



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Jeff Domanski, Ward 2
Councilmember Pam Wetherbee, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

**April 22, 2024
7:00 PM
City Council Agenda**

Roll Call

Workshop Agenda Items

1. [Overview of Real Property Tax Assessment Process](#)
2. [Proposed Local Law Concerning Minimum Parking Requirements](#)
3. [Amendments to the 2024 Budget](#)
4. [Proposed Agreement with Beacon Sloop Club for Floating Docks](#)
5. [Proposed Dedication of Sewer Infrastructure from Scenic Beacon Developments, LLC](#)
6. [Hudson Highland Fjord Trail Discussion](#)

Announcement of Next Meeting: May 6, 2024 at 7:00 p.m.

City of Beacon City Council Agenda
04/22/2024

Title:

Overview of Real Property Tax Assessment Process

ATTACHMENTS

[Overview of Real Property Tax Assessment Process Slide Deck](#)

Purpose of Assessments

- Assessment of Real Property is the Method Employed to *Allocate* Taxes Levied By County, City, School District and Library Among All Property Owners – Taxpayers within The City of Beacon.
- In short, it is the means by which the “pie is divided”.
- Property taxes are the principal means of revenue for public and school district services.

Assessments Are Not Taxes

- Each year, the County, City, School District and Library set their respective budgets and determine the aggregate amount of revenue necessary to fund their respective services.
- This amount is then apportioned and collected based upon the assessment of individual properties.
- As a result, a change in assessment does not necessarily result in, or correlate to, an increase in taxes.
- An expanding assessment base “grows the pie” and diminishes the allocation of levied taxes upon individual tax parcels.

City Assessments at 100%

- The City adheres To An Annual Reassessment Program, Whereby *All* Assessments are Re-Adjusted Year-to-Year.
- This Is The Method of Assessment Sought By New York State.
- Reassessing Year-to-Year Promotes Assessment Equity.

Reassessment Considerations

- Sales Trend; Calculated By New York State Based Upon Analysis of Sales Data
- Inventory Review; Including Property Improvements, Changes
- Valuation – Residential (Sales Based) Commercial (Income Based).
- Adjusted Base Proportions.

Assessment Time Line

- March 1st Taxable Status Date
- May 1st Tentative Assessment Roll
- Fourth Wednesday In May, Grievance Day
- July 1st Final Assessment Roll
- 30 days from Final Assessment Roll to Challenge Assessment

Exemptions

- STAR
- Senior Citizen Limited Income
- Disabled Persons Limited Income
- Veterans
- Volunteer Firefighter and Ambulance Workers

Resources

- City Assessor Kathleen Martin
(845) 838-5025
- <https://www.tax.ny.gov/pit/property/learn/asmts.htm>
- <https://www.tax.ny.gov/pit/property/learn/reassess.htm>
- <https://www.tax.ny.gov/pit/property/learn/asmtvtaxes.htm>

City of Beacon City Council Agenda
04/22/2024

Title:

Proposed Local Law Concerning Minimum Parking Requirements

ATTACHMENTS

KARC Memorandum Regarding a Revised Schedule of Off-Street Parking Standards

Proposed Local Law Concerning Minimum Parking Requirements (April 12, 2024 Draft)

Proposed Local Law Concerning Minimum Parking Requirements (April 5, 2024 Draft)

TO: Lee Kyriacou, Mayor
Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants, Inc.

DATE: April 5, 2024

RE: Proposed Revisions to Local Law No. 1 of 2024 Concerning Parking Requirements

At the March 25, 2024 meeting the Council continued discussion of Local Law No. 1 of 2024, proposed amendments to parking requirements in the City of Beacon. A revised and simplified Schedule of Off-Street Parking Standards is presented below for consideration by the Council. Methodology to support the proposed revisions is noted below.

Schedule of Off-Street Parking Standards				
Building Use	CMS, L, WD, T		R1, RD, LI, HI, WP, FCD, GB	
	Min	Max	Min	Max
Residential	–	1 space per dwelling unit	1 space per dwelling unit	3 spaces per dwelling unit
Lodging	–	0.75 space per guest room	0.5 space per guest room	1.5 space per guest room
Office and nonretail commercial	–	2.5 spaces Per 1000 SF GFA	3 spaces Per 1000 SF	5 spaces Per 1000 SF
Retail Commercial and Personal Services	–	3 spaces Per 1000 SF GFA	3 spaces Per 1000 SF GFA	4 spaces per 1000 SF GFA
Industrial	–	–	0.25 space per 1,000 SF GFA	2.5 spaces per 1,000 SF GFA
Other Uses		Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector upon consideration of relevant factors dictating the parking needs of each such use		

Notes on Methodology:

- The Transitional (T) District was included within the left column with maximums only due to the district's proximity to the CMS district and municipal parking facilities. The transitional aspect of this district is managed more appropriately by the Schedule of Use regulations already in place.
- The parking requirement for home office / home occupation was eliminated from the residential category. Best practices argue that adequate parking supply for this low impact use is provided via residential parking regulations and/or on street parking.
- Office and nonretail commercial
 - o Left column maximum taken from existing Linkage district minimum
 - o Right column maximum taken from restaurant requirement in previously proposed Section 223-26
 - o Right column minimum taken from office requirement in previously proposed Section 223-26
- Retail commercial core
 - o Left column maximum taken from existing Linkage district minimum
 - o Right column maximum taken from retail requirement in previously proposed Section 223-26
- Industrial maximum taken from minimum in existing Section 223-26
- Parking Use Groups:
 - o **Residential:** One-family, Two-Family, Multifamily, Artist live/work, Senior housing
 - o **Lodging:** Bed-and-Breakfast, Hotel, Inn, Hospital nursing or convalescent, senior care facility
 - o **Office and nonretail commercial:** Office, artist studio, art gallery/exhibit space, funeral home, restaurant, coffee house, bar, micro-brewery, micro-distillery, commercial recreation, auction gallery, fitness center, motor vehicle sales and service, animal care facility, place of worship, theatre, auditorium,
 - o **Retail commercial and personal services:** Retail, personal service, bank, car washes
 - o **Industrial:** research or development laboratory, manufacturing, industrial use, wholesale, warehouse, utility or similar, museum
 - o **Other:** Golf or county club, self-storage facility; nursery school or day-care center, primary or secondary school, uses not listed

Cc: Chris White, City Administrator
Nick Ward-Willis, Keane & Beane, P.C.

PROPOSED LOCAL LAW NO. __ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW TO AMEND PARKING REQUIREMENTS IN THE
CITY OF BEACON

A LOCAL LAW to amend the Zoning Code concerning parking requirements.

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

Section 1. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-26, entitled “Off-street parking, loading and vehicular access” is hereby amended as follows:

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

A. General.

- ~~(1) All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of this section to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking facilities areas or structures and, where required appropriate loading and unloading spaces shall have been laid out in plan in accordance are consistent with the appropriate requirements for structures and uses as set forth provisions in this section, and such required parking and loading facilities shall be completed before a certificate of occupancy shall be issued. As used herein, "parking facilities" shall be construed to include loading and unloading spaces required by this section.~~
- ~~(2) In case of exceptional difficulty or unusual hardship to such properties arising out of the requirements of this section, the Board of Appeals may reduce the parking requirements but shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming and shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking may already exist, unless it is in excess of requirements.~~
- ~~(3) Required off-street parking facilities which, after development, are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures for which they were originally provided.~~

~~B. Effect on existing uses:~~

- ~~(1) Structures and land uses in existence on April 20, 1964, or structures and uses for which building permits had been approved on or before said date, shall not be subject to the requirements set forth in this section, unless there shall occur an increased intensity of use, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirement, in which case they may not be reduced below such requirement.~~
- ~~(2) Whenever a building or structure erected prior to or after April 20, 1964, or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking facilities, or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the Schedule of Off-Street Parking Requirements (Subsection F), additional parking facilities shall be provided accordingly, except that no building or structure erected prior to said date shall be required to provide parking facilities unless the aforesaid additional required facilities amount to a cumulative total increase of at least 25% over the existing use as of said date, in which case parking spaces shall be provided on the basis of the total units of measurements of the new use or of the alteration or expansion of the existing use.~~

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

- ~~(1)~~ Location. The~~Except as required elsewhere under the City Code, any approved~~ off-street parking facilities area or structure ~~which are required by this section~~ shall be provided on the same lot or premises with such structure or land use; ~~except unless that such~~ 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 an easement or deed restriction(s) 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.
- ~~(+)(2)~~ In any residence district, no designated off-street parking facility area or structure shall be developed in any ~~required~~ front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any residence district off-street parking area or structure be developed ~~or~~ in any ~~required minimum~~ side or rear yard setback 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)~~(3) 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 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) Except for one-family and two-family dwellings, The 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 unless where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(4) Landscaping. Except for parking spaces accessory to a one-family and two-family dwellings and accessory apartment dwelling units subject to approval by the Building Inspector, 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.

~~(3)~~(a) 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 10-8 parking spaces.

~~(a)~~(b) 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)~~(c) _____ The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.

~~(d)~~ 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 ~~30-25~~ feet distant from their point of intersection.

~~(e)~~(e) Such property owner shall have an obligation to maintain and replace any landscaping which dies or becomes unsightly.

~~(4)~~(5) Grades, drainage, paving and marking. All proposed and ~~required~~ approved parking ~~facilities~~ areas and structures, 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~~ areas or structures 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 Districts and in any multifamily or nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Except for one-family or two-family dwellings, the Planning Board shall require green stormwater infrastructure for the development of parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that the underlying soils do not allow natural drainage. Such green stormwater infrastructure is subject to § 190-9.

~~(5)~~(6) 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 restriction~~ easements, 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~~ areas or structures.

~~(6)~~(7) 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~~needed 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)~~(8) Designed residence and multifamily residence districts.

- (a) In RD 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 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.

~~(8)~~(9) Off-street parking for private passenger vehicles may be allowed by a special permit from the Planning Board on a vacant lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters.

~~D.C.~~ Alternatives to providing parking spaces.

(1) Conveyance of land. Where, because of limitations of size, dimensions or topography of a lot, an applicant for a building permit in a business district finds it impractical to provide all or a portion of the off-street parking spaces required by ~~Subsection F herein~~the Planning Board, in connection with a proposed building or addition, ~~he the applicant~~ may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.

~~(4)~~(2) Waiver of improvement. Except within 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.

D. Schedule of Off-Street Parking Requirements Standards. 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) In order to promote walkability and other transportation alternatives and to avoid excessive automobile traffic and unnecessarily large paved parking lots, parking maximums have been established for all uses. No minimum number of off-street parking spaces are required, required within the CMS, L, WD, and T districts due to the proximity of these districts to municipal parking areas, public transportation, and pedestrian-oriented streetscapes, except for one-family and two-family dwellings as well as accessory apartment dwelling units which shall require a minimum of one off-street parking space per dwelling unit.
- (2) The Planning Board shall determine the appropriate number of on-site parking spaces as part of application review and based on the context of the property, including but not limited to, as applicable, the size of the parcel, proposed uses, existing buildings on the parcel, especially if they are designated as historic, availability of public and street parking in the area, walkable access to public transit, a parking study submitted by the applicant, shared parking arrangements, land-banking authorized under § 223-26C(2), compliance with the Americans with Disabilities Act (ADA) and any state requirements for accessible parking, and input from any public hearing.
- (3) Any professional parking study requested by the Planning Board and reviewed by the City's consultant shall be based primarily on specific site-related information, a comparable analysis of similar uses and properties in the area or region, and an examination of demand reduction strategies, including such elements as promotion of walking, bicycle parking or storage facilities, alternative mobility options, transit access opportunities, car-share rentals, and ride-sharing or carpooling services.
- (4) The following table gives guidance to the Planning Board on the minimum and maximum parking allowed; notwithstanding Where only maximums are identified, the Planning Board may approve fewer spaces:

<u>Schedule of Off-Street Parking Standards</u>				
<u>Building Use</u>	<u>CMS, L, WD, T</u>		<u>R1, RD, LI, HI, WP, FCD, GB</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u> (Including accessory apartment)	=	1 space per dwelling unit	1 space per dwelling unit	3 spaces per dwelling unit
<u>Lodging</u>	=	0.75 space per guest room	0.5 space per guest room	1.5 space per guest room
<u>Commercial</u> (Retail / Office / Service / Food / Auto- Oriented/ Social and Community)	=	3 spaces Per 1000 SF GFA	3 spaces Per 1000 SF GFA	5 spaces Per 1000 SF GFA
<u>Health Care and Educational</u>		4 spaces per 1000 SF GFA	1 space per 1000 SF GFA	4 spaces per 1000 SF GFA
<u>Industrial</u> (Industrial or Assembly)	=	=	0.25 space per 1,000 SF GFA	2.5 spaces per 1,000 SF GFA
<u>Other Uses</u>		Off-street parking requirements for types of which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector upon consideration of relevant factors dictating the parking needs of each such use		

NOTES:

* The calculation of Gross Floor Area ("GFA") shall exclude utility space

* Up to 30% of the provided parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board

Use	Minimum <u>Maximum</u> Off-Street Parking
~~1- and 2- family dwelling~~	~~2 spaces <u>3 spaces</u> 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 home 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 a maximum 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use~~
~~Bed and breakfast establishment~~	~~1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee~~
~~Hotel or inn~~	<del>Subject to § ~~223-14.1C~~ <u>1 for each hotel guest room, plus 1 for each employee on site at any one time</u></del>
~~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~~

Use	<u>Minimum</u> <u>Maximum</u> Off-Street Parking
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 indoor 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 200 <u>250</u> 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 <u>200</u> square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Office for business or professional use (other than accessory to residential use)	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas
Banking office	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas

Use	~~Minimum~~ <u>Maximum</u> Off-Street Parking
~~Funeral home or undertaking establishment~~	~~10 spaces per establishment, plus 1 space per employee~~
~~Motor vehicle sales and service~~	~~1 space per employee, plus 1 space per 150 square feet of gross floor space~~
~~Animal care facility~~	~~1 space per employee, plus 1 space per 300 square feet of gross floor space~~
~~Car washing establishment~~	~~Subject to § 223-21F, 1 space per each two persons working at the same time at full capacity or 1 space for each 400 square feet of gross floor area, whichever is greater~~
~~Research or development laboratory~~	~~1 space per employee, but not less than or 1 space per 600 square feet of gross floor space~~
~~Manufacturing or industrial use~~	~~1 space per 2 employees but not less than or 1 space per 400 square feet of gross floor space~~
~~Wholesale, warehouse storage, utility or other similar commercial use~~	~~1 space per employee but not less than or 1 space per 1,000 square feet of gross floor space~~
~~Self-storage facility~~	~~1 space per 10,000 square feet of gross floor space, plus one space per employee~~

Use	Minimum <u>Maximum</u> Off-Street Parking
~~Senior housing~~	~~2 spaces for each 3 dwelling units~~
~~Museums located within walking distance (3,000 feet) of entrance to train station~~	~~1 parking space per 3,000 feet of gross floor space~~
~~Artist studio~~	~~1 space for each 500 square feet of gross floor space~~
~~Art gallery/exhibit space~~	~~1 space for each 250 square feet of gross floor area~~
~~Bar or brew pub~~	~~1 space for each 3 patron seats or 1 space for each 250 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater~~
~~Microbrewery or microdistillery~~	~~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~~
~~Museum~~	~~1 space for each 300 <u>500</u> square feet of gross floor area~~
~~Other uses not listed~~	~~Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board <u>or the Building Inspector, as the case may be, upon consideration of relevant factors entering into the parking needs of each such use</u>~~

~~(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.~~

- E. Operation and maintenance of off-street parking ~~facilities~~areas and structures. ~~Required~~ Approved off-street parking ~~facilities~~areas or structures shall be maintained as long as the use of the structure exists which the ~~facilities~~parking areas or structures are designed to serve. ~~Required-Designated~~ parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.
- F. Off-street loading requirements. Off-street loading and unloading facilities ~~shall be located on the same site with the use to be served, except as provided in Subsection C(1), and~~ shall be provided as follows:

...

- (2) ~~Required number~~ Number of spaces. The Planning Board shall determine the location (on-site or off-site) and appropriate number of on-site loading spaces as part of site plan approval and based on the context of the property, including but not limited to the size of the parcel, proposed uses, existing buildings on the parcel, a professional study prepared by the applicant, and input from any public hearing.
- (a) ~~For retail and/or service business establishments: a minimum of one space for the first 7,500 square feet or major portion thereof, plus one space for~~

~~each additional 10,000 square feet of gross floor area or major portion thereof, except that no berths shall be required for buildings with a gross floor area of less than 5,000 square feet.~~

- ~~(b) For office establishments: a minimum of one space for the first 20,000 square feet of gross floor area or major portion thereof, plus one space for each additional 40,000 square feet of gross floor area or major portion thereof, except that no berths are required for buildings of less than 10,000 square feet of gross floor area.~~
- ~~(c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.~~
- ~~(d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.~~
- ~~(e) For nursing homes: a minimum of one space for each establishment.~~
- ~~(f) For museums, a minimum of one space for each establishment.~~
- ~~(g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.~~

G. Driveways. For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all requirements of Chapter 100, Driveways, and shall be subject to the approval of the Highway Superintendent, except where such are part of a use subject to special permit or site development plan approval, in accordance with §§ 223-18 and 223-25, in which case they shall be subject to approval by the Planning Board and/or City Council.

Section 2. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-14.1, entitled “Hotels,” Subsection C is hereby amended as follows:

§ 223-14.1 **Hotels.**

...

C. ~~Minimum~~ Off-street parking shall be in accordance with § 223-26.

~~(1) For hotel rooms: One parking space shall be provided for each hotel guest room.~~

~~(2) For restaurants, bars and other public rooms, and for recreation facilities and other permitted uses, other than lobbies: The number of parking spaces required in accordance with § 223-26 of this chapter shall be provided.~~

~~(3) For employees: One parking space shall be provided for each employee for the maximum number of employees working at the hotel at any one time.~~

...

Section 3. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-21, entitled “Car washes,” Subsection F(1) is hereby amended as follows:

§ 223-21 **Car washes.**

...

F. Off-street parking ~~requirements~~ shall be provided in accordance with § 223-26 ~~as follows:~~

~~(1) One space per each two persons employed at the same time when the building is operating at full capacity or one space for each 400 square feet of gross floor area, whichever is greater. Off-street parking shall be in accordance with § 223-26.~~

...

Section 4. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-21, entitled “Nursing homes,” Subsection D(1) is hereby amended as follows:

§ 223-21 **Nursing homes.**

...

~~D.(1)~~ Off-street parking shall be provided in accordance with § 223-26.

~~(1) One off-street parking space shall be required for each three resident persons and one for each person employed at the same time when the building is operating at full capacity, including staff doctors. Off-street parking shall be in accordance with § 223-26.~~

...

Section 5. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-25, entitled “Site development plan approval,” Subsection A, is hereby amended as follows:

§ 223-25 **Site development plan approval.**

- A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26~~DF~~ hereof, shall be permitted, other than one-family dwellings, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

Section 6. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.3, entitled “Waterfront Park (WP) Zone,” Subsection J(11) is hereby amended as follows:

§ 223-41.3 **Waterfront Park (WP) Zone.**

- ...
- J. Waterfront ~~park~~ Park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:

- ...
- (11) Off-street parking and loading: shall be provided in accordance with § 223-26

...

~~(b) Parking requirements shall be in accordance with § 223-26.~~

~~[1] Marina: 1/2 space per slip or dry rack storage unit.~~

~~[2] Museums, educational facilities, auditorium, athletic field or other place of assembly: One space for each four seats or pew spaces or, in places without seats, one space for each 100 square feet of floor space used for public assembly.~~

~~(c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.~~

~~(d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.~~

~~(c) Alternative methods of meeting off-street parking requirements.~~

~~[1] General~~

~~[a] The waterfront area will include a mix of land uses on the waterfront, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.~~

~~[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.~~

~~[2] Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Waterfront Park project have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

~~[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:~~

~~[a] Parking shared among various use elements within a Waterfront Park project.~~

~~[b] Parking shared among various use elements within a Waterfront Park project.~~

~~[c] Valet parking.~~

~~(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 7. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.4, entitled “Waterfront Development (WD) Zone,” Subsection J(11) is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

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

...

~~(12) Off-street parking and loading shall be provided in accordance with § 223-26~~
~~(11) —.~~

...

~~(b) Parking requirements shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the WD Zone are:~~

~~{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 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 400 square feet of gross floor area.~~

~~{5} Hotel: 0.75 space for each hotel guest room.~~

~~(c) With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.~~

~~(d) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.~~

~~(e) Alternative methods of meeting off-street parking requirements.~~

~~{1} General.~~

~~[a] The WD Zone encourages a mix of land uses on the waterfront wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.~~

~~[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off site parking, etc., may, in certain situations, also be appropriate.~~

~~[2] Planning Board authority. The Planning Board shall be authorized to reduce parking requirements for a given use, based upon a finding that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

~~[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:~~

~~[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that 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.~~

~~[b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.~~

~~[c] Valet parking.~~

~~(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 8. Chapter 223 of the City Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) Zone, Section 223-41.13, entitled “Uses; plan review; design standards,” Subsection I(11) is hereby amended as follows:

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

...

I. Fishkill Creek development design standards.

...

(11) Off-street parking and loading.

...

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

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

~~(d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.~~

~~(e) Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 9. Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G 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 development plan review and approval. Site development 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~~ maximum

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-maximum standard for the existing use in § 223-26DF herein.

...

G. Parking location and quantity.

...

- (2) ~~The minimum quantity of required on-site parking spaces shall be as follows~~Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the CMS District are 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-maximum standards in ~~Subsection G(2) above or § 223-26~~ 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 District.
 - (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 District 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 District 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.
- (g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

~~(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.~~

Section 10. Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsections A and F 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 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-maximum~~ 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-maximum standard~~ for the existing use in § 223-26D~~F~~ herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

- F. Parking location and quantity.

...

- (2) ~~The minimum quantity of required on-site parking spaces shall be as follows. Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the L District are as follows:~~
- ~~(a) Residential: one space per unit.~~
 - ~~(b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.~~
 - ~~(c) Retail commercial and personal services: three 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 § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner as listed in § 223-26 of this chapter.~~
- (3) The ~~quantity of required on-site parking~~ maximum standards in ~~Subsection F(2) above or § 223-26~~ may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:
- ~~(a)~~ (a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
 - ~~(b)~~ (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
 - ~~(c)~~ (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.
 - ~~(d)~~ (d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - ~~(e)~~ (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 in the L District and voluntarily dedicate such land to the City for public parking.
 - ~~(f)~~ (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 small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.~~

~~(5) Section 223-26B of this chapter shall not apply in the L District.~~

Section 11. Chapter 223 of the City Code of the City of Beacon, Article IVF, Senior Affordable Housing Overlay (SAHO) District, Section 223-41.22, entitled “Specific requirements and regulations,” Subsection E(1) is hereby amended as follows:

§ 223-41.22 **Specific requirements and regulations.**

...

E. Supplementary site regulations.

~~(1) Parking ratio. Unless modified by the City Council in its zoning designation or special permit, parking spaces shall be provided at the ratio of 1.2 spaces per dwelling unit. The 0.2 fractional space shall be accumulated for staff and visitors. Off-street parking shall be in accordance with § 223-26.~~

...

Section 12. Chapter 223 of the City Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 223-63, entitled “Definitions,” is hereby amended as follows:

...

LOADING SPACE

Any off-street space available for the loading or unloading of goods and complying with the ~~requirements-provisions~~ specified in § 223-26 of this chapter.

...

PARKING SPACE

An off-street space available for the parking of one motor vehicle on a transient basis and complying with the ~~requirements-provisions~~ specified in § 223-26 of this chapter.

...

Section 13. Ratification, Readoption and Confirmation.

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

Section 14. 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 15. 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 16. Effective Date.

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

PROPOSED LOCAL LAW NO. __ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW TO AMEND PARKING REQUIREMENTS IN THE
CITY OF BEACON

A LOCAL LAW to amend the Zoning Code concerning parking requirements.

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

Section 1. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-26, entitled “Off-street parking, loading and vehicular access” is hereby amended as follows:

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

A. General.

~~All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of this section to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking facilities areas or structures and, where required appropriate loading and unloading spaces shall have been laid out in plan in accordance are consistent with the appropriate requirements for structures and uses as set forth provisions in this section, and such required parking and loading facilities shall be completed before a certificate of occupancy shall be issued. As used herein, "parking facilities" shall be construed to include loading and unloading spaces required by this section.~~

~~(1) In case of exceptional difficulty or unusual hardship to such properties arising out of the requirements of this section, the Board of Appeals may reduce the parking requirements but shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming and shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking may already exist, unless it is in excess of requirements.~~

~~(2) Required off-street parking facilities which, after development, are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures for which they were originally provided.~~

~~B. Effect on existing uses:~~

- ~~(1) Structures and land uses in existence on April 20, 1964, or structures and uses for which building permits had been approved on or before said date, shall not be subject to the requirements set forth in this section, unless there shall occur an increased intensity of use, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirement, in which case they may not be reduced below such requirement.~~
- ~~(2) Whenever a building or structure erected prior to or after April 20, 1964, or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking facilities, or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the Schedule of Off-Street Parking Requirements (Subsection F), additional parking facilities shall be provided accordingly, except that no building or structure erected prior to said date shall be required to provide parking facilities unless the aforesaid additional required facilities amount to a cumulative total increase of at least 25% over the existing use as of said date, in which case parking spaces shall be provided on the basis of the total units of measurements of the new use or of the alteration or expansion of the existing use.~~

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

- ~~(1)~~ Location. ~~The~~ Except as required elsewhere under the City Code, any approved off-street parking facilities area or structure which are required by this section shall be provided on the same lot or premises with such structure or land use; except unless that such 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 an easement or deed restriction(s) 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.
- ~~(1)(2)~~ In any residence district, no designated off-street parking facility area or structure shall be developed in any ~~required~~ front yard forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any residence district off-street parking area or structure be developed ~~or~~ in any ~~required minimum~~ side or rear yard setback 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)(3) 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 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) Except for one-family and two-family dwellings, ~~The-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-unless-where~~ the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

(4) Landscaping. Except for parking spaces accessory to a one-family and two-family dwellings and accessory apartment dwelling units subject to approval by the Building Inspector, 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.

(d)(a) 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 ~~10-8~~ parking spaces.

(e)(b) 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.

~~(c)~~ The Planning Board may require curbing to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.

~~(d)~~ 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 ~~30-25~~ feet distant from their point of intersection.

~~(e)~~ Such property owner shall have an obligation to maintain and replace any landscaping which dies or becomes unsightly.

~~(3)(5)~~ Grades, drainage, paving and marking. All proposed and ~~required-approved~~ parking ~~facilities~~areas and structures, 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~~areas or structures 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 Districts and in any multifamily or nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Except for one-family or two-family dwellings, the Planning Board shall require green stormwater infrastructure for the development of parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that the underlying soils do not allow natural drainage. Such green stormwater infrastructure is subject to § 190-9.

~~(4)(6)~~ 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 restriction~~easements, 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~~areas or structures.

~~(5)(7)~~ 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~~needed 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.

~~(6)~~(8) Designed residence and multifamily residence districts.

- (a) In RD 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 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.

~~(7)~~(9) Off-street parking for private passenger vehicles may be allowed by a special permit from the Planning Board on a vacant lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters.

~~D.C.~~ Alternatives to providing parking spaces.

~~(1)~~ Conveyance of land. Where, because of limitations of size, dimensions or topography of a lot, an applicant for a building permit in a business district finds it impractical to provide all or a portion of the off-street parking spaces required by ~~Subsection F herein~~ the Planning Board, in connection with a proposed building or addition, ~~he the applicant~~ may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.

~~(1)~~(2) Waiver of improvement. Except within 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.

D. Schedule of Off-Street Parking ~~Requirements~~Standards. ~~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) In order to promote walkability and other transportation alternatives and to avoid excessive automobile traffic and unnecessarily large paved parking lots, no minimum number of off-street parking spaces are required, except for one-family and two-family dwellings as well as accessory apartment dwelling units which shall require a minimum of one off-street parking space per dwelling unit.
- (2) The Planning Board shall determine the appropriate number of on-site parking spaces as part of application review and based on the context of the property, including but not limited to, as applicable, the size of the parcel, proposed uses, existing buildings on the parcel, especially if they are designated as historic, availability of public and street parking in the area, walkable access to public transit, a parking study submitted by the applicant, shared parking arrangements, land-banking authorized under § 223-26C(2), compliance with the Americans with Disabilities Act (ADA) and any state requirements for accessible parking, and input from any public hearing.
- (3) Any professional parking study requested by the Planning Board and reviewed by the City's consultant shall be based primarily on specific site-related information, a comparable analysis of similar uses and properties in the area or region, and an examination of demand reduction strategies, including such elements as promotion of walking, bicycle parking or storage facilities, alternative mobility options, transit access opportunities, car-share rentals, and ride-sharing or carpooling services.
- (4) The following table gives guidance to the Planning Board on the minimum and maximum parking allowed.; notwithstandingWhere only maximums are identified, the Planning Board may approve fewer spaces:

<u>Schedule of Off-Street Parking Standards</u>				
<u>Building Use</u>	<u>CMS, L, WD, T</u>		<u>R1, RD, LI, HI, WP, FCD, GB</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u>	=	<u>1 space per dwelling unit</u>	<u>1 space per dwelling unit</u>	<u>3 spaces per dwelling unit</u>
<u>Lodging</u>	=	<u>0.75 space per guest room</u>	<u>0.5 space per guest room</u>	<u>1.5 space per guest room</u>
<u>Office and nonretail commercial</u>	=	<u>2.5 spaces Per 1000 SF GFA</u>	<u>3 spaces Per 1000 SF</u>	<u>5 spaces Per 1000 SF</u>
<u>Retail Commercial and Personal Services</u>	=	<u>3 spaces Per 1000 SF GFA</u>	<u>3 spaces Per 1000 SF GFA</u>	<u>4 spaces per 1000 SF GFA</u>
<u>Industrial</u>	=	=	<u>0.25 space per 1,000 SF GFA</u>	<u>2.5 spaces per 1,000 SF GFA</u>
<u>Other Uses</u>		<u>Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector upon consideration of relevant factors dictating the parking needs of each such use</u>		

Notes:

- The calculation of Gross Floor Area ("GFA") shall exclude utility space
- Individual uses included within each building use category can be found xxx.
- Up to 30% of the provided parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board

Use	<u>Minimum</u> <u>Maximum</u> Off-Street Parking
1- and 2-family dwelling	2 spaces <u>3 spaces</u> 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 home 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 a maximum 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
Bed and breakfast establishment	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel or inn	Subject to § ~~223-14.1C~~ <u>1 for each hotel guest room, plus 1 for each employee on site at any one time</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

Use	~~Minimum~~ <u>Maximum</u> ~~Off-Street~~ <u>Parking</u>
~~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 indoor 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 200 <u>250</u> 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 <u>200</u> square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
~~Office for business or professional use (other than accessory to residential use)~~	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas
Banking office	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas

Use	~~Minimum~~ <u>Maximum</u> Off-Street Parking
~~Funeral home or undertaking establishment~~	~~10 spaces per establishment, plus 1 space per employee~~
~~Motor vehicle sales and service~~	~~1 space per employee, plus 1 space per 150 square feet of gross floor space~~
~~Animal care facility~~	~~1 space per employee, plus 1 space per 300 square feet of gross floor space~~
~~Car washing establishment~~	<del>Subject to § ~~223-21F~~ 1 space per each two persons working at the same time at full capacity or 1 space for each 400 square feet of gross floor area, whichever is greater</del>
~~Research or development laboratory~~	~~1 space per employee, but not less than <u>or</u> 1 space per 600 square feet of gross floor space~~
~~Manufacturing or industrial use~~	~~1 space per 2 employees but not less than <u>or</u> 1 space per 400 square feet of gross floor space~~
~~Wholesale, warehouse storage, utility or other similar commercial use~~	~~1 space per employee but not less than <u>or</u> 1 space per 1,000 square feet of gross floor space~~
~~Self-storage facility~~	~~1 space per 10,000 square feet of gross floor space, plus one space per employee~~

Use	~~Minimum~~ <u>Maximum</u> Off-Street Parking
~~Senior housing~~	~~2 spaces for each 3 dwelling units~~
~~Museums located within walking distance (3,000 feet) of entrance to train station~~	~~1 parking space per 3,000 feet of gross floor space~~
~~Artist studio~~	~~1 space for each 500 square feet of gross floor space~~
~~Art gallery/exhibit space~~	~~1 space for each 250 square feet of gross floor area~~
~~Bar or brew pub~~	~~1 space for each 3 patron seats or 1 space for each 250 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater~~
~~Microbrewery or microdistillery~~	~~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~~
~~Museum~~	~~1 space for each 300 500 square feet of gross floor area~~
~~Other uses not listed~~	~~Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board <u>or the Building Inspector, as the case may be,</u> 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.~~

- E. Operation and maintenance of off-street parking ~~facilities~~areas and structures. ~~Required~~ Approved off-street parking ~~facilities~~areas or structures shall be maintained as long as the use of the structure exists which the ~~facilities~~parking areas or structures are designed to serve. ~~Required-Designated~~ parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.
- F. Off-street loading requirements. Off-street loading and unloading facilities ~~shall be located on the same site with the use to be served, except as provided in Subsection C(1), and~~ shall be provided as follows:

...

- (2) ~~Required number~~Number of spaces. The Planning Board shall determine the location (on-site or off-site) and appropriate number of on-site loading spaces as part of site plan approval and based on the context of the property, including but not limited to the size of the parcel, proposed uses, existing buildings on the parcel, a professional study prepared by the applicant, and input from any public hearing.

- ~~(a) For retail and/or service business establishments: a minimum of one space for the first 7,500 square feet or major portion thereof, plus one space for~~

~~each additional 10,000 square feet of gross floor area or major portion thereof, except that no berths shall be required for buildings with a gross floor area of less than 5,000 square feet.~~

- ~~(b) For office establishments: a minimum of one space for the first 20,000 square feet of gross floor area or major portion thereof, plus one space for each additional 40,000 square feet of gross floor area or major portion thereof, except that no berths are required for buildings of less than 10,000 square feet of gross floor area.~~
- ~~(c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.~~
- ~~(d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.~~
- ~~(e) For nursing homes: a minimum of one space for each establishment.~~
- ~~(f) For museums, a minimum of one space for each establishment.~~
- ~~(g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.~~

G. Driveways. For reasons of traffic and pedestrian safety, both on and off street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all requirements of Chapter 100, Driveways, and shall be subject to the approval of the Highway Superintendent, except where such are part of a use subject to special permit or site development plan approval, in accordance with §§ 223-18 and 223-25, in which case they shall be subject to approval by the Planning Board and/or City Council.

Section 2. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-14.1, entitled “Hotels,” Subsection C is hereby amended as follows:

§ 223-14.1 **Hotels.**

...

C. ~~Minimum~~ Off-street parking shall be in accordance with § 223-26.

~~(1) For hotel rooms: One parking space shall be provided for each hotel guest room.~~

~~(2) For restaurants, bars and other public rooms, and for recreation facilities and other permitted uses, other than lobbies: The number of parking spaces required in accordance with § 223-26 of this chapter shall be provided.~~

~~For employees: One parking space shall be provided for each employee for the maximum number of employees working at the hotel at any one time.~~

...

Section 3. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-21, entitled “Car washes,” Subsection F(1) is hereby amended as follows:

§ 223-21 **Car washes.**

...

F. Off-street parking ~~requirements~~ shall be provided in accordance with § 223-26 as follows:

~~(1) One space per each two persons employed at the same time when the building is operating at full capacity or one space for each 400 square feet of gross floor area, whichever is greater. Off-street parking shall be in accordance with § 223-26.~~

...

Section 4. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-21, entitled “Nursing homes,” Subsection D(1) is hereby amended as follows:

§ 223-21 **Nursing homes.**

...

(1) Off-street parking shall be provided in accordance with § 223-26.

~~(2) One off-street parking space shall be required for each three resident persons and one for each person employed at the same time when the building is operating at full capacity, including staff doctors. Off-street parking shall be in accordance with § 223-26.~~

...

Section 5. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-25, entitled “Site development plan approval,” Subsection A, is hereby amended as follows:

§ 223-25 **Site development plan approval.**

- A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26~~DF~~ hereof, shall be permitted, other than one-family dwellings, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

Section 6. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.3, entitled “Waterfront Park (WP) Zone,” Subsection J(11) is hereby amended as follows:

§ 223-41.3 **Waterfront Park (WP) Zone.**

- ...
J. Waterfront ~~park~~ Park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:

- ...
(11) Off-street parking and loading: shall be provided in accordance with § 223-26
...

~~Parking requirements shall be in accordance with § 223-26.~~

~~[1] Marina: 1/2 space per slip or dry rack storage unit.~~

~~[2] Museums, educational facilities, auditorium, athletic field or other place of assembly: One space for each four seats or pew spaces or, in places without seats, one space for each 100 square feet of floor space used for public assembly.~~

~~With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board in the course of site plan review shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.~~

~~Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.~~

~~(b) Alternative methods of meeting off-street parking requirements.~~

~~{1} General~~

~~{a} The waterfront area will include a mix of land uses on the waterfront, wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.~~

~~{b} Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.~~

~~{2} Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Waterfront Park project have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

~~{3} Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:~~

~~{a} Parking shared among various use elements within a Waterfront Park project.~~

~~{b} Parking shared among various use elements within a Waterfront Park project.~~

~~{c} Valet parking.~~

~~(c) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 7. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.4, entitled “Waterfront Development (WD) Zone,” Subsection J(11) is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

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

...

~~(12)~~ Off-street parking and loading shall be provided in accordance with § 223-26
~~(11)~~—.

...

~~(b)~~ Parking requirements shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the WD Zone are:

~~{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 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 400 square feet of gross floor area.

~~{5}~~ Hotel: 0.75 space for each hotel guest room.

~~(c)~~ With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in the above schedule, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.

~~(d)~~ Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

~~(e)~~ Alternative methods of meeting off-street parking requirements.

~~{1}~~ General:

~~[a] The WD Zone encourages a mix of land uses on the waterfront wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.~~

~~[b] Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.~~

~~[2] Planning Board authority. The Planning Board shall be authorized to reduce parking requirements for a given use, based upon a finding that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

~~[3] Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:~~

~~[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that 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.~~

~~[b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.~~

~~[c] Valet parking.~~

~~(f) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 8. Chapter 223 of the City Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) Zone, Section 223-41.13, entitled “Uses; plan review; design standards,” Subsection I(11) is hereby amended as follows:

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

...

I. Fishkill Creek development design standards.

...

(11) Off-street parking and loading.

...

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

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

~~(d) Up to 20% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.~~

~~(e) Off-street loading shall be provided as the Planning Board may find appropriate.~~

Section 9. Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G 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 development plan review and approval. Site development 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~~ maximum

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~~ maximum standard for the existing use in § 223-26 ~~DF~~ herein.

...

G. Parking location and quantity.

...

- (2) ~~The minimum quantity of required on-site parking spaces shall be as follows~~ Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the CMS District are 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~~ maximum standards in ~~Subsection G(2) above or § 223-26~~ 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 District.
 - (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 District 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 District 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.
- (g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

~~(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.~~

Section 10. Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsections A and F 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 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-maximum~~ 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-maximum standard~~ for the existing use in § 223-26D~~F~~ herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

- F. Parking location and quantity.

...

- (2) ~~The minimum quantity of required on-site parking spaces shall be as follows. Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the L District are as follows:~~
- ~~(a) Residential: one space per unit.~~
 - ~~(b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.~~
 - ~~(c) Retail commercial and personal services: three 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 § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner as listed in § 223-26 of this chapter.~~
- (3) The ~~quantity of required on-site parking~~ maximum standards in Subsection F(2) ~~above or § 223-26~~ may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:
- ~~(a)~~ (a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
 - ~~(b)~~ (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
 - ~~(c)~~ (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.
 - ~~(d)~~ (d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - ~~(e)~~ (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 in the L District and voluntarily dedicate such land to the City for public parking.
 - ~~(f)~~ (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 small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.~~

~~(5) Section 223-26B of this chapter shall not apply in the L District.~~

Section 11. Chapter 223 of the City Code of the City of Beacon, Article IVF, Senior Affordable Housing Overlay (SAHO) District, Section 223-41.22, entitled “Specific requirements and regulations,” Subsection E(1) is hereby amended as follows:

§ 223-41.22 **Specific requirements and regulations.**

...

E. Supplementary site regulations.

~~(1) Parking ratio. Unless modified by the City Council in its zoning designation or special permit, parking spaces shall be provided at the ratio of 1.2 spaces per dwelling unit. The 0.2 fractional space shall be accumulated for staff and visitors. Off-street parking shall be in accordance with § 223-26.~~

...

Section 12. Chapter 223 of the City Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 223-63, entitled “Definitions,” is hereby amended as follows:

...

LOADING SPACE

Any off-street space available for the loading or unloading of goods and complying with the ~~requirements-provisions~~ specified in § 223-26 of this chapter.

...

PARKING SPACE

An off-street space available for the parking of one motor vehicle on a transient basis and complying with the ~~requirements-provisions~~ specified in § 223-26 of this chapter.

...

Section 13. Ratification, Readoption and Confirmation.

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

Section 14. 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 15. 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 16. Effective Date.

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

City of Beacon City Council Agenda
04/22/2024

Title:

Amendments to the 2024 Budget

ATTACHMENTS

[Finance Director Memorandum Regarding Proposed Amendments to the 2024 Budget](#)

City of Beacon
Council Budget Amendments
April 29, 2024 Meeting

1. Amend the 2024 General Fund Transfer Station Budget to cover the cost of repairs to the Morbark Grinder. Below is the proposed budget amendment:

TRANSFER TO:

A -08-8189-447200-	REPAIR OF EQUIPMENT	<u>\$ 40,000</u>
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TRANSFER FROM:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 40,000</u>
--------------------	------------------	------------------

2. Amend the 2024 General Fund Police Budget and Water Budget for accumulated earned and unused time paid to employees upon resignation. Below is the proposed budget amendment:

TRANSFER TO:

A -03-3120-190000-	SEVERANCE/RETIREMENT PAY	\$ 6,103
F -08-8340-190000-	SEVERANCE/RETIREMENT PAY	19,176
		<u>\$ 25,279</u>

TRANSFER FROM:

A -01-1990-400004-	CONTINGENCY-RETIREMENT	\$ 6,103
F -01-1990-400004-	CONTINGENCY-RETIREMENT	5,000
F -01-1990-400001-	CONTINGENCY FUND	14,176
		<u>\$ 25,279</u>

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
04/22/2024

Title:

Proposed Agreement with Beacon Sloop Club for Floating Docks

ATTACHMENTS

[Draft Agreement with Beacon Sloop Club for Floating Docks](#)

**AGREEMENT BETWEEN THE BEACON SLOOP CLUB and
THE CITY OF BEACON FOR USE OF A
FLOATING DOCK IN THE BEACON HARBOR**

THIS AGREEMENT (the “Agreement”) is entered into by and between the **BEACON SLOOP CLUB, INC.**, a domestic not-for-profit corporation with an address of 2 Red Flynn Drive, Beacon, New York 12508 (the “Beacon Sloop Club”), and the **CITY OF BEACON**, a duly formed municipal corporation of the State of New York with an address of One Municipal Plaza, Beacon, New York 12508 (the “City”) (collectively the “Parties” and each a “Party”).

W I T N E S S E T H:

WHEREAS, the Beacon Sloop Club is the owner of a floating dock located in the Beacon Harbor and connected to City property on the mainland, all as depicted in Exhibit “A,” which is attached hereto and made a part of this Agreement (the “Floating Dock”); and

WHEREAS, the City and the Beacon Sloop Club desire to enter into an agreement so that the Beacon Sloop Club may install, maintain and utilize its Floating Dock in the Beacon Harbor subject to the terms and conditions set forth herein.

NOW THEREFORE, in exchange for the covenants and conditions set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. **PURPOSE:** To allow certain improvements to, and use of, City property, in accordance with the specific terms set forth herein, namely, to install, repair and maintain the Floating Dock in the Beacon Harbor for use by the Beacon Sloop Club and its members and invitees and the Bannerman Castle Trust, Inc, which has used the Floating Dock for its boat tours of Bannerman’s Island.

2. **AUTHORIZATION:** The Beacon Sloop Club will install and maintain the Floating Dock as follows:

- a. **Location:** The Floating Dock will be connected and secured to land only at the specific location on the harbor's eastern shoreline, which is designated and maintained by the City for this purpose, as shown in Exhibit “A”. The Beacon Sloop Club shall ensure that the Floating Dock is properly secured to land and maintained at all times.
- b. **Installation and Removal:** The Floating Dock may be installed by the Beacon Sloop Club each year on or about March 15, and removed on or about November 15. The Beacon Sloop Club shall have the sole obligation and responsibility to make arrangements for the transportation and storage of the Floating Dock, which shall not be stored on City Property.

- c. **Use of Docks:** The City and the Beacon Sloop Club agree the primary purpose of the Floating Dock is to serve Beacon Sloop Club vessels and vessels operating under agreement with or in concert with the Beacon Sloop Club, and the City hereby grants the Beacon Sloop Club access to the Floating Dock for this use and purpose. The Beacon Sloop Club agree that the Bannerman Castle Trust will also be allowed to use the Floating Dock for its tour boat(s), provided such use does not unreasonably interfere with the use by the Beacon Sloop Club as set forth above, and provided that the Bannerman's Castle Trust provides insurance coverages to the City and the Beacon Sloop Club in accordance with this Agreement. Additional uses of the Floating Dock may be allowed consistent with the terms and conditions as set forth in this Agreement.
- d. **Repair and Maintenance.** The Beacon Sloop Club shall maintain the Floating Dock in good repair and should the Floating Dock become separated from the mainland or from sections of itself, the Beacon Sloop Club shall promptly undertake all efforts to secure and reattach the Floating Dock. The Beacon Sloop Club shall take all measures necessary to prevent and remove the Floating Dock from blocking navigation of the Beacon Harbor.

3. **CONSIDERATION:** The Beacon Sloop Club shall pay the "Harbor Fee" of \$30.00 (Thirty Dollars) as set forth in the City of Beacon Schedule of Fees for the Harbor Permit prior to installing its Floating Dock. Upon any renewal of this Agreement, the Beacon Sloop Club shall pay the "Harbor Fee" then in effect.

4. **TERM:** This Agreement shall take effect on the date it is signed by authorized representatives of both the City and the Beacon Sloop Club and shall expire on November 15, 2029. Notwithstanding anything to the contrary, this Agreement may be renewed for two (2) additional five (5) year terms upon execution of an Extension Agreement, subject to City Attorney approval as to form. The City Administrator shall have sole discretion in determining whether to approve or deny renewal of this Agreement based upon the best interests of the City. Any Extension Agreements shall not require further City Council approval or consent provided there are no material or substantive changes to the terms of this Agreement.

5. **TERMINATION:** This Agreement may be terminated upon mutual written consent of the Parties at any time. Either Party may terminate this agreement for any reason by providing the other Party at least sixty (60) calendar days written notice, sent by certified mail. Said notice shall clearly state the reason(s) for the proposed termination. Prior to any further action related to termination not mutually agreed upon, the Parties will mutually endeavor to resolve the cause of the proposed termination, preferably without disturbing the installation or use authorized in this Agreement or, in the alternative, to identify and secure a suitable alternative. If the reason for the proposed termination cannot be resolved within the sixty (60) calendar day notice period, this Agreement shall terminate and be of no further force or effect. Upon termination of this Agreement, for any reason, the Beacon Sloop Club shall

immediately remove the Floating Dock and any associated structures or equipment from the Beacon Harbor.

6. **INSURANCE**: Prior to the commencement of the installation of the Floating Dock, the Beacon Sloop Club shall, at its sole expense and cost, procure and maintain throughout the Term of this Agreement (including any renewals) and furnish to the City certificates of insurance evidencing minimum insurance coverages as follows:

- a. Workers' Compensation Insurance and Employee Disability Insurance as prescribed by the law of the State of New York to the extent such is required by law;
- b. Comprehensive general liability insurance, with limits of no less than \$1,000,000 each occurrence / \$2,000,000 in the aggregate, for personal injury and property damage, and shall not exclude coverage for:
 - i. Products/Completed Operations;
 - ii. Independent Contractors;
 - iii. City of Beacon and their officers, employees, representatives, assigns, 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;
 - iv. Each insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions;
 - v. To the extent permitted by New York law, the selected firm waives all rights of subrogation or similar rights against City of Beacon, assigns, officers, employees, representatives and agents;
- c. Excess Umbrella Liability, with limits of no less than \$2,000,000, including coverage for General, Automobile and Professional Liability (if applicable).

Certificates shall provide thirty (30) calendar days written notice, by registered certified mail with return receipt requested, prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during the term of work shall be recertified and received by the City of Beacon no less than thirty (30) calendar days prior to expiration or cancellation.

The Beacon Sloop Club and all other entities utilizing the Floating Docks shall furnish the City of Beacon with Certificates of Insurance as evidence of coverage prior to commencement of the installation of the Floating Dock. The Certificates of Insurance shall name the City of Beacon, and its officers, employees, representatives, assigns, and agents as an Additional Insured by endorsement without limiting language. All required insurance must be in effect

and continued so during the life of the Agreement and is subject to the approval of the City Attorney as to adequacy, form and correctness.

The cost of furnishing the above insurance shall be borne by Beacon Sloop Club, there will be no payment or reimbursement by the City of Beacon for this cost.

All carriers listed in the certificates of insurance shall be A.M. Best Rated A VII or better and be licensed in the State of New York.

The Beacon Sloop Club hereby acknowledges that failure to obtain and carry the required insurance set forth above on behalf of the City subjects the Beacon Sloop Club to liability for damages, indemnification and other legal remedies available to the parties hereto and/or non-parties. The failure of the City to object to the contents of the policy of insurance and/or certificate of insurance, or the Beacon Sloop Club's failure to file a certificate of insurance shall not be deemed a waiver of the insurance requirements or any and all rights held by the City.

7. **NOTICES:** All notices, demands, requests, or other communications which are required to be given, served, or sent by one party to the other pursuant to this Agreement shall be in writing and shall be mailed through the United States Postal Services, postage prepaid, by registered or certified mail, or forwarded by a reliable overnight courier service with delivery verification, or personally delivered, or to such address as may be designated in writing by either Party pursuant to this Paragraph:

If to the City of Beacon:

City Administrator
Beacon City Hall
One Municipal Plaza
Beacon, NY 12508
Telephone: (845) 838-5009
Email: cwhite@beaconny.gov
Attn: Chris White
-and-

With a copy to:

City Attorney
Keane & Beane, P.C.
445 Hamilton Ave, Suite 1500
White Plains, NY 10601
Telephone: (914) 946-4777
Email: nward-willis@kblaw.com
Attn: Nicholas Ward-Willis, Esq.

If to the Beacon Sloop Club:

President
Beacon Sloop Club, Inc.

2 Red Flynn Drive
Beacon, NY 12508

Telephone: [REDACTED]

Email: [REDACTED]

Attn: Robert May

Service of notices shall be deemed to be delivered on the date of mailing if sent by registered or certified mail through the United States Postal Services, on the date of delivery if personally delivered or sent via private courier. Email notices shall not be an acceptable form of serving notices hereunder and are listed above solely for the convenience of the Parties hereto.

8. **INDEMNIFICATION**: The Beacon Sloop Club shall take all necessary precautions and place proper safeguards for the prevention of accidents. To the maximum extent permitted by law, Beacon Sloop Club hereby agrees to defend, indemnify and save the City, and its employees, officers and agents, harmless from any and all liability for damages, costs, losses, penalties and expenses, including reasonable attorney's fees, resulting from any claim asserted by a third party for wrongful death, bodily injury and/or property damage arising from or are related to the Beacon Sloop Club exercise of any privilege granted pursuant to this Agreement, except to the extent such damages, costs, losses, penalties and expenses are the result of any negligent act or omission by the City or any of its employees, officers or agents. No insurance maintained by the Beacon Sloop Club pursuant to this Agreement shall alter or reduce the Institute's obligation to defend, indemnify and save the City harmless in accordance with this paragraph.

9. **RELEASE OF LIABILITY**: The activities undertaken by the Beacon Sloop Club, including but not limited to, the installation, maintenance, use, and removal of the Floating Dock, involve certain inherent risks to life and property, which includes the possibility of death or severe injury. To the maximum extent permitted by law, the Beacon Sloop Club, and its officers, members, invitees, agents, and representatives, assume all risks, dangers, and damages in the performance of any and all activities authorized or in connection with this Agreement. TO THE MAXIMUM EXTENT PERMITTED BY LAW, NEITHER THE CITY OF BEACON NOR ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND REPRESENTATIVES SHALL BE LIABLE FOR, AND THE BEACON SLOOP CLUB AND FOR ITS OFFICERS, MEMBERS, INVITEES, AGENTS, AND REPRESENTATIVES HEREBY WAIVE, ALL CLAIMS FOR LOSS OR DAMAGE, ECONOMIC OR OTHERWISE, TO PERSONS OR PROPERTY SUSTAINED BY THE BEACON SLOOP CLUB OR ANY PERSON/ENTITY CLAIMING BY, THROUGH OR UNDER THE BEACON SLOOP CLUB RESULTING FROM ANY ACCIDENT OR OCCURRENCE IN, ON OR ABOUT THE BEACON HARBOR OR ARISING UNDER OR IN CONNECTION TO THIS AGREEMENT, INCLUDING, WITHOUT LIMITATION, CLAIMS FOR LOSS, THEFT OR DAMAGE, RESULTING FROM ANY CAUSE WHATSOEVER, EXCEPT FOR THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT BY THE CITY OF BEACON OR ITS

OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND REPRESENTATIVES.

10. **DISCLAIMER:** TO THE MAXIMUM EXTENT PERMITTED BY LAW, IN NO EVENT, SHALL THE CITY OF BEACON OR ITS OFFICIALS, OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND REPRESENTATIVES BE LIABLE, EITHER DIRECTLY OR INDIRECTLY, AS AN INDEMNITOR OF ANY OTHER PARTY, OR OTHERWISE, FOR ANY SPECIAL, PUNITIVE, INDIRECT AND/OR CONSEQUENTIAL DAMAGES ARISING UNDER OR IN CONNECTION WITH THIS AGREEMENT, INCLUDING DAMAGES ATTRIBUTABLE TO LOSS OF USE, LOSS OF INCOME, OR LOSS OF PROFIT EVEN IF SUCH PARTY HAS ADVISED ANY OTHER PARTY OF THE POSSIBILITY OF SUCH DAMAGES.

11. **EXISTING EQUIPMENT & PROPERTY:** Any and all existing equipment, facilities, real or personal property currently existing at the Beacon Harbor which are owned by the City, shall remain the property of the City. Nothing herein shall be construed as to give the Beacon Sloop Club any rights to City owned property or facilities unless expressly authorized hereunder, or by amendment, or separate agreement. The Floating Dock shall remain the personal property of the Beacon Sloop Club. The Beacon Sloop Club shall have the sole duty and responsibility of maintaining, repairing, replacing, improving, securing, guarding, preventing unauthorized access, or otherwise caring for the Floating Dock.

12. **FORCE MAJEURE:** Neither Party will be liable for any failure or delay in performing an obligation under this Agreement that is due to any of the following causes (which causes are hereinafter referred to as "Force Majeure"), to the extent beyond its reasonable control: acts of God, riots, war, terrorist act, epidemic, pandemic (including the Covid-19 pandemic), quarantine, breakdown of communication facilities, breakdown of internet service provider, natural catastrophes, governmental acts or omissions, changes in laws or regulations, national strikes, fire, or explosion. For the avoidance of doubt, Force Majeure shall not include (a) financial distress nor the inability of either Party to make a profit or avoid a financial loss, (b) changes in market prices or conditions, or (c) a Party's financial inability to perform its obligations hereunder.

13. **GOVERNING LAW; VENUE:** This Agreement shall be governed by and construed by the laws of the State of New York, without consideration given to its conflicts of law principles. Any action or proceeding in connection with this Agreement shall be initiated and maintained in the State or Federal courts of Dutchess County, New York. The Parties hereby waive any claim that venue is improper if brought in the State or Federal courts of Dutchess County, New York.

14. **COMPLIANCE WITH LAWS:** The Beacon Sloop Club shall conform to any and all Federal, State or local laws or regulations, and shall procure at its own expense any license(s) or permit(s) necessary for its operations, and shall pay any and all license and permit fees or charges whether of the City of Beacon or otherwise.

15. **NON-DISCRIMINATION REQUIREMENTS:** The Beacon Sloop Club, in utilizing City property, agrees for itself, and its successors and assigns that it shall not discriminate upon the basis of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, or domestic violence victim status. This paragraph shall not apply to, in the Beacon Sloop Club's reasonable discretion, medical fitness.

16. **ENTIRE AGREEMENT; AMENDMENTS:** This Agreement represents the entire agreement and understanding of the Parties hereto, and all previous understandings, agreements, and communications, written or oral, are hereby merged and superseded by this Agreement. This Agreement shall not be modified, superseded or otherwise amended, except as set forth in Paragraph 5 above, except by written agreement signed by all Parties hereto.

17. **NON-ASSIGNMENT; NO THIRD-PARTY BENEFICIARIES:** No assignment, transfer, conveyance, subletting or other disposition of all or any part of this Agreement, or of any of the rights and obligations herein, shall be permitted or allowed without the previous written consent of the Mayor, subject to the approval of the Beacon City Council. Nothing in this Agreement shall act to confer any rights or privileges upon any person or entity not a party to this Agreement.

18. **SEVERABILITY:** In the event that any provision, clause, paragraph or part of this Agreement is found to be unenforceable or unlawful for any reason, such provision, clause, paragraph or part shall be stricken from this Agreement and the remaining provisions, clauses, paragraphs or parts shall remain fully enforceable as if the invalid portion(s) were never included herein.

19. **WAIVER:** The failure of either Party to enforce, at any time, any provision of this Agreement shall not constitute a waiver of such provision in any way or waive the rights of either party at any time to avail itself of such remedies as it may have for any breach or breaches of such provision. None of the conditions of this Agreement shall be considered waived by either Party unless such waiver is given in writing by the waiving Party. No such waiver shall be a waiver of any past or future default, breach, or modification of any of the terms or conditions of this Agreement unless expressly stipulated in such waiver.

20. **COUNTERPARTS:** This Agreement may be signed and delivered, or a signature may be transmitted or communicated, by means of electronic transmission, including but not limited to a Portable Document Format (PDF) copy of an original signature. In the event of counterpart and/or electronic signatures, this Agreement will be treated for all purposes as an original agreement, and will have the same binding legal effect as if it contained a single signature page with "wet ink" original signatures.

{Signature Page Follows}

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the last date below:

BEACON SLOOP CLUB:

CITY OF BEACON:

Signature

Signature

Robert May
Name

Christopher White
Name

President
Title

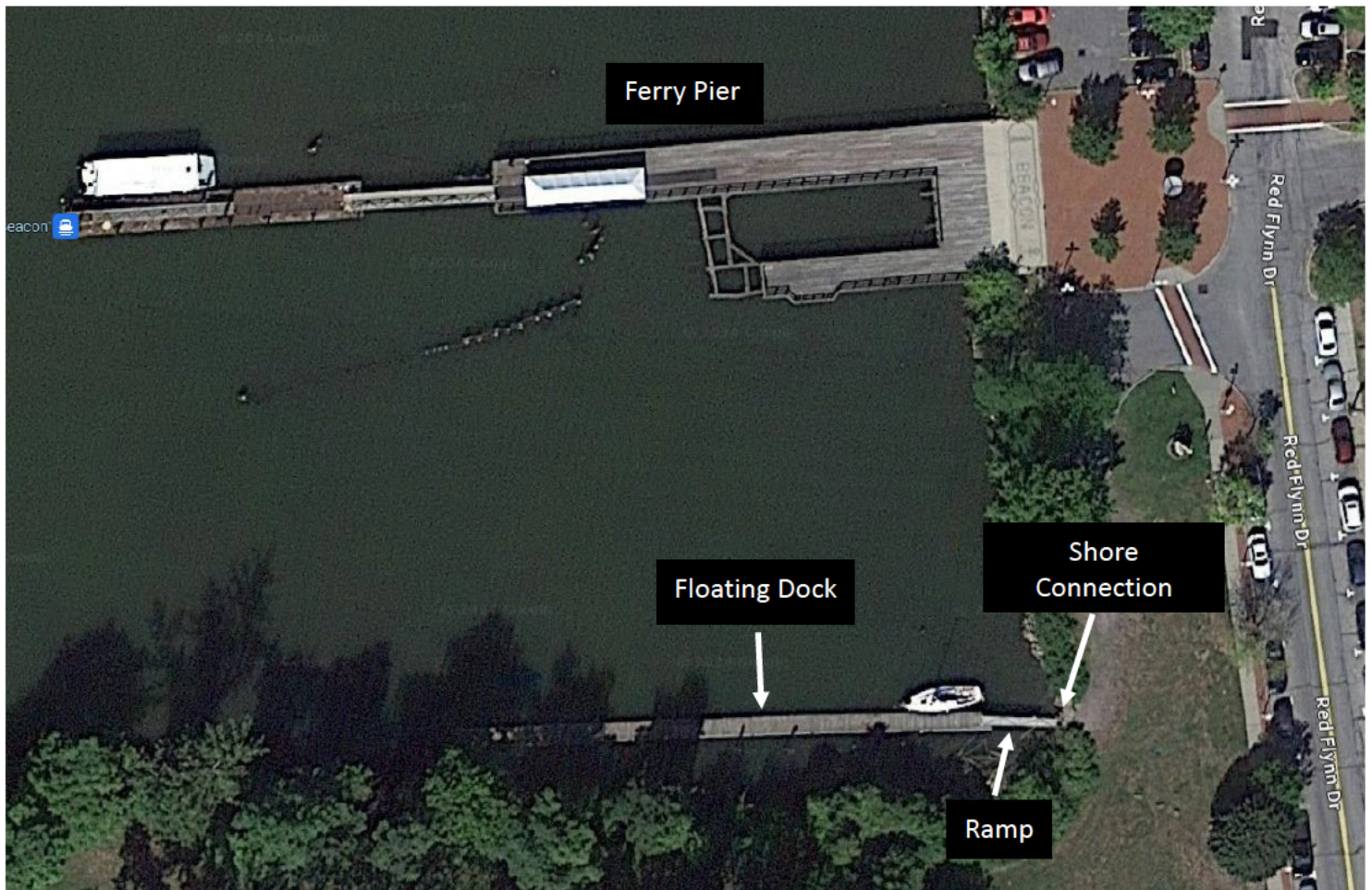
City Administrator
Title

Date

Date

EXHIBIT "A"
(Location of the Dock)

- Floating Dock: No greater than 180 feet in length and 6 feet in width.
- Ramp: No greater than 25 feet in length and 3 feet in width.



City of Beacon City Council Agenda
04/22/2024

Title:

Proposed Dedication of Sewer Infrastructure from Scenic Beacon Developments, LLC

ATTACHMENTS

Scenic Beacon Developments, LLC Applicant Letter

City of Beacon Planning Board Subdivision Approval for Scenic Beacon Developments, LLC

Offer of Dedication of Sewer Infrastructure from Scenic Beacon Developments, LLC

Draft Sewer Easement Agreement for Scenic Beacon Developments, LLC



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

April 19, 2024

VIA E-MAIL

Hon. Lee Kyriacou, Mayor
and Members of the City Council
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Scenic Beacon Developments, LLC – Offer of Dedication of Sewer Main Facilities
Premises: 18-30 Edgewater Place Beacon, New York (Tax Parcel ID: 5955-19-59022)
Request for Placement on the April 22nd City Council Agenda

Dear Mayor Kyriacou and Members of the City Council:

On behalf of Scenic Beacon Developments, LLC (the “Applicant”), the owner of the above referenced Premises, we respectfully submit this letter and the referenced enclosures in support of the Applicant’s request to appear at the City Council’s April 22nd meeting Agenda to consider the Applicant’s Offer of Dedication of certain sewer main facilities in connection with the development of the Edgewater project.

As you may know, the Applicant recently appeared before the City of Beacon Planning Board (the “Planning Board”) in connection with the Applicant’s request to internally subdivide the property for financing purposes.¹ The Planning Board granted Preliminary and Final Subdivision approval for the internal lot subdivision for the Edgewater project on March 12, 2024. See **Exhibit A** – Internal Lot Subdivision Approval Resolution. In furtherance of the Applicant’s discussions with the Dutchess County Department of Health, and as is conditioned in the Internal Lot Subdivision Approval Resolution, the Applicant must either form a Transportation Corporation for sewer works pursuant to the provisions of the NYS Transportation Law, or submit to the City an Offer of Cession and Dedication for the sewer infrastructure.

Pursuant to the Applicant’s discussions with City Staff, the Applicant hereby respectfully submits the enclosed Offer of Dedication of Sewer Facilities, and the associated Bill of Sale for the Sewer Main Facilities to be installed by the Applicant. See **Exhibit B** – Draft Offer of Dedication. Additionally, much like the Applicant’s prior Offer of Dedication and the associated easement granted to the City of Beacon for certain water facility improvements associated with the Edgewater project, please also find enclosed a copy of a proposed Sewer Easement to the City of Beacon for the purposes of maintaining, reconstructing, repairing or replacing the Sewer Facilities. See **Exhibit C** – Sewer Easement.

¹ Note: The City Council recently adopted amendments to Zoning Code Section 223-25.C at its December 11, 2023 meeting regarding internal lot subdivisions.



April 19, 2024
Page 2

In addition to the foregoing, and as is more fully detailed in the enclosed Offer of Dedication, pursuant to the Applicant's discussions with the City Administrator and the City Engineer, in connection with the Offer of Dedication the Applicant will also make certain sewer payments to the City of Beacon totaling \$100,000, which payments will be paid over a period of five (5) years.

LIST OF ENCLOSURES:

In support of this Offer of Dedication, please find the following documents:

- Exhibit A:** City of Beacon Planning Board Preliminary and Final Subdivision Approval Resolution dated March 12, 2024;
- Exhibit B:** Proposed Offer of Dedication to the City of Beacon for Sewer Facilities, Including Proposed Bill of Sale; and
- Exhibit C:** Proposed Sewer Easement to the City of Beacon.

In further support of this Application, we respectfully submit a draft of the Proposed Sewer System Dedication Plan for Edgewater, prepared by Hudson Land Design Professional Engineering, P.C. dated April 19, 2024.

CONCLUSION:

The Applicant respectfully requests that this matter be placed on the City Council's April 22, 2024 meeting Agenda for the Council's consideration. In the meantime, should the City Council or City Staff have any questions, please do not hesitate to contact me. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TP', with a long, sweeping horizontal line extending to the right.

Taylor M. Palmer

Enclosures

cc: Christopher White – City Administrator;
Bruce Flower – City Building Inspector;
Nicholas Ward-Willis, Esq. & Jennifer L. Gray, Esq. – City Attorneys

6031030.v2

Received by office
of the City Clerk
3/13/2024

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**PRELIMINARY AND FINAL INTERNAL PROPERTY
SUBDIVISION PLAT APPROVAL
FOR SCENIC BEACON DEVELOPMENTS, LLC (18-30 Edgewater Place)**

Parcel ID# 5955-19-590022

WHEREAS, the Beacon Planning Board received from Scenic Beacon Developments, LLC (“Applicant”) an application for Internal Property Subdivision Approval pursuant to City of Beacon Zoning Code §223-25.C(3) (the “Applicant”), for a 7-lot internal property subdivision (“Project”), on property located at 18-30 Edgewater Place in the Designed Residence Zoning District (“RD-1.7”) and designated on the Tax Map of the City of Beacon as Parcel ID# **5955-19-590022** (the “Property”); and

WHEREAS, by Resolution dated September 11, 2018 the Applicant received Site Plan and Subdivision (lot merger) approvals for the construction of seven buildings containing 246 apartments including 25 workforce housing units (350 bedrooms total) (the “Approvals”); and

WHEREAS, the Approvals were preceded by the Planning Board’s issuance of a consistency determination pursuant to the Local Waterfront Revitalization Program (“LWRP”) on July 10, 2018, the Planning Board’s adoption of an Amended Negative Declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) on July 10, 2018, the City Council’s approval of a Special Use Permit to allow multifamily housing, and the approval of several area variances by the Zoning Board of Appeals; and

WHEREAS, pursuant to Zoning Code §223-25.C(3), the Applicant now proposes to place Buildings 1, 2, 5, 6, and 7 on individual lots, and Buildings 3 and 4 would be on a single lot because the buildings are integrated structures; and

WHEREAS, Proposed Lot 1 would consist of 453,387 square feet (10.408 acres) consisting of common and/or shared areas, facilities, and amenities, Proposed Lot 2 would consist of 10,200 square feet (0.234 acres) containing one building, Proposed Lot 3 would consist of 10,200 square feet (0.234 acres) containing one building, Proposed Lot 4 would consist of 20,195 square feet (0.464 acres) containing Buildings 3 and 4 which are integrated structures, Proposed Lot 5 would consist of 8,500 square feet (0.195 acres) containing one building, Proposed Lot 6 would consist of 10,200 square feet (0.234 acres) containing one building, and Proposed Lot 7 would consist of 8,500 square feet (0.195 acres) containing one building; and

WHEREAS, the Planning Board is the approval authority for the Internal Property Subdivision pursuant to the City of Beacon Code §195-2 and Zoning Code §223-25.C(3); and

WHEREAS, Zoning Code §223-25.C(3) authorizes the Planning Board, after completion of Site Plan review, to subdivide one or more of the lots or buildings within a project that will continue to be controlled by an approved Site Plan; and

WHEREAS, the proposed Internal Property Subdivision will not change the scope of development on the Property which will continue to be controlled by the Approved Site Plan, which was approved by the Planning Board by Resolution dated September 11, 2018; and

WHEREAS, informal comments received from the Dutchess County Department of Behavioral & Community Health (“DCDOH”) note that due to the proposed subdivision the sewage collection system for the property which was previously proposed to remain private will now be required to be public (i.e. dedicated to the City of Beacon) or a transportation corporation will need to be formed by the Applicant pursuant to the provisions of the NYS Transportation Corporation Law; and

WHEREAS, the application consists of application forms, correspondence and plans submitted to the Planning Board; and

WHEREAS, the proposed Internal Property Subdivision is shown on the drawings entitled “Edgewater – Preliminary Subdivision Plat prepared for Edgewater,” prepared by Brendan Johnson, PLS, Johnson Surveying, LLC, dated January 24, 2024, and “Preliminary Subdivision Plat Edgewater,” prepared by Hudson Land Design Professional Engineering, P.C., dated December 27, 2023; and

WHEREAS, the development of the Property as set forth on the approved Site Plan was the subject of an environmental review conducted by the Planning Board as Lead Agency pursuant to the New York State Environmental Quality Review Act (“SEQRA”) which concluded with the Planning Board’s adoption of a Negative Declaration on December 12, 2017, amended July 10, 2018; and

WHEREAS, the requested Internal Property Subdivision is an additional permit/approval sought as part of the Proposed Action previously evaluated by the Planning Board under SEQRA, and does not create new or different adverse environmental impacts, therefore the Planning Board’s Amended Negative Declaration dated July 10, 2018 fully addresses the whole action, including the proposed subdivision approval, and no further SEQRA review is required; and

WHEREAS, the Planning Board reviewed the application at its meetings on February 14, 2024 and March 12, 2024 and considered comments by its consulting engineer and planner; and

WHEREAS, on March 12, 2024 the Planning Board opened a duly noticed public hearing on the application for Subdivision approval concerning the Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was closed on March 12, 2024; and

WHEREAS, the Planning Board is fully familiar with the Proposed Action and has reviewed the Proposed Action relative to all applicable provisions of the City of Beacon Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants Preliminary Internal Property Subdivision Plat Approval for the Project, as shown on the application materials enumerated above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Internal Property Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Internal Property Subdivision Plat Approval to the Project, as shown on the application materials enumerated above, subject to the following conditions and modifications set forth below and any other requirements which must be met by law:

A. The following conditions shall be fulfilled prior to the signing of the Final Internal Property Subdivision Plat by the Chairperson of the Planning Board:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project, including but not necessarily limited to approval from the Dutchess County Department of Behavioral & Community Health, and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer's letter to the Planning Board dated March 8, 2024, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The Applicant shall either (i) form a Transportation Corporation for sewer works pursuant to the provisions of the NYS Transportation Law, or (ii) submit to the City an Offer of Cession and Dedication for the sewer infrastructure in a form acceptable to the City Attorney, to be recorded in the Dutchess County Clerk's Office, and satisfactory assurance delivered to the City Attorney that those documents shall be recorded in the Dutchess County Clerk's Office in appropriate order in relationship to the timing of the filing of the Internal Property Subdivision Plat, and that a copy of the

documents with proof of their recording will be promptly submitted to the Planning Board Secretary for filing with a copy to the City Attorney. In the event the City of Beacon City Council declines to accept dedication of the sewer infrastructure, the Applicant shall form a Transportation Corporation, unless otherwise required by the DCDOH.

5. All existing and proposed easements, restrictive covenants and related notes, as applicable, shall be shown on the Final Internal Property Subdivision Plat to the satisfaction of the City Engineer and City Attorney. Proposed easement agreements, declarations of restrictive covenants or other appropriate documents corresponding with the easements and notes shown on the Final Internal Property Subdivision Plat shall be prepared, as applicable, and submitted to the City Attorney for review as to form, and satisfactory assurance delivered to the City Attorney that those documents shall be recorded in the Dutchess County Clerk's Office in appropriate order in relationship to the timing of the filing of the Internal Property Subdivision Plat, and that a copy of the documents with proof of their recording will be promptly submitted to the Planning Board Secretary for filing with a copy to the City Attorney.
6. The Applicant shall post a performance guaranty with the City of Beacon for any public sanitary sewer improvements. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.
7. The Applicant shall establish an escrow with the City of Beacon for the City's construction inspection of any public sanitary sewer installation.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairperson. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

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

1. All conditions, set forth in the any previous Planning Board Resolution related to the Property, and not explicitly superseded herein, shall remain in full force and effect. Proposed Lots 1 through 7 shall continue to be controlled by the Site Plan approved by the Planning Board on September 11, 2018 and any approved amendment thereof. The approval granted herein does not authorize any development within any Lot other than what is shown on the Approved Site Plan.

2. Pursuant to Zoning Code §223-25.C(3), the Zoning Code's Schedule of Dimensional Regulations shall apply to the overall site area covered by the Approved Site Plan, whether or not the same is or will continue to be under one ownership.
3. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
4. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
5. As used herein, the term "Applicant" shall include the Applicant and the Applicant's heirs, successors and assigns, and where applicable its contractors and employees.
6. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
7. The approval granted by this resolution does not supersede the authority of any other entity.
8. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis and/or further project review, as the Board may deem appropriate.
9. Conditional approval of the Final Internal Property Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairperson, or unless a written request for an extension of

Final Internal Property Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.

10. Once the Final Internal Property Subdivision Plat has been endorsed by the Planning Board Chairperson, said Plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County and showing the assigned Filed Map number shall be submitted by the Applicant to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this Resolution and proof of recording of the easement(s) and other documents described above.

Resolution Adopted: March 12, 2024
Beacon, New York


John Gunn, Chairperson
City of Beacon Planning Board

MARCH 12th, 2024
Dated

Motion by Mr. Warner, seconded by Ms. Quiana:

Kevin Byrne	Voting	AYE
Karen Quiana	Voting	AYE
Donna Francis	Voting	AYE
David Jensen	Voting	AYE

Leonard Warner	Voting	AYE
J. Randall Williams	Voting	EXCUSED
John Gunn, Chairperson	Voting	AYE

Approved: 6-0
Denied:

IRREVOCABLE OFFER OF DEDICATION OF SEWER MAIN FACILITIES

This IRREVOCABLE OFFER OF DEDICATION (the “Offer”) made as of the ____ day of _____, 2024, is by and between **SCENIC BEACON DEVELOPMENTS LLC**, a limited liability company organized and existing under the laws of the State of New York and having an address located at 28 Creek Drive, Beacon, New York 12508 (hereinafter the “Grantor”), and the **CITY OF BEACON** (the “City”), a New York municipal corporation having its principal place of business at 1 Municipal Plaza, Beacon, New York 12508 (hereinafter the “Grantee” or “City”).

In consideration of the mutual promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is covenanted and agreed as follows:

1. The Grantor herein delivers to the City a Bill of Sale annexed hereto as **Exhibit A** (the “Bill of Sale”) for certain sewer main line facilities to be conveyed and accepted, which sewer main line facilities are more fully described in the Bill of Sale, said delivery constituting a formal Irrevocable Offer of Dedication to the City, to be held by the City until the acceptance or rejection of such Irrevocable Offer of Dedication by the City.

2. The Grantor agrees that this formal Irrevocable Offer of Dedication is irrevocable and can be accepted by the City at any time.

3. The execution and delivery of this Irrevocable Offer of Dedication shall impose no obligation by the City to accept such Irrevocable Offer of Dedication. Notwithstanding the foregoing, the Grantor and City acknowledge agree that the City’s acceptance of the Offer is conditioned upon the Grantor paying to the City the amount of ONE HUNDRED THOUSAND and 00/100 DOLLARS (\$100,000.00) as follows: (i) \$20,000 with the execution and delivery of

this Offer; and (ii) four (4) additional payments each in the amount of TWENTY THOUSAND and 00/100 DOLLARS (\$20,000.00) paid on or before _____ in the calendar years of 2025, 2026, 2027, and 2028 (collectively the “Sewer Payments”). All Sewer Payments made hereunder shall be held in escrow by the City pending the City’s acceptance of this Offer. The City may elect to accept this Offer prior to the Sewer Payments being paid in full. In the event the City accepts the Offer, the Sewer Payments shall automatically be released from escrow for the benefit of the City, and any future payments, if any, may be released to the City on payment. In the event the City rejects the Offer, or fails to either accept or reject this offer within sixty (60) days of the Grantor delivering to the City the final payment due hereunder such that the Sewer Payments are paid in full, then the Sewer Payments shall be immediately returned to the Grantor and the City shall waive any right to object to the Grantor forming a transportation corporation in place of the Offer for the purpose of the operation and maintenance of the sewer main line facilities.

4. This Irrevocable Offer of Dedication shall run with the land and be binding upon the Grantor, its successors and assigns. Notwithstanding the foregoing, the City will continue to rely on Grantor's fee title interest in and to the property described on the Filed Map (as set forth in the Bill of Sale) as security for the Sewer Payments required above. Accordingly, upon Grantor’s sale of any one or more lots depicted on the Filed Map to an independent third party for consideration the Sewer Payments shall be due and payable in full. For purposes of this Offer the term “sale” shall not include (i) the lease of all or part of any lot shown on the Filed Map; (ii) the transfer by Grantor of a lot shown on the Filed Map to an entity that Grantor or its members control, or is controlled by Borrower or its members (each an “Affiliated Entity”); (iii) the transfer of any membership interests of the Grantor, or an Affiliated Entity that owns a lot shown on the Filed

Map; or (iii) the granting of a mortgage or other security interest in any one more of the lots or the property as a whole as shown on the Filed Map.

5. This Irrevocable Offer of Dedication was executed on behalf of the Grantor pursuant to the Resolution of the City of Beacon Planning Board duly adopted on _____, 2024 granting Subdivision Approval for property with the Tax ID No. 5955-19-590022, situated in the City of Beacon, County of Dutchess, State of New York.

[SIGNATURE PAGE TO FOLLOW]

[SIGNATURE PAGE TO IRREVOCABLE OFFER OF DEDICATION – SEWER]

IN WITNESS WHEREOF, the Grantor has executed and delivered this Irrevocable Offer of Dedication on the day and year set forth above.

GRANTOR:

SCENIC BEACON DEVELOPMENTS, LLC, a Limited Liability Company

By: _____
Name:
Title:

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

On the day of _____ in the year 2024, 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.

Notary Public

EXHIBIT A

Bill of Sale

(see attached form)

BILL OF SALE FOR SEWER MAIN FACILITIES

THIS BILL OF SALE made this ____ day of _____, 2024, by, between and among, **SCENIC BEACON DEVELOPMENTS LLC**, a limited liability company organized and existing under the laws of the State of New York and having an address located at 28 Creek Drive, Beacon, New York 12508 (hereinafter the “Grantor”), and the **CITY OF BEACON** (the “City”), a New York municipal corporation having its principal place of business at 1 Municipal Plaza, Beacon, New York 12508 (hereinafter the “Grantee” or “City”).

W I T N E S S E T H:

WHEREAS, the Grantor is the fee owner of the with the Tax ID No. 5955-19-590022, situated in the City of Beacon, County of Dutchess, State of New York (the “Property”); and

WHEREAS, an Irrevocable Offer of Dedication of Sewer Facilities was submitted to the City in satisfaction of a condition of the Subdivision Approval for the Property pursuant to the Resolution of the Planning Board of the City of Beacon duly adopted on _____, 2024 (the “Subdivision Approval”), which offers the conveyance of title to said Sewer Main Facilities (defined below) to the City; and

WHEREAS, the certain sewer main facilities were constructed and installed, including appurtenances and facilities thereto (the “Sewer Main Facilities”) located within the Property, which Sewer Main Facilities are depicted on Filed Map # _____, and more fully described in **Schedule “A”** annexed hereto and made a part hereof, and which Sewer Main Facilities are connected to the City’s municipal sewer collection system, and

WHEREAS, the Grantor warrants and represents that it is the owner of the Sewer Main Facilities.

NOW, THEREFORE, in consideration of the sum of ten (\$10.00) Dollars, the aforementioned approvals, and other good and valuable consideration under the covenants, terms and conditions hereinafter set forth, the receipt of which is hereby acknowledged, the Grantor hereby conveys and transfers to the City, its successors and assigns, free of all liens and/or encumbrances, the Sewer Main Facilities.

The Sewer Main Facilities are conveyed and transferred by the Grantor to the City in an “as is/where is” condition, and said conveyance is made without warranty, express, statutory or implied, of merchantability or as to description, condition, location, quality, fitness for any particular use or purpose, or otherwise.

This Bill of Sale shall be binding upon and shall inure to the benefit of the parties, their subsidiaries, affiliates, legal representatives, heirs, successors and assigns.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have duly executed this Bill of Sale as of the date and year first above written.

GRANTOR:

SCENIC BEACON DEVELOPMENTS, LLC, a Limited Liability Company

By: _____
Name:
Title:

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

On the day of _____ in the year 2024, 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.

Notary Public

SCHEDULE A

Description of Sewer Main Facilities

To be provided

SEWER EASEMENT

THIS SEWER EASEMENT AGREEMENT (this “Agreement”) is made and entered into as of this ____ day of _____, 2024, by and between **SCENIC BEACON DEVELOPMENTS LLC**, a limited liability company organized and existing under the laws of the State of New York and having an address located at 28 Creek Drive, Beacon, New York 12508 (“**Grantor**”), and the **City of Beacon** (the “**City**”), a New York municipal corporation having its principal place of business at 1 Municipal Plaza, Beacon, New York 12508.

W I T N E S S E T H:

WHEREAS, Grantor is the owner of certain plots, pieces and parcels of land, with the Tax Parcel ID 5955-19-590022, situated in the City of Beacon, County of Dutchess, State of New York more particularly described on **Schedule A** attached hereto (the “**Property**”);

WHEREAS, Grantor sought and received final Subdivision Plat Approval (the “**Final Subdivision Plat Approval**”) from the City of Beacon Planning Board (the “**Board**,”) by resolution dated _____ (the “**Final Approval Resolution**”) wherein the Board approved Declarant’s application to subdivide the Property into seven (7) lots and construct residential buildings thereon and other improvements (the “**Project**”) required in connection therewith pursuant to a proposed Subdivision Plat prepared by _____ (the “**Plat**”);

WHEREAS, the Plat was filed in the Dutchess County Clerk’s Office on _____, 2024 as Filed Map No. _____;

WHEREAS, such Final Approval Resolution requires, as a condition, that the Grantor must provide certain easements; and

WHEREAS, Grantor has constructed or will construct certain sewer main facilities (the “**City Sewer Facilities**”) in accordance with the Subdivision Plat Approval within the areas depicted in Schedule B attached hereto and made a part hereof and as more particularly described in Schedule C attached hereto and made a part hereof (the “**Easement Areas**”), which City Sewer Facilities are required as part of the City’s municipal sewer system; and

WHEREAS, Grantor wishes to transfer ownership of the City Sewer Facilities located within the Property (as shown on the Plat) and service laterals extending therefrom and appurtenances thereto; and

WHEREAS, the City desires a perpetual easement granting it the right to enter upon the Easement Areas for the purpose of maintaining, reconstructing, repairing or replacing the City Sewer Facilities and reserve an easement for the possibility of the installation of municipal sewer lines in the future,

NOW, THEREFORE, in consideration of the covenants, promises, declarations and

agreements set forth below, Grantor and the City agree as follows:

1. Grantor for itself, its successors and assigns grants to the City, its successors, assigns, employees, agents and authorized representatives, a perpetual non-exclusive right-of way easement and right-of-way to use a portion of the Property, hereinafter described, for the purpose of entry to perform activities including, but not limited to, the right to lay, construct, install, operate, clear and clean land for, maintain, repair, alter, expand, replace and/or inspect sewer mains and related facilities, including lines, pipes, valves, meter facilities and appurtenances, or a combination thereof, for the purpose of conveying and transporting sewage and for the purposes of operating, maintaining, repairing, reconstructing, replacing and inspecting, pipes, conduits and related appurtenances for the transportation and disposal of sewage on, over, under, across and through the real property described in said Easement Areas, and to enter upon Property for said purposes.

2. It is understood and agreed by Grantor and City that the City will restore any portion of the Property disturbed by any construction, maintenance, repair or replacement work performed hereunder by or on behalf of the City to the same elevation and contour that it was prior to the performance of such work and, to the greatest extent practicable, rough grade and seed the ground surface of said area or, if the area is paved, pave the surface area.

3. The parties hereto agree that, except as set forth herein and/or except as shown on the Plat, no building or structure of any kind, including walls and fences, shall be erected over the Easement Areas, nor will the Grantor plant or landscape the Easement Areas except for grass; provided however that Grantor shall have the right to (i) install multiple underground utilities or conduits within the Easement Areas subject to applicable governmental agency approval, and (ii) paving for a driveway, roadway or parking over the Easement Areas is permitted. Upon written request to the City Board of Trustees, the Grantor may request approval to erect or install improvements within the Easement Areas that do not conflict or interfere with the operation of the municipal utilities located therein and the use and enjoyment of the Easement Areas. Upon good cause shown, the City Board of Trustees may grant a revocable license to maintain such improvements within the Easement Areas in its sole discretion and with such conditions that it deems appropriate.

4. The parties acknowledge and agree that the Grantor reserves to itself, its heirs, successors and assigns, respective tenants, servants, workers, employees and agents, the right to enter upon the Easement Areas for access to any portion of the Property so long as it does not interfere with the use and enjoyment of this easement.

5. The parties acknowledge and agree that the Grantor reserves to itself, its heirs, successors and assigns, the right to connect each lot within the Project to the City Sewer Facilities installed within the Easement Areas in accordance with the laws, rules and regulations of the City of Beacon and the State of New York.

6. This Agreement shall only become effective upon the completion of the installation of the City Sewer Facilities in accordance with plans and specifications approved by the City, and acceptance of the dedication of the City Sewer Facilities, as required, by the City. If any of the City Sewer Facilities are installed outside of the Easement Areas, the final acceptance of such

dedication shall only be issued upon Grantor's execution and filing of an amendment to this Easement Agreement to provide for an amended description of the Easement Areas revised in accordance with an as-built survey to be prepared by Grantor and delivered to the City.

7. Grantor and the City hereby acknowledge that this Agreement shall:
 - a. Apply to Grantor and all successors and assigns;
 - b. Be enforceable by the City, its agents and employees, by an action for injunction, damages or other relief and, in the event the City prevails in such action, the City shall be reimbursed for all costs and expenses, including attorneys' fees, incurred in connection therewith, which shall be a lien against the property or properties on which any such violation occurs.
 - c. Inure to the benefit of the City and may not be modified, amended, or terminated without prior written consent and approval of the City.

[signature pages to follow]

[signature page – Grantor]

IN WITNESS WHEREOF, Grantor and the City have executed this instrument as of the date first above mentioned, intending that the same be recorded in the Office of the Clerk of the County of Dutchess, Division of Land Records.

SCENIC BEACON DEVELOPMENTS LLC,

By: _____

Name:

Title:

STATE OF NEW YORK)
)ss.:

COUNTY OF DUTCHESS)

On _____, 2024 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

[signature page – City]

CITY OF BEACON

By: _____

Name:

Title:

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

On _____, 2024 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

TAX ID: 5955-19-590022
City of Beacon
County of Dutchess

Record and Return to:
City of Beacon
1 Municipal Plaza
Beacon, New York 12508
ATTN: City Clerk

SCHEDULE A

Property Legal Description

[to be attached]

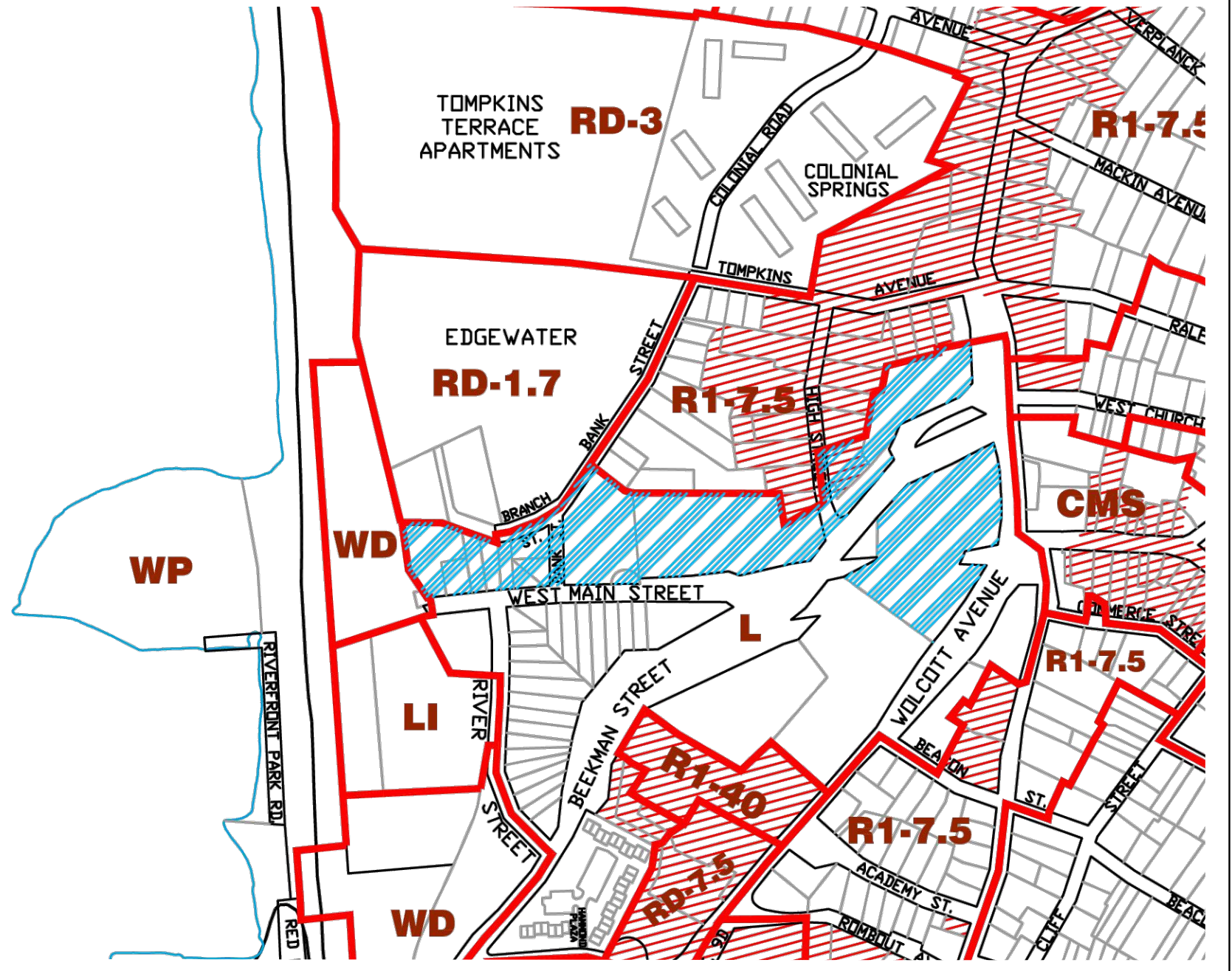
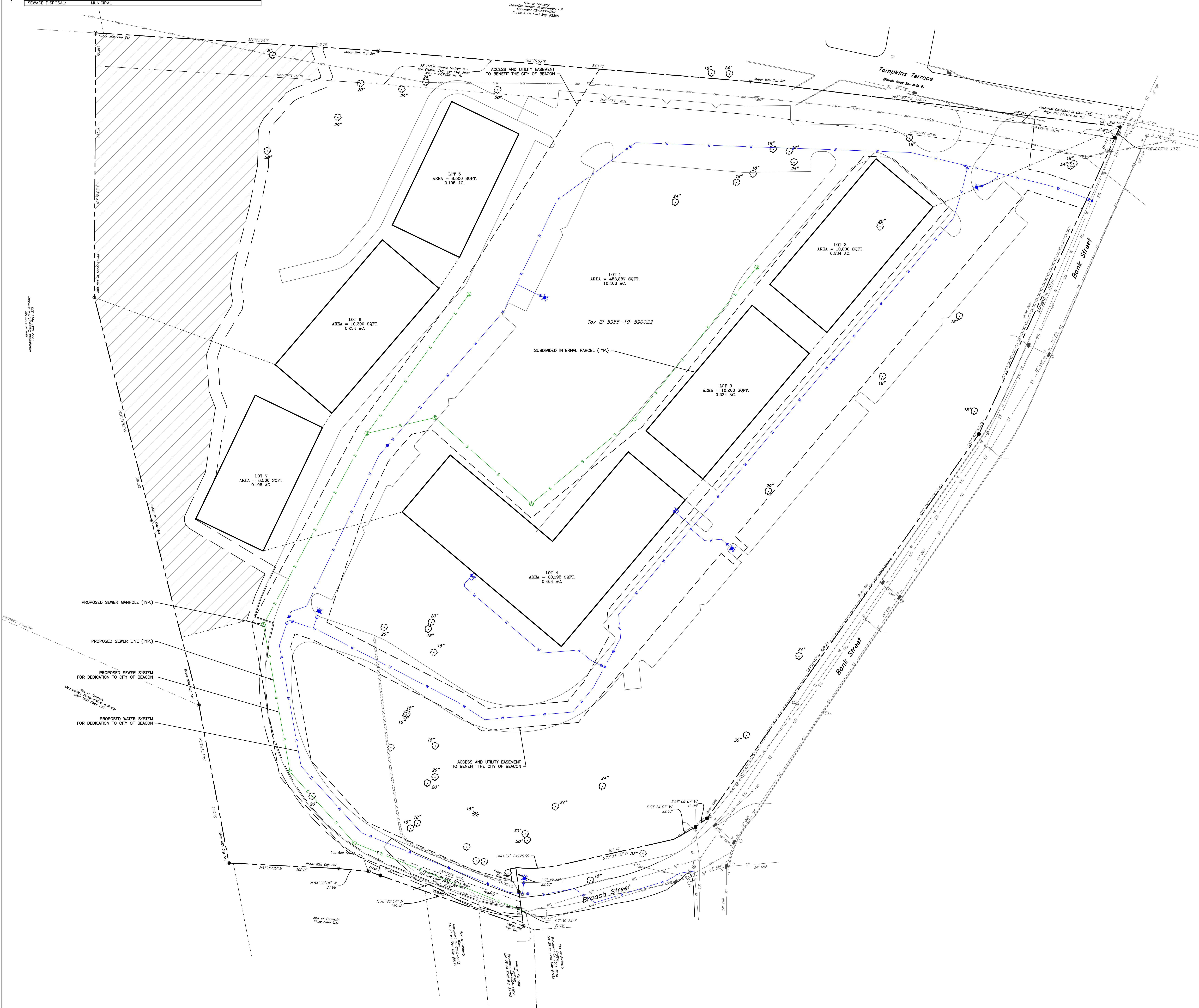
SCHEDULE B

SCHEDULE C

SEWER EASEMENT AREAS
(to be provided)

Sewer System Dedication Plan

PROJECT INFORMATION:	
PARCEL OWNER:	SCENIC BEACON DEVELOPMENTS, LLC, 28 CREEK DRIVE, BEACON, NY 12508
PROJECT ENGINEER:	HUDSON LAND DESIGN P.C., 174 MAIN STREET, BEACON, NY 12508
PARCEL LOCATION:	18-30 EDGEWATER PLACE, BEACON, NY 12508
TAX PARCEL ID:	5955-19-590022
PARCEL AREA:	±11.97-ACRES
WATER SUPPLY:	MUNICIPAL
SEWAGE DISPOSAL:	MUNICIPAL



SITE LOCATION MAP SCALE: 1" = 400'

LEGEND:	
	EXISTING PROPERTY LINE
	ADJOINING PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING STREAM
	EXISTING WETLAND BOUNDARY
	100' WETLAND BUFFER
	EXISTING MINOR CONTOUR
	EXISTING MAJOR CONTOUR
	EXISTING TREE LINE
	EXISTING OVERHEAD WIRE
	EXISTING UTILITY POLE
	EXISTING SEWER SERVICE LINE
	EXISTING SEWER LINE
	EXISTING SEWER MANHOLE
	EXISTING SEWER CLEAN OUT
	EXISTING WATER LINE
	EXISTING WATER SERVICE LINE
	EXISTING WELL
	EXISTING HYDRANT
	EXISTING WATER SHUT OFF VALVE
	EXISTING WATER VALVE
	EXISTING STORM WATER LINE
	EXISTING ROOF LEADER
	EXISTING CATCH BASIN
	PROPOSED PROPERTY LINE

SUBDIVISION NOTES:

- This subdivision is approved under the provisions of the Beacon Zoning Law section 223-25 C (3), and is based upon a development plan (Site Plan) prepared by Arlyn Siegel, AIA, Hudson Land Design, Civil Engineer, Landscape Restorations, Landscape Designer, and TEC Land Surveying, entitled "EDGEWATER Site Plan and Special Use Permit Application" drawn January 31, 2017, with last revision date April 29, 2020, which received Site Plan Approval issued by the City of Beacon Planning Board, by Resolution dated September 11, 2018, and any amendment to such Site Plan Drawings or Site Plan Resolution as may be duly adopted by the Planning Board in the future ("the approved Site Plan").
- All Development on each of the seven lots in this subdivision continues to be subject to all requirements shown on the approved Site Plan. The approval of this Subdivision does not authorize any development within any Lot other than as shown on the approved Site Plan.
- All seven lots on the Subdivision are also obligated to maintain their respective properties in compliance with the applicable provisions of the City of Beacon Site Plan regulations which provide that the continued validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan or any amendments thereto, and with any conditions thereof (section 223-25 A).
- Non-exclusive access for vehicular and pedestrian circulation and parking is provided for the benefit of proposed Lots 2 through 7 in the area designated for such purposes on the approved Site Plan.
- A non-exclusive undefined easement for access to utilities is provided for the benefit of Lots 2 through 7 over the entire area of Lot 1 to provide Lots 2 through 7 with access to gas, electric, and other utilities that run underground or overground throughout Lot 1, where such utilities currently stand or as they may be relocated on Lot 1.

FILED MAP REFERENCE:

Map entitled "Edgewater Final Subdivision Plat For Consolidation Prepared for Scenic Beacon Developments, LLC" prepared by TEC Land Surveying and filed in the Dutchess County Clerk's office on August 6, 2020 as filed map No. 12689.

Map entitled "Ash Kill Landing North" prepared by Peter R. Hustis, LS and filed in the Dutchess County Clerks office on May 10, 1984 as Map No. 6889.

Map entitled "Lands of JGS Realty Corporation" prepared by Rohde & Soyko Consulting Engineers, P.C. and filed in the Dutchess County Clerks office on February 25, 1981 as Map No. 5182.

Map entitled "Property of Ethel G. Whittenore" prepared by Robert Monell and filed in the Dutchess County Clerks office on October 16, 1959 as Map No. 2890.

Map entitled "Map of A Survey Prepared for Deborah Krzeczewski" prepared by Colin M. Houston, PLS, dated May 17, 2000.

Map obtained from MYS QGS shows lands underwater.

SURVEY NOTES:

- COPYRIGHT JOHNSON 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.
- 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.
- 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.
- 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.
- THE CERTIFICATIONS HEREIN ARE NOT TRANSFERABLE.
- 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.
- SUBJECT TO THE FINDINGS OF A CURRENT TITLE SEARCH.
- SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.
- SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.
- BEARINGS AND NORTH SHOWN HEREON ARE REFERENCED TO MAG. 83-MY EAST USING NYSNET RTN GPS.

TOTAL PARCEL AREA:
521,182 SF OR 11.97 ACRES

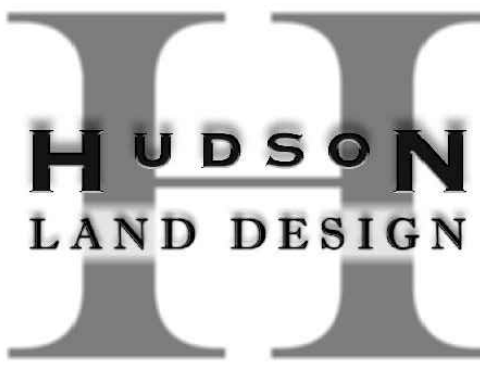
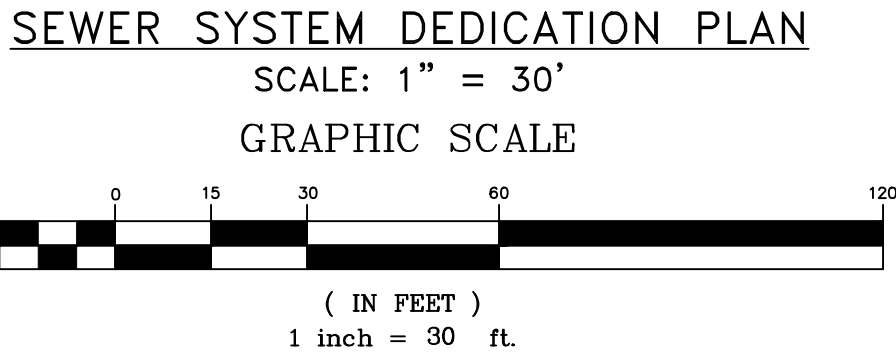
TAX MAP REFERENCE:
CITY OF BEACON 5955-19-590022

FLOOD BOUNDARY:
SUBJECT PARCEL IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER PANEL 360270043E DATED MAY 2, 2012.

WETLAND NOTE:
NO NYSDEC OR FEDERAL WETLANDS WERE FOUND DNSTE.

ZONING:
SUBJECT PARCEL IS LOCATED WITHIN THE (RD-1.7) DESIGN RESIDENCE DISTRICT AS PER MAP ENTITLED "CITY OF BEACON, NY ZONING" PREPARED BY LANC & TULLY ENGINEERING AND SURVEYING, P.C. REVISED: JULY 13, 2020.

DRAWN BY: CMB			CHECKED BY: MAB		
REVISIONS:			REVISIONS:		
NO.	DATE	DESCRIPTION	BY	NO.	DATE



HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING P.C.
174 MAIN ST., BEACON, NEW YORK 12508
13 CHAMBERS ST., NEWBURGH, NEW YORK 12550
PH: 845-440-6926

SEAL

SEWER SYSTEM DEDICATION PLAN
EDGEWATER
18-30 EDGEWATER PLACE
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK
TAX ID: 5955-19-590022

JOB #:	2016-015
DATE:	4/19/2024
SCALE:	AS NOTED
TITLE:	DEDICATION
SHEET:	1 OF 1

City of Beacon City Council Agenda
04/22/2024

Title:

Hudson Highland Fjord Trail Discussion

ATTACHMENTS