



CITY OF BEACON, NEW YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508

Mayor Randy Casale

Councilmember Lee Kyriacou, At Large

Councilmember George Mansfield, At Large

Councilmember Terry Nelson, Ward 1

Councilmember John E. Rembert, Ward 2

Councilmember Jodi M. McCredo, Ward 3

Councilmember Amber J. Grant, Ward 4

City Administrator Anthony Ruggiero

February 20, 2018  
7:00 PM  
City Council Agenda

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**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.

**Community Segment:**

- Beacon Nutrition Advisory Committee
- Jimmy Malcolm - Sisters in the Brotherhood Pre-Apprenticeship Program

**Public Hearings:**

- Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)
- Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning Public Notice Signs

**Reports:**

- Council Member Amber J. Grant
- Council Member John E. Rembert
- Council Member Lee Kyriacou
- Council Member George Mansfield
- Council Member Jodi M. McCredo
- Council Member Terry Nelson
- City Administrator, Anthony Ruggiero
- County Legislators
- Mayor Randy Casale

**Local Laws and Resolutions:**

1. Resolution to adopt local law to amend Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development (FCD) District
2. Resolution to adopt a local law to amend Chapter 223, Section 61.3 to the Code of the City of Beacon, concerning Public Notice Signs
3. Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to amend Chapter 106, Article of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon
4. Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal
5. Resolution to schedule a public hearing on April 2, 2018 to receive public comment on a proposed local law to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation.
6. Resolution to schedule a public hearing for April 2, 2018 to receive public comment on a proposed local law to create Section 223-26.4 of the Code of the City of Beacon concerning Short-Term Rentals
7. Resolution authorizing settlement of Iannarrelli tax certiorari, 2 Williams Street

**Approval of Minutes:**

- Approval of Minutes from February 5, 2018

**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.

**Adjournment:**

**City of Beacon Council Agenda  
2/20/2018**

**Title:**

**Beacon Nutrition Advisory Committee**

**Subject:**

**Background:**

**City of Beacon Council Agenda  
2/20/2018**

**Title:**

**Jimmy Malcolm - Sisters in the Brotherhood Pre-Apprenticeship Program**

**Subject:**

**Background:**

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Fishkill Creek Development District (FCDD)**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL FCDD 2 acres	Backup Material
SEQRA_FCD_bulk_reg	Backup Material
DCPB comments FCD bulk regs	Backup Material
COB PB comments FCD bulk regs	Backup Material

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND  
CHAPTER 223, SECTION 41.14 OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development (FCD) District.

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

**SECTION 1.** Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon is hereby amended as follows:

§ 223-41.14 Bulk Regulations

- A. Minimum size of FCD site: ~~four~~ two acres. Notwithstanding the above, the owner of less than ~~four~~ two acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed Fishkill Creek development project.

**SECTION 2.** Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 223 Section 41.14 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**SECTION 3.** 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 4.** Effective Date

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

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
City of Beacon			
Name of Action or Project: Local Law concerning bulk regulations in the Fishkill Creek Development District			
Project Location (describe, and attach a location map): Fishkill Creek Development District in the City of Beacon, Dutchess County			
Brief Description of Proposed Action: The proposed local law amends Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon to reduce the minimum size of a parcel in the Fishkill Creek Development District from four acres to two acres.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 8145-383-5000	
		E-Mail: Beaconcityclerk@cityofbeacon.org	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12509
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.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			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>City of Beacon</u>		Date: <u>1/10/18</u>
Signature: <u>By its ATorney, Keane &amp; Beane, P.C., Drew Victoria Gamils</u>		

**CITY OF BEACON  
One Municipal Plaza  
Beacon, New York 12508  
(845) 838-5000**

**Narrative of Purpose for Legislative Enactment of  
“Local Law to amend Chapter 223, Section 41.14, Subsection A of the Code of the  
City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development  
(FCD) District”**

Short Environmental Assessment Form – Question #1

The purpose of this local law is to amend the Zoning Code of the City of Beacon to reduce the minimum size required for a parcel in the Fishkill Creek Development (FCD) District from four acres to two acres. The City Council is currently considering various changes to the City’s Zoning Code to address the City’s needs and concerns in relation to sustainable development. The local law amending Section 223-41.14 to set the minimum size of an FCD site to four acres will help to achieve the purpose of the FCD District to encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek. By reducing the minimum size required, more projects may be approved or constructed as FCD projects. The adoption of this local law will not impact any environmental resources in the City. All Fishkill Creek development proposals will require concept plan approval by the City Council and site plan approval by the Planning Board.

**Agency Use Only [If applicable]**

<b>Project:</b>	FCD- Bulk Regulations
<b>Date:</b>	January 16, 2018

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The City Council is currently considering various changes to the City's Zoning Code to address the City's needs and concerns in relation to sustainable development. The local law amending Section 223-41.14 to set the minimum size of a Fishkill Creek Development District site from four acres to two acres will help to achieve the purpose of the FCD District to encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek. By reducing the minimum size required, more projects may be approved or constructed as FCD projects. However, sites will not automatically be included in the FCD District. The City Council will be required to pass a local law amending the City's Zoning Map to rezone parcels to include them in the FCD District. This will require the City Council to hold a public hearing and consider SEQRA. All Fishkill Creek development proposals are still required to obtain concept plan approval by the City Council and site plan approval by the Planning Board. Each individual project will be subject to SEQRA. Therefore, the proposed action will not result in a significant adverse environmental impact.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Beacon City Council	January 16, 2018
Name of Lead Agency	Date
Randy Casale	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

<b>Dutchess County Department of Planning and Development</b>	To	Date	# pgs
	Dept	From	
	Fax #	Phone #	

## 239 Planning/Zoning Referral - Exemption Communities

Municipality: City of Beacon

Referring Agency:  Planning Board  Zoning Board of Appeals  Municipal Board

Tax Parcel Number(s): \_\_\_\_\_

Project Name: LL Fishkill Creek District Bulk Regulations

Applicant: City Council

Address of Property: \_\_\_\_\_

- Parcel(s) within 500 feet of:**
- State Road \_\_\_\_\_
  - County Road \_\_\_\_\_
  - State Property (w/public building or recreation area)
  - County Property (w/public building or recreation area)
  - Municipal Boundary
  - Farm operation in an Agricultural District

- Actions Requiring 239 Review**
- Comprehensive/Master Plans
  - Zoning Amendments (standards, uses, definitions, district regulations, etc.)
  - Rezoning involving all map changes
  - Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
  - Site Plans (all)
  - Special Permits for all non-residential uses
  - Use Variances for all non-residential uses
  - Area Variances for all non-residential uses

- Exempt Actions\***  
**239 Review is NOT Required**
- Administrative Amendments (fees, procedures, penalties, etc.)
  - Special Permits for residential uses (accessory apts, home occupations, etc.)
  - Use Variances for residential uses
  - Area Variances for residential uses
  - Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals
  - Subdivisions / Lot Line Adjustments
  - Interpretations

\* Exempt Action submitted for informal review

Date Response Requested (if less than 30 days): \_\_\_\_\_

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

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

FOR COUNTY OFFICE USE ONLY

### Response from Dutchess County Department of Planning and Development

- |  |   |
|--|---|
| <p><b>No Comments:</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Matter of Local Concern</li> <li><input type="checkbox"/> No Jurisdiction</li> <li><input type="checkbox"/> No Authority</li> <li><input type="checkbox"/> Project Withdrawn</li> <li><input type="checkbox"/> Exempt from 239 Review</li> </ul> | <p><b>Comments Attached:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Local Concern with Comments</li> <li><input type="checkbox"/> Conditional</li> <li><input type="checkbox"/> Denial</li> <li><input type="checkbox"/> Incomplete — municipality must resubmit to County</li> <li><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</li> <li><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</li> </ul> |
|--|---|

Date Submitted: <u>1/18/18</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>1/18/18</u>		Referral #: <u>ZR18-014</u>
Date Requested: _____		
Date Required: <u>2/16/18</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>[Signature]</u>
Date Response Faxed: <u>2/2/18</u>		



# Memorandum

## *Planning Board*

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TO: Mayor Randy Casale and City Council Members

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

RE: Proposed Local Law Amending Chapter 223, Section 41.14 concerning Bulk Regulations in the Fishkill Creek Development District

DATE: February 15, 2018

As requested the Planning Board reviewed the proposed Local Law to amend Chapter 223, Section 41.14 concerning Bulk Regulations in the Fishkill Creek Development District to change minimum lot sizes from four to two acres. At their regular meeting on February 14, 2018 City Planner John Clark provided a detailed explanation of reasoning behind the proposed change. After careful consideration, members voted unanimously to recommend the proposed amendment as outlined. If you have any questions, please feel free to contact me.

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Public Hearing to receive public comment on a proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning Public Notice Signs**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
LL Sign Notice	Backup Material
COB PB comments Public Notice	Backup Material



**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

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

A LOCAL LAW to amend Chapter 223, Section 61.3 to the Code of the City of Beacon, concerning Public Notice Signs.

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

**SECTION 1.** Chapter 223, Section 61.3 of the Code of the City of Beacon entitled “Hearing Notice Requirements” is hereby amended as follows:

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

- A. The City shall submit a notice of public hearing ~~Notice of hearing shall be timely submitted to the official City newspaper for publication in said newspaper at least five days before such hearing. Prior to the public hearing, the applicant shall submit to the City a signed affidavit of publication setting forth the details of the publication, including the date of publication, name of the newspaper and a copy of the notice of hearing published. The applicant shall reimburse the City for the cost of such publication.~~
- B. Notice of hearing shall be sent by the applicant, by certified mail to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, to the adjoining property owner or owners to the rear of the property affected, and to all non-owner occupants of the property affected at least ten (10) days before the hearing. For purposes of notice, a property shall be deemed to have non-owner occupants when the primary owner mailing address on file with the City of Beacon Tax Assessor, is different than the property address. In such case, a notice shall be mailed to the property addressed to the occupant, and if a multifamily dwelling, then to all individual dwelling units on the property. Prior to the

public hearing, the applicant shall submit to the secretary of the applicable board City a signed affidavit of mailing setting forth details of the mailing, including date of mailing, names and addresses to whom the mailing was sent, a copy of the notice of hearing, and the certified mail receipts.

C. Public notice signs.

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

PUBLIC NOTICE

A PUBLIC HEARING FOR A [application type] APPLICATION WILL  
BE HELD BY THE CITY OF BEACON [City Council, Planning Board,  
or Zoning Board of Appeals]

ON [insert date] AT [insert time] P.M.

AT THE CITY OF BEACON CITY HALL,  
1 MUNICIPAL PLAZA, BEACON, NY

ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON  
BUILDING DEPARTMENT  
(845) 838-5026

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

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

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

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

## **SECTION 3.** 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 4.** Effective Date

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



# Memorandum

*Planning Board*

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TO: Mayor Randy Casale and City Council Members

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

RE: Proposed Local Law Amending Chapter 223 “Hearing Notice Requirements”

DATE: February 15, 2018

As requested the Planning Board reviewed the proposed Local Law to amend Chapter 223 with regard to public hearing notice requirements for Special Use Permits, Site Plan Approvals, and Variance appeals. A comprehensive review and discussion of the proposed amendment took place during their regular meeting on February 14, 2018. After considering the purpose of changing the requirement, members voted unanimously to recommend the proposed amendment as outlined. If you have any questions, please feel free to contact me.

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to adopt local law to amend Chapter 223, Section 41.14, Subsection A of the Code of the City of Beacon, concerning Bulk Regulations in the Fishkill Creek Development (FCD) District**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution FCD bulk regs	Resolution



**CITY OF BEACON**

**CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_\_ OF 2018**

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 223 OF THE CODE OF THE CITY OF BEACON CONCERNING BULK REGULATIONS IN THE THE FISHKILL CREEK DEVELOPMENT DISTRICT (FCDD)**

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

**BE IT FURTHER RESOLVED**, that the Beacon City Council hereby adopts a local law to amend Chapter 223 of the Code of the City of Beacon concerning bulk regulations in the Fishkill Creek Development District (FCDD).

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>February 20, 2018</u></b>					
<input type="checkbox"/> <input type="checkbox"/> <b>Amendments</b>		<input type="checkbox"/> <b>On roll call</b>				<input type="checkbox"/> <b>2/3 Required</b>	
<input type="checkbox"/> <input type="checkbox"/> <b>Not on roll call.</b>						<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Terry Nelson</b>					
		<b>John Rembert</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Jodi McCredo</b>					
		<b>Amber Grant</b>					
		<b>Mayor Randy Casale</b>					
		<b>Motion Carried</b>					

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to adopt a local law to amend Chapter 223, Section 61.3 to the Code of the City of Beacon, concerning Public Notice Signs**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution Public Notice Signs	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_ OF 2018**

**A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 223, SECTION 61.3 OF THE  
CODE OF THE  
CITY OF BEACON**

**BE IT RESOLVED**, that the Beacon City Council hereby adopts a local law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs.

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>2018</u></b>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call <input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		<b>Motion Carried</b>					



**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to amend Chapter 106, Article of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution schedule PH Sustainable Energy Loan Prgrm	Resolution
LL EnergizeNY Sustainable Loan Program	Backup Material



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_ OF 2018**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING ON MARCH 5, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 106, ARTICLE I OF THE CODE OF THE CITY OF BEACON**

**BE IT RESOLVED**, that the Beacon City Council hereby schedules a public hearing on March 5, 2018 to receive public comment about a proposed local law to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>2018</u></b>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call <input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
<b>Motion Carried</b>							

**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO  
AMEND CHAPTER 106, ARTICLE I OF THE CODE OF THE  
CITY OF BEACON**

A LOCAL LAW to amend Chapter 106, Article I of Code of the City of Beacon to amend the Sustainable Energy Loan Program in the City of Beacon.

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

**SECTION 1.** Chapter 106, Article I of the Code of the City of Beacon entitled “Energize NY Benefit Financing Program” is amended as follows:

**§106-1. Legislative findings, intent and purpose; authority; title**

- A. It is the policy of both the City of Beacon and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The City of Beacon finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of Renewable Energy Systems and Energy Efficiency measures. This chapter establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the City of Beacon pursuant to the municipal agreement to be entered into between the City of Beacon and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to Qualified Property Owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this article and fulfilling an important public purpose.
  
- B. The City of Beacon is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.

C. This article shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the City of Beacon”.

## **§ 106-2. Definitions**

For purposes of this article, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

### **AUTHORITY**

The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

### **EIC**

The Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the City of Beacon to implement the Energize NY Benefit Financing Program by providing funds to Qualified Property Owners (as defined in this article) and providing for repayment of such funds from monies collected by the City of Beacon ~~Tax Collector~~ tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the City of Beacon taxes.

### **ENERGY AUDIT**

A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

### **ENERGY EFFICIENCY IMPROVEMENT**

Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

### **QUALIFIED PROPERTY OWNER**

An owner of residential or commercial real property located within the boundaries of the City of Beacon that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this article.

