



CITY OF BEACON, NEW YORK
VIRTUAL MEETING

Mayor Lee Kyriacou
Councilmember Amber J. Grant, At Large
Councilmember George Mansfield, At Large
Councilmember Terry Nelson, Ward 1
Councilmember Air Rhodes, Ward 2
Councilmember Jodi M. McCredo, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Anthony Ruggiero

**February 8, 2021
7:00 PM
City Council Agenda**

Roll Call

Workshop Agenda Items

1. Notice of Change in Public Meeting Location February 8, 2021
2. Capital Plan
3. New Volunteer Firefighters
4. 2020 Fire Department Service Certification Form
5. Proposed Resolution Granting a Special Use Permit for 416-420 Main Street
6. Proposed Contract with Mental Health America of Dutchess County
7. Designation of Lead Agency in Accordance with SEQRA Regarding Subdivision Approval on Monell Place
8. Van Nydeck Easement Agreement
9. Wireless Local Law
10. Appointment of Vicki Blucher to the Beacon Housing Authority
11. Main Street Bid Award

City of Beacon City Council Agenda
02/08/2021

Title:

Notice of Change in Public Meeting Location February 8, 2021

ATTACHMENTS

[Notice of Change in Public Meeting Location February 8, 2021](#)



NOTICE OF CHANGE IN PUBLIC MEETING LOCATION

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the City Council will not hold in-person meetings. Until further notice, all future City Council meetings (including public hearings) will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, the public will not be permitted to attend at the remote locations where the City Council members will be situated. The public, however, will be able to fully observe the videoconference meeting at

<https://us02web.zoom.us/j/83692069534?pwd=bHg2a0p0ZVBpT0Y4UkdzNU4yWVRwQT09>

Webinar ID: 836 9206 9534 Passcode: 629826. To the extent internet access is not available, the public can attend via telephone by dialing + 1 929 205 6099 and entering Webinar ID: 836 9206 9534 Passcode: 629826. The City Council's agenda is available online in advance of meetings at <http://www.cityofbeacon.org/index.php/agendas-minutes/>.

PLEASE TAKE FURTHER NOTICE, that any Executive Session of the Council will be initiated with the Council first convening on the public videoconferencing site, and then adopting a motion to go into Executive Session.

PLEASE TAKE FURTHER NOTICE, that the City Council Workshop of Monday, February 8, 2021 at 7:00pm can be accessed live at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>

City of Beacon City Council Agenda
02/08/2021

Title:

Capital Plan

ATTACHMENTS

[Capital Budget 2021](#)

CITY OF BEACON 2021 CAPITAL PLAN

RED - General Fund GREEN- Sewer Fund BLUE - Water Fund	FUNDING SOURCES						TOTAL COST
	TOTAL	GENERAL	GENERAL	WATER	SEWER	REC	
	COST	FUND BALANCE	FUND DEBT	FUND DEBT	FUND DEBT	TRUST	
CITY BUILDINGS							
City Hall: HVAC Chiller Replacement	200,000		200,000				200,000
City Hall: Roof Replacement	305,000		305,000				305,000
FIRE DEPARTMENT							
Purchase New Pumper/ Rescue Vehicle	640,000		640,000				640,000
HIGHWAY DEPARTMENT							
Replacement of 1992 #992 Dump Truck/Plow/Sander	300,000		300,000				300,000
Replacement of 2000 John Deere Excavator	225,000		225,000				225,000
Replacement of 1998 One-Ton Dump Truck with Plow	65,000	65,000					65,000
Replacement of 2005 One-Ton Dump Truck with Plow	65,000	65,000					65,000
Washington Avenue: Box Wing Walls Reconstruction	125,000	125,000					125,000
Tioronda Bridge Reconstruction: Engineering Design	150,000	150,000					150,000
PARKS & RECREATION DEPARTMENT							
Memorial Park: Pavilion- Hilltop	30,000	30,000					30,000
South Avenue Park: Retaining Wall Reconstruction	80,000					80,000	80,000
POLICE DEPARTMENT							
Purchase of Hybrid Police Vehicles, SUV (2) and Equipment	110,000	110,000					110,000
Replacement of Security Camera: 162 Main Street	8,000	8,000					8,000
Purchase of Car Cameras (2)	14,000	14,000					14,000
SEWER DEPARTMENT							
Primary Settling Tanks Replacement: Engineering Design	1,600,000				1,600,000		1,600,000
West Main Pump Station: Force Main Replacement	1,800,000				1,800,000		1,800,000
West Main Pump Station Replacement	2,100,000				2,100,000		2,100,000
Fishkill Avenue Sewer Replacement: Delavan Ave to	1,613,000				1,613,000		1,613,000
WATER DEPARTMENT							
Drinking Water Well 3 Development: Engineering Design	130,000			130,000			130,000
Melzingah Dam Engineering and Regulatory Compliance	250,000			250,000			250,000
Removal of Underground Storage Tank/ New Generator	350,000			350,000			350,000
TOTAL	10,160,000	567,000	1,670,000	730,000	7,113,000	80,000	10,160,000

City of Beacon City Council Agenda
02/08/2021

Title:

New Volunteer Firefighters

ATTACHMENTS

Memorandum from the Fire Chief Regarding New Volunteer Firefighters

City of Beacon City Code Section 31 Regarding Firefighters



FIRE DEPARTMENT

**13 South Avenue
Beacon, New York 12508
(845) 765-0899**

To: Mayor Lee Kyriacoy, and the Beacon City Council

From: Chief Gary Van Voorhis

Date: February 1, 2021

Subject: New Volunteer Firefighters members accepted to the City of Beacon Fire Department.

Volunteer firefighters Brandon Travis, Fred Gaviglia, and Juliann Tyyinger have passed all requirements to become a volunteer with the City of Beacon Fire Department. They will continue training to meet their annual requirements.

Respectfully,

Chief Gary Van Voorhis

Chapter 31. Fire Department

§ 31-6. Notification; ratification of firefighters; roll book.

[Amended 11-17-2014 by L.L. No. 14-2014]

- A. The secretary or other proper officer of each company shall report to the Chief, or his or her designee, in writing, the names of any members of the company who have ceased to be firefighters by resignation, removal or otherwise.
- B. The names of persons being recommended for appointment as firefighters shall also be submitted to the Chief, in writing. The Chief shall submit the appropriate application to the City Council for ratification. After ratification by the City Council, firefighters shall be issued badges by the City. These badges shall be returned to the City upon resignation or whenever a firefighter leaves the Department.
- C. The City Clerk shall maintain a roll book, open for public review, containing the names of all firefighters, their respective company and their badge number.

City of Beacon City Council Agenda
02/08/2021

Title:

2020 Fire Department Service Certification Form

ATTACHMENTS

[2020 Fire Department Service Certification Form](#)

2020 SPONSOR APPROVAL FORM

SERVICE AWARD PROGRAM

City of Beacon City of Beacon Fire Department

Article 11-A of the New York State General Municipal Law requires that a list of volunteers who earned a year of Service Credit during 2020 be certified under oath by the Fire Department and submitted to the Program Sponsor by March 31, 2021. The Program Sponsor must then review and approve the 2020 Firefighter Records listing. To comply with Article 11-A, the City Council must sign this form once the certified 2020 Firefighter Records listing has been reviewed and approved by the Board. Once signed, the entire 2020 Data Request Package should be returned to the Fire Department so that the approved certified listing can be posted for at least 30 days as required by Article 11-A.

OPTION: You may submit a copy of the Board resolution adopted to approve the 2020 records listing for posting in lieu of having the Board members sign below.

APPROVAL

The City Council has reviewed and approved the 2020 Firefighter Records listing.

Council Member

Date

Council Member

Date

Council Member

Date

Council Member

Date

Council Member

Date

Council Member

Date

Council Member

Date

APPROVAL (BLUE)

YEAR/END FIRE	2020	FIRE CALLS			MEETINGS			MISC ACTIVITY		OFFICER		TRAINING		DRILLS		MANDATORY HAZMAT BBP SH-RTK	LOS/11 AWA/11 POINT SYSTEM
		TOTAL FIRE MADE	TOTAL FIRE CALLS	% CALLS MADE	TOTAL CREDIT POINTS	TOTAL MADE	TOTAL CREDIT POINTS	TOTAL MADE	TOTAL CREDIT POINTS	COMMITTEE CHAIR/MEM POINTS	TOTAL CREDIT POINTS	TOTAL CREDIT POINTS					
CARROZZELLI	GEORGE	2	542	0%	0	1	1	0	0	0	0	0	0	0	INCOMPLETE	0	
DAVIS	JAKE	0	542	0%	0	0	0	0	0	0	0	0	0	0	INCOMPLETE	0	
DAVIS	TERRY	0	542	0%	0	0	0	0	0	0	0	0	0	0	INCOMPLETE	0	
DUBETSKY	MATT	85	542	16%	25	6	6	0	0	20	7	7	0	0	COMPLETE	58	
ETTINGER	JULIANN	9	542	2%	0	2	2	0	0	0	7	7	2	2	COMPLETE	11	
FRAIOLI	ANTHONY	4	542	1%	0	1	1	0	0	0	0	0	0	0	INCOMPLETE	0	
GALLO	GREGORY	98	542	18%	25	12	12	1	1	0	7	7	5	5	COMPLETE	50	
GRAVIGLIA	FRED	55	542	10%	25	9	9	2	2	0	2	2	5	5	INCOMPLETE	43	
KELLIHER	PATRICK	140	542	26%	25	11	11	2	2	25	25	25	0	0	COMPLETE	88	
KOLAKOSKI	RICH	88	542	16%	25	19	19	2	2	20	7	7	0	0	COMPLETE	73	
LAHEY	DENNIS JR	46	542	8%	25	0	0	3	3	15	1	1	2	2	INCOMPLETE	46	
MCVICKER	FRED	101	542	19%	25	23	20	3	3	20	7	7	0	0	COMPLETE	75	
MEEKER	ROBERT	98	542	18%	25	23	20	2	2	20	11	11	0	0	COMPLETE	78	
MERRITT	MIKE JR	0	542	0%	0	0	0	0	0	0	0	0	0	0	INCOMPLETE	0	
MURICI	VALMIR	178	542	33%	25	6	6	3	3	0	3	3	1	1	INCOMPLETE	38	
NAUGHTON	MATT	87	542	16%	25	8	8	1	1	20	16	16	0	0	COMPLETE	70	
PICCONE	TONY	78	542	14%	25	21	20	1	1	25	7	7	0	0	COMPLETE	78	
SELA	JUNAS	0	542	0%	0	0	0	0	0	0	0	0	0	0	INCOMPLETE	0	
SIMMONDS	ROBERT SR	164	542	30%	25	23	20	1	1	20	7	7	0	0	COMPLETE	73	
TORTORA	BRIAN	69	542	13%	25	5	5	0	0	0	5	5	15	15	COMPLETE	50	
TRAVIS	BRANDON	69	542	13%	25	10	10	3	3	0	5	5	7	7	COMPLETE	50	
WAY	LAWRENCE	70	542	13%	25	23	20	1	1	15	0	0	7	7	COMPLETE	68	

11-Jan-20

THIS REPORT WILL BE POSTED FOR 30 DAYS.

GRIEVANCE PROCEDURE:

ISSUES WITH TRAINING / DRILLS - CONTACT GARY VAN VOORHIS

ALL OTHER ISSUES - CONTACT PAT KELLIHER AT (845) 797-2255 OR TONY PICCONE AT (845) 549-9603

City of Beacon City Council Agenda
02/08/2021

Title:

Proposed Resolution Granting a Special Use Permit for 416-420 Main Street

ATTACHMENTS

Proposed Resolution Granting a Special Use Permit Application for 416-420 Main Street

416-420 Main Street Special Use Permit Supplemental Submission

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ 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 Transition~~al~~ District and HDLO Zone; and

WHEREAS, any proposed fourth story on a CMS parcel in the HDLO Zone ~~shall~~ requires a ~~special-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, Site Plan Application 416-420 Main Street,~~” prepared by Aryeh Siegel, Architect, dated September 9, 2020, and last revised ~~January 28, 2021~~ January 6, 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, 880 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 ~~required for the residential component of the Proposed Action~~. The Applicant will request a waiver from the Planning Board of the remaining off-street parking requirements ~~for commercial uses~~. 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 off-street parking spaces will be properly located 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 ~~4,234~~approximately 2,880 square feet on the Property. 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 ~~requirement~~.

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 April 28, 2020, and last revised ~~January 6, 2021~~; the layout allows the Applicant to provide additional central public green space, and minimizes the amount of impervious coverage on the site. Any change to the layout shall require City Council approval.

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. ~~Any change to the layout or reduction in size of the public green space area, shall require approval from the City Council; if such approval is not obtained, the Special Permit shall be deemed void. 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. The Applicant shall also obtain approval from the City Council if the Planning Board adopts any rule or condition effecting the public green space areas; 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, to which~~ reduces or eliminates ~~in anyway~~ the proposed commercial office ~~space-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 2,880 square feet shall be primarily used ~~only~~ for public purposes. ~~No portion of the green space shall be used exclusively by the tenants.~~
- ~~10.11.~~ No portion of the central public green space shall be used exclusively by any building tenant.
- ~~11.12.~~ The Applicant shall install signs to indicate the location of the public park. - The Planning Board shall review and consider what signs are necessary to ensure the public is aware of its ability to use the central public green space. The signs shall be installed on Main Street and Schenck Avenue. At least one sign shall be

~~installed on the proposed building facing Main Street.~~ The Planning Board shall approve the final location, size and design of the signs.

~~12. The City's use of the public space shall not be limited by any building tenant.~~

13. ~~The Applicant or The City in its tenants sole discretion shall determine the hours and use of the public park central public green space and may adopt any other regulations for the public green space it deems appropriate.~~

14. The Applicant shall be responsible for maintaining the 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.

15. 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 public park space.

16. 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.

17. The approvals granted by this resolution do not supersede the authority of any other entity.

18. 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, 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.



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
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F 914 761 5372
cuddyfeder.com

Taylor M. Palmer, Esq.
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February 4, 2021

VIA E-MAIL

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

Re: Special Use Permit Application – Supplemental Submission – Green Space Plan
Office, Commercial, Residential & Green Space Mixed-Use Development
Premises: 416-420 Main Street, Beacon, New York
Tax Parcel IDs: (6054-29-056780 & 6054-29-056774)

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”), the owners of the above-referenced Premises, we respectfully submit this letter and the referenced Green Space Diagram in furtherance of the pending Application for a Special Use Permit (the “SUP Application”).

Since we last appeared before the City Council on January 25th, the Applicant worked with the City Planner, City Attorney and City Administrator (“City Staff”) to further clarify the updates to the site plan concerning the enlarged green space that is proposed on the Premises. The Applicant also discussed the details contained in the proposed draft Special Use Permit Resolution together with City Staff.

As is more fully detailed in the enclosed site plan entitled “Special Use Permit Application, Sheet 1 of 1 – Site Plan – Green Space Diagram”, prepared by Aryeh Siegel Architect, and last revised January 28, 2021 (the “Green Space Diagram”), for clarification and ease of the Council’s review the Original Site Plan (dated June 6, 2020 – the “Original Site Plan”) is shown as a head-to-head comparison with the Applicant’s Proposed Site Plan (last revised January 28, 2021 – the “Proposed Site Plan”). As is shown on the enclosed Green Space Diagram, the total contiguous green space area on the Proposed Site Plan is 4,270 sq. ft.,¹ which *more than doubles* the 1,818 sq. ft. of total contiguous green space area that was proposed in the Original Site Plan.

¹ Note: The total contiguous green space area is comprised of the total area of the private tenant green space combined with the total area of the central public green space.



February 4, 2021
Page 2

Additionally, the enclosed Green Space Diagram shows how the 2,315 sq. ft. proposed central public green space on the Proposed Site Plan also more than doubles the size of 1,046 sq. ft. central public green space that was proposed in the Original Site Plan. For the Council's consideration, the Proposed Site Plan shown on the Green Space Diagram is the same plan that was reviewed with the City Council at its January 25th meeting – only the Green Space Diagram specifically highlights the tenant green space areas and the central public green space area for ease of reference in association with the details in the Special Use Permit Resolution.²

It is respectfully submitted that the enlarged, more-inviting public green space further enhances the public benefits of the Project, which also include the two (2) upper floors of commercial office space right on Main Street.

CONCLUSION:

For all the reasons set forth herein, and as will be further discussed at the City Council's February 8th Work Session, the Applicant respectfully submits that the Project meets and or exceeds the applicable criteria for a Special Use Permit for the limited stepped back fourth floor.

We look forward to appearing at the City Council's, February 8th Work Session for our continued review of the SUP Application. In the meantime, should the City Council or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Taylor M. Palmer', with a stylized flourish extending to the right.

Taylor M. Palmer

Enclosure

Cc: Nicholas M. Ward-Willis, Esq.; Chris White – City Administrator; John Clarke – City Planner

² Note: As will be discussed with the City Council at its February 8th Work Session, as part of the Applicant's discussions regarding the central public green space, the intent of the central public green space in part is to be an "art park". The Applicant has designed the green space to include art installations (ex: sculptures) on a rotating basis. Additionally, as we will also discuss with the City Council at its February 8th Work Session, the Applicant had a discussion with City Staff pertaining to request to remove a sign *requirement* for the central public green space, which signage will negatively impact the feel of the green space.

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
4	08/25/20	REVISED PER PLANNING BOARD COMMENTS	AJS
5	09/09/20	SUPPLEMENTAL LANDSCAPE INFORMATION	AJS
6	09/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
7	01/06/21	REVISED PER CITY COUNCIL COMMENTS	AJS
8	01/28/21	REVISED PER CITY COUNCIL COMMENTS	AJS



Location Map
Scale: 1" = 400'



Original Site Plan from June 6, 2020
Scale: 1" = 20'

ORIGINAL SITE PLAN: 1,818 SF OF CONTIGUOUS GREEN SPACE	VS	PROPOSED SITE PLAN: 4,270 SF OF CONTIGUOUS GREEN SPACE
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Proposed Site Plan
Scale: 1" = 20'

CAFÉ/416 MAIN ST. TENANT GREEN SPACE =	1,160 SF
LIVE/WORK TENANT GREEN SPACE =	795 SF
CENTRAL PUBLIC GREEN SPACE AREA =	2,315 SF
TOTAL CONTIGUOUS GREEN SPACE AREA =	4,270 SF
IN RESPONSE TO CITY COUNCIL COMMENTS	

Special Use Permit Application

Sheet 1 of 1 - Site Plan - Green Space Diagram

City of Beacon City Council Agenda
02/08/2021

Title:

Proposed Contract with Mental Health America of Dutchess County

ATTACHMENTS

[Draft Contract City of Beacon and Mental Health America of Dutchess County](#)

AGREEMENT BY AND BETWEEN
THE CITY OF BEACON, NEW YORK (CLIENT)
AND
MENTAL HEALTH AMERICA OF DUTCHESS COUNTY (CONTRACTOR)
DATED: MARCH 1, 2021

This Agreement (the “Agreement”) is made and entered into this ____ day of _____, 2021 by and between MENTAL HEALTH AMERICA of DUTCHESS COUNTY, INC. (“CONTRACTOR”), with offices at 253 Mansion Street, Poughkeepsie, New York 12601 and the CITY OF BEACON (“CLIENT”), a municipal corporation of the State of New York with offices at 1 Municipal Plaza, Beacon, New York 12508 for the purpose of assessing and referring people in need of services within the jurisdiction of Client (together, the “Parties”). The Terms and Conditions are as follows:

1. **SERVICES:** CONTRACTOR will provide one (1) Mental Health Worker Intensive Case Management (“MHW ICM”) to work with the City of Beacon Police Department. It is intended the MHW ICM shall work with the City of Beacon Police Department thirty-five (35) hours per week. The individual’s duties and responsibilities will include but are not limited to: accompanying police officers on calls for service involving a person in crisis who may be in immediate need of assessment by a mental health professional; working closely with the Police Department’s Juvenile Division Youth Worker to meet the needs of children and their parents who may be experiencing mental health related illnesses; following-up on calls of service where a mental health professional was not present; and accompanying the Behavior Evaluation and Assessment Team (“BEAT”) on routine patrol.
2. **FEE SCHEDULE:** CLIENT shall pay CONTRACTOR an amount not to exceed \$70,000 for thirty-five (35) hours per week for one year for the services provided pursuant to this Agreement. The CLIENT shall not be responsible for any other costs. CONTRACTOR shall submit monthly invoices detailing the hours worked by the MHW ICM assigned to the City of Beacon. The hours worked shall commence when the MHW ICM reports to the police station or remote work location to perform services pursuant to this Agreement. **CLIENT is a tax-exempt organization and as such, shall not reimburse for sales tax. CONTRACTOR is responsible to pay all payroll taxes, benefits, unemployment and related expenses.**
3. **TERM:** This Agreement shall commence on March 1, 2021 and continue until March 1, 2022 unless sooner terminated or amended pursuant to the terms and provisions of this agreement.

4. **INDEPENDENT CONTRACTOR STATUS:** The parties hereto intend that the relationship with the CLIENT shall be that of an independent contractor. No officer, agent, and/or employee of the CONTRACTOR shall be considered an officer, agent, and/or employee of the CLIENT. CONTRACTOR and CONTRACTOR's officers, employees and/or agents, if any, are retained by the CLIENT only for the purposes, and to the extent, set forth in this Agreement. CONTRACTOR acknowledges that it will not hold itself, its officers, employees and/or agents out as employees of the CLIENT. CONTRACTOR shall not hold itself out as anything other than an independent contractor of the CLIENT. CONTRACTOR and CONTRACTOR's officers, employees and/or agents shall not be entitled to any rights or benefits afforded to the CLIENT's employees, including, without limitation, disability or unemployment insurance, workers' compensation, medical insurance, sick leave, retirement or any other employment benefit. CONTRACTOR is responsible for providing, at CONTRACTOR's sole expense, disability, unemployment, workers' compensation and all other forms of insurance, training, permits and licenses for CONTRACTOR and for CONTRACTOR's officers, employees and/or agents. CONTRACTOR shall maintain all rights and obligations to supervise its employees, however, such personnel shall be subject to direction by the CLIENT'S Chief of Police or his designee with respect to assignments and insuring compliance with Department Policies. Decisions regarding employment, discipline or termination of a CONTRACTOR'S employees shall be made solely by the CONTRACTOR.
5. **CHOICE OF LAW, VENUE:** This Agreement and the rights and obligations of the Parties and their successors and assigns hereunder shall be interpreted, construed, and enforced in accordance with the laws of the State of New York without regard to its choice and/or conflict of laws provisions. Any legal action resulting from, arising under, out of or in connection with, directly or indirectly, this Agreement shall be commenced exclusively in the Supreme Court, State of New York, County of Dutchess or the U.S. District Court for the Southern District of New York. All parties to this Agreement hereby submit themselves to the jurisdiction of any such court and agree that service of process on them in any such action, suit or proceeding may be affected by the means by which notices are to be given under this Agreement.
6. **NOTICES:** All notices, requests, demands and other communications required or permitted hereunder shall be in writing and shall be deemed to have been duly given if delivered by hand or mailed, express, certified or registered mail, return receipt requested, with postage prepaid, or sent priority next day delivery by a nationally recognized overnight courier service that regularly maintains records of items picked up and delivered to the parties at the addresses first set forth above or to such other person or address as a party shall notify the other in writing. Notices delivered personally shall be deemed communicated as of the date of actual receipt, mailed notices shall be deemed communicated as of the date three (3) business days after mailing, and notices sent by courier shall be deemed communicated as of the date two (2) business days after pick-up.
7. **TAX EXEMPTION:** CLIENT is a tax-exempt entity under the rules of the Internal

Revenue Service and will provide CONTRACTOR with a copy of its tax-exempt status upon request.

8. **ENTIRE AGREEMENT:** This Agreement contains the entire terms and obligations between the Parties as to subject matter herein and supersedes all prior agreements whether oral or written between the parties hereto. This Agreement may be modified only by a written instrument signed by the Parties.
9. **COUNTERPARTS:** This Agreement may be executed in counterparts each of which shall be deemed an original and all of which taken together shall constitute one and the same agreement. Delivery of an executed counterpart of this Agreement by facsimile or email shall be equally as effective as delivery of a manually executed counterpart of this Agreement.
10. **INSURANCE REQUIREMENTS:**
 - A. Prior to commencement of any services, the CONTRACTOR shall, at its sole expense, maintain the following insurance on its own behalf, and on behalf of any Mental Health Worker Intensive Case Management employee:
 - (i) Worker's Compensation and Employers Liability Policy, covering operations in New York State. Policy shall include all employees, volunteers, owners/partners and provide statutory Workers Compensation limits.
 - (ii) General Liability Policy, with limits of no less than \$1,000,000 each occurrence/\$2,000,000 annual aggregate limits for Bodily Injury and Property Damage. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, CONTRACTOR waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents. The City of Beacon and its agents, officers, volunteers, directors and employees shall be named as additional insureds and included in a waiver of subrogation endorsement.
 - (iii) Umbrella Liability, with limits of no less than \$1,000,000, including coverage for General, Automobile and Professional Liability. The insurance policy shall be written on a primary and non-contributing coverage basis, including any self-insured retentions. To the extent permitted by New York law, CONTRACTOR waives all rights of subrogation or similar rights against the City of Beacon, its assigns, officers, employees, representatives and agents.
 - (iv) Professional Liability, with limits of no less than \$1,000,000.

- B. All insurance coverages must be from an A.M. Best Rated “secured” (B+-A++), New York State admitted insurer.
 - C. Certificates shall provide that thirty (30) days written notice, by registered mail with return receipt requested, prior to cancellation or expiration be given to the City of Beacon. Policies that lapse and/or expire during term of work shall be recertified and received by the City no less than thirty (30) days prior to expiration or cancellation.
 - D. The CONTRACTOR shall furnish to the City of Beacon Certificates of Insurance as evidence of coverage and proof of Workers Compensation coverage prior to commencement of any services and naming the City, its officers, officials and employees as an Additional Insured on the Commercial General Liability, Umbrella and Professional Liability Policies.
11. **DEFENSE AND INDEMNIFICATION:** CONTRACTOR shall hold the CLIENT harmless from, defend and indemnify it against all damages, losses, expenses (including, without limitation, reasonable attorneys’ fees and disbursements) and liability for injury to, or death of, persons or property caused by or arising from its performance or lack of performance under this Agreement. The CONTRACTOR shall pay all costs (including, without limitation, reasonable attorneys’ fees and disbursements) that may be incurred by the CLIENT in enforcing this indemnity. The CLIENT may, at its own expense, retain separate counsel and participate in any suit or action.
12. **CONFIDENTIAL INFORMATION:** CONTRACTOR understands that in performing the services under this Agreement it may have access to or acquire confidential information in possession of the CLIENT or others, including, but not limited to names, facts or information about individuals, businesses and families. CONTRACTOR may also have access to or acquire confidential information, potentially including but not limited to personnel information and records; confidential business information; trade secrets; information regarding sensitive, confidential or internal CLIENT matters and other protected information or data. It is agreed that the definition of confidential information includes all documentary, electronic or oral information made known to CONTRACTOR through any activity related to this Agreement, except information available to CONTRACTOR from third parties on an unrestricted basis. CONTRACTOR agrees it, its officers, employees and/or agents shall keep all confidential information in a secure place and further agrees not to publish, communicate, divulge, use, or disclose, for their own benefit or for the benefit of another, either during or after the performance of this Agreement, the content of such confidential information, directly or indirectly to any third-party, except as explicitly provided for in this Agreement or as explicitly authorized in writing by the CLIENT. CONTRACTOR understands that any unauthorized disclosure, publication and/or communication of such confidential information shall be considered a breach of this Agreement. CONTRACTOR agrees that if it receives a request for disclosure of confidential information obtained from the CLIENT pursuant to a statute, subpoena or court order, it shall

notify the CLIENT prior to disclosing the CLIENT's confidential information, unless providing notice of the disclosure is expressly prohibited by the statute, subpoena or court order. The Parties further agree that the terms and conditions set forth in this Confidentiality section shall survive the expiration and/or termination of this Agreement.

13. **NON-DISCRIMINATION REQUIREMENTS:** The CONTRACTOR agrees for itself, and its successors and assigns that the CONTRACTOR shall not discriminate in the performance of its obligations under this Agreement upon the basis of age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, or domestic violence victim status.
14. **BREACH OF CONTRACT:** In the event of a material breach of any of the terms of this Agreement, the non-breaching party shall notify the breaching party in writing specifying the breach. The breaching party shall have ten (10) days from the date of written notice (the "Cure Period") to cure the breach. If the breach has not been cured within the Cure Period, then at its option the non-breaching party may either terminate this Agreement by sending written notice thereof to the breaching party or it may institute any proceedings necessary to obtain such remedy as it deems desirable, including but not limited to proceedings to compel specific performance.
15. **ENFORCED DELAY:** For purposes of this Agreement, neither party shall be considered in default of its obligations provided for herein in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not restricted to, force majeure, acts of the public enemy, acts of the other party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors and suppliers due to such causes; it being the purpose and intent of this provision that, in the event of the occurrence of any such enforced delay, the time or times for performance of the obligations of the party shall be extended for the period of the enforced delay.
16. **WAIVER:** No waiver made by either party with respect to the performance, or manner or time thereof, or any obligation of the other party or any condition to its own obligation hereunder shall be considered a waiver of any of the rights of that party with respect to any other default or breach. No such waiver shall be valid unless it is in writing duly signed by the party waiving the right or rights.
17. **SEVERABILITY:** If any term or provision of this Agreement shall to any extent be held to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each term and provision of this Agreement shall be valid and in force to the fullest extent permitted by law. This Agreement shall be governed by and construed under the laws of the State of New York.
18. **NON-ASSIGNMENT:** This Contract may not be assigned, transferred or pledged

by CONTRACTOR without the written consent of the CLIENT, which consent may be withheld at the discretion of the CLIENT.

19. **TERMINATION:** Either party to this Agreement may immediately terminate the same, with or without cause, at any time upon written notice to the other.

The signing of the enclosed copy and returning to CONTRACTOR will indicate the CLIENT'S acceptance of this Agreement, and the Terms and Conditions contained therein.

Accepted by:

MENTAL HEALTH AMERICA OF.
DUTCHESS COUNTY

CITY OF BEACON

Name: Andrew O'Grady, LCSW-R
Title: CEO
Date:

Name: **Christopher White**
Title: CITY ADMINISTRATOR
Date:

City of Beacon City Council Agenda
02/08/2021

Title:

Designation of Lead Agency in Accordance with SEQRA Regarding Subdivision Approval on Monell Place

ATTACHMENTS

[Monell Place Lead Agency Response Form](#)

[Short Environmental Assessment Form](#)

[SEQRA Cover Letter](#)

RESPONSE FORM TO CITY OF BEACON PLANNING BOARD

To: City of Beacon Planning Board

From: _____ [please insert your agency name]

Date: _____ [please insert date]

Subject: Monell Place, Beacon, New York
Tax Grid No. 30-5955-04-586132-00
Designation of Lead Agency in Accordance with SEQRA

With respect to the declaration that the City of Beacon Planning Board intends to serve as the Lead Agency for Subdivision Approval for property located on Monell Place to subdivide a 2.91-acre parcel into two lots for the construction of two single-family houses. The above identified agency:

[please check one box below]

- ☐ Has no objection to the Planning Board serving as Lead Agency.
- ☐ Takes no position with respect to the Planning Board serving as Lead Agency.
- ☐ Objects to the Planning Board serving as Lead Agency.

Printed Name

Signature

Title

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

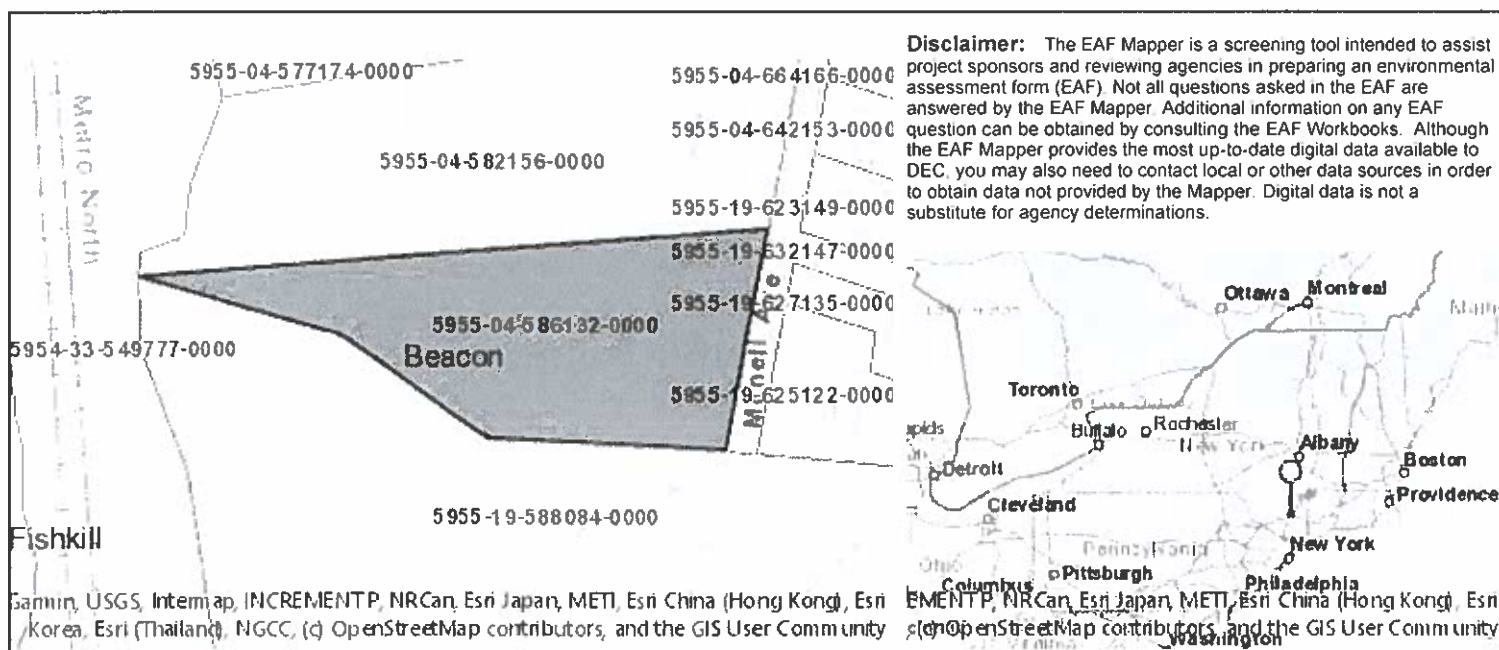
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Monell Place Subdivision			
Project Location (describe, and attach a location map): Monell Place, Beacon, NY 12508			
Brief Description of Proposed Action: Subdivision of an existing 2.91 acre parcel into two parcels. Each subdivision will have a new single-family built on them as well as a driveway and parking area for the new residences.			
Name of Applicant or Sponsor: Allison Cross and Henry Nye		Telephone: 845-392-1990	
		E-Mail: across@visitmanitoga.org	
Address: 11 York Street			
City/PO: Beacon		State: New York	Zip Code: 12508
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.			NO ☐ YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Beacon: Subdivision			NO ☐ YES ☒
3. a. Total acreage of the site of the proposed action?		2.91 acres	
b. Total acreage to be physically disturbed?		0.85 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.91 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Metro North Railroad			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
Eustatia; NR Number: 90NR00435; Status-Listed (See attachment)	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There is a portion of an 0.83 acre Federal Wetland listed as PUBH on National Wetland Inventory Mapping located in the most westerly point of the property. No disturbance or alterations are proposed to this wetland. _____ _____			

