



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

April 16, 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.

Public Hearings:

- Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS); Amendments to the City of Beacon Comprehensive Plan update involving changes to the Central Main Street (CMS), Central Business (CB), Off-Street Parking (PB), R1-5, RD-4, Local Business (LB), General Business (GB), Light Industrial (LI) and Waterfront Park (WP); and Proposed Local Law to amend the Zoning Map of the City of Beacon
- Proposed local law to amend Chapter 223, concerning calculation of the Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts
- Application for Special Use Permit for the Edgewater Project, 22 Edgewater Place

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 appoint Kathleen Dawkins as Account Clerk Typist I, Step 1
2. Resolution to adopt a local law to amend Chapter 134 and Chapter 223, Section 24.7 of the Code of the City of Beacon Historic Preservation.
3. Resolution adopting a local law to amend Chapter 223 of the Code of the City of Beacon concerning calculation of the lot area per dwelling unit in the R1, RD, and Fishkill Creek Development Districts
4. Resolution to accept Comprehensive Water Supply Plan and incorporate into Comprehensive Plan
5. Resolution awarding Sludge Cake contract to Casella Organics
6. Resolution authorizing sale of an approximately 0.06 acre parcel of vacant land located on Wolcott Avenue
7. Resolution granting further extension of time to complete construction of a house at the Rosenethe Estates, LLC

Approval of Minutes:

- Approval of Minutes from April 2, 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.

Executive Session:

1. Executive Session: Advice of Counsel

Adjournment:

City of Beacon Council Agenda
4/16/2018

Title:

Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS); Amendments to the City of Beacon Comprehensive Plan update involving changes to the Central Main Street (CMS), Central Business (CB), Off-Street Parking (PB), R1-5, RD-4, Local Business (LB), General Business (GB), Light Industrial (LI) and Waterfront Park (WP); and Proposed Local Law to amend the Zoning Map of the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
CMS Draft LL 4.10.18	Backup Material
CMS Planner Memo	Backup Material
Comp Plan Amendments 3.19.18	Backup Material
LL Zoning Map 4.12.18	Backup Material

LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

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

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon regarding the Central Main District.

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

Section 1. Chapter 223 of the City Code, Article IVD entitled “Central Main Street (CMS) District,” is hereby amended as follows:

Chapter 223. Zoning - Article IVD. Central Main Street (CMS) District

§ 223-41.16 Purpose.

The purpose of this Article IVD is to preserve the traditional character of Main Street, particularly for buildings in the Historic District and Landmark Overlay (HDLO) zone, while also increasing the vitality, attractiveness, and marketability of Main Street, and the Central Business District by providing more flexibility of land use while maintaining and enhancing urban form as recommended in the City of Beacon Comprehensive Plan Update adopted on ~~December 17, 2007~~ April 3, 2017. This article promotes a vibrant, economically successful, and environmentally sustainable Main Street with a pedestrian-oriented public realm and mixed uses. ~~This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. See Figure 18-15: Main Street Infill Strategies Illustrative Sketch Plan, [1] adapted from the Appendix to the Comprehensive Plan.~~

~~[1] Editor's Note: See § 223-41.18L.~~

§ 223-41.17 Applicability and boundaries.

The provisions of this article apply to the area shown as the Central Main Street District (CMS) on the City of Beacon Zoning Map, ~~a portion of which is annexed hereto to amend said Zoning Map.~~ [1] All new uses of land and structures and changed uses of land and structures shall comply with this article. Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue, but any future expansion must conform to this chapter and may be expanded at the same height, provided that it is in conformity with all other dimensional requirements in the district. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

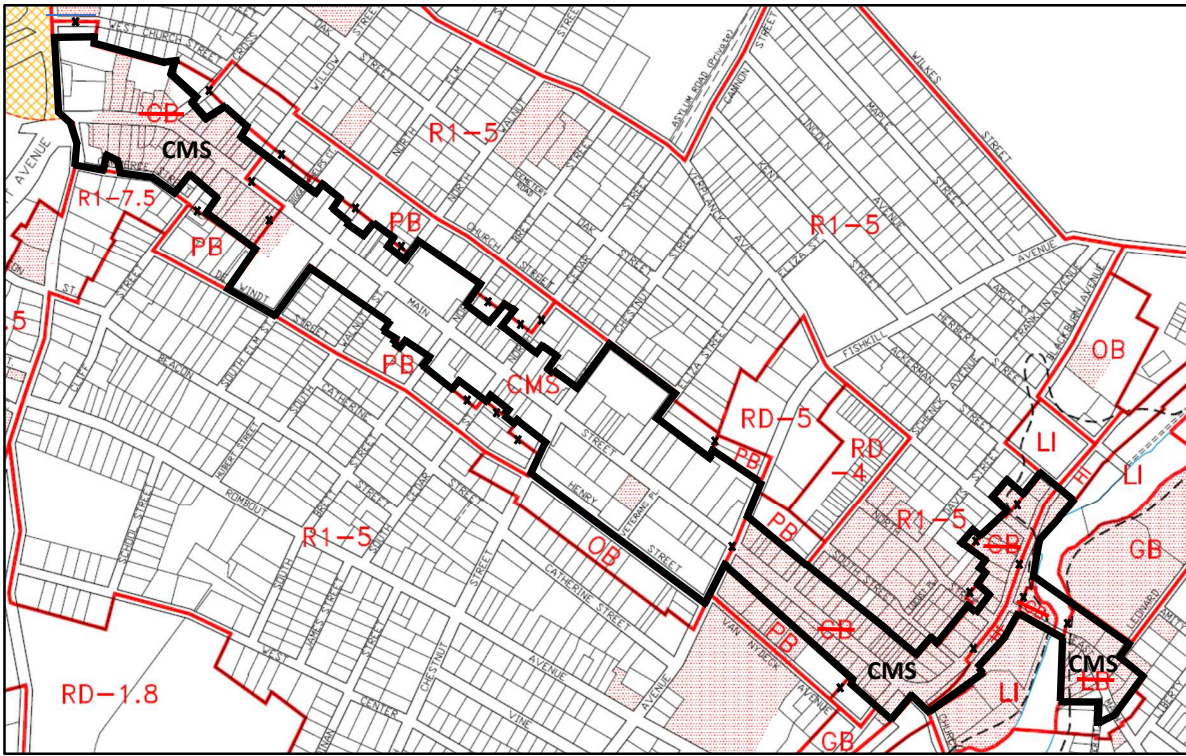


Figure 17-1: Central Main Street Zone Map

[1] Editor's Note: The Zoning Map is on file in the City offices.

§ 223-41.18 Regulations.

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

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they may shall only be located on upper stories or at least 35 50 feet behind the facade in the rear portion of a ground floor, along Main Street. The ~~limitations on~~ nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.
- (2) One-family, two-family, attached, and multifamily dwellings, provided that they do not have ground floor frontage on Main Street for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223-20, inn, or bed-and-breakfast establishment, subject to § 223-24.4.
- (4) Offices of any kind, including professional, medical, ~~or~~ business, and banks or other financial institutions.
- (5) Artist studio.
- (6) Art gallery.
- (7) Restaurant, coffee house, brew pub, and other establishments that serve food with or without alcoholic beverages, and are not a bar.

- (8) Food preparation business.
- (9) Retail and personal services.
- (10) Funeral home.
- (11) Off-street parking lot facilities, provided that ~~it is~~ they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the main street by buildings and/or landscaping.
- (12) Public garage, as defined in this Chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the main street by buildings and/or landscaping. ~~{See "Parking" in F(1).}~~
- (13) School, public or not-for-profit educational institution, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school.
- (14) Indoor commercial recreation.
- (15) Park, plaza, green, community garden, and other forms of outdoor plant cultivation.
- (16) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least ~~35~~ 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the ~~35~~ 50 feet behind the façade is used for the retail sale of the artist's wares.
- (17) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.
- (18) ~~Schools and other public or nonprofit educational institutions~~ Auction gallery.
- (19) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and consistent with § 223-24.5.
- (20) Buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (21) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.
- (22) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.
- (23) Retail sales from a truck or trailer, subject to § 223-26.3.
- (24) Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar ~~items~~ artisan workshops, ~~having a total floor area of not more than 800 square feet and~~ having a retail component of at least 200 square feet.
- (25) Tattoo parlor, subject to 223-26.2.
- (26) Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the ~~Planning Board~~ City Council, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met:
 - ~~(a) Any new project with over 10,000 square feet in building footprint area.~~

- (b) ~~A five-story building or tower of one additional story on a four-story building, provided that it complies with Subsection D(7) below and that the Planning Board finds that there are no substantial detrimental effects on parking, traffic, shadows, or specific views designated as important by the City Council. A five-story building with a stepback of at least 15 feet behind the facade above the fourth story may be permitted on the north side of Main Street where it can call attention to a significant intersection. Corner locations are deemed most appropriate for such buildings, but they may be permitted elsewhere on the north side if they are compatible with the scale of the block on which they are located, and contribute architecturally to the block face. A five-story building will only be permitted if at least 15% of its residential units, and not less than five residential units, are designated as below market rate housing pursuant to Article IVB and/or at least 15% of the property's street level lot area adjacent to Main Street is available for public uses such as an outdoor dining area for a restaurant, pocket park or plaza.~~
- (a) A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sale of motor fuel. Such repair facilities shall ~~be located in the interior of a block and not front on or~~ be visible from any public street Main Street or East Main Street ~~except for a sign not larger than 24 square feet in area.~~
- (b) A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.
- (c) ~~Artist live/work space in accordance with § 223-24.3~~ Cigar and other lawful smoking establishments.
- (2) In considering the appropriateness of the proposed use, the ~~Planning Board~~ City Council shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the ~~Planning Board~~ City Council shall follow the ~~procedures~~ regulations in § 223-41.18 ~~L(2)~~ of this chapter.

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

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.18G.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.18 L(13).
- (5) Home occupation, subject to 223-17.1.
- (6) Roof garden.
- (7) Greenhouse

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

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

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

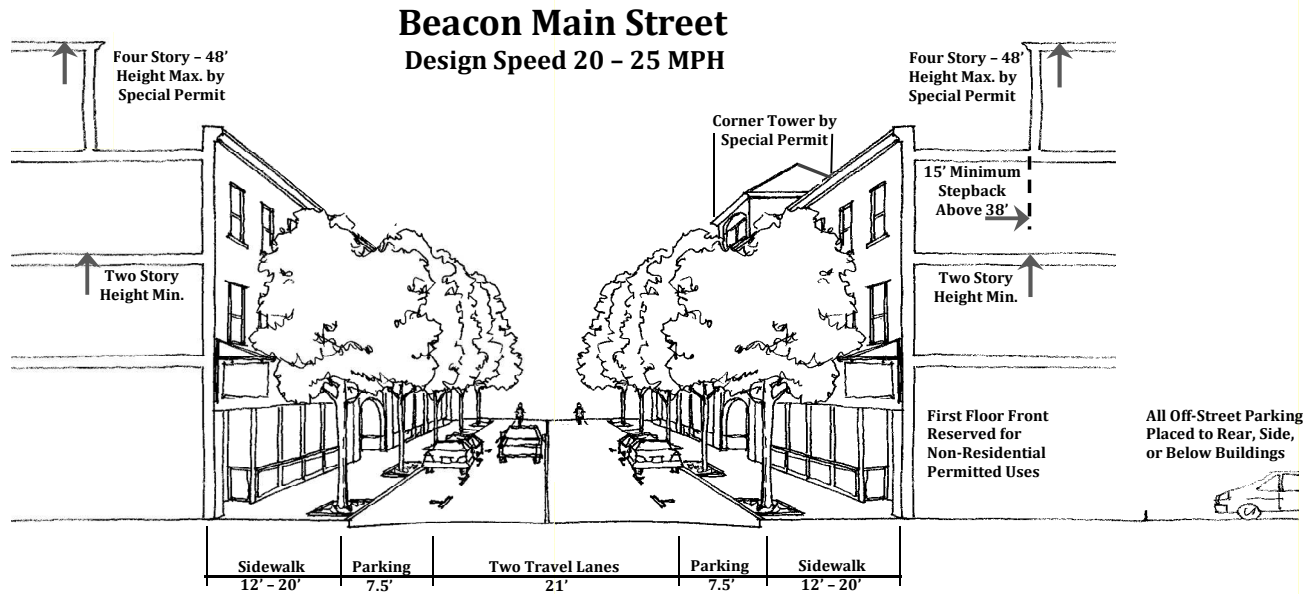


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

- (1) Front setback on Main Street: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the area in front of a building has no parking spaces and is landscaped and used in a manner that enhances the street life on Main Street by such means as pocket parks or plazas, fountains, outdoor dining, public art, and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board.
- (2) Front setback on other streets: minimum zero, maximum 25 feet. If surrounding buildings have a larger setback, the setback line may be placed in a location that harmonizes with the prevailing setbacks, provided that there is no parking in the front yard other than on a driveway accessing a rear garage.
- (2) Corner buildings: Corner buildings shall be treated as having frontage on both streets and front yard setbacks shall apply to both, as appropriate to the street. Corner buildings with frontage on Main Street shall wrap around corners and maintain a consistent setback line along the side.
- (3) Side setbacks: minimum of zero on Main Street, minimum of 10 feet on side streets. The minimum side setback on Main Street may be increased by the Planning Board to allow light and air to continue to penetrate an existing building that has side windows or to allow future development of an abutting parcel to the permitted building height.
- (4) Rear setbacks: minimum 25 feet for parcels 100 feet deep or more and minimum 10 feet for parcels under 100 feet deep, except that if the rear yard is voluntarily dedicated to the City of Beacon as all or part of a public parking lot or parking structure, the minimum setback shall be 10 feet with landscaping to screen adjacent uses.
- (5) Minimum frontage occupancy on Main Street or East Main Street: 100% for buildings with a shared side wall and 80% for detached buildings. Frontage occupancy is the percentage of the lot width which must be occupied by either a front building facade or structures that screen parking, located within the area between the minimum and maximum front setback. The purpose of this requirement is to maintain a sense of enclosure of the street. This requirement may be reduced by the Planning Board a) to the extent necessary to allow light and air into an adjacent building that has side windows; b) allow future development of an abutting parcel to the permitted building height; or c) if the applicant provides a suitably surfaced and lighted pedestrian passageway between Main Street and the street and parking areas, public open spaces, or other streets, located behind the building.

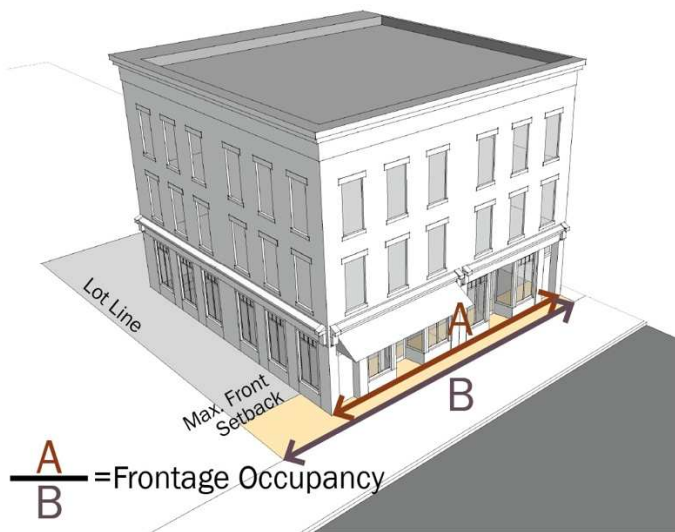


Figure 18-2: Frontage Occupancy

- (6) Building height for a building fronting on Main Street: minimum two stories, maximum ~~four~~ three stories and 38 feet, as determined from the average street front level. Stories built below the grade of the street shall not be counted toward building height. The second story of a two-story building shall be built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story. Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens, ~~and~~ fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum permitted height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the ~~front~~ edge of the roof along any street frontage.
- (7) Except for parcels facing East Main Street, a special permit may be granted pursuant to Subsection B above by the Planning Board for a ~~five~~ fourth story building on the north side of Main Street, with a setback of at least 15 feet behind the facade along any street frontage. A 15-foot building setback above 38 feet shall also be required for any side of a four-story building within 40 feet of a lot line abutting another zoning district. Except for parcels facing East Main Street, a special permit may also be granted for a four-story tower without a setback at a corner on the south side of Main Street facing an intersection and occupying no more than 25 % ~~feet~~ of the roof area corner frontage of the building. For any building over three stories on the south side of Main Street or four stories on the north side, a setback of at least 15 feet behind the facade shall be required for the top story, except for corner towers allowed by special permit.

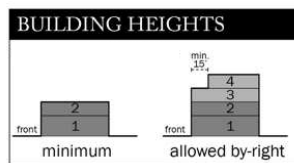
For proposed buildings on CMS parcels in or abutting the Historic District and Landmark Overlay Zone, any fourth story shall require a special permit by the City Council. The City Council may reduce a permitted building height to be no more than six feet higher than an existing building on an adjoining HDLO parcel for a distance of 30 feet along the frontage from the historic structure. All special permits in the CMS district shall require a finding that there are no substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update, that the new building will be compatible with the historic character of adjacent buildings, and that the conditions and standards in § 223-18 B(1)(a) through (d) have been met.

Building height for a building not fronting on Main Street or East Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum height, provided that, with the exception of roof gardens and solar collectors, they occupy no more than 15% of the roof area and are set back at least 15 feet from the front edge of the roof.

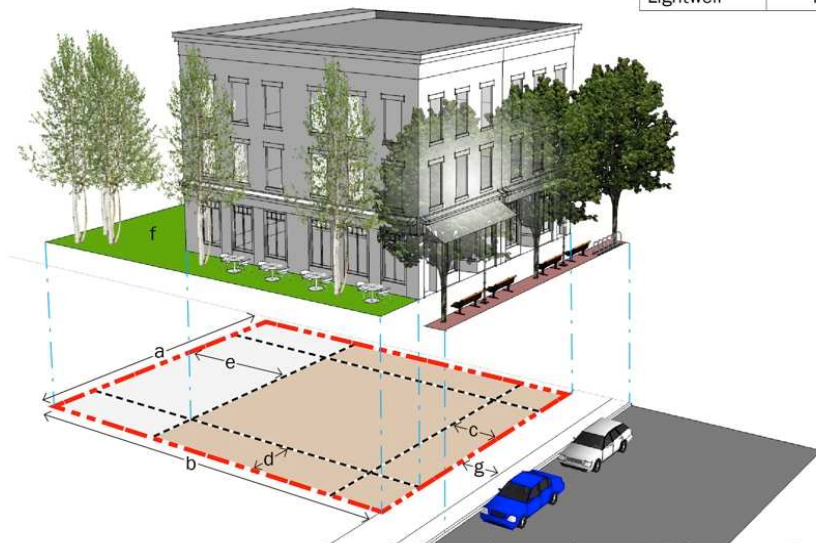
- (8) Building depth: corner buildings shall not extend along a side street more than 150 feet from the Main Street or East Main Street frontage, unless the rear building height is reduced to two stories.
- (9) Lot area and lot width: There are no minimum lot area or lot width requirements.

- (10) Lot depth: Minimum lot depth is 75 feet, except that on any lot in which the area behind a building is voluntarily dedicated to the City and accepted by the City Council for ~~as~~ public parking, there shall be no minimum depth requirement.
- (11) Floor area ratio: There is no maximum floor area ratio.
- (12) Landscaped area: ~~For lots fronting on Main Street, a~~ A minimum of 10% of the lot shall be landscaped with trees, shrubs, or grass in locations approved by the Planning Board that enhance the streetscape, ~~or provide a landscaped interior rear yard or courtyard, and are found to be consistent with the intent of the CMS District. This requirement shall be reduced to 5% if the landscaped area is accessible to the public. For lots not fronting on Main Street, a~~ minimum of 15% of the lot shall be landscaped with trees and shrubs. These requirements may be waived for lots of 5,000 square feet or less.
- (13) ~~Lots that front on Main Street~~ Dimensional standards.

LOT STANDARDS		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	10'
(d)	Side Setback	0'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	10%	--
	Frontage Occupancy, detached building	80%	--
	Frontage Occupancy, buildings w/shared side wall	100%	--
(g)	Pedestrian Clearway	8'	--



FRONTAGE TYPES	
	Allowed
Storefront	yes
Forecourt	yes
Stoop	no
Porch	no
Lightwell	no



See text for exceptions and clarifications to Figure 18.3. Rear setback 10 feet for lots less than 100 feet deep.

Figure 18.3: Lots that Front on Main Street Dimensional Standards

(15) Lots that do not front on Main Street.

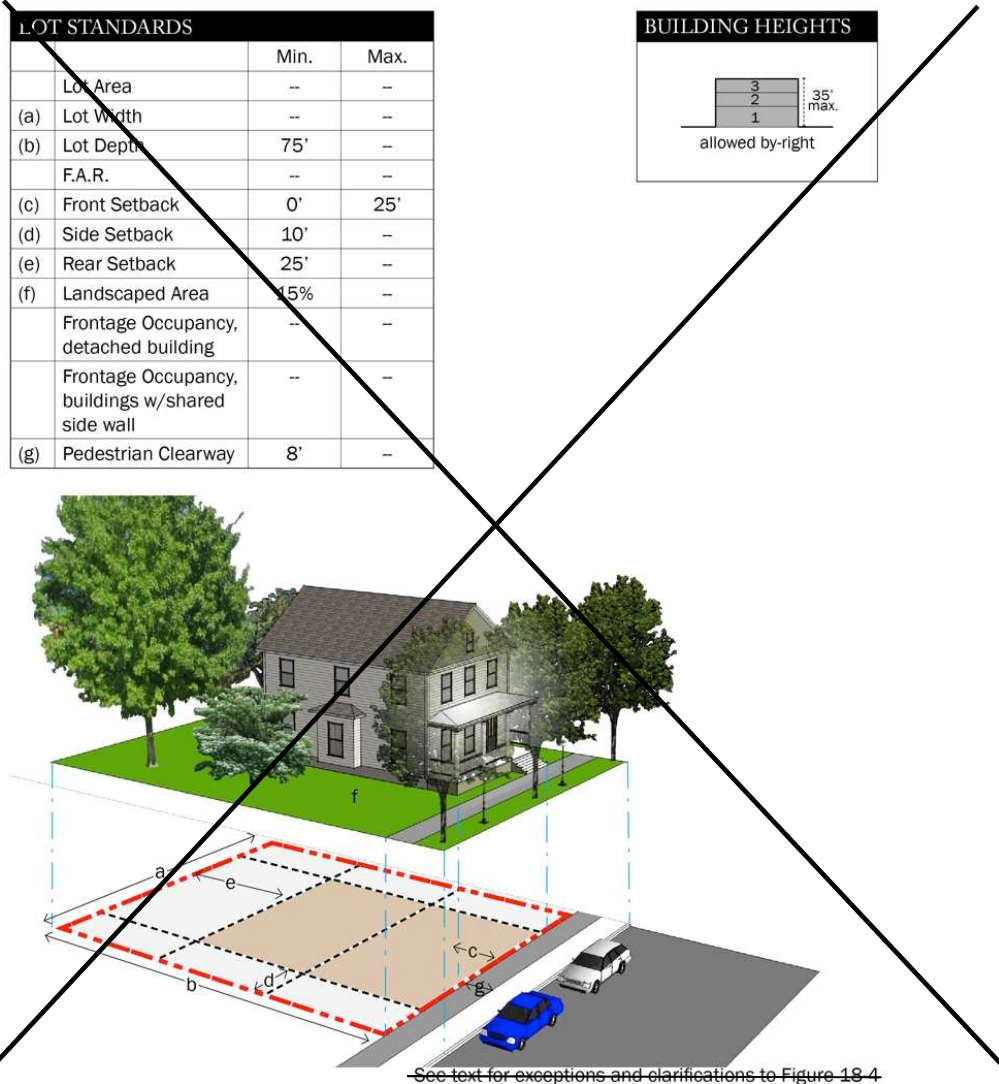


Figure 18-4: Lots That Do Not Front on Main Street or East Main Street

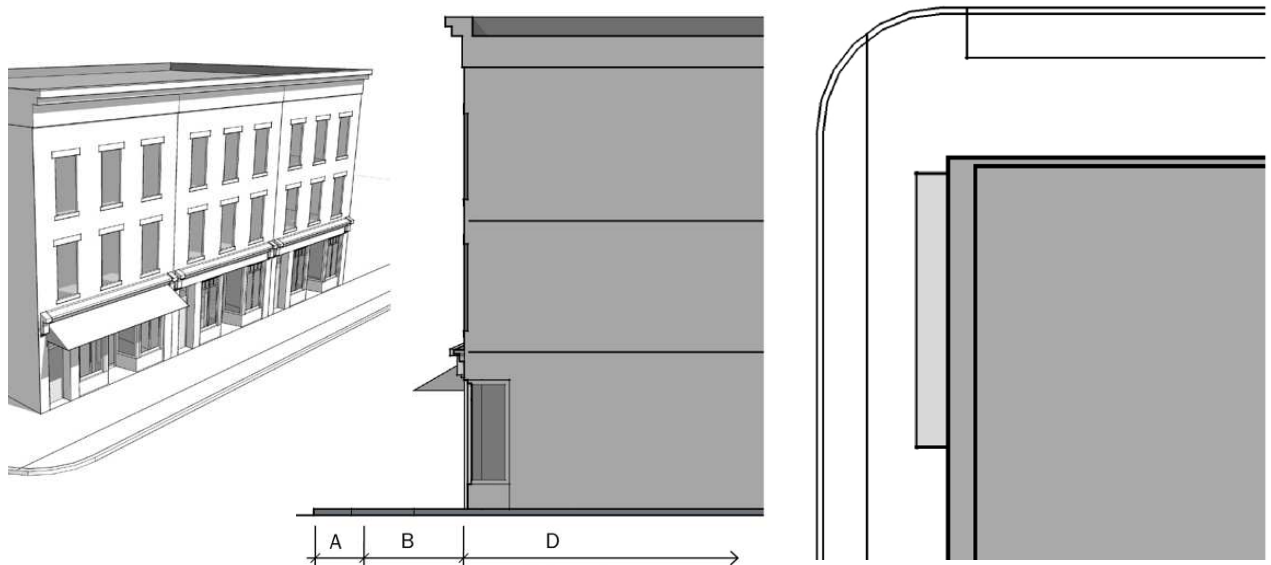
F. Frontage types.

(1) For new buildings, ~~along Main Street~~, only the following building frontage types are permitted:

- (a) Storefront.
- (b) Forecourt.

(2) ~~On other streets, there is no prescribed building or frontage type, except that no private garage may be located less than 20 feet behind the front facade of a building.~~

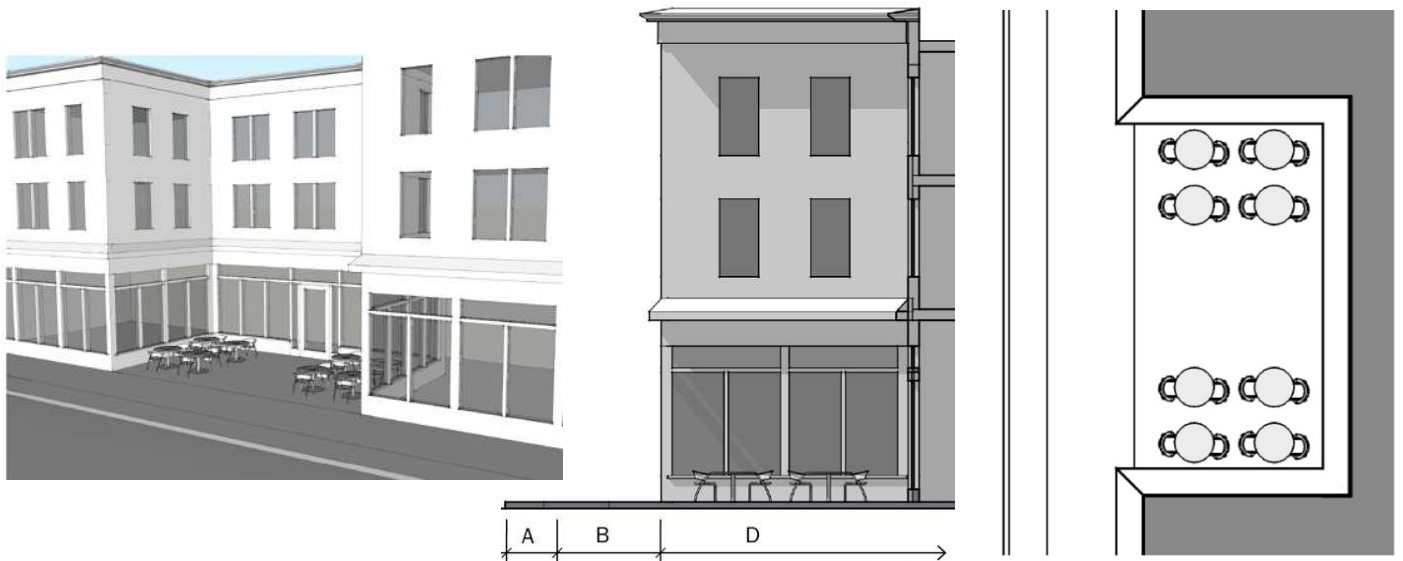
(2) Storefront frontage type: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent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



See Figure 18-7 for key to letters

Figure 18-4: Illustrative View, Section View, and Plan View of Storefront Frontage Type

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



See Figure 18-7 for key to letters

Figure 18-5: Illustrative View, Section View, and Plan View of Forecourt Frontage Type

G. Parking location and quantity.

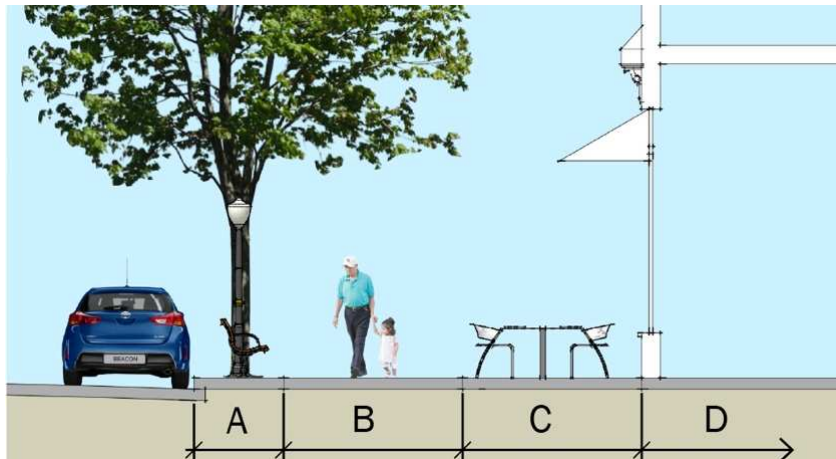
- (1) All off-street parking for buildings that have Main Street frontage shall be located behind, ~~underneath~~ under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A public garage on a lot with Main Street frontage shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.

- (2) The minimum quantity of required on-site parking spaces shall be as follows:
- (a) Residential: one space per unit.
 - (b) Office and nonretail commercial: ~~2.5~~ two spaces per 1,000 square feet of floor area.
 - (c) Retail commercial and personal services: ~~three~~ two spaces per 1,000 square feet of floor area.
 - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18 A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
- (a) That the projected operational characteristics of the proposed use require a different amount of parking.
 - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB Districts and voluntarily dedicate such land to the City for public parking.
 - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this Chapter shall apply in the CMS District.

H. Streetscape improvements.

- (1) Within the building transition zone, the Planning Board may require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. Chain link, vinyl, and solid fencing shall be prohibited. For commercial uses, display areas, and outdoor dining and seating areas may be provided.
- (2) A pedestrian clearway, at least eight feet wide, with unobstructed space for pedestrian activity shall be provided along the sidewalk, unless site conditions require a narrower clearway. Within the street transition zone, if space permits, lot owners may ~~plant trees and~~ place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board ~~may~~ shall require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval, whenever street and sidewalk conditions permit.

- (3) The Planning Board may require the placement of bicycle racks of an approved design within the street transition and building transition zones. Each bicycle rack holding two bicycles may be used to reduce the required parking by one parking space. The Planning Board may require any building containing 5,000 square feet or more of floor area to provide one bicycle rack or equivalent indoor bicycle parking space for every 2,000 square feet of floor area.
- (4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.



A = Street Transition Zone
 B = Pedestrian Clearway
 C = Building Transition Zone
 D = Building Frontage

Figure 18-6: Parts of the Streetscape

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

- (1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building project of 10,000 square feet or less in footprint area, as follows:
 - (a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.
 - (b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article.
 - (c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.
 - (d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.
- (2) For projects with over 10,000 square feet in building footprint area, or that otherwise require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.
- (3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.

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

I. Site plan and special permit amendments. For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

~~K. Compliance with below market rate housing requirements. All applications involving residential development shall comply with Article IVB of this Chapter (Affordable Workforce Housing).~~

J. Design standards.

(1) Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the CMS District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements. These design standards are intended to promote the following purposes:

- (a) Preserve and enhance the unique character and general public welfare of the City of Beacon;
- (b) Promote pedestrian access and activity, as well as a general sense of area security;
- (c) Restore and maintain the role of streets as civic and social spaces, framed by active uses;
- (d) Encourage economic development and a convenient mix of uses and services; and
- (e) Support a sense of design context that appropriately relates historic buildings, general facade and window patterns, and traditional streetscapes in the area to new redevelopment efforts, while still allowing ~~contemporary~~ architectural flexibility.

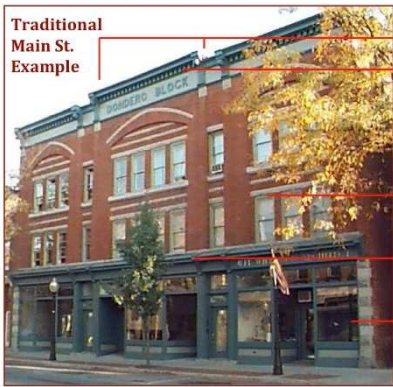
(2) Key Terms: Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

(3) Proposed new buildings should be compatible with nearby historic-quality buildings along Main Street. References to the existing context should include scale, type and texture of materials, roof and cornice forms, spacing and proportion of windows and doors, signs, and street-front fixtures. Building exteriors in or directly adjoining the Historic District and Landmark Overlay sections of the CMS District shall reinforce historic patterns and neighboring buildings with an emphasis on continuity and compatibility, not contrast, but new construction may still be distinguishable in architectural details, most evident in window construction and interiors.

