



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

City Council Workshop Agenda
August 27, 2018
7:00 PM

Workshop Agenda Items:

1. Presentation: Steve Hastings - Republic Services Recycling
2. 2 & 12 Tioronda Avenue, The Silos - Special Use Permit
3. HIP Lofts SUP
4. Street and Sidewalk Opening Permit Local Law
5. A local law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs
6. A resolution amending the fee schedule concerning driveway permits
7. A resolution authorizing the City Administrator to apply for New York State Water Infrastructure Improvement Act (WIIA) grant assistance
8. Use and dimensional tables
9. Consideration of Resolution regarding USACE Coastal Storm Risk Management Feasibility Study

Executive Session:

1. Executive Session: Real Estate

City of Beacon Workshop Agenda
8/27/2018

Title:

Presentation: Steve Hastings - Republic Services Recycling

Subject:

Background:

ATTACHMENTS:

Description	Type
Recycling presentation	Backup Material
Waste dive_governor plan	Backup Material



Recycling is Broken

The need for change...



Today's Agenda

- China Sword Explained
- Impacts
- Immediate Actions Needed
- Partnering for Long Term Success

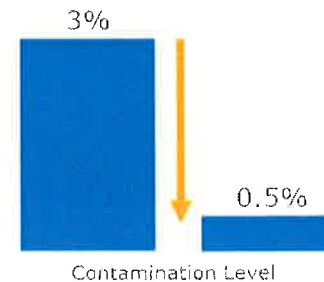
Replacing a fundamentally broken business model with a durable and transparent partnership

China Sword Explained

For decades, China has been the largest importer of the world's recycled commodity, and the U.S. was 40% of the inbound stream.

In 2017, China announced efforts to clean up the country, which included dramatic changes for acceptance criteria of imported recyclables.

- A significant reduction in acceptable contamination levels (From ~3% to 0.5%) in any recovered paper and plastic grades.



- Additionally, China banned all mixed paper from import, regardless of contamination levels. (20% of historical stream).

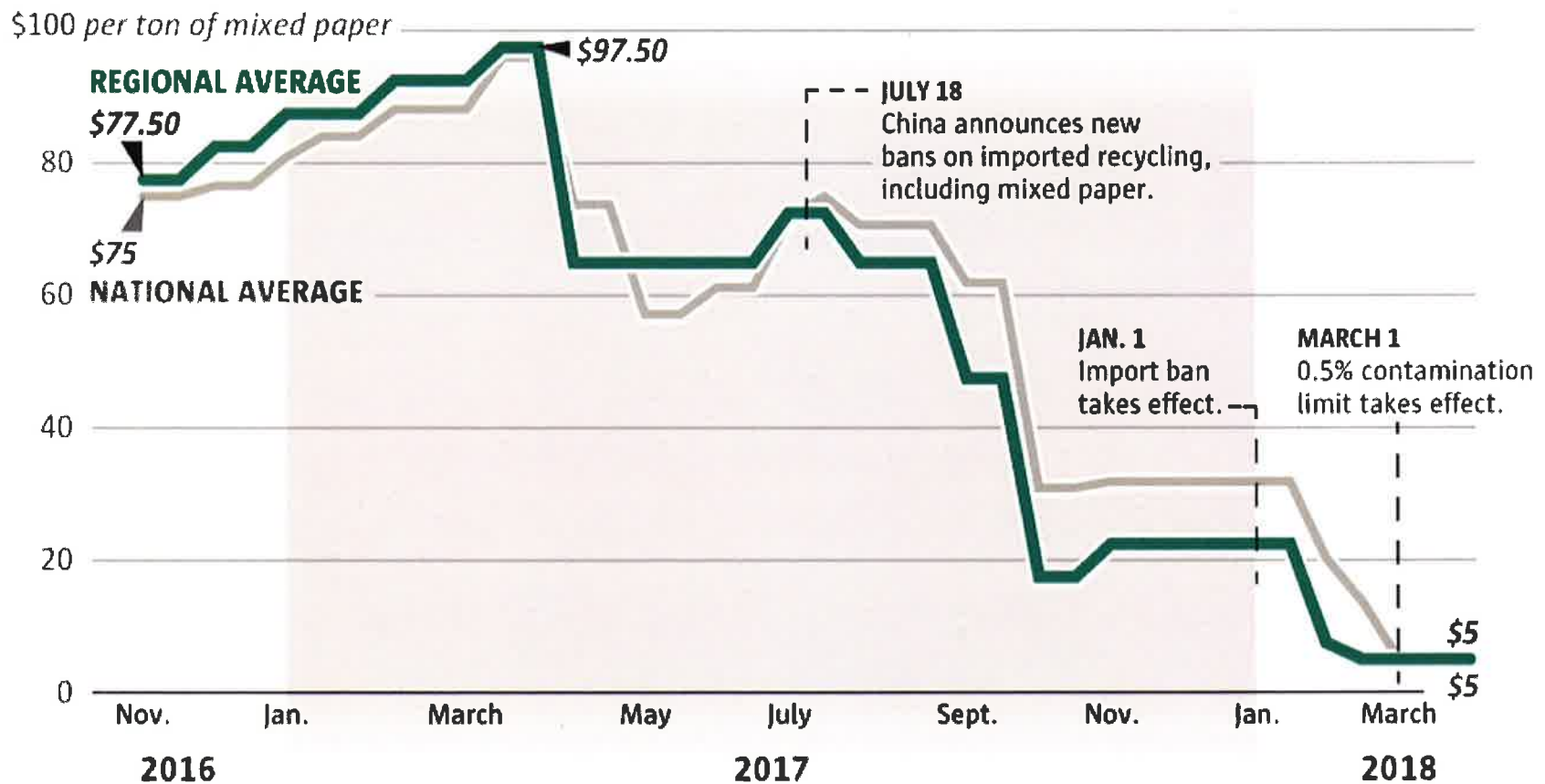


Reductions took effect in March 2018, and drive costs and changes at most recycling facilities in the country to meet new standards

Market Impacts of China Sword

China closes the door, prices crash

The average price paid to recyclers for a ton of mixed paper in the Pacific Northwest and across North America has plummeted in the last year.



Source: RecyclingMarkets.net

EMILY M. ENG / THE SEATTLE TIMES

China Sword Immediate Impacts

- Adjusted processing speeds to improve quality of sorted material
 - As a result, some facilities are unable to handle daily material volume
- Adding human resources to our sort lines, and increasing self-inspections to further reduce contamination
- Exploring investments in newer, more accurate sorting technology (in select markets)
- Actively exploring other domestic and international markets
 - Many are flooded by the global industry shifting away from China



Jan 2018 – Processed bales in Northwest, without market buyers, deteriorated by weather

While we continue to process mixed paper and old newsprint, we are proactively evaluating the need to dispose of excess material that deteriorates beyond the point of commercial value, or poses safety risks

Long Term - Public Education

1. Public Education – *WHAT* to Recycle

ALWAYS Recyclable	NEVER Recyclable	SOMETIMES Recyclable (Select Markets)
Paper 	Diapers 	Plastic Bags 
Plastic 	Garden Hoses 	Glass 
Metal 	Shoes/Clothing 	
Cardboard 	Food Waste 	
	Yard Waste 	

2. Public Education – *HOW* to Recycle

Empty. Remove any remaining food or liquid contents from your recyclable item before placing it in a recycling container;

Clean. Lightly rinse the recyclable item to remove any remaining residue; and

Dry. Gently shake out excess water or let the recyclable item air dry before placing it in a recycling container.



Empty.



Clean.



Dry.

Long Term - Reassessment of Accepted Materials

- Programs have drifted to focus on total diversion rates, rather than what materials are truly beneficial to recycle
- Some collected materials are recyclable, but lack local end markets, or have a negative recycling value. These realities render the processed materials unmarketable
- Municipalities need to shift program focus to Sustainable Materials Management-based views, which looks at the overall benefits of each accepted material in the stream.



(\$10)

Glass has a negative value to recycle

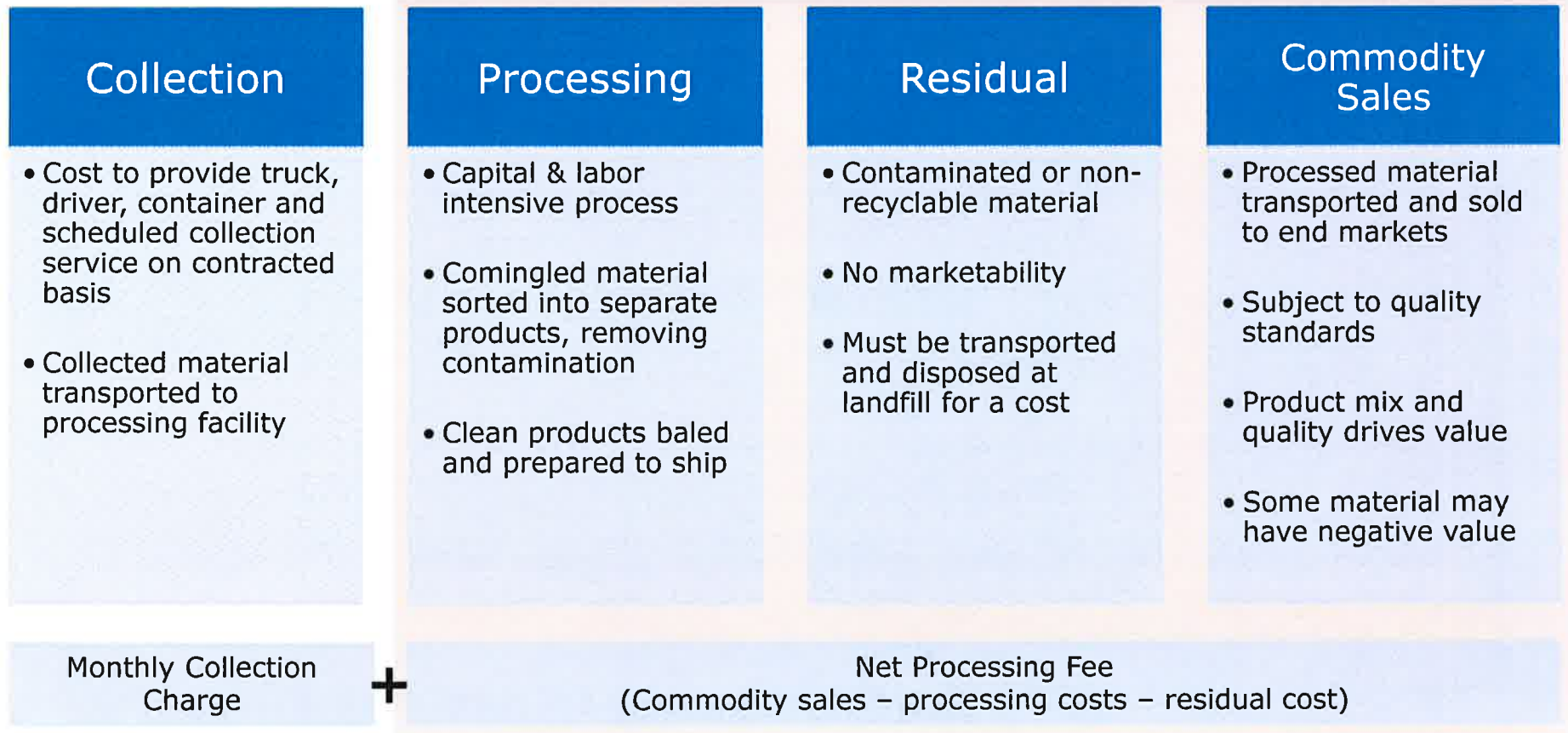


Some packages have evolved to less marketable materials

Recycling programs must focus on Sustainable Materials Management, not simply diverting material that may have no beneficial use

New Recycling Business Model

The Cost of Recycling



The cost of a recycling collection program is the sum of the **Collection Charge** and the **Net Processing Fee**

Next Steps

- Reassess Rate Structure to address shortfall due to increased processing costs that are no longer covered by commodity revenues
- Reassess Equipment Enhancement and Timetable
- Enhance Public Education programs to inform residents what to recycle and how to recycle – clean up the contamination in the stream and reduce moisture

The decades old recycling model is no longer executable or viable. Immediate partnering is needed, as well as a new business model



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BRIEF

New York governor calls for statewide plan on recycling market collapse

By Cole Rosengren

Published Aug. 14, 2018

Dive Brief:

- New York's Department of Environmental Conservation (DEC) will host multiple stakeholder meetings "with representatives from industry, local government, state and federal agencies, and the public" to develop new solutions for struggling local recycling programs and "identify open markets to utilize recyclables."
- According to a press release, the move comes at the behest of Governor Andrew Cuomo. He directed the agency to "identify new actions to improve recycling in New York in response to changes in global recycling markets."
- The initial meeting is scheduled for August 29 at the DEC's Albany headquarters. The Times Union reports that an agenda is still being formulated, but the event is expected to function as a "moderated roundtable."

Dive Insight:

When contacted by Waste Dive last November, the DEC said that "although some municipalities have expressed concerns," it didn't know of any altering their programs. The agency recommended focusing on education to produce a cleaner stream and said any decisions around specific changes resulting in disposal would be a local matter. The state's 2010 solid waste plan did set reduction targets and envisioned the potential need for a disposal waiver system if markets declined, but no such framework was ever created.


Since the beginning of this summer, news stories have been appearing on a near weekly basis about financial struggles in upstate cities or counties. The issue has also caught the attention of state and national elected officials, adding to the impetus for action. So far only a handful of local governments have canceled or altered their programs in any way, but depending on what happens with pricing in the months ahead, there could be more to come.


Companies such as Waste Management, Casella Waste Systems and other local names are all seeking various types of rate increases for collection or MRF processing, leading to budget surprises and difficult negotiations for many local governments. A new \$120 tip fee at a MRF run by Waste Connections subsidiary County Waste has had especially large effects in the Albany area.

Stories have begun to come out about similar situations on Long Island, and conversations indicate these market effects are also being felt in the five boroughs, but there has been far less reporting on that to date.

The lengthy Cuomo press release included few specifics on what the DEC actually can or will do to help cope with this global commodity issue, though the agency has plenty of precedent to follow. Oregon, Washington, California, Minnesota and Massachusetts — among others — are some of the most commonly discussed states where environmental agencies are engaging on the topic. Industry companies and associations have of course been talking about this issue all along, so can be expected to show up to the first stakeholder meeting with their own proposals as well.

Recommended Reading:

 Times Union
Recycling woes piling up [↗](#)

 Democrat & Chronicle
Curbside recycling programs are now such money-losers that it's going to cost us more [↗](#)

 Democrat & Chronicle

Curbside recycling programs are now such money-losers that it's going to cost us more [↗](#)

City of Beacon Workshop Agenda
8/27/2018

Title:

2 & 12 Tioronda Avenue, The Silos - Special Use Permit

Subject:

Background:

ATTACHMENTS:

Description
Silos Letter

Type
Backup Material



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August 23, 2018

Mayor Randy Casale
And Members of the Beacon City Council
City of Beacon
1 Municipal plaza
Beacon, NY 12508

Re: Silos property and adjoining residential-scale historic building: 2 & 12 Tioronda Avenue
Tax parcels 6054-37-077707 and 6054-37-086717

Dear Members of the Council:

Our client, Wolfe Properties NY, LLC (the developer of the Beacon Hip Lofts and Beacon Lofts and Storage properties) is in contract to purchase two parcels on Tioronda Avenue, just south of Main Street: 0.67 acre parcel known as “The Silos,” and the adjoining small 0.06 acre lot (2 Tioronda) just north of the Silos, which contains a small residential-style building, now adapted to commercial use. The configuration of the parcels and the street view of the parcels is shown in the annexed photographs.

The Silos constitute an iconic presence in the City. Their appearance, although quite distinct from the surrounding nearby buildings, which include the Howland Center, the Spanish Pentacostal Church, and the commercial streetscape of Main Street, forms a distinct and contributing element of Beacon’s historic landscape. As we understand it, the Silos property is not in the Historic District, but the adjoining smaller lot (2 Tioronda) is within the District.

Our client, working with Aryeh Siegel Architect, is proposing to retain the building at 2 Tioronda intact. The client has also developed a unique proposal to save and restore the Silos, as part of a multifamily residential building, to contain 20 for-sale units, shown in the attached visual rendering. Our client proposes to adaptively reuse the Silos and incorporate them as the essential element in a multifamily residential building which would retain the historic association with the Silos in material, texture, and color.

We believe that this building would be a worthy addition to the historic landscape in the area. It retains the historic Silos and adaptively reuses them, and also retains the small historic structure to the north.

We look forward to presenting this proposal at the workshop on Monday. Because of the topography in the area and the massing of the larger historic Church and Howland Center on Main

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August 23, 2018

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Street, we believe that the proposed building is compatible in scale with the historic structures on Main Street as well as the newly constructed multifamily uses on the other side of the Creek. It does appear, however, that the building would require a height variance (it is 3 stories tall with a level of parking underneath, whereas the GB zoning permits only 35 feet tall structures), and may also need setback variances if the proposed new amendments to the bulk table are enacted.

The applicant has commissioned the preparation of a visual simulation showing how the proposed Silos restoration project would fit into the surrounding neighborhood, and we hope to have it in time to bring it to the Council workshop on Monday.

We welcome the Council's candid assessment and comments on the merits of this proposal.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JL Van Tuyl', is written over a light blue horizontal line.

Jennifer L. Van Tuyl

cc: Jack Wertz
Aryeh Siegel, AIA

C&F: 3842492.1



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Full Screen



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5 Tioronda Ave, Beacon, NY 12508



Report a privacy concern with this image



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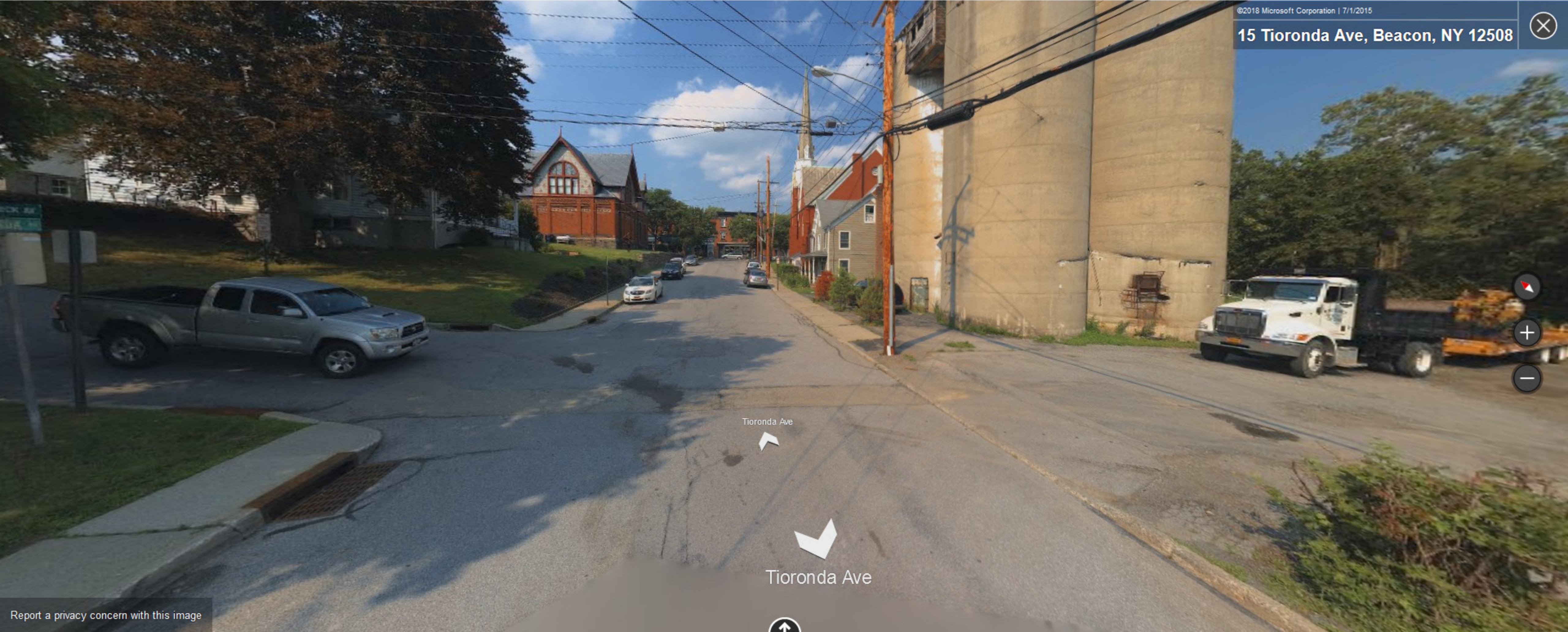


Full Screen



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15 Tioronda Ave, Beacon, NY 12508



Tioronda Ave



Tioronda Ave



Report a privacy concern with this image



City of Beacon Workshop Agenda
8/27/2018

Title:

HIP Lofts SUP

Subject:

Background:

ATTACHMENTS:

Description	Type
February 2018 SUP application with exhibits	Backup Material
Planning Board report to City Council	Backup Material
HIP Lofts Amended 2014 Resolution	Backup Material
Code_SUP_Artist live work	Backup Material
HIP Lofts Aerial	Backup Material



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February 27, 2018

Hon. John Gunn, Chairman
And Member of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Beacon HIP Lofts (39 Front Street) – Submission cover letter and response to consultant comments

Dear Chairman Gunn and Members of the Planning Board:

On February 21, 2018, the Zoning Board of Appeals granted the requested height variance to allow building 16 to reach 66 feet in height. The Board considered the issues the Planning Board suggested, but did not impose further conditions relating to the setback of the 4th story or the height of the 4th story. We have not yet received the final ZBA Resolution, but I expect it will be sent directly to the Planning Board.

Since the variance has now been issued, it is appropriate for the Planning Board to consider its report to the City Council relating to the Special Permit. In order to provide a summary of the proceedings to date for the Council, I have enclosed our proposed letter to the Council, with exhibits, intended to accompany the Planning Board's report. We hereby request that the Planning Board issue its report to the Council at the March meeting and address the customary report requirements, including any recommendations of changes in the plan to meet the Special permit criteria.

Additionally, we hereby respond to the comments from Lanc and Tully.

LANC & TULLY COMMENT LETTER DATED FEBRUARY 4, 2018:

General Comments:

1. The applicant will require a variance for the proposed height of Building #16. If this variance is granted, it should be noted on the plans.

Response: The variance was granted at the ZBA meeting on February 21, 2018.

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February 27, 2018

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Variance #2018-7. This has been noted on the Site Plan sheet.

2. We had previously noted that there were labels overlapping each other on Sheets I and 3 at several locations, and in other areas the labels blend into the hatch, making them illegible. Although the applicant states that these have been addressed, we are unable to verify this, as these sheets were not submitted. The applicant should submit these sheets for review.

Response: The label clarity was addressed. The Site Plan sheet is being submitted. These are the same notes and drawing file as the Landscape Plan (Sheet 3).

We look forward to further discussion with the Board at the March 14, 2018 meeting.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'JL Van Tuyl', is written over a light blue circular stamp.

Jennifer L. Van Tuyl



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February 27, 2018

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

Re: Beacon Lofts & Storage LLC –Special Permit Application for Multi-Family Development
Premises: 39 Front Street, Beacon, New York
Tax Parcel ID: 6055-04-590165

Dear Mayor Casale and Members of the City Council,

This is an application for an amended Special Use Permit to authorize 29 additional Artist Live-Work units in the LI District at Groveville Mills. The City Council granted a special permit for 143 such units in 2014.

The application for the amended Special Use Permit was submitted to the Planning Board, as the Council's agent, on July 25, 2017. The environmental review of the project is now complete, and the required height variance has been granted. The matter is before the Planning Board on March 14, 2018 to consider issuance of its Report under section 223-18 B. 1. At that point, the Special Permit application will be submitted for the Council's review.

This letter is intended to describe the history of the application and describe the manner in which the application meets the applicable standards for an amended special use permit for the addition of 29 Artist Live-Work units.

PROJECT DESCRIPTION:

Setting:

The subject parcel is an 8.75 acre parcel in the LI District. The project, known as Beacon HIP Lofts, is an ongoing, phased, mixed-use redevelopment of a portion of the former Groveville Mills industrial site. Due to its past historic use, the property is within the Historic District Overlay. Current uses on the site include storage, office/studio, and a commercial laundry, in addition to Artist Live/Work studios.

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Existing Approvals:

The plan to redevelop the Beacon HIP Lofts received initial approvals in 2014. In 2014, the City Council granted a special permit for 143 Artist Live work units, and the Planning Board thereafter granted site plan approval.

The Approved Site Plan:

A copy of the Approved Site Plan is attached as Exhibit A. Several features of the plan are notable:

1. The site plan takes advantage of the Creekside location to place a four-story new building, called Building 9A with 24 Artist Live/Work units. A height variance was granted for this building to be 4 stories and 42 feet tall.
2. The site plan includes a commercial laundry which has been very successful, although it is a very heavy water user, of almost 26,000 gpd.
3. The site plan places landbanked parking on an adjoining parcel.
4. The existing conditions as of 2014 included two very large factory buildings placed end to end, designated as buildings 10 and 16. These buildings are 3 stories/46 feet tall. Each building is approximately 225 feet long, making the two buildings together 450 feet long, the length of one and a-half football fields. A view of these buildings is attached as Exhibit B.
5. The site plan proposed that both buildings would be restored for Artist Live/Work units, with 36 units to be placed in the restored building 16.

Phase 1 of the Project was completed in 2013, and Phase 2 construction of Building 11 has also been completed. 87 of the approved 143 Live-work units have been built.¹

¹ 4 units have been completed in the last 2 months. As of the filing of the Special Permit application in July 2017, there were 83 completed units.



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Unforeseen circumstances:

During site development, engineering tests revealed that Building 16 was structurally unsound, and could not be renovated, but would have to be deconstructed and the entire building rebuilt.

When the applicant reached the point of preparing for the restoration of Building 16, he was informed that the building was beyond repair, due to extensive roof damage which had impacted the structural stability of the structure. The building could not be renovated, but would have to be deconstructed and the entire building rebuilt. (See Engineer's letter from Mark Day PE dated December 6, 2016, Exhibit C)

This news changed the economic picture for the project in a material way. Demolition and new construction adds materially to the costs of building. The demolition itself is costly, and would cost from \$500,000 to \$600,000 (\$13-15 per SF). The demolition would tend to run higher as much work must be done by hand to preserve the adjoining building and preserve the brick. The construction of a whole new building would also be more expensive than simply restoring an existing building. A new roof for a building of this size can cost a million dollars, and the cost of the roof is the same investment, independent of the height of the building. Overall, the costs of demolition and exterior construction would be expected to run approximately \$3 million.

This unexpected circumstance caused the applicant to explore ways to modify the project in a manner that was good for the community as well as offsetting, at least partially, these unanticipated costs.

The Amended Site Plan:

The proposed Amended Site Plan which is part of the present application, is attached as Exhibit D. This plan proposes major improvements in the approved site plan as follows.

- The amended plan eliminates the 3-building Commercial Laundry. The commercial laundry buildings are non-brick, non-historic additions (See drawings Exhibit E). This eliminates ugly and non-contributing structures, and also eliminates a heavy industrial water user.²
- The amended plan concentrates the dwelling units in Building 16, which is located in the center of the site, and eliminates the previous 4 story building 9A located right on the Creek. The 24 units previously located in building 9A have been transferred to Building

² The substantial water saving from elimination of this high water use was an important element in the Council's decision to allow this project to proceed for reviews during the moratorium.



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16. The proposed 29 additional units are also located in Building 16. The concentration of the development in the center of the site resulted in a taller building, with 3 full stories and a smaller, set back, 4th story with 9 units.³

- In place of a 4-story building on the Creek, there is a simple one-story addition to the existing building.
- Overall the changes allow the building footprint on the site to shrink, providing a small amount of additional open space, and also allow the site to fully meet its parking requirements on its own site, without placing landbanked parking on the adjoining site.

PROJECT REVIEW TO DATE AND EXISTING APPROVALS:

On July 25, 2017, the applicant filed applications for an amended special permit, amended site plan approval, and height variance, based upon the above described amended site plan.

Planning Board – Environmental Review & Negative Declaration:

The Planning Board was duly designated as Lead Agency under SEQR and conducted an environmental review of the whole action, including all elements of the development.

This review included consideration of a Phase 1A Literature Search and Sensitivity Assessment and a review letter by the State Historic Preservation Office (SHPO) dated January 5, 2018, that concluded that the proposed development, including the proposed taller building 16, was compatible with the historic setting of Groverville Mills. (Exhibit F)

A copy of the Planning Board’s SEQR Determination of Significance, finding that the project as proposed would not have a significant adverse impact on the environment, is attached as Exhibit G.

Zoning Board of Appeals – Area Variance Review:

After adoption of the SEQR Negative Declaration, the review proceeded to the Zoning Board of Appeals. The Zoning Board conducted public hearing sessions on January 17th and February 21st, 2018.

³ See discussion page 5-6 for details of the analysis resulting in a conclusion that the taller building was aesthetically compatible with the site and its historic buildings.



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The applicant showed that the requested floor to ceiling separations of 17 feet would not only allow mezzanines, but would also facilitate the transition in use of the building to non-residential use in the future, if the need arose. The applicant explained the manner in which the context of this height variance request differed completely from the situation of a building on Main Street, using the example of 344 Main Street. While the building at 344 Main Street and Building 16 are approximately the same length, the HIP Lofts property is 35 times larger than the lot at 344 Main Street, and therefore a 4-story building would look much different in the open context of an 8.75 acre site. The applicant further demonstrated that, because of the very large scale of buildings 10 and 16, with a total length of approximately 450 feet, the proposed height variance was not out-of scale with the buildings in the neighborhood. Moreover, the owner of the neighboring Groveville Mills property, John Milano, appeared and supported the requested variance.

The ZBA also took a further hard look at aesthetic and historic impacts. The applicant introduced an evaluation by an architectural historian from Hartgen Associates, concluding that the proposed reconstruction of building 16 was appropriate for the historic setting (Exhibit H). The applicant also introduced visual documentation of the existing setting with the unattractive commercial laundry that detracted from the historic setting, and views of the proposed Building 16 from Route 52 and across the Creek, showing that the views of the proposed new Building were compatible with the historic setting. (Exhibit I).

The applicant further introduced a section drawing (Exhibit J) showing that the location of building 16 sits in a "bowl" setting which is at elevation 146, fully 24 feet lower than the elevation of Route 52 (elevation 170 feet) and fully 25 feet lower than the elevation across the creek (elevation 175 feet). This elevation difference would further lessen the visual impact of the requested height variance for building 16. The applicant further described the other advantages of the proposed amended site plan, including the elimination of the commercial laundry and the elimination of the 4 story building close to the Creek.

The Planning Board reviewed the variance request extensively at its meeting on February 14th, 2018, and recommended that the requested height variance be granted. The Planning Board's memorandum sent to the ZBA (Exhibit K) stated, in part:

At their last meeting, at the request of the applicant, the Planning Board performed a second detailed review of the requested height variance for construction of a new building on the HIP Lofts site. A lengthy discussion took place with the applicant's representative who made a strong case for an increased building height for the proposed new building (#16) by presenting detailed plans and additional documentation for consideration. After much discussion, the board voted unanimously to make a new recommendation supporting the requested variance.

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The Planning Board further identified further measures that the ZBA may want to consider to mitigate any impacts of the height variance on the historic character of the site. At the February 21st ZBA meeting, the applicant stated that it would agree to these measures if found to be necessary. However, after detailed discussion, the ZBA determined that these measures were not required to eliminate or limit adverse impacts on the historic neighborhood, and did not impose them as conditions. However, in its resolution approving the variance to approve the height of the 3 story building at 52 feet, and the height of the recessed 4th story for 9 units at 66 feet, the ZBA imposed a condition, based upon the applicant's consent, that, upon construction of the proposed building 16, the applicant would surrender any rights to the previously issued variance for a 4-story building on the Creek, and would further agree that it would not apply for any additional live/work units on the parcel so long as the zoning remains LI with a maximum density of 172 units, even though there is theoretically residual available density of 71 live/work units under the existing LI zoning, and record a Declaration documenting same. The maximum permitted density on this site is 243 units, and the present plan proposes 172. While everyone agreed that the City Council certainly controls the density by virtue of its special permit power, the applicant offered these further agreements, and the recording of a Declaration, as a sign of its good faith and the Zoning Board of Appeals imposed compliance with these agreements as conditions of its area variance for building 16.

THE PROPOSED AMENDMENT SATISFIES THE GENERAL & PARTICULAR SPECIAL PERMIT CRITERIA; AND WILL NOT HAVE A NEGATIVE IMPACT ON THE NEIGHBORHOOD OR ENVIRONMENT

Artist Live/work spaces are permitted, by City Council Special Permit, in the LI District. Artist Live/work spaces are subject to both the general special permit criteria in section 223-18 and to the particular supplementary criteria that apply to Artist Live/Work spaces in section 223-24. Each will be separately considered:

The Proposed Project Satisfies the General Special Permit Criteria:

- (a) **The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located;**

The proposed use, i.e. 29 additional Artist Live/Work units, is compatible with the site, which already features 143 approved such units. The new building 16 will also feature increased floor-to-ceiling heights which will make it possible to convert spaces in the building to non-residential uses if the need should arise in the future.

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- (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings;**

The location of the proposed additional units in new Building 16 is appropriate in the context of the site plan. The location is centrally located in a large 8.75 acre site. The proposed building is one of two adjoining buildings with a total length of 450 feet, which creates a context in which the building size and scale is appropriate. The views of the building from neighboring properties and nearby roadways shows that the building is in harmony with the neighborhood, based on all the factors recounted above. John Milano, the owner of adjoining property in Groveville Mills, appeared and supported the height variance for building 16.

The proposed amended site plan features less development near the creek and eliminates land use on adjoining properties. Because of all the factors relating to scale as recounted above, including having an elevation 24-29 feet below the elevation of Route 52 and the opposite side of the Creek, the additional height for building 16 will not hinder development of adjoining land.

- (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit;**

The existing Artist Live/Work units have not created any problem for neighbors. The owner of the adjoining residential properties came to the ZBA hearing and supported the proposed height increase in building 16 to allow the construction of the 29 additional units. The increase in number of units is relatively small (29 additional and 143 already approved). In many ways, the requested use is actually less intense than some of the uses permitted as of right.

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

The proposed amended site plan provides parking closer to the buildings than the previously approved plan. The Planning Board has already conducted preliminary review

C&F: 3678927.1



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of the proposed site plan and in its final site plan review will assure that the landscaping and vehicular circulation are appropriate for the site.

The Proposed Project Satisfies the Particular Special Permit Criteria applicable to Artist Live-Work units:

Section 223-24.3 sets forth 19 detailed requirements relating to development standards for artist Live/Work units. These requirements, more fully set forth in Exhibit L, relate generally to the following categories:

1. Restrictions relating to layout of the units and restricting the percentage of the space devoted to residential use to 30%. (Items 1-7) The applicant agrees to continue to be bound by these requirements, as previously required in the initial special permit approval. Floor plans are provided which confirm that residential space does not exceed the permitted ratios.
2. Prohibition of certain uses, occupants, or activities within a space: (Items 8-14, 16) The applicant agrees to be bound by compliance with these requirements for the additional units. If requested, notes to that effect will be added to the site plan drawings, in addition to being incorporated as a condition of the amended special permit.
3. Requirements of compliance with building codes, certifications, inspections, and conditions of CO and rental agreements containing language relating to compliance with the requirements of section 223-24.3. (Items 15, 17-19) The applicant consents to these requirements. The rental agreements already require compliance with the zoning law and conditions of approval. See sample, Exhibit M)

CONCLUSION

For all of the reasons discussed above, we respectfully submit that the Application demonstrates that the requested Special Permit meets all of the applicable criteria for approval. Accordingly, we respectfully request that the City Council issue a favorable decision on the SUP Application. Additionally, we believe the plan accomplishes the following positive public purposes:

- It replaces an extremely unattractive decaying building (see slides 2-3 in the Beacon Lofts Drawing Handout submitted at the hearing) with a very attractive new building.
- The new building will feature floor-to-ceiling heights of 17 feet, which will facilitate any future transition of the building to non-residential use.

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- The new building fits into the historic setting (see letter of Walter Wheeler, architectural historian from Hartgen associates submitted at hearing)
- It eliminates the commercial laundry, a heavy water user of roughly 26,000 gpd, by not renewing the lease
- It eliminates construction of an already approved 4 story residential building on the creekbank, and will eliminate the previously granted variance for a 47 foot height.
- It results in a commitment by the applicant that there would be no further applications for future residential units on the site beyond the 172 contained in the application.

Thank you for your consideration in this matter. We look forward to discussing the Application with the City Council at an assigned Work Session Agenda, and to the timely scheduling of a public hearing on the application.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Jennifer L. Van Tuyl', is written over a light blue horizontal line.

Jennifer L. Van Tuyl

cc: Hon. John Gunn, Planning Board Chair and Members of the Board
Nicholas M. Ward-Willis, Esq., City Attorney—by email
Jennifer L. Gray, Esq., Attorney to the Planning Board—by email
Arthur R. Tully, P.E., City Engineer-by email
Lt. Timothy P. Dexter, Building Inspector-by email
John Clarke, Beacon Planning Consultant-by email

C&F: 3678927.1

City of Beacon
Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Beacon Lofts & Storage**, (the “Applicant”) for a 31 foot building height variance where the maximum building height permitted is 35 feet pursuant to the City of Beacon Code § 223-17.D/223 Attachment 2:3, in connection with the proposed construction of a new building (Building 16), with 87 artist live/work units, on property located at 39 Front Street (Mason Circle) in the LI Zoning District (the “Proposed Project”). Said premises being known and designated on the City of Beacon Tax Map as **Parcel ID# 30-6055-04-590165-00**; and

WHEREAS, the Applicant is proposing to construct a new building, 66 feet in height, as part of the redevelopment of 8.74 acres, known as HIP Lofts. This project requires variance approval from the Zoning Board, Amended Special Permit Approval from the City Council and Amended Site Plan Approval from the Planning Board; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on November 14, 2017 and continued the hearing to December 19, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on the application on January 17, 2018 and February 21, 2018 at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on February 21, 2018; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and Zoning Code Section 223.55(C)(2)(b), when deciding the request for an area variance:

In making its determination, the Zoning Board of Appeals

shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) “the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community;” and

WHEREAS, as part of its presentation, the applicant represented that it proposed to substitute the proposed amended site plan for the previously approved site plan, which would, among other elements, (a) eliminate the commercial laundry with approximately 26,000 gpd water usage; and (b) eliminate the 4 story building 9A, located along the Creek, which had received a variance for a 47 foot height, and the substitution of a one-story structure in that location which is a continuation of the existing building; and applicant further represented that it would consent that, upon issuance of all approvals for the amended site plan and the vesting of rights to complete construction of building 16 under the approved amended site plan, it would agree that the previously granted height variance for building 9A be deemed rescinded and null and void; and

WHEREAS, as part of its presentation, the applicant also represented that, as part of its proposed amended site plan, it was willing to commit that, upon issuance of all approvals for the proposed amended site plan and the vesting of rights to complete construction of building 16 under the approved amended site plan, it would not seek, and would not claim rights to seek, land use approvals to place additional residential units on the subject parcel

beyond the 172 Artist Live-Work units shown on the proposed amended site plan, such Declaration to be effective only for so long as the applicable zoning regulations for the subject site permit a total of 243 or fewer Artist Live-Work units; and the Applicant further represented that, upon the same conditions, it was willing to record a Declaration to the same effect, the form, content, and timing of recording of which to be approved by the City Attorney's office; and

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to the requested variance as follows:

- 1. The variance will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variance.**

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance. The proposed height is not out of character with the existing mill complex, since the complex already contains a building with a tower which is approximately 67 feet high. In addition, the main portion of the proposed building is only 6 feet taller (52 ft) than the existing building that it will replace (46 ft). The fourth story of the proposed building increases the height of the building to 66 feet, but the fourth story contains a proposed setback of 10 feet from the edge of the main buildings walls, so that this tallest portion minimizes its visual impact. This setback brings the perceived height of the building close to the height of the adjacent Building 10, and the building's overall height of 66 feet is within the height envelope established by nearby Building 11 of the complex, at 67 feet.

The architect designed the project in compliance with two policy documents *Preservation Brief 14, New Exterior Additions to Historic Buildings*, published by the National Park Service and written by Anne E. Grimmer and Kay D. Weeks, and the Department of the Interior's *Standards for Rehabilitation*, which provide guidelines as to how to appropriately construct additions to existing historic structures.

Furthermore, the proposed building is located in the center of the property. This location reduces potential visual impacts to properties across Fishkill Creek. However, the only property located directly across Fishkill Creek is a City Water Department industrial building. Visual impacts will be further mitigated by dense vegetation consisting of mature trees. Therefore, the requested variance will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.

2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variance.

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant is working within an existing developed historical site. The plan to redevelop HIP Lofts received initial approvals from the Planning Board and Zoning Board several years ago to restore the old factory complex at Groveville. The originally approved project included the construction of Building 9A, a 4-story building featuring 24 artist live/work lofts and renovation of Building 16 to house 36 artist live/work units. As part to the original approval of the project, the Zoning Board granted the Applicant a 7 foot building height variance for the then-proposed Building 9A, to construct a 4 story/ 47 foot building where the maximum building height in the LI District was 3 stories and 35 feet. However, subsequent engineering tests revealed that Building 16 is structurally unsound, and cannot be renovated in accordance with the original plans. Therefore, the Applicant now proposes to construct a new Building 16, with 87 artist live/work units and eliminate Building 9A. The proposed new Building 16 is designed to incorporate the units that were originally to be housed in Building 9A. In order to fit these extra units, the building must be constructed at a taller height. The requested variance is the minimum variance to accommodate the new proposal. Furthermore, eliminating Building 9A allows the applicant to meet its parking requirements without a variance.

In addition it is much more expensive to demolish a building then to renovate it as originally proposed. The Applicant was unexpectedly forced to re-evaluate the project design. The proposed unit types, including mezzanine units, which require greater ceiling height, and penthouse units help to finance the building reconstruction. Building 16 includes mezzanine units which require a 17 foot floor to ceiling separation. These units have a lower vacancy rate than non-mezzanine units and can be more easily converted to other non-residential uses without the variance. Without a variance, the applicant would reconstruct Building 9A, which would block views of the creek, decrease the amount of available greenspace on site and decrease available parking'area. The Applicant will not be able to achieve the same benefits without a height variance.

3. The requested variance is mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variance is mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granted the requested relief. Here, the requested height variance is not substantial in its effect. The site is located in an industrial area. The tallest building located on the site is approximately 67 feet high at the top of its tower element, which is 1 foot taller than the highest portion of the proposed building. The proposed building has also been designed with a top story setback to minimize the visual impact of its height to the greatest possible extent, while still being able to accommodate the

artist live/work units originally proposed for Building 9A. In addition, the property located directly across Fishkill Creek from the subject property is a City Water Department industrial Building.

The consolidation of Buildings 9A and 16 into one new building creates more landscaped area and results in an overall smaller building footprint. Almost all the buildings on the Beacon HIP Lofts property are substantially higher than 35 feet allowed by the current Zoning Code. The expanded height of the proposed Building 16, with its set back 4th floor, is in keeping with the scale of the rest of the property. Therefore, the Board finds that the requested variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the granting of this variance. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board determined that the Proposed Action will have no potential significant adverse environmental impacts. The Proposed Action will result in a decrease of 0.04 acres of impervious surface coverage. The consolidation of the artist live/work units from Building 9A into the proposed Building 16 also permits tighter clustering of the development, resulting in more open space. Therefore, the Board finds that the proposed variance will not have a significant adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty was self-created but this factor does not preclude the granting of the area variances.

The alleged difficulty was self-created. The need for the variance arises from the subsequent engineering studies that revealed that Building 16 is structurally unsound, and cannot be renovated in accordance with the original plans. The Applicant redesigned the project eliminate Building 9A and rebuild Building 16. The height variance is required to retain the artist live/work and mezzanine units originally proposed for Building 9A. The applicant redesigned the project knowing the height constraints in the Zoning District.

NOW THEREFORE, BE IT RESOLVED, that said application for a height variance of 31 feet to construct a new building with a height of 66 ft. where 35 ft. is permitted pursuant to 223-17.D/223 Attachment 2:3 is hereby **GRANTED** subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.

2. The Applicant has six months to commence construction following the date of issuance of the building permit and 24 months after the date of issuance of said building permit to complete construction. The Applicant has six months to obtain a building permit from the date of the Planning Board's Site Plan approval.
3. The Zoning Board of Appeals may grant a six month extension of this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.
4. As offered and agreed to by the Applicant, and more fully described within the above Resolution, prior to the issuance of a Building Permit the Applicant shall submit for review and approval by the City Attorney as to form a deed restriction which prohibits additional residential dwelling units on the subject property beyond the 172 Artist Live/Work units currently proposed, for so long as the subject property is governed by zoning restrictions which allow 243 or fewer Artist Live/Work units, as do the Light Industrial (LI) Zoning District regulations currently applicable to the property.
5. As agreed to by the Applicant, and more fully described within the above Resolution, based in part upon the Applicant's intent that the proposed Special Use Permit and Site Plan Amendments (including the removal of Building 9A and construction of a new Building 16), will supersede the prior approved Special Use Permit and Site Plan (which included a 4-story addition to Building 9A), upon the issuance of a Building Permit and vesting of rights to complete construction of Building 16 according to the amended Site Plan, the area variance previously granted by the City of Beacon Zoning Board of Appeals by Resolution 2013-12, dated June 18, 2013, to permit Building 9A to have a height of 47 feet where 35 feet is required, is rescinded and superseded.

Resolution Approved: February 21, 2018

Dated: February 28, 2018



John Dunne, Chairman

Mr. Dunne called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
		Jordan Haug		X			
X		Robert Lanier	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried	3	2			

- 16. SIGNS IN NONRESIDENTIAL DISTRICTS, IN NONRESIDENTIAL DISTRICTS, THE FOLLOWING SIGNS ARE HEREBY AUTHORIZED:**
- NOT MORE THAN ONE SIGN AFFIXED TO THE OUTER WALL OF THE STRUCTURE WITHIN WHICH THE PERMITTED USE IS SITUATED, WHICH OUTER WALL FACES THE PRINCIPAL STREET GIVING ACCESS TO SUCH STRUCTURE, PROVIDED THAT:
 - THE AGGREGATE AREA OF EACH SUCH SIGN SHALL NOT EXCEED ONE SQUARE FOOT FOR EACH LINEAR FOOT OF BUILDING FACING THE STREET.
 - NO SUCH SIGN SHALL EXCEED TWO FEET IN HEIGHT, EXCEPT THAT A VERTICAL PROJECTING WALL SIGN SHALL NOT EXCEED EIGHT FEET IN HEIGHT, A VERTICAL PROJECTING WALL SIGN IS DEFINED AS ANY SIGN WHICH IS ATTACHED TO THE BUILDING WALL OR STRUCTURE WHICH IS PERPENDICULAR TO THE FACE OF SUCH WALL OR STRUCTURE.
 - NO SIGN SHALL PROJECT ABOVE THE EAVES OF THE BUILDING ON WHICH IT IS AFFIXED OR, IF NO EAVES EXIST THEREON, THE ROOF, NOR SHALL ANY SIGN EXTEND MORE THAN SIX INCHES INTO ANY REQUIRED YARD.
 - NO SIGN SHALL FACE AN ABUTTING RESIDENTIAL ZONING DISTRICT IF LOCATED WITHIN 50 FEET OF SUCH DISTRICT.
 - VERTICAL PROJECTING WALL SIGNS SHALL NOT HAVE MORE THAN TWO FACES.
 - THE EXTERIOR EDGE OF A VERTICAL PROJECTING WALL SIGN SHALL NOT EXTEND MORE THAN FIVE FEET FROM THE OUTER WALL OF THE STRUCTURE OR TO THE WIDTH OF THE SIDEWALK, WHICHEVER IS LESS.
 - NO PART OF A VERTICAL PROJECTING WALL SIGN SHALL EXTEND INTO VEHICULAR TRAFFIC AREAS, AND ANY PART OVER PEDESTRIAN AREAS SHALL HAVE A MINIMUM CLEARANCE OF SEVEN FEET, SIX INCHES.
 - NOT MORE THAN ONE FREESTANDING SIGN FACING EACH STREET ON WHICH THE LOT ABUTS, PROVIDED THAT:
 - THE BUILDING IS SET BACK NOT LESS THAN 50 FEET FROM THE STREET LINE, IN WHICH CASE THE SIGN SHALL NOT EXCEED 20 SQUARE FEET IN AREA.
 - THE BUILDING IS SET BACK NOT LESS THAN 100 FEET FROM THE STREET LINE, IN WHICH CASE THE SIGN SHALL NOT EXCEED 35 SQUARE FEET IN AREA.
 - NO DIMENSION SHALL EXCEED 12 FEET.
 - ONE IDENTIFICATION SIGN, NOT EXCEEDING 10 SQUARE FEET IN AREA, TO THE OUTER WALL OF THE STRUCTURE FACING UPON A STREET OR PARKING LOT NOT FACED BY A SIGN AS PERMITTED IN SUBSECTION (1) ABOVE.
 - IN ADDITION TO OTHER PERMITTED SIGNS, NECESSARY MAJOR DIRECTIONAL SIGNS ARE PERMITTED ON ACCESS ROADS AND PARKING AREAS, PROVIDED THAT THE AREA OF EACH SIGN SHALL NOT EXCEED TWO SQUARE FEET.

17. SIGNAGE:
NOTE: SIGNAGE SHALL BE 2'-0" HIGH MAXIMUM. THE AGGREGATE AREA OF THE SIGNAGE SHALL NOT EXCEED 1 SQUARE FOOT FOR EACH LINEAR FOOT OF BUILDING FACING THE STREET.

THERE IS A TOTAL OF 686 LINEAR FEET OF BUILDING FACING THE STREET, THEREFORE, THE TOTAL ALLOWABLE AREA OF SIGNAGE IS 686 SQUARE FEET.

