



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**  
**May 11, 2020**  
**7:00 PM**

**Workshop Agenda Items:**

Duration  
(Minutes)

- |   |    |
|---|----|
| 1. May 11 City Council Workshop Videoconference Access and Phone Number |    |
| 2. Tioronda Bridge  | 20 |
| 3. Waterfront Development and Linkage Districts                         | 20 |
| 4. Human Relations Commission Proposed Appointment                      | 10 |
| 5. Stormwater Control Agreement   | 15 |
| 6. Fairview Water Tank: Resolution to Sign for Grant                    | 5  |
| 7. DPW/23-28 Creek Drive Easements                                      | 15 |

**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**May 11 City Council Workshop Videoconference Access and Phone Number**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Type

May 11 City Council Workshop Videoconference Access  
and Phone Number

Cover Memo/Letter



## **NOTICE OF CHANGE IN PUBLIC MEETING LOCATION**

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

<https://us02web.zoom.us/j/88075103299?pwd=SGJ3VnRINTBkVjdxWEExGYWhNMjl4dz09>

Meeting ID 880 7510 3299 and Password 509207. To the extent internet access is not available, the public can attend via telephone by dialing + 1 929 205 6099 and entering the Meeting ID 880 7510 3299 and Password 509207. The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>..

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

PLEASE TAKE FURTHER NOTICE, that the City Council Workshop of Monday, May 11, 2020 at 7:00pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**Tioronda Bridge**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
South Avenue Bridge - Deck Options 5-4-20	Backup Material
Tioronda Bridge Rendering 1/8	Backup Material
Tioronda Bridge Rendering 2/8	Backup Material
Tioronda Bridge Rendering 3/8	Backup Material
Tioronda Bridge Rendering 4/8	Backup Material
Tioronda Bridge Rendering 5/8	Backup Material
Tioronda Bridge Rendering 6/8	Backup Material
Tioronda Bridge Rendering 7/8	Backup Material
Tioronda Bridge Rendering 8/8	Backup Material





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## MEMORANDUM

DATE: 5/4/2020

TO: Mr. Anthony Ruggiero, City Administrator

FROM: Thomas Cole, P.E., Associate, Modjeski and Masters

RE: South Avenue Pedestrian Bridge Deck Alternatives

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This memorandum has been provided to the City of Beacon for use in selecting the preferred deck/walkway surface for the new South Avenue Pedestrian Bridge. Below are several alternatives with brief descriptions and a representative picture of what the proposed bridge could look like with each deck alternative:

Option 1.) Cast-In-Place Concrete: The most typical alternative for the South Avenue Pedestrian Bridge would be to utilize plain cast-in-place reinforced concrete. The reinforced concrete deck would be cast composite to the existing stringers by utilizing shear connectors which would provide increased life span of the deck and stringers as well as improve the capacity of the deck and stringer system to withstand design loads. Concrete decks typically have a maintenance period of 15-20 years and typically require replacement in 25-30 years. This deck may see an improved life span because it will be subject to significantly lower amounts of truck traffic or likely not see significant amounts road de-icing salts.



**Figure 1 Concrete Deck Cross-Section**

Option 2.) Stamped and Stained Concrete: This second alternative for the South Avenue Pedestrian Bridge uses the same materials and concept as Option 1. It will have a similar maintenance period and life span as that of plain concrete deck, the difference being that the top surface would be stamped using a reusable form with a wood grain to mimic the appearance of the original timber bridge deck but is more durable than using a timber deck. The stamped concrete would have to be coated with an anti-slip resistant or roughened to prevent slick spots during rain events or winter weather.



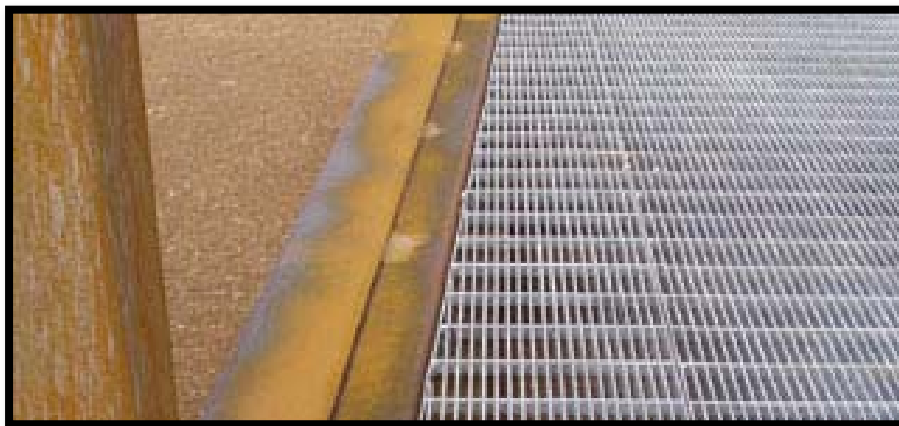
**Figure 2 Wood Grain Stamped Concrete**

Option 3.) Timber: Timber is usually a preferred alternative for pedestrian bridges because of its ease in construction. However, a typical timber deck is not capable of supporting emergency vehicles. A typical vehicular timber bridge deck utilizes larger 8"x8" or 12"x12" timbers or vertically oriented 2"x8" or 2"x12" boards nailed together as shown in Figure 3. The timber deck could be overlaid with an asphalt layer to preserve the timber but that would remove the visual appeal of using wood. The maintenance cycle and life span of a timber deck is about half that of a concrete deck, 5-10 years before maintenance is required and 15-20 years before replacement.



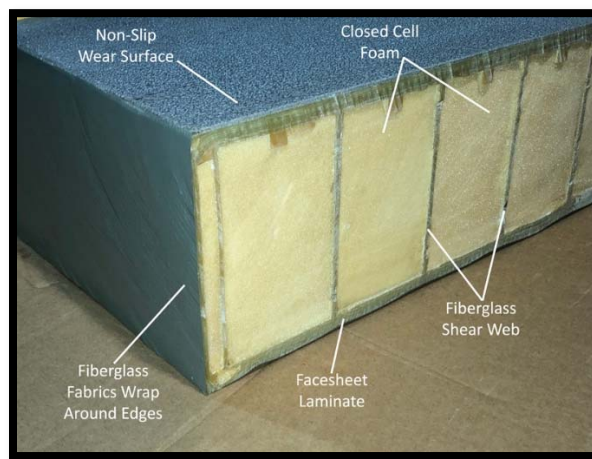
**Figure 3 Timber Deck**

Option 4.) Galvanized Steel Grating: This alternative for the pedestrian bridge would not be composite with the bridge girders similar to the timber deck option. This type of deck is advantageous over other types because of its light weight but has some disadvantages, the utilities and girder flanges below the grating would be exposed allowing snow and rain to accumulate on those members, it is also an undesirable surface for animals to walk on, and not all grating meets ADA and other pedestrian code requirements, because of the open grid configuration. Most pedestrian friendly steel grating is not designed to take the load in excess of 5 tons which would limit the size of the emergency vehicle that can use the bridge.



**Figure 4 Galvanized Steel Grating**

Option 5.) Fiber reinforced polymer (FRP) Panels: This is the last alternative for the pedestrian bridge. Prefabricated fiberglass panel sections would be bolted to the stringers and would require a more lead time to have a specialty fabricator measure and produce the panels. This type of construction again does not offer composite behavior of the existing stringer and the new deck. These panels can be engineered to match any type of load requirement and requires less maintenance in comparison to reinforced concrete, timber and steel decks. FRP panels are a fairly recent technology (~20-25 years), therefore the life span and maintenance periods shown are predictions by the manufacturer based on laboratory testing rather than real world applications. The panels would be coated with anti-slip resistant to prevent slick spots during rain events or winter weather.



**Figure 5 FRP Panel Cross-Section**

A comparison of life span, maintenance cycle and an approximate average cost per square feet (SF) is provided in the following table:

Categories \ Deck type	Cast-In-Place Concrete	Stamped and Stained Concrete	Timber	Galvanized Steel Grating	Fiber Reinforced Polymer Panels
Life span	25-30 yrs	25-30yrs	15-20 yrs	25-50 yrs	50-75 yrs
Maintenance cycle	15-20 yrs	15-20 yrs	5-10 yrs	25 yrs	50 yrs
Cost estimate	\$70/SF	\$90/SF	\$40/SF	\$90/SF	\$180/SF

TAC

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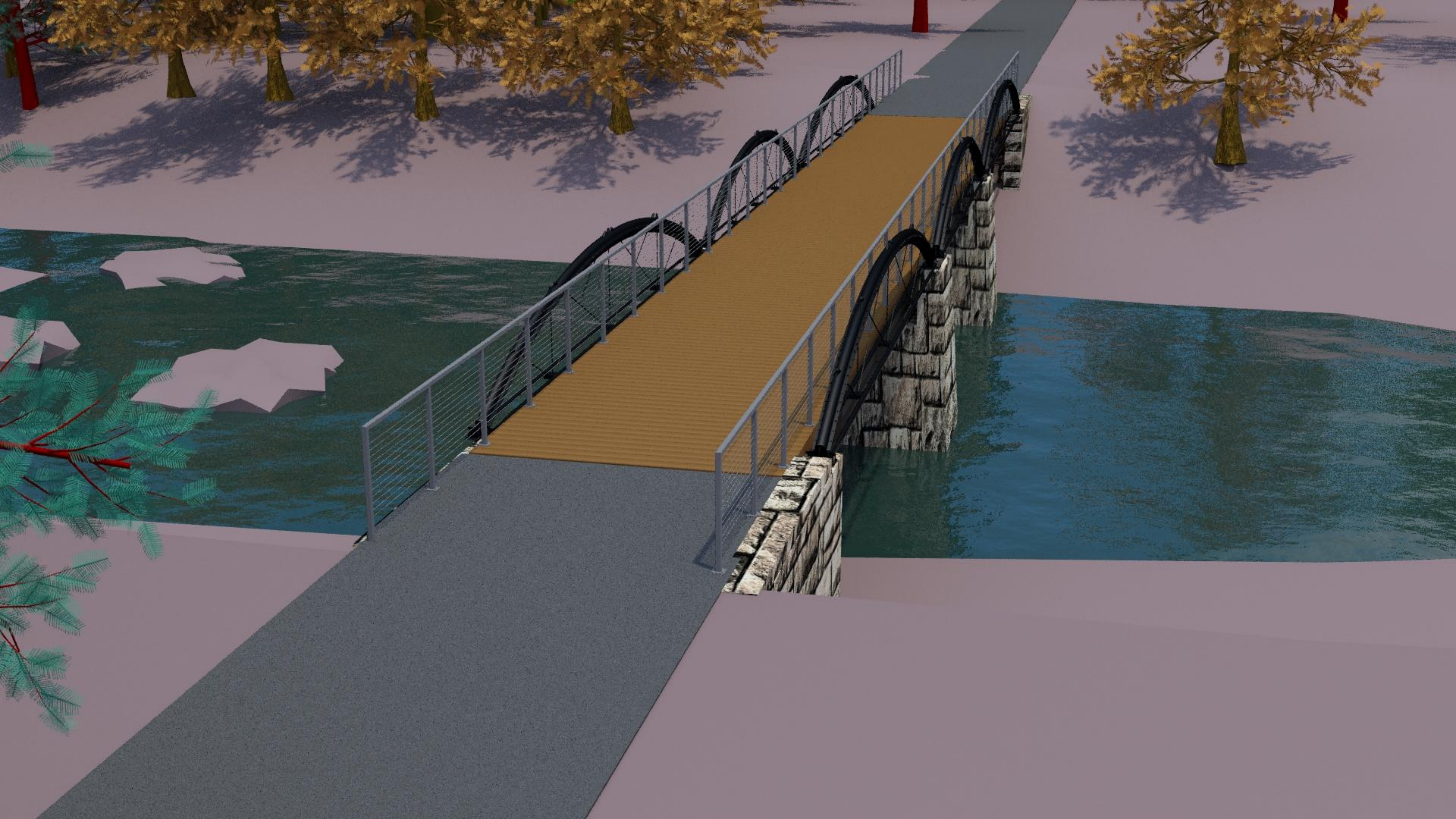