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? Atlantic Sturgeon, Shortnos...	NO ☐	YES ☒
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☒
a. Will storm water discharges flow to adjacent properties?	☐	☒
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
Most of the site runoff currently flows toward Monell Place where it stays on the property in a natural depression and eventually infiltrates. The runoff from the driveways and garage roof will continue to go this area, while the runoff from the dwelling roofs has been directed toward the west.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☒
Hudson River PCB Sediments; 546031; State Superfund Program ; Status-Still Active. (See attachment) CH - Beacon MGP; V00293; Voluntary Cleanup Program; Status-Completed. (See attachment)		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Allison Cross</u> Date: <u>12/29/2020</u>		
Signature: <u></u> Title: _____		



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



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
[DECInfoLocator](#)

Administrative Information

Site Name: Hudson River PCB Sediments

Site Code: 546031

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 5

Address: Hudson River, Hudson Falls-NYC Battery

City: Zip: 12180

County: Saratoga

Latitude: 43.286475666

Longitude: -73.595363441

Site Type:

Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Current Owner Name: New York State

Current Owner(s) Address:

,ZZ,

Current Owner Name: STATE OF NEW YORK

Current Owner(s) Address:

,ZZ,

Owner(s) during disposal: STATE OF NEW YORK

Current On-Site Operator: NYS Department of Transportation

Stated Operator(s) Address: State Campus - Building 5

Albany, NY 12233

Site Document Repository

Name: US Epa

Address: 187 Wolf road

colonie, NY

Hazardous Waste Disposal Period

From: 1946 **To:** present

Site Description

Site Location: This National Priorities List site includes the nearly 200-mile stretch of the Hudson River that extends from Hudson Falls in Washington County to the Battery in New York City. The river is part of the Champlain Canal between Fort Edward and Waterford. EPA is the lead agency for the investigation and cleanup of the site. **Site Features:** The site includes the main stem of the Hudson River, as well as the associated flood plains, river banks, riverine fringing wetlands, and backwater areas. **Current zoning / uses:** The river is currently used for recreation, transportation, and as a source of water for drinking and other purposes. The river floodplain areas include all types of land uses, from passive / recreational to residential to commercial / industrial. **Historical uses:** The General Electric Company (GE) discharged PCBs into the river from two capacitor manufacturing plants located in Hudson Falls and Fort Edward starting sometime in 1946. Previous investigations identified 40 areas or 'hot spots' in the upper Hudson that had sediments contaminated with greater than 50 ppm of PCBs. Also included in the definition of this site are five Remnant Deposits or river sediment areas that were exposed when the level of the river was lowered when the Fort Edward Dam was removed in 1973. EPA issued a Record of Decision (ROD) for this National Priorities List site on September 25, 1984 which included: in-place containment of the Remnant Deposits; evaluation of downstream domestic water quality at Waterford, New York; and interim 'No Action' as to the PCB-contaminated river sediment. The 1984 ROD indicated that both the No Action decision for the river sediments and the containment remedy for the Remnant Deposits might be reexamined by EPA in the future. The containment remedy for the Remnant Deposits was performed by GE under a 1990 Consent Decree with EPA. In addition, in 1990, NYSDEC completed the evaluation of downstream domestic water quality at Waterford, New York, which concluded that PCB concentrations were below analytical detection limits after treatment and met standards applicable to public water supplies. In December 1989, EPA announced its decision to initiate a detailed Reassessment Remedial Investigation/Feasibility Study (RI/FS) of the September 1984 decision concerning the PCB contaminated Hudson River sediments. The Reassessment culminated with EPA's issuance of a second ROD for the site in February 2002 which included the dredging of an estimated 2.65 million cubic yards of PCB contaminated sediments from the Upper Hudson River (between Fort Edward and Troy), which was estimated in the ROD to contain about 66,300 kilograms of total PCBs (approximately 65% of the total PCB mass estimated to be present within the Upper Hudson River). The ROD also identified further evaluation of PCB contamination in the flood plains concurrent with the design phase of the project. EPA issued a series of Orders to GE for performance of the engineering design for the project. Phase 1 dredging commenced in May 2009, and was completed in October 2009. After completion of Phase 1, EPA reviewed the environmental monitoring and operational data to determine the changes to the project standards and to project design specifications for Phase 2. The changes to the project for Phase 2 were provided to GE in December 2010. GE, in accordance with the Consent Decree for the site, opted to implement Phase 2 of the

remedy on 12/31/10. Construction work for Phase 2 of the remedial project started in 2011, and was completed in 2016. Dredging was completed in fall 2015; habitat reconstruction was completed in 2016. Facility decommissioning was performed in 2016. For more information on the Hudson River Fish advisory, copy and paste this link into a web browser:

https://www.health.ny.gov/environmental/outdoors/fish/hudson_river/advisory_outreach_project/

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

polychlorinated biphenyls (PCB)

PCB aroclor 1254

cadmium

lead

PCB aroclor 1242

PCB aroclor 1016

Site Environmental Assessment

Nature and extent of contamination: Contaminants: The primary constituent of concern is PCBs, discharged from two GE capacitor plants in Hudson Falls and Fort Edward. The upstream extent of contamination is the portion of the river immediately above the Bakers Falls Dam at the GE Hudson Falls plant site. The downstream extent of contamination is the Atlantic Ocean. The commercial mixtures of PCBs discharged from the two GE plant sites changed over time; initially aroclor 1254, changing to aroclor 1242 and then to aroclor 1016. Contaminant Concentrations: PCBs have been found in excess of standards, criteria and guidance concentrations (SCGs) in sediments, surface water, biota, air, and soils at the Hudson River PCBs site. The primary sources at the plant sites have been almost completely abated through remedial work at the plant sites; as a result, the primary source of PCB to the surface water and biota of the river are the contaminated sediments in the river south of the plant sites. Prior to remediation of the Upper Hudson River from 2009 to 2016, PCB concentrations in sediment range from non-detect to greater than one percent PCB (> 10,000 parts per million). In surface water typically concentrations range from 2 nanograms per liter (ng/l or parts per trillion) to 100 ng/l, except at times of high flow when scour-driven remobilization of contaminated sediments can cause much higher concentrations in excess of 1 microgram per liter (1 ug/l or part per billion). Investigations are underway to determine the extent of floodplain impacts. To date, PCB concentrations in excess of 500 milligrams per kilogram (mg/kg or part per million) have been found in limited areas. The nature and extent of floodplain soil contamination has not yet been established. The Lower Hudson portion of the NPL site has not be fully investigated to date. Significant threat: PCB contamination in the Hudson River sediments continue to pose a significant threat to human health and/or the environment. Concentrations in PCBs in biota directly attributable to the waste disposal at the site have led the Department of Health to recommend that human consumption of biota be limited over a substantial portion of the Hudson River between Hudson Falls and the Battery in New York

City. In the upper Hudson, the fishery is catch and release only, and the NYSDOH advisory is to eat none. To see the fish consumption advisories, go to: <https://www.health.ny.gov/publications/2794.pdf> and https://www.health.ny.gov/environmental/outdoors/fish/hudson_river/advisory_outreach_project/. The disposal of PCB into the Hudson River has also led to significant environmental damage as defined in 6 NYCRR Part 375. This site has been included in the Federal National Priorities List (NPL).

Site Health Assessment

Consumption of fish is the major potential route of human exposure to PCBs from this site. Because of site impacts, most fish from the Hudson River downstream of Hudson Falls have elevated PCB levels. Fishing is restricted to catch and release, with a "eat none" advisory for fish consumption, from Hudson Falls to Troy. In addition, there are advisories ("eat none" or "eat no more than 1 meal per month") on consumption of several fish species caught from the Hudson River below the Troy Dam to New York Harbor. People may come into contact with contaminants present in the shallow river sediments while entering or exiting the river during recreational activities, and may also come into contact with contaminants present in floodplain soils. This direct contact route of exposure is present primarily in the upper Hudson between Hudson Falls and Troy. GE under USEPA and State oversight has taken actions at several properties along the Hudson River to address PCB contaminated floodplain soils between Hudson Falls and Troy. These actions vary from deploying signs to installing various covers and are intended to reduce exposures to PCBs in floodplain soils until a permanent remedy is developed. Additionally, a remedial investigation to address floodplain soils in the Upper Hudson River Floodplain under USEPA and State oversight is now underway.

For more Information: E-mail Us

Refine This Search



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
DECInfoLocator

Administrative Information

Site Name: CH - Beacon MGP

Site Code: V00293

Program: Voluntary Cleanup Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 416 & 418 & 420 & 422 & 424 & 426 &

City:Beacon Zip: 12508

County:Dutchess

Latitude: 41.50621157

Longitude: -73.98240676

Site Type:

Estimated Size: 4 Acres

Site Owner(s) and Operator(s)

Site Description

Site Location: The CHGE Beacon Manufactured Gas Plant (MGP) Dorel Hat property is located in a suburban area in the City of Beacon, Dutchess County, N.Y. The site is approximately 4 acres in size, and is bounded by West Main St. to the north, River St. to the east, an open field owned by the Metropolitan Transportation Authority (MTA) to the south and by Railroad Drive and the Beacon Railroad station to the west. **Site Features:** The main site features include: an approximately 32,000 square foot building surrounded by a grass covered area in the southern portion of the property and an asphalt paved parking lot in the northern half. **Current Zoning/Uses:** The site is currently used for storage and office space and is zoned commercial. The surrounding parcels are commercial and residential. The nearest residential area is comprised of townhouses located approximately 100 feet to

the east on River St. Past Uses of the Site: The 1 Main Street site is adjacent to a former MGP located on River Street, which operated from 1871 to approximately 1946. Operable Units (OU) The site was divided into 2 Operable Units. An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release or exposure pathway resulting from the site contamination. Operable Unit 1 (OU1) consists of the MGP site itself, which has since been redeveloped for residential use. It appears that all contaminated soils were removed prior to redevelopment. No significant amounts of MGP contamination were found to remain at the former MGP site, and it was determined that no further action was required. A release letter for the Beacon MGP was issued under the VCA on January 31, 2002. Operable Unit 2 (OU2) consists of the property across the street from the MGP, known as the Dorel Hat property. The majority of MGP contaminated soil on OU2 was removed during an IRM conducted in 2007. On September 12, 2007 the Dorel Hat property was transferred to the MTA. On July 15, 2011 the MTA filed a Deed Restriction by which it is required to comply with the Department approved Site Management Plan. Site Geology/Hydrogeology: The site is underlain by unconsolidated sand and silt deposits to a depth of approximately 8 feet. Below these, a 4 foot thick clay layer lies above the slate bedrock. Groundwater on the site flows toward the Hudson River, to the west.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

other

coal tar

Site Environmental Assessment

The primary contaminant is coal tar which contains PAHs and BTEX compounds. The majority of coal tar contaminated soil was removed during an IRM conducted in 2007. Due to the presence of the Dorel Hat building, a force sewer Main and a gas line on the site, some of the coal tar contaminated soil was not removed and remains in the subsurface under the building and to the east of the building. The coal tar is located at a depth of approximately 5 to 10 feet below the ground surface. Levels of sub-slab soil vapor beneath the building exceed DOH guidance values for indoor air. A sub-slab depressurization vapor mitigation system was installed to prevent sub-slab vapor from entering the building. Groundwater on the site exceeds Groundwater Quality Standards for VOCs, SVOC's, Metals and Pesticides. The area is supplied by a public water supply.

Site Health Assessment

Measures are in place to control the potential for coming in contact with sub-surface soil and groundwater contamination remaining at the site. People are not drinking the contaminated groundwater because the site is served by a public water supply that is not affected by this

contamination. Volatile organic compounds in groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings is referred to as soil vapor intrusion. A sub slab depressurization system (systems that ventilate/remove the air beneath the building) has been installed in the on-site building to prevent the indoor air quality from being affected by the contamination in soil vapor beneath the building. Sampling indicates soil vapor intrusion is not a concern for off-site buildings.

For more Information: E-mail Us

[Return To Results](#)

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02741.000008: Building - Listed

EUSTATIA
12 Monell Place, Beacon NY

Overview

Inventory Form

NR Status {6}

MCDs [1]

Children [0]

Deterministic

ers [0] μ mol

 $\alpha(1) \in \mathcal{A}(\mathbf{1}_2, [0])$

Agents. [0]

Projects (0)

Surveys (1) : S

(1) *Perillium*

Type: Building

Classification: Building

Parent USN:

Is Contributing:

Is Demolished:

Is in a Certified District:

Is a National Historic Landmark:

Is State Board Approved:

1c State Budget 11/10/11

Eligibility: Listed

Notes:

County

Dulchess

MCD

BEACON (City)



USN Building Points (View)

Eligible

Listed

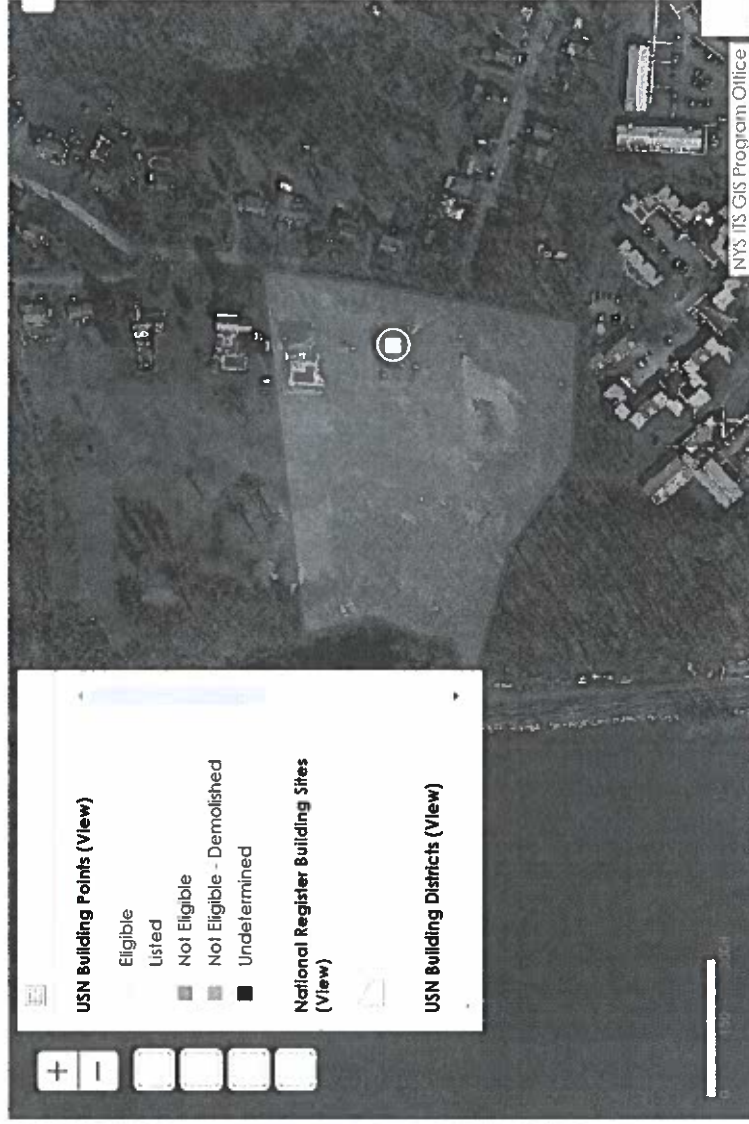
Not Eligible

Not Eligible - Demolished

1164070

**National Register Building Sites
(View)**

USN Building Districts (View)



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December 29, 2020

Wetlands

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

Freshwater Emergent Wetland

Freshwater Forested/Shrub Wetland

Freshwater Pond

Lake

Other

Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)

This page was produced by the NWI mapper

44



CITY OF BEACON New York

John Gunn
Planning Board Chairman

Planning Board

845-838-5002

January 26, 2021

Dutchess County Department of Health
Beacon City Council

Subject: **Monell Place**
Beacon, New York
Tax Grid No. 30-5955-04-586132-00
Designation of Lead Agency in Accordance with SEQRA

Dear Sir/Madam:

The City of Beacon Planning Board is hereby notifying you that it has received an application for Subdivision Approval for property located on Monell Place to subdivide a 2.91-acre parcel into two lots for the construction of two single-family houses. The existing utilities within Monell Place may be offered for dedication to the City of Beacon as part of this application. The parcel is located in the R1-20 zoning district, the Historic District and Landmark Overlay (HDLO) zone, and is within the City's Local Waterfront Revitalization Program (LWRP) boundary.

The City of Beacon Planning Board hereby declares its intent to serve as the Lead Agency for the environmental review of the proposed Unlisted action. The City of Beacon Planning Board is hereby notifying you that, in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), the Planning Board will automatically become the Lead Agency unless you submit a written objection to the Board within 30 calendar days of the mailing of this notification. Enclosed for your use, if you choose, is a form for responding to the Planning Board.

In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Short Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the proposed action, and a copy of the application.

Very truly yours,

John Gunn, Chairman

Enclosures: 3

cc: David Buckley

Jennifer L. Gray, Esq.

John Russo, PE

John Clarke, City Planner

RESPONSE FORM TO CITY OF BEACON PLANNING BOARD**To:** City of Beacon Planning Board**From:** _____ [please insert your agency name]**Date:** _____ [please insert date]**Subject:** Monell Place, Beacon, New York
Tax Grid No. 30-5955-04-586132-00
Designation of Lead Agency in Accordance with SEQRA

With respect to the declaration that the City of Beacon Planning Board intends to serve as the Lead Agency for Subdivision Approval for property located on Monell Place to subdivide a 2.91-acre parcel into two lots for the construction of two single-family houses. The above identified agency:

[please check one box below]

- ☐ Has no objection to the Planning Board serving as Lead Agency.
- ☐ Takes no position with respect to the Planning Board serving as Lead Agency.
- ☐ Objects to the Planning Board serving as Lead Agency.

Printed Name_____
Signature_____
Title

Short Environmental Assessment Form

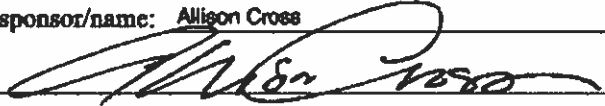
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Monell Place Subdivision			
Project Location (describe, and attach a location map): Monell Place, Beacon, NY 12508			
Brief Description of Proposed Action: Subdivision of an existing 2.91 acre parcel into two parcels. Each subdivision will have a new single-family built on them as well as a driveway and parking area for the new residences.			
Name of Applicant or Sponsor: Allison Cross and Henry Nye		Telephone: 845-392-1990	
		E-Mail: across@visitmanitoga.org	
Address: 11 York Street			
City/PO: Beacon		State: New York	Zip Code: 12508
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.			NO ☐ YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: City of Beacon: Subdivision			NO ☐ YES ☒
3. a. Total acreage of the site of the proposed action?		<u>2.91</u> acres	
b. Total acreage to be physically disturbed?		<u>0.85</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>2.91</u> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): Metro North Railroad			
☐ Parkland			

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? Atlantic Sturgeon, Shortnos...	NO ☐	YES ☒
16. Is the project site located in the 100-year flood plan?	NO ☒	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO ☐ ☐ ☐	YES ☒ ☒ ☒
Most of the site runoff currently flows toward Monell Place where it stays on the property in a natural depression and eventually infiltrates. The runoff from the driveways and garage roof will continue to go this area, while the runoff from the dwelling roofs has been directed toward the west.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO ☒	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☒	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☒
Hudson River PCB Sediments; 546031; State Superfund Program ; Status-Still Active. (See attachment) CH - Beacon MGP; V00293; Voluntary Cleanup Program; Status-Completed. (See attachment)		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Allison Cross</u> Date: <u>12/29/2020</u>		
Signature: <u></u> Title: _____		



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
DECInfoLocator

Administrative Information

Site Name: Hudson River PCB Sediments

Site Code: 546031

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 5

Address: Hudson River, Hudson Falls-NYC Battery

City: Zip: 12180

County: Saratoga

Latitude: 43.286475666

Longitude: -73.595363441

Site Type:

Estimated Size: 0 Acres

Site Owner(s) and Operator(s)

Current Owner Name: New York State

Current Owner(s) Address:

,ZZ,

Current Owner Name: STATE OF NEW YORK

Current Owner(s) Address:

,ZZ,

Owner(s) during disposal: STATE OF NEW YORK

Current On-Site Operator: NYS Department of Transportation

Stated Operator(s) Address: State Campus - Building 5

Albany, NY 12233

Site Document Repository

Name: US Epa

Address: 187 Wolf road

colonie, NY

remedy on 12/31/10. Construction work for Phase 2 of the remedial project started in 2011, and was completed in 2016. Dredging was completed in fall 2015; habitat reconstruction was completed in 2016. Facility decommissioning was performed in 2016. For more information on the Hudson River Fish advisory, copy and paste this link into a web browser:

https://www.health.ny.gov/environmental/outdoors/fish/hudson_river/advisory_outreach_project/

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

polychlorinated biphenyls (PCB)

PCB aroclor 1254

cadmium

lead

PCB aroclor 1242

PCB aroclor 1016

Site Environmental Assessment

Nature and extent of contamination: Contaminants: The primary constituent of concern is PCBs, discharged from two GE capacitor plants in Hudson Falls and Fort Edward. The upstream extent of contamination is the portion of the river immediately above the Bakers Falls Dam at the GE Hudson Falls plant site. The downstream extent of contamination is the Atlantic Ocean. The commercial mixtures of PCBs discharged from the two GE plant sites changed over time; initially aroclor 1254, changing to aroclor 1242 and then to aroclor 1016. **Contaminant Concentrations:** PCBs have been found in excess of standards, criteria and guidance concentrations (SCGs) in sediments, surface water, biota, air, and soils at the Hudson River PCBs site. The primary sources at the plant sites have been almost completely abated through remedial work at the plant sites; as a result, the primary source of PCB to the surface water and biota of the river are the contaminated sediments in the river south of the plant sites. Prior to remediation of the Upper Hudson River from 2009 to 2016, PCB concentrations in sediment range from non-detect to greater than one percent PCB (> 10,000 parts per million). In surface water typically concentrations range from 2 nanograms per liter (ng/l or parts per trillion) to 100 ng/l, except at times of high flow when scour-driven remobilization of contaminated sediments can cause much higher concentrations in excess of 1 microgram per liter (1 ug/l or part per billion). Investigations are underway to determine the extent of floodplain impacts. To date, PCB concentrations in excess of 500 milligrams per kilogram (mg/kg or part per million) have been found in limited areas. The nature and extent of floodplain soil contamination has not yet been established. The Lower Hudson portion of the NPL site has not be fully investigated to date. **Significant threat:** PCB contamination in the Hudson River sediments continue to pose a significant threat to human health and/or the environment. Concentrations in PCBs in biota directly attributable to the waste disposal at the site have led the Department of Health to recommend that human consumption of biota be limited over a substantial portion of the Hudson River between Hudson Falls and the Battery in New York



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at
DECInfoLocator

Administrative Information

Site Name: CH - Beacon MGP

Site Code: V00293

Program: Voluntary Cleanup Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 416 & 418 & 420 & 422 & 424 & 426 &

City: Beacon Zip: 12508

County: Dutchess

Latitude: 41.50621157

Longitude: -73.98240676

Site Type:

Estimated Size: 4 Acres

Site Owner(s) and Operator(s)

Site Description

Site Location: The CHGE Beacon Manufactured Gas Plant (MGP) Dorel Hat property is located in a suburban area in the City of Beacon, Dutchess County, N.Y. The site is approximately 4 acres in size, and is bounded by West Main St. to the north, River St. to the east, an open field owned by the Metropolitan Transportation Authority (MTA) to the south and by Railroad Drive and the Beacon Railroad station to the west. **Site Features:** The main site features include: an approximately 32,000 square foot building surrounded by a grass covered area in the southern portion of the property and an asphalt paved parking lot in the northern half. **Current Zoning/Uses:** The site is currently used for storage and office space and is zoned commercial. The surrounding parcels are commercial and residential. The nearest residential area is comprised of townhouses located approximately 100 feet to

contamination. Volatile organic compounds in groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings is referred to as soil vapor intrusion. A sub slab depressurization system (systems that ventilate/remove the air beneath the building) has been installed in the on-site building to prevent the indoor air quality from being affected by the contamination in soil vapor beneath the building. Sampling indicates soil vapor intrusion is not a concern for off-site buildings.

For more Information: E-mail Us

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December 29, 2020

Wetlands

- | | | |
|--|---|--|
| ☒ Estuarine and Marine Deepwater | ☒ Freshwater Emergent Wetland | ☒ Lake |
| ☒ Estuarine and Marine Wetland | ☒ Freshwater Forested/Shrub Wetland | ☒ Other |
| | ☒ Freshwater Pond | ☒ Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

City of Beacon City Council Agenda
02/08/2021

Title:

Van Nydeck Easement Agreement

ATTACHMENTS

Memorandum Regarding Van Nydeck Municipal Parking Lot Easement from the City Attorney's Office

Resolution Accepting Van Nydeck Parking Lot Easement

Van Nydeck Municipal Parking Lot Easement Agreement 469 Main Street Executed by Grantor

469 Main Street Survey

TP 584

- Main Office
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868
- Mid-Hudson Office
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120
- New York City Office
505 Park Avenue
New York, NY 10022
Phone 646.794.5747

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FROM: Keane & Beane, P.C.

RE: Van Nydeck Parking Lot Easement

DATE: January 22, 2021

The owners of 469 Main Street were recently before the City Planning Board for approval of a minor addition to the existing building. During review of the application, it was identified that a portion of the Van Nydeck Municipal Parking Lot extends into the rear of 469 Main Street. The encroachment consists of concrete curbing and pavement.

The owners of 469 Main Street have signed an easement which would grant to the City the right to allow that portion of the Van Nydeck Municipal Parking Lot to remain on 469 Main Street. The easement has been provided for your review. Also provided is a copy of the "Survey of Property Prepared for David Rich and Paulette Myers-Rich," dated March 17, 2016, prepared by TEC Land Surveying, which depicts the encroachment at the rear of the property. Either the survey or a metes and bounds description of the easement area will serve as "Schedule A" which will describe the easement area.

If acceptable to the Council, a resolution will be prepared for your consideration at your next meeting to accept the easement and authorize the City Administrator to sign the easement and recording forms to allow the easement to be recorded in the Dutchess County Clerk's Office.

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION ACCEPTING EASEMENT
FOR VAN NYDECK MUNICIPAL PARKING LOT

WHEREAS, the City of Beacon is the fee owner of property located at 25 Van Nydeck Avenue identified on the City of Beacon Tax Map as Parcel 6054-37-062739 which property is commonly known as the Van Nydeck Municipal Parking Lot; and

WHEREAS, a portion of the Van Nydeck Municipal Parking Lot extends over the lot line of adjoining property located at 469 Main Street identified on the City of Beacon Tax Map as Parcel 6054-37-075738; and

WHEREAS, the owners of 469 Main Street have offered to grant the City of Beacon an easement to access and maintain the portion of the Van Nydeck Municipal Parking Lot which extends into 469 Main Street and has submitted an easement for that purpose.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Easement for said purpose, along with all documents as may be necessary for the recording of such Agreement, subject to review and approval by the City Attorney and City Engineer.

VAN NYDECK MUNICIPAL PARKING LOT
EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this ____ day of January, 2021,
by and between:

DAVID RICH AND PAULETTE MYERS-RICH, residing at 469 Main Street,
Beacon, New York 12508 (hereinafter known as “the Grantor”)

-and-

CITY OF BEACON, a New York Municipal Corporation with an office for
the transaction of business located at 1 Municipal Plaza, Beacon, New York 12508
(hereinafter known as “the City”),

WITNESSETH:

WHEREAS, the party of the first part is the fee owner of 469 Main Street,
Beacon, New York, 12508, identified on the City of Beacon Tax Map as Parcel #
130200-6054-37-075738 (the “Property”) more particularly described on the Survey
entitled “Survey of Property Prepared for David Rich and Paulette Myers-Rich”
dated March 22, 2016, said premises also being referred to herein as “Servient
Parcel”, and

WHEREAS, the City owns the VanNydeck Municipal Parking Lot (the
“Parking Lot”), which extends over the rear lot line of the Property, and

WHEREAS, party of the first part wishes to grant to the party of the second
part, an easement to access and maintain the portion of the Parking Lot on its
Property, the description of which is attached hereto and made a part hereof and
designated as Schedule “A”, and

WHEREAS, the parties wish to confirm all the rights and liabilities with
reference to said easement.

NOW, THEREFORE, in consideration of the mutual covenants and
promises contained herein and in further consideration of the sum of \$1.00 receipt of
which is covenanted and agreed by and between the parties hereto, as follows:

1. That the Grantor hereby grants to the City and the City hereby accepts, a nonexclusive easement in perpetuity over the portion of the Property where the Parking Lot extends over the rear lot line of the Property, more particularly described in Schedule “A” (the “Easement Area”) for accessing and maintaining the existing portion of the Parking Lot on the Property upon the terms and conditions set forth herein.

2. The City shall care for, maintain and keep in good repair all portions of the Parking Lot located on the Property.

3. The City will hold harmless and indemnify the Grantor, their successors and assigns, including agents, contractors, subcontractors or legal representatives, from and against any and all claims, actions, suits, damages, liabilities, costs and expenses, including, without limitation, reasonable attorney’s fees and disbursements, that arise from injuries to person or property resulting from acts or omissions of the City in performing its obligations hereunder for maintenance within the Easement Area, except to the extent such injuries result from willful misconduct by the Grantor.

4. The party of the first part hereby covenants and agrees that the party of the first part will not in any way block, interfere with or curtail the use of said easement set forth herein.

5. That this easement shall run in perpetuity with the land.

6. That this agreement shall bind the heirs, successors, assigns and next-of-kin of the parties of the first part and party of the second part.

7. That this easement shall not be modified unless accepted in a writing executed and acknowledged by the party of the first part and the party of the second part and recorded in the Office of the Dutchess County Clerk.

8. That the party of the first part shall record this easement at its sole cost and expense in the Office of the Dutchess County Clerk.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and hear first above written.

DAVID RICH

A handwritten signature in cursive script, appearing to read "David Rich", written over a horizontal line.

PAULETTE MYERS-RICH

A handwritten signature in cursive script, appearing to read "Paulette Myers-Rich", written over a horizontal line.

CITY OF BEACON

BY: _____

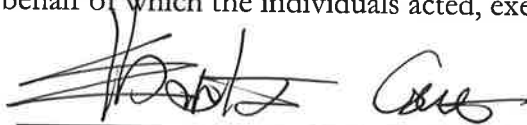
Name: Anthony Ruggiero

Title: City Administrator

ACKNOWLEDGMENTS

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the 12th day of JANUARY in the year 2021, before me, the undersigned, personally appeared DAVID RICH personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.



NOTARY PUBLIC

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28, 2023

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the 12th day of JANUARY in the year 2021, before me, the undersigned, personally appeared PAULETTE MYERS-RICH personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.



NOTARY PUBLIC

ELBERTA LYNN GAITHER
Notary Public, State of New York
No. 01GA6334994
Qualified in Dutchess County
Commission Expires December 28, 2023

STATE OF NEW YORK, COUNTY OF DUTCHESS ss.:

On the day of in the year 2020, 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 individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals or person upon behalf of which the individuals acted, executed the instrument.

NOTARY PUBLIC

RECORD AND RETURN TO:
Jennifer Gray, Esq.
Keane & Beane PC
445 Hamilton Avenue, Suite 1500
White Plains, New York 10601

SCHEDULE A

**Description of Easement Area,
prepared by Lanc & Tully Engineering and Surveying, P.C.,
dated February 3, 2021**

(see attached)

LANC & TULLY

ENGINEERING AND SURVEYING, P.C.

John J. O'Rourke, P.E., Principal
David E. Higgins, P.E., Principal
John Queenan, P.E., Principal

Rodney C. Knowlton, L.S., Principal
Jerry A. Woods, L.S., Principal

John D. Russo, P.E., Principal
John Lane, P.E., L.S.
Arthur R. Tully, P.E.

DESCRIPTION
PROPOSED PARKING EASEMENT
LANDS OF CITY OF BEACON
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

FEBRUARY 3, 2021

All that certain plot, piece or parcel of land situate in the City of Beacon, County of Dutchess, State of New York, said lands being more particularly bounded and described as follows:

BEGINNING at a point being the westerly corner of lands herein described, said point being the westerly corner of lands now or formerly City of Beacon (Document No. 22005-3652), the southerly corner of lands now or formerly 465 Beacon Associates, LLC and lying on the northeasterly line of lands now or formerly City of Beacon (Liber 1555 of Deeds at Page 45);

THENCE running along a portion of the southeasterly line of lands of said 465 Beacon Associates, LLC, being the northwesterly line of lands herein described,

- (1) North 40 degrees, 48' 48" East, as per Grid North State Plane Coordinate System New York East, a distance of 2.50 feet, to a point being the northerly corner of lands herein described;

THENCE running through lands of said City of Beacon (Document No. 22005-3652), being northeasterly and southeasterly lines of lands herein described on the following two (2) courses and distances:

- (2) South 49 degrees, 11' 12" East, a distance of 23.50 feet, to a point being the easterly corner of lands herein described; and
- (3) South 40 degrees, 48' 48" West, a distance of 2.50 feet, to a point being the southerly corner of lands herein described and lying on the northeasterly line of lands now or formerly City of Beacon (Liber 1555 of Deeds at Page 45);

THENCE running along a portion of said northeasterly line of said City of Beacon being the southwesterly line of lands herein described,

- (4) North 49 degrees, 11' 12" West, a distance of 23.50 feet, to the point or place of BEGINNING.

Containing 0.001± acres

DESCRIPTION
PROPOSED PARKING EASEMENT
LANDS OF CITY OF BEACON
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK

FEBRUARY 3, 2021

Premises herein described being a portion of Tax Map Lot No. 075738, in Block 37, within Section 6054, as shown on the Tax Maps of the City of Beacon, Dutchess County, New York dated 2020.

Premises herein described being a portion of the same premises as described in Document No. 22005-3652, as filed in the Dutchess County Clerk's Office.

Premises herein described being subject to any other easements, rights-of-way, covenants or restrictions of record.

SURVEY NOTES

1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. Subject to the findings of a current title search.
8. Subject to covenants, easements, restrictions, conditions and agreements of record.
9. Subject to any right, title or interest the public may have for highway use.

DEED REFERENCE

Document# 22005-3652
Robert H Schilling
To
Artamus Investment Group Inc
May 3, 2005

TAX PARCEL NUMBER

City of Beacon, Dutchess County, New York
130200-6054-37-075738-0000

AREA

5000 Square Feet
0.11 Acres

CERTIFICATIONS

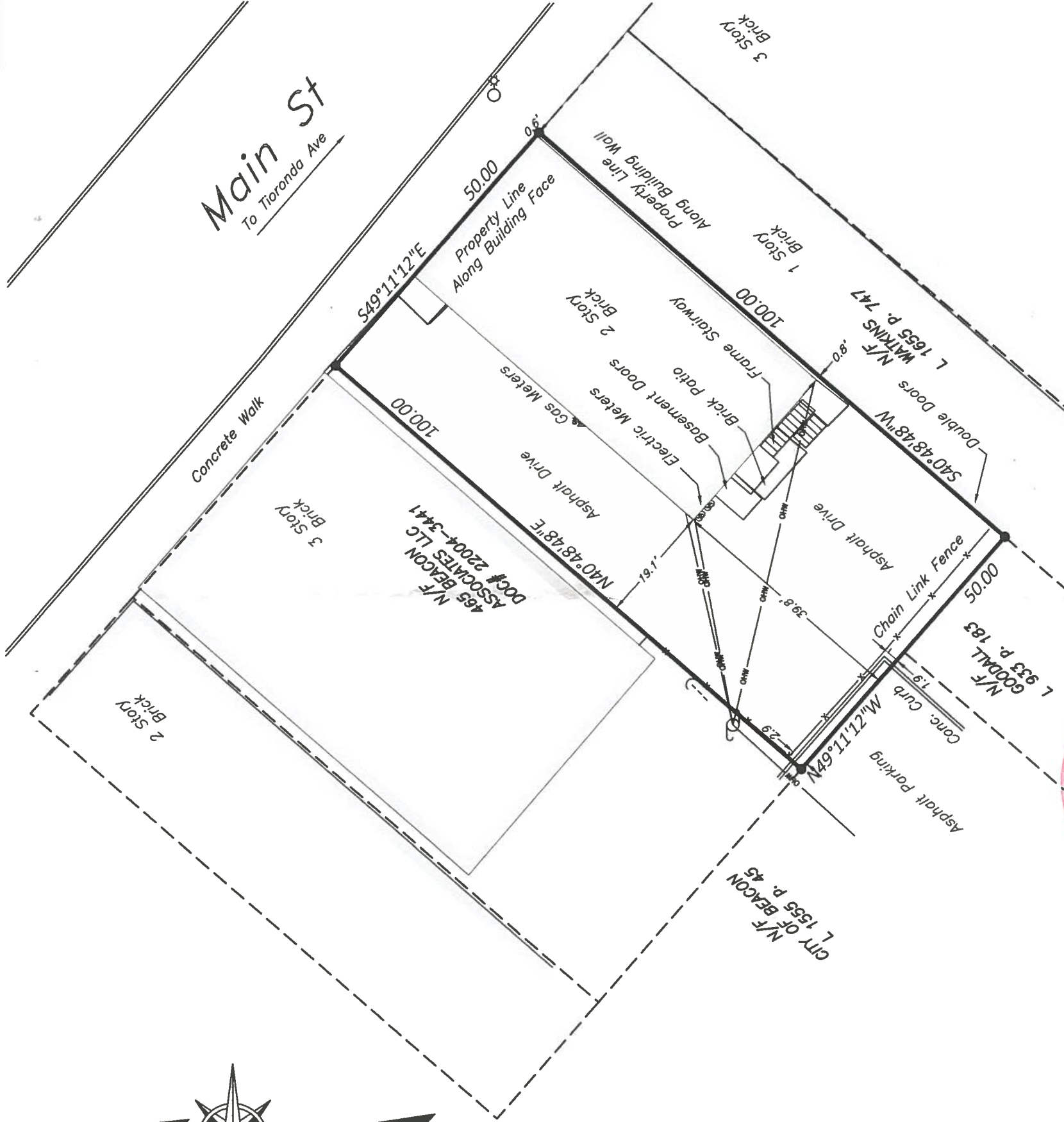
Paulette Myers-Rich
David Rich

DATES OF SURVEY

Field Completion: 2-22-2016
Map Completion: 3-17-2016

TEC LAND SURVEYING

15C TIORONDA AVE. BEACON, NY 12508
PH: 845.445.6590 FX: 845.445.6591



VICINITY MAP



NOT TO SCALE

469 MAIN STREET

SURVEY OF PROPERTY
PREPARED FOR
DAVID RICH AND PAULETTE MYERS-RICH

CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK



THOMAS E. CERCHIARA, P.L.S.
P.L.S. No. 50732

tax id	6054-37-075738
address	469 MAIN ST
date	3/17/2016
drawn	RA
scale	1"= 20'
checked	TC
project no.	16-014
project name	469 MAIN ST
sheet	1 OF 1

**Combined Real Estate Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A – Information relating to conveyance

Grantor/Transferor	Name (if individual, last, first, middle initial) (☒ mark an X if more than one grantor)	Social Security number (SSN)
☒ Individual	Rich, David et al.	
☐ Corporation	Mailing address	SSN
☐ Partnership	469 Main Street	
☐ Estate/Trust	City State ZIP code	Employer Identification Number (EIN)
☐ Single member LLC	Beacon New York 12508	
☐ Multi-member LLC	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
☐ Other		
Grantee/Transferee	Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantee)	SSN
☐ Individual	City of Beacon, a NY Municipal Corporation	
☒ Corporation	Mailing address	SSN
☐ Partnership	1 Municipal Plaza	
☐ Estate/Trust	City State ZIP code	EIN
☐ Single member LLC	Beacon New York 12508	14 6002076
☐ Multi-member LLC	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN
☐ Other		

Location and description of property conveyed

Tax map designation – Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
6054-37-075738	130200	469 Main Street	Beacon	Dutchess

Type of property conveyed (mark an X in applicable box)

1 ☐ One- to three-family house	6 ☐ Apartment building	Date of conveyance <table border="1"><tr><td>02</td><td></td><td>2021</td></tr><tr><td>month</td><td>day</td><td>year</td></tr></table>	02		2021	month	day	year	Percentage of real property conveyed which is residential real property <u>100</u> % (see instructions)
02			2021						
month	day	year							
2 ☐ Residential cooperative	7 ☐ Office building								
3 ☐ Residential condominium	8 ☐ Four-family dwelling								
4 ☐ Vacant land	9 ☐ Other _____								
5 ☒ Commercial/industrial									

**Condition of conveyance
(mark an X in all that apply)**

a. ☐ Conveyance of fee interest	f. ☐ Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	l. ☐ Option assignment or surrender
b. ☐ Acquisition of a controlling interest (state percentage acquired _____ %)	g. ☐ Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. ☐ Leasehold assignment or surrender
c. ☐ Transfer of a controlling interest (state percentage transferred _____ %)	h. ☐ Conveyance of cooperative apartment(s)	n. ☐ Leasehold grant
d. ☐ Conveyance to cooperative housing corporation	i. ☐ Syndication	o. ☒ Conveyance of an easement
e. ☐ Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. ☐ Conveyance of air rights or development rights	p. ☐ Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3)
	k. ☐ Contract assignment	q. ☐ Conveyance of property partly within and partly outside the state
		r. ☐ Conveyance pursuant to divorce or separation
		s. ☐ Other (describe) _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$ _____		
	Schedule B, Part 2 \$ _____		

Schedule B – Real estate transfer tax return (Tax Law Article 31)**Part 1 – Computation of tax due**

1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) ☐ **Exemption claimed**

2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)

3 Taxable consideration (subtract line 2 from line 1)

4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3

5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)

6 Total tax due* (subtract line 5 from line 4)

1.		0	00
2.		0	00
3.		0	00
4.		0	00
5.		0	00
6.		0	00

Part 2 – Computation of additional tax due on the conveyance of residential real property for \$1 million or more

1 Enter amount of consideration for conveyance (from Part 1, line 1)

2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...

3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part 3 – Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☐
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d ☐
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F f ☐
- g. Conveyance consists of deed of partition g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k ☐

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)**Complete the following only if the interest being transferred is a fee simple interest.**This is to certify that: *(mark an X in the appropriate box)*

1. ☐ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
 2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

 - e ☐ Other *(attach detailed explanation)*.
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
 4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. *(Make check payable to county clerk where deed will be recorded.)*

Signature (both the grantors and grantees must sign)

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

City of Beacon

_____ Grantor signature David Rich	_____ Title 	_____ Grantee signature Chris White	_____ City Administrator Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*.

Schedule D – Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

Part 2 – Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Attachment

Grantors/Transferors (continued):

Grantor/Transferor 2: Paulette Myers-Rich

Grantor Type: Individual

Mailing Address: 469 Main Street, Beacon, New York 12508

Signatories:

Paulette Myers-Rich

City of Beacon City Council Agenda
02/08/2021

Title:

Wireless Local Law

ATTACHMENTS

Revisions to Proposed Wireless Local Law

Memorandum from Dutchess County Planning and Development Regarding Proposed Wireless Local Law

Memorandum from the Planning Board Regarding 416-420 Main Street

Proposed Wireless Local Law

MEMORANDUM

TO: Mayor Kyriacou and Members of the City Council
of the City of Beacon

FROM: Keane & Beane, P.C.

RE: Revised Wireless Telecommunication Services
Facilities Local Law

DATE: February 5, 2021

The Planning Board is currently reviewing a small cell application proposed for 7 Cross Street. The Applicant is proposing to install a small cell antenna on a new steel pole with accessory ground mounted equipment in a City-owned municipal parking lot located at 7 Cross Street pursuant to a lease agreement with the City. This is the first small cell application the Planning Board has reviewed. In light of this application, the Planning Board attorney (Jennifer Gray, Esq.) went back and reviewed the proposed wireless local law again and offered a few additional comments to make sure the intent of the law was clear, and all possible procedural issues were addressed. As such, our office made several non-substantive revisions to Section 3 of the proposed Local Law to address her comments. These changes do not require re-opening the public.

Please find attached a revised version of the wireless local law, dated January 28, 2021. The changes discussed below are marked as track changes in Section 3 of the Proposed Local Law.

1. A(1): Updated the reference in Section A(1) from City's Development Plan to City's Comprehensive Plan. The City does not have a "Development Plan."
2. A(2) Added the word appearance to A(2). The purpose of these regulations is to reasonably control the location, construction, appearance and maintenance of wireless telecommunication services facilities. The main goal of the law is to set forth requirements to mitigate aesthetic impacts to the community- adding the word appearance makes this point clear.
3. The phrase small wireless facility was changed to small cell facility throughout the local law. Small cell facility is defined in the City Code, small wireless facility is not. Both terms were used in the law and are meant to refer to small cell wireless telecommunications facilities. This revision will eliminate any confusion.

4. E(1): The law is drafted to allow the Planning Board to have discretion on whether to hold a public hearing on an application concerning small cell facilities. Ms. Gray pointed out that the way this section was originally drafted would cause confusion for the Planning Board. The revised language does not change the intent of the provision, it provides a clear standard as to what the Planning Board should consider when making its decision to waive a public hearing and clarifies that any waiver of a public hearing also waives the public hearing requirement on the accompanying site plan application.
5. E(2) and F(2) were revised to make it clear that the Planning Board can approve, approve with conditions or deny the application. The language previously only included the word approve. As with any application before the Planning Board- the Planning Board has the right to deny such application or condition such application as it deems appropriate.
6. The language in E(2)(c) was revised to mimic the language used in F(2)(c). This language reflects the shot clock requirements set forth by the FCC.
7. F: The term “non-small cell facility” is not defined in the City Code. I removed any reference to this phrase to avoid confusion.
8. F(2)(b): The language in this section mimics the language in E(2)(b). The application for a new wireless telecommunication services facilities includes information about the support structure, technical information and any other information as required by the City- there is no need to specifically reference this information in this section as it is considered part of the application. Such specific reference may cause confusion in the future.
9. G: I added the following language to make it clear that satisfaction of this requirement is a condition of approval for any wireless telecommunication services facility. Such information shall be submitted to the City on a form provided by the Building Department. This language clarifies exactly how such provision should be implemented. We recommended the City create a form to ensure the necessary information is properly submitted.
10. J: The Planning Board’s focus is on visual impacts. The Board may waive the roof set back requirement based on a determination that such setback is not necessary based on visual impacts or feasibility. The phrase “visual impacts” was added to make sure there was no question that this is a priority consideration for the Planning Board.
11. L(7): Upon further review, we believe this section as previously drafted was very similar to section J(2) and the intent of the Code would be better served by adding a reference to impacts to designated scenic viewsheds or view locations, especially considering that the City is currently reviewing the proposed viewshed law.
12. P: Language is needed to address the realistic possibility that in some circumstances it may not be feasible to install electrical lines underground. We also eliminated the reference to “economically” feasible because economic

feasibility is not used anywhere else in the code and there are no standards available to help the Planning Board determine what is economically feasible.

13. V: Language was added to make it clear that the Planning Board can grant a six-month extension on its approval. The Planning Board is permitted to grant such extensions any other approval it issues. The intent was not to eliminate this ability.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Proposed Local Law to Amend Chapter 223, Sections 24.5, 26.4, 25(A), 41.18(1)(19) and 41.21(A) (10) of the Code of the City Of Beacon Regarding Small Cell Wireless Facilities**

Applicant: **City of Beacon City Council**

Address of Property:

**Exempt Actions:*
239 Review is NOT Required**

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **2/1/2021**

Entered By: **Milone, Collin**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted: 1/26/2021	Date Received: 1/26/2021	Date Requested: 2/1/2021	☐ Major Project Referral #: ZR21-012
Date Required: 2/24/2021	Date Transmitted: 2/1/2021	☐ Also mailed hard copy	Reviewer:



Memorandum

Planning Board

TO: Mayor Lee Kyriacou and City Council Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: City Council Request to Review Proposed Local Law to amend Chapter 223 concerning Wireless Telecommunications

DATE: October 15, 2020

At the September 9, 2020 and October 14, 2020 Planning Board meetings, members reviewed and discussed the proposed amendments to Chapter 223, Sections 24.5, 26.4, 25(A), 41.18(A)(19) and 41.21(A)(10) of the City Code concerning wireless telecommunications services facilities. A comprehensive review of the proposed law took place with the City Attorney Jennifer Gray with particular attention to areas of the law that pertain to planning and zoning issues, and changes in the Planning Board's jurisdiction. Considerable discussion took place regarding height limitations in proposed Section 223-26.5(I). The current Code requires antennas to be "mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole". This limitation is eliminated in the proposed local law. Planning Board Members expressed concern that eliminating the 20 ft. height restriction may result in unintended consequences and recommends that the City Council consider retaining a height requirement, perhaps with a provision that allows a waiver, if deemed appropriate under the circumstances. If a waiver is included, the circumstances under which the waiver may be implemented should be clearly and specifically proscribed by the City Council in the proposed local law. Further discussion took place with regard to the proximity small cell wireless facilities to residential dwellings as the facilities may visually impact residents. Upon review of the proposed Section 223-26.4(J)(5), Planning Board Members recommended including more specific direction in the local law regarding the location of such facilities in relation to residences.

Should you have any questions or require additional information, please feel free to contact me.

DRAFT LOCAL LAW NO. ____ OF 2021

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTIONS 24.5, 26.4, 25, 41.4, 41.18 AND 41.21 THE CODE
OF THE CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, SECTIONS 24.5, 26.4, 25, 41.4, 41.18 and 41.21 of the Code of the City of Beacon concerning wireless telecommunication services facilities.

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

Section 1. Chapter 223, Section 24.5 of the Code of the City of Beacon entitled “Wireless Telecommunication Services Facilities” is hereby repealed in its entirety.

Section 2. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled “Small Cell Wireless Telecommunications Facilities” is hereby repealed in its entirety.

Section 3. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled “Wireless Telecommunications Services Facilities” is hereby created as follows.

§ 223-26.4 Wireless telecommunication services facilities.

A. Statement of intent and objectives.

- (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunication services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's ~~Development~~

Comprehensive Plan.

- (2) The purpose of these regulations is to reasonably control the location, construction, appearance and maintenance of wireless telecommunication services facilities in order to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunication providers.
- B. Except as provided hereinafter, no wireless telecommunication services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon without first filing a wireless telecommunication services facility application with the Planning Board and obtaining approval from the Planning Board. All wireless telecommunication services facilities shall also require site development plan review and approval from the Planning Board in accordance with the provisions of § 223-25.
- C. Exemptions. The provisions of this section shall not apply to:
- (1) Unlicensed wireless telecommunication services facilities installed wholly within a principal or accessory building such as, but not limited to, baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.
 - (2) Notwithstanding anything to the contrary in this chapter, an eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure shall not require review under this section. A building permit must be obtained for an eligible facilities request prior to any modification of the eligible support structure.
- D. An application for approval of a wireless telecommunication services facility shall be jointly filed by the operator of the wireless telecommunication services facility and the owner of the property on which such facility is proposed to be located and shall contain the following.
- (1) A site development plan meeting the requirements of § 223-25.B(1).
 - (2) An engineering plan illustrating the design and specifications of the proposed structure and equipment, including location of radios, antenna facilities, transmitters, equipment shelters, cables, conduits, point of demarcation,

transport solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable the design documents should include specifications on design, pole modifications and ADA compliance.

- (3) Where applicable, a load bearing study to determine whether the structure requires reinforcement in order to accommodate the attachment of the proposed wireless telecommunication services facility. If pole reinforcement is warranted, the design documents should include the proposed pole modification.
- (4) The location, size, and height of all existing and proposed structures on the property which is the subject of the application.
- (5) The applicant's name, address, telephone number, and e-mail address.
- (6) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant.
- (7) A descriptive statement of the objective(s) for the new facility or modification thereof including, but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service, or otherwise improving service capabilities.
- (8) The location of the nearest residential structure.
- (9) Identify all existing and proposed wireless telecommunication services facilities which impact the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed, as well as other functionally acceptable, locations for such facility(ies).
- (10) A visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the Planning Board.
- (11) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities.
- (12) Where a wireless telecommunication services facility is proposed to be located on lands owned by a party other than the applicant or the City, a copy of the lease

agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the Planning Board and a copy shall be filed with the City Clerk and the Building Inspector.

- (13) For applications concerning small cell facilities, the Planning Board may, in its discretion, waive any of the above application submission requirements that it believes to be unnecessary to determine compliance with this section.

E. Approval procedures for small cell facilities~~small wireless facilities~~.

- (1) A public hearing may be held by the Planning Board, at its sole discretion, on each application concerning a ~~small~~ small wireless cell facility~~facility~~. The Planning Board may waive the public hearing requirement where the Planning Board finds that it is appropriate to do so based on consideration of technological feasibility and visual impacts. Waiving the public hearing requirement on an application concerning a small cell facility, shall also waive the public hearing requirement on the corresponding site development plan application. Public notice of ~~said any required public~~ hearing shall be provided by the applicant in accordance with § 223-61.3 ~~of this chapter. Notwithstanding anything to the contrary, where appropriate, the Planning Board may, at its discretion, waive the public hearing requirement.~~
- (2) Time frames for approval.
 - (a) Within 60 calendar days of receipt of a complete application for the collocation of a small cell facility~~small wireless facility~~ on a preexisting utility pole, monopole or other existing support structure, the Planning Board shall make a final decision on whether to ~~approval~~ approve, approve with conditions, or deny the application and shall notify the applicant, ~~in writing~~ of such decision.
 - (b) Within 90 calendar days of receipt of a complete application for a small cell facility ~~small wireless facility~~ on a new utility pole, monopole or other new support structure, the Planning Board shall make a final decision on whether to approve, approve with conditions, or deny the application and shall notify the applicant in writing of such decision.
 - (c) Within 10 calendar days of receipt of an incomplete application for a small

~~cell facility~~small wireless facility, the City shall notify the applicant in writing of any supplemental information required to complete the application. Such notification shall toll the applicable shot clock until the applicant submits the required supplemental information. Upon receipt of an applicant's supplemental ~~information submission which adequately responds in~~ response to the initial notification of incompleteness by the City, as determined by the Building Inspector, the applicable shot clock will reset to zero and the City shall have the full 60 calendar days or 90 calendar days permitted by law to act on the completed application.

- (d) For any subsequent determinations of incompleteness beyond the initial submission, the City shall notify the applicant of any required supplemental information within 10 days of receipt of the supplemental submission, and such notice shall toll the applicable shot clock until the applicant submits the required supplemental information.

F. Approval procedures for ~~non-small wireless facilities~~wireless telecommunication services facilities, excluding small cell facilities.

- (1) A public hearing shall be held by the Planning Board on each application concerning a ~~non-small wireless~~wireless telecommunication services facility. Public notice of said hearing shall be provided by the applicant in accordance with § 223-61.3~~of this chapter.~~
- (2) Time frames for approval.
 - (a) Within 90 calendar days of receipt of a complete application for the collocation of a ~~non-small wireless facility~~wireless telecommunication services facility on a preexisting utility pole, monopole or other existing support structure, the Planning Board shall make a final decision on whether to approve, approve with conditions or deny the application and shall notify the applicant, in writing, of such decision.
 - (b) Within 150 days of receipt of a complete application for a new wireless telecommunication services facility~~non-small wireless facility with accompanying support structure, including such technical information from the applicant as may be required by the City~~, the Planning Board shall make a final decision on whether to approve, approve with conditions, or deny the application and shall notify the applicant, in writing, of such decision.

- (c) Within 30 calendar days of receipt of any application for a ~~non-small wireless facility~~wireless telecommunication services facility, the City shall notify the applicant, in writing, of any supplemental information required to complete the application. Such notification shall ~~stop-toll~~ the applicable shot clock until the applicant submits the required supplemental information. Upon receipt of an applicant's supplemental submission ~~and which~~ adequately response-responds to the initial notification of incompleteness by the City, as determined by the Planning Board, the applicable shot clock will reset to zero, and the City shall have the full 90 calendar days or 150 calendar days permitted by law to act on the completed application.
 - (d) For any subsequent determinations of incompleteness beyond the initial submission, the City shall notify the applicant of any required supplemental information within 10 days of receipt of the supplemental submission, and such notice shall ~~stop-toll~~ the applicable shot clock until the applicant submits the required supplemental information.
- G. The applicant and all future owners of the premises and the wireless telecommunication services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and the name of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s). Such information shall be submitted to the City on a form provided by the Building Department of the City of Beacon. Satisfaction of this requirement shall be a condition of approval for any wireless telecommunication services facility.
- H. Application fees. At the time an applicant submits an application for a wireless telecommunication services facility, such applicant shall pay a nonrefundable application fee in an amount determined by the City Council and set forth in the City of Beacon fee schedule, which may be amended, in addition to any other fee required by law.
- I. Reimbursement for the use of the public right-of-way. In addition to application fees, every wireless telecommunication services facility located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of- way

shall be set forth in the City of Beacon fee schedule.

- J. Setbacks. Wireless telecommunication services facilities, except for small cell facilities and those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility to any property line, whichever shall be greater. Except within the public right-of way, all proposed poles, pole equipment and enclosures installed in connection with a small cell facility shall comply with the minimum setback requirements of the zoning district in which it is located. Wireless telecommunication services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination that such setbacks are not necessary based on visual impacts or feasibility.
- K. Height limitations. Within the height limitations set forth below, a wireless telecommunication services facility shall not exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve. Coverage requirements, safety, visual impacts, and proximity to occupied buildings are all factors that can be considered in determining the appropriate height.
- (1) The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless telecommunication services facility shall not be placed more than 10 feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed or ten percent taller than the highest point of the adjacent structures if the adjacent structures are taller than the structure to which the antennas and equipment are proposed to be affixed, unless the Planning Board determines that a requested height is required to provide the necessary service and/or capacity (i.e. network densification). Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole.
 - (2) The height of any monopole or tower utilized in a wireless telecommunication services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.
 - (3) Applicants must submit documentation justifying the total height.

L. Visual mitigation.

- (1) All wireless telecommunication services facilities shall be sited to have the least adverse visual effect on the environment and its character, on existing vegetation and on any adjacent residential uses in the area of the wireless telecommunication services facility.
- (2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, and surrounding properties to the extent practicable, as determined by the Planning Board.
- (3) No signs shall be erected on any wireless telecommunication services facility except as may be required by the FCC or other governmental agency with jurisdiction over such facilities.
- (4) All equipment enclosures and storage buildings associated with the wireless telecommunication services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped. All accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.
- (5) No wireless telecommunication services facility shall be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the satisfaction of the Planning Board that the selected site is necessary to provide wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.
- (6) The Planning Board may consider alternative locations for equipment.
- (7) The Planning Board shall consider all impacts to ~~sight lines and aesthetic views~~ designated scenic viewsheds or view locations.
- (8) No wireless telecommunication services facility shall obstruct pedestrian or vehicular traffic in any way.

- (9) Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Towers shall be the structures of last resort.
- (10) All applications for a ~~small cell facility~~~~small wireless facility permit~~ shall comply with the Small Cell Wireless Facility Design and Review Guideline Policy, to the maximum extent feasible, and the applicable provisions of this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in the Small Cell Wireless Facility Design and Review Guideline Policy and this subsection relating to an application for, or approval of, a ~~small cell facility~~~~small wireless facility permit~~. The Wireless Facility Design and Review Guideline Policy shall be created by the Building Inspector, upon consultation with the City Planner, and shall be approved by the Planning Board.
- M. Materials. A wireless telecommunication services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the Planning Board. The mountings of wireless telecommunication antennas shall be nonreflective and of the appropriate color to blend with their background.
- N. Lighting. The wireless telecommunication services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state, or local authority.
- O. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunication services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the Planning Board. A copy of such certification report shall be submitted to the Planning Board prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The Planning Board may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the Planning Board whenever they are required to be submitted to the FCC. The Planning Board may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in

accordance with the escrow account procedures established by the City for the reimbursement of professional review fees pursuant to § 223-61.1. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

- P. Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunication services facility sites shall be installed underground, unless the Planning Board determines such requirement is not feasible. If the wireless telecommunication services facility is attached to a building, and if determined practical and ~~economically~~ feasible by the Planning Board, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.
- Q. Safety provisions. A wireless telecommunication services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.
- R. Security provisions. A wireless telecommunication services facility shall be designed to prevent unauthorized access and may include the incorporation of physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.
- S. Structural/safety inspection and report.
- (1) A monopole or tower over 50 feet in height shall be inspected at least every five years from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.
 - (2) The City of Beacon reserves the right to inspect any wireless telecommunication services e facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, state or federal law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunication services facility is located at any time, upon

reasonable notice to the operator, to ensure such compliance.

- T. Interference. In the event that the wireless telecommunication services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.
- U. The Secretary of the Planning Board shall forward a copy of the Planning Board decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.
- V. Duration. Construction must be commenced within 12 months of issuance of the Planning Board's approval and diligently pursued thereafter, or such approval shall expire. The Planning Board may, in its sole discretion, grant a six-month extension upon good cause shown.
- W. Removal, relocation, or modification of wireless telecommunication services facilities in the public right-of-way.
- (1) Notice. Within 90 days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunication services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.
 - (2) Abandonment of facilities. Upon abandonment of a wireless telecommunication services facility within a public right-of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.
 - (3) A wireless telecommunication provider is authorized, after 30 days written notice to the City Building Inspector, to remove its facility at any time from the rights-of-way and cease paying the City the administrative fee.

Section 4. Subsection A of Chapter 223, Section 25 of the Code of the City of Beacon entitled “Site development plan approval” is hereby amended as follows:

§ 223-25 Site development plan approval.

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

...

Section 5. Subsection B of Chapter 223, Section 41.4 of the Code of the City of Beacon entitled “Waterfront Development (WD) Zone” is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

- B. Permitted principal uses. Permitted principal uses shall be as follows, subject to a requirement that a minimum of 25% of the total development's floor area within 400 feet of the train station shall be permitted nonresidential uses, not including artist live/work spaces, which must be built out before or concurrently with any residential development of the site:

- (1) Any principal use permitted in the WP Zone.
- (2) Residential multifamily dwelling unit.
- (3) Convenience retail and personal service shop designed to serve the needs of area residents and commuters.
- (4) Restaurant, bar, or brew pub.
- (5) Inn, hotel, fitness center, spa, or day care centers.

- (6) Art, craft, or fine arts gallery.
- (7) Office. The Planning Board may limit the extent of office uses on the first floor, depending on the building location within the overall development.
- (8) Professional, small business and service facilities in the lower floors of multistory residential buildings.
- (9) Artist live/work spaces.
- (10) Public square, plaza, promenade, or pocket park.
- (11) Public or semipublic use; live theater, concert hall, museum, or meeting room suitable for social, civic, cultural or education activity.
- (12) Conference space or conference center.
- (13) Microbrewery or microdistillery.
- (14) Other use similar to the above uses as determined by resolution of the City Council.
- (15) Wireless telecommunication services facilities, subject to § 223-26.4.

Section 6. Subsection C of Chapter 223, Section 41.4 of the Code of the City of Beacon entitled “Waterfront Development (WD) Zone” is hereby amended as follows:

§ 223-41.4 Waterfront Development (WD) Zone.

...

C. Special permit uses. The following may require a special permit:

- ~~(1) Wireless telecommunication services facility, subject to § 223-24.5.~~
- ~~(2) Small cell wireless telecommunications facility, subject to § 223-26.4.~~

Section 7. Subsection A of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site development plan review and approval. Site development plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

- (1) Apartments, provided that for parcels fronting on Main Street or East Main Street they shall only be located on upper stories or at least 50 feet behind the facade in the rear portion of a ground floor.
- (2) Multifamily dwellings, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the facade.
- (3) Hotel, subject to § 223-14.1, or inn.
- (4) Office of any kind, including professional, medical, business, bank, or other financial institution.
- (5) Artist studio.
- (6) Art gallery or exhibit space.
- (7) Restaurant, coffee house, brew pub, bar or other establishment that serves food with or without alcoholic beverages.
- (8) Retail or personal services.
- (9) School, public or not-for-profit educational institution, college or university, trade or vocational school, job placement or training program, continuing education program or instructional school such as karate school, dance school or studio, language school or vehicular driving school, but not an elementary or nursery school.
- (10) Indoor commercial recreation.

- (11) Park, plaza, green, preserve or community garden.
- (12) Artist live/work space subject to § 223-24.3, provided that they may only be located on upper stories or at least 50 feet behind the facade, in the rear portion of a ground floor, along Main Street or East Main Street, unless the space in the 50 feet behind the facade is used for the retail sale of the artist's wares.
- (13) Theater, museum, library, concert hall and other music venues, and other similar kinds of cultural facilities.
- (14) (Reserved)
- (15) Government facilities, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (16) Spa, health club, gym, yoga and pilates studio, and similar kinds of fitness centers.
- (17) Microbrewery or microdistillery which has a retail or tasting room component of at least 200 square feet of floor area.
- (18) Workshop.
- ~~(19)~~ Club, civic or fraternal, subject to § 223-24.2, provided that for parcels fronting on Main Street or East Main Street such uses are not permitted on the ground floor in the first 50 feet from the façade.
- ~~(19)~~(20) Wireless telecommunication services facilities, subject to § 223-26.4.

Section 8. Subsection B(1) of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.18 Regulations.

...

B. Uses by special permit.

- (1) The following uses are allowed by special permit from the City Council or Planning Board as indicated in §223-17, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan Update, will enhance the architectural character of the street and will benefit the urban, pedestrian-friendly qualities of Main Street and East Main Street, and that the conditions and standards in § 223-18B(1)(a) through (f) have been met:

- (a) Food preparation business.
- (b) Off-street parking lot or parking structure as principal uses, in accordance with § 223-41.18G.
- ~~(c) Wireless telecommunications facility, subject to §§ 223-24.5 and 223-26.4, provided that, if mounted on a building, it does not increase its height by more than 15 feet above applicable height limits.~~
- ~~(d)~~(c) Historic District or Landmark Overlay use, subject to § 223-24.7.

Section 9. Subsection A of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.21 Regulations.

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

- (1) Multifamily dwelling.
- (2) Attached or semidetached dwelling units.
- (3) Apartment building.
- (4) Inn.
- (5) Bed-and-breakfast establishment.
- (6) Artist studio, art gallery or exhibit space.
- (7) Hotel.
- (8) Park, plaza, green, preserve or community garden.

- (9) Retail, personal services business, bank, or restaurant, coffee house, bar, brew pub or other establishment that serves food, with or without alcoholic beverages, provided that:
 - (a) The floor area of each such establishment is not greater than 5,000 square feet;
 - (b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map.
- (10) Office, trade school, training program, microbrewery or microdistillery, provided that:
 - (a) The total floor area of each such establishment is no greater than 25,000 square feet;
 - (b) The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map.
- (11) Government facility, including buildings, structures and uses owned or operated by the City of Beacon or any department or agency thereof.
- (12) Day-care center.
- (13) Museum, theater, concert, or conference space.
- (14) College, university, private school, or nursery school.
- (15) Workshop.
- (16) Artist live/work space, provided that, if the use faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet to the Route 9D–Beekman Street intersection, the residential space shall only be located on the upper stories or at least 50 feet behind the façade in the rear portion of the ground floor, unless the first 50 feet behind the façade is used for the retail sale of the artist’s wares.
- (17) Spa, fitness center, or exercise studio.
- (18) Wireless telecommunication services facilities, subject to § 223-26.4.

Section 10. Subsection B(1) of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled “Regulations” is hereby amended as follows:

§ 223-41.21 Regulations.

...

B. Uses by special permit.

- (1) The following uses are allowed in existing buildings as permitted uses. For newly constructed buildings, the following uses are allowed by special permit from the Planning Board, upon a finding that the proposed use is consistent with the City of Beacon Comprehensive Plan, will enhance the architectural character of the street, and will contribute to creating a more urban, pedestrian-friendly quality in the L District, and that the conditions and standards in § 223-18 B(1)(a) through (f) have been met:

- (a) Manufacturing use or food preparation business that may also sell goods made on the site for consumption off the premises, provided that:

- [1] The total manufacturing or food preparation business floor area of the building is no greater than 25,000 square feet;

- [2] The parcel is within 400 feet of the Route 9D-Beekman Street intersection, located along the north side of Beekman Street between Route 9D and West Main Street, or located along the north side of West Main Street, as identified on the Zoning Map; and

- [3] The Planning Board finds that there are no substantial detrimental effects on parking, traffic or on the character of surrounding neighborhoods or the community.

~~(b) Wireless telecommunications services facility, subject to §§ 223-24.5 and 223-26.4, provided that, if mounted on a building, it does not increase the height by more than 15 feet above applicable height limits.~~

~~(c)~~(b) Historic District and Landmark Overlay use, subject to § 23-24.7.

Section 11. Chapter 223 Attachment 2:2 of the Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be amended to designate wireless telecommunication facilities as permitted uses in all zoning districts.

SEE ATTACHED CHART

Section 12. Ratification, Readoption and Confirmation

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

Section 13. 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 14. Severability.

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

Section 15. Effective Date

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

City of Beacon City Council Agenda
02/08/2021

Title:

Appointment of Vicki Blucher to the Beacon Housing Authority

ATTACHMENTS

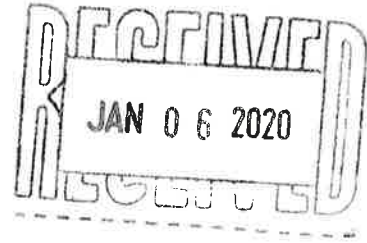
[Vickie Blucher Committee Application](#)

Committee Application



Submit Forms:
One Municipal Plaza, Suite One
Beacon, NY 12508

Phone: (845) 838-5010
FAX: (845) 838-5012
Email: cityofbeacon@cityofbeacon.org



Name

VICKI BLUCHER

Address

31 ELIZA ST #116

Phone Number

845 831 1996

Alternate Phone

914 673 3954

Email Address

vickiblucher@gmail.com

Committee You are
Interested In

- ☐ Board of Assessment Review
- ☐ Board of Ethics
- ☐ Conservation Advisory Committee
- ☐ Emergency Management Committee
- ☐ Human Relations Commission
- ☐ Planning Board
- ☐ Recreation Committee
- ☐ Traffic Safety Committee
- ☒ Zoning Board of Appeals
- ☐ Any of the above
- ☐ Other

Available number of
Hours per week (for
Committee work)

10

Occupation

RETIRED TV COMMERCIAL PRODUCER

Employer

Work Address

Work Phone

Education

- ☐ Some High School
☐ High School Diploma
☐ Some College
☒ Associates Degree
☐ Bachelor's Degree
☐ Master's Degree
☐ Doctorate Degree

Interest & Skills

COMMUNITY WELFARE, FILM

Areas of Expertise
(business & civic)

ELECTION INSPECTOR, LIBRARY ELECTION
HUMAN RIGHTS COMMISSION,

Reference

Reference Name

MARCIA FRAHMAN

Address

19 NORTH ST

Phone

845 831 5435

Email Address

marciaamber@yahoo.com

Relationship

FRIEND

Applicant Signature:

Ulu Blue

Date:

2 Jan 2020

City of Beacon City Council Agenda
02/08/2021

Title:

Main Street Bid Award

ATTACHMENTS

Project Summaries with Scope Reduction

Award of Contract for Beacon Main Street Accessibility Improvements

Bid Award Package 2.8.21

Request for Bid Concurrence

NYSDOT to COB - Concurrence for Bid Award

Project Summaries with Scope Reduction

PIN 8761.25 Main Street Pedestrian Improvements:

This project includes the construction of curb “bump-outs” and new ADA ramps at intersections along Main Street to improve pedestrian safety and accessibility. The installation of the bump-outs includes drainage modifications, new curbs, brick pavers to match existing brick west of Walnut St., and new concrete sidewalks.

Intersections included are:

1. Cross St.
2. Willow St.
3. Walnut St.
4. Cedar St.
5. Eliza St.
6. Veterans Pl.

PIN 8761.45 Pedestrian Signal Improvements:

This project includes the installation of pedestrian signal equipment at 4 intersections throughout the City and the complete replacement of the traffic signal at South Ave. and Wolcott Ave.

1. South/Wolcott – remove and replace traffic signal and install pedestrian activated crossing signals
2. Main/Teller – install new countdown timers and pedestrian pushbuttons
3. Main/Chestnut – install new countdown timers and pedestrian pushbuttons
4. Verplanck/Matteawan – install new countdown timers and pedestrian pushbuttons
5. Verplanck/Fishkill – install new countdown timers and pedestrian pushbuttons

Low Bid: \$1,965,307.31 (Sun Up Construction Corp.)

Estimated total with scope reduction: \$1,201,081.64

CITY OF BEACON
CITY COUNCIL

Resolution No. _____ of 2021

RESOLUTION

AWARD OF CONTRACT FOR
MAIN STREET ACCESSIBILITY IMPROVEMENTS
AND PEDESTRIAN SIGNAL IMPROVEMENTS

BE IT RESOLVED, that the City Council of the City of Beacon hereby awards the bid for the Beacon Main Street Accessibility Improvements (PIN 8761.25) and Beacon Pedestrian Signal Improvements (PIN 8761.45) in the amount of \$1,965,307.31 to Sun Up Construction Corp. as the lowest responsible bidder at the bid opening on January 30, 2020. This bid award is contingent upon New York State Department of Transportation approval of the award and will be subject to a scope reduction after award to ensure project costs remain under the budget construction amount of \$1,201,081.64.

BID AWARD PACKAGE

Beacon Main Street Accessibility Improvements/ Beacon Pedestrian Signal Improvements

PINs 8761.25/8761.45

City of Beacon, Dutchess County



Prepared by:



**560 Route 52, Suite 201
Beacon, NY 12508**

December 2020



CITY OF BEACON New York

Anthony J. Ruggiero, M.P.A.

City Administrator

OFFICE OF CITY ADMINISTRATOR

845-838-5000

BID OPENING, VERIFICATION AND SPONSOR RECOMMENDATION LETTER Support for Concurrence in Award

December 22, 2020

Orietta Trocard, P.E.
NYSDOT Region 8
4 Burnett Boulevard
Poughkeepsie, NY 12603

**RE: AWARD DOCUMENTATION
PINs 8761.25/8761.45 BEACON MAIN STREET ACCESSIBILITY IMPROVEMENTS
AND BEACON PEDESTRIAN SIGNAL IMPROVEMENTS
BID OPENING, ANALYSIS, CERTIFICATION, AND RECOMMENDATION**

Dear Ms. Trocard:

In accordance with Chapter 14 of NYSDOT's Local Projects Manual (LPM), the City of Beacon has advertised, accepted bids, and completed the award process for the construction contract for the above-referenced locally-administered federal aid project including:

- Advertised, at least 15 business days before the bid opening in the NYS Contract Reporter;
- Indicated the Disadvantaged Business Enterprise (DBE) goals in the ad;
- Opened bids and read them aloud in a public forum in accordance with standard competitive bidding procedures and requirements;
- Mathematically verified bids and determined if bids are responsive;
- Provided a tabulation of all bids received at a public bid opening (attached);
- Determined low bidder and, if applicable, the low bidder in accordance with approved alternate bidding procedures, if used;
- Evaluated responsibility of the low bidder in accordance with Section 14.4.1 of the LPM;
- Analyzed bids in accordance with Section 14.4.2 of the LPM (attached);
- Evaluated and ensured appropriate DBE participation by DBE firms listed on NYSDOT registry prior to award;
- Completed all outstanding items, if any, which were incomplete at the time Authorization to Proceed with Advertisement was issued (Right-of-Way, permits, Construction Management Plan, etc.);
- Submitted the Contract Award Documentation Package with the checklist, described in Section 14.7 of the LPM to the RLPL;
- All environmental permits and approvals have been secured except those identified in the contract documents as needing to be obtained and secured by the contractor;

AWARD DOCUMENTATION**-2-****8761.25/8761.45**

The following information is provided:

- Project authorized for advertising by City of Beacon on December 16, 2019;
- Project advertised for 26 business days beginning on December 19, 2019
- Bid Opening was January 30, 2020;
- Contract Number is [LO OSC Contract Number];
- 2 bids were received;
- 3 plan holders;
- The computation of bids was verified by: HVEA Engineers on: 12/22/20
- The construction is being inspected by: HVEA Engineers

Engineer's Estimate: \$ 1,854,110.25 DBE or [M/WBE] Goal 0%

Bidders in rank order:

Rank	<u>Bidder Name</u>	<u>Bid Amount</u>
1	Sun Up Construction Corp.	\$1,965,307.31
2	Gianfia Construction	\$2,220,800.95

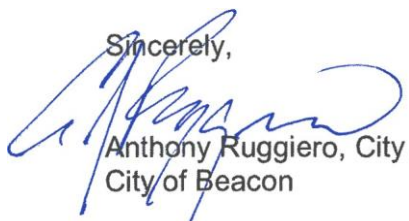
The Lowest Responsible Bidder: Sun Up Construction Corp. Low Bid:\$1,965,307.31

Total Bid	
Federal Share is	\$963,000.00
State share (if applicable) is	\$0
Local share (if applicable) is	\$1,002,307.31

(X) I recommend the award of the above contract to the lowest responsible bidder.

() I recommend the rejection of all bids.

Sincerely,



Anthony Ruggiero, City Administrator
City of Beacon

Attachments:

Appendix 14-3, Locally Administered Project Contract Award Checklist and documents
Appendix 14-4, Tabulation of Bids
Bid Analysis
Low Bidder Responsibility

Appendix 14-4 TABULATION OF BIDS											
Date: 12/22/20											
Bids Verified By: Catherine Romano											
PIN: 8761.25/8761.45											
Project: Beacon Signal and Pedestrian Safety Improvements											
Letting Date: January 30, 2020											
Sponsor: City of Beacon											
						Sun Up Construction Corp			Gianfia Construction		
Item	Item Description	Unit	Quantity	Unit Price	Engineer's Estimate	Quantity	Unit Price	Total Cost	Quantity	Unit Price	Total Cost
203.02	UNCLASSIFIED EXCAVATION AND DISPOSAL	CY	425	\$40.00	\$17,000.00	425	\$129.00	\$54,825.00	425	\$190.00	\$80,750.00
203.07	SELECT GRANULAR FILL	CY	316	\$40.00	\$12,640.00	316	\$38.50	\$12,166.00	316	\$90.00	\$28,440.00
204.01	CONTROLLED LOW STRENGTH MATERIAL (CLSM)	CY	2	\$165.00	\$330.00	2	\$220.00	\$440.00	2	\$155.00	\$310.00
206.0201	TRENCH AND CULVERT EXCAVATION	CY	488	\$30.00	\$14,640.00	488	\$11.00	\$5,368.00	488	\$200.00	\$97,600.00
206.03	CONDUIT EXCAVATION AND BACKFILL INCLUDING SURFACE RESTORATION	LF	355	\$20.00	\$7,100.00	355	\$24.00	\$8,520.00	355	\$90.00	\$31,950.00
206.05	TEST PIT EXCAVATION	EACH	45	\$1,000.00	\$45,000.00	45	\$1,800.00	\$81,000.00	45	\$1,550.00	\$69,750.00
209.11010011	TEMPORARY CATCH BASIN INSERTS FOR DRAINAGE STRUCTURES TRASH, SEDIMENT AND DEBRIS REMOVAL	EACH	28	\$200.00	\$5,600.00	28	\$200.00	\$5,600.00	28	\$260.00	\$7,280.00
304.11000008	SUBBASE COURSE (MODIFIED)	CY	554	\$60.00	\$33,240.00	554	\$71.50	\$39,611.00	554	\$75.00	\$41,550.00
402.128103	12.5 F1 TOP COURSE HMA, 80 SERIES COMPACTION	TON	32	\$200.00	\$6,400.00	32	\$895.00	\$28,640.00	32	\$580.00	\$18,560.00
402.198903	19 F9 BINDER COURSE HMA, 80 SERIES COMPACTION	TON	23	\$150.00	\$3,450.00	23	\$650.00	\$14,950.00	23	\$350.00	\$8,050.00
402.378903	37.5 F9 BASE COURSE HMA, 80 SERIES COMPACTION	TON	78	\$125.00	\$9,750.00	78	\$650.00	\$50,700.00	78	\$250.00	\$19,500.00
407.0103	STRAIGHT TACK COAT	GAL	33	\$5.00	\$165.00	33	\$5.00	\$165.00	33	\$25.00	\$825.00
503.1010	PCC FOUNDATION FOR PAVEMENT, CLASS C	CY	56	\$275.00	\$15,400.00	56	\$220.00	\$12,320.00	56	\$645.00	\$36,120.00
520.50000004	SAWING CONCRETE	LF	1562	\$5.00	\$7,810.00	1562	\$9.00	\$14,058.00	1562	\$9.00	\$14,058.00
552.17	SHIELDS AND SHORING	SF	3646	\$1.00	\$3,646.00	3646	\$1.00	\$3,646.00	3646	\$13.00	\$47,398.00
603.6003	REINFORCED CONCRETE PIPE CLASS III, 18 INCH DIAMETER	LF	116	\$125.00	\$14,500.00	116	\$185.00	\$21,460.00	116	\$260.00	\$30,160.00
603.6202	REINFORCED CONCRETE PIPE CLASS V, 15 INCH DIAMETER	LF	112	\$200.00	\$22,400.00	112	\$190.00	\$21,280.00	112	\$235.00	\$26,320.00
603.6203	REINFORCED CONCRETE PIPE CLASS V, 18 INCH DIAMETER	LF	78	\$225.00	\$17,550.00	78	\$192.00	\$14,976.00	78	\$205.00	\$15,990.00
603.77	CONCRETE COLLARS	EACH	4	\$1,000.00	\$4,000.00	4	\$1,100.00	\$4,400.00	4		\$0.00
604.070801	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070802	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070803	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070804	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070805	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070806	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070807	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070808	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.070809	ALTERING DRAINAGE STRUCTURES, LEACHING BASINS AND MANHOLES	EACH	1	\$850.00	\$850.00	1	\$550.00	\$550.00	1	\$2,000.00	\$2,000.00
604.13000011	ABANDONING DRAINAGE STRUCTURES	EACH	1	\$2,500.00	\$2,500.00	1	\$880.00	\$880.00	1	\$920.00	\$920.00
604.300673	RECTANGULAR DRAINAGE STRUCTURE TYPE F FOR CAST IRON F3 FRAME	LF	6	\$550.00	\$3,300.00	6	\$676.00	\$4,056.00	6	\$700.00	\$4,200.00
604.300773	RECTANGULAR DRAINAGE STRUCTURE TYPE G FOR CAST IRON F3 FRAME	LF	4	\$450.00	\$1,800.00	4	\$780.00	\$3,120.00	4	\$1,200.00	\$4,800.00
604.301873	RECTANGULAR DRAINAGE STRUCTURE TYPE R FOR CAST IRON F3 FRAME	LF	67	\$600.00	\$40,200.00	67	\$600.00	\$40,200.00	67	\$650.00	\$43,550.00
604.302122	RECTANGULAR DRAINAGE STRUCTURE TYPE U FOR #22 WELDED FRAME	LF	6	\$500.00	\$3,000.00	6	\$611.00	\$3,666.00	6	\$640.00	\$3,840.00
604.4060	ROUND PRECAST CONCRETE MANHOLE TYPE 60	LF	18	\$1,000.00	\$18,000.00	18	\$590.00	\$10,620.00	18	\$1,000.00	\$18,000.00
604.4072	ROUND PRECAST CONCRETE MANHOLE TYPE 72	LF	13	\$1,200.00	\$15,600.00	13	\$711.00	\$9,243.00	13	\$1,050.00	\$13,650.00
608.0101	CONCRETE SIDEWALKS AND DRIVEWAYS	CY	189	\$650.00	\$122,850.00	189	\$990.00	\$187,110.00	189	\$1,375.00	\$259,875.00
608.04	BRICK PAVED SIDEWALK AND DRIVEWAYS(MORTAR SETTING BED)	SY	108	\$200.00	\$21,600.00	108	\$825.00	\$89,100.00	108	\$375.00	\$40,500.00
608.21	EMBEDDED DETECTABLE WARNING UNITS	SY	70	\$350.00	\$24,500.00	70	\$440.00	\$30,800.00	70	\$330.00	\$23,100.00
609.0201	STONE CURB, GRANITE, (TYPE A)	LF	1680	\$35.00	\$58,800.00	1680	\$110.00	\$184,800.00	1680	\$140.00	\$235,200.00
609.0401	CAST-IN-PLACE CONCRETE CURB TYPE VF150	LF	402	\$35.00	\$14,070.00	402	\$88.00	\$35,376.00	402	\$80.00	\$32,160.00
615.02010124	REMOVE, STORE AND RESET BENCH, TYPE 01	EACH	1	\$400.00	\$400.00	1	\$2,200.00	\$2,200.00	1	\$535.00	\$535.00
619.01	BASIC WORK ZONE TRAFFIC CONTROL	LS	1	\$105,000.00	\$105,000.00	1	\$300,000.00	\$300,000.00	1	\$187,000.00	\$187,000.00
619.080101	REMOVE PAVEMENT MARKING STRIPES, TRAFFIC PAINT	LF	7400	\$1.00	\$7,400.00	7400	\$0.80	\$5,920.00	7400	\$0.75	\$5,550.00
619.1613	MAINTAIN TRAFFIC SIGNAL EQUIPMENT (REQUIREMENT C)	INTM	3	\$1.50	\$4.50	3	\$525.00	\$1,575.00	3	\$200.00	\$600.00
625.01	SURVEY OPERATIONS	LS	1	\$30,000.00	\$30,000.00	1	\$58,000.00	\$58,000.00	1	\$50,000.00	\$50,000.00
627.50140008	CUTTING PAVEMENT	LF	2612	\$3.00	\$7,836.00	2612	\$8.80	\$22,985.60	2612	\$4.25	\$11,101.00
637.11	ENGINEER'S FIELD OFFICE - TYPE 1	MNTH	8	\$2,750.00	\$22,000.00	8	\$3,300.00	\$26,400.00	8	\$5,100.00	\$40,800.00
637.34	OFFICE TECHNOLOGY AND SUPPLIES	DC	5000	\$1.00	\$5,000.00	5000	\$1.00	\$5,000.00	5000	\$1.00	\$5,000.00
645.5101	GROUND-MOUNTED SIGN PANELS WITHOUT Z-BARS	SF	39	\$40.00	\$1,560.00	39	\$47.00	\$1,833.00	39	\$70.00	\$2,730.00
645.5102	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS	SF	143	\$30.00	\$4,290.00	143	\$40.00	\$5,720.00	143	\$75.00	\$10,725.00
645.5202	GROUND-MOUNTED SIGN PANELS LESS THAN OR EQUAL TO 30 SF, WITH Z-BARS, HIGH-VISIBILITY SHEETING	SF	470	\$30.00	\$14,100.00	470	\$36.00	\$16,920.00	470	\$75.00	\$35,250.00
645.81	TYPE A SIGN POSTS	EACH	101	\$135.00	\$13,635.00	101	\$230.00	\$23,230.00	101	\$190.00	\$19,190.00
645.81020003	RETROREFLECTIVE SIGN POST STRIP	EACH	72	\$60.00	\$4,320.00	72	\$57.00	\$4,104.00	72	\$40.00	\$2,880.00
645.85	POLE MOUNTED SIGN SUPPORT SYSTEM (BAND MOUNTED)	EACH	4	\$200.00	\$800.00	4	\$79.00	\$316.00	4	\$100.00	\$400.00
647.31	RELOCATE SIGN PANEL, SIGN PANEL ASSEMBLY SIZE I (UNDER 30 SQUARE FEET)	EACH	1	\$200.00	\$200.00	1	\$480.00	\$480.00	1	\$350.00	\$350.00
647.61	REM AND DISPOSE GROUND MOUNTED TYPE A SIGN SUPPORT(S), FDNS AND ANY ATTACHED SIGNS - SIZE I (UNDER 30 SQUARE FEET)	EACH	23	\$20.00	\$460.00	23	\$236.00	\$5,428.00	23	\$100.00	\$2,300.00
655.0706	CAST FRAME F3, UNMOUNTABLE CURB BOX CUJ3 & RETICULINE GRATE G3	EACH	16	\$1,750.00	\$28,000.00	16	\$2,200.00	\$35,200.00	16	\$2,600.00	\$41,600.00
655.1122	WELDED FRAME AND RETICULINE GRATE 22	EACH	1	\$2,000.00	\$2,000.00	1	\$1,620.00	\$1,620.00	1	\$1,590.00	\$1,590.00
655.1202	MANHOLE FRAME AND COVER	EACH	5	\$850.00	\$4,250.00	5	\$1,040.00	\$5,200.00	5	\$1,060.00	\$5,300.00
660.65000101	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000201	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000301	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000401	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00
660.65000501	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00

Appendix 14-4						TABULATION OF BIDS						Date: 12/22/20		
PIN: 8761.25/8761.45 Project: Beacon Signal and Pedestrian Safety Improvements Letting Date: January 30, 2020 Sponsor: City of Beacon						Bids Verified By: Catherine Romano								
						Sun Up Construction Corp			Gianfla Construction					
Item	Item Description	Unit	Quantity	Unit Price	Engineer's Estimate	Quantity	Unit Price	Total Cost	Quantity	Unit Price	Total Cost			
660.65000601	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65000701	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65000801	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65000901	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001001	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001101	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001201	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001301	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001401	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001501	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001601	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001701	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
660.65001801	ALTERING UTILITY MANHOLES AND VAULTS	EACH	1	\$900.00	\$900.00	1	\$550.00	\$550.00	1	\$1,580.00	\$1,580.00			
662.60030008	ALTERING ELEVATION OF GAS VALVE BOXES	EACH	6	\$450.00	\$2,700.00	6	\$165.00	\$990.00	6	\$415.00	\$2,490.00			
663.33	ADJUST EXISTING VALVE BOX ELEVATION	EACH	16	\$250.00	\$4,000.00	16	\$165.00	\$2,640.00	16	\$415.00	\$6,640.00			
663.34	ADJUST EXISTING HYDRANT ELEVATION	EACH	3	\$1,000.00	\$3,000.00	3	\$4,700.00	\$14,100.00	3	\$2,075.00	\$6,225.00			
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION	CY	29	\$900.00	\$26,100.00	29	\$2,100.00	\$60,900.00	29	\$2,525.00	\$73,225.00			
680.510501	PULLBOX-RECTANGULAR, 26 X 18 INCH, REINFORCED CONCRETE	EACH	5	\$1,400.00	\$7,000.00	5	\$1,260.00	\$6,300.00	5	\$1,650.00	\$8,250.00			
680.520103	CONDUIT, METAL STEEL, ZINC COATED, 1"	LF	50	\$15.00	\$750.00	50	\$12.60	\$630.00	50	\$16.00	\$800.00			
680.520106	CONDUIT, METAL STEEL, ZINC COATED, 2"	LF	355	\$20.00	\$7,100.00	355	\$16.00	\$5,680.00	355	\$18.00	\$6,390.00			
680.520108	CONDUIT, METAL STEEL, ZINC COATED, 3"	LF	40	\$25.00	\$1,000.00	40	\$63.00	\$2,520.00	40	\$30.00	\$1,200.00			
680.520110	CONDUIT, METAL STEEL, ZINC COATED, 4"	LF	10	\$30.00	\$300.00	10	\$63.00	\$630.00	10	\$50.00	\$500.00			
680.520203	TRAFFIC SIGNAL CONDUIT, FLEXIBLE LIQUID TIGHT STEEL, 1"	LF	20	\$12.00	\$240.00	20	\$31.50	\$630.00	20	\$16.00	\$320.00			
680.54	INDUCTANCE LOOP INSTALLATION	LF	475	\$8.00	\$3,800.00	475	\$21.00	\$9,975.00	475	\$14.50	\$6,887.50			
680.60083	TRAFFIC SIGNAL POLE-SPAN WIRE 8,000 POUND LOAD, 30 FEET LONG	EACH	2	\$4,500.00	\$9,000.00	2	\$14,200.00	\$28,400.00	2	\$12,915.00	\$25,830.00			
680.6808	TRAFFIC SIGNAL POLE-BRACKET MOUNT 8 FEET MOUNTING HEIGHT	EACH	12	\$1,350.00	\$16,200.00	12	\$1,260.00	\$15,120.00	12	\$1,280.00	\$15,360.00			
680.7002	DUAL SPAN WIRE ASSEMBLY WITH UPPER TETHER WIRE	EACH	1	\$2,250.00	\$2,250.00	1	\$3,150.00	\$3,150.00	1	\$1,450.00	\$1,450.00			
680.71	SHIELDED LEAD-IN CABLE	LF	365	\$2.00	\$730.00	365	\$5.25	\$1,916.25	365	\$3.00	\$1,095.00			
680.72	INDUCTANCE LOOP WIRE	LF	1695	\$1.25	\$2,118.75	1695	\$1.00	\$1,695.00	1695	\$0.40	\$678.00			
680.730514	SIGNAL CABLE 5 CONDUCTORS, 14 AWG	LF	2340	\$3.00	\$7,020.00	2340	\$8.50	\$19,890.00	2340	\$5.00	\$11,700.00			
680.79000001	REMOVE TRAFFIC SIGNAL EQUIPMENT	LS	1	\$7,000.00	\$7,000.00	1	\$4,200.00	\$4,200.00	1	\$4,500.00	\$4,500.00			
680.80310008	FURNISH AND INSTALL MICROCOMPUTER (MODEL 2070) COMPLETE WITH STRETCH-TYPE CABINET	EACH	2	\$4,000.00	\$8,000.00	2	\$17,850.00	\$35,700.00	2	\$16,000.00	\$32,000.00			
680.810101	TRAFFIC SIGNAL MODULE - 12 INCH, RED BALL, LED	EACH	8	\$100.00	\$800.00	8	\$131.00	\$1,048.00	8	\$140.00	\$1,120.00			
680.810103	TRAFFIC SIGNAL MODULE - 12 INCH, YELLOW BALL, LED	EACH	8	\$125.00	\$1,000.00	8	\$136.50	\$1,092.00	8	\$140.00	\$1,120.00			
680.810105	TRAFFIC SIGNAL MODULE - 12 INCH, GREEN BALL, LED	EACH	8	\$125.00	\$1,000.00	8	\$136.50	\$1,092.00	8	\$140.00	\$1,120.00			
680.810107	TRAFFIC SIGNAL SECTION - TYPE I, 12 INCH	EACH	24	\$175.00	\$4,200.00	24	\$115.50	\$2,772.00	24	\$255.00	\$6,120.00			
680.8111	TRAFFIC SIGNAL BRACKET ASSEMBLY - 1 WAY	EACH	2	\$200.00	\$400.00	2	\$315.00	\$630.00	2	\$550.00	\$1,100.00			
680.8112	TRAFFIC SIGNAL BRACKET ASSEMBLY - 2 WAY	EACH	1	\$600.00	\$600.00	1	\$525.00	\$525.00	1	\$650.00	\$650.00			
680.81310209	ACCESSIBLE PEDESTRIAN SIGNAL (APS) WITHOUT POLE	EACH	48	\$1,000.00	\$48,000.00	48	\$945.00	\$45,360.00	48	\$1,050.00	\$50,400.00			
680.813103	PEDESTRIAN SIGNAL SECTION - TYPE I, 12 INCH	EACH	64	\$125.00	\$8,000.00	64	\$131.00	\$8,384.00	64	\$375.00	\$24,000.00			
680.813105	PEDESTRIAN SIGNAL MODULE - 12 INCH BI-MODAL, HAND/MAN SYMBOLS LED	EACH	16	\$275.00	\$4,400.00	16	\$147.00	\$2,352.00	16	\$350.00	\$5,600.00			
680.8141	PEDESTRIAN SIGNAL BRACKET MOUNT ASSEMBLY	EACH	34	\$225.00	\$7,650.00	34	\$210.00	\$7,140.00	34	\$385.00	\$13,090.00			
680.8142	PEDESTRIAN SIGNAL POST TOP MOUNT ASSEMBLY	EACH	8	\$200.00	\$1,600.00	8	\$136.00	\$1,088.00	8	\$385.00	\$3,080.00			
680.81500010	PEDESTRIAN COUNT-DOWN TIMER MODULE	EACH	48	\$130.00	\$6,240.00	48	\$263.00	\$12,624.00	48	\$350.00	\$16,800.00			
680.81980010	TRAFFIC SIGNAL BACKPLATES WITH YELLOW REFLECTIVE TAPE	EACH	8	\$175.00	\$1,400.00	8	\$116.00	\$928.00	8	\$250.00	\$2,000.00			
680.8220191	BREAKAWAY TRANSFORMER BASE (TRAFFIC)	EACH	12	\$675.00	\$8,100.00	12	\$840.00	\$10,080.00	12	\$665.00	\$7,980.00			
680.82250308	REMOVE AND DISPOSE PEDESTRIAN PUSHBUTTONS AND SIGNS	EACH	38	\$50.00	\$1,900.00	38	\$126.00	\$4,788.00	38	\$100.00	\$3,800.00			
680.94000008	TRAFFIC SIGNAL SERVICE ENTRANCE	EACH	2	\$750.00	\$1,500.00	2	\$1,600.00	\$3,200.00	2	\$1,200.00	\$2,400.00			
680.94997008	FURNISH AND INSTALL ELECTRICAL DISCONNECT GENERATOR TRANSFER SWITCH	EACH	2	\$900.00	\$1,800.00	2	\$1,260.00	\$2,520.00	2	\$1,450.00	\$2,900.00			
680.95020615	SERVICE CABLE 2 CONDUCTOR NO. 06 AWG	LF	150	\$4.00	\$600.00	150	\$10.50	\$1,575.00	150	\$5.00	\$750.00			
685.11	WHITE EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	LF	7693	\$0.75	\$5,769.75	7693	\$1.30	\$10,000.90	7693	\$1.25	\$9,616.25			
685.12	YELLOW EPOXY REFLECTORIZED PAVEMENT STRIPES - 20 MILS	LF	868	\$1.00	\$868.00	868	\$0.42	\$364.56	868	\$0.40	\$347.20			
685.14	WHITE EPOXY REFLECTORIZED PAVEMENT SYMBOLS - 20 MILS	EACH	16	\$100.00	\$1,600.00	16	\$100.00	\$1,600.00	16	\$95.00	\$1,520.00			
697.03	FIELD CHANGE PAYMENT	DC	51000	\$1.00	\$51,000.00	51000	\$1.00	\$51,000.00	51000	\$1.00	\$51,000.00			
699.040001	MOBILIZATION	LS	1	\$42,131.00	\$42,131.00	1	\$50,000.00	\$50,000.00	1	\$85,000.00	\$85,000.00			

Computed TOTAL:	\$1,150,814.00	\$1,965,307.31
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CITY OF BEACON New York

ANTHONY RUGGIERO

OFFICE OF THE CITY ADMINISTRATOR

845-838-5009

January 11, 2021

VIA EMAIL ONLY

Stephen J. MacAvery, RLA, CPESC
Local Projects Unit, Design and Environmental Advisor
Regional ADA Coordinator and ADA Specialist
New York State Department of Transportation, Hudson Valley
4 Burnett Boulevard, Poughkeepsie, NY 12603

Re:

**PIN 8761.25 BEACON MAIN ST. ACCESSIBILITY IMPROVEMENTS AND
PIN 8761.45 BEACON PEDESTRIAN SIGNAL IMPROVEMENTS CITY OF BEACON,
DUTCHESS COUNTY BID ANALYSIS - 12/28/2020**

Dear Mr. MacAvery:

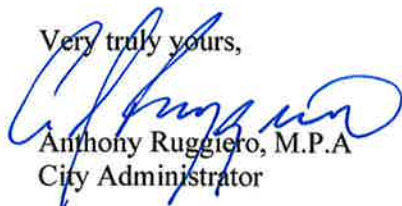
Please accept this correspondence in response to your letter dated January 4, 2021. In your correspondence you provide the following two options for the City regarding the two above projects:

1. Reject all bids, reduce the scope of work, revise the contract documents to reflect the scope reduction, and re-advertise the project. The Bid Analysis concludes that a majority of the item unit costs were estimated too low, therefore a rejection of all bids can be supported by the bid analysis.
2. Award the project to the low bidder with a scope reduction implemented by Change Orders after the award. Given that this was the second letting for these projects it is reasonable to conclude that rejecting all bids and re-letting the project may not result in lower bids.

At this time the City of Beacon is choosing to proceed with Option 2, Award the project to the low bidder with a scope reduction implemented by Change Orders after the award for both PIN 8761.25 and PIN 8761.45.

Please provide all the necessary certifications and approvals. Thank you for your attention.

Very truly yours,



Anthony Ruggiero, M.P.A.
City Administrator

Enclosure

ecc: Mayor Lee Kyriacou
Nicholas M. Ward-Willis, Esq.
Michael Manzi, Superintendent of Streets
J. Gorton, HVEA
L. Bach, HVEA



January 13, 2021

VIA EMAIL ONLY

Mr. Anthony J. Ruggiero, MPA
Beacon City Administrator
One Municipal Plaza, Suite One
Beacon, NY 12508

**RE: PIN 8761.25 BEACON MAIN ST. ACCESSIBILITY
IMPROVEMENTS AND
PIN 8761.45 BEACON PEDESTRIAN SIGNAL IMPROVEMENTS
CITY OF BEACON, DUTCHESS COUNTY
BID ANALYSIS - 12/28/2020**

Dear Mr. Ruggiero:

The Local Projects Unit has received your January 11, 2021 letter recommending that the subject project be awarded to the low bidder as of the January 23, 2020 letting with project scope reductions issued through change orders. As outlined in our January 4, 2021 letter to you we have also reviewed the Bid Analysis and the conceptual scope reduction.

The conceptual scope reduction meets the project objectives of shortening the distance for pedestrian crossing and enhancing pedestrian visibility and does not result in a change to the order of bidders. Based on the bid analysis and our review conceptual scope reduction we concur with the City's recommendation that it is in the best public interest to award the project to the low bidder as of the January 23, 2020 letting.

Please be reminded that language from Section 103-06, Article 5, Alterations and Omissions, of NYSDOT's Standard Specifications will need to be included in the contract between the City and the contractor. Any changes to the project cannot compromise the project's original objectives, cannot jeopardize compliance with State and Federal standards such as ADA (POWAG) and Safety (MUTCD), and cannot result in a reorder of the bids.

Contract award is considered a major approval that requires a NEPA reevaluation, which is required prior to the award. The tools to conduct a NEPA reevaluation are enclosed. All the requirements in the July 1, 2019 Authorization to Proceed to Construction letter are still applicable.

Award package review comments will be forthcoming under separate cover.

Sincerely,

Stephen J. MacAvery, RLA
Design & Environmental Advisor, Local Projects Unit, Region 8

Ecc: J. Gorton, HVEA
L. Bach, HVEA