



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
June 8, 2020
7:00 PM

Workshop Agenda Items:

**Duration
(Minutes)**

1. Notice of Change in Public Meeting Location
2. Role of the Beacon Police Department in the Community with Police Chief Kevin Junjulas
3. Climate Smart Internship Program
4. Natural Resource Inventory
5. Proposed Local Law to Amend Chapter 223 and 210 of the Code of the City of Beacon Regarding Zoning and a Proposed Local Law to Amend the Zoning Map of the City of Beacon
6. Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals
7. Viewsheds
8. Resolution Authorizing the City Administrator to Approve License Agreements for Outdoor Business Operations on Public Property
9. Proposed Local Law to Create Chapter A228 of the Code of the City of Beacon Regarding Outdoor Permits
10. Intermunicipal Agreement Between the City of Beacon and Town of Fishkill for Shared Human Resources Services
11. Recreation Committee Reappointment of Larry Clark
12. Agreement for Maintenance, Repair and Energizing of Highway Signals

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Notice of Change in Public Meeting Location

Subject:

Background:

ATTACHMENTS:

Description

Notice of Change in Public Meeting Location

Type

Cover Memo/Letter



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

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

<https://us02web.zoom.us/j/82201559958?pwd=eHdHNjINTXM1S0xueWRZYWRESmJyQT09>

Webinar ID: 822 0155 9958, Password: 027050. To the extent internet access is not available, the public can attend via telephone by dialing + 1 929 205 6099 and entering the Webinar ID: 822 0155 9958, Password: 027050. 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, June 8, 2020 at 7:00pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Role of the Beacon Police Department in the Community with Police Chief Kevin Junjulas

Subject:

Background:

ATTACHMENTS:

Description

Type

City of Beacon Press Release Regarding Peaceful
Protests

Cover Memo/Letter



City of Beacon, New York

Office of the Mayor

Lee Kyriacou, Mayor

FOR IMMEDIATE RELEASE

June 3, 2020

845.838.5011 | mayor@CityofBeacon.org

CITY OF BEACON STATEMENT REGARDING RECENT PEACEFUL PROTESTS

Beacon, NY: The City of Beacon expressed continuing support of peaceful protest in light of the killing of George Floyd and communicated its existing police department policies and mission statement.

In light of Mr. Floyd's death in Minneapolis and subsequent protests, the City of Beacon has received a number of inquiries about the policies and practices of the Beacon Police Department.

"First, like all reasonable people, we are outraged by the actions of the officers in the killing of George Floyd and strongly condemn them," said Police Chief Junjulas. "We also support the first amendment and the right to peacefully protest and, as is our duty, stand against those who make that impossible by resorting to violence, destruction, and riot," the Chief said.

Mayor Lee Kyriacou said, "I can speak for the entire council and city when I say that we are shocked at the precipitating death of Mr. Floyd, and fully supportive of resulting peaceful protest. We understand the pain and desire for change that are motivating citizens of all walks of life to express themselves. I thank the community for speaking up in the non-violent tradition of Mahatma Gandhi, Martin Luther King Jr. and Nelson Mandela, and I thank the police chief and department for honoring and protecting our community to do so."

On Monday night, June 8th, the City of Beacon Police Chief will join the City Council at a conversation on best practices and training for the Beacon Police Department. In 2018, the Beacon Police Department was one of the first departments in the Hudson Valley region to implement body worn cameras by all patrol officers. All officers undergo yearly training on use of force procedures as well as current case law. This includes de-escalation strategies, prevention of positional asphyxia, and the duty to intervene in cases of excessive force. All patrol officers and detectives are trained by the Dutchess County Department of Mental Hygiene and PEOPLE Inc. in their extensive Crisis Intervention Training program and officers are receiving procedural justice training by the Dutchess County Police Academy.

City of Beacon Police Department Mission Statement

It is the mission of the City of Beacon Police Department to provide an exemplary level of service, ensuring public safety and a peaceful quality of life for the residents and businesses of the City of Beacon and all those who may visit our community.

The men and women of the City of Beacon Police Department strive to protect the rights of all persons within its jurisdiction, without prejudice or bias against race, religion, ethnic or national origin, or sexual orientation. We will safeguard the diversity of our community, keeping it free from criminal attack, threats of violence, or persecution. We will work to keep all citizens secure in their possessions, and stay vigilant so that together we can enjoy peace and harmony.

The City of Beacon Police Department will honor the established principles of a democratic society. Among these principles is the most profound reverence for human life, the value of which far exceeds that of any property. Every action of this Department and each of its members will be consistent with upholding this reverence for life foremost among our responsibilities.

The existence and effectiveness of the Police Department depends on public approval of police actions and behavior, and on the Department's ability to secure and maintain the public's respect. Our methods will emphasize cooperation with citizens based on trust rather than fear, and focus on the prevention as well as suppression of crime.

Our pledge to the community is to continually strive to achieve these goals, and to promote an organization based on excellence.

About the City of Beacon:

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

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City of Beacon Workshop Agenda
6/8/2020

Title:

Climate Smart Internship Program

Subject:

Background:

City of Beacon Workshop Agenda
6/8/2020

Title:

Natural Resource Inventory

Subject:

Background:

ATTACHMENTS:

Description	Type
Draft Natural Resource Inventory	Backup Material

City of Beacon Natural Resources Inventory



Photo Credit: Dennis O'Brien

**Prepared by the City of Beacon Conservation Advisory Committee
and Natural Resources Inventory Committee
May 2020**

The Beacon NRI was developed with support from the Environmental Protection Fund through the New York State Department of Environmental Conservation Hudson River Estuary Program and Cornell University's Cooperative Extension of Dutchess County.



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1.0 Introduction

This Natural Resources Inventory (NRI) is an inventory and assessment of the current state of nature in Beacon, New York, a small city on the Hudson River. The NRI covers a wide range of resources, from soil types to endangered species to recreational features. It is based on existing data and did not involve new studies.

What the NRI Shows

Each section of the NRI focuses on a different natural element in Beacon (e.g., water resources or habitat/biodiversity). To help this be a useful tool, the term “natural resources” is used very broadly, including the living things and naturally occurring materials in the environment, as well as scenic and cultural resources, the history of human impacts, and current and future challenges.

The NRI is divided into sections that represent a natural resource. Each section consists of: a map accompanied by text that interprets the map; provides additional information on that element of our environment; and explains why the natural resource is relevant to Beacon with implications for decision-making.

Beacon is a city rich with natural beauty and resources that have fostered a strong sense of place in its residents and enabled its community to prosper. Beacon is situated in a unique environment of urban human development with pockets of open, green spaces packed between the slopes of Mount Beacon and the Hudson River, with the rushing Fishkill Creek flowing through the heart of the city. While geographically small, Beacon is environmentally complex, with many distinct areas, habitats, features, and considerations.

Historically, Beacon’s natural bounty helped the native Wappinger tribe to thrive by hunting and fishing these lands. Dutch and English colonists utilized the Fishkill Creek’s power for milling their grain and lumber harvests. Decades of heavy industry, now mostly gone, left its architectural mark on the city with brick factory buildings and workers’ homes.

Today, tourists flock to enjoy the views of the mountain, quiet sunsets from the riverbank, and Beacon’s rich cultural offerings. Diverse bird and fish populations still migrate through each year, and mammals as large as bears make use of the

southeastern edge of the city - one of the few remaining greenways connecting the Hudson Highland mountains to the Hudson River.

How to Use the NRI for Decision-making

The NRI can be used by Beacon municipal officials, the planning board, zoning board of appeals, the conservation advisory committee, community groups, non-profit organizations, recreational groups, residents, and others to help assess the environmental impacts of proposed activities and development plans; to assist in completing environmental assessment forms; to provide natural resource data for the development of city policies and ordinances; to provide natural resource data for future comprehensive and land use plans; and to identify areas for natural resource conservation, management, and stewardship.

The NRI can be useful for those in Beacon’s community who are interested in local nature or whose work intersects with environmental needs. The NRI can be a resource and conversation-starter for decision-makers for protecting and enjoying the natural elements of Beacon. A better understanding of Beacon’s natural resources will enable the community to protect and conserve them for current and future generations.

The maps and data in the NRI should not substitute for site-specific studies. Municipal-level or parcel-level issues may need to be examined on a site-specific basis.

Implications for Decision-making

The City may wish to consider these high-level recommendations from the NRI:

- Incorporating climate change mitigation and adaptation in decision-making;
- Engaging Beacon residents in the stewardship of its natural resources; and
- Incorporating impacts on Beacon’s natural resources in development decision-making.

More Information & Sources

Please see the References section at the end of the document, which includes sources used to create each map and text, as well as useful documents, data sets, websites, and organizations.

1.1 Base Map

Map 1.1 is an aerial image from 2016 that depicts the context of the natural resources of Beacon, New York.

Why This Is Relevant to Beacon

Beacon covers approximately 4.7 square miles, and includes approximately 4.3 miles of Hudson River shoreline. The land slopes from east to west, down from the mountainous Fishkill Ridge to the Hudson River. Fishkill Creek is the most significant water feature in the city after the Hudson, flowing toward the southwest through the center of the city over many waterfalls and dams, and entering the Hudson River via a natural bay south of Dennings Point.

Beacon has a variety of habitats, including forests and wetlands, and residential neighborhoods and yards, the riverfront, fields, and more all thrive within the city of Beacon. Some areas are maintained (e.g., mowed parks) while others are left in their more natural state.

Beacon is most densely developed along Main Street. The thoroughfare runs from the bluff over the river's harbor and the Metro-North Train Station southeast across Fishkill Creek to the foot of the mountains. Main Street is one mile long and features dozens of shops, restaurants, and other services. Development density generally decreases the further you get from Main Street, and the municipalities surrounding Beacon are not as densely populated as the city itself.

Beacon's built environment and population has remained fairly unchanged since 1950, with the population decreasing slightly between 1960 and 1990. According to the 2012 revision to the 2010 United States Census, the population of Beacon was 14,599 with a population density of 3,106 people per square mile. Recent and proposed residential development suggest there will soon be an uptick in population growth.

Other visible features are the Fishkill Correctional Facility, a New York State Prison with approximately 1,650 inmates, located in the northeast; and the shoreline of the Hudson River, which is completely undeveloped but includes the railroad tracks used by Metro-North and Amtrak.

What This Map Shows

The Base Map and similar aerial images serves as the basis for all maps in the NRI. It highlights the following unique natural and cultural landmarks, which can be used for orientation on subsequent maps:

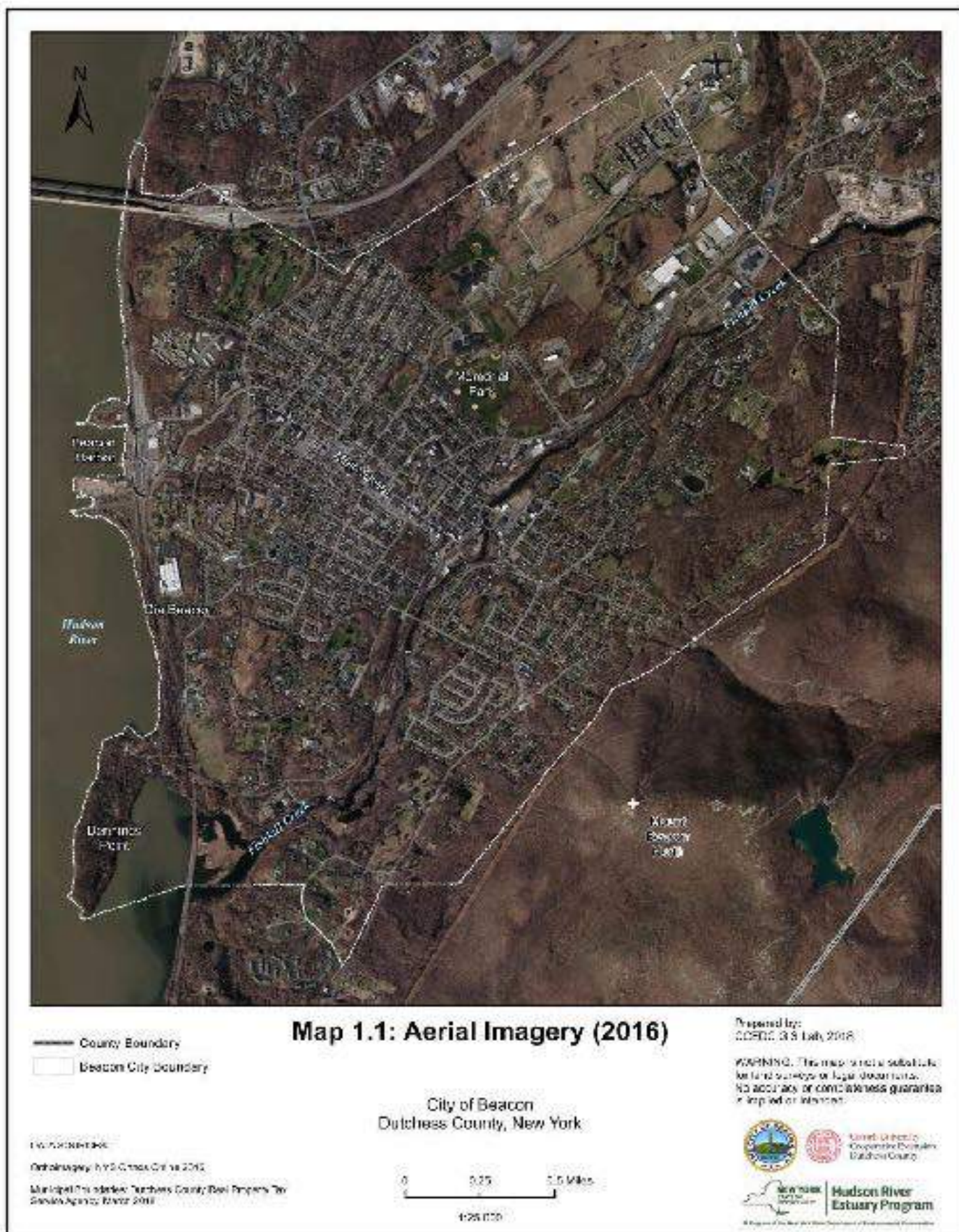
- Beacon Harbor
- The Hudson River
- Dennings Point
- Dia: Beacon
- Memorial Park
- Fishkill Creek
- Mount Beacon

*these locations are largely or entirely in the Town of Fishkill



Main Street and surrounding neighborhoods, looking west to the Hudson River. Photo by Scott Harrison.

Map 1.1 Base Map



1.2 Regional Context

Map 1.2 is a regional map of the Beacon area showing the city in relation to the Hudson River and local roads.

What This Map Shows and Why This Is Relevant to Beacon

Beacon is located in New York's Hudson Valley. Other than Dutchess Junction, the small portion of the Town of Fishkill that wraps around the southern city limit, Beacon is the southernmost municipality in Dutchess County. The nearest point of the Putnam County line is just south of Beacon at the Breakneck Ridge trail of the Hudson Highland mountain range.

To the west, Beacon is bordered by the Hudson River Estuary, which is 1-mile wide at Beacon's shores and extends 153 miles from New York Harbor to Troy, New York. The river is a tidal estuary at Beacon, bringing salt water north and fresh water south, with two high and two low tides every 24-hours. The Hudson River and Hudson Valley have environmental, historical, and economic significance, both regionally and nationally.

The City of Newburgh in Orange County is across the river and is Beacon's sister city, connected by bridge, ferry, vistas, community, and a shared sense of responsibility for the river that flows between. Beacon is bordered by the Town of Fishkill in all other directions.

Geographically, Beacon is bordered to the east by the Hudson Highlands mountain range, which includes Mount Beacon North (1,531 feet) and Mount Beacon South (1,610 feet). These rocky, forested mountains rise steeply from Beacon and are predominantly undeveloped in their upper elevations.

To the north of Beacon is Interstate 84, which connects Beacon to communities and cities to the east and west. Twenty-five million vehicles drive through Beacon on I-84 across the Beacon-Newburgh Bridge each year, as it is a major artery for regional commerce between Pennsylvania and the Northeast of the United States. Seven miles to the west is the New York State Thruway. Five miles beyond is Stewart International Airport, which offers flights on major airlines. Route 9D is the primary road connecting Beacon to communities to the north and south. The Metro-North Train Station connects Beacon to New York City, 60 miles to the south, and Poughkeepsie, the county seat of Dutchess County, 15 miles to the

north. A small city, Beacon is nestled in a narrow lowland between the mountains and the Hudson River. A person could walk the 1.8 miles from the train station at the river's edge to the foot of the mountain, or the 2.9 miles along Fishkill Creek through the length of the city. There are multiple trail heads within the city that provide access to Mount Beacon and Fishkill Ridge.

Implications for Decision-Making

Beacon's location within the Hudson Valley, proximity to New York City, connection via major roads and train, and small size make it easily accessible and invaluable to residents, commuters, businesses, and tourists alike.

To protect Beacon's regional significance, the City may wish to consider:

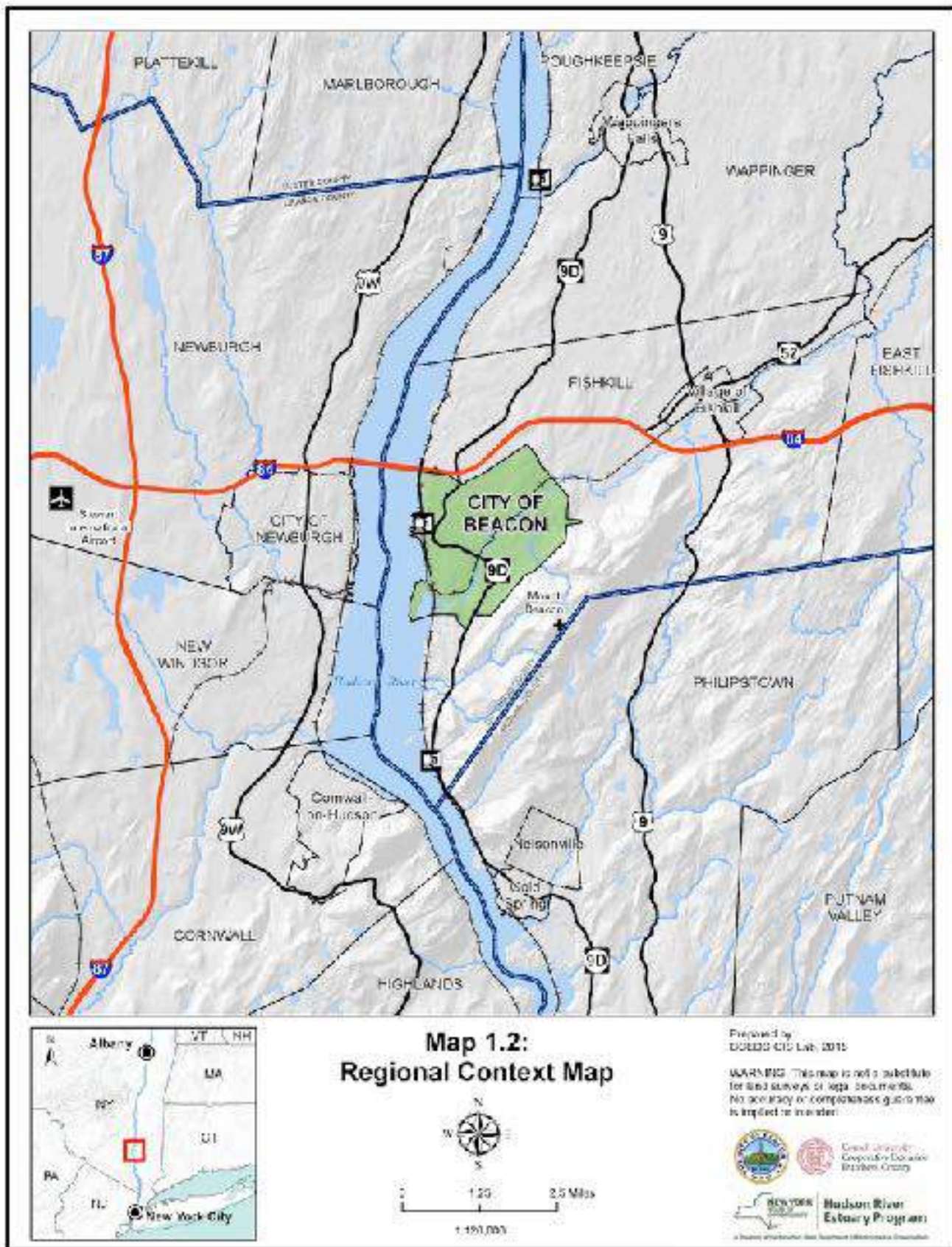
- Continuing to refine proactive development policies that accommodate sustainable growth while protecting the natural and cultural character of the city. Beacon is physically and politically bounded, so any population growth will have to be by infill development and increased density, not sprawl;
- Celebrating and expanding upon Beacon's accessibility by all modes of transportation including train, bike, and pedestrian; and
- Maintaining good working relationships with neighboring municipalities for planning and operational coordination.

This information largely comes from New York State Department of Environmental Conservation and New York Bridge Authority. For more information on these topics, see the References section.



View of Beacon, Fishkill, the Hudson River, and Orange County, looking north-northwest from Mount Beacon.

Map 1.2 Regional Context



2.0 Geology

Why This Is Relevant to Beacon

Geology is the study of naturally-occurring earth materials. This document considers Beacon's geology in two sections:

(1) Surficial geology refers to the soils and rocks that loosely cover the ground. This affects which plants grow, what wildlife thrives, and how water drains. Protecting Beacon's surficial geology can prevent erosion, keep streams clean, and help maintain biodiversity.

(2) Bedrock geology refers to the solid rocks that lie beneath the loose surface rocks and soils. This determines topography and appropriate siting of development and drinking water wells. Applying in-depth knowledge of bedrock geology can prevent hazards like residential flooding, erosion, and groundwater contamination.

Bedrock geology also contributes to Beacon's success as a tourist destination, since Mount Beacon would not exist without the elevational differences in the underlying bedrock geology.

SOURCES: This information largely comes from USGS, USDA, the Hudson River Estuary Program, and the Dutchess County NRI. For more information on these topics, see the References section.



Bedrock geology plays a major role in determining where wells are most successful, as well as which areas are amenable for retention of drinking water. The Beacon Reservoir (located in Fishkill) is pictured here.



A bedrock outcrop, where bedrock protrudes to the surface, is pictured here south of the train station.



Stream sediments and glacial outwash materials surround the southern portion of Fishkill Creek, a tributary of which is seen here.

2.1 Surficial Geology

Map 2.1 is a simplified map of Beacon's surface geology.

Why This Is Relevant to Beacon

The soils and rocks that loosely cover the ground affect plant community composition and biodiversity, as well as water flows. They also affect decomposition rates and determine whether land is good for infrastructure and farming—or, in Beacon's case, smaller-scale gardening.

The sediments in Beacon today were deposited here 14,000 years ago when the previous ice age ended and the Laurentide Ice Sheet and Wisconsin glacier retreated. This major geologic event helped shape the city's boundaries. The southeastern boundary of Beacon traces the bedrock-till divide.

What This Map Shows

Beacon's surface geology consists primarily of glacial till (rocks and soils of various sizes and types that were carried here by the last glacier). Bedrock outcrops, where soils are extremely shallow or nonexistent, occur under the Beacon train station and in small portions on its north and east borders.

Lake sediments exist along the western border of Beacon, to the south of the train station. These sediments were left by Lake Albany, a massive glacial melt lake, which existed 13,000 years ago. They contributed to Beacon's long and rich brick manufacturing industry.

Small areas of stream sediments and glacial outwash materials surround the southern portion of Fishkill Creek. Glacial outwash materials, which were carried by the last glacier and deposited here by ice melt streams, and stream sediments both include small, fast-draining particulates like sand and gravel.

Implications for Decision-Making

Soil types are a determining factor in infrastructure development. Hardy, faster-draining soils can withstand compaction from roads, large buildings, basements, and septic systems. More sensitive soils, like those near waterways, are less desirable sites for construction. If disturbed, sensitive soils will erode rapidly, causing nutrient leaching, stream sedimentation, and damage of aquatic life. A variety of soils supports a variety of flora and fauna.

To protect Beacon's soil quality, the City may wish to consider:

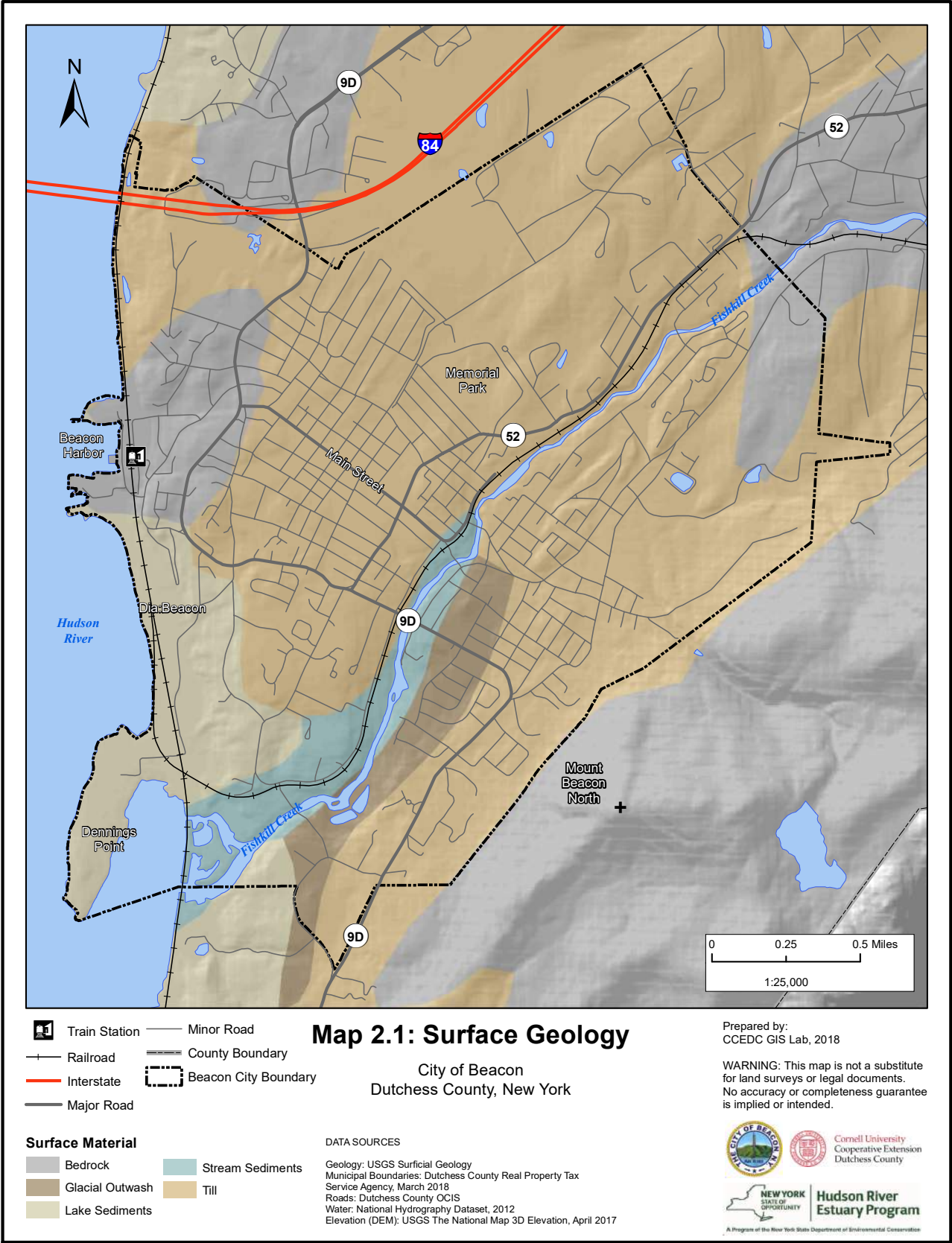
- Managing development within stream sediment and glacial outwash zones;
- Reducing impervious surfaces in developments whenever possible to lower soil erosion that can result from increased storm water flowing off-site;
- Encouraging use of green infrastructure to increase infiltration, including permeable pavement, enhanced tree pits, and green roofs;
- Testing soil for pollutants in previous industrial zones and remediate if necessary; and
- Preserving areas of each soil type, which will in turn help protect Beacon's array of plant and animal biodiversity.

This information largely comes from USGS, USDA, the Hudson River Estuary Program, and the Dutchess County NRI. For more information on these topics, see the References section.



Glacial outwash and stream sediments are visible along the stream banks in Beacon.

Map 2.1 Surficial Geology



2.2–2.3 Bedrock Geology and Topography

Map 2.2 displays Beacon’s bedrock types, while Map 2.3 shows elevations in the City.

Why This Is Relevant to Beacon

Topography related to bedrock geology helped shape settlement patterns in Beacon, with the city’s population concentrated along a relatively flat plain. The high terrain of nearby Mount Beacon and Fishkill Ridge to the east provide scenery and recreation opportunity for residents, as well as visitors who bring the economic benefits of tourism.

Bedrock geology also determines the best locations for high-production wells, as noted in Section 5 of the City of Beacon Comprehensive Plan. At present, Beacon’s water sources are: (1) two wells dug into bedrock aquifers to the north of Beacon, (2) a subsurface soil and gravel aquifer in the Village of Fishkill, and (3) three surface water reservoirs. An area of Taconic Sequence bedrock in the northeast portion of the City is being explored for a potential new drinking water well. Surficial and bedrock geology together help retain water in these areas.

What This Map Shows

Beacon’s bedrock is primarily Austin Glen Formation (a type of sandstone) and Taconic Sequence (a coarse-grained shale that can be easily split into irregular pieces). Areas of Precambrian Granite and Gneiss exist along Beacon’s eastern boundary. These are some of the oldest, hardest rocks in the region. They were formed over one billion years ago, and are highly resistant to erosion. They are the Hudson Highlands bedrock. A zone of Autochthonous (“formed-in-place”) Shale is sandwiched between Precambrian Granite and Gneiss. Shale is a mix of fine-grained minerals that were formed through accumulation and low pressure, and it easily breaks into slabs.

Implications for Decision-Making:

Bedrock is a determining factor in infrastructure development. Development of roads and structures on areas where bedrock is close to the surface may be costly and cause intensive erosion of thin, fragile surface soils. As mentioned, it is also a major factor in water flow, filtration, and storage.

To make the best use of Beacon’s bedrock resources, the City may wish to consider:

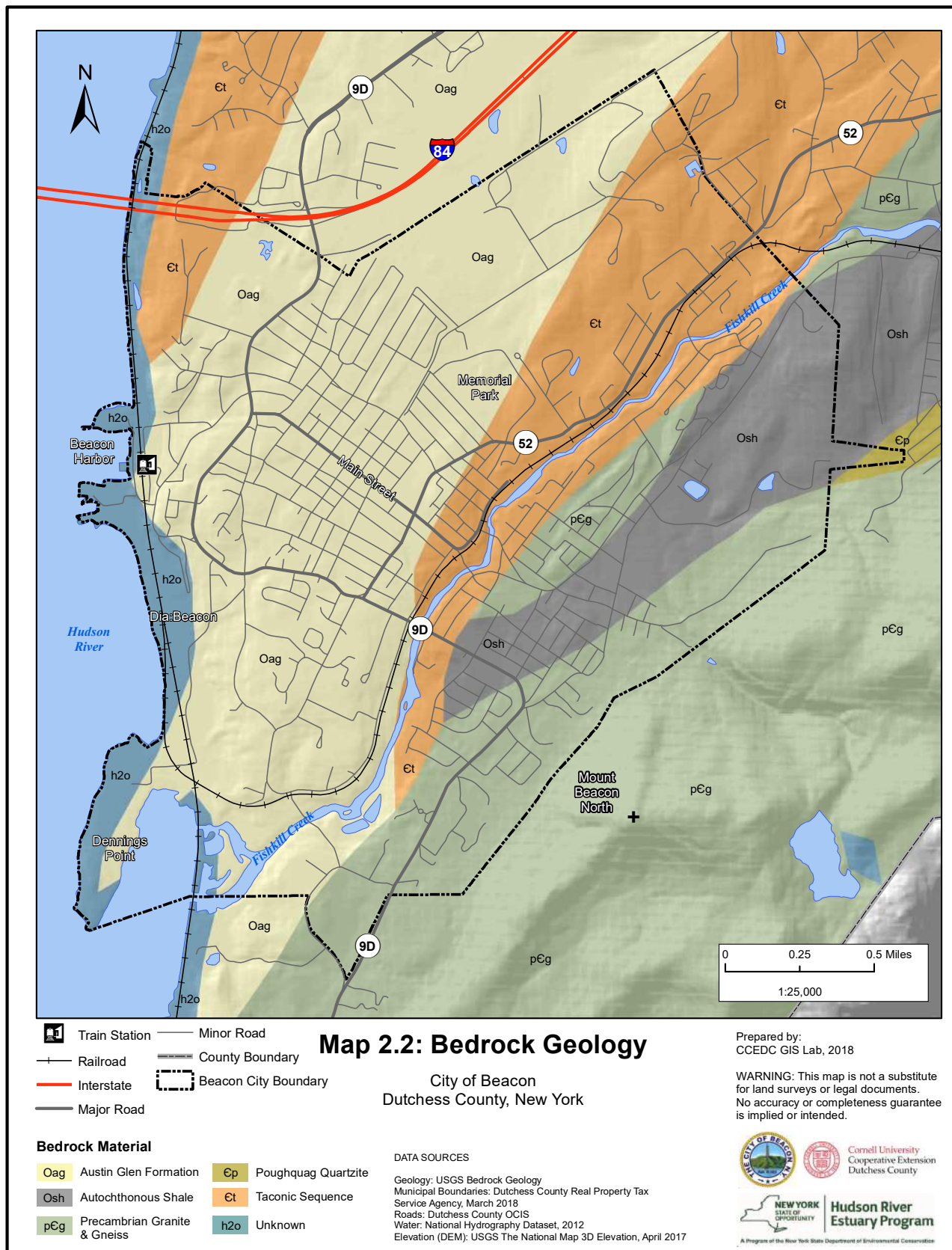
- Limiting development on steep slopes to avoid erosion and stormwater runoff;
- Preserving areas of land overlying each bedrock type, which will in turn help protect Beacon’s array of plant and animal diversity;
- Consider protecting interesting geologic features, such as glacial erratics;
- Properly capping and sealing wells that are not in use, as well as exploratory well cuts, to avoid potential contamination of subsurface bedrock waterways; and

This information largely comes from USGS, USDA, the Hudson River Estuary Program, and the Dutchess County NRI. For more information on these topics, see the References section.

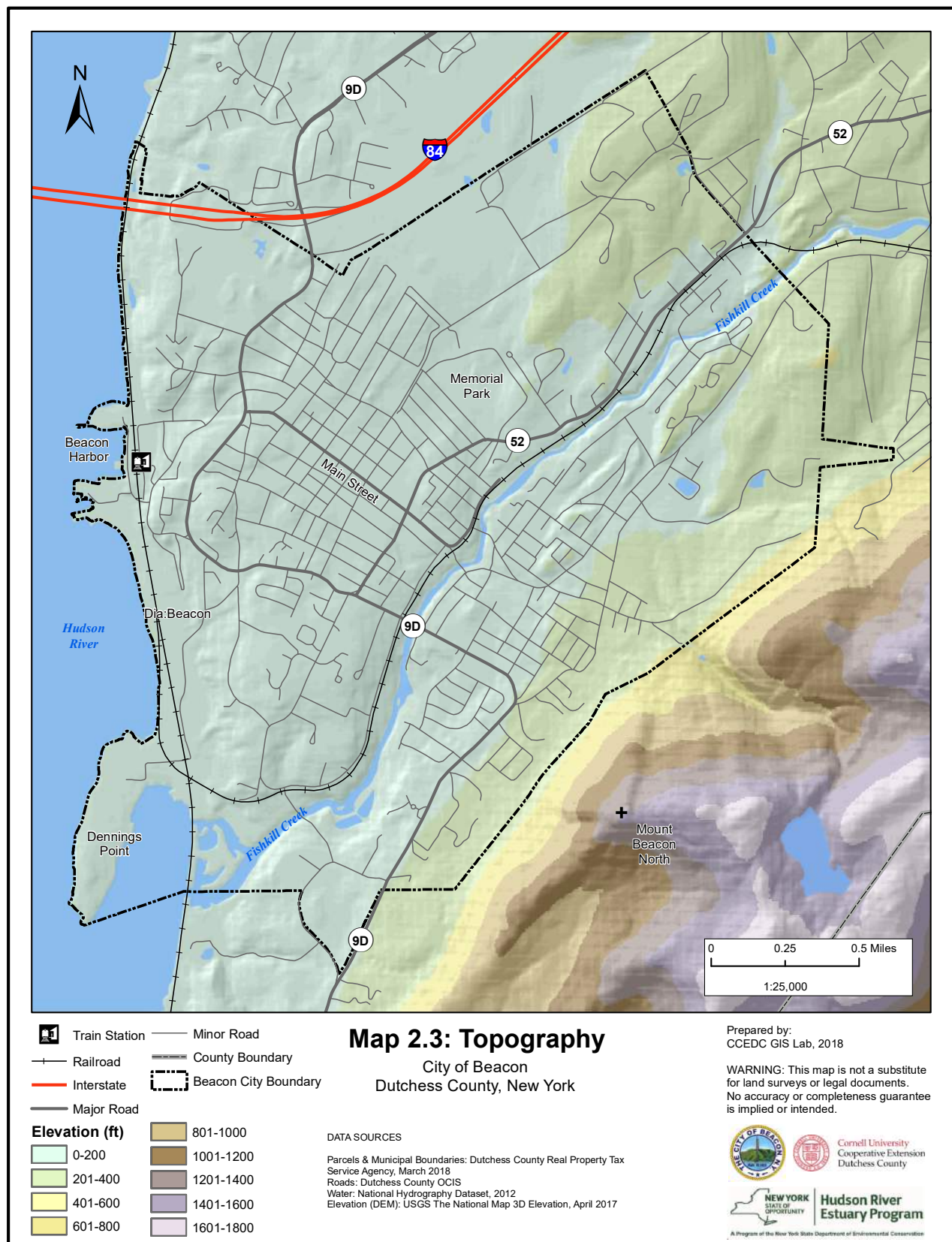


Striations typical of gneiss—a common bedrock along Beacon’s eastern boundary—are visible on the rock in this photo

Map 2.2 Bedrock Geology



Map 2.3 Topography



3.0 Water Resources

Why This Is Relevant to Beacon

Beacon is situated along an iconic, historic, and nationally important waterway: the Hudson River. The Hudson and other waterways in Beacon, along with their adjacent riparian zones, provide many ecosystem functions and services for nature and people. For example, Fishkill Creek is an important spawning area for migratory fish, and the Hudson River provides scenic and recreational opportunities.

Stormwater and its management are also important to consider. Beacon's wetlands help to naturally regulate stormwater runoff flows, moderate flooding, and protect surface water quality. Engineered green infrastructure such as rain gardens can also help slow runoff, reducing the impacts of development on water quality and quantity.

Beacon relies on clean water to support biodiversity, recreation, and its drinking water supplies. Beacon's water comes from both groundwater and surface water sources, and water quality monitoring data can be used to confirm whether existing pollution controls are succeeding at achieving the desired water quality.



Kayakers on the Hudson River at Long Dock Park.



Beacon Reservoir.



Fishkill Creek.

3.1 Streams, Waterbodies, and Watersheds

Map 3.1 displays water courses, bodies of water, and watersheds in Beacon.

Why This is Relevant to Beacon

Streams, rivers, and their adjacent riparian zones provide many ecosystem functions and services, such as clean water, recreational opportunities, scenery, and wildlife habitat. In addition, tributary streams deliver water, nutrients, sediment, and organisms to larger waterways.

Fishkill Creek and the Hudson River are identified as “rare assets” in the Beacon Comprehensive Plan.

The Hudson River is an iconic and nationally significant waterway. It is a tidal estuary where salt and freshwater mix, resulting in high biodiversity. The Hudson’s tides extend to the Capital Region, so Beacon’s waterfront is influenced by tidal fluctuations.

Fishkill Creek is an approved drinking water source for the city. Fishkill Creek begins in the Town of Union Vale, flowing southwest through the towns of Beekman, East Fishkill, and Fishkill before reaching Beacon. The Hudson’s tides also reach into Fishkill Creek as far as the first road bridge crossing. The lower section of Fishkill Creek, from the mouth to the first dam, is an important spawning area for migratory fish that travel from the ocean, up the Hudson River Estuary, and into its tributaries to spawn. Stream barriers, such as dams and poorly designed and installed bridges and culverts, can have serious effects on stream habitat, local flooding, and water quality.

The economic and social value of water in Beacon are demonstrated by businesses such as the Roundhouse, which benefits from views of the waterfall on Fishkill Creek, and by the tourism draw of the Hudson River waterfront at Long Dock Park and Pete and Toshi Seeger Riverfront Park. The Newburgh-Beacon ferry that crosses the Hudson provides additional economic benefits to Beacon.

What This Map Shows

Beacon has two principal waterbodies: the Hudson River and Fishkill Creek. The lighter area of the map on the west side of Beacon drains directly to the Hudson. The darker area is a local sub-watershed where rainfall fills Beacon Reservoir, feeds surface flows of Dry Brook and Fishkill Creek, and helps recharge large groundwater aquifers at the foot of Mount Beacon.

Implications for Decision-making

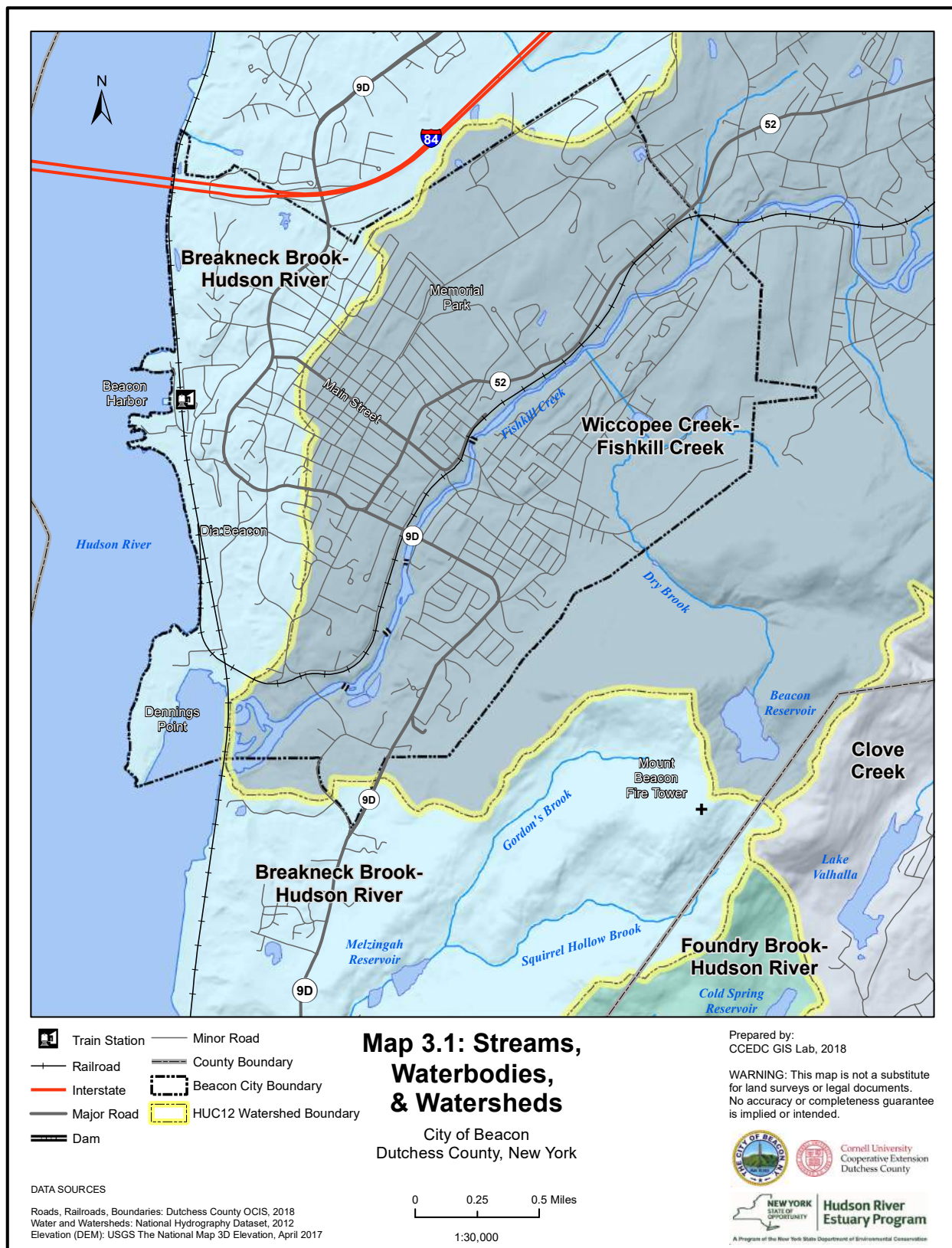
To protect Beacon’s streams and waterbodies, the City may wish to consider:

- Utilizing a watershed management approach, which can comprehensively address a wide range of water quality and quantity issues;
- Preserving wetlands, stream corridors, and floodplains in their undeveloped states;
- Replacing poorly designed or undersized culverts with bridges, open-bottom culverts and similar structures that completely span the waterway and associated riparian area and floodplain;
- Requiring a building buffer from the mean high tide mark of the Hudson River and along stream courses;
- Protecting and restoring naturally vegetated areas along streams and rivers; and
- Controlling shoreline and streambank erosion using living shorelines or ecological materials.

This information largely comes from Dutchess County NRI, Hudson River Estuary Program NRI Guide, Hudsonia Habitat Fact Sheet, *Conserving Natural Areas and Wildlife in Your Community: Smart Growth Strategies for protecting the Biological Diversity of New York’s Hudson River Valley*, Beacon Drinking water report, LHCCD/Emily Svenson, City of Beacon Local Waterfront Revitalization Plan, and *Watershed Design Guide: Best Practices for the Hudson Valley*.

For more information on these topics, see the References section.

Map 3.1 Streams, Waterbodies, and Watersheds



3.2 Wetlands

Map 3.2 depicts wetlands of various types as mapped by the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC). It also includes poorly and very poorly drained soils, which can be indicative of where wetlands are likely to occur (“probable wetlands”) and somewhat poorly drained soils, which indicate “possible wetland” locations.

Why This Is Relevant to Beacon

Wetlands are areas with saturated soils. Certain plants and animals are specifically adapted to wetland conditions, or the resources they provide. Some spend their entire lives in wetlands, while others require wetlands for part of their life cycles.

Wetlands provide multiple benefits to humans, such as regulating stormwater runoff flows, controlling shoreline erosion, protecting surface water quality, protecting groundwater quality, and attracting recreational users.

Tidal wetland habitats play a critical role as nursery grounds for fish and shellfish species, as well as providing nesting sites and migration stops for birds and sources of nutrients for the estuary food web. They can also serve as buffers to storm surge in the estuary and help to mitigate shoreline damage.

What This Map Shows

The map notes four categories of wetlands mapped by USFWS in the National Wetland Inventory (NWI) in Beacon:

- Estuarine and Marine Deepwater: Open water estuary, bay, sound or open ocean
- Estuarine and Marine Wetland: Vegetated and non-vegetated brackish and saltwater marsh, shrubs, beach, bar, shoal or flat
- Freshwater Emergent Wetland: Herbaceous marsh, fen, swale or wet meadow
- Freshwater Forested/Shrub Wetland: Woody wetlands; forested swamp, shrub bog

The map shows that many of Beacon’s wetlands are concentrated along the Fishkill Creek stream corridor and the Hudson River shoreline. It also shows that outside of these areas, most of the mapped wetlands are surrounded by larger patches of poorly drained or very poorly drained soils, that may be probable or potential wetlands.

Implications for Decision-Making

The need to protect wetlands has been recognized widely. However, many of the wetlands on this map are not protected, and it is likely that not all existing wetlands are mapped.

Land use in adjacent upland areas and hydrologically connected areas can impact wetlands, so it is important to closely examine relationships between wetlands and surrounding areas when making land use decisions. Similar management strategies can often be applied to wetlands and stream corridors.

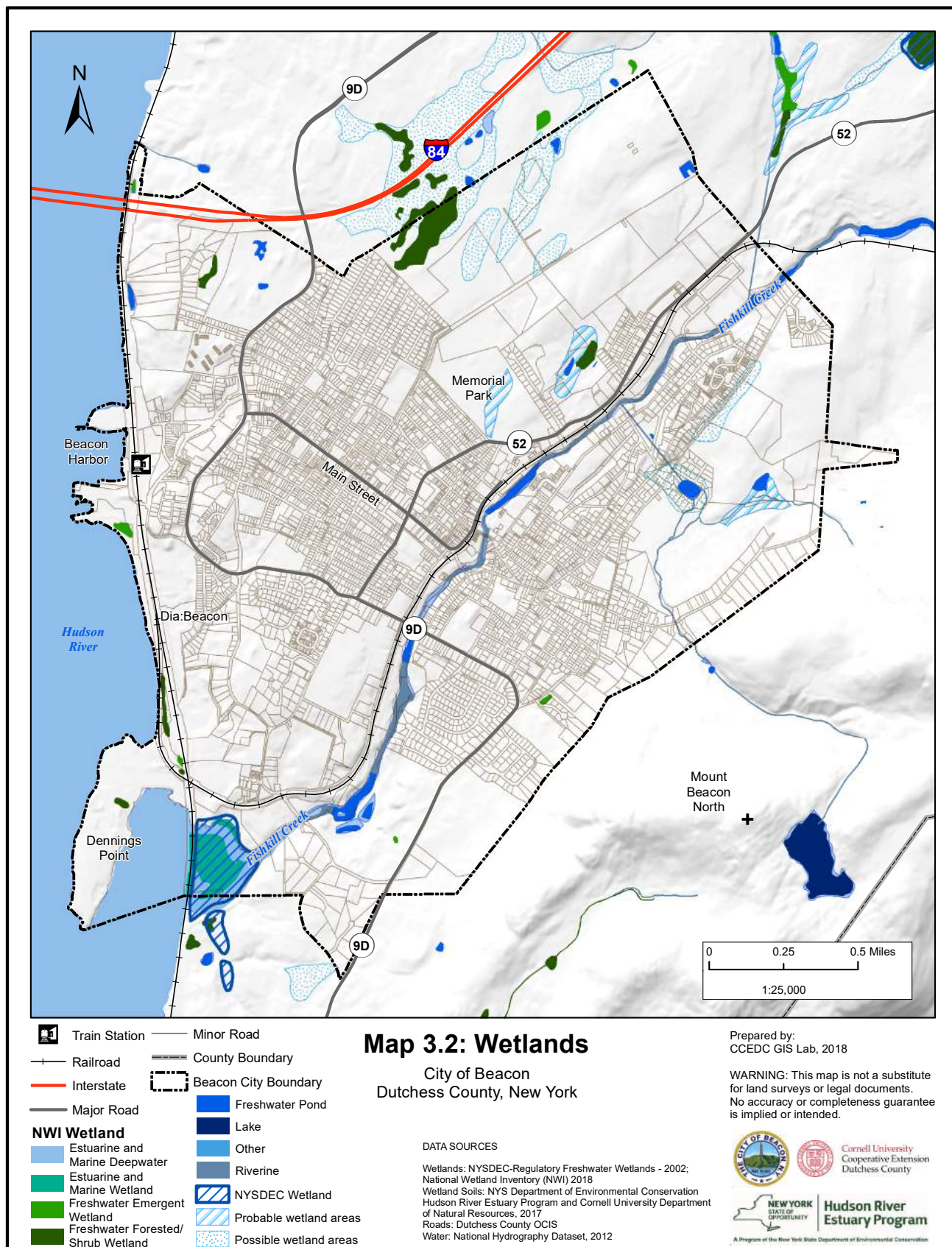
Small pockets of wetlands in the city, or locations of possible wetlands (based on soil drainage characteristics), can serve as “green infrastructure” that naturally helps to store run-off during storm events.

To protect Beacon’s wetlands, the City may wish to consider:

- Adopting ordinance requiring mapping of all wetlands smaller than DEC minimum;
- Establishing wetland protection ordinances for significant wetlands that are not currently regulated by State or Federal law;
- Preserving wetlands in their undeveloped states; and
- Avoiding filling shallows and small wetlands.

This information largely comes from Local Strategies for Wetland and Watercourse Protection and the US Fish and Wildlife Service National Wetland Inventory. For more information on these topics, see the References section.

Map 3.2 Wetlands



3.3 Stormwater

(Map Not Available)

Why This Is Relevant to Beacon

A sewershed is an area of land where any water running off the street surface drains via the storm sewer system to a single pipe that discharges into surface waters, such as the Hudson River or Fishkill Creek. Sewersheds are man-made, the product of human development patterns and stormwater system design.

Impervious surfaces, such as roads, rooftops, and parking lots, are a central feature of human development. In undeveloped areas, precipitation infiltrates soils and moves gradually into surface and ground waters, which helps maintain more stable stream flow over time. Impervious surfaces prevent rainwater from infiltrating into the ground, instead directing it into underground piping systems that are designed to convey stormwater runoff quickly to surface waters. In this way, impervious surfaces drastically alter the timing and quantity of stream flow. Stormwater discharge pipes may also erode or scour stream banks and beds.

Impervious surfaces also have water quality impacts. As water flows over pavement, it picks up pollutants such as salt, oil, and sediment, and carries them into surface waters. The effects of impervious surfaces on surface waters are detectable even at low levels of development, around 5% to 10% of land area.

Green infrastructure is a category of stormwater management practices in which pervious surfaces, vegetation, and topography are used to slow the movement of runoff and promote infiltration, reducing the impacts of development on water quality and quantity. Green infrastructure practices often produce multiple benefits, such as creating wildlife habitat and increasing greenery in urban spaces.

Runoff carries nutrients, sediment, and pollutants in forms and concentrations that are atypical of undisturbed systems, and runoff changes the timing and magnitude of flow. Development within floodplains removes their ability to store and infiltrate water. Direct alterations to the stream channel, such as road crossings, culverts, and dams, also alter flow and affect habitat quality for fish and wildlife.

Stormwater runoff from certain municipal areas is regulated under the New York State Municipal Separate Storm Sewer System Permit, or “MS4” program. Beacon is a subject to this permit program, which requires six “minimum control measures” to protect nearby surface waters:

1. Public education and outreach
2. Public participation
3. Illicit discharge detection and elimination
4. Management of construction site runoff
5. Management of post construction site runoff
6. Good housekeeping in municipal operations.

Implications for Decision-Making

With an understanding of surface water drainage patterns, we can assess which land areas within Beacon have more potential to generate pollutants that wind up in streams and rivers. We can also begin to identify areas where green infrastructure practices may have the greatest impact.

To manage stormwater in Beacon, the City may wish to consider:

- Continue limiting impervious surfaces;
- Continue requiring new developments to retain all stormwater on site, or to treat stormwater runoff before it leaves the site;
- Upgrading old systems with green infrastructure or modern treatment practices;
- Installing enhanced tree pits, which store water for plant uptake or groundwater infiltration;
- Ensuring that downspouts and sump pumps are directed toward permeable areas instead of storm sewers; and
- Encouraging construction of rain gardens and green roofs.

This information largely comes from Fishkill Creek Watershed Management Plan, US Environmental Protection Agency, and Orange County Watershed Design Guide. For more information on these topics, see the References section.

3.4 Water Quality

Map 3.2 displays water quality of local streams as determined by the State DEC.

Why This is Relevant to Beacon

Clean water is necessary for the plants and animals that use Beacon's streams and rivers for habitat; for the people that fish and recreate in them; and for drinking water.

Groundwater resources include water located underground in the pore space of soil and rocks, and in aquifers. Surface water is water in a stream, lake, or wetland. After heavy rains, streams act as natural stormwater management systems and wetlands naturally filter pollutants. Beacon's drinking water sources at present consist of three surface sources – Cargill, Mt. Beacon, and Melzingah reservoirs, and three groundwater sources – Beacon wells 1 & 2 and Village of Fishkill well 8. The City is currently exploring the development of well 3. Water from these sources are blended depending on source condition and demand for water.

Pollution sources can be broadly classified into point sources, such as discharges from pipes, and nonpoint sources, such as stormwater runoff. Development causes runoff by creating paved surfaces, and poorly planned development can dramatically increase the amount of pollutants entering water bodies. On the other hand, municipalities can provide more comprehensive water quality protection than the county, state or federal level.

Water quality monitoring data can be used to confirm whether existing pollution controls are succeeding at achieving the desired water quality. Where water quality goals are not being met, data can help identify areas where nutrient management, riparian shading, stormwater controls, or stream restoration are needed.

What This Map Shows

Under the federal Clean Water Act, all water bodies must be assigned a "best use" by the New York State Department of Environmental Conservation (DEC). This designation determines the water quality goals for the waterbody and has implications for what types of disturbance are allowed in the stream and along its banks. Water bodies that are not meeting their best uses are designated "Impaired." The best uses and corresponding classifications in New York State are:

Best Use	Classification	Waterbodies
Drinking	AA, A	Upper Dry Brook Cargill Reservoir* Melzingah Reservoir* Beacon Reservoir*
Swimming,	B	Hudson River
Fishing	C	Fishkill Creek Lower Dry Brook

*Located outside of Beacon's municipal boundary

DEC regularly monitors surface waters to assess whether the water quality supports the designated uses. DEC's assessment for Fishkill Creek was last updated in 2008, based on sampling in 2002, and indicated slightly impacted conditions. It identified nutrients (phosphorus) as a known pollutant, and pathogens, metals, unknown toxic substances, and silt/sediment as possible pollutants. Impacts are primarily from non-point sources and possibly from municipal and industrial toxic inputs. Beacon's drinking water reservoirs, Melzingah Reservoir, Beacon Reservoir, and Cargill Reservoir, were not assessed.

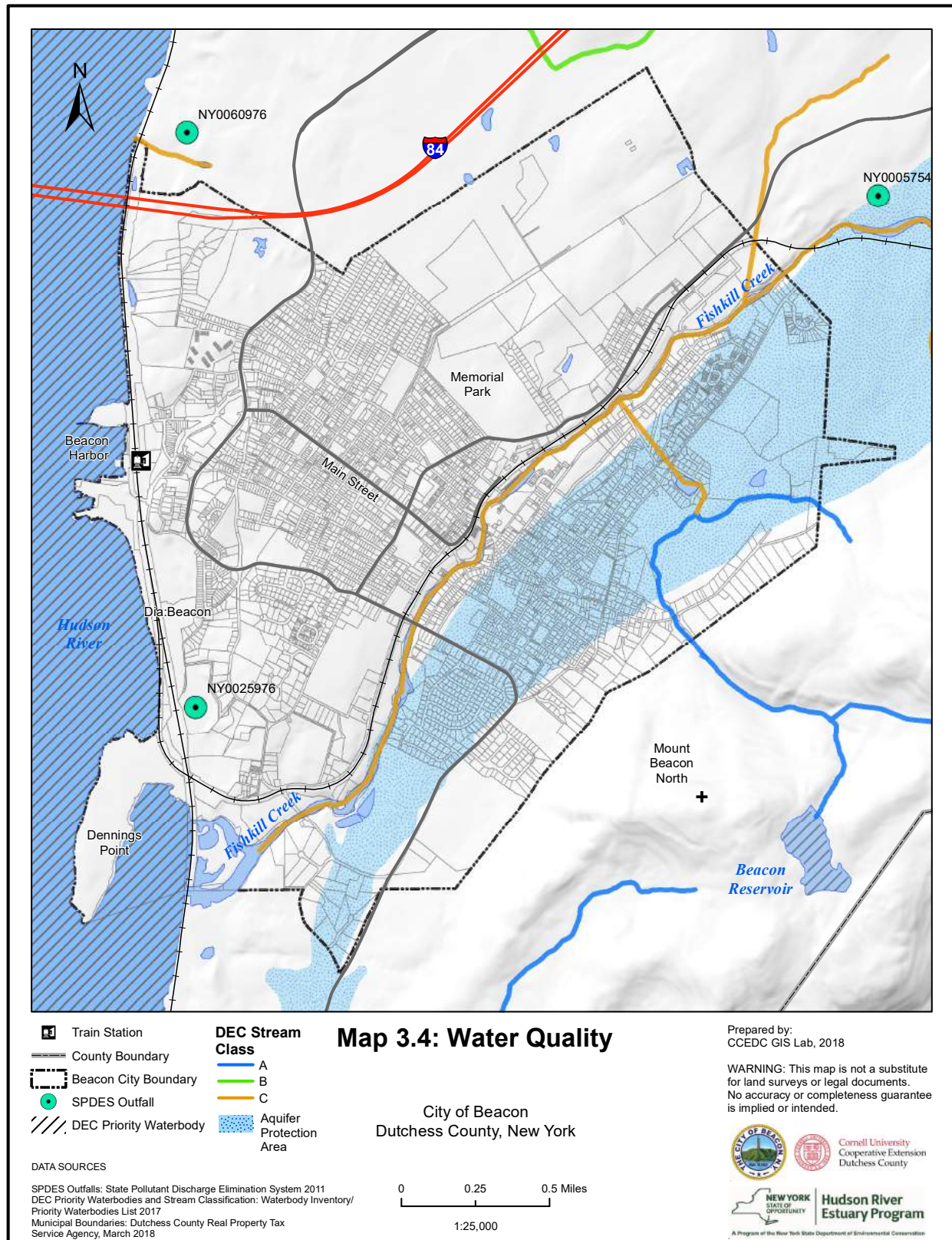
Implications for Decision-Making

To protect water quality in Beacon, the City may wish to consider:

- Continuing to provide annual water report;
- Monitoring water bodies regularly;
- Reviewing and adjusting use of de-icing substances to minimize undissolved salt residues in surface and groundwater;
- Restoring and maintaining broad buffer zones of natural vegetation along streams and shorelines;
- Limiting areas of impervious surfaces (roads, parking lots, driveways, etc.);
- Participating in the Fishkill Creek Watershed Committee;
- Encouraging onsite retention and infiltration of stormwater runoff; and
- Designing new development such that surface runoff during and after construction does not exceed pre-construction runoff volume.

This information largely comes from DEC Waterbody Inventory, Natural Resources Management Plan for the Fishkill Creek Watershed, The Natural Resource Inventory of Dutchess County, NY, and Creating a Natural Resources Inventory: A Guide for Communities in the Hudson River Estuary Watershed. For more information on these topics, see the References section.

Map 3.4 Water Quality



3.5 Water Supply

Why This Is Relevant to Beacon

According to Beacon's Comprehensive Water Supply Plan of 2018, Beacon's current development projects are expected to increase the population by 13-15% between 2016 and 2022. By 2050, 32% of counties in the United States are projected to be at high or extreme risk of water shortages. Although the Hudson Valley is not heavily impacted in these national projections, unmitigated population increase and non-renewable power plant production could have negative impacts on the long-term security of clean water in Beacon and the Hudson Valley.

Beacon's Comprehensive Plan identifies that the water supply can meet the needs of more than a 10% residential population growth between 2010 and 2022. Additionally, the Comprehensive Water Supply Plan concluded that the city has adequate water capacity to meet the current projected needs and the even the full build-out estimates to 2035. Care must be taken now to ensure collaborative protections for the infrastructure and sources of drinking water in the region.

Altered groundwater recharge due to development, as well as an intensified demand on supply due to resident, commuter, and tourist population increases, will pose challenges for the maintenance of consistent, high-quality water supply.

What This Map Shows

Beacon's water supply wells and reservoirs are located in the neighboring towns of Fishkill and Philipstown. The inter-jurisdictional nature of Beacon's water sources limits the city's ability to sufficiently enact or enforce source water protection planning.

Implications for Decision-making

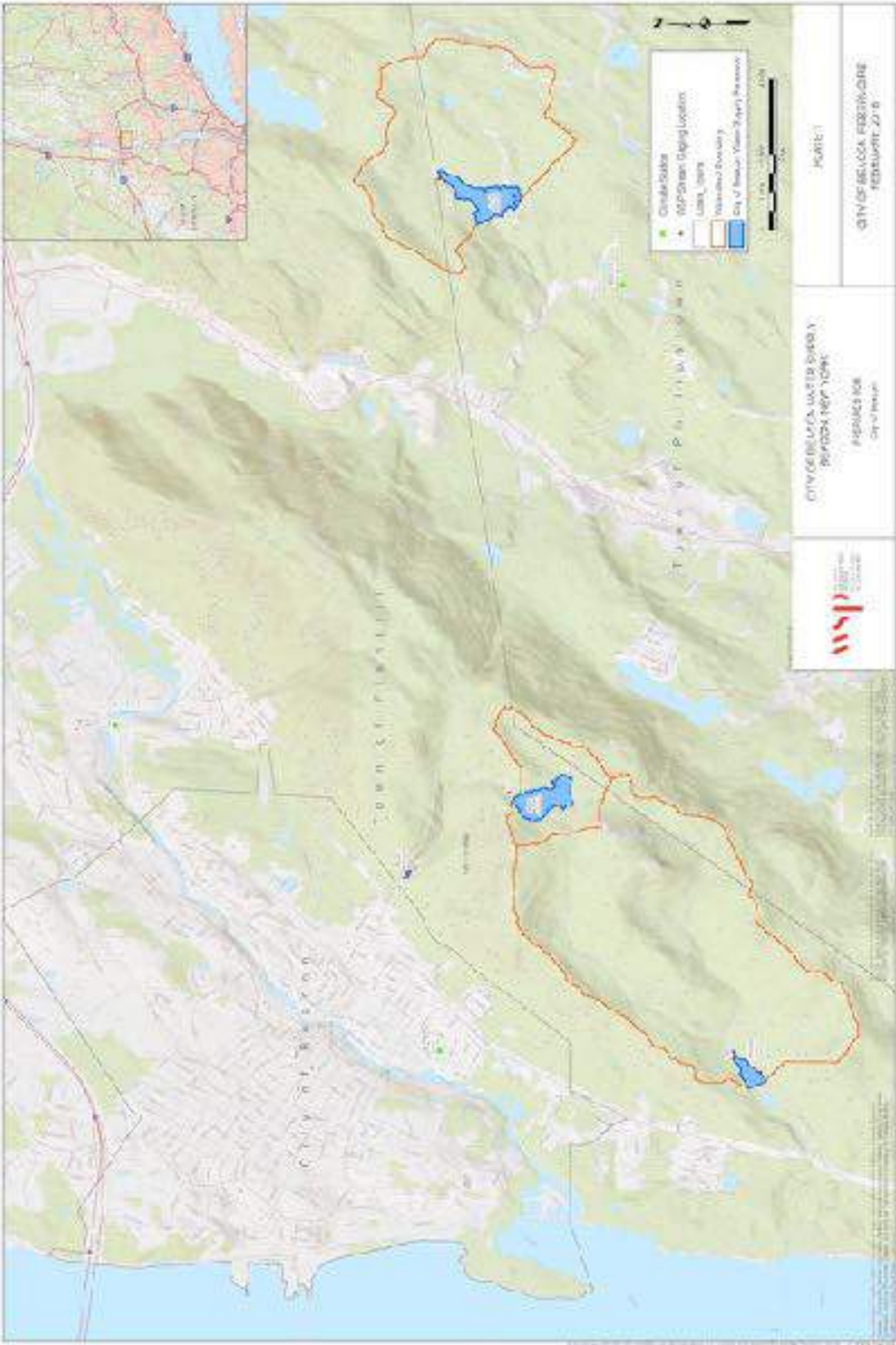
Climate change is making water supply less predictable due to droughts, floods, and pollution. Moratoriums on the city's development in 2017 and 2020 were conducted to quantify future water supply. An additional study to focus on water quality may be beneficial. According to the Comprehensive Water Supply Plan, infrastructure leaks accounted for a 22% loss on output.

Greenhouse gas emissions and water supply pollution from neighboring municipality power-plants and brownfields require extra consideration in securing Beacon's water supply for the long term.

The City may wish to consider:

- Continue monitoring aging infrastructure in Beacon to ensure proper flow;
- Continue repairing infrastructure leaks. At the current rate of development, in order to supply enough water, the leaks will need to be fully repaired by the time the build-out is complete;
- Creating requirements to ensure that new developers and infrastructure projects establish water-source preservation plans in their designs to help further protect water quantity and quality; and
- Supporting residents' installation of low-flow showers and toilets; rooftop gardens; rainwater / greywater catchment systems; and stormwater gardens and swales. All are accessible investments in water protection.

Map 3.5 Water Supply



3.6 Flooding and Climate Change

Map 3.6 shows the areas in Beacon in danger of increased flooding due to climate change.

Why This Is Relevant to Beacon

Climate change, describing significant changes in climate over long periods of time, is the paramount environmental issue now and in the coming decades. Climate change effects, like increased precipitation, extreme weather events and sea level rise, will directly affect Beacon.

According to Cornell University, “New York’s Climate is changing faster than national and global averages.” Their study charts describe exponential increases in climate related extreme weather events.

What This Map Shows

A “100-year flood” is a high-intensity flood with a 1% likelihood of occurring any year; or, one that typically occurs only once every 100 years. These events are becoming increasingly common due to climate change. Areas within 100-year flood zones may now be in danger of frequent flooding.

Hudson River - At the upper range, some forecasts estimate that water levels will rise as much 6 feet within 100 years. Beacon’s waterfront will be severely impacted by these changes, with Long Dock Park, Metro North, the Pete and Toshi Seeger Riverfront Park, and Dennings Point lying within the AE 100-year Flood Zone. Flooding in these areas will significantly impact tourism, recreation, and commuting.

Fishkill Creek - A floodway area surrounds Fishkill Creek through Beacon. Several small sites in the city, including The Lofts at Beacon, lay in the AE 100-year Flood Zone. Additional areas noncontiguous to the creek lay within the A 100-year Flood Zone.

In general, flooding and sea level rise threaten infrastructure in various locations throughout Beacon.

Implications for Decision-Making

Every community has the opportunity to develop unique solutions. Green infrastructure should be considered in all development to help mitigate environmental events.

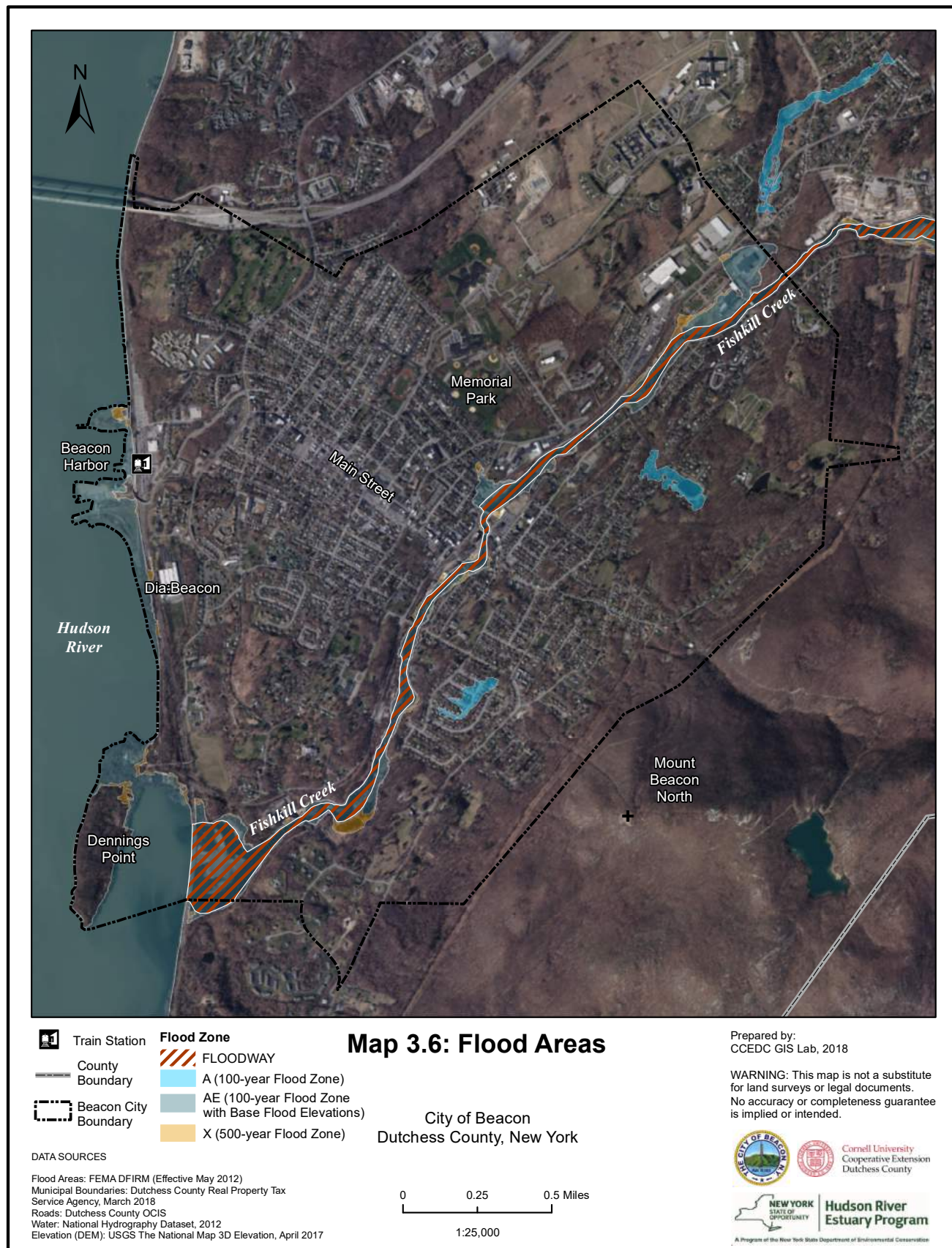
Climate change will impact food security, efforts toward disease prevention, and the economy at large. Resiliency plans are crucial to future survival rates and successful communities. Creating a plan to conserve wetlands and forests to manage stormwater, recharge groundwater, and mitigate flooding would be highly beneficial. The City may wish to consider:

- conserving, revegetating and reconnecting floodplains and buffers in riparian areas;
- prohibit new construction in flood-prone areas;
- protecting bluffs and eroding cliffs from disturbance or development; and
- Increasing tree canopy to reduce heat impacts.



Long Dock Park flooded by the Hudson River in 2018

Map 3.6 Flood Areas



4.0 Biodiversity and Habitats

Why This Is Relevant to Beacon

Biodiversity encompasses the variety of life in all its forms, and the interactions between living organisms and their environment.

The health of the environment, including the people that inhabit it, depends on the health of each of its component parts. A biodiverse ecosystem tends to be more sustainable and adaptable over the long run. Each part—the forests, waterways, and individual species and plants—Contribute to the health of the full system.

While some urban areas contain relatively low levels of biodiversity, Beacon is unique. The Hudson River Estuary to the west combined with the large forest blocks on Mt. Beacon to the east, and the interspersed greenspaces, make for various high-quality wildlife habitats and relatively high biodiversity.

This section breaks down Beacon’s biodiversity and habitats into six sections:

- Habitat Types
- Forests and Street Trees
- Important Areas for Rare Plants and Animals
- Coastal and Shoreline Habitat
- Wildlife Habitat Index
- Greenspaces



Monarch butterfly caterpillar is seen here on milkweed, its host plant.



The Hudson River Estuary, seen here south of Dennings Point, contains a high level of biodiversity.

4.1 Wildlife Habitat Index

Map 4.1 displays an index of habitat values for Beacon.

Why This Is Relevant to Beacon

Unfragmented habitat blocks are natural areas of the landscape that are undivided by roads or development. These intact natural areas can include forest, wetlands, meadows, open water, and farmland, often encompassing many habitat types and supporting a diverse array of plants and animals. Large, connected habitat blocks allow for the maintenance of ecological processes and disturbances that help sustain natural communities. They provide habitat for far-ranging species and those that are sensitive to human disturbance.