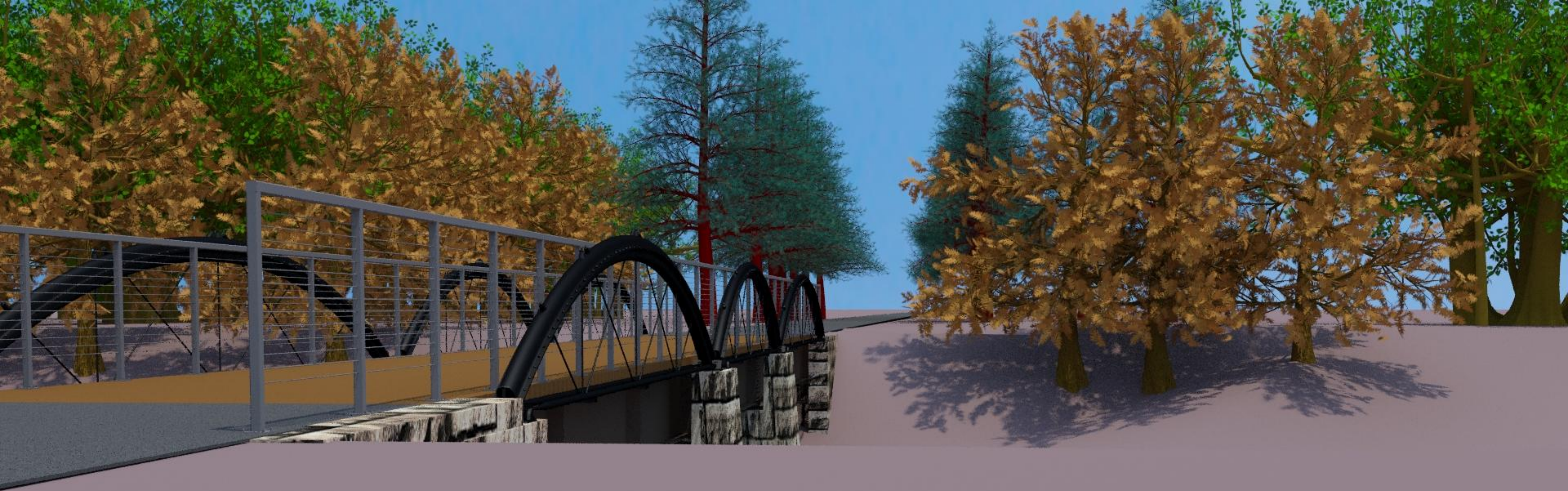




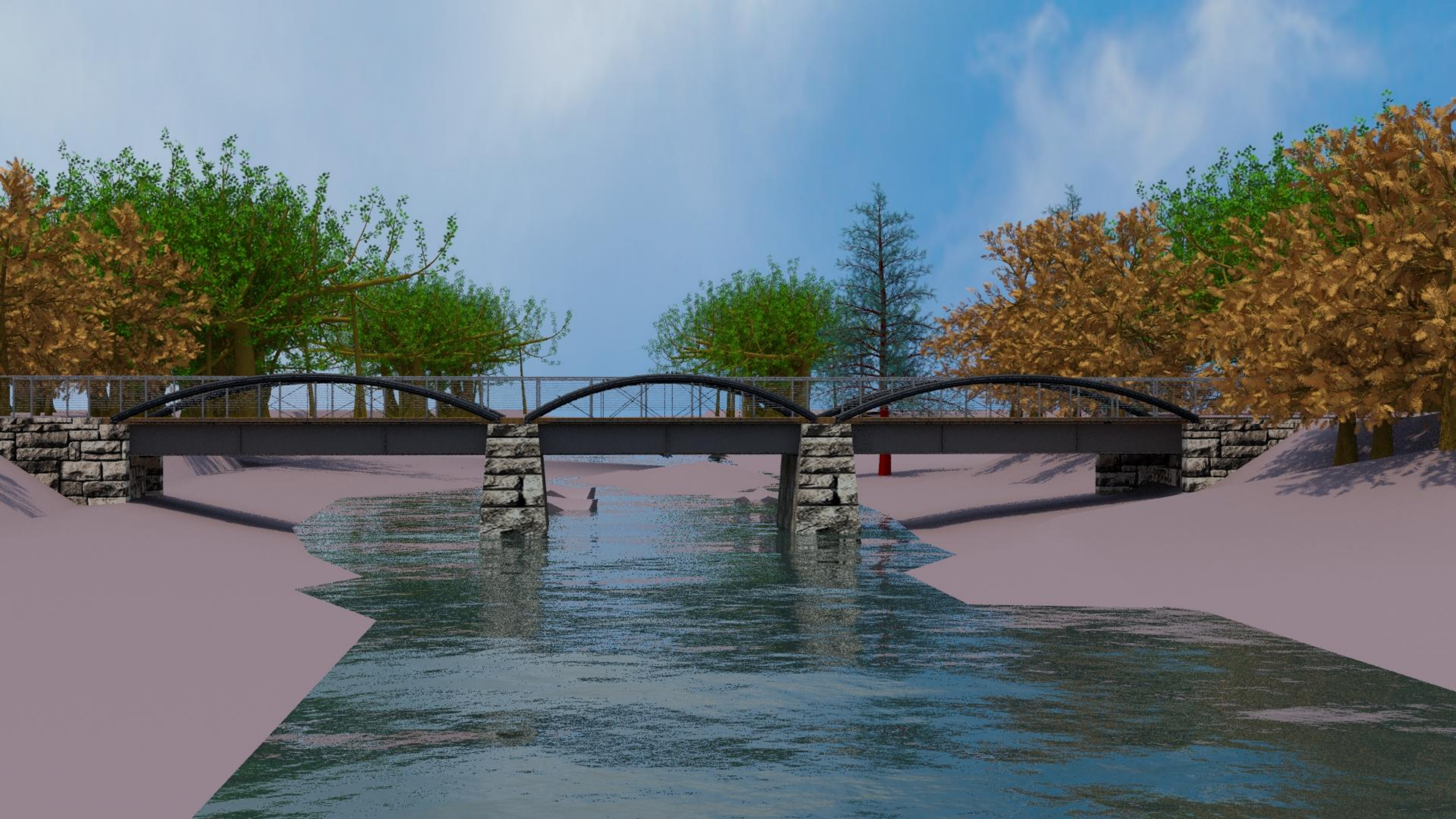




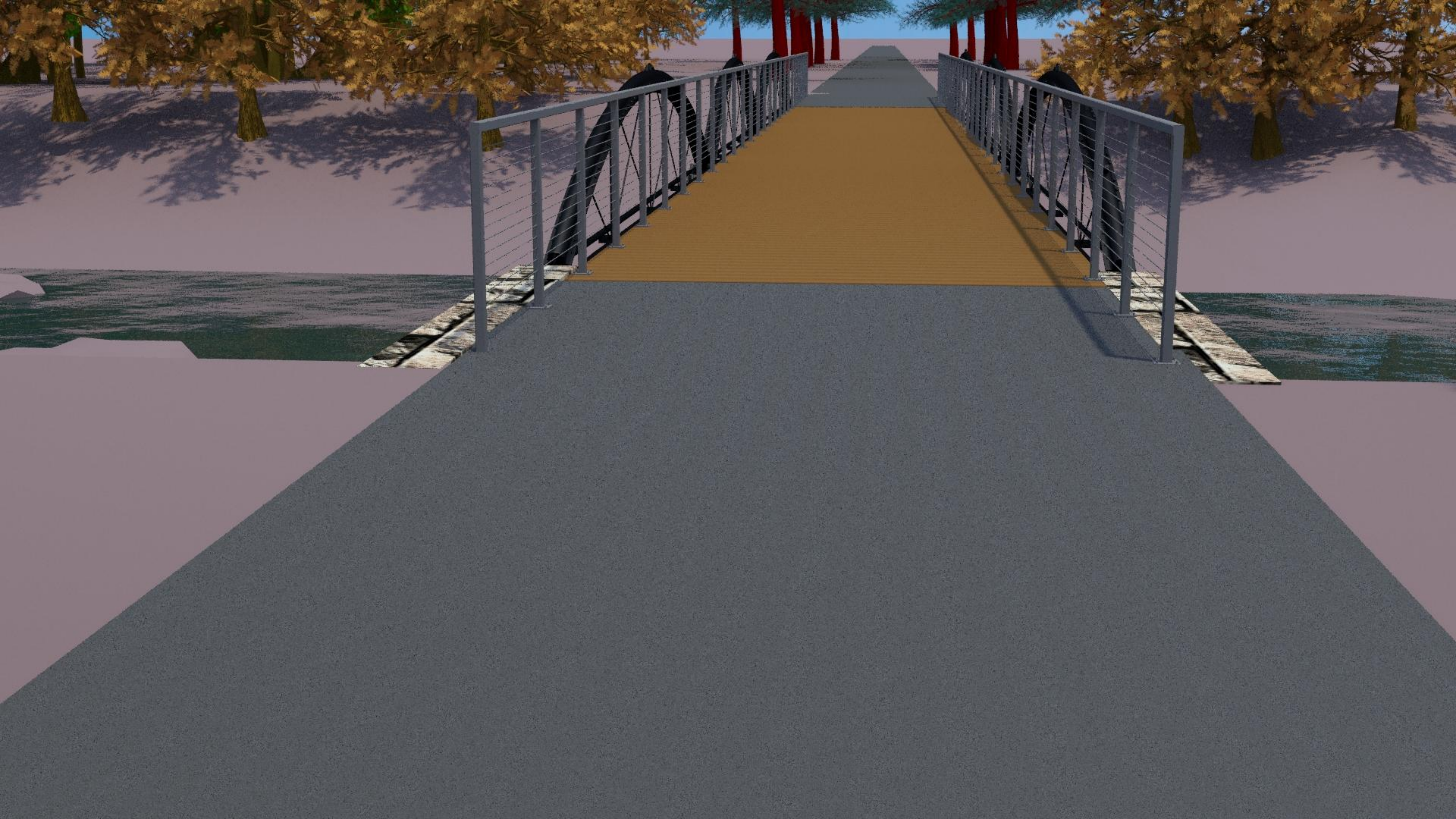




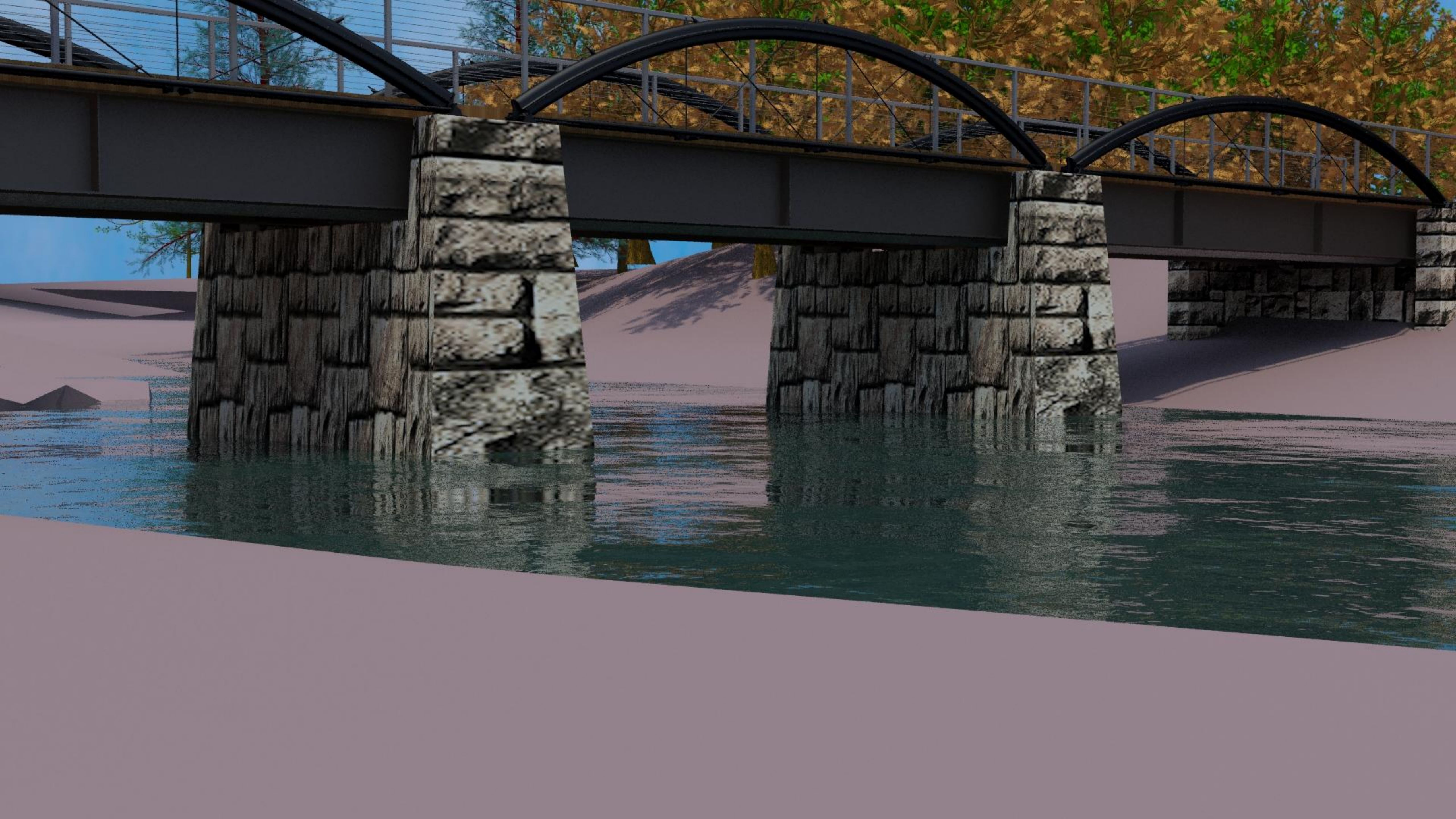




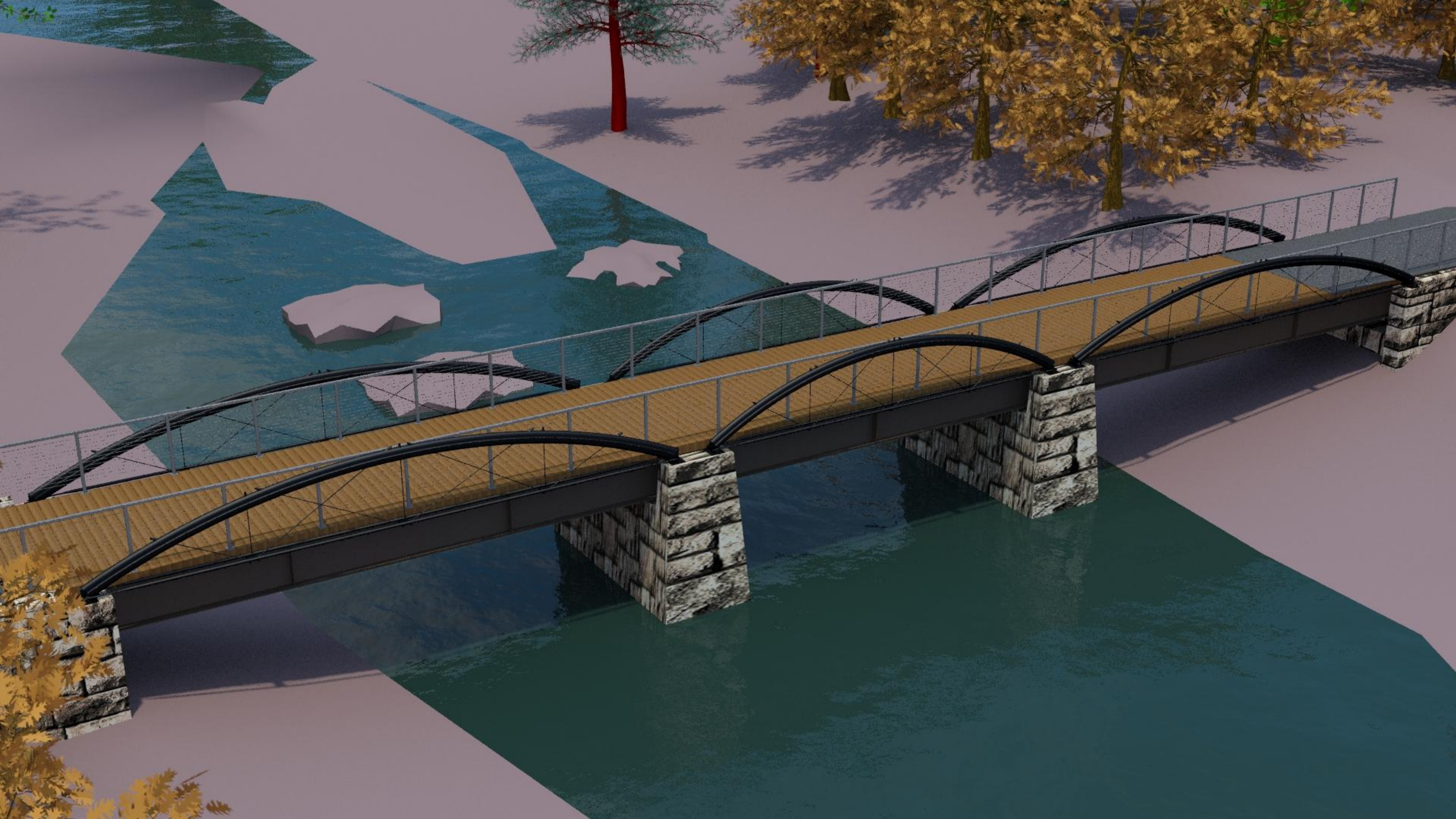














**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**Waterfront Development and Linkage Districts**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Linkage District (L)	Backup Material
Waterfront Zones(2)	Backup Material
Zoning Use Table Draft 4.24.20	Backup Material
Zoning Use Table Draft 4.24.20 Edits	Backup Material
Zoning Dimensional Table Draft 4.24.20	Backup Material
Zoning Dimensional Table Draft 4.24.20 Edits	Backup Material
Zoning Tables LL Draft 4.29.20	Local Law
Zoning Tables Map Changes 4.24.20	Backup Material
Local Law Amending Zoning Map	Local Law
Full Environmental Assessment Form and Negative Declaration	EAF

ARTICLE IVE  
**Linkage District (L)**  
**[Added 2-19-2013 by L.L. No. 3-2013]**

**§ 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. 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).<sup>1</sup> 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.

**§ 223-41.20. Applicability and boundaries. [Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017]**

The provisions of this article apply to the area shown as the Linkage District (L) on the City of Beacon Zoning Map. All new uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Conforming residential uses existing on the effective date of this article shall be bound by the zoning of the subject property immediately prior to the enactment of the Linkage District. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in

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1. Editor's Note: See § 223-41.21L.

conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

### **§ 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. 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:  
**[Amended 8-19-2013 by L.L. No. 14-2013]**

- (1) Two-family dwelling.
- (2) Attached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio.
- (7) Hotel. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (8) Park, plaza, green, community garden, greenhouse, and commercial plant cultivation.
- (9) (Reserved)<sup>2</sup>
- (10) 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) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

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

B. Uses by special permit. **[Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017; 1-16-2018 by L.L. No. 1-2018; 10-15-2018 by L.L. No. 17-2018]**

(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) have been met:

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

[1] The floor area of each such establishment is not greater than 5,000 square feet;

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

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

(b) Office and manufacturing uses, including but not limited to microbreweries, micro distilleries, wineries and other 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 floor area of the building is no greater than 25,000 square feet;

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

- (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: **[Added 7-21-2014 by L.L. No. 11-2014]**

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

C. Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the L District:

- (1) Gasoline filling station.
- (2) Drive-through facilities, stand-alone or used in connection with any other use.

D. Dimensional regulations. All new construction or enlargement of existing structures in the L District shall be subject to the following minimum and maximum dimensional regulations:

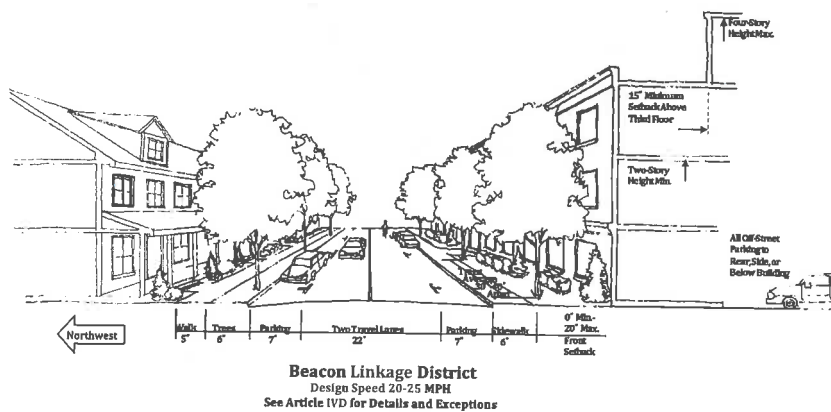
- (1) Front setback: minimum zero, maximum 20 feet, except that a larger maximum may be allowed if a) surrounding buildings have a larger setback, in which case the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage; and b) the area in front of a building has no parking spaces and is

landscaped and used in a manner that enhances the street life by such means as pocket parks, gardens, fountains, outdoor tables, public art, and outdoor display of items for sale on the premises. At least 30% of any such outdoor space shall be landscaped with plant materials in a configuration approved by the Planning Board.

- (2) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front setbacks shall apply to both, as appropriate to the street.
- (3) Side setbacks: minimum of zero, maximum of 30 feet. The minimum side setback may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows.
- (4) Rear setbacks: minimum 25 feet, except that if the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (5) Building height: minimum two stories, average maximum four stories and 48 feet, as determined from the average street front level. Stories built below the grade of the street front shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. For any building over three stories, a stepback of at least 15 feet behind the facade shall be required above the third story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.  
**[Amended 4-3-2017 by L.L. No. 5-2017]**
- (6) Lot area and lot width: There are no minimum lot area or lot width requirements.
- (7) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City as public parking, there shall be no minimum depth requirement.

- (8) Floor area ratio: There is no maximum floor area ratio.
- (9) Landscaped area: A minimum of 15% of the lot shall be landscaped with trees, shrubs, or grass, in locations approved by the Planning Board that enhance the streetscape or provide a landscaped interior courtyard and are found to be consistent with the intent of the L District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. These requirements may be waived for preexisting lots of 5,000 square feet or less.

**Figure 21-0: Illustrative View of Proposed Linkage Zoning Requirements**

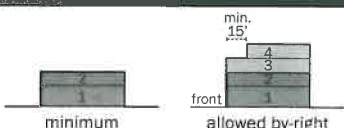


- (10) Linkage Zone standards.

**Figure 21-1: Linkage Zone Standards**

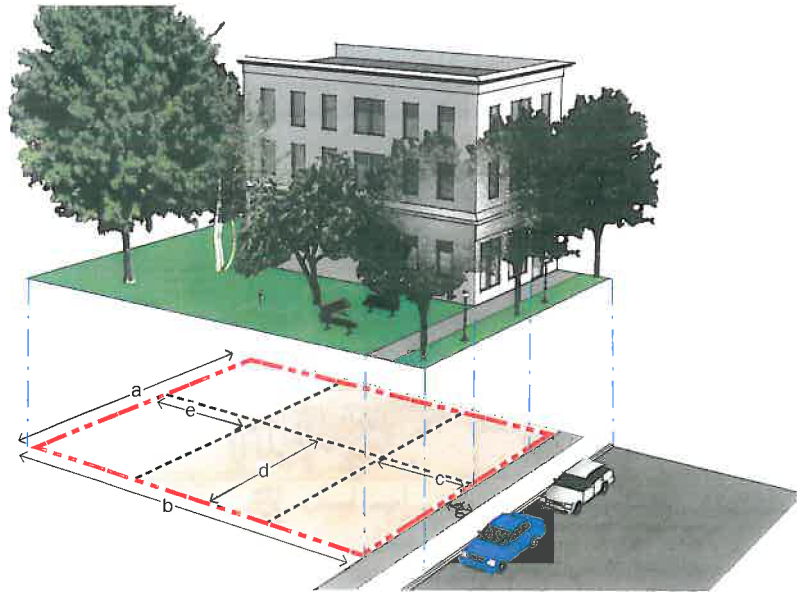
LOT STANDARDS			
		Min.	Max.
	Lot Area	–	–
(a)	Lot Width	–	–
(b)	Lot Depth	75'	–
	F.A.R.	–	–
(c)	Front Setback	0'	20'
(d)	Side Setback	0'	30'
(e)	Rear Setback	25'	–
(f)	Landscaped Area	15%	–
	Frontage Occupancy	–	–
(g)	Pedestrian Clearway	5'	–

BUILDING HEIGHTS	
	
minimum	allowed by-right

FRONTAGE TYPES	
	Allowed
Storefront	within 400' of Rt. 9-D/Beekman St. intersection
Forecourt	yes
Stoop	yes
Porch	yes
Lightwell	yes



See text for exceptions and clarifications to Figure 21-1

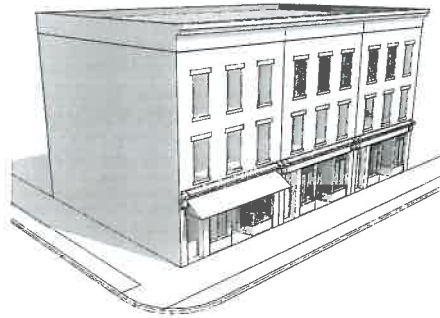
#### E. Frontage types.

(1) The following building frontage types are permitted:

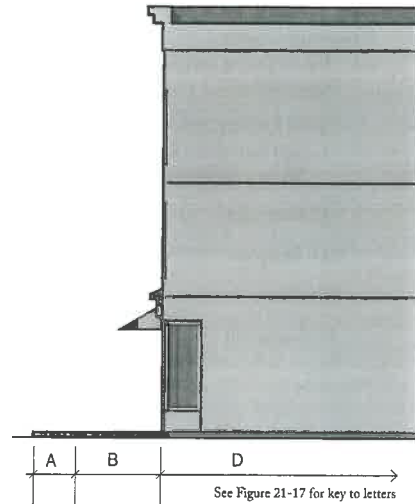
- (a) Storefront, only at locations within 400 feet of the Route 9D-Beekman Street intersection.
- (b) Forecourt.
- (c) Stoop.
- (d) Porch.
- (e) Lightwell.

- (2) Storefront: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent entrance, and often an awning. Recessed doors on storefronts are acceptable.

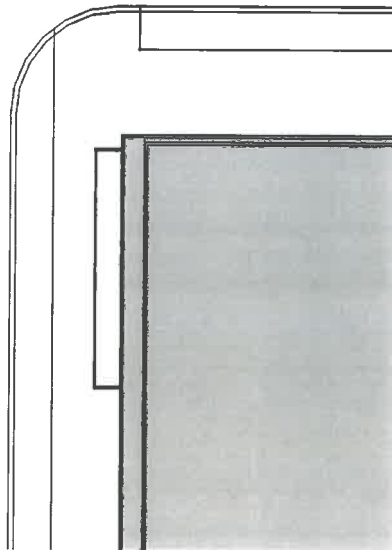
**Figure 21-2: Illustrative View of Storefront Frontage Type**



**Figure 21-3: Section View of Storefront Frontage Type**

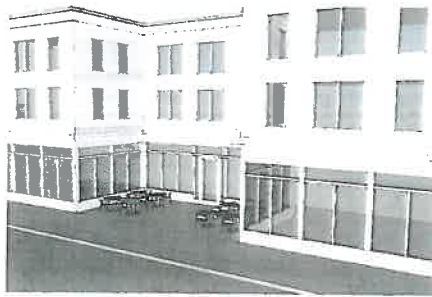


**Figure 21-4: Plan View of Storefront Frontage Type**

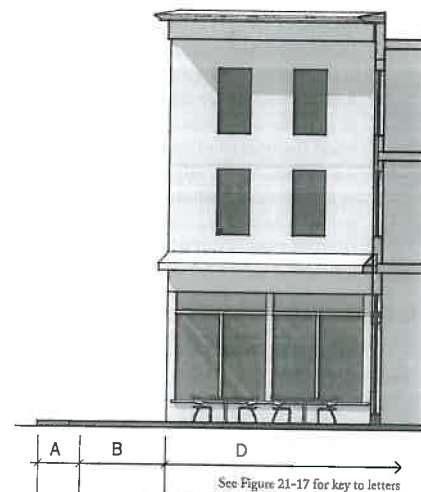


- (3) Forecourt. A forecourt is a semi-public exterior space whose back and sides are surrounded by a building and whose front opens to a thoroughfare—forming a court. The court is suitable for gardens, gathering space, and outdoor dining.

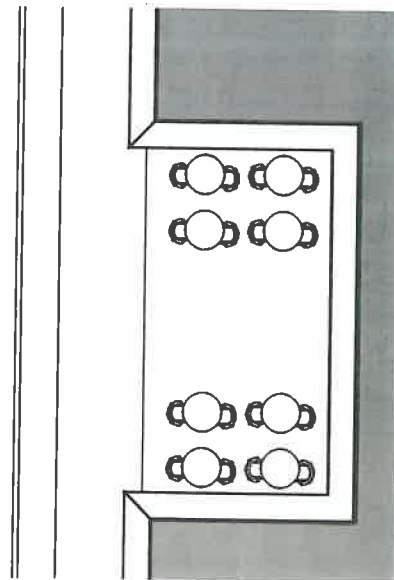
**Figure 21-5: Illustrative  
View of Forecourt  
Frontage Type**



**Figure 21-6: Section View  
of Forecourt Frontage Type**



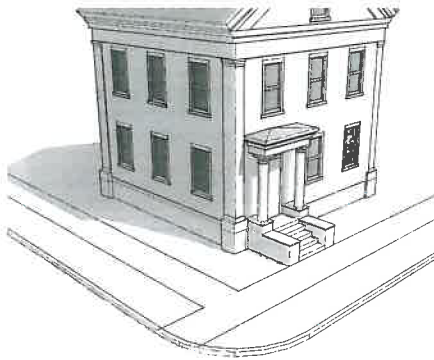
**Figure 21-7: Plan View of Forecourt Frontage Type**



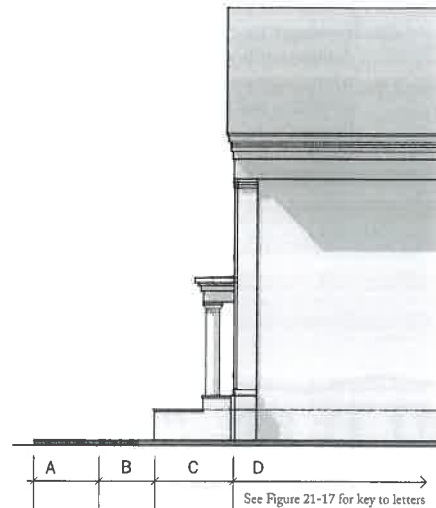
- (4) Stoop. In this frontage type, the building facade is aligned close to the frontage line. The first story is usually elevated sufficiently to provide some privacy for occupants. A stoop

(composed of an elevated pad and stairs) lands at the edge of the sidewalk or a short front walkway. A small porch or roof may cover the stoop. This frontage type is suitable for ground-floor residential uses with short setbacks.

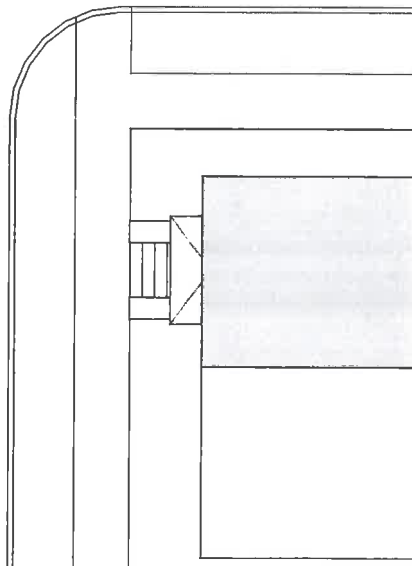
**Figure 21-8: Illustrative View of Stoop Frontage Type**



**Figure 21-9: Section View of Stoop Frontage Type**



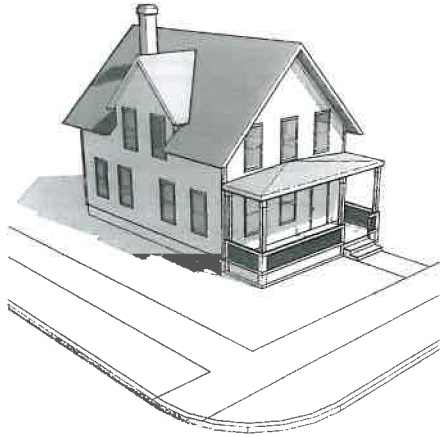
**Figure 21-10: Plan View of Stoop Frontage Type**



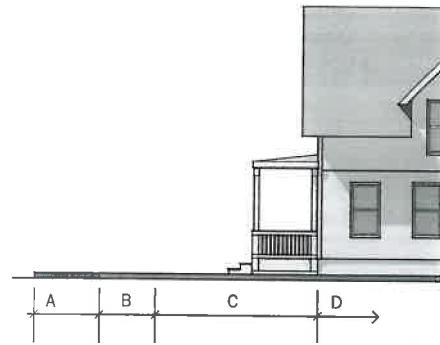
- (5) Porch. A frontage type where the building facade is set back from the frontage line. The porch (a covered, but not enclosed, space) sits between the facade and the frontage line. The porch provides a transition from the public realm to

the private realm. Porches are typically elevated above the surrounding grade. A porch should have a clear space that is a minimum of six feet deep and 10 feet wide.

**Figure 21-11: Illustrative View of Porch Frontage Type**

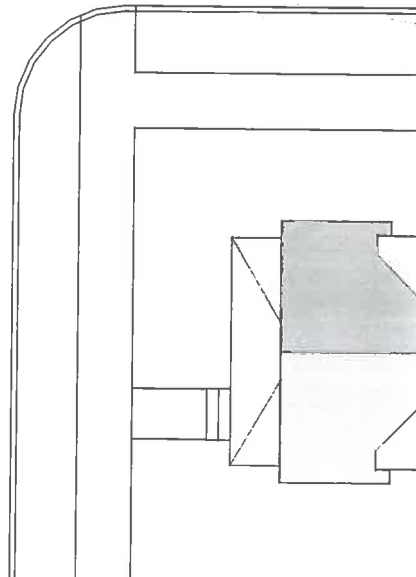


**Figure 21-12: Section View of Porch Frontage Type**



See Figure 21-17 for key to letters

**Figure 21-13: Plan View of Porch Frontage Type**

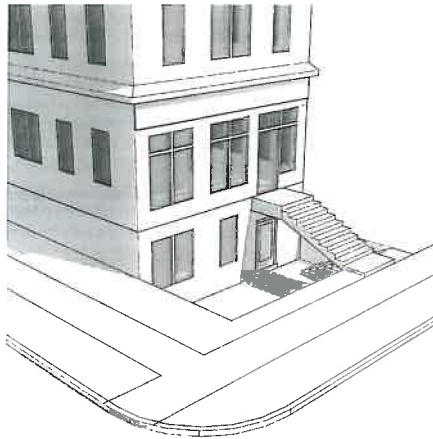


- (6) Lightwell: a frontage type where the facade is set back from the frontage line. The ground floor of the building is elevated to allow light to enter the basement, which is typically occupied. Stairs lead up to the ground floor and down to a

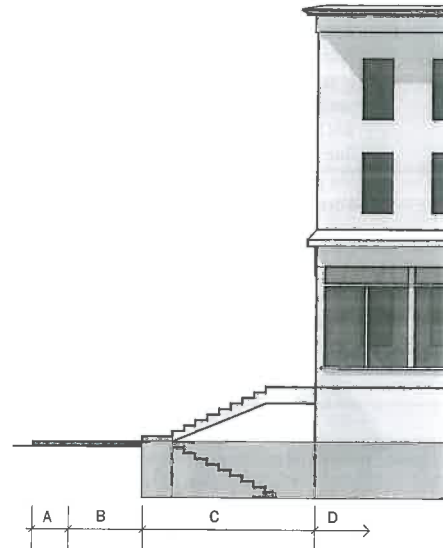


below-grade entrance and/or sunken court. The stairs typically land at the frontage line.

**Figure 21-14: Illustrative View of Lightwell Frontage Type**

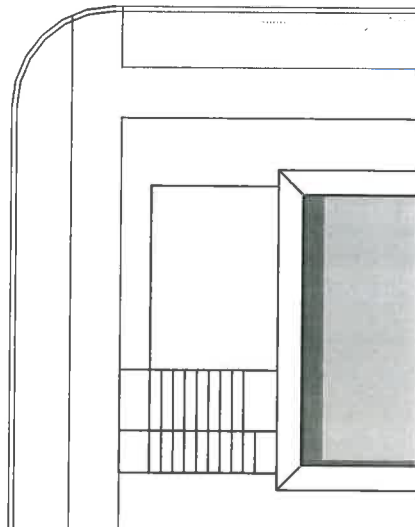


**Figure 21-15: Section View of Lightwell Frontage Type**



See Figure 21-17 for key to letters

**Figure 21-16: Plan View of Lightwell Frontage Type**



F. Parking location and quantity.

- (1) All off-street parking shall be located behind, underneath, or to the side of a building. If on the side, it shall be located at

least 40 feet from any property line that fronts on a street and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street and that screens parked cars from view from the street.

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

- (a) Residential: one space per unit.
- (b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.
- (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
- (d) Other uses: as listed in § 223-26 of this chapter.

**[Amended 4-3-2017 by L.L. No. 5-2017]**

(3) The quantity of required on-site parking in Subsection F(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:

- (a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
- (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
- (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
- (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within

800 feet of the site and in the L District and voluntarily dedicate such land to the City for public parking.

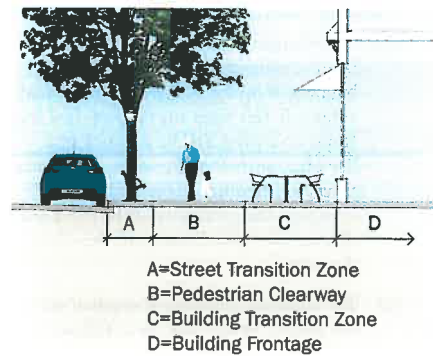
- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (5) Section 223-26B of this chapter shall not apply in the L District.

G. Streetscape improvements.

- (1) On West Main Street, Beekman Street, and Wolcott Avenue, within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least five feet wide, with unobstructed space for pedestrian activity, shall be provided along the sidewalk, unless site conditions require a narrower clearway. A pedestrian clearway of eight feet shall be provided along storefront frontages.
- (3) Within the street transition zone, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval. To the extent practical, an applicant shall, in cooperation with the City of Beacon Department of Public Works, implement the recommendations in the Linkage Plan street sections for Beekman Street and Wolcott Avenue.

- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.

**Figure 21-17: Parts of the Streetscape**



H. 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. **[Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017]**
  - (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.
- I. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change of use and/or a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.
  - J. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this chapter (Affordable-Workforce Housing).
  - K. Design standards.

- (1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the L District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:
  - (a) Preserve and enhance the unique character of the City of Beacon;
  - (b) Promote pedestrian access and activity, as well as a general sense of area security;
  - (c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;
  - (d) Encourage economic development and a convenient mix of uses and services; and
  - (e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
- (2) Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.
- (3) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.
- (4) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
- (5) Building elements that provide additional architectural interest, such as bay windows, and cornices, but not including balconies or porches, may encroach up to two feet beyond the

front line if the bottom of the encroaching building elements is at least 12 feet above grade. **[Amended 12-9-2019 by L.L. No. 12-2019]**

- (6) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (7) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (8) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.
- (9) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the first-floor facades.
- (10) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (11) Materials and colors should complement historic buildings on the block.
- (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.

(13) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front facade.

(14) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

**Figure 21-18: Design Standards Examples A**





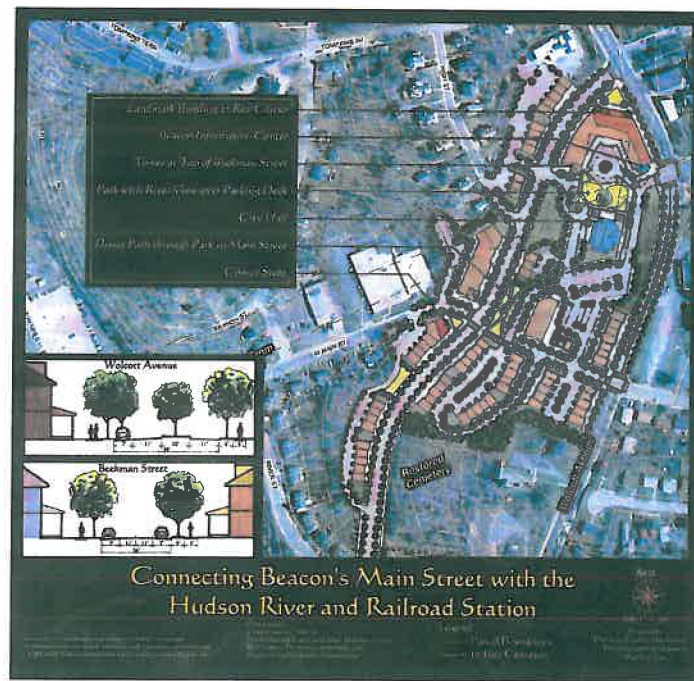
**Figure 21-19: Design Standards Examples B**



**Figure 21-20: Design Standards Examples C**

- L. Linkage plan. This sketch plan provides one possible set of design solutions, which was included in the 2007 Comprehensive Plan Appendix as an illustration of planning principles for the Linkage District.

**Figure 21-21: Connecting Beacon's Main Street with the Hudson River and Railroad Station**



ARTICLE IVA  
**Waterfront Zones**  
**[Added 10-21-1991 by L.L. No. 11-1991]**

**§ 223-41.1. Purpose.**

- A. The purpose of this article is to promote the purposes of the Beacon Local Waterfront Revitalization Program, including positive development and revitalization of the waterfront area, while ensuring that such revitalization takes place in a manner which is sensitive to coastal resources.
- B. To accomplish these purposes, this article creates two new waterfront zones. The first zone, called the Waterfront Park (WP) Zone, includes the publicly owned lands of Dennings Point and Riverfront Park and the privately owned property of the Long Dock Peninsula, as more particularly shown on the Zoning Map which is made a part of this chapter.<sup>1</sup> This zone contains provisions which are compatible with the present and proposed continued uses of these areas, which are primarily open space uses. The second zone, called the Waterfront Development (WD) Zone, includes publicly owned lands in the vicinity of the Beacon Train Station, as more particularly shown on the Zoning Map which is made a part of this chapter. This zone contains provisions which permit development and revitalization of this riverfront area in a manner compatible with the City's Local Waterfront Revitalization Plan and the Comprehensive Plan.
- C. These new zoning districts will fulfill the recommendations of the Local Waterfront Revitalization Program by permitting types and intensities of uses compatible with the districts' location on the banks of the Hudson River, while at the same time promoting compatibility with surrounding land uses, promoting protection of the natural systems of the river and the water's edge and providing for development which is commensurate with the public services and facilities in the area.

**§ 223-41.2. Regulations.**

This article establishes a comprehensive review plan for land uses in the Waterfront Park and Waterfront Development Zones. Development within the Waterfront Park and Waterfront Development Zones shall be governed by this article exclusively, except to the extent that this article specifically incorporates by

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1. Editor's Note: The Zoning Map is on file in the office of the City Clerk.

reference other sections of this Zoning Ordinance. In the event that any other provision of this Zoning Ordinance is inconsistent with the provisions of this article, then the provisions of this article shall control.

**§ 223-41.3. Waterfront Park (WP) Zone.**

A. Purpose of Waterfront Park (WP) Zone. The purpose of the waterfront Park (WP) Zone shall be as follows:

- (1) To maintain, enhance and increase the levels and types of access to public water-related resources and facilities, including boating facilities, fishing areas and Waterfront Parks, so that those resources and facilities may be fully utilized by the public in accordance with reasonably anticipated public recreation needs and the protection of historic and natural resources.
- (2) To encourage public pedestrian access along the water's edge in a manner compatible with adjoining privately owned land uses.
- (3) To encourage water-dependent and water-enhanced recreation in a manner consistent with the preservation and enhancement of other coastal resources and with the public demand for such recreational uses.
- (4) To encourage uses which further the revitalization of the City's waterfront in a manner compatible with the scenic beauty and recreational opportunities of the riverfront area.

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

- (1) Recreational fishing activities.
- (2) Park facilities providing passive recreation and water-related recreation activities.
- (3) Flood and erosion control structures, such as breakwaters and bulkheads.
- (4) Recreational activities which depend on or are enhanced by access to coastal waters, such as swimming, fishing, boating and wildlife viewing.
- (5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including

museums, construction of historic boat replicas, or other river-related educational facilities.<sup>2</sup>

(6) Piers, docks, marinas and boat launching facilities.<sup>3</sup>

(7) Charter boat businesses.<sup>4</sup>

C. Special permit uses. The following uses require a special permit from the City Council, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017<sup>5</sup>]**

(1) Food trucks and temporary food stands.

(2) Restaurants not exceeding 2,500 square feet. The Planning Board may grant up to 4,000 square feet if the applicant provides public restrooms on the first floor of the building, accessible from the interior as well as exterior of the building, and if the Planning Board determines that the larger scale of the building is appropriate to its surroundings.

(3) Inns or bed-and-breakfasts not exceeding 6,000 square feet.

(4) Marine-related retail establishments not exceeding 2,500 square feet.

(5) Scientific and educational activities which require or are enhanced by a location on coastal waters, including museums, construction of historic boat replicas, or other river-related educational facilities.

(6) Piers, docks, marinas and boat-launching facilities.

(7) Charter boat businesses.

D. Permitted accessory uses. Permitted accessory uses shall be as follows: **[Amended 4-3-2017 by L.L. No. 5-2017]**

(1) Uses customarily incidental to permitted uses and support facilities necessary to serve permitted uses.

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2. Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.

3. Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.

4. Note: Requires a special permit from City Council, pursuant to the provisions set forth in Subsection F.

5. Editor's Note: This local law also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.

- (2) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code).
  - (3) Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.
  - (4) Lighthouses or other navigational aids.
- E. Procedure for review of Waterfront Park development proposals.
  - (1) All proposed activities and projects in the Waterfront Park Zone shall require site plan approval by the Planning Board prior to implementation, pursuant to Subsection G, and no building permit shall be issued until such approval has been obtained.
  - (2) Certain activities and projects in the Waterfront Park Zone also require a special permit from the City Council. Where both approvals are required, nothing herein shall bar the simultaneous review of the special permit, site plan and any subdivision approval for the project. However, no final approval of a site plan shall precede the issuance of a special permit by the City Council.
- F. Application fees. Applications to the City Council or Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- G. Procedure for obtaining special permit from City Council for certain Waterfront Park uses.
  - (1) Application. The application for a waterfront park special permit shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed project. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:
    - (a) A written description of the proposed project and a description of the manner in which such plan fulfills the

purposes of the Waterfront Park Zone; how it is consistent with the City of Beacon Local Waterfront Revitalization Plan; and describing the manner in which the public interest would be served by the proposed project, including the description of the benefits to the City as a whole and the waterfront neighborhood.

- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of any buildings.
- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized.
- (e) A general indication of any phasing of construction.
- (f) The general configuration of any interior road system and connection/access to the adjoining road system.
- (g) The relation of the proposed uses to existing and proposed uses adjacent to the site.
- (h) The general configuration of the pedestrian circulation system, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
- (i) The proposed architectural treatment of views and viewing points from the site to the Hudson River and to the site from the Hudson River.
- (j) Descriptions, sketches and elevations showing the general architectural treatment and design scheme contemplated for the project and more specific details for any public spaces or major elements of the site plan.
- (k) A description of the manner in which the proposed development will relate to existing or planned development on other adjacent or nearby parcels.
- (l) Such additional information as the City Council may deem necessary in order to properly evaluate the application.



(2) City Council review of special permit application.

(a) Environmental compliance.

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

(b) City Council referrals.

- [1] The City Council shall refer the application for a waterfront park special permit to the Planning Board for an advisory report and recommendation. The Planning Board shall review all documents and materials relating to the application and shall render a report to the City Council and may make any advisory recommendations it deems appropriate. Where the City Council is serving as the lead agency under SEQR and the Planning Board is an involved or interested agency, then this referral may be coordinated with the comment period under SEQR. The report of the Planning Board shall be due on the date set for receipt of written comments on the DEIS or a date 45 days from the referral by the City Council, whichever is greater.
- [2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-l and 239-m. Where the City Council is serving as lead agency under SEQR, and has required an Environmental Impact Statement (EIS), it shall also circulate the Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) as provided by law. In addition to any referrals required by law, the City Council may refer the application to any other City Board, department, official, consultant or professional it deems appropriate.

- (c) City Council public hearing. The City Council shall hold a public hearing, with the same notice required by law for zoning amendments, on the application for a waterfront park special permit. Where the City Council is serving as lead agency under SEQR and determines to hold a SEQR hearing, the SEQR hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on waterfront park special permit.
- (a) The City Council shall render a decision on the application for a waterfront park special permit after it has held the required public hearing herein, completed the SEQR process and made any requisite SEQR findings and made any requisite consistency determination under the City's Local Waterfront Consistency Law.<sup>6</sup>
  - (b) The City Council may authorize the issuance of a waterfront park special permit, provided that it shall find that all of the following conditions and standards have been met:
    - [1] The proposed project will fulfill the purposes of the Waterfront Park zone.
    - [2] The proposed project will be in harmony with the appropriate and orderly development of the City's waterfront area.
    - [3] The proposed project will not hinder or discourage the appropriate development and use of adjacent lands and buildings.
    - [4] The proposed project is otherwise in the public interest.
- (4) Conditions. In approving any waterfront park special permit, the City Council 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.
- (5) Time periods for development pursuant to special permit. At the time of approving a waterfront park special permit, the City Council may set forth the time period in which construction is to begin and be completed. The City Council

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6. Editor's Note: See Ch. 220, Waterfront Consistency Review.

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.

- (6) Revisions to special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the City Council or its designee. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
- H. Site development plan review. Site plans for proposed Waterfront Park projects shall be reviewed pursuant to this subsection.
- (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 park standards set forth in Subsection I.
    - (b) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
    - (c) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
    - (d) Application fees as may be required pursuant to Subsection E.
  - (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.
    - (b) In acting on any site development plan application, the Planning Board shall take into consideration any

approved special permit, the proposed design and layout of the entire waterfront area, including the proposed location, height and bulk of buildings, traffic circulation within and without the site, provision of off-street parking space, exterior lighting, landscaping, buffer areas and open spaces, display of signs 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 park standards set forth in Subsection I.

- (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 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 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.
- I. Subdivision within Waterfront Park project. The Planning Board may review any proposed subdivision applications within a Waterfront Park project at any time. Any requests for subdivision approval shall follow the procedures set forth in the City of Beacon's Subdivision Regulations.<sup>7</sup>
- J. Waterfront park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:
  - (1) Relationship to uses on surrounding property. The land uses in a Waterfront Park project shall relate, visually and functionally, with surrounding land areas, including Long Dock, Riverfront Park, Dennings Point, Federal Paperboard property and the Metro-North Train Station. Elements of the project site plan, particularly those at the entrance, shall relate compatibly with other elements of the City waterfront.
  - (2) Relationship to river. All elements of a project within the WP Zone shall also be sensitive to the site's relationship to the river and shall be designed accordingly.
  - (3) Provision of view corridors. The site shall be developed in such a way as to maximize important views and to provide view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the LWRP and shall also consider important views from Riverfront Park and from the Hudson River toward the shore. Important views should be protected and enhanced to the maximum extent practicable.
  - (4) Architectural design standards.

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7. Editor's Note: See Ch. 195, Subdivision of Land.

- (a) The various elements of the project shall be integrated by cohesive architectural treatment and compatible design.
  - (b) Buildings shall be designed in consideration of appearance from all vantage points.
  - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.
  - (d) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style.
  - (e) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.
  - (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.
- (5) Energy efficiency. The plan for development of any Waterfront Park project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings.
- (6) Landscaping, screening and buffering.
- (a) All sidewalks, open spaces, parking areas, boat storage areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
  - (b) The Planning Board may require buffer landscaping, fencing or screening, to separate land uses and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.
  - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the

growing conditions of the shoreline environment and this climatic zone.

- (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.
- (8) Signage.
  - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
  - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. Waterfront Park developments should be encouraged to provide pedestrian public access in a manner which:
  - (a) Enhances existing public access opportunities at the riverfront, in furtherance of the LWRP and the state's coastal policies; and
  - (b) Coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate further linkages in a continuous pedestrian path system.
- (11) Off-street parking and loading:
  - (a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.

(b) Parking requirements:

[1] Marina: 1/2 space per slip or dry rack storage unit.

[2] Museums, educational facilities, auditorium, athletic field or other place of assembly: One space for each four seats or pew spaces or, in places without seats, one space for each 100 square feet of floor space used for public assembly.

(c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.

(d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

(e) Alternative methods of meeting off-street parking requirements.

[1] General.

[a] The waterfront area will include a mix of land uses on the waterfront, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without



conflict and to avoid a large surplus of parking spaces in the waterfront area.

[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.

[2] Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Waterfront Park project have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:

[a] Parking shared among various use elements within a Waterfront Park project.

[b] Provisions of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.

[c] Valet parking.

(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.

(12) On-site utilities and services.

(a) Underground lines. All on-site power and communication lines, as well as on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency

or utility company having jurisdiction. Any utility equipment which will be necessarily located above ground will be adequately screened from view in an attractive manner.

- (b) Approval of appropriate jurisdiction. All buildings within the Waterfront Park projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas.
  - (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
  - (d) Refuse collection. Waterfront Park projects shall provide an adequate means of separation, and storing refuse between collections, which shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
  - (e) Cooling systems. Cooling systems in any buildings shall be designed so as to minimize adverse aesthetic impact.
  - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement, in order to assure ease of future maintenance.
- (13) Floodplain. Waterfront Park projects shall comply with the applicable provisions of the Beacon Local Law for Flood Damage Prevention.<sup>8</sup>

#### **§ 223-41.4. Waterfront Development (WD) Zone.**

A. Purpose. The purposes of this section shall be as follows:

- (1) To stimulate the revitalization of the City and its waterfront by establishing a well-designed central focus for the City's waterfront area.
- (2) To provide for land uses consistent with the Beacon Local Waterfront Revitalization Plan and Comprehensive Plan,

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8. Editor's Note: See Ch. 123, Flood Damage Prevention.

including residential and waterfront commercial uses, to serve as a catalyst for the economic and physical revitalization of the entire waterfront area. **[Amended 4-3-2017 by L.L. No. 5-2017]**

- (3) To encourage a mix of uses on the waterfront with a consistent set of design standards to assure a unified and comprehensively planned development that will function effectively and achieve a high standard of site planning and architectural design.
  - (4) To eliminate deteriorated structures and incompatible, visually unattractive or otherwise deleterious land uses.
  - (5) To increase pedestrian public access to, and the potential for the enjoyment of, the waterfront and to integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.
- B. Permitted principal uses. Permitted principal uses shall be as follows: **[Amended 8-6-2001 by L.L. No. 12-2001; 7-6-2009 by L.L. No. 10-2009; 4-3-2017 by L.L. No. 5-2017]**
- (1) Any principal use permitted in the WP Zone.
  - (2) Residential multifamily and/or attached dwelling units.
  - (3) Convenience retail and personal service shops designed to serve the needs of area residents and commuters.
  - (4) Restaurants, bars or brew pubs.
  - (5) Inns, hotels, fitness centers, spas and day care centers.
  - (6) Art, craft or fine arts galleries.
  - (7) Professional or small business offices in mixed-use buildings, and not to exceed 40% of the total floor area in mixed-use buildings. 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 in the lower floors of multistory residential buildings.
  - (9) Artist live/work spaces.
  - (10) Public square, plaza, promenade or pocket park.

- C. Special permit uses. The following uses require a special permit from the Planning Board, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017<sup>9</sup>]**
- (1) Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities.
  - (2) Conference centers.
  - (3) Other uses similar to the above uses as determined by resolution of the City Council.
- D. Permitted accessory uses. Permitted accessory uses shall be as follows: **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.)
  - (2) Uses customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.
  - (3) Public garages and off-street parking.
  - (4) Enclosed storage.
  - (5) Rooftop gardens, greenhouses and solar collectors.
  - (6) Public or semipublic accessory uses, such as bandshells, kiosks and gazebos.
- E. Procedure for review of waterfront development proposals. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Each waterfront development project shall require:
    - (a) Special permit approval by the Planning Board; and
    - (b) Site plan approval by the Planning Board.
  - (2) The Planning Board's review of a special permit application for a waterfront development project or projects shall also include review of a waterfront development concept plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of the site. The purpose of this review is to assure that the site will be developed in accordance with an overall

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9. Editor's Note: This local law also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.

comprehensive plan, even though the total waterfront development may consist of several separate waterfront development projects, which might be constructed at different times.

- F. Application fees. Applications to the Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application. **[Amended 4-3-2017 by L.L. No. 5-2017]**

- G. Procedure for special permit and waterfront development concept plan review. **[Amended 7-2-2001 by L.L. No. 11-2001; amended 4-3-2017 by L.L. No. 5-2017]**

(1) Application. The application for a waterfront development special permit for one or more waterfront development projects shall be submitted to the Planning Board. The application shall consist of narrative text, drawings and/or illustrations describing the proposed waterfront development project and concept plan. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing, or a final site plan. The application shall include the following:

- (a) A written description of the waterfront development project(s) and concept plan and a description of the manner in which such proposal meets the purposes of the Waterfront Development Zone; how it is consistent with the City of Beacon Local Waterfront Revitalization Plan; and describing the manner in which the public interest would be served by the proposed waterfront development, including the description of the benefits to the City as a whole and the waterfront neighborhood.
- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of buildings and the approximate number of dwelling units of each housing type and size.

- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized.
  - (e) A general indication of any phasing of construction.
  - (f) The general configuration of the interior road system and connection/access to the adjoining road system.
  - (g) Waterfront development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site.
  - (h) The general configuration of the pedestrian circulation system, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
  - (i) The proposed architectural treatment of views and viewing points from the site to the Hudson River; to the site from the Hudson River and from Riverfront Park and Dennings Point; and over the site from any viewsheds identified in the LWRP.
  - (j) Descriptions, sketches and elevations showing the general architectural treatment and design scheme contemplated for the entire development and specifically for any public spaces or major elements of the site plan.
  - (k) Such additional information as the Planning Board may deem necessary in order to properly evaluate the application.
- (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(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 chapter.

(3) (Reserved)

(4) Time periods for development pursuant to special permit. At the time of approving a special permit, 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.

- (5) Revisions to waterfront development special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the Planning Board or its designee. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
  - (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 § 223-41.4F(2)(a)[5] 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. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (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 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.
- (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, 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 I.

- (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary

in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve the site plan amendment by resolution.
- I. Subdivision within a waterfront development. The Planning Board may review any proposed subdivision applications within a waterfront development at any time. Any requests for subdivision approval shall follow the procedures set forth in the City of Beacon's Subdivision Regulations.<sup>10</sup> The bulk standards, setbacks and other dimensional requirements of the WD Zone shall apply to the gross land area of the total waterfront development, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
- J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards: **[Amended 4-3-2017 by L.L. No. 5-2017]**
  - (1) Comprehensive design. The WD Zone allows for flexibility of design to encourage innovative site planning and creative use of the two areas specified: north area and south area. While the WD north area is expected to contain residential development, the southern portion of the district is expected

to contain various elements of mixed-use development (e.g., residential, commercial, retail, cultural, etc.). Each area must be planned with a comprehensive plan for ingress, egress, circulation and utility service. The architectural styles of various buildings must be compatible within each portion of the WD district and must attain high standards of design.

- (2) Relationship to river and MNRR station. All elements of a project within the WD Zone shall also be sensitive to the site's relationship to the river and the MNRR station, and shall be designed accordingly.
- (3) Provision of view corridors. The sites shall be developed in such a way as to preserve important public views from upland locations as specified but not limited to view corridors identified in the Local Waterfront Revitalization Program (LWRP). For the WD north area, building rooflines should step down, from north to south, to follow contour and elevation of the topography directly to the east of the development site. For the WD south area, building roofline should step down, from east to west, to protect views from Beekman and River Streets to maximum extent practicable. No building shall be taller than 32 feet above grade at the curb line of Beekman Street.
- (4) Architectural design standards.
  - (a) The various elements of any project shall be integrated by cohesive architectural treatment and compatible design.
  - (b) Buildings shall be designed in consideration of appearance from all vantage points.
  - (c) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.
  - (d) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style. Compatible appearance should seek to achieve non-excessive difference rather than identical similarity.
  - (e) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.

- (f) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, parking facilities, or storage buildings, shall receive architectural treatment and screening consistent with that of principal buildings.
- (g) Parking decks should be screened from public view to maximum extent practicable, preferably with "green screen" techniques.
- (h) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.
- (i) Wherever practicable, buildings should employ texture or additional detailing to accentuate the base of buildings and provide human scale.
- (j) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.
- (k) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.
- (l) Building elements that provide additional architectural interest, such as bay windows, and cornices, but not including balconies or porches, may encroach up to two feet beyond the front line if the bottom of the encroaching building elements is at least 12 feet above grade.  
**[Amended 12-9-2019 by L.L. No. 12-2019]**
- (m) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet for awnings and three feet for signs into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can

demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board.

- (n) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
  - (o) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the first-floor facades.
  - (p) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted.
- (5) Energy efficiency. The plan for development of any project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings. All buildings should meet or exceed LEED Silver rating or equivalency.
- (6) Landscaping, screening and buffering.
- (a) All sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner that will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
  - (b) The Planning Board may require buffer landscaping, fencing or screening to separate land uses, and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.

- (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the shoreline environment and this climatic zone.
- (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.
- (8) Signage.
  - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
  - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. While development in WD north area is expected to be primarily residential, development in WD south area is expected to accommodate public access to the MNRR station and Beacon waterfront. This will require



certain private elements for the security and benefit of its residents and property owners. A clear boundary should be maintained between publicly accessible and private space. Development that provides access to the MNRR train station (i.e. the WD south area) public pedestrian access should be created in a manner which:

- (a) Enhances existing public access opportunities to the riverfront, in furtherance of the City's Comprehensive Plan and LWRP and the state's coastal policies.
- (b) Coordinates such public access with existing or anticipated opportunities for public access to the MNRR and Beacon waterfront west of the railroad tracks.
- (c) Provides a public promenade along length of development facing the river.

