



CITY OF BEACON, NEW  
YORK  
ONE MUNICIPAL PLAZA  
BEACON, NY 12508

Mayor Lee Kyriacou  
Councilmember Amber J. Grant, At Large  
Councilmember George Mansfield, At Large  
Councilmember Terry Nelson, Ward 1  
Councilmember Air Rhodes, Ward 2  
Councilmember Jodi M. McCredo, Ward 3  
Councilmember Dan Aymar-Blair, Ward 4  
City Administrator Anthony Ruggiero

**City Council Workshop Agenda**  
**April 13, 2020**  
**7:00 PM**

**Workshop Agenda Items:**

Duration  
(Minutes)

- |  |    |
|--|----|
| 1. Sustainable Beacon Initiative Update                      | 10 |
| 2. Farmer's Market   | 15 |
| 3. Zoning Tables: Transition District                        | 20 |
| 4. Short Term Rentals  | 15 |
| 5. Saint Luke's Place Proposed Dedication and Sight Easement | 10 |
| 6. Towing Contract   | 10 |

**Executive Session:**

Duration  
(Minutes)

- |                |  |
|----------------|--|
| 1. Real Estate |  |
|----------------|--|

**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Sustainable Beacon Initiative Update**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Sustainable Beacon Initiative Update	Presentation
Memorandum from the Conservation Advisory Committee Regarding Sustainable Beacon	Cover Memo/Letter

# Sustainable Beacon Initiative



# What is Sustainable Beacon?

- Sustainable Beacon is an initiative moving Beacon towards leadership in our area as the “greenest” community in the Hudson Valley.
- Establishes working groups and partnerships among our boards, city employees and community
- Ongoing series of specific goals/projects
- Conservation Advisory Committee (CAC) as the Cities Climate Smart Communities Task Force, leads the initiative
- Additional Resources
  - City Council
  - Climate Smart Communities Coordinator
  - Green Beacon Coalition
  - Additional city boards



# Initial Prioritization



## HIGH LEVEL IDEAS

...

Overarching themes developed



## STRAW POLL

...

Validation of high level ideas



## COMMUNITY SURVEY

...

~200 responses to rank high level ideas



## FEASIBILITY ASSESSMENT

...

Additional assessment of feasibility and timing to pull forward short term initiatives first

# Initial Priorities



Recycling / Waste  
Reduction



Composting



Renewable  
Energy  
Awareness

**Next Up:** Trees & Water Protection



# Other Priorities Being Addressed

- **Open Space**

- An Open Space Index Survey will be completed, as a follow-up to the Natural Resource Inventory (NRI)

- **Public Transit**

- Main St Committee may address initially
- Option to enhance findings after provided by Main St Committee

- **Sustainability/Climate Action Planning**

- City is participating in 2 cohorts (1 with Dutchess County and 1 national) through ICLEI to create a sustainability plan that incorporates climate action

# Next Steps

## Form working groups

- Reach out to interested volunteers to align with priorities
- Create framework for deliverables to council
- Assign group lead & CAC liaison

## Build a Backlog

- Review free form survey responses for trends
- Determine additional working groups
- Determine plan for 'next up' priorities

## Report out to Council

- Short & Medium term plans report to council May - mid June
- Submit grant funding requests (mid July)





April 9, 2020

To: Beacon City Council

From: Beacon Conservation Advisory Committee Chair

Re: Sustainable Beacon Initiative Update

Dear City Council:

Earlier this year, City Council tasked the CAC to work on launching the Sustainable Beacon Initiative. I am writing to update you on the progress of our work and short-term goals.

The CAC held three meetings with members of Green Beacon Coalition and interested residents to plan the launch of this Initiative. We identified three issues to focus on after surveying over 200 residents and deliberating at our monthly meetings. These issues are: Recycling and Waste Reduction, City-Wide Composting, and Green Energy Awareness.

We've created subcommittees for each of these three issues. Each subcommittee is composed of a chairperson, a member from the CAC, a member from GBC, and interested members from the community. The subcommittees are tasked with creating a Report that will include a mission statement, the short, medium, and long-term goals, the resources needed to meet these goals, and the methods of measuring success.

We anticipate each subcommittee will submit its Report to City Council by June 15, 2020. The Report will be used to determine which resources the city can provide or obtain in order to achieve the goals of each subcommittee. We also expect City Council to provide feedback and guidance on appropriate next steps. Following approval of the Report, the subcommittees can begin their work.

On behalf of the CAC, the subcommittee members, and interested Beacon residents, we thank you for this opportunity and look forward to Beacon becoming the greenest community in our region.

Respectfully,

Brian M. DiFeo

Chair, Conservation Advisory Committee

City of Beacon Workshop Agenda  
4/13/2020

Title:

Farmer's Market

Subject:

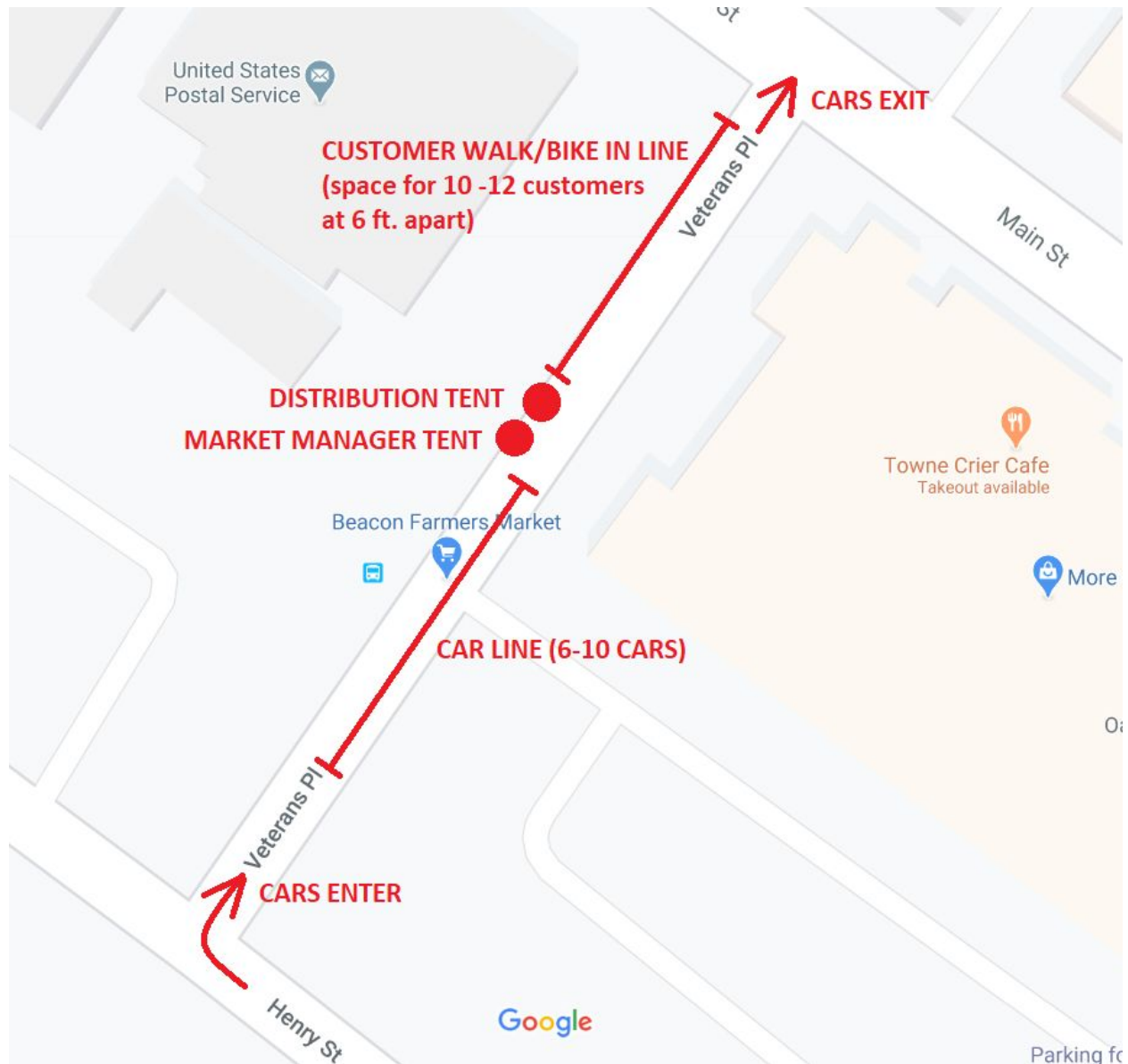
Background:

**ATTACHMENTS:**

Description	Type
Interim Market Operations and Procedures	Cover Memo/Letter

Beacon Farmers' Market Distribution Site  
Interim Market Operations & Procedures Guideline  
Location: Veteran's Place

**Map:**



**Context:**

Farmers Market are [essential businesses](#) and critical community resources especially during the coronavirus pandemic. Recognizing this, the C.A.R.E.S. Act “[includes \\$9.5 billion to support agricultural producers impacted by coronavirus](#).” The Beacon Farmers Market (BFM) is requesting access to establish its location on Veteran's Place.

During this public health crisis, the BFM is committed to upholding its mission to [provide fresh food access](#) to [much needed nutrition](#) to Beacon residents while supporting the livelihoods of [local farmers and producers](#), who along with our dedicated market staff are the [frontline workers](#) in this crisis.

At the same time, this pandemic is having a [disproportionate impact on people of color](#) and [low-income Americans](#) that the BFM is committed to serving. “[Farmers markets are essential activities for the economic livelihood of farmers and for food access for millions of Americans](#),” says Ben Feldman, executive director of the Farmers Market Coalition. “The closure of markets has the potential to bankrupt farmers and force people to go without food.”

In the absence of competent leadership from Washington, [communities are looking to local leaders to solve their problems](#). We ask the City of Beacon to partner with the BFM to provide this local solution to fulfill our duty to the community and to our farmer and producer vendors.

#### **Resources available at Veteran’s Place:**

- Veteran’s Place (VP) as an outdoor location has the space to allow for social-distancing for order pickups as recommended during the COVID-19 crisis.
- VP is both pedestrian and car-friendly, and is located at a central location increasing accessibility to market patrons.
- VP is a safe, low/slow traffic area with two access points which is conducive to public safety.
- VP is a familiar location to market patrons and vendors which limits confusion about the market’s location during these confounding times.

#### **A note on social distancing:**

To ensure proper social distancing, no contact, and to limit the number of people gathering, the Beacon Farmers’ Market has reduced from vendor run stands to a staff/volunteer run distribution center. In this system customers place orders online, then vendors drop off orders to be organized and distributed by staff/volunteers at the pick up stand or by delivery.

#### **Specifics on health/safety protocol at the market:**

[Vendor Waiver on Health & Safety Protocols](#)

[Volunteer Waiver on Health & Safety Protocols](#)

[Note to customers on social distancing and no contact at the market.](#)

#### **Schedule of operations:**

7:30 AM to 8:30 AM - Market set up and vendor drop off.

8:30 AM to 10 AM - Order organization. Delivery people leave with orders before 10 AM.

10 AM to 12 PM - Customers pick up by car or on foot.

12 PM to 1 PM - Market break down and donation delivery.



## **Note on our operations since shutting down the market:**

Last edit: 04/05/2020

Currently, the Beacon Farmers' Market, as an essential business, is running an interim market, under strict social distancing and no contact procedures. The goal is to host a market that is safe for our customers, vendors, and staff/volunteers, while still providing access to fresh and healthy food for our community.

Our response to COVID 19 has been radical - we shut down operations more than a week before the State government advised, we transitioned the market into an online order system within a week, and have been supporting food access for more than 120 families in the City of Beacon.

**March 15th:** BFM cancelled out of precaution of the rising public health concern due to COVID 19. At this point there had not yet been any confirmed cases of COVID 19 in Dutchess County, but several in surrounding counties where several of our vendors are located.

**March 22nd:** BFM reopens market outside of the VFW Hall under a pre-order only system. All vendors have orders packaged in plastic. Customers arrive by foot or car for pick up, following social distancing guidelines. The distributor(s) practice no contact with the customer and use either hand sanitizer or gloves while touching the packaged product. *~60 customer orders.*

**March 29th:** BFM expands pre-order system to online ordering through the BFM website. Procedures follow the same as above, with the implementation of stricter no contact rules for vendors. *~80 customer orders.*

**April 5th:** BFM follows as above, with the addition of several more vendors than previous weeks. Implementation of stricter customer social distancing guidelines, including curbside pick up and a delivery system for City of Beacon residents. *~120 customer orders.*

Future plans:

**April 12th:** Adding food access initiatives, including SNAP/EBT, a sliding scale, and a sponsorship program, that will greatly increase the number of families fed, and the overall impact on our community. We have raised almost \$2300 already to support this initiative. Once these are implemented, we are sure that participation will be much higher.

**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Zoning Tables: Transition District**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Zoning Dimensional Table Draft 4.7.20 Edits	Backup Material
Zoning Dimensional Table Draft 4.7.20	Backup Material
Zoning Tables Map Changes 4.7.20	Backup Material
Zoning Use Table Draft 4.7.20 Edits	Backup Material
Zoning Use Table Draft 4.7.20	Backup Material
Zoning Tables LL Draft 4.7.20	Local Law

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

DRAFT 4.7.2020

Zoning District	Minimum Lot Size (see also 223-12 l) Area <sup>h</sup>				Minimum		Yards <sup>a</sup>		Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories   ft)	Minimum-Height (stories + ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Floor-Area-Ratio	Zoning District	Also Refer to Pertinent Sections
					Front (ft)	Total-Side		Rear <sup>d,e</sup> (ft)				Multi-Fam	All Other				
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)		Side (ft)	of 2 (ft)										
R1-120	120,000	120,000	250'	350'	75'	50'	100'	75'	—	2.5   35'	1 + 12'	N.A.	7%	1	—	R1-120	
R1-80	80,000	80,000	150'	200'	50'	30'	70'	50'	—	2.5   35'	1 + 12'	N.A.	10%	1	—	R1-80	
R1-40	40,000	40,000	150'	150'	50' 40'	25'	60'	50'	—	2.5   35'	1 + 12'	N.A.	15%	1	—	R1-40	
R1-20	20,000	20,000	125'	125'	40' 30'	20'	50'	40'	—	2.5   35'	1 + 12'	20%NA.	20%	1	—	R1-20	
R1-10	10,000	10,000	85'	100'	35' 25'	15'	40'	35'	—	2.5   35'	1 + 12'	N.A.	25%	1	—	R1-10	
R1-7.5	7,500	7,500	75'	100'	30' 20'	10'	20'	30' 25'	—	2.5   35'	1 + 12'	N.A.	30%	1	—	R1-7.5	
R1-5	5,000	5,000	50'	100'	30' 15'	10'	20'	30' 20'	—	2.5   35'	1 + 12'	N.A.	—	1	—	R1-5	
RD-7.5 <sup>d,e</sup>	2 acres	7,500	200'	200'	20-35'	25'	50'	50'	70' 30'	3   35'	1 + 12'	15%	20%	12	—	RD-7.5 <sup>d,e</sup>	
RD-6 <sup>d,e</sup>	5 2 acres	6,000	3 200'	200'	50'	25'	50'	50'	70' 30'	2.5   35'	1 + 12'	15%	20%	16	—	RD-6 <sup>d,e</sup>	
RD-5 <sup>d,e</sup>	5,000	5,000	50'	100'	30'	10'	20'	25'	30'	3   35'	1 + 12'	20%	30%	16	—	RD-5 <sup>d,e</sup>	
RD-4 <sup>d,e</sup>	2 acres-5,000	4,000	200'	200'	40'	20'	40'	40'	70' 30'	2.5   35'	1 + 12'	20%	25%	20	—	RD-4 <sup>d,e</sup>	
RD-3 <sup>d,e</sup>	5,000	3,000	50'	100'	30'	10' 20'	20'	25'	30'	2.5 + 35'-3.5   45'	1 + 12'	20%	40%	24	—	RD-3 <sup>d,e</sup>	
RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	10' 20'	20'	25'	30'	10 <sup>b</sup>   100'	1 + 12'	15 25%	40%	— <sup>c</sup>	—	RD-1.8 <sup>d,e</sup>	
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	10' 20'	20'	25'	30'	4.5 <sup>f</sup>   55' <sup>f</sup>	1 + 12'	25%	40%	36 <sup>g</sup>	—	RD-1.7 <sup>d,e</sup>	
PB	As-regulated-in-the-least-restrictive-adjoining-residential-district															PB	
OB T	5,000	i	40' 50'	100'	30' 10'	20' 10'	—	25' 20'	—	2.5   35'	—	—	—	—	1	OB T	
LB	—	—	—	100'	—	20'	—	25'	—	— + 35'	—	—	—	Min Open Space	2	LB	
GB	—	1,500	—	100'	— 15'	20'	—	25'	—	—   35'	—	—	—		2	GB	
CMS	—	—	—	75'	0-10'	0'	—	25' 20'	—	3   48'	2 + —	—	—	10%	—	CMS	Art IVD
L	—	—	—	75'	0-20'	0-30'	—	25'	—	4   38'	2 + —	—	—	15%	—	L	Art IVE
FCD	2 acres	3,960	—	—	—	—	—	—	—	3   40'	—	35%		30%	—	FCD	Art IVC
WP	1 acre	—	—	—	10'	—	—	—	—	2.5   35'	—	20%		—	0.5	WP	Art IVA
WD	5 acres	—	—	—	—	—	—	—	—	See Art IVA	—	—		15%	3/2	WD	Art IVA
LI	—	1,500	— 60'	100'	— 20'	20'	—	25'	—	—   — 35'	—	70%		— 20%	2	LI	
HI	—	—	— 60'	100'	— 30'	20'	—	25'	—	—   35' 40'	—	70%		— 20%	2	HI	

## NOTES:

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

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

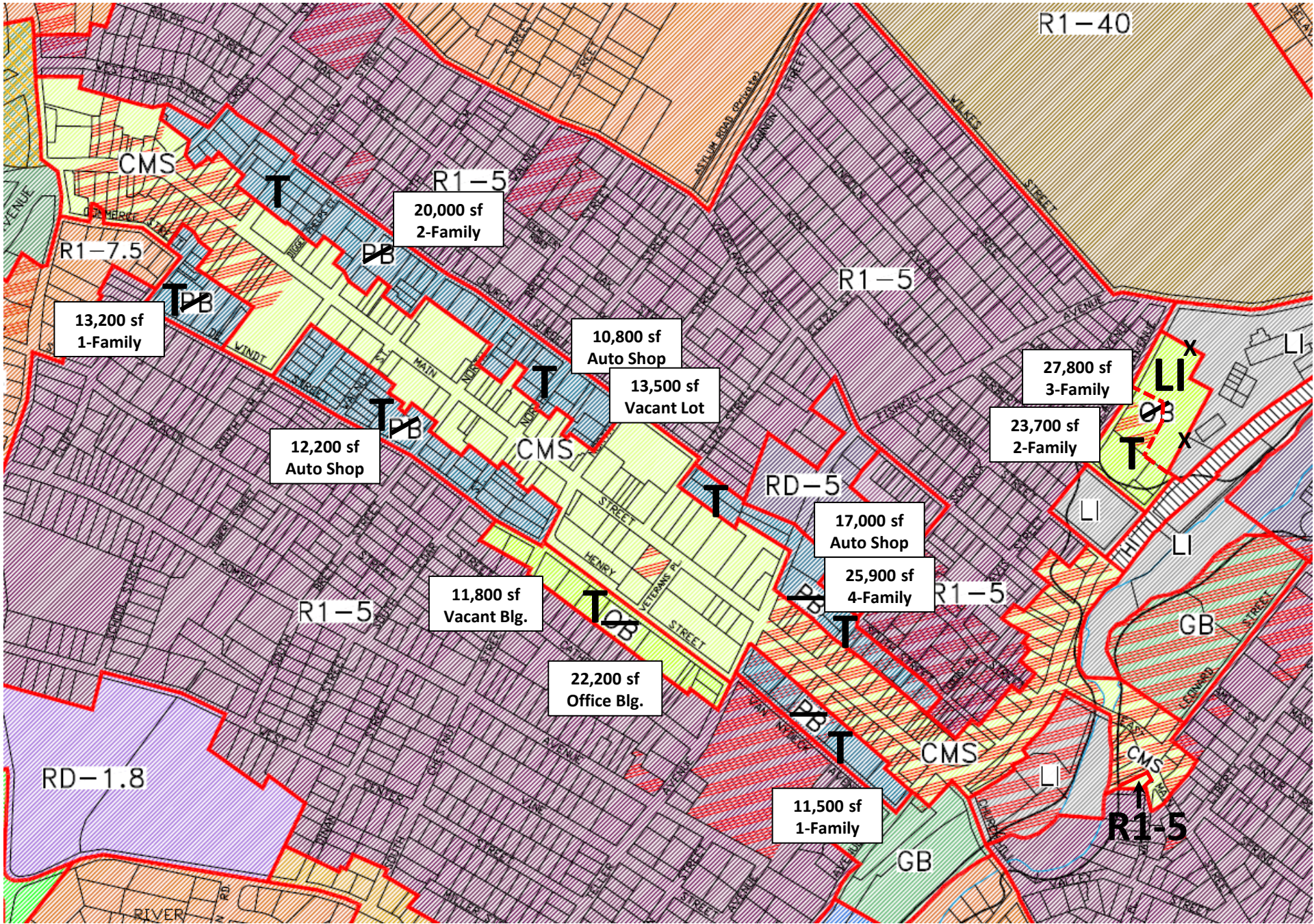
DRAFT 4.7.2020

Zoning District	Minimum Lot Size Area <sup>h</sup> (see also 223-12 I)				Minimum Yard <sup>a</sup>			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories   ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
					Front (ft)	Side (ft)	Rear <sup>d,e</sup> (ft)			Multi-Fam	All Other				
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)											
R1-120	120,000	120,000	250'	350'	75'	50'	75'		2.5   35'	N.A.	7%	1		R1-120	
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R1-40	40,000	40,000	150'	150'	40'	25'	50'		2.5   35'	N.A.	15%	1		R1-40	
R1-20	20,000	20,000	125'	125'	30'	20'	40'		2.5   35'	N.A.	20%	1		R1-20	
R1-10	10,000	10,000	85'	100'	25'	15'	35'		2.5   35'	N.A.	25%	1		R1-10	
R1-7.5	7,500	7,500	75'	100'	20'	10'	25'		2.5   35'	N.A.	30%	1		R1-7.5	
R1-5	5,000	5,000	50'	100'	15'	10'	20'		2.5   35'	N.A.		1		R1-5	
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RD-1.8 <sup>d,e</sup>	5,000	1,800	50'	100'	30'	20'	25'	30'	10 <sup>b</sup>   100'	25%	40%	c		RD-1.8 <sup>d,e</sup>	
RD-1.7 <sup>d,e</sup>	5,000	1,700	50'	100'	30'	20'	25'	30'	4.5 <sup>f</sup>   55 <sup>f</sup>	25%	40%	36 <sup>g</sup>		RD-1.7 <sup>d,e</sup>	
T	5,000	i	50'	100'	10'	10'	20'		2.5   35'					T	
GB		1,500		100'	15'	20'	25'		–   35'					GB	
CMS				75'	0-10'	0'	20'		3   38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	25'		4   48'				15%	L	Art IVE
FCD	2 acres	3,960							3   40'	35%			30%	FCD	Art IVC
WP	1 acre				10'				2.5   35'	20%				WP	Art IVA
WD	5 acres								See Art IVA				15%	WD	Art IVA
LI		1,500	60'	100'	20'	20'	25'		35'	70%			20%	LI	
HI			60'	100'	30'	20'	25'		40'	70%			20%	HI	

**NOTES:**

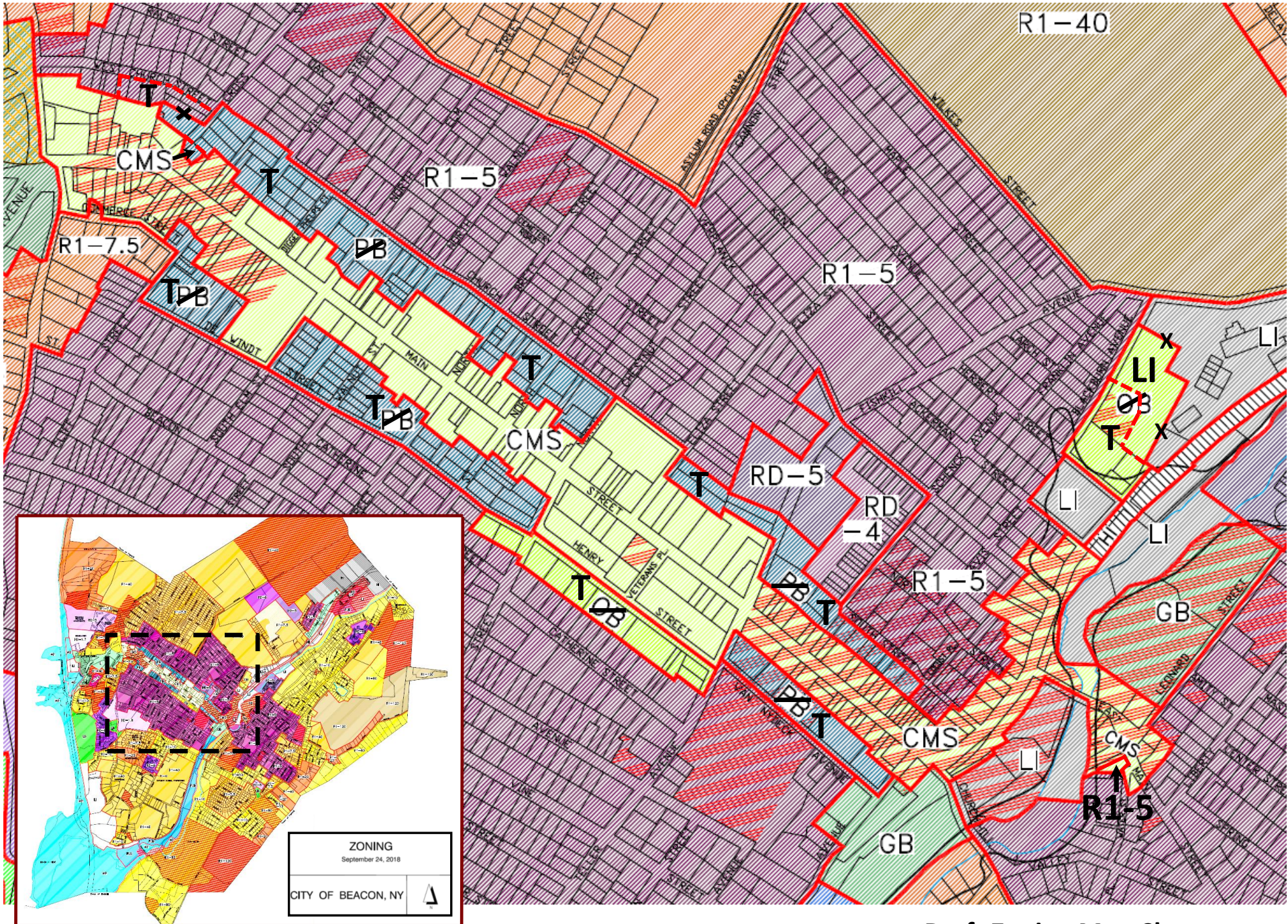
- ~~ab~~ Except in multifamily developments, A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, with a copy of such agreement to be filed with the building permit application for such garage.
- ~~bh~~ But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ~~ci~~ But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ~~dk~~ For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ~~el~~ In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and subject to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreational or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided or developed in the future.
- ~~fn~~ A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~ge~~ And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]
- ~~hq~~ For all development proposals involving a total lot area of more than three acres within a R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more as defined in § 223-63.
- i As regulated in the least restrictive adjoining residential district.





