” in its entirety is hereby renumbered as follows:

§ 223-14.1 Hotels.

Section 7. Chapter 223 of the Code of the City of Beacon, Article III, Section 20.1, entitled “Adult uses,” Subsection C is hereby amended as follows:

§ 223-20.1 Adult uses.

...

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

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

Section 8. Chapter 223 of the Code of the City of Beacon, Article III, Section 22, entitled “Nursing homes,” Subsection B is hereby amended as follows:

§ 223-22 Nursing homes.

...

B. Site.

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

Section 9. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.1, entitled “Accessory apartments,” Subsections D and F are hereby amended as follows:

§ 223-24.1 Accessory apartments.

...

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

...

F. Off-street parking. A minimum of ~~two~~ one off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.

...

Section 10. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.3, entitled “Artist live/work spaces” is hereby renumbered in its entirety as follows:

§ 223-14.2 Artist live/work spaces.

Section 11. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.5, entitled “Wireless telecommunications services facilities,” Subsection H(3) is hereby amended as follows:

§ 223-24.5 Wireless telecommunications services facilities.

...

H. Location and access

- (3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection H(3)(a) being the highest priority and Subsection H(3)(g) being the lowest priority:
- (a) Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City.
 - (b) Collocation on a site with existing wireless telecommunication services facilities in the City.
 - (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
 - (d) On sites, buildings and structures in the ~~PB, OB, LB and~~ GB Zoning Districts.
 - (e) On sites, buildings and structures in the L, T, and CMS Zoning Districts.
 - (f) On sites, buildings and structures in Residential Zoning Districts.
 - (g) On sites, buildings and structures in the FCD, WD, WP, or Historic District and Landmark Overlay Zone.

Section 12. Chapter 223 of the Code of the City of Beacon, Article III, Section 24.6, entitled “Artist studio as an accessory special permit use” is deleted in its entirety.

Section 13. Chapter 223 of the Code of the City of Beacon, Article III, Section 26, entitled “Off-street parking, loading, and vehicular access,” Subsections C, E and F are hereby amended as follows:

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

...

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

- (1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2) Parking specifications.

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

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

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

(4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or

excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD ~~and RMF~~ Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

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

...

- E. Waiver of improvement. Except within ~~the Central Business District and~~ the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

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

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

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

- (1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train

station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.

...

Section 15. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.2, entitled “Tattoo parlors” is deleted in its entirety.

Section 16. Chapter 223 of the Code of the City of Beacon, Article III, Section 26.3, entitled “Retail sales from a truck or trailer” is deleted in its entirety.

Section 17. Chapter 223 of the Code of the City of Beacon, Article IVA, Section 41.4, entitled “Waterfront Development (WD) Zone,” Subsections B, C, G(2), G(6), H, J(7) and J(11)(b) are hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

B. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily ~~and/or attached~~ dwelling units.
- (3) Convenience retail and personal service shops ~~s~~ designed to serve the needs of area residents and commuters.
- (4) Restaurants, bars ~~s~~ or brew pubs.
- (5) Inns, hotels, fitness centers, spas ~~and or~~ day care centers ~~s~~.
- (6) Art, craft or fine arts galleries ~~iesy~~.
- (7) Professional or small business offices ~~s~~ in a mixed-use buildings ~~s~~, and not to exceed 40% of the total floor area in a mixed-use buildings ~~s~~. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.
- (8) Professional, small business and service facilities ~~iesy~~ in the lower floors of a multistory residential buildings ~~s~~.
- (9) Artist live/work spaces ~~s~~.
- (10) Public square, plaza, promenade or pocket park.

- (11) Public or semipublic use; live theater, concert hall, museum or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference center.
- (13) Microbrewery or microdistillery
- (14) Other use similar to the above uses as determined by resolution of the City Council.

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

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

...

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

- (2) Planning Board review of special permit and waterfront development concept plan application.
 - (a) Environmental compliance.
 - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
 - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.
 - [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.
 - [4] To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and waterfront development

concept plan review. When a SEQR hearing is to be held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.

[5] Notwithstanding Subsection ~~F~~ G(2)(a)[1] through [4] immediately above, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, and where a lead agency has been established and has scoped a DEIS for the overall waterfront development project, said phase (or phases) may be segmented for the purposes of environmental review in accordance with the provisions of SEQR. In such case, the lead agency shall require the preparation of a full environmental assessment form (EAF) for its use in rendering a determination of significance regarding said phase(s). Further, the lead agency shall notify all involved and interested agencies that the phase(s) will be segmented and shall send a copy of the EAF with said notification.

(b) Special permit approval. The Planning Board may authorize the issuance of a special permit for a waterfront development project, provided that it shall find that the following conditions and standards have been met:

[1] The proposed waterfront development project will fulfill the purposes of the waterfront development zone.

[2] The proposed waterfront development project meets the Waterfront Development Design Standards set forth in § 223-41.4J, to the extent applicable at the special permit stage.

[3] The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.

[4] The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.

[5] The proposed land uses will be in accordance with the approved waterfront development concept plan.

[6] The proposed waterfront development uses meet the standards of § 223-41.4B.

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

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

...

(6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the

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

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

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

- (a) Information to establish that the proposed site plan meets the waterfront development standards set forth in Subsection ~~H~~ I.
- (b) Information to establish that the proposed site plan is in substantial conformance with the approved waterfront development concept plan.
- (c) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
- (d) Information to establish the relationship of the proposed project to later elements of the development of the site, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
- (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
- (f) Application fees as may be required pursuant to Subsection ~~E~~ F.

(2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire ~~peninsula~~ waterfront area, as it is finally developed.
- (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed

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

- (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.
- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have discretion to determine the extent

of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve the site plan amendment by resolution.

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

...

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

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

- (b) All exterior lighting shall comply with the standards in §223-14B.

...

- (11) Off-street parking and loading.

- (b) Parking requirements.

[3]

[1] Multifamily dwelling: one space per unit.

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

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

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

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

Section 18. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.6, entitled “Bulk regulations applicable to Waterfront Park Zone” is hereby amended as follows:

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

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

B. Maximum building coverage: 20%.

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

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

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

Section 19. Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.7, entitled “Bulk regulations applicable to Waterfront Development Zone” is hereby amended as follows:

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

A. Minimum site size: five acres.

B. Maximum height.

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

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

(2) Area south of Light Industry (LI) zone (see illustration[2]): Average of three stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

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

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

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

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

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

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

Section 20. Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.13, entitled “Uses; plan review; design standards,” Subsections B, C, and I(7) are hereby amended as follows:

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

...

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

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

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

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted,

subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.

(2) Parking and bicycle facilities, including parking structures.

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

...

I. Fishkill Creek Development design standards.

(7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use.

(a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high.

(b) ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.~~ All exterior lighting shall comply with the standards in §223-14B.

Section 21. Chapter 223 of Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 41.18, entitled “Regulations,” Subsections A, B, C, G(1), J(13), J(16) are hereby amended as follows:

§ 223-41.18 Regulations.

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

(1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor. ~~The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.~~

(2) ~~One-family, two-family, attached, and~~ Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

(3) Hotel, subject to § 223- ~~20 14.1; or~~ inn, ~~or bed-and-breakfast establishment, subject to § 223-24.4.~~

(4) Offices of any kind, including professional, medical, business, ~~and~~ banks or other financial institutions.

(5) Artist studio.

(6) Art gallery or exhibit space.

(7) Restaurant, coffee house, brew pub, bar, and or other establishments that serves food with or without alcoholic beverages, ~~and are not a bar.~~

~~(8) Food preparation business.~~

~~(8)~~ (9) Retail ~~and or~~ personal services.

~~(10) Funeral home.~~

~~(11) Off-street parking facilities, provided that they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the street by buildings and/or landscaping.~~

~~(12) Public garage, as defined in this chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the street by buildings and/or landscaping.~~

~~(9)~~ (13) School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.

~~(10)~~ (14) Indoor commercial recreation.

~~(11)~~ (15) Park, plaza, green, preserve, or community garden, ~~and other forms of outdoor plant cultivation.~~

~~(12)~~ (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.

~~(13)~~ (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.

~~(18) Auction gallery.~~

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

~~(15) (20)~~ Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

~~(16) (21)~~ Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.

~~(17) (22)~~ Microbrewery or microdistillery, which has a retail or tasting room component of at least 200 square feet of floor area.

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

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

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

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

B. Uses by special permit.

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

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

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

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

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

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

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

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas ~~or parking structure~~, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13) and § 223-14B.
- (5) Home occupation, subject to § 223-17.1.
- (6) Roof garden or solar collector.
- (7) Greenhouse.

...

G. Parking location and quantity.

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

...

J. Design standards

...

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

...

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

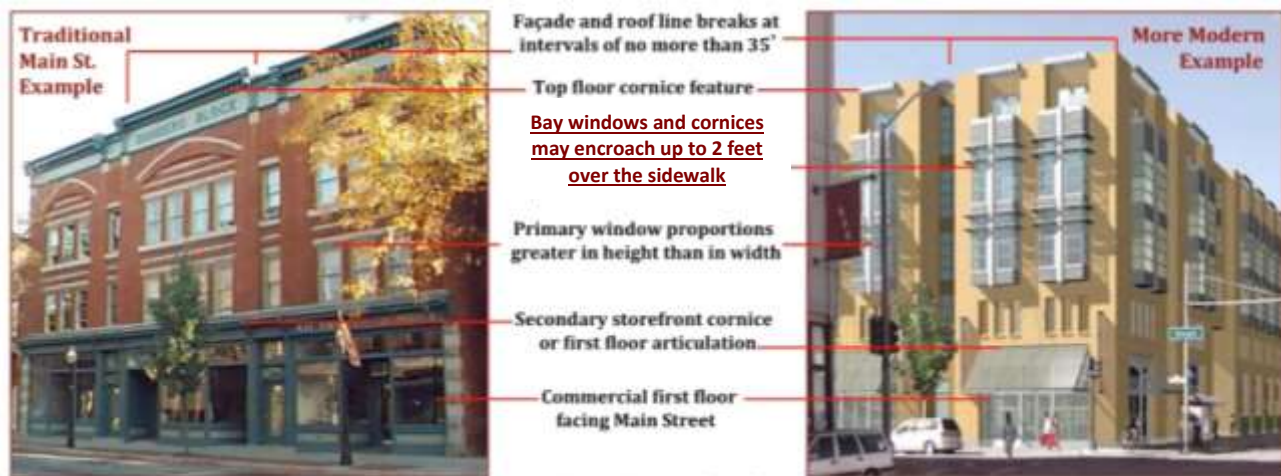


Figure 18-7: Design Illustrations

...

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

Section 22. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.19, entitled “Purpose” is hereby amended as follows:

§ 223-41.19 Purpose.

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

Section 23. Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.21, entitled “Regulations,” Subsections A, B, B.1, H and K(12) are hereby amended as follows:

§ 223-41.21 Regulations.

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, ~~to be conducted in an expedited fashion pursuant to Subsection H below in this §223-41.21.~~ Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review:

- (1) ~~Multifamily dwelling~~ Two-family dwelling.
- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery, or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, preserve, or community garden, ~~greenhouse and commercial plant cultivation~~.
- (9) Retail, personal services business, bank, or restaurant, coffee house, bar, brew pub or other establishment that serves food, with or without alcoholic beverages, provided that:
 - (a) The floor area of each such establishment is not greater than 5,000 square feet;
 - (b) The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street;
- ~~(Reserved)[1][1] Editor's Note: Former Subsection A(9), Home occupation, was repealed 7-21-2014 by L.L. No. 11-2014.~~
- (10) Office, trade school, training program, microbrewery, or microdistillery, provided that:
 - (a) The total floor area of each such establishment is no greater than 25,000 square feet;
 - (b) The use is on the north side of West Main Street between Beekman Street and River Street or the use is within 400 feet of the Route 9D-Beekman Street intersection as identified on the Zoning Map;

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

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

(12) Day care center.

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

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

(15) Workshop.

(16) Artist live/work space.

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

B. Uses by special permit.

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

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

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

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

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

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

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

[2] The use is on the north side of West Main Street between Beekman Street and River Street or the use is within 400 feet of the Route 9D-Beekman Street intersection as identified on the Zoning Map; and

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

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

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

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

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

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

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

(3) Off-street parking areas, in accordance with § 223-41.21F.

(4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12) and § 223-14B.

(5) Parking structure ~~Home occupation, site plan review not required.~~

(6) Roof garden or solar collector, site plan review not required.

(7) Greenhouse.

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

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

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

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

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

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

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

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

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

K. Design standards.

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

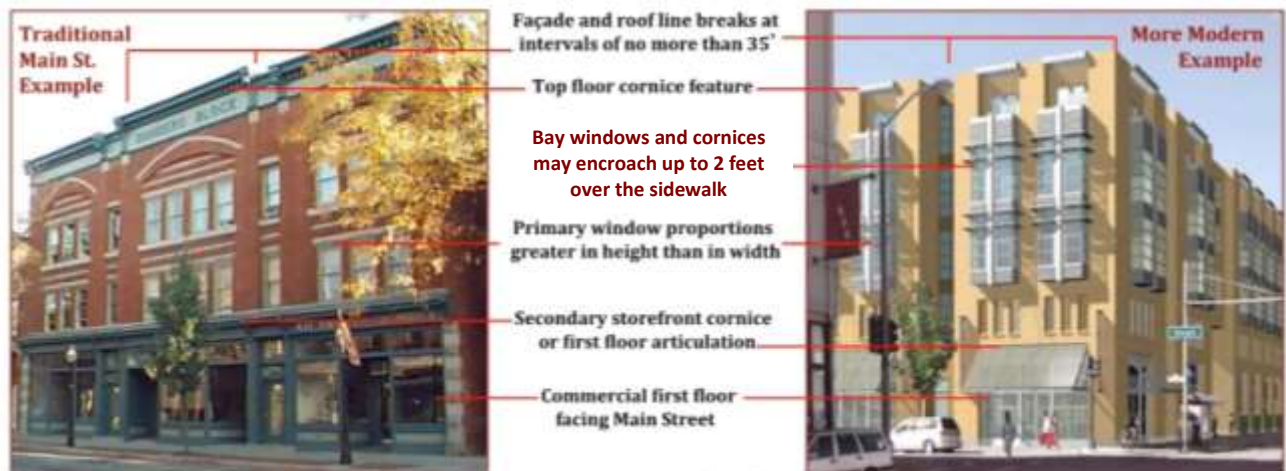


Figure 21-18: Design Standards

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

Examples A

Section 24. Chapter 223 of the Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 63, entitled “Definitions” is hereby amended to add or amend the following definitions

§223-63 Definitions

ACCESSORY APARTMENT

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

AMUSEMENT CENTER

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

ANIMAL CARE FACILITY

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

ARTIST STUDIO

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

AUCTION GALLERY

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

BANK

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

CONCERT HALL

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

CONFERENCE CENTER

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

DAY CARE CENTER

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

DWELLING UNIT, ONE-FAMILY

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

DWELLING UNIT, ATTACHED

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

FAÇADE OR FRONT WALL

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

FARM

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

HOME OFFICE, PROFESSIONAL

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

HORTICULTURAL NURSERY

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

LOT WIDTH

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

OFFICE

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

PARKING STRUCTURE

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

SOLAR COLLECTOR

See Article X, §223-81.

STORAGE BUSINESS

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

STRUCTURE

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

THEATER

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

TOWNHOUSE

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

WHOLESALE BUSINESS

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

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

WORKSHOP

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

Section 25. Chapter 223 of the Code of the City of Beacon, Article VII, Miscellaneous Provisions, Section 67, entitled “Referral of Proposals to Dutchess County Planning Department” is hereby amended as follows:

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

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

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

Section 26. Chapter 223 of the Code of the City of Beacon, Article IX, Scenic Roads, Section 71, entitled “Authority” is hereby amended as follows:

§ 223-71 Authority.

Pursuant to the authority granted by Municipal Home Rule Law, Article 2, § 10 of the Consolidated Laws of New York and consistent with the goals of the ~~1974 Development Plan~~ 2017 Comprehensive Plan Update, as amended, the City of Beacon hereby provides for the balancing of traditional matters of common convenience and public safety with designation of City roads as scenic roads. Further, in order to maintain the irreplaceable character and aesthetic and historic features and the scenic nature

of roads so designated, the City of Beacon is authorized to regulate, in accordance with this article, the future alterations for improvements of roads so designated, including but not limited to widening of the right-of-way or of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

Section 27 Chapter 223 of the Code of the City of Beacon, Article X, Solar Collectors and Installations, §223-82, entitled “Permitting and placement requirements,” Subsection A(2) is hereby amended as follows

§ 223-82 Permitting and placement requirements.

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

...

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

...

Section 28. Chapter 223 Attachments 1 and 2 of the Code of the City of Beacon, entitled “Schedule of Regulations for Residential Districts” and “Schedule of Regulations for Nonresidential Districts” as set forth at the end of Chapter 223 are hereby deleted in their entirety.

Section 29. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 30. Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, Schedule of Dimensional Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

SEE ATTACHED CHART

Section 31. Chapter 210 of the Code of the City of Beacon, Vehicle Repair and Sales, §210-2, entitled “Motor vehicle repair shops, body shops and detail shops; gasoline filling stations,” Subsection B is hereby amended as follows

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

...

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

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

Section 32. Ratification, Readoption and Confirmation

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

Section 33. Numbering for Codification

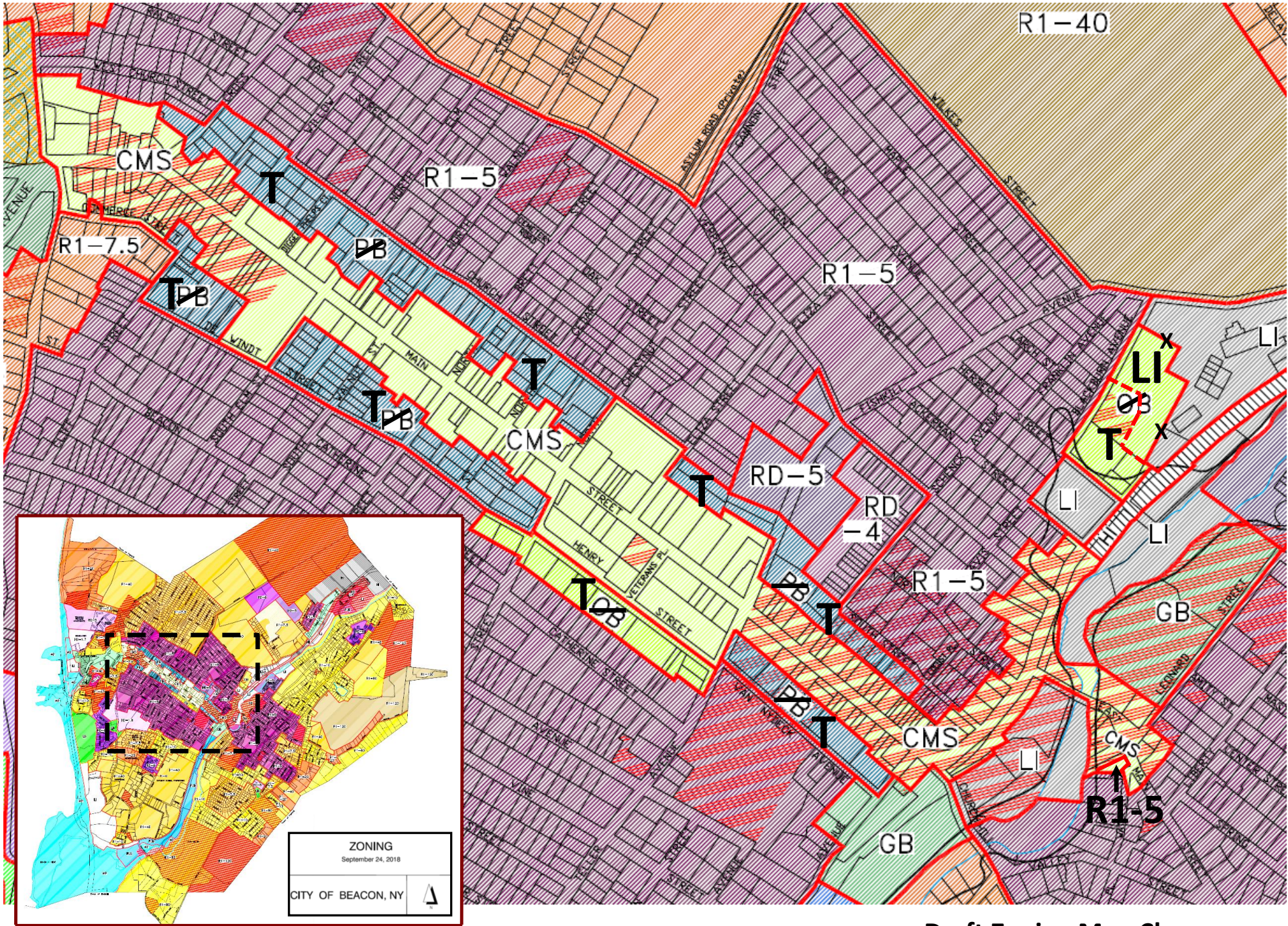
It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier 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 34. 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.

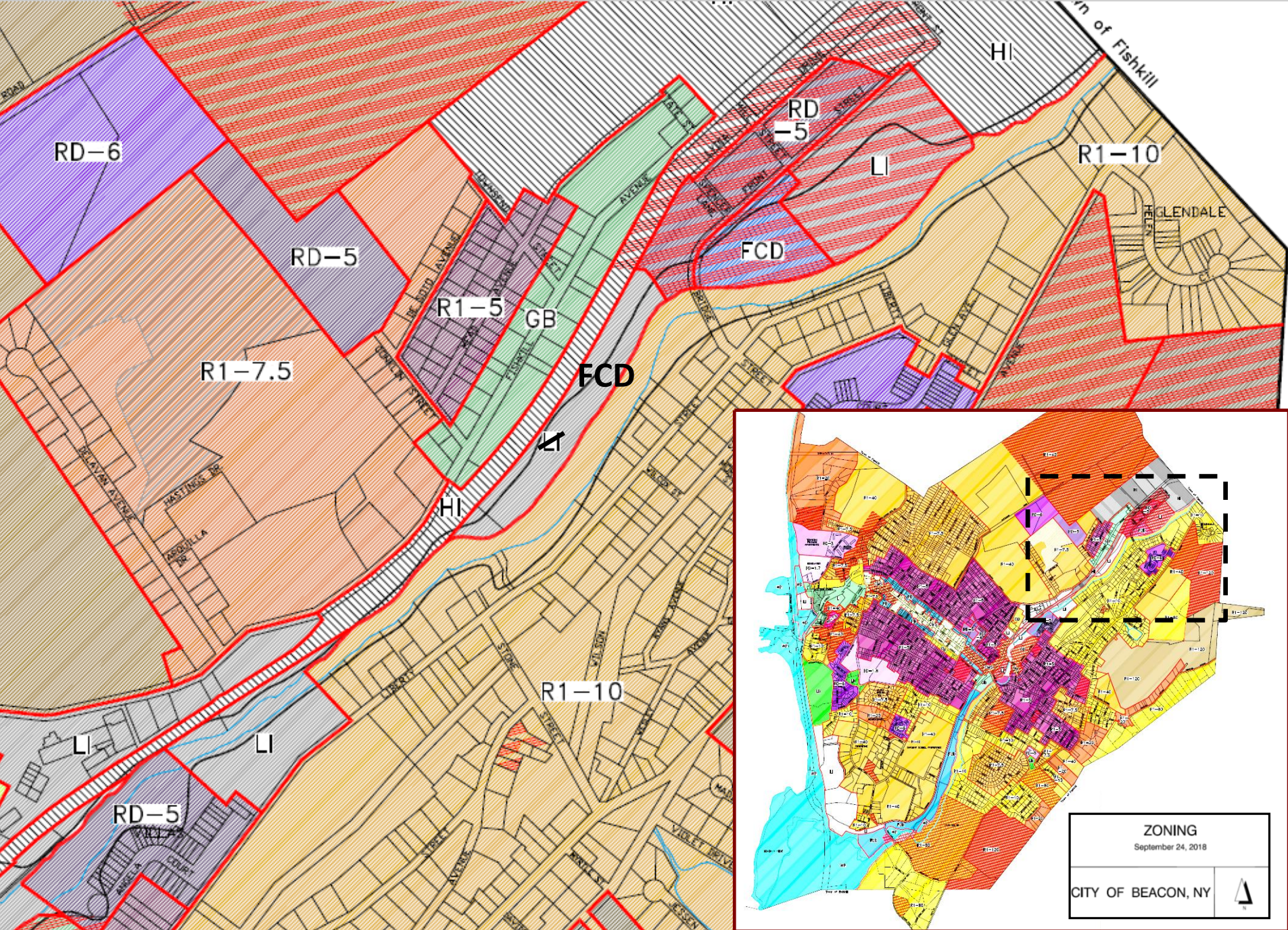
Section 35. Effective Date

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



Draft Zoning Map Changes





Draft Zoning Map Changes

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

DRAFT 1.7.20

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

NOTES:

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

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

DRAFT 1.7.20

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

NOTES:

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

City of Beacon Workshop Agenda
3/9/2020

Title:

Appointments

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from Mayor Kyriacou to the City Council Regarding Reappointments	Cover Memo/Letter



City of Beacon, New York

Office of the Mayor

Lee Kyriacou, Mayor

845.838.5011 | mayor@CityofBeacon.org

MEMORANDUM

TO: City Council

FROM: Mayor Kyriacou

RE: Board and Committee Appointments

DATE: March 9, 2020

Please consider the reappointment of the following board and committee members:

1. Robert Palisi; Board of Assessment Review, 5-year term
2. Larry Clark; Recreation Committee, 3-year term

City of Beacon Workshop Agenda
3/9/2020

Title:

Bond Authorizations

Subject:

Background:

ATTACHMENTS:

Description	Type
Lewis Tompkins Fire Station Generator	Backup Material
City Hall Improvements	Backup Material
Water Supply Treatment and Distribution System	Backup Material
Sewer Lines and Wastewater Treatment Plant Improvements	Backup Material
SEQRA Ordinance	Backup Material

February 24, 2020



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+1 212-1106-5000
Orrick.com

Douglas E. Goodfriend

E dgoodfriend@orrick.com
D +1 212 506 5211
F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508



Re: City of Beacon, DutchessCounty, New York
Lewis Tompkins Hose Fire Station Generator - \$25,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in cursive script that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt
Enclosures
4131-0270-3395.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

(\$25,000-Lewis Tompkins Hose Fire Station Generator, 10 years)

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at _____ o’clock, _____.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Councilperson _____ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson _____. The City Council of the City was polled. The motion was adopted by a vote _____ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with _____ negative votes and _____ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE
ISSUANCE OF UP TO \$25,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE REPLACEMENT
GENERATOR AT LEWIS TOMPKINS HOSE FIRE STATION, IN AND
FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the replacement generator at Lewis Tompkins Hose Fire Station, in and for the City, including incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$25,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$25,000 to finance the costs of the Project at a total estimated cost not to exceed \$25,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$25,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of the ten (10) years computed from the earlier of (a) the date of the

first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the

advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the

agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$25,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE REPLACEMENT GENERATOR AT LEWIS TOMPKINS HOSE FIRE STATION, IN AND FOR THE CITY.

Specific object or purpose:	Replacement generator at Lewis Tompkins Hose Fire Station
Period of probable usefulness:	10 years
Maximum estimated cost:	\$25,000
Amount of obligations to be issued pursuant to this resolution:	\$25,000 bonds
SEQRA status:	Type II Action

February 24, 2020



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+1 212-1106-5000
Orrick.com

Douglas E. Goodfriend

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D +1 212 506 5211
F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508



Re: City of Beacon, Dutchess County, New York
City Hall Improvements - \$250,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in cursive script that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt
Enclosures
4125-5980-3171.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

(\$250,000-City Hall Improvements, 25 years)

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at _____ o’clock, _____.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Councilperson _____ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson _____. The City Council of the City was polled. The motion was adopted by a vote _____ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with _____ negative votes and _____ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE
ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION
OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the construction of improvements to City Hall, in and for the City, including site and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$250,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$250,000 to finance the costs of the Project at a total estimated cost not to exceed \$250,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$250,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 12(a) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years. The serial bonds authorized herein shall have a maximum maturity of the twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 8. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice

provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2020.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION OF IMPROVEMENTS TO CITY HALL, IN AND FOR THE CITY.

Specific object or purpose:	Construction of City Hall improvements
Period of probable usefulness:	25 years
Maximum estimated cost:	\$250,000
Amount of obligations to be issued pursuant to this resolution:	\$250,000 bonds
SEQRA status:	Type II Action

February 24, 2020



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
+1 212-1106-5000
Orrick.com

Douglas E. Goodfriend

E dgoodfriend@orrick.com
D +1 212 506 5211
F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508



Re: City of Beacon, DutchessCounty, New York
Water Supply Treatment and Distribution System - \$5,100,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

A handwritten signature in black ink that reads "Douglas".

Douglas E. Goodfriend

DEG/zmt
Enclosures
4156-0683-4211.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

(\$5,100,000-Water Supply Treatment and Distribution System, 40 years)

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at _____ o’clock, _____.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Councilperson _____ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson _____. The City Council of the City was polled. The motion was adopted by a vote _____ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with _____ negative votes and _____ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE
ISSUANCE OF UP TO \$5,100,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF THE
RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS
TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION
SYSTEM, IN AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the reconstruction of and construction of improvements to the City water supply treatment system, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$5,100,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$5,100,000 to finance the costs of the Project at a total estimated cost not to exceed \$5,100,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$5,100,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the

issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$5,100,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE RECONSTRUCTION OF AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY WATER SUPPLY TREATMENT AND DISTRIBUTION SYSTEM, IN AND FOR THE CITY.

Class of objects or purposes:	Reconstruction/construction of improvements to the City water supply, treatment and distribution system
Period of probable usefulness:	40 years
Maximum estimated cost:	\$5,100,000
Amount of obligations to be issued pursuant to this resolution:	\$5,100,000 bonds
SEQRA status:	Type II Action

February 24, 2020



Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019-6142
+1 212-1106-5000
Orrick.com

Douglas E. Goodfriend

E dgoodfriend@orrick.com
D +1 212 506 5211
F +1 212 506 5151

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

**Discussion
Draft**

Re: City of Beacon, Dutchess County, New York
Sewer Lines and Wastewater Treatment Plant Improvements - \$4,500,000 Bonds
Orrick File: New

Dear Susan:

We have prepared and enclose herewith a draft form of bond resolution relating to the above matter for possible adoption by the City Council. Please check SEQRA status.

If utilized, please see that this resolution is adopted by the affirmative vote of at least two-thirds of the entire voting strength of the City Council. After adoption, the summary Legal Notice of Estoppel of the resolution, a form of which is enclosed herewith for your convenience, should be published once in the official newspaper of the City.

When available kindly furnish us with a certified copy of the enclosed resolution, together with an original printer's affidavit of publication of the Legal Notice of Estoppel thereof.

Please do not hesitate to call if you have any questions.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4140-3265-9491.01

cc: Ms. Beth Ferguson (w/encl.) (bferguson@fiscaladivors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

(\$4,500,000-Sewer Lines and Wastewater Treatment Plant Improvements, 40 years)

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at _____ o’clock, _____.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Councilperson _____ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson _____. The City Council of the City was polled. The motion was adopted by a vote _____ affirmative votes (being at least two-thirds of the voting strength of the City Council of the City) with _____ negative votes and _____ votes absent.

**BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE
ISSUANCE OF UP TO \$4,500,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF
DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL
FINANCE LAW, TO FINANCE THE COSTS OF IMPROVEMENTS TO
SEWER LINES AND THE WASTEWATER TREATMENT PLANT, IN
AND FOR THE CITY.**

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide, will not result in any significant adverse environmental impact; and

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the costs of the improvements to sewer lines and the Wastewater Treatment Plant, in and for the City, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$4,500,000, all in accordance with the Local Finance Law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$4,500,000 to finance the costs of the Project at a total estimated cost not to exceed \$4,500,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$4,500,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a class of objects or purposes as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein

shall have a maximum maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds hereby delegated to the City Administrator, shall include the power to sell said bonds to the New York State Environmental Facilities Corporation.

Section 6. The City Administrator is hereby further authorized, at his sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the class of objects or purposes described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 7. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City Administrator. Such notes shall be of such terms, form and contents as may be prescribed by said City Administrator consistent with the provisions of the Local Finance Law.

Section 8. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 9. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form

prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 10. Prior to the issuance of any obligations authorized herein, the City Council of the City shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond ordinance, the City Council of the City will re-adopt, amend or modify this bond ordinance prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the City Council of the City that the Project will not have a significant impact on the environment.

Section 11. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 12. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by

the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 13. This bond ordinance is effective immediately upon adoption by the City Council of the City.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

**CITY OF BEACON
COUNTY OF DUTCHESS, NEW YORK**

ESTOPPEL NOTICE

The bond ordinance published herewith was adopted by the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, on March 16, 2020. The validity of the obligations authorized by such bond ordinance may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: March 16, 2020

/s/ Iola C. Taylor

IOLA C. TAYLOR

City Clerk

City of Beacon, New York

BOND RESOLUTION DATED MARCH 16, 2019.

BOND ORDINANCE, DATED MARCH 16, 2020, AUTHORIZING THE ISSUANCE OF UP TO \$4,500,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF IMPROVEMENTS TO SEWER LINES AND THE WASTEWATER TREATMENT PLANT, IN AND FOR THE CITY.

Class of objects or purposes:	Sewer lines and Wastewater Treatment Plant Improvements
Period of probable usefulness:	40 years
Maximum estimated cost:	\$4,500,000
Amount of obligations to be issued pursuant to this resolution:	\$4,500,000 bonds
SEQRA status:	Type II Action



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February 24, 2020

VIA E-MAIL (stucker@cityofbeacon.org)

Susan K. Tucker, CPA
Director of Finance
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: City of Beacon, Dutchess County, New York
2020 Capital Plan Projects
Orrick File: New

Dear Susan:

Enclosed please find a form of SEQRA ordinance that the Board will need to adopt **prior to the bond ordinances of March 16th**. It uses "Type II Action" and we can revise, if necessary. You may need to change after consult with the City Attorney. Any City initial SEQRA compliance materials can be attached. This ordinance requires only a majority approval of the voting strength of the City Council. No publication is necessary.

Please provide me with a certified copy of the same or whatever ordinance form(s) you use to serve as SEQRA determination.

With best wishes,

Very truly yours,

Douglas

Douglas E. Goodfriend

DEG/zmt
Enclosures
4143-6984-2211.01

Enclosures

cc: Ms. Berth Ferguson (w/encl.) (bferguson@fiscaladvisors.com)

**EXTRACTS FROM MINUTES OF A MEETING OF THE CITY COUNCIL
OF THE CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

(SEQRA Ordinance)

A regular meeting of the City Council of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, was held at 1 Municipal Center, in Beacon, New York, on March 16, 2020, at _____ o’clock, _____.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

* * * * *

Councilperson _____ submitted the following bond ordinance and moved for its adoption. The motion was seconded by Councilperson _____. The City Council of the City was polled. The motion was adopted by a vote _____ affirmative votes (being at least a majority of the voting strength of the City Council of the City) with _____ negative votes and _____ votes absent.

ORDINANCE DATED MARCH 16, 2020.

A ORDINANCE OF THE CITY OF BEACON, DUTCHESS COUNTY,
NEW YORK AS TO SEQRA DETERMINATION.

BE IT RESOLVED by the City Council of the City of Beacon, Dutchess County, as follows:

Section 1. It is hereby determined that the Board adopting this ordinance has declared itself to be the lead agency under the State Environmental Quality Review Act ("SEQRA") and the regulations promulgated thereunder for purposes of determining the environmental impact of the projects described in Section 3 hereof.

Section 2. It is hereby determined that the projects described in Section 3 hereof are each a Type II Action which it has been determined, will not result in any significant adverse impacts upon the environment in accordance with the attached SEQRA compliance documentation pursuant to 6 NYCRR Part 617.5(c)(1), (2) and (6) of the SEQRA regulations.

Section 3. The projects which is the subject of this ordinance are described as follows:

- a) City Hall improvements, \$250,000 Bonds
- b) Lewis Tompkins Hose Fire Station Generator - \$25,000 Bonds
- c) Water Supply Treatment and Distribution System - \$5,100,000 Bonds
- d) Sewer Lines and Wastewater Treatment Plant Improvements - \$4,500,000 Bonds

Section 4. This ordinance shall take effect immediately.

I, **IOLA C. TAYLOR**, Clerk of the City of Beacon (the “City”), located in the County of Dutchess, State of New York, **HEREBY CERTIFY** as follows:

1. A regular meeting of the City Council of the City was duly held on March 16, 2020, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the City Council of the City.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the City Council of the City who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the seal of the City, this ____ day of March, 2020.

(SEAL)

IOLA C. TAYLOR
City Clerk
City of Beacon, New York

City of Beacon Workshop Agenda
3/9/2020

Title:

Budget Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
Budget Amendments March 16	Budget Amendment

Council Budget Amendments
March 16, 2020 Meeting

1. Amend the 2019 General Fund Police and Detective Budget for Retroactive pay upon the settlement of the Union contract for 2019. Below is the proposed budget amendment:

Transfer to:

A -03-3120-101002-	POLICE RETROACTIVE PAY	\$ 64,361
A -03-3130-101002-	DETECTIVES RETROACTIVE PAY	<u>15,628</u>
		<u>\$ 79,989</u>

Transfer from:

A -01-1990-400001-	CONTINGENCY FUND	\$ 37,633
A -01-1990-400004-	CONTINGENCY-RETIREMENT	<u>42,356</u>
		<u>\$ 79,989</u>

2. Amend the 2020 Sewer Fund budget to alleviate potential I&I issues and corrective actions for I&I per Department of Environmental Conservation and Department of Health. Below is the proposed budget amendment:

Transfer to:

G -08-8130-454000-	ENGINEERS	<u>\$ 100,916</u>
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Transfer from:

G -01-1990-400001-	CONTINGENCY FUND	<u>\$ 100,916</u>
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3. Amend the 2020 General Fund Council Budget to provide for costs of upgrading Novus Agenda. Below is the proposed budget amendment:

Transfer to:

A -01-1010-444100-	PROFESS. LICENSE & PERMIT FEES	<u>\$ 4,000</u>
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Transfer from:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 4,000</u>
--------------------	------------------	-----------------

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon Workshop Agenda
3/9/2020

Title:

Proposed Amendments to the City of Beacon Code Chapter 211 Regarding Vehicles and Transit

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Administrator Regarding Parking and Traffic Safety	Cover Memo/Letter




CITY OF BEACON New York

TRAFFIC SAFETY COMMITTEE

845-838-5010

MEMORANDUM

TO: Mayor Kyriacou and City Council

FROM: Anthony Ruggiero, MPA, City Administrator 

RE: Proposed Changes to the City Code Chapter 211, Vehicles and Traffic

DATE: March 9, 2020

The Parking and Traffic and Safety Committee (the “Committee”) reviewed a number of Traffic and Safety related issues and make the following recommendations to the City Council.

1. Codify an existing stop sign on the northeast corner of Rende Place and Phillips Street on Rende Place.
2. Codify an existing stop sign on the northeast corner of Pearse Place and Phillips Street on Pearse Place.
3. Codify an existing stop sign on the northeast corner of Schofield Place and Phillips Street on Schofield Place.
4. Codify existing stop signs on the northwest and southeast corners of Phillips Street at Schofield Place.
5. Codify an existing stop sign on the southeast corner of Roundtree Court and Liberty Street on Roundtree Court.
6. Roundtree Court intersects with itself. There are two existing stop signs at this intersection of Roundtree Court and Roundtree Court. Please see the map attached. The Parking and Traffic Safety Committee recommends to codify them both.
7. Create a No Parking Zone on Roundtree Court on the northwest side of the street from the eastern most point of the north parking lot to a point 110 feet east. Doing so would eliminate about five parking spaces. Roundtree Court has ample parking thanks to existing on-street parking and two parking lots. Please see the map attached.



CITY OF BEACON New York

TRAFFIC SAFETY COMMITTEE

845-838-5010

8. Remove Wolcott Avenue from City Code Section 211-12 B. Doing so would allow trucks to drive on Wolcott Avenue.

Google Maps Conklin St



City of Beacon Workshop Agenda
3/9/2020

Title:

Noticing of Public Hearings

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Amend Chapter 223, Section 61.3 of the Code of the City of Beacon Regarding Noticing Public Hearings	Local Law
Noticing Public Hearing Radius Chart	Backup Material

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§ 223-61.3 Hearing notice requirements.

Prior to any public hearing required for applications for approval of a site development plan, special permit, subdivision, or any public hearing before the Board of Appeals, the applicant shall comply with the following notice requirements at its sole cost and expense:

- A. The City shall submit a notice of public hearing to the official City newspaper and one additional local newspaper for publication at least five days before such hearing. The applicant shall reimburse the City for the cost of such publications.
- B. Notice of hearing shall be sent by the applicant, by certified mail (return receipts not required) to all property owners within a distance of 250 feet of any boundary of the subject property for all single-, two- and three-family properties and to all property owners within a distance of 500 feet of any boundary of the subject property for all multifamily, non-residentially zoned and nonresidential uses. Notice shall be provided to properties owners on both sides of the street on which the subject property fronts, to the adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected at least 10 days before the hearing. For purposes of notice, a property shall be deemed to have non-owner occupants when the

primary owner mailing address on file with the City of Beacon Tax Assessor is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the public hearing, the applicant shall submit to the secretary of the applicable board a signed affidavit of mailing setting forth details of the mailing, including date of mailing, names and addresses to whom the mailing was sent, and a copy of the notice of hearing, and the certified mail receipts.

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 14 days prior to the initial public hearing and any continued public hearing thereafter. The applicant shall update said sign at least 14 days prior to every public hearing at which the applicant's matter will be heard. For matters before the City Council, the applicant shall post the required sign(s) no later than 10 days prior to the public hearing and shall update said sign at least 10 prior to every public hearing before the City Council in 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.

New York State
Comparison Chart
Mailing Requirements for Public Hearing Notices

Municipality	Notice Radius	Required Mailing Options
City of Beacon	250 feet	Certified Mail, Return Receipts required
City of Newburgh	500 feet (Site Plan and Variance applications) 300 feet (Subdivision and Special Permit applications)	Regular Mail
City of Middletown	300 feet, or such other distance as deemed advisable	Mailed by postal card or other means
City of Amsterdam	200 feet, or such additional distance as the Planning Commission or ZBA may deem advisable	Regular Mail
City of Poughkeepsie	200 feet	Certified Mail
City of Yonkers	200 feet	Registered or Certified Mail
City of New Rochelle	250 feet	Certified mail, return receipt requested
City of Peekskill	250 feet	Certified or registered mail, return receipt requested
City of Mount Vernon	At a minimum, the applicant shall notify all property owners within 250 feet of any boundary of the property which is the subject of an application for all single-, two- and three-family properties and must notify any property owners within 500 feet of any boundary of the property which is the subject of an application for all multifamily, non-residentially zoned and nonresidential uses.	Registered or certified mail, return, receipt requested.

Village of Mamaroneck	200 feet (Subdivision and site plan applications) 400 feet (except fences and boat storage public hearings are 200 feet)(Variance applications only)	Personally or by certified mail, return receipt requested Regular mail
Town of Pound Ridge	500 feet (Site Plan and special permit applications, no mailing required for variance applications) 1,000 feet (Subdivision applications)	Certified Mail, return receipt requested Certified Mail
Town of North Castle	250 feet	First Class Mail
Town of North Salem	500 feet (Subdivisions and Site Plan applications) 200 feet (Special Permit and Variance applications)	Certified or Registered Mail for subdivision and site plan applications Certified mail return receipt requested for special permit and variance applications
Town of Fishkill	500 feet	First class mail
Town of East Fishkill	500 feet, except in the case of dimensional variance, in which case the notice shall be mailed to owners of property within 250 feet.	First class and certified mail, return receipt requested

City of Beacon Workshop Agenda
3/9/2020

Title:

New York State Bridge Authority and New York State Thruway Authority Merger

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from Governor Coumo's Office Regarding the Thruway Authority and Bridge Authority Merger	Cover Memo/Letter
Memorandum from the Town of Newburgh Attorney Regarding the Merger of the NYS Bridge Authority into the NYS Thruway Authority	Cover Memo/Letter
Memorandum from Assemblymember Jacobson's Office Regarding Bridge Authority and Thruway Merger	Cover Memo/Letter

Thruway Authority and Bridge Authority Merger FAQs

Q: Why is Governor Cuomo proposing the merger between the Thruway Authority and Bridge Authority?

A: Governor Cuomo's proposal to merge the state Bridge Authority and Thruway Authority is an opportunity to streamline government services by bringing together two organizations with overlapping roles and resources. Both authorities operate roads and bridges. They keep roads in good repair, ensure bridges are structurally sound and clear snow in the winter. Bringing these authorities together will streamline administrative functions to reduce duplication, achieve economies of scale in purchasing and contracting and deliver savings to toll payers.

Q: How much savings will be actualized by this merger?

A: Merging the two authorities creates economies of scale, reduces duplication for back office administrative services (human resources, purchasing, etc.) and creates opportunities for better and more responsive investment and maintenance. This includes access to a larger workforce to complete major projects as well as routine and emergency maintenance, without having to wait until other projects are completed.

Outside stakeholders, including vendors and contractors, would have a centralized and streamlined procurement process with one State entity and construction and engineering projects allowing expertise to be leveraged, increase coordination and facilitate efficient operations.

Q. Is this proposed merger just a money grab and a way to subsidize tolls across the Thruway system and the Gov. Mario M. Cuomo Bridge?

A: No. We are not comingling the funds, they will be kept separate. Tolls generated by the Bridge Authority will continue to be used to support the upkeep of the Bridge Authority's facilities; Thruway finances are in excellent shape and revenues are more than sufficient to pay for the operating and capital expenses at the Thruway. The Thruway Authority's revenue base is 1,300 percent more than the Bridge Authority and incorporating its operating and capital expenses would cause no material impacts to Thruway finances.

It should be noted that the Bridge Authority revenues are around \$62M with \$30M of that coming from the Newburgh Beacon Bridge which currently subsidizes the other four bridges that the Bridge Authority owns.

Both spans of the Governor Mario M. Cuomo Bridge are open and its revenues for 2019 are on track to reach \$155M – more than two and a half times the total Bridge Authority revenue. The Thruway Authority's fiscal health is strong, validated by a rating increase in 2019. The Thruway Authority collects about \$800 million in revenue annually.

Q. The Thruway has a track record of poor fiscal management - if merged, would Bridge Authority tolls need to increase?

A: Through fiscal discipline, Thruway tolls have not increased in 10 years, resulting in some of the lowest toll rates in the Northeast. Thruway's recently proposed toll adjustment keeps tolls as low as possible for its customers, and mainly impacts motorists without a NY E-ZPass, except at the Gov.

Thruway Authority and Bridge Authority Merger FAQs

Mario M. Cuomo Bridge. This same discipline and fiscal planning will be brought to the Bridge Authority for the benefit of their customers as well.

In fact, it is important to remember that last fall, the Bridge Authority proposed a drastic 60% toll increase for all of its facilities. This prompted State Division of Budget Director, Robert Mujica to write a public letter outlining the reasons why the proposed increase was too high. The plan would have unfairly burdened current toll payers with paying for the entire cost of assets and improvements that will be used for decades into the future. The Bridge Authority's original proposal would have increased E-ZPass tolls by 60% in one year to \$2.

With DOB guidance, the Bridge Authority scaled back their proposal to a more modest and aligned toll modification. This modified adjustment would raise E-ZPass tolls by an average of 8% per year for four years eventually reaching \$1.65, nearly half the amount the Bridge Authority originally proposed for one year. This new proposal passed by the Bridge Authority board will proceed as planned to help them meet their capital needs.

Q. Can you guarantee that tolls at the five Bridge Authority Bridges will not increase after the merger?

A: Yes, the tolls will not go up beyond what is already planned. The Thruway Authority has not raised tolls since 2010. This same level of fiscal discipline will continue. The current toll level, including the recently enacted Bridge Authority toll increase, is enough to meet capital needs. The ongoing maintenance of these bridges is not free and no matter who owns them, the future costs to maintain and operate these bridges will be evaluated.

Q. How would this merger streamline services?

A: Operationally, the authorities align with similar missions and the Thruway Authority's maintenance facilities are already located in close proximity to the Bridge Authority's structures. Efficiencies can be created within fleet and facility management services, and engineering and contract services to name a few, while also upholding the highest level of service for all of our customers by maintaining bridges and highways and conducting snow removal operations effectively. Administrative functions can be further streamlined to reduce duplication and there are economies of scale that can result in savings with no loss in local oversight. Savings will also come from the enhanced purchasing power that results from consolidating the smaller volume and less frequent procurements of the Bridge Authority with the larger more complex procurements that the Thruway routinely executes.

Q. Will the merger cause locals to lose its oversight and management of the bridges?

A: The Thruway Authority has four maintenance divisions throughout the 570-mile system who keep roadways maintained at a high level. Each division is managed by staff from those communities. Management of the Bridge Authority would continue at the local level.

Q. Will the quality of maintenance on the five Bridge Authority bridges decline?

A: No. Keeping our transportation system/network safe has always been, and will continue to be, the primary focus of the Thruway Authority. The same high quality of care will go into the maintenance

Thruway Authority and Bridge Authority Merger FAQs

and operation of the current Bridge Authority bridges. The merger will provide access to larger combined workforce to complete major projects as well as routine and emergency maintenance with a wider pool of equipment.

Q. Does streamlining services mean layoffs?

A: No. Streamlining services means taking advantage of common missions and operations. This merger will eliminate duplication and encourage savings through economies of scale. Layoffs are not part of this proposal. We value the Bridge Authority workforce and are looking forward to working with them.

Q. Will the merger impact the Bridge Authority's capital plan?

A: No. The Bridge Authority's capital plan will remain intact and its project to re-deck the Newburgh Beacon Bridge will proceed as scheduled.

Q. Will the Bridge Authority bridges still convert to cashless tolling?

A: Yes. The plan to implement cashless tolling at their bridges will move ahead. The merger will benefit the Bridge Authority because the Thruway Authority has already implemented cashless tolling at seven toll barriers and is in the process of implementing it on the ticketed system by the end of the year. The lessons learned from these experiences will help mitigate customer complaints and other concerns.

Q. What other operations would be impacted by this merger?

A: Efficiencies can be created within fleet and facility management services, and engineering and contract services to name a few, while also upholding the highest level of service for all of our customers by maintaining bridges and highways and conducting snow removal operations effectively. Administrative functions can be further streamlined to reduce duplication and economies of scale can result in savings without losing local oversight. Savings will also come from the enhanced purchasing power that results from consolidating the smaller volume and less frequent procurements of the Bridge Authority with the larger more complex procurements that the Thruway routinely executes.

Q. Federal law states tolls collected on the Newburgh-Beacon Bridge can only be used to operate, maintain and repair the authority's bridges. How is this impacted by the merger?

A: It doesn't. The tolls collected by the Newburgh-Bridge will continue to be used for Bridge Authority operations and maintenance. The authorizing language for the merger provides the Thruway, as the successor agency, the ability to honor any existing agreements.

Q. How will the merger impact the Bridge Authority's procurement and contracting policies and how they deal with construction contractors?

A: Outside stakeholders, including vendors and contractors, would have a centralized and streamlined procurement process with one state entity for very similar road and bridge construction

Thruway Authority and Bridge Authority Merger FAQs

and engineering projects. This would allow expertise to be leveraged, increase coordination, and facilitate efficient operations.

Q. What support have you offered Thruway toll collectors following the announcement that the system was converting to cashless and eliminating their jobs?

A: Since its announcement in January 2018, the Thruway Authority commenced with a detailed outreach program including dedicated resources to connect all impacted toll employees with future professional career opportunities and potential career paths. This consists of more than 40 cashless tolling outreach sessions for staff, training programs such as resume writing, interviewing skills, and workshops detailing the Civil Service system, as well as additional training courses. The Authority has also offered impacted staff incentives such as enrollment in CDL-B Training Programs and Tuition Assistance to help further their careers at and beyond the Thruway Authority.



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MEMORANDUM

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TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF THE TOWN BOARD OF THE TOWN OF
NEWBURGH OPPOSING THE MERGER OF THE NEW
YORK STATE BRIDGE AUTHORITY INTO THE NEW
YORK STATE THRUWAY AUTHORITY
OUR FILE NO. 800.1(B)() (2020)

DATE: FEBRUARY 21, 2020

In accordance with Supervisor Piaquadio's request of this morning,
enclosed please find the above referenced draft resolution for the Board's
consideration.

MCT:kac

Enc.

cc: Joseph P. Pedi, Town Clerk

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of February, 2020 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF NEWBURGH OPPOSING THE MERGER OF THE NEW YORK STATE BRIDGE AUTHORITY INTO THE NEW YORK STATE THRUWAY AUTHORITY

Councilman/woman ____ presented the following resolution which was seconded by Councilman/woman _____.

WHEREAS, the Hamilton Fish Newburgh Beacon Bridge (the “Newburgh Beacon Bridge”) spans the Hudson River between the Town of Newburgh and Beacon; and

WHEREAS, the Newburgh Beacon Bridge and other bridges across the River in the Mid-Hudson region operated by the New York State Bridge Authority serve as vital links for the lives and commerce of numerous residents and businesses located in the Town who utilize the bridge crossings of the River on a daily basis or even more frequently; and

WHEREAS, Governor Andrew Cuomo, in his 2020-21 budget address, has announced legislation to merge the New York State Bridge Authority, which presently operates five bridges across the River, including the Newburgh Beacon Bridge into the New York State Thruway Authority; and

WHEREAS, the proposal would in fact abolish the Bridge Authority when all obligations to the holders of bonds have been paid in full or otherwise fully met and discharged and the Thruway Authority would absorb the Bridge Authority; and

WHEREAS, it has been reported that a federal law, passed in 1987, states that tolls collected on the Newburgh-Beacon Bridge can only be used to operate, maintain and repair the Bridge Authority’s bridges; and

WHEREAS, the Bridge Authority is run efficiently, the bridges are well maintained and boast among the lowest tolls in the nation; and

WHEREAS, although the merger proposal has been justified by claims that it will result in operational efficiencies, a primary reason for the consideration of the merger is the NYS Thruway Authority's announcement of budget deficits which are reported to be growing at an astonishing rate due largely to the costs of the new Mario Cuomo (Tappan Zee) Bridge; and

WHEREAS, in the recent past, the NYS Thruway Authority assumed responsibilities for the maintenance of Interstate 84 and then shed them, for the stated reasons of saving the State money in both instances, there having apparently been few efficiencies actually achieved and the difference from the proposed Thruway Authority takeover of the Bridge Authority's bridges being the ability to collect and raise toll revenue; and

WHEREAS, the merger would likely in fact negatively effect the Bridge Authority's Hudson River crossings and lead to our residents and businesses subsidizing the costs of the Thruway Authority's improvements outside of our area through higher tolls; and

WHEREAS, businesses and employers in the Town have already been subjected to State imposed levies, such as the MTA payroll tax, which yield little benefit to our community, but subsidize other areas directly receiving transportation services; and

WHEREAS, the Town, which also hosts and provides services to facilities of the Thruway Authority, including a tolled entrance/exit interchange, tandem trailer area, maintenance facilities and two rest areas for both north and south bound travelers, as well as miles of four lane interstate highway, concludes, based on experience, that the merger would also jeopardize autonomy, responsiveness and accountability for the bridges, including the Newburgh-Beacon Bridge's crossing into the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newburgh in its capacity as governing body of the Town, does hereby oppose the enactment of the provisions in the Executive Budget of the State of New York for 2020-21 providing for the merger of the New York State Bridge Authority into the New York State Thruway Authority; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered , by the Town Clerk to the Hon. Andrew J. Cuomo, Governor, the Hon. James Skoufis., Senator for the 39TH District and the Hon. Jonathon G. Jacobson, Assemblyman for the 104TH District; and

BE IT FURTHER RESOLVED, that the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

Gilbert J. Piaquadio, Supervisor

Date

STATE OF NEW YORK)
COUNTY OF ORANGE) SS:
TOWN OF NEWBURGH)

I, Joseph P. Pedi, Town Clerk of the Town of Newburgh, DO HEREBY CERTIFY that I have compared the foregoing resolution, duly adopted by the Town Board of the Town of Newburgh on the __th day of February, 2020, and entered in the minutes of the proceedings of said Board, and that the foregoing is a true and correct copy of said resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my name and the seal of said Town on this _____ day of February, 2020.

Joseph P. Pedi, Town Clerk



THE ASSEMBLY
STATE OF NEW YORK
ALBANY

JONATHAN G. JACOBSON
104th District

COMMITTEES
Cities
Election Law
Insurance
Local Governments
Transportation

February 5, 2020

Hon. Andrew M. Cuomo
The Capitol
Albany, New York 12224

Hon. Andrea Stewart Cousins
L.O.B #907
Albany, New York 12247

Hon. Carl Heastie
L.O.B. #932
Albany, New York 12248

Re: Proposed Merger of the New York State Bridge Authority into the New York State Thruway Authority

Dear Governor Cuomo:

We write on behalf of our constituents to address the proposed abolition of the New York Bridge Authority and its subsequent absorption into the New York State Thruway Authority. It is our conviction that the proposal would drastically and detrimentally affect both the economy and the overall quality of life in the region.

Since its founding, the Bridge Authority's mission has been "to maintain and operate the safe vehicle crossings over the Hudson River entrusted to its jurisdiction for the economic and social benefit of the people of the State of New York." It has successfully carried out that mission for more than ninety years and continues to do so.

Your office has put forward this proposal arguing that it "will create the opportunity for efficiencies." Yet, the Bridge Authority, unlike many other State agencies, is already highly regarded for its efficiency.

Tolls are kept low and the five bridges in its portfolio—the Rip-Van Winkle Bridge, the Kingston-Rhinecliff Bridge, the Mid-Hudson Bridge, the Newburgh-Beacon Bridge, and the Bear Mountain Bridge—are all kept in good repair thanks to the Bridge Authority's regular and scrupulous maintenance.

These five bridges constitute a vital link between municipalities on both sides of the Hudson, offering residents a fast, safe, and reliable way to get to work, shop, attend school, and visit doctors and other services across the river from their homes. They are, indeed, our "main streets."

While the level of tolls on Mid-Hudson bridges may seem low by comparison to other such crossings in New York City and other metropolitan areas, they are appropriately scaled to the region in terms of their nature as thoroughfares and relative affordability, particularly in view of the many other economic challenges we face. In brief, creating a new administrative structure where Mid-Hudson residents may be forced to subsidize other drivers is unnecessary, ill advised, and anti-progressive.

The Bridge Authority's toll structure is essential to the valuable service it provides. While it may pass unnoticed by casual users, all five bridges charge the same toll, encouraging travelers to use the bridge most conveniently situated to them—and not the bridge that charges the lowest toll. This allows the traffic, costs, and benefits of its five bridges to be spread evenly throughout the region.

Moreover, the money taken in by the Bridge Authority is spent solely on maintaining and staffing the Authority and these five bridges. This keeps funding generated by the Hudson Valley bridges in the Hudson Valley—and not taken out to subsidize another agency. With one exception, our bridges are not located on interstate highways. They were built and are operated for local needs. The Bridge Authority is regionally run and governed because it serves local and regional purposes. Compare this to the New York State Thruway system that links Niagara Falls to the City of New York and connects all of our major cities. The Thruway, unlike almost all of our bridges, is an integral part of the Interstate Highway System.

Should this ill-thought merger go through and the Bridge Authority is eliminated, the benefits and efficiencies currently enjoyed by Hudson Valley residents will be lost. Given the Thruway Authority's record, there will almost certainly be an increase in tolls and a decline in the condition of a critical part of the region's infrastructure.

For the reasons stated above, we are united in our opposition to the proposed merger and urge you to remove the proposal when you advance your 30-day proposed budget amendments.

Thank you for your attention to this matter on behalf of those we serve.



JONATHAN G. JACOBSON
DISTRICT 104



DIDI BARRETT
DISTRICT 106



KEVIN A. CAHILL
DISTRICT 103



SANDY GALEF
DISTRICT 95



AILEEN M. GUNTHER
DISTRICT 100

cc: Senators Elizabeth Krueger, Leroy Comrie, Timothy Kennedy
Assemblymembers Helene Weinstein, Amy Paulin, William B. Magnarelli
Lou Ann Ciccone

City of Beacon Workshop Agenda
3/9/2020

Title:

Status of Natural Resources Inventory

Subject:

Background:

City of Beacon Workshop Agenda
3/9/2020

Title:

Personnel

Subject:

Background:

City of Beacon Workshop Agenda
3/9/2020

Title:

Real Estate

Subject:

Background: