



COURTROOM  
1 MUNICIPAL PLAZA  
BEACON, NY 12508

**May 21, 2024  
7:00 PM  
Zoning Board of Appeals Agenda**

The Zoning Board of Appeals will meet on Tuesday, May 21, 2024, at 7:00 p.m., in the Municipal Center courtroom, located at One Municipal Plaza, Beacon, New York.

**Regular Meeting**

1. Approval of the April 16, 2024, minutes
2. Continued review and public hearing for the application submitted by Jason and Jodi McCredo, 11 Highland Place, Tax Grid No. 30-6054-31-327768-00, in the R1-5 Zoning District, to relocate the driveway to the front of the home, which requires relief from the following: *Section 223-26 C. (1) Location.* The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in *Â§223-17C.* **\*\*\*ADJOURNED TO THE SCHEDULED JUNE 18th MEETING, AT THE REQUEST OF THE APPLICANT\*\*\***
3. Review and hold a public hearing for the application submitted by Carvana, LLC c/o Jenn Roldan, 410 Fishkill Avenue and Fishkill Avenue, Tax Grid No. 30-6055-80-424048 and 30-6055-80-439071, in the GB Zoning District, to allow for a decrease in the number of required off-street parking spaces, which requires relief from the following: *Section 223-26 F. Off-street parking, loading and vehicular access. F. Schedule of Off-street parking requirements. Use: Motor vehicle sales and service. Minimum Off-Street Parking: 1 space per employee, plus 1 space per 150 square feet of gross floor space.*

**City of Beacon Zoning Board of Appeals Agenda  
05/21/2024**

**Title:**

Approval of the April 16, 2024, minutes

**ATTACHMENTS**

## City of Beacon Zoning Board of Appeals Agenda

05/21/2024

### **Title:**

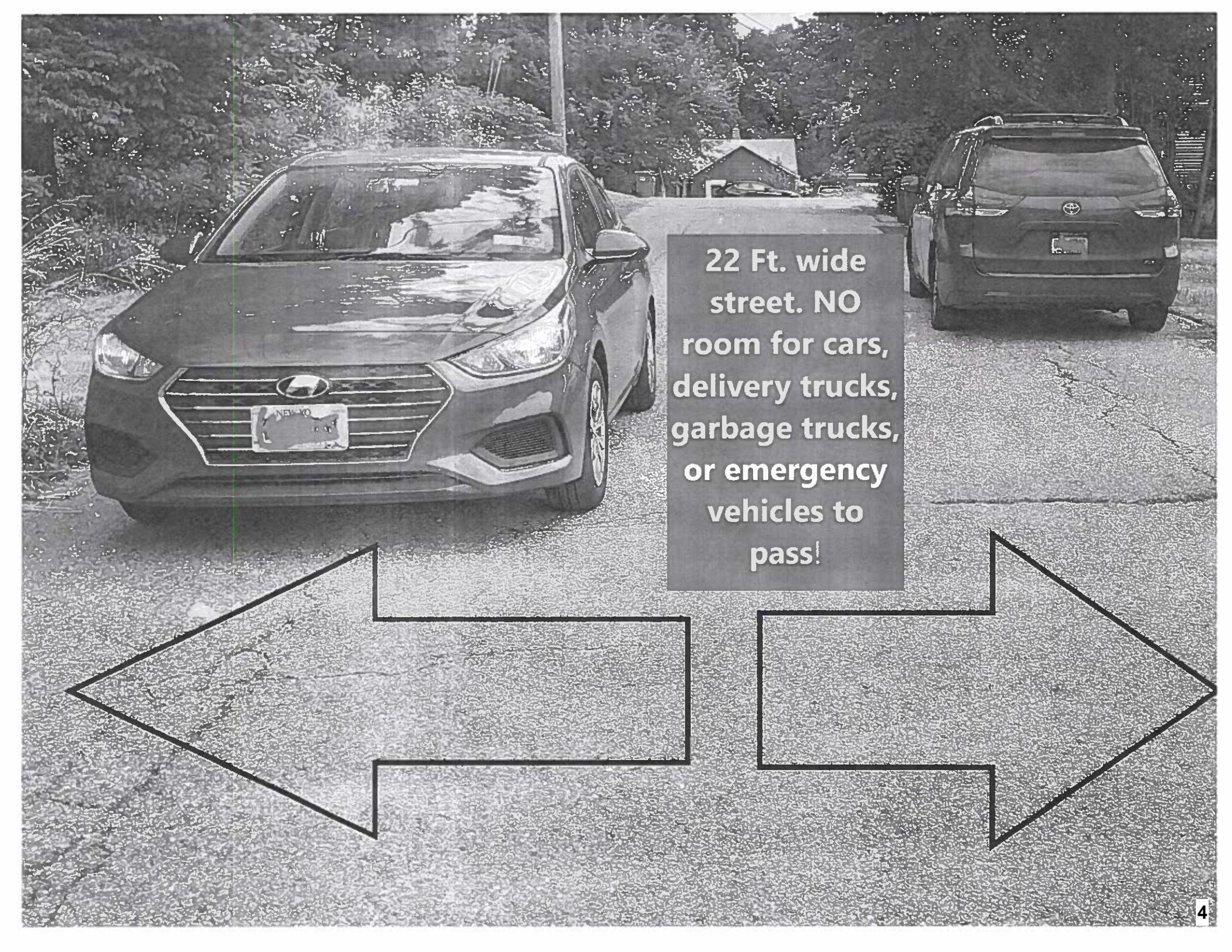
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Section 223-26 C. (1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in §223-17C.

**\*\*\*ADJOURNED TO THE SCHEDULED JUNE 18th MEETING, AT THE REQUEST OF THE APPLICANT\*\*\***

### **ATTACHMENTS**

[11 Highland ZBA street parking images.pdf](#)



**22 Ft. wide street. NO room for cars, delivery trucks, garbage trucks, or emergency vehicles to pass!**



## **City of Beacon Zoning Board of Appeals Agenda**

**05/21/2024**

### **Title:**

Review and hold a public hearing for the application submitted by Carvana, LLC c/o Jenn Roldan, 410 Fishkill Avenue and Fishkill Avenue, Tax Grid No. 30-6055-80-424048 and 30-6055-80-439071, in the GB Zoning District, to allow for a decrease in the number of required off-street parking spaces, which requires relief from the following:

Section 223-26 F. Off-street parking, loading and vehicular access.

F. Schedule of Off-street parking requirements.

Use: Motor vehicle sales and service.

Minimum Off-Street Parking: 1 space per employee, plus 1 space per 150 square feet of gross floor space.

### **ATTACHMENTS**

[\*\*410 Fishkill ZBA 5.21.24 Submission with Exhibits A-E, Site Plans & Floor Plans  
Attached\(6043238.1\).pdf\*\*](#)



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April 30, 2024

Taylor M. Palmer  
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**VIA E-MAIL**  
**AND HAND DELIVERY**

Hon. Jordan Haug  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: Carvana, LLC – Application of Area Variance for Off-Street Parking  
Premises: 410 Fishkill Avenue, Beacon, New York – Tax ID: (6055-80-424048 & 439071)

Dear Chairman Haug and Members of the Zoning Board of Appeals:

On behalf of DKH Realty, LLC (the “Owner”), the Owner of the above-referenced Premises, we respectfully submit this letter and the referenced enclosures in furtherance of Carvana, LLC’s (the “Applicant” or “Carvana”) pending Application for Site Plan and Special Use Permit Approvals proposing to reuse the former Healey Hyundai car dealership for Carvana’s proposed smaller-scale car dealership operation at the Premises.

As this Board is aware, the City Council has been working together with the City Planner and City Staff to update the City’s outdated parking regulations – many of which were established in the Zoning Code in the 1970’s and 1980’s. *See Exhibit E* – Draft Local Law No. 1 Concerning Minimum Parking Requirements (the “Proposed Law”).<sup>1</sup> However, while Carvana’s proposed operations *would not* require a Parking Variance under the Proposed Law, under the current Zoning Code, the Applicant presently requires an Area Variance for off-street parking.

Notwithstanding any potential future zoning amendments, as is more fully detailed herein and in the enclosed Parking Analysis prepared by the Applicant’s parking consultant, it is respectfully submitted that Carvana’s unique online and associated car dealership operations require far less off-street parking than would even be required if/when the Proposed Law is adopted as presently drafted. Accordingly, it is respectfully submitted that the parking variance sought herein should be granted in its entirety as the requested variance relief will not have any potentially adverse impacts on the surrounding neighborhood.

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<sup>1</sup> Note: The City Council’s most-recent discussion regarding the Proposed Law (last revised April 12, 2024) took place at the City Council’s April 22<sup>nd</sup> meeting, and the Planning Board also discussed the Proposed Law at its most-recent Work Session on April 9<sup>th</sup>. The Planning Board meeting video is available at the following link: <https://www.youtube.com/watch?v=Fm9VbcOfBkc>. *See also Exhibit E* – enclosing copies of the City Planner Memoranda, and a recent article from the *Highlands Current*, dated November 24, 2023.

**BACKGROUND REGARDING THE PREMISES & CARVANA'S PROPOSED REDUCED-SCALE AUTOMOBILE SALES OPERATION ON THE PREMISES:**

As this Board is aware, the Applicant proposes to reoccupy the former Healey Hyundai car dealership for Carvana's reduced-scale car dealership operations. The 1.37-acre Premises is located on the east side of Fishkill Avenue, across the street from the recently approved mixed-use development at 397 Fishkill Avenue, and the Premises is presently classified in the General Business ("GB") Zoning District. The Premises is improved by an existing automobile car dealership that was previously tenanted by Healey Hyundai pursuant to the Planning Board's 1995 Site Plan Approval for Healey's automobile sales and vehicle service. The Premises is located in proximity to other automobile-related uses, as well as nearby commercial and residential mixed-uses along Fishkill Avenue. The Premises also abuts Metro-North's property, which former rail line is presently in the process of being abandoned by Metro-North. *See Exhibit A – Images of the Premises and Surrounding Area.*

Unlike the former, more traditional Hyundai car dealership, Carvana is an online used automobile dealer that offers pre-owned vehicles for sale. Carvana's website allows purchasers to finalize their vehicle purchase online, where they can select to pick up their car from a location or to accept delivery directly to the customer. If a customer elects to choose to pick up their purchased vehicle, an on-site pick-up would be scheduled for that customer at the Premises, which process typically only takes about 15 minutes or less during regular business hours. Carvana expects to deliver between 10-20 vehicles on the Premises, daily.

Importantly, unlike the former Hyundai dealership before it, Carvana *will not* be conducting retail service/repair operations at the Premises, and Carvana is only proposing to utilize the existing repair bays at the Premises for detailing and readying purchased vehicles for pick up, including state inspection activities. These operations are exclusively for Carvana and will not be open to the public. Carvana's projected employee count will also be about one-third of the previous Hyundai car dealership, with approximately 12-15 total employees at this location.

Accordingly, for all the reasons set forth herein and in the enclosed documents accompanying this Application, it is respectfully submitted that the Applicant's requested Area Variance for off-street parking should be granted in its entirety.

**AREA VARIANCE RELIEF REQUESTED:**

Carvana's smaller-scale operations will utilize the existing 19,588 sq. ft. facility (including 2,828 sq. ft. of second floor mezzanine space) on the Premises. Accordingly, the Applicant is requesting that the Zoning Board of Appeals ("ZBA") grant an Area Variance to permit a total of 63 parking spaces where 146 spaces are required, pursuant to Zoning Code § 223-26(F)

(Schedule of Off-Street Parking Requirements), requiring a variance of 83 parking spaces.<sup>2</sup>

**APPLICABLE AREA VARIANCE STANDARDS:**

Pursuant to N.Y. Gen. City Law § 81-b and City of Beacon Zoning Code § 223-55(C)(2), the proper analysis for whether to grant an Area Variance is a balancing of the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

In executing this balancing test, Zoning Ordinance § 223-55(C)(2) directs that the ZBA shall consider:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the [area] variance;*
2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the [area] variance;*
3. *Whether the requested [area] variance is substantial;*
4. *Whether the proposed [area] variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and*
5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the [area] variance.*

The Applicant respectfully submits that based on Carvana's unique online and associated car dealership operations; taken together with the limited number of employees; the short, prescheduled customer pick-up appointments – among other mitigating factors detailed herein and in the enclosed Parking & Access Report – the actual parking demand for Carvana's operations on the Premises is actually only for about 29 spaces of the 63 parking spaces that are proposed.

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<sup>2</sup> Zoning Code § 223-26(F) presently requires one (1) space per employee, plus one (1) space per 150 square feet of gross floor area of building space. Of course, if the City Council does indeed adopt the Proposed Law during the pendency of this Application before the ZBA, the Applicant would withdraw this Application, as it would be rendered academic by the zoning-compliant parking condition associated with the Proposed Law.

Accordingly, for the following reasons, the granting of the requested Area Variance relief is warranted:

**1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.***

The granting of the requested Area Variance for Carvana's proposed smaller-scale dealership operations will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties. As is more fully detailed in the enclosed Site Plans, the Applicant is merely proposing to reoccupy the former Healey Hyundai car dealership to provide a similar, but reduced, car dealership use on the Premises. At the same time, the Applicant is proposing a whole host of site plan improvements, including a refined lighting program; updated parking and access plans, and changes to the off-street parking and loading areas to ensure safer and more efficient operations into, through, and out of the site.

As is more fully detailed in the enclosed Parking & Access Report prepared by Colliers Engineering, dated April 30, 2024 (the "Parking Report"), Carvana's operations *will not* generate a significant parking demand. Carvana will have a small number of employees (approximately 12-15 employees), and pick-up appointments are prescheduled in 15-minute intervals. As there are no other services provided (such as intensive service/repairs) other than for customers to pick up presold vehicles, the need for customer parking is anticipated to be very limited. *See Exhibit B* - Parking Report. Indeed, the format of Carvana's operations will lessen the parking burden as compared to the prior Healey Hyundai user.<sup>3</sup> Moreover, the enclosed Parking Report indicates that the granting of the requested Parking Variance will not overburden the parking demand or cause a traffic impact to the adjoining roadway system.

Accordingly, it is respectfully submitted that there will be no change in the character of the community, nor will any detriment result to nearby properties if this Parking Variance is granted to allow Carvana to operate its smaller-scale car dealership in the renovated building, while providing ample off-street parking for Carvana's proposed use.

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<sup>3</sup> *See Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals*, 21 Misc.3d 1120(A) at \*4 (Sup. Ct. Steuben Cty. 2007, aff'd 4<sup>th</sup> Dep't 2007) ("While the work the Town has put into its plan is commendable, denying area variances based upon what a municipality hopes the neighborhood will be like in some distant future is an impermissible restriction on the use of property not intended by the applicable statute and is contrary to case law. Courts have consistently placed great reliance on the effect that the granting of an area variance would have on the character of the neighborhood, and the analysis has always been to determine whether the plan sought to be implemented by the area variance is out of character with the existing scheme of development").

**2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.**

Zoning Code §223-55(C)(2)(b)(2) requires the ZBA to consider “whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.” The range of appropriate alternatives is limited by two (2) standards: First, the alternative must still provide the benefit sought by the applicant and, second, it must be feasible for the applicant to pursue.

In order to improve the site operations from the Site Plan that was previously approved for the Healey Hyundai dealership and its retail services/repairs, the customer and employee parking areas had to be adjusted; the drive aisle had to be defined on the northern portion of the Premises; and the loading area(s) modified. *See* enclosed Site Plan Set. As is more fully detailed in the Parking Report, based on Carvana’s unique online and associated car dealership operations – and the other mitigating factors noted herein (such as a reduction in the number of employees; prescheduled pick-up times; and no retail service/repair operations, etc.); the actual parking demand for Carvana’s operations on the Premises is about 29 spaces of the 63 parking spaces that are proposed. *See Exhibit B* - Parking Report. Thus, the Applicant respectfully submits that there will be ample off-street parking provided for Carvana’s operations.

However, in order for the Applicant to comply with the off-street parking requirements for Carvana’s reduced-scale dealership operations, an Area Variance for 83 off-street parking spaces is necessary. Other than the requested variance, there is no other feasible method for Carvana to reoccupy the former car dealership at the previously improved site, while accounting for vehicle circulation and vehicle delivery and pick up. Of course, if/when the City Council adopts the Proposed Law, then approximately 59 parking spaces would be required where 63 parking spaces are proposed, as compared to the 146 spaces that are required under the current Zoning Code. In that case, a Parking Variance would not be required. Thus, it respectfully submitted that are no other feasible alternatives to pursue to achieve the benefit of the variance sought herein.

**3. Whether the requested area variance is substantial.**

Upon consideration of the facts and circumstances, including the existing/former car dealership use on the Premises, the requested Area Variance is not substantial. Carvana merely proposes to reoccupy the former Healey Hyundai car dealership that operated on the Premises for several decades, only with a reduced-scale car dealership operation.

Moreover, substantiality is not simply a numerical calculation. It is based on the totality of the

circumstances.<sup>4</sup> Here, a comprehensive consideration of the circumstances makes clear that the requested Parking Variance is not substantial. As noted above, a small number of employees will be present on the site; preordered cars will be picked up in 15-minute intervals and there will be no significant on-site repair work – all reducing the parking burden as noted in the enclosed Parking Report at **Exhibit B**. Moreover, sufficient room for vehicle circulation has to be provided on the Premises (with new and additional wayfinding signage proposed); and Carvana will be concentrating its operations in the existing bays and customer lobby. Considering all these facts together, it is clear that the requested Parking Variance is not substantial and that the Application will not have any detrimental effect on the neighborhood.

**4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.***

Given that Carvana's proposed car dealership will be located within the existing, renovated structure with no significant expansion thereof and that the proposed car dealership will not cause a significant increase in demand for parking as noted in the enclosed Parking Report, it is respectfully submitted that the requested variance will not have any potential adverse effects or impacts on the physical or environmental conditions in the neighborhood. Indeed, the pending Application for Site Plan and Special Permit Approval for Carvana's proposed use is considered a Type II Action, which is exempt from review in accordance with the State Environmental Quality Review Act ("SEQRA").<sup>5</sup>

Furthermore, it is anticipated that Carvana's proposed reduced-scale dealership will enhance the neighborhood. The proposed dealership provides a convenience for local residents and will include key changes and improvements over the existing Site Plan Approval for the Premises, including reduced operations, a refined lighting program and adjusted access and loading areas from the previously approved 1995 Site Plan. Emblematic of this finding, as noted above, the City Council is currently considering modifications to the parking regulations in the Proposed Law, that would otherwise make this Application Code-compliant.

**5. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.***

A self-created hardship is not a determinative consideration with respect to an Area Variance

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<sup>4</sup> See Schaller v. New Paltz Zoning Board of Appeals, 108 A.D.3d 821 (3d Dep't 2013) (upholding a zoning board of appeal's determination that an Area Variance was not substantial when compared to the surrounding environment).

<sup>5</sup> See 6 NYCRR 617.5(c)(18).

and must be considered together with the other application factors.<sup>6</sup> Therefore, even if this Parking Variance may be considered "self-created," the balancing of the interests herein clearly weighs in favor of the request for the variance, as there is no detriment to the safety and welfare of the neighborhood or community by granting this variance. Moreover, the proposed car dealership will exist on a Premises previously approved for such a use and will provide a benefit to the community. To the extent that this Board may believe otherwise, we respectfully note that even if the hardship *is* self-created, this factor does not alone justify denial of an Area Variance under N.Y. General City Law §81-b(4)(b)(v).<sup>7</sup>

**CONCLUSION AND LIST OF ENCLOSURES:**

The overall test for the grant of an Area Variance is whether the benefit to the Applicant if the variance is granted, as weighed against any detriment to the health, safety and welfare of the neighborhood or community by such grant. For the reasons set forth herein, and as will be further discussed at the public hearing on this matter, the Applicant requests that this variance from the current parking requirements of Section 223-26(F) of the Zoning Code be granted in its entirety. The Applicant respectfully submits that there is no harm to the community that weighs against the benefit to the Applicant, that the proposed variance is the minimum variance that meets the Applicant's needs and at the same time fully protects the character of the neighbor and the health, safety and welfare for the community.

In support of this supplemental submission, please find enclosed seven (7) copies of the following documents:

- Exhibit A:** Images of Premises & Surrounding Area;
- Exhibit B:** Parking & Access Report, prepared by Colliers Engineering & Design dated April 30, 2024;
- Exhibit C:** ZBA Application Form;
- Exhibit D:** A copy of the Short Environmental Assessment Form ("EAF"); and
- Exhibit E:** Draft Local Law No. 1 Concerning Minimum Parking Requirements, along with associated City Planner Memoranda dated March 22, 2024 and April 5, 2024; and a recent article from the Highlands Current, dated November 24, 2023.

<sup>6</sup> See Millpond Management, Inc. v. Town of Ulster Zoning Board of Appeals, 42 A.D.3d 804, 805 (3d Dep't 2007).

<sup>7</sup> See Matter of Daneri v. Zoning Bd. of Appeals of Town of Southold, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an Area Variance).



April 30, 2024  
Page 8

In further support of this Application, we respectfully submit seven (7) copies of the updated Site Plan Set, entitled "Carvana", prepared by Hudson Land Design Professional Engineering, P.C., dated February 27, 2024, last revised April 30, 2024, numbered and titled as follows (unless otherwise noted):

- Sheet 1 of 3: Cover Sheet;
- Sheet 2 of 3: Existing Conditions Plan; and
- Sheet 3 of 3: Site Plan.

Also enclosed please find seven (7) copies of the following:

- As-Built Floor Plans and Floor Plans Showing Uses.

Further, please find enclosed two (2) checks made payable to the City of Beacon in the amounts of \$250 and \$1,000, representing the application filing fee and the consultant review escrow, respectively.

We look forward to reviewing this Application with the ZBA at its May 21<sup>st</sup> meeting Agenda for the Public Hearing on the Application. In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

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

Taylor M. Palmer

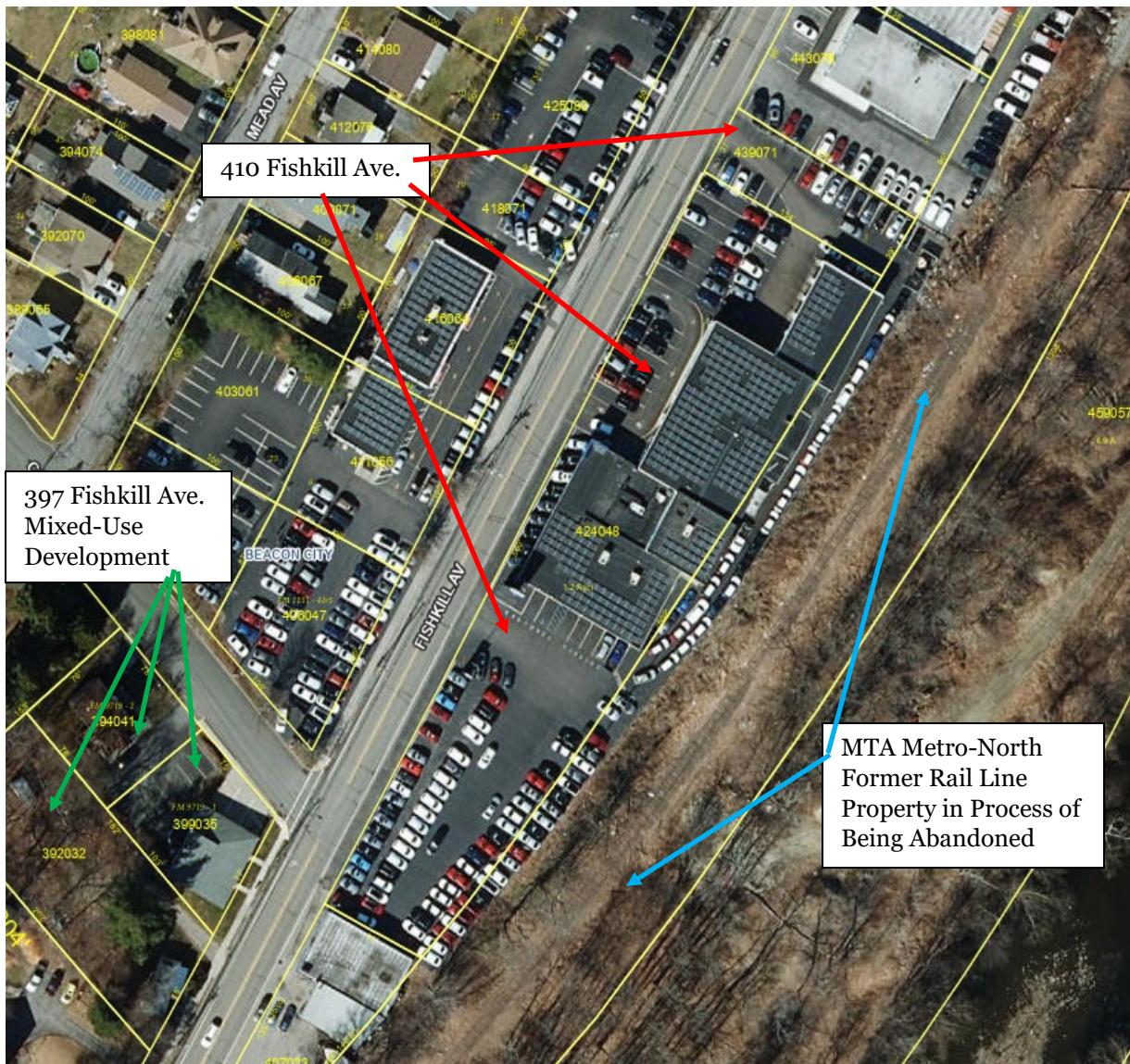
Enclosures

cc:    Bruce Flower – City of Beacon Building Inspector  
      George Alissandratos, Esq. – ZBA Attorney  
      Carvana, LLC  
      DKH Realty, LLC  
      Hudson Land Design Professional Engineering, P.C.  
      Maximillian R. Mahalek, Esq.

# Exhibit A

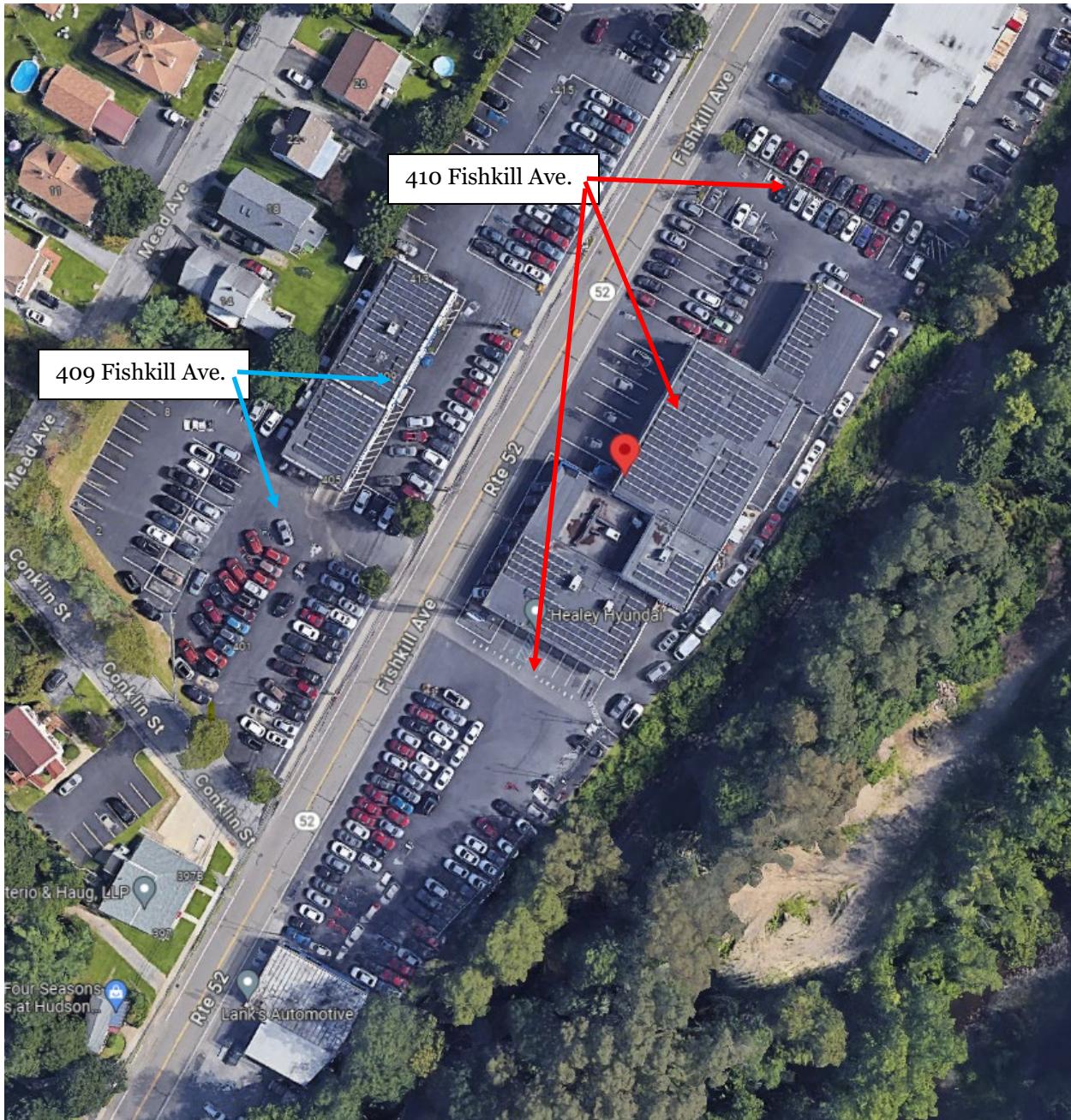
**Exhibit A: Images of the Premises and Surrounding Area**

**Dutchess County Parcel Access Viewer Image: 410 Fishkill Avenue (the “Premises”):**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

**Google Aerial Image of the Premises:**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

**Google Street View Image of the Premises: Facing Southeast Toward Premises:**

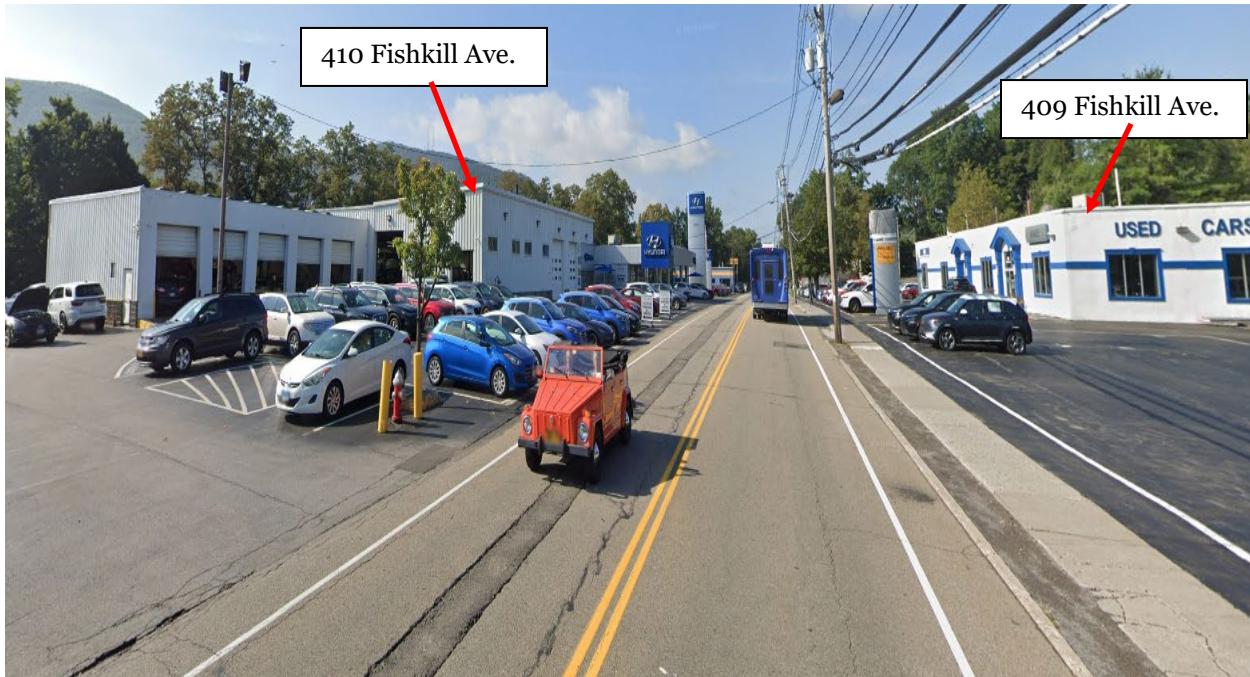


**Google Street View Image of the Premises: Facing Northeast Toward Premises:**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

**Google Street View Image of the Premises: Facing South Toward Premises:**

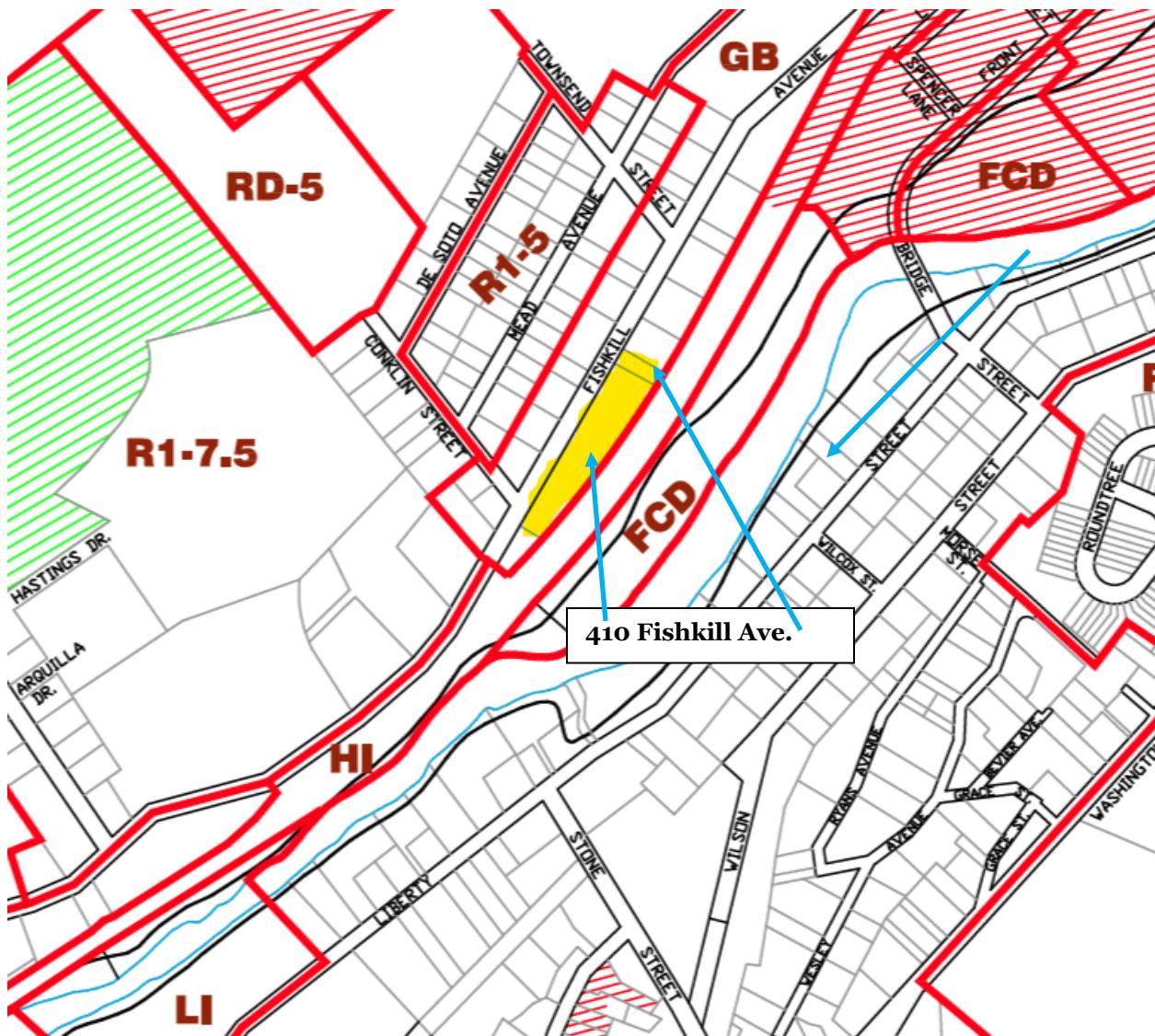


**Google Street View Image Looking West Toward 409 Fishkill Avenue Property:**



**Exhibit A: Images of the Premises and Surrounding Area (cont.)**

City of Beacon Zoning Map Excerpt of the Premises – GB District:



# Exhibit B

Via  
April 30, 2024

John Gunn, Board Chair  
City of Beacon Planning Board  
1 Municipal Plaza  
Beacon, NY 12508

Carvana - 410 Fishkill Avenue  
City of Beacon, Dutchess County, New York  
Colliers Engineering & Design Project No. 24004190A

Dear Chairman Gunn and Members of the Planning Board,

We are writing on behalf of the Applicant for the proposed Carvana store ("the Project"), which is proposed to occupy the former Healey Hyundai site located at 410 Fishkill Avenue in the City of Beacon. Colliers Engineering and Design (CED) has conducted a review of the Project relating to parking needs as well as vehicular access and circulation. The following provides a summary of our assessment of the Project and our recommendations.

## Project Description

Carvana proposes to reoccupy the former Healey Hyundai car dealership to provide a similar but reduced use from the former Healey Hyundai use. The existing building, which will be reoccupied without modification, totals approximately 19,588 sq. ft. including approximately 2,828 sq. ft. of second floor mezzanine space. The prior Healey Hyundai use operated as a new and use car sales dealership along with parts sales and service provided on the site. Within the 19,588 sq. ft. the building has several service bays that will also remain as discussed further below. Access to the site is currently provided via a two-way driveway located approximately 150-ft. north of Conklin Street and a second two-way driveway at the northern property line of the site (approximately 475-ft. north of Conklin Street). There is also an existing one-way entry and exit loop in the middle of the site frontage that was formerly utilized for parts and service sales and vehicle drop-off/pick-up. It should be noted that there is no existing curbing or sidewalks along the site frontage separating Fishkill Avenue from the paved surface of the site.

Carvana proposes to reoccupy the site generally in its current form with some minor modifications to onsite parking and loading. It should be noted that Carvana does not intend to fully utilize the entirety of the space with the existing building since it is larger than needed for its operations and there will be no other use of any underutilized spaces.

Carvana is an online used automotive dealer offering pre-owned vehicles for sales. The entirety of the Carvana purchase process is completed online through Carvana.com. This differs from the former Healey Hyundai vehicle sales operations, which were primarily conducted in person. Once a Carvana customer finalizes their vehicle purchase online, they can select to pick-up their vehicle from a location or accept delivery directly to a location of their choosing. For those customers that choose to pick-up their purchased vehicle from a store location, an on-site pick-up event is scheduled through the online system. These prescheduled pick-ups are typically 15 minutes or less and conducted during regular business hours (Monday through Sunday, 8AM to 5PM). Carvana anticipates 10 – 20 vehicle sales per day that will be picked up from this location. Additional deliveries will be conducted utilizing their single car haulers that will first come through this store for inspection, detailing, etc.

The scheduling of pick-ups from the Carvana store will allow Carvana to control the number of customers on site at any one time, which reduces the need for customer parking spaces compared to typical dealership operations. Furthermore, since all vehicle pick-ups at the store will be scheduled and there will be no onsite vehicle sales or servicing of vehicles beyond that which is required for state inspections, there will not be any unexpected customer arrivals to the site.

Carvana will utilize the existing service bays to conduct state inspections and detailing of Carvana sold vehicles only, prior to their initial delivery to the customer. These services will not be open to the public. Carvana anticipates utilizing the five (5) existing service bays furthest to the north in the building for conducting state inspections and associated minor repairs prior to delivery. Detailing of sold vehicles prior to delivery will be conducted in the middle section of the building utilizing the bay doors on the north side of middle building to access the detailing area. Finally, the southerly most bay door nearest the former Healey Hyundai service entrance will be used display/delivery of sold vehicles for customer pick-up. This display/delivery bay, which is identified by Carvana as the "Customer Experience" bay, will be the bay that is nearest the exit only driveway from the property at the center of the building.

## Parking

(Appendix A, B & C)

The City of Beacon Zoning Code (the "Zoning Code") provides specific parking requirements for "Motor Vehicle Sales & Service" uses as specified in Section 223-26.F of the code. Based on the Zoning Code, one (1) space is required per employee, plus one (1) space per 150 square feet of gross floor area of building space. The relevant code section is provided in Appendix A for reference. As indicated previously, the Project anticipates having 12 – 15 employees, which would require 15 parking spaces. An additional 131 parking spaces are required based on the total building floor area resulting in a total of 146 parking spaces required by the Zoning Code. Considering the proposal to provide 63 onsite parking spaces as part of the Project, the Project would have a shortfall of 83 parking spaces based on the Zoning Code requirement for which a variance would be required. Note that the 63 onsite parking spaces include 7 spaces designated for the Carvana single car haulers which are used for offsite deliveries.

CED is also aware that the City of Beacon City Council is currently in the process of reviewing a Proposed Local Law to amend parking requirements in the City of Beacon. Our office has continued to review the progress of this proposed Local Law including reviewing the latest available revision dated April 12, 2024, which was reviewed by the City Council at its April 22, 2024, meeting. A copy of the April 12, 2024, revision of the proposed Local Law is provided in Appendix B for reference. Based on the current version of the proposed Local Law if adopted by the City the required parking for the Project would be based on the Schedule of Off-Street Parking Standards as identified in the table on Page 6 of the Proposed Local Law, which requires a minimum of three (3) spaces per 1,000 sq. ft. of gross floor area up to a maximum of five (5) spaces per 1,000 sq. ft. of gross floor area. Therefore, the Project would require a minimum of 59 parking spaces up to a maximum of 98 parking spaces. The proposed total of 63 parking spaces to be provided on the site falls within this range of minimum and maximum required parking.

For comparison purposes, data provided by the Institute of Transportation Engineers (ITE) in their publication entitle *Parking Generation, 6<sup>th</sup> Edition* dated 2023 was reviewed for Land use 841 – Automobile Sales (Used). While this land use may not provide an exact comparison to the proposed Carvana operations since it is primarily based on traditional automobile sales operations, it is the most comparable industry data available. Based on the size of the building, the ITE data indicates an average parking demand of 60 parking spaces with an 85<sup>th</sup> percentile parking demand of 98 parking spaces. This is similar to the range of parking spaces that would be required under the City's proposed Local Law. However, it should also be noted that the ITE data also provides parking demand rates based on the number of employees at the facility. Based on the maximum of 15 employees at the facility, the ITE data indicates an average parking demand of 21 parking spaces with an 85<sup>th</sup> percentile parking demand of 33 parking spaces. The relevant ITE data is provided in Appendix C for reference.

As noted previously, the Carvana operations are significantly different than typical automobile sales facility operations. Based on the planned operations of the facility, Carvana will require up to 15 employee parking spaces, one for each employee. In addition, Carvana will reserve seven (7) parking spaces along Fishkill Avenue at the north end of the side for their single car haulers, which are used for offsite deliveries. Carvana also proposes to provide seven (7) designated parking spaces for customer parking, including one (1) ADA accessible parking space on the south side of the building. Since the pickup of vehicles will be prescheduled in 15-minute intervals and there are no other public services provided other than pick-up of presold vehicles, the need for customer parking is anticipated to be very limited.

The above identified parking spaces will make up 29 of the 63 proposed onsite spaces, leaving 34 remaining parking spaces for storage of vehicles for daily deliveries both for pickup at the store and offsite delivery using the single car haulers. Based on the 10-20 pickup deliveries per day it is anticipated that the 34 remaining spaces would serve the needs of the facility for the storage of pre-sold vehicles, which only occurs for limited durations.

## Access & Circulation

(Figures No. 1 & 2, Appendix D)

In addition to the parking assessment discussed above, CED also conducted a review of the future access and circulation relating to the proposed Carvana use. As noted previously the site is currently accessed primarily by two (2) two-way driveway connections to Fishkill Avenue and a one-way loop driveway in the middle of the site frontage. Furthermore, there is no existing curbing or sidewalks along the site frontage separating Fishkill Avenue from the paved surface of the site and as indicated on the property survey, some of the formerly used parking spaces encroached on the Fishkill Avenue right-of-way.

Under the proposed Carvana use, the existing northerly and southerly two-way driveways are proposed to remain. It is recommended that the northerly driveway be signed for "Employees Only" use, while the southerly driveway be signed for customer access. It is also recommended to eliminate the existing one-way entry only driveway in the middle of the site frontage since this is a redundant access under the proposed Carvana operation. The existing one-way exit-only driveway in the middle of the site frontage will remain to allow picked up vehicles to exit from the Customer Experience delivery area at this location. Pavement striping and signage should be provided to reinforce this as an exit only driveway. These access driveway modifications will significantly improve vehicle operations/turning movements along the site frontage.

Furthermore, all parking spaces along the site frontage will be restriped to be outside the Fishkill Avenue right-of-way. On the south side of the site, the parking spaces will be moved back into the site approximately 20-ft. to allow for the striping of a 15 ft. wide by 140-ft. long loading zone as was identified on the previously approved site plan but appears to have not been in use. This area will also be lined with planter boxes to separate the onsite parking spaces from the loading zone and Fishkill Avenue. The loading zone will be entirely outside the Fishkill Avenue right-of-way.

At the north end of the site along the Fishkill Avenue frontage there will be seven (7) single car hauler parking spaces and seven (7) customer vehicle staging spaces. These spaces again will be restriped outside of the Fishkill Avenue right-of-way. It is recommended that each space be provided with a concrete wheel stop positioned along the Fishkill Avenue frontage in order to further separate these spaces from the Fishkill Avenue pavement.

CED understands that the City of Beacon has formed a Fishkill Avenue Corridor Ad Hoc Committee that has been tasked with developing concepts and proposals for the Fishkill Avenue corridor that will look at such items as the future streetscape of Fishkill Avenue, design standards, pedestrian/bicycle/transit accommodations as well as several other items. This committee was announced by Mayor Kyriacou on November 27, 2023, and appointed committee members were announced on January 26, 2024.

CED is also aware that there was a previously proposed City project that would have provided streetscape and other improvements in the area of the site. However, this Project has since been modified to remove much of the Fishkill Avenue work to allow the Fishkill Avenue Committee to conduct its studies and provide recommendations for the area. In light of this it is the recommendation of CED that other than the recommendations made above, no other streetscape type modifications along the Fishkill Avenue site frontage be made at this time in order to not install something that would potentially conflict with the findings and recommendations of the Fishkill Avenue Committee.

Lastly, the proposed loading zone, which was identified on the previously approved site plan, was also reviewed. Carvana anticipates 1 – 2 deliveries of vehicles to the site per day utilizing 9-car haulers. The location of the loading zone at the south end of the site is positioned to all the car haulers to arrive either from the south or from the north and pull head-in to the loading zone from either direction. Figures No. 1 and 2 contained in Appendix D show the car hauler vehicle maneuvering into the loading zone from both directions making a head-in maneuver. Carvana anticipates that their car haulers will arrive from the south on Fishkill Avenue since they have the ability to dictate and control the arrival and departure patterns of the vehicles. However, in either case the head-in maneuver will result in minimal disruption to traffic along Fishkill Avenue since no additional maneuvering in Fishkill Avenue will be required by the vehicle. When departing the site, the haulers should be required to depart to the north if arriving from the south and to the south if arriving from the north which again will require no additional maneuvering along Fishkill Avenue and minimal disruption to traffic along the roadway.

The 15-ft. x 140-ft. loading space will provide sufficient space for the hauler to be positioned entirely outside the Fishkill Avenue right-of-way and allow for vehicle unloading without encroaching onto Fishkill Avenue. The proposed planters will be positioned such that vehicles unloaded can be driven around them on each end of the Loading zone to allow the vehicles to enter directly into the parking lot without encroaching on Fishkill Avenue.

## Conclusion

As summarized in our analysis of the proposed parking, the site will provide sufficient parking to meet the parking demands of the Carvana use, which will have a significantly reduced parking demand from the previous Healey Hyundai dealership. The ability to schedule deliveries ahead of time through the Carvana online system will allow Carvana to control the flow of vehicles into and out of the site and thereby controlling the parking demands throughout the day. Based on our analysis, it is the opinion of CED that a parking variance of 83 parking spaces, in accordance with the current Zoning Code requirements, is warranted for the Project.

In addition, with the several access and circulation related recommendations noted above, the Project will result in improved traffic flow and operations in and around the site with less impact to Fishkill Avenue than the former Healey Hyundai use.

Sincerely,

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT P.C.



Richard D'Andrea, P.E., PTOE  
Department Manager

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## Appendix

### Appendix A | City of Beacon Zoning Code Section 223-26.F

City of Beacon, NY  
Tuesday, April 30, 2024

## Chapter 223. Zoning

### Article III. General Regulations

#### § 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 and, where required loading and unloading spaces shall have been laid out in plan in accordance with the appropriate requirements for structures and uses as set forth 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. Location, use, design, construction and maintenance.

[Amended 5-19-2014 by L.L. No. 6-2014; 5-15-2017 by L.L. No. 7-2017]

(1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in **§ 223-17C**.

(2) Parking specifications.

(a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 18 feet long, except that the Planning Board, in approving a plan under **§ 223-25**, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 18 feet. This possible exception shall not be permitted in the CMS District.

[Amended 6-15-2020 by L.L. No. 7-2020]

(b) Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 18 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.

(c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 24 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces.

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

(a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.

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

(c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking

area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.

(4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter **190**, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.

[Amended 6-15-2020 by L.L. No. 7-2020]

(5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.

(6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

(7) Designed residence and multifamily residence districts.

[Amended 6-15-2020 by L.L. No. 7-2020]

(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) 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.

[Added 10-3-2022 by L.L. No. 10-2022]

D. Alternatives to providing parking spaces.

[Amended 6-15-1992 by L.L. No. 5-1992]

(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, in connection with a proposed building or addition, he 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.<sup>[1]</sup>

[1] *Editor's Note: Former Subsection D(2), Fee in lieu of waived parking, as amended, which immediately followed, was repealed 4-7-2008 by L.L. No. 4-2008.*

E. 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.

[Amended 7-6-2004 by L.L. No. 13-2004; 2-19-2013 by L.L. No. 3-2013; 6-15-2020 by L.L. No. 7-2020]

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

<b>Use</b>	<b>Minimum Off-Street Parking</b>
1- and 2-family dwelling	2 spaces for each dwelling unit
Multifamily dwelling and/or apartment or artist live/work space	1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area
[Amended 8-6-2001 by L.L. No. 12-2001]	
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 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use
[Amended 6-15-2020 by L.L. No. 7-2020]	
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
[Amended 3-18-2002 by L.L. No. 9-2002; 6-15-2020 by L.L. No. 7-2020]	
Hotel or inn	Subject to § 223-14.1C
[Amended 6-15-2020 by L.L. No. 7-2020]	
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
	1 per employee plus 1 per classroom
Nursery school or day-care center	1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater
[Added 3-18-2002 by L.L. No. 10-2002]	
Primary or secondary school	1 space for each 150 square feet of gross floor space
[Added 3-18-2002 by L.L. No. 10-2002]	
Dance, art, tutorial, martial arts or similar instructional school	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
[Added 11-4-2002 by L.L. No. 29-2002]	
Hospital, nursing home, convalescent home or home for the aged	1 space for each 2 memberships
	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occu-
Golf and country club	
Bowling alley or other place of indoor commercial recreation or public amusement	

**Use**

Retail or service business, including auction gallery	1 space for each 200 square feet of gross floor area, excluding utility areas
[Amended 2-18-1992; 6-21-1999 by L.L. No. 14-1999]	
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
[Amended 7-6-2004 by L.L. No. 13-2004; 5-2-2005 by L.L. No. 2-2005]	
Office for business or professional use (other than accessory to residential use)	1 space for each 200 square feet of gross floor area, excluding utility areas
[Amended 6-21-1999 by L.L. No. 14-1999]	
Banking office	1 space for each 200 square feet of gross floor area, excluding utility areas
[Amended 6-21-1999 by L.L. No. 14-1999]	
Funeral home or undertaking establishment	10 spaces per establishment, plus 1 space per employee
[Amended 6-15-2020 by L.L. No. 7-2020]	
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
[Amended 6-15-2020 by L.L. No. 7-2020]	
Car washing establishment	Subject to § 223-21F
Research or development laboratory	1 space per employee, but not less than 1 space per 600 square feet of gross floor space
Manufacturing or industrial use	1 space per 2 employees but not less than 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 1 space per 1,000 square feet of gross floor space
[Amended 9-19-2022 by L.L. No. 9-2022]	
Self-storage facility	1 space per 10,000 square feet of gross floor space, plus one space per employee
[Added 9-19-2022 by L.L. No. 9-2022]	
Senior housing	2 spaces for each 3 dwelling units
[Added 3-22-1982; amended 6-15-2020 by L.L. No. 7-2020]	
Museums located within walking distance (3,000 feet) of entrance to train station	1 parking space per 3,000 feet of gross floor space
[Added 2-7-2000 by L.L. No. 5-2000; amended 5-2-2005 by L.L. No. 2-2005; 6-15-2020 by L.L. No. 7-2020]	
Artist studio	1 space for each 500 square feet of gross floor space
[Added 6-16-2003 by L.L. No. 6-2003]	
Art gallery/exhibit space	1 space for each 250 square feet of gross floor area
[Added 5-2-2005 by L.L. No. 2-2005]	
Bar or brew pub	1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
[Added 5-2-2005 by L.L. No. 2-2005]	
Microbrewery or microdistillery	1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or stand-
[Added 5-2-2005 by L.L. No. 2-2005; amended 5-19-2014 by L.L. No. 8-2014]	

**Minimum Off-Street Parking**

pancy or 1 space for each 200 square feet of gross floor area, whichever is greater
1 space for each 200 square feet of gross floor area, excluding utility areas
1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
1 space for each 200 square feet of gross floor area, excluding utility areas
1 space for each 200 square feet of gross floor area, excluding utility areas
1 space for each 200 square feet of gross floor area, excluding utility areas
10 spaces per establishment, plus 1 space per employee
1 space per employee, plus 1 space per 150 square feet of gross floor space
1 space per employee, plus 1 space per 300 square feet of gross floor space
Subject to § 223-21F
1 space per employee, but not less than 1 space per 600 square feet of gross floor space
1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space
1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
1 space per 10,000 square feet of gross floor space, plus one space per employee
2 spaces for each 3 dwelling units
1 parking space per 3,000 feet of gross floor space
1 space for each 500 square feet of gross floor space
1 space for each 250 square feet of gross floor area
1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or stand-

**Use****Minimum Off-Street Parking**

Museum  
[Added 5-2-2005 by L.L. No. 2-2005]

ing spaces in any tasting room or other visitor facility open to the general public  
1 space for each 300 square feet of gross floor area

Other uses not listed  
Amended 5-2-2005 by L.L. No. 2-2005]

Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of relevant factors entering into the parking needs of each such use

(1) Notwithstanding § **223-26F** above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § **223-26F** of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.

[Added 6-7-2010 by L.L. No. 8-2010]

G. Operation and maintenance of off-street parking facilities. Required off-street parking facilities shall be maintained as long as the use of the structure exists which the facilities are designed to serve. Required 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.

H. 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:

(1) Size. Each off-street loading space shall be at least 14 feet in width, at least 35 feet in length and at least 14 feet in height, exclusive of access and turning areas, except that adjacent loading spaces may be each 12 feet in width.

(2) Required number of spaces.

(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.

[Added 12-21-1998 by L.L. No. 17-1998<sup>[2]</sup>]

[2] *Editor's Note: This local law also provided for the renumbering of former Subsection H(2)(e) as Subsection H(2)(f).*

(f) For museums, a minimum of one space for each establishment.

[Added 2-7-2000 by L.L. No. 4-2000<sup>[3]</sup>]

[3] *Editor's Note: This local law also provided for the renumbering of former Subsection H(2)(f) as Subsection H(2)(g).*

(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.

I. 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.

[Amended 9-4-2018 by L.L. No. 16-2018]

## Appendix

**Appendix B | Proposed Local Law to Amend Parking Requirements in the City of Beacon – Latest Revision April 12, 2024**

# PROPOSED LOCAL LAW NO. \_\_ OF 2024

## CITY COUNCIL CITY OF BEACON

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

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

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

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

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

##### A. General.

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

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

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

B. Effect on existing uses:

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

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

- (1) Location. ~~The Except as required elsewhere under the City Code, any approved off-street parking facilities area or structure which are required by this section~~ shall be provided on the same lot or premises with such structure or land use; ~~except unless that such~~ off-street parking spaces ~~required~~ for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that ~~an easement or deed restriction(s) binding agreement~~, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility.
- (1)(2) In any residence district, no ~~designated~~ off-street parking ~~facility area or structure~~ shall be developed in any ~~required~~ front yard ~~forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any residence district off-street parking area or structure be developed or~~ in any ~~required minimum~~ side or rear yard ~~setback~~ adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2)(3) Parking specifications.

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

(4) Landscaping. Except for parking spaces accessory to a one-family and two-family dwellings and accessory apartment dwelling units subject to approval by the Building Inspector, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris.

(3)(a) At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each ~~10-8~~ parking spaces.

(a)(b) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.

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

(d) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30-25 feet distant from their point of intersection.

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

(4)(5) Grades, drainage, paving and marking. All proposed and required/approved parking facilities/areas and structures, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities/areas or structures shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD Districts and in any multifamily or nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Except for one-family or two-family dwellings, the Planning Board shall require green stormwater infrastructure for the development of parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that the underlying soils do not allow natural drainage. Such green stormwater infrastructure is subject to § 190-9.

(5)(6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restriction easements, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities/areas or structures.

(6)(7) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of

the spaces ~~required~~needed for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

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

- (a) In RD Districts, in order that some of the ~~required~~ parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the ~~required~~ car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.
- (b) In RD Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

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

D.C. Alternatives to providing parking spaces.

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

~~(4)(2)~~ Waiver of improvement. Except within the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the ~~required~~ off-street parking spaces, provided that all of the ~~required~~ spaces are shown on the proposed plan and further provided that suitable agreements,

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

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

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

## Schedule of Off-Street Parking Standards

<u>Building Use</u>	<u>CMS, L, WD, T</u>		<u>R1, RD, LI, HI, WP, FCD, GB</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u> (Including accessory apartment)	=	<u>1 space</u> <u>per dwelling unit</u>	<u>1 space</u> <u>per dwelling unit</u>	<u>3 spaces</u> <u>per dwelling unit</u>
<u>Lodging</u>	=	<u>0.75 space</u> <u>per guest room</u>	<u>0.5 space</u> <u>per guest room</u>	<u>1.5 space</u> <u>per guest room</u>
<u>Commercial</u> (Retail / Office / Service / Food / Auto-Oriented/ Social and Community)	=	<u>3 spaces</u> <u>Per 1000 SF GFA</u>	<u>3 spaces</u> <u>Per 1000 SF GFA</u>	<u>5 spaces</u> <u>Per 1000 SF GFA</u>
<u>Health Care and Educational</u>		<u>4 spaces</u> <u>per 1000 SF GFA</u>	<u>1 space</u> <u>per 1000 SF GFA</u>	<u>4 spaces</u> <u>per 1000 SF GFA</u>
<u>Industrial</u> (Industrial or Assembly)	=	=	<u>0.25 space</u> <u>per 1,000 SF GFA</u>	<u>2.5 spaces</u> <u>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 upon consideration of relevant factors dictating the parking needs of each such use</u>		

### NOTES:

\* The calculation of Gross Floor Area (“GFA”) shall exclude utility space

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

**Use**

1- and 2-family dwelling

Multifamily dwelling and/or apartment or artist live/work space

Professional home office or home occupation permitted in a residential district

Bed-and-breakfast establishment

Hotel or inn

Place of worship, theater, auditorium, athletic field or other place of assembly

Nursery school or day-care center

Primary or secondary school

**Minimum Maximum Off-Street Parking**

2 spaces 3 spaces for each dwelling unit

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

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

1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee

Subject to § 223-14.1C 1 for each hotel guest room, plus 1 for each employee on site at any one time

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

1 per employee plus 1 per classroom

1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater

Use	Minimum <u>Maximum</u> Off-Street Parking
<del>Dance, art, tutorial, martial arts or similar instructional school</del>	<del>1 space for each 150 square feet of gross floor space</del>
<del>Hospital, nursing home, convalescent home or home for the aged</del>	<del>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</del>
<del>Golf and country club</del>	<del>1 space for each 2 memberships</del>
<del>Bowling alley or other place of indoor commercial recreation or public amusement</del>	<del>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</del>
<del>Retail or service business, including auction gallery</del>	<del>1 space for each 200-250 square feet of gross floor area, excluding utility areas</del>
<del>Restaurant or coffee house</del>	<del>1 space for each 3 patron seats or 1 space for each 150-200 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater</del>
<del>Office for business or professional use (other than accessory to residential use)</del>	<del>1 space for each 200-300 square feet of gross floor area, excluding utility areas</del>
<del>Banking office</del>	<del>1 space for each 200-300 square feet of gross floor area, excluding utility areas</del>

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 Maximum Off-Street Parking**

Senior housing

2 spaces for each 3 dwelling units

Museums located within walking distance (3,000 feet) of entrance to train station

1 parking space per 3,000 feet of gross floor space

Artist studio

1 space for each 500 square feet of gross floor space

Art gallery/exhibit space

1 space for each 250 square feet of gross floor area

Bar or brew pub

1 space for each 3 patron seats or 1 space for each 250 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater

Microbrewery or microdistillery

1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public

Museum

1 space for each 300 500 square feet of gross floor area

Other uses not listed

Off street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector, as the case may be, upon consideration of relevant factors entering into the parking needs of each such use

~~(1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.~~

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

...

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

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

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

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

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

**§ 223-14.1 Hotels.**

...

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

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

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

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

...

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

**§ 223-21 Car washes.**

...

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

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

...

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

**§ 223-21 Nursing homes.**

...

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

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

...

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

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

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26DF 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.~~

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

[1] General.

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

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

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

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

[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off site parking is sufficient.

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

[c] Valet parking.

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

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

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

...

**I. Fishkill Creek development design standards.**

...

**(11) Off-street parking and loading.**

...

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

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

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

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

**Section 9.** Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G are hereby amended as follows:

**§ 223-41.18 Regulations.**

A. **Uses by right.** The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site development plan review and approval. Site development plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the ~~minimum-maximum~~

number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement maximum standard for the existing use in § 223-26DF herein.

...

G. Parking location and quantity.

...

(2) ~~The minimum quantity of required on-site parking spaces shall be as follows~~  
~~Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the CMS District are as follows:~~

(a) Residential: one space per unit.

(b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.

(c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.

(d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.

(3) The requirements maximum standards in Subsection G(2) above or § 223-26 may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:

(a) That the projected operational characteristics of the proposed use require a different amount of parking.

(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB District.

(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.

(d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.

- (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB District and voluntarily dedicate such land to the City for public parking.
- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

~~(4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.~~

~~(5) Section 223-26B of this chapter shall apply in the CMS District.~~

**Section 10.** Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsections A and F are hereby amended as follows:

#### § 223-41.21 **Regulations.**

A. **Uses by right.** Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted in this § 223-41.21. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum-maximum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirementmaximumstandard for the existing use in § 223-26DF herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

F. **Parking location and quantity.**

...

(2) ~~The minimum quantity of required on-site parking spaces shall be as follows~~  
~~Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the L District are as follows:~~

- (a) Residential: one space per unit.
- (b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.
- (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
- (d) Other uses: ~~as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner~~ as listed in § 223-26 of this chapter.

(3) The ~~quantity of required on-site parking~~~~maximum standards~~ in Subsection F(2) ~~above or~~ ~~§ 223-26~~ may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:

- (e)(a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
- (e)(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
- (e)(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.
- (e)(d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
- (e)(e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and in the L District and voluntarily dedicate such land to the City for public parking.
- (e)(f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be

appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

~~(4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.~~

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

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

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

...

##### E. Supplementary site regulations.

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

...

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

...

#### **LOADING SPACE**

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

...

#### **PARKING SPACE**

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

...

#### **Section 13. Ratification, Readoption and Confirmation.**

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

**Section 14.** Numbering for Codification.

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

**Section 15.** Severability.

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

**Section 16.** Effective Date.

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

## Appendix

### Appendix C | ITE Parking Data

# Land Use: 841 Automobile Sales (Used)

## Description

A used automobile sales dealership is typically located along a major arterial street characterized by abundant commercial development. The sale or lease of used cars is the primary business at these facilities. Automobile servicing and parts sales may also be available. The dealerships may also provide truck sales and servicing.

## Time-of-Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 13 study sites in a general urban/suburban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00–4:00 a.m.	—
5:00 a.m.	—
6:00 a.m.	—
7:00 a.m.	—
8:00 a.m.	14
9:00 a.m.	45
10:00 a.m.	69
11:00 a.m.	90
12:00 p.m.	79
1:00 p.m.	79
2:00 p.m.	75
3:00 p.m.	92
4:00 p.m.	93
5:00 p.m.	100
6:00 p.m.	62
7:00 p.m.	32
8:00 p.m.	13
9:00 p.m.	—
10:00 p.m.	—
11:00 p.m.	—

## **Additional Data**

The sites were surveyed in the 2010s in Texas.

## **Source Numbers**

565, 566

# Automobile Sales (Used) (841)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

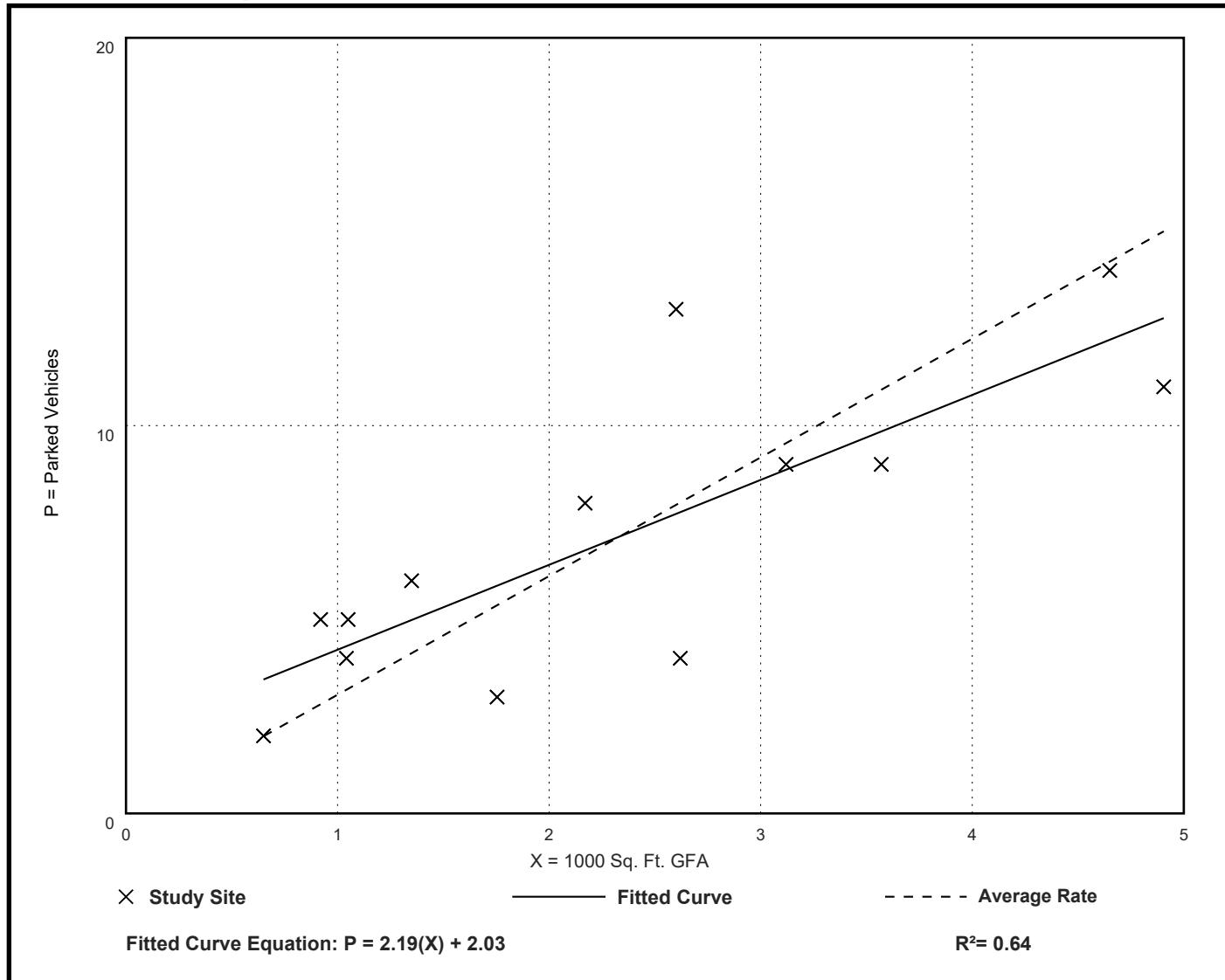
Number of Studies: 13

Avg. 1000 Sq. Ft. GFA: 2.3

## Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.06	1.53 - 5.43	2.75 / 4.98	***	1.13 ( 37% )