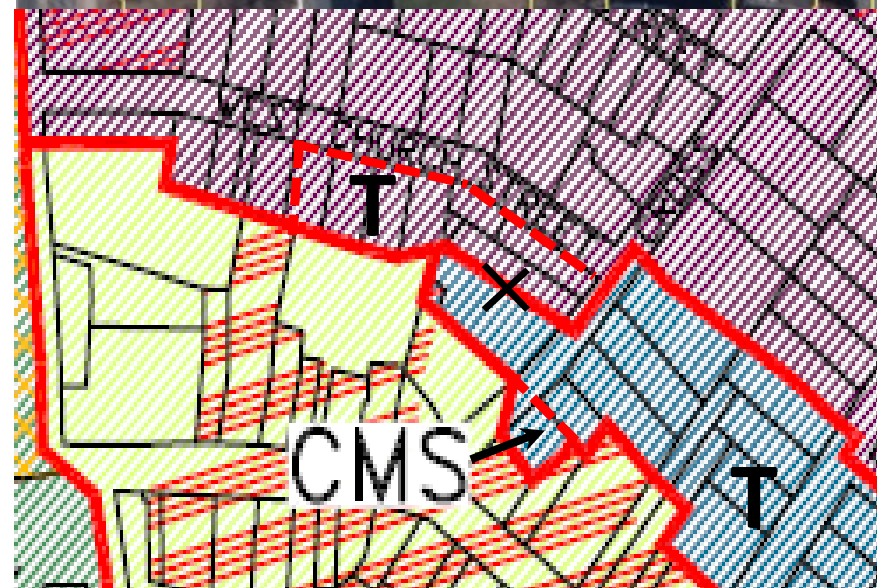
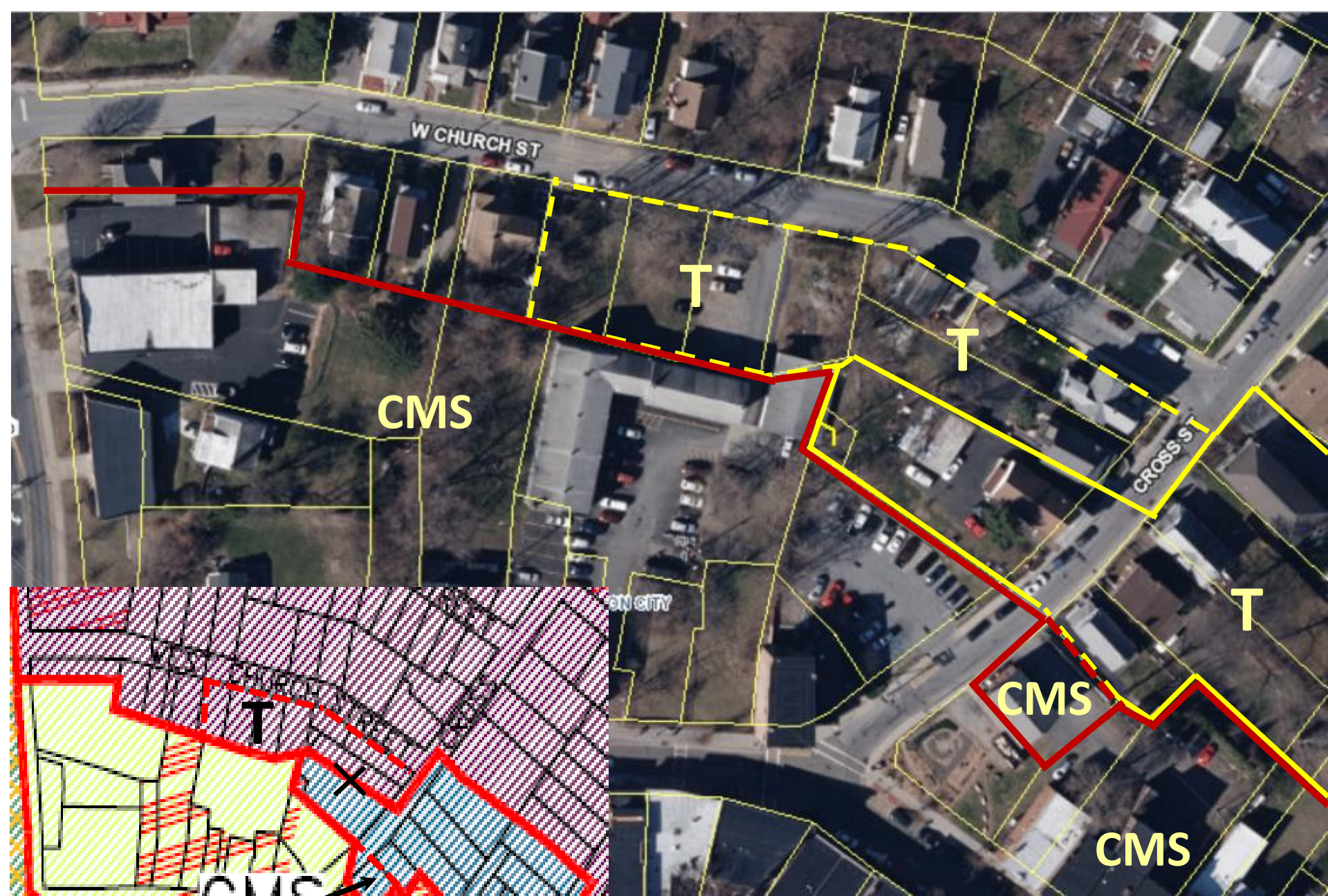
**Larger Lots in the T District**





Draft Zoning Map Changes







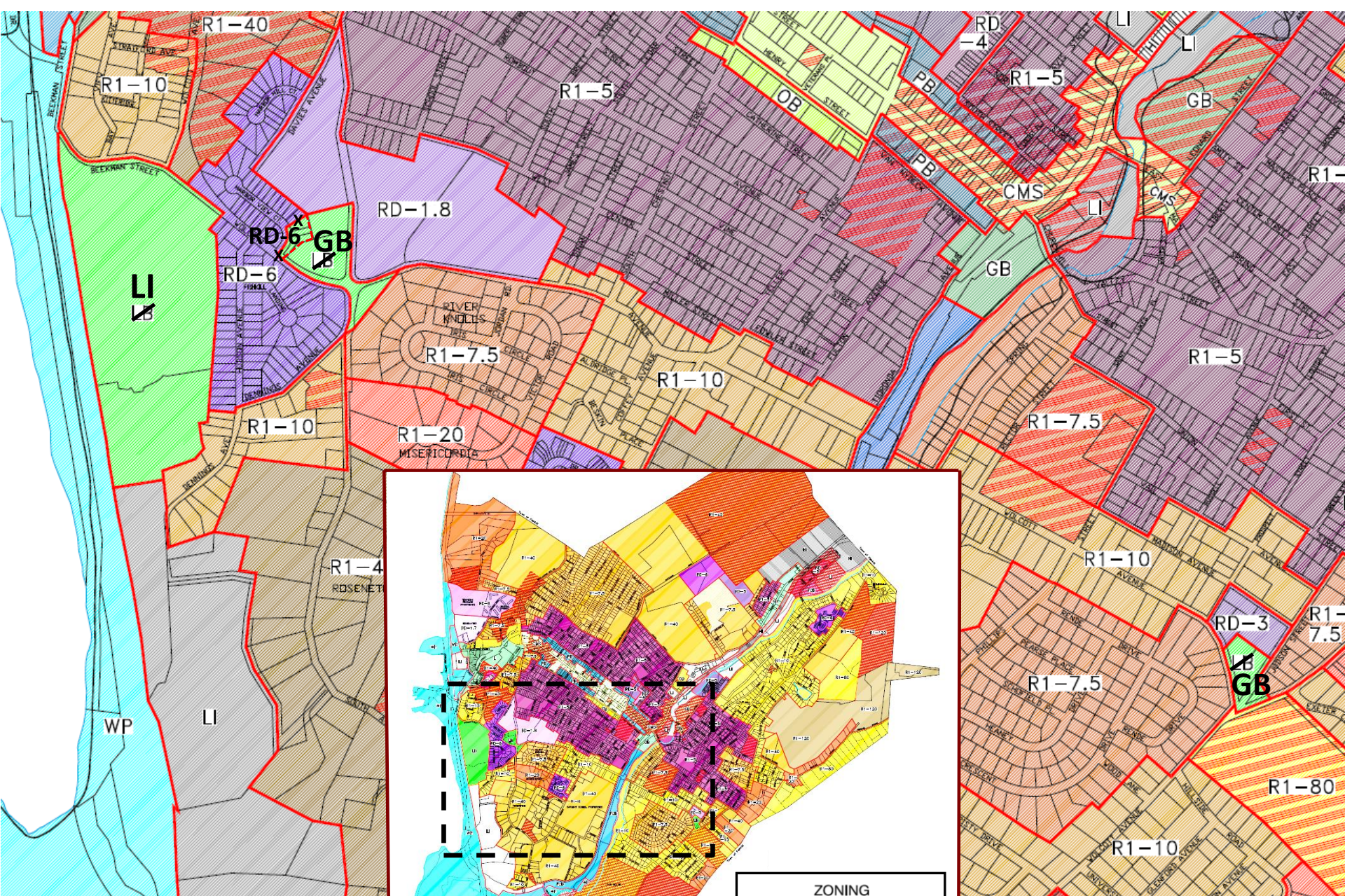




# R1-5

## CON CITY





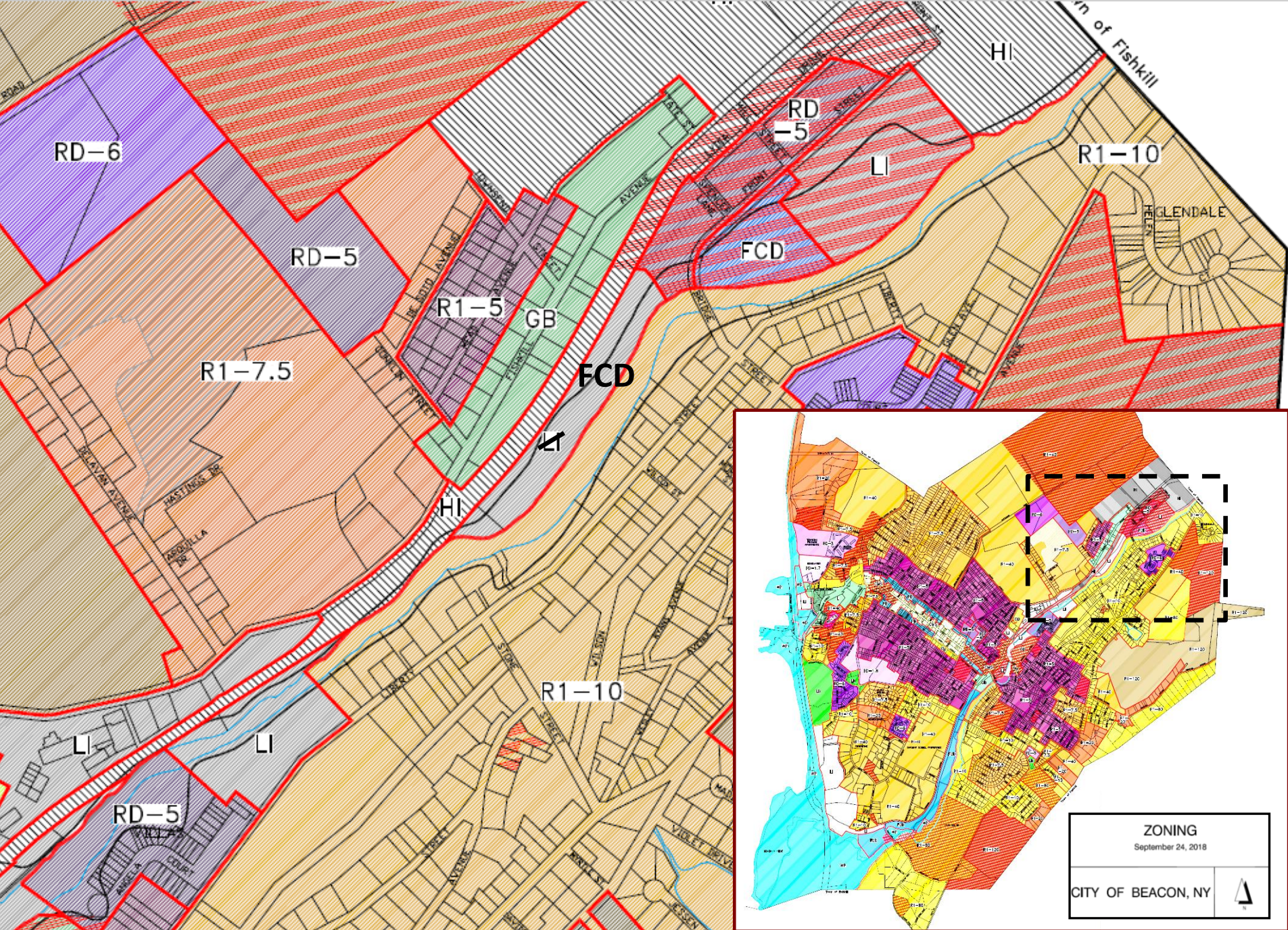
ZONING  
September 24, 2018  
CITY OF BEACON, NY

Draft Zoning Map Changes









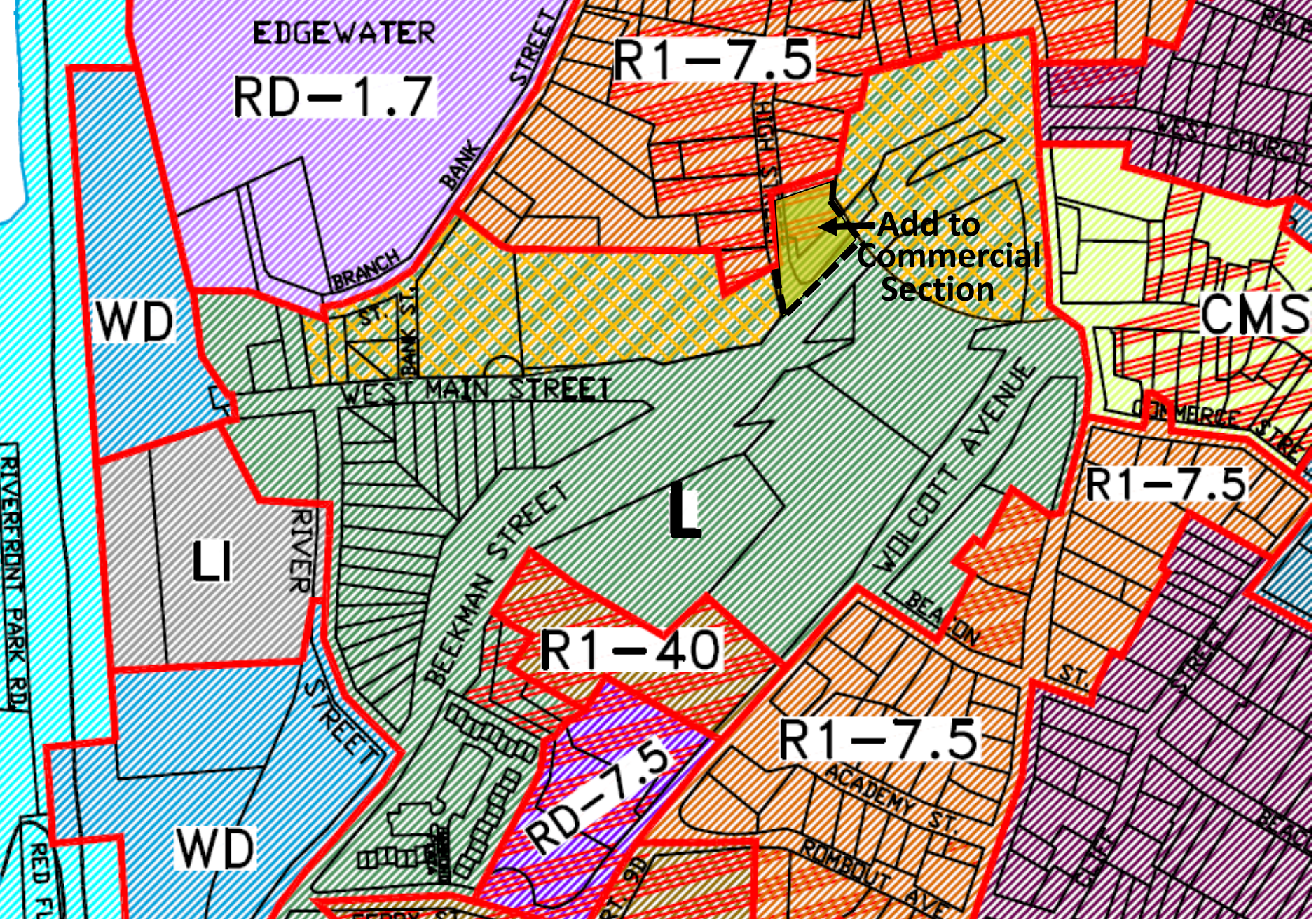
**Draft Zoning Map Changes**





FCD







# 2017 Comprehensive Plan Update Rezoning



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

Permitted Uses by District	Reference Notes	All R1	All RD	PB	GB T	LB	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Residential</b>														
One-Family Detached Dwelling		P	P	P	P	P	x	P x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	x	x P	P	x	P x	P	P x	x	P	x	x
Two-Family Dwelling		x	SP* P	x	x P	x	x	P x	P x	x	x	x	x	x
Multifamily Dwelling		x	SP*	x	x P	x	SP* P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	x	x P	SP*	SP* P	P	SP P	P	x	P	SP* P	x
<b>Retail/Office/Service</b>														
Retail, Personal Service, or Bank		x	x	x	x	P	P	P	SP P	P	x	x	P	P x
Office		x	x	x	P	P	P	P	SP P	P	x	P	P	P x
<del>Retail Truck or Trailer</del>	Subject to §223-26.3	x	x	x	x	x	P	P	P	x	SP*	x	P	P
Artist Studio, Art Gallery/Exhibit Space		SP* x	SP* x	SP*	SP* P	SP*	SP* P	P	P	x	x	P	SP* P	SP* x
Funeral Home		x	x	x	x	P	P	P x	x	x	x	x	P	P x
Commercial Recreation, Indoor		x	x	x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	x	x	P	P x	x	x	x	x	P	P
<del>Tattoo Parlor</del>	Subject to §223-26.2	x	x	x	x	x	P	P	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	x	SP*	SP* x
<b>Food/Lodging</b>														
Restaurant or Coffee House		x	x	x	SP* x	SP*	P	P	SP P	P	SP*	P	P x	P x
Bar or Brew Pub		x	x	x	x	SP*	SP* P	SP* P	x P	P	x	P	SP* P	SP* P
Microbrewery/Microdistillery		x	x	x	x	SP*	SP* P	P	SP* P	x P	x	x	SP* P	SP* P
Food Preparation Business		x	x	x	x	x	x P	P SP	SP	x	x	x	x P	x P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP*	SP	SP*	SP* P	P x	P	x	SP*	P	SP* P	P x
Inn		x	x	x	x	x	x P	P	P	P	SP*	P	x P	x
Hotel	Subject to §223-14.1	x	x	x	x	x	SP* P	P	P	P	x	x	SP* P	SP* x
<b>Social/Community</b>														
Spa/Fitness Center/Exercise Studio		x	x	x	x SP	x	x P	P	x P	P	x	P	x P	x
Day Care Center		x	x	x	x P	x	x P	x	x P	P	x	P	x SP	x
Park, Preserve, Community Garden	With No Admission Fee	SP* P	SP* P	SP*	SP* P	SP*	SP* P	P	P	P	P	x P	SP* P	SP* x
Theater, Concert or Conference Space		x	x	x	x	x	P	P	x P	SP* P	x	P	P	P x
Museum		SP*	SP*	SP*	SP*	P	P	P	x P	SP* P	x	P	P	SP* SP
Place of Worship/Religious Facility		P	P	P	P	P	P	x	x	x	x	x	P	P x
Social Club	Subject to §223-24.2	SP* SP	SP* SP	SP*	SP* SP	SP*	SP* SP	P	x	x	x	x	SP* SP	SP* x
Government Facility		P	P	P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x	x	x
<b>Healthcare</b>														
Hospital or Nursing Home	Subject to 223-21.1/22	SP*	SP*	SP*	SP* x	SP*	x	x	x	x	x	x P	x P	x P
Animal Care Facility		x SP	x SP	x	x	x	x SP	x	x	x	x	x	x SP	x
<b>Educational</b>														
College or University		x SP*	x SP*	x	x	x	SP* P	P	x P	x	x	x P	SP* P	SP* P
Trade School or Training Program		x	x	x	x	x	SP* P	P	x P	x	x	x P	SP* P	SP* P
Private School or Nursery School		SP*	SP*	SP*	SP*	SP*	x P	P x	x P	x	x	x P	SP*	SP* x

x = Use Not Permitted

P = Permitted Use

SP=Special Permit Use by Planning Board

SP\*=Special Permit Use by City Council

For Specific  
Standards See -->

Article IVD Article IVE Article IVA Article IVC  
4.7.2020

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

Permitted Uses by District	Reference Notes	All R1	All RD	PB	GBT	LB	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Parking/Auto-Oriented</b>														
Off-Street Parking or Parking Structure	Subject to §223-26	SP* x	SP* x	SP*	P SP	P	P SP	P SP	x	x	x	x	P x	P x
Vehicle Sales or Rental Lot		x	x		x		P SP	x	x	x	x	x	x SP	x
Gas Filling Station and/or Car Wash	Subject to Ch.210/§223-21	x	x	x	x	x	SP* SP	x	x	x	x	x	x-SP	SP* x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	x	x	SP* SP	x	x	x	x	x	SP	SP* x
Ambulance Service		SP* SP	SP* SP	SP*	SP* SP	SP*	SP* P	x	x	x	x	x	SP* P	SP* x
<b>Industrial or Assembly</b>														
Wholesale or Storage Business		x	x	x	x	x	P	x	x	x	x	x	SP* P	P
Workshop		x	x	x	x SP	x	P	P	x P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	x	x	SP	x	x	P	P	P
<b>Other</b>														
Wireless Communication	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	P SP*	P SP*	x SP*	x SP*	x SP*	SP*	SP*
Small Cell Wireless Facility	Subject to §223-26.4	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*	P/SP*
Farm		P	P x	P	P x	P	x	x	x	x	x	x	x	x
Horticultural Nursery		SP* P	SP* P	SP*	SP* x	SP	SP* P	x	x	x	x	x	SP* P	SP* x
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
<del>Ski Facility (Mt. Beacon)</del>		SP	x	x	x	x	x	x	x	x	x	x	x	x
<b>Permitted Accessory Uses</b> (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)														
Accessory Apartment	Subject to §223-24.1	SP* SP	SP* SP	x	x SP	x	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	x	x P	x	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	x	x P	x	x	P x	P x	x	x	x	x	x
<del>Medical Service Structure</del>		P	P		P		x	x	x	x	x	x	x	x
Parking Structure		x	x		x SP		x	P	x P	x P	x	x P	x	x
Roof Garden or Greenhouse		P	P	x	x P	x	x P	P	P	P	x P	x P	x P	x P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P	P

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Article Article Article Article Article 4.7.2020  
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Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Residential</b>												
One-Family Detached Dwelling		P	P	P	x	x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	P	x	x	P	x	x	P	x	x
Two-Family Dwelling		x	P	P	x	x	x	x	x	x	x	x
Multifamily Dwelling		x	SP*	P	P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	P	P	P	P	P	x	P	P	x
<b>Retail/Office/Service</b>												
Retail, Personal Service, or Bank		x	x	x	P	P	P	P	x	x	P	x
Office		x	x	P	P	P	P	P	x	P	P	x
Artist Studio, Art Gallery/Exhibit Space		x	x	P	P	P	P	x	x	P	P	x
Funeral Home		x	x	x	P	x	x	x	x	x	P	x
Commercial Recreation, Indoor		x	x	x	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	P	x	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	SP	x
<b>Food/Lodging</b>												
Restaurant or Coffee House		x	x	x	P	P	P	P	SP*	P	x	x
Bar/Brew Pub/Microbrewery/Microdistillery		x	x	x	P	P	P	P	x	P	P	P
Food Preparation Business		x	x	x	P	SP	SP	x	x	x	P	P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	P	x	P	x	SP*	P	P	x
Inn		x	x	x	P	P	P	P	SP*	P	P	x
Hotel	Subject to §223-14.1	x	x	x	P	P	P	P	x	x	P	x
<b>Social/Community</b>												
Spa/Fitness Center/Exercise Studio		x	x	SP	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	P	P	P	P	P	P	x
Theater, Concert or Conference Space		x	x	x	P	P	P	P	x	P	P	x
Museum		SP*	SP*	SP*	P	P	P	P	x	P	P	SP
Place of Worship/Religious Facility		P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x
<b>Healthcare</b>												
Hospital or Nursing Home	Subject to §223-21.1 and 22	SP*	SP*	x	x	x	x	x	x	P	P	P
Animal Care Facility		SP	SP	x	SP	x	x	x	x	x	SP	x
<b>Educational</b>												
College or University		SP*	SP*	x	P	P	P	x	x	P	P	P
Trade School or Training Program		x	x	x	P	P	P	x	x	P	P	P
Private School or Nursery School		SP	SP	SP	P	x	P	x	x	P	SP	x

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Permitted Uses by District	Reference Notes	All R1	All RD	I	GB	CMS	L	WD	WP	FCD	LI	HI
<b>Parking/Auto-Oriented</b>												
Off-Street Parking or Parking Structure	Subject to §223-26	x	x	SP	SP	SP	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch. 210 & 223-21	x	x	x	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	x	x	x	x	x	SP	x
Ambulance Service		SP	SP	SP	P	x	x	x	x	x	P	x
<b>Industrial or Assembly</b>												
Wholesale or Storage Business		x	x	x	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	SP	x	x	P	P	P
<b>Other</b>												
Wireless Telecommunications Facility	Subject to §223-24.5	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Small Cell Wireless Facility	Subject to §223-26.4	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP	P/SP
Farm		P	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		P	P	x	P	x	x	x	x	x	P	x
Historic District Overlay Use	Subject to §223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
<b>Permitted Accessory Uses</b> (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory Apartment	Subject to §223-24.1	SP	SP	SP	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	x	P	P	P	x	P	x	x
Roof Garden or Greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P

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For Specific  
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Article  
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Article  
IVC

4.7.2020

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**LOCAL LAW NO. \_\_\_\_ OF 2020**

**CITY COUNCIL  
CITY OF BEACON**

**LOCAL LAW AMENDING CHAPTERS 223 AND 210  
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapters 223 and 210 of the Code of the City of Beacon regarding the Schedule of Regulations and associated amendments.

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

**Section 1.** Chapter 223 of the Code of the City of Beacon, Article II, Section 2, entitled “Establishment of Districts” is hereby amended as follows:

**§ 223-2 Establishment of districts.**

The City of Beacon is hereby divided into the following classes of districts:

**A. Residential:**

- (1) R1-120 One-Family Residence District, 120,000 square feet per dwelling unit.
- (2) R1-80 One-Family Residence District, 80,000 square feet per dwelling unit.
- (3) R1-40 One-Family Residence District, 40,000 square feet per dwelling unit.
- (4) R1-20 One-Family Residence District, 20,000 square feet per dwelling unit.
- (5) R1-10 One-Family Residence District, 10,000 square feet per dwelling unit.
- (6) R1-7.5 One -Family Residence District, 7,500 square feet per dwelling unit.
- (7) R1-5 One-Family Residence District, 5,000 square feet per dwelling unit.
- (8) RD-7.5 Designed Residence District, 7,500 square feet per dwelling unit (minimum lot size of two acres).

~~[1] Editor's Note: This local law also provided for the renumbering of former Subsections A(8) through (16) as Subsections A(9) through (17).~~

- (9) RD-6 Designed Residence District, 6,000 square feet per dwelling unit (minimum lot size of ~~five~~ two acres).
- (10) RD-5 Designed Residence District, 5,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (11) RD-4 Designed Residence District, 4,000 square feet per dwelling unit (minimum lot size of ~~two acres~~ 5,000 square feet).
- (12) RD-3 Designed Residence District, 3,000 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (13) RD-1.8 Designed Residence District, 1,800 square feet per dwelling unit (minimum lot size of 5,000 square feet).
- (14) RD-1.7 Designed Residence District, 1,700 square feet per dwelling unit (minimum lot size of 5,000 square feet).

~~{2} Editor's Note: This local law also provided for the redesignation of former subsection A(13) and (14) as A(14) and (15), respectively.~~

~~(15) RMF-1.5 Multifamily Residence District, 1,500 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(16) RMF-8 Multifamily Residence District, 800 square feet per dwelling unit (minimum lot size of 5,000 square feet).~~

~~(15)-(17)~~ Senior Affordable Housing Overlay (SAHO) District.

#### B. Commercial:

~~(1) PB Business Off-Street Parking~~ T Transitional District.

~~(2){3} OB Office Business District.~~

~~{3} Editor's Note: Former Subsection B(2), HB Hotel Business District, was repealed 6-17-2013 by L.L. No. 11-2013. This local law also provided for the renumbering of former Subsection B(3) through (8) as Subsection B(2) through (7), respectively.~~

~~(3) LB Local Business District.~~

~~(4) CB Central Business District.~~

(2) GB General Business District.

(3) CMS Central Main Street District.

(4) L Linkage District.

C. Industrial:

- (1) LI Light Industrial District.
- (2) HI Heavy Industrial District.

D. POD Parking Overlay District.

E. WP Waterfront Park Zone.

F. WD Waterfront Development Zone.

G. FCD Fishkill Creek Development District.

**Section 2.** Chapter 223 of the Code of the City of Beacon, Article III, Section 10, entitled “Non-conforming uses and structures,” Subsections H-L are hereby amended as follows:

**§ 223-10 Non-conforming uses and structures**

...

~~H. Residential uses on Main Street. [Added 12-29-1997 by L.L. No. 14-1997]~~

- ~~(1) Legislative intent. The Central Business (CB) and General Business (GB) Districts along Main Street have traditionally been and will continue in the future to essentially be retail/service in nature. In order for the Main Street business district to be healthy and vital, it must compete successfully with other business districts. One of the essential characteristics of a healthy downtown business district is a high degree of continuity between adjacent retail and service uses, so that consumers can conveniently walk from one storefront to the next without frequently being interrupted by gaps between the retail and service uses. These gaps are the result of uses which are not open to the general public such as, in this case, residential uses. Residences which are located at the front of the ground floor of the buildings on Main Street are believed to be more injurious to the health and vitality of this business district than residences located at the rear of the ground floor of said buildings because the shopping portion of the business district is primarily, but not exclusively, at the front of said buildings. It is recognized, however, that there are currently several vacant storefronts on Main Street. The City Council has determined that the residential units affected by this subsection should not be converted to retail space unless the vacancy rate for such retail space has declined to an acceptable level in the discretion of the City Council. As a result, the special permit procedure outlined herein will specifically take into consideration the vacancy rate on Main Street at the time this subsection is implemented.~~
- ~~(2) Discontinuance. The following provisions pertain to buildings located on Main Street in the Central Business and General Business Zoning Districts: residential uses which are neither located on the upper floors nor in the rear of the first floor of said buildings shall be discontinued effective October 1, 2002. The City of Beacon shall notify all affected property~~



~~owners no later than October 1, 2001, that all residential units so situated in the Central Business (CB) and General Business (GB) Zoning Districts must be converted no later than October 1, 2002, pursuant to the terms of this subsection.~~

~~(3) Special use permit. Any property owner affected by this section shall be eligible to apply to the City Council for a special use permit to continue said residential occupancy for a period of two years. There shall be no further permits issued after the aforementioned permit has expired. Such application must be made no later than April 1, 2002, in order to maintain eligibility for the special use permit. The general provisions regarding the issuance of special use permits set forth in this chapter shall also apply to this application. In addition, the City Council shall take the vacancy rate for storefronts on Main Street into consideration when determining whether to issue such a permit.~~

~~I. I. Variance procedure. Any person or persons jointly or severally aggrieved by the terms of this chapter shall have the right to review a special permit determination by the City Council by a public hearing before the Zoning Board of Appeals and by a proceeding under Article 78 of the Civil Practice Law and Rules, which proceedings must be commenced within 30 days of the filing of such determination with the City Clerk.~~

~~J. Exemption. This local law shall not apply to the residence located at 317 Main Street. This use as a single-family dwelling shall be continued as a nonconforming use notwithstanding the remaining provisions of this local law. However, the existing commercial portion of these premises which front on Main Street, may not be converted to a residential use.~~

~~H. H. General nuisances. Upon a complaint registered by the Building Inspector or 50% of the property owners within 250 feet of a nonconforming use which is considered to be a general nuisance or hazard to the health, safety, welfare and morals of uses or structures within 250 feet of such nonconforming use or uses, the Zoning Board of Appeals shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Zoning Board of Appeals as related to the reasonable amortization of the capital investment in such uses.~~

**Section 3.** Chapter 223 of the Code of the City of Beacon, Article III, Section 13, entitled “Yards; building projections,” Subsections I-O are hereby amended and added as follows:

**§223-13 Yards, building projections, heights, and accessory structures**

...

I. Visibility at intersections. On a corner lot in any residence district, no fence wall, hedge or other structure or planting more than ~~three~~ 3.5 feet in height shall be erected, placed or maintained within the triangular area formed by ~~the intersecting street center lines and~~ a straight line joining ~~said street center lines at~~ points which are ~~400~~ 25 feet distant from ~~the point of intersection;~~ measured along said street center lines intersecting lines of the curb or edge of pavement. The height of ~~three~~ 3.5 feet shall be measured above the road surface at the ~~center line~~ edge of the road

having the lesser elevation. This subsection shall not apply to existing trees, provided that no branches are closer than six feet to the ground and they are not obstructing street views from the corner.

- J. Corner lots. On a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width.
- K. Exception for existing alignment of buildings. If on one side of a street within 250 feet of any lot there is pronounced uniformity of alignment of the fronts of existing buildings and of the depths of front yards greater or less than the depth specified in the Schedules of Regulations,[1] a front yard shall be required in connection with any new building which shall conform as nearly as practicable to those existing on the adjacent lots, except that no such building shall be required to set back from the street a distance greater than 40 feet.
- L. Awnings. No awning, or similar weather shielding feature, projecting beyond the property line of any lot into the sidewalk portion of a street shall be erected or maintained on any building, unless such awning or feature shall be firmly attached to the building and is at all points at least eight feet above the sidewalk area.
- M. Swimming pools. All swimming pools shall be considered structures and shall set back from lot lines at least the minimum distance required for other principal buildings and structures in that district.
  - (1) If a swimming pool, as located, is within 100 feet from a dwelling other than the owner's or within 50 feet from any street or property line, the same must be completely surrounded by a fence or wall enclosure not less than four feet in height with openings, holes or gaps (exclusive of gates or doors) therein not more than four inches in one dimension, a part of which enclosure may consist of a dwelling house or accessory building. A wall or fence or other enclosure wholly enclosing a dwelling house shall constitute compliance with this requirement.
  - (2) Each and every swimming pool gate or door opening through such enclosure shall be equipped and maintained with effective self-closing and self-latching devices, except that the floor of any occupied dwelling house forming a part of such enclosure need not be so equipped. The use of a natural barrier, hedge or pool cover will be deemed to satisfy the requirement of a fence or wall as specified above when approved by the Building Inspector.

N. The minimum height of any principal building on a lot shall be one-story and 12 feet.

**Section 4.** Chapter 223 of the Code of the City of Beacon, Article III, Section 14, entitled “Landscaping, lighting, and miscellaneous regulations,” Subsection E is hereby amended as follows:

...

E. Accessory buildings on residential lots. [Added 1-19-2016 by L.L. No. 2-2016]

(1) General. No detached accessory building, including a garage, utility shed, storage shed or other outbuilding, but not including construction sheds, is permitted, until such time as the principal building has been substantially completed in conformance with all applicable provisions of this chapter. All accessory buildings shall comply with the dimensional and bulk requirements set forth on the accompanying Schedules of Regulations constituting § 223-17 ~~C and E~~ of this chapter unless specifically provided otherwise herein. For the purpose of this section, "residential lots" shall mean any lot containing a permitted residential use.

(2) Sheds. A shed may be erected, provided that it is used for storage and utility purposes that are customary and incidental to the existing residence. Notwithstanding any requirement in the Schedules of Regulations ~~for Residential Districts~~ [1] to the contrary, the shed shall be no larger than 144 square feet in floor area and a maximum of 10 feet in height at its highest point.

[1] Editor's Note: The Schedules of Regulations ~~for Residential Districts is~~ are included as an attachment to this chapter.

(3) Detached garages and other accessory buildings. Detached garages and other accessory buildings are permitted, provided that they comply with the accompanying Schedules of Regulations [2] and meet the following additional requirements:

- (a) The building shall be located behind the front line of the primary building.
- (b) The building shall be permanent, except that fabric-covered frames or structures are permitted, provided that the structure and the fabric are appropriately maintained in good condition.
- (c) The building shall not be equipped with showers or bathing fixtures and equipment.
- (d) In no case shall the total square footage of all accessory buildings exceed the limits established in the Schedules of Regulations.
- (e) Space provided above the grade story shall be utilized for storage only.

[2] Editor's Note: The Schedules of Regulations are included as attachments to this chapter.

**Section 5.** Chapter 223 of the Code of the City of Beacon, Article III, Section 17, entitled "Schedule of Regulations" is hereby amended as follows:

#### **§ 223-17 Schedules of Regulations.**

- A. The accompanying Schedules of Regulations constituting § 223-17C and D herein list and define the use of land and buildings, the height of buildings, the yards and other open space to be provided in connection with buildings, the area of lots, off-street parking space and other matters. The regulations listed for each district as designated are hereby adopted and prescribed for each

such district, subject to the provisions of this section, and, unless otherwise indicated, shall be deemed to be the minimum requirements in every instance of their application.

B. It is the intention that the uses set forth for each district shall not be permitted uses in any other district in the schedules, unless allowed specifically or by reference as permitted uses in said district.

C. Schedule of Use Regulations ~~for Residential Districts~~. [1]

[1] Editor's Note: The Schedule of Use Regulations ~~for Residential Districts~~ is included as an attachment to this chapter.

D. Schedule of Dimensional Regulations ~~for Nonresidential Districts~~. [2]

[2] Editor's Note: The Schedule of Dimensional Regulations ~~for Nonresidential Districts~~ is included as an attachment to this chapter.

E. Schedule of Regulations for Accessory Buildings on Residential Lots. [3]

[3] Editor's Note: The Schedule of Regulations for Accessory Buildings on Residential Lots is included as an attachment to this chapter.

**Section 6.** Chapter 223 of the Code of the City of Beacon, Article III, Section 18, entitled "Special permit uses," Subsection B is hereby amended as follows:

**§ 223-18 Special permit uses.**

...

B. Application for a special permit.

- (1) Application for required special permits shall be made to the City Council or Planning Board as indicated in §223-17, Schedule of Use Regulations. If the approval authority is the City Council, the application shall be first submitted to the Planning Board as agent for the City Council, and the applicant shall appear before the Planning Board prior to appearing before the City Council. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The Planning Board shall, upon receiving ~~such an~~ application for the City Council, forward a copy of the application to the City Council for the Council's use in initiating the state environmental quality review process and for otherwise processing the application. The Planning Board shall render a report to the City Council on each such application, which report shall be rendered within 45 days of the date such application is received by the Board. Each report shall be submitted to both the Building Inspector and the City Engineer. The City Council or Planning Board shall conduct a public hearing within 62 days from the day on which a complete application is received. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3 of this chapter.

The City Council or Planning Board shall decide upon the application within 62 days after the hearing, provided that the SEQR process has been concluded. The time in which the City Council or Planning Board must render its decision may be extended by mutual consent of the applicant and the Board approving authority. The City Council or Planning Board may authorize the issuance of a permit, provided that it shall find that all of the following conditions and standards have been met:

- (a) The location and size of the use, the nature, hours, and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will ~~be in harmony~~ not conflict with the appropriate and orderly development of the ~~district in which it is located~~ site and the existing permitted uses on adjacent blocks.
  - (b) The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not conflict with the existing permitted uses on adjacent blocks and will not hinder or discourage the appropriate development use of adjacent land and buildings.
  - (c) Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic in Article IV than would be the operations of any permitted use, not requiring a special permit.
  - (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, ~~and~~ the entrance and exit drives shall be laid out so as to achieve maximum safety, and uses will not cause unreasonable traffic congestion or create a traffic hazard.
  - (e) Uses, buildings, and operations will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.
  - (f) The use will comply with other regulations in the Code and will be compatible with the recommendations in the City's Comprehensive Plan and Local Waterfront Revitalization Program.
- (2) The decision of the City Council or Planning Board on the application, after the holding of the public hearing, shall be filed in the office of the City Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

**Section 7.** Chapter 223 of the Code of the City of Beacon, Article III, Section 20, entitled “Hotels” in its entirety is hereby renumbered as follows:

**§ 223-14.1 Hotels.**

**Section 8.** Chapter 223 of the Code of the City of Beacon, Article III, Section 20.1, entitled “Adult uses,” Subsection C is hereby amended as follows:

**§ 223-20.1 Adult uses.**

...

C. Location. Adult uses are to be restricted as to location in the following manner in addition to any other requirements of this code:

- (1) Adult uses shall not be located within a five-hundred-foot radius of the following zoning districts which permit residential development: R1-120, R1-80, R1-40, R1-20, R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8, RD-1.7, ~~RMF-1.5 and RMF-.8.~~ and Senior Affordable Housing Overlay District.
- (2) Adult uses shall not be located within a one-half-mile radius of another such use.
- (3) Adult uses shall not be located within a five-hundred-foot radius of the property lines of any school, church or other religious institution or place of religious worship, park, playground or playing field.
- (4) Adult uses shall not be located in or within 500 feet of any Historic District and Landmark Overlay Zone.

**Section 9.** Chapter 223 of the Code of the City of Beacon, Article III, Section 22, entitled “Nursing homes,” Subsection B is hereby amended as follows:

**§ 223-22 Nursing homes.**

...

B. Site.

- (1) In any R1-40 or R1-20 District, the minimum lot area shall be 40,000 square feet, plus 2,500 square feet for each additional resident person over 10 in number.
- (2) In any R1-10, R1-7.5, R1-5, RD-7.5, RD-6, RD-5, RD-4, RD-3, RD-1.8 or RD-1.7 District, the minimum lot area shall be 20,000 square feet, plus 1,500 square feet for each additional resident person over 10 in number.
- (3) ~~In any other district, where permitted~~ In any FCD, LI, or HI district, the minimum lot area shall be 10,000 square feet, plus 1,000 square feet for each additional resident person over 10 in number.

**Section 10.** Chapter 223 of the Code of the City of Beacon, Article III, Section 24.1, entitled “Accessory apartments,” Subsections D and F are hereby amended as follows:

**§ 223-24.1 Accessory apartments.**

...



D. Apartment size. The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall ~~also~~ be 300 square feet, and the maximum shall be 600 square feet, except that the City Council Planning Board may permit a smaller or larger accessory apartment where appropriate in an existing accessory building constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot area required in the district in which the lot is located for each accessory apartment in excess of the first one.

...

F. Off-street parking. A minimum of ~~two~~ one off-street parking spaces shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot.

...

**Section 11.** Chapter 223 of the Code of the City of Beacon, Article III, Section 24.3, entitled “Artist live/work spaces” is hereby renumbered in its entirety as follows:

**§ 223-14.2 Artist live/work spaces.**

**Section 12.** Chapter 223 of the Code of the City of Beacon, Article III, Section 24.5, entitled “Wireless telecommunications services facilities,” Subsection H(3) is hereby amended as follows:

**§ 223-24.5 Wireless telecommunications services facilities.**

...

H. Location and access

(3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection H(3)(a) being the highest priority and Subsection H(3)(g) being the lowest priority:

- (a) Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City.
- (b) Collocation on a site with existing wireless telecommunication services facilities in the City.

- (c) On sites, buildings and structures located in the HI and LI Zoning Districts.
- (d) On sites, buildings and structures in the ~~PB, OB, LB and~~ GB Zoning Districts.
- (e) On sites, buildings and structures in the L, T, and CMS Zoning Districts.
- (f) On sites, buildings and structures in Residential Zoning Districts.
- (g) On sites, buildings and structures in the FCD, WD, WP, or Historic District and Landmark Overlay Zone.

**Section 13.** Chapter 223 of the Code of the City of Beacon, Article III, Section 24.6, entitled “Artist studio as an accessory special permit use” is deleted in its entirety.

**Section 14.** Chapter 223 of the Code of the City of Beacon, Article III, Section 223-24.7, entitled “Uses permitted by special permit in the Historic District and Landmark Overlay Zone” is hereby amended as follows:

**§ 223-24.7 Uses permitted by special permit in the Historic District and Landmark Overlay Zone.**

The following uses may be permitted by special permit, issued by the City Council, in the Historic District and Landmark Overlay Zone:

- A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:
  - (1) Artists' or artisans' studios.
  - (2) Antique shops.
  - (3) Rare book, coin or stamp shops or similar type uses as determined by the City Council.
- B. Residential, hotel, or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the City Council. These uses may include the following:
  - (1) Sit-down restaurants not to exceed a seating capacity of 50.
  - (2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.
  - (3) Professional offices not to exceed 10 employees.



(4) Multifamily residential use not to exceed four units.

(5) Artist live/work spaces not to exceed four units.

(6) Hotel and hotel-related accessory uses and structures with adequate screening of any new structures from surrounding public street views.

C. Special permits warranted under certain conditions.

(1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the City Council may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:

(a) Building(s) size.

(b) Building(s) configuration.

(c) The nature of the proposed preservation and/or adaptive reuse of the building(s).

(d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.

(2) In approving any such special permit, the City Council shall establish such limitations on the number of seats, employees, dwelling units, ~~or~~ artist live/work spaces, or accessory uses and structures, as the case may be, as it deems warranted.

**Section 15.** Chapter 223 of the Code of the City of Beacon, Article III, Section 26, entitled “Off-street parking, loading, and vehicular access,” Subsections C, E and F are hereby amended as follows:

**§ 223-26 Off-street parking, loading, and vehicular access.**

...

C. Location, use, design, construction and maintenance.

(1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five

feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2) Parking specifications.

- (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under § 223-25, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the ~~EB~~ CMS District.
- (b) Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 18 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
- (c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 24 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(3) Landscaping. Except for parking spaces accessory to a one-family dwelling, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 10 parking spaces.

- (a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.
- (b) The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
- (c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.

(4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended

from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD ~~and RMF~~ Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

- (5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
- (6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.
- (7) Designed residence and multifamily residence districts.
  - (a) In RD ~~and RMF~~ Districts, in order that some of the required parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the required car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.
  - (b) In RD ~~or RMF~~ Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

...

- E. Waiver of improvement. Except within ~~the Central Business District and~~ the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained

assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

F. Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows, except that the Board of Appeals may modify these provisions as a condition of the issuance of a special permit according to the provisions of § 223-19.

1- and 2-family dwelling	2 spaces for each dwelling unit
Multifamily dwelling and/or apartment or artist live/work space	1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area
Professional <u>home</u> office or home occupation permitted in a residential district	2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
Bed-and-breakfast establishment, <del>rooming house or boardinghouse</del>	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel <u>or inn</u>	Subject to § 223- <del>20L</del> <u>14.1 C</u>
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships
Bowling alley or other place of <u>indoor</u> commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater
Retail or service business, including auction gallery	1 space for each <del>200</del> square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area,



Office for business or professional use (other than accessory to residential use)	excluding kitchen and storage areas, whichever is greater
Banking office	1 space for each 200 square feet of gross floor area, excluding utility areas
Funeral <del>parlor</del> <u>home</u> or under-taking establishment	1 space for each 200 square feet of gross floor area, excluding utility areas
Motor vehicle sales and service	10 spaces per establishment, plus 1 space per employee
<del>Veterinary office</del> <u>Animal care facility</u>	1 space per employee, plus 1 space per 150 square feet of gross floor space
Car washing establishment	1 space per employee, plus 1 space per 300 square feet of gross floor space
Research or development laboratory	Subject to § 223-21F
Manufacturing or industrial use	1 space per employee, but not less than 1 space per 600 square feet of gross floor space
Wholesale, storage, utility or other similar commercial use	1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space
Senior <del>citizen use</del> <u>housing</u>	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
Museums <del>in LI and/or LB Zone</del> located within walking distance (3,000 feet) of entrance to train station	2 spaces for each 3 dwelling units
Artist studio	1 parking space per 3,000 feet of gross floor space
Art gallery/exhibit space	1 space for each 500 square feet of gross floor space
Bar or brew pub	1 space for each 250 square feet of gross floor area
Microbrewery or microdistillery	1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Museum	1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public
Other uses not listed	1 space for each 300 square feet of gross floor area
	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of relevant factors entering into the parking needs of each such use

(1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City

Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.

...

**Section 16.** Chapter 223 of the Code of the City of Beacon, Article III, Section 26.2, entitled “Tattoo parlors” is deleted in its entirety.

**Section 17.** Chapter 223 of the Code of the City of Beacon, Article III, Section 26.3, entitled “Retail sales from a truck or trailer” is deleted in its entirety.

**Section 18.** Chapter 223 of the Code of the City of Beacon, Article IVA, Section 41.4, entitled “Waterfront Development (WD) Zone,” Subsections B, C, G(2), G(6), H, J(7) and J(11)(b) are hereby amended as follows:

**§ 223-41.4 Waterfront Development (WD) Zone.**

...

B. Permitted principal uses. Permitted principal uses shall be as follows:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily ~~and/or attached~~ dwelling units.
- (3) Convenience retail and personal service shops ~~s~~ designed to serve the needs of area residents and commuters.
- (4) Restaurants, bars ~~s~~ or brew pubs.
- (5) Inns, hotels, fitness centers, spas ~~and or~~ day care centers.
- (6) Art, craft or fine arts galleries.
- (7) Professional or small business offices ~~s~~ in a mixed-use buildings, and not to exceed 40% of the total floor area in a mixed-use buildings. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.

- (8) Professional, small business and service facilities in the lower floors of a multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade or pocket park.
- (11) Public or semipublic use; live theater, concert hall, museum or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference center.
- (13) Microbrewery or microdistillery
- (14) Other use similar to the above uses as determined by resolution of the City Council.

C. Special permit uses. The following uses may require a special permit ~~from the Planning Board, pursuant to the provisions set forth in Subsection F:~~

- (1) ~~Public or semipublic uses; live theaters, concert halls, museums or meeting rooms suitable for social, civic, cultural or education activities~~ Wireless telecommunication services facility, subject to §223-24.5.
- ~~(2) Conference centers. Small cell wireless telecommunications facility, subject to §223-26.4.~~
- ~~(3) Other uses similar to the above uses as determined by resolution of the City Council.~~

...

G. Procedure for special permit and waterfront development concept plan review.

- (2) Planning Board review of special permit and waterfront development concept plan application.
  - (a) Environmental compliance.
    - [1] The approval of a waterfront development project is an action under the State Environmental Quality Review Act, and all proceedings to review such project shall comply with applicable requirements of SEQR.
    - [2] Upon receipt of an application for a special permit and waterfront development concept plan, the Planning Board shall commence a coordinated review under SEQR and institute lead agency procedures after identifying all involved and interested agencies, as provided by law.
    - [3] Because any waterfront development will constitute an important element in the implementation of the City's Local Waterfront Revitalization Plan, the preparation of a Draft Environmental Impact Statement shall be required by the lead agency. Such DEIS shall comply with all requirements of law. To the extent possible in accordance with law, the DEIS submitted in connection with the special permit and waterfront development

concept plan approval shall be sufficiently specific so as to eliminate the need for additional and/or supplemental DEIS's during the site plan stage of the approval process.

- [4] To the extent possible in accordance with law, the preparation of the DEIS shall be integrated into the existing agency review processes and should occur at the same time as the other agency reviews, including the special permit and waterfront development concept plan review. When a SEQR hearing is to be held, it should be conducted jointly with other public hearings on the proposed action, whenever practicable.
  - [5] Notwithstanding Subsection ~~F~~G(2)(a)[1] through [4] immediately above, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, and where a lead agency has been established and has scoped a DEIS for the overall waterfront development project, said phase (or phases) may be segmented for the purposes of environmental review in accordance with the provisions of SEQR. In such case, the lead agency shall require the preparation of a full environmental assessment form (EAF) for its use in rendering a determination of significance regarding said phase(s). Further, the lead agency shall notify all involved and interested agencies that the phase(s) will be segmented and shall send a copy of the EAF with said notification.
- (b) Special permit approval. The Planning Board may authorize the issuance of a special permit for a waterfront development project, provided that it shall find that the following conditions and standards have been met:
- [1] The proposed waterfront development project will fulfill the purposes of the waterfront development zone.
  - [2] The proposed waterfront development project meets the Waterfront Development Design Standards set forth in § 223-41.4J, to the extent applicable at the special permit stage.
  - [3] The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.
  - [4] The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.
  - [5] The proposed land uses will be in accordance with the approved waterfront development concept plan.
  - [6] The proposed waterfront development uses meet the standards of § 223-41.4B.
  - [7] The proposed project is otherwise in the public interest.
- (c) Conditions. In approving any waterfront development concept plan and special permit, the Planning Board may attach such conditions, safeguards and mitigation measures as it deems



necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this law.

...

- (6) Processing of phases comprised of Waterfront Park District uses. Notwithstanding other provisions of the waterfront development review and approval process, where a waterfront development project includes a phase (or phases) comprised solely of uses permitted in the Waterfront Park District, the Planning Board may process and grant special permit approval to said phase(s) in advance of the complete processing of the overall project so long as the SEQR process has been complied with in accordance with the provisions of § 223-41.4 ~~G F(2)(a)~~<sup>[5]</sup> herein; said phase is an integral part of an appropriate waterfront development concept plan, as determined by the Planning Board; and the overall review and approval process for waterfront development special permits as outlined herein, including all referrals and hearings, has been complied with for said phase(s). After the granting of special permit approval, said phase(s) may proceed to site development plan review and approval for said phase(s) in accordance with Subsection H immediately below.

H. Site development plan review. After approval of the waterfront development special permit the Planning Board may grant site plan approval to a waterfront development project.

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

- (a) Information to establish that the proposed site plan meets the waterfront development standards set forth in Subsection ~~H~~ <sup>I</sup>.
- (b) Information to establish that the proposed site plan is in substantial conformance with the approved waterfront development concept plan.
- (c) Preliminary elevations showing the general architectural and design treatment of all buildings, public and open spaces and other site plan elements.
- (d) Information to establish the relationship of the proposed project to later elements of the development of the site, including any other adjacent and nearby lands that are not part of the applicant's planned waterfront development projects.
- (e) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.
- (f) Application fees as may be required pursuant to Subsection ~~E~~ <sup>F</sup>.

- (2) Planning Board review of site plan.

- (a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. While the scope of the Planning Board's review of the site plan will generally relate to the

waterfront project at issue, the Planning Board shall have the authority to assure that aspects of the overall development of the site (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire peninsula waterfront area, as it is finally developed.

- (b) In acting on any site development plan application, the Planning Board shall take into consideration any approved special permits and waterfront development concept plans, the proposed design and layout of the entire waterfront area, including the proposed location, height and buffer of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the waterfront development standards set forth in Subsection ~~F~~ J.
  - (c) The proposed site development plan shall be in general conformance with the waterfront development concept plan. While the waterfront development concept plan approval will approve a general layout on the site, the individual site plans for particular waterfront development projects will provide detailed building envelopes, elevations and site design details regarding proposals for various projects within the site. The Planning Board may exercise its discretion in allowing minor variations from the waterfront development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the waterfront development concept plan. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units or total density in the waterfront development which exceeds the number approved as part of the special permit and waterfront development concept plan. Nor shall the Planning Board have the authority to approve the total square footage of nonresidential space above that approved in the special permit.
- (3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
  - (4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board

for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection G(5). If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

- (5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection G(5) and shall have discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve the site plan amendment by resolution.

J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards:

...

- (7) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.

- (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky.~~

- (b) All exterior lighting shall comply with the standards in §223-14B.

...

- (11) Off-street parking and loading.

- (b) Parking requirements.

- [1] Multifamily dwelling: one space per unit.

- [2] Retail or service business: one space for each 333 square feet of gross floor, excluding basement storage utility areas.

- [3] Restaurant: one space for each ~~two~~ three patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater.

- [4] Office for business or professional use: one space for each ~~350~~ 400 square feet of gross floor area.



[5] Hotel: 0.75 space for each hotel guest room.

**Section 19.** Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.6, entitled “Bulk regulations applicable to Waterfront Park Zone” is hereby amended as follows:

**§ 223-41.6 Bulk regulations applicable to Waterfront Park Zone.**

A. Minimum lot size: one acre. (NOTE: The minimum lot size shall be two acres for those uses requiring a special permit from the City Council.)

B. Maximum building coverage: 20%.

~~C. Maximum floor area ratio: 0.5.~~

~~D C.~~ Minimum building setback from mean high water line: 10 feet.

~~E D.~~ Maximum building height: 2 1/2 stories/35 feet. (NOTE: All habitable stories must be elevated above the one-hundred- year floodplain. The area below the elevated first habitable story may, but need not, be used for parking. When story heights are provided in these regulations, they are deemed to be habitable or occupiable stories over a parking level or as otherwise elevated above the one-hundred-year floodplain. A basement level used only for parking and not used for business purposes shall not be counted as a story.)

**Section 20.** Chapter 223 of the Code of the City of Beacon, Article IVA, Waterfront Zones, Section 41.7, entitled “Bulk regulations applicable to Waterfront Development Zone” is hereby amended as follows:

**§ 223-41.7 Bulk regulations applicable to Waterfront Development Zone.**

A. Minimum site size: five acres.

B. Maximum height.

(1) Area north of West Main Street (see illustration [1]): Average of four stories of residential/mixed use over parking. Height may not exceed average of 75 feet from average ground level of the existing Metro-North parking.

[1] Editor's Note: Said illustration is included as an attachment to this chapter.

(2) Area south of Light Industry (LI) zone (see illustration [2]): Average of three stories of residential/mixed use over parking. Height may not exceed average of 32 feet at Beekman Street, nor more than average of 70 feet above the average ground level of the existing Metro-North parking.

[2] Editor's Note: Said illustration is included as an attachment to this chapter.

(3) The illustrations of height attached in this subsection shall not be exceeded so that the public views to the east are adequately protected.

~~C. Maximum floor area ratio (excluding parking):~~

~~(1) Area north of West Main Street: 3.0.~~

~~(2) Area south of Light Industry (LI) zone: 2.0.~~

~~D~~ C. Minimum open space: 15% of the site area, 10% of which must be publicly accessible.

**Section 21.** Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.12, entitled “Purposes,” is hereby amended as follows:

**§ 223-41.12 Purposes.**

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

- A. Encourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Properties in this category are generally more remote from the Central ~~Business~~ Main Street 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.

**Section 22.** Chapter 223 of the Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) District, Section 41.13, entitled “Uses; plan review; design standards,” Subsections B, C, and I(7) are hereby amended as follows:

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

...

B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:

- (1) Apartment, attached ~~and or~~ multifamily dwellings.
- (2) Artist live/work spaces, artist studios ~~and or~~ workshops of artisans.
- (3) Bed-and-breakfast establishments ~~and or~~ inns.
- (4) Spas, fitness centers~~s~~, noncommercial swimming pools~~s~~, exercise studios~~s~~, day-care centers~~s~~, ~~and or~~ similar uses as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a streets.
- (5) Restaurants, bar, brew pub, and or other eating and drinking establishments. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a streets. No such individual ~~restaurant~~ use shall contain more than 5,000 square feet of gross floor area.
- (6) Professional and business offices~~s~~ in buildings that face a streets.
- (7) Galleries~~y~~, exhibit spaces ~~and or~~ museums.
- (8) Community facilities~~y~~ that complements residential and commercial uses~~s~~, such as a public or semipublic performance and cultural centers~~s~~, live theaters~~s~~, concert halls~~s~~, meeting rooms suitable for social, civic, cultural or education activities, bandshells~~s~~, kiosks ~~and or~~ gazebos.
- (9) Assembly, manufacturing, workshop, and or other light industrial uses~~s~~, as determined by the City Council, in a fully enclosed buildings~~s~~ and not including any form of outdoor storage.
- (10) Day care center.
- (11) Trade school or training program, college, private school, or nursery school.
- (12) ~~(10)~~ Other nonresidential uses~~s~~ similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

- (1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.
- (2) Parking and bicycle facilities~~y~~, including parking structures~~s~~.
- (3) Solar collector, roof garden, or greenhouse.

...

I. Fishkill Creek Development design standards.



- (7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use.
- (a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high.
- (b) ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall use full cut-off fixtures to prevent any lighting that directly projects above the horizontal level into the night sky. All exterior lighting shall comply with the standards in §223-14B.~~

**Section 23.** Chapter 223 of Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 41.18, entitled “Regulations,” Subsections A, B, C, G(1), J(13), J(16) are hereby amended as follows:

**§ 223-41.18 Regulations.**

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

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor. ~~The nonconforming residential uses on Main Street in § 223-10H shall not apply in the CMS District.~~
- (2) ~~One-family, two-family, attached, and~~ Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223- ~~20 14.1, or inn, or bed-and-breakfast establishment, subject to § 223-24.4.~~
- (4) Offices of any kind, including professional, medical, business, ~~and~~ banks or other financial institutions.
- (5) Artist studio.
- (6) Art gallery or exhibit space.
- (7) Restaurant, coffee house, brew pub, bar, and or other establishments that serves food with or without alcoholic beverages, ~~and are not a bar.~~

~~(8) Food preparation business.~~

~~(8)~~ ~~(9)~~ Retail ~~and~~ or personal services.

~~(10) Funeral home.~~

~~(11) Off-street parking facilities, provided that they are set back at least 40 feet from the Main Street or East Main Street property line and screened from the street by buildings and/or landscaping.~~

~~(12) Public garage, as defined in this chapter, without motor vehicle repair, vehicle sales, or fuel sales, provided that it is set back at least 40 feet and screened from the street by buildings and/or landscaping.~~

~~(9)~~ ~~(13)~~ School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.

~~(10)~~ ~~(14)~~ Indoor commercial recreation.

~~(11)~~ ~~(15)~~ Park, plaza, green, preserve, or community garden, ~~and other forms of outdoor plant cultivation.~~

~~(12)~~ ~~(16)~~ Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.

~~(13)~~ ~~(17)~~ Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.

~~(18) Auction gallery.~~

~~(19) Wireless telecommunications services facilities, provided that they are consistent with § 223-24.5 and, if mounted on a building, they do not increase its height by more than 15 feet above applicable height limits.~~

~~(15)~~ ~~(20)~~ Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

~~(16)~~ ~~(21)~~ Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.

~~(17)~~ ~~(22)~~ Microbrewery or microdistillery, which has a retail or tasting room component of at least 200 square feet of floor area.

~~(23) Retail sales from a truck or trailer, subject to § 223-26.3.~~

~~(18)~~ ~~(24)~~ Workshop for the making or repair of clocks, watches, jewelry, musical instruments or similar artisan workshops, having a retail component of at least 200 square feet.

~~(25) Tattoo parlor, subject to § 223-26.2.~~

~~(19) (26)~~ Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.

B. Uses by special permit.

(1) The following uses are allowed by special permit from the City Council or Planning Board as indicated in §223-17, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through ~~(d) (f)~~ have been met:

~~(a) Food preparation business. A public garage, as defined in this chapter, containing facilities used for repair of motor vehicles, but not for the sales of motor fuel. Such repair facilities shall not front on or be visible from Main Street or East Main Street.~~

~~(b) Off-street parking lot or parking structure as principal uses, in accordance with § 223-41.18G. A bar in which the primary product is alcoholic beverages and food service is incidental. Any establishment that serves alcoholic beverages and is open later than 1:00 a.m. on any night shall be presumed to be a bar for purposes of this section.~~

~~(c) Wireless telecommunications facilities, subject to §223-24.5 and §223-26.4, provided that if mounted on a building, it does not increase its height by more than 15 feet above applicable height limits.~~

~~(d) Historic District or Landmark Overlay use, subject to §223-24.7.~~

(2) In considering the appropriateness of the proposed use, the City Council or Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures. When making a decision on a special permit, the City Council or Planning Board shall follow the regulations in § 223-18 of this chapter.

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

(1) Any accessory building or use customarily incident to a permitted use, except outside storage.

(2) Signs, in accordance with the provisions of § 223-15, as applicable.

(3) Off-street parking areas ~~or parking structure~~, in accordance with § 223-41.18G.

(4) Exterior lighting, in accordance with the provisions of § 223-41.18J(13) and § 223-14B.

(5) Home occupation, subject to § 223-17.1.

(6) Roof garden or solar collector.

(7) Greenhouse.



...

G. Parking location and quantity.

- (1) All off-street parking shall be located behind, under the ground floor, or to the side of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street or East Main Street property line and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street wall in compliance with frontage occupancy requirements, and that screens parked cars from view from the street. A ~~public garage~~ parking structure shall have a storefront "liner building" at least 40 feet deep and one story high between the parking structure and the main street, but may have a zero-foot setback on the upper floors of the parking structure (over the storefront) and along any street that intersects the main street. Parking areas fronting on side streets shall have a minimum setback of five feet in which ornamental and/or buffer landscaping is planted.
- (2) The minimum quantity of required on-site parking spaces shall be as follows:
  - (a) Residential: one space per unit.
  - (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
  - (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
  - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
  - (a) That the projected operational characteristics of the proposed use require a different amount of parking.
  - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or ~~PB~~ T Districts.
  - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
  - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or ~~PB~~ T Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
  - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or ~~PB~~ T Districts and voluntarily dedicate such land to the

City for public parking.

- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.
- (5) Section 223-26B of this chapter shall apply in the CMS District.

...

#### J. Design standards

...

- (13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and, except for short-term event lighting, shall prevent any lighting above 500 lumens that directly projects above the horizontal level into the night sky with full cut-off fixtures. All exterior lighting shall comply with the standards in §223-14B.~~

...

- (16) The following Figure 18-7 provides annotated photographs to illustrate design standards in this section:

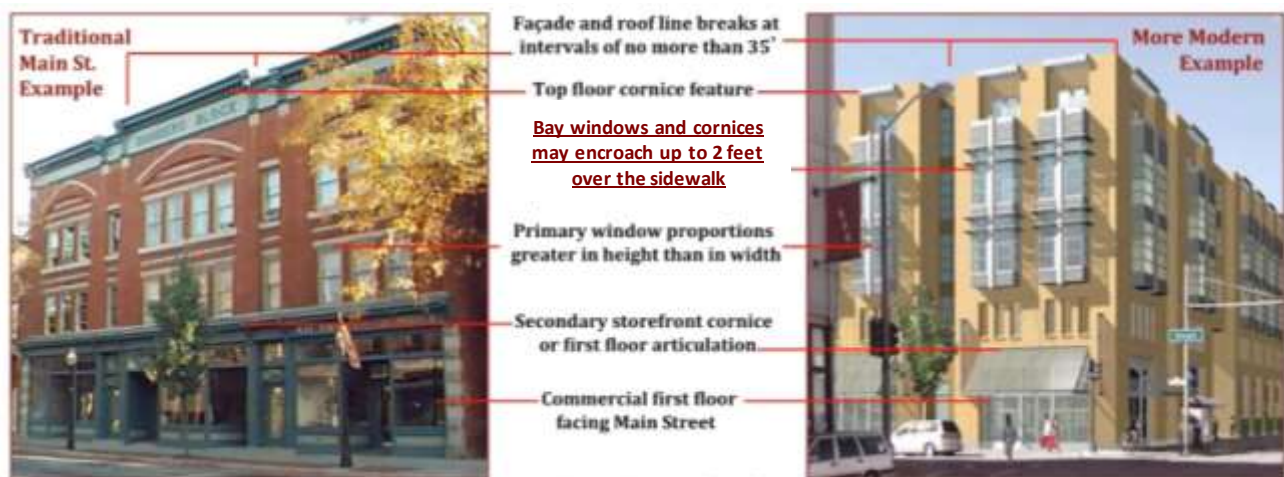


Figure 18-7: Design Illustrations

...

Bay windows, ~~balconies,~~  
and ~~open porches~~ cornices  
may encroach up to 4' 2  
feet over the sidewalk

**Section 24.** Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.19, entitled “Purpose” is hereby amended as follows:

**§ 223-41.19 Purpose.**

The purpose of this Article IVE is to increase the vitality, attractiveness and marketability of the part of the City of Beacon lying between Main Street and the Metro North Train Station (the "Linkage District") by providing more residential development along with flexibility of land use, while enhancing urban form as recommended in the City of Beacon Comprehensive Plan adopted on December 17, 2007 and the Comprehensive Plan Update adopted on April 3, 2017. This article is intended to encourage residential development to help support Main Street businesses and to create a vibrant, economically successful, walkable, and environmentally sustainable connection between Beacon's Central ~~Business~~ Main Street District and the train station and riverfront. It is intended to implement the general intent of the plan entitled "Connecting Beacon's Main Street with the Hudson River and Railroad Station," dated March 6, 2007 (hereinafter the "Linkage Plan"), prepared by the Dutchess County Department of Planning and Development and contained in the Appendix of the Comprehensive Plan (see Figure 21-21).[1] This article is also intended to provide a simplified and streamlined review process that facilitates redevelopment in accordance with its provisions and the intent of the Comprehensive Plan. [1] Editor's Note: See § 223-41.21L.

**Section 25.** Chapter 223 of the Code of the City of Beacon, Article IVE, Linkage District (L), Section 41.21, entitled “Regulations,” Subsections A, B, B.1, H and K(12) are hereby amended as follows:

**§ 223-41.21 Regulations.**

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, ~~to be conducted in an expedited fashion pursuant to Subsection H below in this §223-41.21~~. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to ~~site plan review~~ a requirement that any new building shall have a permitted non-residential use along its ground floor frontage on the north side of West Main Street or Beekman Street between Route 9D and River Street or within 400 feet of the Route 9D-Beekman Street intersection:

- (1) Multifamily dwelling ~~Two-family dwelling~~.



- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery, or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, preserve, or community garden, ~~greenhouse and commercial plant cultivation~~.
- (9) Retail, personal services business, bank, or restaurant, coffee house, bar, brew pub or other establishment that serves food, with or without alcoholic beverages, provided that:

(a) The floor area of each such establishment is not greater than 5,000 square feet;

(b) The use is within 400 feet of the Route 9D-Beekman Street intersection or the use is located along the north side of West Main Street or Beekman Street between Route 9D and River Street, as identified on the Zoning Map;

~~(Reserved)[1][1] Editor's Note: Former Subsection A(9), Home occupation, was repealed 7-21-2014 by L.L. No. 11-2014.~~

- (10) Office, trade school, training program, microbrewery, or microdistillery, provided that:

(a) The total floor area of each such establishment is no greater than 25,000 square feet;

(b) The use is on the north side of West Main Street or Beekman Street between Route 9D and River Street or the use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map;

~~Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and are consistent with § 223-24.5.~~

- (11) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.

(12) Day care center.

(13) Museum, theater, concert or conference space.

(14) College, university, private school, or nursery school.

(15) Workshop.

(16) Artist live/work space.

(17) Spa, fitness center, or exercise studio.

B. Uses by special permit.

(1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through ~~(d)~~ (f) have been met:

~~(a) Retail, personal services business, or restaurant, coffee house, retail sales from trucks or trailers in accordance with § 223-26.3 or other establishment that serves food, with or without alcoholic beverages, provided that:~~

~~[1] The floor area of each such establishment is not greater than 5,000 square feet;~~

~~[2] The use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map, or located along the north side of West Main Street between Beekman Street and River Street; and~~

~~[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.~~

~~(a) (b) Office and m~~Manufacturing uses, ~~including but not limited to microbreweries, microdistilleries, wineries and other~~ or food preparation businesses, ~~with or without tasting rooms,~~ that may also sell goods made on the site for consumption off the premises, provided that:

[1] The total ~~office or~~ manufacturing or food preparation business floor area of the building is no greater than 25,000 square feet;

[2] The use is on the north side of West Main Street or Beekman Street between Route 9D and River Street or the use is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map; and

[3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

~~(b) Wireless telecommunications services facility, subject to §223-24.5 and §223-26.4, provided that if mounted on a building, it does not increase the height by more than 15 feet above applicable height limits.~~

~~(c) Historic District and Landmark Overlay use, subject to §23-24.7.~~

(2) In considering the appropriateness of the proposed use, the Planning Board shall consider impacts on shadows, traffic, and parking and may impose traffic and parking mitigation measures, including but not limited to provision of pedestrian walkways and stairways on site. ~~When making a~~

~~decision on a special permit, the Planning Board shall follow the procedures indicated in § 223-41.21H(2) of this chapter.~~

B.1. Accessory uses. The following are permitted accessory uses in the L District:

- (1) Any accessory building or use customarily incident to a permitted use, except outside storage.
- (2) Signs, in accordance with the provisions of § 223-15, as applicable.
- (3) Off-street parking areas, in accordance with § 223-41.21F.
- (4) Exterior lighting, in accordance with the provisions of § 223-41.21K(12) and § 223-14B.
- (5) Parking structure ~~Home occupation, site plan review not required.~~
- (6) Roof garden or solar collector, site plan review not required.
- (7) Greenhouse.

H. ~~(Reserved) Site plan review/special permit procedures and criteria.~~

~~(1) In order to ensure an expedited review of site plans, this article contains a streamlined site plan review procedure for any proposed building or group buildings with 10,000 square feet or less in footprint area, as follows:~~

~~(a) The applicant shall meet with the Building Inspector, who shall provide a site plan application and instruction sheet describing the requirements for site plan approval and who may recommend that the applicant have a preapplication meeting with the Planning Board to determine application submission requirements.~~

~~(b) The applicant shall prepare a site plan with sufficient information for the Planning Board to determine whether or not it complies with the provisions of this article and is consistent with the general intent of the Linkage Plan.~~

~~(c) If no special permit is required, the applicant shall then meet with the Planning Board to discuss the proposal. No public hearing will be required, unless the Planning Board determines that the proposal may have substantial detrimental effects or may cause public controversy.~~

~~(d) Within 45 days after such meeting, or if there is a public hearing, within 45 days after the closing of the public hearing, the Planning Board shall issue an approval, approval with modifications, or denial of the application, stating the reasons for any modifications or denial. The Planning Board shall also issue a required schedule for initiation and completion of the project. Such approval shall lapse within two years if the applicant does not diligently pursue construction of the project, unless the applicant requests an extension, which may only be granted for good cause by the Planning Board.~~

~~(2) For projects with over 20,000 square feet in building footprint area, or projects that require a special permit, the applicant shall follow the procedures in §§ 223-18 and 223-25, except that the~~



~~Planning Board shall take the place of the City Council in § 223-18. Such applications shall comply with those sections to the extent that such sections do not contain standards that conflict with this article. In case of a conflict, this article shall control.~~

~~(3) The Planning Board may require a performance guarantee for the construction of public improvements in connection with any project of 10,000 square feet or more in floor area.~~

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

#### K. Design standards.

(12) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. ~~Lighting shall be energy efficient, have full spectrum color quality, and shall prevent any lighting above 60 watts that directly projects above the horizontal level into the night sky. All exterior lighting shall comply with the standards in §223-14B.~~

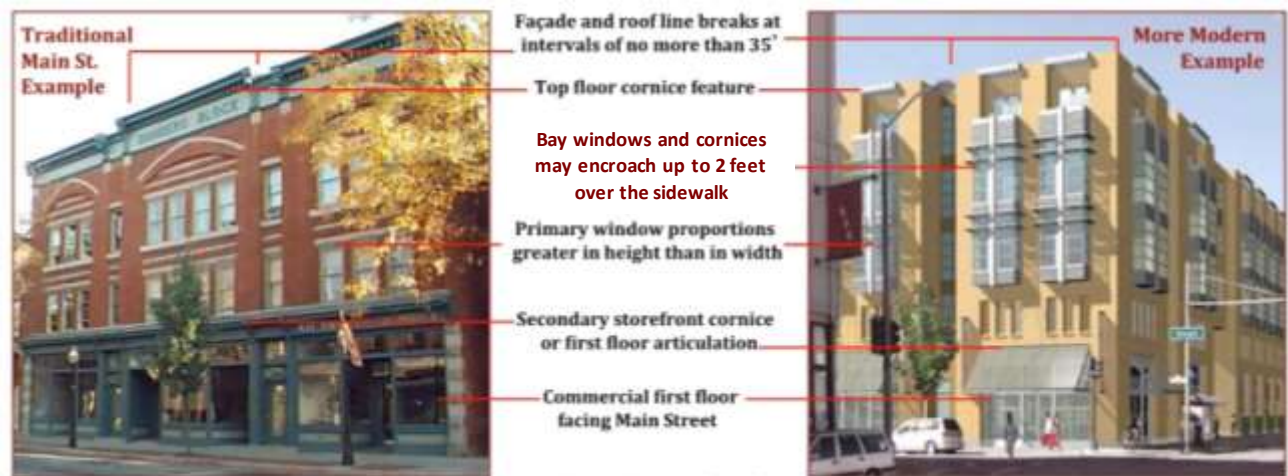


Figure 21-18: Design Standards

#### Examples A

Bay windows, balconies, and open porches cornices may encroach up to 4' 2 feet over the sidewalk

**Section 26.** Chapter 223 of the Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 63, entitled “Definitions” is hereby amended to add or amend the following definitions

#### §223-63 Definitions

##### ACCESSORY APARTMENT

A small rental housing unit, subject to the conditions in §223-24.1, allowed on single-family properties in residential districts and designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income, or property owner relatives.

## AMUSEMENT CENTER

Any place in which there are maintained or operated for the patronage or recreation of the public three or more coin-, token- or otherwise controlled amusement devices of any description, including but not necessarily limited to the types commonly known as video, gaming, pinball, baseball and football amusement games, where the use of such devices is a primary use of the premises.

## ANIMAL CARE FACILITY

A facility used to temporarily house or give health care to domesticated household animals, such as cats and dogs, which is devoted to the welfare, protection, and humane treatment of animals. An animal care facility may or may not contain outdoor exercise areas or boarding kennels, as determined in the special permit review process under §223-18.

## ARTIST STUDIO

The working and/or teaching space for one or more painters, print makers, photographers, jewelry makers, sculptors or artisans working with paper, ceramics, clay and/or other fine art or craft materials, persons working in the graphic or computer arts, or performing artists such as musicians, dancers or theater artists. Tattoo appliers, body piercers and similar businesses shall not be considered artists for the purposes of this definition. An artist studio as an accessory use is considered a home occupation, subject to §223-17.1. See also “Home Occupation”

## AUCTION GALLERY

An establishment for the sale of goods or property to the highest bidder.

## BANK

An establishment in which financial transactions are conducted and may include professionals administering advice related to financial matters.

## CONCERT HALL

A building or part thereof devoted to the showing of live theatrical, musical, dance, or other performances.

## CONFERENCE CENTER

A facility used for business meetings, cultural, educational, or professional programs, conferences, retreats, and seminars, which may have accommodations for eating and recreation.

## DAY CARE CENTER

A program or facility, which is not a residence, in which child day care is provided to more than six children for more than three hours but less than 24 hours per day per child for compensation or otherwise, as certified under the laws of the State of New York.

## DWELLING UNIT, ONE-FAMILY

A dwelling containing one dwelling unit only, not to include house trailer or mobile home.

## DWELLING UNIT, ATTACHED

A dwelling unit having common walls with two or more other dwelling units. See also “Townhouse.”

## FAÇADE OR FRONT WALL

The front wall of a building ~~is the wall~~ nearest to and facing the street on which the lot fronts.

## FARM

Land and on-farm buildings, equipment and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise. For the purposes of this chapter, a “farm” specifically excludes the display of farm products for sale, on-site advertising, and the raising of animals for fur-bearing purposes.

## HOME OFFICE, PROFESSIONAL

Home office of a properly certified physician; psychologist; physical, occupational or speech therapist; licensed social worker; dentist; lawyer; engineer; architect; accountant; teacher or other similar professional person, when conducted entirely within a dwelling by the residents thereof, at least one of whom is said professional person, provided that no more than two nonresident persons are employed therein, and where there is no external evidence of such office, except for a sign and off-street parking facilities as respectively permitted and required in this chapter. A home professional office shall be clearly incidental and secondary to the use of the residence for dwelling purposes and shall be regulated in accordance with the requirements of §223-17.1 of this chapter. See also “Home Occupation”

## HORTICULTURAL NURSERY

Any place used as a garden for the open cultivation and growing of trees, shrubs and other plants, including the replanting of said plants grown at places other than the nursery.

## LOT WIDTH

The mean horizontal distance between the side lot lines, measured at right angles to the lot depth.

## OFFICE

A structure used primarily for the conduct of business relating to administrative, clerical, financial, or social services and consulting, medical, dental, veterinarian, and other professional or client services not related to retail sales.



## PARKING STRUCTURE

A multi-level structure for the parking of vehicles, conducted as a business or to serve a business or district.

## SOLAR COLLECTOR

See Article X, §223-81.

## STORAGE BUSINESS

A fully enclosed structure for the containment of materials, including warehouses and residential storage facilities with individual bays that are leased for the storage of personal property.

## STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include accessory buildings, decks, swimming pools, and tennis courts, but sidewalks, ground-level parking lots, driveways, and patios are not considered structures.

## THEATER

A building or part thereof devoted to the showing of films, live theatrical, musical, dance, or other performances.

## TOWNHOUSE

A one-family dwelling attached in a row of at least three such units with each home having its own front and rear access to the outside. See also “Dwelling Unit, Attached.”

## WHOLESALE BUSINESS

An enclosed place of business primarily engaged in sales, storage, display, and distribution of merchandise to retailers, industrial users, institutional uses, or other commercial businesses, including a warehouse, but not to include auto wrecking yards, junkyards, or outdoor storage of materials, unless outdoor storage of materials is specifically permitted as an accessory use in the district.

## WORKSHOP

Work places, including retail sales, for carpenters, plumbers, cabinetmakers, upholsters, electricians, printers, tailors, dressmakers, shoemakers, jewelers, sculptors, watch and clockmakers, opticians and musical or scientific instrument repairers, or shops which employ similarly skilled persons.

**Section 27.** Chapter 223 of the Code of the City of Beacon, Article VII, Miscellaneous Provisions, Section 67, entitled “Referral of Proposals to Dutchess County Planning Department” is hereby amended as follows:

**§ 223-67 Referral of proposals to Dutchess County Planning Department.**

At least 30 days prior to the public hearing at which ~~such amendment a proposal~~ is to be considered, the ~~Town Board approving authority~~, in accordance with the provisions of Article 12-B, §§ 239-l and 239-m of the General Municipal Laws, as amended, shall refer to the Dutchess County Planning Department ~~all proposals a zoning amendment to the code or map, site plan, special permit, area or use variance, comprehensive plan, or other authorization under the zoning provisions applying to affecting~~ real property ~~abutting~~ within 500 feet of the following:

- A. The boundary of any existing or proposed state or county park or recreation area.
- B. The right-of-way of any existing or proposed county or state road, highway, parkway or expressway.
- C. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines.
- D. The existing or proposed boundary of any county- or state-owned land on which a public building or institution is located.
- E. The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.
- F. The boundary of any city, village or town.

**Section 28.** Chapter 223 of the Code of the City of Beacon, Article IX, Scenic Roads, Section 71, entitled “Authority” is hereby amended as follows:

**§ 223-71 Authority.**

Pursuant to the authority granted by Municipal Home Rule Law, Article 2, § 10 of the Consolidated Laws of New York and consistent with the goals of the ~~1974 Development Plan~~ 2017 Comprehensive Plan Update, as amended, the City of Beacon hereby provides for the balancing of traditional matters of common convenience and public safety with designation of City roads as scenic roads. Further, in order to maintain the irreplaceable character and aesthetic and historic features and the scenic nature of roads so designated, the City of Beacon is authorized to regulate, in accordance with this article, the future alterations for improvements of roads so designated, including but not limited to widening of the right-of-way or of the traveled portions of the road, paving, changes of grade, straightening, removal of stone walls and removal of mature trees.

**Section 29.** Chapter 223 of the Code of the City of Beacon, Article X, Solar Collectors and Installations, §223-82, entitled “Permitting and placement requirements,” Subsection A(2) is hereby amended as follows

**§ 223-82 Permitting and placement requirements.**

A. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the City, subject to the following requirements.

...

(2) Any height limitations provided in the City Code shall not be applicable to solar collectors except for the restrictions provided for in the Central Main Street District § 223-41.18E(6) and (7) ~~D(7) and (8)~~ and the Linkage District § 223-41.21D(5). Solar collectors shall be erected only to such height as reasonably necessary to accomplish the purpose for which they are intended to serve, but in no case shall the maximum height of a panel in a tilted position exceed two feet above the surface of the roof, unless in a nonresidential district, and such structures shall not obstruct solar access to neighboring properties.

...

**Section 30.** Chapter 223 Attachments 1 and 2 of the Code of the City of Beacon, entitled “Schedule of Regulations for Residential Districts” and “Schedule of Regulations for Nonresidential Districts” as set forth at the end of Chapter 223 are hereby deleted in their entirety.

**Section 31.** Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

**SEE ATTACHED CHART**

**Section 32.** Chapter 223 Attachment 1 Code of the City of Beacon, entitled “Section 223-17, Schedule of Dimensional Regulations” shall be adopted as follows and as set forth at the end of Chapter 223.

**SEE ATTACHED CHART**

**Section 33.** Chapter 210 of the Code of the City of Beacon, Vehicle Repair and Sales, §210-2, entitled “Motor vehicle repair shops, body shops and detail shops; gasoline filling stations,” Subsection B is hereby amended as follows

**§ 210-2 Motor vehicle repair shops, body shops and detail shops; gasoline filling stations.**

...



B. Within ~~an LB Local Business or CB Central Business~~ the GB General Business District, gasoline filling stations shall comply with the following additional standards and requirements:

- (1) The site for each gasoline filling station shall have a street frontage of at least 100 feet and an area of at least 10,000 square feet.
- (2) No new gasoline filling station shall be permitted to locate within 750 feet of any portion of an existing gasoline filling station.
- (3) Along all property boundaries adjoining streets, a continuous landscaped area shall be maintained, except where interrupted by permitted access drives. The City Council may, in approving the issuance of a special use permit, require such other additional landscaping and screening as set forth above as, in its opinion, may be necessary or appropriate for the proper development of the particular site.

#### **Section 34. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

#### **Section 35. Numbering for Codification**

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

#### **Section 36. Severability**

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

#### **Section 37. Effective Date**

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

**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Short Term Rentals**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum from the City Attorney's Office Regarding Short Term Rentals	Cover Memo/Letter
Proposed Local Law to Create Section 223-26.5 and Amend Section 223-63 of the Code of the City of Beacon Regarding Short Term Rentals	Local Law

## MEMORANDUM

**TO:** Mayor Kyriacou and Members of the City Council  
of the City of Beacon

**FROM:** Keane & Beane, P.C.

**RE:** Short-Term Rental Local Law- Update

**DATE:** April 8, 2020

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As a follow up to the Council's last workshop meeting, this memorandum outlines questions the City Council considered regarding the regulation of short-term rentals and the City Council's preferences with respect to each question.

A short-term rental is an entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term "short-term rental" does not include dormitories, hotels or motel rooms, bed and breakfast inns or lodging houses. The questions considered by the Council and the decision reached is set forth below:

1. Is the City satisfied with the definition of owner occupied provided below?
  - ❖ The City Council would like to amend the definition of owner-occupied as follows: A one-family or two-family house ~~or multiple dwelling building~~ used by the owner, or tenant, as his or her or their domicile or principal residence.
2. Does the City want to allow any property owner to obtain short-term rental permits?
  - ❖ Property owners, tenants, corporations, limited-liability companies, partnerships, associations, trustees, mortgagees, and other business entities may obtain short-term rental permits for properties which are owner-occupied. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.



3. If any property owner can obtain a short-term rental permit (regardless of whether it is owner-occupied), does the City want to set restrictions based on whether a unit is owner-occupied or not owner-occupied?
  - ❖ All short-term rentals must be owner-occupied, therefore it is not necessary for the City to adopt a different set of restrictions based on whether a unit is owner-occupied or non owner-occupied.
4. Does the City want to allow tenants to obtain short-term rental permits for their rented spaces?
  - ❖ The City would like to allow tenants to apply for short-term rental permits for their rented spaces. The landlord and the tenant must both sign the short-term rental application. The City shall not require a copy of the lease agreement.
5. Can corporations register short-term rental units?
  - ❖ Corporations, limited-liability companies, partnerships, associations, trustees, mortgagees, lien holders and other business entities may apply for a short-term rental permit. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.
6. Does the City Council want to allow short-term rentals in multifamily homes or buildings?
  - ❖ Short-term rentals shall only be permitted in one- or two- family homes.
7. Does the City want to allow short-term rentals in all Zoning Districts?
  - ❖ The City wants to allow short-term rentals in all Zoning Districts.
8. Does the property owner need to be on-site when the short-term rental unit is rented?
  - ❖ The property owner does not need to be on-site when the short-term rental unit is rented. If a property owner or tenant is renting out the entire unit and not just a bedroom, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.

9. Can property owners make their accessory apartments short-term rentals?

- ❖ Property owners or tenants may make their accessory apartments short-term rentals if the accessory apartment is owner-occupied.

10. Are pets permitted?

- ❖ The City does not want to adopt regulations concerning pets.

11. Does the City want to set up a distance requirement between short-term rentals?

- ❖ No

12. Should notice be provided to adjoining property owners when a short-term rental permit is submitted?

- ❖ The City does not want to require notice be provided to adjoining property owners. However, a list of all short-term rental units located in the City of Beacon shall be maintained on the City's website and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.

13. Does the City want to establish a maximum number of occupants per dwelling or a maximum number per bedroom?

- ❖ No.

14. Does the City want to limit how many days in a year a property may be rented for?

- ❖ There shall be no limit to how many days in a year a property owner may rent a bedroom. However, short-term rental of entire units is limited to 180 days in any one calendar year.

15. Does the City want to establish parking regulations for short-term rentals?

- ❖ No.

16. Does the City want to require residents with short-term rental permits to display some sort of plaque or sign on their property?

- ❖ No.

17. How long is a short-term rental permit valid for? Must it be renewed annually or every five years or another period of time?

- ❖ All short-term rental permits issued shall be valid for a period of two years and shall be renewable for subsequent two-year terms upon application. An inspection of the premises must occur prior to any permit renewal.

18. Does the City want to establish a maximum number of short-term rental permits to issue?

- ❖ No.



**DRAFT LOCAL LAW NO. \_\_\_\_ OF 2020**

**CITY COUNCIL  
CITY OF BEACON**

**PROPOSED LOCAL LAW TO CREATE  
SECTION 223-26.5 AND AMEND SECTION 223-63 OF THE CODE OF  
THE CITY OF BEACON**

A LOCAL LAW to create  
Section 223-26.5 and amend  
Section 223-63 of the Code  
of the City of Beacon  
concerning Short-Term  
Rentals.

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

**SECTION 1.** Chapter 223, Article III, Section 26.5 entitled “Short-Term Rentals,” of the Code of the City of Beacon is hereby created as follows.

§ 223-26.5 Short-Term Rentals

- A. Findings. The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow home-owners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of homes for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. The City Council believes that the restrictions and requirements imposed herein further those objectives and the protection of the health, safety and welfare of the City and its residents.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:

## **OWNER**

An individual or group of individuals who are in possession of and have a fee interest in real property. The term “owner” shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity.

## **OWNER-OCCUPIED**

A one-family or two-family house used by the owner or tenant as his or her or their domicile or principal residence. All owners of the business entity must use the premise as his or her or their domicile or principal residence. When a property is titled in the name of a trustee, the owner-occupied requirement shall be satisfied if the grantor or grantee is the occupant of the property.

## **SHORT-TERM RENTAL**

An entire dwelling unit, or a room or group of rooms or other living or sleeping space, made available to rent, lease or otherwise assigned for a tenancy of less than 30 consecutive days. The term “short-term rental” does not include multifamily dwelling buildings, dormitories, hotel or motel rooms, bed and breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.

- C. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit.
- D. Only one-family homes, two-family homes or accessory apartment units may be used as short-term rentals subject to the requirements set forth in this section. Short-term rentals shall be permitted in all zoning districts within the City of Beacon.
- E. Permit application.
  - (1) An application for a short-term rental permit shall be filed before the dwelling unit, or a room or group of rooms or other living or sleeping space within a dwelling unit, or any other space is advertised for short-term rental, and if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.
  - (2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City fee schedule.
  - (3) If a tenant seeks a short-term rental permit, the tenant’s application shall be signed by the landlord.

- (4) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
- (i) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property; and
  - (ii) Copy of utility bill in owner's name.
  - (iii) (a) The property address; (b) the total number of dwelling units located within the building; (c) the total number of bedrooms and bathrooms inside the building; (d) the total number of dwelling units and individual bedrooms proposed for short-term rental use; (e) the location of each such dwelling unit or individual bedroom within the building; and (f) the number of persons to be accommodated in each short-term rental area; and
  - (iv) A signed and notarized certification in a form acceptable to the City Clerk by each property owner attesting to the fact that (a) the owner resides at the property and it is the owner's domicile (primary residence); (b) that the property is fit for human habitation and safe; (c) that the property owner will comply with all of the conditions and restrictions of the permit; (d) that no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law; (e) that the property is in compliance with all the provisions of this Article, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and (f) the required building permits and certificates of occupancy are in place for all existing structures on the property if applicable; and
  - (v) Such other information as the City may require to prove the property is owner-occupied and safe for renters.
  - (vi) If a property owner or tenant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of an agent with the right to enter and maintain possession of the dwelling. Such agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City; and



- (5) All permits issued pursuant to this section shall be for a period of two years and shall be renewable for subsequent two-year terms upon application, conformance with this section and payment of the permit fee.
  - (6) If the status of the information changes during the course of any calendar year, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.
- F. Inspection. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the City Code, the International Series of Codes and New York State Code Supplement. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee.
- G. Owner-occupancy. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not owner-occupied. The property used as a short-term rental shall be the principal residence of the owner, tenant, grantor or grantee at all times during the term of the permit.
- H. All short term rentals shall comply with the following standards:
- (1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available twenty-four (24) hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.
  - (2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.
  - (3) A short-term rental property shall not be rented for any commercial purpose, or any other purpose not expressly permitted under this section, such as concerts or weddings.
  - (4) Short-term rental of an entire dwelling units is limited to 180 days in any one calendar year. A rental day shall be deemed to mean any day that the property is occupied for rental overnight.

- (5) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.
  - (6) All guests are subject to the provisions of Code of the City of Beacon. The property owner or tenant is responsible for informing each guest of these provisions.
- I. Presumptive Evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
  - (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
  - (2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.
- J. A list of all short-term rental units located in the City of Beacon shall be maintained on the City's website and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.
- K. Revocation of a permit.
  - (1) The grounds upon which a permit can be revoked shall include but shall not be limited to:
    - (i) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification; or
    - (ii) A short-term rental permit has been issued and the owner fails to continue to occupy the premises on a continuous basis as his or her primary residence; or
    - (iii) Use of the property as a short-term rental creates a hazard or public nuisance or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community.
    - (iv) Failure to comply or violating the conditions of the permit.
  - (2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

## L. Appeals

- (1) Upon the denial, suspension or revocation of a permit, the applicant may, within 10 business days after receiving written notice, file a request, for a hearing before the Zoning Board of Appeals. Such request shall be filed with the Zoning Board of Appeals Secretary. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall be final and conclusive.
- (2) The hearing shall commence no later than 30 days after the date on which the request was filed.
- (3) The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the license, shall be modified or withdrawn. The Building Inspector or his or her designated agent may also present evidence. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or reverse the decision of the Building Inspector or his or her designated agent.
- (4) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Hearing Officer's decision with the City Clerk of the City of Beacon and service of the same upon the applicant.

M. Violations. Any owner who fails to obtain the permit required herein, or otherwise violates any provision of this section, shall be guilty of an offense which shall be punishable by a fine of not more than \$500 per offense. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he or she continues to be guilty of such violation shall constitute an additional, separate and distinct offense.

**SECTION 2.** The following definitions listed in Chapter 223, Article VI, Section 63 entitled "Definitions," of the Code of the City of Beacon are hereby amended as follows.

### DWELLING

A detached building designed or used exclusively as living quarters for one or more families. The term shall not be deemed to include "automobile court," motel," "boarding- or rooming house," "house trailer," ~~"tourist home"~~ or "tent."



## HOME OCCUPATION

An accessory use of a character customarily conducted entirely within a dwelling by the residents thereof using only customary home and home-scale equipment, including but not limited to typewriters, computers, fax machines, small-scale photocopiers, scanners, small-scale printers, file cabinets, drafting equipment and postage meters, which use is clearly incidental and secondary to the use of the residence for dwelling purposes, does not change the character thereof, does not have any exterior evidence of such secondary use other than a small nameplate not over one square foot in area, and does not involve the keeping of stock-in-trade. Home offices and artist studios meeting the criteria above shall be considered home occupations. However, the conducting of a tattoo and/or body piercing parlor, clinic, hospital, barbershop, beauty parlor, photographer's salon, tearoom, ~~tourist home~~ short-term rental, real estate office, animal hospital, dancing instruction, band instrument instruction in groups, convalescent home, funeral home, stores of any kind or any similar use shall not be deemed to be a home occupation. Any instruction of a musical instrument shall be limited to one pupil at a time. Home occupations are regulated in accordance with § 223-17.1 of this chapter.

## HOTEL

A building, or portion thereof, containing rooms occupied primarily by transient guests, who are lodged with or without meals, and in which there may be provided such services as are accessory and incidental to the use thereof as a temporary residence, such as dining, recreational facilities, public rooms and meeting rooms, and gift shops. The term "hotel" shall not include bed-and-breakfast establishment, boardinghouse, rooming house, ~~tourist home~~ short-term rental or single-room-occupancy building for the purposes of this chapter.

## OWNER-OCCUPIED

A one-family or two-family house or multiple dwelling building used by the owner as his or her or their domicile or principal residence.

## ~~TOURIST HOME~~

~~A dwelling, except a hotel, boardinghouse or rooming house, as defined elsewhere in this chapter, in which overnight accommodations are provided or offered for transient guests.~~

**SECTION 3.** Chapter 223 Attachment 1 Code of the City of Beacon, entitled "Section 223-17, City of Beacon Schedule of Use Regulations for Residential Districts" shall be amended to add the following Permitted Accessory Use:

13. Short-Term Rentals on single-family properties, as provided in § 223-26.5.

#### **SECTION 4. Ratification, Readoption and Confirmation**

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

#### **SECTION 5. Severability**

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

#### **SECTION 6. Effective Date**

This local law shall take effect immediately upon filing with the Office of the Secretary of State. Any short-term rental, as defined herein, in existence prior to adoption of this local law shall have 45 days to file an application to obtain a short-term rental permit. Any short-term rental existing prior to the effective date that (a) does not meet the definition of short-term rental or (b) is a short-term rental, as defined, and does not file an application within 45 days of the effective date is deemed to be in violation of this local law and subject to enforcement.

**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Saint Luke's Place Proposed Dedication and Sight Easement**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Memorandum to City Council Regarding St Luke's Place Dedication and Sight Easement	Cover Memo/Letter
Resolution Accepting St Luke's Place Sight Easement	Resolution
Sight Easement St Luke's Subdivision	Backup Material
Resolution Accepting Offer of Dedication of Portion of Union Street	Resolution
Offer of Dedication Proposed Deed St Lukes Subdivision	Backup Material
Saint Luke's Place Maps	Map

## MEMORANDUM

**TO:** Mayor Lee Kyriacou and Beacon City Council Members

**FROM:** Keane & Beane, P.C.

**RE:** St. Luke's Place – Offer of Dedication and Sight Easement

**DATE:** April 9, 2020

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On August 14, 2018, the Planning Board granted approval of a 3-lot residential subdivision for property located at the corner of St Luke's Place and Union Street. The Subdivision Plat prepared for Beacon 226 Main Street LLC was filed in the Dutchess County Clerk's Office as Filed Map No. 514A on April 5, 2019.

The Planning Board Resolution requires the applicant to submit two documents which will be recorded by the Applicant in the Dutchess County Clerk's Office:

(1) Sight Distance Easement, (2) Offer of Dedication.

The proposed action for the City Council is to accept the easement, accept the Offer of Dedication, and authorize the Mayor and/or Administrator to execute all documents as may be necessary for such purposes.

### **Sight Easement**

In order to maintain proper sight distance for vehicles at the corner of St Luke's Place and Union Street and pursuant to Section 195-21.C of the City Code, the Planning Board required a sight easement to be recorded in the County Clerk's Office. The subject area is shown on the Filed Map as approximately 312 s.f.

The Sight Easement requires the property owner to maintain the required sight distance by keeping the subject area free and clear of obstructions. It also grants the City the right, but not the obligation, to enter the Property and remove sight distance obstructions in the event the owner fails to do so.

### **Offer of Dedication – Union Street**

During review of the application, it was discovered that a portion of the Union Street right-of-way is located on private property belonging to Beacon 226 Main St LLC (the "Applicant"). The Applicant offered to dedicate that land to the City for highway purposes. The area subject to dedication to the City is shown on the Filed Map as a shaded area along Union Street consisting of approximately 900 s.f.

The Offer of Dedication submitted by the Applicant for the City Council's consideration includes a proposed Deed to convey the land to the City for highway purposes.



**CITY OF BEACON**

**CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2020

**RESOLUTION ACCEPTING A SIGHT EASEMENT  
REGARDING ST LUKE'S PLACE SUBDIVISION**

**WHEREAS**, Beacon 226 Main Street LLC obtained approval from the City of Beacon Planning Board on August 14, 2018 to for a three-lot residential subdivision at the intersection of St Luke's Place and Union Street which Subdivision Plat was filed in the Dutchess County Clerk's Office on April 5, 2019 as Filed Map No. 514A; and

**WHEREAS**, the Planning Board Resolution requires the applicant to submit a Sight Easement prohibiting any obstructions to sight distance across a triangular area at the corner of St Luke's Place and Union Street consisting of approximately 312 square feet; and

**WHEREAS**, Beacon 226 Main Street LLC submitted such Sight Easement which grants the City an easement with the right, but not the obligation, to enter the sight distance easement arear to remove obstructions to sight distance as necessary if the property owner fails to properly maintain such area.

**NOW THEREFORE, BE IT RESOLVED THAT**, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Sight Easement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer.

## GRANT OF SIGHT EASEMENT

This Indenture made the \_\_\_\_ day of \_\_\_\_\_, 2019, between BEACON 226 MAIN STREET, LLC, with offices at One East Main Street, Beacon, New York 12508 (hereinafter referred to as the “Grantor”), as owner of property described at Schedule “A” attached hereto and made a part hereof and shown as Lot 2 on a map entitled “Subdivision Plat prepared for Beacon 226 Main Street LLC” dated April 20, 2018, last revised July 13, 2018, prepared by TEC Land Surveying, filed in the Dutchess County Clerk’s Office on April 5, 2019 as Filed Map No. 514A, (the “Premises”) , and the CITY OF BEACON, with offices at One Municipal Plaza, Beacon, New York 12508, (hereinafter referred to as the “Grantee”).

### W I T N E S S E T H :

In consideration of the sum of One Dollar (\$1.00), lawful money of the United States, and paid by the City of Beacon, receipt of which is hereby acknowledged, and in further consideration of the promises set forth below, the Grantor does give and grant unto the Grantee, its successors and assigns forever, a permanent easement on and over the Premises, the same being more particularly bounded and described in Schedule “B” attached hereto and made a part hereof (the “Sight Easement Area”) upon the following terms and conditions:

1. The easement granted herein is for the purpose of maintaining sight lines and visibility along Union Street and St. Luke’s Place, including clearing, pruning, or regrading so as to maintain a clear line of sight in either direction across the triangular Sight Easement Area between the observer’s eye 3.5 feet above the pavement surface on one street and an object one foot above the pavement surface on the other side.
2. The initial establishment of clear sight lines with the Sight Easement Area shall be the responsibility of the Grantor. Thereafter, Grantor shall maintain clear sight lines as

described in Paragraph 1. In the event the Grantor fails to establish said sight lines, or fails to maintain the sight lines as described in Paragraph 1, the Grantee shall have the right, but not the obligation, to enter upon and clear, regrade and maintain, as necessary, the Sight Easement Area for the purposes described herein. In the event the City exercises its right to enter the Sight Easement Area, the City will restore the Sight Easement Area to the same condition that it was prior to the performance of any clearing, to the greatest extent practicable, except that the City's sole obligation in this regard shall be to rough grade and seed the surface of the Sight Easement Area, as necessary. It is expressly understood that it may be necessary to remove as part of said work trees, shrubs or bushes presently, or which may in the future be located within the Sight Easement Area. Any dispute as to restoration of the Sight Easement Area shall be submitted to arbitration pursuant to the Rules of the American Arbitration Association.

3. The Grantee shall have the right of ingress and egress by man, motor vehicle, and any equipment necessary over the Sight Easement Area to effectuate the purposes of this easement.
4. The Grantor hereby covenants that the Grantor is seized of the Premises in fee simple and has good right to convey this easement; shall do nothing in the Premises which would prevent, impede or disturb the full use and intended purpose of this easement by the Grantee; and shall execute and deliver any further documents necessary to assure the easement granted hereto to the Grantee.
5. Should any covenant, easement or restriction herein contained, of any article, section, subsection, sentence, clause, phrase or term of this Declaration be declared to be void,

invalid, illegal or unenforceable, for any reason, by the adjudication of any court or other tribunal having jurisdiction, such judgment shall in no way affect the other provisions hereof which are hereby declared to be several and which shall remain in full force and effect.

6. All references to Grantor herein shall include its successors and/or assigns. This easement shall be recorded in the Office of the Dutchess County Clerk and is binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor and Grantee, have duly executed this easement as of the day and year first above written.

226 MAIN STREET, LLC

By \_\_\_\_\_  
Gary Joseph, Member

CITY OF BEACON

By \_\_\_\_\_

STATE OF NEW YORK     )  
COUNTY OF DUTCHESS   ) ss.

On \_\_\_\_\_ 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared GARY JOSEPH personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public



STATE OF NEW YORK     )  
COUNTY OF DUTCHESS   ) ss.

On \_\_\_\_\_ 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

R&R:

Schedule A – Description of Property, Lot 2

Schedule B – Description of Easement, Sight Easement

# Description of Property

Tax Parcel No. 156634

All that certain piece, plot or parcel of land situate, lying and being in the City of Beacon, County of Dutchess and State of New York, also know as Tax Parcel No. 6054-38-156634 and being more particularly described as follows:

Beginning at a point on the east side of St. Luke's Place, said point lying on the division between the herein described parcel and lands, now or formerly, of Cancel (Doc. No. 02-2012-1298); Thence along said division and along lands, now or formerly, of Christ Methodist Church (L. 1111 p. 131) South  $58^{\circ} 21' 00''$  East a distance of 161.04 feet generally along a chain link fence to a point; Thence along lands, now or formerly, of Piga (L. 1938 p. 373) South  $28^{\circ} 50' 35''$  West a distance of 105.52 feet generally along a chain link fence to a point, passing through an iron pipe on line near said point; Thence along the north side of Union Street, North  $59^{\circ} 56' 11''$  West a distance of 166.40 feet to a point; Thence along St. Luke's Place North  $31^{\circ} 42' 53''$  East a distance of 110.00 feet to the Point of Beginning.

# Description of Easement

## Sight Easement

Beginning at the southwest corner of Lot 2 as shown on a map entitled "Subdivision Plat Prepared For Beacon 226 Main Street LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on April 5, 2019 as Map No. 514A; Thence along the east side of St Luke's Place and the west line of the said Lot 2, North  $31^{\circ} 42' 53''$  East a distance of 25.00 feet to a point; Thence through said Lot 2, South  $13^{\circ} 14' 17''$  East a distance of 35.38 feet to a point on the north line of lands to be dedicated to the City of Beacon for highway use, as shown on the aforementioned Map No. 514A; Thence along the north line of said dedication, North  $58^{\circ} 11' 27''$  West a distance of 25.00 feet to the Point of Beginning.

CITY OF BEACON  
CITY COUNCIL

Resolution No. \_\_\_\_\_ of 2020

**ACCEPTING AN OFFER OF DEDICATION FOR HIGHWAY PURPOSES  
(PORTION OF UNION STREET)**

**WHEREAS**, an irrevocable offer of dedication was made to the City of Beacon by Beacon 226 Main Street LLC (the “Applicant”) in connection with the “Subdivision Plat prepared for Beacon 226 Main Street LLC” which map was filed in the Dutchess County Clerk’s Office on April 5, 2019 as Filed Map No. 514A following approval of same of the City of Beacon Planning Board by Resolution dated August 14, 2018; and

**WHEREAS**, the Applicant has offered to convey to the City of Beacon for highway purposes a portion of its property consisting of approximately 900 s.f. upon which a portion of Union Street is currently encroaching as shown on Filed Map No. 514A (the “Property”); and

**WHEREAS**, *[the City Engineer and City Highway Superintendent have reviewed said plans and inspected the Property and find same to be suitable for acceptance by the City]*.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Beacon hereby accepts the offer of dedication for the Property described herein for highway purposes, as shown on Filed Map No. 514A, subject to the following conditions to be satisfied by the Applicant prior to the recording of the deed conveying title thereof:

1. Payment of all outstanding fees and professional review fees.
2. Payment of all outstanding real property taxes due on the subject property.

**BE IT FURTHER RESOLVED**, that the Mayor and/or the City Administrator are authorized to execute any forms and documents necessary to effectuate the purpose of this Resolution.



## OFFER OF DEDICATION FOR HIGHWAY PURPOSES

KNOW ALL MEN THAT BEACON 226 MAIN STREET LLC, with offices at One East Main Street, Beacon, New York 12508, (hereinafter the “Grantor”), Party of the First Part, DOES HEREBY OFFER in dedication to the City of Beacon, a municipal corporation with its offices and place of business at One Municipal Plaza, Beacon, New York 12508:

### **WITNESSETH:**

**WHEREAS**, the GRANTOR is the owner of certain parcel of land located in the City of Beacon, identified as Tax Grid No 130200-6054-38-156634 and more particularly described in a certain deed dated April 16, 2018 and recorded in the Dutchess County Clerk’s Office on May 2, 2018, as document number 02-2018-3173, and further described on a Subdivision Map entitled “Subdivision Plat prepared for Beacon 226 Main Street, LLC”, dated April 20, 2018, last revised July 13, 2018, prepared by TEC Land Surveyors, which Subdivision Map was filed in the Dutchess County Clerk’s Office, as Filed Map No. 514A; and

**WHEREAS**, the Grantor wishes to record a formal Irrevocable Offer of Cession and Dedication for a strip of land for highway purposes as shown on said subdivision plat and described in Schedule “A” attached hereto.

**NOW, THEREFORE**, the undersigned Grantor covenants and warrants that it is seized of title of said premises in fee simple, and has good and unencumbered right to convey same, and hereby irrevocably offers to grant, cede and convey and dedicate to the grantee, for public highway purposes, all that certain plot or piece of land, more particularly described in Schedule “A” attached hereto (the “Land Offered for Dedication”);

At the time of such acceptance of this Offer, the grantor hereby covenants that title to the Land Offered for Dedication will be free and clear of all liens and grantor will submit a title policy to the City Council of the City of Beacon demonstrating same;

The aforesaid Offer shall be irrevocable from the date hereof and may be accepted by the City Council of the City of Beacon at any time hereafter by the adoption of a resolution accepting the Offer of Dedication.

**IN WITNESS WHEREOF**, the GRANTOR has executed this Irrevocable Offer of Cession and Dedication as of the date first set forth above.

Dated:

BEACON 226 MAIN STREET LLC

By \_\_\_\_\_  
Gary Joseph, Member

State of New York, County of Dutchess, ::

On the       day of       in the year       2019 before me, the undersigned, personally appeared Gary Joseph, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

# Description of Dedication

## Proposed Dedication to the City of Beacon

Beginning at a point on the east side of St Luke's Place, said point being the southwest corner of Lot 2 as shown on a map entitled, "Subdivision Plat Prepared for Beacon 226 Main Street LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on April 5, 2019 as Map No. 514A; Thence along the southern boundary of Lot 2, South  $58^{\circ} 11' 27''$  East a distance of 51.46 feet to a point; Continuing South  $63^{\circ} 18' 12''$  East a distance of 51.62 feet to a point on the division between Lots 2 & 3 of said Map No. 514A; Thence through Lot 3, South  $57^{\circ} 57' 01''$  East a distance of 63.21 feet to a point; Thence along lands, now or formerly, of Piga (L. 1938 p. 373) South  $28^{\circ} 50' 35''$  West a distance of 4.80 feet to a point on the north side of Union Street; Thence along the old road line of Union Street, North  $59^{\circ} 56' 11''$  West a distance of 166.40 feet to a point on the east side of St Luke's Place; Thence along said road North  $31^{\circ} 42' 53''$  East a distance of 5.53 feet to the Point of Beginning.

— Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

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**THIS INDENTURE**, made the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2019

**BETWEEN**

**BEACON 226 MAIN STREET, LLC**, with offices at One East Main Street, Beacon, New York 12508, party of the first part,

**CITY OF BEACON**, with offices at One Municipal Plaza, Beacon, New York 12508 party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) and 00/100 - - - - - dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land situate, lying and being in the CITY OF BEACON, County of Dutchess and State of New York, being more particularly bounded and described in Schedule "A" attached hereto and made a part hereof.

BEING the same premises conveyed to the Grantor herein by deed dated April 16, 2018 and recorded May 2, 2018 in the Dutchess County Clerk's Office as document number 02-2018-3173.

This conveyance does not constitute all or substantially all of the assets of the Grantor.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.



R&amp;R

# Description of Dedication

## Proposed Dedication to the City of Beacon

Beginning at a point on the east side of St Luke's Place, said point being the southwest corner of Lot 2 as shown on a map entitled, "Subdivision Plat Prepared for Beacon 226 Main Street LLC" prepared by TEC Land Surveying and filed with the Dutchess County Clerk's office on April 5, 2019 as Map No. 514A; Thence along the southern boundary of Lot 2, South  $58^{\circ} 11' 27''$  East a distance of 51.46 feet to a point; Continuing South  $63^{\circ} 18' 12''$  East a distance of 51.62 feet to a point on the division between Lots 2 & 3 of said Map No. 514A; Thence through Lot 3, South  $57^{\circ} 57' 01''$  East a distance of 63.21 feet to a point; Thence along lands, now or formerly, of Piga (L. 1938 p. 373) South  $28^{\circ} 50' 35''$  West a distance of 4.80 feet to a point on the north side of Union Street; Thence along the old road line of Union Street, North  $59^{\circ} 56' 11''$  West a distance of 166.40 feet to a point on the east side of St Luke's Place; Thence along said road North  $31^{\circ} 42' 53''$  East a distance of 5.53 feet to the Point of Beginning.

# **SURVEY NOTES**

1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. Subject to the findings of a current title search.
8. Subject to covenants, easements, restrictions, conditions and agreements of record.
9. Subject to any right, title or interest the public may have for highway use.
10. Bearings and North shown hereon are referenced to NAD 83-NY East using NYSNET RIN GPS.
11. Contour interval is one foot. Elevations shown hereon are referenced to NAVD 88 using NYSNET RIN GPS.
12. Area shown to be dedicated to the City of Beacon for highway use contains 900 ft<sup>2</sup>, more or less.

## **FILED MAP REFERENCE**

Map entitled "Map of Lots at Matteawan, N.Y. - Property of Mrs. Maria Robinson" prepared by S. Scofield, C.E. and filed with the Dutchess County Clerk's office on July 7, 1897 as Map No. 514.

Map entitled "Map of Lands Belonging to Caroline R. Clark and Ors." prepared by W.R. Scofield and filed with the Dutchess County Clerk's office on November 15, 1916 as Map No. 1491.

## **DEED REFERENCE**

Liber 1001 Page 311  
 Clarence E. Wood  
 Conveyed To  
 Leroy Steinhart & Beryl Steinhart  
 On July 15, 1959

Liber 535 Page 414  
 Thomas B. Finney & Theresa Finney  
 Conveyed To  
 Clarence Edward Wood & Florence May Wood  
 On December 13, 1953

## **TAX PARCEL NUMBER**

City of Beacon, Dutchess County, New York  
 130200-6054-38-158634-0000

## **AREA**

Total  
 17,635 ft<sup>2</sup>  
 0.405 Acres

## **CERTIFICATIONS**

Beacon 226 Main Street LLC

## **ZONING**

Property shown hereon is located within the R1-5 (5,000 ft<sup>2</sup> dwelling) Residential District as shown on map entitled "Zoning" prepared by Frederick P. Clark Associates, Inc. and dated 6/7/1996, revised on 7/29/2014.

## **FLOOD ZONE**

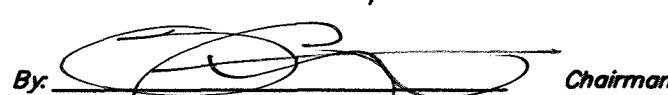
Property shown hereon is located within the Zone "X" Unshaded region and is determined to be outside the 0.2% annual chance floodplain as shown on Flood Insurance Rate Map (FIRM) No. 36027C0577E (Effective Date: 05/02/2012).

## **OWNERS & APPLICANTS**

Beacon 226 Main Street LLC

## **PLANNING BOARD**

Approved by resolution of the Planning Board of the City of Beacon, New York, on the 21<sup>st</sup> day of year 2018. Subject to all requirements and conditions of said resolution. Any change, rescission, modification or revision of the plan as approved shall void the approval. Signed this 12<sup>th</sup> day of year 2019. RESIGNED: 3-29-2019

By:  Chairperson

## **DCDOH STANDARD NOTE**

FOR PERMISSION TO FILE  
 This plan does not constitute a realty subdivision as defined by Article 31, Title II, Section 1115 of the Public Health Law of the State of New York, and Article 31, of the Dutchess County Sanitary Code. Permission is hereby granted for the filing of this map with the Clerk of Dutchess County. Approval for arrangements for water supply and/or sewage disposal is neither sought nor granted.

 P.E. 03/16/2019  
 Authorized Representative of the Commissioner of Health Date

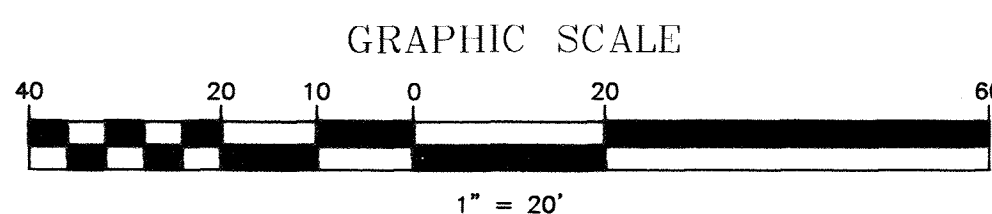
## **OWNER'S CONSENT**

The undersigned owners of the property hereon state that they are familiar with this map, its contents and its legends and hereby consent to all said terms and conditions as stated hereon.

 12/11/18  
 Date

rev.	date	description
4	11/2/18	Revised Metes and Bounds
3	7/13/18	Revised Road Dedication
2	6/20/18	Revised Subdivision and Easement Lines
1	5/29/18	Revisions Per Planning Board

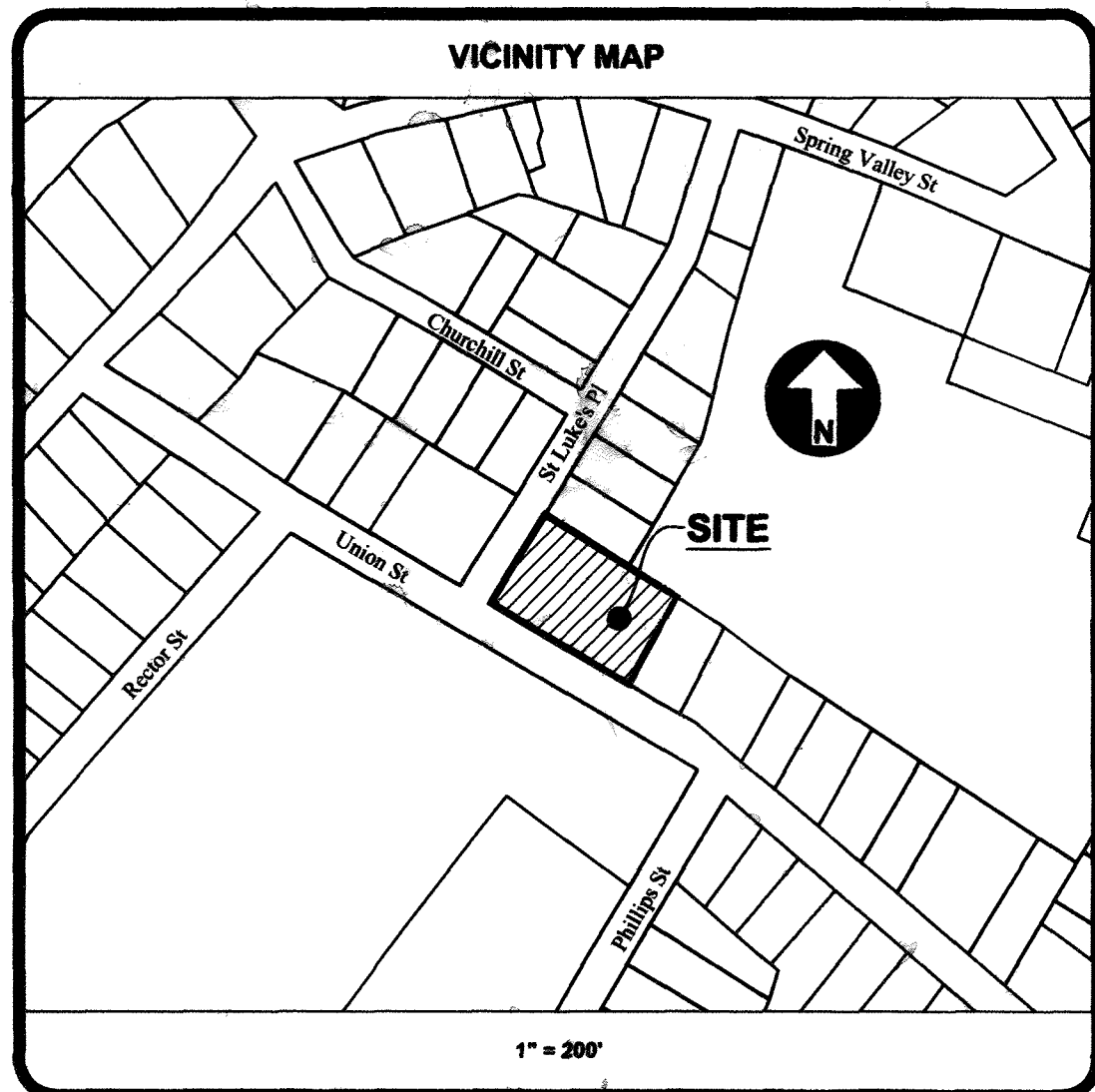
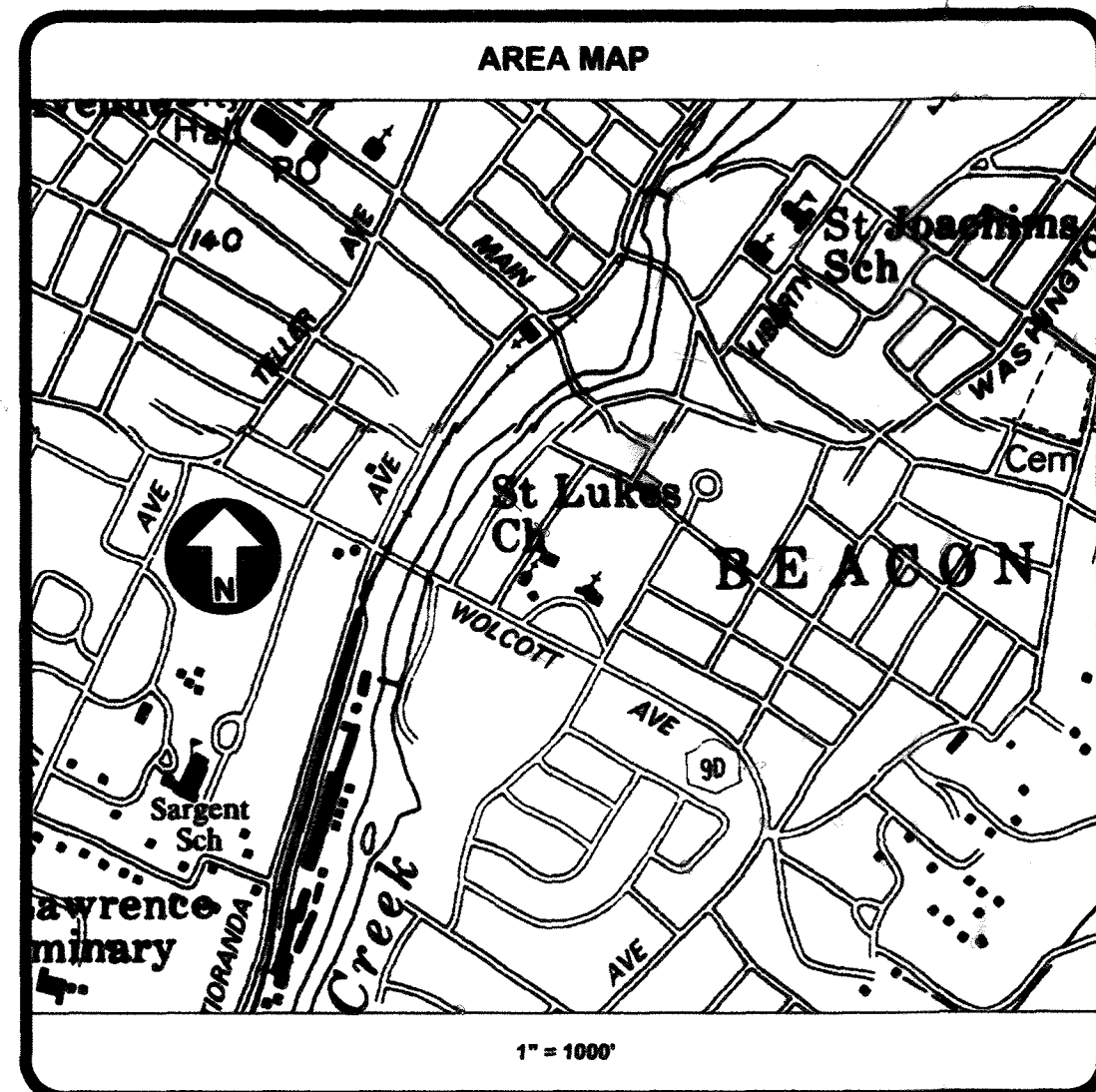
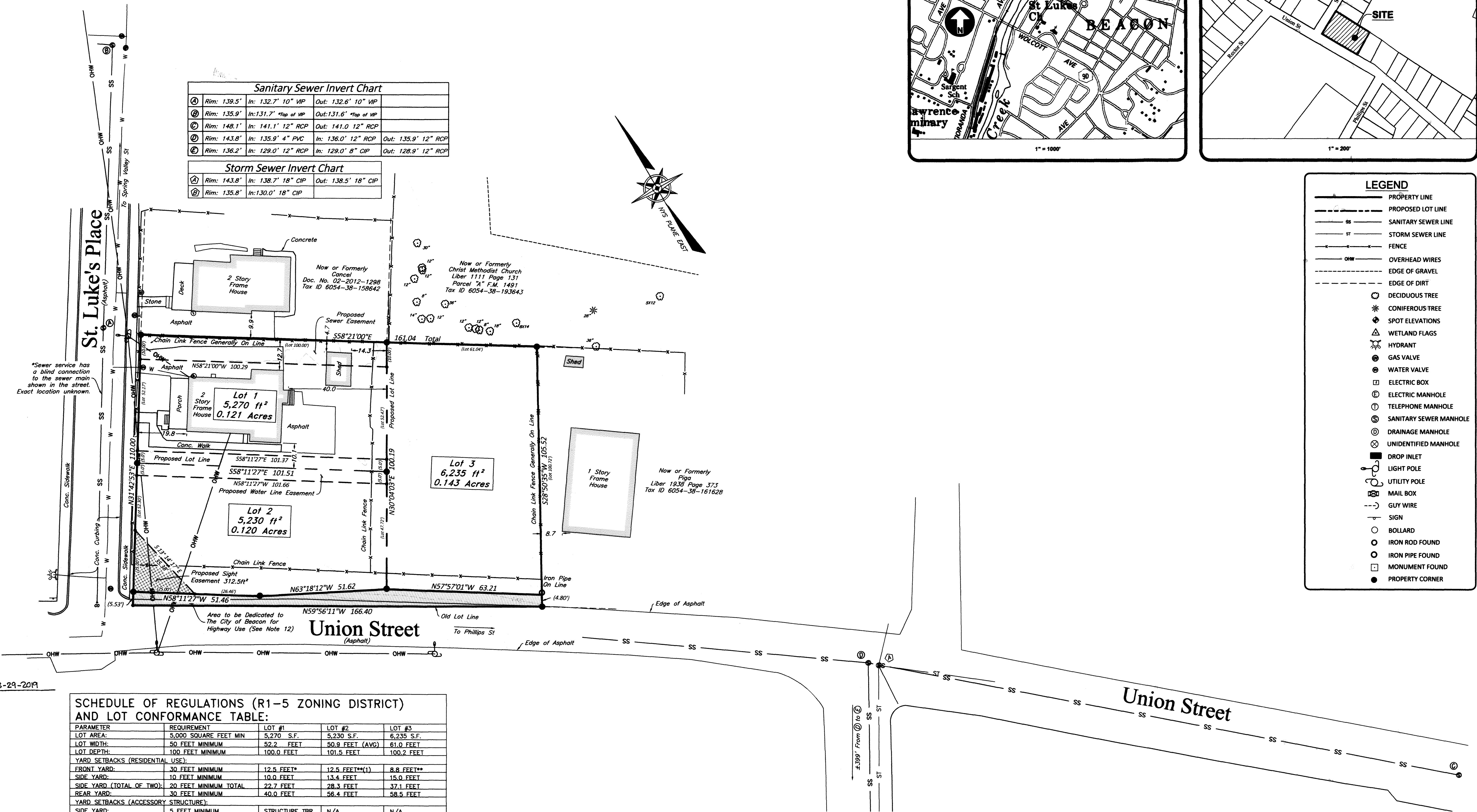
**TEC LAND SURVEYING**  
 150 TIORONDA AVE. BEACON, NY 12508  
 PH: 845.445.6590 FX: 845.445.6591



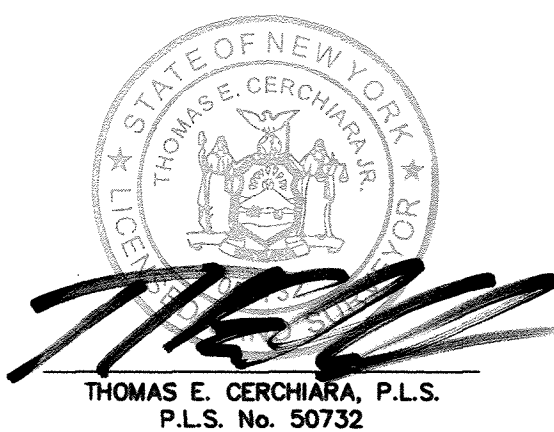
PARAMETER	REQUIREMENT	LOT #1	LOT #2	LOT #3
LOT AREA:	5,000 SQUARE FEET MIN	5,270 S.F.	5,230 S.F.	6,235 S.F.
LOT WIDTH:	50 FEET MINIMUM	52.2 FEET	50.9 FEET (AVG)	61.0 FEET
LOT DEPTH:	100 FEET MINIMUM	100.0 FEET	101.5 FEET	100.2 FEET
YARD SETBACKS (RESIDENTIAL USE):				
FRONT YARD:	30 FEET MINIMUM	12.5 FEET*	12.5 FEET** (1)	8.8 FEET**
SIDE YARD:	10 FEET MINIMUM	10.0 FEET	13.4 FEET	15.0 FEET
REAR YARD:	20 FEET MINIMUM TOTAL	22.7 FEET	28.3 FEET	37.1 FEET
REAR YARD:	30 FEET MINIMUM	40.0 FEET	56.4 FEET	58.6 FEET
YARD SETBACKS (ACCESSORY STRUCTURE):				
SIDE YARD:	5 FEET MINIMUM	STRUCTURE TBR	N/A	N/A
REAR YARD:	5 FEET MINIMUM	STRUCTURE TBR	N/A	N/A
MAIN BUILDING HEIGHT:	MAX 35 FEET, 2.5 STORIES	42.7 FEET	435 FEET	435 FEET
ACCESSORY BLDG. HEIGHT:	MAX 15 FEET, 1 STORY	STRUCTURE TBR	N/A	N/A
BUILDING COVERAGE:	MAX 25%	21.1%	13.5%	11.5%
DWELLING UNITS PER LOT:	MAX 1	1	1	1

\* EXISTING, NON-CONFORMING  
 \*\* THE APPLICANT REQUESTS RELIEF FROM THE PLANNING BOARD FOR THE FRONT YARD REQUIREMENT ON LOT #2 AND LOT #3 (TO PROVIDE A CONSISTENT FRONT YARD SETBACK TO HOUSES ALONG ST. LUKES PLACE AND UNION STREET, RESPECTIVELY).  
 (1) ASSUMES FULL FRONT YARD FROM ST. LUKES PLACE, WITH FRONT YARD ALONG UNION STREET REDUCED TO 0.25 X 52.0' = 13.0' (PER SECTION 223-13C. ON A CORNER LOT IN ANY RESIDENCE DISTRICT, THERE SHALL BE PROVIDED A SIDE YARD ON THE SIDE STREET EQUAL IN DEPTH TO THE REQUIRED FRONT YARD ON SAID LOT; OR, IF THE LOT IS OCCUPIED BY A ONE-FAMILY HOME, SUCH SIDE YARD MAY BE REDUCED TO 25% OF THE ACTUAL LOT WIDTH).

Sanitary Sewer Invert Chart				
④	Rim: 139.5'	In: 132.7' 10" VP	Out: 132.6' 10" VP	
⑤	Rim: 135.9'	In: 131.7' "Top of VP"	Out: 131.6' "Top of VP"	
⑥	Rim: 148.1'	In: 141.1' 12" RCP	Out: 141.0' 12" RCP	
⑦	Rim: 143.8'	In: 135.9' 4" PVC	Out: 135.9' 12" RCP	
⑧	Rim: 136.2'	In: 129.0' 12" RCP	Out: 128.9' 12" RCP	
Storm Sewer Invert Chart				
①	Rim: 143.8'	In: 138.7' 18" CIP	Out: 138.5' 18" CIP	
②	Rim: 135.8'	In: 130.0' 18" CIP		



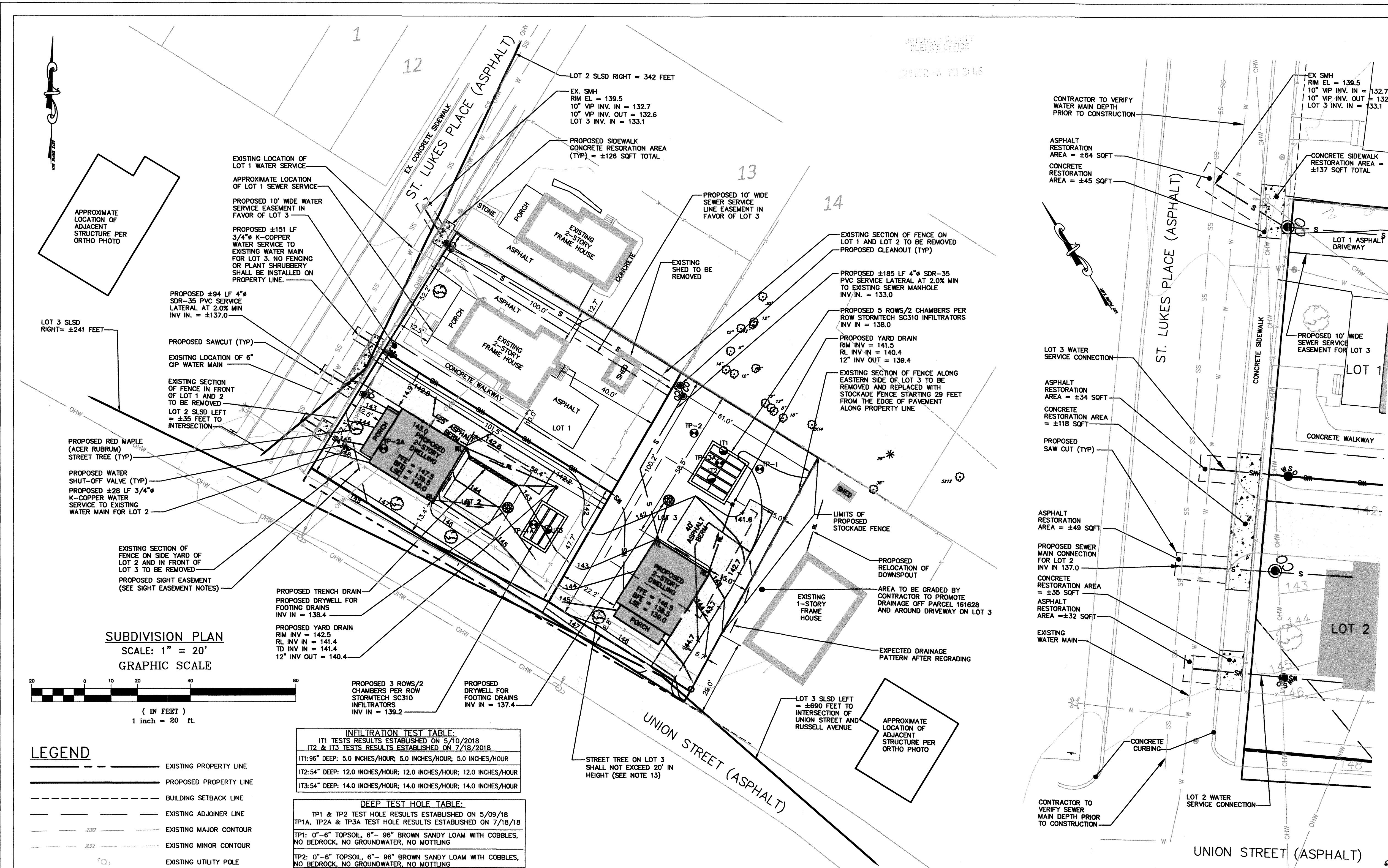
LEGEND	
	PROPERTY LINE
	PROPOSED LOT LINE
	SANITARY SEWER LINE
	STORM SEWER LINE
	FENCE
	OVERHEAD WIRES
	EDGE OF GRAVEL
	EDGE OF DIRT
	DECIDUOUS TREE
	CONIFEROUS TREE
	SPOT ELEVATIONS
	WETLAND FLAGS
	HYDRANT
	GAS VALVE
	WATER VALVE
	ELECTRIC BOX
	TELEPHONE MANHOLE
	SANITARY SEWER MANHOLE
	DRAINAGE MANHOLE
	UNDERSIZED MANHOLE
	DROP INLET
	LIGHT POLE
	UTILITY POLE
	MAIL BOX
	GUY WIRE
	SIGN
	BOLLARD
	IRON ROD FOUND
	IRON PIPE FOUND
	MONUMENT FOUND
	PROPERTY CORNER



38 ST LUKES PLACE  
**SUBDIVISION PLAT**  
**PREPARED FOR**  
**BEACON 226 MAIN STREET LLC**  
 CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK

Map No.	6054-38-158634
Address	38 ST LUKES PLACE
Date	04/05/2019
Scale	1" = 20'
Project No.	10-040
Project Name	38 ST LUKES PLACE
Sheet	1 OF 5





PROJECT INFORMATION:	
PARCEL OWNERS:	BEACON 226 MAIN STREET LLC, 1 E MAIN ST, BEACON, NY 12508
PROJECT ENGINEER:	HUDSON LAND DESIGN P.C., 174 MAIN STREET, BEACON NY 12508
PARCEL LOCATION:	38 ST. LUKES PLACE, BEACON NY, 12508
TAX PARCEL ID:	6054-38-156634 (± 0.405 AC)
PARCEL AREA:	± 0.405 ACRES
WATER SUPPLY:	MUNICIPAL
SEWAGE DISPOSAL:	MUNICIPAL

**MAP REFERENCES:**  
1. EXISTING FEATURES AS SHOWN ON THIS SUBDIVISION PLAN PROVIDED BY MAPPING OBTAINED FROM REC LAND SURVEYORS, P.S., LLC.

**SURVEY NOTES:**  
1. SEE SHEET 1 FOR METES AND BOUNDS FOR EXISTING AND PROPOSED PROPERTY LINES.

**SITE SPECIFIC NOTES:**  
1. THE CONTRACTOR SHALL PERFORM A UTILITIES CALL-OUT PRIOR TO CONSTRUCTION TO VERIFY ALL UNDERGROUND UTILITY LOCATIONS BY CONTACTING UPPO @ 1-800-962-7962. SPECIFIC ATTENTION SHALL BE PAID TO THE LOCATIONS OF THE GAS (IF APPLICABLE), WATER AND SEWER MAINS WITH RESPECT TO THE PROPOSED LOCATIONS FOR THE SERVICE LINES.  
2. THE CONTRACTOR SHALL CONTACT THE CITY OF BEACON WATER AND SEWER DEPARTMENTS TO SCHEDULE A PRE-CONSTRUCTION MEETING TO ENSURE THAT THE ARRANGEMENTS FOR WATER SUPPLY AND SEWAGE DISPOSAL ARE COMMENCED IN ACCORDANCE WITH THE APPROVED PLANS AND AMENDMENTS THERETO AND GENERALLY ACCEPTED STANDARDS.  
3. THE PROPOSED LOT SHALL BE SERVED BY THE CITY OF BEACON MUNICIPAL WATER AND SEWER SERVICES.  
4. THE WATER SERVICE LINE AND METER SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF BEACON WATER DEPARTMENT REQUIREMENTS.  
5. THE WATER SERVICE LINE SHALL BE 3/4" K-COPPER.  
6. THE SEWER SERVICE LINE SHALL BE 4" SDR 35 PVC PIPE WITH PITCH AS SHOWN ON THE PLAN (MINIMUM OF 1/8" PER FOOT SHALL BE MAINTAINED).  
7. A ROAD OPENING PERMIT SHALL BE REQUIRED FOR THE INSTALLATION OF THE PROPOSED WATER AND SEWER SERVICES FOR THE NEW LOT. STREET CLOSURE FOR WATER AND SEWER SERVICE CONNECTIONS SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF BEACON REQUIREMENTS.  
8. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO CONSTRUCTION. THE PROPOSED DRIVEWAY SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE.  
9. ROOF LEADER CONNECTIONS TO BE MINIMUM 4" PVC OR HDPE @ 2.0% MIN.  
10. SUMP PUMP TO BE PROVIDED FOR FOOTING DRAIN, IF NECESSARY. THE TYPE OF PUMP AND METHODS USED TO ENSURE PROPER DRAINAGE SHALL BE ACCEPTABLE TO THE CITY OF BEACON BUILDING DEPARTMENT.  
11. THE DRIVEWAY SIGHT DISTANCE MEETS OR EXCEEDS COMPLIANCE WITH THE CITY OF BEACON'S 192-9(B) CODE AND THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION REQUIREMENTS. THE STATE UTILIZES THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) GUIDELINES FOR INTERSECTION SIGHT DISTANCES FOR ROADS WITH A SPEED LIMIT OF 30 MPH. AASHTO DESIGN TABLES CALL FOR A SIGHT DISTANCE OF 290 FEET TO THE LEFT AND 335 FEET TO THE RIGHT. THE MEASURED SIGHT DISTANCE IS AS FOLLOWS:  
LOT 2: SLD LEFT = ± 35 FEET (TO INTERSECTION OF ST. LUKES PLACE AND UNION STREET)  
SLD RIGHT = ± 342 FEET  
LOT 3: SLD RIGHT = ± 241 FEET  
SLD LEFT = ± 690 FEET (TO INTERSECTION OF UNION STREET AND RUSSELL AVE)

AS SLD RIGHT FOR LOT 3 IS DEFICIENT, STOPPING SIGHT DISTANCE (SSD) WAS MEASURED TO BE 241, WHICH EXCEEDS THE MINIMUM REQUIRED 200 FEET WHEN APPROACHING THE PROPOSED DRIVEWAY FROM THE NORTH (SOUTHBOUND).  
STOPPING SIGHT DISTANCE (SSD) WAS OBSERVED TO BE IN EXCESS OF THE REQUIRED 200 FEET WHEN APPROACHING THE PROPOSED DRIVEWAY FOR BOTH LOT 2 AND LOT 3 FROM THE LEFT AND RIGHT.  
12. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS AND INVERTS OF ALL CATCH BASINS, STORM SEWER LINES, SANITARY MANHOLES, SEWER LINES, WATERLINES, AND UNDERGROUND UTILITY LINES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL NOT ASSUME THAT ALL LOCATIONS AS SHOWN ON THE PLAN ARE CORRECT. INVESTIGATIVE TEST PITS MAY BE REQUIRED TO VERIFY LOCATIONS.  
13. TREES PLANTED ON EASTERN EDGE OF LOT 3 SHALL BE LIMITED TO SPECIES THAT WILL NOT GROW OVER 20 FEET IN HEIGHT. TREES SHALL BE PRUNED AS NECESSARY TO ALLOW SUNLIGHT TO ACCESS SOLAR PANELS ON PARCEL 161628. THE STREET TREE IN THE FRONT YARD SETBACK SHALL NOT BE REPLACED BY SHRUBS IN ORDER TO MAINTAIN ADEQUATE SIGHT DISTANCE.

**INDIANA BAT PROTECTION NOTES:**  
1. TREE CLEARING SHALL BE RESTRICTED TO THE PERIOD BETWEEN OCTOBER 1 AND MARCH 31.  
2. THE LIMITS OF DISTURBANCE SHALL BE DEMARCATED BY INSTALLING ORANGE CONSTRUCTION FENCE FOR THE GENERAL IMPROVEMENT AND INFRASTRUCTURE CONSTRUCTION ACTIVITIES AND FOR THE INDIVIDUAL LOT CONSTRUCTION. THESE LIMITS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.  
3. DUST CONTROL MEASURES SHALL BE IMPLEMENTED. THIS INCLUDES USE OF CONSTRUCTION ENTRANCES, APPLYING LIGHT WATER, AND ESTABLISHING VEGETATION.  
4. STREET LIGHTS ARE NOT PERMITTED. RESIDENTIAL LIGHTING SHALL BE DIRECTED DOWNWARD TO REDUCE IMPACTS TO BATS FORAGING FOR FOOD.

**SIGHT EASEMENT NOTES:**  
1. THE HOLDER OF FEE TITLE TO THE ADJUTING STREETS SHALL HAVE THE RIGHT TO ENTER THE EASEMENT AREA FOR THE PURPOSE OF CLEARING, PRUNING OR REGRADING SO AS TO MAINTAIN A CLEAR LINE OF SIGHT IN EITHER DIRECTION ACROSS THE TRIANGULAR SIGHT EASEMENT AREA BETWEEN THE OBSERVERS EYE 3.5' ABOVE THE PAVEMENT SURFACE ON ONE STREET AND AN OBJECT ONE FOOT ABOVE THE PAVEMENT SURFACE ON THE OTHER.  
2. THE INITIAL ESTABLISHMENT OF CLEAR SIGHT LINES WITHIN THE SIGHT EASEMENT AREA SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER.

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE 14TH DAY OF AUGUST, 2018, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS 14th DAY OF AUGUST, 2018, BY  
[Signature] CHAIRMAN  
[Signature] SECRETARY  
IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

**SUBDIVISION PLAN**  
**38 ST. LUKES SUBDIVISION**  
38 ST. LUKES PLACE  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-38-156634  
SCALE: 1" = 20'  
APRIL 24, 2018

**LEGEND**

- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING ADJOINER LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING UTILITY POLE
- PROPOSED MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED SPOT ELEVATION
- EXISTING SEWER MAIN
- PROPOSED SEWER SERVICE LINE
- EXISTING WATER MAIN
- PROPOSED WATER SERVICE LINE
- PROPOSED WATER SHUT-OFF VALVE
- PROPOSED SEWER CLEAN OUT
- PROPOSED ROOF LEADER
- DEEP TEST PIT
- INFILTRATION TEST

**INFLTRATION TEST TABLE:**  
IT1 TESTS RESULTS ESTABLISHED ON 5/19/2018  
IT2 & IT3 TESTS RESULTS ESTABLISHED ON 7/19/2018  
IT1: 96" DEEP: 5.0 INCHES/HOUR; 5.0 INCHES/HOUR; 5.0 INCHES/HOUR  
IT2: 54" DEEP: 12.0 INCHES/HOUR; 12.0 INCHES/HOUR; 12.0 INCHES/HOUR  
IT3: 54" DEEP: 14.0 INCHES/HOUR; 14.0 INCHES/HOUR; 14.0 INCHES/HOUR

**DEEP TEST HOLE TABLE:**  
TP1 & TP2 TEST HOLE RESULTS ESTABLISHED ON 5/09/18  
TP1A, TP2A & TP3A TEST HOLE RESULTS ESTABLISHED ON 7/16/18  
TP1: 0"-6" TOPSOIL 6"-96" BROWN SANDY LOAM WITH COBBLES, NO BEDROCK, NO GROUNDWATER, NO MOTTLING  
TP2: 0"-6" TOPSOIL 6"-96" BROWN SANDY LOAM WITH COBBLES, NO BEDROCK, NO GROUNDWATER, NO MOTTLING  
TP1A: 0"-8" TOPSOIL 8"-48" ROCKY SANDY FILL 48"-102" BROWN SANDY LOAM, NO BEDROCK, NO GROUNDWATER, NO MOTTLING  
TP2A: 0"-8" TOPSOIL 8"-48" BROWN SANDY LOAM WITH COBBLES, BEDROCK @ 48", NO GROUNDWATER, NO MOTTLING  
TP3A: 0"-6" TOPSOIL 6"-30" ROCKY SANDY FILL, 30"-96" FINE SANDY LOAM, NO BEDROCK, NO GROUNDWATER, NO MOTTLING

**SOIL TESTING NOTES:**  
1. SOIL TESTING DIRECTION AND PERFORMED BY HUDSON LAND DESIGN PERSONNEL. 7/19/2018 TESTING OBSERVED BY THE CITY ENGINEER'S OFFICE.

**SURVEYOR'S CERTIFICATION:**  
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS BASED ON ACTUAL FIELD MEASUREMENTS COMPLETED ON OCTOBER 6, 2017.

**OWNER'S CONSENT:**  
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

**THOMAS CERCHIAFFI, L.L.S.**  
12/11/18  
DATE

SCHEDULE OF REGULATIONS (R1-5 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:				
PARAMETER	REQUIREMENT	LOT #1	LOT #2	LOT #3
LOT AREA:	5,000 SQUARE FEET MIN	5,270 S.F.	5,230 S.F.	6,235 S.F.
LOT WIDTH:	50 FEET MINIMUM	52.2 FEET	50.9 FEET (AVG)	61.0 FEET
LOT DEPTH:	100 FEET MINIMUM	100.0 FEET	101.5 FEET	100.2 FEET
YARD SETBACKS (RESIDENTIAL USE):				
FRONT YARD:	30 FEET MINIMUM	12.5 FEET*	12.5 FEET** (1)	8.8 FEET**
SIDE YARD:	10 FEET MINIMUM	10.0 FEET	13.4 FEET (1)	15.0 FEET
SIDE YARD (TOTAL OF TWO):	20 FEET MINIMUM TOTAL	22.7 FEET	28.3 FEET	37.1 FEET
REAR YARD:	30 FEET MINIMUM	40.0 FEET	58.4 FEET	58.5 FEET
YARD SETBACKS (ACCESSORY STRUCTURE):				
SIDE YARD:	5 FEET MINIMUM	STRUCTURE TBR	N/A	N/A
REAR YARD:	5 FEET MINIMUM	STRUCTURE TBR	N/A	N/A
MAIN BUILDING HEIGHT:	MAX 36 FEET, 2.5 STORIES	± 27 FEET	< 35 FEET	< 35 FEET
MAIN BUILDING HEIGHT:	MIN 12 FEET, 1 STORY	± 27 FEET	> 12 FEET	> 12 FEET
ACCESSORY BLDG. HEIGHT:	MAX 16 FEET, 1 STORY	STRUCTURE TBR	N/A	N/A
BUILDING COVERAGE:	MAX 25%	21.1%	13.5%	11.5%
DWELLING UNITS PER LOT:	MAX 1	1	1	1
* EXISTING, NON-CONFORMING				
** THE APPLICANT REQUESTS RELIEF FROM THE PLANNING BOARD FOR THE FRONT YARD REQUIREMENT ON LOT #2 AND LOT #3 (TO PROVIDE A CONSISTENT FRONT YARD SETBACK TO HOUSES ALONG ST. LUKES PLACE AND UNION STREET, RESPECTIVELY).				
(1) ASSUMES FULL FRONT YARD FROM ST. LUKES PLACE, WITH FRONT YARD ALONG UNION STREET REDUCED TO 0.25 X 50.9' = 12.7' (PER SECTION 223-13a. ON A CORNER LOT IN ANY RESIDENCE DISTRICT, THERE SHALL BE PROVIDED A SIDE YARD ON THE SIDE STREET EQUAL IN DEPTH TO THE REQUIRED FRONT YARD ON SAID LOT, OR, IF THE LOT IS OCCUPIED BY A ONE-FAMILY HOME, SUCH SIDE YARD MAY BE REDUCED TO 25% OF THE ACTUAL LOT WIDTH).				

**ENLARGED UTILITY CONNECTION PLAN**  
**NORTHWEST CORNER OF LOT 1**  
SCALE: 1" = 10'  
GRAPHIC SCALE

( IN FEET )  
1 inch = 10 ft.

**DRAWN BY: AG** **CHECKED BY: DKG** **JOB NO.: 2018-012**

REVISIONS:		
NO.	DATE	DESCRIPTION
1	05/29/18	REVISED LAYOUT PER CONSULTANT COMMENTS
2	06/26/18	PER CONSULTANT COMMENTS
3	07/31/18	PER CONSULTANT COMMENTS
4	09/04/18	FOR FINAL REVIEW

**Dig Safely. New York**  
800-962-7962  
www.digsafelynewyork.org

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☐ Wait The Required Time  
☐ Confirm Utility Response  
☐ Respect the Marks  
☐ Dig With Care

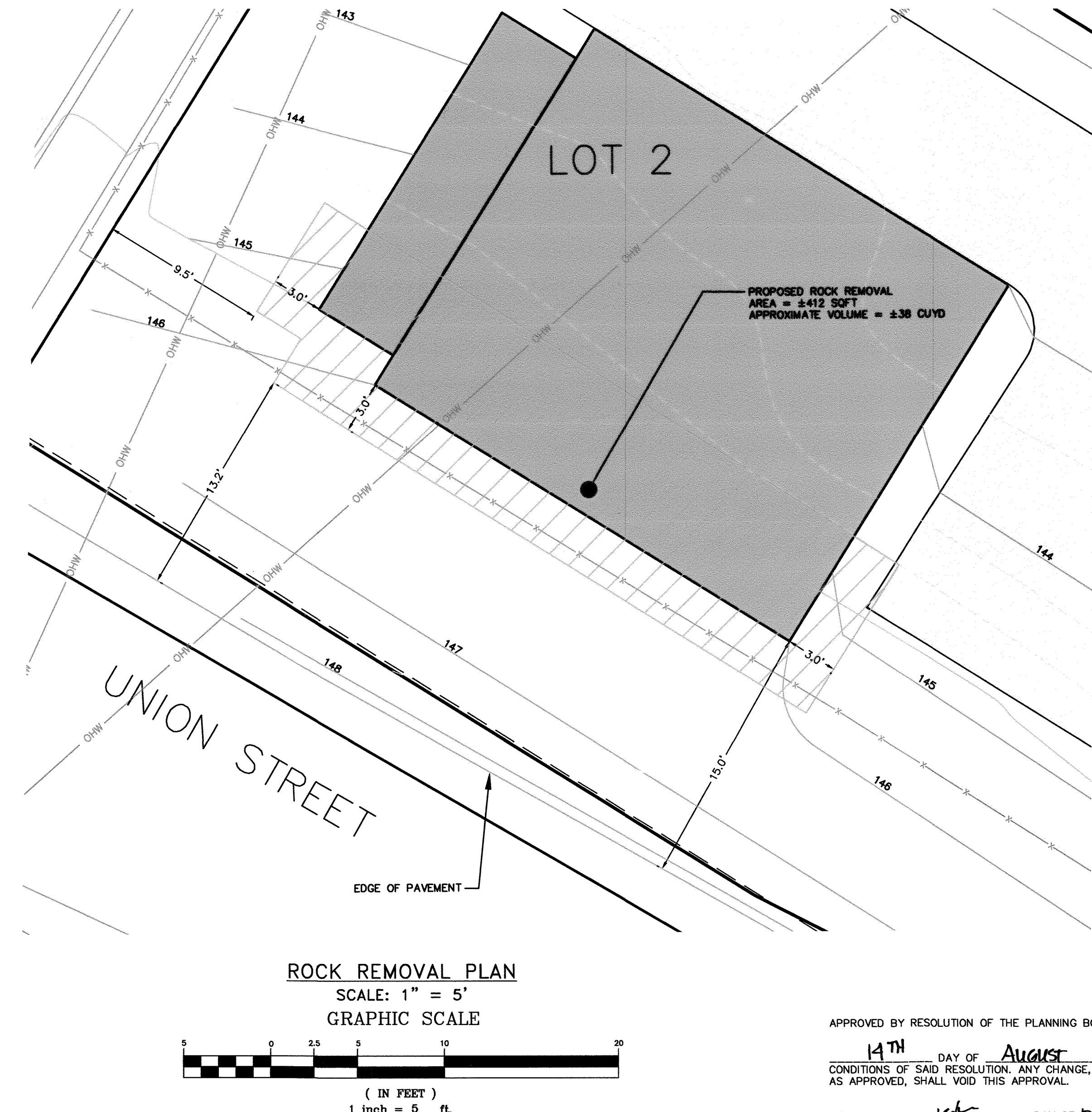
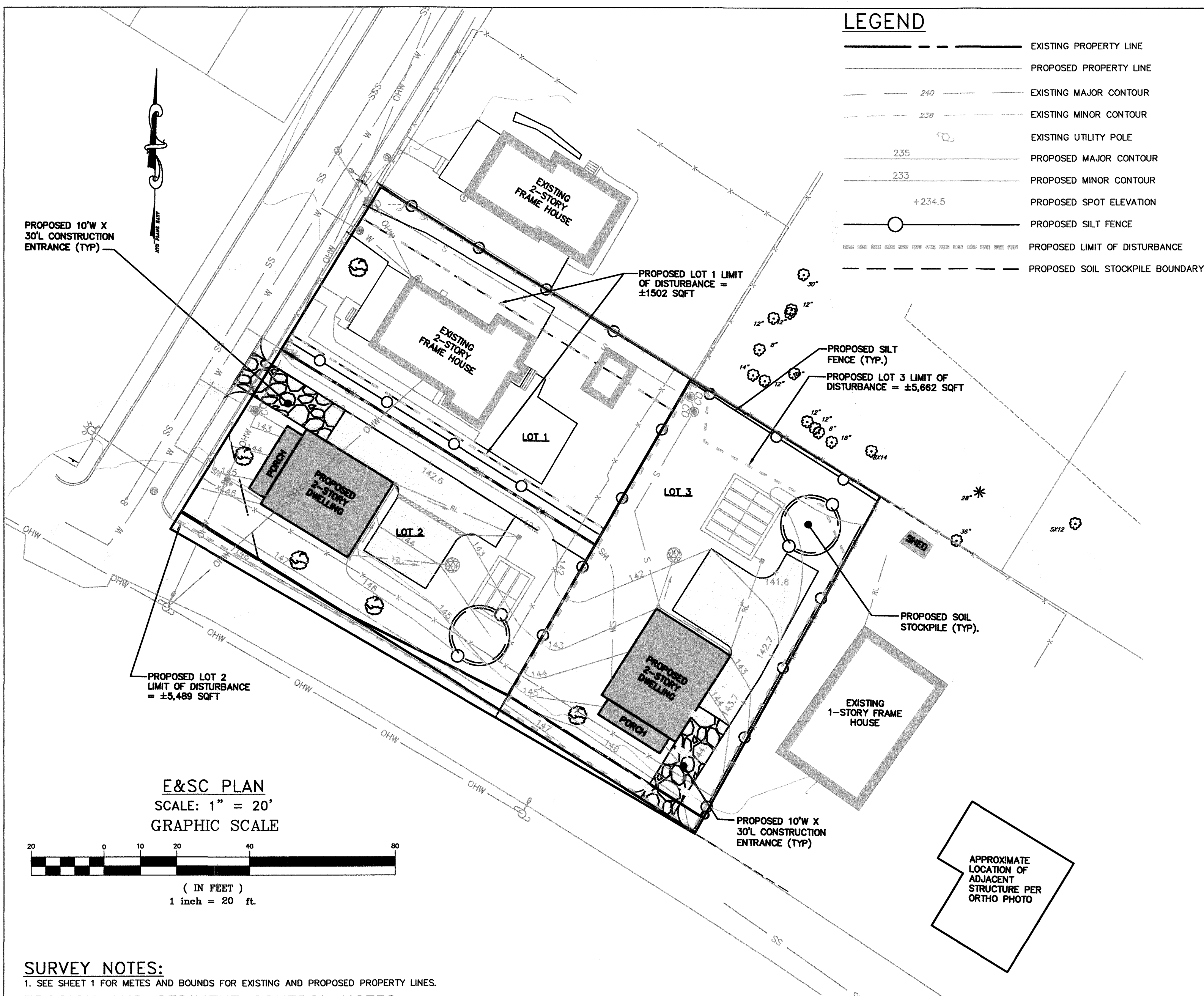
**HUDSON LAND DESIGN**  
PROFESSIONAL ENGINEERING P.C.  
174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-6928 F: 845-440-6637

**SEAL**  
JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOEHLER, P.E.  
NYS LICENSE NO. 082716

**SEAL**  
THOMAS CERCHIAFFI, L.L.S.  
12/11/18  
DATE

**SHEET: 2 OF 5**





APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE  
14<sup>TH</sup> DAY OF August, 20 18, SUBJECT TO ALL REQUIREMENTS AND  
CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT,  
AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS 14<sup>TH</sup> DAY OF DECEMBER, 20 18, BY  
[Signature] CHAIRMAN  
[Signature] SECRETARY

RESIGNED: MARCH 29, 2019

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

**EROSION & SEDIMENT CONTROL PLAN**  
**38 ST. LUKES SUBDIVISION**

38 ST. LUKES PLACE  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-38-156634  
SCALE: 1" = 20'  
APRIL 24, 2018

**OWNER'S CONSENT:**  
THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES  
THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS  
LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND  
CONDITIONS AS STATED HEREON.

[Signature]  
DANIEL C. KOEHLER, P.E.  
DATE: 12/11/18

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www.digsafelynewyork.org

☐ Call Before You Dig  
☐ Wait The Required Time  
☐ Confirm Utility Response  
☐ Respect The Marks  
☐ Dig With Care

DRAWN BY: AG		CHECKED BY: DGK	JOB NO.: 2018-012
REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	05/29/18	REVISED LAYOUT PER CONSULTANT COMMENTS	AG
2	06/26/18	PER CONSULTANT COMMENTS	AG
3	07/31/18	PER CONSULTANT COMMENTS	AG
4	09/04/18	FOR FINAL REVIEW	AG

**HUDSON**  
**LAND DESIGN**

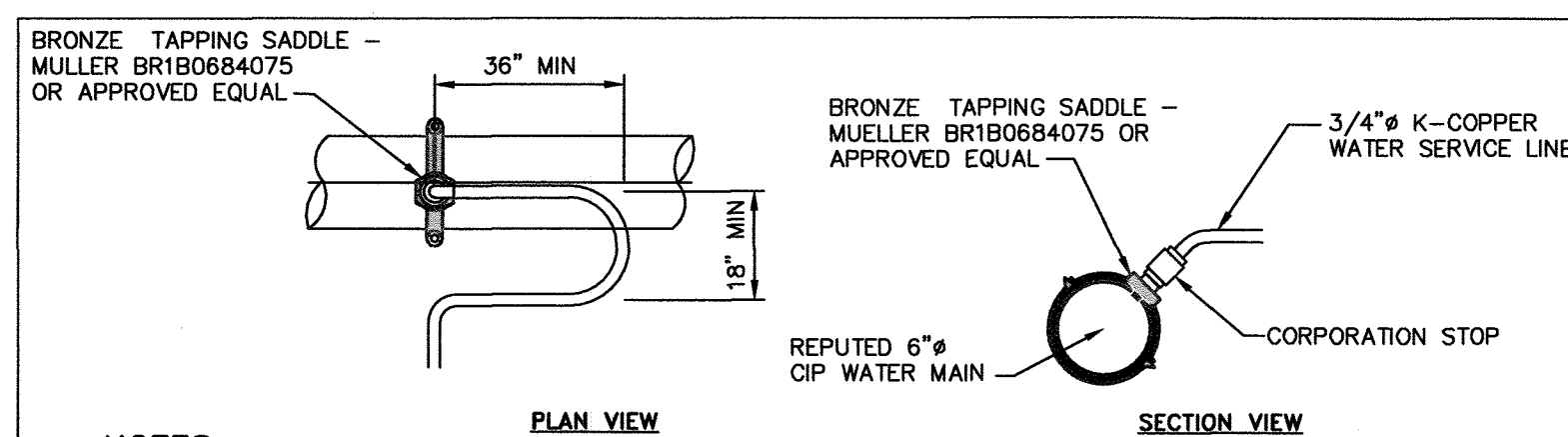
HUDSON LAND DESIGN  
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174 MAIN STREET  
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SEAL

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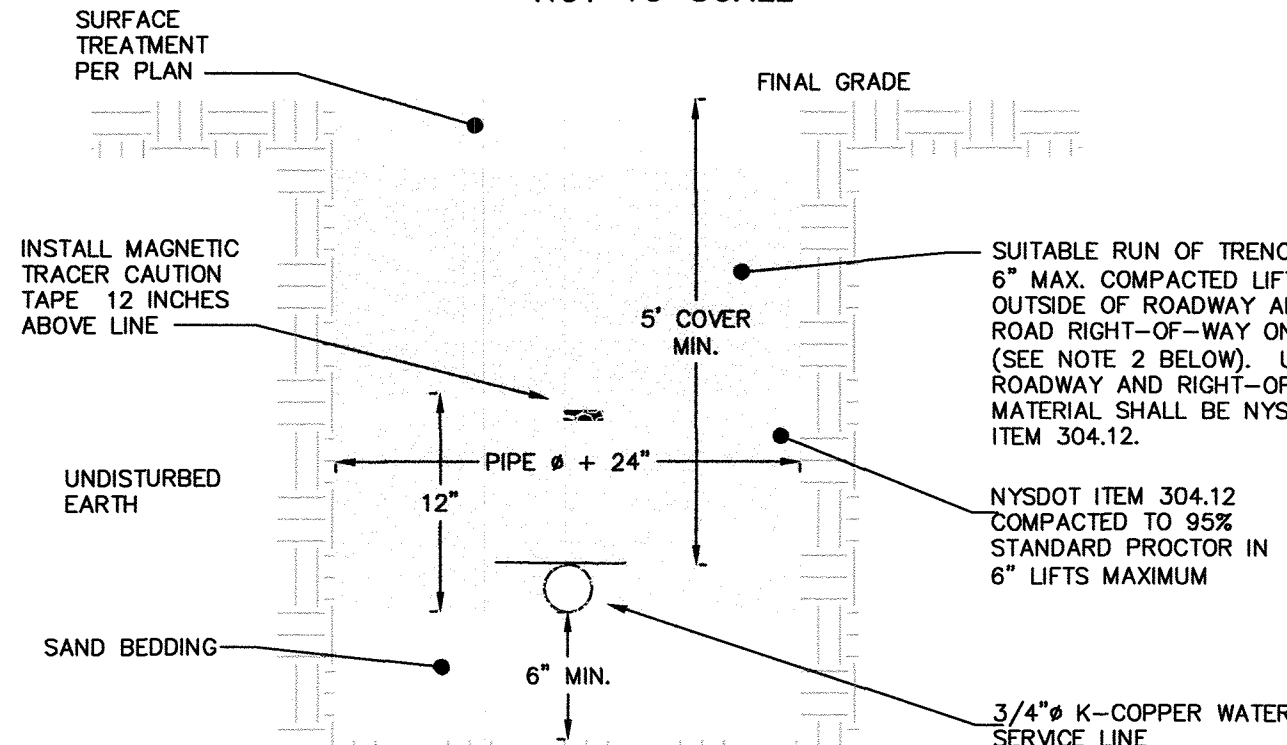
SHEET: 3 OF 5





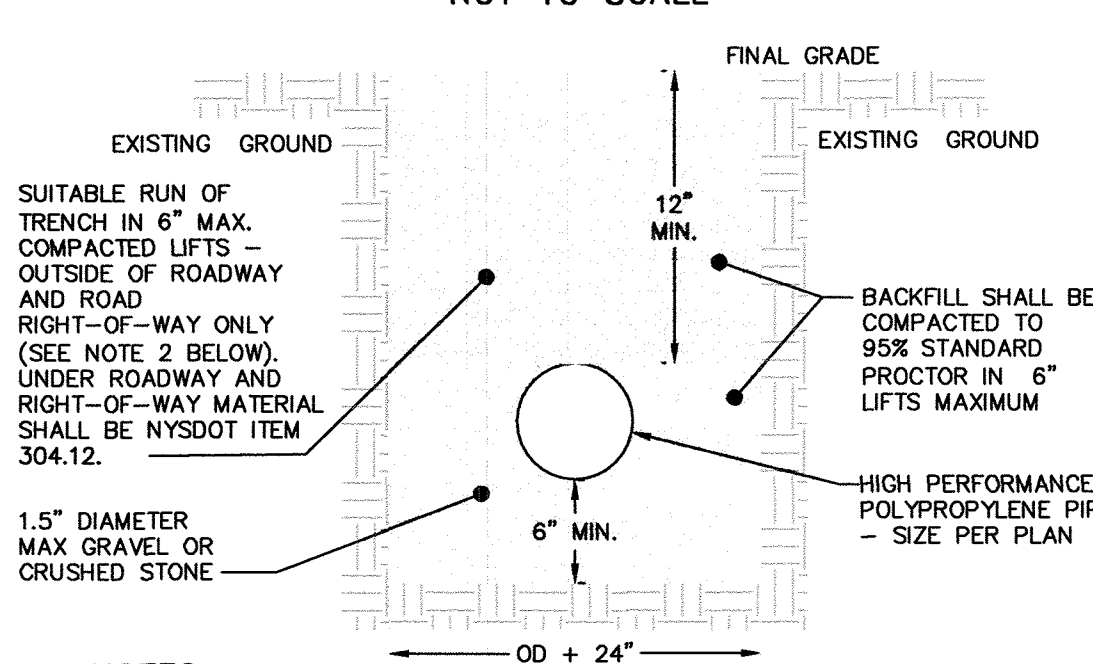
- NOTES:**
1. A MINIMUM 5" COVER SHALL BE PROVIDED ON THE WATER SERVICE LINE (CONDITIONED ON ACTUAL WATER MAIN DEPTH).
  2. CORPORATION STOP TO BE COMPRESSION TYPE BY MUELLER.
  3. WATER SERVICE LINE TO HAVE A 'GOOSENECK' NEAR CORPORATION STOP.
  4. CORPORATION STOP TO BE INSTALLED IN THE UPPER HALF OF THE WATER MAIN AT AN ANGLE OF APPROXIMATELY 45° FROM HORIZONTAL.
  5. THE CONTRACTOR SHALL INSTALL A FULL BODIED STAINLESS STEEL TAPPING SLEEVE AT THE PROPOSED WATER SERVICE LOCATION.

**WATER SERVICE CONNECTION DETAIL**  
NOT TO SCALE



- NOTES:**
1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.
  2. SUIABLE RUN OF TRENCH SHALL NOT INCLUDE FROZEN MATERIALS, DEBRIS, ORGANIC MATERIALS, ENLOGATED PARTICLES, LARGE STONES OR OTHER UNSUITABLE MATERIALS. IF THE RUN OF TRENCH MATERIAL IS FOUND TO BE UNSUITABLE, A SUIABLE BACKFILL MATERIAL SHALL BE IMPORTED AND USED.
  3. IN AREAS WHERE 5" COVER REQUIREMENT CANNOT BE MET, THE CONTRACTOR SHALL PROVIDE PIPE INSULATION TO PREVENT FREEZING.
  4. IF WATER SERVICE AND SEWER SERVICE LINE CROSSINGS ARE NEEDED, PROVIDE 18" OF VERTICAL SEPARATION.

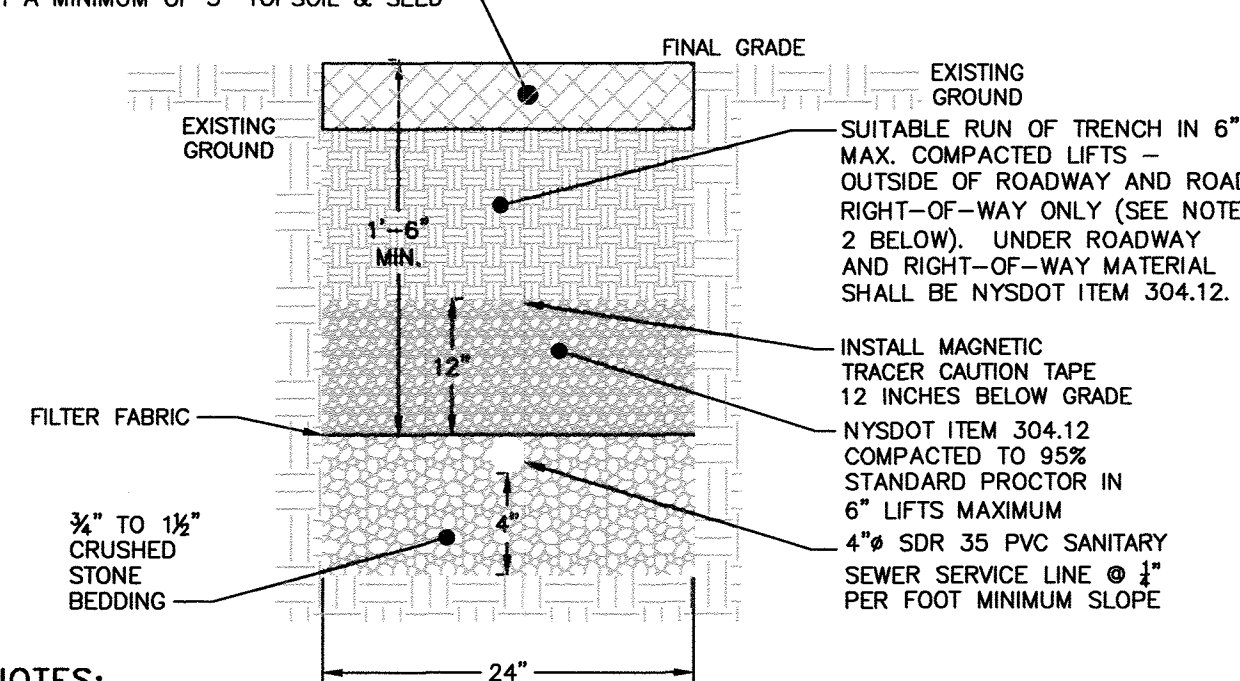
**WATER SERVICE LINE TRENCH DETAIL**  
NOT TO SCALE



- NOTES:**
1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.

**STORM LINE TRENCH DETAIL**  
NOT TO SCALE

SEE PAVEMENT SECTION, OR IN GRASSSED AREAS, COMPLETE BACKFILL WITH A MINIMUM OF 3" TOPSOIL & SEED



- NOTES:**
1. EXCAVATION AND TRENCHING SHALL MEET ALL OSHA REQUIREMENTS.
  2. SUIABLE RUN OF TRENCH SHALL NOT INCLUDE FROZEN MATERIALS, DEBRIS, ORGANIC MATERIALS, LARGE STONES OR OTHER UNSUITABLE MATERIALS. IF THE RUN OF TRENCH MATERIAL IS FOUND TO BE UNSUITABLE, A SUIABLE BACKFILL MATERIAL SHALL BE IMPORTED AND USED.

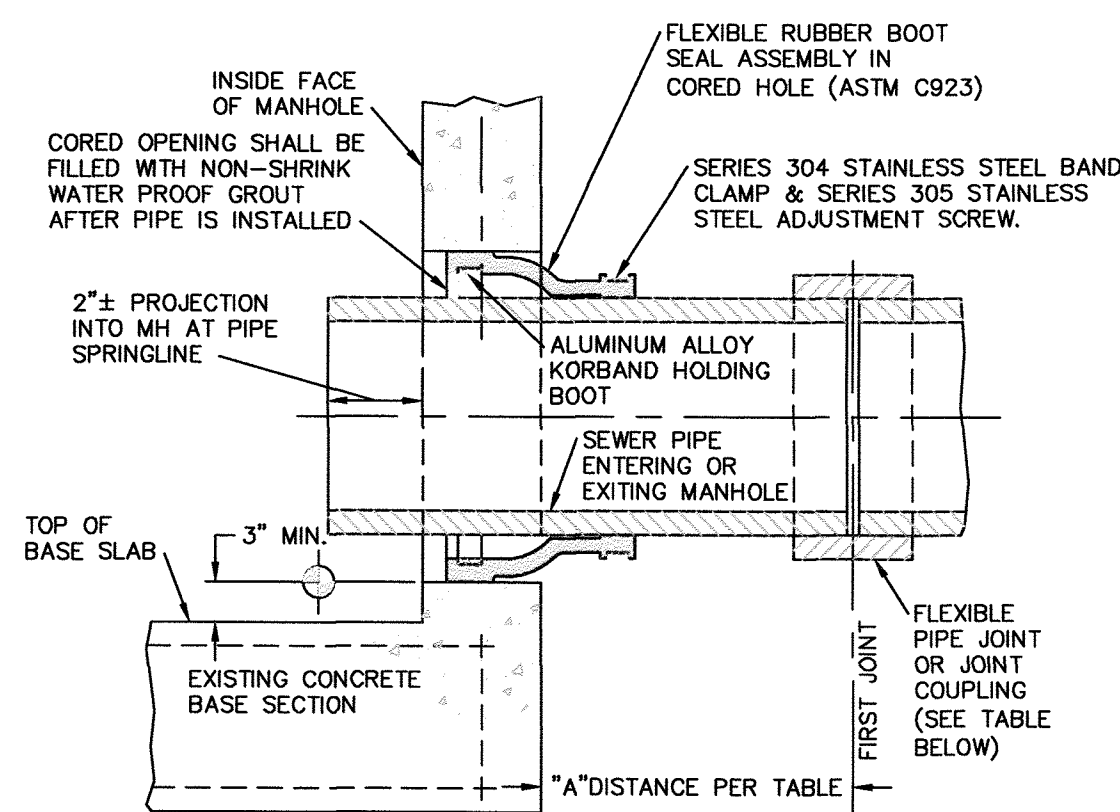
**SANITARY SEWER SERVICE LINE TRENCH DETAIL**  
NOT TO SCALE

**OWNER'S CONSENT:**

THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

*[Signature]*  
JOHN JOSEPH O'NEAL, OWNER

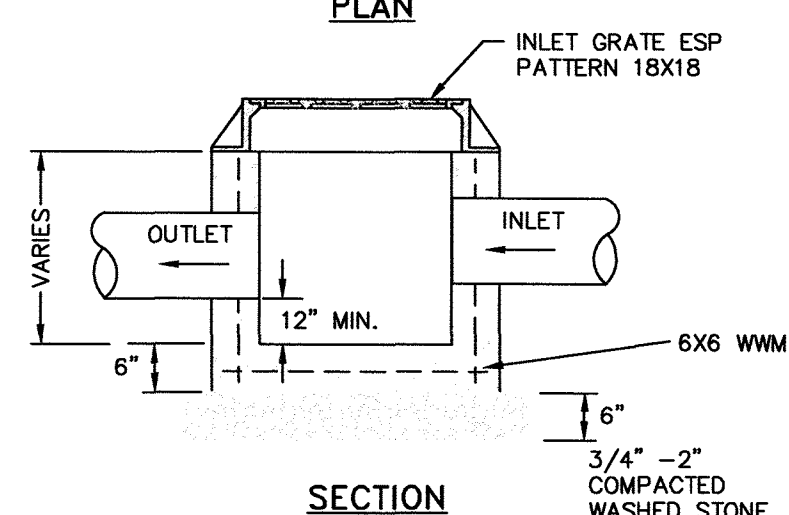
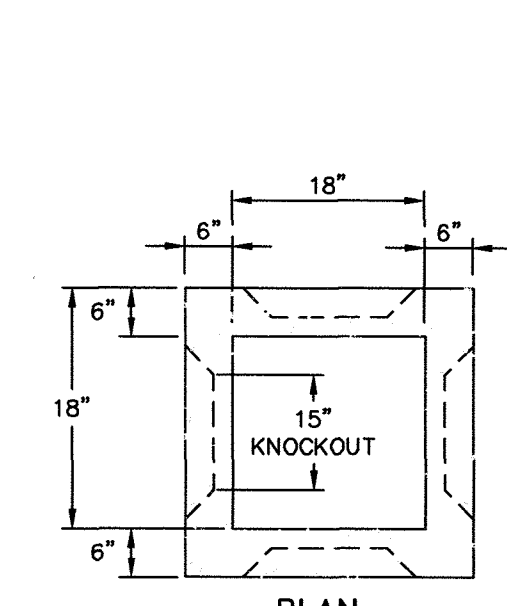
12/18/18  
DATE



SEWER PIPE TYPE	FLEXIBLE JOINT TYPE IN & OUT	"A" DISTANCE (FEET)
DUCTILE IRON	STD RUBBER GASKET PIPE JOINT ONLY	10' MAX
PVC	STD RUBBER GASKET PIPE JOINT ONLY	3' MAX

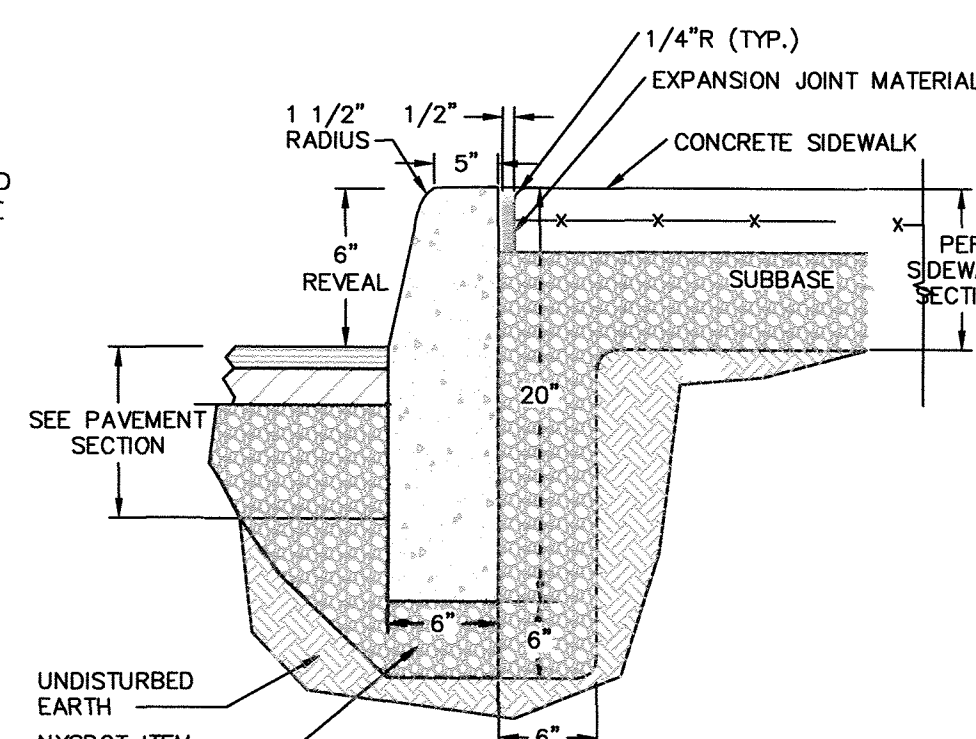
**NOTE:**  
REFERENCE MANHOLE DETAIL(S) FOR REQUIRED INVERT CHANNEL CONFIGURATION.

**CORED HOLE AND INSERTED BOOT DETAIL**  
NOT TO SCALE



- NOTES:**
1. YARD INLET BASINS SHALL BE PRE-CAST REINFORCED CONCRETE SHALL HAVE A MINIMUM 28-DAY COMPRESSIVE STRENGTH OF 4,000 PSI AND SHALL BE IN CONFORMANCE WITH ASTM 478-66. WALLS AND BASE SHALL BE ONE PIECE CONSTRUCTION. YARD INLET BASIN SHOWN BY EXPANDED SUPPLY PRODUCTS (ESP), 3330 ROUTE 9, COLD SPRING, NY (845) 265-3771.
  2. BACK FILL USING SELECT MATERIAL, COMPACTED IN 6" LIFTS.
  3. SUMP SHALL BE 12" MIN.
  4. FRAMES AND GRATES SHALL BE SET IN A FULL BED OF MORTAR.

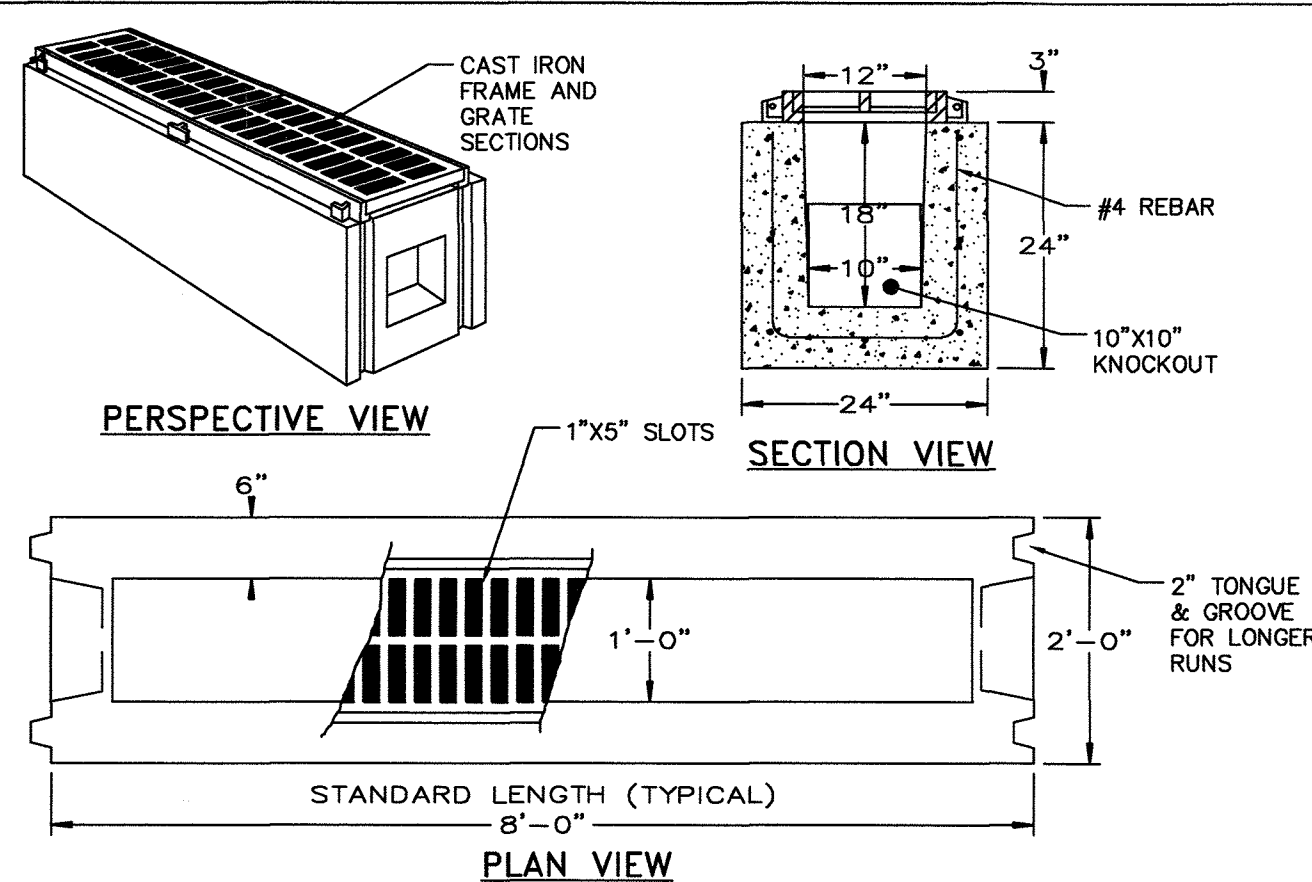
**PRE-CAST CONCRETE YARD INLET DETAIL**  
NOT TO SCALE



**ABUTTING SIDEWALK**

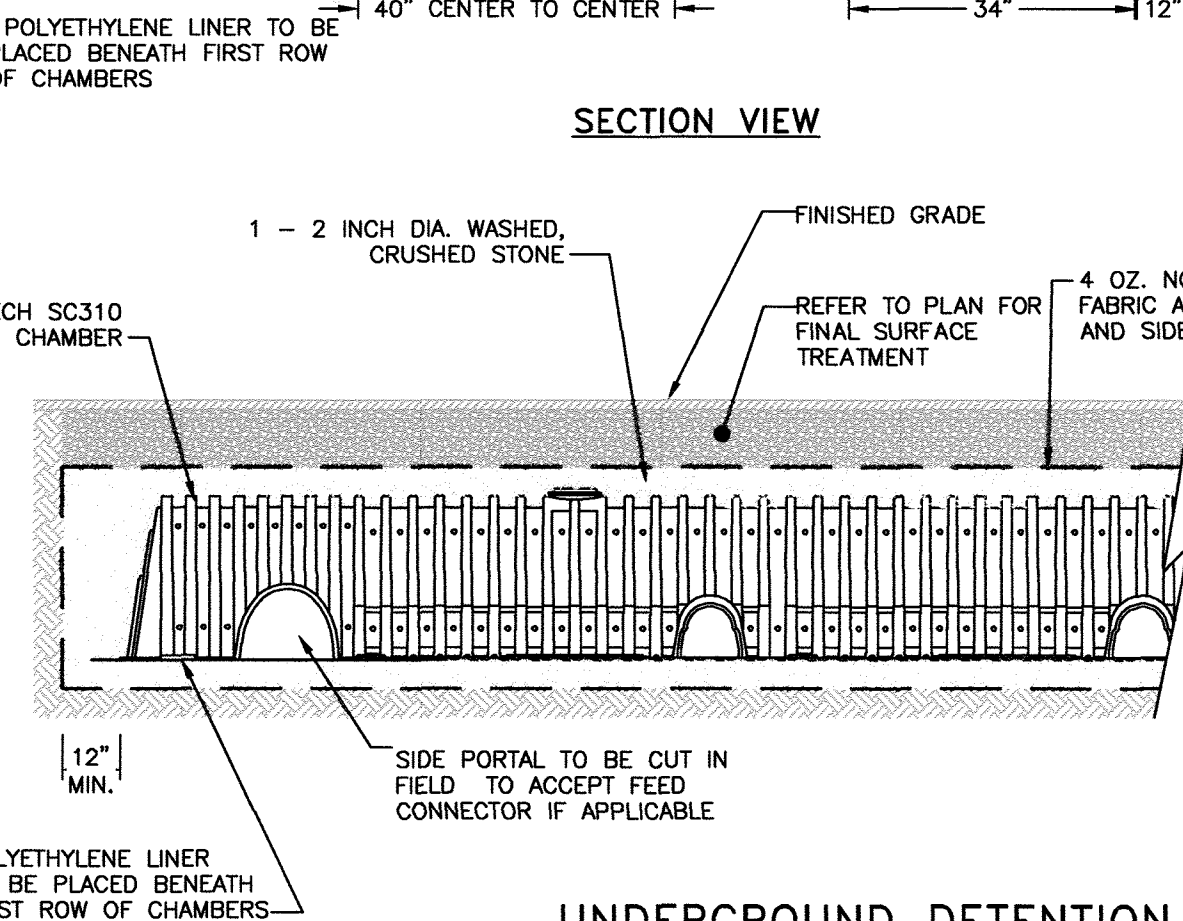
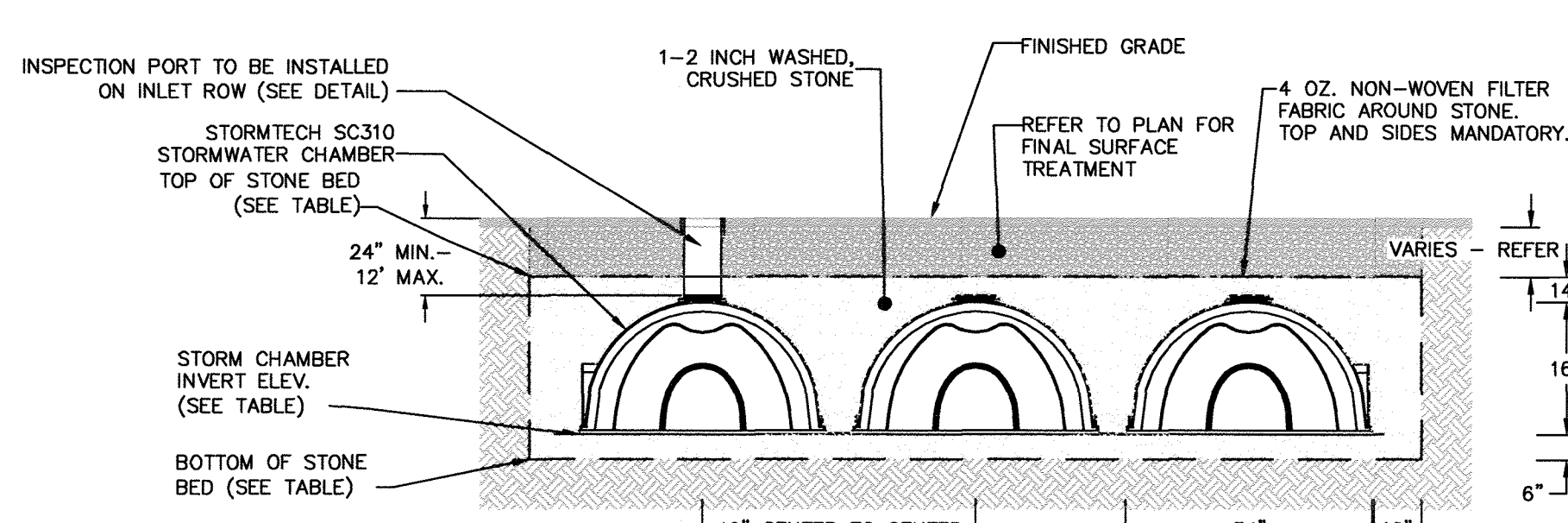
- NOTES:**
1. CONCRETE CURB SHALL BE 4,000 PSI CAST-IN-PLACE, AND IN ACCORDANCE WITH NYSDOT STANDARD SPECIFICATION SECTION 609.
  2. EXPANSION JOINTS OF 1/2" CELLULOSE OR SIMILAR MATERIAL SHALL BE PLACED AT 10 FOOT INTERVALS.
  3. FOR MOUNTABLE CURBS ABUTTING SIDEWALK OR OTHER HARDSCAPE, REFER TO "ABUTTING SIDEWALK" DETAIL.
  4. CONCRETE SHALL BE SEALED WITH A SALT RESISTANT SEALER.

**CAST-IN-PLACE CONCRETE CURB DETAIL**  
NOT TO SCALE

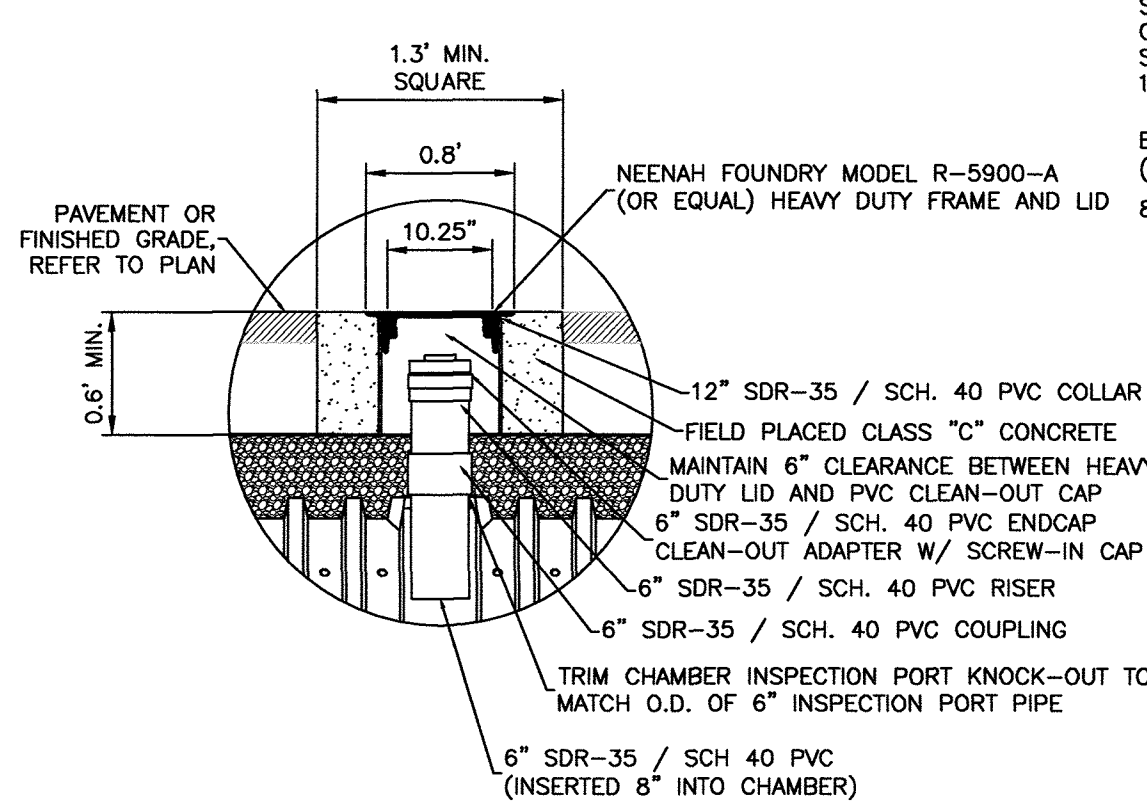


- NOTES:**
1. MATERIALS AND METHODS OF CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS, LATEST EDITION, AND ALL ADDENDA THERETO.
  2. REFER ALSO TO NYSDOT STANDARD SHEET 604-01.
  3. MINIMUM LOAD RATING TO BE H-20.

**TRENCH DRAIN DETAIL**  
NOT TO SCALE



**UNDERGROUND DETENTION SYSTEM DETAIL**  
NOT TO SCALE

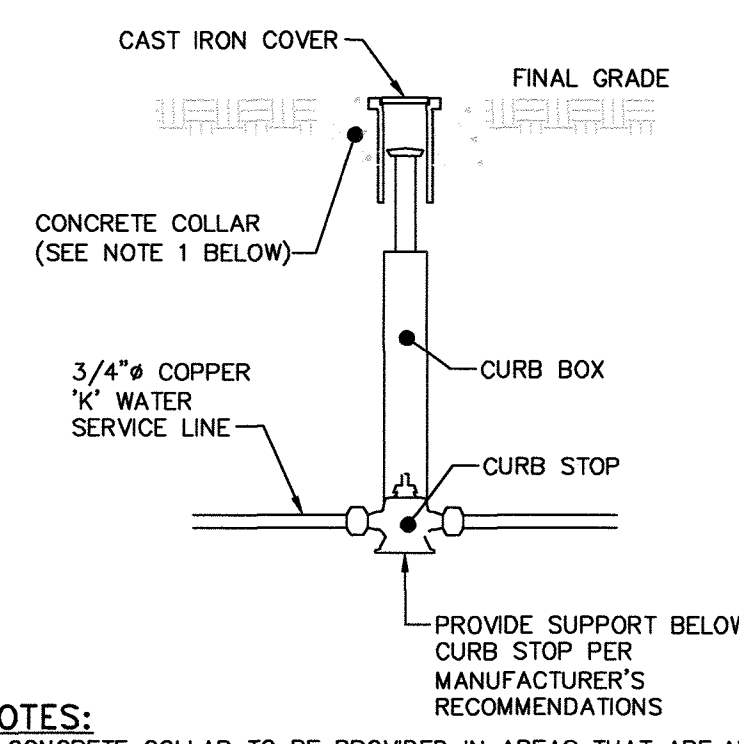


- NOTES:**
1. PROVIDE AN INSPECTION PORT FOR THE INITIAL AND FINAL CHAMBER OF EACH ROW, AND FOR ROWS WITH MORE THAN 10 CHAMBERS, ONE IN AN INTERMEDIATE CHAMBER.

**UNDERGROUND DETENTION SYSTEM INSPECTION PORT DETAIL**  
NOT TO SCALE

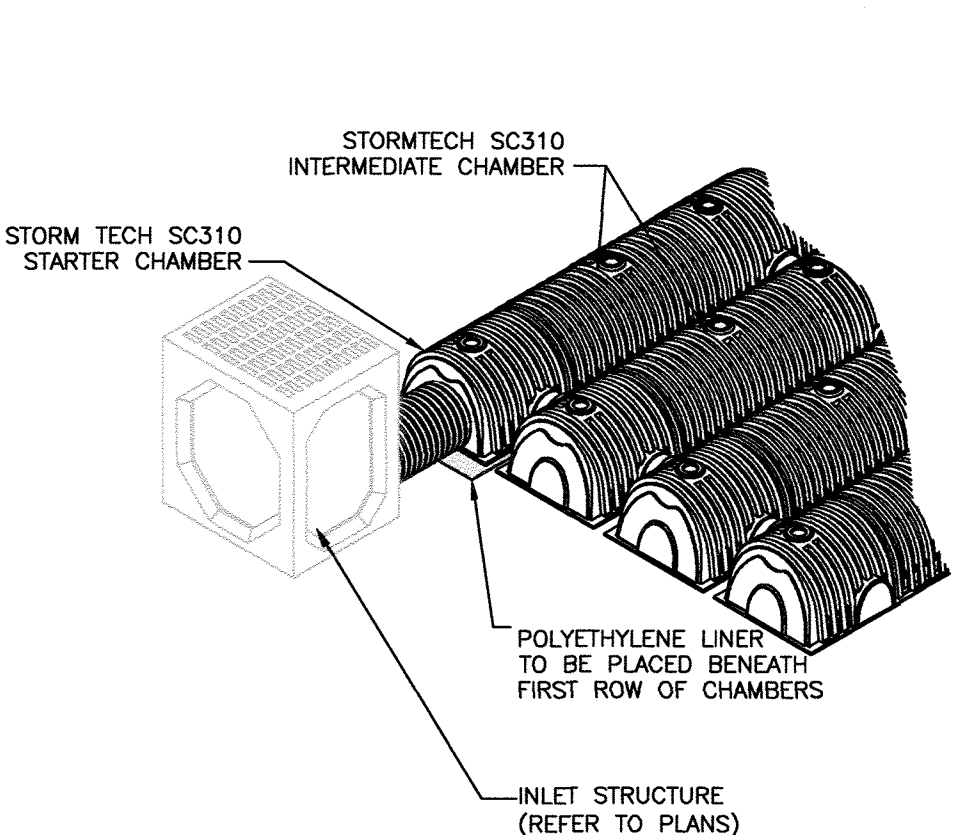
**Dig Safely.**  
New York  
800-962-7962  
www.digsafelynewyork.org

- ☐ Call Before You Dig  
☐ Wait The Required Time  
☐ Confirm Utility Response  
☐ Respect the Marks  
☐ Dig With Care



- NOTES:**
1. CONCRETE COLLAR TO BE PROVIDED IN AREAS THAT ARE NOT PAVED. THE COLLAR SHALL BE 6" FROM THE COVER AND SHALL EXTEND 6" BELOW FINAL GRADE.
  2. CURB STOP TO BE COMPRESSION TYPE BY MUELLER.
  3. AREA AROUND CURB BOX TO BE BACKFILLED WITH GRAVELLY MATERIAL.

**WATER SHUT-OFF VALVE DETAIL**  
NOT TO SCALE

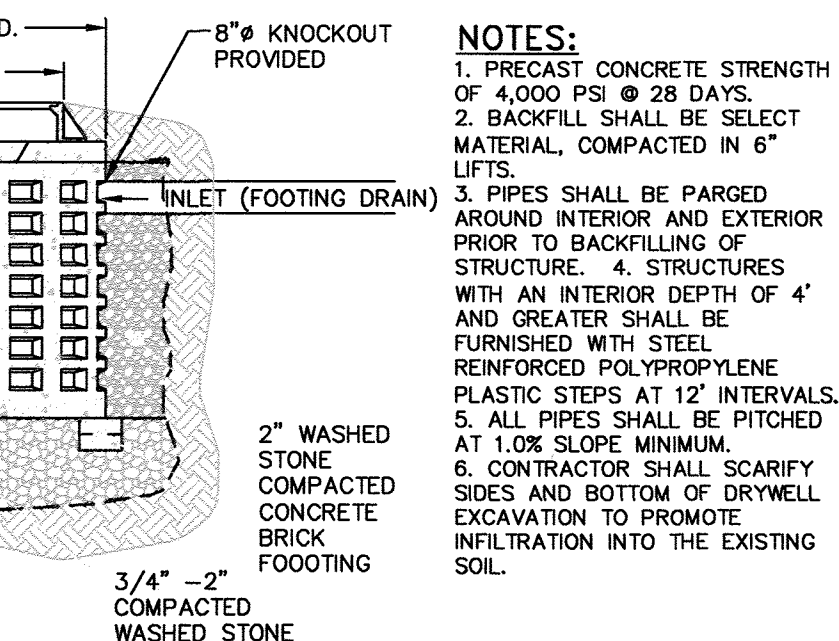


SYSTEM ID	BOTTOM OF STONE BED ELEVATION	CHAMBER INVERT ELEVATION	TOP OF STONE BED ELEVATION	STONE BED FOOTPRINT
LOT 2	138.7	139.2	141.7	186 S.F.
LOT 3	137.5	138.0	140.5	295 S.F.

- NOTES:**
1. STORMTECH SC310 CHAMBERS BY STORMTECH, INC. OF ROCKY HILL, CT. ALL CHAMBERS SHALL BE INSTALLED IN ACCORDANCE WITH STORMTECH INC'S CURRENT RECOMMENDED INSTALLATION GUIDELINES.
  2. THE BED OF THE SYSTEM FOOTPRINT SHALL BE LAID NEARLY LEVEL.
  3. THE CONTRACTOR SHALL NOTIFY THE DESIGN ENGINEER IF SUBSURFACE CONDITIONS IN THE AREAS OF THE INFILTRATOR TRENCHES IS NOT CONSISTENT WITH THE TEST PIT OR PERCOLATION DATA (E.G. GROUNDWATER OR BEDROCK ENCOUNTERED, SOIL PROPERTIES ARE NOT CONSISTENT, ETC.).

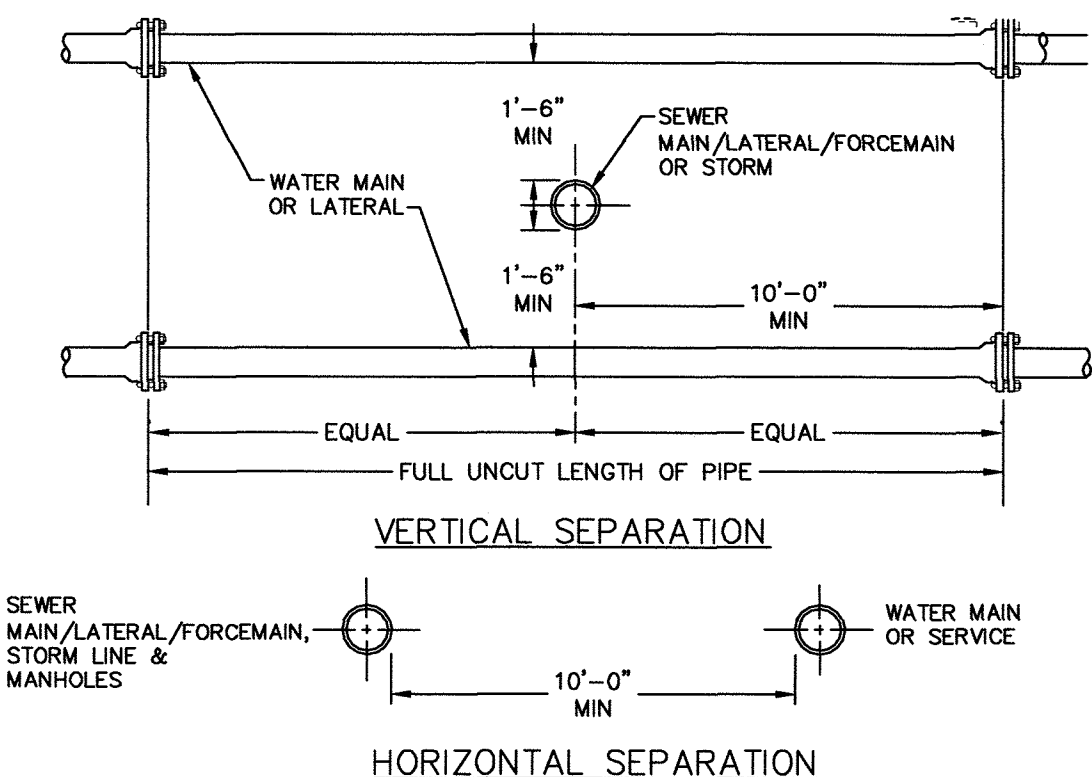
SYSTEM ID	BOTTOM OF STONE BED ELEVATION	CHAMBER INVERT ELEVATION	TOP OF STONE BED ELEVATION	STONE BED FOOTPRINT
LOT 2	138.7	139.2	141.7	186 S.F.
LOT 3	137.5	138.0	140.5	295 S.F.

**UNDERGROUND DETENTION SYSTEM DETAIL**  
NOT TO SCALE



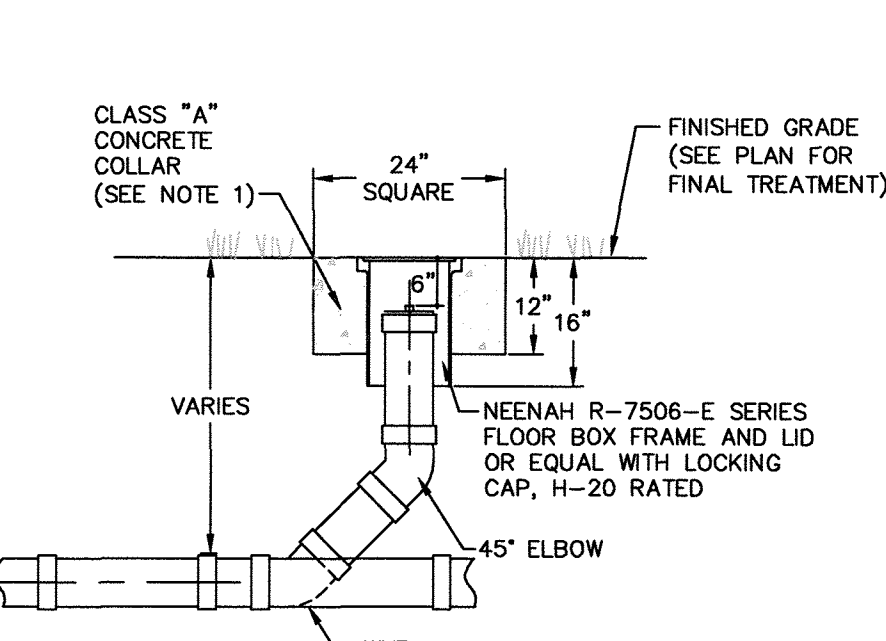
**DRYWELL DETAIL**  
NOT TO SCALE

DRAWN BY:	CHECKED BY:	JOB NO.:	2018-012
REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	05/29/18	REVISED PER CONSULTANT COMMENTS	AG
2	06/26/18	PER CONSULTANTS COMMENTS	AG
3	07/31/18	PER CONSULTANT COMMENTS	AG
4	09/04/18	FOR FINAL REVIEW	AG



- NOTE:**
- NO DEVIATION IN THE SEPARATION REQUIREMENTS WILL BE PERMITTED WITHOUT THE EXPRESS APPROVAL OF THE DUTCHESS COUNTY DEPARTMENT OF HEALTH AND THE CITY OF BEACON. CONCRETE ENCASMENT OF WATERLINE OR OFFSETTING OF WATERLINE SHALL BE REQUIRED WHERE SEPARATION DISTANCES CANNOT BE MAINTAINED.

**WATER LINE SEPARATION DETAIL**  
NOT TO SCALE



- NOTES:**
1. CONCRETE COLLAR TO BE PROVIDED IN AREAS THAT ARE NOT PAVED. THE COLLAR SHALL BE 6" FROM THE COVER AND SHALL EXTEND 6" BELOW FINAL GRADE.

**CLEANOUT DETAIL**  
NOT TO SCALE

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE 14TH DAY OF August, 2018, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS 14th DAY OF DECEMBER, 2018, BY

*[Signature]* CHAIRMAN  
*[Signature]* SECRETARY

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

# 38 ST. LUKES SUBDIVISION

38 ST. LUKES PLACE  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK  
TAX ID: 6054-38-156634  
SCALE: NTS  
APRIL 24, 2018

**HUDSON**  
LAND DESIGN

HUDSON LAND DESIGN  
PROFESSIONAL ENGINEERING P.C.  
174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-6926 F: 845-440-6637



JON D. BODENDORF, P.E.  
NYS LICENSE NO. 076245  
DANIEL G. KOHLER, P.E.  
NYS LICENSE NO. 082716

SHEET: 4 OF 5





**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Towing Contract**

**Subject:**

**Background:**

**ATTACHMENTS:**

Description	Type
Resolution to Extend Towing Agreement with Cervones Autobody	Resolution
Towing Contract	Agreement
Contract Extension Agreement	Agreement



**CITY COUNCIL  
CITY OF BEACON  
Resolution No. \_\_\_\_\_ of 2020**

**RESOLUTION TO EXTEND TOW AGREEMENT WITH CERVONE'S AUTO  
BODY, INC.**

**WHEREAS**, on March 31, 2017, the City of Beacon entered into an agreement with Cerone's Auto Body, Inc. for towing services for the Beacon Police Department ("Tow Agreement"); and

**WHEREAS**, the term of the Tow Agreement expired on March 31, 2020; and

**WHEREAS**, both parties wish to continue towing service operations under the same terms and conditions set forth in the Tow Agreement signed on March 31, 2017.

**NOW THEREFORE BE IT RESOLVED**, the City Council of the City of Beacon hereby extends the Tow Agreement with Cervone's Auto Body, Inc. to continue towing service operations for the Beacon Police Department until March 21, 2021.

**BE IT FURTHER RESOLVED**, that all provisions and conditions set forth in the Tow Agreement, and not superseded herein, shall remain in full force and effect.

**BE IT FURTHER RESOLVED**, that suspension or termination of this Towing Agreement shall be provided by written notice to the Towing Company served at least fourteen (14) days before such suspension or termination shall take effect.

**BE IT FURTHER RESOLVED**, that the City Council hereby authorizes and empowers the City Administrator, or his designee, to take all actions necessary to implement the purpose of this resolution.

# City of Beacon Police Department

## Tow Agreement

This Tow Agreement (the "Agreement"), dated March 31, 2017, is made by and between Cervone Auto Body, Inc., a licensed towing service operator in the State of New York, with a principal place of business located at 326 Fishkill Ave, Beacon, NY 12508 (the "Towing Company"), and the City of Beacon, having offices at 1 Municipal Plaza Beacon, NY (the "City").

### Section 1: Operations

#### A. Term of Agreement

The term of this agreement shall be for three years.

#### B. Response to calls

The Towing Company will respond to scenes only at the direction of the City Police Department except in the case the motorist and/or motorist organization directly calls the Towing Company and that company is authorized to tow at the time. The City Police Department may direct special exceptions to this notice in the interest of public safety; inclement weather, natural/manmade disasters.

#### C. Response time

During regular business hours (9:00 a.m. to 5:00 p.m) the maximum response time from the time the Towing Company receives a call for service shall be twenty (20) minutes. Outside of regular business hours, maximum response time shall not exceed thirty (30) minutes.

#### D. Secured Storage Yard

The Towing Company shall have use of a secured storage yard or other facility located in Dutchess or Putnam County within a ten (10) mile radius of City Hall.

#### E. Towing of City Vehicles

The Towing Company shall tow City vehicles to the City's garage facilities or other designated location free of charge to the City, provided that said vehicle and garage facility or other designated location are located within fifteen (15) miles of City Hall at the time the call for service is made.

#### F. Calls for Service

Calls for service made by a Beacon Police Officer at the request of a vehicle owner, such as calls via AAA or special request to a particular tow service, shall not be considered a call for service by the City pursuant to this Agreement. In such instance, the Towing Company may charge its ordinary and customary rate.

#### G. Emergency Situations

Subject to circumstances as they unfold, the Police Department may, at their discretion, suspend all or part of this Agreement in the interest of public safety.

#### H. Debris and road cleanup

The Towing Company shall clean up all debris from any vehicle towed, including hazardous materials, if not otherwise directed by an enforcement authority at the scene. Such clean-up shall be conducted as part of the Towing Company's service at no charge to the City. Failure to complete clean-up may result in the Towing Company being cited for violating VTL Section 1219 and/or suspension or termination of this Towing Agreement for poor service.

#### I. Vehicles towed due to violation

A written release from the Beacon Police Department shall be a prerequisite for the Towing Company to release vehicles towed due to a violation that would prohibit the vehicle from being operated (suspended registration, uninsured, unregistered, equipment safety violation, etc.) or operated by a specific person (unlicensed, AUO, DWI, etc.)

#### J. Payment

The Towing Company must accept cash payment and at least (2) major credit cards. The only exceptions are that the Towing Company may charge cash only for impounds or abandoned vehicles.

#### K. Failure to respond

1. The Towing Company shall communicate to Police Dispatch any and all delays or missed responses they encounter while responding to a dispatched call which may prohibit them from arriving on scene within the required time. All communications will be made by phone to the Police Dispatch.
2. The following shall constitute delays or missed responses by the Towing Company
  - a. Failure or refusal to respond to a call for service
  - b. Physical incapability to tow a particular vehicle.
  - c. Failure to respond timely to a call for service.
3. Upon two (2) or more missed responses, the City shall have the option of suspending or terminating this Agreement, at the City's sole discretion.
4. The City shall have the option to suspend or terminate this Agreement in response to poor service or complaints by members of the Police Department or the public.

#### L. Availability

1. The Towing Company must be available 24 hours a day, 7 days a week, 365 days a year. They must maintain a 24 hour answering service or dedicated phone line staffed by live personnel to take calls for service. Multiple violations may result in the suspension or revocation of this Agreement.
2. The Towing Company shall permit access, during normal business hours, to an impounded or stored vehicle by the owner of that vehicle for the purpose of removing items of property in the nature of personal effects from the vehicle. Any lien on the vehicle to which the Tow Company is entitled shall not include such property.

#### M. Equipment Requirements

1. The Towing Company must have a minimum equipment of two (2) or more Tow Trucks in service at all times, at least (1) of which must be a flatbed. All tow trucks must be reasonably equipped as necessary to furnish emergency towing and road service. All Tow Trucks and Towing Services must be compliant with State and Federal regulations. Pickup trucks shall not be used in lieu of a Tow Truck.
2. The Towing Company shall keep and maintain towing equipment which is adequate and reasonable to perform such Towing Services in a workmanlike manner.

#### N. Call for assistance

1. In the event of a motor vehicle accident, disablement, impoundment or call to the Police Department for towing assistance, except in the case of a specific request by the owner or operator, the Police Department shall notify the Towing Company that a tow is requested.
2. The Chief of Police is authorized to develop such other rules and regulations as he deems appropriate to maintain and enforce effective and responsive towing services.

#### O. Disposal of Vehicles

1. If the City does not choose to exercise its right to take custody and ownership of an abandoned vehicle as prescribed by § 1224 of the New York State Vehicle and Traffic Law, the Towing Company may transfer such vehicle to a registered vehicle dismantler or itinerant vehicle collector if the vehicle has a wholesale value of \$1,250 or less, is 10 or more model years old and has been abandoned for at least one month. The Towing Company may also choose to salvage the vehicle after obtaining a New York State Salvage Certificate (MV-907A) from the New York State Department of Motor Vehicles with the full cooperation of the City of Beacon. In the event that the vehicle is less than 10 years old or if the vehicle dismantler or itinerant vehicle collector pays more than \$1,250, the Towing Company must obtain title or a transferable registration from the City as property owner of the abandoned vehicle. In no event shall the Towing Company require the City to pay the towing and service fees incurred by such vehicle after taking title.

In the event that there are no available registered vehicle dismantlers or itinerant vehicle collectors located within 15 miles of City Hall the parties agree to renegotiate in good faith



the expense born by the towing company for dismantling the vehicle. In the event that a new agreement is not reached, the Towing Company may cancel the Contract if more than 18 months remains on the Contract.

2. The Towing Company shall contact the City of Beacon Police Department to verify that the vehicle has not been reported as stolen prior to disposal of any unclaimed or abandoned vehicle.
  3. If the City exercises its right to take custody and ownership of an abandoned vehicle pursuant to Section 1224 of the Vehicle and Traffic Law, such vehicle shall be sold at public auction and the minimum bid shall be set to equal the towing and storage fees incurred by such vehicle. Funds obtained by the City for vehicles sold at public auction shall be the exclusive source of payment to the Towing Company to satisfy any lien on the vehicle and payment shall only be made upon submission of a proper voucher to the City. The City shall hold surplus funds so realized for one year from the date of sale for the benefit of the owner of the vehicle at the time of abandonment. If unclaimed by the owner within one year time period, such monies shall be paid into the General Fund of the City of Beacon.
  4. The Towing Company has the option to accept any bid below the minimum established bid as full satisfaction of towing and storage fees incurred by such vehicle or the Towing Company may choose to take possession to salvage and repair the vehicle or transfer the vehicle to a registered vehicle dismantler or itinerant vehicle collector..
  5. The Towing Company shall allow its premises to be used, without charge, by the City for purposes of conducting auctions where necessary to dispose of vehicles.
- P. Charges for service under this Agreement shall be as follows and will be all inclusive for each category (with no additional service charges to be added on):

Category	Description	Towing	Storage
1. City- Owned Vehicles and Light Trucks			
A	City-Owned Vehicles and light trucks	No Charge within 15 miles of City Hall	No Charge.
2. Personal Vehicles and Light Trucks			
A	Personal Vehicles and Light Trucks	\$125.00 tow fee to owner	\$50.00 storage fee to owner per day
B	4 X 4 Vehicles	\$150.00 tow fee to owner	\$50.00 storage fee to

			owner per day
3. Other Charges			
A	Police Impounded Vehicles for violations of Laws and ordinances.	No charge to City. \$150.00 to be a lien against the vehicle.	\$50.00
B	No key or wheel cocked charge	\$25.00	N/A
C	Snow Removal Charge	\$25.00	N/A
Winching	Minimum \$100 for first 25 feet of winching, plus \$75 for every additional 50 feet		

Fees for towing and storage of vehicles shall be borne exclusively by the owner of the vehicle, and the City shall have no obligation to advance or to ensure payment to the tow service provider or the owner/operator of the yard or facility where the vehicle is stored.

## **Section 2: General Provisions**

### **A. Police Department Responsibilities**

1. As determined by the Chief of Police, the City may implement an emergency action plan which would institute a temporary set of guidelines to establish a coordinated approach for dealing with an incident involving a large number of vehicles.
2. The City shall use reasonable efforts to block in all towed vehicles located in any unsecured storage area used by the Towing Company during City snow emergencies.
3. The Chief of Police may adopt Rules and Regulations with respect to the terms and conditions of this Agreement.

### **B. The Towing Company is prohibited from assigning, transferring, conveying subletting or otherwise disposing of this Agreement or any of its contents, or of any right, title or interest therein, or of the power to execute this Agreement, to any other person or corporation without the previous consent, in writing, of the City of Beacon, which shall not be unreasonably withheld.**

### **C. Minimum Insurance Requirements for Towing Contract**

Prior to commencement of any services and for the duration of this Agreement, the Towing Company shall obtain and maintain, at its sole expense, the following insurance on its own behalf, and shall furnish to the City of Beacon Certificates of Insurance evidencing same and reflecting the effective date of such coverage as follows:

1. Worker's Compensation and Employers Liability Policy, covering operations in New York State.
  2. Commercial General Liability Policy, with limits of no less than \$1,000,000 Each Occurrence/ for Bodily Injury and Property Damage, and shall not exclude coverage for:
    - a. Products/ Completed Operations;
    - b. Independent Contractors;
    - c. City of Beacon and their assigns, officers, employees, representatives and agents should be named as an "additional Insured" on the policy and the Certificate of Insurance should show this applies to the General Liability coverage on the certificate.;
    - d. Each insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions;
    - e. To the extent permitted by New York law, the Contractor/Provider waives all rights of subrogation or similar rights against the City of Beacon, assigns, officers, employees, representatives and agents;
    - f. Cross Liability coverage (Commercial General Liability and Business Automobile Liability policies only).
  3. Comprehensive Automobile Policy, with limits no less than \$1,000,000 Bodily Injury and Injury and Property Damage liability including coverage for owned, non-owned, and hired private passenger and commercial vehicles.
  4. Certificates shall provide that thirty (30) days written notice prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during term of work shall be recertified and received by the City of Beacon no less than thirty (30) days prior to expiration or cancellation.
  5. The Towing Company shall furnish to the City of Beacon Certificates of Insurance as evidenced by coverage prior to commencement of services, which shall name the City of Beacon as an Additional Insured **by separate endorsement**.
  6. All the carriers listed in the certificate of insurance shall be A.M. Best Rating of "A-" Class VII or better and be licensed in the State of New York.
- D. To the fullest extent permitted by law, the Towing Company shall defend, indemnify and hold the City and its agents and employees harmless from and against all claims, damages losses or expenses, including but not limited to attorney's fees, arising out of or resulting from the Towing Company's performances of any services to or on behalf of the City of Beacon, provided any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including loss of use resulting therefrom, and (b) is caused in

whole or in part by any act or omission of gross negligence or violation of statutory duty or regulation by the Towing Company or anyone directly or indirectly employed by it, or anyone for whose acts it may be liable pursuant to the performance of the Agreement. The Towing Company's obligation to defend, indemnify and hold harmless pursuant to this paragraph shall not be limited in any manner by any limitation on the amount of insurance coverage or benefits, including worker's compensation or other employee benefit acts, held by the Towing Company.

- E. The Towing Company and all employees and agents thereof shall be independent contractors licensed by the City of Beacon and shall not claim or receive any benefit or privilege conferred to the City's employees. The City shall not be responsible for the Towing Company's compliance with any local, state or federal law, regulation or requirement and shall not withhold any taxes, including payroll or income taxes, for the Towing Company and any employee or agent thereof.
- F. Suspension or termination of this Towing Agreement shall be provided by written notice to the Towing Company served at least fourteen (14) days before such suspension or termination shall take effect.

**IN WITNESS WHEREOF**, the parties hereto have signed this instrument as of the date first written above.

**Cervone Auto Body, Inc**

**City of Beacon**

By:



Title:

President

By:



Title:

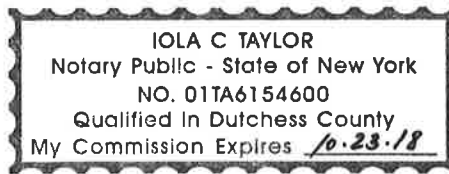
City Administrator



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

On the 30<sup>th</sup> day of March, in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Anthony Ruggiero, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Iola C. Taylor  
Notary Public



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

On the 31<sup>st</sup> day of March, in the year 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Vincent Cerrone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Elizabeth  
Notary Public

## CONTRACT EXTENSION AGREEMENT

This Contract Extension Agreement ("Extension") is dated as of \_\_\_\_ April, 2020, by and between Cervone's Auto Body, Inc., a licensed towing service operator in the State of New York, with a principal place of business located at 326 Fishkill Avenue, Beacon, NY 12508 (the "Towing Company"), and the City of Beacon, a municipal corporation, having offices at 1 Municipal Plaza, Beacon, NY 12508 (collectively, the "Parties").

**WHEREAS**, the Parties entered into an agreement for towing services for the Beacon Police Department on March 31, 2017 (the Original Contract").

**WHEREAS**, the Parties hereby agree to extend the term of the Original Contract in accordance with the provisions and conditions set forth in the Original Contract.

In consideration of the mutual covenants contained herein, Cervone's Auto Body, Inc. and the City of Beacon mutually covenant and agree as follows:

- The term of the Original Contract, which is attached hereto as part of this Extension, ended on March 31, 2020.
- The Parties agree to extend the Original Contract for one additional one year, which will be in immediately and will expire on March 31, 2021.
- All provisions and conditions set forth in the Original Contract, and not superseded herein, shall remain in full force and effect.
- Suspension or termination of this Extension shall be provided by written notice to the Towing Company served at least fourteen (14) days before such suspension or termination shall take effect.
- This Extension binds and benefits both Parties. This document, including the attached Original Contract, represents the entire agreement between the Parties.

**IN WITNESS WHEREOF**, the Parties hereto have signed this instrument as of the date written above.

**CERVONE'S AUTO BODY, INC.**

**CITY OF BEACON**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

On the \_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Signature and Office of individual taking  
acknowledgement

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

On the \_\_ day of \_\_\_\_\_ in the year 2020 before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Signature and Office of individual taking  
acknowledgement

**City of Beacon Workshop Agenda**  
**4/13/2020**

**Title:**

**Real Estate**

**Subject:**

**Background:**