(11) Off-street parking and loading.

(a) General parking requirements.

- [1] Off-street parking and loading areas shall be designed with careful regard to their relationship to the uses served and to the objectives for other open spaces. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.
- [2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board.

(b) Parking requirements.

- [1] Multifamily dwelling: one space per unit.
- [2] Retail or service business: one space for each 333 square feet of gross floor, excluding basement storage utility areas.
- [3] Restaurant: one space for each two patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas.
- [4] Office for business or professional use: one space for each 350 square feet of gross floor area.

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

- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.
- (d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.
- (e) Alternative methods of meeting off-street parking requirements.

[1] General.

[a] The WD Zone encourages a mix of land uses on the waterfront wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.

[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.

[2] Planning Board authority. The Planning Board shall be authorized to reduce parking requirements for a given use, based upon a finding that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking

demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:

[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

[b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.

[c] Valet parking.

(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.

(12) On-site utilities and services:

(a) Underground lines. All on-site television, power and communication lines, as well as on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment which will be necessarily located above ground will be adequately screened from view in an attractive manner.

(b) Approval of appropriate jurisdiction. All buildings within waterfront development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.

- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
  - (d) Refuse collection. The waterfront development shall provide an adequate means of separation, and storing refuse between collections, which shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
  - (e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
  - (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement, in order to assure ease of future maintenance.
- (13) Floodplain. The waterfront development plan shall comply with the applicable provisions of the Beacon Local Law for Flood Damage Prevention.<sup>11</sup>

#### **§ 223-41.5. Definitions.**

The following definitions are unique to this article IVA. If any conflict exists between the definitions and provisions contained in this article and the general definitions and provisions contained elsewhere in this Zoning Ordinance, or any amendments thereto, then for the purposes of any development pursuant to this article, the definitions contained herein shall govern.

**GROSS DEVELOPMENT AREA** — All land, landfill areas and deck or platform surfaces lying inland of mean high water level, without any exclusions whatsoever. All lands within a waterfront development site, including those lying within the one-hundred-year floodplain and wetlands, shall be counted in this calculation of gross development area. However, no construction shall take place within any floodplain or wetland area unless and until all required development permits have been obtained.

**RESTAURANT** — A business enterprise engaged in preparing and serving food and beverages selected from a full menu by patrons seated at a table or counter, served by a waiter or waitress, or at a buffet, and consumed on the premises.

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**11. Editor's Note: See Ch. 123, Flood Damage Prevention.**

**WATERFRONT DEVELOPMENT** — A mixed use development which incorporates various permitted Waterfront Development (WD) District uses, as part of a comprehensive plan. Parcels within a waterfront development may be in the same or in different ownership and may be developed as separate WD projects, with each project being devoted to one or more of the permitted uses in the district.

**§ 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. Minimum building setback from mean high water line: 10 feet.
- E. 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.)

**§ 223-41.7. Bulk regulations applicable to Waterfront Development Zone. [Amended 7-6-2009 by L.L. No. 10-2009; 4-3-2017 by L.L. No. 5-2017]**

- A. Minimum site size: five acres.
- B. Maximum height.
  - (1) Area north of West Main Street (see illustration<sup>12</sup>): 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.
  - (2) Area south of Light Industry (LI) zone (see illustration<sup>13</sup>): Average of three stories of residential/mixed use over

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

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

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.

- (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. Minimum open space: 15% of the site area, 10% of which must be publicly accessible.

## 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
<b>Residential</b>												
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
<b>Retail/Office/Service</b>												
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
<b>Food/Lodging</b>												
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
<b>Social/Community</b>												
Spa/Fitness Center/Exercise Studio		x	x	SP	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	P	P	P	P	P	P	x
Theater, Concert or Conference Space		x	x	x	P	P	P	P	x	P	P	x
Museum		SP*	SP*	SP*	P	P	P	P	x	P	P	SP
Place of Worship/Religious Facility		P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x
<b>Healthcare</b>												
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
<b>Educational</b>												
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  
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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	I	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Parking/Auto-Oriented</b>												
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
<b>Industrial or Assembly</b>												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
<b>Other</b>												
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*
<b>Permitted Accessory Uses</b> (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	x	P	P	P	x	P	x	x
Garden, Roof Garden, or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P

x = Use Not Permitted

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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
<b>Residential</b>														
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
<b>Retail/Office/Service</b>														
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
<del>Retail Truck or Trailer</del>	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
<del>Tattoo Parlor</del>	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
<b>Food/Lodging</b>														
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
<b>Social/Community</b>														
Spa/Fitness Center/Exercise Studio		x	x	x	x SP	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
<b>Healthcare</b>														
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
<b>Educational</b>														
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

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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	GBT	LB	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Parking/Auto-Oriented</b>														
Off-Street Parking or Parking Structure	Subject to §223-26	SP* x	SP* x	SP*	P SP	P	P SP	P SP	x	x	x	x	P x	P x
Vehicle Sales or Rental Lot		x	x		x		P SP	x	x	x	x	x	x SP	x
Gas Filling Station and/or Car Wash	Subject to Ch.210/§223-21	x	x	x	x	x	SP* SP	x	x	x	x	x	x-SP	SP* x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	x	x	SP* SP	x	x	x	x	x	SP	SP* x
Ambulance Service		SP* SP	SP* SP	SP*	SP* SP	SP*	SP* P	x	x	x	x	x	SP* P	SP* x
<b>Industrial or Assembly</b>														
Wholesale or Storage Business		x	x	x	x	x	P	x	x	x	x	x	SP* P	P
Workshop		x	x	x	x SP	x	P	P	x P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	x	x	SP	x	x	P	P	P
<b>Other</b>														
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*
<del>Ski Facility (Mt. Beacon)</del>		SP	x	x	x	x	x	x	x	x	x	x	x	x
<b>Permitted Accessory Uses</b> (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
<del>Medical Service Structure</del>		P	P		P		x	x	x	x	x	x	x	x
Parking Structure		x	x		x SP		x	P	x P	x P	x	x P	x	x
Garden, Roof Garden, or Greenhouse		P	P	x	x P	x	x P	P	P	P	x P	x P	x P	x P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P	P

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

Draft 4.24.20

Zoning District	Minimum Lot Size Area <sup>h</sup> (see also 223-12 I)				Minimum Yard <sup>a</sup>			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
					Front (ft)	Side (ft)	Rear <sup>d,e</sup> (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 <sup>d,e</sup>	2 acres	7,500	200'	200'	20-35'	25'	50'	30'	3   35'	15%	20%	12		RD-7.5 <sup>d,e</sup>	
RD-6 <sup>d,e</sup>	2 acres	6,000	200'	200'	50'	25'	50'	30'	2.5   35'	15%	20%	16		RD-6 <sup>d,e</sup>	
RD-5 <sup>d,e</sup>	5,000	5,000	50'	100'	30'	10'	25'	30'	3   35'	20%	30%	16		RD-5 <sup>d,e</sup>	
RD-4 <sup>d,e</sup>	5,000	4,000	200'	200'	40'	20'	40'	30'	2.5   35'	20%	25%	20		RD-4 <sup>d,e</sup>	
RD-3 <sup>d,e</sup>	5,000	3,000	50'	100'	30'	20'	25'	30'	3.5   45'	20%	40%	24		RD-3 <sup>d,e</sup>	
RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	20'	25'	30'	10 <sup>b</sup>   100'	25%	40%	c		RD-1.8 <sup>d,e</sup>	
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	20'	25'	30'	4.5 <sup>f</sup>   55 <sup>f</sup>	25%	40%	36 <sup>g</sup>		RD-1.7 <sup>d,e</sup>	
T	5,000	i	50'	100'	10'	10'	20'		2.5   35'					T	
GB		1,500		100'	15'	20'	25'		–   35'					GB	
CMS				75'	0-10'	0'	20'		3   38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	25'		4   48'				15%	L	Art IVE
FCD	2 acres	3,960							3   40'	35%			30%	FCD	Art IVC
WP	1 acre				10'				2.5   35'	20%				WP	Art IVA
WD	5 acres								See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'	25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'	25'		40'	70%			20%	HI	

**NOTES:**

- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, with 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 One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

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

Draft 4.24.20

Zoning District	Minimum Lot Size (see also 223-12 l) <div>Area<sup>h</sup></div>				Minimum		Yards <sup>a</sup>		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 <sup>d,e</sup> (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 <sup>d,e</sup>	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3   35'	1 + 12'	15%	20%	12	—	RD-7.5 <sup>d,e</sup>	
RD-6 <sup>d,e</sup>	5 2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5   35'	1 + 12'	15%	20%	16	—	RD-6 <sup>d,e</sup>	
RD-5 <sup>d,e</sup>	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3   35'	1 + 12'	20%	30%	16	—	RD-5 <sup>d,e</sup>	
RD-4 <sup>d,e</sup>	2 acres-5,000	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5   35'	1 + 12'	20%	25%	20	—	RD-4 <sup>d,e</sup>	
RD-3 <sup>d,e</sup>	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 <sup>d,e</sup>	
RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	10' 20'	20'	25'	30'	10 <sup>b</sup>   100'	1 + 12'	15 25%	40%	— <sup>c</sup>	—	RD-1.8 <sup>d,e</sup>	
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	10' 20'	20'	25'	30'	4.5 <sup>f</sup>   55' <sup>f</sup>	1 + 12'	25%	40%	36 <sup>g</sup>	—	RD-1.7 <sup>d,e</sup>	
PB	As-regulated-in-the-least-restrictive-adjoining-residential-district															PB	
OB T	5,000	i	40' 50'	100'	30' 10'	20' 10'	—	25' 20'	—	2.5   35'	—	—	—	—	1	OB T	
LB	—	—	—	100'	—	20'	—	25'	—	—+35'	—	—	—	Min Open Space	2	LB	
GB	—	1,500	—	100'	— 15'	20'	—	25'	—	—   35'	—	—	—		2	GB	
CMS	—	—	—	75'	0-10'	0'	—	25' 20'	—	3   48'	2 + —	—	—	10%	—	CMS	Art IVD
L	—	—	—	75'	0-20'	0-30'	—	25'	—	4   38'	2 + —	—	—	15%	—	L	Art IVE
FCD	2 acres	3,960	—	—	—	—	—	—	—	3   40'	—	35%		30%	—	FCD	Art IVC
WP	1 acre	—	—	—	10'	—	—	—	—	2.5   35'	—	20%		—	0.5	WP	Art IVA
WD	5 acres	—	—	—	—	—	—	—	—	See Art IVA	—	—		15%	3/2	WD	Art IVA
LI	—	1,500	— 60'	100'	— 20'	20'	—	25'	—	—   — 35'	—	70%		— 20%	2	LI	
HI	—	—	— 60'	100'	— 30'	20'	—	25'	—	—   35' 40'	—	70%		— 20%	2	HI	

## NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one-story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~a~~b Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~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]
- ~~n~~k A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~o~~g And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~p~~ There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
- ~~h~~q For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- i One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.
- ~~b~~ Abutting residential districts or where driveway is proposed between building and lot line.
- ~~c~~ First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces.

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

**CITY COUNCIL  
CITY OF BEACON**

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

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

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

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

**§ 223-2 Establishment of districts.**

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

A. Residential:

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

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

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

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

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

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

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

#### B. Commercial:

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

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

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

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

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

(2) GB General Business District.

(3) CMS Central Main Street District.

(4) L Linkage District.



C. Industrial:

- (1) LI Light Industrial District.
- (2) HI Heavy Industrial District.

D. POD Parking Overlay District.

E. WP Waterfront Park Zone.

F. WD Waterfront Development Zone.

G. FCD Fishkill Creek Development District.

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

**§ 223-10 Non-conforming uses and structures**

...

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

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

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

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

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

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

~~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~~ 3.5 feet in height shall be erected, placed or maintained within the triangular area formed by ~~the intersecting street center lines and~~ a straight line joining ~~said street center lines at~~ points which are ~~100~~ 25 feet distant from ~~the point of intersection,~~ measured along said street center lines intersecting lines of the curb or edge of pavement. The height of ~~three~~ 3.5 feet shall be measured above the road surface at the ~~center line~~ edge of the road

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

- J. Corner lots. On a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width.
- K. Exception for existing alignment of buildings. If on one side of a street within 250 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedules of Regulations,[1] a front yard shall be required in connection with any new building which shall conform as nearly as practicable to those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 40 feet.
- L. Awnings. No awning, or similar weather shielding feature, projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight feet above the sidewalk area.
- M. Swimming pools. All swimming pools shall be considered structures and shall set back from lot lines at least the minimum distance required for other principal buildings and structures in that district.
  - (1) If a swimming pool, as located, is within 100 feet from a dwelling other than the owner's or within 50 feet from any street or property line, the same must be completely surrounded by a fence or wall enclosure not less than four feet in height with openings, holes or gaps (exclusive of gates or doors) therein not more than four inches in one dimension, a part of which enclosure may consist of a dwelling house or accessory building. A wall or fence or other enclosure wholly enclosing a dwelling house shall constitute compliance with this requirement.
  - (2) Each and every swimming pool gate or door opening through such enclosure shall be equipped and maintained with effective self-closing and self-latching devices, except that the floor of any occupied dwelling house forming a part of such enclosure need not be so equipped. The use of a natural barrier, hedge or pool cover will be deemed to satisfy the requirement of a fence or wall as specified above when approved by the Building Inspector.

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

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

**§223-14 Landscaping, lighting, and miscellaneous regulations**

...

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

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

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

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

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

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

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

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

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

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

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

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

**§ 223-17 Schedules of Regulations.**

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

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

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

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

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

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

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

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

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

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

**§ 223-18 Special permit uses.**

...

B. Application for a special permit.

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

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

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

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

**§ 223-14.1 Hotels.**



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

**§ 223-20.1 Adult uses.**

...

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

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

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

**§ 223-22 Nursing homes.**

...

B. Site.

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

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

**§ 223-24.1 Accessory apartments.**

...

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

...

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

...

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

**§ 223-14.2 Artist live/work spaces.**

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

**§ 223-24.5 Wireless telecommunications services facilities.**

...

H. Location and access

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

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



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

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

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

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

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

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

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

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

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

C. Special permits warranted under certain conditions.

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

(a) Building(s) size.

(b) Building(s) configuration.

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

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

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

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

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

...

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

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

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

(2) Parking specifications.

- (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under § 223-25, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the ~~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 <u>home</u> office or home occupation permitted in a residential district	2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
Bed-and-breakfast establishment, <del>rooming house or boardinghouse</del>	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel <u>or inn</u>	Subject to § 223- <del>20L</del> <u>14.1 C</u>
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships
Bowling alley or other place of <u>indoor</u> commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater
Retail or service business, including auction gallery	1 space for each 200 square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area,

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

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

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

...

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

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

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

**§ 223-41.4 Waterfront Development (WD) Zone.**

...

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

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



- (8) Professional, small business and service facilities in the lower floors of a multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade or pocket park.
- (11) Public or semipublic use; live theater, concert hall, museum or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference space or conference center.
- (13) Microbrewery or microdistillery
- (14) Other use similar to the above uses as determined by resolution of the City Council.

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

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

...

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

- (2) Planning Board review of special permit and waterfront development concept plan application.
  - (a) Environmental compliance.
    - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
    - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.
    - [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development



concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.

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

necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this law.

...

- (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4 ~~G F(2)(a)[5]~~ 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.

[1] Multifamily dwelling: one space per unit.

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

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

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

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

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

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

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

B. Maximum building coverage: 20%.

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

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

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

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

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

A. Minimum site size: five acres.

B. Maximum height.

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

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

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

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

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

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

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

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

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

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

**§ 223-41.12 Purposes.**

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

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

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

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

...

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



- (1) Apartment, attached ~~and~~ or multifamily dwellings.
- (2) Artist live/work spaces, artist studios ~~and~~ or workshops of artisans.
- (3) Bed-and-breakfast establishments ~~and~~ or inns.
- (4) Spas, fitness centers~~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. 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.
- (7) Galleries~~y~~, exhibit spaces ~~and~~ or museums.
- (8) Community facilities~~y~~ that complements 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~~s~~ 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) ~~(10)~~ 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~~y~~, including parking structures~~s~~.
- (3) Solar collector, roof garden, or greenhouse.

...

I. Fishkill Creek Development design standards.

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

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

**§ 223-41.18 Regulations.**

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

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor. ~~The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.~~
- (2) ~~One-family, two-family, attached, and~~ Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223- ~~20 14.1; or~~ inn, ~~or bed and breakfast establishment, subject to § 223-24.4.~~
- (4) Offices of any kind, including professional, medical, business, ~~and~~ banks or other financial institutions.
- (5) Artist studio.
- (6) Art gallery or exhibit space.
- (7) Restaurant, coffee house, brew pub, bar, and or other establishments that serves food with or without alcoholic beverages, ~~and are not a bar.~~

~~(8) Food preparation business.~~

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

~~(10) Funeral home.~~

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

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

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

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

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

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

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

~~(18) Auction gallery.~~

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

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

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

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

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

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



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

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

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

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

(6) Roof garden or solar collector.

(7) Greenhouse.

...

G. Parking location and quantity.

- (1) All off-street parking shall be located behind, under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A ~~public garage~~ parking structure shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
  - (a) Residential: one space per unit.
  - (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
  - (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
  - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
  - (a) That the projected operational characteristics of the proposed use require a different amount of parking.
  - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or ~~PB~~ T Districts.
  - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
  - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or ~~PB~~ T Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
  - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or ~~PB~~ T Districts and voluntarily dedicate such land to the

City for public parking.

- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this chapter shall apply in the CMS District.

...

## J. Design standards

...

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

...

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

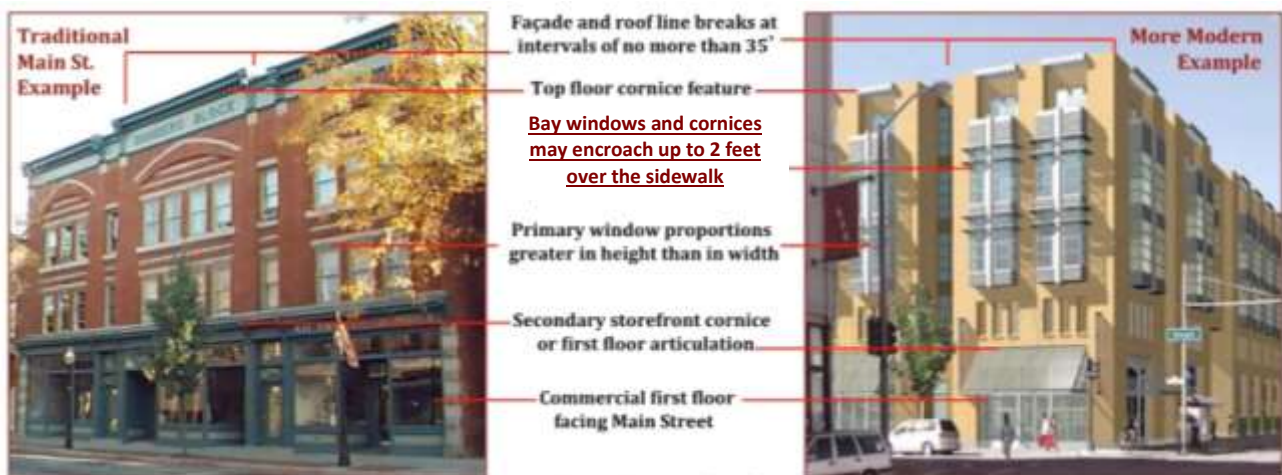


Figure 18-7: Design Illustrations

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



...

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

**§ 223-41.19 Purpose.**

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

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

**§ 223-41.21 Regulations.**

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, ~~to be conducted in an expedited fashion pursuant to Subsection H below in this §223-41.21~~. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to ~~site plan review~~ a requirement that the first floor shall have a commercial or other non-residential use or uses for the entire building frontage facing the north side of Beekman Street between Route 9D and West Main Street, facing the north side of West Main Street between Beekman Street and River Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection:

- (1) Multifamily dwelling ~~Two-family dwelling~~.
- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.

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

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

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

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

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

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

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

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

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

- (12) Day care center.

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

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

- (15) Workshop.

- (16) Artist live/work space.

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

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

#### K. Design standards.

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

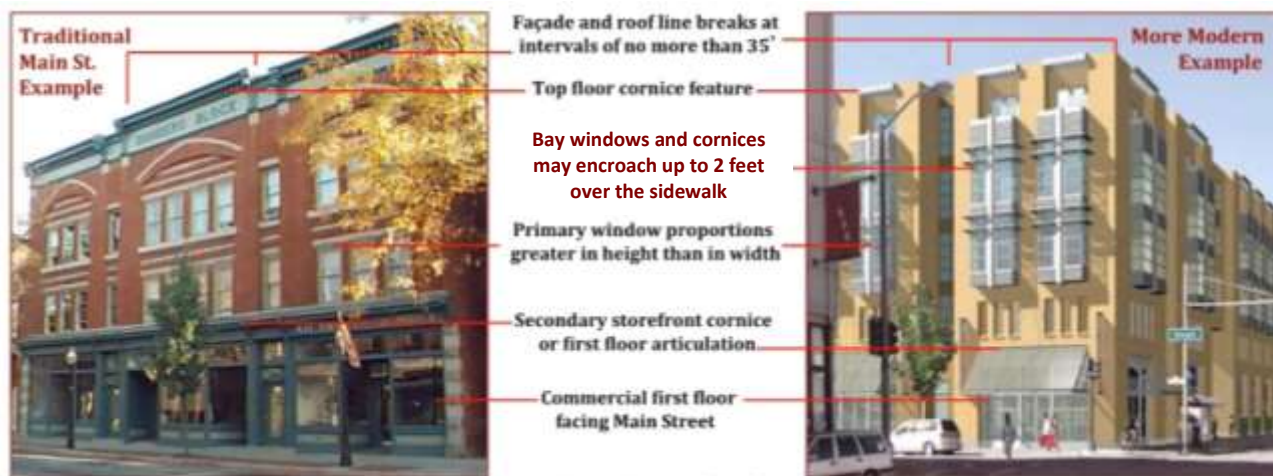


Figure 21-18: Design Standards

#### Examples A

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

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

#### §223-63 Definitions

##### ACCESSORY APARTMENT

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

##### AMUSEMENT CENTER

Any place in which there are maintained or operated for the patronage or recreation of the public three or more coin-, token- or otherwise controlled amusement devices of any description, including but not

necessarily limited to the types commonly known as video, gaming, pinball, baseball and football amusement games, where the use of such devices is a primary use of the premises.

### ANIMAL CARE FACILITY

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

### ARTIST STUDIO

The working and/or teaching space for one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo 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 OR CONFERENCE SPACE

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

### DAY CARE CENTER

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

### DWELLING UNIT, ONE-FAMILY

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

## DWELLING UNIT, ATTACHED

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

## FAÇADE OR FRONT WALL

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

## FARM

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

## HOME OFFICE, PROFESSIONAL

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

## HORTICULTURAL NURSERY

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

## LOT WIDTH

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

## OFFICE

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

## PARKING STRUCTURE

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



## SOLAR COLLECTOR

See Article X, §223-81.

## STORAGE BUSINESS

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

## STRUCTURE

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

## THEATER

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

## TOWNHOUSE

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

## TRADE SCHOOL OR TRAINING PROGRAM

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

## WHOLESALE BUSINESS

An enclosed place of business primarily engaged in sales, storage, display, and distribution of merchandise to retailers, industrial users, institutional uses, or other commercial businesses, including a warehouse, but not to include auto wrecking yards, junkyards, or outdoor storage of materials, unless outdoor storage of materials is specifically permitted as an accessory use in the district.

## WORKSHOP

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

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

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

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

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

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

**§ 223-71 Authority.**

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

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

**§ 223-82 Permitting and placement requirements.**

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

...

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

...

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

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

**SEE ATTACHED CHART**

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

**SEE ATTACHED CHART**

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

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

...