THERE IS A 2 SIDED SIGN (10'x20' EACH SIDE) PROPOSED ABOVE THE ROOF AT THE STORAGE BUILDING ADDITION, THE TOTAL AREA OF THE 2 SIDED SIGN IS 400 SF.

THERE ARE 2 4'x8' SIGNS MOUNTED ON POSTS AT THE ENTRANCES TO THE SITE, FOR A TOTAL OF 64 SF.

THERE ARE DIRECTIONAL SIGNS THROUGHOUT THE SITE WHICH ARE A MAXIMUM OF 2 SF EACH, THESE SIGNS DO NOT CONTRIBUTE TO THE OVERALL SIGNAGE AREA.

THE TOTAL PROPOSED AREA OF SIGNAGE IS 464 SF, THE ALLOWABLE AREA OF SIGNAGE IS 686 SQUARE FEET.

Zoning Regulations Table

Zoning District	Required Setbacks			Existing Setbacks			Maximum Building Coverage	Proposed Building Coverage	Maximum Density	Proposed Density	Maximum Building Height	Proposed Building Height	Site Area	Allowable FAR	Allowable Floor Area	Total Proposed Floor Area after project completion
	Front	Side	Rear	Front	Side	Rear										
LI	0	20'	25'	12.5	6.5	11	N/A	N/A	253	172	35'	35'	380,982 sf	2	761,964 sf	278,280 sf

Permitted number of dwelling units equals site area (380,982 sf) divided by: 1,500 sf per dwelling unit, 143 Units construction and/or approved
 Total proposed dwelling units after project completion: 29 additional dwelling units under consideration per Amendment application

Existing building heights are not proposed to change
 Building 4 (Existing) = 43'-2" (57'-8" at tower level)
 Building 4A (Addition) = 41'-0"
 Building 9 (Existing) = 18'-0"
 Building 9A (Approved) = 47'-0"
 Building 10 (Existing) = 46'-0"
 Building 11 Main (Existing) = 41'-1" (Building 11 Tower = 67'-0")
 Building 12 (Existing) = 25'-0"
 Building 16 (Rebuild) = 66'-0"

- LIGHTING NOTES:**
- ALL EXTERIOR LIGHTING ON THE SITE SHALL BE DIRECTED AND/OR SHIELDED SO AS NOT TO CAUSE AN OBJECTIONABLE GLARE OBSERVABLE FROM NEIGHBORING STREETS AND PROPERTIES, THE SOURCE (BUILDERS) OF SUCH LIGHTING SHALL NOT BE VISIBLE FROM SAID NEIGHBORING STREETS AND PROPERTIES.
 - PHOTOMETRIC DIAGRAMS ARE NOT AVAILABLE FOR THE EXISTING LIGHT FIXTURES MOUNTED ON THE BUILDING, THE LAMPS IN THESE FROSTED GLOBE FIXTURES ARE 100W (EQUIVALENT) LED BULBS

HATCHING LEGEND

- CONCRETE SIDEWALK
- ASPHALT PAVING
- CONCRETE PAVING
- STONE DUST TRAIL
- GRASS
- HERBACEOUS GRASSES & PERENNIALS

BUILDING HATCH LEGEND

- EXISTING BUILDING TO REMAIN
- NEW CONSTRUCTION
- RENOVATE EXISTING BUILDING

ZONING BOARD VARIANCES

ON JANUARY 16, 2008, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF FROM SECTION 223.15(1)(F) FOR REQUIRED OFF-STREET PARKING IN LIEU OF PROVIDING 64 OFF-STREET PARKING AS OUTLINED IN SECTION 223.61(7). NOTE THAT THIS VARIANCE REMAINS WITH THE PROPERTY. (RESOLUTION 2008-29)

ON NOVEMBER 20, 2012, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF FROM SECTION 223.15(1)(F) FOR REQUIRED OFF-STREET PARKING IN LIEU OF PROVIDING 64 OFF-STREET PARKING AS OUTLINED IN SECTION 223.61(7). THIS VARIANCE IS ADDED TO THE 2008 PARKING VARIANCE FOR 29 SPACES FOR A TOTAL OF 93 SPACES. (RESOLUTION 2012-14)

ON NOVEMBER 20, 2012, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF FROM SECTION 223.15(1)(E) FOR AN 18'x48" PERPENDICULAR 2 SIDED SIGN ON THE FRONT OF THE BUILDING. (RESOLUTION 2012-15)

ON NOVEMBER 20, 2012, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF FROM SECTION 223.15(1)(E) FOR A 15'x5' SIGN ON THE VETERANS PLACE SIDE OF THE BUILDING (RESOLUTION 2012-17) NOTE THAT THE SIGN AREA HAS BEEN CHANGED TO BE 10'x5', WHICH IS PERMITTED.

ON NOVEMBER 20, 2012, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF FROM SECTION 223.15(1)(I) FOR A 5.5' S.F. SIGN ON THE REAR OF THE BUILDING FACING HENRY STREET (RESOLUTION 2012-18)

ON FEBRUARY 21, 2016, THE ZONING BOARD GRANTED A VARIANCE FOR RELIEF TO ALLOW THE PROPOSED BUILDING 16 TO BE 66' HIGH (RESOLUTION 2016-7)

Zoning Summary - Developed Parcel - 6055-04-590165

Zoning District: Light Industrial
 Tax Map No.: 6055-04-590165 (Owned by Beacon Lofts & Storage, LLC)
 6055-04-590165 (Adjacent Lot Owned by Beacon HP Lofts, LLC)
 Lot Area: 123,441 square feet (footprint of new and existing buildings)
 Building Footprint: 7.74 Acres
 Historical Overlay District: No
 Parking Overlay District: No
 Existing Use: Industrial, Artist Live Work Spaces, Self Storage
 Proposed Use: Artist Live Work Spaces, Gym, Self Storage

Parking & Loading

Use & Parking Requirements	1984 Area	1982 Parking Requirement	Proposed Area	Proposed Parking Requirement
Industrial				
1 space per 2 residential or 1 space per 400 sq ft warehouse or greater	180,223 sf	451 spaces	0	0 spaces
Storage				
1 space per 1000 sq ft			61,500 sf	61 spaces
Artist Live Work Space				
1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live work space containing retail area			172 Artist Live Work Units (196 bedrooms total, 1481 sq ft bedroom, 1241 sq ft bedroom)	221 Spaces
Artist Studio				
1 space per 500 sq ft		0	0	0 Spaces
Fitness Gym			2,581 sf	0 Spaces
Common Recreation Room			878 sf	0 Spaces
Total Required Parking		451 Parking Spaces		282 Parking Spaces
Total Proposed Parking				282 Parking Spaces

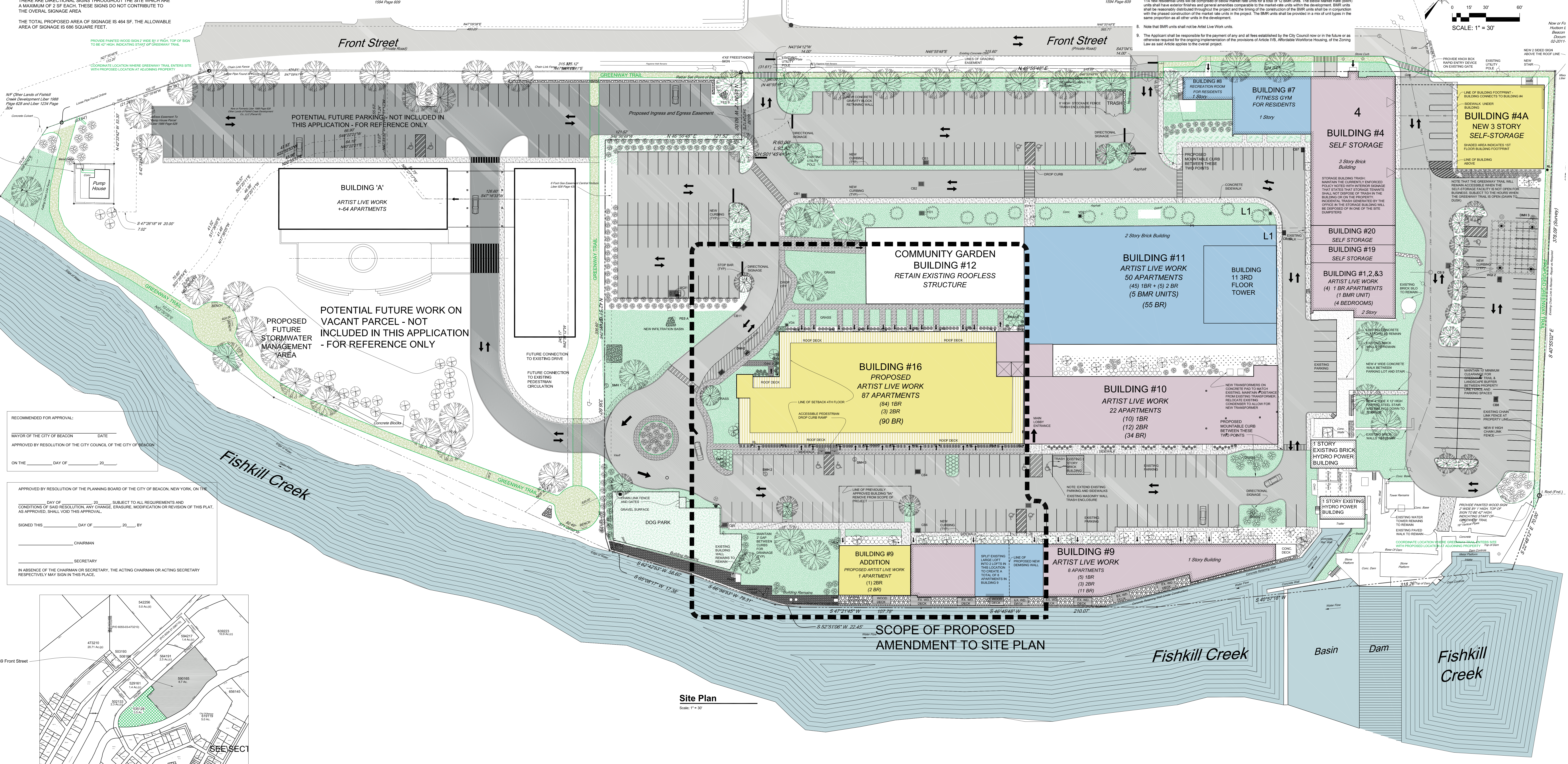
Index of Drawings

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Sheet 3 of 10	Landscape Plan & Lighting
Sheet 4 of 10	Building Plans
Sheet 5 of 10	Elevations
Sheet 6 of 10	Grading & Utility Plan
Sheet 7 of 10	Erosion & Sediment Control Plan
Sheet 8 of 10	Site Details
Sheet 9 of 10	Stormwater Details
Sheet 10 of 10	Water & Sewer Details

NOTE THAT SHEETS FROM THE PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION ARE INCLUDED IN THIS SET FOR REFERENCE

REVISIONS:

NO.	DATE	DESCRIPTION	BY
1	08/29/17	REVISED PER PLANNING BOARD COMMENTS	AJS
2	09/26/17	REVISED PER PLANNING BOARD COMMENTS	AJS
3	10/31/17	REVISED PER PLANNING BOARD COMMENTS	AJS
4	11/28/17	REVISED PER PLANNING BOARD COMMENTS	AJS
5	01/30/18	REVISED PER PLANNING BOARD COMMENTS	AJS
6	02/27/18	REVISED TO NOTE ZONING VARIANCE GRANTED	AJS



RECOMMENDED FOR APPROVAL:

MAYOR OF THE CITY OF BEACON _____ DATE _____

APPROVED BY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEACON ON THE _____ DAY OF _____, 20____

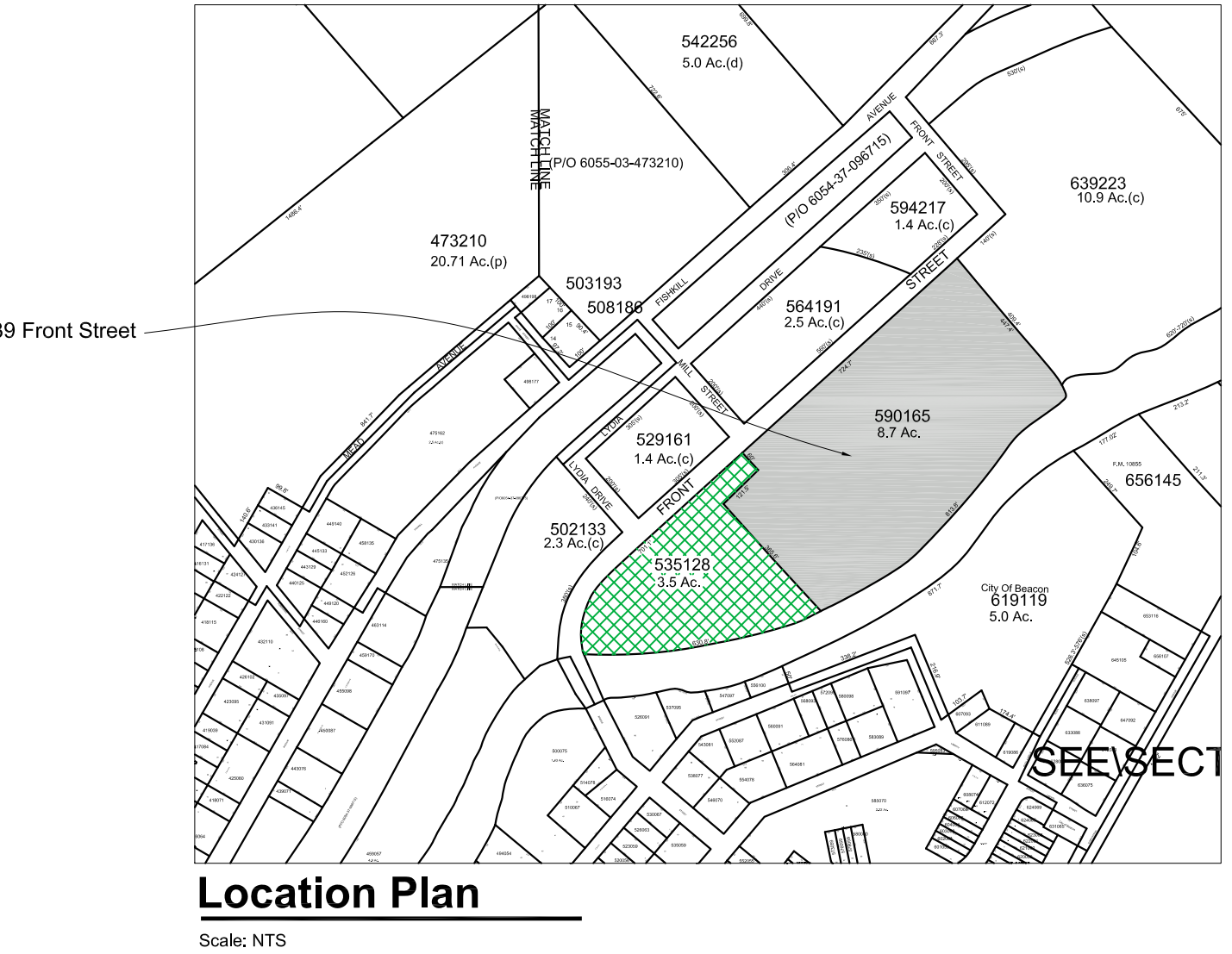
APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____ SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ENDORSEMENT, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED, SHALL VOID THE APPROVAL.

SIGNED THIS _____ DAY OF _____, 20____ BY _____

_____, CHAIRMAN

_____, SECRETARY

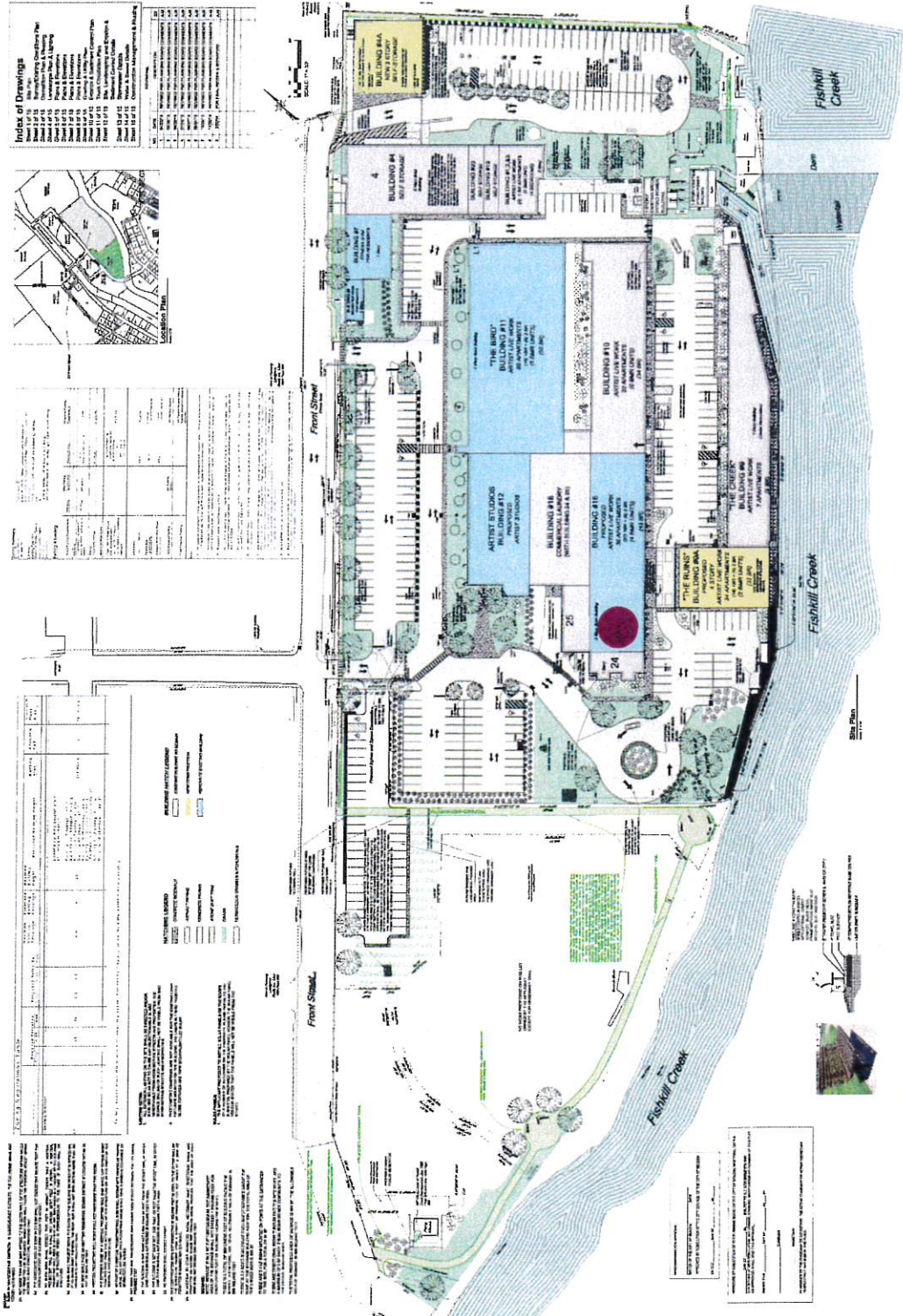
IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.



Site Plan
Scale: 1" = 30'

Amendment to Special Use Permit Application
Site Plan - Sheet 1 of 10

Previously Approved Site Plan



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Sheet 16.00	Site Plan

Special Use Permit Application
 Site Plan - Sheet 1 of 15
 Beacon Hip Lofts

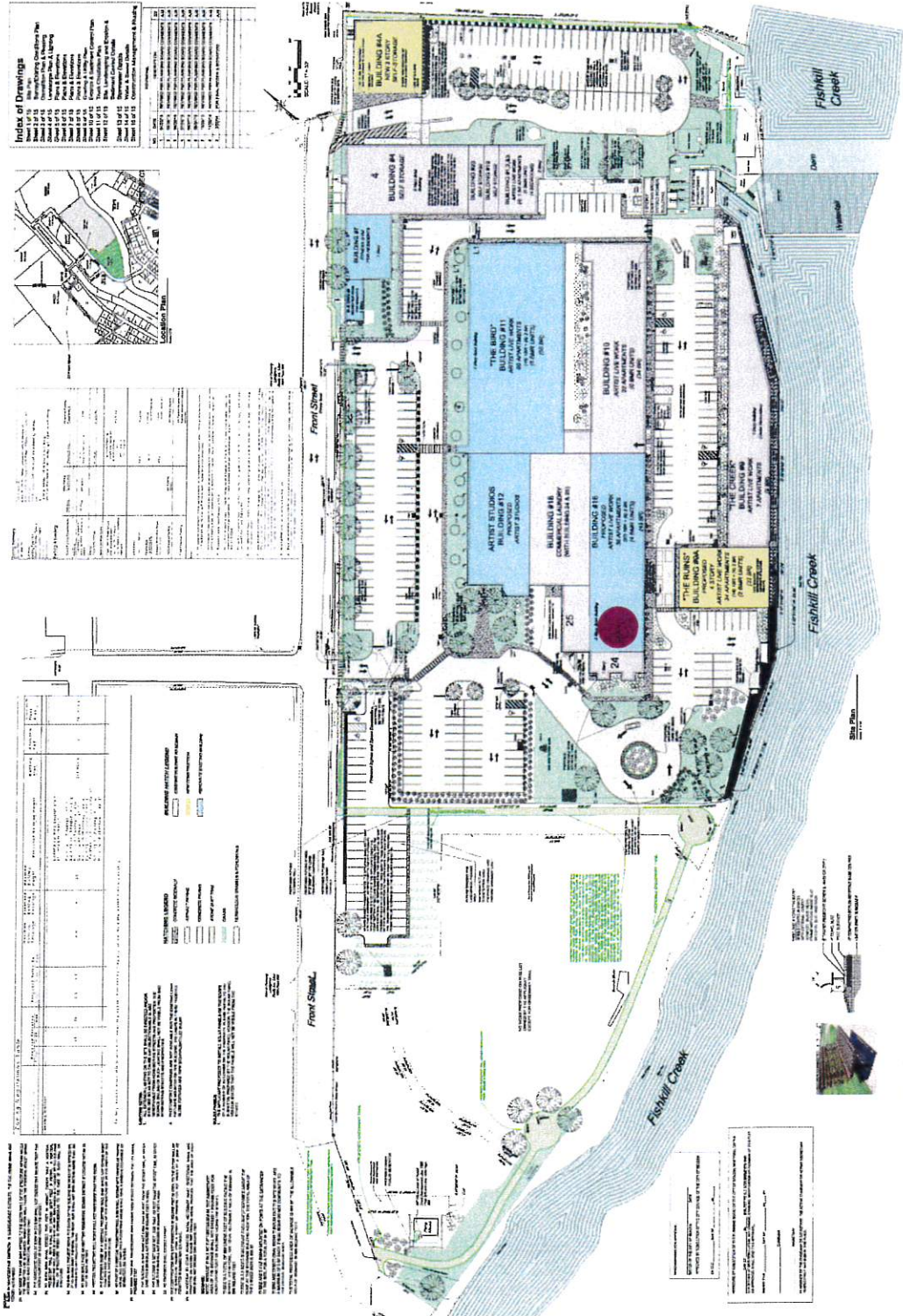
Beacon Hip Lofts, LLC
 1000 Fishkill Road
 Fishkill, NY 12524

Architect:
 Avon Sigel, Architect
 1000 Fishkill Road
 Fishkill, NY 12524

Design Firm:
 Hudson Land Design
 1000 Fishkill Road
 Fishkill, NY 12524

Surveying Firm:
 TEC Land Surveying
 1000 Fishkill Road
 Fishkill, NY 12524

Previously Approved Site Plan



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Sheet 16.00	Site Plan

Special Use Permit Application
 Site Plan - Sheet 1 of 15
 Beacon Hip Lofts

Beacon Hip Lofts, LLC
 1000 Fishkill Road
 Fishkill, NY 12524

Architect:
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 Fishkill, NY 12524

M. A. Day Engineering, PC

3 Van Wyck Lane
Suite 2
Wappingers Falls, New York 12590
Phone: 845-223-3202

December 6, 2016

Mr. Timothy Dexter, Building Inspector
City of Beacon Building Department
City of Beacon City Hall
1 Municipal Plaza
Beacon, New York 12508

Re: Building #16
Beacon Lofts

Mr. Dexter,

I am writing this letter to state that I have inspected the building known as #16 at the Beacon Lofts project in the City of Beacon. The purpose of inspecting the building was to determine the viability of restoring the building in its current condition. Based on my review, I offer the following:

The building is a 3-story masonry and timber structure that is currently in poor condition. The roof consists of timber trusses that span from front to back of the building. The trusses are supported with masonry piers on both the front and rear walls.

I have looked at this building a number of times over the last few years in order to develop a plan to reconstruct it. The first time that I had looked at the structure, the roof trusses on the east end of the building had collapsed on the upper floor. Over time the floor framing had collapsed onto the lower floors. The goal then was to reinforce the existing masonry walls with a bond beam and install new trusses on the roof.

