



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
January 14, 2019
7:00 PM

Workshop Agenda Items:

1. Presentation: Danielle Salisbury from Cornell Cooperative Extension with Regard to Climate Smart Planning Tool
2. City Assessor - Star Update
3. Green Street Park Bids
4. Procurement Policy
5. 248 Tioronda Ave - Conceptual Plan Review
6. DCSPCA Housing Contract Renewal
7. Verizon Pole Special Permit Review - 110 Howland Avenue
8. Amusement Centers: Continued Discussion Re PLL
9. Committee Appointments
10. Acting City Administrator
11. Capital Plan Review
12. 511 Fishkill Avenue: Lead Agency Designation

Executive Session:

1. Personnel

City of Beacon Workshop Agenda
1/14/2019

Title:

Presentation: Danielle Salisbury from Cornell Cooperative Extension with Regard to Climate Smart Planning Tool

Subject:

Background:

ATTACHMENTS:

Description	Type
Planning Tool	Cover Memo/Letter
Recommendations	Cover Memo/Letter

Section 1: Community Plan Checklist		Yes	No	Adoption Year	Update Frequency	Notes
1.1	Municipal Master Plan	x		2017		City of Beacon Comprehensive Plan Update
1.2	Zoning Ordinance	x		1977		And Adopted Zoning Revisions (2017)
1.3	Subdivision Ordinance	x		2004		
1.4	Open Space Plan		x			
1.5	Natural Resource Conservation Plan		x			
1.6	Stormwater Management Plan		x	2007		Stormwater Management and Erosion and Sediment Control (ordinance)
1.7	Coastal Plan or Element in Other Plan		x			
1.8	Shoreline Restoration Plan		x			
1.9	Coastal Erosion Hazard Area Ordinance		x			
1.10	Multi-Hazard Mitigation Plan	x		2016		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon
1.11	Floodplain Management Plan		x			
1.12	Flood Damage Prevention Ordinance	x		2012		
1.13	Evacuation Plan		x			
1.14	Emergency Response & Short-term Recovery Plan	x		2013		Emergency Management Plan
1.15	Continuity of Operations Plan		x			
1.16	Disaster Recovery Plan		x			
1.17	Long-term Recovery Plan		x			
1.18	Economic Development Plan/Strategy		x			
1.19	Capital Improvements Plan		x			
1.20	Metropolitan Transportation Plan		x			
1.21	Historic Preservation Plan	x		1991		Historic Preservation Ordinance
1.22	Local Waterfront Revitalization Plan	x		2012		City of Beacon Local Waterfront Revitalization Program
1.23	Climate Action Plan					
1.24	Other: Comprehensive Water Supply Plan	x		2018		
1.25	Other: Drought Emergency Plan	x		2002		

Section 2: Vulnerability & Risk Assessments		Yes	No	N/A	Notes	Definitions	References
2.1	Does the municipality have a localized hazard risk and vulnerability assessment?	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Pg 9.2-2; A Hazard Vulnerability and Ranking was completed as part of the Hazard Mitigation Plan, but it could be more comprehensive.		
2.2	Have current and future climate hazards been identified?	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Pg 9.2-2	Climate hazards include higher temperatures, heavy precipitation, sea-level rise, storm surge & flooding, disruption of natural resource life cycles and a variety of human health risks.	Impacts of climate change
2.3	Have potential risks been prioritized as follows?						
2.3.1	Likelihood of a given effect, e.g. virtually certain/already occurring, high, moderate, low	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
2.3.2	Magnitude of consequence, e.g., disruption of internal operations, capital and operating costs, number of people affected, public health, economy, and environment.	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2; Yes, but only monetary cost		
2.3.3	Are conditions identified that could amplify the effect of a hazard, e.g. storm surge inundation at a high tide or erosion of stabilized shorelines?		x				
2.4	Have municipal employees utilized any of the following vulnerability assessment modalities?						
2.4.1	HAZUS-MH	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2	HAZUS-MH - a tool developed by FEMA to help communities estimate potential losses from natural disasters.	HAZUS-MH
2.4.2	Other:						
2.5	Are municipal employees <u>trained</u> in the use of FEMA's HAZUS-MH?		x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Table 9.2-7 Administrative and Technical Capabilities; Pg 9.2-7		
2.6	Have adaptation strategies been identified and categorized as follows:						
2.6.1	Type		x		Adaptation strategies have not been integrated into the plan yet		
2.6.2	Administration		x		Adaptation strategies have not been integrated into the plan yet		
2.6.3	Condition		x		Adaptation strategies have not been integrated into the plan yet		
2.6.4	Timing		x		Adaptation strategies have not been integrated into the plan yet		
2.6.5	Geography		x		Adaptation strategies have not been integrated into the plan yet		
2.7	Have adaptation strategies been evaluated and prioritized as follows:						
2.7.1	Strategy cost		x		Adaptation strategies have not been integrated into the plan yet		
2.7.2	Strategy feasibility		x		Adaptation strategies have not been integrated into the plan yet		
2.7.3	Timing of Implementation		x		Adaptation strategies have not been integrated into the plan yet		
2.7.4	Efficacy		x		Adaptation strategies have not been integrated into the plan yet		
2.7.5	Co-benefits		x		Adaptation strategies have not been integrated into the plan yet		
2.8	Have stakeholders linked adaptation strategies to the capital budget and rehabilitation cycles?		x		Adaptation strategies have not been integrated into the plan yet		
2.9	Are maps used to spatially define the following vulnerabilities in relationship to risks?						
2.9.1	Populations, e.g., elderly, children, poor, disabled		x				
2.9.2	Buildings, e.g., business and residential		x				
2.9.3	Infrastructure, e.g. roads, schools, wastewater treatment facilities, hospitals, public works, power plants, drinking water treatment facilities	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Figure 9.2-1 City of Beacon Hazard Area Extent and Location Map 1; Pg 9.2-20		
2.9.4	Natural resources, e.g. wetlands, critical habitats, rare species, dunes, beaches, bluffs		x				
2.9.5	Cultural resources, e.g., historic districts, properties, and landmarks, libraries, museums, recreational areas	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Figure 9.2-1 City of Beacon Hazard Area Extent and Location Map 1; Pg 9.2-20; Some cultural resources are addressed		
2.10	Have the following been identified as climate risks to the community?						
2.10.1	Extreme precipitation and riverine flooding	x			Dutchess County Hazard Mitigation Plan; Section 5.4.5 Flood; Pg 5.4.5-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
2.10.2	Landslides		x		Dutchess County Hazard Mitigation Plan; Section 5.4.3 Earthquake; Pg 5.4.3-1; Included at county level, but not identified as a climate risk by the community	*According to the USGS, they are in a landslide zone*	

2.10.3	Sea-level rise		x	Dutchess County Hazard Mitigation Plan; Section 5.4.5 Flood; Pg 5.4.5-5; Included at county level, but not identified as a climate risk by the community		
2.10.4	Coastal storms, storm surge, and coastal flooding	x		Dutchess County Hazard Mitigation Plan; Section 5.4.1 Coastal Hazards; Pg 5.4.1-2; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
2.10.5	Extreme temperatures and heat waves	x		Dutchess County Hazard Mitigation Plan; Section 5.4.4 Extreme Temperature; Pg 5.4.4-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
2.10.6	High winds	x		Dutchess County Hazard Mitigation Plan; Section 5.4.6 Severe Weather; Pg 5.4.6-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking (Severe Storms); Pg 9.2-2		
2.10.7	Heavy snow and/or ice storms	x		Dutchess County Hazard Mitigation Plan; Section 5.4.7 Severe Winter Storm; Pg 5.4.7-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking (Winter Storms); Pg 9.2-2		
2.11	Are municipal planners and emergency managers trained in the use of the following risk-mapping tools?					
2.11.1	Flood insurance rate maps		x	Somewhat (Information provided by the Building Inspector)	Flood Insurance Rate Maps, or FIRMS, are official maps produced by FEMA that identify areas at risk of flooding, as well as National Flood Insurance risk premium zones in a community.	FIRMS
2.11.2	Sea, Lake and Overland Surges from hurricanes		x	Information provided by the Building Inspector	Storm Surge is an abnormal rise of water generated by a storm, often a hurricane.	SLOSH
2.11.3	Shoreline change analysis		x	Information provided by the Building Inspector	Shoreline changes through erosion or accretion can be analyzed in geographic information system (GIS).	NOAA Shoreline website
2.11.4	Cumulative risk assessments		x	Information provided by the Building Inspector	A tool to assist communities in understanding the aggregation of risks from multiple environmental stressors.	USEPA Cumulative Risk Assessment Framework
2.11.5	Sea level rise inundation maps		x	Information provided by the Building Inspector	Mapping tools to help communities visualize impacts from coastal flooding and sea-level rise.	NOAA Sea Level Rise Viewer
2.11.6	Other:					
2.12	Have vulnerability and risk assessments been directly shared with municipal planners, public work officials, transportation planners, and other appropriate municipal, county or state officials?	x		Information provided by the City Administrator		
2.13	Has inland (riverine) flooding been identified as a hazard in this community? If yes, complete the following:		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Other Vulnerabilities Identified; pg 9.2-4: "During heavy rainfall events or significant snow melt, residential properties downstream of the Hiddenbrook property experience destructive and potentially dangerous flooding"		
2.13.1	Are emergency managers and planners aware of potential riverine flooding extents in the community?		x	Not sure (Information provided by the Building Inspector)		
2.13.2	Are local planners, emergency managers and public works officials aware of the location of riverine repetitive loss properties?		x	Not sure (Information provided by the Building Inspector)		
2.13.3	Does the community track riverine repetitive loss properties within the National Flood Insurance Program?		x	Not sure (Information provided by the Building Inspector)	National Flood Insurance Program, or NFIP, a federally-subsidized insurance program aimed at reducing the impact of flooding on private and public structures.	NFIP
2.13.4	Do any plans or reports describe the damage and cost of previous storms, riverine floods, or erosion?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-2 Hazard Event History; Pg 9.2-2: Mentions previous events, but no cost given		
2.13.5	Do any plans or reports estimate future financial losses that may result from riverine flooding?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Pg 9.2-2: Only gives estimate for general flooding, not riverine flooding		
2.14	Have seal-level rise, coastal storms, storm surge and coastal flooding been identified as hazards? If so, answer the following:	x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Hazard Vulnerability and Ranking; Pg 9.2-2: Only coastal storms have been identified as hazards	Department of State Coastal Boundary Map: https://www.dos.ny.gov/opd/atlas/	
2.14.1	Are emergency managers and planners aware of potential coastal flooding extents in the community?		x	Not identified as a climate risk by the community		

2.14.2 Are local planners, emergency managers and public works officials aware of the location of coastal repetitive loss properties?		x	Not sure (Information provided by the Building Inspector)		
2.14.3 Does the community track riverine coastal loss properties within the National Flood Insurance Program?		x	Information provided by the Building Inspector		
2.14.4 Do any plans or reports describe the damage and cost of previous coastal storms, floods, or erosion?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-2 Hazard Event History; Pg 9.2-2: Mentions previous events, but no cost given		
2.14.5 Is a significant part of the community in a V-zone or A-zone as defined on a FEMA flood insurance rate map?		x	Only a small portion (https://msc.fema.gov/portal/search#searchresultsanchor)		
2.14.6 Does the community contain lands within the Coastal Erosion Hazard Area?		x	This community is not designated as a Coastal Erosion Hazard Area. According to the DEC website: "The coastlines along Lake Erie and Lake Ontario, Long Island Sound, and the Atlantic Ocean coastline of NYC and Long Island are at risk to coastal erosion from natural and human activities and are regulated. *These are the only areas currently mapped as coastal erosion hazard areas require a Coastal Erosion Hazard Area (CEHA) permit". http://www.dec.ny.gov/lands/28923.html	Coastal Erosion Hazard Areas are coastal shoreline areas that are vulnerable to erosion, and are identified in maps produced by NYS DEC. Coastal Erosion Hazard Areas are regulated and permits are required for construction and other activities.	NYS DEC Coastal Erosion Hazard Management Program
2.14.7 Have areas of the coastline most prone to erosion hazards been identified?		x	This community is not designated as a Coastal Erosion Hazard Area		
2.14.8 Has the community used all available authorities to restrict or prohibit any activities, development or other actions in such erosion hazard areas, in order to minimize damage to property, and to prevent the exacerbation of erosion hazards?		x	This community is not designated as a Coastal Erosion Hazard Area		
2.14.9 Has the community developed a build-out analysis using existing zoning ordinances? If so, answer the following:	x		Information provided by the Building Inspector		
2.14.9.1 Has the build-out analysis been compared to the extent of storm surge scenarios?		x	I don't believe so (Information provided by the Building Inspector)		
2.14.9.2 Has the build-out analysis been compared to projected sea-level rise scenarios?		x	I don't believe so (Information provided by the Building Inspector)		
2.14.10 Do any plans or reports describe the damage and cost of previous coastal storms, floods, or erosion?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-2 Hazard Event History; Pg 9.2-2: Mentions previous events, but no cost given		
2.14.11 Are emergency managers and planners aware of potential storm-surge heights in the community?		x	Not identified as a climate risk by the community		
2.14.12 Do any plans or reports estimate future financial losses that may result from sea-level rise?		x	Not identified as a climate risk by the community		
2.14.13 Has the community undertaken a vulnerability and risk assessments using the Department of State Asset Inventory Worksheet and Risk Assessment Tool?		x	Information provided by the City Administrator		Governor's Office of Storm Recovery
2.14.14 Has the community adopted the projections of sea-level rise from the State Sea Level Rise Task Force report or more recent studies for planning purposes?		x	I don't believe so (Information provided by the Building Inspector)	NYS has adopted official sea-level rise projections.	NYS DEC Official SLR Projections NYS Sea Level Rise Task Force Report

Section 3: Public Outreach and Engagement	Yes	No	N/A	Notes	Definitions	References
3.1 Has the public been involved in the identification of historic storm effects, such as storm-surge elevations, flood-prone streets, beach erosion and overwash, or property loss through any of the following means?						
3.1.1 Participatory mapping		x		Participatory mapping has not been integrated into a plan yet	Participatory mapping is a process in which stakeholders create maps that indicate important environmental, cultural social and economic features. Often used in land use decision-making.	NOAA Participatory Mapping Guide
3.1.2 Public surveys		x		Public surveys have not been integrated into a plan yet		
3.1.3 Stakeholder meetings	x			In the public meeting for the Hazard Mitigation Plan (Information provided by the City Administrator)		
3.2 Does the municipality have publicly visible high water mark signs ?		x		Information provided by the City Administrator	High Water Mark signs are a public awareness tool that indicate how high the water reached on a building, bridge or other infrastructure under flood conditions.	NOAA High Water Mark signs
3.3 Has the public been involved in defining an overall acceptable level of natural-hazard risk?	x			In the public meeting for the Hazard Mitigation Plan (Information provided by the City Administrator)		
3.4 Does the municipality provide the public with information on the natural and beneficial functions of floodplains, wetlands and green infrastructure?		x				
3.5 Does the municipality provide access to floodplain maps?	x			Information provided by the Building Inspector		
3.6 Does the municipality publicize the availability of floodplain information to property owners and businesses?		x		Information provided by the Building Inspector		
3.7 Does the municipality publicize the availability of floodplain information to insurance agents, real estate agents, and lenders?		x		Information provided by the Building Inspector		
3.8 Does the municipality conduct storm-preparedness outreach to floodplain residents and businesses using the following methods?						
3.8.1 Website		x				
3.8.2 Brochures and newsletters		x		Information provided by the City Administrator		
3.8.3 Community meetings		x		Information provided by the City Administrator		
3.8.4 Television or radio		x		Information provided by the City Administrator		
3.8.5 Other:						
3.9 Does the community provide easy access to coastal erosion area hazard maps?			x	This community is not designated as a Coastal Erosion Hazard Area		
3.10 Does the community provide residents with guidance on the development of personal or family evacuation plans?	x			Brief tips are provided on the Fire Department's page on Beacon's website (http://www.cityofbeacon.org/Government/fire.htm)		
3.11 Does the municipality provide property owners information on what to include in the following?						
3.11.1 At-home emergency kit		x		Information provided by the Building Inspector		
3.11.2 Emergency supplies		x		Information provided by the Building Inspector		
3.11.3 Evacuation kit		x		Information provided by the Building Inspector		
Section 3 – Public Outreach and Engagement						
3.12 Does the community have public-information plans in place to provide residents with the following information prior to the threat of a storm?						
3.12.1 Expected inundation areas		x				
3.12.2 Evacuation routes		x				
3.12.3 Evacuation bus pick-up locations		x				
3.12.4 Location of severe weather shelters		x				
3.12.5 Location of pet shelters		x				

3.13	Has the community informed residents of ASPCA's disaster preparedness steps for domesticated animals?		x		Tips for including pets in your family's disaster preparedness efforts.	ASPCA Disaster Preparedness
3.14	Has the community informed residents of FEMA's "Are You Ready?" Guide?		x	Information provided by the Building Inspector		FEMA "Are You Ready?" Guide
3.15	Does the community actively inform property owners of FEMA suggested means to protect their homes against storm and wind damage ?		x	Information provided by the Building Inspector		FEMA Guidance on Protecting Homes from Storms
3.16	Does the municipality provide the public with flood mitigation information?		x	Information provided by the Building Inspector		
3.17	Does the municipality refer home builders to FEMA's coastal construction manual ?		x	Information provided by the Building Inspector		FEMA Guidance on Coastal Construction
3.18	Does the municipality employ multilingual and culturally sensitive approaches while providing residents with essential information?		x	Comprehensive Emergency Management Plan; E. Public Warning and Notification; Pg 26; "5. Special arrangements may be made for providing warning information to the hearing impaired and, where appropriate, non-English speaking populations." Does not delve into details yet.		

Section 4: Integration of Municipal Plans		Yes	No	N/A	Notes	Definitions	References
4.1	Has the community adopted a comprehensive plan?	x					
4.1.1	Does the comprehensive plan reference the local multi-hazard mitigation plan and disaster recovery plans?		x				
4.1.2	Does the comprehensive plan explain the support and involvement of emergency managers, floodplain managers, coastal managers and public works officials?		x				
4.1.3	Does the planning process documentation describe the review and incorporation, if appropriate, of existing plans, studies, reports, and technical information, e.g., the multi-hazard mitigation plan, capital improvement plan?	x			Comprehensive Plan Update; Section 1.2 Prior Planning Efforts; Pg 18		
4.1.4	Did the preparation of the comprehensive plan involve a broad base of the community, such as public officials, civic organizations, businesses, and citizens?	x			Comprehensive Plan Update; Section 1: Introduction; Citizen Based Planning Process; Pg 21		
4.1.5	Does the comprehensive plan provide a clear explanation of participation techniques used in its development?	x			Comprehensive Plan Update; Section 1: Introduction; Citizen Based Planning Process; Pg 22		
4.1.6	Does the comprehensive plan identify resilience within its mission, vision, or goals?		x		Comprehensive Plan Update; Section 7: Environmental Features; Pg 99: The only time resilience is mentioned		
4.1.7	Are hazards addressed among the elements of the municipal master plan?		x				
4.1.8	Does the plan identify potential coastal-hazard effects on infrastructure, land uses, housing and community facilities?		x				
4.1.9	Does the plan make recommendations to reduce hazard vulnerability through land-use planning?		x				
4.1.10	Does the plan identify how often it should be updated?	x			Comprehensive Plan Update; Section 1: Introduction; Pg. 14: "The Plan should change as the existing conditions and the goals and objectives of the community change."		
4.1.11	Does the comprehensive plan identify flood-prone areas and discourage development in those areas or require strategies to reduce flood damage to buildings?	x			Comprehensive Plan Update; Section 10: Waterfront and Train Station Area; Pg 156		
4.1.12	Does the comprehensive plan encourage using green infrastructure techniques to help prevent flooding?		x				
4.1.13	Does the comprehensive plan emphasize non-structural pre-disaster mitigation measures such as acquiring flood-prone lands and adopting No Adverse Impact flood plain regulations?		x				
4.1.14	Does the comprehensive plan or hazard mitigation plan discuss strategies to determine whether to relocate structures that have been repeatedly flooded, including identifying an equitable approach for community involvement in relocation decisions and potential funding sources?		x		Dutchess County Hazard Mitigation Plan; Section 6. Mitigation Strategies; Pg 6-20: Included at the county level without mention of strategies: "Structures, including buildings, within the floodplain easement must be demolished and removed, or relocated outside the 100-year floodplain or dam breach inundation area." Not included on the community level yet		
4.2	Is the community planning for development (e.g. parks, river-based recreation) along the river's edge that will help connect people to the river AND accommodate water during floods?	x			Comprehensive Plan Update; Section 10: Waterfront and Train Station Area; Pg 153 and on		
4.2.1	Are floodways and other frequently flooded areas zoned for open space or recreation?		x		Not necessarily (Information provided by the Building Inspector)		
4.2.2	Does the community use subdivision regulations to ensure low densities within the floodplain?		x				

4.2.3 Have non-conforming use and structure standards been revised to encourage safer rebuilding in flood-prone areas?		x	Chapter 223 Zoning; Section 223-10 Nonconforming uses and structures; Pg 223:9: Safer rebuilding in flood-prone areas has not been integrated into the ordinance yet	A nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use. (http://mrsc.org/Home/Explore-Topics/Planning/Development-Regulations/Nonconforming-Uses-Structures-and-Lots-Regulatio.aspx)	
4.2.4 Do zoning or floodplain regulations require elevation of two or more feet above Base Flood Elevation?	x		Chapter 123 Flood Damage Prevention; Section 123-16. Residential Structures; Pg 123-16		
4.2.5 Has the community adopted the International Building Code or American Society of Civil Engineers (ASCE) standards that promote flood-resistant building?	x		Information provided by the Building Inspector		
4.2.6 Does the community plan for costs associated with the follow-up inspection and enforcement of land development regulations and building codes?		x	Not likely (Information provided by the Building Inspector)		
4.2.7 Does the local comprehensive plan or hazard mitigation plan clearly identify safer growth areas in the community?		x			
4.2.8 Has the community adopted policies to encourage development in these areas?		x			
4.2.9 Has the community planned for new development in safer areas to ensure that it is compact, walkable and has a variety of uses?		x	Comprehensive Plan Update; Land Use and Zoning Goals and Recommendations; Pg 38: Development in safer areas has not been integrated in the plan yet, however, there is a focus on development in and around the Central Business District rather than sprawling		
4.2.9.1 Has the community changed its land-use codes and regulations to allow for this type of development?		x			
4.2.9.2 Have land development regulations been audited to ensure that development in safer areas meets the community's needs for off-street parking requirements, building height and density, front yard setbacks and that these regulations do not unintentionally inhibit development in these areas?		x			
4.2.9.3 Do capital improvement plans and budgets support development in preferred safer growth areas (e.g., through investment in wastewater treatment facilities and roads)?		x	The community does not have a Capital Improvements Plan formalized yet		
4.2.9.4 Have building codes been upgraded to promote more flood-resistant building in safer locations?		x			
Section 4 – Integration of Municipal Plans					
4.3 Has the community adopted the concepts of No Adverse Impact of the Association of State Floodplain Managers?		x		No Adverse Impact , or NAI, is a floodplain management approach recommended by the Association of State Floodplain Managers that aims to help coastal communities achieve disaster resilience. "NAI is an approach by which the action of any community or property owner, public or private, is not allowed to adversely affect coastal resources or the property rights of others."	NAI Handbook
4.3.1 Does the community have a local ordinance to protect dunes, bluffs or eroding cliffs from development or disturbance?		x			
4.3.2 Does the community have a local ordinance to protect wetlands?		x	The City does not have a formalized local ordinance to protect wetlands yet. However, wetlands are regulated in the zoning chapter. Chapter 223 Zoning; Section 223-16 Wetlands and watercourses; hilltops, ridgelines and steep slopes; Pg 223:29: Requires approval for alteration of a wetland by the Planning Board		
4.4 Does the community have an open space or other natural resources management plan?		x			
4.4.1 If so, does the plan identify floodplain management as a priority?		x			

4.4.2 Is actively managed open space maintained in a manner that provides flood protection?		x			
4.4.3 Is the plan adopted as part of the municipal comprehensive plan?		x			
4.4.4 Is the local open space plan updated in coordination with the state open space plan?		x			NYS Open Space Plan
4.4.5 Does the community participate in the state open space plan updates?		x			
4.5 Does the municipality have a FEMA-approved multi-hazard mitigation plan ?		x	A county level plan exists with a specific detailed annex for this community	FEMA Hazard Mitigation Plan , or HMP, formalizes community efforts to reduce loss of life and property from natural disasters. A FEMA-approved HMP is a condition for receiving certain types of non-emergency disaster assistance.	FEMA Hazard Mitigation Planning
4.5.1 Does the multi-hazard mitigation plan cross-reference with the local comprehensive plan?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Integration of Hazard Mitigation into Existing and Future Planning Mechanisms; Pg 9.2-10: Refers to the 2007 Comprehensive Plan. It has since been update in 2017, one year after the hazard mitigation plan was released		
4.5.2 Was a certified floodplain manager included in the hazard-mitigation planning process?		x	Dutchess County Hazard Mitigation Plan; Section 3: Planning Process; Pg 3-5		
4.5.3 Does the multi-hazard mitigation plan describe the support and involvement of local government departments and offices?		x	Dutchess County Hazard Mitigation Plan; Section 3: Planning Process; pg 3-2, 3-3		
4.5.4 Does the multi-hazard mitigation plan provide a clear explanation of public participation used during its development?		x	Dutchess County Hazard Mitigation Plan; Section 3: Planning Process; 3-5, 3-6, 3-7		
4.5.5 Does the multi-hazard mitigation plan identify critical facilities and infrastructure that are located in vulnerable areas and should be protected, repaired or relocated (e.g., town facilities, bridges, roads, and wastewater facilities)?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Critical Facilities; Pg 9.2-4		
4.5.6 Does the multi-hazard mitigation plan identify projects that could be included in pre-disaster grant applications and does it expedite the application process for post-disaster Hazard Mitigation Grant Program acquisitions?		x	At this time the community only identifies projects for the Hazard Mitigation Grant Program, not for the Pre-disaster Mitigation Grant Program		
4.5.7 Does the multi-hazard mitigation plan describe past mitigation efforts e.g., shoreline stabilization and land acquisition, along with their costs and effectiveness?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Pg 9.2-12: Very brief description with no cost or effectiveness		
4.5.8 Does the multi-hazard mitigation plan provide a general explanation of the environmental, social and economic consequences of failing to address natural hazards?		x			
4.5.9 Does the multi-hazard mitigation plan include municipal maps that indicate local hazard risks, such as flood zones, storm-surge inundation and erosion rates?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Figure 9.2.1 City of Beacon Hazard Area Extent and Location Map 1; Pg 9.2-20		
4.5.10 Does the plan consider inland riverine erosion as a hazard?		x			
4.5.11 Does the plan identify shoreline erosion as a hazard?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.1 Coastal Hazards; Pg 5.4.1-2: Included at county level, but not identified as a climate risk by the community		
4.5.12 Does the plan identify sea-level rise enhanced storm surges as hazards?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.1 Coastal Hazards; Pg 5.4.1-2: Included at county level, but not identified as a climate risk by the community		
4.5.12.1 Are zoned land uses compatible with coastal hazards?		x	Unsure (Information provided by the Building Inspector		
4.5.13 Does the plan identify landslides as a hazard?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.3 Earthquake; Pg 5.4.3-1; Included at county level, but not identified as a climate risk by the community. According to data from the USGS, they are in a landslide zone		USGS Landslide Page
4.5.14 Does the multi-hazard mitigation plan consider high winds and tornadoes as hazards?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.6 Severe Weather; Pg 5.4.6-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/Vulnerability Risk Ranking; Pg 9.2-2		

4.5.15	Does the plan identify drought as a hazard?	x		Dutchess County Hazard Mitigation Plan; Section 5.4.2 Drought; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
4.5.15.1	Does the plan identify specific conservation measures for acknowledged drought thresholds?	x		It is not addressed in this plan, but it is addressed in the 2002 Drought Emergency Plan		
4.5.16	Does the plan identify extreme temperatures and heat waves as hazards?	x		Dutchess County Hazard Mitigation Plan; Section 5.4.4 Extreme Temperature; Pg 5.4.4-1; AND Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-1 Hazard Risk/ Vulnerability Risk Ranking; Pg 9.2-2		
4.5.17	Does the plan identify heavy snowfall as a hazard?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.7 Severe Winter Storm; Pg 5.4.7-1; Included at county level, but not identified as a climate risk by the community		
4.5.18	Does the plan identify tropical storms, hurricanes and Nor'easters as hazards?		x	Dutchess County Hazard Mitigation Plan; Section 5.4.1 Coastal Hazards; Pg 5.4.1-2; Included at county level, but not identified as a climate risk by the community		
4.5.19	Does the plan address transportation and other needs of particularly vulnerable populations, such as homeless, low income, elderly, special needs and disabled?		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-12 Proposed Hazard Mitigation Initiatives; Pg 9.2-14: The community includes vulnerable populations in one initiative, but not to a very detailed extent.		
4.5.20	Does the plan specify timelines for completing projects and achieving goals?	x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Table 9.2-12. Proposed Hazard Mitigation Initiatives; Pg 9.2-13		
4.5.20.1	Do mitigation goals correspond with measurable mitigation objectives?		x	However, the community does have goals lining up with "mitigation initiatives". Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization (pg 9.2-12)		
4.5.21	Is a process for intergovernmental coordination explained for mitigating natural hazards?		x			
4.5.22	Does the plan identify critical facilities and infrastructure that are located in vulnerable areas and should be protected, repaired or relocated?	x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Critical Facilities; Pg 9.2-4		
4.5.23	Have neighboring local governments been consulted to coordinate disaster responses and hazard-mitigation strategies?	x		Information provided by the City Administrator		
4.5.24	Does the plan identify opportunities to incorporate hazard mitigation into existing planning mechanisms, e.g., land-use planning, capital investments, shoreline restoration projects?	x		Dutchess County Hazard Mitigation Plan; 7.2 Implementation of Mitigation Plan through Existing Programs; Pg 7-5		
4.5.25	Does the multi-hazard mitigation plan identify projects that could be included in pre-disaster grant applications and does it expedite the application process for post-4.5.25. Does the multi-hazard mitigation plan identify projects that could be included in pre-disaster grant applications and does it expedite the application process for post-disaster Hazard Mitigation Grant Program acquisitions?		x	At this time the community only identifies projects for the Hazard Mitigation Grant Program, not for the Pre-disaster Mitigation Grant Program		
4.6	Does the municipality have an adopted floodplain management plan?		x			
4.6.1	Is it incorporated as an element of the comprehensive plan?		x			
4.6.2	Is the floodplain plan incorporated in the open space plan?		x			
4.6.3	Is it incorporated in the stormwater management plan?		x			
4.6.4	Is it incorporated in the multi-hazard mitigation plan?		x			
4.6.5	Does the municipality have a certified floodplain manager on staff?		x	Information provided by the Building Inspector	Certified Floodplain Manager , or CFM, is a program of the Association of State Floodplain Managers that recognizes continuing education and professional development of floodplain management professionals.	CFM Program Information
4.6.6	Was a certified floodplain manager included in the planning process?		x			

4.6.7 Was a licensed professional planner included in the planning process?		x			
4.6.8 Does the municipality participate in the National Flood Insurance Program ?	x				NFIP
4.6.9 Does the municipality have a flood damage prevention ordinance?	x				
4.7 Does the municipality have a stormwater management plan		x	However, the community does have a Stormwater Management and Erosion and Sediment Control ordinance		NYS Stormwater Management Design Manual
4.7.1 Was a certified floodplain manager included in the planning process?		x			
4.7.2 Does the stormwater management plan include green infrastructure and low-impact development regulations to decrease runoff, e.g., tree protection ordinances, impervious cover limits, riparian buffers, vegetated drainage channels and cluster development?		x			
4.7.3 Does the plan identify runoff and drainage problems due to impervious surfaces?		x	Stormwater Management and Erosion and Sediment Control; Pg 190:3): Mentions that impervious cover increase stormwater runoff rates, but could use more detail		
4.7.4 Has the community implemented strategies to reduce storm water runoff from roads, driveways, and parking lots?		x			
4.7.5 Does the plan identify constraints if the municipality reaches impervious coverage levels allowed by land-use and zoning designations?		x			
4.7.6 Has the community coordinated with neighboring jurisdictions to explore a watershed-wide approach to storm water management?		x			
4.7.7 Do storm water management regulations apply to areas beyond those that are regulated by federal or state storm water regulations?		x			
4.7.8 Does the plan describe the municipal responsibilities for inspection and maintenance of stormwater facilities?		x			
4.7.9 Has the community developed a storm water utility to serve as a funding source for storm water management activities?		x			
4.7.10 Does the plan identify how often it should be updated?		x			
4.8 Does the community have a capital improvements plan?		x			
4.8.1 Were a licensed professional planner, engineer, and certified floodplain manager involved in the planning process?		x			
4.8.2 Does the plan consider the risk of flooding and coastal hazards and sea level rise when upgrading existing municipal infrastructure?		x			
4.8.3 Does the capital improvement plan consider the risk of flooding and coastal hazards and sea-level rise on proposed infrastructure projects?		x			
4.8.4 Does the capital improvement plan incorporate projections of flooding and sea-level rise into risk assessments over the expected service life of municipal infrastructure?		x			
4.8.5 Does the plan incorporate, if appropriate, existing plans, studies, reports, and technical information?		x			
4.8.6 Does the plan identify how often it should be updated?		x			
4.9 Does the municipality have an economic development plan or strategy?		x			
4.9.1 Does the plan identify economic vulnerabilities due to coastal hazards?		x			
4.9.2 Does the plan incorporate sea level rise and other climate change effects into its assessment of economic vulnerabilities?		x			

4.10 Does the community have a local waterfront revitalization plan , special area management plan, beachfront management plan or shoreline management plan?	x		The community has a Local Waterfront Revitalization Program.	Local waterfront revitalization plan , or LWRP, is a plan devised by a community for preferred and accepted land uses on their waterfront. This program is supported by NYS Department of State.	LWRP
4.10.1 Do these plans identify the threat of coastal storms and erosion?	x		Local Waterfront Revitalization Program; Flooding and Erosion Hazards Policies: Policy 11; Pg 10-11: States that coastal erosion is not a hazard, and it mentions that coastal storms can happen		
4.10.2 Do these plans identify the threat of sea level rise and other climate related hazards?		x			
4.10.3 Do these plans identify the vulnerability of wildlife and habitat to coastal hazards?		x	Local Waterfront Revitalization Program: B. Fish and Wildlife; Pg 13 Provides information on location and description of habitat and wildlife values, but not vulnerability		
4.11 Has the municipality developed a coastal resilience plan?		x			
4.11.1 Has the municipality strived to reduce vulnerability in coastal zones through non-structural measures wherever possible?		x			
4.11.2 Have areas of significant public investment, water dependent uses and critical infrastructure that require structural protection because options for relocation, elevation or employment of non-structural measures are not feasible been identified?		x			

Section 5: Disaster Preparedness and Recovery	Yes	No	N/A	Notes	Definitions	References
5.1 Is the municipality recognized as a Storm Ready Community ?		x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-9. Community Classifications; Pg 9.2-8	Storm Ready is a program offered through the National Weather Service to help communities to take a proactive approach to preparing for extreme weather and natural disasters.	https://www.weather.gov/stormready/
5.2 Does the community have a general emergency warning system?		x		Information provided by the Building Inspector		
5.3 If the community is located along a river, does it have an early flood-warning system ?		x		Information provided by the Building Inspector		
5.4 Are emergency responders aware of real-time ocean and estuarine observing systems and stream gauging information?		x				
5.5 Does the community relay weather related threats to the public in at least two forms of communication?		x		Information provided by the Building Inspector		
5.6 Does the community have an emergency response and short-term recovery plan and/or a flood response plan that includes coastal flooding?		x				
5.6.1 Does the plan describe a hierarchy of authority during emergencies?	x			Comprehensive Emergency Management Plan; General Considerations/ Planning Guidelines; Section D. Concept of Operations Pg8		
5.6.2 Does the plan identify first responders?		x		Comprehensive Emergency Management Plan; Response; Section B Notification and Activation; Pg 23; Plan only mentions that first responders will be there, not who they are		
5.6.3 Does the plan include a list of contacts for operators of municipal facilities?		x				
5.6.4 Is the plan a municipal plan (rather than county or state)?	x					
5.6.5 Does the plan indicate the required update frequency?	x			Comprehensive Emergency Management Plan; General Considerations/ Planning Guidelines; Section E. Plan Maintenance and Updating; Pg 10; The plan should be reviewed and updated annually.		
5.6.6 Does the plan include steps for emergency protective measures e.g., sandbagging, erecting warning devices, and search and rescue?		x		Comprehensive Emergency Management Plan; Recovery; Pg 32; Plan delegates this responsibility to the county disaster preparedness plan		
5.6.7 Does the plan include organizational framework to conduct a preliminary damage assessment?	x			Comprehensive Emergency Management Plan; Recovery; Pg 30		
5.6.8 Are the best available projections concerning the frequency and severity of extreme storm events incorporated into the municipality's emergency response/operations plan?	x			Comprehensive Emergency Management Plan; Appendix III; Pg 82		
5.6.9 Does the emergency response/operations plan include coordination and communication among critical stakeholders such as community-based organizations, local businesses, local health departments, utilities and local government leaders?	x			Comprehensive Emergency Management Plan; Response; Pg 18		
5.7 Does the community have a designated emergency operations center?	x			Information provided by the Building Inspector		
5.7.1 Is it located outside of flood-hazard areas?	x					
5.7.2 Is it designed to withstand high winds?		x		Unclear of what the definition of "high winds" is (Information provided by the Building Inspector)		
5.7.3 Does it have elevated back-up power?	x					
5.8 Does the community have adequate designated storm shelters?	x			Information provided by the Building Inspector		
Section 5 – Disaster Preparedness and Recovery						

5.8.1 If the community does not have a designated storm shelter within the community, is there an established memorandum of agreement with a neighboring community or county to provide constituents shelter?			x			
5.8.2 Are storm shelters located outside flood-hazard areas, including storm-surge inundation areas?	x					
5.8.3 Are storm shelters designed to withstand high-wind effects?		x		Unclear of what the definition of "high wind effect" is (Information provided by the Building Inspector)		
5.9 Does the community have an evacuation plan?		x				
5.9.1 Are responsibilities for municipal evacuation clearly defined?		x				
5.9.2 Does the plan identify the necessary time frame to evacuate residents and vacationers from storm-hazard areas?		x				
5.9.3 Does the plan identify where evacuation routes are prone to flooding?		x				
5.9.4 Is there more than one route identified to evacuate the community?		x				
5.9.5 Does the evacuation plan consider the possibility of evacuation of neighboring jurisdictions occurring concurrently?		x				
5.9.6 Does the evacuation plan identify and provide for groups that rely on public transportation (or lack private vehicles) for emergency evacuations?		x				
5.9.7 Does the plan identify the conditions that would initiate a traffic lane reversal?		x				
5.9.8 Does the plan identify local and state evacuation assistance programs for the following special needs?		x				
5.9.8.1 Hospitals		x				
5.9.8.2 Nursing Homes		x				
5.9.8.3 Prisons		x				
5.9.8.4 Residents without personal transportation		x				
5.9.8.5 Elderly		x				
5.9.8.6 Disabled		x				
5.9.8.7 Schools		x				
5.10 Does the community maintain and promote a special needs registry?		x				
5.11 Does the municipality inform residents of the NY-Alert program?		x		Information provided by the Building Inspector	NY-Alert is a service offered by NYS to alert citizens of hazards and emergencies via email or telephone. https://www.nyalert.gov/	
5.12 Does the municipality have a volunteer community emergency response team?		x		Information provided by the Building Inspector	Community emergency response teams, or CERT is a program offered by FEMA to train volunteers in basic response skills so that they can assist others in their communities following a disaster when professional emergency responders are not immediately available to help. https://www.fema.gov/community-emergency-response-teams	
5.13 Does the community have a portable communications system that can operate under poor weather conditions and when electrical power is not available?	x			Comprehensive Emergency Management Plan; Response; Pg 25: Emergency service vehicles with siren and public address capabilities. These vehicles may be available during an emergency for location-specific alerts.		
5.14 Is there an adequate heat-warning system in place?		x		Information provided by the Building Inspector		
5.15 Is a cooling-center program established that considers potential problems such as transportation obstacles, effects of power outages or flooding and other needs of vulnerable populations/communities?		x				

5.16 Does the community have a continuity of operations plan?		x			
5.16.1 Does the plan provide guidance on post-disaster waste management and debris removal?		x			
5.16.1.1 Is machinery for debris removal located outside of flood hazard areas?		x			
5.16.1.2 Are routes to waste-disposal facilities passable in the event of a flood?		x			
5.16.1.3 Are temporary waste-disposal staging areas identified in the event of a disaster?		x			
Section 5 – Disaster Preparedness and Recovery					
5.17 In the event of a disaster, are procedures defined to conduct habitability and substantial damage assessments?	x			Comprehensive Emergency Management Plan; Response; Pg 30, 31	
5.18 Does the community store FEMA elevation certificates outside of flood-hazard areas?	x			Information provided by the Building Inspector	FEMA elevation certificates provide documentation that buildings located in Special Flood Hazard Areas are properly elevated. Elevation certificates can be used by the property owner to obtain flood insurance. https://www.fema.gov/elevation-certificate
5.19 Does the community have a long-term recovery plan ?		x			A long-term recovery plan provides guidelines on steps the community will take to re-establish a pre-disaster condition or better, and enable to community to sustain itself. http://www.dhSES.ny.gov/planning/comp/documents/NYS-CEMP-Vol.3-Long-Term-Recovery-2017.pdf
5.19.1 Does the plan identify redevelopment opportunities outside of flood-hazard areas?		x			
5.19.2 Does the plan advocate the use of advisory flood maps to define post-disaster redevelopment building elevations?		x			
5.19.3 Does the plan identify opportunities to retrofit or relocate existing structures or infrastructure in hazard-prone areas?		x			
5.19.4 Does the plan utilize risk and vulnerability mapping to determine the location of future development?		x			
5.19.5 Has the community identified the lines of coordination in transitioning from short-term to long-term recovery?		x			
5.19.6 Does the plan include an organizational framework that facilitates the effective coordination and use of state, federal, and NGOs resources in a manner that provides maximum benefit for the disaster area?		x			
5.19.7 Does the plan identify roles and functions of elected and appointed officials, state and federal agencies, and NGOs?		x			
5.19.8 Does the recovery plan include provisions to reduce greenhouse gas emissions from reconstructed areas through improved energy efficiency, use of renewable sources of energy and application of smart-growth principles?		x			
5.20 Has the community adopted floodplain development limits that prohibit or reduce any new encroachment and fill in river corridors and fluvial erosion hazard areas?		x			
5.21 Has the community encouraged agricultural and other landowners to implement pre-disaster mitigation measures, such as the following?					
5.21.1 Storing hay bales and equipment in areas less likely to be flooded?		x			

5.21.2 Installing ponds or swales to capture storm water?		x			
5.21.3 Planting vegetation that can tolerate inundation?		x			
5.21.4 Using land management practices to improve the capability of the soil on their lands to retain water?		x			
5.21.5 Have long-term recovery plans been developed for areas vulnerable to flooding and coastal storms?		x			
5.22 Does the local government have the authority to establish a temporary post-disaster building moratorium?		x			

Section 6 – Hazard Mitigation Implementation		Yes	No	N/A	Notes	Definitions	References
6.1	Has the municipality taken the Climate Smart Communities Pledge ?	x			They took the pledge in 2009 (Information from Beacon CAC Chair)	Climate Smart Communities is a network of NY communities engaged in reducing greenhouse gas emissions and improving climate resilience.	http://www.dec.ny.gov/energy/50845.html
6.2	Has the municipality created a local Climate Action Plan ?		x			A Climate Action Plan describes the policies and measures that a local government will enact to reduce greenhouse gas emissions and increase the community's resilience to climate change.	http://www.dec.ny.gov/energy/67101.html
6.3	Is the municipality active in the National Flood Insurance Program's Community Rating System ?		x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-9. Community Classifications; Pg 9.2-8	The FEMA Community Rating System is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceeds the minimum National Flood Insurance requirements.	https://www.fema.gov/national-flood-insurance-program-community-rating-system
6.4	Has the municipality proposed the relocation of public buildings, critical facilities, or infrastructure out of flood hazard areas as a result of the multi-hazard mitigation plan or other planning tools?		x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-12 Proposed Hazard Mitigation Initiatives; Pg 9.2-13		
6.5	Has the municipality used its multi-hazard mitigation plan to propose retrofitting public buildings, critical facilities and other infrastructure to withstand flood damage?	x			Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; Table 9.2-12 Proposed Hazard Mitigation Initiatives; Pg 9.2-13		
6.6	Do municipal building codes exceed the state's 2-foot freeboard above base flood elevation requirement?		x		Flood Damage Prevention Ordinance; Pg 123;16.: "Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation" -		
6.7	Have building and permitting officials completed training on retrofitting flood-prone residential buildings?		x		Information provided by the Building Inspector	Training on retrofitting floodprone buildings is available through FEMA.	https://training.fema.gov/emiacourses/cr/detail.aspx?cid=E279&ctvpe=R
6.8	Have building and permitting officials completed training in FEMA's Coastal Construction Manual ?		x		Information provided by the Building Inspector	Training on Residential Coastal Construction is available through FEMA.	Coastal Construction Manual
6.9	Have community officials completed post-flood stream intervention training?		x		Information provided by the Building Inspector		
6.10	Does the community provide property owners with guidelines to retrofit existing development for flood and wind risks?		x		Information provided by the Building Inspector		
6.11	Does the municipality utilize any of the following tools to manage development in hazard-prone areas?						
6.11.1	Transfer of development rights or purchase of development rights		x		Information provided by the Building Inspector		
6.11.2	Conservation overlay districts or cluster development	x			Information provided by the Building Inspector		
6.11.3	Zoning for open or recreational space		x		Information provided by the Building Inspector		
6.11.4	Protective coastal, riparian and/or wetland buffer ordinances	x			Information provided by the Building Inspector		
6.11.5	Rolling easements		x		Information provided by the Building Inspector		
6.11.6	Buyouts of vulnerable properties		x		Information provided by the Building Inspector		
6.11.7	Other:				Information provided by the Building Inspector		
6.12	Does the municipality use land-acquisition programs to purchase land-conservation easements in hazard-prone areas?		x		Information provided by the Building Inspector		
6.13	Does the community utilize impact fees, accommodation taxes or user fees to acquire properties in hazard areas?		x		Information provided by the Building Inspector		
6.14	Does the municipality have a plan for shoreline stabilization ?		x			Shoreline stabilization - protecting or restoring natural shorelines have many ecological and resilience benefits.	http://www.dec.ny.gov/permits/50534.html
Section 6 – Hazard Mitigation Implementation			x				

6.15	Is the automatic replacement of hardened structures prohibited?		x			
6.16	Are sustainable enhanced methods of shoreline protection encouraged through incentives or regulation?		x			
6.17	Does the community inform property owners of preferred sustainable shoreline protection techniques, including non-structural and ecologically enhanced methods?		x			
6.18	Does the municipality have a plan in place to control invasive plant species, especially near the shoreline?		x			
6.19	Does the community engage in dune, wetland or shoreline restoration?		x			
6.20	Has the community established special area ordinances for habitat preservation?		x			
6.21	Does the community utilize impact fees, accommodation taxes or user fees to pay for shoreline protection and restoration, wetland restoration or riparian buffers?		x			
6.22	Are community flood control or other protective structures (e.g., levees, flood or sea walls) inspections on schedule?		x			
6.23	Has the community used any of the following grant programs to implement mitigation projects?					
6.23.1	FEMA Hazard Mitigation Grant Program		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Table 9.2-12. Proposed Hazard Mitigation Initiatives (Only proposed)	The purpose of the FEMA Hazard Mitigation Grant Program is to help communities implement hazard mitigation measures following a Presidential major disaster declaration.	https://www.fema.gov/hazard-mitigation-grant-program
6.23.2	FEMA Pre-disaster Mitigation Grant Program		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Pg 9.2-12	The FEMA Pre-disaster Mitigation Grant Program is designed to assist States, U.S. Territories, Federally-recognized tribes, and local communities in implementing a sustained pre-disaster natural hazard mitigation program.	https://www.fema.gov/pre-disaster-mitigation-grant-program
6.23.3	FEMA Flood Mitigation Assistance Program		x	Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Pg 9.2-12	The FEMA Flood Mitigation Assistance Grant Program provides resources to assist states, tribal governments, territories and local communities in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program.	https://www.fema.gov/media-library-data/1455710459301-048a67862580037b30cd640a802a9053/FY16_FMA_Fact_Sheet.pdf
6.23.4	HUD Community Development Block Grants	x		Dutchess County Hazard Mitigation Plan; Annex 9.2 City of Beacon; 9.2.6 Mitigation Strategy and Prioritization; Pg 9.2-12: Ralph Street and Mackin Avenue Drainage project	The Community Development Block Grant, or CDBG, program provides annual grants on a formula basis to 1209 general units of local government and States.	https://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs
6.23.5	Other:					

City of Beacon Climate Smart Planning

Draft as of: December 6, 2018

Prepared by Danielle Salisbury, Cornell Cooperative Extension Dutchess County.

Climate Smart Resiliency Planning Tool is a checklist to identify gaps in a community's planning process.

The Climate Smart Resiliency Planning Tool was used to evaluate opportunities for the City of Beacon to improve its community's resilience to flooding and climate change. The Planning Tool reviews many long- and short- term aspects of storm and climate change preparedness by reviewing City and County planning documents, activities and management. Documents were reviewed, and municipal staff members were consulted in the process of completing the assessment. The assessment and recommendations will be shared through discussions at the Community Resilience Building workshop in conjunction with the town of Fishkill.

Municipal staff engaged in the City Of Beacon Climate Smart Planning assessment:

Anthony Ruggiero, City Administrator
Reuben Simmons Jr., Working Supervisor
Tim Dexter, Building Inspector
John Clarke, City Planner
Brian DiFeo, Chair, CAC

The completed assessment and recommendations highlight areas of opportunity for the City of Beacon to integrate flood and climate change preparedness into its municipal operations and planning.

Areas of Strength

- Beacon has made good progress on a Natural Resources Inventory that will be completed this year.
- The City has constructed a solar farm on Denning's Point Landfill to help increase energy resiliency.
- The City has completed the conversion to LED for all of its street lights and signals.
- The City has installed a Solar/Wind LED light at the New Highway Garage.
- The City has constructed a new \$10 million energy efficient Highway Garage.
- The Fishkill Creek Greenway & Heritage Trail is an important asset that encourages responsible use of and engagement with the natural, historical and cultural landscape. When created, factors such as the creek edge and floodplain, surface hydrology and

wetlands, steep slopes, and vegetation were considered. It is an integral part of a broader vision for open space within Beacon and the greater Hudson River valley.

- Approximately half of Beacon's shoreline is undeveloped and maintained as parkland. The City has approximately 100 acres of its land designated as parkland.
- This year, the City completed the 2018 Comprehensive Water Supply Plan, which contains an extensive evaluation of the water supply, including an analysis of Beacon's current and future water supply usage and needs.
- The City has completed and updated several other plans that support climate resiliency including the Comprehensive Plan.

Areas of Opportunity

- Beacon has an active and motivated CAC that is interested in assisting with environmental projects, especially those related to the Climate Smart Communities certification. The city can take advantage of the CAC to propel CSC activities, including the recommendations that are in bold below.
- The City maintains an active and informative website. This website can be expanded to accommodate many of the recommendation listed in Section 3: Public Outreach and Engagement.
- The City's 2018 Capital Plan commits over \$4.5 million to improve water and sewer infrastructure. The projects have the opportunity to have elements of climate resiliency built into them from the beginning stages.
- Beacon is also looking into creating an Open Space Index. The OSI could potentially create momentum for an Open Space Plan to be considered, and it could be incorporated as an integral part of the plan as well.
- The city has also applied to receive funding through the DEC's Urban and Communities Forestry Grants.
- The City can leverage completion of this Climate Smart Resiliency Planning Tool for points toward Climate Smart Communities certification. **CSC PE7 Action: Climate Smart Resiliency Planning (6 pts.)**. For more information on the Climate Smart Communities Certification Program and the actions listed in this document, visit the Climate Smart Communities portal: <https://climatesmart.ny.gov/>.

Recommendations

The following opportunities emerged under each of the sections of the Climate Smart Planning assessment:

Section 2- Vulnerability and Risk Assessment

- When the Hazard Mitigation Plan is next updated in 2021, consider expanding beyond just mitigation strategies to also include climate adaptation strategies. This

could also potentially be included in the vulnerability assessment: **CSC PE7 Action: Climate Adaptation Strategies (2-8 pts.)**

- Identify and categorize them by type, administration, condition, timing and geography
- Evaluate and prioritize adaptation strategies using metrics, such as strategy cost, feasibility, timing of implementation, efficacy and co-benefits
- Consider using the Community Resilience Building workshop as momentum to conduct a full vulnerability assessment detailing the magnitude of consequences associated with current and future climate hazards that weren't addressed at the workshop. Include how these events will affect internal operations, people, public health, the environment, economy, and capital and operating costs. Consider utilizing the Department of State's Asset Inventory Worksheet and Risk Assessment Tool¹. **CSC PE7 Action: Climate Vulnerability Assessment (4-16 pts.)**
- Develop staff capacity through trainings to use risk-mapping tools, like flood insurance rate maps (FIRMs) and cumulative risk assessments
- Consider incorporating estimates of future financial losses resulting from flooding into plans

Section 3- Public Outreach and Engagement

*Any of the information below can also be shared on the City's social media pages, brochures, etc. for CSC points. **CSC PE9 Action: Social Media (3 pts.)***

- Create a webpage on the City's website that is dedicated to storm preparedness and flood mitigation.
 - Add a link directing residents and businesses to the Dutchess County DER's webpage on storm-preparedness²
 - Consider publicizing the availability of floodplain information to property owners
 - Add a link directing residents to the Dutchess County DER's webpages³ that provides information on what to include in an at-home emergency kit, emergency supplies, and evacuation kit (FEMA's Ready.gov checklist).
 - Provide residents with information on expected inundation areas, evacuation routes, and evacuation bus pick-up locations prior to the threat of a storm
 - Share the link from the Dutchess County DER's webpages⁴ to the ASPCA's disaster preparedness steps for domesticated animals
 - Share FEMA suggested means⁵ to protect homes against storm and wind damage with property owners in the community
 - Inform residents of the NY-Alert program and how they can sign up

¹ <https://stormrecovery.ny.gov/community-regions/hudson-valley-and-westchester>

² <http://www.co.dutchess.ny.us/QuickLinks/17006.htm>

³ <http://www.co.dutchess.ny.us/QuickLinks/17006.htm>

⁴ <http://www.co.dutchess.ny.us/QuickLinks/17006.htm>

⁵ <https://www.ready.gov/severe-weather>

- Provide property owners with guidelines to retrofit existing development for flood and wind risks
- Consider including information on the natural and beneficial functions of floodplains, wetlands, and green infrastructure into the NRI that is currently being updated

Section 4- Integration of Municipal Plans

- The City could consider adopting an Open Space Plan
- Consider adopting a Stormwater Management Plan with the help of a certified floodplain manager that includes green infrastructure regulations, identifies runoff and drainage problems, strategies to reduce storm water runoff from paved surfaces, identifies constraints for reaching permitted impervious coverage levels, collaborates with neighboring jurisdictions, describes municipal responsibilities for maintaining stormwater structures, and develops a stormwater utility
- When the Capital Improvements Plan is updated and formalized, consider the risk of flooding, coastal hazards, and sea-level rise on proposed infrastructure (over its entire life) and include technical studies and reports
- The next time the LWRP is updated, consider including sea level rise and other climate hazards, including the vulnerability of wildlife and habitat

Section 5- Disaster Preparedness and Recovery

- Consider becoming a Storm Ready Community through the National Weather Service
- When updating the Emergency Management Plan, consider adding these suggestions to the Response section:
 - Have emergency responders be aware of real-time ocean and estuarine observing systems and stream gauging information
 - Identify first responders (who they are)
 - Include a list of contacts for municipal facilities
 - Include steps for emergency protective measures
- Develop an evacuation plan or incorporate evacuation elements into the City's existing emergency plan. The evacuation plan could:
 - Clearly define responsibilities for municipal evacuation
 - Identify the necessary time frame for evacuating residents and vacationers from storm-hazard areas
 - Identify which evacuation routes are prone to flooding
 - Identify more than one route to evacuate the community
 - Consider the possibility of evacuation of neighboring jurisdictions occurring simultaneously
 - Identify and provide for groups that rely on public transportation (or lack private vehicles) for emergency evacuations

- Identify conditions that would initiate a traffic lane reversal
- Identify local and state evacuation assistance programs for the following special needs: hospitals, nursing homes, prisons, residents without personal transportation, elderly, disabled and schools
- Consider developing a Community Emergency Response Team (CERT) in addition to the volunteer fire, and career police and fire personnel who already provide emergency services to the community
- Look into the possibility of creating a Continuity of Operations Plan. This plan could include:
 - Guidance on post-disaster waste management and debris removal
 - Whether or not machinery for debris removal is located outside of flood hazard areas
 - If routes to waste-disposal facilities are passable in the event of a flood
 - Whether or not temporary waste-disposal staging areas are identified in the event of a disaster
- Consider developing a Long-Term Recovery Plan or incorporating long-term elements into the Emergency Management Plan. Elements could:
 - Identify redevelopment areas outside of flood hazard areas
 - Advocate the use of advisory flood maps to define post-disaster redevelopment building elevations
 - Identify opportunities to retrofit or relocate existing structures or infrastructure in hazard-prone areas
 - Utilize risk and vulnerability mapping to determine the location of future development
 - Include community identified lines of coordination in transitioning from short-term to long-term recovery
 - Include an organizational framework that facilitates the effective coordination and use of state, federal, and NGOs resources in a manner that provides maximum benefit for the disaster area
 - Include provisions to reduce greenhouse gas emissions from reconstructed areas through improved energy efficiency, use of renewable sources of energy and application of smart-growth principles
- Consider encouraging landowners to install green infrastructure to capture storm water and tolerate inundation, and using land management practices to improve water retention in soil

Section 6- Hazard Mitigation Implementation

- Consider becoming a certified Climate Smart Community
- Look into developing a Climate Action Plan: **CSC PE2 Action Government Operations Climate Action Plan (12-16 pts.)** or **Community Climate Action Plan (16pts.)**

- Participate in FEMA’s Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceeds the minimum National Flood Insurance requirements. **CSC PE7 Action: National Flood Insurance Program Community Rating System (3-9pts.)**
- Consider expanding utilized tools for managing development in hazard-prone areas to include techniques such as rolling easements or buyouts of vulnerable properties
- Look into using land-acquisition programs to purchase land-conservation easements in hazard-prone areas: **CSC PE7 Action: Restoration of Floodplains and Riparian Buffers (2 pts.)**
- Consider creating a Shoreline Restoration Plan and engaging in wetland or shoreline restoration of local waterbodies. Consider utilizing impact fees, accommodation taxes, or user fees to pay for restoration: **CSC PE7 Action: Restoration of Floodplains and Riparian Buffers (1-10 pts.)**
- Take advantage of federal funding for hazard mitigation programs (mentioned below)

Additional Recommendations

- Consider hiring new staff to be able to complete the priority recommendations

Potential Funding Sources

DEC Climate Smart Communities Grant Program: <https://www.dec.ny.gov/energy/109181.html>

DEC Grant Applications: <https://www.dec.ny.gov/pubs/grants.html>

DEC Hudson River Estuary Program Grants: <https://www.dec.ny.gov/lands/5091.html>

FEMA Hazard Mitigation Grant Program: <https://www.fema.gov/hazard-mitigation-grant-program>

FEMA Pre-disaster Mitigation Grant Program: <https://www.fema.gov/pre-disaster-mitigation-grant-program>

FEMA Flood Mitigation Assistance Grant Program: <https://www.fema.gov/flood-mitigation-assistance-grant-program>

HUD Community Development Block Grants:

https://www.hud.gov/program_offices/comm_planning/communitydevelopment/programs

NYS Department of State Grants (including Local Waterfront Revitalization Program):

<https://www.dos.ny.gov/funding/>

City of Beacon Workshop Agenda
1/14/2019

Title:

City Assessor - Star Update

Subject:

Background:

ATTACHMENTS:

Description	Type
City Assessor Star Requirements	Cover Memo/Letter



NEW
YORK
STATE

Department of
Taxation and Finance

Important Notice for Property Owners Age 65 and Over

New STAR requirements for 2019

- To receive the Enhanced STAR exemption, you must enroll in the Income Verification Program (IVP). If you're already enrolled, no action is needed.
- If you qualify for the senior citizens exemption, you will no longer automatically receive the Enhanced STAR exemption. You must apply for Enhanced STAR separately.

For more information or to obtain forms, contact your assessor or visit the New York State Tax Department's website (search: IVP).

www.tax.ny.gov



Senior citizens exemption recipients must apply for Enhanced STAR separately

In the past, older adults who qualified for the *Partial Tax Exemption for Real Property of Senior Citizens* (also known as the senior citizens or aged exemption) were automatically granted the Enhanced STAR exemption.

Due to changes in New York State law, beginning with applications for 2019, you must apply separately for the senior citizens exemption and the Enhanced STAR exemption.

To apply for or renew the Enhanced STAR exemption, follow the instructions outlined in this pamphlet.

To apply for or renew the senior citizens exemption, file the applicable form below with your assessor:

- **first-time applicants** must file Form RP-467, *Application for Partial Tax Exemption for Real Property of Senior Citizens*
- **renewal applicants** must file Form RP-467-Rnw, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*

Deadlines

The deadline for applications is March 1 in most communities, but the date varies in some locations. Contact your assessor for the deadline in your area.

Need forms?

You can download the forms for the Enhanced STAR and senior citizens exemptions from the Tax Department's website at www.tax.ny.gov, or you can obtain forms from your assessor.

Need assistance?

- Contact your local assessor. To find contact information for your assessor, visit our Municipal Profiles website at www.orpts.tax.ny.gov/MuniPro.
- Call the New York State Tax Department at 518-457-2036.
- Visit the Tax Department's website at www.tax.ny.gov.

OFFICE OF REAL PROPERTY TAX SERVICES
WA HARRIMAN CAMPUS
ALBANY NY 12227-0801
PHONE: 518-457-2036



Department of
Taxation and Finance

www.tax.ny.gov

2019 Changes to Exemptions for Property Owners Age 65 and Over



To receive the Enhanced STAR exemption, you must enroll in the Income Verification Program (IVP)

You only need to enroll in the IVP once. If eligible for the Enhanced STAR exemption, you'll automatically receive the exemption each year thereafter.

Once enrolled, benefits include:

- the comfort of knowing you can't miss the renewal deadline, and
- greater privacy, since you'll no longer need to share your income tax returns with your assessor's office.

In the first year, your assessor will verify your eligibility based on the income information you provide.

In the following years, the New York State Tax Department will verify your income eligibility. You will not need to renew the exemption or provide copies of your tax returns to your local assessor. The Tax Department will contact you if any additional information is needed.

If you already receive the Enhanced STAR exemption:

Already enrolled in the Income Verification Program?

If so, you don't need to take any action to continue receiving the Enhanced STAR exemption. The Tax Department will contact you if any additional information is needed.

If you are also receiving the senior citizens exemption, you will still need to annually file Form RP-467-Rnw, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*, with your assessor.

Not yet enrolled in the Income Verification Program?

You must renew your application for the Enhanced STAR exemption and enroll in the IVP.

Submit the following forms to your assessor:

- Form RP-425-Rnw, *Renewal Application for Enhanced STAR Exemption for the 2019-2020 School Year*; and
- Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*. Be sure to include the Social Security numbers of all property owners and any owner's spouse who resides at the property.

You must also provide proof of income as described on your forms.

If you are also receiving the senior citizens exemption, you will still need to annually renew that benefit with your assessor.

To renew your application for the senior citizens exemption, file Form RP-467-Rnw, *Renewal Application for Partial Tax Exemption for Real Property of Senior Citizens*, with your assessor.

Are you receiving the Basic STAR exemption and eligible for Enhanced STAR this year?

You must apply for the Enhanced STAR exemption and enroll in the IVP.

Submit the following forms to your assessor:

- Form RP-425-E, *Application for Enhanced STAR Exemption for the 2019-2020 School Year*, and
- Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*. Be sure to include the Social Security numbers of all property owners and any owner's spouse who resides at the property.

You must also provide proof of income as described on your forms.

If you're eligible for the senior citizens exemption, file Form RP-467, *Application for Partial Tax Exemption for Real Property of Senior Citizens* separately with your assessor.

Never received a STAR exemption before?

If you're a new homeowner or first-time STAR applicant, you need to register for the STAR credit with the Tax Department, instead of applying for the exemption. For more information about the STAR credit, visit www.tax.ny.gov/STAR.

Instructions for Nassau County residents

Complete Form RP-425-IVP, *Supplement to Forms RP-425-E and RP-425-Rnw*, along with the Nassau county *Enhanced STAR Property Tax Exemption Application* (available for download from the county's website at www.nassaucountyny.gov).

Submit both forms to the address in the instructions on the county's application. For assistance, contact the Nassau County Department of Assessment at 516-571-1500.



City of Beacon Workshop Agenda
1/14/2019

Title:

Green Street Park Bids

Subject:

Background:

ATTACHMENTS:

Description
Summary Docs

Type
Cover Memo/Letter



Memo

To: Anthony Ruggiero City Administrator
From: Mark Price
CC:
Date: January 4, 2019
Re: Bid Summary and Contract Approval

A total of five (5) bid proposals were submitted and opened on November 13, 2018 for the Green Street Park Improvements project. The five proposals were carefully reviewed for required CDBG funding supporting documents. All proposals submitted were complete.

The following tabulation shows the order from the lowest bidder, the name of the bidder, and the total contract amount. The initial budget estimate for the Green Street Park Improvements project, based on available CDBG funding, was \$60,000.00.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT
Beacon Residential Fishkill, NY	\$87,800.00
Woodland Manor, LLC Patterson, NY	\$92,000.00
Butler Construction Montgomery, NY 12549	\$117,500.00
Malum Enterprises, LLC Monroe, NY	\$153,000.00
Legacy Supply, LLC Valhalla, NY	\$260,400.00

City of Beacon
Bid Opening

Green Street Park Improvements

November 13, 2018
11:00 a.m.

CONTRACTOR NAME: Butler Construction Group

Total Base Bid:

\$ 117,500.00

CONTRACTOR NAME: Legacy Supply, LLC

Total Base Bid:

\$ 260,400.00

CONTRACTOR NAME: Malum Enterprises, LLC

Total Base Bid:

\$ 153,000.00

CONTRACTOR NAME: Beacon Residential (Tim Owen)

Total Base Bid:

\$ 87,800.00

City of Beacon
Bid Opening

Green Street Park Improvements

November 13, 2018
11:00 a.m.

CONTRACTOR NAME: Woodland Manor, LLC

Total Base Bid:

\$ 92,000.⁰⁰

CONTRACTOR NAME: _____

Total Base Bid:

\$ _____

CONTRACTOR NAME: _____

Total Base Bid:

\$ _____

CONTRACTOR NAME: _____

Total Base Bid:

\$ _____

City of Beacon Workshop Agenda
1/14/2019

Title:

Procurement Policy

Subject:

Background:

ATTACHMENTS:

Description
Procurement Policy

Type
Cover Memo/Letter

CITY OF BEACON
PROCUREMENT POLICY
DRAFT 1.11.18

SECTION 1. PURCHASING TERMINOLOGY

Generally, local governments are required to advertise for **Competitive Bids** when procurements exceed certain dollar thresholds. **Purchase Contracts** involving expenditures in excess of \$20,000 and **Public Works Contracts** involving expenditures in excess of \$35,000 are generally subject to competitive bidding under General Municipal Law § 103. When using competitive bidding, contracts are awarded to the “lowest responsible bidder” after public advertisement for sealed bids. As further discussed below, the City may elect to award **Purchase Contracts**, which exceed the monetary threshold, on the basis of “best value,” as an alternative to awarding contracts to the “lowest responsible bidder.”

A **Purchase Contract** is an agreement between the City and a Vendor, supported by consideration, for the purchase of goods, equipment, work or services. Services, other than those necessary for the completion of public works contracts governed by the prevailing wage requirements of Article 8 of the Labor Law.

A **Public Works Contract** involves services and materials used for a public works related jobs, for example blacktopping in connection with a paving project or building construction.

When procurement is not subject to bidding requirements, the law generally requires that the procurement policy provide that alternative proposals or quotations be obtained by use of written **requests for proposals (RFPs)**, written quotations, verbal quotations or any other method that furthers the purpose of the law. An **RFP** generally is a document that provides detailed information concerning the type of service to be provided including minimum requirements and, where applicable, evaluation criteria that will govern the contract award. Potential service providers typically are supplied with copies of the **RFP** and are requested to submit proposals by a specified date. Proposals can be solicited via public advertisement, or a comprehensive list of potential vendors can be compiled with vendors contacted directly and provided with the **RFP**. An **RFP** can provide a mechanism for fostering increased competition for professional services and can ensure that these contracts are awarded in the best interests of the taxpayers.

SECTION 2. METHODS OF PROCUREMENT

A. Purchase Contracts

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder or by using the Best Value Procurement Method set forth herein. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$19,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$20,000 and above	Formal Competitive Bid Required

B. Public Works Contracts

In the process of procurement for commodities or services on behalf of the City of Beacon, every effort shall be made to obtain the required number of proposals or quotations laid out below. If the required number of proposals or quotations cannot be obtained, the Purchaser shall document the attempts made to obtain the proposals. All quotes (written or telephone) shall be documented and attached to all requisitions. The City is not responsible for purchases made without a purchase order or without the proper documentation and approvals. Checks will not be processed unless this procurement policy is followed.

All awards shall be made to the lowest responsible bidder. If the lowest bidder is deemed not responsible, facts supporting that judgment shall be documented and filed with the records supporting the procurement.

Public Works Contract Cont.

Up to \$999.99	Discretion of Department Head
\$1,000 - \$ 3,999.99	2 verbal quotations must be attached to the requisition.
\$4,000 - \$34,999.99	3 written, faxed or email quotations or requests for proposals must be attached to the requisition.
\$35,000 and above	Formal Competitive Bid Required

C. Professional Services

Professional services are not required to be competitively bid. Professional services generally include services rendered by attorneys, engineers, and certain other services requiring specialized or technical skills, expertise or knowledge, the exercise of professional judgment or a high degree of creativity. Departments must procure such services in accordance with the procedures below. Requests for deviation from the process must be documented and approved by the City Administrator or his/her designee. There is no requirement in General Municipal Law on the frequency of solicitation. Periodic solicitation can be made at reasonable intervals. RFPs are traditionally used as a means of obtaining the services of: attorneys, architects, engineers, surveyors, planners, accountants, underwriters, fiscal consultants and other professionals. An evaluation of proposals can consider price in addition to other factors such as experience, staffing and suitability for needs and may include negotiations on a fair and equal basis.

SECTION 3. BEST VALUE

In accordance with section 27 of the Municipal Home Rule Law and pursuant to General Municipal Law § 103, on May 5, 2014, the City Council enacted Chapter 53 "Purchasing" to exercise its authority to adopt standards permitting the City and its bodies, officers and agents, to apply the "best value" standard for awarding purchase contracts. Best value is defined in New York State Finance Law § 163.

Any purchase contract awarded by the City shall be awarded on the basis of lowest responsible bidder unless the City Administrator or his/her designee authorizes an award on the basis of "best value." "Best value" is defined as "the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers." The head of the contracting Department shall, before award of the contract, prepare and submit to the City Administrator or his/her designee a written statement detailing the reasons it is in the best interests of the City of Beacon and its taxpayers to make an award on the basis of best value instead of lowest responsible bidder.

The City Administrator or his/her designee shall consider the contracting Department's submission and shall make a written determination, issued to the contracting Department, with respect to which standard shall be applied to the contract under review.

Factors which must be considered in awarding a purchase contract on the basis of best value are:

- (a) The need for the costlier option as compared with all lower bids, supported by specific facts;
- (b) The cost of the option chosen as compared with all lower bids;
- (c) The reputation of the bidder chosen for providing quality goods or services;
- (d) The durability, estimated life and estimated cost of maintenance of the goods; and
- (e) Such other considerations as the City Administrator or his/her designee shall deem relevant and material to the letting of the contract.

The bid award shall be accompanied by a written statement discussing these factors and explaining how the award is expected to result in savings for the City over time. Wherever possible, such statements shall also include objective and quantifiable analyses comparing the bid accepted to all less expensive options.

SECTION 4. LOCAL BUSINESS CONSIDERATION FOR QUOTATION

This consideration applies to formal written quotations, where the annual acquisition costs are estimated to be between \$5,000 and \$19,999. This Section does not apply for any contract to be awarded pursuant to the public bidding process required by General Municipal Law § 103. For this purpose, a "local business" shall refer to any operating, commercial entity located physically within the geographic borders of the County of Dutchess that employs at least one full-time employee.

When a formal written quotation is used and the lowest responsible and responsive bidder is not a local business, the lowest responsible and responsive local business bidder (if applicable or available), who is within 10% of the lowest responsible and responsive bidder, shall be provided with notice and an opportunity to reduce its bid to match that of the lowest responsible and responsive bidder. Notice shall be by telephone and either facsimile or electronic mail. The local business shall have three business days after the date of such notice to match the lowest bid in writing. Should the local business so match, it will be deemed the lowest responsible and responsive bidder and receive the award. Should the lowest responsible and responsive local business bidder decline to match, the next lowest responsible and responsive local bidder who is within 10% of the lowest responsible and responsive bidder will be given the same notice and opportunity to match the bid of the lowest responsible and responsive bidder as outlined above. This process shall continue as necessary until an award is made either to a responsible and responsive local business bidder

who is within 10% of the lowest responsible and responsive bidder, or the lowest responsible and responsive bidder itself.

In instances where a local business and a non-local business submit equivalent lowest responsible and responsive bids, the City Administrator or his/her designee shall give preference to the local business.

In the event the only bidders are local, the bid will be awarded to the lowest responsible and responsive bidder. In the event there are two or more local businesses within 10% of the lowest bid and whose bid is tied, the award shall be determined by a lottery.

The lowest responsible and responsive bidder shall meet the requirements as set forth in the formal quotation and as determined by the City Administrator or his/her designee.

SECTION 5. EMERGENCY PURCHASES AND EMERGENCY PUBLIC WORKS CONTRACTS

The term “Emergency purchase” is defined in General Municipal Law § 103(4) as follows:

In the case of a public emergency arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of the inhabitants of a political subdivision or district therein, require immediate action which cannot await competitive bidding or competitive offering, contracts for public work or the purchase of supplies, material or equipment may be let by the appropriate officer, board or agency of a political subdivision or district therein

Consequently, unless the situation threatens lives, health or public property, the purchase of services or products must go through normal channels. In cases of emergency, the procurement of goods or services will be at the discretion of the proper department head and if possible, in consultation with the City Administrator or his/her designee. The following procedure will be used:

- a) Contact the vendor immediately and arrange the purchase or service.
- b) Notify the City Administrator in writing as soon as possible when the emergency purchases or services are necessary.
- c) If an emergency occurs and there is a need for a part or service, please fill out the requisition and give to the purchase order entry clerk on the next business

day.

- d) Documentation as to the nature of the emergency shall be sent to the Director of Finance within five working days of the procurement.
- e) If advertising for bids and awarding the contract was required pursuant to General Municipal Law §103, then the City Council must consider at its next meeting, a resolution approving of the award of the contract without complying with the public bidding requirements due to an emergency.

SECTION 6. PIGGY-BACKING

In addition to the procedures and guidelines stated herein, in accordance with General Municipal Law § 103(16), effective November 13, 2013, the City may make purchases through bids solicited by the United States of America or any agency thereof, or by any state or any other political subdivision or district. Prior to such purchase, the Department making the purchase will ensure that a piggyback purchase qualifies as follows:

- a) **The original contract must have been made expressly available for use by other governments,** such as by inclusion of language in the contract stating that it is offered for use by other governmental entities.
- b) The original contract was awarded on the basis of the lowest responsible bidder or best value standard consistent with New York State Law. The Department head must confirm that the contract was properly let on one of these bases through inquiry into the procedure used when the contract was first awarded. Documentation demonstrating proper procedure should be obtained whenever possible;

The original contract must be attached to the purchase requisition. Any documentation from the agency allowing the City to piggy-back off the original contract must also be provided with the requisition before it can be processed and provided to the City Council for review when it awards a contract pursuant to the piggybacking method.

SECTION 7. EXCEPTIONS TO BIDDING

In all circumstances where a purchase is exempt from the bidding process, documentation supporting the details, must be provided with the requisition before it can be processed.

- a) ***Purchases through the New York State Office of General Services***
Certain State contracts for the procurement of commodities, equipment, materials, supplies, services, technology, and food products are made available to local governments through the New York State Office of General Services (OGS). Under General Municipal Law § 104 the City may make purchases at the same prices under the same terms as the State. All acquisitions must follow the State's required

procedures and any additional competitive procurement processes prior to the purchase of any goods or services. The entire state contract must be attached to the purchase requisition; the contract must include the item(s), vendor and price.

b) ***Purchases through Preferred Sources***

New York State has enacted legislation to advance “special social and economic goals,” which accords certain providers with “preferred source” status. Procurements of commodities and/or services, when available in the “form, function and utility” required by the City, are required to be made from preferred sources and are not subject to competitive procurement requirements. Preferred sources include: Correctional Industries Program of the Department of Corrections and Community Supervisions (Corcraft); approved qualified, nonprofit agencies for the blind; approved special employment programs for mentally ill persons; approved qualified charitable nonprofit agencies for other severely disabled persons; and certain approved qualified veterans’ workshops.

c) ***Sole Source***

In cases where a reasonably exhaustive and documented search discloses that a good or service is available from only one vendor or in cases where there is common knowledge of the existence of a monopolistic situation for a particular good or service being sought, that good or service may be purchased from a single identified vendor without competitive bidding or solicitation of quotations. The requesting department must complete and submit a Sole Source Justification form with the City Administrator or his/her designee. Determination of sole source status shall be at the discretion of the City Administrator or his/her designee.

d) ***Insurance***

Insurance coverage (i.e., health, fire, liability and workers’ compensation) is not subject to competitive bidding. All agreements for insurance coverage will be investigated by the City Administrator or his/her designee. If competition is available in the market, RFPS will be requested, evaluated and an award made. If no competition is available a contract will be negotiated between the City and the respective carrier.

SECTION 8. TRAVEL REIMBURSEMENT

Employees attending a convention, conference or school must also submit a requisition (course, travel, meal reimbursement, lodging, etc.) along with an Authorization to Attend Form. This must be completed and signed by the City Administrator and then attached to each requisition. A copy of the course description should be attached to the requisition. All vouchers for reimbursement should be turned in within two weeks of completion.

City of Beacon Workshop Agenda
1/14/2019

Title:

248 Tioronda Ave - Conceptual Plan Review

Subject:

Background:

ATTACHMENTS:

Description	Type
response ltr to JC comments	Cover Memo/Letter
FCD Application	Backup Material
FEAF complete	Backup Material
248 Tioranda Avenue_Presentation plans	Backup Material
248_Sketch	Cover Memo/Letter
248 Recommendations	Cover Memo/Letter
248 Sketch II	Cover Memo/Letter

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, appearing to read "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
Suffern, New York 10901

Prepared by:

Chazen Engineering, Land Surveying &
Landscape Architecture Co., D.P.C.
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-454-3980

Chazen Project No. 81750.00

This page intentionally left blank

TABLE OF CONTENTS

PROJECT NARRATIVE

1.0	PROJECT DESCRIPTION.....	1
1.1	Introduction	1
1.1	Project History.....	1
1.2	Current Project.....	1
2.0	LAND USE AND ZONING	2
2.1	Land Use.....	2
2.2	City of Beacon Comprehensive Plan	2
2.3	City of Beacon Zoning.....	4
2.4	City of Beacon Local Waterfront Revitalization Plan (LWRP).....	6
3.0	COMMUNITY SERVICES.....	6
4.0	SOILS, TOPOGRAPHY, AND WATER RESOURCES.....	6
4.1	Soils and Topography	6
4.2	Water Resources	7
4.3	Floodplain.....	7
5.0	UTILITIES.....	7
5.1	Water and Wastewater	7
5.2	Stormwater	8
6.0	TRAFFIC AND PARKING	8
6.1	Traffic	8
6.2	Parking.....	10
7.0	NOISE AND LIGHTING.....	10
7.1	Noise	10
7.2	Lighting.....	10
8.0	SOLID WASTE	10
9.0	CONTAMINATION HISTORY	11
10.0	ENDANGERED, THREATENED AND RARE SPECIES AND SIGNIFICANT HABITAT.....	11
11.0	HISTORIC AND ARCHEOLOGICAL RESOURCES	12
12.0	COMMUNITY CHARACTER	12

LIST OF TABLES

Table 4-1:	Characteristics of Soil Types within Project Site	6
Table 6-1:	Traffic Generation	9

FULL ENVIRONMENTAL ASSESSMENT FORM PART 1 FORM

FIGURES

- Figure 1: USGS Location Map
- Figure 2: Orthophoto Tax Map
- Figure 3: Land Use Map
- Figure 4: Soils Map
- Figure 5: Slopes Map
- Figure 6: Wetland, Stream, and Floodplain Map
- Figure 7: NYSDEC Environmental Resource Map
- Figure 8: NYSOPRHP Cultural Resource Information System (CRIS) Map
- Figure 9: Scenic and Aesthetic Resources Map

ATTACHMENTS

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

Note: Site Plan submitted separately.

PROJECT NARRATIVE

This page intentionally left blank

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.

This page intentionally left blank

FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF) PART 1 FORM

This page intentionally left blank

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? Yes No [Refer to FEA Narrative Section 6.1.](#)

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 1/2 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) _____
--	--

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:

<input checked="" type="checkbox"/> Well Drained:	_____	45 % of site
<input checked="" type="checkbox"/> Moderately Well Drained:	_____	45 % of site
<input checked="" type="checkbox"/> 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: • 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.

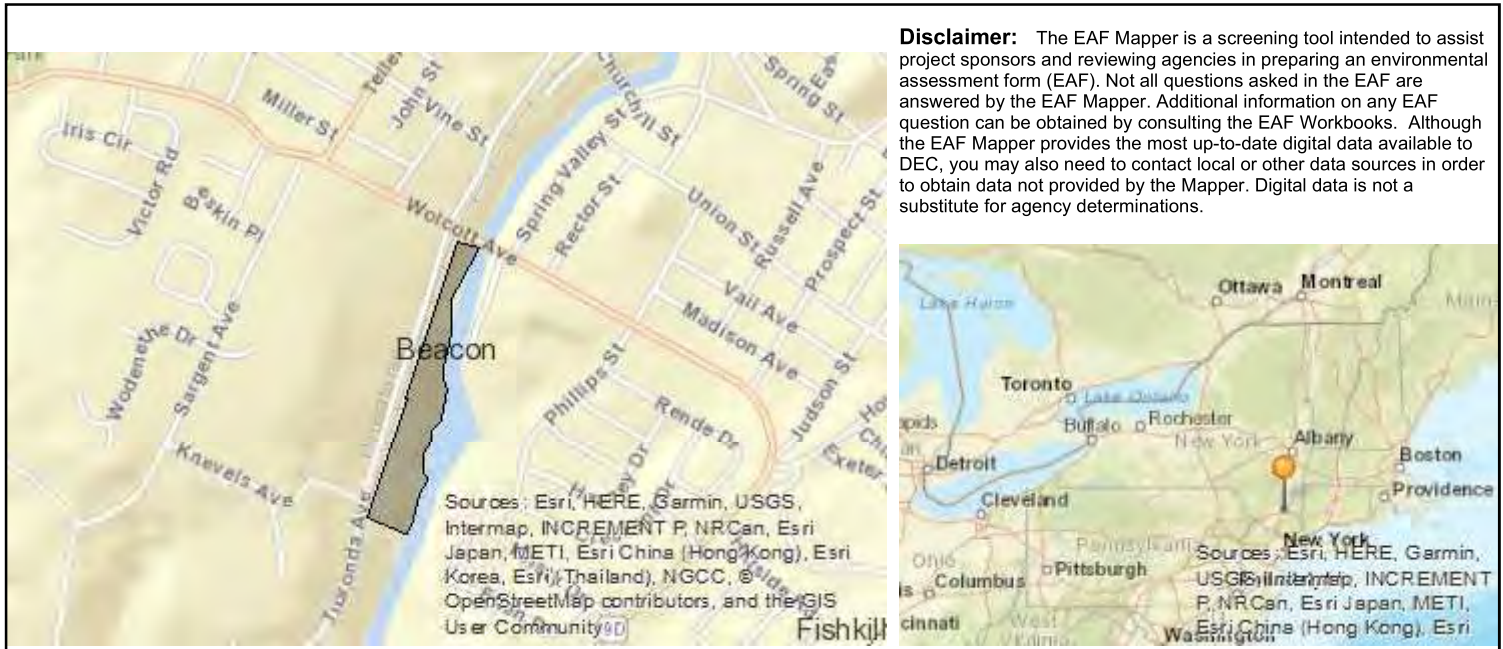
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

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.

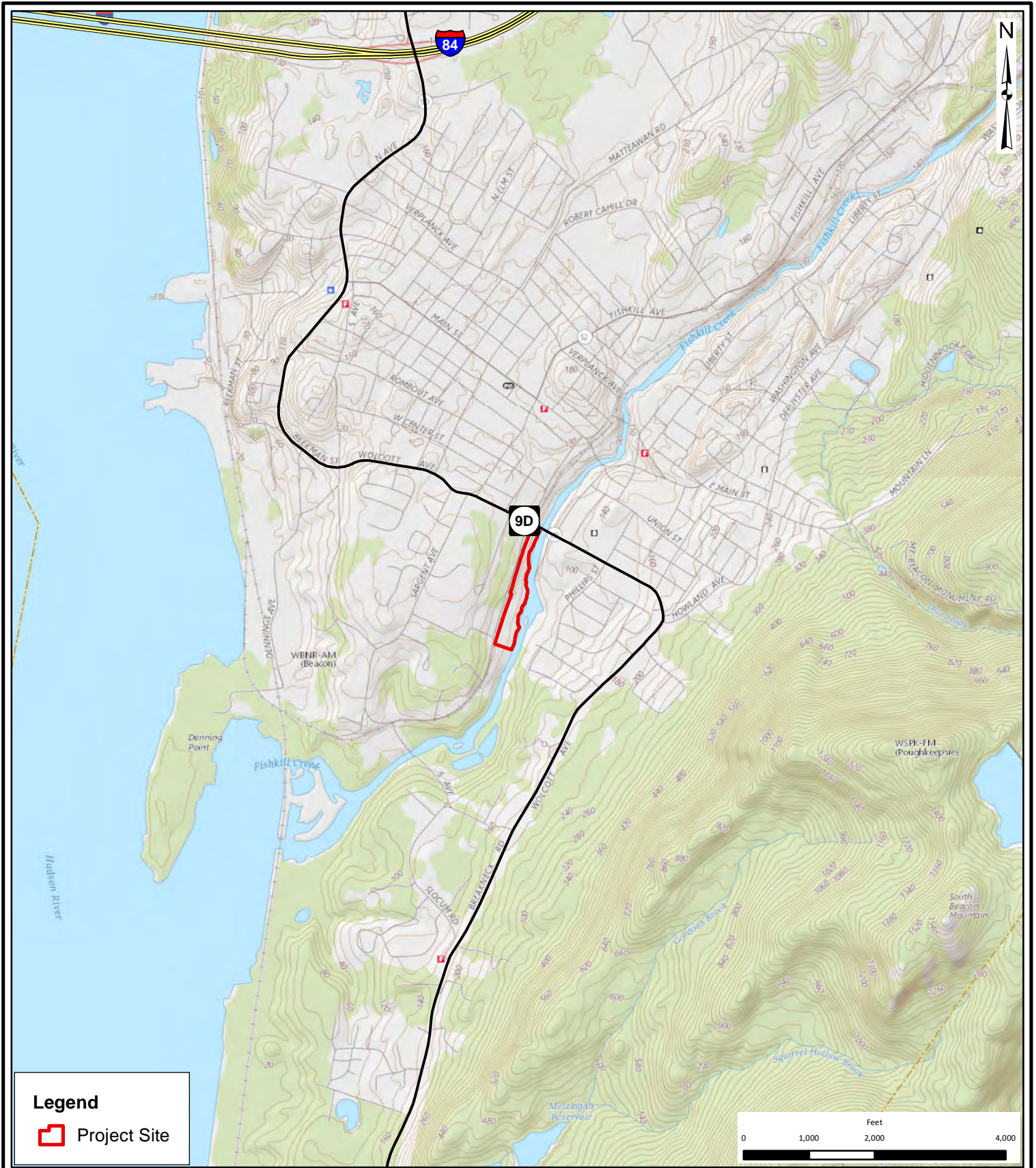
B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:314044 , Remediation 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

This page intentionally left blank

FIGURES

This page intentionally left blank



THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

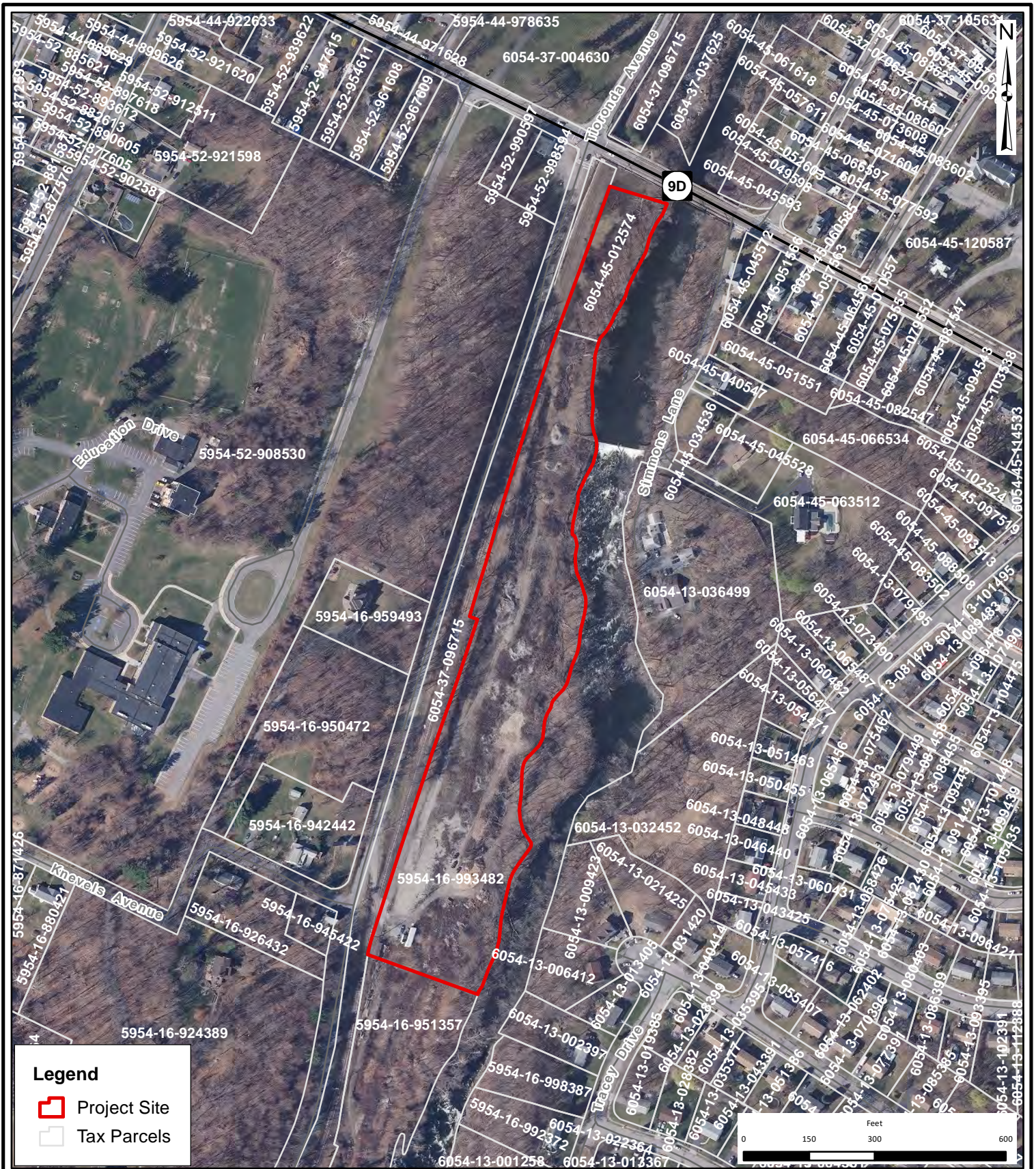
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

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

THE Chazen COMPANIES

ENGINEERS
LAND SURVEYORS
PLANNERS
ENVIRONMENTAL & SAFETY PROFESSIONALS
LANDSCAPE ARCHITECTS

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

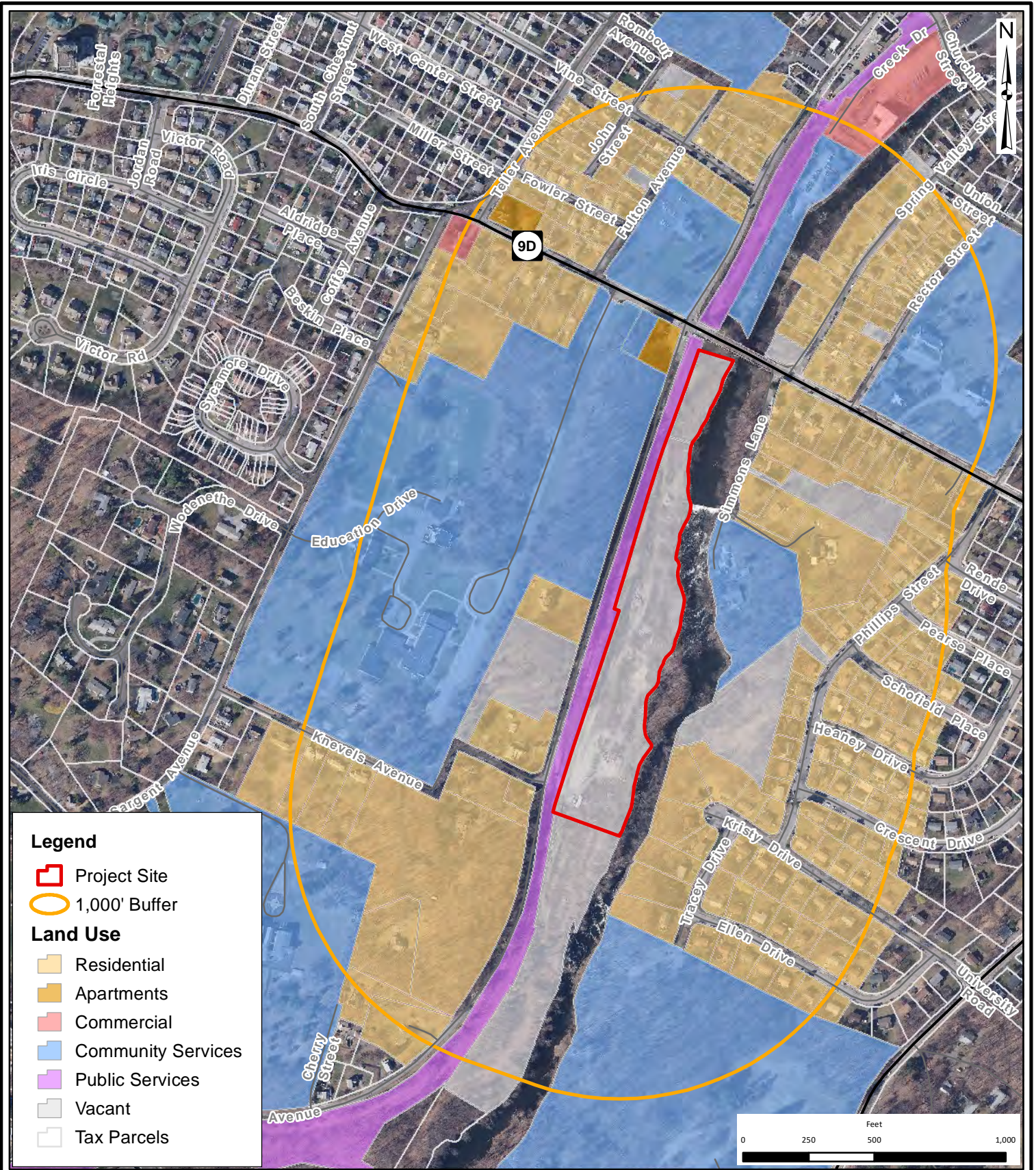
North Country Office:
375 Bay Road, Queensbury, NY 12804
Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan

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

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

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
- Site Soils**
- ⬭ Ud: Udorthents, smoothed
- ⬭ W: Water
- Tax Parcels

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

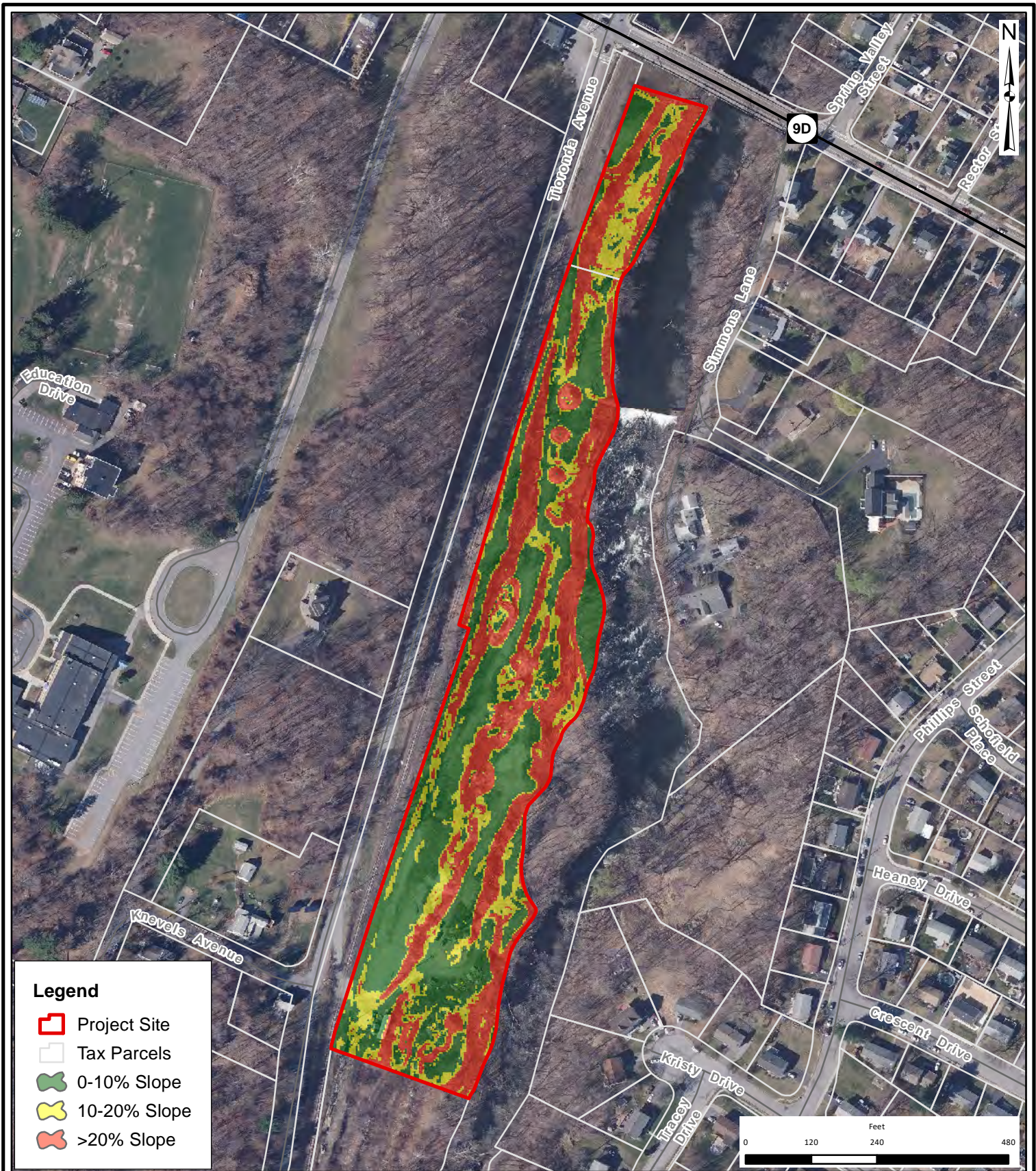
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan

Soils Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	4



Legend

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

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

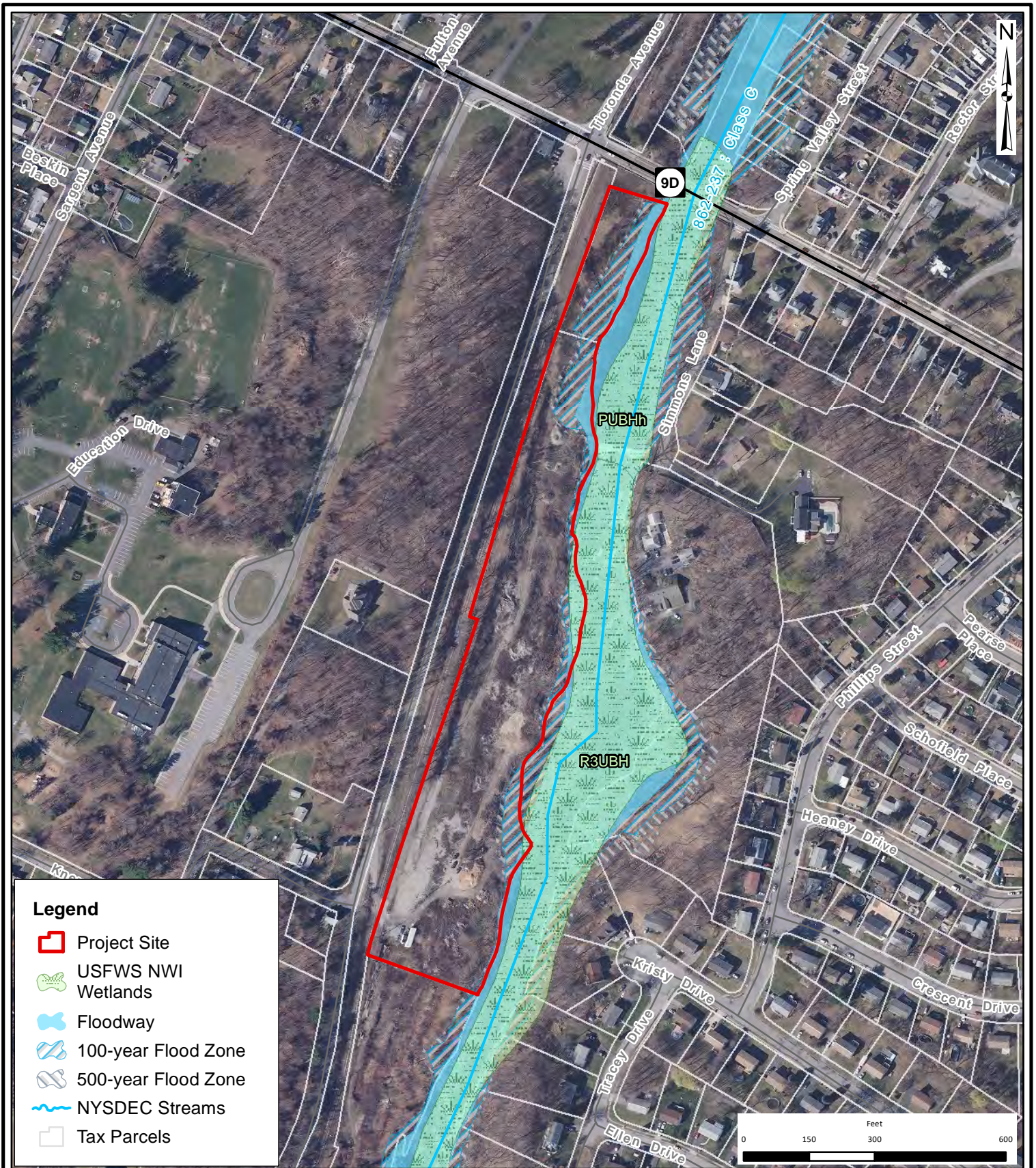
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan








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

Proposed Fishkill Creek Development (FCD) Site Plan

Wetland, Streams and Floodplain Map

Tioronda Avenue, City of Beacon - Dutchess County, NY

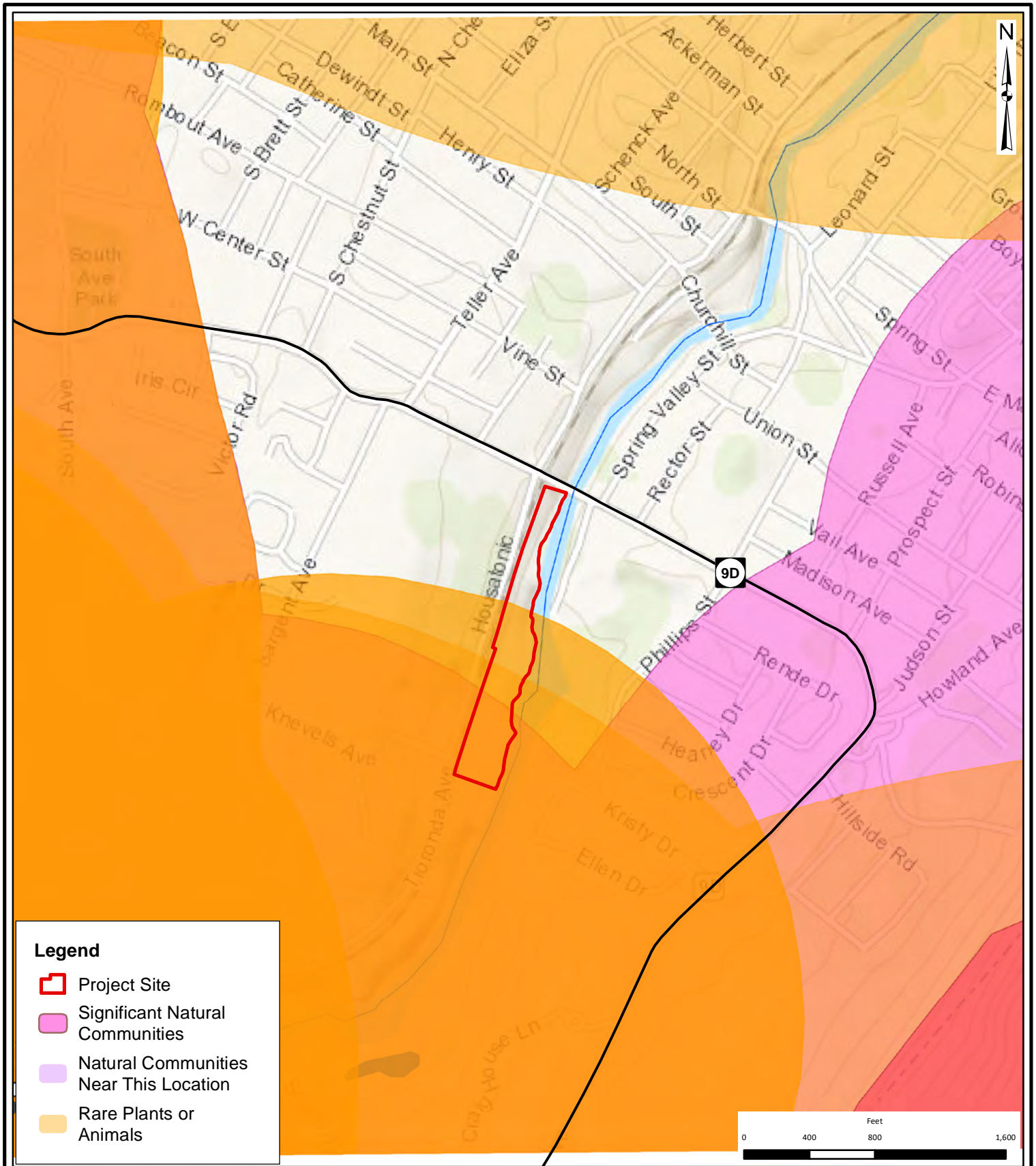
Drawn:	RLB
Date:	09/06/2018
Scale:	1 in = 300 feet
Project:	81750.00
Figure:	6

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS





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



Legend

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

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

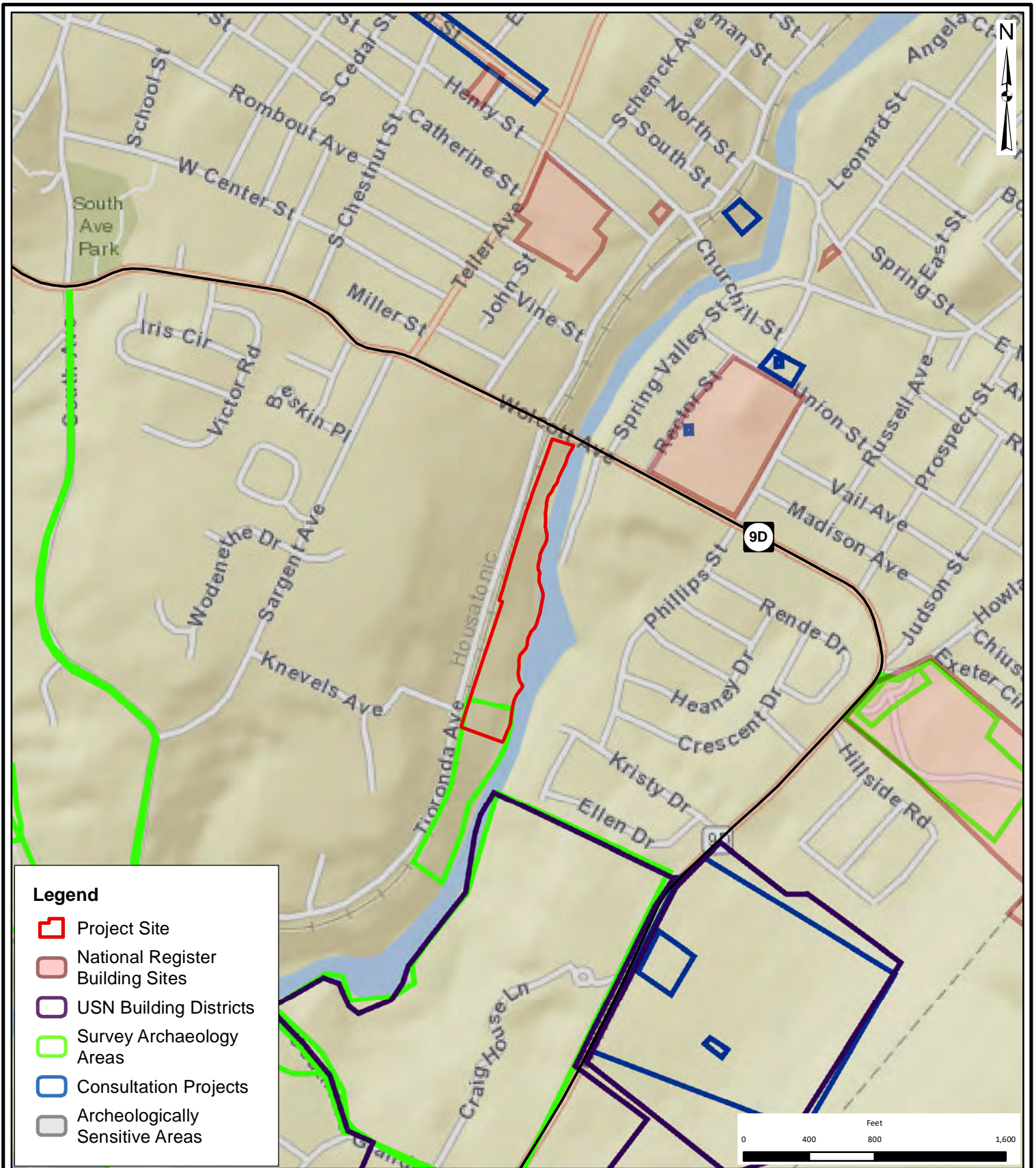
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan

NYSDEC Environmental Resource Map

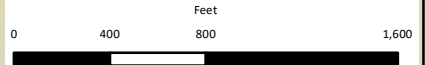
Tioronda Avenue, City of Beacon - Dutchess County, NY

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



THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

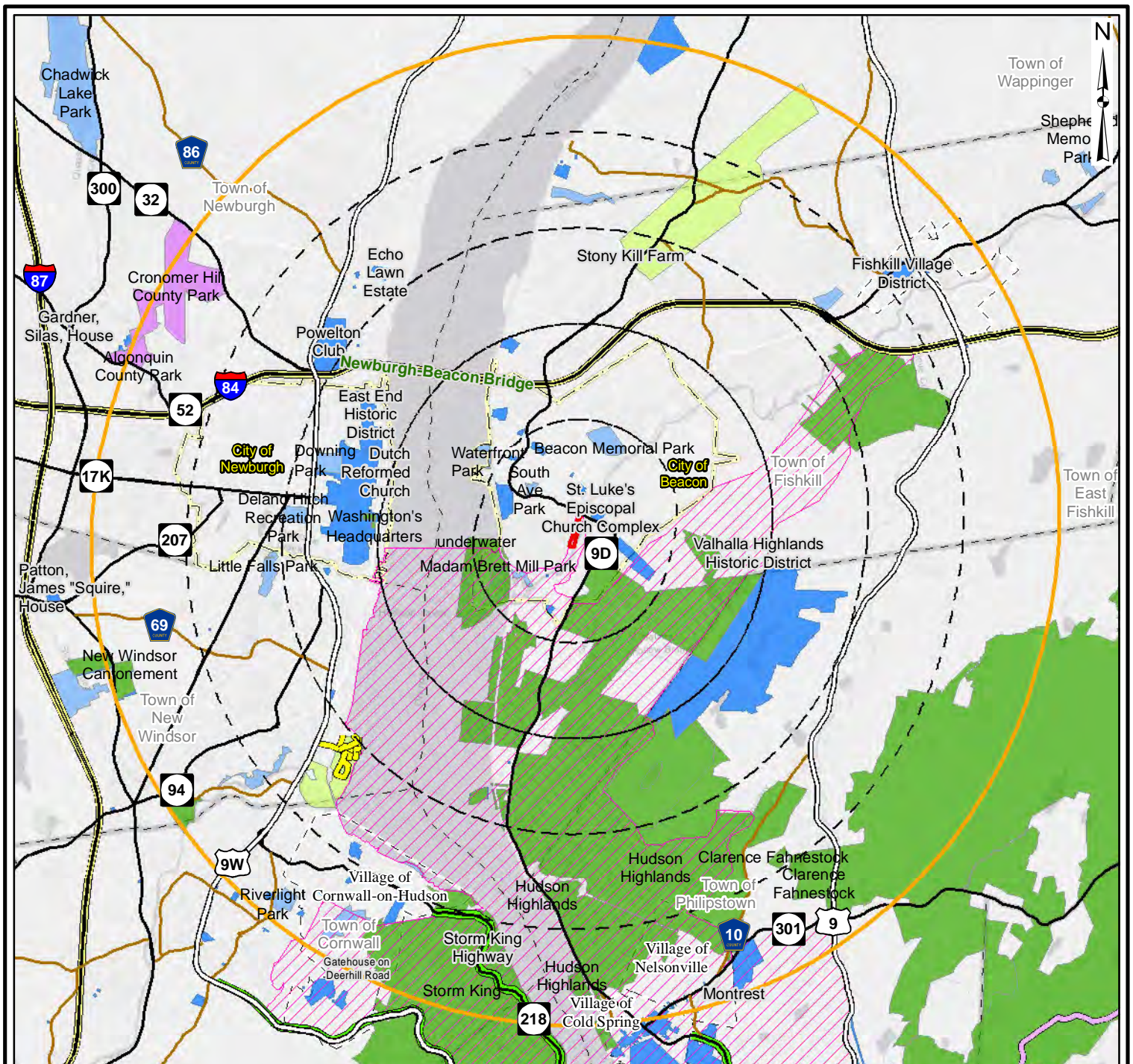
North Country Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Proposed Fishkill Creek Development (FCD) Site Plan














NYSOPRHP Cultural Resource Information System (CRIS)

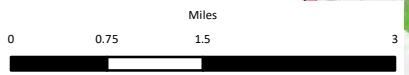
Tioronda Avenue, City of Beacon - Dutchess County, NY

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



THE Chazen COMPANIES
 ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

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

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

Tioronda Avenue, City of Beacon - Dutchess County, NY

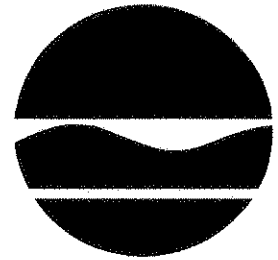
Drawn:	RL-B
Date:	09/07/2018
Scale:	1 in = 1.5 miles
Project:	81750.00
Figure:	9

This page intentionally left blank

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

This page intentionally left blank

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,

A handwritten signature in black ink, consisting of the letters 'D' and 'M' in a cursive, stylized font.

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 SEQ. 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.

This page intentionally left blank



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

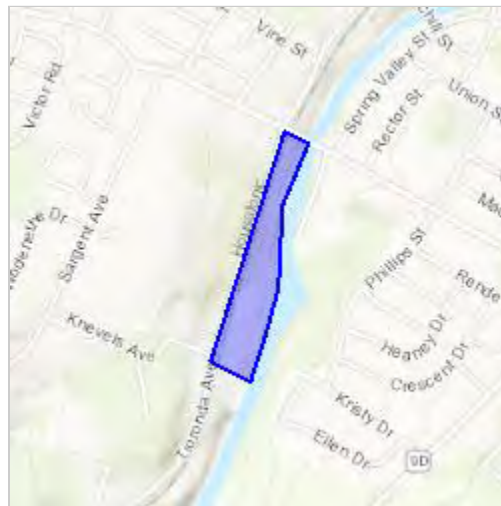
Project Name: Chai Builders Proposed Multifamily Development and Office Building

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



— — — — — **ROOF**
+36'-0"

— — — — — **3RD FLOOR**
+24'-0"

— — — — — **2ND FLOOR**
+12'-0"

— — — — — **1ST FLOOR**
+0'-0"

WEST ELEVATION BLDG B



— — — — — **ROOF**
+36'-0"

— — — — — **3RD FLOOR**
+24'-0"

— — — — — **2ND FLOOR**
+12'-0"

— — — — — **1ST FLOOR**
+0'-0"

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 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**

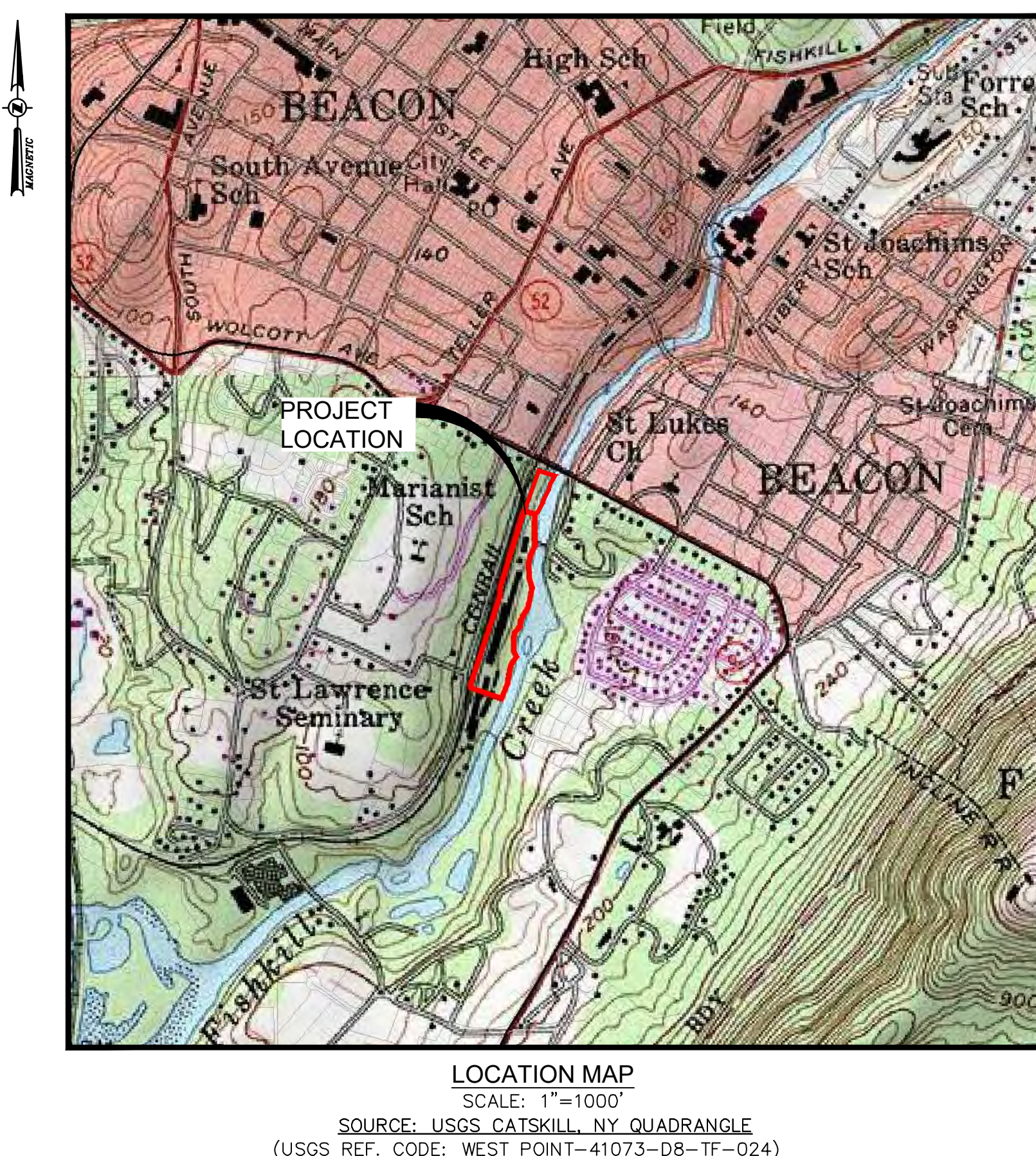
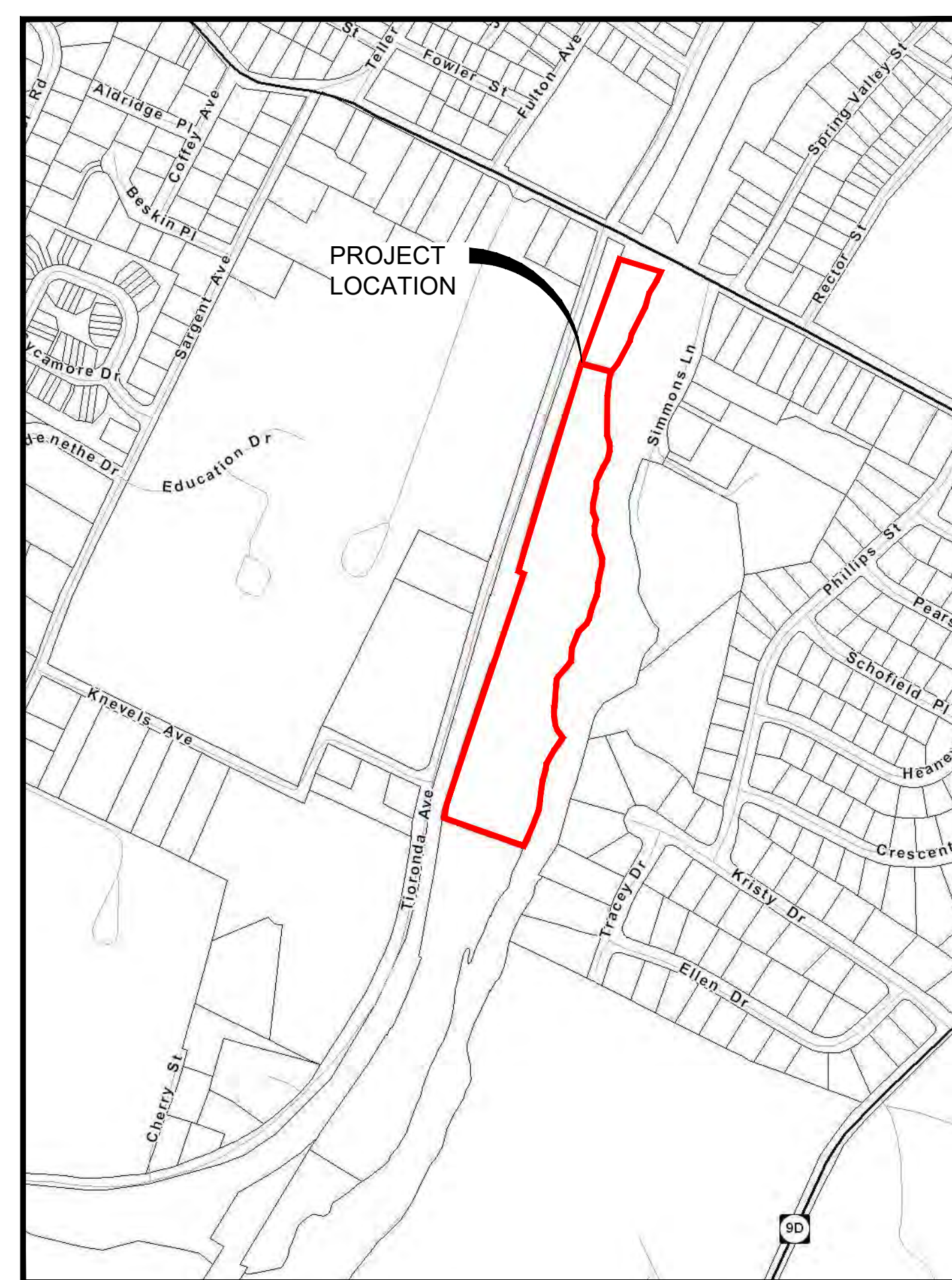
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATE THAT HE IS FAMILIAR WITH THIS PLAN, ITS CONTENTS AND LEGENDS AND HEREBY CONSENT TO ALL TERMS AND CONDITIONS AS STATED HEREON AND TO THE FILING OF THE PLAN IN THE OFFICE OF THE CLERK OF THE COUNTY OF DUTCHESS, IF REQUIRED.

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 5054, 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
LAB	LAB
date	scale
09/10/18	AS NOTED
project no.	sheet no.
81750.00	T1

Dig Safely.
New York
Call Before You Dig
Mark the Unexcavated Time
Control Traffic Flow
Respect The Marks
Dig Safely
800-962-7962
www.digsafely.com

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT BEING OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSES OTHER THAN THE SPECIFIC PROJECT AND LOCATION AND SECTION FOR WHICH IT WAS PREPARED. ANY MODIFICATION OR ERASURE, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. WILL BE AT USER'S SOLE RISK AND WITHOUT LIABILITY TO CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

IF IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY MANNER, HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE ALTERNATE TITLE HE OR SHE IS HOLDING, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

Chazen Companies
Proud to be Employee Owned

Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

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 Saratoga Springs, New York 12804 Phone: (518) 812-0513
--	---	--

DEED REFERENCE TAX PARCEL NUMBER AREA: 8.175 ACRES

JOSEPH RENDERO 130200-5854-16-993482-00 356,099 SQ.FT.

BEACON 248 DEVELOPMENT, LLC DOC # 02-2008-4369 FILED JUNE 20, 2008

MAP REFERENCE REFERENCE IS HEREBY MADE TO A MAP ENTITLED "SUBDIVISION PLAN PREPARED FOR ADVANTAGE MORTGAGE" PREPARED BY BAEY & WATSON SURVEYING & ENGINEERING P.C., DATED APRIL 16, 1991 AND FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON FEBRUARY 22, 2000 AS FILED MAP #10970.

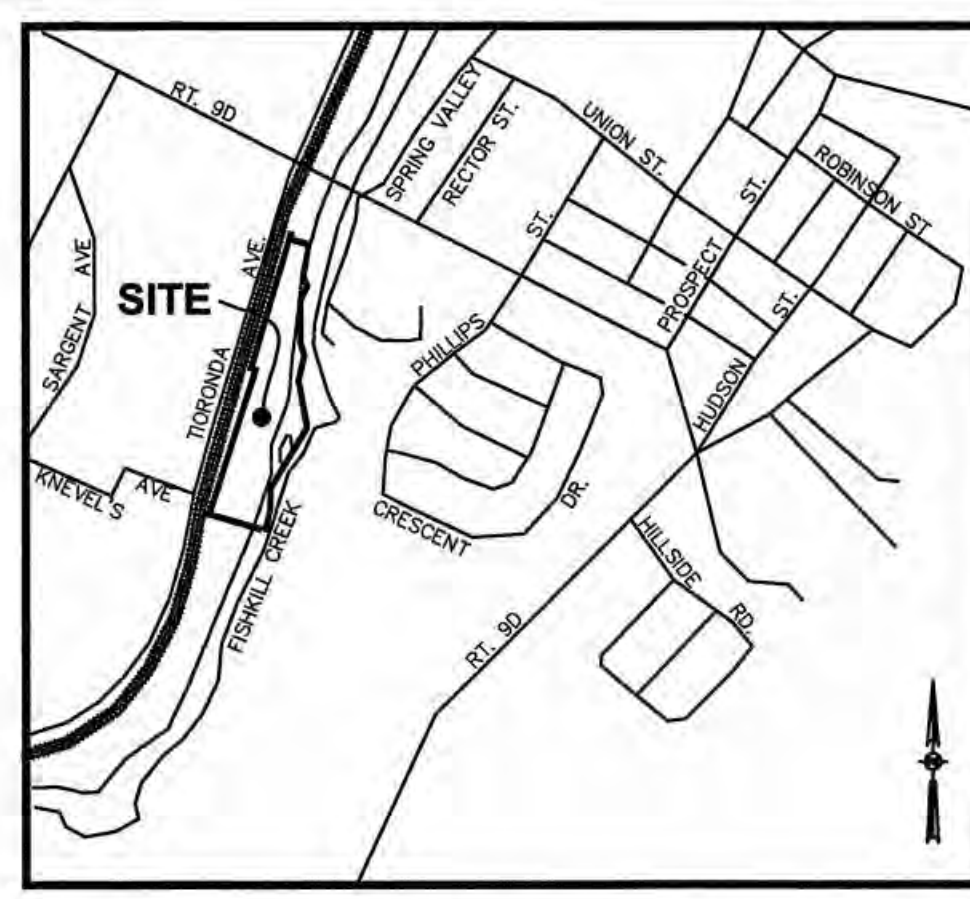
MAP REFERENCE 1. SUBJECT AREA IS DESIGNATED AS PARCEL 18 AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLAN PREPARED FOR ADVANTAGE MORTGAGE" PREPARED BY BAEY & WATSON SURVEYING AND ENGINEERING, P.C., FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE AS FILED MAP # 10970 ON FEBRUARY 22, 2000.

2. REFERENCE IS HEREBY MADE TO A CERTAIN MAP ENTITLED "BEACON 248 DEVELOPMENT, LLC. MAP OF BOUNDARY & TOPOGRAPHIC SURVEY OF LANDS OF CENTRAL HUDSON GAS & ELECTRIC CORP." DATED 02/25/2011, PREPARED BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C.

FLOOD ZONE NOTE: THE FLOODPLAIN LINE AND FLOOD ZONE LINE "ZONE X" OTHER FLOOD AREAS SHOWN HEREON ARE AS SCALDED FROM FLOOD INSURANCE RATE MAPPING (FIRM) LISTED BELOW. THE "ZONE AE" 100 YEAR FLOOD LINE WITHIN THE SUBJECT PARCEL WAS DRAWN AT ELEVATION 85.9(NVD+29) PER THE TOPOGRAPHY SHOWN HEREON.

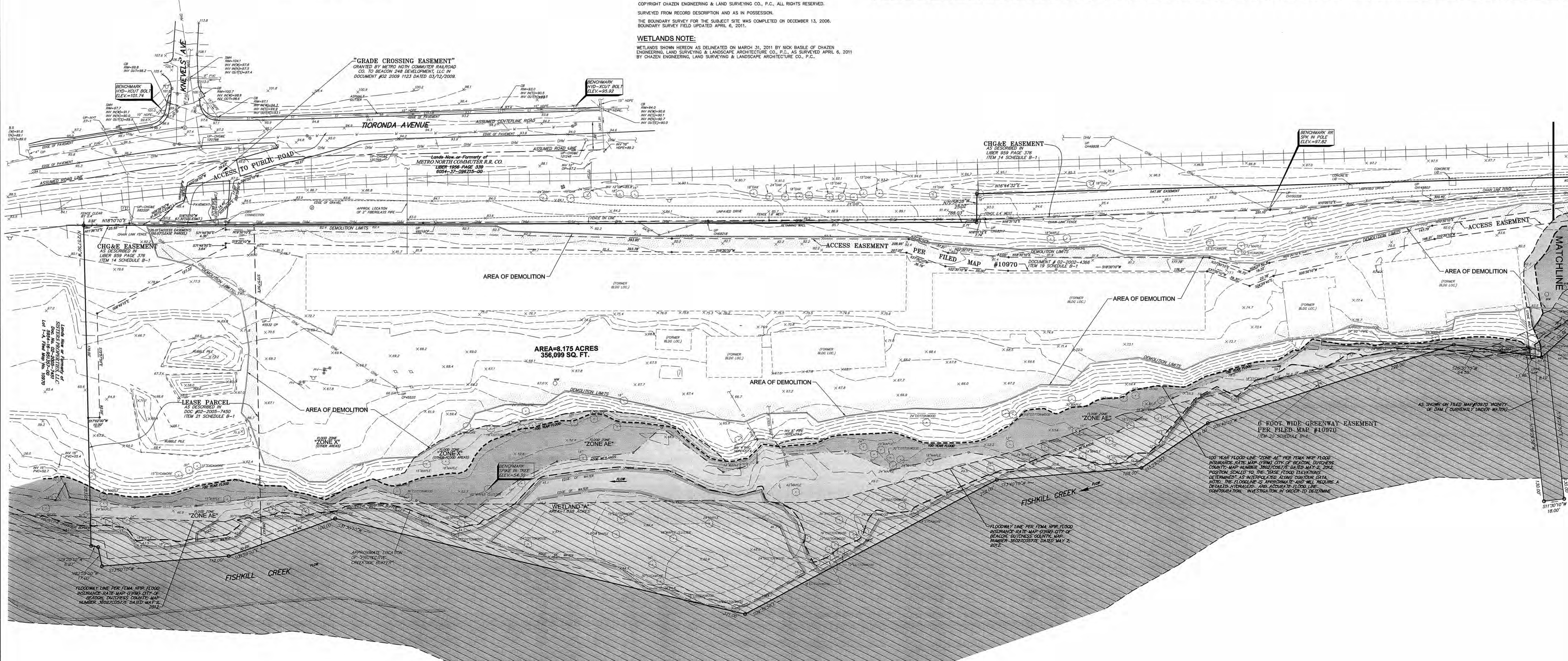
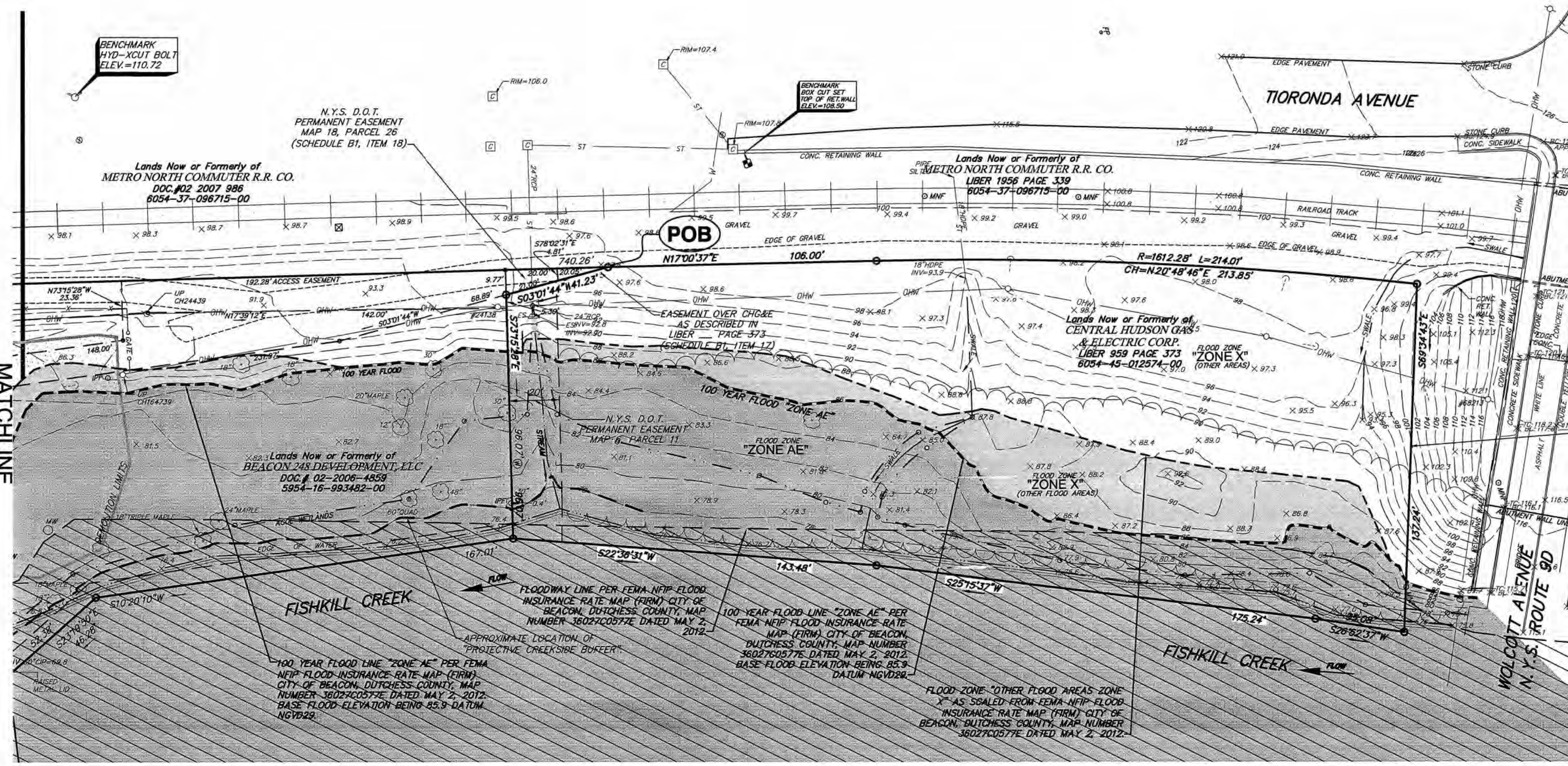
NOTES UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

WETLANDS NOTE: WETLANDS SHOWN HEREON AS DELINEATED ON MARCH 31, 2011 BY NICK BASILE OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C., AS SURVEYED APRIL 6, 2011 BY CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C.



LEGEND:

- NO PHYSICAL BOUNDS
ADJACENT PROPERTY LINE
EDGE OF CREEK
EXISTING BUILDING
EXISTING FENCE
EXISTING OVERHEAD WIRES
EXISTING WATER LINE
EXISTING UNDERGROUND SEWER LINE
EXISTING UNDERGROUND STORM LINE
EXISTING RAILROAD TRACKS
EXISTING SIGN
EXISTING BENCHMARK
EXISTING BOLLARD
EXISTING CATCH BASIN
EXISTING ODDISHUO TREE
EXISTING GUY WIRE
EXISTING GAS VALVE
EXISTING HYDRANT
EXISTING MONUMENT
EXISTING SANITARY MANHOLE
EXISTING UNKNOWN MANHOLE
EXISTING UTILITY POLE
EXISTING UTILITY POLE W/ LIGHT
EXISTING WATER VALVE
EXISTING MONITORING WELL
EXISTING TELEPHONE MANHOLE
EXISTING TELEPHONE PEDESTAL



ISSUED FOR PLANNING BOARD REVIEW - NOT FOR CONSTRUCTION

Dig Safely. New York logo and contact information.

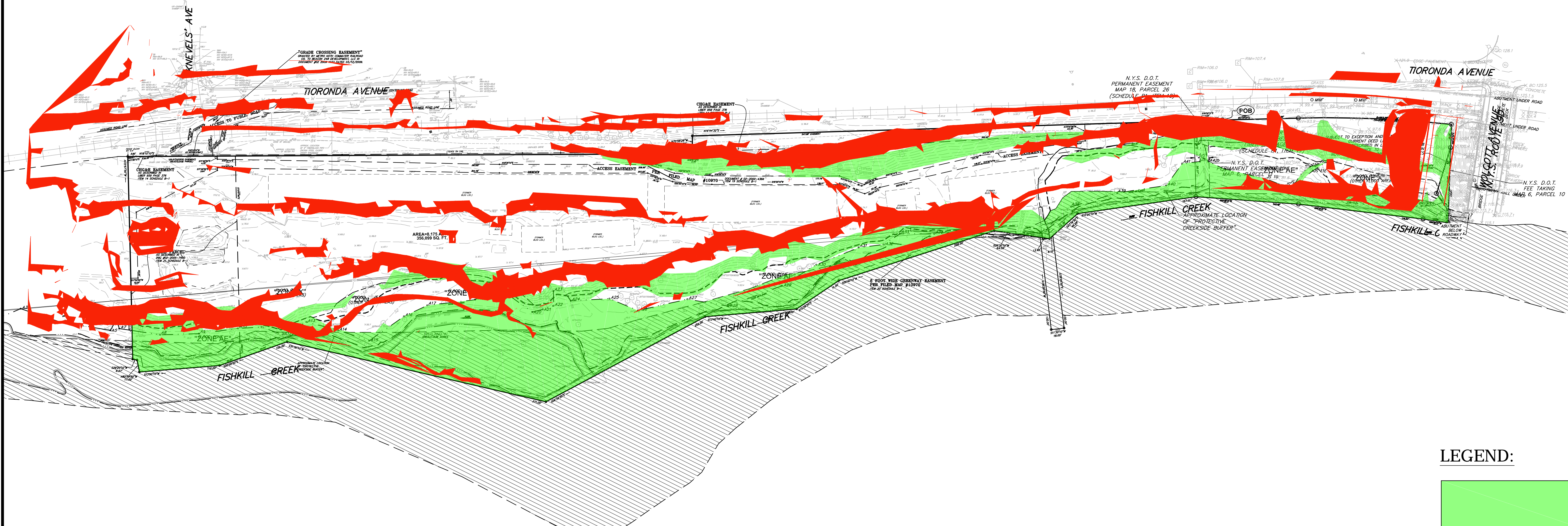
STATE OF NEW YORK seal and various professional seals.

THE CHAZEN COMPANIES logo and contact information.

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., P.C. logo and contact information.

Table with columns for date, description, and initials.

EXISTING CONDITIONS table and project information including 'TORONDA AVENUE & 465 WOLCOTT AVENUE / BEACON 248 DEVELOPMENT, LLC'.



LEGEND:

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

Dig Safely
New York

- Call Before You Dig
- Mark the Unexcavated
- Control Traffic
- Protect The Marks
- Use Shovel

800-962-7962
www.digsafely.com

ORIGINAL SCALE IN INCHES

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT TO BE REPRODUCED OR REPRESENTED TO BE SEPARATE FOR ANY PURPOSE OTHER THAN THE EXACT PURPOSE FOR WHICH IT WAS PREPARED. ANY REPRODUCTION OF THIS DRAWING OR DOCUMENT FOR ANY OTHER PURPOSE, WITHOUT THE WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. ANY REPRODUCTION OF THIS DRAWING OR DOCUMENT FOR ANY OTHER PURPOSE, WITHOUT THE WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED.

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY MANNER UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT). IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING DESIGN PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE DATE OF THE ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

THE Chazen COMPANIES
Providing to the Employer Quality

Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:

Chatham County Office 27 Van Street P.O. Box 1200 Pittsford, NY 14534 Phone: (315) 434-1300	Capital District Office 245 West Street Troy, New York 12180 Phone: (518) 273-0500	North Country Office 276 Bay Road Oswego, New York 12854 Phone: (315) 812-0513
--	--	--

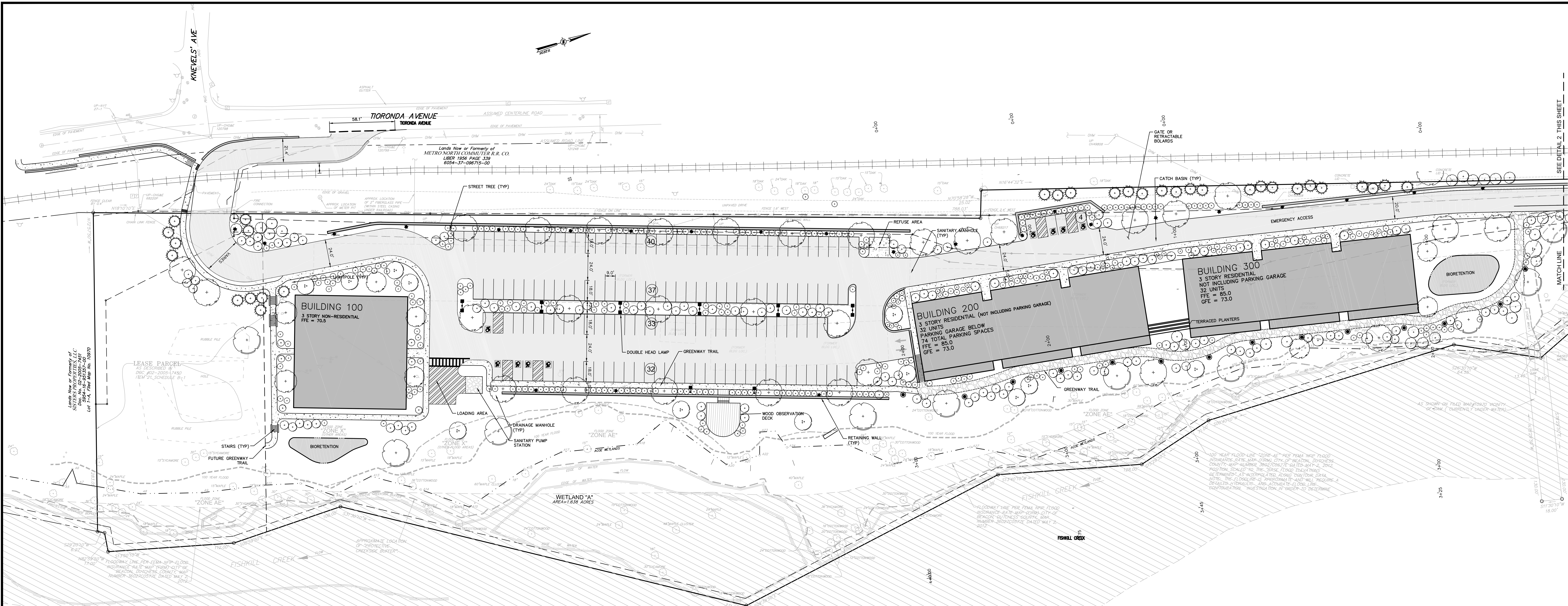
REV.	DATE	DESCRIPTION
1	10/12/18	REVISED PER TOWN COMMENTS

TORONDA AVENUE & 465 WOLCOTT AVENUE / CHAI BUILDERS

ENVIRONMENTAL CONDITIONS/CONSTRAINTS

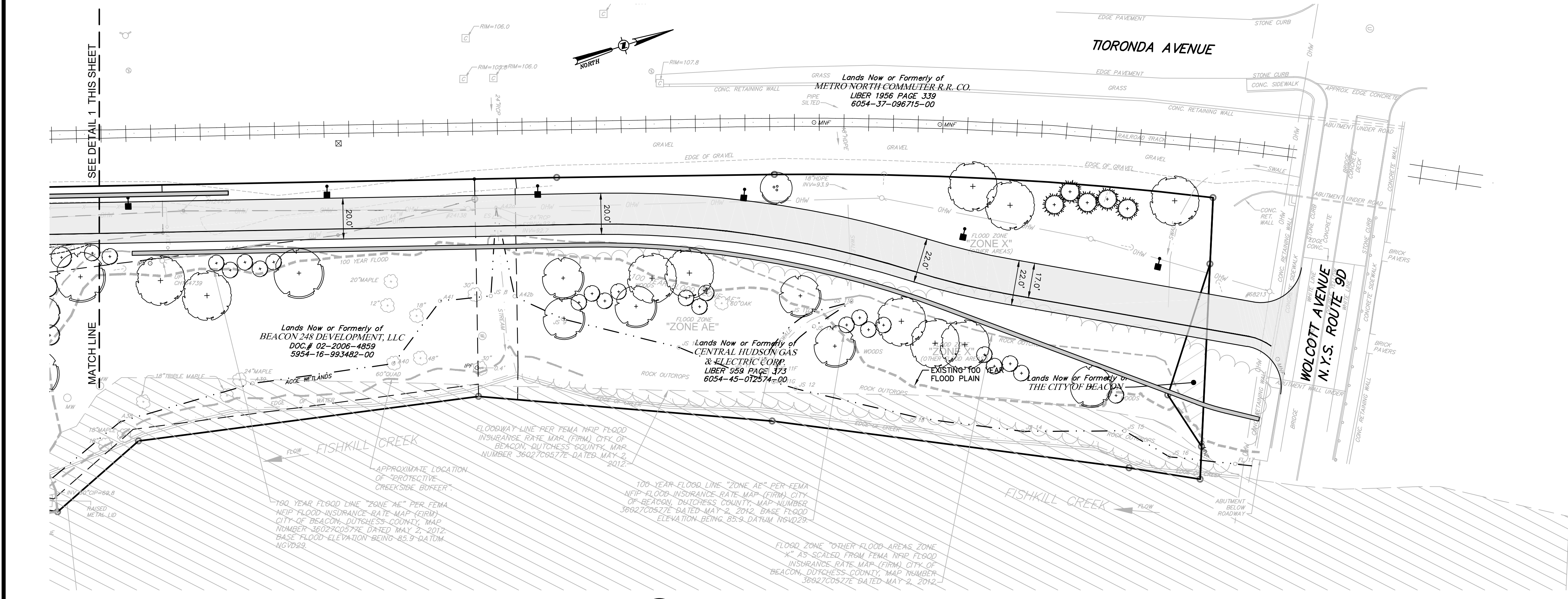
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
C.A.	L.A.B.
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'

Dig Safely
New York
Call Before You Dig
Mark the Unexcavated Time
Control Your Response
Respect The Marks
800-962-7962
www.digsafely.com

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT TO BE USED OR REPRESENTED TO BE VALID FOR ANY PURPOSES OTHER THAN THE SPECIFIC PROJECT AND SITE FOR WHICH IT WAS PREPARED. ANY REUSE, MODIFICATION, ALTERATION, OR REPRODUCTION OF THIS DRAWING OR DOCUMENT WITHOUT THE WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION, SHALL BE THE PROPERTY OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

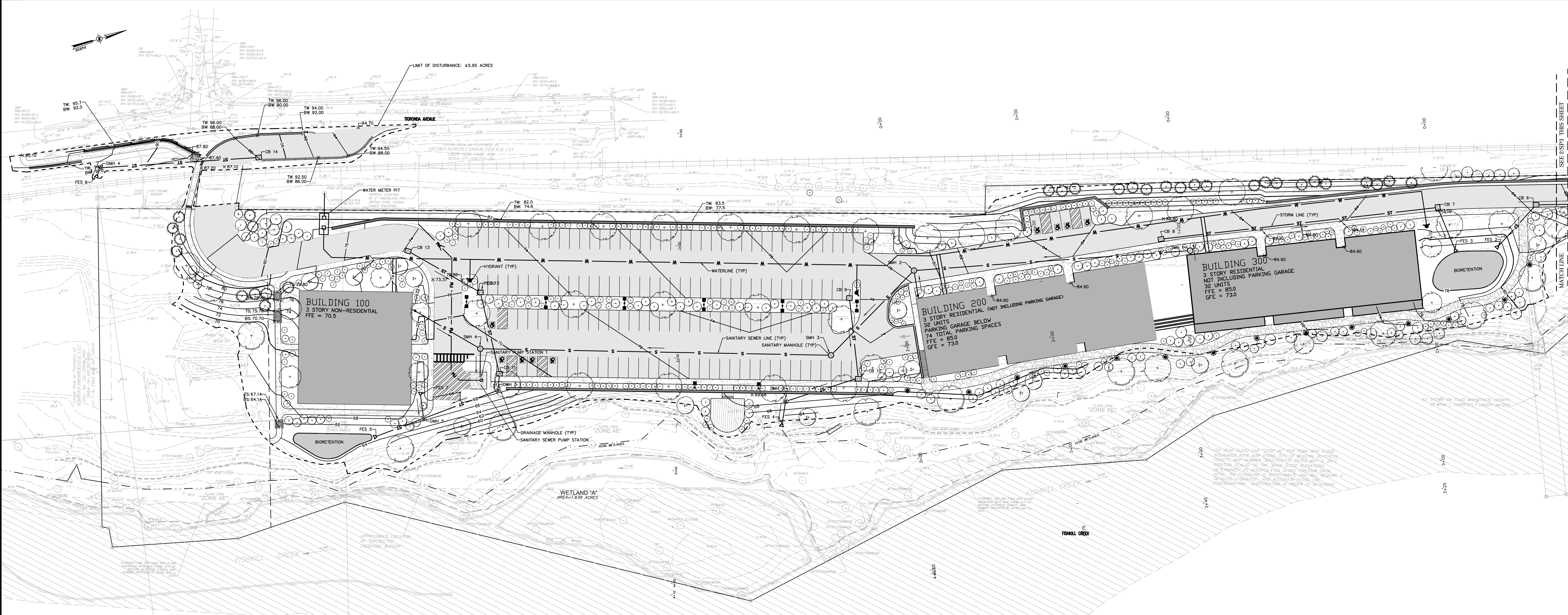
Chazen Companies
Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.
Office Locations:
Berkshire County Office: 27 The Street, Pittsfield, New York 12801, Phone: (518) 434-5360
Capital District Office: 24 West Street, Troy, New York 12180, Phone: (518) 273-0500
North Country Office: 275 Bay Road, Plattsburgh, New York 12804, Phone: (518) 817-0513

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

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

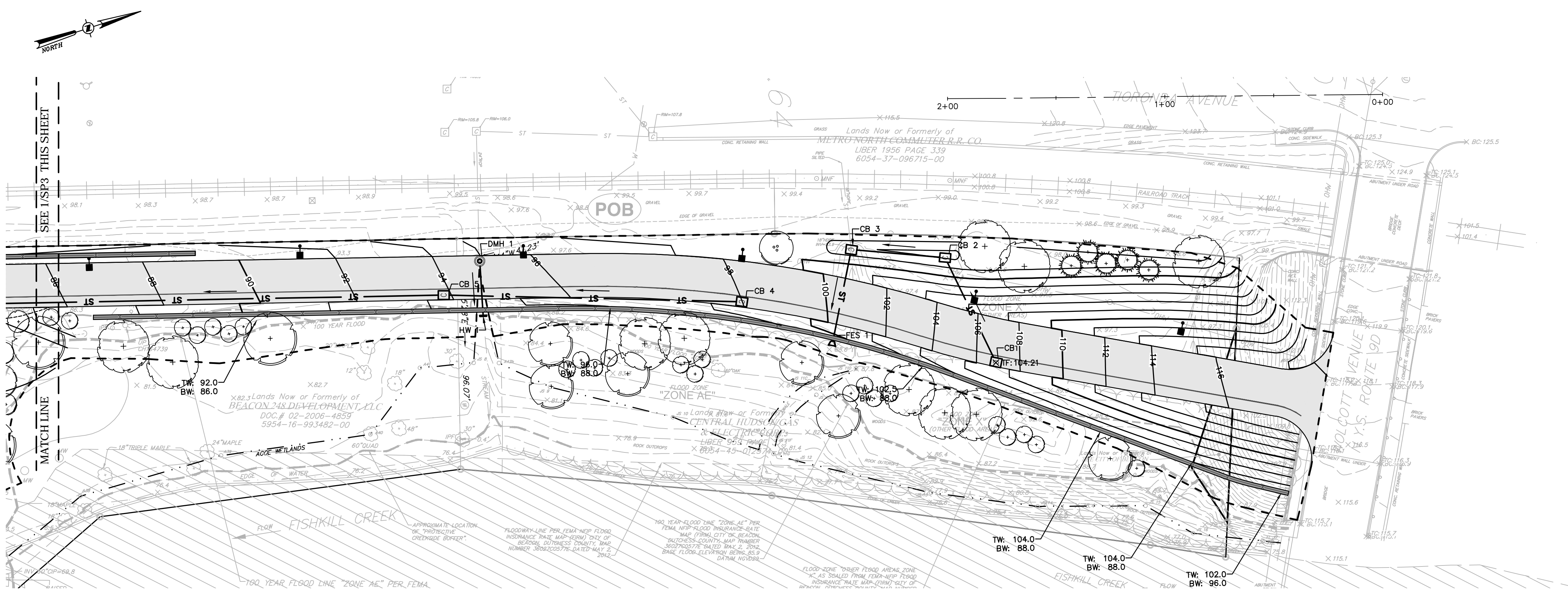
DESIGNED	CHECKED
GA	LAD
DATE: 09/10/18	SCALE: 1" = 30'
PROJECT NO: 81750.00	SHEET NO: SP2



1 GRADING AND UTILITY PLAN
SCALE: 1"=30'

GRADING & DRAINAGE LEGEND:

- PROPOSED PROPERTY LINE
- ▭ PROPOSED BUILDING
- ▭ PROPOSED PAVEMENT
- XXXX PROPOSED 10 FT CONTOUR
- xxx PROPOSED 2 FT CONTOUR
- xxx PROPOSED SPOT GRADE
- ~ PROPOSED TREE LINE
- ~ PROPOSED SHRUB LINE
- ~ PROPOSED DRAINAGE SWALE
- PROPOSED WORK LIMIT LINE
- S PROPOSED SANITARY SEWER LINE
- FM PROPOSED FORCE MAIN
- W PROPOSED WATER LINE
- ST PROPOSED STORM DRAIN LINE
- ⊙ PROPOSED HYDRANT
- ⊙ PROPOSED SANITARY MANHOLE
- ⊙ PROPOSED CATCH BASIN
- ⊙ PROPOSED DRAINAGE MANHOLE



2 GRADING AND UTILITY PLAN
SCALE: 1"=30'

Dig Safely.
New York
Call Before You Dig
Mark the Buried Items
Control Site Response
Respect The Marks
800-962-7962
www.digsafely.com

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THE SPECIFIC PROJECT AND LOCATION AND SECTION FOR WHICH IT WAS PREPARED. ANY REUSE OR ALTERATION OF THIS DRAWING OR DOCUMENT WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. IF IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THIS DRAWING OR DOCUMENT IN ANY MANNER, UNLESS HE OR SHE IS ACTING UNDER THE DIRECTION OF A LICENSED DESIGN PROFESSIONAL (PROFESSIONAL ENGINEER, LAND SURVEYOR, ARCHITECT OR LANDSCAPE ARCHITECT), IF THIS DRAWING OR DOCUMENT IS ALTERED, THE ALTERING PROFESSIONAL SHALL AFFIX TO THE DRAWING OR DOCUMENT HIS OR HER SEAL, THE ALTERNATE ACTION BEING FOLLOWED BY HIS OR HER SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.

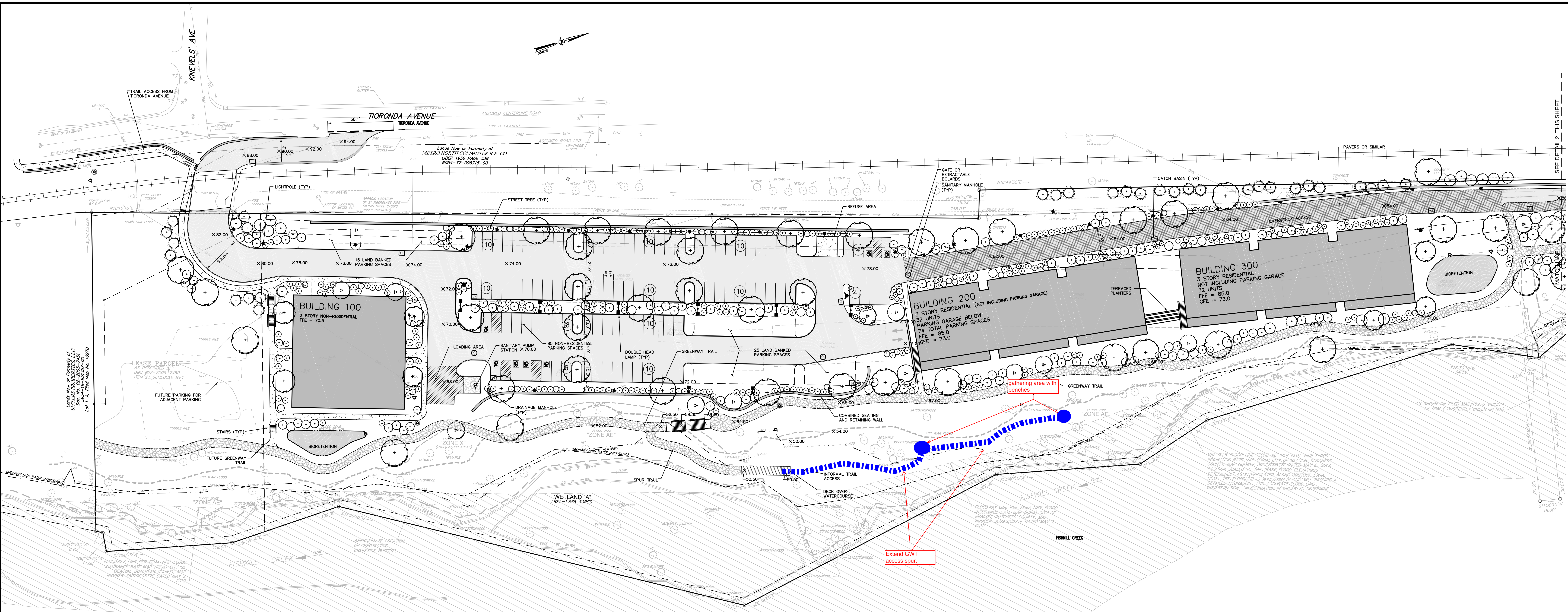
Chazen Companies
Proud to be Employee Owned
Engineers
Land Surveyors
Planners
Environmental & Safety Professionals
Landscape Architects

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.
Office Locations:
Delaware County Office: 21 Fox Street, P.O. Box 100, Newark, DE 19810, Phone: (302) 434-3300
Capital District Office: 243 West Street, Troy, New York 12180, Phone: (518) 273-8500
North Country Office: 274 Bay Road, Oneonta, New York 13824, Phone: (518) 812-0513

REV.	DATE	DESCRIPTION
1	10/20/18	REVISED PER INTERNAL REVIEW

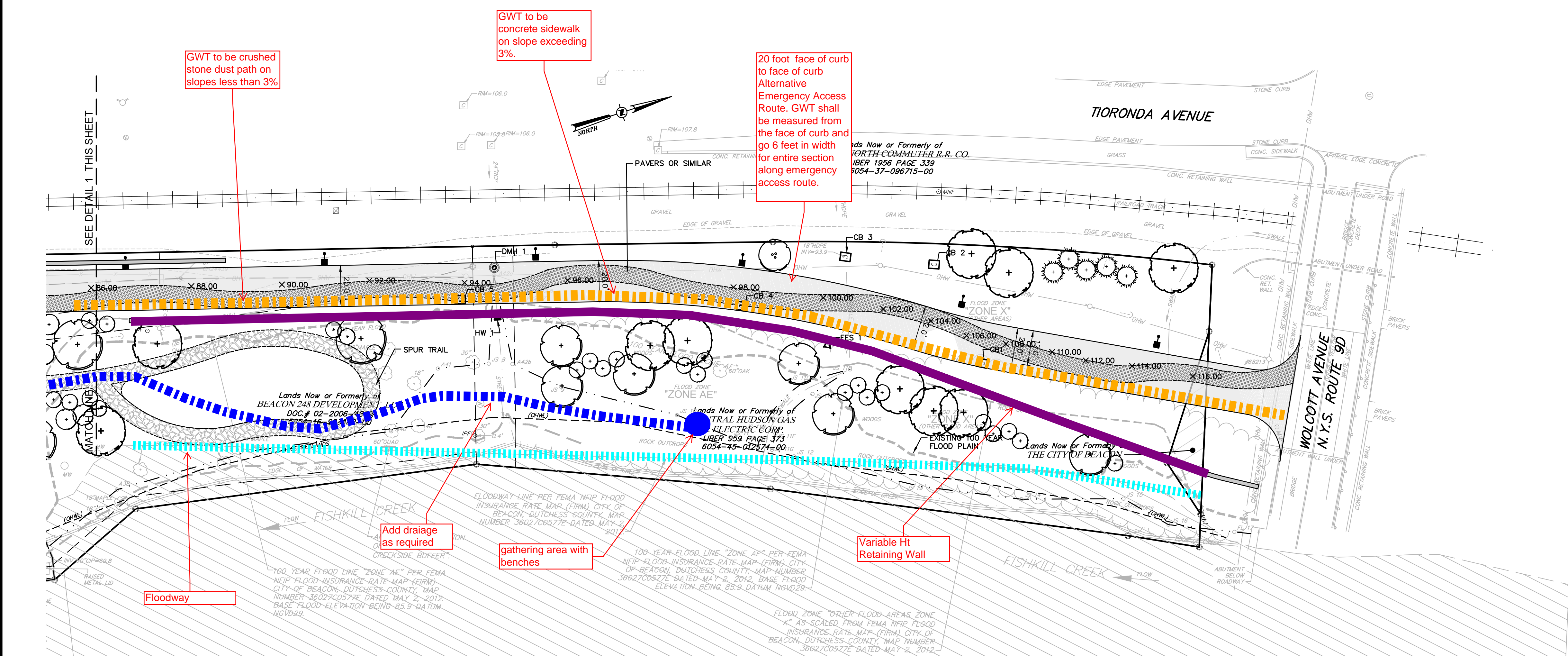
TIORANDA AVENUE & 465 WOLCOTT AVENUE / CHAI BUILDERS
GRADING AND UTILITY PLAN
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

designed	checked
09/10/18	LAD
scale	1"=30'
PROJECT NO.	81750.00
SHEET NO.	SP3



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

- LEGEND:**
- EXISTING 100-YEAR FLOOD PLAN
 - EXISTING PROPERTY LINE
 - EASEMENT LINE
 - ▭ PROPOSED BUILDING
 - ▭ (25) PROPOSED PAVEMENT
 - ▭ PROPOSED PARKING COUNT
 - ▭ PROPOSED SIDE WALK
 - EXISTING METRO-NORTH RAILROAD TRACKS (INACTIVE)
 - ▭ PROPOSED CURB
 - ★ PROPOSED LIGHT POLE
 - ▭ PROPOSED RETAINING WALL



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

Dig Safe
New York
Call Before You Dig
Mark the Required Time
Confirm Utility Response
Request The Marks
Dig with Care
800-962-7962
www.digathenewyork.com

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS DRAWING OR DOCUMENT OR ANY PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT TO BE USED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE EXPLICIT PURPOSE FOR WHICH IT WAS PREPARED. ANY REPRODUCTION, ALTERATION, OR MODIFICATION OF THIS DRAWING OR DOCUMENT WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED. THIS DRAWING OR DOCUMENT IS NOT TO BE USED OR REPRESENTED TO BE SUITABLE FOR ANY PURPOSE OTHER THAN THE EXPLICIT PURPOSE FOR WHICH IT WAS PREPARED. ANY REPRODUCTION, ALTERATION, OR MODIFICATION OF THIS DRAWING OR DOCUMENT WITHOUT THE EXPRESS WRITTEN PERMISSION OF CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C. IS PROHIBITED.

THE CHAZEN COMPANIES
Proud to be an Employee Owner

CHAZEN ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE CO., D.P.C.

Office Locations:
Beacon, Dutchess County Office
27 Pine Street
Beacon, NY 12508
Phone: (845) 454-3900

Capital District Office
245 West Street
Troy, New York 12180
Phone: (518) 273-0500

North Country Office
275 Bay Road
Queensbury, New York 12046
Phone: (518) 871-0513

rev.	date	description
2	11/28/18	REVISED PER CITY COUNCIL COMMENTS
1	10/15/18	REVISED FOR INTERNAL REVIEW

designed	checked
CA	LAD
09/10/18	11" = 30'
81750.00	

TIORONDA AVENUE & 465 WOLCOTT AVENUE / CHAI BUILDERS

SITE, LIGHTING AND LANDSCAPING PLAN

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

81750.00

C130

To: Mayor Casale and the Beacon City Council
Date: January 10, 2019
Re: 248 Tioronda Avenue, Concept Plan Application

I have reviewed the November 26, 2018 response letter from The Chazen Companies, November 26, 2018 reissued Full EAF Part 1 and Narrative, photo-simulations of the proposed construction from five locations, and a 5-sheet Site Plan set with the latest revision date of November 26, 2018.

Proposal

The applicant is proposing to construct two multifamily buildings with a total of 64 units and a separate office building with 25,400 square feet on two parcels containing 9.18 acres in the Fishkill Creek Development district. The two lots will need to be consolidated, and a Greenway Trail is proposed as part of the project.

Comments and Recommendations

1. The applicant should provide overlay information on Sheet C100, showing the Very Steep Slopes with the proposed structures and limits of disturbance. This will be necessary to determine that the proposal avoids such slopes to the maximum degree feasible.
2. In the Bulk Table on Sheet G001 the Minimum Open Space should be calculated by deducting the building footprints, circulation drives, and surface parking areas. The Maximum Building Height should be in feet as well as stories. The Site Statistics Table should show 216 spaces.
3. The submission provides photo-simulations of and through the site from important viewing points, as discussed with the Council at the previous meeting. The views of Mt. Beacon and the ridgeline do not appear to significantly diminished.
4. The applicant and Greenway Trail Committee representatives walked the site on November 8, 2018. To address the Greenway Trail Committee's comments, the residential buildings have been shifted to provide a wider separation from the Trail. Also, a portion of the trail now extends into the lower land adjacent to the creek. An ADA-compliant section of the Trail should be provided to bypass the lower segment with stairs.
5. Sheet C130 should show the Trail right-of-way or easement not less than 20 feet in width traversing the entire length of the site.
6. The Section 223-41.13 I(4)(j) Design Standards recommend a pedestrian-oriented gathering place, green, landscaped plaza, courtyard, or terrace, using the building forms to frame, overlook, or complement the space. The November 26 plan proposes 40 land-banked parking spaces, consistent with Section 223-26 E, providing less asphalt and an opportunity for a larger landscaped green. However, the plan segments those land-banked spaces into three separate areas divided by parking aisles.

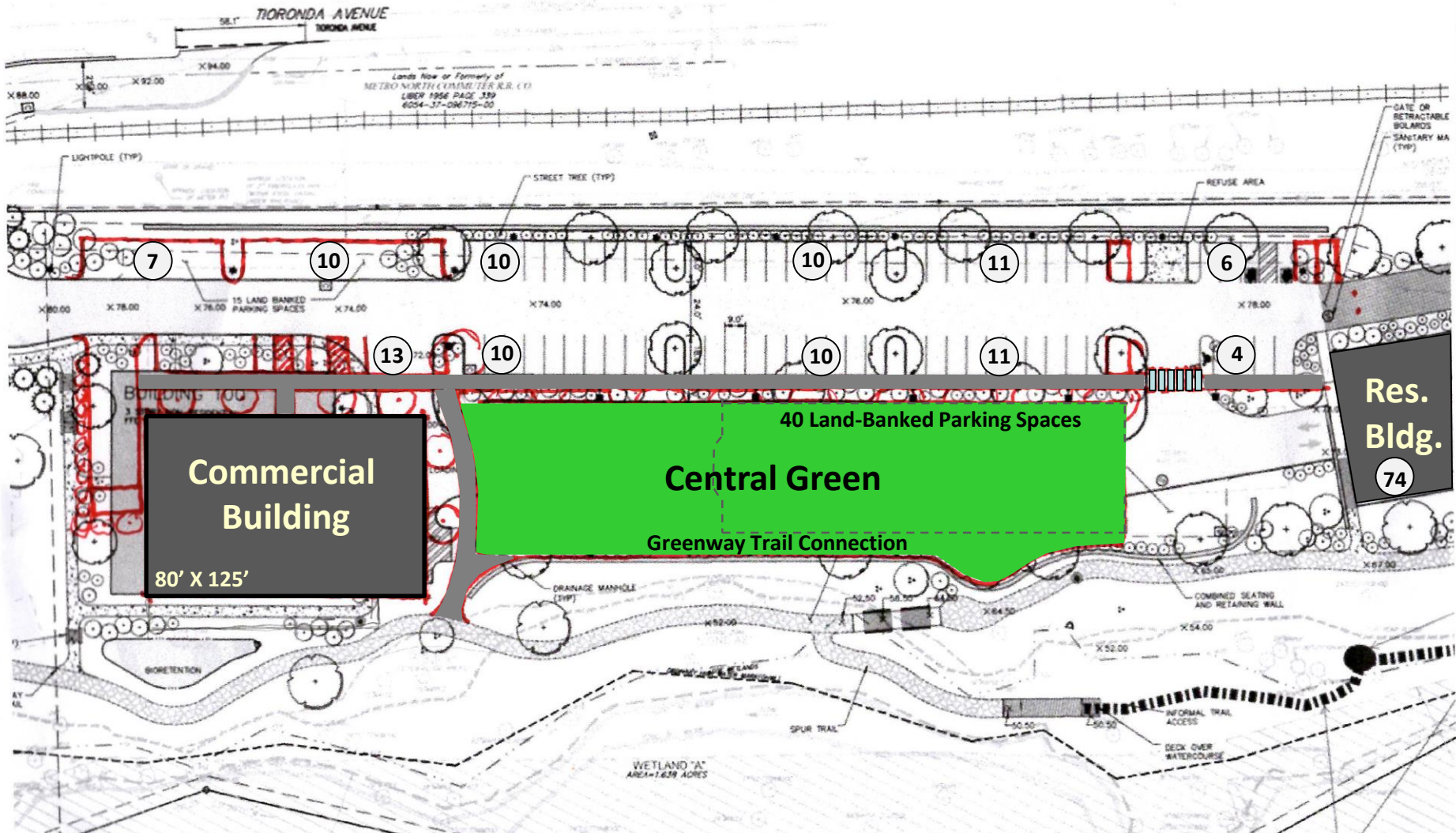
On December 14, I suggested two alternatives for consolidating the land-banked parking to create more usable greenspace. One option would combine all the land-banked parking into the easternmost row, creating a landscaped terrace at least 30 feet wide and connecting the three buildings with a pedestrian path overlooking the creek. The second option adjusted the layout of the commercial building to allow two rows of parking on the west side with all the surface parking organized in one street-like row and a much larger green terrace (see the attached sketch). The intent was to provide a landscaped green instead of a parking lot as the central design element. The applicant has recently responded with two somewhat similar drawings with 19-33 land-banked spaces. The Council should provide direction for the applicant regarding the land-banked parking and the various design concepts.

7. The federal wetlands boundary has been updated from the previous 2013 delineation by a wetland biologist, but is still under review by the Army Corps of Engineers.

These comments focus on Concept Plan and environmental impact issues. Specific architectural, landscaping, lighting, and engineering details should be covered by the Planning Board during Site Plan review. If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

- c: Dave Buckley, Building Inspector
- Nicholas M. Ward-Willis, Esq., City Attorney
- Arthur R. Tully, P.E., City Engineer
- John Russo, P.E., City Engineer
- Larry Boudreau, RLA, Project Representative



248 Tioronda Avenue Alternative Concept	Parking :	Required	Shown
	Residential	89	84
Commercial	127	92	
Land-Banked	--	40	
Totals		216	216

City of Beacon Workshop Agenda
1/14/2019

Title:

DCSPCA Housing Contract Renewal

Subject:

Background:

ATTACHMENTS:

Description

SPCA Housing Contract

Type

Agreement

DOG CONTROL HOUSING AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 20___, by and between

DUTCHESS COUNTY SPCA,

a New York Not-For- Profit Corporation

having an address of 636 Violet Avenue, Hyde Park, New York 12538

Hereinafter referred to as “DCSPCA”

And

CITY OF BEACON,

a municipal corporation

Hereinafter referred to as the “CITY”

WHEREAS, the CITY OF BEACON Dog Control Officer, hereinafter referred to the “DCO”, is empowered to seize dogs pursuant to the provisions of Agriculture and Markets Law Article 7, §117; and

WHEREAS, this Agreement applies only to dog(s) seized by the DCO that are running at large; and

WHEREAS, pursuant to Agriculture and Markets Law Article 7, §117, dogs seized by a DCO are required to be properly fed and watered during the applicable redemption period; and

WHEREAS, DCSPCA maintains a kennel for boarding dogs and other animals at its office located at 636 Violet Avenue, Hyde Park, New York, 12538; and

WHEREAS, the CITY wishes to contract with DCSPCA to provide shelter for dogs seized by the DCO upon terms and conditions hereinafter set forth.

NOW, THEREFORE, it is hereby agreed by and between DCSPCA and the CITY as follows:

- 1) **RECITATION INCORPORATED:** These recitations above set forth are incorporated in this Agreement as if fully set forth and recited herein.
- 2) **TERM OF AGREEMENT:** This agreement shall be become effective January 1, 2019 and shall continue until December 31, 2019.

3) **BOARDING:** DCSPCA hereby agrees to provide boarding, which included shelter, food and water, as required by the Law for the following dogs:

- a) Any/all dogs running at large (stray) seized by the DCO as outlined by the Agriculture and Markets Law Article 7, §117(1) & (2); and
- b) Any/all dogs who have been seized by a court order pending a “dangerous dog” hearing, as outlined by the Agriculture and Markets Law Article 7, §123(2).

All dogs seized by the DCO shall be delivered to the offices of DCSPCA at 636 Violet Avenue, Hyde Park, New York 12538.

4) **HOLDING PERIOD:** In order to provide the owners a reasonable time period in which to reclaim their seized dog, the DCSPCA and the CITY agree to the following:

- a) For dogs running at large (strays):
 - i) Dogs that are not appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(4), will be held for five (5) days from the date they enter the shelter;
 - ii) Dogs that are appropriately identified, as outlined by the Agriculture and Markets Law Article 7, §117(6), will be held for seven (7) days from the date they enter the shelter. The CITY is responsible for notifying the owner of the seizure, as per the Agriculture and Markets Law Article 7, §117(6).
 - iii) Upon expiration of the above stated holding periods, any and all dogs that have not been reclaimed by their owner, will become the property of the DCSPCA, as outlined by the Agriculture and Markets Law Article 7, §117 (7-a).
- b) For dogs seized under a court order pending a “dangerous dog hearing”, as outlined by the Agriculture and Markets Law Article 7, §123(2) as per :
 - Dogs will be held until final disposition by the court OR a maximum of fourteen (14) days, whichever comes first. If the final hearing has not been held by the end of the fourteenth day, the CITY will be responsible to make alternate arrangements housing of such dogs. The DCSPCA may consider continued housing on a case by case basis to be negotiated with the CITY.

- 5) **UNCLAIMED DOG DISPOSITION:** Unclaimed dogs will be evaluated by the DCSPCA staff to determine if a dog’s disposition and temperament will enable it to be adopted. If the dog is determined to be adoptable, it will be placed for adoption by the DCSPCA. If the dog is determined to not be adoptable, the DCSPCA will determine the best options for the dog. The DCSPCA reserves the right to handle the final disposition of dogs determined to be unadoptable within the Mission Statement of the DCSPCA.
- 6) **RABIES VACCINATION:** As outlined by the Agriculture and Markets Law Article 7, §109(1)(a), for all dogs that are to be reclaimed, the owner must provide proof of CITY license, including proof of rabies vaccination. As such, the DCSPCA will not release any dog to its owner without proof of current CITY license and rabies vaccination. In the event that the dog is not up-to-date on its rabies vaccine and/or the owner is unable to provide proof of such vaccine to the CITY, the DCSPCA will administer a rabies vaccine to the dog prior to redemption and will charge the owner for the cost of this service.
- 7) **EMERGENCY VETERINARY CARE:** In the event that a dog that is boarded is determined, by best judgment of the DCSPCA medical staff, to be in need of emergency veterinary care, the DCSPCA will arrange medical care for the dog. As per **FEES**§8c below, the CITY will be charged for the veterinary fees as incurred by the DCSPCA in the event the dog is not redeemed by the owner. The CITY shall have the right to recoup the fees from the owner.
- 8) **FEES:**
- a) Boarding:
- i) The DCSPCA boarding fee is \$55.00 per day. The first day is charged upon admission to the shelter and each subsequent day is calculated upon the dog being on the DCSPCA property at 12:00 am each day.
 - ii) For dogs that are reclaimed by their owner, the owner will be required to pay the boarding fee directly to the DCSPCA. If an owner is unable or unwilling to pay this fee within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
 - iii) For dogs that are not reclaimed by the owner, the DCSPCA will invoice the CITY for the boarding fee.
 - iv) For dogs that have been seized due to running at large and have been previous deemed a “dangerous dog” by order from a Court of competent jurisdiction AND dogs that have been seized by court order pending a dangerous dog hearing, there will be fee of \$150.00 in addition to any and all daily boarding fees.
- b) Core Vaccinations:
- i) The fee for core vaccines (Rabies, Distemper and Bordetella) is \$60.00
 - ii) For dogs that are reclaimed by their owner, the owner will be required to pay the vaccine fee directly to the DCSPCA. If an owner is unable or unwilling to pay this fee

within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.

- iii) For dogs that are not reclaimed by the owner, the CITY will not be billed for the vaccines.

c) Emergency Veterinary Care

- i) For services provided by the DCSPCA medical team, the DCSPCA usual and customary fees will be applied.
- ii) For care that requires services from a community-based veterinarian, the actual fee from the veterinarian will be applied. The DCSPCA will make the determination of which community-based veterinarian will be utilized.
- iii) For dogs that are reclaimed by their owner, the owner will be required to pay the medical care fees directly to the DCSPCA. If an owner is unable or unwilling to pay these fees within the holding period, the dog will not be released to the owner and the dog will become the property of the DCSPCA upon expiration of the holding period.
- iv) For dogs that are not reclaimed by the owner, the CITY will be billed for the medical care fees. The CITY shall have the right to recoup the fees from the owner.

9) RECLAIM/REDEMPTION OF DOGS: In an effort to simplify the billing process for both the DCSPCA and the CITY, both parties agree that for those cases in which the owner wants to reclaim their dog, the owner must pay any and all CITY fees/fines directly to the CITY and directly pay any and all DCSPCA fees directly to the DCSPCA. As such, the following process will be employed:

- a) All owners will be informed by the CITY and/or the DCSPCA of the necessary documentation and fees to be paid in order to reclaim their dog as well as the process to accomplish this task.
- b) Upon payment of the CITY fee, the CITY will issue a copy of the Agriculture and Markets Department Form DL-18 (or comparable form) to the dog owner or designee, which will evidence that the CITY has received all CITY reclaim/redemption fees. The owner will be instructed to present this documentation to the DCSPCA to reclaim their dog. Additionally, they will be informed of the need to pay the boarding and other applicable fees directly to the DCSPCA upon reclaiming their dog.
- c) The DCSPCA shall be available to process reclaims of dogs at its office on the following days:
 - i) Monday thru Friday: 9:00 am to 4:00 pm.
 - ii) Saturday and Sunday: 12:00 pm to 4:00 pm
 - iii) Dogs may not be reclaimed on observed holidays

- 10) KENNEL SPACE:** At all times, the DCSPCA will provide kennel space for all dogs that are seized; the Dog Control DCO will have twenty-four (24) hour access to DCSPCA kennels for the delivery of dogs. The DCO will be required to complete DCSPCA paperwork and ensure that the dog has food, water and bedding in its kennel.
- 11) INDEMNIFICATION:** The DCSPCA shall defend, indemnify and hold the CITY, its officials, officers and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful actions of the DCSPCA. The CITY shall defend and indemnify and hold the DCSPCA, its officials, officers and employees harmless from and against all actions, proceedings, claims, damages, liabilities, losses and expenses including, without limitation, reasonable attorney's fees arising out of the wrongful acts or admissions of the CITY.
- 12) APPLICABLE LAW:** This Agreement shall be governed by, construed and enforced in accordance with the laws of New York with regard to conflicts of laws and principles of law.
- 13) WAIVER:** No waiver of any breach of any condition of this Agreement shall be binding unless in writing and signed by the party waiving such breach. No such waiver shall in any way affect any other term or condition of this Agreement or constitute a cause or excuse for repetition of such or any other breach unless the waiver shall specifically include the same.
- 14) MODIFICATION:** This agreement constitutes the complete understanding of the parties. No modification of any provisions thereof shall be valid unless in writing and signed by both parties.
- 15) NOTICES:** All notices, demands, requests, consents, approvals or other communications (for the purpose of this paragraph collectively called "Notices") required or permitted to be given hereunder to any party to this Agreement shall be in writing and shall be sent overnight delivery service or registered or certified mail, return receipt requested, postage prepaid.
- 16) SUCCESSORS and ASSIGNS:** This Agreement shall apply to bind the successors and heirs, administrators and executor of the parties hereto.
- 17) ENTIRE AGREEMENT:** This written Agreement, when signed by all parties, forms the entire Agreement between the parties and replaces and supersedes all prior Agreements or undertakings between the parties, if any.

18) BINDING EFFECT: This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties hereto.

19) AUTHORIZATION: This Agreement was authorized by Resolution of the Board of the CITY OF BEACON duly adopted at a regular meeting of the Board held on the _____ day of _____, _____.

20) TERMS: This contract can be cancelled at any time from either party with sixty (60) days written notice.

21) PAYMENT: All bills submitted to the CITY will be paid within thirty (30) days. If no payment is made to the DCSPCA within sixty (60) days the DCSPCA reserves the right to charge a \$50.00 per month surcharge.

IN WITNESS WHEREOF, the parties have executed this Agreement in two (2) counter parts, each of which shall constitute an original, the day and year first above written.

DUTCHESS COUNTY SPCA

By: _____
Lynne Melocco, Executive Director

CITY OF BEACON

By: _____
Randy Casale, Mayor

City of Beacon Workshop Agenda
1/14/2019

Title:

Verizon Pole Special Permit Review - 110 Howland Avenue

Subject:

Background:

ATTACHMENTS:

Description	Type
Application	Cover Memo/Letter
110 Recommendations	Cover Memo/Letter
110 Howland Memo	Cover Memo/Letter
110 Howland Facilities	Cover Memo/Letter
Completed Application	Cover Memo/Letter

Young / Sommer LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
J. MICHAEL NAUGHTON
ROBERT A. PANASCI
ALLYSON M. PHILLIPS
DEAN S. SOMMER
KEVIN M. YOUNG

LAURA K. BOMYEA
E. HYDE CLARKE
JESSICA ANSERT KLAMI
KRISTINA M. MAGNE

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

SENIOR COUNSEL
KENNETH S. RITZENBERG
DOUGLAS H. WARD

OF COUNSEL
SUE H.R. ADLER
ROGER FLORIO
LAUREN L. HUNT
ELIZABETH M. MORSS
SCOTT P. OLSON
RICHARD E. OSTROV
KRISTIN LAVIOLETTE PRATT
STEPHEN C. PRUDENTE
KRISTIN CARTER ROWE
STEVEN D. WILSON

PARALEGALS
ALLYSSA T. MOODY, RP
AMY S. YOUNG

Writer's Telephone: 518.438-9907 Ext. 258
solson@youngsommer.com

January 9, 2019

Via Federal Express and Email

City of Beacon Common Council
1 Municipal Plaza
Beacon, New York 12508
Attn: *Etha Grogan*

RE: Application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless –110 Howland Avenue

Dear Ms. Grogan:

This office serves as Regional Local Counsel to Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless. Enclosed are five (5) copies of the completed visual analysis requested by the City of Beacon Common Council.

Please kindly confirm that this application will be on the next available meeting agenda.

Thank you for your consideration.

Very truly yours,


Scott P. Olson, Esq.

Enclosure

C: Andrea Armstrong (without enclosure)





Looking northeast from 110 Howland Avenue.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 150'±



Looking northeast from 110 Howland Avenue.
Proposed installation is visible from this location.

Distance from the photographic location to the proposed site is 150'±



P-2

9165.43

Looking southeast from 109 Howland Avenue.
Proposed installation will be visible from this location.

Distance from the photographic location to the proposed site is 500'±

Tectonic

PRactical SOLUTIONS. EXCEPTIONAL SERVICE.



S-2

9165.43

**Looking southeast from 109 Howland Avenue.
Proposed installation is visible from this location.**

Distance from the photographic location to the proposed site is 500'±

Tectonic
PRACTICAL SOLUTIONS. EXCEPTIONAL SERVICE.



Looking southeast from the intersection of Howland Avenue & Goodrich Street.
Proposed installation will be visible from this location.

P-3

Distance from the photographic location to the proposed site is 450'±

9165.43



Looking southeast from the intersection of Howland Avenue & Goodrich Street.
Proposed installation is visible from this location.

S-3

Distance from the photographic location to the proposed site is 450'±

9165.43

To: Mayor Casale and the Beacon City Council

Date: January 11, 2019

Re: **110 Howland Avenue Communications Tower, Special Permit Application**

I have reviewed the November 23, 2018 Special Permit Application from Verizon Wireless, including a Short EAF Part 1, and a January 9, 2019 Visual Analysis with photo-simulations of the proposed tower from three identified locations.

Proposal

The applicant is proposing to construct a 52-foot wooden utility pole with communications antennas and associated ground-based equipment on 102 square feet of leased space. The private 4.359-acre parcel is in the R-40 residential zoning district.

Comments and Recommendations

1. The Special Permit Application and Site Plan identify the parcel as in the R1-20 zoning district, but it is actually in the R1-40 district.
2. Short EAF question 3.a states the site acreage is 6 acres, but the Dutchess County Parcel Access lists the lot size as 4.359 acres. The form should also attach DEC's EAF Mapper to confirm some of the answers.
3. Sections 223-24.5 D(1)(a) and D(3) of the Zoning Code include as locational priorities that new facilities should be attached to a City-owned or existing structure, wherever possible. The application's Site Selection Analysis contains no specific information on consideration of alternative sites. Only two are listed as possibilities, both on the proposed property. For example, there is a City of Beacon water tower only 800 feet to the south that could have been investigated. The application should include a more detailed explanation of alternative properties (see also Section 223-24.5 R(4)).
4. If this property is determined to be the only or best viable option, why is the tower not located farther back on the site, closer to the tree line where it could be better screened from the immediate neighbors? It is instead placed directly next to a residential building and parking lot in full view of the houses just to the south, one of which is listed as The Swann Inn of Beacon, a tourist-oriented bed and breakfast originally built in the 1860s.
5. The visible area identified in the Key Map of the Visual Analysis should include 53-60 Chiusano Drive. One of the photographs at the end of the application packet clearly shows that the tower site will be visible from this adjacent house to the south.
6. The Site Plan in the application should propose landscaping and/or screening to minimize the visual impacts from surrounding properties, consistent with Section 223-24.5 G.

Page 2, January 11, 2019 Memo on 110 Howland Avenue

7. The Site Plan should show the setback distances from the tower to the residential building on the site and to the surrounding property lines, meeting the setback requirements in 223-24.5 E.

If you have any questions or need additional information, please feel free to email me.

John Clarke, Beacon Planning Consultant

c: Anthony J. Ruggiero, City Administrator
David Buckley, Building Inspector
Nicholas M. Ward-Willis, Esq., City Attorney
John Russo, P.E., City Engineer
Scott P. Olson, Esq., Project Representative

MEMORANDUM

TO: City Council of the City of Beacon

FROM: Keane & Beane, P.C.

RE: 110 Howland Avenue – Small Cell Wireless Facility
Special Use Permit Application

DATE: December 7, 2018

The City received an application for a special use permit from Verizon Wireless for the installation and operation of a small cell facility. The projects involves the installation of a new 52 foot tall wooden utility pole, two antennae and related equipment on privately-owned property located at 110 Howland Avenue in the R1-40 Zoning District, known and designated on the Tax Map of the City of Beacon as Parcel ID **#6054-14-347464** (the “Property”). Under the City’s Small Cell Wireless Facilities Local Law, adopted August 7, 2018, as Local Law 13-2018 (the “Small Cell Local Law”), special use permit approval by the City Council is required under Section 223-24.5 for the installation of a utility pole for a small cell facility over 50 feet tall.

This memorandum reviews the applicable special use permit requirements set forth in Section 223-24.5 for wireless telecommunication facilities and discusses how the addresses, or fails to address, the applicable provision. Section 223-24.5 of the City Zoning Code is attached.

Annual Fees

As this is a new pole on private property, there is no annual fee payment to the City.

Location and Access

Section 223-24.5.D sets forth locational priorities for wireless telecommunication facilities to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City. The City Council must review and evaluate the technological, structural, safety and financial considerations associated with alternative locations. The Applicant has provided information as to how and why the Property was selected as the proposed location for the small cell facility .

Wherever possible, new wireless telecommunication facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. The Applicant states that the proposed new wooden utility pole to mount the required antennas is a stealth proposal. The antennas are flush mounted to the

pole limiting the size of the antenna array. Verizon notes the pole can also be utilized as a parking lot light structure.

Setbacks

Wireless telecommunication facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. City of Beacon Zoning Code § 223-24.5.E.

We are currently working with the Building Department to determine if any variances are required.

Height Limitations

The height of the utility pole is 52 feet. The City Zoning Code states that the height of any monopole shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure. The proposed utility pole meets the height limitations set forth in § 223-24.5.F(2).

Under Section 223-24.5.F(1), the height of any antennas, or other associated equipment, structurally mounted as part of the small cell facility shall not exceed by more than 15 feet the highest point of the structure on which such antennas or equipment is affixed. The proposed antennas will be mounted at the top of the proposed pole at a centerline of 2 feet below the top of the pole.

Visual Mitigation

Under Section 223.24.5.G, the Applicant must prepare a visual impact assessment of the proposed wireless telecommunication facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council. Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council.

The Applicant has not submitted a visual impact assessment. The Applicant explains that the site is located between the adjacent existing building and an unpopulated hillside and is out of the way with no skyline profile. The Applicant also states that the small cell facility will blend into the hillside by design achieving stealth technologies.

Materials

Under Section 223-24.5.H, a wireless telecommunication facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. According to Sheet No. Z-3, Pole Elevation, Details and Notes, dated November 11, 2018, all steel materials, bolts, anchors and miscellaneous hardware will be galvanized.

Lighting

The wireless telecommunication facility will not be artificially lit.

Operational Characteristics

The application includes a report from a Radio Frequency (RF) Design Engineer. The Design Engineer concluded that the proposed facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radio frequency electromagnetic fields and thus fully complies with the standards of the IRPA, FCC, IEEE, ANSI and NCRP.

The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

Noise

Operation of the facility will not involve any objectionable noise, fumes vibration or other characteristics.

Utility Service

Under Section 223-24.5.I, electrical and land-based telephone lines extended to serve the wireless telecommunication facility shall be installed underground. The Applicant's plans show the wires being underground.

Safety and Security Provisions

The City Council should ask the Applicant to discuss issues regarding safety and security at the facility.

Section 223-24.5.M requires a wireless telecommunication facility to be designed that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from any adjacent developments.

Section 223-24.5.N requires the Applicant to implement a security program for the site of a wireless telecommunication facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

Lease agreement.

The Applicant has included a copy of the signed lease agreement between Verizon Wireless and the property owner, Ability Beyond Disability. Under the agreement, Verizon will lease approximately 102 square feet of space located at 110 Howland Avenue for the installation, operation and maintenance of communications equipment; together with such additional space for the installation, operation and maintenance of wires, cables, conduits and pipes running from the licensed area to all necessary electrical and telephone utility sources located on the Property.

Public Need

Section 223-24.5.R(2) requires the Applicant to demonstrate to the satisfaction of the City Council that there is a compelling public need for the facility at the location proposed. The Applicant has provided a report from its RF Design Engineer which depicts the area within which Verizon Wireless' communications facility needs to be located in order to provide adequate and safe service to certain areas in the City of Beacon. This report is attached to the application submission as Exhibit 5.

Collocation of Other Future Wireless Telecommunication Facilities

As a condition of special use permit approval, the Applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the collocation of other future wireless telecommunication facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.

**§ 223-24.5. Wireless telecommunication services facilities.
[Added 7-15-2002 by L.L. No. 21-2002; amended 12-2-2002 by
L.L. No. 30-2002]**

A. Statement of intent and objectives.

(1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.

(2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to encourage the siting of said facilities in nonresidential areas and to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunication providers.

B. Use. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations.

C. Exemptions. The provisions of this section shall not apply to unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, garage door openers and burglar alarm transmitters, and serving only that building.

D. Location and access.

(1) Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the following locational priorities shall apply in the order specified, consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City:

(a) On City-owned or City Housing Authority-owned sites, buildings and structures.

- (b) Co-location on an existing wireless telecommunication services facility or radio tower, as identified on an inventory of existing facilities which shall be maintained by the City (the "existing facilities inventory"). Co-location shall be required unless it has been demonstrated to the satisfaction of the City Council that:
- [1] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunication services facility in a reasonable financially and technologically feasible manner consistent with the wireless communications service carrier's system requirements;
 - [2] None of the sites identified on the existing facilities inventory within the service area can accommodate the proposed wireless telecommunications services facility with respect to structural or other engineering limitations, including frequency incompatibilities; or
 - [3] The owners of the sites identified on the existing facilities inventory within the service area lawfully refuse to permit the applicant's use of the site.
- (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
- (d) On sites, buildings and structures in the PB, HB, OB, LB and GB Zoning Districts.
- (e) On sites, buildings and structures in the CB Zoning District.
- (2) Except for co-location on an existing wireless telecommunication services facility or radio tower identified on the existing facilities inventory and except for location on a building (and the premises thereof) which is at least nine stories in height, new wireless telecommunication services facilities shall not be located in the WD, WP and Residential Zoning Districts, nor in the Historic District and Landmark Overlay Zone.
- (3) Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.

- (4) All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate co-location of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.
- E. Setbacks. Wireless telecommunication services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back from the side of the building or structure so as to minimize its visibility, but in no case less than 10 feet unless a stealth design is proposed, in which case the City Council may waive or modify this requirement.
- F. Height limitations. Notwithstanding the following height limitations, in no case shall a wireless telecommunication services facility exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve.
- (1) The height of any antennas, or other associated equipment, structurally mounted as part of a wireless telecommunication services facility shall not exceed by more than 15 feet the highest point of the existing structure on which such antennas or equipment is affixed.
- (2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.
- G. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council. Landscaping and/or other screening and mitigation, including but not limited to architectural treatment,

stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds, vantage points and surrounding properties to the extent practicable, as determined by the City Council. No signs shall be erected on any wireless telecommunication services facility except as may be required by the City Council for security or safety purposes. All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped.

- H. Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the City Council. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.
- I. Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.
- J. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the City Council. A copy of such certification report shall be submitted to the City Council prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The City Council may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the City Council whenever they are required to be submitted to the FCC. The City Council may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow

account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

- K. Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.
- L. Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground. If the wireless telecommunication services facility is attached to a building, and if determined practical and economically feasible by the City Council, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.
- M. Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.
- N. Security provisions. A security program shall be formulated and implemented for the site of a wireless telecommunication services facility. Such program may include physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- O. Annual structural/safety inspection and report. A monopole or tower over 50 feet in height shall be inspected annually from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.
- P. Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent

modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.

- Q. Removal. A wireless telecommunication services facility shall be dismantled and removed from the property on which it is located within 60 days when it has been inoperative or abandoned for a period of one year or more from the date on which it ceased operation. The applicant shall provide to the City written notification, including identification of the date the use of the facility was discontinued or abandoned by one or more of the service providers, acknowledgment of the requirement to remove the facility, and identification of plans for the future of the facility. The applicant shall post a bond to ensure that the wireless telecommunication services facility shall be removed upon abandonment as set forth herein at the applicant's sole expense.
- R. Application procedure.
- (1) An application for approval of a wireless telecommunication services facility shall be submitted on the relevant forms for special use permit approval and shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located. A site plan drawing showing the location of the proposed facility shall accompany the application for special use permit approval. Special use approval by the City Council in accordance with §§ 223-18 and 223-19 of this chapter shall be required. The City may enlist the services of a radio frequency (RF) engineer and/or other relevant consultants, at the applicant's cost, for the review of the application.
 - (2) The operator of the wireless telecommunication service shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law. The operator of such facility shall also demonstrate to the satisfaction of the City Council that there is a compelling public need for such facility at the location(s) proposed by the applicant. Such demonstration shall include the preparation of existing and master effective service area plans which:
 - (a) Minimize the number of such facilities within the service area(s);

- (b) Maximize co-location of wireless telecommunication service facilities;
 - (c) Identify all existing and proposed wireless telecommunication facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies); and
 - (d) Analyze feasible alternatives to reasonably minimize the visual impacts and exposure levels.
- (3) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.
- (4) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide wireless telecommunication services in the area which is the subject of such application and that all reasonable efforts have been made to locate or co-locate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.
- (5) As a condition of special use permit approval, the applicant shall be required to provide a written agreement, in recordable form suitable for filing and prepared to the satisfaction of the City Attorney, acknowledging that it shall be required to allow the co-location of other future wireless telecommunication service facilities at fair market cost, unless otherwise unreasonably limited by technological, structural or other engineering considerations.
- (6) The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority

to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

**PLANNING BOARD
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK**

In the Matter of the Application of

**CELLCO PARTNERSHIP
d/b/a Verizon Wireless**

Proposed Wooden Pole - 110 Howland Avenue
City of Beacon, Dutchess County, New York

**APPLICATION FOR SPECIAL USE PERMIT and
ROSENBERG WAIVER RELIEF and STATEMENT OF INTENT**

Submitted by:

Verizon Wireless
Kathy Pomponio, Real Estate Manager
1275 John Street Suite 100
West Henrietta, New York 14586
(585) 321-5435

EBI Engineering PC
Alex Giannaras, P.E.
36 British American Blvd, Suite 101
Latham, New York 12110
(518) 783-1630

Airosmith Development
Andrea Armstrong, Site Acquisition Specialist
32 Clinton Street
Saratoga Springs NY 12866
(518) 527-0011

Young/Sommer LLC
Scott P. Olson, Esq.
Executive Woods
Five Palisades Drive
Albany, New York 12205
(518) 438-9907

Dated: November 23, 2018

APPLICATION FOR SPECIAL USE PERMIT

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

Name: Orange County-Poughkeepsie Limited Partnership ^{d/b/a Verizon Wireless}
Address: 1275 JOHN ST., Suite 100
West Henrietta, NY 14586
Signature: [Signature] Scott Olson, Attorney
Date: 11/19/18
Phone: 518-527-6813

(For Official Use Only)

Application & Fee Rec'd _____
Initial Review _____
PB Public Hearing _____
Sent to City Council _____
City Council Workshop _____
City Council Public Hearing _____
City Council Approve/Disapprove _____

Date Initials

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: YOUNG SOMMER LLC (ATTN: SCOTT OLSON)
Address: 5 PALMADEN DR.
ALBANY NY 12205

Phone: 518-527-6813
Fax: 518-438-9914
Email address: S.Olson@youngsummer.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 110 Howland Ave.
Tax Map Designation: Section 6054
Land Area: Approx. 6 Acres

Block 14 Lot(s) 347464
Zoning District(s) R1-20

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Installation and operation of Small Cell Facility
Gross Non-Residential Floor Space: Existing N/A Proposed N/A
TOTAL: N/A
Dwelling Units (by type): Existing N/A Proposed N/A
TOTAL: N/A

ITEMS TO ACCOMPANY THIS APPLICATION

- a. Five (5) **folded** copies and One (1) digital copy of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. Five (5) **folded** copies and One (1) digital copy of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. Five (5) **folded** copies and One (1) digital copy of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20_____
subject to all conditions as stated therein**

Chairman, City Planning Board

Date

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Ability Beyond Disability; Verizon Wireless is Applicant

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

Orange County - Poughkeepsie Limited Partnership d/b/a Verizon Wireless; Verizon Wireless of the EARL LP; and Celko Partnership

List all properties in the City of Beacon that you hold a 5% interest in:

Verizon Wireless = 0

Applicant Address: 1275 John St., Suite 100, West Henrietta, NY 14586

Project Address: 110 Howland Avenue

Project Tax Grid # 6054-14-347464

Type of Application Special Use Permit

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, Scott Olson, Attorney for Verizon Wireless, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon Y
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon N
3. ALL tax payments due to the City of Beacon are current Y
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current Y

Signature of Owner: Scott Olson, Attorney for Applicant

Signature of Owner

Attorney

Title if owner is corporation

Table with 4 columns: Office Use Only, NO, YES, Initial. Rows include: Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.), ALL taxes are current for properties in the City of Beacon are current (Tax Dept.), ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: Howland Micro - Verizon Wireless

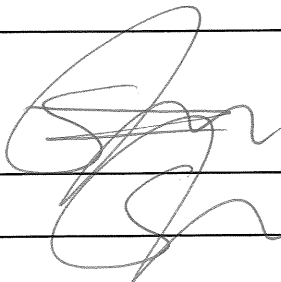
PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.		
	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual or firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	✓	
LEGAL DATA		
Name and address of the owner of record.	✓	
Name and address of the applicant (if other than the owner).	✓	
Name and address of person, firm or organization preparing the plan.	✓	
Date, north arrow, and written and graphic scale.	✓	
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.	N/A	
Approximate boundaries of any areas subject to flooding or stormwater overflows.	N/A	
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.	N/A	
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	✓	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.	N/A	
Other existing development, including fences, retaining walls, landscaping, and screening.	✓	
Sufficient description or information to define precisely the boundaries of the property.	✓	
The owners of all adjoining lands as shown on the latest tax records.	✓	
The locations, names, and existing widths of adjacent streets and curb lines.	✓	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	✓	

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	✓	
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.	✓	
Any proposed division of buildings into units of separate occupancy.	✓	
The location, direction, power, and time of use for any proposed outdoor lighting.	✓	
The location and plans for any outdoor signs.		✓
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	✓	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.	N/A	
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.	N/A	
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.	N/A	
Any contemplated public improvements on or adjoining the property.	N/A	
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.	N/A	
Elevations of all proposed principal or accessory structures.	✓	N/A
Any proposed fences or retaining walls.		
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	✓	
Erosion and sedimentation control measures.		N/A
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.		N/A
An indication of proposed hours of operation.		N/A
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.	✓	

For all items marked "NO" above, please explain below why the required information has not been provided:

The proposal involves the installation and operation of a new small cell facility (i.e. a new wooden utility pole) on privately-owned property. The project is minor in nature and similar to existing utility poles located within the surrounding area.

Applicant/Sponsor Name:

 VERIZON Wireless

Signature:

Attorney for Applicant

Date:

11/19/18

FOR OFFICE USE ONLY

Application #

CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 * <http://cityofbeacon.org/>

ENTITY DISCLOSURE FORM

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A

Name of Applicant: Orange County - Poughkeepsie Limited Partnership d/b/a Verizon Wireless
Address of Applicant: 1275 John Street, Suite 100, West Henrietta, NY 14586
Telephone Contact Information: c/o Scott Olson, Esq. ; 518-438-9907 Ext. 258

SECTION B. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Ability Beyond	4 Berkshire Blvd Bethel, CT	TBD	12/3/10 Deed	Dutchess County Clerk's office
Disability	06801			1/5/11

SECTION B. Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES

NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

SECTION C. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

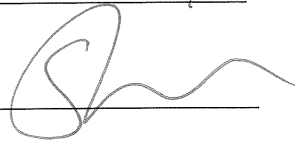
YES

NO

I, Scott Olson being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

to the best of my knowledge

(Print) Scott Olson, Attorney for Verzin Witek

(Signature) 

DOCUMENTATION OF PUBLIC UTILITY STATUS
and
OVERVIEW OF ROSENBERG DECISION

In *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993), the New York Court of Appeals determined that cellular telephone companies are public utilities. The Court held that proposed cellular telephone installations are to be reviewed by zoning boards pursuant to the traditional standard afforded to public utilities, rather than the standards generally required for the necessary approvals:

It has long been held that a zoning board may not exclude a utility from a community where the utility has shown a need for its facilities. There can be no question of [the carrier's] need to erect the cell site to eliminate service gaps in its cellular telephone service area. The proposed cell site will also improve the transmission and reception of existing service. Application of our holding in *Matter of Consolidated Edison* to sitings of cellular telephone companies, such as [the applicant], permits those companies to construct structures necessary for their operation which are prohibited because of existing zoning laws and to provide the desired services to the surrounding community. . . . Moreover, the record supports the conclusion that [the applicant] sustained its burden of proving the requisite public necessity. [The applicant] established that the erection of the cell site would enable it to remedy gaps in its service area that currently prevent it from providing adequate service to its customers in the . . . area.

Rosenberg, 82 N.Y.2d at 372-74 (citing *Consolidated Edison Co. v. Hoffman*, 43 N.Y.2d 598 (1978)).

This special treatment of a public utility stems from the essential nature of its service, and the fact that a public utility transmitting facility must be located in a particular area in order to provide service. For instance, water towers, electric switching stations, water pumping stations and telephone poles must be in particular locations (including within residential districts) in order to provide the utility to a specific area:

[Public] utility services are needed in all districts; the service can be provided only if certain facilities (for example, substations) can be located in commercial and even in residential districts. To exclude such use would result in an impairment of an essential service.

Anderson, *New York Zoning Law Practice*, 3d ed., p. 411 (1984) (hereafter "Anderson"). See also, *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364 (1993); *Payne v. Taylor*, 178 A.D.2d 979 (4th Dep't 1991).

Accordingly, the law in New York is that a municipality may not prohibit facilities, including towers, necessary for the transmission of a public utility. In *Rosenberg*, 82 N.Y.2d at 371, the court found that "the construction of an antenna tower... to facilitate the supply of cellular telephone service is a 'public utility building' within the meaning of a zoning ordinance." See also *Long Island Lighting Co. v. Griffin*, 272 A.D. 551 (2d Dep't 1947) (a municipal corporation may not prohibit the expansion of a public utility where such expansion is necessary to the maintenance of essential services).

**DOCUMENTATION OF PERSONAL WIRELESS SERVICE FACILITY STATUS
and
FEDERAL TELECOMMUNICATIONS ACT OF 1996**

In addition to being considered a public utility under New York decisional law, Verizon Wireless is classified as a provider of “personal wireless services” under the federal Telecommunications Act of 1996 (the “TCA”).

As stated in the long title of the Act, the goal of the TCA is to “promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” *Telecommunications Act of 1996, Pub. LA. No. 104-104, 110 Stat. 56 (1996)*.

The TCA mandates a process designed to achieve competitive telecommunications markets. In keeping with the central goals of the TCA, the authors specify in Section 253(a) that “[n]o State or local statute or regulation...may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” *TCA Section 253(a), emphasis added*.

Section 332(c) of the TCA preserves the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction and modification of personal wireless service facilities, subject to several important limitations:

- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services” (*TCA §332(c)(7)(B)(i)(I)*);
- the “regulation of the placement...of personal wireless service facilities by any State or local government or instrumentality thereof shall not prohibit or have the effect of prohibiting the provision of personal wireless services” (*TCA §332(c)(7)(B)(i)(II)*);
- Applications must be processed within a reasonable period of time, and any decision to deny a request for placement of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (*TCA §§332(c)(7)(B)(ii) and (iii)*); and
- regulations based upon the perceived environmental effects of radio frequency emissions are prohibited, so long as the proposed personal wireless service facility complies with FCC regulations concerning such emissions (*TCA §332(c)(7)(B)(iv)*).

A reference copy of the Telecommunications Act of 1996 is included herewith.

TELECOMMUNICATIONS ACT OF 1996

JANUARY 31, 1996. Ordered to be printed

Mr. BLILEY, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 652]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 652), to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) *SHORT TITLE*.—This Act may be cited as the “Telecommunications Act of 1996”.

(b) *REFERENCES*.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title; references.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

22-327

Federal Communications Commission
Library

~~The owner shall provide written notification of such attachment to any entity that has obtained an attachment to such conduit or right-of-way so that such entity may have a reasonable opportunity to add to or modify its existing attachment. Any entity that adds to or modifies its existing attachment after receiving such notification shall bear a proportionate share of the costs incurred by the owner in making such conduit, duct, conduit, or right-of-way accessible.~~

~~Any entity that obtains an attachment to a pole, conduit, or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is required as a result of an additional attachment or the modification of an existing attachment sought by any other entity.~~

SEC. 704. FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS.

(a) NATIONAL WIRELESS TELECOMMUNICATIONS SITING POLICY.—Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

“(7) PRESERVATION OF LOCAL ZONING AUTHORITY.—

“(A) GENERAL AUTHORITY.—Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

“(B) LIMITATIONS.—

“(i) The regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—

“(I) shall not unreasonably discriminate among providers of functionally equivalent services; and

“(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

“(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

“(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

“(iv) No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.

"(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'personal wireless services' means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

"(ii) the term 'personal wireless service facilities' means facilities for the provision of personal wireless services; and

"(iii) the term 'unlicensed wireless service' means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v))."

(b) RADIO FREQUENCY EMISSIONS.—Within 180 days after the enactment of this Act, the Commission shall complete action in ET Docket 93-62 to prescribe and make effective rules regarding the environmental effects of radio frequency emissions.

(c) AVAILABILITY OF PROPERTY.—Within 180 days of the enactment of this Act, the President or his designee shall prescribe procedures by which Federal departments and agencies may make available on a fair, reasonable, and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services that are dependent, in whole or in part, upon the utilization of Federal spectrum rights for the transmission or reception of such services. These procedures may establish a presumption that requests for the use of property, rights-of-way, and easements by duly authorized providers should be granted absent unavoidable direct conflict with the department or agency's mission, or the current or planned use of the property, rights-of-way, and easements in question. Reasonable fees may be charged to providers of such telecommunications services for use of property, rights-of-way, and easements. The Commission shall provide technical support to States to encourage them to make property, rights-of-way, and easements under their jurisdiction available for such purposes.

RIERS.

Section 332(c) (47 U.S.C. 332(c)) is amended by adding at the end the following new paragraph:

"(8) MOBILE SERVICES ACCESS.—A person engaged in the provision of commercial mobile services, insofar as such person is engaged, shall not be required to provide equal access to common carriers for the provision of telephone services."

portionate share of the costs incurred by the owner in making such conduit or right-of-way accessible.

Conference agreement

The conference agreement adopts the Senate provision with modifications. The conference agreement amends section 224 of the Communications Act by adding new subsection (e)(1) to allow parties to negotiate the rates, terms, and conditions for attaching to poles, ducts, conduits, and rights-of-way owned or controlled by utilities. New subsection 224(e)(2) establishes a new rate formula charged to telecommunications carriers for the non-useable space of each pole. Such rate shall be based upon the number of attaching entities. The conferees also agree to three additional provisions from the House amendment. First, subsection (g) requires utilities that engage in the provision of telecommunications services or cable services to impute to its costs of providing such service an equal amount to the pole attachment rate for which such company would be liable under section 224. Second, new subsection 224(h) requires utilities to provide written notification to attaching entities of any plans to modify or alter its poles, ducts, conduit, or rights-of-way. New subsection 224(h) also requires any attaching entity that takes advantage of such opportunity to modify its own attachments shall bear a proportionate share of the costs of such alterations. Third, new subsection 224(i) prevents a utility from imposing the cost of rearrangements to other attaching entities if done solely for the benefit of the utility.

SECTION 704—FACILITIES SITING; RADIO FREQUENCY EMISSION STANDARDS

Senate bill

No provision.

House amendment

Section 108 of the House amendment required the Commission to issue regulations within 180 days of enactment for siting of CMS. A negotiated rulemaking committee comprised of State and local governments, public safety agencies and the affected industries were to have attempted to develop a uniform policy to propose to the Commission for the siting of wireless tower sites.

The House amendment also required the Commission to complete its pending Radio Frequency (RF) emission exposure standards within 180 days of enactment. The siting of facilities could not be denied on the basis of RF emission levels for facilities that were in compliance with the Commission standard.

The House amendment also required that to the greatest extent possible the Federal government make available to use of Federal property, rights-of-way, easements and any other physical instruments in the siting of wireless telecommunications facilities.

Conference agreement

The conference agreement creates a new section 704 which prevents Commission preemption of local and State land use decisions and preserves the authority of State and local governments over

zoning and land use matters except in the limited circumstances set forth in the conference agreement. The conference agreement also provides a mechanism for judicial relief from zoning decisions that fail to comply with the provisions of this section. It is the intent of the conferees that other than under section 332(c)(7)(B)(iv) of the Communications Act of 1934 as amended by this Act and section 704 of the Telecommunications Act of 1996 the courts shall have exclusive jurisdiction over all other disputes arising under this section. Any pending Commission rulemaking concerning the preemption of local zoning authority over the placement, construction or modification of CMS facilities should be terminated.

When utilizing the term "functionally equivalent services" the conferees are referring only to personal wireless services as defined in this section that directly compete against one another. The intent of the conferees is to ensure that a State or local government does not in making a decision regarding the placement, construction and modification of facilities of personal wireless services described in this section unreasonably favor one competitor over another. The conferees also intend that the phrase "unreasonably discriminate among providers of functionally equivalent services" will provide localities with the flexibility to treat facilities that create different visual, aesthetic, or safety concerns differently to the extent permitted under generally applicable zoning requirements even if those facilities provide functionally equivalent services. For example, the conferees do not intend that if a State or local government grants a permit in a commercial district, it must also grant a permit for a competitor's 50-foot tower in a residential district.

Actions taken by State or local governments shall not prohibit or have the effect of prohibiting the placement, construction or modification of personal wireless services. It is the intent of this section that bans or policies that have the effect of banning personal wireless services or facilities not be allowed and that decisions be made on a case-by-case basis.

Under subsection (c)(7)(B)(ii), decisions are to be rendered in a reasonable period of time, taking into account the nature and scope of each request. If a request for placement of a personal wireless service facility involves a zoning variance or a public hearing or comment process, the time period for rendering a decision will be the usual period under such circumstances. It is not the intent of this provision to give preferential treatment to the personal wireless service industry in the processing of requests, or to subject their requests to any but the generally applicable time frames for zoning decision.

The phrase "substantial evidence contained in a written record" is the traditional standard used for judicial review of agency actions.

The conferees intend section 332(c)(7)(B)(iv) to prevent a State or local government or its instrumentalities from basing the regulation of the placement, construction or modification of CMS facilities directly or indirectly on the environmental effects of radio frequency emissions if those facilities comply with the Commission's regulations adopted pursuant to section 704(b) concerning such emissions.

The limitations on the role and powers of the Commission under this subparagraph relate to local land use regulations and are not intended to limit or affect the Commission's general authority over radio telecommunications, including the authority to regulate the construction, modification and operation of radio facilities.

The conferees intend that the court to which a party appeals a decision under section 332(c)(7)(B)(v) may be the Federal district court in which the facilities are located or a State court of competent jurisdiction, at the option of the party making the appeal, and that the courts act expeditiously in deciding such cases. The term "final action" of that new subparagraph means final administrative action at the State or local government level so that a party can commence action under the subparagraph rather than waiting for the exhaustion of any independent State court remedy otherwise required.

With respect to the availability of Federal property for the use of wireless telecommunications infrastructure sites under section 704(c), the conferees generally adopt the House provisions, but substitute the President or his designee for the Commission.

It should be noted that the provisions relating to telecommunications facilities are not limited to commercial mobile radio licensees, but also will include other Commission licensed wireless common carriers such as point to point microwave in the extremely high frequency portion of the electromagnetic spectrum which rely on line of sight for transmitting communication services.

~~SECTION 705 MOBILE SERVICE DIRECT ACCESS TO LONG DISTANCE CARRIERS~~

Senate bill

Subsection (b) of section 221 of the Senate bill, as passed, states that notwithstanding the MFJ or any other consent decree, no CMS provider will be required by court order or otherwise to provide long distance equal access. The Commission may only order equal access if a CMS provider is subject to the interconnection obligations of section 251 and if the Commission finds that such a requirement is in the public interest. CMS providers shall ensure that its subscribers can obtain unblocked access to the interexchange carrier of their choice through the use of interexchange carrier identification codes, except that the unblocking requirement shall not apply to mobile satellite services unless the Commission finds it is in the public interest.

House amendment

Under section 109 of the House amendment, the Commission shall require providers of two-way switched voice CMS to allow their subscribers to access the telephone toll services provider of their choice through the use of carrier identification codes. The Commission rules will supersede the equal access, balloting and prescription requirements imposed by the MFJ and the AT&T-McCaw consent decree. The Commission may exempt carriers or classes of carriers from the requirements of this section if it is consistent with the public interest, convenience, and necessity, and the

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



**Federal Communications Commission
Wireless Telecommunications Bureau**

RADIO STATION AUTHORIZATION

LICENSEE: CELLCO PARTNERSHIP

ATTN: REGULATORY
CELLCO PARTNERSHIP
1120 SANCTUARY PKWY, #150 GASA5REG
ALPHARETTA, GA 30009-7630

Call Sign WQJQ689	File Number
Radio Service WU - 700 MHz Upper Band (Block C)	

FCC Registration Number (FRN): 0003290673

Grant Date 11-26-2008	Effective Date 03-26-2013	Expiration Date 06-13-2019	Print Date
Market Number REA001	Channel Block C	Sub-Market Designator 0	
Market Name Northeast			
1st Build-out Date 06-13-2013	2nd Build-out Date 06-13-2019	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This authorization is conditioned upon compliance with section 27.16 of the Commission's rules

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at <http://wireless.fcc.gov/uls/index.htm?job=home> and select "License Search". Follow the instructions on how to search for license information.

ULS License

AWS (1710-1755 MHz and 2110-2155 MHz) License - WQPZ962 - Cellco Partnership

Call Sign	WQPZ962	Radio Service	AW - AWS (1710-1755 MHz and 2110-2155 MHz)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	E
Submarket	13	Associated Frequencies (MHz)	001740.00000000-001745.00000000-002140.00000000-002145.00000000

Dates

Grant	08/23/2012	Expiration	11/29/2021
Effective	11/30/2017	Cancellation	

Buildout Deadlines

1st	2nd
-----	-----

Notification Dates

1st	2nd
-----	-----

Licensee

FRN	0003290673	Type	General Partnership
-----	------------	------	---------------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
--	---

Contact

Cellco Partnership Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Ownership and Qualifications

Radio Service Mobile
Type

Regulatory Status Common Carrier Interconnected Yes

Alien Ownership

Is the applicant a foreign government or the representative of any foreign government? No

Is the applicant an alien or the representative of an alien? No

Is the applicant a corporation organized under the laws of any foreign government? No

Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? No

Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? **Yes**

The Alien Ruling question is not answered.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS License

700 MHz Upper Band (Block C) License - WQJQ689 - Cellco Partnership

PA This license has pending applications: 0008249766

Call Sign	WQJQ689	Radio Service	WU - 700 MHz Upper Band (Block C)
Status	Active	Auth Type	Regular

Rural Service Provider Bidding Credit

Is the Applicant seeking a Rural Service Provider (RSP) bidding credit?

Reserved Spectrum

Reserved Spectrum

Market

Market	REA001 - Northeast	Channel Block	C
Submarket	0	Associated Frequencies (MHz)	000746.00000000-000757.00000000-000776.00000000-000787.00000000

Dates

Grant	11/26/2008	Expiration	06/13/2019
Effective	08/28/2018	Cancellation	

Buildout Deadlines

1st	06/13/2013	2nd	06/13/2019
-----	------------	-----	------------

Notification Dates

1st	06/20/2013	2nd	
-----	------------	-----	--

Licensee

FRN	0003290673	Type	General Partnership
-----	------------	------	---------------------

Licensee

Cellco Partnership 5055 North Point Pkwy, NP2NE Network Engineering Alpharetta, GA 30022 ATTN Regulatory	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Contact

Verizon Wireless Licensing Manager 5055 North Point Pkwy, NP2NE Network Engineering	P:(770)797-1070 F:(770)797-1036 E:LicensingCompliance@VerizonWireless.com
---	---

Alpharetta, GA 30022
ATTN Regulatory

Ownership and Qualifications

Radio Service Mobile
Type

Regulatory Status Common Carrier Interconnected Yes

Alien Ownership

The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications

The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits

This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender



PROJECT NO.: 20161509173
 SITE NAME:
HOWLAND MICRO



Know what's below.
 Call before you dig.

48 HOURS PRIOR TO DIGGING,
 CONTRACTOR TO NOTIFY ALL
 UTILITY COMPANIES TO LOCATE
 ALL UNDERGROUND UTILITIES.

APPLICANT:
verizon
 275 JOHN ST.
 SUITE 100
 WEST HENRIETTA NY 14586
 PREPARED BY:
EBI ENGINEERING PC
 21 B Street | Burlington, MA 01803
 Tel: (781) 273-2500 | Fax: (781) 273-3311
 www.ebiconsulting.com

IT IS A VIOLATION OF THE STATE
 EDUCATION LAW FOR ANY PERSON TO
 ALTER AND DOCUMENT THAT BEARS THE
 SEAL OF A PROFESSIONAL ENGINEER,
 UNLESS THE PERSON IS ACTING UNDER
 THE DIRECTION OF A LICENSED
 PROFESSIONAL ENGINEER. IF A DOCUMENT
 BEARING A SEAL OF AN ENGINEER IS
 ALTERED, THE ALTERING ENGINEER SHALL
 AFFIX TO THE DOCUMENT THEIR SEAL AND
 NOTATION "ALTERED BY" FOLLOWED BY
 THEIR SIGNATURE AND THE DATE OF SUCH
 ALTERATION, AND SPECIFIC DESCRIPTION OF
 THE ALTERATION.

ENGINEER STAMP/SIGNATURE
 THIS DOCUMENT IS THE DESIGN PROPERTY
 & COPYRIGHT OF EBI CONSULTING & FOR
 THE EXCLUSIVE USE BY THE TITLE CLIENT.
 ANY DUPLICATION OR USE WITHOUT
 EXPRESS WRITTEN CONSENT OF THE
 CREATOR IS STRICTLY PROHIBITED.

SUBMITTALS			
NO.	DATE	DESCRIPTION	BY
A	11/12/18	90% ISSUE	SM

EBI JOB NO:
8118000249

SITE INFO:
HOWLAND MICRO
 PROJECT NO.: 20161509173
 LOCATION CODE: 432846
 110 HOWLAND AVENUE
 BEACON, NY 12508
 DUTCHESS COUNTY

SHEET TITLE:
TITLE SHEET

DRAWN BY:
 SM
 CHECKED BY:
 AG
 DATE:
 11/12/18
 SHEET NO:
T-1

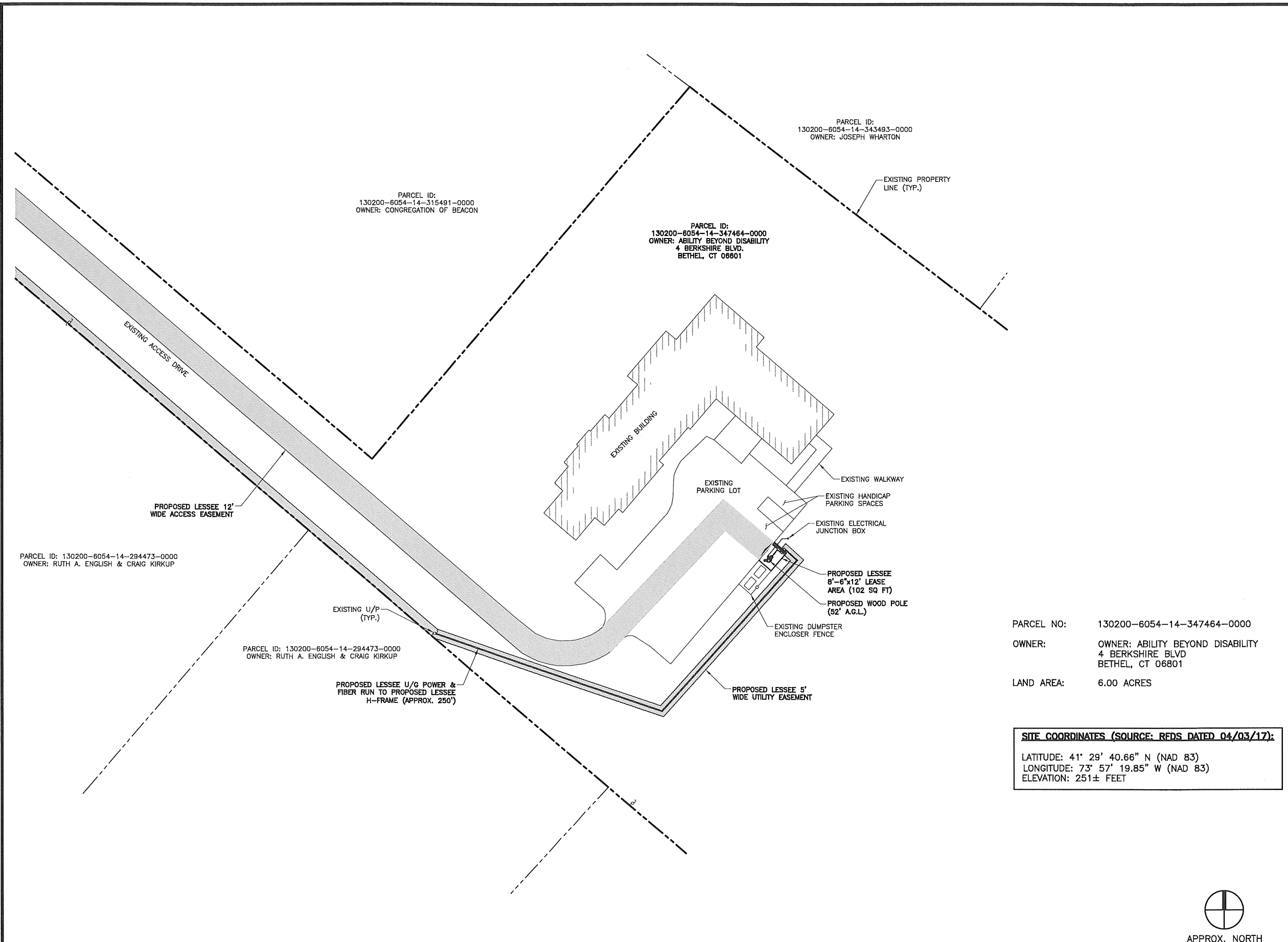
DRAWING INDEX	
SHEET	DESCRIPTION
T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	OVERALL SITE PLAN
Z-3	POLE ELEVATION, DETAILS & NOTES
Z-4	DETAILS & NOTES

CODE COMPLIANCE
 ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE
 CURRENT EDITIONS OF THE CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES.
 NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE
 LOCAL CODES:
 1. IBC2015 WITH LATEST NEW YORK STATE AMENDMENTS
 2. NFPA 70-14 (NEC 2014)
 3. TIA-222-G-05 WITH LATEST ADDENDA

VICINITY MAP
 N.T.S.

START AT 1275 JOHN ST. GO STRAIGHT (NE) ON JOHN ST. IN 0.61 MI TURN RIGHT (E) ON TO
 BAILEY RD. IN 1.03 MI TURN RIGHT (SSW) ON TO SR 15 (W HENRIETTA RD). IN 1.04 MI TURN
 LEFT (E) ON TO LEHIGH STATION RD. IN 0.49 MI TURN RIGHT (SSW) ON TO I-390 S RAMP. IN
 0.27 MI KEEP RIGHT (SW) ON TO I-90 E (NEW YORK STATE THWY) RAMP 12B. IN 0.57 MI KEEP
 LEFT (E) ON I-90 E (NEW YORK STATE THWY) RAMP. IN 72.90 MI KEEP RIGHT (N) ON TO
 I-690 E RAMP 39. IN 0.92 MI KEEP RIGHT (ESE) ON I-690 E RAMP. IN 8.91 MI KEEP
 RIGHT (SSE) ON TO I-81 S RAMP 13. IN 76.37 MI KEEP LEFT (ESE) ON TO SR 17 RAMP 2E.
 IN 113.42 MI KEEP RIGHT (ENE) ON TO I-84 E RAMP 121. IN 22.57 MI KEEP RIGHT (E) ON TO
 SR 9D (NORTH RD) RAMP 11. IN 0.21 MI TURN RIGHT (SSW) ON TO SR 9D (NORTH RD). IN
 0.48 MI KEEP LEFT (S) ON TO NORTH AVE. IN 0.26 MI KEEP RIGHT (SSW) ON TO SR 9D
 (WOLCOTT AVE). IN 0.49 MI KEEP LEFT (SE) ON TO BEEKMAN ST. 1.57 MI. IN 0.20 MI GO
 STRAIGHT (ESE) ON TO SR 9D (WOLCOTT AVE). IN 1.11 MI TURN LEFT (ENE) ON TO HOWLAND
 AVE. IN 0.26 MI FINISH AT 110 HOWLAND AVE, BEACON, NY. 05:22:36 302.11 MI.

PROJECT INFORMATION	
SITE TYPE:	UTILITY POLE
SITE NAME:	HOWLAND MICRO
SITE ADDRESS:	110 HOWLAND AVENUE BEACON, NY 12508
COUNTY:	DUTCHESS
ZONING DISTRICT:	R1-20
COORDINATES:	LATITUDE: 41° 29' 40.66" N (NAD 83) LONGITUDE: 73° 57' 19.85" W (NAD 83)
GROUND ELEVATION:	251± A.M.S.L. (NAVD88)
PROPERTY OWNER:	ABILITY BEYOND DISABILITY 4 BERKSHIRE BLVD. BETHEL, CT 06801
APPLICANT:	ORANGE COUNTY POUGHKEEPSIE LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS 1275 JOHN ST. SUITE 100 WEST HENRIETTA NY 14586



PARCEL NO: 130200-6054-14-347464-0000
 OWNER: OWNER: ABILITY BEYOND DISABILITY
 4 BERKSHIRE BLVD
 BETHEL, CT 06801
 LAND AREA: 6.00 ACRES

SITE COORDINATES (SOURCE: RFDSD DATED 04/03/17):
 LATITUDE: 41° 29' 40.66" N (NAD 83)
 LONGITUDE: 73° 57' 19.85" W (NAD 83)
 ELEVATION: 251± FEET



SCALE: 1" = 50'

APPLICANT:
verizon
 275 JOHN ST.
 SUITE 100
 WEST HENRIETTA NY 14586

PREPARED BY:
EBI ENGINEERING PC
 21 B Street | Burlington, MA 01803
 Tel: (781) 273-2500 | Fax: (781) 273-3311
 www.ebiconsulting.com

IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON TO ALTER AND DOCUMENT THAT BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THE PERSON IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER. IF A DOCUMENT BEARING A SEAL OF AN ENGINEER IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE DOCUMENT THEIR SEAL AND NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

ENGINEER STAMP/SIGNATURE
 THIS DOCUMENT IS THE DESIGN PROPERTY & COPYRIGHT OF EBI CONSULTING & FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

SUBMITTALS

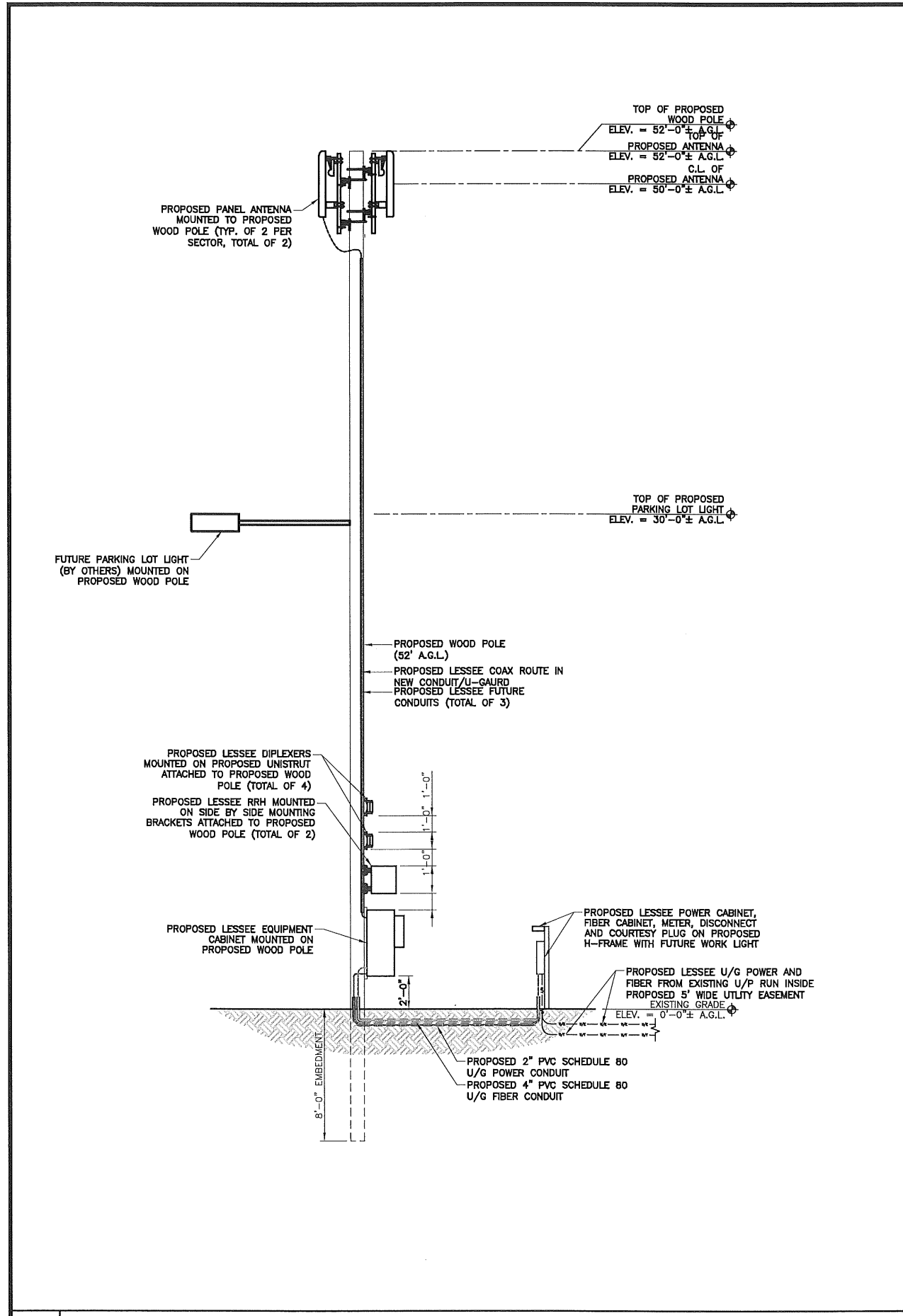
NO.	DATE	DESCRIPTION	BY
A	11/12/18	90% ISSUE	SM

EBI JOB NO: **8118000249**

SITE INFO:
HOWLAND MICRO
 PROJECT NO.: 20161509173
 LOCATION CODE: 432846
 110 HOWLAND AVENUE
 BEACON, NY 12508
 DUTCHESS COUNTY

SHEET TITLE:
SITE PLAN

DRAWN BY: SM
 CHECKED BY: AG
 DATE: 11/12/18
 SHEET NO: **Z-1**

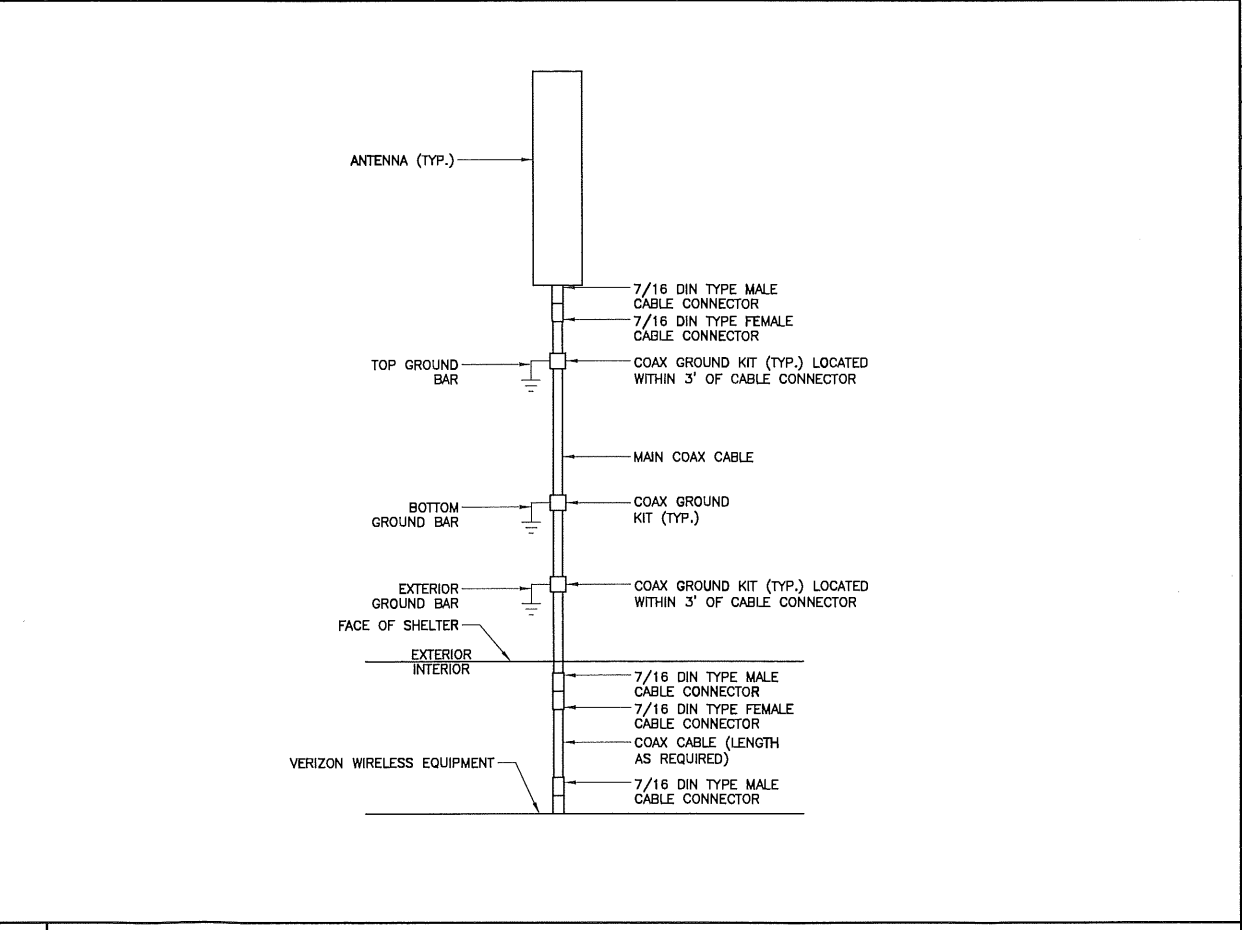


- DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFIRM TO ANSI/TIA/EIA-222-G-05 WITH LATEST ADDENDA "STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES". NOTE: SEE CODE FOR COUNTY SPECIFIC DESIGN WIND SPEEDS.
- ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 "ZINC (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS", UNLESS OTHERWISE NOTED.
- ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 "ZINC-COATING (HOT DIP) ON IRON AND STEEL HARDWARE", UNLESS OTHERWISE NOTED.
- DAMAGE GALVANIZE SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
- ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED SNUG TIGHT.
- DESIGN RESPONSIBILITY OF ANTENNA MOUNTING BRACKETS, SUPPORTS AND ALL COMPONENTS THEREOF AND ATTACHMENT THERETO SHALL BE THE RESPONSIBILITY OF THE MANUFACTURER. MFR SHALL PROVIDE THE THE OWNER DRAWINGS DETAILING ALL COMPONENTS OF THE ASSEMBLY, INCLUDING CONNECTIONS, DESIGN LOADS, AND ALL OTHER PERTINENT DATA. MFR SHALL ALSO PROVIDE THE OWNER WITH A STATEMENT OF COMPLIANCE INDICATING THAT THE ANTENNA SUPPORTS HAVE BEEN DESIGNED IN ACCORDANCE WITH TIA/EIA-222-G STANDARDS. ALL SUBMISSIONS SHALL BEAR THE STAMP AND SIGNATURE OF A PROFESSIONAL ENGINEER REGISTERED IN THE STATE THE WORK IS BEING PERFORMED.

- VERIZON WILL COLOR CODE AND TAG THE COAX AT BOTH THE TOP OF THE TOWER AND INSIDE THE CELL SITE BUILDING AT THE CABLE ENTRY PART. THE MARKING SYSTEM WILL COMPRISE OF COLOR TAPE WITH A MINIMUM WIDTH OF 3/4 INCHES, 7 MIL. VINYL PLASTIC TAPE, SCOTCH 35 OR EQUIVALENT.
- THE TAGGING WILL BE DONE WITH METAL "DOG" TAGS. A TAG WILL BE PLACED ON THE COAX AT THE ANTENNA AND ON THE COAX IN THE CELL SITE BUILDING. THE TAG WILL IDENTIFY THE ANTENNA NUMBER AND FUNCTION; TX, RX ETC.
- THE ENTRY PORT ASSIGNMENT SHOULD BE FOLLOWED WHERE POSSIBLE. THIS STANDARD ASSUMES THAT THE ENTRY PORT CONSISTS OF THREE ROWS OF FOUR PORTS. WITH THE FIRST ROW BEING NUMBERED FROM 1-6 FROM LEFT TO RIGHT. THE SECOND ROW IS NUMBERED 7-12 (LEFT TO RIGHT) AND THE THIRD ROW IS 13-18 (LEFT TO RIGHT).
- A SITE SPECIFIC COAX COLOR SHEET TO BE PROVIDED BY CELLULAR EQUIPMENT ENGINEER.

2 ANTENNA MOUNTING NOTES

3 STANDARD ANTENNA COLOR CODES



1 POLE ELEVATION SCALE: 1/8" = 1'-0"

4 ANTENNA CABLE SCHEMATIC

APPLICANT:
verizon
 275 JOHN ST.
 SUITE 100
 WEST HENRIETTA NY 14586

PREPARED BY:
EBI ENGINEERING PC
 21 B Street | Burlington, MA 01803
 Tel: (781) 273-2500 | Fax: (781) 273-3311
 www.ebiconsulting.com

IT IS A VIOLATION OF THE STATE EDUCATION LAW FOR ANY PERSON TO ALTER AND DOCUMENT THAT BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THE PERSON IS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER. IF A DOCUMENT BEARING A SEAL OF AN ENGINEER IS ALTERED, THE ALTERING ENGINEER SHALL AFFIX TO THE DOCUMENT THEIR SEAL AND NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND THE DATE OF SUCH ALTERATION, AND SPECIFIC DESCRIPTION OF THE ALTERATION.

ENGINEER STAMP/SIGNATURE
 THIS DOCUMENT IS THE DESIGN PROPERTY & COPYRIGHT OF EBI CONSULTING & FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

SUBMITTALS

NO.	DATE	DESCRIPTION	BY
A	11/12/18	90% ISSUE	SM

EBI JOB NO:
8118000249

SITE INFO:
HOWLAND MICRO
 PROJECT NO.: 20161509173
 LOCATION CODE: 432846
 110 HOWLAND AVENUE
 BEACON, NY 12508
 DUTCHESS COUNTY

SHEET TITLE:
POLE ELEVATION, DETAILS & NOTES

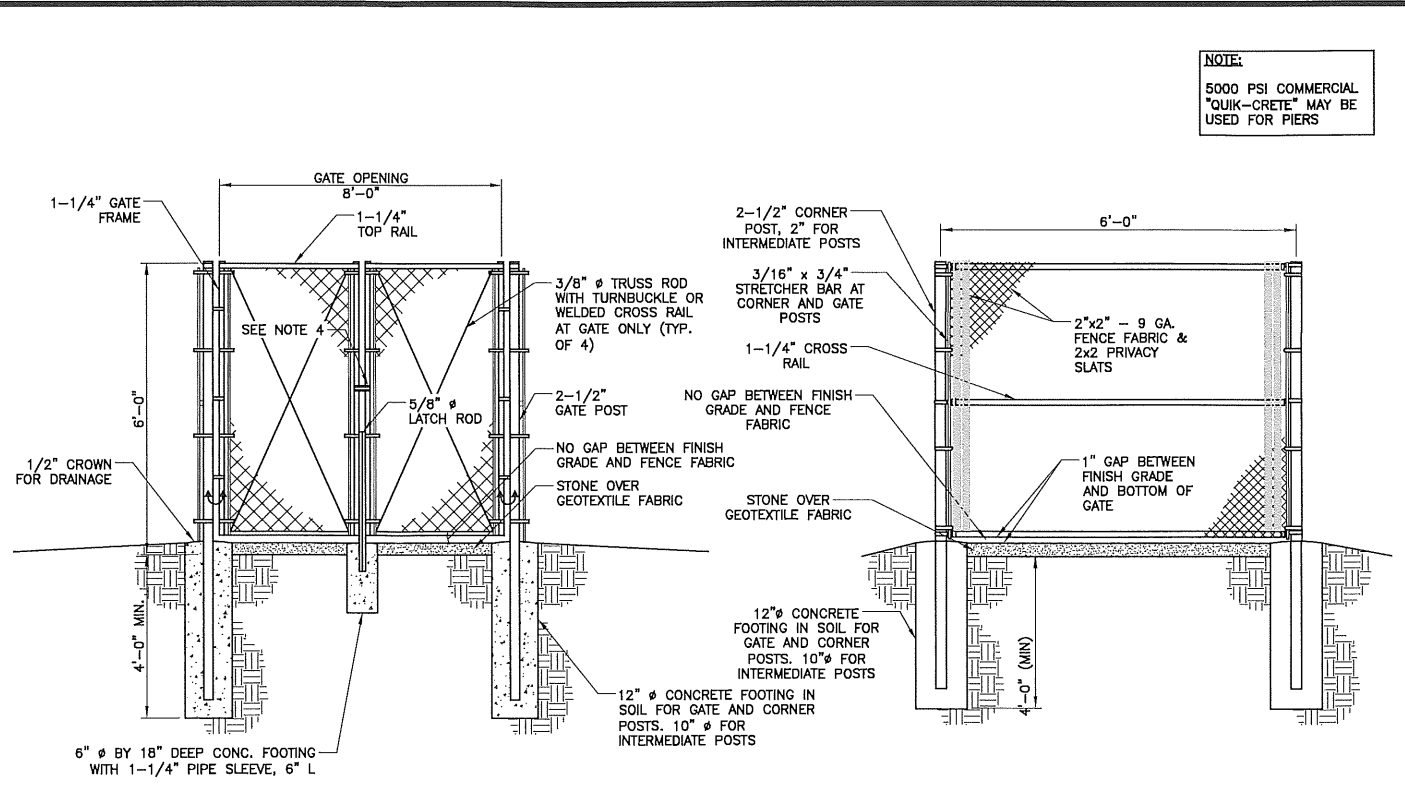
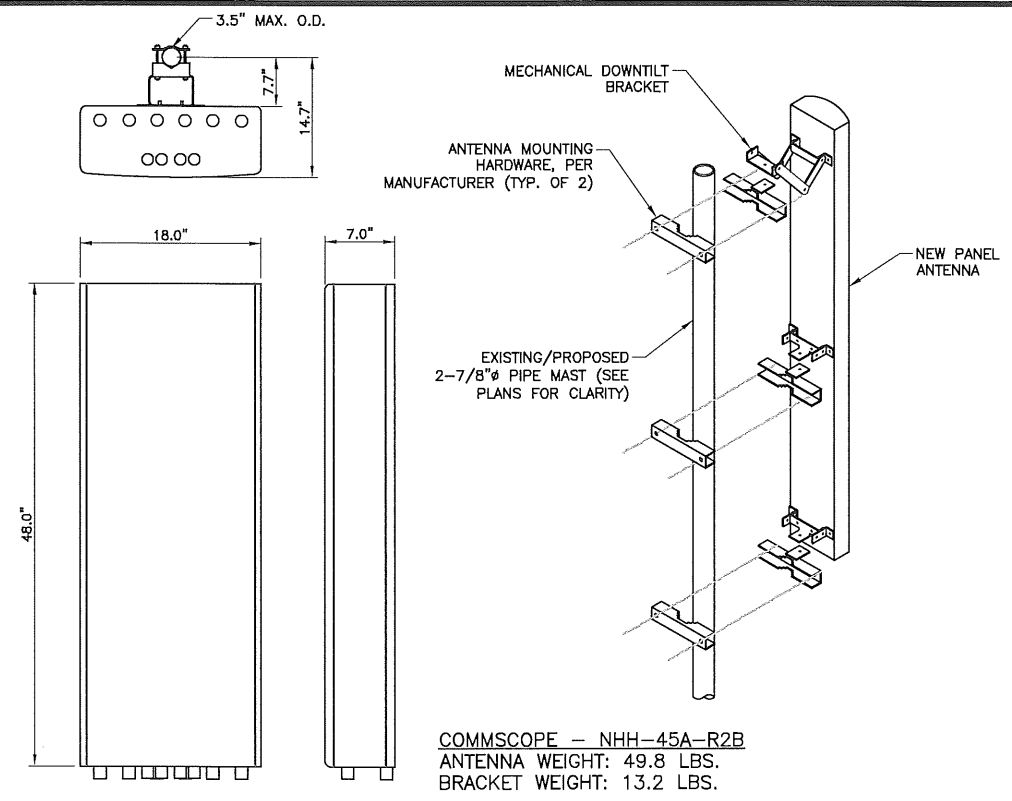
DRAWN BY:
 SM
 CHECKED BY:
 AG
 DATE:
 11/12/18

SHEET NO:
Z-3

APPLICANT:
verizon
 275 JOHN ST.
 SUITE 100
 WEST HENRIETTA NY 14586
 PREPARED BY:
EBI ENGINEERING PC
 21 B Street | Burlington, MA 01803
 Tel: (781) 273-2500 | Fax: (781) 273-3311
 www.ebiconsulting.com

NOTE:
 5000 PSI COMMERCIAL
 "QUIK-CRETE" MAY BE
 USED FOR PIERS

IT IS A VIOLATION OF THE STATE
 EDUCATION LAW FOR ANY PERSON TO
 ALTER AND DOCUMENT THAT BEARS THE
 SEAL OF A PROFESSIONAL ENGINEER,
 UNLESS THE PERSON IS ACTING UNDER
 THE DIRECTION OF A LICENSED
 PROFESSIONAL ENGINEER. IF A DOCUMENT
 BEARING A SEAL OF AN ENGINEER IS
 ALTERED, THE ALTERING ENGINEER SHALL
 AFFIX TO THE DOCUMENT THEIR SEAL AND
 NOTATION "ALTERED BY" FOLLOWED BY
 THEIR SIGNATURE AND THE DATE OF SUCH
 ALTERATION, AND SPECIFIC DESCRIPTION OF
 THE ALTERATION.

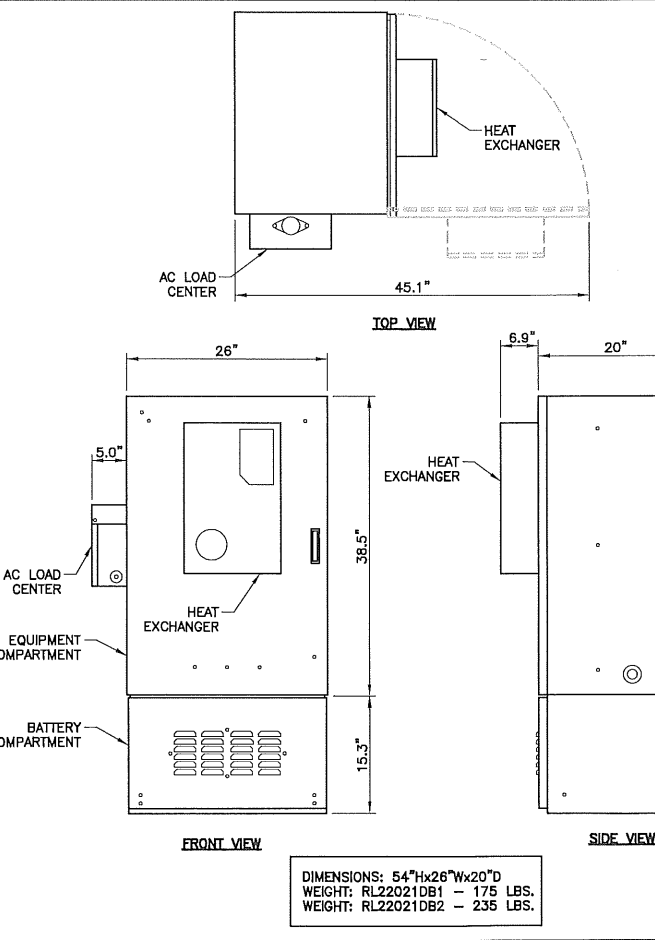
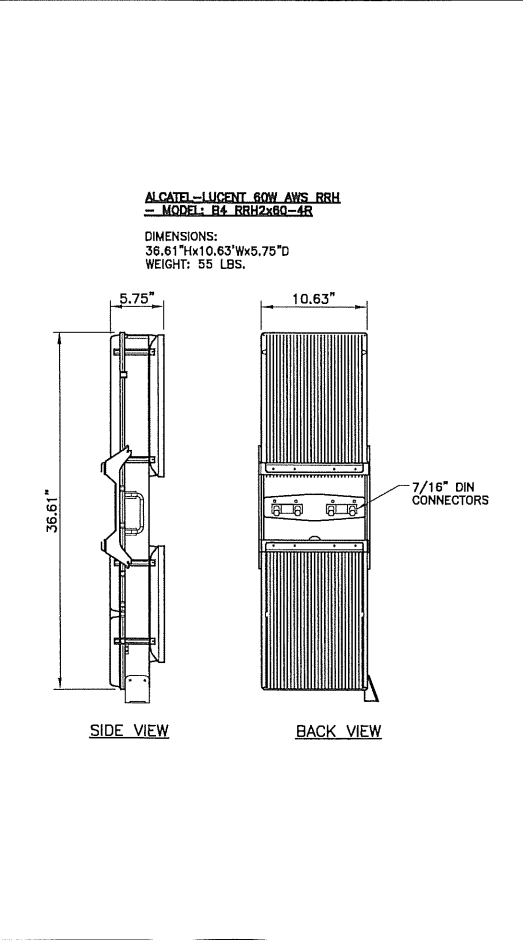
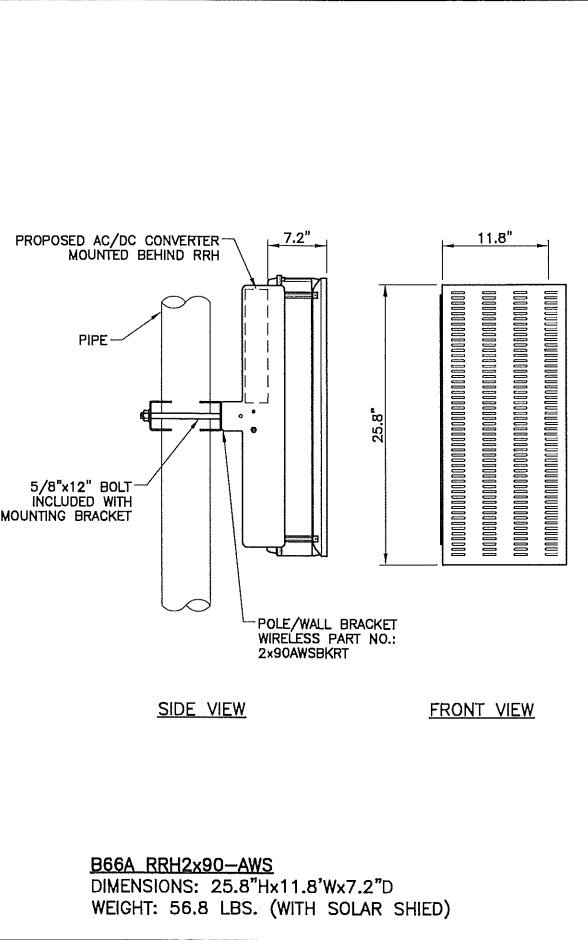


1 ANTENNA SPECIFICATION & ATTACHMENT DETAIL

2 NON-PENETRATING BALLAST MOUNT DETAILS N.T.S.

GENERAL NOTES:

- ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED, REGISTERED AND INSURED TO DO THIS WORK IN THE STATE AND/OR COUNTY IN WHICH IT IS TO BE PERFORMED.
- ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY VERIZON WIRELESS AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.
- ALL DIMENSIONS SHALL BE VERIFIED WITH THE PLANS (LATEST REVISION) PRIOR TO COMMENCING CONSTRUCTION. NOTIFY VERIZON WIRELESS IMMEDIATELY IF DISCREPANCIES ARE DISCOVERED.
- ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE (1) YEAR FROM DATE OF ACCEPTANCE.



3 GENERAL NOTES

4 RRH SPECIFICATION & ATTACHMENT DETAIL N.T.S.

5 RRH SPECIFICATION & ATTACHMENT DETAIL N.T.S.

6 SMALL SITE SUPPORT CABINET DETAIL N.T.S.

ENGINEER STAMP/SIGNATURE

THIS DOCUMENT IS THE DESIGN PROPERTY & COPYRIGHT OF EBI CONSULTING & FOR THE EXCLUSIVE USE BY THE TITLE CLIENT. ANY DUPLICATION OR USE WITHOUT EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

SUBMITTALS			
NO.	DATE	DESCRIPTION	BY
A	11/12/18	90% ISSUE	SM

EBI JOB NO: 8118000249

SITE INFO:
HOWLAND MICRO
 PROJECT NO.: 20161509173
 LOCATION CODE: 432846
 110 HOWLAND AVENUE
 BEACON, NY 12508
 DUTCHESS COUNTY

SHEET TITLE:
DETAILS & NOTES

DRAWN BY: SM
 CHECKED BY: AG
 DATE: 11/12/18
 SHEET NO: **Z-4**

Verizon Wireless Communications Facility Engineering Necessity Case – “Howland Micro”



Prepared by: Michael R. Crosby

Project: The project is the installation and operation of a telephone pole mounted wireless telecommunications site in the City of Beacon (the “Project Facility”).



Introduction

The purpose of this subsequent analysis is to summarize and communicate the technical radio frequency (RF) information used in the justification of this new site.

Coverage and/or capacity deficiencies are the two main drivers that prompt the need for a new wireless communications facility/site. All sites provide a mixture of both capacity and coverage for the benefit of the end user.

Coverage can be defined as the existence of signal of usable strength and quality in an area, including but not limited to in-vehicles or in-buildings.

The need for improved coverage is identified by RF Engineers that are responsible for developing and maintaining the network. RF Engineers utilize both theoretical and empirical data sets (propagation maps and real world coverage measurements). Historically, coverage improvements have been the primary justification of new sites.

Capacity can be defined as the amount of traffic (voice and data) a given site can process before significant performance degradation occurs.

When traffic volume exceeds the capacity limits of a site serving a given area, network reliability and user experience degrades. Ultimately this prevents customers from making/receiving calls, applications cease functioning, internet connections time out and data speeds fail. This critical condition is more important than just a simple nuisance for some users. Degradation of network reliability and user experience can affect emergency responders and to persons in a real emergency situation can literally mean life or death.

Project Need Overview

The project area, located within the City of Beacon is currently served by two sites. These sites are overloaded requiring capacity relief. Additionally the project area is impacted by the significant terrain difference between these two serving sites relative to the project area. This excessive difference in terrain combined with distance and area morphology prevents effective capacity and coverage capability of Verizon's RF signals in this area.

The primary serving site is **Mt. Beacon** located in the neighboring town of Fishkill, which is approximately six tenths of a mile south east (of the project location) situated on a mountain top tower located off Mt. Beacon Monument Rd (near Breakneck Ridge Trail). While this site provides coverage (on low band 700MHz) throughout the project area, it does so from such a great difference in elevation (1,200' + difference) that the site is not capable of efficiently or effectively providing the necessary capacity due to Mt. Beacon itself causing excessive interference in and around the project area. This site also provides high band (AWS) service to portions of the project area but again due to the excessive difference in elevation combined with distance to objectives Mt. Beacon is not capable of efficiently or effectively providing the necessary capacity relief and actually degrades area performance and capacity capabilities due to excessive interference in and around the project area (caused by overlapping/overshooting footprint). In order to mitigate the overlapping footprint and improve interference and capacity conditions, Mt. Beacon requires deactivation as it can no longer function properly as an LTE serving site for this area. Regardless of the need to deactivate Mt. Beacon (LTE), additional capacity is currently required even with Mt. Beacon on the air.

The second serving site is **Beacon DT** which is co-located on the roof of a multi-story apartment building off Rt. 9D near South Ave. This site is also requiring capacity relief. While this site is more appropriate for the area than Mt. Beacon, by itself it can not provide the necessary coverage and capacity required to serve the project area.

There are other Verizon sites in this general area but due to distance and terrain they also do not provide any significant overlapping coverage in the area in question that could allow for increased capacity and improved coverage from other sources.

The primary objectives for this project are to increase capacity and improve high band coverage in the Howland Ave, Rt. 9D area including but not limited to portions of Howland, Wolcott Ave, Tioronda Ave, Union St, Depuyster Ave, East Main Street as well as the surrounding residential and commercial areas. In order to offload capacity from Mt. Beacon and Beacon DT a new dominant server must be created. This new dominant coverage will effectively offload the existing overloaded sites as well as provide improved high band in building coverage.

Following the search for co-locatable structures to resolve the aforementioned challenges none were found. As a result, Verizon proposes the current application to attach it's antennas to a new 52' tall telephone pole located on Verizon property. Verizon's antennas will utilize 50' for the ACL (Antenna Center Line) with a top of antenna height of 52'. This solution will provide the necessary coverage and capacity improvements needed.

Wireless LTE (Voice and Data) Growth

Each year Verizon experiences substantial increases in data volume including VoLTE (Voice over LTE) that its customers utilize. Data traffic grew 65% between Q3 2016 and Q3 2017 (Ericsson Mobility Report, November 2017)

Machine to Machine communications will also increase the data burden on wireless networks. During the next five years increasingly more services that improve our safety and make our lives easier will become available via the wireless infrastructure, such as:

- Autonomous vehicular communications including automatic 911 notification when airbag deploys.
- Medical monitors that alert caretakers of patient related issues.
- Home alarms that notify people when their child arrives home from school.
- Smart street lights that notify the city when they are not working.
- City garbage cans that let people know when they need to be emptied.
- Tracking watches that can aid in finding lost Alzheimer patients, children, etc.

Explanation of Wireless Capacity

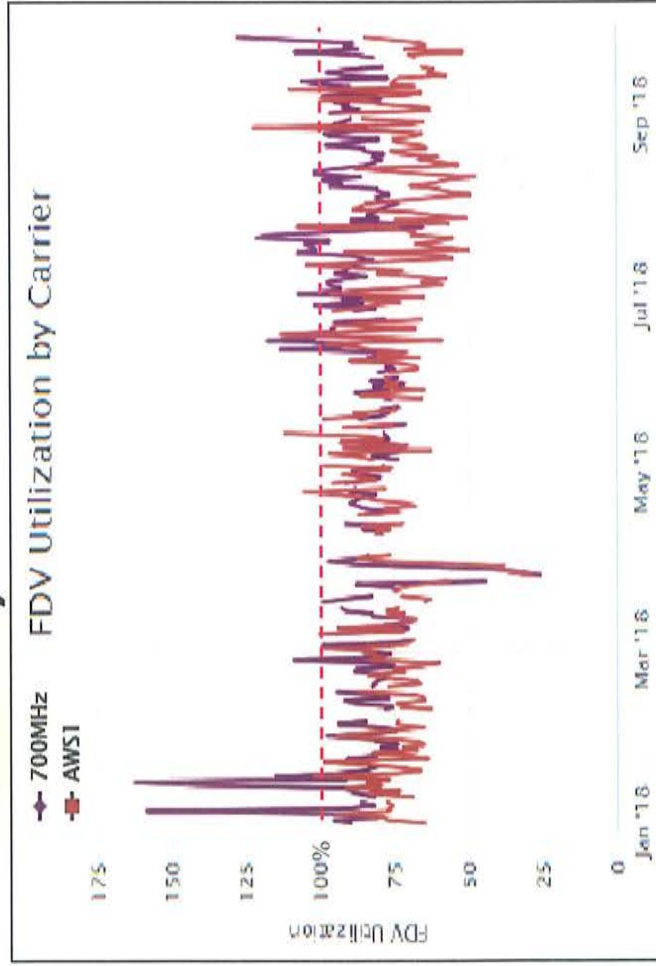


Capacity in this analysis is evaluated with up to three metrics further explained below. These metrics assist in determining actual usage for a given site as well as are used to project when a site is expected to run out of capacity (i.e. reach a point of exhaustion where it can no longer process the volume of voice and data requested by local wireless devices, thus no longer providing adequate service).

- **Forward Data Volume ("FDV")**, is a measurement of usage (data throughput) on a particular site over a given period of time.
- **Average Schedule Eligible User ("ASEU")**, is a measurement of the loading of the control channels and systems of a given site.
- **Average Active Connections ("AvgAC")** is a measurement of the number of devices actively connected to a site in any given time slot.

Verizon Wireless uses proprietary algorithms developed by a task force of engineers and computer programmers to monitor each site in the network and accurately project and identify when sites will approach their capacity limits. Using a rolling two-year window for projected exhaustion dates allows enough time, in most cases, to develop and activate a new site. It is critical that these capacity approaching sectors are identified early and the process gets started and completed in time for new solutions (sites) to be on air before network issues impact the customers.

Capacity Utilization FDV (Mt. Beacon Gamma)



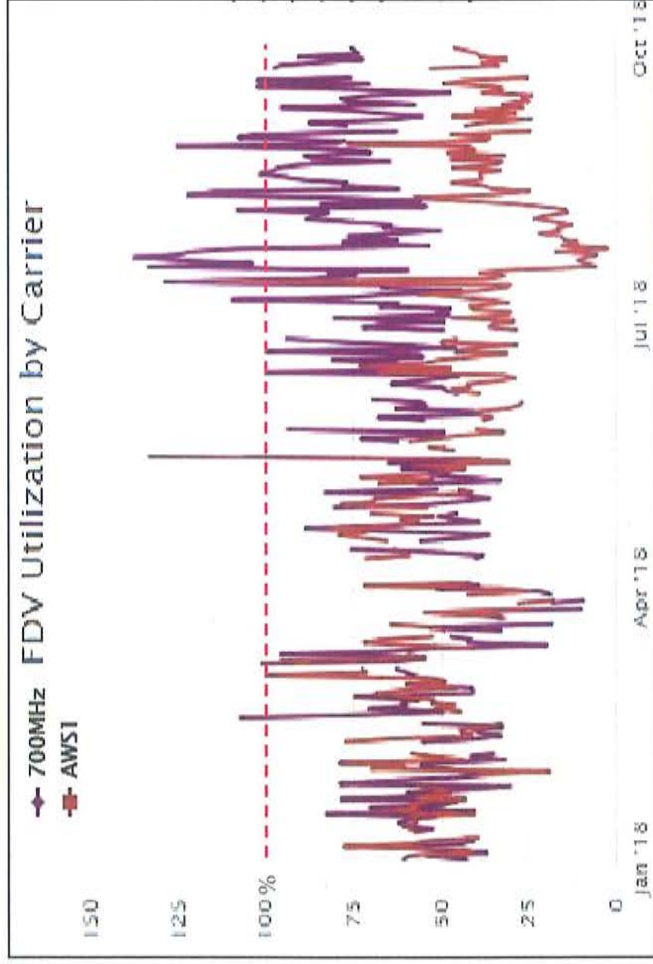
Summary: This graph shows FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the FDV separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper FDV utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector shown above has exceeded its capability of supporting FDV requirements as shown by the purple line exceeding the max utilization threshold (red dashed line). While customers served by AWS (high band – dark red line) are not as likely to experience this issue they have recently been subject to this condition as shown by the dark red line exceeding max utilization threshold as well. Keep in mind those customers in weaker RF areas which are more dependent on the low band (700MHz – purple line) continue to experience this issue. Cell edge (weak/variable) conditions create the disparity between high and low bands due to propagation challenges which are more impacted by high band (AWS). FDV is one of three metrics used in this presentation to evaluate capacity capability in this area.

Capacity Utilization FDV (Beacon DT Beta)



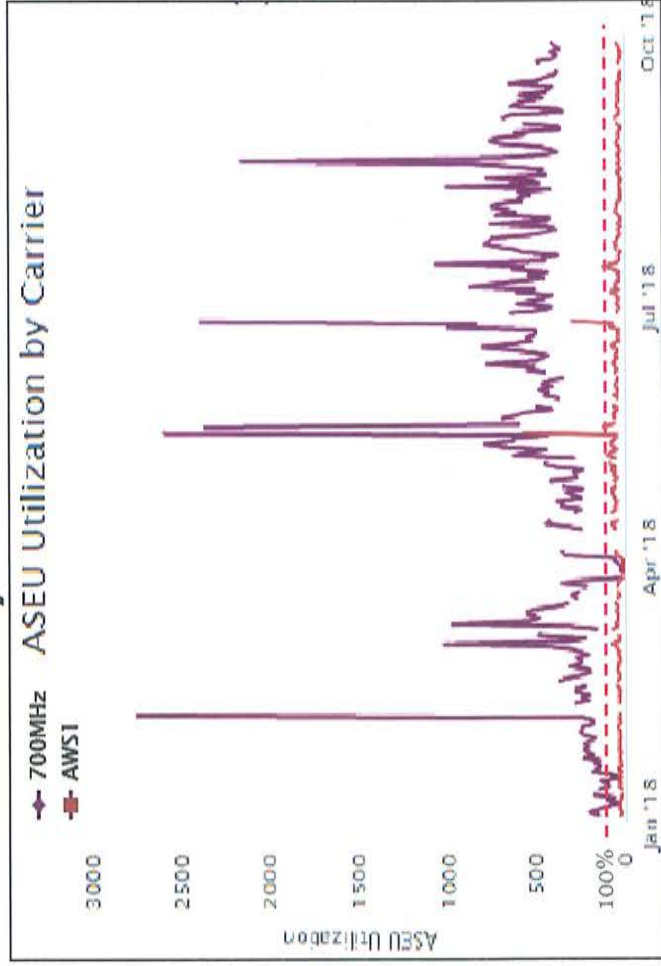
Summary: This graph shows FDV (Forward Data Volume) which is a measurement of the customer data usage that this sector currently serves. As this limit is approached, data rates slow to unacceptable levels, potentially causing unreliable service for Verizon Wireless customers.

The purple line represents the daily max busy hour 700MHz utilization on the **Alpha** sector of the **Beacon DT** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Beta** sector of the **Beacon DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the FDV separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS) propagation characteristics prevent proper FDV utilization between carriers in coverage challenged areas like the **Howland Micro** project area. Network densification is required.

Detail: The existing **Beacon DT Beta** sector shown above has recently exceeded it's capability of supporting FDV requirements as shown by the purple and dark red lines exceeding the max utilization threshold (red dashed line). FDV is one of three metrics used in this presentation to evaluate capacity capability in this area.

Capacity Utilization ASEU (Mt. Beacon Gamma)



Summary: This graph shows ASEU (Average Schedule Eligible User). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the ASEU separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS propagation characteristics prevent proper ASEU utilization between carriers in coverage challenged areas like the **Electric Blanket** project area. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector cannot support the data traffic demand throughout the extents of the excessively large area it covers. **Mt. Beacon Gamma** is already overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold line. Cell edge (weak/variable) conditions create the disparity between high and low bands due to propagation challenges which more significantly impact high band (AWS). The **Mt. Beacon** site is too far away to effectively serve this portion of the City of Beacon.

Capacity Utilization ASEU (Beacon DT Beta)



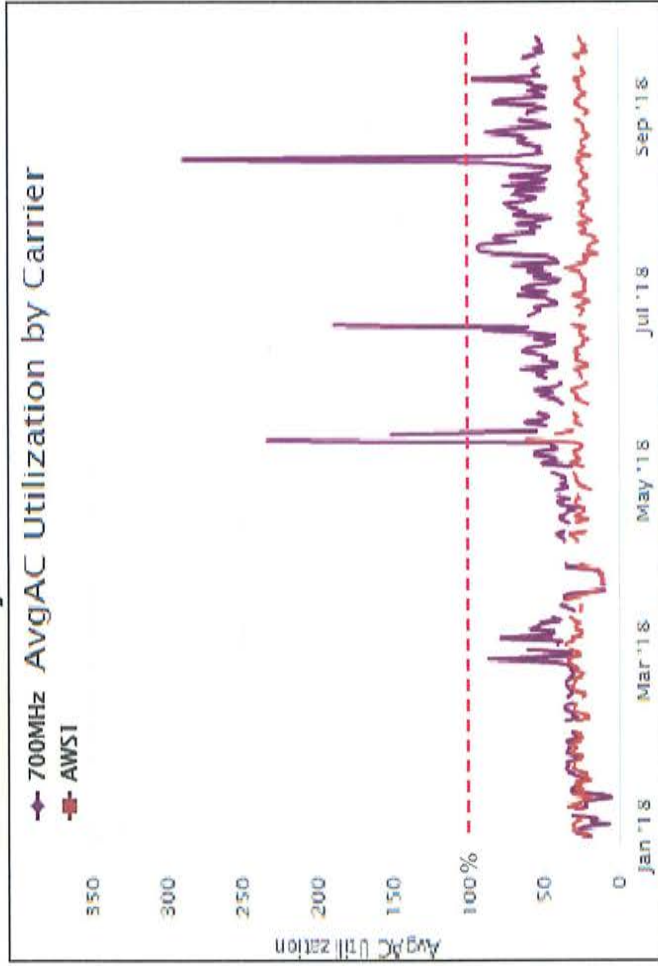
Summary: This graph shows ASEU (Average Schedule Eligible User). ASEU is a measurement of the loading of the control channels and systems of a given site. The ASEU load is heavily impacted by distant users or those in poor RF conditions.

The purple line represents the daily max busy hour 700MHz utilization on the **Beta** sector of the **Beacon DT** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Beta** sector of the **Beacon DT** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

Displaying the ASEU separately by carrier reveals the inability of high band (AWS) to resolve the capacity issues from existing sites described in this case. High band (AWS/PCS propagation characteristics prevent proper ASEU utilization between carriers in coverage challenged areas like the **Howland Micro** project area. Network densification is required.

Detail: The existing **Beacon DT Beta** sector cannot support the data traffic demand throughout the extents of the area it covers. **Beacon DT Beta** is already overloaded, as shown by the purple actual use line exceeding the red dashed exhaustion threshold line. Cell edge (weak/variable) conditions create the disparity between high and low bands due to propagation challenges which more significantly impact high band (AWS). The **Beacon DT** site requires network densification throughout its serving footprint.

Capacity Utilization AvgAC (Mt. Beacon Gamma)



Summary: This graph shows AvgAC (Average Active Connections). AvgAC utilization by carrier is a measurement of max active connection capacity per sector in any given time slot. When this limit is reached, no additional devices will be able to connect to the site, resulting in connection failures and dropped calls.

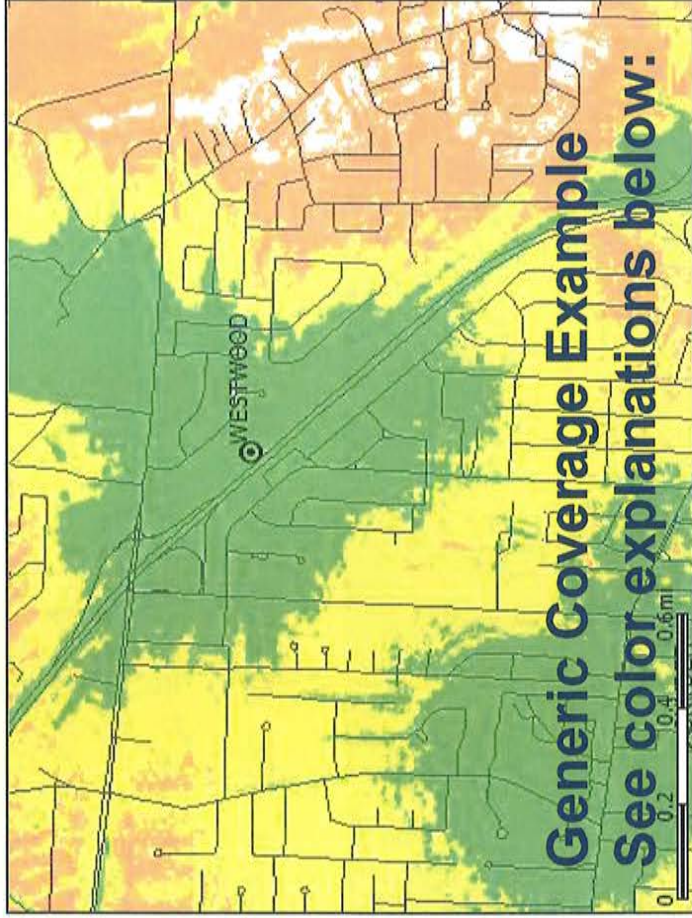
The purple line represents the daily max busy hour 700MHz utilization on the **Gamma** sector of the **Mt. Beacon** site. The dark red line represents the daily max busy hour 2100MHz (AWS) utilization on the **Gamma** sector of the **Mt. Beacon** site. The red dashed line is the limit where the sector reaches exhaustion and service starts to significantly degrade. The point in time where we see the purple or dark red lines reach or exceed the red dashed line is when service quickly degrades as usage continues to increase.

This graph helps to reveal foliage impact affecting variable coverage areas which result with a decline in AWS utilization while 700MHz utilization increases at the time of increased springtime foliage. This further complicates capacity offload capability for high band carriers. Network densification is required.

Detail: The existing **Mt. Beacon Gamma** sector cannot support the number of users in the excessively large area it covers and has already reached overloaded conditions recently, as shown by the daily max busy hour utilization line peaking above the red dashed exhaustion threshold line.

Explanation of Wireless Coverage

Coverage is best shown via coverage maps. RF engineers use computer simulation tools that take into account terrain, vegetation, building types, and site specifics to model the RF environment. This model is used to simulate the real world network and assist engineers to evaluate the impact of a proposed site (along with industry experience and other tools).



Most Verizon Wireless sites provide 3G CDMA at 850 MHz and 4G LTE at 700 MHz. As capacity requirements increase, higher frequency PCS (1900 MHz) and AWS (2100 MHz) carriers are added. In some mountaintop situations the high band AWS and PCS carriers are not effective due to excessive distance from the user population.

Coverage provided by a given site is affected by the frequencies used. Lower frequencies propagate further distances, and are less attenuated by clutter than higher frequencies. To provide similar coverage levels at higher frequencies, a denser network of sites is required (network densification).

Note the affect of clutter on the predicted coverage footprint above

Green = -85dBm RSRP, typically serves suburban residential and light commercial buildings (stronger coverage levels may be needed for proper evaluation in urban applications or where more substantial building construction exists)

Yellow = -95dBm RSRP, typically serves most rural/suburban-residential and in car applications

Orange = -105dBm RSRP, rural highway coverage, subject to variable conditions including fading and seasonality gaps

White = <-105dBm RSRP, variable to no reliable coverage gap area

More detailed, site-specific coverage slides are later in the presentation

*Signal strength requirements vary as dictated by specific market conditions

Explanation of this Search Area



Howland micro Search Area

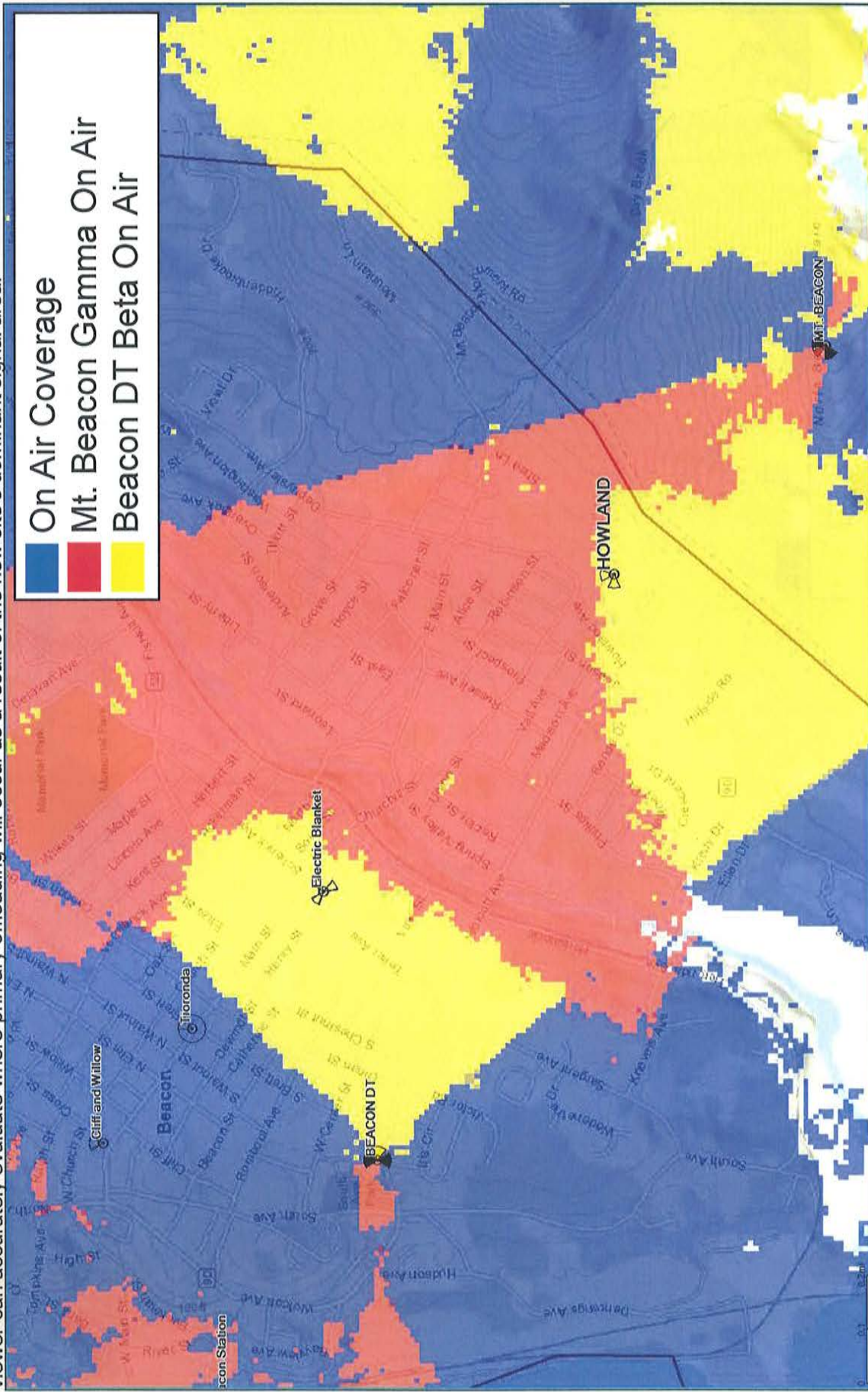
To resolve the coverage and capacity deficiencies previously detailed, Verizon Wireless is seeking to add one new 'micro' cell facility within or as near as possible to this centrally and strategically located area to improve wireless service capacity and coverage. By offloading Beacon DT and displacing traffic from Mt. Beacon with the proposed site, adequate and reliable service will be provided. The new **Howland micro** site will provide dominant and dedicated signal to portions of Beacon helping to improve not only the area roads but also adjacent populated areas.

A **Search Area** is the geographical area within which a new site is targeted to solve a coverage or capacity deficiency. Three of the factors taken into consideration when defining a search area are topography, user density, and the existing network.

- **Topography** must be considered to minimize the obstacles between the proposed site and the target coverage area. For example, a site at the bottom of a ridge will not be able to cover the other side from a certain height.
- In general, the farther from a site the **User Population** is, the weaker the RF conditions are and the worse their experience is likely to be. These distant users also have an increased impact on the serving site's capacity. In the case of a multi sector site, centralized proximity is essential to allow users to be evenly distributed and allow efficient utilization of the site's resources.
- The existing **Network Conditions** also guide the design of a new site. Sites placed too close together create interference due to overlap and are an inefficient use of resources. Sites that are too tall or not properly integrated with existing sites cause interference and degrade service for existing users.
- Existing co-locatable structures inside the search area as well as within a reasonable distance of the search area are submitted by site acquisition and reviewed by RF Engineering. If possible RF will make use of existing or nearby structures before proposing to build new towers.

Existing 700MHz Best Server -95dBm RSRP

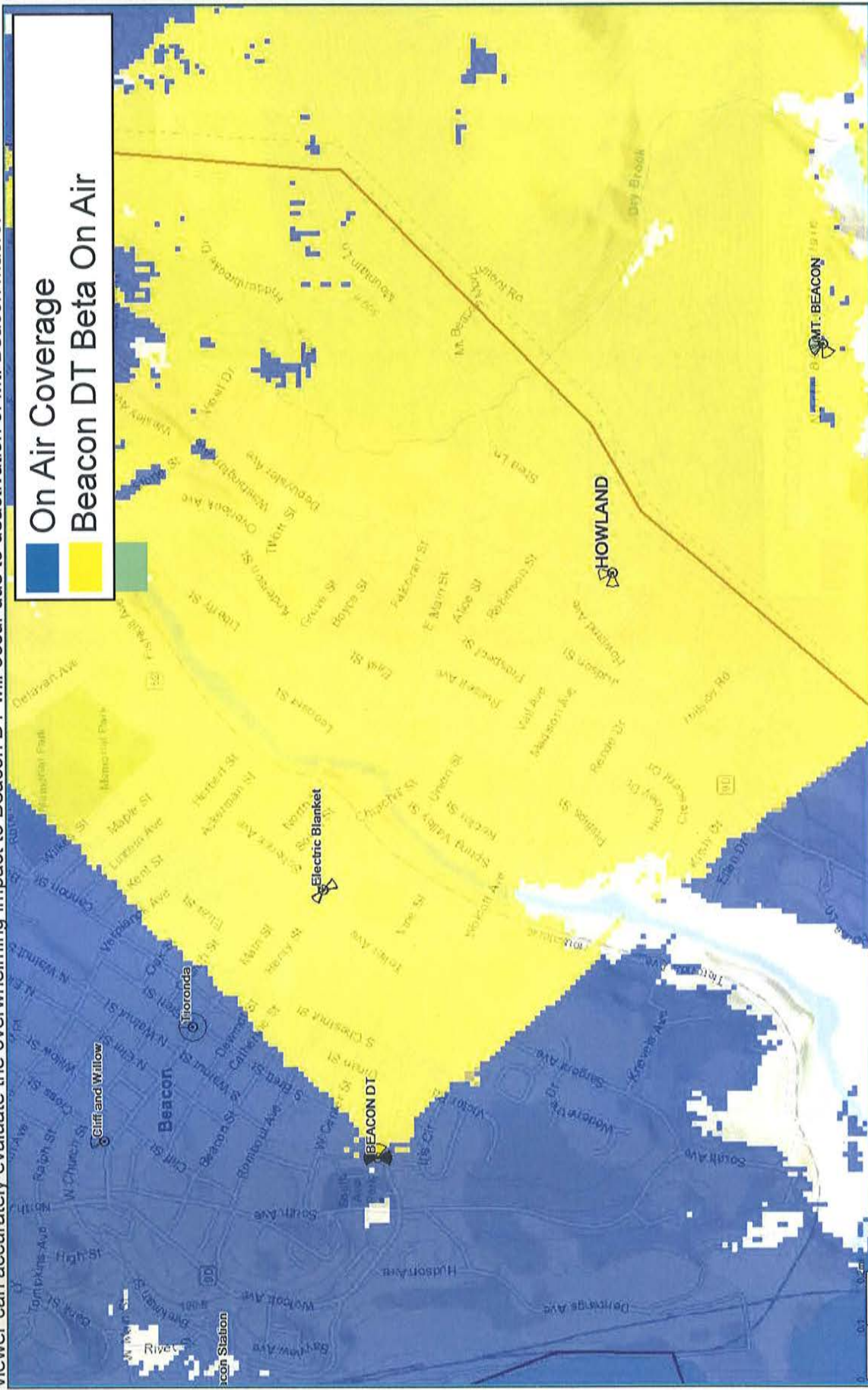
Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area.



The map above represents coverage from existing sites/cells, with the cells in need of capacity offload in red (Mt. Beacon Gamma) and yellow (Beacon DT Beta). Blue coverage is from other on air sites/sectors.

Mt. Beacon LTE OFF 700MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate the overwhelming impact to Beacon DT will occur due to deactivation of Mt. Beacon macro.

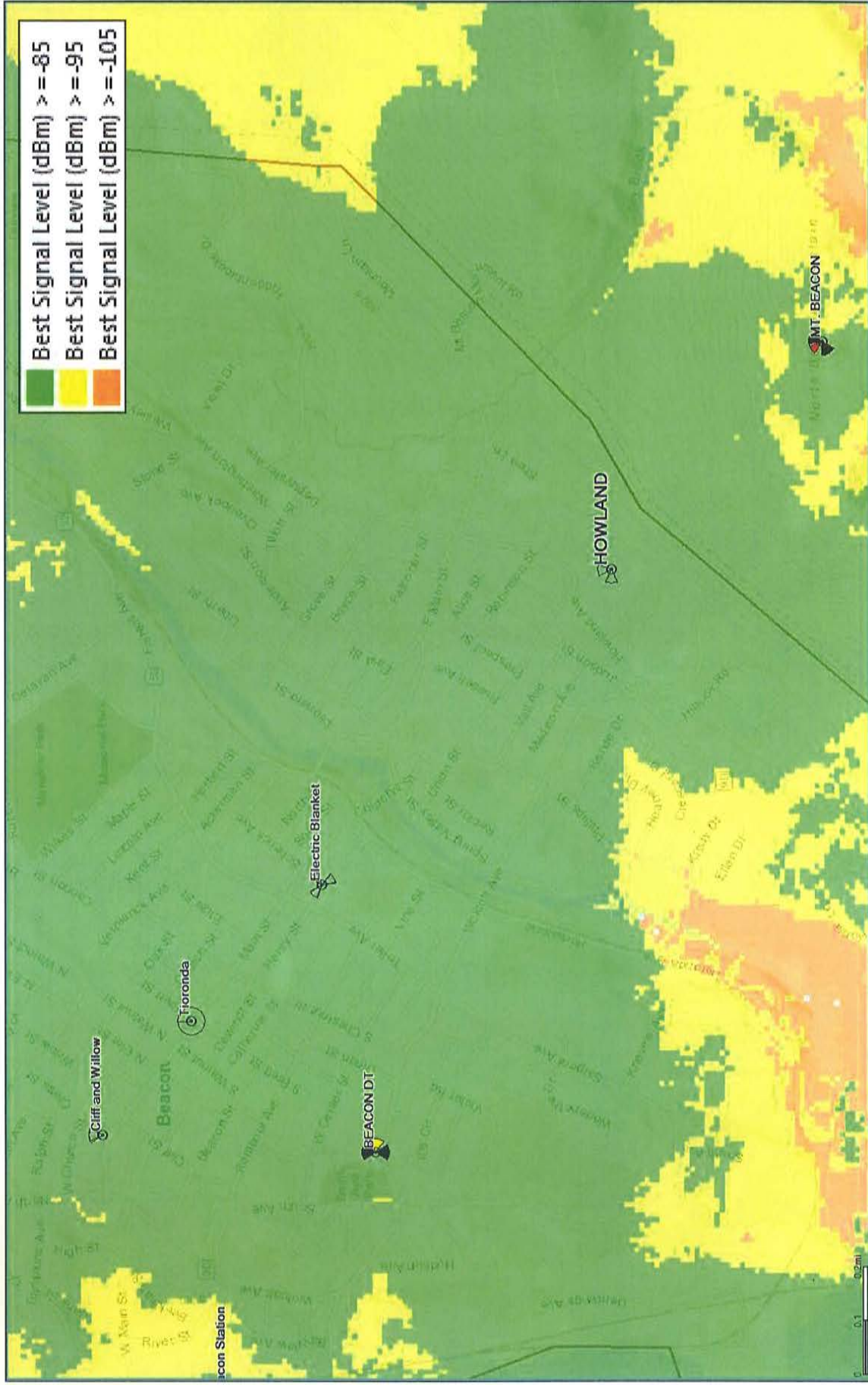


The map above removes the footprint of the existing Mt. Beacon site. There is no low band carriers (700/850MHz) planned for the proposed Howland site. Later in this document are slides showing where the proposed high band carriers (AWS/PCS) will provide offload.



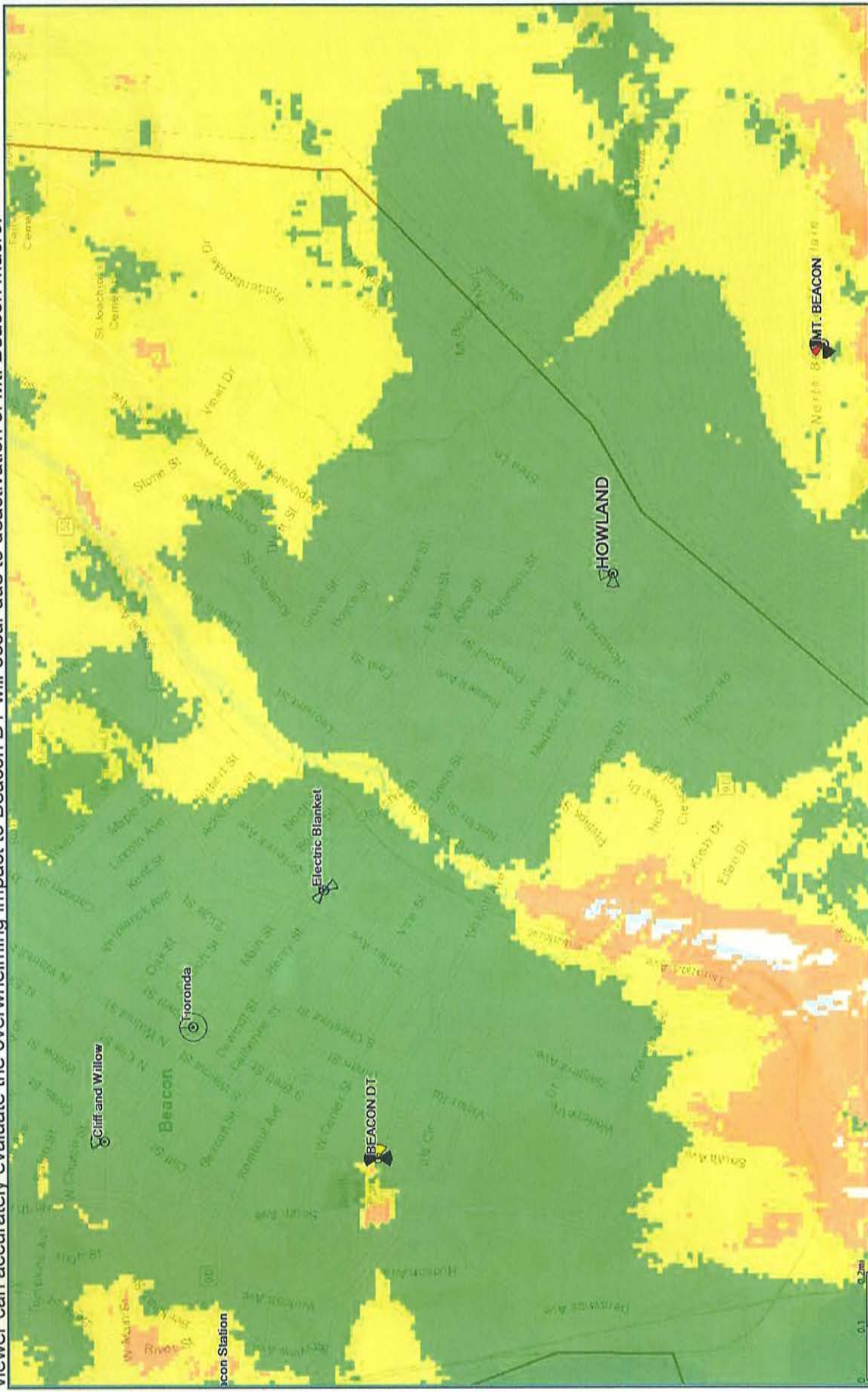
Existing 700MHz Coverage

This coverage map shows existing low band RF conditions in and around the Howland Micro site area.



Mt. Beacon LTE OFF 700MHz Best Server -95dBm RSRP

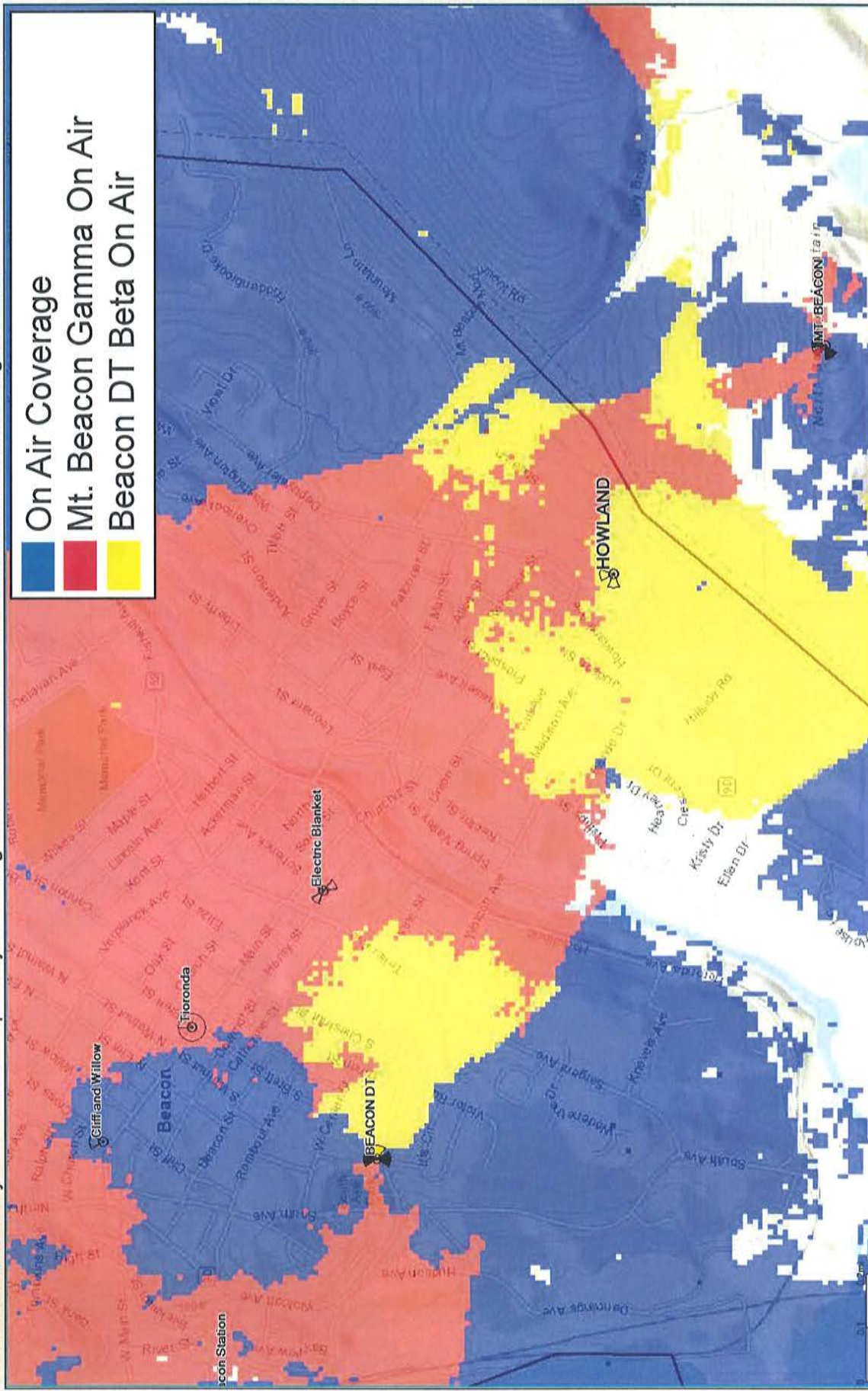
Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate the overwhelming impact to Beacon DT will occur due to deactivation of Mt. Beacon macro.



The map above removes the footprint of the existing Mt. Beacon site. There is no low band carriers (700/850MHz) planned for the proposed Howland site. Later in this document are slides showing where the proposed high band carriers (AWS/PCS) will provide offload.

Existing 2100MHz Best Server -95dBm RSRP

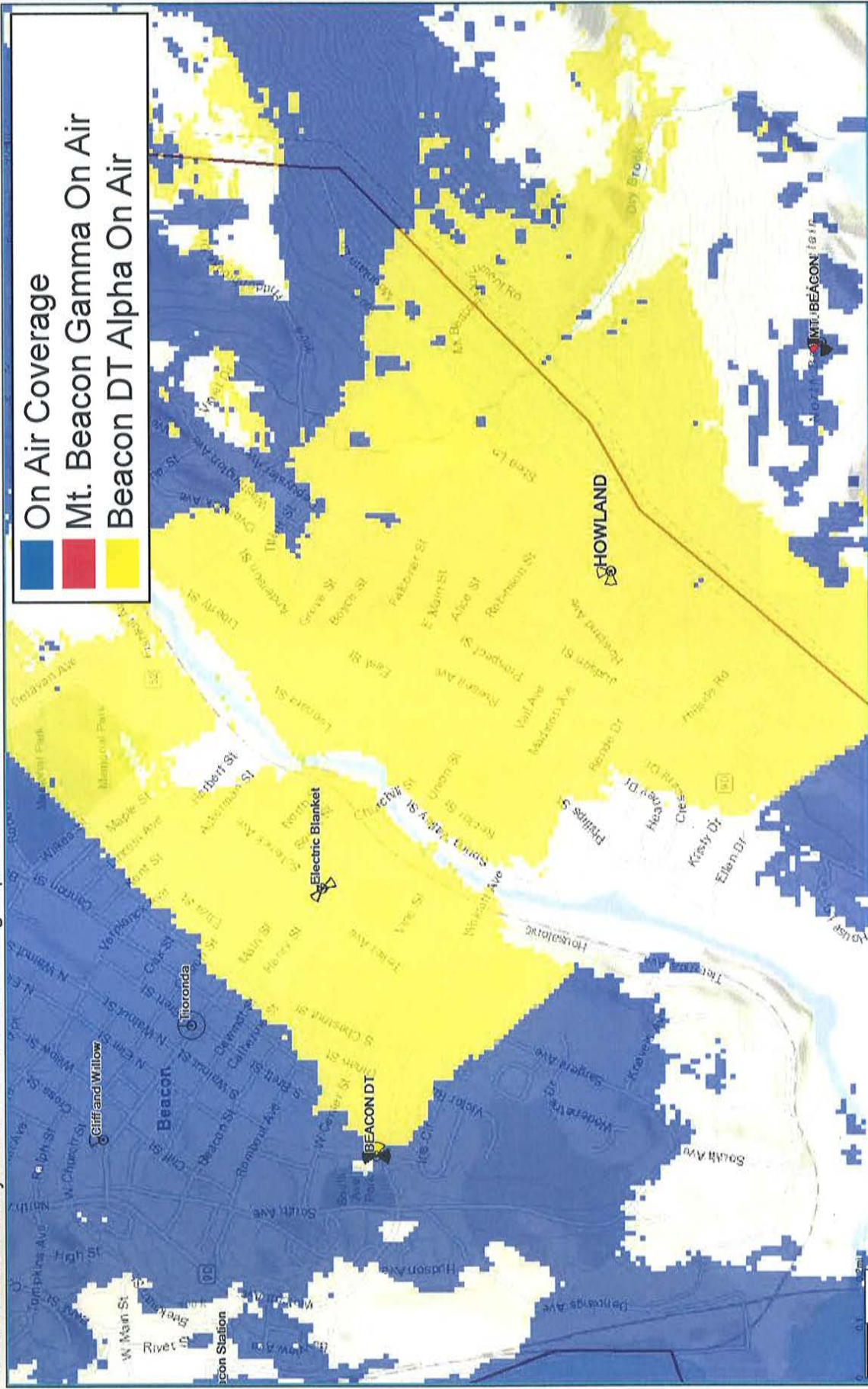
Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area.



The map above represents coverage from existing sites/cells, with the cells in need of capacity offload in red (Mt. Beacon Gamma) and yellow (Beacon DT Beta) Blue coverage is from other on air sites/sectors.

Proposed 2100MHz Best Server -95dBm RSRP

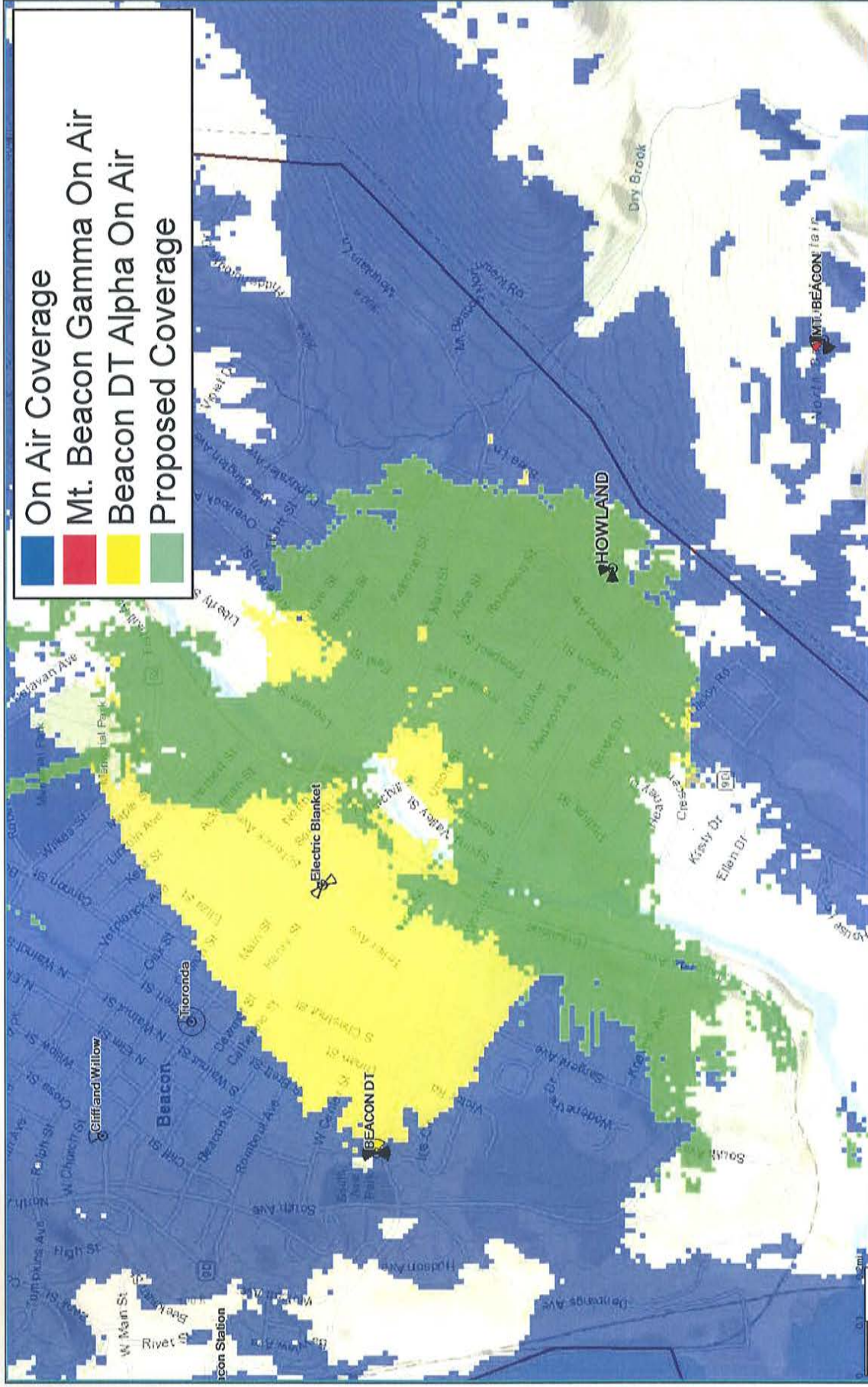
Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate the overwhelming impact to Beacon DT will occur due to deactivation of Mt. Beacon macro.



The map above removes the (red) footprint of Mt. Beacon.

Proposed (Mt. Beacon Gamma Off) 2100MHz Best Server -95dBm RSRP

Best Server plots depict the actual best server or dominant footprint of each sector in question. The following map shows one threshold so the viewer can accurately evaluate where primary offloading will occur as a result of the new site's dominant signal area (at 50' ACL).

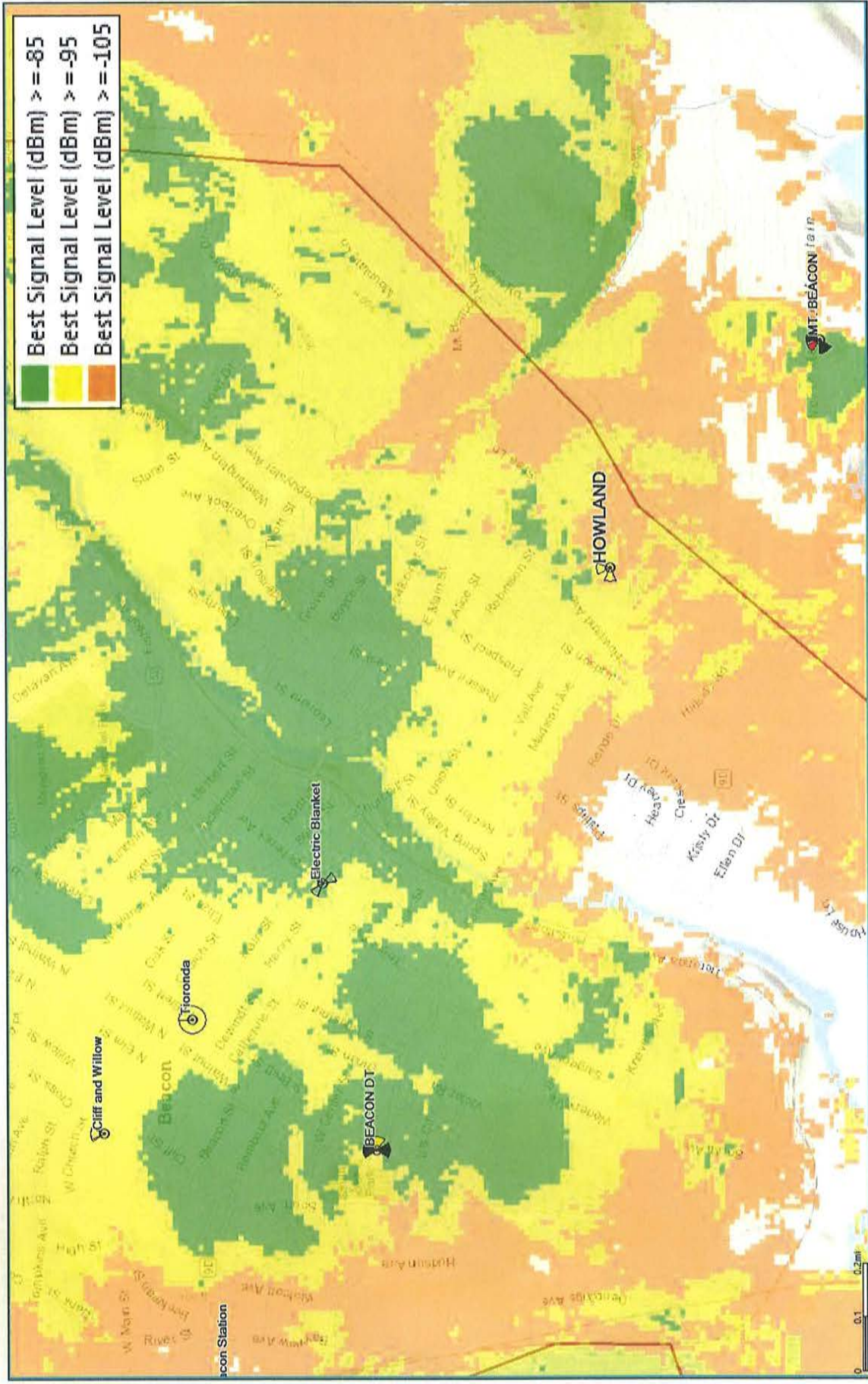


The map above removes the (red) footprint of Mt. Beacon Gamma as it is planned to be shut off due to excessive interference and inability to serve the intended area. The green best server footprint represents the proposed Howland coverage area. Activation of Howland will be a coordinated event along with additional containment of Beacon DT in order to maintain sector dominance and proper network performance.



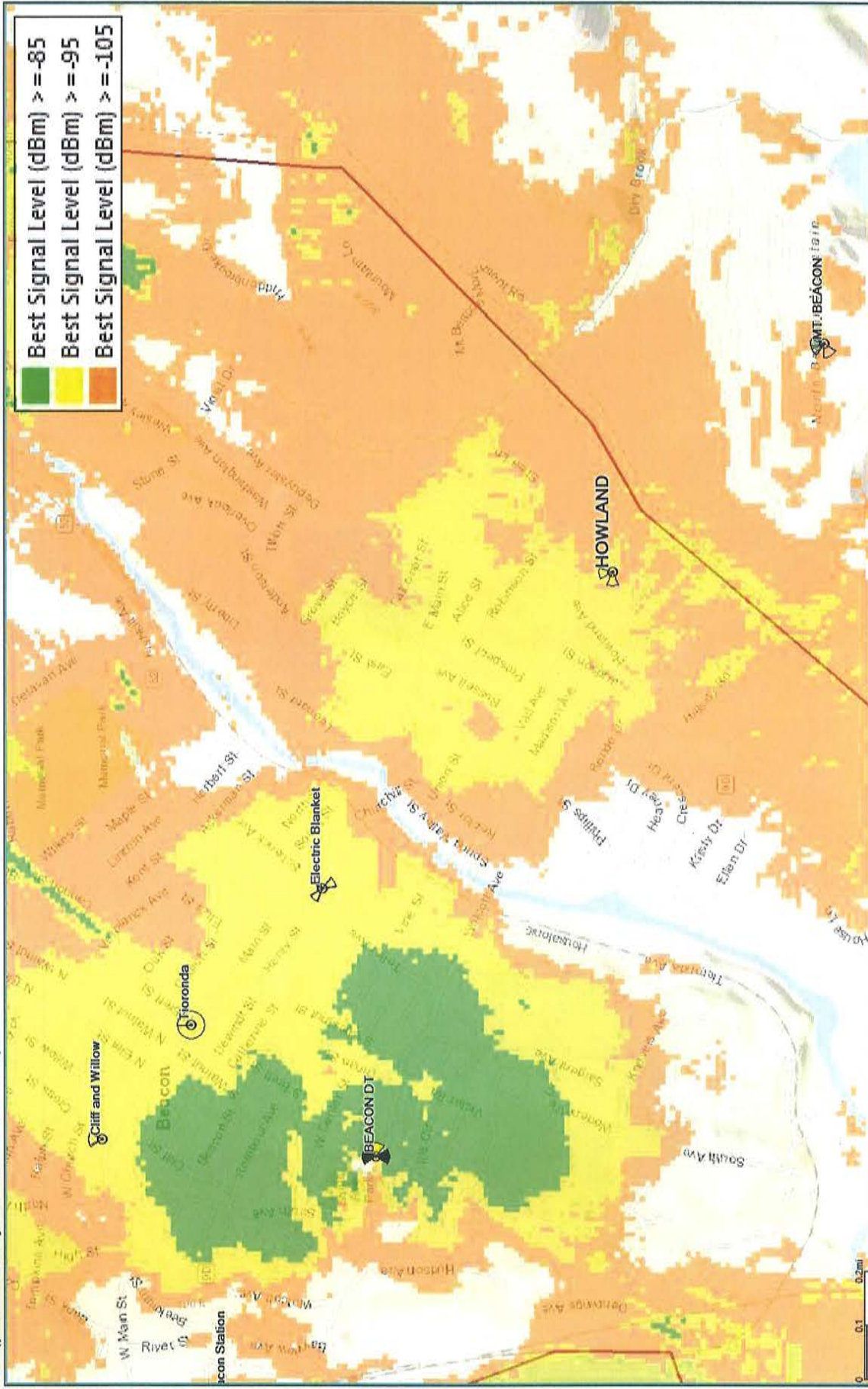
Existing 2100MHz Coverage

This coverage map shows existing high band RF conditions in and around the Electric Blanket site area.



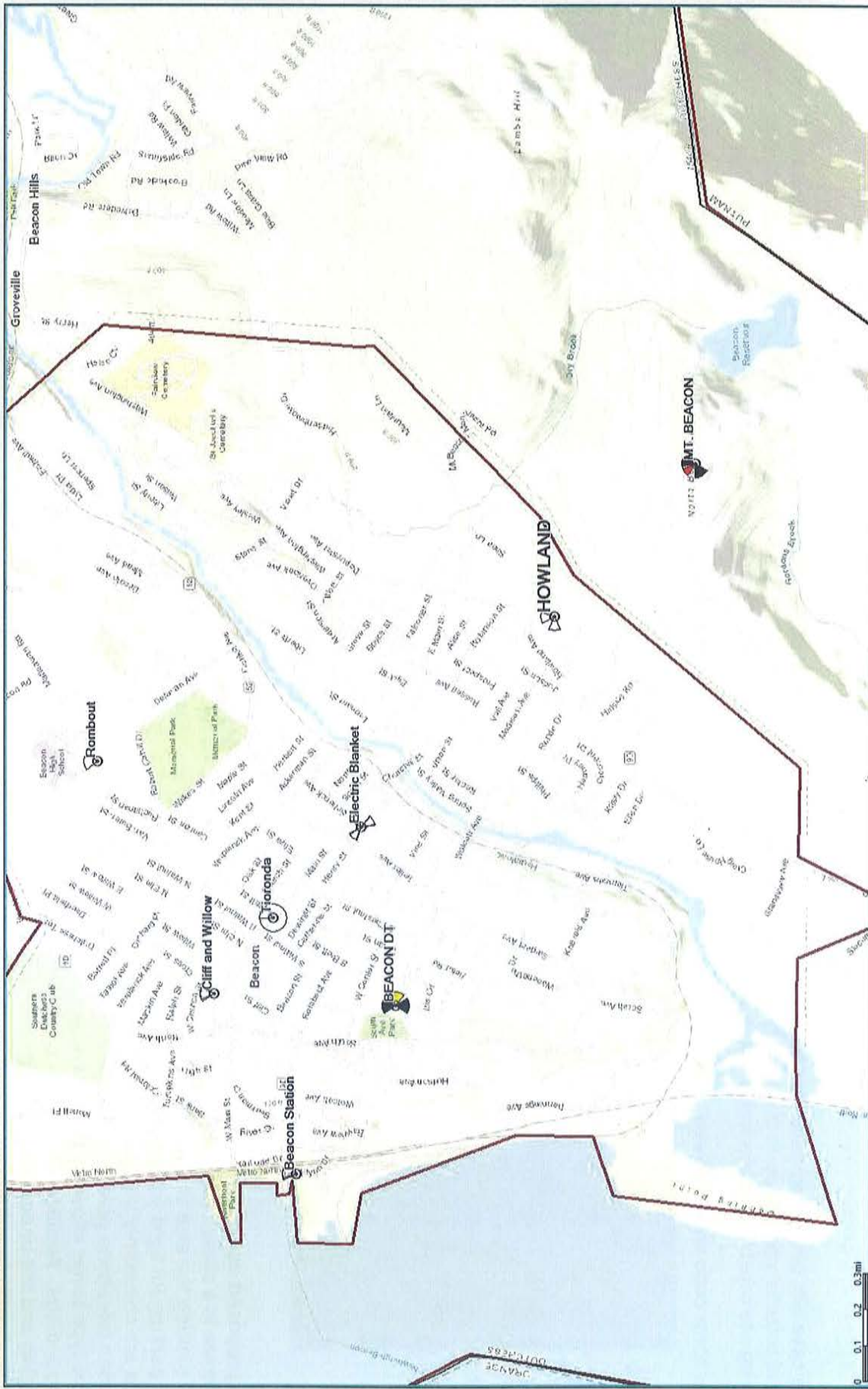
Existing 2100MHz Coverage (Mt. Beacon Gamma Off Air)

This coverage map shows future high band RF conditions in and around the Howland Micro site area after Mt. Beacon Gamma is off air (prior to any new activations).



Other sites in development

This map shows the approximate locations of other sites at various stages of development including Beacon Station, Rombout, Cliff and Willow, Tioronda and Beacon, and Willow, Tioronda and Electric Blanket.



Site Selection Analysis and Steath Design

The following candidates were considered throughout the process of developing the Howland ring:

- A. 41.494749°, -73.955751° (Ability Beyond Disability Roof Co-Lo) RF Rejected, ACL too low, obscured by local clutter
- B. 41.494518°, -73.955562° (Ability Beyond Disability Telephone Pole) RF Approved at 50' ACL

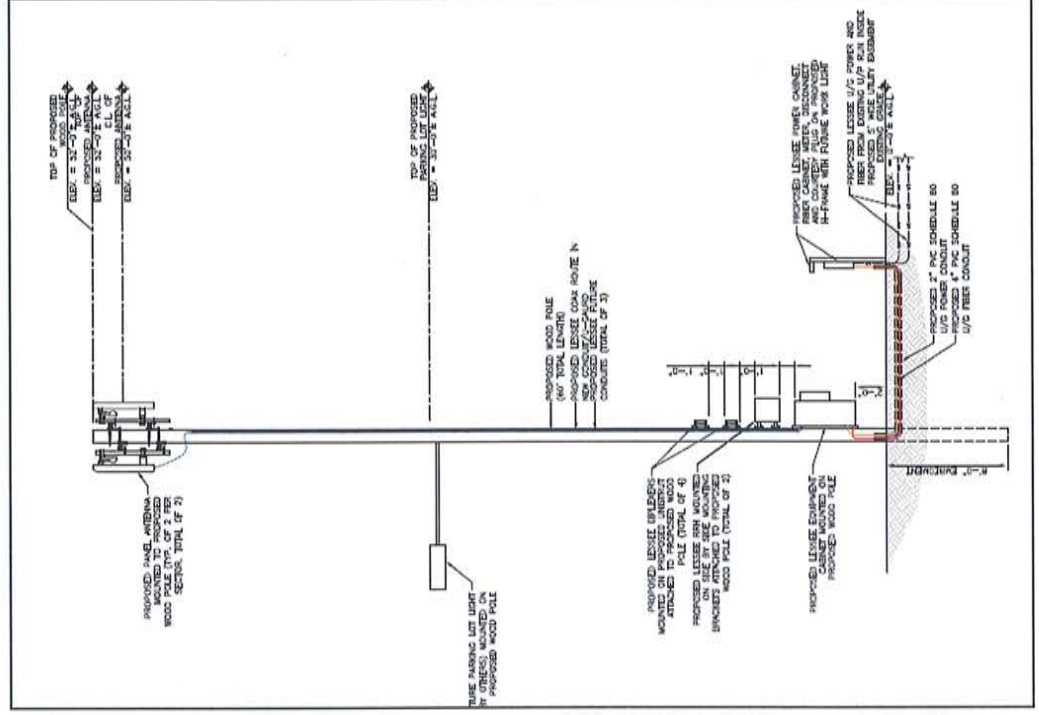
As is the case with other micro sites the search area provided to Site Acquisition (SACQ) by RF Engineering is relatively limited in size which in turn limits the number of potential candidates, in this case there were two. Due to the small nature of the target area, coordination with other sites in design, interest in maximizing site capabilities while limiting the number of solutions required limits the areas where this site will work as identified below.

The new town code was reviewed and there were no city owned or higher priority potential sites available to co-locate on in this area.

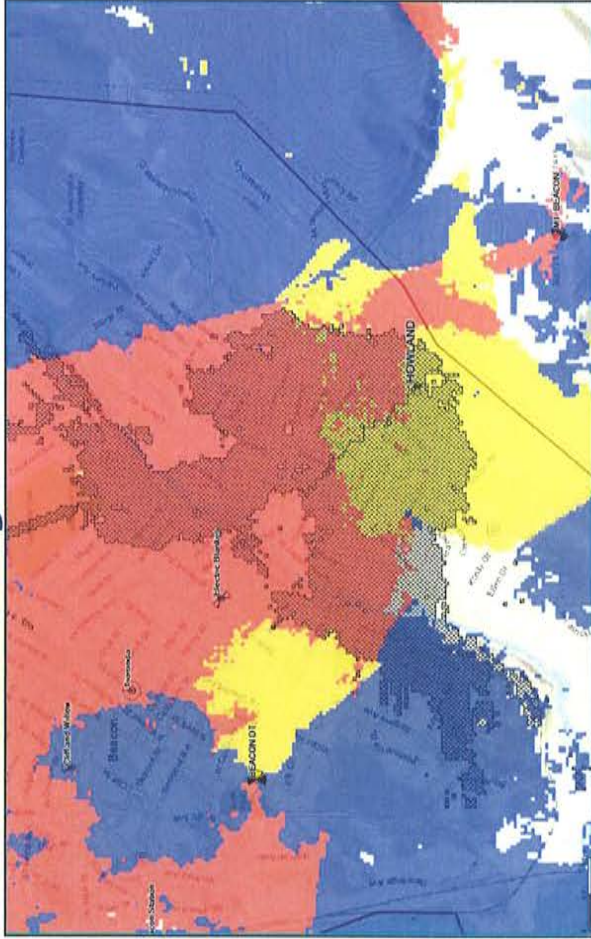


Search Area

The proposed use of a wooden telephone pole to mount the required antennas is a stealth proposal. The antennas are flush mounted to the pole limiting the size of the antenna array. This pole can also be utilized as a parking lot light structure as shown in the elevation view. Telephone poles are commonly utilized in this area of the city and by use of a wooden telephone pole versus a steel monopole, self support or other lattice type tower allows the proposed application to blend into the surroundings. Additionally since it is located between the adjacent building and the unpopulated hillside it is out of the way with no skyline profile. It will blend into the hillside by design achieving stealth.



RF Justification Summary



The network was analyzed to determine whether there is sufficient **RF coverage and capacity** in the City of Beacon. It was determined that there are significant gaps in adequate LTE service for Verizon Wireless in the 700 and 2100MHz frequency bands. In addition to the coverage deficiencies, Verizon Wireless' network does not have sufficient capacity (low band or high band) to handle the existing and projected LTE voice and data traffic in the area near and neighboring the proposed Howland micro facility ("targeted service improvement area"). Based on the need for additional coverage and capacity while considering the topography and wide area requiring service, any further addition of capacity to long distance existing sites does not remedy Verizon's significant gap in reliable service. Therefore, the proposed facility is also needed to provide "**capacity relief**" to the existing nearby Verizon Wireless sites, allowing the proposed facility and those neighboring sites to adequately serve the existing and projected capacity demand in this area.

With the existing network configuration there are significant gaps in service which restricts Verizon Wireless customers from originating, maintaining or receiving reliable calls and network access. It is our expert opinion that the proposed height will satisfy the coverage and capacity needs of Verizon Wireless and its subscribers in this portion of Beacon and the Howland micro project area. The proposed location depicted herein satisfies the identified service gaps and is proposed at the minimum height necessary for adequate service.

Michael R. Crosby

Michael R. Crosby
Engineer IV – RF Design
Verizon Wireless

VERIZON WIRELESS MAINTENANCE AND INSPECTION PLAN
HOWLAND MICRO FACILITY

Verizon Wireless will maintain the approved communications facility located at 110 Howland Avenue, Beacon, New York in a safe manner and in compliance with all applicable conditions any necessary approvals granted from the City of Beacon, as well as all applicable and permissible codes, ordinances and regulations, including any and all applicable city, county, state and federal laws, rules and regulations.

The approved communications facility will be unmanned, and will be visited by Network Operations personnel for routine maintenance and inspection purposes approximately one to three times per year (as needed). Verizon Wireless will maintain the tower and any roads or surrounding areas under its control in a good and safe condition. A records log will be kept at the site to keep track of any issues identified at the site visits.

The site will also be hard wired to Verizon Wireless Network Operation Center ("NOC"), which is manned twenty-four hours a day, seven days a week, 365 days a year. If there is a significant issue at the facility, it will trigger an alarm at the NOC and an appropriate response will be provided.

Any items requiring maintenance or repair will be addressed in a prompt and workman-like manner by qualified professions.

November 19, 2018

MILLENNIUM ENGINEERING, P.C.

132 Jaffrey Road
Malvern, Pennsylvania 19355

Cell: 610-220-3820
www.millenniumeng.com

Fax: 610-644-4355
Email: pauldugan@comcast.net

November 6, 2018

Attn: Naveen Gupta, RF Design Engineer
Verizon Wireless
1275 John Street, Suite# 100
West Henrietta, NY 14586

Re: RF Safety FCC Compliance of Proposed Communications Facility
Site Name: Howland Micro, Proposed 52' Wooden Lightpole
110 Howland Avenue, Beacon, NY 12508 (City of Beacon, Dutchess County)
Latitude 41° 29' 40.44" N, Longitude 73° 57' 19.92" W (NAD83), G.E. 274' A.M.S.L.

Dear Mr. Gupta,

I have performed an analysis to provide an independent determination and certification that the proposed Verizon Wireless communications facility at the above referenced property will comply with Federal Communications Commission (FCC) exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields (Code of Federal Regulation 47 CFR 1.1307 and 1.1310). As a registered professional engineer, I am under the jurisdiction of the State Registration Boards in which I am licensed to hold paramount the safety, health, and welfare of the public and to issue all public statements in an objective and truthful manner.

The proposed communications facility consists of a proposed 52' wooden lightpole at the above referenced property. The proposed Verizon Wireless antenna configuration from the information furnished to me consists of (1) 1900/2100 MHz (LTE) dualband antenna (CommScope NHH-45A-R2B or equivalent) on each of two faces (total of 2 antennas) spaced with azimuths of 335/270 degrees on the horizontal plane at a centerline of 50' above ground level and no mechanical downtilt. Transmitting from these antennas will be (1) 1900 MHz LTE wideband channel and (1) 2100 MHz LTE wideband channel per face. The proposed Verizon Wireless antennas will be mounted at the top of the proposed pole at a centerline of 2' below the top of the pole and 20' above the proposed parking lot light.

The following assumptions are made for reasonable upper limit radiofrequency operating parameters for the proposed facility due to the Verizon Wireless antennas alone:

- (1) 1900/2100 MHz (LTE) dualband transmit antenna per face at 0-10 degrees mechanical downtilt
- (1) 1900 MHz LTE wideband channel/face at 4x40W max power/face before cable loss/antenna gain
- (1) 2100 MHz LTE wideband channel/face at 4x40W max power/face before cable loss/antenna gain
- The facility would be at or near full capacity during busy hour

Using the far-field power density equations from FCC Bulletin OET 65, the power density at any given distance from the antennas is equal to $0.360(ERP)/R^2$ where R is the distance to the point at which the exposure is being

calculated. The given equation is a conversion of the OET 65 power density equation for calculating power density given the distance in feet and the result in metric units (mW/cm^2). This calculated power density assumes the location is in the main beam of the vertical pattern of the antenna. After making an adjustment for the reduction in power density due to the vertical pattern of the transmit antenna, the calculated ground level power density is well below 1 % of the FCC general population exposure limit at any distance from the antenna system of Verizon Wireless.

The 1900 MHz (PCS) "C4/C5 Block" transmit frequencies (1980-1990 MHz), which Verizon Wireless is licensed by the FCC to operate, have an uncontrolled/general population maximum permissible exposure (MPE) FCC limit of $1000 \mu\text{W}/\text{cm}^2$ or $1 \text{ mW}/\text{cm}^2$. The 2100 MHz (AWS) "B Block", "C Block" and "D Block" transmit frequencies (2120-2130, 2130-2135, 2135-2140 MHz), which Verizon Wireless is also licensed by the FCC to operate, have an uncontrolled/general population MPE FCC limit of $1000 \mu\text{W}/\text{cm}^2$ or $1 \text{ mW}/\text{cm}^2$. Therefore, the exposure at ground level at any distance from the structure would substantially below 1 % of the FCC general population exposure limits due to the Verizon Wireless antenna alone. The extremely low ground exposure levels are due to the elevated positions of the antennas on the structure and the low power which these systems operate. See Figures 1 and 2 in back of this report which discuss the relationship between height, proximity or distance, and orientation to level of electromagnetic field exposure.

I have performed a near-field analysis to determine the exposure levels directly in front of the proposed Verizon Wireless antennas for the safety of occupational workers. **The calculated exposure is below the FCC occupational exposure limits at 3 feet directly in front of the antennas.** As a general rule, occupational workers should maintain a distance of 3 feet from all transmitting antennas.

In summary, the proposed communications facility will comply with all applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65). Federal law (FCC Rule Title 47 CFR 1.1307 and 1.1310) sets the national standard for compliance with electromagnetic field safety. The FCC exposure limits are based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc., (IEEE) and adopted by the American National Standards Institute (ANSI). **Thus, there is full compliance with the standards of the IRPA, FCC, IEEE, ANSI, and NCRP.**

General Information on Electromagnetic Field Safety

Verizon Wireless facilities transmit and receive low power electromagnetic fields (EMF) between base station antennas and handheld portable cell phones. The radiofrequency energy from these facilities and devices is non-ionizing electromagnetic energy. Non-ionizing, unlike X-Rays or other forms of potentially harmful energy in the microwave region, is not cumulative over time nor can the energy change the chemical makeup of atoms (e.g. strip electrons from ions). "Non-ionizing" simply means that the energy is not strong enough to break ionic bonds.

Safe levels of electromagnetic fields were determined by numerous worldwide organizations, such the International Committee for Non-Ionizing Radiation Protection, a worldwide multi-disciplinary team of researchers and scientists studying the effects of non-ionizing radiofrequency energy such as that emitted by base stations or cell phones. The FCC did not arbitrarily establish their own standards, but rather adopted the recommendations of all leading organizations that set standards and research the subject such as the Institute of Electrical and Electronics Engineers (IEEE), American National Standards Institute (ANSI), and National Council on Radiation Protection and Measurements (NCRP).

When Verizon Wireless, or any commercial wireless communications licensee, is located on an antenna structure such as a self-supporting lattice type tower, lattice tower, guyed tower, watertank, etc. the antennas are typically

10 meters or more above ground level (10 meters = 32.81 feet). With the relatively low power and elevated positions of the antennas on the structure with respect to ground level, the maximum ground level exposure can rarely approach 1 % of the applicable FCC exposure limit regardless of how many sets of antennas are collocated on the structure. For this reason, the FCC considers the facilities “categorically excluded” from routine evaluation at antenna heights above 10 meters (or above 32.81 feet). Categorical exclusion exempts a site from routine on-site evaluation. However, the facility is not excluded from compliance with the federal exposure limits and guidelines. The types of facilities used by Verizon Wireless typically elevated on antenna structures (away from access to close proximity, i.e. greater than 10 meters or 32.81 feet) simply cannot generate ground level exposure levels that approach the limits under any circumstances.

From a regulatory perspective, the FCC has sole jurisdiction over the regulation of electromagnetic fields from all facilities and devices. The FCC has established guidelines and limits over emissions and exposure to protect the general public. The FCC also has certain criteria that trigger when an environmental evaluation must be performed. The criteria are based on distance from the antennas (accessibility) and transmit power levels.

CONCLUSIONS:

1) The proposed communications facility will comply with electromagnetic field safety standards by a substantial margin (well below 1 %) in all publicly accessible areas. This includes the base of the proposed structure and any areas in proximity to the proposed structure.

2) Verizon Wireless takes appropriate measures to ensure that all telecommunications facilities (including this proposed facility) comply with applicable exposure limits and guidelines adopted by the FCC governing human exposure to radiofrequency electromagnetic fields (FCC Bulletin OET 65).

3) In cases where such compliance exists, the subject of electromagnetic field safety is preempted. The Telecommunications Act of 1996 states that: “No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC’s] regulations concerning such emissions.” Telecommunications Act of 1996, § 332[c][7][B][iv].

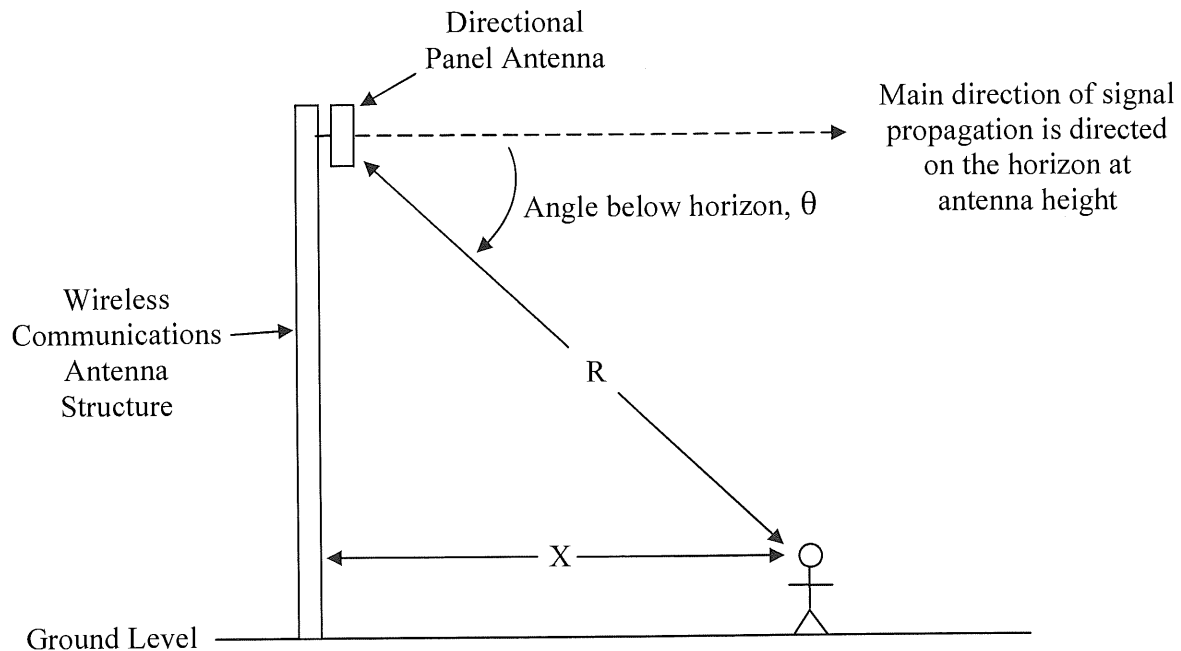
Respectfully,



Paul Dugan, P.E.
Registered Professional Engineer
New York License Number 79144

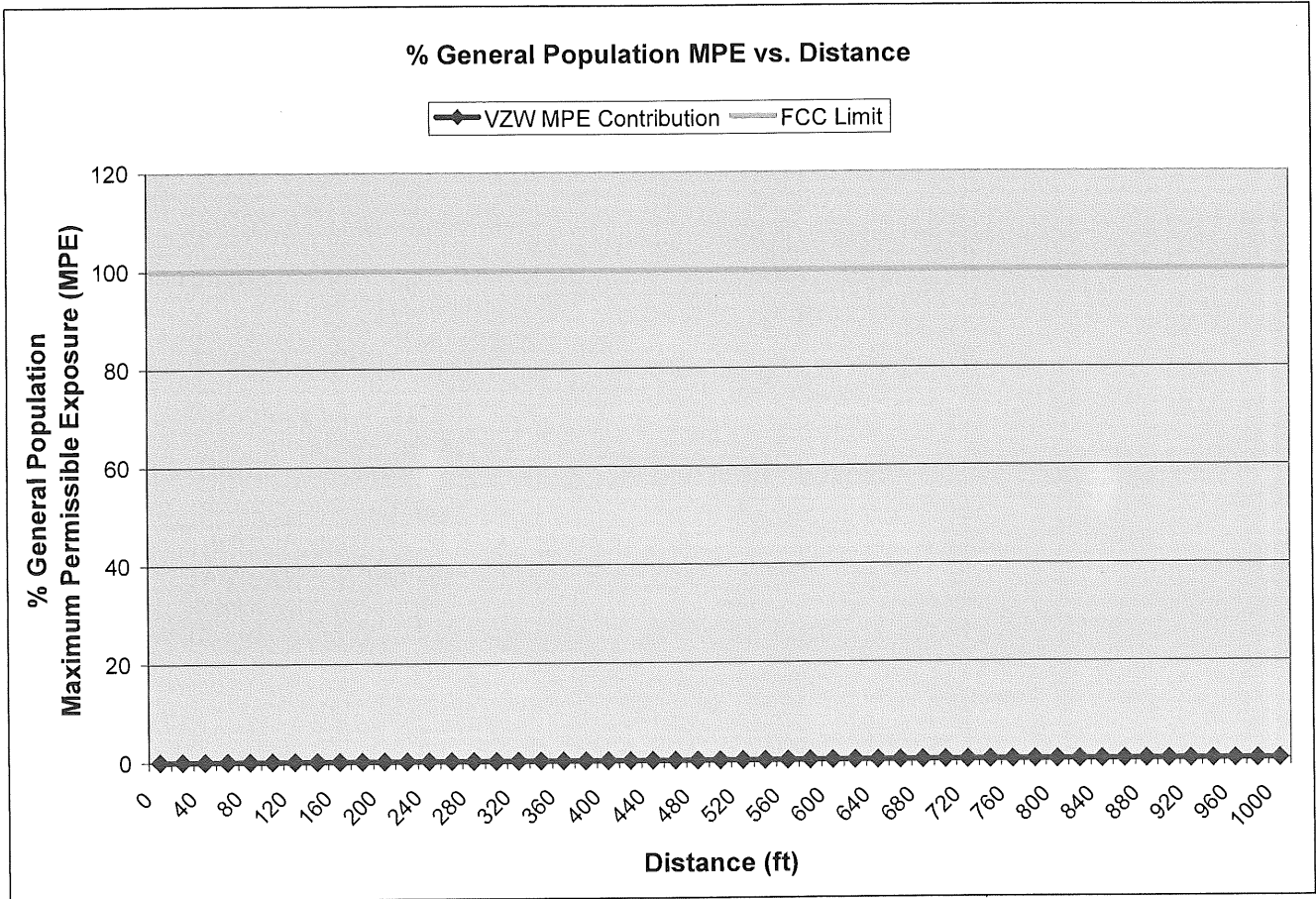


FIGURE 1: Diagram of Electromagnetic Field Strength as a Function of Distance and Antenna Orientation



The above diagram illustrates the conceptual relationship of distance and orientation to directional panel antennas used in wireless communications. At the base of the structure ($x = 0$), the distance R is a minimum when the angle of the direction of propagation θ is a maximum. As one moves away from the antenna structure, the horizontal distance X increases as well as the distance R to the antennas while the angle below the horizon decreases. For this reason, electromagnetic fields from these facilities remain fairly uniform up to a few hundred feet and continue to taper off with distance. As noted in the report, the electromagnetic fields from these types of facilities are hundreds of times below safety standards at any distance from the antenna structure, making them essentially indistinguishable relative to other sources of electromagnetic fields in the environment due to the elevated heights of the antennas and the relatively low power at which these systems operate.

FIGURE 2: Graph of MPE Contribution vs. Distance




The above graph represents the contribution of Verizon Wireless to the composite electromagnetic field exposure level at any distance from the base of the structure. The contribution of Verizon Wireless will remain well under 1% of the FCC general population maximum permissible exposure (MPE) at any distance as shown.

DECLARATION OF ENGINEER

Paul Dugan, P.E., declares and states that he is a graduate telecommunications consulting engineer (BSE/ME Widener University 1984/1988), whose qualifications are a matter of record with the Federal Communications Commission (FCC). His firm, Millennium Engineering, P.C., has been retained by Verizon Wireless to perform power density measurements or calculations for an existing or proposed communications facility and analyze the data for compliance with FCC exposure limits and guidelines for human exposure to radiofrequency electromagnetic fields.

Mr. Dugan also states that the calculations or measurements made in the evaluation were made by himself or his technical associates under his direct supervision, and the summary letter certification of FCC compliance associated with the foregoing document was made or prepared by him personally. Mr. Dugan is a registered professional engineer in the Jurisdictions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, New York, Connecticut, District of Columbia, West Virginia and Puerto Rico with 30 years of engineering experience. Mr. Dugan is also an active member of the Association of Federal Communications Consulting Engineers, the National Council of Examiners for Engineering, the National Society of Professionals Engineers, the Pennsylvania Society of Professional Engineers, and the Radio Club of America. Mr. Dugan further states that all facts and statements contained herein are true and accurate to the best of his own knowledge, except where stated to be in information or belief, and, as to those facts, he believes them to be true. He believes under penalty of perjury the foregoing is true and correct.


Paul Dugan, P.E.

Executed this the 6th day of November, 2018.

PAUL DUGAN, P.E.
132 Jaffrey Road
Malvern, Pennsylvania 19355

Cell: 610-220-3820
Fax: 610-644-4355
Email: pauldugan@comcast.net
Web Page: www.millenniumeng.com

EDUCATION: Widener University, Chester, Pennsylvania
Master of Business Administration, July 1991
Master of Science, Electrical Engineering, December 1988
Bachelor of Science, Electrical Engineering, May 1984

PROFESSIONAL ASSOCIATIONS: **Registered Professional Engineer** in the following jurisdictions:

Pennsylvania, License Number PE-045711-E
New Jersey, License Number GE41731
Maryland, License Number 24211
Delaware, License Number 11797
Virginia, License Number 36239
Connecticut, License Number 22566
New York, License Number 079144
District of Columbia, License Number PE-900355
West Virginia, License Number 20258
Puerto Rico, License Number 18946

Full member of **The Association of Federal Communications Consulting Engineers**
(www.afcce.org) January 1999 to Present
Elected to serve on the Board of Directors for 2006-2007

Full member of **The National Society of Professional Engineers** (www.nspe.org) and the
Pennsylvania Society of Professional Engineers (www.pspe.org) June 2003 to Present
Currently serving on the Board of Directors of the Valley Forge Chapter and as South East Region Vice-Chair for the "Professional Engineers in Private Practice" Executive Committee

Actively participate in **Chester County ARES/RACES** (CCAR www.w3eoc.org) which prepares and provides emergency backup communications for Chester County Department of Emergency Services, March 2005 to Present

Full member of **The National Council of Examiners for Engineering**
(www.ncees.org) May 2001 to Present

Full Member of **The Radio Club of America**
(www.radio-club-of-america.org) December 2003 to present

PROFESSIONAL EXPERIENCE: Millennium Engineering, P.C., Malvern, Pennsylvania
Position: **President**, August 1999 to Present (www.millenniumeng.com)

Verizon Wireless, Plymouth Meeting, Pennsylvania
Position: **Cellular RF System Design/Performance Engineer**, April 1990 to August 1999

Communications Test Design, Inc., West Chester, Pennsylvania
Position: **Electrical Engineer**, May 1984 to April 1990

MILLENNIUM ENGINEERING, P.C.

132 Jaffrey Road
Malvern, Pennsylvania 19355

Cell: 610-220-3820
www.millenniumeng.com

Fax: 610-644-4355
Email: pauldugan@comcast.net

November 6, 2018

Attn: Naveen Gupta, RF Design Engineer
Verizon Wireless
1275 John Street, Suite# 100
West Henrietta, NY 14586

Re: Non-Interference Certification of Proposed Communications Facility
Site Name: Howland Micro, Proposed 52' Wooden Lightpole
110 Howland Avenue, Beacon, NY 12508 (City of Beacon, Dutchess County)
Latitude 41° 29' 40.44" N, Longitude 73° 57' 19.92" W (NAD83), G.E. 274' A.M.S.L.

Dear Mr. Gupta,

I have performed an analysis to provide an independent interference evaluation and certification that the proposed Verizon Wireless communications facility at the above referenced property will comply with Federal Communications Commission (FCC) licensed operating parameters and that the system will be free of disruptive radiofrequency interference or cause interference to other wireless systems. As a registered professional engineer, I am under the jurisdiction of the State Registration Boards in which I am licensed to hold paramount the safety, health, and welfare of the public and to issue all public statements in an objective and truthful manner.

The proposed communications facility consists of a proposed 52' wooden lightpole at the above referenced property. The proposed Verizon Wireless antenna configuration from the information furnished to me consists of (1) 1900/2100 MHz (LTE) dualband antenna (CommScope NHH-45A-R2B or equivalent) on each of two faces (total of 2 antennas) spaced with azimuths of 335/270 degrees on the horizontal plane at a centerline of 50' above ground level and no mechanical downtilt. Transmitting from these antennas will be (1) 1900 MHz LTE wideband channel and (1) 2100 MHz LTE wideband channel per face. The proposed Verizon Wireless antennas will be mounted at the top of the proposed pole at a centerline of 2' below the top of the pole and 20' above the proposed parking lot light.

In Dutchess County, Verizon Wireless is licensed by the FCC to transmit in the 1900 MHz (PCS) "C4/C5 Block" transmit frequencies (1980-1990 MHz) and the 2100 MHz (AWS) "B Block", "C Block" and "D Block" transmit frequencies (2120-2130, 2130-2135, 2135-2140 MHz).

Verizon Wireless, other commercial wireless communications licensees, broadcast facilities, public safety communications systems, and utility companies collocate routinely with some basic precautions and there will be no interference issues with the proposed antennas. The licensees that collocate on these types of structures all must operate within their licensed operating parameters. A commercial wireless communications antenna system operates at a frequency and power level authorized by the FCC and, with proper precautions, will not interfere with antenna systems of other commercial wireless services, public safety telecommunications, airport navigation, broadcast radio and television, cordless phones, computers, etc., or other community office or

residential household appliances. The different operating frequencies and relatively low power that commercial wireless communications antenna systems operate allow these systems to co-exist in close proximity.

When two or more wireless communications systems co-exist on the same structure or in very close proximity, there is the potential for many forms of interference between systems, such as intermodulation distortion. For the proposed facility subject to this application, no other base station antennas are in close proximity for which to model for intermodulation.

There is nothing commercial wireless communications licensees could gain by operating (intentionally or inadvertently) outside of their licensed operating parameters. The network equipment used by the licensees is designed to operate at certain frequencies and power levels and sharp filtering is designed into the transmit/receive paths to ensure a clean radio system. The technicians who visit the facility for routine maintenance generally perform FCC testing to ensure proper operation of the facility and the systems are monitored remotely twenty-four hours a day, seven days per week. Furthermore, radios are designed so that virtually any type of radio equipment malfunction would cause the radio to shut down.

The FCC has remediation processes to help protect the community. If a complaint is filed with the FCC, the FCC would investigate the complaint and notify the licensee to resolve any issues whether actual or perceived. Failure to comply or negligence on the part of the licensee may result in stiff fines.

In summary, the proposed communications facility will not cause any disruptive interference with any transmitter or receiver that will co-exist at, on or near the same communications structure.

Respectfully,



Paul Dugan, P.E.
Registered Professional Engineer
New York License Number 79144



DECLARATION OF ENGINEER

Paul Dugan, P.E., declares and states that he is a graduate telecommunications consulting engineer (BSE/ME Widener University 1984/1988), whose qualifications are a matter of record with the Federal Communications Commission (FCC). His firm, Millennium Engineering, P.C., has been retained by Verizon Wireless to perform a collocation interference analysis for an existing or proposed communications facility.

Mr. Dugan also states that the calculations or measurements made in the evaluation were made by himself or his technical associates under his direct supervision, and the summary letter certification of FCC compliance associated with the foregoing document was made or prepared by him personally. Mr. Dugan is a registered professional engineer in the Jurisdictions of Pennsylvania, New Jersey, Delaware, Maryland, Virginia, New York, Connecticut, District of Columbia, West Virginia and Puerto Rico with over 30 years of engineering experience. Mr. Dugan is also an active member of the Association of Federal Communications Consulting Engineers, the National Council of Examiners for Engineering, the National Society of Professionals Engineers, the Pennsylvania Society of Professional Engineers, and the Radio Club of America. Mr. Dugan further states that all facts and statements contained herein are true and accurate to the best of his own knowledge, except where stated to be in information or belief, and, as to those facts, he believes them to be true. He believes under penalty of perjury the foregoing is true and correct.



Paul Dugan, P.E.

Executed this the 6th day of November, 2018.

PAUL DUGAN, P.E.
132 Jaffrey Road
Malvern, Pennsylvania 19355

Cell: 610-220-3820
Fax: 610-644-4355
Email: pauldugan@comcast.net
Web Page: www.millenniumeng.com

EDUCATION: Widener University, Chester, Pennsylvania
Master of Business Administration, July 1991
Master of Science, Electrical Engineering, December 1988
Bachelor of Science, Electrical Engineering, May 1984

PROFESSIONAL ASSOCIATIONS: **Registered Professional Engineer** in the following jurisdictions:

Pennsylvania, License Number PE-045711-E
New Jersey, License Number GE41731
Maryland, License Number 24211
Delaware, License Number 11797
Virginia, License Number 36239
Connecticut, License Number 22566
New York, License Number 079144
District of Columbia, License Number PE-900355
West Virginia, License Number 20258
Puerto Rico, License Number 18946

Full member of **The Association of Federal Communications Consulting Engineers**
(www.afcce.org) January 1999 to Present
Elected to serve on the Board of Directors for 2006-2007

Full member of **The National Society of Professional Engineers** (www.nspe.org) and the
Pennsylvania Society of Professional Engineers (www.pspe.org) June 2003 to Present
Currently serving on the Board of Directors of the Valley Forge Chapter and as South East Region Vice-Chair for the "Professional Engineers in Private Practice" Executive Committee

Actively participate in **Chester County ARES/RACES** (CCAR www.w3eoc.org) which prepares and provides emergency backup communications for Chester County Department of Emergency Services, March 2005 to Present

Full member of **The National Council of Examiners for Engineering**
(www.ncees.org) May 2001 to Present

Full Member of **The Radio Club of America**
(www.radio-club-of-america.org) December 2003 to present

PROFESSIONAL EXPERIENCE: Millennium Engineering, P.C., Malvern, Pennsylvania
Position: **President**, August 1999 to Present (www.millenniumeng.com)

Verizon Wireless, Plymouth Meeting, Pennsylvania
Position: **Cellular RF System Design/Performance Engineer**, April 1990 to August 1999

Communications Test Design, Inc., West Chester, Pennsylvania
Position: **Electrical Engineer**, May 1984 to April 1990

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

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

Part 1 - Project and Sponsor Information			
Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless			
Name of Action or Project: Howland Micro			
Project Location (describe, and attach a location map): 110 Howland Avenue, Beacon, Dutchess County, NY			
Brief Description of Proposed Action: Construct a proposed 52 foot wooden pole with two proposed antennas within a 102 square foot lease area for telecommunications equipment. Verizon Wireless proposes to utilize the existing paved access road. Utility conduits are to extend underground along the perimeter of the paved parking area for approximately 250 feet to an existing utility pole.			
Name of Applicant or Sponsor: Verizon Wireless		Telephone: E-Mail: kathy.pomponio@verizonwireless.com	
Address: 1275 John Street, Suite 100			
City/PO: West Henrietta		State: NY	Zip Code: 14586
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 6 acres			
b. Total acreage to be physically disturbed? _____ <1 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ <1 acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

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

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: <u>Verizon Wireless</u> Date: <u>November 13, 2018</u></p> <p>Signature: <u>Elaine Langer</u></p>		











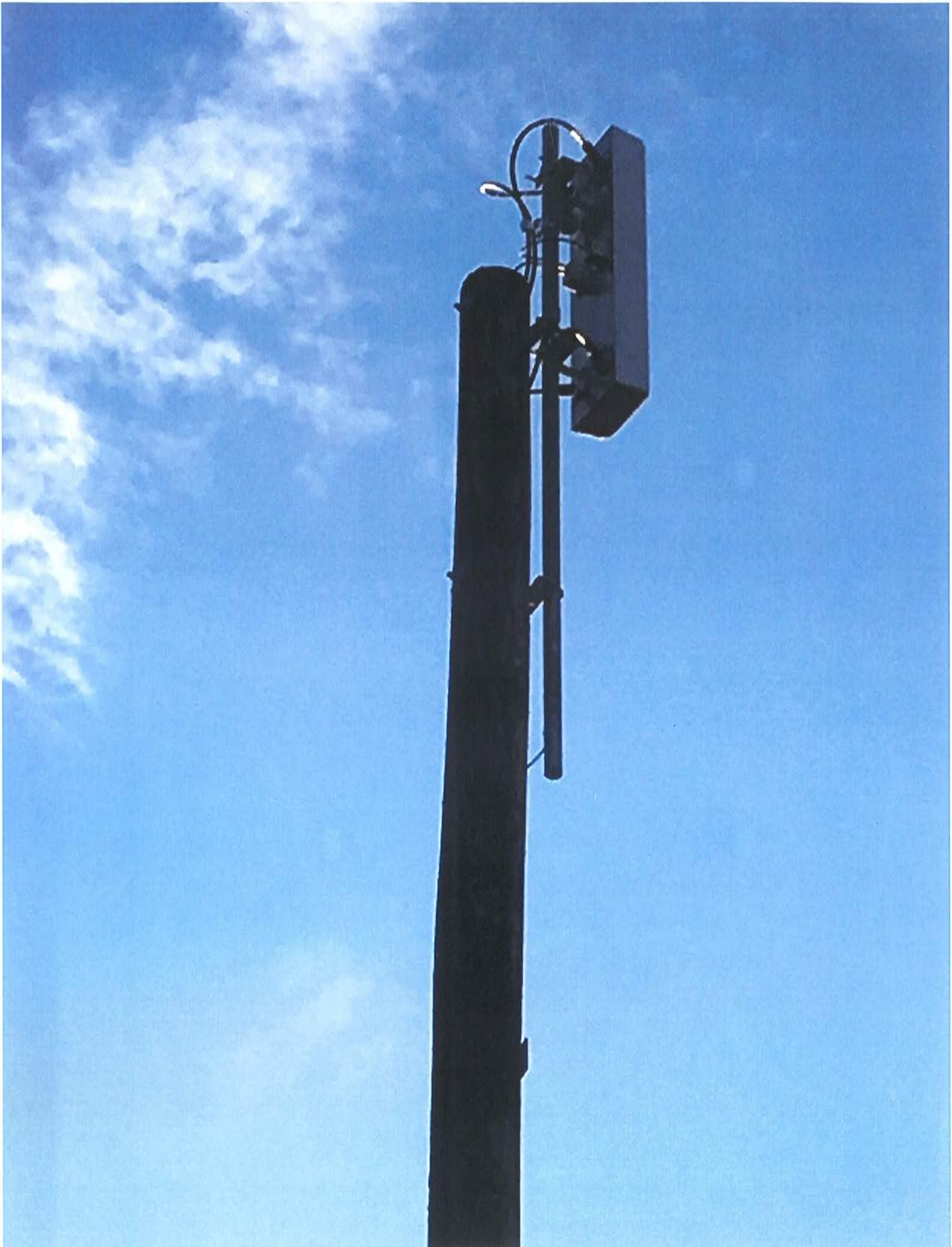
STATE OF MASS
2008-3-31-223











SITE NAME: Howland Micro
SITE NUMBER: NY 20161509173
ATTY/DATE: YS / Sept. 5, 2018

LEASE AGREEMENT

This Lease Agreement (the "Agreement") made this 29th day of October, 2018, between **Ability Beyond Disability**, a New York Non-Stock Corporation with a mailing address at 4 Berkshire Boulevard, Bethel, Connecticut 06801 hereinafter designated LESSOR and **Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless** with its principal offices at One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920 (telephone number 866-862-4404), hereinafter designated LESSEE. LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party."

WITNESSETH

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. PREMISES. LESSOR hereby leases to LESSEE approximately one hundred two (102) square feet of space (the "Ground Space") located at 110 Howland Avenue, City of Beacon, County of Dutchess, State of New York, (the existing Building and such real property are hereinafter sometimes collectively referred to as the "Property"), for the installation, operation and maintenance of communications equipment; together with such additional space for the installation, operation and maintenance of wires, cables, conduits and pipes (the "Cabling Space") running between and among the Ground Space to all necessary electrical and telephone utility sources located on the Property; together with the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty four (24) hours a day provided the Lessor is provided at least 24 hours prior written notice except for in the case of an emergency, over the Property and to and from the Premises (as hereinafter defined) for the purpose of installation, operation and maintenance of LESSEE's communications facility. The Ground Space and Cabling Space are hereinafter collectively referred to as the "Premises" and are as shown on Exhibit "A" attached hereto and made a part hereof. In the event there are not sufficient electric and telephone, cable or fiber utility sources located on the Property, LESSOR agrees to grant LESSEE or the local utility provider the right to install such utilities on, over and/or under the Property necessary for LESSEE to operate its communications facility, provided the location of such utilities shall be as reasonably designated by LESSOR. LESSOR agrees to grant LESSEE, Verizon New York, Inc., or any other local utility or fiber provider the right to install such utilities or fiber in, on, over and/or under the Premises necessary for LESSEE to operate the Communication Facilities, as amended herein.

2. CONDITION OF PROPERTY. LESSOR shall deliver the Premises to LESSEE in a condition ready for LESSEE's construction of its improvements and clean and free of debris.

3. TERM; RENTAL.

This Agreement shall be effective as of the date of execution by both Parties (the "Effective Date"), provided, however, the initial term shall be for five (5) years and shall commence on the earlier of the first day of the month following: (i) the day that LESSEE commences installation of the equipment on the Premises or (ii) two (2) years from the date of full execution of this Agreement (the "Commencement Date") at which time rental payments shall commence and be due at a total annual rental of [REDACTED] to be paid in advance annually on the Commencement Date and on each anniversary of it in advance, to Lessor or to such other person, firm or place as LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice given in accordance

with Paragraph 17 below. LESSOR and LESSEE acknowledge and agree that initial rental payment shall not actually be sent by LESSEE until ninety (90) days after the Commencement Date. LESSOR and LESSEE agree that they shall acknowledge in writing the Commencement Date.

Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE.

LESSOR hereby agrees to provide to LESSEE certain documentation (the "Rental Documentation") including without limitation: (i) documentation evidencing LESSOR's good and sufficient title to and/or interest in the Property and right to receive rental payments and other benefits hereunder; (ii) a completed Internal Revenue Service Form W-9, or equivalent for any party to whom rental payments are to be made pursuant to this Agreement; and (iii) other documentation requested by LESSEE and within fifteen (15) days of obtaining an interest in the Property or this Agreement, any assignee(s), transferee(s) or other successor(s) in interest of LESSOR shall provide to LESSEE such Rental Documentation. All documentation shall be acceptable to LESSEE in LESSEE's reasonable discretion. Delivery of Rental Documentation to LESSEE shall be a prerequisite for the payment of any rent by LESSEE and notwithstanding anything to the contrary herein, LESSEE shall have no obligation to make any rental payments until Rental Documentation has been supplied to LESSEE as provided herein.

Within thirty (30) days of a written request from LESSEE, LESSOR or any assignee(s) or transferee(s) of LESSOR agrees to provide updated Rental Documentation. Delivery of Rental Documentation to LESSEE shall be a prerequisite for the payment of any rent by LESSEE to such party and notwithstanding anything to the contrary herein, LESSEE shall have no obligation to make any rental payments until Rental Documentation has been supplied to LESSEE as provided herein.

4. ELECTRICAL. LESSEE shall furnish and install an electrical meter at the Premises for the measurement of electrical power used by LESSEE's installation. LESSEE shall be permitted at any time during the Term, to install, maintain and/or provide access to and use of, as necessary (during any power interruption at the Premises), a temporary power source, and all related equipment and appurtenances within the Premises, or elsewhere on the Property in such locations as reasonably approved by LESSOR. LESSEE shall have the right to install conduits connecting the temporary power source and related appurtenances to the Premises.

5. EXTENSIONS.

a. Provided the Lessee is not in default of its obligations hereunder, this Agreement shall automatically be extended for four (4) additional five (5) year terms unless LESSEE terminates it at the end of the then current term by giving LESSOR written notice of the intent to terminate at least three (3) months prior to the end of the then current term. The initial term and all extensions shall be collectively referred to herein as the "Term".

b. EXTENSION RENTALS. Beginning on the annual anniversary of the Commencement Date, and continuing each year thereafter that this Agreement is in effect, the annual rental shall be equal to [REDACTED] of the annual rental payable with respect to the immediately preceding year.

6. USE; GOVERNMENTAL APPROVALS. LESSEE shall use the Premises for the sole purpose of constructing, maintaining, repairing and operating a communications facility and uses incidental thereto.

LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term. Notwithstanding the foregoing, the LESSEE shall not be able to increase the size of the equipment, or the number of antennas and/or conduits shown in Exhibit A without the written consent of the LESSOR, which consent may be withheld at the LESSOR's sole and absolute discretion. It is understood and agreed that LESSEE's ability to use the Premises is contingent upon its obtaining after the execution date of this Agreement all of the certificates, permits and other approvals (collectively the "Governmental Approvals") that may be required by any Federal, State or Local authorities' structural analysis which will permit LESSEE use of the Premises as set forth above. LESSOR shall cooperate with LESSEE in its effort to obtain such approvals and shall take no action which would adversely affect the status of the Property with respect to the proposed use thereof by LESSEE. In the event that (i) any of such applications for such Governmental Approvals should be finally rejected; (ii) any Governmental Approval issued to LESSEE is canceled, expires, lapses, or is otherwise withdrawn or terminated by governmental authority; and (iii) LESSEE determines that such Governmental Approvals may not be obtained in a timely manner, LESSEE shall have the right to terminate this Agreement. Notice of LESSEE's exercise of its right to terminate shall be given to LESSOR in accordance with the notice provisions set forth in Paragraph 17 and shall be effective upon the mailing of such notice by LESSEE, or upon such later date as designated by LESSEE. All rentals paid to said termination date shall be retained by LESSOR. Upon such termination, this Agreement shall be of no further force or effect except to the extent of the representations, warranties and indemnities made by each Party to the other hereunder. Otherwise, the LESSEE shall have no further obligations for the payment of rent to LESSOR.

7. INDEMNIFICATION. Subject to Paragraph 8, below, each Party shall indemnify and hold the other harmless against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of the indemnifying Party, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of the other Party, or its employees, contractors or agents.

8. INSURANCE.

a. The Parties hereby waive and release any and all rights of action for negligence against the other which may hereafter arise on account of damage to the Premises or to the Property, resulting from any fire, or other casualty of the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the Parties, or either of them. These waivers and releases shall apply between the Parties and they shall also apply to any claims under or through either Party as a result of any asserted right of subrogation. All such policies of insurance obtained by either Party concerning the Premises or the Property shall waive the insurer's right of subrogation against the other Party.

b. LESSOR and LESSEE each agree that at its own cost and expense, each will maintain commercial general liability insurance with limits not less than [REDACTED] for injury to or death of one or more persons in any one occurrence and [REDACTED] for damage or destruction to property in any one occurrence. LESSOR and LESSEE each agree that it will include the other Party as an additional insured.

9. LIMITATION OF LIABILITY. Except for indemnification pursuant to Paragraphs 7 and 21, neither Party shall be liable to the other, or any of their respective agents, representatives, employees for

any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

10. ANNUAL TERMINATION. Notwithstanding anything to the contrary contained herein, provided LESSEE is not in default hereunder beyond applicable notice and cure periods, LESSEE shall have the right to terminate this Agreement upon the annual anniversary of the Commencement Date provided that three (3) months prior notice is given to LESSOR.

11. INTERFERENCE. LESSEE agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any equipment of LESSOR or other lessees of the Property which existed on the Property prior to the date this Agreement is executed by the Parties. In the event any after-installed LESSEE's equipment causes such interference, and after LESSOR has notified LESSEE in writing of such interference, LESSEE will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at LESSEE's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will LESSOR be entitled to terminate this Agreement or relocate the equipment as long as LESSEE is making a good faith effort to remedy the interference issue. LESSOR agrees that LESSOR and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of LESSEE. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance.

12. REMOVAL AT END OF TERM. LESSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Agreement, remove its equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage excepted. LESSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LESSEE shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable laws. If such time for removal causes LESSEE to remain on the Premises after termination of this Agreement, LESSEE shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the antenna structure, fixtures and all personal property are completed.

13. RIGHT OF FIRST REFUSAL (COMMUNICATIONS EASEMENT). If LESSOR elects, during the Term to grant to a third party by easement or other legal instrument an interest in and to that portion of the Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, with or without an assignment of this Agreement to such third party, LESSEE shall have the right of first refusal to meet any bona fide offer of transfer on the same terms and conditions of such offer. If LESSEE fails to meet such bona fide offer within thirty (30) days after written notice thereof from LESSOR, LESSOR may grant the easement or interest in the Property or portion thereof to such third person in accordance with the terms and conditions of such third-party offer.

14. RIGHTS UPON SALE. Should LESSOR, at any time during the Term decide (i) to sell or transfer all or any part of the Property or the Building thereon to a purchaser other than LESSEE, or (ii) to grant to a third party by easement or other legal instrument an interest in and to that portion of the Building and/or Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, such sale or grant of an easement or interest therein shall be under and subject to this Agreement and any such purchaser or transferee shall recognize LESSEE's rights hereunder under the terms of this Agreement. In the event that LESSOR completes any such sale, transfer, or grant described in this paragraph without executing an assignment of this Agreement whereby the third party agrees in writing to assume all obligations of LESSOR under this Agreement, then LESSOR shall not be released from its obligations to LESSEE under this Agreement, and LESSEE shall have the right to look to LESSOR and the third party for the full performance of this Agreement.

15. QUIET ENJOYMENT AND REPRESENTATIONS. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises. LESSOR represents and warrants to LESSEE as of the execution date of this Agreement, and covenants during the Term that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement. LESSOR further covenants during the Term that there are no liens, judgments or impediments of title on the Property, or affecting LESSOR's title to the same and that there are no covenants, easements or restrictions which prevent or adversely affect the use or occupancy of the Premises by LESSEE as set forth above.

16. ASSIGNMENT. This Agreement may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to all other parties, this Agreement may not be sold, assigned or transferred without the prior written consent of the LESSOR, which such written consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder.

17. NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by email, certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: Ability Beyond Disability
c/o David Slater or Pam Creaturo
4 Berkshire Boulevard
Bethel, Connecticut 06801
Email: David.Slater@abilitybeyond.org or
Pam.Creaturo@abilitybeyond.org

LESSEE: Orange County-Poughkeepsie Limited Partnership
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate
Email: Barbara.clark@verizonwireless.com

Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

18. RECORDING. LESSOR agrees to execute a Memorandum of this Agreement which LESSEE may record with the appropriate recording officer. The date set forth in the Memorandum of Lease is for recording purposes only and bears no reference to commencement of either the Term or rent payments.

19. DEFAULT. In the event there is a breach by a Party with respect to any of the provisions of this Agreement or its obligations under it, the non-breaching Party shall give the breaching Party written notice of such breach. After receipt of such written notice, the breaching Party shall have thirty (30) days in which to cure any breach, provided the breaching Party shall have such extended period as may be required beyond the thirty (30) days if the breaching Party commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. The non-breaching Party may not maintain any action or effect any remedies for default against the breaching Party unless and until the breaching Party has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if LESSOR fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by LESSOR if the failure to perform such an obligation interferes with LESSEE's ability to conduct its business; provided, however, that if the nature of LESSOR's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

20. REMEDIES. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Premises are located. Further, upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable by the defaulting Party upon invoice therefor. If LESSEE undertakes any such performance on LESSOR's behalf and LESSOR does not pay LESSEE the full undisputed amount within thirty (30) days of its receipt of an invoice setting forth the amount due, LESSEE may offset the full undisputed amount due against all fees due and owing to LESSOR under this Agreement until the full undisputed amount is fully reimbursed to LESSEE.

21. ENVIRONMENTAL.

a. LESSOR will be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of

any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to activity now conducted in, on, or in any way related to the Building or Property, unless such conditions or concerns are caused by the LESSEE.

b. LESSOR shall hold LESSEE harmless and indemnify LESSEE from and assume all duties, responsibility and liability at LESSOR's sole cost and expense, for all duties, responsibilities, and liability (for payment of penalties, sanctions, forfeitures, losses, costs, or damages) and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is in any way related to: a) failure to comply with any environmental or industrial hygiene law, including without limitation any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene concerns or conditions as may now or at any time hereafter be in effect, unless such non-compliance results from conditions caused by LESSEE; and b) any environmental or industrial hygiene conditions arising out of or in any way related to the condition of the Building or Property or activities conducted thereon, unless such environmental conditions are caused by LESSEE.

c. LESSEE shall hold LESSOR harmless and indemnify LESSOR from and assume all duties, responsibility and liability at LESSEE's sole cost and expense, for all duties, responsibilities, and liability (for payment of penalties, sanctions, forfeitures, losses, costs, or damages) and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is in any way related to: a) failure to comply with any environmental or industrial hygiene law, including without limitation any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene concerns or conditions as may now or at any time hereafter be in effect, to the extent that such non-compliance results from conditions caused by LESSEE; and b) any environmental or industrial hygiene conditions arising out of or in any way related to the condition of the Property or activities conducted thereon, to the extent that such environmental conditions are caused by LESSEE.

22. CASUALTY. In the event of damage by fire or other casualty to the Building or Premises that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, then LESSEE may, at any time following such fire or other casualty, provided LESSOR has not completed the restoration required to permit LESSEE to resume its operation at the Premises, terminate this Agreement upon fifteen (15) days prior written notice to LESSOR. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LESSEE's use of the Premises is impaired.

23. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property, the Building, Building systems, common areas of the Building, and all structural elements of the Premises in compliance with all applicable laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous

substances) (collectively "Laws"). LESSEE shall, in respect to the condition of the Premises and at LESSEE's sole cost and expense, comply with (a) all Laws relating solely to LESSEE's specific and unique nature of use of the Premises; and (b) all building codes requiring modifications to the Premises due to the improvements being made by LESSEE in the Premises. It shall be LESSOR's obligation to comply with all Laws relating to the Building in general, without regard to specific use (including, without limitation, modifications required to enable LESSEE to obtain all necessary building permits).

24. **MISCELLANEOUS.** This Agreement contains all agreements, promises and understandings between the LESSOR and the LESSEE regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the LESSOR or the LESSEE in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. This Agreement and the performance thereof shall be governed interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules.

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSOR: Ability Beyond Disability

By: *Lori I. Pasqualini*

Name: *Lori I. Pasqualini*

Its: *CFO*

Date: *9/24/2018*

WITNESS

Pam Creature

LESSEE: Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless

By: Verizon Wireless of the East LP, its general partner

By: Cellco Partnership, its general partner

By: *Richard Polatas*

Name: Richard Polatas

Its: Director Network Field Engineering

Date: *10/29/18*

WITNESS

Barbara Clark

EXHIBIT "A"

**SITE PLAN OF GROUND SPACE
AND CABLING SPACE**

APPLICANT:



1275 JOHN STREET, SUITE 100
WEST HENRIETTA, NY 14586

PREPARED BY:
EBI ENGINEERING PC

21 B Street | Burlington, MA 01803
Tel: (781) 273-5000 | Fax: (781) 273-3311
www.ebiengineering.com

ENGINEER STAMP/SIGNATURE

THIS DOCUMENT IS THE SOLE PROPERTY OF EBI ENGINEERING PC. THE EXCLUSIVE USE BY THE CLIENT, AND ANY REPRODUCTION OR TRANSMISSION WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CREATOR IS STRICTLY PROHIBITED.

SUBMITTALS

NO.	DATE	DESCRIPTION	BY
E	09/22/17	REVISION FOR COMMENTS	SM
F	10/12/17	REVISION FOR COMMENTS	SM
G	11/09/17	REVISION FOR COMMENTS	SM
H	05/17/18	REVISION FOR NEW PDS	SM
I	05/29/18	REVISION FOR NEW PDS	SM

ENR JOB NO.: B117000365

SITE NAME:
HOWLAND MICRO
110 HOWLAND AVENUE
BEACH, NY 12508
DUTCHESS COUNTY
SITE ID: 20161509173
LOCATION CODE: 432646

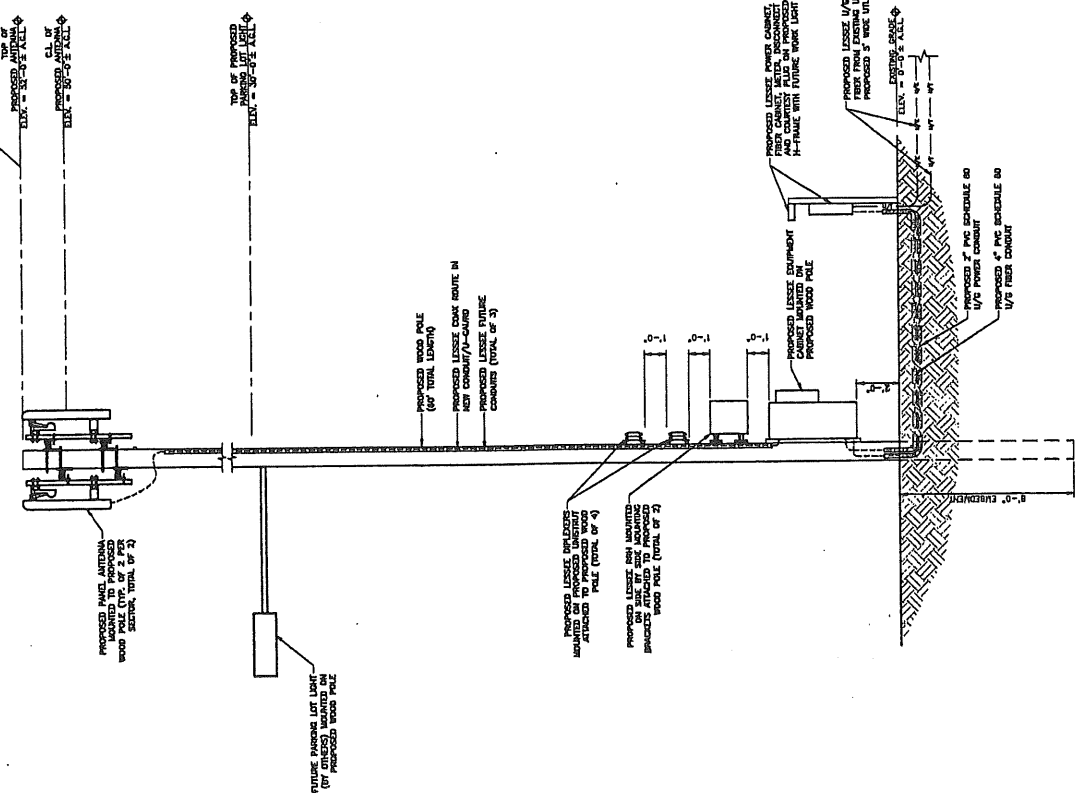
SHEET TITLE:
POLE ELEVATION

DRAWN BY: [blank] SHEET NO.:

CHECKED BY: [blank]
DATE: 04/24/17

LE-3

11417 SCALE: 3/16" = 1'-0"
22534 SCALE: 3/8" = 1'-0"



NOTES:

1. THIS LEASE IS SCHEMATIC IN NATURE & IS INTENDED TO PROVIDE GENERAL INFORMATION REGARDING THE LESSEE COMMUNICATION FACILITY. THE SITE LAYOUT WILL BE FINALIZED UPON COMPLETION OF A SITE SURVEY & FACILITY DESIGN.
2. AN ANALYSIS OF THE CAPACITY OF THE PROPOSED STRUCTURE TO SUPPORT THE PROPOSED LOADING HAS NOT BEEN PERFORMED BY EBI CONSULTING. DRAWINGS ARE SUBJECT TO CHANGE, PENDING THE OUTCOME OF A STRUCTURAL ANALYSIS.

1 POLE ELEVATION

CITY COUNCIL of the CITY of BEACON,
DUTCHESS COUNTY, NEW YORK

In the Matter of the Special Use Permit and Site Plan Review Application of

ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless

Premises: 110 Howland Avenue
Beacon, Dutchess County, New York

STATEMENT OF INTENT and
APPLICATION FOR SPECIAL USE PERMIT and
ROSENBERG WAIVER RELIEF

I. Introduction

ORANGE COUNTY-POUGHKEEPSIE LIMITED PARTNERSHIP d/b/a Verizon Wireless ("Verizon Wireless" or the "Applicant") proposes to install a new fifty-two foot (52') wooden utility pole, two antennae and related equipment located at the above-referenced address ("Project").

Verizon Wireless is considered a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364 (1993)) [Exhibit 1], and a provider of "personal wireless services" under the federal Telecommunications Act of 1996 (the "TCA") [Exhibit 2]. Verizon Wireless' equipment will be in operation twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. A copy of the applicable Verizon Wireless FCC licenses is included herewith Exhibit 3.

In *Rosenberg*, this State's highest Court determined that the ordinary variance standard is inapplicable and a cellular telephone company applying for a variance need only show that (1) the variance is "required to render safe and adequate service," and (2) there are "compelling reasons, economic or otherwise," for needing the variance. *Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, 372 (1993). Verizon Wireless respectfully submits this Statement of Intent in support of its application for Special Use Permit approval, and all necessary Town Board waivers under the *Rosenberg* standard.

The proposed Project involves installation and operation of two (2) small antennae and related equipment on a new wooden utility pole. The specific improvements proposed are detailed on the Zoning/Site Plans prepared by EBI Consulting included herewith as Exhibit 4.

II. Purpose of Howland Micro Communications Facility

The purpose of the Project is to provide "hotspot" coverage for its advanced 4th Generation Long Term Evolution (4G LTE) services to an area in the City of Beacon that is currently experiencing network capacity issues.

Enclosed in Exhibit 5 is a RF Analysis prepared by a qualified radio frequency consultant which analysis describes in detail the need for this new site at this location. This analysis also includes a discussion concerning the methodology of identifying the proposed location for the Project and how it complies with the siting priorities in the newly enacted small cell local law.

III. Additional Supporting Materials

1. Public Necessity of Facility. The Applicant has provided expert proof in the form of a report from its Radio Frequency (RF) Design Engineer depicting the area within which Verizon Wireless' communications facility needs to be located (the "search area") in order to provide adequate and safe service to certain areas in the City of beacon. This report clearly demonstrates that (i) there is an inadequate and unsafe level of service in the targeted area of the City of Beacon, and (ii) a new communications facility is necessary to provide an adequate and safe level of hand-held wireless service to this area. See, Exhibit 5.

As noted above and in Exhibits 2 and 3, Verizon Wireless is recognized as a public utility under New York law and a provider of personal wireless services under the federal Telecommunications Act of 1996. This project is a public necessity in that it is required to render adequate and safe coverage (mobile and in-building) to a significant portion of the City of Beacon. This, combined with the federal mandate to expeditiously deploy advanced wireless services across the nation and Verizon Wireless' FCC licenses to provide such services in the City of Beacon, demonstrates that Verizon Wireless' facility is a public necessity. Without the construction of the communications facility proposed, the public would be deprived of an essential means of communication, which, in turn, would jeopardize the safety and welfare of the community and traveling public.

2. The Application conforms with all applicable regulations promulgated by the Federal Communications Commission, the Federal Aviation Administration and other federal agencies. The proposed facility will not increase the height of the existing utility pole and will not require FAA lighting.
3. As set forth above, Verizon Wireless and the proposed facility are considered public utilities for purposes of zoning under existing New York decisional law.
4. Operation of the facility will not involve any objectionable noise, fumes, vibration or other characteristics.
5. The facility will be operated on a 24/7 basis 365 days a year with minimal maintenance required. Adequate access and parking have been incorporated into the facility design.

6. The facility will not increase or otherwise impact any existing traffic patterns, nor will it impair pedestrian or vehicular safety or overload existing roads. Additionally, the facility will be fully accessible to fire, police and other emergency vehicles.
7. Because the facility will be unmanned, it will not involve the use of any public water, drainage or sewer system, or any other municipal facility, or degrade any act or for, natural resource or ecosystem.
8. No tower marking and/or lighting will be required under Federal Aviation Administration (FAA) regulations.
9. A copy of Verizon Wireless' tower maintenance plan for this site is attached in Exhibit 6.
10. A certification from a New York licensed professional engineer (Paul Dugan, P.E. of Millennium Engineering, P.C.) entitled "RF Safety FCC Compliance of Proposed Communications Facility" is included at Exhibit 7, to document that Verizon Wireless' proposed transmissions will be: (a) in full compliance with the current FCC RF emissions guidelines (NIER); and (b) categorically excluded from local regulation under applicable federal law.
11. Exhibit 8 includes a Non-Interference report prepared by Millennium Engineering, which confirms that the proposed installation will not result in interference with existing uses, including radio, television and other broadcast signals.
12. To assist the city fulfill its obligations under the NYS Environmental Quality Review Act ("SEQRA"), a Short Environmental Assessment Form ("EAF") has been prepared by Tectonic Engineering and is provided in Exhibit 9.
13. Photographs of the existing property, including the specific location where the proposed facility will be located are provided in Exhibit 10.

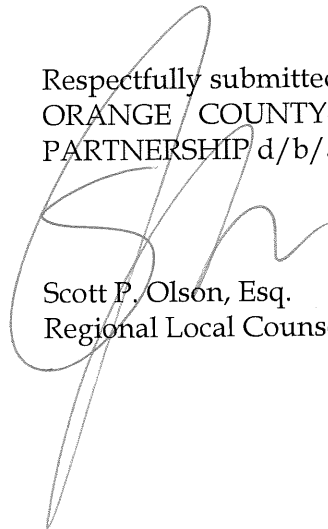
IV. Conclusion

Approval of the Project will enable Verizon Wireless to provide an adequate and safe level of wireless telephone service to the area of the City of Beacon and surrounding environs, within the confines of applicable technological and land use limitations. Such approval will also be in the public interest, in that it will allow Verizon Wireless to comply with its statutory mandate to build out its network and provide local businesses, residents and public service entities with safe and reliable wireless communications services. Based upon the foregoing, Verizon Wireless respectfully submits that this project complies in all material respects with the Special Use Permit and Site Plan Review requirements of the City of Beacon's Zoning Code, and any potential impact on the community created by this approval may properly be considered to be minimal and of no significant adverse effect.

If you should have any questions or require any additional information, I can be reached at (518) 438-9907, Ext. 258.

Thank you for your consideration.

Respectfully submitted,
ORANGE COUNTY-POUGHKEEPSIE LIMITED
PARTNERSHIP d/b/a Verizon Wireless



Scott P. Olson, Esq.
Regional Local Counsel

Dated: November 21, 2018

City of Beacon Workshop Agenda
1/14/2019

Title:

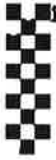
Amusement Centers: Continued Discussion Re PLL

Subject:

Background:

ATTACHMENTS:

Description	Type
DC PB Response	Cover Memo/Letter
Email correspondence	Cover Memo/Letter
Proposed Local Law	Cover Memo/Letter
PB Comments	Cover Memo/Letter



Dutchess County Department of Planning and Development	Fax Info Only	To: <u>Lisa Edulson</u> Jennifer Cocozza	Date: 11/20/18	# pgs: 1
		Co./Dept:	From: Lisa Edulson	<u>Jen Cocozza</u>
		Fax #: <u>838-5012</u>	Phone #: <u>845-898-3010</u>	<u>466-3600</u>

239 Planning/Zoning Referral - Standard Form

Please fill in this section

Municipality: The City of Beacon

Referring Agency: Planning Board Zoning Board of Appeals Municipal Board

Tax Parcel Number(s): _____

Project Name: LL concerning amusement centers with only vintage amusement devices

Applicant: City of Beacon

Address of Property: 1 Municipal Plaza Beacon, NY 12508

Type of Action:

Local Law / Text Amendment

Rezoning

Site Plan

Special Permit

Use Variance

Area Variance

Other: _____

Parcels within 500 feet of:

State Road _____

County Road _____

State Property (with recreation area or public building)

County Property (with recreation area or public building)

Municipal Boundary

Farm operation in an Agricultural District

REC'D 2018 NOV 20 AM 10:54 DCP

Date Response Requested (if less than 30 days): Public Hearing set for 12/17/18

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

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

<p>No Comments:</p> <p><input checked="" type="checkbox"/> Matter of Local Concern</p> <p><input type="checkbox"/> No Jurisdiction</p> <p><input type="checkbox"/> No Authority</p> <p><input type="checkbox"/> Withdrawn</p>	<p>Comments Attached:</p> <p><input type="checkbox"/> Local Concern with Comments</p> <p><input type="checkbox"/> Conditional</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Incomplete — municipality must resubmit to County</p> <p><input type="checkbox"/> Incomplete with Comments — municipality must resubmit to County</p>
--	---

Date Submitted: <u>11/20/18</u>	Notes:	<input type="checkbox"/> Major Project
Date Received: <u>11/20/18</u>		
Date Requested: <u>12/17/18</u>		Referral #: <u>2R18-373</u>
Date Required: <u>12/19/18</u>	<input type="checkbox"/> Also mailed hard copy	Reviewer: <u>Jennifer Cocozza</u>
Date Response Faxed: <u>11/20/18</u>		

From: [Paulette Myers-Rich](#)
To: [Amber J. Grant](#); [Randy J. Casale](#); [George M. Mansfield](#); [Lee Kyriacou](#); [Terry Nelson](#); [Jodi McCrede](#)
Subject: Main Street is a residential neighborhood
Date: Wednesday, November 14, 2018 7:21:27 PM

Dear Council Members and Mayor Casale,

I am writing to express my concern for your notion that an amusement center of any kind can be placed on Main St. without due consideration via a special use permit. I would like to remind you that many, many businesses on Main St. have residences in them and much of the new development on Main St. is residential. The initial reason the former arcade on Main was removed was due to noise affecting adjoining businesses and disruption of residents. Not all residents are away during business hours- some work at home and some are shift workers. Main Street is a peaceful place for the most part, but as more and more people begin to live here, paying high rents to do so, it's important to remember that amusement halls that attract unsupervised minors or have a noise component should only be allowed to open after review and by special use permit. Otherwise, there will be problems after the fact around noise complaints and loitering. Do we really need to waste police resources on complaints or create an antagonistic atmosphere for neighbors? I've lived in close proximity to establishments such as pool halls and arcades in other cities and based on that experience, I believe that amusement centers on Main St. should be carefully vetted through a special use permit. And despite the suggestion that kids need something to do in Beacon, that's not a justifiable reason to have a business that's potentially disruptive to residents living on Main. Residents should be able to enjoy the peaceful use of their homes. I'm not opposed to such an establishment in general- in fact, I would love to see a pool hall somewhere in the city. But I really think it's important to review the impact on adjoining buildings before such an establishment is permitted to open.

I urge you to reconsider the requirement for a special use permit for amusement centers on Main St.

Many thanks,

Paulette Myers-Rich
469 Main St.
Beacon

LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO REPEAL
CHAPTER 223, ARTICLE III, SECTION 24.8 OF THE CODE OF THE
CITY OF BEACON

A LOCAL LAW to repeal Chapter 223, Article III, Section 24.8 and to amend Chapter 223, Attachment 2 of the Code of the City of Beacon concerning amusement centers containing only vintage amusement devices.

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

Section 1. Chapter 223 Article III, Section 24.8 of the Code of the City of Beacon entitled “Amusement centers containing only vintage amusement devices” is hereby repealed in its entirety.

Section 2. Chapter 223, Attachment 2 of the Code of the City of Beacon entitled “§ 223-17D, Schedule of Regulations for Nonresidential Districts” is hereby amended to modify the following language:

Central Business District, Permitted Principal Uses: *4. Indoor Commercial Recreation ~~not to include amusement centers, unless the amusement center contains only vintage amusement devices for viewing or playing, subject to §223-24.8.~~

Section 3 Ratification, Readoption and Confirmation

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

Section 4. Effective Date

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



Memorandum

Planning Board

TO: Mayor Randy Casale and City Council Members

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

RE: Proposed Local Law to repeal Chapter 183, Article III, Section 24.8 of the City Code concerning Amusement Centers

DATE: December 13, 2018

As requested the Planning Board reviewed the to repeal Chapter 183, Article III, Section 24.8 of the City Code concerning amusement centers. A comprehensive review and discussion of the proposed amendment took place during their regular meeting on December 11, 2018. After considering the purpose of repealing Chapter 183, Article III, Section 24.8 of the City Code concerning Amusement Centers, members voted unanimously to send a positive recommendation to pass the local law as presented. If you have any questions, please feel free to contact me.

**City of Beacon Workshop Agenda
1/14/2019**

Title:

Committee Appointments

Subject:

Background:

ATTACHMENTS:

Description	Type
2019 Board Appointments	Cover Memo/Letter



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. ____ OF 2019

**RESOLUTION CONFIRMING THE APPOINTMENT AND REAPPOINTMENT OF BOARD
AND COMMITTEE MEMBERS**

BE IT RESOLVED, that the City Council of the City of Beacon hereby confirms the reappointment of the following board and committee members for the indicated term:

Name	Committee	Expiration	Term
Antony Tseng	Conservation Advisory Committee	12/31/2020	2 years
Hollis Bogdanffy	Conservation Advisory Committee	12/31/2020	2 years
Zoe Markwalter	Conservation Advisory Committee	12/31/2020	2 years
Rob Lieblein	Conservation Advisory Committee	12/31/2020	2 years
Micah Slavkin	Conservation Advisory Committee	12/31/2020	2 years
Danielle Levoit	Conservation Advisory Committee	12/31/2020	2 years To fill unexpired term of B. Schulman
Gary Barrack	Planning Board	12/31/2021	3 years
Jill Reynolds	Planning Board	12/31/2021	3 years
J. Randall Williams	Planning Board	12/31/2021	3 years
Robert Lanier	Zoning Board of Appeals	12/31/2021	3 years Chair
David Jensen	Zoning Board of Appeals	12/31/2021	3 years
Garrett P. Duquesne	Zoning Board of Appeals	12/31/2021	3 years

Victoria Raabin	Tree Committee	12/31/2020	2 years
Kim Faison	Human Relations	12/31/2020	2 years
Lavonne McNair	Human Relations	12/31/2020	2 years

Resolution No. ___ of 2019		Date:					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call				<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					

**City of Beacon Workshop Agenda
1/14/2019**

Title:

Acting City Administrator

Subject:

Background:

ATTACHMENTS:

Description
Correspondence

Type
Cover Memo/Letter



CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.
City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

To: Mayor Casale and City Council

From: Anthony J. Ruggiero, MPA, City Administrator

Date: January 14, 2019

Re: Article 3., Mayor; Acting Administrator, Section 3.01, Acting City Administrator

Pursuant to the newly adopted City Charter, each year the City Administrator shall recommend to the Mayor two individuals qualified to fill in as Acting Administrator. This should have been done on January 7, 2019 at the reorganization meeting.

At this time, I would like to recommend the following two individuals whom I believe are qualified to be Acting City Administrator:

1. Susan Tucker, Finance Director
2. Kevin Junjulas, Police Chief

As always, the City has an option to retain an outside Interim Administrator.

City of Beacon Workshop Agenda
1/14/2019

Title:

Capital Plan Review

Subject:

Background:

ATTACHMENTS:

Description
Capital Plan

Type
Cover Memo/Letter

CITY OF BEACON CAPITAL PLAN 2019 - 2028										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
HIGHWAY:										
<u>PUBLIC BUILDINGS</u>										
Memorial Building Roof	50,000									
City Hall HVAC	20,000									
City Hall Generator	25,000									
Park Shed			300,000							
<u>PARK</u>										
Green Street Park Improvements	160,000									
USC Pool Restoration -Fiberglass	150,000									
Park fixtures and Improvements - Benches, Tables, Barbeques, etc.	15,000	15,000								
Riverfront Park Basketball Court Restoration/Fencing and Parking Lot/Walkway Expansion	-	315,000								
WeePlay play surface replacement	-	80,000								
Memorial (Hilltop) 20x30 Pavilion		30,000								
USC Theater Parking and Patios			25,000							
<u>HIGHWAY EQUIPMENT</u>										
980 Dump/Plow/Sander	63,000									
Replace 2000 Morbark Grinder	500,000									
Replace 2005 #053 1-ton dump truck w/plow	63,000									
Replace 2005 #052 1-ton dump truck w/plow	63,000									
Replace 1993 #932 truck with 6-wheel w/ plow	-	300,000								
Replace 1992 #992 Dump/Plow/Sander	-	300,000								
Replace 2000 Daewoo Excavator	-	118,000								
<u>ROAD RECONSTRUCTION</u>										
East Willow Street (Wilkes to Forest Ln) Survey, Engineering	62,500									
<u>SIDEWALKS</u>										
Wilkes Street sidewalk/running path along park		283,000								
<u>POLICE</u>										
Detective Vehicle w/ police upfit (Ford Taurus)	38,000									
In-Car Cameras w/ maintenence agreement	17,830									

CITY OF BEACON CAPITAL PLAN 2019 - 2028										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
Mobile light Tower	12,000									
Locker room renovation		100,000								
<u>BUILDING DEPARTMENT</u>										
Building Department Vehicle	40,000									
<u>FIRE</u>										
Replace portable fire radios			24,000							
Replace 1993 Pumper				600,000						
Replace rubber fire boat/motor					15,000					
Replace 12 SCBA harness/bottles						120,000				
TOTAL ANNUAL PROJECT AMOUNTS	1,279,330	1,541,000	349,000	600,000	15,000	120,000	-	-	-	-
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028

Updated 12.18.18	
Related Grants	
CDBG	160,000
DC Fire Engineering	250,000
Memorial Windows - Dormitory Authority	100,000
Total Grants	510,000

CITY OF BEACON WATER CAPITAL PLAN 2019-2028										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>WATER MAIN IMPROVEMENTS</u>										
Fulton Ave., Fowler St., Vine St. area 1,600 ft. undersized	510,000									
Wilson St. (Liberty St. to dead end) 2,000 ft. undersized Construction	553,000									
East Willow Street, Engineering	12,000									
Back Up Well Pump House Road	-	250,000								
Cargill Line (well field to Route 9) Construction	-	1,030,000								
<u>WATER TREATMENT FACILITY IMPROVEMENTS</u>										
Filter Rate of Flow Control Panel	150,000									
The Pocket Dam Construction	325,000									
Re-face Mt. Beacon Dam - Engineerng and Surveying	250,000									
Re-face Mt. Beacon Dam - Construction		2,500,000								
Melzingah Dam Piping	-	400,000								
Filter Plant Roof Replacement	-	100,000								
Removal of Existing Underground 1000 gallons storage tank and installation of new natural gas generator	-		350,000							
<u>EQUIPMENT</u>										
Replace 2008 Dump Truck #088	45,000									
Replace 2002 Box Van #022	-	62,500								
TOTAL ANNUAL PROJECT AMOUNTS	1,845,000	4,342,500	350,000	-	-	-	-	-	-	-

CITY OF BEACON SEWER CAPITAL PLAN 2019-2028										
	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>
<u>WWTP UPGRADES</u>										
Chlorine Contact Basin and Dechlorination Engineering	50,000									
Replace aeration tank diffuser	660,000									
STP Headworks Construction	3,650,000									
Belt press mechanical improvements	50,000									
Centerfuge Study and Engineering	30,000									
WWTP Outfall Pipe Engineering and Surveying	50,000									
Chlorine Contact Basin and Dechlorination Construction		2,400,000								
Centerfuge Construction			800,000							
<u>SEWER LINE IMPROVEMENTS</u>										
South Interceptor - Cleaning & Televising - Kristy to South Avenue & End of Walkway to STP	250,000									
East Willow Street Survey, Engineering	10,500									
Wilkes St. (Fishkill to Matteawan) Reconstruction Slip Lining	265,000									
Teller Avenue (Catherine to Henry) Construction	299,152									
West Main Pump Station - Forcemain Replacement		1,800,000								
West Main Pump Station	-	2,100,000								
North Interceptor Replacement - Behind DIA to STP	-	1,400,000								
<u>EQUIPEMENT</u>										
Main Line Sanitary Sewer Inspection Equipment	75,000									
<u>I & I Improvements</u>	-	-	-							
TOTAL ANNUAL PROJECT AMOUNTS	5,389,652	7,700,000	800,000	-	-	-	-	-	-	-

City of Beacon Workshop Agenda
1/14/2019

Title:

511 Fishkill Avenue: Lead Agency Designation

Subject:

Background:

ATTACHMENTS:

Description	Type
PB Correspondence	Cover Memo/Letter
Application	Cover Memo/Letter
EAF	Cover Memo/Letter



CITY OF BEACON New York

John Gunn
Planning Board Chairman

Planning Board

845-838-5002

January 8, 2018

New York State Department of Environmental Conservation
New York State Department of Transportation
Beacon City Council ✓

Subject: **511 Fishkill Avenue, Beacon, New York**
Tax Grid No. 30-6055-04-5802854-00
Designation of Lead Agency in Accordance with SEQRA

Dear Sir/Madam:

The City of Beacon Planning Board is hereby notifying you that it has received an application for Special Use Permit Approval and Site Plan Approval in connection with a proposal to convert an existing 128,317 square foot building, on a 9.79-acre parcel, located in the Heavy Industrial (HI) district into a mixed use of tenants. The largest portion will be a brewery and related warehouse storage space on the first floor and entertainment space on the second floor, other warehouse space, and a commercial recreation arcade use. The commercial recreation arcade use currently requires a Special Use Permit from the City of Beacon City Council, however, a local law is pending before the City Council that would amend the City Zoning Code to make indoor commercial recreation a permitted use in the Heavy Industrial district and other zoning districts. In the event the local law is adopted, an application for Special Permit will no longer be required for this project.

The City of Beacon Planning Board hereby declares its intent to serve as the Lead Agency for the environmental review of the proposed action. Further, the City of Beacon Planning Board is hereby notifying you that, in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), the Planning Board will automatically become the Lead Agency unless you submit a written objection to the Board within 30 calendar days of the mailing of this notification. Enclosed for your use, if you choose, is a form for responding to the Planning Board.

In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Long Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the proposed action, and a copy of the application.

Very truly yours,

John Gunn

John Gunn, Chairman

Enclosures: 3

cc: David Buckley Arthur R. Tully, PE
 Jennifer L. Gray, Esq. John Clarke, City Planner

RESPONSE FORM TO CITY OF BEACON PLANNING BOARD

To: City of Beacon Planning Board

From: _____ [please insert your agency name]

Date: _____ [please insert date]

Subject: 511 Fishkill Avenue, Beacon, New York
30-6055-04-5802854-00
Designation of Lead Agency in Accordance with SEQRA

With respect to the declaration that the City of Beacon Planning Board intends to serve as the Lead Agency for the environmental review for Special Use Permit Approval and Site Plan Approval in connection with a proposal to convert an existing 128,317 square foot building, on a 9.79-acre parcel, in the Heavy Industrial (HI) district into a mixed use of tenants. The largest portion will be a brewery and related warehouse storage space on the first floor and entertainment space on the second floor, other warehouse space, and a commercial recreation arcade use, the above identified agency:

[please check one box below]

- Has no objection to the Planning Board serving as Lead Agency.
- Takes no position with respect to the Planning Board serving as Lead Agency.
- Objects to the Planning Board serving as Lead Agency.

Printed Name

Signature

Title

APPLICATION FOR SITE PLAN APPROVAL

Submit to Planning Board Secretary, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

(For Official Use Only)

Date Initials

Name: DP 108, LLC

Application & Fee Rec'd

11-27-18

Address: c/o Diamond Properties, 333 N Bedford Road, Suite 145
Mount Kisco, NY 10549

Initial Review

12-11-18

Public Hearing

Signature: _____

Conditional Approval

Date: November 27, 2018

Final Approval

Phone: (914) 773-6248

IDENTIFICATION OF REPRESENTATIVE / DESIGN PROFESSIONAL

Name: Aryeh Siegel Architect

Phone: 845-838-2490

Address: 84 Mason Circle

Fax: 845-838-2657

Beacon NY 12508

Email address: ajs@ajsarch.com

IDENTIFICATION OF SUBJECT PROPERTY:

Property Address: 511 Fishkill Avenue

Tax Map Designation: Section 6055 Block 04 Lot(s) 580285

Land Area: 9.787 Zoning District(s) HI (Heavy Industry)

DESCRIPTION OF PROPOSED DEVELOPMENT:

Proposed Use: Warehouse, Brewery, Accessory Office, Arcade, Event Space

Gross Non-Residential Floor Space: Existing 144,002 sf Proposed 0

TOTAL: 144,002 sf

Dwelling Units (by type): Existing 0 Proposed 0

TOTAL: 0

ITEMS TO ACCOMPANY THIS APPLICATION

- a. One electronic and five (5) **folded** paper copies of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and developments.
- b. One electronic and five (5) **folded** paper copies of the proposed site development plan, consisting of sheets, showing the required information as set forth on the back of this form and other such information as deemed necessary by the City Council or the Planning Board to determine and provide for the property enforcement of the Zoning Ordinance.
- c. One electronic and five (5) **folded** paper copies of additional sketches, renderings or other information.
- d. An application fee, payable to the City of Beacon, computed per the attached fee schedule.
- e. An initial escrow amount, payable to the City of Beacon, as set forth in the attached fee schedule.

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON THE SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property, and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at a maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location of all existing and proposed power and telephone lines and equipment, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size, and location of materials to be used.
- m. Location, size, type, power, direction, shielding, and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type, and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used wherever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

**Approved by Resolution of the Beacon Planning Board
on the _____ day of _____, 20_____
subject to all conditions as stated therein**

Chairman, City Planning Board

Date

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: DP 108, LLC

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

List all properties in the City of Beacon that you hold a 5% interest in:

Applicant Address: c/o Diamond Properties, 333 N Bedford Road, Suite 145 Mount Kisco, NY 10549

Project Address: 511 Fishkill Avenue

Project Tax Grid # 6055-04-580285

Type of Application Site Plan

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, James Diamond, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon
3. ALL tax payments due to the City of Beacon are current
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current



Signature of Owner

Co-Manager, DP 108, LLC

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>JD</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>JD</u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>JD</u>

FOR OFFICE USE ONLY

Application #

CITY OF BEACON
1 Municipal Plaza, Beacon, NY
Telephone (845) 838-5000 • <http://cityofbeacon.org/>

ENTITY DISCLOSURE FORM

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any entity)

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity DP 108, LLC	Address of Entity 333 North Bedford Rd, Mount Kisco New York, 10549
Place where such business entity was created New York State	Official Registrar's or Clerk's office where the documents and papers creating entity were filed New York Secretary of State.
Date such business entity or partnership was created 4/30/2018	Telephone Contact Information 914-773-6253

IF AFFIANT IS A CORPORATION:

Name of Entity	Telephone Contact Information
Principal Place of Business of Entity	Place and date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
See Attached Schedule B			

Section B

Investor Entity	Investor	Resident Address	Resident Phone Number	Nature and Extent of Interest
Diamond Properties, LLC	James Diamond	401 Pea Pond Rd, Katonah, NY 10506	914-773-6220	Managing Manager
Diamond Properties, LLC	William Diamond	63 High Ridge Ave, Ridgefield, CT 06877	914-773-6219	Managing Manager

SECTION C. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
DP 108, LLC	333 North Bedford Rd, Mount Kisco, NY 10549	914-773-6249	11/19/18 via Fee Simple interest	11/24/2018 City of Beacon

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

YES NO

Name	Employer	Position
James Diamond	Diamond Properties	Manager
William Diamond	Diamond Properties	Manager

SECTION E. Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

YES NO

Current Name	Other Names

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
Richard J. Fellingner Realty Holding Company, LLC	328 North Broadway, 2nd Floor Upper Nyack, NY 10960

SECTION H. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

SECTION I. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

YES

NO

I, JAMES DIAMOND being first duly sworn, according to law, deposes and says that I am (Title) MANAGER, an active and qualified member of the DP108, LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) JAMES DIAMOND

(Signature) [Handwritten Signature]

**CITY OF BEACON
SITE PLAN SPECIFICATION FORM**

Name of Application: 511 Fishkill Avenue

PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.

	YES	NO
The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual of firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
LEGAL DATA		
Name and address of the owner of record.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name and address of the applicant (if other than the owner).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Name and address of person, firm or organization preparing the plan.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date, north arrow, and written and graphic scale.		
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Approximate boundaries of any areas subject to flooding or stormwater overflows.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures. Paved areas, sidewalks, and vehicular access between the site and public streets.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other existing development, including fences, retaining walls, landscaping, and screening.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sufficient description or information to define precisely the boundaries of the property.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The owners of all adjoining lands as shown on the latest tax records.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The locations, names, and existing widths of adjacent streets and curb lines.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROPOSED DEVELOPMENT	YES	NO
The location, use and design of proposed buildings or structural improvements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street parking and unloading areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any proposed division of buildings into units of separate occupancy.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The location, direction, power, and time of use for any proposed outdoor lighting.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The location and plans for any outdoor signs.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any contemplated public improvements on or adjoining the property.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elevations of all proposed principal or accessory structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any proposed fences or retaining walls.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Erosion and sedimentation control measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
An indication of proposed hours of operation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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: 511 Fishkill Avenue		
Project Location (describe, and attach a general location map): 511 Fishkill Avenue		
Brief Description of Proposed Action (include purpose or need): Amend previously approved Site Plan Application per new tenant uses: 37,247 s.f. brewery 72,428 s.f. warehouse 11,381 s.f. arcade (commercial recreation) 2,296 s.f. office (accessory to brewery use) 4,965 s.f. event space / lounge (accessory to brewery)		
Name of Applicant/Sponsor: DP108, LLC		Telephone: (914) 773-6248 E-Mail: ron.roth@dpmgt.com
Address: 333 N Bedford Road, Suite 145		
City/PO: Mount Kisco	State: NY	Zip Code: 10549
Project Contact (if not same as sponsor; give name and title/role): Same As Sponsor		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): Same As Sponsor		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

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, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board: Site Plan Approval	November 27, 2018
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
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 - SPDES Stormwater Coverage	~ April 2019
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" 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?	<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 type="checkbox"/> Yes <input checked="" 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, identify the plan(s):	

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?
HI - Heavy Industrial

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

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

d. What parks serve the project site?
Memorial 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)? Industrial, commercial, recreational

b. a. Total acreage of the site of the proposed action? _____ 9.787 acres
 b. Total acreage to be physically disturbed? _____ 1.159 acres
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 9.787 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? 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: _____ 18 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	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

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

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ 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? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) Yes No
 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): _____

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:

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: _____

c. Will the proposed action use, or create a new demand for water? Yes No
 If Yes:

i. Total anticipated water usage/demand per day: _____ 10,061 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
- 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: _____
not applicable

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

d. Will the proposed action generate liquid wastes? (Waste < water due to product (beer) and byproducts that do not reach the sanitary sewer) Yes No
 If Yes:

i. Total anticipated liquid waste generation per day: _____ 6,494 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: City of Beacon
- 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

• Do existing sewer lines serve the project site? Yes No
 • Will line extension within an existing district be necessary to serve the project? Yes No
 If Yes:
 • Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? Yes No
 If Yes:
 • Applicant/sponsor for new district: _____
 • Date application submitted or anticipated: _____
 • What is the receiving water for the wastewater discharge? _____
 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):
not applicable

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____
none

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? Yes No
 If Yes:
 i. How much impervious surface will the project create in relation to total size of project parcel?
 _____ Square feet or 0.66 acres (impervious surface)
 _____ Square feet or 9.787 acres (parcel size)
 ii. Describe types of new point sources. Surface stormwater runoff

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)?
Stormwater runoff from the new parking area will be directed to stormwater collection system that will treat quality and quantity per NYSDEC standards prior to discharging to the same pre-development location

 • If to surface waters, identify receiving water bodies or wetlands: _____
Fishkill Creek

 • Will stormwater runoff flow to adjacent properties? Yes No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? Yes No

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? Yes No
 If Yes, identify:
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

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? Yes No
 If Yes:
 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) Yes No
 ii. In addition to emissions as calculated in the application, the project will generate:
 • _____ 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)

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? 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 116 Proposed 205 Net increase/decrease +79
 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: _____
300,000 kWh
 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 and electric
 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.
 i. During Construction:
 • Monday - Friday: 7am - 5pm
 • Saturday: 7am - 5pm
 • Sunday: _____
 • Holidays: _____
 ii. During Operations:
 • Monday - Friday: 7am - 11pm
 • Saturday: 7am - 11pm
 • Sunday: 7am - 11pm
 • Holidays: 7am - 11pm

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:

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:

Parking lot lighting - 16' high, shielded to prevent light spill onto neighboring properties

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)? Yes No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: general recycling _____
- _____
- Operation: general recycling _____
- _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: on-site roll-off container _____
- _____
- Operation: dumpster _____
- _____

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.

Urban Industrial Commercial Residential (suburban) Rural (non-farm)

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe:

Industrial, prison, residential

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	4.80	5.47	+0.67
• Forested	0.38	0.38	---
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	4.24	3.64	-0.60
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	---
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	---
• Wetlands (freshwater or tidal)	0	0	---
• Non-vegetated (bare rock, earth or fill)	0	0	---
• Other Describe: Gravel Drive	0.37	0.30	-0.07

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: _____

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: _____

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): _____
 Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
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): 314004
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
Tuck Industries - Classification: completed

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

a. What is the average depth to bedrock on the project site? _____ >6 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:

Ur	_____	50 %
BeB	_____	36.5 %
Ud	_____	13.5 %

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

e. Drainage status of project site soils: Well Drained: _____ 100 % of site
 Moderately Well Drained: _____ % of site
 Poorly Drained _____ % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 70 % of site
 10-15%: _____ 10 % of site
 15% or greater: _____ 20 % 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)? 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 (opposite Route 52) Classification Class C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

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? 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: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____ squirrels _____ deer _____ small birds _____	
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: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No Indiana Bat	
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	
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: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
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: _____	
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): _____	
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: _____ _____ _____	
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: _____	

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?	<input type="checkbox"/> Yes <input checked="" 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: _____	
<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?	<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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: _____	
<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.): _____	
<i>iii.</i> Distance between project and resource: _____ 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.

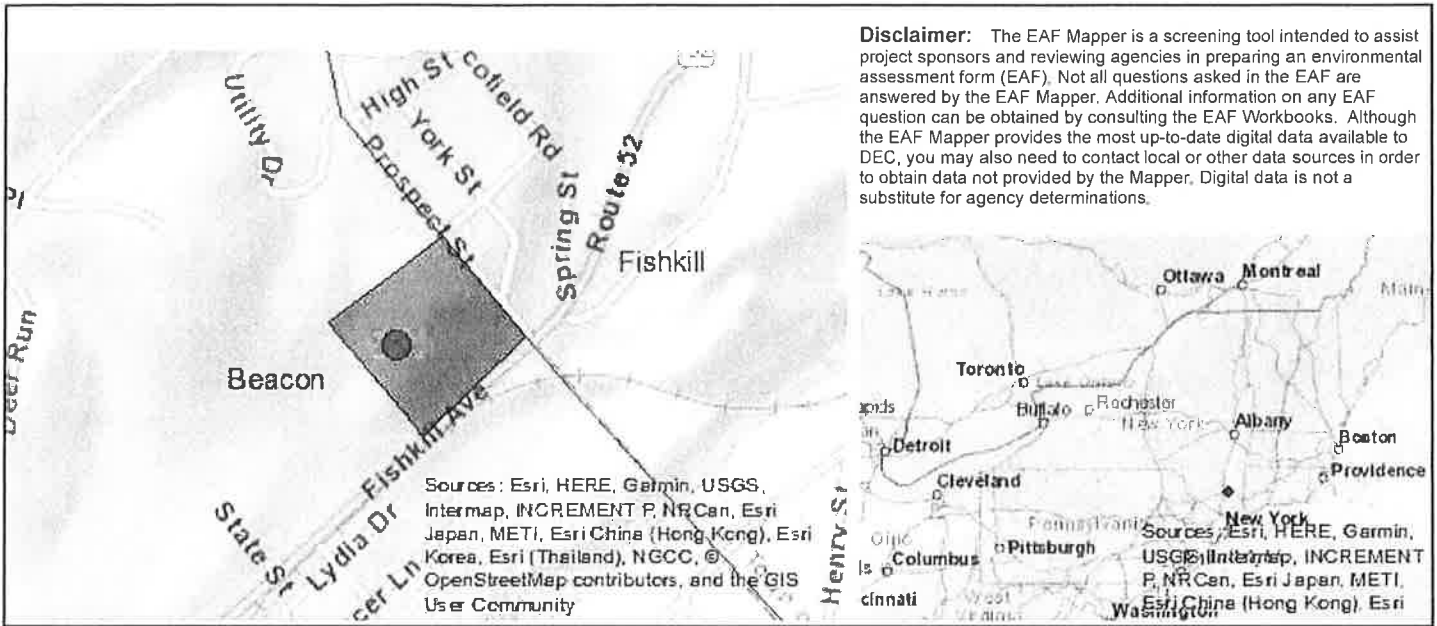
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

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

Applicant/Sponsor Name James Diamond Date November 27, 2018 Updated 12/26/18

Signature  Title Co-Manager



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
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]	314004
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
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.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat
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]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

City of Beacon Workshop Agenda
1/14/2019

Title:

Personnel

Subject:

Background: