



CITY OF BEACON  
One Municipal Plaza  
Beacon, New York 12508

Mayor Randy Casale  
Councilman Lee Kyriacou, At Large  
Councilman George Mansfield, At Large  
Councilwoman Peggy Ross, Ward 1  
Councilman Omar Harper, Ward 2  
Councilwoman Pam Wetherbee, Ward 3  
Councilman Ali Muhammad, Ward 4  
City Administrator Anthony Ruggiero

April 18, 2016  
City Council Agenda Regular Meeting

- I. **Call to Order**
- II. **Pledge of Allegiance**
- III. **Roll Call:**
- IV. **Public Comment:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. Please sign in at the podium. This segment will last no longer than thirty minutes, with speakers recognized in the order they appear on the sign-in sheet. A second public comment opportunity will be provided later in the meeting for those who do not get to speak during this first segment.

- V. **Department Head Reports:**

- VI. **Community Segment:**

- A. Presentation by Kevin Foley, Editor of the Highlands Current Newspaper
- B. Howland Public Library Update from Amy Raff, Director

- VII. **Public Hearings:**

- A. Public Hearing to Receive Comments Concerning a Local Law to Amend Parking Regulations on Main Street between E. Main and Herbert Streets
- B. Public Hearing to Receive Comments Concerning a Local Law Amending Chapter 223 as it Relates to the Expiration of Special Permits
- C. Continuation of the Public Hearing to Receive Comments Concerning a Local Law Amending Chapters 45, 195 and 223 of the City Code as it Relates to the Zoning and Planning Boards and Zoning

- VIII. **Reports:**

- A. Council Member Ali Muhammad
- B. Council Member Omar Harper
- C. Council Member Lee Kyriacou
- D. Council Member George Mansfield
- E. Council Member Pam Wetherbee
- F. Council Member Peggy Ross
- G. City Administrator, Anthony Ruggiero
- H. County Legislators
- I. Mayor Randy Casale
  - May is Mental Health Awareness Month
  - Farmers Market Reopens on April 24
  - New Parking Lot Map

- IX. **Local Laws and Resolutions:**

- A. Consideration of a Resolution to Approval a Local Law to Amend Chapter 211 of the Code of the City of Beacon Concerning Parking, Stopping and Standing
- B. Consideration of a Resolution to Approve a Local Law to Amend Chapter 223 of the Code of the City of Beacon Concerning Zoning as it Relates to the Expiration of Special Permits
- C. Consideration of a Resolution to Settle the Tax Ceriorari Matter of RBS Citizens, N.A. v. Assessor of the City of Beacon, et al.
- D. Consideration of a Resolution to Enter into an Agreement with Mitchell Associates Architects for Consulting Services for the City of Beacon Fire Department
- E. Consideration of a Resolution to Approve an Extension of Time to Complete the Project at 67-71 E. Main Street
- F. Consideration of a Waiver of Banner Fee for Veterans for Memorial Day Parade
- G. Consideration of a Resolution to Appoint Joshua Kogan to the Conservation Advisory Committee
- H. Consideration of a Resolution to Appoint Brendan Murphy to the Conservation Advisory Committee

**X. 2nd Opportunity for Public Comments:**

Each speaker may have one opportunity to speak up to three minutes on any subject matter other than those which are the topic of a public hearing tonight. This segment will last no longer than thirty minutes. Those who spoke at the first public comment segment are not permitted to speak again.

**XI. Adjournment:**

**City of Beacon Council Agenda  
4/18/2016**

**Title:**

**Presentation by Kevin Foley, Editor of the Highlands Current Newspaper**

**Subject:**

**Background:**

City of Beacon Council Agenda  
4/18/2016

**Title:**

Howland Public Library Update from Amy Raff, Director

**Subject:**

**Background:**

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Public Hearing to Receive Comments Concerning a Local Law to Amend Parking Regulations on Main Street between E. Main and Herbert Streets**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Local Law parking regulations	Local Law

LOCAL LAW NO. \_\_\_\_ OF 2016

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW AMENDING  
CHAPTER 211  
OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 211 of the Code of the City of Beacon concerning Parking, Stopping and Standing.

A LOCAL LAW to amend Chapter 211 of the Code of the City of Beacon concerning Parking, Stopping and Standing.

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

**Section 1.** Chapter 211, Section 15 of the Code of the City of Beacon is hereby added as follows:

§211-15 Parking, stopping and standing prohibited at all times.

B. Schedule X: Parking, Stopping and Standing Prohibited at All Times. In accordance with the provisions of Subsection A, no person shall park, stop or stand at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
...		
<del>Main Street</del>	<del>East</del>	<del>From a point 150 feet north of the intersection of East Main Street to the intersection of Herbert Street</del>
Main Street	East	From East Main Street 425 <u>58</u> feet north to Verplanck Avenue
<u>Main Street</u>	<u>East</u>	<u>From a point 433 feet from East Main Street to</u>

793 feet north

Main Street East From Ackerman Street to a point 20 feet north and to a point 20 feet south

Main Street West From Verplanck Avenue to a point 120 feet north

Main Street East From Herbert Street to a point 30 feet north and 30 feet south

...

**Section 2. Severability.** If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Public Hearing to Receive Comments Concerning a Local Law Amending Chapter 223 as it Relates to the Expiration of Special Permits**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL Expiration of Special Permits	Local Law



**LOCAL LAW NO. \_\_\_\_ OF 2016**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
CHAPTER 223  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend  
Chapter 223 of the Code of the  
City of Beacon concerning  
Zoning

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon concerning  
Zoning.

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

**Section 1.** Chapter 223, Section 18, Subsection F of the Code of the City of Beacon, entitled  
“Expiration of special permits” is hereby amended as follows:

§223-18. Special permit uses.

...

F. Expiration of special permits.

(1) A special permit shall be deemed to authorize only the particular use or uses  
specified in the permit and shall expire if:

(a) A bona fide application for a building permit is not filed within one year of  
the issuance of the special permit; or

(b) If all required improvements are not made:

[1] For special permits that do not include construction of a new  
building or addition, within one year from the date of the issuance of  
the building permit.

[2] For special permits that include construction of a new building or  
addition, within two years from the date of issuance of the building  
permit.

(c) Said use or uses shall cease for more than six months for any reason.

(2) The City Council may grant one or more extensions, of up to six months each, to:

(a) Complete the conditions of approval for the special permit use, upon a finding that an applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit within one year of the issuance of the special permit. No further extensions may be granted if the conditions are not completed within two years following the issuance of the special permit; and

(b) Complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.

The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.

...

## **Section 2. Ratification, Readoption and Confirmation**

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

## **Section 3. Numbering for Codification**

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

## **Section 4. Severability**

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

### **Section 5. Effective Date**

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

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Continuation of the Public Hearing to Receive Comments Concerning a Local Law Amending Chapters 45, 195 and 223 of the City Code as it Relates to the Zoning and Planning Boards and Zoning**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
PB Memo re LL signage	Cover Memo/Letter
LL 45, 195, 223 pb zb and zoning	Local Law



# Memorandum

## *Planning Board*

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TO: Mayor Randy Casale and City Council Members

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

RE: Proposed Local Law Amending City Charter and Code Chapters 45, 195 & 223

DATE: April 13, 2016

As requested the Planning Board reviewed proposed amendments to the City Charter and Chapters 45, 195 and 223 with regard to Planning and Zoning Boards, Subdivisions and Zoning. City Attorney Jennifer Gray presented a comprehensive review of the proposed amendments and consideration was given to the intent of the proposed changes. Members discussed the amendments and voted unanimously in favor of the changes with the exception of requiring applicants to post public hearing notice signs on properties. They felt the requirement would be overly onerous to applicants considering agendas are posted on the City website, notices are published in the newspaper and mailed directly to property owners.

Should you have any questions or require additional information, please feel free to contact me.

**LOCAL LAW NO. \_\_\_\_ OF 2016**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
THE CHARTER AND CHAPTERS 45, 195 AND 223  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend the Charter of the City of Beacon and Chapter 45 of the City Code of the City of Beacon concerning Planning and Zoning Board, Chapter 195 of the City Code concerning Subdivision of Land and Chapter 223 of the City Code concerning Zoning

A LOCAL LAW to amend the Charter and Chapters 45, 195 and 223 of the Code of the City of Beacon concerning Zoning.

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

**Section 1.** Chapter 45, Sections 1, 2, 3 and 8 of the Code of the City of Beacon is hereby amended as follows:

§45-1. Creation.

A. There shall be a City Planning Board appointed by the Mayor of the City, which Board shall consist of seven members and alternate members as set forth in Article II. The respective terms of the members first appointed shall be one, two or three years from and after appointment. Their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office.

B. There shall be a City Zoning Board of Appeals appointed by the Mayor of the City, which Board shall consist of ~~seven~~ five members and alternate members as set forth in Article II. The respective terms of the members first appointed shall be one, two or three years from and after appointment. Their successors shall be appointed for terms of three years from and after the expiration of the term of their predecessors in office.

§45-2. Vacancies.

If a vacancy shall occur in either the Planning Board or the Zoning Board of Appeals, other than by expiration of term, it shall be filled by appointment by the Mayor with the consent of the City Council for the unexpired term.

§45-3. Removal of Members.

A. Any member of the City Planning Board and any member of the City Zoning Board of Appeals may be removed by the Mayor appointing authority for cause and after a public hearing. The following shall be grounds for removal for cause: 1) In the event any member of the City Planning Board or any member of the City Zoning Board of Appeals misses absence from three consecutive meetings or four meetings in any calendar year, such absences shall be grounds for removal or 2) failure to obtain the required four-hours of training in a twelve consecutive month period as required by NY General City Law §§ 27(7-a) and 81(7-a), as may be amended.

B. The Chairperson of the ZBA and the Chairperson of the Planning Board shall notify the Mayor in writing on or about December 1 in any year of any member or alternate member, if any, who fails to comply with the minimum requirements for training in any calendar year. In the event a member or alternate member of the ZBA or the Planning Board has failed to complete the minimum training requirements set forth in § 24-5, then the Mayor may remove such member for cause as hereinafter provided. The Chairperson of the ZBA and the Chairperson of the Planning Board shall also promptly notify the Mayor in writing at any time that a member of the respective Board shall fail to maintain the minimum attendance at meetings, upon which event the Mayor may remove such member for cause as hereinafter provided.

C. The process to remove a member of the Planning Board or Zoning Board of Appeals shall be as follows:

1. Notice. Such member shall be mailed a written notice specifying the nature of the cause for the member's removal.

2. Public hearing. Such notice shall specify a date, not less than 20 nor more than 30 days from the date of mailing such notice, when the Mayor shall convene and hold a public hearing on whether or not such member should be removed from service on such board. Such notice shall specify the time, date and place of such hearing.

3. Public notice. Public notice of such hearing shall be published in the official newspaper of the City, at least five days prior to the date of the public hearing.

4. Conduct of hearing. The public hearing on the charges shall be conducted before the Mayor. The member shall be given an opportunity, within the foregoing time constraints, to retain an attorney, present evidence, call witnesses to refute the charges, and cross-examine witnesses. A record of such hearing shall be made. The decision of the Mayor shall be reduced to writing together with specific findings with respect to each charge against such member. A copy of such decision and such findings shall be filed in the Office of the City Clerk and mailed to the member and the respective Chairman of the Board.

~~§45-8 Master Plan.~~

~~The City Planning Board shall prepare and may change a comprehensive Master Plan for the development of the entire area of the City, which Master Plan shall show existing and proposed streets, bridges and tunnels and approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, pier head and bulkhead lines, waterways and routes of public utilities and such other features, existing and proposed, as will provide for the protection and improvement of the City and its further growth and development and will afford adequate facilities for the public housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of its population. The Master Plan and all modifications thereof shall be on file in the office of the City Planning Board, and certified copies thereof shall be filed in the offices of the City Engineer and City Clerk.~~

**Section 2.** Chapter 45, Sections 14 and 15 of the Code of the City of Beacon is hereby amended as follows:

§ 45-14 Alternate Members.

As used in this article, the following terms shall have the meanings indicated:

**ALTERNATE MEMBER** An individual appointed by the Mayor of the City with the consent of the City Council~~Council~~ to serve on the City Planning Board and Zoning Board of Appeals when a regular member is unable to participate on an application or matter before the respective Board, as provided herein.

**MEMBER** An individual appointed by the Mayor of the City with the consent of the City Council~~Council~~ to serve on the City Planning Board or Zoning Board of Appeals.

**PLANNING BOARD** The Planning Board of the City of Beacon as established by the City Council under the City Code, Chapter 45, Article I, pursuant to the provisions of § 27 of General City Law.

**ZONING BOARD OF APPEALS** The Zoning Board of Appeals of the City of Beacon as established by the City Council under § 223-54 pursuant to the provisions of § 81 of the General City Law.



§ 45-15 Appointment; term; powers; applicability of state law.

A. The Beacon Council members hereby enact this article to provide a process for appointing alternate members of the Planning Board and Zoning Board of Appeals. These individuals would serve when members are absent or unable to participate on an application or matter before the respective Board.

B. Alternate members of the Planning Board and Zoning Board of Appeals shall be appointed by the Mayor of the City with the consent of the City Council ~~Council~~ or other duly authorized appointing authority for a term of three years.

C. The Chairperson of the Planning Board and Zoning Board of Appeals may designate an alternate to substitute for a member when such member is absent or unable to participate on an application or matter before the Board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Board. Such designation shall be entered into the minutes of the initial Planning Board and Zoning Board of Appeals meeting at which the substitution is made.

D. All provisions of state law relating to Planning Board or Zoning Board of Appeals member eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provision of a local law/local ordinance relating to training, continuing education, compensation and attendance, shall also apply to alternate members.

**Section 3.** Chapter 195, Section 13, Subsection D of the Code of the City of Beacon is hereby amended as follows:

§195-13. Preliminary plat.

...

D. Public hearing. Within 62 days of the official submission date of the preliminary subdivision application and all accompanying material, in form satisfactory to the Planning Board, a public hearing shall be held by the Planning Board. Notice of said hearing shall be provided by the applicant in accordance with Section 223-61.3 of the City of Beacon Zoning Code. ~~The Planning Board Secretary shall submit a notice of said hearing to the official City newspaper for publication in said newspaper at least five days before such hearing.~~ A copy of the proposed plat and construction plans shall be maintained on file in the City Hall, available for public inspection during normal business hours for the five-day period immediately preceding the hearing.

**Section 4.** Chapter 195, Section 14, Subsection B of the Code of the City of Beacon is hereby amended as follows:

§195-14. Final plat.

...

B. Public hearing. Within 62 days of the official submission date of the final subdivision application and all accompanying material, in form satisfactory to the Planning Board, a public hearing shall be held by the Planning Board, provided, however, that when the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat, the Board may waive the requirement for such a public hearing. Notice of said hearing shall be provided by the applicant in accordance with Section 223-61.3 of the City of Beacon Zoning Code. ~~Where a hearing is to be held, the Planning Board Secretary shall submit a notice of said hearing to the official City newspaper for publication in said newspaper at least five days before such hearing.~~ A copy of the proposed plat and construction plans shall be maintained on file in the City Hall, available for public inspection during normal business hours for the five-day period immediately preceding the hearing.

**Section 5.** Chapter 223, Section 16, Subsection C of the Code of the City of Beacon is hereby amended as follows:

§223-16. Wetlands and watercourses; hilltops, ridgelines and steep slopes.

...

C. Procedure. Before granting or denying any request in accordance with this section, the Planning Board:

(1) May require a public hearing, the notice of which shall be published by the applicant in the City's officially designated newspaper at least five days prior to the date of such hearing.

(2) May request a written report on the effects of such alteration by the Soil Conservation Service of the United States Department of Agriculture or other expert of the Planning Board's choosing at the expense of the property owner or developer, and payment in advance of the amount of such expense, if any, shall be a condition of further consideration.

**Section 6.** Chapter 223, Section 18, Subsection B, Item 1 of the Code of the City of Beacon 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 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 application, 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 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 shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall provided by the applicant in accordance with Section 223-61.3 of this Chapter. ~~be printed in a newspaper of general circulation in the City at least five days prior to the date of the hearing. Notice of the hearing shall also be sent, by regular mail, at least five days prior to the date of the hearing, to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, and to the adjoining property owner or owners to the rear of the property affected. An affidavit of mailing signed by two persons must be prepared setting forth the details of the mailing to all adjacent property owners. In addition, the City Council shall give any other notice required by law.~~ The City Council 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 must render its decision may be extended by mutual consent of the applicant and the Board. The City Council may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

...

**Section 7.** Chapter 223, Section 25, Subsection I of the Code of the City of Beacon is hereby amended as follows:

§223-25. Site development plan approval.

...

I. Public hearing(s).

(1) A public hearing shall be held by the Planning Board on each site development plan application. Notice of said hearing shall be provided by the applicant in accordance with Section 223-61.3 of this Chapter. ~~published in a newspaper circulating within the City of Beacon at least five days prior to the date of the public hearing, and any mailing of notices that may be required shall be at least five days before such hearing. The preparation and cost of publication and mailing of any notice required for such presentation shall be at the cost and expense of the applicant.~~

(2) ~~Notice of any hearing by regular mail shall be sent to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, and to the adjoining property owner or owners to the rear of the property affected. In addition, the Planning Board shall give any other notice required by law.~~

~~(3)~~ With respect to the two-phase site plan approval process for nonresidential projects provided for in Subsection C above, a public hearing shall be held by the Planning Board during both the conceptual and project-specific phases, respectively.

**Section 8.** Chapter 223, Section 54 of the Code of the City of Beacon is hereby amended as follows:

§ 223-54 Board of Appeals.

A. A Board of Appeals, as heretofore established by City Council, is hereby maintained. The Board of Appeals shall consist of ~~seven~~ five members appointed by the Mayor, each to serve for a term of three years, except that the members of the first Board shall be appointed for the following terms: one (1) member for one year, two members for two years and two members for three years. Vacancies for the unexpired terms of any members shall be filled for such unexpired period only.

B. The Mayor shall designate a Chairman, or upon the Mayor's failure to do so, the Board of Appeals shall choose its own Chairman and, in his absence, an Acting Chairman. Such Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. ~~The Board of Appeals shall meet regularly at the City Court Room, on the fourth Monday of each and every month at 8:00 p.m., and such other times upon call of the Chairman.~~

C. All meetings of such Board shall be open to the public. Such Board shall keep minutes of its proceedings, showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall indicate such fact. The concurring vote of four members of the Board shall be necessary to decide in favor of the applicant on any matter upon which such Board is required to pass under the provisions of this chapter.

**Section 9.** Chapter 223, Section 55 of the Code of the City of Beacon is hereby amended as follows:

§223-55. Powers and duties of Board of Appeals.

...

C. Variances. On appeal from an order, requirement, decision or determination made by an administrative official charged with the enforcement of this chapter, the Board of Appeals shall have the power to vary or adjust the strict application of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of the land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done in accordance with the standards set forth herein as such standards may be amended from time to time by the New York State Legislature. where the strict application of any of the requirements of this chapter, in the case of an exceptionally

irregular, narrow, shallow or steep lot or other exceptional physical conditions, would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance shall be granted by the Board of Appeals unless it finds:

- ~~(1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the applicant subsequent to the adoption of this chapter, whether in violation of the provisions hereof or not.~~
- ~~(2) That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building and that the granting of the variance is necessary for the reasonable use of such land or building and that the granting of the variance is necessary for the reasonable use of the land or building that the variance as granted by the Board is the minimum variance that will accomplish this purpose.~~
- ~~(3) That the granting of the adjustment is in harmony with the general purpose and intent of this chapter and the City Development Department Plan and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.~~

(1) Use variances.

- (a) The Board of Appeals, upon appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances.
- (b) No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:
  - i. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
  - ii. the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

- iii. the requested use variance, if granted, will not alter the essential character of the neighborhood; and
  - iv. the alleged hardship has not been self-created.
- (c) The Board of Appeals, in granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(2) Area variances.

- (a) The Board of Appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances.
- (b) In making a determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination the board shall also consider:
  - (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance;
  - (ii) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
  - (iii) whether the requested area variance is substantial;
  - (iv) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
  - (v) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.
- (c) The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

~~D. Exceptions. When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be injured thereby, the Board of Appeals may, in a specific case, after due notice and public hearing and subject to appropriate conditions and safeguards, determine and vary the application of the regulations of this chapter in harmony with their general purposes and intent as follows:~~

~~(1) Grant, in undeveloped sections of the City, temporary and conditional permits for not more than two years for structures and uses in contravention of the use regulations controlling residence districts, provided that such uses are important to the undeveloped sections and also provided that such use are not prejudicial to adjoining and neighboring sections already developed.~~

~~(2) Grant, in appropriate cases, permits for boarding and/or rooming houses.~~

~~(3) Grant a permit whenever it is provided in this chapter that the approval of the Board of Appeals is required.~~

~~D~~**E.** Conditions and safeguards. In all cases where the Board of Appeals authorizes the issuance of a building permit or occupancy permit under any of the above powers, it shall be the duty of said board to attach such conditions and safeguards as may be required to protect the public health, safety, morals and general welfare.

**Section 10.** Chapter 223, Sections 56, 57, 58 and 59 of the Code of the City of Beacon are hereby as amended as follows:

§223-56. Appeal procedure.

All appeals and applications to the Board of Appeals shall be taken in the manner prescribed by law and within such time as shall be prescribed by the Board of Appeals by general rule. All such appeals and applications to the Board shall be made by the owner or agent duly authorized, in writing, and shall be on forms prescribed by the Board. 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~~three weeks prior to the regular Board of Appeals meeting at which it will be considered. Each appeal or application shall fully set forth the circumstances of the case, shall refer to the specific provision of the chapter involved and shall exactly set forth, as the case may be, the interpretation that is claimed, the details of the adjustment that is applied for and the grounds for which it is claimed that the same should be granted or the use for which a permit is sought.

§ 223-57 Notice of hearing before Board of Appeals.

~~A. Notice of hearing shall be provided by the applicant in accordance with Section 223-61.3 of this Chapter. Notice of any hearing shall be sent, by regular mail, at least five days prior~~

~~to the date of the hearing, to all property owners within a distance of 250 feet of the property on both sides of the street on which the property fronts and to the adjoining property owner or owners to the rear of the property affected. An affidavit of mailing signed by two persons must be prepared setting forth the details of the mailing to all adjacent property owners. In addition, the Board shall give any other notice required by law.~~

~~B. Notice of any hearing by certified mail, return receipt requested, shall be sent to all property owners within a distance of 250 feet of the property on both sides of the street on which the property fronts and to the adjoining property owner or owners to the rear of the property affected. In addition, the Board shall give any other notice required by law.~~

§ 223-58 Referral of appeal to Planning Board.

~~At least five days before the date of the hearing required by law on~~ Upon receipt of an application or appeal to the Board of Appeals, the Secretary of said Board shall transmit to the Secretary of the Planning Board for distribution to the Planning Board Members, a copy of said application or appeal, together with a copy of the notice of the aforesaid hearing, and the Planning Board may, prior to the date of said hearing, submit to the Board of Appeals an advisory opinion on said application or appeal.

§ 223-59 Decisions by Board of Appeals.

Every decision of the Board of Appeals shall be by resolution, shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and the findings on which the decision was based. Prior to any final decision of the Board of Appeals, the applicant shall submit a current certificate of inspection issued pursuant to § 179-6 of this Code. Timely notice of all decisions shall be given to all parties to the proceedings. The Board shall file a copy of each such resolution ~~in the office of the Commissioner of Public Safety, together with all supporting documents, and a copy with the City Clerk,~~ Planning Board and the Building Inspector. The Board of Appeals shall report to the City Council periodically, at intervals of not greater than ~~three~~ twelve (12) months, summarizing all applications and appeals made to it since its last previous report and summarizing its decisions on such applications and appeals. A copy of such report shall be filed with the Planning Board and the Building Inspector at the same time that it is filed with the City Council.

**Section 11.** Section 223-61.3 of the Code of the City of Beacon is hereby added as follows:

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. Notice of hearing shall be timely submitted to the official City newspaper for publication in said newspaper at least five days before such hearing. Prior to the public



hearing, the applicant shall submit to the City a signed affidavit of publication setting forth the details of the publication, including the date of publication, name of the newspaper and a copy of the notice of hearing published.

- B. Notice of hearing shall be sent by the applicant, by certified mail to all property owners within a distance of 250 feet of the subject property 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. 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 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 City a signed affidavit of mailing setting forth details of the mailing, including date of mailing, names and addresses to whom the mailing was sent, a copy of the notice of hearing, and the certified mail receipts.
- C. A public notice sign shall be posted by the applicant on the subject property no later than seven (7) days prior to the initial and any continued public hearing. Such sign shall be at least three feet by four feet in size, consist of sturdy 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 both street frontages, 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 CITY HALL,  
1 MUNICIPAL PLAZA

ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON  
BUILDING DEPARTMENT  
(838-5020)

In the event the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the date, time and board before which the applicant is scheduled to appear. Prior to the hearing, the applicant shall submit to the City an affidavit certifying the date the sign was posted and that the sign was posted in accordance with the requirements of this section. The applicant shall remove the sign within five days after the close of the public hearing.

**Section 12.** Section 6.06 of the Charter of the City of Beacon is hereby amended as follows:

§6.06. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of ~~seven~~ five (75) members appointed by the Mayor, with the consent of the City Council, for terms of three (3) years, from among the qualified voters of the city. Members of the Board shall hold no other city office. The Board shall hear and determine appeals from administrative decisions, petitions for variances and such other matters as may be required by the Council or by the laws of the State of New York.

### **Section 13. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, the Chapter 190 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 14. 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 15. 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 16. Effective Date**

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

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**May is Mental Health Awareness Month**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description

Proc May is Mental Health Awareness Month

Type

Backup Material

CITY OF BEACON  
OFFICE OF THE MAYOR



# Proclamation for Mental Health Awareness Month

Whereas, mental health is part of overall health; and

Whereas, mental health helps to sustain an individual's thought processes, relationships, productivity and ability to adapt to change or face adversity; and

Whereas, mental illness adversely affects those abilities and often is life-threatening in nature; and

Whereas, one in four adults experiences mental health problems in any given year and such problems can contribute to onset of mental illness; and

Whereas, one in 17 adults lives with mental illness such as major depression, bipolar disorder or schizophrenia; and

Whereas, approximately one-half of chronic mental illness begins by the age of 14 and three-quarters by age 24;

Whereas, long delays—sometimes decades—often occur between the time symptoms first appear and when individuals get help; and

Whereas, early identification and treatment can make a profound difference in successful management of mental illness and recovery; and

Whereas, it is important to maintain mental health and learn the symptoms of mental illness in order to get help when it is needed; and

Whereas, every citizen and community can make a difference in helping end the silence and stigma that for too long has surrounded mental illness and discouraged people from getting help;

Whereas, public education and civic activities can encourage mental health and help improve the lives of individuals and families affected by mental illness;

Now, therefor be it resolved, I, Randy Casale, Mayor of the City of Beacon do hereby proclaim the month of May 2016 as Mental Health Awareness Month in Beacon, New York to increase public understanding of the importance of mental health and to promote identification and treatment of mental illnesses.

---

Randy J. Casale, Mayor  
City of Beacon, New York

Signed this \_\_\_\_\_ day of April, 2016

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Farmers Market Reopens on April 24**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Farmers Market upick	Backup Material
Farmers Market PostCard	Backup Material

**COMMON GROUND FARM**

# U-PICK CSA



summer 2016

**veggies & herbs**  
**fresh from the farm**

12 weeks • \$175 • SNAP/EBT plans available  
learn more at [commongroundfarm.org](http://commongroundfarm.org)

BEACON, NY

# BEACON FARMERS MARKET



FARMS  
FOOD  
MUSIC  
COMMUNITY



**City of Beacon Council Agenda  
4/18/2016**

**Title:**

**New Parking Lot Map**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description  
2016 Parking Lot Map






Type  
Backup Material

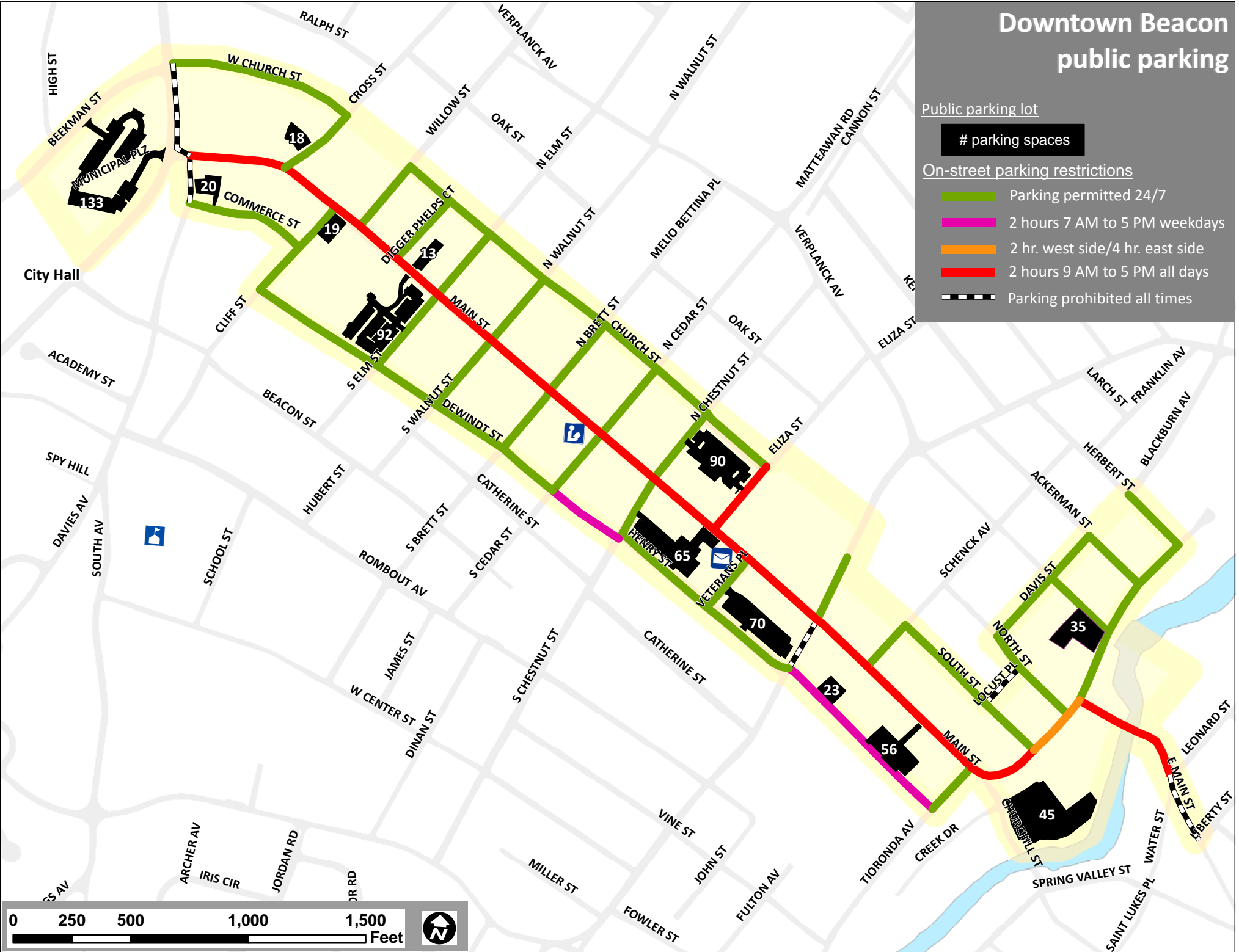
# Downtown Beacon public parking

Public parking lot

# parking spaces

On-street parking restrictions

-  Parking permitted 24/7
-  2 hours 7 AM to 5 PM weekdays
-  2 hr. west side/4 hr. east side
-  2 hours 9 AM to 5 PM all days
-  Parking prohibited all times



**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Approval a Local Law to Amend Chapter 211 of the Code of the City of Beacon Concerning Parking, Stopping and Standing**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Chap 211 Parking	Resolution
LL Chapter 211 Parking Regulations	Local Law



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**RESOLUTION ADOPTING THE LOCAL LAW TO AMEND CHAPTER 211 OF THE CITY  
CODE OF THE CITY OF BEACON  
AS IT RELATES TO PARKING, STOPPING AND STANDING**

**BE IT RESOLVED**, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 211 of the City Code of the City of Beacon as it relates to parking, stopping and standing.

<b>Resolution No. _____ of 2016</b>		<b>Date: _____ 2016</b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>		<input type="checkbox"/> <b>2/3 Required</b>			
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>					<input type="checkbox"/> <b>3/4 Required</b>		
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pamela Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**LOCAL LAW NO. \_\_\_\_ OF 2016**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
CHAPTER 211  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 211 of the Code of the City of Beacon concerning Parking, Stopping and Standing.

A LOCAL LAW to amend Chapter 211 of the Code of the City of Beacon concerning Parking, Stopping and Standing.

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

**Section 1.** Chapter 211, Section 15 of the Code of the City of Beacon is hereby added as follows:

§211-15 Parking, stopping and standing prohibited at all times.

B. Schedule X: Parking, Stopping and Standing Prohibited at All Times. In accordance with the provisions of Subsection A, no person shall park, stop or stand at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
...		
<del>Main Street</del>	<del>East</del>	<del>From a point 150 feet north of the intersection of East Main Street to the intersection of Herbert Street</del>
Main Street	East	From East Main Street <del>425</del> <u>58</u> feet north to Verplanck Avenue
<u>Main Street</u>	East	<u>From a point 433 feet from East Main Street to</u>

793 feet north

Main Street East From Ackerman Street to a point 20 feet north and to a point 20 feet south

Main Street West From Verplanck Avenue to a point 120 feet north

Main Street West From Herbert Street to a point 30 feet north and 30 feet south

...

**Section 2. Severability.** If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Approve a Local Law to Amend Chapter 223 of the Code of the City of Beacon Concerning Zoning as it Relates to the Expiration of Special Permits**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. to appr LL amend Chap 223	Resolution
LL Chapter 223 zoning special permits	Local Law



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**RESOLUTION ADOPTING THE LOCAL LAW TO AMEND CHAPTER 223 OF THE CITY  
CODE OF THE CITY OF BEACON  
AS IT RELATES TO ZONING**

**BE IT RESOLVED**, that the City Council of the City of Beacon hereby adopts the local law amending Chapter 223 of the City Code of the City of Beacon as it relates to zoning.

<b>Resolution No. _____ of 2016</b>		<b>Date: _____ 2016</b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>		<input type="checkbox"/> <b>2/3 Required</b>			
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>				<input type="checkbox"/> <b>3/4 Required</b>			
<b>Motion</b>	<b>Second</b>	<b>Council Member</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Reason</b>	<b>Absent</b>
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pamela Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					



**LOCAL LAW NO. \_\_\_\_ OF 2016**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING  
CHAPTER 223  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend  
Chapter 223 of the Code of the  
City of Beacon concerning  
Zoning

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon concerning  
Zoning.

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

**Section 1.** Chapter 223, Section 18, Subsection F of the Code of the City of Beacon, entitled  
“Expiration of special permits” is hereby amended as follows:

§223-18. Special permit uses.

...

F. Expiration of special permits.

(1) A special permit shall be deemed to authorize only the particular use or uses  
specified in the permit and shall expire if:

(a) A bona fide application for a building permit is not filed within one year of  
the issuance of the special permit; or

(b) If all required improvements are not made:

[1] For special permits that do not include construction of a new  
building or addition, within one year from the date of the issuance of  
the building permit.

[2] For special permits that include construction of a new building or  
addition, within two years from the date of issuance of the building  
permit.

(c) Said use or uses shall cease for more than six months for any reason.

(2) The City Council may grant one or more extensions, of up to six months each, to:

(a) Complete the conditions of approval for the special permit use, upon a finding that an applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit within one year of the issuance of the special permit. No further extensions may be granted if the conditions are not completed within two years following the issuance of the special permit; and

(b) Complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.

The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.

...

## **Section 2. Ratification, Readoption and Confirmation**

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

## **Section 3. Numbering for Codification**

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

## **Section 4. Severability**

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

### **Section 5. Effective Date**

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

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Settle the Tax Ceriorari Matter of RBS Citizens, N.A. v. Assessor of the City of Beacon, et al.**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Tax Cert	Resolution

**CITY OF BEACON  
CITY COUNCIL**

RESOLUTION NO. \_\_\_\_\_ OF 2016

**RESOLUTION RE: CERTIORARI SETTLEMENT -  
*Mtr. of RBS Citizens, N.A. v. Assessor of the City of Beacon, et al.*  
(Sup. Ct. Dutchess Co. Index No. 4717/13, et seq.) -  
SETTLEMENT OF 2013, 2014 AND 2015 TAX CERTIORARI PROCEEDINGS**

**WHEREAS**, tax certiorari proceedings, entitled *Mtr. of RBS Citizens, N.A. v. Assessor of the City of Beacon, et al.* (Sup. Ct. Dutchess Co. Index Nos. 4717/13, et seq.), are presently pending before the Supreme Court, Dutchess County; and

**WHEREAS**, these proceedings challenge the 2013, 2014 and 2015 real property tax assessment of two contiguous parcels one of which is located at 364 Main Street and is identified as Tax Lot No. 6054-29-006819 on the Tax Map of the City of Beacon and the other is located at 13 Eliza Street and is identified as Tax Lot No. 6054-29-004836 on the Tax Map of the City of Beacon; and

**WHEREAS**, a proposed settlement has been reached by and between Petitioner RBS Citizens, N.A., the City of Beacon and the Beacon City School District providing for a voluntary disposition of this proceeding; and

**WHEREAS**, proposed Consent Judgments effectuating the settlement terms has been prepared, subject to the approval of the City of Beacon; and

**WHEREAS**, the City of Beacon has obtained the advice and assistance of its counsel, Keane & Beane, P.C., with respect to the settlement terms, the proposed Consent Judgments and has duly considered same; and

**WHEREAS**, under the settlement terms, the City will be liable for a City tax refund equaling Fifteen Thousand Four Hundred Fourteen and 59/100 (\$15,414.59) Dollars, attributable to the proposed 2013, 2014 and 2015 assessment reductions;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council accepts the settlement of these proceedings so that the following adjustments are made to the 2013, 2014 and 2015 assessments of the aforementioned premises:

**364 Main Street, Tax Lot No. 6054-29-006819**

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2013	\$1,402,600	\$1,086,910	\$315,690
2014	\$1,402,600	\$1,086,910	\$315,690
2015	\$1,402,600	\$1,086,910	\$315,690

**13 Eliza Street Tax Lot No. 6054-29-004836**

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2013	\$339,500	\$263,090	\$76,410
2014	\$339,500	\$263,090	\$76,410
2015	\$339,500	\$263,090	\$76,410

**BE IT FURTHER RESOLVED**, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, are hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Judgments, which incorporate the settlement terms as well as any adjustment of the above-stated terms to conform to official assessment records and tax rates, if necessary.

<b>Resolution No. _____ of 2016</b>		<b>Date: _____, 2016</b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pam Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Randy Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Enter into an Agreement with Mitchell Associates Architects for Consulting Services for the City of Beacon Fire Department**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Mitchell FD	Resolution



**CITY OF BEACON, NEW YORK  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**AUTHORIZING TO ENTER INTO AN AGREEMENT  
WITH MITCHELL ASSOCIATES ARCHITECTS  
FOR CONSULTING SERVICES FOR  
THE CITY OF BEACON FIRE DEPARTMENT**

**WHEREAS**, the City of Beacon issued a request for proposals from qualified architectural firms for architectural services relative to the facility needs of the Beacon Fire Department, pursuant to an RFP issued on February 10, 2016; and

**WHEREAS**, the City received responses to the RFP which were reviewed by the Fire House Property Search Committee (the “Committee”); and

**WHEREAS**, said Committee based upon its review of the responses and the criteria set forth in the RFP has recommended the City Council award the contract for architectural services to Mitchell Associates Architects.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby authorizes the City Administrator to enter into an agreement with Mitchell Associates Architects for architectural services as detailed in the February 10, 2016 RFP in an amount not to exceed \$42,000.00.

Resolution No. _____ of 2016		Date: _____, 2016					
<input type="checkbox"/> Amendments						<input type="checkbox"/> 2/3 Required	
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Randy Casale					
		Motion Carried					



**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Approve an Extension of Time to Complete the Project at 67-71 E. Main Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. 67-71 E. Main Ext.	Resolution

**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ 2016**

**AUTHORIZING AN EXTENSION OF TIME  
TO COMPLY WITH CONDITIONS OF SALE  
FOR THE REAL PROPERTY  
LOCATED AT 65-71 MAIN STREET**

**WHEREAS**, the City of Beacon acquired the real property known as 65-71 Main Street pursuant to an In Rem foreclosure proceeding for unpaid real property taxes; and

**WHEREAS**, on February 11, 2014, the City of Beacon conveyed the property to Dellaportas Enterprises I, Inc. (“Dellaportas”) and said Contract of Sale and Deed contained certain Conditions of Sale; and

**WHEREAS**, Dellaportas has failed to comply with Paragraph I(7) of the Conditions of Sale which required Dellaportas to obtain a Certificate of Occupancy within one year after the closing; and

**WHEREAS**, the City Council previously granted an extension to Dellaportas due to unforeseen circumstances hindering redevelopment of the property; and

**WHEREAS**, Dellaportas has been diligently working on the project to ensure timely completion, but has encountered unforeseen construction delays related to the age and condition of the building which were not previously known and legal issues concerning the property and has therefore requested a further extension.

**NOW, THEREFORE, BE IT RESOLVED**, that for good cause shown, the City of Beacon City Council hereby extends the time for Dellaportas Enterprises I, Inc. to comply with all Conditions of Sale for the subject building to September 30, 2016 and that all other conditions remain unmodified.

Resolution No. _____ of 2016		Date: _____, 2016					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required			
<input type="checkbox"/> Not on roll call.				<input type="checkbox"/> 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Randy Casale					
		Motion Carried					

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Waiver of Banner Fee for Veterans for Memorial Day Parade**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Waiver Memorial Banner	Resolution



**CITY OF BEACON, NEW YORK  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**WAIVING BANNER FEE FOR MEMORIAL DAY PARADE**

**WHEREAS**, The American Legion, Beacon Post 203 organizes a Memorial Day Parade in the City of Beacon; and

**WHEREAS**, the American Legion, Beacon Post 203 has requested that the \$100.00 fee for the City to install a banner over Main Street advertising the Veteran’s Memorial Day Parade be waived; and

**WHEREAS**, the men and women of our armed forces have proudly served our country, making a tremendous contribution to American society; and

**WHEREAS**, there are numerous federal, state and local laws that recognize Veterans and Veteran’s Groups deserve to be exempt from certain fees and costs due to their service to our country, such as real property tax exemptions for eligible veterans; New York State General Business Law §35 granting special privileges to certain veterans with respect to peddlers’ licenses; New York General Municipal Law §99-V granting veteran organizations the ability to use certain bulletin boards provided by municipalities; and New York General Municipal Law §77 which permits a municipality to lease public buildings to veteran organizations at no cost; and

**WHEREAS**, the American Legion, Beacon Post 203 has organized the Memorial Day Parade for a number of years and wishes to use the banner to increase attendance and awareness of the Memorial Day Parade; and

**WHEREAS**, the City Council finds that the veteran’s organizations provide a civic benefit to the residents of the City of Beacon and the City which no other group can provide.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Beacon hereby grants the waiver of the banner fee being paid by the American Legion, Beacon Post 203 for a Memorial Day banner to be hung on Main Street, and that such waiver shall not create a precedent or be of any force or effect or be relied upon by any such other organization.

Resolution No. _____ of 2016		Date: _____, 2016					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call				<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Ali Muhammad					
		Omar Harper					
		Lee Kyriacou					
		George Mansfield					
		Pam Wetherbee					
		Peggy Ross					
		Randy Casale					
		Motion Carried					

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Appoint Joshua Kogan to the Conservation Advisory Committee**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Kogan CAC	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**RESOLUTION CONFIRMING THE APPOINTMENT OF JOSHUA KOGAN TO THE  
CITY OF BEACON CONSERVATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, that the City Council of the City of Beacon hereby confirms the appointment of Joshua Kogan as a member of the Conservation Advisory Committee for a two-year term ending December 31, 2018.

<b>Resolution No. _____ of 2016</b>		<b>Date: _____, 2016</b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pamela Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**4/18/2016**

**Title:**

**Consideration of a Resolution to Appoint Brendan Murphy to the Conservation Advisory Committee**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Res. Murphy CAC	Resolution



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2016**

**RESOLUTION CONFIRMING THE APPOINTMENT OF BRENDAN MURPHY TO  
THE CITY OF BEACON CONSERVATION ADVISORY COMMITTEE**

**BE IT RESOLVED**, that the City Council of the City of Beacon hereby confirms the appointment of Brendan Murphy as a member of the Conservation Advisory Committee for a two-year term ending December 31, 2018.

<b>Resolution No. _____ of 2016</b>		<b>Date: _____, 2016</b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pamela Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					