## Data Plot and Equation



# Automobile Sales (Used) (841)

Peak Period Parking Demand vs: Employees

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

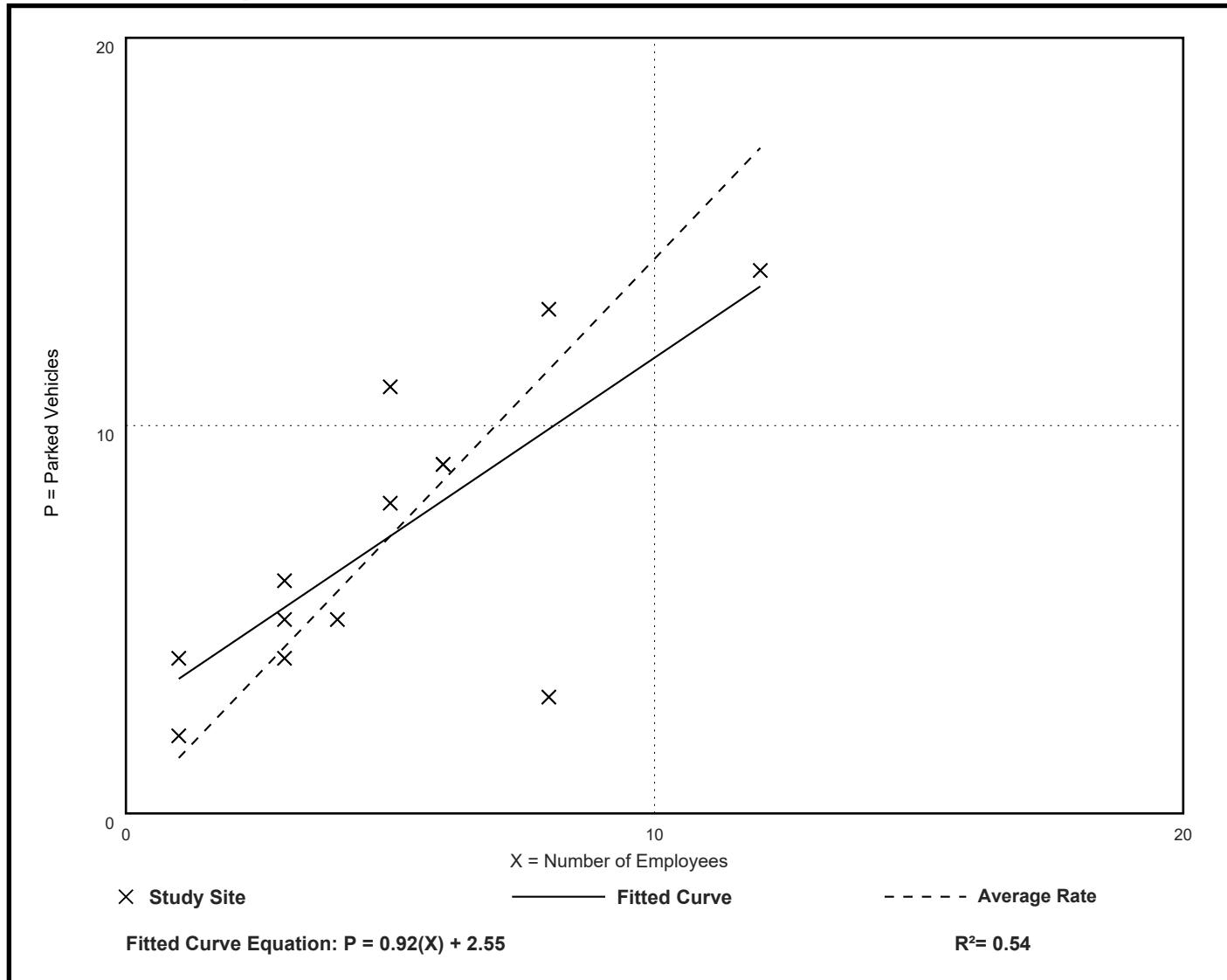
Number of Studies: 13

Avg. Num. of Employees: 5.0

## Peak Period Parking Demand per Employee

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
1.43	0.38 - 4.00	1.44 / 2.18	***	0.60 ( 42% )

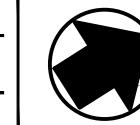
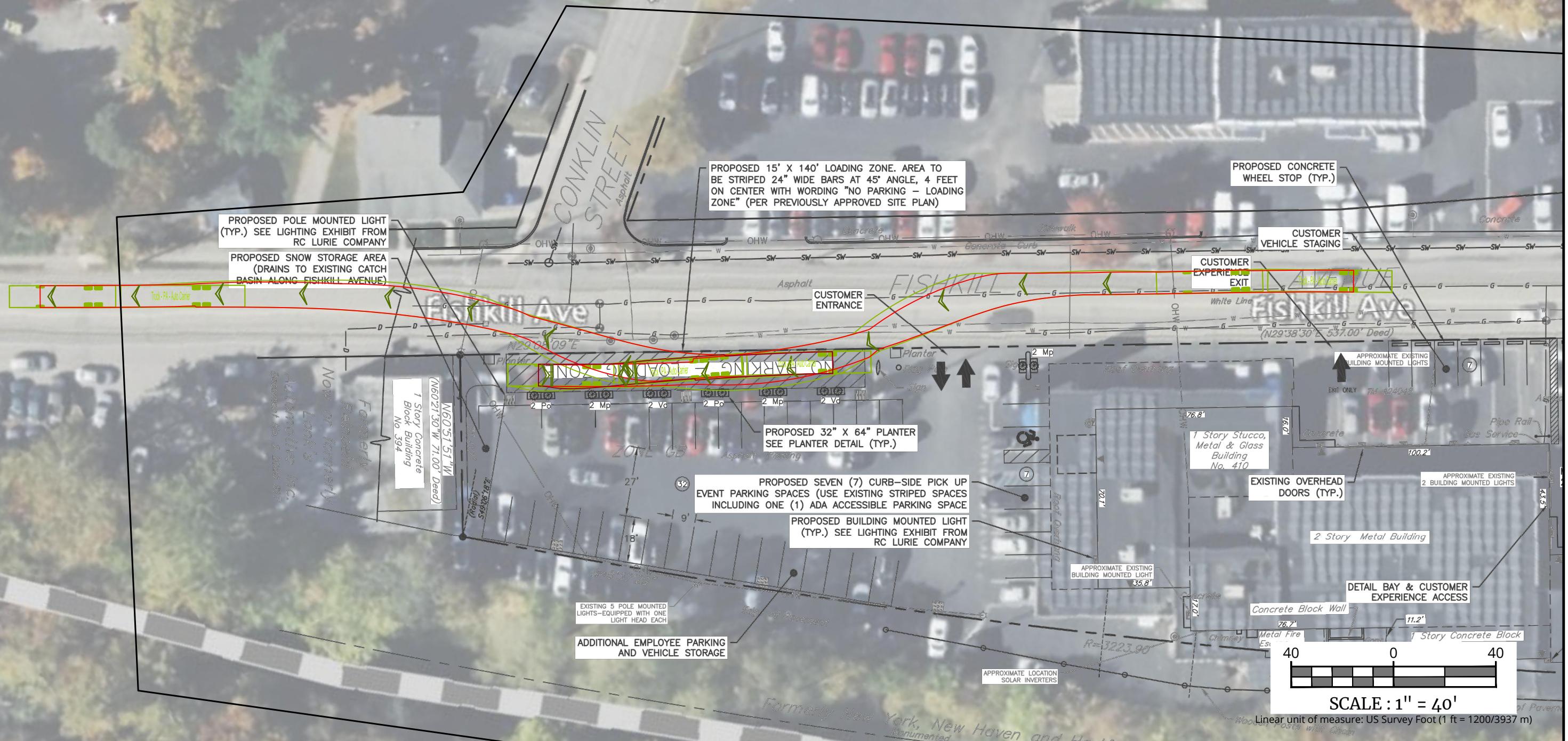
## Data Plot and Equation



## Appendix

### Appendix D | Car Hauler Turning Diagram





# Exhibit C

# ZONING BOARD OF APPEALS

City of Beacon, New York

## APPLICATION FOR APPEAL

OWNER: D K H. Realty LLC

ADDRESS: 794 Route 52  
Fishkill, NY 12524

TELEPHONE: 845-291-1998

E-MAIL: \_\_\_\_\_

APPLICANT (if not owner): Carvana, LLC c/o Jenn Roldan

ADDRESS: 300 E Rio Salado Parkway  
Tempe, AZ 85281

TELEPHONE: 602-403-9140

E-MAIL: jennifer.roldan@carvana.com

REPRESENTED BY: Taylor M., Palmer, Cuddy & Feder LLP

ADDRESS: 445 Hamilton Avenue, 14th Floor  
White Plains, NY 10601

TELEPHONE: 914-761-1300

E-MAIL: tpalmer@cuddyfeder.com

PROPERTY LOCATION: 410 Fishkill Avenue  
Beacon, NY 12508

ZONING DISTRICT: GB

TAX MAP DESIGNATION: SECTION 6055

BLOCK 80 LOT 424048 & 439071

Section of Zoning Code appealed from or Interpretation desired:

Section 223-26.F: Parking Variance to accommodate Carvana in existing building. See cover letter for further details.

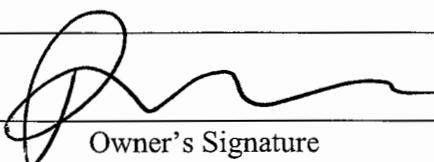
Reason supporting request:

\*See Attached Project Narrative\*

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

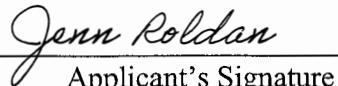
\*See Attached Project Narrative and Enclosures\*

Date: \_\_\_\_\_

  
Owner's Signature

### **Fee Schedule**

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250
ESCROW FEE:	\$1000
I & I INSPECTION:	\$50

  
Applicant's Signature

**APPLICATION PROCESSING RESTRICTION LAW**  
**Affidavit of Property Owner**

Property Owner: D K H Realty LLC

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

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

Applicant Address: 300 E Rio Salado Parkway, Tempe, AZ 85281

Project Address: 410 Fishkill Avenue, Beacon, NY 12508

Project Tax Grid # 6055-80-424048-0000 & 6055-80-439071-0000

### Type of Application Variance Approval

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

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

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

Signature of Owner  
Dwight Healey, Member, D K H Realty LLC

Title if owner is corporation

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

**FOR OFFICE USE ONLY**

Application #

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

**INDIVIDUAL DISCLOSURE FORM**

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A**

Name of Applicant: Carvana, LLC c/o Jenn Roldan

Address of Applicant: 300 E Rio Salado Parkway, Tempe, AZ 85281

Telephone Contact Information: 602-403-9140

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
D K H Realty LLC	794 Route 52 Fishkill, NY 12524	845-291-1998	8/4/2000 - Deed Recorded in Dutchess County Clerk's Office	

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

YES       NO

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

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

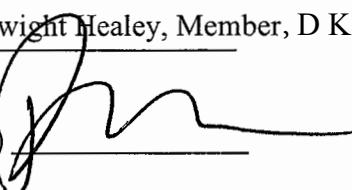
**SECTION C.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

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

YES       NO

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

(Print) Dwight Healey, Member, D K H Realty LLC

(Signature) 

**FOR OFFICE USE ONLY**

Application #

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

**INDIVIDUAL DISCLOSURE FORM**

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

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A**

Name of Applicant: Carvana, LLC c/o Jenn Roldan

Address of Applicant: 300 E Rio Salado Parkway, Tempe, AZ 85281

Telephone Contact Information: 602-403-9140

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
D K H Realty LLC	794 Route 52 Fishkill, NY 12524	845-291-1998	8/4/2000 - Deed	10/2/2000 Recorded in Dutchess County Clerk's Office

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

YES       X NO

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

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

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

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

YES       X NO

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

(Print) Jenn Roldan, Sr. Project Manager , Carvana, LLC

(Signature) Jenn Roldan

**FOR OFFICE USE ONLY**

Application #

## CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 • <http://beaconny.gov/>

### ENTITY DISCLOSURE FORM

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

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-61.4 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

#### SECTION A.

#### IF AFFIANT IS A PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

#### IF AFFIANT IS A CORPORATION:

Name of Entity  Carvana, LLC	Telephone Contact Information  602-403-9140
Principal Place of Business of Entity  300 E Rio Salado Parkway Tempe, AZ 85281	Place and Date of incorporation  Maricopa County, 5/11/2012
Method of Incorporation  LLC	Official place where the documents and papers of incorporation were filed  Arizona Secretary of State

--	--

**SECTION B.** List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest, mortgage, encumbrance or other interest (recorded or unrecorded) in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
D K H Realty LLC	794 Route 52 Fishkill, NY 12524	845-291-1998	8/4/2000 - Deed	10/2/2000 Recorded in Dutchess County Clerk's Office

**SECTION D.** Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

YES

NO

Name	Employer	Position

**SECTION E.** Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES       X NO

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

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

**SECTION F.** Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

YES       X NO

Current Name	Other Names

**SECTION G.** List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address

**SECTION H.** If the applicant is not a record owner of the subject property, describe the applicant's interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

The Applicant is a tenant to the Record Owner of the subject property.

---

---

**SECTION I.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application. Any sensitive or confidential information may be redacted from the contract prior to production.

**SECTION J.**

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted:

Name of the Corporation  D K H Realty LLC	Telephone Contact Information  845-291-1998
Principal Business Address  794 Route 52 Fishkill, NY 12524	Place and Date of Incorporation  Albany County, 6/26/2000
Method of Incorporation  LLC	Official place where the documents and papers of incorporation were filed  New York Department of State

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	Residence or business address	Telephone number

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

YES       NO

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address

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

YES       NO

I, Jenn Roldan being first duly sworn, according to law, deposes and says that I am (Title) Sr. Project Manager an active and qualified member of the Carvana, LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Jenn Roldan, Sr. Project Manager

(Signature) Jenn Roldan

<b>FOR OFFICE USE ONLY</b>
Application #

## CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 • <http://beaconny.gov/>

### ENTITY DISCLOSURE FORM

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

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-61.4 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

#### SECTION A.

#### IF AFFIANT IS A PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

#### IF AFFIANT IS A CORPORATION:

Name of Entity  D K H Realty LLC	Telephone Contact Information  845-291-1998
Principal Place of Business of Entity  794 Route 52 Fishkill, NY 12524	Place and Date of incorporation  Albany County, 6/26/2000
Method of Incorporation  LLC	Official place where the documents and papers of incorporation were filed  New York Department of State

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**SECTION B.** List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest, mortgage, encumbrance or other interest (recorded or unrecorded) in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
D K H Realty LLC	794 Route 52 Fishkill, NY 12524	845-291-1998	8/4/2000 - Deed	10/2/2000 Recorded in Dutchess County Clerk's Office

**SECTION D.** Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

YES

X NO

Name	Employer	Position

**SECTION E.** Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

YES       X NO

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

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

**SECTION F.** Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

YES       X NO

Current Name	Other Names

**SECTION G.** List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address

**SECTION H.** If the applicant is not a record owner of the subject property, describe the applicant's interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

The Applicant is a tenant to the Record Owner of the subject property.

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**SECTION I.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application. Any sensitive or confidential information may be redacted from the contract prior to production.

**SECTION J.**

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted:

Name of the Corporation  D K H Realty LLC	Telephone Contact Information  845-291-1998
Principal Business Address  794 Route 52 Fishkill, NY 12524	Place and Date of Incorporation  Albany County, 6/26/2000
Method of Incorporation  LLC	Official place where the documents and papers of incorporation were filed  New York Department of State

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	Residence or business address	Telephone number

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

YES

NO

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address

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

YES

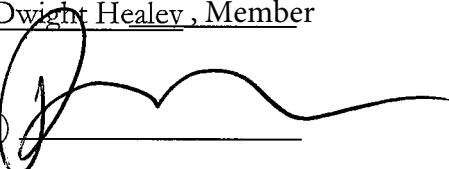
NO

I, Dwight Healey being first duly sworn, according to law, deposes and says that I am (Title)

Member, an active and qualified member of the D K H. Realty LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Dwight Healey, Member

(Signature)



# Exhibit D

# ***Short Environmental Assessment Form***

## ***Part 1 - Project Information***

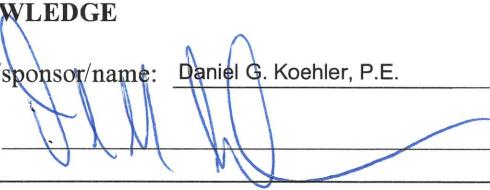
### **Instructions for Completing**

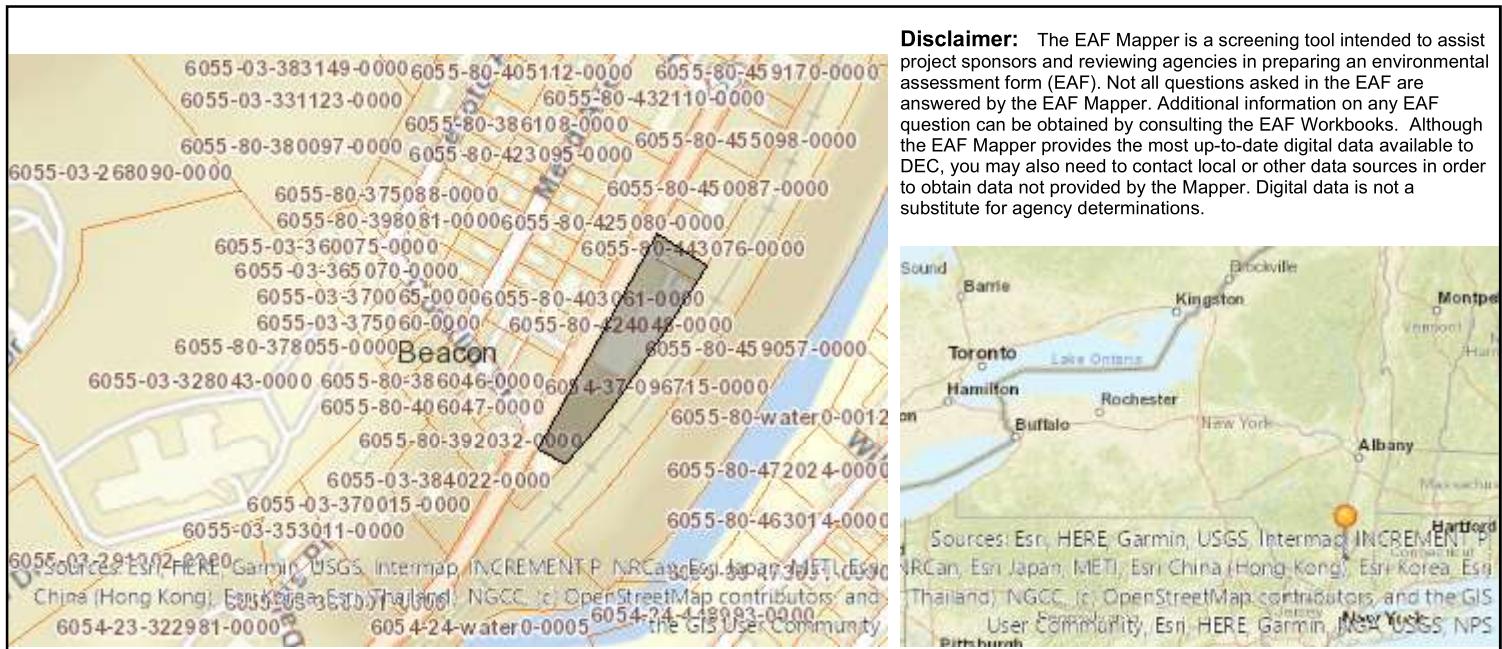
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>						
<p>Name of Action or Project: Carvana - Application for Amended Site Plan and Special Use Permit Approvals</p> <p>Project Location (describe, and attach a location map): 410 Fishkill Ave, Beacon New York (Tax Parcel #: 6055-80-424048 &amp; 6055-80-439071)</p> <p>Brief Description of Proposed Action: The project proposes continued use of vehicle sales. Healey Hyundai recently vacated the premises, and Carvana is seeking to lease the property for a vehicle sales use but at a much reduced scale. Vehicle purchases are completed online, and this facility will be used as a transaction point where the customer may pick the vehicle up (there is an option to have the vehicle delivered directly to the customer, thereby bypassing use of this facility for pick up). The scheduled pick up events typically last 15 minutes, and take place during normal business hours. Carvana will not be conducting retail service/repair operations. Carvana is proposing to utilize existing repair bays for detailing and readying purchased vehicles for pick up, including state inspection activities. These operations are exclusively for Carvana's use and will not be open to the public.</p>						
Name of Applicant or Sponsor: Carvana, LLC		Telephone: 602-403-9140 E-Mail: jennifer.roldan@carvana.com				
<p>Address: 300 East Rio Salada Parkway</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">City/PO: Tempe</td> <td style="width: 25%;">State: AZ</td> <td style="width: 25%;">Zip Code: 85281</td> </tr> </table>				City/PO: Tempe	State: AZ	Zip Code: 85281
City/PO: Tempe	State: AZ	Zip Code: 85281				
<p>1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?</p> <p>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.</p>		NO	YES			
<p>2. Does the proposed action require a permit, approval or funding from any other government Agency?</p> <p>If Yes, list agency(s) name and permit or approval: City of Beacon Building Permit City of Beacon ZBA: Area Variance for Parking</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>			
<p>3. a. Total acreage of the site of the proposed action? _____ 1.373 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.373 acres</p>						
<p>4. Check all land uses that occur on, are adjoining or near the proposed action:</p> <p><input type="checkbox"/> Urban   <input type="checkbox"/> Rural (non-agriculture)   <input type="checkbox"/> Industrial   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Residential (suburban)  <input type="checkbox"/> Forest   <input type="checkbox"/> Agriculture   <input type="checkbox"/> Aquatic   <input checked="" type="checkbox"/> Other(Specify): Railroad  <input type="checkbox"/> Parkland</p>						

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Are public transportation services available at or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Will continue use of existing service line from municipal water main. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Will continue use of existing service line from municipal sewer main. _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
<input checked="" type="checkbox"/>	<input type="checkbox"/>		
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?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
<input type="checkbox"/>	<input checked="" type="checkbox"/>		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?			NO   YES
Indiana Bat			<input type="checkbox"/> <input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?			NO   YES
			<input checked="" type="checkbox"/> <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?			NO   YES
If Yes,			<input type="checkbox"/> <input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?			<input type="checkbox"/> <input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?			<input type="checkbox"/> <input checked="" type="checkbox"/>
If Yes, briefly describe:			
Some site runoff will be captured by State drainage system in Fishkill Avenue.			
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)?			NO   YES
If Yes, explain the purpose and size of the impoundment:			<input checked="" type="checkbox"/> <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?			NO   YES
If Yes, describe:			<input checked="" type="checkbox"/> <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?			NO   YES
If Yes, describe:			<input checked="" type="checkbox"/> <input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>			
Applicant/sponsor name: Daniel G. Koehler, P.E.		Date: 4/16/2024; revised 4/30/2024	
Signature: 		Title: Consulting Engineer for Applicant	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

# Exhibit E

**PROPOSED LOCAL LAW NO. \_\_ OF 2024**

**CITY COUNCIL  
CITY OF BEACON**

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

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

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

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

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

A. General.

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

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

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

B. Effect on existing uses:

(1) ~~Structures and land uses in existence on April 20, 1964, or structures and uses for which building permits had been approved on or before said date, shall not be subject to the requirements set forth in this section, unless there shall occur an increased intensity of use, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirement, in which case they may not be reduced below such requirement.~~

(2) ~~Whenever a building or structure erected prior to or after April 20, 1964, or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking facilities, or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the Schedule of Off Street Parking Requirements (Subsection F), additional parking facilities shall be provided accordingly, except that no building or structure erected prior to said date shall be required to provide parking facilities unless the aforesaid additional required facilities amount to a cumulative total increase of at least 25% over the existing use as of said date, in which case parking spaces shall be provided on the basis of the total units of measurements of the new use or of the alteration or expansion of the existing use.~~

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

(1) Location. ~~The Except as required elsewhere under the City Code, any approved off-street parking facilities area or structure which are required by this section~~ shall be provided on the same lot or premises with such structure or land use; ~~except unless that such~~ off-street parking spaces ~~required~~ for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that ~~an easement or deed restriction(s) binding agreement~~, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility.

(1)(2) In any residence district, no ~~designated~~ off-street parking ~~facility area or structure~~ shall be developed in any ~~required~~ front yard ~~forward of the principal building, except as approved by the Building Inspector or Planning Board for an unusual lot configuration. Nor shall any residence district off-street parking area or structure be developed or~~ in any ~~required minimum~~ side or rear yard ~~setback~~ adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2)(3) Parking specifications.

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

(4) Landscaping. Except for parking spaces accessory to a one-family and two-family dwellings and accessory apartment dwelling units subject to approval by the Building Inspector, all off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris.

(3)(a) At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each ~~10-8~~ parking spaces.

(a)(b) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking spaces so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.

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

(d) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30-25 feet distant from their point of intersection.

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

(4)(5) Grades, drainage, paving and marking. All proposed and ~~required~~approved parking ~~facilities~~areas and structures, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking ~~facilities~~areas or structures shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD Districts and in any multifamily or nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. Except for one-family or two-family dwellings, the Planning Board shall require green stormwater infrastructure for the development of parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that the underlying soils do not allow natural drainage. Such green stormwater infrastructure is subject to § 190-9.

(5)(6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require ~~written assurance and/or deed restriction easements~~, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking ~~facilities~~areas or structures.

(6)(7) Two or more uses on same lot. Where two or more different uses occur on a single lot, ~~the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that~~ the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of

the spaces ~~required~~needed for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

(7)(8) Designed residence and multifamily residence districts.

- (a) In RD Districts, in order that some of the ~~required~~ parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the ~~required~~ car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.
- (b) In RD Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

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

D.C. Alternatives to providing parking spaces.

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

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

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

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

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

## Schedule of Off-Street Parking Standards

<u>Building Use</u>	<u>CMS, L, WD, T</u>		<u>R1, RD, LI, HI, WP, FCD, GB</u>	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
<u>Residential</u> (Including accessory apartment)	=	<u>1 space</u> <u>per dwelling unit</u>	<u>1 space</u> <u>per dwelling unit</u>	<u>3 spaces</u> <u>per dwelling unit</u>
<u>Lodging</u>	=	<u>0.75 space</u> <u>per guest room</u>	<u>0.5 space</u> <u>per guest room</u>	<u>1.5 space</u> <u>per guest room</u>
<u>Commercial</u> (Retail / Office / Service / Food / Auto-Oriented/ Social and Community)	=	<u>3 spaces</u> <u>Per 1000 SF GFA</u>	<u>3 spaces</u> <u>Per 1000 SF GFA</u>	<u>5 spaces</u> <u>Per 1000 SF GFA</u>
<u>Health Care and Educational</u>		<u>4 spaces</u> <u>per 1000 SF GFA</u>	<u>1 space</u> <u>per 1000 SF GFA</u>	<u>4 spaces</u> <u>per 1000 SF GFA</u>
<u>Industrial</u> (Industrial or Assembly)	=	=	<u>0.25 space</u> <u>per 1,000 SF GFA</u>	<u>2.5 spaces</u> <u>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 upon consideration of relevant factors dictating the parking needs of each such use</u>		

### NOTES:

\* The calculation of Gross Floor Area (“GFA”) shall exclude utility space

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

**Use**

1- and 2-family dwelling

Multifamily dwelling and/or apartment or artist live/work space

Professional home office or home occupation permitted in a residential district

Bed-and-breakfast establishment

Hotel or inn

Place of worship, theater, auditorium, athletic field or other place of assembly

Nursery school or day-care center

Primary or secondary school

**Minimum Maximum Off-Street Parking**

2 spaces 3 spaces for each dwelling unit

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

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

1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee

Subject to § 223-14.1C 1 for each hotel guest room, plus 1 for each employee on site at any one time

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

1 per employee plus 1 per classroom

1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater

Use	Minimum <u>Maximum</u> Off-Street 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 Maximum Off-Street Parking**

Senior housing

2 spaces for each 3 dwelling units

Museums located within walking distance (3,000 feet) of entrance to train station

1 parking space per 3,000 feet of gross floor space

Artist studio

1 space for each 500 square feet of gross floor space

Art gallery/exhibit space

1 space for each 250 square feet of gross floor area

Bar or brew pub

1 space for each 3 patron seats or 1 space for each 250 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater

Microbrewery or microdistillery

1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public

Museum

1 space for each 300 500 square feet of gross floor area

Other uses not listed

Off street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector, as the case may be, upon consideration of relevant factors entering into the parking needs of each such use

~~(1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a parking requirement in accordance with § 223-26F of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.~~

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

...

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

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

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

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

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

**§ 223-14.1 Hotels.**

...

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

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

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

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

...

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

**§ 223-21 Car washes.**

...

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

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

...

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

**§ 223-21 Nursing homes.**

...

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

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

...

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

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

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26DF 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.~~

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

[1] General.

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

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

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

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

[a] Parking shared among various use elements within the waterfront development. The Planning Board's acceptance of such an alternative parking method shall be based on a professional parking study of the proposed use and the surrounding area that demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off site parking is sufficient.

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

[c] Valet parking.

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

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

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

...

**I. Fishkill Creek development design standards.**

...

**(11) Off-street parking and loading.**

...

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

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

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

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

**Section 9.** Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G are hereby amended as follows:

**§ 223-41.18 Regulations.**

A. **Uses by right.** The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site development plan review and approval. Site development plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the ~~minimum-maximum~~

number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement maximum standard for the existing use in § 223-26DF herein.

...

G. Parking location and quantity.

...

(2) The minimum quantity of required on-site parking spaces shall be as follows  
Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the CMS District are as follows:

- (a) Residential: one space per unit.
- (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
- (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
- (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.

(3) The requirements maximum standards in Subsection G(2) above or § 223-26 may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:

- (a) That the projected operational characteristics of the proposed use require a different amount of parking.
- (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB District.
- (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
- (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.

- (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB District and voluntarily dedicate such land to the City for public parking.
- (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.
- (g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

~~(4) For lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements, provided that the total floor area of the building is no greater than 5,000 square feet.~~

~~(5) Section 223-26B of this chapter shall apply in the CMS District.~~

**Section 10.** Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsections A and F are hereby amended as follows:

#### **§ 223-41.21 Regulations.**

- A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted in this § 223-41.21. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum-maximum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirementmaximum standard for the existing use in § 223-26DF herein. The following uses are allowed by right subject to a requirement that for any new construction of a principal building, an apartment use or attached, semidetached, or multifamily dwelling unit shall only be located on the upper stories or at least 50 feet behind the facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

- F. Parking location and quantity.

...

(2) ~~The minimum quantity of required on-site parking spaces shall be as follows~~  
~~Parking shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the L District are as follows:~~

- (a) Residential: one space per unit.
- (b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.
- (c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.
- (d) Other uses: ~~as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner~~ as listed in § 223-26 of this chapter.

(3) The ~~quantity of required on-site parking~~  
~~maximum standards~~ in Subsection F(2) ~~above or~~ ~~§ 223-26~~ may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:

- (e)(a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.
- (e)(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.
- (e)(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand, as supported by a professional parking study.
- (e)(d) That there is sufficient public parking available within 800 feet of the site and in the L District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
- (e)(e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and in the L District and voluntarily dedicate such land to the City for public parking.
- (e)(f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be

appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

~~(4) For small preexisting lots where the provision of on-site parking is infeasible, the Planning Board may waive up to 50% of the parking requirements, provided that the total floor area of the building is no greater than 3,000 square feet. The Planning Board may grant additional parking waivers, at its discretion, subject to an in-lieu payment of \$10,000 per parking space.~~

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

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

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

...

##### E. Supplementary site regulations.

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

...

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

...

#### **LOADING SPACE**

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

...

#### **PARKING SPACE**

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

...

#### **Section 13. Ratification, Readoption and Confirmation.**

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

**Section 14.** Numbering for Codification.

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

**Section 15.** Severability.

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

**Section 16.** Effective Date.

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

**TO:** Lee Kyriacou, Mayor  
Beacon City Council

**FR:** Natalie Quinn, KARC Planning Consultants, Inc. *KL*

**DATE:** March 22, 2024

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

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At the February 13, 2024 meeting the Council continued discussion of Local Law No. 1 of 2024, proposed amendments to parking requirements in the City of Beacon. In response to questions posed by the Council at that meeting, the City's traffic consultant, Creighton Manning Engineering, and KARC would like to present the following revisions for consideration:

- ❖ Apply more nuanced treatment of the three typologies previously discussed by the Council: single-family districts, core districts (Main Street, Waterfront, Linkage District), and mixed-use medium-density districts that are less connected to alternative modes of transportation and areas of high walkability.
- ❖ Establish right-sized parking minimums in the mixed-use medium-density districts to provide additional guidance for determining appropriate parking supply, as well as consideration of a parking fee-in-lieu of ~ \$5,000 per parking space waived.
  - Direct all parking fees towards an Alternative Transportation Improvement Fund
- ❖ Retain the proposed use of parking maximums within core districts as a means to facilitate a greater production of residential units and to prevent the cost of parking from being passed onto renter households.
  - Update and expand the October 2022 Main Street Area Parking Capacity Survey, which showed a peak parking demand of 69%, every 3-5 years to inform parking management strategies and future revisions to parking regulations.
- ❖ Streamline all parking regulations into a single table within Section 223-26

To facilitate discussion of the above, please find attached a draft parking regulations table and excerpt of the October 2022 Main Street Area Parking Capacity Survey. A "decision tree" or list of questions has also been provided by Creighton Manning Engineering to assist the Council with general discussion of parking reform and to document justification for decisions being considered.

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

Uses	Districts			
	PB, CB, CMS, L, WD		R1, RD, LI, HI, WP, FCD, GB, LB, OB, PB	
	Min	Max	Min	Max
1- and 2-family dwelling	--	1 space/DU		3 spaces/DU
Multifamily dwelling and/or apartment or artist live/work space	--	1 space/DU	1 space/DU	2 spaces/DU
Professional home office or home occupation permitted in a residential district	--	--	1 space/DU + 2 spaces	2 space/DU + 4 spaces
Bed-and-breakfast establishment	--	.5 spaces/room	0.5 spaces/room	1 space/room + 3 spaces/DU
Hotel or inn	--	.75 spaces/room	0.5 spaces/room	1 space/room
Place of worship, theater, auditorium, athletic field or other place of assembly	--	--		1 space/4 seats or 1 space/100 SF of spaces use for public assembly
Nursery school or day-care center	--	--	1 space/employee	1.5 space/employee
Primary or secondary school	--	--	1 space/employee	1.5 space/employee
Dance, art, tutorial, martial arts or similar instructional school	--	--		1 space/150 SF of GFA
Hospital, nursing home, convalescent home or home for the aged	--	--	1 space/3 beds	1.5 spaces/3 beds
Golf and country club	--	--		90 spaces
Bowling alley or other place of indoor commercial recreation or public amusement	--	--		3 spaces/1 bowling lane; all others, 1 spaces/200 SF of GFA
Retail or service business, including auction gallery	--	2.5 spaces/1000 SF	1 space/250 SF of GFA	2 spaces/250 SF of GFA
Restaurant or coffee house	--	1 space/250 SF		1 space/200 SF of Dinning Room Floor Area
Office for business or professional use (other than accessory to residential use)	--	--	1 space/300 SF of GFA	2 spaces/300 SF of GFA

Banking office	--	--	1 space/300 SF of GFA	3 spaces/300 SF of GFA
Funeral home or undertaking establishment	--	--		10 spaces/reception room + 1 space/employee
Motor vehicle sales and service	--	--	1.5 spaces/1,000 SF of GFA	2 spaces/1,000 SF of GFA
Animal care facility	--	--	2.5 spaces/1,000 SF of GFA	3.0 spaces/1,000 SF of GFA
Car washing establishment	--	--		0.5 spaces/employee
Research or development laboratory	--	--	2 spaces/1,000 SF of GFA	3 spaces/1,000 SF of GFA
Manufacturing or industrial use	--	--	0.5 spaces/1,000 SF of GFA	1 space/1,000 SF of GFA
Wholesale, warehouse storage, utility or other similar commercial use	--	--	0.25 spaces/1,000 SF of GFA	0.5 spaces/1,000 SF of GFA
Self-storage facility	--	--		0.1 spaces/1,000 SF of GFA
Senior housing	--	1 space/DU	0.5 spaces/DU	1 space/DU
Museums located within walking distance (3,000 feet) of entrance to train station	--	1 space/3,000 SF		1 space/3000 GFA
Artist studio	--	--		1 space/500 SF of GFA
Art gallery/exhibit space	--	--		1 space/250 SF of GFA
Bar or brew pub	--	--		1 space/3 seats or 1 space/250 SF of Dinning Floor Area
Microbrewery or microdistillery	--	--		1 space/3 seats or 1 space/250 SF of Dinning Floor Area
Museum	--	--	0.5 spaces/1,000 SF of GFA	1 space/1,000 SF of GFA

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 or the Building Inspector, as the case may be, upon consideration of relevant factors entering into the parking needs of each such use
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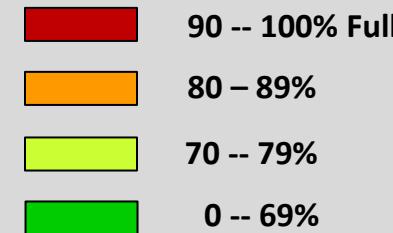
DRAFT



**Parking survey** results show plenty of available parking on this peak Saturday, but certain streets and lots were full. The entire length of Main Street was occupied and the eastern end was crowded with few options in the area. Nearby Henry Street had available parking spaces, but they are not so convenient for destinations to the east. The west end had many more open spaces along side streets and in the City Hall and County Center lots. Compared to the 2014 *Parking Analysis* Saturday map, there were fewer overall spaces available. However, a perfect sunny day during peak fall colors is likely a busier travel weekend than a typical Saturday and may distort the numbers. The general conclusion is that weekend parking issues are indeed getting worse, particularly on the eastern end.

Striping side streets would be the easiest short-term solution. Many visitors can be reluctant to park on side streets. Striping shows that these are legal public parking spots, ensures that the parking is efficient, and helps to avoid blocked driveways. Better enforcement of the time limits, leased agreements to use private lots, and remote parking areas for employees would also help, targeting the east end as a priority. If the firehouse lot on the corner of Liberty Street becomes available, it could provide needed back-up parking for the east end of Main Street. Parking in central lots and taking the Free Loop Bus would be a good option, especially with a two-way route and shorter frequency of service.

Sample Peak Parking Day  
Saturday Afternoon during  
Full Autumn Leaf Colors  
October 15, 2022, 12 - 2 pm  
Sunny Weather, Mid-60s



Primary Public Parking	Spaces	Occupied	% Full
Main Street, Rt. 9D to North End	292	286	98%
12 Municipal Parking Lots	622	448	72%
Side Streets, One Block from Main	762	426	56%
<b>Totals:</b>	<b>1,676</b>	<b>1,160</b>	<b>69%</b>

**TO:** Lee Kyriacou, Mayor  
Beacon City Council

**FR:** Natalie Quinn, KARC Planning Consultants, Inc.

**DATE:** April 5, 2024

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

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

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

### Notes on Methodology:

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

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

NEWS: BEACON NEWS

# Beacon to Drop Parking Requirements?



by **Jeff Simms**

November 24, 2023

 Why you can trust The Current



Listen to this article

3 min

## *Council to set public hearing on proposal*

The Beacon City Council is expected on Monday (Nov. 27) to schedule a public hearing on code amendments that, if adopted, would eliminate minimum parking requirements for new developments or projects involving the reconstruction or substantial alteration of a site. The council will also refer the proposal to the Planning Board for its review.

Planning Consultant John Clarke told the council on Nov. 6 that more than 200 municipalities nationwide — including Hudson, Buffalo, Boston and Burlington, Vermont, in the Northeast — have dropped minimum parking standards as a way of encouraging affordable and walkable cities. The idea, Clarke said, is that cities such as Beacon have continued to rely on outdated standards set in the 1970s and '80s that require a set number of parking spaces for various land uses.

For example, Beacon's code currently requires at least one space for every four seats or pew spaces in a place of worship, theater or athletic field. But those standards, in addition to almost always overestimating the need for parking, cause the cost of development to rise significantly, Clarke said.

For residential developments, parking represents 10 percent to 20 percent of the total cost of development and adds 17 percent to the average apartment rent, said Clarke. "And there's a lot of people who don't have cars, or don't need cars, who can get by with walking and public transit in places like Main Street in Beacon," he told the Planning Board in August.

In parts of Beacon, parking requirements have not been updated in decades, yet households in the city are 26 percent smaller now than they were in the 1970s. “If you require less parking, you can lower rents, in theory,” Clarke said, “because developers don’t have to spend so much on land or upkeep.”

Kingston also recently dropped its minimum requirements and goes a step further by delineating in its code 10 automobile demand-reduction strategies, such as creating bicycle parking spaces, promoting ride-sharing and mass transit, supporting free or subsidized transit-to-work shuttles and encouraging “live near your work” programs.

If Beacon were to drop minimum parking requirements, Clarke suggests adopting maximum requirements in their place. For example, an apartment complex would require a maximum of one space for each dwelling unit, plus a quarter of a space for each bedroom, plus half a space for each live/work unit containing a retail area.

The Planning Board, rather than relying on “arbitrary” standards set decades ago, could review site-specific conditions such as comparable uses, location, walkable access to public transit and the size of the parcel during its review of each project.

“Right now the Planning Board is hamstrung by minimum parking requirements as a starting point,” Clarke told the council. Dropping those requirements would allow the board to “look at the size of the parcel, whether there’s a historic building on it or not and give extra consideration to a variety of factors.”

Freed of the burden of parking minimums, the board could “be providing alternatives and working with applicants to give them a whole range of transportation options,” he said. “This is a new and different way of looking at the world.”

## Related stories:

[Camp Beacon Again Up for Grabs](#)

[Company Adds Spice to Beacon](#)

[Former Beacon Principal Sues School District](#)

# Site Plans



## **LEGEND**

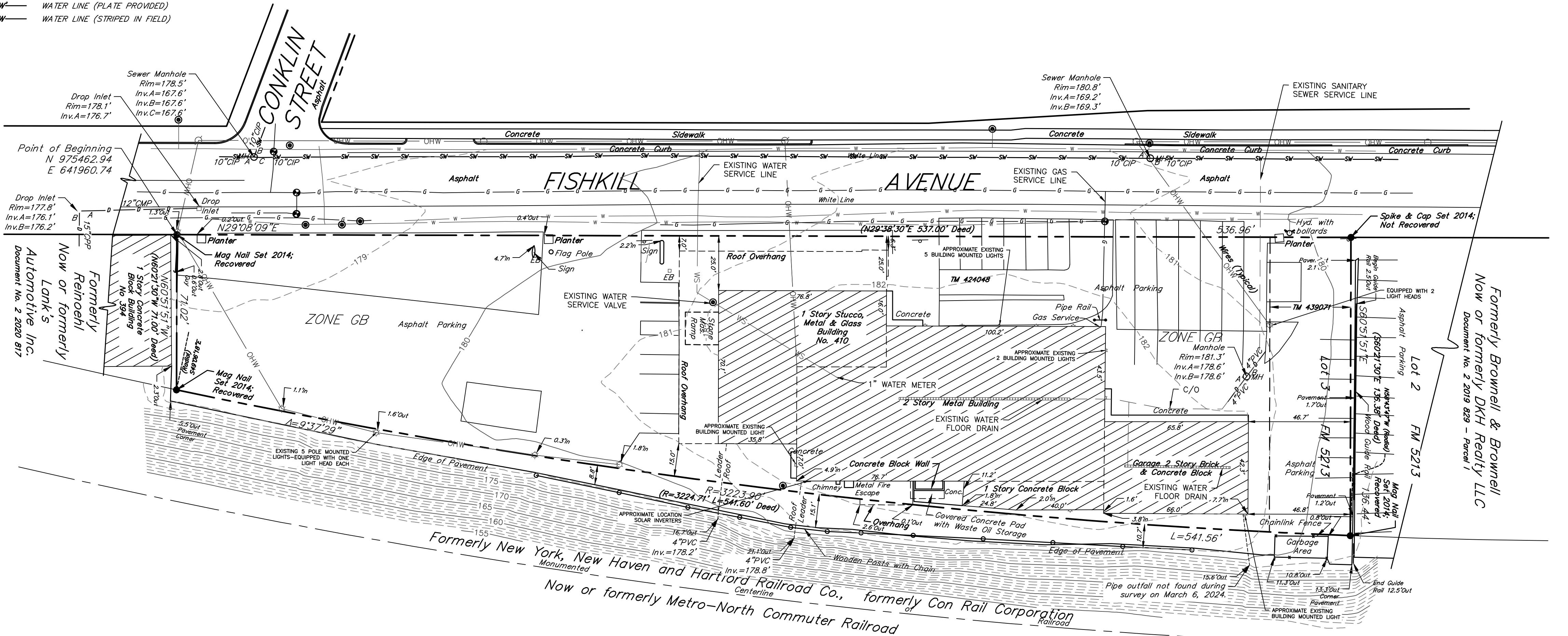
<b>O<sub>BZ</sub></b>	<b>BOLLARD</b>
<b>-350-</b>	<b>CONTOUR LINE</b>
<b>CIP</b>	<b>CAST IRON PIPE</b>
<b>CMP</b>	<b>CORRUGATED METAL PIPE</b>
<b>CPP</b>	<b>CORRUGATED PLASTIC PIPE</b>
<b>DIP</b>	<b>DUCTILE IRON PIPE</b>
	<b>FIRE HYDRANT</b>
	<b>GAS VALVE</b>
	<b>GUY</b>
	<b>LAMP</b>
	<b>POLE</b>
<b>PVC</b>	<b>POLYVINYL CHLORIDE PIPE</b>
<b>RCP</b>	<b>REINFORCED CONCRETE PIPE</b>
	<b>SIGN (SMALL)</b>
<b>362.8</b>	<b>SPOT ELEVATION</b>
<b>x TC217.7 BC215.9</b>	<b>TOP &amp; BOTTOM OF CURB</b>
	<b>TRAFFIC POLE</b>
<b>VT</b>	<b>VETRIFIED CLAY PIPE</b>
	<b>WARNING PAD</b>
	<b>WATER VALVE</b>
<b><u>SUBTERRANEAN</u></b>	
<b>-D-</b>	<b>DRAINAGE LINE (STRIPED IN FIELD)</b>
<b>-G-</b>	<b>GAS LINE (STRIPED IN FIELD)</b>
<b>-SW-</b>	<b>SEWER LINE (STRIPED IN FIELD)</b>
<b>-T-</b>	<b>TELEPHONE LINE (STRIPED IN FIELD)</b>
<b>-W'</b>	<b>WATER LINE (PLATE PROVIDED)</b>
<b>-W-</b>	<b>WATER LINE (STRIPED IN FIELD)</b>

## **LEGEND**

○○	FIRE HYDRANT
⊕	GAS VALVE
○○	LAMP
○MH	MANHOLE
○	POLE
○○	WATER VALVE

VEY REFERENCE:  
REFERENCE IS HEREBY MADE TO "SURVEY OF PROPERTY PREPARED CARVANA" DATED FEBRUARY 14, 2024 AND PREPARED BY BADEY & SON SURVEYING & ENGINEERING DPC.

VEY NOTES:  
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THIS SURVEY IS OF PARCEL II DESCRIBED IN THE DUTCHESS COUNTY CLERK'S DOCUMENT NUMBER 02-2000-8802, PARCEL II (HEALEY TO DKH REALTY LLC.).  
THE MERIDIAN AND COORDINATE VALUES HEREON REFER TO THE NEW YORK STATE COORDINATE SYSTEM, EAST ZONE (NAD 83) EXPRESSED IN U.S. SURVEY FEET. THE DISTANCES SHOWN ON THIS SURVEY ARE GRID DISTANCES. THEY HAVE BEEN SCALED BY A GRID FACTOR (SCALE FACTOR X SEA LEVEL FACTOR) OF 0.99991662. TO OBTAIN GROUND DISTANCES, DIVIDE THE DISTANCES ON THIS MAP BY THE GRID FACTOR. TO OBTAIN GROUND AREA DIVIDE THE AREA ON THIS MAP BY THE SQUARE OF THE GRID FACTOR.  
BUILDING MOUNTED LIGHT LOCATIONS ESTIMATED BY HUDSON LAND DESIGN PERSONNEL PER 3/12/2024 SITE VISIT.



## PLICANT'S CONSENT:

UNDERSIGNED APPLICANT OF THE PROPERTY HEREON STATES  
HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS  
TERMS AND HEREBY CONSENTS TO ALL SAID TERMS AND  
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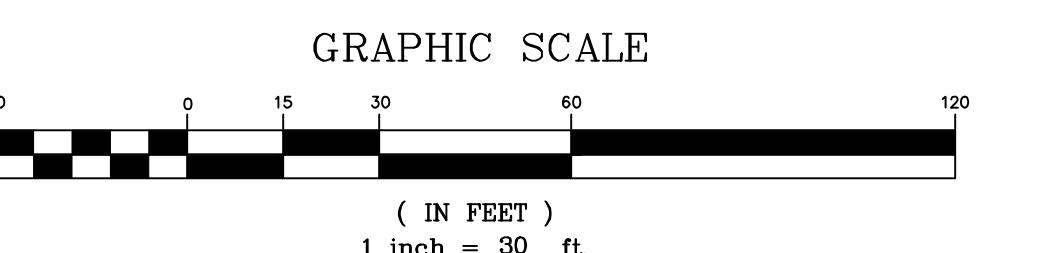
---

WANA, LLC DATE

----- SECRETARY

BSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY  
EFFECTIVELY MAY SIGN IN THIS PLACE.

DRAWN BY: CMB				CHECKED BY: DGK			
REVISIONS:				REVISIONS:			
NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	
1	3/26/24	PER PLANNING BOARD COMMENTS	CMB				
2	4/30/24	PER PLANNING BOARD COMMENTS	ESR				



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

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## LEGEND

O <sub>82</sub>	BOLLARD
-350	CONTOUR LINE
CIP	CAST IRON PIPE
CMP	CORRUGATED METAL PIPE
CPP	CORRUGATED PLASTIC PIPE
DIP	DUCTILE IRON PIPE
F	FIRE HYDRANT
G	GAS VALVE
L	LAMP
MH	MANHOLE
P	POLE
W	WATER VALVE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
S	SPOT ELEVATION
362.8	TOP & BOTTOM OF CURB
362.8	TRAFFIC POLE
WT	VETRIFIED CLAY PIPE
WP	WARNING PAD
WV	WATER VALVE
SUBTERRANEAN	
D	DRAINAGE LINE (STRIPED IN FIELD)
G	GAS LINE (STRIPED IN FIELD)
SW	SEWER LINE (STRIPED IN FIELD)
T	TELEPHONE LINE (STRIPED IN FIELD)
W	WATER LINE (PLATE PROVIDED)
W	WATER LINE (STRIPED IN FIELD)

## LEGEND

•	FIRE HYDRANT
○	GAS VALVE
◊	LAMP
○	MANHOLE
○	POLE
●	WATER VALVE

## SCHEDULE OF REGULATIONS (GB ZONING DISTRICT) AND LOT CONFORMANCE TABLE:

PARAMETER	REQUIREMENT	EXISTING
LOT AREA:	N/A	±59,799 SQFT
LOT WIDTH:	N/A	±536.96 FEET
LOT DEPTH:	100 FEET MINIMUM	±136.44 FEET
YARD SETBACKS:		
FRONT:	15 FEET MINIMUM	±24.99 FEET
SIDE YARD:	20 FEET MINIMUM	±46.84 FEET
REAR YARD:	25 FEET MINIMUM	±1.82 FEET*
MAX. BUILDING HEIGHT:	35 FT MAX.	2 STORIES

\*EXISTING NON-CONFORMING

## SITE PLAN NOTES:

1. THE PROJECT PROPOSES CONTINUED USE OF VEHICLE SALES. HEALEY HYUNDAI RECENTLY VACATED THE PREMISES, AND CARVANA IS SEEKING TO LEASE THE PROPERTY FOR A VEHICLE SALES USE BUT AT A MUCH REDUCED SCALE. VEHICLE PURCHASES ARE COMPLETED ONLINE, AND THIS FACILITY WILL BE USED AS A TRANSACTION CENTER FOR CUSTOMERS TO PICK UP THEIR PURCHASES. THERE IS AN OPTION TO HAVE VEHICLES DELIVERED DIRECTLY TO THE CUSTOMERS VEHICLE BY PASSING USE OF THE FACILITY FOR PICK UP. THE SCHEDULED PICK UP EVENTS TYPICALLY LAST 15 MINUTES, AND TAKE PLACE DURING NORMAL BUSINESS HOURS. CARVANA WILL NOT BE CONDUCTING RETAIL SERVICE/REPAIR OPERATIONS. CARVANA IS PROPOSING TO UTILIZE EXISTING REPAIR BAYS FOR DETAILING AND READYING PURCHASED VEHICLES FOR PICK UP, INCLUDING STATE INSPECTION ACTIVITIES. THESE OPERATIONS ARE EXCLUSIVELY FOR CARVANA USE AND WILL NOT BE OPEN TO THE PUBLIC. CARVANA ANTICIPATES 12 TO 15 EMPLOYEES AT THIS LOCATION.
2. THE FACILITY WILL OPERATE 7 DAYS PER WEEK, FROM 7 AM TO 7 PM. THESE HOURS MAY ADJUST UPON OPERATION BASED ON DEMAND.
3. THERE ARE NO WETLANDS OR FLOODPLAINS ASSOCIATED WITH THE PROJECT SITE.
4. INDIANA BAT WAS IDENTIFIED AS AN ENDANGERED SPECIES NEAR THE PROJECT SITE. THE PLAN CALLS FOR NO REMOVAL OF EXISTING TREES.
5. CARVANA ANTICIPATES ADDING SITE SIGNAGE, TO BE DETAILED ON FUTURE SUBMITTALS. THE ANTICIPATED SITE SIGNAGE WILL CONSIST OF RE-USE OF THE EXISTING MONUMENT SIGNS AND NEW BUILDING MOUNTED SIGNS.
6. APPLICANT SHALL APPLY FOR AND OBTAIN PERMITS FOR SIGNAGE FROM THE BUILDING DEPARTMENT PRIOR TO ANY SIGNS BEING INSTALLED ON THE SITE.
7. ONSITE VEHICLE REPAIR SERVICES INCLUDE INSPECTIONS AND DETAILING AND ARE NOT OPEN TO THE PUBLIC.
8. FLOOR DRAINS IN THE GARAGE BAY AREAS WILL BE INSPECTED AND CLEANED EVERY 6 MONTHS, OR MORE FREQUENTLY IF NECESSARY.

## LIGHTING NOTES:

1. SEE SEPARATE LIGHTING PLAN BY RC LURIE COMPANY.
2. ALL PROPOSED LIGHTING SHALL BE FULL CUTOFF ABOVE THE HORIZONTAL PLANE.
3. EXISTING LIGHTING LEVELS ALONG FISHKILL AVENUE NOT MODELED.
4. SITE LIGHTING SHALL BE ON FROM DUSK UNTIL DAWN FOR SECURITY REASONS USING TIMERS.

## PARKING NOTES:

1. THE FIRST FLOOR AREA OF THE EXISTING BUILDING IS 16,760 SQUARE FEET. THERE IS A MEZZANINE FLOOR AREA TOTALING 2,828 SQUARE FEET, PERMITTING 260 PARKING SPACES FOR MOTOR VEHICLES. SALES AND SERVICE, 1 SPACE FOR EMPLOYEE USE, AND 19,588 SQUARE FEET OF GROSS FLOOR AREA, THE CALCULATED REQUIRED PARKING IS 146 PARKING SPACES. THIS GROSSLY EXCEEDS THE ANTICIPATED PARKING USAGE FOR THIS OPERATION DUE TO THE LIMITED NUMBER OF EMPLOYEES, IN COMBINATION WITH THE SCHEDULED ON-SITE PICK UP EVENTS AND THE SERVICE AND REPAIR OPERATIONS BEING CLOSED TO THE PUBLIC. THE CURRENT PLAN PROPOSES 63 PARKING SPACES. IN ADDITION, A NUMBER OF VEHICLES WILL BE WITHIN THE BUILDING FOR DETAILING AND STAGING ACTIVITIES. SALES VEHICLES PARKING WITHIN THE BUILDING ARE NOT INCLUDED IN THE PROPOSED PARKING STANDARDS. IT SHOULD BE NOTED THAT THE PREVIOUS SITE PLAN, AS APPROVED BY THE PLANNING BOARD, PROVIDED 108 PARKING SPACES ON THESE TWO SUBJECT PARCELS. THE APPLICANT IS SEEKING RELIEF OF 83 PARKING SPACES FROM THE CITY OF BEACON ZONING BOARD OF APPEALS, WHERE 146 PARKING SPACES ARE REQUIRED AND 63 PARKING SPACES ARE PROVIDED.
2. THERE IS AN EXISTING ADA ACCESSIBLE PARKING SPACE ON THE SOUTHWEST CORNER OF THE BUILDING.
3. THE PREVIOUS APPROVED SITE PLAN AND SPECIAL USE PERMIT FOR THIS PROJECT UTILIZED PARKING AT 360 FISHKILL AVENUE (NOW 409 FISHKILL AVENUE), WHICH IS NO LONGER NEEDED.

## SHRUB PLANTING SCHEDULE:

KEY	QTY	BOTANICAL NAME	COMMON NAME	CALIPER	SPACING
Po	4	PHYSOCARPUS OPULIFOLIUS	COMMON NINEBARK	3 GALLON	4-6 FT
Mp	6	MYRICA PENNSYLVANICA	NORTHERN BAYBERRY	3 GALLON	6 FT
Vd	4	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	3 GALLON	6 FT

## APPLICANT'S CONSENT:

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

CARVANA, LLC DATE

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

SIGNED THIS DAY OF 20 BY

CHAIRMAN

SECRETARY

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

## SITE PLAN

## CARVANA

410 FISHKILL AVE

CITY OF BEACON

DUTCHESS COUNTY, NEW YORK

TAX ID: 6055-80-424048 &amp; 439071

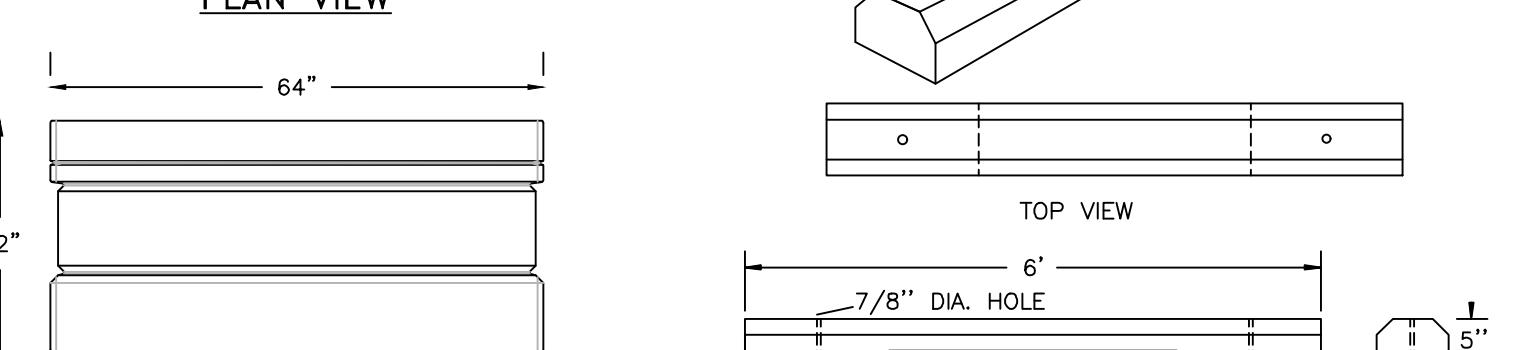
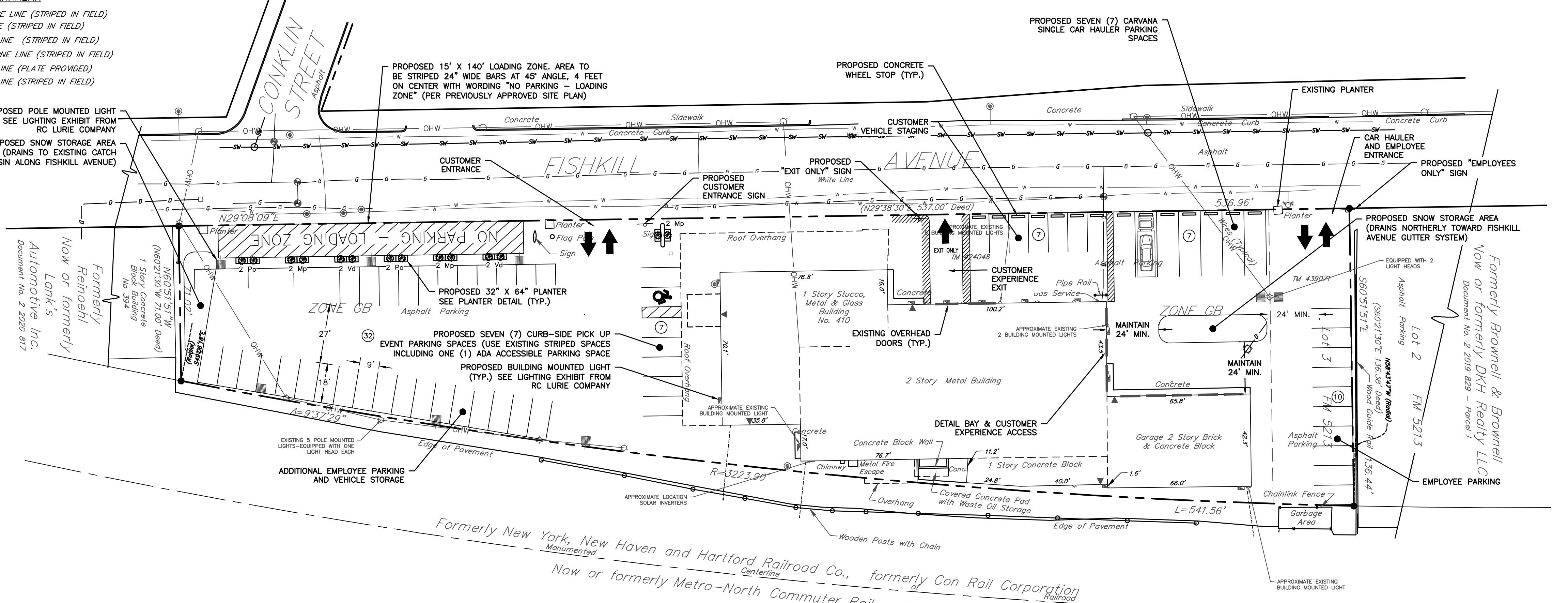
JOB #: 2024:007

DATE: 2/27/24

SCALE: 1" = 30'

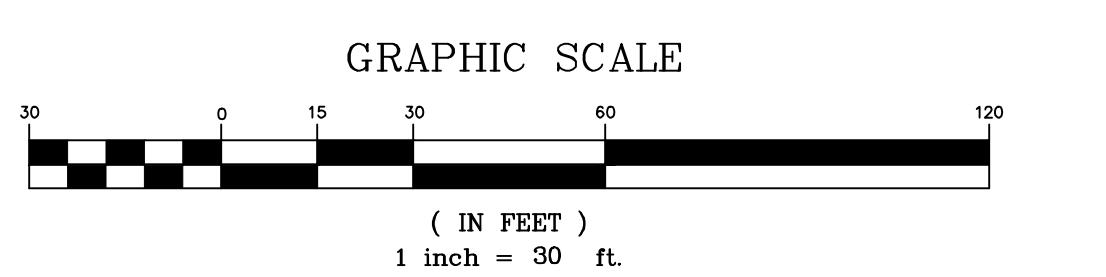
TITLE: SP-1

SHEET: 3 OF 3



PLANTER DETAIL  
NOT TO SCALE

PRECAST PARKING BUMPER DETAIL  
NOT TO SCALE



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

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# Floor Plans



1302 Key Peninsula HWY #113  
Lakebay, WA 98349  
TEL 518-694-1000  
www.platt360.com



REVISIONS:

CLIENT:  
The McIntosh Group

TITLE:  
Carvana  
410 Fishkill Ave,  
Beacon, NY 12508

LOCATION:  
Beacon, NY

DRAFTED BY:  
A.VanAalstine

PROJECT MANAGER:  
B. Fields

DATE:  
09-28-2023

DRAWING NUMBER:  
**A200**

PAGE: **4** OF: **5**



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Lakebay, WA 98349  
TEL 518-694-1000  
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REVISIONS:

CLIENT:  
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LOCATION:  
**Beacon, NY**

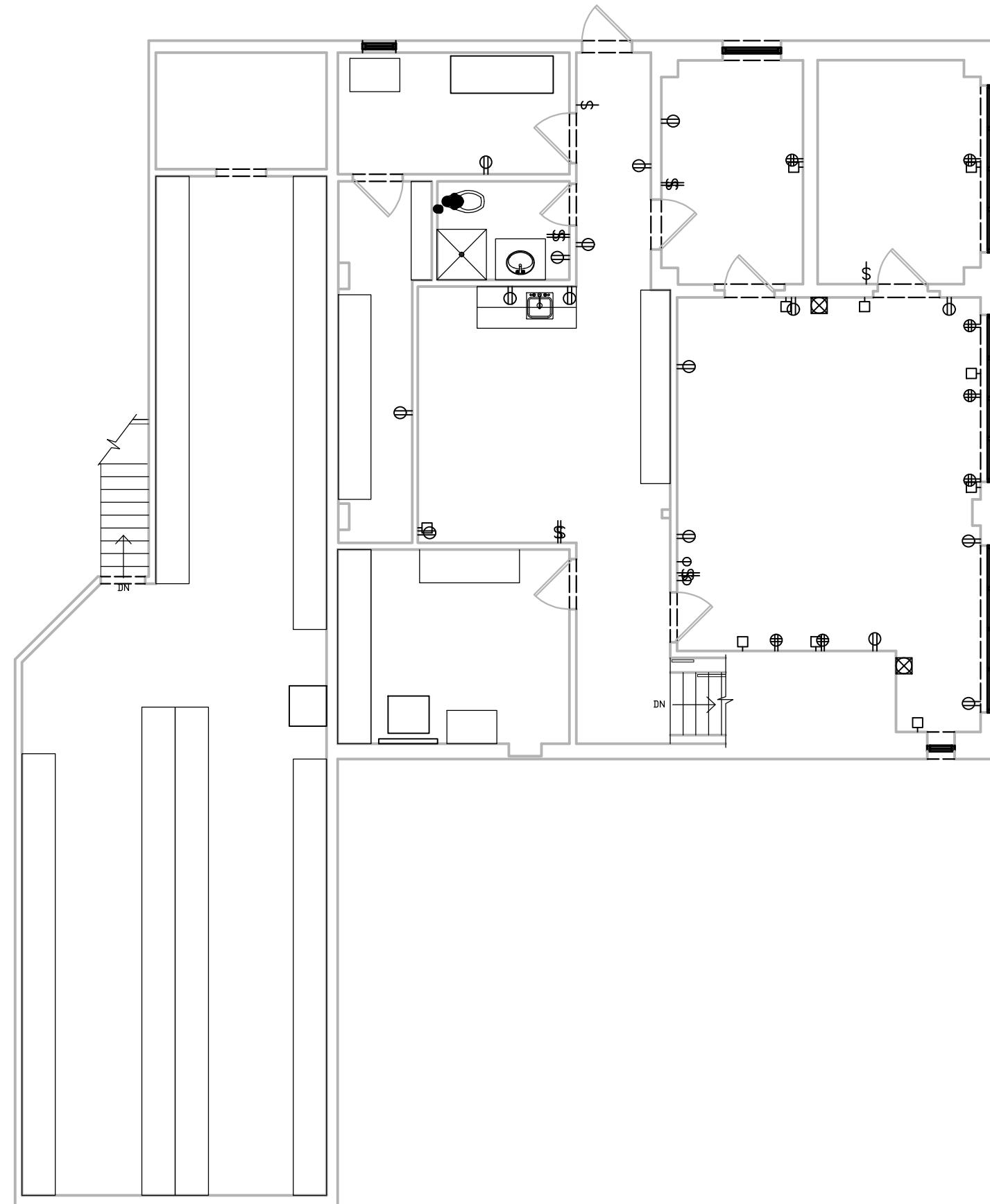
DRAFTED BY:  
**A.VanAalstine**

PROJECT MANAGER:  
**B. Fields**

DATE:  
**09-28-2023**

DRAWING NUMBER:  
**A201**

PAGE: **5** OF: **5**





REVISIONS:

CLIENT:  
**The McIntosh Group**

**TITLE:**  
**Carvana**  
**410 Fishkill Ave,**  
**Beacon, NY 12508**

LOCATION:  
**Beacon, NY**

DRAFTED BY:  
**A.VanAlstine**

## **B. Fields**

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09-26-2023

DRAWING NUMBER:  
**A200**

## First Floor Plan

