



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

**August 5, 2024
8:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing on Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause

Public Hearing on a Proposed Local Law Concerning Minimum Parking Requirements

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 75 - Appointing Coleman Lawrence to the Position of Heavy Motor Equipment Operator
2. Resolution No. 76 - Appointing Isabella Nocerino to the Position of Police Officer
3. Resolution No. 77 - Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the 2024 Beacon Accessible Curb Ramps Project
4. Resolution No. 78 - Authorizing the City Administrator to Execute an Agreement with MCT at Service, Inc. for the 2024 Beacon City Hall Exterior Stair Replacement Project
5. Resolution No. 79 - Authorizing the City Administrator to Submit an Application for a 2024 Climate Smart Communities Grant
6. Resolution No. 80 - Authorizing the Issuance of Bonds for the Fishkill Avenue Water Main Replacement
7. Resolution No. 81 - Authorizing the Issuance of Bonds for Highway Department Equipment
8. Resolution No. 82 - Authorizing the Issuance of Bonds for Wastewater Treatment Plant Upgrades
9. Resolution No. 83 - Authorizing the Issuance of Bonds for a Ladder Fire-Fighting Truck

10. [Resolution No. 84 - Adopting Local Law No. 5 of 2024 Concerning Minimum Parking Requirements](#)
11. [Resolution No. 85 - Referring Proposed Local Law No. 8 of 2024 Concerning the Fishkill Creek Development District to the City of Beacon and Dutchess County Planning Boards](#)
12. [Resolution No. 86 - Authorizing the Mayor to Execute a Settlement Agreement with St. Andrew and St. Luke Episcopal Church](#)

Approval of Minutes

1. [July 15, 2024 Minutes](#)

Public Comment - Second Opportunity

Announcement of Next Meeting: August 19, 2024 at 7:00 p.m. (Workshop) & 8:00 p.m. (Meeting)

Executive Session

1. [Executive Session: Personnel](#)

Adjournment

City of Beacon City Council Agenda
08/05/2024

Title:

Public Hearing on Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause

New York State Homes and Community Renewal Good Cause Eviction Handout (May 2024)

Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause

New York State Real Property Law Section 213 Regarding Voluntary Local Government Participation in Good Cause Eviction

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the City Council

FROM: Keane & Beane, P.C.

RE: New York State Real Property Law Article 6-A: Good Cause
Eviction Law

DATE: July 15, 2024

Included herewith is a proposed local law for the City Council's (the "Council") consideration to voluntarily opt the City of Beacon (the "City") into the State's new Good Cause Eviction Law ("GCE") pursuant to Article 6-A of the New York State Real Property Law ("RPL").¹ In 2022, the City adopted its own local GCE law under Article III of Chapter 173 of the Beacon Code. However, like other local GCE laws adopted by New York municipalities, Beacon's GCE law was ultimately found to be invalid as unconstitutional and preempted by State Law in the Beacon City Court *Matter of 201-211 Main St. LLC. v. Gerado Ortiz*, Index No. LT-138-23 (Beacon City Ct. 20223). As such, this proposed local law repeals and replaces Beacon's GCE.

The State's new GCE authorizes local governments outside New York City to voluntarily participate in the GCE by adopting a local law consistent with RPL § 213, with two exceptions as detailed below. Further, the GCE preempts municipalities from altering any other terms or provisions of the GCE but for these two areas. If the Council adopts the proposed local law, the City would be voluntarily adopting all provisions of the GCE and solely limited to defining these two areas of exemption. As such, this memorandum offers a brief overview of the GCE and explains the two provisions the Council may define and therefore exempt. For convenience, also attached herewith is a copy of the enabling statute, RPL § 213.

The Council has discretion to establish the exemption for (1) "high rent" housing accommodations and for (2) "small landlords" who own less than a certain number of housing accommodations. As such, the GCE only provides two areas for local decision making. The proposed local law, unless otherwise amended by the Council, adopts the GCE's default definitions for both areas. A "housing accommodation" means *any*

¹ The RPL enabling statute (i.e., Article 6-A of the RPL) sunsets on June 15, 2034, unless otherwise extended, superseded or amended.

residential premises, including any residential premises located within a mixed-use residential premises.

“High Rent” Exemption

1. Establish an exemption for any unit on or within a housing accommodation that has a monthly rent above ____ % of the Dutchess County fair market rent (“FMR”). RPL §§ 213(2)(a).

RPL § 213(2)(a) provides, that unless modified by the local municipality, any housing unit which has a monthly rent greater than two hundred forty-five percent (245%) of the FMR shall be exempt from the GCE. The proposed local law adopts the default FMR exemption set forth in the GCE (i.e., 245% above the FMR). The FMR is set and adjusted annually by the United States Department of Housing and Urban Development and published for County of Dutchess by the New York State Division of Housing and Community Renewal. The table below shows the 100% FMR for Dutchess County for 2024 as well as the default 245% FMR (rounded to the nearest dollar).

FMR	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
100%	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560
245%	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272

Therefore, the Council can exempt “high rent” housing accommodations with a FMR of: (i) NYS default of 245%; (ii) a percent above 100%, but less than 245%; or (iii) a percent more than 245%.

Small Landlord Exemption

2. Provide an exemption for “small landlords” who own no more than ____ number of units in the State of New York. RPL § 213(2)(b).

The GCE also provides that any “small landlord” is exempt from the GCE regardless of the rent charged. RPL § 213(1)(b) provides, that unless modified by a municipality, “small landlord” shall mean any landlord of no more than 10 (ten) units in the State. The proposed local law adopts the default definition of “small landlord.” Thus, an owner of no more than ten (10) housing units would be exempt from the GCE unless otherwise modified by the City Council.

The GCE has a strict definition of “landlord” to address housing accommodations in which multiple persons have a beneficial interest, including entities with more than person having a beneficial interest. If a landlord is a person, they cannot be considered a “small landlord” if they have a beneficial ownership, in whole or part, in more than the number of units established above; if there is more than one natural person owner,

then no one person may be a beneficial owner, in whole or in part, in more than the number of units established above. RPL § 211(3)(b). If a landlord is an entity, it cannot be considered a “small landlord” if each person with a direct or indirect ownership interest in the entity (or any affiliated entity) owns more than the number of units established above. If an entity cannot provide the names of all natural persons with a direct or indirect ownership interest in the entity, such entity shall not qualify as a “small landlord.” RPL § 211(3)(c). As such, if a housing accommodation is owned by multiple persons or an entity and any one person meets the definition above, then the entire housing accommodation is subject to the GCE.

Other Exemptions Preempted by the GCE

RPL § 214 also provides blanket exemptions from the GCE for several types of housing accommodations. These housing accommodations are automatically exempt from the GCE regardless of whether such satisfy the definition of FMR and “small landlord.” Please note the below is a simplified version of the automatic exemptions provided by the GCE. For a fully detailed list of the blanket exemptions, please see RPL § 214. These automatic exemptions include:

- Buildings for which a certificate of occupancy was issued on or after January 1, 2009, and for a period of thirty (30) years thereafter.
- Owner-occupied housing accommodations containing 10 or fewer units;
- Units already subject to rent regulation pursuant to local, state, federal law, rule, or regulation;
- Manufactured homes located in manufactured home park, condominiums, cooperatives, or within a building that is subject to an offering plan submitted to the office of the attorney general;
- Units occupied as an incident to the tenant’s employment that is being lawfully terminated; and
- Sublets, hotel rooms, other transient uses, religious facilities or institutions, seasonal use units, units within hospitals, continuing/adult care facilities, assisted living facilities, senior residential communities, and dormitories.

Tenants of GCE-exempt rental units are also still entitled to the protections and remedies afforded to tenants under existing provisions of the RPL, the State Real Property and Actions Law, and other applicable federal, state and local laws and ordinances.

Grounds for Eviction under the GCE

The GCE limits “good cause” to a set of narrowly defined circumstances. Please note the below is a simplified version of the grounds for “good cause” eviction. For a fully detailed explanation, please see RPL § 216. Unless the housing unit or accommodation is exempt from the GCE, tenants may only be removed for the following “good cause” reasons:

- Non-payment of rent, unless the rent is “unreasonable”;
- Violation of a substantial obligation of the tenancy;
- Nuisance;
- Malicious or grossly negligent substantial damage to the premises or building;
- Occupancy is in violation of law and an order to vacate has been issued, unless the condition is created by the landlord, through neglect or otherwise;
- Illegal use of the premises;
- Unreasonable refusal of access for necessary repairs;
- Owner occupancy as principal residence;
- Demolition;
- Withdrawal from the rental housing market; and
- Failure to agree to reasonable changes to a lease or increase to rent.

Unreasonable Rent Increase

There is a rebuttable presumption that any rent increase exceeding 10% of the previous rent or the inflation index (whichever is lower) is unreasonable and therefore prohibited. RPL § 216(1)(a)(i); *see also* RPL § 211(8). The “inflation index” is 5% plus the annual percentage change in the applicable consumer price index. Dutchess County must use the consumer price index for New York-Newark-Jersey City, NY-NJ-PA, for the preceding calendar year, which was 3.82% for 2022-2023 and thus resulting in an inflation index of 8.82%. RPL § 211(7). Landlords may rebut this presumption by showing a change in circumstance, such as property tax expenses and recent increases thereto as well as completion of “significant repairs.” However, the repairs cannot be a result of the landlord’s failure to properly maintain the building or housing accommodation. Cosmetic improvements alone (e.g., painting, decorating, and minor repairs) do not qualify as “significant repairs.” Therefore, any rent increases that is below the lesser of the inflation index or 10% of the previous rent is *per se* reasonable.

Notice and Disclosure Requirements

The State also amended the Real Property Actions and Proceedings Law and other provisions of the RPL to impose new notice and disclosure requirements upon all landlords in the State. Since these new requirements apply regardless of whether the City opts into the GCE, this memorandum does not discuss these new notice and disclosure requirements.

Please do not hesitate to contact our office with any questions. Thank you.

cc: Chris White, City Administrator



Good Cause Eviction Law Required DHCR Notice

Introduction

On April 20, 2024, Governor Hochul signed the Good Cause Eviction (GCE) law into effect. Under that law, on or before August 1st of each year, the Division of Housing and Community Renewal (DHCR) is required to publish the information contained in this notice.

Geographic Applicability

As of April 20, 2024, the GCE law is in effect in New York City pursuant to § 212 of the Real Property Law.¹ Other villages, towns, or cities (collectively, “municipalities”) that wish to opt-in the GCE law must pass a local law pursuant to § 213 of the Real Property Law. DHCR is required to publish a list of all municipalities, other than New York City, that have adopted a local law. The list will include the municipality name, the applicable percentage of Fair Market Rent that will qualify as an exemption from the provisions of the GCE law adopted by the municipality, and the definition of small landlord adopted by the municipality. This list will be published annually, on or before August 1st of each year along with the other information contained in this notice.

As of May 1, 2024, no municipalities have opted into the GCE law pursuant to § 213(1) of the Real Property Law.