For example, certain migratory songbirds will not nest in forests of less than 500 acres. They require deep interior forest habitat to find essential microhabitats. The effects of development at habitat edges can cause disturbance for hundreds of feet into the interior of a habitat block, measurably altering light and temperature. Such disturbance creates favorable conditions for the establishment of invasive species and pests. Siting new development near existing roads and developed areas can help to avoid or minimize fragmentation of natural areas at the landscape scale and its negative consequences.

What This Map Shows

Habitat index values represent the sum of key habitat attributes: amount of forest cover, wetlands, stream corridors, and seasonal water resources. Dark areas (red-brown) represent areas of high value habitats, while lighter areas (yellow) show lower value habitat. High value habitat may be referred to as habitat “cores,” while mid-value habitat may be referred to as habitat “edges.”

Red, high-value areas on the map have high usefulness to a range of species. Yellow areas on the map can also be valuable to wildlife, however these areas support a more limited range and number of

animals and plants as they often have higher levels of disturbance. Note the large, intact cores of habitat, as well as the connected blocks of darker shading, especially at the borders of the city. Hunting, spawning, nesting, and migrating species may use such core areas all year long, throughout their life cycles. In contrast, manicured lawns are the most popular form of residential landscaping, but have a lower habitat value than almost any other type of vegetation.

Implications for Decision-Making

Through careful planning and select restoration, core habitat areas in and around Beacon can be connected to increase their value to wildlife. The habitat value of urban landscapes can also be maintained or increased while continuing to meet human needs. To help ensure that critical urban habitats continue to provide ecosystem services, the City may wish to consider:

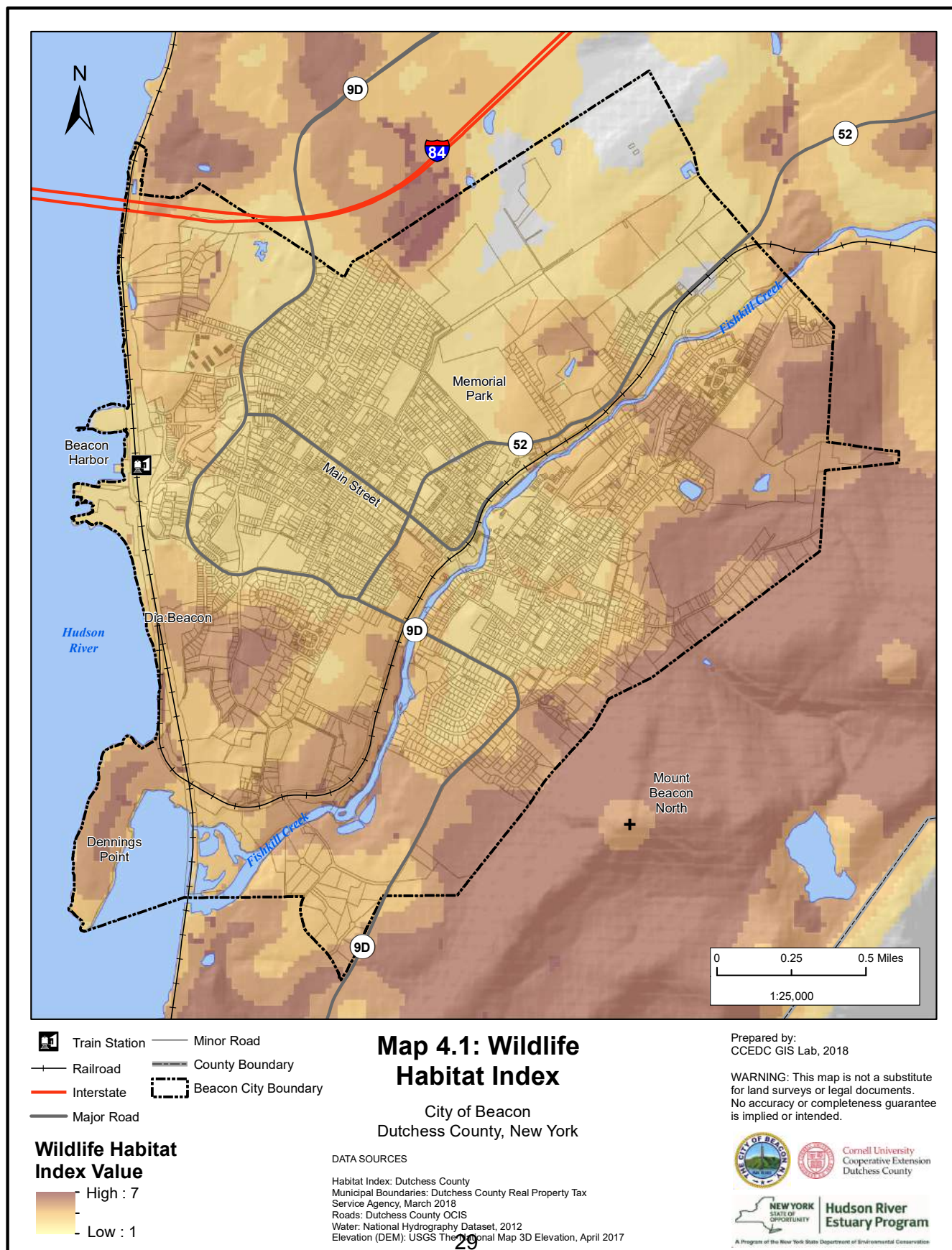
- Connecting mid- and high-value habitat to protect Beacon’s wildlife, and encourage surrounding municipalities to do the same;
- Concentrating new development away from mid- and high-value habitat to avoid further fragmentation;
- Replacing municipal lawns with wildflower meadows, perennial gardens, or ornamental woodlands;
- Rewarding residents who exchange yards for wild meadows to increase benefits for wildlife; and
- Landscaping with native plants to support native pollinators and food webs.

This information largely comes from the Hudson River Estuary Program and Hudsonia. For more information on these topics, see the References section.



Grey tree frog inhabits moist, deciduous woodlands

Map 4.1 Wildlife Habitat Index



4.2 Forests and Street Trees

Map 4.2 presents wooded areas in Beacon as well as street trees.

Why This Is Relevant to Beacon

Forests provide wildlife habitat, water filtration, and climate moderation. While large forests provide more ecosystem services and higher quality habitat, small patches of forest also have value. They can also provide habitat and contribute to a better quality of life in residential areas. Even single street trees help moderate temperature and intercept stormwater.

Along streams, networks of forest patches create riparian corridors that help maintain water quality and provide habitat for aquatic as well as terrestrial wildlife.

The large forested slopes of Mount Beacon are identified in the Beacon Comprehensive Plan as a “rare asset of the city” to be protected due to their tourism and recreational values.

What This Map Shows

The southeastern border of Beacon contains the edge of a “regionally-significant” forest block (10,000+ acres). It includes forest communities such as Appalachian oak-hickory forest and oak-tulip tree forest. It covers Mount Beacon and extends beyond the city limits along Scofield Ridge and Breakneck Ridge toward the Hudson River and Cold Spring. It is part of a larger complex of Hudson Highlands forests that form a connected corridor of habitat used by breeding and migratory birds, resident amphibians and reptiles, and rare plants and communities (Penhollow et al. 2006). The forest complex has been recognized as a Significant Biodiversity Area by the Hudson River Estuary Program (Penhollow et al. 2006) and an Important Bird Area by the Audubon Society. Its proximity to Beacon provides benefits to residents, including clean air and water, scenery, and recreational opportunities that also attract visitors and tourism.

Smaller, isolated patches of forest are interspersed within the developed parts of Beacon. A notable example is the “stepping stone” forest block at the mouth of Fishkill Creek that extends in a narrow band to the northeast along the creek and further south along the Hudson River. While relatively small, this patch helps to create streamside habitat, protect water quality,

and mitigate the impacts of flooding along Fishkill Creek and the Hudson River.

Additionally, there are small wooded areas that contain forested wetlands as well as individual street trees, primarily along Main Street.

Implications for Decision-Making

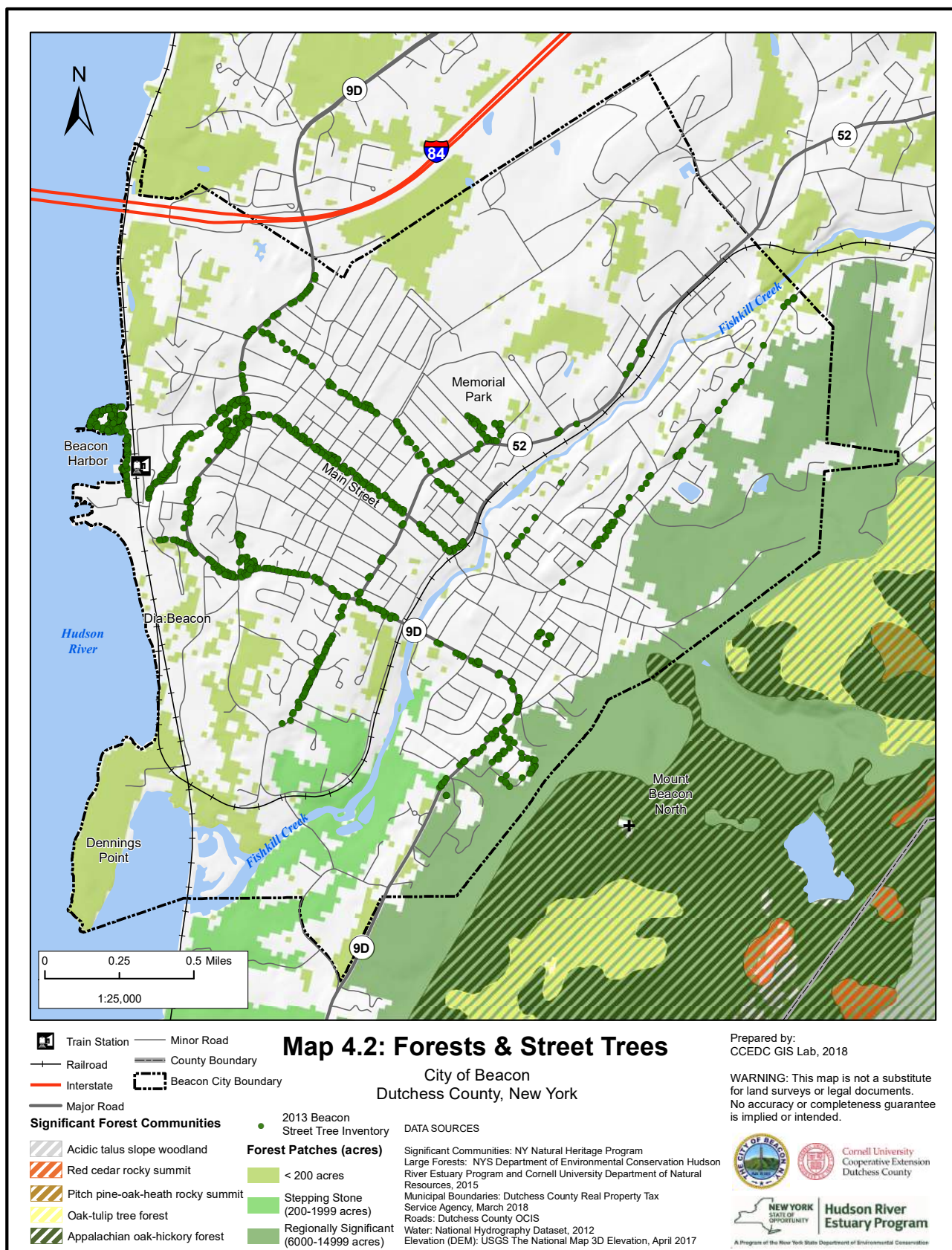
The Forests and Street Trees map, along with the Wildlife Habitat Index Map, can be used in concert with other NRI information to consider conservation and restoration opportunities in the city. Larger, intact wooded areas could benefit from conservation efforts that prevent further fragmentation. Streambanks and neighborhoods where there is limited canopy may present restoration opportunities that will improve quality of life for residents and improve stream habitat and water quality.

To protect forests, the City may wish to consider:

- Keeping large forests and mature forests intact and unfragmented;
- Limiting construction of new roads, houses, and other forms of development in forests, especially in large or mature forests;
- Concentrating any new development near existing developed areas;
- Maintaining intact habitats between forest patches to allow for migration and dispersal of plants and animals;
- Avoiding tree cutting on steep slopes, and leave tree crowns in the woods to conserve soil fertility and increase habitat diversity;
- Limiting gap size and road construction to prevent the establishment of non-native species (e.g., tree-of-heaven);
- Limiting off-road vehicle use, which damages vegetation, compacts soil and disturbs wildlife; and
- Updating the 2013 Street Tree Inventory, and expand the planting of street trees for beautification, stormwater absorption, and temperature moderation.

This information largely comes from L. Heady Beacon Biodiversity Memo, Hudson River Estuary Program, and Hudsonia. For more information on these topics, see the References section.

Map 4.2 Forests and Street Trees



4.3 Habitats

Map 4.3 displays various types of habitats in Beacon.

Why This Is Relevant to Beacon

Beacon is part of the Hudson Highlands, an area that is recognized nationally for its incredible biodiversity. The Hudson River, its tributary streams, the toe-slopes of Mount Beacon, and the interspersed green spaces provide a variety of habitats for wildlife.

The presence of a variety of wildlife and plants keeps Beacon's environment healthy. It also provides for recreation like bird-watching and fishing. Many animals migrate to and from this area, like anadromous fish and migratory songbirds, so Beacon's environmental health also affects lands and waters far beyond its borders.

Running along Beacon's western border is a unique habitat type: the Hudson River Estuary, a place where fresh and saltwater mix. The estuary here is home to an incredibly diverse array of plants and animals that depend on its waters for essential activities such as spawning and overwintering.

The Hudson River's waters flow cleaner today than they have in decades. Years of hard work by scientists, government officials, river lovers, and local environmentalists like Beacon's Pete and Toshi Seeger, have re-opened the Hudson's shores to swimming, fishing, and boating. Keeping this habitat clean benefits both humans and wildlife.

What This Map Shows

Beacon contains many different types of habitat, as illustrated by Hudsonia's habitat map for the city. Some of the most prevalent types are:

- Upland Hardwood Forest: These areas contain wildlife typical of "Appalachian oak-hickory" forest species, ranging from small grey tree frogs to large white-tailed deer.
- Cultural: Cultivated lawns, sports fields, and cemeteries are grouped into this category. These areas, though green, have low value for wildlife.
- Upland Meadow and Upland Shrubland: These areas are more open than forests, with lower tree canopy cover. Both are important

areas for mammal forage, ground-nesting bird nest sites, and pollinating insects.

- Seeps and Hardwood/Shrub Swamp: Water resources like these are critical for wildlife. A seep is where the groundwater reaches surface-level and flows across land, while a swamp is a type of shrubby or forested wetland.
- Tidal Tributary Mouth: Areas where freshwater streams meet saltwater estuaries are extremely high in biodiversity.

Each habitat type has value on its own. When combined with surrounding areas, multiple habitats can create ideal conditions for wildlife that have different daily habitat needs, like a fox that may forage in a meadow and sleep in a forest.

Many species require multiple habitat types throughout their life cycles. For instance, some forest amphibians, like mole salamanders and wood frogs, must move to vernal pools to breed. Having connected habitats is vital to their survival.

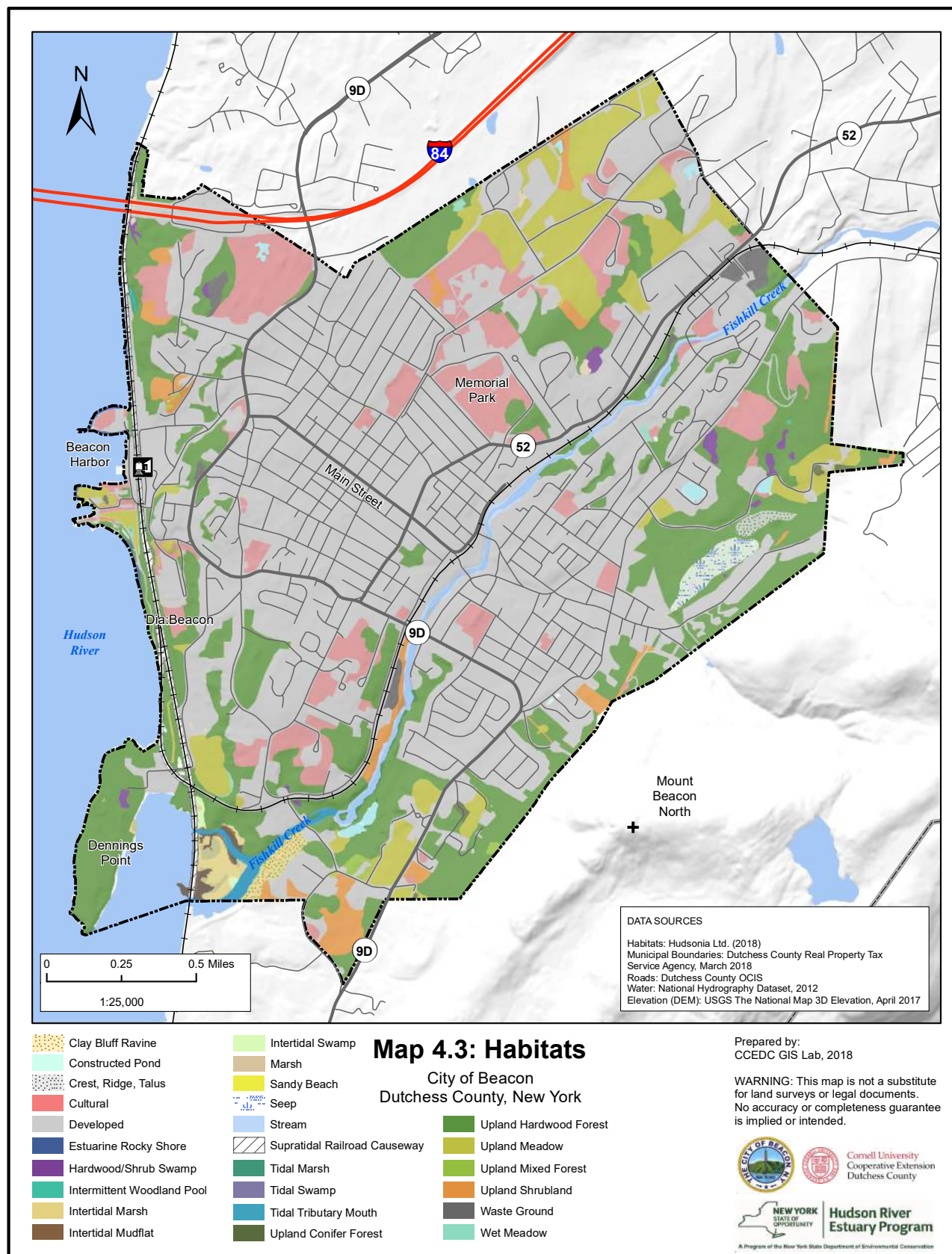
Implications for Decision-Making

To protect habitats, the City may wish to consider:

- Connecting isolated green spaces to ensure that wildlife and plants can move, and thereby ensuring they can exchange genetic material so their populations stay healthy;
- Encouraging green infrastructure, low-impact site design practices, and native plant landscaping;
- Incorporating the special value of the Fishkill Creek mouth when evaluating stormwater management aspects of site plans, as well as any projects that directly affect the stream banks or bed;
- Creating a biotic management plan that includes removal of select invasive species to help maintain and increase populations of high-value species that are at risk; and
- Identifying and protecting vernal pools.

This information largely comes from L. Heady Beacon Biodiversity Memo, Hudson River Estuary Program, USFWS, and Hudsonia. For more information, see the References section.

Map 4.3 Habitats



4.4 Hudson River Coastal and Shoreline Habitat

Map 4.4 displays shoreline habitat along the Hudson in Beacon.

Why This Is Relevant to Beacon

The Hudson River is a tidal estuary, or a place where freshwater and saltwater mix. It hosts an extremely high amount of biodiversity. Shoreline habitats such as tidal marshes and mudflats support a great diversity of life and contribute to the economic significance of the Hudson River Estuary. The underwater plants, or submerged aquatic vegetation (SAV), in the estuary shallows along the Beacon waterfront improve water quality in the river and provide foraging and refuge habitat for invertebrates, fish, and waterfowl. Tidal wetland systems help filter pollutants and buffer shoreline properties by stabilizing the shoreline and providing protection from storm surge.

Beacon's shoreline is home to several rare plant species. Fishkill Creek is a major crossing point of the Hudson Valley for migratory raptors, and is an overwintering site for bald eagles. The mouth and lower section of Fishkill Creek (up to the first dam) are important spawning areas for multiple species of migratory fish, which travel from the Atlantic Ocean, up the Hudson River Estuary, and into its tributaries to spawn. The mouth of Fishkill Creek is also an overwintering area for striped bass. As such, it is a popular feeding area for heron and egret.

Several recreation and tourism attractions along the Beacon waterfront are based upon, or derive value from, the natural surroundings. Dennings Point Park, Long Dock Park, Klara Sauer Trail, and the Pete and Toshi Seeger Riverfront Park are examples.

What This Map Shows

The western boundary of Beacon is the Hudson River Estuary. Its tidal influences are felt as far as Fishkill Creek to the first dam. The mouth of Fishkill Creek, and the Hudson shoreline including Dennings Point and its bay, are recognized by the NYS Department of State as a Significant Coastal Fish and Wildlife Habitat. The Hudson River Estuary Program designated the estuary a Significant Biodiversity Area because it's a globally rare ecosystem that supports many threatened species as well as regionally important fisheries (Penhollow et al. 2006).

The mouth of Fishkill Creek supports a variety of tidal wetlands, including brackish intertidal mudflats, brackish tidal marsh, and SAV. These tidal wetlands are spawning and nursery habitats and a migratory pathway between the upper and lower estuary for anadromous and resident fish.

Implications for Decision-Making

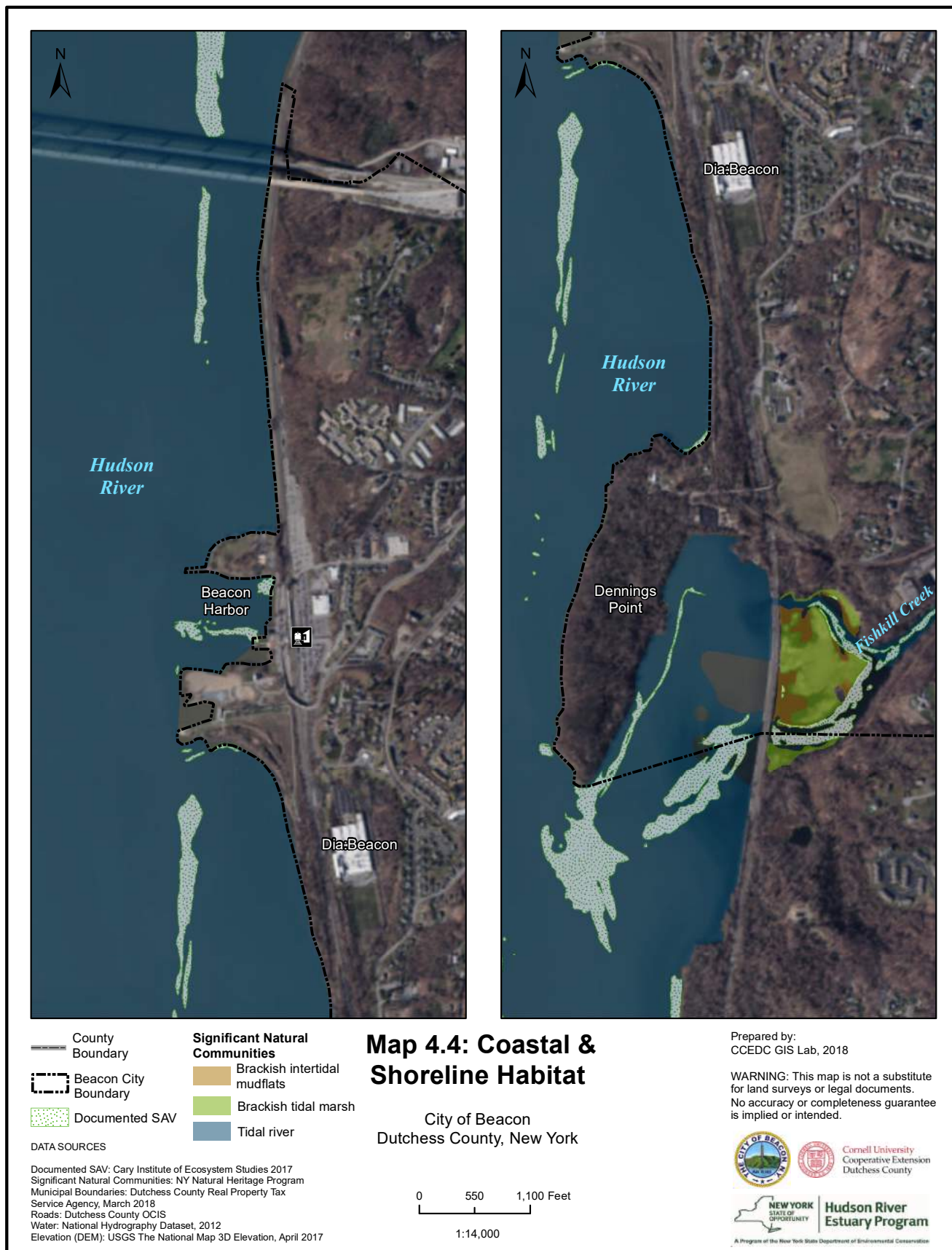
Water and habitat quality in the mouth of Fishkill Creek are heavily influenced by actions further up the watershed, including: upland development; modifications to stream banks and beds; and point and nonpoint source pollution. Global sea level rise is projected to fundamentally affect the shoreline of the Hudson River Estuary in the coming decades. Natural shorelines will allow for the inland migration of tidal and shoreline habitats as sea level rises.

To protect the Hudson River Shoreline, the City may wish to consider:

- Avoid filling shallows and small wetlands;
- Restricting herbicide use along roads and railroads adjacent to riparian areas, which could destroy adjacent rare plant populations;
- Controlling point and nonpoint sources of water pollution throughout the watersheds;
- Restoring and maintaining a broad buffer zones of natural vegetation along shorelines;
- Preserving natural features and limiting impervious surfaces in developments;
- Using green infrastructure to increase infiltration and/or treat stormwater runoff;
- Requiring mapping of all tidal wetlands on plans for projects along the Hudson River shoreline;
- Maintaining a building buffer from the mean high tide mark of the Hudson River;
- Protecting and restoring naturally vegetated areas;
- Taking steps to stop water chestnut invasion around the mouth of Fishkill Creek; and
- Controlling shoreline and streambank erosion using living shorelines or ecological materials.

This information largely comes from US Fish & Wildlife Service, NYS Department of State, DEC Hudson River Estuary Program, and L. Heady. For more information on these topics, see the References section.

Map 4.4 Coastal and Shoreline Habitat



4.5 Plants and Animals of Conservation Concern

Map 4.5 displays areas in Beacon considered important for rare plants and animals.

Why This Is Relevant to Beacon:

The presence of rare plants and animals in Beacon adds to the city's significance for New York State biodiversity. Rare biota are one of the most vulnerable parts of the ecosystem. Their continued existence in turn supports the health of a full ecosystem and keeps it biodiverse as well as high-functioning. A diverse system is more sustainable and adaptable in the long run.

Some rare biota are important for medical or industrial purposes, and their applications may not yet be fully realized. Other rare plants and animals may be of interest to eco-tourists.

The New York Natural Heritage Program keeps a statewide database on the status and location of rare species and natural communities.

What This Map Shows

The identified Important Areas for rare plants and animals represent the lands and waters needed to support the continued presence of species of conservation concern. Not surprisingly, they coincide to a high degree with areas recognized for other natural resources, such as large forest blocks, high-value wildlife habitat, water resources, and significant natural communities.

The areas that are most important for rare animals are primarily located along the shoreline of the Hudson River and in the southern and eastern portions of Beacon. A state and federally-endangered species of bat uses the forests. Likewise, interior forest species of birds, like wood thrush and scarlet tanager, can be found in Beacon and its vicinity. Both species are considered Species of Greatest Conservation Need by DEC.

Important areas for rare plants encompass Dennings Point and the mouth of Fishkill Creek. They have also been recognized by New York's Department of State as Significant Coastal Fish and Wildlife Habitat. It also supports a regionally important fishery and globally rare ecosystem.

Migratory fish, like alewife and blueback herring, use the creek for spawning, foraging, and refuge.

Submerged aquatic vegetation creates safe habitat for fish as well as waterfowl and aquatic invertebrates. Both Atlantic and shortnose sturgeon, both federally endangered species, can be found in the nearby deep waters. Bald eagle, which are considered a threatened species in New York, forage and nest in the area. Other raptors such as osprey can be found along the creek, especially during migration periods. Blanding's Turtles are a New York State threatened species and potential habitat has been found in Beacon.

Concentrating development away from the Important Areas, including conserving high-quality wildlife habitat, will help ensure that rare animals and plants survive. Other, more common species will also benefit from protection of these ecosystem areas, and will help keep Beacon's environment healthy.

Implications for Decision-Making

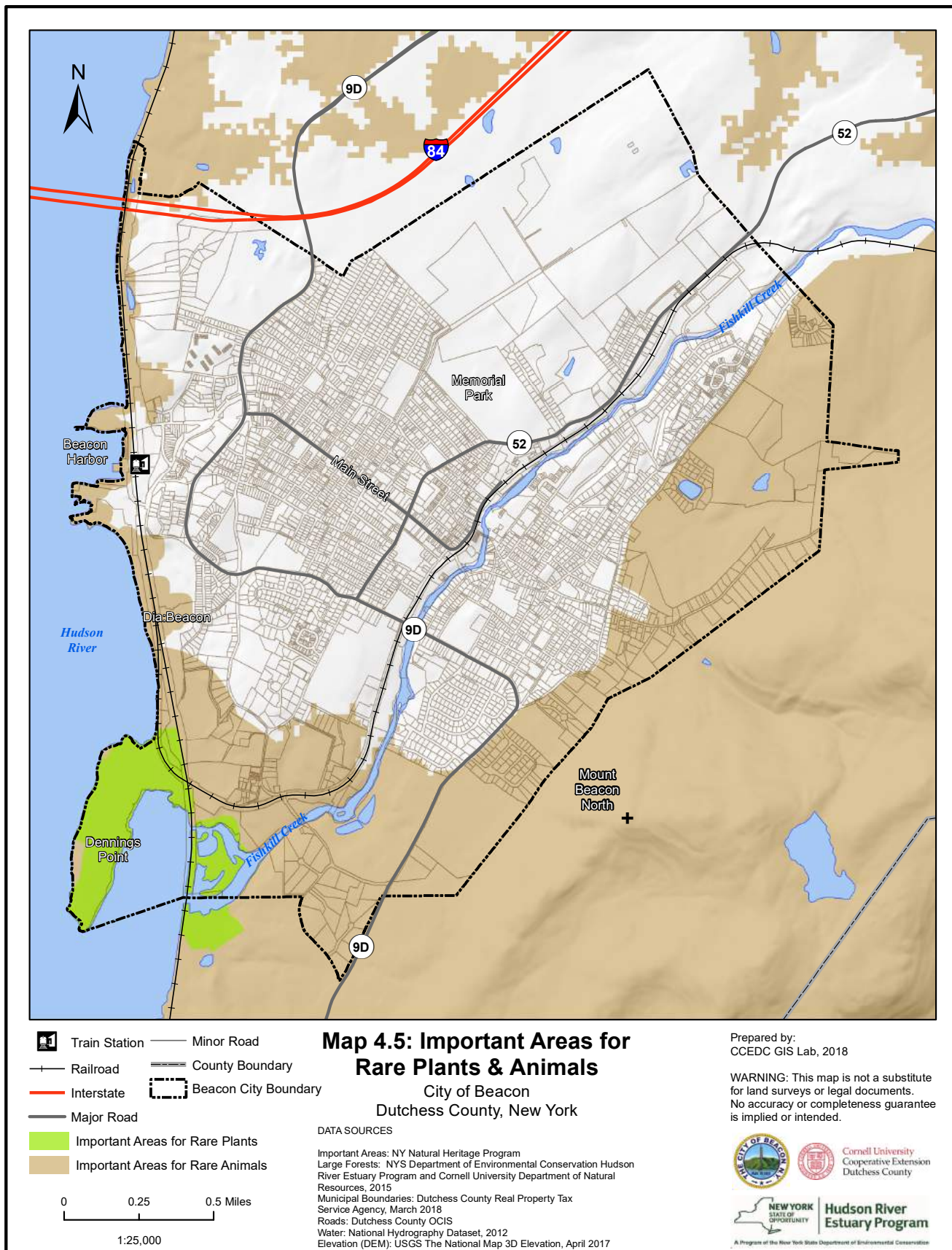
Because successful conservation of rare species requires protecting their habitats, this map should be considered alongside the maps of Wildlife Habitat Index; Forests and Street Trees; and Hudson River Coastal and Shoreline Habitat maps. Proactive planning that considers how species move across the landscape, with careful attention to maintaining connected habitat complexes, will contribute to the long-term survival of rare animals and to the persistence and dispersal of rare plants.

To protect rare plants and animals, the City may wish to consider:

- Using the [New York Natural Heritage Program Online Conservation Guides](#) to identify species-specific threats, conservation strategies, and management practices;
- Continuing to work in partnership with the Hudson River Estuary Program and the New York Natural Heritage Program to develop and implement holistic conservation strategies for rare animal and plant habitat;
- Limiting disturbance to and fragmentation of the Important Areas and surrounding lands; and
- Limiting use of motorized vehicles in Important Areas.

This information largely comes from Beacon Biodiversity Memo (L. Heady), HREP NRI Guide, Hudsonia's Report on Blanding's Turtle Habitats in Southern Dutchess County, and NYS Department of Environmental Conservation. For more information on these topics, see the References section.

Map 4.5 Important Areas for Rare Plants and Animals



5.0 Land Cover and Greenspaces/ Protected Areas

Why This Is Relevant to Beacon

Patterns of human land uses and natural land cover strongly influence water resources and biological communities. Changes in natural land cover (especially forests, floodplains, and wetlands) accompanying conventional development often result in substantial increases in impervious surfaces (e.g., roofs, parking lots, and roads) and can drastically alter water quality.

Land cover types can generally be classified into two categories: “pervious surfaces,” or areas where rainwater can be absorbed, and “impervious surfaces,” where rainwater runs off. Understanding the locations of these land cover types can help determine where flooding risks are highest, as well as where vegetated buffers exist or may be needed near surface water bodies.

Open spaces and protected areas provide many ecological services. They may have high biodiversity, act as havens for wildlife, provide recreational opportunities, mitigate flooding from large precipitation events, and generate ecotourism revenue.

Implications for Decision-Making

Land cover information can be used to help determine potential risks and opportunities, such as the mitigation of stormwater runoff and protection of water quality. One key value of mapped open space (or greenspace) and protected areas is to show how protected areas relate to each other, and where there may be opportunities to better connect these protected areas for trails, wildlife habitat, stream corridor protection, park enhancement, etc.

The information in this section largely comes from the City of Beacon Comprehensive Plan (2007), Comprehensive Plan Update (2017), the National Fish & Wildlife Service, and Hudson River Estuary Program. For more information on these topics, see the References section.



Increasing pervious surfaces helps reduce flooding and protect water quality of Fishkill Creek, pictured here.



An evening view from Scenic Hudson's Long Dock is pictured here.



Artists perform at Pete & Toshi Seeger Riverfront Park, pictured here.

5.1 Land Cover

Map 5.1 displays pervious and impervious surfaces across the City of Beacon.

Why This Is Relevant to Beacon

“Pervious” or permeable areas allow water to infiltrate underlying soils. When precipitation falls on natural areas like forests and wetlands, stormwater swales, and even pervious pavement, it can soak into the ground and become groundwater.

Water cannot percolate through “impervious” surfaces, however. When rainwater hits surfaces like asphalt, concrete, roof shingles, and bedrock, it runs off and cannot soak into the ground. These surfaces also can contribute to urban heating. The negative impacts of impervious surfaces can be offset by conserving and restoring areas of natural cover. This will be especially important as storm intensities and air temperatures continue to increase due to climate change.

What This Map Shows

Impervious surface from commercial and residential development is spread across the city, with the highest degree of development—seen in dark red on the map—centering around Main Street. It also spreads along the Route 52 and 9D corridors.

There is a partial ring of natural cover types around the city, especially to the south and east. These pervious areas are primarily deciduous and evergreen forest (in green on the map), occurring primarily in public open space and protected areas. Other natural cover types on the map include wetlands, open water, and mixed forest, as well as hay/pasture land (yellow), developed-open space (light pink), and developed-low intensity (medium pink), which often represent pervious areas of mowed lawns and managed fields.

Implications for Decision-Making

It’s not surprising that an urban community like Beacon has high-density development, but the

resulting impervious cover can contribute to increased stormwater flow and flooding.