Currently most of the roof has deteriorated. The remaining trusses are in very poor condition and some have begun to fail. Some of the framing from the lower floors have also begun to fail.

At this point, it is my opinion that reconstruction of the building may not be a viable option due to the cost of supporting the building while trying to reestablish lateral reinforcement of the masonry walls.

It is my opinion that the building should be carefully razed in order to protect the attached structures.

Shoring may be necessary to support the south wall of the laundry facility as this wall is a common wall. A portion of that wall and east wall may need to remain. This will be determined prior to the demolition of the building.

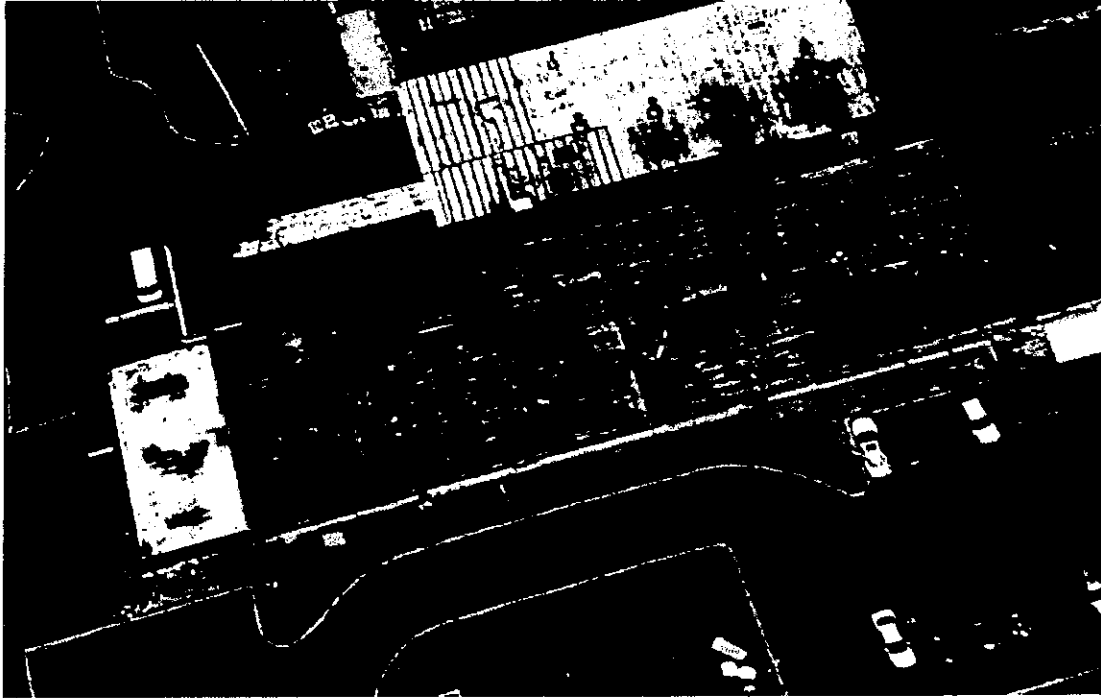


Figure 1 – Recent Excerpt from Google Earth

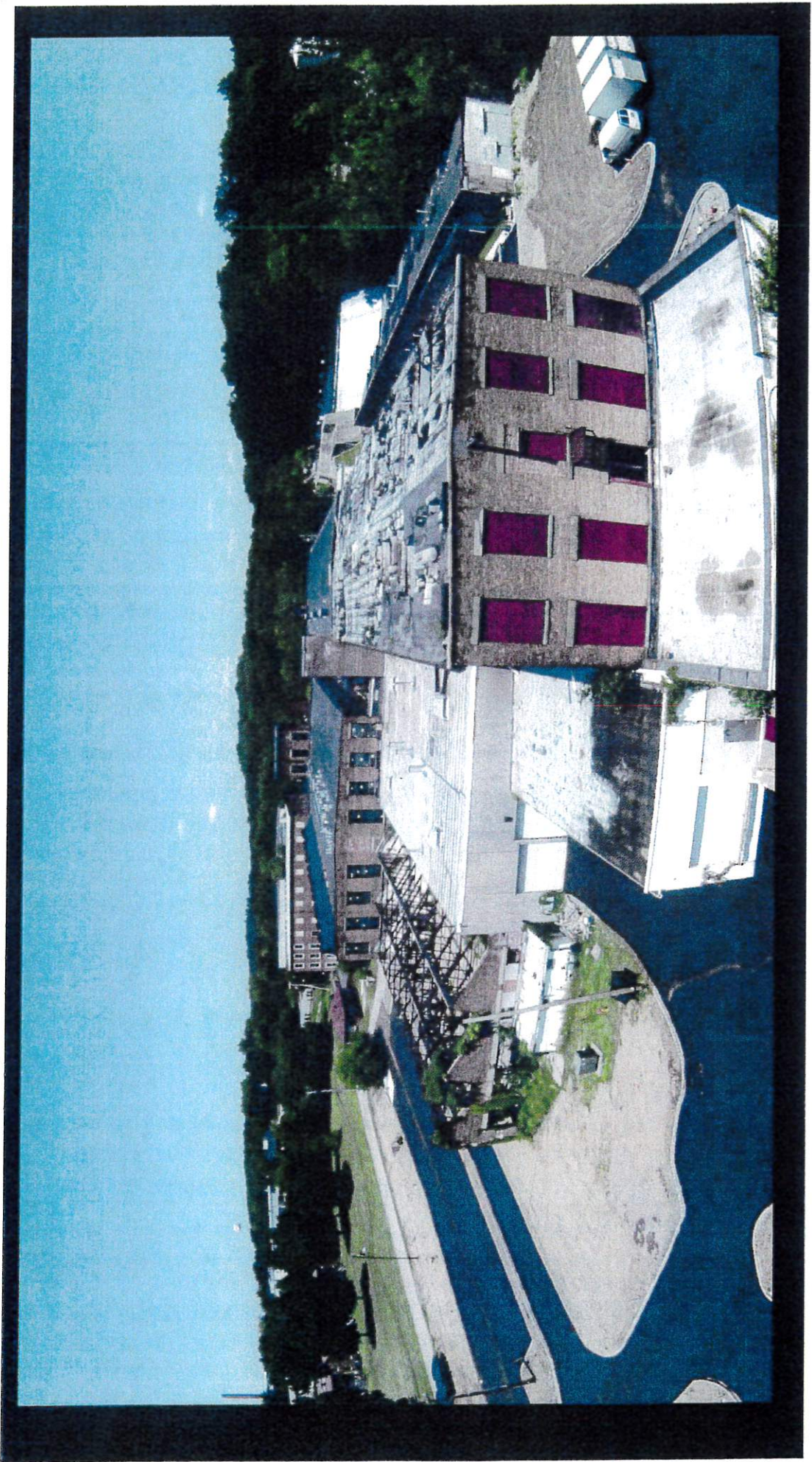
In summary, it is my opinion that the existing structure should be razed and replaced in-kind due to its current condition.

Please feel free to contact me if you require any further information on this matter.

Very truly yours,



Mark A. Day, PE



Project : 39 Front Street

Date : December 12, 2017

**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.

Please 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 _____ 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.

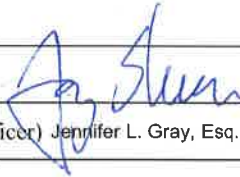
Name of Action: 39 Front Street - HIP Lofts

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: Jay Sheers

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency:



Date: December 18, 2017

Signature of Preparer (if different from Responsible Officer) Jennifer L. Gray, Esq., Keane & Beane, P.C.

Date:

For Further Information:

Contact Person: Etha Grogan, Planning Secretary

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: egrogan@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

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR AMENDED SPECIAL USE PERMIT AND AMENDED
SITE PLAN APPROVAL FOR 39 FRONT STREET (HIP LOFTS)**

39 Front Street: Tax Grid No. 6055-04-590165

CONCLUSIONS

The Planning Board circulated its Notice of Intent to declare itself Lead Agency to all known Involved and Interested agencies and later declared itself Lead Agency on October 11, 2017. The Proposed Action is an Unlisted action undergoing a coordinated review.

Project Description: The subject property consists of 8.74 acres. The Proposed Action is for an amendment of the previously approved Special Permit and Site Plan for redevelopment of the property. The scope of work for the amendment to the project generally encompasses the following:

1. Eliminate proposed new construction of Building 9A. This building was a 4-story building with 24 live work lofts (16 one-bedroom and 8 2-bedroom)
2. Eliminate the existing commercial laundry use consisting of Buildings 18, 24 and 25.
3. Eliminate the proposed artist studio use in Building 12. Retain the existing structure of Building 12 for use as a community garden amenity.
4. Per the assessment of the structural engineer, demolish existing Building 16 (36 live work lofts (27 one-bedroom and 9 2-bedroom)
5. Rebuild Building 16 with 87 artist live work lofts. Note that the total number of lofts in the completed project will be 172 instead of the 143 originally approved by the current Special Use Permit. This is an addition of 29 artist live work lofts. The reconstructed building will require a variance to allow a building height of 52'-6" to the main roof level, plus 13'-6" to the roof level of the setback 4th floor for an overall roof height of 66'-0". The existing Building 16 is pre-existing nonconforming at 45'-3" where a maximum of 35' is permitted in the Light Industrial (LI) District.
6. Extend existing Building 9 to add 2 live work lofts (1 bedroom each)
7. Minor reconfiguration of parking and landscaping around the area of work
8. Note that the reconfiguration of parking, and the proposed revisions to the scope of work allows for all the required parking for this parcel to be provided on the parcel. The originally approved land banked parking on the adjacent parcel (6055-

04-535128) is no longer required to satisfy parking requirements, and has been eliminated from the scope of work.

At the completion of the project, there will be a total of 172 live work apartments with a total of 196 bedrooms.

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, makes the following conclusions:

The Proposed Action will not result in any significant adverse impacts on the environment. In summary, the Planning Board noted the following items in support of its determination of significance:

1. The Proposed Action results in a reduction of approximately 25,624 gallons per day of water and sewer demand than the originally approved project.
2. The Proposed Action will result in a decrease of 0.04 acres of impervious surface coverage.
3. Review of the Applicant's Traffic Study, prepared by Harry Baker & Associates, revised October 25, 2017 and November 28, 2017, demonstrated that although there are minor changes to the volume to capacity (v/c) ratio, the comparison shows that there is no adverse impact to the Level-of-Service (LOS) to the intersections previously studied for the project.
4. The land banked parking on the adjacent parcel has been eliminated because it is no longer necessary to support the parking needs of the project.
5. The construction will comply with all requirements of Chapter 123 of the City Code regarding floodplains. Building 9 was shortened so that it is in line with Building 9A and therefore will have no effect on current the currently floodplain or floodway.
6. The "Phase 1A Literature Search and Sensitivity Assessment Beacon Lofts Site Plan Amendment Building 16 and Building 9A Addition," prepared by Hudson Valley Cultural Resource Consultants, Ltd, Poughkeepsie, NY, dated November 2017, concludes that the "proposed design of reconstruction for Building 16 and the design of the addition to Building 9 are in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and effectively mitigate any adverse impacts to the Groverville Mills Historic District."
7. The "Threatened and Endangered Species Habitat Suitability Assessment Report," prepared by Ecological Solutions LLC, Southbury, CT, dated October 30, 2017, confirms that the "proposed project will not impact any potential Indiana bat activity since there is no habitat on the site."

Based upon all information before the Planning Board to-date, including the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

HARTGEN



..... archeological associates inc

17 January 2018

1744 Washington Ave Ext
Rensselaer, NY 12144

City of Beacon
Zoning Board of Appeals
1 Municipal Plaza
Beacon, NY 12508

CORPORATE

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Rensselaer NY 12144

p +1 518 283 0534
f +1 518 283 6276

NEW ENGLAND

PO Box 81
Putney VT 05346

p +1 802 387 6020
f +1 802 387 8524

Subject: Beacon Lofts & Storage: application for height variance for Building 16, 39 Front Street—Tax Grid 30-6055-04-590165-00

Greetings Chairman Dunne and Members of the Board,

I have been asked by the applicant to review the application for the height variance for building 16 and to provide your board with an assessment of the suitability of the proposed taller building for its context within the National Register Eligible Grovesville Mills Factory complex, and its impacts, if any, to nearby properties and the character of the surrounding community.

I have more than 30 years' experience in working with the historic built culture of the Hudson Valley, first as a preservation architect, and, since 1999, as Senior Architectural Historian at Hartgen Archeological Associates, where I have completed more than 400 compliance-related projects. I have authored more than 80 scholarly works and two monographs on the historic architecture of the region, and sit on the boards of several preservation-related organizations. At present I am president of the Society for Preservation of Hudson Valley Vernacular Architecture, and have for the past five years chaired the Historic Review Commission of my home city of Troy, New York.

Findings

I have reviewed the proposed plans for the reconstruction and expansion of the former Building 16 of the Old Grovesville Mills, located along the Fishkill Creek in the City of Beacon, Dutchess County, and have reviewed pertinent correspondence and other supportive documents.

With respect to additions to extant historic structures, passages from two policy documents, generated by the National Park Service and the Department of the Interior respectively, are typically used as guidance.

Preservation Brief 14, New Exterior Additions to Historic Buildings, published by the National Park Service, and written by Anne E. Grimmer and Kay D. Weeks, indicates preferred treatments. With respect to rooftop additions, the Park Service recommends that these additions be not more than one story in height, and that they be set back from the primary elevation of the building, and from secondary elevations if the building is free-standing. The proposed project follows these guidelines. Although technically not an addition, since the entire building is of new construction, the use of a setback in this context is appropriate as it helps attain the objectives of the Park Service's guidance document; it permits the replacement for Building 16 to generally replicate the earlier structure's appearance, while making the building economically feasible to construct.

The Secretary of the Interior's *Standards for Rehabilitation*, which are "to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility" prescribe that "[n]ew additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment."

Neither of these two guiding documents limits the height of new construction relative to historic structures, indicating only that they be "compatible" in their design. The stepback of the penthouse of the reconstructed Building 16 brings the perceived height of the building close to the height of the adjacent Building 10, and the building's overall height of 66 feet is within the height envelope established by nearby Building 11 of the complex, at 67 feet. Following the advice of these guiding documents, the architect has designed the replacement structure using detailing compatible with the adjacent building (Building 10), and has differentiated the new from the old by varying the bay arrangement of the new construction by changing the spacing of the window bays so that they subdivide the elevations into groups of three windows between slightly wider brick piers. In other respects, the palette of materials and simplicity of forms used in the design of the new building replicate those already found within the mill complex, and honor the site's industrial character.

Weston Davey, Historic Site Restoration Coordinator, Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation, reviewed the project under SEQRA, and presented his findings in a letter dated 5 January 2018. In that letter, Mr. Davey found that the "proposed new construction...appears to be appropriate to the surrounding historic district." Mr. Davey, who can be presumed to have consulted the same guiding documents quoted above, made no mention of and indicated no concerns with respect to the height of the proposed replacement for Building 16, either relative to the other structures in the district, or in terms of its impact on the compatibility with the design of adjacent Building 10.

Finally, the project has received a Negative Declaration from the City Planning Board, who is acting as Lead Agency for this project. In the course of that body's review of the project, no concerns were voiced with respect to the proposed height of the structure.

Conclusion

Based upon my experience and familiarity with applicable guidelines for construction in historic contexts and an examination of the record in this matter, including the site plan and architectural drawings, the Phase 1A analysis, the SHPO letter of 5 January 2018 and the Planning Board memo to the Zoning Board dated 10 January 2018, it is my conclusion that the requested height variance for Building 16, which proposes an exterior wall height of 52 feet with a recessed fourth floor whose roof will be at 66 feet, is in keeping with the existing setting and Historic Preservation guidelines for such construction, and will not have a detrimental effect on nearby properties or the character of the neighborhood.

Regards,



Walter R. Wheeler
Senior Architectural Historian





1. 11/11/2024



WATCH
OUT FOR
CHILDREN

5
M.P.H.

SCHOOL



WATCH
OUT FOR
CHILDREN

5
MPH.

STEEPLE

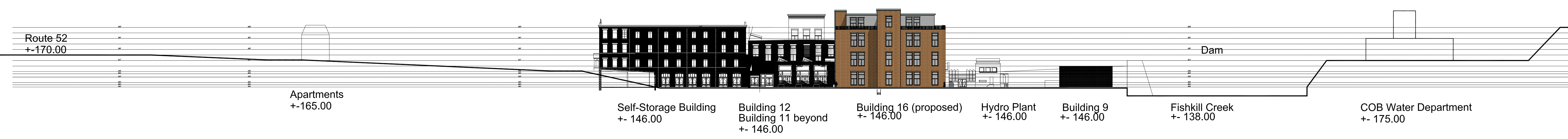
Groveville Mills, Matteawan N. Y.

6432









§ 223-24.2. Clubs. [Added 3-21-1994 by L.L. No. 3-1994]

- A. No club shall be located within a distance of 500 feet of any other club.
- B. In the interest of safety during emergencies, all clubs shall have at least two distinctly separate means of egress.

§ 223-24.3. Artist live/work spaces. [Added 8-6-2001 by L.L. No. 12-2001]

- A. Development standards.
 - (1) An artist live/work space may exist on the first floor of a structure only if the appearance and use of the live/work space on the street side is consistent with the nature of the permitted uses in the surrounding area. For example, if the surrounding area is retail in nature at the first-floor level, the live/work space shall be restricted to retail on the street side of the first floor, and said street side space shall be large enough, in the opinion of the Building Inspector, to support a typical retail enterprise.
 - (2) Each artist live/work space and its various components shall be physically separate and distinct from other live/work spaces and other uses within a particular building. The sharing of artist live/work spaces by multiple tenancies, components thereof or utilities shall not be permitted. However, access to live/work spaces may be provided from common access areas, halls or corridors.
 - (3) Each artist live/work space must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
 - (4) Each artist live/work space must be individually equipped with a kitchen consisting of a sink, nonportable stove, oven and refrigerator.
 - (5) Each artist live/work space must contain a floor area of no less than 800 square feet, of which a minimum area shall be devoted to the following: 35 square feet for an enclosed bathroom, 60 square feet for a kitchen, and 120 square feet for a sleeping area.
 - (6) No more than 30% of the floor area of the artist live/work space may be devoted to residential space.
 - (7) Direct access between living and working areas must be provided.
 - (8) In order to ensure that the use is consistent with the other commercial uses, artist live/work spaces shall not be used for classroom instructional uses with more than two pupils at any one time; the storage of flammable liquids or hazardous materials; welding; or any open-flame work. Further, the work in the live/work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond any lot line.

- (9) Not more than one person who is 18 years of age or older may reside within an artist live/work space per 300 square feet of residential floor area. Further, not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and not more than two children of said persons who are under 22 years of age may reside within a live/work space on a year-round basis.
- (10) Only one nonresident employee may be employed within an artist live/work space. This requirement may be waived for live/work spaces that provide retail space on the first floor.
- (11) Other than in a first-floor retail-oriented area, articles offered for sale within a live/work space must include those produced by the artist residing in said live/work space and may be offered with other like items.
- (12) One flush-mounted, nonilluminated sign, with a maximum area of two square feet, attached adjacent to or near the street entrance door to the live/work space may be used to identify the artist. This sign may list only the name of the artist with a one- or two-word description of the type of artwork or craft that is to be conducted within the live/work space. Where two or more live/work spaces occur within the same building, the signs must be placed in an orderly fashion in relation to each other and must be part of a coherent directory in which signs are ordered in a horizontal fashion. Where five or more live/work spaces are developed within one building, an interior directory sign shall be located in lieu of individual signs on the building exterior.
- (13) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the artist live/work spaces and permitted nonresident employees.
- (14) No artist live/work space shall serve as a place from which commercial vehicles are dispatched or operated.
- (15) All live/work spaces shall conform to all applicable building codes.¹⁷
- (16) For the purposes of this permitted use, artists shall only be those persons working exclusively with paint, paper, clay and/or other soft materials, and this use shall include photography, jewelry making, graphic arts and other similar relatively quiet endeavors as determined by the City Council in reviewing the proposed special use permit application. Tattoo appliers, body piercers and musicians shall not be considered artists for the purpose of this use.
- (17) Renewal inspections. Each artist live/work space shall be inspected by the Building Department every two years in order to determine whether the artist live/work space remains in compliance with this section. Upon a satisfactory inspection report, the artist live/work space owner shall be reissued a certificate of occupancy for two additional years. If the Building Inspector determines that the artist live/work space is not in compliance, the building owner or manager shall have 60

17. Editor's Note: See Ch. 119, Uniform Fire Prevention and Building Code.

days in which to rectify all noncomplying elements and shall apply for reinspection with the Building Department, subject to an additional fee. If all such noncomplying elements are not rectified within the above-specified time frame, the certificate of occupancy for the use shall expire and the use as authorized by the special permit shall be terminated.¹⁸ **[Added 9-19-2005 by L.L. No. 11-2005; amended 3-18-2013 by L.L. No. 6-2013]**

- (18) The owner of the live/work space shall file a certification with the Building Department every two years, and at any point in time when there is a change in ownership or a change in the use of the space, on a form provided by said Department, which certifies that the live/work space is in conformance with the Zoning Chapter and the special permit, and that the residential portion of the space has not been expanded beyond a maximum of 30% of the floor area of the live/work space, as required by Subsection A(6) above. **[Added 3-18-2013 by L.L. No. 6-2013]**
- (19) The deed, offering plan, certificate of occupancy and/or rental agreement, as appropriate, for each artist live/work space shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is an artist live/work space as defined in § 223-63 of the Zoning Chapter of the Code of the City of Beacon, New York, and is subject to all restrictions and limitations as set forth in said chapter and the approval resolution(s), including the requirement for a certification with the Building Department in accordance with § 223-24.3A(18). Proof of recording of the deed shall be provided to the Building Department within 60 days after the conveyance. **[Added 3-18-2013 by L.L. No. 6-2013]**

18. Editor's Note: Former Subsection B, regarding procedures for special permits, which immediately followed this subsection, was repealed 3-18-2013 by L.L. No. 6-2013. Section 4 of this local law provided as follows: "Any artist live-work space that failed to comply with the prior language of § 223-24.3B shall have six months from the effective date of this local law to renew its special permit by complying with new § 223-24.3A(18) and (19) and existing Subsection A(17) and any other applicable provision of the City Code. Failure to do so shall result in the expiration of the special permit and the use as authorized by the special permit shall be terminated."

RULES AND REGULATIONS

Tenants must comply with the following Rules and Regulations. Notice of new or changed rules will be given to the tenant in writing which will become effective thirty (30) days after mailing by the landlord to the tenant by certified mail, return receipt requested. Landlord need not enforce the rules against other tenants. Landlord is not liable to tenant if another tenant violates these rules. Tenants receive no rights under these rules:

- 1) The comfort of rights of other tenants must not be disturbed or interfered with. Annoying sounds, smells and lights are not allowed. Tenant acknowledges that the premises are both for residential and work purposes and that quiet hours shall be observed from 8:00 p.m. to 7:00 a.m. daily with no activity allowed which would create sounds which would emanate outside of the leased unit. Any machinery used that creates noise, vibrations, or loud banging will not be permitted, unless proper noise reduction methods are used.
- 2) Dogs, cats and other animals or pets are not allowed in the unit or building, unless individually approved by landlord. This privilege may be revoked by landlord if animal or pet becomes a nuisance. Tenant will have seven (7) days to remove the animal, after which time there will be a \$25 a day charge.
- 3) Improperly parked cars may be removed without notice at tenant's expense. Tenant agrees to move the vehicle within one hour of being notified by the landlord for the purposes of snow plowing and/or maintaining the parking areas.
- 4) There shall be only one parking space allotted per unit. No unregistered vehicles may be parked at the premises.
- 5) Tenant must not allow the cleaning of windows or other parts of the unit or building from the outside. Tenants having a one or two year lease will, upon vacating the unit, return the unit to the landlord in the exact same condition it was upon move in.

- 6) Each artist live/work space and its various components shall be physically separate and distinct from other live/work spaces and other uses within a particular building. The sharing of artist live/work spaces by multiple tenancies, components thereof or utilities shall not be permitted.
- 7) No more than 30% of the floor area of the artist live/work space may be devoted to residential space.
- 8) Direct access between living and working areas must be maintained.
- 9) No artist live/work space shall be used for classroom instructional uses with more than two pupils at any one time.
- 10) The storage of flammable liquids or hazardous materials; welding or any open-flame work is strictly prohibited.
- 11) All work in the live/work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond any lot line.
- 12) No more than one person 18 years of age or older may reside within an artist live/work per 300 square feet of residential floor area. Further, not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and not more than two children of said persons who are under 22 years of age may reside within a live/work space on a year-round basis.
- 13) Only one non-resident employee may be employed within an artist live/work space.

- 14) Articles offered for sale within a live/work space must include **only** those articles produced by the artist residing in said live/work space may be offered for sale.
- 15) Only the Landlord provided interior directory sign shall be used to identify the artist. There shall be no individual signs in the building interior or on the building exterior.
- 16) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the artist live/work spaces and permitted non-resident employees.
- 17) No artist live/work space shall serve as a place from which commercial vehicles are dispatched or operated.
- 18) All live/work space shall conform to all applicable building codes.
- 19) Permitted uses shall be artists working exclusively with paint, paper, clay, and/or other soft materials, and this use shall include photography, jewelry making graphic arts and other similar relatively quiet endeavors as determined by the Landlord. Tattoo applicers, body piercers and musicians shall not be considered artists for the purpose of this use.
- 20) Tenant shall not leave, store or place any items on the Premises exterior, common hallways or stairwells.
- 21) Renewal inspections. Each artist live/work space shall be inspected by the Building Department every two years in order to determine whether the artist live/work space remains in compliance with the local code. The Tenant shall fully cooperate with any such inspections.
- 22) Maximum occupancy at any one time:
10 People in a 1000 Square Foot Loft
17 People in a 1600 Square Foot Loft

15 People in a 1800 Square Foot Loft

Any and all activities that will include more than 6 visitors at one time in any one loft must be coordinated with the Fishkill Creek office one week before hand.

Most of the above rules & regulations are set and enforced by the City of Beacon for the artist live/work type zoning. Any violation of these rules & regulations could be considered a violation of the city zoning ordinance and may result in a violation of your lease.

Acknowledged by:

[Tenant]

To: John Gunn, Chair, and the City of Beacon Planning Board

Date: March 8, 2018

Re: **39 Front Street, HIP Lofts & Storage Amended Special Use Permit**

I have reviewed the following new materials

- February 27, 2018 response letter from Cuddy+Feder;
- February 28, 2018 ZBA resolution on the height variance;
- February 27, 2018 application packet to the City Council requesting an amendment to the previously approved Special Permit; and
- Sheet 1 of the Amended Special Permit set with the last revision date of February 27, 2018.

Proposal

The project would eliminate the previously approved construction of Buildings 9A and 12, demolish Buildings 16, 18, 24, and 25, construct a larger Building 16, and extend existing Building 9 to include one live-work loft. This will increase the previously approved unit count from 143 to 172 lofts. The 8.7-acre parcel is in the Light Industrial district and Historic District and Landmark Overlay Zone.

Comments and Recommendations

1. The Zoning Board of Appeals granted the requested height variance for the proposed new Building 16 without adding any of the mitigating conditions that the Planning Board suggested for consideration at its last meeting. The Board may still consider architectural modifications that do not involve height limits during the final Site Plan approval process.
2. As a condition to the variance, the applicant agreed to submit a deed restriction that would prohibit additional residential dwelling units beyond the 172 artist live/work lofts currently proposed, for so long as the property is governed by the existing zoning restrictions that allow up to 243 units.
3. The applicant has requested that the Board issue its recommendation report to the City Council on the amendment to the previously approved Special Permit at its March meeting. The application packet appears complete. I have no additional site plan concerns and the project does not appear to conflict with the general Special Permit criteria under Section 223-18. I recommend that the Board provide a positive recommendation to the City Council.

If you have any questions or need more information, please feel free to contact me.

John Clarke, Beacon City Planning Consultant

c: Tim Dexter, Building Inspector
Jennifer L. Gray, Esq., City Attorney
Arthur R. Tully, P.E., City Engineer
John Russo, P.E., City Engineer
Aryeh Siegal, Project Architect

LANC & TULLY
ENGINEERING AND SURVEYING, P.C.

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

Rodney C. Knowlton, L.S., Principal
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal
John Lane, P.E., L.S.
Arthur R. Tully, P.E.

March 8, 2018

Mr. John Gunn
Planning Board Chairman
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: Beacon HIP Lofts - 39 Front Street
City of Beacon

Dear Mr. Gunn:

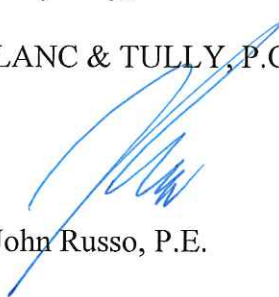
We have reviewed the Beacon HIP Lofts plans (Sheets 1 and 3 of 10) for the project entitled "Site Plan" and "Landscape Plan & Lighting", as prepared by Aryeh Siegel, Architect and Hudson Land Design, both having a latest revision date of February 27, 2018.

Based upon our review of the revised plans, all outstanding engineering issues have been addressed at this time, and we find the plans to be acceptable. So long as the applicant has paid all outstanding fees and addressed any outstanding comments from the City Planner or City Attorney, we would recommend that the plans be signed.

If you have any questions, or require any additional information, please do not hesitate to contact our office.

Very truly,

LANC & TULLY, P.C.


John Russo, P.E.

Cc: Jennifer Gray, Esq.
Tim Dexter, Building Inspector
John Clarke, City Planner

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

March 15, 2018

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

RE: Special Use Permit (amendment)
39 Front Street "Hip Lofts"


Applicant: Beacon Lofts and Storage

Dear Mayor Casale & Council Members:

At their March 14, 2018 Planning Board meeting, members reviewed an application from Beacon Lofts & Storage to amend their existing Special Use Permit for the Artist Live/Work units. The project would eliminate the previously approved construction of Buildings 9A and 12, demolish Buildings 16, 18, 24, and 25, construct a larger Building 16, and extend the existing Building 9 to include one Live/Work loft. The existing Special Use Permit allowed 143 Live/Work units and the applicant is proposing to increase the number of units to 172. The Planning Board reviewed the Special Use Permit Application for completeness and to identify relevant planning-related information for the Council's analysis of the application for an amendment to the existing Special Use Permit. The Planning Board's review is not intended to supplant the City Council's role in reviewing the Special Use Permit application for compliance with the relevant standards of review.

After careful review, Board members voted unanimously to recommend the City Council issue a Special Use subject to the applicant returning to the Planning Board for amended Site Plan Approval.

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

Yours truly,

John Gunn, Chairman



AMENDED RESOLUTION NO. 02 OF 2014

**CITY COUNCIL
BEACON, NEW YORK**

**SPECIAL PERMIT APPROVAL FOR ARTIST
LIVE/WORK, ART STUDIO AND SELF STORAGE
COMPONENTS OF THE BEACON HIP LOFTS PROJECT**

WHEREAS, the Beacon City Council is entertaining an application for Special Permit Approval from Beacon HIP Lofts, LLC (the "Applicant") for the project known as the Beacon HIP Lofts (the "Project" or "Proposed Action"); and

WHEREAS, the overall project consists of the renovation and re-use of several existing buildings, the construction of new buildings and general improvements to the site as follows:

1. Five existing buildings and one proposed building to contain 114 proposed artist live/work units for a total of 143 artist live/work units on the site (Buildings #10 and #9 contain 29 existing artist live/work units).
2. One existing building proposed to contain 17 artist studios.
3. A 25,000 square foot expansion of the existing self-storage use to be located in a proposed building that will be connected to the existing self-storage building.
4. A proposed fitness gym and recreation room for the use by residents only.
5. A proposed Greenway Trail that runs continuously around the property and connects to the trail on the adjacent property (the five items above constitute the "Overall Project"); and

WHEREAS, the subject of this Resolution of Special Permit Approval is the Artist Live/Work, Artist Studio and Self-Storage components of the Overall Project; and

WHEREAS, the project site is located at 3-39 and 51 Front Street and is designated 6055-04-590165 and 6055-04-535128 (the latter parcel is the adjacent vacant parcel that contains landbanked parking and the Greenway Trail) on the City tax maps (the "Subject Property" or "Site"); and

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

WHEREAS, the total property is 12.24 acres in size, is zoned Light Industrial (LI) and is in the Historic District and Landmark Overlay Zone; and

WHEREAS, 10% of the overall residential units (including the new artist live/work units) will be comprised of below-market-rate units as defined by Article IVB of the Zoning Law; and

WHEREAS, the Overall Project is shown on the following drawings, generally entitled, "Special Use Permit Application Beacon HIP Lofts" prepared by Aryeh Siegel, Architect, Hudson Land Design, LQ Design and TEC Land Surveying:

1. Sheet 1 of 15, "Site Plan," last revised October 29, 2013;
2. Sheet 2 of 15, "Survey/Existing Conditions," last revised July 30, 2013;
3. Sheet 3 of 15, "Site Demolition & Phasing," last revised July 30, 2013;
4. Sheet 4 of 15, "Landscape Plan & Lighting," last revised August 27, 2013;
5. Sheet 5 of 15, "Floor Plans – Buildings 1, 2, 3, 7, 8, 9, 9A, 10," last revised August 27, 2013;
6. Sheet 6 of 15, "Floor Plans – Building 4 & 4A," last revised July 30, 2013;
7. Sheet 7 of 15, "Floor Plans – Building 11, 12, & 16," last revised September 24, 2013;
8. Sheet 8 of 15, "Solar Panel Plan," last revised July 30, 2013;
9. Sheet 9 of 15, "Grading and Utility Plan," last revised October 29, 2013;
10. Sheet 10 of 15, "Erosion and Sediment Control Plan," last revised September 24, 2013;
11. Sheet 11 of 15, "Truck Circulation Plan," last revised August 27, 2013;
12. Sheet 12 of 15, "Site, Landscaping and Erosion & Sediment Control Details," last revised October 29, 2013;
13. Sheet 13 of 15, "Stormwater Details," last revised September 24, 2013;
14. Sheet 14 of 15, "Water and Sewer Details," last revised September 24, 2013;
15. Sheet 15 of 15, "Construction Management & Phasing Plan," last revised October 29, 2013; and

WHEREAS, the application also consists of application forms, Parts 1 and 2 of an expanded full Environmental Assessment Form (EAF) and a Traffic Impact Analysis prepared by Harry Baker & Associates, July 29, 2013; and

WHEREAS, on June 18, 2013, the Zoning Board of Appeals issued the following zoning variances to the project:

1. Relief from Section 223-17(c) to allow a building height of 47 feet (Building #9A).
2. Relief from Section 223-17(c) to allow a building height of 41 feet (Building #4A).

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

3. Relief from Section 223-15(E)(1)(c) to allow a two-sided roof mounted sign and Section 223-15(E)(1)(b) to allow a roof mounted sign exceeding allowable dimensions with the condition that they be removed after a period of 30 months; and

WHEREAS, on November 12, 2013, and pursuant to the requirements of Section 223-18.B(1) of the Zoning Law, the Planning Board recommended that the City Council approve the application for Special Permit Approval subject to the Project obtaining Site Plan Approval from the Planning Board; and

WHEREAS, the Beacon City Council is serving as State Environmental Quality Review Act (SEQRA) Lead Agency for the coordinated environmental review of the Overall Project and in that context has reviewed the above mentioned application materials; and

WHEREAS, on December 2, 2013, the City Council, as SEQRA Lead Agency, adopted a Negative Declaration regarding the Project; and

WHEREAS, on December 2, 2013, the City Council held a public hearing on the application for Special Permit Approval, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the City Council is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City Code.

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following findings in accordance with Section 223-18.B(1) of the Zoning Law:

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

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

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

BE IT FURTHER RESOLVED, that the City Council hereby grants Special Permit Approval to the Artist Live/Work, Artist Studio and Self-Storage components of the Project, as shown on the application materials enumerated above, subject to compliance with the following conditions and any other requirements which must be met by law:

- A. Six (6) sets of the above referenced plans shall be submitted for endorsement by the City Administrator. One set of the endorsed plans will be returned to the Applicants, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.
- B. **The following conditions shall be fulfilled prior to the issuance of any Building Permits for the Project:**

The Applicant shall seek and obtain Site Plan Approval from the Planning Board. As part of the Site Plan review and approval process matters, including but not necessarily limited to the following, shall be resolved to the satisfaction of the Planning Board:

1. The Applicant shall resolve the following item contained in the City Engineer's letter to the Planning Board dated November 8, 2013 to the satisfaction of the Planning Board:

The "Water Supply" section of the Water & Sewer Report notes that observed static pressures within the onsite water system ranged between 78 psi and 81 psi. Based upon subsequent fire flow testing at the hydrants onsite, available fire flow, while maintaining a minimum pressure of 20 psi in the water main, was only 757 gpm. Based upon the observed static pressures, additional field investigation and testing shall be conducted to determine if any valves were closed, or partially closed, during the testing, or if the lines have heavy tuberculation within them.

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

2. The Applicant shall resolve the following items contained in the City Planner's letter to the Planning Board dated November 8, 2013 to the satisfaction of the Planning Board:
 - (a) The Applicant has proposed to provide 40 additional parking spaces as landbanked parking spaces on parcel number 6055-04-535128. In accordance with Section 223-26.E of the Zoning Law, the Planning Board may waive the improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Attorney are obtained assuring the City that the property owner will be responsible for the construction of such waived spaces within six months of the date such spaces may be deemed necessary by the Planning Board. The Application form shall be revised to include the additional parcel (parcel number 6055-04-535128).
 - (b) The Access Easement to be conveyed by Landgrove Realty Inc. to Beacon Lofts and Storage, LLC shall be shown on the plans.
 - (c) The Landscape Plan shall be revised to include a plant schedule for the plantings proposed adjacent to the landbanked parking area and the Greenway Trail on parcel number 6055-04-535128.
 - (d) A note has been added to the plans regarding the location of the Greenway Trail. The note shall be revised to state, "Proposed Interim Greenway Trail to Front Street. Note that the Owner and Planning Board agree to re-visit the routing of this portion of the trail (from the southeast corner of parcel number 6055-04-535128 to Front Street) in the future when an application is submitted for development of parcel number 6055-04-535128 or when the landbanked parking is required to be built. It is further agreed that the trail shall remain continuous from the southeast corner of parcel number 6055-04-535128 to Front Street."
 - (e) Details of all proposed signage for the Greenway Trail shall be provided on the plans.
 - (f) A detail of the proposed stone dust trail shall be provided on the plans.

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

- (g) Crosswalk striping shall be provided on the two parking spaces adjacent to Buildings 4 and 7 for continuation of the Greenway Trail.
 - (h) The location of the generator shall be shown on the site plan. In addition, the noise specifications of the generator shall be submitted for review.
- 3. Arrangements shall be made which ensure the Project's full compliance with Article IVB, Affordable-Workforce Housing, of the Zoning Law.
 - 4. Arrangements for the payment of recreation fees by the Applicant shall be made.

C. The following are general conditions which shall be fulfilled:

- 1. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicant within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within said thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
- 2. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.
- 3. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
- 4. The approvals granted by this resolution do not supersede the authority of any other entity.
- 5. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuance of this Special Permit Approval; or

Amended Resolution of Special Permit Approval for Artist Live/Work, Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project

- b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
 - c. If said uses cease for more than six (6) months for any reason.
6. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions, of up to six (6) months each, to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.
- a. Given that this resolution applies to a phased project which is proposed to be constructed over approximately seven and two-thirds (7-2/3) years, and given that said phasing is not addressed under the current City Zoning Law, the City Council hereby agrees to grant the Applicant twelve (12) six-month extensions (for a total of six (6) years), with said extensions commencing after the expiration of the two (2)-year time frame contained in Condition 5.b above.
 - b. The continued validity of the extensions in Condition 6.a above are conditioned upon the Applicant prosecuting construction of the Overall Project with due diligence and that all appropriate erosion control measures to protect surrounding properties are in place.
7. Any proposed revision to this approved Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
8. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit Approval.

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

VOTING

	Motion	Second	Voting
Mayor Randy Casale	_____	_____	_____✓
Charles Kelly	_____	_____	_____Absent
Lee Kyriacou	_____✓	_____	_____✓
George Mansfield	_____✓	_____	_____✓
Ali T. Muhammad	_____	_____	_____✓
Peggy Ross	_____	_____✓	_____✓
Pam Wetherbee	_____	_____	_____✓

Resolution Adopted: January 6, 2014
Beacon, New York

§ 223-18. Special permit uses.

- A. General provisions. The special uses for which conformance to additional standards is required by this chapter shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- B. Application for a special permit. **[Amended 12-20-1993 by L.L. No. 5-1993; 12-18-2000 by L.L. No. 22-2000; 6-17-2013 by L.L. No. 12-2013; 4-21-2014 by L.L. No. 1-2014]**
- (1) Application for required special permits shall be made to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving such application, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter. The City Council shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council must render its decision may be extended by mutual consent of the applicant and the Board. The City Council may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met: **[Amended 5-2-2016 by L.L. No. 7-2016]**

- (a) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
 - (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.
 - (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
 - (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
- (2) The decision of the City Council on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.
- C. A plan for the proposed development of a lot for a permitted special use shall be submitted with an application for a special permit. The plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, topography, type and location of exterior lighting, drainage improvements in accordance with § 223-25F of this chapter, special features and any other pertinent information, including information about neighboring properties, that may be necessary to determine and provide for the enforcement of this chapter. The Planning Board, in preparing its report, as required in Subsection B, shall give particular study to the plan and shall recommend any changes that should be made in the plan to meet the conditions enumerated in §§ 223-17D and 223-18B. **[Amended 3-1-1993 by L.L. No. 2-1993; 4-5-1993 by L.L. No. 3-1993]**
- D. A current certificate of inspection issued pursuant to § 179-6 of this Code shall be submitted prior to rendering a final decision on

an application for a special permit. **[Added 7-18-2011 by L.L. No. 11-2011¹; amended 10-3-2011 by L.L. No. 12-2011]**

- E. Conditions and safeguards. The City Council shall attach such conditions and safeguards to the special permit as are necessary to assure continual conformance to all applicable standards and requirements.
- F. Expiration of special permits. **[Amended 10-18-1993 by L.L. No. 4-1993; 12-21-1998 by L.L. No. 16-1998; 4-18-2016 by L.L. No. 6-2016]**
- (1) A special permit shall be deemed to authorize only the particular use or uses specified in the permit and shall expire if:
- (a) A bona fide application for a building permit is not filed within one year of the issuance of the special permit; or
 - (b) If all required improvements are not made:
 - [1] For special permits that do not include construction of a new building or addition, within one year from the date of the issuance of the building permit.
 - [2] For special permits that include construction of a new building or addition, within two years from the date of issuance of the building permit.
 - (c) Said use or uses shall cease for more than six months for any reason.
- (2) The City Council may grant one or more extensions, of up to six months each, to:
- (a) Complete the conditions of approval for the special permit use, upon a finding that an applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit within one year of the issuance of the special permit. No further extensions may be granted if the conditions are not completed within two years following the issuance of the special permit; and

1. Editor's Note: This local law also provided for the redesignation of former Subsections D through I as Subsections E through J, respectively.

- (b) Complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.
- (3) The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.
- G. Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter.
- H. ² In the event that the improvements set forth in the special permit have commenced prior to the expiration date, but are not completed by that time, the applicant shall pay a daily fine of \$25 until a certificate of occupancy has been issued by the Building Department. **[Added 8-1-1994]**
- I. Revocation. The Building Inspector may revoke a special permit where it is found that the use of the premises does not conform with the limitations and conditions contained in the special permit. **[Added 5-2-1994]**

§ 223-24.3. Artist live/work spaces. [Added 8-6-2001 by L.L. No. 12-2001]

- A. Development standards.
- (1) An artist live/work space may exist on the first floor of a structure only if the appearance and use of the live/work space on the street side is consistent with the nature of the permitted uses in the surrounding area. For example, if the surrounding area is retail in nature at the first-floor level, the live/work space shall be restricted to retail on the street side of the first floor, and said street side space shall be large enough, in the opinion of the Building Inspector, to support a typical retail enterprise.
- (2) Each artist live/work space and its various components shall be physically separate and distinct from other live/work

2. **Editor's Note: Former Subsection H, Notice of hearing, added 10-18-1993 by L.L. No. 4-1993, was repealed 6-17-2013 by L.L. No. 12-2013. This local law also provided for the redesignation of former Subsections I and J as Subsections H and I, respectively.**

spaces and other uses within a particular building. The sharing of artist live/work spaces by multiple tenancies, components thereof or utilities shall not be permitted. However, access to live/work spaces may be provided from common access areas, halls or corridors.

- (3) Each artist live/work space must be individually equipped with an enclosed bathroom containing a sink, toilet, shower or tub and appropriate venting.
- (4) Each artist live/work space must be individually equipped with a kitchen consisting of a sink, nonportable stove, oven and refrigerator.
- (5) Each artist live/work space must contain a floor area of no less than 800 square feet, of which a minimum area shall be devoted to the following: 35 square feet for an enclosed bathroom, 60 square feet for a kitchen, and 120 square feet for a sleeping area.
- (6) No more than 30% of the floor area of the artist live/work space may be devoted to residential space.
- (7) Direct access between living and working areas must be provided.
- (8) In order to ensure that the use is consistent with the other commercial uses, artist live/work spaces shall not be used for classroom instructional uses with more than two pupils at any one time; the storage of flammable liquids or hazardous materials; welding; or any open-flame work. Further, the work in the live/work space shall be so conducted as not to cause noise, vibration, smoke, odors, humidity, heat, cold, glare, dust, dirt or electrical disturbance which is perceptible by the average person located within any other residential or commercial unit within the structure or beyond any lot line.
- (9) Not more than one person who is 18 years of age or older may reside within an artist live/work space per 300 square feet of residential floor area. Further, not more than two persons who are at least 18 years of age, of which at least one of whom is an artist in residence, and not more than two children of said persons who are under 22 years of age may reside within a live/work space on a year-round basis.
- (10) Only one nonresident employee may be employed within an artist live/work space. This requirement may be waived for live/work spaces that provide retail space on the first floor.

- (11) Other than in a first-floor retail-oriented area, articles offered for sale within a live/work space must include those produced by the artist residing in said live/work space and may be offered with other like items.
- (12) One flush-mounted, nonilluminated sign, with a maximum area of two square feet, attached adjacent to or near the street entrance door to the live/work space may be used to identify the artist. This sign may list only the name of the artist with a one- or two-word description of the type of artwork or craft that is to be conducted within the live/work space. Where two or more live/work spaces occur within the same building, the signs must be placed in an orderly fashion in relation to each other and must be part of a coherent directory in which signs are ordered in a horizontal fashion. Where five or more live/work spaces are developed within one building, an interior directory sign shall be located in lieu of individual signs on the building exterior.
- (13) Residential space and work space shall not be rented separately or used by persons other than those people legally residing within the artist live/work spaces and permitted nonresident employees.
- (14) No artist live/work space shall serve as a place from which commercial vehicles are dispatched or operated.
- (15) All live/work spaces shall conform to all applicable building codes.³
- (16) For the purposes of this permitted use, artists shall only be those persons working exclusively with paint, paper, clay and/or other soft materials, and this use shall include photography, jewelry making, graphic arts and other similar relatively quiet endeavors as determined by the City Council in reviewing the proposed special use permit application. Tattoo appliers, body piercers and musicians shall not be considered artists for the purpose of this use.
- (17) Renewal inspections. Each artist live/work space shall be inspected by the Building Department every two years in order to determine whether the artist live/work space remains in compliance with this section. Upon a satisfactory inspection report, the artist live/work space owner shall be reissued a certificate of occupancy for two additional years.

3. Editor's Note: See Ch. 119, Uniform Fire Prevention and Building Code.

If the Building Inspector determines that the artist live/work space is not in compliance, the building owner or manager shall have 60 days in which to rectify all noncomplying elements and shall apply for reinspection with the Building Department, subject to an additional fee. If all such noncomplying elements are not rectified within the above-specified time frame, the certificate of occupancy for the use shall expire and the use as authorized by the special permit shall be terminated.⁴ **[Added 9-19-2005 by L.L. No. 11-2005; amended 3-18-2013 by L.L. No. 6-2013]**

(18)The owner of the live/work space shall file a certification with the Building Department every two years, and at any point in time when there is a change in ownership or a change in the use of the space, on a form provided by said Department, which certifies that the live/work space is in conformance with the Zoning Chapter and the special permit, and that the residential portion of the space has not been expanded beyond a maximum of 30% of the floor area of the live/work space, as required by Subsection A(6) above. **[Added 3-18-2013 by L.L. No. 6-2013]**

(19)The deed, offering plan, certificate of occupancy and/or rental agreement, as appropriate, for each artist live/work space shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is an artist live/work space as defined in § 223-63 of the Zoning Chapter of the Code of the City of Beacon, New York, and is subject to all restrictions and limitations as set forth in said chapter and the approval resolution(s), including the requirement for a certification with the Building Department in accordance with § 223-24.3A(18). Proof of recording of the deed shall be provided to the Building Department within 60 days after the conveyance. **[Added 3-18-2013 by L.L. No. 6-2013]**

4. **Editor's Note: Former Subsection B, regarding procedures for special permits, which immediately followed this subsection, was repealed 3-18-2013 by L.L. No. 6-2013. Section 4 of this local law provided as follows: "Any artist live-work space that failed to comply with the prior language of § 223-24.3B shall have six months from the effective date of this local law to renew its special permit by complying with new § 223-24.3A(18) and (19) and existing Subsection A(17) and any other applicable provision of the City Code. Failure to do so shall result in the expiration of the special permit and the use as authorized by the special permit shall be terminated."**



MECHTRONICS

580285
10.33 Ac

542256
5 Ac. (d)

JESCO (TRACTORS)

RE COMMUNITY
(RECYCLE CENTER)

639223
9.4 Ac. (c)

594217
1.4 Ac. (c)

VACANT

CHEMPRENE

4732101
20.71 Ac. (c)

503193
1 FAM
508186
APTS
BAR

564191
2.5 Ac. (c)

APTS.

CITY OF BEACON
(VACANT LAND)

AUTO ZONE

529161
1.4 Ac. (c)
APTS.

590165
8.7 Ac

FAMILY DOLLAR

CAR WASH

502133
2.3 Ac. (c)

535128
3.5 Ac. (c)

516113
VACANT

CITY OF BEACON
(WATER DEPT.)



TOWNSEND ST
MEAD AV

STATE ST

FISHHILL AV

LYONS DR

MILL ST

FRONT ST

SPENCER LN

MASON CIR

PROSPECT ST
ROUTE 52

FM 10855
656145

671

City of Beacon Workshop Agenda
8/27/2018

Title:

Street and Sidewalk Opening Permit Local Law

Subject:

Background:

ATTACHMENTS:

Description	Type
Street opening permits LL_revisions	Local Law
Street opening permits LL	Local Law

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 191, ARTICLE II AND CHAPTER 192 OF THE CODE OF
THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 191, Article II and Chapter 192, Section 30 concerning Street and Sidewalk Opening Permits.

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

Section 1. Chapter 191, Article II of the Code of the City of Beacon entitled “Street and Sidewalk Openings” is hereby amended as follows:

Article II STREET AND SIDEWALK OPENINGS

§ 191-14. Written permission to tunnel required.

No person having a permit secured under this article shall, under any circumstances, tunnel under macadam, asphalt macadam, concrete or similarly paved roads or sidewalks for the purpose of connecting to water, sewer, gas, electric, telephone or cable facilities, unless written permission from the Highway Superintendent shall first have been secured.

§ 191-15. Openings into water, sewer, gas, electric, telephone or cable facilities.

All openings into any water, sewer, gas, electric, telephone or cable facilities or gas services shall be made only by plumbers duly licensed by the City, the respective utility company or authorized contractor.

§ 191-16. Compliance with directions of Highway Superintendent required.

Any person to whom a permit is issued under the terms of this article must comply with all directions of the Highway Superintendent, or his or her designee, designed to secure the safety of persons and their property lawfully using the streets of the City. Such directions may be given orally or in writing by the Superintendent or his representative.

§ 191-17. Penalties for offenses.

- A. Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.
- B. Additionally, the Highway Superintendent may withhold the issuance of permits if restoration work required with respect to previously issued street opening permits has not been satisfactorily completed.

§ 191-18. Permit required.

No person or association of persons, municipal corporation, public utility corporation or corporation, without having first secured a permit therefor from the Highway Department as provided in this article, shall:

- A. Fill in or raise or cause to be filled in or raised any street or any part thereof.
- B. Take up, remove or carry away or cause to be taken up, removed or carried away any asphalt or paver blocks, flagstones, turf, stone, gravel, concrete, sand, clay or earth from any street or part thereof.
- C. Open or dig up any City street or any private street which is open to public motor vehicular traffic, or any street, road or highway or part thereof in and over which the City shall have jurisdiction or shall in any way alter any curbing, gutters, gutter basins, drainage lines or other works within such a street or highway for any purpose.
- D. Lay, repair or disturb any sidewalk in any public street.

§ 191-19. Application for permit.

- A. Application for a permit under this article shall be made to the Highway Department in writing and shall contain the following information:
 - (1) The full name and address of the applicant.
 - (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
 - (3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
 - (4) A statement of the proposed operation and the size thereof and purpose thereof.

- (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.
- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation showing location on lot or streets; location, if any, of any tiles or drainage system or water mains or other public utility conduits, etc, which may be within the area of the proposed construction
- (8) The rehabilitation proposed.
- (9) A schedule of the proposed work.
- (10) A confirmation notice from Dig Safely New York.
- (11) Any additional information which may be reasonably required by the Highway Superintendent.
- (12) A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the City Code and other applicable statutes and ordinances of the City of Beacon.

§ 191-20. Fee and work rules.

- A. The applicant for a permit under this article or the person for whose benefit the excavation or opening is to be made shall pay a fee as set forth in the City of Beacon fee schedule for each street opening. ~~This fee may be waived~~ The Highway Superintendent may waive in writing the application fee for any permit application to lay, repair or disturb any sidewalk in any public street, ~~within the~~ in his or her discretion ~~of the Highway Superintendent,~~ for good cause shown.
- B. A permit shall be obtained no less than one week before any work is performed. All work shall be done during regular work hours of the Highway Department, Monday-Friday 7 a.m to 3 p.m. The Highway Superintendent may waive these requirements in writing within his or her discretion for good cause shown.
- C. The opening shall be backfilled with Item 4 (NYSDOT Item No. 304.12) and tamped in eight-inch lifts maximum before applying blacktop in accordance with Chapter 129. All openings shall be square cut, and edges shall be cleaned, and all edges shall be tack coated before patching. Openings in concrete roads shall be filled with Item 4 from the bottom of the trench to the bottom of the concrete. Then the concrete shall be repaired in the method selected by the Highway

Superintendent of either pouring a new 5,000 psi concrete patch that is doweled into the adjacent concrete slab(s), or the installation of pavement (Type 3 binder course) to the thickness of the existing concrete to two inches below the riding surface. The riding surface shall consist of two inches of pavement (Type 6FX top course). Prior to paving of the top course, the existing top course shall be cut back at least one foot, or greater, as determined in writing by the Highway Superintendent, from edge of trench on all sides. Tack coat shall be applied to the entire surface and all edges upon which the new top course is to be laid. The opening shall be properly maintained at all times during construction and the quality of the work (in case of settlement) shall be guaranteed for a period of two years. The seams of the completed work shall be sealed with a polymer modified crack sealant to prevent the intrusion of water into the pavement. During construction, barricades, lights, flaggers and other safety devices shall be employed as required by law or custom in the construction industry, and in accordance with the Federal Manual of Uniform Traffic Control (MUTCD) and the New York State Supplement to the Federal MUTCD. When excavating, contractor shall follow all safety requirements listed in OSHA specifications 1926.650 (excavation and shoring). The Contractor shall also comply with the OSHA requirements for confined space (1910.146).

D. The applicant shall notify the Highway Superintendent or his or her designee:

- (1) One week before any work is performed.
- (2) Three business days before any backfilling or temporary filling of any opening.
- (3) Three business days before any permanent restorations.

E. Issuance of and the continued effectiveness of such permit shall be conditioned on the following terms:

- (1) Throughout the course of the work, a clear, sufficient and safe passageway for all pedestrians and vehicular traffic will be maintained.
- (2) The work site will be properly guarded, both day and night, so as to prevent accidents or danger.
- (3) Upon completion of work, the site thereof will be restored by applicant and the restoration work guaranteed for two years.

§ 191-21. Bond and insurance.

- A. Before a permit may be granted under this article by the Highway Superintendent ~~of~~ to any person to open any City street or sidewalk, the applicant for such permit shall execute a continuing bond to the City in the sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York, subject to the same conditions as contained in a plumber's bond. ~~An applicant~~ The Highway Superintendent may in writing waive the bond requirement for applicants seeking a permit to lay, repair or disturb any sidewalk in any public street, ~~may not be required to execute a continuing bond to the City, as determined by the Highway Superintendent.~~ The Highway Superintendent shall set forth a reason supporting his determination to waive the bond requirement.
- B. No permit issued pursuant to this article shall be issued by the Highway Department until the ~~applicant therefor~~ entity performing the work shall have first placed on file with the Highway Department satisfactory evidence of the following types of coverage and limits of liability:
- (1) Commercial general (CGL) coverage with limits of insurance of not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate.
 - (a) If the CGL coverage contains a general aggregate limit, such general aggregate shall apply separately to each project.
 - (b) CGL coverage shall cover liability arising from premises, operations, independent contractors, products/completed operations, personal and advertising injury and blanket contractual, including injury and to subcontractors' employees.
 - (c) The City of Beacon and its agents, officers, directors and employees shall be included as additional insured. The coverage must be underwritten by an insurance company with at least an A-7 Best rating, as defined by A.M. Best. Coverage for the additional insureds shall apply as primary and noncontributing insurance before any other insurance or self-insurance, including any deductible, maintained by or provided to the additional insureds.
 - (d) The applicant and/or contractor shall maintain CGL coverage for itself and all additional insureds for the duration of the project and maintain completed operations coverage for itself and each additional insured for at least two years after completion of the work.
 - (2) Automobile liability: business auto liability with limits of at least \$1,000,000 each accident.

- (a) Business auto coverage must include coverage for liability arising out of all owned, leased, hired and ~~nonowned~~non-owned automobiles.
 - (b) The City of Beacon and its agents, officers, directors and employees shall be included as insured on the auto policy.
- (3) Workers' compensation and employers liability: employers' liability insurance limits per statutory requirements.
- (4) The applicant shall not sublet any part of his work without assuming full responsibility for requiring similar insurance from his subcontractors and shall submit satisfactory evidence to that effect to the Highway Department. Each such insurance policy, except the workers' compensation policy, shall include the City of Beacon and its agents, officers, directors and employees as an additional insured.
- (5) Certificates shall provide that 30~~10~~ days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the City of Beacon no fewer than 30~~10~~ days prior to cancellation or renewal.
- (6) ~~For a street or sidewalk opening permit, provided the applicant's homeowners' insurance covers the proposed work, the requirements set forth above in § 191-21.C(1)-(5), may be waived for property owners performing work on their own property, if such property owner provides a copy of a valid homeowners' insurance policy at the time of filing for a street opening or sidewalk opening permit. The City of Beacon shall be named on the property owner's insurance policy as an additional insured, unless otherwise permitted in writing by the Highway Superintendent. Such insurance shall remain in force through the effective period of the permit and/or any authorized extension or extensions thereof.~~

C. The Highway Superintendent, with consent from the City Administrator and for good cause shown, may waive, in writing, any of the insurance requirements set forth above in § 191-21B insofar as it may accept such insurance and/or indemnification documents as it deems appropriate for the premises and the proposed work.

D. Indemnification and hold harmless. No permit shall be granted until the applicant and/or contractor shall have agreed in writing to defend, indemnify and hold harmless the City of Beacon, its officers, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including reasonable legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of a person or damage to or loss of any property resulting from the acts, omissions, breach or default of the applicant and/or contractor, its officers, directors, agents,

employees and subcontractors, in connection with the performance of any work done under or pursuant to such street or sidewalk opening permit.

§191-22. Obstruction of streets and sidewalks.

Any street, lane, road or sidewalk within the City, whether paved or unpaved, improved or unimproved, and any driveway or other means of ingress to or egress from any street, lane, road or sidewalk within the City shall not be blocked or obstructed at any time in order to provide a safe, convenient and passable means of ingress to and egress from the same for all private, public and emergency vehicles of any kind.

§ 191-23. Notice to other persons affected.

- A. If the work to be undertaken by the applicant is such that it will affect the use of properties abutting or adjoining the project, the Highway Superintendent, or his or her designee, shall require the applicant to submit a list of the names and addresses of the owners and/or tenants of such properties.
- B. The applicant shall notify the affected property owners and/or tenants of the proposed work to be done at the time the applicant submits his or her street opening permit application.
- C. If the work to be undertaken by the applicant will affect other subsurface installations in the vicinity of the proposed opening, the applicant shall notify the owners of such facilities of the proposed work at the time the applicant submits his or her street opening permit application.

§ 191-24. Notice to police and fire authorities.

Upon receipt of a street opening permit and prior to the start of any construction, the applicant, shall notify, in writing, the City police and fire authorities that he or she has received a street opening permit. Such notification shall include a copy of the permit, and state the nature of the work to be done, the proposed beginning and completion dates and the location of such project.

§ 191-25. Construction specifications.

The Highway Department shall be notified at all stages of the work for the purpose of inspection. At a minimum, compliance with the City of Beacon specifications and regulations for the making of street openings, backfilling, maintenance, replacement of pavement and curbing shall be acceptable for the performance of said work and shall be performed to the satisfaction of the Highway Superintendent or his or her designee.

§ 191-26. Term of permit.

All work for which a permit has been issued shall be completed prior to the expiration date of the permit. A permit shall be valid for 40 days from the date of issuance. The Highway Superintendent, in his or her discretion, may approve in writing an extension of the permit for good cause shown.

§ 191-27. Pavement Restoration.

- A. All excavations shall be backfilled with materials approved by the Highway Superintendent.
- B. If a new patch is to be made where there is an existing patch, the entire pavement area shall be removed and replaced.
- C. Restoration of pavement shall be the full lane width (from curb to centerline) for trenches not extending beyond the lane. If the trench extends beyond a lane width, then the restoration of pavement shall be from curb to curb. All pavement restoration for the surface course (top course) shall extend a minimum of at least one foot from the edge of trench on all sides, or greater if determined by the Highway Superintendent. . Where no curb exists, the restoration shall extend to the existing pavement limits.
- D. If any excavation for which a permit has been issued hereunder exceeds 25 feet in length running with the road, the applicant shall be responsible for resurfacing the street for the whole lane width. If the excavation extends beyond a single lane, the applicant shall be responsible for resurfacing the street from curb to curb over the entire area. Resurfacing the street shall be in such a manner as required by the Highway Superintendent on a case-by-case basis. Where no curb exists, the resurfacing shall extend to the exiting pavement limits.
- E. If there are multiple patches and the area of disturbance exceeds 20% of the length of a street block multiplied by one foot, then the entire road in the block shall be resurfaced in a manner and with materials required by the Highway Superintendent.
- F. Any work performed within a roadway that has been paved within the past three years will require full curb to curb restoration for the length of work plus a minimum of 20 feet on both sides, exact limits will be set by the Highway Superintendent or his or her designee.
- G. The Highway Superintendent may, in writing, waive the requirements set forth in this section upon good cause shown.

§ 191-28. Replacement of curbing.

Any curbing removed by any person shall be reset or replaced pursuant to the specifications set forth in § 192-22.

§191-29. Work in City rights-of-way.

No individual, agency, corporation or other entity shall construct any structure or make any alteration to existing structures within any City right-of-way, including the placement of new utility poles or the addition of appurtenances, fixtures, or facilities to existing utility poles, without first having obtained written approval from the Highway Superintendent. This provision shall not apply to routine maintenance of existing structures and/or utility poles in the City rights-of-way. Applicants shall also comply with all other applicable provisions of the City of Beacon Zoning Regulations and any other applicable local laws.

§191-30. Revocation of permit.

- A. The Highway Superintendent shall have the power to revoke a permit issued hereunder whenever he or she shall find that the applicant has refused or failed to comply with any provisions of this article. There shall be no refunds of any application fees provided for any revoked permit.
- B. Written notice of any such violation or condition shall be served upon the applicant or his or her agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof or registered United States mail addressed to the person notified.
- C. The Highway Superintendent may grant an applicant a period of three days, from the date of the notice, to correct a violation and proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the Highway Superintendent, or his or her designee, shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the City shall be recovered from the deposit or bond the applicant has made or filed with the City.

Section 2. Chapter 192, Section 30 of the Code of the City of Beacon entitled “Work in existing city streets” is hereby amended as follows:

[§ 192-30 Work in existing city streets.](#)

- A. All work to be performed within an existing City street shall be subject to the approval of the City. The contractor, developer or other such person performing the work shall be required to obtain a ~~road~~-street opening permit and pay any and all such fees that may apply in relation to the same.
- B. The contractor or person performing the work shall be required to submit to the City satisfactory evidence of the types of coverage and limits of liability set forth in § 191-21D. Each such insurance policy, except the workers' compensation policy, shall

include the City of Beacon and its agents, officers, directors and employees as an additional insured. Certificates shall provide that 30 days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the City of Beacon no fewer than 30 days prior to cancellation or renewal.

C. All work shall be subject to the review of City representatives, and the contractor or person performing the work shall schedule such work as to permit the necessary reviews and inspections. Where applicable, a fee shall be paid to the City for such reviews and inspections.

D. All work shall be in accordance with generally accepted and recognized guidelines and the specifications for street opening permit guidelines in effect at the time of the work. This shall include OSHA regulations.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 191 and Chapter 192 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

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

Section 5. Severability

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

Section 6. Effective Date

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

Document comparison by Workshare Compare on Wednesday, August 22, 2018
6:27:02 PM

Input:	
Document 1 ID	PowerDocs://DOCS/623147/9
Description	DOCS-#623147-v9-Local_Law__Street_Opening_Permits
Document 2 ID	PowerDocs://DOCS/643049/1
Description	DOCS-#643049-v1-Final__Street_Opening_Permits
Rendering set	Standard

Legend:	
<u>Insertion</u>	
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Style change	
Format change	
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Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	34
Deletions	28
Moved from	2
Moved to	2
Style change	0
Format changed	0
Total changes	66

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 191, ARTICLE II AND CHAPTER 192 OF THE CODE OF
THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 191, Article II and Chapter 192, Section 30 concerning Street and Sidewalk Opening Permits.

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

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Article II STREET AND SIDEWALK OPENINGS

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No person having a permit secured under this article shall, under any circumstances, tunnel under macadam, asphalt macadam, concrete or similarly paved roads or sidewalks for the purpose of connecting to water, sewer, gas, electric, telephone or cable facilities, unless written permission from the Highway Superintendent shall first have been secured.

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All openings into any water, sewer, gas, electric, telephone or cable facilities or gas services shall be made only by plumbers duly licensed by the City, the respective utility company or authorized contractor.

§ 191-16. Compliance with directions of Highway Superintendent required.

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§ 191-17. Penalties for offenses.

- A. Any person, firm or corporation or his or its representative, agent or employee who shall violate any of the provisions of this article shall be punished by the imposition of a penalty as prescribed in § 1-3.
- B. Additionally, the Highway Superintendent may withhold the issuance of permits if restoration work required with respect to previously issued street opening permits has not been satisfactorily completed.

§ 191-18. Permit required.

No person or association of persons, municipal corporation, public utility corporation or corporation, without having first secured a permit therefor from the Highway Department as provided in this article, shall:

- A. Fill in or raise or cause to be filled in or raised any street or any part thereof.
- B. Take up, remove or carry away or cause to be taken up, removed or carried away any asphalt or paver blocks, flagstones, turf, stone, gravel, concrete, sand, clay or earth from any street or part thereof.
- C. Open or dig up any City street or any private street which is open to public motor vehicular traffic, or any street, road or highway or part thereof in and over which the City shall have jurisdiction or shall in any way alter any curbing, gutters, gutter basins, drainage lines or other works within such a street or highway for any purpose.
- D. Lay, repair or disturb any sidewalk in any public street.

§ 191-19. Application for permit.

- A. Application for a permit under this article shall be made to the Highway Department in writing and shall contain the following information:
 - (1) The full name and address of the applicant.
 - (2) The full name and address of the owner or owners of the property in front of which the operation is to be performed.
 - (3) The location by street address, if any, of the property in front of which the operation is to be performed and the Tax Map designation of the same.
 - (4) A statement of the proposed operation and the size thereof and purpose thereof.
 - (5) The date or dates when the proposed operation is to be commenced, and the date or dates when the operation is to be completed.

- (6) The type of pavement or surface to be disturbed.
- (7) A sketch of the proposed operation showing location on lot or streets; location, if any, of any tiles or drainage system or water mains or other public utility conduits, etc, which may be within the area of the proposed construction
- (8) The rehabilitation proposed.
- (9) A schedule of the proposed work.
- (10) A confirmation notice from Dig Safely New York.
- (11) Any additional information which may be reasonably required by the Highway Superintendent.
- (12) A signed statement by the applicant that said applicant agrees to perform the proposed operation for which the permit may be granted, in full and strict compliance and in accordance with the conditions of the permit, if issued, and any and all provisions of the City Code and other applicable statutes and ordinances of the City of Beacon.

§ 191-20. Fee and work rules.

- A. The applicant for a permit under this article or the person for whose benefit the excavation or opening is to be made shall pay a fee as set forth in the City of Beacon fee schedule for each street opening. The Highway Superintendent may waive in writing the application fee for any permit application to lay, repair or disturb any sidewalk in any public street, in his or her discretion, for good cause shown.
- B. A permit shall be obtained no less than one week before any work is performed. All work shall be done during regular work hours of the Highway Department, Monday-Friday 7 a.m to 3 p.m. The Highway Superintendent may waive these requirements in writing within his or her discretion for good cause shown.
- C. The opening shall be backfilled with Item 4 (NYSDOT Item No. 304.12) and tamped in eight-inch lifts maximum before applying blacktop in accordance with Chapter 129. All openings shall be square cut, and edges shall be cleaned, and all edges shall be tack coated before patching. Openings in concrete roads shall be filled with Item 4 from the bottom of the trench to the bottom of the concrete. Then the concrete shall be repaired in the method selected by the Highway Superintendent of either pouring a new 5,000 psi concrete patch that is doweled into the adjacent concrete slab(s), or the installation of pavement (Type 3 binder

course) to the thickness of the existing concrete to two inches below the riding surface. The riding surface shall consist of two inches of pavement (Type 6FX top course). Prior to paving of the top course, the existing top course shall be cut back at least one foot, or greater, as determined in writing by the Highway Superintendent, from edge of trench on all sides. Tack coat shall be applied to the entire surface and all edges upon which the new top course is to be laid. The opening shall be properly maintained at all times during construction and the quality of the work (in case of settlement) shall be guaranteed for a period of two years. The seams of the completed work shall be sealed with a polymer modified crack sealant to prevent the intrusion of water into the pavement. During construction, barricades, lights, flaggers and other safety devices shall be employed as required by law or custom in the construction industry, and in accordance with the Federal Manual of Uniform Traffic Control (MUTCD) and the New York State Supplement to the Federal MUTCD. When excavating, contractor shall follow all safety requirements listed in OSHA specifications 1926.650 (excavation and shoring). The Contractor shall also comply with the OSHA requirements for confined space (1910.146).

D. The applicant shall notify the Highway Superintendent or his or her designee:

- (1) One week before any work is performed.
- (2) Three business days before any backfilling or temporary filling of any opening.
- (3) Three business days before any permanent restorations.

E. Issuance of and the continued effectiveness of such permit shall be conditioned on the following terms:

- (1) Throughout the course of the work, a clear, sufficient and safe passageway for all pedestrians and vehicular traffic will be maintained.
- (2) The work site will be properly guarded, both day and night, so as to prevent accidents or danger.
- (3) Upon completion of work, the site thereof will be restored by applicant and the restoration work guaranteed for two years.

§ 191-21. Bond and insurance.

A. Before a permit may be granted under this article by the Highway Superintendent to any person to open any City street or sidewalk, the applicant for such permit shall

execute a continuing bond to the City in the sum of \$10,000, to be executed by a recognized and responsible surety company authorized to do business in Dutchess County, New York, subject to the same conditions as contained in a plumber's bond. The Highway Superintendent may in writing waive the bond requirement for applicants seeking a permit to lay, repair or disturb any sidewalk in any public street. The Highway Superintendent shall set forth a reason supporting his determination to waive the bond requirement.

B. No permit issued pursuant to this article shall be issued by the Highway Department until the entity performing the work shall have first placed on file with the Highway Department satisfactory evidence of the following types of coverage and limits of liability:

- (1) Commercial general (CGL) coverage with limits of insurance of not less than \$1,000,000 each occurrence and \$2,000,000 annual aggregate.
 - (a) If the CGL coverage contains a general aggregate limit, such general aggregate shall apply separately to each project.
 - (b) CGL coverage shall cover liability arising from premises, operations, independent contractors, products/completed operations, personal and advertising injury and blanket contractual, including injury and to subcontractors' employees.
 - (c) The City of Beacon and its agents, officers, directors and employees shall be included as additional insured. The coverage must be underwritten by an insurance company with at least an A-7 Best rating, as defined by A.M. Best. Coverage for the additional insureds shall apply as primary and noncontributing insurance before any other insurance or self-insurance, including any deductible, maintained by or provided to the additional insureds.
 - (d) The applicant and/or contractor shall maintain CGL coverage for itself and all additional insureds for the duration of the project and maintain completed operations coverage for itself and each additional insured for at least two years after completion of the work.
- (2) Automobile liability: business auto liability with limits of at least \$1,000,000 each accident.
 - (a) Business auto coverage must include coverage for liability arising out of all owned, leased, hired and non-owned automobiles.

- (b) The City of Beacon and its agents, officers, directors and employees shall be included as insured on the auto policy.
 - (3) Workers' compensation and employers liability: employers' liability insurance limits per statutory requirements.
 - (4) The applicant shall not sublet any part of his work without assuming full responsibility for requiring similar insurance from his subcontractors and shall submit satisfactory evidence to that effect to the Highway Department. Each such insurance policy, except the workers' compensation policy, shall include the City of Beacon and its agents, officers, directors and employees as an additional insured.
 - (5) Certificates shall provide that 10 days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the City of Beacon no fewer than 10 days prior to cancellation or renewal.
 - (6) Such insurance shall remain in force through the effective period of the permit and/or any authorized extension or extensions thereof.
- C. The Highway Superintendent, with consent from the City Administrator and for good cause shown, may waive, in writing, any of the insurance requirements set forth above in § 191-21B insofar as it may accept such insurance and/or indemnification documents as it deems appropriate for the premises and the proposed work.
- D. Indemnification and hold harmless. No permit shall be granted until the applicant and/or contractor shall have agreed in writing to defend, indemnify and hold harmless the City of Beacon, its officers, representatives, agents and employees from and against any and all claims, suits, liens, judgments, damages, losses and expenses, including reasonable legal fees and all court costs and liability (including statutory liability) arising in whole or in part and in any manner from injury and/or death of a person or damage to or loss of any property resulting from the acts, omissions, breach or default of the applicant and/or contractor, its officers, directors, agents, employees and subcontractors, in connection with the performance of any work done under or pursuant to such street or sidewalk opening permit.

§191-22. Obstruction of streets and sidewalks.

Any street, lane, road or sidewalk within the City, whether paved or unpaved, improved or unimproved, and any driveway or other means of ingress to or egress from any street, lane, road or sidewalk within the City shall not be blocked or obstructed at any time in order to provide a safe, convenient and passable means of ingress to and egress from the same for all private, public and emergency vehicles of any kind.

§ 191-23. Notice to other persons affected.

- A. If the work to be undertaken by the applicant is such that it will affect the use of properties abutting or adjoining the project, the Highway Superintendent, or his or her designee, shall require the applicant to submit a list of the names and addresses of the owners and/or tenants of such properties.
- B. The applicant shall notify the affected property owners and/or tenants of the proposed work to be done at the time the applicant submits his or her street opening permit application.
- C. If the work to be undertaken by the applicant will affect other subsurface installations in the vicinity of the proposed opening, the applicant shall notify the owners of such facilities of the proposed work at the time the applicant submits his or her street opening permit application.

§ 191-24. Notice to police and fire authorities.

Upon receipt of a street opening permit and prior to the start of any construction, the applicant, shall notify, in writing, the City police and fire authorities that he or she has received a street opening permit. Such notification shall include a copy of the permit, and state the nature of the work to be done, the proposed beginning and completion dates and the location of such project.

§ 191-25. Construction specifications.

The Highway Department shall be notified at all stages of the work for the purpose of inspection. At a minimum, compliance with the City of Beacon specifications and regulations for the making of street openings, backfilling, maintenance, replacement of pavement and curbing shall be acceptable for the performance of said work and shall be performed to the satisfaction of the Highway Superintendent or his or her designee.

§ 191-26. Term of permit.

All work for which a permit has been issued shall be completed prior to the expiration date of the permit. A permit shall be valid for 40 days from the date of issuance. The Highway Superintendent, in his or her discretion, may approve in writing an extension of the permit for good cause shown.

§ 191-27. Pavement Restoration.

- A. All excavations shall be backfilled with materials approved by the Highway Superintendent.

- B. If a new patch is to be made where there is an existing patch, the entire pavement area shall be removed and replaced.
- C. Restoration of pavement shall be the full lane width (from curb to centerline) for trenches not extending beyond the lane. If the trench extends beyond a lane width, then the restoration of pavement shall be from curb to curb. All pavement restoration for the surface course (top course) shall extend a minimum of at least one foot from the edge of trench on all sides, or greater if determined by the Highway Superintendent. . Where no curb exists, the restoration shall extend to the existing pavement limits.
- D. If any excavation for which a permit has been issued hereunder exceeds 25 feet in length running with the road, the applicant shall be responsible for resurfacing the street for the whole lane width. If the excavation extends beyond a single lane, the applicant shall be responsible for resurfacing the street from curb to curb over the entire area. Resurfacing the street shall be in such a manner as required by the Highway Superintendent on a case-by-case basis. Where no curb exists, the resurfacing shall extend to the exiting pavement limits.
- E. If there are multiple patches and the area of disturbance exceeds 20% of the length of a street block multiplied by one foot, then the entire road in the block shall be resurfaced in a manner and with materials required by the Highway Superintendent.
- F. Any work performed within a roadway that has been paved within the past three years will require full curb to curb restoration for the length of work plus a minimum of 20 feet on both sides, exact limits will be set by the Highway Superintendent or his or her designee.
- G. The Highway Superintendent may, in writing, waive the requirements set forth in this section upon good cause shown.

§ 191-28. Replacement of curbing.

Any curbing removed by any person shall be reset or replaced pursuant to the specifications set forth in § **192-22**.

§191-29. Work in City rights-of-way.

No individual, agency, corporation or other entity shall construct any structure or make any alteration to existing structures within any City right-of-way, including the placement of new utility poles or the addition of appurtenances, fixtures, or facilities to existing utility poles, without first having obtained written approval from the Highway Superintendent. This provision shall not apply to routine maintenance of existing structures and/or utility poles in the City rights-of-way. Applicants shall also comply with all other applicable provisions of the City of Beacon Zoning Regulations and any other applicable local laws.

§191-30. Revocation of permit.

- A. The Highway Superintendent shall have the power to revoke a permit issued hereunder whenever he or she shall find that the applicant has refused or failed to comply with any provisions of this article. There shall be no refunds of any application fees provided for any revoked permit.
- B. Written notice of any such violation or condition shall be served upon the applicant or his or her agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof or registered United States mail addressed to the person notified.
- C. The Highway Superintendent may grant an applicant a period of three days, from the date of the notice, to correct a violation and proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the Highway Superintendent, or his or her designee, shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the City shall be recovered from the deposit or bond the applicant has made or filed with the City.

Section 2. Chapter 192, Section 30 of the Code of the City of Beacon entitled “Work in existing city streets” is hereby amended as follows:

§ 192-30 Work in existing city streets.

- A. All work to be performed within an existing City street shall be subject to the approval of the City. The contractor, developer or other such person performing the work shall be required to obtain a street opening permit and pay any and all such fees that may apply in relation to the same.
- B. The contractor or person performing the work shall be required to submit to the City satisfactory evidence of the types of coverage and limits of liability set forth in § 191-21D. Each such insurance policy, except the workers' compensation policy, shall include the City of Beacon and its agents, officers, directors and employees as an additional insured. Certificates shall provide that 30 days' written notice prior to cancellation be given to the City of Beacon. Policies that lapse and/or expire during the term of occupancy shall be recertified and received by the City of Beacon no fewer than 30 days prior to cancellation or renewal.
- C. All work shall be subject to the review of City representatives, and the contractor or person performing the work shall schedule such work as to permit the necessary

reviews and inspections. Where applicable, a fee shall be paid to the City for such reviews and inspections.

- D. All work shall be in accordance with generally accepted and recognized guidelines and the specifications for street opening permit guidelines in effect at the time of the work. This shall include OSHA regulations.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 191 and Chapter 192 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification

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

Section 5. Severability

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

Section 6. Effective Date

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

City of Beacon Workshop Agenda
8/27/2018

Title:

A local law to amend Chapter 223, Section 61.3 of the Code of the City of Beacon concerning Public Notice Signs

Subject:

Background:

ATTACHMENTS:

Description	Type
LL Public Notice Sign	Local Law

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

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

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

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

Section 1. Chapter 223, Section 61.2 entitled “Hearing Notice Requirements, Subsection C of the Code of the City of Beacon is hereby amended as follows:

§ 223-61.2 Hearing notice requirements.

...

C. Public notice signs.

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

PUBLIC NOTICE
A PUBLIC HEARING FOR A [application type] APPLICATION WILL BE
HELD BY THE CITY OF BEACON [City Council, Planning Board, or Zoning
Board of Appeals]
ON [insert date] AT [insert time] P.M.
AT THE CITY OF BEACON CITY HALL,
1 MUNICIPAL PLAZA, BEACON, NY
ADDITIONAL INFORMATION IS AVAILABLE AT THE BEACON
BUILDING DEPARTMENT
(845) 838-5020

- (3) In the event that the applicant shall appear before more than one board, the sign shall be appropriately revised to reflect the time and place of each board's meeting. At least two working days before the public hearing, the applicant shall also submit to the secretary of the applicable board a signed affidavit certifying to the fact and date of said posting.
- (4) The applicant shall, in good faith, maintain the public notice sign in good condition throughout the posting period.
- (5) The applicant shall remove the notification sign within five days of the adoption of any resolution concerning the application.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. 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 6. Effective Date

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

DRAFT

City of Beacon Workshop Agenda
8/27/2018

Title:

A resolution amending the fee schedule concerning driveway permits

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Driveway_fees	Resolution

**CITY COUNCIL
CITY OF BEACON**

**RESOLUTION AMENDING THE FEE SCHEDULE CONCERNING
DRIVEWAY PERMITS**

Resolution No. _____ of 2018

WHEREAS, on _____, 2018 the City Council of the City of Beacon adopted Local ___ of 2018 concerning Driveway Permits; and

WHEREAS, the law states that no person, association, corporation or firm shall establish, build, construct, expand, reconstruct or pave a driveway or parking lot for vehicular traffic, which abuts upon, provides access to or adjoins a City highway or street without having first obtained a written permit; and

WHEREAS, the law requires that an application for a driveway permit be accompanied by a fee, payable to the City of Beacon in the amount set forth in the City of Beacon Fee Schedule for each driveway permit.

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby amends the City of Beacon Fee Schedule to provide as follows:

Permit	Base Fee
Driveway Permit	Residential driveways: (a) Single dwelling (new construction): \$30. (b) Two- to three-lot common driveway (new construction): \$300. (c) Existing driveway (improvements/paving/repaving): \$30. (d) Temporary construction access: \$30. Commercial driveways: (a) Minor commercial driveway (new construction): \$500. (b) Major commercial driveway (new construction): \$800. (c) Minor commercial driveway (improvement/repaving): \$200. (d) Major commercial driveway (improvement/repaving): \$400. (e) Temporary construction access (logging, mining, etc.): \$200.

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

City of Beacon Workshop Agenda
8/27/2018

Title:

A resolution authorizing the City Administrator to apply for New York State Water Infrastructure Improvement Act (WIIA) grant assistance

Subject:

Background:

ATTACHMENTS:

Description

Reso_WIIA

Type

Resolution



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

**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO APPLY FOR
NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT
ASSISTANCE**

BE IT RESOLVED, that the Beacon City Council hereby authorizes the City Administrator, in line with his powers and duties, to sign the requisite Application Form in order to apply for assistance from the New York State Environmental Facilities Corporation (“EFC”) Water Infrastructure Improvement Act (WIIA) Grant to enable repairs to the City’s drinking water system. This project will involve the removal of the existing 1 Million-gallon Fairview Tank and construction of a new 1.5-Million-gallon water storage tank with a larger diameter, in the same vicinity.

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							

City of Beacon Workshop Agenda
8/27/2018

Title:

Use and dimensional tables

Subject:

Background:

ATTACHMENTS:

Description	Type
City planner memo	Cover Memo/Letter
Proposed dimensional table	Backup Material
Zoning dimensional table existing	Backup Material
Zoning Use table draft	Backup Material
Zoning use table existing	Backup Material

To: Mayor Casale and the Beacon City Council
From: John Clarke, City Planner
Date: July 5, 2018
Re: Revised Schedule of Use and Dimensional Tables

Attached are the draft Schedule of Use and Dimensional Tables, making them simpler and easier to understand. The existing table format dates back to the City's first Zoning Law and has been amended so many times that it is very difficult to apply, even by City staff, let alone by the general public.

I have included two versions: a straight translation of the existing standards and a second version with my suggested edits highlighted in red. The use table suggestions primarily focus on changing the PB and OB districts adjacent to Main Street into a transitional business district with a few additional uses. I also suggested multiple changes for the industrial districts. These are for initial discussion purposes, to explore potential amendments to the existing zoning by the City Council. This is a chance to reconsider many of the outdated standards that have been in place since the 1970s.

Once the tables and footnotes are generally acceptable, the rest of the Zoning Code will need to be checked for consistency and cross-references. I have already started to revise the Establishment of Districts section and the Definitions section to pick-up provisions that are now embedded in the tables.

I look forward to a lively discussion on July 9.

Section 223-17, Schedule of Dimensional Regulations (suggested edits in red)

Draft 7.5.18

Zoning District	Minimum Lot Size (see also 223-12 l) Area ^h				Minimum Yard Side ^a				Minimum % Building Separation Same Lot (ft)	Maximum Height Main Building (see 223-13) (stories ft)	Minimum Height (stories ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor Area Ratio	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Total		Rear ^{d,e} (ft)				Multi-Fam	All Other				
						Min. (ft)	of 2 (ft)										
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	–	2.5 35'	1 12'	N.A.	7%	1	–	R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	–	2.5 35'	1 12'	N.A.	10%	1	–	R1-80	
R1-40	40,000	40,000	150'	150'	50' 40'	25'	60'	50'	–	2.5 35'	1 12'	N.A.	15%	1	–	R1-40	
R1-20	20,000	20,000	125'	125'	40' 30'	20'	50'	40'	–	2.5 35'	1 12'	20%	20%	1	–	R1-20	
R1-10	10,000	10,000	85'	100'	35' 25'	15'	40'	35'	–	2.5 35'	1 12'	N.A.	25%	1	–	R1-10	
R1-7.5	7,500	7,500	75'	100'	30' 20'	10'	20'	30'	–	2.5 35'	1 12'	N.A.	30%	1	–	R1-7.5	
R1-5	5,000	5,000	50'	100'	30' 15'	10'	20'	30'	–	2.5 35'	1 12'	N.A.	–	1	–	R1-5	
RD-7.5 ^{d,e}	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3 35'	1 12'	15%	20%	12	–	RD-7.5 ^{d,e}	
RD-6 ^{d,e}	5 2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5 35'	1 12'	15%	20%	16	–	RD-6 ^{d,e}	
RD-5 ^{d,e}	5,000	5,000	50'	100'	30'	10' 20'	20' 40'	25'	30'	3 35'	1 12'	20%	30%	16	–	RD-5 ^{d,e}	
RD-4 ^{d,e}	2 acres	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5 35'	1 12'	20%	25%	20	–	RD-4 ^{d,e}	
RD-3 ^{d,e}	5,000	3,000	50'	100'	30'	10' 20'	20' 40'	25'	30'	2.5 35' 3.5 45'	1 12'	20%	40%	24	–	RD-3 ^{d,e}	
RD-1.8 ^{d,e}	5,000	1,800	50'	100'	30'	10' 20'	20' 40'	25'	30'	10 ^b 100'	1 12'	15%	40%	– ^c	–	RD-1.8 ^{d,e}	
RD-1.7 ^{d,e}	5,000	1,700	50'	100'	30'	10' 20'	20' 40'	25'	30'	4.5 ^f 55 ^f	1 12'	25%	40%	36 ^g	–	RD-1.7 ^{d,e}	
PB	As regulated in the least restrictive adjoining residential district															PB	
QB TB	5,000	5,000	40' 50'	100'	30' 10'	20' 10'	–	25'	–	– 35'	–	–	–	–	1	QB TB	
LB	–	–	–	100'	– 15'	20'	–	25'	–	– 35'	–	–	–	Min Open	2	LB	
GB	–	1,500	–	100'	– 15'	20'	–	25'	–	– 35'	–	–	–	Space	2	GB	
CMS	–	–	–	75'	0-10'	0'	–	25'	–	3 48'	2 –	–	–	10%	–	CMS	Art IV D
L	–	–	–	75'	0-20'	0-30'	–	25'	–	4 48'	2 –	–	–	15%	–	L	Art IV E
FCD	2 acres	3,960	–	–	–	–	–	–	–	3 40'	–	–	35%	30%	–	FCD	Art IV C
WP	1 acre	–	–	–	10'	–	–	–	–	2.5 35'	–	–	20%	–	0.5	WP	Art IV A
WD	5 acres	–	–	–	–	–	–	–	–	See Art IV A	–	–	–	15%	3/2	WD	Art IV A
LI	–	1,500	– 60'	100'	– 20'	20'	–	25'	–	– – 35'	–	–	– 60%	– 20%	2	LI	
HI	–	–	– 60'	100'	– 30'	20'	–	25'	–	– 35' 40'	–	–	– 60%	– 20%	2	HI	

NOTES:

- ~~a~~ If not occupied by a dwelling unit. Notwithstanding the one-story and 15-foot height limitation, a clubhouse in a multifamily project shall not exceed 2 1/2 stories and 35 feet in height. [Amended 2-16-2010 by L.L. No. 2-2010]
- ~~a~~b Except in multifamily developments, a private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ~~c~~ A main building containing two or more dwelling units in an RD-3 District may be erected to a height of 3 1/2 stories or 45 feet, and a main building for a permitted nonresidential use may be erected to a height of five stories or 50 feet, provided that it is set back from any street or adjoining residential property a distance at least equal to its height.
- ~~d~~ But 2,500 square feet per dwelling unit for the first two dwelling units if the average height of main buildings is to be less than six stories, and except that for each one-bedroom or smaller dwelling unit, the required minimum lot area per dwelling unit shall be reduced by 20%, and for each three-bedroom or larger dwelling unit, increased by 20%.
- ~~e~~ But not less than 1/2 the height of the permitted building.
- ~~f~~ A one-family house may be located on a lot meeting all the requirements of, and subject to the standards of, the most restrictive adjoining single-family residence district.
- ~~g~~ Except that any side yard containing a driveway for an apartment development shall be at least as large as a required front yard.
- ~~h~~b But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~c~~i But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~j~~ This maximum may be increased to 20% for multifamily developments having 3,000 square feet or more of a lot area per dwelling unit.
- ~~dk~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~e~~l In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~m~~ Except that any new one-family detached dwelling lot created subsequent to July 11, 1988, shall be required to comply with the minimum size and dimensional requirements of the R1-7.5 District. [Added 7-5-1988]
- ~~fa~~ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~ge~~ And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~p~~ There shall be no parking in the front yard. [Added 10-17-2016 by L.L. No. 11-2016]
- ~~hg~~ For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- ~~i~~ For two-family dwelling units, 2,500 square feet lot area per dwelling unit.
- ~~b~~ Abutting residential districts or where driveway is proposed between building and lot line.
- ~~c~~ First floor area shall be limited to the extent necessary to provide required off-street parking and loading spaces.

Section 223-17, Schedule of Dimensional Standards (Existing)

DRAFT 7.5.18

Zoning District	Minimum Lot Size (see also 223-12 I)				Minimum Yard				Minimum Building Separation Same Lot (feet)	Maximum Height Main Bldg. (see 223-13) (stories-ft.)	Minimum Height Main Building (stories-ft.)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor Area Ratio	Zoning District	Refer Also to These Pertinent Sections	
	Area (sq. ft.)	Area per Unit (sq. ft.)	Width (feet)	Depth (feet)	Front (feet)	Side		Rear (feet)				Multi-Family	All Other					
						Min. (feet)	Total of 2 (feet)											
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	--	2 ½ - 35'	1 - 12'	N. A.	7%	1	--	R1-120		
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	--	2 ½ - 35'	1 - 12'	N. A.	10%	1	--	R1-80		
R1-40	40,000	40,000	150'	150'	50'	25'	60'	50'	--	2 ½ - 35'	1 - 12'	N. A.	15%	1	--	R1-40		
R1-20	20,000	20,000	125'	125'	40'	20'	50'	40'	--	2 ½ - 35'	1 - 12'	20%	20%	1	--	R1-20		
R1-10	10,000	10,000	85'	100'	35'	15'	40'	35'	--	2 ½ - 35'	1 - 12'	N. A.	25%	1	--	R1-10		
R1-7.5	7,500	7,500	75'	100'	30'	10'	20'	30'	--	2 ½ - 35'	1 - 12'	N. A.	30%	1	--	R1-7.5		
R1-5	5,000	5,000	50'	100'	30'	10'	20'	30'	--	2 ½ - 35'	1 - 12'	N. A.	--	1	--	R1-5		
RD-7.5	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70'	3 - 35'	1 - 12'	15%	20%	12	--	RD-7.5		
RD-6	5 acres	6,000	300'	200'	50'	25'	50'	50'	70'	2 ½ - 35'	1 - 12'	15%	20%	16	--	RD-6		
RD-5	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3 - 35'	1 - 12'	20%	30%	16	--	RD-5		
RD-4	2 acres	4,000	200'	200'	40'	20'	40'	40'	70'	2 ½ - 35'	1 - 12'	20%	25%	20	--	RD-4		
RD-3	5,000	3,000	50'	100'	30'	10'	20'	25'	30'	2 ½ - 35'	1 - 12'	20%	40%	24	--	RD-3		
RD-1.8	5,000	1,800	50'	100'	30'	10'	20'	25'	30'	10 - 100'	1 - 12'	15%	40%	--	--	RD-1.8		
RD-1.7	5,000	1,700	50'	100'	30'	10'	20'	25'	30'	4 ½ - 55'	1 - 12'	25%	40%	36	--	RD-1.7		
PB					As regulated in the least restrictive adjoining residential district												PB	
OB	--	--	40'	100'	30'	20'	--	25'	--	-- - 35'	--	--	--	--	1		OB	
LB	--	--	--	100'	--	20'	--	25'	--	-- - 35'	--	--	--	Min. Open Space	2		LB	
GB	--	1,500	--	100'	--	20'	--	25'	--	-- - 35'	--	--	--		2		GB	
CMS				75'	0-10'	0'	--	25'	--	3 - 38'	2 --	--	--	10%	--		CMS	Article IVD
L	--	--	--	75'	0-20'	0-30'	--	25'	--	4 - 48'	2 --	--	--	15%	--		L	Article IVE
FCD	2 acres	3,960	--	--	--	--	--	--	--	3 - 40'	--	35%		30%	--		FCD	Article IVC
WP	1 acre	--	--	--	10'	--	--	--	--	2 ½ - 35'	--	20%		--	0.5		WP	Article IVA
WD	5 acres	--	--	--	--	--	--	--	--	See Art. IVA	--	--		15%	3/2		WD	Article IVA
LI	--	1,500	--	100'	--	20'	--	25'	--	-- - 35'	--	--	--	--	2		LI	
HI	--	--	--	100'	--	20'	--	25'	--	-- - 35'	--	--	--	--	2		HI	

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	R1-x	RD-x	PB	OTB	LB	GB	CMS	L	WD	WP	FCD	LI	HI
Residential														
One-Family Detached Dwelling	Not incl. Mobile Home	P	P	P	P	P	x	P	x	x	x	x	x	x
One Family Attached/Townhouse		x	P	x	xP	P	x	P	P	P	x	P	x	x
Two-Family Dwelling		x	SP	x	x SP	x	x	P	P	x	x	x	x	x
Multifamily Dwelling		x	SP	x	x	x	SP	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-24.3	x	x	x	x SP	SP	SP	P	SP	P	x	P	SP	x
Retail/Office/Service														
Retail Business or Personal Service		x	x	x	x	P	P	P	SP	P	x	x	P	x
Office		x	x	x	P	P	P	P	SP	P	x	P	P	x
Bank or Financial Institution		x	x	x	x	P	P	P	x	x	x	x	P	x
Retail Truck or Trailer	Subject to §223-26.3	x	x	x	x	x	P	P	P	x	SP	x	P	x
Artist Studio as Principal Use		SP	SP	SP	SP	SP	SP	P	P	x	x	P	SP	SP
Funeral Home		x	x	x	x	P	P	P	x	x	x	x	P	x
Art Gallery or Exhibit Space		SP	SP	SP	SP	P	P	P	x	P	x	P	P	P
Auction Gallery		x	x	x	x	x	P	P	x	x	x	x	P	P
Tattoo Parlor	Subject to §223-26.2	x	x	x	x	x	P	P	x	x	x	x	P	x
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	x	SP	SP
Food/Lodging														
Restaurant or Coffee House		x	x	x	SPx	SP	P	P	SP	P	SP	P	x	x
Bar or Brew Pub		x	x	x	x	SP	SP	SP	x	P	x	P	SP	SP
Microbrewery/Microdistillery		x	x	x	x	SP	SP	P	SP	x	x	x	SP	SP
Food Preparation Business		x	x	x	x	x	x	P	SP	x	x	x	x	x
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	SP	SP	SP	P	P	x	SP	P	SP	x
Inn		x	x	x	x	x	x	P	P	P	SP	P	x	x
Hotel	Subject to §223-20	x	x	x	x	x	SP	P	P	P	x	x	SPx	SPx
Social/Community														
Spa/Fitness Center/Exercise Studio		x	x	x	x	x	x	P	x	P	x	P	x	x
Day Care Center		x	x	x	x	x	x	x	x	P	x	P	x	x
Park/Municipal Recreation		P	P	P	P	P	P	P	P	P	P	P	P	x
Park/Preserve, Not-for Profit	With No Admission Fee	SP	SP	SP	SP	SP	SP	P	P	P	P	x	SPx	SPx
Commercial Recreation, Indoor	Subject to §223-24.8	x	x	x	x	x	SP	P	x	x	x	x	SP	SP
Plaza/Green/Community Garden		x	x	x	x	x	x	P	P	P	x	x	x	x
Theater	Not a Drive-In Theater	x	x	x	x	x	P	P	x	x	x	x	P	x
Public Library		SP	SP	SP	SP	P	P	P	x	x	x	x	x	x
Museum		SP	SP	SP	SP	P	P	P	x	SP	x	P	P	x
Performance or Conference Space		x	x	x	x	x	x	P	x	P	x	P	x	x
Place of Worship/Religious Facility		P	P	P	P	P	P	x	x	x	x	x	P	x
Club, Social or Athletic	Subject to §223-24.2	SP	SP	SP	SP	SP	SP	SP	x	x	x	x	SP	x
City of Beacon Municipal Use		P	P	P	P	P	P	P	P	P	x	x	P	P
Firehouse/Ambulance Service		SP	SP	SP	SP	SP	SP	x	x	x	x	x	SP	SP

x = Prohibited Use
P = Permitted Use
SP = Special Permit Use

For Specific Standards See -->

Article IVD Article IVE Article IVA Article IVA Article IVC

7.5.18 DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	R1-x	RD-x	PB	OTB	LB	GB	CMS	L	WD	WP	FCD	LI	HI
Healthcare														
Hospital	Subject to §223-21.1	SP	SP	SP	SP	SP	x	x	x	x	x	x	x	x
Nursing Home	Subject to §223-22	SP	SP	SP	SP	SP	x	x	x	x	x	x	x	x
Educational														
College or University		x	x	*	x	x	SP	P	x	x	x	x	SP	SP x
Public School		P	P	P	P	P	x	P	x	x	x	x	x	x
Trade School or Training Program		x	x	*	x SP	x	SP	P	x	x	x	x	SP	SP
Private or Nursery School		SP	SP	SP	SP	SP	x	P	x	x	x	x	SP	SP x
Parking/Auto-Oriented														
Off-Street Parking as Principal Use	Subject to §223-26	SP x	SP x	SP	P SP	P	P	P	x	x	x	x	P	P
Public Garage, Parking Only	Subject to Article IVD	x	x	*	x	x	x	P	x	x	x	x	x	x
Public Garage with Repairs	Subject to Ch. 210/Art.IVD	x	x	*	x	x	x	SP	x	x	x	x	x SP	x SP
Vehicle Sales or Rentals	Subject to Chapter 210	x	x	*	x	x	x SP	x	x	x	x	x	x SP	x SP
Gasoline Filling Station	Subject to Chapter 210	x	x	*	x	SP	SP	x	x	x	x	x	x SP	x SP x
Automatic Car Wash	Subject to §223-21	x	x	*	x	x	SP	x	x	x	x	x	x SP	x SP x
Gas Station and Car Wash	Subject to Ch.210/§223-21	x	x	*	x	x	SP	x	x	x	x	x	x SP	x SP x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	*	x	x	SP	x	x	x	x	x	SP	SP
Industrial or Assembly														
Wholesale or Storage Business		x	x	*	x	x	P	x	x	x	x	x	x SP	P
Workshop		x	x	*	x SP	x	P	P	x	x	x	P	P	P
Industrial/Manufacturing Use		x	x	*	x	x	x	x	SP	x	x	P	P	P
Other														
Wireless Communication	Subject to §223-24.5	SP	SP	SP	SP	SP	SP	P	P	x	x	x	SP	SP
Farm	No Fur-Bearing Animals	P	P	P	P x	P	x	x	x	x	x	x	x	x
Horticultural Nursery		SP	SP	SP	SP	SP	SP	x	x	x	x	x	SP	SP
Historic District Overlay Use	Subject to §223-24.7	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Ski Facility (Mt. Beacon)		SP	*	*	*	*	*	*	*	*	*	*	*	*
Accessory Uses														
Customary Acc. to Permitted Use		P	P	P	P	P	P	P	P	x	P	P	P	P
Accessory Apartment	Subject to §223-24.1	SP	SP	*	x SP	x	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Not in the Front Yard	P	P	*	x P	x	x	x	x	x	x	x	x	x
Outdoor Storage of Materials		x	x	*	x	x	P	x	x	x	x	x	x SP	P
Home Office	Subject to §223-17.1	P	P	*	x P	x	x	x	x	x	x	x	x	x
Home Occupation	Subject to §223-17.1	P	P	*	x P	x	x	P	P	x	x	x	x	x
Roof Garden or Greenhouse		P	P	*	x P	x P	x P	P	P	P	x P	x P	x P	x P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P	P
Artist Studio as Accessory Use	Subject to §223-24.6	SP	SP	*	x P	x	x	x	x	x	x	x	x SP	x SP

x = Prohibited Use
P = Permitted Use
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For Specific
Standards See -->

Article Article Article Article Article
IVD IVE IVA IVA IVC

7.5.18 DRAFT

Section 223-17, City of Beacon Schedule of Use Regulations

Permitted Uses by District	Reference Sections	R1-x	RD-x	PB	OB	LB	CB	GB	CMS	L	WD	WP	FCD	LI	HI
Residential															
Single-Family Detached		P	P	P	P	P	x	x	P	x	x	x	x	x	x
Single-Family Semi/Attached		P	P	P	P	P	x	x	P	P	P	x	P	x	x
Two-Family		x	SP	x	x	x	x	x	P	P	x	x	x	x	x
Multifamily		x	SP	x	x	x	SP	SP	P	P	P	x	P	x	x
Artist Live/Work Space	223-24.3	x	x	x	x	SP	SP	SP	P	SP	P	x	P	SP	x
Retail/Office/Service															
Retail Business or Personal Service		x	x	x	x	P	P	P	P	SP	P	x	x	P	P
Office		x	x	x	P	P	P	P	P	SP	P	x	P	P	P
Bank or Financial Institution		x	x	x	P	P	P	P	P	x	x	x	x	P	P
Retail Truck or Trailer	223-26.3	x	x	x	x	x	P	P	P	P	x	SP	x	P	P
Artist Studio as Principal Use		SP	SP	SP	SP	SP	SP	SP	P	P	x	x	P	SP	SP
Funeral Service		x	x	x	x	P	P	P	P	x	x	x	x	P	P
Art Gallery or Exhibit Space		SP	SP	SP	SP	P	P	P	P	x	P	x	P	P	P
Auction Gallery		x	x	x	x	x	P	P	P	x	x	x	x	P	P
Tattoo Parlor	223-26.2	x	x	x	x	x	P	P	P	x	x	x	x	P	P
Adult Use	223-20.1	x	x	x	x	x	x	x	x	x	x	x	x	SP	SP
Cigar/Smoking Establishment		x	x	x	x	x	x	x	SP	x	x	x	x	x	x
Food/Lodging															
Restaurant or Coffee House		x	x	x	SP	SP	P	P	P	SP	P	SP	P	P	P
Bar or Brew Pub		x	x	x	x	SP	SP	SP	SP	x	P	x	P	SP	SP
Microbrewery/Microdistillery		x	x	x	x	SP	SP	SP	P	SP	x	x	x	SP	SP
Food Preparation Business		x	x	x	x	x	x	x	P	SP	x	x	x	x	x
Bed and Breakfast	223-24.4	SP	SP	SP	SP	SP	SP	SP	P	P	x	SP	P	SP	SP
Inn		x	x	x	x	x	x	x	P	P	P	SP	P	x	x
Hotel	223-20	x	x	x	x	x	SP	SP	P	P	P	x	x	SP	SP
Social/Community															
Spa/Fitness Center/Exercise Studio		x	x	x	x	x	x	x	P	x	P	x	P	x	x
Day Care Center		x	x	x	x	x	x	x	x	x	P	x	P	x	x
Park/Preserve/Public Recreation		SP	SP	SP	SP	SP	SP	SP	P	P	P	P	x	SP	SP
Commercial Recreation	223-24.8	x	x	x	x	x	SP	SP	P	x	x	x	x	SP	SP
Plaza/Green/Community Garden		x	x	x	x	x	x	x	P	P	P	x	x	x	x
Theater		x	x	x	x	x	P	P	P	x	x	x	x	P	P
Public Library		SP	SP	SP	SP	P	P	P	P	x	x	x	x	P	P
Museum		SP	SP	SP	SP	P	P	P	P	x	SP	x	P	P	SP
Performance or Conference Space		x	x	x	x	x	x	x	P	x	P	x	P	x	x
Place of Worship/Religious Facility		P	P	P	P	P	P	P	x	x	x	x	x	P	P
Club, Social or Athletic	223-24.2	SP	SP	SP	SP	SP	SP	SP	SP	x	x	x	x	SP	SP
City of Beacon Public Uses		P	P	P	P	P	P	P	P	P	P	x	x	P	P
Fire/Ambulance Facility, Nonprofit		SP	SP	SP	SP	SP	SP	SP	x	x	x	x	x	SP	SP
Healthcare															
Hospital or Outpatient Clinic	223-21.1	SP	SP	SP	SP	SP	x	x	x	x	x	x	x	x	x
Nursing Home	223-22	SP	SP	SP	SP	SP	x	x	x	x	x	x	x	x	x

x = Prohibited Use
P = Permitted Use

For Specific Standards See>

Article IVD Article IVE Article IVA Article IVA Article IVC

DRAFT 7.5.18

Section 223-17, City of Beacon Schedule of Use Regulations

Permitted Uses by District	Reference Sections	R1-x	RD-x	PB	OB	LB	CB	GB	CMS	L	WD	WP	FCD	LI	HI
SP = Special Permit Use															
Educational															
College or University		x	x	x	x	x	SP	SP	P	x	x	x	x	SP	SP
Public School		P	P	P	P	P	x	x	P	x	x	x	x	x	x
Trade School or Training Program		x	x	x	x	x	SP	SP	P	x	x	x	x	SP	SP
Private or Nursery School		SP	SP	SP	SP	SP	SP	SP	P	x	x	x	x	SP	SP
Parking/Auto-Oriented															
Off-Street Parking as Principal Use	223-26	SP	SP	SP	P	P	P	P	P	x	x	x	x	P	P
Public Garage without Repairs		x	x	x	x	x	x	x	P	x	x	x	x	x	x
Public Garage with Repairs		x	x	x	x	x	x	x	SP	x	x	x	x	x	x
Auto Sales and Repair		x	x	x	x	x	x	x	x	x	x	x	x	x	x
Gas Station	223-24	x	x	x	x	SP	SP	SP	x	x	x	x	x	x	SP
Automatic Car Wash	223-21	x	x	x	x	x	SP	SP	x	x	x	x	x	x	SP
Gas Station and Car Wash	223-24; 223-21	x	x	x	x	x	x	SP	x	x	x	x	x	x	SP
Auto Body or Repair Shop		x	x	x	x	x	x	SP	x	x	x	x	x	SP	SP
Industrial or Assembly															
Wholesale or Storage		x	x	x	x	x	x	P	x	x	x	x	x	SP	P
Workshop, Artisan or Craft		x	x	x	x	x	x	P	P	x	x	x	P	P	P
Industrial/Manufacturing Use		x	x	x	x	x	x	x	x	SP	x	x	P	P	P
Other															
Wireless Communication	223-24.5	SP	SP	SP	SP	SP	SP	SP	P	P	x	x	x	SP	SP
Farm		P	P	P	P	P	x	x	x	x	x	x	x	x	x
Horticultural Nursery		SP	SP	SP	SP	SP	SP	SP	x	x	x	x	x	SP	SP
Other Similar Use per City Council		x	x	x	x	x	x	x	x	x	SP	x	P	x	x
Historic District Overlay Use	223-24.7	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
River-Related Facilities	223-41.3	x	x	x	x	x	x	x	x	x	x	SP	x	x	x
Ski Facility (Mt. Beacon)		SP	x	x	x	x	x	x	x	x	x	x	x	x	x
Accessory Uses															
Customary Acc. to Permitted Use		P	P	P	P	P	P	P	P	P	x	P	P	P	P
Accessory Apartment	223-24.1	SP	SP	x	x	x	x	x	x	x	x	x	x	x	x
Private Garage/Tennis Court/Pool		P	P	x	x	x	x	x	x	x	x	x	x	x	x
Outdoor Storage of Materials		x	x	x	x	x	x	P	x	x	x	x	x	x	P
Garden or Nursery		P	P	x	x	x	x	x	x	x	x	x	x	x	x
Exterior Lighting	223-14B	x	x	x	P	P	P	P	P	P	x	x	x	P	P
Sign	223-15	P	P	x	P	P	P	P	P	P	x	x	x	P	P
Home Office	223-17.1	P	P	x	x	x	x	x	x	x	x	x	x	x	x
Home Occupation		P	P	x	x	x	x	x	P	P	x	x	x	x	x
Roof Garden or Greenhouse		P	P	x	x	x	x	x	P	P	P	x	x	x	x
Solar Collectors	Article X	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking as Accessory Use	223-26	P	P	x	P	P	P	P	P	P	P	P	P	P	P
Artist Studio as Accessory Use	223-24.6	SP	SP	x	x	x	x	x	x	x	x	x	x	x	x

x = Prohibited Use
P = Permitted Use
SP = Special Permit Use

For Specific
Standards See>

Article Article Article Article Article
IVD IVE IVA IVA IVC

DRAFT
7.5.18

Section 223-17, City of Beacon Schedule of Use Regulations

Permitted Uses by District	Reference Sections	<u>R1-x</u>	<u>RD-x</u>	<u>PB</u>	<u>OB</u>	<u>LB</u>	<u>CB</u>	<u>GB</u>	<u>CMS</u>	<u>L</u>	<u>WD</u>	<u>WP</u>	<u>FCD</u>	<u>LI</u>	<u>HI</u>
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City of Beacon Workshop Agenda
8/27/2018

Title:

Consideration of Resolution regarding USACE Coastal Storm Risk Management Feasibility Study

Subject:

Background:

ATTACHMENTS:

Description	Type
Storm surge sample lang	Backup Material
Storm barriers fact sheet	Backup Material



Sample Resolution Language: Storm Surge Proposal

URGING, We, as representatives of [insert name of municipality] in [county] urge Basil Seggos, Commissioner, New York State Department of Environmental Conservation (NYSDEC), Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers (USACE) and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers to request an extension of the scoping comment period with additional public information and scoping meetings, for the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study; and to complete specific studies prior to the winnowing of proposed alternatives.

WHEREAS, The U.S. Army Corps of Engineers (USACE) initiated the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to develop and implement measures to reduce the risk of coastal storm damage to communities, critical infrastructure, and important societal resources.

WHEREAS, USACE has proposed six alternatives:

- **Alternative 1:** “No Action,” meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.
- **Alternative 2:** Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge (*see map at right*).
- **Alternative 3A:** Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.
- **Alternative 3B:** Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.
- **Alternative 4:** Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.

- **Alternative 5:** Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative

WHEREAS, USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending September 20, to consider the “scope” of issues it should study in that preliminary environmental review.

WHEREAS, This short time frame and limited number of meetings is inadequate given the enormous scale of the project.

WHEREAS, Several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

WHEREAS, In-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

WHEREAS, Deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk. In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

WHEREAS, USACE estimates \$30 billion to \$50 billion to build the in-water barriers in Alternative 2, with annual maintenance likely costing billions, without even addressing sea level rise.

WHEREAS, Alternative 5 — shoreline and nature-based measures (dunes, dikes, floodwalls, and levees) — is estimated at \$2 billion to \$4 billion. It is the only alternative that addresses both storm surge and sea level rise, while leaving the river to flow freely.

WHEREAS, The economy and culture of the Hudson River Valley is intimately tied to the health of the Hudson River, including the migrations of its signature fish. Tourism generates more than \$5.3 billion annually.

WHEREAS, Non-federal sponsors of the study include New York State, represented by the NYSDEC and New Jersey, represented by the NJ Department of Environmental Protection. **NY and NJ thereby have the authority to withdraw from the study or to reject any construction alternative.**

NOW THEREFORE BE IT RESOLVED, That we, the elected representatives of [insert name of municipality] in [county] in the Hudson Valley, cannot comment effectively, as is our legal right, without detailed information and data on the social, economic and environmental impacts of each alternative. The PowerPoint slides and the fact sheet provided to the public to date are completely inadequate. The Army Corps needs to publish comprehensive information about all the alternatives being considered, including the environmental impacts on the Hudson and the Harbor and to share with the public the complete list of existing studies it will consult in the preliminary assessments of the projects; and

BE IT FURTHER RESOLVED, The meetings recently posted were too few, announced too late, and were not advertised so that the public would actually be aware. The Army Corps and the other involved agencies need to provide numerous, comprehensive and well advertised public meetings throughout the affected area, which includes Long Island Sound, New York Harbor, New Jersey coastal waters and the Hudson to Troy.

BE IT FURTHER RESOLVED, The short comment period, for a proposal with consequences that could last centuries, or millennia, is unacceptable. By contrast, the U.S. Coast Guard, in seeking public feedback on designating new anchorage grounds on the Hudson, initially offered a three-month comment period on an “advance notice of public rulemaking,” then extended that by an additional three months, which allowed members of the public time to become informed and voice their opinions. Therefore, we request an extension of the scoping comment period to at least 90 days.

BE IT FURTHER RESOLVED, Only one of the alternatives is even acceptable so far. Alternative 5, described as “Perimeter Only,” is the only acceptable alternative the U.S. Army Corps has presented to date. Only “shoreline-based measures” should be employed. Our protection would rely on shoreline-based floodwalls and levees, including beaches, dunes and waterfront parks, combined with reimagined land use from some low lying areas. It would protect our low-lying communities from both storm surge and flooding from rain storms, while leaving our rivers free to flow and thrive.

BE IT FURTHER RESOLVED, In its cost-benefit analysis of the current array of alternatives, the USACE should include an evaluation of the value of ecosystem services; and the cost of shoreline measures that are essential to protect against flooding from sea level rise, even for alternatives that include harbor wide barriers.

BE IT FURTHER RESOLVED, The full range of impacts must be considered before the six alternatives are narrowed. Before any alternative is eliminated from consideration, the potential impacts of each alternative should be studied in relation to the following:

- Tidal range / regime and flow velocity.
- Migration of all native fish species.

- Abundance of all native and currently existing fish species.
- Abundance and distribution of all mollusk species throughout the study area.
- Current and potential commercial and recreational fisheries.
- Endangered, threatened and special-concern fish and wildlife species (both federally and state designated) in the New York Bight and in the Hackensack River, Passaic River, Raritan River, Meadowlands, Jamaica Bay and Long Island Sound.
- Vegetation (subaquatic and intertidal).
- Birds.
- Habitat for fish, birds and other wildlife.
- Sedimentation rates, scour and elevation in the rivers, bays and harbor.
- Changes in contamination levels both in the water and in river and harbor sediments.
- Rate at which PCBs and other contaminants will be transported from the rivers and harbor to the sea.
- Water quality in the harbor, rivers and bays.
- Dissolved oxygen levels throughout the study area.
- Salinity throughout the study area.
- Water temperature throughout the study area.
- Nutrient concentrations throughout the study area.
- Frequency of algae blooms throughout the study area.
- The degree and cost of wastewater treatment required to comply with the Clean Water Act, in light of reduced tidal exchange / flushing.
- Induced coastal flooding or deflection of storm surge to areas adjacent to any barrier alternatives.
- Back-flooding inland of any barriers due to heavy rain events.
- Commercial shipping.
- Recreational boating.
- Cost to state taxpayers for future operation and maintenance of ship and tide gates in any barriers.

Respectfully,
[signatures]

For more information

Storm surge barriers threaten the very life of the Hudson River

The U.S. Army Corps of Engineers is considering several options for coastal storm protections in our region, and some of these options would have catastrophic consequences for the Hudson and New York Harbor. Specifically, storm surge barriers – giant ocean gates – would choke off tidal flow and the migration of fish – damaging the life of the Hudson River Estuary forever.

This is a critical time to speak out and prevent a short-sighted decision.

In response to Superstorm Sandy, the U.S. Army Corps of Engineers (USACE) initiated **the NY/NJ Harbor & Tributaries (NYNJHAT) Coastal Storm Risk Management Feasibility Study**, affecting more than 2,150 square miles, 25 NY and NJ counties and 16 million people. Communities along the shorelines of NYC, Long Island, NY Harbor, northern NJ, the Hudson River up to Troy, and western Connecticut are affected. The goal is to reduce the risk of coastal storm damage to communities and critical infrastructure. The Corps has offered six alternative conceptual designs:

Alternative 1: “No Action,” meaning no new action by the Corps. Instead the region would move forward with numerous existing flood control projects already in the works.

Alternative 2: Build two in-water barriers, from Sandy Hook to Breezy Point (5 miles) and across Long Island Sound near Throgs Neck Bridge (*see map at right*).

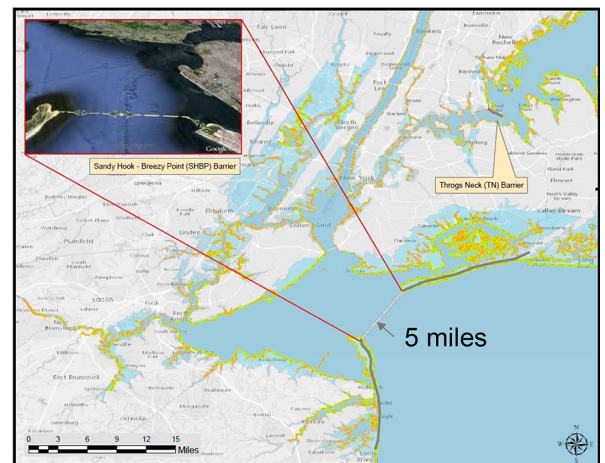
Alternative 3A: Build in-water barriers in the Arthur Kill, Jamaica Bay, Verrazano Narrows, Pelham Bay, and Throgs Neck, and a levee or berm system along Brighton Beach and the Rockaways.

Alternative 3B: Build in-water barriers in the Arthur Kill, Kill Van Kull, the Gowanus Canal, Pelham Bay, Throgs Neck, Newtown Creek, and Jamaica Bay. Build a levee and berm system and shoreline measures in East Harlem, the NJ upper bay and Hudson River, and the West Side of Manhattan.

Alternative 4: Build in-water barriers in Pelham Bay, Jamaica Bay, Newtown Creek, the Gowanus Canal, and the Hackensack River. Build shoreline measures in East Harlem, the NJ Upper Bay and Hudson River, and the West Side of Manhattan.

Alternative 5: Build only shoreline measures along the perimeter of coastal locations (dunes, berms and levees). Note that these shoreline protections are in addition to the wide array of shoreline flood control projects already planned or under way which are shown in Alternative 1.

Several of these plans – specifically, the ones including giant in-water barriers throughout NY Harbor (Alternatives 2, 3A, 3B & 4) – threaten the very existence of the Hudson as a living river. These in-water barriers would disrupt the migrations of the river’s iconic species (striped bass, Atlantic



sturgeon, herring, shad, eel) and restrict tidal exchange, essential in numerous ways: from moving sediment and flushing contaminants from the Harbor, to regulating nutrient distribution and adequate dissolved oxygen.

In-water barriers would not protect against flooding from sea-level rise – only from storms. With gates that must be open for ships to pass, the in-water barriers would do nothing against sea-level rise. By contrast, shoreline measures (Alternatives 5 and 1 combined) can protect against flooding from both storms and sea level rise, and can be more easily heightened as projections evolve.

Deflection or induced flooding in nearby unprotected shorelines may be a fatal flaw to these alternatives. Areas such as the Jersey shore, the south shore of Long Island, western Long Island Sound, and the Lower Bay of New York Harbor would be at risk.

Back flooding: In-water barriers could hold back rainstorm flood waters, as we experienced during storms like Irene and Lee in 2011, from leaving the Hudson. This could cause fresh water flooding inland of the barriers.

Potential costs: USACE estimates \$30 billion to \$50 billion to build Alternative 2 in-water barriers, with annual maintenance likely costing billions, without addressing flooding from sea level rise. Alternative 5 (shoreline measures like dunes, dikes, floodwalls, and levees) is estimated at \$2 billion to \$4 billion and addresses both storm surge and sea level rise, while leaving the river to flow freely.

What is the status of the study? USACE intends to narrow the six options down to one or two by this fall (2018). The one or two “tentatively selected plan(s)” will be the subject of a Draft Feasibility Report and Environmental Impact Statement this fall. USACE has opened a public comment period, ending September 20, to consider the “scope” of issues it should study in that preliminary environmental review. This short time frame and limited number of meetings is inadequate given the enormous scale of the project.

Non-federal sponsors of the study include New York State, represented by the NYS Department of Environmental Conservation (DEC) and New Jersey, represented by the NJ Department of Environmental Protection. **NY and NJ may reject any construction alternative.**

Elected officials can take action and make a difference:

1. Send a letter to Basil Seggos, Commissioner, NYSDEC; Bryce Wisemiller, NY District Project Manager, U.S. Army Corps of Engineers; and Nancy J. Brighton, Chief, Watershed Section, Environmental Analysis Branch, Planning Division, U.S. Army Corps of Engineers:
 - a. Insist that any coastal protection project address the risk of flooding from both storm surge and long term sea level rise.
 - b. Request more information for the public, including the studies the USACE is using to evaluate alternatives.
 - c. Request additional public scoping meetings across New York City, Long Island, and throughout the Hudson Valley.
2. Submit comments, and urge your constituents to do the same, to USACE (NYNJHarbor.TribStudy@usace.army.mil) by September 20. (See template at link below.)
3. Adopt a municipal resolution. (See model language at link below.)

Riverkeeper information page: Riverkeeper.org/barriers

Contact: Rebecca Martin, rmartin@riverkeeper.org, 845.750.7295

**City of Beacon Workshop Agenda
8/27/2018**

Title:

Executive Session: Real Estate

Subject:

Background:

ATTACHMENTS:

Description	Type
Exec session_8/27	Cover Memo/Letter