Fair Market Rent and Fair Market Rent Percentage Exception

Pursuant to §§ 211(2)(a) and 214(15) of the Real Property Law, rental units are not covered by the GCE law if they have a monthly rent above the applicable Fair Market Rent threshold. In New York City and in any village, town, or city other than New York City that adopts the GCE law and does not provide for a different Fair Market Rent threshold, the GCE law does not cover a rental unit rented for more than 245% of Fair Market Rent. Fair Market Rent is determined by the U.S. Department of Housing and Urban Development by county.

DHCR is required to publish Fair Market Rent and 245% of Fair Market Rent for each unit type, by county, on or before August 1st of each year. See the charts below for current Fair Market Rent and 245% of current Fair Market Rent.

¹ Sections two, three, four, and five of the GCE law, which govern the content of certain notices landlords must provide to tenants, do not go into effect until 120 days after April 20.

HUD FMR (245%): Effective May 1, 2024

COUNTY	EFFICIENCY	1 BEDROOM	2 BEDROOM	3 BEDROOM	4 BEDROOM
Albany County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Allegany County	\$1,656	\$1,791	\$2,217	\$2,769	\$3,156
Bronx County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Broome County	\$2,095	\$2,215	\$2,795	\$3,660	\$4,028
Cattaraugus County	\$1,727	\$1,737	\$2,217	\$2,788	\$3,163
Cayuga County	\$1,784	\$1,796	\$2,347	\$2,965	\$3,452
Chautauqua County	\$1,622	\$1,742	\$2,217	\$2,862	\$2,952
Chemung County	\$2,217	\$2,259	\$2,960	\$3,822	\$4,158
Chenango County	\$1,646	\$1,904	\$2,217	\$2,974	\$3,317
Clinton County	\$2,011	\$2,024	\$2,565	\$3,143	\$3,418
Columbia County	\$2,528	\$2,553	\$2,916	\$3,526	\$3,883
Cortland County	\$1,960	\$1,972	\$2,430	\$2,977	\$4,123
Delaware County	\$1,923	\$1,955	\$2,217	\$3,124	\$3,136
Dutchess County	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272
Erie County	\$2,330	\$2,430	\$2,849	\$3,489	\$3,930
Essex County	\$2,019	\$2,029	\$2,379	\$3,207	\$3,543
Franklin County	\$1,502	\$1,869	\$2,217	\$2,820	\$3,210
Fulton County	\$1,786	\$1,798	\$2,362	\$2,857	\$3,224
Genesee County	\$1,622	\$1,970	\$2,391	\$2,982	\$3,312
Greene County	\$2,269	\$2,364	\$2,830	\$3,717	\$3,888
Hamilton County	\$2,112	\$2,127	\$2,793	\$3,376	\$3,905
Herkimer County	\$1,923	\$1,936	\$2,430	\$2,938	\$3,455
Jefferson County	\$2,259	\$2,536	\$3,332	\$4,515	\$5,466
Kings County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Lewis County	\$1,698	\$1,732	\$2,217	\$2,842	\$3,560
Livingston County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Madison County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Monroe County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Montgomery County	\$1,825	\$1,911	\$2,239	\$2,857	\$3,065
Nassau County	\$4,185	\$5,253	\$6,145	\$7,953	\$8,626
New York County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Niagara County	\$2,330	\$2,430	\$2,849	\$3,489	\$3,930
Oneida County	\$1,923	\$1,936	\$2,430	\$2,938	\$3,455
Onondaga County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Ontario County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Orange County	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272
Orleans County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Oswego County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Otsego County	\$1,762	\$2,154	\$2,599	\$3,195	\$3,462
Putnam County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065

Queens County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Rensselaer County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Richmond County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Rockland County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
St. Lawrence County	\$1,619	\$1,869	\$2,303	\$2,822	\$3,067
Saratoga County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schenectady County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schoharie County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schuyler County	\$1,561	\$1,813	\$2,303	\$3,114	\$3,219
Seneca County	\$1,874	\$1,887	\$2,428	\$3,178	\$4,121
Steuben County	\$1,820	\$1,860	\$2,217	\$2,859	\$3,668
Suffolk County	\$4,185	\$5,253	\$6,145	\$7,953	\$8,626
Sullivan County	\$1,933	\$2,247	\$2,641	\$3,690	\$4,050
Tioga County	\$2,095	\$2,215	\$2,795	\$3,660	\$4,028
Tompkins County	\$3,212	\$3,513	\$4,077	\$5,037	\$5,461
Ulster County	\$3,146	\$3,205	\$4,170	\$5,385	\$6,025
Warren County	\$2,301	\$2,511	\$3,146	\$4,072	\$4,190
Washington County	\$2,301	\$2,511	\$3,146	\$4,072	\$4,190
Wayne County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Westchester County	\$4,038	\$4,738	\$5,762	\$7,068	\$7,673
Wyoming County	\$1,774	\$1,784	\$2,217	\$2,989	\$3,295
Yates County	\$1,771	\$1,987	\$2,612	\$3,322	\$3,741

Source: U.S. Department of Housing and Urban Development, Fair Market Rents (FMR) for federal fiscal year 2024, All New York State counties. <https://www.huduser.gov/portal/datasets/fmr.html>. Values in table reflect 245% of FMR.

HUD FMR (100%): Effective May 1, 2024					
COUNTY	EFFICIENCY	1 BEDROOM	2 BEDROOM	3 BEDROOM	4 BEDROOM
Albany County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Allegany County	\$676	\$731	\$905	\$1,130	\$1,288
Bronx County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Broome County	\$855	\$904	\$1,141	\$1,494	\$1,644
Cattaraugus County	\$705	\$709	\$905	\$1,138	\$1,291
Cayuga County	\$728	\$733	\$958	\$1,210	\$1,409
Chautauqua County	\$662	\$711	\$905	\$1,168	\$1,205
Chemung County	\$905	\$922	\$1,208	\$1,560	\$1,697
Chenango County	\$672	\$777	\$905	\$1,214	\$1,354
Clinton County	\$821	\$826	\$1,047	\$1,283	\$1,395
Columbia County	\$1,032	\$1,042	\$1,190	\$1,439	\$1,585
Cortland County	\$800	\$805	\$992	\$1,215	\$1,683
Delaware County	\$785	\$798	\$905	\$1,275	\$1,280
Dutchess County	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560

Erie County	\$951	\$992	\$1,163	\$1,424	\$1,604
Essex County	\$824	\$828	\$971	\$1,309	\$1,446
Franklin County	\$613	\$763	\$905	\$1,151	\$1,310
Fulton County	\$729	\$734	\$964	\$1,166	\$1,316
Genesee County	\$662	\$804	\$976	\$1,217	\$1,352
Greene County	\$926	\$965	\$1,155	\$1,517	\$1,587
Hamilton County	\$862	\$868	\$1,140	\$1,378	\$1,594
Herkimer County	\$785	\$790	\$992	\$1,199	\$1,410
Jefferson County	\$922	\$1,035	\$1,360	\$1,843	\$2,231
Kings County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Lewis County	\$693	\$707	\$905	\$1,160	\$1,453
Livingston County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Madison County	\$828	\$916	\$1,126	\$1,381	\$1,600
Monroe County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Montgomery County	\$745	\$780	\$914	\$1,166	\$1,251
Nassau County	\$1,708	\$2,144	\$2,508	\$3,246	\$3,521
New York County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Niagara County	\$951	\$992	\$1,163	\$1,424	\$1,604
Oneida County	\$785	\$790	\$992	\$1,199	\$1,410
Onondaga County	\$828	\$916	\$1,126	\$1,381	\$1,600
Ontario County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Orange County	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560
Orleans County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Oswego County	\$828	\$916	\$1,126	\$1,381	\$1,600
Otsego County	\$719	\$879	\$1,061	\$1,304	\$1,413
Putnam County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Queens County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Rensselaer County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Richmond County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Rockland County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
St. Lawrence County	\$661	\$763	\$940	\$1,152	\$1,252
Saratoga County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schenectady County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schoharie County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schuyler County	\$637	\$740	\$940	\$1,271	\$1,314
Seneca County	\$765	\$770	\$991	\$1,297	\$1,682
Steuben County	\$743	\$759	\$905	\$1,167	\$1,497
Suffolk County	\$1,708	\$2,144	\$2,508	\$3,246	\$3,521
Sullivan County	\$789	\$917	\$1,078	\$1,506	\$1,653
Tioga County	\$855	\$904	\$1,141	\$1,494	\$1,644
Tompkins County	\$1,311	\$1,434	\$1,664	\$2,056	\$2,229
Ulster County	\$1,284	\$1,308	\$1,702	\$2,198	\$2,459
Warren County	\$939	\$1,025	\$1,284	\$1,662	\$1,710

Washington County	\$939	\$1,025	\$1,284	\$1,662	\$1,710
Wayne County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Westchester County	\$1,648	\$1,934	\$2,352	\$2,885	\$3,132
Wyoming County	\$724	\$728	\$905	\$1,220	\$1,345
Yates County	\$723	\$811	\$1,066	\$1,356	\$1,527

Source: U.S. Department of Housing and Urban Development, Fair Market Rents (FMR) for federal fiscal year 2024, All New York State counties. <https://www.huduser.gov/portal/datasets/fmr.html>.

Consumer Price Index

Section 211(7) of the Real Property Law requires DHCR to publish, on or before August 1st of each year, the annual percentage change for the most recent preceding calendar year in the applicable consumer price index for all urban consumers for all items, as published by the U.S. Bureau of Labor.

See the chart below for the applicable annual percentage changes in the consumer price indices in New York State, which may be used in determining the applicable inflation indices and local rent standards pursuant to §§ 211(7) and (8) of the Real Property Law for renewal leases covered by the GCE law.

NYS Consumer Price Indices: Effective [May 1, 2024]		
	New York-Newark-Jersey City, NY-NJ-PA	Northeast Region
Annual % Change in Consumer Price Index for Preceding Calendar Year (2022 to 2023)	3.82%	3.45%
Applicable NYS Counties (provided that, outside of NYC, only applies if a village, town, or city has adopted GCE law)	Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester	Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, Yates

Source: U.S. Bureau of Labor Statistics, Consumer Price Index (CPI) Series CUUSS12ASA0 (All items in New York-Newark-Jersey City, NY-NJ-PA, all urban consumers, not seasonally adjusted and All items in Northeast urban, all urban consumers, not seasonally adjusted). <https://www.bls.gov/cpi/>. Values represent the percentage change calculated for annual CPI from 2022 to 2023.

PROPOSED LOCAL LAW NO. 5 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW AMENDING CHAPTER 173 OF THE BEACON CITY CODE
CONCERNING PROHIBITION OF EVICTION WITHOUT GOOD CAUSE**

A LOCAL LAW to repeal and replace Article III of Chapter 173 of the Beacon City Code to enact a local Good Cause Eviction law pursuant to New York Real Property Law Article 6-a.

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

Section 1. Chapter 173 of the Beacon City Code, Article III – Prohibition of Eviction Without Good Cause Law, Sections 173-14 to 173-19 are hereby repealed in its entirety.

Section 2. Chapter 173 of the Beacon City, Article III – Prohibition of Eviction Without Good Cause Law, is hereby amended as follows:

Article III Prohibition of Eviction Without Good Cause Law

§ 173-14 Purpose.

The purpose of this Article is to adopt a local law pursuant to and in accordance with the provisions of Article 6-A of the New York State Real Property Law to prohibit certain evictions without good cause in the City of Beacon.

§ 173-15 Prohibition of eviction without good cause established.

- A.** All applicable provisions set forth in Article 6-A of the New York State Real Property Law, and any amendments thereto, are hereby adopted by the City of Beacon.
- B.** Pursuant to § 213(2)(a) of Article 6-A of the New York State Real Property Law, for the purposes of this Article, any unit on or within a housing accommodation shall be exempt from the provisions of this Article if such unit has a monthly rent above two hundred forty-five percent (245%) of fair market rent, as published by the United States Department of Housing and Urban Development and as shall be published for the County of Dutchess by the New York State Division of Housing and Community Renewal.

C. Pursuant to § 213(2)(b) of Article 6-A of the New York State Real Property Law, for the purposes of this Article, a “small landlord” is defined as a landlord of no more than ten (10) units anywhere in the State of New York shall be exempt from the provisions of this Article.

§ 173-16 Automatic Sunset of this Article.

Pursuant to § 7(b) of Chapter 56, Part HH, of the Laws of the State of New York of 2024, this Article shall automatically expire and be repealed on June 15, 2034, unless Article 6-A of the New York State Real Property Law is extended, terminated, or otherwise amended by the State of New York prior to such automatic repeal date.

Section 3. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 173 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. Numbering for Codification.

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

Section 5. Severability.

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

Section 6. Effective date.

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

McKinney's Consolidated Laws of New York Annotated

Real Property Law (Refs & Annos)

Chapter 50. Of the Consolidated Laws

Article 6-a. Good Cause Eviction Law [Expires and Deemed Repealed June 15, 2034, Pursuant to L.2024, C. 56, Pt. HH, § 7] (Refs & Annos)

McKinney's Real Property Law § 213

§ 213. Voluntary participation by local governments outside the city of New York

Effective: April 20, 2024

Currentness

<[Expires and deemed repealed June 15, 2034, pursuant to L.2024, c. 56, pt. HH, § 7.]>

1. Applicability. This article shall apply in any village, town, or a city, other than the city of New York, that, acting through its local legislative body, adopts the provisions of this article by local law.

2. Opt-in by a village, town, or city, other than the city of New York. A village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of this section may:

(a) provide that any unit on or within a housing accommodation shall be exempt from the provisions of this article if such unit has a monthly rent above a percent of fair market rent, as published by the United States department of housing and urban development and as shall be published for each county in the state by the division of housing and community renewal pursuant to subdivision fifteen of section two hundred fourteen of this article, that shall be established in the local law adopted pursuant to subdivision one of this section, provided that if such local law does not establish such percent of fair market rent, any unit on or within a housing accommodation with a monthly rent greater than two hundred forty-five percent of such fair market rent shall be exempt from the provisions of this article; and/or

(b) define “small landlord” as a landlord of no more than any number of units in the state that the village, town, or city enacts by local law, provided that if such local law does not define “small landlord,” a “small landlord” shall mean a landlord of no more than ten units in the state.

3. Notwithstanding the foregoing provisions of this section, if a town and a village within such town both adopt the provisions of this article by local law pursuant to subdivision one of this section, the local law adopted by such town shall not apply within the territorial limits of a village within such town.

4. Nothing in this section shall permit a village, town, or city to which this article applies to preempt or alter the terms and provisions of this article within such village, town or city.

5. Within thirty days of receipt of a local law adopted pursuant to subdivision one of this section, and filed with the department of state pursuant to section twenty-seven of the municipal home rule law, the department of state shall notify the division of housing and community renewal of such adoption.

6. The division of housing and community renewal shall include in the annual publication required pursuant to subdivision seven of section two hundred eleven of this article a list including any village, town, or city, other than the city of New York, as to which the division of housing and community renewal has received the notice from the department of state required pursuant to subdivision five of this section indicating that such village, town, or city has adopted a local law pursuant to subdivision one of this section to apply the provisions of this article within such village, town, or city. Such list shall include the name of each village, town, or city that has adopted such a local law, the applicable fair market rent threshold within such village, town, or city for exemption from the provisions of this article established pursuant to paragraph (a) of subdivision two of this section, and the applicable definition of small landlord within such village, town, or city established pursuant to paragraph (b) of subdivision two of this section.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 213, NY REAL PROP § 213

Current through L.2024, chapters 1 to 158, 160 to 194. Some statute sections may be more current, see credits for details.

End of Document

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City of Beacon City Council Agenda
08/05/2024

Title:

Public Hearing on a Proposed Local Law Concerning Minimum Parking Requirements

ATTACHMENTS

Proposed Local Law Concerning Minimum Parking Requirements

Proposed Local Law Concerning Minimum Parking Requirements - SEAF Part 1

Proposed Local Law Concerning Minimum Parking Requirements - SEAF Part 1, Narrative

Proposed Local Law Concerning Minimum Parking Requirements - SEAF Parts 2-3

Dutchess County Department of Planning and Development Memorandum on a Proposed Local Law Concerning Minimum Parking Requirements

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 Beacon City 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 provided 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 in a residence district 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. In accordance with standards set forth in § 223-26D, the Planning Board may allow no more than 30% of the provided parking to be designated for compact automobiles.
- (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. The property owner shall have an obligation to maintain and replace any landscaping which dies or becomes unsightly.

- (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, notwithstanding, the Planning Board shall have sole discretion to require less trees due to site constraints in the parking areas and/or to require a set-aside of equivalent trees and landscaping elsewhere on the same lot.

~~(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)~~ 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. For the purposes of this Subsection, "green stormwater infrastructure" shall mean practices which manage stormwater through infiltration, evapo-transpiration and reuse including the following: the use of permeable pavement, bio-retention,

tree pits and urban forestry, stormwater planters, rain gardens, vegetated swales, or stormwater harvesting and reuse.

~~(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~~scasements, 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 spaces 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 use individually, 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.

~~(+)(2)~~ (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. Unless otherwise determined by the Planning Board, No minimum number of off-street parking spaces are required, required within the CMS, L, and WD -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 off-street site parking spaces within the range provided in the table at § 223-26.D(4) 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. The number of off-street parking spaces determined by the Planning~~

Board to be appropriate shall become the required number of off-street parking spaces for the proposed use of the subject property.

- (3) Any professional parking study submitted by the applicant 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.

The following table gives guidance to the Planning Board on establishing the range of the minimum and maximum parking allowed number of off-street parking spaces within which the Planning Board has discretion to determine the required number of such spaces based on the considerations set forth at § 223-26.D(2). Where more than the maximum or less than the minimum number of off-street parking spaces are provided an area variance from the Zoning Board of Appeals shall be required. An area variance may also be sought from the required number of parking spaces determined to be appropriate by the Planning Board. allowed; notwithstanding Where only maximums are identified, the Planning Board may approve fewer spaces:

<u>Schedule of Off-Street Parking Standards¹</u>				
<u>Building Use</u>	<u>CMS, L, WD</u>		<u>R1, RD, LI, HI, WP, FCD, GB, T²</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u> <u>(Including accessory apartment)</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>Commercial</u> <u>(Retail / Office / Service / Food / Auto-Oriented/ Social and Community)</u>	=	<u>3 spaces Per 1000 SF GFA</u>	<u>3 spaces Per 1000 SF GFA</u>	<u>5 spaces Per 1000 SF GFA</u>
<u>Health Care and Educational</u>		<u>4 spaces per 1000 SF GFA</u>	<u>1 space per 1000 SF GFA</u>	<u>4 spaces per 1000 SF GFA</u>
<u>Industrial</u> <u>(Industrial or Assembly)</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 which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector, as appropriate depending upon the permit</u>		

		<u>or approval sought and upon consideration of relevant factors dictating the parking needs of each such use.</u>
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NOTES:

- 1 The calculation of Gross Floor Area (“GFA”) shall exclude utility space.
- 1 Pursuant to §223-26B(3)(a), no more than ~~Up to~~ 30% of the provided parking may be designated for compact automobiles at the sole discretion of and in accordance with the standards set forth in §223-D, as determined by the Planning Board.
- 2 Where the Planning Board determines that a property within the T District is in proximity to available municipal parking, public transportation, and pedestrian-oriented streetscapes, parking standards from the CMS district may be applied to all proposed uses on said property.

DRAFT

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~~	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	<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>

Use

Minimum ~~Maximum~~ Off-Street Parking

~~(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 submitted 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 223-22, entitled “Nursing homes,” Subsection D(1) is hereby amended as follows:

§ 223-22 **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.~~

~~(e) 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.~~

~~(c) 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 in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:~~
- ~~(a) That the projected operational characteristics of the proposed use require a different amount of parking.~~
 - ~~(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB 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 § 223-26~~DF~~ 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 in Subsection F(2) above 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:~~

~~(e) 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.~~

~~(f) 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.~~

~~(g) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.~~

~~(h) 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.~~

~~(i) 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.~~

~~(j) 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. Applicability.

This local law shall apply to all land use applications received on or after the effective date of this local law as set forth in Section 17 below. Notwithstanding the aforementioned, this local law shall also apply to pending and/or approved land use applications on the effective date of this local law unless a final certificate of occupancy is issued within one calendar year of the effective date of this local law as set forth in Section 17 below.

Section 14. 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 15. 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 16. 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 17. Effective Date.

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Beacon			
Name of Action or Project:			
Proposed Local Law Amending Chapter 223 of the Zoning Code of the City of Beacon Concerning Parking Requirements			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
On November 27, 2023, the Beacon City Council introduced a local law to amend Chapter 223 of the City Code (the "Zoning Code") concerning parking requirements. Under the existing Zoning Code, new developments must provide a minimum number of parking spaces which varies depending on the proposed use. Since introduction, the local law has undergone several revisions in a further effort to alleviate the deleterious impacts of minimum parking requirements within the City's zoning districts. The proposed local law (as revised) also recognize the City's Planning Board still requires guidance as to such standards. As such, the Planning Board would have the discretion to establish the necessary parking standards within a range of minimums and maximums for developments in the R1, RD, LI, HI, WP, FCD, GB, and T zoning districts. Within the CMS, L, and WD zoning districts there would only be maximum number of parking spaces that may be provided (i.e., no minimums). One-family and two-family residences as well as accessory apartments would still require a certain number of parking spaces. The proposed local law would also simplify and largely consolidate parking standards within the Zoning Code.			
Name of Applicant or Sponsor:		Telephone: 845-838-5000	
City of Beacon		E-Mail: cityofbeacon@beaconny.gov	
Address:			
1 Municipal Plaza			
City/PO:		State:	Zip Code:
Beacon		New York	12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☐	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>June 18, 2024</u> Signature: <u></u> Title: <u>City Attorney</u>		

PRINT FORM

SEAF Part 1: Narrative

A Proposed Local Law Concerning Parking Requirements

On November 27, 2023, the Beacon City Council introduced a local law to amend the text of Chapter 223 of the Beacon City Code (the “Zoning Code”) concerning parking requirements. Presently, the Zoning Code mandates minimum parking requirements for all new developments within the City. However, at times such minimum parking requirements conflict with the City’s planning goals to encourage the efficient use of diverse land uses, including multistory buildings and walkable areas. Thus, this proposed local law would eliminate minimum parking requirements and establish maximum parking requirements within the City’s CMS, L, and WD zoning districts. Within the City’s other zoning districts, there will be a range of parking standards the Planning Board will utilize when determining the appropriate number of parking spaces to be provided based upon the nature of use and project site conditions. One-family dwellings, two-family dwellings, and accessory apartments will require at least one parking space per dwelling unit. Therefore, the Planning Board will have the ability to determine the appropriate number of parking spaces for mixed-use, commercial, and multifamily dwellings within a range of parking standards for certain districts on a case-by-case basis. As such, the proposed local law (as revised) would further alleviate the deleterious effects of minimum parking requirements within the City’s CMS, L, and WD zoning districts which often do not have adequate space to accommodate parking minimums.

In addition to gathering input from the public during any public hearing on a particular application, the Planning Board will be charged with determining the appropriate number of parking spaces for each new mixed-use, commercial, or multifamily dwelling based upon an evaluation of the context of the property, the size of the parcel, proposed uses, existing buildings on the parcel, availability of public and street parking in the vicinity, walkability and access to public transit, parking studies prepared by the applicant, shared parking arrangements, land-banking waivers, and compliance with the Americans with Disabilities Act. In the event a proposed development is unable to meet the parking standards required by the Planning Board, the applicant may seek a variance from the Zoning Board of Appeals.

The proposed local law would also consolidate and simplify the City Zoning Code by largely setting forth parking standards under § 223-26 of the Zoning Code. Additional provisions have been added to the proposed local law which would serve to guide the City’s Planning Board when establishing parking standards for a proposed development. Moreover, this proposed local law would not alter permitted uses, setbacks, lot coverages, lot sizes, building heights, or any other use or dimensional requirements provided under the City’s Zoning Code.

Project: Proposed LL - Parking Requirements

Date: August 5, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

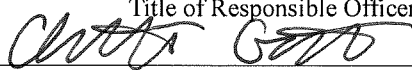
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law will amend various sections of Chapter 223 of Beacon City Zoning Code concerning parking requirements. The local law intends to alleviate the deleterious effects minimum parking requirements have on housing, green spaces, and climate change. The law grants the Planning Board with discretion to establish site specific off-street parking standards during its application review process based upon the context of the property, proposed use and zoning district. The law will further promote walkability, alternative transportation, reduce excessive vehicle traffic, and limit large paved parking lots which can otherwise be put to different uses (housing, green/open spaces, business, etc.). The law will also simplify and condense the City's parking standards.

Within the CMS, L, and WD zoning districts there will be maximum allowable number of off-street parking. Within the other zoning districts (R1, RD, LI, HI, WP, FCD, GC, T) there will be a range of minimum and maximum allowable off-street parking. The Planning Board's site specific parking standards considerations will also include, but not be limited to, parking studies, parcel size, proposed use, availability of nearby public and street parking, public transit access, shared parking arrangements, land-banking (if permitted), and public input during any public hearing(s). The law intends to further the City's goals of climate change mitigation and sustainability by granting the Planning Board with additional tools such as overall reductions in paved parking areas, use of green infrastructure for parking areas, continued maintenance of landscaping, and planting of trees/landscape on the parcel.

The law is not anticipated to have a significant adverse impact on the intensity of land use, environmental resources (natural areas, wetland, streams, flora, fauna, etc.), or historic or aesthetic resources, and no significant adverse impacts on existing community character, drainage, flooding or erosion, air or noise. Any adverse impacts to traffic/parking will be addressed on a site specific basis by the Planning Board but the proposed laws benefits are generally outweighed by the benefits of encouraging housing affordability, business development and reductions in paved areas contributing to "urban heat islands." For the reasons herein, the proposed local law will not result in any significant adverse environmental impacts and will have an overall positive impact on the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Beacon City Council _____ Name of Lead Agency	August 5, 2024 _____ Date
Christopher White _____ Print or Type Name of Responsible Officer in Lead Agency	_____ City Administrator _____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	 _____ Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
		Co./Dept.	From		
		Fax #	Phone #		

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Proposed Local Law Concerning Minimum Parking Requirements**

Applicant: **City of Beacon**

Address of Property:

Exempt Actions:*
239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **6/27/2024**

Entered By: **Swanson, Benjamin**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☒ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 6/20/2024	Notes:	☐ Major Project	
Date Received: 6/20/2024		Referral #: ZR24-197	
Date Requested: 6/27/2024			
Date Required: 7/19/2024	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 6/28/2024			



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

June 28, 2024

To: Common Council, City of Beacon
Re: **ZR24-197, Parking Requirements Local Law 2nd Submission**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The city is considering updating its parking requirements to eliminate minimums in certain core districts (CMS, L and WD) and adjust requirements in all other districts.

COMMENTS

We previously reviewed this project and provided a comment letter (ZR23-356, 12/27/2023). Several of our comments have been addressed, while others remain. Since that review, the city has emended the proposed law, retaining parking minimums outside of the core and simplifying the parking table. We continue to commend the city for considering this legislation. We offer the following minor comments:

1. At B.(4)(a), the Planning Board could be given the discretion to adjust this tree requirement based on considerations like topographic challenges or a set-aside of equivalent green space elsewhere on the lot.
2. The inclusion of the term "green stormwater infrastructure" at B.(5) was a recommendation of our last letter, but we note that this term does not appear elsewhere in the code and needs to be defined.
3. Schedule of Off-Street Parking Standards
 - a. The Council could consider numbering all notes, rather than two starred notes and one numbered.
 - b. The description for "Other Uses" could be revised for brevity and clarity.
 - c. Basic standards for compact car parking, as described in the second * note, could be included in B.(3)(a).
4. The Council could consider including some numerical guidance for the Planning Board for on-site loading spaces, providing a few examples of the number of spaces generally needed for given uses.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

A handwritten signature in blue ink, appearing to read "D. Tuttle", followed by a horizontal line.

Dylan Tuttle, Senior Planner

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 75 - Appointing Coleman Lawrence to the Position of Heavy Motor Equipment Operator

ATTACHMENTS

Resolution Appointing Coleman Lawrence to the Position of Heavy Motor Equipment Operator

Superintendent of Streets Memorandum in Support of Appointing Coleman Lawrence to the Position of Heavy Motor Equipment Operator



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 75 OF 2024

**APPOINTING COLEMAN LAWRENCE TO THE POSITION OF
HEAVY MOTOR EQUIPMENT OPERATOR**

WHEREAS, there is currently a vacancy for the position of Heavy Motor Equipment Operator;
and

WHEREAS, Coleman Lawrence meets the qualifications for the position of Heavy Motor Equipment Operator and is recommended for appointment to the position by the Superintendent of Streets.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints and the City Council approves the appointment of Coleman Lawrence to the position of Heavy Motor Equipment Operator.

Resolution No. 75 of 2024				Date: August 5, 2024			
☐ Amendments				☐ 2/3 Required			
☐ On roll call				☐ 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

Memorandum
Highway Department



To: City of Beacon Administrator Christopher White
City of Beacon City Council

From: Michael Manzi

Re: HMEO Promotion

Date: July 16, 2024

Please be advised that on July 12, 2024, a skills test was conducted for individuals that were interested in a vacant Heavy Motor Equipment Operator position in the Highway Department.

The interviews were conducted by Sara Morris and myself. Based on such, it was our determination that Coleman Lawrence was the most qualified candidate. Therefore, subject to the Mayor's appointment and Council's approval, I would like to move forward with the promotion of Coleman Lawrence to fill the vacant position. Coleman has been employed by the City since April of 2023, and has proven to be more than qualified and capable of handling the tasks of the title.

The position was budgeted for and had been posted in all City Departments. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Manzi", with a large, stylized loop at the end.

Michael Manzi
City of Beacon
Superintendent of Streets

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 76 - Appointing Isabella Nocerino to the Position of Police Officer

ATTACHMENTS

Resolution Appointing Isabella Nocerino to the Position of Police Officer

Police Chief Memorandum for the Appointment of Isabella Nocerino to the Position of Police Officer



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 76 OF 2024

**APPOINTING ISABELLA NOCERINO TO THE POSITION OF
POLICE OFFICER**

WHEREAS, there is currently a vacancy for the position of Police Officer; and

WHEREAS, Isabella Nocerino meets the qualifications for the position of Police Officer and is recommended for appointment to the position by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints and the City Council approves the appointment of Isabella Nocerino to the position of Police Officer.

Resolution No. 76 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					



CHIEF OF POLICE
THOMAS FIGLIA

CITY OF BEACON POLICE DEPARTMENT

1 MUNICIPAL PLAZA, SUITE 3
BEACON, NY 12508
(845)831-4111
FAX: (845)838-5092



NEW YORK STATE
ACCREDITED AGENCY

Mayor Kyriacou and City Council:

I am writing to recommend the hiring of Isabella Nocerino for the position of City of Beacon Police Officer.

Ms. Nocerino is a long-time resident of the City of Beacon and a graduate of our public schools. For several years in a row, she participated in our Beacon Youth Police Academy. Throughout her high school years, she also participated as police cadet for the Town of Fishkill Police Department and eventually rose to the rank of Cadet Chief. Ms. Nocerino worked as a dispatcher for the Town of East Fishkill Police Department and in August of 2022 we hired Ms. Nocerino as a full time, evening shift dispatcher. She has worked hard in that position while simultaneously participating in the Cadet program and working on her college degree. In July she completed that degree, earning a Bachelor's in Public Affairs with a concentration in Emergency Management from SUNY Empire.

Ms. Nocerino has passed our rigorous background check which includes examination of the candidate's personal history, a psychological evaluation and a polygraph exam. Furthermore, she has already been a reliable employee of the City of Beacon for two years and I believe she will be an asset to the department.

Thomas Figlia
Chief of Police

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 77 - Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the 2024 Beacon Accessible Curb Ramps Project

ATTACHMENTS

Resolution Rejecting a Non-Responsive Bid and Awarding a Contract to Sun Up Construction Corporation for the 2024 Beacon Accessible Curb Ramps Project

City Engineer Memorandum Regarding 2024 Beacon Accessible Curb Ramps Award Recommendation



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 77 OF 2024

**REJECTING A NON-RESPONSIVE BID AND AWARDING A CONTRACT
TO SUN UP CONSTRUCTION CORP FOR THE
2024 ACCESSIBLE CURB RAMPS PROJECT**

WHEREAS, the City of Beacon published an advertisement pursuant to General Municipal Law § 103 and Chapter 53 of the Beacon City Code, seeking qualified contractors for COB Bid No. 2024-005, the Accessible Curb Ramp Project; and

WHEREAS, on July 22, 2024, six (6) sealed bids were received and opened; and

WHEREAS, the bid submitted by Raja Contractors, Inc., was found to be the lowest bid, but was also found to be deficient and non-responsive for a variety of reasons, including but not limited to the Iran Divestment Act Form was not completed as required by law, information regarding references was incomplete and further information required and requested to be submitted so the City could determine the bidder was a responsible bidder and able to perform the work, were not completed in the requested timeframe or provided at all; and

WHEREAS, the City of Beacon reserves the right to reject any and all bids received, including those which are found to be non-conforming, non-responsive and/or deficient; and

WHEREAS, the City Engineer recommends awarding the 2024 Accessible Curb Ramp Project to the lowest responsible bidder, Sun Up Construction Corp., which submitted a responsive and complete bid, for a total base bid amount of Two Hundred and Nineteen Thousand One Hundred and Forty (\$219,140) Dollars and 00/100.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby rejects the non-responsive bid of Raja Construction Inc., for the 2024 Accessible Curb Ramps Project; and

BE IT FURTHER RESOLVED, the City Council of the City of Beacon hereby awards COB Bid No. 2024-005, for the 2024 Accessible Curb Ramps Project to Sun Up Construction Corp., in the amount of Two Hundred and Nineteen Thousand One Hundred and Forty (\$219,140) Dollars and 00/100; and

BE IT FURTHER RESOLVED, the City Administrator is hereby authorized to execute an agreement with Sun Up Construction Corp., subject to approval by the City Attorney as to form and substance, and to take all actions necessary to effectuate the intent of this Resolution and to cause compliance with the agreement awarded to Sun Up Construction Corp.

Resolution No. 77 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							



July 29, 2024

Mr. Christopher White
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

and

Mr. Michael Manzi
Highway Superintendent
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: 2024 Accessible Curb Ramps
City of Beacon
Award Recommendation

Dear Mr. White & Mr. Manzi:

A total of six (6) bid proposals were submitted and opened on July 22nd, 2024, for the **2024 Accessible Curb Ramps** project. The six proposals were carefully reviewed; all multiplication between estimated quantities and unit prices checked; and addition of total prices checked against the total contract amount. Upon review of the bid submitted by A&J Construction of NY, valued at \$2,475,000.00, it was discovered that the required Bid Form had been revised and incorrectly completed. Rather than providing the price per unit of work for each task, A&J Construction of NY took it upon themselves to revise the bid from to note all tasks of work as lump sum, and therefore should not be considered. The other five proposals submitted were found to be complete, with the only issue of the Iran Divestment Act Form submitted by Raja Contractors, Inc. not being executed, but was notarized without signature.

Based upon the review of the bid submittal package submitted by Raja Contractors, additional information was required and requested to be submitted to verify that the contractor is the responsible low bidder with the proper work experience and abilities to complete the proposed project. Several attempts were made by phone, facsimile, 1st class main and Federal Express to reach out to Raja Contractors over several days. On July 26th, we did receive a call from the Raja Contractors project manager, at which time it was stated that all additional information needed to be submitted by noon time that day. Only a portion of the information was submitted on Friday July 26th, but not until 1:02 pm, with no additional information submitted the remainder of the day, which did not allow us to verify the contractor's ability to complete the project. As per the attached correspondence dated July 26th, 2024, from the City's Attorney, the bid submitted by Raja

Contractors is to be rejected, due to the inability of Raja Contractors to provide the required additional information, in turn not allowing for verification of Raja Contractors abilities or qualifications to perform the work required per the bid.

Based upon the above, the following tabulation shows the order from lowest bidder, the name of the bidder, and the total contract amount, with the bids submitted by Raja Contractor's, Inc. and A&J Construction not being included. The engineer's estimate for the project was approximately \$230,000.00 to \$250,000.00 based upon the previous year's bids received for similar projects.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT
Sun Up Construction Corp. Wappingers Falls, NY	\$219,140.00
A-Tech Concrete Edison, NJ	\$290,335.00
Scape Tech Landscape Technology, Inc. Carmel, NY	\$337,840.00
Maple Leaf Associates, Inc. Putnam Valley, NY	\$383,290.00

The lowest responsible bidder is Sun Up Construction Corp., with the total base bid amount of \$219,140.00.

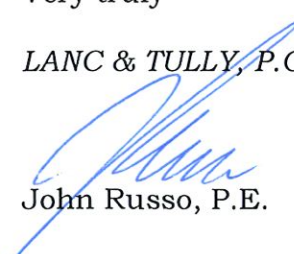
Sun Up Construction Corp. has submitted information related to projects in which they have completed the work as outlined within the proposed project. References supplied were called and checked to verify the work completed by the prospective low bidder and were found to be acceptable. In our opinion, Sun Up Construction Corp. should be considered the lowest responsible bidder based upon the submitted information and Chapter 53 of the City Code. Along with the bid, the contractor has submitted a Non-Collusive Bidding Certificate, and a Bid Bond.

It is our recommendation to the City Council to award the **2024 Accessible Curb Ramps** project to Sun Up Construction Corp.

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

Very truly

LANC & TULLY, P.C.


John Russo, P.E.

Cc: Nick Ward-Willis, City Attorney

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868
- **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120
- **New York City Office**
60 East 42nd Street
New York, NY 10165
Phone 646.794.5747

July 26, 2024

VIA EMAIL *108rajacontractorsinc@gmail.com*

Gurpreet Singh, Vice President
Raja Contractors Inc.
250-07, 88th Road
Bellerose, New York 11426

NICHOLAS M. WARD-WILLIS
Principal Member
nward-willis@kblaw.com
Also Admitted in CT

Re: 2024 Beacon Accessible Curb Ramps Bid No. 2024-005

Dear Mr. Singh:

Our firm is City Attorney for the City of Beacon, New York. You were previously advised the City determined Raja Contractors Inc. ("Raja") was the lowest bidder on the above-referenced bid for the 2024 Beacon accessible curb ramps project. However, the City is rejecting Raja's bid as the City has determined Raja has not been responsive and is not the lowest responsible bidder and pursuant to the New York State General Municipal Law and New York case law, Raja's bid is being rejected and the contract will be awarded to the second lowest responsible bidder.

Raja's initial bid was deficient for a number of reasons including failure to provide a signed compliance with the Iran Divestment Act, failure to provide references as requested and other deficiencies. Upon reviewing the bids, the City Engineer noted the bid response was deficient and while the City has the authority to waive deficiencies, the City first needs to obtain the correct information, which to date it has not. The City Engineer contacted your office daily since the bids were opened as well as sending a letter via Federal Express and regular mail as an email address was not provided in your submission. None of the telephone calls were returned until the morning of Friday, July 26, 2024 when, apparently, the Federal Express letter was received and your office contacted Mr. Russo. Mr. Russo requested the missing information including references for other projects be provided by 12:00 p.m. Rather, you failed to provide any of the required documents by 12:00 p.m. and instead an email was received by Mr. Russo at 1:02 p.m. on Friday, July 26th providing some but not all information.

Section 11 of the Information for Bidders provides that:

The owner may make such investigation as he deems necessary to determine the ability of the bidder to perform

Gurpreet Singh, Vice President
Raja Contractors Inc.
July 26, 2024
Page 2

the work and the bidder shall furnish to the owner all such information and data for this purpose as the owner may request. The owner reserves the right to reject any bid if the evidence submitted by, or investigation of, such bidder fails to satisfy the owner as such bidder is properly qualified to carry out the obligations of the contract.

Sections 4 of the Information to Bidder also provides the City with the authority to make determinations as to the bidder's responsiveness and whether they are qualified to carry out the work and meet other pertinent standards and criteria.

Due to Raja's failure to provide requested information, the City has been unable to confirm that Raja is qualified to perform the work. The references provided were incomplete and the requested information for the references was requested to be provided by today at 12:00 noon have not been provided. Therefore, the City has determined that based upon the required information and the evidence submitted, the bid must be rejected as the City has no information sufficient to establish that Raja is properly qualified to carry out the obligations the contract requires. Accordingly, at its August 5, 2024 meeting, the City Council will be awarding the contract to the second lowest bidder. The City encourages Raja that should it submit any bids in the future, it carefully read the instructions and ensure all required information is provided and Raja is responsive to providing further requested information. Thank you for your attention.

Very truly yours,



Nicholas M. Ward-Willis

NMW/sj

cc: John Russo, P.E.

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 78 - Authorizing the City Administrator to Execute an Agreement with MCT at Service, Inc. for the 2024 Beacon City Hall Exterior Stair Replacement Project

ATTACHMENTS

Resolution Awarding a Contract to MCT at Service, Inc. for the 2024 Beacon City Hall Exterior Stair Replacement Project

City Engineer Memorandum Regarding 2024 Beacon City Hall Exterior Stair Replacement Award Recommendation



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 78 OF 2024

**AWARDING A CONTRACT TO MCT AT SERVICE, INC. FOR THE
2024 BEACON CITY HALL EXTERIOR STAIR REPLACEMENT PROJECT**

WHEREAS, the City of Beacon published an advertisement pursuant to General Municipal Law § 103 and Chapter 53 of the Beacon City Code, seeking qualified contractors for COB Bid No. 2024-006, the 2024 Beacon City Hall Exterior Stair Replacement Project; and

WHEREAS, on July 25, 2024, eight (8) sealed bids were received and opened, one of which was disqualified for incorrect completion of bid submittals; and

WHEREAS, the City Engineer recommends awarding the 2024 Beacon City Hall Exterior Stair Replacement Project to the lowest responsible bidder, MCT at Service, Inc., which submitted a responsive and complete bid, for a total base bid amount of One Hundred and Sixty-Four Thousand, Fifty-One dollars and Sixty-Eight cents, (\$164,051.68).

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby awards COB Bid No. 2024-006, for the Beacon City Hall Exterior Stair Replacement Project to MCT at Service, Inc., in the amount of One Hundred and Sixty-Four Thousand, Fifty-One dollars and Sixty-Eight cents, (\$164,051.68).; and

BE IT FURTHER RESOLVED, the City Administrator is hereby authorized to execute an agreement with MCT at Service, Inc., subject to approval by the City Attorney as to form and substance, and to take all actions necessary to effectuate the intent of this Resolution and to cause compliance with the agreement awarded to MCT at Service, Inc.

Resolution No. 78 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							



July 26, 2024

Mr. Christopher White
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

and

Mr. Michael Manzi
Highway Superintendent
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: City Hall Exterior Stair Replacement
COB Bid No. 2024-006
City of Beacon
Award Recommendation

Dear Mr. White & Mr. Manzi:

A total of eight (8) bid proposals were submitted and opened on July 25th, 2024, for the **2024 Beacon City Hall Exterior Stair Replacement** project. The eight proposals were carefully reviewed; all multiplication between estimated quantities and unit prices checked; and addition of total prices checked against the total contract amount. Upon review of the bid submitted by A&J Construction of NY, valued at \$460,000.00, it was discovered that the required Bid Form had been revised and incorrectly completed. Rather than providing the price per unit of work for each task, A&J Construction of NY took it upon themselves to revise the bid form to note all tasks of work as lump sum, and therefore should not be considered. The other seven proposals submitted were found to be complete. Three of the submitted bid proposals were found to have mathematical errors within the bid forms.

The following tabulation shows the order from lowest bidder, the name of the bidder, the total contract amount, and the corrected contractor amount if errors were found. The bid submitted by A&J Construction has not been included within the table as it should not be considered. The engineer's estimate for the project was approximately \$200,000.00.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT	CORRECTED CONTRACT AMOUNT
MCT at Service, Inc. Yonkers, NY	\$164,076.00	\$164,051.68

Sanz Construction Staten Island, NY	\$190,386.00	N.A.
Glorious Contracting, Inc. Yonkers, NY	\$193,725.00	N.A.
A-Tech Concrete Co. Edison, NJ	\$195,930.00	N.A.
Scape-Tech Landscape Technology, Inc. Carmel, NY	214,832.12	\$214,828.12
Giacorp Contracting, Inc. Hawthorne, NY	\$258,474.84	N.A.
Senco Metals, LLC Paterson, NJ	\$291,000.00	\$291,010.20

The lowest bidder is MCT at Service, Inc., with the corrected total base bid amount of \$164,051.68.

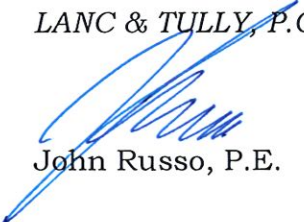
MCT at Service, Inc. has submitted information related to projects in which they have completed the work as outlined within the proposed project. References supplied were called and checked to verify the work completed by the prospective low bidder and were found to be acceptable. The Contractor has also provided a letter, copy attached, in which they state they are comfortable with the submitted pricing for the project and understand that prevailing wages are to be paid. In our opinion, MCT at Service, Inc. should be considered the lowest responsible bidder based upon the submitted information and Chapter 53 of the City Code. Along with the bid, the contractor has submitted a Non-Collusive Bidding Certificate, and a Bid Bond.

It is our recommendation to the City Council to award the **2024 Beacon City Hall Exterior Stair Replacement** project to MCT at Service, Inc.

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

Very truly

LANC & TULLY, P.C.



John Russo, P.E.

Cc: Nick Ward-Willis, City Attorney



07/25/2024

Mr. John Russo, P.E
LANC & TULLY
P.O. Box 687,
Goshen, NY 10924

Dear Mr. Russo,

I'm writing to confirm that our company MCT is comfortable with the proposal bid price submitted for the Beacon City Hall Exterior Stair Replacement Project. We are confident that we will be able to successfully complete the project within budget. Additionally, I understand that this project is subject to prevailing wage requirements, and that prevailing wages are to be paid to all workers in the project.

We appreciate the opportunity to work with you on this project and look forward to collaborating with your team. If you require any further information or have any additional questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Cabrera".

Miguel Cabrera
President
MCT At Service Inc.

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 79 - Authorizing the City Administrator to Submit an Application for a 2024 Climate Smart Communities Grant

ATTACHMENTS

[Resolution Authorizing the City Administrator to Submit an Application for a 2024 Climate Smart Communities Grant](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 79 OF 2024

**AUTHORIZING THE CITY ADMINISTRATOR TO SUBMIT AN APPLICATION FOR
A NEW YORK STATE CLIMATE SMART COMMUNITIES GRANT**

WHEREAS, the City of Beacon hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54, Title 15; and

WHEREAS, the City of Beacon certifies that it has identified \$480,000 of matching funds from the capital budget pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon hereby authorizes Christopher White, City Administrator, to act on its behalf in submitting an application through the Consolidated Funding Application for \$2,000,000 to be used for the upcoming Melzingah Dam and Reservoir Rehabilitation Project.

Resolution No. 79 of 2024				Date: August 5, 2024			
☐ Amendments				☐ 2/3 Required			
☐ On roll call				☐ 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda

08/05/2024

Title:

Resolution No. 80 - Authorizing the Issuance of Bonds for the Fishkill Avenue Water Main Replacement

ATTACHMENTS

[Resolution Authorizing the Issuance of Bonds for the Fishkill Avenue Water Main Replacement](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 80 OF 2024

**AUTHORIZING THE ISSUANCE OF UP TO \$1,000,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW
YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF
THE FISHKILL AVENUE WATER MAIN REPLACEMENT**

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the cost of the replacement of the Fishkill Avenue water mains, in and for the City, as well as original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$1,000,000, all in accordance with the Local Finance Law; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,000,000 to finance the costs of the Project at a total estimated cost not to exceed \$1,000,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$1,000,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum

maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect

to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 8. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This bond ordinance is subject to a permissive referendum and will take effect upon its adoption by the City Council of the City and the expiration of the period prescribed in Article 9 of the City Charter during which petitions for a permissive referendum may be submitted and filed with the City Clerk.

Resolution No. 80 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 81 - Authorizing the Issuance of Bonds for Highway Department Equipment

ATTACHMENTS

[Resolution Authorizing the Issuance of Bonds for Highway Department Equipment](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 81 OF 2024

**AUTHORIZING THE ISSUANCE OF UP TO \$700,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW
YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE PURCHASE OF
HIGHWAY DEPARTMENT EQUIPMENT**

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the cost of the purchase of Highway Department equipment, each item of which costs \$30,000 or over, for the City, including incidental equipment and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$700,000, all in accordance with the Local Finance Law; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$700,000 to finance the costs of the Project at a total estimated cost not to exceed \$700,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$700,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein shall have a maximum

maturity of the fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect

to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 8. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This bond ordinance is subject to a permissive referendum and will take effect upon its adoption by the City Council of the City and the expiration of the period prescribed in Article 9 of the City Charter during which petitions for a permissive referendum may be submitted and filed with the City Clerk.

Resolution No. 81 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 82 - Authorizing the Issuance of Bonds for Wastewater Treatment Plant Upgrades

ATTACHMENTS

[Resolution Authorizing the Issuance of Bonds for Wastewater Treatment Plant Upgrades](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 82 OF 2024

**AUTHORIZING THE ISSUANCE OF \$1,304,000 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW
YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF
WASTEWATER TREATMENT PLANT IMPROVEMENTS**

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the cost of Wastewater Treatment Plant improvements, in and for the City, as well as original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$1,304,000, all in accordance with the Local Finance Law; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount of \$1,304,000 to finance the costs of the Project at a total estimated cost of \$1,304,000 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$1,304,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is forty (40) years. The serial bonds authorized herein shall have a maximum

maturity of the forty (40) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect

to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 8. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This bond ordinance shall take effect immediately pursuant to Section 9.06 of the City Charter.

Resolution No. 82 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 83 - Authorizing the Issuance of Bonds for a Ladder Fire-Fighting Truck

ATTACHMENTS

[Resolution Authorizing the Issuance of Bonds for a Ladder Fire-Fighting Truck](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 83 OF 2024

**AUTHORIZING THE ISSUANCE OF UP TO \$1,741,450 AGGREGATE PRINCIPAL AMOUNT
SERIAL BONDS OF THE CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW
YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE PURCHASE OF
A LADDER FIRE-FIGHTING TRUCK**

WHEREAS, the City Council of the City of Beacon (the “City”), a municipal corporation of the State of New York, located in the County of Dutchess, hereby determines that it is in the public interest of the City to authorize the financing of the cost of the purchase of a ladder fire-fighting truck, for the City, including incidental equipment and expenses in connection therewith (the “Project”), at a total estimated cost not to exceed \$1,741,450, all in accordance with the Local Finance Law; and

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the New York State Environmental Quality Review Act, and as such, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Beacon, in the County of Dutchess, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the City, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,741,450 to finance the costs of the Project at a total estimated cost not to exceed \$1,741,450 all in accordance with the Local Finance Law.

Section 2. The City Council of the City has ascertained and hereby states that (a) the estimated maximum cost of the Project will not exceed \$1,741,450; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the City Council of the City plans to finance the costs of the Project from the proceeds of the serial bonds as authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, except to the extent of Federal or State aid received by the City, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs made in connection with the Project for which proceeds of such obligations are to be applied to reimburse the City, the City Council of the City took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is a specific object or purpose as described in subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of the twenty (20) years computed from the earlier of (a) the date of the first issue of such serial

bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond ordinance and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to sell, issue and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the City Administrator, as the chief fiscal officer of the City. The City Administrator is hereby authorized to execute, on behalf of the City, all serial bonds issued pursuant to this bond ordinance, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the City Clerk is hereby authorized to impress the seal of the City (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the City Administrator.

Section 5. The faith and credit of the City is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond ordinance as the same shall become due. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. When this bond ordinance takes effect, the City Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in The Poughkeepsie Journal, a newspaper having a general circulation in the City. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond ordinance, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. The City hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the "obligations"), to finance the costs of the Project. The City covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the City, and will not make any use of the Project, which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would

cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed by the Code), or subject the City to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond ordinance or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse the expenditures or commitments of the City made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond ordinance.

Section 8. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of the bond anticipation notes issued in anticipation of the issuance of such serial bonds, the City agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the City’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the City Administrator is authorized and directed to sign and deliver, in the name and on behalf of the City, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the City Clerk, which shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond ordinance and not substantially adverse to the City and that are approved by the City Administrator on behalf of the City, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the City’s continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform thereunder. The City Administrator is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the City Administrator shall consult with, as appropriate, the City Attorney and bond counsel or other qualified independent special counsel to the City and shall be entitled to rely upon any legal advice provided by the City Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 9. This bond ordinance is subject to a permissive referendum and will take effect upon its adoption by the City Council of the City and the expiration of the period prescribed in Article 9 of the City Charter during which petitions for a permissive referendum may be submitted and filed with the City Clerk.

Resolution No. 83 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 84 - Adopting Local Law No. 5 of 2024 Concerning Minimum Parking Requirements

ATTACHMENTS

[Resolution Adopting Local Law No. 5 of 2024 Concerning Minimum Parking Requirements](#)

[Local Law No. 5 of 2024 Concerning Minimum Parking Requirements](#)

[Proposed Local Law Concerning Minimum Parking Requirements - SEAF Part 1](#)

[Proposed Local Law Concerning Minimum Parking Requirements - SEAF Part 1, Narrative](#)

[Proposed Local Law Concerning Minimum Parking Requirements - SEAF Parts 2-3](#)

[Dutchess County Department of Planning and Development Memorandum on a Proposed Local Law Concerning Minimum Parking Requirements](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 84 OF 2024

**ADOPTING LOCAL LAW NO. 5 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING MINIMUM PARKING REQUIREMENTS**

WHEREAS, pursuant to Resolution No. 2023-123, passed on November 27, 2023, the City of Beacon City Council set a public hearing for December 18, 2023 regarding a Proposed City of Beacon Local Law amend the Beacon City Zoning Code concerning minimum parking requirements; and

WHEREAS, notice for said Public Hearing was published in the Poughkeepsie Journal to provide notice for the public to attend and comment upon the proposed Local Law; and

WHEREAS, on December 18, 2023, the City Council opened and a duly noticed Public Hearing on the proposed local law, which was continued until it was closed on August 5, 2024, and all those in attendance wishing to be heard were given the opportunity to comment on the proposed Local Law; and

WHEREAS, the proposed local law is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") as set forth in 6 NYCRR Part 617; and

WHEREAS, the City Council is the lead agency for SEQRA purposes as the adoption of local zoning laws are solely within City Council's purview; and

WHEREAS, the City Council is familiar with the proposed local law and has reviewed the Short Environmental Assessment Forms Parts 1, 2, and 3 (collectively the "SEAF").

NOW THEREFORE, BE IT RESOLVED, the City Council, based upon its review of the proposed local law, including, but not limited to, the SEAF Parts 1, 2, and 3, hereby determines that the proposed local law amending parking standards within the City of Beacon will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, the City Council hereby adopts the SEAF Part 3 Negative Determination finding that the proposed local law will not have a significant adverse impact on the environment and authorizes the City Administrator to sign the SEAF Part 3; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts Local Law No. 5 of 2024 to amend the Beacon City Zoning Code concerning minimum parking requirements.

Resolution No. 84 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

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 Beacon City 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 provided 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 in a residence district 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. In accordance with standards set forth in § 223-26D, the Planning Board may allow no more than 30% of the provided parking to be designated for compact automobiles.
- (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. The property owner shall have an obligation to maintain and replace any landscaping which dies or becomes unsightly.

- (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, notwithstanding, the Planning Board shall have sole discretion to require less trees due to site constraints in the parking areas and/or to require a set-aside of equivalent trees and landscaping elsewhere on the same lot.

~~(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) 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. For the purposes of this Subsection, "green stormwater infrastructure" shall mean practices which manage stormwater through infiltration, evapo-transpiration and reuse including the following: the use of permeable pavement, bio-retention,

tree pits and urban forestry, stormwater planters, rain gardens, vegetated swales, or stormwater harvesting and reuse.

~~(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~~scasements, 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 spaces 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 use individually, 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.

~~(+)(2)~~ (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. Unless otherwise determined by the Planning Board, No minimum number of off-street parking spaces are required, required within the CMS, L, and WD -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 off-street site parking spaces within the range provided in the table at § 223-26.D(4) 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. The number of off-street parking spaces determined by the Planning~~

Board to be appropriate shall become the required number of off-street parking spaces for the proposed use of the subject property.

- (3) Any professional parking study submitted by the applicant 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.

The following table gives guidance to the Planning Board on establishing the range of the minimum and maximum parking allowed number of off-street parking spaces within which the Planning Board has discretion to determine the required number of such spaces based on the considerations set forth at § 223-26.D(2). Where more than the maximum or less than the minimum number of off-street parking spaces are provided an area variance from the Zoning Board of Appeals shall be required. An area variance may also be sought from the required number of parking spaces determined to be appropriate by the Planning Board. ~~allowed.~~ ; ~~notwithstanding Where only maximums are identified, the Planning Board may approve fewer spaces:~~

<u>Schedule of Off-Street Parking Standards¹</u>				
<u>Building Use</u>	<u>CMS, L, WD</u>		<u>R1, RD, LI, HI, WP, FCD, GB, T²</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u> <u>(Including accessory apartment)</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>Commercial</u> <u>(Retail / Office / Service / Food / Auto-Oriented/ Social and Community)</u>	=	<u>3 spaces Per 1000 SF GFA</u>	<u>3 spaces Per 1000 SF GFA</u>	<u>5 spaces Per 1000 SF GFA</u>
<u>Health Care and Educational</u>		<u>4 spaces per 1000 SF GFA</u>	<u>1 space per 1000 SF GFA</u>	<u>4 spaces per 1000 SF GFA</u>
<u>Industrial</u> <u>(Industrial or Assembly)</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 which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector, as appropriate depending upon the permit</u>		

		<u>or approval sought and upon consideration of relevant factors dictating the parking needs of each such use.</u>
--	--	--

NOTES:

- 1 The calculation of Gross Floor Area (“GFA”) shall exclude utility space.
- 1 Pursuant to §223-26B(3)(a), no more thanUp to 30% of the provided parking may be designated for compact automobiles at the sole discretion of and in accordance with the standards set forth in §223-D, as determined by the Planning Board.
- 2 Where the Planning Board determines that a property within the T District is in proximity to available municipal parking, public transportation, and pedestrian-oriented streetscapes, parking standards from the CMS district may be applied to all proposed uses on said property.

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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~~	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	<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~~ <u>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</u>
~~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>

Use

Minimum ~~Maximum~~ Off-Street Parking

~~(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 submitted 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 223-22, entitled “Nursing homes,” Subsection D(1) is hereby amended as follows:

§ 223-22 **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.~~

~~(e) 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.~~

~~(c) 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 in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:~~
- ~~(a) That the projected operational characteristics of the proposed use require a different amount of parking.~~
 - ~~(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB 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 § 223-26~~DF~~ 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 in Subsection F(2) above 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:~~

~~(e) 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.~~

~~(f) 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.~~

~~(g) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.~~

~~(h) 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.~~

~~(i) 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.~~

~~(j) 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. Applicability.

This local law shall apply to all land use applications received on or after the effective date of this local law as set forth in Section 17 below. Notwithstanding the aforementioned, this local law shall also apply to pending and/or approved land use applications on the effective date of this local law unless a final certificate of occupancy is issued within one calendar year of the effective date of this local law as set forth in Section 17 below.

Section 14. 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 15. 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 16. 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 17. Effective Date.

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Beacon			
Name of Action or Project:			
Proposed Local Law Amending Chapter 223 of the Zoning Code of the City of Beacon Concerning Parking Requirements			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
On November 27, 2023, the Beacon City Council introduced a local law to amend Chapter 223 of the City Code (the "Zoning Code") concerning parking requirements. Under the existing Zoning Code, new developments must provide a minimum number of parking spaces which varies depending on the proposed use. Since introduction, the local law has undergone several revisions in a further effort to alleviate the deleterious impacts of minimum parking requirements within the City's zoning districts. The proposed local law (as revised) also recognize the City's Planning Board still requires guidance as to such standards. As such, the Planning Board would have the discretion to establish the necessary parking standards within a range of minimums and maximums for developments in the R1, RD, LI, HI, WP, FCD, GB, and T zoning districts. Within the CMS, L, and WD zoning districts there would only be maximum number of parking spaces that may be provided (i.e., no minimums). One-family and two-family residences as well as accessory apartments would still require a certain number of parking spaces. The proposed local law would also simplify and largely consolidate parking standards within the Zoning Code.			
Name of Applicant or Sponsor:		Telephone: 845-838-5000	
City of Beacon		E-Mail: cityofbeacon@beaconny.gov	
Address:			
1 Municipal Plaza			
City/PO:		State:	Zip Code:
Beacon		New York	12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>June 18, 2024</u> Signature: <u></u> Title: <u>City Attorney</u>		

PRINT FORM

SEAF Part 1: Narrative

A Proposed Local Law Concerning Parking Requirements

On November 27, 2023, the Beacon City Council introduced a local law to amend the text of Chapter 223 of the Beacon City Code (the “Zoning Code”) concerning parking requirements. Presently, the Zoning Code mandates minimum parking requirements for all new developments within the City. However, at times such minimum parking requirements conflict with the City’s planning goals to encourage the efficient use of diverse land uses, including multistory buildings and walkable areas. Thus, this proposed local law would eliminate minimum parking requirements and establish maximum parking requirements within the City’s CMS, L, and WD zoning districts. Within the City’s other zoning districts, there will be a range of parking standards the Planning Board will utilize when determining the appropriate number of parking spaces to be provided based upon the nature of use and project site conditions. One-family dwellings, two-family dwellings, and accessory apartments will require at least one parking space per dwelling unit. Therefore, the Planning Board will have the ability to determine the appropriate number of parking spaces for mixed-use, commercial, and multifamily dwellings within a range of parking standards for certain districts on a case-by-case basis. As such, the proposed local law (as revised) would further alleviate the deleterious effects of minimum parking requirements within the City’s CMS, L, and WD zoning districts which often do not have adequate space to accommodate parking minimums.

In addition to gathering input from the public during any public hearing on a particular application, the Planning Board will be charged with determining the appropriate number of parking spaces for each new mixed-use, commercial, or multifamily dwelling based upon an evaluation of the context of the property, the size of the parcel, proposed uses, existing buildings on the parcel, availability of public and street parking in the vicinity, walkability and access to public transit, parking studies prepared by the applicant, shared parking arrangements, land-banking waivers, and compliance with the Americans with Disabilities Act. In the event a proposed development is unable to meet the parking standards required by the Planning Board, the applicant may seek a variance from the Zoning Board of Appeals.

The proposed local law would also consolidate and simplify the City Zoning Code by largely setting forth parking standards under § 223-26 of the Zoning Code. Additional provisions have been added to the proposed local law which would serve to guide the City’s Planning Board when establishing parking standards for a proposed development. Moreover, this proposed local law would not alter permitted uses, setbacks, lot coverages, lot sizes, building heights, or any other use or dimensional requirements provided under the City’s Zoning Code.

Project: Proposed LL - Parking Requirements

Date: August 5, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law will amend various sections of Chapter 223 of Beacon City Zoning Code concerning parking requirements. The local law intends to alleviate the deleterious effects minimum parking requirements have on housing, green spaces, and climate change. The law grants the Planning Board with discretion to establish site specific off-street parking standards during its application review process based upon the context of the property, proposed use and zoning district. The law will further promote walkability, alternative transportation, reduce excessive vehicle traffic, and limit large paved parking lots which can otherwise be put to different uses (housing, green/open spaces, business, etc.). The law will also simplify and condense the City's parking standards.

Within the CMS, L, and WD zoning districts there will be maximum allowable number of off-street parking. Within the other zoning districts (R1, RD, LI, HI, WP, FCD, GC, T) there will be a range of minimum and maximum allowable off-street parking. The Planning Board's site specific parking standards considerations will also include, but not be limited to, parking studies, parcel size, proposed use, availability of nearby public and street parking, public transit access, shared parking arrangements, land-banking (if permitted), and public input during any public hearing(s). The law intends to further the City's goals of climate change mitigation and sustainability by granting the Planning Board with additional tools such as overall reductions in paved parking areas, use of green infrastructure for parking areas, continued maintenance of landscaping, and planting of trees/landscape on the parcel.

The law is not anticipated to have a significant adverse impact on the intensity of land use, environmental resources (natural areas, wetland, streams, flora, fauna, etc.), or historic or aesthetic resources, and no significant adverse impacts on existing community character, drainage, flooding or erosion, air or noise. Any adverse impacts to traffic/parking will be addressed on a site specific basis by the Planning Board but the proposed laws benefits are generally outweighed by the benefits of encouraging housing affordability, business development and reductions in paved areas contributing to "urban heat islands." For the reasons herein, the proposed local law will not result in any significant adverse environmental impacts and will have an overall positive impact on the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Beacon City Council	August 5, 2024
Name of Lead Agency	Date
Christopher White	City Administrator
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
		Co./Dept.	From		
		Fax #	Phone #		

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Proposed Local Law Concerning Minimum Parking Requirements**

Applicant: **City of Beacon**

Address of Property:

Exempt Actions:*
239 Review is NOT Required

- Administrative Amendments (fees, procedures, penalties, etc.)
- Special Permits for residential uses (accessory apts, home occupations, etc.)
- Use Variances for residential uses
- Area Variances for residential uses
- Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

- ☐ State Road:
- ☐ County Road:
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Date Response Requested: **6/27/2024**

Entered By: **Swanson, Benjamin**

These actions are only exempt in municipalities that signed an intermunicipal agreement with Dutchess County to that effect.

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☒ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 6/20/2024	Notes:	☐ Major Project	
Date Received: 6/20/2024		Referral #: ZR24-197	
Date Requested: 6/27/2024			
Date Required: 7/19/2024	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 6/28/2024			



DUTCHESS COUNTY GOVERNMENT
DEPARTMENT OF PLANNING & DEVELOPMENT

June 28, 2024

To: Common Council, City of Beacon
Re: **ZR24-197, Parking Requirements Local Law 2nd Submission**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, §239-l/m).

ACTION

The city is considering updating its parking requirements to eliminate minimums in certain core districts (CMS, L and WD) and adjust requirements in all other districts.

COMMENTS

We previously reviewed this project and provided a comment letter (ZR23-356, 12/27/2023). Several of our comments have been addressed, while others remain. Since that review, the city has emended the proposed law, retaining parking minimums outside of the core and simplifying the parking table. We continue to commend the city for considering this legislation. We offer the following minor comments:

1. At B.(4)(a), the Planning Board could be given the discretion to adjust this tree requirement based on considerations like topographic challenges or a set-aside of equivalent green space elsewhere on the lot.
2. The inclusion of the term "green stormwater infrastructure" at B.(5) was a recommendation of our last letter, but we note that this term does not appear elsewhere in the code and needs to be defined.
3. Schedule of Off-Street Parking Standards
 - a. The Council could consider numbering all notes, rather than two starred notes and one numbered.
 - b. The description for "Other Uses" could be revised for brevity and clarity.
 - c. Basic standards for compact car parking, as described in the second * note, could be included in B.(3)(a).
4. The Council could consider including some numerical guidance for the Planning Board for on-site loading spaces, providing a few examples of the number of spaces generally needed for given uses.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

A handwritten signature in blue ink, appearing to read "D. Tuttle", followed by a horizontal line.

Dylan Tuttle, Senior Planner

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 85 - Referring Proposed Local Law No. 8 of 2024 Concerning the Fishkill Creek Development District to the City of Beacon and Dutchess County Planning Boards

ATTACHMENTS

Resolution Referring Proposed Local Law No. 8 of 2024 Concerning the Fishkill Creek Development District to the City of Beacon and Dutchess County Planning Boards

Proposed Local Law No. 8 of 2024 Concerning the Fishkill Creek Development District

Proposed Local Law No. 8 of 2024: SEAF Part 1

Proposed Local Law No. 8 of 2024: SEAF Part 1, Narrative



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 85 OF 2024

**SETTING A PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 8 OF 2024
CONCERNING THE FISHKILL CREEK DEVELOPMENT ZONING DISTRICT**

WHEREAS, the City of Beacon is considering a local law which would amend the Fishkill Creek Development Zoning District; and

WHEREAS, the City Council wishes for the Planning Board to provide a report and recommendation on the proposed local law.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby refers Proposed Local Law No. 8 of 2024 amending City Code Chapter 223, Article IVC, concerning the Fishkill Creek Development Zoning District to the City of Beacon Planning Board and the Dutchess County Planning Board for a report and recommendation to the City Council; and

BE IT FURTHER RESOLVED THAT the City Council hereby schedules a public hearing for August 19, 2024 at 8:00 pm, or immediately following the conclusion of the preceding Council Workshop session, for Proposed Local Law No. 8 of 2024 concerning the Fishkill Creek Development Zoning District.

Resolution No. 85 of 2024			Date: August 5, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

PROPOSED LOCAL LAW NO. 8 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE
CONCERNING FISHKILL CREEK DEVELOPMENT ZONING DISTRICT**

A LOCAL LAW to amend Chapter 223, Article IVC, Section 223-41.14B, concerning development potential within the Fishkill Creek Development Zoning District.

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

Section 1. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development (FCD) District, Section 223-41.14, subsection B entitled “Development Potential,” is hereby amended as follows:

§ 223-41.14 **Bulk Regulations.**

...

- B.** Development potential. Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. For good cause shown, the City Council may, after a public hearing, allow Certificates of Occupancy to be issued for dwelling units or artist live/work spaces prior to the non-residential component being completed. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.

...

Section 2. Ratification, Readoption and Confirmation.

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

Section 3. Numbering for Codification.

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

Section 4. Severability.

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

Section 6. Effective date.

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

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
City of Beacon City Council			
Name of Action or Project:			
Local Law - Fishkill Creek Development District Text Amendment			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
The proposed local law would amend the text of Chapter 223, Section 223-41.14B, concerning the Fishkill Creek Development (FCD) Zoning District. The law would allow the City Council, upon a showing of good cause and after a public hearing, to allow certificates of occupancy to be issued for residential dwelling units or artist live/work spaces built before any nonresidential uses are constructed. Currently within the FCD zoning district nonresidential uses must be built before or concurrently with any dwelling units or artist live/work spaces. The proposed local law is intended to allow housing to be completed and available sooner than is currently required.			
Name of Applicant or Sponsor:		Telephone: 245-838-5000	
City of Beacon City Council		E-Mail: cityofbeacon@beaconny.gov	
Address:			
1 Municipal Plaza			
City/PO:		State:	Zip Code:
Beacon		New York	12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>City of Beacon City Council</u> Date: <u>August 1, 2024</u>		
Signature: <u></u> Title: <u>City Attorney</u>		

SEAF PART 1: Narrative

Proposed Local Law Concerning the Fishkill Creek Development (FCD) District

The City Council of the City of Beacon proposed a local law to amend Chapter 223 (Zoning) of the Code of the City of Beacon concerning the Fishkill Creek Development (FCD) District to grant the City Council, upon a showing of good cause and after a public hearing, the authority to allow certificates of occupancy to be issued for residential dwelling units or artist live/work studios constructed before nonresidential uses are built or finished.

Currently, § 223-41.14B requires nonresidential uses to be built before or concurrently with any dwelling units or artist live/work studios. This local law is intended to help alleviate housing shortages faced in the region by permitting the City Council in certain circumstances to allow such residential units to be “opened” for housing before the construction of nonresidential uses are completed. The local law thus aims to promote the City’s goals of reducing housing costs without changing bulk requirements such as parcel size, setbacks, floor area ratios, lot sizes, open spaces, building heights, dwelling unit sizes, or buffers.

City of Beacon City Council Agenda
08/05/2024

Title:

Resolution No. 86 - Authorizing the Mayor to Execute a Settlement Agreement with St. Andrew and St. Luke Episcopal Church

ATTACHMENTS

Resolution Authorizing the Mayor to Execute a Settlement Agreement with St. Andrew and St. Luke Episcopal Church



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 86 OF 2024

AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH ST. ANDREW AND ST. LUKE EPISCOPAL CHURCH, BEACON INC., AND THE BOARD OF MANAGERS OF THE DIOCESAN MISSIONARY AND CHURCH EXTENSION SOCIETY OF THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF NEW YORK

WHEREAS, St. Andrew and St. Luke Episcopal Church, Beacon Inc., and the Board of Managers of the Diocesan Missionary and Church Extension Society of the Protestant Episcopal Church in the Diocese of New York commenced litigation in the Supreme Court of the State of New York, County of Dutchess, on or about June 26, 2023 (Index No. 2023-52117) against the City of Beacon, New York, Mayor Lee Kyriacou and City Administrator Christopher White, in their official capacities; and

WHEREAS, the parties have reached an amicable resolution in the aforementioned action/proceeding that would end the need for further litigation.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby authorizes the City of Beacon Mayor, the City of Beacon Administrator, or their designee, to execute a Stipulation of Settlement, and associated documents, with St. Andrew and St. Luke Episcopal Church, Beacon Inc., and the Board of managers of the Diocesan Missionary and Church Extension Society of the Protestant Episcopal Church in the Diocese of New York, in a final form subject to approval by the City Attorney as to form and substance; and

BE IT FURTHER RESOLVED, that the City of Beacon Mayor, the City of Beacon Administrator, or their designee, is hereby authorized to execute any and all necessary extensions, modifications, or amendments to the aforementioned agreement in a final form subject to approval by the City Attorney as to form and substance.

Resolution No. 86 of 2024				Date: August 5, 2024			
☐ Amendments				☐ 2/3 Required			
☐ On roll call				☐ 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
08/05/2024

Title:

July 15, 2024 Minutes

ATTACHMENTS

[July 15, 2024 Minutes](#)



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 Jeffrey Domanski, Ward 2
Councilmember Pam Wetherbee, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

July 15, 2024
7:00 PM
Draft
City Council
Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council. The City Council Meeting was held through video conference and in the Courtroom at 1 Municipal Plaza, Beacon NY 12508. A video recording of the meeting is available at

<https://vimeo.com/user1296488>. The public was able to attend in-person or through video or telephone and were made aware via the City of Beacon website, beaconny.gov. Please take notice that the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling (845) 838 – 5010, or by emailing cityofbeacon@beaconny.gov.

Councilmembers Present

Mayor Lee Kyriacou
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward One
Councilmember Jeffrey Domanski, Ward Two
Councilmember Pam Wetherbee, Ward Three

Also Present

Christopher White, City Administrator
Nicholas Ward-Willis, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

[Public Hearing on a Proposed Local Law Concerning Parking Requirements](#)

Motion to adjourn the public hearing to August 5, 2024 by Councilmember Wake.

Second by Councilmember Rhodes.

Motion passes 4 – 1. Mayor Kyriacou voted against the motion.

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. [Resolution No. 69 - Appointing Thomas Durkin to the Position of Police Detective Sergeant](#)

Motion to pass the resolution by Councilmember Rhodes

Second by Councilmember Wetherbee.

Motion passes 5 – 0.

2. [Resolution No. 70 - Appointing Kelvin Grey to the Position of Police Sergeant](#)

Motion to pass the resolution by Councilmember Domanski.

Second by Councilmember Wetherbee.

Motion passes 5 – 0.

3. [Resolution No. 71 - Referring an Amended Concept Plan for 248 Tioronda Avenue to the Planning Board](#)

Motion to pass the resolution by Councilmember Wetherbee.

Second by Councilmember Rhodes.

Motion passes 5 – 0.

4. [Resolution No. 72 - Setting a Public Hearing for Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause](#)

Motion to pass the resolution by Councilmember Wake.

Second by Councilmember Domanski.

Motion passes 5 – 0.

5. [Resolution No. 73 - Referring Proposed Local Law No. 6 of 2024 Concerning Soil Stabilization to the City of Beacon and Dutchess County Planning Boards](#)

Motion to pass the resolution by Councilmember Domanski.

Second by Councilmember Wetherbee.

Motion passes 5 – 0.

6. [Resolution No. 74 - Referring Proposed Local Law No. 7 of 2024 Concerning Dimensional Regulations for the Transitional District to the City of Beacon and Dutchess County Planning Boards](#)

Motion to pass the resolution by Councilmember Wetherbee.

Second by Councilmember Wake.

Motion passes 5 – 0.

Approval of Minutes

1. [July 1, 2024 Minutes](#)

Motion to approve the minutes, as amended, by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 5 – 0.

Public Comment - Second Opportunity

Announcement of Next Meeting: August 5, 2024 at 7:00 p.m. (Workshop) & 8:00 p.m. (Meeting)

Executive Session

1. **Executive Session: Real Estate**

Motion to go into executive session regarding real estate and to adjourn therefrom with no further business by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 5 – 0.

Adjournment

Motion to come out of executive session and adjourn by Councilmember Rhodes.

Second by Councilmember Wetherbee.

Motion passes 5 – 0.

City of Beacon City Council Agenda
08/05/2024

Title:

Executive Session: Personnel

ATTACHMENTS