



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. McCrede, Ward 3
Councilmember Amber J. Grant, Ward 4
City Administrator Anthony Ruggiero

June 4, 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.

Presentations:

- The Declaration of Independence - Dennis Pavelock
- Glenn Weinberg - Hudson Valley Renewable Highlands CCA

Reports:

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

Local Laws and Resolutions:

1. Resolution to adopt a Local Law to amend Chapter 223 of the Code of the City of Beacon concerning a) the Central Main Street District (CMS); b) 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 c) Proposed Local Law to amend the Zoning Map of the City of Beacon
2. Resolution to schedule a public hearing for June 18, 2018 to receive public comment on a proposed Local Law to create Section 223-26.4 of Code of the City of Beacon, concerning Small Cell Wireless Facilities
3. Resolution authorizing the Mayor or City Administrator to sign agreement with Royal Carting for Waste Collection services commencing July 1, 2018
4. Resolution to adopt the Investment Policy Statement dated May, 2018 prepared by RBC Wealth Management and authorizes the Mayor or City Administrator to sign the Investment Policy Statement

Approval of Minutes:

- Approval of Minutes from May 21, 2018

2nd Opportunity for Public Comments:

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

Adjournment:

**City of Beacon Council Agenda
6/4/2018**

Title:

The Declaration of Independence - Dennis Pavelock

Subject:

Background:

City of Beacon Council Agenda
6/4/2018

Title:

Glenn Weinberg - Hudson Valley Renewable Highlands CCA

Subject:

Background:

ATTACHMENTS:

Description

Renewable Highlands CCA

Type

Backup Material



**Hudson Valley – Renewable Highlands CCA
Meeting with City of Beacon
May 14, 2018 9:30am**

As expected, on March 15, we received NY State approval for the Renewable Highlands CCA Implementation Plan (or the “Plan”), which proposed structures to provide guaranteed savings to consumers for up to 20 years, and to offer community ownership and long-term sustainable development opportunities in partnership with local clean energy projects.

This is the first program of its kind in the nation.

Thank you for your continued support and patience as we progressed toward this major milestone for the Renewable Highlands program, and for CCA in NYS.

Many of these projects are already in the pipeline (see slides), and this Program will attract even more opportunities to the region by offering a certain and comprehensive solution to the single largest obstacle for project developers and investors: customer acquisition. ***CCA places the communities in the privileged market position to dictate contract terms, build timelines, and siting of local clean energy projects to maximize customer value and minimize environmental and quality of life impacts of installations.***

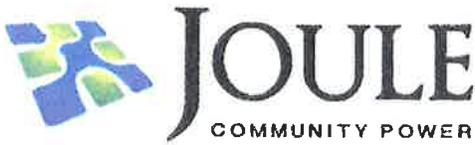
Here’s a timeline of recent and anticipated events:

- 11.9.17 Implementation filed; Renewable Highlands appendix filed thereafter summarizing community outreach, education, public meetings/hearings, local laws, press coverage. First Plan of its kind to propose the seamless integration of local clean energy projects and provide *guaranteed* savings to enrolled customers.

- 12.21.17 Joule granted only license in the State to aggregate smart thermostats and other in-home devices to register as a demand resource to the grid, thereby allowing us to pay CCA customers for their willingness to participate in demand management programs.

- 2.12.18 Public comment period closes; Twenty-one letters of support for our Plan were submitted, including from the City of New York, the NRDC, Sierra Club, People’s Climate Movement (Capital Region), 350 Brooklyn, 350 Capital District, People of Albany United for Safe Energy, The Adirondack Council, Sullivan Alliance for Sustainable Development, Solarize Albany, Delaware River Solar, Irondequoit (NY) Mothers Out Front Team, First Unitarian Church of Rochester, Rochester People’s Climate Coalition, First Unitarian Church of Rochester Environmental Task Force, Town of Geneva, and the Villages of Brockport, and Lima, with additional vocal support from the Sierra Club Atlantic Chapter, We Act, and the Environmental Defense Fund.

- 3.15.18 Approval of Plan by Public Service Commission with issuance of PSC Order.**



May '18

- Negotiate Data Security Agreement and submit data requests to Central Hudson
- Public outreach campaign commences
- Pre-qualify suppliers, source clean energy projects; finalize supply contract and RFP specs
- Deadline for new communities to pass laws and sign onto the Plan
- Submit Local Renewables Plan to DPS Staff

June '18

- 2nd Public Forum/Info session
- Solicit local renewable generators
- Issue RFP for power supply on behalf of the Renewable Highlands communities

July '18

- Award contracts to supplier(s); data transfer and enrollment process begins.
- Mail program notification letters; launch customer support operation.
- Jeff Domanski and Victor-Pierre Melendez to spearhead local organization.

August '18 Program Launch

Not included in this timeline are the outreach to several currently non-participating communities to explore the possibility of joining the Renewable Highlands CCA. These efforts have been led by Jeff Domanski and Victor-Pierre Melendez of IBTS who will be our Program's "local organizer." As indicated in our Implementation Plan, the local organizer will be the local presence within the communities serving as the point of contact for the CCA programs, doing outreach and education, and available to answer questions and assist with strategic energy planning and other efforts.

Communities with whom we've been meeting to explore joining include Kingston, the City of Newburgh, the City and Town of Poughkeepsie, and a number of smaller communities. We're doing this outreach because adding additional accounts to our CCA Program brings the potential to negotiate an even lower supply price and leverage in contract negotiations with suppliers. We're also in discussion with a number of Dutchess County legislators who have interest in supporting our Program.

Thank you for your continued engagement,

Glenn Weinberg

Director, JouleCommunity Power

Jeff Domanski

Senior Manager, IBTS

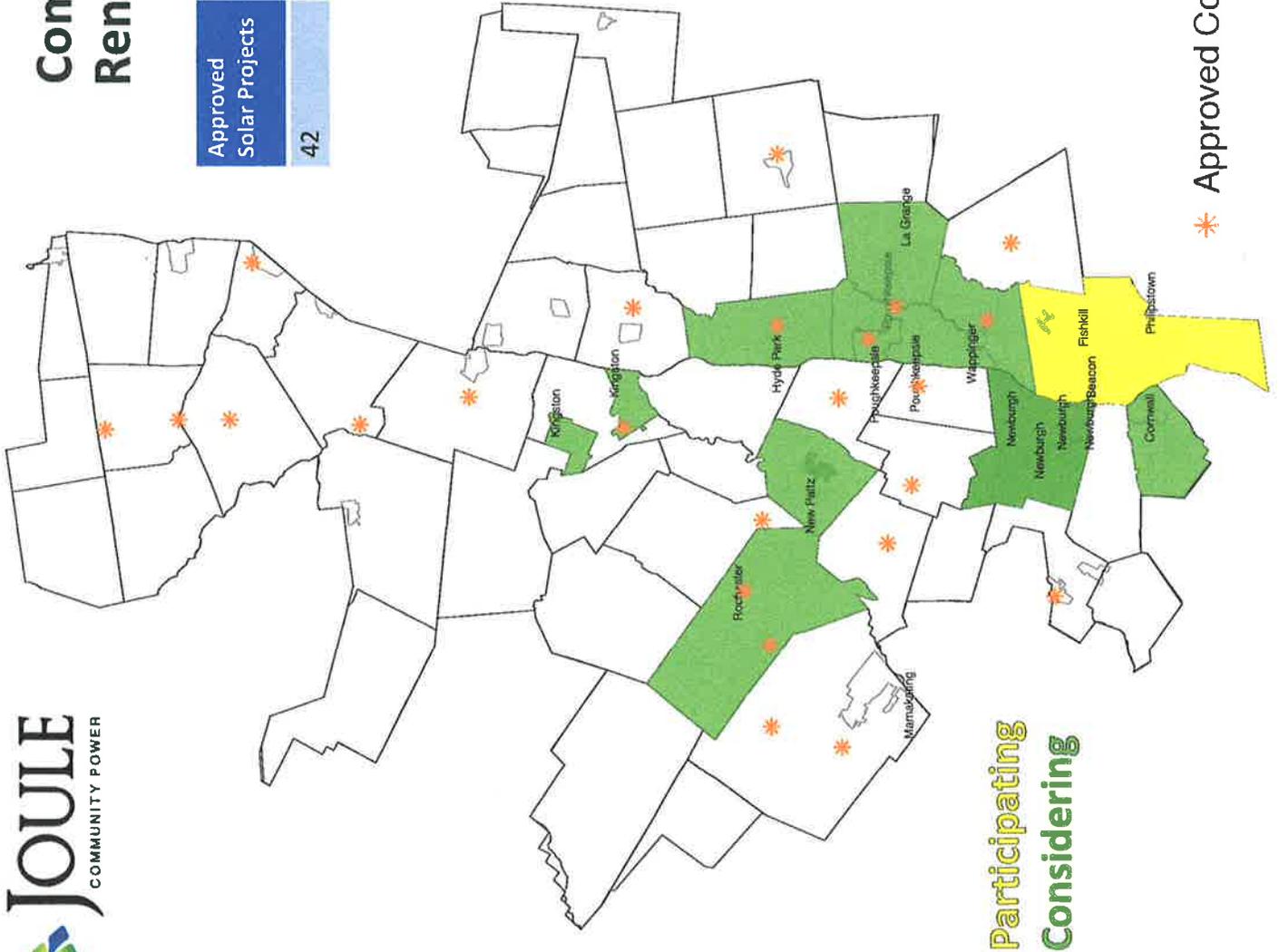
Victor-Pierre Melendez

Program Manager, IBTS



Community Solar Pipeline Renewable Highlands CCA

Approved Solar Projects	Capacity	Community Solar Homes	Econ. Development
42	104 MW	18,856	\$183.4 million



Participating in CCA	Households
Philipstown	3685
Cold Spring	910
Fishkill (T)	8642
Beacon	5347
Considering CCA	Households
Poughkeepsie (C)	3685
Poughkeepsie (T)	910
Newburgh (C)	8642
Newburgh (T)	5347
Fishkill (V)	937
Hyde Park	7805
La Grange	5287
Wappingers Falls	2154
Wappinger	8097
Kingston	9834
New Paltz (T)	2486
New Paltz (V)	1994
Ulster	4840
Rochester	2741

**City of Beacon Council Agenda
6/4/2018**

Title:

Resolution to adopt a Local Law to amend Chapter 223 of the Code of the City of Beacon concerning a) the Central Main Street District (CMS); b) 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 c) Proposed Local Law to amend the Zoning Map of the City of Beacon

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso CMS Comp Plan Zoning Map	Resolution
Neg Dec Zoning Amendments	Neg Dec
CMS Draft LL 5.31.18	Local Law
Comp Plan Amendments 3.19.18	Amendment
Zoning Map Changes_4_10_18	Local Law



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

A RESOLUTION TO ADOPT (1) 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, LOCAL BUSINESS (LB) AND GENERAL BUSINESS (GB) ZONING DISTRICTS; (2) A LOCAL LAW TO AMEND CHAPTER 223 OF THE CODE OF THE CITY OF BEACON CONCERNING THE CENTRAL MAIN STREET DISTRICT (CMS); AND (3) A LOCAL LAW TO AMEND THE ZONING MAP OF THE CITY OF BEACON

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

BE IT FURTHER RESOLVED, that the Beacon City Council hereby adopts **(1)** 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, Local Business (LB) and General Business (GB) Zoning Districts; **(2)** a Local Law to amend Chapter 223 of the Code of the City of Beacon concerning the Central Main Street District (CMS); and **(3)** a Local Law to amend the Zoning Map of the City of Beacon.

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							

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
All application materials submitted by the Applicant, memoranda from City staff and consultants, agency and public comment, and testimony from _____
meetings held on the application.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City Council of the City of Beacon _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon

Name of Lead Agency: City Council of the City of Beacon

Name of Responsible Officer in Lead Agency: Randy Casale

Title of Responsible Officer: Mayor

Signature of Responsible Officer in Lead Agency: _____ Date: December 18, 2017

Signature of Preparer (if different from Responsible Officer) _____ Date: _____

For Further Information:

Contact Person: Anthony Ruggiero

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: (845)838-5009

E-mail: Aruggiero@cityofbeacon.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

City of Beacon City Council

December 18, 2017

Proposed Action: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon

Full Environmental Assessment Form

Part 3- Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

This project will not result in a significant adverse impact on the environment. The proposed action involves amendments to the Comprehensive Plan, changes to the Zoning Map, and changes to the the Central Main Street (CMS), Central Business (CB), Off-Street Parking (PB), Local Business (LB), General Business (GB), Heavy Industrial (HI), RD-5, R1-5 and RD1-7.5 Zoning Districts.

The proposed local law amending the CMS District regulations proposes clarifications and updates to the permitted uses, eliminates a five-story building as a use permitted by special permit, creates a dual rear yard setback requirement dependent upon the depth of the lot, requires a 15-foot building setback for buildings abutting a residential district that are over 38 feet in height, and updates the applicable design standards, among other changes.

The amendments to the Comprehensive Plan involve individual parcel zoning adjustments to the recommendations in Sections 11 and 12 of the Comprehensive Plan Update adopted April 3, 2017. The Comprehensive Plan Update recommended the extension of the CMS district north on Fishkill Avenue to Verplanck Avenue. However, under the proposed amendment to the Comprehensive Plan, the City Council does not want to permit commercial zoning on this block. By not allowing commercial expansion, the City hopes to protect the primarily residential buildings along this block. This change will result in far fewer impacts on the neighborhood. The amendments to the Comprehensive Plan specifically include deleting Sections 4.6, Change the zoning of areas on East and West Main Street to reflect density allowed in Central Main Street district, and 4.7, Extend Central Main Street District north along Route 9D to Verplanck Avenue. The amendments also require that the City create more specific architectural and design standards in the historic section of the Local Business District in the Fountain Square area on East Main Street by converting the area to the Central Main Street District and provides that four Fountain Square area parcels not located in the Historic District Overlay be changed from Local Business to the adjacent R1-5 district. The existing historic character of the neighborhood will be better protected by the architectural streetscape, and design standards not present in the current Local Business District. The modifications to the Comprehensive Plan are modest and reflect recent information and changes in the City. The City Council to a careful look at individual parcels to create the proposed amendment.

These proposed changes are consistent with the overall intent and general recommendations set forth in the 2017 Comprehensive Plan Update, but require the City Council to make specific adjustments to individual streets and parcels. Therefore, the City Council determines

City of Beacon City Council

December 18, 2017

Proposed Action: Comprehensive Plan amendments and local laws to amend Zoning Map and Chapter 223 of the Code of the City of Beacon

that the Proposed Action will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement is not required.

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.