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

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

#### **Section 34. Ratification, Readoption and Confirmation**

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

#### **Section 35. Numbering for Codification**

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

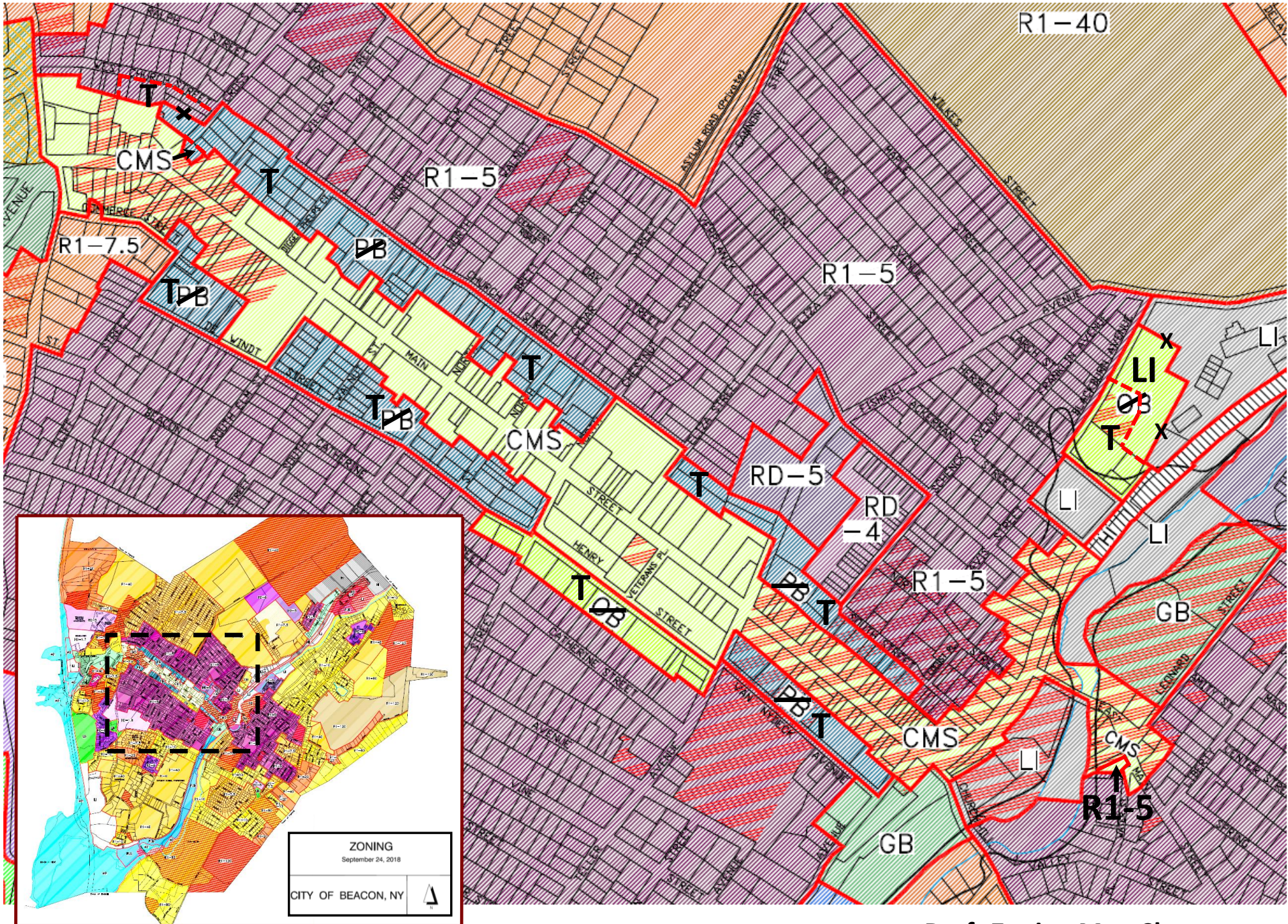
#### **Section 36. Severability**

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

#### **Section 37. Effective Date**

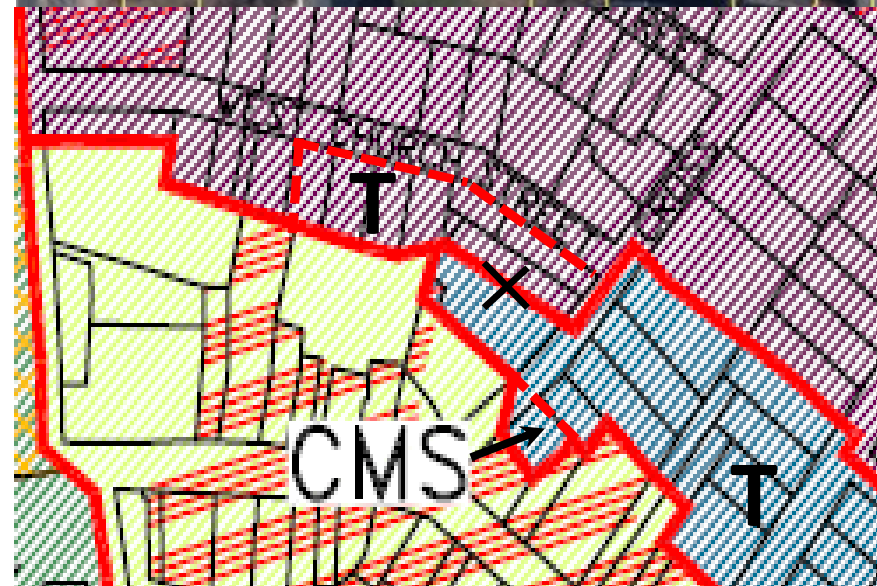
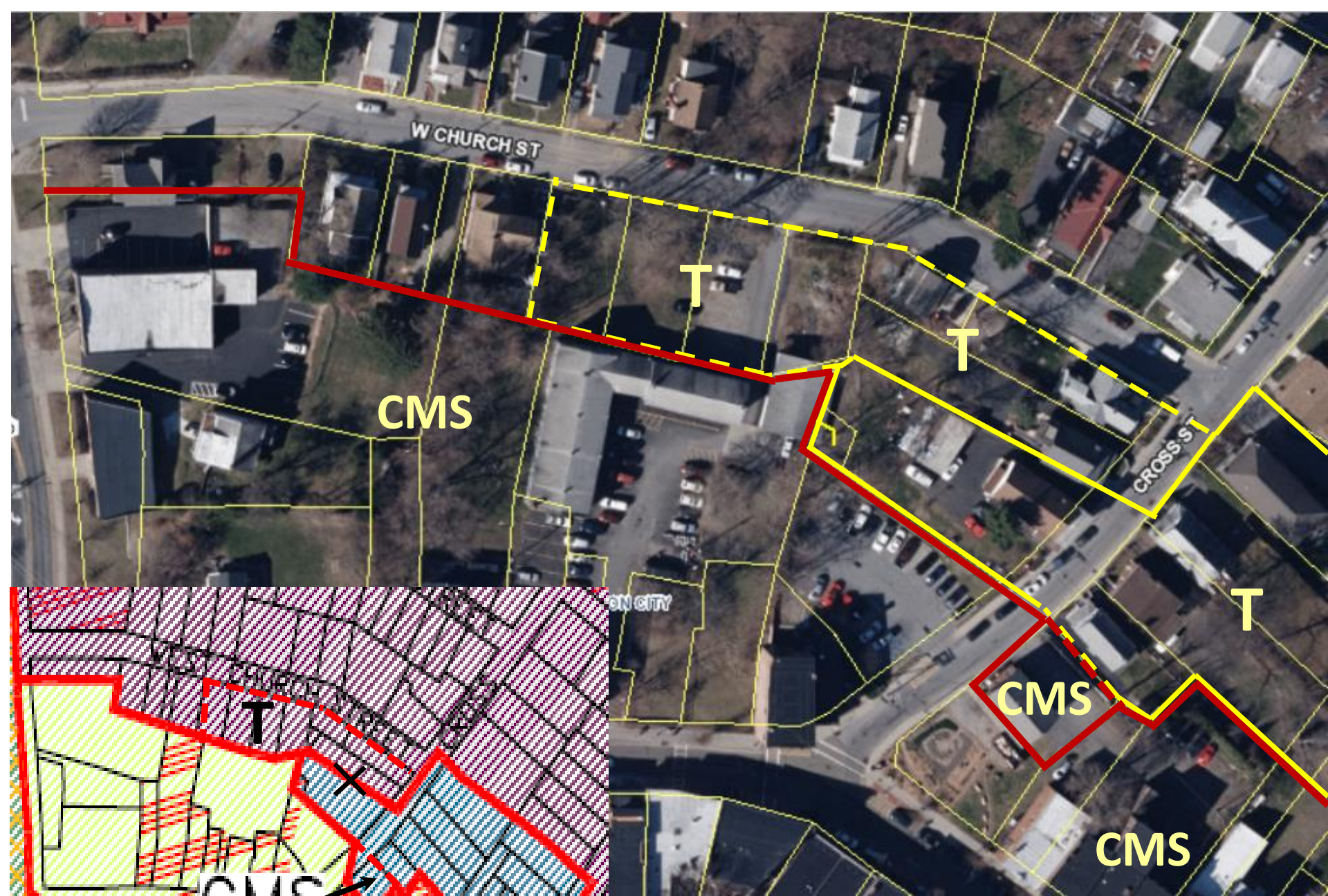
This local law shall take effect immediately upon filing with the Office of the Secretary of State.





Draft Zoning Map Changes







# 2017 Comprehensive Plan Update Rezoning









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

**CITY COUNCIL  
CITY OF BEACON**

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

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

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

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

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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



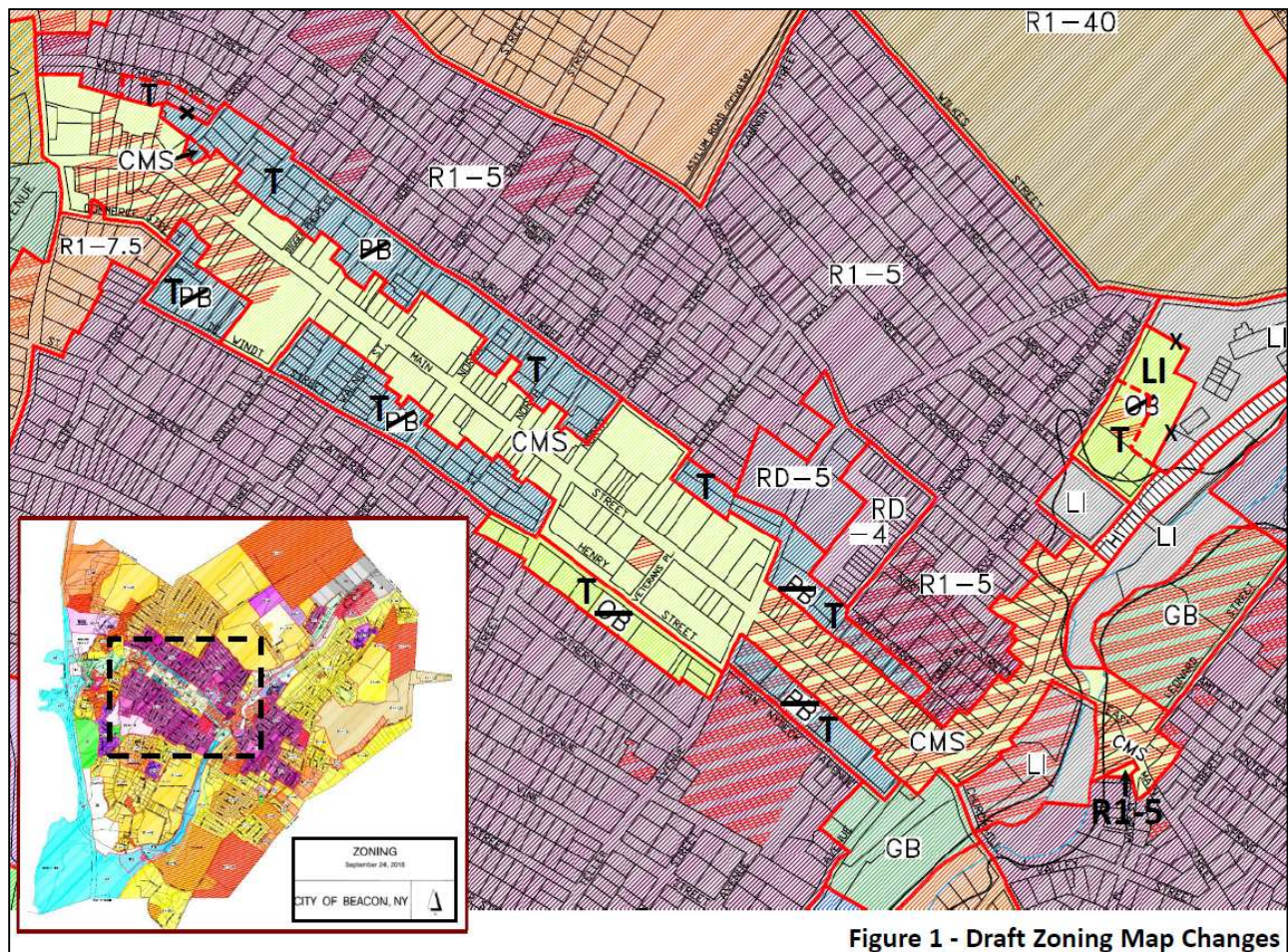
adjacent to Parcel # 605699)				
5954-41-605699	3 Beekman Street Beacon, NY 12508	D I A Center for Arts 3 Beekman Street Beacon, NY 12508	LB	LI
5954-42-709720	73-75 South Avenue Beacon, NY 12508	The McKinney Family LP 10 Greenwood Drive Beacon, NY 12508	LB	GB
5954-42-693718	506 Harbor View Court Beacon,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

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

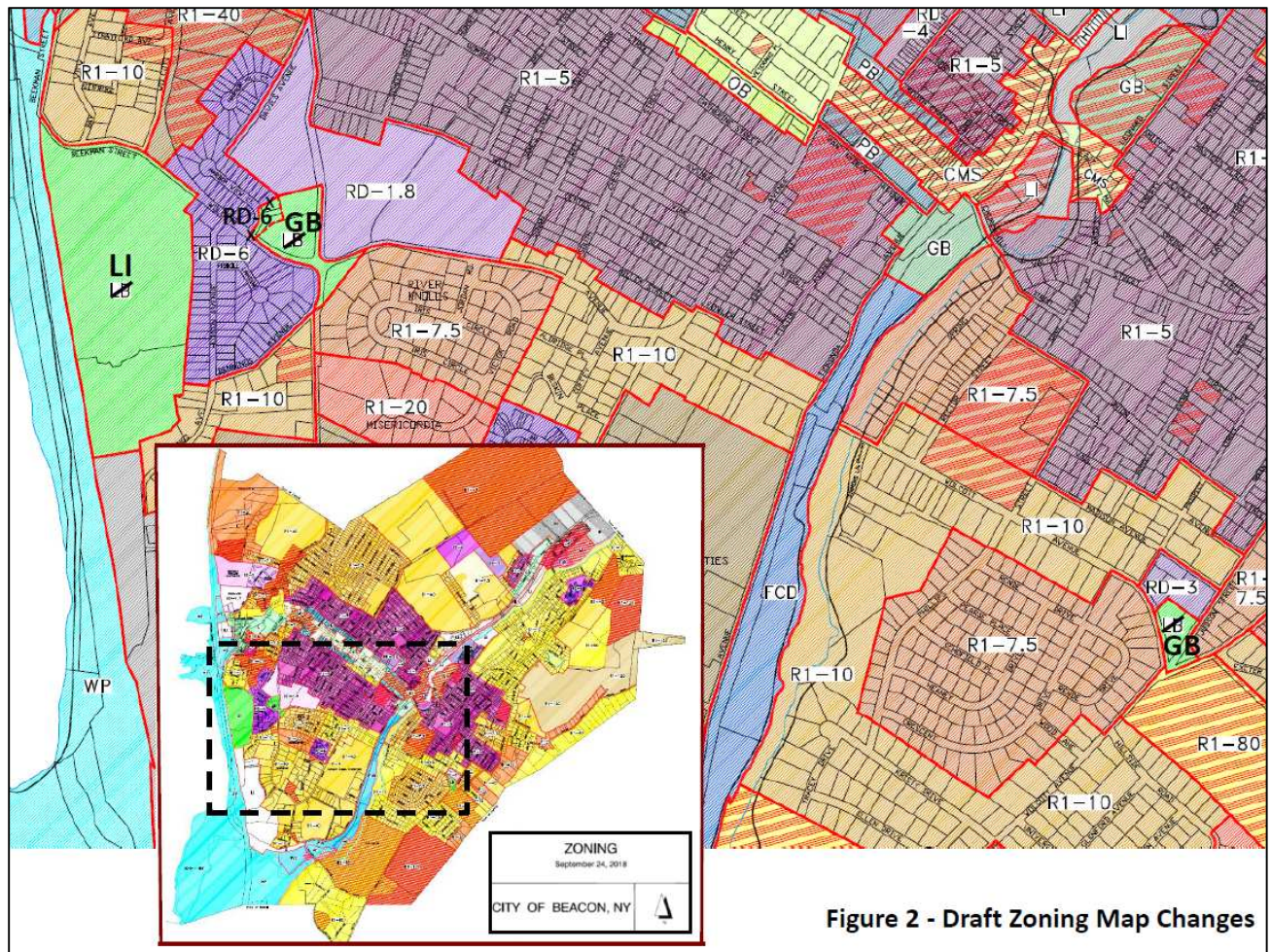
## Section 5. Severability

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

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

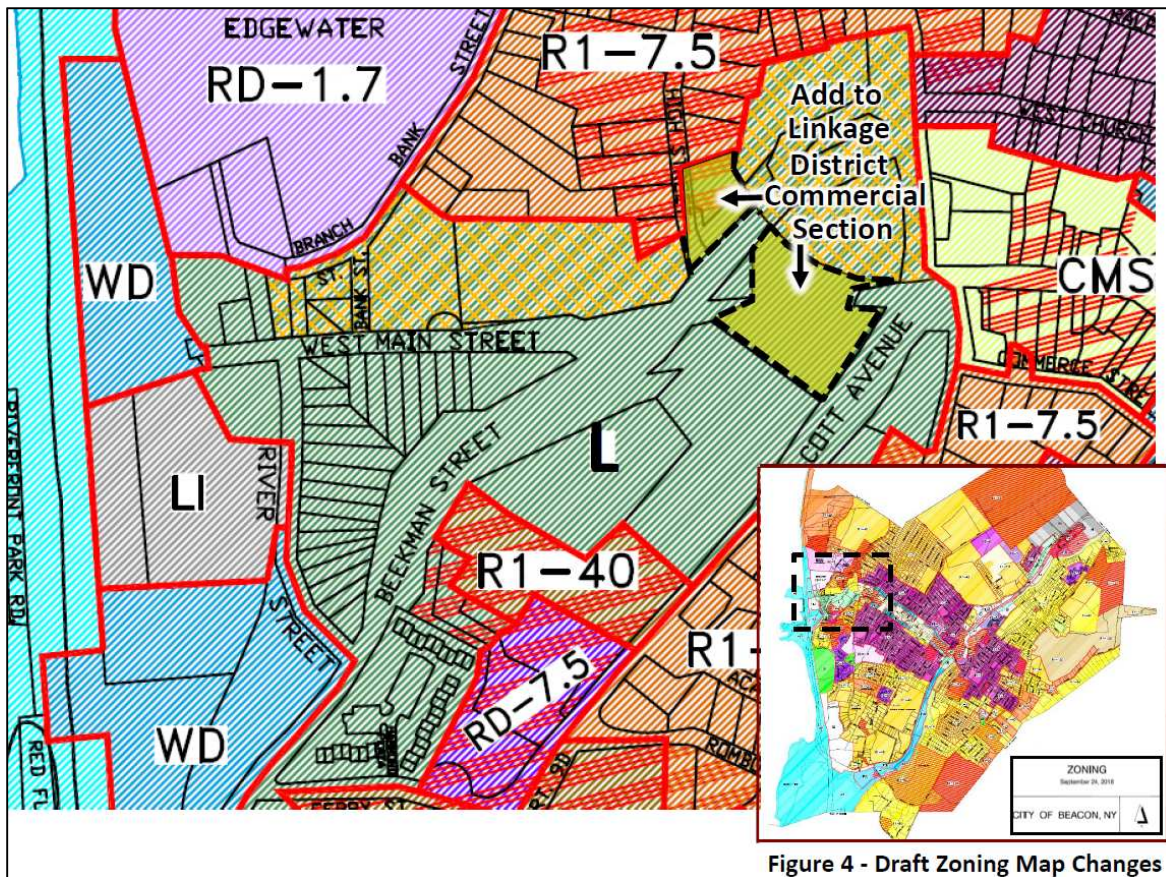
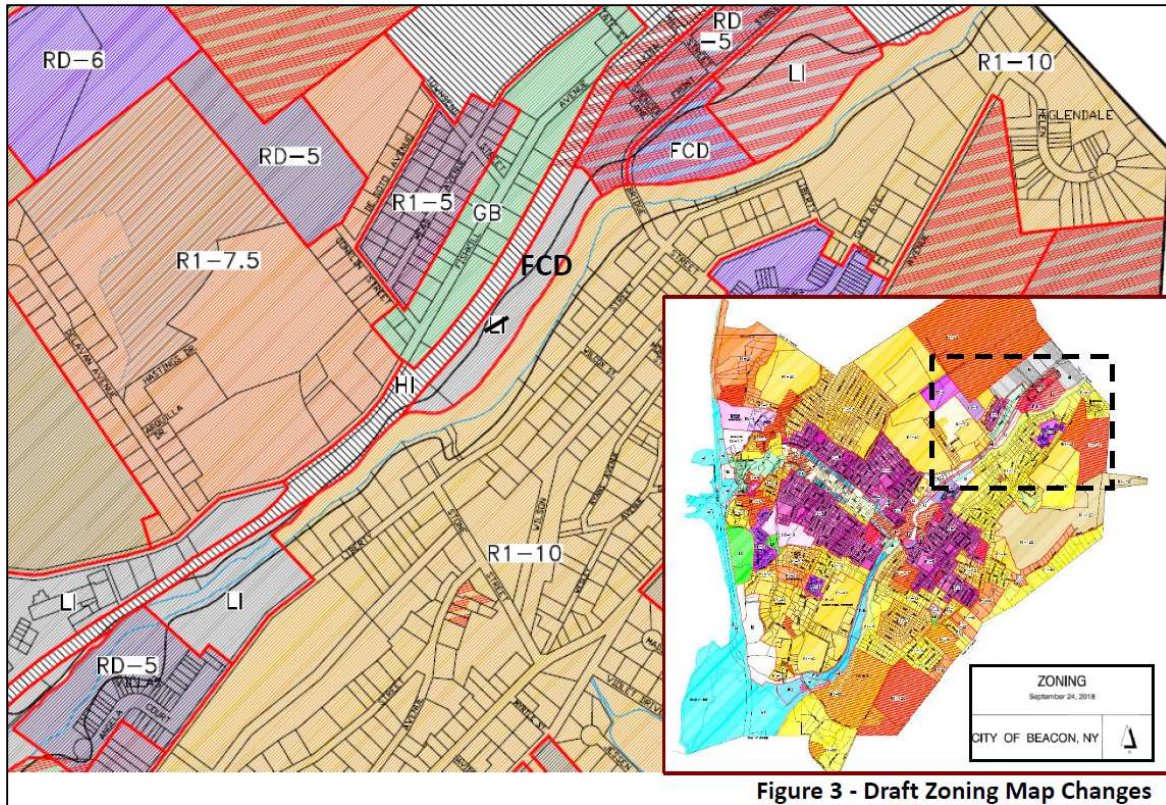






**Figure 2 - Draft Zoning Map Changes**







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

**Instructions for Completing Part 1**

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

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

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

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

Name of Action or Project: City of Beacon Local Law Amending the Zoning Map of the City of Beacon and Chapters 223 and 210 of the Code of the City of Beacon		
Project Location (describe, and attach a general location map): City of Beacon		
Brief Description of Proposed Action (include purpose or need): The proposed Local Law amends the Zoning Map of the City of Beacon and Chapters 223 and 210 of the Code of the City of Beacon concerning the City's Schedule of Regulations and associated amendments regarding permitted uses in the City of Beacon. The intent of the Proposed Local Law is to update the City's zoning provisions in accordance with the City's Comprehensive Plan Updated, adopted April 3, 2017 and improve future development of the City of Beacon. The City's goal is to make the Schedule of Uses easier to read and to combine similar districts to streamline the Code. The EAF addresses (1) revisions to the Zoning Map of the City of Beacon (rezoning 173 parcels, eliminating zoning districts and creating the T District;) (2) Updates to the City's schedule of use regulations (3) updates to the City's Schedule of Dimensional Regulations and (4) text amendments to Chapters 223 and 210 of the City Code to incorporate the proposed changes to the use schedule, bulk schedule and zoning map in the text of the Zoning Code.		
Name of Applicant/Sponsor: City of Beacon	Telephone: 845-838-5000	
	E-Mail: Aruggiero@cityofbeacon.org	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: New York	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

## B. Government Approvals

### B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Counsel must approve proposed Local Law.	n/a
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## C. Planning and Zoning

### C.1. Planning and zoning actions.

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

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

### C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

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### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No

If Yes, what is the zoning classification(s) including any applicable overlay district?

The Proposed Action involves the adopting of amendments to the Zoning Map of the City of Beacon, the City's Zoning Code, Chapter 223 of the Code of the City of Beacon.

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

c. Is a zoning change requested as part of the proposed action? ☒ Yes ☐ No

If Yes,

i. What is the proposed new zoning for the site? Parcels will be rezoned to the new T District or to the same classification as adjacent parcels.

### C.4. Existing community services.

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

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

City of Beacon

c. Which fire protection and emergency medical services serve the project site?

City of Beacon

d. What parks serve the project site?

The proposed amendments impact the entire area of the City of Beacon.

