



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

August 1, 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. Community Segment:

- A. Police Youth Academy Graduates

VI. Public Hearings:

- A. Public Hearing on a Local Law Regarding Solar Collectors and Installations
- B. Public Hearing on a Local Law Amending Chapter 223 of the City Code as it Relates to Affordable Workforce Housing
- C. Public Hearing on a Special Use Permit for Property Located at 867 Wolcott Avenue

VII. 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

VIII. Local Laws and Resolutions:

- A. Resolution Adopting a Local Law Amending Chapter 223 of the City Code as it Relates to Affordable Workforce Housing
- B. Resolution Adopting the Regulations for the Administration of the Affordable Workforce Housing Program
- C. Resolution Authorizing a Special Use Permit Related to Property Located at 867 Wolcott Avenue
- D. Resolution Authorizing the Submission of a Consolidated Funding Application to New York State
- E. Resolution Scheduling a Public Hearing for August 15, 2016 to Receive Comment on a Proposed Local Law Changing the Zoning of Properties in the Linkage District to Other Zoning Districts and the Proposed Amendment to the City Comprehensive Plan

- F. Resolution Authorizing an Agreement with NYS DOT for the Pedestrian Signal Improvement Project
- G. Resolution Adopting the "Think Differently" Initiative to Assist Individuals with Special Needs and Their Families
- H. Resolution Authorizing the Agreement with Modjeski and Masters, Inc. for Engineering Services for the Design of the South Avenue Bridge Over the Fishkill Creek
- I. Resolution Authorizing an Agreement with HVEA Engineers for the Main Street Pedestrian Improvements Project
- J. Resolution Appointing Nate Smith as Provisional Assistant Recreation Director

IX. 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.

X. Executive Session:

- A. Real Estate

XI. Adjournment:

City of Beacon Council Agenda
8/1/2016

Title:

Police Youth Academy Graduates

Subject:

Background:

City of Beacon Council Agenda
8/1/2016

Title:

Public Hearing on a Local Law Regarding Solar Collectors and Installations

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|---------------------------|-----------------|
| LL Solar Installations | Local Law |
| Solar LL Response from DC | Backup Material |

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 City Code concerning Solar Collectors and Installations.

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon concerning Solar Collectors and Installations.

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

Section 1. Chapter 223, Article X of the Code of the City of Beacon is hereby added as follows:

Article X. Solar Collectors and Installations.

§223-80. Purpose and intent.

A. Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the City of Beacon's current and long-term sustainability agenda.

C. This chapter aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation.

§223-81. Definitions.

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) COLLECTORS: A solar energy system that consists of integrating photovoltaic modules into the building envelope, such as the roof or the façade, which does not alter the roofline.

FLUSH-MOUNTED SOLAR PANEL: A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY COLLECTOR: A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered freestanding or ground-mounted solar energy systems for purposes of this chapter.

LARGE-SCALE SOLAR COLLECTION SYSTEM OR SOLAR FARM: An area of land or other area of one acre or more, used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar facilities consist of one or more freestanding ground-or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

PASSIVE SOLAR Collector: A solar energy system that relies upon original or retrofitted design features and building materials of a structure to enhance the use of natural forces to provide heating and cooling within a building.

PHOTOVOLTAIC (PV) COLLECTOR: A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells, which generate electricity whenever light strikes them.

QUALIFIED SOLAR INSTALLER: A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Building Inspector or such other City officer or employee as the City Council designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

ROOFTOP OR BUILDING-MOUNTED SOLAR COLLECTOR: A solar system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as a module fixed to frames which can be tilted toward the south at an optimal angle.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

SOLAR COLLECTOR A device or combination of devices which relies upon solar radiation as an energy source and that is employed for the purposes of heating or cooling a building, the heating of water or the generation of electricity. For the purposes of this chapter, a solar collector does not include any solar energy system of four square feet in size or less.

SOLAR ENERGY EQUIPMENT Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed.

§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:
- (1) Building permits shall be required for installation of all solar collectors.
 - (2) Any height limitations provide in City Code shall not be applicable to solar collectors except for the restrictions provided for in the Central Main Street District §223-41.18(D)(7-8) and the Linkage District § 223-41.21(D)(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 panel in tilted position exceed five feet above the surface of the roof, and such structures shall not obstruct solar access to neighboring properties.
 - (3) All rooftop and building-mounted solar collectors shall use black or neutral, non-reflective colors.
 - (4) All utility services and electrical wiring shall be underground or otherwise placed within conduit securely attached to the roof and walls.
 - (5) Rooftop units shall be installed in accordance with all applicable requirements of the New York State Uniform Fire Protection and Building Code.
 - (6) Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
 - (7) Solar Panels affixed to a flat roof shall be placed below the line of sight from a public right of way, except where the subject right of way is at a higher elevation than the first floor elevation of the building.

- B. Building-integrated photovoltaic (BIPV) systems. BIPV systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.
- C. Freestanding and Ground-mounted solar collectors are permitted as accessory structures in all zoning districts of the City, subject to the following requirements:
- (1) Building permits are required for the installation of all ground-mounted solar collectors.
 - (2) The location of the solar collector shall meet all applicable setback requirements for accessory structures in zoning district in which it is located.
 - (3) The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
 - (4) The total surface area of all ground-mounted and freestanding solar collectors on the lot shall not exceed 1,000 square feet. The area beneath ground-mounted and freestanding solar collectors shall be included in calculating total surface area.
 - (5) The solar collector shall be located in a side or rear yard.
 - (6) Freestanding and Ground-mounted solar collectors shall be screened when possible and practicable from adjoining lots and street rights-of-way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.
 - (7) The solar collectors shall not emit unreasonable glare and negatively impact adjacent properties.
 - (8) Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading or property to the north, while still providing adequate solar access for collectors.
 - (9) Solar collectors and solar energy equipment shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of ingress or egress.
- D. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities by no later than 90 days after the end of the twelve-month period.

§223-83. Large-scale solar collection system or solar farm.

- A. Large-scale Solar Collectors or Solar Farms shall be subject to site development plan review by the Planning Board in accordance with provisions of § 223-25 and shall meet the following supplementary regulations:

- (1) The total coverage of all buildings and structures on a lot, including freestanding solar panels which shall be measured in terms of surface area for the purpose of calculating coverage, shall not exceed 50%.
- (2) Height and setback restrictions.
 - (a) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.
 - (b) The minimum setback from property lines shall be 25 feet.
 - (c) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
- (3) Design standards
 - (a) Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.
 - (b) All on-site utility and transmission lines shall, the extent feasible, be placed underground.
 - (c) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
 - (d) All solar collectors and mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate provided with landscape screening.
 - (e) A large-scale solar collector or solar farm to be connected to the utility grid shall provide a “proof of concept” letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.
- (4) Signs
 - (a) A sign not to exceed eight square feet shall be placed on or near the main access point and shall list the facility name, owner and phone number.
 - (b) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (5) Abandonment
 - (a) All applications for a large-scale solar collection system or solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity or in conjunction with removal of the facility, prior to issuance of a building permit.
 - (b) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
 - (c) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:

- [1] Removal of aboveground and below-ground equipment, structures and foundations.
 - [2] Restoration of the surface grade and soil after removal of equipment.
 - [3] Revegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - [4] The plan should include a time frame for the complete of site restoration work.
- (d) In the event that the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the City may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the City may notify the owner and/or operator to implement decommissioning plan.
 - (e) Upon cessation of activity of a constructed facility for more than 12 consecutive months, the City may notify the owner and/or operator of the facility to implement the decommissioning plan at the owner's expense.

§223-84. Safety.

- A. All solar collector installations must be performed by a qualified solar installer, and prior to operation, the electrical connections must be inspected by the Building Inspector and by an appropriate electrical inspection person or agency, as determined by the City. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
- B. Solar energy systems shall be maintained in good working order.
- C. Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code Standards.
- D. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of City and other applicable laws and regulations.
- E. Marking of equipment
 - (1) Solar energy systems and equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

- (2) For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.
- (3) In the event any of the standards in this Subsection H for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code (the "State Code"), they shall be deemed to be guidelines only and the standards of the State Code shall apply.

§223-85. Appeals.

- A. If a person is found to be in violation of the provisions of this article, appeals should be made in accordance with the established procedures and time limits of the City Zoning Code and New York State Law.
- B. If a building permit for a solar energy device is denied based upon a failure to meet the requirements of this article, the applicant may seek relief from the Zoning Board of Appeals in accordance with the established procedures and time limits of the Zoning Code and New York State Law.

§223-86. Exemptions.

- A. Any solar installation project(s) proposed or sponsored by the City of Beacon for which a contract has been awarded by the City of Beacon prior to the adoption of this local law, such solar installation project(s) shall be exempt from the requirements of this Article X.
- B. Any solar installation project proposed or sponsored by the City of Beacon after the adoption of this local law may be exempt from the provisions of this Article X at the sole discretion of the City Council.

Section 2. 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 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.



| | | | |
|---|--|---|---|
| Dutchess County Department of Planning and Development | | Fax info only To _____ Co./Dept. <u>Planning</u> Fax # <u>845 486-3610</u> | Date <u>4/30/16</u> # pgs <u>7</u> From <u>E. EVANS</u> Phone # <u>845 838-5010</u> |
| 239 Planning/Zoning Referral - Standard Form | | | |
| Municipality: | City of Beacon | | |
| Referring Agency: | <input type="checkbox"/> Planning Board <input type="checkbox"/> Zoning Board of Appeals <input checked="" type="checkbox"/> Municipal Board | | |
| Tax Parcel Number(s): | n/a | | |
| Project Name: | Local Law Regarding Solar Collectors and Installation | | |
| Applicant: | <u>n/a City Council</u> | | |
| Address of Property: | n/a | | |
| <i>Please fill in this section</i> | Type of Action: <input checked="" type="checkbox"/> Local Law / Text Amendment <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Permit <input type="checkbox"/> Use Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Other: _____ | | Parcels within 500 feet of: <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property (with recreation area or public building) <input type="checkbox"/> County Property (with recreation area or public building) <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Farm operation in an Agricultural District |
| | Date Response Requested (if less than 30 days): Public Hearing Scheduled for Aug. 1, 2016 | | |
| If subject of a previous referral, please note County referral number(s): _____ | | | |

DUTCHESS COUNTY
 DEPARTMENT OF
 PLANNING & DEVELOPMENT
 RECEIVED
 JUN 30 PM 2:32

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

| | | | |
|--|--|---|--|
| No Comments: <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Withdrawn | | Comments Attached: <input checked="" type="checkbox"/> Local Concern with Comments ✓ <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — municipality must resubmit to County <input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County | |
| Date Submitted: <u>6/30/2016</u> | Notes: | <input type="checkbox"/> Major Project | |
| Date Received: <u>6/30/2016</u> | | Referral #: <u>2216-249</u> | |
| Date Requested: <u>8/11/2016</u> | | | |
| Date Required: <u>7/29/2016</u> | <input type="checkbox"/> Also mailed hard copy | Reviewer: <u></u> | |
| Date Response Faxed: <u>7/28/2016</u> | | | |

MARCUS J. MOLINARO
COUNTY EXECUTIVE



Eoin Wrafter, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

July 25, 2016

To: City Council, City of Beacon
Re: Referral ZR16-219; Local Law regarding solar collectors and installation

The Dutchess County Department of Planning and Development has reviewed the submitted referral for countywide and intermunicipal impacts as outlined in General Municipal Law (Article 12B, §239-l/m).

ACTION

The City Council is considering adding Article X, "Solar Collectors and Installations" to the Zoning Code in order to regulate the location, size, installation, removal and design of solar collectors.

COMMENTS

We note the following:

- The definition for "Large scale solar collection system or solar farm" is confusing. Its definition begins with "an area of land or other area of one acre or more..." Would an applicant that has leased multiple rooftops and wishes to place solar collection systems on all of them qualify as a large scale solar collection system? In addition, the use of the word "or" is confusing as it could be read to mean "any area of land" (without a size restriction) OR "other area of one acre or more (with a size restriction)". We suggest that the definition be clarified.
- Section 223-83 "Large scale solar collection system or solar farm" does not specify within which zoning districts these particular facilities would be allowed. Allowable districts are specified for other solar collector types (ground mounted, rooftop, building integrated). We suggest that the Council consider that large scale systems, permitted as a principal use, may not be appropriate in all districts, including residential and certain business districts.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in this case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner

By

Brian Kehoe
Planner

City of Beacon Council Agenda
8/1/2016

Title:

Public Hearing on a Local Law Amending Chapter 223 of the City Code as it Relates to Affordable Workforce Housing

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|----------------------|-----------|
| LL Workforce Housing | 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 City Code concerning Affordable Workforce Housing.

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

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

Section 1. Chapter 223, Section 41.10, Subsections E and F of the Code of the City of Beacon are hereby amended as follows:

§223-41.10. Below-market-rate units.

...

E. Maximum rent and sales price.

- (1) Calculation of permissible rent. The maximum rental amount of a BMR Unit shall not exceed 30% of the income for a low/moderate-income household (65% AMI established by HUD) per household size including utilities, if applicable. ~~The monthly rent including utilities for BMR units shall not exceed 30% of the maximum aggregate gross monthly income of an eligible household as defined in § 223-63, under "BMR unit eligible household," for the actual size of the household that will occupy such unit as set forth in Subsection C above.~~
- (2) Calculation of sale price. The maximum gross sales price for a BMR unit shall not exceed a figure based on a maximum household expense of 30% of the maximum aggregate gross monthly income of an eligible household as defined in §223-63 for the actual size of the household that will occupy such unit as set forth in Subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry standard mortgage underwriting guidelines for a thirty-year fixed rate mortgage, prevailing interest rates, and a down payment of 5%.

F. Categories of priority.

(1) Households applying for BMR units shall be selected in accordance with regulations adopted by the City Council and on the basis of the following categories of priority, with first preference being for active volunteer emergency responders as set forth in (a) below, and once exhausted, then qualified individuals from the next available category and so on:

- (a) Active vVolunteer emergency responders ~~for~~ for serving the City of Beacon who have actively served at least five years.

- (b) City of Beacon municipal full time employees.
- ~~(c)~~ (c) Full time employees of the Beacon School District.
- ~~(d)~~ (d) Veterans of the United States military with honorable discharge.
- ~~(e)~~ (e) Members of the United States military serving active duty.
- ~~(f)~~ (f) All other residents of the City of Beacon.
- ~~(g)~~ (g) Other persons employed in the City of Beacon.
- ~~(h)~~ (h) The following relatives of residents of the City of Beacon: father, mother, son, daughter, brother, sister, grandparent, grandchild, father-in-law or mother-in-law.
- ~~(i)~~ (i) Other residents of Dutchess County.
- ~~(j)~~ (j) Other persons employed in Dutchess County.
- ~~(k)~~ (k) All others.

(2) Within each of the above categories, the following special groups shall receive priority in the following order:

- (a) Households whose head of household or spouse is 62 years of age or older.
- (b) First-time homebuyers.
- (c) Households whose head of household or spouse is 30 years of age or younger.
- (d) Civil servants.

...

Section 3. Chapter 223, Section 63 of the Code of the City of Beacon is hereby amended as follows:

§223-63. Definitions.

...

