



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
April 27, 2020
7:00 PM

Workshop Agenda Items:

Duration
(Minutes)

- | | |
|--|----|
| 1. Notice of Change in Public Meeting Location | |
| 2. Zoning Tables and Transition District | 20 |
| 3. Linkage District and Waterfront Development District | 20 |
| 4. Proposed Local Law to Amend Chapter 223 Section 41.18.E(7) of the Code of the City of Beacon Regarding 4th Floors in the Central Main Street District | 20 |
| 5. Proposed Local Law to Amend Chapter 223 Section 61.3 of the Code of the City of Beacon Regarding Noticing Public Hearings | 15 |
| 6. Greenway Trail Projects | 10 |
| 7. Proposed Amendment to an Easement for a Pedestrian Walkway at the West End Lofts | 10 |
| 8. Acceptance of Dedication of The View Walkway Lighting | 15 |
| 9. Board of Ethics Appointment | 5 |
| 10. Chazen Phase I Proposal: West Main Street Pump Station | |
| 11. Resolution Accepting Dedication of Water Infrastructure in Rombout Avenue | 15 |
| 12. Polo Fields Acceptance of Water and Sewer Infrastructure; Acceptance of Fairways Pump Station | 20 |

Executive Session:

Duration
(Minutes)

- | | |
|----------------|--|
| 1. Real Estate | |
| 2. Personnel | |

City of Beacon Workshop Agenda
4/27/2020

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 and comment during regular City Council meetings (i.e for public hearings and during designated public comment periods). To view the Council Workshop online,

<https://us02web.zoom.us/j/84002099267?pwd=amlUeUVWRkdVclZhak5SenRtSitpQT09>

(Webinar ID 840 0209 9267 Password 787827). To the extent internet access is not available, the public can attend via telephone by dialing + 1 929 205 6099 (Webinar ID 840 0209 9267 Password 787827). 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, April 27, 2020 at 7:00pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon Workshop Agenda
4/27/2020

Title:

Zoning Tables and Transition District

Subject:

Background:

ATTACHMENTS:

Description	Type
Zoning Dimensional Table Draft 4.24.20 Edits	Backup Material
Zoning Dimensional Table Draft 4.24.20	Backup Material
Zoning Tables LL Draft 4.24.20	Backup Material
Zoning Tables Map Changes 4.24.20	Backup Material
Zoning Use Table Draft 4.24.20 Edits	Backup Material
Zoning Use Table Draft 4.24.20	Backup Material

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

Draft 4.24.20

Zoning District	Minimum Lot Size (see also 223-12 l) <div>Area^h</div>				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.

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
					Front (ft)	Side (ft)	Rear ^{d,e} (ft)			Multi-Fam	All Other				
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)											
R1-120	120,000	120,000	250'	350'	75'	50'	75'		2.5 35'	N.A.	7%	1		R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	50'		2.5 35'	N.A.	10%	1		R1-80	
R1-40	40,000	40,000	150'	150'	40'	25'	50'		2.5 35'	N.A.	15%	1		R1-40	
R1-20	20,000	20,000	125'	125'	30'	20'	40'		2.5 35'	N.A.	20%	1		R1-20	
R1-10	10,000	10,000	85'	100'	25'	15'	35'		2.5 35'	N.A.	25%	1		R1-10	
R1-7.5	7,500	7,500	75'	100'	20'	10'	25'		2.5 35'	N.A.	30%	1		R1-7.5	
R1-5	5,000	5,000	50'	100'	15'	10'	20'		2.5 35'	N.A.		1		R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	30'	3 35'	15%	20%	12		RD-7.5 ^{d,e}	
RD-6 ^{d,e}	2 acres	6,000	200'	200'	50'	25'	50'	30'	2.5 35'	15%	20%	16		RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10'	25'	30'	3 35'	20%	30%	16		RD-5 ^{d,e}	
RD-4 ^{d,e}	5,000	4,000	200'	200'	40'	20'	40'	30'	2.5 35'	20%	25%	20		RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	20'	25'	30'	3.5 45'	20%	40%	24		RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	20'	25'	30'	10 ^b 100'	25%	40%	c		RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	20'	25'	30'	4.5 ^f 55 ^f	25%	40%	36 ^g		RD-1.7 ^{d,e}	
T	5,000	i	50'	100'	10'	10'	20'		2.5 35'					T	
GB		1,500		100'	15'	20'	25'		– 35'					GB	
CMS				75'	0-10'	0'	20'		3 38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	25'		4 48'				15%	L	Art IVE
FCD	2 acres	3,960							3 40'	35%			30%	FCD	Art IVC
WP	1 acre				10'				2.5 35'	20%				WP	Art IVA
WD	5 acres								See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'	25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'	25'		40'	70%			20%	HI	

NOTES:

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

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:

- (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 ~~s~~.
- (5) Inns, hotels, fitness centers, spas ~~and~~ or day care centers ~~s~~.
- (6) Art, craft or fine arts galleries ~~iesy~~.
- (7) Professional or small business offices ~~s~~ in a mixed-use buildings ~~s~~, and not to exceed 40% of the total floor area in a mixed-use buildings ~~s~~. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.

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

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

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

...

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

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

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

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

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

...

- (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4 ~~G F(2)(a)[5]~~ herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the Planning Board; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to site development plan review and approval for said phase(s) in accordance with Subsection H immediately below.

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

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

(2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the

waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire ~~peninsula~~ waterfront area, as it is finally developed.

- (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed location, height and buffer of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the waterfront development standards set forth in Subsection ~~F~~ J.
 - (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
 - (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board

for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

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

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

...

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

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

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

...

- (11) Off-street parking and loading.

- (b) Parking requirements.

- [1] Multifamily dwelling: one space per unit.

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

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

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

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

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

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

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

B. Maximum building coverage: 20%.

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

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

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

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

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

A. Minimum site size: five acres.

B. Maximum height.

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

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

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

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

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

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

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

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

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

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

§ 223-41.12 Purposes.

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

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

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

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

...

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

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

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

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

...

I. Fishkill Creek Development design standards.

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

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

§ 223-41.18 Regulations.

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

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

~~(8) Food preparation business.~~

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

~~(10) Funeral home.~~

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

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

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

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

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

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

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

~~(18) Auction gallery.~~

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

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

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

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

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

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

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

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

B. Uses by special permit.

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

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

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

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

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

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

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

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

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

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

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

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

(6) Roof garden or solar collector.

(7) Greenhouse.

...

G. Parking location and quantity.

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

City for public parking.

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

...

J. Design standards

...

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

...

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

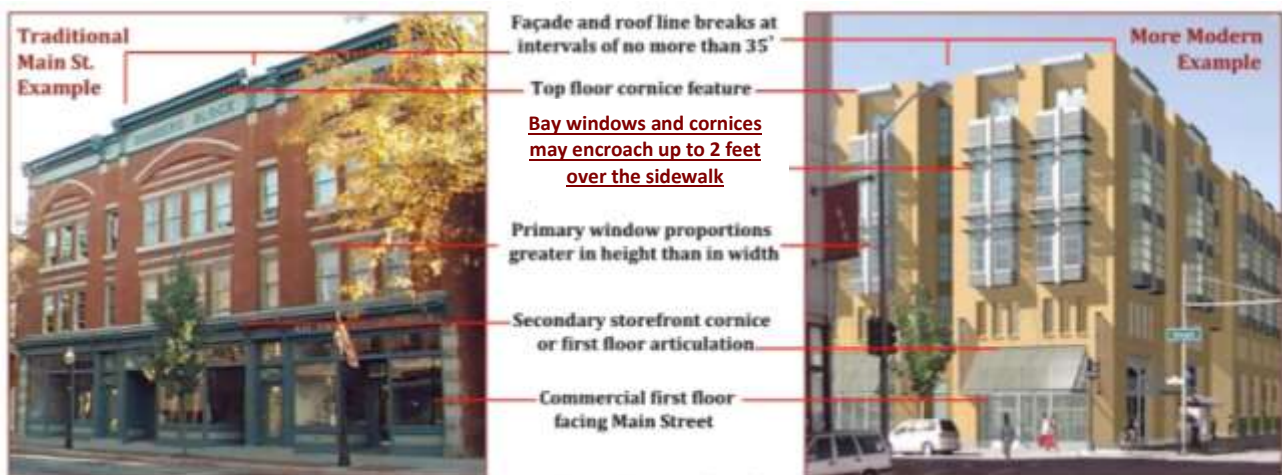


Figure 18-7: Design Illustrations

...

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

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

§ 223-41.19 Purpose.

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

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

§ 223-41.21 Regulations.

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

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

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

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

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

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

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

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

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

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

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

- (12) Day care center.

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

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

- (15) Workshop.

- (16) Artist live/work space.

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

B. Uses by special permit.

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

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

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

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

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

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

(2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. ~~When making a~~

~~decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21H(2) of this chapter.~~

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

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

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

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

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

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

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

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

~~(2) For projects with over 20,000 square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the~~

~~Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.~~

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

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

K. Design standards.

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

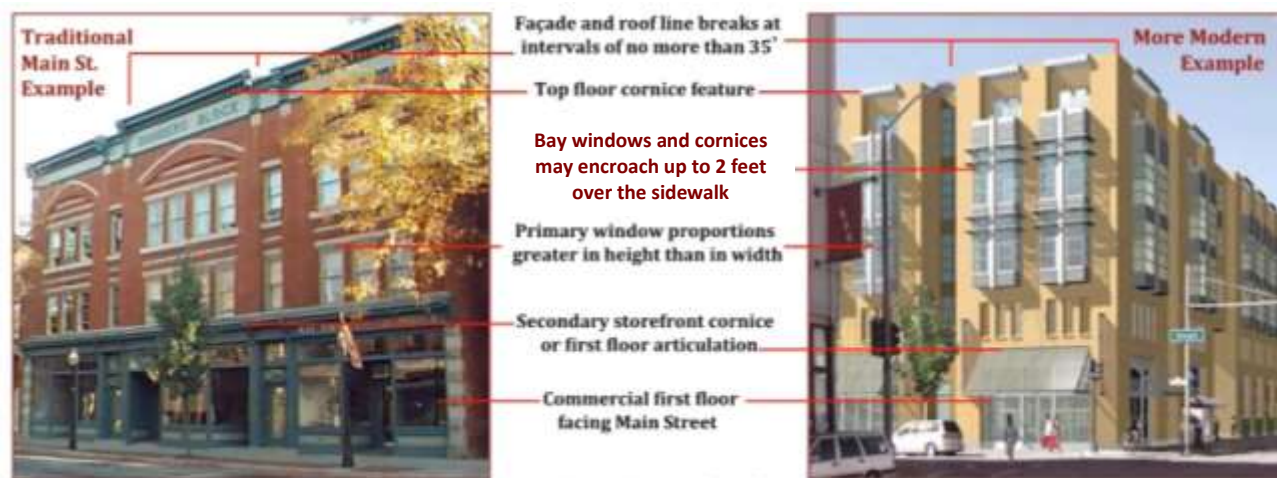


Figure 21-18: Design Standards

Examples A

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

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

§223-63 Definitions

ACCESSORY APARTMENT

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

AMUSEMENT CENTER

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

ANIMAL CARE FACILITY

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

ARTIST STUDIO

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

AUCTION GALLERY

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

BANK

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

CONCERT HALL

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

CONFERENCE CENTER OR CONFERENCE SPACE

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

DAY CARE CENTER

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

DWELLING UNIT, ONE-FAMILY

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

DWELLING UNIT, ATTACHED

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

FAÇADE OR FRONT WALL

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

FARM

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

HOME OFFICE, PROFESSIONAL

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

HORTICULTURAL NURSERY

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

LOT WIDTH

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

OFFICE

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

PARKING STRUCTURE

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

SOLAR COLLECTOR

See Article X, §223-81.

STORAGE BUSINESS

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

STRUCTURE

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

THEATER

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

TOWNHOUSE

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

TRADE SCHOOL OR TRAINING PROGRAM

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

WHOLESALE BUSINESS

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

WORKSHOP

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

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

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

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

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

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

§ 223-71 Authority.

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

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

§ 223-82 Permitting and placement requirements.

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

...

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

...

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

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

SEE ATTACHED CHART

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

SEE ATTACHED CHART

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

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

...

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

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

Section 34. Ratification, Readoption and Confirmation

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

Section 35. Numbering for Codification

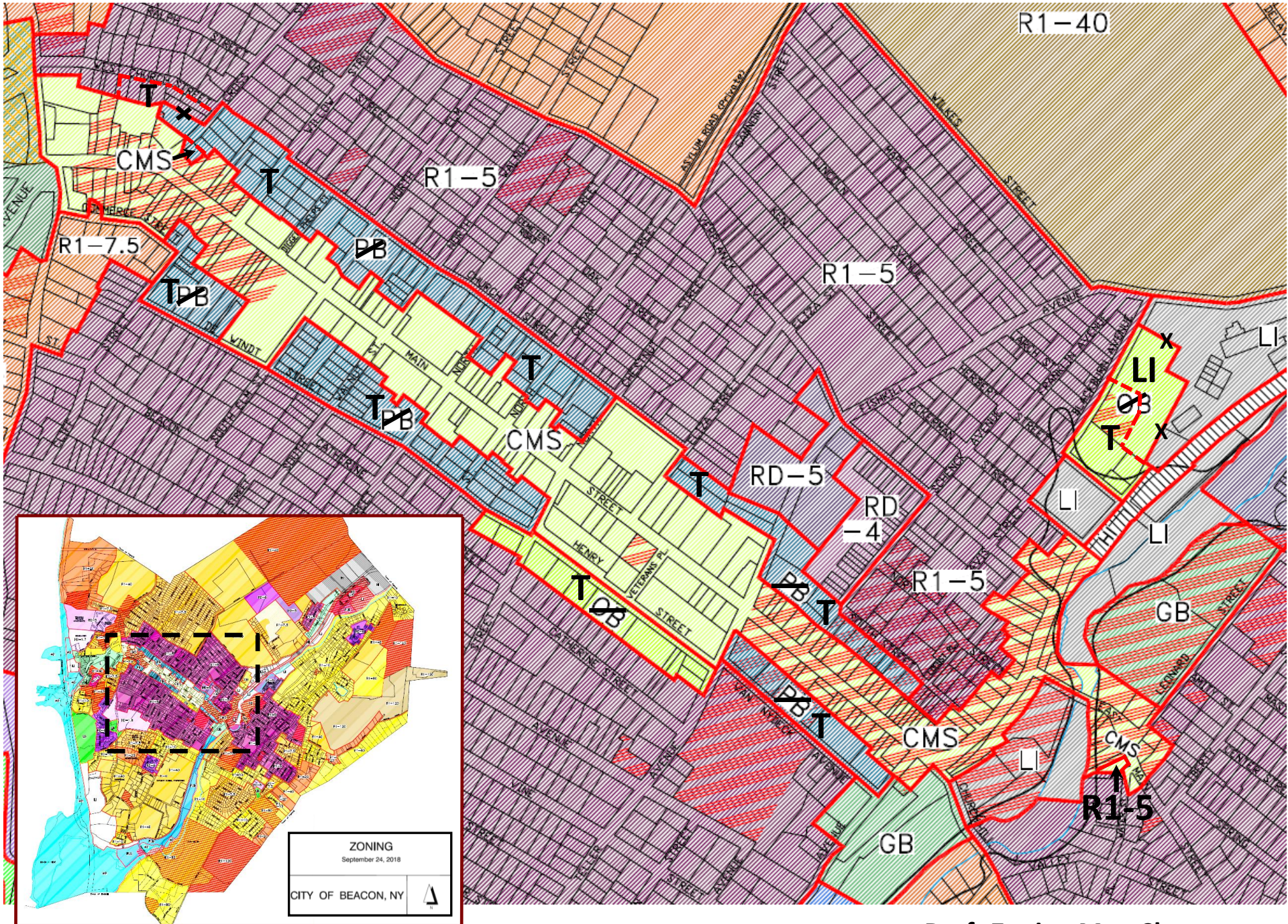
It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier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

Section 36. Severability

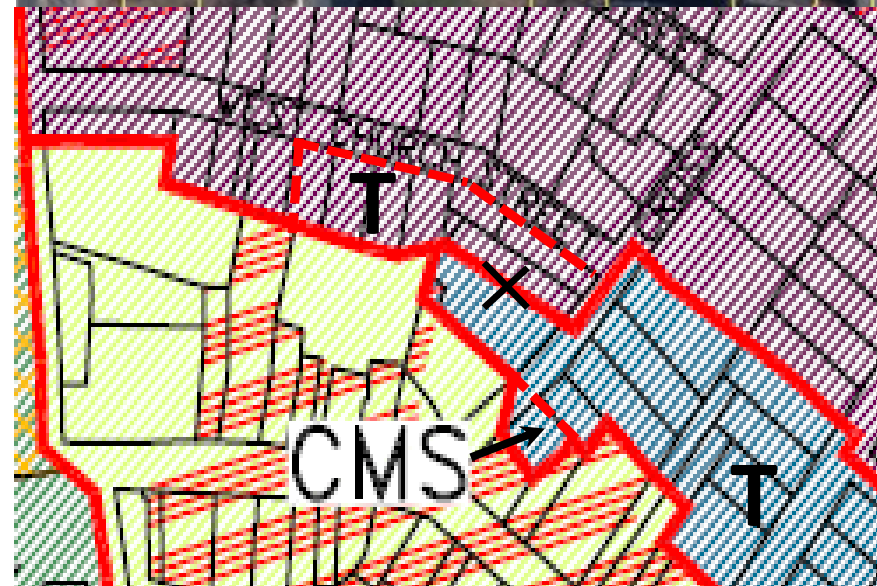
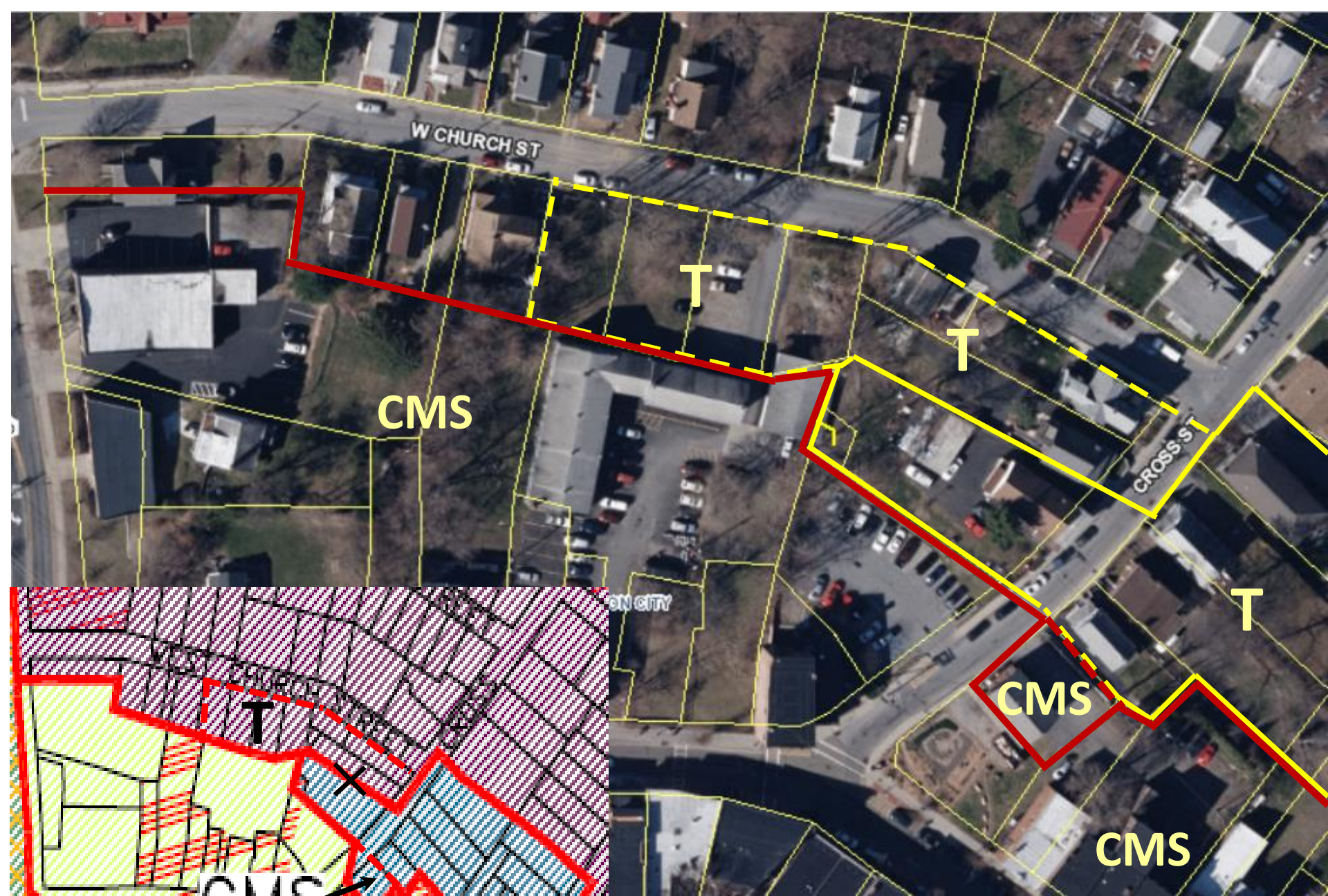
The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect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

Section 37. Effective Date

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

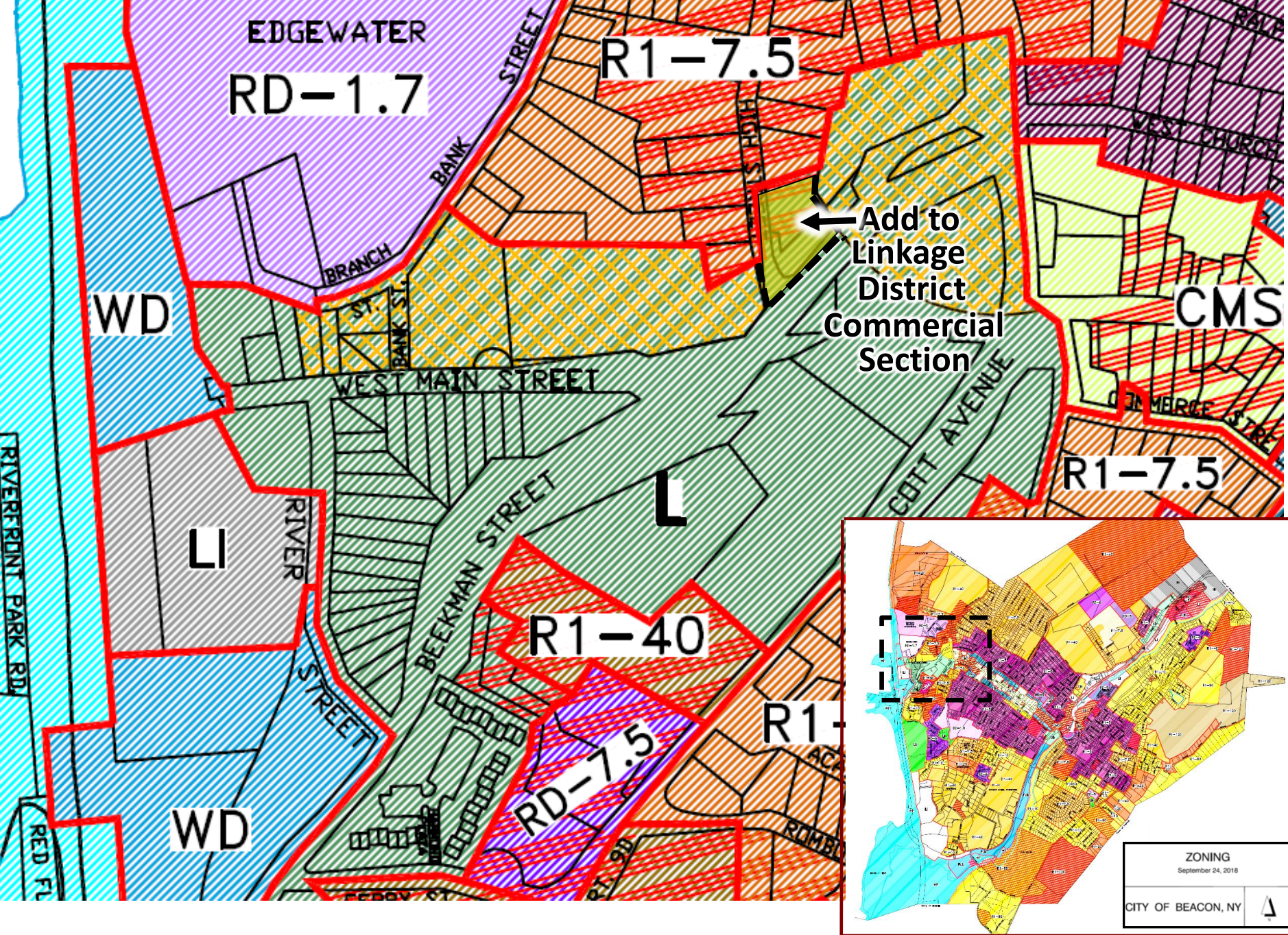


Draft Zoning Map Changes



2017 Comprehensive Plan Update Rezoning





Draft Zoning Map Changes

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

Permitted Uses by District	Reference Notes	All R1	All RD	PB	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 4.24.20
IVD IVE IVA IVA IVC

DRAFT

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article Article Article Article Article
IVD IVE IVA IVA IVC

4.24.20

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article
IVD

Article
IVE

Article
IVA

Article
IVA

Article
IVC

4.24.20

DRAFT

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

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

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

For Specific
Standards See -->

Article
IVD

Article
IVE

Article
IVA

Article
IVA

Article
IVC

4.24.20

DRAFT

City of Beacon Workshop Agenda
4/27/2020

Title:

Linkage District and Waterfront Development District

Subject:

Background:

ATTACHMENTS:

Description	Type
Linkage District (L)	Backup Material
Waterfront Zones(2)	Backup Material

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

§ 223-41.19. Purpose.

The purpose of this Article IVE is to increase the vitality, attractiveness and marketability of the part of the City of Beacon lying between Main Street and the Metro North Train Station (the "Linkage District") by providing more residential development along with flexibility of land use, while enhancing urban form as recommended in the City of Beacon Comprehensive Plan adopted on December 17, 2007. This article is intended to encourage residential development to help support Main Street businesses and to create a vibrant, economically successful, walkable, and environmentally sustainable connection between Beacon's Central Business District and the train station and riverfront. It is intended to implement the general intent of the plan entitled "Connecting Beacon's Main Street with the Hudson River and Railroad Station," dated March 6, 2007 (hereinafter the "Linkage Plan"), prepared by the Dutchess County Department of Planning and Development and contained in the Appendix of the Comprehensive Plan (see Figure 21-21).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.

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

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

1. Editor's Note: See § 223-41.21L.

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

§ 223-41.21. Regulations.

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review:
[Amended 8-19-2013 by L.L. No. 14-2013]

- (1) Two-family dwelling.
- (2) Attached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio.
- (7) Hotel. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (8) Park, plaza, green, community garden, greenhouse, and commercial plant cultivation.
- (9) (Reserved)²
- (10) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and are consistent with § 223-24.5.
- (11) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

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

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

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

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

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

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

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

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

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

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

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or

on the character of surrounding neighborhoods or the community.

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

B.1. Accessory uses. The following are permitted accessory uses in the L District: **[Added 7-21-2014 by L.L. No. 11-2014]**

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

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

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

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

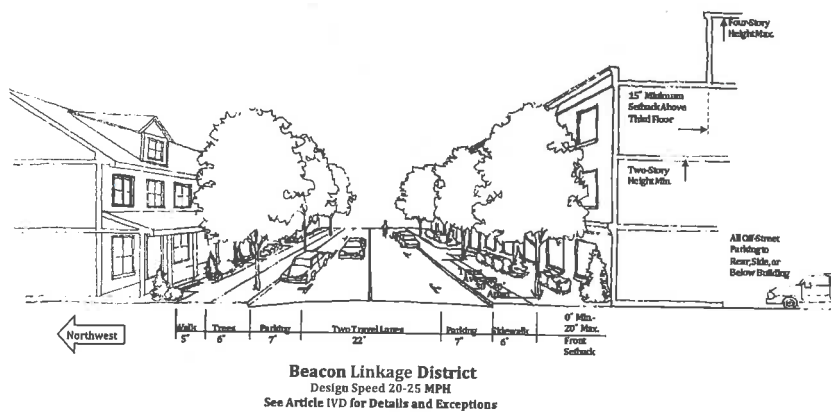
- (1) Front setback: minimum zero, maximum 20 feet, except that a larger maximum may be allowed if a) surrounding buildings have a larger setback, in which case the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard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

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

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

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

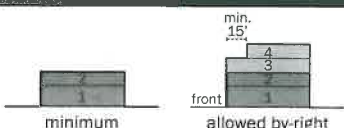
Figure 21-0: Illustrative View of Proposed Linkage Zoning Requirements



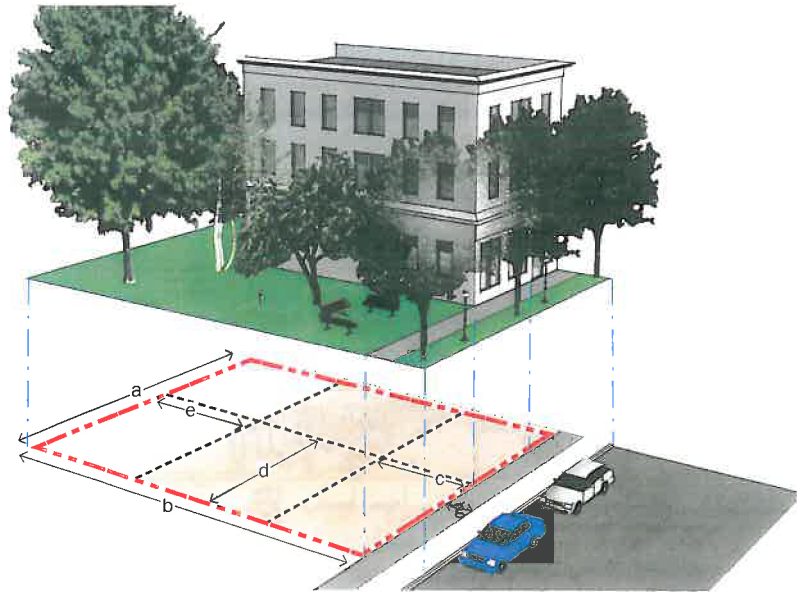
- (10) Linkage Zone standards.

Figure 21-1: Linkage Zone Standards

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

BUILDING HEIGHTS	
	
minimum	allowed by-right

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



See text for exceptions and clarifications to Figure 21-1

E. Frontage types.

(1) The following building frontage types are permitted:

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

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

Figure 21-2: Illustrative View of Storefront Frontage Type

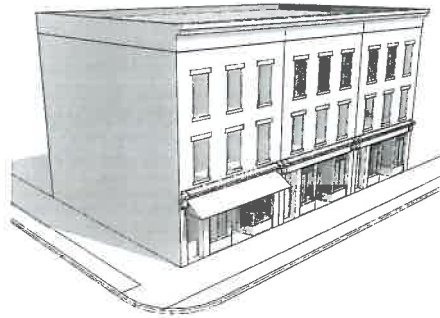


Figure 21-3: Section View of Storefront Frontage Type

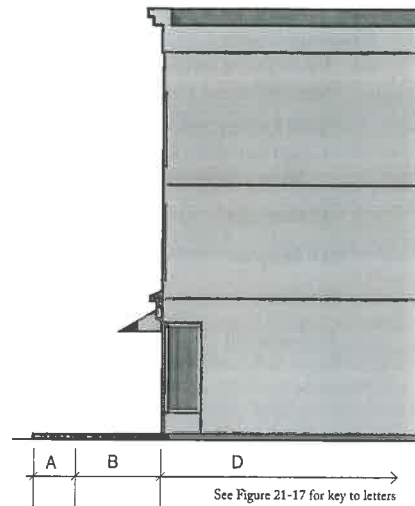
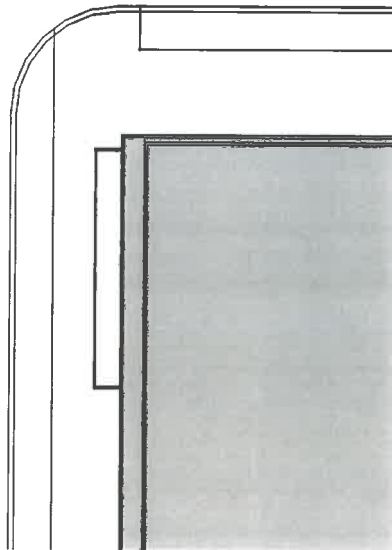
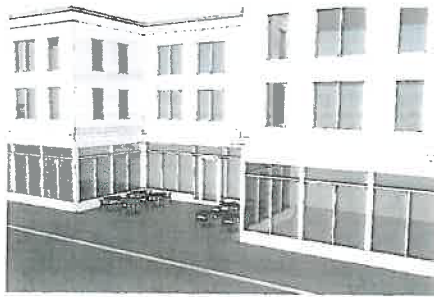


Figure 21-4: Plan View of Storefront Frontage Type



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

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



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

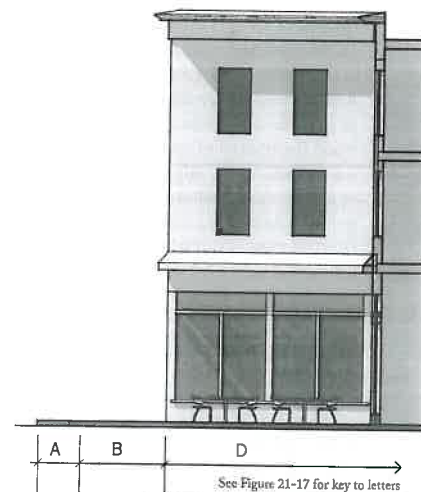
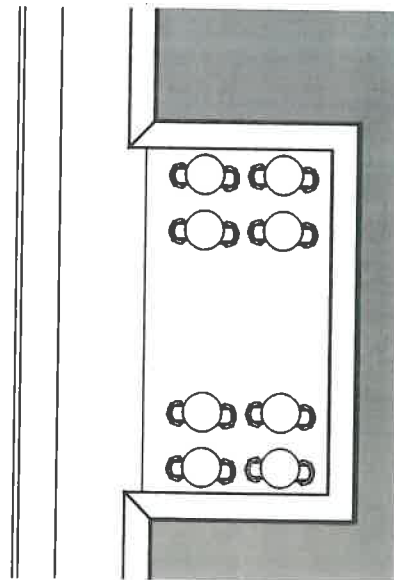


Figure 21-7: Plan View of Forecourt Frontage Type



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

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

Figure 21-8: Illustrative View of Stoop Frontage Type

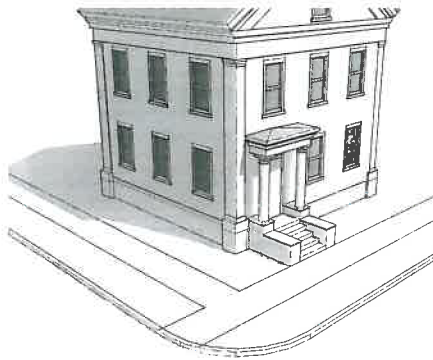


Figure 21-9: Section View of Stoop Frontage Type

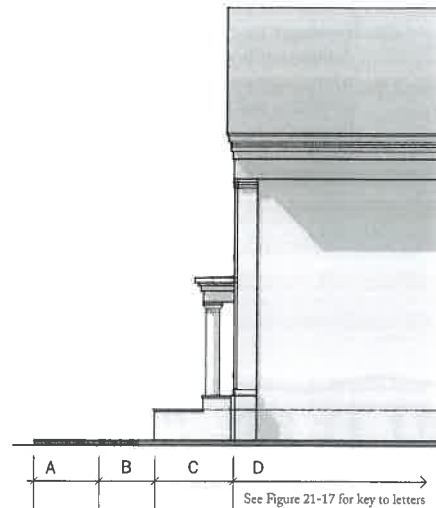
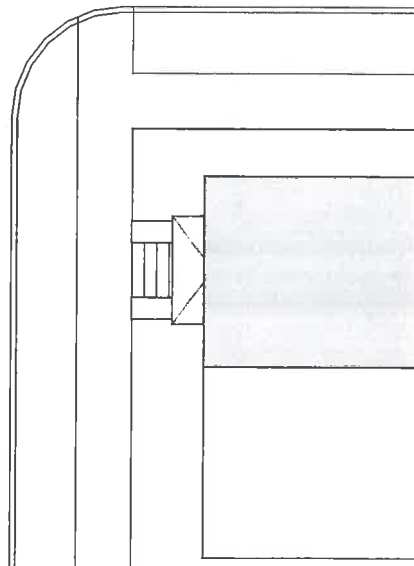


Figure 21-10: Plan View of Stoop Frontage Type



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

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

Figure 21-11: Illustrative View of Porch Frontage Type

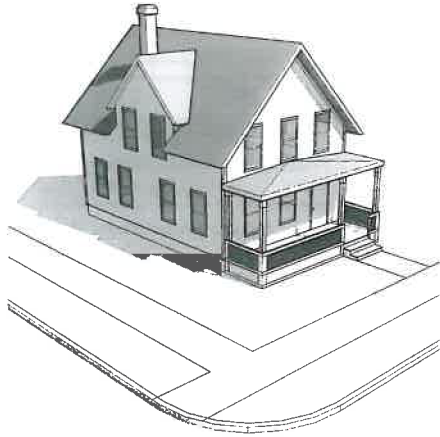
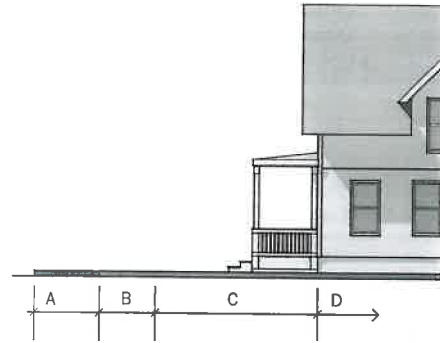
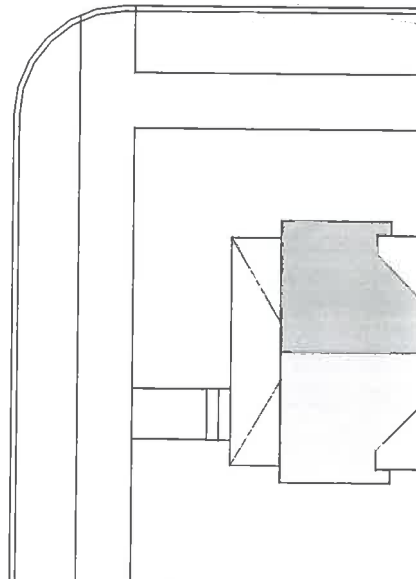


Figure 21-12: Section View of Porch Frontage Type



See Figure 21-17 for key to letters

Figure 21-13: Plan View of Porch Frontage Type



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

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

Figure 21-14: Illustrative View of Lightwell Frontage Type

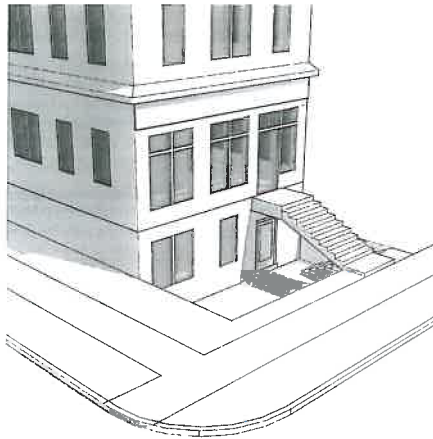
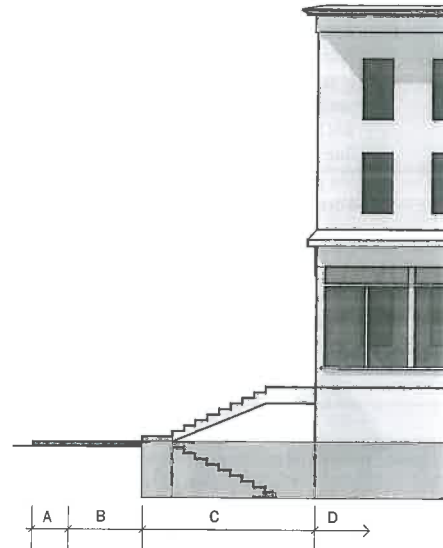
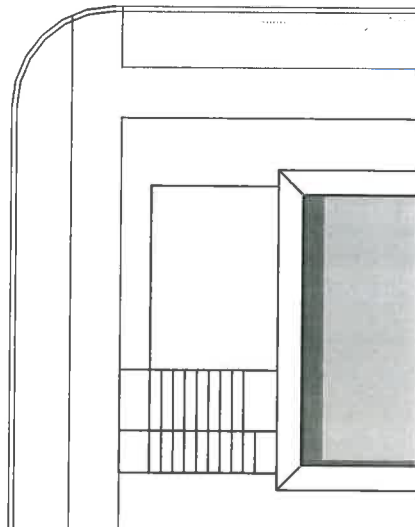


Figure 21-15: Section View of Lightwell Frontage Type



See Figure 21-17 for key to letters

Figure 21-16: Plan View of Lightwell Frontage Type



F. Parking location and quantity.

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

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

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

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

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

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

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

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

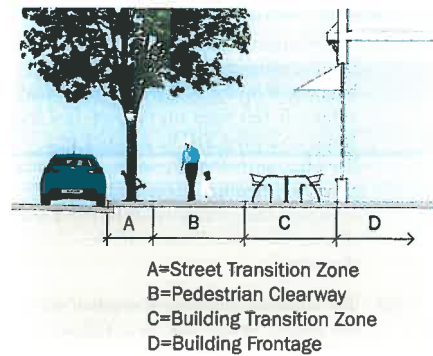
- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For small preexisting lots where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

G. Streetscape improvements.

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

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

Figure 21-17: Parts of the Streetscape



H. Site plan review/special permit procedures and criteria.

- (1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building or group buildings with 10,000 square feet or less in footprint area, as follows:
- (a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.
 - (b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article and is consistent with the general intent of the Linkage Plan.
 - (c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.
 - (d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application,

stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.

- (2) For projects with over 20,000 square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control. **[Amended 7-21-2014 by L.L. No. 11-2014; 4-3-2017 by L.L. No. 5-2017]**
 - (3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.
 - (4) After completion of construction for a new building, the applicant shall submit as-built plans to the Building Inspector showing the exact location of all site alterations and construction.
- I. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change of use and/or a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.
 - J. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this chapter (Affordable-Workforce Housing).
 - K. Design standards.

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

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

- (6) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet into the front setback and over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (7) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (8) Primary individual window proportions shall be greater in height than in width. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.
- (9) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the first-floor facades.
- (10) Finish building materials should be wood, brick, traditional cement-based stucco, stone or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link fencing shall not be permitted. **[Amended 7-21-2014 by L.L. No. 11-2014]**
- (11) Materials and colors should complement historic buildings on the block.
- (12) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of

20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.

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

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

Figure 21-18: Design Standards Examples A



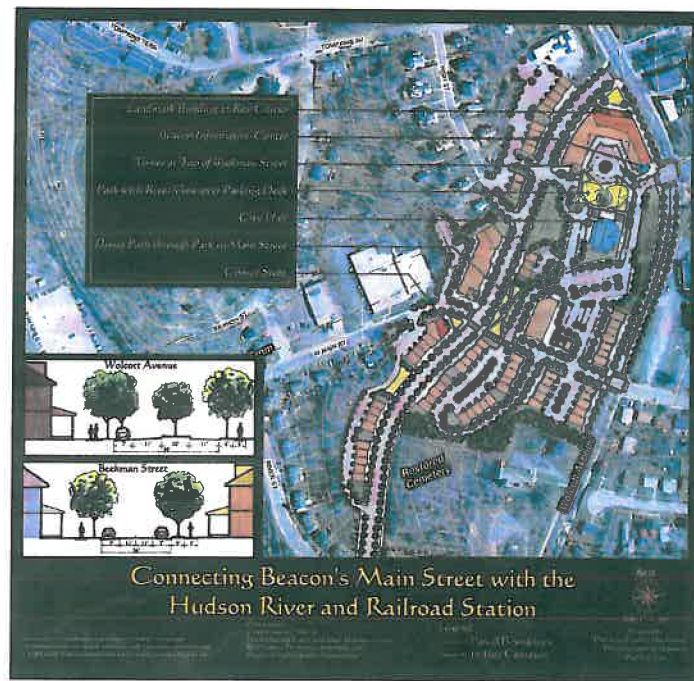
Figure 21-19: Design Standards Examples B



Figure 21-20: Design Standards Examples C

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

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



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

§ 223-41.1. Purpose.

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

§ 223-41.2. Regulations.

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

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

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

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

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

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

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

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

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

(6) Piers, docks, marinas and boat launching facilities.³

(7) Charter boat businesses.⁴

C. Special permit uses. The following uses require a special permit from the City Council, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017⁵]**

(1) Food trucks and temporary food stands.

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

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

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

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

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

(7) Charter boat businesses.

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

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

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

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

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

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

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

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

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

(2) City Council review of special permit application.

(a) Environmental compliance.

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

(b) City Council referrals.

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

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

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

may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

- (6) Revisions to special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the City Council or its designee. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
- H. Site development plan review. Site plans for proposed Waterfront Park projects shall be reviewed pursuant to this subsection.
- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:
 - (a) Information to establish that the proposed site plan meets the waterfront park standards set forth in Subsection I.
 - (b) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
 - (c) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (d) Application fees as may be required pursuant to Subsection E.
 - (2) Planning Board review of site plan.
 - (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development.
 - (b) In acting on any site development plan application, the Planning Board shall take into consideration any

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

- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the approved site plan when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize

the Engineer or Building Inspector to approve the requested change.

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

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

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

growing conditions of the shoreline environment and this climatic zone.

- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.
- (8) Signage.
 - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
 - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. Waterfront Park developments should be encouraged to provide pedestrian public access in a manner which:
 - (a) Enhances existing public access opportunities at the riverfront, in furtherance of the LWRP and the state's coastal policies; and
 - (b) Coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate further linkages in a continuous pedestrian path system.
- (11) Off-street parking and loading:
 - (a) General parking requirements.

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

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

(b) Parking requirements:

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

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

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

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

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

[1] General.

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

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

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

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

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

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

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

[c] Valet parking.

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

(12) On-site utilities and services.

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

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

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

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

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

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

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

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

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

- C. Special permit uses. The following uses require a special permit from the Planning Board, pursuant to the provisions set forth in Subsection F: **[Added 4-3-2017 by L.L. No. 5-2017⁹]**
- (1) Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities.
 - (2) Conference centers.
 - (3) Other uses similar to the above uses as determined by resolution of the City Council.
- D. Permitted accessory uses. Permitted accessory uses shall be as follows: **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Public festivals, street fairs, craft and art fairs and concerts. (Requires prior approval from City Council under § 23-7 of the City Code.)
 - (2) Uses customarily incidental to permitted uses, and support facilities necessary to serve permitted uses.
 - (3) Public garages and off-street parking.
 - (4) Enclosed storage.
 - (5) Rooftop gardens, greenhouses and solar collectors.
 - (6) Public or semipublic accessory uses, such as bandshells, kiosks and gazebos.
- E. Procedure for review of waterfront development proposals. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Each waterfront development project shall require:
 - (a) Special permit approval by the Planning Board; and
 - (b) Site plan approval by the Planning Board.
 - (2) The Planning Board's review of a special permit application for a waterfront development project or projects shall also include review of a waterfront development concept plan, which contains a proposed designation of the appropriate land uses, or a range of land uses, for the overall development of the site. The purpose of this review is to assure that the site will be developed in accordance with an overall

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

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

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

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

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

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

- (d) An indication of the appropriate number of parking and loading spaces in relationship to their intended use, accompanied by a description of any alternative means of parking to be utilized.
 - (e) A general indication of any phasing of construction.
 - (f) The general configuration of the interior road system and connection/access to the adjoining road system.
 - (g) Waterfront development concept plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site.
 - (h) The general configuration of the pedestrian circulation system, including the general location of any public access to or along the riverfront, and the connection of such pedestrian passageways to adjoining properties.
 - (i) The proposed architectural treatment of views and viewing points from the site to the Hudson River; to the site from the Hudson River and from Riverfront Park and Dennings Point; and over the site from any viewsheds identified in the LWRP.
 - (j) Descriptions, sketches and elevations showing the general architectural treatment and design scheme contemplated for the entire development and specifically for any public spaces or major elements of the site plan.
 - (k) Such additional information as the Planning Board may deem necessary in order to properly evaluate the application.
- (2) Planning Board review of special permit and waterfront development concept plan application.
- (a) Environmental compliance.
 - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
 - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures

after identifying all involved and interested agencies, as provided by law.

- [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.
 - [4] To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and waterfront development concept plan review. When a SEQR hearing is to be held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.
 - [5] Notwithstanding Subsection F(2)(a)[1] through [4] immediately above, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, and where a lead agency has been established and has scoped a DEIS for the overall waterfront development project, said phase (or phases) may be segmented for the purposes of environmental review in accordance with the provisions of SEQR. In such case, the lead agency shall require the preparation of a full environmental assessment form (EAF) for its use in rendering a determination of significance regarding said phase(s). Further, the lead agency shall notify all involved and interested agencies that the phase(s) will be segmented and shall send a copy of the EAF with said notification.
- (b) Special permit approval. The Planning Board may authorize the issuance of a special permit for a waterfront

development project, provided that it shall find that the following conditions and standards have been met:

- [1] The proposed waterfront development project will fulfill the purposes of the waterfront development zone.
- [2] The proposed waterfront development project meets the Waterfront Development Design Standards set forth in § 223-41.4J, to the extent applicable at the special permit stage.
- [3] The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.
- [4] The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.
- [5] The proposed land uses will be in accordance with the approved waterfront development concept plan.
- [6] The proposed waterfront development uses meet the standards of § 223-41.4B.
- [7] The proposed project is otherwise in the public interest.

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

(3) (Reserved)

(4) Time periods for development pursuant to special permit. At the time of approving a special permit, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within

the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

- (5) Revisions to waterfront development special permit. After approval of a waterfront park special permit, any proposed revisions in the approved special permit shall be submitted to the Planning Board or its designee. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
 - (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4F(2)(a)[5] herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the Planning Board; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to site development plan review and approval for said phase(s) in accordance with Subsection H immediately below.
- H. Site development plan review. After approval of the waterfront development special permit the Planning Board may grant site plan approval to a waterfront development project. **[Amended 4-3-2017 by L.L. No. 5-2017]**
- (1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this Zoning Ordinance. In addition, the applicant shall submit the following:
 - (a) Information to establish that the proposed site plan meets the waterfront development standards set forth in Subsection I.

- (b) Information to establish that the proposed site plan is in substantial conformance with the approved waterfront development concept plan.
 - (c) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
 - (d) Information to establish the relationship of the proposed project to later elements of the development of the site, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
 - (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (f) Application fees as may be required pursuant to Subsection E.
- (2) Planning Board review of site plan.
- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire peninsula, as it is finally developed.
 - (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed location, height and buffer of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that

pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the waterfront development standards set forth in Subsection I.

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

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

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

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

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

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

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

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

- (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the shoreline environment and this climatic zone.
- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.
 - (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.
- (8) Signage.
 - (a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
 - (b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.
- (9) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other access ways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.
- (10) Public access. While development in WD north area is expected to be primarily residential, development in WD south area is expected to accommodate public access to the MNRR station and Beacon waterfront. This will require

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

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

(11) Off-street parking and loading.

(a) General parking requirements.

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

(b) Parking requirements.

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

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

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

[1] General.

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

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

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

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

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

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

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

[c] Valet parking.

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

(12) On-site utilities and services:

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

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

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

§ 223-41.5. Definitions.

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

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

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

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

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

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

- A. Minimum lot size: one acre. (NOTE: The minimum lot size shall be two acres for those uses requiring a special permit from the City Council.)
- B. Maximum building coverage: 20%.
- C. Maximum floor area ratio: 0.5.
- D. Minimum building setback from mean high water line: 10 feet.
- E. Maximum building height: 2 1/2 stories/35 feet. (NOTE: All habitable stories must be elevated above the one-hundred-year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for business purposes shall not be counted as a story.)

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

- A. Minimum site size: five acres.
- B. Maximum height.
 - (1) Area north of West Main Street (see illustration¹²): Average of four stories of residential/mixed use over parking. Height may not exceed average of 75 feet from average ground level of the existing Metro-North parking.
 - (2) Area south of Light Industry (LI) zone (see illustration¹³): Average of three stories of residential/mixed use over

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

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

parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

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

C. Maximum floor area ratio (excluding parking).

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

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

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

City of Beacon Workshop Agenda
4/27/2020

Title:

Proposed Local Law to Amend Chapter 223 Section 41.18.E(7) of the Code of the City of Beacon Regarding 4th Floors in the Central Main Street District

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Amend Chapter 223 Section 41.18.E(7) of the Code of the City of Beacon Regarding 4th Floors in the CMS	Local Law
Memorandum from City Councilmember Dan Aymar-Blair Regarding Fourth Floors in the CMS	Cover Memo/Letter

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§ 223-41.18 Regulations.

....

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

....

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

waiver is consistent with the goals of promoting the public health, safety and general welfare of the community.

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the

numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 4. Severability

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

Section 5. Effective Date

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

MEMORANDUM

TO: Mayor Kyriacou, Beacon City Council

CC: Anthony Ruggiero, Nicholas Ward-Willis, John Clarke

FROM: Dan Aymar-Blair, City Councilmember Ward 4

DATE: Friday, March 6, 2020

RE: Public benefit requirements for building height special permits in the CMS District

BACKGROUND

The current version of the ‘Proposed Local Law To Amend Chapter 223, Section 41.18.E(7) of The Code Of The City Of Beacon’ requires proposed development projects to include special public benefit for the Planning Board or City Council (when a proposed building is in or adjacent to the Historic District and Landmark Overlay Zone) to approve a building height special permit. It reads:

“All such building height special permits shall also require a specific public benefit as determined by the City Council or Planning Board, such as additional below-market-rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, additional parking spaces available for general public use, green building or renewable energy features beyond what is required by code, or the construction and/or maintenance of public plaza space, or green space.”

The intent of this section of the proposed local law partly satisfies public demand for more affordable housing, commercial space, and sustainable building. That is, the language reflects the values of our community, specifically feedback we heard in the development forums.

Faculty from Pace University Land Use Law Center affirm that we are on the right path. Pace faculty stated that the best means for municipalities to exact public benefits from new development are through precise criteria written into special use permits, site plan approvals, and other opportunities where municipal boards vote on a project. They also held that the more precisely the law sets forth the public benefit criteria, the better for all parties.

This proposal for a *public benefit scoring rubric* seeks to provide this precision where the current draft local law says “as determined by the City Council or Planning Board”. The rubric also

provides flexibility, simplicity, and predictability for city officials, special use permit applicants, and the public.

PUBLIC BENEFIT SCORING RUBRIC

A ‘Public Benefit Scoring Rubric’ provides clear direction on what the City of Beacon considers a public benefit for this special permit. The categories of public benefit in the law are unchanged:

- Additional below-market-rate housing above what would be otherwise mandated in Article IVB
- Commercial uses included on upper floors
- Additional parking spaces available for general public use
- Green building or renewable energy features beyond what is required by code
- Construction and/or maintenance of public plaza space, or green space

Proposals are judged to meet the City’s public benefit threshold by attaining a minimum score based on the size of the lot.

Lot Size	Examples	Minimum Public Benefit Score
≤ 5,000 sq. ft.	208 Main Street	3 points
≤ 10,000 sq. ft.	226 Main Street	5 points
> 10,000 sq. ft.	344 Main Street	7 points

Up to 4 points are attainable in each category. How to achieve a score in each category is easily understood and clearly laid out in a table format. Applicants may select any number of building features and/or uses from the table to achieve their minimum score.

This approach accounts for necessary flexibility, simplicity, and predictability:

- Flexibility: Every lot is unique, with its own character, context, and dimensions. The scoring rubric gives applicants options that best fit their project while still meeting the public’s expectations.
- Simplicity: A menu of public benefits organized by category and score makes it easy for applicants to identify a suite of solutions for their project.
- Predictability for Applicants: From day one, applicants will have all of the information they need to design public benefits into their project. The scoring rubric alleviates the burden of lengthy and sometimes costly negotiations.
- Predictability for the City: A common standard is applied to all projects and, thus, questions of fairness are less likely to arise, as could happen with the current language.

The following is a draft public benefit scoring rubric.

Public Benefit	Applicability	1-Point Requirement	2-Point Requirement	3-Point Requirement	4-Point Requirement
Additional below-market-rate housing	Buildings without a requirement (<10)	+1	+2	+3	+4
	Buildings with a requirement (10+)	+10%	+20%	+30%	+40%
Commercial uses included on an upper floor	All buildings	20% of total upper floor square footage	40% of total upper floor square footage	60% of total upper floor square footage	80% of total upper floor square footage
Additional parking spaces available for general public use	All buildings	2	4	6	8
Green building features	All buildings	Low-cost	Medium-cost	Large-cost	Significant cost
Renewable energy features	All buildings	25% of building's projected usage	50% of building's projected usage	75% of building's projected usage	100% of building's projected usage
Construction and/or maintenance of public plaza space or green space	All buildings	Board's discretion: Points may be given for creativity, community use, maintenance, etc.			
Other	All buildings	Board's discretion: Other public benefits may include exceptional architectural features visible from the street, public art, etc.			

CONSIDERATIONS

- Values in the grid may need to be refined as we apply them to real-world examples. (See Appendix A)
- Green building features will require some examples.
- Public plazas and green spaces are difficult to quantify and could instead be scored cumulatively based on features, use, and access.
- The City Planner, John Clarke, gave several points of feedback most of which has been used to strengthen the proposal. John provided the lot size ranges, but held that such thresholds could be considered arbitrary. Thresholds may exist elsewhere in the city code, but this warrants discussion.

Appendix A - Scenarios

Small Project

Requirement: 3 points

On a narrow lot between two buildings, Project S is constrained in multiple ways. This 6-unit residential proposal has no space to give for parking and parks. Fortunately, because Project S will be taller than the adjacent buildings, solar panels can be installed to generate 25% of the building's projected electricity usage. (1 point) To fulfill the remaining requirement, the applicant replaces the fourth floor apartment with office space (1 point) and incorporates an authentic architectural artefact to the facade of the building. (1 point)

Medium Project

Requirement: 5 points

Project M is on a corner lot and was always intended to include one floor of commercial space (2 points). Recognizing the prominence of the corner to tourists and locals alike, the applicant adds a decent-sized pollinator and rain garden on the corner (2 points) centered around a tall sculpture from a famous local artist (1 point).

Large Project

Requirement: 7 points

On a lot loaned to a community food-insecurity project for five years, Project L occupies a full city block and is required to include 2 affordable housing units. By building up to four floors, the applicant frees up some ground space for achieving their public benefits. The applicant makes two parking spaces available for general use (1 point) and paves the parking lot with pervious paving blocks (3 points). The south end of the lot includes space for four large garden beds, compost, and beekeeping to be managed by the community project (2 points). The applicant adds one unit of affordable housing (1 point) to satisfy their public benefit requirement.

City of Beacon Workshop Agenda
4/27/2020

Title:

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

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposed Local Law to Amend Chapter 223 Section 61.3 of the Code of the City of Beacon Regarding Noticing Public Hearings	Local Law
Memorandum from the City of Beacon Planning Board Regarding Noticing Public Hearings	Cover Memo/Letter

DRAFT LOCAL LAW NO. ____ OF 2020

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

§ 223-61.3 Hearing notice requirements.

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

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

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

C. Public notice signs.

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

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

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.

- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period.
- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. Effective Date

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

TO: Mayor Lee Kyriacou and City Council Members

FROM: Etha Grogan for Planning Board Chairman Gunn and Planning Board Members

RE: City Council request to review Proposed Local Law regarding Noticing of Public Hearings

DATE: April 15, 2020

At the April 14, 2020 Planning Board meeting, members reviewed proposed amendments to Chapter 223, Section 61.3 regarding Noticing of Public Hearings as requested. A comprehensive review and discussion about the proposed amendments took place with City Attorney Jennifer Gray.

Members discussed adding language to the local law to authorize the approval authority to waive or modify certain public notice requirements if warranted by the circumstances. For example, the approval authority should have discretion to modify the public hearing requirements not otherwise required by State law in the event an applicant misses the deadline for posting a public notice sign by a day or two. Otherwise, this de minimus variation would require the public hearing to be delayed for a month until the next Planning Board meeting. Members also questioned why the deadline for sign posting would be different for each board, as proposed in the local law. The current deadline for posting public notice signage is 14 days prior to the public hearing. That is also the submission deadline for applications before the Planning Board. Practically speaking, this means that on that date the Applicants are submitting their materials to the Building Department, the Building Department is preparing signs for pick up by the Applicant, and the Applicant is posting the signs all on the same day. If the Applicant is unable to post the sign that day the public hearing cannot open two weeks later. For these reasons, the Planning Board discussed making the sign posting deadline consistent with the proposed deadline for applications before the City Council – 10 days prior to the public hearing. Lastly, the Planning Board was curious about the Council's intent to increase the notification radius for certain types of applications. The Board recommended clarification of the language because as drafted it could be construed to mean the notice radius is based on the classification of the recipient of the notice, not the classification of the application for the subject property.

The Planning Board's discussion resulted in the following recommendations:

1. The deadline for public notice sign posting should be changed to 10 days for applications for all boards.
2. Add the following waiver provision: "Modifications to notification requirements. The approval authority may modify or waive the notification requirements as described herein unless required elsewhere by county or state law."
3. Clarify language in Section 223-61.3(B) to make clear that the classification of the application for the subject property determines the public notice radius – not the classification of the recipient.

After careful consideration of the purpose of proposed amendments, members recommended the aforementioned items should be considered when the matter is addressed by the City Council. Should you have any questions or require additional information, please feel free to contact me.

City of Beacon Workshop Agenda
4/27/2020

Title:

Greenway Trail Projects

Subject:

Background:

City of Beacon Workshop Agenda
4/27/2020

Title:

Proposed Amendment to an Easement for a Pedestrian Walkway at the West End Lofts

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Authorizing an Amendment to a Pedestrian Walkway Easement	Resolution
Memorandum from West End Lofts Regarding Pedestrian Walkway Easement	Cover Memo/Letter

**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ___ OF 2020

**RESOLUTION AUTHORIZING AN AMENDMENT TO THE PEDESTRIAN
WALKWAY EASEMENT AND MAINTAINANCE AGREEMENT REGARDING
THE “WEST END LOFTS” PROJECT**

WHEREAS, The Kearney Realty & Development Group, Inc. and its affiliates (collectively, “KRG”) obtained Site Plan approval from the City of Beacon Planning Board on or about September 13, 2017, for land development activity on certain property located in the City of Beacon and identified as Tax Map Parcel Nos. 5954-26-684943, 5954-26-690923 and 5954-26-708967 (the “Property”), pursuant to certain drawings and plans generally entitled “West End Lofts,” Sheets 1-4, dated March 28, 2017 prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. (the “Project”); and

WHEREAS, the Project consists of the construction of three (3) 3-4 story buildings containing a total of 98 apartments, along with associated infrastructure; and

WHEREAS, on March 28, 2018 the City Council authorized a Pedestrian Walkway Easement and Maintenance Agreement among the City and the owners of the Property to establish a public walkway for pedestrian ingress and egress connecting to the walkway located on the adjacent property commonly known as The View, Tax Map Parcel No. 5954-24-660924, such that the walkway extended from Beekman Street toward Wolcott Avenue, which agreement was recorded in the Dutchess County Clerk’s Office on April 11, 2018 as Document #02 2018 2648 (“Existing Easement”); and

WHEREAS, the as-built location of the walkway has changed from that which was described in the Existing Easement in order to accommodate a connection with the walkway on The View parcel; and

WHEREAS, KRG, on behalf of the Property owners, presented to the City Council an Amendment to Pedestrian Walkway Easement and Maintenance Agreement (“Easement Amendment”) which modifies the location of the easement area to reflect the as-built condition.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Easement Amendment for said purpose, along with all documents as may be necessary for the recording of such amendment, subject to review and approval by the City Attorney.



April 21, 2020

VIA EMAIL

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

Re: West End Lofts Apartments Pedestrian Easement

Dear Nick:

I am writing to request that the City of Beacon join our clients, West End Lofts Housing Development Fund Company, Inc., West End Lofts Limited Partnership and The Kearney Realty & Development Group Inc., in executing and recording an amendment to the Pedestrian Walkway Easement and Maintenance Agreement entered into among the City of Beacon and our clients and recorded in the Dutchess County Clerk's Office as Document #02-2018-2648, a copy of which is attached hereto for your convenience (the "Easement").

An amendment to the Easement is required to correct the location of the pedestrian walkway, as constructed. As the drawings that are attached to this letter show, our client found it necessary to extend the length of the pedestrian walkway on the West End Lofts site in order to line the walkway up with the walkway that was constructed on the adjoining property of DMS Consolidators (the walkway on the DMS property was not constructed within the original planned easement area).

The amendment we are preparing will only amend the location of the City's easement as described in the schedules to the Easement. The body of the Easement will remain unchanged. We will provide you with a draft of the amendment as soon as the surveyor has prepared the revised metes and bounds easement description. We expect to receive the description later this week.

Thank you for your assistance with this matter, and please contact me if you or your client have any questions.

Very truly yours,

Cannon Heyman & Weiss, LLP

A handwritten signature in black ink that reads 'Melissa M. Beskid'.

Melissa M. Beskid

Attachments

CC: Kenneth Kearney
Sean Kearney



Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 4/11/2018

Time Recorded: 2:30 PM

CANNON HEYMAN & WEISS LLP
54 STATE ST
5TH FL
ALBANY, NY 12207

Document #: 02 2018 2648

Received From: ALL NEW YORK TITLE AGENCY INC

Grantor: WEST END LOFTS HOUSING DEVELOPMENT FUND CO
INC

Grantee: BEACON CITY

Recorded In: Deed
Instrument Type: EASE

Tax District: City of Beacon

Examined and Charged As Follows :

Recording Charge: \$100.00
Transfer Tax Amount: \$0.00
Includes Mansion Tax: \$0.00
Transfer Tax Number: 5628

Number of Pages: 11

*** Do Not Detach This Page

*** This is Not A Bill

Red Hook Transfer Tax:

RP5217: N
TP-584: Y

County Clerk By: cba
Receipt #: 12115
Batch Record: 134

Bradford Kendall
County Clerk



0220182648

EASE
10
CIB
100
95
5
100

**PEDESTRIAN WALKWAY EASEMENT
AND MAINTENANCE AGREEMENT**

THIS PEDESTRIAN WALKWAY EASEMENT AND MAINTENANCE AGREEMENT (the "Agreement") is made as of the 28th day of March, 2018, by and among **WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC.**, a not-for-profit corporation organized pursuant to Article XI of the Private Housing Finance Law of the State of New York, having an address c/o Hudson River Housing, Inc., 313 Mill Street, Poughkeepsie, New York 12601 (the "HDFC"), **WEST END LOFTS LIMITED PARTNERSHIP**, a New York limited partnership having an address c/o The Kearney Realty & Development Group Inc., 34 Clayton Boulevard, Suite A, Baldwin Place, New York 10505 (the "Partnership" and together with the HDFC and their respective successors and assigns, the "Lot 1 Owner"), **THE KEARNEY REALTY & DEVELOPMENT GROUP INC.**, a New York corporation having an address at 34 Clayton Boulevard, Suite A, Baldwin Place, New York 10505 (the "Lot 2 Owner" and together with the Lot 1 Owner and their respective successors and assigns, the "Grantor"), and the **CITY OF BEACON**, a municipal corporation, having its principal office located at 1 Municipal Plaza, Beacon, New York 12508 (the "Grantee" or the "City"). Grantor and Grantee may individually be referred to herein as a "party" and collectively, as the "parties".

WITNESSETH:

WHEREAS, the Lot 1 Owner is the record and beneficial owner of a +/-1.929 acre parcel of real property, located in the City of Beacon, Dutchess County, New York, shown and designated as "Proposed Lot 1" ("Lot 1") on a certain subdivision map prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. entitled "West End Lofts", filed in the Office of the Dutchess County Clerk on March 27, 2018, as Filed Map No. 9899A (the "Subdivision Map"), and more particularly described on Schedule "A" attached hereto, upon which it intends to construct a seventy-three (73) unit affordable housing project (the "Affordable Project"); and

WHEREAS, the Lot 2 Owner is the fee owner of a +/-1.162 acre parcel of real property, located in the City of Beacon, Dutchess County, New York, shown and designated as "Proposed Lot 2" on the Subdivision Map and more particularly described on Schedule "B" attached hereto ("Lot 2" and together with Lot 1, the "Premises"), upon which it intends to construct a twenty-five (25) unit market rate housing project (together with the Affordable Project, the "Apartment Complex"); and

WHEREAS, Grantor wishes to grant to Grantee, and Grantee wishes to accept, an easement and right-of-way for pedestrian ingress and egress only on, over, across and through the portion of the Premises depicted on the map attached hereto as Schedule "C-1" and described on Schedule "C-2", including the proposed improvements shown thereon (the "Easement Area"); notwithstanding the foregoing, the parties hereto understand and agree that the metes and bounds description attached as Schedule "C-2" hereto reflects the best estimate of the surveyor at the time of this Agreement, and an amendment to this Agreement replacing Schedule "C-2" with an updated metes and bounds description based on the as-built survey of the Premises will be filed following the completion of construction;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and in further consideration of the mutual covenants contained herein, and for other good and valuable

consideration, the receipt and sufficiency of which are hereby acknowledged by each party, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Grant of Easement. The Grantor hereby grants and releases unto the Grantee a public easement and right of way, for the people of the City of Beacon, its visitors, employees and the general public, for the limited purposes of pedestrian ingress and egress only on, over, across and through the Easement Area (the "Easement"). The pedestrian walkway shall be illuminated by lighting fixtures and equipment to be designated by the Building Inspector after consultation with the Grantor whose consent shall not be unreasonably withheld if the means of illumination do not adversely impact the Apartment Complex.

2. Prohibited Use/Access. Uses permitted pursuant to this Easement shall be limited to pedestrian ingress and egress on, over, across and through the Easement Area only (the "Permitted Use"). Uses other than the Permitted Use shall be prohibited. Prohibited uses of the Easement Area shall include, without limitation, the following: (i) loitering; (ii) use or riding of bicycles or skateboards; (iii) dumping or storage of any items including but not limited to trash, cigarettes, ashes, waste, sewage, garbage or other refuse, hazardous, toxic or offensive materials; (iv) the consumption of alcohol or carrying of open containers thereupon; (v) the use of illegal substances or any illegal conduct thereupon; and (vi) engaging in any conduct in violation of any federal, state or local law or regulation.

3. Grantor Covenants. The Grantor covenants that:

(a) Grantor shall not construct any improvements in the Easement Area other than what is shown on the approved plans entitled "West End Lofts", prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., approved by the City of Beacon Planning Board on February 14, 2018, and on file in the City of Beacon Building Department (with the exception of (i) any amendments to the plans that may be required by the New York State Housing Trust Fund Corporation, or amendments made by the City Planning Board at the request of property owner, and (ii) field changes authorized by the City Building Inspector), or otherwise obstruct or interfere with the Grantee's rights conferred herein; provided, however, that Grantor shall have the right, in its sole discretion, to widen or otherwise modify the pedestrian walkway (including the Easement Area) without Grantee's consent, subject to the issuance of all applicable permits from the City of Beacon, so long as the Permitted Use is not materially adversely affected and amendments to the Site Plan shall remain subject to all applicable requirements of the Code of the City of Beacon.

(b) Grantor shall at its sole cost and expense repair and maintain the Easement Area so that it can be utilized for the Permitted Use, including snow removal, resurfacing, lighting infrastructure and other improvements necessary to keep the walkway in good repair and available to the public at all times.

4. Grantee Covenants. The Grantee covenants that:

(a) Grantee shall not use, except in the performance of Grantee's governmental duties, or permit the public to use, the Easement Area for any purpose other than the Permitted Use.

(b) Grantee shall not use, or permit the public to use, any portion of the Premises outside of the Easement Area for any purpose whatsoever, including, without limitation, parking.

(c) Grantee shall not obstruct the Easement Area or in any way block access by residents of the Apartment Complex or the building located, or to be located, on Lot 2 as shown on the Subdivision Map, except in the performance of Grantee's governmental duties.

(d) In the event it is determined that use of the Easement Area by the public is causing disturbances to, or safety concerns for, the residents of the Apartment Complex, Grantee agrees to work with Grantor to remedy such disturbances and/or safety issues.

5. Indemnification. Grantee releases and also shall defend, indemnify and hold Grantor harmless, from and against all claims, damages, demands, losses, expenses, fines, causes of action, lawsuits, judgments or any other liabilities (including all reasonable attorneys' fees, consequential and punitive damages) for personal injuries and/or property damages arising out of, or resulting from, any use of the Easement Area or from Grantee's breach of any of the covenants contained herein, to the extent not caused by Grantor's negligence or willful misconduct. The duty to defend and indemnify shall be limited to available liability coverage of the City for the claim for which the City's insurer agrees to defend and indemnify the City. The City shall have no duty to defend or indemnify claims excluded by standard insurance endorsements, such as intentional torts. Limitations on defense shall not be triggered by disclaimer due to late notice by the City to the insurer or by cancellation of liability insurance coverage due to fault of the City including, but not limited to non-payment of premiums.

6. Insurance. Grantee and Grantor shall each furnish to the other a certificate of insurance evidencing commercial general liability coverage (including coverage of the City's contractual defense and indemnity set forth in Section 5) of at least \$1,000,000.00 combined single limit per occurrence, and not less than \$2,000,000.00 general aggregate coverage for bodily injury and property damage, naming the other party hereto as an additional insured. Grantee and Grantor shall also provide a minimum of \$5,000,000.00 excess liability coverage, naming the other party hereto as an additional insured which shall also be evidenced on the certificate of insurance. For so long as this Agreement shall remain in effect, the Grantee and Grantor shall maintain such insurance coverage, adjusted on every ten (10) year anniversary of the date hereof (each, an "Adjustment Date") based on the Consumer Price Index for All Urban Consumers (CPI-U); U.S. City Average; all items, not seasonally adjusted, 1982-1984=100 reference base, published by the Bureau of Labor Statistics, United States Department of Labor. The CPI-U used for such adjustments shall be the CPI-U last officially published prior to the last day of the month immediately preceding the Adjustment Date, as applicable, whether such CPI-U has been published on a quarterly, semi-annual, annual, monthly or other basis.

7. Run with the Land. This Easement granted herein shall run with the land and shall be binding upon the Grantor and the Grantee and their respective successors, heirs and assigns.

8. Non-Exclusive; Noninterference.

(a) Subject to the terms and conditions hereof, the Easement granted herein shall be non-exclusive.

(b) Notwithstanding anything herein contained to the contrary, for clarification, the Easement granted herein does not confer any rights with respect to ingress and egress from, over, across or through the residential buildings located or to be located on the Premises, or any other portions of the Premises located outside the Easement Area.

9. Notices.

(a) Any notice, approval, consent, bill, statement or other communication required or permitted to be given, answered or made by either party hereto to the other shall be in writing and shall be deemed to have been properly given or sent if provided to the parties, at their respective addresses recited in the opening paragraph of this Agreement, either by hand delivery or overnight express mail, or by registered or certified mail with the postage prepaid.

(b) Each party may designate a different address to which any notice, demand, request or communication may hereafter be so given, served or sent, by notice to the other party. Each notice, demand, request or communication to be delivered to the Grantor or the Grantee, in the manner aforesaid, shall be deemed sufficiently given, served or sent for all purposes hereunder at the time such notice, demand, request or communication is mailed or hand delivered as described in paragraph (a) above.

10. Severability. If any portion or portions of this Agreement is or are declared illegal or invalid, all other portions shall, to the maximum extent possible, remain in full force and effect.

11. Headings. The headings used in these provisions are for convenience only and shall not be used in interpreting these provisions.

12. Entire Agreement. This Agreement contains the entire agreement between the parties hereto as to the matters set forth herein and may not be changed, modified, altered or in any way amended, except by agreement amongst the parties (their successors and/or assigns) in a duly acknowledged writing and recorded in the office of the Dutchess County Clerk.

13. Non-Waiver. The waiver by either party of a breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by either party.

14. Counterparts. This Agreement may be executed in any number of counterparts and by different parties hereto on separate counterparts, each complete set of which, when so executed and delivered by all parties, shall be an original, but all such counterparts shall together constitute one and the same instrument.

15. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to the conflicts of laws principles thereof. Disputes shall be venued in Supreme Court, Dutchess County. The parties waive any right to trial by jury.

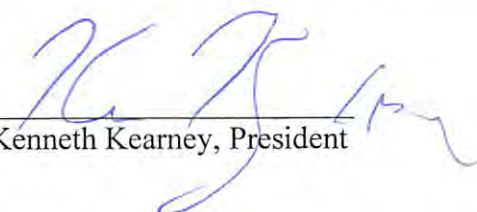
16. Lot Owner Responsibilities. Notwithstanding anything contained herein to the contrary or otherwise, the Lot 1 Owner and the Lot 2 Owner shall each be responsible to the Grantee hereunder solely for the obligations and liabilities in this Agreement pertaining to the parcel of real property owned by such Lot Owner.

Signature pages follow.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date and year first written above.

GRANTOR:

THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

By: 
Kenneth Kearney, President

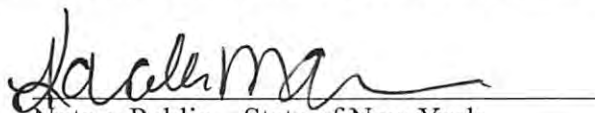
WEST END LOFTS LIMITED PARTNERSHIP

By: West End Lofts Associates, LLC, its Managing General Partner

By: 
Kenneth Kearney, Manager

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

On the 28th day of March in the year 2018, before me, the undersigned, personally appeared Kenneth Kearney, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public – State of New York

KARALEE MAZZAFERRO
Notary Public, State of New York
Qualified in Saratoga County
No. 01MA5059284
Commission Expires April 22, 2018

Signatures continued on next page.

WEST END LOFTS HOUSING DEVELOPMENT FUND COMPANY, INC.

By: Christa Hines
Christa Hines, Treasurer

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

On the 28th day of March, in the year 2018, before me, the undersigned, personally appeared Christa Hines, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Karalee Mazzafferro
Notary Public – State of New York

GRANTEE:

THE CITY OF BEACON

KARALEE MAZZAFERRO
Notary Public, State of New York
Qualified in Saratoga County
No. 01MA5059284
Commission Expires April 22, 20 18

By: Anthony Ruggiero
Anthony Ruggiero, City Administrator

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

On the 26th day of March in the year 2018, before me, the undersigned, personally appeared Anthony Ruggiero, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Sharon Stacey Jones
Notary Public – State of New York

Record & Return:

Cannon Heyman & Weiss, LLP
54 State Street, 5th Floor
Albany, New York 12207
Attn: Steven S. Heyman, Esq.

Section: 5954
Block: 26
p/o Lots: 688931 and p/o lot 708967
County: Dutchess

SHARON STACEY JONES
Notary Public, State of New York
No. 01JO6366551
Qualified in Westchester County
Commission Expires 10/30/2021

SCHEDULE A

Lot 1

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Beacon, County of Dutchess and State of New York, being known and designated as Proposed Lot Number 1 on a certain subdivision map entitled "Final Plat prepared for The West End Lofts, etc.," dated March 21, 2018, filed in the office of the Dutchess county Clerk on March 27, 2018 as Map Number 9899A, said Lot being more particularly bounded and described as follows:

BEGINNING at a point in the northwesterly line of Wolcott Avenue (aka Route 9D) as presently laid out at the intersection of the division line between lands of Grantee herein on the south and lands of the City of Beacon on the north, said point being located S 51°15'26" E a distance of 89.60' from the most easterly corner of Lot 2 as shown on a map entitled, "Final Subdivision Plat prepared for Beacon Ridge Associates, Inc., etc...."; filed in the Office of the Dutchess County Clerk on June 7, 1994 as map no. 9899;

THENCE along said line of Wolcott Avenue the following bearings and distances:

South 42°01'30" West a distance of 143.00';

South 44°14'19" West a distance of 133.01' and

South 42°17'27" West a distance of 221.65' to lands now or formerly of the Reformed Church of Beacon;

THENCE along same North 50°07'23" West a distance of 198.84' to a point in the line of Lot 1 as shown on said map no. 9899;

THENCE along the line of said Lot 1 of filed map no. 9899 North 41°16'37" East a distance of 235.87' to point;

THENCE through lands of the grantor herein South 58°46'49" East a distance of 36.99' and North 53°41'50" East a distance of 220.31' to the line of other lands of the Grantor herein being the easterly line of the herein described parcel;

THENCE along said lands South 82°17'55" East a distance of 75.86' and South 51°15'26" East a distance of 64.50' to the point and place of beginning

SCHEDULE B

Lot 2

ALL that certain plot, piece or parcel of land situate, lying and being in the City of Beacon, County of Dutchess and State of New York, being known and designated as Proposed Lot Number 2 on a certain subdivision map entitled "Final Plat prepared for The West End Lofts, etc.," dated March 21, 2018, filed in the office of the Dutchess county Clerk on March 27, 2018 as Map Number 9899A, said Lot being more particularly bounded and described as follows:

BEGINNING at a point in the southeasterly line of Beekman Street as presently laid out at the intersection of the division line between lands of the Grantor herein formerly lands of the City of Beacon known formerly as Main Street on the south and lands now or formerly of Central Hudson Electric and Gas on the north.

THENCE along said lands now or formerly of Central Hudson Electric and Gas North $88^{\circ}24'31''$ East a distance of 99.97'; to lands of the City of Beacon;

THENCE along said lands the following bearings and distances:

South $27^{\circ}05'43''$ West a distance of 128.53';
South $06^{\circ}28'35''$ West a distance of 56.01';
South $35^{\circ}00'00''$ East a distance of 34.67' and
South $82^{\circ}17'55''$ East a distance of 88.68' to a point

THENCE through lands of the grantor herein South $53^{\circ}41'50''$ West a distance of; 220.31' and North $58^{\circ}46'49''$ West a distance of 36.99' to an angle point in Lot 1 as shown on a map entitled, "Final Subdivision Plat prepared for Beacon Ridge Associates, Inc., etc...."; filed in the Office of the Dutchess County Clerk on June 7, 1994 as map no. 9899;

THENCE along same North $35^{\circ}00'00''$ West a distance of 135.07' to lands now or formerly of DMS Consolidators, Ltd. formerly being a portion of Beekman Street;

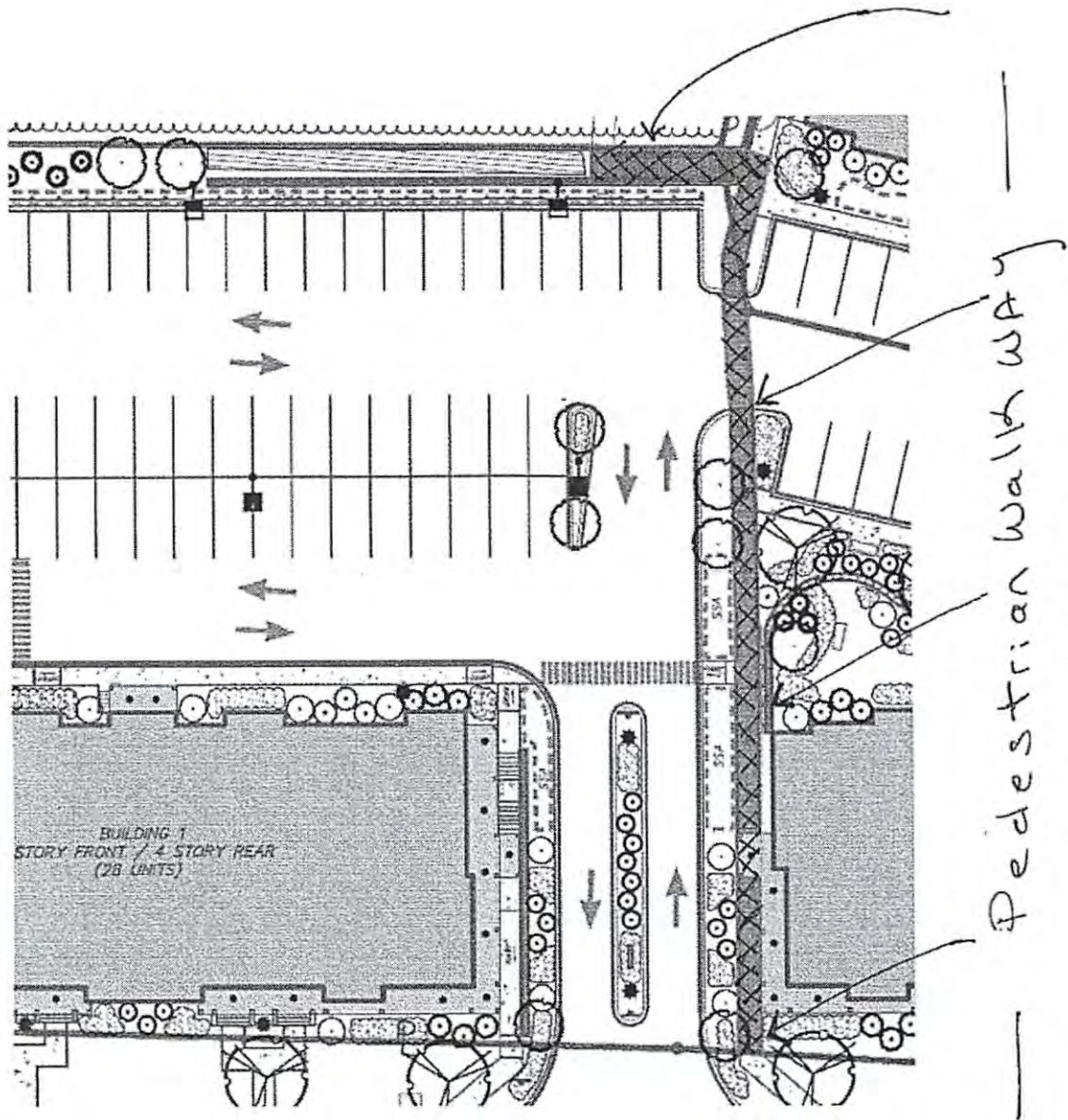
THENCE along same North $47^{\circ}03'30''$ West a distance of 38.75' to a point on a curve in said southeasterly line of Beekman Street through which point a radial bears South $35^{\circ}56'48''$ East;

THENCE along a curve to the left having a radius of 493.37', a central angle of $12^{\circ}15'54''$, an arc length of 105.61' to a point of tangency;

THENCE continuing along said southeasterly line of Beekman Street as currently laid out North $41^{\circ}47'18''$ East a distance of 81.95' and North $38^{\circ}09'31''$ East a distance of 63.67' to the point and place of BEGINNING.

Schedule C-1

Easement Area Depiction



Schedule C-2

Easement Area Metes and Bounds Description

Beginning at a point in the northwesterly line of Wolcott Avenue as currently laid out, said point being located N 42°17'27" E a distance of 221.65' and N 44°14'19" E a distance of 14.10' from a point at the intersection of the division line between Lot 2 as shown on a map entitled, "Final Subdivision Plat prepared for Beacon Ridge Associates, Inc., etc...."; filed in the Office of the Dutchess County Clerk on June 7, 1994 as map no. 9899 on the north and lands now or formerly of the Reformed Church of Beacon on the south with the northwesterly line of said Wolcott Avenue;

Thence from said point of beginning through lands of the Grantor herein the following courses and distances:

N 49°33'47" W a distance of 144.84',

N 51°45'29" W a distance of 34.30',

N 35°00'00" W a distance of 16.87',

S 40°47'12" W a distance of 33.92' and

N 48°43'23" W a distance of 8.25' to a point in the line of Lot 1 as shown said filed map no. 9899;

thence along same N 41°16'37" E a distance of 29.17' to a corner of said Lot 1;

thence through lands of the Grantor herein the following courses and distances:

N 41°16'37" E a distance of 11.76',

S 35°00'00" E a distance of 25.33',

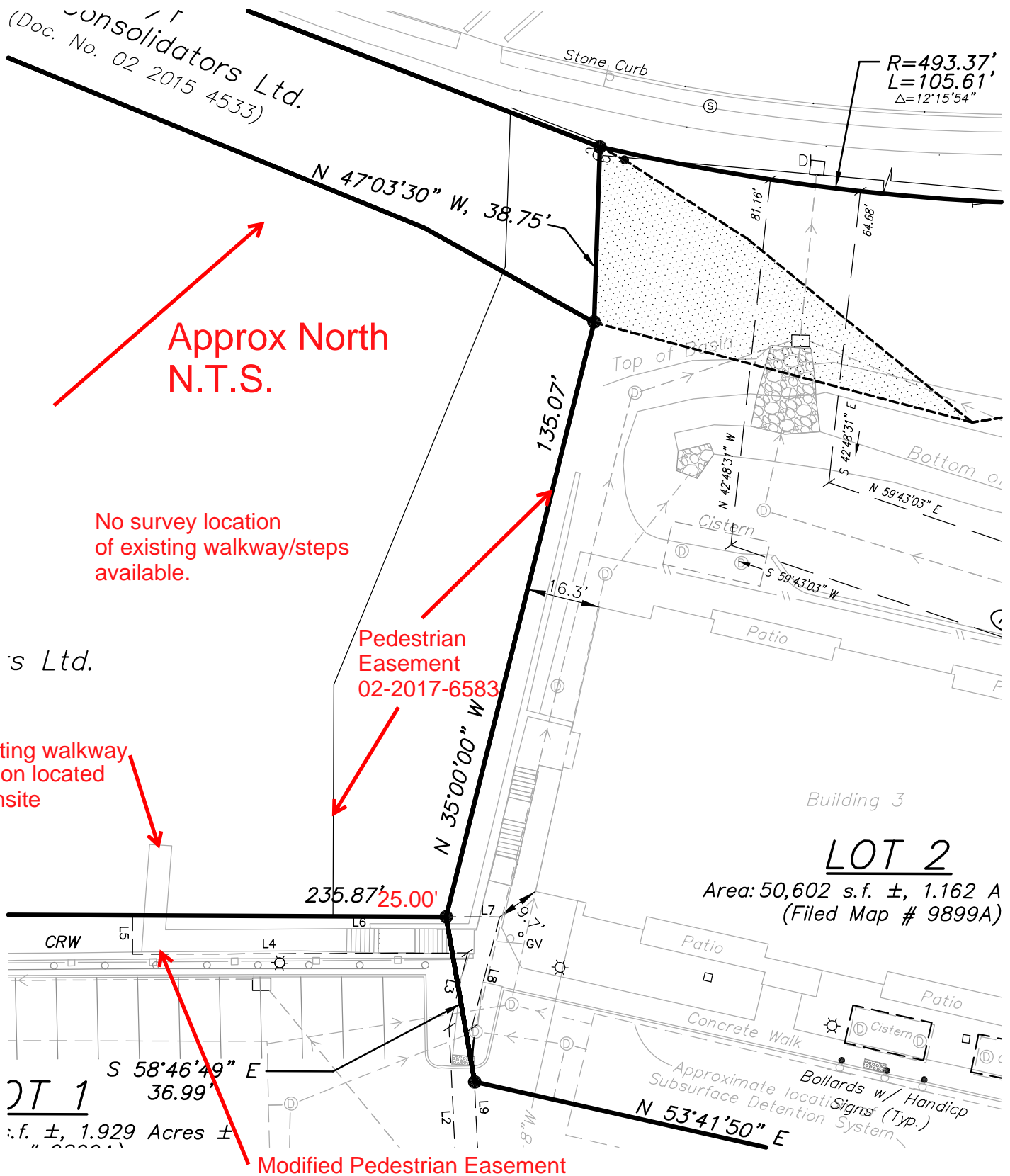
S 51°45'29" E a distance of 34.30' and

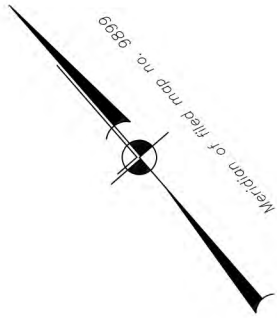
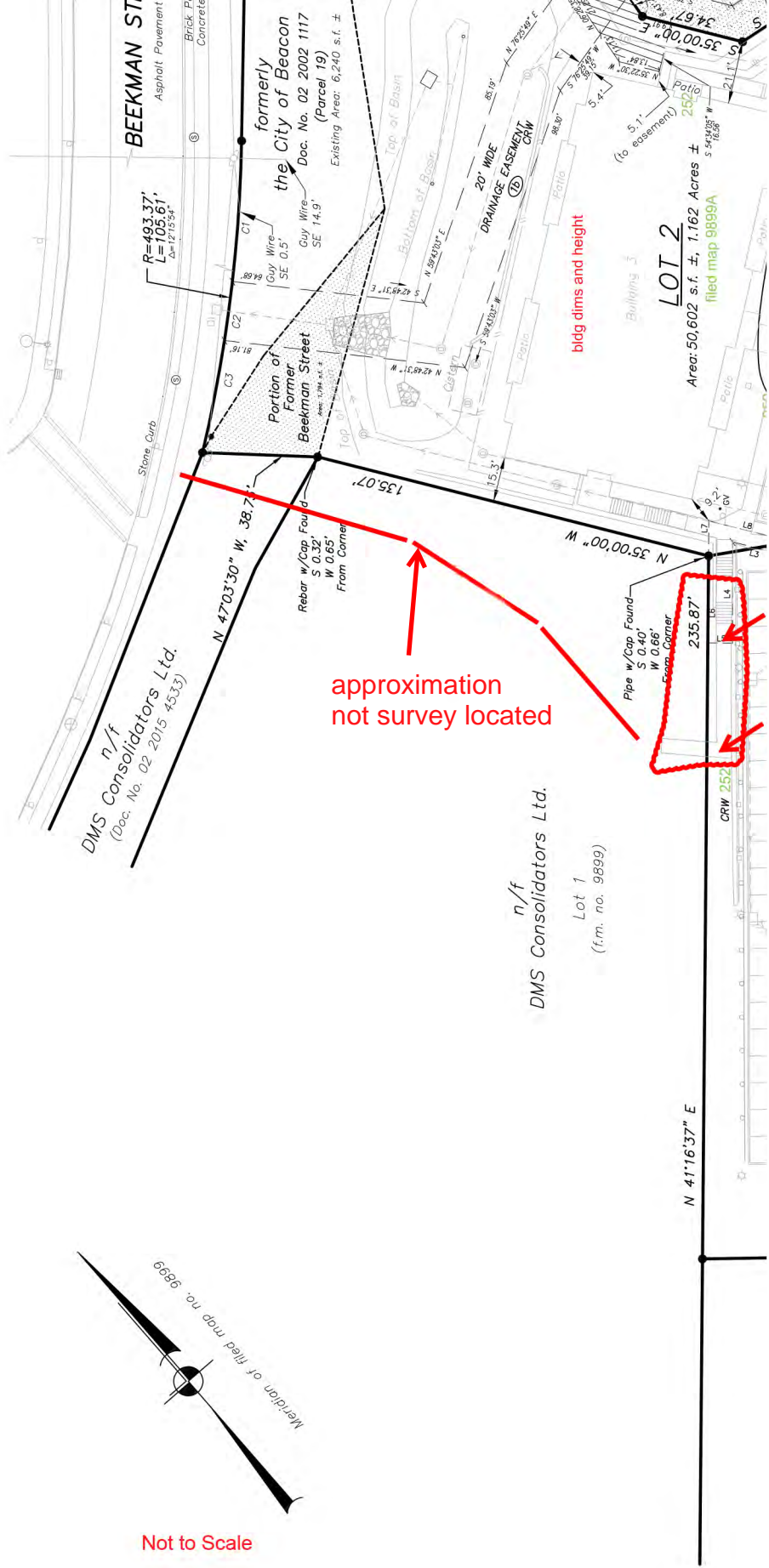
S 49°33'47" E a distance of 144.84' to a point in said northwesterly line of Wolcott Avenue;

Thence along same S 44°14'19" W a distance of 5.01' to the point and place of beginning.

DMS Consolidators, Ltd.
Pedestrian Easement
Doc# 02-2017-6583

April 17, 2020





Not to Scale

City of Beacon Workshop Agenda
4/27/2020

Title:

Acceptance of Dedication of The View Walkway Lighting

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Attorney's Office Regarding Acceptance of Dedication of The View Walkway Lighting System	Cover Memo/Letter
Irrevocable Offer of Dedication of Lighting System	Backup Material

■ **Main Office**

445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**

200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**

505 Park Avenue
New York, NY 10022
Phone 646.794.5747

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council Members

FROM: Keane & Beane, P.C.

RE: The View - Dedication of Lighting System

DATED: April 27, 2020

Dedication of Lighting System

During the negotiation of the Pedestrian Walkway Easement in 2017, the City Council and the developer agreed that the developer will pay for the capital costs of the lighting system for the walkway and will offer the lighting system for dedication to the City after installation, whereupon the City's acceptance of the lighting system will not be unreasonably withheld. The recorded Pedestrian Walkway Easement includes an easement to allow the City access to maintain, repair and replace the lighting fixtures. The City accepted the Easement in September, 2019, but at that time declined to accept the offer of dedication of the lighting system as the trail was not ready to be opened to the public.

The developer submitted an Irrevocable Offer of Dedication and a Bill of Sale for the lighting system. The City Building Inspector confirmed that the lighting system has been installed properly. It is recommended that the City's acceptance of the lighting system should be conditioned upon (1) the developer providing a one year maintenance guaranty in an amount to be approved by the City Engineer and/or City Building Inspector, and (2) payment of any and all outstanding escrow monies due and owing to the City of Beacon for professional review fees.

If the City Council wishes to accept dedication of the lighting system, a resolution to that effect will be prepared for the next available regular City Council meeting.

IRREVOCABLE OFFER OF DEDICATION OF LIGHTING SYSTEM

This IRREVOCABLE OFFER OF DEDICATION made as of the ____ day of _____, 2019, is by and between DMS CONSOLIDATORS, LTD, having an address at 108 Village Square PMB 403, Somers, New York, 10589 (hereinafter the "Grantor"), and the CITY OF BEACON, a municipal corporation organized and existing under the laws of the State of New York, with its principal office located at One Municipal Plaza, Suite One, Beacon, New York (hereinafter the "Grantee").

In consideration of Ten Dollars (\$10.00) paid by the City to the Owner and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is covenanted and agreed as follows:

1. The Owner herein delivers to the City a Bill of Sale for certain lighting system to be conveyed and accepted, which are more fully described in Exhibit A annexed hereto, said delivery constituting a formal Irrevocable Offer of Dedication to the City, to be held by the City until the acceptance or rejection of such Irrevocable Offer of Dedication by the City.
2. The Owner agrees that such formal Irrevocable Offer of Dedication is irrevocable and can be accepted by the City at any time.
3. The execution and delivery of this Irrevocable Offer of Dedication shall impose no obligation by the City to accept such Irrevocable Offer of Dedication.
4. This Irrevocable Offer of Dedication shall run with the land and be binding upon the Owner and the City, and their respective successors and assigns.
5. This Irrevocable Offer of Dedication was executed on behalf of the Owner pursuant to a resolution of the City Council of the City of Beacon duly adopted on May __, 2019.

IN WITNESS WHEREOF, the Owner has executed and delivered this Irrevocable Offer
of Dedication on the day and year set forth above.

GRANTOR:

DMS CONSOLIDATORS LTD.



Don Strauch

ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

On 14th day July, 2019, before me, the undersigned, personally appeared Don Strauch, personally known to me or proved to me on the basis of the satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which individual, or the person upon behalf of which the individual acted, executed the instrument.

BART LANSKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 02LA6185616
Qualified in Westchester County
My Commission Expires April 21, 2022



Notary Public

EXHIBIT A

Description of lighting system

A lighting system, including light fixtures, wiring and all rights to maintain such system, installed on property located at 30 Beekman Street, Beacon, New York 12508 (Parcel ID 5954-26-660924) within the Easement Area created by the Pedestrian Walkway Easement Agreement between DMS Consolidators Ltd and the City of Beacon, dated August, 7, 2017, and recorded in the Office of the Dutchess County Clerk on August 30, 2017 under document # 022076583 and thereafter amended as per an Amended Pedestrian Walkway Easement Agreement, dated ___, 2019, and recorded in the Office of the Dutchess County Clerk on _____, 2019 under Document # _____.

BILL OF SALE

Know all men by these presents,

THAT DMS CONSOLIDATORS, LTD

whose address is 108 Village Square PMB 403, Somers, New York, 10589.

herein referred to as the Transferor/Seller, for and in consideration of the sum of **\$10.00** (ten United States dollars) paid to the Transferor/Seller, at or before the ensealing and delivery of these present by

CITY OF BEACON

whose address is One Municipal Plaza, Suite One, Beacon, New York

herein referred to as the Transferee/Purchaser, and for the good and valuable consideration, the receipt whereof is hereby acknowledged, sells, transfers, sets over and assigns to the said Transferee/Purchaser, free of all liens and/or encumbrances, the lighting system alongside stairs / walkway within the Easement Area created by the Pedestrian Walkway Easement Agreement between DMS Consolidators Ltd and the City of Beacon, dated August 7, 2017, and recorded in the Office of the Dutchess County Clerk on August 30, 2017 under Document #022076583 and thereafter amended as per an Amended Pedestrian Walkway Easement Agreement, dated ____, 2019, and recorded in the Office of the Dutchess County Clerk on ____, 2019 under Document #____ at property located at 30 Beekman Street, Beacon, New York 12508, identified as Parcel ID 5954-26-660924,

including the light fixtures, wiring, and all rights to maintain such systems.

TO HAVE AND TO HOLD the same unto the Transferee forever, subject to and the Transferor covenant and agrees, to and with the Transferee to warrant and defend the sale of said business and business assets hereby sold, unto the Transferee against all every person and persons whomsoever.

The terms, covenants and agreements herein contained shall bind and inure to the benefit of the respective parties hereto, and their respective legal representatives, successors and assigns.

The gender and number used in the instrument are used as a reference term only and shall apply with the same effect whether the parties are of the masculine or feminine gender, corporate or other form, and the singular shall like wise include the plural.


IN WITNESS WHEREOF, the Transferor has signed and sealed these presents
this ____ day of May, 2019,

Signed, Sealed and Delivered }
in the Presence of }



SIGNATURE

DMS CONSOLIDATORS LTD.



SIGNATURE / President

State of New York }

SS:

County of Putnam }

DONALD STRAUCH individually and for DMS CONSOLIDATORS LTD.,
being duly sworn, deposes and says,

That he is the Transferor named in the foregoing Bill of Sale.

That Transferor is the sole and absolute owner of the property described in the
foregoing bill of sale and has full right and authority to sell and transfer the same.

That the said property and each and every part thereof, is free and clear of any and
all liens, mortgages, security interests, levies, debts, taxes or other claims or
encumbrances.

Sworn to before me this

19th day of May 2019

see

B. Langky
Notary Public

Donald Strauch
Donald Strauch

BART LANGKY
NOTARY PUBLIC-STATE OF NEW YORK
No. 02LA6185616
Qualified in Westchester County
My Commission Expires April 21, 2012

City of Beacon Workshop Agenda
4/27/2020

Title:

Board of Ethics Appointment

Subject:

Background:

ATTACHMENTS:

Description	Type
Board of Ethics Application	Application

Committee Application



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

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

Name

Address

Phone Number

Alternate Phone

Email Address

Committee You are
Interested In

☐ Board of Assessment Review

☐ Board of Ethics

☐ Conservation Advisory Committee

☐ Emergency Management Committee

☐ Human Relations Commission

☒ Planning Board

☐ Recreation Committee

☐ Traffic Safety Committee

☒ Zoning Board of Appeals

☐ Any of the above

☐ Other

Available number of
Hours per week (for
Committee work)

Occupation

Employer

Work Address

Work Phone

Education

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

Interest & Skills

RESIDENTIAL DESIGN & BUILD
TENNIS - GARDENING - POLITICS

Areas of Expertise
(business & civic)

Reference

Reference Name

RANDY LAGUNA

Address

Phone

Email Address

Relationship

FRIEND

Applicant Signature:

[Handwritten Signature]

Date: 1-6-20

City of Beacon Workshop Agenda
4/27/2020

Title:

Chazen Phase I Proposal: West Main Street Pump Station

Subject:

Background:

ATTACHMENTS:

Description	Type
Proposal for Professional Services MTA Property	Backup Material

April 9, 2020

Anthony Ruggiero
City Administrator – City of Beacon
1 Municipal Plaza
Beacon, NY 12508
c/o NWard-Willis@kblaw.com

*Re: Proposal for Professional Services
MTA Property - Proposed Easement
Railroad Drive, City of Beacon, Dutchess County, NY
Chazen Proposal # PM200.97*

Dear Mr. Ruggiero and Mr. Ward-Willis:

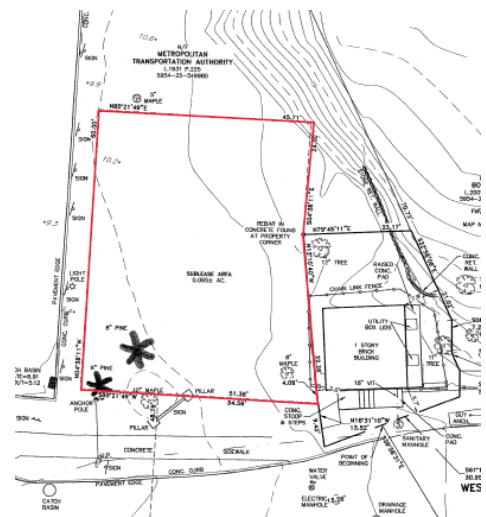
The Chazen Companies (Chazen) thank you for the opportunity to present this Professional Services proposal for a Phase I Environmental Site Assessment (ESA) and environmental sampling of geotechnical borings of the above-referenced property. We understand the site is a 0.065-acre property identified on the Dutchess County Tax Map as part of Section 5954, Block 25, Lot 549980. The Site is a wooded/vegetated land adjacent to a parking lot, and the red outline on the provided image shows the approximate boundary of the site.

The following represents the scope of work you have requested. Please refer to the Fee and Time Schedule Summary table near the end of this proposal for the costs and time schedules associated with this task.

TASK 01- PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

Chazen proposes to perform a Phase I ESA of the site in accordance with the scope and limitations set forth in the ASTM Practice E 1527-13 (Phase I ESA Process). The purpose of a Phase I ESA is to identify recognized environmental conditions (RECs) or Significant Data Gaps (SDGs) on a property through review of historical site uses, interviews with parties knowledgeable about the site, observations made during a site visit, and review of federal and state databases.

Under ASTM E 1527-13 Standard Practice, a REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The Phase I ESA will include a Tier 1 vapor encroachment screening



consistent with the 2015 ASTM E2600-15: *Standard Guide for Vapor Encroachment Screening on a Property Involved in Real Estate Transactions*. Vapors can come from contaminants on the site or from contaminant plumes flowing under the site from adjacent properties.

Report Preparation

Chazen will prepare a report of the findings generated during the Phase I ESA. The report will include figures of the site area including a USGS topographical map, tax map and aerial photograph, and relevant photographs obtained during the site visit. A portable document format (pdf) of the report will be submitted.

TASK 02 – ENVIRONMENTAL SAMPLING OF GEOTECHNICAL BORINGS

Chazen understands that geotechnical borings will be installed on the subject site and the City has requested environmental screening and sampling of these borings. Chazen will review the geotechnical boring program that should identify the number, location, and depth of planned borings. Our soil sampling recommendation will consider the boring program information and the information gathered for the Phase I ESA (Task 1), to the extent it is available when borings are installed.

A Chazen geologist will observe the boring installations, screen for evidence of contamination, and prepare soil samples for laboratory analyses. Soil samples will be field screened for volatile organic compounds (VOCs) using a photoionization detector (PID). Soil samples are typically collected from the depth interval that exhibits the highest potential for impacts based on visual (e.g., sheen, staining, or fill material), olfactory, or PID evidence, or the groundwater interface. If groundwater is encountered, grab groundwater samples can also be collected after the geotechnical boring is completed. Potential sample analyses will be based on suspect contaminants, which considers past use and potential for migration of impacts from nearby properties. As this information would be gathered during Task 1, we offer unit prices for laboratory analyses and the sampling scope will be refined when more information is available. Samples will be submitted to a NYSDOH ELAP-certified laboratory under standard chain-of-custody procedures with a standard five to seven-day turnaround time for results packages and Category A deliverables.

If field observations or laboratory results suggest a petroleum spill has occurred, 6 NYCRR Part 613-3.4 requires notification to the NYSDEC Spills hotline (1-800-457-7362) within two hours of discovery. This proposal does not include costs for NYSDEC coordination or remedial work that may be required.

TASK 3 — ENVIRONMENTAL SAMPLING REPORT

The Task 2 sampling findings will be presented in a letter report describing field observations, boring logs, a sample location figure, and analytical results summary compared to applicable standards and guidance levels. If some areas of investigation warrant further sampling, those recommendations will be included. The laboratory analytical reports will also be provided. Chazen will deliver the report as a portable document format (pdf) file via email.

Task MT00 — Project Meetings

If project meetings/conferences are requested, Chazen will coordinate, prepare for, and participate. These services will be billed on an hourly basis in accordance with Chazen's Billing Rate Schedule. For the purpose of this proposal, a budget of three hours at \$143/hour has been allocated.

Limitations

This proposal includes the cost for only those specific services delineated above. Additional items not addressed as part of this proposal include:

- The preparation of supplemental or additional reports or correspondence which may be requested or required by you, your representatives or consultants, or governmental agencies.
- The following are several non-scope considerations that are excluded from the standard ASTM 1527-13 scope of work. This list is not intended to be all-inclusive, and will not be investigated unless specifically requested by the Client:
 - Hazardous building materials (e.g., Asbestos-Containing Building Materials, Lead-Based Paint, Mercury-Containing Building Materials)
 - Lead in Drinking Water
 - Regulatory Compliance
 - Cultural and Historic Resources
 - Health and Safety
 - Radon
 - Mold
 - Ecological Resources, Endangered Species, and Wetlands
 - Indoor Air Quality
 - Biological agents
 - Industrial Hygiene
- Responses from public agencies are typically obtained within three weeks; therefore, client imposed time constraints of less than 20 business days may result in data gaps producing incomplete assessments. Most state and county offices are currently closed due to COVID-19 and files may not be available for review and may result in a data gap.
- Phase I ESAs compliant with ASTM E 1527-13 are representative of conditions evaluated during the report-preparation period and reports are valid for 180 days.
- No ESA can wholly eliminate uncertainty regarding the potential for RECs in connection with a property. The performance of a Phase I ESA consistent with ASTM Standard E 1527-13 is intended to reduce, but not eliminate, such uncertainty regarding the potential for RECs in connection with a property, and this practice recognizes reasonable limits of time and cost. The information presented in the report will be limited to the investigation conducted and described herein, and is not necessarily all inclusive of conditions present at the site.
- A Phase I ESA process is intended to permit the user to satisfy the "all appropriate inquiry" requirement for a party to qualify for a landowner liability protection under CERCLA. All appropriate inquiry researches previous ownership and uses of a property consistent with good commercial practices and does not constitute an exhaustive assessment of a property. To help the client qualify for a CERCLA landowner liability protection, Chazen will ask the client and any additional users of the Phase I ESA report to provide specific information that will help identify the possibility of RECs in connection with the property. A "User Questionnaire" will be provided to the client at the start of the Phase I ESA process. The User will be requested to provide recorded land title and judicial records (different from chain of title reports), with a search for environmental liens and activity and use limitations (e.g., deed

restrictions and environmental easements). If the client would like Chazen to coordinate the environmental lien and AUL search, additional charges will apply, which can be provided upon request.

- The environmental sampling is intended to assess the presence of impacts in the geotechnical borings. It may not provide sufficient information to characterize the nature and extent of impacts nor evaluate potential remedial actions or costs.

Client Responsibilities

- Prior to the site reconnaissance, the client shall provide land title information suitable to establish the past 50 years of property ownership, if available.
- We understand that this Phase I ESA was requested on behalf of the City of Beacon, who will be the User of the Phase I ESA report. As such, the City of Beacon will ensure access to records (e.g., a FOIA request will not be needed for the City to provide previous environmental reports/documentations, municipal records, etc.). The City will also arrange permission for Chazen to inspect the site and all on-site structures, if any. Please note that there is a significant value and importance to making relevant records available for review prior to the site visit being performed. If substantial records of previous environmental assessments/investigations are provided, additional charges may apply.

Professional Services Fee Schedule

Chazen proposes to bill each task as indicated in the following Fee and Time Schedule Summary. Invoices will be issued monthly for all services performed during that month, and are payable upon receipt. Lump Sum tasks will be billed according to milestone completions for each deliverable, or commensurately with the percentage of the task which has been completed. The proposed schedule is shown and is contingent on obtaining timely access to all areas of the site for inspection.

Fee and Time Schedule Summary

Task No.	Task Description	Fee Estimate	Proposed Schedule
01	ASTM E 1527-13 Phase I ESA	\$2,650 (lump sum)	Start: Upon authorization End: Four to five weeks from authorization (please advise if a faster turnaround time is needed to meet your goals)
02	Environmental Sampling of Geotechnical Borings	\$1,475 per day Chazen field labor and equipment (T&M) Laboratory costs based on unit rates below	Letter report within two weeks of receipt of laboratory report.
MT00	Project Meetings	\$429 (T&M)	As needed
Laboratory Analytical Costs for Standard Turnaround Time (*indicates common analyses for screening):			
* TCL VOCs 8260	\$105.80	Total TAL metals	\$147.34
TCL SVOCs 8270	\$206.28	Total Pesticides	\$88.41
CP-51 List VOCs	\$69.26	PCBs and Pesticides	\$106.09
* CP-51 List SVOCs	\$104.91	Total Herbicides	\$123.23
* Total RCRA metals	\$76.62	TPH (DRO) 8015M	\$76.62
PCB 8082	\$58.94	TPH (GRO) 8015M	\$58.94
* Sample Disposal	\$1.73	Hazardous Waste Screening Characterization	\$618.84

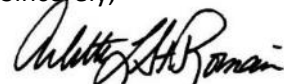
- 1 Fees listed for Time and Materials tasks, Sub-Consultants, and Reimbursable Expenses are estimates only. Chazen will bill for actual hours and reimbursable expenses incurred. While Chazen will make its best effort to complete each of these tasks within the estimated amounts, it is possible that it will be necessary to exceed these amounts in order to complete the scope of services for each task.
- 2 Projected start and end dates are subject to change and are based on the date from authorization to proceed. Because certain aspects of the project are outside of our control we cannot guarantee completion of this project within these schedules.

Agreement

Attached, please find a copy of our Standard Agreement. Return receipt of the signed Agreement will be our authorization to schedule the performance of this work. Please be aware that the projected task start and completion dates are based on timely receipt of the signed Agreement. A delay in returning the necessary documents may require modification of the proposed task start and completion dates as described herein. This proposal is valid for 30 days from the date hereof.

Please feel free to contact me at (518) 260-1811 or arlette@chazencompanies.com if you have any questions. Chazen appreciates being considered for this project.

Sincerely,



Arlette St. Romain

Director, Environmental Due Diligence and Brownfield Investigations

Attachments: Standard Agreement

AGREEMENT MADE this _____ day of _____ 2020 by and between Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C. (CELSLA), a New York design professional corporation with its principal place of business at 21 Fox Street, Poughkeepsie, New York 12601 (hereafter referred to as "The Chazen Companies" or "Chazen") and

City of Beacon, 1 Municipal Plaza, Beacon, NY 12508

(hereafter referred to as "Client").

1. **PURPOSE:** Client hereby retains Chazen to perform the services described in the Proposal For Professional Services dated April 9, 2020 which is hereby made a part of this Agreement.

2. **COMPENSATION:** Chazen's compensation for services shall be as stated in the Proposal For Professional Services. Chazen shall submit invoices on or about the tenth day of each month. Invoices shall be payable upon receipt. Invoices not paid within 30 days will be assessed a finance charge of 1.5% per month. At the beginning of each calendar year Chazen reserves the right to adjust its billing rates in accordance with Chazen's new annual fee schedule. Chazen may suspend its performance under this Agreement until all delinquent amounts due for services and expenses have been paid. All amounts due and owed Chazen under this Agreement shall be paid in full at the completion of services. Chazen may refuse to release reports, maps and materials prepared by Chazen for Client until all arrearages are paid in full. If Chazen is required to retain an attorney and/or collection agency to collect amounts due Chazen under this Agreement, Client agrees to pay Chazen's reasonable attorney's and/or collection fees together with the costs and disbursements of any such action.

☐ A retainer in the amount of \$_____ will be required prior to the initiation of services. This retainer will be held until the end of the project and applied to Client's final invoice. Any excess amount will be returned to Client.

☐ Final payment will be due upon delivery of the final work product (e.g. report, survey, etc.).

3. **COOPERATION:** Client agrees to keep Chazen informed of changes to the project scope and schedule, and shall arrange for and provide Chazen entry to property in order to perform the services. Client shall give Chazen prompt notice of any potentially hazardous or injurious conditions Client knows of or has reason to know of which may be present on property Chazen must enter. Client agrees to allow Chazen to display appropriate promotional signage during construction, and to allow Chazen to make a photographic record of the project prior to, during, and subsequent to construction. Client agrees to allow Chazen to use photographic images, along with information about the project and/or a description of the services provided, for promotional purposes without restriction or monetary compensation.

4. **PROJECT DOCUMENTS:**

- A. All Documents which may include, but are not limited to, Plans, Specifications, Survey Plats, Technical Reports and Correspondence are instruments of service with respect to this Project, and Chazen shall retain an ownership and property interest therein, including the right to reuse the Documents. The right to alter the Documents belongs only to Chazen.
- B. Client and Client's contractors or other consultants may rely only upon printed copies (also known as hard copies) of Documents that are signed and sealed by a Licensed Professional employed by Chazen. If there is any discrepancy between printed copies and any electronic copies, the most recent version of the printed and certified copies govern.
- C. Any electronic copies (files) provided will be provided solely as a convenience and shall NOT be considered "Contract Documents," "Construction Documents" or any type of certified document. All documents considered "Contract Documents," "Construction Documents" or any type of certified document shall consist only of printed copies having an original signature and seal of a Licensed Professional employed by Chazen.
- D. Be advised that electronic copies of Documents can deteriorate or be inadvertently modified without Chazen's consent, or may be otherwise corrupted or defective. Accordingly, Client and Client's contractors or other consultants may not rely upon the accuracy of any electronic copies of Documents.

- E. Any use, conclusion or information obtained or derived from electronic copies of Documents by Client or Client's contractors or other consultants will be at Client's sole risk and without liability to Chazen. Client shall defend, indemnify, and hold harmless Chazen and its officers, directors, representatives and agents from and against all claims, demands, liabilities, causes of action, suits, judgments, damages, and expenses (including attorneys' fees) arising from any use whatsoever or reliance on electronic copies of Documents.
- F. Client understands that Documents are not intended or represented to be suitable for any purpose other than that for which they were created. Any reuse or modification of Documents by Client or Client's contractors or other consultants will be at Client's sole risk and without liability to Chazen. Client shall defend, indemnify, and hold harmless Chazen and its officers, directors, representatives and agents from and against all claims, demands, liabilities, causes of action, suits, judgments, damages, and expenses (including attorneys' fees) arising from any reuse or modification of Documents.
- G. Client understands that it is a violation of New York State Education Law for any person to alter in any way any Document that has been signed and sealed by a Professional Engineer or Land Surveyor, unless he or she is acting under the direction of a licensed Professional Engineer or Land Surveyor and that the altering professional signs and seals the document and describes the alteration.

- 5. **RISKS, INSURANCE & LIMITATION OF LIABILITY:** Client and Chazen have discussed the risks, rewards and benefits of the project and Chazen's fees for services under this Agreement. Client and Chazen have also discussed the allocation of risk associated with their respective duties under this Agreement and agree, to the fullest extent permitted by law:
 - A. Chazen shall carry and maintain Workers Compensation, General Liability, Automobile Liability and Professional Liability insurance. Chazen will provide Client certificates of insurance upon request. Chazen will be responsible for the negligent actions of Chazen, and the employees and subcontractors of Chazen, within the terms and conditions of the insurance coverage maintained by Chazen, subject to the limitation of liability set forth in paragraph 5(C) below. Chazen will not be responsible for any loss or liability, or any violation of law, rule, regulation or decree by Client or the employees, agents, contractors, or consultants of Client.
 - B. Chazen agrees that it will not bring hazardous or toxic materials onto Client's property. Client understands that the ordinary course of work performed by Chazen may result in the excavation and relocation of hazardous or toxic materials that were on or under the property before Chazen began its work. Client understands that Client is solely responsible for the cost of investigating, removing, and remediating such materials.
 - C. Chazen's liability for claims related to professional services errors or omissions under this Agreement, however arising, shall be limited to the greater of \$1,000,000 or the total compensation received by Chazen from Client, and Client hereby releases Chazen from any liability or contribution above such amount. This limitation of liability shall include but not be limited to Chazen's negligence, errors, or omissions. In no event shall Chazen be liable for incidental or consequential damages, including loss of profits or revenue resulting from any cause or causes.
- 6. **TERMINATION:** In the event of substantial failure by either party to perform under this Agreement, the aggrieved party may terminate this Agreement upon seven (7) days written notice. If this Agreement is terminated, Client shall remit all monies due Chazen within 30 days. Chazen at its sole discretion, may terminate this Agreement when it reasonably believes there may be condition(s) which threaten the health and safety of Chazen personnel and subcontractors. Chazen assumes no duty to report hazardous or dangerous conditions not caused by Chazen and shall rely exclusively upon Client to report any such conditions.
- 7. **SEVERABILITY:** If any provision of this Agreement is held invalid such provision shall have no effect, but all remaining provisions shall continue in full force and effect. Each provision of this Agreement shall be interpreted so as to render it valid.
- 8. **NOTICES:** All notices shall be in writing and shall be sufficient if sent by first class mail or overnight mail to the addresses of Client and Chazen as shown herein. Notices shall be deemed as received three (3) business days after mailing. Each party hereby agrees to accept all mailed and hand delivered communications.
- 9. **ENTIRE AGREEMENT:** This Agreement and any attachments and exhibits identified herein represent all of the promises, agreements, conditions, understandings, and undertakings between Client and Chazen.

Professional Services Agreement
Project Name: MTA Property - Proposed Easement

Proposal Number: PM200.97
Project Number: _____

10. **AMENDMENTS:** This Agreement shall bind Client and Chazen and their successors and assigns. The parties may, by written agreement(s), modify and amend this Agreement. Any such amendment must be in writing and be signed by the party against whom enforcement of the amendment is sought. No breach of any part of this Agreement shall be deemed waived unless expressly waived in writing by the party who might assert such a breach. The failure of any party to insist in any one or more instances upon strict performance of this Agreement shall not be construed as a waiver of the right to insist upon strict performance.
11. **GOVERNING LAW:** This Agreement shall be governed and construed by the laws of the State of New York. For purposes of any legal action or suit related to or arising out of this Agreement venue shall be Dutchess County, New York.
12. **COUNTERPARTS:** This Agreement, and any amendments or revisions thereto, may be executed in two or more counterparts each of which shall be deemed an original, but which together shall constitute one and the same instrument(s).
13. **REPRESENTATIONS:** Client and Chazen state that each has full power and authority to make, execute and perform this Agreement. Signatory for Client states that he is an officer, owner, partner, agent or attorney for Client. Neither Client nor Chazen is bankrupt or have availed themselves of any debtor's remedies nor are currently contemplating such.

City of Beacon, 1 Municipal Plaza,
CLIENT Beacon, NY 12508

THE CHAZEN COMPANIES
Chazen Engineering, Land Surveying
& Landscape Architecture Co., D.P.C.

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Date: _____

Date: _____

City of Beacon Workshop Agenda
4/27/2020

Title:

Resolution Accepting Dedication of Water Infrastructure in Rombout Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution Accepting Dedication of Water Infrastructure in Rombout Avenue	Resolution
Memorandum from the City Attorney's Office Regarding Water Main Facilities at Rombout Avenue	Cover Memo/Letter
123 Rombout - Partially Executed Offer of Dedication with Exhibit A	Backup Material
123 Rombout Avenue Partially Executed Bill of Sale for Water Main Facilities	Backup Material
As Built Final Offer of Cession	Backup Material

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION ACCEPTING DEDICATION OF WATER INFRASTRUCTURE
IN ROMBOUT AVENUE**

WHEREAS, My Four Dghtr's Realty Corp. obtained approval from the City of Beacon Planning Board on October 11, 2017 for an 10-unit residential development at 123 Rombout Avenue pursuant to certain plans generally entitled, "123 Rombout Avenue," prepared by Aryeh Siegel, Architect, and Hudson Land Design, dated July 25, 2017, last revised September 26, 2017 (the "Project"); and

WHEREAS, as part of the Project water infrastructure was installed in the Rombout Avenue right-of-way and is offered for dedication to the City, including a tee, gate valve and relocated hydrant; and

WHEREAS, *a letter was submitted to the City by the Project engineers certifying that the work performed in the road right-of-way for the Project was completed in accordance with the approved plans and NYS Department of Health requirements.* [Note: letter is forthcoming]

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby acceptance the offer of dedication by My Four Dghtr's Realty Corp. of the water infrastructure described therein and in the Bill of Sale provided by My Four Dghtr's Realty Corp. subject to the following conditions:

1. My Four Dghtr's Realty Corp shall provide a maintenance bond to the City for a term of one year from the City's acceptance of the Offer of Dedication in an amount determined by the City Engineer.
2. My Four Dghtr's Realty Corp shall pay all outstanding fees and professional review fees.

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: 123 Rombout Avenue - Water Main Facilities

DATE: April 23, 2020

Proposed Action by City Council: Acceptance of water infrastructure in Rombout Avenue right-of-way

Water infrastructure was installed in the Rombout Avenue right-of-way pursuant to a Site Plan Approval granted by the Planning Board on October 11, 2017 for property located at 123 Rombout Avenue (Parcel ID 5954-35-794799) which includes certain components that are being offered for dedication to the City of Beacon, including a tee, gate valve and a relocated hydrant.

Upon acceptance of the infrastructure by the City Council, the City will own and maintain the tee, gate valve and relocated hydrant as shown on the As-Built Survey. The owner of property at 123 Rombout Avenue will own and maintain the infrastructure from the gate valve located next to the hydrant up to the building.

The City Engineer and City Water and Wastewater Superintendent reviewed the As-Built Survey and found it acceptable.

The following documents have been provided for your review:

1. Draft Resolution
2. Offer of Dedication of Water Main Facilities
3. Bill of Sale for Water Main Facilities
4. As-Built Survey, dated September 16, 2019
5. Certification from Project engineer, dated April __, 2020 (*forthcoming*)

IRREVOCABLE OFFER OF DEDICATION OF WATER MAIN FACILITIES

This IRREVOCABLE OFFER OF DEDICATION made as of the ____ day of ____ 20____, is by and between MY FOUR DGHTR'S REALTY CORP., having an office at 5-44 47th Avenue, Long Island City, New York, 11101 (hereinafter the "Grantor" or "Owner"), and the CITY OF BEACON, a municipal corporation organized and existing under the laws of the State of New York, with its principal office located at One Municipal Plaza, Suite One, Beacon, New York, 12508 (hereinafter the "Grantee" or "City").

In consideration of Ten Dollars (\$10.00) paid by the Grantee to the Grantor and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is covenanted and agreed as follows:

1. The Grantor herein delivers to the City a Bill of Sale for certain water main facilities to be conveyed and accepted, which are more fully described in Exhibit A annexed hereto, said delivery constituting a formal Irrevocable Offer of Dedication to the City, to be held by the City until the acceptance or rejection of such Irrevocable Offer of Dedication by the City.
2. The Grantor agrees that such formal Irrevocable Offer of Dedication is irrevocable and can be accepted by the City at any time.
3. The execution and delivery of this Irrevocable Offer of Dedication shall impose no obligation by the City to accept such Irrevocable Offer of Dedication.
4. This Irrevocable Offer of Dedication shall run with the land and be binding upon the Grantor, its successors and assigns.
5. This Irrevocable Offer of Dedication was executed on behalf of the Grantor pursuant to the Resolution of the Planning Board of the City of Beacon duly adopted on October 11, 2017 (and dated November 14, 2017) granting Site Plan Approval for property located at 123

Rombout Avenue and designated on the Tax Map of the City of Beacon as Parcel ID: 5954-35-794799.

IN WITNESS WHEREOF, the Grantor has executed and delivered this Irrevocable Offer of Dedication on the day and year set forth above.

GRANTOR:

MY FOUR DGHTR'S REALTY CORP.

By: 

Name: Phaedra Kazanas

Title: President

ACKNOWLEDGEMENT

STATE OF NEW YORK)
COUNTY OF QUEEN) ss:

On the 23rd day of April, 2020, before me, the undersigned, personally appeared Phaedra Kazanas, personally known to me or proved to me on the basis of the satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public

NICHOLAS KORDAS
Notary Public, State of New York
No. 02K04903004
Qualified in Nassau County
Commission Expires July 27, 20 21

EXHIBIT A

Description of Water Main Facilities

All water main facilities installed within the City's right-of-way as shown on the as-built plan, annexed hereto, entitled "As-Built Plan 123 Rombout Avenue" (Title: AB-1), dated September 16, 2019 as prepared by Hudson Land Design Professional Engineering P.C., specifically including the facilities identified as "as-built tee, gate valve and relocated hydrant to be owned and maintained by the City of Beacon".

[Please see attached PDF of as-built plan]

BILL OF SALE FOR WATER MAIN FACILITIES

THIS AGREEMENT made this ____ day of _____ 20____, by, between and among, MY FOUR DGHTR'S REALTY CORP., having an office at 5-44 47th Avenue, Long Island City, New York, 11101 (hereinafter the "Grantor" or "Owner") and the CITY OF BEACON, a municipal corporation organized and existing under the laws of the State of New York, with its principal office located at One Municipal Plaza, Suite One, Beacon, New York, 12508 (hereinafter the "Grantee" or "City").

W I T N E S S E T H:

WHEREAS, the Grantor is the fee owner of the parcel known as 123 Rombout Avenue and designated on the Tax Map of the City of Beacon as Parcel ID: 5954-35-794799, shown in part on a certain as-built plan entitled "As-Built Plan 123 Rombout Avenue" (Title: AB-1) prepared by Hudson Land Design Professional Engineering P.C., dated September 16, 2019 (the "Property"); and

WHEREAS, in order to satisfy a condition of the approval of the Site Plan Approval for the property pursuant to the Resolution of the Planning Board of the City of Beacon duly adopted on October 11, 2017 (and dated November 14, 2017) (the "Site Plan Approval"), the Grantor constructed and installed certain water main facilities, including a gate valve and a relocated hydrant and related equipment, appurtenances and facilities (the "Water Main Facilities") located within the City's right-of-way, which Water Main Facilities are more fully described in Schedule "A" annexed hereto and made a part hereof, and which Water Main Facilities are connected to the City's municipal water distribution system; and

WHEREAS, in order to satisfy a condition of the Site Plan Approval, the Grantor must convey title to said Water Main Facilities to the City; and

WHEREAS, the Grantor warrants and represents that it is the owner of the Water Main Facilities located within the portion of the City's right-of-way as more fully shown in Schedule "A" annexed hereto.

NOW, THEREFORE, in consideration of the sum of ten (\$10.00) Dollars, the receipt of which is hereby acknowledged, and other good and valuable consideration under the covenants, terms and conditions hereinafter set forth, the Grantor hereby bargains and sells to the City, its successors and assigns, free of all liens and/or encumbrances, the Water Main Facilities lying within the portion of the City's right-of-way as more fully shown in Schedule "A" annexed hereto.

The Water Main Facilities are sold and transferred by the Grantor to the City in an "As is/Where is" condition, and said sale is made without warranty, express, statutory or implied, of merchantability or as to description, condition, location, quality, fitness for any particular use or purpose, or otherwise.

This Bill of Sale shall be binding upon and shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have duly executed this Bill of Sale as of
the date and year first above written.

MY FOUR DGHTR'S REALTY CORP.

By: 
Name: Phaedra Kazanas
Title: President

CITY OF BEACON

By: _____
Name: _____
Title: _____

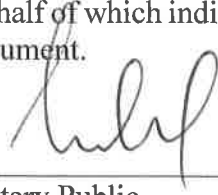
ACKNOWLEDGEMENTS

STATE OF NEW YORK)

) ss:

COUNTY OF Queens)

On the 23 day of April, 2020, before me, the undersigned, personally appeared Phaedra Kazanas, personally known to me or proved to me on the basis of the satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

NICHOLAS KORDAS
Notary Public, State of New York
No. 02K04903004
Qualified in Nassau County
Expires July 27, 2021

STATE OF NEW YORK)

) ss:

COUNTY OF DUTCHESS)

On the _____ day of _____, 20____, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

SCHEDULE A

Description of Water Main Facilities

All water main facilities installed within the City's right-of-way as shown on the as-built plan, annexed hereto, entitled "As-Built Plan 123 Rombout Avenue" (Title: AB-1), dated September 16, 2019 as prepared by Hudson Land Design Professional Engineering P.C., specifically including the facilities identified as "as-built tee, gate valve and relocated hydrant to be owned and maintained by the City of Beacon".

[Please see attached PDF of as-built plan]

City of Beacon Workshop Agenda
4/27/2020

Title:

Polo Fields Acceptance of Water and Sewer Infrastructure; Acceptance of Fairways Pump Station

Subject:

Background:

ATTACHMENTS:

Description	Type
Memorandum from the City Attorney's Office Regarding Polo Fields, Riding Ridge Trail Infrastructure and Fairways Pump Station	Cover Memo/Letter
Resolution Accepting Riding Ridge Trail Utility Infrastructure	Resolution
Resolution Accepting Fairways Lane Utility Infrastructure and Easement	Resolution
Resolution Rejecting Firehouse Lot Easement	Resolution
Offer of Dedication Beacon Polo Fields	Backup Material
As Built Survey Riding Ridge Trail	Backup Material
As Built Survey Fairway Lane	Backup Material
Letter from the City Engineer Regarding Riding Ridge Trail Road & Utility Acceptance	Cover Memo/Letter
Maintenance Bonds: Polo Fields, Riding Ridge and Fairways Lane	Backup Material
Partially Executed Bill of Sale Riding Ridge Trail Water and Sewer Facilities with Exhibit A	Backup Material

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: Polo Fields

DATE: April 23, 2020

Proposed Actions by City Council: Acceptance of an Offer of Dedication regarding (1) water, sewer and storm drainage infrastructure in Riding Ridge Trail; (2) water and sewer infrastructure and easement in Fairways Lane; (3) sewer pumping station and force main at Fairways Lane; and (4) rejection of offer of dedication of a sewer easement to serve Lot 32 (Firehouse Lot).

Background: Several years ago, OL Beacon LLC (former property owner) applied to the Planning Board for the approval of a residential subdivision entitled “Polo Field Investments.” The City approved the subdivision (plat was filed in the Dutchess County Clerk’s Office in 2004) and the approval was conditioned on OL Beacon LLC dedicating certain public improvements to the City. An Offer of Dedication was recorded in the County Clerk’s Office in 2004.

The Polo Fields subdivision covers land both in the City and the Town of Fishkill (which granted land use approvals for the portion of the project located in its jurisdiction). Riding Ridge Trail is located solely within Beacon, while some of the utility easements and the sewer pump station associated with Fairways Lane are located in the Town.

In January 2020, the City Council accepted certain improvements and easements regarding Riding Ridge Trail. Since that time, the current owner (Beaver Brook Beacon Acquisitions, LLC) has arranged for the routine scheduled maintenance required for the Fairways Lane Pump Station as confirmed by the City Water and Wastewater Superintendent, which was outstanding at the time of the City Council’s action in January. Thus, the Council should consider acceptance of Items 1, 2 and 3, listed above.

Regarding Item 4, listed above, you may recall from our January 2020 memorandum that dedication is offered for the sewer line to the firehouse of the Dutchess Junction Fire District. However, City staff and consultants do not recommend that the City accept dedication of this line as it is not in the best interests of the City from a

maintenance perspective. We are advised that the line runs from the firehouse parcel down through the Polo Field – Multifamily area known as Lot 31. As the line traverses the multifamily development, it receives sewage flow from an additional 25 units within the multifamily development. The sewer collection system and associated pump station on Lot 31 was originally set up as a private collection system, and the City has not maintained any of these lines within the multifamily area since the construction of the project. Further, installation of the lines was not observed by the City. The firehouse sewer line does not service any property within the City of Beacon and should be offered for dedication to the Town of Fishkill or the Fire District. A Resolution has been prepared to reject the sewer easement serving Lot 32 (Firehouse Lot).

Including in your agenda materials are the following documents:

1. Draft Resolution Accepting Riding Ridge Trail Utility Infrastructure (water, sewer, storm drainage)
2. Draft Resolution Accepting Fairways Lane Utility Infrastructure (water, sewer), Easement and Pump Station
3. Draft Resolution Rejecting Firehouse Lot Sewer Easement
4. Offer of Dedication
5. Bill of Sale for Riding Ridge Trail infrastructure
6. As-Built Survey Fairways Lane
7. As-Built Survey Riding Ridge Trail
8. Letter of Acceptance by Lanc & Tully for Riding Ridge Trail
9. Maintenance Bonds

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION ACCEPTING DEDICATION OF UTILITY INFRASTRUCTURE
IN RIDING RIDGE TRAIL**

WHEREAS, an irrevocable offer of dedication was made to the City of Beacon by OL Beacon LLC dated November 3, 2004 and recorded in the Dutchess County Clerk's Office on November 5, 2004 as Document No. 02 2004 11922 in connection with the "Final Subdivision Plat of Phase 3 of Polo Field Investments" which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042B; and

WHEREAS, the Offer of Dedication includes a roadway known as Riding Ridge Trail and the following associated easements: (1) an easement for drainage and general utility purposes (the "Drainage and General Utility Easement"), (2) two sight line easements over a portion of certain lots within the subdivision (the "Sight Line Easements"), and (3) an easement to deposit, store and remove snow (the "Snow Storage Easement") which were accepted by the City Council in January 2020; and

WHEREAS, the current owner, Beaver Brook Beacon Acquisitions, LLC ("Owner") also submitted a Bill of Sale for utility infrastructure in Riding Ridge Trail; and

WHEREAS, the public improvements to be dedicated as part of the Polo Fields Subdivision are shown on a map entitled "Map Showing Proposed Conveyances including Fee Conveyances, Conveyances for Highway Purposes and Conveyances of Easements for various purposes to the City of Beacon, the Town of Fishkill and Dutchess Junction Fire District from the Polo Field Development," which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042C; and

WHEREAS, the City is in receipt of an as-built survey entitled "As-Built Survey of Riding Ridge Trail", last revised October 10, 2018, as prepared by Badey & Watson Surveying & Engineering, P.C.; and

WHEREAS, the Owner has submitted a maintenance bond in the amount of \$36,727.00; and

WHEREAS, the City Engineer has inspected the road and reviewed the road and utilities with the Highway Superintendent and Water & Sewer Superintendent and found that the water, sewer and storm drainage utilities have been constructed in general conformance to the approved plans and were tested in accordance with NYSDEC and NYSDOH requirements.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby accepts the Bill of Sale for the water, sewer and storm drainage utilities located in Riding Ridge Trail, as shown on the As Built Survey of Riding Ridge Trail, subject to the payment of all outstanding fees and professional review fees.

BE IT FURTHER RESOLVED, that the Mayor and/or the City Administrator are authorized to execute any forms and documents necessary to effectuate the purpose of this Resolution.

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION ACCEPTING DEDICATION OF UTILITY INFRASTRUCTURE
AND EASEMENT IN AND OVER FAIRWAYS LANE**

WHEREAS, an irrevocable offer of dedication was made to the City of Beacon by OL Beacon LLC dated November 3, 2004 and recorded in the Dutchess County Clerk's Office on November 5, 2004 as Document No. 02 2004 11922 in connection with the "Final Subdivision Plat of Phase 3 of Polo Field Investments" which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042B; and

WHEREAS, the Offer of Dedication includes: (1) a water and sewer easement in Fairways Lane, and (2) a sewer pumping station at the end of Fairways Lane; and

WHEREAS, the public improvements to be dedicated as part of the Polo Fields Subdivision are shown on a map entitled "Map Showing Proposed Conveyances including Fee Conveyances, Conveyances for Highway Purposes and Conveyances of Easements for various purposes to the City of Beacon, the Town of Fishkill and Dutchess Junction Fire District from the Polo Field Development," which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042C; and

WHEREAS, the City is in receipt of an as-built survey entitled "As-Built Survey of Fairways Lane", last revised October 10, 2018, as prepared by Badey & Watson Surveying & Engineering, P.C.; and

WHEREAS, the Owner has submitted a maintenance bond in the amount of \$20,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby accepts the Offer of Dedication for the water and sewer utilities located in Fairways Lane, sewer pump station and force main, and water and sewer easement in Fairways Lane, as shown on the As Built Survey of Fairways Lane and referenced in the Offer of Dedication, subject to the payment of all outstanding fees and professional review fees.

BE IT FURTHER RESOLVED, that the Mayor and/or the City Administrator are authorized to execute any forms and documents necessary to effectuate the purpose of this Resolution.

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

**RESOLUTION REJECTING DEDICATION OF A SEWER EASEMENT TO
SERVE LOT 32 (FIREHOUSE LOT)**

WHEREAS, an irrevocable offer of dedication was made to the City of Beacon by OL Beacon LLC dated November 3, 2004 and recorded in the Dutchess County Clerk's Office on November 5, 2004 as Document No. 02 2004 11922 in connection with the "Final Subdivision Plat of Phase 3 of Polo Field Investments" which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042B; and

WHEREAS, the public improvements to be dedicated as part of the Polo Fields Subdivision are shown on a map entitled "Map Showing Proposed Conveyances including Fee Conveyances, Conveyances for Highway Purposes and Conveyances of Easements for various purposes to the City of Beacon, the Town of Fishkill and Dutchess Junction Fire District from the Polo Field Development," which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042C; and

WHEREAS, the Offer of Dedication includes a sewer easement to serve Lot 32 (Firehouse Lot) as shown on the Filed Maps; and

WHEREAS, the City Council finds that acceptance of this sewer line and easement to serve the Firehouse Lot is not in the best interests of the City from a maintenance perspective for the following reasons: (1) the sewer line servicing the Firehouse Lot does not service any property within the City of Beacon and runs from the Firehouse Lot through the Polo Field – Multifamily area known as Lot 31; (2) the sewer line receives sewage flow from an additional 25 units within the multifamily development, as the sewage collection system and associated pump station on Lot 31 was originally set up as a private collection system; and (3) accordingly, the City has not maintained these private lines within the multifamily area and did not observe their installation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby rejects the offer of dedication for a sewer easement to serve Lot 32 (Firehouse Lot) as described above.

21P
T/20

OFFER OF DEDICATION

This Offer of Dedication made this 3rd day of November, 2004, between OL BEACON LLC, a New York Limited Liability Company, having an address at 200 Garden City Plaza, Garden City, New York 11530 (hereinafter "OL BEACON") and the CITY OF BEACON, a municipal corporation organized and existing under the laws of the State of New York having its principal offices located at City Hall, Suite 1, 1 Municipal Plaza, Beacon, New York 12508 (hereinafter the "CITY OF BEACON"),

WHEREAS, OL BEACON is the owner in fee of certain real property located in the City of Beacon, Dutchess County, New York, as shown on a plan of subdivision entitled, "Final Subdivision Plat of Phase 3 of Polo Field Investments", which map is to be filed in the Dutchess County Clerk's Office, and

WHEREAS, application was made for subdivision approval to the Planning Board of the CITY OF BEACON for approval of the subdivision entitled, "Polo Field Investments", located in the City of Beacon, Dutchess County, New York, and

WHEREAS, the CITY OF BEACON Planning Board has heretofore granted the aforesaid subdivision final approval conditioned upon OL BEACON dedicating certain public improvements to the CITY OF BEACON as hereinafter described, and

WHEREAS, the public improvements to be dedicated are shown on a map entitled "Map Showing Proposed Conveyances including Fee Conveyances, Conveyances for Highway Purposes and Conveyances of

FELDMAN-JACOBSON ABSTRACT
TITLE NO. 04-10-040308
RF: 201-47

022004 11922 Rec 11/5/04

Easements for various purposes to The City of Beacon, The Town of Fishkill, and Dutchess Junction Fire District from the Polo Field Development", which map is to be filed in the Dutchess County Clerk's Office.

NOW, THEREFORE, OL BEACON does hereby irrevocably offer to dedicate to the CITY OF BEACON the following:

1. All its right, title and interest in and to certain premises shown on the subdivision plan as Riding Ridge Trail, and the following easements, all as more particularly described in Schedule "A" annexed hereto: (a) an easement for drainage and general utility purposes (the "Drainage and General Utility Easement"), (b) two (2) sight line easements over a portion of certain lots within the subdivision (the "Sight Line Easements"), (c) an easement to deposit, store and remove snow (the "Snow Storage Easement"), (d) a water and sewer easement in Fairways Lane, (e) a sewer pumping station at the end of Fairways Lane and (f) a sewer easement to serve Lot 32 (Firehouse Lot).

2. The purpose of the Sight Line Easements is to provide for, keep and maintain clear and unobstructed sight lines and sight distances for traffic safety purposes, including the right to enter upon and inspect, cut, clear, trim, prune, grade, alter and remove all obstructions and impediments in and on the real property described as Sight Line Easements contained in Schedule "A" annexed hereto.

3. OL BEACON hereby covenants that no structures, permanent improvements or any obstructions whatsoever shall be constructed within the easements described in paragraph 1 above,

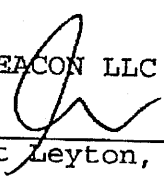
except approved structures, but nothing shall prevent OL BEACON, its successors and assigns from the full use and enjoyment of said property except as otherwise limited by these easements, provided such use does not interfere with the use for which the easement is irrevocably offered.

4. OL BEACON covenants that it is seized of said premises in fee simple and it has good right to convey the same.

5. At the time of acceptance by the CITY OF BEACON, title to the premises shall be good and marketable and free from all liens and encumbrances except existing rights of public utility companies and the rights of others to use said premises for highway purposes where appropriate, and OL BEACON agrees to furnish at its expense a policy of title insurance in the amount of not less than \$5,000.00.

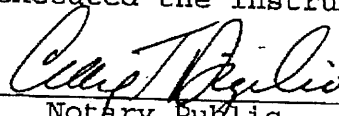
IN WITNESS WHEREOF, OL BEACON has executed this Offer of
Dedication the day and year first above written.

OL BEACON LLC

By: 
Scott Leyton, Manager

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

On the 3rd day of November, 2004, before me, the undersigned, a notary public in and for said state, personally appeared SCOTT LEYTON, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

CRAIG T. DIGILIO
Notary Public, State of New York
Qualified in Ulster County
Commission Expires May 31, 2007

Record and Return to:

Gerard Pisanelli, Esq.
2 Cannon Street
Poughkeepsie, New York 12601

4596-43938
10/29/04
#273913
Riding Ridge Trail
& related Easements

File No. 86-246BA
W.O. No. 12257
Doc. No. PF07MY9D.doc
Created: May 24, 1999
Revised: March 12, 2004
Printed: March 12, 2004
Figure No(s.) 2410, 3172, 3301, 3171, 108
Author: G.J.W.

SCHEDULE A
prepared for
Polo Field Investments
(Riding Ridge Trail and related Easements)

RIDING RIDGE TRAIL

ALL that certain parcel of land situate in the City of Beacon, County of Dutchess and State of New York that is a portion of the lands shown and designated as Parcel A on that certain "Supplemental Subdivision Plat to Polo Field - Map No. 1 ...," which was filed in the Dutchess County Clerk's office on June 26, 1992 as Filed Map No. 8937A, that is bounded and described as follows.

BEGINNING at Point Y, which point occupies coordinate position

N 540,045.68 (y)
E 598,823.35 (x)

of the New York State Coordinate System, East Zone and is a point on the northerly line of Slocum Road where it is met by the line dividing Lot No. 30 shown on said Filed Map No. 8937A, on the east, from said Parcel A on Filed Map No. 8937A, on the west.

THENCE from the said point of beginning westerly along the northerly line of Slocum Road on a curve to the left, the center of which bears S54°32'50"W, the central angle of which is 5°05'41", the radius of which is 1,100.00 feet for 97.81 feet to Point Z, which point occupies coordinate position

N 540,122.73 (y)
E 598,763.15 (x)

FELDMAN-JACOBSON ABSTRACT
TITLE NO. _____
RF: _____

of the New York State Coordinate System, East Zone and is the point on the northerly line of Slocum Road that is the point of beginning of both the Drainage and General Utility Easement and the Second Sight Line Easement hereinafter described. Thence leaving the said northerly line of Slocum Road and running through the said Parcel A on Filed Map No. 8937A the following, first turning about and on a tangent curve to the left, the center of which bears N49°27'10"E, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet, then

N 52°00'00" E 101.11 feet

then on a tangent curve to the left, the central angle of which is 30°30'00", the radius of which is 125.00 feet for 66.54 feet, then

N 21°30'00" E 100.00 feet

then on a tangent curve to the right, the central angle of which is 20°30'00", the radius of which is 200.00 feet for 71.56 feet, and then

N 42°00'00" E 254.29 feet

to Point AA, which point occupies coordinate position

N 540,576.77 (y)

E 599,160.82 (x)

of the New York State Coordinate System, East Zone and which point is the point of beginning of the Snow Storage and Removal Easement hereinafter described. Thence continuing through said Parcel A on Filed Map No. 8937A, first on a tangent curve to the left, the central angle of which is 70°31'44", the radius of which is 25.00 feet for 30.77 feet, then on a curve reversing to the right, the center of which bears N61°28'16"E, the central angle of which is 250°31'44", the radius of which is 50.00 feet for 218.63 feet, then

S 42°00'00" W 325.00 feet

then on a tangent curve to the left, the central angle of which is 20°30'00", the radius of which is 150.00 feet for 53.67 feet, and then

S 21°30'00" W 100.00 feet

to a point. Thence still through Parcel A on Filed Map No. 8937A and continuing along the westerly line of the aforementioned Lot No. 30 on said Filed Map No. 8937A, the following, first on a tangent curve to the right, the central angle of which is 30°30'00", the radius of which is 175.00 feet for 93.16 feet, then

S 52°00'00" W 101.11 feet

and then on a tangent curve to the left, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning, containing 0.938 acres, more or less.

DRAINAGE & GENERAL UTILITY EASEMENT ✓

TOGETHER WITH an easement for drainage and general utility purposes over another portion of the said Parcel A on Filed Map No. 8937A that is bounded and described as follows.

BEGINNING at the point on the northerly line of Slocum Road where it is met by the westerly line of the parcel (Riding Ridge Trail) hereinabove described that was hereinabove identified as Point Z.

THENCE from the said point of beginning westerly along the said northerly line of Slocum Road, first on the curve to the left, the center of which bears S49°27'10"W, the central angle of which is 3°47'10", the radius of which is 1,100.00 feet for 72.69 feet and then

N 44°20'00" W 100.00 feet

to a point. Thence through Parcel A on said Filed Map No. 8937A, first the following courses:

N 45°40'00" E 20.00 feet

S 44°20'00" E 126.93 feet and

S 63°50'00" E 79.75 feet

to a point on the westerly line of the parcel (Riding Ridge Trail) hereinabove described. Thence southerly along the said westerly line of the parcel (Riding Ridge Trail) hereinabove described, first

S 52°00'00" W 27.00 feet

and then on a tangent curve to the right, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning of this easement.

TOGETHER WITH two Sight Line Easements that are bounded and described as follows.

SIGHT LINE EASEMENT 1 ✓

AN EASEMENT over a portion of Lot No. 30 on said Filed Map No. 8937A that is designated thereon as "Sight Line Easement" and is bounded and described as follows:

BEGINNING at Point Y, hereinabove described, the point on the northerly line of Slocum Road where it is met by the line dividing Lot No. 30 shown on said Filed Map No. 8937A, on the east, from said Parcel A on Filed Map No. 8937A, on the west, which point is the point of beginning of the parcel (Riding Ridge Trail) hereinabove described.

THENCE from the said point of beginning northwesterly along the last mentioned division line, first on a curve to the right, the center of which bears N54°32'50" the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet and then

N 52°00'00" E 40.81 feet

to a point. Thence southerly through said Lot No. 30 on Filed Map No. 8937A

S 10°00'00" W 91.62 feet

to another point on the northerly line of Slocum Road. Thence westerly along the said northerly line of Slocum Road on a non-tangent curve to the left, the center of which bears S56°30'00"W, the central angle of which is 1°57'10", the radius of which is 1,100.00 feet for 37.49 feet to the point or place of beginning of this easement.

SIGHT LINE EASEMENT 2

AN EASEMENT over a portion of Parcel A on said Filed Map No. 8937A that is bounded and described as follows.

BEGINNING at the point on the northerly line of Slocum Road where it is met by the westerly line of the parcel (Riding Ridge Trail) hereinabove described that was hereinabove identified as Point Z.

THENCE from the said point of beginning westerly along the northerly line of Slocum Road on a curve to the left, the center of which bears S49°27'10"W, the central angle of which is 1°57'10", the radius of which is 1,100.00 feet for 37.49 feet. Thence through Parcel A on said Filed Map No. 8937A

S 86°00'00" E 91.62 feet

to a point on the westerly line of the parcel (Riding Ridge Trail) hereinabove described. Thence southerly along the westerly line of the parcel (Riding Ridge Trail) hereinabove described, first

S 52°00'00" W 40.81 feet

and then on a tangent curve to the right, the central angle of which is 87°27'10", the radius of which is 25.00 feet for 38.16 feet to the point or place of beginning of this easement.

SNOW STORAGE EASEMENT

TOGETHER WITH an easement to deposit, store and remove snow on and from another portion of the said Parcel A on Filed Map No. 8937A that is bounded and described as follows:

File U:\86-246BA\Word Descriptions\PF07MY9D.doc
ments

Riding Ridge Trail and related Easements

BEGINNING at the point within said Parcel A and on the line of the lands hereinabove described (Riding Ridge Trail) that was hereinabove identified as Point AA.

THENCE from said Point AA, the point of beginning of this easement, through Parcel A on Filed Map No. 8937A, the following, first

N 48°00'00" W 10.00 feet

then on a non-tangent curve to the left, the center of which bears N48°00'00"W, the central angle of which is 70°31'44", the radius of which is 15.00 feet for 18.46 feet, then on a curve reversing to the right, the center of which bears N61°28'16"E, the central angle of which is 250°31'44", the radius of which is 60.00 feet for 262.35 feet and then

S 42°00'00" W 70.71 feet and
N 48°00'00" W 10.00 feet

to a point on the easterly line of the parcel (Riding Ridge Trail) hereinabove described. Thence northerly, westerly and southerly still through Parcel A on Filed Map No. 8937A and along the line of the parcel (Riding Ridge Trail) hereinabove described the following, first

N 42°00'00" E 70.71 feet

then on a tangent curve to the left, the central angle of which is 250°31'44", the radius of which is 50.00 feet for 218.63 feet, and then on a curve reversing to the right, the center of which bears S61°28'16"W, the central angle of which is 70°31'44", the radius of which is 25.00 feet for 30.77 feet to the point or place of beginning of this easement.

N.B. Reference to the New York Coordinate System, East Zone, hereinabove, is to that system designed for the North American Datum of 1927 and was established from data obtained from the New York State Department of Transportation. Specifically, Points T9 and T10 for Highway Corridor Mapping Contract HC6791 were recovered in good condition and accepted.

Users are referred to that certain "Map showing proposed conveyances to The City of Beacon, Town of Fishkill and Dutchess Junction Fire District," by Badey

& Watson, Surveying and Engineering, PC, dated February 2, 2004 and intended to be filed in the Dutchess County Clerk's office prior to or simultaneously with the recording of the instrument of which this description is a part. Letter references, such as "Point ZZ", are shown on said map and on the closure(s) annexed to this description.

Prepared by

BADEY & WATSON

Surveying & Engineering, P.C.

U.S. Route 9

Cold Spring, New York 10516

(845)265-9217(V)

(845)265-4428(F)

CLOSURE OF RIDING RIDGE TRAIL - FIGURE 2410

1271 540045.6842 598823.3517 POINT_Y
S 54-32-50.3 W 1100.0000
CC 280 539407.6508 597927.2974 DELTA= 5-05-40.7 L L= 97.8100
N 49-27-09.7 E 1100.0000
1270 540122.7342 598763.1537 POINT_Z
N 49-27-09.7 E 25.0000
CC 1269 540138.9861 598782.1504 DELTA= 87-27-09.7 L L= 38.1584
S 38-00-00.0 E 25.0000
1268 540119.2858 598797.5420
N 52-00-00.0 E 101.1117
1251 540181.5364 598877.2191
N 38-00-00.0 W 125.0000
CC 1245 540280.0377 598800.2614 DELTA= 30-30-00.0 L L= 66.5407
S 68-30-00.0 E 125.0000
1252 540234.2251 598916.5636
N 21-30-00.0 E 100.0000
1253 540327.2668 598953.2137
S 68-30-00.0 E 200.0000
CC 1248 540253.9666 599139.2972 DELTA= 20-30-00.0 R L= 71.5585
N 48-00-00.0 W 200.0000
1254 540387.7927 598990.6683
N 42-00-00.0 E 254.2893
1262 540576.7665 599160.8210 POINT_AA
N 48-00-00.0 W 25.0000
CC 1263 540593.4948 599142.2424 DELTA= 70-31-43.6 L L= 30.7740
N 61-28-16.4 E 25.0000
1264 540605.4348 599164.2068
N 61-28-16.4 E 50.0000
CC 1243 540629.3148 599208.1357 DELTA=250-31-43.6 R L= 218.6276
S 48-00-00.0 E 50.0000
1267 540595.8582 599245.2929
S 42-00-00.0 W 325.0000
1260 540354.3362 599027.8255
S 48-00-00.0 E 150.0000
CC 1248 540253.9666 599139.2972 DELTA= 20-30-00.0 L L= 53.6689
N 68-30-00.0 W 150.0000
1259 540308.9418 598999.7346

S 21-30-00.0 W 100.0000
 1258 540215.9000 598963.0845
 N 68-30-00.0 W 175.0000
 CC 1245 540280.0377 598800.2614 DELTA= 30-30-00.0 R L= 93.1569
 S 38-00-00.0 E 175.0000
 1257 540142.1358 598908.0021
 S 52-00-00.0 W 101.1117
 1273 540079.8853 598828.3250
 S 38-00-00.0 E 25.0000
 CC 1272 540060.1850 598843.7166 DELTA= 87-27-09.7 L L= 38.1584
 S 54-32-50.3 W 25.0000
 1271 540045.6842 598823.3517 POINT_Y

AREA= 40838.566 SQ.FT.= 0.93752446 ACRES

**CLOSURE DRAINAGE & GENERAL UTILITY EASEMENT
FIGURE 3172**

1270 540122.7342 598763.1537 POINT_Z
 S 49-27-09.7 W 1100.0000
 CC 280 539407.6508 597927.2974 DELTA= 3-47-09.7 L L= 72.6863
 N 45-40-00.0 E 1100.0000
 279 540176.3655 598714.1123
 N 44-20-00.0 W 100.0000
 2292 540247.8941 598644.2292
 N 45-40-00.0 E 20.0000
 2293 540261.8707 598658.5349
 S 44-20-00.0 E 126.9311
 2294 540171.0787 598747.2383
 S 63-50-00.0 E 79.7535
 2295 540135.9087 598818.8183
 S 52-00-00.0 W 27.0000
 1268 540119.2858 598797.5420
 N 38-00-00.0 W 25.0000
 CC 1269 540138.9861 598782.1504 DELTA= 87-27-09.7 R L= 38.1584
 S 49-27-09.7 W 25.0000
 1270 540122.7342 598763.1537 POINT_Z

AREA= 4936.548 SQ.FT.= 0.11332755 ACRES

CLOSURE SIGHT LINE EASEMENT 1 - FIGURE 3301

1271 540045.6842 598823.3517 POINT_Y
N 54-32-50.3 E 25.0000
CC 1272 540060.1850 598843.7166 DELTA= 87-27-09.7 R L= 38.1584
N 38-00-00.0 W 25.0000
1273 540079.8853 598828.3250
N 52-00-00.0 E 40.8068
100 540105.0085 598860.4813
S 10-00-00.0 W 91.6189
160 540014.7815 598844.5718
S 56-30-00.0 W 1100.0000
CC 280 539407.6508 597927.2974 DELTA= 1-57-09.7 L L= 37.4888
N 54-32-50.3 E 1100.0000
1271 540045.6842 598823.3517 POINT_Y

AREA= 1851.349 SQ.FT.= 0.04250112 ACRES

CLOSURE SIGHT LINE EASEMENT 2 - FIGURE 3171

1270 540122.7342 598763.1537 POINT_Z
S 49-27-09.7 W 1100.0000
CC 280 539407.6508 597927.2974 DELTA= 1-57-09.7 L L= 37.4888
N 47-30-00.0 E 1100.0000
54 540150.8000 598738.3025
S 86-00-00.0 E 91.6189
53 540144.4090 598829.6982
S 52-00-00.0 W 40.8068
1268 540119.2858 598797.5420
N 38-00-00.0 W 25.0000
CC 1269 540138.9861 598782.1504 DELTA= 87-27-09.7 R L= 38.1584
S 49-27-09.7 W 25.0000
1270 540122.7342 598763.1537 POINT_Z

AREA= 1851.349 SQ.FT.= 0.04250113 ACRES

CLOSURE SNOW STORAGE EASEMENT - FIGURE 0108

1262 540576.7665 599160.8210 POINT_AA
N 48-00-00.0 W 10.0000
1776 540583.4578 599153.3896
N 48-00-00.0 W 15.0000
CC 1263 540593.4948 599142.2424 DELTA= 70-31-43.6 L L= 18.4644
N 61-28-16.4 E 15.0000
1777 540600.6588 599155.4211
N 61-28-16.4 E 60.0000
CC 1243 540629.3148 599208.1357 DELTA=250-31-43.6 R L= 262.3531
S 48-00-00.0 E 60.0000
1782 540589.1669 599252.7244
S 42-00-00.0 W 70.7107
1783 540536.6187 599205.4097
N 48-00-00.0 W 10.0000
1775 540543.3100 599197.9783
N 42-00-00.0 E 70.7107
1267 540595.8582 599245.2929
N 48-00-00.0 W 50.0000
CC 1243 540629.3148 599208.1357 DELTA=250-31-43.6 L L= 218.6276
S 61-28-16.4 W 50.0000
1264 540605.4348 599164.2068
S 61-28-16.4 W 25.0000
CC 1263 540593.4948 599142.2424 DELTA= 70-31-43.6 R L= 30.7740
S 48-00-00.0 E 25.0000
1262 540576.7665 599160.8210 POINT_AA

AREA= 3358.202 SQ.FT.= 0.07709372 ACRES

File No. 86-246BA
W.O. No. 12257
Doc. No. PF09MY9D.lwp
Created: May 24, 1999
Revised: March 5, 2004
Printed: March 10, 2004
Figure No(s.) 2312, 3231, 3314
Author: G.J.W.

SCHEDULE A
prepared for
Polo Field Investments
(Water and Sewer Easements)
(To be conveyed to The City of Beacon)

WATER & SEWER EASEMENT IN FAIRWAYS LANE

AN EASEMENT for the installation, re-installation, repair and maintenance of sanitary sewers and related fixtures and equipment and water distribution mains, service lines and related fixtures and equipment in and under that certain parcel of land situate in the Town of Fishkill, County of Dutchess and State of New York that is a portion of the lands shown and designated as Parcel B on that certain "Subdivision Plat prepared for Polo Field - Map No. 1 ...," which was filed in the Dutchess County Clerk's office on February 1, 1990 as Map No. 8937 that is bounded and described as follows.

BEGINNING at Point BB which point occupies coordinate position

N 540,528.48 (y)
E 598,316.83 (x)

of the New York State Coordinate System, East Zone and is the point on the westerly line of Slocum Road where it is met by the line dividing Lot No. 22 shown on said Filed Map No. 8937, on the north, from said Parcel B on Filed Map No. 8937, on the south.

THENCE from the said point of beginning southerly along the westerly line of Slocum Road, first on a curve to the left, the center of which bears N62°16'54"E, the central angle of which is 16°36'54", the radius of which is 285.00 feet for 82.65 feet and then

S 44°20'00" E 10.52 feet

to a point. Thence leaving the said westerly line of Slocum Road and running through the said Parcel B on Filed Map No. 8937 the following, first turning about and on a tangent curve to the left, the central angle of which is $82^{\circ}40'00''$, the radius of which is 25.00 feet for 36.07 feet, then

S $53^{\circ}00'00''$ W 18.88 feet

then on a tangent curve to the right, the central angle of which is $50^{\circ}00'00''$, the radius of which is 175.00 feet for 152.72 feet, then

N $77^{\circ}00'00''$ W 100.00 feet

then on a tangent curve to the left, the central angle of which is $31^{\circ}20'00''$, the radius of which is 125.00 feet for 68.36 feet, then

S $71^{\circ}40'00''$ W 101.08 feet

then on a tangent curve to the right, the central angle of which is $9^{\circ}20'00''$, the radius of which is 550.00 feet for 89.59 feet, then

S $81^{\circ}00'00''$ W 85.03 feet

then on a tangent curve to the left, the central angle of which is $70^{\circ}31'44''$, the radius of which is 25.00 feet for 30.77 feet, and then on a curve reversing to the right, the center of which bears N $79^{\circ}31'44''$ W, the central angle of which is $239^{\circ}31'44''$, the radius of which is 50.00 feet for 209.03 feet to Point HH, which point occupies coordinate position

N 540403.77 (y)

E 597661.22 (x)

of the New York State Coordinate System, East Zone and is the point of beginning of the Sanitary Sewer Pumping Station Easement hereinafter described. Thence still through said Parcel B on Filed Map No. 8937 and continuing along the southerly line of Lot No. 22 on said Filed Map No. 8937 the following, first on the same curve to the right, the center of which now bears S $20^{\circ}00'00''$ E, the central angle of which is $11^{\circ}00'00''$, the radius of which is 50.00 feet for 9.60 feet, then

N 81°00'00" E 155.74 feet

then on a tangent curve to the left, the central angle of which is 9°20'00", the radius of which is 500.00 feet for 81.45 feet, then

N 71°40'00" E 101.08 feet

then on a tangent curve to the right, the central angle of which is 31°20'00", the radius of which is 175.00 feet for 95.70 feet, then

S 77°00'00" E 100.00 feet

then on a tangent curve to the left, the central angle of which is 50°00'00", the radius of which is 125.00 feet for 109.08 feet, then

N 53°00'00" E 19.06 feet

and then on a tangent curve to the left, the central angle of which is 80°43'05", the radius of which is 25.00 feet for 35.22 feet to the point or place of beginning of this easement.

SEWER PUMPING STATION EASEMENT AT THE END OF FAIRWAYS LANE

TOGETHER WITH ANOTHER EASEMENT for the installation, re-installation, repair and maintenance of a sanitary sewer pump station and related fixtures and equipment on, in and under that certain parcel of land situate in the Town of Fishkill, County of Dutchess and State of New York that is also a portion of the lands shown and designated as Parcel B on that certain "Subdivision Plat prepared for Polo Field - Map No. 1 ...," which was filed in the Dutchess County Clerk's office on February 1, 1990 as Filed Map No. 8937 that is bounded and described as follows.

BEGINNING at the point within said Parcel B and on the northerly line of the first easement hereinabove described that was hereinabove identified as Point HH.

THENCE from the point of beginning of this easement, through Parcel B on Filed Map No. 8937, the following courses

N 20°00'00" W 135.00 feet
N 70°00'00" E 30.00 feet
S 20°00'00" E 95.00 feet
N 70°00'00" E 15.00 feet and
S 20°00'00" E 47.81 feet

to another point on the northerly line of the first easement hereinabove described. Thence westerly along the northerly line of the first easement hereinabove described, first

S 81°00'00" W 36.12 feet

and then on a tangent curve to the left, the central angle of which is 11°00'00", the radius of which is 50.00 feet for 9.60 feet to the point or place of beginning of this easement.

SEWER EASEMENT TO SERVE LOT 32 (FIREHOUSE LOT)

AN EASEMENT for the installation, re-installation, repair and maintenance of sanitary sewers and related fixtures and equipment in and under that certain parcel of land situate in the Town of Fishkill, County of Dutchess and State of New York that is a portion of the lands shown and designated as Parcel B on that certain "Sub-division Plat prepared for Polo Field - Map No. 1 ...," which was filed in the Dutchess County Clerk's office on February 1, 1990 as Map No. 8937 that is bounded and described as follows.

BEGINNING at Point KK, which point occupies coordinate position

N 540,023.38 (y)
E 598,777.82 (x)

of the New York State Coordinate System, East Zone and is the point on the southerly line of Slocum Road that is distant northwesterly along the said southerly line of Slocum Road the following, first

N 16°10'00" E 228.24 feet

then on a tangent curve to the left, the central angle of which is 42°50'00", the radius of which is 190.00 feet for 142.04 feet, then

File U:\86-246BA\Word Descriptions\PF09MY9D.doc
Water and Sewer Easements to be conveyed to the City of Beacon

N 26°40'00" W 130.12 feet

and then on a tangent curve to the left, the central angle of which is 9°14'08", the radius of which is 1,050.00 feet for 169.25 feet

from Point M, which point occupies coordinate position

N 539,405.22 (y)

E 598,873.16 (x)

of the New York State Coordinate System, East Zone and is the point where the said southerly line of Slocum Road meets the westerly line of Route 9D, as shown on said Filed Map No. 8937.

THENCE from the said point of beginning, through Parcel B on said Filed Map No. 8937, the following courses:

S 24°00'00" W 111.39 feet

S 04°00'00" E 190.68 feet

S 34°00'00" W 390.75 feet and

S 42°10'00" E 139.56 feet

to a point on the westerly line of that portion of said Parcel B which is proposed to be conveyed to the Dutchess Junction Fire District. Thence still through said Parcel B and along the westerly line of the said parcel proposed to be conveyed to the Dutchess Junction Fire District

S 35°00'00" W 30.77 feet

to a point. Thence still through said Parcel B, but no longer along the westerly line of the said parcel proposed to be conveyed to the Dutchess Junction Fire District, the following courses:

N 42°10'00" W 169.90 feet

N 34°00'00" E 403.93 feet

N 04°00'00" W 187.83 feet and

N 24°00'00" E 135.61 feet

to another point on the southerly line of Slocum Road. Thence easterly along the southerly line of Slocum Road on a non-tangent curve to the right, the center of which bears $S52^{\circ}13'23''W$, the central angle of which is $1^{\circ}52'29''$, the radius of which is 1,050.00 feet for 34.36 feet to the point or place of beginning of this easement.

N.B. Reference to the New York Coordinate System, East Zone, hereinabove, is to that system designed for the North American Datum of 1927 and was established from data obtained from the New York State Department of Transportation. Specifically, Points T9 and T10 for Highway Corridor Mapping Contract HC6791 were recovered in good condition and accepted.

Users are referred to that certain "Map showing proposed conveyances to The City of Beacon, Town of Fishkill and Dutchess Junction Fire District ...," by Badey & Watson, Surveying and Engineering, PC, dated February 2, 2004 and intended to be filed in the Dutchess County Clerk's office prior to or simultaneously with the recording of the instrument of which this description is a part. Letter references, such as "Point ZZ", are shown on said map and on the closure(s) annexed to this description.

Prepared by

BADEY & WATSON

Surveying & Engineering, P.C.

U.S. Route 9

Cold Spring, New York 10516

(845)265-9217(V)

(845)265-4428(F)

CLOSURE SEWER EASEMENT IN FAIRWAYS LANE - FIGURE 2312

457 540528.4790 598316.8330 POINT_BB
N 62-16-54.4 E 285.0000
CC 277 540661.0392 598569.1281 DELTA= 16-36-54.4 L L= 82.6468
S 45-40-00.0 W 285.0000
294 540461.8722 598365.2715
S 44-20-00.8 E 10.5171
440 540454.3495 598372.6212 POINT_CC
S 45-40-00.2 W 25.0000
CC 441 540436.8787 598354.7390 DELTA= 82-39-59.6 L L= 36.0700
N 36-59-59.4 W 25.0000
442 540456.8446 598339.6937
S 52-59-59.9 W 18.8782
443 540445.4834 598324.6169
N 37-00-00.0 W 175.0000
CC 431 540585.2446 598219.2993 DELTA= 50-00-00.1 R L= 152.7163
S 13-00-00.1 W 175.0000
444 540414.7299 598179.9328
N 77-00-00.0 W 100.0000
445 540437.2250 598082.4958
S 12-59-59.9 W 125.0000
CC 434 540315.4287 598054.3770 DELTA= 31-19-59.9 L L= 68.3587
N 18-20-00.0 W 125.0000
446 540434.0840 598015.0589
S 71-40-00.0 W 101.0837
448 540402.2887 597919.1059
N 18-20-00.0 W 550.0000
CC 264 540924.3721 597746.1062 DELTA= 9-20-00.0 R L= 89.5936
S 9-00-00.0 E 550.0000
436 540381.1435 597832.1452
S 81-00-00.0 W 85.0268
1014 540367.8424 597748.1652
S 9-00-00.0 E 25.0000
CC 458 540343.1502 597752.0761 DELTA= 70-31-43.6 L L= 30.7740
N 79-31-43.6 W 25.0000
447 540347.6937 597727.4924
N 79-31-43.6 W 50.0000
CC 437 540356.7808 597678.3251 DELTA=239-31-43.7 R L= 209.0283

N 19-59-59.9 W 50.0000
466 540403.7654 597661.2241 POINT_HH
S 19-59-59.9 E 50.0000
CC 437 540356.7808 597678.3251 DELTA= 10-59-59.9 R L= 9.5993
N 9-00-00.0 W 50.0000
490 540406.1652 597670.5034
N 81-00-00.0 E 155.7375
449 540430.5279 597824.3235
N 9-00-00.0 W 500.0000
CC 264 540924.3721 597746.1062 DELTA= 9-20-00.0 L L= 81.4488
S 18-20-00.0 E 500.0000
450 540449.7508 597903.3787
N 71-40-00.0 E 101.0837
465 540481.5462 597999.3316 POINT_II
S 18-20-00.0 E 175.0000
CC 434 540315.4287 598054.3770 DELTA= 31-20-00.0 R L= 95.7022
N 13-00-00.0 E 175.0000
452 540485.9435 598093.7434
S 77-00-00.0 E 100.0000
453 540463.4484 598191.1804
N 13-00-00.1 E 124.9999
CC 431 540585.2446 598219.2993 DELTA= 50-00-00.1 L L= 109.0831
S 37-00-00.1 E 125.0000
454 540485.4152 598294.5262
N 52-59-59.5 E 19.0588
455 540496.8851 598309.7472
N 37-00-00.1 W 25.0000
CC 456 540516.8510 598294.7018 DELTA= 80-43-04.6 L L= 35.2199
N 62-16-55.3 E 25.0000
457 540528.4790 598316.8330 POINT_BB

AREA= 40943.009 SQ.FT.= 0.93992215 ACRES

CLOSURE SEWER PUMPING STATION EASEMENT - FIGURE 3231

466 540403.7654 597661.2241 POINT_HH
N 20-00-00.0 W 135.0000
1078 540530.6239 597615.0514
N 70-00-00.0 E 30.0000
1079 540540.8845 597643.2422
S 20-00-00.0 E 95.0000
57 540451.6137 597675.7341
N 70-00-00.0 E 15.0000
58 540456.7441 597689.8295
S 20-00-00.0 E 47.8113
59 540411.8161 597706.1819
S 81-00-00.0 W 36.1233
490 540406.1652 597670.5034
S 9-00-00.0 E 50.0000
CC 437 540356.7808 597678.3251 DELTA= 10-59-59.9 L L= 9.5993
N 19-59-59.9 W 50.0000
466 540403.7654 597661.2241 POINT_HH

AREA= 4807.690 SQ.FT.= 0.11036938 ACRES

**CLOSURE SEWER EASEMENT TO SERVICE LOT 32 -FIREHOUSE LOT
FIGURE 3314**

1592 540023.3752 598777.8169 POINT_KK
S 24-00-00.0 W 111.3910
1593 539921.6145 598732.5101
S 4-00-00.0 E 190.6787
1594 539731.4003 598745.8111
S 34-00-00.0 W 390.7463
1595 539407.4570 598527.3086
S 42-10-00.0 E 139.5608
1596 539304.0151 598620.9943
S 35-00-00.0 W 30.7686
1587 539278.8110 598603.3462 POINT_MM
N 42-10-00.0 W 169.9040
1588 539404.7430 598489.2915
N 34-00-00.0 E 403.9253
1589 539739.6123 598715.1636
N 4-00-00.0 W 187.8287
1590 539926.9834 598702.0614
N 24-00-00.0 E 135.6101
1591 540050.8694 598757.2190
S 52-13-23.0 W 1050.0000
CC 280 539407.6508 597927.2974 DELTA= 1-52-28.9 R L= 34.3556
N 54-05-51.9 E 1050.0000
1592 540023.3752 598777.8169 POINT_KK

AREA= 25947.891 SQ.FT.= 0.59568162 ACRES

DUTCHESS COUNTY CLERK RECORDING PAGE

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POUGHKEEPSIE NY 12601

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GRANTEE: BEACON CITY

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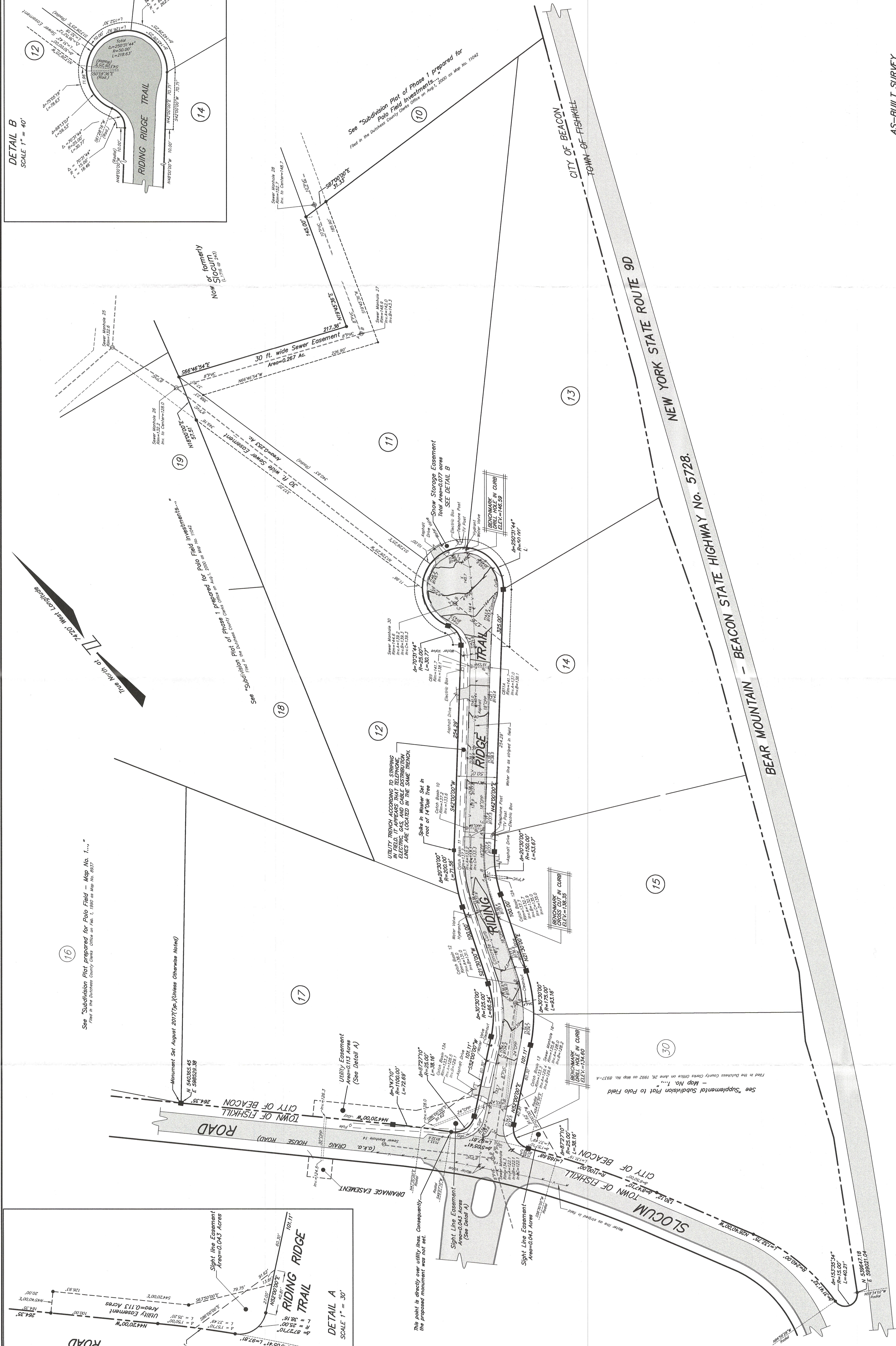
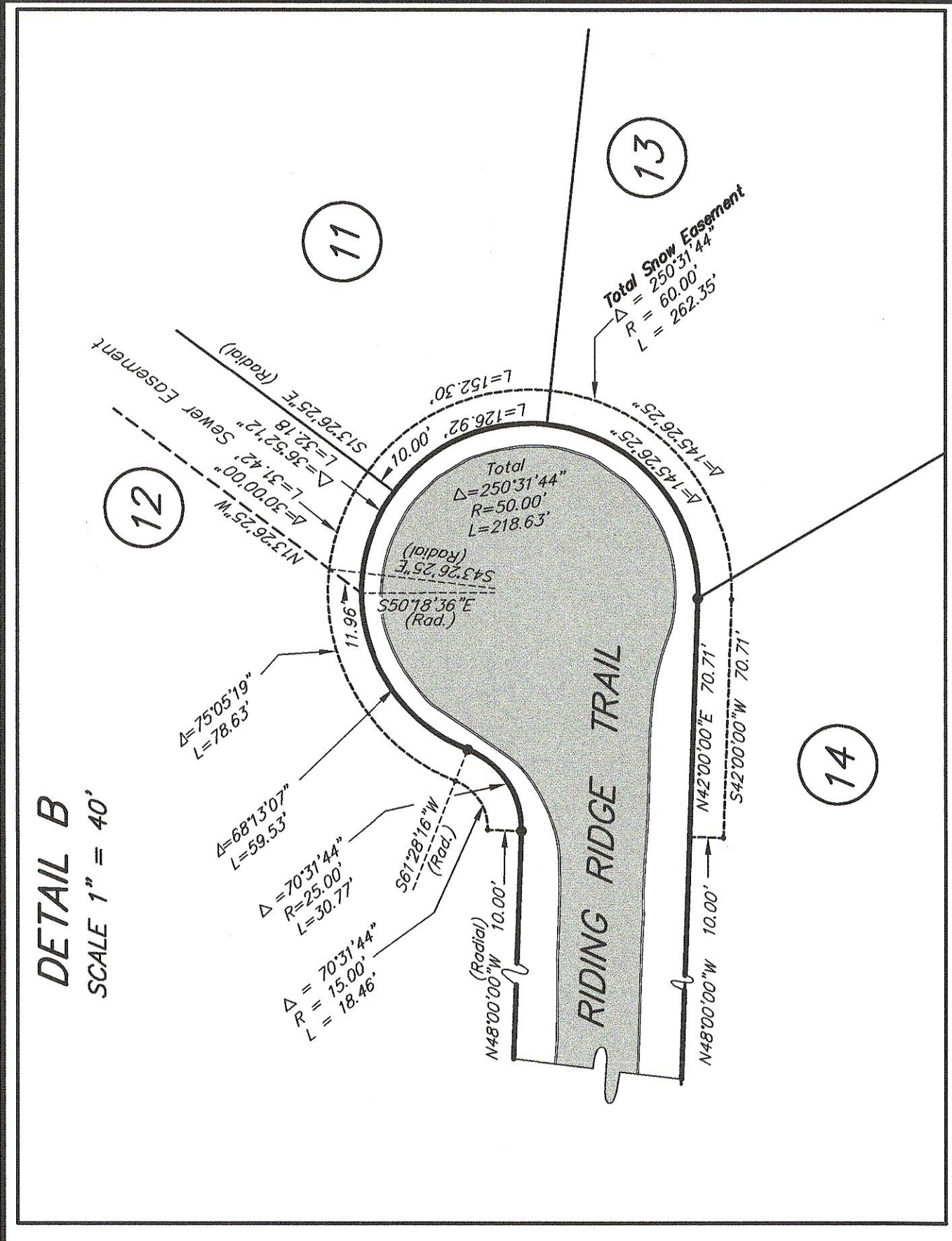
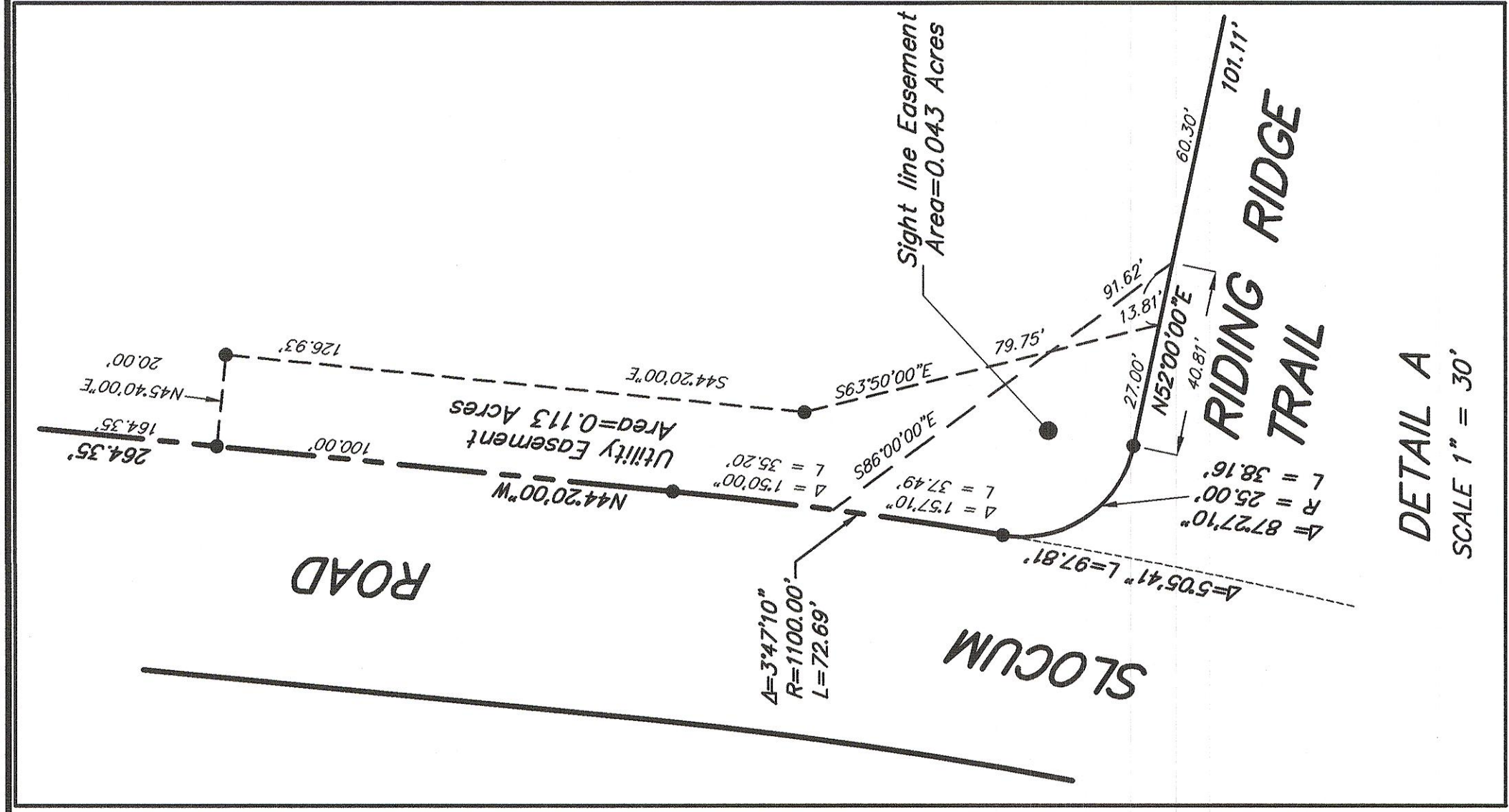
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County Clerk





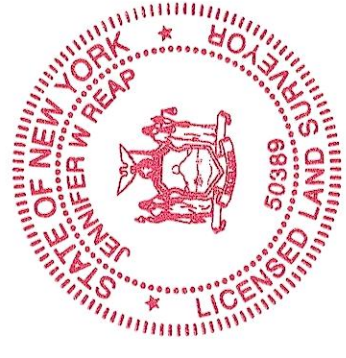
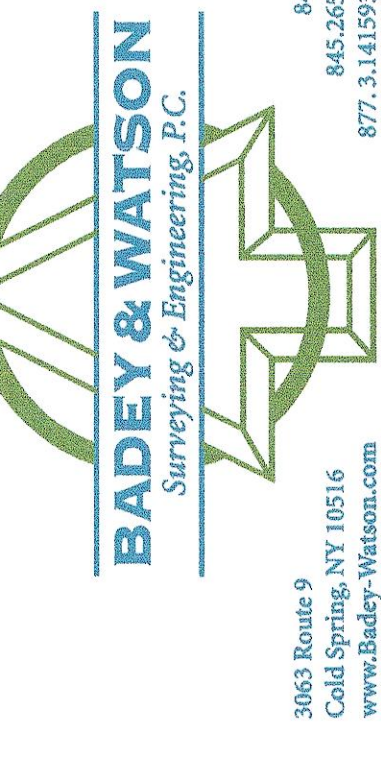
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BEAVER BROOK BEACON LLC
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 5. This property may be affected by instruments which have not been provided to these surveyors. Users of this map should verify title with the appropriate authorities.
 6. This is a preliminary map of the Riding Ridge Trail and the easements shown on it. It is not intended to be used for any other purpose.
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 8. The vertical datum hereon is Mean Sea Level (MSL) - 1993.
 9. The horizontal datum hereon is the North American Datum of 1983 (NAD-1983).
 10. The State Coordinate System, East Zone (NAD-1983).

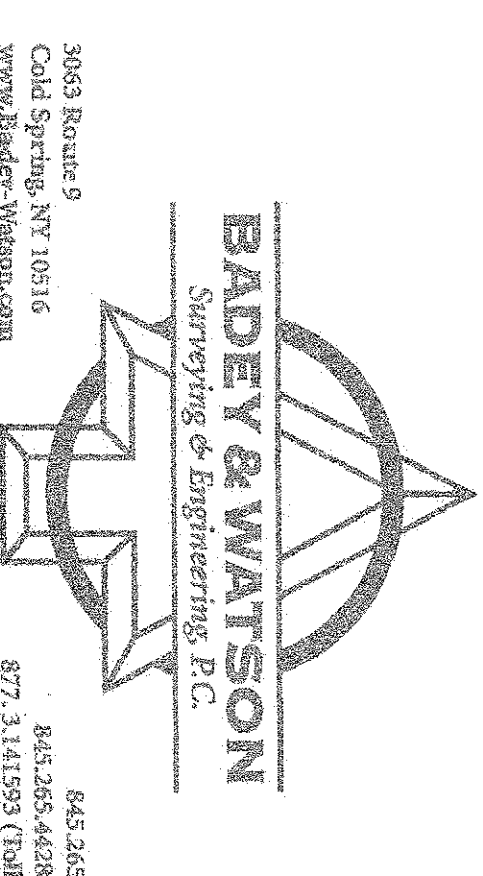
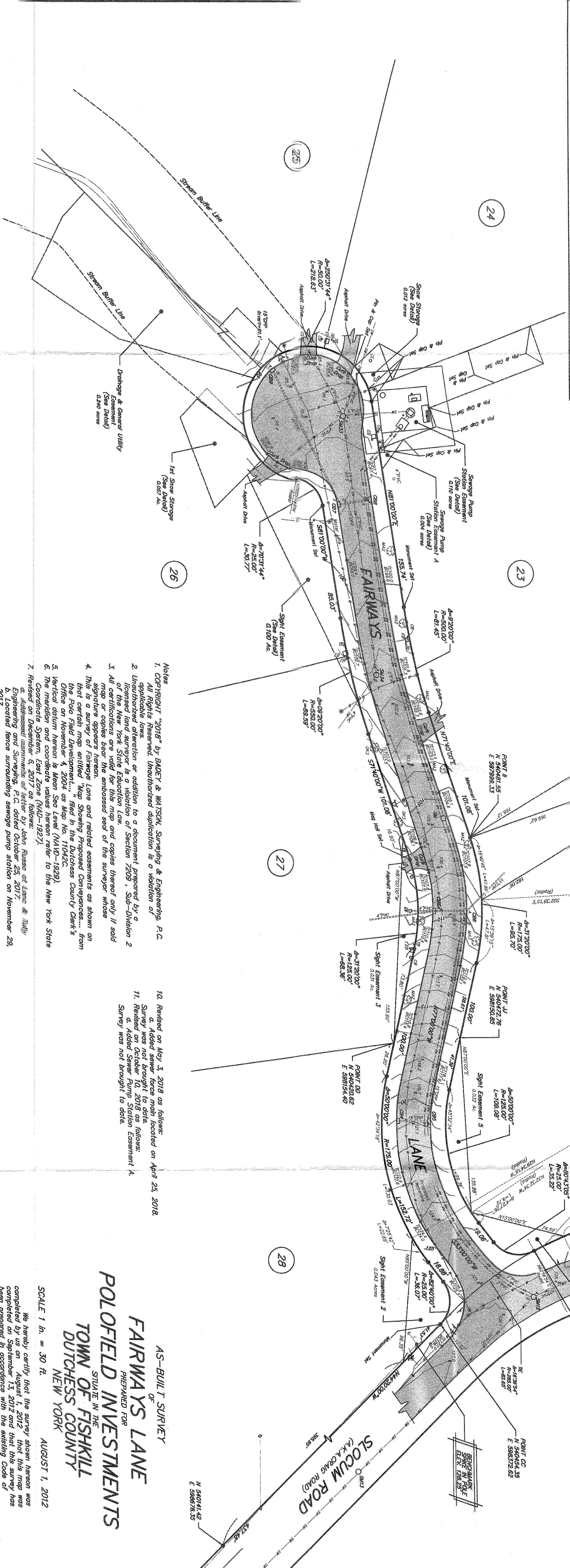
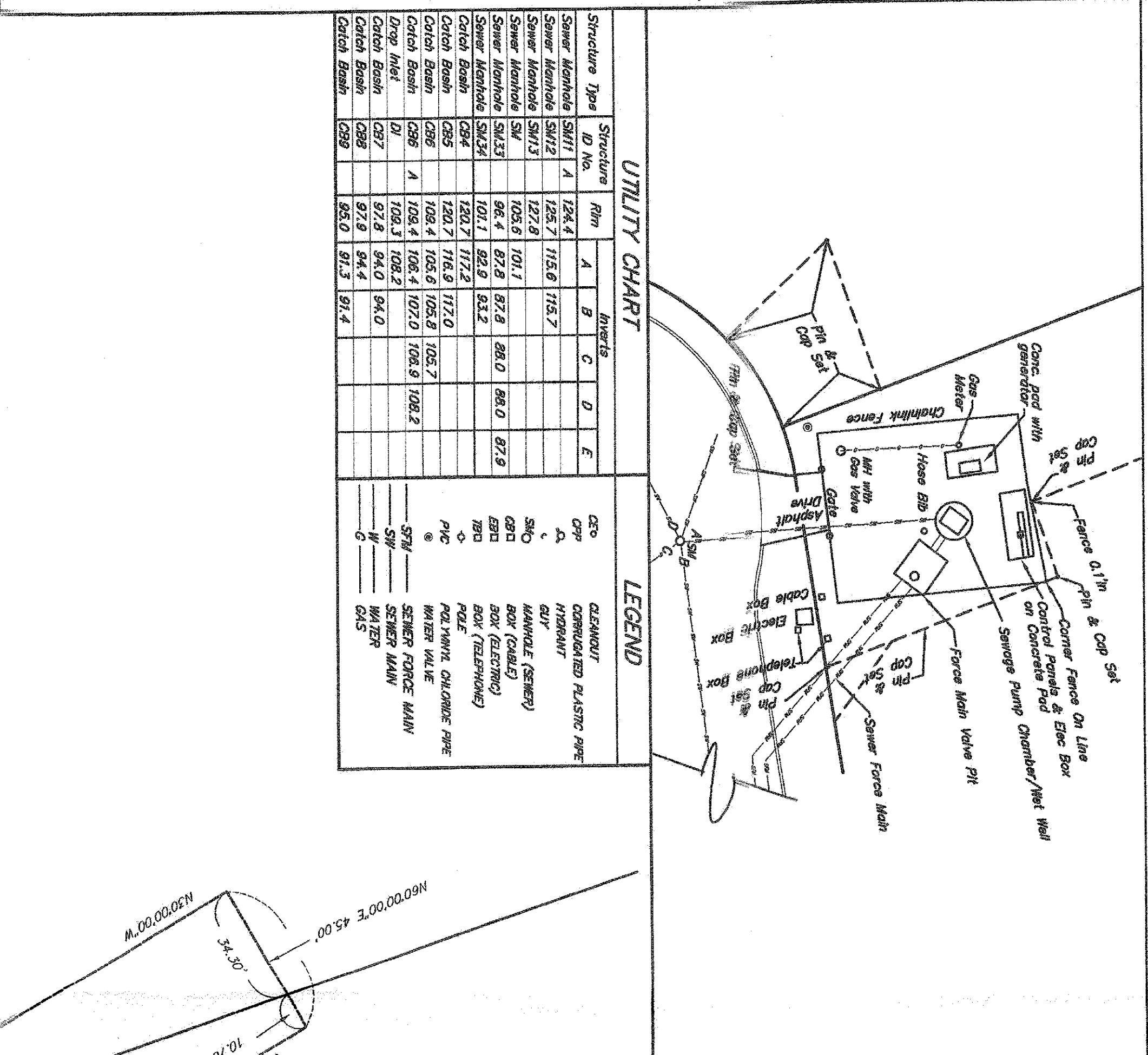
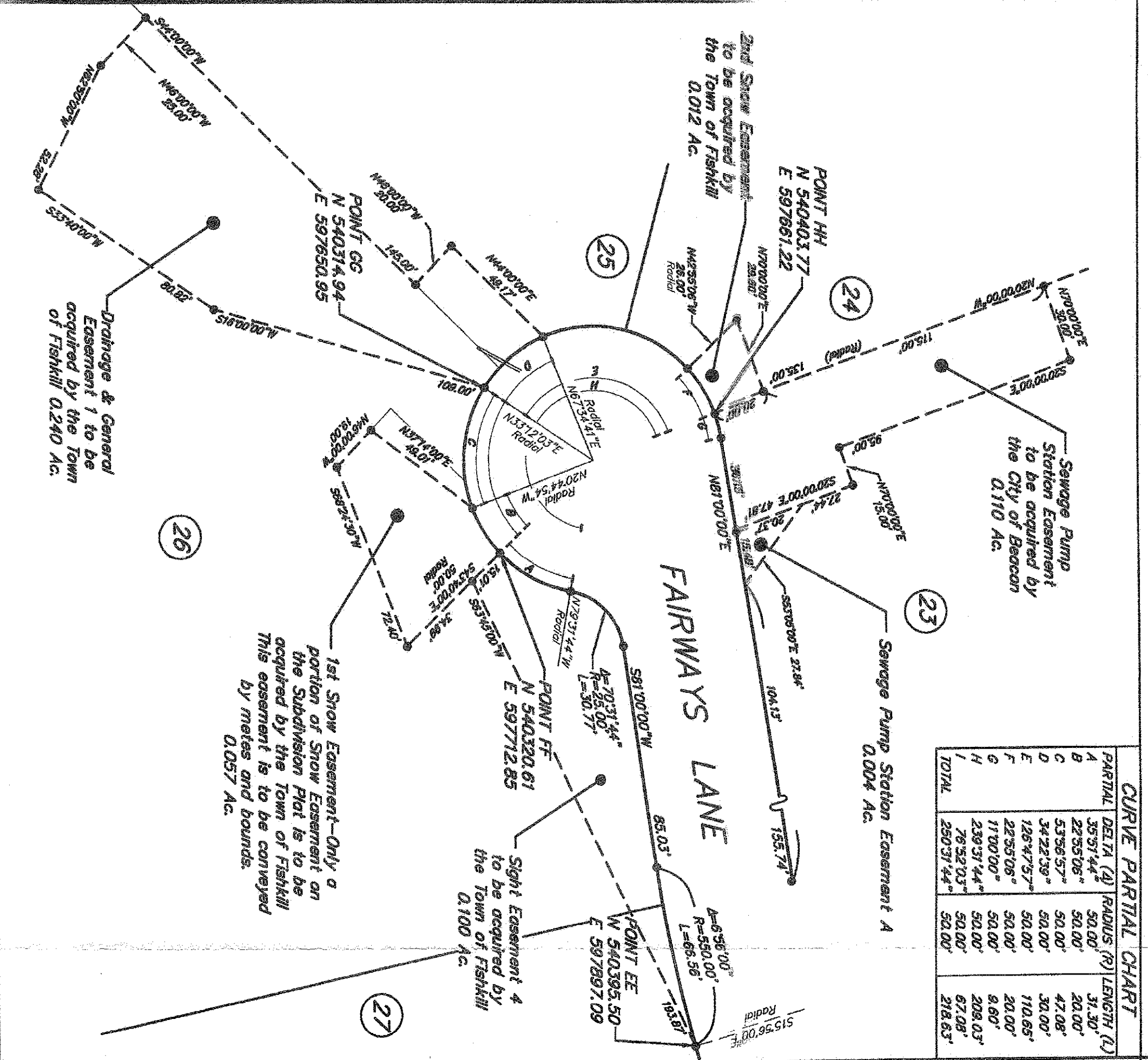
AS-BUILT SURVEY
RIDING RIDGE TRAIL
AND
THE EASEMENTS SHOWN ON FILED MAP NO. 11042B
SITUATE IN THE
CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

SCALE 1 in. = 40 ft. AUGUST 17, 2017

We hereby certify that the survey shown hereon was completed by or under the direct supervision of a licensed professional surveyor in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc.



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BADEY & WATSON
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NEW YORK STATE LICENSED LAND SURVEYOR
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BADEY & WATSON
Surveying & Engineering, P.C.
445 West 87th
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3. Licensed land surveyor is a violation of Section 2009, Sub-Division 2 of the New York State Education Law, and copies thereof only if sold signature appears hereon.
4. This is a survey of Fairways Lane and related easements as shown on that certain map entitled "Map Showing Proposed Conveyances..." from the Pole Field Development, filed in the Dutchess County Clerk's Office on November 4, 2004 as Map No. 11042C.
5. Vertical datum hereon is Mean Sea Level (NAVD-1929).
6. The meridian and coordinate values hereon refer to the New York State Coordinate System, East Zone (NAD-1927).
7. Revised on December 6, 2017 as follows:
a. Addressed Surveying P.C. dated October 25, 2017.
b. Located force surrounding sewage pump station on November 29, 2017.
8. Survey was not brought to date.
9. Revised on December 14, 2017 as follows:
a. Corrected location of fence surrounding sewage pump station.
b. Survey was not brought to date.
c. Added pipe sizes and materials located on October 23, 2008.
d. Added the Sewer Pump Easement 4, and
e. Added the water lines which were located on March 7, 2018 and March 21, 2018.
Survey was not brought to date.

Notes:
10. Revised on May 3, 2018 as follows:
a. Added sewer force main located on April 25, 2018.
b. Survey was not brought to date.
c. Added Sewer Pump Station Easement 4.
d. Survey was not brought to date.

Notes:
11. Revised on October 10, 2018 as follows:
a. Added Sewer Pump Station Easement 4.
b. Survey was not brought to date.

AS-BUILT SURVEY
OF
FAIRWAYS LANE
PREPARED FOR
POLOFIELD INVESTMENTS
SITING IN THE
TOWN OF FISHKILL
DUTCHESS COUNTY
NEW YORK
AUGUST 1, 2012
SCALE 1 in. = 30 ft.
We hereby certify that the survey shown hereon was completed by us on August 1, 2012 and that this survey has been prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. on October 10, 2018. See 1008 11.
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David E. Higgins, P.E., Principal
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal
John Lane, P.E., L.S.
Arthur R. Tully, P.E.

November 28, 2018

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

RE: Riding Ridge Trail – Polo Fields
City of Beacon
Road & Utility Dedication

Dear Mr. Ruggiero:

On October 13th, 2017, our office inspected the road known as Riding Ridge Trail, which is a road that was constructed as part of Phase 3 of the Polo Fields project. We again inspected the road in September of 2018, along with reviewing the road and utilities with the Highway Superintendent and Water & Sewer Superintendent. Based upon our inspections of the road and utilities, and discussions with the Superintendents, at this time the road and associated water, sewer, and storm drainage utilities were found to have been constructed in general conformance with the approved subdivision plans. The water and sewer utilities were tested in accordance with the NYSDEC and NYSDOH standards and requirements when they were constructed and have been in operation since then. The developer has also submitted a plan entitled "As-Built Survey of Riding Ridge Trail", with date of survey being August 17, 2017, and map completed date of September 13, 2017, which was found to be acceptable.

We would recommend that Riding Ridge Trail, along with the water, sewer and storm drainage utilities, be accepted by the City of Beacon once the City Attorney approves the offer of dedication and any other required documents, the developer delivers to the City of Beacon a Maintenance Bond in the value of \$36,727.00 in accordance with Section 192-6, Paragraph "F" of the City Code, and four (4) additional copies of the as-built plan are also submitted to the City of Beacon.

It should be understood, that this letter is regarding the acceptance of this road only and is not to be associated with any acceptance of the sewage pump station located on Fairways Lane.

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

Very truly

LANC & TULLY, P.C.



John Russo, P.E.

Cc: Michael Manzi, Highway Superintendent
Ed Balicki, Water & Sewer Superintendent
Nick Ward-Willis, City Attorney
Tim Dexter, Building Inspector

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we,

Beaver Brook Beacon LLCas Principal, and The Hanover Insurance Company, a corporation organized and existing under the laws of the State of
New Hampshire and having its principal office in Worcester, Massachusetts as Surety, are held and firmly bound unto
City of Beacon, New Yorkas Oblige, in the sum of Thirty Six Thousand Seven Hundred Twenty Seven Dollars(\$ 36,727.00) lawful money of the United States of America, to be paid to said Oblige, its successors or assigns, for which payment well
and truly to be made, we, and each of us do hereby bind ourselves, our and each of our heirs, executors, administrators and assigns, jointly and
severally, firmly by these presents.

WHEREAS, the said principal entered into a contract with the

City of Beacon, New Yorkdated 07/16/2019 toPolo Fields, City of BeaconRoad & UtilityRoad & Utility Riding Ridge Trail

WHEREAS, the Oblige has requested the Principal to furnish a surety maintenance bond in the above mentioned penalty for the maintenance of

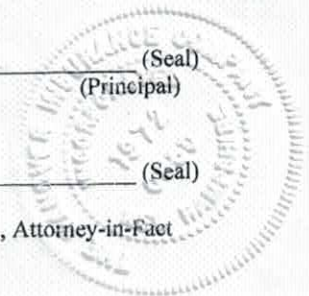
Polo Fields, City of BeaconRoad & UtilityRoad & Utility Riding Ridge Trailfor the period of 1 year(s), from the date of acceptance of Riding Ridge Trail Road & Utility by the city council.WHEREAS, the Oblige has agreed to accept a bond guaranteeing the performance of said contract for a period of 1 year(s) from the date
of acceptance of Riding Ridge Trail Road & Utility by the city councilNOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said principal shall well and truly maintain the said
Beaver Brook Beacon LLCshall make good all defects appearing during the said period due to use of defective materials by the Principal, then this obligation shall be void,
otherwise to remain in full force and effect.Neither non-renewal by the Surety, nor failure, nor inability of the Principal to file a replacement bond shall constitute loss to the Oblige recoverable
under this bond.

The bond may be extended for additional terms at the option of the Surety, by continuation certificate executed by the Surety.

SIGNED, sealed and dated this 24th day of October, 2019Beaver Brook Beacon LLCBy: The Hanover Insurance CompanyBy: Donna M Bailey(Seal)
(Principal)

(Seal)

, Attorney-in-Fact



**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

POWER OF ATTORNEY

**THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.
KNOW ALL PERSONS BY THESE PRESENTS:**

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Donna M Bailey

Of: Arthur J. Gallagher Risk Management Services, Mt Laurel, NJ

each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Maintenance Bond

in the amount of: \$36,727.00

That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.


RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 19th day of July, 2018.

**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**


Bryan J. Salvatore, Executive Vice President

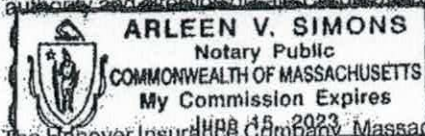
**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

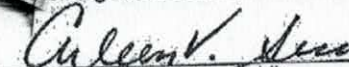

James H. Kawlecki, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.



On this 19th day of July, 2018 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

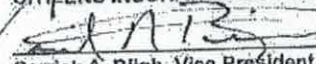



Arleen V. Simons, Notary Public
My Commission Expires June 15, 2023

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 24th day of October 2019

**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**


Carrick A. Bligh, Vice President

CERTIFIED COPY

The Hanover Insurance Company, Bedford, New Hampshire
Assets and Liabilities as of December 31, 2018

ASSETS

2018

Cash in Banks (Including Short-Term Investments).....	\$ 41,790,100
Bonds and Stocks.....	\$5,954,053,321
Other Admitted Assets.....	\$2,096,407,632
Total Admitted Assets.....	<u>\$8,092,251,053</u>

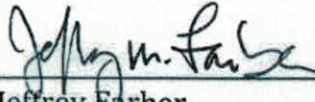
LIABILITIES, CAPITAL AND SURPLUS

Reserve for Unearned Premiums.....	\$1,764,889,916
Reserve for Loss and Loss Expense.....	\$3,502,438,810
Reserve for Taxes.....	\$ 403,277
Funds held under reinsurance treaties.....	\$ 2,713,483
Reserve for all other liabilities.....	\$ 654,743,002
Capital Stock - \$1.00 par.....	\$ 5,000,000
Net Surplus.....	<u>\$2,162,062,565</u>
Policyholders' Surplus.....	\$2,167,062,565
Total Liabilities, Capital and Surplus.....	<u>\$8,092,251,053</u>

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF WORCESTER

I, Jeffrey Farber, Assistant Treasurer of The Hanover Insurance Company, being duly sworn deposes and says that he is the above described officer of said Company, and certifies that the forgoing statement is a true statement of the condition and affairs of the said Company on December 31, 2018.


Jeffrey Farber
Assistant Treasurer



MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That we,
Beaver Brook Beacon LLC

as Principal, and The Hanover Insurance Company, a corporation organized and existing under the laws of the State of
New Hampshire and having its principal office in Worcester, Massachusetts as Surety, are held and firmly bound unto
City of Beacon, New York

as Obligee, in the sum of Twenty Thousand Dollars

(\$ 20,000.00) lawful money of the United States of America, to be paid to said Obligee, its successors or assigns, for which payment well and truly to be made, we, and each of us do hereby bind ourselves, our and each of our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

WHEREAS, the said principal entered into a contract with the
City of Beacon, New York

dated 07/19/2019 to

Polo Fields City of Beacon
Sewage Pump Station

Sewage Pump Station - Fairways Lane - Polo Fields City of Beacon

WHEREAS, the Obligee has requested the Principal to furnish a surety maintenance bond in the above mentioned penalty for the maintenance of

Polo Fields City of Beacon
Sewage Pump Station

Sewage Pump Station - Fairways Lane - Polo Fields City of Beacon

for the period of 1 year(s), from the date of acceptance of said sewage pump station by the city council.

WHEREAS, the Obligee has agreed to accept a bond guaranteeing the performance of said contract for a period of 1 year(s), from the date of acceptance of said sewage pump station by the city council.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said principal shall well and truly maintain the said
Beaver Brook Beacon LLC

shall make good all defects appearing during the said period due to use of defective materials by the Principal, then this obligation shall be void, otherwise to remain in full force and effect.

Neither non-renewal by the Surety, nor failure, nor inability of the Principal to file a replacement bond shall constitute loss to the Obligee recoverable under this bond.

The bond may be extended for additional terms at the option of the Surety, by continuation certificate executed by the Surety.

SIGNED, sealed and dated this 24th day of October, 2019

Beaver Brook Beacon LLC

By: [Signature]

(Seal)
(Principal)

The Hanover Insurance Company

By: [Signature]

Donna M Bailey

(Seal)

Attorney-in-Fact



**THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA**

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

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That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Donna M Bailey

Of: Arthur J. Gallagher Risk Management Services, Mt Laurel, NJ
each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Maintenance Bond

in the amount of: \$20,000.00

That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

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THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Bryan J. Salvatore, Executive Vice President

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

James H. Kawiecki, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.



On this 19th day of July, 2018 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

ARLEEN V. SIMONS
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
June 15, 2023

Arleen V. Simons, Notary Public
My Commission Expires June 15, 2023

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 24th day of October 2019

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Carrick A. Bligh, Vice President

CERTIFIED COPY

The Hanover Insurance Company, Bedford, New Hampshire
Assets and Liabilities as of December 31, 2018

ASSETS

2018

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Bonds and Stocks.....	\$5,954,053,321
Other Admitted Assets.....	\$2,096,407,632
Total Admitted Assets.....	\$8,092,251,053

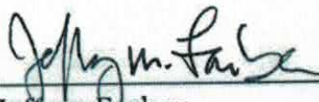
LIABILITIES, CAPITAL AND SURPLUS

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Reserve for Loss and Loss Expense.....	\$3,502,438,810
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Funds held under reinsurance treaties.....	\$ 2,713,483
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Policyholders' Surplus.....	\$2,167,062,565
Total Liabilities, Capital and Surplus.....	\$8,092,251,053

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF WORCESTER

I, Jeffrey Farber, Assistant Treasurer of The Hanover Insurance Company, being duly sworn deposes and says that he is the above described officer of said Company, and certifies that the forgoing statement is a true statement of the condition and affairs of the said Company on December 31, 2018.


Jeffrey Farber
Assistant Treasurer



BILL OF SALE FOR WATER AND SEWER FACILITIES

THIS AGREEMENT made this ____ day of _____ 20____, by, between and among, BEAVER BROOK BEACON ACQUISITION LLC, a New York Limited Liability Company, having an address at 15 Point Road, Bellport, New York 11713 (hereinafter the "Grantor" or "Owner") and the CITY OF BEACON, a municipal corporation organized and existing under the laws of the State of New York, with its principal office located at One Municipal Plaza, Suite One, Beacon, New York, 12508 (hereinafter the "Grantee" or "City").

WITNESSETH:

WHEREAS, an irrevocable offer of dedication was made to the Grantee by OL Beacon LLC dated November 5, 2004 as Document No. 02 2004 1192 in connection with the "Final Subdivision Plat of Phase 3 of Polo Field Investments" (the "Offer of Dedication"), which map was filed in the Dutchess County Clerk's Office on November 4, 2004 as Filed Map No. 11042B (the "Subdivision Plat"); and

WHEREAS, the Offer of Dedication included a roadway known as Riding Ridge Trail (the "Property"), which the City Council of the City of Beacon accepted the offer of dedication of Riding Ridge Trail as a City Right-of-Way public roadway by Resolution No. 21 of 2020 dated January 6, 2020; and

WHEREAS, in order to satisfy the condition of the final subdivision approval granted by the City of Beacon Planning Board for the subdivision entitled "Polo Filed Investments" (the "Subdivision Approval") the certain water main facilities including sewer lines and water lines and related equipment, appurtenances and facilities were installed (the "Water and Sewer Facilities") within the Property, which Water and Sewer Facilities are more fully described in

Schedule "A" annexed hereto and made a part hereof, and which Water and Sewer Facilities are connected to the City's municipal water and municipal sewer distribution systems; and

WHEREAS, in order to satisfy a condition of the Subdivision Approval, the Grantor must convey title to said Water and Sewer Facilities to the City; and

WHEREAS, the Grantor warrants and represents that it is the owner of the Water and Sewer Facilities located within the portion of the City's right-of-way as more fully shown in Schedule "A" annexed hereto; and

WHEREAS, the Grantor hereby delivers to the City this Bill of Sale for such Water and Sewer Facilities, said delivery constituting a formal Irrevocable Offer of Dedication to the City, which shall run with the land and be binding upon the Grantor, its successors and assigns, to be held by the City until the acceptance or rejection of such Irrevocable Offer of Dedication by the City at any time.

NOW, THEREFORE, in consideration of the sum of ten (\$10.00) Dollars, the receipt of which is hereby acknowledged, and other good and valuable consideration under the covenants, terms and conditions hereinafter set forth, the Grantor hereby bargains and sells to the City, its successors and assigns, free of all liens and/or encumbrances, the Water and Sewer Facilities lying within the portion of the City's right-of-way as more fully shown in Schedule "A" annexed hereto.

The Water and Sewer Facilities are sold and transferred by the Grantor to the City in an "As is/Where is" condition, and said sale is made without warranty, express, statutory or implied, of merchantability or as to description, condition, location, quality, fitness for any particular use or purpose, or otherwise.

This Bill of Sale shall be binding upon and shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have duly executed this Bill of Sale as of the date and year first above written.

BEAVER BROOK BEACON ACQUISITION LLC

By: 
Name:
Title:

CITY OF BEACON

By: _____
Name:
Title:

ACKNOWLEDGEMENTS

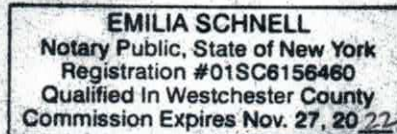
STATE OF New York)

) ss:

COUNTY OF Westchester)

On the 23rd day of April, 2020, before me, the undersigned, personally appeared Howard N. Blitman, personally known to me or proved to me on the basis of the satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which individual, or the person upon behalf of which the individual acted, executed the instrument.

Emilia Schnell
Notary Public



STATE OF NEW YORK)

) ss:

COUNTY OF DUTCHESS)

On the ____ day of _____, 20__, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

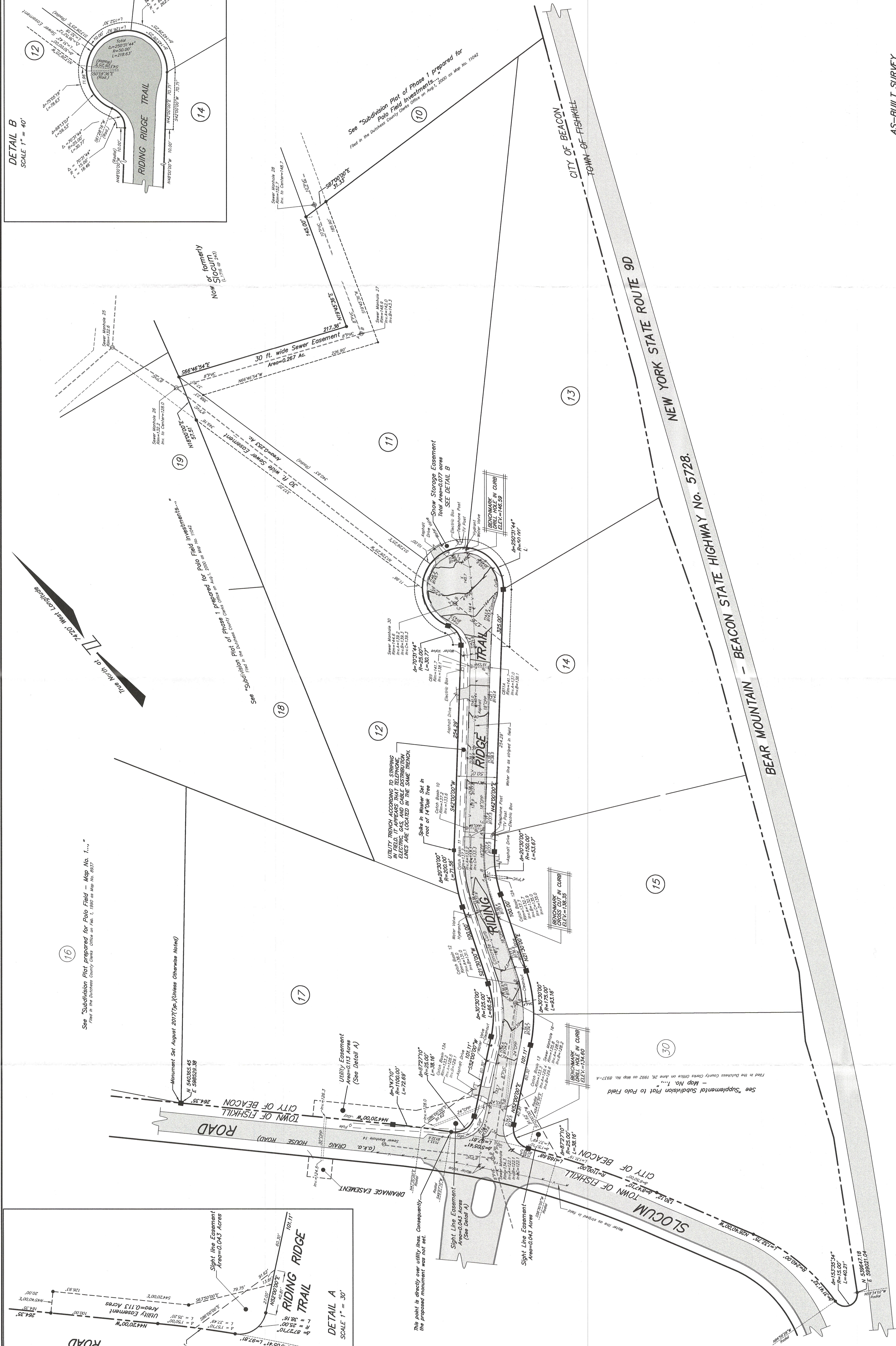
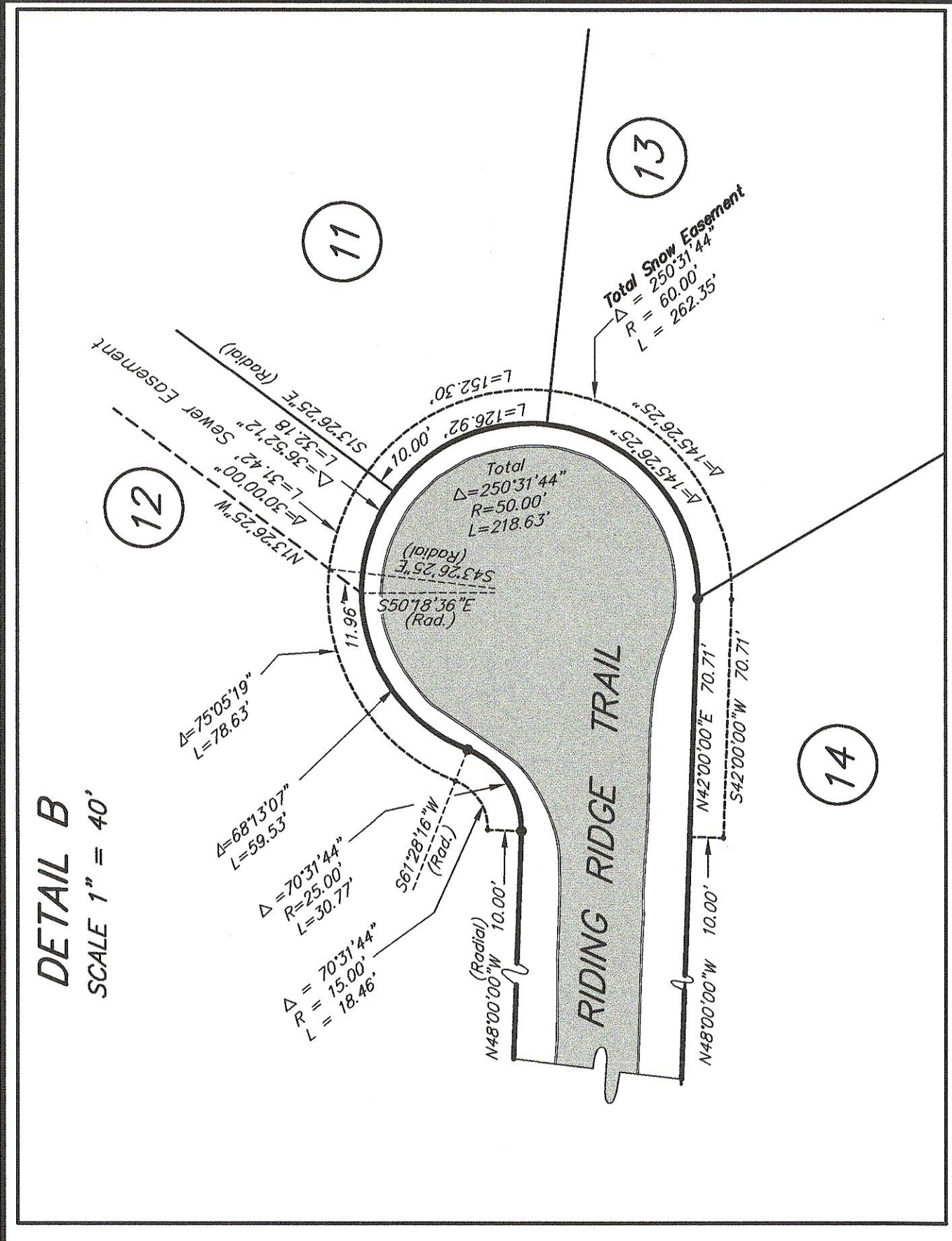
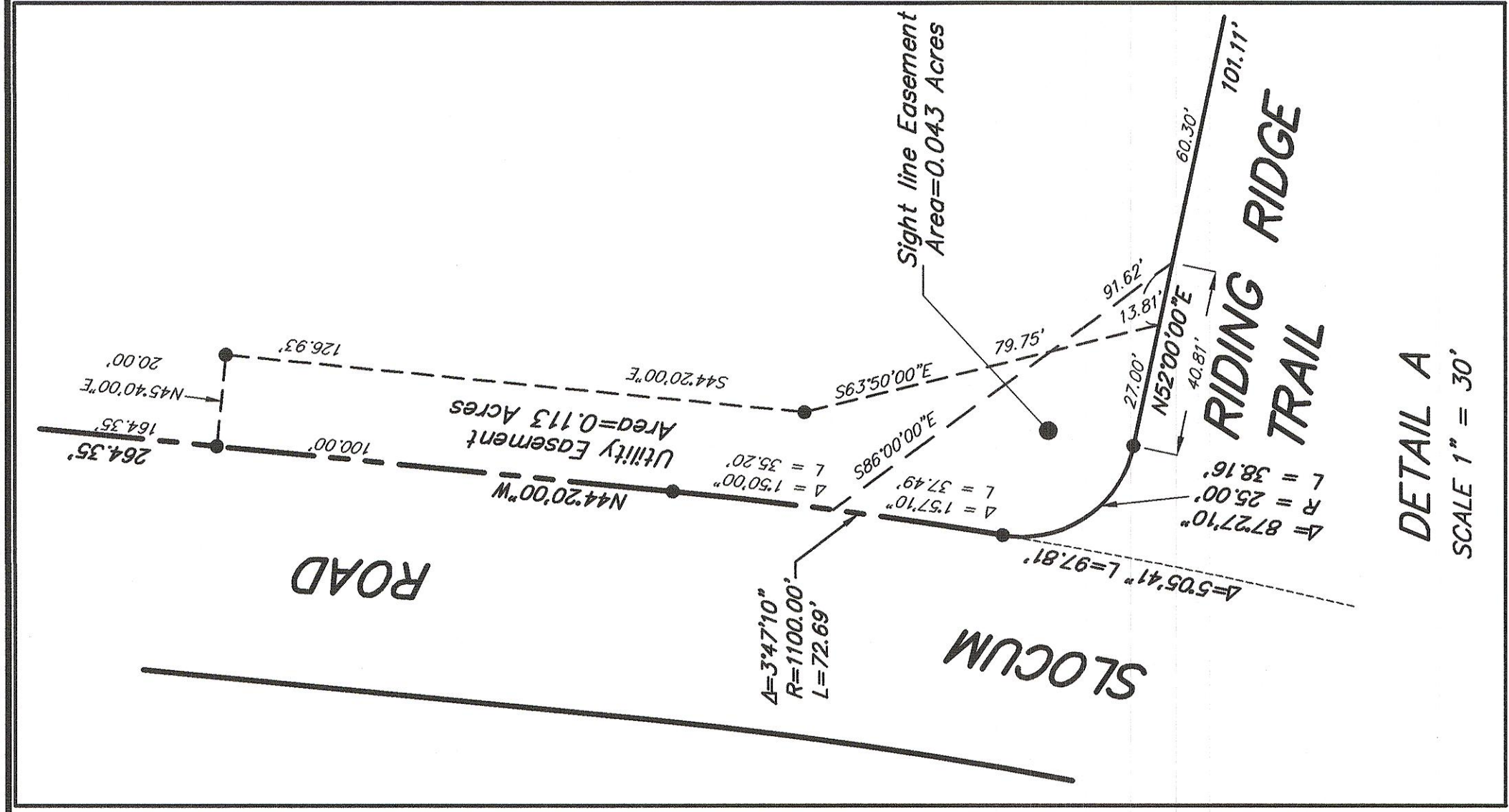
Notary Public

SCHEDULE A

Description of Water Main Facilities

All Water and Sewer Facilities installed within the City's right-of-way as shown on the as-built plan, annexed hereto, entitled "As-Built Survey of Riding Ridge Trail", dated August 17, 2017 and completed on September 13, 2017, as prepared by Badey & Watson Surveying & Engineering, P.C.

[Please see attached PDF of as-built plan]



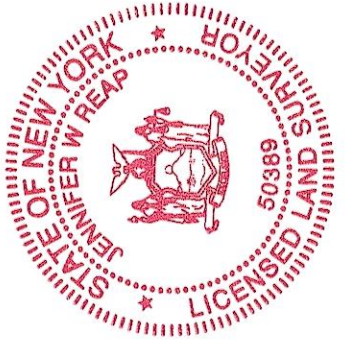
This map was prepared for the exclusive use of and is certified only to:
BEAVER BROOK BEACON LLC
THE CITY OF BEACON

- Notes**
1. Copyright "2017" by BADEY & WATSON, Surveying & Engineering, P.C.
 2. All Rights Reserved. Unauthorized duplication is a violation of applicable laws.
 3. This map is a subdivision of a portion of Section 1208, Subdivision 2 of the New York State Education Law.
 4. All certifications are valid for this map and copies thereof only if said map or copies bear the embossed seal of the surveyor whose signature is provided to these surveys. Users of this map should verify title with the owner of the property.
 5. This is a preliminary map of the Riding Ridge Trail and the easements shown on that certain "Final Subdivision Plot of Phase 3 of Polo Field Investments..." which was filed in the Dutchess County Clerk's Office on November 4, 2004 as Map No. 11042B.
 6. Vertical datum hereon is Mean Sea Level (MSL-1993).
 7. The North arrow is oriented to the North of the New York State Coordinate System, East Zone (NAD-1983).

AS-BUILT SURVEY
RIDING RIDGE TRAIL
AND
THE EASEMENTS SHOWN ON FILED MAP NO. 11042B
SITUATE IN THE
CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

SCALE 1 in. = 40 ft. AUGUST 17, 2017

We hereby certify that the survey shown hereon was completed by or under the direct supervision of the undersigned, a duly Licensed Professional Land Surveyor, and that this map was prepared in accordance with the existing Code of Practice for Land Surveys adopted by The New York State Association of Professional Land Surveyors, Inc.



PRINTED
BADY & WATSON
Surveying & Engineering, P.C.
1000 Route 9
Cold Spring, NY 10516
845.366.6017
845.366.4383 (Fax)
www.Badewatson.com

MEMORANDUM

TO: City Council for the City of Beacon (the “City”)

FROM: Keane & Beane, P.C.

RE: Potential Amendments to Purchase & Sale Agreement: 23-28 Creek Drive

DATE: April 22, 2020

On May 11, 2018, the City and 23-28 Creek Drive, LLC (“Purchaser”) entered into a Purchase and Sale Agreement (“PSA”) for the property commonly known as the City’s former highway garage, located at 23-28 Creek Drive, Beacon, New York, Parcel Grid Identification #130200-6054-37-037625 (the “Property”). At the Council’s last workshop meeting, we discussed an amendment to the PSA regarding certain dates by which contingencies had to be satisfied or either party could cancel the PSA. The Council was in agreement with the proposed amendment, but we requested it be removed from the Council’s April 21st agenda as upon further discussions with the Building Inspector and Purchaser, it became evident there were other amendments that might be needed in light of a conflict between required terms of the PSA and the reality of construction financing and sequencing.

The PSA proposed Purchaser would obtain a Building Permit and financing for construction prior to closing of title for the Property. This progression, envisioned two (2) years ago, must be amended to reflect the current realities. Purchaser needs to be title owner of the Property to obtain both a building permit and construction financing and file the subdivision Plat which adds certain property to the City’s former Highway Garage location (we have advised the Plat cannot be filed until after Purchaser acquires title to the Property). Additionally, Purchaser needs to be title owner of the Property prior to performing required demolition and remediation work.

Accordingly, we propose the PSA be modified to allow for the closing of title to proceed prior to the issuance of a building permit and prior to securing financing for construction. The City’s objectives to see Purchaser diligently complete construction and obtain all requisite certificates of occupancy appurtenant to the Property are safeguarded by the reverter clause contained in the PSA and any subsequent deed. We also note that in the intervening two years, Purchaser has obtained its land use approvals.

To facilitate the foregoing, we propose the paragraphs of the PSA be amended as follows:

A) Schedule B, Paragraph 17, currently reads:

This Agreement is contingent upon, and the Property shall not be conveyed to Purchaser, until such time as the Purchaser has, and by no later than fifteen (15) months after the expiration of the Environmental Due Diligence Period, (a) obtained any Zoning Approvals necessary, (b) obtained Site Plan Approval and (c) obtained Building Permit for the Project. The Closing shall occur on a date mutually agreeable to the parties which date shall be on or before thirty (30) days after the Building Permit for the Project for the Project is issued by the City. If the Zoning Approvals, Site Plan Approval and Building Permit are not obtained within sixteen (16) months of the Contract Date despite a diligent effort by Purchaser, then either Purchaser or Seller may cancel this Agreement and Escrowee shall return the Downpayment to Purchaser together with any interest earned thereon, if any, whereupon this Agreement shall be deemed null and void, without further force or effect.

Schedule B, Paragraph 17, shall be amended to read:

Purchaser has completed its Environmental Due Diligence and obtained its Zoning Approvals and Site Plan Approval and submitted a Building Permit for the Project. Therefore, the Parties agree that the Closing shall occur on a date mutually agreeable to the parties which date shall be on or before thirty (30) days after the full execution of this Contract Amendment.

B) Schedule B, Paragraph 18, currently reads:

On the Closing Date and simultaneously with the Seller's delivery of the Deed, Purchaser shall provide Seller with (a) a copy of a signed contract with a construction manager for construction of the Project; and (b) a copy of a signed contract with a contractor for construction of the Project; and (c) evidence that Purchaser has an unconditional construction loan commitment letter in an amount sufficient to construct the Project and proof that the construction loan closing has been scheduled. The closing of Purchaser's construction financing shall occur simultaneously with and on the Closing Date for this Agreement, at the office of Purchaser's lender or Seller, in its sole discretion, may elect to close in escrow.

Schedule B, Paragraph 18, shall be amended to read:

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[Intentionally Omitted]

C) Deadlines for Purchaser to commence demolition and remediation, obtain a

Building Permit and secure construction financing, after closing of title, will be defined in ¶20.

Schedule B, Paragraph 20, currently reads:

Purchaser shall commence construction within sixty (60) days of Closing.

Schedule B, Paragraph 20, shall be amended to read:

Purchaser shall (a) within thirty (30) days of Closing, commence demolition work and remediation work, pursuant to the remediation work plan as approved by NYSDEC (the “Remediation Work”), and diligently complete same, and (b) within sixty (60) days of closing, obtain (i) a Building Permit and (ii) construction financing in an amount sufficient to construct the Project. Purchaser shall commence construction on the Project within thirty (30) days of the later of the issuance of a Building Permit or completion of the Remediation Work. Purchasers’ obligations to (i) commence Remediation Work, (ii) secure construction financing, (iii) obtain a Building Permit and (iv) commence construction on the Project, in accordance with the herein terms and conditions, shall be incorporated into the language of the deed and binding upon all subsequent owners of the Property. The terms and conditions of this herein paragraph shall survive the closing of title for the Property. Purchaser cannot commence the Remediation Work on the Property until it owns title to same. The proposed revision will obligate the Purchaser to diligently complete the Remediation Work after closing, to NYSDEC’s satisfaction.

The reverter in ¶29 of the PSA, and any subsequent deed, will activate if Purchaser fails to satisfy any of the post-closing obligations enumerated in ¶20 of the PSA, and title for the Property, if the default is not timely cured, shall return to the City. As such, the City’s goal to incentivize Purchaser to expeditiously develop the Property is preserved.

Note that if the above amendments are approved, there will be no need to approve the amendments proposed at the last Council workshop. If the Council approves of same, our office will prepare a letter amendment to the PSA.