



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

**February 20, 2024
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing for a Proposed Local Law Concerning Minimum Parking Requirements (to be adjourned to March 18, 2024)

Public Hearing for a Proposed Local Law Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 26 - Authorizing Amendments to the 2024 Budget
2. Resolution No. 27 - Adopting Local Law No. 1 of 2024 Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

Approval of Minutes

1. February 5, 2024 Minutes

Announcement of Next Meeting: February 26, 2024 at 7:00 p.m.

Public Comment - Second Opportunity

Adjournment

City of Beacon City Council Agenda
02/20/2024

Title:

Public Hearing for a Proposed Local Law Concerning Minimum Parking Requirements (to be adjourned to March 18, 2024)

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Previously Issued Parking Waivers (Feb. 9, 2024)

KARC Planning Consultants, Inc. Memorandum Regarding Beacon Parking Regulations (Feb. 9, 2024)

Keane & Beane, P.C. Memorandum Regarding Parking Fee In Lieu Of (Feb. 9, 2024)

Keane & Beane, P.C. Memorandum Regarding Supplemental Amendments to a Proposed Local Law Concerning Minimum Parking Requirements (Jan. 12, 2024)

Keane & Beane, P.C. Memorandum Regarding Supplemental Amendments to a Proposed Local Law Concerning Minimum Parking Requirements (Jan. 26, 2024)

Proposed Local Law Concerning Minimum Parking Requirements

Proposed Local Law Concerning Minimum Parking Requirements - Short EAF Part 1: Narrative

Proposed Local Law Concerning Minimum Parking Requirements - Short EAF Part 1

City of Beacon Planning Board Memorandum Regarding a Proposed Local Law Concerning Minimum Parking Requirements

Dutchess County Department of Planning and Development Response Regarding a Proposed Local Law Concerning Minimum Parking Requirements

■ **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: Lee Kyriacou, Mayor
Beacon City Council

FROM: Keane & Beane, P.C.

RE: Supplemental Memo on Previously Issued Parking Waivers

DATE: February 9, 2024

At its January 29, 2024 meeting, the Council reviewed the attached memo from Building Inspector Bruce Flower which identified certain parking waivers granted by the Planning Board from 2017 to the present. The Council requested further information on those waivers, which was extracted from the Planning Board's resolutions and is set forth below:

1) **1154 North Ave:**

- convert an existing two-story building, previously used for storage, into two art galleries including minor exterior improvements on the east side of the building including a new gravel walkway, side light, and double glass door to the upper floor gallery
- waiver requested pursuant to 223-41.18.G(4) because the site is less than 8,000 sf with a building no greater than 5,000 sf
- pursuant to City of Beacon Zoning Code §223-41.18.G(4) the Planning Board hereby grants a waiver of the requirement to provide nine (9) off-street parking spaces due to the site's proximity to public parking and due to the unique physical layout of the site including its proximity to the intersection of North Avenue and Main Street which precludes safe, functional parking spaces on-site

2) **305 Main St.:**

- convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio
- waiver requested pursuant to 223-41.18.G(4) because the site is less than 8,000 sf with a building no greater than 5,000 sf
- Planning Board hereby waives the parking requirement pursuant to §223.41.18.G(4) of the City of Beacon Code, upon determining that the lot at 305 Main

Street is less than 8,000 square feet, on-site parking is infeasible and the total floor area is less than 5,000 square feet

3) **184 Main St.:**

- replace an existing 1-story restaurant with a new 2-story building containing two restaurants
- waiver requested pursuant to 223-41.18.G(4) because the site is less than 8,000 sf with a building no greater than 5,000 sf
- Planning Board finds that the provision of off-street parking on the Property is infeasible because the building occupies almost the entirety of the lot, and accordingly, hereby waives the requirement to provide eight (8) off-street parking spaces

4) **416 Main St.**

- construct an 11,715 square foot, four (4) story, mixed-use building fronting on Main Street, comprised of 4,295 square feet of ground-floor retail space, as well as 6,635 square feet of commercial office space on the second and third floors, containing one (1) apartment unit on the stepped back fourth floor and to construct a 1,017 square foot live/work building
- Applicant proposed to provide two (2) parking spaces for the proposed residential uses and requests a waiver of the remaining 21 on-site parking spaces required
- City of Beacon Code § 223-41.18.G(3) authorizes the Planning Board to modify the minimum quantity of required on-site parking spaces where there is sufficient public parking available within 800 feet of the site and within the CMS District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use
- pursuant to City of Beacon Code § 223-41.18.G(3), the Planning Board finds that there is sufficient public parking available within 800 feet of the site in the CMS District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use and accordingly, hereby waives the requirement to provide an additional 21 on-site parking spaces (relied on public parking lots – Churchill, VanNydeck, Henry Street)

5) **2 Cross St.**

- construct a new 3-story mixed use building with commercial spaces on the ground floor, 18 residential apartment units on the 2nd and 3rd floors for “elderly seniors” (all 18 units are affordable under Dutchess County Housing Trust Fund and NYS Homes and Community Renewal Agency – at least 2 BMR)

- This was a complicated one, but end result is that 34 spaces were required by Code, Board waived 5 retail spaces, allowed shared parking for the remaining except for 9 which must be designated for the senior residential use, and allowed 4 spaces to be landbanked

- Planning Board hereby grants a parking waiver for the proposed retail use on the Main Parcel in the CMS Zoning District pursuant §223-41.18.(G)(3)(f) of the Zoning Code to allow five (5) off-street parking space for such use, where ten (10) spaces are required by the Zoning Code, based on the sufficiency of public parking within a 800 foot radius, including on-street parking in the vicinity. Such waiver shall not be applicable to the nine (9) parking spaces required for the existing residential units at 8, 10 and 12 Cross Street located in the T District or the fifteen (15) parking spaces required for the proposed residential uses on the Main Parcel. Pursuant to Section 223-26.E of the Zoning Code the Planning Board also waives the initial improvement of four (4) of the 29 off-street parking spaces. Further, pursuant to Section 223-26.C(6) of the Zoning Code, the Planning Board authorizes the shared use of the proposed parking spaces for the residential and retail uses on all parcels, with the exception of any parking spaces specifically reserved for the senior residential units, based upon a review of the submitted Shared Parking Analysis because the number of parking spaces provided will substantially meet the intent of the Zoning Code by reason of variation in the probable time and maximum use. Thus, the Planning Board hereby permits a total of 29 off-street parking spaces to serve both the Main Parcel and the existing residential units at 8, 10 and 12 Cross Street

6) 152-158 Fishkill Ave.

- construction of a 2 ½ story mixed-use building consisting of approximately 8,071 gross square feet of commercial areas on the first floor and a total of 16 residential units (8 1-bedroom units and 8 2-bedroom units), including two (2) Below Market Rate units, with associated off-street parking on a combined parcel consisting of 43,885 square feet

- Beacon City Code § 223-26.C(6) authorizes the Planning Board to approve the joint use, or shared use, of parking spaces by two or more uses on the same lot or on contiguous lots, the total capacity of which is less than the spaces required for each, provided the Board finds that the number of parking spaces provided will substantially meet the intent of the Zoning Code by reason of variation in the probable time and maximum use and provided that such approval shall be automatically terminated upon a change of use at the Property

- the Applicant submitted a Shared Parking Analysis, prepared by Colliers Engineering & Design, dated March 8, 2023, last revised April 23, 2023, which provides in relevant part that the parking needs of the residential units and commercial units are varied from each other in terms of the probable time and maximum use, and fifty-three (53) off-street parking spaces is sufficient for the proposed uses, to which the City's

Traffic Consultant opined that the proposed number of off-street parking spaces is expected to accommodate the parking demand of the Proposed Action

- Section 223-26.E of the Zoning Code authorizes the Planning Board to waive the initial improvement of up to 50% of the required parking spaces provided that the property owners are able to provide for such improvements within six months being notified by Planning Board that such waived improvements are deemed necessary
- in accordance with the Beacon City Code § 223-26.C(6), the Planning Board hereby finds that the joint use of the off-street parking spaces by the proposed residential and commercial uses will substantially meet the intention of the of Beacon Zoning Code based upon the Shared Parking Analysis provided by reason of variation in the probable time of peak demand and therefore, the Applicant may provide for fifty-three (53) off-street parking spaces for joint use of the residential and commercial uses on the condition that the Planning Board's approval of such joint use shall automatically terminate upon a change of use at the Property
- pursuant to Section 223-26.E of the Zoning Code the Planning Board waives the initial improvement of four (4) of the fifty-three (53) off-street parking spaces

7) **536 Main St.**

- construction of a three (3)-story commercial building consisting of 14,304 s.f. of floor area, with 4,768 s.f. of floor area on each level, on an unimproved parcel having a total lot area of 5,870 s.f., or +/- 0.135 acres (Warp and Weft – carpet retailer)
- Section 223-41.18.G(3) authorizes the Planning Board to modify the parking requirements applicable in the CMS District provided one or more certain circumstances are present, as set forth in Section 223-41.18.G(3), which negate the necessity of all required parking
- Applicant submitted a Traffic and Parking Study, dated January 31, 2023, revised March 31, 2023, prepared by DTS Provident Design Engineering, LLP, White Plains, NY, which was reviewed by the City traffic consultant, and provided justification for the requested waiver of 23 off-street parking spaces for the Project
- Planning Board of the City of Beacon hereby grants a waiver of the 23 required off-street parking spaces pursuant to the City of Beacon Code §§ 223-41.18.G(3)(a) and (d) due to a showing made by the Applicant that the projected operational characteristics of the proposed use require a different amount of parking, and there is sufficient public parking available within 800 feet of the site and within the CMS District to meet the foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.



CITY OF BEACON New York Building Department

*Bruce Flower
Building Inspector*

845-838-5020
Email: bflower@beaconny.gov

To: Christopher White, City Administrator

From: Bruce Flower, Building Inspector

Re Parking Waivers

Date: January 29, 2024

I have gone back and reviewed the Planning Board Resolutions from 2017 to present and have found the following parking waivers which were issued.

6/13/2023	536 Main Street	Waiver granted for all required parking spaces
9/22/2023	152-158 Fishkill Ave.	Waiver granted for 10 parking spaces. 53 parking spaces being provided on site.
8/11/2023	2 Cross Street	Waiver granted for 10 parking spaces for retail space. Residential parking being provided in the rear of building and adjacent property with same ownership.
5/13/2021	416 Main Street	Waiver granted for 21 parking spaces. 2 parking spaces provided on site for the residential use.
2/10/2021	184 Main Street	Waiver for 8 parking spaces. None provided on site
1/14/2020	305 Main Street	Waiver for all required parking spaces.
3/12/2019	1154 North Ave.	Waiver for 9 parking spaces. None provided on site

In addition to the granted parking waivers, I did find one variance was issued by the Zoning Board of Appeals for 226 Main Street approved 12/12/2017 which did not provide any parking spaces where 8 were required.

I also found 2 other projects on Main Street which had received site plan approval but did not have to provide parking spaces since their parking requirement did not increase more than 25%. Section 223-26 B (2) allows buildings which erected prior to 4/20/1964 and have an increase in intensity of use less than 25% shall not have to provide additional parking spaces. These were 296 Main Street 2/10/2020 and 206-208 Main Street 8/12/2019.

TO: Lee Kyriacou, Mayor
Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants, Inc.

DATE: February 9, 2024

RE: Supplemental research to Proposed Local Law No. 1 of 2024 Concerning
Minimum Parking Requirements

This memorandum provides responses to questions posed by members of the City Council at the January 29, 2024 workshop meeting. In addition to the responses below, the following articles may provide further insight into the connection between the cost of development, including the cost of parking, and housing affordability.

- ❖ Impacts of Parking Requirements on Housing Affordability - <https://vtpi.org/park-hou.pdf>
- ❖ Flexible Zoning Helps Contain Rising Rents - <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/04/17/more-flexible-zoning-helps-contain-rising-rents>

Question: How are other communities utilizing payments in lieu of parking?

In addition to examples included in the March 2015 memorandum from Keane & Beane, payment in lieu of parking policies for the City of Poughkeepsie and City of New Rochelle are summarized below.

City of Poughkeepsie, Code Section 19-3.37(13)(e)

The City of Poughkeepsie still maintains parking minimums, but has implemented an optional waiver with a fee in lieu of parking in the Poughkeepsie Innovation District (downtown core) to “provide applicants with an alternative to restrictive on-site parking requirements and can encourage better and more efficient site design.” In determining whether or not to issue a parking waiver, the Planning Board shall consider: 1) the constraints prohibiting the applicant from providing sufficient parking; 2) the proximity of municipal parking facilities; and 3) the availability of sufficient parking in identified municipal parking facilities. If the Planning Board issues a waiver pursuant to this section, the applicant shall pay a one-time fee in lieu to the Planning Department according to the following fee schedule.

Table 3.37-5. Parking Fee Schedule	
Number of Parking Spaces Waived	Fee per Waived Parking Space*
1 to 6	\$500
7 to 10	\$1,000
11 to 20	\$3,000
More than 20	\$5,000

City of New Rochelle, Code Section 331-126E(2)(b)

The City of New Rochelle implemented a fee in lieu of parking program for the designated “central parking area.” The program can only be used to waive parking associated with residential uses.

1 to 6 dwelling development - \$1,000.00

7 to 10 dwelling development - \$2,000.00

11 to 20 dwelling development - \$6,000.00

More than 20 dwelling unit development - \$20,000.00*

Annual fee in perpetuity for project with more than 20 dwelling units
(unless a one- time payment is provided) - \$1,000.00

*\$30,000 if no annual fee is provided.

Question: How does payment in lieu of parking impact affordability?

Parking is expensive to build. For a surface parking lot, the average estimated cost is \$5,000 - \$10,000 per parking space. A parking space in a structured garage costs on average \$25,000 to \$50,000 per space to build. Most payment in lieu of parking programs charge a fee that is significantly less than the cost to build parking. However, the cumulative payments from developers can be utilized by the City through a dedicated parking fund for capital and maintenance costs associated with publicly available municipal parking.

Question: How do other communities ensure that the cost benefit achieved from building out less parking is directed toward rental tenants?

The strategy of separating out the cost of parking from the cost of rent is referred to as “unbundled parking.” If a property developer is not required to construct parking on-site, that cost is inherently removed from the cost of construction and therefore does not get factored into the minimum rents required to make a project feasible. If a certain amount of parking is provided on site, developers can charge an additional fee for tenants that wish to utilize those spaces, or alternatively, consider a policy that allows a “cash out” option for tenants that will not be utilizing parking.

Cc: Chris White, City Administrator

■ **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: Lee Kyriacou, Mayor
Beacon City Council

FROM: Keane & Beane, P.C.

RE: Supplemental Memo on Parking Fee In Lieu Of

DATE: February 9, 2024

At its January 29, 2024 meeting, the Council discussed the concept of amending the zoning code to authorize the Planning Board to impose a fee when it determines required off street parking is not provided. Our office provided the attached memo to the Council in 2015. At that time, we also prepared the attached Local Law, which details the concept. We look forward to further discussing this with the Council at Monday's meeting.

MEMORANDUM

TO: Mayor Randy Casale and Members of the Beacon City Council
FROM: Keane & Beane, P.C.
RE: Fee in Lieu of Parking
DATE: March 4, 2015

The City Council may adopt a local law which provides the option for a fee to be paid by land use applicants in lieu of providing the requisite number of parking spaces on a proposed site plan. Revenue from this fee would be placed in a separate fund to be used by the City for the acquisition or maintenance of parking facilities benefitting those property owners who were required to pay into the fund. The City used to have a provision in its Code for a fee in lieu of parking. (A copy is attached as Exhibit "A"). The provision was repealed in 2008.

General City Law §27-a authorizes the City Council (or, where authorized, the Planning Board) to "review and approve, approve with modifications, or disapprove site plans, prepared to the specifications set forth in the ordinance or local law and/or regulations of such authorized board." Section 223-25 of the Beacon Zoning Code requires site plans to show the location of all parking and truck loading areas and Section 223-26 enumerates the required number of parking spaces to be provided, based on the use of the property. (A copy of the relevant Zoning Code provisions is attached as Exhibit "B"). Other than seeking an area variance from the Zoning Board of Appeals, the Zoning Code does not currently contain an alternative to providing the required number of parking spaces on the site plan.¹

To encourage development along Main Street where it may be difficult for property owners to provide the requisite number of parking spaces on-site, the City Council may consider adopting a local law permitting the property owner to pay a fee to the City, instead of providing parking spaces. Although there is no specific statutory authorization for such fee (as compared to General City Law §27-a(6) which allows for a fee in lieu of parkland), the Municipal Home Rule Law permits municipalities to supersede the zoning and planning provisions of the General City Law. See Opns St

¹ Section 223-26.E allows a waiver for the construction of up to 50% of the required spaces, but all required parking spaces must nonetheless be shown on the site plan. The property owner is then responsible for construction of the waived spaces in the future if it is determined by the City Council or Planning Board that such parking spaces are necessary. Also, under Section 223-26.B structures and uses in existence prior to 4/20/64 are not subject to the parking requirements of Section 223-26, except under certain circumstances.

Comp, 1983 No. 83-182 (village may supersede Village Law adopt local law to allow property owner to pay fee in lieu of parking).

Similar to monies collected pursuant to the Zoning Code's fee in lieu of parkland provisions, the monies collected as a result of this local law must be placed in a separate fund earmarked exclusively for actions designed to acquire or maintain parking spaces in the district from which the fee was paid. The Beacon Zoning Map currently shows a "Parking Overlay District" which generally includes parcels along Main Street from Route 9D to and including East Main Street. (A copy of the Zoning Map is attached as Exhibit "C"). One option is for the property owners within the Parking Overlay District, perhaps with some adjustments to its boundaries, to be afforded the opportunity to pay a fee in lieu of parking when seeking site plan approval from the City.

The following cities have adopted fee in lieu of parking provisions in their local code: City of New Rochelle, City of Rye, City of Glen Cove, City of Yonkers.

Attached is a draft local law establishing a fee in lieu of parking, along with a draft resolution adopting the local law and a draft resolution amending the City of Beacon Master Fee Schedule to enumerate the applicable fee.

Under the draft local law, an applicant in the Parking Overlay District who cannot provide the requisite number of parking spaces may seek a variance from the Zoning Board of Appeals. If granted, the variance must be conditioned upon the applicant offering to the City Council a fee for each parking space for which a variance is granted. The amount of the fee per parking space will be set by the City Council annually in the Master Fee Schedule.

Alternatively, the local law could be drafted so that the Planning Board has the authority to determine whether to waive all or a portion of the requisite parking spaces, eliminating the need for the applicant to seek a parking variance from the Zoning Board of Appeals. To streamline the approval process, we recommend that the Planning Board be authorized to determine whether to grant a parking waiver.

Examples of parking fees charged by other municipalities are as follows:

Village of Southampton	\$8,000 per space
Village of East Hampton	\$10,000 per space
Village of Mount Kisco	\$10,000 per space
City of Yonkers	\$35,000 per space
City of Glen Cove	Nonresidential: First 5 spaces free; 6-20 spaces \$750 per space; \$3,000 each additional space over 20
	Residential or Residential Mixed Use: \$3,000 per space
City of Rye	Central Business District Parking Study (2001) suggested \$2,000-\$3,000 per space

(Prior City of Beacon provision repealed in 2008 charged \$1,500 per space)

EXHIBIT A

Subsection F herein, in connection with a proposed building or addition, he may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.

~~(2) Fee in lieu of waived parking. Where, because of limitations of size, dimensions or topography of a lot, an applicant in the Parking Overlay District finds it impractical to provide all or a portion of the off street parking spaces required by this chapter in connection with a proposed building, a building enlargement or an increase in the intensity of use of a building in terms of the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified herein for required parking facilities, the Zoning Board of Appeals, at its discretion and upon a finding that the provision of such parking is impractical, shall require a fee from the applicant, as prescribed by § 223 61A herein, in conjunction with the granting of the variance which waives said parking. Said fee(s) shall be sequestered in a fund to be used for parking purposes only. [Amended 8-16-2004 by L.L. No. 19-2004]~~

- E. Waiver of improvement. Except within the Central Business District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board. [Amended 7-6-2004 by L.L. No. 13-2004]
- F. Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows, except that the Board of Appeals may modify these provisions as a condition of the issuance of a special permit according to the provisions of § 223-19.

Use

1- and 2-family dwelling

Multifamily dwelling and/or apartment or artist live/work space [Amended 8-6-2001 by L.L. No. 12-2001]

Professional office or home occupation permitted in a residential district

Bed-and-breakfast establishment, rooming house or boardinghouse [Amended 3-18-2002 by L.L. No. 9-2002]

Minimum Off-Street Parking

2 spaces for each dwelling unit

1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area

2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use

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

CITY OF BEACON



Iola C. Taylor
City Clerk
One Municipal Plaza, Suite One
Beacon, New York 12508

Telephone (845) 838-5003
Facsimile (845) 838-5012

I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 04 of 2008 entitled :

LOCAL LAW TO RESCIND CHAPTER 223-26(D)(2) and 223-61(A)(7)

OF THE BEACON CITY CODE TO

ELIMINATE PARKING FEE REQUIREMENT

adopted by the Beacon City Council at a regular meeting held on April 7, 2008. Council Member Leake made the motion that the proposed local law be adopted. The motion was seconded by Council Member Fredericks. On roll call, Council Members Leake, Kelly, Thompson, Fredericks, Casale, Pasti and Mayor Gold voted in favor (7). Motion carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 7th day of April, 2008.

Signed _____
Iola C. Taylor, City Clerk

SEAL

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 04 of 2008 of the City of Beacon was duly passed by the City Council on April 7, 2008, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the * _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county considered as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: April 7, 2008

(Certification to executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Dutchess

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

City Attorney

Title

City of Beacon

Date: April, 2008

Local Law Filing

New York State Department of State
41 State Street, Albany, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of.....Beacon.....

Town

Village

Local Law No....04.....of the year .2008.....

A Local Law (insert title):

LOCAL LAW TO RESCIND CHAPTER 223-26(D)(2) and 223-61(A)(7) OF THE BEACON CITY CODE TO ELIMINATE PARKING FEE REQUIREMENT

SECTION 1. **TITLE.**

This Local Law shall be entitled "Local Law to Rescind Chapter 223-26(D)(2) and 223-61(A)(7) of the Beacon City Code To Eliminate Parking Fee Requirement".

SECTION 2. **INTENT AND PURPOSE.**

This Local Law is intended to rescind present Chapter 223-26(D)(2) and 223-61(A)(7) of the Beacon City Code to eliminate the \$1,500 parking fee requirement authorized by those sections because the fee has not achieved its intended objectives and has caused problems of fair administration.

SECTION 3. **AMENDMENT.**

Chapter 223-26(D)(2) and 223-61(A)(7) of the Beacon City Code is hereby rescinded.

SECTION 4. **EFFECTIVE DATE.**

This Local Law shall take effect immediately upon its filing with the Secretary of State.

EXHIBIT B

City of Beacon, NY
Wednesday, March 23, 2016

Chapter 223. Zoning

Article III. General Regulations

§ 223-25. Site development plan approval.

[Amended 3-1-1993 by L.L. No. 2-1993; 4-5-1993 by L.L. No. 3-1993; 10-18-1993 by L.L. No. 4-1993; 5-19-2003 by L.L. No. 5-2003]

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

[Amended 12-5-2011 by L.L. No. 14-2011]

- B. Application for site development plan approval.

[Amended 11-19-2007 by L.L. No. 13-2007; 7-18-2011 by L.L. No. 11-2011; 4-21-2014 by L.L. No. 1-2014]

- (1) An application for a building permit for a use requiring site development plan approval shall be made to the Building Inspector by a legally certified individual or firm, such as a registered architect or professional engineer. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the regular Planning Board meeting at which it will be considered. The site development plan shall contain the following information:

- (a) A map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.
- (b) The proposed location, use and design of all buildings and structures.
- (c) Any proposed division of buildings into units of separate occupancy.
- (d) Existing topography and proposed grade elevations.
- (e) Location of all parking and truck loading areas, with access and egress drives thereto.
- (f) Location of any outdoor storage.
- (g) Location of all existing and proposed site improvements, including drains, culverts, retaining walls and fences.
- (h) Description of method of water supply and sewage disposal and location of such facilities.

- (i) Location and size of all signs.
 - (j) Location and design of landscaping and buffer areas.
 - (k) Location and design of lighting, power and communication facilities.
 - (l) Any other information as deemed necessary by the Planning Board.
- (2) Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter **190** shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Chapter **190**, Article **II**. The approved site plan shall be consistent with the provisions of Chapter **190**.
- (3) Certificate of inspection. A certificate of inspection issued pursuant to § **179-6** of this Code shall be required for site plan approval.
- C. Two-phase site plan approval for nonresidential projects. Notwithstanding the provisions of Subsection **B** above, where a proposed nonresidential development project may involve a number of buildings or uses to be developed over a period of time, the Planning Board is authorized to review the site plan in two distinct phases.
- (1) The first phase, called conceptual site plan review, shall consider the general parameters of the total proposed development, including total square footage of floor area, range of anticipated uses, traffic access and internal circulation, site buffering, sewer and water demands, parking requirements, and other relevant issues as determined by the Planning Board. The application for conceptual site plan approval shall contain the information set forth in Subsection **B**, but at a conceptual level. After review, and environmental compliance pursuant to Subsection **F** below, the Planning Board may grant a conceptual site plan approval, which shall set forth the parameters of the development approved, and any specific conditions or criteria under which future actions, including subdivisions, or project-specific site plans for individual elements of the conceptual site plan, will be undertaken, reviewed, and approved, including requirements for any subsequent SEQR compliance in accordance with Subsection **F** below. There shall be no vesting granted to any applicant by virtue of the adoption of conceptual site plan approval by the Planning Board.
 - (2) The second phase, called the project-specific phase, will include all elements not previously reviewed and approved as part of the conceptual review. These could include, in appropriate cases, but are not limited to details of site grading, architectural review, landscaping, parking compliance, etc.
 - (3) Subsequent to conceptual site plan approval by the Planning Board of the overall site area, owners may subdivide the site forming lots and/or buildings, provided that sufficient parking in accordance with § **223-26** of this chapter is included on each lot or is made available to support the use on each lot in a manner satisfactory to the Planning Board, and that no development within any lot will be permitted except as shown on a site plan approved by the Planning Board. Provisions satisfactory to the Planning Board for maintenance of all elements of the site plan shall also be a prerequisite for any subdivision of the overall site area. The standards as referred to in § **223-17D** shall apply to the overall site area, whether or not the same is or will continue to be under one ownership, so long as all of such land is contiguous, with the exception of any streets or driveways separating any part of such land from any other part. To the extent that the provisions of this subsection conflict with the provisions of § **223-12**, the provisions of this subsection shall be controlling.
- D. Referral of application to Planning Board. Each application requiring site development plan approval, together with the required information described in Subsection **B** above, shall be referred to the Planning Board by the Building Inspector within five days of the date of application.

Within 60 days of the date of the first Planning Board meeting on or after the date of referral, the Planning Board shall forward its recommendation to the Building Inspector, the City Engineer, and the applicant, and shall indicate whether the application should be approved, disapproved or approved with modifications and shall specify what modifications, if any, are necessary.

- E. Considerations. In acting on any site development plan application, the Planning Board shall take into consideration the recommendations of the City Development Plan, the proposed location, height and bulk of buildings, traffic circulation within and without the site, provision of off-street parking spaces, exterior lighting, buffer areas and other open spaces, drainage improvement in accordance with § 223-25G of this chapter and display of signs, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system.
- F. Environmental quality review.
 - (1) The Planning Board shall comply with SEQR prior to granting any approvals, on a generic or site-specific basis, as appropriate. Conceptual site plan reviews shall require SEQR analysis on a generic basis, which may be broader and more general than site-specific SEQR analysis, but may also include an assessment of project-specific impacts if such details are available. The generic analysis may identify the important elements of the natural resource base, and existing and projected features, patterns and character. It may discuss in general terms the constraints and consequences of any narrowing of future options. It may present and analyze, in general terms, hypothetical scenarios that could and are likely to occur.
 - (2) The generic analysis should set forth specific conditions or criteria under which future actions will be undertaken, reviewed, and approved, including requirements for any subsequent SEQR compliance. These conditions may include thresholds and criteria for supplemental SEQR analysis regarding site-specific impacts of certain scenarios, or potential alternatives, which were not previously addressed in the generic SEQR analysis. Further, any site-specific environmental impacts not previously addressed in the conceptual review shall be addressed in the project-specific phase.
- G. Drainage requirements.
 - (1) The developer may be required by the reviewing authority to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the project. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the City Construction Standards and Specifications.
 - (2) If a project contains an existing drainage channel conveying surface water from an off-site upstream drainage area, the developer shall be required to provide for the conveyance of such surface water runoff through the project. Drainage pipes and/or other conveyance facilities shall be provided large enough, in each project and for each existing drainage channel, to convey potential runoff from the entire upstream drainage area through the project, based on a one-hundred-year storm. The intent of this provision is to maintain the existing watershed drainage pattern as closely as possible and to safely convey stormwater runoff from the upstream drainage area through the project. Further, the developer shall also be required to install drainage pipes and/or other conveyance facilities in the project to accommodate on-site-generated stormwater runoff which traverses the project for a twenty-five-year storm based on post-development conditions.
 - (3) The reviewing authority may require the developer to prepare a study of the effects of the project on existing downstream drainage facilities based on the one-hundred-year storm. Where such study or the reviewing authority, after an independent analysis, determines that

the additional runoff resulting from the development of the project will adversely impact existing downstream properties or drainage facilities, the reviewing authority may withhold approval until provision has been made for the correction of said potential condition. An acceptable corrective provision may be the addition of on-site retention and/or detention of the increased post-development stormwater runoff from the project so that there would be no net increase in the peak rate of stormwater runoff over the project's predevelopment rate.

- (4) The applicant shall be responsible for submitting computations to the City Engineer in sufficient detail to make possible the ready determination of the adequacy of the proposed drainage facilities, and the City Engineer shall be responsible for reviewing these and preparing recommendations for the reviewing authority.

H. Park reservations.

[Added 12-5-2011 by L.L. No. 14-2011^[1]]

- (1) General standards. The Planning Board may require that a portion of land subject to site plan approval for a residential use be reserved for a park or parks suitably located for playground or other recreational purposes. Such locations shall be as designated on the City Development Plan or Official Map, or as otherwise deemed appropriate by the Planning Board. Each reservation shall be of suitable size, dimensions, topography and general character, and shall have adequate street or private road access, for the particular purpose or purposes envisioned by the Planning Board. The area shall be shown and marked on the site plan as "Reserved for Park Purposes."
- (2) Minimum size. The Planning Board may require the reservation of up to 10% of the area of the site plan for recreation purposes. In general, it is desirable that land reserved for park and playground purposes have an area of at least one acre.
- (3) Ownership of park areas. The ownership of reservations for park purposes shall be clearly indicated on the site plan and established in a manner satisfactory to the Planning Board so as to assure their proper future continuation and maintenance. When the Planning Board requires that an area for park, playground or recreational purposes be reserved on the site plan, such requirement shall not constitute an acceptance by the City of such area.
- (4) Cash payment in lieu of reservation. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located on any such site or are otherwise not practical, the Planning Board may require, as a condition to final approval of any such site plan, a payment in a sum to be determined by the approval authority in accordance with the fee schedule on file in the City Clerk's office. Said sum shall be deposited in a trust fund to be used by the City Council exclusively for neighborhood park, playground, or recreational purposes, including but not limited to the acquisition of land.
- (5) Referral. In the event the Planning Board intends to require a reservation of parkland, the Planning Board shall request a report and recommendation from the City Council as to the reservation of such land for park or recreation purposes.
- (6) If the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to § 195-25 of the City Code, the applicant shall be credited for any land set aside or money donated in lieu thereof under such subdivision plat approval.

[1] *Editor's Note: This local law also redesignated former Subsections H and I as Subsections I and J, respectively.*

I. Public hearing(s).

- (1) A public hearing shall be held by the Planning Board on each site development plan application. Notice of said hearing shall be published in a newspaper circulating within the City

of Beacon at least five days prior to the date of the public hearing, and any mailing of notices that may be required shall be at least five days before such hearing. The preparation and cost of publication and mailing of any notice required for such presentation shall be at the cost and expense of the applicant.

- (2) Notice of any hearing by regular mail shall be sent to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, and to the adjoining property owner or owners to the rear of the property affected. In addition, the Planning Board shall give any other notice required by law.
 - (3) With respect to the two-phase site plan approval process for nonresidential projects provided for in Subsection C above, a public hearing shall be held by the Planning Board during both the conceptual and project-specific phases, respectively.
- J. Expiration of approval. At the time of approving the site development plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
[Added 9-15-2003 by L.L. No. 14-2003].

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

A. General.

- (1) All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of this section to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking facilities and, where required loading and unloading spaces shall have been laid out in plan in accordance with the appropriate requirements for structures and uses as set forth in this section, and such required parking and loading facilities shall be completed before a certificate of occupancy shall be issued. As used herein, "parking facilities" shall be construed to include loading and unloading spaces required by this section.
- (2) In case of exceptional difficulty or unusual hardship to such properties arising out of the requirements of this section, the Board of Appeals may reduce the parking requirements but shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming and shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking may already exist, unless it is in excess of requirements.
- (3) Required off-street parking facilities which, after development, are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures for which they were originally provided.

B. Effect on existing uses.

- (1) Structures and land uses in existence on April 20, 1964, or structures and uses for which building permits had been approved on or before said date, shall not be subject to the

requirements set forth in this section, unless there shall occur an increased intensity of use, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirement, in which case they may not be reduced below such requirement.

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

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

- (1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.
- (2) Parking specifications.
 - (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 20 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 20 feet. This possible exception shall not be permitted in the CB 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 20 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
 - (c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 25 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces and except where such area is also utilized for the through circulation of vehicles, in which case a minimum width of at least 30 feet shall be provided.
- (3) Landscaping. Except for parking spaces accessory to a one-family dwelling, all off-street parking areas shall be curbed and landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. At least one tree with a minimum

caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 10 parking spaces.

[Amended 5-19-2014 by L.L. No. 6-2014]

- (a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking space 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. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.
 - (b) In all off-street parking areas containing 25 or more parking spaces, at least 10% of the total parking area shall be curbed and landscaped with trees, shrubs and other plant materials.
 - (c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.
- (4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter **190**, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD and RMF Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.
- [Amended 5-19-2014 by L.L. No. 6-2014]
- (5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
 - (6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Board of Appeals may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.
 - (7) Designed residence and multifamily residence districts.
 - (a)

In RD and RMF 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 be directly accessible to the normal approach from the street to each main entrance to that building and within 100 feet of that entrance. Upon recommendation from the Planning Board that a specific parking plan will provide comparable convenience of parking space location, the City Council may so modify the above requirement in approving any specific apartment development plan.

- (b) In RD or RMF Districts, not more than 50% of the required parking shall be provided in enclosed or garaged areas. Roofed areas, open on at least two sides, shall be considered open or unenclosed spaces.

D. Alternatives to providing parking spaces.

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

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

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

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

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

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

Use

1- and 2-family dwelling

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

[Amended 8-6-2001 by L.L. No. 12-2001]

Professional office or home occupation permitted in a residential district

Bed-and-breakfast establishment, rooming house or boardinghouse

[Amended 3-18-2002 by L.L. No. 9-2002]

Hotel

Minimum Off-Street Parking

2 spaces for each dwelling unit

1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area

2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use

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

Subject to § 223-20L

Use

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

Nursery school or day-care center
[Added 3-18-2002 by L.L. No. 10-2002]

Primary or secondary school
[Added 3-18-2002 by L.L. No. 10-2002]

Dance, art, tutorial, martial arts or similar instructional school
[Added 11-4-2002 by L.L. No. 29-2002]

Hospital, nursing home, convalescent home or home for the aged

Golf and country club
Bowling alley or other place of commercial recreation or public amusement
[Amended 7-6-2004 by L.L. No. 13-2004]

Retail or service business, including auction gallery
[Amended 2-18-1992; 6-21-1999 by L.L. No. 14-1999]

Restaurant or coffee house
[Amended 7-6-2004 by L.L. No. 13-2004; 5-2-2005 by L.L. No. 2-2005]

Office for business or pro-fessional use (other than accessory to residential use)
[Amended 6-21-1999 by L.L. No. 14-1999]

Banking office
[Amended 6-21-1999 by L.L. No. 14-1999]

Funeral parlor or under-taking establishment

Motor vehicle sales and service

Veterinary office

Car washing establishment
Research or development laboratory

Manufacturing or industrial use

Wholesale, storage, utility or other similar commercial use

Senior citizen use
[Added 3-22-1982]

Minimum Off-Street Parking

1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly

1 per employee plus 1 per classroom

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

1 space for each 150 square feet of gross floor space

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

1 space for each 2 memberships

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

1 space for each 200 square feet of gross floor area, excluding utility areas

1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater

1 space for each 200 square feet of gross floor area, excluding utility areas

1 space for each 200 square feet of gross floor area, excluding utility areas

10 spaces per establishment, plus 1 space per employee

1 space per employee, plus 1 space per 150 square feet of gross floor space

1 space per employee, plus 1 space per 300 square feet of gross floor space

Subject to § 223-21F

1 space per employee, but not less than 1 space per 600 square feet of gross floor space

1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space

1 space per employee but not less than 1 space per 1,000 square feet of gross floor space

2 spaces for each 3 dwelling units

Use

Museums in LI and/or LB Zone located within walking distance (3,000 feet) of entrance to train station

[Added 2-7-2000 by L.L. No. 5-2000; amended 5-2-2005 by L.L. No. 2-2005]

Artist studio

[Added 6-16-2003 by L.L. No. 6-2003]

Art gallery/exhibit space

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

Bar or brew pub

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

Microbrewery or microdistillery

[Added 5-2-2005 by L.L. No. 2-2005; amended 5-19-2014 by L.L. No. 8-2014]

Museum

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

Other uses not listed

Amended 5-2-2005 by L.L. No. 2-2005]

Minimum Off-Street Parking

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

1 space for each 500 square feet of gross floor space

1 space for each 250 square feet of gross floor area

1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater

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

1 space for each 300 square feet of gross floor area

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

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

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

- G. Operation and maintenance of off-street parking facilities. Required off-street parking facilities shall be maintained as long as the use of the structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.
- H. Off-street loading requirements. Off-street loading and unloading facilities shall be located on the same site with the use to be served, except as provided in Subsection **C(1)**, and shall be provided as follows:
- (1) Size. Each off-street loading space shall be at least 14 feet in width, at least 35 feet in length and at least 14 feet in height, exclusive of access and turning areas, except that adjacent loading spaces may be each 12 feet in width.
 - (2) Required number of spaces.

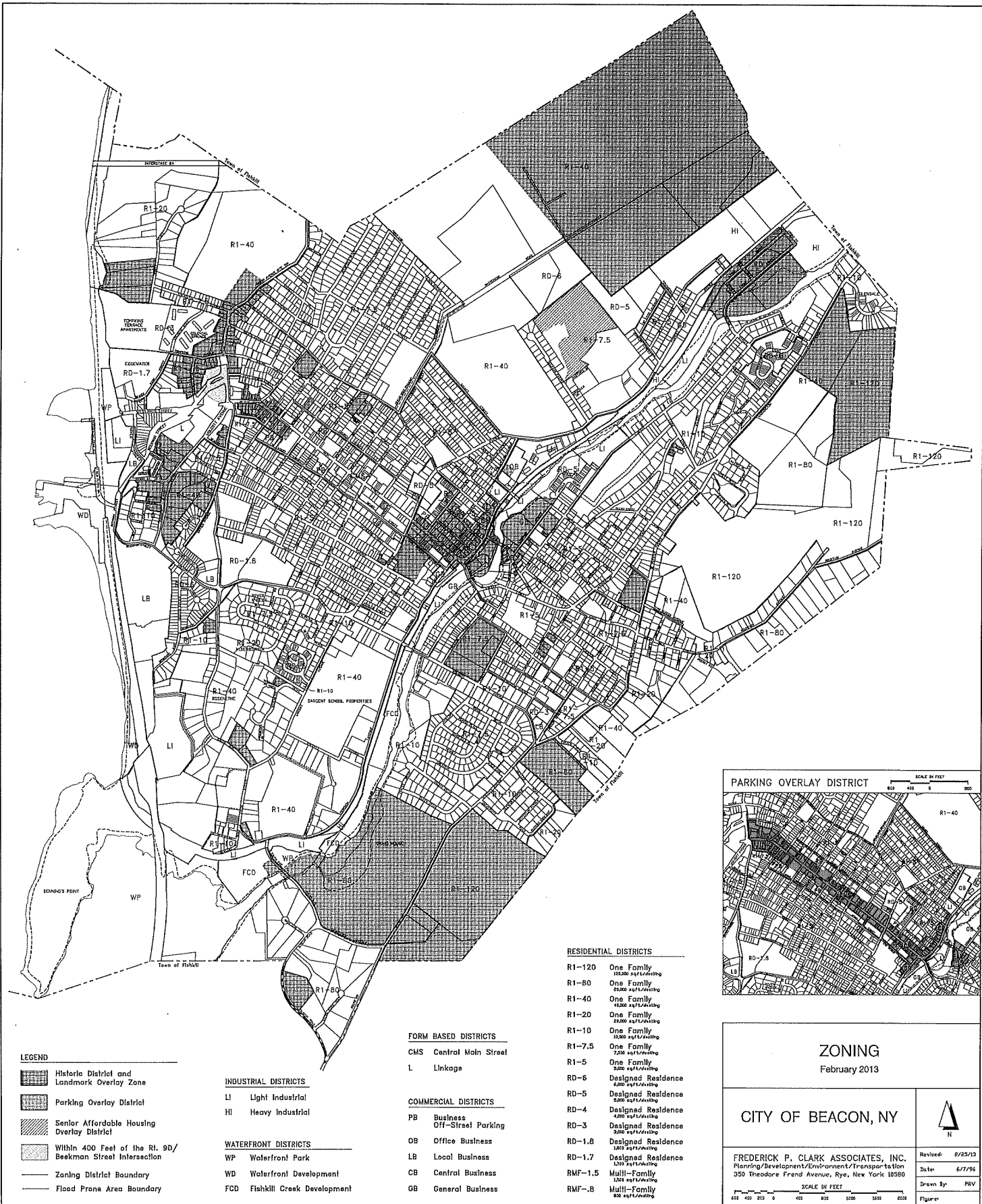
- (a) For retail and/or service business establishments: a minimum of one space for the first 7,500 square feet or major portion thereof, plus one space for each additional 10,000 square feet of gross floor area or major portion thereof, except that no berths shall be required for buildings with a gross floor area of less than 5,000 square feet.
- (b) For office establishments: a minimum of one space for the first 20,000 square feet of gross floor area or major portion thereof, plus one space for each additional 40,000 square feet of gross floor area or major portion thereof, except that no berths are required for buildings of less than 10,000 square feet of gross floor area.
- (c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.
- (d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.
- (e) For nursing homes: a minimum of one space for each establishment.
[Added 12-21-1998 by L.L. No. 17-1998^[2]
[2] *Editor's Note: This local law also provided for the renumbering of former Subsection H (2)(e) as Subsection H(2)(f).*
- (f) For museums, a minimum of one space for each establishment.
[Added 2-7-2000 by L.L. No. 4-2000^[3]
[3] *Editor's Note: This local law also provided for the renumbering of former Subsection H (2)(f) as Subsection H(2)(g).*
- (g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.

I. Driveways.

- (1) General. 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 these regulations and shall be subject to the approval of the City Engineer, 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 the Planning Board and/or City Council.
- (2) Driveway grades.
 - (a) The maximum grade for any new driveway accessory to a single-family dwelling and connecting its off-street parking area to a street shall be 14%, except that, where it can be demonstrated to the satisfaction of the approving authority that, because of practical difficulty or unreasonable hardship affecting a particular property, the construction of a driveway shall be permitted, provided that the increase in driveway grade is the minimum increase required and further provided that in no case shall such driveway grade be permitted to exceed 17%.
 - (b) The maximum grade for new driveways accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 7%, except that the approving authority shall have the same power to permit increased grades here as in Subsection I(2)(a) above, provided that such grades in no case exceed 10%.

- (c) Notwithstanding the maximum permitted grades specified in Subsection **I(2)(a)**, no driveway serving a single-family dwelling shall have a grade in excess of 4% within 35 feet of the center line of the traveled-way of the street or within 10 feet of the right-of-way line of the street, whichever distance is greater.
 - (d) Notwithstanding the maximum permitted grades specified in Subsection **I(2)(b)**, no driveway serving a use other than a single-family dwelling shall have a grade in excess of 3% within 50 feet of the center line of the traveled-way of the street or within 25 feet of the property line of the street, whichever distance is greater. The City Council may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.
- (3) Driveway alignment and location. Any driveway entering onto a street shall be located and aligned in such a way as to create the minimum possible traffic hazard. The platform portion of the driveway, as required by Subsection **I(2)** above, shall be aligned approximately at right angles to the street.
 - (4) Sight distance. Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that the driver of an automobile traveling on the highway shall have a similar view of the automobile in the driveway.

EXHIBIT C



LOCAL LAW NO. ____ OF 2015

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW AMENDING
CHAPTER 223
OF THE CODE OF THE CITY OF BEACON**

A LOCAL LAW to amend
Chapter 223 of the Code of the
City of Beacon concerning
Zoning

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon concerning
Zoning.

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

Section 1. Chapter 223, Section 26, Subsection D of the Code of the City of Beacon is
hereby amended as follows:

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

...

D. 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, in connection with a proposed building or addition, he may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.

(2) Fee in lieu of parking.

(a) In lieu of providing all or a portion of the required off-street parking spaces, an applicant may request the City Council to accept, following an affirmative vote in favor thereof by the Planning Board, a cash payment to

the City of Beacon Parking Reserve Fund to satisfy the number of parking spaces required in this chapter. Where appropriate, the Planning Board and City Council may require the submission of studies and plans demonstrating that practical considerations preclude the provision of such parking spaces by the applicant.

- (b) By acceptance of the fee in lieu of parking, the City of Beacon undertakes to provide parking of a type, location and quantity appropriate for the particular use within a reasonable period of time, taking into account the existing supply and demand for parking in the area of said use, and subject to logistical constraints such as availability of land, total funds available and other similar constraints. The City may charge for the use of such spaces an amount generally consistent with the charge for other publicly provided parking in the same area.
- (c) The amount of the fee in lieu of parking required in such cases shall be established and reviewed on an annual basis by the City Council based on the projected construction cost for municipal provision of the required parking spaces, operating costs where the parking spaces are not revenue producing and any loss in taxes resulting from municipal provision of such parking spaces.
- (d) The fee shall be placed in the City of Beacon Parking Reserve Fund. The expenditure of revenues from such Parking Reserve Fund shall be limited exclusively to those actions designed to increase the quantity and/or the quality of parking spaces available to serve properties within the Parking Overlay District, including the acquisition and improvement of land for such purposes.
- (e) For applications in the Parking Overlay District which do not require review and approval by the Planning Board, the applicant may seek from the Zoning Board of Appeals a variance from the requirements of Section 223-26 of this chapter. Every determination granted by the Zoning Board of Appeals which varies the off-street parking requirements of Section 223-26 shall be conditioned upon the applicant offering to the City Council payment to the City of Beacon Parking Reserve Fund of a fee for each and every off-street parking space for which a variance is granted.

...

Section 2. Chapter 223, Section 61 of the Code of the City of Beacon is hereby amended as follows:

§223-61. Fees.

A. The City Council shall establish a schedule of fees in connection with the administration and enforcement of this chapter for the following:

- (1) Building permit fees as set forth in the City of Beacon fee schedule.
- (2) Application for certificate of occupancy as set forth in the City of Beacon fee schedule.
- (3) Application for site plan as set forth in the City of Beacon fee schedule.
- (4) Application for special use permit as set forth in the City of Beacon fee schedule.
- (5) Application taken to the Zoning Board of Appeals in accordance with § 223-56 of this chapter as set forth in the City of Beacon fee schedule.
- (6) Application for zoning amendment, supplement, change, modification or repeal of the zoning regulations or district boundaries, in accordance with Article VII of this chapter as set forth in the City of Beacon fee schedule.
- (7) Recreation fees as set forth in the City of Beacon fee schedule.
- (8) Rental permit fee as set forth in the City of Beacon fee schedule.
- (9) Fee in lieu of parking in accordance with §223-26.D of this chapter, as set forth in the City of Beacon fee schedule.

B. The schedule of fees is in addition to any and all other fees required by this or any other section of this chapter or any other City ordinance or regulations.

Section 3. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 190 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 4. 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 5. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable

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

Section 6. Effective Date

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

- **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: 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.

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.

MEMORANDUM

TO: Lee Kyriacou, Mayor
Beacon City Council

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

RE: Supplemental Amendments to Proposed Local Law No. 1 of 2024
Concerning Minimum Parking Requirements

DATE: January 26, 2024

This memorandum provides a synopsis of the edits made to the proposed local law in response to comments from the Beacon Planning Board (“Planning Board”), Dutchess County Department of Planning & Development (“DCPD”) as well as certain comments from the City Council and public which arose from the Council’s January 22, 2024 meeting. Note there were comments that are policy decisions and require discussion by the Council, so the attached draft revised Local Law is not offered as a final draft in response to all comments.

Planning Board Comments

The draft proposed local law has been revised to address the Planning Board’s comments. We refer the Council to the Planning Board’s letter, dated December 19, 2023, for the full text of its comments and suggested revisions. Where the comment suggested revision to a specific section of the local law, please see that section for the new edits (reflected in blue font).

Dutchess County Department of Planning & Development Comments

Below is a list addressing the DCPD comments. The numbers set forth below correspond to the number listed in the DCPD December 27, 2023 letter. We refer the Council to the DCPD’s letter for the full text of its comments and suggested revisions.

1. The draft proposed local law has been revised to incorporate corresponding edits to additional City Code Sections impacted by the “new” Section 223-26. These supplemental amendments begin at Section 2, page 11, of the proposed local law.
2. This comment is a policy suggestion for the City Council’s consideration.
3. This comment is a policy suggestion for the City Council’s consideration.

4. The draft proposed local law has been revised to incorporate these suggested edits, except for DCPD's suggestion of "requiring maintenance plans and inspection to ensure continued functionality" for green stormwater infrastructure. That comment is addressed by Chapter 190 which addresses maintenance, inspection and repair of stormwater facilities which includes installation of impervious surfaces, as such is installed for the purpose of controlling stormwater. We have added a reference to Section 190-9.
5. This comment has been forwarded to the relevant City departments and professional consultants for further consideration and guidance.
6. This comment has been forwarded to the relevant City departments and professional consultants for further consideration and guidance.
7. This comment has been forwarded to the relevant City departments and professional consultants for further consideration and guidance.

City Council and Public Comments

There were a number of public comments which the Council should discuss. We have responded to two comments below.

1. Whether the proposed local law would change the parking requirements for one-and-two family dwellings as well as accessory apartment units ("ADU").

a. Regarding one-and-two family and ADU dwellings, see chart below:

	Current Minimum per Dwelling Unit	Proposed Minimum per Dwelling Unit	Proposed Guidance for Maximum per Dwelling Unit
One Family	2 total spaces	1 total space	3 total spaces
Two Family	4 total spaces	2 total spaces	6 total spaces
ADUs	1 total space	1 total space	1 total space

2. Questions regarding parking compliance with the Americans with Disabilities Act ("ADA"). This question has been forwarded to the relevant City departments and professional consultants for further consideration and guidance. However, we note that the ADA addresses how many ADA spaces must be provided when one is constructing parking spaces. For 4-25 spaces, one (1) ADA space is required (although if the lot is less than 5 spaces, an ADA space is required, but it is not required to be restricted or signed as ADA parking only). It should also be noted that there exist on-street ADA spaces as well as in the municipal parking lots.

The City of Kingston recently adopted a Form Based Code which provides as regards ADA as follows:

Accessibility. All vehicle parking lots and parking structures must conform with the Federal Americans with Disabilities Act (ADA), and should conform to the Public Right-of-Way Accessibility Guidelines (PROWAG). At least one accessible space shall be provided for all development with 4 or more units. If no on-site parking area is provided, required accessible parking may be located nearby on-street or in a common parking lot, as approved by the planning administrator (for minor site plans) or Planning Board.

We are further discussing with staff and will update the Council on this issue on Monday.

In summary, the revised proposed local law incorporates supplemental amendments to various sections of the Beacon Zoning Code concerning parking requirements to conform with the “new” Section 223-26. The revised proposed local law also incorporates comments and suggestions from the Planning Board and DCPD to the extent such are not policy questions or under internal review by City staff. Please do not hesitate to contact our office with any questions. Thank you.

cc: Chris White, City Administrator

PROPOSED LOCAL LAW NO. __ OF 2024

CITY COUNCIL
CITY OF BEACON

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

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

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

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

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

A. General.

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

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

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

~~B. Effect on existing uses.~~

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

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

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

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

adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

(2)(3) Parking specifications.

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

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

(3)(a) At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each ~~40-8~~ parking spaces.

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

diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area.

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

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

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

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

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

~~(6)~~(7) Two or more uses on same lot. Where two or more different uses occur on a single lot, ~~the total amount of parking facilities to be provided shall be the sum of~~

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

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

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

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

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

~~(1)~~ Conveyance of land. Where, because of limitations of size, dimensions or topography of a lot, an applicant for a building permit in a business district finds it impractical to provide all or a portion of the off-street parking spaces required by ~~Subsection F 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.

~~(4)~~(2) Waiver of improvement. Except within the Central Main Street District, and notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this

section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the ~~required~~ off-street parking spaces, provided that all of the ~~required~~ spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.

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

- (1) In order to promote walkability and other transportation alternatives and to avoid excessive automobile traffic and unnecessarily large paved parking lots, 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 application review and based on the context of the property, including but not limited to, as applicable, the size of the parcel, proposed uses, existing buildings on the parcel, especially if they are designated as historic, availability of public and street parking in the area, walkable access to public transit, a parking study submitted by the applicant, shared parking arrangements, land-banking authorized under § 223-26C(2), compliance with the Americans with Disabilities Act (ADA) and any state requirements for accessible parking, and input from any public hearing.
- (3) Any professional parking study requested by the Planning Board and reviewed by the City's consultant shall be based primarily on specific site-related information, a comparable analysis of similar uses and properties in the area or region, and an examination of demand reduction strategies, including such elements as promotion of walking, bicycle parking or storage facilities, alternative mobility options, transit access opportunities, car-share rentals, and ride-sharing or carpooling services.
- (4) The following table gives guidance to the Planning Board on the maximum parking allowed, notwithstanding, the Planning Board may approve fewer spaces:

Use	Minimum <u>Maximum</u> Off-Street Parking
1- and 2-family dwelling	2 spaces <u>3 spaces</u> 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	<u>Subject to § 223-14.1C- 1 for each hotel guest room, plus 1 for each employee on site at any one time</u>
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

Use	Minimum <u>Maximum</u> 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 <u>250</u> square feet of gross floor area, excluding utility areas
Restaurant or coffee house	1 space for each 3 patron seats or 1 space for each 150 <u>200</u> square feet of gross floor area, excluding kitchen and storage areas; whichever is greater
Office for business or professional use (other than accessory to residential use)	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas
Banking office	1 space for each 200 <u>300</u> square feet of gross floor area, excluding utility areas
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 <u>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;</u> whichever is greater
Research or development laboratory	1 space per employee; but not less than <u>or</u> 1 space per 600 square feet of gross floor space

Use	Minimum <u>Maximum</u> Off-Street Parking
Manufacturing or industrial use	1 space per 2 employees but not less than <u>or</u> 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 <u>or</u> 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 <u>250</u> 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 <u>500</u> 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 <u>or the Building Inspector, as the case may be</u> , upon consideration of relevant factors entering into the parking needs of each such use

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

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

...

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

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

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

- ~~(c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.~~
- ~~(d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.~~
- ~~(e) For nursing homes: a minimum of one space for each establishment.~~
- ~~(f) For museums, a minimum of one space for each establishment.~~
- ~~(g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.~~

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

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

§ 223-14.1 **Hotels.**

...

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

- ~~(1) For hotel rooms: One parking space shall be provided for each hotel guest room.~~
- ~~(2) For restaurants, bars and other public rooms, and for recreation facilities and other permitted uses, other than lobbies: The number of parking spaces required in accordance with § 223-26 of this chapter shall be provided.~~
- ~~(3) For employees: One parking space shall be provided for each employee for the maximum number of employees working at the hotel at any one time.~~

...

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

§ 223-21 **Car washes.**

...

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

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

...

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

§ 223-21 **Nursing homes.**

...

D. 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 III, General Regulations, Section 223-25, entitled “Site development plan approval,” Subsection A, is hereby amended as follows:

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

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

to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

Section 6. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.3, entitled “Waterfront Park (WP) Zone,” Subsection J(11) is hereby amended as follows:

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

...

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

...

- (11) Off-street parking and loading:

...

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

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

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

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

- ~~(d)~~(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 waterfront area will include a mix of land uses on the waterfront, wherein the cumulative parking demand is less than~~

~~the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area.~~

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

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

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

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

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

~~[c] Valet parking.~~

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

Section 7. Chapter 223 of the City Code of the City of Beacon, Article IVA, Waterfront Zones, Section 223-41.4, entitled “Waterfront Development (WD) Zone,” Subsection J(11) is hereby amended as follows:

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

...

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

...

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

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

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

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

~~[c] Valet parking.~~

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

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

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

...

I. Fishkill Creek development design standards.

...

(11) Off-street parking and loading.

...

- (b) ~~Parking requirements.~~ The FCD District parking ~~requirements~~ shall be in accordance with § 223-26 of this chapter, ~~except that the requirements in § 223-26F shall be both the minimum and maximum requirements for a FCD project.~~
- (c) ~~With respect to any building, structure or use for which the required number of parking spaces is not specifically set forth in § 223-26F of this chapter, the Planning Board, in the course of site plan review, shall determine the number of off-street parking spaces required, which number shall bear a reasonable relation to the minimum off-street parking requirements for specified uses as set forth in the above schedule.~~
- ~~(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 9. Chapter 223 of the City Code of the City of Beacon, Article IVD, Central Main Street (CMS) District, Section 223-41.18, entitled “Regulations,” Subsections A and G are hereby amended as follows:

§ 223-41.18 **Regulations.**

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

...

G. Parking location and quantity.

...

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

- (a) Residential: one space per unit.
 - (b) Office and nonretail commercial: two spaces per 1,000 square feet of floor area.
 - (c) Retail commercial and personal services: two spaces per 1,000 square feet of floor area.
 - (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.18A, as determined by the Building Inspector in consultation with the City Planner.
- (3) The ~~requirements~~ maximum standards in Subsection G(2) above or § 223-26 may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:
- (a) That the projected operational characteristics of the proposed use require a different amount of parking.
 - (b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB District.
 - (c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.
 - (d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB District to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.
 - (e) That the applicant will voluntarily dedicate land for public parking on site or will acquire land by purchase or long-term lease (for the duration of the proposed use) within 800 feet of the site and within the CMS or PB District and voluntarily dedicate such land to the City for public parking.
 - (f) That a professional parking study of the proposed use and the surrounding area demonstrates that a different amount of parking would be appropriate for the use in its particular location and/or that existing and/or proposed off-site parking is sufficient.

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

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

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

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

§ 223-41.21 **Regulations.**

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

...

- F. Parking location and quantity.

...

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

- ~~(a) Residential: one space per unit.~~
- ~~(b) Office and general commercial: 2.5 spaces per 1,000 square feet of floor area.~~
- ~~(c) Retail commercial and personal services: three spaces per 1,000 square feet of floor area.~~

- (d) Other uses: as determined to be appropriate by the Planning Board in the course of site plan review, or in the case of a new use where site plan review is not required under § 223-41.21A, as determined by the Building Inspector in consultation with the City Planner as listed in § 223-26 of this chapter.
- (3) The ~~quantity of required on-site parking~~ maximum standards in Subsection F(2) above or § 223-26 may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:
- (e) 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 11. Chapter 223 of the City Code of the City of Beacon, Article IVF, Senior Affordable Housing Overlay (SAHO) District, Section 223-41.22, entitled “Specific requirements and regulations,” Subsection E(1) is hereby amended as follows:

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

...

E. Supplementary site regulations.

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

...

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

...

LOADING SPACE

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

...

PARKING SPACE

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

...

Section 13. Ratification, Readoption and Confirmation.

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

Section 14. Numbering for Codification.

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

Section 15. Severability.

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

Section 16. Effective Date.

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

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

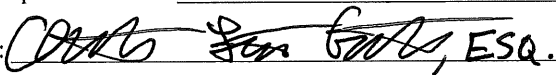
Instructions for Completing

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
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
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			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☐
	☐	☐
	☐	☐
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	☐	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon</u> Date: <u>November 22, 2023</u> Signature: <u> Peter Gots, ESQ.</u> Title: <u>City Attorney</u>		



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 

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

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(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.)
- ☐ Rezoning involving all map changes
- ☐ Architectural Review
- ☐ Site Plans (all)
- ☐ Special Permits for all non-residential uses
- ☐ Use Variances for all non-residential uses
- ☐ Area Variances for all non-residential uses
- ☐ Other (Describe):

Parcels within 500 feet of:

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

Date Response Requested:

Entered By: **Swanson, Benjamin**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☐ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☒ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted:	Notes:	☐ Major Project	
Date Received: 11/28/2023		Referral #: ZR23-356	
Date Requested:			
Date Required: 12/28/2023	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 12/27/2023			



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

A handwritten signature in black ink, appearing to read 'D. Tuttle', followed by a horizontal line.

Dylan Tuttle, Senior Planner

City of Beacon City Council Agenda
02/20/2024

Title:

Public Hearing for a Proposed Local Law Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Proposed Local Law No. 2 of 2024

Proposed Local Law Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

■ **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: Lee Kyriacou, Mayor
Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Local Law No. 2 Concerning Grievance Day

DATE: January 26, 2024

Please find enclosed a proposed local law to amend Beacon City Code § 199-55 to provide that the City of Beacon “Grievance Day” always follows the fourth Tuesday of May each year as required under New York State Real Property Tax Law (“RPTL”).

The RPTL provides owners of real property with the right to challenge their real property taxation assessment before the local assessor and the Board of Assessment Review, this is known as “Grievance Day.” RPTL § 512(1) provides that municipalities shall hold Grievance Day on the fourth Tuesday of May. However, RPTL § 512(1-a) authorizes a municipality to adopt a local law establishing a different date for Grievance Day when the local assessor is also engaged as the assessor in another assessing unit. Specifically, RPTL § 512(1-a) provides in part:

The governing body of an assessing unit which employs an assessor who is at the same time employed by another assessing unit may adopt a local law establishing a date for the meetings of the board of assessment review other than that provided in subdivision one of this section. The date or first date so established may be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June.

As such, a municipality is preempted under State law from establishing a date for Grievance Day before the fourth Tuesday of May. On April 3, 2017, the City Council adopted Local Law No. 3 of 2017 which amended Beacon’s Grievance Day to be the fourth Wednesday of May as the Beacon City Assessor was (and still is) engaged as the assessor in the Town of East Fishkill. However, in 2024 the fourth Wednesday of May comes before the fourth Tuesday because there are five Wednesdays in the month of May. Thus, § 199-55 of the Beacon City Code requires amendment to conform with RPTL § 512(1-a) as the Gregorian calendar utilized in the United States repeats itself every so many years.

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

cc: Chris White, City Administrator

PROPOSED LOCAL LAW NO. 2 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND CHAPTER 199 OF THE BEACON CODE
CONCERNING GRIEVANCE DAY**

A LOCAL LAW to amend Chapter 199, Section 199-55, of the Beacon City Code concerning Grievance Day for complaints in relation to real property taxation assessments.

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

Section 1. Chapter 199, Article XI of the Code of the City of Beacon, Section 199-55 entitled "Grievance Day" is hereby amended as follows:

§ 199-55 **Grievance day for complaints in relation to assessments.**

The ~~fourth~~ Wednesday immediately following the fourth Tuesday of May shall be the date for the annual meeting of the Board of Assessment Review to hear complaints in relation to assessments, pursuant to New York Real Property Tax Law § 512.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 199 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. 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 City 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 Charter affected thereby.

Section 4. Severability.

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

Section 5. Effective Date.

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

City of Beacon City Council Agenda
02/20/2024

Title:

Resolution No. 26 - Authorizing Amendments to the 2024 Budget

ATTACHMENTS

[Director of Finance Memorandum Regarding Amendments to the 2024 Budget](#)

[Resolution Approving Amendments to the 2024 Budget](#)

City of Beacon
Council Budget Amendments
February 20, 2024 Meeting

1. Amend the 2024 General Fund Fire Budget to cover the costs of emergency repairs to ladder truck 33-45. Below is the proposed budget amendment:

TRANSFER TO:

A -03-3410-447200-	REPAIR OF EQUIPMENT	<u>\$ 19,000</u>
--------------------	---------------------	------------------

TRANSFER FROM:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 19,000</u>
--------------------	------------------	------------------

2. Amend the 2024 General Fund Fire Budget for a grant from Dutchess County for the purchase of thermal imaging cameras. Below is the proposed budget amendment:

INCREASE EXPENSE:

A -03-3410-250000-	PURCHASE EQUIPMENT	<u>\$ 20,000</u>
--------------------	--------------------	------------------

INCREASE REVENUE:

A -03-3410-238901-	STATE AID OTHER CULTURE & REC	<u>\$ 20,000</u>
--------------------	-------------------------------	------------------

Respectfully submitted,
Susan K. Tucker CPA



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 25 OF 2024

**APPROVING AMENDMENTS TO THE
2024 CITY OF BEACON BUDGET**

BE IT RESOLVED THAT, that the City of Beacon City Council hereby authorizes the attached amendments to the 2024 Budget.

Resolution No. 25 of 2024			Date: February 20, 2024				
☐ Amendments			☐ 2/3 Required				
☐ 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
Council Budget Amendments
February 20, 2024 Meeting

1. Amend the 2024 General Fund Fire Budget to cover the costs of emergency repairs to ladder truck 33-45. Below is the proposed budget amendment:

TRANSFER TO:

A -03-3410-447200-	REPAIR OF EQUIPMENT	<u>\$ 19,000</u>
--------------------	---------------------	------------------

TRANSFER FROM:

A -01-1990-400001-	CONTINGENCY FUND	<u>\$ 19,000</u>
--------------------	------------------	------------------

2. Amend the 2024 General Fund Fire Budget for a grant from Dutchess County for the purchase of thermal imaging cameras. Below is the proposed budget amendment:

INCREASE EXPENSE:

A -03-3410-250000-	PURCHASE EQUIPMENT	<u>\$ 20,000</u>
--------------------	--------------------	------------------

INCREASE REVENUE:

A -03-3410-238901-	STATE AID OTHER CULTURE & REC	<u>\$ 20,000</u>
--------------------	-------------------------------	------------------

Respectfully submitted,
Susan K. Tucker CPA

City of Beacon City Council Agenda
02/20/2024

Title:

Resolution No. 27 - Adopting Local Law No. 1 of 2024 Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

ATTACHMENTS

Local Law No. 1 of 2024 Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

Keane & Beane, P.C. Memorandum Regarding A Proposed Local Law Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

Resolution Adopting Local Law No. 1 of 2024 Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments

PROPOSED LOCAL LAW NO. 2 OF 2024

**CITY COUNCIL
CITY OF BEACON**

**A LOCAL LAW TO AMEND CHAPTER 199 OF THE BEACON CODE
CONCERNING GRIEVANCE DAY**

A LOCAL LAW to amend Chapter 199, Section 199-55, of the Beacon City Code concerning Grievance Day for complaints in relation to real property taxation assessments.

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

Section 1. Chapter 199, Article XI of the Code of the City of Beacon, Section 199-55 entitled "Grievance Day" is hereby amended as follows:

§ 199-55 **Grievance day for complaints in relation to assessments.**

The ~~fourth~~ Wednesday immediately following the fourth Tuesday of May shall be the date for the annual meeting of the Board of Assessment Review to hear complaints in relation to assessments, pursuant to New York Real Property Tax Law § 512.

Section 2. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 199 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 3. 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 City 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 Charter affected thereby.

Section 4. Severability.

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

Section 5. Effective Date.

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

■ **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: Lee Kyriacou, Mayor
Beacon City Council

FROM: Keane & Beane, P.C.

RE: Proposed Local Law No. 2 Concerning Grievance Day

DATE: January 26, 2024

Please find enclosed a proposed local law to amend Beacon City Code § 199-55 to provide that the City of Beacon “Grievance Day” always follows the fourth Tuesday of May each year as required under New York State Real Property Tax Law (“RPTL”).

The RPTL provides owners of real property with the right to challenge their real property taxation assessment before the local assessor and the Board of Assessment Review, this is known as “Grievance Day.” RPTL § 512(1) provides that municipalities shall hold Grievance Day on the fourth Tuesday of May. However, RPTL § 512(1-a) authorizes a municipality to adopt a local law establishing a different date for Grievance Day when the local assessor is also engaged as the assessor in another assessing unit. Specifically, RPTL § 512(1-a) provides in part:

The governing body of an assessing unit which employs an assessor who is at the same time employed by another assessing unit may adopt a local law establishing a date for the meetings of the board of assessment review other than that provided in subdivision one of this section. The date or first date so established may be no earlier than the fourth Tuesday in May and no later than the second Tuesday of June.

As such, a municipality is preempted under State law from establishing a date for Grievance Day before the fourth Tuesday of May. On April 3, 2017, the City Council adopted Local Law No. 3 of 2017 which amended Beacon’s Grievance Day to be the fourth Wednesday of May as the Beacon City Assessor was (and still is) engaged as the assessor in the Town of East Fishkill. However, in 2024 the fourth Wednesday of May comes before the fourth Tuesday because there are five Wednesdays in the month of May. Thus, § 199-55 of the Beacon City Code requires amendment to conform with RPTL § 512(1-a) as the Gregorian calendar utilized in the United States repeats itself every so many years.

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

cc: Chris White, City Administrator



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 26 OF 2024

**ADOPTING LOCAL LAW NO. 1 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING GRIEVANCE DAY FOR COMPLAINTS IN RELATION TO REAL PROPERTY
TAXATION ASSESSMENTS**

WHEREAS, pursuant to Resolution No. 2024-023, passed on February 5, 2024, the City of Beacon City Council set a public hearing for February 20, 2024 regarding the proposed City of Beacon Local Law to amend the Chapter 199, Section 199-55, of the Beacon City Code concerning Grievance Day for complaints in relation to real property taxation assessments; and

WHEREAS, notice for the Public Hearing was published in the Poughkeepsie Journal on February 11, 2024; and

WHEREAS, on February 20, 2024, the City Council opened and closed a duly noticed Public Hearing on the proposed local law, and all those in attendance wishing to be heard were given the opportunity to comment on the proposed Local Law.

BE IT RESOLVED THAT that the City of Beacon City Council hereby adopts Local Law No. 1 of 2024 to amend the Chapter 199, Section 199-55, of the Beacon City Code concerning Grievance Day for complaints in relation to real property taxation assessments.

Resolution No. 26 of 2024			Date: February 20, 2024				
☐ Amendments			☐ 2/3 Required				
☐ 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
02/20/2024

Title:

February 5, 2024 Minutes

ATTACHMENTS

[February 5, 2024 Minutes](#)



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

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

February 5, 2024
7:00 PM
Draft
City Council
Minutes

Regular Meeting

These minutes are for the regular meeting of the Beacon City Council. The City Council Meeting was held through video conference and in the Courtroom at 1 Municipal Plaza, Beacon NY 12508. A video recording of the meeting is available at

<https://vimeo.com/user1296488>. The public was able to attend in-person or through video or telephone and were made aware via the City of Beacon website, beaconny.gov. Please take notice that the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling (845) 838 – 5010, or by emailing cityofbeacon@beaconny.gov.

Councilmembers Present

Mayor Lee Kyriacou

Councilmember Amber Grant, At Large

Councilmember Paloma Wake, At Large

Councilmember Molly Rhodes, Ward One

Councilmember Jeffrey Domanski, Ward Two

Councilmember Pam Wetherbee, Ward Three

Councilmember Dan Aymar-Blair, Ward Four

Also Present

Christopher White, City Administrator

Nicholas Ward-Willis, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. [Resolution No. 23 - Setting a Public Hearing for Proposed Local Law No. 2 of 2024 Concerning Grievance Day for Complaints in Relation to Real Property Taxation Assessments](#)

Motion to pass the resolution by Councilmember Aymar-Blair.

Second by Councilmember Rhodes.

Motion passes 7 – 0.

2. [Resolution No. 24 - Appointing Jeffrey Crawford to the Conservation Advisory Committee](#)

Motion to pass the resolution by Councilmember Grant.

Second by Councilmember Aymar-Blair.

Motion passes 7 – 0.

3. [Resolution No. 25 - Approving 30 Beekman LLC 2023 Tax Certiorari Settlement](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Grant.

Motion passes 7 – 0.

Approval of Minutes

1. [January 22, 2024 Minutes](#)

Motion to approve the minutes by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 7 – 0.

Announcement of Next Meeting: February 13, 2024 at 7:00 p.m.

Public Comment - Second Opportunity

Adjournment

Motion to adjourn by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 7 – 0.