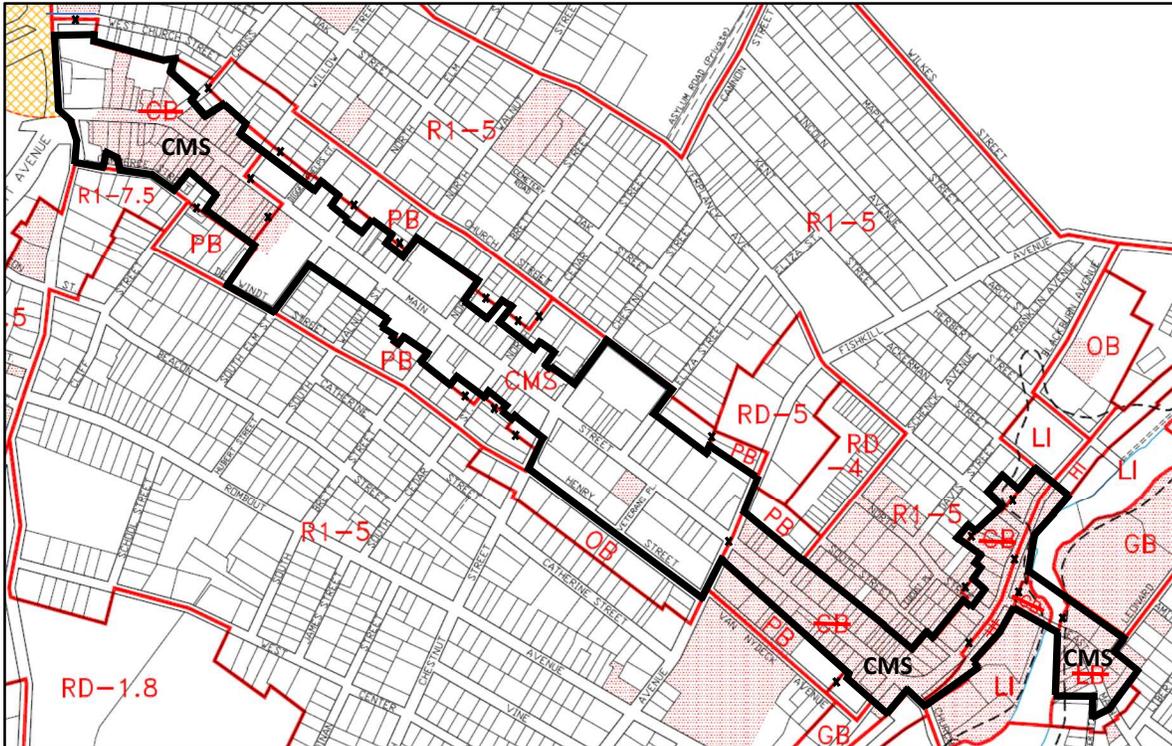


Figure 17-1: Central Main Street Zone Map

[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 **and approval**, ~~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.

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- (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 consistent with § 223-24.5 and, if mounted on a building, they ~~and~~ do not increase its height by more than 15 feet above applicable height limits.
- (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.~~

3

~~(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 ~~¶(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).

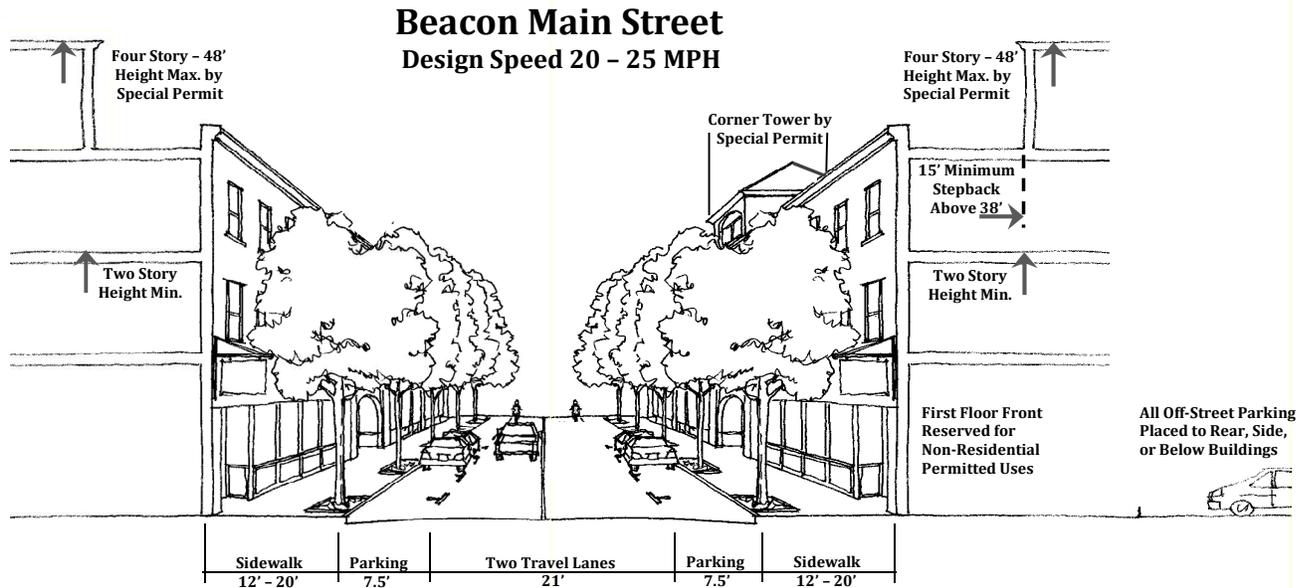


Figure 18-1: Central Main Street Zoning Requirements Illustrative View

- (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 the street and parking areas, public open spaces, or other streets, located behind the building.

5

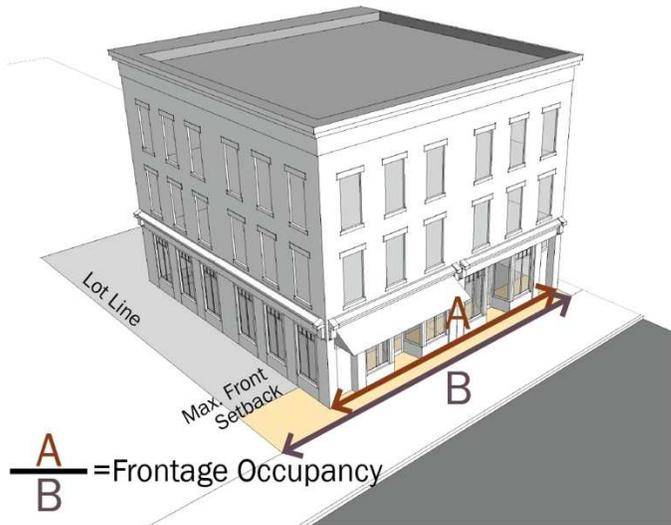


Figure 18-2: Frontage Occupancy

- (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 such 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. Although not required, additional below market rate housing above what would be otherwise mandated in Article IVB, commercial uses included on an upper floor, or extra sidewalk width, plaza space, or green space that is accessible to the public may be considered as a

positive factor for consideration during the special permit review process.

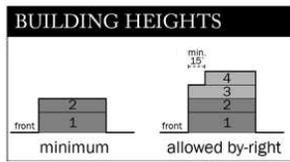
~~Building height for a building not fronting on Main Street: maximum three stories and 35 feet. Chimneys, vent pipes, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to eight feet above the maximum height, provided that, 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' from the front edge of the roof.~~

6

- (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 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.

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

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

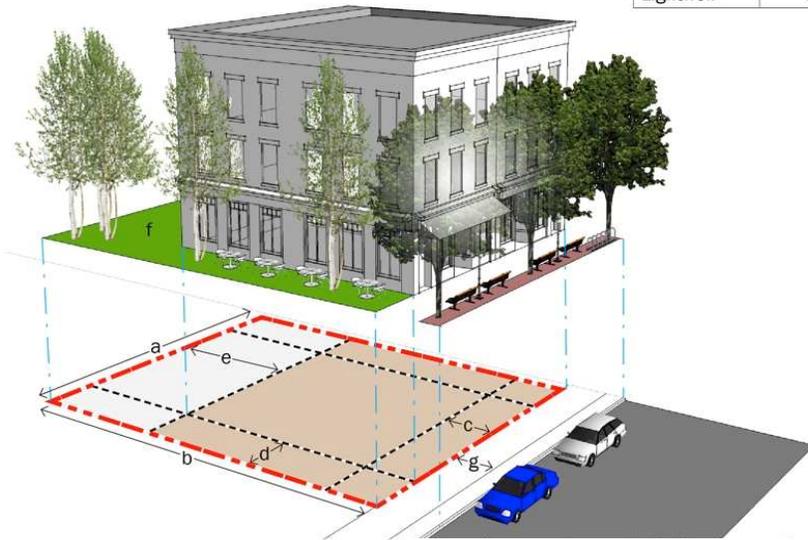
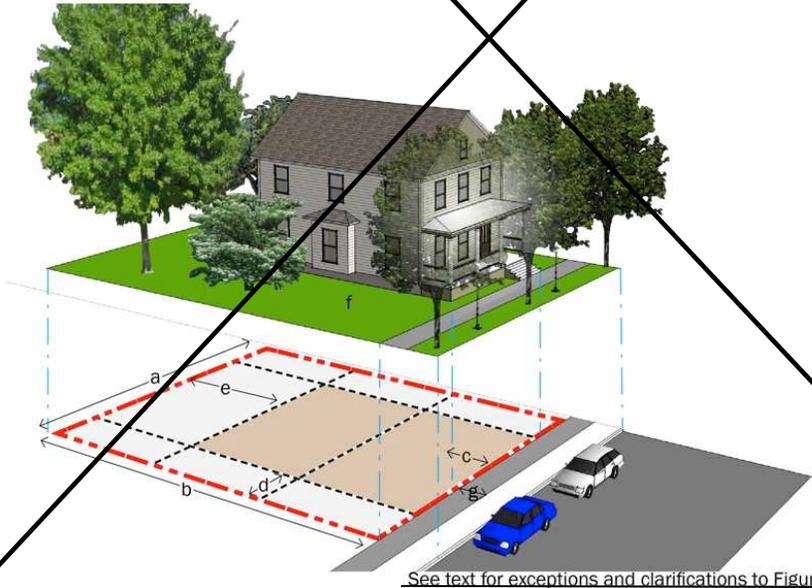
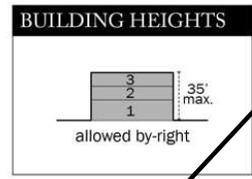


Figure 18.3: Lots that Front on Main Street Dimensional Standards

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

LOT STANDARDS			
		Min.	Max.
	Lot Area	--	--
(a)	Lot Width	--	--
(b)	Lot Depth	75'	--
	F.A.R.	--	--
(c)	Front Setback	0'	25'
(d)	Side Setback	10'	--
(e)	Rear Setback	25'	--
(f)	Landscaped Area	15%	--
	Frontage Occupancy, detached building	--	--
	Frontage Occupancy, buildings w/shared side wall	--	--
(g)	Pedestrian Clearway	8'	--



See text for exceptions and clarifications to Figure 18-4

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

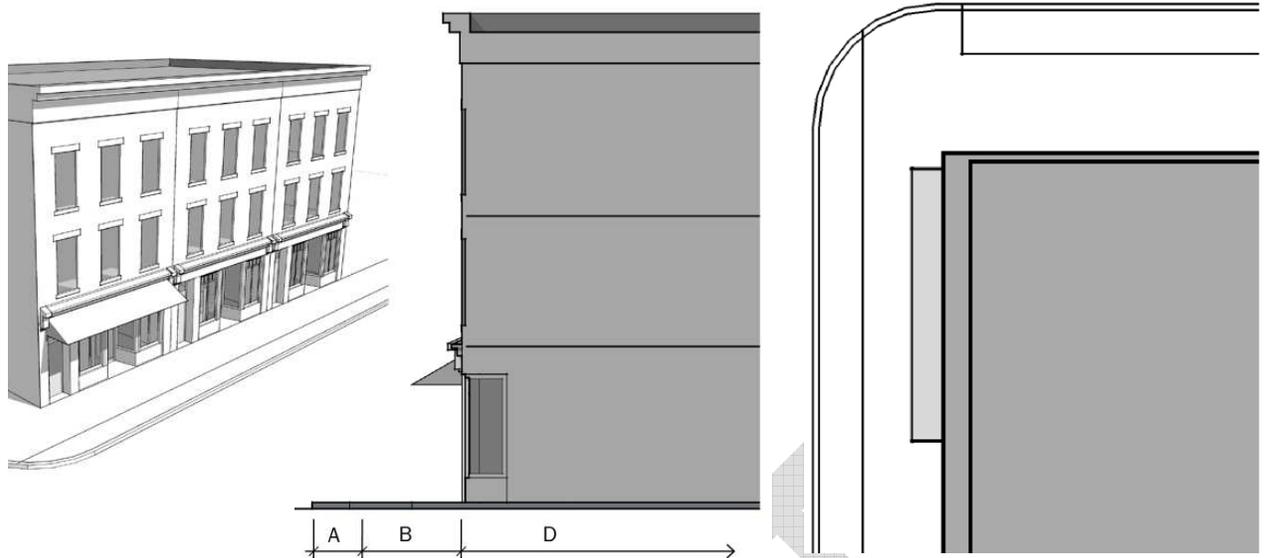
F. Frontage types.

(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.~~

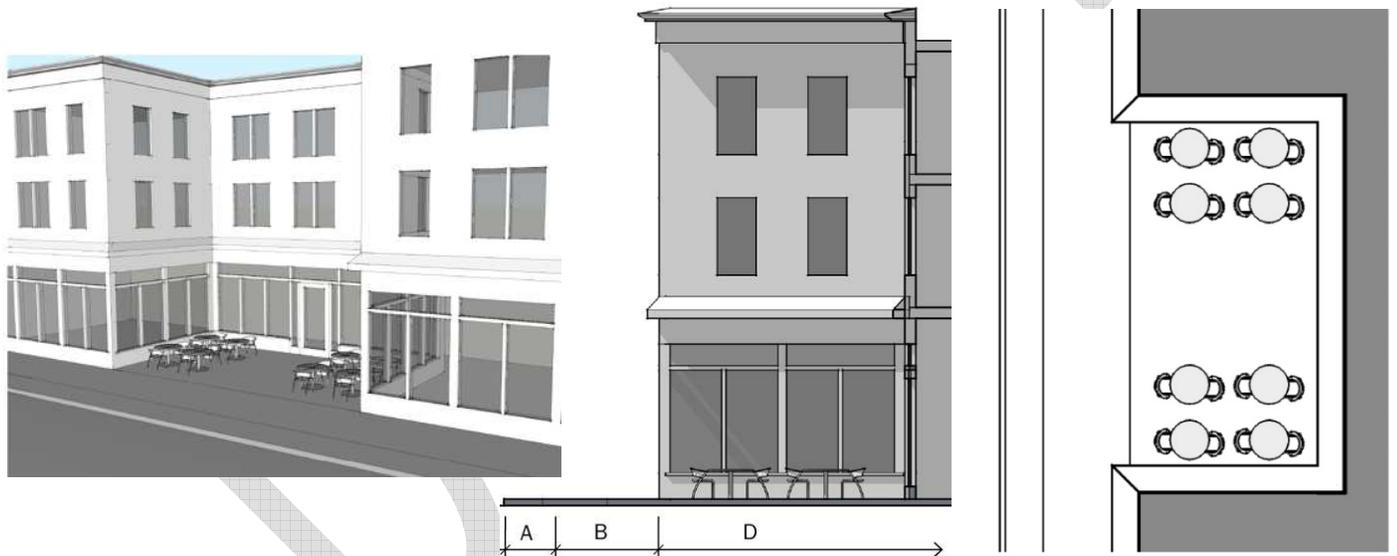
(2) Storefront frontage type: a frontage type where the building facade is placed at or close to the right-of-way line, with the entrance at sidewalk grade. This building frontage type is conventional for retail use. It is characterized by a high percentage of glazing on the first floor, a prominent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

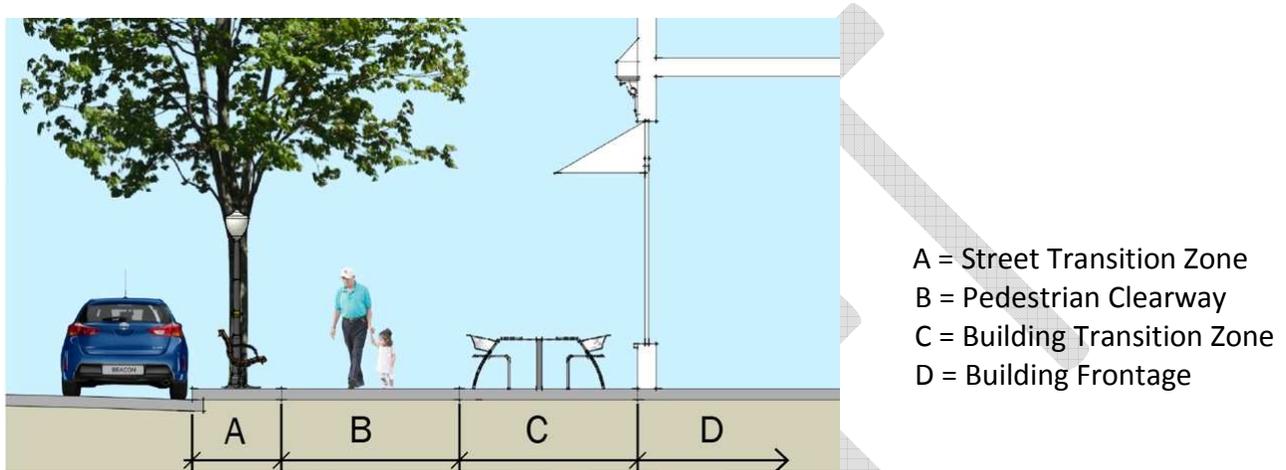


Figure 18-6: Parts of the Streetscape

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.~~

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~~(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.

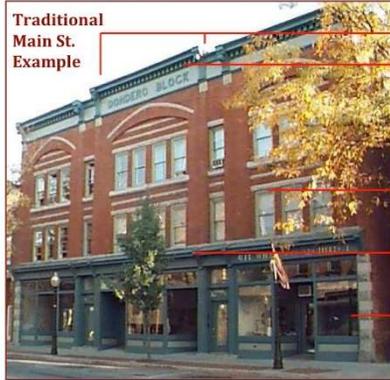
(4) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

(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.

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- (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

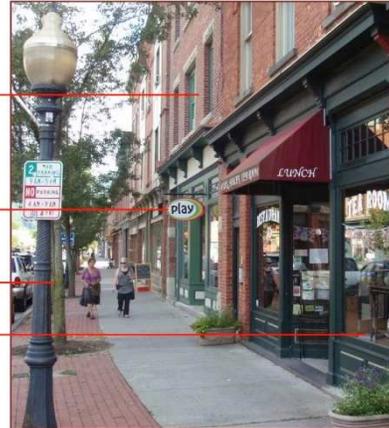


More Modern Example

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



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'

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

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.

DRAFT

- 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.

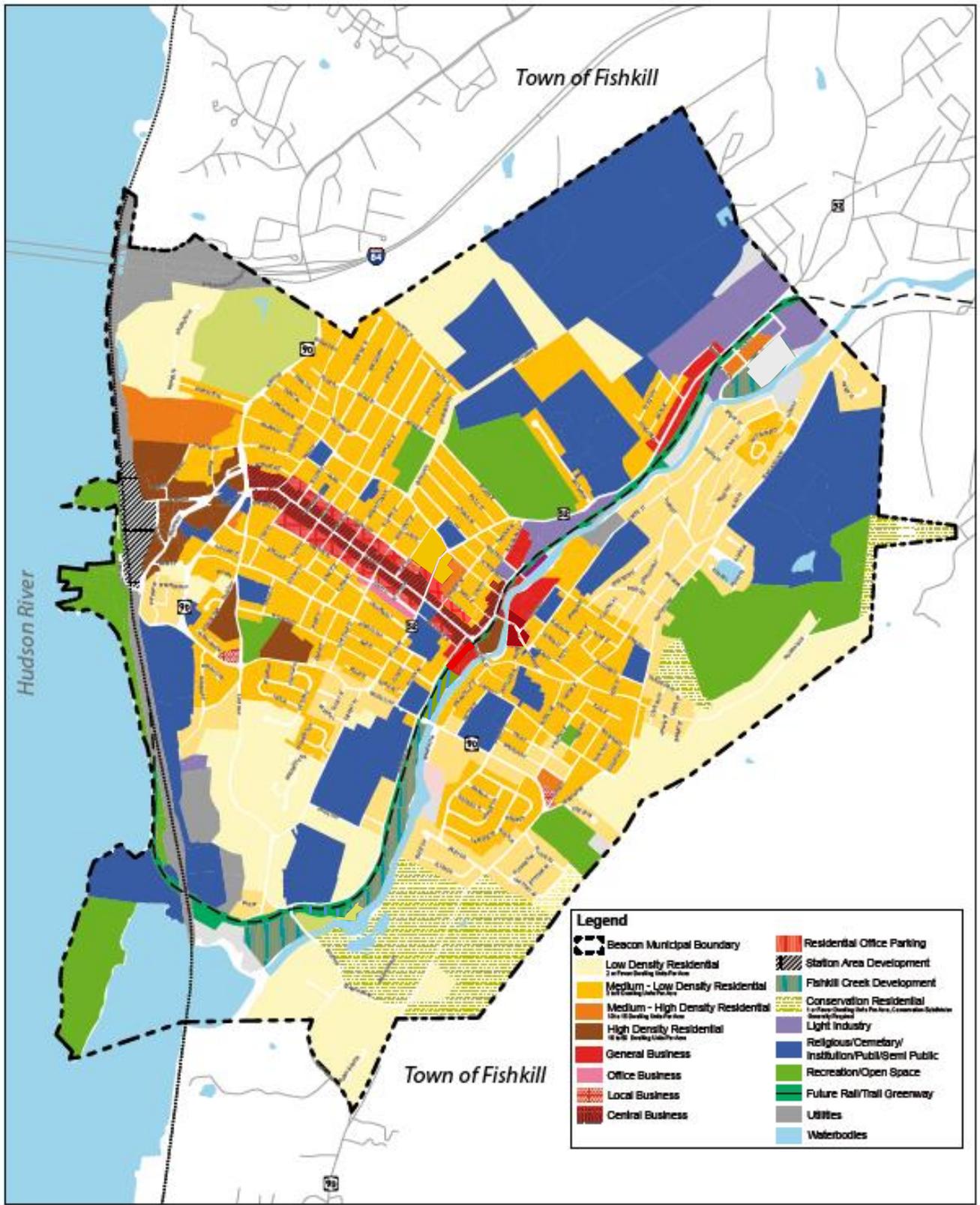


FIGURE 11-1: FUTURE LAND USE MAP

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>

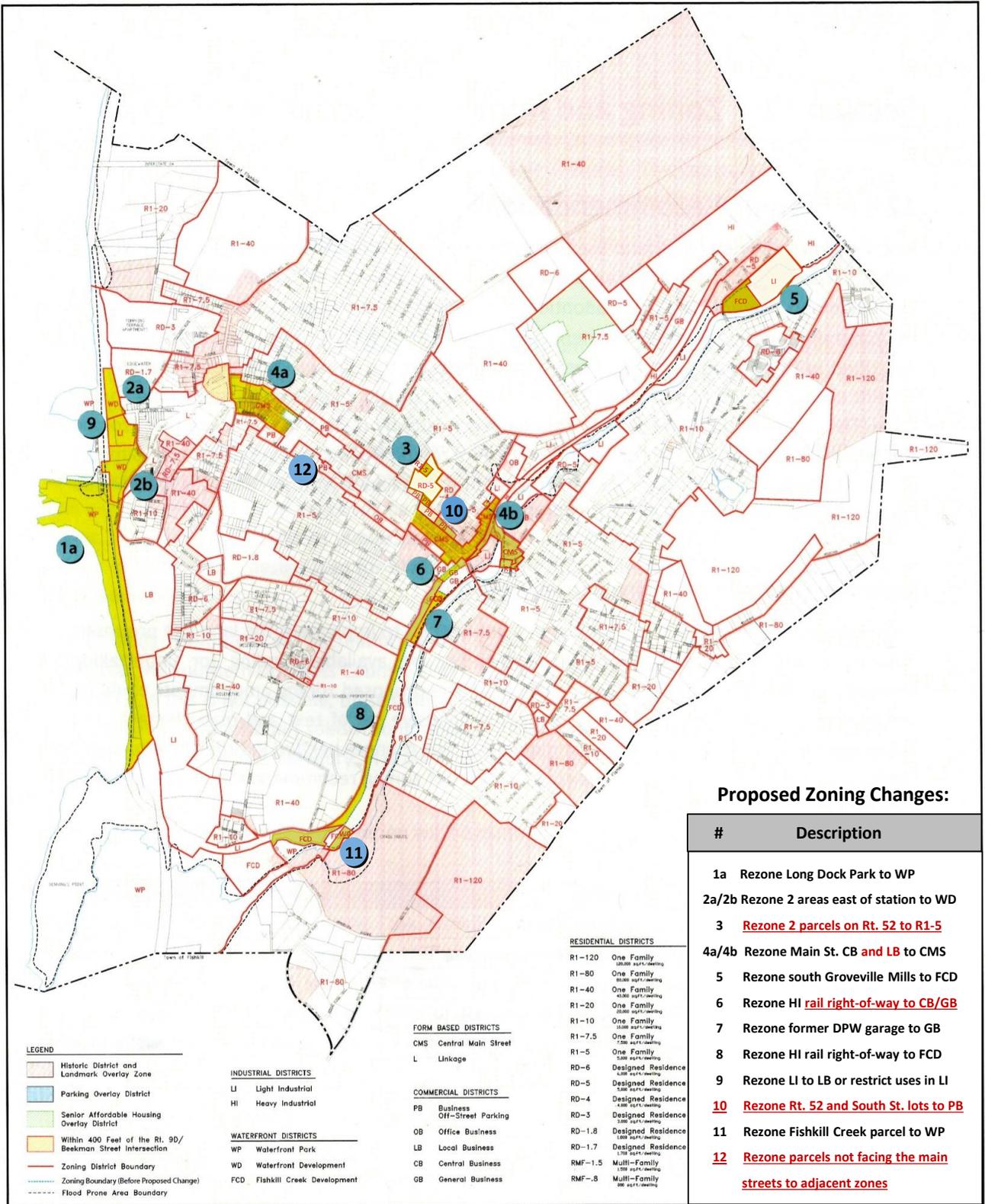


FIGURE 12-1: PROPOSED ZONING CHANGES

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.

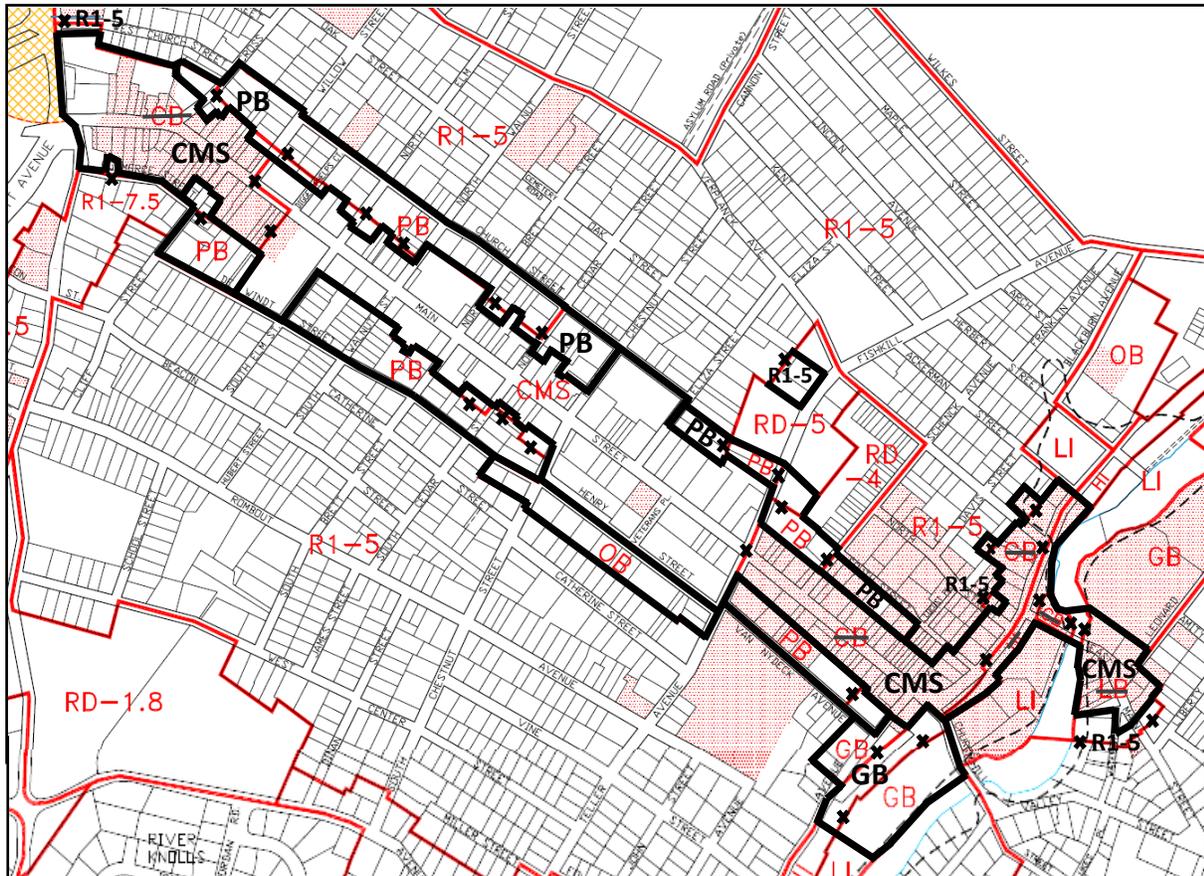


Figure 1: Central Main Street Area Map Changes

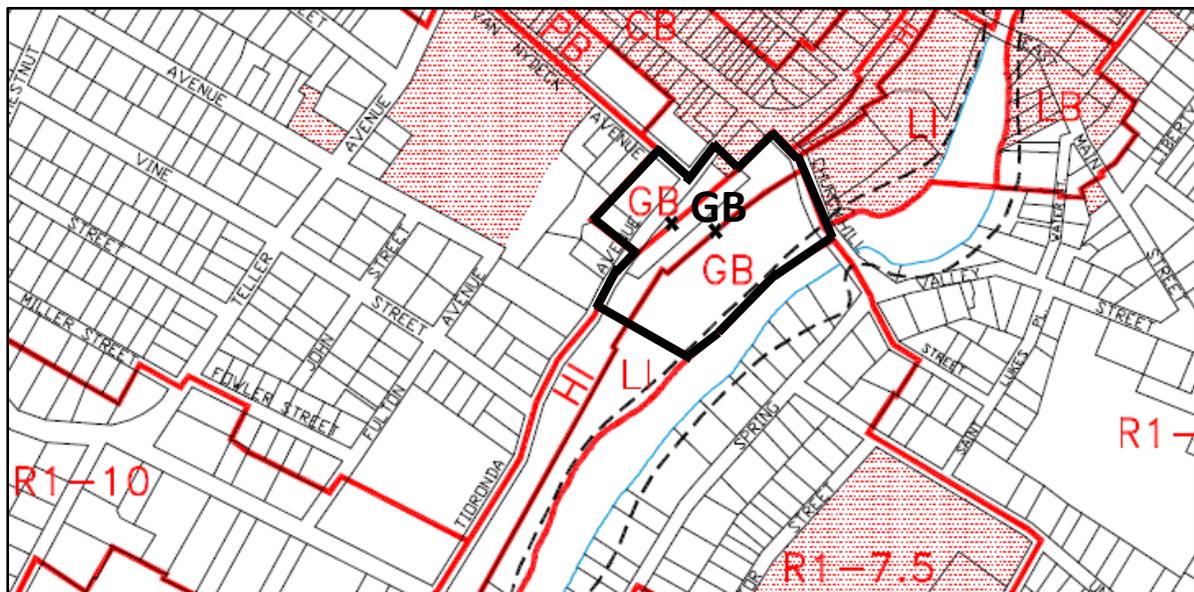


Figure 2: General Business Map Changes

**City of Beacon Council Agenda
6/4/2018**

Title:

Resolution to schedule a public hearing for June 18, 2018 to receive public comment on a proposed Local Law to create Section 223-26.4 of Code of the City of Beacon, concerning Small Cell Wireless Facilities

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso PH small cell	Resolution
EAF Small Cell	EAF
Small Cells Draft LL	Cover Memo/Letter



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

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR JUNE 18, 2018 TO
RECEIVE PUBLIC COMMENT ON A PROPOSED LOCAL LAW TO CREATE
SECTION 223-26.4 OF THE CODE OF THE CITY OF BEACON, CONCERNING
SMALL CELL WIRELESS FACILITIES**

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby schedules a public hearing for June 18, 2018 to receive public comment on a proposed Local Law to create Section 223-26.4 of Code of the City of Beacon, concerning Small Cell Wireless Facilities.

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 McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
Motion Carried							

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 Small Cell Wireless Telecommunication Facilities			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The proposed Local Law creates Section 223-26.4 of the Code of the City of Beacon to regulate Small Cell Wireless Telecommunication Facilities. The purpose of the Local Law is to establish uniform policies and procedures for the deployment and installation of small cell wireless telecommunication facilities in the City of Beacon. The Local Law provides that no person shall install a small cell wireless telecommunication facility without first filing a small cell wireless telecommunications facility application and obtaining a small cell permit from the Planning Board.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000	
		E-Mail: mayor@cityofbeacon.org	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12509
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

<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>City of Beacon</u> Date: <u>5/31/18</u></p> <p>Signature: <u>Sam Hornick, Esq. on behalf of the city of Beacon</u></p>		

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

**Narrative of Purpose for Legislative Enactment of
“Local Law to create Chapter 223, Section 26.4 of the Code of the City of Beacon,
concerning Small Cell Wireless Telecommunication Facilities”**

Short Environmental Assessment Form – Question #1

The purpose of the Local Law is to establish uniform policies and procedures for the deployment and installation of small cell wireless telecommunication facilities in the City of Beacon, which will provide a public health, safety and welfare benefit consistent with the preservation of the integrity, safe usage, and visual qualities in the City. The Local Law provides that no person shall install a small cell wireless telecommunication facility without first filing a small cell wireless telecommunications facility application and obtaining a small cell permit from the Planning Board. The Local Law sets forth locational priorities regulating where small cell wireless telecommunication facilities may be located to create the least amount of adverse aesthetic impacts and to preserve the scenic values of the City. The City hopes to preserve the character and integrity of City neighborhoods by the regulations set forth in the Local Law.

Agency Use Only [If applicable]

Project:	Small Cell Local Law
Date:	May 31, 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:	Small Cell Local Law
Date:	May 31, 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.

See attached.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of Beacon	
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
One Municipal Plaza
Beacon, New York 12508
(845) 838-5000**

Negative Declaration

**“Local Law to create Chapter 223, Section 26.4 of the Code of the City of Beacon,
concerning Small Cell Wireless Telecommunication Facilities”**

The purpose of the Local Law is to establish uniform policies and procedures for the deployment and installation of small cell wireless telecommunication facilities in the City of Beacon, which will provide a public health, safety and welfare benefit consistent with the preservation of the integrity, safe usage, and visual qualities in the City. The Local Law provides that no person shall install a small cell wireless telecommunication facility without first filing a small cell wireless telecommunication facility application and obtaining a small cell permit from the Planning Board. The Local Law sets forth locational priorities regulating where small cell wireless telecommunication facilities may be located so as to create the least amount of adverse aesthetic impacts and to preserve the scenic values of the City. If a proposed small cell site is not located in a high priority location, then a detailed explanation must be provided explaining why a site of higher priority was not selected. Such high priority sites include roofs of any City owned or federal, state or local government owned buildings or structures. The applicant must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed use.

The regulations set forth in the Local Law will preserve the character and integrity of City neighborhoods. In its review of a small cell application, the Planning Board will consider all impacts to site lines and aesthetic views that may be affected by the installation of a small cell wireless telecommunication facility. The Planning Board will be able to evaluate each application to assess and minimize the impacts, and may condition any approval. The Local Law also prohibits the installation of new small cell facilities in the Historic District and Landmark Overlay Zone, and requires that all small cells placed on any roof shall be set back at least 15 feet from the edge of the roof along any street frontage.

The law also sets forth specific right-of way regulations and fees. All new utility pole or wireless support structures installed in the public right-of-way must be 50 feet in height or less. Furthermore, each new small cell wireless telecommunication facility, including antennas or other associated equipment, installed in the public right-of-way, may not exceed more than ten (10) feet above the existing utility pole or wireless telecommunication support structure on which it is being located. These regulations will minimize the impacts small cell facilities have on the City of Beacon and its residents.

The City Council believes that the local law will protect the health, safety and welfare of the City and its residents. For the reasons set forth above, the proposed action will not result in any significant adverse environmental impacts.

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO
ADD SECTION 223-26.4 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to create Section 223-26.4 of Code of the City of Beacon, concerning Small Cell Wireless Facilities.

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

Section 1. Section 223-26.4 of the Code of the City of Beacon entitled “Small Cell Wireless Telecommunications Facilities” is hereby created as follows:

A. Purpose. The purpose of this Section is to establish uniform policies and procedures for the deployment and installation of small cell wireless telecommunications facilities in the City of Beacon, which will provide a public health, safety, and welfare benefit consistent with the preservation of the integrity, safe usage, and visual qualities in the City.

B. Permit Required.

(1) No person shall install a small cell wireless telecommunications facility without first filing a small cell wireless telecommunications facility application and obtaining a small cell permit from the Planning Board.

(2) The Planning Board may issue a permit for the following:

(a) The modification of an existing tower or base station that does not incur a substantial change to the tower or base station or that otherwise qualifies as an Eligible Facilities Request.

(b) Collocation of a small cell wireless telecommunications facility or DAS Facility on an existing tower, utility pole or streetlight not exceeding 50 feet in height in the public right-of-way.

- (c) Collocation on existing buildings within the City of Beacon.
- (d) Replacement of a utility pole or street light that does not result in a change from the original dimensions.
- (e) Installation of a monopole or utility pole for small cell or DAS Facilities in the public right-of-way that does not exceed 50 feet in height.

C. Special Use Permit approval by the City Council is required under § 223-24.5 for the following uses:

- (1) A substantial change to an existing tower or base station.
- (2) Any other application for placement, installation or construction of transmission equipment that does not constitute an Eligible Facilities Request.
- (3) Installation of a new tower.
- (4) Placement of new antenna on an existing tower or base station that results in a substantial change to the tower or base station.
- (5) Installation of equipment located on sidewalk.
- (6) Installation of equipment located at an elevation less than ten feet from the ground.
- (7) Installation of a small cell facility on a pole located within 20 feet of a dwelling unit.

D. Permit Application.

- (1) All small cell wireless telecommunications facility applications for small cell permits filed pursuant to this Section shall be on a form provided by the City.
- (2) The small cell permit application shall be made by the wireless telecommunications provider or its duly authorized representative and shall contain the following:
 - (a) The applicant's name, address, telephone number, and e-mail address;
 - (b) The names, addresses, telephone numbers, and email address of all consultants, if any acting on behalf of the applicant with respect to the filing of the application.

- (c) A general description of the proposed work and the purpose of the work proposed.
 - (d) Identify and disclose the number and locations of any small cells that the applicant has installed or locations the applicant has considered in the past year for small cell infrastructure within the City and those submitted or anticipated to be submitted within a one year period.
 - (e) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance.
 - (f) Any amendment to information contained in a small cell permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.
- (3) An application shall not be required for: (i) routine maintenance; and (ii) the replacement or upgrade of a previously permitted small cell wireless telecommunications facility with another small cell wireless telecommunications facility that is the same as or smaller in size, weight, and height at the same location.
 - (4) A wireless telecommunications provider authorized to install small cell wireless telecommunications facilities shall pay to the City an application fee and administrative fee as set forth in this section.
 - (5) A wireless telecommunications provider is authorized, after 30 days written notice to the City Building Inspector, to remove its facility at any time from the rights-of-way and cease paying the City the administrative fee.

E. Location

- (1) The following locational priorities shall apply in the order specified, consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City:
 - (a) On the roof of any City owned or federal, state or local government owned buildings or structures.
 - (b) Location on privately-owned buildings
 - (c) Location on an existing City owned utility poles
 - (d) Location on City-owned infrastructure on private poles
 - (e) Location City-owned property, where there is no existing pole

(f) Location on privately-owned utility poles.

(2) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The person seek such an exemption must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit were not granted for the proposed use.

F. Right of Way Fees

- (1) In order to ensure that the limited private use of the public right of way authorized herein does not become an additional cost to the City, it is hereby determined by the City Council that the following fees shall be charged to applicants and permit holders seeking to use the public right of way pursuant to this Local Law.
- (2) Small Cell Permit Application Fee: shall be \$500.000 (non-refundable) due to the City Building Department upon submittal of a completed application for review.
- (3) Annual Small Permit Fee:
 - (a) For placement on Existing Private Utility Poles -\$1,000.00 per year
 - (b) For placement on Existing City-owned buildings, utility poles, infrastructure or property - \$1,500.00 per year
 - (c) For placement of new poles in the right of way \$2,000 per year
 - (d) Fee start date: The annual permit fee shall be payable January 2 of the year following installation. Failure to pay the annual permit fee shall result in the imposition of a 5% penalty fee, additional collection fees if necessary, and suspension or revocation of the permit.

G. City requirements as to aesthetics and neighborhood impact mitigation

- (1) In order to preserve the character and integrity of City neighborhoods the City Council finds that the following requirements are essential to protect the public health, safety and welfare.
 - (a) New small cell facilities shall not be located in the Historic District and Landmark Overlay Zone.
 - (b) Wherever possible, new small cell facilities shall include stealth technology designs.

- (c) All small cells placed on any roof shall be set back at least 15 from the edge of the roof along any street frontage.
 - (d) The Planning Board shall consider all impacts to site lines and aesthetic views.
 - (e) Except within the public right of way, all proposed poles, pole equipment and enclosures shall comply with the designated setback requirements.
 - (f) Up to three (3) small cells will be allowed per utility pole if technically feasible and if in the determination of the Planning Board there are no safety or aesthetic concerns. Small cells must be designed and placed in an aesthetically pleasing manner to the reasonable satisfaction of the approving agency.
 - (g) No small cell placement shall be allowed on ornamental street lighting poles as determined by the Building Inspector.
 - (h) No small cell facilities or associated equipment shall be placed on any sidewalk and shall not obstruct pedestrian or vehicular traffic in any way.
 - (i) In no event shall any utility pole or wireless telecommunication support structure as of January 1, 2018, installed in the public right of way, exceed 50 feet. A shorter pole may be required if the initial proposal is deemed out of character of with the neighborhood as determined by the Planning Board.
 - (j) Each new small cell wireless telecommunications facility, including antennas or other associated equipment, installed in the public right-of-way shall not exceed more than ten (10) feet above the existing utility pole or wireless telecommunications support structure on which it is being located.
- H. Duration. Construction pursuant to a small cell permit issued under this section must be commenced within twelve (12) months of issuance of the small cell permit and diligently pursued thereafter, or such small cell permit shall expire.
- I. Routine Maintenance and Replacement. An application shall not be required for: (i) routine maintenance; and (ii) the replacement or upgrade of a small cell wireless telecommunications facility with another small cell wireless telecommunications facility that is same as or smaller in size, weight and height at the same location.
- J. Information Updates. Any amendment to information contained in a small cell building/work permit application shall be submitted in writing to the City within thirty (30) days after the change necessitating the amendment. On an annual basis, the wireless telecommunication provider shall provide a list of existing small cell locations within the City.
- K. Removal, relocation or modification of Small cell Wireless Telecommunications Facility in the Public Right-of-Way

- (1) Notice. Within ninety (90) days following written notice from the City , the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any small cell wireless telecommunications facilities within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration, is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.
- (2) Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any small cell wireless telecommunications facility located within the public right-of-way, as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. If circumstances permit, the City shall notify the wireless telecommunications provider and provide the wireless telecommunications provider an opportunity to move its own facilities prior to cutting or removing a facility and shall notify the wireless telecommunications provider after cutting or removing a small cell wireless telecommunications facility.
- (3) Abandonment of Facilities. Upon abandonment of a small cell wireless telecommunications facility within the public rights-of-way of the City, the wireless provider shall notify the City within ninety (90) days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell wireless telecommunications facility if the City, or nay of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Severability

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

Section 4. Effective Date

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

DRAFT

**City of Beacon Council Agenda
6/4/2018**

Title:

Resolution authorizing the Mayor or City Administrator to sign agreement with Royal Carting for Waste Collection services commencing July 1, 2018

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso Waste Collection	Resolution
Waste Collection Agreement	Agreement

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

**RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH
ROYAL CARTING FOR WASTE COLLECTION**

WHEREAS, the City wishes to employ Royal Carting Service Co. (“Royal Carting”) to collect, remove and dispose of burnable and recyclable waste from designated privately-owned real property, municipal buildings and public spaces within the City of Beacon, and

WHEREAS, Royal Carting submitted a bid proposal to the City which the City Council has found to be advantageous with respect to the collection and removal of burnable and recyclable waste.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby authorizes the execution of the attached Waste Collection Agreement between the City of Beacon and Royal Carting for a term commencing July 1, 2018 and ending December 31, 2019, with the ability at the City’s option, to extend for three (3) additional one (1) year terms.

BE IT FURTHER RESOLVED, that the Waste Collection Agreement shall be subject to review and approval by the City Administrator and the City Attorney as to form and substance.

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

TEAHAN & CONSTANTINO LLP

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ELIOT D. HAWKINS

GERALD V. HAYES

COUNSEL

*MEMBER OF MASSACHUSETTS BAR ONLY

May 24, 2018

VIA EMAIL ONLY

TO: Randy Casale, Mayor of the City of Beacon

Mayor@cityofbeacon.org

Anthony Ruggiero, City of Beacon Administrator

aruggiero@cityofbeacon.org

RE: DRAFT WASTE COLLECTION AGREEMENT

Gentlemen,

In accordance with your request, I attach a draft Waste Collection Agreement for the contract period commencing July 1, 2018. I have undertaken to use the language in the existing Agreement modifying it to reflect the recent bid adjustments. You will observe, however, that while some of the language is awkward, I believe it includes all of the services currently being provided to the City.

Service to Riverfront Park and Memorial Park were inadvertently excluded in the bid. I have added Memorial Park (as Lot 1, Item 13.1) and Riverfront Park (Lot 1, 13.2 for summer service and Lot 1, Item 13.3 for winter service) in the service and Price Schedule. As with our current Agreement there is no charge for servicing these locations. Other changes made to the underlining Agreement over its life have also been incorporated into this Agreement. For example, Royal agreed to provide up to 100 "95 gallon" recycling carts at no extra charge; that change is carried over in this Agreement.

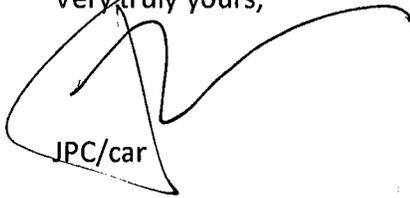
Finally, in an effort to assist the City with addressing the issue of its current budget with the mid year adjustment in this Contract, Royal agrees to adjust the price commencing July 1 based on the 2014 (not 2018) base contract price. See Exhibit "C". Commencing January 1, 2019, the bid adjusted contract price will adjust per the bid as impacted by the 2018 weight surveys.

TEAHAN & CONSTANTINO LLP

I am available to discuss this Agreement and to respond to any questions or comments you, council or your attorney may have.

Thank you for your continuing courtesy.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JPC/car', written over a horizontal line. The signature is stylized and loops back to the left.

cc: Nicholas Ward-Willis, Esq.
Emil Panichi, President

DRAFT

Waste Collection Agreement Between the City of Beacon and Royal Carting

THIS AGREEMENT, made the ____ day of ____, 2018, but effective as of July 1, 2018, by and between the City of Beacon (the "City"), a municipal corporation with offices located at One Municipal Plaza, Beacon, New York 12508, and Panichi Holding Corp. d/b/a Royal Carting Service Co. ("Royal"), a corporation with offices located at 409 Route 82, Hopewell Junction, New York 12533.

WITNESSETH:

WHEREAS, the City wishes to employ a contractor to collect, remove and dispose of burnable and recyclable waste from designated privately-owned real property, municipal buildings and public spaces within the City of Beacon, and

WHEREAS, Royal has submitted a bid proposal to the City which the City Council has found to be advantageous to the City with respect to the collection and removal of burnable and recyclable waste.

NOW THEREFORE, in consideration of these mutual promises and covenants, and other good and valuable consideration, the parties hereby agree as follows:

ARTICLE I

A. Burnable Waste Collection and Disposal

Royal shall furnish all the materials, equipment and labor required to on a weekly basis collect, remove and dispose of one (1) Royal-supplied ninety-five (95) gallon container with attached lid and wheels for mechanical pickup of burnable waste from approximately 4,300 tax parcels in the City of Beacon.

Property owners may put additional containers out for pick up by purchasing "Add-a-Can" tags at City offices and attaching same to each additional can or by enrolling in the annual Add-a-Can Program. The City will reimburse Royal for every "Add-a-Can" tag turned into the City in accordance with the "Service and Price Schedule", annexed hereto as Exhibit "A".

Work shall include collection from street/trash-receptacles (defined herein as publicly-available trash receptacles maintained in a public right of way by the City of Beacon) five (5) times per week on Monday, Tuesday, Wednesday, Thursday, and Friday. The street trash

receptacles shall be combination trash/recycling containers with 18 gallon capacity each and a lockable door, except for up to twenty-two (22) new trash and/or recycling receptacles (without regard to the condition of the 22 receptacles to be replaced and to be provided by Royal at no equipment cost or rental to the City), having a capacity and design that shall be agreed to by the City and Royal. The City shall provide a list of street trash-receptacles (Exhibit "B", annexed) which list shall be attached to and become a part of this Contract as well as designate up to 20 receptacles to be replaced. Royal shall repair, maintain and replace, at its sole cost and expense, all street trash-receptacles existing or installed during the term of this Contract, or any renewal or extension thereof, except that in the event of accidental damage or destruction by the City or an act of vandalism, the City shall submit an insurance claim to cover the cost of repair or replacement, if coverage is available. "Vandalism," for purposes of this Agreement, shall mean the defacement or destruction of any street-trash receptacle by a third party to this Agreement, but shall not include instances of defacement or destruction facilitated by Royal's failure to properly secure or maintain said receptacles. The City reserves the right, upon written notification to Royal, to add to or delete from the attached list of street trash-receptacles at any time during the term of the Contract, including any renewal or extension term.

Royal shall collect, remove and dispose of residential, commercial and municipal waste collected from the curb or designated area on a day or days of the week agreed to by the City. Any spillage into the road or sidewalks while carrying the containers to the truck or while emptying containers into the truck must be cleaned up by Royal before moving to the next collection pickup. A broom and shovel shall be carried on each truck to facilitate clean up. Lids must be replaced on containers after pickup. Royal must notify the City Administration via facsimile on a form provided by the City of all waste not collected and the reason collection was refused. The City reserves the right to change the collection schedule and specifications.

B. Recyclable Waste Collection

Royal shall provide one (1) 65 gallon recycling collection bin for approximately 4,300 tax parcels, and shall furnish all materials and perform all work to collect, remove and dispose of single stream recyclables from each tax parcel that meets the collection specifications once every week corresponding with the burnable waste collection schedule. Royal shall provide without cost to the City up to one hundred (100) 95 gallon recycling collection bins and thereafter, additional 95 gallon recycling collection bins at cost, upon written demand. A broom and shovel shall be carried on each truck to facilitate clean-up of spillage or breakage during recyclable waste collection. Royal shall provide an additional 65 gallon recycling collection bin at the rate of \$60.00 per bin.

C. Container Lease and Services

Royal shall provide all equipment and perform all work to provide waste and/or recyclable collection services the Beacon City Hall, Transfer Station, Parks Department, Memorial Building, Memorial Park, Riverfront Park and Fire Station #2 or as more specifically described in the Service and Price Schedule, annexed. The burnable waste containers shall be serviced by the burnable waste collection truck. Containers shall be emptied in accordance with the requirements set forth in the Service and Price Schedule which includes, but is not limited to:

1. Beacon City Hall

Royal shall provide Beacon City Hall with containers for recyclables;

2. Waste Water Treatment Facility

Royal shall provide the Waste Water Treatment Facility with two (2) two-cubic-yard containers – one (1) for the septage receiving station and one (1) for grit removal. These containers shall be emptied daily; and

3. Transfer Station

Royal shall provide the Transfer Station with a service which includes the container hauling and disposal of materials in accordance with requirements more particularly described in the Service and Price Schedule. Containers shall be serviced on demand. The Transfer Station requires up to 12 containers (6 for commingles and 6 for newspapers).

ARTICLE II

A. Changes in Disposal Costs and Tonnage: Burnable Waste

1. Should Royal's cost of burnable waste disposal increase or decrease more than \$10.00 per ton during the term of this Contract, or any extension or renewal thereof, the City will increase or decrease its contract payments as follows:

Base Disposal Cost Per Ton: Provided by Royal, subject to audit

New Disposal Cost per Ton: Provided to the City within three days of Royal's notification effective thirty days after change; also subject to audit.

Monthly tonnage to be used **only** for calculation of payment change: 300 tons per month.

Calculation of payment change:

$[(\text{new per ton rate}) - (\text{base per ton rate})] * 300 = \text{increase/decrease in monthly payment}$

Example: Base rate = \$55.00 New Rate = \$65.00

$[(\$65.00 - \$55.00) * 300 = \$3,000$ payment increase as a result of audited increase in Royal's cost of disposal.

2. Payment will be recalculated for each year beginning January 1, 2019, and January 1 of each renewal term based upon the average of the quarterly surveys of tonnage collected, but shall not be less than 300 tons per month effective as of July 1, 2018. Payment on the tonnage shall be reduced or increased as determined by the calculation of the results of quarterly surveys (to be conducted on a schedule the parties shall mutually establish) with such adjustment being made not later than the second monthly statement following the final survey for the relevant contract year. If the term of the Contract is extended for subsequent years, the tonnage will be adjusted based on the average tonnage collected in the preceding year, effective January 1st of the new term.

For the period July 1, 2018 through December 7, 2018, the City shall pay a special adjusted rate as more particularly calculated in the correspondence set forth in Exhibit "C" annexed.

B. Recyclable Waste Collection

Recyclable volume of 350 tons (per annum) of commingled recyclables and 300 tons (per annum) of mixed paper waste is anticipated. If the volume increases, the City will not be responsible for any increase in collection and removal costs incurred by Royal. The City will pay the actual cost of disposal and shall collect 100% of the revenue, if any, derived for the sale of such recyclable materials. All credits to be paid to (and all costs to be borne by) the City shall be pursuant to a separate and direct account to be established with ReCommunity Recycling.

If there is a change in disposal costs by any other recyclable disposal facility, the City must be notified in writing within two (2) days of the date Royal is notified. Payment, if any, will be based on an audit of Royal's disposal costs.

C. Roll Off Container and Dumpster Lease and Service

Cost based on service and lease of equipment in accordance with the Service and Price Schedule, and includes:

1. Transfer Station

Royal shall provide the charge for the container, hauling and disposal at the prices per the Service and Price Schedule. Any adjustment to these costs will be provided to the City within three (3) days of Royal's notification effective thirty (30) days after an approved adjustment by the New York State Office of General Services. Bulk waste shall include metal, construction and demolition debris, furniture and junk.

Decreases/Increases in collection costs will be calculated as follows: X (disposal price/ton)

X annual disposal costs = adjusted annual cost to city. X = new disposal rate/ton

2. Dumpster Lease

The dumpster lease for Beacon City Hall, Transfer Station, Parks Department, Memorial Park Riverfront Park* and Fire Station #2 shall be based on Service and Price Schedule. These rates will not increase during the life of the contract. These containers shall be serviced under the burnable waste and collection contract.

2.1 Riverfront Park

Collection services for the Riverfront Park shall be in accordance with the Service and Price Schedule, annexed.

3. Waste Water Treatment Facility

The Waste Water Treatment Facility requires two (2) two-cubic yard containers – one (1) for the septage receiving station and one (1) for grit removal.

ARTICLE III

Agreement Summary

The City shall pay Royal for the performance of solid waste management activities and for the provision of solid waste management equipment in accordance with the Service and Price Schedule.

ARTICLE IV

Term of Agreement

The work will be performed under this Contract shall begin as of July 1, 2018 and shall continue for a period of eighteen (18) months terminating on December 31, 2019.

The City of Beacon reserves the right to renew this contract for three (3) additional one-year terms under the same terms and conditions as this contract.

Royal's Bid Proposal Form and accompanying documentation, dated April 30, 2018, are attached and incorporated into this Contract with the intent that they be binding on the parties in accordance with the terms set forth therein.

Tonnage adjustments will be made upon renewal and shall take effect as of January 1, 2019 of the renewal term.

ARTICLE V

A. Entire Agreement

The terms and conditions set out herein are the entire terms and conditions of this Contract and any prior or contemporaneous understandings or Contracts, oral or written, are merged herein. There are no representations or warranties, Contracts, or covenants other than those expressly set forth in this Contract. This Contract may be amended or modified and/or any right or obligation arising under this Contract may be waived from time to time only by a written instrument executed by the City and Royal. The failure of either party at any time to enforce any of the provisions of this Contract shall not constitute a waiver of such provision.

B. Compliance with Law

The parties shall comply with Applicable Laws in performing their respective obligations hereunder.

C. Indemnification

Royal shall, during the performance of this Agreement, take all necessary precautions and place proper safeguards for the prevention of accidents and shall indemnify and save harmless, the City, its employees, officers and agents from any and all liability for damages,

costs, losses, penalties and expenses, including reasonable attorney's fees, resulting from any claim asserted by a third party for wrongful death, bodily injury and/or property damage which are caused solely by willfulness, negligence or carelessness in the performance of the Agreement or in guarding and protecting the same or from any improper methods, materials implements or appliances used in its performance or construction, except to the extent such damages, costs, losses, penalties and expenses are the result of any passive or concurrent negligent act or omission by the City or any of its employees, officers or agents.

D. Governing Law and Venue

This Contract and performance under it shall be governed by and construed in accordance with the laws of the State of New York. All claims counterclaims, disputes and other matters in question between the City and Royal, not otherwise resolved, arising out of or relating to this Contract or its breach shall be decided in a court of competent jurisdiction. The City and Royal hereby agree that there shall be no requirement for arbitration of any controversies or disputes hereunder, all such matters to be resolved at law.

E. Severability

If this Contract contains any unlawful provision, the same shall be deemed of no effect and shall, upon the application of either party, be deemed stricken from this Contract without affecting the binding force of the remainder.

F. Assignment or Novation

Royal shall not assign or transfer, whether by an assignment or novation, any of its rights, duties, benefits, obligations, liabilities or responsibilities under this Contract without the written consent of the City; provided, however, that assignments to banks, trust companies, or other financial institutions may be made without the consent of the City. No assignment or novation of this Contract shall be valid unless the assignment or novation expressly provides that the assignment of any of Royal's rights or benefits under the Contract is subject to a prior lien for labor performed, services rendered and materials, tools and equipment supplied for the performance of the work under this contract in favor of all persons, firms or corporations rendering such labor or services or supplying such materials, tools or equipment.

G. Prevailing Wage Determination

Royal shall ensure that the wages to be paid to laborers, workmen or mechanics shall not be less than the prevailing rate of wages as defined in New York Labor Law §220.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed, and, these presents to be signed by their duly authorized officers the day and year first above written.

APPROVED AS TO FORM: CITY OF BEACON

By: _____
RANDY CASALE, Mayor

By: _____
ANTHONY RUGGIERO, City Administrator

By: _____
NICHOLAS M. WARD-WILLIS, City Attorney

APPROVED AS TO FORM: ROYAL CARTING SERVICE CO.

By: _____
EMIL PANICHI, President

ACKNOWLEDGMENT

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

On the ____ day of _____, 2018, before me, the undersigned, Notary Public in and for said State, personally appeared **EMIL PANICHI**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the entity upon behalf of which the individual acted, executed the instrument.

Notary Public

EXHIBIT "A"

SERVICE AND PRICE SCHEDULE

EXHIBIT "A"

SERVICE AND PRICE SCHEDULE

SERVICE SCHEDULE

In addition to the service requirements outlined in the Master Contract, the following requirements shall also apply:

Region 14, Lot 1, Item #1 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: $\pm 4,300$ parcels - 95 gallon automated refuse collection carts picked up curbside once per week

Region 14, Lot 5, Item #2 Single Stream Recycling: $\pm 4,300$ parcels - 65 gallon automated refuse collection carts picked up curbside once per week

Region 14, Lot 1, Item #3 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: ± 60 - 35 gallon litter baskets picked up curbside five times per week

Region 14, Lot 1, Item #4 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: additional 95 gallon automated refuse collection cart picked up curbside once per week

Region 14, Lot 1, Item #5 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards - 3 cubic yard container (Fire Station–Main Street) picked up twice per week

Region 14, Lot 5, Item #6 Single Stream Recycling: 65 gallon automated refuse collection cart picked up twice per week (Fire Station–Main Street)

Region 14, Lot 1, Item #7 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards - 3 cubic yard container (City Hall) picked up three times per week

Region 14, Lot 1, Item #8 Disposal of Municipal Solid Waste in Bins Dumpsters or Roll-off Containers: 2 to 10 cubic yards – 4 cubic yard container (soccer club) picked up once per week

Region 14, Lot 1, Item #9 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards – 2 cubic yard container (Water Treatment Plant) picked up five times per week

Region 14, Lot 1, Item #10 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards – 4 cubic yard container (Camp) picked up twice per week (seasonal: June – August)

Region 14, Lot 1, Item #11 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yard container – 6 cubic yard container (Fire Station/Legion–South Avenue) picked up once per week

Region 14, Lot 1, Item #12 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yard container – 6 cubic yard container (Transfer Station) picked up once per week

Region 14, Lot 1, Item #13 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 - 95 gallon automated refuse collection carts (City Hall) picked up once per week

Region 14, Lot 1, Item #13.1 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 6 cubic yard container (Memorial Park) picked up twice per week

Region 14, Lot 1, Item #13.2 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards – 4 cubic yard container (Riverfront Park) picked up twice per week (seasonal: May – September)

Region 14, Lot 1, Item #13.3 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 2 to 10 cubic yards – 4 cubic yard container (Riverfront Park) picked up once per week (seasonal: October – April)

Region 14, Lot 5, Item #14 Single Stream Recycling: 8 cubic yard container (Transfer Station) picked up once per week

Region 14, Lot 3, Item #15 Disposable of Construction and Demolition (C&D) Materials: 20 cubic yard roll-off container (Transfer Station) on-call

Region 14, Lot 13, Item #16 Recycling of Scrap Metal: 20 cubic yard roll-off container (Transfer Station) on-call

Region 14, Lot 10, Item #17 Recycling of Corrugated Cardboard: 20 cubic yard roll-off container (Transfer Station) on-call

Region 14, Lot 6, Item #18 Recycling of Comingled Recyclables (E-Waste Only): 15 cubic yard roll-off container (Transfer Station) on-call

Region 14, Lot 1, Item #19 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 33 gallon container on-call

Region 14, Lot 1, Item #20 Disposable of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers: 4 cubic yard container (Camp) seasonal (September – May) on-call

PRICE SCHEDULE

Lot 1 – Disposal of Municipal Solid Waste in Bins, Dumpsters or Roll-off Containers

Item 1: Bins (1 CY or smaller)

The bidder shall provide the following pricing:

\$ 3.20 price per container per pickup

\$ 13,760 price per pickup for all containers (price per container per pickup x number of containers)

\$ 59,580.80 /month -- weekly curbside trash

Item 2: Bins (1 CY or smaller)

The bidder shall provide the following pricing:

\$ 1.03 price per container per pickup

\$ 4,429 price per pickup for all containers (price per container per pickup x number of containers)

\$ 19,177.57/month -- weekly curbside recycling

Item 3: Bins (1 CY or smaller)

The bidder shall provide the following pricing:

\$ 1.00 price per container per pickup

\$ 60.00 price per pickup for all containers (price per container per pickup x number of containers)

\$ 1,299.00 /month -- weekly City trash/recycling receptacles

Item 4: Bins (1 CY or smaller)

The bidder shall provide the following pricing:

*\$ 4.33 price per container per pickup

\$ 18.75/month

* **Extra 65 gallon container: \$3.68/pickup \$15.95/month**

Extra 35 gallon container: \$2.95/pickup \$12.75/month

Item 5: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:

\$ 0 price per container per pickup

Item 7: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:

\$ 0 price per container per pickup

Item 8: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:

\$ 0 price per container per pickup

Item 9: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:

\$ 0 price per container per pickup

Item 10: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:

\$ 0 price per container per pickup

Item 11: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

Item 12: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

Item 13: Bins (1 CY or smaller)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup
\$ 0 price per pickup for all containers (price per container per pickup x number of containers)

Item 13.1: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

Item 13.2: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

Item 13.3: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

Item 19: Bins (1 CY or smaller)

The bidder shall provide the following pricing:
\$ 2.25 price per container per pickup
\$ N/A price per pickup for all containers (price per container per pickup x number of containers)

ADD-A-CAN

Item 20: Dumpsters (2 to 10 CY)

The bidder shall provide the following pricing:
\$ 25.00 price per container per pickup
\$ 0 Rental fee

Lot 3 – Disposal of Construction and Demolition (C&D) Materials

Item 15: Roll-off Containers (20 to 40 CY)

The bidder shall provide the following pricing:
\$ 0 Rental Fee (per month)
\$ 78.00 Tipping Fee (per ton)
\$ 175.00 Haul Charge (per pickup)

Lots 5 – Single Stream Recycling

Item 6: Bins (1 CY or smaller)

The bidder shall provide the following pricing:
\$ 0 price per container per pickup

\$ 0 price per pickup for all containers (price per container per pickup x number of containers)

Item 14: (2 to 10 CY) Dumpsters

The bidder shall provide the following pricing for the service

\$ 0 price per cubic yard of dumpster per pickup

\$ 0 price per for the dumpster (price per cubic yard per pickup x dumpster size in CY)

\$ 0 Recyclable Processing Fee (per ton)

\$ 0 Recyclable Floor Price (per ton)

0 % Revenue Sharing Percentage

Lot 6 – Recycling of Comingled Recyclables (E-Waste Only)

Item 18: Roll-off Containers (15 CY)

The bidder shall provide the following pricing for the service

\$ 0 price per cubic yard of dumpster per pickup

\$ 117.00 price per for the dumpster (price per cubic yard per pickup x dumpster size in CY) (Haulage)

\$ ** Recyclable Processing Fee (per ton)

\$ 0 Recyclable Floor Price (per ton)

0 % Revenue Sharing Percentage

Lot 10 – Recycling of Corrugated Cardboard

Item 17: Roll-off Containers (20 to 40 CY)

The bidder shall provide the following pricing for the service

\$ 0 price per cubic yard of dumpster per pickup

\$ 75.00 price per for the dumpster (price per cubic yard per pickup x dumpster size in CY) (Haulage)

\$ 0 Recyclable Processing Fee (per ton)

\$ 0 Recyclable Floor Price (per ton)

0 % Revenue Sharing Percentage

Lot 13 – Recycling of Scrap Metal

Item 16: Roll-off Containers (20 to 40 CY)

The bidder shall provide the following pricing for the service

\$ 0 price per cubic yard of dumpster per pickup

\$ 50.00 price per for the dumpster (price per cubic yard per pickup x dumpster size in CY) (Haulage)

\$ 0 Recyclable Processing Fee (per ton)

\$ 0 Recyclable Floor Price (per ton)

100 % Revenue Sharing Percentage

**** Residents direct pay processing fee per schedule**

EXHIBIT B

Waste Collection Agreement
Between the City of Beacon and Royal Carting

SOUTH SIDE MAIN STREET

129 Main Street (*Bank Square Coffee House*)
149 Main Street (*Wood & Cotton*)
167 Main Street (*Play*)
Corner of Main Street and Cliff (*Bus Stop*)
201 Main Street (*Beacon Institute*)
213 Main Street (*BJ's Restaurant*)
223 Main Street (*County Building at corner*)
257 Main Street (*Barber Shop*)
285 Main Street (*Dry Cleaners*)
291 Main Street (*Old telephone building*)
303 Main Street (*Hair Dresser*)
307 Main Street (*Howland Library*)
319 Main Street (*formerly Weymes*)
335 Main Street (*Photography Shop*)
341 Main Street (*Pizza & Stuff*)
347 Main Street (*Main Street Cleaners*)
369 Main Street (*Post Office*)
381 Main Street (*Towne Crier Cafe*)
403 Main Street (*Pat Malouf*)
417 Main Street (*Memorial Building*)
445 Main Street (*Beacon Creamery*)
469 Main Street (*Seoul Kitchen*)
477 Main Street (*Howland Cultural Center*)
Main Street – (*bench across from South Street*)

NORTH SIDE MAIN STREET

144 Main Street (*Mountain Tops*)
172 Main Street (*Riverwinds*)
190 Main Street (*Sign of the Times*)
200 Main Street (*M & T Bank*)
200 Main Street (*by clock*)
240 Main Street (*Izamu*)
268 Main Street (*Key Food*)
276 Main Street (*Amarcord*)
294 Main Street (*Subway*)
300 Main Street (*Duso Travel*)
320 Main Street (*Rite Aid*)
338 Main Street (*near Antalek Insurance*)
348 Main Street (*Beacon Natural Market*)
364 Main Street (*Citizens Bank*)
378 Main Street (*Walden's Building*)
392 Main Street (*Kennedy Chicken*)
412 Main Street (*by tree planter*)
436 Main Street (*Ella's Bellas*)
466 Main Street (*Beacon Bagel*)
468 Main Street (*Echo*)
480 Main Street (*Utensil Store*)
498 Main Street (*corner of South Street*)
504 Main Street (*corner of South Street*)
530 Main Street (*Feng Shui*)

WOLCOTT AVENUE

Wolcott Avenue at Harborview Court
(*bus stop across from Hudson Avenue*)
North Avenue at Main (*Robert Pohill Park*)

EAST MAIN STREET

25 East Main Street (*L. Way Building*)
28 East Main Street (*side of Durkin's Deli*)
20 East Main Street (*McMillan Building*)

MUNICIPAL PARKING LOTS

Veteran's Place – 1 can
Tioronda Bridge Park at Wolcott Avenue – 1 can
206 Main (*near Pleasant Ridge Restaurant*) – 1 can

DRAFT

EXHIBIT "C"

May 24, 2018

Anthony Ruggiero, City Administrator
City of Beacon
1 Municipal Center
Beacon, New York 12508

**Re: December Trash and Recycling Weight Survey
2017 Rate Adjustment**

Dear Mr. Ruggiero:

Survey Results:

Enclosed are summaries of the 2017 trash and recycling surveys for City of Beacon materials collected as follows:

2017 Summary Results:

<u>SURVEY FOR WEEK OF</u>	<u>TRASH (tons)</u>	<u>RECYCLABLES (tons)</u>
December 11, 2017	55.50	-----
December 4, 2017	-----	23.51
September 18, 2017	72.53 ¹	-----

¹Monday and Tuesday of this week was not surveyed due to City personnel shortage. The actual tonage collected over the 3 day survey period was 43.52. Adjusting for a 5 day week resulted in estimated survey tonage of 72.53 determined as follows: $43.52 \text{ tons} \div 3 \times 5 = 72.53$ tons.

September 25, 2017	-----	19.37
June 12, 2017	71.08	-----

June 19, 2017	-----	21.63
April 3, 2017	66.89	-----
April 10, 2017	-----	21.26

Analysis - Trash:

As you know, the City was not increased in 2018, even though the holdover terms of its Agreement with Royal would have permitted such an increase. Given the City's current 2018 budget constraints, Royal proposes to use the 2014 base rate to compete its increase from July 1, 2018 through December 31, 2018. The 2018 base rate will be applied effective January 1, 2019 for rate adjustments (up or down) based on prior year surveys, it being understood that the 2019 rate will be based on 3 (not 4) quarterly surveys. The initial 2018 survey will be conducted during the week of June 10, 2018 for trash and the week of June 17, 2018 for recycling. The fall and winter surveys will be set at a later time.

Based on the forgoing and in accordance with Section II A.2. of the Waste Collection Agreement Between City of Beacon and Royal Carting (the "Agreement"), the 2018 Burnable Waste payment (provided for in Article III) should have been adjusted based on the 2017 survey results.

The annual estimated average trash disposal to be applied for 2017 is computed as follows:

$$(55.50 + 72.53 + 71.08 + 66.89) \div 4 \times 52 = 3,458 \text{ Tons}$$

Burnable Waste Collection and Disposal:

2014 Base Monthly Payment² \$57,863.21

Less: 2017 Weight Survey Result computed as follows:

2014 Agreement budget base of 300 tons per month X 12 =	3,600.00	Annual Tons ³
Less 2017 average survey tonnage	<u>< 3,458>Tons</u>	
Difference	142 Tons	
Times Disposal Rate (per ton)	<u>X 73.75</u>	
2016 Annual Survey Rate Reduction	\$10,472.50	
Divided by 12 to determine monthly rate adjustment	<u>÷ 12</u>	
Monthly Adjustment Amount	872.71	<u><872.71></u>
Tentative 2018 Adjusted Monthly Burnable Waste Fee ⁴		\$56,990.50

Therefore, beginning July 1, 2018, through December 31, 2018 the adjusted monthly rate for curbside trash pick up will be 56,990.50⁵.

²Article III

³Article II 2

⁴ Effective July 1, 2018.

⁵ Per the bid, the recyclables collection fee remains unchanged for 2018.

Please feel free to communicate with me if you have any questions or comments.

Very truly yours,

James P. Constantino
General Counsel

JPC/cr
Enclosures

cc: Randy Casale, Mayor
Reuben Simmons, Jr., Highway Supt.
Nicholas M. Ward-Willis, Esq.
Emil Panichi, President
Betty Guarino, Accounts Supervisor

S:\jconstantino work files\Beacon 2009 Bid\Ltr to Ruggiero re December Trash & Rec Wt Survey and adjusted fee 5-24-18.wpd

**City of Beacon Council Agenda
6/4/2018**

Title:

Resolution to adopt the Investment Policy Statement dated May, 2018 prepared by RBC Wealth Management and authorizes the Mayor or City Administrator to sign the Investment Policy Statement

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso LOSAP	Resolution
LOSAP_IPS	Backup Material

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

WHEREAS, RBC Wealth Management has been the City’s investment managers for the City of Beacon Fire Department’s defined Length of Service Award Program (“LOSAP”) since September 2005; and

WHEREAS, RBC Wealth Management prepared an Investment Policy Statement (“IPS”) for the City of Beacon; and

WHEREAS, the IPS was designed by RBC Wealth Management to assist the City in effectively supervising, monitoring and evaluating the investment of the City’s LOSAP assets.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Beacon hereby adopts the Investment Policy Statement dated May, 2018 prepared by RBC Wealth Management and authorizes the Mayor or the City Administrator to sign the Investment Policy Statement; and

BE IT FURTHER RESOLVED, that the City Council shall review the Investment Policy Statement annually at its Organizational Meeting to determine whether stated investment objectives are still relevant and the continued feasibility of achieving the same.

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							

Investment Policy Statement

City of Beacon

Defined Benefit Length of Service Award Program

Retirement Plan – Directed by

City Council

Approved May, 2018

**RBC Wealth Management, a division of RBC Capital Markets Corporation,
Member NYSE/FINRA/SIPC**

This Investment Policy Statement should be reviewed from time to time with the Sponsoring City Council's Investment Advisor. Any change to this policy should be communicated in writing and on a timely basis to the Investment Advisor. If any term or condition of this Investment Policy Statement conflicts with any trust and/or plan document, the document shall control, as long as such term or condition is consistent with the law

Executive Summary

Type of Client:	Non ERISA LOSAP Plan – City Council Directed
Plan Name:	City of Beacon LOSAP Defined Benefit Plan
Client Sub-type:	ERISA Exempt
Fiduciary Standard of Care:	Other - Prudent Man Rule
Tax Id:	14-6002076
Current Assets:	\$ 690,000
Time Horizon:	Long - More than 5 years
Modeled Return:	5.5%

Allocation Range Legend

LL: Lower Limit

SA: Strategic Allocation

UL: Upper Limit

Broad Asset Class	Peer Group	LL	SA	UL
Fixed Income - Broad Fixed Income	Multi-sector Bond	5.0	10.0	30.0
Fixed Income - Global Fixed Income	World Bond	5.0	10.0	30.0
	Emerging Mkts Bond	0.0	0.0	20.0
	Currency	0.0	0.0	30.0
Fixed Income – Int. Fixed Income	Inflation-Protected Bond	0.0	0.0	30.0
	Intermediate-Term Bond	10.0	20.0	50.0
Fixed Income – Short Fixed Income	Short-Term Bond	10.0	20.0	100.0
	Bank Loan	0.0	0.0	30.0
Fixed Income – High Yield	High Yield	0.0	0.0	10.0
Convertible Bond	Convertible	0.0	0.0	10.0
International Equity - Diversified	World Stock	3.0	10.0	20.0
	Diversified Emerging Mkts	0.0	0.0	10.0
Large Cap Equity	Large Blend	5.0	10.0	30.0
Mid Cap Equity	Mid-Cap Blend	0.0	0.0	10.0
Money Market	Money Market Taxable As needed for cash payouts	0.0	5.0	100.0
Other	Conservative Allocation	0.0	5.0	30.0
	Moderate Allocation	0.0	5.0	30.0
	Other/Alternative/Multi-Asset	0.0	0.0	30.0
	Specialty-Natural Res	0.0	0.0	20.0
	Commodities/Mgd Futures	0.0	0.0	10.0
	Specialty-Real Estate	0.0	0.0	10.0
	World Allocation	0.0	5.0	40.0
Small Cap	Small Blend	0.0	0.0	5.0

Purpose

The purpose of this Investment Policy Statement (IPS) is to assist the Sponsoring (City Council) in effectively supervising, monitoring and evaluating the investment of the City's Length of Service Award Plan (Plan) assets. The Plan's investment program is defined in the various sections of this IPS by:

1. Stating in a written document the Council's attitudes, expectations, objectives and guidelines for the investment of all of the Plan's assets.
2. Encouraging effective communications between the Council and all parties involved with the investment management decisions.
3. Establishing formal criteria to select, monitor, evaluate and compare the performance results achieved by each investment option on a regular basis.
4. Setting forth an investment structure for managing the Plan's assets. This structure includes various asset classes, investment management styles, asset allocation and acceptable ranges that, in total, are expected to produce an appropriate level of overall diversification and total investment return over the investment time horizon.
5. Providing guidelines for each investment portfolio that control the level of overall risk and liquidity assumed in that portfolio, so all Plan assets are managed in accordance with stated objectives.

Statement of Objectives

Background

The Plan is a defined benefit plan established in 2001 and currently covers 66 participants. Plan size is currently \$ 690,000 and annual contributions should total \$ 61,722. The purpose of the plan is to retain and recruit active volunteer firefighters.

This IPS has been arrived at upon consideration by the Council by a wide range of policies, and describes the prudent investment process the Council deems appropriate. This process includes offering various asset classes and investment management styles that, in total, are expected to offer the opportunity to diversify the portfolio in a manner consistent with the specified risk and return requirements of the portfolio.

The objectives of the Plan are:

1. Have the ability to pay all benefit and expense obligations when due.
2. Control costs of administering the plan and managing the investments.
3. Maximize return within reasonable and prudent levels of risk in order to minimize contributions.

Time Horizon

The investment guidelines are based upon an investment horizon of greater than five years. The Plan's strategic asset allocation is also based on this long-term perspective. Short-term liquidity requirements are anticipated to be covered by the plans assets.

Risk Tolerances

The Council recognizes that some risk must be assumed in order to achieve the investment objectives of the plan. In establishing the risk tolerances of the IPS, the ability to withstand short and intermediate term variability were considered.

A 1-yr loss limit of -9.5% has been calculated for the portfolio. Statistically speaking, there is a 5% chance (once in every twenty years) that the 1-year return will actually be lower than -9.5%.

In summary, The Plan's long time horizon, current financial condition and several other factors suggest collectively some interim fluctuations in market value and rates of return may be tolerated in order to achieve the longer-term objectives.

Performance Expectations

The desired investment objective is a long-term rate of return on assets that is at least 5.50%. The target rate of return for the Plan has been based upon the assumption that future real returns will approximate the long-term rates of return experienced for each asset class in the IPS.

The Council realizes market performance varies and a 6.00% rate of return may not be meaningful during some periods. Accordingly, relative performance benchmarks for the investment options are set forth in the "Monitoring" section.

Duties and Responsibilities

LOSAP Sponsoring City Council

As fiduciaries under the Plan, the primary responsibilities of the Council are:

1. Prepare and maintain this investment policy statement.
2. Prudently diversify the Plan's assets to meet an agreed upon risk/return profile.
3. Prudently select investment options.
4. Control and account for all investment, record keeping and administrative expenses associated with the Plan.
5. Monitor and supervise all service vendors and investment options.
6. Avoid prohibited transactions and conflicts of interest.

Custodian

Custodians are responsible for the safekeeping of the Plan's assets. The specific duties and

responsibilities of the custodian are:

1. Value the holdings.
2. Collect all income and dividends owed to the Plan.
3. Settle all transactions (buy-sell orders).
4. Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall Plan since the previous report.
5. Maintain separate accounts by legal registration.

Investment Advisor

The Investment Advisor serves as an objective, third-party professional retained to assist the Council in managing the overall investment process. The Advisor is responsible for managing the assets and guiding the Council through a disciplined and rigorous investment process to enable the Council to meet the fiduciary responsibilities outlined above.

Asset Class Guidelines

The Council believes long-term investment performance, in large part, is primarily a function of asset class mix. The Council has reviewed the long-term performance characteristics of the broad asset classes, focusing on balancing the risks and rewards.

Historically while interest-generating investments, such as bonds, have the advantage of relative stability of principal value, they provide little opportunity for real long-term capital growth due to their susceptibility to inflation. On the other hand, equity investments, such as common stocks, clearly have a significantly higher expected return but have the disadvantage of much greater year-by-year variability of return. From an investment decision-making point of view, this year-by-year variability may be worth accepting given the Plan's long time horizon.

The following asset classes were selected and ranked in ascending order of "risk" (least to most) according to the most recent quarter's median 3-year Standard Deviation values.

Money Market Taxable
Short-Term Bond
Intermediate-Term Bond
Conservative Allocation
Multi-sector Bond
Inflation-Protected Bond
Moderate Allocation
World Bond
World Allocation
Large Blend
Foreign Large Blend
Mid-Cap Blend
Small Blend
Specialty-Real Estate
Specialty-Natural Res
Other

The performance expectations (both risk and return) of each broad asset class are contained in Appendix A.

Rebalancing of Strategic Allocation

The percentage allocation to each asset class may vary depending upon market conditions.

Please reference the allocation table in the Executive Summary for the lower and upper limits for each asset class. When necessary and/or available, cash inflows/outflows will be deployed in a manner consistent with the strategic asset allocation and allocation ranges of the Plan. If there are no cash flows, the allocation of the Plan will be reviewed quarterly.

If the Council judges cash flows to be insufficient to bring the Plan within the target allocation ranges, the Council shall decide whether to effect transactions to bring the allocation of Plan assets within the threshold ranges.

Implementation

The Council will apply the following due diligence criteria in selecting each money manager or mutual fund.

1. Regulatory oversight: Each investment option should be managed by: (i) a bank; (ii) an insurance company; (iii) a registered investment company (mutual fund); or, (iiii) a registered investment adviser.
2. Correlation to style or peer group: The investment option should be highly correlated to the asset class being implemented. This is one of the most critical parts of the analysis since most of the remaining due diligence involves comparisons of the investment option to the appropriate peer group.
3. Performance relative to a peer group: The investment option's performance should be evaluated against the peer group's median manager return, for 1-, 3- and 5-year cumulative periods.
4. Performance relative to assumed risk: The investment option's risk-adjusted performance (Alpha and/or Sharpe Ratio) should be evaluated against the peer group's median manager's risk-adjusted performance.
5. Minimum track record: The investment option should have sufficient history so that performance statistics can be properly calculated.
6. Assets in the product: The investment option should have sufficient assets so that the portfolio manager can properly trade the account.
7. Holdings consistent with style: The underlying securities of the investment option should be consistent with the associated broad asset class.
8. Expense ratios/fees: The investment option's fees should be fair and reasonable. Core/Satellite approach can be implemented to control expenses. This is the recognition that passive management and index funds should be used for the more efficient asset classes combined with active management for less efficient asset classes.
9. Stability of the organization: There should be no perceived organizational problems.

Monitoring

Performance Objectives

The Council acknowledges fluctuating rates of return characterize the securities markets, particularly during short-term time periods. Recognizing that short-term fluctuations may cause variations in performance, the Council intends to evaluate investment performance from a long-term perspective.

The Council is aware the ongoing review and analysis of the investment options is just as important as the due diligence process. The performance of the investment options will be monitored on an ongoing basis and it is at the Council's discretion to take corrective action by replacing a manager if they deem it appropriate at any time.

On a timely basis, but not less than annually, the Council will meet to review whether each investment option continues to conform to the search criteria outlined in the implementation section; specifically:

1. The investment option's adherence to the watch list criteria;
2. Material changes in the investment option's organization, investment philosophy and/or personnel; and,
3. Any legal, SEC and/or other regulatory agency proceedings affecting the investment options organization.

Benchmarks

The Council has determined it is in the best interest of the Plan's participants that performance objectives be established for each investment option. Manager performance will be evaluated in terms of an appropriate market index (e.g. the S&P 500 stock index for large-cap domestic equity manager) and the relevant peer group (e.g. the large-cap growth mutual fund universe for a large-cap growth mutual fund).

Peer Group	Index
Conservative Allocation	Dow Jones U.S. Moderately Conservative
Foreign Large Blend	MSCI World ex US NDTR_D
Inflation-Protected Bond	Lehman Brothers U.S. Treasury TIPS
Intermediate-Term Bond	Lehman Brothers 5-10 Yr Govt/Credit Bond
Large Blend	Russell 1000
Mid-Cap Blend	Standard & Poors Midcap 400 PR
Moderate Allocation	Dow Jones U.S. Moderate Portfolio
Money Market Taxable	3 Month T-Bill
Multisector Bond	Lehman Brothers U.S. Universal Bond
Other	

	3 Month T-Bill
Short-Term Bond	Lehman Brothers 1-5 Yr Govt/Credit Bond
Small Blend	Russell 2000
Specialty-Natural Res	Goldman Sachs Natural Resources
Specialty-Real Estate	DJ Wilshire REIT
World Allocation	MSCI World NDTR_D
World Bond	Citigroup Non-USD WGBI USD

Watch List Criteria

An investment option may be placed on a Watch List and a thorough review and analysis of the investment option may be conducted, when:

1. An investment option performs below median for their peer group over a 1-, 3- and/or 5-year cumulative period.
2. An investment option's 3-year risk adjusted return (Alpha and/or Sharpe) falls below the peer group's median risk adjusted return.
3. There is a change in the professionals managing the investment option.
4. There is a significant decrease or increase in the investment option's assets.
5. There is an indication the investment option is deviating from the stated style and/or strategy.
6. There is an increase in the investment option's fees and expenses.
7. Any extraordinary event occurs that may interfere with the investment option's ability to prudently manage investment assets.

The decision to retain or terminate an investment option cannot be made by a formula. It is the Council's confidence in the investment option's ability to perform in the future that ultimately determines the retention of an investment option.

Measuring Costs

The Council will review at least annually all costs associated with the management of the Plan,

including:

1. Expense ratios of each mutual fund against the appropriate peer group.
2. Administrative Fees; costs to administer the Plan, including record keeping, custody and trust services.
3. The proper identification and accounting of all parties receiving soft dollars and/or 12b-1 fees generated by the Portfolio.

Investment Policy Review

The Council will review this IPS at least annually to determine whether stated investment objectives are still relevant and the continued feasibility of achieving the same. It is not expected that the IPS will change frequently. In particular, short-term changes in the financial markets should not require adjustments to the IPS.

Prepared by:

David M Rogers
RBC Wealth Management

Signature

Date

Approved by:

LOSAP Sponsoring City Council

Mayor

Date

Appendix A

Asset Allocation
Model

Return

Risk

Yield

Dividend

Turnover

Cash	2.00%	2.00%	2.00%	0.00%	100.00%
CDs	2.50%	3.00%	2.50%	0.00%	100.00%
Fixed Annuities	2.50%	3.50%	0.00%	0.00%	5.00%
Intermediate-Term Fixed Income	4.75%	6.00%	4.75%	0.00%	60.00%
Long-Term Fixed Income	5.25%	8.00%	5.25%	0.00%	40.00%
Intermediate-Term Tax Exempt	3.25%	4.00%	3.25%	0.00%	60.00%
Long-Term Municipal	3.75%	8.00%	3.75%	0.00%	40.00%
Corporate Fixed Income	5.50%	8.50%	5.50%	0.00%	40.00%
Mortgage Backed Fixed Income	5.00%	7.50%	5.00%	0.00%	40.00%
High Yield Fixed Income	8.25%	16.00%	8.25%	0.00%	40.00%
Large Value Equities	8.50%	13.25%	0.00%	2.50%	40.00%
Large Growth Equities	9.60%	16.00%	0.00%	1.75%	40.00%
Small Value Equities	10.00%	18.75%	0.00%	2.25%	40.00%
Small Growth Equities	11.10%	22.00%	0.00%	1.50%	40.00%
Mid Cap Equities	9.75%	18.00%	0.00%	2.00%	40.00%
Balanced Funds	6.25%	11.00%	2.00%	0.50%	60.00%
Real Estate	6.50%	14.00%	5.50%	0.00%	10.00%
Futures/Commodities	7.00%	30.00%	0.00%	0.00%	100.00%
Venture Capital/Ltd. Partnerships.	11.50%	35.25%	0.00%	0.00%	10.00%
International Equities	10.00%	22.25%	0.00%	1.75%	40.00%
International Fixed Income	6.00%	13.25%	6.00%	0.00%	40.00%
Emerging Equities	10.50%	40.25%	0.00%	0.75%	40.00%

Asset Class Volatility Risk and Estimated Expected Return Rate Assumptions[®]

**City of Beacon Council Agenda
6/4/2018**

Title:

Approval of Minutes from May 21, 2018

Subject:

Background:

ATTACHMENTS:

Description

Minutes_May_21_2018

Type

Cover Memo/Letter

CALL TO ORDER

Mayor Casale called the meeting to order at 7:00 PM

PLEDGE OF ALLEGIANCE

Mayor Casale led the Pledge of Allegiance

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

ROLL CALL

Present:

Councilmembers Lee Kyriacou, At Large (LK); George Mansfield, At Large (GM); Terry Nelson, Ward One (TN); John Rembert, Ward Two (JR); Jodi McCredo, Ward Three (JM); Amber Grant, Ward Four (AG); and Mayor Randy Casale (RC) **Total: 7**

Not Present:

Also Present:

City Administrator Anthony Ruggiero (AR); City Attorney Nick Ward-Willis (NWW); City Planner John Clarke (JC) and Reuben Simmons from the Highway Department (RS)

1ST OPPORTUNITY FOR PUBLIC COMMENT

Prior to the Public Comment segment, NWW advised all on the Rules of Order and requested that any criticisms of public officials be made in writing to the City administration with proof of criticisms. An apology was made on behalf of the Council for not addressing a speaker at the previous Council meeting who spoke out against the City Building Inspector.

Speakers:

- Lisa Papo spoke about short-term rentals and home sharing.
- Gloria Cerniglia spoke about short-term rentals.
- Lou Amoroso spoke about short-term rentals and conflicts of interest.
- Tom Cassel spoke about non-owner occupied short-term rentals.
- Jessica Jelliffe read letter to Council about short-term rentals. (see attached)
- Frank Bugg read a letter from Stephen Brandow, Acting Deputy Commissioner for Administrative Services NYS Corrections and Community Supervision regarding responsibility for paving a 1.4 mi section of Matteawan Road. Submitted the letter to the Council. (see attached)
- Theresa Kraft spoke about city's infrastructure and short-term rentals.
- Art Camins spoke about Edgewater; affordable housing; environmentally friendly building; open space; design; community engagement and transparency.
- Anna Sullivan spoke about the threat of ticks and tick-borne illness.
- Jason Hughes spoke about speakers and commenters at past meetings and the results of his FOIL request.
- Steve Rothberg spoke about short-term rentals.

A. PUBLIC HEARINGS

Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon concerning a) the Central Main Street District (CMS); b) 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 c) Proposed Local Law to amend the Zoning Map of the City of Beacon

JC explained changes to Chapter 223 as they pertain to CMS, Comprehensive Plan and Zoning Map

Speakers:

- Theresa Kraft spoke about 4th floor set-backs; building ordinance; NYSHPO and establishment of an historic preservation commission.
- Christian Campbell spoke about changes to the CMS zone.
- Art Camins spoke about 4th floor set-backs and special use permits.
- Dan Aymar-Blair spoke asked about commercial space as result of rezoning and lot by lot rezoning.

Motion made by JM, seconded by GM to **close the public hearing**. The motion was carried unanimously by voice vote.

2018 Capital Plan

No speakers

Motion made by JR, seconded by TN to close the public hearing. The motion was carried unanimously by voice vote.

B. REPORTS**Council**

- AG – Thanked city workers for response to storm.
- JR – Still working on situations and concerns raised during his Ward 2 meeting. Plans to have another meeting next quarter.
- LK – Workshop suggestions - Special Use Permits for fourth floors; parcels for Historic Overlay District; SHPO process; storm water basin at Ralph and 9D; and contractors parking equipment on private property.
- GM – Thanked first responders for their efforts following the storm. Talked about Beacon and Newburgh working together to repair damage and the benefits of re-establishing the relationship between the two municipalities.
- JM – Thanked first responders for their efforts and thanked residents for working together to help each other following the storm. Announced Ward 3 meeting to be held Tuesday June 5th at 7pm at the 1st Presbyterian Church. Nick Page will also be in attendance.
- TN – Overwhelmed by sense of community following the storm. Town meeting scheduled for Tompkins Terrace. Reported there was a leak in the community room and no time table for fixing it.

Highway Department

- RS reported there were multiple road closures, signs down and one LED bulb lost during the storm. All roads that were closed following the storm are now open. Reports good communication with Central Hudson during the crisis. Highway garage phone is down.

City Administrator

- AR thanked staff for efforts following the storm. Reported good coordination between departments. Provided an update on the sewer main break on Main Street – break was 28-30 ft deep. Water main was installed, manhole was raised and job is expected to be completed by Thursday.

Mayor

- RC thanked City workers and County emergency operations center for efforts following the storm. Reported that on Saturday the City of Beacon's Fire Department and Red Cross installed smoke detectors throughout the city. Read memo on Grievance Day which is Weds May 23rd 2-4 PM and 6-8 PM. Read letter from Cornell Local Roads program announcing Beacon Highway Department took 3rd place in the Build a Better Mousetrap Competition for their Confined Space Simulator. Announced Fire Department promotions, the 5/24 Narcan training and the Council on Addiction Prevention and Education (CAPE) meeting on 5/24.

LOCAL LAWS AND RESOLUTIONS**1. Resolution to adopt 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**

A motion was made by JM, seconded by TN to adopt. The **motion was carried** by the following vote: **5 Yes** – Nelson, McCredo, Kyriacou, Rembert, Grant; **2 No**- Mansfield and Casale

2. Resolution to set a public hearing on June 18, 2019 to receive public comment on a proposed local law to amend Chapter 195 of the Code of the City of Beacon, concerning Lot Line Adjustments

A motion was made by TN, seconded by GM to adopt. The **motion was carried** by voice vote.

3. Resolution to adopt a local law to create Section 223-26.4 concerning Short-Term Rentals

A motion was made by JR, seconded by JM to adopt. The **motion denied** by the following vote: 3 Yes – McCredo, Kyriacou, Casale; 4 No – Nelson, Mansfield, Rembert, and Grant

4. Resolution to amend City fee schedule to create short-term rental permit fee

Resolution not voted on

5. Resolution to request state action concerning state building code requirements for short-term rentals

A motion was made by LK to adopt resolution as amended, seconded by AG. The **motion was carried** by voice vote.

6. Resolution authorizing execution of agreement with New York State Department of State for Mid-Hudson Downtown Initiative

A motion was made by GM, seconded by JR to adopt. The **motion was carried** by voice vote.

7. Resolution authorizing an Agreement with Beacon Arts to Place a Beacon 3D Sculpture on City-Owned Property

A motion was made by JM, seconded by TN to adopt. The **motion was carried** by voice vote.

8. Resolution establishing a Tree Advisory Committee

A motion was made by JM, seconded by TN to adopt. The **motion was carried** by voice vote.

9. Resolution authorizing the Adoption of a Capital Plan for the City of Beacon for the Year 2018

A motion was made by GM, seconded by JR to adopt. The **motion was carried** unanimously by roll call vote.

10. Resolution approving the adoption of a policy relating to cell phone use

A motion was made by JM, seconded by AG to adopt. The **motion was carried** unanimously by roll call vote.

11. Resolution approving the adoption of a policy relating to nepotism

A motion was made by JM, seconded by TN to adopt. The **motion was carried** unanimously by roll call vote.

APPROVAL OF MINUTES

A motion was made by AG, seconded by JR to approve the minutes from May 7, 2018. **Motion was carried** by voice vote.

2ND OPPORTUNITY FOR PUBLIC COMMENT

Speakers

- Neil Caplan spoke about Short-term rentals, Dutchess County taxes, the arts and local rents.
- Erin Junta spoke about short-term rentals.
- Steve Rothberg spoke about the downed trees following the storm and requested the dump extend its days for brush and leaves.

ADJOURNMENT

A motion was made by JM, seconded by JR to adjourn. **Motion was carried** by voice vote.

Next Council Workshop is May 29th at 7:00 PM.

Next Council Meeting is June 4th at 7:00 PM.

A video recording of this meeting in its entirety can be found here -

<http://www.cityofbeacon.org/Government/videos.htm>

Submitted by Lisa Edelson

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

Thank you!

Please check:

PRINTED Name	General Comment	Public Hearing	Address	Preferred contact info
Lisa Papo	✓		95 Washington Avenue Beacon 3 Coach Lantern Dr	lisa.papo@yaphook.com
Gloria Nictok Cerniglia	✓		Hopewell Jct, NY 12533 80 VAIK DUE	845-392-8708
Don Amoroso	✓			
Tom Cassel	✓		50 Mtn Lane	845-440-7293
Jessica Kuffe	✓		194 Fishkill Ave	jose-lyon@yohoo
"Frank" Bugg	✓		13-1 MAHEAWAN ROAD	809-553-0609 pumpstead@bank4c.com
HERESA KRAFT	✓	✓	Liberty St 39 Southport Rd	arthur.camins@gsi.com
Arthur Camins	✓			
Anna Sullivan	✓		170 Sargent	sullivan@gsi.com
JASON HUGHES	✓		16 HANNA LN	

Grievance Day Memo:

City of Beacon Grievance Day is May 23, 2018 from 2 p.m. to 4p.m. and from 6:00 p.m. to 8:00 p.m.

Deadline for filing Form RP-524 is May 23, 2018

Form is on city website

The deadline for submitting Form RP-524 is Grievance Day. If you mail the form, it must be **received** by the assessor or BAR no later than Grievance Day. If you do not file the form by the deadline, you will lose the opportunity for administrative **and judicial review** of your assessment this year.

It is important to bring documentation to support your claim. (appraisal, comparables)

If you wait until your tax bill arrives, it'll be too late to challenge the value assigned to your property or to ensure you're getting the exemptions you deserve.

Grievance procedures

Any person who pays property taxes can grieve an assessment, including:

- property owners
- purchasers in contract
- tenants who are required to pay property taxes pursuant to a lease or written agreement

Only the assessment on the current tentative assessment roll can be grieved - you can't grieve assessments from prior years.

There is no cost to grieve an assessment and it does not require you to hire a lawyer.



FIRE DEPARTMENT

**13 South Avenue
Beacon, New York 12508
(845) 765-0899**

To: Randy Casale, Mayor
Anthony Ruggerio, City Administrator
John Pomarico, President Lewis Tompkins Hose

From: Chief Gary Van Voorhis

Date: May 14, 2018

Subject: Appointment of 2nd Lieutenant Volunteer Firefighter Brian Barry

I am pleased to announce that I have appointed Volunteer Firefighter Brian Barry to the rank of 2nd Lieutenant. Below is the current City of Beacon Fire Department volunteer officer's list.

Assistant Chief Dennis Lahey
1st Lieutenant Matt Smith
2nd Lieutenant Brian Barry

Respectfully,

Fire Chief Gary Van Voorhis



Cornell University
Cornell Local Roads Program

416 Riley-Robb Hall
Ithaca, New York 14853-5701
t. 607-255-8033
f. 607-255-4080
clrp@cornell.edu
www.clrp.cornell.edu



Mayor Randy Casale
1 Municipal Plaza
Beacon, NY 12508

Dear Mayor Casale,

The Cornell Local Roads Program (CLRP) recognizes the City of Beacon Highway Department for its outstanding achievement in innovation by awarding the department third place in its *Build a Better Mousetrap Competition*. The Department displayed exemplary ingenuity in the development of their Confined Space Simulator. The confined space simulator allows the department to conduct indoor confined space training for large groups. The simulator is portable and has been utilized by the City of Beacon Fire Department as well as surrounding municipalities through a shared services agreement.

The Department was recognized through the CLRP *Build a Better Mousetrap Competition*; a statewide program that gives highway and public works departments the opportunity to share cost-saving projects they have developed to solve everyday problems. Entries are judged under the criteria of cost, implementation, transferability and commonality of the problem solved. The top four winners will be entered into a national competition.

In creating the Confined Space Simulator, the City of Beacon Highway Department demonstrated outside-the-box thinking by finding a creative solution to a common problem. Their willingness to share their innovation with the rest of the New York State highway community shows generosity and a spirit of good will.

The Cornell Local Roads program provides technical assistance and training to highway and public works departments across New York State to help improve the quality and safety of roads and streets. Additional information about the CLRP *Build a Better Mousetrap Competition* can be found online at <http://www.clrp.cornell.edu/trainingevents/BBMT.html>. Please feel free to contact us at any time with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "David Orr".

David Orr, PE
Director
Cornell Local Roads Program

CC: Reuben Simmons, Jr., Superintendent of Highways



**Corrections and
Community Supervision**

ANDREW M. CUOMO
Governor

ANTHONY J. ANNUCCI
Acting Commissioner

*Called
Anthony
on 5/22/18
will get back to me
after looking
into issue*

May 8, 2018

Mr. James F. Bugg
134 Matteawan Road, Unit 306
Beacon, NY 12508

Dear Mr. Bugg:

Governor Cuomo and Acting Commissioner Annucci have asked me to respond to your letter regarding responsibility for repaving of a 1.4-mile section of Matteawan Road in Beacon, NY, which runs past Rombout Middle School and Beacon High School ultimately ascending up the hill past Camp Beacon Road to Fishkill Correctional Facility.

The 1.4-mile section of road that is part of your inquiry was carefully investigated. The investigation lead to an understanding that the subject section of road is maintained by the City of Beacon.

If you have further concerns regarding this matter, please direct them to the City of Beacon.

Sincerely,

Stephen G. Brandow
Acting Deputy Commissioner for Administrative Services

cc: Leroy Fields, Superintendent, Fishkill Correctional Facility
Ellisa R. Weber, Director of Facilities Planning

Lisa Edelson

From: Jessica Jelliffe <jesse_lyon@yahoo.com>
Sent: Monday, May 21, 2018 3:04 PM
To: Randy J. Casale
Cc: Lisa Edelson
Subject: resolution to adopt a local law to create Section 223-26.4 concerning Short-Term Rentals

Dear Mayor Casale,
I hope this finds you well.

I am writing concerning the pending legislation to be addressed at tonight's city council meeting. I completely agree with the resolution to request state action concerning state building code requirements for short-term rentals. I would like to suggest that the council wait for the response from the state before passing the resolution to adopt a local law to create Section 223-26.4 concerning Short-Term Rentals.

As it currently stands, this is hastily written law that treats the entire city with a blanket resolution that does not address the nuances of short term rentals in a way that could be mutually beneficial to both the hosting community as well as the concerned citizens of the city of Beacon. For example, addressing STRs with regards to zoning is a common path for many municipalities that both continues to help the economy of the city and protects the citizens that are concerned for their quality of life in the residential zones. I respectfully suggest creating a panel or group to address all the communities concerns and allowing time to craft a resolution that works for everybody.

If you vote yes on this resolution as it stands,
it will shut down many hosts who cannot afford or simply cannot comply with the NYS B&B code requirements. The grace period will not give them the expected leeway.
it will push other hosts underground, which defeats the very purpose of this legislation.
it will invite spending taxpayer dollars on unnecessary court proceedings, which could easily be avoided by waiting.
it will severely hamper the growing Beacon economy since short term rental tourism is known to be crucial to it's improvement.

The council has taken ample time to properly address important issues that affect the city of Beacon. There is no immediate threat from short term rentals to the health and welfare of our city. This topic is no less crucial than any other and therefore deserves more thorough attention.

I hope you will seriously consider voting NO on this resolution at this time.

We very much appreciate your time and hard work.
All the best,

Jessica Jelliffe
194 Fishkill Ave
Beacon NY 12508

Lisa Edelson

From: Anna <sullivana@gmail.com>
Sent: Sunday, May 20, 2018 11:28 PM
To: Randy J. Casale; Lisa Edelson; Terry Nelson; John E. Rembert; jmmcredo@cityofbeacon.org; Amber J. Grant; George M. Mansfield; lkyriakou@cityofbeacon.org
Subject: City plan to reduce tick-borne illness in Beacon

Dear Mayor and City Council Members,

First of all, I'd like to thank the city's incredible response to the storms last week. Our first responders and other city departments were on our street minutes after the worst impact and our family is very grateful for the hard work and dedication to help everyone recover quickly.

My reason for writing today concerns the pressing need for City-level action against tick-borne illness. This year is expected to supersede last year's "worst year on record for the tick population".

I have spoken before at City Council and to several of you personally over the years about my volunteer role with the community-run Tick Free Beacon group and the threat posed to Beacon residents from tick-borne illness. My family has suffered greatly and we are not out of the woods yet, with all of us infected at different times, years of antibiotic therapy for me to date, terrifying emergency room visits, and financial hardship to cover lost time at work and treatment not covered by insurance.

We are also not alone. Other families in Beacon have lost loved ones to Lyme and co-infections. Beacon's children are getting infected at an alarming rate and, in too many cases, are being left with life-long health issues. Many adults are forced to take extended time off work, affecting the economic health of our city, and tourists are going home from a visit to Beacon with a memento that can cost tens of thousands of dollars and extensive time to recover from, if you are lucky. Others yet have been unluckier. Just a couple of weeks ago, across the border in PA, a healthy 50-year old dad died just FOUR days after being bitten by a tick. The situation with tick-borne illnesses has reached a critical point.

The Governor has just announced a plan of action for State-owned lands to radically reduce tick populations. It involves a range of different evidence-based treatments and strategies. <https://www.governor.ny.gov/news/governor-cuomo-announces-lyme-and-tick-borne-disease-control-plan>

Beacon needs to do the same. We need the application of these different products in City parks and City-owned lands where we and the kids spend time and where City workers have to work (Highway, Building Inspectors, First Responders). I will share the same information with the School District, as many kids and teachers are getting bitten by ticks during the school day. Just a few days ago, the Kindergarten teacher at my son's school found a tick on the rug in her classroom where the kids sit criss-cross apple sauce for stories and lessons.

And although white-footed mice are now understood to be the main vector of tick-borne illness (and therefore, the focus of many of the newer tick treatment strategies), deer can still harbor hundreds of THOUSANDS of ticks EACH, and we have an ever increasing herd that walks all over our front and back yards, the school property on Sargent, and the Friary (I'm in Ward 4, and I know other parts of town are also badly affected by deer). We need to control or relocate the deer population as part of our strategy in Beacon.

We have to budget for this in the soonest round of budgeting coming up. Keeping our residents and visitors safe from these life-threatening diseases has to be right up there with other critical expenditures. There are "nice to haves" and "must haves" and protecting our city from this scourge can no longer be viewed as a "problem too big to tackle": it is an immediate "must have". We can't allow people to keep getting sick here.

Our City initiative would greatly benefit from having a full-time person at the city for a few years, who would be responsible for overseeing the successful implementation of tick reduction initiatives until our people can live without the daily stress we currently endure trying to keep ourselves and our families safe.

New tick-borne illnesses are emerging threats in our region, including B.Myamoti and Powassan Virus. The latter can get transmitted in 15-minutes, is deadly in about 50% of cases, and to date there is NO known cure. It used to be in our area that only 1% of ticks carried Powassan, but more recent studies have found 4-8% of ticks carrying it, with that number steadily increasing. The repercussions are unthinkable.

With this increase in tick-borne disease threats coupled with the newer evidence that there ARE effective local measures that can be taken to reduce the tick population, our City MUST do all it can to protect those who live, work, and visit Beacon.

Thank you,
Anna Sullivan
170 Sargent Avenue.