



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

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

**February 10, 2025
7:00 PM
City Council Agenda**

Roll Call

Workshop Agenda Items

1. [Proposed Local Law Concerning Use Regulations for Drive-Through Facilities and Self-Storage Businesses](#)
2. [Extension of Special Use Permit for 416-420 Main Street](#)
3. [2025 City of Beacon Priorities](#)

Announcement of Next Meeting: February 18, 2025 at 7:00 p.m.

City of Beacon City Council Agenda
02/10/2025

Title:

Proposed Local Law Concerning Use Regulations for Drive-Through Facilities and Self-Storage Businesses

ATTACHMENTS

Proposed Local Law Concerning Use Regulations for Drive-Through Facilities and Self-Storage Businesses

Fishkill Avenue Concepts Committee Memorandum Regarding Initial Zoning Recommendations

City of Beacon Zoning Map

LOCAL LAW NO. ____ OF 2025

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE
CONCERNING USE REGULATIONS

A LOCAL LAW to amend Chapter 223 of the Beacon City Code to amend the Schedule of Use Regulations concerning drive-through facilities and self-storage business and to clarify only expressly permitted uses are allowed.

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 223-17 entitled “Schedule of Regulations,” Subsection C, Attachment 2 entitled “Schedule of Use Regulations,” is hereby amended as provided on the attached Schedule of Use Regulations.

Section 2. Chapter 223 of the Beacon City Code, Article III – General Regulations, Section 223-17, entitled “Schedule of Regulations,” Subsection B is hereby amended as follows:

§ 223-17 **Schedule of Regulations.**

...

- B. ~~Uses not expressly permitted are prohibited. It is the intention that the~~Any uses ~~not expressly permitted in a district by this Chapter, or as set forth in § 223-17C, Schedule of Use Regulations, for each district shall not be~~permitted ~~prohibited uses in any other district in the schedules, unless allowed specifically or by reference as permitted uses in said district.~~

...

Section 3. Chapter 223 of the Beacon City Code, Article IVD – Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsection D is hereby amended as follows:

§ 223-41.18 **Regulations.**

...

- D. ~~Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the CMS District~~RESERVED.;

~~(1) Gasoline filling stations.~~

~~(2) Drive-through facilities, standalone or used in connection with any other use.~~

...

Section 4. Chapter 223 of the Beacon City Code, Article IVE – Linkage District (L), Section 223-41.21, entitled “Regulations,” Subsection C is hereby amended as follows:

§ 223-41.21 **Regulations.**

...

- C. ~~Prohibited uses. Uses not listed in Subsection A or B above and the following specific uses are prohibited in the L District~~RESERVED.;

~~(1) Gasoline filling station.~~

~~(2) Drive-through facilities, stand-alone or used in connection with any other use.~~

...

Section 5. 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 6. 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 7. 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 8. 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.

ZONING

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]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	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	X	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		X	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	X	X	P	P	P	P	P	X	P	P	X
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	X	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
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	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
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		

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

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
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
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, or warehouse storage or self-storage business		X	X	X	P	X	X	X	X	X	P	P
Self-storage facility		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
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	X	X	X	X	X	X	X	X
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	X	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Drive-through facilities, standalone or accessory		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
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		

TO: Lee Kyriacou, Mayor
FR: Fishkill Avenue Concepts Committee
DATE: January 24, 2025
RE: Initial Zoning Recommendations by Fishkill Avenue Concepts Committee*

*The committee reserves the right to modify these recommendations based on forthcoming public input at an event on February 15, 2025

At the City Council meeting of November 25, 2024, the Mayor asked for initial zoning action items to be identified by the Fishkill Avenue Concepts Committee. A broad range of zoning and non-zoning recommendations are being considered by the committee, such as access points for the future rail trail; connecting to Matteawan Road; housing (affordable & market rate); appropriateness of ground floor residential uses; Complete Streets design that include options with continuous sidewalks, bike lanes, additional landscaping, bio orientation and on-street parking within the City's Right-of-Way; building heights and public scenic viewsheds, amongst others.

While comprehensive recommendations, feedback from the public, and a full report are forthcoming, the committee would like to submit following initial priority zoning recommendations:

Zoning/Land-Use - The committee has comprehensively evaluated the corridor from a zoning and land-use perspective and looks forward to sharing these ideas with the City Council and public at a later date. In general, the corridor has zoning districts which facilitate a wide range of uses, but as noted above, the committee is crafting a longer term vision for the corridor which promotes smart growth practices, pedestrian scale, housing (affordable & market rate), and a higher quality design.

From a Zoning and Land Use perspective, there are a few early action steps that the committee has discussed.

Recommendation 1: One use that is permitted in a few of the corridor's Zoning Districts is Self Storage. While the committee recognizes that there is a need on some level for this use (and in fact, one self storage use exists in a reused former brick factory building adjacent to the Lofts), due to the low numbers of employment these uses provide, as well as their lack of contributions to vibrant corridors, the committee recommends that the use of "Self Storage Business" be separated from "Wholesale, warehouse storage and self storage business" and be prohibited within the zoning districts along the corridor.

Recommendation 2: The committee has similar concerns regarding uses with a drive thru component. These uses typically focus on an auto-centric design and are

considered detrimental to pedestrian safety because they often create congested traffic patterns with cars entering and exiting at various angles, leading to increased risk of collisions with pedestrians. An evolution of the corridor with this type of use is not consistent with the overall pedestrian-scale vision that the committee is working towards. The committee recommends that “Drive through facilities, standalone or used in connection with any other uses” be expressly prohibited within all zoning districts along the Fishkill Avenue corridor.

Recommendation 3: It is noted that the committee was particularly impressed with the approved but not yet constructed mixed-use building at 397 Fishkill Avenue. This site design in this example which was approved by the Planning Board incorporates pleasing architectural design with the building situated towards the street frontage and parking to the rear. Members of the committee and public have noted that the prevalence of buildings along the corridor that are set back from the sidewalk or street edge, behind expanses of asphalt and parking, detracts from the walkability and vitality of the corridor by disrupting the “street wall,” prioritizing vehicle access over pedestrian access, and detracting from over street aesthetics. The committee recommends that the Council consider reducing the required minimum front yard setback within the GB district from 15 ft to 10 ft, and that the following language be applied to surface parking facilities within the district - “All parking shall be located behind, underneath, or to the side of a building. If to the side, parking shall be screened by a low wall, hedge, or other landscaping to maintain continuity of street wall.”

Recommendation 4: The committee has similar concerns as those noted in recommendations 1 and 2 with regards to other auto-oriented uses permitted within the GB zoning district. The committee recommends that the Council consider prohibiting the following auto-oriented uses, which are currently permitted by special permit in the GB District. The existing active auto-oriented uses within the corridor should be permitted to remain under the code as existing non-conforming uses, however, the change to zoning would allow these uses to potentially be phased out over time.

- a. Gas filling stations and/or car wash
- b. Vehicle sales or rental lot
- c. Auto body or repair shop

Please note that the above recommendations did not have unanimous support from all committee members. One committee member who is a business owner on the corridor felt that the prohibition of uses could be detrimental to existing businesses and property owners.

Please note that the committee believes these recommendations align with community input received during three (3) public engagement pop-ups and an online survey conducted

by the committee over the summer. It is the committee's intention to conduct additional public engagement to vet draft recommendations with the community prior to submission of a final report to the Mayor. As noted above, a public workshop is currently being planned for February 15, 2025 and the committee welcomes all stakeholder, including business owners, to attend and provide feedback.

Cc: J.C. Calderón, Committee Chair

City of Beacon City Council Agenda
02/10/2025

Title:

Extension of Special Use Permit for 416-420 Main Street

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding the Extension of 416-420 Main Street

Applicant Request for Extension of a Special Use Permit for 416-420 Main Street

Resolution No. 67 of 2024 Granting Special Permit Extension No. 1 for 416-420 Main Street

MEMORANDUM

TO: Mayor Lee Kyriacou
Beacon City Council

FROM: Keane & Beane, P.C.

RE: 2nd Special Permit Extension Request: 416-420 Main Street

DATE: February 6, 2025

The Beacon City Council received a request from 416 Main Street Beacon, LLC and 420 Main Street, LLC (d/b/a 420 Main St. Beacon, LLC) (collectively, the “Applicant”), for a six-month extension of the Special Use Permit granted by the City Council, Resolution No. 32-2021, dated March 1, 2021. Among other things, Condition No. 5(b) of the Special Use Permit provided the Applicant’s approval would expire if all required improvements were not made within two years from the date of issuance of the Building Permit. The first Building Permit was issued on June 22, 2022 and is set to expire on June 21, 2025. On July 1, 2024, the City Council granted the Applicant’s timely request for its first extension of the Special Use Permit, Resolution No. 67 of 2024, thereby extending its approval through December 22, 2024. The Applicant submitted a timely request for a second six-month extension of its Special Use Permit on December 20, 2024.

Under controlling caselaw, a request for an extension or renewal of a Special Use Permit must be granted by the approving authority provided there has not been a change in circumstances, use, or violation of the conditions of approval. Our office has been advised by City staff that there has not been any change in circumstance, use, or conditions of approval which would give rise to a valid reason to deny the request. Under the Beacon City Zoning Code § 223-18.F(2)(b) the City Council may grant one (1) or more extensions of the Special Permit, for up to six (6) months each, “upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place.”

The City Building Inspector advised our office the Applicant has proceeded with due diligence and at a steady pace, proper erosion control measures are in place (where still necessary), and the second six-month extension appears reasonable. We are advised several delays have been caused by long lead times required to finish the interior spaces. We are also advised the Applicant attempted to finish the exterior landscaping (a requirement of the first extension) but then a change in weather prevented finishing

the plantings and other items for the park space. As such, we understand that once the season changes, the proposed six-month extension is sufficient time to complete the improvements to the public park. Finally, a Temporary Certificate of Occupancy was issued on January 29, 2025, which applies to a majority of the building and further signifies the progress the Applicant has made since the City Council granted the first extension.

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

ecc: Chris White, City Administrator
Bruce Flower, Building Inspector



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Taylor M. Palmer, Esq.
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December 20, 2024

VIA E-MAIL

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

Re: 416-420 Main Street LLC & 420 Main Street, LLC (d/b/a 420 Main St., LLC)
Request for Six (6) Month Extension of Special Use Permit Approval
Premises: 416-420 Main Street, Beacon, New York 12508

Dear Mayor Kyriacou and Members of the City Council:

On behalf of 416 Main Street Beacon, LLC and 420 Main Street, LLC, D/B/A 420 Main St. Beacon, LLC (collectively, the “Applicant”), we are writing we are writing to request a six (6) month (or two (2) 90-day) extension of the City Council Resolution Granting a Special Use Permit, dated March 1, 2021 for a four (4)-story building located at 416-420 Main Street (the “Approval Resolution”) thereby extending the Special Permit Resolution from December 22, 2024 to June 22, 2025. See **Exhibit A**.¹

Pursuant to Condition No. 5.b on page 5 of the Special Permit Resolution, “. . . the special permit shall expire if all required improvements are not made within two (2) years from the date of issuance of the Building Permit.” The Applicant received Building Permit No. 2022-0162 on June 22, 2022, which is currently scheduled to expire on June 22, 2025. See **Exhibit B**.²

In accordance with Section 223-18.F(2)(b) of the City of Beacon Zoning Code and Condition No. 9 on page 6 of the Special Permit Approval Resolution, “. . . the City Council may grant one (1) or more extensions of up to six (6) months each, to . . . (b) complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence

¹ A copy of the March 1, 2021 Approval Resolution is attached to this letter as **Exhibit A**. The Approval Resolution was previously extended by the City Council in Resolution No. 67 of 2024, a copy of which is on file with the City.

² A copy of Building Permit No. 2022-0162 is attached as **Exhibit B**.



December 20, 2024

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and has offered a reasonable explanation of its inability to complete the project.”³

The Applicant has since been working diligently to complete the Project since its last extension request, and the Applicant advises that the construction work is near completion as of the submission date of this letter. The Applicant further anticipates that the four-story building that is the subject of the Special Use permit will receive Certificates of Occupancy before the end of the year, barring any unexpected delays. To err on the side of caution, we are respectfully requesting this six (6) month (or two 90-day) extension in case the project has not received its Certificate of Occupancy by that date. This request for extension is timely as the Approval Resolution is not set to expire until December 22, 2024.

We respectfully request that you please place this extension request on the City Council’s next available Agenda for consideration of the Applicant’s request for a six (6) month extension. In the meantime, if the Council or City staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Thank you in advance for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Taylor M. Palmer'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Taylor M. Palmer

Enclosures

Cc: Nicholas M. Ward-Willis, Esq.
Jennifer L. Gray, Esq.
Christopher White, City Administrator
Bruce Flower, Building Inspector

³ Note: This extension request does not require a public hearing. See **Exhibit A**, Condition 9 at Page 6, and Zoning Code Section 223-18.F(3).

Exhibit A



**CITY OF BEACON
CITY COUNCIL**

Resolution No. 32 of 2021

**RESOLUTION GRANTING A SPECIAL PERMIT FOR
416-420 MAIN STREET**

PARCEL ID NOS: 6054-29-056780 & 6054-29-056774

WHEREAS, 416 Main Street Beacon, LLC & 420 Main Street, LLC (the “Applicant”) submitted an application for a Special Permit to construct a fourth story on an 11,715 square foot mixed-use building fronting on Main Street, comprised of a 4,295 square foot ground-floor retail space, as well as 6,220 square feet of commercial office space on the second and third floors and 1,200 square feet of residential space containing one (1) apartment unit on the stepped back fourth floor (the “Proposed Action”) on property located at 416-420 Main Street, on parcels known and designated on the tax map as 6054-29-056780 and 6054-29-056774 (the “Property”); and

WHEREAS, the proposed 11,715 square foot mixed-use building is proposed for the area of the Property located in the Central Main Street (CMS) District and the Historic District and Landmark Overlay Zone (HDLO); and

WHEREAS, the Applicant submitted the Special Permit application in connection with its application to the Planning Board for Subdivision approval (to remove the existing lot line and merge the two lots), Site Plan approval, and Certificate of Appropriateness approval to construct the proposed 11,715 square foot mixed-use building, as well as a 1,440 square foot artist live-work space in the rear of the Property fronting on South Street and located in the Transitional District and HDLO Zone; and

WHEREAS, any proposed fourth story on a CMS parcel in the HDLO Zone requires a Special Permit from the City Council pursuant to the City of Beacon Code § 223-41.18.E(7); and

WHEREAS, the Site Plan is shown on drawings, entitled “Special Use Permit Application Sheet 1 of 1- Site Plan- Green Space Diagram,” prepared by Aryeh Siegel, Architect, dated September 9, 2020, and last revised January 28, 2021; and

WHEREAS, the Proposed Action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act; and



WHEREAS, on August 11, 2020, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts associated with the Proposed Action and continued the hearing to September 9, 2020, and October 14, 2020, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on October 14, 2020; and

WHEREAS, the Planning Board issued a report to the City Council dated October 15, 2020, in support of the Special Permit; and

WHEREAS, on December 21, 2020, the City Council opened a public hearing on the Special Permit application, at which time all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council continued the public hearing to January 19, 2021, at which time the public hearing was closed; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, the December 21, 2020 and January 19, 2021 public hearings were held via videoconference in accordance with the requirements of the Governor’s Executive Orders which suspend the “in-person” requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public hearings; and

WHEREAS, the Proposed Action originally included 1,046 square feet of central public green space pursuant to the Site Plan Drawings, dated June 24, 2020; in response to comments from the City Council, the Applicant has revised the Proposed Action to include a central public green space area of approximately 2, 315 square feet pursuant to the Site Plan Drawings, last revised January 28, 2021; and

WHEREAS, the City Council has reviewed the application for a Special Permit against the standards set forth in the City of Beacon Code §§ 223-18.B and 223-41.18.E(7) and the design standards set forth in the City of Beacon Code § 134-7, and finds that the proposal complies with these sections of the City of Beacon Code, as set forth below.



NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby makes the following findings pursuant to the City of Beacon Code §§ 223-18.B, 223-41.18.E(7) and 134-7:

- The location and size of the mixed-use building, the nature, hours and intensity of the retail, business office, and residential uses involved in or conducted in connection with the proposed building, the size of the site in relation to the structure and the location of the site with respect to streets giving access to it are such that it will not conflict with the appropriate and orderly development of the site and the existing permitted uses on adjacent blocks.
- The location, nature, and height of the building and the nature and extent of the landscaping on the site are such that the use will not conflict with the existing permitted uses on adjacent blocks and will not hinder or discourage the appropriate development use of adjacent land and buildings. The height of the proposed building is approximately the same height as the neighboring building to the east.
- Operations in connection with the fourth story special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or any other characteristic than the operations connected to a three-story building, not requiring a special permit.
- The Applicant will provide two (2) or three (3) off-street parking spaces. The Applicant will request a waiver from the Planning Board of the remaining off-street parking requirements. Twenty (20) parking spaces are required for the proposed commercial uses. There are public parking lots and on-street parking available within 800 feet of the property. The project proposes the removal of a curb cut and reconfiguration of parking along Schenck Avenue that will add two (2) additional on-street public parking spaces along the east side of the roadway.
- The proposed uses will not cause unreasonable traffic congestion or create a traffic hazard.
- The building will be accessible for emergency services and appropriately located for water, sewer, and other infrastructure requirements.



- The use complies with other applicable regulations in the City Code and will be compatible with the recommendations in the City's Comprehensive Plan. The CMS District is designed to increase the vitality, attractiveness, and marketability of Main Street. The proposed mixed-use building will create retail, business office, and residential opportunities.
- The Proposed Action has been designed to be consistent with the character of the surrounding neighborhood, including the Beacon Hotel and the properties located in the HDLO. The Proposed Action will not have an adverse impact on aesthetic resources. The new building will be compatible with the historic character of adjacent buildings.
- The proposed mixed-use building is designed to ensure there are no substantial detrimental effects from shadows, parking, or traffic.
- The Applicant is providing a central public green space of approximately 2,315 square feet on the Property (the "Central Public Green Space"). The Central Public Green Space is designed to serve residents of and visitors to the City of Beacon. The Central Public Green Space includes a lawn area planted with eco-grass, trash and recycling receptacles for public use, sculpture seating, trees, and two access points along Schenck Avenue. The Central Public Green Space may include art installations including sculptures.
- The office space on the second and third floors is needed in the City of Beacon and will provide a specific public benefit.

BE IT FURTHER RESOLVED, that the City Council urges the Planning Board to be mindful of the value of the layout of the buildings and the Central Public Green Space shown on the site plan drawings, entitled "Site Plan Application-416-420 Main Street," prepared by Aryeh Siegel, Architect, dated September 9, 2020, and last revised January 28, 2021; the layout allows the Applicant to provide additional Central Public Green Space, and minimizes the amount of impervious coverage on the site.



BE IT FURTHER RESOLVED, that the City Council hereby grants a Special Permit to 416 Main Street Beacon, LLC & 420 Main Street, LLC to construct a stepped back fourth story on an 11,715 square foot mixed-use building fronting on Main Street, on property located at 416-420 Main Street in the Central Main Street District and District District and Landmark Overlay Zone as set forth and detailed on drawings, entitled “Site Plan Application-416-420 Main Street,” prepared by Aryeh Siegel, Architect, dated April 28, 2020, and last revised January 6, 2021, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval, Subdivision approval, and Certificate of Appropriateness approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with the review of this Application.
3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. As used herein, the term “Applicant” shall include its heirs, successors, and assigns.
5. In accordance with the City of Beacon Code § 223-18.F(1), this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
 - b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
6. The Planning Board may adopt design modifications to the Central Public Green Space area without triggering City Council review so long as such design modifications do not decrease the Central Public Green Space area by more than 10%. Any reduction in size of the Central Public Green Space area by more than 10% shall require approval from the City Council; if such approval is not obtained, the Special Permit shall be deemed void.



7. Any change to the square footage or location of the fourth story shall require approval from the City Council; if such approval is not obtained, the Special Permit shall be deemed void.
8. Any change to the commercial office use or the proposed building, either at the time the application is reviewed by the Planning Board or at any time in the future by any entity or individual post approval, which reduces or eliminates in anyway the proposed commercial office use on the second and third floors shall require approval from the City Council; if such approval is not obtained, the Special Permit shall be deemed void.
9. Any proposed revision to this Special Permit approval shall be submitted to the City Council. In its discretion, the City Council shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a public hearing, as it may deem appropriate.
10. The Central Public Green Space consisting of approximately 2,315 square feet shall be primarily used for public purposes.
11. No portion of the Central Public Green Space shall be used exclusively by any building tenant.
12. The Planning Board shall approve the final location, size and design of the signs.
13. The Applicant shall be responsible for maintaining and insuring the Central Public Green Space. Such space shall at all times be kept free and clear of garbage, litter, refuse, rubbish and debris. It shall be the Applicant's responsibility to keep the public green space in a well maintained and sanitary appearance and condition. The Applicant shall be responsible to remove any attractive nuisances from the public green space, including, but not limited to, abandoned, broken or neglected structures or equipment, and shall eliminate any unsightly condition resulting from overgrown grass or vegetation.
14. The Applicant shall defend, indemnify and save harmless the City of Beacon, its elected officials, officers, agents, attorneys and employees from and against any claim of loss, liability or damage by any person which the City may incur in connection with the Central Public Green Space.



15. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
16. The approvals granted by this resolution do not supersede the authority of any other entity.
17. The Building Inspector may revoke this Special Permit approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit approval.

BE IT FURTHER RESOLVED, during its review of this Special Use Permit application, the City Council identified certain topics it would like the Planning Board to consider during its review of the Site Plan. The Council wants to ensure that access to and the use of the Central Public Green Space is balanced between recognizing it is located on private property with business, office and residential uses and that the addition of a fourth floor has been granted upon the Council being satisfied that there is a public benefit as discussed during the Council's deliberation. The Council wishes to inform the Planning Board that while the project has been modified in a positive manner with the replacement of the parking courtyard in the central portion of the property with an increased Central Public Green Space and there is a public benefit with the location of office space on the second and third floors, the Council's support of the granting of this Special Use Permit to allow a fourth floor is substantially based upon the Applicant's proposal of a 2,315 square foot Central Public Green Space.

The Council recognizes details of the use, operation and maintenance of the Central Public Green Space is best left to the Planning Board's discussion during site plan review. However, the City Council cautions the Planning Board to ensure that modifications to the site plan and placement of conditions are consistent with the Council's intent in granting the special use permit upon the finding of a public benefit, especially the creation of the Central Public Green Space. Any reduction to or lack of specificity of the public's use of such space must be avoided and the Planning Board must ensure that its review protects and ensures the intent of granting the special use permit upon the finding of this public benefit.



With that objective in mind, the Planning Board shall evaluate the following during site plan review and provide a copy of its Resolution to the City Council:

1. Regulation of the public's daily access to the Central Public Green Space at reasonable hours, noting City parks are open every day, dawn to dusk.
2. Placement of clear signage so the public is aware it has access to the Central Public Green Space.
3. Ensure there is no dedicated seating for businesses in the Central Public Green Space.
4. Consideration of handicap accessibility and seating.
5. Consideration of the demarcation of the private tenant space and Central Public Green Space.
6. Consideration of what uses, if any, the businesses may undertake in the Public Central Green Space.
7. Consideration of when access to the Central Public Green Space can be restricted and used solely by the private tenants of 416-420 Main Street.
8. Examination of the public space to ensure it's use by the public is practical and feasible, specifically with respect to the northeast corner of the Central Public Green Space.

BE IT FURTHER RESOLVED, the City Council shall require the Applicant to post a weatherproofed copy of the site plan and architectural renderings of the project on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure.

BE IT FURTHER RESOLVED, the City Clerk is requested to transmit a copy of the filed Resolution to the Planning Board and the Applicant's representative.



Resolution No. <u>32</u> of 2021			Date: <u>March 1, 2021</u>				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCredo	x				
x		George Mansfield	x				
		Amber Grant	x				
		Air Rhodes	x				
	x	Dan Aymar-Blair	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				

***Filed in the Office of the
City Clerk
March 3, 2021***

Exhibit B



CITY OF BEACON
BUILDING DEPARTMENT
1 Municipal Plaza, Beacon, NY, 12508
Ph: (845) 838-5020 | Fax: (845) 838-5026
Email: building@beaconny.gov

BUILDING PERMIT

2022-0162

Construction Address:	416 Main St	Issue Date:	06/22/2022
SBL:	6054-29-056780	Expiration Date:	06/21/2025
Owner's Name:	416 Main Street Beacon LLC		
Owner's Address:	688 Broadway Apt. 6A New York, NY 10012		
Applicant:	416 Main Street Beacon LLC		

Permit to Commence the Following Work:

11,947 sq. ft. New building - mixed use 4 story type 2B construction. Floors 1-3 = commercial space to include 10,930 sq. ft. and floor 4 = one residential unit to include 1,017 sq. ft.

All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for this Building Permit. This permit does not grant authority to build in a violation of any Federal, State, local law or any other rule or regulations. The Permit Holder shall immediately notify the Code Enforcement Official of any changes occurring during the course of the work. If it is determined that such change warrants a new or amended Building Permit, such change shall not be made until and unless a new or amended Building Permit reflecting such change is issued. One set of Approved Plans and Specification shall be located onsite until full completion of the work. Work must begin within 6 (six) months from date of issue. Occupancy in whole or part of building without a Certificate of Occupancy is prohibited by law.

Approved By: _____

CONTRACTORS:

Fees:

Total \$ 10,484.18

Paid:

It is the responsibility of the owner/applicant or their representative(s) to call and schedule all required inspections



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 67 OF 2024

**EXTENDING A SPECIAL PERMIT (EXTENSION NO. 1) FOR
416-420 MAIN STREET (PARCEL ID #6054-29-056780 & 6054-29-056774)**

WHEREAS, on March 1, 2021, the City Council (the “City Council”) of the City of Beacon (the “City”) adopted Resolution No. 32 of 2021 to 416 Main Street Beacon, LLC & 420 Main Street, LLC d/b/a 420 Main Street Beacon, LLC (the “Applicant”) for a Special Permit to construct a fourth story on an 11,715 square foot mixed-use building fronting on Main Street, comprised of a 4,295 square foot ground-floor retail space, as well as 6,220 square feet of commercial office space on the second and third floors and 1,200 square feet of residential space containing one (1) apartment unit on the stepped back fourth floor and to construct a 1,017 square foot live/work building (the “Project”) on property located at 416-420 Main Street, on parcels known and designated on the tax map as Parcel ID #6054-29-056780 and 6054-29-056774 (the “Property”); and

WHEREAS, on May 11, 2021, the City’s Planning Board granted the Applicant Preliminary and Final Subdivision Plat, Site Plan, and Certificate of Appropriateness approvals for the Project; and

WHEREAS, on June 22, 2022, the Applicant was issued Building Permit No. 2022-0192; and

WHEREAS, pursuant to Section 223-18.F(1)(b)[2] of the Beacon City Zoning Code and Condition No. 5(b) of the Special Use Permit Resolution, the Special Use Permit shall expire “if all required improvements are not made within two (2) years from the date of issuance of the Building Permit”; and

WHEREAS, as of the date of this Resolution, the Applicant has not completed all required improvements within two (2) years from the date of issuance of the first building permit on June 22, 2022; and

WHEREAS, the Applicant’s June 12, 2024 request for an extension was timely received as two (2) years had not lapsed since the date the first building permit was issued; and

WHEREAS, in accordance with Section 223-18.F(2) and Condition No. 9 of the Special Use Permit Resolution, the City Council may grant one (1) or more extensions, of up to six (6) months each, “to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project” and “all appropriate erosion control measures to protect surrounding properties are in place”; and

WHEREAS, the Applicant’s June 12, 2024 letter requesting an extension asserts it has been working diligently to complete the Project since issuance of its building permit, the construction of the Project is approximately eighty percent (80%) as of the date of its letter, and anticipates the Project will be fully constructed within the next six (6) months; and

WHEREAS, the Applicant further advises there are no changes proposed to the parameters of the Project, there have been no changes in material facts and circumstances since the City Council granted its Special Use Permit, and it timely submitted an extension of its building permit pending approval of this request; and

WHEREAS, the Beacon City Building Inspector advised the Applicant is prosecuting the required improvements with due diligence, proper erosion control measures are in place, and the six (6) month extension is reasonable.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Beacon City Zoning Code § 223-18.F(2) and Condition No. 9 of the Special Use Permit, the City Council of the City of Beacon finds the Applicant has been prosecuting the construction of the improvements with due diligence, offered a reasonable explanation of its inability to complete the project, and proper erosion control measures are in place and hereby grants a six (6) month extension of City Council Resolution No. 32 of 2021 which shall expire on December 22, 2024 unless subsequently extended by further action of the City Council.

BE IT FURTHER RESOLVED, the extension granted herein shall be deemed null and void in the event the Applicant does not satisfy the following conditions:

- (a) Timely renewal of any permits or approvals issued by the City of Beacon in connection with the Special Use Permit Resolution, except Building Permit No. 2022-0162 which was timely submitted to the Building Department for renewal prior to its expiration.
- (b) Installation of any remaining plantings or trees required in connection with the Special Use Permit or Planning Board approvals, by no later than September 30, 2024, and provided that openings in the interim are securely fashioned so as to not create a hazard or danger to the health, safety, or welfare of the resident of Beacon.
- (c) Pay to the City all applicable fees and professional review fees incurred in connection with this extension request or which remain outstanding (if any) within thirty (30) calendar days of this Resolution.

BE IT FURTHER RESOLVED, except as expressly modified by the amendment contained herein, the Special Use Permit Resolution dated March 1, 2021 is otherwise to remain in full force and effect.

Resolution No. 67 of 2024			Date: July 1, 2024				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake	x				
x		Amber Grant	x				
	x	Molly Rhodes	x				
		Jeffrey Domanski	x				
		Pam Wetherbee	x				
		Dan Aymar-Blair	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				

City of Beacon City Council Agenda
02/10/2025

Title:

2025 City of Beacon Priorities

ATTACHMENTS

[2025 City of Beacon Priorities](#)

City of Beacon – Projects

As of: Jan'25

Project (by Dept doing work)	Time		Funding (\$000)		
	Admin H/M/L	Dept H/M/L	Source Gr/Cap/Op	Other Amt \$	City Amt \$
<u>Capital Projects</u>					
<u>General Fund (Highway Dept)</u>					
1 Fish/Tell Ave: Wolcott to Blackburn - Finish	H	M	DOT+	8,200	-
2 Fish/Tell Ave: Sidewalk to City Line	M	L	DOT+	incl.	-
3 Fish/Tell Ave: Mill/Pave to City Line	L	H	CHIPS+	320	-
4 Mill/Pave/ADA: Van Nydeck, Mem Park Lots	L	M	Cap	-	100
5 Mill/Pave/ADA: Other Annual	L	H	CHIPS+	500	-
6 Sidewalk: Wolcott (South Ave to Dinan)	M	L	CBDG+	275	50
7 Highway: Garage Solar	M	H	CSC+	450	-
8 Highway: Vehicle/Equip Purch/Misc.	L	M	Cap	-	730
9 Main St: Side St Striping, Other Parking	L	H	Oper	-	<50
10 Main St: EV Charging (Rec, City Hall, Other)	L	M	CSC	50	-
11 Main St: Visitor Center Bathroom	L	M	Oper	-	<50
12 Park - South Ave: Rehab/Bathrooms	M	M	Cap	-	805
13 Park - Memorial: Skate Park Rehab	L	H	Cap	-	78
14 Park - Memorial: Ball Field Fencing	L	M	Oper	-	<50
15 Park - Trees: Expand Planting Initiative	L	L	Oper	-	<50
16 City Hall: Exterior Paint/Repair	M	M	Oper	-	50
17 City Hall: Interior Paint (Court, Entry, Class)	M	M	Oper	-	<50
18 City Hall: Clerk Window Reconfigure	L	M	Oper	-	<50
19 Police: Locker Room/Dispatch Reno	L	H	Cap	-	100
<u>General Fund (not Highway)</u>					
20 Police: Vehicle/Equip Purch	-	L	Cap	152	10
21 Fire: Ladder Truck; Equip Purch	M	M	Cap	-	1,830
				9,947	3,753
<u>Water/Sewer/WWTP</u>					
22 Water: Meter Upgrade - Finish Project	L	H	Cap	-	1,557
23 Water: Mt Beacon Tank Replace	M	H	Cap	-	1,000
24 Water: Melzingah Dam Rehab	M	H	Cap/NYS?	[??]	3,900
25 Water: Vehicle/Equip/Misc.	-	M	Cap	-	190
26 Sewer/Water: Fish/Tell Ave Mains Replace	M	H	Cap	-	2,200
27 Sewer: Pump/Force Main - Finish	M	H	Cap	-	3,047
28 WWTP: Solids Handling (Dewater) Project	M	H	Cap	-	5,445
29 WWTP: Aeration Blower Replacement	M	H	Cap	-	804
30 WWTP: Roof Replacement	M	H	Cap	-	500
31 WWTP: Misc. Cap Projects	M	H	Cap	-	294
				-	18,937
				9,947	22,690
<u>Operating Projects</u>					
<u>Contract/Nego/Sale (w/ Legal)</u>					
32 +1 ADU Grant: NYS Applic, HRH Agmt	M	L	Oper	-	50?
33 Fjord Trail: Maint Facility License Agmt	H	M	Oper	-	50?
34 Mt Beacon Tank: Easement NYS Parks	M	M	Oper	-	<50
35 Beacon Engine: Vol Exit, Bldg Sale	M	M	Oper	-	50
36 Mase H&L: Bldg Sale	M	M	Oper	-	50
37 Firefighter IAFF: Coll Barg Agmt	H	M	Oper	-	50?
38 Police PBA: Coll Barg Agmt	H	M	Oper	-	50?
39 Metro North: TOD Agmt	H	H	Oper	-	50?
40 Royal Carting: (Casella purchase of Royal)	M	M	Oper	-	50?
41 Main St: Shared Private Parking Lots	M	M	Oper	-	<50
<u>Admin (w/ Finance)</u>					
42 Finance: Water Meter System / Billing	L	H	Oper	-	-
43 Finance: Hotel Tax Collection	M	M	Oper	-	-
<u>Planning/Zoning (w/ Planner, Legal)</u>					

Project (by Dept doing work)		Time		Funding (\$000)	
		Admin	Dept	Source	Other
		H/M/L	H/M/L	Gr/Cap/Op	City
44	Speed Limit Reduction Study	L	L	Dut Co	25
45	Beekman St Complete St - Design/Build	M	M	Dut Co	[3.000]
46	Fjord Trail - Other Support/Planning	M	TBD	HHFT	-
47	Bea-Hope Trail - Finish Feasibility Study	M	M	Dut Co	50
48	Bea-Hope Trail - Design Work (+Funding)	H	M	Dut Co	[100?]
49	Fishkill Ave: Committee Recs	H	H	Oper	-
50	Fishkill Ave: Zoning	H	H	Oper	-
51	Other Housing Zoning	H	H	Oper	-
52	DMV Lot Planning/Parking (Legal, Eng'r)	M	M	Oper	100
<u>Future Projects (Involved Resources)</u>					
101	Rte 52 Access Road (Legal, Engr, Funding)	H	H	Cap	TBD
102	Camp Beacon Development (Legal)	M	M	Oper	TBD
103	Prison Land Acquisition (Legal)	H	H	Cap	TBD
104	Main St: Churchill Reconfigure (Planner)	H	H	Cap	TBD
105	Main St: E Main Reconfigure (Planner)	H	H	Cap	TBD
106	Main St: Bathrooms #2 (Legal, Engr)	H	H	Cap	TBD
107	Main St: Bathrooms #3 (Legal, Engr)	H	H	Cap	TBD
108	Main St: Parking Lot – Van Nydeck	H	H	Cap	TBD
109	Main St: Parking Deck – Churchill	H	M	Cap	TBD
110	Finance: e-Billing/Online Pay (Fin)	L	H	Oper	TBD
111	Park: Dennings Point Bldgs (Legal)	M	M	Oper	TBD
112	Park: Hiddenbrooke Improve (Engr, Hway)	H	H	Cap	TBD
113	City Hall: Ground Floor Expanson (Engr)	H	H	Cap	TBD
114	Housing: Develop Parking Lot #1 (Legal, Eng'r)	H	H	Cap	TBD
115	Tioronda Bridge Rebuild (Funding, Eng'r)	M	M	Cap	TBD
116	Bridge St Bridge Rehab (Funding, Eng'r)	M	L	Cap	TBD
117	Greenway Trail Next Phase (Legal)	M	M	Cap	TBD
118	Sidewalk Master Plan (Planner)	H	H	Oper	TBD
119	Bicycle Master Plan (Planner)	M	M	Oper	TBD
120	Parks: Rec Center Reno (Legal/Eng'r)	M	-	Cap	TBD