To reduce impervious surfaces, the City may wish to consider:

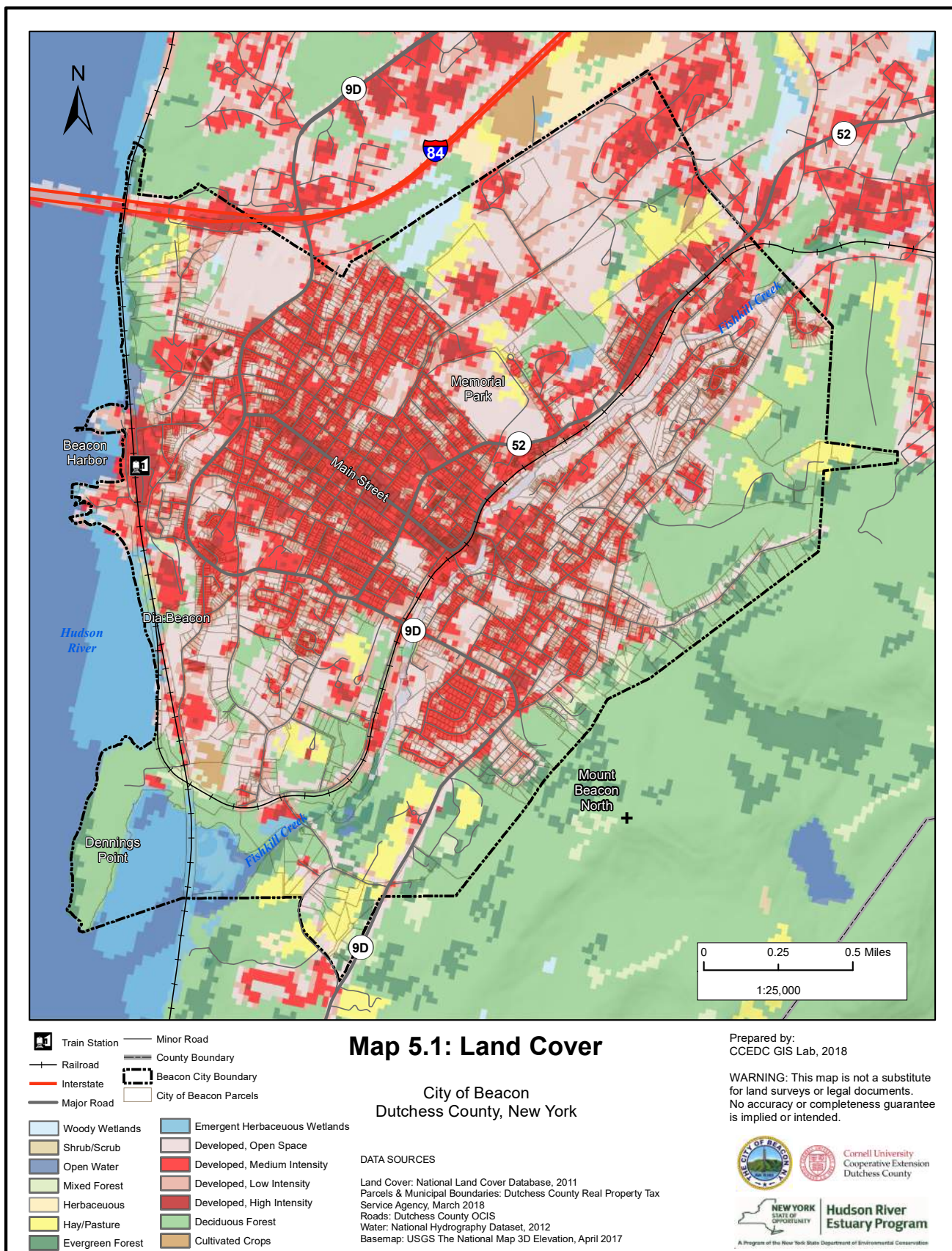
- Promoting development practices and restoration projects that improve conditions and help Beacon to be more resilient to climate change and related intense storms;
- Offsetting the creation of new development with creation of new pervious surfaces elsewhere, which would lower flood risk throughout the city;
- Keeping a large buffer of natural vegetation around waterways, especially wetlands and Fishkill Creek;
- Supporting green infrastructure like pocket parks, rain gardens, and green roofs, which can mitigate effects of impervious surfaces; and
- Introducing the concept of converting mowed lawns to alternative groundcover, which is more effective at absorbing stormwater.

This information largely comes from the City of Beacon Comprehensive Plan (2007), Comprehensive Plan Update (2017), the National Fish & Wildlife Service, and Hudson River Estuary Program. For more information on these topics, see the References section.



Natural vegetation helps to absorb stormwater that runs off impervious surfaces, like roads, during precipitation events. Increasing natural areas and pervious surfaces can help to reduce flooding and protect water quality of Fishkill Creek (pictured here).

Map 5.1 Land Cover



5.2 Open Space and Protected Areas

Map 5.2 displays Beacon’s parks, open spaces, and larger green areas.

Why This Is Relevant to Beacon

Beacon is known for its exceptional “greenspaces,” which are large natural areas, parks, and protected lands in an urban environment. They provide scenic views and recreational opportunities, and increase the health and happiness of residents and visitors. They are also significant sources of ecotourism revenue.

Ecologically, these protected areas are biodiversity strongholds. They provide many ecosystem services, including wildlife habitat, water and air purification, and stormwater runoff and floodwater mitigation.

What This Map Shows

Beacon has a mix of open spaces, ranging from small pocket parks to 100+ acre conserved lands. This map shows the mosaic of land ownership across Beacon’s open space areas.

As seen on the map, these open areas are primarily owned and protected by:

The City of Beacon, including:

- Memorial Park
- Pete & Toshi Seeger Riverfront Park
- South Ave Park
- Green Street Park
- Hiddenbrooke

The State of New York, including:

- Dennings Point State Park
- University Settlement Camp
- Hudson Highlands State Park

Scenic Hudson Land Trust, including:

- Long Dock Park
- Madame Brett Park
- Mount Beacon trailhead area (and a portion of the park, located beyond Beacon’s boundaries)

Implications for Decision-Making

In unprotected areas of high natural resource values, such as large undeveloped parcels, wetlands, stream corridors, and land with steep slopes, further land protection may be desirable. Different municipal, county, state, and nonprofit partners may have different tools available for further protecting land, including parkland acquisition, development rights purchases (conservation easements), and/or conservation subdivisions.

To support these natural resources, the City may wish to consider:

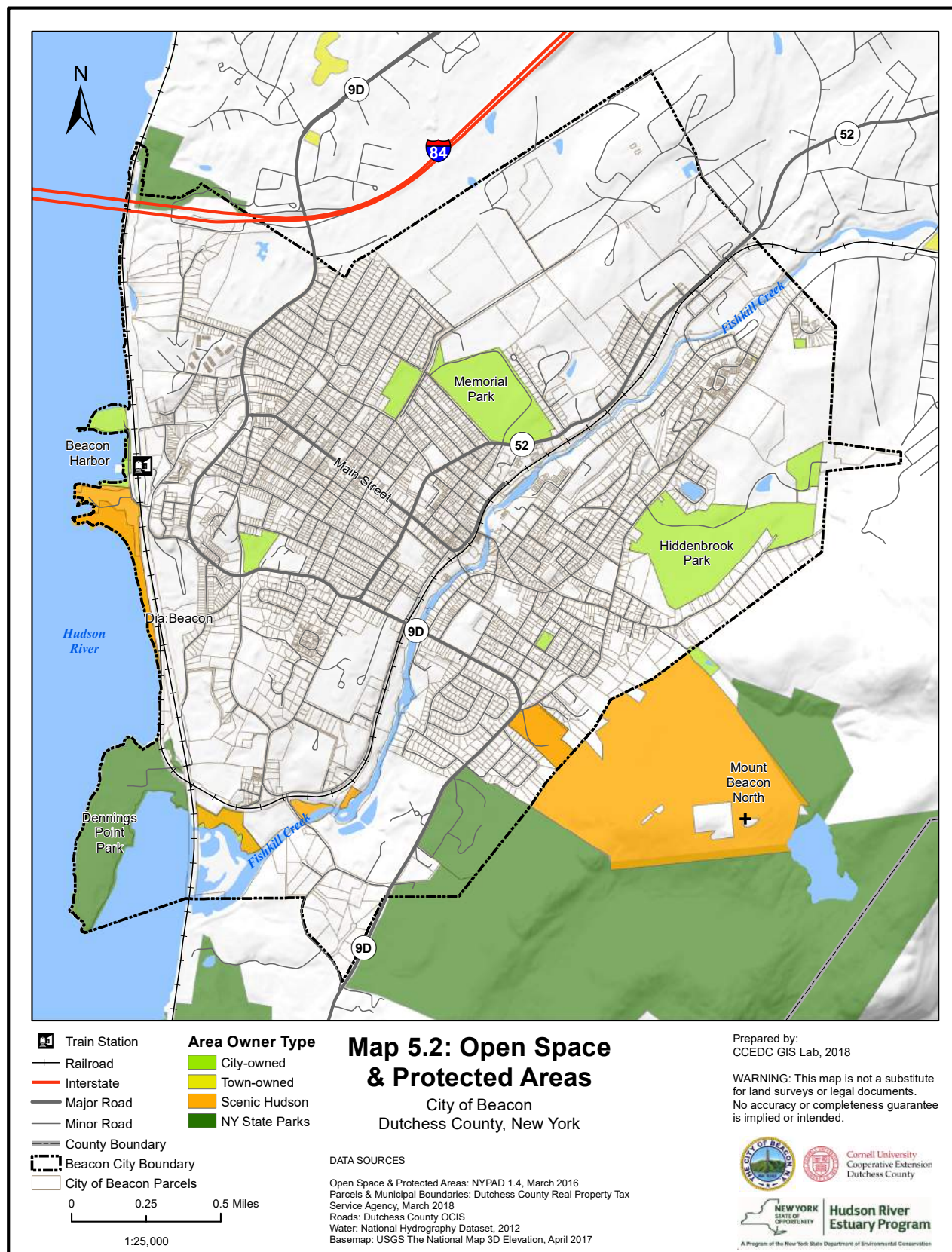
- Creating an Open Space Inventory by the CAC, which will aid in prioritization of important natural areas in the city;
- Developing subsequently an Open Space Plan, with strategies to conserve priority areas; and
- Encouraging the creation of an Urban Design Plan with recommendations of interspersed pocket parks on undeveloped lots, which can both increase ecological services and community engagement.

This information largely comes from the City of Beacon Comprehensive Plan (2007), Comprehensive Plan Update (2017), and Hudson River Estuary Program. For more information on these topics, see the References section.



Beacon has multiple public open space areas made possible by various conservation partners, including this view of Memorial Park during an Independence Day celebration.

Map 5.2 Open Space and Protected Areas



6.0 Historical and Cultural Resources

Why These Are Relevant to Beacon:

The identity of Beacon today is inseparable from the cultural history of the city's past. As Beacon builds its way into the future, insight from the city's history illuminates where the city has been, and where it is going.

Beacon's built environment, including storied religious institutions, former factories, and other historic sites, reflects its culture and history. Similarly, Beacon's natural resources, including the Hudson River, Fishkill Ridge, Fishkill Creek, and beyond create a sense of place and belonging to the city's identity as one rich in scenic and recreational resources.

The NYS Greenway is a voluntary community planning program, based on incentives and guidelines, for the 13 counties in the Hudson River Valley. Beacon joined the Greenway Compact Program in 2000, along with almost all the other municipalities in Dutchess County. Greenway Connections, the countywide compact plan, includes guideline pages on such NRI-relevant topics as Connected Habitats, Stream Corridor Protection, Wellhead and Aquifer Protection, Street Trees, Green Infrastructure, and Centers and Greenspaces. A City of Beacon Centers and Greenspaces Plan map was included in the 2007 Comprehensive Plan appendix.

This section's three maps outline Beacon's historical, scenic, and recreational resources and offers implications for policy decisions.



Looking downriver from Long Dock Park.

6.1 Cultural Resources

Why This Is Relevant to Beacon

Beacon has a rich cultural history, including Native American settlements, well-preserved colonial landmarks, and a plethora of historic buildings that highlight the city's colonial and industrial past. Beacon's built environment—from the buildings that house businesses on Main Street to the historic landmarks—form part of the cultural fabric of Beacon's identity. As former factories get converted into condominiums, hotels, and other businesses, and the renovation of the city's historic brick buildings create new shops and restaurants, it is more important than ever to honor Beacon's past as the city builds its future. Beacon's Comprehensive Plan states that residents regularly cite the city's historical and cultural legacy as a point of pride and distinction.

What This Map Shows

Main Street in Beacon, as well as its environs, is dotted with cultural and historical landmarks including Madam Brett Homestead Museum, Howland Library, Howland Cultural Center, DIA:Beacon, Mount Gulian Historic Site, and many more. Beacon contains many religious institutions including St Andrew & St. Luke Episcopal Church, Springfield Baptist Church, St. Lawrence Friary and Retreat Center, Beacon Hebrew Alliance, the Islamic Teaching Center, and Carmelite Monastery.

Beacon is home to sixteen structures and buildings on the National Register of Historic places including the Howland Cultural Center, the Mt. Beacon Incline Railway, Power House and Fire Observation Tower, Tioronda Bridge, Lower Main Street Historic District and the US Post Office. In addition, Beacon boasts three important historical monuments: George Washington's bust, The DAR monument on Mt. Beacon and the 1909 Hudson Fulton statue of Hebe. The Beacon Historical Society and history center is housed in the former rectory of the historic St. Andrew's Church on South Avenue, preserving and promoting Beacon's history since 1976.

Since 1991, the Historic District and Landmark Overlay zone has been the primary way that Beacon designates and protects its historic buildings and sites. Any proposed substantial exterior alterations to a structure visible to the public in the HDLO, as defined in the Code, must be reviewed by the Planning Board for its consistency with the adopted historic standards. The City Council has recently proposed the addition of 35 buildings in the Main Street area to the HDLO. See City of Beacon Zoning Map for more information.

The one National Register structure owned by the City of Beacon is the Tioronda Bridge. Located at Bow truss...sadly the bridge fell into disrepair and was ... The City of Beacon has committed to a restoration... part of trails.

Implications for Decision-Making

The City may wish to consider:

- Further expanding the HDLO zone, and creating incentives for preservation;
- Evaluating historic sites, structures and buildings within the city for proposal for inclusion on the State or National Registers of Historic Places; and
- Researching, identifying, and honoring pre-colonial historic sites, including those of importance to Beacon's indigenous people.

This information largely comes from the City of Beacon's Comprehensive Plan and the Dutchess County NRI. For more information on these topics, see the References section.

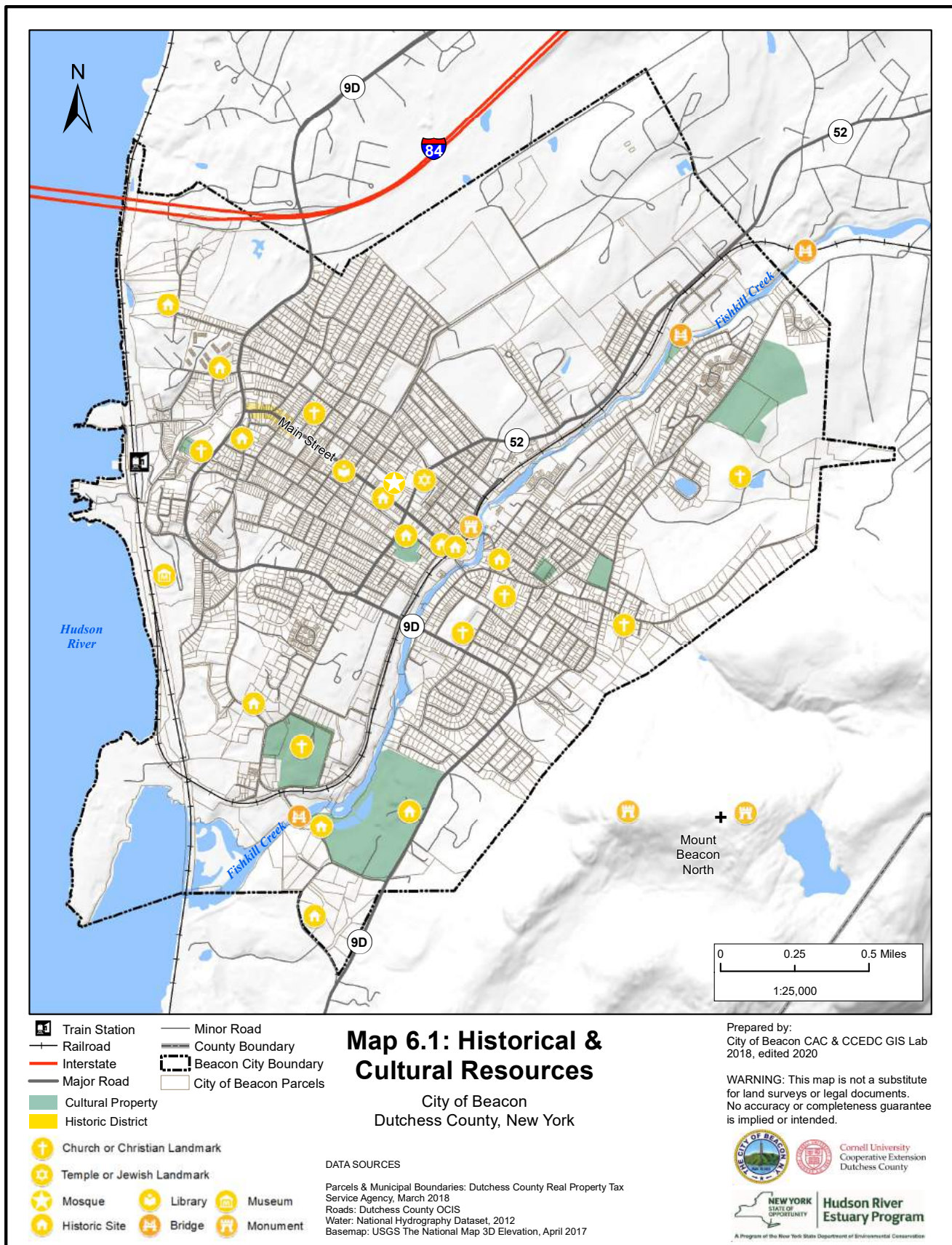


Dia:Beacon



Howland Cultural Center

Map 6.1 Cultural Resources



6.2 Scenic Resources

Map 6.2 displays various scenic resources in Beacon, including parks, scenic viewpoints, waterfalls, etc.

Why This Is Relevant to Beacon

The New York Department of State's Scenic Areas of Statewide Significance report recognizes the Hudson Valley region for its unique, highly scenic landscapes of outstanding quality that are accessible to the public. The wealth of accessible scenic viewpoints in Beacon draws local citizens and tourists alike and helps to define the character of the city. Beacon is beautifully situated between the Hudson River to the west and the mountains of Fishkill Ridge to the east, with Fishkill Creek running through the middle. These natural features lie within the Hudson Highlands, which is a region that the state of New York recognizes for its high scenic quality. Beacon's location affords the city numerous scenic resources that provide cultural and economic value, while contributing to the preservation of open space and habitat. These scenic resources are vital to Beacon's high quality of life and growing tourism industry. The City of Beacon's Comprehensive Plan includes recommendations to protect the city's scenic resources as part of its plan for future development.

What This Map Shows:

Beacon has three primary natural scenic viewsheds: The Hudson River, Fishkill Creek, and Fishkill Ridge, which includes Mount Beacon.

- Long Dock Park, Pete and Toshi Seeger Riverfront Park, and Dennings Point afford direct river viewpoints with walking trails, playground equipment, picnic areas, fishing areas and boat launching facilities.
- The Greenway Trail and Madam Brett Park offer access to Fishkill Creek for walking, biking, fishing, and bird watching.
- Mount Beacon Park and its interconnected trails offer views of the entire city of Beacon and beyond, including Fishkill Creek, the Hudson River, the mountains of the Hudson Highlands, and the Shawangunk Ridge.

In addition, in its Local Waterfront Revitalization Plan (LWRP) as adopted by City Council and approved by NY State specific protected viewsheds, Exhibit 1 shows the city's viewsheds from the LWRP. The Mayor and City Council have expressed the goal of adding to protected City view sheds, and expects to do so in the next year or so.

Exhibit 1 shows the portion of Beacon within the waterfront revitalization boundary includes three major interrelated areas including numerous historic



properties and areas, viewsheds, and a large amount of potentially developable vacant or underutilized land.

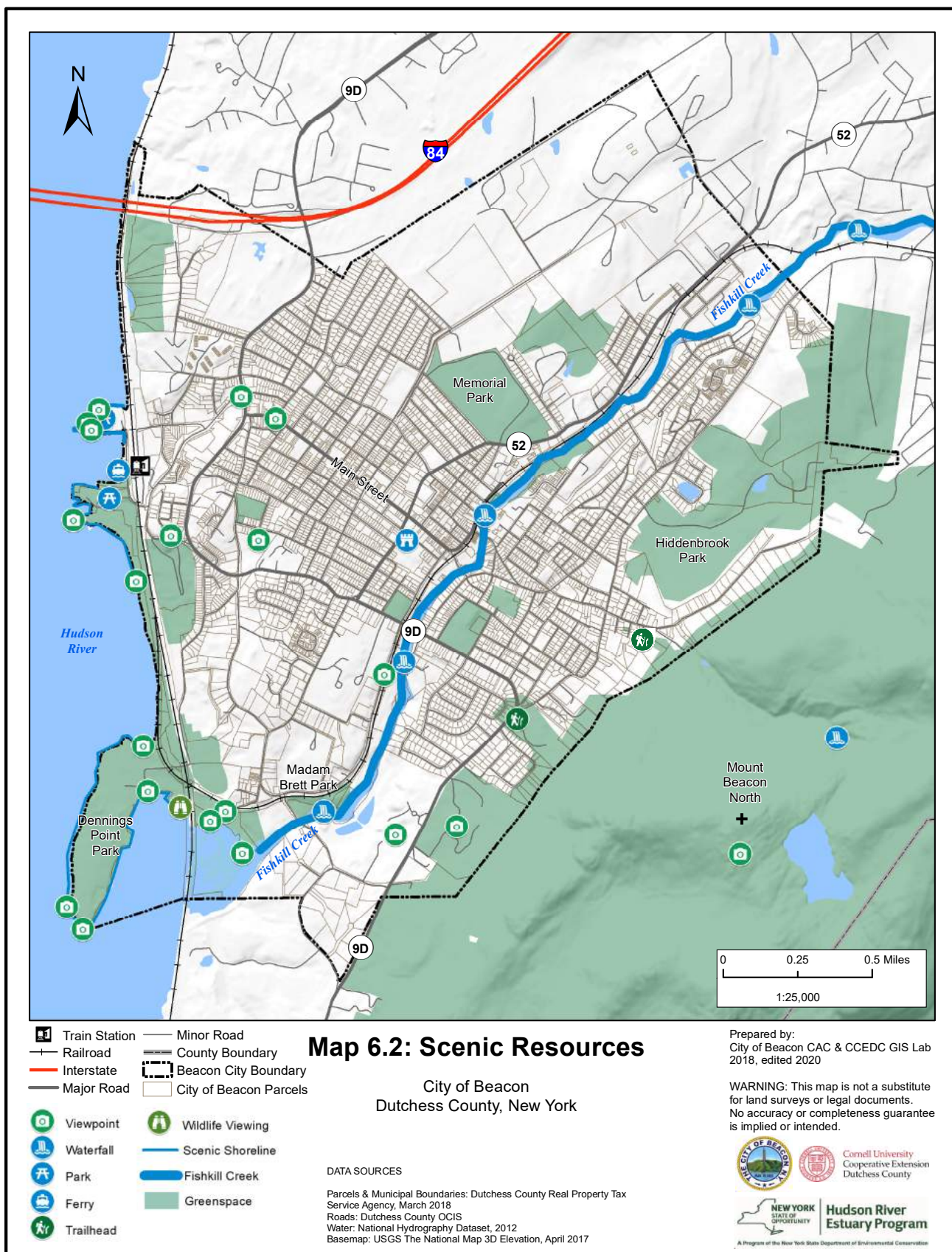
Implications for Decision-Making

The City may wish to consider:

- Ensuring that the preservation of Beacon's scenic resources and viewsheds remains a top priority during any development plans that affect the city's three primary scenic viewsheds: the Hudson River, Fishkill Creek, and Fishkill Ridge, which includes Mount Beacon;
- Expanding direct access to the Hudson River for outdoor recreation; and
- Creating multi-use linkages (e.g., walking and biking paths) that connect Beacon's three main scenic areas, to increase accessibility for residents and tourists.

This information largely comes from New York State Department of State's Scenic Areas of Statewide Significance report, City of Beacon Comprehensive Plan, and the City of Beacon LWRP. For more information on these topics, see the References section.

Map 6.2 Scenic Resources



6.3 Recreational Resources

Map 6.3 displays various recreational sites and resources in the City of Beacon.

Why This Is Relevant to Beacon

Recreational opportunities abound in Beacon. Indeed, the city is known for the diversity of high-quality outdoor activities right at its doorstep. One can hike Mount Beacon, cast a line in Fishkill Creek, and birdwatch along the Hudson River. Hiking, biking, fishing, boating, wildlife viewing, playgrounds, sport fields and courts, and more greet the recreation enthusiast looking for a chance to get outside. The city's public parks, combined with Scenic Hudson-owned parks and The Hudson Highlands State Park, provide the outdoor enthusiast or the casual citizen with ample recreational opportunities within the city's neighborhoods, or among its protected mountains, woods, creeks, and trails.

What This Map Shows

Beacon contains a wide variety of recreational resources that belies the city's small size:

- The City of Beacon operates four parks: Pete and Toshi Seeger Riverfront Park, Memorial Park, South Avenue Park, and Greene Street Park, in addition to the University Settlement Camp and Hiddenbrook. Scenic Hudson owns Madam Brett Park and Long Dock Park, and The State owns Hudson Highlands State Park and Dennings Point State Park.
- The City has 373 acres of recreation area, exceeding the National Parks and Recreation Association's recommendation of 10 acres per 1,000 residents.
- Sport fields and courts for basketball, soccer, tennis, football, baseball and softball, a frisbee golf course, fishing piers, a skatepark, track, and more can all be found within the city's public parks and at University Settlement Camp. Additionally, Southern Dutchess Country Club offers golf.
- Beacon's parks boast five picnic pavilions, several picnic areas, four playgrounds, an official dog park, a natural play area, and miles of walking paths.
- Beacon offers swimming at the Beacon Pool at University Settlement Camp, Riverpool in the Hudson River (pictured right), lap swim and open swim at the Beacon High School pool, and community pool membership at Southern Dutchess Country Club.
- The Greenway Trail is a success story of Beacon public policy and public-private partnerships that is worth noting. At present

there are trails down the Hudson and large portions of Fishkill Creek. The Mayor and City Council are looking to expand the trail system along Fishkill Creek ... This unused adjacent rail line connecting to the New York State Trail system. Once complete, the Trail will offer continuous exposure to nature and provide walking and biking opportunities along the Fishkill Creek to the Hudson River.

- Nature is always nearby with miles of hiking trails, mountains, waterfalls, creeks, and the Hudson River. The city park of Hiddenbrook, Scenic Hudson parks such as Long Dock Park, Madam Brett Park, and Mount Beacon, Hudson Highlands State Park's Dennings Point, and more all offer opportunities for exploring Beacon's natural environment.

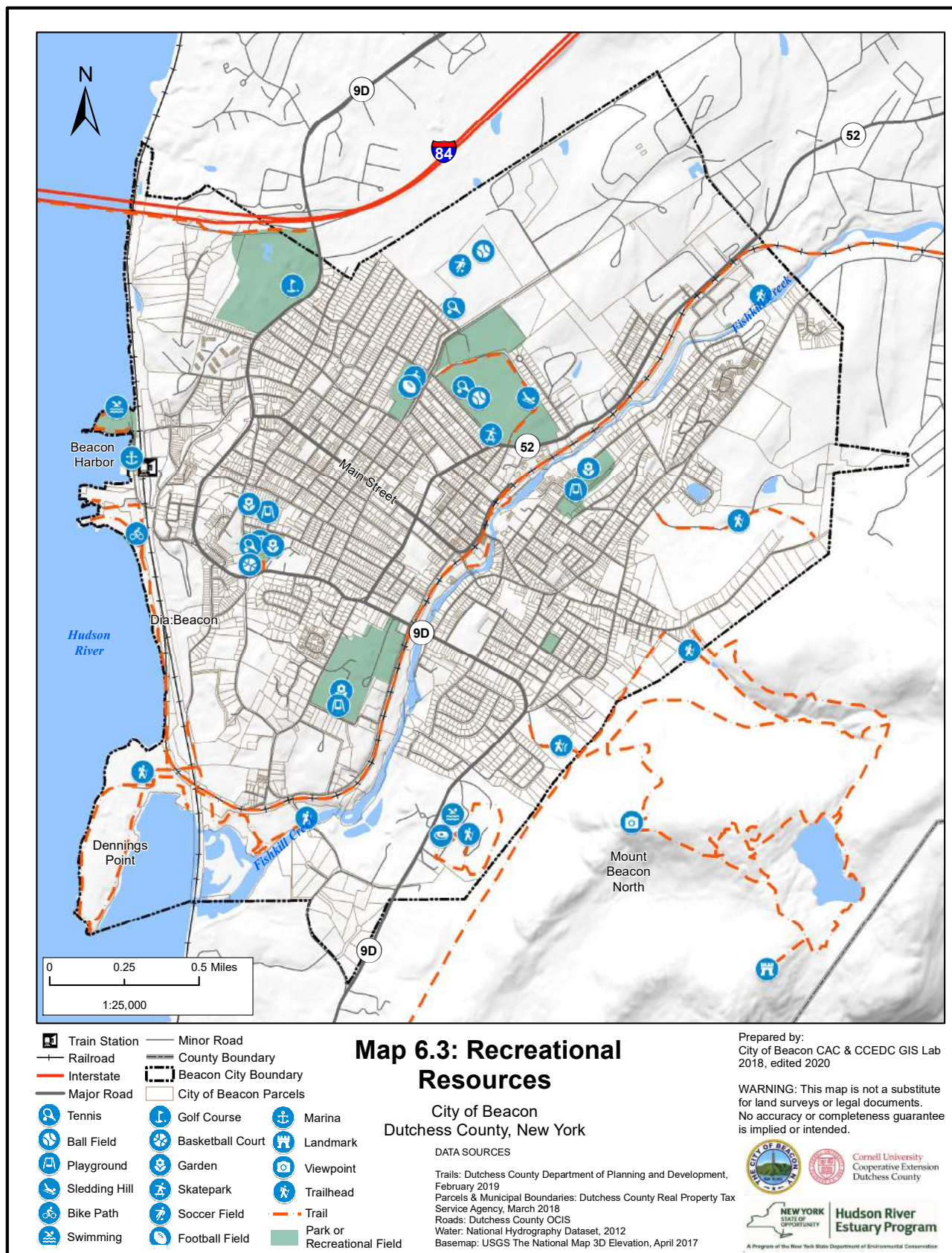
Implications for Decision-Making

The City may wish to consider:

- Maintaining and, where possible, increasing access to the Hudson River and Fishkill Creek;
- Preserve open space and protect large tracts of forest, field, and waterfront;
- Ensuring that various recreational opportunities are accessible to all; and
- Continuing to partner with non-profit partners like Scenic Hudson and state entities like NYS Office of Parks, Recreation, and Historic Preservation for the effective management of their properties within the city limits.

This information largely comes from City of Beacon Parks and Recreation, including a 2017 study conducted by BFJ Planning about the City's recreation resources, and Scenic Hudson. For more information on these topics, see the References section.

Map 6.3 Recreational Resources



6.4 Historical Resources

These maps from the late 1800s show the two villages that made up today's Beacon: Fishkill-on-the-Hudson and Matteawan.

Why This Is Relevant to Beacon

The land that is now Beacon was first settled by people of the Wappinger and Mahicannituck tribes, who were part of Lenape cultural group. The first known European contact with Beacon was in 1609 when Henry Hudson sailed up the river that was to bear his name, and described Beacon and/or Newburgh as "...a very pleasant place to build a Towne on...." Beacon's first European settlers were Roger and Catheryna Rombout Brett, who in 1709 built what is known today as the Madam Brett Homestead (featured in section 6.2). The two villages of Fishkill Landing and Matteawan, centered around her gristmill and storehouse, eventually merged to create the City of Beacon in 1913.

Beacon remained a small farming hamlet until the War of 1812 jump-started an industrial revolution, with a population and building boom. Throughout the 1800s, large quantities of hats, bricks, fabric, and more were produced here. In winter, ice cut from the frozen Hudson was shipped down to Manhattan. Beacon remained a significant factory town through the 1950s. In addition, Beacon was a well-known tourist destination during the early 1900s, with its most popular feature being the Mount Beacon Incline Railway, which brought visitors to the top of Mount Beacon. Many tourists came from New York City, up the Hudson via steamship ferries. The bridge connecting Beacon to Newburgh didn't open until 1963. Prior to then, only a ferry had connected the two banks for 220 years.

In the late 1970s, a national economic slump caused a significant decline in Beacon. Most factories closed, leading to the vacancy of approximately 80% of commercial spaces. The ski slope which had operated on Mt Beacon since 1967 closed in the late 1970s, along with the Incline Railway. The town remained underutilized and economically depressed until the early 2000s. Beacon's current revitalization began in the late 1990s and spiked when the Dia:Beacon museum opened, bringing visitors and businesses back to town. Before and during this resurgence, Pete Seeger (1919-2014) and Toshi Seeger (1922-2013) were prominent Beacon-area residents (they resided in the Town of Fishkill, but are associated with Beacon) who sparked a resurgence in the interest of protecting the environment in Beacon and throughout the Hudson Valley. Thanks to their intervention, Beacon has some of the most green and accessible waterfront along the entire Hudson River.

Beacon is now a thriving commuter, residential, and arts community, appears on top global tourism lists as a weekend getaway, and has a very competitive real estate market. Beacon uniquely offers a mix of cultural heritage and outdoor recreational opportunities that few municipalities in the Hudson Valley can match. It is important to identify the full range of Beacon's opportunities in order to weigh the impacts of the city's development and growth against strategies for preserving Beacon's unique culture and environment.

What These Maps Show

- 6.4.1: 1886 landscape map of Fishkill-on-the-Hudson, aka Fishkill Landing, the west end of today's Beacon
- 6.4.2: 1886 landscape map of Matteawan, the east end of today's Beacon

Implications for Decision-Making

Beacon has been changing and growing from human influence since before European settlers arrived. At least four prior periods of significant growth have shaped Beacon to become the City it currently is, with most building happening in the last 120 years. The City has an incredibly rich history, as noted earlier, Beacon has 16 buildings and sites on the National Historic Register.

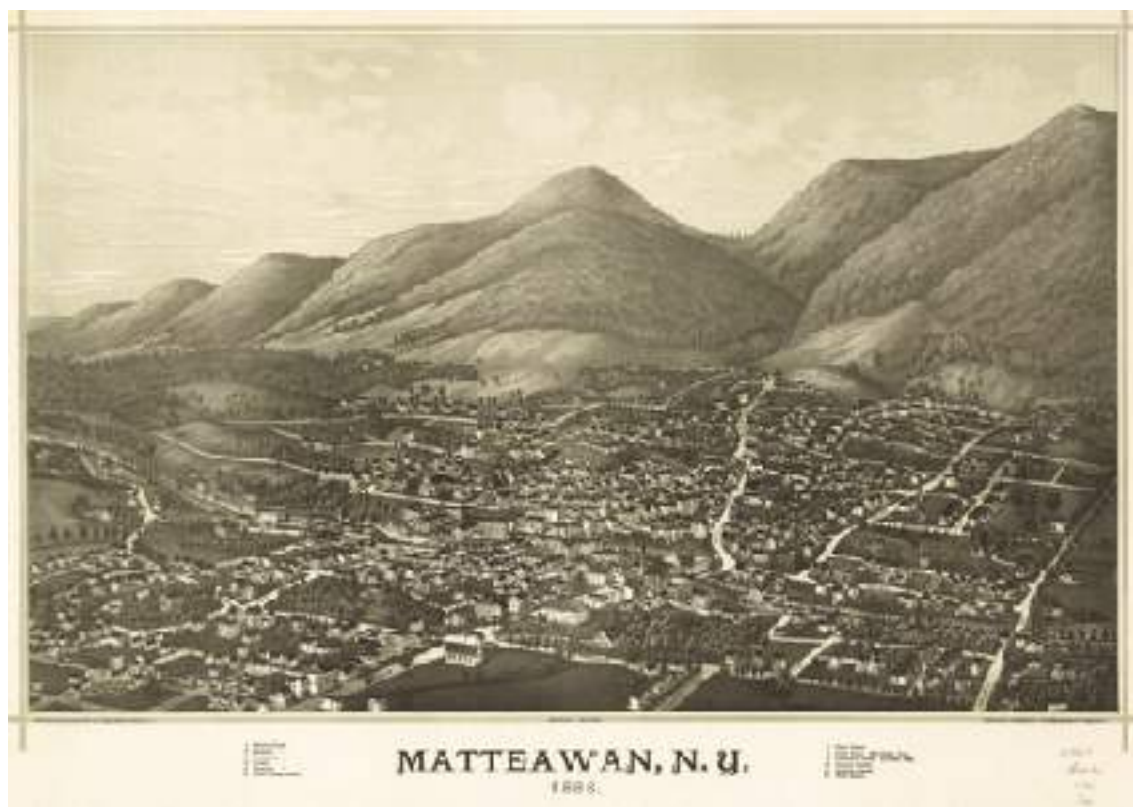
To protect Beacon's history and future, the City may wish to consider:

- Consider the span of Beacon's complex history when making decisions;
- Protect historic properties and other remnants of the past that the community thinks are important;
- Encourage future development to follow historic patterns of building, i.e. denser along Main St corridor and less construction along the edges of town; and
- Encourage creative reuse of existing old buildings rather than tearing them down.

Map 6.4.1: Fishkill-on-the-Hudson



Map 6.4.2: Matteawan, NY



7.0 Land Use

Why This Is Relevant to Beacon

7.1 Current and Future Challenges: Development

Why This Is Relevant to Beacon

Beacon is facing a potential 30% population growth by 2035 if every major undeveloped or underdeveloped parcel in the city is fully built-out and occupied. However, the impact that the current Covid-19 pandemic may have on Beacon's population remains to be seen. Beacon's current population is a result of growing families, the elderly wishing to remain in Beacon, and an influx of new people seeking residency in Beacon and neighboring communities.

Any increase of human population means more cars, more emissions, more waste management, more energy use, and more environmental pressures. Focusing new development in walkable, bike and transit-friendly city centers dramatically decreases the vehicle miles traveled, energy consumption, greenhouse gases, impervious surfaces, and water usage per household.

At the time of this writing (2019), Beacon's transportation infrastructure is being updated. For instance, aging sidewalks are being replaced and, in some areas, installed for the first time. Traffic patterns are being considered as pedestrian, bicycle, and other recreational traffic increases in areas that were once dominated by cars.

Impervious surfaces increase when vegetated areas are converted to roads, parking lots, and rooftops. This means that waterflow from storms and flooding will not absorb into the earth. Increased runoff changes nearby waterways. It may negatively affect aquatic life and water quality, while causing erosion to stream banks.

What This Map Shows

This is a future land use map from the City of Beacon Comprehensive Plan, dated April 14, 2017.

Implications for Decision-Making

Beacon can continue to act as a lead city in the environmental restoration process by converting old factories to mixed commercial and residential communities. Additionally, Beacon can support collaborative research and redevelopment of existing impacted sites (such as abandoned buildings) among neighboring towns for businesses and residential units. The discussion of Beacon's population, development, and water supply are inherently tied to environmental protection.



West End Lofts on Wolcott Ave includes 73 affordable-workforce artist lofts, a new short-cut walking path down to the Train Station, and a restored river view from the Beacon Street intersection.



New sidewalks being installed along the east end of Main Street in June 2019.

Map 7.1 Future Land Use Map

8.0 Implications of the NRI for Local

The City of Beacon's Natural Resources Inventory is a public resource for all stakeholders interested in

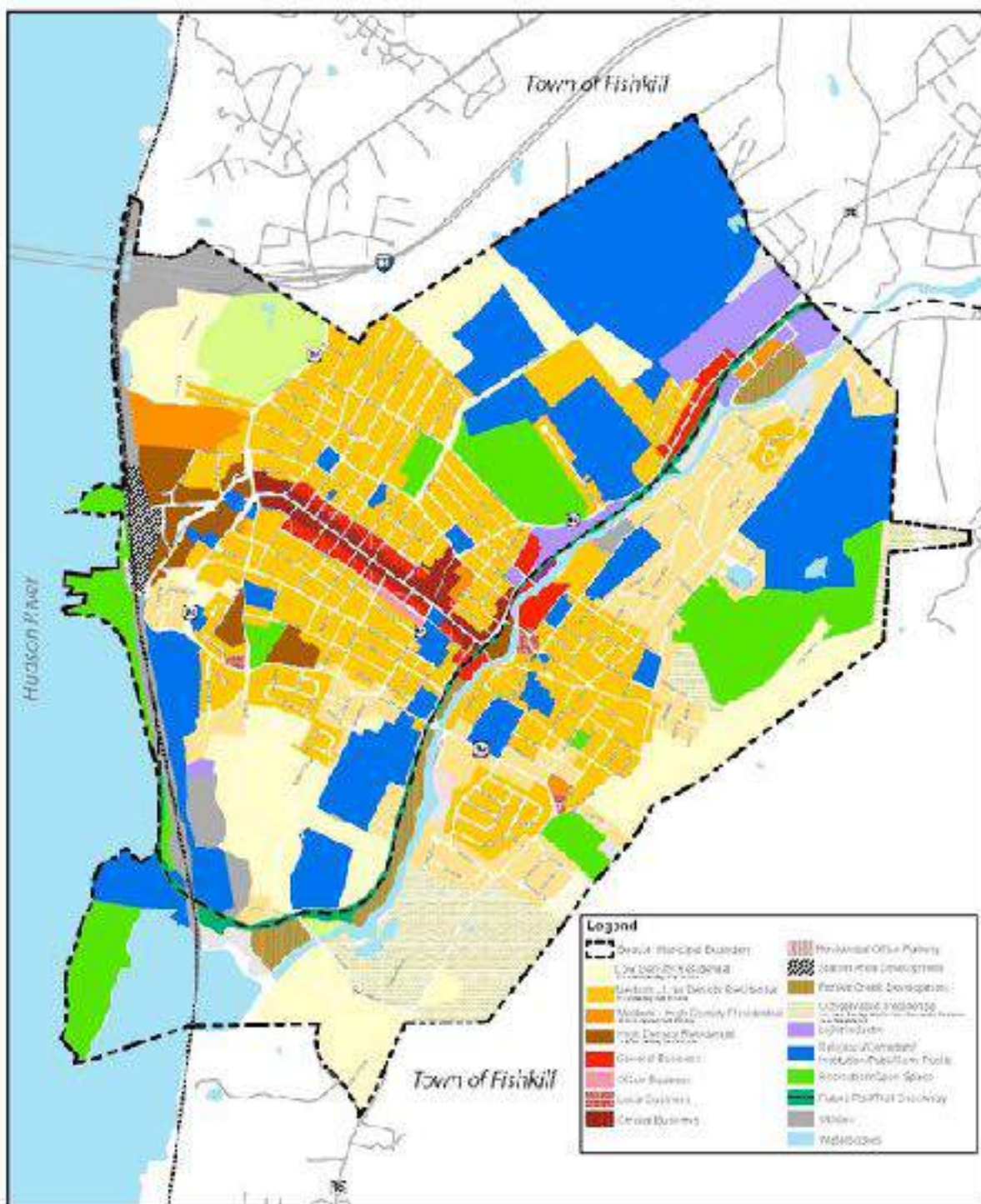


FIGURE 11-1: FUTURE LAND USE MAP

CITY OF BEACON COMPREHENSIVE PLAN UPDATE



Decision-Making

learning more about Beacon's rich natural environment. As the data was assessed within the

NRI, common themes emerged that have considerable implications across all of the city's natural resources. As noted in Section 1.0 Introduction, the NRI resulted in these high-level implications that the City may wish to consider:

- Incorporating climate change mitigation and adaptation in decision-making across all sectors;
- Engaging Beacon residents in the stewardship of our natural resources; and
- Understanding the impact of future development on Beacon's natural resources.

These recommendations are outlined in greater detail below.

Consider climate change mitigation and adaptation in decision-making across all sectors

Climate change is the biggest threat today, both globally and locally. To help Beacon prepare for and adapt to a changing climate:

- Create plans to mitigate flooding and sea level rise;
- Create emergency storm management and community adaptation plans;
- Inventory our emissions, energy use, and municipal material sourcing; and
- Create a local Climate Action Plan, which outlines the policies and measures that Beacon can enact to reduce greenhouse gas emissions and increase the community's resilience to climate change.

Engage Beacon residents in the stewardship of our natural resources

Despite the negative impact humans have had on Beacon's natural environment, its residents are the greatest asset in protecting and stewarding Beacon's natural resources. Beacon residents should:

- Keep the people of Beacon and its surrounding communities engaged in decision-making around protecting natural resources; and
- Increase public access to Beacon's natural resources, such as the Hudson River, Fishkill Creek, and the Hudson Highlands, as part of a comprehensive strategy to expand and promote our city's natural environment.

Lessen the impact of development on Beacon's natural resources

As Beacon continues to grow and flourish, its residents should:

- Pursue proactive conservation of priority resources, including development of an open space plan and participation in broad efforts like watershed planning for Fishkill Creek, and considering designations such as "critical environmental areas" as a tool to bring conservation attention to the community's priorities; and
- Consider each proposed development, redevelopment, and/or infrastructure adjustment with respect to its potential effect on Beacon's natural, cultural, and scenic resources.

In Summary

It is becoming more apparent that smaller cities like Beacon are the most environmentally conscious places to live. "Thinking has come full circle on cities, from blaming them for environmental destruction to considering that urban environments, when properly designed and managed, can be a kind of biological as well as cultural ark – places where human beings can have the lowest impact on the planet and be educated, creative and healthy." From *Drawdown: The Most Comprehensive Plan Ever Proposed to Reverse Global Warming*, Paul Hawken, ed., 2017

9.0 What Comes Next and Acknowledgements

What Comes Next

We hope this document is useful to City of Beacon officials, committees, and residents as they learn about

the city's environment and lead towards Beacon's future with consideration of its natural context.

We hope that this NRI can be the basis for developing an Open Space Plan for Beacon, and can be helpful for City policy-makers as they consider resource-impacted programs, development, and decisions.

If you have related information that you would like to share for potential inclusion in the online resources related to this document, or would like to be part of ongoing conversations related to the content in this NRI, please contact the city's Conservation Advisory Committee (CAC) at beaconcac@cityofbeacon.org. The CAC holds monthly meetings and welcomes the public: see the City of Beacon's website for the time and location of their next meeting.

Thank you!

This NRI was made possible through funding from the NYSDEC Hudson River Estuary Program, which engaged Cornell Cooperative Extension of Dutchess County as a technical assistance partner. We are so grateful for this opportunity.

This NRI would not have been possible without the following individuals' support:

- Cornell Cooperative Extension, Sean Carroll
- NYSDEC Hudson River Estuary Program and Cornell University, Laura Heady
- Mayor Randy Casale, through 2019
- Mayor Lee Kyriacou, 2020 on
- Beacon City Council, Amber Grant
- Beacon Institute of Rivers and Estuaries, Asher Pacht
- Diane Lapis, Beacon Historical Society
- Gretchen Stevens and Hudsonia
- City of Beacon's Conservation Advisory Committee (CAC) including:
 - Brian DiFeo, CAC Chair
 - Air Nonken Rhodes
 - Jennifer Epstein
 - Peggy Ross
 - Antony Tseng
 - Jeff Domanski
 - Nicole Wooten
 - Zoe Markwalter
 - Danielle Levoit
 - Sam Adels
 - Robert Leiblein

On behalf of all the inhabitants of the City and Beacon's environmental future, thank you!

References

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Minnesota Department of Natural Resources, “Natural Resource Guide: A guide to Using Natural Resource Information in Local Planning”: <http://files.dnr.state.mn.us/assistance/nrplanning/community/nrig/fullguide/overview.html>

1000 Friends of Minnesota, “Conservation Design Scorecard”: <http://www.1000fom.org/sites/default/files/ConservationDesignScorecard1000FOM.pdf>

New York, Smart Growth Communities: <http://smartgrowthny.org/>

Pace University, Land Use Law Center, dedicated to fostering the development of sustainable communities and regions through the promotion of innovative land use strategies and dispute resolution techniques: http://web.pace.edu/page.cfm?doc_id=23239

United States Environmental Protection Agency: Sustainability Program, including information on ecosystem services, and water resources: <http://www.epa.gov/sustainability/>

New York State Hudson River Valley Greenway
o Community Planning Guide: <http://www.hudsongreenway.state.ny.us/commcoun/commplnguide2ndedition.pdf>
o Hudson River Valley Greenway Compact Benefits: <http://www.hudsongreenway.state.ny.us/commcoun/commbene.htm>

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City of Beacon Workshop Agenda
6/8/2020

Title:

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

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Amend Chapters 223 and 210 of the Code of the City of Beacon Regarding the Schedule of Regulations and Associated Amendments	Resolution
Memorandum from the Dutchess County Department of Planning and Development Regarding A Proposed Local Law to Amend Zoning	Cover Memo/Letter
Proposed Section 223-17, City of Beacon Schedule of Use Regulations	Local Law
Proposed Local Law amending the Zoning Map of the City of Beacon	Local Law
Proposed Section 223-17, City of Beacon Schedule of Dimensional Regulations	Local Law
Proposed Local Law Amending the Zoning Map of the City of Beacon	Local Law
Zoning Map Changes 5.12.20	Backup Material
Memorandum from the City of Beacon Planning Board Regarding Zoning	Cover Memo/Letter
Full Environmental Assessment Form and Negative Declaration	EAF
T District Examples 6.4.20	Backup Material
T District 6.4.20	Backup Material



**CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2018**

**A RESOLUTION TO ADOPTS (1) A PROPOSED LOCAL LAW AMENDING
CHAPTERS 223 AND 210 OF THE CODE OF THE CITY OF BEACON INCLUDING
THE REVISED SCHEDULE OF USE REGULATIONS AND SCHEDULE OF
DIMENSIONAL REGULATIONS AND (2) A PROPOSED LOCAL LAW AMENDING
THE ZONING MAP OF THE CITY OF BEACON**

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the Full Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed actions.

BE IT FURTHER RESOLVED, that the Beacon City Council hereby adopts (1) A Proposed Local Law Amending Chapters 223 and 210 of the Code of the City of Beacon Including the Revised Schedule of Use Regulations and Schedule of Dimensional Regulations and (2) a Proposed Local Law to Amending the Zoning Map of the City of Beacon.

Resolution No. _____ of 2020			Date: <u>June 1, 2020</u>				
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Amber Grant					
		Air Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

Dutchess County Department of Planning and Development

Fax Info

To Jennifer Coccozza

Date 5/5/20

pgs 98

Dept Dept. of Planning & Dev.

From Collin Milone

Fax #

Phone # (845) 838 - 5010

239 Planning/Zoning Referral – Exemption Communities

Municipality: City of Beacon

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

Tax Parcel Number(s):

Project Name: Proposed Local Law to Amend Chapters 223 and 210 of the City of Beacon Regarding Zoning and

Applicant: Proposed Local Law to Amend the Zoning Map of the City of Beacon

Address of Property:

Parcel(s) within 500 feet of:

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

Actions Requiring 239 Review

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

Exempt Actions:*

239 Review Is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): A public hearing is scheduled for May 18 6/1 ph.

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

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- ☒ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Project Withdrawn
- ☐ Exempt from 239 Review

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete — municipality must resubmit to County
- ☐ Incomplete with Comments — municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: 5/5

Notes:

☐ Major Project

Date Received: 5/5

Date Requested: 6/1

Referral #:

Date Required: 6/3

☐ Also mailed hard copy

Date Response Faxed: 6/1

Reviewer:

Jennifer Coccozza

Please fill in this section

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

Permitted Uses by District	Reference Notes	All R1	All RD	PB	GB T	LB	GB	CMS	L	WD	WP	FCD	LI	HI
Residential														
One-Family Detached Dwelling		P	P	P	P	P	x	P x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	x	x P	P	x	P x	P	P x	x	P	x	x
Two-Family Dwelling		x	SP* P	x	x P	x	x	P x	P x	x	x	x	x	x
Multifamily Dwelling		x	SP*	x	x P	x	SP* P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	x	x P	SP*	SP* P	P	SP P	P	x	P	SP* P	x
Retail/Office/Service														
Retail, Personal Service, or Bank		x	x	x	x	P	P	P	SP P	P	x	x	P	P x
Office		x	x	x	P	P	P	P	SP P	P	x	P	P	P x
Retail Truck or Trailer	Subject to §223-26.3	x	x	x	x	x	P	P	P	x	SP*	x	P	P
Artist Studio, Art Gallery/Exhibit Space		SP* x	SP* x	SP*	SP* P	SP*	SP* P	P	P	x	x	P	SP* P	SP* x
Funeral Home		x	x	x	x	P	P	P x	x	x	x	x	P	P x
Commercial Recreation, Indoor		x	x	x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	x	x	P	P x	x	x	x	x	P	P
Tattoo Parlor	Subject to §223-26.2	x	x	x	x	x	P	P	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	x	SP*	SP* x
Food/Lodging														
Restaurant or Coffee House		x	x	x	SP* x	SP*	P	P	SP P	P	SP*	P	P x	P x
Bar or Brew Pub		x	x	x	x	SP*	SP* P	SP* P	x P	P	x	P	SP* P	SP* P
Microbrewery/Microdistillery		x	x	x	x	SP*	SP* P	P	SP* P	x P	x	x	SP* P	SP* P
Food Preparation Business		x	x	x	x	x	x P	P SP	SP	x	x	x	x P	x P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP*	SP	SP*	SP* P	P x	P	x	SP*	P	SP* P	P x
Inn		x	x	x	x	x	x P	P	P	P	SP*	P	x P	x
Hotel	Subject to §223-14.1	x	x	x	x	x	SP* P	P	P	P	x	x	SP* P	SP* x
Social/Community														
Spa/Fitness Center/Exercise Studio		x	x	x	x 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
Healthcare														
Hospital or Nursing Home	Subject to 223-21.1/22	SP*	SP*	SP*	SP* x	SP*	x	x	x	x	x	x P	x P	x P
Animal Care Facility		x SP	x SP	x	x	x	x SP	x	x	x	x	x	x SP	x
Educational														
College or University		x SP*	x SP*	x	x	x	SP* P	P	x P	x	x	x P	SP* P	SP* P
Trade School or Training Program		x	x	x	x	x	SP* P	P	x P	x	x	x P	SP* P	SP* P
Private School or Nursery School		SP*	SP*	SP*	SP*	SP*	x P	P x	x P	x	x	x P	SP*	SP* x

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC

4.24.20

DRAFT

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC 4.24.20

DRAFT

LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

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

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

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

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

5954-36-954865	14 N. Chestnut Street Beacon, NY 12508	Pamela S. Koeber-Diebboll 14 N. Chestnut Street Beacon, NY 12508	PB	T
5954-28-951876	Church Street Beacon, NY 12508	Joseph Neville Joan Ehrenberg 91 Rombout Avenue Beacon, NY 12508	PB	T
5954-28-943881	N. Cedar Street Beacon, NY 12508	Cervone Realty LLC 111 N Walnut Street Beacon, NY	PB	T
5954-28-943875	10 N. Cedar Street Beacon, NY 12508	Aaron T. 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 th Street New York, NY 10011	PB	T
5954-27-836959	10 Willow Street Beacon, NY 12508	Jill F. Reynolds Daniel M. Spitzer 10 Willow Street Beacon, NY 12508	PB	T
5954-27-833955	8 Willow Street Beacon, NY 12508	Anthony Davis Deva Woodly 8 Willow Street Beacon, NY 12508	PB	T
5954-27-831951	6 Willow Street Beacon, NY 12508	Jonathan Halevah 6 Willow Street Beacon, NY 12508	PB	T
5954-27-830970	13 Willow Street Beacon, NY 12508	Joell Morales 13 Willow Street Beacon, NY 12508	PB	T
5954-27-827970	11 Willow Street Beacon, NY 12508	Lelach Shani David Lant 29 Cutler Ln Garrison, NY 10524	PB	T
5954-27-873931	17 Church Street Beacon, NY 12508	Brenda Belladone Edwards, Trustee 17 Church Street Beacon, NY 12508	PB	T
5954-27-824967	9 Willow Street Beacon, NY 12508	Patrick LT Kerr John F. RM Kerr Kevin M. RM Kerr Martin William RM Kerr Mary B. RM Mateer Patrick E RM Kerr Pauline Patricia LT Kerr 9 Willow St Beacon NY 125080000	PB	T

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

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

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

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

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

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

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

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

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

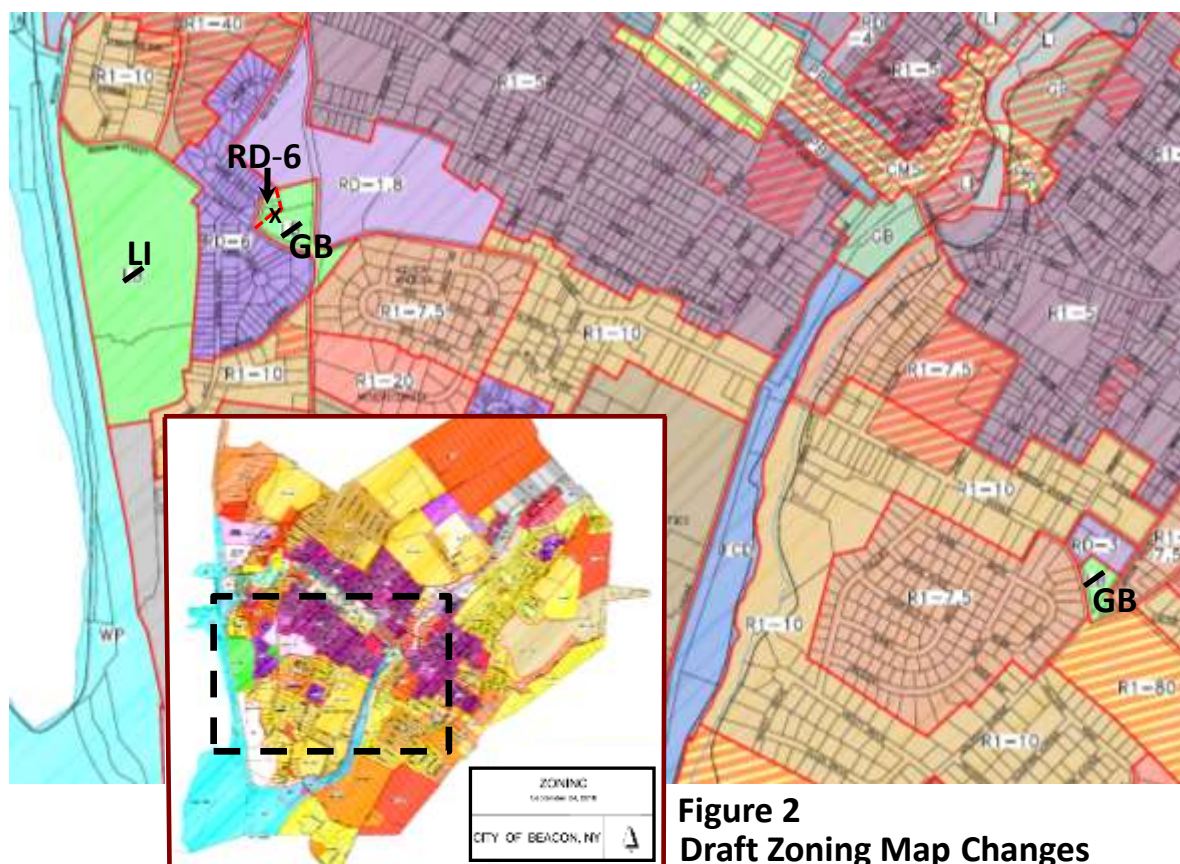
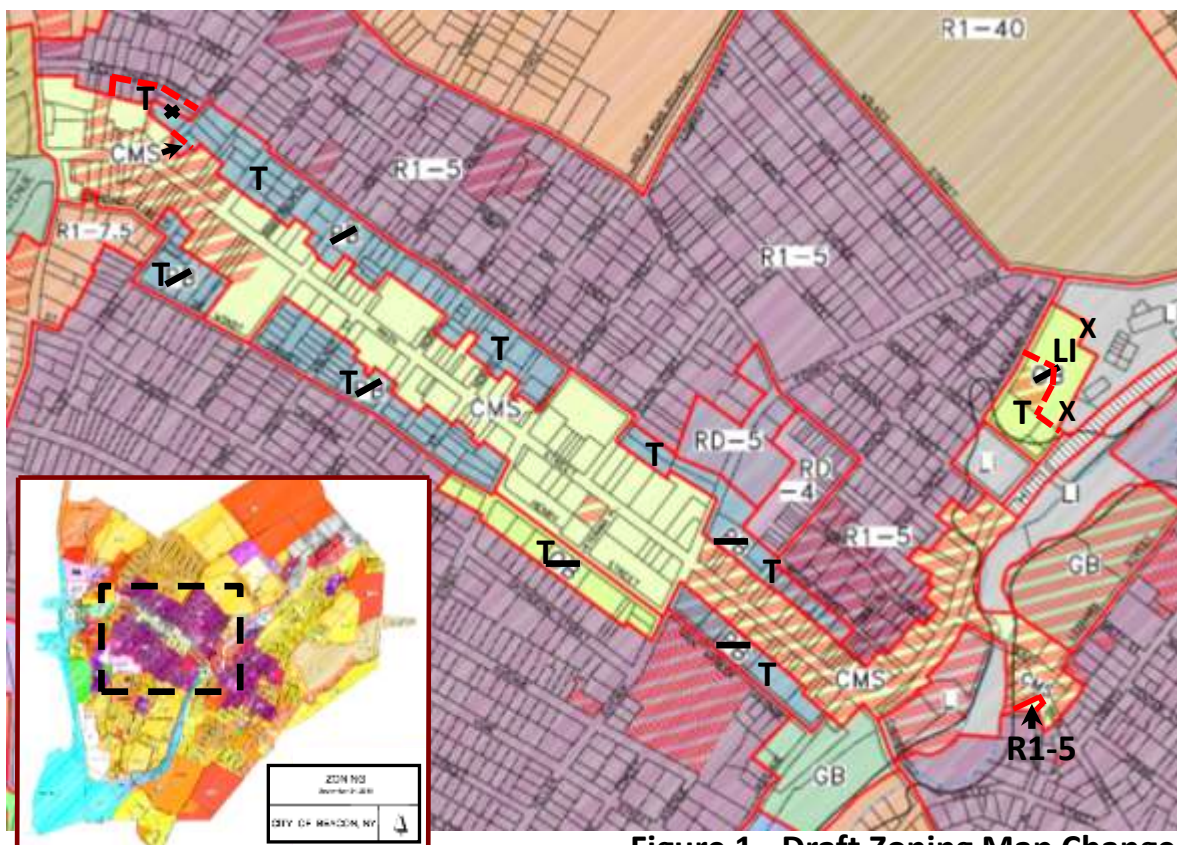
p/o 6054-37-096715(See Fig. 3- portion of lot adjacent to Parcel # 459057)	Main Street Beacon, NY 12508	Midtown Trackage Ventures LLC 347 Madison Avenue New York, NY 10017	LI	FCD
5954-27-798971	4 Cross Street Beacon, NY 12508	Hudson Todd LLC 4 Cross Street Beacon, NY 12508	PB	CMS
5954-27-795990	11 Cross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

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

Section 5. Severability

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

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



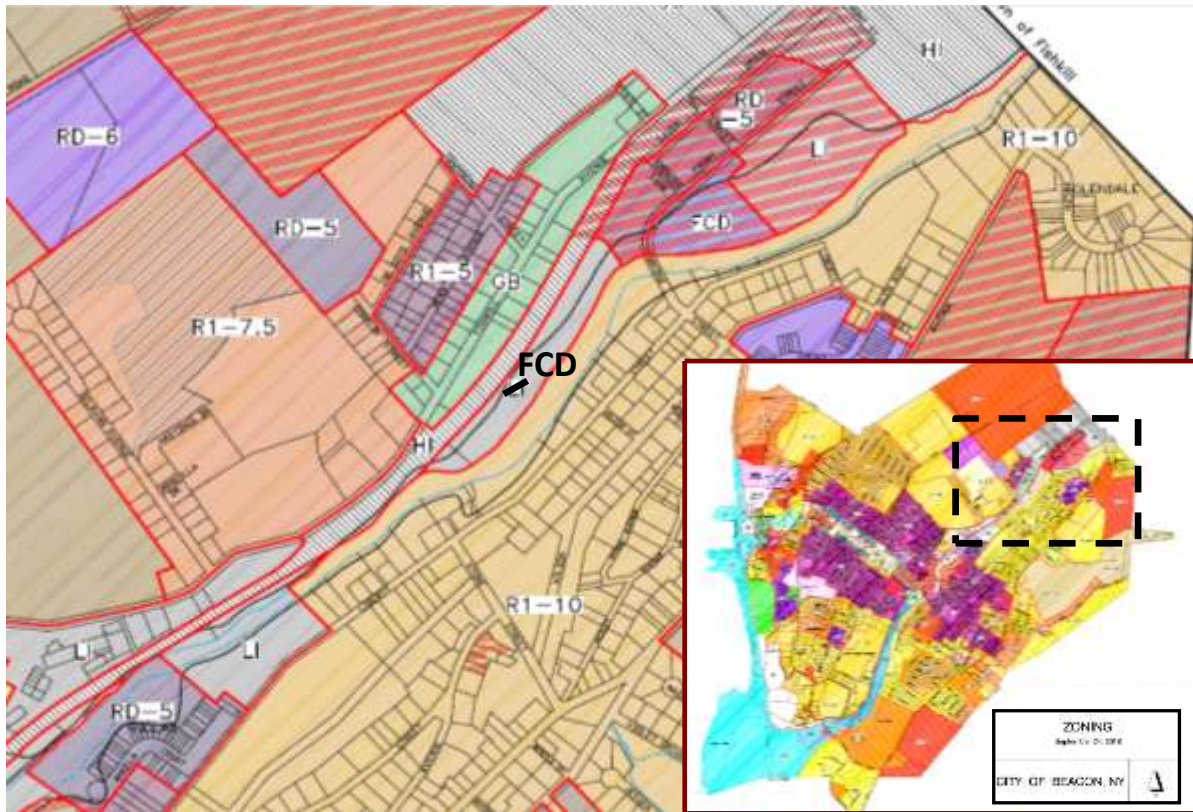


Figure 3 - Draft Zoning Map Changes

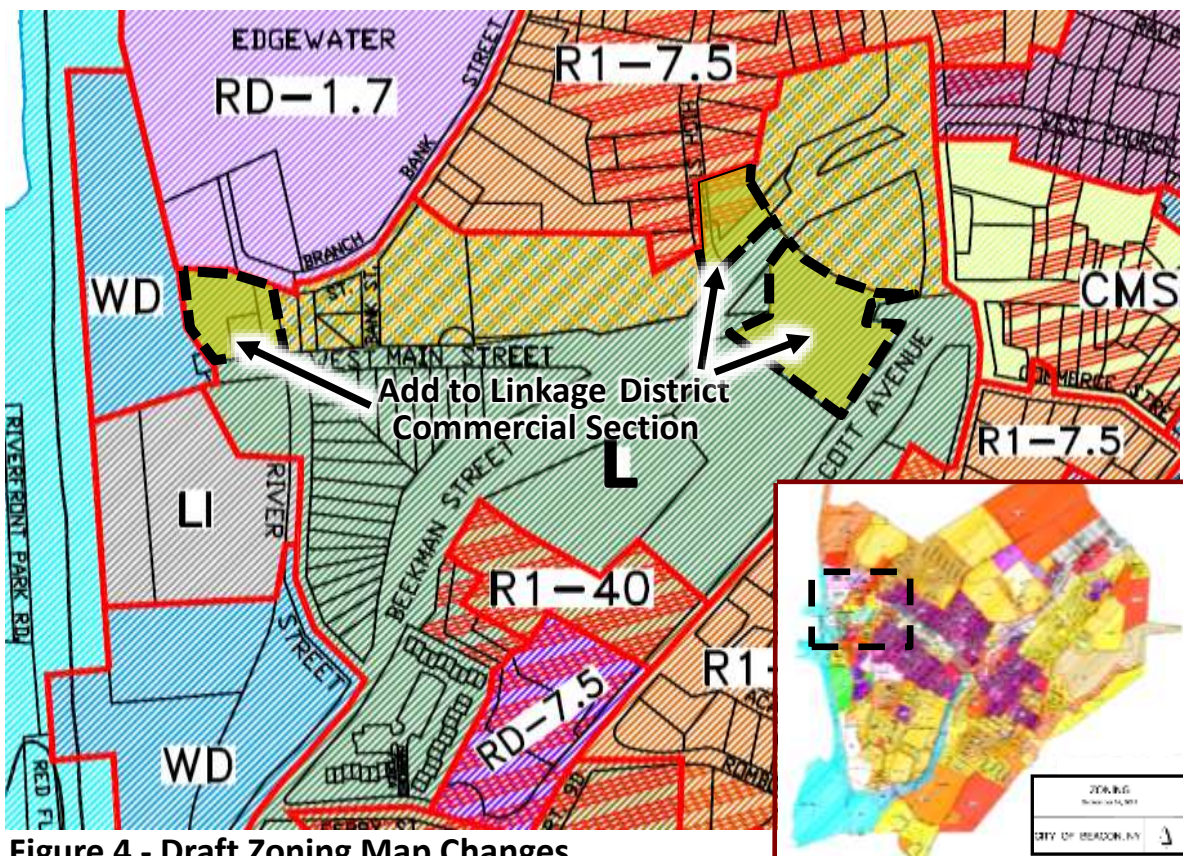


Figure 4 - Draft Zoning Map Changes

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

Draft 4.24.20

Zoning District	Minimum Lot Size (see also 223-12 l) Area ^h				Minimum		Yards ^a		Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories ft)	Minimum-Height (stories + ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor-Area-Ratio	Zoning District	Also Refer to Pertinent Sections
					Front (ft)	Total-Side		Rear ^{d,e} (ft)				Multi-Fam	All Other				
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)		Side (ft)	of 2 (ft)										
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	—	2.5 35'	1 + 12'	N.A.	7%	1	—	R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	—	2.5 35'	1 + 12'	N.A.	10%	1	—	R1-80	
R1-40	40,000	40,000	150'	150'	50' 40'	25'	60'	50'	—	2.5 35'	1 + 12'	N.A.	15%	1	—	R1-40	
R1-20	20,000	20,000	125'	125'	40' 30'	20'	50'	40'	—	2.5 35'	1 + 12'	20%NA.	20%	1	—	R1-20	
R1-10	10,000	10,000	85'	100'	35' 25'	15'	40'	35'	—	2.5 35'	1 + 12'	N.A.	25%	1	—	R1-10	
R1-7.5	7,500	7,500	75'	100'	30' 20'	10'	20'	30' 25'	—	2.5 35'	1 + 12'	N.A.	30%	1	—	R1-7.5	
R1-5	5,000	5,000	50'	100'	30' 15'	10'	20'	30' 20'	—	2.5 35'	1 + 12'	N.A.	—	1	—	R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3 35'	1 + 12'	15%	20%	12	—	RD-7.5 ^{d,e}	
RD-6 ^{d,e}	5 2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5 35'	1 + 12'	15%	20%	16	—	RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3 35'	1 + 12'	20%	30%	16	—	RD-5 ^{d,e}	
RD-4 ^{d,e}	2 acres-5,000	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5 35'	1 + 12'	20%	25%	20	—	RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	10' 20'	20'	25'	30'	2.5 + 35'-3.5 45'	1 + 12'	20%	40%	24	—	RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	10' 20'	20'	25'	30'	10 ^b 100'	1 + 12'	15 25%	40%	— ^c	—	RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	10' 20'	20'	25'	30'	4.5 ^f 55' ^f	1 + 12'	25%	40%	36 ^g	—	RD-1.7 ^{d,e}	
PB	As-regulated-in-the-least-restrictive-adjoining-residential-district															PB	
OB T	5,000	i	40' 50'	100'	30' 10'	20' 10'	—	25' 20'	—	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 Scheduless 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 Scheduless 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 Scheduless 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, rooming house or boardinghouse	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel <u>or inn</u>	Subject to § 223- 20L <u>14.1 C</u>
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships
Bowling alley or other place of <u>indoor</u> commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater
Retail or service business, including auction gallery	1 space for each 200 square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area,

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

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

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

...

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

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

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

§ 223-41.4 Waterfront Development (WD) Zone.

...

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

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

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

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

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

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

...

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

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

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

...

- (11) Off-street parking and loading.

- (b) Parking requirements.

[1] Multifamily dwelling: one space per unit.

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

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

- [4] Office for business or professional use: one space for each ~~350~~ 400 square feet of gross floor area.
- [5] Hotel: 0.75 space for each hotel guest room.

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

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

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

B. Maximum building coverage: 20%.

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

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

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

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

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

A. Minimum site size: five acres.

B. Maximum height.

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

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

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

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

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

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

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

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

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

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

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

§ 223-41.12 Purposes.

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

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

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

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

...

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

- (1) Apartment, attached ~~and or~~ multifamily dwellings.
- (2) Artist live/work spaces, artist studios ~~and or~~ workshops of artisans.
- (3) Bed-and-breakfast establishments ~~and or~~ inns.
- (4) Spas, fitness centers~~s~~, noncommercial swimming pools~~s~~, exercise studios~~s~~, day-care centers~~s~~, ~~and or~~ similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a streets.
- (5) Restaurants, ~~bar, brew pub, and or~~ other eating and drinking establishments~~s~~. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a streets~~s~~. No such individual ~~restaurant~~ use shall contain more than 5,000 square feet of gross floor area.
- (6) Professional and business offices~~s~~ in buildings that face a streets~~s~~.
- (7) Galleries~~iesy~~, exhibit spaces ~~and or~~ museums.
- (8) Community facilities~~iesy~~ that complements~~s~~ residential and commercial uses~~s~~, such as a public or semipublic performance and cultural centers~~s~~, live theaters~~s~~, concert halls~~s~~, meeting rooms suitable for social, civic, cultural or education activities, bandshells~~s~~, kiosks ~~and or~~ gazebos.
- (9) Assembly, ~~manufacturing, workshop, and or~~ other light industrial uses~~s~~, as determined by the City Council, in a fully enclosed buildings~~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) ~~(40)~~ Other nonresidential uses~~s~~ similar to the above uses as determined by resolution of the City Council.

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

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities~~iesy~~, 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~~ I Districts.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the

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

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

...

J. Design standards

...

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

...

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

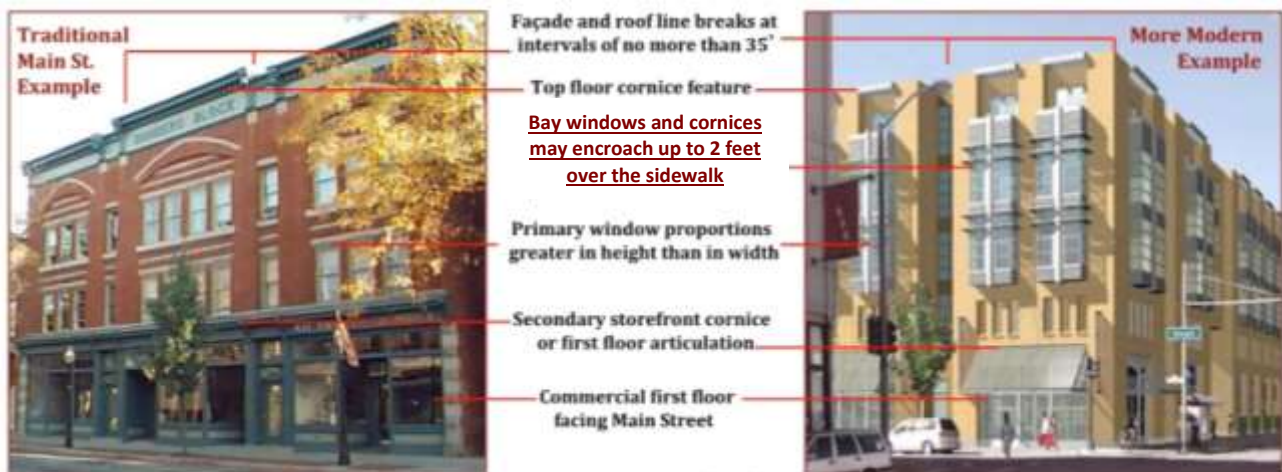


Figure 18-7: Design Illustrations

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

...

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

§ 223-41.19 Purpose.

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

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

§ 223-41.21 Regulations.

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

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

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

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

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

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

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

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

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

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

(12) Day care center.

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

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

(15) Workshop.

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

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

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.~~
- ~~(b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article and is consistent with the general intent of the Linkage Plan.~~
- ~~(c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.~~

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

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

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

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

K. Design standards.

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

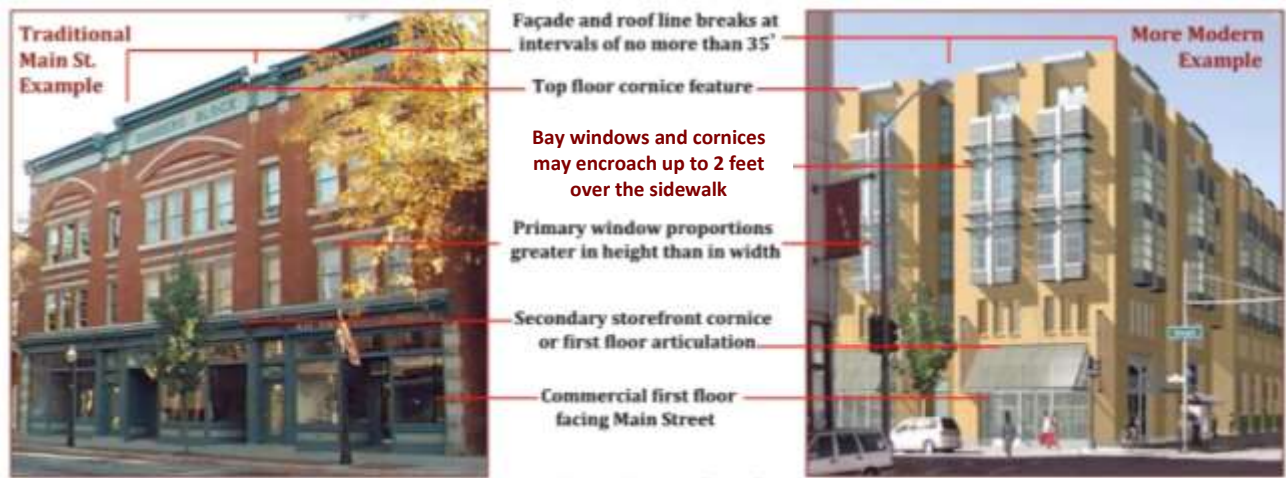


Figure 21-18: Design Standards

Examples A

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

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

§223-63 Definitions

ACCESSORY APARTMENT

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

AMUSEMENT CENTER

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

ANIMAL CARE FACILITY

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

ARTIST STUDIO

The working and/or teaching space for one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo 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 § 223-41.18 ~~E(6) and (7) D(7) and (8)~~ E(6) and (7) 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.

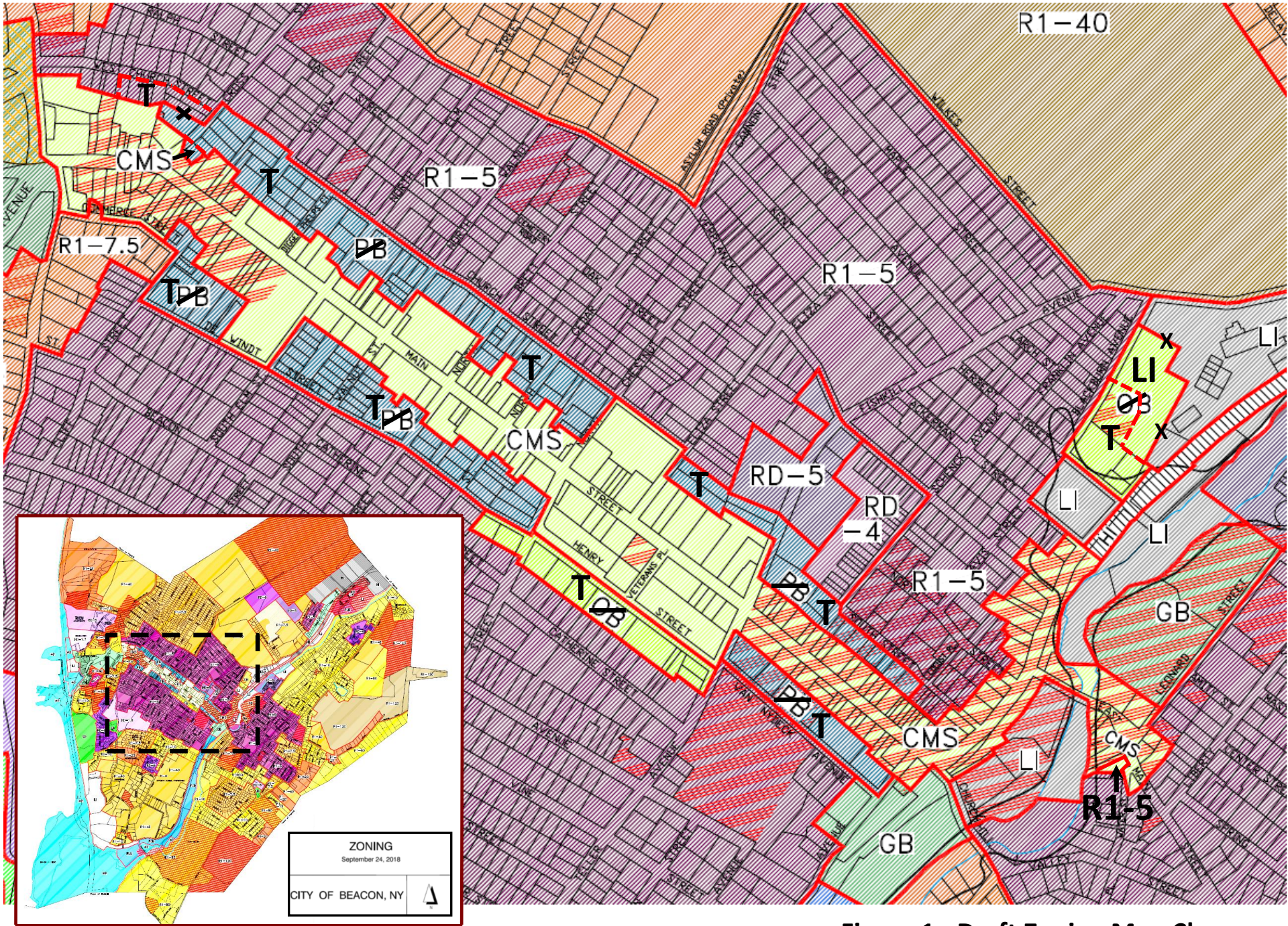
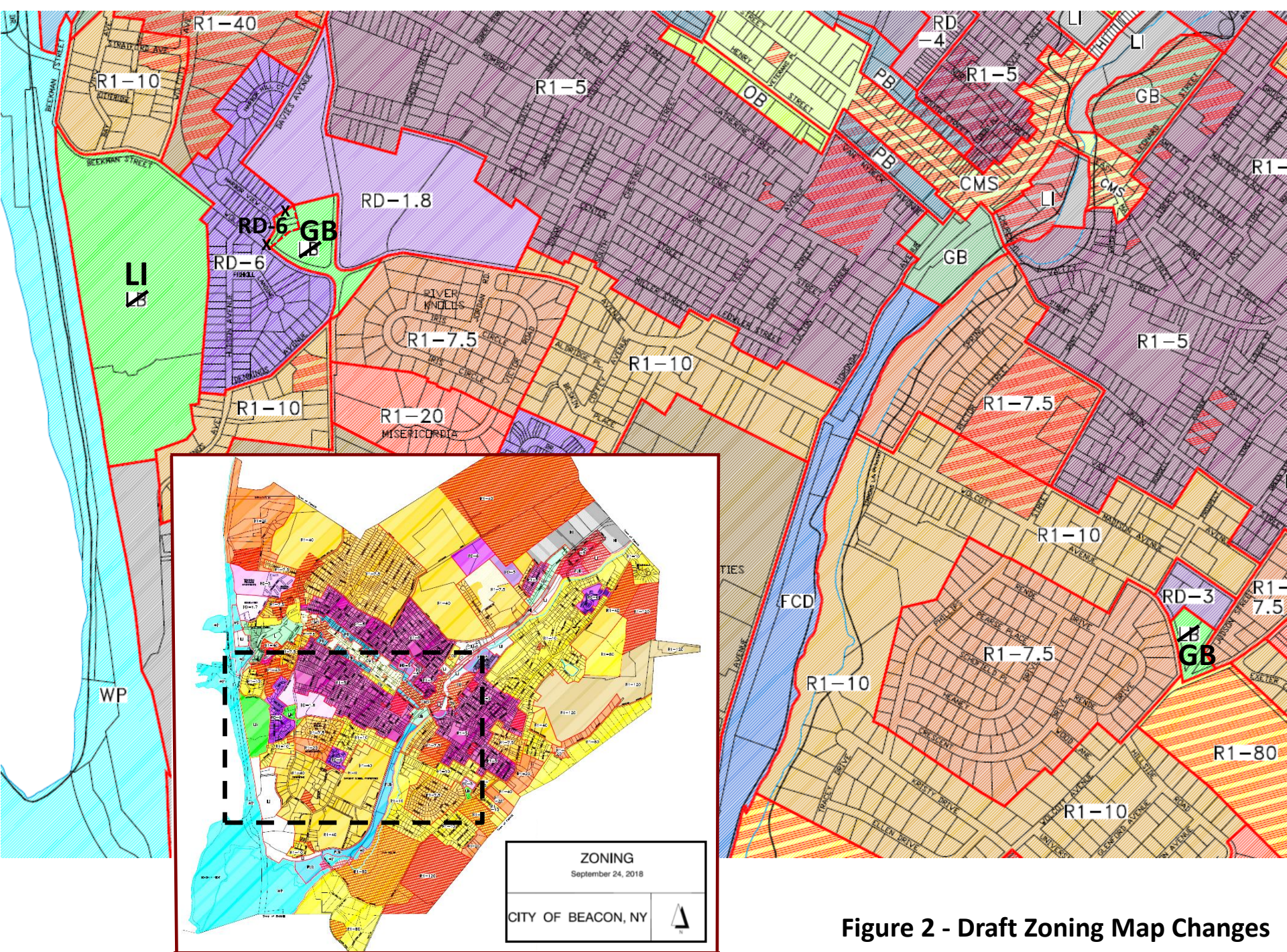


Figure 1 - Draft Zoning Map Changes



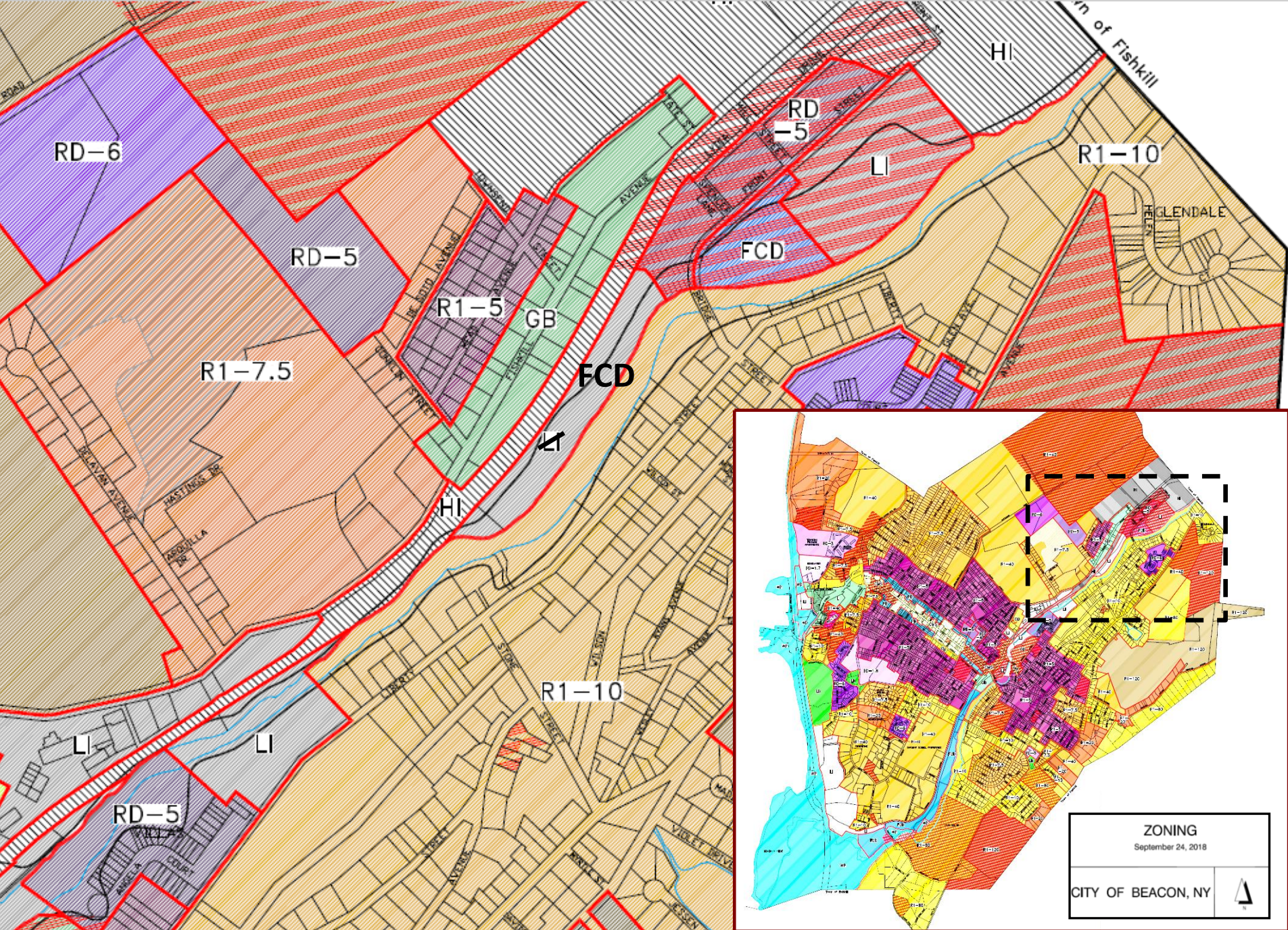


Figure 3 - Draft Zoning Map Changes

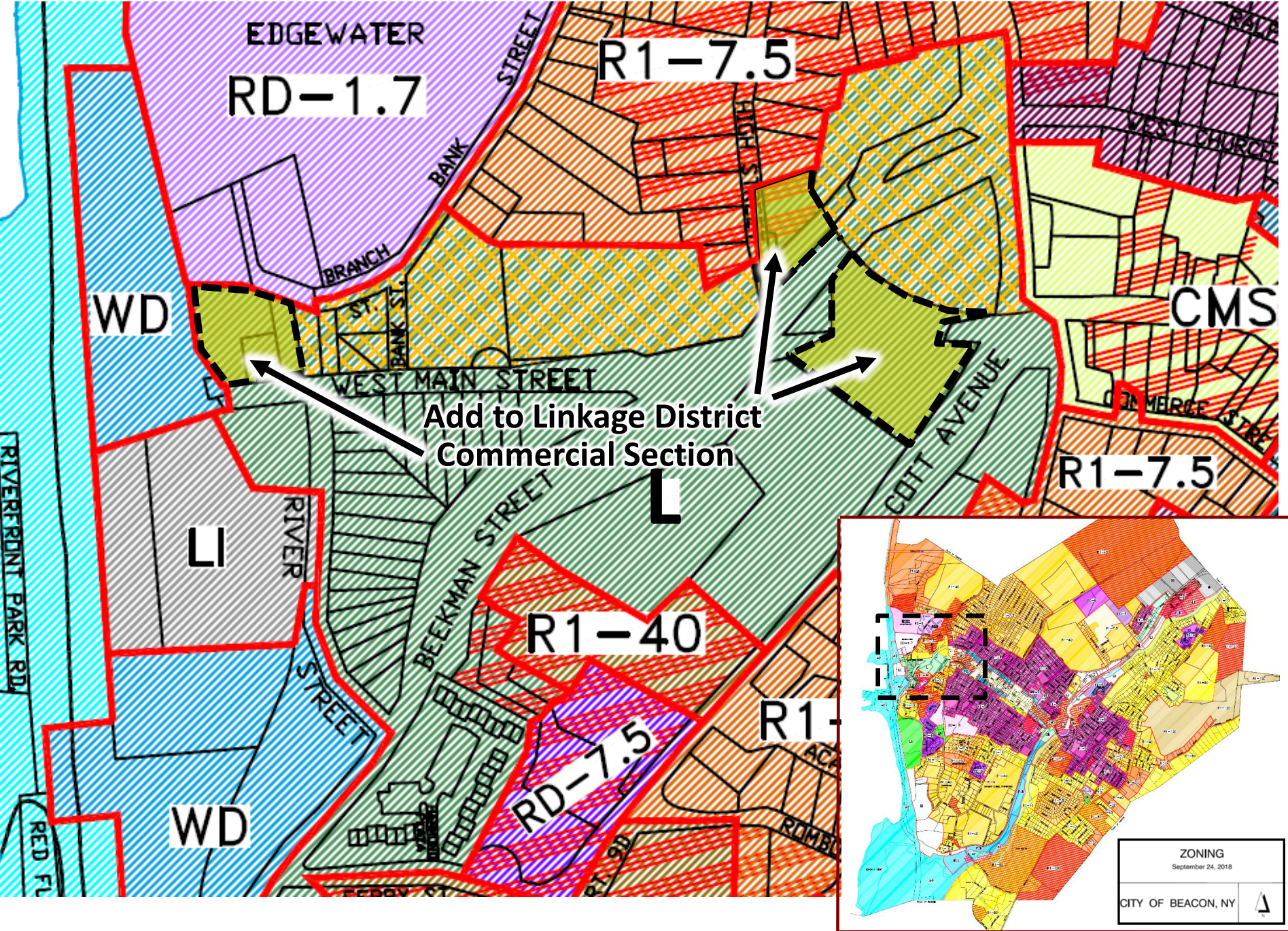


Figure 4 - Draft Zoning Map Changes



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

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

DATE: May 13, 2020

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

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

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):

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

If Yes, identify the plan(s):

C.3. Zoning

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

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

The 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

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

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

D.2. Project Operations

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

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

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

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

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

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ gallons/day

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

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

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>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"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<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"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ n/a • Saturday: _____ n/a • Sunday: _____ n/a • Holidays: _____ n/a 		

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

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
<p>a. Existing land uses.</p> <p>i. Check all uses that occur on, adjoining and near the project site.</p> <p> <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) </p> <p> <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ </p> <p>ii. If mix of uses, generally describe:</p> <p>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.</p>			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	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: _____			

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v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ n/a feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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> % 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> % of site % of site % of site </div> </div>	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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)? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No </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? <input type="checkbox"/> Yes <input type="checkbox"/> No </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-left: 20px;"> <ul style="list-style-type: none"> • Streams: Name _____ Classification _____ • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name _____ Approximate Size _____ • Wetland No. (if regulated by DEC) _____ </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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres</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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes: <ul style="list-style-type: none"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

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**

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

Agency Use Only [If applicable]
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.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <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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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</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 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"/>

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

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
----------------------------------	--	--------------------------	--------------------------

6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) 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"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <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"/>

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

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

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input 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>11. Impact on Open Space and Recreation</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
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in an impairment of natural functions, or “ecosystem services”, provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>		
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>		
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<p>12. Impact on Critical Environmental Areas</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
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur		
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>		
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

13. Impact on Transportation

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

☒ NO

☐ YES

(See Part 1. D.2.j)

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

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

14. Impact on Energy

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

☒ NO

☐ YES

(See Part 1. D.2.k)

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

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

15. Impact on Noise, Odor, and Light

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

☒ NO

☐ YES

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

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

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

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

16. Impact on Human Health

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

☒ 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:

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

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>



T District Residential Example:

Existing house on an 8,400 sq. ft. parcel, one block off Main Street

- **Under current PB zoning, only a single-family house allowed with 2 parking spaces required.**



CMS District
Commercial
Parking Lot

T District Residential Example:

Existing house on an 8,400 sq. ft. parcel, one block off Main Street

- Under current PB zoning, only a single-family house allowed with 2 parking spaces required.
- Under proposed T District, 3 residential units possible with 5-6 parking spaces needed.



CMS District
Commercial
Parking Lot

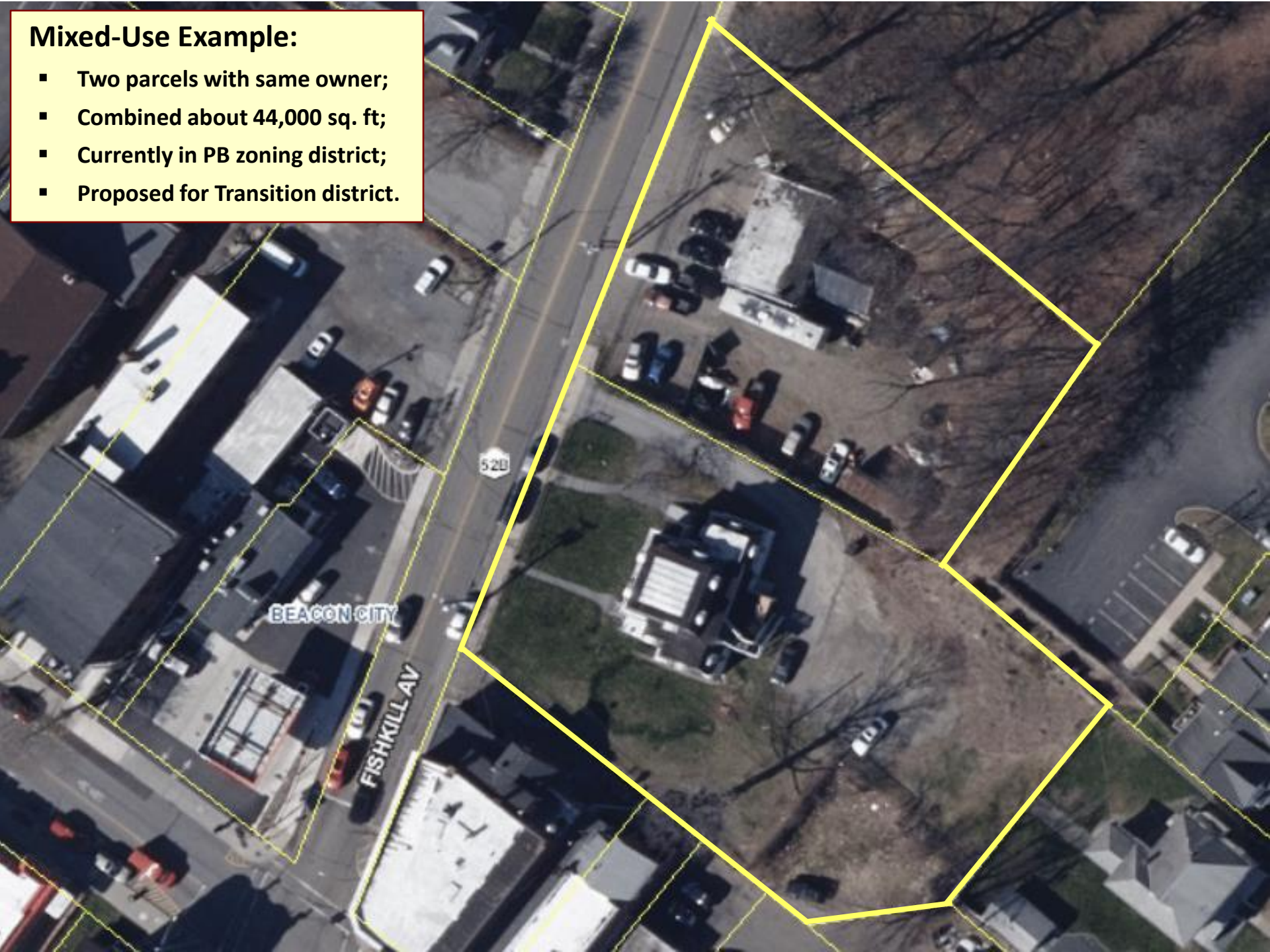
T District Residential Example:

Existing house on an 8,400 sq. ft. parcel, one block off Main Street

- Under current PB zoning, only a single-family house allowed with 2 parking spaces required.
- Under proposed T District, 3 residential units possible with 5-6 parking spaces needed.
- Office use would also be permitted in the T District, but converting the existing 2,000 sq. ft. house to offices would require 10 parking spaces, limiting expansion of the building.

Mixed-Use Example:

- Two parcels with same owner;
- Combined about 44,000 sq. ft;
- Currently in PB zoning district;
- Proposed for Transition district.



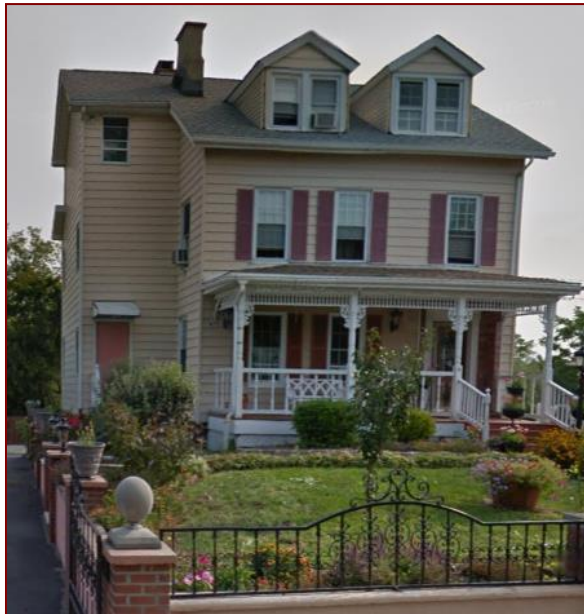
Mixed-Use Sketch Plan:

- 2½-story building permitted;
- 1st floor offices 8,400 sq. ft.;
- 20 apartments on top 2 floors;
- 70 required parking spaces.





Beacon Main Street



Beacon Dewindt Street



Red Hook Main Street



Examples of Residential and Mixed-Use 2½-story Buildings

Carlisle, PA

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

Draft 4.24.20

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

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

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

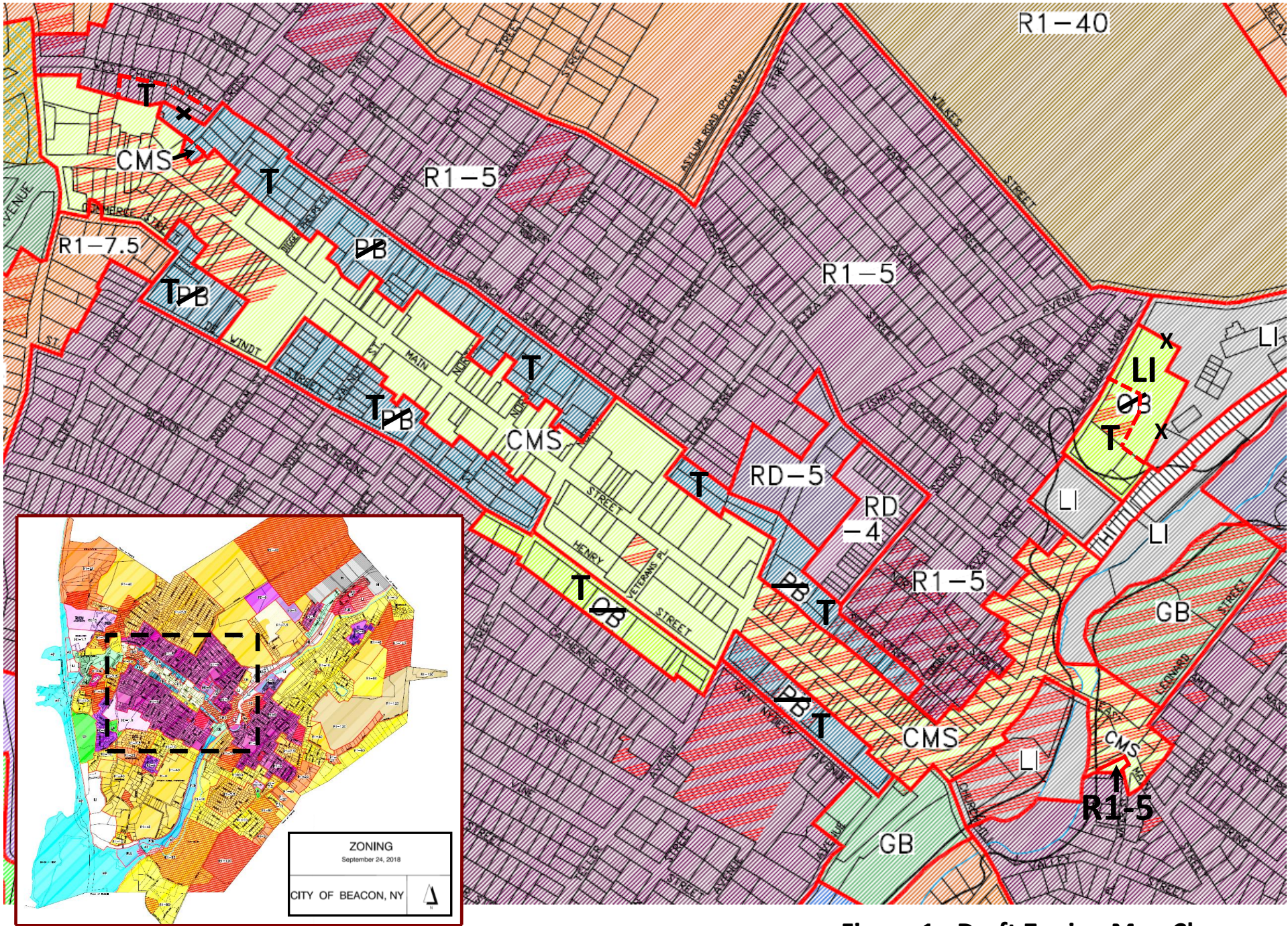
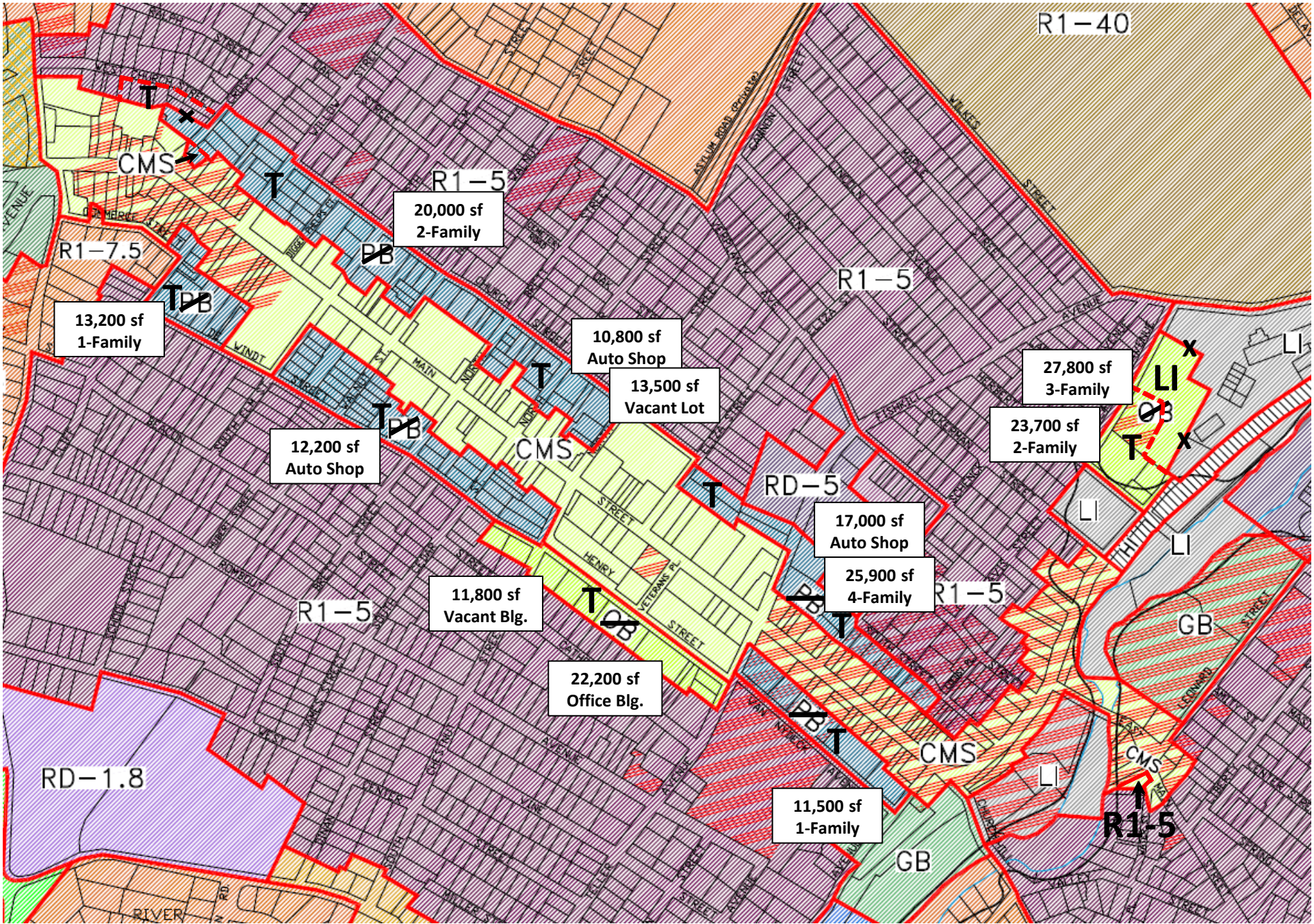


Figure 1 - Draft Zoning Map Changes



Larger Lots in the T District

Use

Hotel

Minimum Off-Street Parking

Subject to § 223-~~14.1~~ C

Retail or service business, including auction gallery

1 space for each ~~200~~ 300 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~~ 200 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater

Office for business or professional use (other than accessory to residential use)

1 space for each ~~200~~ 350 square feet of gross floor area, excluding utility areas

Banking office

1 space for each ~~200~~ 300 square feet of gross floor area, excluding utility areas

Wholesale, storage, utility, or other similar commercial use

1 space per employee but not less than 1 space per ~~1,000~~ 3,000 square feet of gross floor space

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article
IVD

Article
IVE

Article
IVA

Article
IVA

Article
IVC

4.24.20

DRAFT

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article
IVD

Article
IVE

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IVC

4.24.20

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NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~h~~ But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~i~~ But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~j~~ This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
- ~~dk~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~el~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~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]
- ~~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]
- ~~go~~ 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]
- ~~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.
- ~~b~~ ~~Abutting residential districts or where driveway is proposed between building and lot line-~~
- ~~c~~ ~~First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces-~~

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short-Term Rentals	Local Law
Memorandum from the City Attorney's Office Regarding a Proposed Short-Term Rentals Local Law	Cover Memo/Letter
Full Environmental Assessment Form Part 1	EAF
Full Environmental Assessment Form Part 2	EAF
Full Environmental Assessment Form Part 3	EAF

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§ 223-26.5 Short-Term Rentals

- A. Findings. The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow home-owners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. By this law, the City Council seeks to allow short-term rentals in dwelling units located in single-family homes, two-family homes, accessory apartments and multifamily dwellings. The City Council recognizes that the impacts of short-term rentals may be different in multifamily dwellings compared to short-term rentals in single-family and two-family homes. The impacts may be more acute in multifamily dwellings due to the shared style of community living, the proximity of dwelling units to one another, and use of shared community space. To address these concerns the City Council has adopted more

stringent enforcement requirements for short-term rental units in multifamily dwellings. The City Council believes that the restrictions and requirements imposed herein further the City's goals and objectives and promote the protection of the health, safety and welfare of the City and its residents.

- B. Definitions. As used in this section, the following words shall have the meanings indicated:

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities for one family.

OWNER

Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term "owner" shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or non-business forms of ownership.

OCCUPIED PRIMARY RESIDENCE

A dwelling unit used by the owner or tenant as his or her or their primary residence. All owners of the business entity must use the premise as his or her or their primary residence. When a property is titled in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

PERSON

Any person, individual, corporation, governmental entity, partnership, association, trustee or other legal entity.

PRIMARY RESIDENCE

The primary location that a person inhabits and resides most of the year.

SHORT-TERM RENTAL

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

TENANT

Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.

- C. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit.
- D. Any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling may be used as short-term rentals subject to the requirements set forth in this section. Short-term rentals shall be permitted in all zoning districts within the City of Beacon.
- E. Permit application.
 - (1) An application for a short-term rental permit shall be filed and a short-term rental permit shall be obtained before the dwelling unit, or a room or group of rooms within a dwelling unit is advertised for short-term rental, and if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.
 - (2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City fee schedule.
 - (3) If a tenant seeks a short-term rental permit, the tenant's application shall be signed by the landlord.
 - (4) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
 - (i) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property;
 - (ii) Copy of utility bill in the applicant's name;
 - (iii) (a) The property address; (b) the total number of dwelling units located within the building; (c) the total number of bedrooms and bathrooms inside the dwelling unit; (d) the total number of rooms proposed for short-term rental use; (e) the location of each such dwelling unit or individual bedroom within the building and (d) the

number of persons to be accommodated in each room available for short-term rental use;

- (iv) A signed and notarized certification in a form acceptable to the City Clerk by the applicant attesting to the fact that (a) the applicant resides at the property and it is the applicant's primary residence; (b) that the property is fit for human habitation and safe; (c) that the applicant will comply with all of the conditions and restrictions of the permit; (d) that no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law; (e) that the property is in compliance with all the provisions of this Article, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and (f) the required building permits and certificates of occupancy are in place for all existing structures on the property if applicable;
 - (v) Such other information as the City may require to prove the property is an occupied primary residence and safe for renters; and
 - (vi) If an applicant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of a responsible person with the right to enter and maintain possession of the dwelling. Such responsible person must be available twenty-four (24) hours a day to respond in-person to tenant and neighborhood concerns and be capable of responding in-person within two hours of notification from the City.
- (5) All permits issued pursuant to this section shall be for a period of two years and shall be renewable for subsequent two-year terms upon application, conformance with this section and payment of the permit fee.
- (6) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.
- F. Inspection. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the City Code, the International Series of Codes and New York State Code Supplement. If the

Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee as set forth in the City Fee Schedule.

G. Occupied Primary Residence. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not an occupied primary residence. The property used as a short-term rental shall be the primary residence of the owner, tenant, grantor or grantee at all times during the term of the permit.

H. All short term rentals shall comply with the following standards:

- (1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.
- (2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.
- (3) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts or weddings.
- (4) Short-term rental of an entire dwelling unit is limited to 100 days in any one calendar year. A rental day shall be deemed to mean any day that the property is occupied for rental overnight. Upon request, the property owner or tenant shall provide (1) a statement from any/all short-term rental website platforms used to advertise the short-term rental; such letter shall be provided on the company's letterhead and shall indicate the number of rentals for the entire-dwelling unit that occurred within the year, and (2) a certified letter indicating the number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.
- (5) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.
- (6) All guests are subject to the provisions of Code of the City of Beacon. The property owner or tenant is responsible for informing each guest of these provisions.

I. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

- (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
- (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

J. A list of all short-term rental units located in the City of Beacon shall be maintained on the City's website and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.

K. Revocation of a permit.

- (1) The grounds upon which a permit can be revoked shall include but shall not be limited to:
 - (i) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification;
 - (ii) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as his, her or their primary residence;
 - (iii) Use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community;
 - (iv) Failure to comply or violating the conditions of the permit;
 - (v) Failure to comply or violating any federal, state, or local law, regulation or rule.
 - (vi) Short-term rental permits for dwelling units located in multifamily buildings may be revoked if the Police Department or Building Inspector receives three substantiated written complaints in a twelve (12) month period concerning the use of the premise as a short-term rental. A written complaint can be substantiated by the Building Inspector of the Police Department if it is a complaint regarding the

violation of a city law or ordinance and the complaint is supported by other evidence including a police report, photograph, or video.

- (2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

L. Appeals

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

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

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

DWELLING

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

HOME OCCUPATION

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

HOTEL

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

SHORT-TERM RENTAL

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

TOURIST HOME

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

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

13. Short-Term Rentals in one-family homes, two-family homes or accessory apartment units , as provided in § 223-26.5.

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

2. Short-Term Rentals in any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

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

5. Short-Term Rentals in any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

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

5. Short-Term Rentals in any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

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

§ 223-41.3 Waterfront Park (WP) Zone.

...

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

- (1) Uses customarily incidental to permitted uses and support facilities necessary to serve permitted uses.
- (2) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code).
- (3) Boat service, storage and repair facilities, including the sale and storage of boat fuel, lubricants, parts, accessories, ice and bait.
- (4) Lighthouses or other navigational aids.
- (5) Short-Term Rentals any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

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

§ 223-41.4 Waterfront Development (WD) Zone.

...

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

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

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

§ 41.13 Uses; plan review; design standards.

...

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

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities, including parking structures.
- (3) Short-Term Rentals in any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

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

§ 41.18 Regulations.

...

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

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

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

§ 41.21 Regulations.

...

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

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § **223-15**, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.21F.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12).
- (5) Home occupation, site plan review not required.
- (6) Roof garden, site plan review not required.
- (7) Greenhouse.
- (8) Short-Term Rentals any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § 223-26.5.

SECTION 12. Ratification, Readoption and Confirmation

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

SECTION 13. Severability

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

SECTION 14. Effective Date

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

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: Updated Short-term Rental Local Law

DATE: May 28, 2020

At the May 26, 2020 City Council workshop meeting, the City Council reviewed and discussed the proposed local law regarding short-term rentals dated May 19, 2020. Our office has updated the May 19, 2020 proposed local law draft to reflect comments from the Dutchess County Department of Planning and to allow short-term rentals in multifamily dwellings. The revisions include, but are not limited to, the following:

- Under § 223-26.5.B, the definition of “occupied primary residence” has been expanded to refer to a “dwelling unit” used by the owner or tenant as his or her or their primary residence. The May 19, 2020 definition of occupied primary residence was limited to one-family or two-family dwelling units. The proposed revision is necessary to allow short-term rental units in dwelling units located in multifamily dwellings.
- § 223-26.5.D was amended to address the City Council’s intent to allow short-term rentals in multifamily dwellings. The language previously stated that short-term rentals were only permitted in one-family homes, two-family homes or accessory apartments. This Section now permits short-term rentals in any dwelling unit, or room or rooms therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling.
- It is important to note that under § 223-26.5.E(3), any tenant of any dwelling unit seeking a short-term rental permit must obtain permission from the landlord. The landlord shall be required to sign the tenant’s short-term rental permit application.
- § 223-26.5.E(4)(iii) was amended to require an applicant identify, among other things, the total number of dwelling units located within the building, the total number of bedrooms and bathrooms inside the dwelling unit, and the location of each such dwelling unit or individual bedroom within the building.

- § 223-26.5.E(4)(vi) was amended to replace the term “agent” with “responsible person.” The responsible person must be available twenty-four (24) hours a day to respond in-person to tenant and neighborhood concerns.
- In order to track the number of days an entire-dwelling unit is rented, the Building Inspector may, pursuant to § 223-26.5.H(4), request the property owner or tenant provide a statement from any/all host company used indicating the number of short-term rentals of the premises occurring within the year. The property owner or tenant shall also submit, upon request a certified letter indicating the total number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.
- To heighten the enforcement of short-term rental use in multifamily dwellings, § 223-26.5.K(1)(vi) was added to allow the City to revoke short-term rental permits for dwelling units located in multifamily buildings where the Police Department or Building Inspector have received three substantiated written complaints concerning the use of the premise as a short-term rental.
- It should be noted that under § 223-26.5.I., an applicant may appeal any denial, suspension or revocation of a short-term rental permit to the City of Beacon Zoning Board of Appeals for review.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information.

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

B. Government Approvals

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

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

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

C.2. Adopted land use plans.

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

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

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

If Yes, identify the plan(s):

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

If Yes, identify the plan(s):

C.3. Zoning

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

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

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

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

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

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

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

Beacon Police Department

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

Dutchess County Emergency Response Unit, Mase Hook and Ladder, BEacon Engine Station 1, and Lewis Tompkins Hose Station 2

d. What parks serve the project site?

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

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? _____ acres

b. Total acreage to be physically disturbed? _____ acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

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

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

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

If Yes,

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

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated _____

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

- Anticipated completion date of final phase _____ month _____ year

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

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

g. Does the proposed action include new non-residential construction (including expansions)? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No (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? <ul style="list-style-type: none"> • 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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: _____

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

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

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

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

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

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

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

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

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

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

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

i. Total anticipated liquid waste generation per day: _____ gallons/day

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

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

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____ _____</p>		
<p>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="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <p style="padding-left: 40px;">• If to surface waters, identify receiving water bodies or wetlands: _____ _____</p> <p style="padding-left: 40px;">• Will stormwater runoff flow to adjacent properties? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>		
<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 type="checkbox"/> No <input type="checkbox"/> Yes <input 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"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Estimate methane generation in tons/year (metric): _____</p> <p style="margin-left: 20px;">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? <input type="checkbox"/> Yes <input type="checkbox"/> No</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">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 style="margin-left: 20px;">ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p style="margin-left: 20px;">iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p style="margin-left: 20px;">iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p style="margin-left: 20px;">vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p style="margin-left: 20px;">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 style="margin-left: 20px;">iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</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"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

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

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

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☐ No
 If Yes:
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

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

 iii. Specify amount to be handled or generated _____ tons/month
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No
 If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses. i. Check all uses that occur on, adjoining and near the project site. <input type="checkbox"/> Urban <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Rural (non-farm) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ ii. If mix of uses, generally describe: _____ _____			
b. Land uses and coverytypes on the project site.			
Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation? i. If Yes: explain: _____	<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: _____ _____	<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"> • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____ _____	<input type="checkbox"/> Yes <input 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"> • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ _____	<input type="checkbox"/> Yes <input 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 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 style="width: 45%;"> <input type="checkbox"/> Yes – Spills Incidents database <input type="checkbox"/> Yes – Environmental Site Remediation database <input type="checkbox"/> Neither database </div> <div style="width: 50%;"> 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: _____ _____ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
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 type="checkbox"/> No

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No 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; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>_____</div> <div>_____ %</div> </div>	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site </div>	
f. Approximate proportion of proposed action site with slopes: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site </div>	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____ _____	
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)? <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <div style="margin-top: 5px;"> ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No </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? <input type="checkbox"/> Yes <input type="checkbox"/> No </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"> Streams: Name _____ Classification _____ Lakes or Ponds: Name _____ Classification _____ Wetlands: Name _____ Approximate Size _____ Wetland No. (if regulated by DEC) _____ </div> </div>	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
<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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>
<p>E.3. Designated Public Resources On or Near Project Site</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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">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? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">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? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ 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? <input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No 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? <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name _____ Date _____

Signature _____ Title _____

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

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

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

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features

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

☒ NO☐ YES

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

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

3. Impacts on Surface Water

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

☒ NO☐ YES

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

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

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

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

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (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 ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) 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"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <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"/>

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

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

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

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<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 checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

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

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

13. Impact on Transportation

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

☒ NO

☐ YES

(See Part 1. D.2.j)

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

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

14. Impact on Energy

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

☒ NO

☐ YES

(See Part 1. D.2.k)

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

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

15. Impact on Noise, Odor, and Light

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

☒ NO

☐ YES

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

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

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

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

16. Impact on Human Health

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

☒ 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.

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

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

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☒ Type 1 ☐ Unlisted

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

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

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

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

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

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

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

Name of Action: Local Law Regulating Short-Term Rentals

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

Name of Responsible Officer in Lead Agency: Lee Kyriacou

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Anthony Ruggiero, City Administrator

Address: 1 Municipal Plaza, NY 12509

Telephone Number: 845-838-5000

E-mail: aruggiero@cityofbeacon.org

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

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

Other involved agencies (if any)

Applicant (if any)

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

City of Beacon Workshop Agenda
6/8/2020

Title:

Viewsheds

Subject:

Background:

ATTACHMENTS:

Description
LWRP Viewsheds

Type
Backup Material

City of Beacon

Local Waterfront Revitalization Program (LWRP)

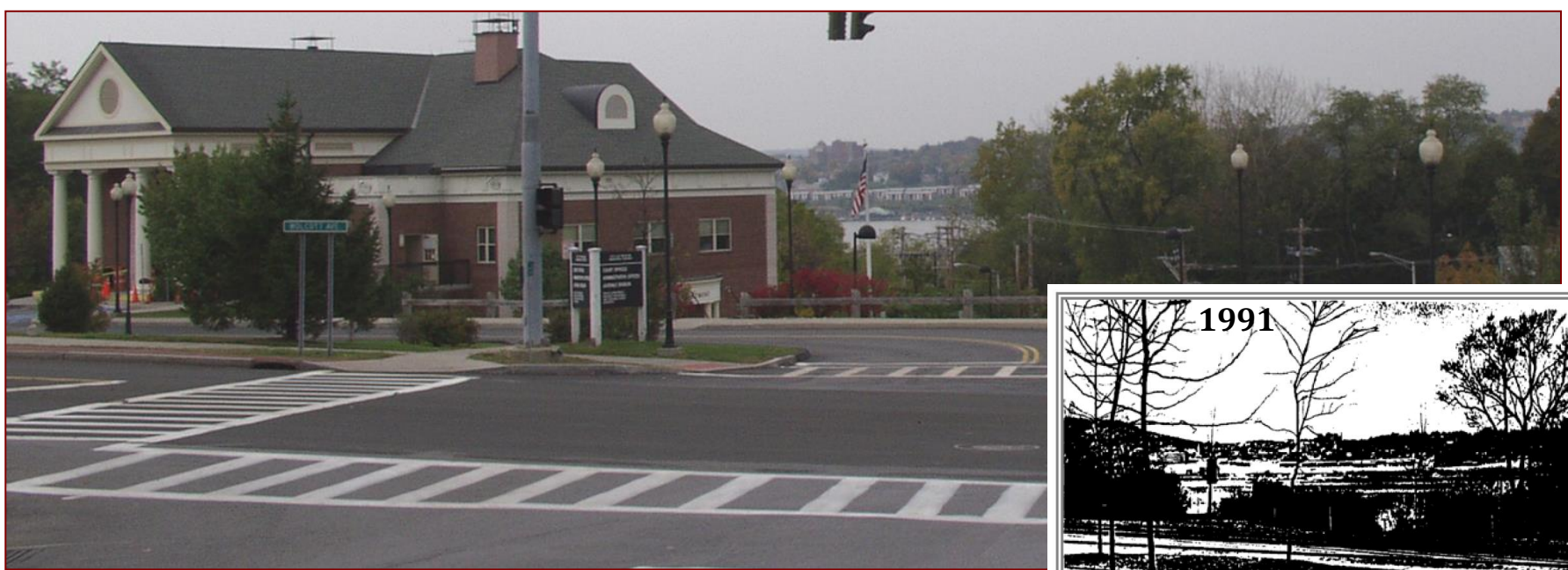
Originally Adopted by City Council October 21, 1991

Amendment Added Harbor Management Plan March 7, 2011

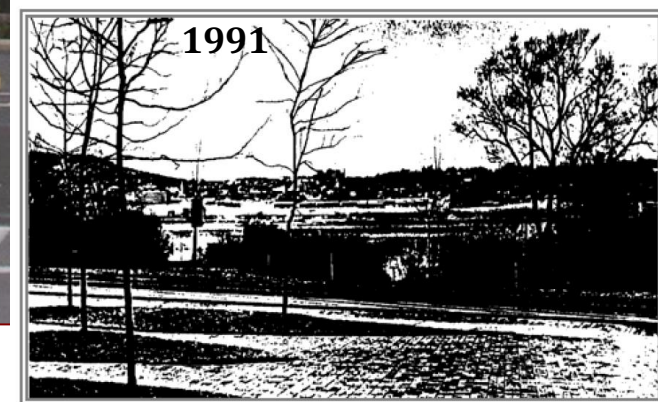
Policy 25A

The following view sheds will be protected:

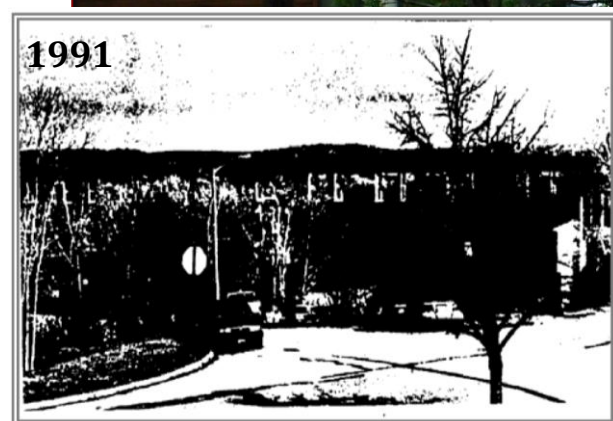
- 1. Main Street and Route 9D**
- 2. Beacon Street and Route 9D**
- 3. Rombout Avenue and Route 9D**
- 4. Route 9D and Wolcott Avenue**
- 5. South Avenue and Route 9D**
- 6. Dennings Avenue at South Avenue**
- 7. Sargent Avenue at St. Lawrence Seminary**
- 8. South Avenue 1/4 Mile West of Dennings Avenue**
- 9. Paye Street**
- 10. River Street and Beekman Street**
- 11. Southwest View from Wolcott Avenue 200 Feet West of Bayview Avenue**
- 12. West View from Wolcott Avenue 200 Feet West of Bayview Avenue**
- 13. Northwest View from Wolcott Avenue 200 Feet West of Bayview Avenue**



View 1: Main Street and Route 9D



View 10: River Street and Beekman Street



View 2: Beacon Street and Route 9D



1991



**View 3:
Rombout Avenue
and Route 9D**

2 Rombout Ave, Beacon,
NY 12508



2015

1991

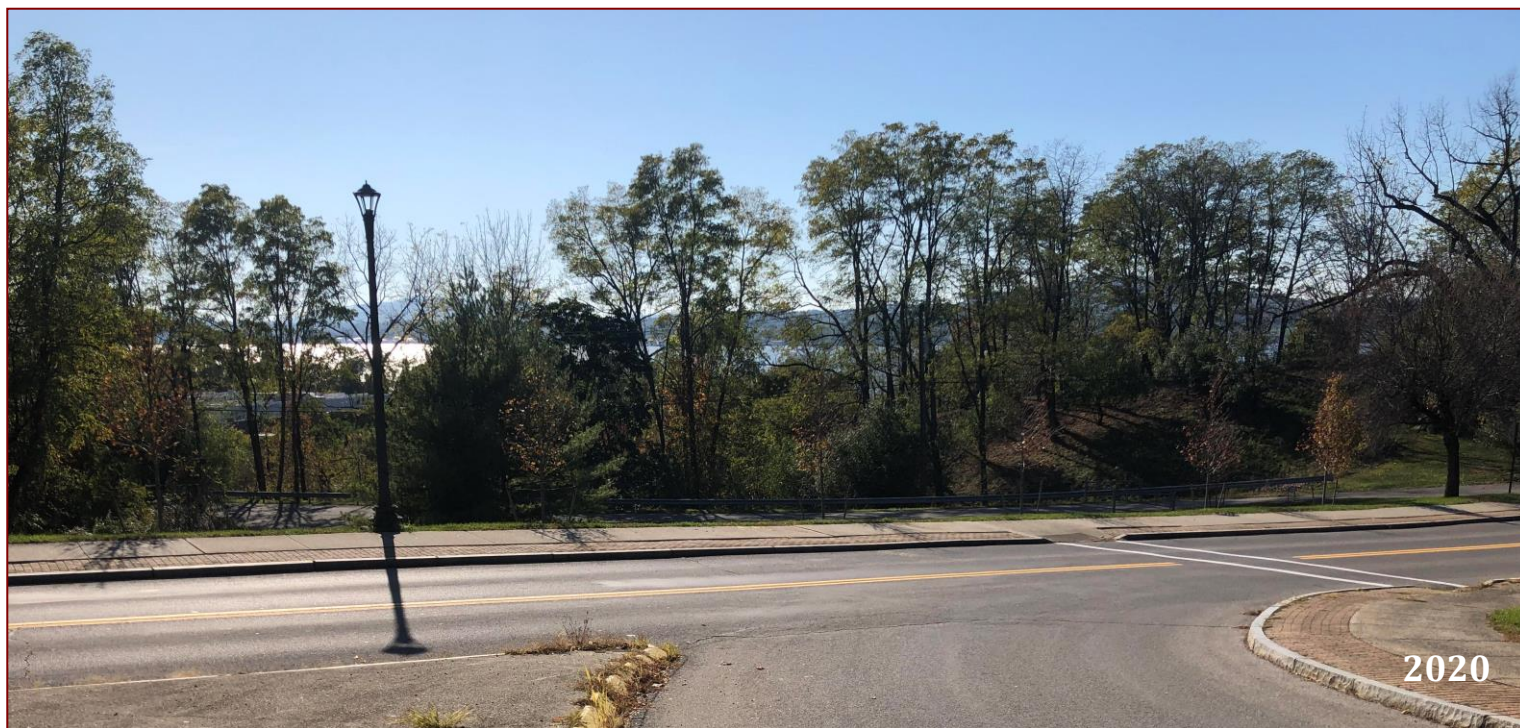


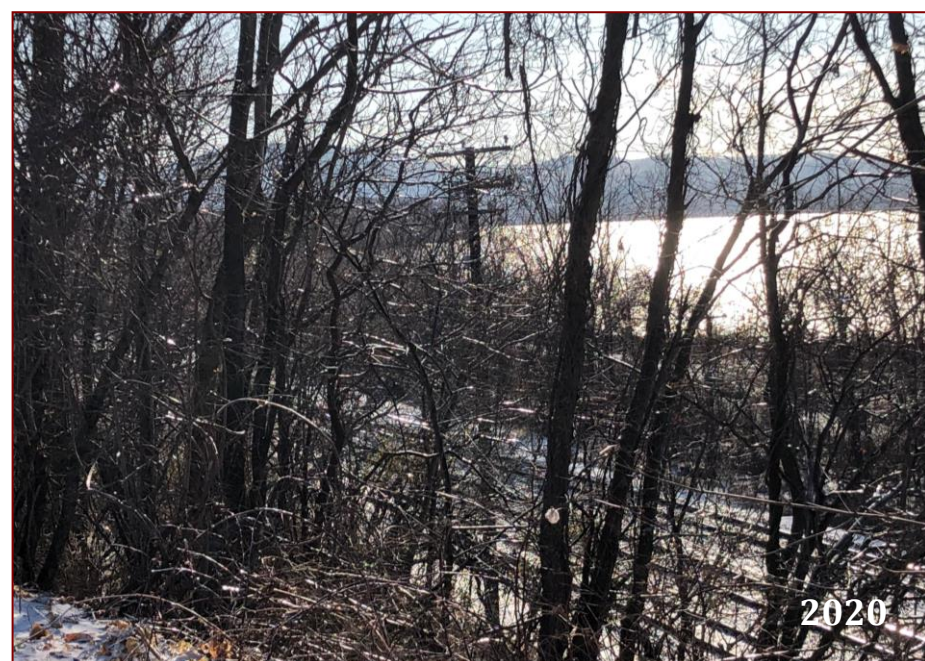
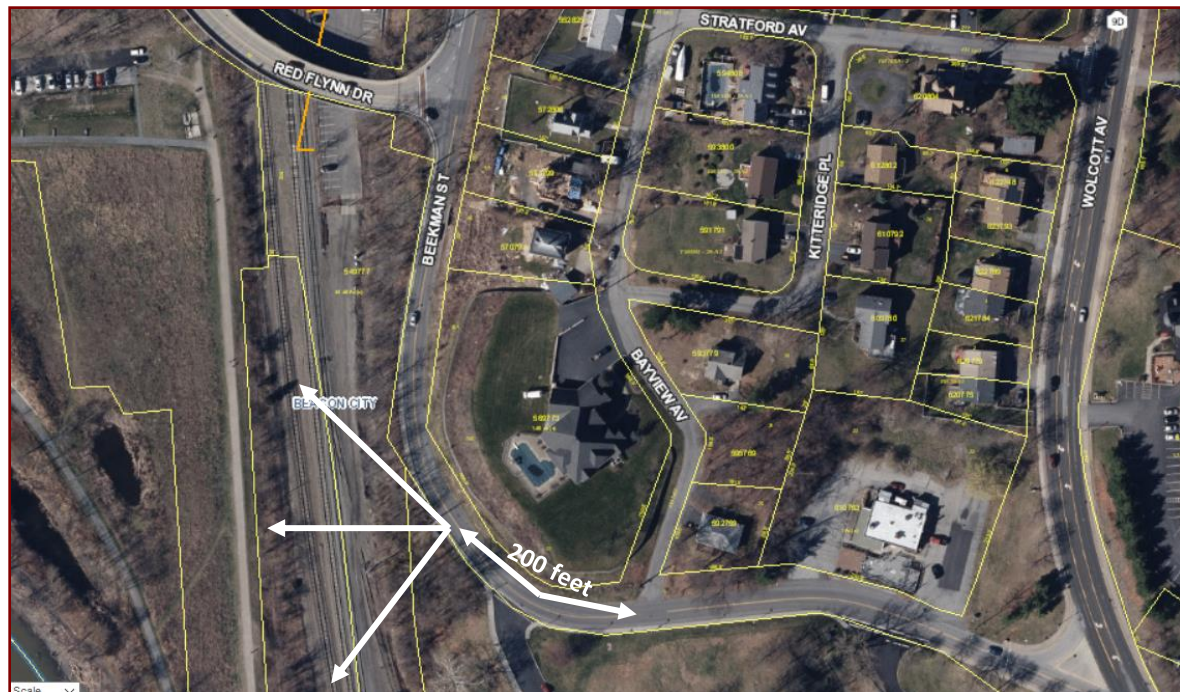
2020

1991



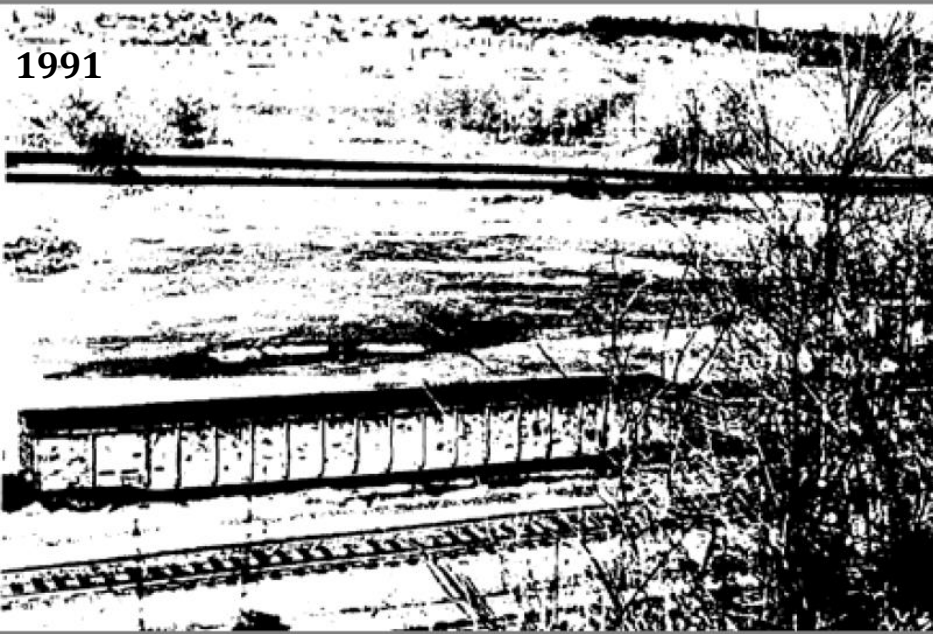
View 4:
Wolcott Avenue
and Route 9D??





View 11: Southwest view from Wolcott Avenue 200 feet west of Bayview Avenue

1991

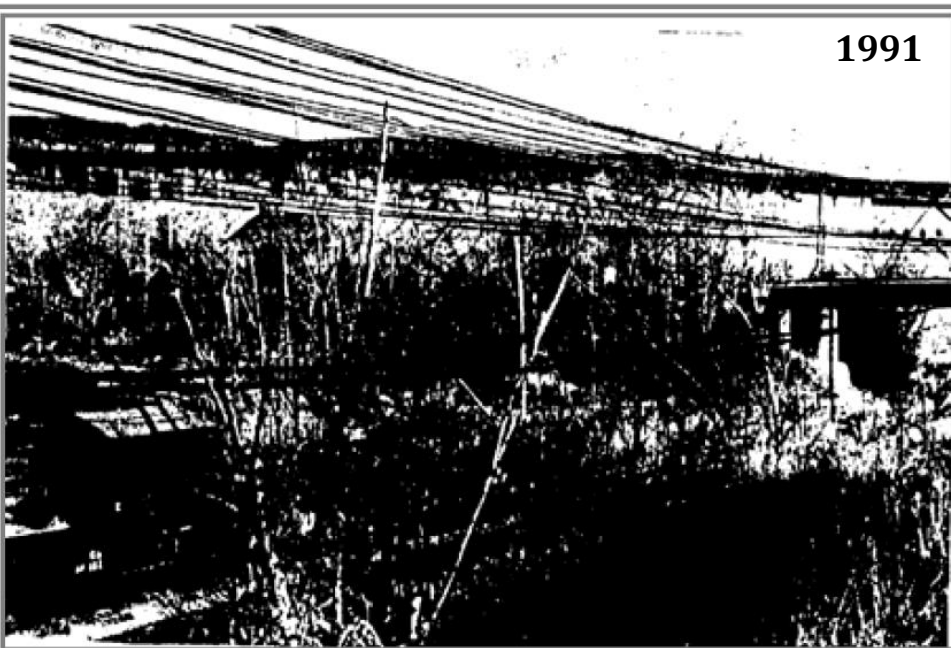


2020



View 12: West view from Wolcott Avenue 200 feet west of Bayview Avenue

1991

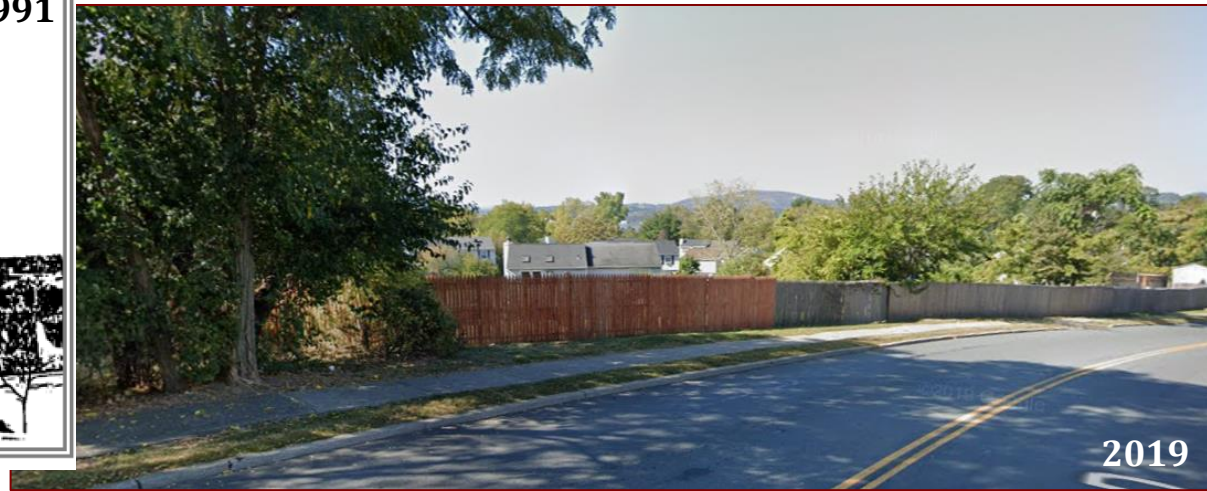


2020



View 13: Northwest view from Wolcott Avenue 200 feet west of Bayview Avenue

1991



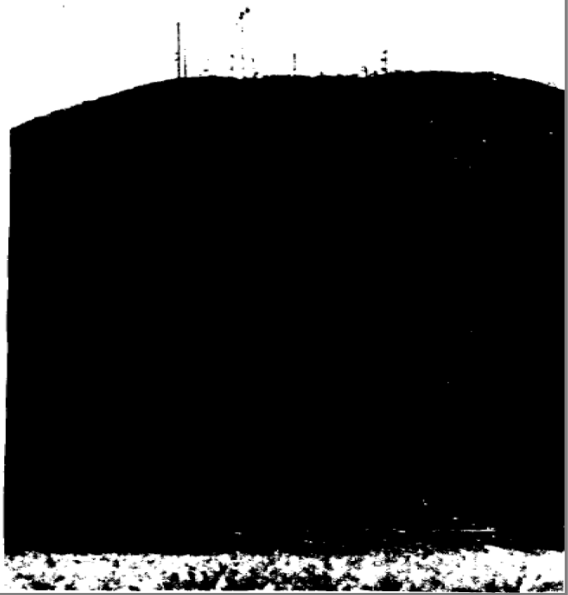
View 5:
South Avenue and Route 9D

View 6:
Denning's Avenue at South Avenue

1991



1991

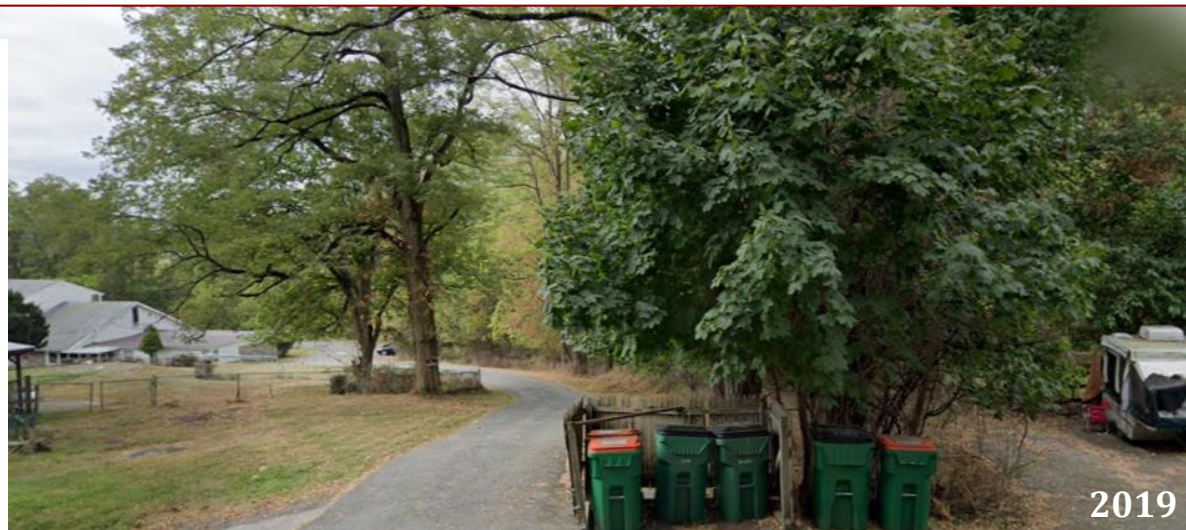
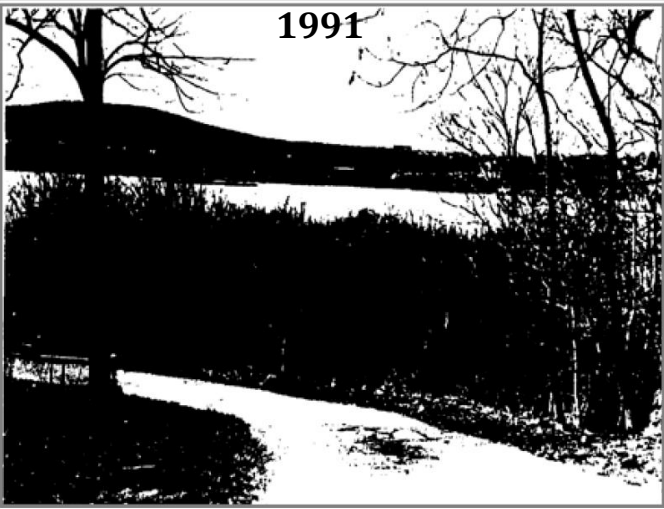


View just south of Sargent Avenue – South Avenue Intersection 2012

View 7:
Sargent Avenue at St. Lawrence Seminary

View 8:
South Avenue ¼ Mile West of Denning's Avenue

1991



2019



**View 9:
Paye Street**



**View from Northern Elevated
Section of Bayview Avenue**



**View from Low Point
of Bayview Cul-de-Sac**



City of Beacon Workshop Agenda
6/8/2020

Title:

Resolution Authorizing the City Administrator to Approve License Agreements for Outdoor Business Operations on Public Property

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing the City Administrator to Approve License Agreements for Outdoor Business Operations on Public Property	Resolution

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2020

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
APPROVE LICENSE AGREEMENTS FOR OUTDOOR BUSINESS
OPERATIONS ON PUBLIC PROPERTY**

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the national healthcare community in responding to COVID-19; and

WHEREAS, on March 7, 2020, pursuant to Section 28 of Article 2-B of the Executive Law, Governor Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, the COVID-19 pandemic has led to the closure of lawfully operating small businesses in the City of Beacon; and

WHEREAS, it is evident that the COVID-19 pandemic has and will continue to have wide-ranging consequences for the City's small businesses and economy, including but not limited to, retail businesses, gym operations, personal care services, and restaurants, their owners and employees located in the City; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the State of New York have stated that social distancing and other health protective measures will continue to be required while the State relaxes mandated closures and begins to reopen the economy; and

WHEREAS, there is growing consensus among experts that the risks of contracting or spreading the coronavirus while outdoors are acceptably low if precautions are taken.

NOW THEREFORE BE IT RESOVLED, that in order to further protect the public health, safety and welfare, and support the local economy and retail businesses, gym operations, personal care services and restaurants in their slow and difficult recovery, the City deems it necessary to allow retail businesses, gym operations, personal care services and restaurants to spread out and offer safe, socially distanced outdoor shopping, services and dining in outdoor business areas.

BE IT FURTHER RESOLVED, the City Council hereby authorizes the City Administrator, or his designee, to enter into license agreements with approved businesses to allow businesses to use designated public property for authorized business operations. Said license agreement shall be approved by the City Attorney as to form and substance.

BE IT FURTHER RESOLVED, that City Council hereby directs the City Administrator to establish an application form and guidelines for businesses. Any business seeking a license agreement to use City property shall contact the City Administrator to obtain an application form and a copy of the guidelines.

BE IT FURTHER RESOLVED, that all businesses must conform to New York State's physical distancing guidelines, and will only be authorized to operate when authorized to do so by the State of New York.

BE IT FURTHER RESOLVED, that nothing herein shall be deemed to supersede any New York State or federal requirements, including those dealing with the COVID-19 pandemic.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes and empowers the City Administrator to take all actions necessary to implement the purpose of this Resolution.

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Proposed Local Law to Create Chapter A228 of the Code of the City of Beacon Regarding Outdoor Permits

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Create Chapter A228 of the Code of the City of Beacon Regarding Outdoor Permits	Local Law

LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW TO CREATE CHAPTER A228 OF THE
CODE OF THE CITY OF BEACON**

A LOCAL LAW to create Chapter A228 of the Code of the City of Beacon concerning the creation and expansion of outdoor retail sales, gym operations, personal care services and dining areas during the COVID19 Pandemic.

Section 1. Chapter A228 of the Code of the City of Beacon entitled “Emergency Regulations for Outdoor Business Areas for Food Establishments, Personal Care Services, Gym Operations and Retail Establishments” is hereby created as follows:

Chapter A228: Emergency Regulations for Outdoor Business Areas for Food Establishments, Personal Care Services, Gym Operations and Retail Establishments.

§ A228-1 Purpose and intent.

- A. On January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern.
- B. On January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the national healthcare community in responding to COVID-19.
- C. On March 7, 2020, pursuant to Section 28 of Article 2-B of the Executive Law, Governor Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York. Thereafter, numerous additional Executive Orders were issued which prohibited in-person gatherings and required 100% of the workforce of non-essential businesses and services throughout the State to work remotely.

- D. It is evident that the COVID19 pandemic has and will continue to have negative consequences for the City's small businesses and economy, including but not limited to, retail businesses, gym operations, personal care services, and food establishments, their owners and employees located in the City.
- E. The Centers for Disease Control and Prevention (CDC) and the State of New York have stated that social distancing and other health protective measures will continue to be required while the State relaxes mandated closures and begins to reopen the economy.
- F. There is growing consensus among experts that the risks of contracting or spreading the coronavirus while outdoors are acceptably low if precautions are taken.
- G. In order to further protect the public health, safety and welfare and support the local economy and retail businesses, gym operations, personal care services and food establishments in their slow and difficult recovery, the City deems it necessary to authorize the expansion of outdoor retail sales areas, gym operations, personal care services and food establishment dining areas for a temporary period of time to allow such businesses to offer safe, socially distanced outdoor shopping, services and dining.

§ A228-2 Definitions.

FOOD ESTABLISHMENT

Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery. Food establishments shall include, but are not limited to, restaurants, cafes, fast-food establishments and food establishments within grocery stores.

PERSON

Any individual person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including public agencies and municipal corporations.

OUTDOOR BUSINESS AREA

Any outdoor space utilized for outdoor retail sales, gym operations, outdoor personal care services or outdoor dining pursuant to an outdoor business area permit.

§ A228-3 Permit required.

- A. Retail businesses, gym operations, personal care services and food establishments in the City of Beacon may seek approval to create and/or expand outdoor retail sales areas, gym operations, personal care service areas and outdoor dining areas, referred to as "Outdoor Business Areas." No person shall establish or expand an outdoor business area on private or public property except upon the granting of an Outdoor Business Area Permit at the discretion of the Building Inspector. No retail business, gym operation,

personal care service or food establishment is eligible for an Outdoor Business Area Permit unless it is an essential business as defined by New York State Empire State Development or unless the Phase within which the industry is classified is cleared for opening by New York State in accordance with the New York Forward phased re-opening plan.

- B. Only businesses that have obtained a Certificate of Occupancy from the City of Beacon may apply for an Outdoor Business Area Permit.
- C. The outdoor business area shall not require land use approvals such as site plan, special permit, subdivision, variances or any other discretionary review or approval by any board within the City. Outdoor business areas shall be exempt from all requirements set forth in Chapter 223, Zoning.
- D. To the extent any provision of this Chapter conflicts with any other requirement of the City Code, the provisions of this Chapter shall supersede those other requirements to the extent of such inconsistency, unless otherwise determined to be applicable by the Building Inspector for purposes of public health and safety.
- E. A permit shall not be required for curbside pick-up. Curbside pick-up shall not be implemented in a manner that blocks traffic or fire access lanes. Within a shopping center, customers utilizing curbside pick-up shall be instructed to park their vehicle in a striped parking space to receive their purchased goods.

§ A228-4 Application procedure.

- A. All applications for an Outdoor Business Area Permit shall be on a form provided by the City and shall contain the following information:
 - (1) The name address of the applicant.
 - (2) The name and address of the retail business, gym operations, personal care service or food establishment.
 - (3) A signed License Agreement for the use of public property, if applicable.
 - (4) Approval from the New York State Liquor Authority to serve alcohol in the outdoor business area, if applicable.
 - (5) Insurance certificates, naming the City of Beacon as an additional insured, if using public property.
 - (6) A drawing showing the proposed layout, including any proposed temporary awnings, tents, pergolas, the existing building, points of ingress and egress, proposed location of all tables, chairs, umbrellas, barriers, displays, service stations, registers and any other equipment, furnishing or structure to be installed in the outdoor business area.

The drawing shall be signed and sealed by a licensed professional unless such requirement is waived by the Building Inspector.

- (7) A statement describing the proposed use of the outdoor business area, including days and hours of intended operation and proposed capacity.
- (8) Map indicating the location of the business within the property as well as the names of the three (3) adjacent businesses on each side of the Applicant clearly identifying the location of the outdoor business area.
- (9) If a tenant is seeking an Outdoor Business Area Permit, the application shall include written authorization from the landlord.

§ A228-5 Permit standards.

A. All Outdoor Business Area Permit shall be subject to the following terms and conditions::

- (1) General requirements.
 - (a) The outdoor business area shall not be used for any purpose other than for the approved business use.
 - (b) The outdoor business area shall comply with any and all state and local health, fire, building, sanitation and maintenance codes applicable to the use of the establishment, including but not limited to the installation of tents, outdoor natural gas/propane patio heaters, fire pits/tables.
 - (c) The number and location of all tables, displays, service stations, registers and any other equipment, furnishings or structures installed in the outdoor business area are subject to approval by the Building Inspector, in accordance with all applicable State Code and ADA requirements.
 - (d) If not located on a sidewalk, there must be a physical barrier or separation to protect patrons and employees from vehicular traffic, such as bollards, planter boxes or “jersey” barriers.
 - (e) The outdoor business area shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris.
 - (f) All furnishings shall be removed and stored indoors at closing in an approved manner when the outdoor business area is not in operation.
 - (g) No permanent structure may be installed.

- (h) The applicant shall be responsible for any damage caused to any sidewalk or public property as a result of the business operations.
- (i) All outdoor business areas shall be closed to all lawful permitted activities, including cleanup, on or before 10:00 p.m. each day.

(2) Requirements applicable to outdoor dining areas.

- (a) All food and beverages to be served or consumed in the outdoor business area shall be prepared within the existing food establishment. The food establishment shall not serve food or beverage to a patron unless that patron is seated at a table.
 - (b) The operator of the food establishment shall procure the appropriate approval from the State Liquor Authority if the food establishment intends to serve alcoholic beverages in the outdoor business area and shall comply with all other laws, regulations and guidelines concerning the serving of alcoholic beverages. The required approval must be submitted to the City before the operator may serve alcoholic beverages in the outdoor business area. All alcoholic beverages to be served in the outdoor business area shall be prepared within the existing food establishment, and alcoholic drinks shall only be served to patrons seated at tables.
- B. Upon the expiration or earlier termination of the Outdoor Business Area Permit, the applicant shall restore the outdoor business area to the same condition it enjoyed prior to applicant's use of the outdoor business area, including the removal of any personal property, fixtures, improvements, or structures in the outdoor business area. In the event applicant has caused any damage to the outdoor business area, any improvements thereto, or any other facilities, the applicant shall immediately cause such damage to be repaired at its sole cost and expense.
- C. The Building Inspector may impose reasonable conditions on the approval of an Outdoor Business Area Permit related to the outdoor business area's size, location, impact on available parking, pedestrian safety, noise, and the public health, safety and welfare.
- D. All outdoor business operations shall comply with any applicable CDC, State or County guidance, rule, regulation or law concerning required measures to minimize the spread of COVID-19.

§ A228-6 Modification or Revocation.

- A. Modification. The Building Inspector may modify an Outdoor Business Area Permit at any time and for any reason, including but not limited to, modifying the location of any

structure or furnishing, the size of the permitted outdoor business area or permitted capacity of the outdoor business area. The Building Inspector shall provide written notice to the permittee of any such modifications.

B. Revocation.

- (1) The grounds upon which a permit may be revoked or suspended, in the Building Inspector's sole discretion, shall include but shall not be limited to:
 - (a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing.
 - (b) Use of the property for an outdoor business area creates a hazard, public nuisance, threat to public safety, or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
 - (c) Failure to comply with any provision of this Chapter or any other applicable law or regulation or term or condition of the permit.
- (2) The Building Inspector, upon determination that a violation of this chapter exists, shall perform personal service of a Notice of Violation/Order to Remedy Same to the permittee or to his/her representative indicating the date and time of service and the specific violation(s) in question. All noticed violations of this chapter shall be cured within twenty four (24) hours of service of the Notice. Failure to correct all violations within twenty four (24) hours may result in the revocation or suspension of the Outdoor Business Area Permit. Any permit issued pursuant to this chapter may be revoked or suspended by the Building Department of the City of Beacon for cause, after notice to the owner and after an opportunity for the owner to be heard by the Building Department, upon a finding by the Building Department that any requirement of this chapter has been violated.

§ A228-7 Reservation of rights by City.

Neither the adoption of this chapter nor the granting of any license pursuant hereto shall be construed as a waiver of any right, privilege or immunity of the City of Beacon concerning its public easement over the streets and sidewalks, or of any requirement of law concerning the liability of the City of Beacon with respect to streets and sidewalks, whether expressed or implied.

§ A228-8 Insurance requirements for use of public property.

- A. No permit for any outdoor business area located on public property shall be issued by the Building Inspector until the applicant therefor shall have first placed on file with Town satisfactory evidence of the following types of coverage and limits of liability:
- (1) General liability coverage with limits of insurance of not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate.
 - (a) If the coverage contains a general aggregate limit, such general aggregate shall apply separately to each project.
 - (b) The City of Beacon and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (c) The applicant shall maintain the general liability coverage for itself and all additional insureds for the duration of the outdoor business operations.
 - (d) The applicant's policy must be primary and non-contributory to any insurance the City of Beacon maintains.
- B. Certificates shall provide that 30 days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of permit shall be recertified and received by the City of Beacon no fewer than 30 days prior to cancellation or renewal.
- C. Such insurance hereinabove referred to shall remain in force throughout the effective period of the permit and/or any authorized extension or extensions thereof and shall carry an endorsement to the effect that the insurance company will give at least 10 days' prior written notice to the City of Beacon of any modification or cancellation of any such insurance and shall contain a clause to the effect that termination of said insurance shall be without prejudice to the right of the City of Beacon to make claim or claims thereafter for any loss or damage sustained as a result of any act or acts committed or omitted during the term of said insurance

§ A228-9 Indemnification.

The applicant shall agree, on a form approved by the City Attorney, to indemnify and save harmless the City of Beacon, its officers, agents, attorneys and employees, from and against any claim of loss, liability or damage by any person arising as a result of the applicant's operation of the outdoor business area.

§ A228-10 Modification of requirements.

The City Administrator may modify any requirements set forth in this Chapter, unless required elsewhere by county or state law.

§ A228-11 Expiration; renewal.

All Outdoor Business Area Permits shall be valid until November 15, 2020. Upon written request to the City Administrator the Permit may be renewed for a period of 30 days.

§ A228-12 Penalties for offenses.

A violation of this chapter shall be an offense punishable by a penalty as provided for in § [1-3](#), General penalty.

§ A228-13 Fees.

An administrative fee as set forth by resolution of the City Council in the City of Beacon Fee Schedule, which may be amended, is required upon the issuance of an application.

§ A228-14 Severability.

Should any section or provision of this chapter be determined by any court of competent jurisdiction to be unconstitutional or invalid, then such section or provision shall be null and void and shall be deemed separable from the remaining section of this chapter, and such determination shall in no way affect the validity of the remaining sections or provisions of this chapter.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability.

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

Section 5. Effective Date

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

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Intermunicipal Agreement Between the City of Beacon and Town of Fishkill for Shared Human Resources Services

Subject:

Background:

ATTACHMENTS:

Description	Type
Intermunicipal Agreement Between the City of Beacon and Town of Fishkill for Shared Human Resources Services	Agreement

**INTERMUNICIPAL AGREEMENT BETWEEN THE
CITY OF BEACON AND THE TOWN OF FISHKILL
FOR SHARED HUMAN RESOURCES SERVICES**

THIS AGREEMENT dated as of _____, 2020 ("Agreement") by and among the **TOWN OF FISHKILL**, a New York municipal corporation (also referred to as "Fishkill") and **THE CITY OF BEACON**, a New York municipal corporation (also referred to as "Beacon").

WHEREAS, each Municipality has determined that it is mutually beneficial to share among them the services and costs of a human resources director/manager as more fully described hereinafter; and

WHEREAS, the City of Beacon is willing and capable of hosting a shared human resources director/manager and serving as the lead party; and

WHEREAS, each Municipality has authority to enter into this Agreement and has obtained authorization by vote of its Elected Officials as attested to by certified copies thereof attached resolutions hereto in Appendix A.

NOW, THEREFORE, the Municipalities, in mutual consideration of the covenants contained herein, intending to be legally bound thereby, agree under seal as follows:

1. PURPOSE

The purpose of this Agreement is to establish a contractual relationship among the Municipalities for a shared human resources director/manager and for shared associated costs and expenses.

2. LEAD PARTY

A. The Municipalities hereby designate the City of Beacon as the lead party (hereinafter the "Lead Party").

B. The Lead Party shall:

1. Employ or contract, through its standard personnel practices, a full-time, 40-hour per week human resources director/manager ("Shared Human Resources Agent" or "SHRA"). All necessary steps in the hiring process of the SHRA and maintenance of related employment records shall be the responsibility of the Lead Party.
2. Provide all benefits to which the SHRA is entitled under contract or the standard personnel practices of the Lead Party.
3. Maintain separate, accurate, and comprehensive records of all services performed by the SHRA for each Municipality and all funds received from each Municipality. All bills and payrolls submitted for work done under this Agreement shall be plainly marked to indicate that the work was done under the authority hereof.
4. Issue a financial report for each fiscal year to the Town of Fishkill by December 31 of the following fiscal year. The Town of Fishkill shall reimburse the Lead Party for the reasonable cost of preparing the same.

3. THE SHARED HUMAN RESOURCES AGENT

- A. The SHRA shall perform for each of the Municipalities the duties and have the responsibilities listed in the job description attached hereto in Appendix B "Dutchess County Civil Service Title Director of Human Resources," (also referred to as "Director"). Changes to the job description shall not be made without the approval of each municipality and the Dutchess County Civil Service.
- B. The Director shall provide Shared Human Resources Services for the Municipalities as follows on a rotational basis each week: The First week will be in the City of Beacon – Monday-Wednesday -Friday and in the Town of Fishkill - Tuesday – Thursday. The schedule will rotate the second week. The details of the Staffing Schedule, such as office hours or availability for inquiries in each Municipality, shall be determined jointly by the Town Supervisor/Administrator of the Municipalities. Schedule Flexibility will be determined jointly by the Town Supervisor and the City Administrator.
- C. Supervision of the Director shall be provided by the City of Beacon Administrator or his/her designee. Operational supervision of duties and responsibilities of the SHRA while performing Shared Human Resources Services in the Town of Fishkill shall be provided by the Town of Fishkill Supervisor or his/her designees. While providing Shared Human Resources Services in the Town of Fishkill, under this Agreement, the SHRA shall be deemed to be engaged in the service and employment of the City of Beacon, notwithstanding that such service activity or undertaking is being performed in or for the Town of Fishkill.
- D. An annual performance evaluation of the SHRA will be prepared by the Lead Party with input from the Town of Fishkill Supervisor or their designee. Any disciplinary action involving suspension or termination of the SHRA shall be by the Lead Party in accordance with the standard personnel practices of the Lead Party, but such decisions shall be made in consultation with the other Municipalities.

4. ALL PARTIES

- A. Notwithstanding any other provision of this Agreement, each Municipality, at its own cost and expense, shall provide the HRSA with the necessary office space, office equipment and supplies, software, applications and forms, and other tools, equipment and materials necessary for the performance of Shared Human Resources Services in or for that Municipality.
- B. Each Municipality shall supply the SHRA with access to complete copies, including supplements and revisions, of its respective personnel contacts and agreements, records and files, support documents and by-laws.
- C. All files, including closed and inactive files, records and support documents shall be permanently stored at the office of the generating Municipality.
- D. The Municipalities agree to allow the SHRA to enjoy such vacation, sick and personal days and other leave as he/she may be entitled to receive under the standard personnel practices of the Lead Party. No Municipality shall make any demand on or take any action with respect to the SHRA that is in violation of his/her rights under standard personnel practices of the Lead Party or under any applicable legislation.
- E. The Lead Municipality, with the assistance of the SHRA will annually prepare a report of the activities of the SHRA during the preceding 12-month period, prior to January 31 of each year.

5. TERM /TERMININATION

- A. The initial term of this Agreement shall be from the effective date of contract through July 12, 2021(the "Initial Term"). This Agreement shall renew automatically for a period of one year, unless one of the municipalities chooses to terminate the agreement by vote of that municipality's elected body with a 60-day advance notice of termination.
- B. In the event that any one Municipality votes not to renew this Agreement during either the Initial Term or an Extended Term, this Agreement shall terminate effective June 30th of that year. All Municipalities shall continue to perform all obligations under this Agreement until the effective date of termination. The Lead Party shall prepare a full statement of the Municipalities' outstanding financial obligations for the remainder of the then current fiscal year with any final payments due within thirty (30) days of the end of the current fiscal year.
- C. If a Municipality defaults on payment or otherwise breaches this Agreement during either the Initial Term or an Extended Term, such Municipality shall be subject to termination upon a written determination of the City Administrator of the Lead Municipality. Upon termination, the Lead Municipality shall prepare a full statement of the terminated Municipality's outstanding unpaid financial obligations for the remainder of the then current term and present the same to the terminated Municipality for payment within thirty (30) days thereafter.
- D. Termination or breach of this Agreement shall not relieve any Municipality from any obligations of indemnification that may have arisen hereunder prior to such termination or breach nor from any financial obligations that by agreement extends beyond the termination date.

6. BUDGET/FEE STRUCTURE/PAYMENTS

- A. The Lead Party shall establish for each fiscal year, subject to appropriation, the annual operating cost for the provision of Shared Human Resources Services (the "Budget"). The Budget shall include, but not be limited to, the cost of the SHRA's wages and salary, taxes, benefits (retirement contributions, health insurance, life insurance, unemployment compensation, workers compensation, paid time off, etc.), liability insurance, stipends, recruitment costs, seminars, professional development, dues, training costs, and any other costs related to the proper functioning of this Agreement.
- B. The Municipalities shall share the cost of the total Budget in proportion to the percentages set forth in Paragraph 3B (the "Fee Structure").
- C. The Town of Fishkill shall be billed twice a year its share of the Budget for the current fiscal year, which shall be automatically due and payable to the Lead Party in that fiscal year without further notice.
- D. By September of each fiscal year, the designees of the Municipalities shall meet to agree on the Budget for the next fiscal. The Budget and Fee Structure shall be reviewed and adjusted, if necessary.
- E. Notwithstanding any other provision in this Agreement to the contrary, the Municipalities agree that they shall be responsible after dissolution or termination of this Agreement for continuing their shared respective contribution for a SHRA's retirement, unemployment or workers' compensation benefit that accrued while the Municipality was a party to this Agreement.

7. INDEMNIFICATION

- A. This Agreement is by and between the Municipalities which have executed it with the understanding that it is intended for their mutual benefit and is not intended to confer any express or implied benefits on any other person or entity. This Agreement is not intended to confer third-party beneficiary status on any person or entity.
- B. It is expressly understood that the services provided hereunder are deemed for public and governmental purposes and all privileges and immunities from liability enjoyed by the Municipalities shall extend to their participation hereunder and to the activities so undertaken to the fullest extent provided by law.
- C. Notwithstanding the final sentence of **G.L. c. 40, s. 4A**, to the extent permitted by law, each Municipality (the "Indemnifying Municipality") separately agrees to indemnify the Lead Party, including all officials, officers, employees, agents, servants and representatives, from and against any claim arising out of the duties performed by the SHRA pursuant to this Agreement in or on behalf of the Indemnifying Municipality for any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission by the SHRA while performing services for the Indemnifying Party. As to any claim or occurrence, the express indemnification set forth above shall be limited to the services provided by the SHRA for the specified Municipality.
- D. An Indemnifying Municipality's obligation to indemnify under this Section shall be limited to and benefited by the immunities or limitations of damages which may be extended to them by operation of law. Furthermore, the Indemnifying Municipalities shall not be liable for any claims arising from:
 - a) Violations of state or federal civil rights statutes;
 - b) Violations of state or federal discrimination statutes;
 - c) Wrongful termination claims;
 - d) Violations of any state or federal statute dealing with employment practices; and
 - e) Claims that are covered by any insurance policy.

8. ASSIGNMENT

No party shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of the others.

9. CONFLICT RESOLUTION

The Town Supervisor/Administrator of the Municipalities shall confer periodically to address matters of policy, operations and logistics as may be necessary. The Municipalities may hold additional meetings to discuss and resolve any conflicts that may arise including, but not limited to, disagreements regarding the needs of each Municipality and changes to the Staffing Schedule or Fee Schedule. Any recommendations to adjust the Staffing Schedule or Fee Schedule or resolve a conflict must be made by a unanimous vote of the Municipalities. Any unresolved issues shall be decided by the City Administrator of the Lead Party.

10. AMENDMENTS

Except as otherwise expressly provided, this Agreement may be amended only by the unanimous written consent of all of the Municipalities as of the date of the Amendment. A proposed amendment must be approved by the governing body of each Party to be effective.

11. SEVERABILITY AND COMPLIANCE WITH APPLICABLE LAW

Should any term, portion, or provision of this Agreement or the application thereof to any person or circumstances be in conflict with any local, state or federal law or otherwise be rendered unenforceable or ineffectual the validity of the remaining parts terms portions or provisions or the application thereof to other persons or circumstances shall be deemed severable and shall not be affected thereby. The Municipalities further intend for this Agreement to be modified to comply with any applicable local, state or federal law should it be determined not to be in compliance and to remain binding between them as so modified. In particular, but without limiting the generality of the foregoing, the Municipalities intend for this Agreement to remain binding against each of them notwithstanding any legal requirement that would alter the term hereof or change the way in which any party is required to pay its share of assessments. The Municipalities will remain bound hereunder subject to such modified terms.

12. NOTICES

Any notice permitted or required hereunder to be given or served on any Municipality shall be in writing signed in the name of or on behalf of the party giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery, upon the date of verified delivery by courier of package delivery service, or three (3) business days after the date of any properly addressed notice sent by mail as set forth below:

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

For Fishkill: Town of Fishkill, 801 Route 52,
Fishkill, New York 12524
ATTN: Town Supervisor

13. MISCELLANEOUS PROVISIONS

- A. Entire Understanding: This Agreement represents the entire understanding of the Municipalities with respect to its subject matter.
- B. **Governing Law: This Agreement shall be governed by the laws of the State of New York and venue for any action shall be in the New York Supreme Court.**
- C. Binding Effect: All of the terms and provisions of this Agreement shall be binding on and inure to the benefit of and be enforceable by the respective parties hereto, their successors and assigns.
- D. Headings: The headings used herein are for convenience only and shall not be considered in any interpretation of any disputes over the terms of this Agreement.

- E. Joint Drafting: Each Municipality acknowledges that it has participated equally in the drafting of this Agreement and that each has or had consulted with legal counsel of its own choosing in entering into this agreement.

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DRAFT

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed and attested by their proper officers hereunto duly authorized and their official seals to be hereto affixed as of the day and year first above written.

For the City of Beacon:

By: _____ Date: _____
Mayor

By: _____ Date: _____
City Administrator

Approved as to Form Only

By: _____ Date: _____
City Attorney

For the Town of Fishkill:

By: _____ Date: _____
Town Supervisor

Approved as to Form Only

By: _____ Date: _____
Town Attorney

City of Beacon Workshop Agenda
6/8/2020

Title:

Recreation Committee Reappointment of Larry Clark

Subject:

Background:

**City of Beacon Workshop Agenda
6/8/2020**

Title:

Agreement for Maintenance, Repair and Energizing of Highway Signals

Subject:

Background:

ATTACHMENTS:

Description	Type
Agreement for Maintenance, Repair and Energizing of Highway Signals	Agreement

Revised 2017

**AGREEMENT FOR MAINTENANCE, REPAIR AND ENERGIZING OF HIGHWAY SIGNALS
IDENTIFIED AS**

SR # 5095; 1312

**LOCATION South Broadway and West Market- NYS Route 9 & Route 199,
Village of Red Hook, Dutchess County
P.I.N. 80PS.02**

Agreement # 4

This Agreement, made this 2/12/2019 between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at
50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State")

and

the Board of Trustees of the Village of Red Hook which is herein referred to as the
"MUNICIPALITY".

WITNESSETH:

WHEREAS, pursuant to Highway Law §10 (24) the Commissioner of Transportation (the "Commissioner"), may at the expense of the state, or using federal funds, provide for the construction/installation of solar powered pedestrian crosswalk lighting system, provided the Commissioner deems it practicable to perform such work for such Municipality/Sponsor in connection with the performance of any work of construction, reconstruction or improvement under the Highway Law; and

WHEREAS, the COMMISSIONER proposes to reconstruct a State Highway pursuant to the New York State Highway Law, such highway being identified as State Highway (S.H.) 5095 and S.H. 1312 in Dutchess County within the geographical jurisdiction of the MUNICIPALITY and geographical jurisdiction of Village of Red Hook in Dutchess County and

WHEREAS, the MUNICIPALITY desires to have solar powered pedestrian crosswalk lighting system on or along such highway within the geographical jurisdiction of the MUNICIPALITY; and

WHEREAS, it is recognized by the MUNICIPALITY and the COMMISSIONER that if the MUNICIPALITY desires to have solar powered pedestrian crosswalk lighting system on or along such highway within the geographical jurisdiction of the MUNICIPALITY, the MUNICIPALITY will have to maintain, repair and energize such solar powered pedestrian crosswalk lighting system at its own expense; and

WHEREAS, the MUNICIPALITY by **Resolution No. #4** – 2019 adopted and approved the plan for the installation, maintenance and energizing of said solar powered pedestrian crosswalk lighting system and has provided such Resolution hereto, and has further authorized

the Board of Trustees of the MUNICIPALITY to execute this Agreement on behalf of the MUNICIPALITY; and

WHEREAS, the Board of Trustees of Village of Red Hook and the COMMISSIONER are desirous of identifying the respective responsibilities of the parties with regard to the solar powered pedestrian crosswalk lighting system.

NOW, THEREFORE, in consideration of the mutual promises and benefits moving to the parties, it is agreed as follows:

ARTICLE 1: DOCUMENTS FORMING THIS AGREEMENT. The parties agree that the Agreement consists of the following:

- a. Agreement: This document, entitled "Agreement for Maintenance, Repair and Energizing of Highway Lighting for State highway identified as SR# 5095:1312; South Broadway and West Market – NYS Route 9 & Route 199"
- b. Schedule "A" - Description of Project, funding and deposit requirements;
- c. Appendix "A" - New York State Required Contract Provisions;
- d. Municipal Resolution(s): duly adopted resolution authorizing this agreement and the appropriate municipal office to execute the Agreement and undertake the project on the terms and conditions set forth herein.

ARTICLE 2: PROJECT RESPONSIBILITIES.

2.1 The COMMISSIONER shall provide for the furnishing and placing of the following items in connections with solar powered pedestrian crosswalk lighting system on the above mentioned highway:

- a. Anchor bolts on structures.
- b. Foundation for signs.
- c. Light standards and bracket arms.
- d. Luminaries, wiring, switches and ballasts and all other components necessary to complete the lighting system.

2.2 Upon completion of construction of the above identified highway, the MUNICIPALITY shall, at its own expense, maintain the lighting system on or along such highway. Such maintenance shall include, but not be limited to:

- a. Repair of equipment which may be damaged from any cause whatsoever.
- b. Replacement of equipment which may be damaged from any cause whatsoever, such replacement material to be of equal character to the replaced equipment.
- c. Furnishing solar current for the lighting system during the customary night hours of each day of the year, at no cost or obligation to the STATE.

ARTICLE 3: TERM.

3.1 This Agreement shall commence on February 12, 2019, and shall expire twenty-five (25) years after the date of final acceptance of the Project. The MUNICIPALITY shall continue to maintain the solar powered pedestrian crosswalk lighting system for the period of **its useful life** or until such time as the COMMISSIONER at his/her discretion determines that such solar powered pedestrian crosswalk lighting system and/or the maintenance of such solar powered pedestrian crosswalk lighting system is no longer necessary for such State Arterial.

3.2 The MUNICIPALITY agrees not to assign, transfer, convey, sublet or otherwise dispose of this agreement or any part thereof, or its right, title, or interest therein, or its power to execute such agreement to any person, company or corporation without prior consent in writing to the COMMISSIONER except as herein provided by Resolution attached hereto.

3.3 The COMMISSIONER herewith extends his/her consent to the MUNICIPALITY to establish a lighting district and transferring responsibility for maintenance of the solar powered pedestrian crosswalk lighting system and payment of ensuing energy cost to the MUNICIPALITY.

ARTICLE 4: REMEDIES.

4.1 In the event the MUNICIPALITY, without the prior consent of the COMMISSIONER, discontinues the energizing or discontinues payment for the energizing of the solar powered pedestrian crosswalk lighting system, which results in the STATE being required to pay the Federal government any moneys, as a penalty or otherwise, the MUNICIPALITY, upon notification by the COMMISSIONER of such requirement to pay, shall reimburse the STATE the amount of such required payment.

4.2 Further, it is expressly understood that the MUNICIPALITY shall indemnify and save harmless the STATE from claims, suits, actions, damages and costs of every name and description resulting from the discontinuance of the energizing or discontinuance of payment for energizing of the solar powered pedestrian crosswalk lighting system by the MUNICIPALITY.

4.3 The COMMISSIONER or the COMMISSIONER's representative may periodically inspect the solar powered pedestrian crosswalk lighting system provided and installed under the above identified project number to ascertain that the solar powered pedestrian crosswalk lighting system is being maintained in accordance with the terms of this Agreement and in condition satisfactory to the COMMISSIONER. The COMMISSIONER shall, in writing, notify the MUNICIPALITY of any observed deficiencies, listing such deficiencies within thirty (30) days of receipt of such notification. The COMMISSIONER or his/her representative shall arrange for a meeting to be held with the authorized representative of the MUNICIPALITY. At such meeting the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY shall discuss the means required to remedy the noted deficiencies. Based on the discussion, and based on the nature of the required remedial action, a reasonable time limit shall be mutually established by the COMMISSIONER or his/her representative and the authorized representative of the MUNICIPALITY for the satisfactory completion of remedial action by the MUNICIPALITY.

4.4 It is recognized by the parties hereto that failure of the MUNICIPALITY to complete the required remedial actions within the agreed upon time limit may subject the MUNICIPALITY to certain penalties. If the equipment supplied and installed by the STATE for the above subject solar powered pedestrian crosswalk lighting system was done pursuant to a Federally aided and Federally reimbursable contract, and the MUNICIPALITY fails to make the remedial actions within the agreed upon time limit, no further Federally aided project shall be approved for the MUNICIPALITY until such time as the solar powered pedestrian lighting system is restored to the level and condition of maintenance required by this Agreement. In addition, failure of the MUNICIPALITY to make such remedial actions may subject the MUNICIPALITY to loss of State aid for other municipal contract.

ARTICLE 5: TERM OF AGREEMENT; EARLY TERMINATION. The term of this agreement shall extend for a period of twenty-five (25) years after the date of final acceptance for the Project. Prior to the expiration of the Agreement, the Municipality shall review the Agreement and determine whether it desires to continue maintaining said lighting system. If at any time after the useful life of the solar powered pedestrian crosswalk lighting system the MUNICIPALITY, in its discretion, determines that it does not desire to maintain said solar powered pedestrian crosswalk light system, it will so notify the COMMISSIONER.

5.1 Where the MUNICIPALITY has no desire to maintain the solar powered pedestrian crosswalk lighting system, said fixtures will be removed by the STATE at the expense of the MUNICIPALITY, unless the STATE has funds available to maintain, repair and energize said solar powered pedestrian crosswalk lighting system, and the COMMISSIONER, in his/her discretion, determines that such solar powered pedestrian crosswalk lighting system is necessary for such State Highway. Upon notification by the COMMISSIONER of the removal cost, the MUNICIPALITY shall reimburse the STATE the amount specified. The cost of removal includes but is not limited to review and upgrading of roadway delineation features, including pavement markings, and any and all penalties, fees and/or other costs for unamortized fixtures which the STATE is required to pay the Federal Government.

ARTICLE 6: NOTICE REQUIREMENTS

6.1 All notices permitted or required **hereunder** shall be in writing and shall be transmitted either:

- (a) Via certified or registered United States mail, return receipt requested;
- (b) By facsimile transmission;
- (c) By personal delivery;
- (d) By expedited delivery service; or
- (e) By e-mail.

Such notices shall address as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYSDOT)

Name: Lance MacMillan

Title: Regional Director

Address: 4 Burnett Blvd. , Poughkeepsie, NY 12603

Telephone Number: 845-431-5750

Facsimile Number:

E-Mail Address: Lance.MacMillan@dotny.gov

Municipality: Village of Red Hook

Name: Ed Blundell

Title: Mayor

Address: 7467 South Broadway, Red Hook, NY 12571

Telephone Number: 845 758-1081

Facsimile Number: 845 758-5146

E-Mail Address: info@redhooknyvillage.org

ARTICLE 7: PROJECT; MUNICIPAL PAYMENT/DEPOSIT

7.1 NYSDOT will the remove, relocate, replace and/or reconstruct the local facilities described in Schedule A annexed hereto in accordance with plans and specifications related thereto, as they may be amended or revised, and subject to such change orders as may be approved by NYSDOT in connection with its administration of the work and other work under the contract or contracts to be awarded by NYSDOT for or relating to the work under this Agreement.

7.2 The Municipality will deposit with the State Comptroller in a project escrow account the full amount of the local share (if any) of the estimated cost of the work to be performed on local facilities as described in Schedule A for payments by the Comptroller on account of Project costs and the reimbursement to the municipality of any excess amount of such deposit after project close out.

7.3 Monies in the project account shall be paid on account of facilities costs on the warrant of the State Comptroller on vouchers or requisitions approved by the Commissioner.

7.4 Upon completion and payment of the work to be performed on local facilities contemplated herein the Commissioner shall determine the costs thereof to be borne by the Municipality, and any excess of the deposit shall be paid to the Municipality on the warrant of the State Comptroller on vouchers approved by the Commissioner; and, in the event such costs exceed the amount of the deposit, the Municipality shall within 90 days of the receipt of notice from the Commissioner pay the amount of such deficiency to the State Comptroller.

7.5 The Municipality's/Sponsor's performance of its obligations hereunder is to be financed from (*check applicable source or sources if the municipal deposit is financed thereby*):

☐ the proceeds of one or more loans from [REDACTED] [for name of Bank or financial institution or company] that the Municipality/Sponsor represents have been committed as evidenced by the commitment letters annexed hereto. The Municipality/Sponsor pledges proceeds of such loans to the performance of its obligations hereunder in amount sufficient to pay for work to be performed on local facilities costs hereunder;

☐ from amounts deposited by [name of Bank or financial institution or company above] with the Municipality/Sponsor into a segregated account solely for the purpose of financing work to be performed on local facilities costs, pursuant to the Municipality's/Sponsor's resolution establishing such account and providing for expenditures therefrom for such purpose;

☐ by an irrevocable letter of credit, bond or other security (annexed hereto) acceptable to NYSDOT in the full amount of estimated Project Costs per Schedule A, solely for the purpose of paying the costs for work to be performed on local facilities and providing for expenditures therefrom or sight drafts thereon by NYSDOT negotiable through and acceptable to the State's depository bank for such purpose; or

☐ from an escrow established pursuant to a written escrow agreement between the Municipality/Sponsor and the Company solely for the purpose of financing work to be performed on local facilities costs, pursuant to the Municipality's/Sponsor's resolution authorizing such escrow Agreement and providing for expenditures therefrom for such purpose.

IN WITNESS WHEREOF, the STATE has caused this instrument to be signed by the said COMMISSIONER of Transportation and the MUNICIPALITY has caused this instrument to be signed by its **authorized officer**.

Agreement No. 4

Agency Certification - "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other copies of this contract."

APPROVED:

MUNICIPALITY:

Municipal Attorney

By: _____
(Title)

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

On this _____ day of _____, 20 ____, before me personally came _____, to me known, who being by me duly sworn did depose and say that he/she is the _____ of the Municipal Corporation described herein, and which executed the above instrument; that he/she knows the seal of such Municipality; that the seal affixed to said instrument is such corporate seal, that it was affixed by order of the legislative Body of said Municipal Corporation pursuant to a Resolution which was duly adopted on _____ and to which a certified copy is attached and made a part hereof; and that he signed his name thereto by like order.

Notary Public

APPROVED FOR NYSDOT:

**APPROVED AS TO FORM:
STATE OF NEW YORK ATTORNEY GENERAL**

By: _____
For the Commissioner of Transportation

_____ Date

By: _____
Assistant Attorney General

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law §112

**SCHEDULE A
DESCRIPTION OF PROJECT, FUNDING AND DEPOSIT REQUIREMENTS.**

Is the project linked to a State project in the area? YES

If linked to a State project, describe the State project:

The State project is Contract No. D263742, titled Pedestrian Safety Action Plan; Uncontrolled Intersections Contract #2, and is for the construction of ADA crosswalks, ramps, sidewalks in various locations in Dutchess County.

Description of the work to be performed on local facilities:

The Village of Red Hook by Resolution No. 4 adopted on the 20th day of December, 2018, requested and authorized the State Department of Transportation to proceed with the necessary arrangements to incorporate the construction of the solar powered pedestrian crosswalk lighting system located on Route number 9 and Route 199.

The State in connection with our request has incorporated the local project with the work of PIN 80PS.02 as set forth in the plans and specifications for said project.

Engineer's Estimate	\$110,000
Federal Aid Eligible	YES
State Share (in dollars)	\$22,000
Federal Share (in dollars)	\$88,000
Local Share (in dollars)	\$0

APPENDIX "A"
NEW YORK STATE REQUIRED CONTRACT PROVISIONS.

[Provide the current New York state contract provisions here.]

MUNICIPAL RESOLUTION.

Provide the Municipal Resolution(s) - duly adopted authorizing Agreement on behalf of the Municipality.