## **RENEWABLE ENERGY SYSTEM**

An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

## **RENEWABLE ENERGY SYSTEM FEASIBILITY STUDY**

A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

### **§ 106-3 Establishment of an Energize NY Benefit Financing Program**

- A. An Energize NY Benefit Financing Program is hereby established by the City of Beacon, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this article, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, tThe funds provided shall not exceed the lesser of: (i) 10% of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

### **§ 106-4. Procedures for eligibility**

- A. Any property owner in the City of Beacon may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the City of Beacon offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the City of Beacon, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in

~~Subsection A~~ of § 106-5 of this article. EIC may also request further information from the property owner where necessary to aid in its determination.

- C. If a positive determination on an application is made by EIC acting on behalf of the City of Beacon, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under § 106-6 of this article; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

### § 106-5. Application criteria

Upon the submission of an application, EIC acting on behalf of the City of Beacon, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. ~~(1)~~ The proposed property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- C. ~~(2)~~ The proposed energy efficiency improvements and/or renewable energy systems will generate an estimated annual cost savings greater than the annual charge payments; The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. ~~(3)~~ Sufficient funds are available from EIC to provide financing to the property owner;
- E. ~~(4)~~ The property owner is current in payments on any existing mortgage;
- F. ~~(5)~~ The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. ~~(6)~~ Such additional criteria, not inconsistent with the criteria set forth above, as the City of Beacon, or EIC acting on its behalf, may set from time to time.

### § 106-6. Opt-in: Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize NY Finance Agreement made by and

between the Qualified Property Owner and EIC, acting on the behalf of the City of Beacon (the “Energize NY Finance Agreement”).

- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of City of Beacon, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of § 106-7 of this article have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under § **106-8** of this article.

### **§ 106-7. Energy audit, renewable energy system feasibility study**

- A. No funds shall be made available for energy efficiency improvements unless determined to be appropriate through an energy audit as defined in § **106-2**.
- B. No funds shall be made available for a renewable energy system unless determined to be feasible through a renewable energy system feasibility study as defined in § **106-2**.
- C. The cost of such energy audit and/or renewable energy system feasibility study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

### **§ 106-8. Terms and conditions of repayment**

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the City of Beacon, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their City of Beacon tax bill and shall be levied and collected at the same time and in the same manner as City of Beacon property taxes, provided that such charge shall be separately listed on the tax bill. The City of Beacon shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the City of Beacon ~~tax due date~~.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the City of Beacon.

- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the City of Beacon at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

**§ 106-9. Verification and report**

- A. EIC shall be responsible for verifying and reporting to the City of Beacon on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.
- B. The City of Beacon shall verify and report on the installation and performance of Renewable Energy Systems and energy efficiency improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

**SECTION 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 106 of the City of Beacon Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**SECTION 3. 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 4. Effective Date**

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





**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to schedule a public hearing for March 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of the Code of the City of Beacon, concerning Tree Preservation and Tree Removal**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to schedule public hearing_Tree Preservation	Resolution
Tree Preservation LL	Cover Memo/Letter



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_ OF 2018**

**A RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR MARCH 5, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO ADD CHAPTER 202 TO THE CODE OF THE CITY OF BEACON AND AMEND CHAPTER 204 OF THE CODE OF THE CITY OF BEACON CONCERNING TREE PRESERVATION AND TREE REMOVAL**

**BE IT RESOLVED**, that the Beacon City Council hereby schedules a public hearing for March 5, 2018 to receive public comment on a proposed local law to add Chapter 202 to the Code of the City of Beacon and amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal.

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>2018</u></b>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call <input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
<b>Motion Carried</b>							

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO  
AMEND CHAPTER 204 OF THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to amend Chapter 204 of Code of the City of Beacon, concerning Tree Preservation and Tree Removal.

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

**SECTION 1.** Chapter 204 of the Code of the City of Beacon entitled “Sand and Gravel Excavation and Tree Removal” is amended as follows:

**ARTICLE I. DEFINITIONS**

§ 204-1 Definitions.

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

**APPLICANT**

Any individual or individuals, firm, partnership, association, corporation, company, organization or other legal entity of any kind, filing an application pursuant to this chapter.

**DBH (DIAMETER AT BREAST HEIGHT)**

The diameter or caliper of a tree measured at a point 4 ½ feet above ground, or at the highest measurable point of the remaining stump if less than 4 ½ feet, on the uphill side of the tree.

**DEAD TREE**

A tree that lacks vitality, is lifeless and without foliage

## **EXCAVATION or GRADING**

Excavation or grading by blasting or by use of power-assisted machinery or equipment. The excavation, grading, removal or processing of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind.

## **SLASHING OF TREES**

The cutting down, grubbing or other removal of any three or more live trees in any calendar year, when such trees are located within less than 100 feet of each other and have a caliper DBH of six inches or more at height of three feet above ground.

## **TREE**

A living, woody plant with an erect perennial trunk and a definitely formed crown of foliage.

## **TREE REMOVAL**

Any act which will cause a tree to be cut down or removed or to die within a one-year period.

## **TREE REMOVAL PERMIT**

A permit granted pursuant to the requirements of this chapter which allows the removal of one or more trees.

## **ARTICLE II. EXCAVATION AND GRADING PERMIT**

§ 204-2 ~~Regulated activities: temporary permit.~~ Excavation or Grading Permit.

Excavation or Grading activities on any lot are regulated under this article and are permitted only under an Excavation or Grading Permit granted by the Building Inspector.

~~On any lot, excavation, grading or removal of topsoil, clay, sand, gravel, rock or other earth materials; dumping, filling or depositing of such earth materials or fill of any kind; and slashing of trees are activities regulated under this chapter and are permitted only under a temporary permit granted by the City Engineer under §§ 204-3 through 204-9 or as one of the exemptions hereinafter specified. Within 20 days after the Building Inspector City Engineer has granted a temporary permit under this chapter, the City Council may, at its discretion, approve, modify and approve or disapprove the temporary permit. Any failure by the City Council to take action within said twenty-day period shall be deemed to be an approval by the City Council.~~

§ 204-3 ~~Application for temporary permit~~ Excavation or Grading Permit.

Before any ~~temporary~~ permit for Excavation or Grading shall be granted, a written application shall be submitted to the Building Department City Engineer, together with an application fee in accordance with the City of Beacon Fee Schedule, a cost estimate of the project and maps and plans, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the following:

- A. The area to be excavated or graded.
- B. Existing contour lines on the premises and proposed contour lines resulting from the intended excavation or removal, shown on a map drawn to a scale of not less than 100 feet to the inch and with a contour interval not to exceed two feet.
- C. Existing and proposed drainage on the premises.
- D. Existing state or federally regulated wetlands, rivers, streams or watercourses on or adjacent to the premises.
- E. Adjoining properties and streets.
- F. Proposed truck access to the property.
- G. Such additional information as the Building Inspector or City Engineer may deem necessary in order to decide upon such application.
- H. Erosion and sediment control to be employed during operations and restoration.

§ 204-4 Referral of application to City Engineer.

- A. Each application for an Excavation or Grading Permit shall be referred to the City Engineer by the Building Department within five days of the date of application. Within 30 days of the date of referral, the City Engineer shall forward its recommendation to the Building Inspector and shall indicate whether the application should be approve, disapproved or approved with modifications. The City Engineer shall take into consideration whether such excavation will result in the creation of any sharp declivities, pits or depressions, soil erosion or fertilize problems, decrease property values, create any drainage or sewerage problems or other considerations which would impair the use of the property in accordance with the Zoning Ordinance.
- B. The applicant is responsible for reimbursing the City for the cost of professional review fees in connection with an application submitted to the City in accordance with the procedure set forth in § 223-61.1.

§ 204-4~~5~~ Criteria for issuance of temporary permit for an Excavation or Grading Permit.

In acting on any application for an Excavation or Grading Permit, the Building Inspector shall take into consideration the recommendations of the City Engineer. The City Engineer Building Inspector may grant an temporary permit Excavation or Grading Permit for a limited period of time, not exceeding two years, if he or she shall determines find that such excavation will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values nor create any drainage or sewerage problems or other conditions which would impair the use of the property, in accordance with the Zoning Ordinance, and that such excavation will be in harmony with the general purpose and intent of the Zoning Ordinance, and if the City Engineer Building Inspector further finds that the temporary permit Excavation or Grading Permit to be granted is capable of being completed within the time provided in the permit.

§ 204-5 ~~6~~ Standards and conditions for issuance of a temporary permit for Excavation or Grading.

An temporary permit Excavation or Grading Permit shall be granted only subject to the following standards and conditions:

- A. That the premises shall be excavated and graded in conformity with the proposed contour plan, as approved.
- B. That slopes shall not exceed 30° to the horizontal or such lesser slope that the City Council may specify as necessary for the public health or safety, soil stability or for the reasonable use of the property after completion of the excavation.
- C. That no fixed machinery shall be erected or maintained in connection with the excavation and that no building shall be erected on the premises except temporary shelters for machinery and a field office.
- D. That there shall be no excavation or removal within 50 feet of any street or property line, except that, where the property to be excavated is considerably above street grade at the street line, removal may take place at a lesser distance from the street line if approved by the Building Inspector or City Engineer.
- E. That no regulated wetlands or required buffers be disturbed without proper state or federal approvals and that there shall be no sharp declivities, pits or depressions and that proper drainage will be provided to avoid stagnant water, soil erosion and water pollution.
- F. That after excavation or removal, the premises shall be cleared of debris within the time provided in the permit.
- G. That the top layer of arable soil for a depth of six inches shall be set aside and retained on the premises and shall be respread over the premises and that a suitable

ground cover shall be planted and grown to an erosion-resistant condition, upon the completion of the excavation or removal, in accordance with the approved contour lines, and that such work shall be completed within the time provided for in the permit.

- H. If required by the Building Inspector or City Engineer, that the area to be excavated or a portion thereof shall be enclosed within a fence of such type, height and location as the Building Inspector ~~City Engineer~~ may specify.
- I. That the Building Inspector or City Engineer may establish a schedule to be filed with the records of such application and ~~temporary permit~~ Excavation or Grading Permit showing limitations on the day of the week or the hours of the day during which any work may be performed on the premises; limitations as to the size and type of machinery to be used on the premises; place and manner of disposal of excavated material; and requirements as to the control of dust, noise and lighting, if permitted, so as to prevent results injurious or offensive to the general public.
- J. That the Building Inspector ~~City Engineer~~ may require the applicant to submit periodic reports, prepared by and bearing the seal of a land surveyor or professional engineer licensed to practice in the State of New York, showing the status and progress of the excavation, and may require the applicant to pay to the City an inspection fee in an amount deemed necessary by the Building Inspector or City Engineer to defray the cost of inspection of the operation.

§ 204-6-7 Performance bond.

The applicant shall file with the City Clerk a performance bond, in form and with surety acceptable to the City Council, in such amount as the Building Inspector or City Engineer may deem sufficient to insure the faithful performance of the work to be undertaken.

§ 204-7 8 Revocation or suspension of Excavation or Grading Permit ~~temporary permits~~.

Any ~~temporary permit~~ Excavation or Grading Permit issued pursuant to the provisions of this ~~article~~ chapter may be revoked by the Building Inspector ~~City Engineer~~, after written notice to the applicant, notice, in writing, and a hearing, for violation of any conditions of the ~~temporary permit~~ Excavation or Grading Permit; violation of any provision of this ~~article~~ chapter, or any other law or ~~other~~ regulation relating to the work permitted; or the existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of another. Written notice shall be served by registered mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

- ~~A. Notice. The notice shall describe the violation charged and may be either delivered personally or mailed postage prepaid to the address appearing on the application.~~



~~B. Suspension. Any temporary permit may be suspended for cause by the Building Inspector for a period not exceeding five days without a hearing. All work under any special permit shall be suspended following notice of hearing to revoke as provided for in this section.~~

§ 204-8 ~~9~~ Exemptions.

~~An temporary permit~~ Excavation or Grading Permit is not required for conduct of one or more of the aforesaid regulated activities in the following cases, provided that the activity is conducted and completed in such a manner as to cause no danger to the public health and safety and no stagnant water, soil erosion, sedimentation, water pollution, excessive drainage runoff or flooding problems:

- A. In connection with a bona fide landscaping or other site improvement on a lot, provided that no fill is deposited within a watercourse, water body, swamp or other wetlands, and provided that disturbed areas are properly graded and reseeded or otherwise planted.
- B. In connection with the grading of land in or the construction and installation of roads, drainage and other improvements in a subdivision plat granted final approval by the Planning Board and only in accordance with plans as approved by the Planning Board.
- C. In connection with the construction, reconstruction, enlargement, moving or structural alteration of a building or other structure, including construction and installation of site improvements related thereto, for which an application for a certificate of occupancy and/or building permit shall have been approved by the Building Inspector, and only in accordance with plans accompanying such approved application or permit.
- D. In connection with a bona fide farming or forest management operation.
- ~~D. In connection with a bona fide landscaping or other site improvement on a lot, provided that no fill is deposited within a watercourse, water body, swamp or other wetlands, and provided that disturbed areas are properly graded and reseeded or otherwise planted.~~

§ 204-9 ~~10~~ Penalties for offenses.

Any person who shall violate any provision of this ~~article chapter~~ shall be liable to a fine of not more than ~~\$2350~~ or imprisonment for not exceeding 15 days, or both such fine and imprisonment.

## ARTICLE III TREE REMOVAL PERMITS

§ 204-12. Tree removal permit required; approving authority.

- A. A tree removal permit will be required when Slashing of Trees is proposed or occurs.
- B. The approving authority for all applications under this article shall be the Building Inspector except where tree cutting or removal is proposed in connection with any site plan, subdivision approval, or special use permit approval submitted to the Planning Board, trees shall be cut or removed from the subject property only in conjunction with an approved final subdivision plat, final site plan, or final special use permit approval, in which case a separate tree removal permit shall not be required.
- C. The Building Inspector shall issue the permit, after consulting with the City Engineer and when deemed necessary, the City Arborist, upon finding that removal of the tree is being done in a manner and with the imposition of conditions deemed necessary, so as to ensure control of erosion and sediment and prevent damage to the property and adjoining property.

§ 204-13. Tree Committee

The Mayor shall appoint, subject to confirmation of the City Council, a five (5) member Tree Committee, with each person serving a two year term. The initial terms shall be staggered such that two (2) members are appointed to a one year term and three (3) to a two year term. One member shall be from the Conservation Advisory Committee and one member shall be an arborist. The Mayor shall appoint the Chairperson. The Tree Committee shall meet as requested by the Mayor or Building Inspector for such purposes as they direct.

§ 204-14 Penalties for offenses.

- A. Any person, firm, corporation, or other entity who or which undertakes any regulated activity without a tree removal permit required by this article or who violates any condition attached to a tree removal permit, or who otherwise violates any of the provisions of this article shall be guilty of an offense punishable by a fine of not more than \$350. Each tree cut or removed without a tree removal permit required by this article or in violation of any condition attached to a tree removal permit or otherwise in violation of this article shall constitute a separate offense subject to the \$350 penalty. For a second and each subsequent violation within a one-year period, the violator shall be guilty of an offense punishable by a fine of not more than \$1,000 or a term of imprisonment of not more than 15 days, or both. In addition, the court may order or direct a violator to replace any or all trees cut or removed illegally, with a size and type of native tree (s) selected by the Building Inspector, who shall consult with the Tree Committee as to the number, size and type of tree and the location to be planted on the affected property or public property. The court shall specify a

reasonable time for the completion of such restoration, which shall be effected under the supervision of the Building Inspector.

- B. Each violation of the provisions of this article shall be a separate and distinct offense, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

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

Except as specifically modified by the amendments contained herein, Chapter 204 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

## **SECTION 3. 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 therefrom.

## **SECTION 4. Effective Date**

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

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to schedule a public hearing on April 2, 2018 to receive public comment on a proposed local law to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation.**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution PH Historic preservation	Resolution
Historic Preservation LL	Cover Memo/Letter



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_ OF 2018**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR APRIL 2, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 134 AND CHAPTER 223, SECTION 24.7 OF THE CODE OF THE CITY OF BEACON HISTORIC PRESERVATION**

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby schedules a public hearing to receive public comment on a proposed Local Law to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation.

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>2018</u></b>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call <input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
<b>Motion Carried</b>							

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2018

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND  
CHAPTER 134 AND CHAPTER 223, SECTION 24.7 OF THE CODE OF  
THE  
CITY OF BEACON

A LOCAL LAW to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation.

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

**Section 1.** Chapter 134 of the Code of the City of Beacon entitled “Historic Preservation” is hereby amended as follows:

§ 134-1. Purpose.

There exist within the City of Beacon landmarks, structures, buildings and districts of special historic significance which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation.

§ 134-2. Historic District.

- A. ~~A~~ Historic District and Landmark Overlay Zone (HDLO) is hereby established for the purposes of encouraging the protection, enhancement, perpetuation and use of buildings and structures and appurtenant vistas having special historical or aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
- B. For the purposes of this chapter, the landmarks and the boundaries of such zone are established as shown on a map entitled "Historic District and Landmark Overlay Map,"

which is hereby incorporated as a part of this chapter and is attached hereto as Exhibit A.

§ 134-3. Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

**ALTERATION**

Any act or process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, restoration, renovation, reconstruction, demolition, moving or removal of any structure.

**CERTIFICATE OF APPROPRIATENESS**

A certificate issued by the Planning Board indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within an historic district.

**CERTIFICATE OF ECONOMIC HARDSHIP**

A certificate issued by the Zoning Board of Appeals authorizing an alteration, construction, removal or demolition even though a certificate of appropriateness has previously been denied.

**CONSTRUCTION**

The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a lot or parcel.

**DEMOLITION**

Any act or process that destroys in part or in whole a landmark or a structure within an historic district.

**EXTERIOR ARCHITECTURAL FEATURES**

The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other features visible from a public way, public property or any part of any public building.

## **HISTORIC DISTRICT**

An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

## **LANDMARK**

A property or structure designated as a "landmark" by action of the City Council in enacting this chapter that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon.

## **OWNER OF RECORD**

The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.

## **REPAIR**

Any change that is not construction, removal or alteration.

## **STRUCTURE**

Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.

§ 134-46.-Designation of landmarks or historic districts.

- A. The City Council may act upon its own initiative or upon petition from the owner of a proposed landmark, site, structure or property, the Planning Board, or historic preservation committee, to consider designation of a historic district or historic landmark, site, structure or property. All designated historic districts and landmarks shall be included in the HDLO. The City Council hereby designates the individual properties as landmarks as shown on the accompanying Historic District and Landmark Overlay Map because they:
- B. The City Council shall, upon investigation as it deems necessary, make a determination as to whether a proposed district or landmark meets one or more of the following criteria:
  - (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;



- (2) ~~Are~~ Is identified with historic personages or with important events in national, state or local history;
- (3) ~~Embody the distinguishing characteristics of an architectural style;~~ Embodies distinguishing characteristics of an architectural-type specimen, inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship;
- (4) ~~Are~~ Is the work of a designer whose work has significantly influenced an age; or
- (5) ~~Because of unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood.~~
- (5) Qualifies for inclusion on the State or National Registers of Historic Places.

~~B. The City Council hereby designates the group of properties shown on the attached map as a historic district because they:~~

- (1) ~~Contain properties which meet one or more of the criteria for designation of a landmark; and~~
- (2) ~~By reason of possessing such qualities, constitute a distinct section of the City.~~

B. Notice of a proposed designation shall be sent by certified mail or personal delivery ~~regular mail~~ to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.

C. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least fourteen (14) calendar days prior to the date of such hearing.

D. The City Council shall hold a public hearing prior to designation of any landmark or historic district. The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.

E. In determining whether or not to designate a new historic landmark, the City Council shall consider the factors listed in § 134-6.B and any testimony or evidence presented during the public hearing.

- F. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing. If the City Council fails to act within sixty (60) days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super majority vote of five (5) Council members is necessary to designate a new historic landmark if the property owner objects to such designation.
- G. The City Council shall forward notice of each property designated as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation.
- H. A list of designated properties shall be maintained on file with the City Clerk and shown on the City of Beacon Zoning Map.

§ 134-~~5~~<sup>42</sup>. Uses permitted by special permit.

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates the uses which may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone, and the process by which such uses may be permitted.

§ 134-~~6~~<sup>4</sup> Certificate of appropriateness.

No person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property, or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district. Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within an historic district which does not involve a change in design, material or outward appearance.

§ 134-~~7~~<sup>5</sup> Criteria for approval of a certificate of appropriateness or special permit in the HDLO.

- A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:

- (1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.

- (2) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.
- (3) The ~~general~~ compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.

B. In applying the principle of compatibility, the City Council or Planning Board shall consider use the following factors standards for new structures, additions, or alterations in the HDLO:

- (1) The ~~general~~ design, character, and appropriateness to the property of the proposed alteration or new construction.
  - (a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent HDLO structures or historic buildings in the surrounding area.
  - (b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.
  - (c) The intent is to reinforce and extend the traditional patterns of the HDLO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.
  - (d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent HDLO properties and the historic characteristics of the sidewalk and streetscape.
  - (e) Parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views.
- (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
  - (a) Any addition that is deemed necessary to an historic structure shall be placed toward the rear, or at least recessed, so that character-defining features are not damaged or obscured and so that the historic structure remains more prominent than the subsidiary addition.
  - (b) The height of any new building facades in the HDLO shall reflect the typical heights of adjacent historic structures.

- (c) Larger buildings or additions shall incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.
- (3) ~~Texture and materials~~ Architectural and site elements and their relation to similar features of other properties in the ~~neighborhood~~ HDLO.
- (a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.
- (b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features shall not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
- (c) Deteriorated building features shall be repaired rather than being replaced and, if not repairable, shall be replicated in design, materials, and other historic qualities.
- (d) New buildings in the HDLO shall have a top-floor cornice feature and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.
- (e) Architectural features and windows shall be continued on all sides that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.
- (f) New HDLO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.
- (g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.
- (h) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, smooth-finished fiber-cement siding, or other materials deemed acceptable by the approving body. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic rough-cut stone, synthetic brick, synthetic stucco, exterior insulation and finishing system (EIFS), direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

- (i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.
- (j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

§ 134-8.7. Certificate of appropriateness application procedure.

- A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:
  - (1) The name, address and telephone number of the applicant.
  - (2) ~~Sketches or other~~ Scaled drawings showing the proposed changes.
  - (3) Descriptions or samples of materials to be used.
  - (4) ~~(Where the proposal includes signs or lettering,)~~ a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.
  - (5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.
- B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon.
- C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.
- D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.
- E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-

61.2.B. Failure by the Planning Board to take action within the prescribed period of time shall constitute approval.

- F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.

§ 134-28. Hardship criteria and application procedure.

- A. An applicant whose certificate of appropriateness ~~for a proposed demolition~~ has been denied may apply ~~for relief~~ to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B. on the grounds of hardship. In order to prove the existence of hardship, the applicant must establish that:
- B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.
- C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:
  - (1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and
  - (2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
  - (3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- ~~B. The applicant whose certificate of appropriateness for a proposed alteration has been denied may apply for relief to the Zoning Board of Appeals on the ground of hardship.~~
- D. The Zoning Board shall take into consideration the economic feasibility of alternatives to removal, alteration or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.
- E. ~~C.~~ The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application. ~~The Zoning Board's review of said hardship application shall be in accordance with the procedures set forth in § 223-~~

~~55C of Chapter 223, Zoning.~~ Failure by the Zoning Board of Appeals to take action within the prescribed period of time shall constitute approval of the application.

- F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.

§ 134-10 ~~9~~. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 134-11 ~~40~~. Penalties for offenses.

- A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.
- B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 134-12 ~~44~~. Fees.

- A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.
- B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.

§ 134-13. Assessment abatement.

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

~~§ 134-14. Additional areas.~~

In accordance with § 134-6, the following landmarks, properties and/or historic districts are added:

A. ~~Properties added 5-17-1999 by L.L. No. 1999:~~

<b>Parcel I.D.</b>	<b>Location</b>	<b>Owner Name</b>
6054-13-126252	250 Howland Avenue	University Settlement Camp Society of New York
6054-17-047180	300 Howland Avenue	Craig House
6054-17-025161	310 Howland Avenue	Stephen Fleming and Donna Landstreet
6054-17-075135	330 Howland Avenue	Scenic Hudson
A portion of 6054-14-259407 as shown on map <sup>H</sup>	150 Howland Avenue	Beacon Hills Development Corporation

B. ~~The following landmarks and districts are hereby added to the Historic District and Landmark Overlay Zone. The attached map, entitled Proposed Additions to Historic District and Landmark Overlay Zone, and dated May 12, 2006, shows the respective location of each of the following:~~

- ~~(1) Gateway to Mt. Beacon Park (Mount Beacon Incline Property; on National Register).~~
- ~~(2) Peter Dubois House, 36 Slocum Road; on National Register.~~
- ~~(3) Old Matteawan State Hospital buildings and grounds.~~
- ~~(4) Fountain Square (East Main Street), including Leonard Street (Alice Judson House, Dr. Jennings/Leonard House, Catholic Church).~~
- ~~(5) Byrnesville Cemetery, South Avenue (purported burial ground of Roger Brett).~~
- ~~(6) H. W. Sargent's "Wodenethe": two gatehouses, South Avenue and Wodenethe Drive.~~
- ~~(7) Methodist Cemetery, North Walnut Street.~~
- ~~(8) Old stone houses (2), Overlook Avenue near Stone Street (houses date back to late 18th Century).~~
- ~~(9) Old Tioronda Hat Shop and Madam Brett Park (site of original Brett mill), South Avenue, dates to 1879.~~



- ~~(10) — Peter Schenek House, adjoining Tallix property, Blackburn Avenue — Schenek Estate.~~
- ~~(11) — Russell Avenue, from First Street to Union Street, cluster of historic homes; 1st Highland Hospital; Mayor Russell’s House; Ticchurst Home dates to 1840s (excluding 40 Russell Avenue).~~
- ~~(12) — Calvert Vaux House, South Avenue.~~
- ~~(13) — Chrystie House, South Avenue.~~
- ~~(14) — 1 East Main.~~
- ~~(15) — 10 East Main~~
- ~~(16) — South Street (excluding 32 South Street).~~
- ~~(17) — North Street (excluding 19 North Street).~~
- ~~(18) — St. Joachim’s Church and Old Cemetery.~~
- ~~(19) — St. John’s Church.~~
- ~~(20) — AME Zion Church, Academy Street.~~
- ~~(21) — Springfield Baptist Church, Mattie Cooper Street Square.~~
- ~~(22) — Fairview Cemetery. Washington Avenue.~~
- ~~(23) — Northwest corner of Teller and Rombout Avenues, 2nd Empire brick home.~~

~~C. Property added May 17, 2010, by L.L. No. 5 of 2010:~~

<del>Parcel I.D.</del>	<del>Location</del>	<del>Owner Name</del>
<del>130200-6054-21-065896</del>	<del>211 Fishkill Avenue</del>	<del>Beacon School District</del>

**SECTION 2.** Chapter 223, Section 24.7, Subsection D of the Code of the City of Beacon is hereby amended as follows

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

...

D. Findings

- (1) The City Council must make the following findings before special permit approval is granted:
  - (a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
  - (b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
  - (c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
  - (d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.
- (2) These standards shall be in addition to the general special permit standards set forth in § 223-18 of this chapter and the standards set forth in §.134-7.

### **Section 3. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 134 and Chapter 223 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

### **Section 4. 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 5. Severability**

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

illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

**Section 6. Effective Date**

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

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution to schedule a public hearing for April 2, 2018 to receive public comment on a proposed local law to create Section 223-26.4 of the Code of the City of Beacon concerning Short-Term Rentals**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to schedule public hearing_short term rentals	Resolution



**CITY OF BEACON  
CITY COUNCIL  
RESOLUTION NO. \_\_\_\_ OF 2018**

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR APRIL 2, 2018 TO RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO CREATE SECTION 223-26.4 OF THE CODE OF THE CITY OF BEACON CONCERNING SHORT-TERM RENTALS**

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby schedules a public hearing on April 2, 2018 to receive public comment on a proposed Local Law to create Section 223-26.4 of the Code of the City of Beacon concerning Short-term Rentals.

<b>Resolution No. _____ of 2018</b>		<b>Date: <u>2018</u></b>					
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call <input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required					
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
<b>Motion Carried</b>							

**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Resolution authorizing settlement of Iannarelli tax certiorari, 2 Williams Street**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Iannarelli tax cert reso	Resolution
Letter_Iannarelli_tax_cert	Backup Material

**RESOLUTION RE: CERTIORARI SETTLEMENT -  
Mtr. of Iannarelli v. City of Beacon, et al.  
(Sup. Ct. Dutchess Co. Index No. 51762/17) -  
SETTLEMENT OF 2017 TAX CERTIORARI PROCEEDING**

**WHEREAS**, a tax certiorari proceeding entitled *Mtr. of Iannarelli v. City of Beacon, et al.*, (Sup. Ct. Dutchess Cty. Index No. 51762/17, *et seq.*), is pending before the Supreme Court, Dutchess County (Hon. James V. Brands, J.S.C., presiding); and

**WHEREAS**, this proceeding involves the 2017 real property tax assessment of a homestead parcel located at 2 William Street, which is designated as Parcel No. 6054-48-399604 on the Tax Map of the City of Beacon; and

**WHEREAS**, a settlement has been reached by and between Petitioner Mary Iannarelli and the City of Beacon providing for a voluntary disposition of this proceeding; and

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

**WHEREAS**, under the settlement terms, the City will be liable for a City tax refund equaling Seven Hundred Twenty-Two and 38/100 (\$722.38) Dollars;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council accepts the settlement of this proceeding so that the following adjustment is made to the 2017 assessment of the aforementioned tax parcel:

<u>Year</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
2017	\$251,100	\$165,000	\$86,100

**BE IT FURTHER RESOLVED**, that counsel for the City of Beacon, Keane & Beane, P.C., together with the City Administration, is hereby authorized to undertake such actions as are necessary to confirm and effectuate this settlement, including execution of the Consent Judgment incorporating the settlement terms.

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required			
<input type="checkbox"/> Not on roll call.					<input type="checkbox"/> 3/4 Required		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							

**Attorney-Client Correspondence  
Privileged and Confidential  
Exempt From FOIL Disclosure**

February 1, 2018

Mr. Anthony Ruggiero  
City Administrator  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: *Mtr. of Iannarelli v. City of Beacon, et al.*  
(Sup. Ct. Dutchess Co. Index No. 51762/17)

Dear Anthony:

I write to present a proposed settlement of the above-referenced tax certiorari proceeding. This litigation is limited to one year (2017) and involves a residential/homestead parcel that was the subject of prior litigation. The prior litigation resulted in an adjusted 2016 assessment of the property involved in this case to a value of \$165,000. It is recommended that the 2017 proceeding be settled based upon this same value. The financial impact upon the City equals \$722.38.

This proceeding involves a residential parcel located at 2 William Street, which is designated as Parcel No. 6054-48-3996204 on the Tax Map of the City of Beacon. It was assessed at \$251,100 in 2017. This parcel was acquired by the petitioner-property owner, Ms. Mary Iannarelli, in March 2014 at a purchase price of \$105,000.

The 2015 and 2016 assessments at issue in the prior litigation equaled \$239,000 and \$243,000, respectively. In these earlier proceedings, Ms. Iannarelli contended these assessments should be reduced to the \$105,000 purchase price. As a result of an examination of this prior sale (including its distressed condition at that time), and improvements that had been made after it had been conveyed, the prior litigation was settled. The settled 2016 assessed value placed upon this parcel equaled \$165,000.

In 2017, the assessment was raised to \$251,100. This revised assessment was based upon market trends and assumptions concerning improvements made to these premises. Ms. Iannarelli, by her attorney, contested the 2017 assessment as excessive. Based upon an examination of the property, and consideration of the prior



Mr. Anthony Ruggiero  
City Administrator  
February 1, 2018  
Page 2

settlement, it has been tentatively agreed that the 2017 assessment be reduced to the 2016 settled value of \$165,000. An analysis of this settlement is as follows:

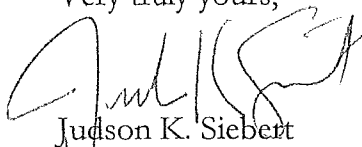
<u>Years</u>	<u>Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>	<u>Tax Rate</u>	<u>Refund</u>
2017	\$251,100	\$165,000	\$86,100	\$8.39	\$722.38

I recommend City Council approval of this settlement. It will dispose of this case in exchange for a payment far less than the legal fees and costs that would be incurred in continuing to undertake pre-trial tasks and those that would be associated with a trial to defend the contested assessment. The settled value is equal to the 2016 settled assessment, and the City Assessor may again address this assessment in 2018. In addition, the settlement provides for a waiver of any interest on the refund amount, provided the refund is paid within sixty (60) days after an entered Consent Judgment (effectuating the settlement terms) is served upon the City. Interest would be imposed, as a matter of law, if this case were to be decided by the Court.

Based upon this recommendation, a proposed approving Resolution is enclosed for the City Council's consideration.

Please contact me with any questions you may have with regard to this matter.

Very truly yours,



Judson K. Siebert

JKS/lt

Enclosure

cc: Ms. Kathy Martin, Assessor  
Nicholas M. Ward-Willis, Esq.

**RESOLUTION RE: CERTIORARI SETTLEMENT -  
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**City of Beacon Council Agenda**  
**2/20/2018**

**Title:**

**Approval of Minutes from February 5, 2018**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Minutes_February_5_2018	Minutes

**Regular Meeting**

These minutes are for the regular meeting of the Beacon City Council, held in the Municipal Center at One Municipal Plaza on January 16, 2018 at 7:00 PM. Please note that the video recording of this meeting is available at [www.cityofbeacon.org](http://www.cityofbeacon.org).

**Council Members Present:**

Lee Kyriacou, At Large  
George Mansfield, At Large  
Terry Nelson, Ward One  
John Rembert, Ward Two  
Jodi McCredo, Ward Three  
Amber Grant, Ward Four  
Randy Casale, Mayor

**Council Members Absent/Excused:****Also Present:**

Anthony Ruggiero, City Administrator  
Nick Ward-Willis, City Attorney

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*A moment of silence was observed for those who serve and have served in the United States military.*

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**First 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.

**Speakers:**

Samantha Britton  
Rob Lieblein  
Pat Kelleher  
Fred McVicker  
Elaine Ciaccio  
Arthur Camins  
Perry Pendleton  
Barbara McCaskill  
Lisa Marie Alvarez

**Community Segment**

- **Recognition of 25 and 50 year Volunteer Firefighters**
- **Energize NY**

**Presentations:****Resolution confirming the appointment of Jerry Landisi to the City of Beacon Board of Ethics**

Motion by Councilmember Mansfield, second by Councilmember McCrede  
7-0, motion carried.

**Resolution confirming the appointment of Matthew Dubetsky to the City of Beacon Parking and Traffic Safety Committee**

Motion by Councilmember Nelson, second by Councilmember Mansfield  
7-0, motion carried

**Resolution confirming the appointment of Ali Muhammad to the City of Beacon Human Relations Committee**

Motion by Councilmember Rembert second by Councilmember Nelson  
7-0, motion carried

**Appointment of Nicholas Durso as Laborer in the Highway Department**

Motion by Councilmember McCrede, second by Councilmember Rembert  
7-0, motion carried

**Resolution approving budget amendments**

Motion by Councilmember Mansfield, second by Councilmember McCrede  
7-0, motion carried

**Council Member Reports:**

**Amber Grant:** Reported on Green St Park vandalization. Thanked Anthony, Park and Police Departments for their speedy response. Community supports a community mural. Read letter from Noah Spodek encouraging Council and City to consider composting/zero waste recycling.

**John Rembert:** Warned public about the spread of flu and encouraged everyone to be mindful of spreading germs.

**Lee Kyriacou:** No report.

**George Mansfield:** Reported on Chevron-Texaco development meetings – there is a draft final report based on public input that should be available in approximately 2 months.

**Jodi McCrede:** Reported on people travelling in the wrong direction on Leonard and traffic issues on Grove Street.

**Terry Nelson:** Reported on traffic issues on Mackin Ave – with left-hand turns onto Mackin happening at high rates of speed. Also issues at Verplank and Cross with limited visibility when travelling North on Cross.

**Mayor Randy Casale:** Attended Opioid Forum on 1/20. Reported that the Beacon Police and Fire Departments saved a life the past weekend using Narcan. Reported the City of Beacon was awarded \$160K through a Community Development Block Grant to address sidewalk on Hubert to Fishkill Ave. Read a statement announcing National Salute to Veteran's week. Statement entered into record.

**Anthony Ruggiero:** Read an update from the Water Department which has been entered into record. Shared update following HVEA presentation – the “Abbey Road” style crosswalk would work and stay within the budget.

#### **Resolutions, Ordinances and Local Laws:**

- 1. Resolution granting waiver to provide affordable workforce housing**
  - \* Motion by Councilmember Grant, second by Councilmember Nelson
    - \* 7-0, motion carried.
- 2. Resolution authorizing settlement with Cornerstone Restoration for certain repairs to the City of Beacon Fire Station**
  - \* Motion by Councilmember Mansfield, second by Councilmember Nelson
    - \* 7-0, motion carried
- 3. Resolution Authorizing Entering into Subordination Agreement 6 State**
  - \* Motion by Councilmember Rembert second by Councilmember Mansfield
    - \* All in favor, motion carried
- 4. Resolution ratifying the memorandum of agreement between the IAFF and the City of Beacon**
  - \* Motion by Councilmember Nelson, second by Councilmember Rembert
    - \* 7-0, motion carried
- 5. Resolution approving budget amendments**
  - \* Motion by Councilmember McCredo, second by Councilmember Rembert
    - \* 7-0, motion carried

#### **Approval of Minutes**

Minutes from January 16, 2018

- \* Motion by Councilmember Nelson, second by Councilmember McCredo

**Second Opportunity for Public Comments:** Each speaker may have one opportunity to speak for up to three minutes on any subject matter on which the Council can take action.

#### **Speakers:**

Anthony Tseng  
Arthur Camins  
Dan Aymar-Blair  
Theresa Kraft  
Lisa Marie Martinez  
Josh McKible

**Adjournment:**

- \* Motion by Councilmember McCredo, second by Councilmember Grant
- \* All in favor, motion carried

Next Workshop: \*\*Tuesday February 13, 2018 at 7:00 PM

Next Meeting: \*\*Tuesday February 20, 2018 at 7:00 PM

*\*\*due to Monday holidays*

Please ~**PRINT**~ your name **CLEARLY** so we can spell it correctly in the record.

Thank you!

Please check:

PRINTED Name	General Comment	Public Hearing	Address	Preferred contact info
Sana Aha Bittker	✓		PO Box 5	
ROB LIEBORN	✓		16 ANGELA CT	
Pat McVicker	✓		15 Deerfield	
FRAN McVicker	✓		224 Liberty St.	
ELAINE CIACCIO	✓		54 N. Elm St.	
Arthur Camms	✓		39 Rumbolt	
JERRY LENDITON	✓		57 N. Walnut St.	
Barbara McCaskill	✓		7 Millholand Dr.	



City of Beacon – Drug plan

I have a some questions for the council tonight.

How many times a week do first responders need to administer Narcan in the City of Beacon?

Where is the closest Methadone clinic to the City of Beacon?

Where is the closest syringe exchange to the City of Beacon?

Where is the closest doctor who prescribes Saboxine or Methadone to the City of Beacon?

Do the lives of Drug using residents matter to the City of Beacon?

If yes, Why does the City of Beacon not have a drug plan?

Our nation has even declared this issue to be a public health crisis

Now is the time to ask yourself what can our city do to help fight the opioid epidemic?

On January 20<sup>th</sup> I attended an opium forum presented by NYS assemblyman Frank Skartados. It was at this forum that I discovered our city does not have a drug plan. Yet our residents are dying of drug overdoses. I have been to more funerals than I can count due to drug overdoses, I have seen our mayor Randy Casal at most If not all of them. We all know this drug is not discriminating against it's victims, it's attacking athletes, straight A students, soccer moms and those in the juvenile justice system. The reality is there is no way to tell who will fall victim to it next. Anyones child can be next, this drug has effected the lives of hundreds of City of Beacon residents and it is about time the City does something.

Personally I have seen terrible things at the hands of this drug, I have been a victim of domestic violence, I have pulled a needle out of the arm of someone passed out on the floor, I have cleaned out the bedroom of a friend who has passed because their mother could not, I have assisted in explaining to children why they wont see their parent again. On Jan 20<sup>th</sup> while I was at this forum I was trained in how to administer Narcan by, Hudson Valley Community Services. It took a total of 5 minutes for me to learn how to administer this life saving drug to someone who is over dosing. It was so easy I thought it would be a great idea if this city had free trainings available to city residents on a quarterly base or more. When 249 Main Street was bought the City of Beacon lost it's only out patient rehab, the Lexington center. Now the closest outpatient center is in Wappingers, for residents without readily available transportation there is no access.

*In Newburgh  
This city has caused  
me to see heart and do things  
I wouldn't wish on my worst  
enemy.*

I would like to request that the city workshop a drug plan for the City of Beacon and addresses these three points:

- 1) To find out how the city can get a needle exchange program and frequent Narcan trainings for the public- Potentially start by speaking with Hudson Valley Community Services
  
- 2) Find out how the city can get a methadone clinic- Potentially start by speaking with Cornerstone Family Healthcare
  
- 3) And ultimately put together a plan focusing on immediate stabilization and long term preventative care- potentially start by speaking with Team Newburgh and learning more about the initiative in their city.

Hudson Valley  
Community Services, Inc.

**Andrew Reid, MSc.ED.**  
ALERT Prevention Specialist

40 Garden Street, 4th Floor  
Poughkeepsie, NY 12601  
Direct: (845) 471-0707 ext. 13  
Fax: (845) 471-0857

areid@hudsonvalleycs.org  
www.hudsonvalleycs.org



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**Vincent J. Trunzo**  
Counselor  
vtrunzo@cornerstonefh.org

P: 845-220-2146 ~~xxxx~~  
F: 845-220-2121

3 Commercial Place  
Newburgh, NY 12550

x7426

[www.cornerstonefamilyhealthcare.org](http://www.cornerstonefamilyhealthcare.org)



PO Box 2266  
280 Broadway 4th floor  
Newburgh, NY 12550  
Phone: 845-569-0034 x15  
E-mail: regina.cieslak@archny.org



# CITY OF BEACON New York

WATER DEPARTMENT

845-831-3136

**To:** Anthony Ruggiero  
**From:** Edward Balicki  
**Date:** February 2, 2018  
**Re:** Stage II Drought Update

*1. Visible*

Please see the current reservoir levels recorded on January 31, 2018. The City's reservoirs are continuing to replenish with the recent snow storms and rain events. Cargill is 20 Ft below the spillway but with Melzingah back in service the Water Plant Operators have greatly reduced the water withdrawal from Cargill Reservoir, helping speed the recharge.

Cargill Reservoir is down 20 Ft  
Mt. Beacon is down 8 Ft  
Melzingah is full

The City is still in Stage II Drought based on our Emergency Action Plan and Source Depreciation. Once Mt. Beacon fully recharges and Cargill is 10 Ft below the spillway we will be able to lift the drought warning.

Respectfully,

Edward Balicki  
Chief Operator

Our Vision for the Police Department is first and foremost to ensure the safety of our residents and all who visit our community.

Lt. Fredericks and I have a combined 56 years of police experience, 47 years in the City of Beacon, we have literally been a part of, and witnessed, the revitalization of our City. We have dedicated a large portion of our lives to this police department and the residents of the City of Beacon and we take our responsibilities very seriously. We feel, through our years of experience in this police department that we have a unique perspective on the needs of the department and that of the public.

We will demand that our police officers live and work in accordance with the highest ethical standards and will foster consistent discipline to maintain our credibility with the community. We all wear the same uniform and when one of us fails to live up to these standards it is a reflection on all of us.

We will inspire and influence our subordinates by leading by example while fostering teamwork and mutual respect. We are connected to our subordinates in that we started here as police officers and understand the demands of being a "cop" specifically in the City of Beacon.

We will ensure that everyone receives respectful and dedicated service and will make sure everyone is treated with courtesy and professionalism. We will continue to emphasize community policing as we are strong believers in the partnership between the police and the public. We will continue to make our officers accessible to the public through Main St. foot patrols, city wide bike patrols, and encouraging our officers to get out of their cars to help put a "face behind the uniform".

We will continue to foster our relationships with other agencies in order to share services and resources to help combat crime, especially an increasingly problematic opioid epidemic.

To make this vision a reality, we must reward the hard work, ingenuity, and resourcefulness of our police officers and must continue to offer state-of-the-art training and career opportunities for advancement and retention.

We will make ourselves accessible to our government leaders and the public and will settle for nothing less than transparency.

We look forward to leading the City of Beacon PD into the next decade and we will work tirelessly to make our department an example for others to follow.