BELOW-MARKET-RATE (BMR) UNIT

A new or rehabilitated housing unit which is restricted as to sale or rent to remain affordable to a BMR Unit Eligible Household, as defined below, by generally not exceeding the maximum sale price or monthly rent calculated using the criteria set forth in §223-49.10 of this chapter. ~~30% of the maximum aggregate gross income of the household for the actual size of the household that will occupy such unit. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the City Council or its designee.~~

BMR UNIT ELIGIBLE HOUSEHOLD

A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 100% of the Dutchess County median annual income for its household size [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent or sales price based on 65% annual median income specified in § 223-41.10E of this chapter. In addition, the net assets of the household at the time prior to purchase or lease may not exceed 75% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income. Evidence of disability shall be the receipt of Social Security Disability Insurance (SSDI) payments. ~~For example, for the year 2010, limitations are as follows:~~

| Persons in Household | 1 | 2 | 3 | 4 | 5 | 6 |
|--|----------|----------|----------|----------|----------|----------|
| Maximum eligible income (100% of median) | \$58,400 | \$66,800 | \$75,100 | \$83,400 | \$90,100 | \$96,800 |

| Persons in Household | 1 | 2 | 3 | 4 | 5 | 6 |
|---|--------------------|-------------------|-------------------|--------------------------|-------------------|-------------------|
| Maximum housing cost (30% of gross income) | | | | | | |
| Annually | \$17,520 | \$20,040 | \$22,530 | \$25,020 | \$27,030 | \$29,040 |
| Monthly | \$1,460 | \$1,670 | \$1,878 | \$2,085 | \$2,253 | \$2,420 |
| Eligible unit types | Studio or 1 BDR | 1 BDR or 2 BDR | 2 BDR or 3 BDR | 2 BDR, 3 BDR or 4 BDR | 3 BDR or 4 BDR | 3 BDR or 4 BDR |

Section 4. 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 5. 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 6. 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 7. Effective Date

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

City of Beacon Council Agenda
8/1/2016

Title:

Public Hearing on a Special Use Permit for Property Located at 867 Wolcott Avenue

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|--|-------------------|
| Special Permit 867 Wolcott Application | Application |
| SP 867 Wolcott Site Plan | Plans |
| SP 867 Wolcott K&B Memo | Cover Memo/Letter |
| SP 867 Wolcott Letter | Cover Memo/Letter |

APPLICATION FOR SPECIAL USE PERMIT

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

Name: Eric Helmuth
Address: 867 Wolcott Ave.
Beacon NY, 12508
Signature: [Signature]
Date: May 23, 2016
Phone: 845 453-3687

(For Official Use Only)

Application & Fee Rec'd

Initial Review

PB Public Hearing

Sent to City Council

City Council Workshop

City Council Public Hearing

City Council Approve/Disapprove

Date Initials

5-31-16

6-14-16

7-12-16

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Berg + Moss Architects
Address: 427 Main St. No 104
Beacon NY 12508

Phone: 845 831 1318

Fax: _____

Email address: jon@bergmoss.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 867 Wolcott Ave. Beacon NY 12508
Tax Map Designation: Section 6054 Block 45 Lot(s) 064560
Land Area: 0.34 Acres Zoning District(s) _____

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Renovate Accessory Apartment
Gross Non-Residential Floor Space: Existing 484 Proposed 110
TOTAL: 594
Dwelling Units (by type): Existing Single family house Proposed Accessory Apt.
TOTAL: 2

ITEMS TO ACCOMPANY THIS APPLICATION

- a. Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. Five (5) **folded** copies and One (1) digital copy of any additional sketches, renderings or other information submitted.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.

FORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20_____
subject to all conditions as stated therein**

Chairman, City Planning Board

Date

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Eric Helms

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

List all properties in the City of Beacon that you hold a 5% interest in:

867 Wolcott Ave Beacon NY 12508

Applicant Address: 867 Wolcott Ave Beacon NY 12508

Project Address: 867 Wolcott Ave Beacon NY 12508

Project Tax Grid # 6054-45-064560

Type of Application Special Use Permit

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Eric Helms, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon yes
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon no
3. ALL tax payments due to the City of Beacon are current yes
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon no
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon no
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current yes

X Eric Helms

Signature of Owner

Title if owner is corporation

| Office Use Only: | NO | YES | Initial |
|--|-------------------------------------|-------------------------------------|-----------|
| Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>EH</u> |
| ALL taxes are current for properties in the City of Beacon are current (Tax Dept.) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>EH</u> |
| ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>EH</u> |

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: Special Use Permit - Eric Helmut


| PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW. | | |
|--|-----|----|
| | YES | NO |
| The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information: | ✓ | |
| LEGAL DATA | | |
| Name and address of the owner of record. | ✓ | |
| Name and address of the applicant (if other than the owner). | ✓ | |
| Name and address of person, firm or organization preparing the plan. | ✓ | |
| Date, north arrow, and written and graphic scale. | ✓ | |
| NATURAL FEATURES | | |
| Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board. | ✓ | |
| Approximate boundaries of any areas subject to flooding or stormwater overflows. | | ✓ |
| Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features. | ✓ | |
| EXISTING STRUCTURES, UTILITIES, ETC. | | |
| Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets. | ✓ | |
| Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property. | ✓ | |
| Other existing development, including fences, retaining walls, landscaping, and screening. | ✓ | |
| Sufficient description or information to define precisely the boundaries of the property. | ✓ | |
| The owners of all adjoining lands as shown on the latest tax records. | ✓ | |
| The locations, names, and existing widths of adjacent streets and curb lines. | ✓ | |
| Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties. | ✓ | |

| PROPOSED DEVELOPMENT | YES | NO |
|---|------------|-----------|
| The location, use and design of proposed buildings or structural improvements. | ✓ | |
| The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas. | ✓ | |
| Any proposed division of buildings into units of separate occupancy. | ✓ | |
| The location, direction, power, and time of use for any proposed outdoor lighting. | | ✓ |
| The location and plans for any outdoor signs. | | ✓ |
| The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas. | ✓ | |
| Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm. | | ✓ |
| The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc. | ✓ | |
| Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City. | | ✓ |
| Any contemplated public improvements on or adjoining the property. | | ✓ |
| Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street. | | ✓ |
| Elevations of all proposed principal or accessory structures. | ✓ | |
| Any proposed fences or retaining walls. | | ✓ |
| MISCELLANEOUS | | |
| A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale. | ✓ | |
| Erosion and sedimentation control measures. | | ✓ |
| A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements. | | ✓ |
| An indication of proposed hours of operation. | | ✓ |
| If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development. | | ✓ |

For all items marked "NO" above, please explain below why the required information has not been provided:

- The property and existing structure are not prone to flooding. There is no change to the existing gutter drainage.
- There are no plans for outdoor lighting.
- There are no plans for outdoor signs.
- There are no plans for a change to the landscape design.
- There are no proposed easements, deed restrictions, or covenants and notations.
- There are no contemplated public improvements.
- There are no grade changes proposed.
- no fences or retaining walls.
- No erosion control will be necessary.
- This proposal requires special permitting.
- This is not a commercial business.
- The plans shows all proposed stages.

Applicant/Sponsor Name: Eric Helmuth

Signature: 

Date: May 23rd 2016.

Google Maps 867 Wolcott Ave and adjacent properties.



Google Maps

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

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

| | | |
|--|-----------|---|
| Name of Action or Project: Renovate Accessory Apartment | | |
| Project Location (describe, and attach a general location map): 867 Wolcott Ave. Beacon NY 12508 | | |
| Brief Description of Proposed Action (include purpose or need): This renovated structure will serve as an investment, as a retirement plan, and a place for family to stay when visiting. | | |
| Name of Applicant/Sponsor: Eric Helmuth | | Telephone: 845 765 0874 E-Mail: erichelmuth789@gmail.com |
| Address: 867 Wolcott Ave | | |
| City/PO: Beacon | State: NY | Zip Code: 12508 |
| Project Contact (if not same as sponsor; give name and title/role): | | Telephone: |
| | | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |
| Property Owner (if not same as sponsor): | | Telephone: |
| | | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

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

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

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? YesNo

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

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? YesNo

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? YesNo

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) YesNo

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? YesNo

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Single Family Residential

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

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

If Yes,
i. What is the proposed new zoning for the site? Accessory Apartment

C.4. Existing community services.

a. In what school district is the project site located? Beacon School District / Sargent Elementary

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

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

d. What parks serve the project site?
Green Street Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 0.34 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0 acres

c. Is the proposed action an expansion of an existing project or use? Yes No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

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

iii. Number of lots proposed? _____

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

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

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

ii. If Yes:

- Total number of phases anticipated 2
- Anticipated commencement date of phase 1 (including demolition) 10 month 2016 year
- Anticipated completion date of final phase 12 month 2017 year

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

Phase One: excavation for plumbing, electrical and coax, demolition of existing roof, construction of new roof, walls and windows on existing brick structure, sub floor, electrical, stud walls and sheet rock. Phase Two: tile floor, install kitchen and bath, paint, washer dryer, hot water, heating system.

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|-----------------------------|------------|------------|--------------|--------------------------------|
| Initial Phase | NA | | | |
| At completion of all phases | 1 | | | |

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

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

D.2. Project Operations

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

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

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

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

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

If Yes:

• acres of aquatic vegetation proposed to be removed: _____

• expected acreage of aquatic vegetation remaining after project completion: _____

• purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

• proposed method of plant removal: _____

• if chemical/herbicide treatment will be used, specify product(s): _____

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

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

If Yes:

i. Total anticipated water usage/demand per day: _____ 35 gallons/day

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

If Yes:

• Name of district or service area: Beacon

• Does the existing public water supply have capacity to serve the proposal? Yes No

• Is the project site in the existing district? Yes No

• Is expansion of the district needed? Yes No

• Do existing lines serve the project site? Yes No

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

If Yes:

• Describe extensions or capacity expansions proposed to serve this project: _____

• Source(s) of supply for the district: _____

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

If, Yes:

• Applicant/sponsor for new district: _____

• Date application submitted or anticipated: _____

• Proposed source(s) of supply for new district: _____

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

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

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

If Yes:

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

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

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

If Yes:

• Name of wastewater treatment plant to be used: _____

• Name of district: _____

• Does the existing wastewater treatment plant have capacity to serve the project? Yes No

• Is the project site in the existing district? Yes No

• Is expansion of the district needed? Yes No

Yes No
 Yes No

• Do existing sewer lines serve the project site?
 • Will line extension within an existing district be necessary to serve the project?
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

• Will stormwater runoff flow to adjacent properties? Yes No
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____ 8
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No

If yes:

i. Provide details including sources, time of day and duration: _____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? Yes No

Describe: _____

n.. Will the proposed action have outdoor lighting? Yes No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? Yes No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? Yes No

If Yes:

i. Describe proposed treatment(s): _____

ii. Will the proposed action use Integrated Pest Management Practices? Yes No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

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

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

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

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
- Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

| Land use or Covertype | Current Acreage | Acreage After Project Completion | Change (Acres +/-) |
|--|-----------------|----------------------------------|--------------------|
| • Roads, buildings, and other paved or impervious surfaces | 0.01 | 0.01 | |
| • Forested | 0 | 0 | |
| • Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural) | 0 | 0 | |
| • Agricultural (includes active orchards, field, greenhouse etc.) | 0 | 0 | |
| • Surface water features (lakes, ponds, streams, rivers, etc.) | 0 | 0 | |
| • Wetlands (freshwater or tidal) | 0 | 0 | |
| • Non-vegetated (bare rock, earth or fill) | 0 | 0 | |
| • Other Describe: _____ | | | |

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Pre School next door. 869 Wolcott Ave.

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ 15 feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: clay / till _____ 100 %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ 5 feet

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 100 % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

| | | | | | | | |
|---|-------------|-------------|------------|------|---------|---------|--|
| <p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <table style="width: 100%; border: none;"> <tr> <td style="border-bottom: 1px solid black; width: 33%;">deer</td> <td style="border-bottom: 1px solid black; width: 33%;">ground hogs</td> <td style="border-bottom: 1px solid black; width: 33%;">many birds</td> </tr> <tr> <td style="border-bottom: 1px solid black;">mice</td> <td style="border-bottom: 1px solid black;">insects</td> <td style="border-bottom: 1px solid black;">racoons</td> </tr> </table> | deer | ground hogs | many birds | mice | insects | racoons | |
| deer | ground hogs | many birds | | | | | |
| mice | insects | racoons | | | | | |
| <p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | | | | | | | |
| <p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | | | | | | | |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> | | | | | | | |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> | | | | | | | |
| <p>E.3. Designated Public Resources On or Near Project Site</p> | | | | | | | |
| <p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p> | | | | | | | |
| <p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p> | | | | | | | |
| <p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> | | | | | | | |
| <p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p> | | | | | | | |

| | |
|---|---|
| e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District | |
| ii. Name: _____ | |
| iii. Brief description of attributes on which listing is based: _____ | |
| f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| g. Have additional archaeological or historic site(s) or resources been identified on the project site? | |
| If Yes: | |
| i. Describe possible resource(s): _____ | |
| ii. Basis for identification: _____ | |
| h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes: | |
| i. Identify resource: <u>Mount Beacon</u> | |
| ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>state or local park</u> | |
| iii. Distance between project and resource: _____ <u>1/2</u> miles. | |
| i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes: | |
| i. Identify the name of the river and its designation: _____ | |
| ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Eric Helmuth Date May 23rd 2016

Signature  Title _____

MEMORANDUM

TO: Mayor Randy Casale and Members of the Beacon City Council

FROM: Keane & Beane, P.C.

**RE: 867 Wolcott Avenue -
Special Use Permit for Accessory Apartment**

DATE: July 18, 2016

The Planning Board provided a positive recommendation for the City Council's issuance of a Special Permit for the accessory apartment proposed at 867 Wolcott Avenue.

As per the attached memoranda from Lanc & Tully, P.C. and F.P. Clark Associates, Inc. there are several site planning and engineering issues related to water and sewer service, parking, driveway modifications, and lighting, which must be resolved during the site plan review process when the application returns to the Planning Board. Rather than ask the applicant to resolve those issues now and incur the expense in doing so prior to confirmation as to whether the use will be permitted, the Planning Board issued its recommendation to the Council as to the use of the property. If the applicant receives a Special Permit to allow use of the property for an accessory apartment, the site planning and engineering issues will be addressed during the Planning Board's site plan review.

Also, please note that the applicant submitted the current deed for the property which confirmed the property is not owned by a corporate entity. As you recall, the City's zoning regulations pertaining to accessory apartments require the property to be owner-occupied. That requirement cannot be satisfied when the property is owned by a corporate entity. This application meets the "owner-occupied" requirement.

Encls.

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal
David E. Higgins, P.E., Principal

John D. Russo, P.E., Principal
John Queenan, P.E., Principal
Rodney C. Knowlton, L.S., Principal

John Lanc, P.E., L.S.
Arthur R. Tully, P.E.

July 7, 2016

Mr. Jay Sheers
Beacon Planning Board Chair
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

RE: 867 Wolcott Ave – Accessory Apartment
City of Beacon
Tax Map No. 6054-45-064560

Dear Mr. Sheers:

We have reviewed the plan entitled "Special Use Application Accessory Apartment", with the latest revision date of June 24, 2016, as prepared by Berg & Moss Architects, PC. The applicant is proposing to convert an accessory building currently located on the parcel into an accessory apartment. Based upon our review of the submitted plan, we offer the following comments:

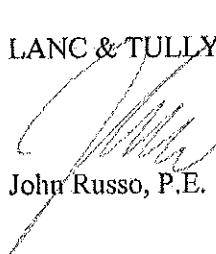
1. The title on the plan should include "867 Wolcott Ave." so as to clearly define the plan title.
2. Although the scale of each of the drawings has been provided on the plan, the noted scale should be enlarged so that it is legible.
3. A note should be added to the plan with regards to the variance received. This note can replace existing Note No. 6, which is no longer applicable.
4. A legend should be added to the plan to clarify symbols, lines, and hatching shown on the plan.
5. As previously noted, it is unclear from the plan as to where the water and sewer to service the proposed accessory apartment will be. Are new utilities to be run from the existing mains within Wolcott Avenue, or are they to be extensions from the existing residence? The plan should clearly show the proposed location of the water and sewer services lines to the apartment structure. It is unclear if the striped hatching is representing the location of the proposed utilities.
6. As previously noted, if the water service is being extended from the existing residence, the project consultant shall note the size and material of the existing water service entering the main dwelling at the front of the parcel, and shall verify and provide documentation/calculations to show that sufficient capacity, flow, and pressure will be provided for the new water line servicing the apartment. With regards to the sewer service, the plan should clearly note the lowest sewerable elevation of the apartment based upon where the sewer service will be run to, whether to the existing residence or the sewer main within Wolcott Avenue.

7. As previously noted, the water and sewer utilities shall be installed in accordance with Department of Health standards. Water and sewer cannot be laid in the same trench without providing the appropriate horizontal and vertical separations. Further, we would recommend that the water service be a minimum of four feet below grade to protect against freezing of the service line. The trench detail currently shown on the plans does not meet Department of Health standards for the separation of water and sewer.
8. The trench detail notes the water to be 1 ¼" in size, and the sewer to be 6" in size, whereas the note located on the plan between the existing house and proposed apartment notes the water to be ¾" in size and the sewer to be 4" in size. All notes and details shall be coordinated so as not to conflict with one another.
9. As previously noted, the plan currently shows the gravel area to be extended to the right of the apartment for the installation of the two parking stalls, and along the entire front of the apartment dwelling. Is there a need to extend the gravel area along the entire front of the apartment dwelling? If so, provide an explanation as to why.
10. A leader pointing to the proposed driveway states "restore existing gravel parking - 2 cars". This note should be revised to state "restore existing gravel drive".
11. Although the application states that no additional exterior lighting is to be installed, will an exterior light be installed at or near the apartment entrance?
12. Construction details should be provided on the plan for the proposed utilities to service the apartment, and the proposed gravel driveway.

This completes our review at this time. Further comments may be forth coming based upon future submissions. A written response letter addressing each of the above comments should be provided with the next submission. If you have any questions, or require any additional information, please do not hesitate to contact our office.

Very truly,

LANC & TULLY, P.C.



John Russo, P.E.

Cc: David Stolman, AICP, PP
Nick Ward-Willis, Esq.
Tim Dexter, Building Inspector



FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
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MEMORANDUM

To: Jay Sheers, Chairman, and the City of Beacon Planning Board

Date: July 8, 2016

Subject: **867 Wolcott Avenue Accessory Apartment – Site Plan and Special Use Permit Approval**

As requested, we have reviewed the plan entitled, “Special Use Application Accessory Apartment” prepared by Berg + Moss Architects PC, dated November 19, 2012, last revised June 24, 2016. We have also reviewed the submitted Environmental Assessment Form (EAF) and Application materials.