(4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

(5) Architectural features and windows ~~should~~ shall be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 35 feet.

- (6) Building elements that provide additional architectural interest, such as balconies, bay windows, open porches, and cornices, may encroach up to four feet ~~beyond the front lot line~~ above the sidewalk, if the bottom of the encroaching building elements is at least 12 feet above grade.
- (7) Metal, glass or canvas-type awnings and canopies or projecting signs are encouraged and may encroach up to six feet ~~into the front setback and~~ over the sidewalk above seven feet. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, ~~as determined by said Board~~.
- (8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.
- (9) Primary individual window proportions shall be greater in height than in width, but the Planning Board may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, and appear functional, and be attached to the window frame.
- (10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. ~~Residential buildings shall~~ Main Street or East Main Street buildings should have at least 30% glass on the ~~first floor~~ upper floor facades.
- (11) Finish building materials should be wood, brick, traditional cement-based stucco, stone, smooth cast stone, ~~or smooth-finished~~ fiber-cement siding, or other materials deemed acceptable by the ~~Planning Board~~ 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, ~~or synthetic~~ brick, ~~or synthetic~~ stucco, exterior insulation and finishing system (EIFS), ~~or direct-applied finish system (DAFS)~~, and chain link, barbed wire, plastic, or vinyl fencing shall not be permitted.
- (12) 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.
- (13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above ~~60 watts~~ 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures.
- (14) 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.
- (15) The Planning Board may waive setback requirements for landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.
- (16) The following Figure 18-8 provides annotated photographs to illustrate design standards in this section:



Traditional Main St. Example

- Façade and roof line breaks at intervals of no more than 35'
- Top floor cornice feature
- Bay windows, balconies and open porches may encroach up to 4' over the sidewalk
- Primary window proportions greater in height than in width
- Secondary storefront cornice or first floor articulation
- Commercial first floor facing Main Street

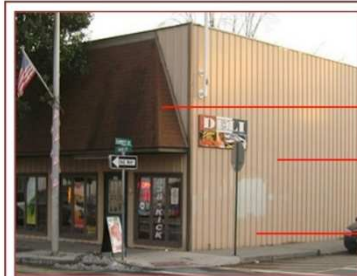
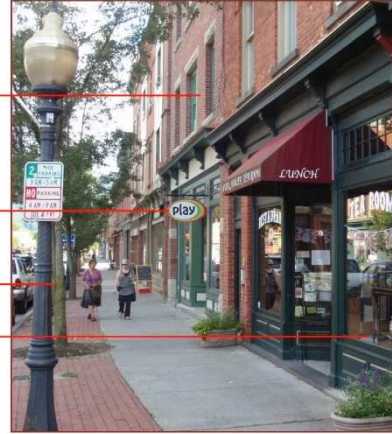


More Modern Example

Design Standards Consistent Examples



- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Metal, glass, or canvas-type awnings and canopies or projecting signs may encroach up to 6 feet over the sidewalk above 7 feet
- Street trees planted on average 30' - 40' apart
- Commercial buildings shall have at least 70% glass on first floor facades between 2' and 10' above the sidewalk



Design Standards Inconsistent Examples

- Two-story minimum required, allowing second floor occupancy
- Architectural features and windows should be continued on all sides, avoiding any blank walls
- Vinyl, aluminum, or sheet metal siding or sheet trim shall not be permitted



- Buildings should have a top floor cornice feature
- Primary window proportions shall be greater in height than in width
- Commercial buildings shall have at least 70% glass on the first floor facade



Vinyl awnings are discouraged, but metal, glass, and canvas-type awnings are encouraged



Design Standards Consistent Examples

- Wood, brick, stucco, stone, or fiber-cement siding and trim recommended
- Bay windows, balconies and open porches may encroach up to 4' into the setback
- Required landscaping between the sidewalk and building to enhance the streetscape



- In the Linkage District, a step-back of at least 15' behind the façade above the third story
- Primary window proportions greater in height than in width
- Secondary cornice or first floor articulation
- Residential buildings shall have at least 30% glass on first floor facades



- Top floor cornice feature
- Façade and roof line breaks at intervals of no more than 35'
- Street trees planted on average 30' - 40' apart
- Metal, glass, or canvas-type awnings and canopies may encroach up to 6 feet over the sidewalk above 7 feet

Figure 18-7: Design Illustrations

K. Main Street infill strategies illustrative sketch plan. This sketch plan provides one possible set of design solutions for infill Development with parking to the rear, which was included in the 2017 Comprehensive Plan Update as an illustration of planning principles for the Central Main Street District. The Plan also recommended the provision of periodic pocket parks or plazas and transit shuttle stops to be coordinated with new development projects and civic uses (see pages 61-67).



Figure 18-8: Central Main Street Infill Strategies and Illustrative Sketch Plan

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

Section 4. Severability

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

Section 5. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

To: Mayor Casale and the Beacon City Council
From: John Clarke, City Planner
Date: March 8, 2018
Re: Revised Draft Central Main Street (CMS) District Zoning

Attached is the revised draft of the CMS district Local Law, incorporating suggestions from the last few Council workshops and public hearings on the Main Street area. The latest edits are highlighted in red.

Important changes include:

- Emphasizes the preservation of Main Street character in the purpose statement;
- Changes the CMS map to only include parcels with Main Street, East Main, and Route 9D frontages (plus the city parking lots and one private parking lot). Adjacent parcels will be added to a revised PB zone to be drafted in the near future;
- Shifts special permitted uses from the Planning Board to the City Council;
- Consolidates the dimensional special permit text in subsection E;
- Because lots solely on side streets are not in the district, eliminates most standards for side streets;
- Allows the Planning Board to increase side setbacks to prevent new side windows from inhibiting future development of adjacent parcels;
- Limits the as-of-right height to 3 stories with a special permit required for a 4th floor. A 4th floor will need a 15-foot stepback along any street frontage and on any side with 40 feet of another zoning district;
- Requires any parcel in or abutting an Historic Overlay zone to have a special permit for a 4th floor from the Council, and the Council may reduce permitted building heights next to a historic building. Criteria for special permit approvals are included;
- Limits corner buildings extending along side streets to 150 feet;
- Reduces commercial parking standards;
- Makes street trees a requirement, whenever conditions permit; and
- Eliminates the section streamlining the site plan and special permit process.

If the Council generally approves of these changes at its March 12 workshop, a Local Law amending the Zoning Map will need to be prepared, as well as minor amendments to the 2017 Comprehensive Plan.

- 4.4 Encourage the improvement of the streetscape along Main Street, such as encouraging businesses and owners to provide high quality landscaping, signage and facade treatments. The City should also explore funding opportunities for street improvements, including street trees, street benches, sheltered bus stops, bicycle racks, restrooms, information kiosks and public art displays. Existing street trees should be protected and maintained under the direction of a certified arborist.
- 4.5 Encourage the infill development of sites along Main Street to create new public spaces/pocket parks. Areas discussed in Section 4.2 include the Dutchess County Building and Veterans Place.
- 4.6 Change the zoning of areas on East and West Main Street to ~~reflect density allowed in Central Main Street district.~~ **include the design standards in the CMS district.**
- ~~4.7 Extend Central Main Street District north along Route 9D to Verplanck Avenue.~~

B. Artist Community

Cultivate the growing artist community so that it remains a part of the economic vitality of the City.

- 4.8 Encourage local and regional economic development organizations to study and provide direction regarding potential institutions or other strategies to attract and retain artists, art-related entrepreneurs, and potential consumers of their products and services.
- 4.9 Encourage creation of artist live/work spaces. Study the effect of Section 223-24.3 on the development of these spaces, and consider revising procedures which currently require the renewal of the special permit for artist live work space every two years. The City should consider the alternative of requiring renewal upon change of ownership or tenancy.
- 4.10 Support and nurture existing organizations that promote the development of Beacon's artist community.

C. Route 52

Maintain existing retail and service mix in the Route 52 business district while improving the character of the area through pedestrian amenities such as sidewalks and street trees, and improved architectural design.

- 4.11 Require property owners in this business district to provide sidewalks, street trees, and improved architectural design during site plan review.

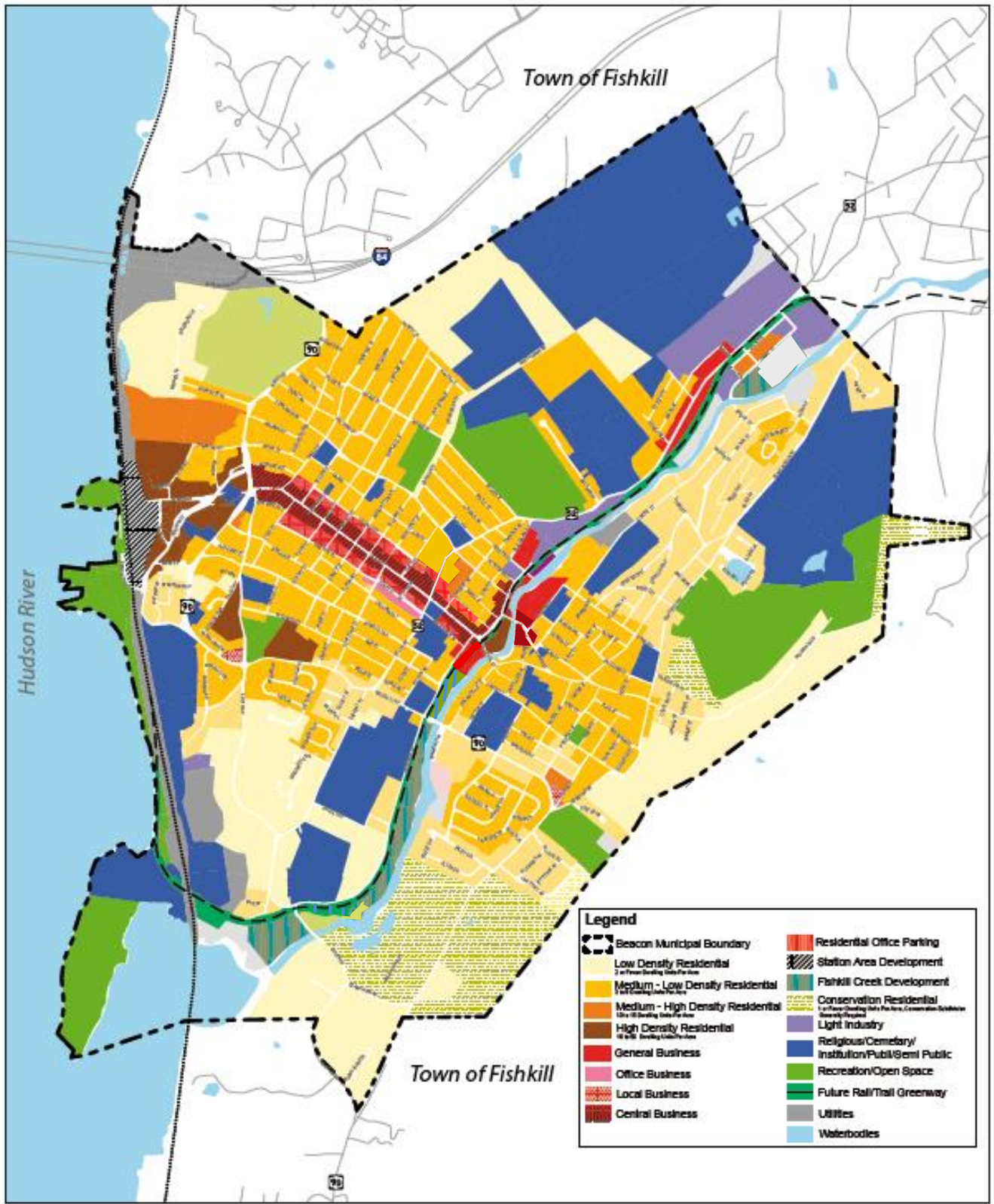


FIGURE 11-1: FUTURE LAND USE MAP

acre are generally found east of Fishkill Creek near Wolcott Avenue, or between Washington Avenue and Liberty Street. Densities of 5 to 8 dwellings per acre are generally found in neighborhoods north, south, and east of Main Street.

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category, except for three individual parcels along Fishkill Avenue (see Figure 12-1).

Residential – Medium-High Density

This category calls for 10 to 15 dwelling units per acre, which corresponds to areas in the City such as the townhouses on Schenck Avenue in the RD-4 Zoning District and the Tompkins Terrace Apartments and the Colonial Springs developments south of the golf course and north of the train station in the RD-3 Zoning District.

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category.

Residential – High Density

This category calls for 16 to 50 dwelling units per acre, which involves housing types such as apartment buildings and condominiums. Developed areas representing housing densities of this type are the Central Business District, which allows up to 29 dwelling units per acre, and the Forrestal Heights and Davies Terrace neighborhoods, which are in the RD-1.8 Zoning District (which allows 24 dwelling units per acre), and a redevelopment of an industrial site at one East Main Street. Properties in the Linkage Zone are also categorized as high density residential. The district allows 2-4 floor apartment buildings. The Linkage District does not regulate development through density limits. The code provides form-based design criteria that encourage buildings that increase the “vitality, attractiveness and marketability of the part of the City lying between Main Street and the Metro North Train Station.”

Recommendation

No changes from the previous Plan or from existing zoning are proposed for this land use category.

- East Main & Leonard Streets
- South & Wolcott Avenues
- Beekman & River Streets

Although the Dia:Beacon is also in the Local Business Zoning District, and is proposed to remain so, it is identified on the Land Use Plan Map as Institutional.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category. The historic section of the Local Business District in the Fountain Square area on East Main Street should be converted to the Central Main Street District to provide more specific architectural and design standards. Four Fountain Square area parcels not in the Historic District Overlay should be changed from LB to the adjacent R1-5 district (see Figure 12-1).~~

Central Business

The purpose of this category is to allow for the continued commercial vitality and mixed uses of area along Main Street, which is the Central Business District in the City. This area corresponds with the Central Business Zoning District. In 2013, the City Council rezoned a large portion of downtown into the Central Main Street (CMS) District. This area is identified as Central Main Street II. The CMS encourages infill development by raising development potential and lowering parking requirements.

Recommendation

~~The Plan supports the extension of the urban form of Main Street to Route 52 between Main Street and Verplanck Avenue. It is recommended that this stretch be rezoned to CMS. It is also recommended that the CMS district be extended to the upper and lower sections of Main Street that are currently zoned CB. With this change, the entirety of Main Street would have the same zoning district. The City may wish to rename the CMS district to represent that the zone covers the entire corridor and not just the central area. When extending CMS standards to the existing CB district, heights of Historic Overlay Zone parcels should be limited to what is currently allowed.~~

As noted in Chapter 3 and 9, the Main Street corridor should be planned in greater detail, with an overall strategy of identifying activity centers based on the types of activities that have developed in each area, identifying the types of activities to be encouraged in each center, the major amenities serving each center (such as small parks, parking facilities), and illustrations of the activity centers with sketch plans.

Gas stations are no longer a permitted use within the CB and CMS Districts. Gas stations should be encouraged to relocate to other locations outside of the Main Street area. Pre-existing non-conforming gas stations seeking building permits or other such approvals should be required to comply with architectural and design standards established specifically for gas stations.

Residential/Office/Parking

The purpose of this district is primarily to allow parking as a principal use on a lot in order to support the development of the Central Business District. The district is located to the north and south of the Central Business District, extending from the District boundary to Church Street on the north and DeWindt Street on the south.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category.~~ **The changes recommended for this district are to convert one parcel along Fishkill Avenue from RD-5 to the PB District and all or parts of eight parcels along the south side of South Street from R1-5 to PB to provide a transitional area between Main Street and the adjacent residential districts (see Figure 12-1).**

General Business

The General Business category occurs between Conklin Street and State Street on Fishkill Avenue. The General Business District allows a broad range business uses, including residential uses.

Recommendation

~~No changes from the previous Plan or from existing zoning are proposed for this land use category.~~ **The adjacent section of the HI rail right-of-way between Churchill Street and 850 feet north of Wolcott Avenue should be merged into the adjacent GB District (see Figure 12-1).**

Light Industry

Industrial areas are generally found on scattered sites along the Fishkill Creek, most commonly on the west side of the Creek. There is a light industrial area adjacent to the train station, which is the location of MTA's commuter parking lot and maintenance shed (within the former Dorel Hat Factory). Two large underutilized properties between Fishkill Avenue and Fishkill Creek on the north end of the City are available for future industrial uses. Although the City has lost many industrial businesses in the past, the remaining industries are important to the tax base of the City, and they provide an important source of employment for many residents.

Recommendations

The Plan proposes to revise the regulation of industrial areas so that all active industrial sites will be within a Light Industrial Zoning District tailored to fit the operational criteria of these existing businesses. It is recommended that the light industrial zone adjacent to the train station allow uses that are not discordant with the adjacent land uses proposed for the station area (WD District). This area should not allow auto body shops, repair shops, or adult uses. Alternatively, the City may consider rezoning the station area LI zone to LB, with the provision that retail be limited to accessory uses within 1,000 feet of the station platform so that stores and shops do not compete with other retail areas including Main Street.

Section 12: Zoning and Implementation Plan

12.1. Zoning Recommendations

Based on the recommended land uses described above, this section provides a list of zoning recommendations that the City can pursue as it moves forward with implementation of the overall Comprehensive Plan. Upon adoption of this Plan, the City Council would be empowered to undertake specific zoning amendments to the City’s Zoning Code in support of the land uses described in this Future Land Use Plan. Amendments to the Zoning Code would include site specific changes to the City’s Official Zoning Map and corresponding text changes to the Zoning Code. The courts of the State of New York have consistently upheld the principle that “zoning should be based on a well-reasoned plan.” Any future zoning amendments undertaken in support of this Plan are subject to the requirements of and compliance with the State Environmental Quality Review Act [6 NYCRR Part 617 (SEQR)].

Description of Proposed Zoning Recommendations

A series of zoning map and text amendments are needed to implement the land use proposals outlined in the Future Land Use Map. Depending on available funding for undertaking amendments to the Zoning Code and Zoning Map, the proposed zoning amendments could be undertaken in a series of steps or as one comprehensive set of text and map changes. The following presents a discussion of recommended zoning changes needed in order to implement the future land uses described in Section 11.1. A list of zoning recommendations is included in Table 12-1 and Figure 12 1.

Table 12-1: Proposed Zoning Changes

Area ID	Description	Existing Zoning	Proposed Zoning
1a	Rezone Long Dock Park to WP (see Section 10.0)	WD	WP
2a/2b	Rezone two areas east of station to WD (see Sec. 10.0)	WP, LB, LI	WD
3	<u>Rezone two parcels on Rt. 52 to R1-5</u>	<u>RD-5</u>	<u>R1-5</u>
4a/4b	Rezone <u>Main Street CB and Fountain Square</u> to CMS	CB, <u>LB</u>	CMS
5	Rezone southern Groverville Mills property to FCD	LI	FCD
6	Rezone <u>section of HI rail right-of-way to CB and GB</u>	<u>HI</u>	<u>CB, GB</u>
7	Rezone former DPW Garage to FCD	LI	FCD
8	Rezone section of HI rail right-of-way to FCD	HI	FCD
9	Rezone LI District to LB or restrict uses in LI	LI	LB or modified LI
<u>10</u>	<u>Rezone parcels on Rt. 52 and South St. to PB</u>	<u>RD-5, R1-5</u>	<u>PB</u>
11	Rezone parcel along Fishkill Creek to WP	FCD	WP
<u>12</u>	<u>Rezone parcels not facing main streets to adjacent zones</u>	<u>CB, CMS</u>	<u>R1-5, PB, R1-7.5</u>

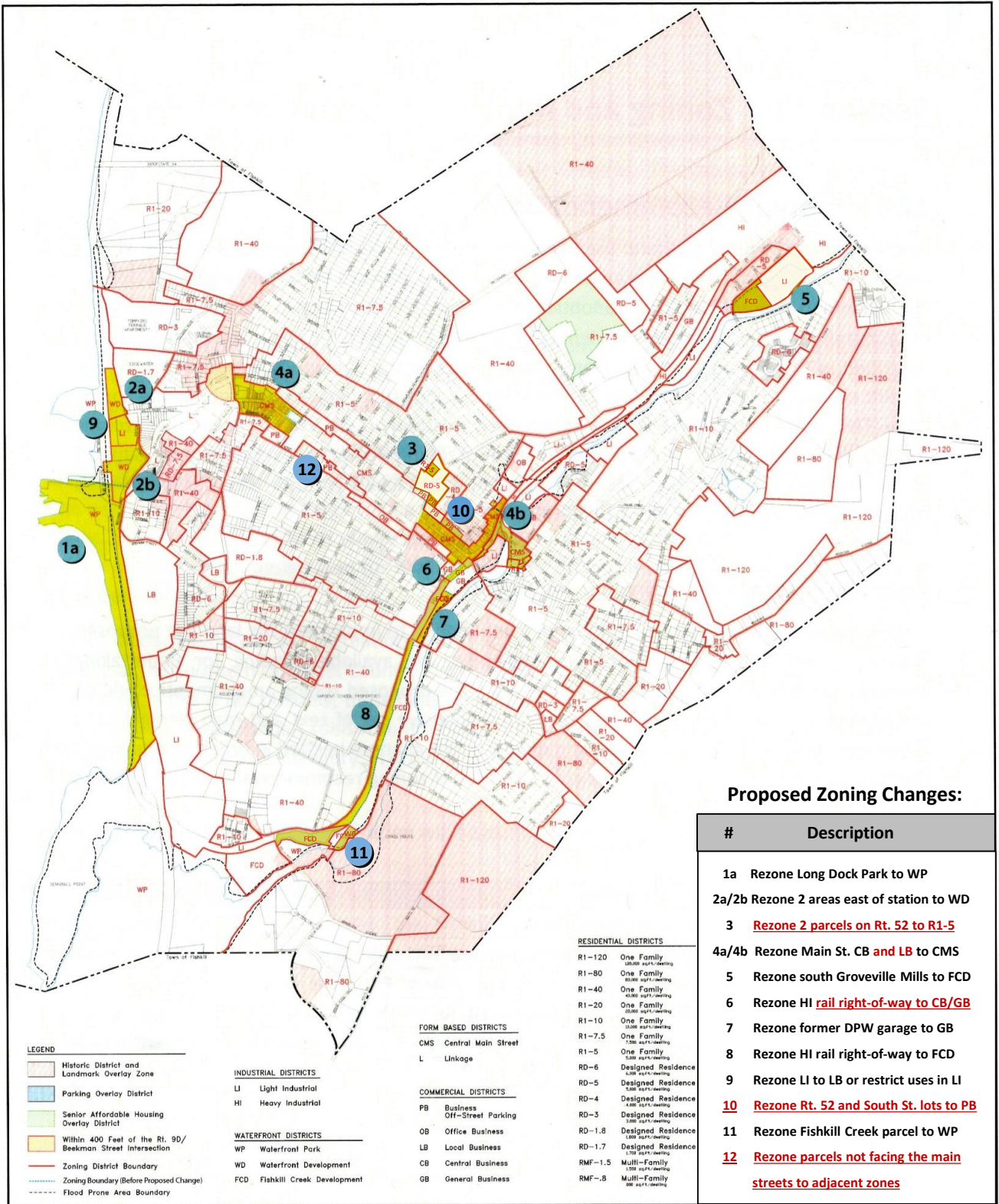


FIGURE 12-1: PROPOSED ZONING CHANGES

Draft: 4/12/18

LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

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

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
6054-30-142808	554 Main Street Beacon, NY 12508	Further Properties, LLC 544 Main Street Beacon NY 12508	R1-5 (rear portion of lot) CB (portion of lot fronting on Main Street)	CMS
6054-30-151814	2 Ackerman Street	Joseph Valentin 2 Ackerman Street Beacon NY 12508	CB	CMS

p/o 6054-37-096715 (See Fig. 1 - along east side of Main Street from Ackerman Street to Churchill Street)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	CMS
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p/o 6054-30-168772 (See Fig. 1 - fronting on East Main Street)	8 East Main Street Beacon, NY 12508	10 Boulevard LLC 24 Woodbine Ave Northport, NY 11768	CB (west of Fishkill Creek) LB (east of Fishkill Creek)	CMS
6054-38-163747	15 East Main Street Beacon, NY 12508	Sharon Bronte 180 W. 58 th Street New York, NY 10019	LB	CMS
6054-38-166745	17 East Main Street Beacon, NY 12508	Gwenno M. James 20 South Chestnut Street Beacon, NY 12508	LB	CMS
6054-38-167740	19 East Main Street Beacon, NY 12508	Charalambos Peratikos P.O. Box 16 Beacon, NY 12508	LB	CMS
6054-38-167735	25 East Main Street Beacon, NY 12508	Weber Projects II LLC 25 East Main Beacon, NY 12508	LB	CMS
6054-38-169731	27-31 East Main Street Beacon, NY 12508	Accord Realty & Development Inc. P.O. Box 269 Somers, NY 10589	LB	CMS
6054-38-170728	33 East Main Street Beacon, NY 12508	VBK Properties LLC 10 North Gate Road Carmel, NY 10512	LB	CMS

6054-38-174726	East Main Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	CMS
6054-38-170722	3 Water Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-167716	5 Water Street Beacon, NY 12508	POK Beacon LLC 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-181714	49 East Main Street Beacon, NY 12508	Sophia Stuart 3 Water Street Beacon, NY 12508	LB	R1-5
6054-38-180717	47 East Main Street Beacon, NY 12508	47 East Main Street LLC 47 East Main Street Beacon, NY 12508	LB	CMS
6054-38-190723	44 East Main Street Beacon, NY 12508	Echo Properties I LLC 1777 Route 6 Carmel, NY 10512	LB	R1-5
6054-38-188729	36 East Main Street Beacon, NY 12508	Larry Way 39 Van Buren Street Beacon, NY 12508	LB	CMS
6054-38-183732	28 East Main Street Beacon, NY 12508	Rafiq Ahmed 28 East Main Street Beacon, NY 12508	LB	CMS
6054-38-186736	5 Leonard Street Beacon, NY 12508	Brian Haight 5 Leonard Street Beacon, NY 12508	LB	CMS
6054-29-041858	183 Fishkill Avenue Beacon, NY 12508	Lucy M. Cullinan 183 Fishkill Avenue Beacon, NY 12508	RD-5	R1-5

6054-38-182748	20 East Main Street Beacon, NY 12508	Kurt L. and Donald P. McMillen 160 Chelsea Rd Wappingers Falls NY 12590	LB	CMS
6054-29-047864	189 Fishkill Avenue Beacon, NY 12508	Emily DeCordova 189 Fishkill Avenue Beacon, NY 12508	RD-5	R1-5
6054-29-042814	158 Fishkill Avenue Beacon, NY 12508	Rocky Harbor, LLC 20 Dallis Place Beacon, NY 12508	RD-5	PB
p/o 6054-29-056780 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon, NY 12508	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	R1-5	PB
6054-29-063780	48 South Street Beacon NY 12508	John WH Dacey Holly R Sumner 48 South Street Beacon, NY 12508	R1-5	PB
p/o 6054-29-062771 (See Fig. 1 - portion of lot fronting on South Street)	424-428 Main Street Beacon NY 12508	Beacon Main Real Estate Group 8 Belford Ln Beacon NY 12508	R1-5	PB
p/o 6054-29-068768 (See Fig. 1 - portion of lot fronting on South Street)	432 Main Street Beacon NY 12508	Neil E Vaughn 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-075770	34 South Street Beacon NY 12508	Neil Vaughn Erika M Foy 432 Main Street Beacon NY 12508	R1-5	PB
6054-29-079768	32 South Street Beacon NY 12508	Eric A. and Danielle F Brown 32 South Street Beacon NY 12508	R1-5	PB

6054-29-082764	28 South Street Beacon NY 12508	Norah Hart 305 Broadway New York NY 10007	R1-5	PB
p/o 6054-29-086757 (See Fig. 1 - portion of lot fronting on South Street)	Main Street Beacon NY 12508	Qualamar Corporation PO Box 4292 New Windsor NY 12553	R1-5	PB
5955-19-744005	1164 North Ave Beacon NY 12508	Clas Lindman 1164 North Ave Beacon NY 12508	CB	R1-5
p/o 5954-26-744995 (See Fig. 1 - excludes portion of lot fronting on W. Church St.)	1158 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-748987	1156 North Ave Beacon NY 12508	Charles W Smith Jr 1156 North Ave Beacon NY 12508	CB	CMS
5954-26-740983	1154 North Ave Beacon NY 12508	Hibernation Auto Storage Inc. 1158 North Ave Beacon NY 12508	CB	CMS
5954-26-747977	134 Main Street Beacon NY 12508	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-757980	142 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-761984	144-146 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-765978	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

5954-27-768976	150 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
p/o 5954-27-774986 (See Fig. 1 - excluding the portion of the lot fronting on West Church Street)	152 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-773975	Main Street	284 Main Street Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-777974	160 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-781973	162 Main Street	Hose Company LLC 162 Main St. Beacon, NY 12508	CB	CMS
5954-27-787978	7 Cross Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-788982	Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	PB
5954-27-792985	9 Cross Street	Crossix LLC 50 Simmons Ln Beacon NY 12508	CB	PB
5954-27-793967	Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-798971	4 Cross Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	PB

5954-27-802974	8 Cross Street	Jose R. Santiago Myriam Orrego 8 Cross Street Beacon NY 12508	CB	PB
5954-27-799966	172 Main Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-805964	174-178 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
p/o 5954-27-813968 (See Fig. 1 - portion of lot fronting on Main Street)	180 Main Street	180 Main LLC 48 Angola Rd Cornwall NY 12518	CB	CMS
p/o 5954-27-813963 (See Fig. 1 - portion of lot fronting on Main Street)	182 Main Street	182 Main Street Beacon LLC 3169 Glendale Blvd Los Angeles CA 90039	CB	CMS
5954-27-811956	184 Main Street	Paul and Jennifer Yeaple 7 Mackin Avenue Beacon NY 12508	CB	CMS
5954-27-814954	186-190 Main Street	190 Main St Inc. PO Box 115 Lincolndale NY 10540	CB	CMS
5954-27-817951	192 Main Street	Landstar Properties LLC PO Box 321 Sparkill NY 10976	CB	CMS
p/o 5954-27-820961 (See Fig. 1 - southern half of lot nearest to Main Street)	5 Willow Street	Susan C. Battersby 1 Mountain Ln Beacon NY 12508	CB	PB
5954-27-831951	6 Willow Street	Jonathan Halevah 6 Willow Street Beacon NY 12508	CB	PB

5954-27-837945	5 Digger Phelps Ct	Richard F Benash Shelita Birchett 339 Roberts Ave Yonkers NY 10703	CB	PB
5954-27-823922	217 Main Street	AMGC Corp 6405 Atlantic Ave Wildwood NJ 08260	CB	CMS
5954-27-821923	215 Main Street	Norbeh Hall Association Inc PO Box 149 Beacon NY 12508	CB	CMS
5954-27-819925	213-215 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS
5954-27-814929	201-211 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-809932	199 Main Street	Starlight Beacon West LLC 272 St. Johns Golf Dr St Augustine FL 32092	CB	CMS
5954-27-806934	193-195 Main Street	Lazarus Rising LLC 98 Smithtown Rd Fishkill NY 12524	CB	CMS
5954-27-805940	185 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
5954-27-799935	6 Cliff Street	Willie L Reed Sr 6 Cliff Street Beacon NY 12508	CB	PB
5954-27-797931	8 Cliff Street	Minerva Cabrera 8 Cliff Street Beacon NY 12508	CB	PB

5954-27-790938	20 Commerce Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	PB
5954-27-793942	5 Cliff Street	Paul B. and John L. Supple PO Box 510 Beacon NY 12508	CB	PB
5954-27-798947	181-185 Main Street	Burrow 181 Main LLC 84 Bedford Street New York NY 10014	CB	CMS
5954-27-793946	179 Main Street	Coldfire Holdings LLC 219 Cedar Ln Ossining NY 10562	CB	CMS
5954-27-791947	177 Main Street	Frog Leap Inc 177 Main Street Beacon NY 12508	CB	CMS
5954-27-789948	175 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-786950	169-173 Main Street	Berisha Brothers Inc 4 Forest View Dr Hopewell Junction NY 12533	CB	CMS
5954-27-783953	167 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-782958	163-165 Main Street	Chase Property Mgmt LLC 110 Anderson Street Beacon NY 12508	CB	CMS
5954-27-778961	157-161 Main Street	Barbara and Brenda Joyce Sims 5 Kitteridge Place Beacon NY 12508	CB	CMS

5954-27-774961	153-155 Main Street	Movil Development Corp 284 Main Street Beacon NY 12508	CB	CMS
5954-27-776952	14 Commerce Street	Gerardo J Cervone 14 Commerce Street Beacon NY 12508	CB	CMS
5954-27-771961	Main Street	151 Main St LLC PO Box 910 Beacon NY 12508	CB	CMS
5954-27-768956	149 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-763957	145 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-27-758957	139 Main Street	Star of Bethlehem Baptist Church 139-141 Main Street Beacon NY 12508	CB	CMS
5954-27-757950	6 Commerce Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CB	PB
5954-27-753962	131-137 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749961	129 Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS
5954-26-749955	Main Street	Lindley Todd LLC 4 Cross Street Beacon NY 12508	CB	CMS

p/o 6054-29-026773 (See Fig. 1 – portion of lot fronting on Main Street)	423-425 Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
p/o 6054-29-035764 (See Fig. 1 – portion of lot fronting on Main Street)	427 Main Street	Beacon Court Associates Inc. 427 Main Street Beacon NY 12508	CB	CMS
p/o 6054-29-041761 (See Fig. 1 – portion of lot fronting on Main Street)	433 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
p/o 6054-29-045758 (See Fig. 1 – portion of lot fronting on Main Street)	443 Main Street	Verizon New York Inc. PO Box 2749 Addison TX 75001	CB	CMS
p/o 6054-29-055758 (See Fig. 1 – portion of lot fronting on Main Street)	445 Main Street	Beacon Main Street Theater LLC 484 Main Street Beacon NY 12508	CB	CMS
6054-29-059752	451 Main Street	Jon Car Inc. 451 Main Street Beacon NY 12508	CB	CMS
6054-37-061750	453 Main Street	Stuart and Donna Wilensky 14 Longview Ln Middletown NY 10941	CB	CMS
6054-37-063747	455-457 Main Street	Joseph and Nancy Condon 20 Grove Street Beacon NY 12508	CB	CMS
p/o 6054-37-062739 (See Fig. 1 – portion of lot fronting on Main Street)	25 Van Nydeck Ave	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-37-073725	5 Tioronda Ave	John J Goodall Jr Mary Goodal 5 Tioronda Avenue Beacon NY 12508	CB	PB

6054-37-068743	463 Main Street	Paul Quealey Anthony Fox 15 Saddlerock Dr Poughkeepsie NY 12603	CB	CMS
6054-37-071741	465 Main Street	465 Beacon Associates LLC 465 Main Street Beacon NY 12508	CB	CMS
6054-37-075738	469 Main Street	David Rich Paulette Myers-Rich 138 Grand Street New York NY 10013	CB	CMS
6054-37-077735	473 Main Street	Thomas L. Watkins Jr Sherry A Watkins 473 Main Street Beacon NY 12508	CB	CMS
6054-37-076730	475 Main Street	475 Main Street Beacon LLC 101 Castletown St Pleasantville NY 10570	CB	CMS
6054-37-084730	477 Main Street	Howland Center 477 Main Street Beacon NY 12508	CB	CMS
6054-37-091722	483 Main Street	Spanish Pentecostal Church PO Box 491 Beacon NY 12508	CB	CMS
6054-37-113729	493 Main Street	Verdi Boy Realty Group LLC PO Box 203 Hopewell Junction NY 12533	CB	CMS
6054-29-030795	390 Main Street	Beacon United LLC 284 Main Street Beacon NY 12508	CB	CMS

6054-29-034792	396 Main Street	Un-Locked LLC 35 Rombout Ave Beacon NY 12508	CB	CMS
6054-29-036791	398 Main Street	Benjamin Roosa 398 Main Street Beacon NY 12508	CB	CMS
6054-29-039788	Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-044784	404 Main Street	JP Morgan Chase Bank Natl Assn PO Box 810490 Dallas TX 75381	CB	CMS
6054-29-048780	412 Main Street	Hardy Homes LLC 5 Wodenethe Dr S Beacon NY 12508	CB	CMS
p/o 6054-29-056780 (See Fig. 1 - portion fronting on Main Street)	Main Street	McDermott Properties 43 Jelliff Mill Rd New Canaan CT 06840	CB	CMS
6054-29-056774	418 Main Street	EB 1 LLC 418 Main Street Beacon NY 12508	CB	CMS
p/o 6054-29-062771 (See Fig. 1 - portion fronting on Main Street)	424-428 Main Street	Beacon Main Real Estate Group 8 Belford Ln Beacon NY 12508	CB	CMS
p/o 6054-29-068768 (See Fig. 1 – portion fronting on Main Street)	432 Main Street	Neil E Vaughn 432 Main Street Beacon NY 12508	CB	CMS
6054-29-069762	436 Main Street	436 LLC 32 Cedar Street Dobbs Ferry NY 10522	CB	CMS

6054-29-074760	440 Main Street	Daniel Frasco 440 Main Street PO Box 938 Beacon NY 12508	CB	CMS
6054-29-075757	444 Main Street	Amarcord Inc 162 Main Street Cold Spring NY 10516	CB	CMS
6054-29-078756	446 Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
p/o 6054-29-086757 (See Fig. 1 - portion fronting on Main Street)	Main Street	Qualamar Corporation PO Box 4292 New Windsor NY 12553	CB	CMS
6054-37-084750	456 Main Street	456 Main LLC 450 Alton Rd Miami Beach FL 33139	CB	CMS
6054-37-085749	458 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-087747	460 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-089746	462 Main Street	7215-18 th Avenue Realty Corp PO Box 417 Shrub Oak NY 10588	CB	CMS
6054-37-090745	464 Main Street	Melissa Badger 91 E 3 rd Street New York NY 10003	CB	CMS
6054-37-092744	466 Main Street	Gritster LLC 466 Main Street Beacon NY 12508	CB	CMS

6054-37-094741	468-470 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-096740	472 Main Street	468-472 Main Street LLC 468-472 Main Street Beacon NY 12508	CB	CMS
6054-37-097737	474-476 Main Street	474-476 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-37-100734	478-482 Main Street	Northview Restoration Corp 478 Main Street Beacon NY 12508	CB	CMS
6054-37-103737	484-488 Main Street	484 Main Street Realty 19 Garden Rd Harrison NY 10528	CB	CMS
6054-37-106741	490 Main Street	Matteawan On Main Inc 492 Main Street Beacon NY 12508	CB	CMS
6054-37-109744	498 Main Street	Rodney Weber 25 E Main Street Beacon NY 12508	CB	CMS
6054-37-117750	504 Main Street	500-504 Main Street LLC 6 Slocum Rd Beacon NY 12508	CB	CMS
6054-29-121755	506-512 Main Street	Chestnut Management Inc PO Box 9136 Bardonia NY 10954	CB	CMS
6054-29-124758	516 Main Street	518 Main Street LLC 215 W 83 rd Street New York NY 10024	CB	CMS

6054-30-130765	520 Main Street	Red Cardinal Holdings LLC 451 Main Street Beacon NY 12508	CB	CMS
6054-30-127768	5 North Street	Bankers Trust Co of CA, Trustee 252 Seventh Ave New York NY 10001	CB	R1-5
6054-29-124770	9 North Street	Ralph Marinaccio III 816 Route 52 Fishkill NY 12524	CB	R1-5
6054-30-131773	528-534 Main Street	534 Main Street LLC 534 Main Street Beacon NY 12508	CB	CMS
6054-30-132779	Main Street	536 Main Street LLC 206 Milton Tpke Milton NY 12547	CB	CMS
6054-30-129788	544 Main Street	544 Main Street LLC 215 W 83 rd Street New York NY 10024	CB (front facing Main Street) R1-5 (rear)	CMS
6054-30-134791	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-30-136795	Main Street	City of Beacon 1 Municipal Plaza Beacon NY 12508	CB	CMS
6054-29-004836	Eliza Street	CRE JV Five Branch Holdings LLC PO Box 460049 Houston TX 77056	CMS	PB
6054-29-007841	23 Eliza Street	John C. and Tara E. Thom 82 Sunrise Hill Rd Fishkill NY 12524	CMS	PB

5954-36-958873	Church Street	59 Church Street Development PO Box 390 Beacon NY 12508	CMS	PB
5954-36-954865	14 North Chestnut Street	Pamela S. Koeber-Diebboll 14 North Chestnut Street Beacon NY 12508	CMS	PB
5954-36-951861	12 North Chestnut Street	Patrick J. Hannon 12 North Chestnut Street Beacon NY 12508	CMS	PB
5954 28-951876	Church Street	Joseph Neville & Joan Ehrenberg 91 Rombout Ave Beacon NY 12508	CMS	PB
5954-28-943881	North Cedar Street	Cervone Realty Inc 111 North Walnut Street Beacon NY 12508	CMS	PB
5954-28-943875	10 North Cedar Street	Young Eun Figi & Kai Mark McLellan 10 North Cedar Street Beacon NY 12508	CMS	PB
5954-36-938872	8 North Cedar Street	Leli S Franco 49 North Chestnut Street Beacon NY 12508	CMS	PB
5954-28-930881	7 North Cedar Street	Lydia Panko Treanor, Luba Weidler, Nina Panko Keating, & Peter Panko 7 North Cedar Street Beacon NY 12508	CMS	PB
5954-28-917889	6 North Brett Street	Movil Development Corp 284 Main Street Beacon NY 12508	CMS	PB

5954-28-879914	5 North Walnut Street	Colin Chayne & Helen Nelson 5 North Walnut Street Beacon NY 12508	CMS	PB
5954-27-864924	4 North Elm Street	Charles Kacherski 4 North Elm Street Beacon NY 12508	CMS	PB
5954-27-857931	5 North Elm Street	Daniel Aubry 196 Bowery New York NY 10012	CMS	PB
5954-27-846941	6 Digger Phelps Ct	David Maros & Agnieszka Maros 1456 Ulster Hts Ellenville NY 12428	CMS	PB
5954-36-909853	7-9 South Cedar Street	Ramroop Bhagwandin & Chanderdai Bhagwandin 14 Richmond Pl Cortlandt Manor NY 10567	CMS	PB
5954-36-922847	6 South Cedar Street	Hudson Todd LLC 4 Cross Street Beacon NY 12508	CMS	PB
5954-36-935836	South Chestnut Street	J & S Ritter Realty 2 Cedarcliff Ln Poughkeepsie NY 12601	CMS	PB

Section 3. The zoning of the parcels listed below is hereby changed from the Existing HI Zoning District to the New Zoning District as shown in the table and as shown in Figure 2 annexed hereto:

Tax Parcel Number	Subject Property Address	Owner's Name and Address	Existing Zoning District	New Zoning District
p/o 6054-37-096715 (See Fig. 2 - from Churchill Street to 850 feet north of Wolcott Ave)	Main Street Beacon, NY 12508	Metro-North Commuter RR Co. 347 Madison Avenue New York, NY 10017	HI	GB
/o 6054-37-077707	12 Tioronda Avenue Beacon, NY 12508	Jude Builders Inc. P.O. Box 69 Beacon, NY 12508	HI	GB

Section 4. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. This local law shall become effective immediately upon filing with the Office of the Secretary of State.

Attachments: Figures 1 and 2.

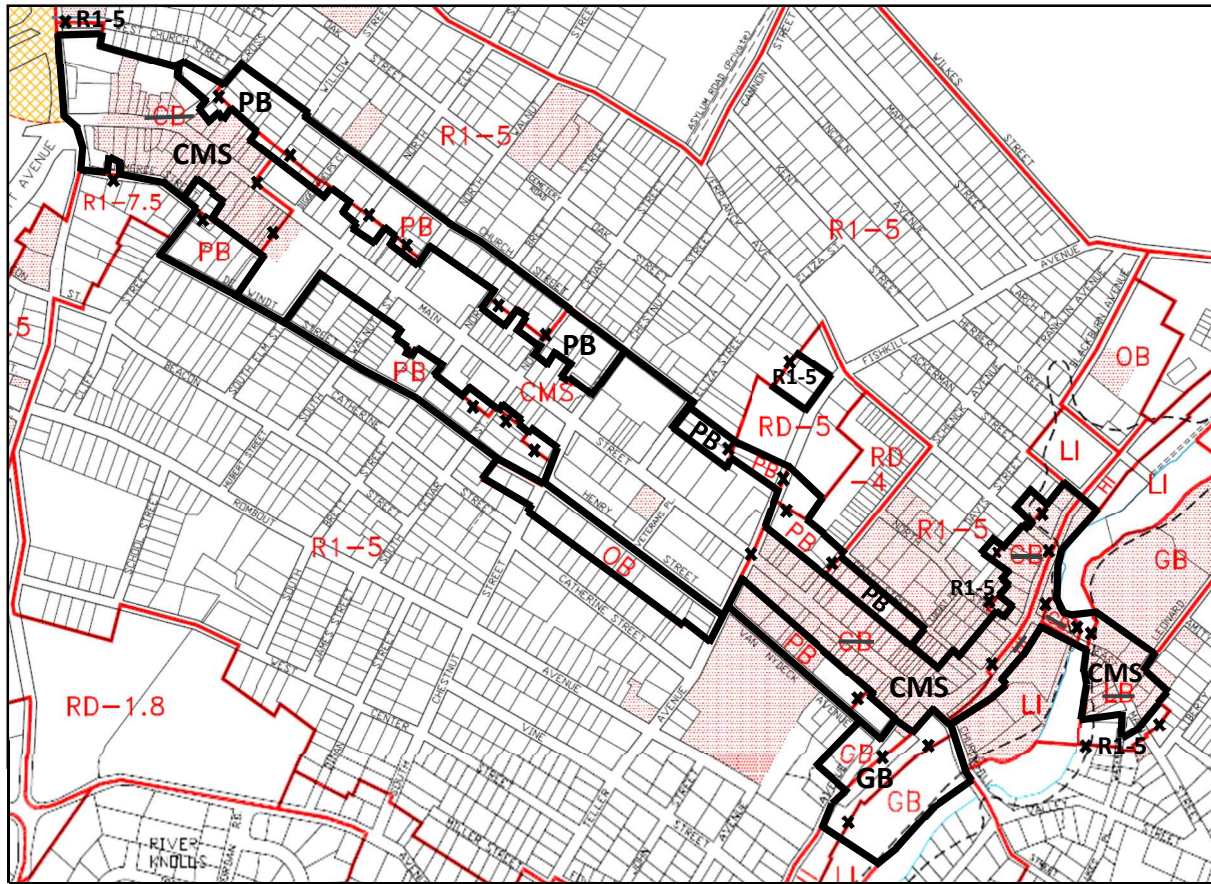


Figure 1: Central Main Street Area Map Changes

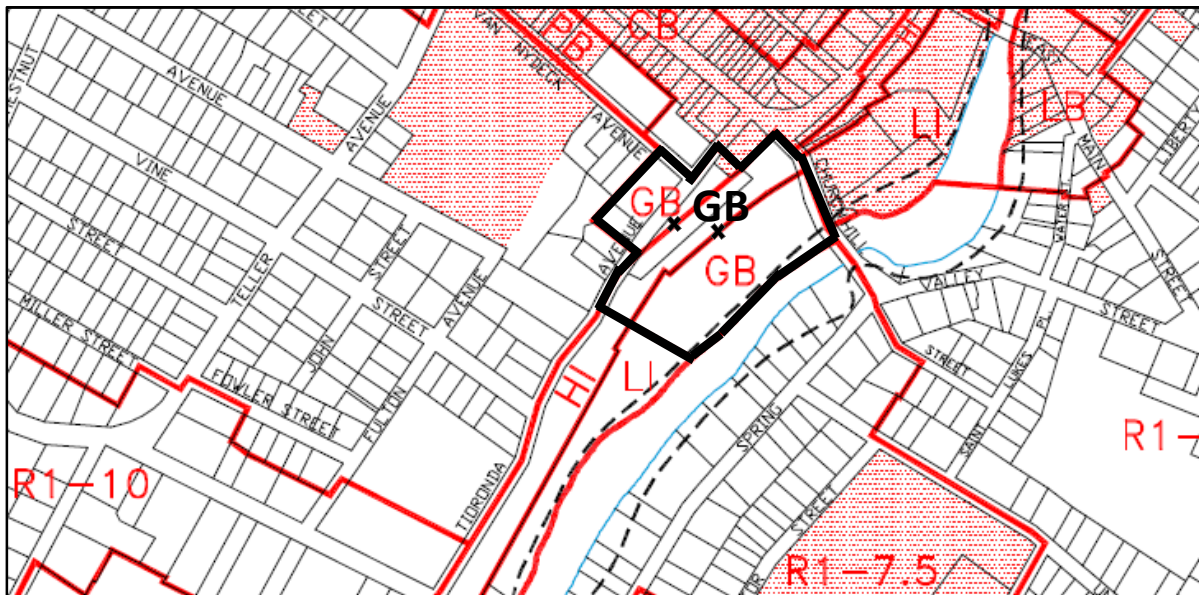


Figure 2: General Business Map Changes

City of Beacon Council Agenda
4/16/2018

Title:

Proposed local law to amend Chapter 223, concerning calculation of the Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts

Subject:

Background:

ATTACHMENTS:

Description	Type
Lot Area LL 4.11.18	Backup Material
EAF Lot Area	Backup Material
COB PB comments lot area	Backup Material
DCPB Comments Calc of Lot Area	Backup Material

LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 223 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to amend Chapter 223, concerning calculation of the Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

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

Section 1. Chapter 223, Attachment 1 of the Code of the City of Beacon entitled “§ 223-17C, Schedule of Regulations For Residential Districts” is hereby amended to add the following footnote “q” after “Lot Area per Dwelling Unit” and in the attached “Notes” list:

q. For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.

Section 2. Chapter 223 of the City Code, Article IVC entitled “Fishkill Creek Development District” § 223-41.14B is hereby amended as follows:

B. Development Potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, pre-development very steep slopes over 20% of 25 percent or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25 percent of the total development’s floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

Section 3. Chapter 223 of the City Code, Article VI entitled “§ 223-63, Definitions” is hereby amended as follows:

VERY STEEP SLOPE

An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet ~~horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet.~~ [Added 3-1-2004 by L.L. No. 2-2004]

Section 4. 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 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.

Short Environmental Assessment Form

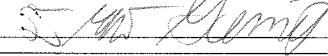
Part 1 - Project Information

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: City of Beacon Local Law concerning the calculation of net development area in the R1, RD and Fishkill Creek Development Districts			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The proposed local law amends the Zoning Code of the City of Beacon to provide that for all R1, RD and Fishkill Creek Development Zoning Districts involving a parcel over 3 acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, or within an area of very steep slopes of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000	
		E-Mail: Mayor@cityofbeacon.org	
Address: 1 Municipal Plaza			
City/PO: City of 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			

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Drew Gamils, Esq. as City Attorney for the City of Beacon</u></p>		<p>Date: <u>March 19, 2018</u></p>
<p>Signature: <u></u></p>		

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

Short Environmental Assessment Form- Part 1

Question 1: Narrative

The proposed local law amends the Zoning Code of the City of Beacon to provide that for all R1, RD and Fishkill Creek Development Zoning Districts involving a parcel over 3 acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, and/or within an area of very steep slopes of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon. This law will limit how many dwelling units a developer may construct on a lot located in the R1, RD and Fishkill Creek Development Zoning Districts.

The maximum number of dwellings permitted on a lot shall be calculated by dividing the total net development area by the minimum lot area per dwelling unit required for each residential zoning district as set forth in the Zoning Code of the City of Beacon. The total net development area is the total lot area of the property available after subtracting any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland or within an area of very steep slopes of 25 percent or more. The purpose of the proposed local law is to regulate development to protect the City and certain environmentally sensitive features. The City's objective is to ensure that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intensive uses due to natural features such as steep slopes and wetlands. The City Council believes that the restrictions imposed by the proposed local law will protect the environment and the health, safety and welfare of the City and its residents.

Agency Use Only [If applicable]

Project:	Local Law- Net Development Area
Date:	March 19, 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?"

	No, or small impact may occur	Moderate to large impact may occur
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"/>

Project: **Net Development Area**

Date: **March 19, 2018**

**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 proposed local law amends the Zoning Code of the City of Beacon to provide that for all R1, RD and Fishkill Creek Development Zoning Districts involving a parcel over 3 acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, and/or within an area of very steep slopes of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon. This law will limit how many dwelling units a developer may construct on a lot located in the R1, RD and Fishkill Creek Development Zoning Districts. The goal of this local law is to promote proper and sustainable residential development in the city.

The maximum number of dwellings permitted on a lot shall be calculated by dividing the total net development area by the minimum lot area per dwelling unit required for each residential zoning district as set forth in the Zoning Code of the City of Beacon. The total net development area is the total lot area of the property available after subtracting any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland or within an area of very steep slopes of 25 percent or more. The calculation of net development area excludes lands that are not suitable for development. Developers are prohibited or strongly discouraged from development on lands covered by surface water, lands within a floodway or wetland and on lands with steep slopes. Therefore, such lands should not be included in any calculations to establish the maximum number of dwelling units permitted on a lot. The purpose of the proposed local law is to regulate development to protect the City and certain environmentally sensitive features. The City's objective is to ensure that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intensive uses due to natural features such as steep slopes and wetlands. The calculation of net development area under the proposed law reflects the area of land available on which a dwelling unit could be sited. The proposed local law will protect the the health, safety and welfare of the City and its residents. In addition, the law will better protect environmentally sensitive lands and further regulate development near such lands. Therefore, the proposed action will not result in a significant adverse environmental impact.

- 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.
- 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	
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



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Review of proposed Local Law to Amend Chapter 223 concerning Lot Area Per Dwelling Unit

DATE: April 11, 2018

At the April 10, 2018 Planning Board meeting, members reviewed and discussed the proposed Local Law to amend Chapter 223 concerning calculation of the lot area in the R1, RD, and Fishkill Creek Development Districts. A comprehensive review of the proposed law took place with the City Attorney Jennifer Gray, City Planner John Clarke, City Engineer John Russo, and Building Inspector Tim Dexter.

After considerable discussion of the proposed local law Members felt the definition of Very Steep Slopes should be amended to make clear that Very Steep Slopes are measured based on the pre-development condition so changes in grading or shifting of land materials is not done prior to initiation of the approval process. Members debated the prospect of a law that deducts land from potential development calculations for natural features, specifically wetlands, floodways, steep slopes and surface water, as well as the new way Very Steep Slopes are proposed to be measured. While a consensus was not reached, some members believed the City Code already contains adequate protections for environmental features such as wetlands, floodways, steep slopes and surface water and further reduction of development potential on properties containing these features is not necessary. Other members believed that the City Code should reduce the development potential for properties which contain environmental features such as wetlands, floodways, steep slopes and surface water, some areas of which are unbuildable.

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



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

April 16, 2018

To: City Council, City of Beacon

Re: **Referral #18-081, LL Regulating Net Development Area in R1, RD, and FCD Districts**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The City is proposing a net development area calculation that would exclude certain constrained lands from the calculation of allowable density on parcels of land 3 acres or more in the R1, RD and FCD districts.

COMMENTS

The City has established residential densities in each zoning district in accordance with the Comprehensive Plan. As we have previously stated, as long as a proposed development meets the zoning criteria for a project, including staying off steep slopes and out of wetland buffers or floodways, and is adhering to setbacks, height standards and parking requirements, we do not see reasons to further limit density with this calculation. If municipal water and sewer is provided, the impact of development on raw land is even further reduced.

After viewing the Council's public workshop of April 9th, it appears that the allowable density of the proposed development, "Edgewater" would be reduced by a significant 71 units. This development is within walking distance of the Beacon Train Station. We believe the City appropriately enacted higher density zoning in this area which, if built, will provide economic benefits of pedestrian traffic to Main Street, while reducing vehicular impacts on the street system.

The City Council and many residents have called for the need for affordable housing, public transit, and an active Main Street for Beacon's residents through the Comprehensive Plan. In order to achieve these important goals, density is necessary. The law proposes an allowable density of 11 dwelling units per acre after environmental constraints have been removed, however, this number is on the low side for an urban area, especially a City. In fact, other, more suburban areas of Dutchess County allow greater density (14 dwelling units per acre) and are located in the County's more suburban areas.

RECOMMENDATION

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

Eoin Wrafter, AICP
Commissioner

By

A handwritten signature in black ink, appearing to read "Jennifer F. Cocozza", with a horizontal line extending to the right.

Jennifer F. Cocozza
Deputy Commissioner

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 Regulating Net Development Area in R1, RD, & PCO Districts

Applicant: City of Beacon

Address of Property: _____

Please fill in this section

- 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): Before April 15

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>No Comments:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn <input type="checkbox"/> Exempt from 239 Review 	<p>Comments Attached:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — <i>municipality must resubmit to County</i> <input type="checkbox"/> Incomplete with Comments — <i>municipality must resubmit to County</i> <input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)
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Date Submitted: <u>3/20/18</u>	Notes: <u>Revised law received 4/11</u>	<input type="checkbox"/> Major Project
Date Received: <u>3/20/18</u>		Referral #: <u>ZR18-081</u>
Date Requested: <u>4/14/18</u>		
Date Required: <u>4/10/18 5/10</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Samuel Horvitz</u>
Date Response Faxed: <u>4/16/18</u>		

City of Beacon Council Agenda
4/16/2018

Title:

Application for Special Use Permit for the Edgewater Project, 22 Edgewater Place

Subject:

Background:

Please refer to documents in March 12 and April 9th agendas.

ATTACHMENTS:

Description	Type
Memo SUP Edgewater	Backup Material
Letters of support	Backup Material
DCPB comments Edgewater	Backup Material

MEMORANDUM

TO: City of Beacon City Council
FROM: Keane & Beane, P.C.
RE: Special Permit for Edgewater
DATE: April 11, 2018

The Edgewater Special Use Permit application is on Monday's agenda for a public hearing. We have written this memo to provide you with an overview of the application. The application was workshopped on March 12, 2018, March 26, 2018, and April 9, 2018.

Scenic Beacon Developments, LLC (the "Applicant") is proposing to demolish two existing buildings to construct seven apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District on property located and collectively known as 22 Edgewater Place. 22 Edgewater Place is known and designated on the City Tax Map as Tax parcels 581985, 590022, 566983 and 574979. 22 Edgewater Place is the only property located in the RD-1.7 Zoning District.

Documents Submitted

At this time the Applicant has provided the following documents:

- Drawings, dated February 28, 2017, last revised January 30, 2018, all of which are available for review at the City Clerk's office and have been posted on the City's website at prior work sessions:
 - Sheet 1 of 15 Site Plan
 - Sheet 2 of 15 Existing Conditions Plan/Survey
 - Sheet 3 of 15 Landscape Plan
 - Sheet 4 of 15 Lighting Plan
 - Sheet 5 of 15 Lower Level/Podium Parking Floor Plan
 - Sheet 6 of 15 1st Floor Plan (2nd and 3rd Floors Typical)
 - Sheet 7 of 15 5th Floor/Roof Plans
 - Sheet 8 of 15 Renderings
 - Sheet 9 of 15 Building Elevations
 - Sheet 11 of 15 Erosion and Sediment Control Plan
 - Sheet 12 of 15 Profiles
 - Sheet 13 of 15 Site Details

- Sheet 14 of 15 Stormwater Details
- Sheet 15 of 15 Water and Sewer Details

- Application for Special Use Permit, dated January 30, 2018
- Entity Disclosure Form, dated January 30, 2018
- Letter from the Planning Board to the City Council dated February 20, 2018
- Environmental Assessment Form Part 3
- Attachment to Negative Declaration, dated December 12, 2017
- Planning Board Local Waterfront Revitalization Program (LWRP) Consistency Determination dated December 18, 2017
- City of Beacon Zoning Board of Appeals Resolution dated January 17, 2018
- Letter from Taylor Palmer, Cuddy & Feder, to the City Council, dated February 20, 2018 (with Exhibits)
- Letter from Taylor Palmer, Cuddy & Feder, to the City Council, dated January 30, 2018
- Edgewater Development, Appendix E, Traffic Volume Data, prepared by Maser Consulting P.A.
- Edgewater Development Appendix F, Accident Data, prepared by Maser Consulting P.A., dated February 27, 2017
- Letter from Philip J. Grealy, Ph.D., P.E., Maser Consulting P.A. to John Russo, P.E., dated February 27, 2017
- Letter from Richard G. D’Andrea, P.E., PTOE, Maser Consulting P.A. to City Planning Board., dated May 18, 2017
- Revised Traffic Volume Figures, prepared by Maser Consulting P.A., dated May 9, 2017
- Revised Level of Service Summary Table (Table No. 2-R), prepared by Maser Consulting P.A., dated May 9, 2017
- Revised Capacity Analysis, prepared by Maser Consulting P.A., dated January 4, 2017
- Revised Appendix E, Traffic Count Data, prepared by Maser Consulting P.A.
- Letter from Philip Grealy, Ph.D., P.E., and Richard G. D’Andrea, P.E., PTOE, Maser Consulting P.A., to Planning Board, dated August 3, 2017

Land Use Approvals

On December 12, 2017, the Planning Board (as the Lead Agency conducting the SEQRA review) determined the proposed project will not result in any significant adverse environmental impacts and adopted a Negative Declaration. The Planning Board also determined that the proposed project is consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the project.

On January 17, 2017, the Zoning Board of Appeals granted three variance approvals to the Applicant to (1) allow three proposed buildings to have 5 stories where the

maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6. The Zoning Board's variance approvals are subject to conditions set forth in the Resolution.

At the February 14, 2018 Planning Board meeting, the Planning Board reviewed the Special Use Permit application from Scenic Beacon Developments, LLC. On February 20, 2018, the Planning Board rendered its report to the City Council. The Applicant must now appear before the City Council for Special Permit Approval of the multiple dwelling apartments.

Once the Applicant obtains Special Permit approval, it must return to the Planning Board for Site Plan Approval. In addition, pursuant to the Schedule of Regulations Residential Districts, multifamily housing developments in the RD-1.7 Zoning District require a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit.

Special Use Permit Standards

Multifamily housing is a permitted use in the City of Beacon, subject to the satisfaction of the Special Permit standards set forth in City Code § 223-18.B. The City Council may grant the Applicant a Special Permit to build multifamily housing, provided that it shall find that all of the following conditions and standards set forth in City Code § 223-18.B have been met:

- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
- (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a Special Permit.

- (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

The City Council may attach such conditions and safeguards to the Special Permit as are necessary to assure continual conformance with all applicable standards and requirements. City Code § 223-18.E. The conditions must relate to the conditions and standards set forth in City Code § 223-18.B.

The City Council's evaluation of the application must be based on the standards and conditions set forth above. If the conditions above are met, the application must be granted, although the Council can impose conditions. The Application can be denied if the City Council finds that the proposed project will not be in harmony with the appropriate and orderly development of the RD-1.7 Zoning District or finds that the proposed project will discourage the appropriate development and use of the adjacent land. The City Council may also deny the application if the operations of the proposed project will be more objectionable than other permitted uses in the RD-1.7 Zoning District or concludes that the proposed parking areas are not adequate.

The City Council has the ability to ask the Applicant to modify the proposed project to address any specific concerns related to the conditions and standards in § 223-18.B. The Applicant is requesting 307 dwelling units, however, the City Council may approve fewer units if it feels that the proposed project cannot meet the standards and conditions for the Special Permit and a project with less units can.



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer, Esq.
tpalmer@cuddyfeder.com

April 16, 2018

VIA HAND DELIVERY AND E-MAIL

Mayor Randy Casale
and Members of the City Council
City of Beacon City Hall
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater – Special Permit Application – Additional Letters of Support
Premises: 22 Edgewater Place, Beacon, New York
Tax Parcel IDs: 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979

Dear Mayor Casale and Members of the City Council,

On behalf of the Scenic Beacon Developments, LLC, (the “Applicant”), we respectfully submit this letter in furtherance of the above-referenced application for a Special Use Permit (the “SUP Application”) for a transit-oriented multi-family development project commonly referred to as Edgewater (hereinafter the “Project” or “Edgewater”).

In connection with the foregoing, we respectfully submit forty-four (44) additional letters of support and approval recommendation, including additional letters of support from residents of the adjacent Tompkins Terrace Apartment Homes development. Please incorporate the enclosed as part of the official record of proceedings in connection with this matter.

Thank you for your consideration in this matter. We look forward to discussing the SUP Application with the City Council at the Council’s Public Hearing this evening, Monday, April 16th.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Taylor M. Palmer', is written over a horizontal line.

Taylor M. Palmer, Esq.

Enclosures

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 7/9/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

This letter will serve to confirm that we have had a chance to review the application of Scenic Beacon Developments, LLC (the "Applicant"), to the Planning Board and City Council of the City of Beacon, requesting Site Plan Approval, Subdivision Approval and Special Use Permit Approval to build 307 new market-rate apartments, parking and open space amenities on the Premises.

I (We) have reviewed the application materials and/or have walked the property and have become familiar with the proposal. This shall confirm that I (We) have no objection to the Edgewater development, and that the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to the two (2) streets that give access to it are such that the Edgewater development be in harmony with the appropriate and orderly development of the RD-1.7 Zoning district in which it is located. Indeed, the proposed access and improvements to the Premises create improved accessibility to the Metro-North Station.

Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Dina Tinsley
Signature(s)

ANA TINSLEY
Print Name(s)

14 Tompkins TERR
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/7/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Mauveen Monaco
Signature(s)

Mauveen Monaco
Print Name(s)

23 Tompkins Terr.
Address

Beacon, NY 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-6-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Manuel Gonzalez
Signature(s)

MANUEL GONZALEZ
Print Name(s)

14 MARR AVE Beacon NY 12508
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-1-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

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I (We) have reviewed the application materials and/or have walked the property and have become familiar with the proposal. This shall confirm that I (We) have no objection to the Edgewater development, and that the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to the two (2) streets that give access to it are such that the Edgewater development be in harmony with the appropriate and orderly development of the RD-1.7 Zoning district in which it is located. Indeed, the proposed access and improvements to the Premises create improved accessibility to the Metro-North Station.

Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,


Signature(s)

Richard Atkins
Print Name(s)

9 Tompkins Test Beacon N.Y.
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: April 5 2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Candy Santiago

Signature(s)

CANDY SANTIAGO

Print Name(s)

97 Tompkins Street Beacon N.Y. 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-7-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Michael R. Bulld
Signature(s)

Michael A Bell Jr
Print Name(s)

78 TAMPKINS TERRACE
Address BEACON NY 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-4-2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Pedro Gomez
Signature(s)

Pedro A Gomez
Print Name(s)

18 TOMPKINS TERR
Address

BEACON NY

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-7-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) the abutting or neighborhood property owner(s) of 22 Edgewater Place, Beacon, New York (the "Premises"), which is classified in the RD-1.7 Zoning District.

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

Jesús C Osuna Jesús C Osuna
Signature(s)

65 Tompkins Terrace
Print Name(s)

Beacon NY 12508-1606
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 3-31-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Very truly yours,

Vanessa Diaz } Vanessa Diaz
Signature(s)

Print Name(s)

10 Tompkin Ten Beacon NY
Address
12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/15/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval


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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,


Signature(s)

Jessica Jackson
Print Name(s)

89 Tompkins Terrace Beacon NY 12508
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/4/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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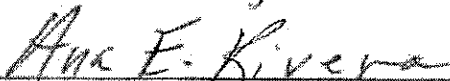
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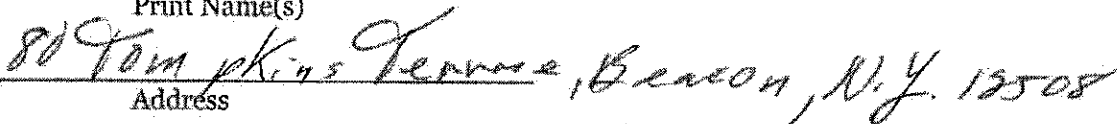
Very truly yours,



Signature(s)



Print Name(s)



Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 3/31/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,

FRANCISCO CORREA
Signature(s)

Francisco Correa
Print Name(s)

27 Tompkins Lane
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 3/31/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

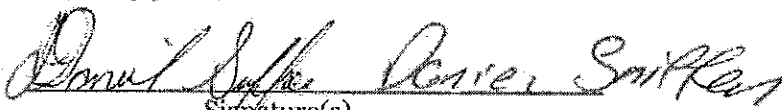
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Given the Edgewater project's conformance to the Special Use Permit standards, we therefore recommend that the City Council approve the Special Use Permit for the multi-family development.

Very truly yours,


Signature(s)

Print Name(s)

12 TOMPKINS TERRACE
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: _____

4-11-18
Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

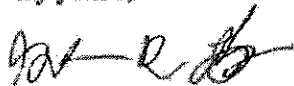
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therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,



Signature(s)

George Leo

Print Name(s)

906 Wolcott Ave

Beacon NY

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval


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development.

Very truly yours,



Signature(s)

ADEN OJKA

Print Name(s)

10 SISCOA PL BEACON NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/12/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,


Signature(s)

Paula Greene
Print Name(s)

12 Hask. Pl. Beacon NY.
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Given the Edgewater project's conformance to the Special Use Permit standards, we
therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,


Signature(s)

Sherry Coleman
Print Name(s)

145 Main St. Beacon, N.Y.
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval


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therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,



Signature(s)

Darryl Coleman

Print Name(s)

145 Main St Beacon, N.Y.

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-11-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

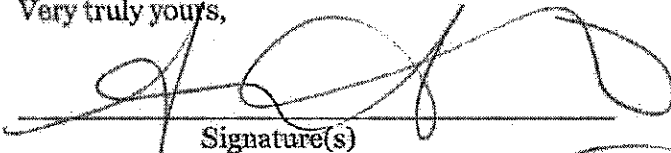
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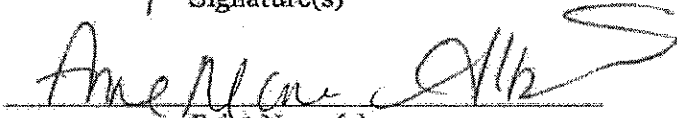
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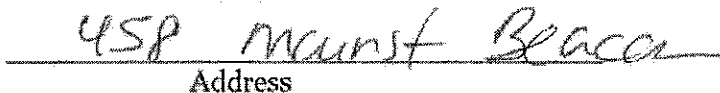
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Signature(s)



Print Name(s)



Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

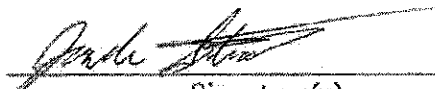
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development.

Very truly yours,



Signature(s)

Joseph Steele

Print Name(s)

18 Sunnyside Rd, Beacon NY, 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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development.

Very truly yours,


Signature(s)

Evan Winkler
Print Name(s)

9 South Street Beacon N.Y.
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/13/2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

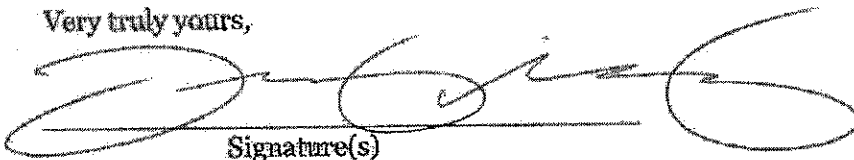
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Premises create improved accessibility to the Metro-North Station.

Given the Edgewater project's conformance to the Special Use Permit standards, we
therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,



Signature(s)

James Montanez

Print Name(s)

31 Church Street

Address

Beacon, NY 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 13 April 2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

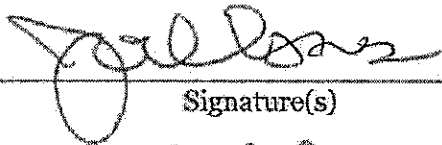
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development.

Very truly yours,



Signature(s)

Joel Goss

Print Name(s)

29 Barrett Place

Address

Beacon

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/15/2016

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

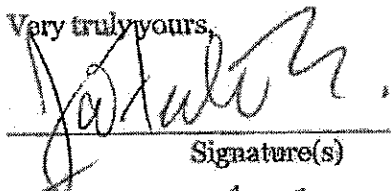
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development.

Very truly yours,



Signature(s)

James M. Fedorichuk

Print Name(s)

64 Catherine St. Beacon NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/13/17

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: **Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval**


I am (we are) property owner(s)/and or resident(s)/and or a business owner(s) of
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development.


Very truly yours,



Signature(s)



Print Name(s)



Address

Beacon, N.Y. 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/12/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

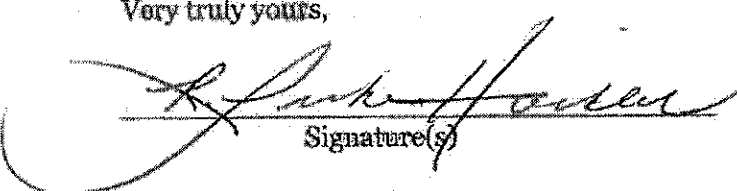
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therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Vary truly yours,


Signature(s)

R. Luke Hocken
Print Name(s)

24 St. Lukes Pl. Beacon NY
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: _____

4-11-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

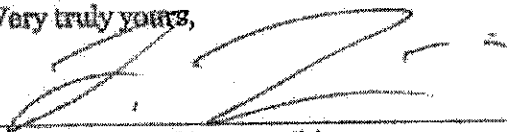
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development.

Very truly yours,



Signature(s)

Thomas Korzekwinski

Print Name(s)
12 Lucas Lane Beacon

Address New York

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 11 April 2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Very truly yours,



Signature(s)

Clyde O. Hasage

Print Name(s)

Beacon NY

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/11/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

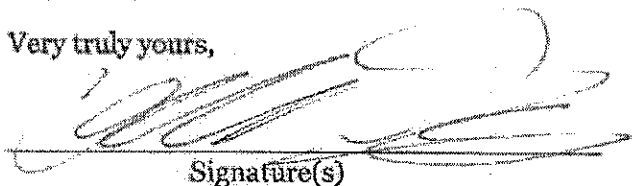
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Very truly yours,



Signature(s)

Caesar Garcia

Print Name(s)

Beacon NY

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/13/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval


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development.

Very truly yours,


Signature(s)

JAMES TAYLOR
Print Name(s)

13 Harborhill Ct Beacon NY
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/14/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

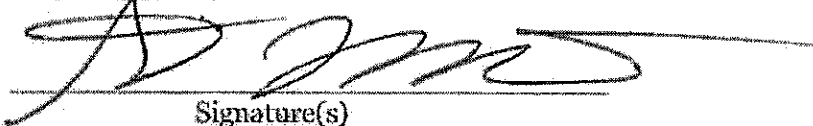
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development.

Very truly yours,



Signature(s)

Steven Miccio

Print Name(s)

197 Rombout Ave Beacon

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4.14.18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

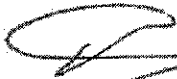
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Very truly yours,



Signature(s)

Dawn Pascale

Print Name(s)

197 Rombout Ave Beacon NY

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/13/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
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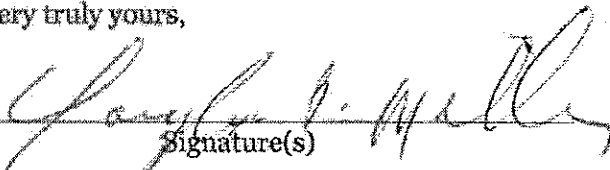
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development.

Very truly yours,


Signature(s)

Douglas P Miller
Print Name(s)

P.O. Box 69, Beacon, NY
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-13-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

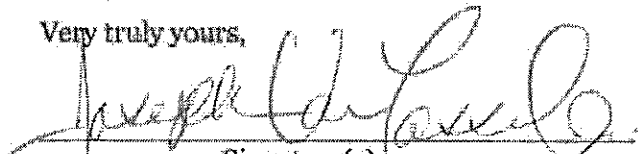
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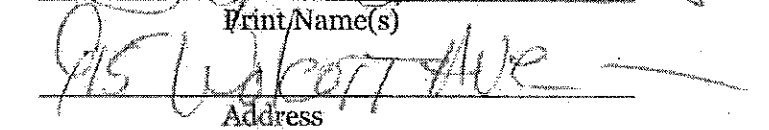
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Very truly yours,



Signature(s)


Print Name(s)


Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/14/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

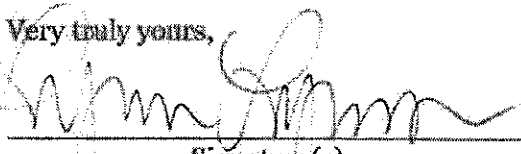
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development.

Very truly yours,



Signature(s)

Lynn Lyons

Print Name(s)

116 Exeter Circle Beacon, NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/16/2018

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval


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development.

Very truly yours,



Signature(s)

HUGH L SAUER

Print Name(s)

3 NORTH ST. # 8, BEACON, NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-16-13

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

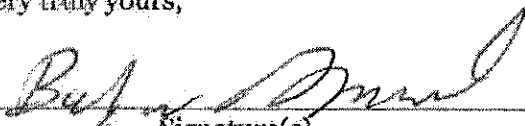
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1.7 Zoning district in which it is located. Indeed, the proposed access and improvements to the
Premises create improved accessibility to the Metro-North Station.

Given the Edgewater project's conformance to the Special Use Permit standards, we
therefore recommend that the City Council approve the Special Use Permit for the multi-family
development.

Very truly yours,



Signature(s)

Baljinder Dhaliwal

Print Name(s)

790 Wolcott Ave Beacon NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: _____

4/10/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

I am (we are) property owner(s)/and or resident(s)/and or a business owner(s) of
Beacon, New York.

This letter will serve to confirm that we have had a chance to review the application of
Scenic Beacon Developments, LLC (the "Applicant"), to the Planning Board and City Council of
the City of Beacon, requesting Site Plan Approval, Subdivision Approval and Special Use Permit
Approval to build 307 new market-rate apartments, parking and open space amenities on the
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Very truly yours,



Signature(s)

Carley Lyons

Print Name(s)

179 Union St. Beacon NY

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: _____

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

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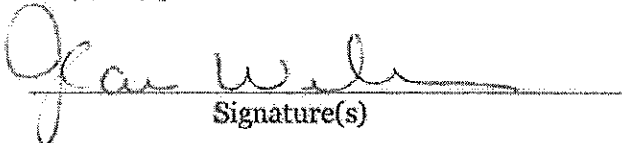
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Very truly yours,


Signature(s)

Jean Wilson
Print Name(s)

26 Dinan ST Beacon NY 12508
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/10/18

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Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

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development.

Very truly yours,

Charles Lyons
Signature(s)

CHARLES LYONS
Print Name(s)

24 PAYS AVE BEACON NY
Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/10/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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Very truly yours,



Signature(s)

BEN SPOONER

Print Name(s)

G SUSAN FERR

Address

BEACON, NY 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-10-18

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Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

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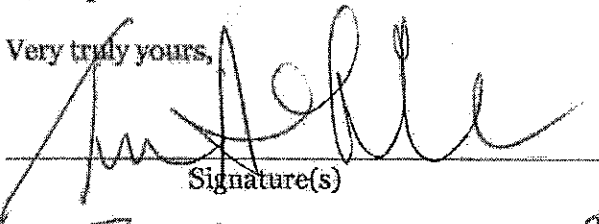
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Very truly yours,



Signature(s)

Tina Andrews Landolfi

Print Name(s)

25 East Main St Apt. 4

Address
Beacon, NY 12508

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4/13/18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

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development.

Very truly yours,



Signature(s)

Julian Kelly

Print Name(s)

451 Main St Beacon, NY 12508

Address

LETTER IN SUPPORT AND APPROVAL RECOMMENDATION

DATE: 4-10-18

Mayor Randy Casale and
Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Edgewater - 22 Edgewater Place - Site Plan, Subdivision & Special Use Permit Approval

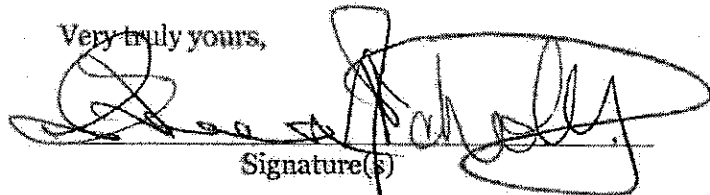
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Very truly yours,


Signature(s)

Steven Mahedy
Print Name(s)

52 Leonard St Apt 305
Address
Beacon, NY 12508

Dutchess County Department of Planning and Development	Fax info To	Date <u>3/28</u>	# 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): 5955-1A-590022, 5954-25-581985, 566083, 4979

Project Name: Edgewater

Applicant: Swanik Beacon Developments, LLC

Address of Property: Edgewater Pl

Please fill in this section

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): SD17-110, ZPA-356, ZR17-050-111, -176

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:	Comments Attached:
<input type="checkbox"/> Matter of Local Concern	<input type="checkbox"/> Local Concern with Comments
<input type="checkbox"/> No Jurisdiction	<input type="checkbox"/> Conditional
<input type="checkbox"/> No Authority	<input type="checkbox"/> Denial
<input type="checkbox"/> Project Withdrawn	<input type="checkbox"/> Incomplete -- municipality must resubmit to County
<input checked="" type="checkbox"/> Exempt from 239 Review	<input type="checkbox"/> Incomplete with Comments -- municipality must resubmit to County
	<input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)

Date Submitted: <u>3/13/18</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>3/14/18</u>		
Date Requested:		Referral #: <u>ZR18-073</u>
Date Required: <u>4/11/18</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Seungja Hwang</u>
Date Response Faxed: <u>3/28/18</u>		

**City of Beacon Council Agenda
4/16/2018**

Title:

Resolution to appoint Kathleen Dawkins as Account Clerk Typist I, Step 1

Subject:

Background:

ATTACHMENTS:

Description	Type
Resolution to appoint Account Clerk Typist I	Resolution

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2018

RESOLUTION APPOINTING ACCOUNT CLERK TYPIST I

Approve the appointment of Kathleen Dawkins as Account Clerk Typist I, Step 1 effective April 18, 2018.

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					
Motion Carried							

City of Beacon Council Agenda
4/16/2018

Title:

Resolution to adopt a 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
Reso historic preservation	Resolution
LL Historic Preservation_4.2.18	Local Law
COB PB comments Historic Overlay	Backup Material
DCPB comments historic preservation	Backup Material



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

A RESOLUTION TO ADOPT A LOCAL LAW TO AMEND CHAPTER 134 AND CHAPTER 223, SECTION 24.7 OF THE CODE OF THE CITY OF BEACON CONCERNING HISTORIC PRESERVATION.

NOW, THEREFORE, BE IT RESOLVED, that the Beacon City Council hereby adopts a local law to amend Chapter 134 and Chapter 223, Section 24.6 of the Code of the City of Beacon concerning Historic Preservation.

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts the attached list of designated historic properties and landmarks. Such list shall be maintained on file with the City Clerk and updated upon designation of any new historic property or landmark.

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					
Motion Carried							

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.~~ ~~An~~ 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.

§ 134-4 ~~6~~-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.~~

C. 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.

D. 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.

E. 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.

F. In determining whether or not to designate a new historic landmark, the City Council shall consider the factors listed in § 134-4.B and any testimony or evidence presented during the public hearing.

- G. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing, the City Council shall render its decision on the proposed designation. 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.
- H. 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.
- I. 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~~ 42. 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~~ 4- 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~~ 5 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. Standards using the verb “shall” are required; “should” is used when the standard is to be applied unless the Planning Board or City Council finds a strong justification for an alternative solution in an unusual and specific circumstance; and “may” means that the “standard” is an optional guideline that is encouraged but not required.
- (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) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.
 - (2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.
 - (a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.

- (b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.
 - (c) The height of any new building facades in the HDLO shall not conflict with the heights of adjacent historic structures on adjoining HDLO parcels.
 - (d) Larger buildings or additions should 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 should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
 - (c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.
 - (d) New buildings in the HDLO should 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.

§ 134-2 8. 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. ~~€~~ 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:~~

Parcel I.D.	Location	Owner Name
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 ^H	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 Schenck House, adjoining Tallix property, Blackburn Avenue — Schenck Estate.~~
- ~~(11) — Russell Avenue, from First Street to Union Street, cluster of historic homes; 1st Highland Hospital; Mayor Russell's House; Ticehurst 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:

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

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.



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Review Proposed Local Law to Amend Chapters 134 and 223 of the City Code – Historic Preservation

DATE: March 14, 2018

As requested the Planning Board reviewed the proposed local law to amend Chapters 134 and 223 of the Code of the City of Beacon regarding Historic Preservation at its March 13, 2018 meeting. A lengthy review and discussion of the proposed law took place with the City Planner, City Attorney and Building Inspector Tim Dexter. After careful consideration members voted unanimously to recommend the following revisions to the local law:

- 1. Add the following to Section 134-7 of the local law regarding “Criteria for approval of a certificate of appropriateness or special permit in the HDLO”:**
Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.
- 2. Revise Section 134-8.E of the local law to strike the last sentence, as set forth below:**
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.~~
- 3. Revise Section 134-9.E of the local law to strike the last sentence, as set forth below:**
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.~~

4. The Planning Board is concerned about the absence of any flexibility in the application of some of the criteria, particularly where there is no ability for an applicant to seek a waiver or variance from the criteria. Therefore, the Planning Board recommended revising Section 134-7.B of the local law to change “shall” to “should,” as set forth below (revisions are indicated in bold, italicized text):

- (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) **Where possible, 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 should** 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 should** reflect the typical heights of adjacent historic structures.
 - (c) Larger buildings or additions **shall should** 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 should** not be enclosed, obscured, or removed so that the character of the structure is substantially changed.
 - (c) Deteriorated building features **shall should** be repaired rather than being replaced and, if not repairable, **shall should** be replicated in design, materials, and other historic qualities.

- (d) New buildings in the HDLO ~~shall~~ *should* 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.

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



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

March 28, 2018

To: City Council, City of Beacon
Re: **Referral #18-068, Historic Preservation Law**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The City is proposing to amend Chapter 134 (Historic Preservation) and Chapter 223 §24.7 (Zoning).

COMMENTS

The City's historic preservation law exists as its own Chapter in the City's Code and is located outside of the Zoning chapter. As a matter of law, our department does not have the authority to review laws that fall outside the umbrella of zoning. However, the City has proposed to make an adjustment to the zoning chapter to reference Chapter 134-7 (Historic Preservation) as a standard for the granting of a special permit by the City Council. In light of the City's Historic Preservation standards now being incorporated into the approval process for a special use permit (zoning law) by the City Council, we offer the following comments:

The City should consider keeping the Historic Preservation and Zoning laws distinct and separate. The incorporation of section 134-7 into the special permit process is confusing and redundant as an applicant will still need a certificate of appropriateness (which uses the same standards) from the Planning Board.

Separate and very specific standards have been developed for an applicant to be granted a Certificate of Appropriateness, Special Permit and/or Site Plan approval. In addition, zoning districts, such as the CMS district, contain additional, very specific standards. While we encourage the City to be specific about its expectation for development, we also believe it is critical to ensure that the process and hierarchy of municipal review and approval is clear and easy to understand for the residents and business owners of the City. For instance, the proposed amendment specifically adds "height" to the criteria for approval of a certificate of appropriateness or special permit in the HDLO and references "typical heights of adjacent historic structures." What is considered "typical" can vary from one building to the next and may depend on the *type of building* (industrial vs. single family home). This provision may also conflict with allowable heights as designated in the zoning code. Further, what qualifies as "historic" is not defined which will lead to ambiguity when applying the law. Does "historic" mean the buildings that are in the Historic District Landmark Overlay, or any historic building? Generally speaking, buildings that are eligible to be considered "historic" must be 50 years of age and older, which would include anything from Beacon's very first buildings to single-story buildings that were constructed during "urban renewal"

– a period of time that had devastating effects on the fabric of our cities. A clear understanding of what “historic” means is necessary to make this law effective.


Regarding approvals, it would be beneficial to all involved to permit small renovations, such as a window or door replacement through an administrative review rather than a full out planning board review. This would save time for the applicant in making the improvement, and would reduce the impact of small reviews on the Planning Board. To that end, we would encourage the City to investigate offering an administrative review process for smaller or in-kind renovations. As the City is already proposing to offer prior consultation with the Planning Board or its designated agent to review proposed changes, we suggest this could be turned into an administrative review for small projects that could be done at very low cost or free of charge for applicants.

RECOMMENDATION

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

Eoin Wrafter, AICP
Commissioner

By

A handwritten signature in black ink, appearing to read "Jennifer Coccozza", with a long horizontal flourish extending to the right.

Jennifer F. Coccozza
Deputy Commissioner

3/28 3P4P

Dutchess County Department of Planning and Development

Fax Info	To: <u>Jennifer Cocozza</u>	Date: <u>3/1/18</u>	# pgs: <u>15</u>
	Dept:	From: <u>Wise Edelson</u>	
	Fax #: <u>845 486 3610</u>	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: Historic Preservation Local Law

Applicant: City of Beacon

Address of Property: 1 Municipal Plaza Beacon, NY 12508

Please fill in this section

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): before March 19th

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>No Comments:</p> <p><input type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Project Withdrawn</p> <p><input type="checkbox"/> Exempt from 239 Review</p>	<p>Comments Attached:</p> <p><input checked="" type="checkbox"/> Local Concern with Comments</p> <p><input type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete — municipality must resubmit to County</p> <p><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</p> <p><input type="checkbox"/> Informal Comments Only (Action Exempt from 239 Review)</p>
--	---

Date Submitted: <u>3/1/18</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>3/1/18</u>		
Date Requested: <u>3/19/18</u>		
Date Required: <u>3/30/18</u>	<input type="checkbox"/> Also mailed hard copy	Referral #: <u>ZR18-068</u>
Date Response Faxed: <u>3/28/18</u>		Reviewer: <u>Jennifer Cocozza</u>

DUTCHESS COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

**City of Beacon Council Agenda
4/16/2018**

Title:

Resolution adopting a local law to amend Chapter 223 of the Code of the City of Beacon concerning calculation of the lot area per dwelling unit in the R1, RD, and Fishkill Creek Development Districts

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso calculation lot area	Resolution
LL Lot Area 4.11.18	Local Law
Neg Dec Calculation of Lot Area	Neg Dec



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 CALCULATION OF THE LOT AREA PER DWELLING UNIT IN THE R1, RD, AND FISHKILL CREEK DEVELOPMENT DISTRICTS.

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with 6 NYCRR Part 617 and upon review of the 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 concerning calculation of the Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

Resolution No. _____ of 2018		Date: <u>2018</u>		<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 McCreo									
		George Mansfield									
		Lee Kyriacou									
		John Rembert									
		Amber Grant									
		Mayor Randy Casale									
Motion Carried											

LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 223 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to amend Chapter 223, concerning calculation of the Lot Area per Dwelling Unit in the R1, RD, and Fishkill Creek Development Districts.

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

Section 1. Chapter 223, Attachment 1 of the Code of the City of Beacon entitled “§ 223-17C, Schedule of Regulations For Residential Districts” is hereby amended to add the following footnote “q” after “Lot Area per Dwelling Unit” and in the attached “Notes” list:

q. For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.

Section 2. Chapter 223 of the City Code, Article IVC entitled “Fishkill Creek Development District” § 223-41.14B is hereby amended as follows:

B. Development Potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, pre-development very steep slopes over 20% of 25 percent or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25 percent of the total development’s floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

Section 3. Chapter 223 of the City Code, Article VI entitled “§ 223-63, Definitions” is hereby amended as follows:

VERY STEEP SLOPE

An area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet ~~horizontal length of at least 100 feet and extending over a horizontal width of at least 100 feet.~~ [Added 3-1-2004 by L.L. No. 2-2004]

Section 4. 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 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.

Project: **Net Development Area**

Date: **March 19, 2018**

**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 proposed local law amends the Zoning Code of the City of Beacon to provide that for all R1, RD and Fishkill Creek Development Zoning Districts involving a parcel over 3 acres, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland, and/or within an area of very steep slopes of 25 percent or more as defined in Section 223-63 of the Code of the City of Beacon. This law will limit how many dwelling units a developer may construct on a lot located in the R1, RD and Fishkill Creek Development Zoning Districts. The goal of this local law is to promote proper and sustainable residential development in the city.

The maximum number of dwellings permitted on a lot shall be calculated by dividing the total net development area by the minimum lot area per dwelling unit required for each residential zoning district as set forth in the Zoning Code of the City of Beacon. The total net development area is the total lot area of the property available after subtracting any lot area covered by surface water, land within a federal regulatory floodway, within a state or federally regulated wetland or within an area of very steep slopes of 25 percent or more. The calculation of net development area excludes lands that are not suitable for development. Developers are prohibited or strongly discouraged from development on lands covered by surface water, lands within a floodway or wetland and on lands with steep slopes. Therefore, such lands should not be included in any calculations to establish the maximum number of dwelling units permitted on a lot. The purpose of the proposed local law is to regulate development to protect the City and certain environmentally sensitive features. The City's objective is to ensure that development density is reasonably related to land capabilities, with lower densities maintained on lands least able to support intensive uses due to natural features such as steep slopes and wetlands. The calculation of net development area under the proposed law reflects the area of land available on which a dwelling unit could be sited. The proposed local law will protect the the health, safety and welfare of the City and its residents. In addition, the law will better protect environmentally sensitive lands and further regulate development near such lands. Therefore, the proposed action will not result in a significant adverse environmental impact.

- 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.
- 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	
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

City of Beacon Council Agenda
4/16/2018

Title:

Resolution to accept Comprehensive Water Supply Plan and incorporate into Comprehensive Plan

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso Water Supply Plan	Resolution



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

**ACCEPTING CITY OF BEACON
COMPREHENSIVE WATER SUPPLY PLAN
AND INCORPORATING INTO COMPREHENSIVE PLAN**

WHEREAS, LBG Hydrogeologic & Engineering Services, P.C., a member of WSP (LBGHES), has completed a Comprehensive Water Supply Plan (“Plan”) for the City of Beacon. The Plan included evaluating the storage capacity of the three City reservoirs to estimate the safe yield of the reservoirs; conducting an extended yield test on the existing bedrock water-supply wells to determine the safe yield of the bedrock wells; conducting a groundwater exploration program at the City’s Pump House Road well field to evaluate the potential to develop a high yielding sand and gravel production well; and the evaluation of current and projected City build-out population to determine if the City has an adequate supply of drinking water to meet the current and projected water demand; and

WHEREAS, Section 5 of the 2017 Comprehensive Plan Update concerning the discussion on water is no longer current in light of the preparation of the Water Supply Plan.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby accepts the City of Beacon Comprehensive Water Supply Plan dated March 2018 and directs the City Clerk (i) to maintain a copy on file; (ii) that the Water Supply Plan be annexed to the 2017 Comprehensive Plan Update and made a part thereof in place of the existing section on water supply contained therein; and (iii) make a notation to such effect on the official copies maintained by the City as well as on any digital copy made available to the public on the City’s website or otherwise; and

BE IT FURTHER RESOLVED THAT, this Water Supply Plan shall be updated when the Comprehensive Plan is next updated in 2027 or in the event that the City Council finds that after the 2020 census there are material deviations from the population projection set forth in the Water Supply Plan as compared to the population count set forth in the 2020 census.

Resolution No. _____ of 2018

Date: 2018

Amendments

2/3 Required

Not on roll call.

On roll call

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					
Motion Carried							

City of Beacon Council Agenda
4/16/2018

Title:

Resolution awarding Sludge Cake contract to Casella Organics

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso sludge cake contract	Resolution



**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

**RESOLUTION TO AWARD THE CONTRACT
FOR THE REMOVAL AND DISPOSAL OF SLUDGE CAKE FROM THE CITY OF
BEACON WASTEWATER TREATMENT FACILITY**

WHEREAS, two bid packages were submitted and opened on April 2, 2018 for the Removal and Disposal of Sludge Cake from the City of Beacon Wastewater Treatment Facility; and

WHEREAS, Synagro Northeast submitted a “No Bid” for this contract; and

WHEREAS only a singular proposal from Casella Organics was submitted for the project and upon review found to be complete; and

WHEREAS, Casella Organics has been providing sludge cake removal for the City of Beacon over the past 5-years without issue; and

NOW, THEREFORE BE IT RESOLVED, that the Contract for the Removal and Disposal of Sludge Cake from the City of Beacon Wastewater Treatment Facility be awarded to Casella Organics; and be it further

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

Dated: _____

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

City of Beacon Council Agenda
4/16/2018

Title:

Resolution authorizing sale of an approximately 0.06 acre parcel of vacant land located on Wolcott Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso sale of real property	Resolution

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2018

**RESOLUTION AUTHORIZING SALE OF
AN APPROXIMATELY 0.06 ACRE PARCEL OF
VACANT LAND LOCATED ON WOLCOTT AVENUE**

WHEREAS, in 2012 the City of Beacon acquired the real property consisting of 0.06 acres of vacant land on Wolcott Avenue (no number) identified on the Dutchess County Tax Map as Parcel 195496 (the “Parcel”); and

WHEREAS, the City offered said parcel of land to the two adjacent property owners in October 2012; and

WHEREAS, Larry and Marianne Dahl of 20 Rende Drive wish to purchase the parcel for \$1,000.00.

NOW, THEREFORE, BE IT RESOLVED THAT, as said Parcel was obtained pursuant to an In Rem tax foreclosure proceeding and the Parcel cannot be used for any public purpose, the City hereby authorizes the sale of the vacant parcel of approximately 0.06 acres identified on the Dutchess County Tax Map as 195496 for the price of \$1,000.00 to Larry and Marianne Dahl and authorizes the City Administrator to sign any and all documents necessary to effectuate the sale.

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

City of Beacon Council Agenda
4/16/2018

Title:

Resolution granting further extension of time to complete construction of a house at the Rosenethe Estates, LLC

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso Rosenethe Extension	Resolution



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

**GRANTING FURTHER EXTENSION OF TIME
TO COMPLETE CONSTRUCTION OF A
HOUSE AT THE ROSENETH ESTATES, LLC PROPERTY**

WHEREAS, Roseneth Estates, LLC and Rodney Weber (collectively referred to as “Applicants”) are the owner of certain real property formerly known as Roseneth Estates which was acquired by the City of Beacon pursuant to an In Rem tax foreclosure proceeding and thereafter sold and conveyed with certain conditions of sale set forth in the Quit Claim Deed; and

WHEREAS, Condition I(12) of the Conditions of Sale set forth in the Deed requires the Applicants to diligently pursue construction and obtain a Certificate of Occupancy for the dwelling within one (1) year of the date of issuance of the Building Permit, to wit October 12, 2017; and

WHEREAS, on January 16, 2018, the City Council granted an extension for the Applicants to comply with said condition until April 2, 2018; and

WHEREAS, the Applicants submitted to the City a request dated March 30, 2018 setting forth an explanation that while the application for a Certificate of Occupancy was submitted prior to April 2, 2018, it was not able to be granted and the Certificate of Occupancy could not be issued for the reasons set forth in the Applicant’s March 30, 2018 letter; and

WHEREAS, the Applicant will appear before the City of Beacon Planning Board on April 10, 2018 for approval of a modification to a note on the Subdivision approval regarding building setback and has requested the time to obtain a Certificate of Occupancy be extended to April 24, 2018; and

WHEREAS, the City Council considered the applicant’s request at its April 9, 2018 work session.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon finds that the Applicants have set forth a good faith reason for not being able to comply with Condition I(12) of the Conditions of Sale set forth in the Deed, as extended and

hereby extends the Applicants time to comply with said condition until April 24, 2018. All other Conditions of the Sale set forth in the Deed remain unaltered by this Resolution.

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					
		Motion Carried					

**City of Beacon Council Agenda
4/16/2018**

Title:

Approval of Minutes from April 2, 2018

Subject:

Background:

ATTACHMENTS:

Description

Minutes_April_2_2018

Type

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 April 2, 2018 at 7:00 PM. Please note that the video recording of this meeting is available at 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
Nick Page, County Legislator

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

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:

Dennis Pavelock
Stosh Yankowski
Barbara McKaskell
Theresa Kraft
Charlie and Jessica Jeliffe
Steve Zia

Public Hearings:

- **Consideration of a Proposed Local Law to Amend Ch. 134 and Ch. 223, Sec. 24.7 of the City Code entitled "Historic Preservation"**

Speakers:

Theresa Kraft
Stosh Jankowski
John Gilvey

Mayor Randy Casale: Thanked all those who came out to share their views. Read Proclamation naming April Parkinson's Awareness Month.

Anthony Ruggiero: No report.

Resolutions, Ordinances and Local Laws:

1. Approval of the Creation of the Part-Time Deputy City Clerk Position

Motion by Councilmember McCredo, second by Councilmember Mansfield

* 6-1 (Councilmember Kyriacou voted no), motion carried

2. Approval of additions to Fee Schedule: Excavation, Grading and Tree Removal Permits

Motion by Councilmember Grant, second by Councilmember Mansfield

* 6-1 (Councilmember Kyriacou voted no), motion carried

3. Approval to enter into an agreement concerning the Bridge Street bridge

Motion by Councilmember Nelson, second by Councilmember Rembert

* 7-0, motion carried

4. Resolution to award Hudson River Trail Connector Project

Motion by Councilmember McCredo, second by Councilmember Rembert

* 7-0, motion carried

5. Approval to amend contract with WSP for the rehabilitation of Fishkill & Teller Aves

Motion by Councilmember Rembert, second by Councilmember Grant

* 6-1 (Mayor Casale voted no), motion carried

6. Resolution approving the announcements of Mayoral appointments

Motion by Councilmember McCredo to amend to include City Administrator, second by Councilmember Grant

* all in favor, motion carried

Motion to approve amended resolution by Councilmember McCredo, second by Councilmember Nelson

* all in favor, motion carried

7. Approval of amendment to contract with Kearny Realty & Development Group

Motion by Councilmember Nelson, second by Councilmember Mansfield

* All in favor, motion carried

8. Adoption of a local law to create section 223-26.4 in the City Code concerning short-term rentals

Tabled

9. Approval of budget amendments

Motion by Councilmember McCredo, second by Councilmember Grant

* 7-0, motion carried

Approval of Minutes

Minutes from March 19, 2018

- * Motion by Councilmember McCreo, second by Councilmember Mansfield
 - * All in favor, motion carried

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:

Lisa Marie Martinez

Jessica Jeliffe

Adjournment:

- * Motion by Councilmember Rembert, second by Councilmember McCreo
 - * All in favor, motion carried

Next Meeting: April 16, 2018 at 7:00 PM

**City of Beacon Council Agenda
4/16/2018**

Title:

Executive Session: Advice of Counsel

Subject:

Background: