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

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Lastar Gorton, Ward 1
Councilmember Zack Smith, Ward 2
Councilmember Sergei Krasikov, Ward 3
Councilmember Carolyn Glauda, Ward 4
City Administrator Ben Swanson

November 2, 2026
7:00 PM
City Council Agenda

Call to Order

Pledge of Allegiance

Roll Call

Presentation of the Proposed 2027 Operating Budget

Proposed 2027 Budget: Fire Department

Proposed 2027 Budget: Police Department

Proposed 2027 Budget: Recreation Department

Public Comment

Reports: Mayor, City Council, and City Administrator

Workshop

Revised FMLA Policy

Proposed Local Law Concerning the Fishkill Development District and Hotels

Modification of Pedestrian Easement at 18-20 West Main Street

Local Laws and Resolutions

1. Resolution No. 94 - Adopting Local Law No. 6 of 2026 Concerning Short-Term Rentals
2. Resolution No. 95- Adopting a Revised FMLA Policy
3. Resolution No. 96 - Adopting Local Law No. 7 of 2026 Concerning the Fishkill Development District and Hotels

Approval of Minutes

1. October 19, 2026 Minutes

Public Comment - Second Opportunity

Announcement of Next Meeting: November 16, 2026 at 7:00 p.m.

Executive Session

1. Executive Session: Contracts

Adjournment

City of Beacon City Council Agenda
11/02/2026

Title:

Proposed 2027 Budget: Fire Department

ATTACHMENTS

City of Beacon City Council Agenda
11/02/2026

Title:

Proposed 2027 Budget: Police Department

ATTACHMENTS

City of Beacon City Council Agenda
11/02/2026

Title:

Proposed 2027 Budget: Recreation Department

ATTACHMENTS

City of Beacon City Council Agenda
11/02/2026

Title:

Revised FMLA Policy

ATTACHMENTS

Human Resources Director Memorandum Regarding Revised FMLA Policy

City of Beacon Revised FMLA Policy

CITY OF BEACON
New York

Joel Pichardo
Human Resources Director

DEPARTMENT OF HUMAN RESOURCES
One Municipal Plaza, Beacon NY 12508

845-838-5038

TO: Lee Kyriacou, Mayor
Members of the City Council

RE: Revised City of Beacon FMLA Policy

DATE: October 30, 2026

The federal Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 workweeks of job-protected, unpaid leave during any 12-month period for qualifying family or medical reasons. To qualify for FMLA leave, an employee must have worked for the municipality for at least 12 months (which do not need to be consecutive) and completed at least 1,250 hours of service during the 12-month period immediately preceding the start of the leave. Qualifying reasons include the birth or placement of a child, caring for an immediate family member with a serious health condition, the employee's own serious health condition, addressing specific military family exigencies, or to care for family servicemember.

During an approved FMLA leave, the municipality will maintain the employee's group health insurance coverage under the same terms and conditions as if they were actively working. Upon returning from leave, employees are legally entitled to be restored to their original job or to an equivalent position with equivalent pay, benefits, and working conditions, with certain exceptions. While FMLA leave itself is unpaid, employees are required to utilize accrued paid leave, such as vacation or sick time, concurrently with FMLA leave.

When the need for the leave is foreseeable, employees must provide 30 days' advance notice. When the need for leave is not foreseeable, employees must provide notice as soon as possible. When the leave relates to a medical issue, employees must submit appropriate medical documentation establishing the need for such leave within 15 days of the request. Employees may need to provide periodic recertification and/or periodic reports to the City during their leave, upon the City's request. Additionally, employees returning to work following their own serious health condition may need to submit a fitness-for-duty certification from their health care provider.

Family and Medical Leave Act (FMLA) Policy

The City of Beacon (the "City") will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. The City posts the mandatory FMLA Notice and upon hire will provide all new employees with notices required by the U.S. Department of Labor ("DOL") on Employee Rights and Responsibilities under the Family and Medical Act. The City also posts the DOL supplementary information concerning Military Family Leave at the same location.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions or concerns regarding this policy, you must contact Human Resources.

Employee Eligibility

To be eligible for FMLA Leave benefits, employees must: (1) have worked for the City for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) have worked at a location where at least 50 employees are employed by the City within 75 miles, as of the date the leave is requested. Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA Leave, they should contact the Human Resources Director.

Reasons for Leave

Federal laws allow FMLA Leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. Leave covered by the Family and Medical Leave Act (FMLA) may be used for one of the following reasons:

- The birth, adoption or foster care of an employee's child within 12 months following the birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, child or parent) with a serious health condition (Family Care Leave);
- An employee's inability to work because of a serious health condition (Serious Health Condition Leave);
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces (Military Emergency Leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Servicemember" (Military Caregiver Leave).

Definitions

- **"Child,"** for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA Leave is to commence. **"Child,"** for purposes of Military Emergency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.
- **"Parent,"** for purposes of this policy, means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the person. This term does not include parents-in-law. For Military Emergency Leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.
- **"Covered Active Duty"** means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.
- **"Covered Servicemember"** means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform their military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.
- **"Spouse"** means the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.
- **"Key employee"** means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Length of Leave

The maximum amount of FMLA Leave is 12 workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and (4) Military Emergency Leave. However, if both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave or to care for a parent using Family Care Leave. The applicable "12-month period" utilized by the City is a rolling 12-month period measured backward from the date an employee first takes FMLA Leave**.** Under this method the 12-month period is measured backward from the day the employee uses any FMLA Leave.

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave is a combined leave total of 26 workweeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date. If both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently or on a reduced schedule whenever it is medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. Military Emergency Leave may also be taken on an intermittent basis. For Bonding Leave, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced schedule. Bonding Leave must be taken within one year of the birth or placement of the child.

Leave taken intermittently may be taken in increments of no less than one (1) hour. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations. Please contact Human Resources prior to scheduling medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to planned medical treatment, the City may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits to better accommodate recurring periods of leave.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA Leave at the time they call off.

If an employee's request for intermittent leave is approved, the City may later require the employee to obtain recertification of their need for leave. For example, the City may request recertification if it receives information that casts doubt on an employee's report that an absence qualifies for FMLA Leave.

Notice and Certification

Bonding, Family Care, Serious Health Condition and Military Caregiver Leave Requirements

Employees are required to provide:

- When the need for the leave is foreseeable, 30 days' advance notice or such notice as is both possible and practical if the leave must begin in fewer than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the City's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
- When the leave relates to medical issues, a completed Certification of Health Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health Care Provider form);
- Periodic recertification (upon the City's request); and
- Periodic reports during the leave.

Certification forms are available from Human Resources. At the City's expense, it may require a second or third medical opinion regarding the employee's own serious health condition or the serious health condition of the employee's family member. In some cases, the City may require a second or third opinion regarding the injury or illness of a Covered Service Member. Employees are expected to cooperate with the City in obtaining additional medical opinions that it may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the City's operation. Please contact Human Resources prior to scheduling planned medical treatment.

Recertification After Grant of Leave

In addition to the requirements listed above, if an employee's FMLA Leave is certified, the City may later require medical recertification in connection with an absence that the employee reports as qualifying for FMLA Leave. For example, the City may request recertification no more frequently than every 30 days if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the

previous certification change significantly (e.g., the employee's absences deviate from the duration or frequency set forth in the previous certification; the employee's condition becomes more severe than indicated in the original certification; the employee encounters complications); or (3) the City receives information that casts doubt upon the employee's stated reason for the absence.

The City may also request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the City will be at the employee's expense.

Military Emergency Leave Requirements

Employees are required to provide:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from Human Resources.

Failure to Provide Notice or Certification and to Return From Leave

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave.

If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the City may presume that the employee does not plan to return to work and has voluntarily terminated their employment.

Compensation During Leave

Generally, FMLA Leave is unpaid. However, an employee who is taking FMLA Leave for the purposes of Family Care Leave, Serious Health Condition Leave, or Military Caregiver Leave must use all paid vacation, personal and sick leave concurrently with FMLA Leave prior to being eligible for unpaid leave. An employee who is taking leave for the purposes of Bonding Leave or Military Emergency Leave must use all paid vacation and personal leave concurrently with FMLA Leave prior to being eligible for unpaid leave. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA Leave and will run concurrently with FMLA. For example, if the employee is entitled to six weeks of

disability leave due to pregnancy or birth, the six weeks will be designated as FMLA Leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave time before being eligible for unpaid leave for what remains of the 12-week entitlement. The use of paid benefits will not extend the length of FMLA Leave.

Benefits During Leave

The City will continue making contributions to employees' health, dental and vision insurance benefits during their leave on the same terms as if the employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the City by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave and Military Emergency Leave will generally be provided with group health benefits for a 12-workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City may discontinue coverage during the leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's insurance premiums (health, dental, vision, life, disability) during the leave period.

An employee's length of service as of the leave will remain intact, but benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

Job Reinstatement

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, employees have no greater right to reinstatement

than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or their position would have been eliminated even if they had not gone on leave, then the employee will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent or reduced schedule FMLA Leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

Key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence.

Confidentiality

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

Fraudulent Use of FMLA Prohibited

An employee who fraudulently obtains FMLA Leave from the City is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, the City will take all available appropriate disciplinary action against such employee due to such fraud.

Non-discrimination

The City takes its FMLA obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the FMLA. The City will not terminate or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to the FMLA. If an employee believes that their FMLA rights have been violated in any way, they should immediately report the matter to Human Resources.

Additional Documentation

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this Handbook.

Employees should contact Human Resources for any FMLA Leave questions they may have.

City of Beacon City Council Agenda
11/02/2026

Title:

Proposed Local Law Concerning the Fishkill Development District and Hotels

ATTACHMENTS

Keane & Beane, P.C. Memorandum to Council Regarding Concept Plan Review for the Fishkill Creek Development District (Oct. 30, 2026)

KARC Memorandum Regarding Potential Amendments to the Fishkill Creek District (Sept. 22, 2026)

Local Law No. 7 of 2026 Concerning the Fishkill Development District and Hotels

Fishkill Creek District Map

Schedule of Dimensional Regulations

Schedule of Use Regulations

City of Beacon Planning Board Memorandum Regarding a Proposed Local Law Concerning the Fishkill Development District and Hotels

Dutchess County Planning Memorandum Regarding a Draft Schedule of Use Regulations

Local Law No. 5 of 2026 Concerning the Fishkill Development District and Hotels - Full EAF, Part 1

Local Law No. 5 of 2026 Concerning the Fishkill Development District and Hotels - Full EAF, Part 1 Narrative

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 1

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 1 Narrative

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Parts 2 and 3

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 3

Negative Declaration

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- **Westchester**
  445 Hamilton Avenue
  Suite 1500
  White Plains, NY 10601
  Phone 914.946.4777
- **Long Island**
  534 Broadhollow Road
  Suite 460
  Melville, NY 11747
  Phone 631.776.5910
- **Mid-Hudson**
  200 Westage Business Center
  Suite 120
  Fishkill, NY 12524
  Phone 845.896.0120
- **New York City**
  60 East 42nd Street
  New York, NY 10165
  Phone 646.794.5747

MEMORANDUM

TO: **City of Beacon City Council**

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

RE: **Concept Plan Review Process re Fishkill Creek Development District**

DATE: **October 30, 2026**

This memorandum provides the City Council (the "Council") with an overview of the concept plan review process for properties located in the Fishkill Creek Development ("FCD") District.

Procedure for review of Fishkill Creek development proposals (§ 223-41.13D)

Each Fishkill Creek development project shall require (1) concept plan approval by the Council, and (2) site plan approval by the Planning Board. The Planning Board may commence its review of a site plan for one or more projects in the FCD as soon as an application for concept plan approval has been submitted to the Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the Council.

Concept Plan Application Requirements (§ 223-41.13.F(1))

The concept plan application must include:

(1) A written description of project, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan ("LWRP) per Chapter 220 of the Beacon City Code; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.

(2) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.

(3) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.

(4) An indication of the appropriate number of parking and loading spaces in relation to their intended use.

(5) A general indication of any phasing of construction.

(6) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.

(7) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.

(8) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.

(9) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.

(10) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.

(11) Such additional information as the Council may deem necessary in order to properly evaluate the application.

City Council Concept Plan Review (§ 223-41.13.F(2))

The Council must refer the application for concept plan approval to the Planning Board for a report and recommendation. The Planning Board shall review all documents and materials relating the application and may make any advisory recommendation to the City Council.

The Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Only after the Council has held the required public hearing, completed SEQRA and made a consistency determination under the City's Local Waterfront Consistency Law (if applicable) per Chapter 220 of the City Code, may the City Council render a decision on the concept plan.

The City Council **may** approve the concept plan upon a finding that the following conditions and standards have been met:

(1) The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

(2) The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer.

(3) The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage. The Planning Board is charged with reviewing and approving the details of the project during its site plan review process.

(4) The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

(5) The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

(6) The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

(7) The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

(8) The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

In approving any Fishkill Creek development concept plan, the Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of the City Zoning Code. Accordingly, the Council may approve the concept plan, but it is not obligated to if it finds that the plan will not meet all of the criteria set forth under § 223-41.13F(2)(b). In order to disprove a concept plan, the Council needs to make a rational decision based upon the record before it. Community opposition is not sufficient, and there must be a finding that the project does not satisfy the aforementioned criteria.

The Difference Between Concept Plan, Site Plan, and Special Permit Approval

Importantly, concept plan, site plan, and special permit approval are not required for all types of land uses.

Concept plan approval is only required for applications within the FCD and Senior Affordable Overlay District. Concept plans are subject to Council approval and are intended to provide a generally detailed plan sketch of a project in order to determine that the proposed project meets the special requirements for these two districts. The plans should be drawn "approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan." In other words, a concept plan is a *concept* but not the finished project. For this reason, when concept plan approval is required, it must always precede the Planning Board's site plan approval.

Site plans are significantly more detailed than a concept plan, and include, but are not limited to: detailed engineering schematics, precise locations of buildings and natural features, setbacks and heights of structures, topographic and grade elevations, locations of all parking, loading and ingress/egress, drainage, stormwater plans, sewer and water lines, and detailed landscaping and lighting plans.

Special permit uses are permitted as of right but have additional conditions and requirements than land uses which are simply permitted. Section 223-18B(1)(a)-(f) of the City Code provides for a list of general conditions and standards which all special use permits are subject to; however, additional and specific conditions and standards can apply depending on the type of special use permit. For example, the conditions and standards for a special permit for a car wash use under § 223-21 of the City Code are different than the conditions and standards for a bed-and-breakfast use. Special permits can be issued by either the Council or the Planning Board depending on the type of use. Special permits can be issued at varying times during the plan review. For example, if the application is subject to the concept plan and the Council is the permitting authority for the special use permit, the Council could grant concept plan and special permit approval at the same time (but after a SEQRA determination is made).

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

KARC
PLANNING CONSULTANTS, INC.

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants, Inc.

DATE: September 22, 2026

RE: Fishkill Creek Development (FCD) and Hotels Local Law

At the September 21, 2026 City Council workshop, the Council reviewed comments from the Planning Board and Dutchess County Planning regarding the proposed amendments to the Fishkill Creek Development (FCD) District. Council discussed each of the comments and provided direction regarding the changes to be incorporated into the proposed Local Law.

This memorandum summarizes the policy decisions and drafting direction provided by the City Council during that discussion and identifies how those decisions have been incorporated into the accompanying revised Local Law.

1. **Hotel Occupancy and Kitchens.** The Planning Board asked whether hotel length of stay and kitchen facilities could blur the distinction between transient lodging and dwelling units.

   - ❖ The Council was not opposed to longer-term hotel stays and determined that the existing distinctions within the zoning and building codes provide sufficient safeguards. A majority therefore supported retaining the proposed removal of the hotel-room kitchen prohibition. The Local Law has been retained as drafted with respect to kitchen facilities, and no additional length-of-stay restriction has been added.

   - ❖ The discussion also raised whether hotels should be required to be part of a mixed-use development, including consideration of affordable/BMR housing. No consensus was reached on this separate issue, and no additional changes have been made at this time.

2. **Hotel Approval Process.** The Planning Board suggested making hotels a special permit use so that the Council or Planning Board could provide additional review and potentially regulate hotel size.

   - ❖ The Council determined that a special permit would not provide meaningful additional review beyond the existing FCD Concept Plan and Site Plan processes. Hotels have been retained as a permitted use in the revised Local Law.

3. **Hotel Check-In and On-Site Management.** The Planning Board recommended modernizing the existing requirement for a traditional lobby, registry desk, and staffing model to accommodate electronic and mobile check-in

   - ❖ The Council supported allowing electronic registration/check-in while retaining an on-site management presence. The hotel regulations have been revised to allow

electronic registration/check-in while requiring an on-site management presence, rather than requiring a particular physical registry desk or office.

4. **Restaurant Size Limitation.** The Planning Board recommended reconsidering the existing 5,000-square-foot maximum for restaurants and other eating/drinking establishments in the FCD.

    - ❖ The Council supported eliminating the 5,000-square-foot restaurant cap City-wide, rather than limiting the change to the FCD. The Local Law has been revised accordingly to eliminate the 5,000-square-foot limitation within the FCD. Implementation of this change within the CMS and L Districts has been deferred pending further review of how removal of the limitation may affect existing businesses and potential development footprints within those districts.

5. **Fishkill Creek Buffer.** The Planning Board recommended clarifying the point from which the Fishkill Creek buffer is measured and considering whether the existing buffer dimensions should be increased based on DEC guidance.

    - ❖ The Council supported retaining the existing Fishkill Creek buffer requirements, including the average 50-foot buffer and 25-foot minimum. The existing dimensional requirements have been retained, and a cross-reference between the related buffer and design provisions has been added to clarify that the requirements are to be read and applied together.

6. **Streetscape Standards.** The Planning Board recommended adding more prescriptive streetscape regulations and guidance within the FCD.

    - ❖ The Council reviewed and was comfortable with the existing FCD streetscape and design standards. The existing standards have therefore been retained without additional prescriptive requirements.

7. **Viewsheds and Greenway Trail.** The Planning Board recommended considering additional viewshed regulations, including contextual renderings from Tioronda Bridge and other public vantage points.

    - ❖ The Council discussed strengthening protections for views from and toward the Fishkill Creek Greenway and Heritage Trail. Upon further review, the existing FCD regulations already provide substantial protections addressing this concern. Specifically:
        i. §223-41.13(F)(1)(h) requires the Concept Plan to describe how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan, and §223-41.13(F)(2)(b)[4] requires the City Council to make a finding of consistency with that Plan as part of Concept Plan approval.

ii. §223-41.13(F)(1)(i) requires consideration of the architectural treatment of views "from the site to Fishkill Creek," "to the site from Fishkill Creek," and "over the site from important viewsheds," and expressly authorizes the City Council to require photo simulations as part of its review.
iii. §223-41.13(F)(2)(b)[8] requires FCD development to "maximize important views and view corridors" and to incorporate, protect and/or enhance important views and view corridors through site layout and design.
iv. The FCD design standards also require an interconnected pedestrian system providing access to the Greenway Trail and contain specific public-access requirements intended to create linkages with existing and anticipated pedestrian and bicycle trail systems.

- ❖ Accordingly, no additional amendment has been made at this time, as the existing FCD regulations provide the City Council and Planning Board with sufficient authority to evaluate views from the Greenway Trail and require appropriate visual information during project review.

8. **Building Height.** Dutchess County Planning recommended considering four or more stories rather than the existing three-story/40-foot maximum and/or establishing a height framework responsive to topography similar to the Waterfront Development District.

   - ❖ The Council supported retaining the existing three-story/40-foot maximum building height. The existing FCD height standard has therefore been retained without modification.

9. **Building Coverage.** Dutchess County Planning recommended considering an increase to the existing 35% maximum building coverage and focusing instead on impervious coverage.

   - ❖ The Council supported retaining the existing 35% maximum building coverage in the FCD at this time. Council expressed interest in separately considering a shift from building coverage to impervious coverage as part of a future City-wide zoning update. The existing 35% building-coverage standard has therefore been retained in the revised Local Law.

10. **Minimum FCD Development-Site Size.** Dutchess County Planning recommended reducing the minimum FCD development-site size from two acres to one acre.

    - ❖ The Council supported the recommendation. The Local Law has been revised to reduce the minimum FCD development-site size from 2 acres to 1 acre.

LOCAL LAW NO. ___OF 2026

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE CONCERNING THE FISHKILL DEVELOPMENT DISTRICT AND HOTELS

A LOCAL LAW to amend Chapter 223, Zoning, concerning regulations governing hotels and the Fishkill Development District.

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

Section 1. Chapter 223 of the Beacon City Code, Article II – General Legislation, Section 223-14.1 entitled "Hotels" is hereby amended as follows:

§ 223-14.1 **Hotels.**

A. Permitted uses. If a site is to be used for a hotel, use of the site and any buildings or structures on the site ~~shall be limited to~~ may include usual hotel activities and accessory uses incidental to the operation of a hotel and of the same general character, provided that all such accessory uses shall be planned as an integral part and located on the same site with the hotel.

(1) Such accessory uses may include the following:

(a) Dining facilities providing food and drink.

(b) Newsstands, gift shops and other shops.

(c) Recreation facilities which shall be for the exclusive use of guests or members.

(d) Employees' quarters and facilities.

(e) Spa facilities.

(f) Conference center facilities

(2) All hotels shall include the following:

(a) ~~A lobby, registry desk, manager's office~~ Facilities or systems for guest registration and check-in, which may include electronic or mobile registration and check-in; and an on-site manager or other responsible hotel representative; and public rest-room facilities.

(b) Off-street parking facilities.

(c) Access to all guest rooms from an interior hallway

B. Screening. Outdoor parking areas and recreational facilities shall be screened with fencing, landscaping and/or buildings on all sides toward adjoining residential lots. Where hotel buildings are set back less than 100 feet from one-family residential lots, such buildings shall be suitably screened with planting.

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

D. ~~No kitchen facilities. There shall be no kitchen facilities in the hotel rooms except for a coffeemaker, a microwave oven and a small refrigerator.~~

Section 2. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.13 entitled "Uses; plan review; design standards," Subsections B(3) and B(5) are~~is~~ hereby amended as follows:

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

…

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

(1) Apartment, attached or multifamily dwelling.

(2) Artist live/work space, artist studio and workshop of artisan.

(3) Bed-and-breakfast establishment, ~~or~~ inn, or hotel.

(4) Spa, fitness centers/noncommercial swimming pool, exercise studio, day-care center or similar use as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a street.

(5) Restaurant, bar, brew pub or other eating and drinking establishment. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a street. ~~No such individual use shall contain more than 5,000 square feet of gross floor area.~~

(6) Professional and business office in buildings that face a street.

(7) Gallery, exhibit space or museum.

(8) Community facility that complements residential and commercial use, such as a public or semipublic performance and cultural center, live theater, concert hall, meeting room suitable for social, civic, cultural or education activities, bandshell, kiosk or gazebo.

(9) Assembly, manufacturing, workshop or other light industrial use, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.

(10) Day-care center.

(11) Trade school or training program, college, private school, or nursery school.

(12) Other nonresidential use similar to the above uses as determined by resolution of the City Council.

...

Section 3. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.14 entitled "Bulk regulations," Subsections B, ~~and~~ G, and I are hereby amended as follows:

§ 223-41.14 **Bulk regulations.**

A. Minimum size of FCD site: ~~two~~ one (1) acres~~~~. Notwithstanding the above, the owner of less than ~~two~~ one (1) acres~~~~ of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.

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

C. Maximum dwelling unit size: 2,000 square feet of gross floor area.

D. Maximum building coverage, including parking structures: 35%.

E. Minimum open space: 30%.

F. Maximum building height: three stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or

centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the City Council to add architectural interest and to encourage access to rooftop gardens.

G. Minimum building setback from edge of pavement of a public ~~and private~~ street~~s~~ right-of-way: 12 feet.

H. Minimum frontage of overall FCD site on public street right-of-way: 50 feet.

I. Minimum setback from and buffer width along Fishkill Creek, measured in accordance with §223-41.13I(15): an average of 50 feet, but not less than 25 feet at any point, from the top of the creek bank, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

Section 4. Ratification, Readoption and Confirmation.

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

Section 5. 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 6. Severability.

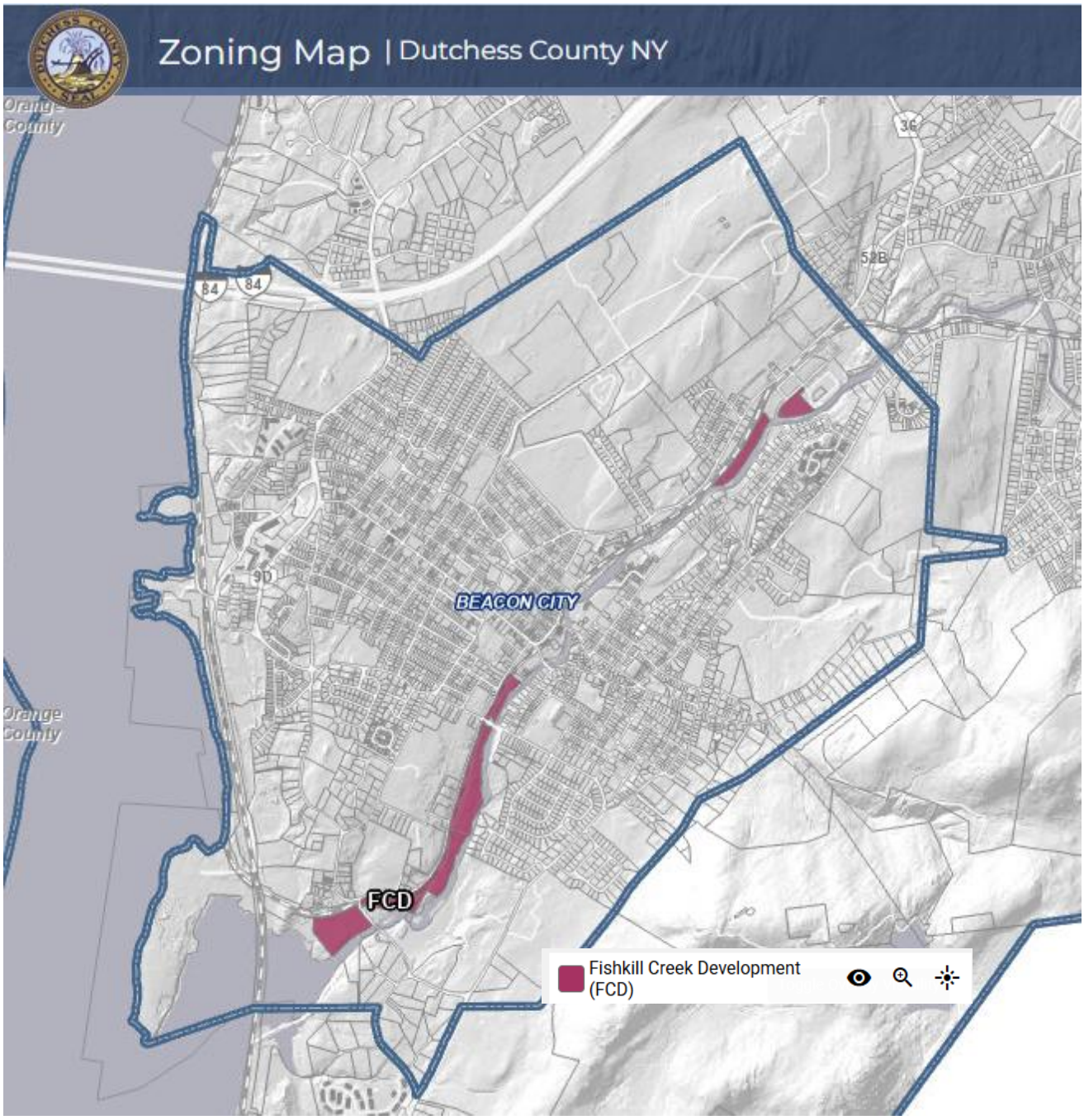
If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment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

Section 7. Effective date.