### D. Project Details

#### D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ n/a acres

b. Total acreage to be physically disturbed? \_\_\_\_\_ n/a acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ n/a acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

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

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

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

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_

- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year

- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

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



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
<i>i.</i> Total number of structures _____ <i>ii.</i> Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length <i>iii.</i> Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
<i>i.</i> Purpose of the impoundment: _____ <i>ii.</i> If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ <i>iii.</i> If other than water, identify the type of impounded/contained liquids and their source. _____ <i>iv.</i> Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres <i>v.</i> Dimensions of the proposed dam or impounding structure: _____ height; _____ length <i>vi.</i> Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
<i>i.</i> What is the purpose of the excavation or dredging? _____ <i>ii.</i> How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ <i>iii.</i> Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
<i>iv.</i> Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____ _____ _____	
<i>v.</i> What is the total area to be dredged or excavated? _____ acres <i>vi.</i> What is the maximum area to be worked at any one time? _____ acres <i>vii.</i> What would be the maximum depth of excavation or dredging? _____ feet <i>viii.</i> Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>ix.</i> Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No  
If Yes, describe: \_\_\_\_\_

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

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

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

\_\_\_\_\_

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*c.* Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No  
If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

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

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

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

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

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

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

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

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

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*d.* Will the proposed action generate liquid wastes? ☐ Yes ☒ No  
If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

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

\_\_\_\_\_

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

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

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? _____</li> <li>• Will a line extension within an existing district be necessary to serve the project? _____</li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____          _____          _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____          _____          _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____          _____          _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____          _____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____          _____</li> <li>• Will stormwater runoff flow to adjacent properties? _____</li> </ul>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul>
<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ n/a</li> <li>• Saturday: _____ n/a</li> <li>• Sunday: _____ n/a</li> <li>• Holidays: _____ n/a</li> </ul>		

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

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

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

If Yes:

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

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

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

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

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

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

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

## E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe:

The proposed legislation action impacts the entire area of the City of Beacon. The City includes urban uses, industrial uses, commercial uses and residential uses.

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	n/a		
• Forested	n/a		
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	n/a		
• Agricultural (includes active orchards, field, greenhouse etc.)	n/a		
• Surface water features (lakes, ponds, streams, rivers, etc.)	n/a		
• Wetlands (freshwater or tidal)	n/a		
• Non-vegetated (bare rock, earth or fill)	n/a		
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? If Yes, i. Identify Facilities: n/a	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. Does the project site contain an existing dam? If Yes: i. Dimensions of the dam and impoundment: <ul style="list-style-type: none"> <li>• Dam height: _____ feet</li> <li>• Dam length: _____ feet</li> <li>• Surface area: _____ acres</li> <li>• Volume impounded: _____ gallons OR acre-feet</li> </ul> ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? If Yes: i. Has the facility been formally closed? <ul style="list-style-type: none"> <li>• If yes, cite sources/documentation: _____</li> </ul> ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No     <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div> <input type="checkbox"/> Yes – Spills Incidents database  <input type="checkbox"/> Yes – Environmental Site Remediation database  <input type="checkbox"/> Neither database </div> <div> Provide DEC ID number(s): _____  Provide DEC ID number(s): _____ </div> </div> ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? If yes, provide DEC ID number(s): _____ iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____ _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No           <input type="checkbox"/> Yes <input type="checkbox"/> No



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ n/a feet	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between;"> <div> n/a  _____  _____  _____ </div> <div> %  %  % </div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ n/a feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Well Drained:  <input type="checkbox"/> Moderately Well Drained:  <input type="checkbox"/> Poorly Drained </div> <div> _____  _____  _____ </div> <div> % of site  % of site  % of site </div> </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> 0-10%:  <input type="checkbox"/> 10-15%:  <input type="checkbox"/> 15% or greater: </div> <div> _____  _____  _____ </div> <div> % of site  % of site  % of site </div> </div>	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: n/a _____	
h. Surface water features. <div style="margin-top: 10px;"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> If Yes to either <i>i</i> or <i>ii</i>, continue. If No, skip to E.2.i. </div> <div style="margin-top: 5px;"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> </div> <div style="margin-top: 5px;"> iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <div style="margin-top: 5px;"> <ul style="list-style-type: none"> <li>• Streams:      Name _____ Classification _____</li> <li>• Lakes or Ponds:      Name _____ Classification _____</li> <li>• Wetlands:      Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </div> </div>	

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

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

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

#### F. Additional Information

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

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

#### G. Verification

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

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**ATTACHMENT A**  
**FULL EAF PART 1, QUESTION F**

**AMENDMENTS TO THE ZONING MAP OF THE CITY OF BEACON AND  
THE CODE OF THE CITY OF BEACON CONCERNING THE CITY'S  
SCHEDULE OF REGULATIONS AND ASSOCIATED AMENDMENTS  
REGARDING PERMITTED USES IN THE CITY OF BEACON**

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The Proposed Action will amend the Zoning Map of the City of Beacon and Chapters 223 and 210 of the Code of the City of Beacon (“City Code”) concerning the City’s Schedule of Regulations and associated amendments regarding permitted uses in the City of Beacon. The intent of the Proposed Local Law is to update the City’s zoning provisions in accordance with the City’s Comprehensive Plan Updated, adopted April 3, 2017, and improve future development of the City of Beacon. The majority of the Proposed Local Law updates the City’s bulk regulations and amends the City’s Schedule of Regulations and other City Code provisions with respect to what uses are permitted in each Zoning District. The City’s goal is to make the Schedule of Uses easier to read and to combine similar districts to streamline the Code.

The proposed Local Law eliminates the following zoning districts (1) the RMF 1.5 Multifamily Residence District, (2) the RMF 8 Multifamily Residence District, (3) the PB Business Off-Street Parking District, (4) the LB Local Business District, (5) the OB Office Business District and (6) the CB Central Business District. In addition, the proposed Local Law adds a new Zoning District - the Transitional (“T”) Zoning District - to the Zoning Map of the City of Beacon and the City Code.

The proposed local law amending the Zoning Map of the City of Beacon rezones 173 parcels. All PB and LB properties are rezoned to the T Zoning District which accounts for 156 parcels. The other 17 parcels are classified to zoning designations of adjacent properties to better preserve community character and encourage compatible development.

In order to accomplish the City’s goal, the City has reformatted the City’s Schedule of Use Regulations. The revised Schedule of Use Regulations also includes the T Zoning District and reflects changes made to the uses permitted in each zoning district. The City has also updated its Schedule of Dimensional Regulations to amend the bulk regulation associated with each zoning district. These changes allow the City to encourage development that will meet the goals and objectives set forth in the Comprehensive Plan to allow for sufficient density to support a transit oriented community focused toward residents, workers and visitors who seek the convenience of transportation facilities in a walkable community framework. Through these changes the City hopes to encourage a vibrant business community, protect natural and historic resources, and create a variety of housing opportunities for residents.



The proposed Local Law includes several text amendments to Chapters 223 and 210 of the City Code. These amendments in the Local Law revise the code as follows:

- The amendments remove all regulations pertaining to non-conforming residential uses on Main Street in § 223-10.
- The amendments revise amend City Code § 223-13 to clarify certain height requirements.
- The amendments modifies the permitted and special permit uses for the Waterfront Development Zone, Fishkill Creek Development District, Central Main Street District and the Linkage District.
- The amendments update the special use permit application process and review standards set forth in City Code § 223-18.B. The City added the following new conditions and standards for special use permits:
  - Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
  - 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.
- The amendments change the review process required for accessory apartments. Under the proposed amendments, accessory apartments require special use permits issued by the Planning Board rather than the City Council.
- The amendments revise City Code § 223-24.7 to allow hotel uses in the Historic District and Landmark Overlay Zone.
- The amendments add additional permitted principal uses to the waterfront development zone, including certain public and semipublic uses, conference spaces, microbreweries and other similar uses.
- The amendments change the bulk regulations applicable to the Waterfront Park Zone and Waterfront Development Zone.
- The amendments add additional permitted uses to the Fishkill Creek Development District, including day care centers, trade schools, colleges, private school or nursery school.
- The amendments modify the uses permitted in the Central Main Street and the Linkage District.
- The amendments establish lighting standards in § 223-14.B.
- The amendments add new definitions to City Code City Code § 223-63 to define uses referenced throughout the Code. .

- The amendments remove references to zoning districts which are being eliminated from the City Code.
- The amendments modify City Code § 223-67 to update the City's provision concerning the referral of proposals to Dutchess County Planning Department to comply with New York States required statutory procedures and the procedures established by the Dutchess County Planning Department.

**ATTACHMENT A**  
**FULL EAF PART 1, QUESTION F**

**AMENDMENTS TO THE ZONING MAP OF THE CITY OF BEACON AND  
THE CODE OF THE CITY OF BEACON CONCERNING THE CITY'S  
SCHEDULE OF REGULATIONS AND ASSOCIATED AMENDMENTS  
REGARDING PERMITTED USES IN THE CITY OF BEACON**

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The Proposed Action will amend the Zoning Map of the City of Beacon and Chapters 223 and 210 of the Code of the City of Beacon (“City Code”) concerning the City’s Schedule of Regulations and associated amendments regarding permitted uses in the City of Beacon. The intent of the Proposed Local Law is to update the City’s zoning provisions in accordance with the City’s Comprehensive Plan Updated, adopted April 3, 2017, and improve future development of the City of Beacon. The majority of the Proposed Local Law updates the City’s bulk regulations and amends the City’s Schedule of Regulations and other City Code provisions with respect to what uses are permitted in each Zoning District. The City’s goal is to make the Schedule of Uses easier to read and to combine similar districts to streamline the Code.

The proposed Local Law eliminates the following zoning districts (1) the RMF 1.5 Multifamily Residence District, (2) the RMF 8 Multifamily Residence District, (3) the PB Business Off-Street Parking District, (4) the LB Local Business District, (5) the OB Office Business District and (6) the CB Central Business District. In addition, the proposed Local Law adds a new Zoning District - the Transitional (“T”) Zoning District - to the Zoning Map of the City of Beacon and the City Code.

The proposed local law amending the Zoning Map of the City of Beacon rezones 173 parcels. All PB and LB properties are rezoned to the T Zoning District which accounts for 156 parcels. The other 17 parcels are classified to zoning designations of adjacent properties to better preserve community character and encourage compatible development.

In order to accomplish the City’s goal, the City has reformatted the City’s Schedule of Use Regulations. The revised Schedule of Use Regulations also includes the T Zoning District and reflects changes made to the uses permitted in each zoning district. The City has also updated its Schedule of Dimensional Regulations to amend the bulk regulation associated with each zoning district. These changes allow the City to encourage development that will meet the goals and objectives set forth in the Comprehensive Plan to allow for sufficient density to support a transit oriented community focused toward residents, workers and visitors who seek the convenience of transportation facilities in a walkable community framework. Through these changes the City hopes to encourage a vibrant business community, protect natural and historic resources, and create a variety of housing opportunities for residents.

The proposed Local Law includes several text amendments to Chapters 223 and 210 of the City Code. These amendments in the Local Law revise the code as follows:

- The amendments remove all regulations pertaining to non-conforming residential uses on Main Street in § 223-10.
- The amendments revise amend City Code § 223-13 to clarify certain height requirements.
- The amendments modifies the permitted and special permit uses for the Waterfront Development Zone, Fishkill Creek Development District, Central Main Street District and the Linkage District.
- The amendments update the special use permit application process and review standards set forth in City Code § 223-18.B. The City added the following new conditions and standards for special use permits:
  - Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
  - 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.
- The amendments change the review process required for accessory apartments. Under the proposed amendments, accessory apartments require special use permits issued by the Planning Board rather than the City Council.
- The amendments revise City Code § 223-24.7 to allow hotel uses in the Historic District and Landmark Overlay Zone.
- The amendments add additional permitted principal uses to the waterfront development zone, including certain public and semipublic uses, conference spaces, microbreweries and other similar uses.
- The amendments change the bulk regulations applicable to the Waterfront Park Zone and Waterfront Development Zone.
- The amendments add additional permitted uses to the Fishkill Creek Development District, including day care centers, trade schools, colleges, private school or nursery school.
- The amendments modify the uses permitted in the Central Main Street and the Linkage District.
- The amendments establish lighting standards in § 223-14.B.
- The amendments add new definitions to City Code City Code § 223-63 to define uses referenced throughout the Code. .



- The amendments remove references to zoning districts which are being eliminated from the City Code.
- The amendments modify City Code § 223-67 to update the City's provision concerning the referral of proposals to Dutchess County Planning Department to comply with New York States required statutory procedures and the procedures established by the Dutchess County Planning Department.

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

<b>Agency Use Only [If applicable]</b>
Project : Zoning Amendments
Date : April 30, 2020

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

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

**Tips for completing Part 2:**

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

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

**2. Impact on Geological Features**

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

☒ NO☐ YES

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

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

**3. Impacts on Surface Water**

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

☒ NO☐ YES

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

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

l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



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

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

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

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

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

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

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

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

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



**13. Impact on Transportation**

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

☒ NO

☐ YES

(See Part 1. D.2.j)

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

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

**14. Impact on Energy**

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

☒ NO

☐ YES

(See Part 1. D.2.k)

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

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

**15. Impact on Noise, Odor, and Light**

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

☒ NO

☐ YES

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

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

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

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

#### 16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☒ NO

☐ YES

*If "Yes", answer questions a - m. If "No", go to Section 17.*

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

**17. Consistency with Community Plans**

The proposed action is not consistent with adopted land use plans.  
(See Part 1. C.1, C.2. and C.3.)

☒ NO

☐ YES

*If "Yes", answer questions a - h. If "No", go to Section 18.*

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

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO

☐ YES

*If "Yes", answer questions a - g. If "No", proceed to Part 3.*

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

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

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

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

**Reasons Supporting This Determination:**

To complete this section:

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

Part 1 and Attachment A of the Full EAF and Part 2 of the Full EAF demonstrate there are no potential significant impacts from the Proposed Action. The proposed amendments to the Zoning Map of the City of Beacon and Chapters 223 and 210 of the City Code are made to update the City Code and and Zoning Map to be more consistent with the City's Comprehensive Plan Update, adopted on April 3, 2017, and to improve future development of the City of Beacon. Through the proposed changes the City will create a new zoning district referred to as the Linkage District to link the CMS District to neighboring residential districts.

The majority of the Proposed Local Law updates the City's bulk regulations and amends the City's Schedule of Regulations and other City Code provisions with respect to what uses are permitted in each Zoning District. The City's goal is to make the Schedule of Uses easier to read and to combine similar districts to streamline the Code.

The proposed zoning amendments streamline the Zoning Code and improve its readability. These changes allow the City to encourage development that will meet the goals and objectives set forth in the Comprehensive Plan to allow for sufficient density to support a transit oriented community focused toward residents, workers and visitors who seek the convenience of transportation facilities in a walkable community framework. Through these changes the City hopes to encourage a vibrant business community, protect natural and historic resources, and create a variety of housing opportunities for residents.

Any projects developed pursuant to the new code provisions will undergo specific SEQRA review to evaluate each proposal on a case by case basis. Overall the proposed local law will not result in any significant adverse environmental impacts and will improve the quality of the existing community and preserve community character throughout the City. The proposed local law will overall protect the health, safety and welfare of the City and its residents.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

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



Upon review of the information recorded on this EAF, as noted, plus this additional support information  
visual presentations by the City Planner, memorandums from the City Planner, and comparison tables and charts.

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

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

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

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

Name of Action: City of Beacon Local Law Amending Chapters 223 and 210 of the Code of the City of Beacon

Name of Lead Agency: City of Beacon

Name of Responsible Officer in Lead Agency: Lee Kyriacou

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Anthony Ruggiero, City Administrator

Address: 1 Municipal Plaza, New York 12508

Telephone Number: 845-838-5000

E-mail: [Aruggiero@cityofbeacon.org](mailto:Aruggiero@cityofbeacon.org)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**Human Relations Commission Proposed Appointment**

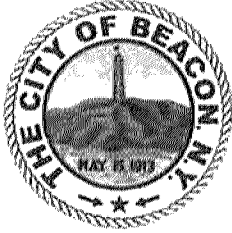
**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Human Relations Commission Application	Application

# Committee Application



Submit Forms:  
One Municipal Plaza, Suite One  
Beacon, NY 12508

Phone: (845) 838-5010  
FAX: (845) 838-5012  
Email: cityofbeacon@cityofbeacon.org

RECEIVED MAY 4 2020

Name

MARILYN Joseph

Address

[REDACTED]

Beacon, NY 12508

Phone Number

[REDACTED]

Alternate Phone

[REDACTED]

Email Address

[REDACTED]

Committee You are  
Interested In

- ☐ Board of Assessment Review
- ☐ Board of Ethics
- ☐ Conservation Advisory Committee
- ☐ Emergency Management Committee
- ☒ Human Relations Commission
- ☐ Planning Board
- ☐ Recreation Committee
- ☐ Traffic Safety Committee
- ☐ Zoning Board of Appeals
- ☐ Any of the above
- ☐ Other

[REDACTED]

Available number of  
Hours per week (for  
Committee work)

10 hrs +

Occupation

Counselor, Teacher

Employer

Self

Work Address

[REDACTED]

Work Phone

[REDACTED]

**Education**

- ☐ Some High School  
☐ High School Diploma  
☐ Some College  
☐ Associates Degree  
☐ Bachelor's Degree  
☒ Master's Degree  
☐ Doctorate Degree

**Interest & Skills**

Career Development, Art,  
Community participation

**Areas of Expertise  
(business & civic)**

Conflict Resolution Transitional Life Counseling  
Career Counseling Senior Resources  
Working with a diverse population

**Reference**

Reference Name

Ellen Gersh

Address

[REDACTED]

Phone

[REDACTED]

Email Address

ellen@besconhebrewalliance.org

Relationship

Community leader, friend

Applicant Signature:

Marilyn Joseph

Date:

April 15, 2020



**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**Stormwater Control Agreement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Stormwater Control Facility Maintenance Agreement and Easement-Compiled	Agreement

**STORMWATER CONTROL FACILITY  
MAINTENANCE AGREEMENT AND EASEMENT**

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

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

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

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

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

3. The Declarant hereby grants unto the City of Beacon, its successors and assigns a perpetual easement and right-of-way to enter upon the Premises in order to access the Structures at reasonable times and in a reasonable manner for periodic inspection by the City of Beacon to ensure that the Structures are maintained in proper working condition and meets the design standards established by the SOMP.
4. The Declarant its successors and/or assigns shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Structures except in accordance with written approval of the City of Beacon which approval shall not be unreasonably withheld, delayed or conditioned.
5. The Declarant its successors and/or assigns shall promptly undertake necessary repairs and replacement of the Structures at the direction of the City of Beacon or in accordance with the recommendations of the inspecting professional.
6. The Declarant hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing to the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement.
7. This Agreement shall not confer unto the City of Beacon any duty or obligation to repair or maintain the Structures. Further, the City of Beacon's acceptance of any rights pursuant to this Agreement shall not be deemed as the acceptance of any duty or obligation to repair or maintain the Structures, except that any damage to the Structures caused by the City of Beacon's negligence during inspections or otherwise shall be restored, repaired or otherwise remedied by the City of Beacon at the City of Beacon's sole cost.
8. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final subdivision approval.
9. If ever the City of Beacon determines that the Declarant its successors and/or assigns has failed to construct or maintain the Structures in accordance with the SOMP, or has failed to undertake corrective action specified by the City of Beacon, the City of Beacon shall provide the Declarant with written notice via certified mail, return receipt requested, specifying such failure. The written notice shall provide that the Declarant has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Declarant shall advise the City of Beacon as to same in writing within fifteen (15) days of receipt of the City of Beacon's notice to cure. The Declarant shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Declarant so desires. If the Declarant fails to provide written notice requesting an extension of time to cure a failure/defect and the Declarant does not cure said failure/defect, the City of Beacon is authorized but not obligated to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Structures and to affix the expenses thereof as a lien against the Premises. All notices and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage prepaid thereon, if to Declarant to the address on file with the City Tax Assessor for the current owner of the Premises, and if to the City of Beacon, addressed as follows:

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

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

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

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

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

**DECLARANT**

By: \_\_\_\_\_  
Name: Karic Associates, LLC  
Karen V. Cantanessa

**CITY OF BEACON**

By: \_\_\_\_\_  
Name: Anthony Ruggiero  
Title: City Administrator



STATE OF NEW YORK                    )  
  )       SS.:  
COUNTY OF \_\_\_\_\_            )

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

\_\_\_\_\_  
Notary Public – State of New York

STATE OF NEW YORK )  
 )  
 ) SS.:  
COUNTY OF \_\_\_\_\_ )

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

---

Notary Public – State of New York

### Record and Return:

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

**Schedule A**  
**Description of Premises**  
**Lot 2**

**Schedule B**

**Stormwater Operation and Maintenance Plan (SOMP)**



## **1.0 PROJECT LOCATION**

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

## **2.0 SUMMARY OF STORMWATER MANAGEMENT SYSTEM**

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

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

## **2.0 STORMWATER SYSTEM COMPONENTS**

### **2.1 Drain Basin**

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

### **2.2 Culvert Piping**

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

### **2.3 Infiltration Basin**

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

### 3.0 MAINTENANCE

#### 3.1 Responsibility for Maintenance

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

#### 3.2 Maintenance Requirements

##### 3.2.1 Culvert Piping and Drain Basins

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

##### 3.2.2 Infiltration Basin

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

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

**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**Fairview Water Tank: Resolution to Sign for Grant**

**Subject:**

**Background:**

**ATTACHMENTS:**

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



**CITY COUNCIL  
CITY OF BEACON  
Resolution No.\_\_\_\_ of 2020**

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

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

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



**City of Beacon Workshop Agenda**  
**5/11/2020**

**Title:**

**DPW/23-28 Creek Drive Easements**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Greenway Trail Easement - 23-28 Creek Drive - DPW	Backup Material
Draft Easement Agreement (Utility)	Backup Material
Stormwater Control Facility Maintenance Agreement and Easement	Backup Material
23-28 Lot Line Rev-Plat	Backup Material
Site Plan	Plans
Grading & Utility	Backup Material

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

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

**WITNESSETH:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

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

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

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

By: \_\_\_\_\_  
Name: Rodney Weber  
Title:

**GRANTEE:**  
**CITY OF BEACON**

By: \_\_\_\_\_  
Name:  
Title:

[ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]

## ACKNOWLEDGMENTS

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

**Section:**  
**Block:**  
**Lots:**  
**County of Dutchess**

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

## **Schedule "A"**

### Description of the Premises

Beginning at a rebar found on the southwest corner of Lot 1 of a map entitled "Subdivision Plat Prepared for Weber Projects III, LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on October 30, 2015 as Map No. 12519, said rebar lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705); Thence, along the same North 35° 21' 37" East a distance of 83.10 feet to a point; Thence through said Lot 1 South 55° 07' 29" East a distance of 188.58 feet to a point located on the northwesterly line of the Fishkill Creek; Thence along the same South 43° 50' 37" West a distance of 79.22 feet to a point located at the southeast corner of the aforementioned Lot 1; thence South 56° 40' 23" East a distance of 51.60 feet to a point located in the center of the Fishkill Creek; thence along the same the following eight (8) courses:

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

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



1. North  $28^{\circ} 50' 36''$  East a distance 541.00 feet to a curve;
2. Turning to the right having a radius of 1,860.58 feet and an arc length of 167.37 feet to a point;
3. North  $54^{\circ} 35' 15''$  West a distance of 9.99 feet to a point;
4. North  $35^{\circ} 33' 59''$  East a distance of 66.50 feet to the place or Point of Beginning.

Containing 3.144 Acres more or less.

**Schedule “B”**

Reduced Copy of Subdivision Plat

### **Schedule "C"**

#### Description of Easement Area

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence turning to the left, having a radius of 44.00 feet and a length of 20.23, with a chord of S 48° 25' 57" W for a distance of 20.05 feet;

Thence S 35° 15' 35" W for a distance of 129.76 feet to a curve;

Thence turning to the left, having a radius of 44.00 feet and a length of 7.96, with a chord of S 30° 04' 41" W for a distance of 7.95 feet;

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

Thence turning to the left, having a radius of 48.00 feet and a length of 8.25, with a chord of S 19° 58' 22" W for a distance of 8.24 feet;

Thence S 15° 02' 57" W for a distance of 23.75 feet to a point;

Thence S 18° 28' 16" W for a distance of 25.38 feet to a curve;

Thence turning to the right, having a radius of 60.00 feet and a length of 15.45, with a chord of S 25° 50' 45" W for a distance of 15.40 feet;

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

Thence turning to the left, having a radius of 40.00 feet and a length of 20.33, with a chord of S 18° 39' 47" W for a distance of 20.11 feet;

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

Thence turning to the right, having a radius of 110.00 feet and a length of 21.84, with a chord of S 09° 47' 38" W for a distance of 21.81 feet;

Thence S 15° 28' 56" W for a distance of 71.56 feet to a curve;

Thence turning to the right, having a radius of 60.00 feet and a length of 52.77, with a chord of S 40° 40' 33" W for a distance of 51.08 feet;

Thence S 65° 52' 10" W for a distance of 45.50 feet to the Point or Place of Beginning.

**EASEMENT AGREEMENT**  
(Utility)

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

**WITNESSETH**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

4. Indemnity.

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

5. Miscellaneous.

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

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

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

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

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

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

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

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

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

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

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

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

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

[SIGNATURE PAGE IMMEDIATELY FOLLOWS]

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

**GRANTOR:**

23-28 Creek Drive, LLC

By: \_\_\_\_\_

Name: Rodney Weber

Title:

**GRANTEE:**

City of Beacon

By: \_\_\_\_\_

Name: Anthony Ruggiero

Title: City of Beacon City Administrator

[ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]



## ACKNOWLEDGMENTS

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public

**Section:**  
**Block:**  
**Lots:**  
**County of Dutchess**

### **Record & Return to:**

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

## **Schedule "A"**

### Description of the Premises

Beginning at a rebar found on the southwest corner of Lot 1 of a map entitled "Subdivision Plat Prepared for Weber Projects III, LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on October 30, 2015 as Map No. 12519, said rebar lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705); Thence, along the same North 35° 21' 37" East a distance of 83.10 feet to a point; Thence through said Lot 1 South 55° 07' 29" East a distance of 188.58 feet to a point located on the northwesterly line of the Fishkill Creek; Thence along the same South 43° 50' 37" West a distance of 79.22 feet to a point located at the southeast corner of the aforementioned Lot 1; thence South 56° 40' 23" East a distance of 51.60 feet to a point located in the center of the Fishkill Creek; thence along the same the following eight (8) courses:

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

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

1. North 28° 50' 36" East a distance 541.00 feet to a curve;
2. Turning to the right having a radius of 1,860.58 feet and an arc length of 167.37 feet to a point;
3. North 54° 35' 15" West a distance of 9.99 feet to a point;

4. North 35° 33' 59" East a distance of 66.50 feet  
to the place or Point of Beginning.

Containing 3.144 Acres more or less.

**Schedule "B"**

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

## **Schedule "C"**

### **New Utility Easement Area**

Beginning at a PK Nail found on the northwest corner of Lot 1 of a map entitled "Subdivision Plat Prepared for Weber Projects III, LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on October 30, 2015 as Map No. 12519, said PK Nail lying on the southeasterly bounds of lands, now or formerly, of Metro North Commuter Railroad Co. (Doc. No. 02-2009-1705);

Thence S 17° 32' 13" E for a distance of 24.12 feet to a point;

Thence S 66° 50' 36" W for a distance of 63.12 feet to a point;

Thence S 58° 32' 52" W for a distance of 72.58 feet to a point;

Thence S 46° 35' 28" W for a distance of 141.51 feet to a point;

Thence S 35° 29' 45" W for a distance of 158.17 feet to a point;

Thence S 55° 09' 15" E for a distance of 30.62 feet to the beginning of a non-tangential curve;

Thence turning to the right through an angle of 64° 56' 32.6", having a radius of 42.50 feet, and whose long chord bears S 22° 39' 13" E for a distance of 45.63 feet to a point of intersection with a non-tangential line;

Thence N 55° 07' 29" W for a distance of 153.28 feet to a point;

Thence N 35° 21' 37" E for a distance of 24.50 feet to a point;

Thence S 55° 07' 29" E for a distance of 59.96 feet to a point;

Thence N 35° 29' 45" E for a distance of 160.75 feet to a point;

Thence N 46° 35' 28" E for a distance of 146.35 feet to a point;

Thence N 58° 32' 52" E for a distance of 76.84 feet to a point;

Thence N 66° 50' 36" E a distance of 67.22 feet to the point or Place of Beginning.



**STORMWATER CONTROL FACILITY  
MAINTENANCE AGREEMENT AND EASEMENT**

**WHEREAS**, the **CITY OF BEACON** (“Municipality”), and **23-28 CREEK DRIVE, LLC** (“Facility Owner”) desire to enter into this agreement (the “Agreement”), dated this \_\_\_\_ day of \_\_\_\_\_, 2020, to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for certain real property designated on the Tax Map of the City of Beacon as Parcel ID# 6054-37-037625, more fully shown on a certain subdivision map entitled “Lot Line Alteration Prepared for 23-28 Creek Drive”, prepared by TEC Land Surveying, dated February 20, 2020, last revised \_\_\_\_\_, 2020 and filed in the Office of the Dutchess County Clerk on \_\_\_\_\_, 2020, as Filed Map No. \_\_\_\_\_ (the “Subdivision Map”), and further described by metes and bounds in Schedule A annexed hereto (the “Premises”); and

**WHEREAS**, this Agreement is provided in connection with a mixed-use development with a total of eight (8) residential units and 20,000 square feet of commercial space on the Premises, which received Subdivision and Site Plan approval from the City of Beacon Planning Board on January 14, 2020, based on site plans entitled “Site Plan Application 23-28 Creek Drive”, consisting of Sheets 1-12, last revised December 31, 2019, as prepared by Aryeh Siegel Architect, Hudson Land Design; TEC Land Surveying, P.C. and Landscape Restorations (“Approved Project Plans”), which Approved Project Plans include certain stormwater management facilities and stormwater control measures (collectively, the “Facility”) required to be constructed and maintained in accordance with the Approved Project Plans and the approved Stormwater Pollution Prevention Plan (“SWPPP”) dated October 23, 2018 and last revised April 9, 2020. A copy of the Approved Project Plans and SWPPP are on file in the City of Beacon Building Department; and

**WHEREAS**, the Municipality and the Facility Owner desire that the Facility be built in accordance with the Approved Project Plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the Facility;

**NOW, THEREFORE, IN WITNESS WHEREOF**, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Facility Owner, its successors and assigns, to the maintenance provisions depicted in the Approved Project Plans and described in the Operation and Maintenance Plan entitled “Stormwater Management System Long Term Operation and Maintenance Plan for 23-28 Creek Drive,” prepared by Hudson Land Design Professional Engineering, P.C., dated December 16, 2019, which is included in Schedule B of this Agreement.
2. The Facility Owner shall maintain, clean, repair, and replace the Facility and keep the Facility in continuous operation in accordance with the in the Approved Project Plans and the SWPPP as necessary to ensure optimum performance of the stormwater control measures to

design specifications. The stormwater control measures shall include, if applicable, but shall not be limited to, the following items located at the Premises: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, detention ponds and retention ponds. The Operation and Maintenance Plan is included in Schedule B of this Agreement.

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

4. The Facility Owner shall be responsible for all expenses related to the maintenance of the Facility and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities, as applicable, except as otherwise set forth hereinafter.

5. The Facility Owner shall provide for the periodic inspection of the Facility in accordance with the SWPPP, and shall have the facilities inspected on a yearly basis by a Professional Engineer licensed by the State of New York, to determine the condition and integrity of the stormwater control measures. The inspecting professional shall prepare and submit to the Municipality within 30 days of the inspection but not later than June 1 of each year, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

6. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the Facility except in accordance with written approval of the Municipality which approval shall not be unreasonably withheld.

7. The Facility Owner shall promptly undertake necessary repairs and replacement of the Facility at the direction of the Municipality or in accordance with the recommendations of the inspecting professional.

8. The Facility Owner hereby covenants that it is seized of the Premises in fee simple and has full authority to execute this Agreement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this Agreement; and shall execute and deliver any further documents reasonably necessary to assure the benefits of this Agreement to the Municipality.

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

10. This Agreement shall be recorded in the Office of the County Clerk, County of Dutchess as a condition of final site plan approval and as a condition to the issuance of a building permit.

11. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the Facility in accordance with the Approved Project Plan or SWPPP, or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality shall provide the Facility Owner with written notice via certified mail, return receipt requested, specifying such failure. Copies of any written notices to the Facility Owner shall be contemporaneously provided to the Fee Owner, if different from the Facility Owner, via certified mail, return receipt requested. The written notice shall provide that the Facility Owner has fifteen (15) days to cure any defect and/or failure specified therein. In the event the failure cannot be cured within fifteen (15) days, the Facility Owner shall advise the Municipality as to same in writing within fifteen (15) days of receipt of the Municipality's notice to cure. The Facility Owner shall be afforded the opportunity to request a reasonable time frame to cure said failure/defect if the Facility Owner so desires. If the Facility Owner fails to provide written notice requesting an extension of time to cure a failure/defect and the Facility Owner does not cure said failure/defect, the Municipality is authorized to undertake such steps as are reasonably necessary for the preservation, continuation or maintenance of the Facility and to affix the expenses thereof as a lien against the Premises.

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

13. All notice and demands shall be made in writing and delivered by certified mail, return receipt requested, with postage pre-paid thereon, addressed as follows:

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

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

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

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

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

*Signature pages follow.*

**IN WITNESS WHEREOF**, the Facility Owner and the Municipality have each executed this Agreement as of the date first herein above set forth.

**CITY OF BEACON**

By: \_\_\_\_\_  
Name:  
Title:

**23-28 CREEK DRIVE, LLC**

By: \_\_\_\_\_  
Name:  
Title:

STATE OF NEW YORK                    )  
  )  
COUNTY OF \_\_\_\_\_            )       SS.:

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

\_\_\_\_\_  
Notary Public – State of New York

STATE OF NEW YORK                    )  
  )       SS.:  
COUNTY OF \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public – State of New York

**Record & Return:**

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



## **Schedule A**

### Description of the Premises

## **Schedule B**

### **Stormwater Management System Long Term Operation and Maintenance Plan**



1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of the Copyright Act. Permission of the author and / or copyright holder is obtained.

2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of the Surveying and Mapping Act of the State of New Jersey Education Law.

3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the original. The surveyor's opinion, a copy of this document without a proper application of the surveyor's embossed or red inked seal is not a true and correct copy of the survey map.

4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveyors of the State of New Jersey, as promulgated by the Professional Land Surveyors, Inc. The certification is not a warranty of the accuracy of the survey map. A map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this map.

Liber 1944 Page 223  
 John Lo Guikato  
 To  
 3 Churchhill Street, Inc.  
 May 17, 1994  
  
 Liber 598 Page 12  
 Beacon Savings Bank  
 To  
 Hudson Realty Corporation  
 February 27, 1942  
  
 Liber 328 Page 447  
 The Standard Oil Company New York  
 To  
 The Village of Matteawan  
 August 29, 1903  
  
 Liber 157 Page 60  
 John Rothery, Anna Rothery, William Rothery, Elizabeth B.  
 Rothery  
 To  
 Outchess and Columbia Railroad  
 June 8, 1869  
  
 Liber 153 Page 477  
 Outchess and Columbia Railroad  
 To  
 John Rothery and William Rothery  
 June 8, 1869

23-28 Creek Drive  
Beacon NY 12508

7-15 Creek Drive  
Beacon NY 12508

11 Creek Drive  
Beacon NY 12508

Parcels are within the designated Fishkill Creek Development (FCD) District and General Business (GB) District as shown of map entitled "Zoning—City of Beacon" dated September 24, 2018

Map entitled "Subdivision Plot Prepared for Weber Projects Inc., LLC" prepared by TEC Land Surveying, P.C. and filed with the Dutchess County Clerk's office on October 30, 2015 as Map No. 12918.

Map entitled "A Supplemental Map Showing All Alteration of Location of the Dutchess County Rail Road Through the Village of Meadows" prepared by Oliver A. Barnes Chief Engineer and filed with the Dutchess County Clerk's office on April 15, 1868 as Map No. 186 aka X-67.

Map entitled "A supplemental Map Showing a Portion of the Dutchess and Columbia Rail Road" prepared by Oliver Barnes and filed with the Dutchess County Clerk's office as Map No. 187 aka X-65.

Map entitled "Map of Estate of Hon. Isaac Teller" prepared by S. Scofield and filed in the Dutchess County Clerk's office on November 10, 1950 as Map No. 2286.

City of Beacon, County of Dutchess, State of New York  
Tax ID: 130200-6054-37-037625 &  
130200-6054-37-066670

## Field Completion: 07/02/2018

The undersigned owners of the property hereon state that they are familiar with this map, its contents and its legends and hereby consent to all said terms and conditions as stated hereon.

1	4/17/20	City Comments
rev.	date	description

GRAPHIC SCALE

1" = 30'

CITY OF BEACON, § 223-17D, SCHEDULE OF REGULATIONS FOR NON-RESIDENTIAL DISTRICTS				
PARAMETER	REQUIREMENT (FCD)	REQUIREMENT (GB)	Tax ID: 0376265 (FCD)	Tax ID: 0066670 (GB)
AREA:	2 Acres	-	3.144 Acres	1.805 Acres
FRONTAGE:	50 ft	-	157.5 ft	-
BUILDING HEIGHT:	40 ft/3 Stories	35 ft	52 ft	4 Stories
FRONT:	12 ft	-	19.4 ft	-
SIDE:	12 ft	20 ft	23.8 ft	-
REAR:	12 ft	25 ft	65.2 ft	-

This plan does not constitute a Realty Subdivision as defined by Article XI, little Section 1115 of the Public Health Law of the State of New York, and Article XI of the Dutchess County Sanitary Code. Permission is hereby granted for the filing of this map with the Clerk of Dutchess County. Approval for arrangements for water supply and/or sewage disposal is neither sought nor granted.

F BEACON, COUNTY OF DUTCHESS, STATE OF NE

tax id		MULTIPLE	
address 23-28 CREEK DRIVE			
date 2/20/2020		drawn BJ	
scale 1"=30'		checked TEC	
project no. 18-016			
project name 23-28 CREEK DRIVE			
sheet 1 OF 1			



Zoning Regulations Table																											
	Required Setbacks			Proposed Setbacks			Minimum frontage on public street right-of-way	Proposed frontage on public street right-of-way	Minimum Site Area	Existing Site Area	Maximum Residential Development Potential	Proposed Number of Residential Units	Required Commercial Space	Proposed Commercial Space	Maximum Dwelling Size	Proposed Dwelling Size	Maximum Building Coverage	Proposed Building Coverage	Minimum Open Space	Proposed Open Space	Maximum Building Height	Proposed Building Height	Minimum setback from and buffer width along Fishkill Creek	Proposed setback from and buffer width along Fishkill Creek			
	Front	Side	Rear	Front	Side	Rear																					
Zoning District																											
FCD	12'	12'	12'	19.4'	23.8'	65.2'	50 feet	157.5 feet	2 acres	2,807 acres existing 3,144 acres with lot line realignment	15	8	25%	60%	2,000 sf	2,975 sf for 2 out of 8 units	35%	11%	30%	91%	3 stories / 40'	4 stories / 52' from 1st floor to roof	An average of 50 feet, but not less than 25 feet at any point	An average of 50 feet, but not less than 25 feet at any point			



### Location Map

Scale: 1" = 400'

### Zoning Summary

Zoning District:	FCD (FISHKILL CREEK DEVELOPMENT)
Tax Map No.:	6054-37-037625
Lot Area:	2,807 acres (122,272.92 sq ft) before lot line realignment 1,144 acres (138,974.89 sq ft) after lot line realignment = 0.337 acres (14,700.78 sq ft) conveyed from 7 33,590 square feet (20,000 sf commercial + 13,590 Residential)
Building Area:	No
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Industrial (Vacant)
Proposed Uses:	Commercial / Residential

Use	Permitted / Required	Proposed
Commercial	25% of building area	60% of building area
Residential	Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, predevelopment very steep slopes of 25% or more as defined in, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11.	15 Dwelling Units (after lot line adjustment and deductions) 8 Dwelling Units

### Parking & Loading

Residential	1 space for each dwelling unit plus 1/4 space per bedroom	8 apartments + 16 bedrooms	13 spaces
Office	1 space for each 200 square feet	20,000 sf	100 spaces
Total Required Parking Spaces			113 spaces required
Total Proposed Parking Spaces			93 spaces proposed

### Notes:

- The Fishkill Creek Development Zone requires that a minimum of 25% of the building area be an approved non-residential use. This project proposes 60% approved non-residential use.
- The proposed section of Greenway Trail traversing the property follows the standard requirements for materials, dimensions, proximity to the Creek, screening from the proposed building. Due to the steep grades the trail has stairs in sections. Where practicable, the Trail and public park are accessible, as are the parking spaces and gate associated with the Trail. This is in accordance with the Greenway Trail Design Recommendations. Design the Trail to provide accessibility to outdoor enjoyment and education for users of all abilities.
- 2 parking spaces will be dedicated for Greenway Trail visitors on a first come first serve basis during the specified times and days that the Trail is open to the public. The spaces can be used by building tenants during all other times. The public shall not park in any but the 2 designated Trail spaces.
- A large public park, connected to the Greenway Trail, is proposed to be constructed by the Applicant. A future spur from the Greenway Trail to the future Rail Trail has been designed into the plan.
- Signage will comply with the City of Beacon Zoning Code
- Commercial Hours of Operation: 8am to 6pm
- 4 variances requested by the Applicant, as further described below, were approved by the Zoning Board at their September 2019 hearing.

### ZONING BOARD VARIANCES APPROVED

- RESOLUTION # 2019-14 - SEPTEMBER 17, 2019  
1) A VARIANCE OF 20 PARKING SPACES, WHERE 113 PARKING SPACES ARE REQUIRED FOR A MIXED-USED BUILDING CONSISTING OF 20,000 SQUARE FEET OF COMMERCIAL SPACE AND EIGHT (8) RESIDENTIAL UNITS PURSUANT TO CITY CODE § 223-26. F AND 10 PARKING SPACES ARE PROPOSED.
- A 750 SQUARE FOOT VARIANCE FOR TWO APARTMENT UNITS, WHERE THE MAXIMUM PERMITTED DWELLING UNIT SIZE IS 2,000 SQUARE FEET PURSUANT TO CITY CODE § 223-41. 14. 0 AND TWO TWO APARTMENT UNITS ARE PROPOSED TO BE 2,750 SQUARE FEET.
- A ONE-STORY HEIGHT VARIANCE, WHERE THE MAXIMUM PERMITTED BUILDING HEIGHT IS THREE STORIES PURSUANT TO CITY CODE § 223-41. 14. F AND THE PROPOSED BUILDING HEIGHT IS FOUR STORIES; AND A 13 FOOT 4 INCH BUILDING HEIGHT VARIANCE WHERE THE MAXIMUM PERMITTED BUILDING HEIGHT IS 40 FEET PURSUANT TO CITY CODE § 41. 14. 17 AND THE PROPOSED BUILDING HEIGHT IS 53 FEET- 4 INCHES
- 

USACE SPECIAL CONDITION NOTE:  
IN ORDER TO PROTECT THE FEDERALLY-LISTED ENDANGERED INDIANA BAT (MYOTIS SODALIS) AND THE FEDERALLY-LISTED THREATENED NORTHERN LONG-EARED BAT (MYOTIS SEPTENTRIONALIS), THE CLEARING OF POTENTIAL ROOSTING TREES SHALL OCCUR ONLY BETWEEN NOVEMBER 1 AND MARCH 31. ORANGE CONSTRUCTION FENCING SHALL BE USED TO SEPARATE AREAS TO BE GRADED FROM AREAS NOT TO BE DISTURBED. NO ARTIFICIAL DYES, COLORING, INSECTICIDE, OR ALGACIDE SUCH AS COPPER SULFATE SHALL BE USED IN STORMWATER CONTROL STRUCTURES.

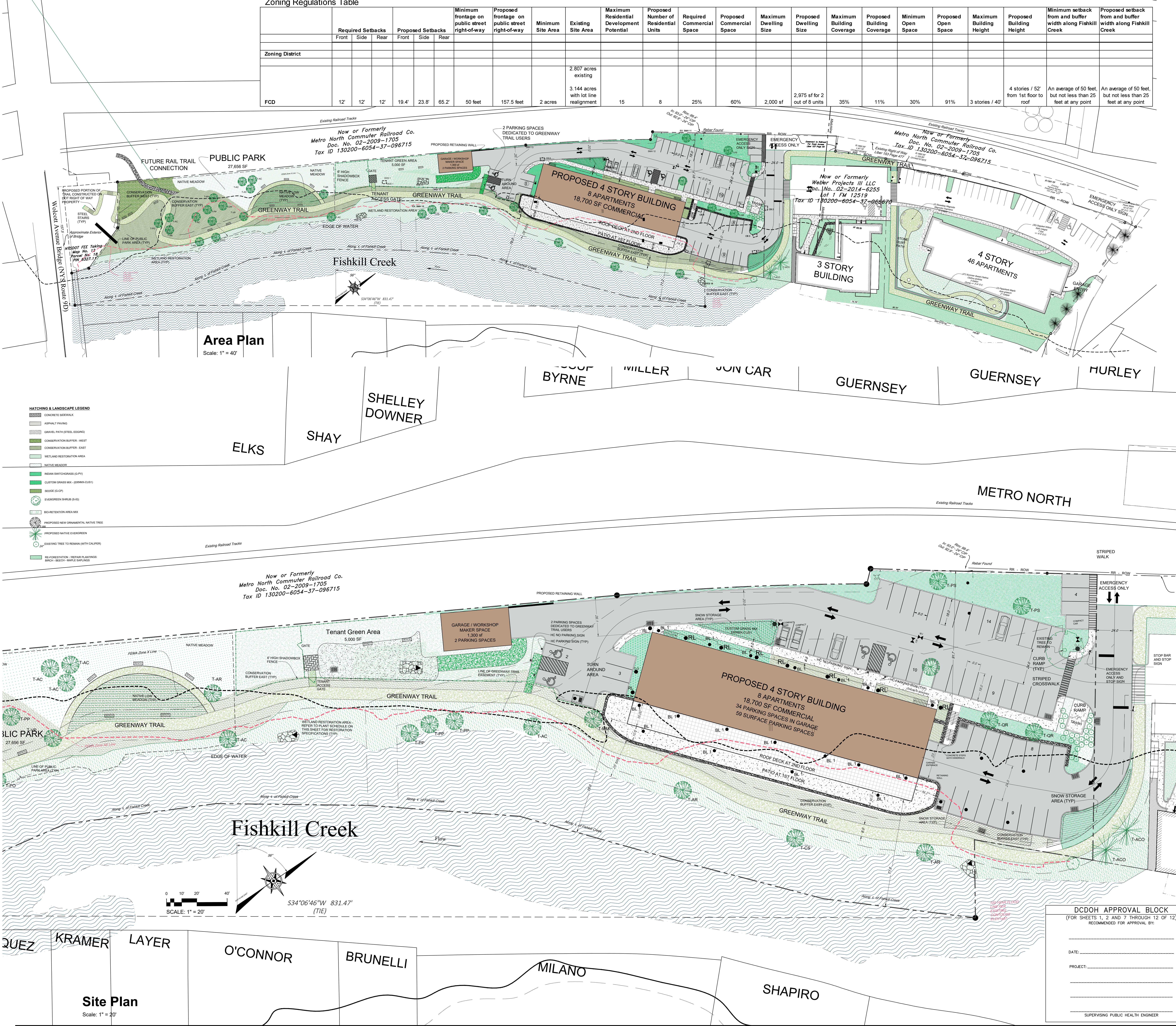
REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	12/25/18	NO CHANGE	AJS
2	02/22/19	REVISED PER PLANNING BOARD COMMENTS	AJS
3	03/28/19	REVISED PER PLANNING BOARD COMMENTS	AJS
4	04/30/19	REVISED PER PLANNING BOARD COMMENTS	AJS
5	05/28/19	REVISED PER PLANNING BOARD COMMENTS	AJS
6	06/25/19	ZBA SUBMISSION - NO CHANGE	AJS
7	10/29/19	REVISED PER PLANNING BOARD COMMENTS	AJS
8	12/31/19	REVISED PER PLANNING BOARD COMMENTS	AJS
9	02/17/20	NO CHANGE	AJS
10	04/09/20	REVISED PER PLANNING BOARD COMMENTS	AJS
11	04/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS

### Index of Drawings

Sheet 1 of 1	Lot Line Realignment Plat - TEC Surveying (To be Filed With the Dutchess County Clerk)
Sheet 1 of 1	Signing Plan - Maser Consulting
Sheet 1 of 12	Site Plan (To be Approved by the DCOBCH)
Sheet 2 of 12	Existing Conditions & Demolition Plan (To be Approved by the DCOBCH)
Sheet 3 of 12	Site Section Diagram
Sheet 4 of 12	Landscape Plan & Planting Schedule
Sheet 5 of 12	Building Plans
Sheet 6 of 12	Renderings
Sheet 7 of 12	Grading & Utility Plan (To be Approved by the DCOBCH)
Sheet 8 of 12	Erosion and Sediment Control Plan (To be Approved by the DCOBCH)
Sheet 9 of 12	Profiles (To be Approved by the DCOBCH)
Sheet 10 of 12	Site & Erosion Sediment Control Details (To be Approved by the DCOBCH)
Sheet 11 of 12	Stormwater Details (To be Approved by the DCOBCH)
Sheet 12 of 12	Water and Sewer Details (To be Approved by the DCOBCH)

## Site Plan Application

Sheet 1 of 12 - Site Plan



Owner:  
**23-28 Creek Drive LLC**  
11 Creek Drive  
Beacon, New York 12508

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

Site / Civil Engineer:  
**Hudson Land Design**  
174 Main Street  
Beacon, New York 12508

Surveyor:  
**TEC Land Surveying, P.C.**  
15C Tioronda Avenue  
Beacon, New York 12508

Landscape Designer:  
**Landscape Restorations**  
P.O. Box 286  
Beacon, New York 12508

**23 - 28 Creek Drive**  
Beacon, New York  
Scale: As Noted  
October 23, 2018



	EXISTING ROOF LEADER LOCATION
	SEWER MANHOLE
	UNKNOWN MANHOLE
	GUY WIRE ANCHOR
	UTILITY POLE
	ELECTRIC BOX
	HYDRANT
	WATER VALVE
	ROUND DROP INLET
	ELECTRIC METER
	UTILITY POLE WITH LIGHT
	COMMUNICATION BOX
	OVERHEAD WIRES
	FENCE
	DROP INLET
	GAS METER
	LAMP
	UNKNOWN VALVE
	EXISTING WATER EDGE
	EXISTING PROPERTY LINE
	100-YEAR FLOOD LINE
	100-YEAR FLOODWAY LINE
	PROPOSED EASEMENT LINE
	PROPOSED CATCH BASIN WITH INLET PROTECTION
	PROPOSED CLEANOUT
	PROPOSED HYDRANT
	PROPOSED WATER VALVE
	PROPOSED SANITARY MANHOLE
	PROPOSED RETAINING WALL
	PROPOSED CULVERT
	PROPOSED UNDERDRAIN
	PROPOSED ROOF LEADER PIPE
	PROPOSED MINOR CONTOUR
	PROPOSED SPOT ELEVATION
	EXISTING CATCH BASIN
	EXISTING UTILITY POLE
	PROPOSED CLEANOUT
	PROPOSED SEWER SERVICE LINE
	PROPOSED WATER SUPPLY LINE
	PROPOSED FENCE
	IMPERVIOUS SURFACE
	PROPOSED RIP RAP
	UTILITY CROSSING LOCATION
	PROPOSED ROOF LEADER LOCATION
	PROPOSED WATER SERVICE LINE
	PROPOSED WATER SHUT-OFF VALVE
	LOWEST SEWERABLE ELEVATION

**CATCH BASINS, PIPING AND FLARED END SECTION**

All catch basins, piping and flared end sections shall be inspected every spring and fall. Look for obstructions, vegetation, debris, litter, sediment, etc. Blocking the structures or pipes, utilize vacuum truck if necessary. Observe the flow of water after a rainfall event. Any evidence of ponding in the structure indicates a potential problem. When sediment accumulation within the catch basin sum pump reaches 1/2 of the sum depth, it shall be removed.

**RIP RAP OUTLET PROTECTION AND EMERGENCY OVERFLOW WEIR:**

Rip rap outlet protection and the emergency overflow weir shall be inspected quarterly for sediment build-up, vegetation, debris, litter, and obstructions. If sediment builds up enough to block the weir in the void space between the stones or grass pavers, then the rip rap or pavers shall be cleaned or replaced.

**HYDROLOGIC DEVICES:**

The hydrologic pretreatment devices (HPO) require regular inspection and maintenance to ensure optimal performance. Maintenance frequency will be driven by upstream conditions (contributing drainage area stabilization) and proper maintenance of upstream structures and culvert pipes. The manufacturer recommends that the HPO units be inspected annually during the winter months. Inspections should include visual observation of the unit's operation. Inspections and maintenance shall be performed by qualified personnel familiar with the types of units. The units shall be cleaned by vacuum truck once a year (except for the first year where more frequent cleanings may be required).

**BIORETENTION AREA:**

The bio retention area shall be inspected monthly for sediment and debris accumulation; any accumulated sediment or debris should be removed as necessary. After storm events, inspect the bio retention area's denaturing duration should also be monitored. The bio retention area's floor shall be mowed when the grass reaches a height of 18 inches (if lawn grass is present). Cut ornamental grasses annually in the late fall. Sediment shall be cleaned out of the basin annually in the spring and fall. Inspect inflow and outflow pipe openings for obstruction and debris. Inspect the system for leaks and means of cleaning estimate. The yardstick shall be used to measure the inflow and outflow components. Check for signs of structural overgrowth. Verify the denaturing capability, odor, fertilizer, and test soil samples for pH Annually. Harvest the plants at least twice each year. Fertilize the plants according to the instructions provided by the manufacturer. Water the plants daily until they are well established. Opened slightly to provide full wetting in 24 hours. If the pH is below 6.0, lime should be applied. If the pH is above 7.0 to 8.0, iron sulfate plus sulfur can be added. Monitor the plant growth over entire area every two to three years. If denaturing is a problem, cover aeriation of cultivating non-vegetated areas may be required to ensure adequate filtration.

**UNDERGROUND DENTATION/FILTRATION SYSTEM:**

Infiltration basin shall be inspected monthly for sediment and debris accumulation during the first year of operation. After 50 years of service life the system shall be evaluated. If the system is no longer functioning in accordance with the original design, the system shall be restored or replaced. There are four inspection ports available for monitoring the infiltration process. Visual observations through the viewing port shall determine if there is any clogging or debris. Remove obstructions, debris, etc.. Inspect the interior of the stormwater management chambers through inspection port for debris every five years.

1. CONTRACTOR SHALL DIG TEST PITS TO VERIFY LOCATION, SIZE AND PIPE MATERIAL OF EXISTING UNDERGROUND UTILITIES. IF ANY EXISTING UTILITIES ARE NOT IN THE LOCATION WHERE THEY ARE SHOWN ON THE PLAN, IT SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY.

1. ALL OTHER UTILITIES (TELEPHONE, ELECTRIC, GAS, CABLE, ETC.) SHALL BE INCORPORATED PRIOR TO CONSTRUCTION. ALL SUCH UTILITY DESIGNS SHALL BE DEVELOPED IN COOPERATION WITH THE APPROPRIATE UTILITY COMPANY.
2. THE CONTRACTOR SHALL PERFORM A UTILITIES CALL-OUT PRIOR TO CONSTRUCTION TO VERIFY ALL UNDERGROUND UTILITY LOCATIONS BY CONTACTING UFPO 011-800-862-7965.
3. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND INVERTS OF ALL CATCH BASINS & STORM SEWER LINES, SANITARY MANHOLES & SEWER LINES, WATERLINES AND OTHER UNDERGROUND UTILITY LINES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOT ASSUME THAT ALL LOCATIONS AS SHOWN ON THE PLAN ARE CORRECT. INVESTIGATIVE TEST PITS MAY BE REQUIRED TO VERIFY LOCATIONS.
4. PIPE CONNECTIONS TO ALL CATCH BASINS SHALL BE MADE WATERTIGHT, WITH PARTICULAR ATTENTION BEING PAID TO CONNECTIONS LOCATED WITHIN 10 FEET OF SEWER MANS (AND SEWER LATERALS).

1. UPON COMPLETION OF CONSTRUCTION OF THE STORMWATER FACILITIES, AS-BUILT DRAWINGS OF ALL STORMWATER PRACTICES AND AN OPERATION AND MAINTENANCE PLAN MANUAL SHALL BE PROVIDED TO THE CITY OF BEACON.

1. THE SECTIONS OF SEWER MAIN TO REMAIN IN-PLACE ON SITE SHALL BE INSPECTED AND CLEANED TO VERIFY THE CONDITION OF THE PIPE. THIS WORK SHALL BE COORDINATED WITH THE CITY ENGINEER AND SEWER DEPARTMENT. THE PIPES TO REMAIN IN-PLACE SHALL THEN BE SLIP-LINED BETWEEN EXISTING MANHOLE 11 TO PROPOSED SEWER MANHOLE 12, AND BETWEEN PROPOSED SEWER MANHOLE 14 AND EXISTING SEWER MANHOLE 15 AS THE CONDITION OF THE PIPES WARRANT UPON INSPECTION.
2. UPON COMPLETION OF CONSTRUCTION OF THE WATER AND SEWER FACILITIES, AS-BUILT DRAWINGS OF FINAL WATER AND SEWER MAIN LOCATIONS SHALL BE PROVIDED TO THE CITY OF BEACON.
3. THE COMPLETED WATER MAIN EXTENSION AND SEWER MAIN RE-LOCATION SHALL BE CERTIFIED BY THE LICENSED PROFESSIONAL OBSERVING CONSTRUCTION TO THE CITY OF BEACON.
4. THE WATER AND SEWER MAINS SHALL BE DEDICATED TO THE CITY OF BEACON UPON ACCEPTANCE OF THE CERTIFICATION.

1. THE SITE OWNER WILL UTILIZE A LOADER TO MOVE SNOW TO THE AREAS DESIGNATED FOR SNOW STORAGE.
2. SNOW SHALL BE REMOVED WITHIN 8 HOURS AFTER A SNOW EVENT.

IN ORDER TO PROTECT THE FEDERALLY-LISTED ENDANGERED INDIANA BAT (MYOTIS SOBALUS) AND THE FEDERALLY-LISTED THREATENED NORTHERN LONG-EARED BAT (MYOTIS SEPTENTRIONALIS), THE CLEARING OF POTENTIAL ROOSTING TREES SHALL OCCUR ONLY BETWEEN NOVEMBER 1 AND MARCH 31. ORANGE CONSTRUCTION FENCING SHALL BE USED TO SEPARATE AREAS TO BE GRADED FROM AREAS NOT TO BE DISTURBED. NO ARTIFICIAL DYES, COLORING, INSECTICIDE, OR ALGAECIDE SUCH AS COPPER SULFATE SHALL BE USED IN STORMWATER CONTROL STRUCTURES.

1. ROCK REMOVAL (IF NECESSARY) SHALL BE ACCOMPLISHED BY MECHANICAL METHODS AS MUCH AS POSSIBLE AND SHALL ONLY BE PERMITTED BETWEEN 8:00AM AND 5:00 PM ON ANY DAY WHICH ROCK REMOVAL IS PERMITTED.
2. ACCEPTABLE ROCK REMOVAL METHODS ARE RIPPING, HYDRAULIC HAMMER OR DRILLING HOLES WITH USE OF EXPANSIVE TOOLS AND/OR WEDGES.
3. IF MECHANICAL METHODS BECOME INEFFECTIVE DUE TO HARD ROCK, AND IT IS DETERMINED THAT BLASTING IS REQUIRED, IT SHALL BE BROUGHT TO THE ATTENTION OF THE CITY OF BEACON BUILDING DEPARTMENT. NO BLASTING SHALL COMMENCE UNTIL A BLASTING PROTOCOL IS SUBMITTED TO THE CITY OF BEACON BUILDING DEPARTMENT FOR REVIEW AND APPROVAL.
4. BLASTING PROTOCOL SHALL BE IN ACCORDANCE WITH §111 OF THE CITY OF BEACON CODE.

1. HYDRANT FLOW TESTS IN THE VICINITY OF THE PROJECT REVEALED STATIC PRESSURES RANGING FROM 88 PSI TO 100 PSI. THEREFORE PRESSURE REDUCING VALVES WILL BE REQUIRED TO MAINTAIN PROPOSED PRESSURES.
2. PRESSURE REDUCING VALVES (PRV) SHALL BE FURNISHED BY MUELLER OR WATTS AND COORDINATED WITH THE MECHANICAL ENGINEERING CONSULTANT AS TO TYPE AND SIZE.
3. SPECIFICATIONS FOR THE PROPOSED PRV SHALL BE PROVIDED TO THE CITY OF BEACON BUILDING DEPARTMENT PRIOR TO INSTALLATION.
4. DOUBLE CHECK VALVES SHALL BE PROVIDED ON ALL SERVICE CONNECTIONS TO THE ON-SITE BUILDINGS.
5. DOUBLE CHECK VALVES SHALL BE WATTS SERIES 909 OR APPROVED EQUAL ON DOMESTIC CONNECTIONS AND COORDINATED WITH THE MECHANICAL ENGINEERING CONSULTANT AS TO TYPE AND SIZE.
6. SPECIFICATIONS FOR THE PROPOSED DOUBLE CHECK VALVES SHALL BE PROVIDED TO THE CITY OF BEACON PRIOR TO INSTALLATION.

1. ALL RETAINING WALLS SHOWN ON THIS PLAN SHALL BE DESIGNED BY A NEW YORK STATE LICENSED ENGINEER AND PLANS SHALL BE SUBMITTED TO THE BEACON BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

1. PARCEL 6054-37-086670 (7-15 CREEK DRIVE) IS CONVEYING 14,700.76 SQFT, (0.337 AC.) TO THIS PARCEL 6054-37-037625 (23-28 CREEK DRIVE).  
2. THE RESULTANT AREA FOR PARCEL 6054-37-086670 (7-15 CREEK DRIVE) AFTER THE LOT LINE RE-ALIGNMENT IS ±69,918.03 SQFT, OR ±1.605 AC.  
3. THE RESULTANT AREA FOR PARCEL 6054-37-037625 (23-28 CREEK DRIVE) AFTER THE LOT LINE RE-ALIGNMENT IS ±136,953.88 SQFT, OR ±3.144 AC.

[illegible]

1. INSTALL INSERTION MANHOLES AT SM 12 AND SM 14.
2. NEW SEWER 13 IN 11 TO SM 13 AND SM 14. DO NOT CONNECT PIPE TO SM 12 AND SM 14 YET.
3. AFTER THE NEW MANHOLES AND PIPING ARE INSTALLED, THE CONTRACTOR SHALL PROVIDE A PUMP BY-PASS AND PIPING SYSTEM AS REQUIRED FOR MAKING CONNECTIONS TO EXISTING CITY SYSTEMS. THE CONTRACTOR SHALL SUBMIT A SEWERING AND PUMP BY-PASS WORK PLAN TO THE CITY BUILDING INSPECTOR AND SEWER DEPARTMENT PRIOR TO THE START OF PUMP BY-PASS WORK. THE PUMP BY-PASS WORK SHALL BE COORDINATED SUCH THAT IT IS COMPLETED DURING DRY WEATHER CONDITIONS OR WEATHER TO THE GREATEST EXTENT POSSIBLE.
4. PUMP BY-PASS WORK SHALL BE COMPLETED PRIOR TO SM 15.
5. B.PUMP OUTLET OF SM 11 TO SM 15.
6. THE PUMPING AND BY-PASS PIPING SYSTEM SHALL BE SIZED TO ADEQUATELY CONVEY THE PEAK FLOWS ASSOCIATED WITH THE SEWER MAIN.
7. BREAK OPEN EXISTING SANITARY PIPE AT SM 14.
8. CUT AND CAP EXISTING SANITARY PIPE INTO SM 14.
9. CONNECT NEW SANITARY PIPING TO SM 14. CONNECTION WILL UTILIZE EXISTING INLET PIPE OPENING. THE NEW PIPE OUTLET SHALL BE SEALED BY USE OF NON-SHRINKING GROUT ON BOTH SIDES OF THE MANHOLE.
10. BREAK OPEN EXISTING SANITARY PIPE AT SM 12.
11. CUT AND CAP EXISTING SANITARY PIPE OUT OF SM 12.
12. CONNECT NEW SANITARY PIPING TO SM 12. CONNECTION WILL UTILIZE EXISTING OUTLET PIPE OPENING. THE NEW PIPE OUTLET SHALL BE SEALED BY USE OF NON-SHRINKING GROUT ON BOTH SIDES OF THE MANHOLE.
13. THE NEW SEWER LINES AND MANHOLES SHALL BE PRESSURE TESTED PRIOR TO BEING PLACED INTO SERVICE. THE PUMP BY-PASS SHALL BE APPROVED BY THE NEW SEWERING AND PIPING DIVISION AND HAS BEEN TESTED AND CERTIFIED BY A NYS PROFESSIONAL ENGINEER AND THE CERTIFICATION HAS BEEN APPROVED BY THE CITY AND THE DISTRICT COUNTY DEPARTMENT OF HEALTH PRIOR TO BEING PLACED INTO SERVICE. REFER TO SANITARY SEWER NOTES ON SHEET 12 FOR TESTING INFORMATION.
14. AFTER CONDITIONS ARE COMPLETE, ALONG WITH AUTHORIZATION FROM THE CITY AND HEALTH DEPARTMENT, REMOVE BY-PASS PIPING SYSTEM.
15. INSTALL 6" SEWER SERVICE.

STORM SEWER STRUCTURE TABLE	
STRUCTURE	STRUCTURE DETAILS
CB 1	RM = 96.32 SUMP = 87.64
	PIPE 1 INV OUT = 88.64
CB 2	RM = 96.05 SUMP = 87.34
	PIPE 2 INV OUT = 88.34
CB 3	RM = 91.39 SUMP = 86.79
	PIPE 2 INV IN = 88.03
	PIPE 3 INV IN = 87.80 PIPE 4 INV OUT = 87.70
CB 4	RM = 86.93 SUMP = 82.90
	PIPE 3 INV IN = 83.90 PIPE 4 INV OUT = 83.90
CB 6	RM = 91.14 SUMP = 87.10
	PIPE 6 INV OUT = 88.10
WQI 5	RM = 86.81 SUMP = 82.20
	PIPE 4 INV IN = 83.30 PIPE 5 INV OUT = 83.20

FLARED END SECTION TABLE	
STRUCTURE	STRUCTURE DETAILS
FES 11	PIPE 9 INV IN = 88.10
FES 18	PIPE 15 INV IN = 80.00
FES 19	PIPE 16 INV IN = 79.50

STORM SEWER STRUCTURE TABLE	
STRUCTURE	STRUCTURE DETAILS
CB 7	RIM = 96.87 SUMP = 92.60 PIPE 7 INV OUT = 93.60
CB 8	RIM = 94.73 SUMP = 88.90 PIPE 7 INV IN = 91.00 PIPE 8 INV OUT = 89.90
WQI 9	RIM = 91.56 SUMP = 87.60 PIPE 8 INV IN = 88.70 PIPE 9 INV OUT = 88.60

SANITARY SEWER STRUCTURE TABLE		
STRUCTURE	STRUCTURE DETAILS	
EX. SMH 11	PIPE 11 RIM = 99.23 IN V OUT = 92.99	
EX. SMH 15	PIPE 14 RIM = 89.23 IN V IN = 76.21	
SMH 12	PIPE 12 RIM = 97.07 IN V IN = 88.65 PIPE 12 IN V OUT = 88.53	
SMH 13	PIPE 12 RIM = 94.40 IN V IN = 87.00 PIPE 13 IN V OUT = 86.99	
SMH 14	PIPE 13 RIM = 92.00 IN V IN = 81.83 PIPE 14 IN V OUT = 81.13	

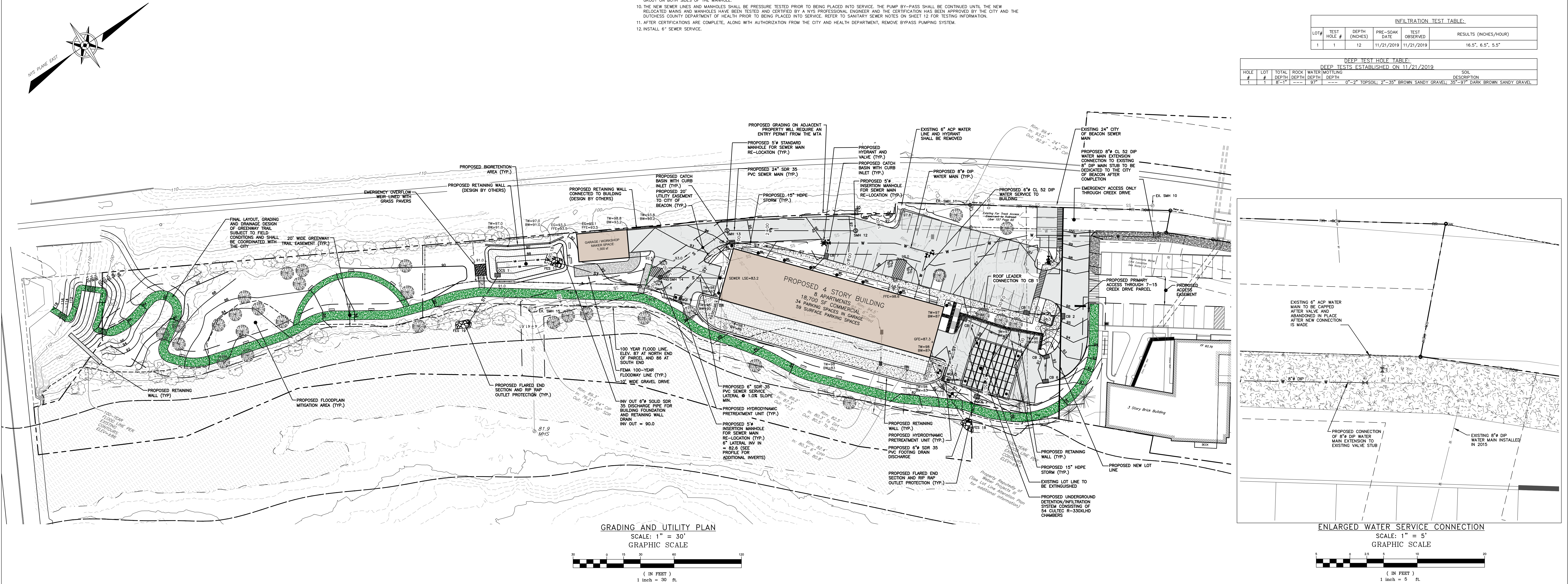
PIPE NAME	LENGTH	SIZE AND MATERIAL	SLOPE
PIPE 1	19 LF	15" Ø CORR HDPE	1.03%
PIPE 2	31 LF	15" Ø CORR HDPE	1.01%
PIPE 3	81 LF	15" Ø CORR HDPE	4.67%
PIPE 4	57 LF	15" Ø CORR HDPE	1.05%
PIPE 5	17 LF	15" Ø CORR HDPE	1.18%
PIPE 6	22 LF	15" Ø CORR HDPE	1.37%
PIPE 15	21 LF	18" Ø CORR HDPE	9.62%

PIPE NAME	LENGTH	SIZE AND MATERIAL	SLOPE
PIPE 7	85 LF	15" $\phi$ CORR HDPE	3.06%
PIPE 8	69 LF	15" $\phi$ CORR HDPE	1.73%
PIPE 9	109 LF	15" $\phi$ CORR HDPE	0.46%
PIPE 16	47 LF	15" $\phi$ CORR HDPE	13.91%

PIPE NAME	LENGTH	SIZE AND MATERIAL	SLOPE
PIPE 11	101 LF	24 inch CIP	4.20%
PIPE 12	115 LF	24 inch PVC	1.35%
PIPE 13	73 LF	24 inch PVC	6.96%
PIPE 14	117 LF	24 inch CIP	4.19%

INFILTRATION TEST TABLE:					
LOT#	TEST HOLE #	DEPTH (INCHES)	PRE-SOAK DATE	TEST OBSERVED	RESULTS (INCHES/HOUR)
1	1	12	11/21/2019	11/21/2019	16.5", 6.5", 5.5"

DEEP TEST HOLE TABLE:					
DEEP TESTS ESTABLISHED ON 11/21/2019					
HOLE #	LOT #	TOTAL DEPTH	ROCK DEPTH	WATER DEPTH	SOIL DESCRIPTION
#	#				
1	1	8'-1"	---	9"	0"-2" TOPSOIL; 2"-35" BROWN SANDY GRAVEL; 35"-97" DARK BROWN SANDY GRAVEL

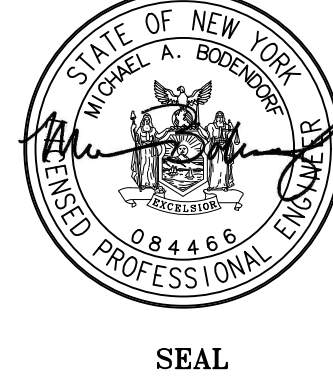


DRAWN BY: MAB				CHECKED BY: DGK			
REVISIONS:				REVISIONS:			
NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	BY
1	15/26/18	REVISED FOR PLANNING BOARD SUBMISSION	MAB	7	10/29/19	REVISED PER PLANNING BOARD COMMENTS	CHB
2	05/29/19	REVISED BUILDING USE	MAB	8	12/31/19	REVISED PER PLANNING BOARD COMMENTS	CHB
3	05/28/19	REVISED FOR PLANNING BOARD SUBMISSION	MAB	9	05/12/20	PER PLANNING BOARD & DCUDCH COMMENTS	CHB
4	05/28/19	REVISED PER PLANNING BOARD COMMENTS	MAB	10	04/8/20	REVISED PER PLANNING BOARD COMMENTS	MAB
5	04/30/19	REVISED PER PLANNING BOARD COMMENTS	MAB				
6	05/28/19	REVISED PER PLANNING BOARD COMMENTS	MAB				

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CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-37-037625

JOB #:	2018:029		
DATE:	10/23/2018		
SCALE:	SCALE: AS SHOWN		
TITLE:	GU-1		
SHEET:	7	OF	12