Introduction

The Applicant is proposing an accessory apartment on a lot containing a single-family, owner-occupied residence. The proposed apartment is 594 square feet in floor area and is located in an accessory building at the rear of the property.

Analysis and Recommendations

1. Note 6 on the site plan should be revised to note that variance that was granted for the rear yard setback.
2. The existing 594 square foot building footprint of the accessory structure should be noted in the bulk table as an existing, non-conformance.
3. Any proposed lighting should be shown on the site plan.
4. Once the Applicant leaves the Planning Board with the Board’s recommendation to the City Council, the Applicant will need to go before the Council for the Special Use Permit required for an accessory apartment.

*BEACON PLANNING BOARD
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026
James Sheers, Chairman*

July 13, 2016

Mayor Casale & City Council Members
One Municipal Plaza - Suite One
Beacon, New York 12508

RE: Special Use Permit – Accessory Apartment
867 Wolcott Avenue
Applicant: Eric Helmuth

Dear Mayor Casale & Council Members:

At their July 12, 2016 Planning Board meeting, members reviewed a Special Use Permit and Site Plan Approval application for an accessory apartment in an existing accessory building at 867 Wolcott Avenue. Board members voted unanimously to recommend the City Council issue a Special Use Permit for the accessory apartment based on the fact that the submission met all zoning requirements. The applicant must return to the Planning Board for final Site Plan Approval.

A copy of the application and Site Plan are enclosed for your information. If you have any questions regarding the Planning Board's action, please call me.

Yours truly,



James Sheers, Chairman

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Adopting a Local Law Amending Chapter 223 of the City Code as it Relates to Affordable Workforce Housing

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|-------------------------|------------|
| Res. Adopt LL Workforce | Resolution |
| LL Workforce Housing | 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 AFFORDABLE WORKFORCE HOUSING**

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 affordable workforce housing.

| Resolution No. ____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|--|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | <input type="checkbox"/> On roll call | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <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 | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

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 City Code concerning Affordable Workforce Housing.

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

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

Section 1. Chapter 223, Section 41.10, Subsections E and F of the Code of the City of Beacon are hereby amended as follows:

§223-41.10. Below-market-rate units.

...

E. Maximum rent and sales price.

- (1) Calculation of permissible rent. The maximum rental amount of a BMR Unit shall not exceed 30% of the income for a low/moderate-income household (65% AMI established by HUD) per household size including utilities, if applicable. ~~The monthly rent including utilities for BMR units shall not exceed 30% of the maximum aggregate gross monthly income of an eligible household as defined in § 223-63, under "BMR unit eligible household," for the actual size of the household that will occupy such unit as set forth in Subsection C above.~~
- (2) Calculation of sale price. The maximum gross sales price for a BMR unit shall not exceed a figure based on a maximum household expense of 30% of the maximum aggregate gross monthly income of an eligible household as defined in §223-63 for the actual size of the household that will occupy such unit as set forth in Subsection C above, relating to the sum of principal, interest, taxes, and insurance, based on industry standard mortgage underwriting guidelines for a thirty-year fixed rate mortgage, prevailing interest rates, and a down payment of 5%.

F. Categories of priority.

(1) Households applying for BMR units shall be selected in accordance with regulations adopted by the City Council and on the basis of the following categories of priority, with first preference being for active volunteer emergency responders as set forth in (a) below, and once exhausted, then qualified individuals from the next available category and so on:

- (a) Active vVolunteer emergency responders ~~for~~ actively serving the City of Beacon who have actively served at least five years.

- (b) City of Beacon municipal full time employees.
- ~~(c)~~ (c) Full time employees of the Beacon School District.
- ~~(d)~~ (d) Veterans of the United States military with honorable discharge.
- ~~(e)~~ (e) Members of the United States military serving active duty.
- ~~(f)~~ (f) All other residents of the City of Beacon.
- ~~(g)~~ (g) Other persons employed in the City of Beacon.
- ~~(h)~~ (h) The following relatives of residents of the City of Beacon: father, mother, son, daughter, brother, sister, grandparent, grandchild, father-in-law or mother-in-law.
- ~~(i)~~ (i) Other residents of Dutchess County.
- ~~(j)~~ (j) Other persons employed in Dutchess County.
- ~~(k)~~ (k) All others.

(2) Within each of the above categories, the following special groups shall receive priority in the following order:

- (a) Households whose head of household or spouse is 62 years of age or older.
- (b) First-time homebuyers.
- (c) Households whose head of household or spouse is 30 years of age or younger.
- (d) Civil servants.

...

Section 3. Chapter 223, Section 63 of the Code of the City of Beacon is hereby amended as follows:

§223-63. Definitions.

...

BELOW-MARKET-RATE (BMR) UNIT

A new or rehabilitated housing unit which is restricted as to sale or rent to remain affordable to a BMR Unit Eligible Household, as defined below, by generally not exceeding the maximum sale price or monthly rent calculated using the criteria set forth in §223-49.10 of this chapter. ~~30% of the maximum aggregate gross income of the household for the actual size of the household that will occupy such unit. Said housing unit must be the primary residence of the household and shall not be sublet without the consent of the City Council or its designee.~~

BMR UNIT ELIGIBLE HOUSEHOLD

A household whose aggregate gross annual income, including the total of all current annual income of members residing in the household from any source whatsoever at the time of application (excluding the earnings of working household members of 21 years of age or younger who are full-time students), does not exceed 100% of the Dutchess County median annual income for its household size [based on the United States Census and as updated by the Department of Housing and Urban Development (HUD)], and which household can afford the maximum rent or sales price based on 65% annual median income specified in § 223-41.10E of this chapter. In addition, the net assets of the household at the time prior to purchase or lease may not exceed 75% of the purchase price of the unit, except where such households rely, due to age or disability, on the assets in lieu of income. Evidence of disability shall be the receipt of Social Security Disability Insurance (SSDI) payments. ~~For example, for the year 2010, limitations are as follows:~~

| Persons in Household | 1 | 2 | 3 | 4 | 5 | 6 |
|---|----------|----------|----------|----------|----------|----------|
| Maximum eligible income (100% of median) | \$58,400 | \$66,800 | \$75,100 | \$83,400 | \$90,100 | \$96,800 |

| Persons in Household | 1 | 2 | 3 | 4 | 5 | 6 |
|---|--------------------|-------------------|-------------------|--------------------------|-------------------|-------------------|
| Maximum housing cost (30% of gross income) | | | | | | |
| Annually | \$17,520 | \$20,040 | \$22,530 | \$25,020 | \$27,030 | \$29,040 |
| Monthly | \$1,460 | \$1,670 | \$1,878 | \$2,085 | \$2,253 | \$2,420 |
| Eligible unit types | Studio or 1 BDR | 1 BDR or 2 BDR | 2 BDR or 3 BDR | 2 BDR, 3 BDR or 4 BDR | 3 BDR or 4 BDR | 3 BDR or 4 BDR |

Section 4. 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 5. 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 6. 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 7. Effective Date

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

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Adopting the Regulations for the Administration of the Affordable Workforce Housing Program

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|---|-----------------|
| Res. Regulations Affordable Workforce Housing | Resolution |
| Affordable Workforce Regulations | Backup Material |



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION ADOPTING THE REGULATIONS FOR THE ADMINISTRATION OF THE
CITY OF BEACON AFFORDABLE WORKFORCE HOUSING PROGRAM**

BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the Regulations for the Administration of the City of Beacon Affordable Workforce Housing Program; and

BE IT FURTHER RESOLVED, that the City Council hereby designates Hudson River Housing as the Affordable Housing Review Administrator pursuant to Section 223-41.10K of the City Code.

| Resolution No. ____ of 2016 | | | Date: <u>August 1, 2016</u> | | | | |
|--|--------|------------------------------|--|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | | <input type="checkbox"/> On roll call | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <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 | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

Regulations for Administration of the City of Beacon Affordable-Workforce Housing Program

These regulations are adopted by the Beacon City Council by Resolution, dated _____, 2016, pursuant to City Code §§223-41.10.J, to foster the efficient and equitable implementation of the City's Affordable-Workforce Housing Program.

Pursuant to City Code §§223-41.10.K, the City Council or its designee shall administer and monitor compliance with the provisions of Article IVB of the City Code pertaining to affordable housing. The City Council may serve as, establish or designate an agency or board to serve as an Affordable Housing Review Administrator ("Administrator "). The Administrator shall have the following responsibilities:

- (1) The Administrator shall be responsible for the administration of affordable housing units pursuant to the provisions of Article IVB of the City Code, as amended from time to time.
- (2) Prior to the offering of each affordable housing unit, the Administrator shall notify the owner or manager of each development containing affordable housing units as to the price/rent and income eligibility requirements for each unit.
- (3) The Administrator shall work with the Developers to (i) create appropriate timetables for the application submittal and vetting process for the allocation of units, and (ii) develop and release outreach and marketing material for application rounds, including press releases and placement that target households on the priority list (paid advertisements will be at the expense of Developers).
- (4) The Administrator shall develop a priority household list based upon receipt of complete applications from eligible households, and shall notify priority households when units are available. The Administrator shall provide the list to the City Administrator and the City Council and the list shall be effective for a period of one year. If one or more households are deemed eligible by the Administrator based on program guidelines set forth herein and in Article IVB of the City Code, the Administrator shall grant units to the households with the highest priority based on the list set forth in Article IVB of the City Code. If there shall be more than one household with the same priority, the households will be chosen from a lottery system performed by Administrator. The lottery system shall be performed by placing the names of all equally eligible applicants in a container which names shall then be randomly chosen from the container by the Administrator. The Administrator shall provide at least five days' written notice to all equally eligible applicants of the date, time and location of the lottery. The Administrator will monitor progress of priority households towards lease signing and notify additional households regarding unit availability as necessary. An applicant's failure to accept the housing unit when offered for rent or sale will result in removal from the list and disqualification for a period of three (3) years unless such disqualification is waived by the City Administrator upon good cause shown.

(5) The owner and/or manager, as appropriate, shall annually certify to the satisfaction of the Administrator that the requisite percentage of affordable housing units have been assigned to low/moderate-income households and that any new occupants of affordable housing units meet the income guidelines in effect when the new occupants take occupancy. Annual certification shall include the address of the affordable housing units, the name of the occupant, and the occupant(s)' income documents, tax returns and signature(s).

(6) The Administrator shall promulgate and maintain information and documentation relative to all affordable housing units; the number thereof available for sale or lease at all times; the sale price and monthly rent; and the names and addresses of eligible low/moderate income households to purchase or lease same, together with a priority list of such households. The Administrator shall maintain such other records and documents as shall be required to properly administer the provisions of this article.

(7) Whenever the Building Inspector shall receive an application for and/or issue a building permit, a certificate of occupancy or any other permit or authorization affecting an affordable housing unit, a copy thereof shall be filed with the Administrator.

(8) The sale or lease of affordable units must meet the requirements established by the City Council as set forth in the City Code. These requirements shall be reviewed by the Administrator on an annual basis to address the sales price and/or lease amounts for affordable housing units. The Administrator shall present any recommended amendments to the City Council upon completion of the annual review. The Administrator shall administer the requirements, shall review the qualification of potential buyers or lessees, and shall approve each proposed sale or lease of an affordable housing unit.

(9) Any covenant, restriction or other encumbrance to be placed on an affordable housing unit must be approved by the City Council upon recommendation by the Administrator prior to being recorded, filed or otherwise effectuated.

(10) No lease term for an affordable housing unit shall exceed two years. Notwithstanding this restriction, a lessee still eligible to rent an affordable housing unit may renew a lease term.

(11) Annually, the Administrator will initiate a recertification with the lessee. If a household's aggregate annual income increases beyond the maximum to allow eligibility for the affordable housing unit, the household may continue to occupy that rental unit at the non-BMR rental amount, set by the Developer. If such happens, Developer must designate a new unit for the program which contains the same number of bedrooms and substantially the same square footage as the BMR unit to be removed from the program. If no other BMR unit is available, the Administrator may require that the lessee vacate the unit upon at least 30 days written notice.

(12) Any applicant for an affordable housing unit that does not agree with the determination by the Administrator shall have the right to appeal such determination to the City Council.

(13) The Administrator shall respond to questions from potential applicants during application rounds and throughout the year, as well as, perform other tasks necessary for the allocation and administration of this Affordable Housing Program as identified by City Administrator and the City Council.

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Authorizing a Special Use Permit Related to Property Located at 867 Wolcott Avenue

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|---------------------------------|------------|
| Res. Special Permit 867 Wolcott | Resolution |



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**GRANTING SPECIAL USE PERMIT FOR AN ACCESSORY APARTMENT AT
867 WOLCOTT AVENUE**

WHEREAS, Eric Helmuth (the “Applicant”), has submitted an application for a Special Use Permit to maintain an accessory apartment in an existing single family home on property, located at 867 Wolcott Avenue and designated on the Tax Map of the City of Beacon as Parcel ID 6054-45-064560 (the “Property”) in the R1-10 Zoning District in the City of Beacon, Dutchess County, New York (the “Application”); and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §223-18; and

WHEREAS, the Planning Board considered the Application at its June 14, 2016 and July 12, 2016 meetings and issued a report to the City Council dated July 13, 2016 recommending approval of the Special Use Permit for the accessory apartment; and

WHEREAS, on June 21, 2016 the City of Beacon Zoning Board of Appeals granted a 31.9 ft. rear yard setback variance (35 feet required, 3.1 feet provided) for the existing accessory structure proposed to be converted to an accessory apartment; and

WHEREAS, the proposed action is a Type II action pursuant to the New York State Environmental Quality Review Act and accordingly, no further environmental review is required; and

WHEREAS, on August 1, 2016, the City Council conducted a public hearing on the application at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the general standards for a Special Use Permit set forth in Section 223-18 of the City’s Zoning Ordinance and with the specific standards for accessory apartments set forth in Section 223-24.1 and has found the proposal complies with these sections of the Zoning Law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council grants a Special Use Permit to Eric Helmuth to maintain an accessory apartment as set forth and detailed on the plans prepared by Berg & Moss Architects, P.C., dated November 19, 2012, last revised June 24, 2016, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Site Plan Approval from the City of Beacon Planning Board.
2. The owner of the house shall occupy at least one (1) of the dwelling units on the Property.
3. The accessory apartment is proposed to be 594 square feet. The total floor area of the accessory apartment shall not exceed 600 square feet.

4. At least two off-street parking spaces shall be provided for the accessory apartment in addition to the off-street parking required for the single family dwelling located on the Property.
5. As required by Section 223-24.1.G, the accessory apartment shall be inspected by the Building Department every two (2) years in order to determine that the apartment remains in compliance with Section 223-24.1 of the Zoning Ordinance and this Resolution.
6. In the event the apartment is no longer in compliance with the City of Beacon City Code or the terms of this Resolution, the Certificate of Occupancy shall be revoked until the violations are cured.
7. A copy of this Resolution shall be attached to the Certificate of Occupancy issued for the accessory apartment.
8. No permits shall be issued until the Applicant has paid to the Village all applicable fees and professional review fees incurred in connection with review of this Application.
9. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
11. The approvals granted by this resolution do not supersede the authority of any other entity.

| Resolution No. _____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|--|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | <input type="checkbox"/> On roll call | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <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
8/1/2016

Title:

Resolution Authorizing the Submission of a Consolidated Funding Application to New York State

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|--------------------------|------------|
| Res. CFA Submission MHPP | Resolution |



**CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. ____ OF 2016**

**A RESOLUTION TO AUTHORIZE THE SUBMISSION OF A NEW YORK STATE
CONSOLIDATED FUNDING APPLICATION**

WHEREAS, New York State is accepting applications for the 2016 Funding Round of the New York State Consolidated Funding Application (“CFA”) Program; and

WHEREAS, the City of Beacon is applying for a Regional Downtown Initiative LWRP Grant resulting in updating community profiles of 23 urban centers, which will assist in identifying local capacity and barriers for community and economic development; and

WHEREAS, this regional initiative will cover the following LWRP communities: Dutchess County - Beacon, Fishkill, Wappingers Falls and Poughkeepsie; Ulster County - Saugerties and Kingston; Orange County - Newburgh, Walden, Highland Falls and Port Jervis; Rockland County - Haverstraw and Nyack; Westchester County - Peekskill, Yonkers and New Rochelle; and

WHEREAS, the total project cost is \$350,000, and the grant application is for \$175,000; and

WHEREAS, Pattern for Progress will act as the consultant organization and match the grant with \$175,000; and

WHEREAS, as the administrator of the grant, the City of Beacon will receive from the grant an estimated budget line of \$10,000 and

RESOLVED, that the potential aforementioned grant agreements are subject to the approval of the City Attorney as to form and content.

| Resolution No. _____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|---|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> Amendments | | | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> Not on roll call. | | <input type="checkbox"/> On roll call | | | | <input type="checkbox"/> 3/4 Required | |
| Motion | Second | Council Member | Yes | No | Abstain | Reason | Absent |
| | | Ali Muhammad | | | | | |
| | | Omar Harper | | | | | |
| | | Lee Kyriacou | | | | | |
| | | George Mansfield | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Scheduling a Public Hearing for August 15, 2016 to Receive Comment on a Proposed Local Law Changing the Zoning of Properties in the Linkage District to Other Zoning Districts and the Proposed Amendment to the City Comprehensive Plan

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|-------------------------------------|------------|
| Res. Sched PH Linkage and Comp Plan | Resolution |
| LL Linkage Zoning Amendment | Local Law |
| Res. Comp plan amendments | Resolution |
| Linkage Comp Plan Amend EAF | EAF |
| Linkage Comp Plan EAF attach | EAF |



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2016

A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR AUGUST 15, 2016 TO RECEIVE PUBLIC COMMENT ON LOCAL LAW TO REZONE CERTAIN PARCELS WITHIN THE LINKAGE ZONING DISTRICT AND PROPOSED AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

BE IT RESOLVED that the City of Beacon hereby schedules a public hearing for August 15, 2016 at 7:00 p.m. at City Hall, One Municipal Plaza, Beacon, New York 12508 to receive public comment concerning a proposed local law to rezone certain parcels within the linkage zoning district and proposed amendments to the City's Comprehensive Plan.

| Resolution No. _____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|--|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | <input type="checkbox"/> On roll call | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <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 | | | | | |

LOCAL LAW NO. ____ OF 2016

**CITY COUNCIL
CITY OF BEACON**

**LOCAL LAW CHANGING THE ZONING OF PROPERTY
FROM THE LINKAGE (L) DISTRICT TO OTHER ZONING DISTRICTS**

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

SECTION 1. TITLE

This local law shall be entitled, "A Local Law Changing the Zoning of Property from the Linkage (L) District to Other Zoning Districts."

SECTION 2. INTENT AND PURPOSE

The City Council believes that it is reasonable and appropriate to amend the City's Zoning Map with respect to certain properties in the Linkage (L) District so as to conform to the City's Comprehensive Plan and recent amendments made thereto, for the reasons stated in said amendments. This local law is determined to be an exercise of the police powers of the City to protect the public health, safety and welfare of its residents.

SECTION 3. REZONING

The zoning of the parcels listed below is hereby changed from the Existing Zoning District to the New Zoning District as shown in the table:

| Tax Parcel Number | Subject Property Address | Owner's Name and Address | Existing Zoning District | New Zoning District |
|------------------------------|---------------------------------|---|---------------------------------|----------------------------|
| 5954-26-728922 | 17 South Ave. | Protestant Episcopal Church 1047 Amsterdam Ave. New York, NY 10025 | Linkage | R1-7.5 |
| 5954-26-724907 | 21 South Ave. | Protestant Episcopal Church 1047 Amsterdam Ave. New York, NY 10025 | Linkage | R1-7.5 |
| Portion of 5954-26-649885 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| Portion of 5954-26-637879 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| Portion of 5954-34-630770 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| 5954-26-651901 | 1113 Wolcott Ave. | Reformed Church of Beacon RD 1, Magnolia Dr. Wappingers Falls, NY 12590 | Linkage | R1-40 |
| 5954-33-616834 | 1085 Wolcott Ave. | Mary D'Aprile & Gilda D'Aprile 1085 Wolcott Ave. Beacon, NY 12508 | Linkage | R1-40 |

SECTION 4. ZONING MAP

The Zoning Map of the City of Beacon is hereby amended to show the changes specified in Section 3 above. A map showing the proposed rezonings entitled "Zoning Map Proposal" dated July 27, 2016 is attached hereto as Exhibit "A."

SECTION 5. 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 sub-sections 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 6. RATIFICATION, READOPTION AND CONFIRMATION

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

SECTION 7. SEPARABILITY

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 application to other persons or circumstances. It is hereby declared to be the legislative intent of the City Council of the City of Beacon 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 thereof is held inapplicable had been specifically exempt therefrom.

SECTION 8. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by the Municipal Home Rule Law.

Dated: _____, 2016

Attachment: Exhibit "A"



Draft: July 28, 2016

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

RESOLUTION NO. _____ OF 2016

**RESOLUTION AMENDING THE CITY OF BEACON COMPREHENSIVE
PLAN REGARDING PARCELS IN THE LINKAGE ZONING DISTRICT**

WHEREAS, the City of Beacon Comprehensive Plan (the "Comprehensive Plan") was adopted by the Beacon City Council on December 17, 2007; and

WHEREAS, the Beacon City Council has, subsequent to the adoption of the Comprehensive Plan, been entertaining and adopting amendments to the City of Beacon Zoning Map for the purpose of implementing the Comprehensive Plan; and

WHEREAS, the City Council has been recently evaluating the Comprehensive Plan designation of a portion of three properties on Wolcott Avenue across from Rombout Avenue; and

WHEREAS, these three properties have the following tax parcel designations: portion of 5954-26-649885; portion of 5954-26-637879; and portion of 5954-34-630770 (the "Subject Properties"); and

WHEREAS, the Subject Properties were designated Medium Density Residential on the 2007 version of the Proposed Land Use Plan of the Comprehensive Plan; and

WHEREAS, in 2009 the City Council re-designated the Subject Properties as Low Density Residential for a variety of reasons; and

WHEREAS, the City Council has recently evaluated the proposal of changing the Subject Properties back to Medium Density Residential; and

WHEREAS, the City Council has specifically evaluated the density specified by the Comprehensive Plan for the Subject Properties and has determined that a higher residential density is more appropriate for reasons including the following:

1. the original intent and determination of the 2007 Comprehensive Plan that this area be developed as Medium Density Residential;
2. the purpose and intent of the Linkage District to develop this area for even higher density;
3. the proximity of the Subject Properties to the Main Street Central Business District;
4. the proximity of the Subject Properties to Hammond Plaza (which had been zoned RD-3 prior to the Linkage District); and

5. the proximity of the Subject Properties to the residential development bounded by Beekman, River and West Main Streets (which had been zoned RD-5 prior to the Linkage District); and

WHEREAS, in accordance with Section 28-a of the New York State General City Law, the City Council referred the proposed amendment to the Comprehensive Plan to the City Planning Board for its advisory opinion; and

WHEREAS, in response to said referral the City Planning Board responded and stated _____; and

WHEREAS, as also in accordance with Section 28-a of the New York State General City Law, the City Council referred the proposed amendment to the Comprehensive Plan to the Dutchess County Department of Planning and Development (DCDPD) for its advisory opinion; and

WHEREAS, in response to said referral the DCDPD responded and stated _____; and

WHEREAS, the City Council has given due consideration to the comments of the Planning Board and the DCDPD; and

WHEREAS, on _____, 2016 the City Council held a public hearing on the proposed amendment to the Comprehensive Plan at which time all of those interested were given an opportunity to be heard; and

WHEREAS, for the purposes of the New York State Environmental Quality Review Act, the Proposed Action is defined as the proposed amendment to the Comprehensive Plan as well as proposed Zoning Map revisions.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council hereby adopts and incorporates the recitations and statements set forth above as if fully set forth and resolved herein.
2. The City Council, as Lead Agency, hereby adopts the attached Negative Declaration, for the reasons stated therein, thereby finding that the Proposed Action will have no significant adverse impact upon the environment, and thereby ending the SEQRA process.
2. The City of Beacon Comprehensive Plan is hereby amended so as to change the designation of the Subject Properties from Low Density Residential to Medium Density Residential on the Proposed Land Use Plan, as shown on Exhibit "A" entitled "Comprehensive Plan Map Proposal," dated July 27, 2016 and attached hereto.

Resolution Adopted: _____, 2016

 Mayor Randy Casale Date
 Attachments: Negative Declaration¹ and Exhibit “A”

| Resolution No. _____ of 2016 | | Date: _____, 2016 | | | | | |
|--|--------|--|-----|--|---------|--------|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | <input type="checkbox"/> On roll call | | <input type="checkbox"/> 2/3 Required | | | |
| <input type="checkbox"/> <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 | | | | | |

¹ To be attached later in the process.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

| | | |
|--|--------------|------------------------------------|
| Name of Action or Project: Amendments to the City's Comprehensive Plan and Zoning Map with Respect to Certain Parcels Within the Linkage Zoning District | | |
| Project Location (describe, and attach a general location map): City of Beacon | | |
| Brief Description of Proposed Action (include purpose or need): The purpose of the Proposed Action is to amend the City's Comprehensive Plan and its Zoning Map with respect to certain parcels within the Linkage zoning district. See attachment. | | |
| Name of Applicant/Sponsor: City of Beacon City Council | | Telephone: 845-838-5010 |
| | | E-Mail: n/a |
| Address: 1 Municipal Plaza, Suite 1 | | |
| City/PO: Beacon | State: NY | Zip Code: 12508 |
| Project Contact (if not same as sponsor; give name and title/role): Anthony J. Ruggiero, M.P.A., City Administrator | | Telephone: 845-838-5009 |
| | | E-Mail: ARuggiero@CityofBeacon.org |
| Address: 1 Municipal Plaza, Suite 1 | | |
| City/PO: Beacon | State: NY | Zip Code: 12508 |
| Property Owner (if not same as sponsor): | | Telephone: |
| | | E-Mail: |
| Address: | | |
| City/PO: | State: | Zip Code: |

B. Government Approvals

| B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|--|---|
| Government Entity | If Yes: Identify Agency and Approval(s) Required | Application Date (Actual or projected) |
| a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees | Adoption of amendments to the City's Comprehensive Plan and its Zoning Map | |
| b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |

C. Planning and Zoning

| | |
|---|---|
| C.1. Planning and zoning actions. | |
| Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 | |
| C.2. Adopted land use plans. | |
| a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, identify the plan(s): | |
| _____ | |
| _____ | |
| _____ | |
| c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| If Yes, identify the plan(s): | |
| _____ | |
| _____ | |
| _____ | |

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Linkage zoning district _____

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

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
City of Beacon Police Department

c. Which fire protection and emergency medical services serve the project site?
City of Beacon Fire Department, Beacon Volunteer Ambulance Corps

d. What parks serve the project site?
City of Beacon park system

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? _____ acres
 b. Total acreage to be physically disturbed? _____ acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? Yes No
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No
 If Yes,
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? Yes No
 If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---------------|------------|------------|--------------|--------------------------------|
| Initial Phase | _____ | _____ | _____ | _____ |
| At completion | _____ | _____ | _____ | _____ |
| of all phases | _____ | _____ | _____ | _____ |

g. Does the proposed action include new non-residential construction (including expansions)? Yes No
 If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? Yes No
 If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? Yes No
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? Yes No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

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

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

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

If Yes:

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

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

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

If Yes:

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

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

If Yes:

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

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

If Yes:

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

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

If, Yes:

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

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

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

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

If Yes:

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

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

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

If Yes:

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

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or _____ acres (impervious surface)
 _____ Square feet or _____ acres (parcel size)
 ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

 • If to surface waters, identify receiving water bodies or wetlands: _____

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? Yes No
 If Yes:
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ Tons/year (short tons) of Carbon Dioxide (CO₂)
 • _____ Tons/year (short tons) of Nitrous Oxide (N₂O)
 • _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
 • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆)
 • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
 • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

| | |
|--|---|
| <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ | <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ |
|--|---|

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

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

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

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

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

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

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site.
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): _____
 ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? Yes No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? Yes No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? Yes No
If Yes:
i. Has the facility been formally closed? Yes No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): _____
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site: _____ %
 _____ %
 _____ %

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: Well Drained: _____ % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ % of site
 10-15%: _____ % of site
 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Yes No

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No
 If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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

i. Is the project site in a designated Floodway? Yes No

j. Is the project site in the 100 year Floodplain? Yes No

k. Is the project site in the 500 year Floodplain? Yes No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

| | |
|---|--|
| <p>m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____</p> | |
| <p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____ <i>ii.</i> Source(s) of description or evaluation: _____ <i>iii.</i> Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres | |
| <p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> | |
| <p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p> | |
| E.3. Designated Public Resources On or Near Project Site | |
| <p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____</p> | |
| <p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>i.</i> If Yes: acreage(s) on project site? _____ <i>ii.</i> Source(s) of soil rating(s): _____</p> | |
| <p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____</p> | |
| <p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____</p> | |

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

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Randy Casale, Mayor Date July 28, 2016

Signature  David H. Stolman, AICP, PP Title President, Frederick P. Clark Associates, Inc.

**ATTACHMENT TO PART 1 OF
FULL ENVIRONMENTAL ASSESSMENT FORM**

**AMENDMENTS TO THE CITY'S COMPREHENSIVE
PLAN AND ZONING MAP WITH RESPECT TO
CERTAIN PARCELS WITHIN THE LINKAGE (L) ZONING DISTRICT**

The Proposed Action involves the amendment of the City's Comprehensive Plan and Zoning Map with respect to certain parcels within the Linkage zoning district. The amendment to the Comprehensive Plan is with regard to portions of three properties on Wolcott Avenue. These three properties have the following tax parcel designations: portion of 5954-26-649885; portion of 5954-26-637879; and portion of 5954-34-630770 (the "Subject Properties").

The City of Beacon Comprehensive Plan was adopted by the Beacon City Council on December 17, 2007. The Beacon City Council has, subsequent to the adoption of the Comprehensive Plan, been entertaining and adopting amendments to the City of Beacon Zoning Map for the purpose of implementing the Comprehensive Plan.

The Subject Properties were designated Medium Density Residential on the 2007 version of the Proposed Land Use Plan of the Comprehensive Plan. In 2009 the City Council re-designated the Subject Properties as Low Density Residential for a variety of reasons. The City Council has recently evaluated the proposal of changing the Subject Properties back to Medium Density Residential.

The City Council has specifically evaluated the density specified by the Comprehensive Plan for the Subject Properties and has determined that a higher residential density is more appropriate for reasons including the following:

1. the original intent and determination of the 2007 Comprehensive Plan that this area be developed as Medium Density Residential;
2. the purpose and intent of the Linkage District to develop this area for even higher density;
3. the proximity of the Subject Properties to the Main Street Central Business District;
4. the proximity of the Subject Properties to Hammond Plaza (which had been zoned RD-3 prior to the Linkage District); and

5. the proximity of the Subject Properties to the residential development bounded by Beekman, River and West Main Streets (which had been zoned RD-5 prior to the Linkage District).

The Proposed Action also involves modifying the City's Zoning Map as shown in the table which follows.

| Tax Parcel Number | Subject Property Address | Owner's Name and Address | Existing Zoning District | New Zoning District |
|------------------------------|---------------------------------|---|---------------------------------|----------------------------|
| 5954-26-728922 | 17 South Ave. | Protestant Episcopal Church 1047 Amsterdam Ave. New York, NY 10025 | Linkage | R1-7.5 |
| 5954-26-724907 | 21 South Ave. | Protestant Episcopal Church 1047 Amsterdam Ave. New York, NY 10025 | Linkage | R1-7.5 |
| Portion of 5954-26-649885 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| Portion of 5954-26-637879 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| Portion of 5954-34-630770 | Wolcott Ave. | Beacon Ridge Associates Inc. 142 Main St. Beacon, NY 12508 | Linkage | RD-6 |
| 5954-26-651901 | 1113 Wolcott Ave. | Reformed Church of Beacon RD 1, Magnolia Dr. Wappingers Falls, NY 12590 | Linkage | R1-40 |
| 5954-33-616834 | 1085 Wolcott Ave. | Mary D'Aprile & Gilda D'Aprile 1085 Wolcott Ave. Beacon, NY 12508 | Linkage | R1-40 |

In each case above, the rezoning involves a change from the Linkage District to a zoning district which permits less residential density.

As a general rule, more residential density leads to more adverse impact upon the environment, whereas less residential density results in less environmental impact. The Proposed Action does not involve site-specific construction or development activity. Therefore, this environmental evaluation is generic nature and any site-specific construction or development activity would be subject to further environmental analysis in accordance with the requirements of SEQRA.

The Proposed Action is an exercise of the police powers of the City to protect the health, safety and general welfare of its residents.

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Authorizing an Agreement with NYS DOT for the Pedestrian Signal Improvement Project

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|------------------------|-----------------|
| Res. Pedestrian Signal | Resolution |
| Pedestrian Signal Agmt | Backup Material |



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100%
OF THE FEDERAL-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID
PROJECT, AND APPROPRIATING FUNDS THEREFORE.**

WHEREAS, a Project for the **Installation of Pedestrian Signal Development in the City of Beacon, Dutchess County, PIN 8761.45** (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 90% Federal funds and 10% non-federal funds; and

WHEREAS, the City of Beacon desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering.

NOW, THEREFORE, the Beacon City Council, duly convened does hereby

RESOLVE, that the Beacon City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Beacon City Council hereby authorizes the City of Beacon to pay in the first instance 100% of the federal and non-federal share of the cost of preliminary engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$167,000** is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Beacon City Council shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Beacon City Administrator thereof, and it is further

RESOLVED, that the City of Beacon Administrator be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the City of Beacon with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the City Administrator, the following municipal titles: Mayor, Superintendent of Highways, City Engineer, Treasurer/Comptroller, are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

STATE OF NEW YORK)
)
 COUNTY OF DUTCHESS)

I, Iola Taylor, Clerk of the City of Beacon, New York, do hereby certify that I have compared the foregoing copy of this Resolution with the original on file in my office, and that the same is a true and correct transcript of said original Resolution and of the whole thereof, as duly adopted by said City Council at a meeting duly called and held at the City of Beacon Municipal Center on _____ by the required and necessary vote of the members to approve the Resolution.

WITNESS My Hand and the Official Seal of the City of Beacon, New York, this _____ day of _____, 2016.

 Clerk, City of Beacon

Federal-Aid Local Project Agreement

COMPTROLLER'S CONTRACT NO _____

This Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State");

and,

City of Beacon (the "Municipality/Sponsor")
acting by and through the **City Administrator**
with its office at 1 Municipal Plaza, Beacon, Dutchess County, New York.

This Agreement covers eligible costs incurred on or after _____

This Agreement identifies the party responsible for administration, and establishes the method or provision for funding, of applicable phases of a Federal-aid project for the improvement of a street or highway not on the State highway system, as such project and phases are more fully described by Schedule A annexed to this Agreement or one or more Supplemental Schedule(s) A to this Agreement duly executed and approved by the parties hereto. The phases that are potentially the subject of this Agreement, as further enumerated below, are: Preliminary Engineering ("PE") and Right-of-Way Incidental ("ROW Incidentals") work; Right-of-Way Acquisition; Construction; and/or Construction Supervision and Inspection. The Federal-aid project shall be identified for the purposes of this Agreement as **PIN 8761.45, City of Beacon Pedestrian Signal Development, City of Beacon, Dutchess County** (as more specifically described in such Schedule A, the "Project").

WITNESSETH:

WHEREAS, the United States has provided for the apportionment of Federal-aid funds to the State for the purpose of carrying out Federal-aid highway projects pursuant to the appropriate sections of Title 23 U.S. Code as administered by the Federal Highway Administration ("FHWA"); and

WHEREAS, the New York State Highway Law authorizes the Commissioner of Transportation (hereinafter referred to as "Commissioner") to use Federal aid available under the Federal-aid highway acts and provides for the consent to and approval by the Municipality/Sponsor of any project under the Federal-aid highway program which is not on the State highway system before such Project is commenced; and

WHEREAS, pursuant to Highway Law §10(34-a) and section 15 of Chapter 329 of the Laws of 1991 as amended by section 9 of Chapter 330 of the Laws of 1991, as further amended by Chapter 57 of the Laws of New York of 2014, the State established the "Marchiselli" Program, that provides certain State aid for Federal aid highway projects not on the State highway system; and

WHEREAS, funding of the "State share" of projects under the Marchiselli Program is administered through the New York State Office of the Comptroller ("State Comptroller"); and

WHEREAS, Highway Law §80-b authorizes the funding of eligible costs of Federal aid Municipal/Sponsor streets and highway projects using State-aid and Federal aid; and

WHEREAS, projects eligibility for Marchiselli Program funds is determined by NYSDOT; and

WHEREAS, pursuant to authorizations therefore, NYSDOT and the Municipality/Sponsor are desirous of progressing the Project under the Federal-aid and, if applicable, Marchiselli-aid Programs; and

WHEREAS, the Legislative Body of the Municipality/Sponsor by Resolution No. _____ adopted at meeting held on _____ approved the Project, the Municipality/Sponsor's entry into this Agreement, has appropriated necessary funds in connection with any applicable Municipal/Sponsor Deposit identified in applicable Schedules A and has further authorized the _____ of the Municipality/Sponsor to execute this Agreement and the applicable Schedule A on behalf of the Municipality/Sponsor and a copy of such Resolution is attached to and made a part of this Agreement.

NOW, THEREFORE, the parties agree as follows:

1. *Documents Forming this Agreement.* The Agreement consists of the following:

- Agreement Form - this document titled "Federal Aid Local Project Agreement";
- Schedule "A" - Description of Project phase, Funding and Deposit Requirements;
- Schedule "B" - Phases, Subphase/Tasks, and Allocation of Responsibility
- Appendix "A" - Standard Clauses for New York State Contracts
- Appendix "A-1" – Supplemental Title VI Provisions (Civil Rights Act)
- Appendix "B" – U.S. government Required Clauses
- Municipal/Sponsor Resolution(s) – duly adopted Municipal/Sponsor resolution authorizing the appropriate Municipal/Sponsor official to execute this Agreement on behalf of the Municipality/Sponsor and appropriating the funding required therefore.

2. *General Description of Work and Responsibility for Administration and Performance.* Subject to the allocations of responsibility for administration and performance thereof as shown in Schedule B (attached), the work of the Project may consist generally of the categories of work marked and described in Schedule B for the scope and phase in effect according to Schedule A (attached) or one or more Supplemental Schedule(s) A as may hereafter be executed and approved by the parties hereto as required for a State contract, and any additions or deletions made thereto by NYSDOT subsequent to the development of such Schedule(s) A for the purposes of conforming to New York State or to Federal Highway Administration requirements.

The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the Procedures for Locally Administered Federal Aid Projects (PLAFAP) Manual (available through NYSDOT's web site at: <https://www.dot.ny.gov/plafap>, and as such may be amended from time to time.

3. *Municipal/Sponsor Deposit.* Where the work is performed by consultant or construction contract entered by NYSDOT, or by NYSDOT forces, and unless the total non-Federal share of the Project phase is under \$5,000, the Municipality/Sponsor shall deposit with the State Comptroller, prior to the award of NYSDOT's contract or NYSDOT's performance of work by its own forces, the full amount of the non-Federal share of the Project costs due in accordance with Schedule A.

4. *Payment or Reimbursement of Costs.* For work performed by NYSDOT, NYSDOT will directly apply Federal aid and the required Municipal/Sponsor Deposit for the non-Federally aided portion, and, if applicable, shall request State Comptroller funding of Marchiselli aid to the Municipality/Sponsor as described below. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse the Municipality/Sponsor with Federal aid and, if applicable, Marchiselli aid as described below. NYSDOT will make reimbursements periodically upon request and certification by the Sponsor. The frequency of billing must be in conformance with that stipulated in the *NYSDOT Standard Specifications; Construction and Materials (section 109-06, Contract Payments)*. NYSDOT recommends that bills not be submitted more frequently than monthly for a typical project. In all cases, bills must be submitted at least once every six months.

4.1. *Federal Aid.* NYSDOT will administer Federal funds for the benefit of the Municipality /Sponsor for the Federal share and will fund the applicable percentage designated in Schedule A of Federal-aid participating costs incurred in connection with the work covered by this Agreement, subject to the limitations set forth on Schedule A. For work performed by or through the Municipality/Sponsor, NYSDOT will reimburse Federal-aid-eligible expenditures in accordance with NYSDOT policy and procedures.

4.1.1 *Participating Items.* NYSDOT shall apply Federal funds only for that work and those items that are eligible for Federal participation under Title 23 of U.S. code, as amended, that requires Federal-aid-eligible projects to be on the Federal Aid Highway System ("FAHS"), except for bridge and safety projects that can be off the FAHS. Included among the Federal participating items are the actual cost of employee personal services, and leave and fringe benefit additives. Other participating costs include materials and supplies, equipment use charges or other Federal Participating costs directly identifiable with the eligible project.

4.2. *Marchiselli Aid (if applicable).* NYSDOT will request State Comptroller reimbursement to the Municipality/Sponsor of the upset amount and designated percentage in Schedule A of the non-overmatched non-Federal share of Federal participating cost, (the "State share"), incurred in connection with the work covered by this Agreement, subject to the limitations set forth in Schedule A. Not all Federal-aid-eligible participating costs are eligible for Marchiselli aid. Only "Eligible Project Costs" (as defined in Marchiselli Program instructions issued by NYSDOT) incurred after April 1, 1991 are reimbursable.

4.2.1 *Marchiselli Eligible Project Costs.* To be eligible for Marchiselli Aid Project costs must: (a) be eligible for Federal participation as described under '4.1; (b) be for work which, when completed, has a certifiable service life of at least 10 years; and (c) be for a work type that relates directly and exclusively to a municipally-owned highway, bridge or highway-railroad crossing off the State Highway System.

4.3. In no event shall this Agreement create any obligation to the Municipality/Sponsor for funding or reimbursement of any amount in excess of:

- (a) the amount stated in Schedule A for the Federal Share or;
- (b) the amount stated in Schedule A as the State (Marchiselli) share or the amount stated in the Comprehensive List, whichever is lower.

4.4. All items included by the Municipality/Sponsor in the record of costs shall be in conformity with accounting procedures acceptable to NYSDOT and the FHWA. Such items shall be subject to audit by the State, the federal government or their representatives.

4.5. If Project-related work is performed by NYSDOT, NYSDOT will be paid for the full costs thereof. To effect such payment, the reimbursement to the Municipality/Sponsor provided for in sections 4.1 and 4.2 above may be reduced by NYSDOT by the amounts thereof in excess of the Municipal/Sponsor Deposit available for such payment to NYSDOT.

5. *Supplemental Agreement or Supplemental Schedule A.* Supplemental Agreements or Supplemental Schedule(s) A may be entered into by the parties, and must be executed and approved in the manner required for a State contract. A Supplemental Schedule A is defined as a Supplemental Agreement which revises only the Schedule A of a prior Agreement or Supplemental Agreement. In the event Project cost estimates increase over the amounts provided for in Schedule A, no additional reimbursement shall be due to the Municipality/Sponsor unless the parties enter into a Supplemental Agreement or Supplemental Schedule A for reimbursement of additional Eligible Project Costs.

6. *State Recovery of Ineligible Reimbursements.* NYSDOT shall be entitled to recover from the Municipality/Sponsor any monies paid to the Municipality/Sponsor pursuant to this Agreement which are subsequently determined to be ineligible for Federal Aid or Marchiselli Aid hereunder.

7. *Loss of Federal Participation.* In the event the Municipality/Sponsor withdraws its approval of the project, suspends or delays work on the Project or takes other action that results in the loss of Federal participation for the costs incurred pursuant to this Agreement, the Municipality/Sponsor shall refund to the State all reimbursements received from the State, and shall reimburse the State for 100% of all preliminary engineering and right-of-way incidental costs incurred by NYSDOT. The State may offset any other State or Federal aid due to the Municipality/Sponsor by such amount and apply such offset to satisfy such refund.

8. *Municipal/Sponsor Liability.*

~~8.1 If the Municipality/Sponsor performs work under this Agreement with its own forces, it shall be responsible for all damage to person or property arising from any act or negligence performed by or on behalf of the Municipality/Sponsor, its officers, agents, servants or employees, contractors, subcontractors or others in connection therewith. The Municipality/Sponsor specifically agrees that its agents or employees shall possess the experience, knowledge and character necessary to qualify them individually for the particular duties they perform.~~

8.2 The Municipality/Sponsor shall indemnify and save harmless the State for all damages and costs arising out of any claims, suits, actions, or proceedings resulting from the negligent performance of work by or on behalf of the Municipality/Sponsor its officers, agents, servants, employees, contractors, subcontractors or others under this Agreement. Negligent performance of service, within the meaning of this section, shall include, in addition to negligence founded upon tort, negligence based upon the Municipality/Sponsor's failure to meet professional standards and resulting in obvious or patent errors in the progression of its work.

8.3 The Municipality/Sponsor shall at all times during the Contract term remain responsible. The Municipality/Sponsor agrees, if requested by the Commissioner of Transportation or his or her designee, to present evidence of its continuing legal authority to do business in New York State, integrity, experience, ability, prior performance, and organization and financial capacity.

8.4 The Commissioner of Transportation or his or her designee, in his or her sole discretion, reserves the right to suspend any or all activities under this contract, at any time, when he or she discovers information that calls into question the responsibility of the Municipality/Sponsor. In the event of such suspension, the Municipality/Sponsor will be given written notice outlining the particulars of such suspension. Upon issuance of such notice, the Municipality/Sponsor must comply with the terms of the suspension order. Contract activity may resume at such time as the Commissioner of Transportation or his or her designee issues a written notice authorizing a resumption of performance under the Contract.

8.5 Upon written notice to the Municipality/Sponsor, and a reasonable opportunity to be heard with appropriate Department of Transportation officials or staff, the Contract may be terminated by the Commissioner of Transportation or his or her designee at the Municipality's/Sponsor's expense where the Municipality/Sponsor is determined by the Commissioner of Transportation or his or her designee to be non-responsible. In such event, the Commissioner of Transportation or his or her designee may complete the contractual requirements in any manner he or she may deem advisable and pursue available legal or equitable remedies for breach.

9. *Maintenance.* The Municipality/Sponsor shall be responsible for the maintenance of the project at the sole cost and expense of the Municipality/Sponsor. If the Municipality/Sponsor intends to have the project maintained by another, any necessary maintenance Agreement will be executed and submitted to NYSDOT before construction of the Project is begun. Upon its completion, the Municipality/Sponsor will operate and maintain the Project at no expense to NYSDOT; and during the useful life of the Project the Municipality/Sponsor shall not discontinue operation and maintenance of the Project, nor dispose of the Project, unless it receives prior written approval to do so from NYSDOT.

9.1 The Municipality/Sponsor may request such approved disposition from NYSDOT where the Municipality/Sponsor either causes the purchaser or transferee to assume the Municipality/Sponsor's continuing obligations under this Agreement, or agrees immediately to reimburse NYSDOT for the pro-rata share of the funds received for the project, plus any direct costs incurred by NYSDOT, over the remaining useful life of the Project.

9.2 If a Municipality/Sponsor fails to obtain prior written approval from NYSDOT before discontinuing operation and maintenance of the Project or before disposing of the project, in addition to the costs provided, above in 9.1, Municipality/Sponsor shall be liable for liquidated damages for indirect costs incurred by NYSDOT in the amount of 5% of the total Federal and non-Federal funding provided through NYSDOT.

9.3 For NYSDOT-administered projects, NYSDOT is responsible for maintenance only during the NYS administered construction phase. Upon completion of the construction phase, the Municipality/Sponsor's maintenance obligations start or resume.

10. *Independent Contractor.* The officers and employees of the Municipality/Sponsor, in accordance with the status of the Municipality/Sponsor as an independent contractor, covenant and agree that they will conduct themselves consistent with such status, that they will neither hold themselves out as, nor claim to be an officer or employee of the State by reason hereof, and that they will not by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State, including, but not limited to, Workers Compensation coverage, Unemployment Insurance benefits, Social Security or Retirement membership or credit.

11. *Contract Executory; Required Federal Authorization.* It is understood by and between the parties hereto that this Agreement shall be deemed executory only to the extent of the monies available to the State and no liability on account thereof shall be incurred by the State beyond monies available for the purposes hereof. No phase of work for the project shall be commenced unless and until NYSDOT receives authorization from the Federal government.

12. *Assignment or Other Disposition of Agreement.* The Municipality/Sponsor agrees not to assign, transfer, convey, sublet or otherwise dispose of this Agreement or any part thereof, or of its right, title or interest therein, or its power to execute such Agreement to any person, company or corporation without previous consent in writing of the Commissioner.

13. *Term of Agreement.* As to the Project and phase(s) described in Schedule A executed herewith, the term of this Agreement shall begin on the date of this Agreement as first above written. This Agreement shall remain in effect so long as Federal aid and Marchiselli aid funding authorizations are in effect and funds are made available pursuant to the laws controlling such authorizations and availabilities. However, if such authorizations or availabilities lapse and are not renewed, continued or reenacted, as to funds encumbered or available and to the extent of such encumbrances or availabilities, this Agreement shall remain in effect for the duration of such encumbrances or availabilities. Although the liquidity of encumbrances or the availability of funds may be affected by budgetary hiatuses, a Federal or State budgetary hiatus will not by itself be construed to cause a lapse in this Agreement, provided any necessary Federal or State appropriations or other funding authorizations therefore, are eventually enacted.

14. *NYS DOT Obligations.* NYS DOT's responsibilities and obligations are as specifically set forth in this contract, and neither NYS DOT nor any of its officers or employees shall be responsible or liable, nor shall the Municipality/Sponsor assert, make, or join in any claim or demand against NYS DOT, its officers or employees, for any damages or other relief based on any alleged failure of NYS DOT, its officers or employees, to undertake or perform any act, or for undertaking or performing any act, which is not specifically required or prohibited by this Agreement.

15. *Offset Rights.* In addition to any and all set-off rights provided to the State in the attached and incorporated Appendix A, Standard Clauses for New York Contracts, NYS DOT shall be entitled to recover and offset from the Municipality/Sponsor any ineligible reimbursements and any direct or indirect costs to the State as to paragraph 6 above, as well as any direct or indirect costs incurred by the State for any breach of the term of this agreement, including, but not limited to, the useful life requirements in paragraph 9 above. At its sole discretion NYS DOT shall have the option to permanently withhold and offset such direct and indirect cost against any monies due to the Municipality/Sponsor from the State of New York for any other reason, from any other source, including but not limited to, any other Federal or State Local Project Funding, and/or any Consolidated Highway and Local Street Improvement Program (CHIPS) funds.

16. *Reporting Requirements.* The Municipality/Sponsor agrees to comply with and submit to NYS DOT in a timely manner all applicable reports required under the provisions of this Agreement, the "Procedures for Locally Administered Federal Aid Projects" manual and in accordance with current Federal and State laws, rules, and regulations.

17. *Notice Requirements.*

- 17.1. All notices permitted or required hereunder shall be in writing and shall be transmitted either:
- (a) Via certified or registered United States mail, return receipt requested;
 - (b) By facsimile transmission;
 - (c) By personal delivery;
 - (d) By expedited delivery service; or
 - (e) By e-mail.

Such notices shall be addressed as follows or to such different addresses as the parties may from time-to-time designate:

New York State Department of Transportation (NYS DOT)

Name: Martin S. Evans
Title: Local Projects Manager
Address: Eleanor Roosevelt State Building
4 Burnett Boulevard, Poughkeepsie, NY 12603
Telephone Number: 845-431-5788
Facsimile Number: 845-431-5988
E-Mail Address: Martin.Evans@dot.ny.gov or doreen.holsopple@dot.ny.gov

(Municipality/Sponsor): City of Beacon

Name: Anthony Ruggiero, City Administrator
Address: 1 Municipal Plaza, Beacon, NY 12508
Telephone Number: 845.838.5009 or 845.838.5002
Facsimile Number:
E-Mail Address: aruggiero@cityofbeacon.org or Etha Grogan egrogan@cityofbeacon.org

17.2. Any such notice shall be deemed to have been given either at the time of personal delivery or, in the case of expedited delivery service or certified or registered United States Mail, as of the date of first attempted delivery at the address and in the manner provided herein, or in the case of facsimile transmission or e-mail, upon receipt. The parties may, from time to time, specify any new or different address in the United States as their address for purpose of receiving notice under this Agreement by giving fifteen (15) days written notice to the other party sent in accordance herewith. The parties agree to mutually designate individuals as their respective

representatives for the purposes of receiving notices under this Agreement. Additional individuals may be designated in writing by the parties for purposes of implementation and administration/billing, resolving issues and problems and/or for dispute resolution.

18. *Electronic Contract Payments.* Municipality/Sponsor shall provide complete and accurate supporting documentation of eligible local expenditures as required by this agreement, NYSDOT and the State Comptroller. Following NYSDOT approval of such supporting documentation, payment for invoices submitted by the Municipality/Sponsor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The contracting local Municipality/Sponsor shall comply with the State Comptroller's procedures for all Federal and applicable State Aid to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, or by email at epunit@osc.state.ny.us. When applicable to State Marchiselli and other State reimbursement by the State Comptroller, registration forms and instructions can be found at the NYSDOT [Electronic Payment Guidelines](#) website. The Municipality/Sponsor herein acknowledges that it will not receive payment on any invoices submitted under this agreement if it does not comply with the applicable State Comptroller and/or NYS State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

19. *Compliance with Legal Requirements.* Municipality/Sponsor must comply with all applicable federal, State and local laws, rules and regulations, including but not limited to the following:

19.1 Title 49 of the Code of Federal Regulations Part 26 (49 CFR 26), *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*; Title 23 Code of Federal Regulations Part 230 (23 CFR 230), *External Programs*; and, Title 41 of the Code of Federal Regulations Part 60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor, including the requirements there under related to utilization goals for contracting opportunities for disadvantaged business enterprises (DBEs) and equal employment opportunity.

19.1.1 If the Municipality/Sponsor fails to monitor and administer contracts funded in whole or in part in accordance with Federal requirements, the Municipality/Sponsor will not be reimbursed for ineligible activities within the affected contracts. The Municipality/Sponsor must ensure that the prime contractor has a Disadvantaged Business Enterprise (DBE) Utilization Plan and complies with such plan. If, without prior written approval by NYSDOT, the Municipality/Sponsor's contractors and subcontractors fail to complete work for the project as proposed in the DBE Schedule of Utilization, NYSDOT at its discretion may (1) cancel, terminate or suspend this agreement or such portion of this agreement or (2) assess liquidated damages in an amount of up to 20% of the pro rata share of the Municipality/Sponsor's contracts and subcontracts funded in whole or in part by this agreement for which contract goals have been established.

19.2 New York State Environmental Law, Article 6, the State *Smart Growth Public Infrastructure Policy Act*, including providing true, timely and accurate information relating to the project to ensure compliance with the Act.

20. *Compliance with Procedural Requirements* The Municipality/Sponsor understands that funding is contingent upon the Municipality/Sponsor's compliance with the applicable requirements of the Procedures for Locally Administered Federal Aid Projects (PLAFAP) Manual, which, as such, may be amended from time to time. Locally administered Federal-aid transportation projects must be constructed in accordance with the current version of *NYSDOT Standard Specifications; Construction and Materials*, including any and all modifications to the Standard Specifications issued by the Engineering Information Issuance System, and NYSDOT-approved Special Specifications for general use. (Cities with a population of 3 million or more may pursue approval of their own construction specifications and procedures on a project by project basis.)

NYS DOT # _____

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

Municipality/Sponsor

Municipality/Sponsor Attorney

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

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

On this _____ day of _____, 2016 before me personally came _____ to me known, who, being by me duly sworn did depose and say that s/he resides at _____; that s/he is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; that it was executed by order of the _____ of said Municipal/Sponsor Corporation pursuant to a resolution which was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that s/he signed his/her name thereto by like order.

Notary Public

Approved for NYSDOT:

Approved as to Form:

By: _____
For Commissioner of Transportation

STATE OF NEW YORK ATTORNEY GENERAL
By: _____
Assistant Attorney General

Agency Certification: In addition to the acceptance of this contract I also certify that original copies of this signature page will be attached to all other exact copies of this contract.

DATE: _____

COMPTROLLER'S APPROVAL:

By: _____
For the New York State Comptroller
Pursuant to State Finance Law § 112.

07/06/2016dh

**SCHEDULE A – Description of Project Phase, Funding and Deposit Requirements
NYSDOT/ State-Local Agreement - Schedule A for PIN 8761.45**

OSC Municipal Contract #: _____ **Contract Start Date:** / / (mm/dd/yyyy) **Contract End Date:** 12/30/2019 (mm/dd/yyyy)
 Check, if date changed from the last Schedule

Purpose: Original Standard Agreement Supplemental Schedule A No.

Agreement Type: Locally Administered Municipality/Sponsor (Contract Payee): City of Beacon
 Other Municipality/Sponsor (if applicable): _____

State Administered *List participating Municipality(ies) and the % of cost share for each and indicate by checkbox which Municipality this Schedule A applies.*

Municipality: _____ % of Cost share _____
 Municipality: _____ % of Cost share _____
 Municipality: _____ % of Cost share _____

Authorized Project Phase(s) to which this Schedule applies: PE/Design ROW Incidentals
 ROW Acquisition Construction/CI/CS

Work Type: BIKE/PED./FACILITIES **County (if different from Municipality):** Dutchess County

Marchiselli Eligible Yes No *(Check, if Project Description has changed from last Schedule A):*
Project Description: City of Beacon Pedestrian Signal Development

Marchiselli Allocations Approved FOR ALL PHASES *To compute Total Costs in the last row and column, right click in each field and select "Update Field."*

| Check box to indicate change from last Schedule A | State Fiscal Year(s) | Project Phase | | | TOTAL |
|---|-------------------------------------|---------------|---------------|--------------------|--------|
| | | PE/Design | ROW (RI & RA) | Construction/CI/CS | |
| <input type="checkbox"/> | Cumulative total for all prior SFYs | \$ | \$ | \$ | \$ 0.0 |
| <input type="checkbox"/> | Current SFY | \$ | \$ | \$ | \$ 0.0 |
| Authorized Allocations to Date | | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.0 |

A. Summary of allocated MARCHISELLI Program Costs FOR ALL PHASES *For each PIN Fiscal Share below show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in the last row, right click in each field and select "Update Field."*

| PIN Fiscal Share | "Current" or "Old" entry indicator | Federal Funding Program | Total Costs | FEDERAL Participating Share and Percentage | STATE MARCHISELLI Match | LOCAL Matching Share | LOCAL DEPOSIT AMOUNT (Required only if State Administered) |
|-----------------------------|------------------------------------|-------------------------|-------------|--|-------------------------|----------------------|--|
| . | Current | | \$ | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ | \$ |
| TOTAL CURRENT COSTS: | | | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

NYSDOT/State-Local Agreement – Schedule A

B. Summary of Other (including Non-allocated MARCHISELLI) Participating Costs FOR ALL PHASES For each PIN Fiscal Share, show current costs on the rows indicated as "Current.". Show the old costs from the previous Schedule A on the row indicated as "Old." To compute Total Current Costs in last row, right click in each field and select "Update Field."

| Other PIN Fiscal Shares | 'Current' or 'Old' entry indicator | Funding Source | TOTAL | Other FEDERAL | Other STATE | Other LOCAL |
|-----------------------------|------------------------------------|----------------|--------------|---------------|-------------|-------------|
| 8761.45.121 | Current | HSIP | \$167,000.00 | \$150,300.00 | \$ | \$16,700.00 |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| . | Current | | \$ | \$ | \$ | \$ |
| | Old | | \$ | \$ | \$ | \$ |
| TOTAL CURRENT COSTS: | | | \$167,000.00 | \$150,300.00 | \$ 0.00 | \$16,700.00 |

| | |
|--|--------|
| C. Total Local Deposit(s) Required for State Administered Projects: | \$0.00 |
|--|--------|

D. Total Project Costs To compute Total Costs in the last column, right click in the field and select "Update Field."

| Total FEDERAL Cost | Total STATE MARCHISELLI Cost | Total Other STATE Cost | Total LOCAL Cost | Total Costs (all sources) |
|--------------------|------------------------------|------------------------|------------------|---------------------------|
| \$150,300.00 | \$0.00 | \$0.00 | \$16,700.00 | \$167,000.00 |

| | |
|--|--|
| E. Point of Contact for Questions Regarding this Schedule A (Must be completed) | Name: <u>Doreen Holsopple</u> Phone No: <u>845-431-5977</u> |
|--|--|

See Agreement (or Supplemental Agreement Cover) for required contract signatures.

SCHEDULE B: Phases, Sub-phases/Tasks, and Allocation of Responsibility

Instructions: Identify the responsibility for each applicable Sub-phase task by entering an "X" in either the NYSDOT column to allocate the task to State labor forces or a State Contract, or enter an "X" in the Sponsor column indicating non-State labor forces or a locally administered contract.

| PHASE/SUB-PHASE/TASK | Responsibility | |
|--|----------------|---------|
| | NYSDOT | Sponsor |
| XX_A1. Preliminary Engineering ("PE") Phase | | |
| 1. <u>Scoping</u> : Prepare & distribute all required project reports, including an Expanded Project Proposal (EPP) or Scoping Summary Memorandum (SSM), as appropriate. | | X |
| 2. Perform data collection and analysis for design, including traffic counts and forecasts, accident data, Smart Growth checklist, land use and development analysis and forecasts. | | X |
| 3. Smart Growth Attestation (NYSDOT ONLY). | | |
| 4. <u>Preliminary Design</u> : Prepare & distribute Design Report/Design Approval Document (DAD), including environmental analysis/assessments, and other reports required to demonstrate the completion of specific design sub-phases or tasks and/or to secure the approval/authorization to proceed. | | X |
| 5. Review & Circulate all project reports, plans, and other project data to obtain the necessary review, approval, and/or other input and actions required of other NYSDOT units and external agencies. | X | XX |
| 6. Obtain aerial photography and photogrammetric mapping. | | X |
| 7. Perform all surveys for mapping and design. | | X |
| 8. <u>Detailed Design</u> : Perform all project design, including preparation of plan sheets, cross-sections, profiles, detail sheets, speciality items, shop drawings, and other items required in accordance with the <i>Highway Design Manual</i> , including all Highway Design, including pavement evaluations, taking and analyzing cores; design of pavement mixes and applications procedures; preparation of bridge site data package, if necessary, and all Structural Design, including hydraulic analyses, if necessary, foundation design, and all design of highway appurtenances and systems [e.g., Signals, Intelligent Transportation System (ITS) facilities], and maintenance protection of traffic plans. Federal Railroad Administration (FRA) criteria will apply to rail work. | | X |
| 9. Perform landscape design (including erosion control). | | X |
| 10. Design environmental mitigation, where appropriate, in connection with: Noise readings, projections, air quality monitoring, emissions projections, hazardous waste, asbestos, determination of need for cultural resources survey. | | X |
| 11. Prepare demolition contracts, utility relocation plans/contracts, and any other plans and/or contract documents required to advance separate, any portions of the project which may be more appropriately progressed separately and independently. | | X |
| 12. Compile PS&E package, including all plans, proposals, specifications, estimates, notes, special contract requirements, and any other contract documents necessary to advance the project to construction. | | X |

| PHASE/SUB-PHASE/TASK | Responsibility | |
|---|----------------|---------|
| | NYS DOT | Sponsor |
| 13. Conduct any required soils and other geological investigations. | | X |
| 14. Obtain utility information, including identifying the locations and types of utilities within the project area, the ownership of these utilities, and prepare utility relocation plans and agreements, including completion of Form HC-140, titled Preliminary Utility Work Agreement. | | X |
| 15. Determine the need and apply for any required permits, including U. S. Coast Guard, U. S. Army Corps of Engineers, Wetlands (including identification and delineation of wetlands), SPDES, NYSDOT Highway Work Permits, and any permits or other approvals required to comply with local laws, such as zoning ordinances, historic districts, tax assessment and special districts. | | X |
| 16. Prepare and execute any required agreements, including: -- Railroad force account -- Maintenance agreements for sidewalks, lighting, signals, betterments. -- Betterment Agreements B Utility Work Agreements for any necessary Utility Relocations of Privately owned Utilities. | | X |
| 17. Provide overall supervision/oversight of design to assure conformity with Federal and State design standards or conditions, including final approval of PS&E (Contract Bid Documents) by NYSDOT | X | XX |
| 18. The American recovery and Reinvestment Act (ARRA) projects require additional extensive reporting. The Municipality/ Sponsor must include in its construction contract the additional ARRA reporting requirements related to the weekly employment during Construction or as modified by the Federal Highway Administration (FHWA). | | N/A |
| 19. Pursuant to Title IX, Section 902 of the ARRA, the U.S. DOT Comptroller General and his representatives are authorized to: 1) examine any records of the contractor, or any records of its subcontractors, that directly pertain to and involve transactions relating to the contract or subcontract, and 2) interview any officer or employee of the contractor or any of its subcontractors regarding such transactions. | | N/A |
| A2. Right-of-Way (ROW) Incidentals | | |
| 1. Prepare ARM or other mapping, showing preliminary taking lines. | | |
| 2. Right-of-Way (ROW) mapping and any necessary right-of-way relocation plans. | | |
| 3. Obtain abstracts of title and certify those having an interest in right-of-way to be acquired. | | |
| 4. Secure Appraisals. | | |
| 5. Perform Appraisal Review and establish an amount representing just compensation. | | |
| 6. Determination of exemption from public hearing that is otherwise required by the Eminent Domain Procedure Law, including Ade minimum determination, as may be applicable. If NYSDOT is responsible for acquiring the right-of-way, this determination may be performed by NYSDOT only if NYSDOT is responsible for the Preliminary Engineering Phase under Phase A1 of this Schedule B. | | |

PHASE/SUB-PHASE/TASK

Responsibility

NYS DOT Sponsor

7. Conduct any public hearings and/or informational meetings as may be required by the Eminent Domain Procedures Law, including the provision of stenographic services, preparation and distribution of transcripts, and response to issues raised at such meetings.

8. **The American recovery and Reinvestment Act (ARRA) projects require additional extensive reporting. The Municipality/Sponsor must include in its construction contract the additional ARRA reporting requirements related to the weekly employment during Construction or as modified by the Federal Highway Administration (FHWA).**

9. Pursuant to Title IX, Section 902 of the ARRA, the U.S. DOT Comptroller General and his representatives are authorized to: 1) examine any records of the contractor, or any records of its subcontractors, that directly pertain to and involve transactions relating to the contract or subcontract, and 2) interview any officer or employee of the contractor or any of its subcontractors regarding such transactions.

B. Right of Way (ROW) Acquisition

1. Perform all Right-of-Way (ROW) Acquisition work, including negotiations with property owners, acquisition of properties and accompanying legal work, payments to and/or deposits on behalf of property owners; Prepare, publish, and pay for any required legal notices; and all other actions necessary to secure title to, possession of, and entry to required properties. **If NYS DOT is to acquire property, including property described as an uneconomic remainder, on behalf of the Municipality/Sponsor, the Municipality/Sponsor agrees to accept and take title to any and all permanent property rights so acquired which form a part of the completed Project.**

2. Provide required relocation assistance, including payment of moving expenses, replacement supplements, mortgage interest differentials, closing costs, mortgage prepayment fees.

3. Conduct eminent domain proceedings, court, and any other legal actions required to acquire properties.

4. Monitor all ROW Acquisition work and activities, including review and processing of payments to property owners.

5. Provide official certification that all right-of-way required for the construction has been acquired in compliance with applicable Federal, State or local requirements and is available for use and/or making projections of when such property(ies) will be available if such properties are not in hand at the time of contract award.

6. Conduct any property management activities, including establishment and collecting rents, building maintenance and repairs, and any other activities necessary to sustain properties and/or tenants until the sites are vacated, demolished, or otherwise used for the construction project.

7. Subsequent to completion of the Project, conduct ongoing property management activities in a manner consistent with applicable Federal, State and local requirements including, as applicable, the development of any ancillary uses, establishment and collection of rent, property maintenance and any other related activities.

8. **The American Recovery and Reinvestment Act (ARRA) projects require additional extensive reporting. The Municipality/Sponsor must include in its construction contract the additional ARRA reporting requirements related to the weekly employment during Construction or as modified by the Federal Highway Administration (FHWA).**

| PHASE/SUB-PHASE/TASK | Responsibility | |
|--|----------------------|---|
| | NYS DOT | Sponsor |
| 9. Pursuant to Title IX, Section 902 of the ARRA, the U.S. DOT Comptroller General and his representatives are authorized to: 1) examine any records of the contractor, or any records of its subcontractors, that directly pertain to and involve transactions relating to the contract or subcontract, and 2) interview any officer or employee of the contractor or any of its subcontractors regarding such transactions. | | |
| XX C. Construction (C), Construction Support (C/S) and Construction Inspection (C/I) Phase | | |
| 1. Advertise contract lettings and distribute contract documents to prospective bidders. | | X |
| 2. Conduct all contract lettings, including receipt, opening, and analysis of bids, evaluation/certification of bidders, notification of rejected bids/bidders, and awarding of the construction contract(s). | | XX |
| 3. Receive and process bid deposits and verify any bidder's insurance and bond coverage that may be required. | | X |
| 4. Compile and submit Contract Award Documentation Package. | | X |
| 5. Review/approve any proposed subcontractors, vendors, or suppliers. | | X |
| 6. Conduct & control all construction activities in accordance with the plans and proposal for the project. Maintain accurate, up-to-date project records & files, including all diaries & logs, to provide a detailed chronology of project construction activities. Procure or provide all materials, supplies & labor for the performance of the work on the project, & insure that the proper materials, equipment, human resources, methods and procedures are used. | | X |
| 7(a). For non-NHS or State Highway System Projects: Test and accept materials, including review and approval for any requests for substitutions. | | X |
| 7(b) For NHS or State highway System Projects: Inspection and approval of materials such as bituminous concrete, Portland cement concrete, structural steel, concrete structural elements and/or their components to be used in a federal aid project will be performed by, and according to the requirements of NYSDOT. The Municipality/Sponsor shall make or require provision for such materials inspection in any contract or subcontract that includes materials that are subject to inspection and approval in accordance with the applicable NYSDOT design and construction standards associated with the federal aid project. | Inspection by NYSDOT | Contractual reqs. of contractor and subs. |
| 7(c) For projects that fall under both 7a and 7b above, check boxes for each. | | |
| 8. Design and/or re-design the project or any portion of the project that may be required because of conditions encountered during construction. | | X |
| 9. Administer construction contract, including the review and approval of all contractor requests for payment, orders-on-contract, force account work, extensions of time, exceptions to the plans and specifications, substitutions or equivalents, and special specifications. | | X |

PHASE/SUB-PHASE/TASK

| | Responsibility | |
|---|----------------|---------|
| | NYS DOT | Sponsor |
| 10. The American Recovery and Reinvestment Act (ARRA) projects require additional extensive reporting. The Municipality/Sponsor must include in its construction contract the additional ARRA reporting requirements related to the weekly employment during Construction or as modified by the Federal Highway Administration (FHWA). | | X |
| 11. Pursuant to Title IX, Section 902 of the ARRA, the U.S. DOT Comptroller General and his representatives are authorized to: 1) examine any records of the contractor, or any records of its subcontractors, that directly pertain to and involve transactions relating to the contract or subcontract, and 2) interview any officer or employee of the contractor or any of its subcontractors regarding such transactions. | | X |
| 12. Review and approve all shop drawings, fabrications details, and other details of structural work. | | X |
| 13. Administer all construction contract claims, disputes or litigation. | | X |
| 14. Perform final inspection of the completed work to determine and verify final quantities, prices, and compliance with plans specifications, and such other construction engineering supervision and inspection work necessary to conform to Municipal, State and FHWA requirements, including the final acceptance of the project by NYS DOT. | X | XX |
| 15. Pursuant to Federal Regulation 49 CFR 18.42(e)(1) The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. | X | X |

XX= Lead in task.
Schedule B Dec/2011

APPENDIX A

STANDARD CLAUSES FOR NEW YORK STATE CONTRACTS

**PLEASE RETAIN THIS DOCUMENT
FOR FUTURE REFERENCE.**

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STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, "the contract" or "this contract") agree to be bound by the following clauses which are hereby made a part of the contract (the word "Contractor" herein refers to any party other than the State, whether a contractor, licensor, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6-a). However, such pre-approval shall not be required for any contract established as a centralized contract through the Office of General Services or for a purchase order or other transaction issued under such centralized contract.

4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex (including gender identity or expression), national origin, sexual orientation, military status, age, disability, predisposing genetic characteristics, marital status or domestic violence victim status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor

understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, "the Records"). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years

thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the "Statute") provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION. (a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section

312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of "a", "b", and "c" above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work") except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract;

or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ("CPLR"), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this

law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992 (APPLICABLE ONLY IN NON-FEDERAL AID NEW YORK STATE CONTRACTS). It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
Albany, New York 12245
Telephone: 518-292-5100
Fax: 518-292-5884
email: opa@esd.ny.gov

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
633 Third Avenue
New York, NY 10017
212-803-2414
email: mwbecertification@esd.ny.gov
<https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;

(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;

(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and

(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health,

and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a "procurement contract" as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS.

To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

26. IRAN DIVESTMENT ACT. By entering into this Agreement, Contractor certifies in accordance with State Finance Law §165-a that it is not on the "Entities Determined to be Non-Responsive Bidders/Offerers pursuant to the New York State Iran Divestment Act of 2012" ("Prohibited Entities List") posted at:

<http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf>

Contractor further certifies that it will not utilize on this Contract any subcontractor that is identified on the Prohibited Entities List. Contractor agrees that should it seek to renew or extend this Contract, it must provide the same certification at the time the Contract is renewed or extended. Contractor also agrees that any proposed Assignee of this Contract will be required to certify that it is not on the Prohibited Entities List before the contract assignment will be approved by the State.

During the term of the Contract, should the state agency receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, the state agency will review such information and offer the person an opportunity to respond. If the person

fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then the state agency shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the Contractor in default.

The state agency reserves the right to reject any bid, request for assignment, renewal or extension for an entity that appears on the Prohibited Entities List prior to the award, assignment, renewal or extension of a contract, and to pursue a responsibility review with respect to any entity that is awarded a contract and appears on the Prohibited Entities list after contract award.

APPENDIX A-1: SUPPLEMENTAL TITLE VI PROVISIONS (CIVIL RIGHTS ACT)

To be included in all contracts

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation of the United States, Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by NYSDOT or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to NYSDOT's Office of Civil Rights or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, NYSDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as NYSDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request NYSDOT to enter into such litigation to protect the interests of NYSDOT, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B
REQUIREMENTS FOR FEDERALLY-AIDED TRANSPORTATION PROJECTS
(April 2016)

There is a substantial body of requirements attached to the use of Federal highway or transportation aid. These requirements create or overlay processes, procedures, documentation requirements, authorizations, approvals and certifications that may be substantially greater or different from those that are not funded with Federal-aid and proceed under applicable State and local laws, customs and practices. Under Title 23 of the United States Code, the New York State Department of Transportation (NYSDOT) is responsible for the administration of transportation projects in New York State to which NYSDOT provides Federal highway or transportation-related aid. Through this Agreement, which provides or is associated with such funding, NYSDOT delegates various elements of project and funding administration as described elsewhere in this Agreement. In undertaking a Federally aided project, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement with Federal-aid funding or project administration agrees to proceed in compliance with all the applicable Federal-aid requirements.

NYSDOT, in cooperation with FHWA, has assembled the body of Federal-aid requirements, procedures and practices in its Procedures for Locally Administered Federal-Aid Projects Manual (available through NYSDOT's web site at: <http://www.dot.ny.gov/plafap>). In addition, the Municipality/Sponsor, Authority or Project Manager designated under this Agreement for Federal-aid funding or project administration that enters into Federally aided project construction contracts is required to physically incorporate into all its Federally aided construction contracts and subcontracts there under the provisions that are contained in Form FHWA-1273 (available from NYSDOT or electronically at: <http://www.fhwa.dot.gov/programadmin/contracts/1273.htm>).

In addition to the referenced requirements, the attention of Municipality/Sponsor hereunder is directed to the following requirements and information:

NON DISCRIMINATION/EEO/DBE REQUIREMENTS

The Municipality/Sponsor and its contractors agree to comply with Executive Order 11246, entitled "Equal Employment Opportunity" and United States Department of Transportation (USDOT) regulations (49 CFR Parts 21, 23, 25, 26 and 27) and the following:

1. **NON DISCRIMINATION**. No person shall, on the ground of race, color, creed, national origin, sex, age or handicap, be excluded from participation in, or denied the benefits of, or be subject to, discrimination under the Project funded through this Agreement.
2. **EQUAL EMPLOYMENT OPPORTUNITY**. In connection with the execution of this Agreement, the Municipality/Sponsors contractors or subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, age, color, sex or national origin. Such contractors shall take affirmative actions to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, national origin or age. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

3. **DISADVANTAGED BUSINESS ENTERPRISES.** In connection with the performance of this Agreement, the Municipality/Sponsor shall cause its contractors to cooperate with the State in meeting its commitments and goals with regard to the utilization of Disadvantaged Business Enterprises (DBEs) and will use its best efforts to ensure that DBEs will have opportunity to compete for subcontract work under this Agreement. Also, in this connection the Municipality or Municipality/Sponsor shall cause its contractors to undertake such actions as may be necessary to comply with 49 CFR Part 26.

As a sub-recipient under 49 CFR Part 26.13, the Municipality/Sponsor hereby makes the following assurance.

The Municipality/Sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any United States Department of Transportation (USDOT)-assisted contract or in the administration of its Disadvantaged Business Enterprise (DBE) program or the requirements of 49 CFR Part 26. The Municipality/Sponsor shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of the United States Department of Transportation-assisted contracts. The New York State Department of Transportation's DBE program, as required by 49 CFR Part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

FEDERAL SINGLE AUDIT REQUIREMENTS

Non-Federal entities that expend \$500,000 or more in a year in Federal awards from all sources are required to comply with the Federal Single Audit Act provisions contained in U.S. Office of Management and Budget (OMB) Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations. Non-Federal entities that expend Federal awards from a single source may provide a program specific audit, as defined in the Circular. Non-Federal entities that expend less than \$500,000 in a year in Federal awards from all sources are exempt from Federal audit requirements for that year, except as noted in Sec. 215 (a) of OMB Circular A-133 Subpart B--Audits, records must be available for review or audit by appropriate officials of the cognizant Federal agency¹ the New York State Department of Transportation, the New York State Comptrollers Office and the U.S. Governmental Accountability Office (GAO).

Non-Federal entities are required to submit a copy of all audits, as described above, within 30 days of issuance of audit report, but no later than 9 months after the end of the entity's fiscal year, to the New York State Department of Transportation, Contract Audit Bureau, 50 Wolf Road, Albany, NY 12232. Unless a time extension has been granted by the cognizant Federal Agency and has been filed with the New York State Department of Transportation's Contract Audit Bureau, failure to comply with the requirements of OMB Circular A-133 may result in suspension or termination of Federal award payments.

¹ The designated cognizant agency for audit shall be the federal awarding agency that provides the predominant amount of direct funding to a recipient unless OMB changes it.

THE CATALOG OF FEDERAL DOMESTIC ASSISTANCE

The Catalog of Federal Domestic Assistance (CFDA²), is an on-line database of all Federally-aided programs available to State and local governments (including the District of Columbia); Federally recognized Indian tribal governments; Territories (and possessions) of the United States; domestic public, quasi-public, and private profit and nonprofit organizations and institutions; specialized groups; and individuals.

THE CFDA IDENTIFICATION NUMBER

OMB Circular A-133 requires all Federal-aid recipients to identify and account for awards and expenditures by CFDA Number. The Municipality/Sponsor is required to identify in its accounts all Federal awards received and expended, and the Federal programs under which they were received. Federal program and award identification shall include, as applicable, the CFDA title and number, award number and year, name of the Federal agency, and name of the pass-through entity.

The most commonly used CFDA number for the Federal Aid Highway Planning and Construction program is 20.205.

Additional CFDA numbers for other transportation and non-transportation related programs are:

| | |
|---------------|---|
| 20.215 | Highway Training and Education |
| 20.219 | Recreational Trails Program |
| 20.XXX | Highway Planning and Construction - Highways for LIFE; |
| 20.XXX | Surface Transportation Research and Development; |
| 20.500 | Federal Transit-Capital Investment Grants |
| 20.505 | Federal Transit-Metropolitan Planning Grants |
| 20.507 | Federal Transit-Formula Grants |
| 20.509 | Formula Grants for Other Than Urbanized Areas |
| 20.600 | State and Community Highway Safety |
| 23.003 | Appalachian Development Highway System |
| 23.008 | Appalachian Local Access Roads |

PROMPT PAYMENT MECHANISMS

In accordance with 49 CFR 26.29, and NY State Finance Law 139-f or NY General Municipal Law 106-b(2) as applicable:

(a) You must establish, as part of your DBE program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 calendar days from receipt of each payment you make to the prime contractor.

(b) You must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed. You must use one of the following methods to comply with this requirement:

(1) You may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.

² <http://www.cfda.gov/>

(2) You may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 7 calendar days after the subcontractor's work is satisfactorily completed.

(3) You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 7 calendar days after your payment to the prime contractor.

(c) For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the recipient. When a recipient has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

(d) Your DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which you set. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(e) You may also establish, as part of your DBE program, any of the following additional mechanisms to ensure prompt payment:

~~(1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.~~

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

CARGO PREFERENCE ACT REQUIREMENTS – U.S. FLAG VESSELS

In accordance with 46 CFR 381, the contractor agrees:

- (a) To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.
- (b) To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b) (1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590.
- (c) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Adopting the "Think Differently" Initiative to Assist Individuals with Special Needs and Their Families

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|------------------------|------------|
| Res. Think Differently | Resolution |



CITY OF BEACON

CITY COUNCIL

RESOLUTION NO. _____ OF 2016

A RESOLUTION TO ADOPT THE “THINK DIFFERENTLY” INITIATIVE TO ASSIST INDIVIDUALS WITH SPECIAL NEEDS AND THEIR FAMILIES

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, the State of New York and our communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

WHEREAS, it is important to encourage and educate the community and businesses on way they can make facilities and services more accessible and how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the Think Differently initiative is an important statement that the City of Beacon officials, business owners and residents can make to show their support for the differently abled children and adults with special needs and their families; and

NOW, THEREFORE, BE IT RESOLVED, the City of Beacon residents and business owners hereby adopt the Think Differently initiative so that all are better prepared to communicate with, provide for, and support those living on the autism spectrum and with special needs.

| Resolution No. _____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|--|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <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 | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Authorizing the Agreement with Modjeski and Masters, Inc. for Engineering Services for the Design of the South Avenue Bridge Over the Fishkill Creek

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|--|-----------------|
| Res. South Ave Bridge Modjeski & Masters | Resolution |
| South Ave Bridge Proposal | Backup Material |



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2016

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH MODJESKI AND MASTERS, INC.
 FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO
 THE SOUTH AVENUE BRIDGE DESIGN**

WHEREAS, on January 14, 2016, the City of Beacon issued a Request for Proposals for engineering services related to the South Avenue Bridge redesign project; and

WHEREAS, Modjeski and Masters, Inc. possesses certain knowledge and experience in bridge design, inspection and rehabilitation; and

WHEREAS, Modjeski and Masters, Inc. submitted the attached proposal which the City Council deems to be in the best interest of the City of Beacon.

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 Modjeski and Masters, Inc. Inc. for engineering services in an amount not to exceed \$176,706.89.

| Resolution No. _____ of 2016 | | Date: <u>August 1, 2016</u> | | | | | |
|---|--------|--|-----|----|---------|--|--------|
| <input type="checkbox"/> <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 | | | | | |



I INTRODUCTION

I.A MODJESKI AND MASTERS, INC.

Modjeski and Masters, Inc. (M&M), is a 123 year old employee-owned company and is considered in the industry as a nationwide leader in the design, inspection, and rehabilitation of all bridges types. The firm primarily serves state and local transportation departments, port and turnpike authorities, and railroads. Additional lifecycle services include: field instrumentation and nondestructive testing, bridge security and vulnerability analysis, vessel collision analysis, scour analysis, suspension bridge cable and suspender investigations, fatigue evaluations, emergency evaluations and forensic studies, seismic evaluation and design, and bridge research/code/course development.

I.B PROJECT HISTORY

The South Avenue crossing of the Fishkill Creek has a long history. The bridge was constructed in 1872 as a three-span "bowstring" arch truss patented by Glass, Schneider and Rezner. The abutments and piers were comprised of mortared uncut stone. Sometimes in the early part of the 20th century the existing iron and/or timber flooring system was replaced with steel rolled beams with timber stringers and deck. Later a water line was installed between the stringers of the bridge and a 30 inch sewerage line was installed along side the existing bridge supported by concrete extensions of the stone piers. After many years of neglect the cast-iron arch-trusses began to deteriorate and the bridge was closed to traffic. With the continued passage of time the stone piers in the river began to crumble and a decision was made in 2006 to remove the cast iron arch-trusses and place them in storage. By this time the level of deterioration of the cast iron elements had rendered most of them beyond any reasonable repair/restoration. The piers continued to crumble and concern began to grow about the potential of a failure of the piers leading to the failure of the sewerage line resulting in raw sewerage flowing into the Fishkill Creek and then in turn into the Hudson River.

Therefore a decision was made to design and construct a utility bridge to support the sewerage line and the water line. The charge given to the designers (Modjeski and Masters) at that time was that the primary supporting elements of the utility bridge should be able to be incorporated into a future pedestrian/emergency vehicular bridge, should the decision be made at some point in the future to do so. Since the existing cast-iron arch-trusses were in such poor condition a decision was made to not design the new bridge with their use in mind, but rather use those elements in the best condition as part of an interpretive display to be placed along side the Madam Brett Park. Therefore, the span arrangement of the new utility bridge was proportioned without the incorporation of the truss elements in mind. As a result the truss elements continued in storage where they presently remain. The new utility bridge was completed in the fall of 2013.

To solve the immediate problem of supporting the utilities at a minimal cost while not precluding a future multi-use for the bridge, Modjeski and Masters originally proposed a two phase approach to the project. The first phase was to design and build a bridge that could span the entire creek under the load of the utilities alone. The bridge was to have no deck and would have fences at each end to keep trespassers off the bridge. There would be no new pier in the river and the new abutments would be built behind the existing abutments resulting in no work in the river. This was the bridge that was completed in 2013. The second future phase was to build a single new pier beneath the bridge at midspan, pour a concrete deck on the bridge with a width of approximately 16' and install pedestrian railings. The bridge would at that time be used primarily as a mixed use path but could, with the removal of temporary barriers, be used as a single-lane river crossing for emergency



vehicles. Subsequently, a decision has been made to design the new bridge to a width of approximately 26' out to out to allow both pedestrians and vehicles during an emergency situation. The bridge can not be designed as a continuously acting single lane bridge because the traffic volumes projected in studies done by others in 2008 far exceeds those allowed by NYSDOT for a single lane bridge and the sight distance on the east approach is insufficient for a single lane bridge.

I.A PROJECT UNDERSTANDING AND DESCRIPTION OF APPROACH

As we interpret the scope as presented by the city, the primary purpose of this project is to take the existing bridge built in 2013 and convert it into a pedestrian bridge with adequate width so that it can be converted into a one lane bridge under emergency situations. Only one alternative bridge configuration is to be developed. The increase in width of the bridge from the width proposed earlier will require additional girders, a wider central pier, widening of the existing abutment, and widening the approach roadways. It is assumed that no additional right of way surveying will be required, though additional topo surveying will be required around the abutments, along the roadway on the South side of the creek, as well as in the creek itself in the vicinity of the mid-span pier. Additional soil borings will need to be taken at each end of the abutments and in the creek bed at mid-span. Due to the passage of time since the original 2008 environmental evaluation, updates will be required.

We also propose that at least one of the cast-iron arch-trusses be salvaged from those in storage and be used as part of an interpretive display to be placed along side the Madam Brett Park. In this way the history of the crossing will not be totally lost. We have added Milestone Heritage Consulting to prepare concepts for the interpretive display.

Our approach of executing the work will be as follows:

- Task 1 - We would begin by having our MBE sub-consultant, Prudent Engineering, perform the basic limited topographic survey. We would use the survey baseline information developed by another consultant in 2013 as the baseline information. We will have our surveyor, Prudent Engineering, review the previous surveys that were performed at this site and will use the benchmarks established for that project. We will also perform soils borings during this phase.
- Task 2 – Site reconnaissance and Schematic Design : During this Task Modjeski and Masters will prepare schematic drawings of the proposed alternative and our WBE Environmental Consultant, Shumaker Engineering, will complete the short form SEQR checklist and will investigate the environmental impacts of the proposed alternative. We are assuming tht no hydraulic analysis of the new bridge configuration will be required since the abutments are behind the original abutments and the central pier will not present as much of an obstruction as the existing two piers that are to be removed.
- Task 3– Public Meeting – In this meeting the proposed concept will be presented. A power point presentation, along with display boards, will be prepared. Since this is calssified as a meeting and not a hearing, it is assumed that a court reporter is not required.
- Task 4 – Construction Requirement Analysis, once concensus is reached regarding the final details of the preferred alternative from the public meeting, a detailed investigation of the permits required can be made. We anticipate that the permit requirements will have already been determined in Task 2. As stated above we do not anticipate that additional ROW will be required nor is any associated costs included.



Task 5 – Environmental Quality Review – Based on the proposed alternative a long form SEQR questionnaire will be completed and the permits identified during the process to date will be applied for. We do not anticipate a positive declaration nor the need for a DEIS.

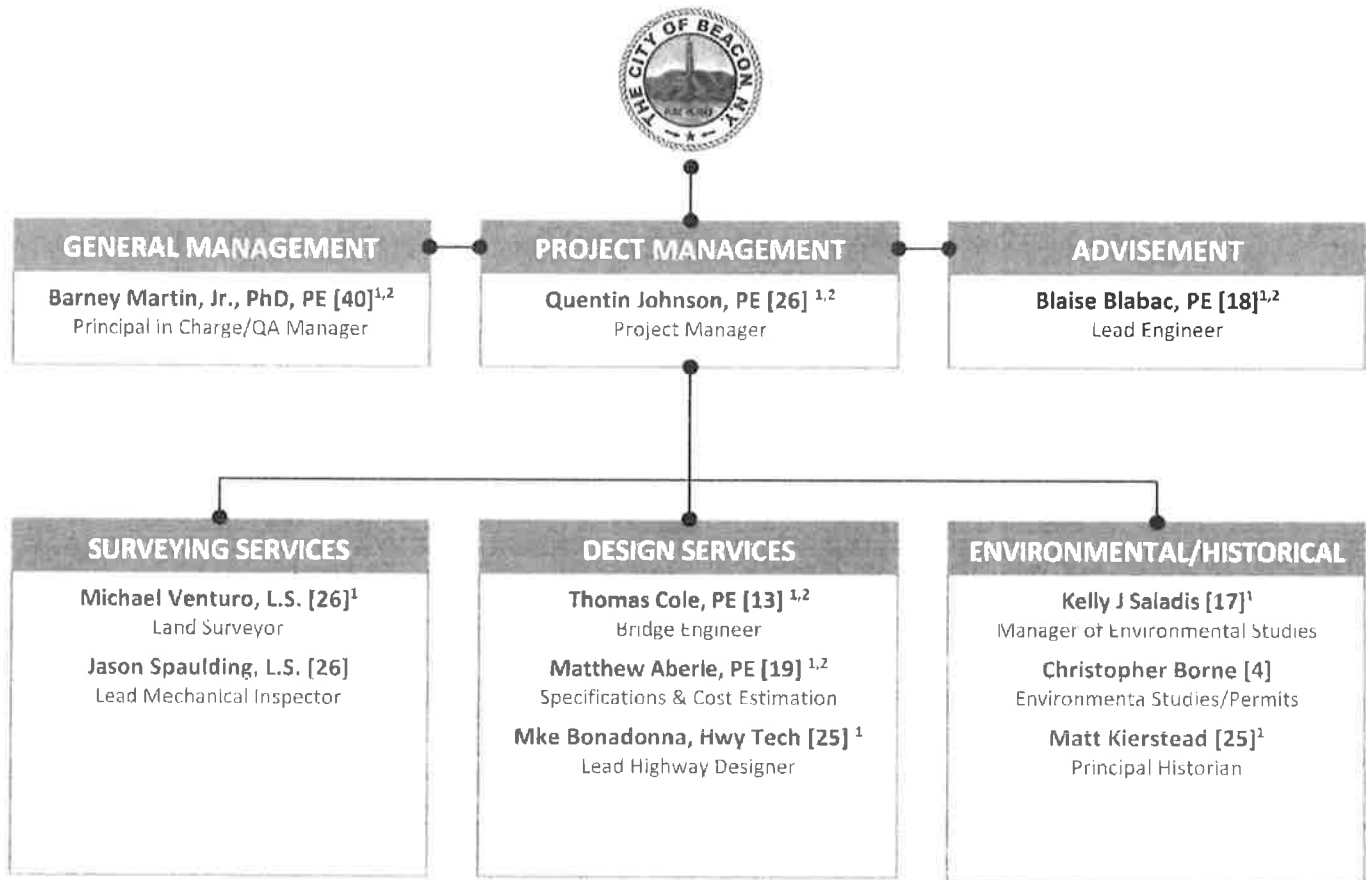
Task 6 – Draft Final Design – This Task will consist of the preparation of preliminary plans, specifications and cost estimate for the proposed alternative. Also during this time, the status of all identified permit applications will be tracked to ensure timely acquisition.

Task 7 – Final Design and Construction Documents - This Task will consist of the preparation of the final plans, specifications and cost estimate for the selected alternative. The comments received from the City and the project advisory committee will be included.

Task 8 – Permits – Task 8 will really be a part of tasks 6 and 7, as permits could drive design decisions. This task will be more of a confirmation that all permits have been identified and acquired.



II ORGANIZATIONAL CHART



KEY

Team Members

- Modjeski and Masters, Inc.
- Shumaker Engineering (WBE Subconsultant)
- Prudent Engineering (MBE Subconsultant)
- Milestone Heritage Consulting

¹ = Key Staff

² = New York Registered Professional Engineer

[##] = Years of Experience



III ESTIMATING PERFORMANCE

We have attached a list of six recent projects for which Modjeski and Masters has provided construction cost estimates. It is important to note that It is not typical for the design firm to also provide Construction Inspection Services. Only the owner and the firm providing Construction Inspection Services actually knows what the construction final costs are. The designer can get a general idea if there are costs over runs based on inquiries from the owner.

The table below list six projects that have Modjeski and Masters Estimate and the Low bid. None of these projects, to our knowledge, had any appreciable overruns during construction.

| Project | M&M's Estimate | Winning Bid |
|---|----------------|-------------|
| Replacement of Bridge 7-2 Delaware County Dept. of Public Works | \$2,430,000 | \$1,837,984 |
| Clean and Pait Bridge 28-1 Delaware County Dept. of Public Works | \$1,170,000 | \$849,700 |
| Replacement of Abutments, Bridge 151 Delaware County Dept. of Public Works | \$500,000 | \$537,537 |
| Replacement of the Hoffman Street Bridge City of Poughkepsie | \$7,911,000 | \$8,560,560 |
| Replacement of Bridge 26-3 Delaware County Dept. of Public Works | \$1,200,000 | \$1,268,062 |
| Rehab of East Main Street and Churchill Street Bridges City of Beacon | \$710,000 | \$707,488 |



IV TIMELINE

**Timeline Based
 Months**

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|
| Limited Site Survey/Topo | ■ | ■ | | | | | | |
| Task 2 - Site Reconnaissance and Schematic Design | ■ | ■ | ■ | | | | | |
| Task 3 - Public Meeting | | | ■ | | | | | |
| Task 4 - Construction Requirements Analysis | | | ■ | ■ | | | | |
| Task 5 - Environmental Quality Review | | | | ■ | ■ | | | |
| Task 6 - Draft Final Design | | | | ■ | ■ | ■ | | |
| Task 7 - Final Design and Construction Documents | | | | | | ■ | ■ | ■ |
| Task 8 Permits | | | | ■ | ■ | ■ | ■ | ■ |

Exhibit C
Total Cost Summary

Modjeski and Masters

Alt. 3

| | | |
|---------|--|--------------|
| Item I | Loaded Direct Technical Salaries (see Exhibit A) | \$126,662.39 |
| Item II | Direct Non Salary Costs (See Exhibit B) | \$50,044.50 |

GRAND TOTAL **\$176,706.89**

||

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Authorizing an Agreement with HVEA Engineers for the Main Street Pedestrian Improvements Project

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|--------------------------|------------|
| Res. agreement with HVEA | Resolution |



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION TO AWARD THE BID FOR THE
MAIN STREET PEDESTRIAN IMPROVEMENTS PROJECT**

WHEREAS, the City of Beacon will receive Federal aid under the Transportation Alternate Program (TAP) for the Main Street Pedestrian Improvement Project; and

WHEREAS, such project will involve the replacement of existing paving and curbs on Main Street from Route 9D to Teller Avenue and improvements to its associated infrastructure; and

WHEREAS, project information was provided to those consultants found on the list of NYS DOT qualified firms; and

WHEREAS, HVEA Engineers was the only firm to express an interest in performing the work associated with the project; and

WHEREAS, the City Administrator has reviewed the proposal submitted by HVEA and finds it acceptable; and

WHEREAS, the City Council hereby authorizes the City Administrator to enter into an agreement with HVEA Engineers for the Main Street Pedestrian Project; and

WHEREAS, the City of Beacon's local share of the cost of this project is \$43,400; and

NOW, THEREFORE BE IT RESOLVED, that the Project work shall be awarded to HVEA Engineers in the sum of \$43,400; and it is

FURTHER RESOLVED, that the Mayor or City Administrator of the City of Beacon is hereby authorized to execute said Agreement and any documents consistent therewith.

| Resolution No. _____ of 2016 | | Date: _____, 2016 | | | | | |
|--|--------|---|-----|----|---------|--|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | | | | | <input type="checkbox"/> 2/3 Required | |
| <input type="checkbox"/> <input type="checkbox"/> Not on roll call. | | <input checked="" 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 | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

City of Beacon Council Agenda
8/1/2016

Title:

Resolution Appointing Nate Smith as Provisional Assistant Recreation Director

Subject:

Background:

ATTACHMENTS:

| Description | Type |
|--------------------------|------------|
| Res. Asst. Rec. Director | Resolution |



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. _____ OF 2016

**RESOLUTION APPOINTING
ASSISTANT RECREATIONAL DIRECTOR
ON A PROVISIONAL BASIS**

WHEREAS, Nate Smith is currently employed part-time with the City of Beacon Recreation Department; and

WHEREAS, there is currently a vacancy for an Assistant Recreation Director position in the City of Beacon and there is no appropriate Civil Service eligible list for this title; and

WHEREAS, Nate Smith otherwise meets the qualifications for the position of Assistant Recreation Director; and

WHEREAS, the Mayor has appointed Nate Smith to the position of Assistant Recreation Director on a provisional basis retroactive to Monday, July 18, 2016; and

WHEREAS, the City Council wishes to approve the Mayor's appointment of Nate Smith to the position of Assistant Recreation Director on a provisional basis retroactive to Monday, July 18, 2016;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City Council approves the Mayor's appointment of Nate Smith to the position of Assistant Recreation Director on a provisional basis retroactive to Monday, July 18, 2016; and

IT IS FURTHER RESOLVED that such appointment shall not exceed nine (9) months from its effective date.

| Resolution No. _____ of 2016 | | Date: <u>July 25, 2016</u> | | | | | |
|--|--------|--|-----|--|---------|--------|--------|
| <input type="checkbox"/> <input type="checkbox"/> Amendments | | <input type="checkbox"/> 2/3 Required | | | | | |
| <input type="checkbox"/> <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 | | | | | |
| | | Pamela Wetherbee | | | | | |
| | | Peggy Ross | | | | | |
| | | Mayor Randy J. Casale | | | | | |
| | | Motion Carried | | | | | |

**City of Beacon Council Agenda
8/1/2016**

Title:

Real Estate

Subject:

Background: