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

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

January 16, 2024
7:00 PM
City Council Agenda

Roll Call

Workshop Agenda Items

1. Proposed Local Law Concerning Minimum Parking Requirements
2. Update from Climate Smart Coordinator Faye Leone
3. Appointment of Pam Wetherbee as Acting Mayor
4. Side Letter Agreement with Patrolmen's Benevolent Association of Beacon
5. Extension of Special Use Permit for Edgewater

Executive Session

Executive Session: Personnel

City of Beacon City Council Agenda
01/16/2024

Title:

Proposed Local Law Concerning Minimum Parking Requirements

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Minimum Parking Requirements

Proposed Local Law No. 1 of 2024 Concerning Minimum Parking Requirements

Proposed Local Law No. 1 of 2024 - Short EAF Part 1: Narrative

Proposed Local Law No. 1 of 2024 - Short EAF Part 1

City of Beacon Planning Board Memorandum Regarding Proposed Local Law No. 1 of 2024

Dutchess County Department of Planning and Development Response Regarding Proposed Local Law No. 1 of 2024

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New York, NY 10165
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MEMORANDUM

TO: Beacon City Council

FROM: Keane & Beane, P.C.

RE: Parking Amendments Local Law

DATE: January 12, 2024

The City Council of the City of Beacon (the "City") introduced a local law to amend the text of Section 223-26 of the Beacon City Code (the "Zoning Code") concerning parking requirements. Presently, the Zoning Code mandates minimum parking requirements for all new developments within the City. However, at times such minimum parking requirements conflict with the City's planning goals to encourage the efficient use of diverse land uses, including multistory buildings and walkable areas. Thus, this proposed local law would eliminate minimum parking requirements within the City, except for one-family and two-family dwellings as well as accessory apartments which shall require at least one parking space per dwelling unit. Instead of there being a required minimum number of parking spaces, the Planning Board will have the ability to determine the appropriate number of parking spaces for mixed-use, commercial, and multifamily dwellings on a case-by-case basis.

Current thinking of planning professionals is that municipalities are "over parked." In essence, more parking is required than is necessary and communities become autocentric because construction of parking spaces is mandatory. It has been noted there are negative impacts to the environment from encouraging car trips and having impervious surfaces. This is a current trend especially among smaller cities and the City of Kingston adopted zoning amendments in August 2023 that removed minimum parking requirements.

Pursuant to the proposed local law, in addition to gathering input from the public during any public hearing on a particular application, the Planning Board will be charged with determining the appropriate number of parking spaces for each new mixed-use, commercial, or multifamily dwelling based upon an evaluation of the context of the property, the size of the parcel, proposed uses, existing buildings on the parcel, availability of public and street parking in the vicinity, walkability and access to public transit, parking studies prepared by the applicant, shared parking arrangements, land-banking waivers, and compliance with the Americans with Disabilities Act. Moreover, this proposed local law would not alter permitted uses, setbacks, lot coverages, lot sizes, building heights, or any other use or dimensional requirements provided under the City's Zoning Code.

KEANE & BEANE P.C.
ATTORNEYS AT LAW

Procedurally, the City Council introduced the local law at its November 27th meeting, scheduling a public hearing for December 18, 2023 and referring the matter to the Dutchess County Planning Board and the City of Beacon Planning Board. Dutchess County Planning Board issued a comment letter on December 27, 2023 finding the matter to be a matter of local concern, but providing seven comments as reflected in its letter. The City of Beacon Planning Board considered the matter at its December 12, 2023 meeting for approximately ninety minutes and issued the attached comment memorandum.

The December 18, 2023 public hearing was adjourned without discussion by the Council or the public, to January 22, 2024 as comments from the City Planning Board have just been received and comments from the County had not been received. Additionally, in the meantime our office made further amendments (which I would characterize as non-substantive) continuing the intent of the proposed amendments, but making sure there was consistency throughout the City Code to apply the new parking scheme to other Sections of the Code to amend parking requirements for specific uses.

The next step is for the City Council to consider the comments from the County and City Planning Boards and determine if any further edits to the local law are necessary. The City can also further discuss the matter after the January 22nd public hearing and it receives comments from the public.

PROPOSED LOCAL LAW NO. 1 OF 2024

CITY COUNCIL
CITY OF BEACON

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

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

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

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

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

A. General.

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

~~(1) In case of exceptional difficulty or unusual hardship to such properties arising out of the requirements of this section, the Board of Appeals may reduce the parking requirements but shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming and shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking may already exist, unless it is in excess of requirements.~~

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~~(2) Required off-street parking facilities which, after development, are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures for which they were originally provided.~~

~~B. Effect on existing uses.~~

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

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

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

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

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

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line. However, off-street parking spaces shall be permitted in residential districts as indicated in § **223-17C**.

~~(2)~~(3) Parking specifications.

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

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

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

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

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

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

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

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

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

~~(3)~~(5) Grades, drainage, paving and marking. All proposed and ~~required~~ approved parking ~~facilities~~areas and structures, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter **190**, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking ~~facilities~~ areas or structures shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits. The Planning Board shall require pervious surfaces for the parking spaces, unless the Applicant establishes to the Planning Board's satisfaction that ~~if~~ the underlying soils do not allow natural drainage.

~~(4)~~(6) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require ~~written assurance and/or deed restrictions~~easements, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking ~~facilities~~areas or structures.

~~(5)~~(7) Two or more uses on same lot. Where two or more different uses occur on a single lot, ~~the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that~~ the Planning Board may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces ~~required~~ needed for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation

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in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.

~~(6)~~(8) Designed residence and multifamily residence districts.

(a) In RD Districts, in order that some of the ~~required~~ parking spaces may be convenient for use by visitors as well as by occupants, 2/3 of the ~~required~~ car spaces for a residential building shall, whenever possible, be directly accessible to a main entrance to that building and within 100 feet of that entrance.

(b) In RD Districts, off-street parking lots shall be located behind, underneath, or to the side of the building, whenever possible. Any parking to the side of the building shall be screened from street views by a low wall, hedge, fence, and/or other landscaping and, whenever possible, it shall be located at least 40 feet from any property line that fronts on a street.

~~(7)~~(9) Off-street parking for private passenger vehicles may be allowed by a special permit from the Planning Board on a vacant lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters.

~~D.~~C. Alternatives to providing parking spaces.

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

~~(1)~~(2) Waiver of improvement. Except within the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § **223-18** or **223-25**, may waive the initial improvement of up to 50% of the ~~required~~ off-street parking spaces, provided that all of the ~~required~~ spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived

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spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

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

(1) In order to promote walkability and other transportation alternatives and to avoid excessive automobile traffic and unnecessarily large paved parking lots, no minimum number of off-street parking spaces are required, except for one-family and two-family dwellings as well as accessory apartment dwelling units which shall require a minimum of one off-street parking space per dwelling unit.

(2) The Planning Board shall determine the appropriate number of on-site parking spaces as part of site plan approval and based on the context of the property, including but not limited to the size of the parcel, proposed uses, existing buildings on the parcel, especially if they are designated as historic, availability of public and street parking in the area, walkable access to public transit, a parking study prepared by the applicant, shared parking arrangements, land-banking waivers under § **223-26C(2)**, compliance with the Americans with Disabilities Act (ADA) and any state requirements for accessible parking, and input from any public hearing.

(3) Any professional parking study requested by the Planning Board and reviewed by the City's consultant shall be based primarily on specific site-related information, a comparable analysis of similar uses and properties in the area or region, and an examination of demand reduction strategies, including such elements as promotion of walking, bicycle parking or storage facilities, alternative mobility options, transit access opportunities, care-share rentals, and ride-sharing or carpooling services.

(4) The following table gives guidance to the Planning Board on the maximum parking allowed, notwithstanding, the Planning Board may approve fewer spaces:

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Use	~~Minimum~~ Maximum Off-Street Parking
1- and 2-family dwelling	~~2 spaces~~ 3 spaces for each dwelling unit
Multifamily dwelling and/or apartment or artist live/work space	1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area
Professional home office or home occupation permitted in a residential district	2 spaces in addition to spaces ~~required~~ for the residential use, except that there shall be a maximum 4 spaces for each medical or dental practitioner in addition to spaces ~~required~~ for the residential use
Bed-and-breakfast establishment	1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee
Hotel or inn	~~Subject to § 223-14.1C~~ 1 for each hotel guest room, plus 1 for each employee on site at any one time
Place of worship, theater, auditorium, athletic field or other place of assembly	1 space for each 4 seats or pew spaces or~~, in places or,~~ in places without seats, 1 space for each 100 square feet of floor space used for public assembly
Nursery school or day-care center	1 per employee plus 1 per classroom
Primary or secondary school	1 per employee plus 1 per 5 students in the 11th grade or above~~, or 1 per 4 assembly seats, whichever is greater~~
Dance, art, tutorial, martial arts or similar instructional school	1 space for each 150 square feet of gross floor space
Hospital, nursing home, convalescent home or home for the aged	1 space for each 3 resident persons, plus space for each employee~~, including medical, nursing and service staff employed at the same time~~ when the building is operating at full capacity
Golf and country club	1 space for each 2 memberships

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Use	~~Minimum~~ Maximum Off-Street Parking
Bowling alley or other place of indoor commercial recreation or public amusement	5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area~~, whichever is greater~~
Retail or service business, including auction gallery	1 space for each ~~200~~ 250 square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each ~~150~~ 200 square feet of gross floor area, excluding kitchen and storage areas~~, whichever is greater~~
Office for business or professional use (other than accessory to residential use)	1 space for each ~~200~~ 300 square feet of gross floor area, excluding utility areas
Banking office	1 space for each ~~200~~ 300 square feet of gross floor area, excluding utility areas
Funeral home or undertaking establishment	10 spaces per establishment, plus 1 space per employee
Motor vehicle sales and service	1 space per employee, plus 1 space per 150 square feet of gross floor space
Animal care facility	1 space per employee, plus 1 space per 300 square feet of gross floor space
Car washing establishment	~~Subject to § 223-21F~~ 1 space per each two persons working at the same time at full capacity or 1 space for each 400 square feet of gross floor area~~, whichever is greater~~
Research or development laboratory	1 space per employee~~, but not less than~~ or 1 space per 600 square feet of gross floor space

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Use	~~Minimum~~ Maximum Off-Street Parking
Manufacturing or industrial use	1 space per 2 employees ~~but not less than~~ or 1 space per 400 square feet of gross floor space
Wholesale, warehouse storage, utility or other similar commercial use	1 space per employee ~~but not less than~~ or 1 space per 1,000 square feet of gross floor space
Self-storage facility	1 space per 10,000 square feet of gross floor space, plus one space per employee
Senior housing	2 spaces for each 3 dwelling units
Museums located within walking distance (3,000 feet) of entrance to train station	1 parking space per 3,000 feet of gross floor space
Artist studio	1 space for each 500 square feet of gross floor space
Art gallery/exhibit space	1 space for each 250 square feet of gross floor area
Bar or brew pub	1 space for each 3 patron seats or 1 space for each 250 square feet of gross floor area, excluding kitchen and storage areas~~, whichever is greater~~
Microbrewery or microdistillery	1 space for each employee on the largest shift, plus 1 space for each 3-patron sitting or standing spaces in any tasting room or other visitor facility open to the general public
Museum	1 space for each ~~300~~ 500 square feet of gross floor area
Other uses not listed	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board or the Building Inspector, as the case may be, upon consideration of relevant factors entering into the parking needs of each such use

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

E. Operation and maintenance of off-street parking ~~facilities~~areas and structures. ~~Required~~ Approved off-street parking ~~facilities~~ areas or structures shall be maintained as long as the use of the structure exists which the ~~facilities~~ parking areas or structures are designed to serve. ~~Required~~ Designated parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.

F. Off-street loading requirements. Off-street loading and unloading facilities ~~shall be located on the same site with the use to be served, except as provided in Subsection **C(1)**, and~~ shall be provided as follows:

...

(2) ~~Required number~~ Number of spaces. The Planning Board shall determine the location (on-site or off-site) and appropriate number of on-site loading spaces as part of site plan approval and based on the context of the property, including but not limited to the size of the parcel, proposed uses, existing buildings on the parcel, a professional study prepared by the applicant, and input from any public hearing.

~~(a) For retail and/or service business establishments: a minimum of one space for the first 7,500 square feet or major portion thereof, plus one space for each additional 10,000 square feet of gross floor area or major portion thereof, except that no berths shall be required for buildings with a gross floor area of less than 5,000 square feet.~~

~~(b) For office establishments: a minimum of one space for the first 20,000 square feet of gross floor area or major portion thereof, plus one space for each additional 40,000 square feet of gross floor area or major portion thereof, except that no berths are required for buildings of less than 10,000 square feet of gross floor area.~~

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~~(c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.~~

~~(d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.~~

~~(e) For nursing homes: a minimum of one space for each establishment.~~

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

~~(g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.~~

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

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

§ 223-14.1 **Hotels.**

…

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

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

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

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

…

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

§ 223-21 **Car washes.**

…

F. Off-street parking ~~requirements~~ shall be provided as follows:

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

…

Section 4. Chapter 223 of the City Code of the City of Beacon, Article III, General Regulations, Section 223-22, entitled "Nursing homes," Subsection D(1) is hereby amended as follows:

§ 223-21 **Nursing homes.**

…

D. Off-street parking.

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

…

Section 5. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.3, entitled "Waterfront Park (WP) Zone," Subsection J(11) is hereby amended as follows:

§ 223-41.3 **Waterfront Park (WP) Zone.**

…

J. Waterfront ~~park~~ Park standards. Because the Waterfront Park area is a central element in the City's waterfront, it is essential that any proposed site plans meet the following standards:

…

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(11) Off-street parking and loading:

...

(b) Parking ~~requirements~~shall be in accordance with § 223-26.

~~[1] Marina: 1/2 space per slip or dry rack storage unit.~~

~~[2] Museums, educational facilities, auditorium, athletic field or other place of assembly: One space for each four seats or pew spaces or, in places without seats, one space for each 100 square feet of floor space used for public assembly.~~

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

(c) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

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

~~[1] General~~

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

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

~~[2] Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a Waterfront Park project have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the project. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak~~

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~~parking demands for different land uses for different hours of the day and days of the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

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

~~[a] Parking shared among various use elements within a Waterfront Park project.~~

~~[b] Parking shared among various use elements within a Waterfront Park project.~~

~~[c] Valet parking.~~

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

Section 6. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.4, entitled "Waterfront Development (WD) Zone," Subsection J(11) is hereby amended as follows:

§ 223-41.4 **Waterfront Development (WD) Zone.**

…

J. Development standards for Waterfront Development District. It is essential that development in this district meet the following development standards:

…

(11) Off-street parking and loading.

…

(b) Parking ~~requirements~~shall be in accordance with § 223-26, except that the maximum parking standards for the following uses in the WD Zone are:~~.~~

[1] Multifamily dwelling: one space per unit.

[2] Retail or service business: one space for each 333 square feet of gross floor, excluding basement storage utility areas.

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[3] Restaurant: one space for each three patron seats or one space for each 300 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater.

[4] Office for business or professional use: one space for each 400 square feet of gross floor area.

[5] Hotel: 0.75 space for each hotel guest room.

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

~~(d)~~(c) Up to 30% of the required parking may be designated for compact automobiles at the discretion of and in accordance with standards as determined by the Planning Board.

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

~~[1] General.~~

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

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

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

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~~strategies intended to incorporate alternative parking methods and the advantages of such strategies.~~

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

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

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

~~[c] Valet parking.~~

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

Section 7. Chapter 223 of the City Code of the City of Beacon, Article IVC, Fishkill Creek Development (FCD) Zone, Section 223-41.13, entitled "Uses; plan review; design standards," Subsection I(11) is hereby amended as follows:

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

…

I. Fishkill Creek development design standards.

…

(11) Off-street parking and loading.

…

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

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

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

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

Section 8. Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled "Regulations," Subsections A and G are hereby amended as follows:

§ 223-41.18 **Regulations.**

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

…

G. Parking location and quantity.

…

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

(a) Residential: one space per unit.

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

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

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

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

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

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

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

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

(e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB District and voluntarily dedicate such land to the City for public parking.

(f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

(g) The application involves a designated historic property as defined in Chapter 134 of the City Code.

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

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

Section 9. Chapter 223 of the City Code of the City of Beacon, Article IVE, Linkage District (L), Section 223-41.21, entitled "Regulations," Subsections A and F are hereby amended as follows:

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§ 223-41.21 **Regulations.**

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted in this § 223-41.21. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the ~~minimum~~ maximum number of off-street parking spaces ~~required~~ for the new use in § 223-41.21F(2) is not more than 25% greater than the ~~requirement~~ maximum standard for the existing use in § 223-26F 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 facade in the rear portion of the ground floor, if the building faces the north side of Beekman Street between Route 9D and West Main Street, faces the north side of West Main Street, or if the parcel is within 400 feet of the Route 9D-Beekman Street intersection, as identified on the Zoning Map:

...

F. Parking location and quantity.

...

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

(a) Residential: one space per unit.

(b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.

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

(d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner~~as listed in § 223-26 of this chapter~~.

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

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(e) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of the train station and other services justify a reduction in the required amount of parking.

(f) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and in the L District.

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

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

(i) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and in the L District and voluntarily dedicate such land to the City for public parking.

(j) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

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

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

Section 10. Chapter 223 of the City Code of the City of Beacon, Article IVF, Senior Affordable Housing Overlay (SAHO) District, Section 223-41.22, entitled "Specific requirements and regulations," Subsection E(1) is hereby amended as follows:

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

…

E. Supplementary site regulations.

(1) Parking~~ ratio~~. ~~Unless modified by the City Council in its zoning designation or special permit, parking spaces shall be provided at the ratio of 1.2 spaces per~~

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~~dwelling unit. The 0.2 fractional space shall be accumulated for staff and visitors~~Off-street parking shall be in accordance with § 223-26.

…

Section 11. Chapter 223 of the City Code of the City of Beacon, Article VI, Definitions and Word Usage, Section 223-63, entitled "Definitions," is hereby amended as follows:

…

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

…

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

…

Section 12. Ratification, Readoption and Confirmation.

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

Section 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

DRAFT

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 upon filing with the Office of the Secretary of State.

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SEAF Part 1: Narrative

A Proposed Local Law Concerning Parking Requirements

The City Council of the City of Beacon (the "City") introduced a local law to amend the text of Section 223-26 of the Beacon City Code (the "Zoning Code") concerning parking requirements. Presently, the Zoning Code mandates minimum parking requirements for all new developments within the City. However, at times such minimum parking requirements conflict with the City's planning goals to encourage the efficient use of diverse land uses, including multistory buildings and walkable areas. Thus, this proposed local law would eliminate minimum parking requirements within the City, except for one-family and two-family dwellings as well as accessory apartments which shall require at least one parking space per dwelling unit. Therefore, the Planning Board will have the ability to determine the appropriate number of parking spaces for mixed-use, commercial, and multifamily dwellings on a case-by-case basis.

In addition to gathering input from the public during any public hearing on a particular application, the Planning Board will be charged with determining the appropriate number of parking spaces for each new mixed-use, commercial, or multifamily dwelling based upon an evaluation of the context of the property, the size of the parcel, proposed uses, existing buildings on the parcel, availability of public and street parking in the vicinity, walkability and access to public transit, parking studies prepared by the applicant, shared parking arrangements, land-banking waivers, and compliance with the Americans with Disabilities Act. Moreover, this proposed local law would not alter permitted uses, setbacks, lot coverages, lot sizes, building heights, or any other use or dimensional requirements provided under the City's Zoning Code.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

City of Beacon

Name of Action or Project:

Proposed Local Law Amending Chapter 223 of the Zoning Code of the City of Beacon Concerning Parking Requirements

Project Location (describe, and attach a location map):

City of Beacon

Brief Description of Proposed Action:

The City Council of the City of Beacon (the "City") has introduced a local law to amend Chapter 223 of the City Code (the "Zoning Code") concerning parking requirements. Under the existing Zoning Code, Section 223-26, new land developments must provide a minimum number of parking spaces which varies depending on the proposed use. However, such minimum parking requirements often conflict with the promotion of the efficient use of mixed-use establishments, multistory buildings and walkable areas due to the need to provide such minimum number of parking spaces. Therefore, under the proposed amendment, the Planning Board would have the authority to determine the parking needs of each new mixed-use, commercial, and multi-family development on a case-by-case basis, except for one-family and two-family residences as well as accessory apartments which shall require at least one parking space per dwelling unit.

Name of Applicant or Sponsor:	Telephone: 845-838-5000
City of Beacon	E-Mail: cityofbeacon@beaconny.gov

Address:

1 Municipal Plaza

City/PO:	State:	Zip Code:
Beacon	New York	12508

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☐	☑
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:	☐	☐

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

4. Check all land uses that occur on, are adjoining or near the proposed action:

☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):

☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☐	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☐	☐
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?	☐	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____ _____	☐	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____ _____	☐	☐

	NO	YES
12. a. Does the 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?	☐	☐
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?	☐	☐

	NO	YES
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?	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
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?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
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: _____		
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: _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☐
If Yes, describe: _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: City of Beacon Date: November 22, 2023

Signature: [signature] ESQ. Title: City Attorney

PRINT FORM

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

John Gunn, Chair

December 19, 2023

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

Subject: City Council Referral of Local Law Amending
Chapter 223 of the Zoning Code of the City of Beacon Re: Off-Street Parking

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law amending Chapter 223-26 of the Zoning Code during the December 12, 2023 Planning Board meeting. City Planner, John Clarke, prepared a presentation for the board on proposed changes to the off-street parking requirements in the City of Beacon. The Board discussed changing minimum parking standards to maximum parking standards, the elimination of the 1964 parking exemption, increasing the landscaping requirement, requiring pervious surfaces, and amending language within the code.

Although the Planning Board did not reach a consensus on the proposed Local Law, with 3 members in favor and 2 against, the following recommendations were discussed:

- Section 223-26(B)(1) - Change the terminology to reference "easements and/or deed restrictions" as opposed to a "binding agreement."

- Section 223-26(B)(5) – Change to "Except for one-family or two-family dwellings, the Planning Board shall require green infrastructure for the development of parking spaces, unless the Applicant…." The Planning Board discussed that the maintenance required for pervious surfaces is difficult and costly. As a result, most times it is not properly maintained and functionally reverts to impervious surfaces over time. Because of the cost, the Planning Board recommends exempting one-family and two-family homes from this requirement. Also, a requirement for pervious pavement, alone, is too narrow as many times there are other green infrastructure practices that serve the same function as pervious pavement but are better for the particular circumstances presented by the application. Therefore, the Planning Board recommends maintaining the concept, but broadening the language to give the Board more flexibility to utilize a variety of green practices – not just pervious pavement.

- Sections 223-26(D)(2) and (D)(3) – The Planning Board is generally in favor of using local data, as opposed to national ITE parking data, but it is important not to otherwise limit the scope of any professional parking study submitted to the Planning Board. To the

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

John Gunn, Chair

extent Section 223-26(D)(3) can be read as an exclusive list of items to be considered in the parking study, the Planning Board recommends broadening the language to allow greater flexibility.

- One of the current triggers for site plan review is a change in use with "change in use" defined as one which changes parking requirements. (See Section 223-25 of the Zoning Code). For example, if an office is changed to a restaurant there is a change in the off-street parking requirements pursuant to the standards listed in Section 223-26.F, so it is deemed a change of use that requires site plan review. If the Zoning Code no longer includes minimum off-street parking requirements, the Board questioned how these changes of use will be treated in terms of site plan review. One option is to retain the standard in Section 223-25 and reference the proposed off-street parking maximums. Therefore, if there is a change in the maximum number of parking spaces allowed from one use to another, that change of use would trigger site plan review. This option would require an amendment to Section 223-25 to change the reference from 223-26.F to 223-26.D.

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

Sincerely,

John Gunn (JG)

John Gunn
Planning Board Chair

JG/mp

Dutchess County Department of Planning and Development

Fax Info Only		
	To	Date #pgs
	Co./Dept.	From
	Fax #	Phone #

239 Planning/Zoning Referral - Exemption Communities

Please Fill in this section

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s):

Project Name: **COB Draft Local Law No. 8 2023 to Amend the Zoning Code Concerning Parking Requirements**

Applicant: **City of Beacon**

Address of Property:

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

- ☐ Comprehensive/Master Plans
- ☑ Zoning Amendments (standards, uses, definitions, district regulations, etc.)
- ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.)
- ☐ Rezonings 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:

Entered By: **Swanson, Benjamin**

These actions are only exempt in municipalities that signed an intermunicipal agreemment 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:	Notes:	☐ Major Project
Date Received: **11/28/2023**		
Date Requested:		Referral #: **ZR23-356**
Date Required: **12/28/2023**	☐ Also mailed hard copy	Reviewer:
Date Transmitted: **12/27/2023**		

William F.X. O'Neil
County Executive

Eoin Wrafter, AICP
Commissioner

County of Dutchess

Department of Planning & development

December 27, 2023

To: City Council, City of Beacon
Re: ZR23-356, LL #8 Parking Regulations

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

Action

The Council is considering amending §223-26 of the code to eliminate parking minimums, provide parking maximums, and make other small adjustments to parking regulations.

Comment

We commend the Council for considering this legislation, which prioritizes people over cars and is likely to contribute to a more vibrant and affordable Beacon. We offer the following minor comments on the law:

1. Minimum parking requirements for specific uses are referenced elsewhere in the code (ex. §223-14.1C, §223-21F, §223-22D, the §223-63 definition of "home office," etc.). These should be amended to align with the new §223-26.

2. At B.(3)(a), it is unclear why the exception to allow some smaller spaces for employees would not be permitted in the CMS district. Some smaller spaces, signed as "compact car parking only," could be provided in any parking area or structure at the Planning Board's discretion.

3. At B.(4)(a), the Planning Board could be given the discretion to adjust this tree requirement based on considerations like topographic challenges or a set-aside of equivalent green space elsewhere on the lot.

4. At B.(5), echoing a comment from the Planning Board, we also suggest that the permeable surface requirement be expanded to include additional green infrastructure techniques. For projects with permeable surfaces, we suggest requiring maintenance plans and inspection to ensure continued functionality. The requirement for lined parking spaces could also be expanded to include any multifamily developments outside of the RD districts

5. In the schedule of off-street parking, the two options provided for car washing establishment maximums could be quite different. A recent single-bay car wash reviewed by our department was 5,400 square feet, which would allow for 14 parking spaces, while their maximum staffing of 2-3 people would allow only two spaces. Many car washes also now include vacuum stations, each of which necessitates a parking space. We suggest that such vacuum stations be addressed in the code, and that parking maximums not be tied to area, since there is often little relationship between car wash size and parking needs.

6. Also in the schedule of off-street spaces, the maximum for primary and secondary schools may be too prescriptive, particularly for lower grades, where no visitor parking would be permitted. Some allowance could be made to accommodate assemblies, parent/teacher conference days, etc.

7. The Council could consider including some numerical guidance for the Planning Board for on-site loading spaces, providing a few examples of the number of spaces generally needed for given uses.

RECOMMENDATION

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

Eoin Wrafter, AICP
Commissioner
By

Dylan Tuttle, Senior Planner

City of Beacon City Council Agenda
01/16/2024

Title:

Update from Climate Smart Coordinator Faye Leone

ATTACHMENTS

City of Beacon Inventory of Greenhouse Gas Emissions from 2021 Government Operations

City of Beacon

Inventory of Greenhouse Gas Emissions from 2021 Government Operations

NOVEMBER 2023

Produced by the City of Beacon with Assistance from ICLEI – Local Governments for Sustainability USA

Credits and Acknowledgements

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Executive Summary

The City of Beacon recognizes that greenhouse gas (GHG) emissions from human activity – including from the municipal government's operations – are causing changes to the climate. These changes, in turn, have impacts on our local environment and the health, wellbeing, and prosperity of our community. Rapid reductions in global GHG emissions are necessary to limit these impacts.

It is an urgent goal to collectively transition to operating in ways that do not rely on fossil fuels. Therefore, the City of Beacon has adopted ambitious targets and policies to accelerate how it participates in this transition. Conducting a periodic GHG inventory helps to understand current emissions, then to prioritize actions and check progress over time.

Beacon has become a leader in efforts to reduce GHG emissions as a municipality and a community. The City was among the first to achieve Silver status as a Climate Smart Community for taking substantial steps to mitigate emissions. Beacon has also:

- Set time-bound targets for reducing GHG emissions and zero emission electricity for the entire community
- Established policies which require 100% of municipal electricity usage to utilize renewable energy every year, which we achieve through a combination of locally generated solar power and purchasing Renewable Energy Certificates (RECs)
- Pioneered a free community composting program to reduce incinerated waste
- Adopted a Green Procurement law for all government operations
- Passed legislation[1] which requires the electrification of new residential and commercial buildings.

This report estimates the GHG emissions caused by Beacon's government operations in 2021.[2] The results identify the government sectors that contributed the most and least emissions during the year, the impact of the closed landfill at Dennings Point, and the importance of continuing to measure the impacts of municipal operations.

[1] All-Electric Buildings Law, adopted March 20, 2023: https://beaconny.gov/wp-content/uploads/2023/03/2023-026-Resolutions-Council-1.pdf

[2] This inventory updates conducted previously for Beacon's government operations, covering the years 2012, 2018, and 2019.

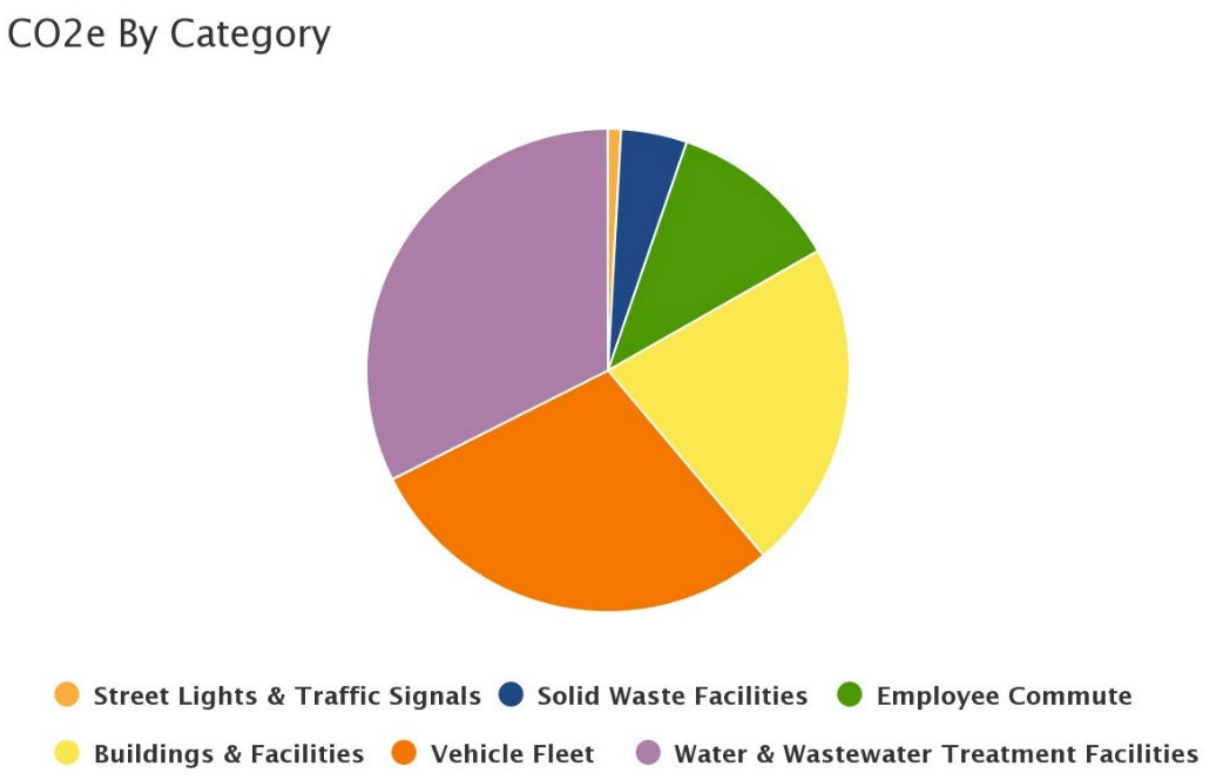
Key Results

The total emissions from the City's operations in 2021 were 1,943 metric tons CO2e (setting aside methane emissions from the landfill). This is equivalent to driving a gasoline-powered passenger vehicle for about 4.9 million miles.[3]

The City's total emissions in 2021 decreased by an estimated 9.8% from 2019.

Thanks to solar energy produced at Dennings Point and used to offset the City's annual electricity consumption, the City's net emissions in 2021 were 1,602 mt CO2e. This is equivalent to driving a gasoline-powered passenger vehicle for about 4 million miles.

The majority of the City's emissions come from treating drinking water and wastewater – accounting for (32%) of municipal emissions in 2021. The next largest contributor was the City's fleet of vehicles (29%), followed by municipal buildings and facilities (22%).



[3] https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

The inventory report is a major step in creating an evidence-based plan for reducing Beacon's GHG emissions by creating a baseline against which key decision-makers can set emissions reductions targets and measure future progress. Further, it serves to clarify the greatest opportunities for reductions, many of which would simultaneously reduce operating costs and improve workplace quality.

The 2021 GHG Emissions Inventory and the forthcoming Climate Action Plan are part of the City of Beacon's participation in the Dutchess County Climate Action Planning Institute (CAPI).

GHG Inventory as a Step Toward Carbon Neutrality for Beacon

The City of Beacon must determine how to achieve net-zero emissions before 2050[4] as part of a global effort to limit warming to 1.5 degrees Celsius.[5]

Creating such a roadmap requires identifying priority sectors for action, while considering climate justice, inclusiveness, local job creation, and other benefits of sustainable development. This GHG Emissions Inventory provides key information needed to prioritize action.

Since many of the major sources of GHG emissions are directly or indirectly controlled through local policies, local governments have an important role to play in reducing greenhouse gas emissions within their boundaries, as well as influencing regional emissions through partnerships and advocacy.

Through proactive measures built around land use patterns, transportation demand management, energy efficiency, green building, waste diversion, and more, local governments can dramatically reduce emissions in their communities.

[4] The New York State Climate Law is aligned with achieving neutrality sooner than 2050, and the City of Beacon has committed to moving even faster than the State, in recognition of the urgency of limiting warming.
[5] ICLEI defines climate neutrality as follows: The targeted reduction of greenhouse gas (GHG) emissions and GHG avoidance in government operations and across the community in all sectors to an absolute net-zero emission level at the latest by 2050.

Chapter 1: Inventory Methodology

Baseline year: The City of Beacon previously completed GHG emission inventories for the years of 2012, 2018 and 2019.[6] The present inventory provides an update from these prior reports with data on emissions in 2021, the most recent year for which adequate data is available on the City's energy usage and other emissions information. The 2021 inventory provides a new baseline year to use in developing targets and measuring future progress.

Emissions scopes: Greenhouse gas emissions are measured in three categories, or scopes:

- Scope 1 refers to GHG emitted by local sources, like the use of diesel or gas.
- Scope 2 refers to emissions caused by the energy we purchase, like electricity for municipal buildings and lighting (to the extent that it is not sourced from renewable energy).
- Scope 3 includes emissions from activities further "upstream" such as producing the goods we buy, processing municipal waste, and employees' commute to work.

The City of Beacon's 2021 GHG inventory covers emissions from Scopes 1 and 2, as well as two subsets of Scope 3 emissions: employee commutes and solid waste handling.

Types of greenhouse gas: Three greenhouse gases are included in this inventory: carbon dioxide (CO2), methane (CH4), and nitrous oxide (N2O). Many of the charts in this report represent emissions in "carbon dioxide equivalent" (CO2e) values, which are calculated using the Global Warming Potentials (GWP) for methane and nitrous oxide from the Intergovernmental Panel on Climate Chang0e (IPCC) Fifth Assessment Report *(see Table 1)*.

Table 1: Global Warming Potential Values (IPCC, 2014)

Greenhouse Gas	Global Warming Potential
Carbon Dioxide (CO2)	1
Methane (CH4)	28
Nitrous Oxide (N2O)	265

[6] Previous inventories: https://beaconny.gov/wp-content/uploads/2020/01/Greenhouse_gas_inventory.pdf

Quantifying emissions: Greenhouse gas emissions can be quantified in two ways:

- Measurement-based methodologies directly measure greenhouse gases as they are emitted from a flue of a power plant, wastewater treatment plant, landfill, or industrial facility.
- Calculation-based methodologies calculate emissions using activity data (i.e., energy use, other fuel consumption, vehicle miles travelled) and emission factors (i.e., intensity of emissions associated with that activity, as determined by the EPA).

This inventory uses calculation-based methodologies to quantify emissions. Please see the attached appendices for a detailed listing of the activity data used in composing this inventory.

Once activity data has been collected, known emission factors are used to convert such into quantities of emissions. Emissions factors are usually expressed in terms of emissions per unit of activity data (e.g. lbs CO2/kWh of electricity). To calculate emissions accordingly, the basic equation below is used:

Activity Data x Emission Factor = Emissions

Standardized measurement for local governments: As local governments increasingly take action to combat climate change, it is more important to use a standardized approach to quantify GHG emissions.

This inventory uses the approach and methods provided by the U.S. Community Protocol for Accounting and Reporting Greenhouse Gas Emissions (Community Protocol) and the Local Government Operations Protocol for Accounting and Reporting Greenhouse Gas Emissions (LGO Protocol) from ICLEI - Local Governments for Sustainability (ICLEI), which provides authoritative direction for GHG emissions accounting.

The LGO Protocol, the California Air Resources Board (CARB), and the California Climate Action Registry (CCAR) serve as the national standard for quantifying and reporting greenhouse emissions from local government operations.

The inventory was calculated following the Community Protocol and ICLEI's ClearPath software.

IPCC's Fifth Assessment was used for global warming potential (GWP) values to convert methane and nitrous oxide to CO2-equivalent units. ClearPath's inventory calculators allow for input of the sector activity (i.e. kWh or VMT) and emission factor to calculate the final CO2e emissions.

What's new: For the first time, the 2021 inventory includes the following features and updates:

- Estimated methane emissions from closed landfill
- A discussion of follow-up to recommendations from previous inventories
- Updated categories for emissions sectors:
    - E.g., Mase Hook and Ladder is now categorized as a Fire Department facility, rather than being listed as "unidentified," which will help show the emissions impacts of the forthcoming consolidated firehouse project (set to complete in 2024).
    - E.g., Public bathrooms, the Recreation Center, and the University Settlement Camp are now categorized as Parks rather than being listed as "unidentified."
- An updated list of accounts, now including previously missing water pumps, traffic lights and other accounts, and removing accounts that were not in use in 2021, such as Beacon Engine building
- A comparison of emissions sources and totals between 2021 and previous inventories

Data challenges:

- The City received incomplete data regarding electricity accounts from Central Hudson, which resulted in the use of approximations in order to project annual total usage from a few months' worth of data.
- The inventory process highlighted ways that the City could improve fuel and energy record-keeping in order to facilitate future inventories as well as ongoing discrepancies with the City's Central Hudson accounts.
- While some "unidentified" accounts from previous inventoried were able to be categorized more accurately in 2021 than years past, some accounts remain unidentified, pointing to the importance of a clear tracking system for energy usage going forward.
- The inventory does not include tree-planting due to challenges with measuring impacts, but they are important for air quality, rainfall absorption, cooling, and carbon sequestration among other benefits.
- 2019 employee commute survey results were used to approximate 2021 commute impacts, and were scaled using employee headcount growth in the same time period. Resurveying employees about their commuting practices could be part of the next inventory, including questions about willingness to telecommute or use alternate modes of transportation and likelihood of driving an electric vehicle in the coming years.
- New data was unavailable for the volume of solid waste collected from municipal dumpsters. Therefore, the results of the 2019 inventory were carried over for this item. Options for updating the data in the next inventory include: requesting a specific weight audit from the City's waste hauler on municipal solid waste (separately from household waste), or applying household waste averages to City employee headcount.

Photo by: Ed Mendoza

Chapter 2: Inventory Results

The City of Beacon provides several core services, such as water treatment and distribution, wastewater collection and treatment, public works/highway maintenance, park maintenance and recreational activities, police and firefighting, and street lighting and traffic signals. These core services, along with the equipment, facilities, and staff needed to deliver them, are the focus of this inventory.

Total emissions in 2021: The total emissions from the City of Beacon's government operations in 2021 were 5,135 metric tons of carbon dioxide equivalent (CO2e).

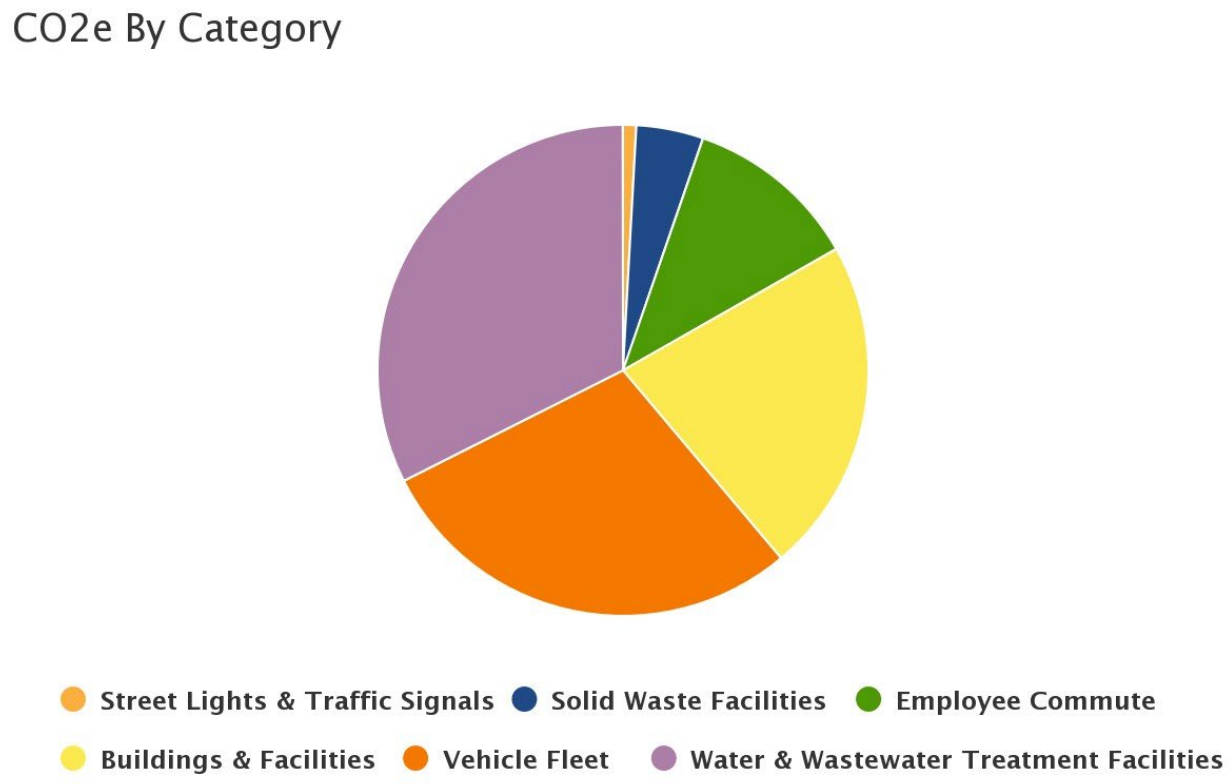
Excluding one source of these emissions – the closed landfill at Dennings Point, which was not included in previous inventories – enables us to compare inventory results to those from previous years, as well as to focus on key areas within current municipal activity.

Without the landfill emissions, the total for 2021 was 1,943 metric tons CO2e. This is equivalent to driving a gasoline-powered passenger vehicle for about 4.9 million miles.[7] The City's total emissions in 2021 were noticeably lower than the 2019 total of 2, 115 metric tons CO2. The decrease in that two-year span was 9.8%.

[7] https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

The City of Beacon has a large solar field that generates renewable energy to supply electricity for government operations. In 2021, the solar array produced 3,208,930 kWh, equivalent to 341 mt CO2e[8]. This solar energy was used to offset the use of electricity that the City purchases from other sources. Thus, the City government's total emissions net of solar production were 1,602 mt CO2e (equivalent to driving a gasoline-powered passenger vehicle for about 4 million miles[9]).

Figure 1 below shows City of Beacon's government operations emissions for 2021 by sector.



The difference between emissions from each City of Beacon sector according to the four inventories to date is shown in Table 2 below.

[8] We calculated this by setting the Sunlight Beacon Solar Energy Production to "information only" status and using the difference in total consumption from Buildings/Facilities sector.
[9] https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator

Table 2

Inventory Comparison By Sector

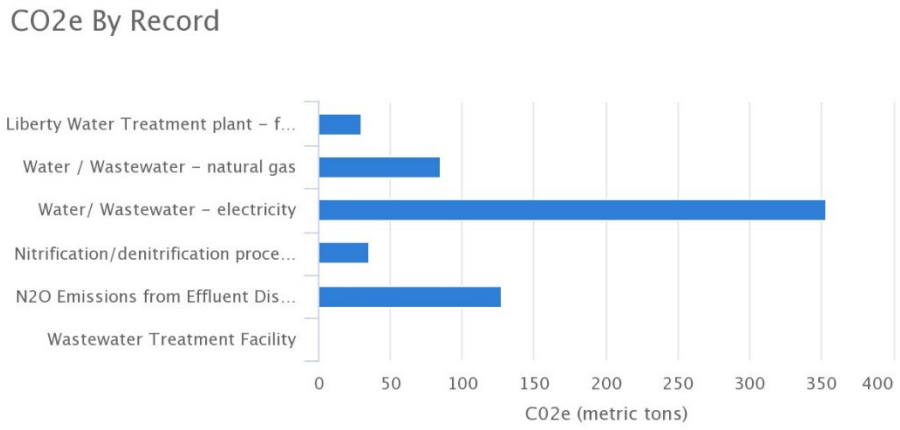
Comparison of CO2e by sector and year over all official inventories

Year	Buildings & Facilities	Street Lights & Traffic Signals	Vehicle Fleet	Employee Commute	Solid Waste Facilities	Water & Wastewater Treatment Facilities
2012	256	253	558	130	71	868
2018	364	36	602	130	71	821
2019	466	47	585	147	71	797
2021	429	17	556	222	85	630

Discussion of contributing sectors:

1. Drinking Water/ Wastewater Treatment. The City of Beacon's drinking water and wastewater treatment facilities collectively make up the largest contributor to the 2021 emissions (setting aside the emissions released at the closed landfill at Dennings Point[10]).

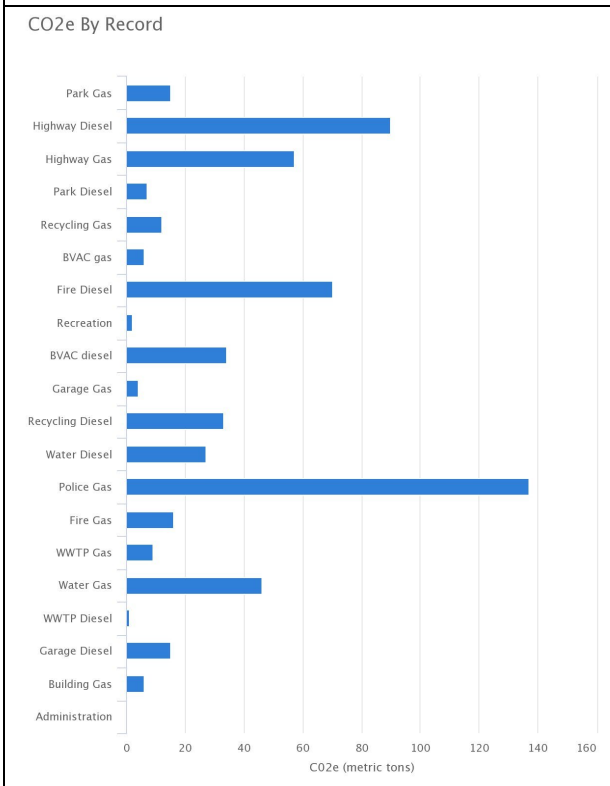
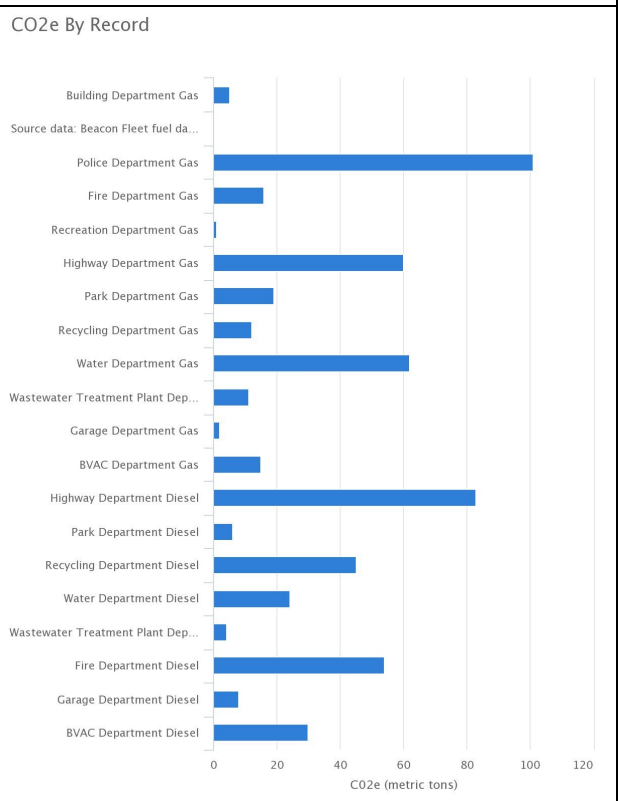
It is typical for this sector to use the highest amount of energy in cities that operate water supply and wastewater treatment facilities because the process to treat water safely and effectively are often energy-intensive.[11] These operations are, therefore, an important area for evaluating energy efficiency and identifying opportunities for the use of renewable energy.



[10] The former landfill at Dennings Point released an estimated 40.64 metric tons of methane in 2021, making it the largest actual contributor to overall emissions from government operations (36.9% in 2021). This source of emissions will continue to fall in the coming years. With landfill our total emissions are: 3,081 CO2eMT and the landfill emissions are 1,138 CO2eMT.

[11] See 2019 GHG inventory report: https://beaconny.gov/wp-content/uploads/2020/06/Government-Operations-Inventory-Report-2019.pdf

2. **Vehicle fleet**. The City's vehicle fleet was the second-largest contributor to emissions in 2021, but a slightly lower total than in 2019 (556 rather than 587), which amounts to a 5% decrease in two years. A significant change in vehicle fleet emissions was seen in the Police Department, where gas was a much lower portion of the fleet's energy sources and overall emissions.

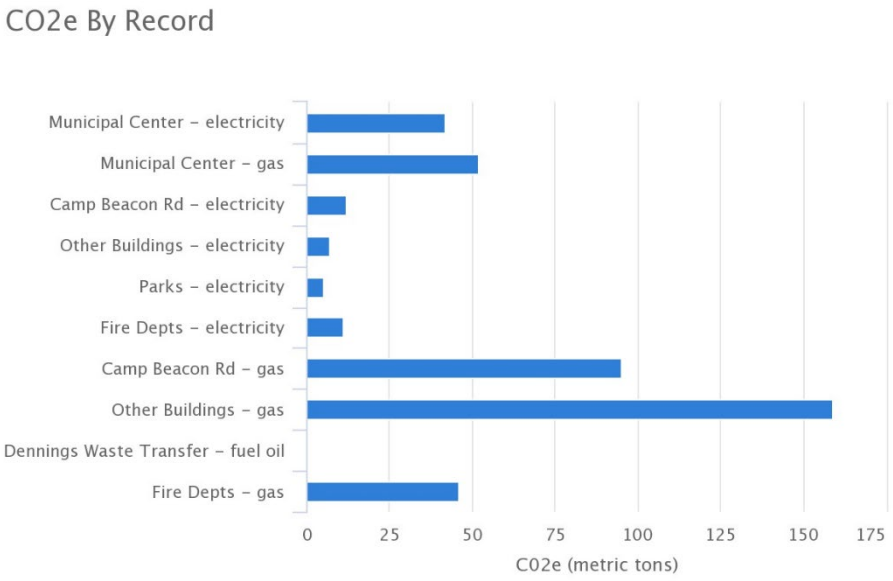
2019	2021
	

The 2019 GHG inventory report identified the vehicle fleet as having great potential for reducing emissions, by replacing fleet vehicles with electric vehicles or more efficient vehicles. This has indeed been a focus for the City's fleet, which has replaced 6 vehicles with battery-electric or hybrid ones since 2021, with a particular focus on the Police Department's vehicles.

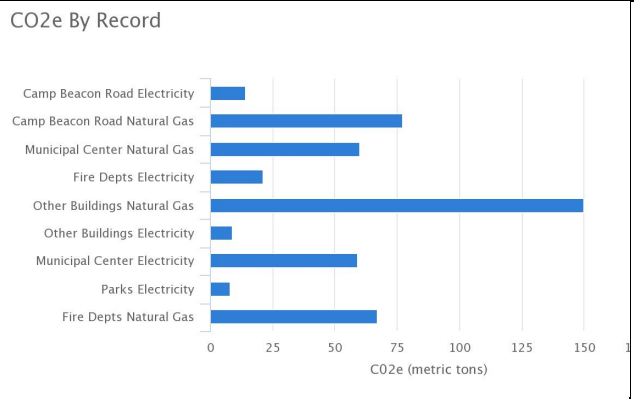
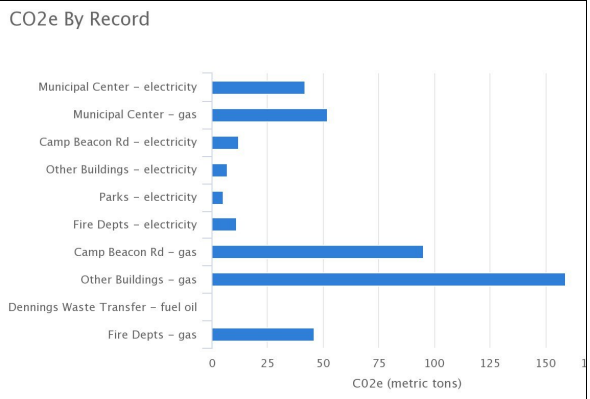
The Department's growing number of "green" vehicles includes two hybrid patrol vehicles, two all-electric unmarked vehicles, and one plug-in hybrid detective car.

The City Council passed a five-year Capital Program in July 2022 which included additional EV and hybrid vehicles for the Police Department in the coming years. The Police Department expects to receive three more hybrid patrol vehicles in 2025. The City's Recreation Department has also moved to the use of a hybrid vehicle, and the City's departments now must consider "green" alternatives for all future vehicle purchases.

3. **Buildings:** Buildings and facilities owned and operated by the City were another significant portion of annual emissions, with gas for many of the buildings collectively making up the bulk of this sector.

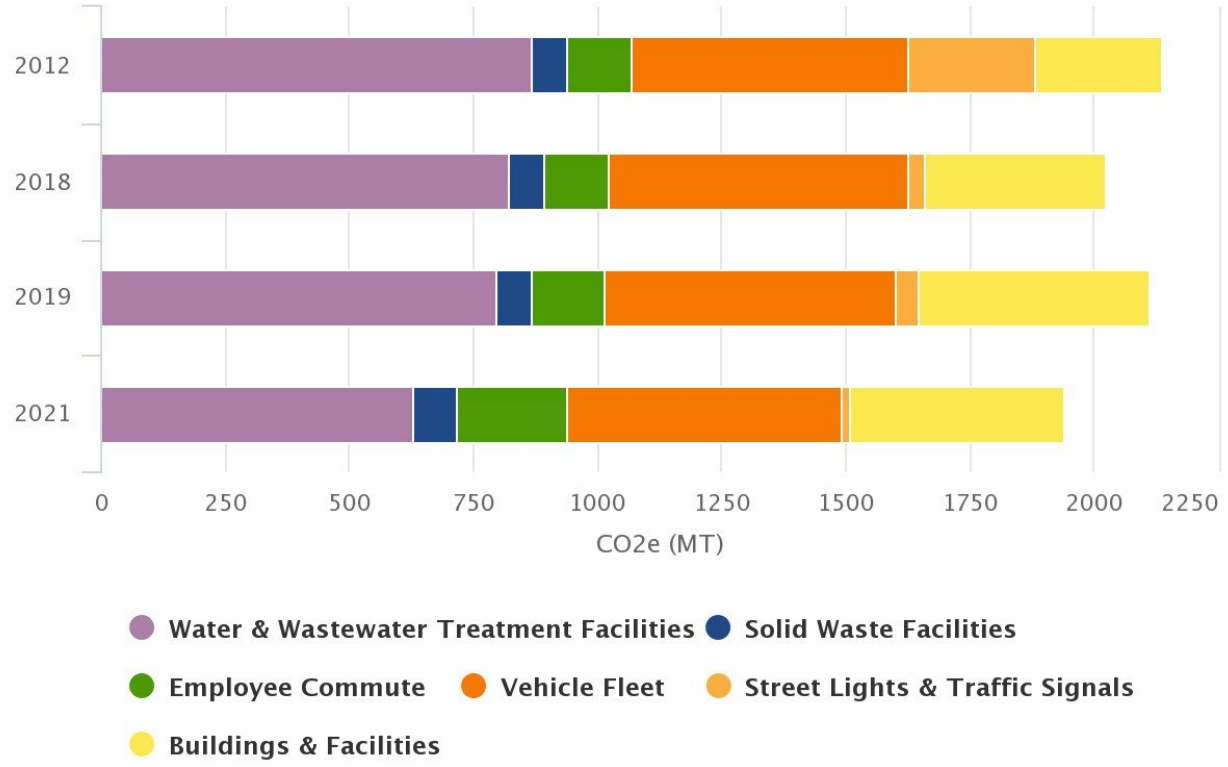


The portion of annual emissions from buildings and facilities has been rising over time overall, but fell between 2019 and 2021, despite the addition of some previously uncategorized accounts to this sector. The changes from each type of building can be seen below.

2019	2021
	

4. **Commute:** Fuel for City employee commutes – including by train – is a relatively small portion of government emissions.
5. **Solid waste** (minus landfill): Apart from methane continually being emitted from the closed landfill at Dennings Point, solid waste services are a small portion of government emissions. This is because Beacon's trash is picked-up and hauled to Poughkeepsie to be burned in the incinerator, effectively "outsourcing" solid waste emissions and associated impacts.
6. **Lighting** – Street lighting and traffic signals were a small portion of annual emissions. This is partly thanks to the switch to LED lighting in all streetlights that took place in 2015-2016.[12]

In sum, apart from the closed landfill, the majority of the City's emissions come from treating drinking water and wastewater – accounting for (32%) of municipal emissions in 2021. The next largest contributor was the City's fleet of vehicles (29%), followed by municipal buildings and facilities (22%). Actions to reduce emissions from these sectors will be a key part of the City's future climate action plan.



[12] See 2012-2018 GHG inventory for Government Operations and Entire Community: https://beaconny.gov/wp-content/uploads/2020/01/Greenhouse_gas_inventory.pdf

Table 3 below shows the volume of emissions in metric tons of carbon dioxide equivalent (CO2) for each sector and its percentage of total emissions for 2021.

Sector	Fuel or source	2021 usage	Usage unit	2021 emissions[13] (MTCO2e)	Percentage of total 2021 emissions
Buildings	Electricity	728,767	kWh	77	
Buildings	Natural gas	69,565.56	Therms	352	
Buildings total				429	22%
Street lights	Electricity	142,360	kWh	15	
Traffic signals	Electricity	18,245	kWh	2	
Lighting total				17	1%
Vehicle fleet	Gasoline	34,637.47	Gallons	304	
Vehicle fleet	Diesel	24,751.48	Gallons	254	
Vehicle fleet total				558	29%
Employee commute	Gasoline	23,965	Gallons	212	
Employee commute	Diesel	1,104.5	Gallons	11	
Employee commute total				223	12%
Solid waste – Transfer station	Electricity	8,125	kWh	1	
Solid waste – Transfer station	Natural gas	2,583	Therms	14	
Combusted waste from city facilities	Tons	253	Tons	71	
Solid waste	*Closed landfill*	*N/A*	*Metric tons*	*1,138*	
Solid waste total				86	4%
Water & wastewater treatment	Electricity	3,323,464	kWh	353	
Water & wastewater treatment	Natural gas	15,952	Therms	85	
Liberty – Water – Fuel oil	Oil	2,962	gallons	30	
Process emissions – nitrification/denitrification	*N/A*	*N/A*	*N/A*	35	
N2O emissions from effluent discharge	Daily N load	167.8	Kg	127	
Water/WWTF total				630	32%
Total 2021 emissions				1,943	100%
Sunlight Beacon production		3,208,930	kWh	341	
Emissions net of solar production				1,602	

[13] Numbers may not total due to rounding

Table 4 below shows only the total emissions by sector.

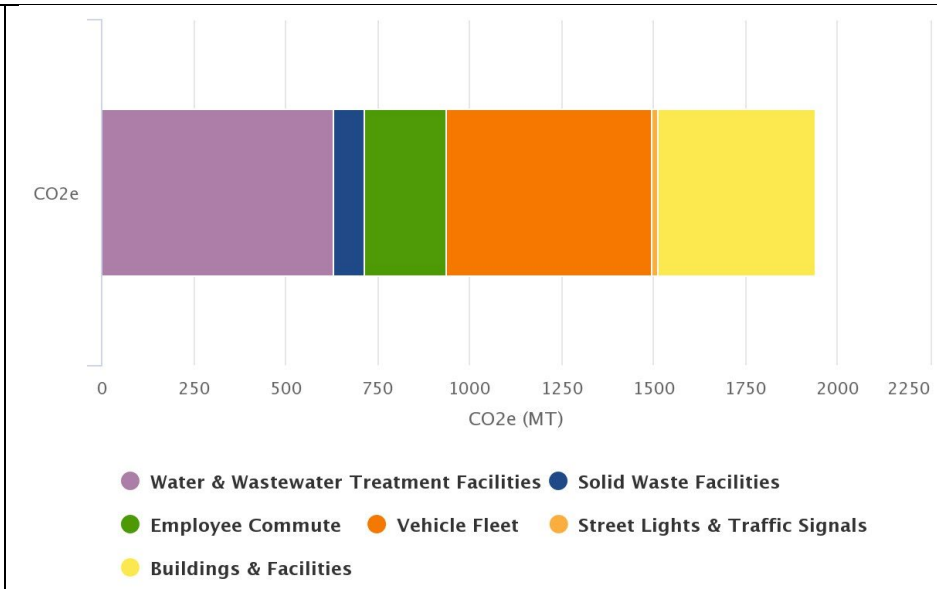
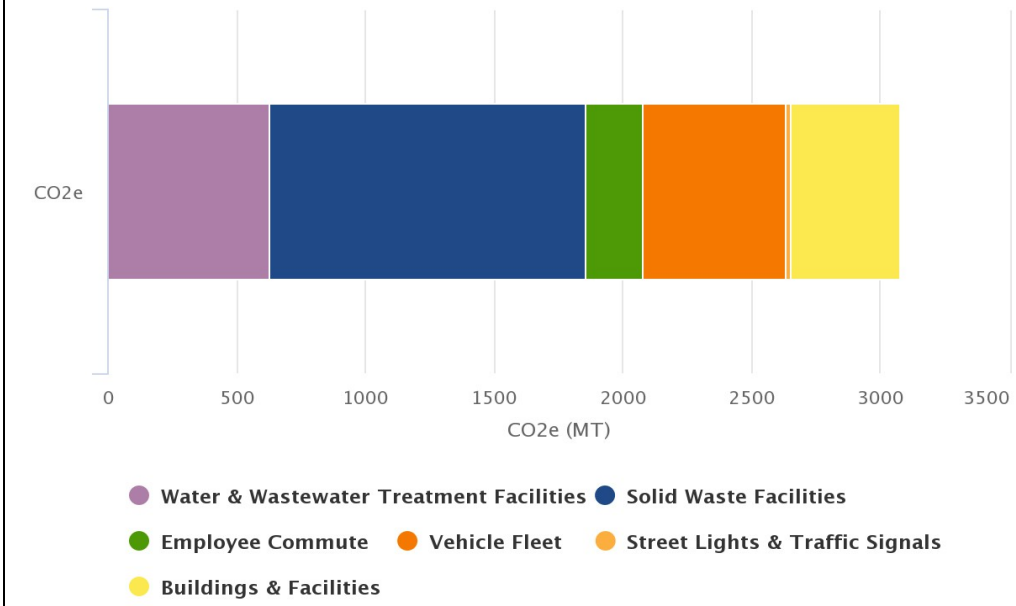
Sector	GHG emissions in metric tons CO2e	GHG emissions (% of total)
Water & wastewater treatment	630	32%
Vehicle fleet	558	29%
Buildings & facilities	429	22%
Employee commute	223	12%
Solid Waste	86	4%
Streetlights & traffic lights	17	1%
Government Operations TOTAL EMISSIONS	**1,943**	**100%**
Sunlight Beacon solar production	**-341**	**-17.9%**
EMISSIONS NET of solar production	**1,602**	

Impact of Closed Landfill:

The former landfill at Dennings Point in Beacon (currently the site of the Sunlight Beacon solar array) continually emits methane as the material beneath the soil decomposes. Estimated using the U.S. Environmental Protection Agency's (EPA) Landfill Gas Emissions Model (LandGEM) tool[14], annual emissions of methane, while naturally declining each year since the landfill was closed in 1968, were still a sizeable contribution to the City's total GHG emissions in 2021.

Methane from the closed landfill – or "brownfield" – comprised the largest segment of municipal emissions, accounting for 61.2% of 2021 total emissions for facilities owned or operated by the City of Beacon. Including the emissions from the landfill brings the total for the solid waste category from 86 to 1,224 CO2eMT for 2021.

[14] LandGem 3.03 2020. US EPA. https://www.epa.gov/catc/clean-air-technology-center-products#software. Accessed July 15. 2023.

Emissions by sector, without landfill	
Emissions by sector, with landfill	

The Local Government Operations Protocol recommends that municipalities consider taking action to reduce methane emissions from a closed landfill. For the City of Beacon, this would entail evaluating options for measurement and mitigation and seeking grant funding to implement the selection option(s), as needed.

Conclusion

This report identifies the largest energy users and sources of GHG emissions. The totality of the data collected and analyzed will enable the City to set realistic goals and track progress toward reducing operating costs, energy use, and emissions. It will also allow Beacon to select actions that will offer the best return on investment – both economically and environmentally – and should be included in future climate action planning. Through such actions, the City of Beacon can achieve environmental, economic, and social benefits beyond reducing emissions, such as reducing operating costs, improving the quality of life, and fostering long-term economic vitality.

This inventory marks the completion of the first of five climate mitigation milestones recommended by ICLEI. The next steps are to:

- Forecast emissions based on the same activities and practices
- Set an emissions-reduction target
- Identify specific quantified strategies that can cumulatively meet that target

These steps will be presented with a climate action plan for Beacon's government operations.

The City of Beacon will continue to track key energy use and emissions indicators on an ongoing basis. Regularly monitoring GHG emissions will allow the City government to operate more efficiently and to use taxpayer resources to better effect. It is best practice for communities to update their inventories on a regular basis, especially as plans are implemented to ensure measurement and verification of impacts. Completing regular inventories also allows for "rolling averages" which will provide insight into sustained changes and can further help reduce the chance of an anomalous year being incorrectly interpreted.

Among several current initiatives to further reduce greenhouse gas emissions, the City of Beacon is:

- Constructing an all-electric firehouse with geothermal heating and cooling that will both eliminate the use of gas for daily needs while lowering energy demand overall through energy efficiency
- Installing a solar array at the Highway Garage, which will provide renewable energy sources for more of the City government's electricity needs
- Purchasing offsite solar power to reach 100% renewable energy for municipal electricity needs each year
- Including EV and hybrid vehicle purchases for vehicle fleet in capital plans
- Conducting a fleet analysis to chart further fleet transition and EV infrastructure in Beacon

We look forward to analyzing the impacts of these planned actions towards our climate goals and identifying additional priorities through the upcoming Climate Action Plan.

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Appendix: Methodology Details

This appendix provides information on the activity data and emissions factors used to compose the inventory. Tables indicate which activity was, the data sources, notes on data gaps or other challenges, and the specific factors used in calculating energy intensity.

I. Inventory Calculations Overview

The 2021 inventory was calculated following the US Community Protocol and ICLEI's ClearPath software. The IPCC 5th Assessment was used for global warming potential (GWP) values to convert methane and nitrous oxide to CO2 equivalent units. ClearPath's inventory calculators allow for input of the sector activity (i.e. kWh or VMT) and emission factor to calculate the final CO2e emissions.

II. Buildings and Facilities

Table 5: Data Sources

Activity	Data Source	Data Gaps/Assumptions
Local Government Operations		
Electricity consumption	Central Hudson provided a report of electricity usage by facility for 2021.	The data from Central Hudson was not complete (usage data was not available for every month on all accounts), so we used the usage of the closest month to populate each gap.
Natural gas consumption	Central Hudson provided a report of natural gas usage by facility for 2021.	The data from Central Hudson was not complete (usage data was not available for every month on all accounts), so we used the usage of the closest month to populate each gap.

The emissions factors are based on the Upstate NY eGRID profile for 2021 and global warming potential established by the IPCC's 5th assessment (100-year values).

Table 6: Emissions Factors (Electricity Consumption)
NPCC Upstate NY (NYUP) eGRID 2021

Year	CO_2 (lbs./MWh)	CH_4 (lbs./GWh)	N_2O (lbs./GWh)
2021	233.1	15	2

III.Streetlights and Traffic Signals

Table 7: Data Sources

Activity	Data Source	Data Gaps/Assumptions
Local Government Operations		
Electricity consumption	Central Hudson provided a report of electricity usage by facility for 2021. We also used a sample bill from Central Hudson and the LED lighting calculator.	The data from Central Hudson not complete (usage data was not available for every month on all accounts), so we used the usage of the closest month to populate each gap.

For Table 6, you should use this one: "2021 US National Defaults (updated 2023)". I've updated this table below so you should be able to cut and paste it into the report.

Table 8: Emissions Factors (Electricity Consumption)
NPCC Upstate NY (NYUP) eGRID 2021

Year	CO_2 (lbs./MWh)	CH_4 (lbs./GWh)	N_2O (lbs./GWh)
2021	233.1	15	2

IV. Water and Wastewater Treatment

Table 9: Wastewater Data Sources

Activity	Data Source	Data Gaps/Assumptions
Local Government Operations		
Nitrogen Discharge	City depts provided data. N2O emissions were calculated using factors and equations in the Local Government Operations Protocol.	We used 2019 data for daily nitrogen as we could not obtain 2021 data.
Digester Gas Combustion/Flaring		
Energy used in wastewater facilities	Natural gas and electricity usage data were collected as described above for buildings and facilities. Electricity emissions factors were used as shown in Table 6.	
Nitrification/denitrification process emissions from the wastewater treatment facility	Calculated based on a population of 15,000 served by the facility. Calculated using default emissions factors from the Local Government Operations Protocol.	

V. Transportation – Vehicle Fleet & Employee Commute

Table 10: Data Sources

Activity	Data Source	Data Gaps/Assumptions
Local Government Operations		
Government vehicle fleet	Fuel usage record from City administration	Total gallons of diesel and gasoline fuel by department used in city vehicles in 2021 were collected from city records. Emissions were calculated using per gallon emissions factors from Table G.1 of the LGO Protocol.
Employee commute	Data from 2019 Beacon Inventory; 2021 employee headcount from City administration	We scaled up data from the 2019 inventory – which had a response rate of 39% - to the current number of City employees. Although we were not able to re-survey employees, we are not aware of factors that would have changed commuting practices substantially between 2019 and 2021. The survey results address: one-way commute distance, the number of days/year they worked, and the fuel type and miles per gallon (MPG) of their vehicle. In addition, they reported if they used carpooling, transit, bicycling or walking to get to work. This data was used to calculate the annual commute VMT and gallons of fuel for each responding employee. From these numbers, average MPG was calculated for gasoline and for diesel vehicles. The VMT from respondents was then multiplied by 100/39, to estimate VMT for all employees. The average MPG numbers were used along with the VMT for each fuel type to calculate emissions. To scale up results from 2019 to the 2021 employee headcount, we raised the gas VMT and the diesel VMT by 60% each – as the employee headcount rose from 100 to 160.

For vehicle transportation, it is necessary to apply average miles per gallon and emissions factors for CH4 and N2O to each vehicle type. The factors used are shown in Table 11.

Table 11: MPG and Emissions Factors by Vehicle Type: 2021 US National Defaults (updated 2023) (Dutchess and Westchester Counties)

Fuel	Vehicle type	MPG	CH_4 g/mile	N_2O g/mile
Gasoline	Passenger car	25.3	0.0084	0.0069
Gasoline	Light truck	18.2	0.0117	0.0087
Gasoline	Heavy truck	5.383557	0.0719	0.0611
Gasoline	Motorcycle	44	0.0084	0.0069
Diesel	Passenger car	25.3	0.0005	0.001
Diesel	Light truck	18.2	0.001	0.0015
Diesel	Heavy truck	6.561615	0.0051	0.0048

VI. Solid Waste

Table 12: Solid Waste Data Sources

Activity	Data Source	Data Gaps/Assumptions
Local Government Operations		
Electricity consumption at Transfer Station	Central Hudson provided a report of electricity usage by facility for 2021.	The data from Central Hudson was not complete (usage data was not available for every month on all accounts), so we used the usage of the closest month to populate each gap.
Natural gas consumption at Transfer Station	Central Hudson provided a report of natural gas usage by facility for 2021.	The data from Central Hudson was not complete (usage data was not available for every month on all accounts), so we used the usage of the closest month to populate each gap.
Combustion of waste generated at municipal facilities	Royal Carting provided estimated tonnage of waste collected from City facilities, based on dumpster collection schedule and volumes	Calculated assumed a density of 89 lbs/cubic yard. Emissions allocated from total emissions for Dutchess County RRF.
Closed landfill	Annual methane emissions were calculated using the U.S. Environmental Protection Agency's (EPA) Landfill Gas Emissions Model (LandGEM) tool[15], based on an estimate of number of years in operation	LandGEM calculations are based on yearly waste acceptance rates. This data was not available in City of Beacon records. Yearly waste acceptance rates were estimated using 3 lbs. of waste per person per day. DEC data shows the landfill accepted municipal waste, but that is not all it accepted. If an average person produces 4.5 lbs of waste per day today, that was reduced to account for the other uses of the landfill, including coal ash, which does not produce methane emissions

[15] LandGem 3.03 2020. US EPA. https://www.epa.gov/catc/clean-air-technology-center-products#software. Accessed July 15. 2023.

		Average population for the town was calculated based on extrapolation of historical US Census data as reported in 10-year intervals: 11933 (1930 census) 12572 (1940 census) +14012 (1950 census) +13922 (1960 census) / 4 = 13109.75 average population during the estimated time the landfill was open. 3 Yearly Waste Acceptance Rate = 3 lb/person x 13109.75 x 365 days/yr x 1Mg/2204.62 lb.

City of Beacon City Council Agenda
01/16/2024

Title:

Appointment of Pam Wetherbee as Acting Mayor

ATTACHMENTS

Draft Resolution Approving the Mayor's Appointment of Pam Wetherbee as Acting Mayor

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. __ OF 2024

APPROVING THE MAYOR'S APPOINTMENT OF PAM WETHERBEE AS ACTING MAYOR

BE IT RESOLVED, that pursuant to Section 3.04 of the Charter of the City of Beacon, the City Council hereby approves the Mayor's appointment of Pam Wetherbee as Acting Mayor.

Resolution No. __ of 2024			**Date: January 22, 2024**				
☐ **Amendments**						☐ **2/3 Required**	
☐ **Not on roll call.**			☐ **On roll call**			☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Molly Rhodes					
		Jeffrey Domanski					
		Pam Wetherbee					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
01/16/2024

Title:

Side Letter Agreement with Patrolmen's Benevolent Association of Beacon

ATTACHMENTS

Draft Side Letter Agreement with Patrolmen's Benevolent Association of Beacon

SIDE LETTER OF AGREEMENT BETWEEN
THE CITY OF BEACON AND
THE PATROLMEN'S BENEVOLENT ASSOCIATION
OF BEACON, NEW YORK, INC.

WHEREAS, the City of Beacon (hereinafter the "City") and the Patrolmen's Benevolent Association of Beacon, New York, Inc. (hereinafter the "PBA") are parties to a Collective Bargaining Agreement covering the period January 1, 2022 to December 31, 2025 ("CBA"); and

WHEREAS, pursuant to Article IX, Section G of the CBA, employees who fail to utilize their full vacation allotment in the calendar year in which they are entitled, or any accumulated vacation time in the next succeeding year, forfeits any such vacation time; and

WHEREAS, pursuant to Article IX, Section I of the CBA, employees, at their sole option, but subject to certain conditions, may elect to use a maximum of five (5) working days of their annual vacation one (1) day at a time or if they have seven (7) or more years' service with the City, may elect to use a maximum of ten (10) working days of their annual vacation one (1) day at a time; and

WHEREAS, the parties have had discussions with regard to the impact of vacation time accruals on the City's overtime budget; and

WHEREAS, the parties now wish to memorialize their agreement with regard to use of vacation accruals;

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the parties that the following shall constitute an agreement between them:

1. Notwithstanding Article IX, Section I of the CBA, the City agrees effective immediately and on a permanent basis, to permit all PBA members, at their discretion, to utilize any of their annual vacation time allotment one (1) day at a time.

2. Notwithstanding Article IX, Section G of the CBA, the City further agrees, on a permanent basis, to permit all PBA members, at their discretion, to cash out up to ten (10) unused vacation days (80 hours). Requests for such cash out must be made by the PBA member to the Police Chief in the calendar year the cash out is desired.
3. The parties understand and agree that neither this Side Letter of Agreement, nor the terms and conditions set forth herein, shall constitute a precedent with respect to the utilization of vacation days and/or for any other purposes whatsoever prior to the ratification of this agreement.
4. All the other terms and conditions of employment of the CBA not expressly modified herein shall remain the same.
5. This Side Letter of Agreement is subject to ratification by the PBA and approval by the City Council of the City of Beacon.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

Dated: January __, 2024

PATROLMEN'S BENEVOLENT ASSOCIATION OF BEACON, NEW YORK, INC.	THE CITY OF BEACON
_____	_____
Affdecrin Vargas, President	Christopher White, City Administrator

City of Beacon City Council Agenda
01/16/2024

Title:

Extension of Special Use Permit for Edgewater

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding the Extension of a Special Use Permit for Edgewater

Applicant Request for Extension of a Special Use Permit for Edgewater

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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

MEMORANDUM

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

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

RE: **Scenic Beacon Development LLC (Edgewater) - Request for a two-year special use permit extension**

DATE: **January 12, 2024**

The Beacon City Council received a request from Scenic Beacon Development LLC (the "Applicant") for a two-year extension of the Special Use Permit it was granted by the City Council, Resolution No. 116 of 2018, dated August 6, 2018 (hereinafter referred to as the "Edgewater project"). Among other things, Condition No. 8 of the Special Use Permit provided the Applicant's approval would expire two years from the date its first Building Permit was issued on January 14, 2022. The Applicant submitted a timely request for an extension on December 21, 2023.

Under controlling caselaw, a request for an extension or renewal of a Special Use Permit must be granted by the approving authority provided there has not been a change in circumstances, use, or violation of the conditions of approval. Our office has been advised by City staff that there has not been any change in circumstance, use, or conditions of approval which would give rise to a valid reason to deny the request. Moreover, under the Beacon City Zoning Code § 223-18.F(2) and Condition No. 8 of the Special Use Permit, the City Council may grant one (1) or more extensions of up to six (6) months each, "upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place."

Specifically, the City Building Inspector advised our office the Edgewater project has proceeded with due diligence and at a steady place, proper erosion control measures are in place, and the two-year extension seems reasonable. The Building Inspector also recommends the Special Permit extension be conditioned on the Applicant's timely renewal of the building permits issued for building numbers 5 and 7 which are set to expire on July 25th and 26th of 2024 respectively. We respectfully refer the City Council to the cover letter submitted by the Applicant's attorney as to why the Applicant requests a two-year extension and what progress has been made thus far.

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

cc: Chris White, City Administrator

CUDDY +FEDER LLP

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T 914 761 1300
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cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

December 21, 2023

VIA E-MAIL
Hon. Lee Kyriacou, Mayor
& Members of the City Council
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: Edgewater – Request for Two (2) Year Extension of Special Use Permit Approval
Scenic Beacon Developments, LLC
Premises: 22 Edgewater Place, Beacon, New York 12508
Tax Parcel ID: 5955-19-590022

Dear Mayor Kyriacou and Members of the City Council:

We are writing on behalf Scenic Beacon Developments, LLC (the "Applicant"), the owner of the above-referenced Premises, to request a two (2)-year extension (or four (4) six (6)-month extensions) of the City Council's Resolution Granting a Special Use Permit, dated August 6, 2018 (the "Special Permit Resolution") thereby extending the Special Permit Resolution from January 14, 2024 through to January 14, 2026. *See* **Exhibit A**.[1]

Pursuant to Condition No. 7.b on page 5 of the Special Permit Resolution, ". . . the special permit shall expire if all required improvements are not made within two (2) years from the date of issuance of the Building Permit." The Applicant received Building Permit No. 2022-0038 on January 14, 2022, and it is currently scheduled to expire on January 14, 2024. *See* **Exhibit B**.[2]

In accordance with Section 223-18.F(2)(b) of the City of Beacon Zoning Code, and Condition No. 8 on page 5 of the Special Permit Resolution, " . . . the City Council may grant one (1) or more

[1] *See* **Exhibit A**, Condition 8 at Page 5, which provides for extensions of the Special Permit Resolution. Special Permit Resolution Condition No. 7.a-b establishes two (2) expiration periods, the first providing the Applicant with one (1) year to file a Building Permit Application and the second providing the Applicant with two (2) years from the issuance of a Building Permit to complete the required improvements. As this Council may recall, it previously granted the Applicant extensions of time to file a Building Permit Application, which extended the Special Use Permit from August 6, 2019 to August 6, 2020. *See* **Exhibit C** – City Council Resolutions dated August 19, 2019 and February 18, 2020. The Applicant filed a Building Permit Application with the City's Building Department on August 6, 2020, thereby satisfying Condition 7.a. The instant request relates to the second expiration period established in Condition 7.b.

[2] Note: Since the issuance of that initial Building Permit for Building No. 6, the Applicant has also received the following Permits: Building Permit No. 2022-0189 for Building No. 5, valid until July 25, 2024; Building Permit No. 2022-0197 for Building No. 7, valid until July 26, 2024; and Building Permit No. 2023-0069 for Tenant Amenity Space, valid until March 6, 2025. These Permits comprise the Phase I work for the Project.

CUDDY +FEDER LLP

extensions of up to six (6) months each, to . . . (b) complete construction of the improvements, upon a finding that an applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the project."[3]

As this Board is likely aware, the Edgewater project has been under development at the Premises since the issuance of the first building permit, Building Permit No. 2022-0038, on January 14, 2022. The Applicant has since been working diligently to complete the Edgewater project, and the Applicant advises that the construction of the first three (3) buildings (i.e., Phase I) is approximately 75% complete as of November 30, 2023. The Applicant further anticipates that the first three (3) buildings will be fully constructed by March of 2024, and that the remaining four (4) buildings are expected to commence construction in June 2024 and be completed by June of 2026.

Provided the Applicant's diligent efforts and the ongoing construction at the Premises to fully complete the construction of the Edgewater project, the Applicant respectfully requests a two (2)-year extension (four (4) six (6)-month extensions) of the Special Permit Resolution until January 14, 2026. This request for extension is timely as the Approval Resolution is not set to expire until January 14, 2024.

We would note in further support of this request that there are no changes proposed to the parameters of the Edgewater project, nor have there been any material changes to the facts and circumstances that existed when the Special Use Permit Resolution was adopted.

We respectfully request that you please place this extension request on the City Council's January 8, 2024 Workshop Agenda for consideration of the Applicant's request for a two (2)-year extension. In the meantime, if the Council or City staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Thank you in advance for your consideration of this matter.

Very truly yours,

Taylor M. Palmer

Enclosures

cc: Christopher White, City Administrator
Nicholas Ward-Willis, Esq., City Attorney

[3] Note: This extension request does not require a public hearing. *See* **Exhibit A**, Condition 8 at Page 5, and Zoning Code Section 223-18.F(3).

Exhibit A

CITY OF BEACON
CITY COUNCIL

Resolution No. 116 of 2018

RESOLUTION GRANTING A SPECIAL USE PERMIT FOR EDGEWATER (22 EDGEWATER PLACE)

WHEREAS, **Scenic Beacon Developments, LLC** (the "Applicant") submitted an application for a Special Use Permit to construct multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Parcel IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §223-18; and

WHEREAS, the Special Use Permit application was submitted by the Applicant in conjunction with its application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings originally containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the "Project" or "Proposed Action"); and

WHEREAS, the Subdivision is shown on the drawing, entitled, "Lot Consolidation Map Prepared for Weber Projects LLC," dated March 6, 2017, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings entitled, "Site Plan Edgewater," Sheets 1-15, dated January 31, 2017, last revised June 26, 2018, prepared by Aryeh Siegal, Architect; and

WHEREAS, the original Proposed Action was a Type I action pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, 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 December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program ("LWRP") policies which apply to the Project; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals opened and closed a public hearing on the Applicant's variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant's variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts;

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,533 square feet being deducted prior to determining the net buildable area for the Project.

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans for the Project which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions to the Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage, while increasing the area to remain as green space and not developed and

providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed ("Amended Project" or "Amended Proposed Action"); and

WHEREAS, the Project will provide twenty five (25) Below Market Rate Housing as per the City Code; and

WHEREAS, the Amended Project is no longer a Type I action because it was amended to include 246 total dwelling units which falls below the threshold for Type I actions; and

WHEREAS, the Amended Project is therefore an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Proposed Action and the Amended Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the Local Waterfront Revitalization Program ("LWRP") policies which apply to the Amended Project; and

WHEREAS, on July 16, 2018, the City Council opened a public hearing on the Special Use Permit application in connection with the Amended Project, at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 16, 2018; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code Sections 223-18 and finds the proposal complies with this section of the Zoning Law, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to Sections 223-18 of the City Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.

2. The project is within walking distance of the Beacon Train Station and will provide economic benefits of pedestrian traffic to Main Street, while not significantly increasing vehicular impacts on City streets.

3. The Project includes a balanced mix of housing types and sizes, including 25 below-market-rate units in accordance with the City's Affordable Workforce Housing Law.

4. The location, nature and height of buildings, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings.

5. Operations in connection with any special use will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.

6. The proposed Amended Project is compatible with other multifamily developments in the surrounding neighborhood, which include the existing Tompkins Terrace and Colonial Springs residential developments.

7. Parking areas will be of adequate size for the particular use and property located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

BE IT FURTHER RESOLVED, that the City Council grants a Special Use Permit to Scenic Beacon Developments, LLC to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District, and designated on the City Tax Map as Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Subdivision and Site Plan 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 review of this Application.

3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.

4. The Applicant has agreed that the trail depicted on the western side of the property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail")are open to the public, dawn to dusk, weather dependent, and that such trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). Regulations regarding public

use of the Connection Trail will be determined during Site Plan review. The specific location of the connection between the Greenway Trail and the Connection Trail cannot presently be identified by the City. Therefore, the Amended Site Plan shall be designed to accommodate a pedestrian connection to the Metro-North northern parking lot immediately to the west or any proposed development on such property (City Tax Map as Parcel IDs 5954-25-549980 and 5954-33-549777), and thereby also more directly connect to Train Station and any future northern extension of the Hudson River Greenway Trail through the Metro-North parking area. The Subdivision shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, to locate, construct and maintain said Greenway Trail connection.

5. A copy of this Resolution shall be attached to the Certificate of Occupancy.

6. As used herein, the term "Applicant" shall include its heirs, successors and assigns.

7. In accordance with Section 223-18.F(1)(b)(2) of the Zoning Law, 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.

8. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.

9. The Building Inspector may revoke this Special Permit approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit approval.

10. 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.

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

Dated: August 6, 2018

Resolution No. 116 of 2018			**Date: August 6, 2018**				
☐ **Amendments**						☐ **2/3 Required.**	
☐ **Not on roll call.**			☐ **On roll call**			☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	**x**				
		Jodi McCredo		**x**			
x		**George Mansfield**	**x**				
		Lee Kyriacou	**x**				
	x	**John Rembert**		**x**			
		Amber Grant					**x**
		Mayor Randy J. Casale	**x**				
		Motion Carried	**x**				

Received In the Office of the
City Clerk
August 7, 2018

Exhibit B

This permit is granted on the express condition that all work done hereunder shall in all respects conform to the requirements of the New York State Uniform Fire Prevention and Building Code and the plans and specification submitted to the Building Department.

NO. 2022-0038

City of Beacon

One Municipal Plaza - Suite 1
Beacon, New York 12508

Building Permit

Issued Date: **1/14/2022**
Expiration Date: **1/14/2024**

Construction Address: **22 Edgewater Pl**
SBL: **5955-19-590022** **11 Creek Dr. Suite 102A**
Owner's Name & Address **Scenic Beacon Developments**
11 Creek Dr. Suite 102A

Beacon **NY** **12508**

Applicant: **Scenic Beacon Developments**

Permit to Commence the Following Work:

Type 1A/5A R2 podium construction - 34 units to include 19 one bedroom and one bath, 11 two bedroom and two bath, 1 two bedroom and one bath, 1 two bedroom and one and half bath, 2 three bedrooms and three bath, 4 BMR (below market rate) units.

CONTRACTORS

Fees:

BUILD	**$30,747.90**
Total:	**$30,747.90**

Approved David Buckley (m)

Work must begin within 6 (six) months from date of issue. Permit expires 2 (two) years from date of issue. Occupancy in whole or part of building without a Certificate of Occupancy is prohibited by law.

CITY OF BEACON
BUILDING PERMIT

Permit Number # 2022-0038

Address: Edgewater Place

Date Issued: 1/14/22 Expiration Date 1/14/24

NOTICE TO PROPERTY OWNER: This card must be prominently displayed on building so as to be seen from fronting street.

David Buckley

Building Inspector, (845) 838-5020

15163-52533 VOSS SIGNS, LLC. MANLIUS, NY 13104-0553 1-800-473-0698 www.VossSigns.com

Exhibit C

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 115 OF 2019

GRANTING A SPECIAL USE PERMIT EXTENSION FOR EDGEWATER (22 EDGEWATER PLACE)

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the "Applicant") to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the "Special Permit Resolution"). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the Applicant's request was timely, as one (1) year had not elapsed since the date of the August 6, 2018 Special Permit Resolution; and

WHEREAS, the City Council is in receipt of a letter from Michael A. Bodendorf, P.E., dated July 26, 2019, requesting two (2) six (6) month extensions of the City Council's Resolution Granting a Special Use Permit, dated August 6, 2018; and

WHEREAS, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 of the Special Permit Resolution, the City Council may grant one (1) or more extensions of up to six (6) months each, to "(a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit;" and

WHEREAS, Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board's Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office; and

WHEREAS, the Applicant appeared at the Council's August 5, 2019 Work Session meeting and answered questions from the Council and the Council discussed that granting two (2) six (6) month extensions was not warranted.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants one (1) six (6) month extension of the City Council's Resolution Granting a Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Dated: August 19, 2019

Resolution No. 115 of 2019			Date: August 19, 2019				
☐ Amendments						☐ 2/3 Required.	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCredo	x				
x		**George Mansfield**	x				
		Lee Kyriacou	x				
		John Rembert	x				
	x	**Amber Grant**	x				
		Mayor Randy J. Casale	x				
		Motion Carried	x				

Received in the Office of the City Clerk August 20, 2019

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 48 OF 2020

GRANTING A SPECIAL USE PERMIT EXTENSION FOR EDGEWATER (22 EDGEWATER PLACE)

5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the "Applicant") to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the "Special Permit Resolution"). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

WHEREAS, on August 19, 2019, the City Council granted one (1) six (6) month extension of the City Council's Resolution Granting A Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2019; and

WHEREAS, the City Council is in receipt of a letter from Taylor Palmer, Esq. from Cuddy & Feder, LLP., dated January 30, 2019, requesting an additional six (6) month extension of the City Council's Resolution Granting a Special Use Permit; and

WHEREAS, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 of the Special Permit Resolution, the City Council may grant one (1) or more extensions of up to six (6) months each, to "(a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit;" and

WHEREAS, Mr. Palmer explained in his letter that the Applicant is working with City Staff toward satisfying the final comment from the Dutchess County Department of Behavior and Community Health (the "County Health Department"), so that the Final Subdivision Plat may be approved and signed by the County Health Department; and

WHEREAS, the Applicant has been in contact with the City Attorney and the City Administrator regarding the sign-off from the County Health Department; and

WHEREAS, the Applicant appeared at the Council's February 10, 2020 Work Session meeting and answered questions from the Council.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby finds that the Applicant is working toward completion of the conditions of approval with due diligence and has offered a reasonable explanation of its inability to complete such improvements and filed a bona fide application for a building permit and grants one (1) six (6) month extension of the City Council's Resolution Granting a Special Use Permit for property located at 22 Edgewater Place to expire on August 6, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Resolution No. 48 of 2020			Date: February 18, 2020				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
x		**Terry Nelson**	x				
		Jodi McCredo	x				
	x	**George Mansfield**	x				
		Amber Grant	x				
		Air Rhodes	x				
		Dan Aymar-Blair	x				
		Mayor Lee Kyriacou	x				
		Motion Carried	x				

Filed in the Office of the City Clerk
February 20, 2020

Title:

Executive Session: Personnel

ATTACHMENTS