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

DRAFT

Attachment A - Location of FCD Parcels in Beacon



223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations
[Added 6-15-2020 by L.L. No. 7-2020;[1] amended 9-19-2022 by L.L. No. 8-2022; 9-3-2024 by L.L. No. 8-2024; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Zoning District	Minimum Lot Size Area[h] (see also § 223-121)				Minimum Yards[a]			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see § 223-13) (stories/feet)	Maximum percent Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (square feet)	Per Unit (square feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear[d,e] (feet)			Multifamily	All Other				
R1-120	120,000	120,000	250	350	70	50	75	—	2.5/35	N.A.	7%	1	—	R1-120	
R1-80	80,000	80,000	150	200	45	30	50	—	2.5/35	N.A.	10%	1	—	R1-80	
R1-40	40,000	40,000	150	150	35	25	50	—	2.5/35	N.A.	15%	1	—	R1-40	
R1-20	20,000	20,000	125	125	25	20	40	—	2.5/35	N.A.	20%	1	—	R1-20	
R1-10	10,000	10,000	85	100	20	15	35	—	2.5/35	N.A.	25%	1	—	R1-10	
R1-7.5	7,500	7,500	75	100	15	10	25	—	2.5/35	N.A.	30%	1	—	R1-7.5	
R1-5	5,000	2,500	50	100	10	10	20	—	2.5/35	N.A.	40%	2	—	R1-5	
RD-7.5[d,e]	2 acres	7,500	200	200	20 to 35	25	50	30	3/35	15%	20%	12	—	RD-7.5[d,e]	
RD-6[d,e]	2 acres	6,000	200	200	50	25	50	30	2.5/35	15%	20%	16	—	RD-6[d,e]	
RD-5[d,e]	5,000	5,000	50	100	30	10	25	30	3/35	20%	30%	16	—	RD-5[d,e]	
RD-4[d,e]	5,000	4,000	200	200	40	20	40	30	2.5/35	20%	25%	20	—	RD-4[d,e]	
RD-3[d,e]	5,000	3,000	50	100	30	20	25	30	3.5/45	20%	40%	24	—	RD-3[d,e]	
RD-1.8[d,e]	5,000	1,800	50	100	30	20	25	30	10[b]/100	25%	40%	__[c]	—	RD-1.8[d,e]	
RD-1.7[d,e]	5,000	1,700	50	100	30	20	25	30	4.5[f]/55[f]	25%	40%	36[g]	—	RD-1.7[d,e]	
T[e]	5,000	i	50	100	10	10	20	—	2.5/35	—	40%	—	—	T[e]	
GB	—	1,500	—	100	15	20	25	—	—/35	—	—	—	—	GB	
CMS	—	—	—	75	0 to 10	0	20	—	3/38	—	—	—	10%	CMS	Art. IVD
L	—	—	—	75	0 to 20	0 to 30	25	—	4/48	—	—	—	15%	L	Art. IVE
FCD	12 acres	3,960	—	—	—	—	—	—	3/40	35%		—	30%	FCD	Art. IVC
WP	1 acre	—	—	—	10	—	—	—	2.5/35	20%		—	—	WP	Art. IVA
TS	3 acres	—	—	—	—	—	—	—	See Art. IVA	—		—	15%	TS	Art. IVA
LI	—	1,500	60	100	20	20	25	—	—/35	70%		—	20%	LI	
HI	—	—	60	100	30	20	25	—	—/40	70%		—	20%	HI	

NOTES:

[a] A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.

[b] But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.

[c] But not more than 24 dwelling units in any building 3 1/2 stories or less in height.

[d] For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.

[e] In any RD or T District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreation or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided in the future. In its sole discretion, the Planning Board may also reduce the required side yard setbacks to zero feet for subdivisions of land designed for attached or semi-attached single-family dwellings (townhouses) where appropriate, except that the minimum side yard setbacks for end unit dwellings shall not be reduced further than 1/2 the minimum side yard setback of the least restrictive adjoining residential district.

[1] Editor's Note: This local law also repealed former 223 Attachment 1, § 223-17C, Schedule of Regulations for Residential Districts, as amended.

[f] A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.

[g] And each building shall not exceed 150 feet in length.

[h] For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.

[i] One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020;[1] amended 2-16-2021 by L.L. No. 2-2021; 9-19-2022 by L.L. No. 8-2022; 9-19-2022 by L.L. No. 9-2022; 5-5-2025 by L.L. No. 4-2025; 6-2-2025 by L.L. No. 5-2025; 7-7-2025 by L.L. No. 8-2025; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	P[2]	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		P[2]	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	P[2]	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	P	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	P~~X~~	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X

[1] Editor's Note: This local law also repealed former 223 Attachment 2, § 223-17D, Schedule of Regulations for Nonresidential Districts, as amended.

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale business		X	X	X	P	X	X	X	X	X	P	P
Self-storage facility and warehouse storage	Subject to § 223-24.5	X	X	X	P/SP	X	X	X	X	X	P/SP	P/SP
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	P	P	P	P	P	P	P	P	P	P	P
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	P	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Drive-through facilities, standalone or accessory		X	X	X	X	X	X	X	X	X	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see →					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

[2] These uses, excluding townhouses, are only permitted on a parcel within the R1-5 Zoning District and not any other R1 Zoning District. Additionally, these uses are only permitted on a parcel in the R1-5 Zoning District if such parcel is located north of either side of Rombout Avenue, south of Verplank Avenue, east of South Avenue (a/k/a Route 9D) and west of Fishkill/Teller Avenue. For a parcel on the southern side of Rombout Avenue, such use is not permitted on a corner lot unless the driveway and the front of the house is located on Rombout Avenue.

City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

August 19, 2026

Mayor Lee Kyriacou
Beacon City Council Members
1 Municipal Plaza
Beacon, NY 12508

Subject: City Council Referral of Local Law Amending the Fishkill Creek Development (FCD) Zoning District

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law concerning an amendment to the City's zoning code regarding regulations governing hotels and the Fishkill Creek Development (FCD) District. The proposed Local Law was reviewed during the August 11, 2026 Planning Board meeting. Planner, Natalie Quinn, summarized the proposed local law with the Planning Board.

After discussing the proposed local law, the Planning Board members in provided the following comments:

- Council and staff should investigate what, if any, other state or local regulations regulate the length of stay at hotels to ensure they do not revert to a dwelling unit
- Consider whether allowing kitchen facilities in hotel rooms would convert the hotel room to a "dwelling unit" (sleeping area, bathroom, food prep)
- Consider making "hotel" a special permit use so that Council or Planning Board can review and limit size if needed
- Board members showed support for modification of the hotel supplemental regulations to permit newer/more modern models of hotel that use technology for check-in rather than lobby and staff. These newer technologies are utilized to streamline check-in and reduce cost of bookings.
- With reference to Section 223-41.13.B(5) of the City Code (which is not currently proposed to be amended), the Council should consider the 5,000 sq foot size limitation currently placed on restaurants in the FCD. Many restaurants on Main Street are bumping up against seating caps that prevent them from expanding.
- With reference to Section 223-41.14.I, the Council should clearly establish a point from which the buffer zone is measured. Per DEC guidance, should also consider extending the required buffer area to 35-100ft for stream protection.
- Council should consider adding more prescriptive regulations and guidance for regulating streetscapes.
- Council should consider if regulations governing viewsheds from Tioronda Bridge and others vantage points would be appropriate. To this point, the Board recommends adding language like that which was added to the Train Station District to require contextual renderings of important viewsheds.

City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

Sincerely,

John Gunn (MP)

John Gunn
Planning Board Chair

JG/mp

DUTCHESS COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT	GML 239 REFERRAL RESPONSE
To: City of Beacon, Municipal Board **Project Name**: Proposed Local Law Concerning the Fishkill Development District and Hotels **Action**: Zoning Amendments **Applicant**: City of Beacon **Property Address**:	**Referral #**: ZR26-164 **Date Received**: 8/14/2026 **Date Requested**: 9/2/2026 **Date Issued**: 9/1/2026
Reviewer: Dozier, Emily	**Signed:** Emily A. Dozier

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

ACTION

The proposed local law would amend the zoning code for the Fishkill Creek Development District to eliminate the minimum lot size area per unit (maximum residential density) while retaining the bulk standards, which limit height, lot coverage, etc; to revise the minimum setback to be measured from public streets only; and to allow hotels as a permitted principal use (similar to inns). It would also update the supplemental regulations for hotels to allow kitchens in hotel rooms and to allow hotels as part of mixed-use projects.

COMMENTS

We support the City's efforts to provide flexibility for development within the FCD district, while maintaining reasonable form-based regulations. We encourage the Board to provide additional flexibility; in particular, we suggest considering:

- Allow buildings of 4 or more stories (vs. 3), and/or provide a height limit based on topography (ground floor elevation), similar to the Waterfront Development zone
- Allow additional building coverage (vs. 35% maximum), but focus on limiting impermeable coverage
- Allow development on parcels of one acre or more (vs. 2 acres), to allow all parcels in the district (except the pump station) the opportunity for redevelopment.

RECOMMENDATION

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law Amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotels		
Project Location (describe and attach a general location map): The Fishkill Creek Development Zoning District		
Brief Description of Proposed Action (include purpose or need): The Beacon City Council is considering a Local Law which will amend the City of Beacon's Fishkill Creek Development (FCD) Zoning District's regulations to allow hotel uses. The Local Law further eliminates the traditional numerical residential density limitation in the FCD. Instead, density within the FCD will be limited through the Beacon Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, height, setbacks, open space, etc.). Minimum setbacks for buildings in the FCD will only be measured from the public right-of-way instead of also considering distances to private streets. Finally, the Local Law will provide an update to the Zoning Code's regulations for hotel uses.		
Name of Applicant/Sponsor: City Council of the City of Beacon	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Ben Swanson, City Administrator	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑ Yes ☐ No	Beacon City Council	July 20, 2026
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? ☑ Yes ☐ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑ Yes ☐ No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☑ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule, or regulation be the only approval(s) that must be granted to enable the proposed action to proceed? ☑ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)? ☑ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:C314117, Remediation Sites:546031, Remediation Sites:C314118, Remediation Sites:314044

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? ☐ Yes ☑ No

If Yes, identify the plan(s):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☐ Yes ☑ No

If Yes , identify the elements of the plan that are relevant to the action:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential, commercial, and mixed-use.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes, what is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Beacon City School District

b. What police or other public protection forces serve the project site?

Beacon Police Department & Metropolitan Transportation Authority Police Department

c. Which fire protection and emergency medical services serve the project site?

Beacon City Fire Department, Beacon Volunteer Ambulance Corps, and Empress Emergency Response Service.

d. What parks serve the project site?

Beacon City Parks & NY State Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %_____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum_____Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month_____year
- Anticipated completion date of final phase _____ month_____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure:_____height;_____width; and_____length

iii. Approximate extent of building space to be heated or cooled:_____square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume:_____million gallons; surface area:_____acres

v. Dimensions of the proposed dam or impounding structure: _____ height;_____length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated?_____acres

vi. What is the maximum area to be worked at any one time?_____acres

vii. What would be the maximum depth of excavation or dredging?_____feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks, and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day:_____gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or_____acres (impervious surface)

_____ Square feet or_____acres (parcel size)

ii. Describe types of new point sources.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water, or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, boilers, electric generation, surface coating)

_____

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐ Yes ☐ No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____Tons/year (short tons) of carbon monoxide (CO)
- _____Tons/year (short tons) of oxides of nitrogen (NOx)
- _____Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____Tons/year (short tons) of volatile organic compounds (VOC)
- _____Tons/year (short tons) of sulfur dioxide (SO_2)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐ Yes ☐ No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? ☐ Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐ Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of_____to_____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks):

_____

iii. Parking spaces: Existing_____Proposed_____Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional energy demand? ☐Yes ☐No
If Yes:
i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday:_____
- Saturday:_____
- Sunday:_____
- Holidays:_____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No
If yes:
i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No
Describe:

n. Will the proposed action have outdoor lighting? ☐Yes ☐No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No
Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No
If Yes:
i. Product(s) to be stored _____
ii. Volume(s)_____ per unit time_____(e.g., month, year)
iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction:_____tons per_____(unit of time)
- Operation : _____ tons per_____(unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:

_____

- Operation:

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:

_____

- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐Yes ☐No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled, or managed at facility: _____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated_____tons/month

iv. Describe any proposals for on-site minimization, recycling, or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐Yes ☐No

If Yes: provide name and location of facility:_____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐Urban ☐Industrial ☐Commercial ☐Residential (suburban) ☐Rural (non-farm)
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing			
• Commercial			
• Residential			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse, etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth, or fill)			
• Other, Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify facilities:

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property that is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If Yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If Yes, provide DEC ID number(s): _____
iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If Yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☐No
If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds, or lakes)? ☐Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If Yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☐No

j. Is the project site in the 100-year Floodplain? ☐Yes ☐No

k. Is the project site in the 500-year Floodplain? ☐Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If Yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYSOffice of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐Yes ☐No

If Yes:

i. Nature of historic/archaeological resource: ☐Archaeological Site ☐Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory? ☐Yes ☐No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐Yes ☐No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐Yes ☐No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐Yes ☐No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐Yes ☐No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes ☐No
Solid Waste Management Facility	☐Yes ☐No
Hazardous Waste Management Facility	☐Yes ☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes ☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes ☐No
Waste Transporter	☐Yes ☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No

b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No

c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought? ☐ Yes ☐ No

ii. temperature extremes (hot or cold)? ☐ Yes ☐ No

iii. extreme storms, including high winds? ☐ Yes ☐ No

iv. landslides? ☐ Yes ☐ No

v. coastal erosion? ☐ Yes ☐ No

vi. stormwater flooding? ☐ Yes ☐ No

vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

Attach any additional information which may be needed to clarify your project.

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

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Beacon City Council Date July 30, 2026

Signature  Title City Attorney

July 30, 2026

Beacon – FEAF Part 1 Narrative
Proposed Local Law Concerning the Fishkill Creek Development District & Hotels

On July 20, 2026, the Beacon City Council introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to amend certain regulations pertaining to the Fishkill Creek Development ("FCD") Zoning District. The FCD District is a relatively small geographic zoning district along the Fishkill Creek consisting of nine (9) tax map parcels generally ranging from 0.03 acres to 11.07 acres. The legislative intent of the FCD District is to encourage the redevelopment of underutilized or former industrial properties through a mix of residential and nonresidential uses while preserving the environmental and recreational uses of the Fishkill Creek. All future development within the FCD will be subject to independent review in accordance with the State Environmental Quality Review Act ("SEQRA").

Amendments to the Fishkill Creek Development District

1. Hotel Uses within the FCD District.

The proposed Local Law will permit Hotel uses in the FCD District. A Hotel is defined as under Zoning Code Section 223-63 as:

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

Hotel uses are similar to bed-and-breakfast and inn uses, which are currently permitted uses within the FCD District. Specifically, an "inn" is defined under Zoning Code Section 223-63 as "[a] hotel containing no more than 10 guest rooms." The City's Zoning Code does not otherwise establish substantially different regulations and requirements for hotels and inns except for the number of guest rooms. Moreover, inns and hotels both provide transient lodging accommodations and typically include similar accessory amenities. As such, permitting hotel uses with the FCD District will be generally consistent with the stated legislative purpose of the FCD District which is to "[e]ncourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses." Zoning Code § 223-41.12(A).

2. Density Limitation within the FCD District.

Density within the FCD is presently limited to no more than 11 dwelling units per acre. The Local Law will eliminate this traditional numerical based density limitation and instead regulate density through the Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, building height, setbacks, open space requirements, etc.). A form-based approach to density regulation is currently utilized in the City's Central Main Street (CMS), Linkage (L), and Transit Station (TS) zoning districts. The City's General Business (GB) and Light Industrial (LI) zoning districts both allow approximately 29 dwelling units per acre.

The use of a form-based zoning limitation for residential density is further consistent the City Council's continued efforts to encourage additional residential dwelling units thereby increasing the City's housing stock as well as the number of below-market rental units. Accordingly, the elimination of FCD District's numerical limitation for density is consistent with the City's other mixed-use zoning districts and furthers the City Council's housing goals.

3. Minimum Setback Requirements in the FCD District.

The Local Law revises the minimum setback requirements within the FCD District to measure the setback requirement for buildings to be measured from a public right-of-way. Eliminating the reference to private streets is consistent with the City's other zoning regulations. The Planning Board will still have an opportunity to address the distances of buildings from private streets during the site plan review process.

Updates to the Zoning Code's Supplemental Regulations for Hotels

The Local Law amends Zoning Code § 223-14.1 concerning supplemental regulations for hotel uses. This revision provides that any uses on the same site of a hotel "may include" usual hotel activities and incidental accessory uses, whereas the Zoning Code currently provides that all buildings or structures on the same site of a hotel "shall be limited to" usual hotel activities and incidental accessory uses. This update to permissive language better reflects contemporary hotel uses which more frequently function as part of a mixed-use project rather than a stand-alone use.

The Local Law also removes the prohibition on kitchen facilities in guest rooms. The prohibition on kitchen facilities in hotel guest rooms has traditionally distinguished hotels from multifamily dwellings and single-room occupancy uses. However, many modern hotels now feature kitchenettes in guest rooms, and such distinctions between these different uses are adequately addressed via modern building code requirements and Zoning Code definitions.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law Amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotels		
Project Location (describe and attach a general location map): The Fishkill Creek Development Zoning District		
Brief Description of Proposed Action (include purpose or need): The Beacon City Council is considering a Local Law which will amend the City of Beacon's Fishkill Creek Development (FCD) Zoning District's regulations to allow hotel uses. The Local Law further eliminates the traditional numerical residential density limitation in the FCD. Instead, density within the FCD will be limited through the Beacon Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, height, setbacks, open space, etc.). Minimum setbacks for buildings in the FCD will only be measured from the public right-of-way instead of also considering distances to private streets. Finally, the Local Law will provide an update to the Zoning Code's regulations for hotel uses.		
Name of Applicant/Sponsor: City Council of the City of Beacon	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Ben Swanson, City Administrator	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑ Yes ☐ No	Beacon City Council	July 20, 2026
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? ☑ Yes ☐ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑ Yes ☐ No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☑ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule, or regulation be the only approval(s) that must be granted to enable the proposed action to proceed? ☑ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)? ☑ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:C314117, Remediation Sites:546031, Remediation Sites:C314118, Remediation Sites:314044

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? ☐ Yes ☑ No

If Yes, identify the plan(s):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☐ Yes ☑ No

If Yes , identify the elements of the plan that are relevant to the action:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential, commercial, and mixed-use.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes, what is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Beacon City School District

b. What police or other public protection forces serve the project site?

Beacon Police Department & Metropolitan Transportation Authority Police Department

c. Which fire protection and emergency medical services serve the project site?

Beacon City Fire Department, Beacon Volunteer Ambulance Corps, and Empress Emergency Response Service.

d. What parks serve the project site?

Beacon City Parks & NY State Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %_____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum_____Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month_____year
- Anticipated completion date of final phase _____ month_____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure:_____height;_____width; and_____length

iii. Approximate extent of building space to be heated or cooled:_____square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume:_____million gallons; surface area:_____acres

v. Dimensions of the proposed dam or impounding structure: _____ height;_____length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated?_____acres

vi. What is the maximum area to be worked at any one time?_____acres

vii. What would be the maximum depth of excavation or dredging?_____feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks, and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water, or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, boilers, electric generation, surface coating)

_____

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐ Yes ☐ No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____Tons/year (short tons) of carbon monoxide (CO)
- _____Tons/year (short tons) of oxides of nitrogen (NOx)
- _____Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____Tons/year (short tons) of volatile organic compounds (VOC)
- _____Tons/year (short tons) of sulfur dioxide (SO_2)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐ Yes ☐ No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? ☐ Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐ Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of_____to_____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks):

_____

iii. Parking spaces: Existing_____Proposed_____Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional energy demand? ☐Yes ☐No
If Yes:
i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday:_____
- Saturday:_____
- Sunday:_____
- Holidays:_____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No
If yes:
i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No
Describe:

n. Will the proposed action have outdoor lighting? ☐Yes ☐No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No
Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No
If Yes:
i. Product(s) to be stored _____
ii. Volume(s)_____ per unit time_____(e.g., month, year)
iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:

_____

- Operation:

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:

_____

- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐Yes ☐No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled, or managed at facility: _____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling, or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐Yes ☐No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐Urban ☐Industrial ☐Commercial ☐Residential (suburban) ☐Rural (non-farm)
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing			
• Commercial			
• Residential			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse, etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth, or fill)			
• Other, Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify facilities:

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property that is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If Yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If Yes, provide DEC ID number(s): _____
iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If Yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☐No
If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds, or lakes)? ☐Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If Yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☐No

j. Is the project site in the 100-year Floodplain? ☐Yes ☐No

k. Is the project site in the 500-year Floodplain? ☐Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If Yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYSOffice of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐Yes ☐No

If Yes:

i. Nature of historic/archaeological resource: ☐Archaeological Site ☐Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory? ☐Yes ☐No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐Yes ☐No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐Yes ☐No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐Yes ☐No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐Yes ☐No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes ☐No
Solid Waste Management Facility	☐Yes ☐No
Hazardous Waste Management Facility	☐Yes ☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes ☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes ☐No
Waste Transporter	☐Yes ☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No

b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No

c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought? ☐ Yes ☐ No

ii. temperature extremes (hot or cold)? ☐ Yes ☐ No

iii. extreme storms, including high winds? ☐ Yes ☐ No

iv. landslides? ☐ Yes ☐ No

v. coastal erosion? ☐ Yes ☐ No

vi. stormwater flooding? ☐ Yes ☐ No

vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

Attach any additional information which may be needed to clarify your project.

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

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Beacon City Council Date July 30, 2026

Signature Christian A.L. Gates Title City Attorney

July 30, 2026

Beacon – FEAF Part 1 Narrative
Proposed Local Law Concerning the Fishkill Creek Development District & Hotels

On July 20, 2026, the Beacon City Council introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to amend certain regulations pertaining to the Fishkill Creek Development ("FCD") Zoning District. The FCD District is a relatively small geographic zoning district along the Fishkill Creek consisting of nine (9) tax map parcels generally ranging from 0.03 acres to 11.07 acres. The legislative intent of the FCD District is to encourage the redevelopment of underutilized or former industrial properties through a mix of residential and nonresidential uses while preserving the environmental and recreational uses of the Fishkill Creek. All future development within the FCD will be subject to independent review in accordance with the State Environmental Quality Review Act ("SEQRA").

Amendments to the Fishkill Creek Development District

1. Hotel Uses within the FCD District.

The proposed Local Law will permit Hotel uses in the FCD District. A Hotel is defined as under Zoning Code Section 223-63 as:

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

Hotel uses are similar to bed-and-breakfast and inn uses, which are currently permitted uses within the FCD District. Specifically, an "inn" is defined under Zoning Code Section 223-63 as "[a] hotel containing no more than 10 guest rooms." The City's Zoning Code does not otherwise establish substantially different regulations and requirements for hotels and inns except for the number of guest rooms. Moreover, inns and hotels both provide transient lodging accommodations and typically include similar accessory amenities. As such, permitting hotel uses with the FCD District will be generally consistent with the stated legislative purpose of the FCD District which is to "[e]ncourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses." Zoning Code § 223-41.12(A).

2. Density Limitation within the FCD District.

Density within the FCD is presently limited to no more than 11 dwelling units per acre. The Local Law will eliminate this traditional numerical based density limitation and instead regulate density through the Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, building height, setbacks, open space requirements, etc.). A form-based approach to density regulation is currently utilized in the City's Central Main Street (CMS), Linkage (L), and Transit Station (TS) zoning districts. The City's General Business (GB) and Light Industrial (LI) zoning districts both allow approximately 29 dwelling units per acre.

The use of a form-based zoning limitation for residential density is further consistent the City Council's continued efforts to encourage additional residential dwelling units thereby increasing the City's housing stock as well as the number of below-market rental units. Accordingly, the elimination of FCD District's numerical limitation for density is consistent with the City's other mixed-use zoning districts and furthers the City Council's housing goals.

3. Minimum Setback Requirements in the FCD District.

The Local Law revises the minimum setback requirements within the FCD District to measure the setback requirement for buildings to be measured from a public right-of-way. Eliminating the reference to private streets is consistent with the City's other zoning regulations. The Planning Board will still have an opportunity to address the distances of buildings from private streets during the site plan review process.

Updates to the Zoning Code's Supplemental Regulations for Hotels

The Local Law amends Zoning Code § 223-14.1 concerning supplemental regulations for hotel uses. This revision provides that any uses on the same site of a hotel "may include" usual hotel activities and incidental accessory uses, whereas the Zoning Code currently provides that all buildings or structures on the same site of a hotel "shall be limited to" usual hotel activities and incidental accessory uses. This update to permissive language better reflects contemporary hotel uses which more frequently function as part of a mixed-use project rather than a stand-alone use.

The Local Law also removes the prohibition on kitchen facilities in guest rooms. The prohibition on kitchen facilities in hotel guest rooms has traditionally distinguished hotels from multifamily dwellings and single-room occupancy uses. However, many modern hotels now feature kitchenettes in guest rooms, and such distinctions between these different uses are adequately addressed via modern building code requirements and Zoning Code definitions.

Agency Use Only [If applicable]

Project : Local Law re FCD & Hotels

Date : October 5, 2026

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency-s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the whole action.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts:		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached:	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature:	E3c	☐	☐
c. Other impacts:		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts:		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source:	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts:		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☑	☐
b. The proposed action may result in development within a 100-year or a 500-year floodplain.	E2j, E5a, E5b	☑	☐
c. The proposed action may result in development in an area potentially affected by sea level rise.	E2k, E5c	☑	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☑	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☑	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☑	☐

g. Other impacts:		☐	☐

6. Impacts on Air and Climate

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) or generate greenhouse gas emissions over 10,000 metric tons of carbon dioxide equivalents (See Part 1. D.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - i. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action mayalso have the potential to emit one or more regulated air contaminants at or above the following levels:	D2g	☐	☐
i. More than 100 short tons/year of carbon monoxide (CO)	D2g	☐	☐
ii. More than 100 short tons/year of oxides of nitrogen (NO_x) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
iii. More than 100 short tons/year of particulate matter (PM-10, PM-2.5)	D2g	☐	☐
iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
v. More than 100 short tons/year of sulfur dioxide (SO_2)			
b. The proposed action has the potential to emit 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may include a heat source capable of producing more than 20 million BTUs per hour.	D2f, D2g	☐	☐
d. The proposed action may exceed 50% of any of the thresholds in "a" or "b", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste.	D2f, D2s	☐	☐
f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231.	D2g	☐	☐
g. The proposed action will emit more than 10,000 metric tons of CO2 equivalents per year.	D2h	☐	☐
h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change.	C2d	☐	☐
i. Other impacts:		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source:	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts:		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☑	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☑	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☑ ☑	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism-based activities	E3h E2q, E1c	 ☑ ☑	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☑	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☑	☐
g. Other impacts:		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☑	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☑	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source:	E3g	☐	☐

d. Other impacts:		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or that may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

■ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐ NO ■ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑	☐
c. The proposed action will degrade existing transit access.	D2j	☑	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☑	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts:		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ■ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☑	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☑	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☑	☐
e. Other Impacts:		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ■ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts:		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ■ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off-site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts:		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is in an area characterized by low density developmentthat will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other:		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts:		☐	☐

19. Impact on Disadvantaged Communities

The proposed project may impact a disadvantaged community. (See Part 1. E.4) ☑ NO ☐ YES

If "Yes", answer questions a - g . If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?	E.4.c	☐	☐
b. The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.	D.2.f-i, E.4	☐	☐
c. The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.	D.2.d	☐	☐
d. The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.	D.2.r, D.2.s, D.2.t, E.1.f, E.1.g	☐	☐
e. The proposed action may increase traffic within a disadvantaged community.	D.2.j	☐	☐
f. The proposed action affects or involves one or more of the following facility types: i. landfill; ii. other industrial, manufacturing, or mining land uses; iii. major oil or chemical bulk storage facility; iv. municipal waste combustor; v. power generation facility; vi. risk management plan site; vii. remediation site; or viii. scrap metal processor.	C.3.c, D.1.a, D.1.g, D.2.a, D.2.d, D.2.f, E.1.a, E.1.b. E.1.h, E.1.v, E.4	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
g. Other impacts:		☐	☐

20. Future Physical Climate Risks

The proposed project may be vulnerable to future physical climate risks or increase the vulnerability of human or ecological communities to future physical climate risks. ☑ NO ☐ YES

(See Part 1. E.5)

If "Yes", answer questions a - e. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is vulnerable to damage from a projected 100-year flood.	E2j, E5a	☐	☐
b. The proposed action is vulnerable to damage from a 500-year flood.	E2k, E5b	☐	☐
c. The proposed action is in an area potentially affected by sea level rise.	E5c	☐	☐
d. The proposed action may increase the vulnerability of human or ecological communities to the following:	E5d	☐	☐
i. drought		☐	☐
ii. temperature extremes (hot or cold)		☐	☐
iii. extreme storms, including high winds		☐	☐
iv. landslides		☐	☐
v. coastal erosion		☐	☐
vi. stormwater flooding		☐	☐
vii. other climate or weather hazards? If yes, describe: _____		☐	☐
e. Other impacts:		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size, or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact, and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

The proposed Local Law, the Full Environmental Assessment Forms Part 1 and Narrative, Part 2, the City of Beacon Schedule of Uses, the City of Beacon Schedule of Dimensional Regulations, memorandums from the City Planner, the Beacon Zoning Map, the Dutchess County Dept. of Planning & Development GML 239-m referral response letter (09.01.2026), and the City of Beacon Planning Board referral response letter (08.19.2026), and discussions at Beacon Council meetings.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City Council of the City of Beacon as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions that will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: A Local Law amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotel Uses.

Name of Lead Agency: City Council of the City of Beacon

Name of Responsible Officer in Lead Agency: Benjamin Swanson (Delegated to the City Administrator per City Council Resolution)

Title of Responsible Officer: City Administrator

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Christian A.L. Gates Date: 10/2/2026

For Further Information:

Contact Person: Benjamin Swanson, City Administrator

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: (845) 838-5000

E-mail: cityofbeacon@beaconny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

Beacon – FEAF Part 3 Attachment
Negative Declaration of Environmental Significant

Proposed Local Law Concerning the Fishkill Creek Development District and Hotels

On July 20, 2026, the Beacon City Council (the "City Council") introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to revise the regulations pertaining to the Fishkill Creek Development district ("FCD") and hotel uses. The proposed Local Law does not amend the City's Zoning Map. By letter dated September 1, 2026, the Dutchess County Department of Planning and Development offered comments on the Local Law. By letter dated August 19, 2026, the City of Beacon Planning Board (the "Planning Board") offered its comments on the Local Law. On September 21, 2026, the City Council discussed the comments from the Planning Board and the Dutchess County Department of Planning and Development.

The FCD consists of only nine (9) tax parcels, ranging in size from approximately 0.03 acres to 11.07 acres, with one (1) outlier parcel being 49.9 acres (a right-of-way along an abandoned rail line). Several parcels in the FCD have been recently developed, yet others remain vacant and/or underutilized. Parcels in the FCD are typically former industrial properties, vacant land, and portions of the rail line. The purpose of the proposed Local Law is to make narrowly tailored amendments to the FCD to encourage redevelopment of such vacant and underutilized properties. In summary, the proposed Local Law makes the following changes:

- Provide that "hotels" are a permitted use in the FCD. Presently, "hotels" are prohibited in the FCD, yet "inns" are permitted. An "inn" is defined as a "hotel" with fewer than ten (10) guest rooms. The Zoning Code also provides ambiguity as to whether a "hotel" could be construed as a "similar" use to an "inn" thereby authorizing approval of a "hotel" by the City Council pursuant to Zoning Code § 223-41.13(B)(12). Moreover, "bed-and-breakfast establishments" are also permitted in the FCD.

- Updating the regulations pertaining to "hotel" uses to better reflect modern hotels. Electronic or mobile check-in will be permitted, provided there is an on-site manager or other hotel representative present. The Local Law also eliminates the requirement that all buildings or structures on the site of a hotel be strictly limited to usual hotel activities and accessory uses of hotel. This will allow residential and other commercial components to be located on the same site as a hotel. The Local Law eliminates the prohibition on kitchen facilities in hotels. Modern building code requirements allow kitchen facilities in hotel rooms, and sufficient safeguards exist under State and local laws, rules, and regulations to ensure that hotels are not impermissibly converted into multifamily dwellings or single-room occupancy uses.

- Elimination of the 5,000 square foot restriction for restaurants, bars, brew pubs or other eating and drinking establishments in the FCD. This change was recommended

by the Planning Board as it can prevent establishments from expanding and effectively imposes a seating cap which may not otherwise apply.

- Reduction of the minimum lot size from two (2) acres to one (1) acre. This recommendation was offered by the Dutchess County Department of Planning and Development and will give all parcels in the FCD the opportunity to be developed (excluding a pump station).

- Elimination of the maximum dwelling unit density of 11 units per acre. The current maximum does not reflect the City's housing development and affordability goals. Accordingly, eliminating this maximum will add flexibility. New development will continue to be limited by the FCD's existing form-based dimensional and design standards (e.g., building coverage, open space, scale, height, setbacks, dwelling unit size, frontage, massing, etc.).

- Elimination of the reference to private streets when measuring the minimum building setback. This revision also adds that building setback measurements shall include the pavement edge of a public right-of-way. These revisions are consistent with the City's other Zoning Code regulations. The minimum building setback will also continue to be measured from the edge of the pavement of any public streets. There are no changes to the underlying 12-foot minimum building setback.

- Clarification of the Fishkill Creek buffer and minimum setback. This revision was recommended by the Planning Board and includes a citation to the relevant Zoning Code section. The revision also clarifies that the setback distance is to be measured "from the top of the creek bank."

The determination of environmental significance made herein pursuant to the State Environmental Quality Review Act ("SEQRA") is only applicable to the proposed Local Law and is not a review of environmental significance of any proposed development. For clarity, any and all subsequent development within the FCD or development of hotels shall be subject to project specific environmental review pursuant to SEQRA and the Beacon City Code.

The proposed Local Law will not have a significant adverse impact on the environment for the following reasons:

The proposed Local Law is not inconsistent with the City's Zoning Code or Comprehensive Plan. The 2017 City of Beacon Comprehensive Plan supports the continued redevelopment of the Fishkill Creek corridor through a mix of residential, commercial, cultural, and recreational uses. The Plan specifically encourages expanded tourism opportunities, and amenities such as inns, spas, restaurants, and other destination-oriented uses to support the City's economic development opportunities. Importantly, the Plan recommends encouraging the redevelopment of vacant and underutilized industrial sites along the Fishkill Creek for new residential, commercial, or light industrial uses. Accordingly, the proposed Local Law is consistent with the Comprehensive Plan as it will expressly allow hotels within the FCD, which

is a hospitality and tourism use. Allowing "hotels" in the FCD is not inconsistent with the Zoning Code because "hotels" are the same type of land use as "inns", which is a permitted use in the FCD. Moreover, the proposed Local Law includes narrowly tailored changes intended to encourage development of vacant or underutilized parcels. For example, reducing the minimum lot size to one (1) acre zoning will allow all parcels in the FCD to be developed in some manner (excluding the existing pump station). The elimination of the maximum number of dwelling units is also consistent with the City's form-based Zoning Code requirements and furthers the City's housing development goals. New development will continue to be regulated under existing bulk and design standards as well as existing features (e.g., lot coverage, setbacks, height, open space, the Fishkill Creek, the rail line right-of-way, steep slopes, etc.). As such, the proposed Local Law is consistent with existing permitted land uses in the FCD and is consistent with the Comprehensive Plan's goals for redevelopment in the FCD.

The proposed Local Law does not create any adverse environmental impacts because the Local Law does not result in direct or physical impacts to the land. Instead, each application for land use approvals in the FCD or for the development of hotels will involve a unique and individual set of circumstances, the particular nature of which will be subject to the regulations and requirements of the Zoning Code, the City Code, and State law. The evaluation of such future uses will involve independent review for conformance with the Zoning Code as well as environmental impacts. However, the proposed Local Law alone will not have a direct impact on land. As such, the potential for secondary or indirect effects of the proposed Local Law does not support the conclusion that the legislation will or may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Furthermore, potential secondary or indirect impacts do not give rise to any currently identifiable potential significant adverse environmental impacts. Therefore, an environmental impact statement need not be prepared.

The proposed Local Law does not propose any actions, or land uses which are sharply or drastically different from surrounding land use patterns. Full build out of the FCD is also unlikely due to limitations caused by the Fishkill Creek, steep slopes, and the rail line right-of-way.

The proposed Local Law will not result in a substantial adverse change or impact to existing air quality, ground or surface water, traffic or noise levels, nor a substantial adverse change or impact for erosion, flooding, leaching or drainage. The changes to the text of the Zoning Code are primarily to update existing regulations. For example, no changes are proposed to the applicable parking requirements, erosion control requirements, building heights, stormwater pollution prevention requirements, nor will new uses be permitted which are inconsistent with existing regulations. The changes to the setback requirements are consistent with other Zoning Code regulations and do not alter the underlying 12 foot minimum. The removal of the density limitation in the FCD is not expected to have significant impacts as development will continue to be regulated and constrained by the City's form-based zoning regulations. The reduction to the one (1) acre lot size is also not anticipated to have significant impacts as a one (1) acre

minimum will still be one of the City's larger lot zones but will allow the development of certain underutilized and/or vacant parcels in the FCD. To the extent that this environmental review precedes future development, such development shall be subject to all City zoning and land use requirements, which is no less protective of the environment than the requirements of SEQRA.

The areas affected by the proposed Local Law have been developed for decades, including industrial and commercial uses. Given the FCD is a developed district, and the other changes to the hotel regulations do not impact the City's bulk regulations, the proposed Local Law will not have a direct impact on or cause the removal or destruction of large quantities of flora or fauna, nor substantially interfere with any protected flora or fauna, habitats, or environmentally sensitive areas.

The proposed Local Law will not result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources of the existing community or neighborhood. Nor will it create a hazard to human health or significant change in the intensity of land uses, or result in the loss of open space or recreation because the changes to the City's schedule of uses and dimensional requirements are limited.

As such, for the reasons herein and the reasons set forth in the Full Environmental Assessment form Parts 1 and 2, and the information contained in the record, the proposed Local Law will not have a significant adverse environmental impact.

Title:

Modification of Pedestrian Easement at 18-20 West Main Street

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding a Request for Modified Easement at 18-20 West Main Street

Applicant Letter to Mayor and City Council Regarding a Pedestrian Pathway Easement Located at 18-20 West Main Street (May 21, 2026)

Applicant Letter to Mayor and City Council Regarding a Pedestrian Pathway Easement Located at 18-20 West Main Street (Jun. 24, 2026)

Draft Resolution Authorizing the Modification of a Utility and Pedestrian Pathway Easement for Real Property Located at 18-20 West Main Street

City Council Resolution No. 55 of 2016

Image of Land Conveyed at 18-20 West Main Street

2017 Deed

2017 Utility Easement

Amended Utility Easement

Utility Easement Plan

18 West Main Street - Pedestrian Perspective Rendering

18 West Main Street - Streetscape Rendering

18 West Main Street - Bird's Eye View Public Path Rendering

18 West Main Street - Eye Level Public Path Rendering

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- **Westchester**
  445 Hamilton Avenue
  Suite 1500
  White Plains, NY 10601
  Phone 914.946.4777
- **Long Island**
  534 Broadhollow Road
  Suite 460
  Melville, NY 11747
  Phone 631.776.5910
- **Mid-Hudson**
  200 Westage Business Center
  Suite 120
  Fishkill, NY 12524
  Phone 845.896.0120
- **New York City**
  60 East 42nd Street
  New York, NY 10165
  Phone 646.794.5747

MEMORANDUM

TO: **City of Beacon City Council**

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

RE: **Request to Modify 2017 Easement Granted by City in Connection with 18-20 West Main Street**

DATE: **October 30, 2026**

In 2016 the City Council approved the conveyance of a 0.542 acre segment of land remaining from urban redevelopment to the adjoining property owner. The land, which had been determined was no longer needed for future City purposes and was not a buildable lot due to its minimal size (0.542 acres), was sold subject to the City retaining an easement for utilities and an easement for a pedestrian public path. The conveyance recognized that the property would be subject to redevelopment in the future and at that time, easements would be evaluated and potentially relocated.

Attached is a copy of the October 17, 2017 deed and you will note the fourth paragraph on the first page addresses the potential for the easements to be relocated. This Spring, the City received a request from the property owner to relocate the easements and in the intervening months City staff has worked with the property owner in evaluating the request. After some revisions to the plan, it was determined that the request was reasonable and there will not be any impact to the City's utilities which will be relocated at the property owner's expense. Additionally, it was recognized that relocation of the public path was appropriate so as to permit the anticipated development and to create greater public access along the sidewalk area of the property. Accordingly, the modified easement is ready for the Council's consideration. A copy of the Council's prior resolution, the deed and associated materials are attached.

Beacon Todd LLC
4 Cross Street
Beacon, NY 12508

21-May-2026

Mayor Kyriacou and City Council Members 1
Municipal Plaza
Beacon, NY 12508

Re: Beekman Street Utility Easement and Public Path Easement

Dear Mayor Kyriacou and City Council Members:

Beacon Todd, LLC hopes to enable future development of new housing and commercial space along Beekman Street, on the section between West Main Street and High Street, in accordance with the objectives set forth in Beacon Comprehensive Plan and Beacon Linkage District. We respectfully request the City's support in addressing two issues that prevent us from enabling such a development.

First, we request the City consider an amendment to the easement for underground COB utilities (water, sanitary and storm sewers) along Beekman Street. This adjustment will support an active streetscape consistent with the Linkage District goals and permit a more efficient design for any future development. The existing easement would require the building to be set back further from the curb of Beekman Street than necessary to protect COB utilities. The proposed change would allow retail storefronts to be located closer to the regular flow of pedestrians along the sidewalk, while fully protecting the City's ability to maintain and repair its utilities. The revised easement will ensure the City's preferred access-and-maintenance zone for each utility (a 20-foot-wide strip centered on the below-grade utility) defined by the COB Water Department and Consultant Engineer.

Second, we request the City enter into an easement agreement to codify the deed and sale requirement for a public path connecting West Main Street and Beekman Street. When the City of Beacon sold the parcel to Beacon Todd, LLC in 2015, the sale agreement included a redevelopment condition that Beacon Todd LLC maintain a path for the public to cross the property from Beekman Street to West Main Street. Our title search revealed that we never entered into a formal easement agreement for this redevelopment condition. An easement agreement will strengthen the City of Beacon's enforcement of this requirement while providing certainty to any future development investors that the property is complying with requirements.

Attached are exhibits describing the proposed changes to the Utility Easement, and exhibits establishing the Public Path Easement:

Utility Easement

- Draft First Amendment to Utility Easement Agreement
- Engineers Plan (letter + 30x42 sizes) of existing and proposed utility easement area, showing the existing underground COB utilities, attached as Schedule A to the Amendment to Utility Easement Agreement
- Legal Description and Surveyors Map of the Amended Utility Easement

Public Path Easement

- Draft Easement Agreement for the Public Path Easement
- Draft Termination and Release for the Condition of Sale to document the obligations for the Public Path condition of sale will now be enforced through the Public Path Easement Agreement.

These proposals offer the following benefits to the neighborhood and the COB:

- An updated easement fully protecting the City's access to utilities along Beekman Street and extending that easement west, around the corner, to cover the existing water line serving West Main Street.
- The potential for a streetscape on Beekman Street that is more fully consistent with the Comprehensive Plan, allowing storefronts to be located closer to the sidewalk than would be possible with the existing easement.

We are excited to participate in the restoration and reinforcement of commercial vitality in the Linkage District. We look forward to answering any questions and addressing any concerns the Council may have.

Sincerely,

Joe Donovan

cc: Natalie Quinn, KARC Planning Consultants
Nick Ward-Willis, Keane and Beane
John Russo, Lanc and Tully Engineering

G:\..\BT ..\Cap ..\Reg ..\Easement adj - COB Council 21-May-2026

Lindley Todd LLC
4 Cross Street
Beacon, NY 12508

24-June-2026
Mayor Kyriacou and City Council Members
1 Municipal Plaza
Beacon, NY 12508
Re: Amendment to COB easements on W.Main/Beekman/High Streets

Dear Mayor Kyriacou and City Council Members:

The attached site plan (pdf labeled *"Utility Easement Plan")* shows a concept design for an amended "Public Path". The proposal keeps the public path close to the building on West Main, and as close as possible to the current public path location to provide people with a clean, safe, and well-lit pathway throughout the year. The path location also supports the Linkage District goal of an active streetscape by bringing people past retail/commercial uses on the West Main Street side of a future development. That intent is illustrated in the rendering with pdf label of *"West Main Plaza proposal"*. This concept design is a draft proposal we expect to be adjusted in response to guidance from the Planning Board as part of the Site Plan Application process.

The site plan also shows current thoughts about footprint of the building relative to both the existing (25' wide) COB utility easement and the proposed/requested narrower easement negotiated with the COB water department. Bringing the face of the building closer to the Beekman Street brings several benefits to the project and to the general public:

- Greater engagement of the retail/commercial uses with the public way (and allowing compliance with the Linkage District zoning stipulation that the front setback/yard be no more than 20'). The quality of the streetscape we are aiming for is illustrated in the rendering with pdf label of *"Beekman Streetscape proposal"*.
- The adjusted easement adds several critical feet in the E-W dimension to the basement-level parking area, making it possible to accommodate more fully screened off-street parking spaces.
- Similarly, on the upper floors, those few extra feet will accommodate more gracious layouts for the apartments.

We believe the easement change will benefit the City as a whole and the immediate neighborhood, as well as the project itself, and we look forward to hearing about next steps.

Sincerely,

Joe Donovan
Lindley Todd, LLC

cc: Natalie Quinn, KARC Planning Consultants
Nick Ward-Willis, Keane and Beane
John Russo, Lanc and Tully Engineering

CITY OF BEACON
CITY COUNCIL

RESOLUTON NO. ____ OF 2026

RESOLUTION AUTHORIZING THE MODIFICATION OF A UTILITY AND PEDESTRIAN PATHWAY EASEMENT FOR REAL PROPERTY LOCATED AT 18-20 WEST MAIN STREET

WHEREAS, in 2016 the City Council authorized the conveyance of a 0.542 acre strip of land adjacent to 18-20 West Main Street in the City of Beacon, Dutchess County, New York; and

WHEREAS, said property was a remnant from urban redevelopment; and

WHEREAS, the conveyance in October 2017 was subject to the City reserving an easement for utilities and a pedestrian pathway, which deed recognized that it would be modified in the future in connection with any proposed redevelopment of the adjoining property of 18-20 West Main Street, when combined with the strip of land conveyed by the City; and

WHEREAS, the owner of 18-20 West Main Street has requested the City consider an amendment to the easement for underground City of Beacon utilities (water, sanitary and stormwater) along Beekman Street and that the requirement for the pedestrian path be adjusted to reflect the redevelopment of the property.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby approves the modification to the utility easement and public pedestrian path easement and authorizes the City Administrator to sign all documents necessary to effectuate the purpose of this resolution, subject to review and approval by the City Attorney and payment of the City's planning, legal and engineering fees incurred in consideration of reviewing the property owner's request.

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 55 OF 2016

RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROPERTY ON WEST MAIN STREET

WHEREAS, there exists a certain tract or parcel of land located at West Main Street, located in between the road bed and right of way of West Main Street and the real property located at 18 West Main Street (Parcel No. 130200-5954-26-647966) in the City of Beacon, Dutchess County, New York; and

WHEREAS, the City is the record owner of said parcel and the property is not needed by the City of Beacon for any municipal purposes; and

WHEREAS, the City Council has the authority pursuant to General City Laws §20 to sell and convey real property, when not needed for City purposes; and

WHEREAS, pursuant to Section 1.07 of the City Charter, the City Council may by resolution vote to sell City property upon such terms and conditions as the City Council may deem proper; and

WHEREAS, the City has reviewed the Purchase and Sale Agreement for the sale of the City-owned property to Beacon Todd, LLC for the amount of $1,500.00.

NOW THEREFORE, BE IT RESOLVED, that the City of Beacon City Council, in accordance with Article 8 of the State Environmental Conservation Law and 6 NYCRR Part 617 and upon review of the EAF and all other materials prepared for this unlisted action, hereby adopts the attached Negative Declaration.

BE IT FURTHER RESOLVED, the City Council hereby declares the real property as described above is not needed for municipal purposes and authorizes the Mayor or City Administrator to enter into a Purchase and Sale Agreement to convey the real property to Beacon Todd, LLC, along with all documents as may be necessary to effectuate the purpose of this Resolution, subject to review and approval by the City Attorney.

Resolution No. 55 of 2016		**Date: May 16, 2016**					
☐ ☐ **Amendments**					☐ **2/3 Required**		
☐ ☐ **Not on roll call.**			☐ **On roll call**		☐ **3/4 Required**		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
	X	**Ali Muhammad**	X				
X		**Omar Harper**	X				
		Lee Kyriacou	X				
		George Mansfield	X				
		Pamela Wetherbee	X				
		Peggy Ross	X				
		Mayor Randy J. Casale	X				
		Motion Carried	X				

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information		
City of Beacon		
Name of Action or Project: Sale of vacant land adjacent to 18 West Main Street, Beacon, New York		
Project Location (describe, and attach a location map): Adjacent to 18 West Main Street, Beacon, New York		
Brief Description of Proposed Action: Sale of vacant land that the City acquired through an urban renewal program.		
Name of Applicant or Sponsor: City of Beacon	Telephone: 845-838-5009 E-Mail: administrator@cityofbeacon.org	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	☑	☐

3.a. Total acreage of the site of the proposed action?	<1 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 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

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

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	☑	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	☑	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	☑	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: City of Beacon Date: May 16, 2016

Signature: _____

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

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

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☑	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☑	☐

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

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Beacon City Council	May 16, 2016
Name of Lead Agency	Date
Anthony Buggiero	City Administrator
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: _____ **Date: May 16, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Beacon City Council, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Sale of vacant land located adjacent to 18 West Main Street, Beacon, New York

SEQR Status: Type I _____

Unlisted __X__

Conditioned Negative Declaration: Yes _____

No __X__

Description of Action:
Sale of vacant land located adjacent to 18 West Main Street, Beacon, New York, acquired by the City pursuant to an urban renewal program.

Location: Adjacent to 18 West Main Street, Beacon, New York

Reasons Supporting This Determination:

COULD THE PROPOSED ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? **The proposed action will not result in any significant adverse impacts to air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or cause flooding problems.**

2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? **The proposed action will not result in any significant adverse impacts to aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character.**

3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? **The proposed action will not result in any significant adverse impacts to vegetation, fauna, fish, shellfish or wildlife species, significant habitat, or threatened or endangered species.**

4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? **The proposed action will not result in any significant adverse impacts to officially adopted plans or goals.**

5. Growth, subsequent development, or related activities likely to be induced by the proposed action? **The proposed action will not induce growth, subsequent development, or related activities.**

6. Long term, short term, cumulative, or other effects not identified in #1 through #5 above? **The proposed action will not result in significant adverse long-term, short-term, cumulative or other effects.**

7. Other impacts (including changes in use of either quantity or type of energy)? **None.**

Involved Agency:

For Further Information:

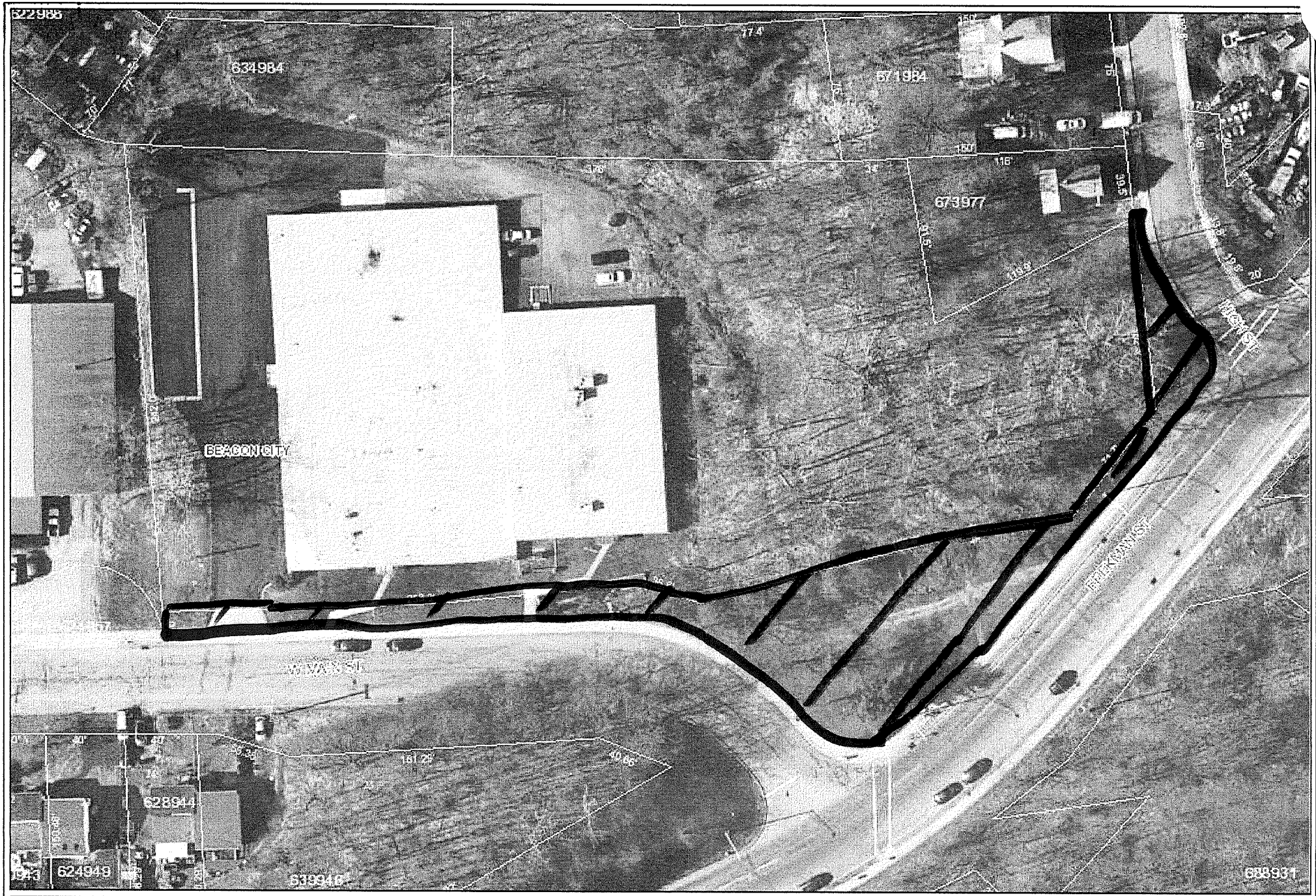
Contact Person: Anthony Ruggiero, City Administrator

Address: City of Beacon
One Municipal Plaza
Beacon, NY 12508

Telephone Number: (845) 838-5009 Fax (845) 838-5012

For Unlisted Actions, a copy of this notice has been filed with:

The City of Beacon



Dutchess County
New York

Parcel Lines

Dutchess County, NY

Printed by
ParcelAccess

0 35 70 ft

ParcelAccess
Internet
5/12/201



Dutchess County Clerk Recording Page

Record & Return To:

ARONS & NEARY LLP
126 BARKER ST

MOUNT KISCO, NY 10549

Date Recorded: 10/27/2017
Time Recorded: 11:46 AM

Document #: 02 2017 8110

Received From: ATTORNEY S TITLE INSURANCE AGENCY INC

Grantor: BEACON CITY
Grantee: BEACON TODD LLC

Recorded In: Deed
Instrument Type:

Tax District: City of Beacon

Examined and Charged As Follows :

Recording Charge:	$360.00
Transfer Tax Amount:	$6.00
Includes Mansion Tax:	$0.00
Transfer Tax Number:	2105

Red Hook Transfer Tax:

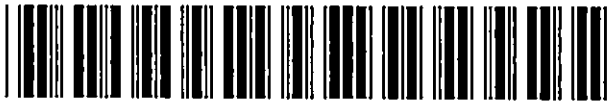
RP5217: Y
TP-584: Y

Number of Pages: 13

***** Do Not Detach This Page**
***** This Is Not A Bill**

County Clerk By: cba
Receipt #: 36174
Batch Record: 298

Bradford Kendall
County Clerk



0220178110

QUITCLAIM DEED

(INDIVIDUAL OR CORPORATION)
FORM 8009

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 17th day of October, 2017

between

ANTHONY RUGGIERO, City Administrator of the City of Beacon, a Municipal Corporation, having its offices at One Municipal Plaza, Suite One, Beacon, New York 12508

party of the first part, and

BEACON TODD LLC, having its offices at 4 Cross Street, Beacon, New York 12508

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One Thousand Five Hundred Dollars ($1,500.00), lawful money of the United States, paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, more particularly described in Schedule "A" attached hereto.

SUBJECT to Conditions of Sale annexed hereto as Schedule "B" and made a part hereof; and

SUBJECT to an easement for public access on the area of the premises indicated on the attached Schedule "C". Said public access easement shall be further delimited by construction by the party of the second part of the public path required under the Conditions of Sale annexed hereto as Schedule "B" and upon completion of such public path, a new easement agreement shall be executed by the parties herein or their successors-in-interest specifying the exact location of the public access easement, and which easement agreement shall be recorded in the County Clerk's Office.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises, *TO HAVE AND TO HOLD* the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

CITY OF BEACON

By: Anthony Ruggiero
Title: City Administrator

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

On the 17th day of October 2017, before me, the undersigned, personally appeared ANTHONY RUGGIERO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument. ✓

(signature and office of individual taking acknowledgment)

NICHOLAS M. WARD-WILLIS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02WA5027769
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES MAY 16, 2018

Quitclaim Deed

Grid No: p/o West Main Street

Return By Mail To:

John L. Arons, Esq.
Arons & Neary LLP
126 Barker Street
Mount Kisco, New York 10549

Schedule A

Howard W. Weeden, PLS, PC

Professional Land Surveying Services since 1991

62 Main Street, Walden, New York 12586

tel.: 845.778.7643 fax.: 845.778.7307

hwwpls@yahoo.com

March 7, 2015

SURVEY DESCRIPTION FOR BEACON TODD, LLC

Parcel to be Acquired from the City of Beacon

All that certain plot, piece, or parcel of land situate, lying and being in the City of Beacon, County of Dutchess, and State of New York and being more particularly bounded and described as follows;

Beginning at a point on the westerly side of High Street, said point being the southeasterly most corner of the lands reputedly of The Lindley LLC; thence from said point or place of beginning the following two (2) courses and distances along the new westerly side of said High Street, 1) on a curve concave to the east having a radius of 144.73 feet and an arc length of 90.18 feet; 2) on a curve concave to the west having a radius of 10.00 feet and an arc length of 14.97 feet; thence the following three (3) courses and distances along the new northwesterly side of Beekman Street, 1) South 53 degrees 12 minutes 05 seconds West a distance of 157.42 feet; 2) South 55 degrees 47 minutes 43 seconds West a distance of 53.90 feet; 3) South 61 degrees 08 minutes 39 seconds West a distance of 39.05 feet; thence the following four (4) courses and distances along the new northerly side of West Main Street, 1) on a curve concave to the north having a radius of 27.76 feet and an arc length of 40.04 feet; 2) North 36 degrees 13 minutes 33 seconds West a distance of 41.53 feet; 3) on a curve concave to the southwest having a radius of 141.74 feet and an arc length of

103.32 feet; 4) North 78 degrees 18 minutes 36 seconds West a distance of 222.86 feet; thence along the lands reputedly of Lo-Rac Fuel Corp., North 08 degrees 57 minutes 00 seconds East a distance of 15.00 feet; thence the following eight (8) courses and distances along the lands of Beacon Todd, LLC, 1) South 80 degrees 54 minutes 50 seconds East a distance of 144.63 feet; 2) South 82 degrees 45 minutes 40 seconds East a distance of 108.70 feet; 3) South 57 degrees 16 minutes 50 seconds East a distance of 35.65 feet; 4) North 89 degrees 26 minutes 00 seconds East a distance of 142.28 feet; 5) South 84 degrees 54 minutes 30 seconds East a distance of 54.58 feet; 6) North 51 degrees 50 minutes 50 seconds East a distance of 33.41 feet; 7) North 52 degrees 18 minutes 30 seconds East a distance of 38.35 feet; 8) North 06 degrees 42 minutes 00 seconds East a distance of 102.24 feet to the point or place of beginning, as surveyed by Howard W. Weeden, P.L.S., P.C., Walden, New York, on 13 July 2015 and containing 0.542 acres of land, more or less.

Schedule B

Schedule B – Terms and Conditions of Sale

I. Condition of Property

1. Seller makes no representations that the Property meets local, County or Federal ordinances, regulations or laws governing development of property commercially, industrially or otherwise. All permits, empowerments, permissions and grants necessary for the development of the Property are at the Purchaser's risk, cost and responsibility. Any variances, permissions or grants necessary to meet these requirements are likewise at Purchaser's risk, cost and expense.

2. All lands and premises are sold in an "AS IS" condition. The Seller has performed NO inspections to verify any of the land or premises that are being sold in an "AS IS" condition. Premises which are occupied shall be sold "AS IS" and a landlord/tenant relationship does not exist between the Seller and the occupant.

3. The Property will NOT be delivered at Closing "broom clean" and Seller shall have no obligation to remove any personal property present on the Property and Purchaser shall be responsible to remove any personal property or debris.

4. Except as specifically provided for in this Contract, the Seller makes no representation and gives no warranties as to the environmental conditions of the Property.

    a. For the purposes of these conditions, "Environmental Laws" mean Federal, State and local laws and regulations, common law, orders, and permits governing the protection of the environment, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, et seq. as amended (CERCLA); the Resource Conservation and Recovery Act, as amended 42 U.S.C. 6901, et seq.; the Clean Water Act, 33 U.S.C. 1251, et seq.; the Clean Air Act, 42, U.S.C. 7401, et seq.; the Toxic Substance Control Act, 15 U.S.C. 300f through 300j; et seq. and any amendments thereto together with any other similar laws regulating the environment existing at the time or coming into existence in the future.

    b. Purchaser acknowledges that it is taking the Property subject to all environmental conditions existing at the Property.

    c. Purchaser agrees to indemnify, defend, and hold harmless the Seller from all liability for any claims relating to any contamination, or violations of any Environmental Laws, as defined above regardless of whether relating to conditions existing prior to or following Closing, including reasonable attorneys' fees.

d. The representatives and warranties contained in this Paragraph shall survive Closing.

II. Redevelopment Conditions

5. The Deed contains an easement for the public to cross the Property from Beekman Street to West Main Street (the "Public Path") at a location to be mutually agreed to by the Purchaser and Seller. Said easement shall be shown on "Schedule C" attached hereto. The Purchaser, at the Purchaser's sole cost and expense, within 3 months of the date of Closing shall install a footpath of a minimum width of 48" to be composed of Item 4, as well as a wooden bench with a seating surface of a minimum of 16" deep by 48" wide anchored on concrete slab or pads path made of materials approved for City of Beacon sidewalks or other materials approved by the Seller along the Public Path and a resting area along the Public Path at a location to be mutually agreed to by the Purchaser and Seller. Any changes to the alignment, walking surface material and/or bench is to be mutually agreed upon by Seller and Purchaser through the issuance of a Building Permit. The Public Path and resting area shall be maintained in good condition by Purchaser and Purchaser shall be responsible for clearing the Public Path and resting area of any snow and/or ice.

III. Miscellaneous Matters

6. The Property consists of remnants of an urban redevelopment program and an exact metes and bounds description does not exist. "Schedule A" to this Deed is an ALTA/ACSM survey and legal description of the Property by Howard W. Weeden, PLS, P.C., a licensed land surveyor ("Purchaser's Survey").

7. Intentionally Omitted.

8. All sales shall be final and without recourse, and in no event shall the Seller be liable for any defects in title for any cause whatsoever. No claim, demand or suit of any nature shall exist in favor of the Purchaser, his/her heirs, successors or assigns, against the Seller arising from this sale. This paragraph shall survive the Closing.

9. The Seller hereby retains a reversionary interest in the Property for the purpose of assuring compliance with the terms of Schedule B (Terms and Conditions of Sale), Paragraph 5 above. This reversionary interest shall be set forth in the Deed and shall be binding upon any successor owner of the Property until such time as all conditions have been satisfied. If these Conditions of Sale are not satisfied within the specified times outlined herein, the Property shall revert to the Seller, free and clear of any and all claims, encumbrances or other liens as set forth below:

a. If Purchaser fails to comply with any of the conditions set forth in these Conditions of Sale, the Seller shall provide Purchaser a Notice of Failure to Comply with Terms and Conditions of Sale. Purchaser shall have thirty (30) days after receipt of such Notice to comply.

b. If Purchaser has failed to correct the condition that is set forth in the Notice by the end of thirty (30) days or as such time as may be extended in writing by the Seller, the City Council and Seller shall at its regularly scheduled meeting, adopt a Resolution declaring Purchaser to be in default.

c. Seller shall send a certified copy of such Resolution to Purchaser. Purchaser agrees that upon receipt of a certified copy of the Resolution adopted by the City Council declaring Purchaser to be in default of these terms and conditions of sale, Purchaser shall, within ten (10) days, execute a deed conveying the Property to the Seller at no cost.

d. In the event Purchaser fails to execute such deed, Seller shall have the right to commence an action in Supreme Court, Dutchess County compelling Purchaser to execute the deed and convey the Property to the Seller. Purchaser shall be responsible for all legal fees and expenses incurred by the Seller in preparing the Notice, Resolution and costs associated with any litigation.

10. The Seller reserves the right to extend or modify for good reason any of the conditions listed above.

11. Purchaser represents that it owns the adjacent property at 18 West Main Street, Parcel Grid ID#130200-5954-26-647966-0000 (the "Adjacent Parcel"). It is the intent of the Parties that Purchaser shall resubdivide the Property by deed with the Adjacent Parcel at Closing to create a single parcel consisting of both the Property and the Adjacent Parcel. Seller will consider a resubdivision by deed in this instance only and without creating any precedent in the future for any third person to rely upon, as the City is the Seller and the City will be receiving a survey and legal description prior to the conveyance to assure itself as to the accuracy of the description of the land being conveyed and resubdivided.

12. Following Closing, Purchaser shall coordinate with the Tax Assessor and DC Real Property Tax, at Purchaser's sole cost and expense, to merge the Property with the Adjacent Parcel, so that the Property and the Adjacent Parcel are combined into one single tax parcel. In the event that the Property is not presently on the Assessment Roll and assessed real property taxes, Purchaser agrees to pay its proportionate share of city, county and school taxes at Closing in an amount equal to that which it would have been apportioned if the Property were on the City's Assessment Roll. If the Property is not listed on the Assessment Roll (or will not be listed when the Assessment Roll is next

published), Purchaser shall make no objection to the Property being restored to the Assessment Roll and the Property being assessed omitted taxes, which shall be Purchaser's obligation to pay. In no event shall the Seller be responsible for the payment of any property taxes.

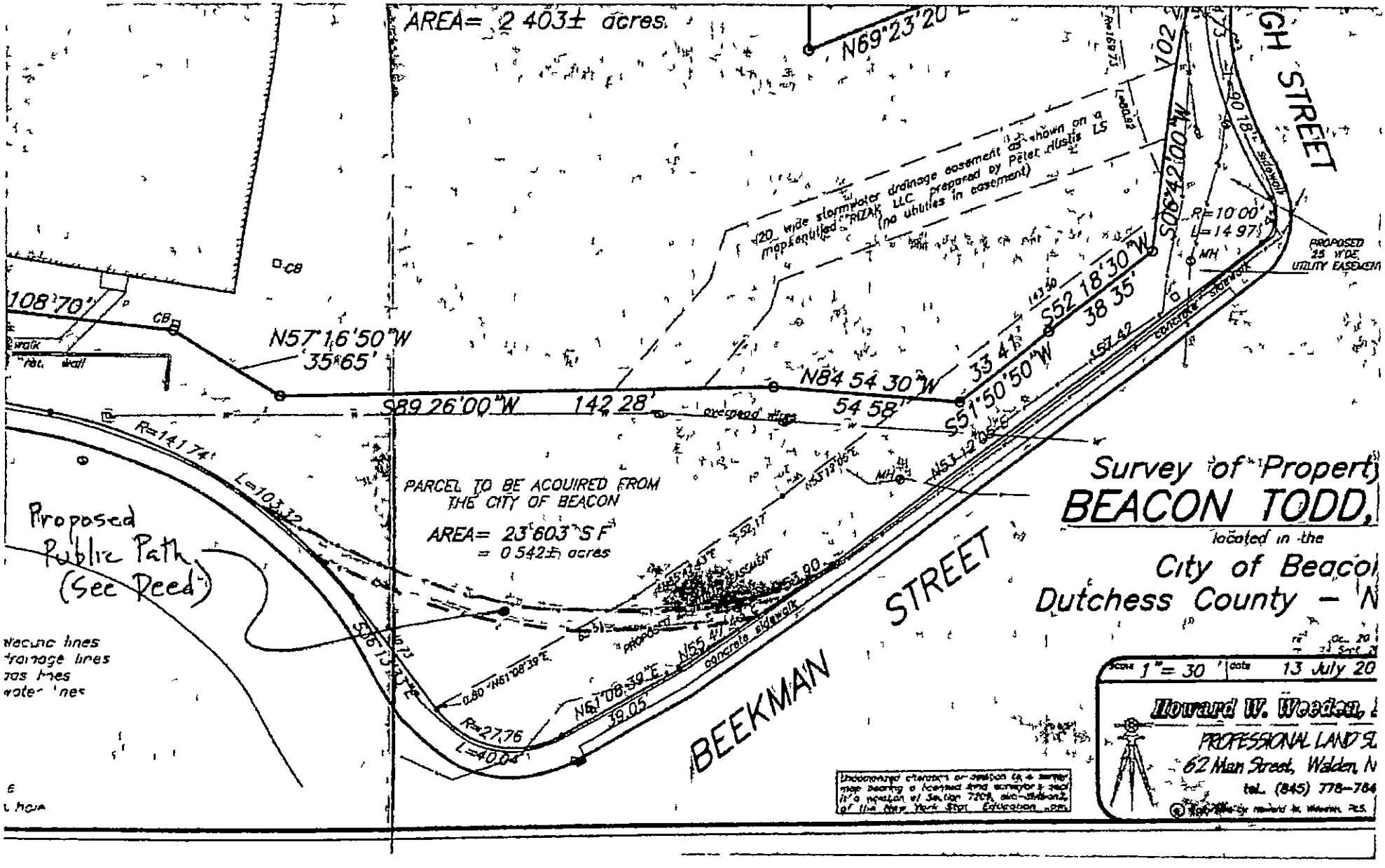
13. In accordance with NYS Tax Law §1405, Purchaser shall be responsible for paying the New York State real estate transfer tax.

14. Purchaser shall be responsible for paying Seller's reasonable attorneys' fees for this transaction at Closing.

15. All of the terms, obligations and conditions set forth in paragraphs 1 to 14 shall survive the Closing.

Schedule C

SCHEDULE "C"


AREA= 2.403± acres.
N69°23'20"E
20' wide stormwater drainage easement as shown on a map entitled "RIZAK LLC prepared by Peter Hustis LS (no utilities in easement)
GH STREET
R=10.00'
L=14.97'
PROPOSED 25' WIDE UTILITY EASEMENT
MH
CB
108.70'
N57°16'50"W
35.65'
S89°26'00"W 142.28'
N84°54'30"W
33.41'
S52°18'30"W
38.35'
S51°50'50"W
54.58'
S06°42'00"W
102.75'
R=14.74'
L=10.32'
Proposed Public Path (See Deed)
PARCEL TO BE ACQUIRED FROM THE CITY OF BEACON
AREA= 23,603 S.F.
= 0.542± acres
BEEKMAN STREET
N61°08'39"E
39.05'
R=27.76'
L=40.04'
S06°13'33"E
0.80'
concrete sidewalk
Survey of Property
BEACON TODD,
located in the
City of Beacon
Dutchess County – N
Scale 1" = 30'
Date 13 July 20
Howard W. Weaden,
PROFESSIONAL LAND SU
62 Main Street, Walden, N
tel. (845) 778-784



Dutchess County Clerk Recording Page

Record & Return To:

ARONS & NEARY LLP
126 BARKER ST

MOUNT KISCO, NY 10549

Date Recorded: 10/27/2017
Time Recorded: 11:46 AM

Document #: 02 2017 8112

Received From: ATTORNEY S TITLE INSURANCE AGENCY INC

Grantor: BEACON TODD LLC
Grantee: BEACON CITY

Recorded In: Deed
Instrument Type: EASE

Tax District: City of Beacon

Examined and Charged As Follows :

Recording Charge:	$105.00
Transfer Tax Amount:	$0.00
Includes Mansion Tax:	$0.00
Transfer Tax Number:	2107

Red Hook Transfer Tax:

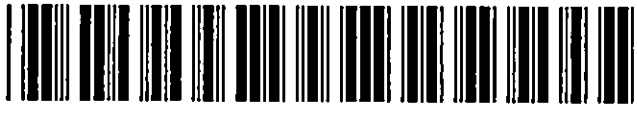
RP5217: N
TP-584: Y

Number of Pages: 12

***** Do Not Detach This Page**
***** This is Not A Bill**

County Clerk By: cba
Receipt #: 36174
Batch Record: 298

Bradford Kendall
County Clerk



0220178112

DB Ease 116 100 S 105

UTILITY EASEMENT AGREEMENT

This AGREEMENT, made the 17th day of October, 2017, between Beacon Todd LLC, with offices at 4 Cross Street, Beacon, New York 12508 ("Grantor") and the City of Beacon, with offices at One Municipal Plaza, Suite One, Beacon, New York 12508 ("Grantee").

WHEREAS, the Grantor is the owner of parcels of land hereinafter described, situate, and being in the City of Beacon, Dutchess County, New York, which property is shown on the tax map of the City of Beacon as Parcel Number 130200-5954-26-647966 and vacant land adjacent thereto which does not have a parcel number (collectively, the "Premises"); and

WHEREAS, the Grantee desires to acquire from the Grantor a permanent easement on a portion of the Premises more fully described in Schedule A annexed hereto (the "Easement Area") for the purpose of installing, operating, inspecting, maintaining, repairing and replacing water and electrical utilities, including poles, lines, pipes, conduits, tunnels and similar appurtenances (the "Improvements"), needed to provide these utilities; and

WHEREAS, the Grantor agrees to convey to the Grantee such easement, subject to the conditions and for the purposes hereinafter set forth.

NOW, THEREFORE, in consideration of Ten ($10.00) Dollars paid by the Grantee to the Grantor, the receipt whereof is hereby acknowledged, and the covenants of the respective parties, as hereinafter set forth, the parties hereby covenant and agree as follows:

1. The Grantor does hereby for itself, and its heirs, successors and assigns, grant and convey to the Grantee, its successors, assigns employees, agents and authorized representatives, a perpetual exclusive right-of-way and easement to maintain, repair and replace the Improvements as may be deemed necessary by the Grantee, in said Easement Area as shown on the survey in Schedule B annexed hereto.

2. The easement rights granted herein include pedestrian access upon, over, under and across the Easement Area and the right to bring equipment onto the Easement Area as is necessary for the purposes set herein.

3. No building or structure of any kind shall be erected over the Easement Area by or on behalf of either the Grantee or the Grantor during the term of the respective easements, nor will the Grantor plant or landscape any unimproved area within the

Easement Area during the term of the respective easements except for grass, or pavement if approved by the City of Beacon.

4. In connection with any work performed by the Grantee, the Grantee will restore the surface of the Premises to the same condition that it was prior to the performance of such work to the extent reasonably practicable and to grade and seed the area, and if the area is paved as permitted by the City, Grantee shall pave such surface area. Such restoration shall be performed at the Grantee's sole cost and expense if resulting from work performed by the Grantee, except that if any such work is necessitated by any act or omission of the Grantor, then said cost and expense shall be payable by the Grantor. Any sum which is not paid after the Grantee's reasonable request for the same shall become a lien against the Premises collectable in the same manner as real property taxes.

5. It is agreed and consented to by the Grantor that the sole obligation of the Grantee in restoring the Easement Area or other portions of the Premises disturbed by the work hereunder is to restore the surface of the Premises to the same condition that it was prior to the performance of such work to the extent reasonably practicable and to grade and seed the area, and if the area is paved as permitted by the City, Grantee shall pave such surface area. Said restoration and other work to be performed hereunder shall be performed to the satisfaction of the City Engineer. Any dispute as to such restoration shall be submitted to arbitration pursuant to the Rules of the American Arbitration Association.

6. It is expressly understood that it may be necessary to remove as part of said work many, or possibly all of the trees, shrubs and bushes presently, or which in the future may be located within the Easement Area, or any improvement that may have been located in such Easement Area in violation of the terms of this Agreement. Grantee shall not be responsible for restoring or replacing any landscaping, structures or other items placed in the Easement Area in violation of this Agreement.

7. Grantor its successors and assigns, shall in no manner disturb the use and enjoyment or interfere with the intended purposes of said Easement Area by performing excavation in or near said easement so as to expose or jeopardize the Improvements within the Easement Area.

8. Grantor reserves to itself, its heirs, successor and assigns, its respective tenants, workers, employees and agents the right to enter upon the Easement Area for access to any portion of the Premises so long as it does not interfere with the use and enjoyment of this Utility Easement.

9. The Grantee agrees to indemnify and hold the Grantor, and its successors and assigns, harmless from and with respect to any and all claims, demands, costs and liability for personal injury (including death) and property damage hereafter arising or accruing with respect to any entry onto the Easement Area by Grantee, its contractors, agents and

employees under this Agreement, except such claim, demand, cost or liability as may result from the negligent act or omission of the Grantor, its servants, agents and/or employees.

10. This Easement shall be of perpetual duration and shall run with the fee of the Premises.

11. All of the work referred to herein shall be done in accordance with all applicable laws, ordinances, rules and regulations of any and all government agencies and departments having jurisdiction over such work, including without limitation by reason of specification all laws, rules and regulations applicable to the installation and maintenance of adequate erosion control measures.

12. Prior to each exercise of the easement rights granted herein, the Grantee shall make reasonable efforts to provide reasonable advance notice to the owner of the Premises of the intent to enter upon the Easement Area. In cases of emergency, no prior notice need be given.

13. This Agreement shall be subject to all easements, rights-of-way, covenants or restrictions of record.

14. If any provision of this Agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the Agreement or the application of such provisions to persons or circumstances other than those to which is found to be invalid as the case may be, shall not be affected thereby.

15. This Agreement can be amended or modified only in writing in such form as is required to record a modification hereto in the Office of the Dutchess County Clerk, Division of Land Records, and signed by the parties.

16. This Agreement shall be effective upon execution by both parties and the recording thereof in the office of the Dutchess County Clerk, Land Records Division.

IT IS FURTHER UNDERSTOOD AND AGREED that this Agreement shall:

1. Apply to the owner of the Premises and all successors and assigns;

2. Be enforceable by the City, its agents and employees, by an action for injunction, damages or other relief, and in the event the City prevails in such action, the City shall be reimbursed for all costs and expenses, including reasonable attorneys' fees, incurred in connection therewith, which shall be a lien against the property or properties on which any violation occurs.

3. Inure to the benefit of the City and may not be modified, amended, or terminated without prior written consent and approval of the City.

IN WITNESS WHEREOF we have hereunto set our hands and seals the day and year first above written.

BEACON VODD LLC

By: _____
Joseph Donovan, Managing Member

CITY OF BEACON

By: _____
Anthony Ruggiero, City Administrator

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

On the 17th day of October, 2017, before me, the undersigned, personally appeared JOSEPH DONOVAN personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

LISA M. GIGLIOTTI
Notary Public, State of New York
No. 02GI5012918
Qualified in Dutchess County
Commission Expires June 15, 2019

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

On the 17th day of October, 2017, before me, the undersigned, personally appeared ANTHONY RUGGIERO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

NICHOLAS M. WARD-WILLIS
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02WA5027769
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES MAY 16, ~~1930~~ 2018

Schedule A

Howard W. Weeden, PLS, PC

Professional Land Surveying Services since 1991

62 Main Street, Walden, New York 12586

tel.: 845.778.7643 fax.: 845.778.7307

hwwpls@yahoo.com

Need Easements as a JCS map

March 7, 2015

SURVEY DESCRIPTION FOR BEACON TODD, LLC

Proposed 25' Utility Easement

All that certain plot, piece, or parcel of land situate, lying and being in the City of Beacon, County of Dutchess, and State of New York and being more particularly bounded and described as follows;

Beginning at a point on the westerly side of High Street, said point being the southeasterly side of the lands reputedly of The Lindley, LLC; thence from said point or place of beginning the following two (2) courses and distances along the new westerly side of said High Street, 1) on a curve concave to the east having a radius of 144.73 feet, an arc length of 90.18 feet, and a chord of South 14 degrees 43 minutes 47 seconds East a distance of 88.73 feet; 2) on a curve concave to the west having a radius of 10.00 feet, an arc length of 14.97 feet, and a chord of South 10 degrees 18 minutes 36 seconds West a distance of 13.61 feet; thence the following three (3) courses and distances along the new northwesterly side of Beekman Street, 1) South 53 degrees 12 minutes 05 seconds West a distance of 157.42 feet; 2) South 55 degrees 47 minutes 43 seconds West a distance of 53.90 feet; 3) South 61 degrees 08 minutes 39 seconds West a distance of 39.05 feet; thence the following two (2) courses and distances along the northeasterly side of West Main Street, 1) on a curve concave to the northeast having a radius of 27.76 feet, an arc length of 40.04 feet,

and a chord of North 77 degrees 32 minutes 27 seconds West a distance of 36.66 feet; 2) North 36 degrees 13 minutes 33 seconds West a distance of 0.80 feet; thence the following four (4) courses through the lands reputedly of Beacon Todd, LLC, 1) North 61 degrees 08 minutes 39 seconds East a distance of 65.51 feet; 2) North 55 degrees 47 minutes 43 seconds East a distance of 52.17 feet; 3) North 53 degrees 12 minutes 05 seconds East a distance of 143.50 feet; 4) on a curve concave to the east having as radius of 169.73 feet, an arc length of 80.92 feet, and a chord of North 41 degrees 11 minutes 55 seconds West a distance of 80.16 feet; thence along the lands reputedly of said The Lindley, LLC, North 69 degrees 23 minutes 20 seconds East a distance of 26.93 feet to the point or place of beginning, as surveyed by Howard W. Weeden, P.L.S., P.C., Walden, New York, on 13 July 2015.

Schedule B

Howard W. Weeden, PLS, PC

Professional Land Surveying Services since 1991

62 Main Street, Walden, New York 12586

tel.: 845.778.7643 fax.: 845.778.7307

hwwpls@yahoo.com

March 7, 2015

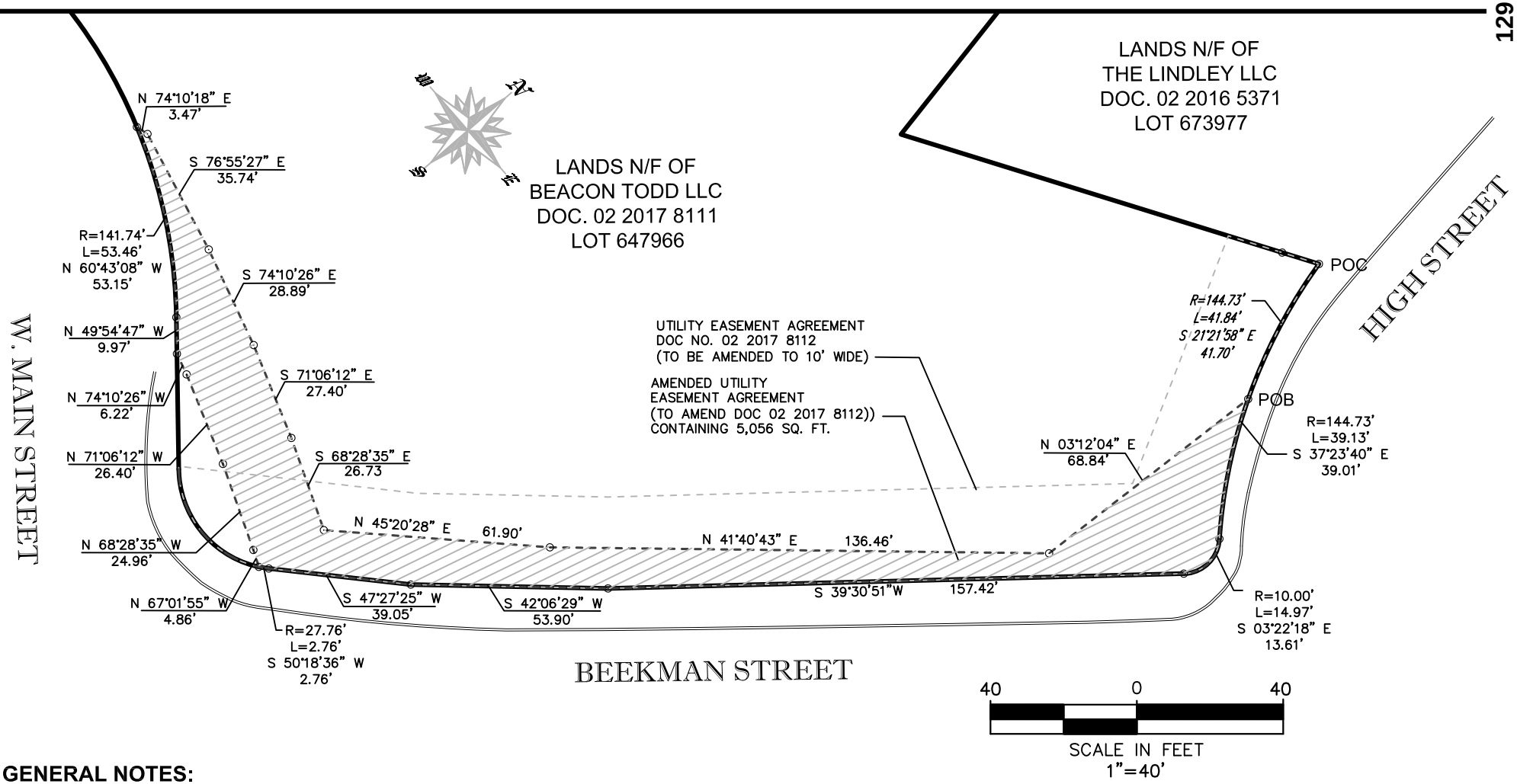
SURVEY DESCRIPTION FOR BEACON TODD, LLC

Total Parcel with Lands Acquired from the City of Beacon

All that certain plot, piece, or parcel of land situate, lying and being in the City of Beacon, County of Dutchess, and State of New York and being more particularly bounded and described as follows;

Beginning at a point on the westerly side of High Street, said point being the southeasterly most corner of the lands reputedly of The Lindley LLC; thence from said point or place of beginning the following two (2) courses and distances along the new westerly side of said High Street, 1) on a curve concave to the east having a radius of 144.73 feet and an arc length of 90.18 feet; 2) on a curve concave to the west having a radius of 10.00 feet and an arc length of 14.97 feet; thence the following three (3) courses and distances along the new northwesterly side of Beekman Street, 1) South 53 degrees 12 minutes 05 seconds West a distance of 157.42 feet; 2) South 55 degrees 47 minutes 43 seconds West a distance of 53.90 feet; 3) South 61 degrees 08 minutes 39 seconds West a distance of 39.05 feet; thence the following four (4) courses and distances along the new northerly side of West Main Street, 1) on a curve concave to the north having a radius of 27.76 feet and an arc length of 40.04 feet; 2) North 36 degrees 13 minutes 33 seconds West a distance of 41.53 feet; 3) on a curve concave to the southwest having a radius of 141.74 feet and an arc length of

103.32 feet; 4) North 78 degrees 18 minutes 36 seconds West a distance of 222.86 feet; thence along the lands reputedly of Lo-Rac Fuel Corp., North 08 degrees 57 minutes 00 seconds East a distance of 257.01 feet to an iron pin found, said pin being South 75 degrees 15 minutes 50 seconds East a distance of 24.59 feet from a nail found; thence continuing along the lands reputedly of said Lo-Rac Fuel Corp., and along the lands reputedly of Diaz, South 75 degrees 15 minutes 50 seconds East a distance of 375.65 feet; thence the following two (2) courses and distances along a deed overlap with the lands reputedly of Case, 1) South 04 degrees 59 minutes 40 seconds West a distance of 4.90 feet to an iron pin found; 2) South 85 degrees 00 minutes 18 seconds East a distance of 34.00 feet; thence the following two (2) courses and distances along the lands reputedly of said The Lindley, LLC, 1) South 00 degrees 29 minutes 40 seconds West a distance of 91.50 feet; 2) North 69 degrees 23 minutes 20 seconds East a distance of 119.91 feet to the point or place of beginning, as surveyed by Howard W. Weeden, P.L.S., P.C., Walden, New York, on 13 July 2015 and containing 2.945 acres of land, more or less.



GENERAL NOTES:

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES .

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

SURVEY SHOWN IS SUBJECT TO ANY SUBSURFACE CONDITIONS THAT MAY EXIST, IF ANY.

REVISED: MAY 19, 2026

18 W. MAIN STREET

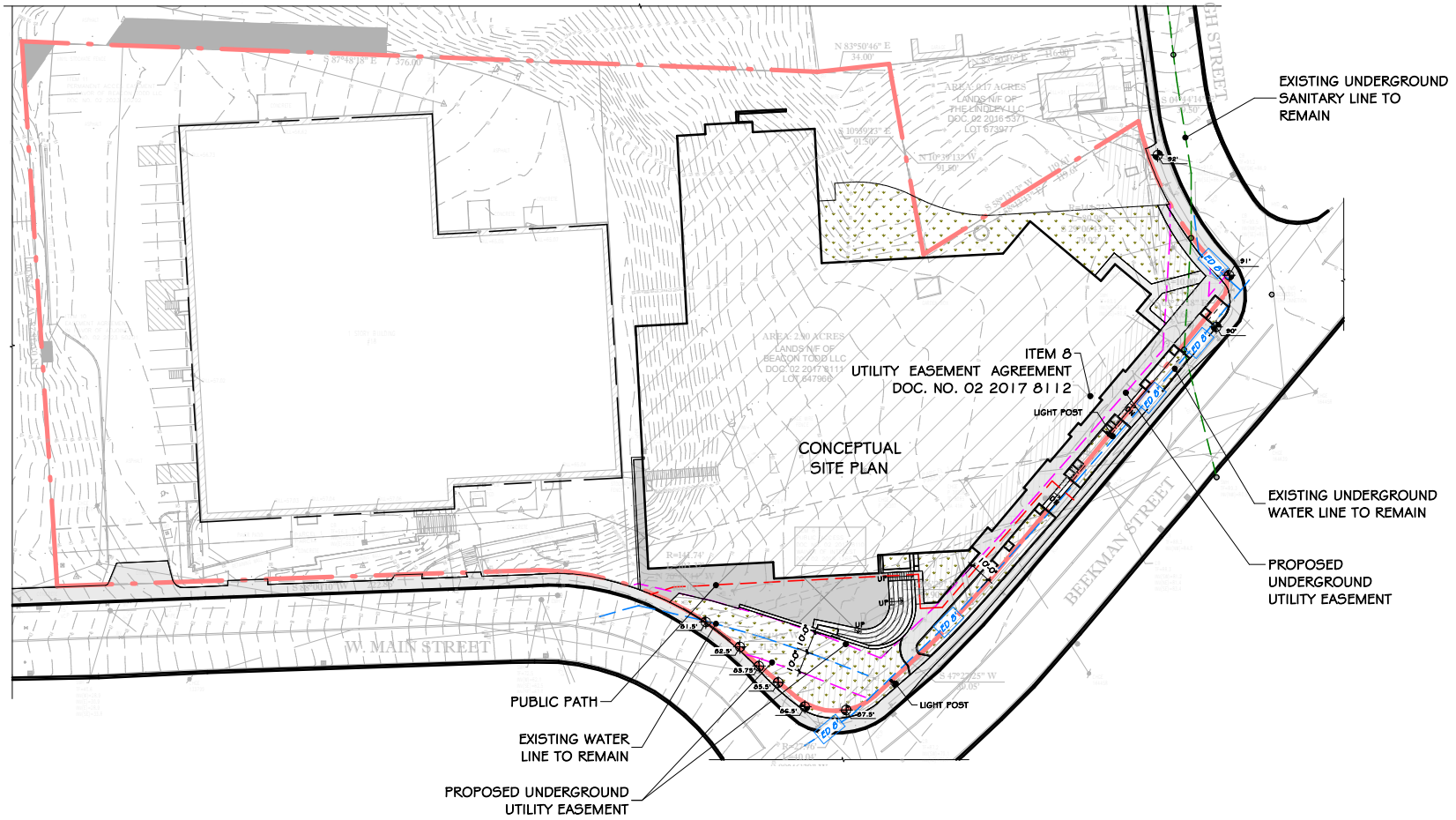
MAP OF PROPOSED UTILITY EASEMENT AMENDMENT

CITY OF BEACON	DUTCHESS COUNTY,N.Y.
SCALE: 1"=40'	MAY 9, 2026
DRAWN BY: VPA	PROJECT NO: 25-3879

STATE OF NEW YORK · VINCENT P. AUSFELD · EXCELSIOR · 49597 · LICENSED PROFESSIONAL SURVEYOR

AUSFELD & WALDRUFF LAND SURVEYORS LLP
323 CLINTON STREET, SCHENECTADY NY
PHONE : (518) 346-1595 FAX:(518)770-1655

VINCENT P. AUSFELD P.L.S.
LICENSE #049597
www.awlsllp.com



1 EASEMENT PLAN - UNDERGROUND UTILITIES
1" = 80'-0"

GENERAL NOTES

SITE IMPROVEMENTS WITHIN EASEMENT:

1. HARDSCAPE IMPROVEMENTS: WALKWAYS/SIDEWALK SURFACES SHALL BE CONSTRUCTED OF CONCRETE, PAVERS, ASPHALT OR GRAVEL; STEPS/STAIRCASES SHALL BE CONSTRUCTED OF CONCRETE OR PAVERS WITH HANDRAILS INCLUDED, WHERE NECESSARY.
2. LANDSCAPING: VEGETATIVE GROUNDCOVERS AND SHRUB PLANTINGS. TREES ONLY PERMITTED WITHIN MOVEABLE PLANTERS.
3. STREETSCAPE FURNITURE: MOVEABLE BENCHES, PLANTERS, AND TRASH RECEPTACLES.

SITE PLAN LEGEND

LIGHT POSTS	
SANITARY	
WATER	
PROPOSED UTILITY EASEMENT	
PUBLIC PATH	
PROPERTY LINE	
ESTIMATED DEPTH	ED

REVISIONS:

NUM.	DATE	DESCRIPTION

100% CONSTRUCTION DOCUMENTS

PROJECT NORTH

KEY PLAN

ADG ARCHITECTS
25 WALLKILL AVE ● MONTGOMERY ● NY 12549
O. 845.294.2724 | F. 888.305.6442
WWW.ADGARCHITECT.COM
CONTACT@ADGARCHITECT.COM
ARCHITECTURE ● PLANNING ● INTERIORS

Project: WEST MAIN, BEACON
39 WEST MAIN STREET, BEACON, NY

Drawing: UTILITY EASEMENT PLAN

Project:	24130	Date:	06/18/26
Drawn:	IDEA	Scale:	AS NOTED

Drawing Number: EX-1.1

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Pedestrian Perspective Renderings



Pedestrian Perspective Renderings





1 BIRD'S EYE-LEVEL EXTERIOR RENDERING

GENERAL NOTES

SITE PLAN LEGEND

PUBLIC PATH	

REVISIONS:

NUM.	DATE	DESCRIPTION

100% EASEMENT DOCUMENT

PROJECT NORTH

KEY PLAN

ADG ARCHITECTS
25 WALLKILL AVE ● MONTGOMERY ● NY 12549
O. 845.294.2724 | F. 888.305.6442
WWW.ADGARCHITECT.COM
CONTACT@ADGARCHITECT.COM
ARCHITECTURE ● PLANNING ● INTERIORS

Project: WEST MAIN, BEACON
30 WEST MAIN STREET, BEACON, NY

Drawing: BIRD'S EYE VIEW EXTERIOR RENDERING

Project: 24130 Date: 07/27/26
Drawn: IDEA Scale: AS NOTED
Drawing Number: EX-2

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1 EYE-LEVEL PLAZA EXTERIOR RENDERING

GENERAL NOTES

REVISIONS:

NUM.	DATE	DESCRIPTION

100% EASEMENT DOCUMENT

PROJECT NORTH

KEY PLAN

ADG ARCHITECTS
25 WALLKILL AVE ● MONTGOMERY ● NY 12549
O. 845.294.2724 | F. 888.305.6442
WWW.ADGARCHITECT.COM
CONTACT@ADGARCHITECT.COM
ARCHITECTURE ● PLANNING ● INTERIORS

Project: WEST MAIN, BEACON
30 WEST MAIN STREET, BEACON, NY

Drawing: EYE-LEVEL PLAZA EXTERIOR RENDERING

Project: 24130 Date: 07/27/26
Drawn: IDEA Scale: AS NOTED
Drawing Number: EX-3

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Title:

Resolution No. 94 - Adopting Local Law No. 6 of 2026 Concerning Short-Term Rentals

ATTACHMENTS

Resolution Adopting Local Law No. 6 of 2026 Concerning Short-Term Rentals

Local Law No. 6 of 2026 Concerning Short-Term Rentals

City of Beacon Planning Board Memorandum Regarding Local Law No. 6 of 2026 Concerning Short-Term Rentals

Dutchess County Planning Memorandum Regarding Local Law No. 6 of 2026 Concerning Short-Term Rentals

Keane & Beane, P.C. Memorandum Regarding Local Law No. 6 of 2026 Concerning Short-Term Rentals (Sep. 8, 2026)

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 94 OF 2026

ADOPTING LOCAL LAW NO. 6 OF 2026 TO AMEND THE BEACON CITY CODE CONCERNING SHORT-TERM RENTALS

WHEREAS, pursuant to Resolution No. 2026-077, passed on September 21, 2026, the City of Beacon City Council set a public hearing for October 19, 2026, regarding a proposed Local Law to amend Chapter 223 of the City Code, Zoning, concerning the short-term rentals; and

WHEREAS, notice for said public hearing was published in the City's official newspaper, and

WHEREAS, on October 19, 2026, the City Council opened and closed a duly noticed public hearing concerning the proposed Local Law, and all those in attendance wishing to be heard on the proposed Local Law were given the opportunity to do so; and

WHEREAS, pursuant to N.Y. General Municipal Law § 239-m and City Code § 223-66, the City Council referred the proposed Local Law to the City of Beacon Planning Board and Dutchess County Department of Planning & Development; and

WHEREAS, by letter dated October 16, 2026, the Beacon Planning Board issued its report on the proposed Local Law with comments; and

WHEREAS, by letter dated October 19, 2026, the Dutchess County Department of Planning & Development issued its report on the proposed Local Law with comments; and

WHEREAS, the proposed Local Law is classified as a Type II action pursuant to the State Environmental Quality Review Act ("SEQRA") under 6 NYCRR §§ 617.5 (26) and (33) because the changes are administrative in nature, a local legislative decision, and do not impact the environment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts Local Law No. 6 of 2026, amending Chapter 223 of the Beacon City Code concerning short-term rentals.

Resolution No. 94 of 2026		**Date: November 2, 2026**					
☐ **Amendments**						☐ **2/3 Required**	
☐ **On roll call**						☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Bennett Glauda					
		Mayor Lee Kyriacou					
		Motion Carried					

CITY COUNCIL
CITY OF BEACON

LOCAL LAW NO. ___ OF 2026

A LOCAL LAW TO AMEND CHAPTER 223 OF THE BEACON CITY CODE CONCERNING SHORT-TERM RENTALS

A LOCAL LAW to amend Chapter 223, Zoning, of the Beacon City Code, concerning short-term rentals.

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

Section 1. Chapter 223 of the Beacon City Code, Article III – General Regulations, Section 223-26.5 entitled "Short-term rentals," is hereby amended as follows:

§ 223-26.5. Short-term rentals.

A. Findings. The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. By this section, the City Council seeks to allow short-term rentals in dwelling units located in single-family homes, two-family homes, ~~accessory apartments~~ and multifamily dwellings. The City Council recognizes that the impacts of short-term rentals may be different in multifamily dwellings compared to short-term rentals in single-family and two-family homes. The impacts may be more acute in multifamily dwellings due to the shared style of community living, the proximity of dwelling units to one another, and use of shared community space. To address these concerns the City Council has adopted more stringent enforcement requirements for short-term rental units in multifamily dwellings. The City Council believes that the restrictions and requirements imposed herein further the City's goals and objectives and promote the protection of the health, safety and welfare of the City and its residents.

B. Definitions. As used in this section, the following words shall have the meanings indicated:

BOOKING SERVICE

Any offering, solicitation, marketing, reservation and/or payment service provided by a person, as defined herein, that facilitates a short-term rental transaction between an owner or tenant and a prospective guest of a short-term rental, and for which such person providing the offer, solicitation, marketing, reservation and/or payment service collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the offering, solicitation, marketing, reservation and/or payment services provided of the short-term rental from users of a short-term rental.

DWELLING UNIT

A building, or portion thereof, providing complete housekeeping facilities for one family.

GUEST

Any person who rents, leases, or otherwise occupies a short-term rental for less than 30 consecutive days and pays a fee to the owner, tenant or Booking Service in order to occupy said short-term rental.

OCCUPIED PRIMARY RESIDENCE

A dwelling unit used by the owner or tenant as his or her or their primary residence. All owners of the business entity must use the premises as his or her or their primary residence. When a property is titled in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.

OWNER

Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term "owner" shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.

PERSON

Any person, individual, corporation, governmental entity, partnership, association, trustee or other legal entity.

PRIMARY RESIDENCE

The primary location that a person inhabits and resides most of the year.

SHORT-TERM RENTAL

An entire dwelling unit, or a room or group of rooms within a dwelling unit, made

~~available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.~~

~~TENANT~~

~~Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.~~

~~C.~~B. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit.

~~D.~~C. Any dwelling unit, or room(s) therein, located in a one-family home, two-family home, ~~accessory apartment,~~ or multifamily dwelling may be used as short-term rentals subject to the requirements set forth in this section. Short-term rentals shall be permitted in all zoning districts within the City of Beacon. Pursuant to § 223-24.1G an accessory apartment shall not be utilized for short-term rentals.

~~E.~~D. Permit application.

(1) An application for a short-term rental permit shall be filed and a short-term rental permit shall be obtained before the dwelling unit, or a room or group of rooms within a dwelling unit is advertised for short-term rental, and, if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.

(2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City fee schedule.

(3) If a tenant seeks a short-term rental permit, the tenant's application shall be signed by the landlord.

(4) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application ~~shall~~ may contain, at a minimum:

(a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property;

(b) Copy of utility bill in the applicant's name;

(c) Property address; total number of rooms; location; number of persons.

[1] The property address;

[2] The total number of dwelling units located within the building;

[3] The total number of bedrooms and bathrooms inside the dwelling unit;

[4] The total number of rooms proposed for short-term rental use;

[5] The location of each such dwelling unit or individual bedroom within the building; and

[6] The number of persons to be accommodated in each room available for short-term rental use;

(d) A signed and notarized certification in a form acceptable to the Clerk by the applicant attesting to the fact that:

[1] The applicant resides at the property and it is the applicant's primary residence;

[2] That the property is fit for human habitation and safe;

[3] That the applicant will comply with all of the conditions and restrictions of the permit;

[4] That no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law;

[5] That the property is in compliance with all the provisions of this article, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and

[6] The required building permits and certificates of occupancy are in place for all existing structures on the property if applicable;

(e) Proof of short-term rental insurance with minimum liability coverage in the amount of $300,000.00 for third party claims arising out of property damage or bodily injury. Such insurance shall be issued by an insurer admitted in New York State or by insurance maintained by a Booking Service that provides equal or greater coverage;

~~(e)~~**(f)** Such other information as the City may require to prove the property is an occupied primary residence and safe for renters; and

~~(f)~~**(g)** If an applicant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of a responsible person with the right to enter and maintain possession of the dwelling. Such responsible person must be available 24 hours a day to respond in person to tenant and neighborhood concerns and be capable of

responding in person within two hours of notification from the City.

(5) All permits issued pursuant to this section shall be for a period of two years and shall be renewable for subsequent two-year terms upon application, conformance with this section and payment of the permit fee.

(6) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.

(7) A short-term rental permit shall be nontransferable to another person.

(8) Prior to the issuance of the short-term rental permit, the applicant shall comply with Article XIII of Chapter 199, Room Occupancy Tax, and provide proof of issuance of a Certificate of Authority, including the payment of any unpaid accommodation taxes.

~~F.~~**E.** Inspection. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the City Code, the International Series of Codes and New York State Code Supplement. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee as set forth in the City Fee Schedule.

~~G.~~**F.** Occupied primary residence. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not an occupied primary residence. The property used as a short-term rental shall be the primary residence of the owner, tenant, grantor or grantee at all times during the term of the permit.

~~H.~~**G.** All short-term rentals shall comply with the following standards:

(1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available 24 hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.

(2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.

(3) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts or weddings.

~~**(4)** Short-term rental of an entire dwelling unit is limited to 100 days in any one calendar year. A rental day shall be deemed to mean any day that the property is occupied for rental overnight. Upon request, the property owner or tenant shall provide:~~

~~**(a)** A statement from any/all short-term rental website platforms used to advertise the short-term rental; such letter shall be provided on the company's letterhead and shall indicate the number of rentals for the entire dwelling unit that occurred within the year; and~~

~~**(b)** A certified letter indicating the number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.~~

~~**(5)**~~**(4)** If a property owner advertises their rental, the short-term rental permit number must be included in the listing.

~~**(6)**~~**(5)** All guests are subject to the provisions of the Code of the City of Beacon. The property owner or tenant is responsible for informing each guest of these provisions.

(6) A conspicuously posted evacuation diagram identifying all means of egress from the short-term rental and the building in which it is located.

(7) A conspicuously posted list of emergency phone numbers for police, fire, and poison control.

~~**(7)**~~**(8)** A working fire-extinguisher which is readily accessible by a guest in the short-term rental.

~~**I.**~~**H.** Presumptive evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:

(1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or

(2) The property is offered for lease or rent by the use of any other advertising mechanism for a period of less than 30 days.

~~**J.**~~**I.** A list of all short-term rental units located in the City of Beacon shall be maintained on the City's website, and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.

~~**K.**~~**J.** Revocation of a permit.

DRAFT

(1) The grounds upon which a permit can be revoked shall include but shall not be limited to:

(a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification;

(b) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as ~~his, her or~~ their primary residence;

(c) Use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community;

(d) Failure to comply or violating the conditions of the permit;

(e) Failure to comply or violating any federal, state, or local law, regulation or rule.

(f) Short-term rental permits for dwelling units located in multifamily buildings may be revoked if the Police Department or Building Inspector receives three substantiated written complaints in a twelve-month period concerning the use of the premises as a short-term rental. A written complaint can be substantiated by the Building Inspector of the Police Department if it is a complaint regarding the violation of a City law or ordinance and the complaint is supported by other evidence, including a police report, photograph, or video.

(2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

~~L.~~**K.** Appeals.

(1) Upon the denial, suspension or revocation of a permit, the applicant may, within 15 business days from the date of the written notice, file a request for a hearing before the Zoning Board of Appeals. Such request shall be filed with the Zoning Board of Appeals' Secretary. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall be final and conclusive.

(2) The hearing shall commence no later than 30 days after the date on which the

request was filed.

(3) The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the permit, shall be modified or withdrawn. The Building Inspector or his or her designated agent may also present evidence. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or reverse the decision of the Building Inspector or his or her designated agent.

(4) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Zoning Board of Appeals' decision with the City Clerk of the City of Beacon and service of the same upon the applicant.

L. Requirements for Booking Services.

(1) It shall be unlawful for any person to engage in Booking Services for a short-term rental in the City of Beacon which does not have a valid permit required by this Section.

(2) Any person engaging in Booking Services shall require the short-term rental permit holder to provide a copy of the permit before letting accepting any reservation or payment from a guest, tenant, or owner for such Booking Services.

(3) Any person engaging in Booking Services shall provide all prospective guests of a short-term rental with the permit number prior to acceptance of any reservation or payment of the short-term rental.

(4) In addition to any other civil or criminal penalties and remedies available to the City of Beacon under law or equity, the City Attorney's office shall be authorized to enforce this Subsection ~~LM~~ in the name of the City of Beacon to enjoin and enforce the provisions hereunder.

M. Violations. A violation of any provision of this chapter is an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.

N. Short-term rentals in an accessory apartment. The City Council recognizes that short-term rentals can enable property owners and tenants to supplement their income by utilizing an accessory apartment as a short-term rental. However, the usage of an accessory apartment as a short-term rental conflicts with the very

purpose of accessory apartments. Specifically, accessory apartments are intended to increase the City's supply of long-term housing, however, short-term rentals by their very nature provide temporary housing accommodations for guests. Recognizing this conflict, the City Council hereby establishes a limited scope legacy structure for the continued use of preexisting accessory apartments as short-terms rental, as follows:

(1) Short-term rentals shall not be permitted in an accessory apartment unless the following requirements are satisfied:

(a) The accessory apartment was utilized as a short-term rental on or before September 1, 2026;

(b) A short-term rental permit was issued for the accessory apartment on or before December 31, 2026; and

(c) The holder of the short-term rental permit for the accessory apartment complies with Article XIII of Chapter 199 of the City Code, Room Occupancy Tax, including the payment of any unpaid Room Occupancy Taxes on or before December 31, 2026.

(2) A short-term rental permit for an accessory apartment may be renewed provided that the application for renewal is submitted by no later than thirty (30) of the expiration of the permit.

Section 2. Chapter 223 of the Beacon City, Article IV – Definitions and Word Usage, Section 223-62 entitled "Word usage" is hereby amended as follows:

§ 223-62 **Word usage.**

All words used in the present tense include the future tense; all words in the singular number include the plural number and vice versa; the word "person" includes persons, individuals, corporations, governmental entities, partnerships, associations, trustees and all other legal entities; the words "lot," "plot," "parcel," "tract of land" and "premises" shall one include the other; the word "premises" shall include land and buildings thereon; the word "building" shall include "structure" and vice versa; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied," unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. Unless otherwise specified, all distances shall be measured horizontally. The word "City" means the City of Beacon; the term "City Council" means the City Council of said City; the term "City Clerk" means the City Clerk of said City; the term "Building Inspector" means the Commissioner of Public Safety of said City or his designated agent; the term "Board of Appeals" means the Zoning Board of Appeals of said City; the term "City Development Plan" means the plan adopted by the Planning Board pursuant to § 28-a of Article 3 of the General City Law (Chapter 21 of the Consolidated Laws) of New York State.

Section 3. Chapter 223 of the Beacon City Code, Article VI – Definitions and Word Usage, Section 223-63 entitled "Definitions" amended to add the following definitions as follows:

§ 223-63 **Definitions.**

For the purposes of this chapter, certain words and terms used herein are defined as follows:

...

BOOKING SERVICE

Any offering, solicitation, marketing, reservation and/or payment service provided by a person, as defined herein, that facilitates a short-term rental transaction between an owner or tenant and a prospective guest of a short-term rental, and for which such person providing the offer, solicitation, marketing, reservation and/or payment service collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the offering, solicitation, marketing, reservation and/or payment services provided of the short-term rental from users of a short-term rental.

...

GUEST

For the purposes of Section 223-26.5 only, any person who rents, leases, or otherwise occupies a short-term rental for less than 30 consecutive days and pays a fee to the owner, tenant or Booking Service in order to occupy said short-term rental.

...

PRIMARY RESIDENCE

The primary location that a person inhabits and resides most of the year.

...

TENANT

Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.

...

Section 4. Ratification, Readoption and Confirmation.

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

Section 5. 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 6. Severability.

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

Section 7. Effective date.

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

DRAFT

City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

October 16, 2026

Mayor Lee Kyriacou
Beacon City Council Members
1 Municipal Plaza
Beacon, NY 12508

Subject: City Council Referral of Local Laws Concerning Short-Term Rentals and Zoning and Building Enforcement Penalties

On referral from the City Council, the City of Beacon Planning Board reviewed two proposed Local Laws concerning amendments to the City's Short-Term Rental Regulations and Zoning and Building Enforcement Penalties. The proposed Local Laws were discussed during the October 14, 2026 Planning Board meeting. The Zoning and Building Enforcement Penalties Local Law was also discussed during the Board's September meeting. City Planning Consultant Natalie Quinn and Planning Board Attorney Jennifer Gray summarized the proposed amendments, with additional clarification provided by the City Building Inspector.

Following discussion, the Planning Board offers the following comments for the City Council's consideration:

1. Local Law Concerning Short-Term Rentals

- Primary Residence Requirement: The Board discussed the proposed elimination of the 100-day annual limitation on short-term rentals of entire dwelling units and the continued reliance on the primary-residence requirement. The Board recommends that Council consider whether the definition of "primary residence" provides sufficient clarity and flexibility, particularly for property owners who occupy their Beacon residence for a substantial portion of the year but may maintain another residence elsewhere. The Board also encourages the City to ensure that the primary-residence requirement can be effectively verified and enforced.
- Housing Availability and Neighborhood Character: The Board recognizes the need to balance the benefits of short-term rentals, including supplemental income for homeowners and accommodations for visitors, with the City's goals of protecting long-term housing availability and neighborhood character. The Board generally supports regulations that allow homeowners and small-scale operators to benefit from short-term rentals while discouraging the acquisition of residential properties primarily for commercial short-term rental operations.
- Accessory Apartments: The Board expressed support for maintaining restrictions on the use of accessory apartments as short-term rentals, recognizing that accessory apartments are intended to contribute to the City's long-term housing supply and housing affordability goals. The Board encourages Council to maintain this objective when

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John Gunn, Chair

considering the proposed legacy provisions for existing accessory-apartment short-term rentals.

- Enforcement and Safety: The Board emphasized the importance of effective enforcement, property maintenance, and fire and life safety standards. The Board encourages the City to continue utilizing available monitoring and enforcement tools to identify unpermitted short-term rentals and ensure compliance with applicable regulations.

2. Local Law Concerning Zoning and Building Enforcement Penalties

The Board previously reviewed and commented on an earlier version of this proposed Local Law during its September 2026 meeting. Following review of the additional amendments referred by Council, the Board offers the following supplemental comments:

- Calculation of Financial Penalties: The Board recommends that Council consider revising the provisions allowing penalties based on double the financial gain from a violation to also account for financial losses or expenses avoided as a result of the violation. This would help ensure that the penalties adequately address the potential financial benefits associated with noncompliance.
- Commercial Versus Personal Violations: The Board recommends that Council consider whether the distinction between individual and corporate offenders should instead, or additionally, reflect the underlying purpose of the property ownership or activity. In particular, the Board discussed whether higher penalties should apply to violations associated with commercial, business, or investment activities, regardless of whether the property is held by an individual or corporate entity, as distinguished from violations associated with personal residential use.

The Planning Board appreciates the opportunity to review and comment on these proposed Local Laws and respectfully submits these recommendations for the City Council's consideration.

Sincerely,

John Gunn
Planning Board Chair

JG/mp

DUTCHESS COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT	GML 239 REFERRAL RESPONSE
To: City of Beacon, Municipal Board **Project Name**: Proposed Local Law Concerning Short-Term Rentals **Action**: Zoning Amendments **Applicant**: City of Beacon City Council **Property Address**: **Lot Number(s)**:	**Referral #**: ZR26-217 **Date Received**: 10/13/2026 **Date Requested**: 10/19/2026 **Date Issued**: 10/19/2026
Reviewer: Dozier, Emily	**Signed:** Emily A. Dozier

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

ACTION
The City Council seeks to amend City Code §223-26.5 regarding short-term rentals (STRs) to restrict them from accessory apartments, ensure that only STRs with a local permit are included in marketplaces/booking services, require payment of room occupancy taxes, require liability insurance and other safety measures, and make additional edits to the code.

COMMENTS
We support the City's active regulation of STRs and its acknowledgement of their potential impacts on the local housing supply. Overall, the local law is consistent with best practices. Our specific comments are below:

- J(1)(f) Revocation of a permit: The Council could consider if this regulation, currently applied only to STRs in multifamily buildings, should instead apply to all STRs.

- L. Requirements for Booking Services: subparts (2) and (3) refer to 'Book Services' rather than Booking Services; subpart (4) refers to Subsection M, rather than L.

- We understand that the Council is not currently considering a cap on STRs. We suggest that the Council continue to monitor STRs within the context of the local housing supply and hotel options, and revisit whether a cap is needed in the future.

RECOMMENDATION

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

KEANE & BEANE P.C.
ATTORNEYS AT LAW

- **Westchester**
  445 Hamilton Avenue
  Suite 1500
  White Plains, NY 10601
  Phone 914.946.4777
- **Long Island**
  534 Broadhollow Road
  Suite 460
  Melville, NY 11747
  Phone 631.776.5910
- **Mid-Hudson**
  200 Westage Business Center
  Suite 120
  Fishkill, NY 12524
  Phone 845.896.0120
- **New York City**
  60 East 42nd Street
  Suite 810
  New York, NY 10165
  Phone 646.794.5747

MEMORANDUM

TO: **Mayor Lee Kyriacou**
Members of the City Council

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

RE: **Short-Term Rental Local Law - Decision Tree for Updates**

DATE: **September 8, 2026**

At the July 20, 2026, and August 17, 2026 meetings of the City Council of the City of Beacon (the "City Council"), the City Council discussed amendments to the City of Beacon (the "City") regulation of short-term rentals ("STRs") pursuant to Beacon City Code § 223-26.5 (the "STR Law"). This memorandum outlines questions the City Council considered in our office's memorandum dated July 17, 2026, and the decisions made by the City Council concerning the STR Law. The City Council's decisions pertaining to each question are incorporated into the attached proposed local law. For background information, the City Council is respectfully referred to our office's July 17, 2026, memorandum.

I. DECISION TREE

1. **Question**: Should STRs be entirely banned in the City? N.Y. Real Property Law § 447-c(1)(d) expressly authorizes municipalities to prohibit STRs.

   - **Answer:** No. STRs should not be entirely banned. Accordingly, the STR law does not need to be revised with respect to this item.

   Discussion: The City Administration has also suggested that the City Council may want to address enforcement issues that will certainly arise from a ban. For example, additional budgeting for the hiring of additional code enforcement officers, additional budgeting to address illegal STRs in City Court, procurement of additional third-party services to identify illegal STRs.

2. **Question**: Where should STRs be permitted?

   - **Answer:** STRs may continue to be allowed in all zoning districts. Accordingly, the STR law does not need to be revised with respect to this item.

3. **Question**: Should the number of STRs be limited?

- **Answer:** No. The number of STR permits which can be issued should not be capped. Accordingly, the STR law does not need to be revised with respect to this item.

4. **Question**: Should the owner-occupied requirement be eliminated?

   - **Answer:** No. The owner-occupied requirement should remain in effect.

5. **Question**: Whether to increase the penalty for violations of the City's STR law.

   - **Answer:** Yes. The penalty for violations of the City's STR law should be increased. Accordingly, our office has prepared and submitted herewith a separate local law amending Chapter 1 of the City Code to increase all penalties of violations of the City's Zoning Code, Chapter 223 of the City Code. As the STR local law expressly references the penalties set forth in Chapter 1 of the City Code, no revisions to STR law are necessary to incorporate this change.

6. **Question**: Whether to amend the Law to require short-term rental marketplaces to include only permitted STRs.

   - **Answer:** Yes. The City Council desires to amend the STR law to require STR marketplaces to only market STRs which have been issued a permit. The draft STR law has incorporated such language.

cc: Ben Swanson, City Administrator
Natalie Quinn, City Planner
Bryan Murphy, Building Inspector

City of Beacon City Council Agenda
11/02/2026

Title:

Resolution No. 95- Adopting a Revised FMLA Policy

ATTACHMENTS

Resolution Adopting a Revised FMLA Policy

Human Resources Director Memorandum Regarding Revised FMLA Policy

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 95 OF 2026

ADOPTING A REVISED FEDERAL FAMILY AND MEDICAL LEAVE ACT POLICY

WHEREAS, the City of Beacon has an existing Federal Family and Medical Leave Act (FMLA) policy in place, which was adopted in 2015; and

WHEREAS, the City of Beacon Human Resources Director and Labor Counsel have reviewed the existing policy and recommended certain revisions, as appended to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the attached revised FMLA policy.

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide a copy of this revised policy to all department heads, and the Director of Human Resources is directed to ensure that all employees are provided with a copy of this policy upon their hiring by the City.

Resolution No. 95 of 2026		**Date: November 2, 2026**					
☐ **Amendments**					☐ **2/3 Required**		
☐ **On roll call**					☐ **3/4 Required**		
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Bennett Glauda					
		Mayor Lee Kyriacou					
		Motion Carried					

Family and Medical Leave Act (FMLA) Policy

The City of Beacon (the "City") will grant family and medical leave in accordance with the requirements of applicable federal and state law in effect at the time the leave is granted. The City posts the mandatory FMLA Notice and upon hire will provide all new employees with notices required by the U.S. Department of Labor ("DOL") on Employee Rights and Responsibilities under the Family and Medical Act. The City also posts the DOL supplementary information concerning Military Family Leave at the same location.

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions or concerns regarding this policy, you must contact Human Resources.

Employee Eligibility

To be eligible for FMLA Leave benefits, employees must: (1) have worked for the City for a total of at least 12 months; (2) have worked at least 1,250 hours over the previous 12 months as of the start of the leave; and (3) have worked at a location where at least 50 employees are employed by the City within 75 miles, as of the date the leave is requested. Eligibility requirements may differ for employees who have been on a protected military leave of absence. If employees are unsure whether they qualify for FMLA Leave, they should contact the Human Resources Director.

Reasons for Leave

Federal laws allow FMLA Leave for various reasons. Because employees' legal rights and obligations may vary depending upon the reason for the FMLA Leave, it is important to identify the purpose or reason for the leave. Leave covered by the Family and Medical Leave Act (FMLA) may be used for one of the following reasons:

- The birth, adoption or foster care of an employee's child within 12 months following the birth or placement of the child (Bonding Leave);
- To care for an immediate family member (spouse, child or parent) with a serious health condition (Family Care Leave);
- An employee's inability to work because of a serious health condition (Serious Health Condition Leave);
- A "qualifying exigency," as defined under the FMLA, arising from a spouse's, child's or parent's "covered active duty" as a member of the military reserves, National Guard or Armed Forces (Military Emergency Leave); or
- To care for a spouse, child, parent or next of kin (nearest blood relative) who is a "Covered Servicemember" (Military Caregiver Leave).

Definitions

- **"Child,"** for purposes of Bonding Leave and Family Care Leave, means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA Leave is to commence. **"Child,"** for purposes of Military Emergency Leave and Military Caregiver Leave, means a biological, adopted or foster child; stepchild; legal ward; or a child for whom the person stood in loco parentis, and who is of any age.
- **"Parent,"** for purposes of this policy, means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis to the person. This term does not include parents-in-law. For Military Emergency Leave taken to provide care to a parent of a deployed military member, the parent must be incapable of self-care as defined by the FMLA.
- **"Covered Active Duty"** means (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation as defined by applicable law.
- **"Covered Servicemember"** means (1) a member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness incurred or aggravated in the line of duty while on active duty that may render the individual medically unfit to perform their military duties; or (2) a person who, during the five years prior to the treatment necessitating the leave, served in the active military, Naval or Air Service, and who was discharged or released under conditions other than dishonorable (a "veteran" as defined by the Department of Veteran Affairs), and who has a qualifying injury or illness incurred or aggravated in the line of duty while on active duty that manifested itself before or after the member became a veteran. For purposes of determining the five-year period for covered veteran status, the period between October 28, 2009, and March 8, 2013, is excluded.
- **"Spouse"** means the other person with whom an individual entered into marriage as defined or recognized under state law in the state in which the marriage was entered into, or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.
- **"Key employee"** means a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite.

Length of Leave

The maximum amount of FMLA Leave is 12 workweeks in any 12-month period when the leave is taken for: (1) Bonding Leave; (2) Family Care Leave; (3) Serious Health Condition Leave; and (4) Military Emergency Leave. However, if both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 12 workweeks off between the two of them when the leave is for Bonding Leave or to care for a parent using Family Care Leave. The applicable "12-month period" utilized by the City is a rolling 12-month period measured backward from the date an employee first takes FMLA Leave**.** Under this method the 12-month period is measured backward from the day the employee uses any FMLA Leave.

The maximum amount of FMLA Leave for an employee wishing to take Military Caregiver Leave is a combined leave total of 26 workweeks in a single 12-month period. A "single 12-month period" begins on the date of the employee's first use of such leave and ends 12 months after that date. If both spouses work for the City and are eligible for leave under this policy, the spouses will be limited to a total of 26 workweeks off between the two when the leave is for Military Caregiver Leave only or is for a combination of Military Caregiver Leave, Military Emergency Leave, Bonding Leave and/or Family Care Leave taken to care for a parent.

Intermittent or Reduced Schedule Leave

Under some circumstances, employees may take FMLA Leave intermittently, which means taking leave in blocks of time or reducing the employee's normal weekly or daily work schedule. An employee may take leave intermittently or on a reduced schedule whenever it is medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. Military Emergency Leave may also be taken on an intermittent basis. For Bonding Leave, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced schedule. Bonding Leave must be taken within one year of the birth or placement of the child.

Leave taken intermittently may be taken in increments of no less than one (1) hour. Employees who take leave intermittently or on a reduced work schedule basis for planned medical treatment must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations. Please contact Human Resources prior to scheduling medical treatment. If FMLA Leave is taken intermittently or on a reduced schedule basis due to planned medical treatment, the City may require employees to transfer temporarily to an available alternative position with an equivalent pay rate and benefits to better accommodate recurring periods of leave.

If employees have been approved for intermittent leave and they request leave time that is unforeseeable, they must specifically reference either the qualifying reason for leave or the need for FMLA Leave at the time they call off.

If an employee's request for intermittent leave is approved, the City may later require the employee to obtain recertification of their need for leave. For example, the City may request recertification if it receives information that casts doubt on an employee's report that an absence qualifies for FMLA Leave.

Notice and Certification

Bonding, Family Care, Serious Health Condition and Military Caregiver Leave Requirements

Employees are required to provide:

- When the need for the leave is foreseeable, 30 days' advance notice or such notice as is both possible and practical if the leave must begin in fewer than 30 days (normally this would be the same day the employee becomes aware of the need for leave or the next business day);
- When the need for leave is not foreseeable, notice within the time prescribed by the City's normal absence reporting policy, unless unusual circumstances prevent compliance, in which case notice is required as soon as is otherwise possible and practical;
- When the leave relates to medical issues, a completed Certification of Health Care Provider form within 15 calendar days (for Military Caregiver Leave, an invitational travel order or invitational travel authorization may be submitted in lieu of a Certification of Health Care Provider form);
- Periodic recertification (upon the City's request); and
- Periodic reports during the leave.

Certification forms are available from Human Resources. At the City's expense, it may require a second or third medical opinion regarding the employee's own serious health condition or the serious health condition of the employee's family member. In some cases, the City may require a second or third opinion regarding the injury or illness of a Covered Service Member. Employees are expected to cooperate with the City in obtaining additional medical opinions that it may require.

When leave is for planned medical treatment, employees must try to schedule treatment so as not to unduly disrupt the City's operation. Please contact Human Resources prior to scheduling planned medical treatment.

Recertification After Grant of Leave

In addition to the requirements listed above, if an employee's FMLA Leave is certified, the City may later require medical recertification in connection with an absence that the employee reports as qualifying for FMLA Leave. For example, the City may request recertification no more frequently than every 30 days if (1) the employee requests an extension of leave; (2) the circumstances of the employee's condition as described by the

previous certification change significantly (e.g., the employee's absences deviate from the duration or frequency set forth in the previous certification; the employee's condition becomes more severe than indicated in the original certification; the employee encounters complications); or (3) the City receives information that casts doubt upon the employee's stated reason for the absence.

The City may also request recertification in connection with an absence after six months have passed since the employee's original certification, regardless of the estimated duration of the serious health condition necessitating the need for leave. Any recertification requested by the City will be at the employee's expense.

Military Emergency Leave Requirements

Employees are required to provide:

- As much advance notice as is reasonable and practicable under the circumstances;
- A copy of the covered servicemember's active duty orders when the employee requests leave and/or documentation (such as Rest and Recuperation leave orders) issued by the military setting forth the dates of the servicemember's leave; and
- A completed Certification of Qualifying Exigency form within 15 calendar days, unless unusual circumstances exist to justify providing the form at a later date.

Certification forms are available from Human Resources.

Failure to Provide Notice or Certification and to Return From Leave

Absent unusual circumstances, failure to comply with these notice and certification requirements may result in a delay or denial of the leave.

If an employee fails to return to work at the leave's expiration and has not obtained an extension of the leave, the City may presume that the employee does not plan to return to work and has voluntarily terminated their employment.

Compensation During Leave

Generally, FMLA Leave is unpaid. However, an employee who is taking FMLA Leave for the purposes of Family Care Leave, Serious Health Condition Leave, or Military Caregiver Leave must use all paid vacation, personal and sick leave concurrently with FMLA Leave prior to being eligible for unpaid leave. An employee who is taking leave for the purposes of Bonding Leave or Military Emergency Leave must use all paid vacation and personal leave concurrently with FMLA Leave prior to being eligible for unpaid leave. Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA Leave and will run concurrently with FMLA. For example, if the employee is entitled to six weeks of

disability leave due to pregnancy or birth, the six weeks will be designated as FMLA Leave and counted toward the employee's 12-week entitlement. The employee will then be required to substitute accrued (or earned) paid leave time before being eligible for unpaid leave for what remains of the 12-week entitlement. The use of paid benefits will not extend the length of FMLA Leave.

Benefits During Leave

The City will continue making contributions to employees' health, dental and vision insurance benefits during their leave on the same terms as if the employees had continued to actively work. This means that if employees want their benefits coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the City by the 15th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage. Employees taking Bonding Leave, Family Care Leave, Serious Health Condition Leave and Military Emergency Leave will generally be provided with group health benefits for a 12-workweek period. Employees taking Military Caregiver Leave may be eligible to receive group health benefits coverage for up to a maximum of 26 workweeks.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay their portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City may discontinue coverage during the leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's insurance premiums (health, dental, vision, life, disability) during the leave period.

An employee's length of service as of the leave will remain intact, but benefits such as vacation and sick leave may not accrue while on an unpaid FMLA Leave.

Job Reinstatement

Under most circumstances, employees will be reinstated to the same position they held at the time of the leave or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. However, employees have no greater right to reinstatement

than if they had been continuously employed rather than taken leave. For example, if an employee would have been laid off or their position would have been eliminated even if they had not gone on leave, then the employee will not be entitled to reinstatement.

Prior to being allowed to return to work, an employee wishing to return from a Serious Health Condition Leave must submit an acceptable release from a health care provider that certifies the employee can perform the essential functions of the job as those essential functions relate to the employee's serious health condition. For an employee on intermittent or reduced schedule FMLA Leave, such a release may be required if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took the intermittent or reduced schedule leave.

Key employees may be subject to reinstatement limitations in some circumstances. If employees are considered a "key employee," those employees will be notified of the possible limitations on reinstatement at the time the employee requests a leave of absence.

Confidentiality

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated as confidential medical records, except that in some legally recognized circumstances, the records (or information in them) may be disclosed to supervisors and managers, first aid and safety personnel or government officials.

Fraudulent Use of FMLA Prohibited

An employee who fraudulently obtains FMLA Leave from the City is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, the City will take all available appropriate disciplinary action against such employee due to such fraud.

Non-discrimination

The City takes its FMLA obligations very seriously and will not interfere with, restrain or deny the exercise of any rights provided by the FMLA. The City will not terminate or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to the FMLA. If an employee believes that their FMLA rights have been violated in any way, they should immediately report the matter to Human Resources.

Additional Documentation

A Notice to Employees of Rights Under FMLA (WHD Publication 1420) is attached to this Handbook.

Employees should contact Human Resources for any FMLA Leave questions they may have.

CITY OF BEACON
New York

Joel Pichardo
Human Resources Director

DEPARTMENT OF HUMAN RESOURCES
One Municipal Plaza, Beacon NY 12508

845-838-5038

TO: Lee Kyriacou, Mayor
Members of the City Council

RE: Revised City of Beacon FMLA Policy

DATE: October 30, 2026

The federal Family and Medical Leave Act (FMLA) provides eligible employees with up to 12 workweeks of job-protected, unpaid leave during any 12-month period for qualifying family or medical reasons. To qualify for FMLA leave, an employee must have worked for the municipality for at least 12 months (which do not need to be consecutive) and completed at least 1,250 hours of service during the 12-month period immediately preceding the start of the leave. Qualifying reasons include the birth or placement of a child, caring for an immediate family member with a serious health condition, the employee's own serious health condition, addressing specific military family exigencies, or to care for family servicemember.

During an approved FMLA leave, the municipality will maintain the employee's group health insurance coverage under the same terms and conditions as if they were actively working. Upon returning from leave, employees are legally entitled to be restored to their original job or to an equivalent position with equivalent pay, benefits, and working conditions, with certain exceptions. While FMLA leave itself is unpaid, employees are required to utilize accrued paid leave, such as vacation or sick time, concurrently with FMLA leave.

When the need for the leave is foreseeable, employees must provide 30 days' advance notice. When the need for leave is not foreseeable, employees must provide notice as soon as possible. When the leave relates to a medical issue, employees must submit appropriate medical documentation establishing the need for such leave within 15 days of the request. Employees may need to provide periodic recertification and/or periodic reports to the City during their leave, upon the City's request. Additionally, employees returning to work following their own serious health condition may need to submit a fitness-for-duty certification from their health care provider.

City of Beacon City Council Agenda
11/02/2026

Title:

Resolution No. 96 - Adopting Local Law No. 7 of 2026 Concerning the Fishkill Development District and Hotels

ATTACHMENTS

Resolution Adopting Local Law No. 7 of 2026 Concerning the Fishkill Development District and Hotels

Keane & Beane, P.C. Memorandum to Council Regarding Concept Plan Review for the Fishkill Creek Development District (Oct. 30, 2026)

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 3 Negative Declaration

KARC Memorandum Regarding Potential Amendments to the Fishkill Creek District (Sept. 22, 2026)

Local Law No. 5 of 2026 Concerning the Fishkill Development District and Hotels

Fishkill Creek District Map

Schedule of Dimensional Regulations

Schedule of Use Regulations

City of Beacon Planning Board Memorandum Regarding a Proposed Local Law Concerning the Fishkill Development District and Hotels

Dutchess County Planning Memorandum Regarding a Draft Schedule of Use Regulations

Local Law No. 5 of 2026 Concerning the Fishkill Development District and Hotels - Full EAF, Part 1

Local Law No. 5 of 2026 Concerning the Fishkill Development District and Hotels - Full EAF, Part 1 Narrative

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 1

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Part 1 Narrative

Proposed Local Law Concerning the Fishkill Development District and Hotels - Full EAF, Parts 2 and 3

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 96 OF 2026

ADOPTING LOCAL LAW NO. 7 OF 2026 TO AMEND THE BEACON CITY CODE CONCERNING THE FISHKILL CREEK DEVELOPMENT DISTRICT AND HOTEL REGULATIONS

WHEREAS, pursuant to Resolution No. 2026-062, passed on July 20, 2026, the City of Beacon City Council set a public hearing for August 17, 2026, regarding a proposed Local Law to amend Chapter 223 of the City Code, Zoning, concerning the Fishkill Creek Development District and regulations pertaining to hotel uses; and

WHEREAS, notice for said public hearing was published in the City's official newspaper, and

WHEREAS, on August 17, 2026, the scheduled public hearing was adjourned to September 8, 2026, at which time the City Council opened a duly noticed public hearing concerning the proposed Local Law, which was continued to and subsequently closed on October 5, 2025, and all those in attendance wishing to be heard on the proposed Local Law were given the opportunity to do so; and

WHEREAS, pursuant to N.Y. General Municipal Law § 239-m and City Code § 223-66, the City Council referred the proposed Local Law to the City of Beacon Planning Board and Dutchess County Department of Planning & Development; and

WHEREAS, by letter dated August 19, 2026, the Beacon Planning Board issued its report on the proposed Local Law with comments; and

WHEREAS, by letter dated September 1, 2026, the Dutchess County Department of Planning & Development issued its report on the proposed Local Law with comments; and

WHEREAS, the proposed Local Law is a Type I Action pursuant to the State Environmental Quality Review Act ("SEQRA") as set forth in 6 NYCRR Part 617.4(b)(2); and

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

WHEREAS, the City Council is familiar with the proposed Local Law and has reviewed the Full Environmental Assessment Form Parts 1, 2, and 3, including the Part 1 Narrative (collectively the "FEAF"), and which Part 3 sets forth the reasons for the determination adopted herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council has reviewed the proposed Local Law in accordance with SEQRA and after taking a "hard look" at each of the relevant area of environmental concern through review of the FEAF, and all other materials prepared and/or presented in connection with the proposed Local Law, hereby adopts the Negative Declaration set forth in Part 3 of the FEAF finding that the proposed Local Law will not result in a significant adverse impact on the environment and thus an Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Administrator to sign the FEAF Part 3; and

BE IT FURTHER RESOLVED, that the City Council hereby adopts Local Law No. 7 of 2026, amending Chapter 223 of the Beacon City Code concerning the Fishkill Creek Development District and hotels.

Resolution No. 96 of 2026		**Date: November 2, 2026**					
☐ **Amendments**						☐ **2/3 Required**	
☐ **On roll call**						☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Bennett Glauda					
		Mayor Lee Kyriacou					
		Motion Carried					

KEANE & BEANE P.C.
ATTORNEYS AT LAW

■ **Westchester**
445 Hamilton Avenue
Suite 1500
White Plains, NY 10601
Phone 914.946.4777

■ **Long Island**
534 Broadhollow Road
Suite 460
Melville, NY 11747
Phone 631.776.5910

■ **Mid-Hudson**
200 Westage Business Center
Suite 120
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City**
60 East 42nd Street
New York, NY 10165
Phone 646.794.5747

MEMORANDUM

TO: **City of Beacon City Council**

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

RE: **Concept Plan Review Process re Fishkill Creek Development District**

DATE: **October 30, 2026**

This memorandum provides the City Council (the "Council") with an overview of the concept plan review process for properties located in the Fishkill Creek Development ("FCD") District.

Procedure for review of Fishkill Creek development proposals (§ 223-41.13D)

Each Fishkill Creek development project shall require (1) concept plan approval by the Council, and (2) site plan approval by the Planning Board. The Planning Board may commence its review of a site plan for one or more projects in the FCD as soon as an application for concept plan approval has been submitted to the Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the Council.

Concept Plan Application Requirements (§ 223-41.13.F(1))

The concept plan application must include:

(1) A written description of project, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan ("LWRP) per Chapter 220 of the Beacon City Code; and the manner in which the public interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.

(2) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.

(3) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.

(4) An indication of the appropriate number of parking and loading spaces in relation to their intended use.

(5) A general indication of any phasing of construction.

(6) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.

(7) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.

(8) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.

(9) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.

(10) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.

(11) Such additional information as the Council may deem necessary in order to properly evaluate the application.

City Council Concept Plan Review (§ 223-41.13.F(2))

The Council must refer the application for concept plan approval to the Planning Board for a report and recommendation. The Planning Board shall review all documents and materials relating the application and may make any advisory recommendation to the City Council.

The Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Only after the Council has held the required public hearing, completed SEQRA and made a consistency determination under the City's Local Waterfront Consistency Law (if applicable) per Chapter 220 of the City Code, may the City Council render a decision on the concept plan.

The City Council **may** approve the concept plan upon a finding that the following conditions and standards have been met:

(1) The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

(2) The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer.

(3) The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage. The Planning Board is charged with reviewing and approving the details of the project during its site plan review process.

(4) The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

(5) The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

(6) The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

(7) The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

(8) The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

In approving any Fishkill Creek development concept plan, the Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of the City Zoning Code. Accordingly, the Council may approve the concept plan, but it is not obligated to if it finds that the plan will not meet all of the criteria set forth under § 223-41.13F(2)(b). In order to disprove a concept plan, the Council needs to make a rational decision based upon the record before it. Community opposition is not sufficient, and there must be a finding that the project does not satisfy the aforementioned criteria.

The Difference Between Concept Plan, Site Plan, and Special Permit Approval

Importantly, concept plan, site plan, and special permit approval are not required for all types of land uses.

Concept plan approval is only required for applications within the FCD and Senior Affordable Overlay District. Concept plans are subject to Council approval and are intended to provide a generally detailed plan sketch of a project in order to determine that the proposed project meets the special requirements for these two districts. The plans should be drawn "approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan." In other words, a concept plan is a *concept* but not the finished project. For this reason, when concept plan approval is required, it must always precede the Planning Board's site plan approval.

Site plans are significantly more detailed than a concept plan, and include, but are not limited to: detailed engineering schematics, precise locations of buildings and natural features, setbacks and heights of structures, topographic and grade elevations, locations of all parking, loading and ingress/egress, drainage, stormwater plans, sewer and water lines, and detailed landscaping and lighting plans.

Special permit uses are permitted as of right but have additional conditions and requirements than land uses which are simply permitted. Section 223-18B(1)(a)-(f) of the City Code provides for a list of general conditions and standards which all special use permits are subject to; however, additional and specific conditions and standards can apply depending on the type of special use permit. For example, the conditions and standards for a special permit for a car wash use under § 223-21 of the City Code are different than the conditions and standards for a bed-and-breakfast use. Special permits can be issued by either the Council or the Planning Board depending on the type of use. Special permits can be issued at varying times during the plan review. For example, if the application is subject to the concept plan and the Council is the permitting authority for the special use permit, the Council could grant concept plan and special permit approval at the same time (but after a SEQRA determination is made).

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

Beacon – FEAF Part 3 Attachment
Negative Declaration of Environmental Significant

Proposed Local Law Concerning the Fishkill Creek Development District and Hotels

On July 20, 2026, the Beacon City Council (the "City Council") introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to revise the regulations pertaining to the Fishkill Creek Development district ("FCD") and hotel uses. The proposed Local Law does not amend the City's Zoning Map. By letter dated September 1, 2026, the Dutchess County Department of Planning and Development offered comments on the Local Law. By letter dated August 19, 2026, the City of Beacon Planning Board (the "Planning Board") offered its comments on the Local Law. On September 21, 2026, the City Council discussed the comments from the Planning Board and the Dutchess County Department of Planning and Development.

The FCD consists of only nine (9) tax parcels, ranging in size from approximately 0.03 acres to 11.07 acres, with one (1) outlier parcel being 49.9 acres (a right-of-way along an abandoned rail line). Several parcels in the FCD have been recently developed, yet others remain vacant and/or underutilized. Parcels in the FCD are typically former industrial properties, vacant land, and portions of the rail line. The purpose of the proposed Local Law is to make narrowly tailored amendments to the FCD to encourage redevelopment of such vacant and underutilized properties. In summary, the proposed Local Law makes the following changes:

- Provide that "hotels" are a permitted use in the FCD. Presently, "hotels" are prohibited in the FCD, yet "inns" are permitted. An "inn" is defined as a "hotel" with fewer than ten (10) guest rooms. The Zoning Code also provides ambiguity as to whether a "hotel" could be construed as a "similar" use to an "inn" thereby authorizing approval of a "hotel" by the City Council pursuant to Zoning Code § 223-41.13(B)(12). Moreover, "bed-and-breakfast establishments" are also permitted in the FCD.

- Updating the regulations pertaining to "hotel" uses to better reflect modern hotels. Electronic or mobile check-in will be permitted, provided there is an on-site manager or other hotel representative present. The Local Law also eliminates the requirement that all buildings or structures on the site of a hotel be strictly limited to usual hotel activities and accessory uses of hotel. This will allow residential and other commercial components to be located on the same site as a hotel. The Local Law eliminates the prohibition on kitchen facilities in hotels. Modern building code requirements allow kitchen facilities in hotel rooms, and sufficient safeguards exist under State and local laws, rules, and regulations to ensure that hotels are not impermissibly converted into multifamily dwellings or single-room occupancy uses.

- Elimination of the 5,000 square foot restriction for restaurants, bars, brew pubs or other eating and drinking establishments in the FCD. This change was recommended

by the Planning Board as it can prevent establishments from expanding and effectively imposes a seating cap which may not otherwise apply.

- Reduction of the minimum lot size from two (2) acres to one (1) acre. This recommendation was offered by the Dutchess County Department of Planning and Development and will give all parcels in the FCD the opportunity to be developed (excluding a pump station).

- Elimination of the maximum dwelling unit density of 11 units per acre. The current maximum does not reflect the City's housing development and affordability goals. Accordingly, eliminating this maximum will add flexibility. New development will continue to be limited by the FCD's existing form-based dimensional and design standards (e.g., building coverage, open space, scale, height, setbacks, dwelling unit size, frontage, massing, etc.).

- Elimination of the reference to private streets when measuring the minimum building setback. This revision also adds that building setback measurements shall include the pavement edge of a public right-of-way. These revisions are consistent with the City's other Zoning Code regulations. The minimum building setback will also continue to be measured from the edge of the pavement of any public streets. There are no changes to the underlying 12-foot minimum building setback.

- Clarification of the Fishkill Creek buffer and minimum setback. This revision was recommended by the Planning Board and includes a citation to the relevant Zoning Code section. The revision also clarifies that the setback distance is to be measured "from the top of the creek bank."

The determination of environmental significance made herein pursuant to the State Environmental Quality Review Act ("SEQRA") is only applicable to the proposed Local Law and is not a review of environmental significance of any proposed development. For clarity, any and all subsequent development within the FCD or development of hotels shall be subject to project specific environmental review pursuant to SEQRA and the Beacon City Code.

The proposed Local Law will not have a significant adverse impact on the environment for the following reasons:

The proposed Local Law is not inconsistent with the City's Zoning Code or Comprehensive Plan. The 2017 City of Beacon Comprehensive Plan supports the continued redevelopment of the Fishkill Creek corridor through a mix of residential, commercial, cultural, and recreational uses. The Plan specifically encourages expanded tourism opportunities, and amenities such as inns, spas, restaurants, and other destination-oriented uses to support the City's economic development opportunities. Importantly, the Plan recommends encouraging the redevelopment of vacant and underutilized industrial sites along the Fishkill Creek for new residential, commercial, or light industrial uses. Accordingly, the proposed Local Law is consistent with the Comprehensive Plan as it will expressly allow hotels within the FCD, which

is a hospitality and tourism use. Allowing "hotels" in the FCD is not inconsistent with the Zoning Code because "hotels" are the same type of land use as "inns", which is a permitted use in the FCD. Moreover, the proposed Local Law includes narrowly tailored changes intended to encourage development of vacant or underutilized parcels. For example, reducing the minimum lot size to one (1) acre zoning will allow all parcels in the FCD to be developed in some manner (excluding the existing pump station). The elimination of the maximum number of dwelling units is also consistent with the City's form-based Zoning Code requirements and furthers the City's housing development goals. New development will continue to be regulated under existing bulk and design standards as well as existing features (e.g., lot coverage, setbacks, height, open space, the Fishkill Creek, the rail line right-of-way, steep slopes, etc.). As such, the proposed Local Law is consistent with existing permitted land uses in the FCD and is consistent with the Comprehensive Plan's goals for redevelopment in the FCD.

The proposed Local Law does not create any adverse environmental impacts because the Local Law does not result in direct or physical impacts to the land. Instead, each application for land use approvals in the FCD or for the development of hotels will involve a unique and individual set of circumstances, the particular nature of which will be subject to the regulations and requirements of the Zoning Code, the City Code, and State law. The evaluation of such future uses will involve independent review for conformance with the Zoning Code as well as environmental impacts. However, the proposed Local Law alone will not have a direct impact on land. As such, the potential for secondary or indirect effects of the proposed Local Law does not support the conclusion that the legislation will or may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Furthermore, potential secondary or indirect impacts do not give rise to any currently identifiable potential significant adverse environmental impacts. Therefore, an environmental impact statement need not be prepared.

The proposed Local Law does not propose any actions, or land uses which are sharply or drastically different from surrounding land use patterns. Full build out of the FCD is also unlikely due to limitations caused by the Fishkill Creek, steep slopes, and the rail line right-of-way.

The proposed Local Law will not result in a substantial adverse change or impact to existing air quality, ground or surface water, traffic or noise levels, nor a substantial adverse change or impact for erosion, flooding, leaching or drainage. The changes to the text of the Zoning Code are primarily to update existing regulations. For example, no changes are proposed to the applicable parking requirements, erosion control requirements, building heights, stormwater pollution prevention requirements, nor will new uses be permitted which are inconsistent with existing regulations. The changes to the setback requirements are consistent with other Zoning Code regulations and do not alter the underlying 12 foot minimum. The removal of the density limitation in the FCD is not expected to have significant impacts as development will continue to be regulated and constrained by the City's form-based zoning regulations. The reduction to the one (1) acre lot size is also not anticipated to have significant impacts as a one (1) acre

minimum will still be one of the City's larger lot zones but will allow the development of certain underutilized and/or vacant parcels in the FCD. To the extent that this environmental review precedes future development, such development shall be subject to all City zoning and land use requirements, which is no less protective of the environment than the requirements of SEQRA.

The areas affected by the proposed Local Law have been developed for decades, including industrial and commercial uses. Given the FCD is a developed district, and the other changes to the hotel regulations do not impact the City's bulk regulations, the proposed Local Law will not have a direct impact on or cause the removal or destruction of large quantities of flora or fauna, nor substantially interfere with any protected flora or fauna, habitats, or environmentally sensitive areas.

The proposed Local Law will not result in the impairment of the character or quality of important historical, archaeological, architectural, or aesthetic resources of the existing community or neighborhood. Nor will it create a hazard to human health or significant change in the intensity of land uses, or result in the loss of open space or recreation because the changes to the City's schedule of uses and dimensional requirements are limited.

As such, for the reasons herein and the reasons set forth in the Full Environmental Assessment form Parts 1 and 2, and the information contained in the record, the proposed Local Law will not have a significant adverse environmental impact.

KARC
PLANNING CONSULTANTS, INC.

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants, Inc.

DATE: September 22, 2026

RE: Fishkill Creek Development (FCD) and Hotels Local Law

At the September 21, 2026 City Council workshop, the Council reviewed comments from the Planning Board and Dutchess County Planning regarding the proposed amendments to the Fishkill Creek Development (FCD) District. Council discussed each of the comments and provided direction regarding the changes to be incorporated into the proposed Local Law.

This memorandum summarizes the policy decisions and drafting direction provided by the City Council during that discussion and identifies how those decisions have been incorporated into the accompanying revised Local Law.

1. **Hotel Occupancy and Kitchens.** The Planning Board asked whether hotel length of stay and kitchen facilities could blur the distinction between transient lodging and dwelling units.

   - ❖ The Council was not opposed to longer-term hotel stays and determined that the existing distinctions within the zoning and building codes provide sufficient safeguards. A majority therefore supported retaining the proposed removal of the hotel-room kitchen prohibition. The Local Law has been retained as drafted with respect to kitchen facilities, and no additional length-of-stay restriction has been added.

   - ❖ The discussion also raised whether hotels should be required to be part of a mixed-use development, including consideration of affordable/BMR housing. No consensus was reached on this separate issue, and no additional changes have been made at this time.

2. **Hotel Approval Process.** The Planning Board suggested making hotels a special permit use so that the Council or Planning Board could provide additional review and potentially regulate hotel size.

   - ❖ The Council determined that a special permit would not provide meaningful additional review beyond the existing FCD Concept Plan and Site Plan processes. Hotels have been retained as a permitted use in the revised Local Law.

3. **Hotel Check-In and On-Site Management.** The Planning Board recommended modernizing the existing requirement for a traditional lobby, registry desk, and staffing model to accommodate electronic and mobile check-in

   - ❖ The Council supported allowing electronic registration/check-in while retaining an on-site management presence. The hotel regulations have been revised to allow

electronic registration/check-in while requiring an on-site management presence, rather than requiring a particular physical registry desk or office.

4. **Restaurant Size Limitation.** The Planning Board recommended reconsidering the existing 5,000-square-foot maximum for restaurants and other eating/drinking establishments in the FCD.

    - ❖ The Council supported eliminating the 5,000-square-foot restaurant cap City-wide, rather than limiting the change to the FCD. The Local Law has been revised accordingly to eliminate the 5,000-square-foot limitation within the FCD. Implementation of this change within the CMS and L Districts has been deferred pending further review of how removal of the limitation may affect existing businesses and potential development footprints within those districts.

5. **Fishkill Creek Buffer.** The Planning Board recommended clarifying the point from which the Fishkill Creek buffer is measured and considering whether the existing buffer dimensions should be increased based on DEC guidance.

    - ❖ The Council supported retaining the existing Fishkill Creek buffer requirements, including the average 50-foot buffer and 25-foot minimum. The existing dimensional requirements have been retained, and a cross-reference between the related buffer and design provisions has been added to clarify that the requirements are to be read and applied together.

6. **Streetscape Standards.** The Planning Board recommended adding more prescriptive streetscape regulations and guidance within the FCD.

    - ❖ The Council reviewed and was comfortable with the existing FCD streetscape and design standards. The existing standards have therefore been retained without additional prescriptive requirements.

7. **Viewsheds and Greenway Trail.** The Planning Board recommended considering additional viewshed regulations, including contextual renderings from Tioronda Bridge and other public vantage points.

    - ❖ The Council discussed strengthening protections for views from and toward the Fishkill Creek Greenway and Heritage Trail. Upon further review, the existing FCD regulations already provide substantial protections addressing this concern. Specifically:
        i. §223-41.13(F)(1)(h) requires the Concept Plan to describe how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan, and §223-41.13(F)(2)(b)[4] requires the City Council to make a finding of consistency with that Plan as part of Concept Plan approval.

ii. §223-41.13(F)(1)(i) requires consideration of the architectural treatment of views "from the site to Fishkill Creek," "to the site from Fishkill Creek," and "over the site from important viewsheds," and expressly authorizes the City Council to require photo simulations as part of its review.
iii. §223-41.13(F)(2)(b)[8] requires FCD development to "maximize important views and view corridors" and to incorporate, protect and/or enhance important views and view corridors through site layout and design.
iv. The FCD design standards also require an interconnected pedestrian system providing access to the Greenway Trail and contain specific public-access requirements intended to create linkages with existing and anticipated pedestrian and bicycle trail systems.

- ❖ Accordingly, no additional amendment has been made at this time, as the existing FCD regulations provide the City Council and Planning Board with sufficient authority to evaluate views from the Greenway Trail and require appropriate visual information during project review.

8. **Building Height.** Dutchess County Planning recommended considering four or more stories rather than the existing three-story/40-foot maximum and/or establishing a height framework responsive to topography similar to the Waterfront Development District.

   - ❖ The Council supported retaining the existing three-story/40-foot maximum building height. The existing FCD height standard has therefore been retained without modification.

9. **Building Coverage.** Dutchess County Planning recommended considering an increase to the existing 35% maximum building coverage and focusing instead on impervious coverage.

   - ❖ The Council supported retaining the existing 35% maximum building coverage in the FCD at this time. Council expressed interest in separately considering a shift from building coverage to impervious coverage as part of a future City-wide zoning update. The existing 35% building-coverage standard has therefore been retained in the revised Local Law.

10. **Minimum FCD Development-Site Size.** Dutchess County Planning recommended reducing the minimum FCD development-site size from two acres to one acre.

    - ❖ The Council supported the recommendation. The Local Law has been revised to reduce the minimum FCD development-site size from 2 acres to 1 acre.

LOCAL LAW NO. ___OF 2026

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE CONCERNING THE FISHKILL DEVELOPMENT DISTRICT AND HOTELS

A LOCAL LAW to amend Chapter 223, Zoning, concerning regulations governing hotels and the Fishkill Development District.

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

Section 1. Chapter 223 of the Beacon City Code, Article II – General Legislation, Section 223-14.1 entitled "Hotels" is hereby amended as follows:

§ 223-14.1 **Hotels.**

A. Permitted uses. If a site is to be used for a hotel, use of the site and any buildings or structures on the site ~~shall be limited to~~ may include usual hotel activities and accessory uses incidental to the operation of a hotel and of the same general character, provided that all such accessory uses shall be planned as an integral part and located on the same site with the hotel.

(1) Such accessory uses may include the following:

(a) Dining facilities providing food and drink.

(b) Newsstands, gift shops and other shops.

(c) Recreation facilities which shall be for the exclusive use of guests or members.

(d) Employees' quarters and facilities.

(e) Spa facilities.

(f) Conference center facilities

(2) All hotels shall include the following:

(a) ~~A lobby, registry desk, manager's office~~ Facilities or systems for guest registration and check-in, which may include electronic or mobile registration and check-in; and an on-site manager or other responsible hotel representative; and public rest-room facilities.

(b) Off-street parking facilities.

(c) Access to all guest rooms from an interior hallway

B. Screening. Outdoor parking areas and recreational facilities shall be screened with fencing, landscaping and/or buildings on all sides toward adjoining residential lots. Where hotel buildings are set back less than 100 feet from one-family residential lots, such buildings shall be suitably screened with planting.

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

D. ~~No kitchen facilities. There shall be no kitchen facilities in the hotel rooms except for a coffeemaker, a microwave oven and a small refrigerator.~~

Section 2. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.13 entitled "Uses; plan review; design standards," Subsections B(3) and B(5) are~~is~~ hereby amended as follows:

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

…

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

(1) Apartment, attached or multifamily dwelling.

(2) Artist live/work space, artist studio and workshop of artisan.

(3) Bed-and-breakfast establishment, ~~or~~ inn, or hotel.

(4) Spa, fitness centers/noncommercial swimming pool, exercise studio, day-care center or similar use as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a street.

(5) Restaurant, bar, brew pub or other eating and drinking establishment. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a street. ~~No such individual use shall contain more than 5,000 square feet of gross floor area.~~

(6) Professional and business office in buildings that face a street.

(7) Gallery, exhibit space or museum.

(8) Community facility that complements residential and commercial use, such as a public or semipublic performance and cultural center, live theater, concert hall, meeting room suitable for social, civic, cultural or education activities, bandshell, kiosk or gazebo.

(9) Assembly, manufacturing, workshop or other light industrial use, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.

(10) Day-care center.

(11) Trade school or training program, college, private school, or nursery school.

(12) Other nonresidential use similar to the above uses as determined by resolution of the City Council.

...

Section 3. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.14 entitled "Bulk regulations," Subsections B, ~~and~~ G, and I are hereby amended as follows:

§ 223-41.14 **Bulk regulations.**

A. Minimum size of FCD site: ~~two~~ one (1) acres~~~~. Notwithstanding the above, the owner of less than ~~two~~ one (1) acres~~~~ of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.

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

C. Maximum dwelling unit size: 2,000 square feet of gross floor area.

D. Maximum building coverage, including parking structures: 35%.

E. Minimum open space: 30%.

F. Maximum building height: three stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or

centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the City Council to add architectural interest and to encourage access to rooftop gardens.

G. Minimum building setback from edge of pavement of a public ~~and private~~ street~~s~~ right-of-way: 12 feet.

H. Minimum frontage of overall FCD site on public street right-of-way: 50 feet.

I. Minimum setback from and buffer width along Fishkill Creek, measured in accordance with §223-41.13I(15): an average of 50 feet, but not less than 25 feet at any point, from the top of the creek bank, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

Section 4. Ratification, Readoption and Confirmation.

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

Section 5. 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 6. Severability.

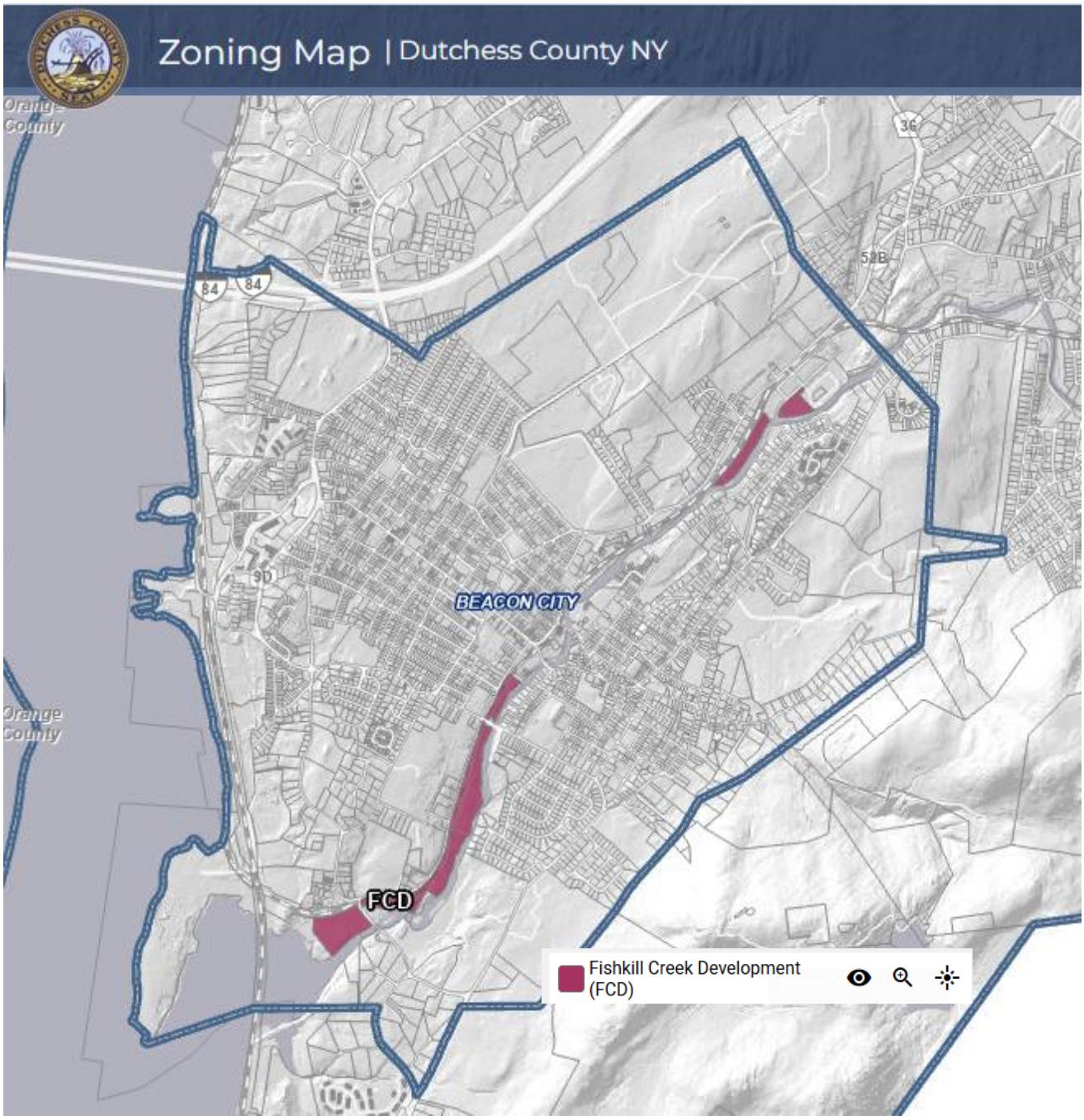
If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment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

Section 7. Effective date.

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

DRAFT

Attachment A - Location of FCD Parcels in Beacon



223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations
[Added 6-15-2020 by L.L. No. 7-2020;[1] amended 9-19-2022 by L.L. No. 8-2022; 9-3-2024 by L.L. No. 8-2024; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Zoning District	Minimum Lot Size Area[h] (see also § 223-121)				Minimum Yards[a]			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see § 223-13) (stories/feet)	Maximum percent Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (square feet)	Per Unit (square feet)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear[d,e] (feet)			Multifamily	All Other				
R1-120	120,000	120,000	250	350	70	50	75	—	2.5/35	N.A.	7%	1	—	R1-120	
R1-80	80,000	80,000	150	200	45	30	50	—	2.5/35	N.A.	10%	1	—	R1-80	
R1-40	40,000	40,000	150	150	35	25	50	—	2.5/35	N.A.	15%	1	—	R1-40	
R1-20	20,000	20,000	125	125	25	20	40	—	2.5/35	N.A.	20%	1	—	R1-20	
R1-10	10,000	10,000	85	100	20	15	35	—	2.5/35	N.A.	25%	1	—	R1-10	
R1-7.5	7,500	7,500	75	100	15	10	25	—	2.5/35	N.A.	30%	1	—	R1-7.5	
R1-5	5,000	2,500	50	100	10	10	20	—	2.5/35	N.A.	40%	2	—	R1-5	
RD-7.5[d,e]	2 acres	7,500	200	200	20 to 35	25	50	30	3/35	15%	20%	12	—	RD-7.5[d,e]	
RD-6[d,e]	2 acres	6,000	200	200	50	25	50	30	2.5/35	15%	20%	16	—	RD-6[d,e]	
RD-5[d,e]	5,000	5,000	50	100	30	10	25	30	3/35	20%	30%	16	—	RD-5[d,e]	
RD-4[d,e]	5,000	4,000	200	200	40	20	40	30	2.5/35	20%	25%	20	—	RD-4[d,e]	
RD-3[d,e]	5,000	3,000	50	100	30	20	25	30	3.5/45	20%	40%	24	—	RD-3[d,e]	
RD-1.8[d,e]	5,000	1,800	50	100	30	20	25	30	10[b]/100	25%	40%	__[c]	—	RD-1.8[d,e]	
RD-1.7[d,e]	5,000	1,700	50	100	30	20	25	30	4.5[f]/55[f]	25%	40%	36[g]	—	RD-1.7[d,e]	
T[e]	5,000	i	50	100	10	10	20	—	2.5/35	—	40%	—	—	T[e]	
GB	—	1,500	—	100	15	20	25	—	—/35	—	—	—	—	GB	
CMS	—	—	—	75	0 to 10	0	20	—	3/38	—	—	—	10%	CMS	Art. IVD
L	—	—	—	75	0 to 20	0 to 30	25	—	4/48	—	—	—	15%	L	Art. IVE
FCD	12 acres	3,960	—	—	—	—	—	—	3/40	35%		—	30%	FCD	Art. IVC
WP	1 acre	—	—	—	10	—	—	—	2.5/35	20%		—	—	WP	Art. IVA
TS	3 acres	—	—	—	—	—	—	—	See Art. IVA	—		—	15%	TS	Art. IVA
LI	—	1,500	60	100	20	20	25	—	—/35	70%		—	20%	LI	
HI	—	—	60	100	30	20	25	—	—/40	70%		—	20%	HI	

NOTES:

[a] A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.

[b] But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.

[c] But not more than 24 dwelling units in any building 3 1/2 stories or less in height.

[d] For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.

[e] In any RD or T District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreation or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided in the future. In its sole discretion, the Planning Board may also reduce the required side yard setbacks to zero feet for subdivisions of land designed for attached or semi-attached single-family dwellings (townhouses) where appropriate, except that the minimum side yard setbacks for end unit dwellings shall not be reduced further than 1/2 the minimum side yard setback of the least restrictive adjoining residential district.

[1] Editor's Note: This local law also repealed former 223 Attachment 1, § 223-17C, Schedule of Regulations for Residential Districts, as amended.

[f] A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.

[g] And each building shall not exceed 150 feet in length.

[h] For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.

[i] One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020;[1] amended 2-16-2021 by L.L. No. 2-2021; 9-19-2022 by L.L. No. 8-2022; 9-19-2022 by L.L. No. 9-2022; 5-5-2025 by L.L. No. 4-2025; 6-2-2025 by L.L. No. 5-2025; 7-7-2025 by L.L. No. 8-2025; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	P[2]	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		P[2]	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	P[2]	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	P	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	P~~X~~	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X

[1] Editor's Note: This local law also repealed former 223 Attachment 2, § 223-17D, Schedule of Regulations for Nonresidential Districts, as amended.

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale business		X	X	X	P	X	X	X	X	X	P	P
Self-storage facility and warehouse storage	Subject to § 223-24.5	X	X	X	P/SP	X	X	X	X	X	P/SP	P/SP
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	P	P	P	P	P	P	P	P	P	P	P
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	P	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Drive-through facilities, standalone or accessory		X	X	X	X	X	X	X	X	X	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see →					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

[2] These uses, excluding townhouses, are only permitted on a parcel within the R1-5 Zoning District and not any other R1 Zoning District. Additionally, these uses are only permitted on a parcel in the R1-5 Zoning District if such parcel is located north of either side of Rombout Avenue, south of Verplank Avenue, east of South Avenue (a/k/a Route 9D) and west of Fishkill/Teller Avenue. For a parcel on the southern side of Rombout Avenue, such use is not permitted on a corner lot unless the driveway and the front of the house is located on Rombout Avenue.

City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

August 19, 2026

Mayor Lee Kyriacou
Beacon City Council Members
1 Municipal Plaza
Beacon, NY 12508

Subject: City Council Referral of Local Law Amending the Fishkill Creek Development (FCD) Zoning District

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law concerning an amendment to the City's zoning code regarding regulations governing hotels and the Fishkill Creek Development (FCD) District. The proposed Local Law was reviewed during the August 11, 2026 Planning Board meeting. Planner, Natalie Quinn, summarized the proposed local law with the Planning Board.

After discussing the proposed local law, the Planning Board members in provided the following comments:

- Council and staff should investigate what, if any, other state or local regulations regulate the length of stay at hotels to ensure they do not revert to a dwelling unit
- Consider whether allowing kitchen facilities in hotel rooms would convert the hotel room to a "dwelling unit" (sleeping area, bathroom, food prep)
- Consider making "hotel" a special permit use so that Council or Planning Board can review and limit size if needed
- Board members showed support for modification of the hotel supplemental regulations to permit newer/more modern models of hotel that use technology for check-in rather than lobby and staff. These newer technologies are utilized to streamline check-in and reduce cost of bookings.
- With reference to Section 223-41.13.B(5) of the City Code (which is not currently proposed to be amended), the Council should consider the 5,000 sq foot size limitation currently placed on restaurants in the FCD. Many restaurants on Main Street are bumping up against seating caps that prevent them from expanding.
- With reference to Section 223-41.14.I, the Council should clearly establish a point from which the buffer zone is measured. Per DEC guidance, should also consider extending the required buffer area to 35-100ft for stream protection.
- Council should consider adding more prescriptive regulations and guidance for regulating streetscapes.
- Council should consider if regulations governing viewsheds from Tioronda Bridge and others vantage points would be appropriate. To this point, the Board recommends adding language like that which was added to the Train Station District to require contextual renderings of important viewsheds.

City of Beacon
Planning Board
One Municipal Plaza, Suite 1
Beacon, NY 12508
Phone: 845-838-5002

John Gunn, Chair

Sincerely,

John Gunn MP

John Gunn
Planning Board Chair

JG/mp

DUTCHESS COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT	GML 239 REFERRAL RESPONSE
To: City of Beacon, Municipal Board **Project Name**: Proposed Local Law Concerning the Fishkill Development District and Hotels **Action**: Zoning Amendments **Applicant**: City of Beacon **Property Address**:	**Referral #**: ZR26-164 **Date Received**: 8/14/2026 **Date Requested**: 9/2/2026 **Date Issued**: 9/1/2026
Reviewer: Dozier, Emily	**Signed:** Emily A. Dozier

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

ACTION

The proposed local law would amend the zoning code for the Fishkill Creek Development District to eliminate the minimum lot size area per unit (maximum residential density) while retaining the bulk standards, which limit height, lot coverage, etc; to revise the minimum setback to be measured from public streets only; and to allow hotels as a permitted principal use (similar to inns). It would also update the supplemental regulations for hotels to allow kitchens in hotel rooms and to allow hotels as part of mixed-use projects.

COMMENTS

We support the City's efforts to provide flexibility for development within the FCD district, while maintaining reasonable form-based regulations. We encourage the Board to provide additional flexibility; in particular, we suggest considering:

- Allow buildings of 4 or more stories (vs. 3), and/or provide a height limit based on topography (ground floor elevation), similar to the Waterfront Development zone
- Allow additional building coverage (vs. 35% maximum), but focus on limiting impermeable coverage
- Allow development on parcels of one acre or more (vs. 2 acres), to allow all parcels in the district (except the pump station) the opportunity for redevelopment.

RECOMMENDATION

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law Amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotels		
Project Location (describe and attach a general location map): The Fishkill Creek Development Zoning District		
Brief Description of Proposed Action (include purpose or need): The Beacon City Council is considering a Local Law which will amend the City of Beacon's Fishkill Creek Development (FCD) Zoning District's regulations to allow hotel uses. The Local Law further eliminates the traditional numerical residential density limitation in the FCD. Instead, density within the FCD will be limited through the Beacon Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, height, setbacks, open space, etc.). Minimum setbacks for buildings in the FCD will only be measured from the public right-of-way instead of also considering distances to private streets. Finally, the Local Law will provide an update to the Zoning Code's regulations for hotel uses.		
Name of Applicant/Sponsor: City Council of the City of Beacon	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Ben Swanson, City Administrator	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑ Yes ☐ No	Beacon City Council	July 20, 2026
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? ☑ Yes ☐ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑ Yes ☐ No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☑ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule, or regulation be the only approval(s) that must be granted to enable the proposed action to proceed? ☑ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)? ☑ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:C314117, Remediation Sites:546031, Remediation Sites:C314118, Remediation Sites:314044

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? ☐ Yes ☑ No

If Yes, identify the plan(s):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☐ Yes ☑ No

If Yes , identify the elements of the plan that are relevant to the action:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential, commercial, and mixed-use.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes, what is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Beacon City School District

b. What police or other public protection forces serve the project site?

Beacon Police Department & Metropolitan Transportation Authority Police Department

c. Which fire protection and emergency medical services serve the project site?

Beacon City Fire Department, Beacon Volunteer Ambulance Corps, and Empress Emergency Response Service.

d. What parks serve the project site?

Beacon City Parks & NY State Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %_____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum_____Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month_____year
- Anticipated completion date of final phase _____ month_____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure:_____height;_____width; and_____length

iii. Approximate extent of building space to be heated or cooled:_____square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume:_____million gallons; surface area:_____acres

v. Dimensions of the proposed dam or impounding structure: _____ height;_____length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated?_____acres

vi. What is the maximum area to be worked at any one time?_____acres

vii. What would be the maximum depth of excavation or dredging?_____feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks, and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day:_____gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or_____acres (impervious surface)

_____ Square feet or_____acres (parcel size)

ii. Describe types of new point sources.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water, or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, boilers, electric generation, surface coating)

_____

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐ Yes ☐ No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____Tons/year (short tons) of carbon monoxide (CO)
- _____Tons/year (short tons) of oxides of nitrogen (NOx)
- _____Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____Tons/year (short tons) of volatile organic compounds (VOC)
- _____Tons/year (short tons) of sulfur dioxide (SO_2)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐ Yes ☐ No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? ☐ Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐ Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of_____to_____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks):

_____

iii. Parking spaces: Existing_____Proposed_____Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional energy demand? ☐Yes ☐No
If Yes:
i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday:_____
- Saturday:_____
- Sunday:_____
- Holidays:_____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No
If yes:
i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No
Describe:

n. Will the proposed action have outdoor lighting? ☐Yes ☐No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No
Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No
If Yes:
i. Product(s) to be stored _____
ii. Volume(s)_____ per unit time_____(e.g., month, year)
iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:

_____

- Operation:

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:

_____

- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐Yes ☐No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled, or managed at facility: _____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling, or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐Yes ☐No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐Urban ☐Industrial ☐Commercial ☐Residential (suburban) ☐Rural (non-farm)
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing			
• Commercial			
• Residential			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse, etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth, or fill)			
• Other, Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify facilities:

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property that is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If Yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If Yes, provide DEC ID number(s): _____
iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If Yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☐No
If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds, or lakes)? ☐Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If Yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☐No

j. Is the project site in the 100-year Floodplain? ☐Yes ☐No

k. Is the project site in the 500-year Floodplain? ☐Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If Yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYSOffice of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐Yes ☐No

If Yes:

i. Nature of historic/archaeological resource: ☐Archaeological Site ☐Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory? ☐Yes ☐No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐Yes ☐No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐Yes ☐No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐Yes ☐No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐Yes ☐No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes ☐No
Solid Waste Management Facility	☐Yes ☐No
Hazardous Waste Management Facility	☐Yes ☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes ☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes ☐No
Waste Transporter	☐Yes ☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No

b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No

c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought? ☐ Yes ☐ No

ii. temperature extremes (hot or cold)? ☐ Yes ☐ No

iii. extreme storms, including high winds? ☐ Yes ☐ No

iv. landslides? ☐ Yes ☐ No

v. coastal erosion? ☐ Yes ☐ No

vi. stormwater flooding? ☐ Yes ☐ No

vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

Attach any additional information which may be needed to clarify your project.

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

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Beacon City Council Date July 30, 2026

Signature  Title City Attorney

July 30, 2026

Beacon – FEAF Part 1 Narrative
Proposed Local Law Concerning the Fishkill Creek Development District & Hotels

On July 20, 2026, the Beacon City Council introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to amend certain regulations pertaining to the Fishkill Creek Development ("FCD") Zoning District. The FCD District is a relatively small geographic zoning district along the Fishkill Creek consisting of nine (9) tax map parcels generally ranging from 0.03 acres to 11.07 acres. The legislative intent of the FCD District is to encourage the redevelopment of underutilized or former industrial properties through a mix of residential and nonresidential uses while preserving the environmental and recreational uses of the Fishkill Creek. All future development within the FCD will be subject to independent review in accordance with the State Environmental Quality Review Act ("SEQRA").

Amendments to the Fishkill Creek Development District

1. Hotel Uses within the FCD District.

The proposed Local Law will permit Hotel uses in the FCD District. A Hotel is defined as under Zoning Code Section 223-63 as:

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

Hotel uses are similar to bed-and-breakfast and inn uses, which are currently permitted uses within the FCD District. Specifically, an "inn" is defined under Zoning Code Section 223-63 as "[a] hotel containing no more than 10 guest rooms." The City's Zoning Code does not otherwise establish substantially different regulations and requirements for hotels and inns except for the number of guest rooms. Moreover, inns and hotels both provide transient lodging accommodations and typically include similar accessory amenities. As such, permitting hotel uses with the FCD District will be generally consistent with the stated legislative purpose of the FCD District which is to "[e]ncourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses." Zoning Code § 223-41.12(A).

2. Density Limitation within the FCD District.

Density within the FCD is presently limited to no more than 11 dwelling units per acre. The Local Law will eliminate this traditional numerical based density limitation and instead regulate density through the Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, building height, setbacks, open space requirements, etc.). A form-based approach to density regulation is currently utilized in the City's Central Main Street (CMS), Linkage (L), and Transit Station (TS) zoning districts. The City's General Business (GB) and Light Industrial (LI) zoning districts both allow approximately 29 dwelling units per acre.

The use of a form-based zoning limitation for residential density is further consistent the City Council's continued efforts to encourage additional residential dwelling units thereby increasing the City's housing stock as well as the number of below-market rental units. Accordingly, the elimination of FCD District's numerical limitation for density is consistent with the City's other mixed-use zoning districts and furthers the City Council's housing goals.

3. Minimum Setback Requirements in the FCD District.

The Local Law revises the minimum setback requirements within the FCD District to measure the setback requirement for buildings to be measured from a public right-of-way. Eliminating the reference to private streets is consistent with the City's other zoning regulations. The Planning Board will still have an opportunity to address the distances of buildings from private streets during the site plan review process.

Updates to the Zoning Code's Supplemental Regulations for Hotels

The Local Law amends Zoning Code § 223-14.1 concerning supplemental regulations for hotel uses. This revision provides that any uses on the same site of a hotel "may include" usual hotel activities and incidental accessory uses, whereas the Zoning Code currently provides that all buildings or structures on the same site of a hotel "shall be limited to" usual hotel activities and incidental accessory uses. This update to permissive language better reflects contemporary hotel uses which more frequently function as part of a mixed-use project rather than a stand-alone use.

The Local Law also removes the prohibition on kitchen facilities in guest rooms. The prohibition on kitchen facilities in hotel guest rooms has traditionally distinguished hotels from multifamily dwellings and single-room occupancy uses. However, many modern hotels now feature kitchenettes in guest rooms, and such distinctions between these different uses are adequately addressed via modern building code requirements and Zoning Code definitions.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies that would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No." If the answer to the initial question is "Yes," complete the following sub-questions. If the answer to the initial question is "No," proceed to the next question. Section F allows the project sponsor to identify and attach additional information. Section G requires the name and signature of the applicant or project sponsor to verify the information in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: A Local Law Amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotels		
Project Location (describe and attach a general location map): The Fishkill Creek Development Zoning District		
Brief Description of Proposed Action (include purpose or need): The Beacon City Council is considering a Local Law which will amend the City of Beacon's Fishkill Creek Development (FCD) Zoning District's regulations to allow hotel uses. The Local Law further eliminates the traditional numerical residential density limitation in the FCD. Instead, density within the FCD will be limited through the Beacon Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, height, setbacks, open space, etc.). Minimum setbacks for buildings in the FCD will only be measured from the public right-of-way instead of also considering distances to private streets. Finally, the Local Law will provide an update to the Zoning Code's regulations for hotel uses.		
Name of Applicant/Sponsor: City Council of the City of Beacon	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Ben Swanson, City Administrator	Telephone: (845) 838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): N/A	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑ Yes ☐ No	Beacon City Council	July 20, 2026
b. City, Town or Village Planning Board or Commission ☐ Yes ☐ No		
c. City, Town or Village Zoning Board of Appeals ☐ Yes ☐ No		
d. Other local agencies ☐ Yes ☐ No		
e. County agencies ☐ Yes ☐ No		
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No		
h. Federal agencies ☐ Yes ☐ No		

i. Coastal Resources.

i. Is the project site within a Coastal Area or the waterfront area of a Designated Inland Waterway? ☑ Yes ☐ No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑ Yes ☐ No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☑ No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule, or regulation be the only approval(s) that must be granted to enable the proposed action to proceed? ☑ Yes ☐ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally adopted (city, town, village, or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other)? ☑ Yes ☐ No

If Yes, identify the plan(s):

Remediation Sites:C314117, Remediation Sites:546031, Remediation Sites:C314118, Remediation Sites:314044

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan or an adopted municipal farmland protection plan? ☐ Yes ☑ No

If Yes, identify the plan(s):

d. Is the proposed action in a municipality with an adopted comprehensive or individual plan that addresses climate change? ☐ Yes ☑ No

If Yes , identify the elements of the plan that are relevant to the action:

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance? ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

Residential, commercial, and mixed-use.

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes, what is the proposed new zoning for the site?

C.4. Existing community services.

a. In what school district is the project site located? Beacon City School District

b. What police or other public protection forces serve the project site?

Beacon Police Department & Metropolitan Transportation Authority Police Department

c. Which fire protection and emergency medical services serve the project site?

Beacon City Fire Department, Beacon Volunteer Ambulance Corps, and Empress Emergency Response Service.

d. What parks serve the project site?

Beacon City Parks & NY State Parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

_____

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? %_____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

_____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum_____Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☐ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month_____year
- Anticipated completion date of final phase _____ month_____year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐ Yes ☐ No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure:_____height;_____width; and_____length

iii. Approximate extent of building space to be heated or cooled:_____square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume:_____million gallons; surface area:_____acres

v. Dimensions of the proposed dam or impounding structure: _____ height;_____length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐ Yes ☐ No

If Yes:

i .What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No

If yes, describe. _____

v. What is the total area to be dredged or excavated?_____acres

vi. What is the maximum area to be worked at any one time?_____acres

vii. What would be the maximum depth of excavation or dredging?_____feet

viii. Will the excavation require blasting? ☐ Yes ☐ No

ix. Summarize site reclamation goals and plan: _____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

ii. Describe how the proposed action would affect that waterbody or wetland, e.g., excavation, fill, placement of structures, or alteration of channels, banks, and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day:_____gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e., sheet flow) during construction or post construction? ☐ Yes ☐ No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or_____acres (impervious surface)

_____ Square feet or_____acres (parcel size)

ii. Describe types of new point sources.

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water, or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☐ No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, boilers, electric generation, surface coating)

_____

g. Will any air emission sources named in D.2.f (above), require an Air Facility Registration, Air State Facility Permit, Title IV Permit or Title V Permit? ☐ Yes ☐ No

If Yes:

i. Is the proposed action subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231? ☐ Yes ☐ No

ii. As calculated in the air permit application, the proposed action has the potential to emit:

- _____Tons/year (short tons) of carbon monoxide (CO)
- _____Tons/year (short tons) of oxides of nitrogen (NOx)
- _____Tons/year (short tons) of particulate matter (PM-10, PM-2.5)
- _____Tons/year (short tons) of volatile organic compounds (VOC)
- _____Tons/year (short tons) of sulfur dioxide (SO_2)

iii. Will emissions of air contaminants from the proposed action described above exceed the corresponding major source thresholds? ☐ Yes ☐ No

iv. Does the proposed action have the potential to emit 10 tons/year or more of any one designated hazardous air pollutant or 25 tons/year or more of any combination of such hazardous air pollutants (6NYCRR 200.1(ag))? ☐ Yes ☐ No

If Yes, provide the total potential to emit hazardous air pollutants in short tons/year: _____

h. Will the proposed action generate or emit annual direct and indirect greenhouse gas emissions, such as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons in excess of 10,000 metric tons of total carbon dioxide equivalents per year at any point in the lifetime of the proposed action (estimated using the carbon dioxide equivalent definition and global warming potentials provided in 6 NYCRR Part 496)? ☐ Yes ☐ No

If Yes:

i. Estimate the proposed action's metric tons of carbon dioxide equivalents in tons/year (metric): _____

ii. Describe any greenhouse gas capture, control, or elimination measures included in project design: _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of_____to_____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks):

_____

iii. Parking spaces: Existing_____Proposed_____Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional energy demand? ☐Yes ☐No
If Yes:
i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):_____

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐ Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:
- Monday - Friday:_____
- Saturday:_____
- Sunday:_____
- Holidays:_____

ii. During Operations:
- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No
If yes:
i. Provide details including sources, time of day and duration:

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No
Describe:

n. Will the proposed action have outdoor lighting? ☐Yes ☐No
If yes:
i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No
Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No
If Yes:
i. Product(s) to be stored _____
ii. Volume(s)_____ per unit time_____(e.g., month, year)
iii. Generally, describe the proposed storage facilities:_____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticide) during construction or operation? ☐ Yes ☐No
If Yes:
i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:

_____

- Operation:

_____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:

_____

- Operation:

s. Does the proposed action include construction or modification of a solid waste management facility? ☐Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐Yes ☐No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled, or managed at facility: _____

_____

ii. Generally describe processes or activities involving hazardous wastes or constituents:

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling, or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐Yes ☐No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐Urban ☐Industrial ☐Commercial ☐Residential (suburban) ☐Rural (non-farm)
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):

ii. If mix of uses, generally describe:

b. Land uses and cover types on the project site.

Land use or Cover type	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces (total)			
• Industrial or manufacturing			
• Commercial			
• Residential			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse, etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth, or fill)			
• Other, Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No
If Yes,
i. Identify facilities:

e. Does the project site contain an existing dam? ☐ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property that is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
- If Yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No
If Yes, provide DEC ID number(s): _____
iv. If Yes to (i), (ii) or (iii) above, describe current status of site(s):

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☐No

- If Yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____feet

e. Drainage status of project site soils:
☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes:
☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes ☐No
If Yes, describe:

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds, or lakes)? ☐Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☐No

If Yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☐No

j. Is the project site in the 100-year Floodplain? ☐Yes ☐No

k. Is the project site in the 500-year Floodplain? ☐Yes ☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes ☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

_____ _____ _____

_____ _____ _____

n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

_____

ii. Source(s) of description or evaluation:

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No

If Yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYSOffice of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐Yes ☐No

If Yes:

i. Nature of historic/archaeological resource: ☐Archaeological Site ☐Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the New York State Historic Preservation Office (SHPO) archaeological site inventory? ☐Yes ☐No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐Yes ☐No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic, or aesthetic resource? ☐Yes ☐No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail, or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐Yes ☐No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐Yes ☐No

E.4. Disadvantaged Communities Designated Pursuant to ECL Article 75

a. Is the project located within, or within ½ mile of, a disadvantaged community? ☐Yes ☐No

If No, could impacts(see examples below in E.4.b) from the project affect a disadvantaged community? ☐Yes ☐No

If Yes to either question in E.4.a, answer the remaining questions in this section.

b. Will there be direct or indirect impacts that may affect a disadvantaged community, such as those listed below? ☐Yes ☐No

i. new noise sources or expansions/modification of existing noise sources;
- noise from operational sources
- noise from construction activities

ii. emissions of air pollutants including, mobile emissions;

iii. wastewater discharges;

iv. generation of odors;

v. light pollution;

vi. new or modified radiation sources;

vii. new or modified sources of solid waste generation, management, or disposal.

If Yes, describe the impacts:

c. Do any of the State agency approvals identified in question B.g include any of the following DEC permits?

State Pollutant Discharge Elimination System (SPDES)	☐Yes	☐No
Solid Waste Management Facility	☐Yes	☐No
Hazardous Waste Management Facility	☐Yes	☐No
Air Pollution Control (Title V or Air State Facility)	☐Yes	☐No
Water Withdrawal over 20 MGD for Cooling Water	☐Yes	☐No
Waste Transporter	☐Yes	☐No

E.5 Future Physical Climate Risks

Will the proposed action be vulnerable to the following future physical climate risks under current or projected future conditions:

a. Is the proposed action vulnerable to damage from a projected 100-year flood? ☐ Yes ☐ No

b. Is the proposed action vulnerable to damage from a projected 500-year flood? ☐ Yes ☐ No

c. Is the proposed action in an area potentially affected by sea level rise? ☐ Yes ☐ No

d. Will the proposed action increase the vulnerability of human or ecological communities to the following:

i. drought? ☐ Yes ☐ No

ii. temperature extremes (hot or cold)? ☐ Yes ☐ No

iii. extreme storms, including high winds? ☐ Yes ☐ No

iv. landslides? ☐ Yes ☐ No

v. coastal erosion? ☐ Yes ☐ No

vi. stormwater flooding? ☐ Yes ☐ No

vii. other climate or weather hazards? ☐ Yes ☐ No If Yes, describe: _____

F. Additional Information

Attach any additional information which may be needed to clarify your project.

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

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Beacon City Council Date July 30, 2026

Signature Christian A.L. Gates Title City Attorney

July 30, 2026

Beacon – FEAF Part 1 Narrative
Proposed Local Law Concerning the Fishkill Creek Development District & Hotels

On July 20, 2026, the Beacon City Council introduced a Local Law to amend Chapter 223 of the Beacon City Code (the "Zoning Code") to amend certain regulations pertaining to the Fishkill Creek Development ("FCD") Zoning District. The FCD District is a relatively small geographic zoning district along the Fishkill Creek consisting of nine (9) tax map parcels generally ranging from 0.03 acres to 11.07 acres. The legislative intent of the FCD District is to encourage the redevelopment of underutilized or former industrial properties through a mix of residential and nonresidential uses while preserving the environmental and recreational uses of the Fishkill Creek. All future development within the FCD will be subject to independent review in accordance with the State Environmental Quality Review Act ("SEQRA").

Amendments to the Fishkill Creek Development District

1. Hotel Uses within the FCD District.

The proposed Local Law will permit Hotel uses in the FCD District. A Hotel is defined as under Zoning Code Section 223-63 as:

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

Hotel uses are similar to bed-and-breakfast and inn uses, which are currently permitted uses within the FCD District. Specifically, an "inn" is defined under Zoning Code Section 223-63 as "[a] hotel containing no more than 10 guest rooms." The City's Zoning Code does not otherwise establish substantially different regulations and requirements for hotels and inns except for the number of guest rooms. Moreover, inns and hotels both provide transient lodging accommodations and typically include similar accessory amenities. As such, permitting hotel uses with the FCD District will be generally consistent with the stated legislative purpose of the FCD District which is to "[e]ncourage the development and/or redevelopment of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses." Zoning Code § 223-41.12(A).

2. Density Limitation within the FCD District.

Density within the FCD is presently limited to no more than 11 dwelling units per acre. The Local Law will eliminate this traditional numerical based density limitation and instead regulate density through the Zoning Code's existing form-based standards (e.g., lot size, building coverage, frontage, building height, setbacks, open space requirements, etc.). A form-based approach to density regulation is currently utilized in the City's Central Main Street (CMS), Linkage (L), and Transit Station (TS) zoning districts. The City's General Business (GB) and Light Industrial (LI) zoning districts both allow approximately 29 dwelling units per acre.

The use of a form-based zoning limitation for residential density is further consistent the City Council's continued efforts to encourage additional residential dwelling units thereby increasing the City's housing stock as well as the number of below-market rental units. Accordingly, the elimination of FCD District's numerical limitation for density is consistent with the City's other mixed-use zoning districts and furthers the City Council's housing goals.

3. Minimum Setback Requirements in the FCD District.

The Local Law revises the minimum setback requirements within the FCD District to measure the setback requirement for buildings to be measured from a public right-of-way. Eliminating the reference to private streets is consistent with the City's other zoning regulations. The Planning Board will still have an opportunity to address the distances of buildings from private streets during the site plan review process.

Updates to the Zoning Code's Supplemental Regulations for Hotels

The Local Law amends Zoning Code § 223-14.1 concerning supplemental regulations for hotel uses. This revision provides that any uses on the same site of a hotel "may include" usual hotel activities and incidental accessory uses, whereas the Zoning Code currently provides that all buildings or structures on the same site of a hotel "shall be limited to" usual hotel activities and incidental accessory uses. This update to permissive language better reflects contemporary hotel uses which more frequently function as part of a mixed-use project rather than a stand-alone use.

The Local Law also removes the prohibition on kitchen facilities in guest rooms. The prohibition on kitchen facilities in hotel guest rooms has traditionally distinguished hotels from multifamily dwellings and single-room occupancy uses. However, many modern hotels now feature kitchenettes in guest rooms, and such distinctions between these different uses are adequately addressed via modern building code requirements and Zoning Code definitions.

Agency Use Only [If applicable]

Project : Local Law re FCD & Hotels

Date : October 5, 2026

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency-s reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes"** to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No"** to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the whole action.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land

Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☒ YES

If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts:		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached:	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature:	E3c	☐	☐
c. Other impacts:		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts:		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source:	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts:		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☑	☐
b. The proposed action may result in development within a 100-year or a 500-year floodplain.	E2j, E5a, E5b	☑	☐
c. The proposed action may result in development in an area potentially affected by sea level rise.	E2k, E5c	☑	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☑	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☑	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☑	☐

g. Other impacts:		☐	☐

6. Impacts on Air and Climate

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) or generate greenhouse gas emissions over 10,000 metric tons of carbon dioxide equivalents (See Part 1. D.2.h)

☑ NO ☐ YES

If "Yes", answer questions a - i. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action mayalso have the potential to emit one or more regulated air contaminants at or above the following levels:	D2g	☐	☐
i. More than 100 short tons/year of carbon monoxide (CO)	D2g	☐	☐
ii. More than 100 short tons/year of oxides of nitrogen (NO_x) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
iii. More than 100 short tons/year of particulate matter (PM-10, PM-2.5)	D2g	☐	☐
iv. More than 50 short tons/year of volatile organic compounds (VOC) outside the NYC Metropolitan Area or Long Island OR 25 short tons/year within the NYC Metropolitan Area or Long Island	D2g	☐	☐
v. More than 100 short tons/year of sulfur dioxide (SO_2)			
b. The proposed action has the potential to emit 10 short tons/year or more of any one designated hazardous air pollutant, or 25 short tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may include a heat source capable of producing more than 20 million BTUs per hour.	D2f, D2g	☐	☐
d. The proposed action may exceed 50% of any of the thresholds in "a" or "b", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of solid, hazardous, or hospital/medical/infectious waste.	D2f, D2s	☐	☐
f. The proposed action is subject to the Nonattainment New Source Review or Prevention of Significant Deterioration requirements discussed in 6 NYCRR Part 231.	D2g	☐	☐
g. The proposed action will emit more than 10,000 metric tons of CO2 equivalents per year.	D2h	☐	☐
h. A municipality adopted comprehensive or individual plan addressing climate change applies to the proposed action and the proposed action would materially conflict with the achievement of one or more goals of the plan related to climate change.	C2d	☐	☐
i. Other impacts:		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑ NO ☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source:	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts:		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action is obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☐ NO ☑ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☑	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☑	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☑ ☑	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism-based activities	E3h E2q, E1c	 ☑ ☑	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☑	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☑	☐
g. Other impacts:		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☑	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☑	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source:	E3g	☐	☐

d. Other impacts:		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or that may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

■ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐ NO ■ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☑	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☑	☐
c. The proposed action will degrade existing transit access.	D2j	☑	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☑	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☑	☐
f. Other impacts:		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ■ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☑	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☑	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☑	☐
e. Other Impacts:		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ■ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☑	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☑	☐
f. Other impacts:		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ■ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off-site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts:		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☑ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, Elb	☐	☐
f. The proposed action is in an area characterized by low density developmentthat will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other:		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☑ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts:		☐	☐

19. Impact on Disadvantaged Communities

The proposed project may impact a disadvantaged community. (See Part 1. E.4) ☑ NO ☐ YES

If "Yes", answer questions a - g . If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Is the potentially affected disadvantaged community identified as having comparatively higher burdens or vulnerabilities by the Disadvantaged Community Assessment Tool?	E.4.c	☐	☐
b. The proposed action may create new air emissions or increase existing air emissions within a disadvantaged community.	D.2.f-i, E.4	☐	☐
c. The proposed action may create new wastewater treatment or discharges, or expand existing wastewater treatment or discharges, within a disadvantaged community.	D.2.d	☐	☐
d. The proposed action creates or expands a solid or hazardous waste management facility, or involves the generation of solid or hazardous waste, within or near a disadvantaged community.	D.2.r, D.2.s, D.2.t, E.1.f, E.1.g	☐	☐
e. The proposed action may increase traffic within a disadvantaged community.	D.2.j	☐	☐
f. The proposed action affects or involves one or more of the following facility types: i. landfill; ii. other industrial, manufacturing, or mining land uses; iii. major oil or chemical bulk storage facility; iv. municipal waste combustor; v. power generation facility; vi. risk management plan site; vii. remediation site; or viii. scrap metal processor.	C.3.c, D.1.a, D.1.g, D.2.a, D.2.d, D.2.f, E.1.a, E.1.b. E.1.h, E.1.v, E.4	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
g. Other impacts:		☐	☐

20. Future Physical Climate Risks

The proposed project may be vulnerable to future physical climate risks or increase the vulnerability of human or ecological communities to future physical climate risks. ☑ NO ☐ YES

(See Part 1. E.5)

If "Yes", answer questions a - e. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is vulnerable to damage from a projected 100-year flood.	E2j, E5a	☐	☐
b. The proposed action is vulnerable to damage from a 500-year flood.	E2k, E5b	☐	☐
c. The proposed action is in an area potentially affected by sea level rise.	E5c	☐	☐
d. The proposed action may increase the vulnerability of human or ecological communities to the following:	E5d	☐	☐
i. drought		☐	☐
ii. temperature extremes (hot or cold)		☐	☐
iii. extreme storms, including high winds		☐	☐
iv. landslides		☐	☐
v. coastal erosion		☐	☐
vi. stormwater flooding		☐	☐
vii. other climate or weather hazards? If yes, describe: _____		☐	☐
e. Other impacts:		☐	☐

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size, or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact, and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact.
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

The proposed Local Law, the Full Environmental Assessment Forms Part 1 and Narrative, Part 2, the City of Beacon Schedule of Uses, the City of Beacon Schedule of Dimensional Regulations, memorandums from the City Planner, the Beacon Zoning Map, the Dutchess County Dept. of Planning & Development GML 239-m referral response letter (09.01.2026), and the City of Beacon Planning Board referral response letter (08.19.2026), and discussions at Beacon Council meetings.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City Council of the City of Beacon as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions that will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: A Local Law amending Chapter 223 of the Beacon City Code Concerning the Fishkill Creek Development District and Hotel Uses.

Name of Lead Agency: City Council of the City of Beacon

Name of Responsible Officer in Lead Agency: Benjamin Swanson (Delegated to the City Administrator per City Council Resolution)

Title of Responsible Officer: City Administrator

Signature of Responsible Officer in Lead Agency: Date:

Signature of Preparer (if different from Responsible Officer) Christian A.L. Gates Date: 10/2/2026

For Further Information:

Contact Person: Benjamin Swanson, City Administrator

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: (845) 838-5000

E-mail: cityofbeacon@beaconny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

Title:

October 19, 2026 Minutes

ATTACHMENTS

October 19, 2026 Minutes

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

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Lastar Gorton, Ward 1
Councilmember Zack Smith, Ward 2
Councilmember Sergei Krasikov, Ward 3
Councilmember Carolyn Glauda, Ward 4
City Administrator Ben Swanson

October 19, 2026
7:00 PM
Draft
City Council
Minutes

Regular Meeting

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

https://www.youtube.com/@cityofbeacon8181. The public was able to attend in-person or through video or telephone and were made aware via the City of Beacon website, beaconny.gov. Please take notice that the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling (845) 838 – 5010, or by emailing cityofbeacon@beaconny.gov .

Councilmembers Present

Mayor Lee Kyriacou

Councilmember Amber Grant, At Large

Councilmember Paloma Wake, At Large

Councilmember Lastar Gorton, Ward One

Councilmember Zack Smith, Ward Two

Councilmember Sergei Krasikov, Ward Three

Councilmember Carolyn Glauda, Ward Four

Also Present

Benjamin Swanson, Deputy City Administrator

Christian A.L. Gates, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Presentation of the Proposed 2027 Operating Budget

Proposed 2027 Budget: Highway Department

Proposed 2027 Budget: Water and Sewer Department

Proposed 2027 Budget: Wastewater Treatment Plant

Public Comment

Public Hearings

Public Hearing for a Proposed Local Law Concerning Penalties for Violations of the City's Zoning, Fire Prevention, and Building Codes

Motion to close the public hearing by Councilmember Smith.
Second by Councilmember Krasikov.

Motion passes 5 - 0.

Public Hearing for a Proposed Local Law Concerning Short-Term Rentals

Motion to close the public hearing by Councilmember Glauda.
Second by Councilmember Smith.

Motion passes 5 - 0.

Workshop

Certification of Base Proportions for the 2026 Assessment

Settlement of Prospect Realty Syndicate Inc. Tax Certiorari

Settlement of 487 Main Street LLC Tax Certiorari

Appointment of David Murphy to the Position of Mechanical Equipment Operator

Appointment of Mary Timm to the Position of Senior Typist

Authorization for City of Beacon Bond Issuances

Discussion of City of Beacon Flock Automatic License Plate Readers

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 82 - Appointing David Murphy to the Position of Motor Equipment Operator

   Motion to adopt the resolution by Councilmember Krasikov.
   Second by Councilmember Smith.

   Motion passes 5 - 0.

2. Resolution No. 83 - Appointing Mary Timm to the Position of Senior Typist

   Motion to adopt the resolution by Councilmember Glauda.
   Second by Councilmember Smith.

   Motion passes 5 - 0.

3. Resolution No. 84 - Certifying Base Proportions for the 2026 Assessment

   Motion to adopt the resolution by Councilmember Wake.
   Second by Councilmember Smith.

   Motion passes 5 - 0.

4. Resolution No. 85 - Authorizing Settlement of Prospect Realty Syndicate Inc. Tax Certiorari

   Motion to adopt the resolution by Councilmember Wake.
   Second by Councilmember Krasikov.

   Motion passes 5 - 0.

5. Resolution No. 86 - Authorizing Settlement of 487 Main Street LLC Tax Certiorari

   Motion to adopt the resolution by Councilmember Smith.
   Second by Councilmember Krasikov.

   Motion passes 5 - 0.

6. Resolution No. 87- Authorizing a Bond Issuance for the Construction of Mount Beacon Water Storage Tank

   Motion to adopt the resolution by Councilmember Krasikov.
   Second by Councilmember Wake.

   Motion passes 5 - 0.

7. Resolution No. 88 - Authorizing a Bond Issuance for the Purchase of a Track Loader for the Highway Department

Motion to adopt the resolution by Councilmember Glauda.
Second by Councilmember Smith.

Motion passes 5 - 0.

8. Resolution No. 89 - Authorizing a Bond Issuance for the Purchase of a Utility Maintenance Truck

Motion to adopt the resolution by Councilmember Smith.
Second by Councilmember Wake.

Motion passes 5 - 0.

9. Resolution No. 90 - Authorizing a Bond Issuance for the Construction of High Lift Pump No. 4

Motion to adopt the resolution by Councilmember Glauda.
Second by Councilmember Smith.

Motion passes 5 - 0.

10. Resolution No. 91 - Authorizing a Bond Issuance for the Purchase and Installation of Liquid Waste Screening Equipment at the Wastewater Treatment Plant

Motion to adopt the resolution by Councilmember Krasikov.
Second by Councilmember Wake.

Motion passes 5 - 0.

11. Resolution No. 92 - Adopting Local Law No. 5 of 2026 Concerning Penalties for Violations of the City's Zoning, Fire Prevention, and Building Codes

Motion to adopt the resolution by Councilmember Smith.
Second by Councilmember Wake.

Motion passes 5 - 0.

12. Resolution No. 93 - Setting a Public Hearing for the 2027 Proposed Budget

Motion to adopt the resolution by Councilmember Wake.
Second by Councilmember Smith.

Motion passes 5 - 0.

Approval of Minutes

1. October 5, 2026 Minutes

Motion to approve the minutes by Councilmember Wake.
Second by Councilmember Glauda.

Motion passes 5 - 0.

Public Comment - Second Opportunity

Announcement of Next Meeting: November 2, 2026 at 7:00 p.m.

Executive Session

1. Executive Session: Real Property

Motion to go into executive session and adjourn immediately therefrom with no further business by Councilmember Wake.
Second by Councilmember Glauda.
Motion passes 5 – 0.

Motion to adjourn the executive session by Mayor Kyriacou.

Second by Councilmember Wake.

Motion passes 5 – 0.

Adjournment

Motion to adjourn by Councilmember Gorton.
Second by Councilmember Smith.

Motion passes 5 - 0.

Title:

Executive Session: Contracts

ATTACHMENTS