



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
October 29, 2018
7:00 PM**

Workshop Agenda Items:

1. Building Department Budget Presentation
2. Fire Department Budget Presentation
3. Police Department Budget Presentation
4. Sign Ordinance
5. A resolution to support the Dutchess County Local Law encouraging the use of reusable bags via the implementation of a surcharge on carryout disposable bags
6. 248 Tioronda Ave
7. Shared Services Agreement
8. Noise Consultant
9. Budget Amendments

**City of Beacon Workshop Agenda
10/29/2018**

Title:

Building Department Budget Presentation

Subject:

Background:

City of Beacon Workshop Agenda
10/29/2018

Title:

Fire Department Budget Presentation

Subject:

Background:

**City of Beacon Workshop Agenda
10/29/2018**

Title:

Police Department Budget Presentation

Subject:

Background:

**City of Beacon Workshop Agenda
10/29/2018**

Title:

Sign Ordinance

Subject:

Background:

ATTACHMENTS:

Description	Type
Beacon Signs LL	Local Law
Beacon Signs Comparison	Backup Material
Chart for sign local law	Backup Material

DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO
DELETE CHAPTER 183 AND AMEND
CHAPTER 223 SECTIONS 15 AND 63 OF THE
CODE OF THE CITY OF BEACON

A LOCAL LAW to deleted Chapter 183 entitled “Signs” and to amend Chapter 223 Sections 15 and 63 of Code of the City of Beacon, concerning sign regulations in the City of Beacon.

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

Section 1. Chapter 183 of the Code of the City of Beacon entitled “Signs” is hereby deleted in its entirety.

Section 2. Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. A sign for the purposes of this section does not include works of art, including murals or other works of art, approved by the Planning Board.

~~Any structure or part thereof, or any device attached thereto or painted thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, work, model, banner, emblem, light, device, trademark or other representation used as an announcement, designation, direction, display or advertisement of any person, firm, group, organization, commodity, service, profession or enterprise when placed in such~~

~~manner that it provides visual communication to the general public out of doors, but not including the following:~~

- ~~A. Signs maintained or required to be maintained by law or governmental order.~~
- ~~B. The flag or insignia of any government or governmental agency.~~
- ~~C. The flag of any civic, political, charitable, religious, fraternal or similar organization, which is hung on a flagpole or mast.~~
- ~~D. Religious or other seasonal holiday decorations which do not contain commercial lettering, wording, designs, symbols or other devices.~~

SIGN AREA

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

SIGN, AWNING

Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

SIGN, BANNER

Any sign constructed of fabric or other flexible material. Pennants and flags are considered banner signs.

SIGN, BILLBOARD

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

SIGN, FREESTANDING

Any sign independent of any building but permanently affixed, by any other means, to the ground.

SIGN, LAWN

Temporary freestanding signs placed or inserted on the ground.

SIGN, PROJECTING

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

SIGN, ROOF

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

SIGN, SANDWICH BOARD

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

SIGN, TEMPORARY

A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than 30 days in a 60 day period.

SIGN, WALL

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

SIGN, WINDOW

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

Section 3. Chapter 223, Section 15 of the Code of the City of Beacon entitled “Signs” is hereby amended as follows:

§ 223-15 Signs.

A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City.

B. Objectives. These regulations also serve to achieve the following objectives:

- (1) Ensure right to free speech as protected under the Constitution;
- (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- (3) Provide structures and uses with effective means of identification while

reducing visual clutter through the prevention of excessive and confusing sign displays;

- (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- (5) Minimize the adverse effect of signs on nearby public and private property;
- (6) Avoid personal injury and property damage from unsafe or confusing signs; and
- (7) Establish a clear and impartial process for those seeking to install signs.

C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Permit required.

- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the City Clerk. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
- (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
- (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

~~A. Relationship to a permitted use. All signs must pertain to a use conducted on the same property on which they are located.~~

~~B. Signs in residence districts. In residence districts, the following signs are hereby authorized:~~

- ~~(1) One identification sign stating the name and address of the resident or property or the number of the lot, not exceeding one square foot in area.~~
- ~~(2) One identification sign announcing any profession or occupation permitted as an accessory use on the lot, not exceeding one square foot of area.~~

- ~~(3) For other permitted uses, one sign at each street frontage where the use has an access drive, provided that the total area of such sign does not exceed 50 square feet.~~
- ~~(4) Temporary signs in accordance with Subsection F below.~~
- ~~(5)(1) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~

E. Prohibited Signs.

- ~~(1) Signs that contain words or pictures of an obscene or pornographic nature.~~
- ~~(2) Signs that emit audible sounds, odor or visible matter.~~
- ~~(3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.~~
- ~~(4) Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.~~
- ~~(5) Signs with mirrors or any other reflective material.~~
- ~~(6) Roof signs.~~
- ~~(7) Billboards.~~
- ~~(8) Signs that are mechanically, digitally or electronically animated.~~
- ~~(9) Inflated signs, wind-animated banners, tethered balloons, and projected images.~~

F. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

- ~~(1) Any official sign, public notice, or warning sign prescribed by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the~~

- size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) Identification signs stating the name and address of the resident or property or the number of the lot, not exceeding two square feet in area.
 - (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
 - (4) Temporary nonilluminated window signs in non-residential uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.
 - (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
 - (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
 - (7) Flags of any nation or state, and seasonal flags shall not require a sign permit. Flags shall not exceed 20 square feet.
 - (8) Historical markers, monuments or signs as approved by local, state or federal authorities.
 - (9) One nameplate not exceeding two square feet for customary home occupations.
 - (10) Lawn signs on any lot without a permit provided that the sign does not exceed three feet in height and three square feet in area. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than 30 days in a 60 day period.

(11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

C.G. Sign regulations in ~~residence~~ all districts.

- (1) ~~Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.-
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, except by means of a neon-type electric material, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way ~~and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located.~~ Notwithstanding the above, neon, ~~LCD-fluorescent~~ and LED signs shall not be permitted for any residential use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused downward from above, shall create no direct glare and shall light only the sign area.
- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

H. Signs for residential uses.

- (1) The aggregate sign area of all signs, including signs permitted under § 223-15G(10), on any lot shall not exceed 16 square feet.
- (2) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display freestanding identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. Such sign shall maintain at least a five foot setback from all property lines.

D.I. Signs ~~in for nonresidence districts~~ nonresidential uses. ~~In nonresidence districts,~~
~~†~~The following signs are hereby permitted for nonresidential uses; ~~authorized~~:

- (1) 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:
 - (a) ~~_____~~ The aggregate area of each ~~such~~ sign shall not exceed one square foot for each linear foot of building facing the street.
 - ~~(a)(b) _____~~ The aggregate area of all signs, including signs permitted under §§ 223-15G(3), 223-15G(4), and 223-15G(10), on any lot shall not exceed two square feet for each linear foot of a building facing the street.
 - ~~(b)(c) _____~~ ~~No such sign shall exceed two feet in height, except that a~~ vertical projecting wall sign shall not exceed eight feet in height ~~or ten square feet. 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.~~
 - ~~(e)(d) _____~~ 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 wall sign extend more than six inches ~~from the building into any required yard.~~
 - ~~(d) _____~~ ~~No sign shall face an abutting residential zoning district if located within 50 feet of such district.~~
 - (e) ~~Vertical p~~rojecting wall signs shall not have more than two faces.
 - (f) The exterior edge of a ~~vertical~~ projecting wall sign shall not extend more than ~~five six~~ feet from the outer wall of the structure ~~or 1/3 the width of the sidewalk, whichever is less.~~
 - (g) 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.
- (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that:
 - (a) The building is set back ~~not less than~~ at least 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area.
 - (b) The building is set back ~~not less than~~ at least 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.
 - (c) ~~No dimension shall exceed 12 feet. The top of the sign shall be no~~

higher than 16 feet off the ground.

- (3) Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.
- (4) Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.
- (5) Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow.
- ~~(3)(6) 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 E(1) above.~~
- ~~(4)(7) In addition to other permitted signs, necessary small directional signs are permitted on access roads and parking areas, provided that the area of each sign shall not exceed two square feet.~~
- ~~(5)(8) Interior signs displayed through windows shall not require a permit under this section, and said signs shall not count toward maximum number of signs affixed to a building per establishment. However, interior window signs affixed to or placed so as to be visible through a window shall be limited to the windows of the structure within which the permitted use is situated, facing the principal street giving access to such structure. The total amount of signage shall not exceed 30% of the total glass area. All signs shall be maintained in a legible, neat and orderly fashion.~~
- ~~(6) Temporary signs in accordance with Subsection F below.~~

J. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning Board pursuant to § 134-6.

E.K. Temporary signs.

- (1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G. No more than one temporary sign may be permitted per lot or used at any given time.
- (2) Requirements. Any proposed temporary sign shall conform to the following:
 - (a) Such sign shall not exceed four feet in height and 32 square feet in area for any non-residential use.

- ~~(b) Such sign shall not exceed four feet in height and 16 square feet in area for any residential use.~~
 - ~~(c) Such sign shall not be displayed for more than 30 consecutive days in a 60 day period.~~
 - ~~(d) Such sign shall not be illuminated.~~
 - ~~(e) Such sign shall maintain at least a five foot setback from all property lines.~~
 - ~~(f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(3) Banners or Pennants. Banners or pennants shall be permitted as temporary signs and shall be subject to the provisions set forth above.~~
- ~~(i.) A temporary sign is a nonilluminated sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, such as signs displayed during campaigns, drives or events of civic, political, philanthropic, educational or religious institutions. If such sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary." Unless otherwise provided in this section, signs shall not be considered temporary if they are effectively displayed on an ongoing basis, interrupted by short intervals when they are not displayed. Temporary signs shall not require a permit under this section, unless located in the public right-of-way or on public property.~~
- ~~(2) Temporary signs must be removed by the individual or organization which posted, or caused to be posted, such temporary signs within seven calendar days after the event for which they are displayed, unless otherwise provided in this section.~~
- ~~(3) No temporary sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(4) The following temporary signs shall be permitted in all districts, unless otherwise provided in this section:~~
- ~~(a) Not more than one temporary sign for each street frontage of the lot, identifying the architect, engineer and/or contractor, and not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, shall be permitted during the course of construction only.~~

- ~~(b) — One "for sale" or one "to let" sign not exceeding six square feet in area for a single lot, or 50 square feet in area for a real estate subdivision, and set back at least 15 feet along the frontage of the street upon which the property is located. A "sold" sign shall not be displayed for more than 30 calendar days.~~
- ~~(c) — Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is taking place on the lot where the sign is located, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts, and limited to one sign for each street frontage of the lot. The sign shall not be posted sooner than two weeks prior to the special event and shall be removed by the individual or organization which posted, or caused to be posted, such sign within three calendar days following the special event.~~
- ~~(d) — Sidewalk signs with no more than two faces, including but not limited to sandwich boards, in nonresidence districts, or in any other district provided the sign is located on Route 52 (Fishkill Avenue and Teller Avenue) or Route 9D (North Avenue and Wolcott Avenue), not exceeding one sign per business and not exceeding two feet in width and three feet in height. Sidewalk signs may be displayed on an ongoing basis, but shall not be displayed between the hours of 11:00 p.m. and 6:00 a.m., shall not include banners, and shall not be tethered. Sidewalk signs shall be located in the front of the business for which the sign is displayed, unless the business is located on a corner lot in which case the sign may be located to the side of the business, or unless the business maintains a rear entrance in which case the sign may be located to the rear of the business.~~
- ~~(e) — Signs for tag, garage or yard sales, not exceeding six square feet.~~
- ~~(f) — Signs conveying a nonpolitical, noncommercial message, not exceeding 40 square feet in area in nonresidence districts and six square feet in residence districts and limited to one sign for each street frontage of the lot.~~
- ~~(g)(a) — Political posters, banners, promotional devices and similar political signs.~~

~~F. Sign regulations in nonresidence districts.~~

- ~~(1) — Illumination. Permitted signs may be internally or externally illuminated, provided that such illumination shall not be twinkling, flashing, intermittent, of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way and provided that the source of such illumination shall not be visible beyond the boundaries of the lot on which it is located. Notwithstanding the above, neon, LCD and LED signs~~

~~may be permitted.~~

- ~~(2) Placement. No sign shall be located so as to obscure any signs displayed by public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.~~
- ~~(3) Setback. Unless otherwise specified, all signs shall be located within the setback lines of the lot or on the building.~~
- ~~(4) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.~~
- ~~(5)(1) Animation. No sign shall be mechanically animated, such as moving, rotating or revolving.~~

~~G. Temporary signs in the public right of way and on public property:~~

- ~~(1) Permit required. In all districts, no temporary signs shall be erected in the public right of way or on public property without a permit, unless specifically exempted below.~~
- ~~(2) Exceptions. The following signs shall not be subject to the issuance of a permit:
 - ~~(a) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.~~
 - ~~(b) Temporary emergency warning signs erected by a governmental body, public utility company or contractor doing authorized or permitted work within the public right of way, provided that such signs shall be located outside of the public vehicular and pedestrian travel ways and shall be placed so as not to create any nuisance or threat to public safety.~~
 - ~~(c) Bus stops erected by a public transit company.~~
 - ~~(d) Informational signs of a public utility regarding its poles, lines, pipes or facilities.~~~~
- ~~(3) Permit standards. The Building Inspector or his duly authorized designee shall issue a permit within a reasonable period of time following receipt of a complete permit application for the placement of a temporary sign in the right of way or on public property, provided the following conditions are satisfied:
 - ~~(a) Submission of a permit application on a form issued by the Building Department and payment of the application fee as set forth in the~~~~

~~City of Beacon Fee Schedule.~~

- ~~(b) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act, as may be amended from time to time.~~
- ~~(c) All signs must comply with the provisions of Subsection F, above.~~
- ~~(d) No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow or means of egress.~~
- ~~(e) The necessity of surety bonds and/or insurance shall be determined by the Building Inspector or his duly authorized designee. If it is determined that such surety bond and/or insurance is necessary, the amount of such surety bond and/or insurance shall be determined by the Building Inspector or his duly authorized designee, in his/her sole discretion, as may be necessary to defray any expense of liability from the City. Surety bonds and/or insurance policies shall be approved as to form by the City Attorney.~~
- ~~(f) Permits for sidewalk signs shall be valid for one year from the date of issuance and shall not be transferrable.~~

L. Nonconforming signs.

- (1) All nonconforming signs shall be removed or brought into compliance within three years of the adoption date of this section.
- (2) Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.
- (3) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.
- ~~(4)~~(4) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

H.M. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any

violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.

- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.
- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

Section 4. Ratification, Readoption and Confirmation

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

Section 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 therefrom.

Section 6. Effective Date

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

DRAFT LOCAL LAW NO. ____ OF 2018

**CITY COUNCIL
CITY OF BEACON**

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CHAPTER 223 SECTIONS 15 AND 63 OF THE
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Section 2. Chapter 223, Section 63 of the Code of the City of Beacon entitled “Definitions” is hereby amended to add the following definitions:

SIGN

Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out of doors, or on the exterior of any building, including window signs located within 18 inches of the window surface and intended to be viewed from the exterior of the building, displaying an advertisement, announcement notice or name, and includes sign frames, billboards, signboards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices or projecting signs, and shall include any declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business or cause when the same is placed in view of the general public. A sign for the purposes of this section does not include works of art, including murals or other works of art, approved by the Planning Board.

SIGN AREA

Where a sign consists of a single board or face with information on one or both sides, the area which results by including the outside dimensions of such sign, not including the vertical, horizontal or diagonal supports which may affix the sign to the ground or to a structure or building unless such supports are evidently designed to be part of the

sign as defined herein. Where a sign consists of several individual faces, the area shall be the total of the area of all such faces which can be observed from any one point. Where the sign consists of individual letters or symbols attached to or painted on any building, window, or part thereof, the area shall be considered to be that of the smallest basic geometric shape (rectangle, triangle or circle) which encompasses all of the letters, symbols and/or any background of a different color than the color of the building.

SIGN, AWNING Any visual message incorporated in an awning attached to a building. This sign type does not include canopies over gas pumps.

SIGN, BANNER

Any sign constructed of fabric or other flexible material. Pennants and flags are considered banner signs.

SIGN, BILLBOARD

Any sign, other than an exempt sign, which advertises or otherwise directs attention to a business, commodity, service, industry or other activity which is not, or is only incidentally, sold, offered or conducted at the real property at which such sign is located.

SIGN, FREESTANDING

Any sign independent of any building but permanently affixed, by any other means, to the ground.

SIGN, LAWN

Temporary freestanding signs placed or inserted on the ground.

SIGN, PROJECTING

Any sign which is attached perpendicular to a building or other structure and extends 12 inches beyond the line of the building or structure or beyond the surface of that portion of the building or structure to which it is attached.

SIGN, ROOF

A sign erected on a roof or extending in height above the cornice or projecting eave of the roofline of the building on which the sign is erected.

SIGN, SANDWICH BOARD

A two-sided hinged sign, portable in nature and capable of standing without support or attachment. The area of a sandwich board sign shall be the total area of one face of the sandwich board sign.

SIGN, TEMPORARY

A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears

to be intended or is determined by the Building Inspector, or his or her designee, to be displayed for a limited period of time of no more than ~~60~~30 days in a ~~120~~60 day period.

SIGN, WALL

Any painted sign or poster or any surface or place that may be affixed to the front, side or rear walls of any building.

SIGN, WINDOW

A type of sign applied onto or attached to the inside or outside of a window or a transparent door or within 18 inches of the window or transparent door surface.

Section 3. Chapter 223, Section 15 of the Code of the City of Beacon entitled “Signs” is hereby amended as follows:

§ 223-15 Signs.

- A. Purpose. The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types within the City of Beacon. This section is intended to protect property values, create a more attractive economic and business climate, ensure pedestrian and vehicular safety, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the City.
- B. Objectives. These regulations also serve to achieve the following objectives:
- (1) Ensure right to free speech as protected under the Constitution;
 - (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
 - (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
 - (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
 - (5) Minimize the adverse effect of signs on nearby public and private property;
 - (6) Avoid personal injury and property damage from unsafe or confusing signs; and
 - (7) Establish a clear and impartial process for those seeking to install signs.
- C. Conformity required. No sign or billboard shall be erected, constructed, displayed, maintained, moved, reconstructed, extended, enlarged or altered, except in conformity with and expressly authorized by the provisions of this chapter.

D. Permit required.

- (1) Unless specifically exempted from obtaining a permit under the provisions of this section, no person shall erect, construct, replace, relocate or structurally alter any sign within the City without first obtaining a sign permit from the Building Inspector and paying the required fee to the City Clerk. The repainting, repairing, changing of parts or sign facing, and maintenance of signs shall not require the issuance of a sign permit provided such maintenance, change or alteration does not in any way alter the size, illumination or location of the sign on the property.
- (2) Submission of a permit application shall be on a form issued by the Building Department and the application fee shall be set forth in the City of Beacon Fee Schedule. The application shall include plans and/or specification of the sign, including the dimensions, materials and details of construction of the proposed sign.
- (3) If a sign is not erected within six months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

E.

F. Prohibited Signs.

- (1) Signs that contain words or pictures of an obscene or pornographic nature.
- (2) Signs that emit audible sounds, odor or visible matter.
- (3) Signs placed on a curb, sidewalk, hydrant, utility pole, trees or other objects located on or over any public street, public property or within any public right-of-way, unless otherwise permitted. The City reserves the right to remove any sign placed on public property without notice.
- (4) ~~Signs~~ Portable signs, including signs that are mounted on wheels or mounted on any structure on wheels, but not including permitted sandwich board signs.
- (5) Signs with mirrors or any other reflective material.
- (6) Roof signs.
- (7) Billboards.
- (8) Signs that are mechanically, digitally or electronically animated.
- (9) Inflated signs, wind-animated banners, tethered balloons, and projected images.

G. Signs exempt from permit requirements. The following signs are exempt from the permit requirements of this section. Unless otherwise limited below, such exempt sign shall not exceed four feet in height and shall not exceed six square feet in sign area per sign. Each exempt sign must comply with all other provisions of this section.

- (1) Any official sign, public notice, or warning sign prescribed by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
- (2) ~~One identification sign~~ Identification signs stating the name and address of the resident or property or the number of the lot, not exceeding two square feet in area.
- (3) One nonilluminated secondary window signs communicating accessory information such as hours of operation, "in" or "out" signs, and totaling no more than one square foot in size.
- (4) Temporary nonilluminated window signs in non-residential ~~zoning districts~~ uses. The total amount of signage shall not exceed 20% of the total window surface area. Temporary window signs shall include signs that identify special events and sales.
- (5) Nonilluminated signs used for the purpose of selling, renting or leasing land or buildings, and displayed only on the premises for sale or lease. No such signs shall exceed four feet in height or six square feet in area, shall be limited to one per premises, and shall be removed immediately upon sale, rental or lease of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) One nonilluminated construction sign not exceeding six square feet in area identifying the parties involved in the design, financing and/or provision of labor and materials associated with the labor on the premises where the sign is located, but not including the advertisement of any product. Such sign shall be removed prior to the issuance of a certificate of occupancy authorizing the initiation of intended use of the premises. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (7) Flags of any nation or state, and seasonal flags shall not require a sign permit. Flags shall not exceed ~~six~~ 20 square feet.
- (8) Historical markers, monuments or signs as approved by local, state or federal authorities.

- (9) One nameplate not exceeding two square feet for customary home occupations.
- (10) ~~Two lawn~~Lawn signs on any lot without a permit provided that the sign does not exceed three feet in height and three square feet in area. The sign shall be placed at least five feet from all property lines and shall not be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow. Such signs are to be nonilluminated and shall be displayed for a limited period of time of no more than ~~60~~30 days in a ~~120~~60 day period.
- (11) Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is not legible beyond the property lines.

H. Sign regulations in all districts.

- (1) .
- (2) Setback. All signs shall be located within the setback lines of the lot or on the building, unless otherwise permitted.
- (3) Repair. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) Illumination. Permitted signs may be internally or externally illuminated, unless otherwise prohibited, provided that such illumination shall not be twinkling, flashing, intermittent, or of changing degrees of intensity or projected outward from the property onto adjacent properties or public rights-of-way. Notwithstanding the above, neon, ~~LED~~fluorescent and LED signs shall not be permitted ~~in~~for any residential ~~districts~~use, but may be permitted in nonresidential districts, unless otherwise prohibited. All illumination shall be focused downward from above, shall create no direct glare and shall light only the sign area.
- (5) Placement. No sign shall be located so as to obscure any signs displayed by a public authority, nor shall any sign be placed in such a way as to obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) No sign shall be placed in a location that would cause a violation of the provisions of the Americans with Disabilities Act.

I. Signs for residential uses.

- (1) The aggregate sign area of all signs, including signs permitted under § 223-15G(10), on any lot shall not exceed 16 square feet.
- (2) A subdivision, apartment or multi-family housing development consisting of more than 15 dwelling units may display ~~a nonilluminated~~, freestanding

identification sign at each street entrance to the development, designating only the name of the development, the address and name of the owner and the names of any buildings located therein, provided that the maximum sign area of said sign shall not exceed 24 square feet and shall not be more than six feet in height. Such sign shall maintain at least a five foot setback from all property lines.

J. Signs for nonresidential uses. The following signs are hereby permitted for nonresidential uses::

- (1) 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:
 - (a) The aggregate area of each sign shall not exceed one square foot for each linear foot of building facing the street.
 - (b) The aggregate area of all signs, including signs permitted under §§ 223-15G(3), 223-15G(4), and 223-15G(10), on any lot shall not exceed two square feet for each linear foot of a building facing the street.
 - (c) A ~~vertical~~ projecting wall sign shall not exceed eight feet in height or ten square feet. ~~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.~~
 - (d) 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 wall sign extend more than six inches ~~into any required yard~~ from the building.
 - (e) ~~Vertical projecting~~ Projecting wall signs shall not have more than two faces.
 - (f) The exterior edge of a ~~vertical~~ projecting wall sign shall not extend more than six feet from the outer wall of the structure.
 - (g) 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.
- (2) Not more than one freestanding sign facing each street on which the lot abuts, provided that:
 - (a) The building is set back at least 50 feet from the street line, in which case the sign shall not exceed 20 square feet in area.

- (b) The building is set back at least 100 feet from the street line, in which case the sign shall not exceed 35 square feet in area.
- (c) The top of the sign shall be no higher than 16 feet off the ground.
- (3) Permanent window signs. The total amount of signage shall not exceed 20% of the total window surface area and shall not exceed four feet in height and 16 square feet in area.
- (4) Awning signs. One sign for each premise shall be allowed. The area of such sign shall not exceed 20% of the area of the awning.
- (5) Sandwich board signs. A single sandwich board sign shall be permitted on any lot provided that such sign does not exceed three feet in height and six feet in area. All sandwich board signs shall be brought in each day at the close of business. Signs shall not be placed in such a way as to obstruct property sight distance or otherwise interfere with pedestrian or traffic flow.
- (6) ~~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~~
- (7) .
- (8)

K. Signs in the Historic District and Landmark Overlay Zone. All signs in the Historic District and Landmark Overlay Zone shall be approved by the Planning Board pursuant to § 134-6.

L. Temporary signs.

- (1) All signs of a temporary nature must receive permits before being displayed, except those specified in 123-15G. No more than one temporary sign may be permitted per lot or used at any given time.
- (2) Requirements. Any proposed temporary sign shall conform to the following:
 - (a) Such sign shall not exceed four feet in height and 32 square feet in area ~~in for~~ any non-residential ~~district use~~.
 - (b) Such sign shall not exceed four feet in height and 16 square feet in area ~~in for~~ any residential ~~district use~~.
 - (c) Such sign shall not be displayed for more than ~~60~~30 consecutive days in a ~~120~~60 day period.
 - (d) Such sign shall not be illuminated.

- (e) Such sign shall maintain at least a five foot setback from all property lines.
 - (f) Such sign shall be placed in such a way as to not obstruct proper sight distance or otherwise interfere with pedestrian or traffic flow.
- (3) Banners or Pennants. Banners or pennants shall be permitted as temporary signs and shall be subject to the provisions set forth above. ~~No banner shall be displayed over any sidewalk, City street or highway except upon approve by the City Council.~~

(a)

(1)

M. Nonconforming signs.

- (1) All nonconforming signs shall be removed or brought into compliance within three years of the adoption date of this section.
- (2) Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this section.
- (3) No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this section, including but not limited to area, height, setback and illumination.
- (4) Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

N. Violations.

- (1) Noncompliance with any of the foregoing provisions shall constitute an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.
- (2) Any temporary sign installed or placed, except in conformance with the requirements of this section, shall be subject to removal. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such sign the full costs of removal and disposal of such signs in accordance with the administrative fee set forth in the City of Beacon Schedule of Fees. The fee shall be paid by the individual or entity retrieving

the signs from the City. The City shall dispose of the sign(s) after five calendar days from the removal of the sign(s) by the City.

- (3) The display of any sign at a location containing the name or address of a person or entity and a commercial message relating to such person or address shall be presumptive evidence that such person installed, created, erected and maintained the sign at the location where it was displayed. This presumption shall be subject to rebuttal by competent evidence.

Section 4. Ratification, Readoption and Confirmation

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

Section 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 therefrom.

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 Monday, October 29, 2018
12:49:15 PM

Input:	
Document 1 ID	PowerDocs://DOCS/628214/10
Description	DOCS-#628214-v10-LL_Beacon_Signs
Document 2 ID	PowerDocs://DOCS/628214/11
Description	DOCS-#628214-v11-LL_Beacon_Signs
Rendering set	Standard

Legend:	
Insertion	
Deletion	
Moved from	
Moved to	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	40
Deletions	30
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	70

Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses

Allowed (no permit required) (Not to exceed 4 ft. in height and 6 ft. in sign area, unless specified below)	
Sign Type	Size and other Restrictions
NONRESIDENTIAL USES Aggregate area of each sign not to exceed 1 sq. ft. for each linear ft. of building facing the street Aggregate area of all signs on any lot not to exceed 2 sq. ft. for each linear ft. of building facing the street	Official Sign, Public Notice, Warning Sign The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
Identification	Not to exceed 2 sq. ft. in area
Nonilluminated secondary window sign (“in” or “out” sign)	1 sign allowed, not exceed 1 sq. ft. in area
Temporary nonilluminated window sign	Total signage shall not exceed 20% of the total window surface area.
Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area
Nonilluminated Construction	Not exceeding 6 sq. ft. in area
Flags	Not exceeding 20 sq. ft
Historical Markers	As approved by local, state or federal authorities.
Lawn Signs	Lawn signs allowed, not to exceed 3 ft. in height and 3 sq. ft. in area. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 30 days in a 60 day period.

Proposed Draft Sign Regulations For the City of Beacon Nonresidential Uses

Allowed With A Permit	
Sign Type	Size and other restrictions
<p>NONRESIDENTIAL USES</p> <p>Aggregate area of each sign not to exceed 1 sq. ft. for each linear ft. of building facing the street</p> <p>Aggregate area of all signs on any lot not to exceed 2 sq. ft. for each linear ft. of building facing the street</p>	<p>Projecting Wall No more than 2 faces, not to exceed 8 ft. in height and 10 sq. ft. in area</p>
	<p>Freestanding Building is set back at least 50 ft., sign shall not exceed 20 sq. ft. in area Building is set back at least 100 ft., sign shall not exceed 35 sq. ft. in area Top of the sign shall be no higher than 16 ft. from the ground</p>
	<p>Permanent Window Sign Aggregate area shall not exceed 20% of the total window surface and shall not exceed 4 ft. in height</p>
	<p>Awning Sign 1 per lot, area shall not exceed 20% of the area of the awning.</p>
	<p>Sandwich Board 1 sign, not to exceed 3 ft. in height and 6 ft. in area, brought in after close of business</p>
	<p>Temporary 1 per lot; not to exceed 4 ft. in height and 32 sq. ft. in area; not to be illuminated</p>
	<p>Banners Permitted as temporary on private property</p>
	<p>Pennants Permitted as temporary</p>

Proposed Draft Sign Regulations For the City of Beacon Residential Uses

RESIDENTIAL USES Aggregate of all signs on any lot not to exceed 16 sq. ft.	Allowed (no permit required) (Not to exceed 4 ft. in height and 6 ft. in sign area)	
	Sign Type	Size and other Restrictions
	Official Sign, Public Notice, Warning Sign	The sign must comply with the size restrictions set forth herein, unless otherwise prescribed by federal, state or local law.
	Identification	Not to exceed 2 sq. ft. in area
	Nonilluminated Real Estate	1 sign allowed, shall not exceed 4 ft in height or 6 sq. ft. in area
	Nonilluminated Construction	Not exceeding 6 sq. ft. in area.
	Flags	Not exceeding 20 sq. ft.
	Historical Markers	As approved by local, state or federal authorities.
	Nameplates for Home Occupation	1 nameplate, not exceeding 2 sq. ft.,
	Lawn Signs	Lawn signs allowed, not to exceed 3 ft. in height and 3 sq. ft. in area. Signs shall be nonilluminated and shall be displayed for a limited period of time of no more than 30 days in a 60 day period.

**Proposed Draft Sign Regulations For the City of Beacon
Residential Uses and Historic District**

Allowed With A Permit		
Sign Type	Size and other restrictions	
RESIDENTIAL USES Aggregate of all signs on any lot not to exceed 16 sq. ft.	One identification sign for subdivisions, apartments or multi-family developments that contain more than 15 dwelling units	At the entrance, not to exceed 24 sq. ft. in area
	Temporary	1 per lot; not to exceed 4 ft. in height and 16 sq. ft. in area; not to be illuminated
	Banners	Permitted as temporary
	Pennants	Permitted as temporary
Historic District¹	All	Approval by Planning Board Required, temporary signs are exempt

¹ Under Section 134-6 of the City Code, a certificate of appropriateness from the Planning Board is required for signs, including signs exempt from permit requirements under the proposed local law. Only the installation of a temporary sign does not require a certificate of appropriateness.

**City of Beacon Workshop Agenda
10/29/2018**

Title:

A resolution to support the Dutchess County Local Law encouraging the use of reusable bags via the implementation of a surcharge on carryout disposable bags

Subject:

Background:

ATTACHMENTS:

Description	Type
Reso_Adopt_Dutchess_County_Plastic_Bag_Surcharge	Resolution
DC LL Plastic Bags	Backup Material



CITY OF BEACON
CITY COUNCIL
RESOLUTION NO. _____ OF 2018

**A RESOLUTION TO SUPPORT THE DUTCHESS COUNTY LOCAL LAW ENCOURAGING
THE USE OF REUSABLE BAGS VIA THE IMPLEMENTATION OF A SURCHARGE ON
CARRYOUT DISPOSABLE BAGS**

WHEREAS Dutchess County is concerned about the deleterious effects resulting from the inability to recycle plastic bags; and

WHEREAS the City Council shares the concerns of Dutchess County and acknowledges that plastic bags are problematic for the environment; and

WHEREAS the City Council encourages and requests that the Dutchess County Legislature adopt and enact this proposed law.

NOW, THEREFORE, BE IT RESOLVED, that the Beacon City Council hereby supports the Dutchess County Local Law encouraging the use of reusable bags via the implementation of a surcharge on carryout disposable bags.

BE IT FURTHER RESOLVED, that the City Clerk shall send this resolution to the Dutchess County Legislature and County Executive.

L Aid ON DESKS 10/9/18
GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO.

RE: LOCAL LAW NO. ____ of 2018, A LOCAL LAW ENCOURAGING THE USE OF
REUSABLE BAGS VIA THE IMPLEMENTATION OF A SURCHARGE ON
CARRYOUT DISPOSABLE BAGS

Legislators PAGE, ZERNIKE, EDWARDS, LLAVARIAS, JETER-JACKSON, and TYNER
offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2018 which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13th day of November 2018, and that
the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of November 2018.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. ____ of 2018

RE: A LOCAL LAW ENCOURAGING THE USE OF REUSABLE BAGS VIA THE IMPLEMENTATION OF A SURCHARGE ON CARRYOUT DISPOSABLE BAGS

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. Legislative Findings and Intent.

The Dutchess County Legislature hereby finds as follows:

- A. Data released by the United States Environmental Protection Agency shows that between five hundred billion and one trillion plastic bags are consumed worldwide each year; and
- B. Plastic bags do not biodegrade; over time, the bags break down into smaller, more toxic petro-polymers which eventually contaminate soils, waterways, plant, and animal life; and
- C. Plastic bags can have a devastating effect on wildlife; birds can become entangled in the bags and different species of sea life can die from ingesting plastic bags which they mistake for food; and
- D. Plastic shopping bags are made from polyethylene, a thermoplastic made from oil. Accordingly, reducing the use of plastic bags will decrease our dependence on fossil fuels; and
- E. Less than ten percent of plastic bags are recycled, in part, due to the fact that it costs more to recycle a bag than to produce a new one; and
- F. Recycling plants face significant costs associated with plastic bags, with related costs at the Republic recycling plant located in the City of Beacon running well above one hundred thousand dollars annually; and
- G. Americans consume more than ten billion paper bags each year and fourteen million trees are cut down yearly for the manufacturing of paper; and
- H. Paper production requires large amounts of water, energy, and chemicals and can emit toxic and hazardous chemicals into the air and water; and
- I. The nation's paper industry generates more than twelve million tons of solid waste every year; and
- J. The following municipalities in New York have already passed legislation aimed at limiting the use of disposable bags: Village of East Hampton, Town of East Hampton, Village of Southampton, Town of Southampton, City of Rye, Village of Larchmont, Village of Mamaroneck, Hastings on Hudson, Village of New Paltz, Town of New Castle, Village of Patchogue, New York City, City of Long Beach, Suffolk County, Town of Bedford, Town of Lewisboro, Village of Pleasantville; and

- K. The first survey conducted in Suffolk County, NY after their January 1, 2018, introduction of a five cent fee on all carryout bags found a thirty-seven percent increase in the use of reusable bags (from six percent of those surveyed before the introduction of the fee to forty-three percent of those surveyed after its introduction), and a forty-one percent reduction in shoppers choosing to use plastic bags (from seventy-one percent pre-fee to thirty percent post-fee); and
- L. There is evidence that a larger fee on disposable bags has a greater impact on reducing their use. For example, Ireland's twenty-two European cent levy has resulted in a ninety-five percent reduction in plastic bag use;

THEREFORE, this Legislature concludes that in lieu of enacting a total ban of plastic bags, the County of Dutchess should instead require stores to charge a ten cent (\$0.10) fee on all carryout bags. If this approach fails to reduce the use of plastic bags by at least seventy percent, the idea of an outright ban may be revisited at a later date; and

THEREFORE, the purpose of this local law is to encourage consumers in Dutchess County to use their own reusable bags for shopping by requiring not less than a ten cent (\$0.10) charge on carryout bags that are provided at retail stores.

SECTION 2. Definitions.

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

“CARRYOUT BAG” shall mean any bag that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store, provided, however, that such term shall not include any of the following: (i) a bag without handles used to carry produce, meats, poultry, fish, dairy, dry goods or other non-prepackaged food items to the point of sale within a covered store or to prevent such food items from coming into direct contact with other purchased items; (ii) a bag provided by a pharmacy to carry prescription drugs; (iii) a garment bag; or (iv) any other bag exempted from the provisions of this local law.

“COVERED STORE” shall mean an establishment engaged in the retail sale of personal, consumer, or household items including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, apparel stores, home center and hardware stores, stationery and office supply stores, and food service establishments located within grocery stores, supermarkets, convenience stores, or foodmarts, that provide carryout bags to customers in which to place purchased items. This term does not include food service establishments located outside of grocery stores, supermarkets, convenience stores, or foodmarts.

“FOOD SERVICE ESTABLISHMENT” shall mean a place where prepared food is provided for individual portion service directly to a consumer whether consumption occurs on or off the premises.

“PERSON” shall mean any natural person, firm, corporation, partnership, or other organization or group however organized.

“RETAIL SALES” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmers’ markets, and flea markets. The term “retail sales” does not include sales of goods at yard sales, tag sales, and other sales by residents at their homes.

“REUSABLE CARRYOUT BAG” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and is either: (1) made of cloth or other machine washable material, but not film plastic; or (2) made of durable plastic that is at least 2.25 mils thick. Reusable carryout bags provided to customers pursuant to this local law shall be conspicuously labeled as reusable.

SECTION 3. Carryout bag fee.

- A. Covered stores shall charge a fee of not less than ten cents for each carryout bag provided to any customer. All fees collected by a covered store under this local law shall be retained by the store. Covered stores shall separately itemize the fee charged pursuant to this local law on the standard receipt provided to customers.
- B. No covered store shall charge a fee for, or prevent a customer from using, any carryout bag brought by the customer to such store to carry purchased goods from such store.

SECTION 4. Additional obligations of covered stores.

- A. Paper carryout bags provided by covered stores to customers shall contain a minimum of forty percent post-consumer recycled content and be conspicuously labeled with the amount of post-consumer recycled content.
- B. Plastic carryout bags provided by covered stores to customers labeled as “compostable” must be certified as compliant with the ASTM D6400-12 standard specification for labeling of plastics designed to be aerobically composted in municipal or industrial facilities or other standard determined by the Dutchess County Department of Behavioral and Community Health. Plastic carryout bags provided by covered stores to customers shall not be labeled as “biodegradable,” “degradable,” or “decomposable.”
- C. Covered stores may provide their customers with reusable carryout bags free of charge for a two-week period from December 1, 2019, to December 31, 2019. In addition, covered stores may provide their customers with reusable carryout bags free of charge for a two-week period each year from December 1 to December 15.

SECTION 5. Reporting.

No later than March 1, 2021, and annually thereafter, the Commissioner of the Dutchess County Department of Behavioral and Community Health and the head of any other department or office designated by the Legislature, shall prepare an annual recycling report that includes information on the progress of single-use carryout bag reduction including but not limited to: (1) the general effectiveness of this local law in reducing the use of single-use carryout bags in the county and increasing the use of reusable carryout bags; (2) the waste and litter reduction benefits of this local law, including, where practicable, the amount of single-use plastic bags in the waste stream; (3) the number of notices of violation issued pursuant to this local law; and (4) any cost savings for the county attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows.

SECTION 6. Deduction from Employee Wages Prohibited.

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty addressed against the covered store pursuant to this law.

SECTION 7. Enforcement.

This law shall be enforced by the Dutchess County Department of Behavioral and Community Health in accordance with the provisions of Article II, Section 2.1 et seq., of the DUTCHESS COUNTY SANITARY CODE.

SECTION 8. Rules and Regulations.

The Commissioner of the Department of Behavioral and Community Health is hereby authorized and empowered to promulgate rules and regulations necessary to enforce this law.

SECTION 9. Penalties for Offences.

Any violation of this law shall be punishable by a civil fine of Five Hundred (\$500.00) dollars for each.

SECTION 10. Effect of other Laws, Regulations.

This law will not impair or supersede any ordinance, resolution or local law enacted by a village or town within the County of Dutchess which prohibits retail stores operating within their jurisdiction from distributing or providing plastic and/or paper bags to their customers.

SECTION 11. Reverse Preemption.

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in

the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

SECTION 12. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

SECTION 13. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 15. Effective Date.

This law shall take effect on January 1, 2020.

**City of Beacon Workshop Agenda
10/29/2018**

Title:

248 Tioronda Ave

Subject:

Background:

ATTACHMENTS:

Description	Type
20181015 response letter to Clarke comments_red	Backup Material
20181015 FCD Application final	Backup Material
20181015 FEAF complete_red	Backup Material
248 Tioronda Avenue_Presentation_181015_red	Backup Material
2018-10-12 PLANS_red	Backup Material
Fishkill Creek Development District	Backup Material
Waterfront Consistency Review	Backup Material

October 15, 2018

Mayor Randy Casale and
Members of the Beacon City Council
Beacon City Hall
1 Municipal Center
Beacon, NY 12508

VIA HAND DELIVERY

*Re: Response to John Clarke Initial Planning Comments dated September 21, 2018
Chai Builders - Fishkill Creek Development Concept Plan for 248 Tioronda Avenue
Formerly Beacon 248 Development, LLC, Multifamily Development
248 Tioronda Avenue, City of Beacon, Dutchess County, NY
Chazen Project #81056.00*

Dear Mayor Casale and Members of the City Council:

The following is a point-by-point response to the above referenced initial planning comments.

1. *The EAF Narrative on pages 2-3 quotes from the December 17, 2017 Comprehensive Plan. Beacon adopted a December 17, 2007 Comprehensive Plan and an April 3, 2017 Comprehensive Plan Update. The consistency quotes should reference the 2017 Update.*

Response: The EAF Narrative has been revised to incorporate the April 3, 2017, Comprehensive Plan Update.

2. *The EAF Narrative on page 6 cites the superseded definition of Very Steep Slopes, before the 2018 amendment changing that definition and requiring lot area deductions for very steep slopes, wetlands, surface water, and floodways. Those sections of the EAF Narrative will need to be updated to reflect the new FCD Bulk Regulations in Section 223-41.14 B and the revised definition.*

Response: The EAF Narrative has been revised to provide the updated definition for very steep slopes.

3. *The Site Plan sheets, however, include the recently adopted lot area deductions for the required environmental features. The City Engineer will have to confirm these mapped areas and calculations to establish the allowable development potential on the property.*

Response: Comment noted.

4. *The Site Plan sheets T1 and EC1 identify Very Steep Slopes as greater than 25%, while the law refers to slopes "25% or more extending over a contiguous land area of at least 10,000 square feet." For the Edgewater project, the City requested an overlay map, showing the areas of Very Steep Slopes with the proposed structures and limits of disturbance. This will be necessary for the Planning Board to certify that the proposal avoids slopes to the maximum degree feasible.*

Response: The proposed structures and limits of disturbance have been added to Sheet EC1. Steep slopes have been delineated from other constraints.

5. *The Bulk Table on Sheet T1 should change the required Minimum Lot Area to 2 acres and will need to provide the proposed Maximum Building Coverage and Minimum Open Space, as well as the Maximum Building Height in feet as well as stories.*

Response: The Bulk Table on Sheet T1 has been revised as requested.

6. *The federal wetlands boundary will need to be updated from the previous 2013 delineation.*

Response: Comment noted.

7. *I am not sure the extent of the traffic study for the previous proposal, but it may have to be updated and referred to NYS DOT for its comments.*

Response: The currently proposed project consists of 64 dwelling units and a 25,400 SF office building. As shown in Section 6.1 and Table 6-1 of the EAF Narrative, the traffic expected to be generated by the proposed project is 52 vehicle trip ends (vte's) during the weekday a.m. peak hour of adjacent street traffic and 57 vte's during the weekday p.m. peak hour of adjacent street traffic, which are below the SEQR threshold of 100 vehicle trip ends during these peak periods. The previously approved project with 100 dwelling units was expected to generate slightly more traffic, with 53 vte's during the weekday a.m. peak hour of adjacent street traffic and 73 vte's during the weekday p.m. peak hour of adjacent street traffic. Since the estimated traffic generation for the current project is expected to be less than that of the approved project, no significant adverse impacts to traffic are anticipated.

A Traffic Impact Study dated November 13, 2013, was prepared and supplemented by another study dated March 20, 2014. The March 2014 Supplemental study evaluated the traffic movements considering also the traffic to be generated by potential development of the Sisters property and the Beacon Terminals 555 South Avenue property, both of which are also within the FCD district. The March 2014 study concludes that even with the development of the FCD parcels to the south, all intersections studied will continue to operate at a LOS "A" (excellent) with the exception of the Wolcott Avenue/Tioronda Avenue intersection, where the Wolcott Avenue approaches will operate at LOS "B" (good) and the Tioronda Avenue approaches will operate at LOS "A" (excellent).

The proposed access configuration and associated traffic routing, which directs all traffic to and from the site to Wolcott Avenue rather than traveling south on Tioronda to local streets, has a number of advantages. It meets the needs of the travelers, since Wolcott Avenue provides the best routing in either direction to I-84, the train station, and Route 9D going either north or south. It also protects the local neighborhoods to the south and west of the site from additional traffic through local

neighborhoods. In other words, the proposed limitation on turning movements does not create any traffic difficulties for the residents of the project or for the local community.

Sight distance is excellent at the proposed Wolcott Avenue access, according to the November 2013 Traffic Impact Study. The sight distance looking south from the Tioronda access will exceed AASHTO standards with the removal of existing vegetation.

8. *The EAF Narrative on page 12 states that the applicant is preparing a section showing the relationship of the buildings to Tioronda Avenue and the Creek. This will be very helpful in assessing the visual impacts of the buildings.*

Response: Sections have been added to the elevation views.

9. *The submission does not adequately address views of and through the site from important viewing points, as required in 223-41.13 F(1)(i) and 223-41.13 F(3)(b)[8]. The Council will need to clarify what views it deems important and request photo-simulations.*

Response: Comment noted.

10. *The Greenway Trail appears to have been relocated from the previously approved proposal and the presentation to the Council on October 13. It is now proposed along the parking lot and directly adjacent to and even under the buildings. This less scenic alternative will need to be justified. According to 223-41.13 I(10)(b), each FCD project should show a dry-land right-of-way or easement for the enjoyment of the public not less than 20 feet in width traversing the entire length of the site.*

Response: The Greenway Trail has been relocated to avoid steep slope, wetland and floodplain areas, in accordance with Section 223-41.13.I(11)(b), which requires a “dry-land right-of-way or easement” for the Greenway Trail.

11. *Concept Plan Approval Section 223-41.13 F(3)(b)[3] refers to the Design Standards in 223-41.13 I, to the extent applicable at the Concept Plan stage. The standards include references to planning the various uses as a cohesive unit, groups of buildings as a varied but compatible mix, and at least one pedestrian-oriented gathering place, using the building forms to frame, overlook, or complement the space. The proposed layout places the office building over 440 feet from the residential buildings, separated by a large, central parking lot. The wood observation deck is located in front of this 142-space lot. The Council and applicant should look for ways to reduce or break-up the expanse of parking and better integrate the buildings and the primary pedestrian-oriented gathering place.*

Response: Please note that the area to the south of the building is a parking easement for the adjacent property, so in effect there is parking on both sides as currently designed. Additionally, the impact of visual impact of surface parking is mitigated by providing parking beneath the residential building.

The following items are enclosed:

- FCD Application document revised October 15, 2018 (8 copies);
- Full Environmental Assessment Form (FEAF) Part 1 revised October 15, 2018 (8 copies);
- Architectural Elevations/Sections (8 copies);
- Site Plan Set revised October 2018 (8 copies).

Please place this project on the agenda of the Monday, October 29th, City Council workshop meeting. If you have any questions or need anything further, please call me at 845-486-1510. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Larry Boudreau". The signature is written in a cursive, flowing style.

Larry Boudreau, RLA (GA & NY), MBA
Director of Land Development

CHAI BUILDERS CORP PROPOSED MULTIFAMILY DEVELOPMENT AND OFFICE BUILDING SUMMARY OF CONSISTENCY WITH FCD APPLICATION REQUIREMENTS

This document addresses each of the requirements for a Fishkill Creek Development (FCD) application. Please refer to the Full Environmental Assessment Form (FEAF) Narrative for further details and evaluation of potential impacts.

Per 223-41.13.F(1), the application shall include the following:

- (a) *A written description of the Fishkill Creek development project(s) concept plan, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.*

Description

The Applicant, Chai Builders Corp., proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as parcels 5954-16-993482 and 6054-45-012574 on the City of Beacon tax map, which are proposed to be consolidated. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area.

Consistency with Purposes of the Fishkill Creek Development (FCD) District

Section 223-41.12 provides the three purposes of the Fishkill Creek Development District as follows.

- A. *Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District than other under-utilized industrial sites, and are not as well suited to continued industrial development as properties on the north end of the Fishkill Creek corridor.*

The project will fulfill this purpose, as it represents redevelopment of an abandoned industrial site with a mix of residential and non-residential uses. The Zoning Law Section 223-41.13(B)(1) specifically permits “attached apartment and multifamily dwellings” and “professional and business offices in buildings that face streets” in the FCD district. The proposed density of 64 dwelling units is permitted by zoning, as shown in the density calculations which are provided on Sheet EC1 of the site plan set.

- B. *Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.*

The proposed project provides a buffer along the Fishkill Creek, with setbacks that range from 35 feet to 95 feet, with an average setback of 69 feet from the Fishkill Creek. The proposed layout avoids any development along the steep areas that surround the creek, as well as floodplain areas. This will supersede the 6-foot easement along the Fishkill Creek shown on the filed subdivision map.

- C. *Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.*

The project includes the construction of a Greenway Trail that extends along the easterly boundary of the property along the Fishkill Creek. The trail extends a distance of approximately 1,270 feet, representing a significant addition to the City's Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan fulfillment. This trail will connect to Wolcott Avenue by means of a stairway and by access along the emergency access to Wolcott Avenue, and to the Sisters property to the South. Public access to the trail is also provided from Tioronda Avenue.

Consistency with City of Beacon Comprehensive Plan and LWRP

Section 2.0 of the Full Environmental Assessment Form (FEAF) Narrative provides this information.

Benefits to the City

The project will transform an abandoned industrial site into a new mixed-use development which will improve the aesthetics of the site with architecturally pleasing buildings and new landscaping. The project includes a Greenway Trail along the Fishkill Creek that will be accessible to the public and which can connect to adjacent properties. The width of the proposed trail easement varies from 10 feet to 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the filed subdivision map. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City, and is a major benefit to the City. The proposed project will enhance the site, thus improving the value and development capability of nearby properties.

- (b) *A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.*

Please refer to Site Plan set.

- (c) *An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.*

Please refer to Sheet SP2 of the site plan set. The project includes 28 one-bedroom dwelling units and 36 two-bedroom dwelling units. The project also includes a 25,400 square foot (SF) three-story office building. Floor plans for the residential buildings have been provided.

- (d) *An indication of the appropriate number of parking and loading spaces in relation to their intended use.*

Sections 6.2 of the FEAF Narrative provides calculations for required parking and a description of the proposed parking.

- (e) *A general indication of any phasing of construction.*

The project will be constructed in one continuous phase.

- (f) *The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.*

The Fishkill Creek Development District properties cover an extensive length along the Fishkill Creek, extending north across Wolcott Avenue and south along Tioronda Avenue and South Avenue. The Metro North Railroad property lies between Tioronda Avenue and the properties, along their westerly borders.

Access to the project is provided from Tioronda Avenue over a grade crossing easement granted by Metropolitan Transit Authority (MTA). The grade crossing provides access both to the Beacon 248 property and to the adjoining Sisters property, avoiding multiple accesses onto Tioronda Avenue. The filed Subdivision Map (FM #10970 filed February 20, 2000) provides for the shared access. The properties may also share emergency access. The Applicant will offer emergency access to the other owners of the FCD properties subject to contribution of a fair share of the costs of building the emergency access. The 555 South Avenue property has its own entrance, at a point approximately 2,400 feet south of the entrance to Beacon 248.

The general interior configuration of the project road system is shown on the plans. The road system provides for circulation by means of a left turn inside the site to reach the proposed buildings, and a right turn inside the site to reach Sisters property. Parking is provided in a surface lot between the office building and the residential buildings, and also in a parking garage located below grade that extends under and between the two residential buildings.

- (g) *A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.*

The Applicant has control of the 9.18-acre project site. The adjacent properties in the FCD District are owned by separate owners, over which the Applicant has no control. A previous site plan approval for the Sisters Property has expired, and it is uncertain what, if any, amended plans may be forthcoming in the future. However, it is clear that the Applicant's proposed shared access with the Sisters site would function well for any layout of Sisters property that complies with zoning.

There is no known conceptual layout for 555 South Avenue, but it is believed that it may be developed for townhouses. This property is remote from the project site and has a separate access.

- (h) *The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.*

The site plan shows showing pedestrian circulation through the site. The Greenway Trail would connect to the property to the south. This property to the south does not have an official "Greenway Trail" on the property; however, there is a 6-foot wide trail easement along the property boundary with the Fishkill Creek, which was designated at the time the property was subdivided. At the north end of the project site, the Greenway Trail connects to Wolcott Avenue.

- (i) *The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the Applicant provide.*

Architectural elevations and cross sectional views are included with this submittal, and Section 12.0 of the FEAF Narrative provides architectural information and preliminary information on potential visual impacts. The properties to the west are much higher in elevation than the project property, and the site drops off to a lower elevation east of the tracks. Because the project site is at a lower elevation than much of the surrounding area, only the higher portions of the buildings are likely to be visible.

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The project site is not within any of the designated viewsheds. The proposed layout follows the applicable LWRP recommendations for developing in scenic view sheds. The proposed layout maintains the original land form, i.e. using the existing disturbed area from the former heavy industrial development, while preserving the area at the top of bank of the Creek. The natural grade changes across the site (west to east) serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

The proposed architectural design employs appropriate scales, forms and materials to ensure that buildings and other structures are compatible with and add interest to the landscape.

- (j) *Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.*

Architectural elevations of the buildings and cross sectional views are provided.. The Greenway Trail will be constructed to the guidelines of the City's FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City. The width of the proposed trail easement varies from 10 feet to 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the subdivision map. The project site contains a very attractive section of waterfront, including views of a waterfall.

Full Environmental Assessment Form Part 1
for
Proposed Multifamily Development and Office Building

248 Tioronda Avenue
City of Beacon
Dutchess County, New York



Issued: September 10, 2018
Reissued: October 15, 2018

Prepared for:

Chai Builders Corp.
120 Route 59 Suite 201
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Prepared by:

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Chazen Project No. 81750.00

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ATTACHMENTS

- Attachment A: NYSDEC Correspondence and US Fish & Wildlife Service (USFWS) Official Species List

Note: Site Plan submitted separately.

PROJECT NARRATIVE

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1.0 PROJECT DESCRIPTION

1.1 Introduction

The Applicant, Chai Builders Corp., proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as parcels 5954-16-993482 and 6054-45-012574 on the City of Beacon tax map. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area.

The FEAF was completed utilizing the NYSDEC EAF Mapper, which provides automated responses to certain questions. The EAF Mapper tool sometimes indicates limited availability for some digital data. This narrative provides clarification for responses and/or reference used for the responses.

1.1 Project History

The project site is located in the Fishkill Creek Development (FCD) District, according to the City of Beacon Zoning Map. Development within this District requires both City Council and Planning Board approvals. The current property owner and previous Applicant, Beacon 248 Development, LLC, received Concept Plan and Special Permit Approvals by the City of Beacon City Council on August 4th, 2014, for the redevelopment of the site for a 100-unit multifamily residential development. The Planning Board was Lead Agency for the State Environmental Quality Review (SEQR), and a Negative Declaration was adopted on April 8, 2014, after determination that the project would not have any significant adverse environmental impacts. Planning Board Approvals for Subdivision (lot consolidation) and Site Plan were granted on January 13, 2015. The approved site plan layout included four residential buildings, a 1,200 SF clubhouse, and a swimming pool for use by residents only. The site plan also included a Greenway Trail along the Fishkill Creek for public use. An access easement was granted by MTA for the Tioronda Avenue access drive. The property owner subsequently was granted extensions of the Planning Board approvals for site plan and subdivision.

In 2017, the City Council adopted zoning amendments which included amendments to the FCD regulations. "Attached apartment and multifamily dwellings" is a permitted principal use that previously required a special permit from the City Council in the FCD District. However, the adopted zoning amendments eliminate the need for a special permit. "Professional and business offices in buildings that face streets" are also permitted in the FCD District. A FCD project requires concept approval and SEQR by the City Council and site plan approval by the Planning Board. The zoning amendments also result in a reduction in the number of dwelling units that would be permitted for this property.

1.2 Current Project

The current Applicant has presented a new concept plan that meets the amended FCD requirements. The number of dwelling units has been reduced from 100 units to 64 units, which include 28 one-bedroom

units and 36 two-bedroom units (100 bedrooms). The proposed site plan includes two residential buildings and a 25,400 SF office building. Many of the features that were incorporated into the approved plan have been retained in the currently proposed site plan, including the Greenway Trail and emergency access drive. The current plan continues to be located mostly within the area of development for the former Tuck Industries facility.

2.0 LAND USE AND ZONING

2.1 Land Use

The project site is located on Tioronda Avenue with additional road frontage on Wolcott Avenue. Figure 3 shows land uses within 1,000 feet of the site. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. The proposed residential and office uses will blend in with the other residential uses in the area and will be consistent with future development of the FCD properties to the north and south. The project involves the redevelopment of a deteriorated former industrial site. The project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as providing a public Greenway Trail along the Fishkill Creek.

2.2 City of Beacon Comprehensive Plan

The City of Beacon Comprehensive Plan adopted December 17, 2007, proposed a combination of new open spaces and parks balanced with new opportunities for commercial and residential development in several key areas of the City, including the former industrial sites along the Fishkill Creek. The 2007 Comprehensive Plan encouraged residential development at these old industrial sites, and actually provided for greater density (15 dwelling units per acre), stating that: *“Allowing these lands to be built at greater densities represents an efficient use of land in a location capable of supporting this level of development. The City expects to benefit from this through the physical revitalization of these areas.”*

The Comprehensive Plan Update adopted April 3, 2017, (the “Plan”) reflects land use, demographic and socioeconomic changes that have taken place since the 2007 plan was adopted. The updated recommendations in the Plan address environmental protection, economic development, affordable housing and improved community services and facilities. The primary focus of the 2017 Plan is the waterfront and train station area; therefore, many of the policies and recommendations of the 2007 Comprehensive Plan that applied to the project site are still applicable.

One of the Goals of the Plan is to “encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City’s objectives for economic development” (page 66), and Objectives and Recommendations under this Goal for vacant industrial sites is to “encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or

residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City” (page 68).

The goals of the Plan that relate to “*Environmental Resources*” include to “*preserve environmentally significant features and create an open space system of sufficient size to reserve adequate areas for the protection of water related resources, wildlife, and land forms of particular environmental value. The rare assets of the City, such as the Hudson River and Fishkill Creek, should be protected, as should the Hudson Highlands on the slopes of Mt. Beacon*” and to “*encourage high environmental standards for development and infrastructure, develop sources of renewable energy and improve the environmental performance of City-owned property (page 24).*” One of the objectives of this goal is to “*establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mt. Beacon*”. The proposed public Greenway Trail is consistent with this goal and objective, as the trail area along the creek is preserved with a conservation easement, and extends across the site to allow connection to adjacent properties along the creek.

The goal of the Comprehensive Plan that relates to “*Population and Residential Development*” includes “*(1) strive to maintain a variety of housing opportunities that area accessible to a wide variety of income levels*”; “*(4) encourage residential development of vacant and underutilized former industrial sites*”; and “*(5) ensure continued racial, ethnic, age and economic diversity of the population through encouraging a wide range of housing choices*” (page 52). The City’s creation of the Fishkill Creek Development (FCD) district represents implementation of this goal and these objectives. The project is consistent in that it is a mix of uses which include market rate residential housing along with a public Greenway Trail. The project will comply with the requirements for affordable-workforce housing per Article IVBX of the zoning code. Stormwater management will include green infrastructure practices such as bioretention.

The goal of the Comprehensive Plan that relates to “*Commercial, Office, and Industrial Development*” is to “*encourage a vibrant business community in harmony with existing commercial and industrial areas throughout the community. Employ all available mechanisms to meet the City’s objectives for economic development*” (page 66). An objective of this goal (Objective F) is to “*encourage the environmental cleanup and redevelopment of the unused or underutilized industrial sites along Fishkill Creek for new light industrial, commercial, or residential uses, as appropriate. New uses proposed for the vacant sites away from Main Street should not conflict or compete unduly with existing uses in the City*” (page 68).

The project consists of the redevelopment of the former Tuck Industries manufacturing site for a multifamily residential development and office building. The project site was listed in the NYSDEC’s Environmental Remediation Database as a Site Code 314044, formerly operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste which resulted in soil contamination. The industrial buildings were demolished and removed, and the site was remediated to the satisfaction of NYSDEC, and is ready for redevelopment, consistent with this goal and objective of the Comprehensive Plan.

The goal of the Comprehensive Plan that relates to “*Recreation and Community Facilities*” is that “*community services for all age groups should be provided consistent with the economic growth of the City and its available resources. Regional facilities should be encouraged to locate in the City. Develop a recreational open space system of sufficient size and locational qualities to meet the complete range of recreational needs for the people*” (page 142). An objective of this goal is to “*continue to develop*

Greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mt. Beacon” and to “determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision” (page 144).

The project includes a Greenway Trail along the Fishkill Creek that will be accessible to the public and which can connect to adjacent properties. The proposed Greenway Trail is likely to alleviate some of the pressure on other public parks and recreational facilities in the City.

Based on this information, the project is consistent with the City of Beacon Comprehensive Plan.

2.3 City of Beacon Zoning

The project site is situated in the Fishkill Creek Development (FCD) District as designated by the City of Beacon zoning regulations. According to Article IVC, *Fishkill Creek Development (FCD) District*, the purposes of the FCD District include:

- A. *Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District, but offer larger sites for a flexible range of compatible nonresidential uses.*
- B. *Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.*
- C. *Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.*

The project is consistent with the purposes of the FCD District, as it represents redevelopment of an abandoned industrial site, provides a mix of uses, preserves a buffer along the Fishkill Creek, and provides a Greenway Trail for public use which can connect to future trails along the creek on adjacent properties. The trail extends a distance of approximately 1,270 feet, representing a significant addition to the City’s proposed Fishkill Creek Greenway & Heritage Trail (FCG&HT) Master Plan fulfillment. This trail will connect to Wolcott Avenue by means of a stairway and by access along the emergency access to Wolcott Avenue, and to the Sisters property to the south. Public access to the trail is also provided from Tioronda Avenue.

According to Section 223-41.13.D, each FCD proposal requires SEQR and concept plan approval by the Beacon City Council and site plan approval by the Beacon Planning Board. These reviews may proceed simultaneously. The Zoning Law Section 223-41.13.B specifically permits “attached apartment and multifamily dwellings” and “professional and business offices in buildings that face streets” in the FCD district. Section 223-41.14 provides the bulk requirements for the FCD District. The proposed density of 64 dwelling units is permitted by zoning, without the use of available incentives that would increase the maximum density. A zoning compliance table is provided on Sheet T1 of the site plan set, and density

calculations are provided on Sheet EC1. The maximum residential development density in the FCD district per Section 223-41.14B is 11 dwelling units per acre of lot area, where lot area on all development proposals involving more than three acres is calculated by deducting any lot area with existing, pre-development very steep slopes of 25 percent or more as defined in Section 223- 63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland. Additionally, a minimum of 25 percent of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

Section 223-41.13(3)(b) provides a list of conditions and standards for the City Council's approval of a FCD concept plan. These standards include the preservation of open space along the Fishkill Creek and the provision of a public Greenway Trail along the creek that would connect to future trails on adjacent properties.

The project provides a buffer along the Fishkill Creek to preserve existing vegetation and significant trees, as well as viewsheds along this corridor. The setback from the Fishkill Creek as measured from the top of the creek bank varies from approximately 35 feet to 95 feet, with an average setback of 69 feet, which exceeds the minimum required setback of 25 feet and the minimum required average setback of 50 feet. The layout was designed to avoid 100-year floodplain areas and steep slopes. Site development is fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance. The project avoids the steeper slopes and floodplain areas. The buffer along the creek will be protected by a conservation easement as required. This will supersede the existing 6-foot easement along the Fishkill Creek shown on the filed subdivision map. The approved site plan was endorsed by the City of Beacon Greenway Trail Committee. The proposed Greenway Trail has been relocated to avoid wetlands and floodplain areas.

Approximately 5.95 acres of the 9.18-acre site will be disturbed for the project. During construction, protective fencing will be placed at or one foot beyond the drip line of trees that will be preserved as shown on the plan. Temporary vegetation sufficient to stabilize the soil will be provided on all disturbed areas as needed to prevent soil erosion, in accordance with the SWPPP. New planting shall be given sufficient water, fertilizer and protection to ensure establishment.

The project meets the Fishkill Creek development design standards set forth in Section 223-41.13.I, to the extent applicable at the concept plan stage. Parking requirements and information are provided in Section 6.2.

Since the project is consistent with the Zoning regulations, no significant adverse impacts will result from the project.

2.4 City of Beacon Local Waterfront Revitalization Plan (LWRP)

The project is consistent with the Beacon LWRP. Policy #25 of the LWRP adopted March 7, 2011, lists 13 viewsheds that should be protected which contribute to the scenic quality of the coastal area. None of the views extends over the subject development site, or over any nearby site in the Fishkill Creek Corridor. The project is consistent with the applicable LWRP recommendations for development in scenic viewsheds, including setback from the Fishkill Creek shoreline to preserve the privacy and grade-separation of the pedestrian trail along the Creek. Section 12.0, Community Character, provides a description of the proposed architecture and preliminary information regarding visual impacts.

Since the project is consistent with the LWRP, no significant adverse impacts are anticipated. A Coastal Consistency determination will be required.

3.0 COMMUNITY SERVICES

Police protection is provided by the City of Beacon Police Department. The project site is within the City of Beacon Fire District, which has three fire stations located at 425 Main Street, 57 East Main Street, and 13 South Avenue. Buildings will be sprinklered, and the proposed site plan includes a gated access drive from Wolcott Avenue for emergency access only, since the main access crosses an MTA railroad line. The Police Department and Fire Department will have the opportunity to review and provide comments on the project during the site plan review process. Therefore, the project is not expected to result in any adverse impacts in regard to police, fire, or emergency services.

4.0 SOILS, TOPOGRAPHY, AND WATER RESOURCES

4.1 Soils and Topography

Figure 5 shows the soil types that are expected to be present on the project site, and Table 4-1 provides characteristics of these soil types, according to Dutchess County Soil Survey information available in GIS and the Natural Resource Conservation Service website.

Table 4-1: Characteristics of Soil Types within Project Site

SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (FT)	DEPTH TO BEDROCK (INCHES)
Ud	Udorthents, smoothed	mostly 0 to 8% but 8 to 25% on sides of excavations and along highways	somewhat excessively to moderately well	>3.0 Nov-Jun	>60
W	Water	NA	NA	0	NA

Figure 5 shows slopes on the site, which vary from 0% to greater than 20%. There are no areas of “very steep slopes”, which are defined in Section 223-63 of the zoning regulations as “an area of land with a gradient of 25% or more extending over a contiguous land area of at least 10,000 square feet”.

The project is not expected to result in any significant adverse impacts related to soils or topography.

4.2 Water Resources

According to the NYSDEC Environmental Resource Map (Figure 7), the site does not contain nor is contiguous to a State regulated wetland or associated adjacent area. According to Figure 7, the project site is contiguous to the Fishkill Creek, a NYSDEC stream identified as H-95, a tributary of the Hudson River (NYCRR Title 6 Chapter X Subchapter B Section 862.6 Table 1 Item 237). This stream is classified as a Class C stream in the vicinity of the project site; therefore, it is not regulated as a protected water, but may be regulated by the NYSDEC as a navigable waterbody under Article 15, Use and Protection of Waters. Wetlands on the site were delineated in 2011 with additional delineation on July 23, 2013. Aquatic resources on this property include the Fishkill Creek, floodplain wetlands associated with and adjacent to Fishkill Creek, and a tributary which flows from Tioronda Avenue across the site to Fishkill Creek. All aquatic resources on the site would be regulated by the US Army Corps of Engineers (USACOE). The wetland delineation will be updated by a wetland biologist, and any necessary permits will be determined. Therefore, no significant adverse impacts to water resources are anticipated as a result of the project.

4.3 Floodplain

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the project site along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. No building construction is proposed within Zone AE.

5.0 UTILITIES

5.1 Water and Wastewater

The project will be served by City of Beacon municipal water and sewer service. A 10" water main and 8" sewer main are located along Tioronda Avenue.

According to the NYSDEC Design Standards for Intermediate-Sized Wastewater Treatment Systems, March 2014, an apartment is expected to result in 110 gallons per day (gpd) per bedroom water usage and wastewater generation, which incorporates a reduction for the use of water saving plumbing fixtures. An office building is expected to result in 15 gpd per employee, with an additional 20% reduction for the use of water saving plumbing fixtures. Thus, the project with 100 bedrooms would be expected to result in 11,000± gallons per day water usage and wastewater generation. The Urban Land Institute *Employment and Parking in Suburban Business Parks: A Pilot Study*, 1986, Table 14, estimates a mean employment density of 347 SF per employee, which results in an estimated 73 employees for the 25,400 SF office building. Thus, the office building would be expected to result in 876 gpd, after applying the 20% reduction. Therefore, the total estimated water usage and wastewater generation for the project is estimated to be 11,876 gpd. Detailed plans and specifications will be submitted to the DCDOH for approval of the proposed water and sewer infrastructure as part of the site plan review.

5.2 Stormwater

The project will result in a disturbance area of 5.95 acres of the 9.18-acre site, but virtually all of the disturbance is within the area already disturbed by the factory buildings, parking areas, and other areas associated with the industrial development. The project will increase the impervious area by 0.78 acres. As a redevelopment project with an increase in overall impervious area, treatment of stormwater will be provided for 100% of the additional new impervious area and 25% of the existing disturbed impervious area. The project proposes to use a combination of standard stormwater management practices and alternative practices. The site will continue to discharge stormwater runoff to the Fishkill Creek. A downstream analysis was performed for the previous project. Pre- and post-development surface runoff rates will be evaluated for the 1-, 10-, and 100-year 24-hour storm events. Comparison of pre- and post-development watershed conditions at the design point in the Fishkill Creek will demonstrate that the project will not have a significant adverse impact on the adjacent or downstream properties or receiving water courses. Therefore, extended detention of stormwater will not be required for the proposed redevelopment project. An Erosion and Sediment Control Plan will be provided and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion. Therefore, the project is not expected to result in any adverse impacts in regard to stormwater.

6.0 TRAFFIC AND PARKING

6.1 Traffic

Access to the project site is provided from Tioronda Avenue over an at grade crossing easement granted by the MTA. This access was used for many years when the Tuck Industries manufacturing facility was in operation. The grade crossing provides access both to the project site and to the adjoining Sisters property, avoiding multiple accesses onto Tioronda Avenue. The Filed Subdivision Map (FM #10970 filed February 20, 2000) provides for a shared access. The Applicant will offer emergency access to other owners of the FCD properties subject to contribution of a fair share of the costs of building the emergency access. The 555 South Avenue property has its own entrance, at a point approximately 2,400 feet south of the entrance to Beacon 248.

The general interior configuration of the project road system is shown on the plans. The road system provides for circulation by means of a left turn inside the site to reach the proposed buildings, and a right turn inside the site to reach Sisters property.

The project will generate new traffic in the vicinity of the project site, since the site is currently vacant. All traffic will be oriented to travel to and from the site via the intersection of Tioronda Avenue with Wolcott Avenue/Route 9D. The present access design is to prohibit arrivals to the site from the south, and prohibit left turns out of the site to travel south on Tioronda Avenue. This traffic routing meets the needs of travelers, since Wolcott Avenue provides the best routing in either direction to I-84, the train station, and Route 9D going either north or south. It also protects the neighborhoods to the south and west of the site from additional traffic through local neighborhoods. The limitation on turning movements does not create any traffic difficulties for the residents of the project or for the local community.

The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017, provides trip generation rates by land use categories, using different variables. Table 6-1 provides estimates for traffic

generation for the two proposed uses on the site for the weekday a.m. peak hour of adjacent street traffic and the weekday p.m. peak hour of adjacent street traffic.

Table 6-1: Traffic Generation

LAND USE	Land Use Code	AM Peak		PM Peak	
		Rate	vte's	Rate	vte's
Multifamily Housing (Mid-Rise) (64 dwelling units)	221	0.36 vte's per dwelling unit	23	0.44 vte's per dwelling unit	28
General Office Building (25,400 SF)	710	1.16 vte's per 1,000 SF GFA	29	1.15 vte's per 1,000 SF GFA	29
Total			52		57
vte = vehicle trip end					

Thus, the project with 64 dwelling units and 25,400 SF of office space is expected to generate 52 vte's during the weekday a.m. peak hour of adjacent street traffic and 57 vte's during the weekday p.m. peak hour of adjacent street traffic. These rates do not exceed the SEQR threshold of 100 vte's.

The previously approved project with 100 dwelling units was expected to generate slightly more traffic, with 53 vte's during the weekday a.m. peak hour of adjacent street traffic and 73 vte's during the weekday p.m. peak hour of adjacent street traffic. Since the estimated traffic generation for the current project is expected to be less than that of the approved project, no significant adverse impacts to traffic are anticipated.

A Traffic Impact Study dated November 13, 2013, was prepared, and was supplemented by another study dated March 20, 2014. The March 2014 Supplemental study evaluated the traffic movements considering also the traffic to be generated by potential development of the Sisters property and the Beacon Terminals 555 South Avenue property, both of which are also within the FCD district. The March 2014 study concludes that even with the development of the FCD parcels to the south, all intersections studied will continue to operate at a LOS "A" (excellent) with the exception of the Wolcott Avenue/Tioronda Avenue intersection, where the Wolcott Avenue approaches will operate at LOS "B" (good) and the Tioronda Avenue approaches will operate at LOS "A" (excellent).

A significant portion of the former manufacturing facility traffic consisted of truck traffic. Truck traffic generated by the proposed office use will be minimal.

Sight distance is excellent at the proposed Wolcott Avenue access. The sight distance looking south from the Tioronda access will exceed AASHTO standards with the removal of existing vegetation.

Temporary traffic generated during demolition and construction activities includes construction employees and the delivery of equipment and materials. The project is not expected to result in any adverse impacts in regard to temporary traffic during construction.

6.2 Parking

Parking is provided in a surface lot located between the proposed office building and residential buildings, and within a parking garage located below grade that extends under and between the two residential buildings. According to the City of Beacon Zoning Code Section 223-26.F, a multifamily residential use requires 1 space for each dwelling unit plus 1/4 space for each bedroom, and a professional office use requires 1 space for each 200 square feet of gross floor area, excluding utility areas. Therefore, the 64-unit residential development with 28 one-bedroom units and 36 two-bedroom units (100 bedrooms total) requires 89 parking spaces and the 25,400 SF office building requires 127 parking spaces, for a total required parking of 216 spaces. This requirement is both a maximum and minimum for an FCD project. The proposed site plan provides a total of 220 parking spaces, which exceeds the required parking.

Per Section 223-26.H(b), a minimum of 1 loading space for the first 20,000 square feet of GFA, is required plus one space for each additional 40,000 square feet of GFA or major portion thereof. Therefore, the project with 25,400 SF of office space is expected to require 1 loading space, which is shown on the site plan.

7.0 NOISE AND LIGHTING

7.1 Noise

The project is not expected to result in an increase in noise levels above local ambient noise levels after completion of construction.

The proposed construction activities may result in temporary noise that exceeds local ambient noise levels. These activities will be limited to the hours of 7:00 AM to 7:00 PM Monday through Saturday, and all motorized equipment used in construction activity shall be operated with a muffler, in compliance with the City of Beacon Code Chapter 149, Noise, Section 149-6.F. Therefore, the project is not expected to result in any adverse impacts with regard to noise.

7.2 Lighting

All exterior lighting will be downward directed, and will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from the street in accordance with Section 223-14.B of the zoning regulations. Lighting will consist of decorative full cut-off lighting with International Dark-Sky Association-approved "dark sky friendly" performance. The average level within the parking lots, access, and sidewalks will be sufficient to promote safety and encourage pedestrian use. Lighting photometrics and details will be provided during the site plan review process. Light pole locations are shown on Sheet SP2 of the site plan set.

8.0 SOLID WASTE

FEAF Question D.2.r requests information on solid waste generation for commercial or industrial projects only (not for residential uses). According to the Development Impact Assessment Handbook, Urban Land Institute, 1994, an office use is expected to generate 0.001 tons per employee per day. Thus, the proposed office building is expected to generate 0.073 tons of solid waste per day or 2 tons per month. Solid waste

will be picked up regularly by a licensed solid waste hauler for disposal at the Dutchess County Resource Recovery Agency facility in Poughkeepsie. Recyclable materials will be separated onsite and carted to this facility for recycling.

9.0 CONTAMINATION HISTORY

The project site was listed in the NYSDEC's Environmental Remediation Database as Site Code 314044, formerly owned by Tuck Industries and operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste (primarily heptanes and toluene), which resulted in soil contamination. The NYSDEC website indicates that the has been remediated and assigned a classification of C, which means that the NYSDEC has determined that remediation has been satisfactorily completed under a remedial program. The site has been delisted from the NYS Registry of Inactive Hazardous Waste Disposal Sites per NYSDEC correspondence dated October 11, 2002.

10.0 ENDANGERED, THREATENED AND RARE SPECIES AND SIGNIFICANT HABITAT

The NYSDEC Environmental Resource Map shows the southern portion of the site within an area with a known occurrence of a rare animal (Figure 7). Correspondence from the NYSDEC New York Natural Heritage Program dated July 24, 2013, identified the site as being near a waterfowl winter concentration area and an anadromous fish concentration area, and also indicated the presence of non-breeding Bald Eagle. By email dated August 8, 2013, the NYSDEC indicated that the non-breeding occurrence is associated with wintering eagles and known roosting location, and that this roosting location was at the mouth of Fishkill Creek at the Hudson River at Denning's Point. This location is approximately 0.77 miles from the project site. According to the NYSDEC, there was no record of a breeding nest site within one mile of the project, but indicated that this should be reassessed annually until the project is constructed. The National Bald Eagle Management Guidelines also recommend that the project minimize disruptive activities and development in the flight paths between nests, roost sites and important foraging areas; locate water dependent facilities away from foraging areas, avoid boating near foraging areas, and protect and preserve potential roost and nest sites by retaining, to the extent practicable, mature trees and old growth stands within 0.5 miles of the water. The project does not propose any marina or boating activities, and the project will retain much of the wooded vegetation along Fishkill Creek. The activities proposed on the site are less disruptive than previous on-site activities associated with the former manufacturing facility and the Metro-North railroad. The project site will be reviewed annually for any nests until construction is completed. Updated information regarding endangered and threatened species has been requested from NYSDEC.

The US Fish & Wildlife Service (USFWS) Official Species List (Attachment A) indicates the potential for the Indiana Bat, Northern Long Eared Bat, and Dwarf Wedgemussel in the vicinity of the project site. The USFWS List indicates that there are no critical habitats within the project area under USFWS jurisdiction. During review of the previously approved project, the US Fish and Wildlife Service did not express any concerns regarding possible use of the site by Bald Eagle. While the NYSDEC indicated that the closest occurrence of Indiana Bat is more than 2.5 miles away, the USFWS requested that the project limit tree clearing to October 1 to March 31, minimize removal of large trees, use cut-off lighting, and not use pesticides or herbicides in any stormwater basins.

Consultation with NYSDEC and USFWS will be completed as required. Therefore, no significant adverse impacts to endangered, threatened or rare species are anticipated as a result of the project.

11.0 HISTORIC AND ARCHEOLOGICAL RESOURCES

According to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 8), the project site is not substantially contiguous to nor does it contain a building site, or district, listed on the National or State Register of Historic Places. The CRIS mapping indicates that the Wolcott Avenue bridge over the Fishkill Creek (aka Cooperation Bridge) was determined to be eligible for listing on the Register (evaluated under NYSOPRHP Project Number 93PR0331, USN 02741.000362). The mapping also shows the project site as being located within a known archaeologically sensitive area.

A Phase 1A Archeological Investigation dated July 2013 was conducted by Hartgen Archaeological Associates, Inc. The report concluded that as a result of the impacts related to the continuous industrial development of the property combined with the impacts surrounding the removal the buildings associated with the New York Rubber Company facility, it is likely no significant cultural deposits, specific to the early to mid-19th century development of the property remain. The Phase 1A report was submitted to NYSOPRHP for review, under the previously approved project. Correspondence from NYSOPRHP dated September 27, 2013, requested additional project information due to the project's location adjacent to a National Register-Eligible district to the east. The Applicant then submitted the additional requested information, and in correspondence dated December 23, 2013, NYSOPRHP concluded that the massing of the buildings as proposed at that time was appropriate for the site, and determined that the approved project would have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places. Information and plans for the currently proposed project will be upload to NYSOPRHP CRIS for review and determination. Since the project is similar to the approved project in regard to disturbance area and architecture, it is anticipated that NYSOPRHP's determination will remain the same, and no impacts to cultural resources will occur.

12.0 COMMUNITY CHARACTER

The project involves the redevelopment of a deteriorated former industrial site. The project will aesthetically improve the site with new landscaping, decorative lighting, and architecturally pleasing new buildings, as well as providing a public Greenway Trail along the Fishkill Creek. The properties north of the project site are vacant residential land and the City of Beacon highway garage. The project site is separated from Tioronda Avenue by a railroad bed owned by MTA, and across Tioronda Avenue are single family residences and a public school. Adjacent to the project site to the south is a vacant industrial property, also located in the FCD district. Uses across the Fishkill Creek from the project site include single family residences, a two-family residence, vacant residential land owned by the City of Beacon, and an animal rescue facility. The proposed residential and office uses will blend in with the other residential uses in the area and will be consistent with future development of the FCD property to the north and south.

Architectural elevations are provided. The architecture and building materials depicted on the exterior elevations of the buildings are quality examples of urban architecture typical of older City of Beacon structures. The buildings are designed to present a subtly varied, yet ordered and cohesive appearance in terms of architectural style. Architecturally pleasing from all sides, they will be consistent with older

industrial buildings in the city, but with more residential proportions. Scales, forms and materials used are appropriate to ensure that buildings and other structures are compatible with and add interest to the landscape. The elevations are clad predominately in brick. Third story and cellar level elevations are set back to mitigate the perceived height of the buildings on all sides. The setbacks are clad in black metal panels which complement the brick cladding well. Windows, doors and trim will be black powder coated aluminum. Painted black steel balconies will be provided for a number of units. Proposed retaining walls on the site will be poured in place concrete with fieldstone veneer. Proposed retaining walls will be segmental concrete block walls in earthtone colors. The proposed refuse container will be screened from view by a cedar fence, and will comply with the City's requirements in Section 223-14.C.

Cross sectional views have been prepared which show that the properties to the west are much higher in elevation than the project property, and the site drops off to a lower elevation east of the tracks. Since the project site is much lower than much of the surrounding area, only the higher portions of the proposed buildings are expected to be visible.

The City's Local Waterfront Revitalization Plan designates 13 local viewsheds under Policy 25A that are designated for protection. The applicant's development site is not within any of the designated viewsheds. The proposed development area is not located in a designated LWRP viewshed; however, the project design is consistent with the applicable LWRP recommendations for developing in scenic view sheds.

The proposed layout maintains the original land form, as it utilizes the existing disturbed area from the former heavy industrial development, while the area at the top of the bank of the creek is preserved. The natural grade changes across the site (west to east), serve to screen the parking and lower the height of the buildings as viewed from Tioronda Avenue and from residential properties across Tioronda Avenue.

The access road to Wolcott Avenue does not present adverse visual impacts. The new wall required for the access to Wolcott Avenue is substantially lower than the existing wall associated with Tioronda Avenue itself. The new wall serves to hide some of the graffiti on the Tioronda wall. The applicant intends to design plantings to soften views of the new wall (to be refined during site plan review by the Planning Board).

The Greenway Trail will connect to the property to the South. An official "Greenway Trail" on the property to the south does not currently exist; however, there is a 6-foot trail easement along the property boundary with the Fishkill Creek, which was designated at the time the property was subdivided. At the north end of the project site, the Trail connects to Wolcott Avenue. The Greenway Trail will be constructed to the guidelines of the City's FCG&HT Master Plan. The provision of the trail easement is a major benefit to the City of this project. The width of the proposed trail easement varies from 10 feet to 20 feet. Presently, the City has only a 6-foot wide easement at the property edge, pursuant to the filed subdivision map. The project site contains a very attractive section of waterfront, including views of a waterfall. Extensive existing natural vegetation between the project and the creek will help screen the buildings from views across the creek.

The project will enhance the site, thus improving the value and development capability of nearby properties.

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FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF) PART 1 FORM

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Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project: Proposed Multifamily Development and Office Building		
Project Location (describe, and attach a general location map):		Refer to Figures 1 and 2.
Tioronda Avenue (along Fishkill Creek), City of Beacon, Dutchess County, NY; Tax Parcels 5954-16-993482 & 6054-45-012574		
Brief Description of Proposed Action (include purpose or need): The Applicant, Chai Builders Corp., proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The 9.18-acre project site consists of two tax parcels identified as parcels 5954-16-993482 and 6054-45-012574 on the City of Beacon tax map. Access to the development is provided from Tioronda Avenue across the Metropolitan Transit Authority (MTA) property via easement. A second gated access for emergency and pedestrian use only is provided from Wolcott Avenue (NYS Route 9D). The proposed development is contained almost entirely within the former Tuck Industries development area. Please refer to site plan.		
Name of Applicant/Sponsor: Chai Builders (Berry Kahn)		Telephone: 917-696-4402
		E-Mail: berry@chaibuilders.com
Address: 120 Route 59 Suite 201		
City/PO: Suffern	State: NY	Zip Code: 10901
Project Contact (if not same as sponsor; give name and title/role): Same as Applicant		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Beacon 248 Development, LLC		Telephone:
		E-Mail:
Address: 104 Rochelle Avenue		
City/PO: Rochelle Park	State: NJ	Zip Code: 07662

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	FCD Concept Plan Approval	Sep 2018
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Approval; lot consolidation	Sep 2018
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DCDOH for water/sewer; DC Planning 239m referral	To be determined
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC GP-0-15-002	To be determined
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Potential Nationwide Permit 14	To be determined
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? Refer to FEAF Narrative Section 2.3.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? Refer to FEAF Narrative Section 2.2.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s): Remediation Sites:314044 , Remediation Sites:546031 (Refer to response to Question E.1.h.iv)	

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 Fishkill Creek Development (FCD) District; refer to FEAF Narrative Section 2.3.

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

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

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
City of Beacon Police Department with support from Dutchess County Sheriff's Department and NYS Police

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

d. What parks serve the project site?
Hudson Highlands State Park, Memorial Park, South Avenue Park

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? _____ 9.18 acres
 b. Total acreage to be physically disturbed? _____ 5.95 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 9.18 acres

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

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

 ii. Is a cluster/conservation layout proposed? Yes No
 iii. Number of lots proposed? _____
 iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? Yes No
 i. If No, anticipated period of construction: _____ 24 months
 ii. If Yes:
 • Total number of phases anticipated _____
 • Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
 • Anticipated completion date of final phase _____ month _____ year
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

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

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	64
At completion of all phases	_____	_____	_____	64

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

i. Total number of structures 3 (2 residential buildings and an office building)
 ii. Dimensions (in feet) of largest proposed structure: 3 stories height; 100' width; and 100' length
 iii. Approximate extent of building space to be heated or cooled: 101,602 square feet

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

i. Purpose of the impoundment: _____
 ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____
 iii. If other than water, identify the type of impounded/contained liquids and their source. _____
 iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
 v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

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

i. What is the purpose of the excavation or dredging? _____
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
 • Volume (specify tons or cubic yards): _____
 • Over what duration of time? _____
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

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

 v. What is the total area to be dredged or excavated? _____ acres
 vi. What is the maximum area to be worked at any one time? _____ acres
 vii. What would be the maximum depth of excavation or dredging? _____ feet
 viii. Will the excavation require blasting? Yes No
 ix. Summarize site reclamation goals and plan: _____

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

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): Tributary of Fishkill Creek, NYSDEC Stream H-95 (potential disturbance).

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

iii. Will proposed action cause or result in disturbance to bottom sediments? Yes No
 If Yes, describe: _____

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

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

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

NA

c. Will the proposed action use, or create a new demand for water? Refer to FEAF Narrative Section 5.1. Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 11,876 gallons/day

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

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

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

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

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

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

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

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

d. Will the proposed action generate liquid wastes? Refer to FEAF Narrative Section 5.1. Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 11,876 gallons/day

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

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

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? If Yes: <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ <p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>NA _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste:</p> <p>NA _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? Refer to FEAF Narrative Section 5.2. If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or <u>3.08</u> acres (impervious surface) _____ Square feet or <u>9.18</u> acres (parcel size)</p> <p>ii. Describe types of new point sources. <u>To be determined</u></p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? <u>Stormwater management system which will discharge to Fishkill Creek</u></p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ Fishkill Creek • Will stormwater runoff flow to adjacent properties? _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

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

If Yes:

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

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

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

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

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Refer to FEAF Narrative Section 6.1. Yes No

If Yes:

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

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

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

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

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

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

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

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

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

If Yes:

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

To be determined

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

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

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00 am to 7:00 pm _____ • Saturday: _____ 7:00 am to 7:00 pm _____ • Sunday: _____ NA _____ • Holidays: _____ NA _____ 	<p>ii. During Operations: office building hours to be determined based on individual tenants</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours (residential) _____ • Saturday: _____ 24 hours (residential) _____ • Sunday: _____ 24 hours (residential) _____ • Holidays: _____ 24 hours (residential) _____
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:
 Temporary noise from construction activities will be limited to the hours of 7:00 AM to 7:00 PM Monday to Saturday, and all motorized equipment used in construction will be operated with a muffler, in compliance with the City of Beacon Code Chapter 149, Noise, Section 149-6.F.

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

n. Will the proposed action have outdoor lighting? Yes No
 If yes:
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:
 All exterior lighting will be of such type and location and will have such shading to prevent the source of light from being seen from any adjacent residential property or from the street in accordance with Section 223-14.B of the zoning regulations.

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

o. Does the proposed action have the potential to produce odors for more than one hour per day? Yes No
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? Yes No
 If Yes:
 i. Product(s) to be stored _____
 ii. Volume(s) _____ per unit time _____ (e.g., month, year)
 iii. Generally describe proposed storage facilities: _____

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

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

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? [Refer to FEAF Narrative Section 8.0.](#) Yes No
 If Yes:
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:
 • Construction: _____ NA tons per _____ NA (unit of time)
 • Operation : _____ 2 tons per _____ month (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:
 • Construction: NA _____
 • Operation: _____ Recyclable materials will be separated and hauled to the DC Resource Recovery Agency Facility in Poughkeepsie for recycling.

iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: NA _____
 • Operation: _____ Solid waste will be picked up regularly by a licensed solid waste hauler for disposal at the Dutchess County Resource Recovery Agency facility in Poughkeepsie.

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

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

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

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

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

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.
 i. Check all uses that occur on, adjoining and near the project site. [Refer to Figure 3 and FEA Narrative Section 2.1.](#)
 Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): school, animal rescue facility
 ii. If mix of uses, generally describe:
 City of Beacon highway garage, public school, single family residences, two family residence, vacant residential land, animal rescue facility, vacant FCD property, MTA railroad property

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	2.30	3.08	+0.78
• Forested	3.5	2.75	-0.75
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	2.37	0	-2.37
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.31	0.31	0
• Wetlands (freshwater or tidal)	(1.81)*	(1.81)*	0
• Non-vegetated (bare rock, earth or fill)	0.70	0	-0.70
• Other Describe: <u>lawn/landscaped areas</u>	0	3.04	+3.04

* Wetland acreage overlaps with water surface area, forested, and meadow/brushland acreages.

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

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? Yes No
If Yes,
i. Identify Facilities:
Beacon City School District public school across Tioronda Avenue from site

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

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

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

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? Yes No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
NYSDEC Remediation Site Code 314044. Refer to FEAR Narrative Section 9.0.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes – Spills Incidents database Provide DEC ID number(s): _____
 Yes – Environmental Site Remediation database Provide DEC ID number(s): 314044 , 546031
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
NA _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
If yes, provide DEC ID number(s): C314117, 314044 , C314118, 546031
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

Refer to FEAR Narrative Section 9.0 for information on Site Code 314044. C314117: Beacon Terminal = Classification A; 546031: Hudson River PCB Contamination = Classification O2; C314118: Churchill Mills = Classification N

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

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

E.2. Natural Resources On or Near Project Site Refer to Figure 4 and FEAF Narrative Section 4.1.

a. What is the average depth to bedrock on the project site? _____ >5 feet

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

c. Predominant soil type(s) present on project site: Udorthents, smoothed _____ 100 %
_____ %
_____ %

d. What is the average depth to the water table on the project site? Average: _____ >3 feet

e. Drainage status of project site soils: Well Drained: _____ 45 % of site
 Moderately Well Drained: _____ 45 % of site
 Poorly Drained _____ 10 % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 15 % of site
Refer to Figure 5. 10-15%: _____ 40 % of site
 15% or greater: _____ 45 % of site

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

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Refer to Figure 5 and FEAF Narrative Section 4.2. Yes No

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

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

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

- Streams: Name Fishkill Creek (NYSDEC Stream H-95) Classification _____
- Lakes or Ponds: Name NA Classification _____
- Wetlands: Name Federal Waters, Federal Waters (NWI wetlands along creek) Approximate Size 1.8 acres within site
- Wetland No. (if regulated by DEC) NA

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

i. Is the project site in a designated Floodway? Refer to Figure 6 and FEAF Narrative Section 4.3. Yes No

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

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

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

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____ Common urban species _____ Refer to FEAF Narrative Section 10.0. _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres </p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Refer to Figure 7 and FEAF Narrative Section 10.0.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____</p>	
E.3. Designated Public Resources On or Near Project Site	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? Refer to Figure 8 and FEA Narrative Section 11.0.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: <u>St. Luke's Episcopal Church Complex</u>	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Refer to Figure 8 and FEA Narrative Section 11.0.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Refer to Figure 9.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Refer to Figure 9.</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>SASS, NYSDEC trails, NYS Scenic Byway; Federal, State, County, and municipal recreation, State Park scenic trails</u>	
<i>iii.</i> Distance between project and resource: <u>Wolcott Ave Bridge</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

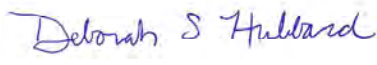
Attach any additional information which may be needed to clarify your project.

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

G. Verification

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

Applicant/Sponsor Name Chai Builders Corp. Date Sep 10, 2018; Reissued Oct 15, 2018

Signature  Title Planner



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



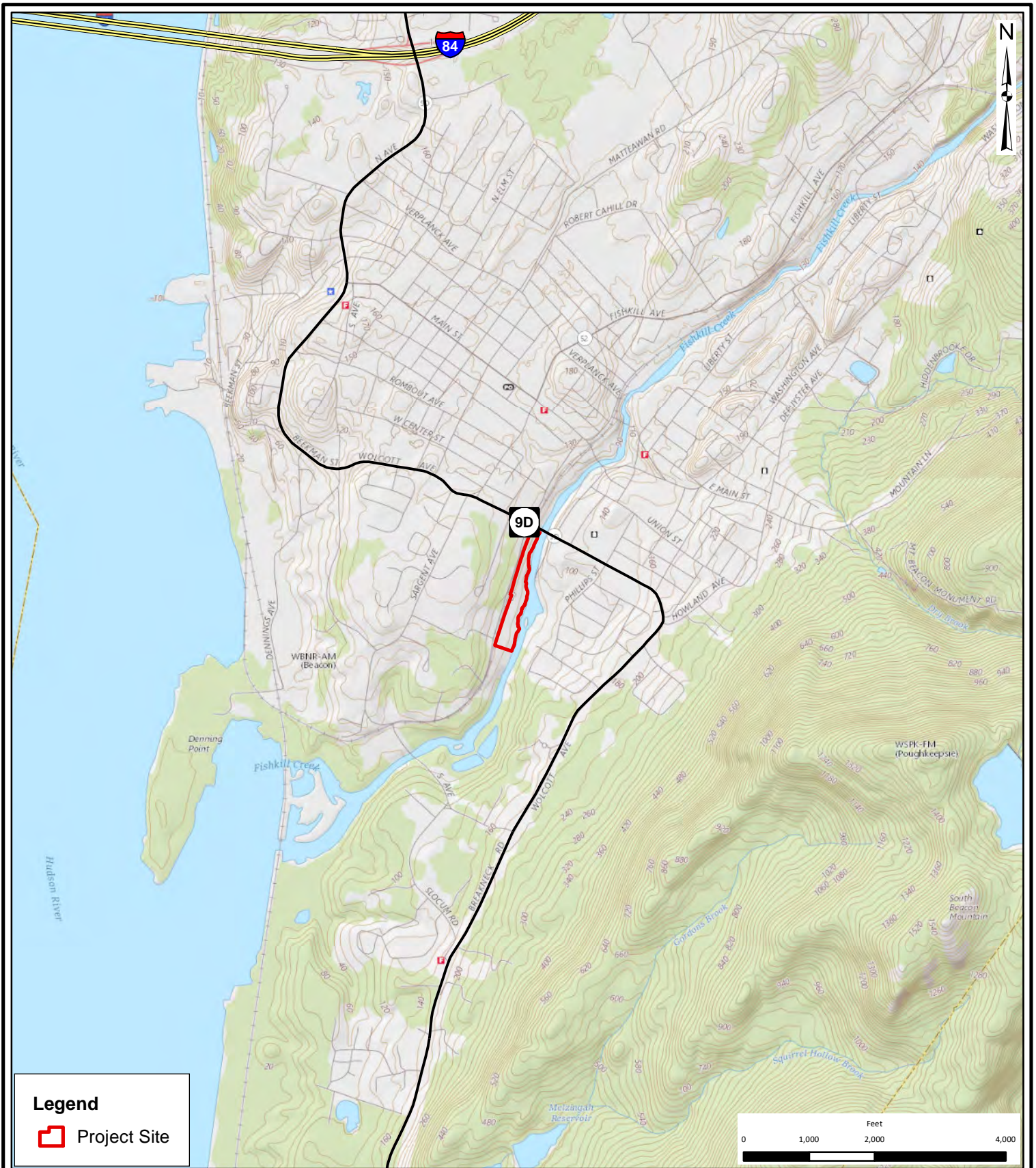
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediaton Sites:314044 , Remediaton Sites:546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	314044 , 546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	C314117, 314044 , C314118, 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes

E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	St. Luke's Episcopal Church Complex
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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FIGURES

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 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
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Dutchess County Office:
 21 Fox Street, Poughkeepsie, NY 12601
 Phone: (845) 454-3980

Capital District Office:
 547 River Street, Troy, NY 12180
 Phone: (518) 273-0055

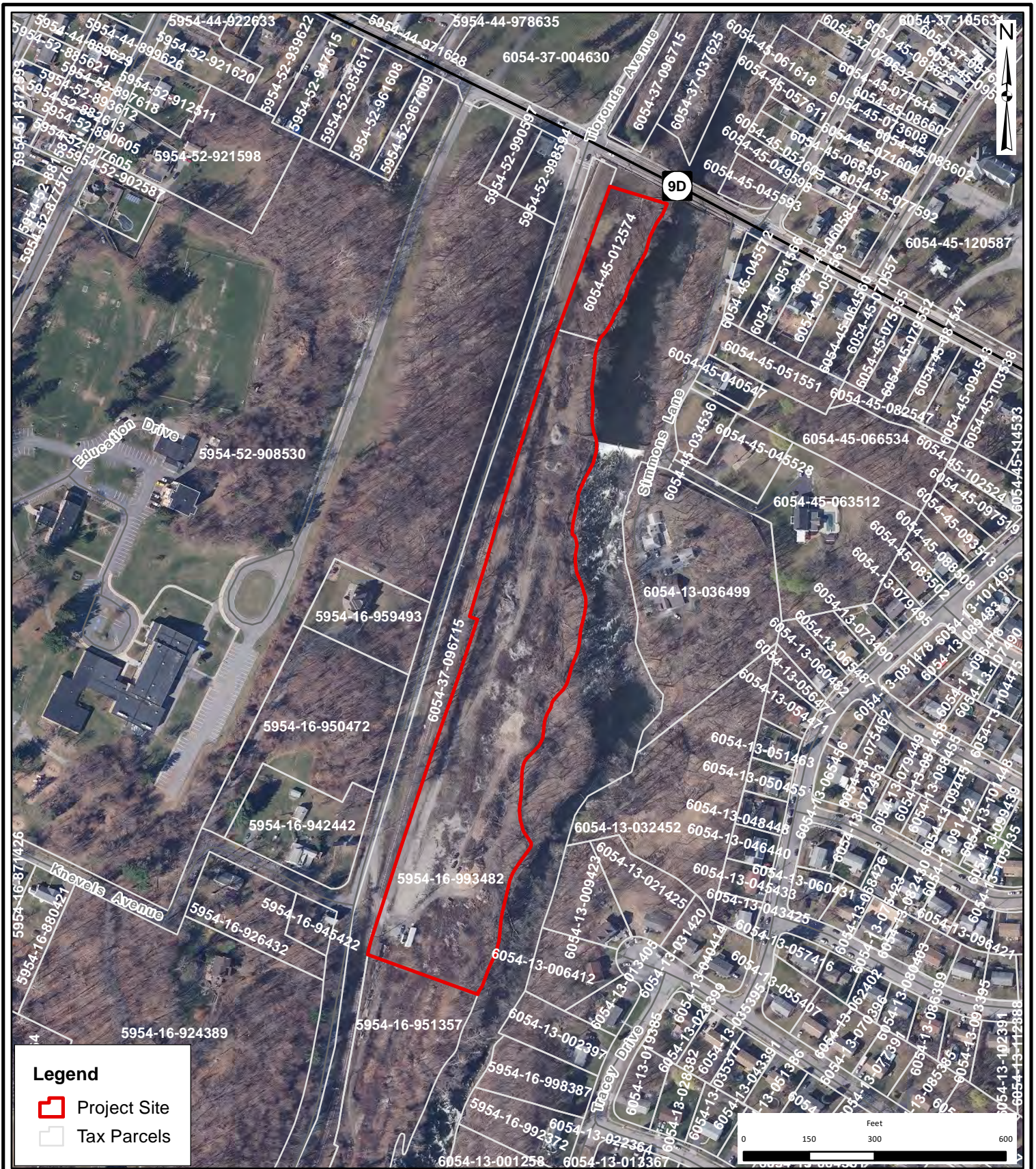
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan

USGS Location Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 2,000 feet
Project:	81750.00
Figure:	1



Legend

- ▭ Project Site
- Tax Parcels

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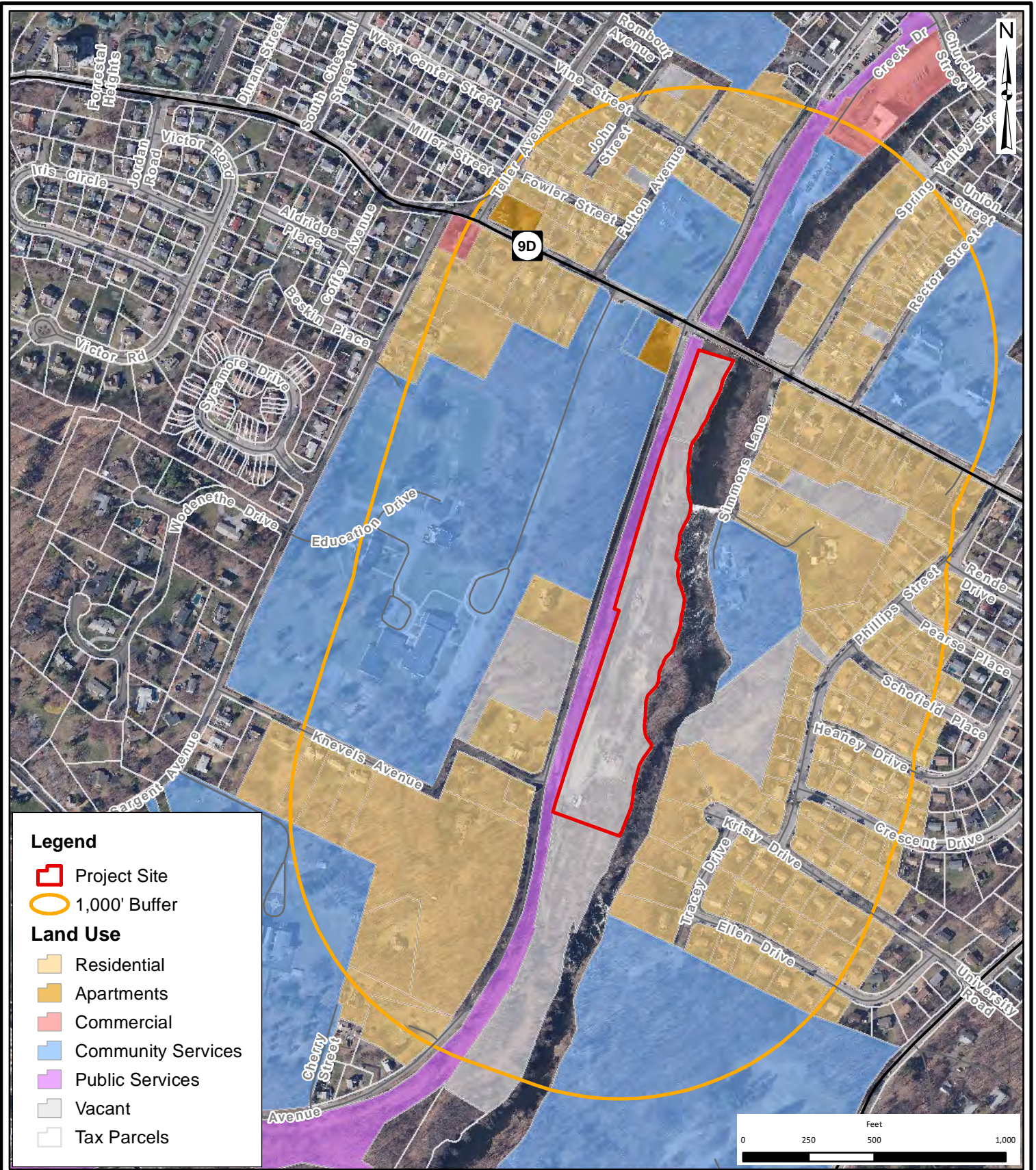
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Proposed Fishkill Creek Development (FCD) Site Plan

Orthophoto Tax Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	2



Legend

- Project Site
- 1,000' Buffer

Land Use

- Residential
- Apartments
- Commercial
- Community Services
- Public Services
- Vacant
- Tax Parcels



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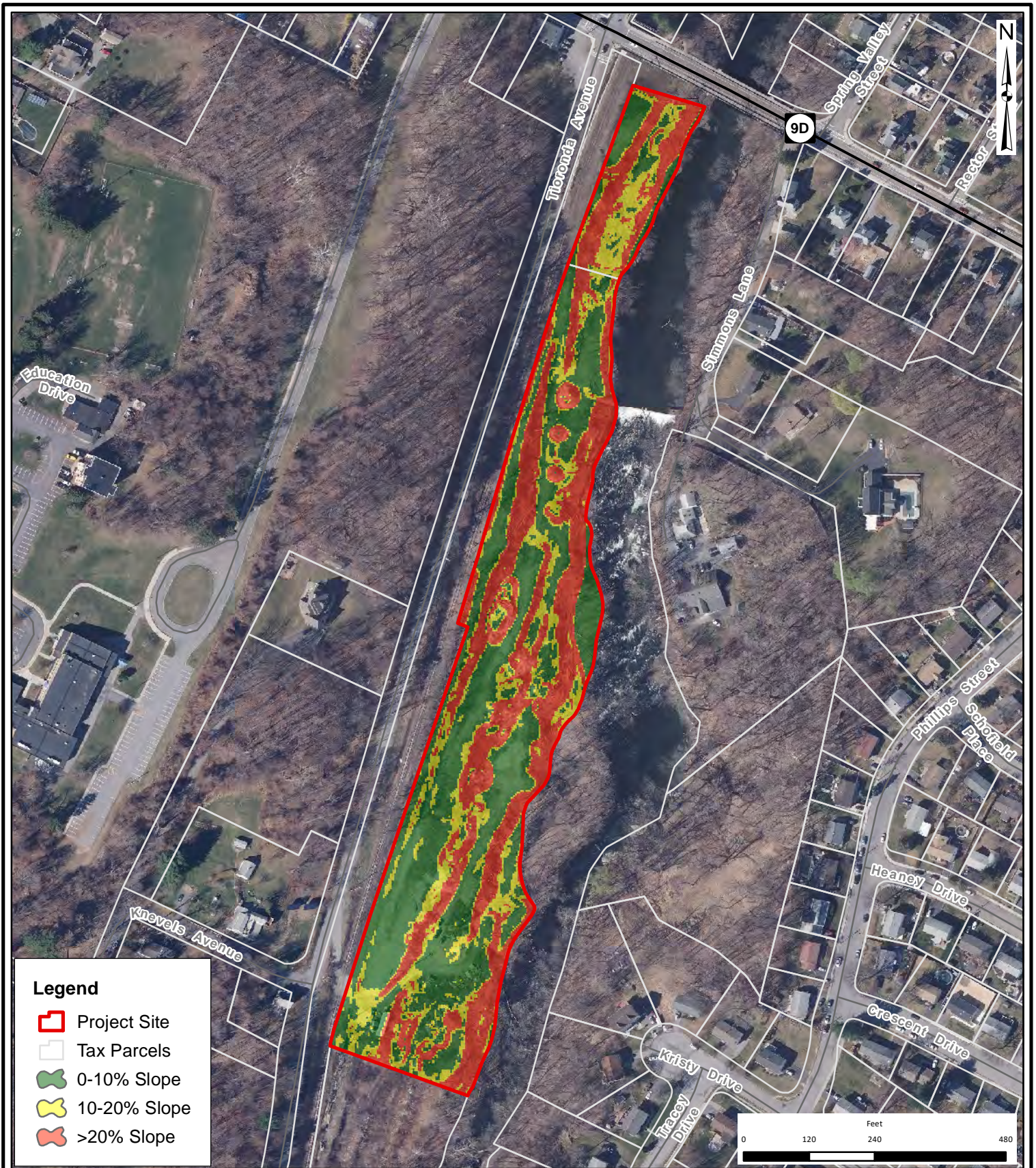
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Proposed Fishkill Creek Development (FCD) Site Plan

Land Use Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 500 feet
Project:	81750.00
Figure:	3



Legend

- Project Site
- Tax Parcels
- 0-10% Slope
- 10-20% Slope
- >20% Slope

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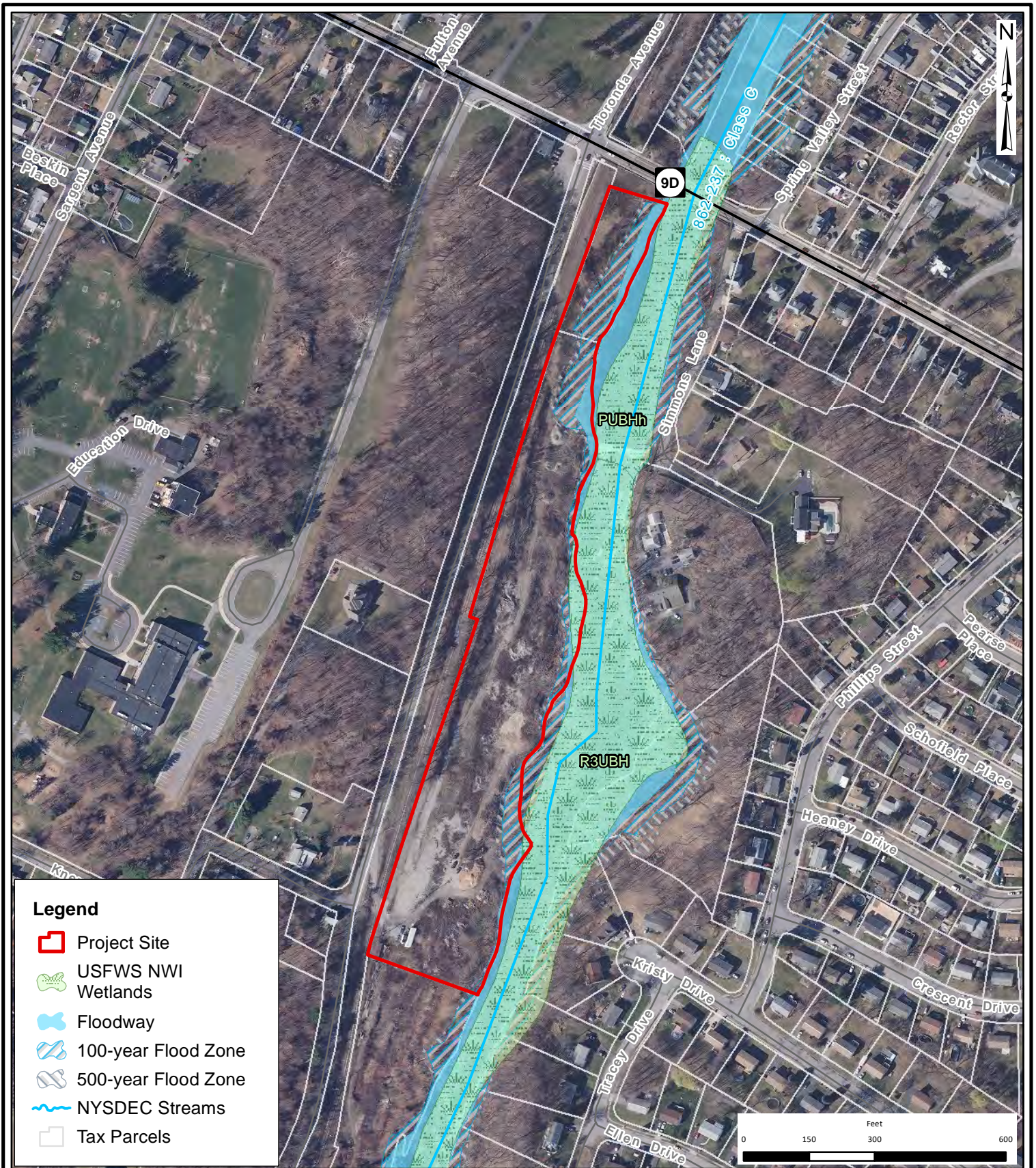
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Proposed Fishkill Creek Development (FCD) Site Plan

Slopes Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 240 feet
Project:	81750.00
Figure:	5



Legend

- Project Site
- USFWS NWI Wetlands
- Floodway
- 100-year Flood Zone
- 500-year Flood Zone
- NYSDEC Streams
- Tax Parcels

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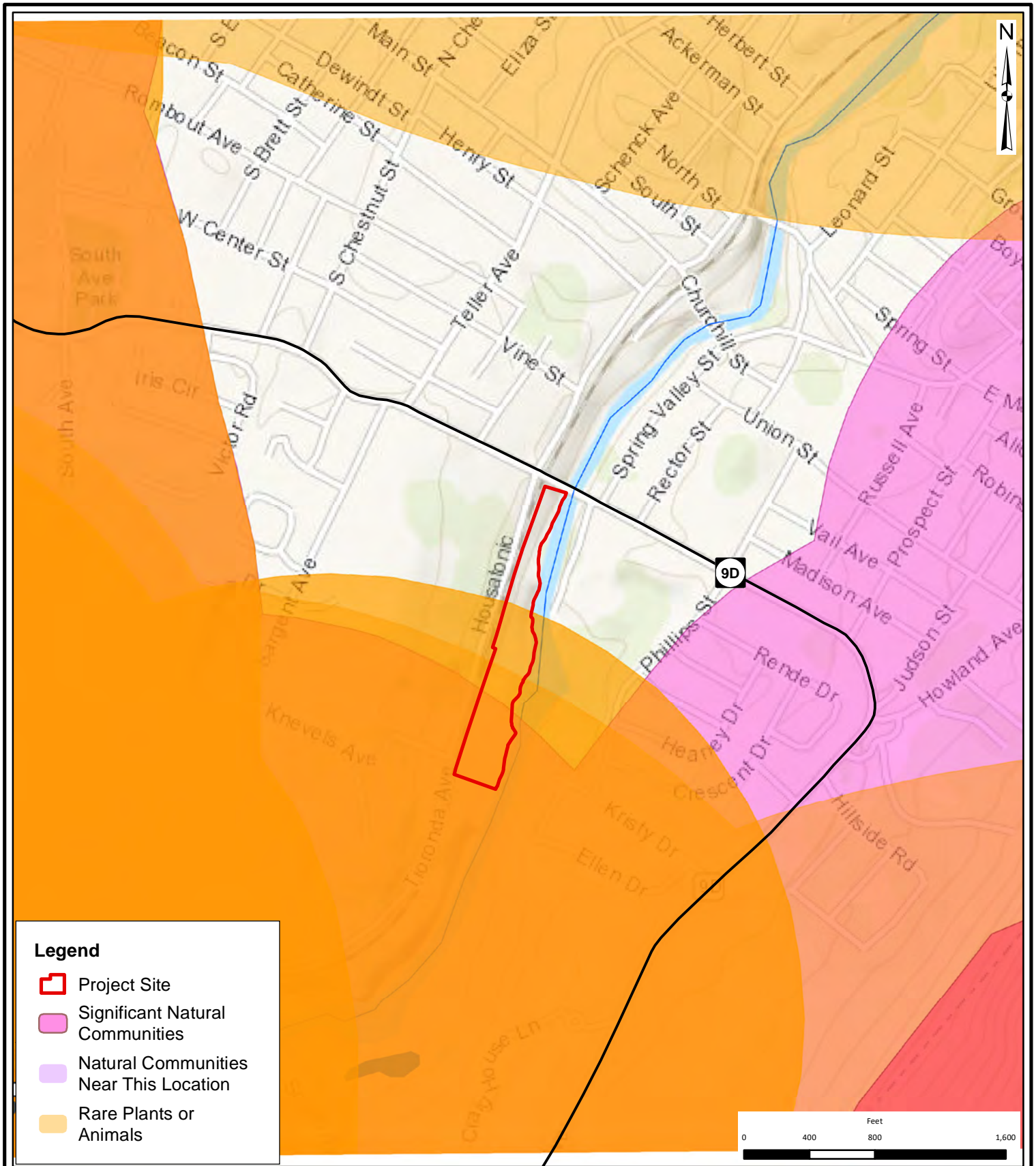
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Proposed Fishkill Creek Development (FCD) Site Plan

Wetland, Streams and Floodplain Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	6



Legend

- Project Site
- Significant Natural Communities
- Natural Communities Near This Location
- Rare Plants or Animals

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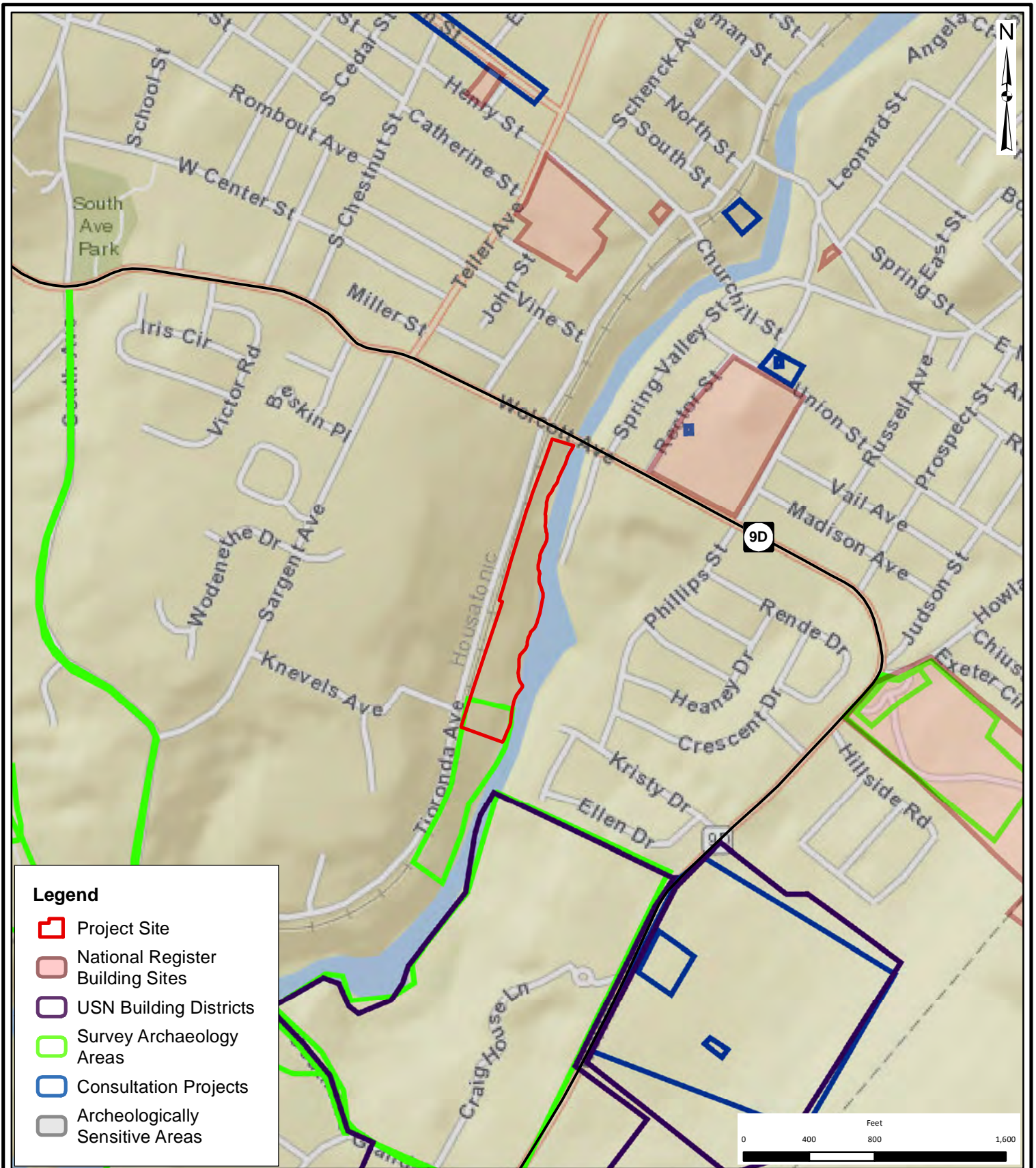
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Proposed Fishkill Creek Development (FCD) Site Plan

NYSDEC Environmental Resource Map

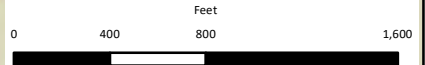
Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/07/2018
Scale:	1 in = 800 feet
Project:	81750.00
Figure:	7



Legend

- Project Site
- National Register Building Sites
- USN Building Districts
- Survey Archaeology Areas
- Consultation Projects
- Archeologically Sensitive Areas



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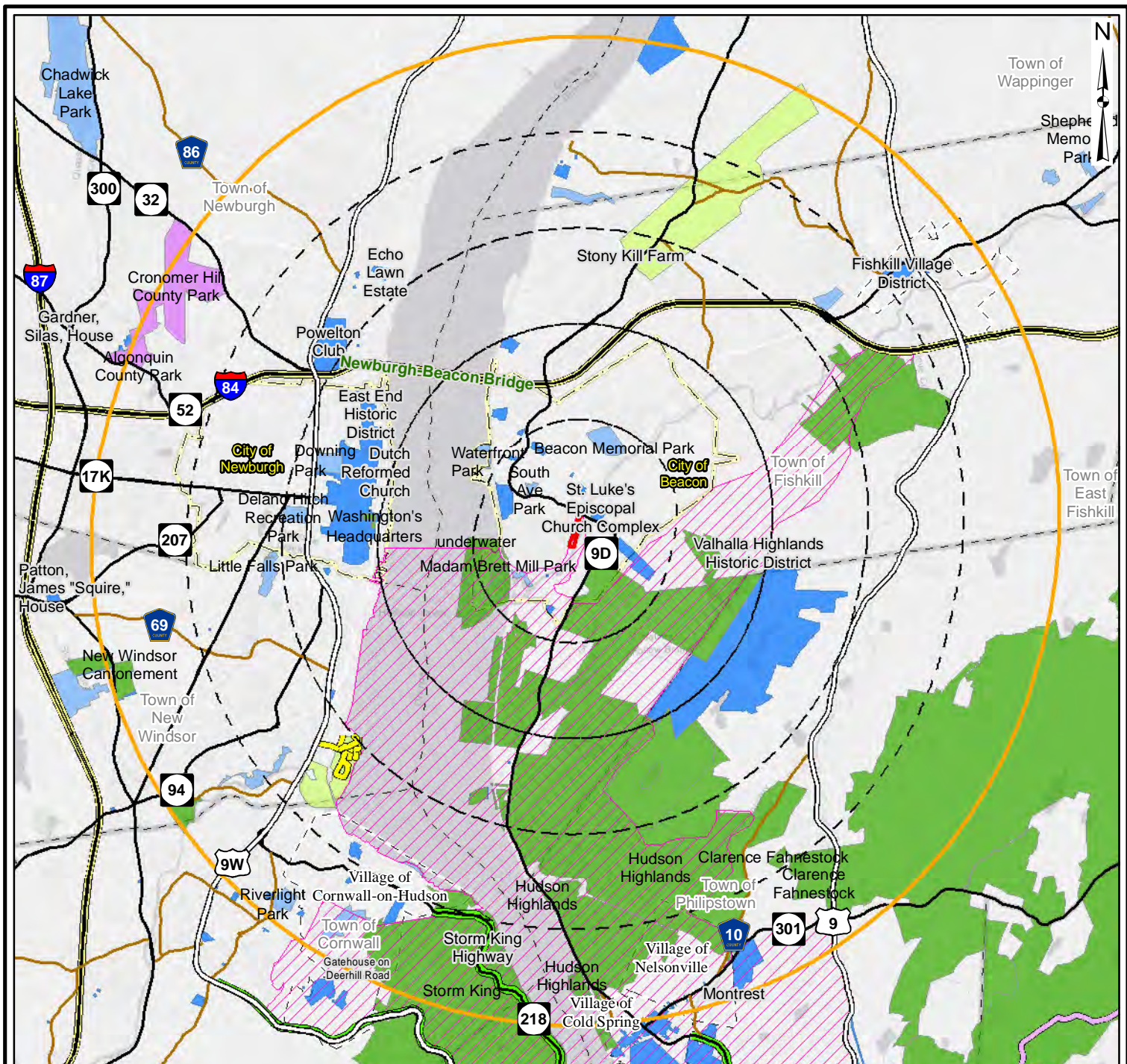
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Proposed Fishkill Creek Development (FCD) Site Plan














NYSOPRHP Cultural Resource Information System (CRIS)

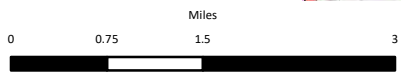
Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/07/2018
Scale:	1 in = 800 feet
Project:	81750.00
Figure:	8



Legend

-  5-mile Buffer
-  1-mile Buffers
-  Project Site
-  NYS scenic byways
-  Scenic Trails
-  DEC Trails
-  Scenic Areas of Statewide Significance
-  Municipal Recreation
-  County Recreation
-  Federal Recreation
-  State Parks And Historic Sites
-  State Recreation
-  State And National Register Listed



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Proposed Fishkill Creek Development (FCD) Site Plan

**Publicly Accessible
 Federal, State, or Local Scenic or Aesthetic
 Resources within 5 Miles**

Tioronda Avenue, City of Beacon - Dutchess County, NY

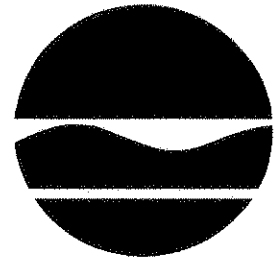
Drawn:	RL-B
Date:	09/07/2018
Scale:	1 in = 1.5 miles
Project:	81750.00
Figure:	9

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**ATTACHMENT A
NYSDEC Correspondence and
USFWS IPaC Resources List**

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

July 24, 2013

Barbara B. Beall, PWS, LEED AP
The Chazen Companies
375 Bay Road
North Country Office
Queensbury, NY 12804

Re: Beacon 248 Development LLC Site (TCC Job #31104.06)
Town/City: CITY OF BEACON. County: DUTCHESS.

Dear Barbara B. Beall, PWS, LEED AP :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The enclosed report may be included in documents that will be available to the public. However, any maps displaying locations of rare species are considered sensitive information, and are should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

DM

David Marston
Programmer / Analyst
New York Natural Heritage Program



The following state-listed animals have been documented at your project site, or in its vicinity.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species have been documented within 1 mi. Individual animals may travel 1 mi from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Bald Eagle <i>Nonbreeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	10503

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at <http://www.dec.ny.gov/animals/7494.html>.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NatureServe Explorer at <http://www.natureserve.org/explorer>.



The following rare plants, rare animals, and significant natural communities have been documented at your project site, or in its vicinity.

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following animals, while not listed by New York State as Endangered or Threatened, are of conservation concern to the state, and are considered rare by the New York Natural Heritage Program.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Animal Assemblages			
Anadromous Fish Concentration Area			
Fishkill Creek Mouth, 1986: Extensive areas of mudflats, emergent marsh, subtidal beds of aquatic vegetation.			7940
Waterfowl Winter Concentration Area			
Fishkill Creek Mouth, 1985: Warm-water stream, mudflats, emergent marsh, 80 acre hay and wooded sand peninsula.			920

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on Draft Ecological Communities of New York State.

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

September 10, 2018

Consultation Code: 05E1NY00-2018-SLI-3255

Event Code: 05E1NY00-2018-E-09923

Project Name: Chai Builders Proposed Multifamily Development and Office Building

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)

[eagle_guidance.html](#)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

Project Summary

Consultation Code: 05E1NY00-2018-SLI-3255

Event Code: 05E1NY00-2018-E-09923

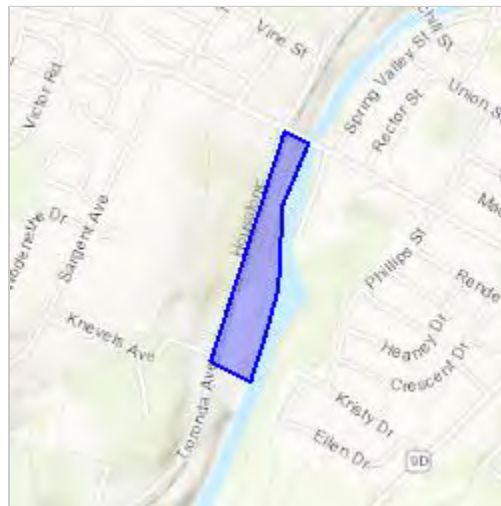
Project Name: Chai Builders Proposed Multifamily Development and Office Building

Project Type: DEVELOPMENT

Project Description: The Applicant, Chai Builders Corp., proposes the redevelopment of the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 square foot (SF) office building, with associated parking. A Greenway Trail for public use is proposed along the Fishkill Creek. The proposed development is contained almost entirely within the former Tuck Industries development area.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.49552009435731N73.96812773240211W>



Counties: Dutchess, NY

Endangered Species Act Species

There is a total of 3 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/784 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



SITE SECTION BLDG A

SITE SECTION BLDG B

SITE SECTION

248 TIORANDA AVENUE
BEACON, NEW YORK

PROPOSED REVISIONS
OCTOBER 15, 2018

abarchitekten



SITE SECTION BLDG A



SITE SECTION BLDG A



WEST ELEVATION BLDG B

WEST ELEVATION BLDG A



EAST ELEVATION BLDG A

EAST ELEVATION BLDG B



SOUTH ELEVATION BLDG A



NORTH ELEVATION BLDG A



NORTH ELEVATION BLDG B



WEST ELEVATION BLDG B



EAST ELEVATION BLDG A



WEST ELEVATION BLDG A

ROOF
+36'-0"

3RD FLOOR
+24'-0"

2ND FLOOR
+12'-0"

1ST FLOOR
+0'-0"

CELLAR
-12'-0"



EAST ELEVATION BLDG B

ROOF
+36'-0"

3RD FLOOR
+24'-0"

2ND FLOOR
+12'-0"

1ST FLOOR
+0'-0"

CELLAR
-12'-0"



WEST ELEVATION



EAST ELEVATION

SITE PLAN

BEACON 248 DEVELOPMENT

PREPARED FOR
CHAI BUILDERS

CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

SEPTEMBER 2018
LAST REVISED: OCTOBER 2018

BEST MANAGEMENT PRACTICES FOR INDIANA BATS

1. THE PROJECT WILL AVOID CUTTING TREES TO THE MAXIMUM EXTENT PRACTICABLE.
2. LARGER TREES WILL BE RETAINED.
3. TREE CLEARING LIMITS WILL BE MARKED IN THE FIELD PRIOR TO ANY CLEARING, AND CONTRACTORS WILL BE INFORMED ABOUT CLEARING LIMITS PRIOR TO THE INITIATION OF WORK.
4. TREES WILL BE MARKED IN THE FIELD BETWEEN OCTOBER 1 AND MARCH 31 IN ORDER TO AVOID ANY INCIDENTAL TAKE TO INDIANA BATS, OR OTHER BATS THAT MAY USE TREES FOR ROOSTING.
5. ALL SITE LIGHTING ON THE SITE WILL BE FULL CUT-OFF.
6. THERE WILL BE NO USE OF HERBICIDES OR PESTICIDES IN ANY STORMWATER MANAGEMENT BASINS.

BEST MANAGEMENT PRACTICES FOR BALD EAGLES

1. BALD EAGLES ARE KNOWN TO WINTER AND ROOST NEAR DENNING'S POINT. DENNING'S POINT IS WITHIN ONE MILE OF THE SITE, AT THE MOUTH OF FISHKILL CREEK.
2. THE NYSDEC HAS ASKED THAT THE NATIONAL BALD EAGLE MANAGEMENT GUIDELINES BE APPLIED TO THE PROJECT.
3. THE CURRENT PROJECT BEFORE THE BOARD DOES NOT PROPOSE ANY COMMERCIAL BOATING ACTIVITIES. HOWEVER, SHOULD THOSE BE DESIRED IN THE FUTURE, THE PROJECT WILL NOT IMPLEMENT BOAT RAMP, MARINAS, RECREATIONAL FISHING, OR COMMERCIAL BOATING WITHOUT THE EXPRESS WRITTEN PROOF APPROVAL OF THE NYSDEC.
4. THE CURRENT PROJECT BEFORE THE BOARD DOES NOT PROPOSE DISRUPTIVE ACTIVITIES BETWEEN THE PROJECT SITE AND THE MOUTH OF FISHKILL CREEK. SHOULD DISRUPTIVE ACTIVITIES BE PROPOSED IN THE FUTURE IN THIS LOCATION, THE PROJECT SHOULD CONSULT WITH THE NYSDEC.
5. THE PROJECT WILL AVOID RETAIN MATURE TREES AND OLD GROWTH STANDS AND LIMIT TREE CUTTING TO THE MAXIMUM EXTENT PRACTICABLE. LARGER TREES WILL BE RETAINED. TREE CLEARING LIMITS WILL BE MARKED IN THE FIELD PRIOR TO ANY CLEARING AND CONTRACTORS WILL BE INFORMED ABOUT TREE CLEARING LIMITS PRIOR TO THE INITIATION OF WORK.
6. ANNUALLY, THE SITE WILL BE REVIEWED FOR ANY BALD EAGLE NEST SITES. IF A BALD EAGLE NEST SITE IS OBSERVED, IT WILL BE REPORTED TO THE NYSDEC.

**CITY OF BEACON
PLANNING BOARD APPROVAL
CITY OF BEACON, NEW YORK**

APPROVED BY RESOLUTION NUMBER _____
OF THE PLANNING BOARD OF BEACON, NEW YORK ON THE _____ DAY OF _____, 2015, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION, OR REVISION OF THIS PLAN AS APPROVED SHALL VOID THIS APPROVAL. SIGNED THIS _____ DAY OF _____, 2015.

CHAIRMAN _____

**CITY OF BEACON PLANNING BOARD APPROVAL
OWNER / APPLICANT SIGNATURE**

THE UNDERSIGNED APPLICANT FOR THE PROPERTY AND THE UNDERSIGNED OWNER OF THE PROPERTY SHOWN HEREON STATE THAT THEY ARE FAMILIAR WITH THIS MAP, ITS NOTES AND ITS CONTENTS, AND HEREBY CONSENT TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE CITY TO KEEP THIS SITE AS PER SITE PLAN APPROVAL BY THE CITY PLANNING BOARD UNTIL A NEW OR REVISED SITE PLAN IS APPROVED FOR THE SITE. THE APPLICANT AND OWNER UNDERSTAND THEIR OBLIGATION TO THE TOWN NOT TO OCCUPY THE PREMISES BEFORE A CO IS ISSUED BY THE TOWN CODE ENFORCEMENT OFFICER.

APPLICANT _____ DATE _____

OWNER _____ DATE _____

INDEX OF DRAWINGS			
PAGE NO.	SHEET NO.	DATE	DESCRIPTION
1	T1	10/12/18	TITLE SHEET
2	SP1	09/10/18	EXISTING CONDITIONS
3	EC1	10/12/18	ENVIRONMENTAL CONDITIONS/CONSTRAINTS
4	SP2	10/10/18	SITE, LIGHTING AND LANDSCAPING PLAN
5	SP3	10/10/18	GRADING AND UTILITY PLAN

BULK TABLE		
FISHKILL CREEK DEVELOPMENT DISTRICT: FCD		
ZONING REQUIREMENTS:	REQUIRED	PROPOSED
MINIMUM LOT AREA	2 ACRES	9.18 ACRES
MAXIMUM # OF DWELLINGS*	64 UNITS	64 UNITS
NON-RESIDENTIAL FLOOR AREA	25,400 SF	25,400 SF
MAXIMUM BUILDING COVERAGE	35%	9.5%
MINIMUM OPEN SPACE	30%	90.5%
MINIMUM FRONTAGE OF OVERALL FCD SITE ON PUBLIC STREET ROW	50 FT	135'
MINIMUM BUILDING SETBACK FROM EDGE OF PAVEMENT OF PUBLIC AND PRIVATE STREETS	12 FT	700'
MINIMUM SETBACK AND BUFFER WIDTH ALONG FISHKILL CREEK	AVG 50 FT MIN 25 FT	AVG = 69 FT MIN. = 35 FT
MAXIMUM BUILDING HEIGHT	3 STORIES	3 STORIES
MINIMUM NUMBER OF PARKING SPACES		
RESIDENTIAL:	1 SPACE PER DWELLING UNIT PLUS 1/4 SPACE FOR EACH BEDROOM = 69 SPACES	89 SPACES TOTAL (WHICH INCLUDES 5 ACCESSIBLE SPACES)
NON-RESIDENTIAL:	1 SPACE PER 200 SF GROSS FLOOR AREA EXCLUDING UTILITY AREAS = 127 SPACES	131 SPACES TOTAL (WHICH INCLUDES 4 ACCESSIBLE SPACES)
TOTAL:	216 SPACES 9 ACCESSIBLE SPACES REQUIRED	220 SPACES 9 ACCESSIBLE SPACES PROVIDED

***Allowable Residential Units**

1	Total lot area	9.18 acres
2	Lot area with slopes over 25%, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland.	3.29 acres
3	Remaining lands for dwelling unit calculation (line 1 - line 2)	5.89 acres
4	Maximum dwelling units (line 3 * 13)	64 units

**DUTCHESS COUNTY DEPARTMENT
OF ENVIRONMENTAL HEALTH
FOR ALL SHEETS**

**OWNER'S CERTIFICATION
FOR ALL SHEETS**

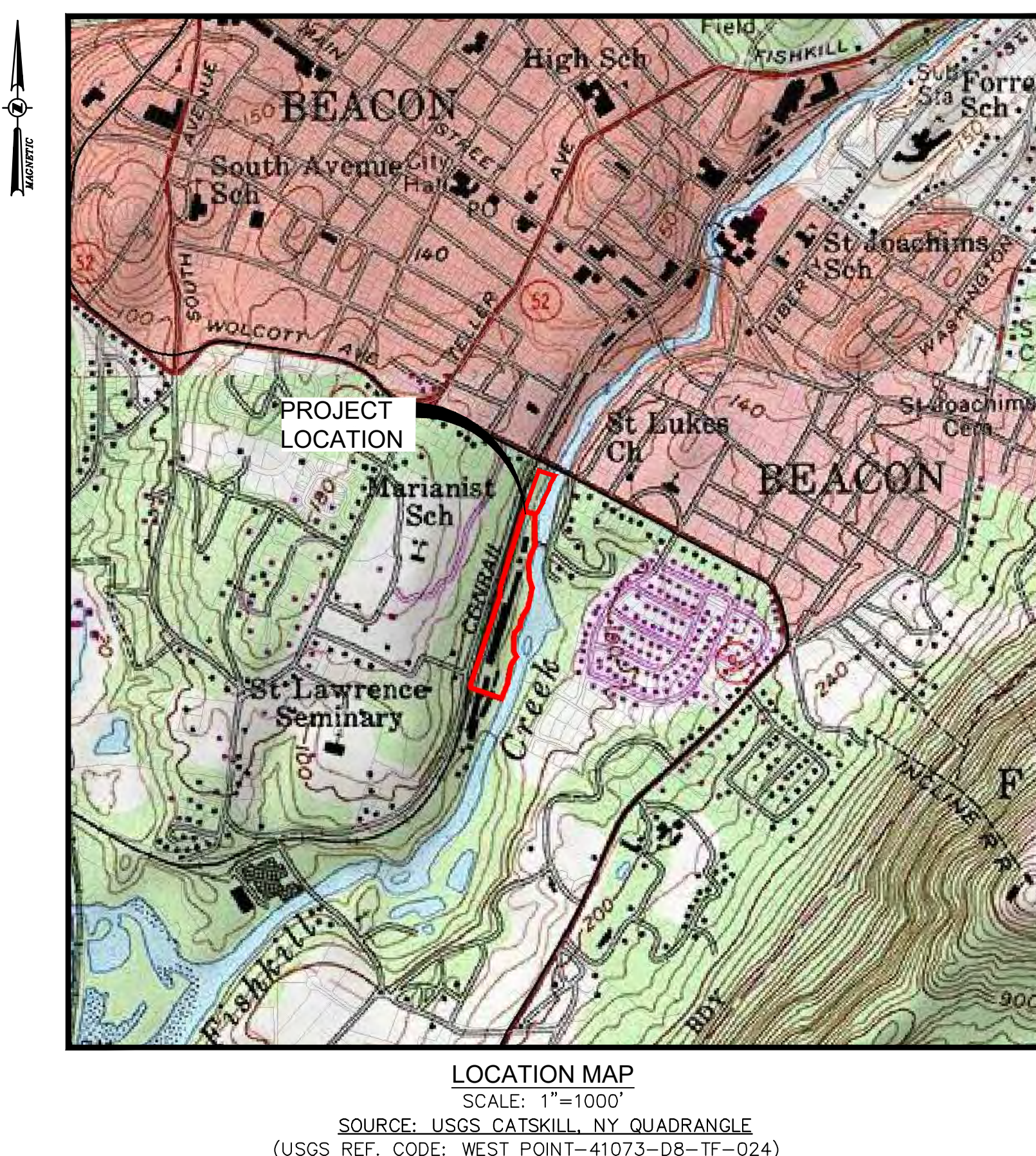
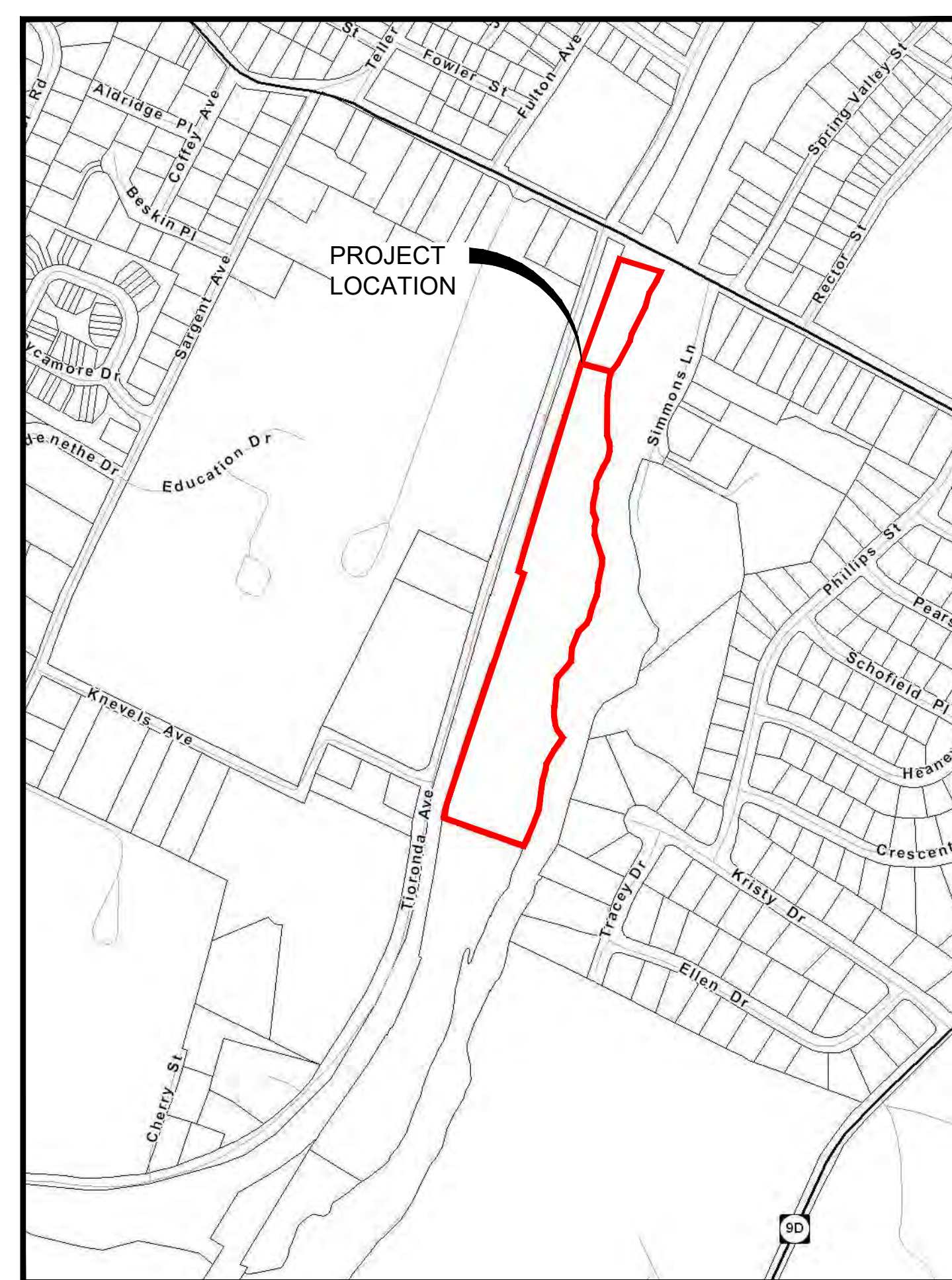
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATE THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND LEGENDS AND HEREBY CONSENT TO ALL TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THE PLAN IN THE OFFICE OF THE CLERK OF THE COUNTY OF DUTCHESS, IF REQUIRED.

BEACON 248 DEVELOPMENT, LLC _____ DATE _____

**DUTCHESS COUNTY DEPARTMENT OF HEALTH
APPROVAL**

THIS IS TO CERTIFY THAT THE PROPOSED ARRANGEMENTS FOR WATER SUPPLY AND SEWAGE DISPOSAL FOR _____ IN THE _____ WERE APPROVED ON _____ IN ACCORDANCE WITH PLANS ON FILE IN THE OFFICE OF THE DUTCHESS COUNTY DEPARTMENT OF HEALTH. CONSENT IS HEREBY GIVEN TO THE FILING OF THE MAP ON WHICH THIS ENDORSEMENT APPEARS IN THE OFFICE OF THE COUNTY CLERK OF DUTCHESS COUNTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 TITLE 2 OF THE NEW YORK STATE PUBLIC HEALTH LAW, AND ARTICLE 17 TITLE 15 OF THE NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW AND ARTICLE 11 OF DUTCHESS COUNTY SANITARY CODE.

SUPERVISING PUBLIC HEALTH ENGINEER



SITE STATISTICS FOR PROPOSED MULTIFAMILY HOUSING & NON-RESIDENTIAL	
PROPOSED USE	MULTIFAMILY HOUSING & NON-RESIDENTIAL
ZONING DISTRICT	FISHKILL CREEK DEVELOPMENT
TOTAL BUILDING FLOOR AREA (SF)	101,602 SF (64 UNITS + NON RESIDENTIAL USE)
PARKING PROVIDED	220

UNIT SCHEDULE					
BUILDING	UNITS	1-BR	2-BR	APPROX. SQUARE FT	% OF PROJECT AREA
RES.	64	28	36	76,202	75
NON-RES.	-	-	-	25,400	25
TOTAL	64	28	36	101,602	100

DEVELOPMENT NOTE:

THE PROJECT SHALL NOT EXCEED A TOTAL OF 64 UNITS, IN A MIX OF ONE AND TWO BEDROOM UNITS. TEN PERCENT (10%) OF THE UNITS WILL MEET THE REQUIREMENTS OF ARTICLE 16B, AFFORDABLE-WORKFORCE HOUSING, OF THE ZONING LAW.

SITE ENGINEER:
CHAZEN ENGINEERING, LAND SURVEYING, & LANDSCAPE ARCHITECTURE, D.P.C.
21 FOX STREET, Poughkeepsie, NY 12601
PHONE: (845) 454-3980

PROJECT ARCHITECT:
AB ARCHITECTEN
62 ALLEN STREET, 2ND FLOOR
NEW YORK, NY 10002
PHONE: (212) 334-1232

SITE SURVEYOR:
CHAZEN ENGINEERING, LAND SURVEYING, & LANDSCAPE ARCHITECTURE, D.P.C.
21 FOX STREET, Poughkeepsie, NY 12601
PHONE: (845) 454-3980

DEVELOPER / APPLICANT:
CHAI BUILDERS
120 ROUTE 59, SUITE 201
SUFFERN, NY 10901
(917) 656-4402

OWNER INFORMATION:
BEACON 248 DEVELOPMENT, LLC.
248 TIORANDA AVENUE
CITY OF BEACON, NY 12508

TAX MAP INFORMATION:
CITY OF BEACON, NEW YORK
SECTION 5454, BLOCK 10, LOT 993482 (8.18 ACRES)
SECTION 6054, BLOCK 45, LOT 012574 (1 ACRE)

AREA:
TOTAL PROJECT AREA: 9.18± ACRES

ZONING DISTRICT:
FISHKILL CREEK DEVELOPMENT (FCD) ZONING DISTRICT

WATER & SEWER DISTRICT:
CITY OF BEACON

REV.	DATE	DESCRIPTION
1	10/12/2018	REVISED PER TOWN COMMENTS

TITLE SHEET

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
by: _____	by: _____
date: _____	scale: AS NOTED
project no.: 81750.00	sheet no.: T1

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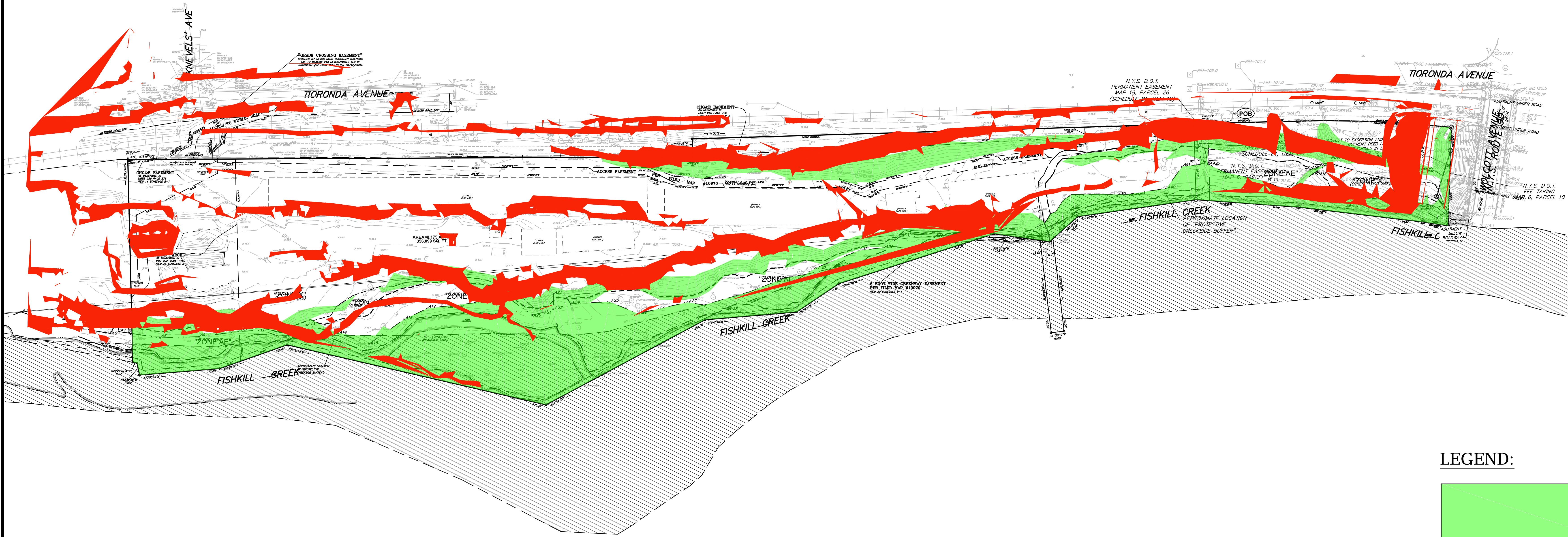
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Office Locations:

Dutchess County Office: 215 West Street Poughkeepsie, New York 12601 Phone: (845) 454-3980	Capital District Office: 245 West Street Troy, New York 12180 Phone: (518) 273-0500	North Country Office: 215 Bay Front Schenectady, New York 12304 Phone: (518) 812-0513
--	---	---



LEGEND:

- FLOODWAY, WETLAND, SURFACE WATER AND SLOPES > 25%
- SLOPES >25%

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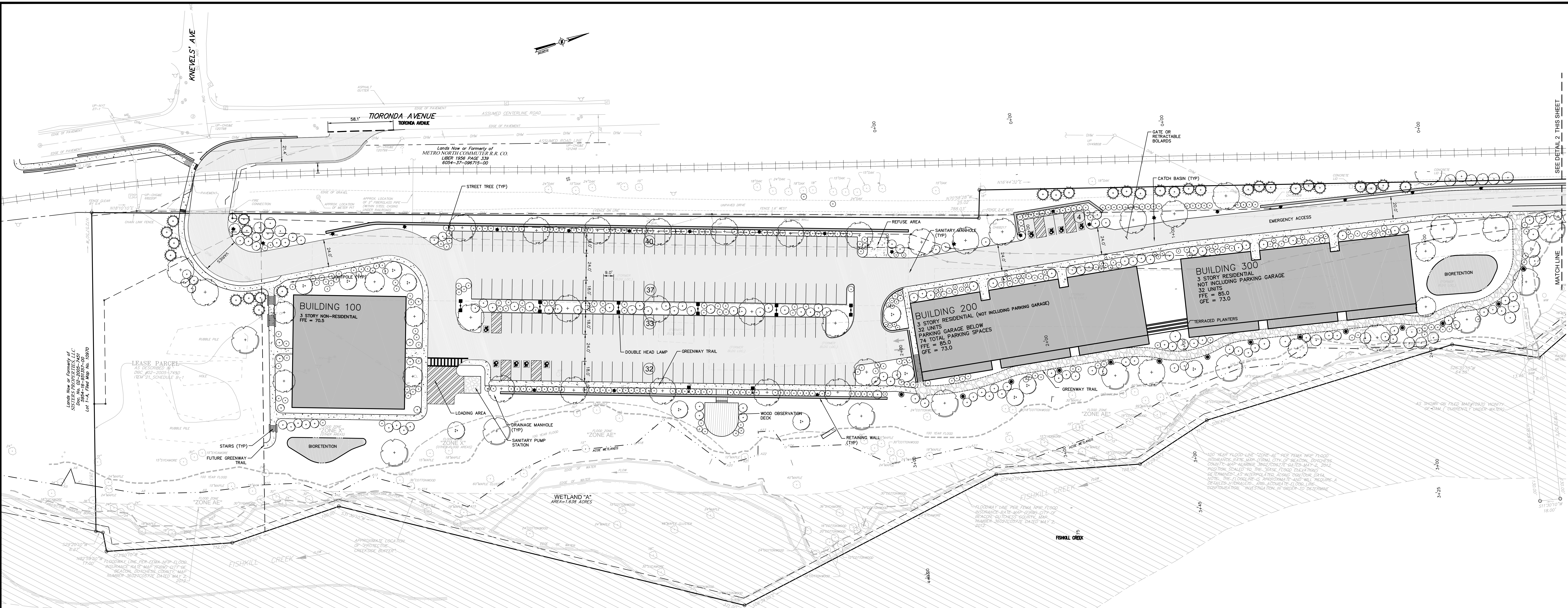
REV.	DATE	REVISION PER TOAM COMMENTS	DESCRIPTION
1	10/12/18	REVISED PER TOAM COMMENTS	

TORONDA AVENUE & 465 WOLCOTT AVENUE / CHAI BUILDERS

ENVIRONMENTAL CONDITIONS/CONSTRAINTS

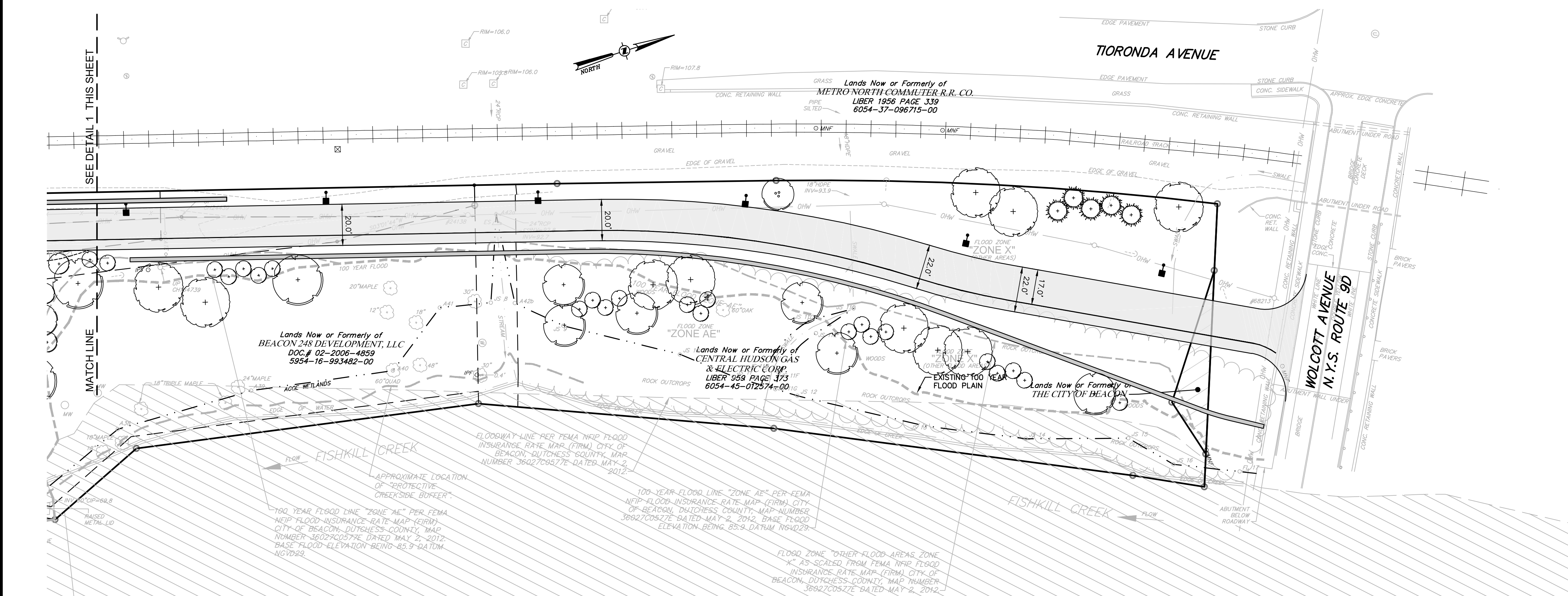
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
CAL	LAD
date	scale
09/10/18	1"=60'
project no.	sheet no.
81750.00	EC1



1 SITE, LIGHTING AND LANDSCAPING PLAN
SCALE: 1"=30'

- LEGEND:**
- EXISTING 100-YEAR FLOOD PLAN
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - ▭ PROPOSED BUILDING
 - ▭ PROPOSED PAVEMENT
 - (25) PROPOSED PARKING COUNT
 - ▭ PROPOSED SIDE WALK
 - EXISTING METRO-NORTH RAILROAD TRACKS (ACTIVE)
 - APPROXIMATE GREENWAY TRAIL
 - PROPOSED CURB
 - PROPOSED GUIDERAIL
 - PROPOSED CHAIN LINK FENCE
 - ★ PROPOSED LIGHT POLE
 - ▭ PROPOSED RETAINING WALL



2 SITE, LIGHTING AND LANDSCAPING PLAN
SCALE: 1"=30'

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Office Locations:
Babylon, New York 11705
New York, New York 10011
New York, New York 12180
New York, New York 12180
New York, New York 12180

REV.	DATE	DESCRIPTION
1	10/20/18	REVISION FOR INTERNAL REVIEW

TIORONDA AVENUE & 465 WOLCOTT AVENUE / CHAI BUILDERS
SITE, LIGHTING AND LANDSCAPING PLAN
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

Designed: CAL
Checked: LAB
Date: 09/10/18
Scale: 1" = 30'
Project No.: 81750.00
Sheet No.: SP2

ARTICLE IVC

Fishkill Creek Development (FCD) District
[Added 11-1-2010 by L.L. No. 14-2010; amended 4-21-2014 by
L.L. No. 1-2014; 12-18-2017 by L.L. No. 19-2017]

§ 223-41.11. (Reserved)**§ 223-41.12. Purposes.**

Purposes of the Fishkill Creek Development (FCD) District are to:

- A. Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central Business District, but offer larger sites for a flexible range of compatible nonresidential uses.
- B. Establish and preserve open space corridors along Fishkill Creek and the Hudson River, and seek open space linkages to the large areas of open space in the Hudson Highlands on the slopes of Mount Beacon.
- C. Continue to develop greenways along the Hudson River and Fishkill Creek for public recreation, and provide linkages to trails towards the Hudson Highlands and the slopes of Mount Beacon. Improve boat access to Fishkill Creek and the Hudson River. Determine the future use of the railroad tracks along Fishkill Creek for vehicles capable of utilizing the tracks or for a bicycle and pedestrian path, and implement the decision.

§ 223-41.13. Uses; plan review; design standards.

- A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.
- B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:

- (1) Apartment, attached and multifamily dwellings.
 - (2) Artist live/work spaces, artist studios and workshops of artisans.
 - (3) Bed-and-breakfast establishments and inns.
 - (4) Spas, fitness centers/noncommercial swimming pools, exercise studios, day-care centers, and similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face streets.
 - (5) Restaurants and other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face streets. No individual restaurant use shall contain more than 5,000 square feet of gross floor area.
 - (6) Professional and business offices in buildings that face streets.
 - (7) Galleries, exhibit spaces and museums.
 - (8) Community facilities that complement residential and commercial uses, such as public or semipublic performance and cultural centers, live theaters, concert halls, meeting rooms suitable for social, civic, cultural or education activities, bandshells, kiosks and gazebos.
 - (9) Assembly and other light industrial uses, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.
 - (10) Other nonresidential uses similar to the above uses as determined by resolution of the City Council.
- C. Permitted accessory uses. Permitted accessory uses may include:
- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
 - (2) Parking and bicycle facilities, including parking structures.
- D. Procedure for review of Fishkill Creek development proposals.

- (1) Each Fishkill Creek development project shall require:
 - (a) Concept plan approval by the City Council; and
 - (b) Site plan approval by the Planning Board.
 - (2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development concept plan has been submitted to the City Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the City Council.
- E. Application fees. Applications to the City Council and Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.
- F. Procedure for Fishkill Creek development concept plan review.
- (1) Application. The concept plan application for a Fishkill Creek development for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project. 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 City Council meeting at which it will be considered. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:
 - (a) A written description of the Fishkill Creek development project(s) concept plan, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public interest would be served by the

proposed Fishkill Creek development, including a description of the benefits to the City.

- (b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.
- (c) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.
- (d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.
- (e) A general indication of any phasing of construction.
- (f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.
- (g) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.
- (h) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.
- (i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.
- (j) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.
- (k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.

- (2) City Council review of Fishkill Creek development concept plan application.
 - (a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.
 - (b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing a fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.
 - (c) City Council referrals.
 - [1] The City Council shall refer the application for a Fishkill Creek development concept plan approval to the Planning Board for a recommendation. The Planning Board shall review all documents and materials relating to the application and may make any advisory recommendations it deems appropriate.
 - [2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-1 and 239-m. In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.
 - (d) Public hearing. The City Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.
- (3) City Council decision on Fishkill Creek development concept plan.
 - (a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval after it has held the required public hearing, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings,

and, if applicable, has made the consistency determination under the City's Local Waterfront Consistency Law.¹

(b) Concept plan approval. The City Council may approve the concept plan upon a finding that the following conditions and standards have been met:

[1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

[2] The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.

[3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.

[4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

[5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

[6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

[7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

1. Editor's Note: See Ch. 220, Waterfront Consistency Review.

[8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

(c) Conditions. In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.

(4) Revisions to FCD concept plan. After approval, any proposed revisions shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, 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.

G. Site development plan review. After approval of the Fishkill Creek development concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § 223-25B of this chapter. In addition, the applicant shall submit the following:

(a) Information to establish that the proposed site plan complies with § 223-41.13 I(15), Fishkill Creek vegetative buffer, of this chapter.

(b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection I below.

(c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan.

- (d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.
 - (e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).
 - (f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
 - (g) Application fees as required pursuant to Subsection E above.
- (2) Planning Board review of site plan.
- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire FCD District, as it is finally developed.
 - (b) In acting on any site development plan application, the Planning Board shall take into consideration the Fishkill Creek development concept plan, the proposed design and layout of the entire FCD District, including the proposed location, height and landscaping of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the Fishkill Creek development design standards set forth in Subsection I below.

- (c) The proposed site development plan shall be in substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek development concept plan approved by the City Council. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the Fishkill Creek development concept plan.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
- (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5) below. If

treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.
- H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter 195, Subdivision of Land, of the City Code. The setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
- I. Fishkill Creek development design standards.
- (1) All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter 86, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.
 - (2) Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in and unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.
 - (3) General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and

compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.

- (a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.
 - (b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter 134, Historic Preservation).
 - (c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.
- (4) Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.²
- (a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.
 - (b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.
 - (c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and walking/bicycle path system

2. Editor's Note: Said figures are on file in the City offices.

to allow residents access to the street and Greenway Trail along the creek frontage.

- (d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.
- (e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.
- (f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.
- (g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.
- (h) Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.
- (i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.

- (j) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.
- (5) Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.
- (6) Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.
- (a) Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
 - (b) The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.
 - (c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.
 - (d) Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.
- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high. Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term

event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky.

(8) Signage.

(a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review process.

(b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.

(9) Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.

(10) Public access for greenway trails.

(a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.

(b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width

traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.

- (c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.

(11) Off-street parking and loading.

- (a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.

[3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.

- (b) Parking requirements. The FCD District parking requirements shall be in accordance with § 223-26 of this chapter, except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.

- (c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum

off-street parking requirements for specified uses as set forth in the above schedule.

- (d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.
- (e) Off-street loading shall be provided as the Planning Board may find appropriate.

(12) Utilities and services.

- (a) Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.
- (b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.
- (c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.
- (d) Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
- (e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
- (f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.

- (g) Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.
- (13) Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter 123, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.
- (14) Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.
- (15) Fishkill Creek vegetative buffer.
- (a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.
 - (b) The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.
 - (c) With respect to development near the creekside buffer, the site plan shall address the following requirements:
 - [1] Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.
 - [2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.
 - [3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.

- (d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.
- (e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.

§ 223-41.14. Bulk regulations.

- A. Minimum size of FCD site: two acres. Notwithstanding the above, the owner of less than two acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project. **[Amended 2-20-2018 by L.L. No. 3-2018]**
- B. Development potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval. **[Amended 5-22-2018 by L.L. No. 9-2018]**
- C. Maximum dwelling unit size: 2,000 square feet of gross floor area.
- D. Maximum building coverage, including parking structures: 35%.
- E. Minimum open space: 30%.
- F. Maximum building height: three stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the City Council

to add architectural interest and to encourage access to rooftop gardens.

- G. Minimum building setback from edge of pavement of public and private streets: 12 feet.
- H. Minimum frontage of overall FCD site on public street right-of-way: 50 feet.
- I. Minimum setback from and buffer width along Fishkill Creek: an average of 50 feet, but not less than 25 feet at any point, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

§ 223-41.15. (Reserved)

Chapter 220

WATERFRONT CONSISTENCY REVIEW

GENERAL REFERENCES

Waterfront Conservation and Development Environmental quality review – See Ch. 107.
Commission – See Ch. 71.

§ 220-1. Title.

This chapter will be known as the "City of Beacon Waterfront Consistency Review Law."

§ 220-2. Authority and purpose.

- A. This chapter is adopted under the authority of the Municipal Home Rule Law and the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Article 42 of the Executive Law).
- B. This chapter is intended to provide a framework for agencies of the City of Beacon to consider the policies and purposes contained in the Local Waterfront Revitalization Program (LWRP) when reviewing applications for actions and also when considering undertaking direct agency actions; and to assure to the maximum extent practicable that such actions are consistent with the said policies and purposes.
- C. It is the intention of the City of Beacon that the preservation, enhancement and utilization of the natural and man-made resources of the City's unique coastal area take place in a coordinated and comprehensive manner to ensure a proper balance between natural resources and the need to accommodate population growth and economic development. Accordingly, it is the purpose of this chapter to achieve such a balance, permitting the beneficial use of coastal resources while preventing loss of living marine resources and wildlife; diminution of open space areas or public access to the waterfront; shoreline erosion; impairment of scenic beauty; losses due to flooding, erosion and sedimentation; or permanent adverse changes to ecological systems.
- D. The substantive provisions of this chapter shall only apply while there is in existence a Local Waterfront Revitalization Program which has been adopted in accordance with Article 42 of the Executive Law of the State of New York.

§ 220-3. Applicability.

All boards, departments, offices, other bodies or officers of the City of Beacon are responsible for the implementation of the LWRP within the bounds of their jurisdiction and must comply with this chapter, to the extent

applicable, prior to carrying out, approving or funding any action other than Type II, exempt or excluded actions, as those terms are defined in Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

§ 220-4. Definitions.

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

ACTIONS — Either Type I or unlisted actions as defined in SEQRA Regulations (6 NYCRR 617.2) which are undertaken by an agency and which include the following activities. This chapter does not apply to Type II, excluded or exempt actions as defined in the SEQRA Regulations (6 NYCRR 617.2).

- A. Projects or physical activities, such as construction or other activities, which may affect the environment by changing the use, appearance or condition of any natural resource or structure that:
 - (1) Are directly undertaken by an agency;
 - (2) Involve funding by an agency; or
 - (3) Require one or more new or modified approvals from an agency or agencies.
- B. Agency planning and policy-making activities that may affect the environment and commit the agency to a course of future decisions.
- C. Adoption of definite agency rules, regulations and procedures, including local laws, codes, ordinances, executive orders and resolutions that may affect the environment.
- D. Any combinations of the above.

AGENCY — Any board, agency, department, office, other body or officer of the City of Beacon.

COASTAL AREA — The New York State coastal waters and adjacent shorelands as defined in Article 42 of the Executive Law. The boundaries of the City's coastal area are coincident with the City's municipal boundary as shown on the Coastal Area Map on file in the office of the Secretary of State and as delineated in the City of Beacon Local Waterfront Revitalization Program.

COASTAL ASSESSMENT FORM (CAF) — The form contained in Appendix A,¹ used by an agency to assist it in determining the consistency of an action with the Local Waterfront Revitalization Program.

CONSISTENT — The action will conform to the LWRP policy standards and conditions and, whenever practicable, will advance one or more of them.

1. Editor's Note: Appendix A is on file at the office of the City Clerk.

DIRECT ACTIONS — Actions planned and proposed for implementation by an agency such as but not limited to a capital project, rule making, procedure making and policy making.

LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP) — The Local Waterfront Revitalization Program of the City of Beacon, as approved by the Secretary of State pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), a copy of which is on file in the Office of the City Clerk of the City of Beacon.

§ 220-5. Review of actions.

- A. Each agency of the City shall be responsible for making its own consistency determinations.
- B. Where more than one local agency is involved in reviewing a proposed action, the lead agency (as that term is defined in the SEQRA Regulations) shall be responsible for making a determination that the proposed action is consistent with the LWRP policy standards and conditions set forth in § 220-6 herein.
- C. The consistency determination process required by this chapter shall be coordinated with the environmental review process set forth in SEQRA to the greatest extent possible.
- D. Whenever an agency receives an application for approval or funding for an action or as early as possible in the Agency's formulation of a direct action to be located in the Coastal Management Zone, the applicant, or in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review process.
- E. The lead agency shall make the determination of consistency based upon the CAF, the SEQRA documents, the application and project documentation and such other information as is deemed to be necessary in its determination. Said agency shall have the authority, in its finding of consistency, to impose practicable and reasonable conditions on an action to ensure that it is carried out in a manner consistent with the LWRP policy standards and conditions set forth in § 220-6 herein. These standards are derived from and further explained in Sections III and IV of the City of Beacon LWRP.
- F. The application for a consistency determination shall not be considered complete until a negative declaration has been issued or a Final Environmental Impact Statement (FEIS) has been filed by the lead agency.
- G. The consistency determination may be made at the time that SEQRA findings are issued by the agency.

§ 220-6. Consistency standards and conditions.

- A. Actions to be undertaken within the City's Coastal Management Zone shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the City of Beacon LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. Agencies which undertake direct actions shall also consult with Section IV of the LWRP in making their consistency determination. The action shall be consistent with the policy to:
- (1) Restore, revitalize and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses (Policy 1).
 - (2) Establish waterfront commercial and residential uses on Long Dock Peninsula to serve as a catalyst for the economic and physical revitalization of the entire waterfront area (Policy 1A).
 - (3) Structurally and aesthetically improve the harbor area between Long Dock and Riverfront Park to a level compatible with surrounding residential uses (Policy 1B).
 - (4) Develop the parcel between the Southern Dutchess Country Club and the Hudson River for low-density residential use (Policy 1C).
 - (5) Establish uses and streetscapes in the Urban Renewal Project No. 1 Area that provide visual, physical and economic linkages between the waterfront and the central business district and that will help redevelop the Urban Renewal Area in an environmentally sensitive manner (Policy 1D).
 - (6) Develop the underutilized parcel on Dennings Avenue for residential and light industrial uses compatible with the existing adjacent sewage treatment plant (Policy 1E).
 - (7) Facilitate the siting of water-dependent uses on or near coastal waters (Policy 2).
 - (8) Encourage location of development in areas where public services and facilities essential to such development are adequate, except when such development has special functional requirements or other characteristics which necessitate its location in other coastal areas (Policy 5).
 - (9) Improve water and sewer services at Dennings Point, Long Dock and Riverfront Park (Policy 5A).
 - (10) Expedite permit procedures in order to facilitate the siting of development activities at suitable locations (Policy 6).
 - (11) Protect, preserve and restore fish and wildlife resources and their habitats (Policies 7, 8 and 8A).

- (12) Expand the recreational use of existing fish and wildlife resources and the use of commercial fishing resources (Policy 9).
- (13) Improve public access to the water for fishing and passive recreation uses through the acquisition of land and/or easements on the Hudson between Long Dock and Dennings Point and on the bank of the Fishkill Creek (Policy 9A).
- (14) Minimize flooding and erosion hazards through proper siting of buildings and structures; protection of natural protective features; construction of carefully selected, long-term structural measures; and the use of appropriate nonstructural means (Policies 11, 13, 14, and 17).
- (15) Public funds shall be used for erosion protection structures only where necessary and in an appropriate manner (Policy 16).
- (16) Safeguard vital economic, social and environmental interests in the coastal area when major actions are undertaken (Policy 18).
- (17) Maintain and improve public access to the shoreline and to water-related recreational resources, while protecting natural and historic resources and adjacent land uses (Policy 19).
- (18) Improve pedestrian access to the Hudson Riverfront through the provision of pedestrian bridges over or tunnels under the railroad tracks (Policy 19A).
- (19) Repair or replace the bridge over the railroad tracks at Long Dock to serve Riverfront Park, the railroad station and Long Dock (Policy 19B).
- (20) Restore water access to the Beacon Riverfront to enable larger vessels (e.g. Sloop Clearwater) to dock in the harbor through a program of careful dredging and stabilization of the harbor (Policy 19C).
- (21) The possibility of a pedestrian path should be explored along the railroad right-of-way on the west bank of the Fishkill Creek. A pedestrian path should also be encouraged from Dennings Point to Riverfront Park in a manner which provides significant opportunities to view the shoreline.
- (22) Water-dependent and water-enhanced recreation shall be encouraged and facilitated and shall be given priority over non-water-related uses along the coast, provided that it is consistent with the preservation and enhancement of other coastal resources and takes into account demand for such facilities (Policy 21).
- (23) Establish support facilities at Riverfront Park to increase its attractiveness and its capacity as an open space site for passive recreational uses, including boating and fishing; develop the north, south and west shorelines of the Long Dock Peninsula, including

the harbor area, for water-dependent recreational uses such as fishing, walking and boating; preserve the underdeveloped green valley floor of the Fishkill Creek for passive recreational uses, including a trailway; establish a linear recreational path along the narrow strip of land west of the railway between Long Dock and Dennings Point; establish linear and open space recreational uses on the perimeter of Dennings Point while preserving the rest of the peninsula as a wildlife sanctuary; establish an access path on Fisherman's Point at Riverfront Park (Policies 21A, 21B, 21C, 21D, 21E and 21F).

- (24) Encourage the development of water-related recreational resources and facilities, as multiple uses, in appropriate locations within shorezone (Policy 22).
- (25) New developments along the riverfront, especially at Long Dock and Fishkill Creek, should provide for water-related recreation and should also set aside open space for passive recreation (Policy 22A).
- (26) Protect, restore and enhance historic resources; encourage the restoration and adaptive re-use of large historic buildings such as the mills on Fishkill Creek (Policy 23 and 23A).
- (27) Protect and enhance scenic and aesthetic resources (Policy 25).
- (28) The following view sheds shall be protected:
 - (a) Main Street and Route 9D.
 - (b) Beacon Street and Route 9D.
 - (c) Rombaut Avenue and Route 9D.
 - (d) Route 9D and Wolcott Avenue.
 - (e) South Avenue and Route 9D.
 - (f) South Avenue and Dennings Avenue.
 - (g) Sargent Avenue and St. Lawrence Seminary.
 - (h) South Avenue one-fourth (1/4) mile west of Dennings Avenue.
 - (i) Paye Street.
 - (j) Wolcott Avenue 200 feet downhill from Bayview Avenue.
 - (k) River Street and Beekman Street.
 - (l) Bayview Avenue and Wolcott Avenue.
 - (m) Bayview Avenue and Wolcott Avenue west (Policy 25A).

- (29) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a shorefront location and in such a manner as to avoid adverse environmental impacts when in operation (Policies 27 and 40).
 - (30) Undertake ice management practices in a manner which will avoid adverse impacts (Policy 28).
 - (31) Protect coastal waters from direct and indirect discharge of pollutants (Policies 30, 31, 32, 33, 34, 36 and 37).
 - (32) Ensure that dredging and dredge spoil disposal are undertaken in a manner protective of natural resources (Policies 15 and 35).
 - (33) The discharge of pollutants from the former Beacon landfill should be eliminated; discharges from the Beacon Sewage Treatment Plant will meet New York State standards for secondary treatment (Policies 30A and 30B).
 - (34) Encourage the use of alternative or innovative sanitary waste systems at Riverfront Park, the harbor area, Long Dock and Dennings Point (Policy 32A).
 - (35) Regulate construction in steeply sloped and high erosion areas to control excessive stormwater runoff (Policy 33A).
 - (36) New Marinas will be required to provide pumpout facilities (Policy 34A).
 - (37) Protect the quality and quantity of surface and ground water supplies (Policy 38).
 - (38) Ensure that any transportation, handling or disposal of hazardous wastes and effluent is undertaken in a manner which will not adversely affect the environment (Policy 39).
 - (39) Protect air quality (Policies 41 and 42).
 - (40) Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors, nitrates and sulfates (Policy 43).
 - (41) Preserve and protect tidal and freshwater wetlands (Policy 44).
- B. If the agency determines that the action does not conform with the LWRP policy standards and conditions, such action shall not be undertaken unless the agency determines the following with respect to the proposed action. Such finding shall constitute a determination that the action is consistent.
- (1) No reasonable alternatives exist which would permit the action to be undertaken in a manner which conforms with such LWRP policy standards and conditions.

- (2) The action would be undertaken in a manner which will minimize all adverse effects on such LWRP policy standards and conditions to the maximum extent practicable.
 - (3) The action will advance one or more of the other coastal policies.
 - (4) The action will result in an overriding City, regional or state-wide public benefit.
- C. Each agency shall maintain a file for each action made the subject of a consistency determination, including any recommendations received from the Board. Such files shall be made available for public inspection upon request.

§ 220-7. Enforcement and violations.

- A. No work or activity on a project in the Coastal Management Zone which is subject to review under this chapter shall be commenced or undertaken until the lead agency has made a positive consistency determination.
- B. In the event of a violation of this chapter, the Building Inspector is authorized to issue a stop-work order, and all work shall immediately cease.
- C. A person who violates any of the provisions of or who fails to comply with any condition imposed by this chapter shall have committed a violation, punishable by a fine not exceeding \$500 for a conviction of a first offense and punishable by a fine of \$1,000 for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional violation.
- D. The City of Beacon may also enforce this chapter by obtaining an injunction or other civil proceeding. Any civil penalty shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 220-8. Severability and law to govern.

- A. The provisions of this chapter are severable. If any provision is found invalid, such finding shall not affect the validity of any part or provision hereof other than the provision so found to be invalid.
- B. Where there is a conflict or discrepancy in the application, interpretation or effect of the provisions of this chapter with any other law, ordinance, rule or regulation of the City, the provisions of this chapter shall govern.

City of Beacon Workshop Agenda
10/29/2018

Title:

Shared Services Agreement

Subject:

Background:

ATTACHMENTS:

Description	Type
City shared services agreement_draft	Backup Material
Exhibit B Program Specialist Services	Backup Material

Exhibit “A”

AGREEMENT

THIS AGREEMENT, made this _____ day of _____, _____, by and between the **COUNTY OF DUTCHESS**, a municipal corporation with offices at 22 Market Street, Poughkeepsie, New York 12601 (hereinafter referred to as the “COUNTY”) and City of ? , a municipal corporation, whose address is ? (hereinafter referred to as the “_____”).

WITNESSETH:

WHEREAS, Section 3.01(g) of the Dutchess County Administrative Code permits the County Executive, or his designee, to “upon the request of any city, town, village, school district or other unit of local government, provide central purchasing services for all or part of its purchases, upon such conditions as may be prescribed by the County Legislature”, and

WHEREAS, by Resolution No. 2016290, the Dutchess County Legislature authorized the County Executive, or his designee, to enter into a shared services contract with any city, town, village, school district or other unit of local government who requested that the County assist it with certain central purchasing services, and

WHEREAS, by Resolution No. 2016290, the Dutchess County Legislature has prescribed conditions under which Dutchess County can provide central purchasing services to other units of local government, in that Dutchess County is permitted to: (1) write and prepare request for bids and proposals, (2) post prepared requests for bids and proposals in newspapers on the internet, and (3) evaluate vendors’ bids and proposals to assure they meet specifications, and

WHEREAS, the (UNIT OF LOCAL GOVERNMENT) has requested that the County of Dutchess assist it with central purchasing services, and

WHEREAS, General Municipal Law Section 119-o authorizes municipal corporations and districts to enter into agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a contract basis, and

WHEREAS, General Municipal Law §119-n defines “municipal corporation” as a county outside the City of New York, a town, a village, a board of cooperative educational services, fire district, or a school district, and defines a “municipal district” as a county or town improvement district, among other things, and

WHEREAS, this Agreement is intended to be used for municipal corporations and municipal districts who have requested assistance from the County with central purchasing services,

NOW, therefore, it is mutually agreed by and between the parties hereto as follows:

1. SCOPE OF SERVICES. The County agrees to furnish (UNIT OF LOCAL GOVERNMENT) with central purchasing services as follows (Check one or more):

- (1) assist in the writing and preparation of request for bids and proposals,
- (2) post prepared requests for bids and proposals in newspapers on the internet, and
- (3) assist in the evaluation of vendors' bids and proposals to assure they meet specifications

2. TERM OF AGREEMENT. This Agreement shall be effective _____, 20__ and shall terminate on _____, 20__, unless otherwise terminated as set forth herein.

3. PAYMENT. As full and complete consideration for the services so rendered, the Municipality agrees to pay the County \$60.00 an hour.

4. LIABILITY.

- (a) County: The County shall assume liability for, defend against, and secure the (UNIT OF LOCAL GOVERNMENT) from all cost or damages for injury to persons or property, or death, caused by the negligent acts of any employees of the County. The County maintains general liability insurance and shall name the (UNIT OF LOCAL GOVERNMENT) as additional insured on such policies for the services provided under this Agreement.
- (b) The (UNIT OF LOCAL GOVERNMENT) shall assume liability for, defend against, and exempt the County from all costs or damages for injury to persons or property, or death, caused by the negligent acts of the (UNIT OF LOCAL GOVERNMENT), its employees, servants or agents arising out of the performance of this Agreement..

5. PERSONNEL.

- (a) Employee Status: For purposes of this Agreement only, all persons employed by the County in providing central purchasing services to the (UNIT OF LOCAL GOVERNMENT) shall be County officers or employees, and they shall not have any benefit, status or right of (UNIT OF LOCAL GOVERNMENT) employment.
- (b) Payment: The (UNIT OF LOCAL GOVERNMENT) shall not be liable for the direct payments of salaries, wages or other compensation to County officers or employees providing central purchasing services to the (UNIT OF LOCAL GOVERNMENT) under this Agreement.
- (c) All County employees performing services under this Agreement shall be deemed employees of the County for purposes of the Workers' Compensation Law and the (UNIT OF LOCAL GOVERNMENT) shall not be responsible for the payment of any benefits thereunder.

6. NON-ASSIGNMENT. (a) This Agreement may not be assigned by the (UNIT OF LOCAL GOVERNMENT) nor its right, title or interest therein assigned, transferred, conveyed, sublet or disposed of without the previous written consent of the County.

7. TERMINATION. (a) *Without cause.* The County may terminate this Agreement upon ten (10) days' prior written notice to the (UNIT OF LOCAL GOVERNMENT) of its intent to terminate without cause.

(b) *With cause.* The County may terminate this Agreement effective immediately, with subsequent written notice to be given to the (UNIT OF LOCAL GOVERNMENT) of termination with cause.

8. NON-WAIVER. Failure of either party to exercise any rights under this Agreement for a breach thereof shall not be deemed a waiver thereof or a waiver of any subsequent breach.

9. SEVERABILITY. If any provision of this Agreement shall be held unenforceable, the rest of the Agreement shall nevertheless remain in full force and effect.

10. CHOICE OF LAW, VENUE. Any dispute arising directly or indirectly out of this Agreement shall be determined pursuant to the laws of the State of New York. The parties hereby choose the New York State Supreme Court, Dutchess County as the forum for any such dispute.

11. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration but must instead be heard in accordance with the Paragraph above entitled "Choice of Law, Venue".

12. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which shall be an original and shall constitute the same Agreement.

13. RULES OF CONSTRUCTION. This contract shall be deemed to have been mutually prepared by the parties hereto and shall not be construed against any of them solely by reason of authorship.

14. ENTIRE AGREEMENT. The terms of this Agreement, including its attachments and exhibits, represent the final intent of the parties. Any modification, rescission or waiver of the terms of this Agreement must be in writing and executed and acknowledged by the parties with the same formalities accorded this basic Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the ____ day of _____, 20____.

APPROVED AS TO FORM:

ACCEPTED: COUNTY OF DUTCHESS

County Attorney's Office

APPROVED AS TO CONTENT:

BY: _____
Marcus J. Molinaro
County Executive

(UNIT OF LOCAL GOVERNMENT)

BY: _____

Print Name _____

Title _____

Exhibit B

County Procurement Specialist

Project Description:

Provide procurement assistance to municipalities as follows:

- Assist in the development of bid specifications
- Provide professional opinion and research related to bid proposals
- Single point of contact for all related questions regarding bids
- Post all bids on the Empire State Purchasing Group web portal through BidNet
- Post all addenda and questions regarding bids
- Provide information as to the number downloads etc.
- Bid proposals would be opened by the municipality
- Provide assistance in reviewing the bid responses and the tabulation of results
- Municipality would make the award.
- Provide guidance and assistance during the RFP evaluation phase
- Provide the evaluation criteria spreadsheet for RFP's
- Act as a coordinator for the opportunity to conduct cooperative purchasing.
- Contact municipalities as to the availability to participate in County cooperative purchasing opportunities. This will provide increased savings for commodities and services due to bulk purchasing.
- Coordinate cooperative purchasing opportunities among the municipalities.
- Assist in research regarding the opportunity to piggyback off other municipal bids and RFP's providing administrative savings
- Provide advice and assistance as to the opportunity to purchase off State Contract.

**bids also refers to Request for Proposals & Quotes

Additionally, municipalities will be given the opportunity to participate in the County auctions at no cost to the municipality.

Project Cost is \$60 per Hour

City of Beacon Workshop Agenda
10/29/2018

Title:

Noise Consultant

Subject:

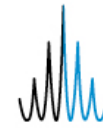
Background:

ATTACHMENTS:

Description	Type
Beacon Noise Code Consultant Estimate	Backup Material

THE NOISE CONSULTANCY, LLC

309 VAN NESTE ROAD
FLEMINGTON, NEW JERSEY 08822



THE NOISE CONSULTANCY

(908) 237-0298

NOISECONSULTANCY@AOL.COM

WWW.NOISECONSULTANCY.COM

SENT VIA EMAIL

October 24, 2018

Anthony J. Ruggiero. M.P.A.
City Administrator
City of Beacon
One Municipal Plaza
Beacon, NY 12508

Dear Mr. Ruggiero,

This letter is in response to your request for a proposal to assist you in amending Beacon's Noise Code at Chapter 149, as we discussed on the phone yesterday. I've reviewed the proposed amendment to Chapter 149 and can see where its application could present practical difficulties.

As I noted in our phone conversation, in my capacity as President of the Noise Consultancy, I've assisted jurisdictions across the breadth of the US to amend or rewrite their noise ordinances. Please review my resume for a list of clients. I have also served as an expert witness in courts from New Orleans to New York City, including Federal Court.

In my capacity as Director of the Rutgers University Noise Technical Assistance Center, in the past 26 years I've trained maybe 8,000 noise enforcement investigators throughout the country from Alaska to Florida, as well as internationally. Thus, I am well aware of the capabilities of field enforcement officers.

Based upon our conversation, I will propose two approaches to offering my consulting services: as an hourly rate or as a comprehensive lump sum. Your decision may be based upon the extent of the services you desire.

HOURLY RATE: I can provide my services on an hourly basis, if you desire to perform much of the work in-house, with my assistance in reviewing that work. The rate for my services is \$220/hour, and travel is invoiced at \$165/hour. On-site consultation will be invoiced at \$1,800/day, plus travel.

INCLUSIVE PROPOSAL:

- One day of on-site consultation, scheduled at a mutually convenient date;
- Present an educational seminar on the basics of sound as it applies to noise regulation including: the various approaches to noise ordinances (i.e., nuisance ordinances v. performance ordinances) and the practical benefit/drawbacks to each approach, followed by

an open discussion to determine the specific desires of Beacon regarding what the jurisdiction desires to regulate or exempt from the ordinance;

- Tour the jurisdiction, specifically the problem areas;
- Conduct sound level measurements of problem sources &/or conduct a demonstration of the methodology of sound level measurement for enforcement purposes;
- Review whatever relevant documents are provided by the City of Beacon;
- Draft a new or amended Noise Ordinance, as appropriate, based upon all information gathered;
- Perform whatever redrafting is necessary, until the new or amended Ordinance is adopted, or declared legislatively dead;
- Remain available for consultation via phone or e-mail.

The inclusive price for these services is \$9,500. Expenses are additional, and would include, if necessary, a hotel.

Additional days of consecutive on-site consultation will be invoiced at \$1,400/day plus expenses. Additional days of non-consecutive on-site consultation will be invoiced at \$1,800/day plus travel time and expenses.

As you have expressed a desire to have some of your employees trained to conduct community noise enforcement investigations, I will submit a separate proposal from the Rutgers University Noise Technical Assistance Center for such services.

If you have any questions whatever regarding this proposal, please don't hesitate to call me.

I look forward to the possibility of working with the City of Beacon, and assisting you in your effort to deliver a better quality of life to your residents.

Sincerely,



Eric M. Zwerling, M.S., INCE, ASA
President

ERIC M. ZWERLING, M.S., INCE, ASA

Rutgers University Noise Technical Assistance Center
14 College Farm Road
New Brunswick, NJ 08901

The Noise Consultancy, LLC
309 Van Neste Rd
Flemington, NJ 08822

CURRENT POSITIONS

- 1991-Present *Director* – Rutgers Noise Technical Assistance Center
Department of Environmental Sciences
Rutgers - The State University of New Jersey
- 1999-Present *President* - The Noise Consultancy, LLC
Noise Consultant/ Expert Witness (Since 1992)
[Expert for the Defendants, City of New York Law Department -
United States District Court for the Southern District of New York]
- 1993-Present *Noise Enforcement Expert* - New Jersey Department of Environmental
Protection. Contracted (as Director of the RNTAC) to provide technical expertise
on noise related issues to the NJDEP and the State of New Jersey
- 1998-Present Committee Member - S12 Working Group 41, Model Community Noise
Ordinances. Acoustical Society of America
- 2001-Present Committee Member - Technical Study Group on Community Noise
Institute of Noise Control Engineering
- 1994-Present *Instructor* - "Community Noise" in 'Environment and Public Health Course,"
Rutgers Continuing Education Program, Cook College Office of Continuing
Professional Education.
- 1998-2011 *Instructor* - "Noise Hazards" in 'Fundamentals of Industrial Hygiene'.
University of Medicine and Dentistry of New Jersey, School of Public Health,
Office of Public Health Practice
- 1992-2005 *Adjunct Professor*- Rutgers University Department of Environmental
Sciences. Course: 375:336 'Community and Occupational Noise'
- 1998-2000 Commissioner - Franklin Township (NJ) Environmental Commission
- 2010-Present Board of Education, Chair – Green Committee
Readington Township, New Jersey
- 2017-Present Chair – Subcommittee
New Jersey State Noise Code NJAC 7:29 - Amendments
New Jersey Noise Control Council
New Jersey Department of Environmental Protection

PROFESSIONAL AFFILIATIONS

Member - Acoustical Society of America
Member – Institute of Noise Control Engineering

EDUCATION

ABD Ph.D. Candidate
Rutgers - the State University of New Jersey
Department of Environmental Sciences

Occupational Hearing Conservationist
Council for Accreditation in Occupational Hearing Conservation.

Graduate Certificate in Environmental Ethics -
Department of Philosophy, University of Georgia.

B.S., M.S. University of Georgia.

JURISDICTIONAL CERTIFICATIONS

Approved Noise Control Investigator
New Jersey Department of Environmental Protection
Pursuant to N.J.A.C. 7:29 -2.11(a)3

Approved Noise Consultant
New York City Department of Environmental Protection
Pursuant to N.Y.C.A.C. Section 24-231

Approved Instructor
State of Michigan
Department of Licensing and Regulatory Affairs
Bureau of Construction Codes

AWARDS

1997 *Advisor of the Year Award*
Rutgers College Student Activities Advisory Council
Faculty Advisor - Students for Environmental Awareness

2016 *Sustainable Raritan Award*
Outstanding Achievement in Public Education
Sustainable Raritan River Collaborative and Rutgers' Sustainable Raritan River Initiative

PUBLICATIONS

Zwerling, E.M. 2015. Proposed Noise Standard for Wind Turbine Generators on Farms.
State Agriculture Development Committee, New Jersey Department of Agriculture.

Zwerling, E.M, A. Myers, C. Shamoan. 2012. Analysis of the "Plainly Audible" Standard for Noise Ordinances. Proceedings of Inter- Noise 2012. Institute of Noise Control Engineering.

Zwerling, E.M., C. Shamoan. 2010. Proactive Regulation Engenders Creative Innovation - Quieting the Jackhammer. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Szulecki, S., E. Zwerling, C. Anderson, B. Turpin. 2010. Modeling with CadnaA to estimate the probability of awakening associated with train horns. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering.

Zwerling, E.M., C. Anderson, S. Szulecki, F. Maimone, B. Turpin. 2009. Study of Train Noise in Teaneck, NJ. USEPA Agreement Number: X-83245701-0

Zwerling, E.M. 2005. Regulatory Scheme For Noise Enforcement In New Jersey . *Invited paper*. Journal of the Acoustical Society of America.V.118, No. 3, Pt 2 of 2, Sept. 2005, p. 1849.

Zwerling, E.M. 2004. Training as a Critical Component of Successful Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2568.

Zwerling, E.M. 2004. Noise Enforcement in Cities. *Invited paper*. Journal of the Acoustical Society of America.V.115, No. 5, Pt 2 of 2, May 2004, p. 2593.

Zwerling, E.M. 2002. Characteristics of Successful Local Noise Enforcement Programs. *Invited paper*. Journal of the Acoustical Society of America.V.112, No. 5, Pt 2 of 2, Nov. 2002, p. 2375.

Zwerling, E.M. 2002. Boom Car and Boom Box Code Drafting. The Quiet Zone. Spring 2002.

Zwerling, E.M. 2002. Hearing Protection. In *Encyclopedia of Public Health*, ed. Lester Breslow. Macmillan Reference USA.

Zwerling, E.M. 2001. Vehicle Enforcement. Rutgers Noise Technical Assistance Center. Developed for North Salem, NY

Zwerling, E.M. 2000. Regulation of Amplified Sound Sources. Proceedings of Noise-Con 2000. Acoustical Society of America / Institute of Noise Control Engineering. Newport Beach , CA. December 3-5, 2000 .

Zwerling, E.M. 2000. State of Michigan Model Noise Ordinance. Proceedings of Michigan Municipal League Annual Convention/ Michigan Association of Municipal Attorneys Annual Meeting. September 28-30, 2000 , Macinac Island , MI .

Zwerling, E. M. Contributing Editor. 1991-Present. Community Noise Enforcement. Rutgers Noise Technical Assistance Center.

Zwerling, E. M. Contributing Editor. 1998. Vehicle Sound Reproduction Enforcement. Rutgers Noise Technical Assistance Center. Developed for the City of Rochester, New York

Zwerling, E.M. 1997. Community Noise Enforcement: A Mature Technology. Hearing Rehabilitation Quarterly. 22:4, 4-8+.

Zwerling, E.M., D. Pinto, P. Hanna, J. Lepis, B. Turpin. 1997. Local Noise Enforcement Options and Model Noise Ordinance *With Pre-Approved Language for the State of New Jersey*. Rutgers Cooperative Extension Publication #E215.

Zwerling, E.M. 1997. Community Noise Infosheet. Environmental and Occupational Health Sciences Institute. Public Education and Risk Communication Division.

Zwerling, E.M. 1996. Turning Down the Volume: Effective Strategies for Community Noise Enforcement. *The Police Chief*. V. 63, Dec. 53-59.

Zwerling, E. M. & B. J. Turpin. 1996. Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. Proceedings of Noise-Con 96, The 1996 National Conference on Noise Control Engineering. 955-960.

Zwerling, E.M. 1996. Community Noise Pollution Certification and Assistance. Home page for Rutgers Noise Technical Assistance Center. <http://www.envsci.rutgers.edu/org/rntac/>

RESEARCH PROJECTS (at Rutgers University, as P.I. or Co-P.I.)

"Assistance Regarding Noise Standards for Wind Turbines on Farms," Granting Agency: New Jersey State Agricultural Development Commission (SADC), 2011 - 2015.

"Assistance Regarding Noise Standards for Photovoltaic Installations on Farms," for New Jersey State Agricultural Development Commission (SADC), 2010.

"Railroad Noise in Teaneck, New Jersey" Granting Agency: United States Environmental Protection Agency, 2005 - 2009.

"Road Noise Educational Outreach Program," Granting Agency: New Jersey Department of Transportation, 2002.

CONFERENCE PRESENTATIONS

Community Noise Control: Reviving a Moribund Program or Creating One Anew. International Code Council 2013 Conference. Atlantic City, NJ. September 30, 2013.

Emerging Noise Issues: Emergency Generators and Beach Bars. *Invited Presentation*. New Jersey Environmental Health Association Annual Public Health Conference. Atlantic City, NJ March 5, 2013.

Must we regulate civility? Yes, unfortunately. But, is it effective? *Invited lecture*. stillspotting () nyc . Guggenheim Museum. New York City. October 9, 2012.

Analysis of the "Plainly Audible" Standard for Noise Ordinances. Proceedings of Inter- Noise 2012. Institute of Noise Control Engineering. August 22, 2012.

Proactive Regulation Engenders Creative Innovation - Quieting the Jackhammer. *Invited Paper*. Proceedings of Noise-Con 2010. Institute of Noise Control Engineering. Baltimore, MD, April 20, 2010.

Environmental Health and Noise: Issues and Answers. *Invited Presentation*. New Jersey Environmental Health Association Annual Public Health Conference. Atlantic City , NJ March 3, 2008.

Noise Primer For Legal Professionals. *Invited Presentation*. New York State Bar Association Environmental Law Section Fall Meeting. Saratoga Springs , New York . October 13, 2007.

How to Control Noise Pollution in Your Community. *Invited Presentation*. 90th Annual Conference - New Jersey State League of Municipalities. Atlantic City , NJ November 15, 2005.

Regulatory Scheme for Noise Enforcement in New Jersey . *Invited Paper*. 150th Meeting - Acoustical Society of America . Minneapolis , MN October 17-21, 2005.

Noise Enforcement in Cities. *Invited Paper*. 147th Meeting - Acoustical Society of America . New York , New York May 24-28, 2004.

Training as a Critical Component of Successful Noise Enforcement Programs. *Invited Paper*. 147th Meeting - Acoustical Society of America . New York , New York May 24-28, 2004.

Community Noise Impacts. *Invited Presentation*. Topics in Public Health. New Jersey Department of Health and Senior Services. April 16, 2003.

Characteristics of Successful Local Noise Enforcement Programs. *Invited Paper*. First Pan-American/Iberian Meeting on Acoustics. Jointly Sponsored: Acoustical Society of America , the Iberoamerican Federation of Acoustics and the Mexican Institute of Acoustics. Cancun , Mexico .Dec 2-6, 2002.

Community-Based Environmental Noise Management, *Invited Panelist*; The Role of State and Local Governmental Agencies in Noise Abatement and Control, *Invited Panelist*. Inter-Noise 2002, The 2002 International Congress and Exposition on Noise Control Engineering. Dearborn , MI Aug. 19-21, 2002.

Community Noise Regulation and Enforcement: Theory and Practice. American Association of Code Enforcement. 4th Semi-Annual Education Conference. Bowie , MD. May 1-3, 2002.

Regulation of Amplified Sound Sources. Noise-Con 2000. Acoustical Society of America/Institute of Noise Control Engineering. Newport Beach , CA. December 3-5, 2000.

Writing and Enforcing a Noise Ordinance. Michigan Municipal League Annual Convention. Nuts and Bolts of Writing a Noise Ordinance. Michigan Association of Municipal Attorneys Annual Conference. Macinac Island , MI , September 28-30, 2000.

Municipal Noise Regulation - Theory and Practice. International Municipal Lawyers Association, Mid-Year Seminar. Washington , D.C. April 9-11, 2000.

Effective Strategies for Community Noise Enforcement:

Michigan Municipal League 9th Annual Education Conference. Mt. Pleasant, MI.
March 11, 1998.

The Association of Towns of the State of New York , Annual Meeting,
Educational Training Courses. New York City , February 16, 1998 .

American Association of Code Enforcement 8th Annual Business and Educational Conference. Hagerstown , MD , October 20-25, 1997.

Community Noise Enforcement: Reviving a Moribund Program or Developing One Anew. Noise-Con '96, The 1996 National Conference on Noise Control Engineering, Seattle, WA, September 29-October 2, 1996.

NOISE ENFORCEMENT CERTIFICATION COURSES TAUGHT

Community Noise Enforcement
Vehicular Noise Enforcement
Vehicle Sound Reproduction Enforcement
Motor Sports Ordinance Enforcement
Octave Band Analysis for Enforcement Purposes

New Jersey :

Certification and recertification - every three months, 1991 to present.

On-Site:

New Rochelle, NY; Jacksonville, FL (five times); Long Beach, NY (three times); Everett, WA; St. Augustine, FL (three times), Seattle, WA (three times); Fairfax County, VA (twice); Neptune Beach, FL; Gainesville, FL; Anchorage, AK (twice); Binghamton, NY (twice); Washington State Association of Code Enforcement (three times); Ft. Collins, CO; Shelter Island, NY (four times); New York City, NY [NYC DEP, NYPD, NYC Parks, NYC DDOC] (eight times); Rochester, NY; Newport, RI; Platekill, NY; Traverse City, MI (three times); Prince George's County, MD; East Hampton, NY (twice); College Park, MD (twice); DeKalb County, GA (four times); Twinsburg, OH; Sandusky, OH; North Salem, NY; Honolulu, HI; Lafayette, LA (twice); Philadelphia, PA (twice); Barbados, West Indies (twice); Freeport, NY (twice); Collier County, FL (three times); MASS DEP; Walton County, FL (three times); Montgomery County, MD (twice); Greenville County (SC); Vancouver B.C. (three times); Panama City Beach, FL (twice); Matanuska-Susitna Borough, AK; Union, OH; Ithaca, NY (three times); Rehoboth Beach, DE; Southampton, NY (twice); Union, OH; Mercer County (NJ) Parks Department

ON-SITE ORDINANCE DEVELOPMENT WORKSHOPS

Lafayette, LA; Traverse City, MI; Plattekill, NY; St. Augustine, FL; Charleston County, SC; Lansing, MI; DeKalb County, GA; Walton County, FL; Overland Park, KS; Greenville County, SC, Decatur, AL; Yonkers, NY; Ossining, NY; Newport RI; Monroe County, FL; Fort Lauderdale, FL; Panama City Beach, FL

PARTIAL LIST OF CLIENTS

City of New York Law Department; City of Philadelphia Law Department, Environmental & Regulatory Compliance Division; U. S. State Department; City of New York Police Department; Bergen County (NJ) Utilities Authority; New York City Department of Environmental Protection; New York State Office of Attorney General; McDonald's Corporation, Lafayette (LA) Consolidated Government; McGlinchey Stafford (New Orleans); Gaeta Recycling, Inc.; National Ecology; Browning Ferris Industries; Township of Manalapan (NJ); Kansas State Legislature; Readington

Township (NJ); City of Lansing (MI); City of Tacoma (WA); City of St. Augustine (FL); Atlantic Development and Management Corp.; CareMatrix Corporation; County of Charleston (SC); DeKalb County (GA); Greenville County (SC); Ethicon, Inc.; City of Yonkers (NY); Walton County (FL); City of Overland Park (KS); City of Newport (RI); City of Ossining (NY); Franklin Township (NJ); Alliance to Save Southern Ulster's Rural Environment; Roche Molecular Systems; Wheelabrator, Inc.; Monroe County (FL); City of Juneau (AK); Township of Branchburg (NJ); City of Eugene (OR); Union County United (PA); City of Fort Lauderdale (FL); City of Panama City Beach (FL); Stop & Shop Supermarket Company; Track Racket (Millville, NJ); Green Lawn Cemetery (Columbus, OH); Nissan Motor Company, Ltd.; City of Union (OH); City of Ithaca (NY); SA Engineering; Upper Deerfield Township (NJ); Serra Toyota (Traverse City, MI); City of Norwalk (CT), Coronet Inc.

City of Beacon Workshop Agenda
10/29/2018

Title:

Budget Amendments

Subject:

Background:

ATTACHMENTS:

Description	Type
Budget amendment Rec Dept	Amendment
Budget Amendments_11.5.18	Backup Material

Recreation Department
City of Beacon
23 West Center St
Beacon, NY 12508
845-765-8440

Memo

To: Susan Tucker
From: Mark Price
cc: Anthony Ruggiero
Date: 10/12/18
Re: Request for budget transfer

I would like to request a budget line transfer for the purchase of safety mats for the newly constructed climbing wall at the Settlement Camp Park. Please transfer **\$6230.00**

from:

A7112.447300 – repair of Real Property

to:

A7112.250000 – Purchase equipment

Sincerely,



Mark Price

Tiffin Holdings, Inc.

PO Box 823
 Elkton MD 21922
 P 800-843-3467
 F 410-398-7397

TiffinHoldings@gmail.com

Remit Payment to:
Tiffin Holdings, Inc.
PO Box 823
Elkton, MD 21922

Quote

Date	Quote #
9/11/2018	DM091118C

Name / Address
Beacon Boulder Project James Reyes 21 Schoenk Ave Beacon, NY 12508

Rep
DESI

Item	Description	Qty	U/M	Rate	Total
GP24812BL	Modular Pit (18 oz.), 8' x 12' x 24' Grey **All Vinyl No Mesh**	3		1,845.00	5,535.00T
FREIGHT	SHIPPING & HANDLING CHARGES			695.00	695.00
	Out-of-state sale, exempt from sales tax			0.00%	0.00
				Total	\$6,230.00

This is a quote only. To place an order, please contact me. Feel free to call 800-843-3467 if you have any questions!

Quote is valid for 30 days only

1

Special Payment information: Discount and Demo items may only be paid by way of Check, Money Order, or Wire Transfer.

Payment Information: 100% payment is due at the time of placing your order. Purchase Orders carry terms of net 30 days.

Shipping Information: Freight charges are subject to change due to fuel surcharges. We DO NOT offer inside delivery.

***INTERNATIONAL CUSTOMERS, excluding Canada - Freight rates are to the port in your country only. You will responsible for any charges for taxes, duties, customs, and delivery charges from the port. Customer Pick-ups must be picked up within 2 weeks, or product will be returned to stock.

If order meets your approval: Please sign and fax to 410-398-7397. Or mail to the PO Box above.



616 Corporate Way Suite 2-3270 Valley Cottage, NY 10989
 1 877 600 4667 www.ssci.us

Quote 26497

Date: 01-Oct-2018
 Salesperson: Shannon K Olsheski

Terms: Net 30 Days
 Currency: USD
 Prices are Valid Until: 31-Oct-2018

Page: 1

Quote To:
City of Beacon Recreation
 23 West Cebter Steet
 Beacon, NY 12508
 USA
 Phone: 845-765-8440

Ship To:
City of Beacon Recreation
 23 West Cebter Steet
 Beacon, NY 12508
 USA

Mark Price

Safety Cushions

Part	Description	Quantity UM	Unit Price	Extended Price
PV-AD-CUSTOM	Safety Cushion 8' X 12' X 24" 24" thick crash pad, with 4" breather mesh. Choice of colours: red, blue, black, green, yellow, beige or gray. Made in 3 piece foam with 1 full size cover	3.00 EA	2,331.00	6,993.00
SHIPPING	Shipping Charges Please note that this is an estimate of shipping charges, actual charges will be finalized on order placement. Shipping rate does not include offloading or inside delivery. These services are subject to additionnal fees. Standard shipping to Beacon NY . Off loading to be done by customer.	1.00 EA	1,190.15	1,190.15

Sales Rep:	Sub Total	8,183.15
Shannon Olsheski	Tax ()	\$0.00
Extn 0	Grand Total	\$8,183.15

#2

Signature	Print Name	Position	Date

*By filling in the fields above and faxing, you agree to the terms and conditions of sales as shown at <http://www.sportssystemscanada.com/en/about/ter>
 When specified 'SHIPPING' includes standard delivery only unless otherwise noted. Additional fees will be charged for special services like tailgates or inside delivery if requested.
 2% per month interest will be charged on all overdue accounts. Standard Sport Systems Canada Inc. 'Terms and Conditions' apply.
 Please visit <http://www.sportssystemscanada.com/en/about/terms> for a full description

Mark Price

From: MatsMatsMats.com (Stag) <stags@matsmatsmats.com>
Sent: Tuesday, September 18, 2018 4:40 PM
To: Mark Price
Subject: MatsMatsMats.com Quote 180918-70072

MATSMATSMATS.com

Thank you for your interest in our products, Mark.

Based on your request, the cost would be as follows:

[3] Practice Pit Mat, 8'x12'x24", Non-Folding, Green: \$2,340.00/each
Subtotal: \$7,020.00
Sales Tax: \$0.00
Shipping: \$1,787.95
Total: \$8,807.95

Since this order is too large or too heavy to ship via regular UPS/FedEx ground services, it must ship via freight truck (motor freight). The shipping cost shown above includes freight truck delivery to a school location in Beacon, NY 12508. The shipment will be lowered to the curb by the driver. Please call us if you think your delivery location may require any additional or special delivery services by the freight carrier.

Production and delivery is currently about 9-10 weeks.

MatsMatsMats.com does not warrant these products to be suitable for any particular purpose and will not be liable for any injuries that may result during the use of these products. It is your responsibility to determine the appropriate use.

So we may better assist you, please reference your quote number (located in the subject line of this email) in all future communication with us.

Should you have any additional questions or to place your order via telephone, please do not hesitate to contact us toll free at 877.777.6287 from 8am to 5pm Pacific Time.

Chris "Stag" Stagnaro
Sales Representative
www.MatsMatsMats.com
StagS@MatsMatsMats.com
877.777.6287 Ext 104

#3



Date 9/18/2018

CITY OF BEACON
 23 WEST CENTER STREET
 BEACON, NY 12508
 US

Delivery address
CITY OF BEACON 23 WEST CENTER STREET BEACON, NY 12508 US ATTN: MARK PRICE @ 8457652470

Customer account: CNY08359
 Email: mprice@cityofbeacon.org

Customer reference	Quoted by	Carrier
ATTN: MARK PRICE	Kristen Blodgett Ext.517-999-8236 k.blodgett@spiethamerica.com	OLD DOMINION 481695186

Line #	Item #	Description	Qty	Unit Price (USD) :	Discount (%)	(USD) :
1	GPM751224 WH:MAIN	GYMNASTICS PIT MODULE 7.5X12X24"	3.00 EA	2,730.00		8,190.00
2	SALES_FREIGHT WH:	SALES FREIGHT	1.00 EA	1,350.00		1,350.00

Terms of delivery
()

Payment mode
Credit card (CC)
Payment terms
Prepaid (PP)

TOTAL AMOUNT IN USD	9,540.00
No tax	0.00
TOTAL AMOUNT DUE IN USD	9,540.00

4

QUOTE IS ONLY VALID FOR 30 DAYS.

NOTE: Once an order is placed, we advise you to thoroughly inspect it upon delivery, and any freight damages must be documented on the Bill Of Lading and photos taken. For complete instructions on how to prepare for your delivery, please visit our website at www.spiethamerica.com/delivery-information.

Please sign and return quotation with method of payment as confirmation of this order.

Signature..... Name Title



3327 Ranger Road
 Lansing, Michigan
 48906 USA

USA Office Phone (517) 999 8230
 1 (800) 331-8068 Fax (517) 999 8245

Council Budget Amendments
November 5, 2018 Meeting

1. Amend the 2018 Water Fund Budget to account for Hydrogeologic & Engineering services approved at the August 8th Council meeting. Below is the proposed budget amendment:

Transfer to:		
F -08-8340-454000-	ENGINEERS	<u>\$ 34,000</u>
Transfer from:		
F -08-8340-100401-	SUPERINTENDENT SALARY	<u>\$ 34,000</u>

2. Amend the 2018 General Fund Budget to account for services necessary on property acquired through the tax foreclosure process. This also accounts for payment of School taxes for which we normally are not liable for because the City usually sells right after acquiring. Below is the proposed budget amendment:

Transfer to:		
A -01-1364-468001-	EXPENSES ON PROPERTY ACQUIRED	<u>\$ 8,640</u>
Transfer from:		
A -01-1910-434000-	INSURANCE DEDUCTIBLES	<u>\$ 8,640</u>

3. Amend the 2018 General Fund Budget to provide for the payment of unused accumulated leave time for a Detective in the Police Department and Firefighter in the Fire department. Below is the proposed budget amendment:

Transfer to:		
A -03-3130-190000-	SEVERANCE/RETIREMENT PAY	7,972
A -03-3410-190000-	SEVERANCE/RETIREMENT PAY	5,127
	Total	<u>\$ 13,099</u>
Transfer from:		
A -01-1990-400004-	CONTINGENCY-RETIREMENT	<u>\$ 13,099</u>

4. Amend the 2018 General Fund Budget the purchase of safety mats for the newly constructed climbing wall at the Settlement Park. Below is the proposed budget amendment:

Transfer to:		
A -00-7112-250000-	PURCHASE OF EQUIPMENT	<u>\$ 6,230</u>
Transfer from:		
A -00-7112-447300-	REPAIR OF REAL PROPERTY	<u>\$ 6,230</u>

Respectfully submitted,
Susan K. Tucker CPA