



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

**August 19, 2024
8:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing for an Amended Concept Plan for 248 Tioronda Avenue (to be adjourned to September 16, 2024)

Public Hearing for a Proposed Local Law Concerning the Fishkill Creek Development District (to be adjourned to September 16, 2024)

Public Hearing for a Proposed Local Concerning Soil Stabilization

Public Hearing for a Proposed Local Law Concerning Dimensional Regulations for the Transitional District

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 87 - Appointing George White to the Position of Police Dispatcher
2. Resolution No. 88 - Authorizing the City Administrator to Execute a Memorandum of Agreement with the Patrolmen's Benevolent Association of Beacon, New York, Inc.
3. Resolution No. 89 - Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the Washington Avenue Box Culvert Wingwall Replacement Project
4. Resolution No. 90 - Adopting the 2021-2030 City of Beacon Government Operations Climate Action Plan
5. Resolution No. 91 - Adopting Local Law No. 6 of 2024 Concerning Prohibition of Eviction Without Good Cause
6. Resolution No. 92 - Adopting Local Law No. 7 of 2024 Concerning Soil Stabilization

Approval of Minutes

1. [August 5, 2024 Minutes](#)

Public Comment - Second Opportunity

Announcement of Next Meeting: September 3, 2024 at 7:00 p.m

Adjournment

City of Beacon City Council Agenda
08/19/2024

Title:

Public Hearing for an Amended Concept Plan for 248 Tioronda Avenue (to be adjourned to September 16, 2024)

ATTACHMENTS

City of Beacon City Council Agenda
08/19/2024

Title:

Public Hearing for a Proposed Local Law Concerning the Fishkill Creek Development District (to be adjourned to September 16, 2024)

ATTACHMENTS

City of Beacon City Council Agenda
08/19/2024

Title:

Public Hearing for a Proposed Local Concerning Soil Stabilization

ATTACHMENTS

Proposed Local Law Concerning Soil Stabilization

Proposed Local Law Concerning Soil Stabilization: SEAF Part 1

Proposed Local Law Concerning Soil Stabilization: SEAF Parts 2-3

City of Beacon Planning Board Memorandum Regarding a Proposed Local Law Concerning Soil Stabilization

Dutchess County Planning Memorandum Concerning a Proposed Local Law Concerning Soil Stabilization

LOCAL LAW NO. __ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTERS 190 AND 223 OF
THE BEACON CITY CODE CONCERNING
SOIL STABILIZATION

A LOCAL LAW to amend
Beacon City Code, Chapters
190 and 223, concerning
Soil Stabilization.

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

Section 1. Chapter 190 of the Code of the City of Beacon, Section B, entitled “Contents of stormwater pollution prevention plans,” is hereby amended as follows:

§ 190-7 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans.

...

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project close-out. All erosion control practices employed for soil stabilization shall be made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the Stormwater Management Officer or applicable municipal board, or unless otherwise required by NYSDEC;

Section 2. Chapter 223 of the Code of the City of Beacon, Section 12, entitled “Buildings, uses and lots,” is hereby amended as follows:

§ 223-12 Buildings, uses and lots.

...

O. Stormwater Management and Erosion & Sediment Control. Stormwater management and erosion and sediment control methods shall be employed for all projects in compliance with Chapter 190 “Stormwater Management and Erosion and Sediment Control” and the New York Standards and Specifications for Erosion and Sediment Control. All erosion control practices employed for soil stabilization shall be made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the Stormwater Management Officer or applicable municipal board, or unless otherwise required by NYSDEC.

Section 3. Chapter 223 of the Code of the City of Beacon, Section 16, Subsection B, entitled “Hilltops, ridgelines and very steep slopes,” is hereby amended as follows:

B. Hilltops, ridgelines and very steep slopes. For the purpose of preventing erosion, minimizing stormwater runoff and flooding, preserving the City’s underground water resources and protecting the City’s character and property values, it is the intent of this chapter to avoid the development of hilltops, ridgelines and very steep slopes, and toward this end, wherever practicable, new construction shall avoid such areas, and existing vegetation in such areas shall not be disturbed wherever practicable. The City Council, the Planning Board, the Zoning Board of Appeals and the Building Inspector shall take these objectives into consideration in reviewing and acting on any plans submitted pursuant to the provisions of this chapter. Further, no building, development, construction of other site improvements, excavation, filling, grading, or removal of significant vegetation shall be permitted on a very steep slope unless the approval authority has determined:

- (1) That there is no other suitable alternative area within the lot available for the proposed use, improvement or development of such lot;
- (2) That the activity proposed is the minimum necessary to make reasonable use of the land;
- (3) That all feasible construction standards and precautions will be taken to assure that environmental impacts will be minimized; ~~and~~
- (4) That all erosion control practices proposed for soil stabilization are made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the approval authority, or unless otherwise required by NYSDEC; and
- (5) That the purpose and intent of this section are satisfied to the maximum degree feasible.

Section 4. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapters 190 and 223 of the Code of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification.

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

Section 6. 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 7. Effective Date.

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

Short Environmental Assessment Form

Part 1 - Project Information

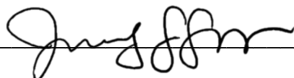
Instructions for Completing

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 City Council			
Name of Action or Project: Local Law - Soil Stabilization			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The proposed Local Law would amend Chapters 190 (Stormwater Management and Erosion and Sediment Control) and 223 (Zoning) of the Code of the City of Beacon to add a requirement that all erosion and sediment control practices employed for the purpose of soil stabilization must be made of natural fibers that are fully biodegradable, unless otherwise approved by the City. The purpose of the proposed Local Law is to encourage green building practices and reduce environmental impacts of construction.			
Name of Applicant or Sponsor: City of Beacon City Council		Telephone: 245-838-5000	
		E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: New York	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 City Council</u> Date: <u>7/9/24</u> Signature: <u></u> Title: <u>City Attorney</u>		

SEAF Part 1: Narrative
Proposed Local Law Concerning Soil Stabilization

The City Council of the City of Beacon proposes a local law to amend Chapters 190 (Stormwater Management and Erosion and Sediment Control) and 223 (Zoning) of the Code of the City of Beacon to add a requirement that all erosion and sediment control practices employed for the purpose of soil stabilization must be made of natural fibers that are fully biodegradable, unless otherwise approved by the City or otherwise required by NYSDEC.

The purpose of the proposed Local Law is to encourage green building practices and reduce environmental impacts of construction. Instead of synthetic materials like nylon or plastic the local law would require use of materials such as hay, straw, jute, coconut, wood fiber, or similar materials to stabilize soils during construction or while allowing new vegetation to grow and develop root structure to stabilize the soils. The decomposition of the biodegradable materials also promotes soil health. The proposed amendment would not apply to practices such as silt fencing and other temporary sediment control measures that are ultimately removed from the site or practices required by NYSDEC to be of a specific non-degradable material.

Agency Use Only [If applicable]

Project: LL - Soil Stabilization

Date: August 19, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: LL - Soil Stabilization

Date: August 19, 2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local will amend Chapter 190 (Stormwater Management and Erosion and Sediment Control) and Chapter 223 (Zoning) of the Beacon City Code (the "Code"). The proposed local law will require all erosion and sediment control practices employed for the purposes of soil stabilization to be comprised of fully biodegradable materials, unless otherwise approved by the City of Beacon or required by the New York State Department of Environmental Conservation (NYSDEC). As such, the local law is intended to alleviate adverse impacts to the environment caused by plastic or non-biodegradable soil stabilization methods.

The local law would require all erosion control practices employed for soil stabilization to be made of natural fibers, such as hay, straw, jute, coconut, wood fiber or similar materials. This green building practice will alleviate adverse environmental impacts by allowing new vegetation to grow and develop roots thereby helping to stabilize soils. Furthermore, non-biodegradable soil stabilization, such as commonly used plastic products, are known to leech into the soils and bodies of water which can negatively impact human and animal health, as well as aquatic species that rely on such soils or waters for food or habitat. Biodegradable materials will decompose within a relatively short period of time whereas plastics may take hundreds, if not thousands of years to fully decompose, thereby causing adverse impacts for generations. However, this local law will not apply to practices such as silt fencing and other temporary sediment control measures that are ultimately removed from the site or required by NYSDEC to be made of a specific non-degradable material.

Therefore, the proposed local law is not anticipated to have a significant adverse environmental impact. There are no changes to intensities of land uses, and the local law will have a significant benefit to environmental resources (e.g., natural areas, wetlands, streams, flora, fauna, etc.). There will be no significant adverse impacts on historic or aesthetic resources, and no impacts on community character, traffic, air or noise. Flooding and erosion are not anticipated to have a significant adverse impact on the environment as the local law requires natural soil stabilization methods which allow new vegetation to grow thereby helping resist erosion. For these reasons, the local law will not have a significant adverse environmental impact and will have an overall positive impact on the environment.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Beacon City Council

August 19, 2024

Name of Lead Agency

Date

Christopher White

City Administrator

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



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

John Gunn, Chair

August 15, 2024

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

Subject: City Council Referral of Local Law Amending Chapters 190 and 223
of the Code of the City of Beacon regarding Soil Stabilization

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law amending Chapters 190 and 223 of the Beacon Code regarding soil stabilization during the August 13, 2024 Planning Board meeting. Planning Board Attorney, Jennifer Gray, reviewed the proposed local law to modify the existing provisions of the Beacon Code to require erosion and sediment control measures for soil and slope stabilization to be made of natural fibers rather than synthetic materials like nylon or plastic.

After discussing the proposed amendments, the four Planning Board members in attendance unanimously expressed that they are generally in favor of the proposed local law.

Sincerely,

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: **Proposed Local Law No. 6 of 2024 Concerning Soil Stabilization**

Applicant: **City of Beacon City Council**

Address of Property:

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **8/14/2024**

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: 7/18/2024		Referral #: ZR24-247	
Date Requested: 8/14/2024			
Date Required: 8/16/2024	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 7/23/2024			

City of Beacon City Council Agenda
08/19/2024

Title:

Public Hearing for a Proposed Local Law Concerning Dimensional Regulations for the Transitional District

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding a Proposed Local Law Concerning Dimensional Regulations for the Transitional District

Proposed Local Law Concerning Dimensional Regulations for the Transitional District

Proposed Local Law Concerning Dimensional Regulations for the Transitional District: SEAF Part 1

Proposed Local Law Concerning Dimensional Regulations for the Transitional District: SEAF Parts 2-3

Schedule of Dimensional Regulations (2024 eCode Version)

City of Beacon Planning Board Memorandum Regarding Proposed Local Law Concerning Dimensional Regulations for the Transitional District

Dutchess County Planning Memorandum Regarding a Proposed Local Law Concerning Dimensional Regulations for the Transitional District

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the City Council

FROM: Keane & Beane, P.C.

RE: Proposed Local Law re T Zoning District Schedule of
Dimensions - Townhouses

DATE: July 15, 2024

Please find attached herewith a proposed local law to amend the Beacon Zoning Code, § 223-13.D – Attachment 1 entitled “Schedule of Dimensions.” This proposed local law will add Footnote “e” to the T Zoning District’s Schedule of Dimensions which currently only applies to townhouses in the RD Zoning. It should be noted, townhouses are also a permitted use within the T Zoning District and in the L Zoning District. Thus, by adding the T Zoning District to Footnote “e”, the dimensional requirements for townhouse would be consistent with the requirements in the RD Zoning District. However, without the proposed amendment, applicants seeking to develop townhouses in the T Zoning District would likely need a variety of variances, or would they would need to develop a different type of housing altogether, such as an apartment building or condominium.

The proposed local law would also correct Footnote “e” to include a missing portion of the final sentence as originally adopted via Local Law No. 7-2020.

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

cc: Chris White, City Administrator

PROPOSED LOCAL LAW NO. 7 OF 2024

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to amend Article III – General Regulations, Section 223-17.D of the City Code to amend the Schedule of Dimensional Regulations concerning townhouses in the T Zoning District.

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

Section 1. Chapter 223 of the Beacon City Code, Article III – General Regulations, Section 223-17, Subsection D, Attachment 1 entitled “Schedule of Dimensional Regulations”, is hereby amended to add Footnote “e” to the T Zoning District column.

Section 2. Chapter 223 of the Beacon City Code, Article III – General Regulations, Section 223-17, Subsection D, Attachment 1 entitled “Schedule of Dimensional Regulations”, Footnote “e” is hereby amended as follows:

- e In any RD or T District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreation or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided in the future.

Section 3. Ratification, Readoption and Confirmation.

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

Section 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.

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

Section 6. Effective date.

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

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 City Council			
Name of Action or Project:			
Local Law - Dimensional Regulations of the Transitional District			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
The proposed local law would amend Chapter 223 (Zoning) of the Beacon City Code to add the Transitional (T) Zoning District to footnote "e" of the Schedule of Dimensional Regulations concerning townhouses annexed to Section 223-17D of the City Code. The purpose of this local law is to update the dimensional regulations so townhouses (a permitted use) within the T Zoning District are afford the same dimensional requirements as townhouses within the RD Zoning District. The proposed local law would also correct the end of footnote "e" to include a missing portion of the sentence as originally adopted via Local Law No. 7-2020.			
Name of Applicant or Sponsor:		Telephone: 245-838-5000	
City of Beacon City Council		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,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

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 Council City of Beacon</u> Date: <u>July 17, 2024</u> Signature: <u></u> Title: <u>City Attorney</u>		

July 17, 2024
City of Beacon

SEAF Part 1: Narrative

Proposed Local Law Concerning Dimensional Regulations of the Transitional District

The City Council of the City of Beacon proposes a local law to amend Chapter 223 (Zoning) of the Beacon City Code to add the Transitional (T) Zoning District to footnote “e” of Attachment 1 entitled “Schedule of Dimensional Regulations” annexed to Beacon City Code §223-17.D. Footnote “e” applies to townhouses within the RD Zoning District, however, townhouses are also a permitted use within the T Zoning District. Thus, by adding the T Zoning District to footnote “e”, townhouses within the T Zoning District will be subject to the same dimensional requirements as townhouses in the RD Zoning District. Without the proposed local law, townhouses within the T Zoning District will likely require a variety of variances, or alternatively, prospective applicants would need to develop entirely different types of housing (e.g., multi-family dwellings, condos, etc.).

The proposed local law would also correct the end of footnote “e” which is currently missing a portion of the final sentence as was originally adopted via Local Law No. 7-2020.

Agency Use Only [If applicable]

Project: LL - T District Regulations

Date: August 19, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Project: LL - T District Regs

Date: August 19, 2024

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law will amend Chapter 223 (Zoning) of the Beacon City Code concerning the dimensional regulations for the City's Transitional (T) zoning district. Specifically, the proposed local law would add the T zoning district to footnote "e" of Attachment 1, "Schedule of Dimensional Regulations," annexed to the Beacon City Code Section 223-17D. Footnote "e" presently applies to townhouses within the RD zoning district, however, townhouses are also a permitted use within the T zoning district. Thus, the proposed local law would provide that townhouses within the T zoning district are subject to the same dimensional requirements as townhouses within the RD zoning district. Without the proposed local law, townhouses within the T zoning district will likely require a variety of variances, or alternatively, prospective applicants would need to develop entirely different types of housing (e.g., multi-family dwellings, condos, etc.). The proposed local law will also correct the end of footnote "e" which is missing a portion of the final sentence that was originally adopted via Local Law No. 7-2020.

All townhouses within the T zoning district will be subject to individual environmental review by the City's land use boards and staff. The proposed local law is consistent with the City of Beacon's Zoning Code because townhouses are already a permitted use within the T zoning district. Further, the local law is not anticipated to have a significant adverse environmental impact on the intensity of land use or environmental resources (e.g., natural areas, wetlands, streams, flora, fauna, etc.). There will be no significant adverse impacts on historic or aesthetic resources, nor significant impacts on community character, traffic, flood, erosion, and air or noise. For these reasons, the local law will not have a significant adverse environmental impact.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Beacon City Council	August 19, 2024
Name of Lead Agency	Date
Christopher White	City Administrator
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ZONING

223 Attachment 1

City of Beacon

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

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

NOTES:

- ^a A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ^b But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ^c But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ^d For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ^e In any RD District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space.
- ^f A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.
- ^g And each building shall not exceed 150 feet in length.
- ^h For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.
- ⁱ One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

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



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

John Gunn, Chair

August 15, 2024

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 regarding Dimensional Requirements
for the Transitional (T) Zoning District

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law amending Chapter 223 of the Beacon Code regarding dimensional requirements in the Transitional (T) Zoning District during the August 13, 2024 Planning Board meeting. Planning Board Attorney, Jennifer Gray, reviewed the proposed local law to modify the existing provisions of the Beacon Code to apply the existing "Note E" in the Schedule of Dimensional Regulations to the T District. Under the existing Code, Note E applies in the RD Districts to allow the Planning Board to reduce the minimum lot size applicable in the district to allow for approval of a subdivision for semi-attached single-family dwellings (townhomes). The proposed local law would allow Note E to also apply to townhouse developments in the T District.

After discussing the proposed amendment, the four Planning Board members in attendance unanimously expressed that they are generally in favor of the proposed local law, but recommended that the City Council specifically add that in addition to reducing the minimum lot size for a subdivision involving townhomes the Planning Board should be granted discretion to reduce the applicable minimum side yard requirements, as appropriate. Required side yard setbacks should be permitted to be reduced to zero feet where townhomes are proposed to be attached, and the side yard setback for end units should be contextual with the adjacent zoning district, similar to the manner in which maximum permitted density in the T District is contextual with adjacent districts.

Sincerely,

John Gunn
Planning Board Chair

JG/mp

Dutchess County Department of Planning and Development		Fax Info Only	To Co./Dept. Fax #	Date #pgs From Phone #	
239 Planning/Zoning Referral - Exemption Communities					
Municipality: City of Beacon					
Referring Agency: Municipal Board					
Tax Parcel Number(s):					
Project Name: Proposed Local Law No. 7 of 2024 Concerning Dimensional Regulations of the Transitional District					
Applicant: City of Beacon City Council					
Address of Property:					
Please Fill in this section	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: 8/14/2024				
	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: 7/18/2024			
Date Requested: 8/14/2024			Referral #: ZR24-248
Date Required: 8/16/2024	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 7/23/2024			

City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 87 - Appointing George White to the Position of Police Dispatcher

ATTACHMENTS

[Resolution Appointing George White to the Position of Police Dispatcher](#)

[Police Chief Memorandum for the Appointment of George White for Police Dispatcher](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 87 OF 2024

**APPOINTING GEORGE WHITE TO THE POSITION OF
POLICE DISPATCHER**

WHEREAS, there is currently a vacancy for the position of Police Dispatcher; and

WHEREAS, George White meets the qualifications for the position of Police Dispatcher and is recommended for appointment to the position by the Chief of Police.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints and the City Council approves the appointment of George White to the position of Police Dispatcher.

Resolution No. 87 of 2024			Date: August 19, 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					



CHIEF OF POLICE
THOMAS FIGLIA

CITY OF BEACON POLICE DEPARTMENT

1 MUNICIPAL PLAZA, SUITE 3
BEACON, NY 12508
(845)831-4111
FAX: (845)838-5092



NEW YORK STATE
ACCREDITED AGENCY

Mayor Kyriacou and City Council:

I am writing to recommend the hiring of George White for the position of full-time City of Beacon Police Dispatcher.

Mr. White is a lifelong resident of Stormville and attended and graduated from Carmel High School where he played varsity lacrosse. In 2023, he graduated from the University of New Haven with a Bachelor's Degree in Criminal Justice. While attending the University of New Haven, he became a member of the American Criminal Justice Association, a scholastic organization whose purpose it is to further professionalism in all areas of criminal justice. During his time in college, he also successfully completed an internship with the Putnam County Sheriff's Office where he gained valuable experience working with law enforcement data bases.

Mr. White passed our background check for civilian employees and comes highly recommended by everyone interviewed in the process.

Thomas Figlia
Chief of Police

City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 88 - Authorizing the City Administrator to Execute a Memorandum of Agreement with the Patrolmen's Benevolent Association of Beacon, New York, Inc.

ATTACHMENTS

Resolution Authorizing the City Administrator to Execute an Memorandum of Agreement with the Patrolmen's Benevolent Association of Beacon, New York, Inc.

Memorandum of Agreement with the Patrolmen's Benevolent Association of Beacon, New York, Inc.



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 88 OF 2024

**AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF
AGREEMENT WITH THE PETROLMEN’S BENEVOLENT ASSOCIATION OF BEACON,
NEW YORK, INC.**

WHEREAS, the City of Beacon and the Patrolmen’s Benevolent Association of Beacon, New York, Inc. (“PBA”) are parties to a Collective Bargaining Agreement for the period of January 1, 2022 to December 31, 2025; and

WHEREAS, both the City of Beacon and PBA seek to execute a Memorandum of Agreement which amends said Collective Bargaining Agreement to allow the City of Beacon to amend the salary schedule of said Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Beacon City Council hereby authorizes the City Administrator to execute a Memorandum of Agreement with PBA regarding the salary schedule.

Resolution No. 88 of 2024			Date: August 19, 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							

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

WHEREAS, the City of Beacon ("City") and the Patrolmen's Benevolent Association of Beacon, New York, Inc. ("PBA") (collectively, the "Parties") are parties to a collective bargaining agreement ("CBA") covering the period from January 1, 2022 through December 31, 2025.

WHEREAS, the Parties entered into discussions regarding wage adjustments and agree the salary schedule in the CBA should be adjusted in accordance with the terms set forth herein in order to support recruitment and retention efforts and adjust to economic factors; and

NOW, THEREFORE, BE IT RESOLVED, by and between the Parties as follows:

The City and PBA agree that annual salaries for all PBA members shall be increased by five percent (5%) effective September 1, 2024 through the remainder of the year, after which the salaries will be increased effective January 1, 2025 based on previously agreed-upon salary percentage increases for 2025 as set forth in the CBA.

NOW, THEREFORE, BE IT FURTHER RESOLVED, the salary schedule in Article VII, Section A shall be deleted and replaced with the following revised salary schedule:

Police Officer:

	2021	2022	2023	1/1/2024 – 8/31/2024	9/1/2024 – 12/31/2024	2025
Starting Salary	\$57,182	\$58,326	\$59,493	\$61,683	\$64,767.15	\$66,062.49
After 1 Year	\$62,154	\$63,397	\$64,665	\$66,958	\$70,305.90	\$71,712.02
After 2 Years	\$67,126	\$68,469	\$69,838	\$72,235	\$75,846.75	\$77,363.69
After 3 Years	\$72,099	\$73,721	\$75,380	\$78,076	\$81,979.80	\$83,824.35
After 4 Years	\$77,072	\$78,806	\$80,579	\$83,392	\$87,561.60	\$89,531.74
After 5 Years	\$82,043	\$84,094	\$86,196	\$89,351	\$93,818.55	\$96,164.01
After 6 Years	\$90,588	\$92,853	\$95,174	\$98,553	\$103,480.65	\$106,067.67

Detective:

	2021	2022	2023	1/1/2024 – 8/31/2024	9/1/2024 – 12/31/2024	2025
Starting Salary	\$92,194	\$94,499	\$96,861	\$100,283	\$105,297.15	\$107,929.58
After 1 Year	\$95,137	\$97,515	\$99,953	\$103,452	\$108,624.60	\$111,340.22

Sergeant:

	2021	2022	2023	1/1/2024 – 8/31/2024	9/1/2024 – 12/31/2024	2025
Starting Salary	\$98,430	\$100,891	\$103,413	\$106,998	\$112,347.90	\$115,156.60
After 1 Year	\$103,449	\$106,035	\$108,686	\$112,403	\$118,023.15	\$120,973.73

Detective Sergeant:

	2021	2022	2023	1/1/2024 – 8/31/2024	9/1/2024 – 12/31/24	2025
Starting Salary	\$102,902	\$105,475	\$108,112	\$112,085	\$117,689.25	\$120,925.70
After 1 Year	\$105,571	\$108,210	\$110,915	\$114,688	\$120,422.40	\$123,432.96

Lieutenant:

	2021	2022	2023	1/1/2024 – 8/31/2024	9/1/2024 – 12/31/2024	2025
Starting Salary	\$104,099	\$107,222	\$110,439	\$114,752	\$120,489.60	\$124,104.29
After 1 Year	\$108,685	\$111,946	\$115,304	\$119,763	\$125,751.15	\$129,523.68

The above salary amounts do not include longevity steps. Employees shall remain on each salary step for one (1) year and move to the next step on their anniversary date from their date of hire.

BE IT FURTHER RESOLVED THAT all other terms of the CBA covering the period from January 1, 2022 through December 31, 2025 not expressly modified above shall remain unchanged.

FOR THE CITY OF BEACON

FOR THE PATROLMEN'S BENEVOLENT
ASSOCIATION OF BEACON, NEW YORK,
INC.

Christopher White, City Administrator

Affdecrin Vargas, President

Date

Date

City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 89 - Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the Washington Avenue Box Culvert Wingwall Replacement Project

ATTACHMENTS

Resolution Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the Washington Avenue Box Culvert Wingwall Replacement Project

City Engineer Memorandum Regarding the Washington Avenue Box Culvert Wingwall Replacement Project



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 89 OF 2024

**AWARDING A CONTRACT TO SUN UP CONSTRUCTION CORPORATION FOR THE
WASHINGTON AVENUE WINGWALL REPLACEMENT PROJECT**

WHEREAS, the City of Beacon published an advertisement pursuant to General Municipal Law § 103 and Chapter 53 of the Beacon City Code, seeking qualified contractors for COB Bid No. 2024-007, the Washington Avenue Wingwall Replacement Project; and

WHEREAS, on August 14, 2024, seven (7) sealed bids were received and opened; and

WHEREAS, the City Engineer recommends awarding the Washington Avenue Wingwall Replacement Project to the lowest responsible bidder, Sun Up Construction Corporation, which submitted a responsive and complete bid, for a total base bid amount of One Hundred and Fourteen Thousand, Nine-Hundred and Sixteen Dollars (\$114,916.00).

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby awards COB Bid No. 2024-007, for the Washington Avenue Wingwall Replacement Project to Sun Up Construction Corporation in the amount of One Hundred and Fourteen Thousand, Nine-Hundred and Sixteen Dollars (\$114,916.00); and

BE IT FURTHER RESOLVED, the City Administrator is hereby authorized to execute an agreement with Sun Up Construction Corporation, subject to approval by the City Attorney as to form and substance, and to take all actions necessary to effectuate the intent of this Resolution and to cause compliance with the agreement awarded to Sun Up Construction Corporation.

Resolution No. 89 of 2024				Date: August 19, 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					



August 15, 2024

Mr. Christopher White
City Administrator
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

and

Mr. Michael Manzi
Highway Superintendent
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

RE: Washington Ave Wingwall Replace
COB Bid No. 2024-007
City of Beacon
Award Recommendation

Dear Mr. White & Mr. Manzi:

A total of seven (7) bid proposals were submitted and opened on August 14th, 2024, for the **Washington Ave. Box Culvert Wingwall Replacement** project. The seven proposals were carefully reviewed; all multiplication between estimated quantities and unit prices checked; and addition of total prices checked against the total contract amount. Two of the submitted bid proposals were found to have mathematical errors but did not change the standings of the submitted bids. The bid submitted by Green Meadows Enterprises had a mathematical error that increased their overall bid price by \$18.00, and the bid submitted by Birdsall Excavating was found to have a mathematical error that decreased their overall bid price by \$3,240.00. All proposals submitted were found to be complete.

The following tabulation shows the order from the lowest bidder, the name of the bidder, the total contract amount, and the corrected contract amount if errors were found. The engineer's estimate for the project was approximately \$125,000.00.

NAME OF BIDDER	TOTAL CONTRACT AMOUNT	CORRECTED CONTRACT AMOUNT
Sun Up Construction Corp. Wappingers Falls, NY	\$114,916.00	N.A.
Green Meadows Enterprises, Inc. Wallkill, NY	\$129,522.00	\$129,540.00

Scape Tech Landscape Technology, Inc. Carmel, NY	\$146,886.00	N.A.
Kingston Equipment Rental, Inc. West Hurley, NY	\$156,654.00	N.A.
Birdsall Excavation and Construction, LLC Clarksville, NY	\$202,240.00	\$199,000.00
Legacy Supply, LLC Valhalla, NY	\$279,230.00	N.A.
VAD Construction Corp. White Plains, NY	\$302,660.00	N.A.

The lowest bidder is Sun Up Construction Corp., with the total base bid amount of \$114,916.00.

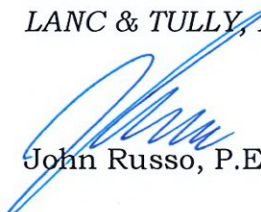
Sun Up Construction Corp. has submitted information related to projects in which they have completed the work as outlined within the proposed project. References supplied were called and checked to verify the work completed by the prospective low bidder and were found to be acceptable. In our opinion, Sun Up Construction Corp. should be considered the lowest responsible bidder based upon the submitted information and Chapter 53 of the City Code. Along with the bid, the contractor has submitted a Non-Collusive Bidding Certificate, and a Bid Bond.

It is our recommendation to the City Council to award the **Washington Ave. Box Culvert Wingwall Replacement** project to Sun Up Construction Corp.

If you have any questions, or need any further information, please do not hesitate to contact our office.

Very truly

LANC & TULLY, P.C.


John Russo, P.E.

Cc: Nick Ward-Willis, City Attorney

City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 90 - Adopting the 2021-2030 City of Beacon Government Operations Climate Action Plan

ATTACHMENTS

[Resolution Adopting the 2021-2030 City of Beacon Government Operations Climate Action Plan](#)

[2021-2030 City of Beacon Government Operations Climate Action Plan](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 90 OF 2024

**ADOPTING THE 2021-2030 CITY OF BEACON
GOVERNMENT OPERATIONS CLIMATE PLAN**

WHEREAS, the City of Beacon pledged to take part in the NYS DEC Climate Smart Communities Certification Program with pledges including reducing greenhouse gas emissions; and

WHEREAS, Government Operations Climate Action Plan sets concrete emission-reduction goals for the City of Beacon, and identifies priority actions to achieve those goals; and

WHEREAS, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, collaborated with the Hudson Valley Regional Council (HVRC) in the development of this document, reviewed drafts, and provided valuable feedback on iterations that resulted in the final draft; and

WHEREAS, the task force presented a draft government operations climate action plan to the City Council and general public during the Council's Workshop on August 5, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby adopts the Government Operations Climate Action Plan; and

BE IT FURTHER RESOLVED, the City Council authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the City of Beacon.

Resolution No. 90 of 2024				Date: August 19, 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

2021-2030 Government Operations Climate Action Plan

JUNE 2024

Produced by
the City of Beacon
with Assistance from ICLEI –
Local Governments for
Sustainability USA and the
Hudson Valley Regional Council



Credits & Acknowledgements

This report was prepared by staff of the City of Beacon, in partnership with the Climate Action Planning Institute (CAPI), between January 2023 and June 2024.

Local Government Officials and Staff

Chris White, City Administrator

Ben Swanson, Secretary to the Mayor

Faye Leone, Climate Smart Coordinator

The authors are grateful for extensive support from the Hudson Valley Regional Council (HVRC), particularly Mary Lambert, and from the ICLEI - Local Governments for Sustainability USA (ICLEI USA), particularly Caroline Dickey. We also thank HVRC intern Leo Valenti for timely support and contributions.

The authors would also like to thank the Beacon Climate Smart Task Force/Conservation Advisory Committee for its input and support, particularly Jeffrey Crawford, Sergei Krasikov, Eleanor Peck, Phil Stamatis, and Thomas Wright. Sincere thanks as well to City of Beacon staff for providing insight and local information, in particular Ed Balicki, Paula Becker, Michael Manzi, Jamie Mesnick, Mark Price, Jean Rivera, Dave Tavernier, and Susan Tucker. Finally, thank you to members of the Beacon community who reviewed an initial draft of this report and provided thoughtful feedback. The authors are grateful for the insights raised by their careful review.

Lastly, the authors wish to acknowledge the tremendous value for the City of Beacon to be part of a cohort with other Dutchess municipalities, and we thank the eight other dedicated teams who participated in this process along with Beacon. Their insights along the way, as well as the ongoing exchange of information and experiences among cohort members, were invaluable throughout the process of creating this report.

CAPI is a program of the Hudson Valley Regional Council. This program has been funded in part through a grant to the County of Dutchess as lead applicant through the Climate Smart Communities Grant Program, Title 15 of the Environmental Protection Fund through the New York State Department of Environmental Conservation.

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I. Executive Summary

The City of Beacon has established a goal to reduce greenhouse gas (GHG) emissions from municipal operations by 40% from 1990 levels sooner than New York State’s target of 2030. This reduction is in line with the State’s Climate Law, although in Resolution No. 118 of 2020, Beacon resolved that “the City’s Climate Action Plan will plan to achieve the State goals to reduce GHG emissions for the overall community sooner than the current goals outlined by New York State.”

The goal expresses the City’s responsibility to our community and the planet, and it sets a target for City Council and City staff to make their best efforts within financial, technological, operational, and other constraints.

The City of Beacon has established a plan for reducing greenhouse gas (GHG) emissions associated with municipal operations (“Plan”). It provides a strategy to reduce emissions from 2021 levels to a level aligned with the City’s climate targets. The Plan is a non-binding guide to City actions over the next several years and will be updated as needed.

This Plan focuses on the City’s activities that create emissions as part of municipal operations. It does not address emissions from the wider community, such as homes, businesses, or schools. Similarly, it does not recommend or focus upon climate-related actions that do not address municipal emissions.

Following the Executive Summary, the Plan begins with an introduction to climate impacts in Beacon, followed by a background section which reviews some of Beacon’s previous climate action efforts. It also explains how this Plan was developed, the underlying vision and goals, an acknowledgement of impacts beyond reducing emissions, and a summary of the City’s municipal GHG emissions in 2021.

The majority of the Plan is a mitigation strategy consisting of specific reduction actions and their forecasted impacts. The Plan concludes with next steps to implementing the recommended mitigation actions.

Overview of the 2021 Local Government Operations Climate Action Plan (GOCAP): The Plan sets out actions focused on the major sources of GHG emissions in Beacon’s infrastructure and operations, as identified in the City’s corresponding 2021 Inventory, published in November 2023. It provides objectives and strategies in focus areas through which Beacon can achieve GHG reductions, specifically:

- Buildings;
- Vehicles;
- Solid waste; and
- Water and wastewater treatment.

The Plan creates a framework to document, coordinate, measure, and adapt operational efforts moving forward. In addition to listing actions, the Plan discusses how each action will be implemented via timelines, staffing responsibility, and key performance indicators (KPIs). The Plan also notes co-benefits associated with reducing emissions, including cost savings from energy use reductions.

2021 Emissions: According to Beacon’s 2021 Government Operations GHG Emissions Inventory (Inventory), the City’s municipal emissions were estimated to be 3,081 metric tons of carbon dioxide equivalent (CO₂e) per year. The Inventory found the leading contributors to 2021 municipal operational emissions to be methane from the closed landfill at Dennings Point, the equipment used to treat wastewater, the City’s vehicle fleet, and the use of gas and oil for heating and hot water in City buildings.

2030 Targets: In 2020, Beacon’s City Council set a series of climate action targets for the government and community. The goals include reducing government operation emissions by 40% compared to the 1990 base year, a benchmark which is in line with the New York State Climate Leadership and Community Protection Act (CLCPA or Climate Law). Beacon’s targets, however, prescribe earlier implementation of the Climate Law’s timeline of 2030.

While the City Council targets reference a 1990 base year, the present Plan uses 2021 as the base year in order to improve accuracy based upon availability of benchmark data, aligning with Beacon’s latest GHG inventory. The City translated the benchmark as follows: a 40% reduction from the State’s 1990 base year is approximately equivalent to a 31% reduction from the City of Beacon’s 2021 levels. This captures improvements to the energy grid made by New York State since 1990, including those actions taken in Beacon, such as conversion of public street lights to LED bulbs and the installation of a solar array that offsets a majority of municipal electricity use each year.¹ In sum, this Plan aims to reduce annual emissions to 2,126 metric tons of CO₂e by 2030².

Strategy for 2023-2030: The Plan shows the estimated emission reductions associated with each strategy we expect to deploy. The estimates serve as a planning tool to help keep the City on track to achieve its climate action goals. The reduction actions in the strategy have been identified based on their emissions impacts, their feasibility, alignment with City policies, and funding opportunities for their implementation.

Implementation Timeline: The City has identified actions in four sectors of municipal operations, as well as actions to monitor progress and update the Plan. Additional reductions will be achieved through changes not modelled for this Plan, or which do not require specific City initiatives (such as a natural reduction of landfill emissions, and a projected population-wide uptake of EVs including for City employees).

¹ Source: [2022 Statewide GHG Emissions Report](#)

² Calculated in ClearPath forecasting software

The timeline for completing each action appears in the table below.

Sector Key:

Vehicles
Buildings
Water and Wastewater
Solid waste
Monitoring/planning

2023	2024	2025	2026	2027	2028	2029	2030
Replace 2016 Chevy Impala with 2023 Ford Mach-E	Replace 2004 Chevy Impala with 2023 Chevy Bolt	Install additional EV chargers	Transition 5% of gas fleet to BEV	Transition 5% of gas fleet to BEV	Transition 5% of gas fleet to BEV	Transition 5% of gas fleet to BEV	Transition 5% of gas fleet to BEV
Conduct GHG inventory	Install geothermal heat pumps at Tompkins firehouse	Install rooftop solar at Highway Garage	Install rooftop solar on new portion of firehouse	Record vehicle mileage	Install additional EV chargers	Record vehicle mileage	Record vehicle mileage
	Decommission former fire facilities	Install rooftop solar at WW office	Install electric heat pumps at water plant	Conduct GHG inventory	Record vehicle mileage	Install biofilters at Dennings landfill	Update CAP
		Convert WW office from oil heat to electric heat pumps	Record vehicle mileage		Update CAP		
		Record vehicle mileage	Update CAP				

Next Steps and Additional Recommendations: The Plan highlights the initial steps towards implementing the strategies below. It also includes potential actions that could be considered for future versions of the municipal climate action plan.

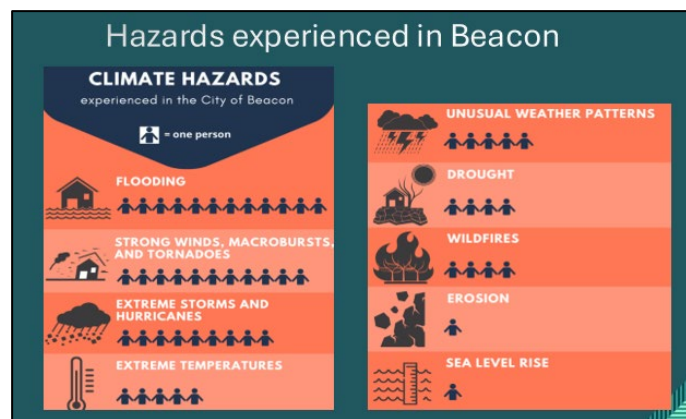
II. Introduction: Why Climate Action Matters in Beacon

Unmitigated climate change poses an existential threat to our society and will exacerbate many other problems already facing our community. No place on earth will be unaffected by climate change, and impacts are already being felt across the planet, including in the Hudson Valley. Extreme weather events have become more frequent and intense in severity, causing issues such as severe flooding and extended periods of drought. Like so many other communities, Beacon has experienced heavier and more frequent downpours, extreme heat days, and poor air quality.

The City of Beacon is also located just a short distance (approximately 90 miles) from the mouth of the Hudson River, and is therefore closely connected to a coastline area experiencing sea-level rise among the greatest in the world.³ This sea-level rise has resulted in localized flooding on Beacon's waterfront and damaged low-lying railroad infrastructure on which many Beacon residents depend.

Tangible impacts have already included damage to public roadways and infrastructure, adverse impacts on the operations at the Wastewater Treatment Plant from inundation, and interruptions to rail infrastructure used by many residents for their daily commute.

For a more specific local perspective, in 2020, Beacon's Conservation Advisory Committee (CAC) gathered the observations and experiences of residents and visitors to further understand the impacts on daily life of our residents.

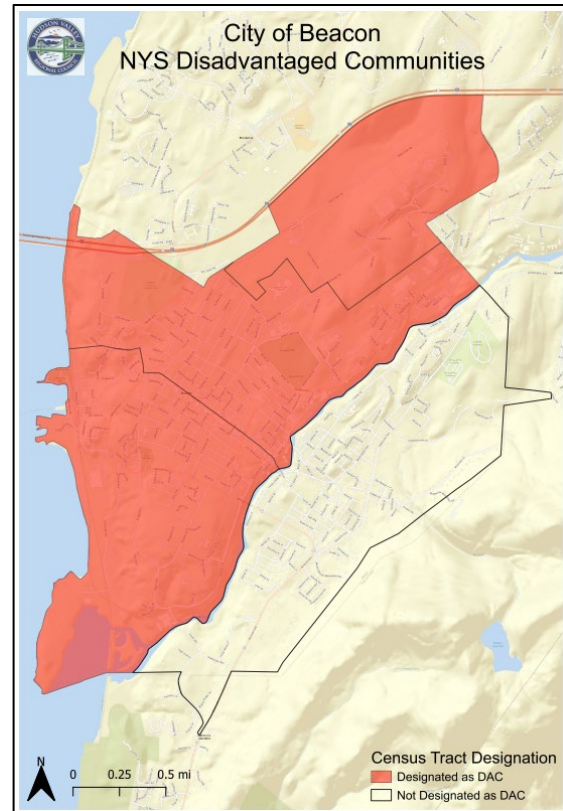


Hazards Reported by Beacon Residents in 2020⁴

³ NCA 2018: <https://nca2018.globalchange.gov/> Refers to the stretch of coastline from the tip of the Delmarva Peninsula in Virginia to the elbow of Cape Cod in Massachusetts. Annual sea level rise is 2 to 3.7 mm per year—more than three times the global average as of 2018 NCA report publication.

⁴ Source: [Beacon Sustainability and climate resilience vision \(beaconny.gov\)](https://beaconny.gov/)

These climate change impacts disproportionately affect more vulnerable people in particular ways. For example, as noted in New York State's expanded designation of Beacon as a disadvantaged community in 2023, the nearest hospital is not easily accessible, which makes climate-related health impacts more threatening.⁵ Poor air quality further impacts many community members, exacerbating asthma and other health conditions. Similarly disproportionate is the rising cost of energy for cooling as local temperatures increase. Low-income households are thus at a disadvantage to endure higher average temperatures and more extreme heat patterns.



Climate Change Impacts on Public Health⁶

Climate change is globally recognized as a public health emergency⁷. The following climate-related health impacts could occur in New York State, according to the New York Department of Health:

- Increased heat stress and other heat-related morbidity and mortality;
- Exacerbation of respiratory conditions (including pneumonia, asthma, and chronic obstructive pulmonary disease) and cardiovascular disease;
- Increased risk for food- and water-borne diseases due to increasing temperatures and flooding;
- Increased duration and severity of allergy symptoms due to increased duration and intensity of pollen season;
- Increased risk for vector-borne diseases (such as Lyme disease, West Nile virus, and other pathogens); and
- Increased risk of injury and death following extreme precipitation events and flooding

Additional health impacts could include the following, according to the Climate Leadership and Community Protection Act (CLCPA) Scoping Plan: droughts, rising sea levels that

⁵ DAC criteria: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>

⁶ Source: CLCPA Scoping Plan, section 8.2 (December 2022)

⁷ Reference at 26th Conference of the Parties to the UN Framework Convention on Climate Change (COP 26), per CLCPA Scoping Plan p. 94

threaten infrastructure, saltwater intrusion of the State’s groundwater resources (which may impact drinking water supplies), poor indoor air quality (such as mold and moisture), and deteriorating outdoor air quality, particularly ground-level ozone that increases with rising temperature.

The Scoping Plan also points to a greater risk of death in those who have mental illness due, in part, to medications that interfere with the body’s thermoregulation.

Much of Beacon is designated as a disadvantaged community based on environmental and social conditions related to its past, present, and projected future risk. Many impacts of climate change disproportionately affect people in disadvantaged communities, including significant disparities in health outcomes by age, race, ethnicity, and socioeconomic status. For example, disparities exist in New York for heart disease mortality and stroke mortality by race. Rates are highest in Black non-Hispanics among all race and ethnic groups. Asthma is another major health problem nationally and in New York. Its contributing causes include four components of air pollution – ozone, sulfur dioxide (SO₂), nitrogen oxides (NO_x), and particulate matter. Asthma hospitalization rates in New York are higher in low-income areas than in higher income areas. Asthma surveillance in New York has shown that the age-adjusted asthma emergency department visit, hospital discharge and mortality rates were higher among non-Hispanic Black and Hispanic New Yorkers than non-Hispanic White.

In consideration of these health disparities and environmental burdens, climate change mitigation efforts must prioritize reductions of GHG emissions and co-pollutants in designated disadvantaged communities.

In Beacon, the census tract located on the Hudson River and southern border of the city has a “higher environmental burden than 98% of the state, making it especially susceptible to the effects of climate change,” as reported by the Highlands Current [in 2022](https://highlandscurrent.org/2022/04/22/is-beacon-a-disadvantaged-community/).⁸

The City’s role can be to focus its climate mitigation actions on the impacts that affect vulnerable residents the most, and where our impacts are already the most severe. This includes providing reliable and renewable energy sources, limiting air pollution, reducing “heat island” effects, and minimizing municipal contributions to global atmospheric change which, in turn, increases volatile weather conditions.

When communities and local governments reduce emissions, it helps to lower the projections for annual temperature rise over time. When local governments focus on the impacts that most affect vulnerable people, they make the community and its government operations healthier and more resilient.

⁸ <https://highlandscurrent.org/2022/04/22/is-beacon-a-disadvantaged-community/>



III. Background

City of Beacon Historical Efforts

In addition to undertaking the many initiatives outlined through the reduction strategy presented in this Plan, the City has adopted a sustainably-minded approach on both a day-to-day and longer-term basis. While reductions to measurable emissions from City operations are a vital focus, they are only one aspect of what must be done on a local level to do Beacon's part towards mitigation of and resiliency preparation for climate change. This second category includes policy initiatives that impact emissions of the business and residential community, policies and projects that reduce the City's carbon footprint but that are not easily translated into reduction figures for the purposes of this report, and other actions that don't directly lower emissions themselves, but which have other critical environmental impacts.

This section memorializes some of these efforts in recent years, both to inform on recent focus points of the City as well as to acknowledge the myriad ways that climate change must be addressed.

Some particularly noteworthy municipal actions and initiatives during the past several years have been:

- In 2022, the City of Beacon partnered with the Conservation Advisory Committee and the Compost Working Group to pilot a compost program which involved both backyard bins and local, centralized drop-off sites. Since that time, the program has grown in scope and budget, and it has served as a model for many surrounding communities.
- In 2023, Beacon adopted one of the first electrification building code laws in the State of New York, and in doing so, set a more ambitious timeline than the State. The law set requirements for utility electrification for the community more generally, and thereby supports improved health and air quality and reduces local reliance on fossil fuels.

- In 2023, Beacon partnered with Cornell Cooperative Extension to plan for and launch a website landing page for climate-related emergency resources, including notification systems, preparation advice, and other urgent assistance information.
- In 2024, Beacon partnered with a non-profit organization to support residents' transition to renewable energy through a community solar program. This program works with the City's local utility company to reduce bills, while also financing local solar energy infrastructure.
- In the spring of 2024, Beacon piloted a tree program, which resulted in planting 50 well-established and native-species trees. The program allowed residents to purchase trees at a discount and with free delivery, thereby lowering financial and logistical barriers to planting trees throughout the community, while also decentralizing the labor involved with caring for newly planted trees. Over time, the City hopes that this initiative can provide significant benefits to local air quality, temperature resilience, and native wildlife species, while also mitigating local emissions.

On a related note: while Beacon's base year is 2021, it is also important to recognize actions taken prior to that time, which have helped lower emissions and provide a stronger baseline. Some key initiatives which have contributed to this include establishing a 2MW solar array on a closed landfill, converting streetlights to LED city-wide, and connecting residents with a Community Choice Aggregation program for approximately two years. It is actions like these that have made Beacon a leader in climate action and have demonstrated the community and City's ability to make ambitious changes.

Beacon is certified by New York State as a silver-level Climate Smart Community and is an active participant in the Clean Energy Communities program administered by the NY State Energy Research and Development Authority (NYSERDA).

Climate Action Plan (CAP) Process

This Climate Action Plan takes advantage of common-sense approaches and cutting-edge policies to recommend emission reduction strategies that Beacon's local government is well positioned to implement.

To identify the recommended strategies for implementation, the City of Beacon's CAP team consulted with government staff, analyzed GHG emissions under a business-as-usual scenario, and analyzed the potential reductions from applying various strategies. Findings and drafts were made available for review and comment from the public and other stakeholders. The revised report is available on the City's website.⁹

CAPI Planning Team

Several individuals within the City of Beacon were involved in creating the CAP, including:

- Faye Leone, Climate Smart Coordinator (drafting)
- Ben Swanson, Secretary to the Mayor (outreach to municipality and CAPI cohort)
- Chris White, City Administrator (oversight and strategy)
- Conservation Advisory Committee (CAC) members (ongoing communication)
- City staff (support and information)

Public Outreach and Engagement

	Stakeholder Group	Outreach Action
January 2023-May 2024	Conservation Advisory Committee (CAC)	Provided monthly updates on CAPI
January 2024	City Council	Presented GHG inventory and overall planning ; received feedback (agenda)
January 2024	Community/Public	Issued newsletter about GHG inventory results and overall planning
Spring 2024	City department heads and staff	Consulted on departmental priorities and potential emission reduction strategies
May 2024	CAC and Community/Public	Consultation period on draft report
June 30, 2024	City Council	Emailed report to Councilmembers
August 5, 2024	City Council	Report presentation and discussion

⁹ [Studies & Reports — City of Beacon \(beaconny.gov\)](#)

Vision Statement

The City of Beacon aims to become the greenest community in the Hudson Valley. To help identify what that means to community members, the City of Beacon's Conservation Advisory Committee worked in partnership with Cornell Cooperative Extension to develop a sustainability and climate resilience vision¹⁰ for Beacon.

The resulting vision in 2020 included several elements that the City government can play a strong role in delivering, such as:

- Have an informed and educated populace and municipal staff;
- Mitigate and adapt to climate change;
- Invest in renewable energy; and
- Invest in resilient infrastructure.

More specifically, the City's vision for a resilient and sustainable future includes the following key elements:

1. Serving as a leader in the region in adopting and sourcing clean and local energy that comes from the sun, wind, or other safe and innovative renewable technologies;
2. Transforming public facilities into high-performing and energy efficient places for employees to work in and to serve the community;
3. Leading by example in reducing waste, and practicing recycling and other sustainable behavior throughout all operations;
4. Transitioning to a more sustainable and efficient vehicle fleet; and
5. Carefully understanding potential climate-related risks and mitigating these risks while preparing City of Beacon's infrastructure for chronic and extreme weather events.

Climate Goals

Beacon's City Council has set an emission reduction target of 40% by 2030 from a 1990 base year. The Plan, as outlined here, translates the 1990 State figure to 2021 in order to align with the City's most recent GHG inventory (published in November 2023), and thus improve accuracy by using the latest available data on local emissions. The target from a 2021 base year to 2030 has been determined to be 31%.¹¹

Thus, this Plan aims to reduce annual emissions to 2,126 MTCO₂e by 2030. This target encompasses the emissions sources included in the 2021 GHG inventory, which covers the City's

¹⁰ [Beacon Sustainability and climate resilience vision \(beaconny.gov\)](https://beaconny.gov/sustainability)

¹¹ A 40% reduction from the State's 1990 base year is approximately equivalent to a 31% reduction from the City of Beacon's 2021 levels. This reflects improvements to the energy grid made by New York State since 1990, according to the [2022 Statewide GHG Emissions Report](#).

Scope 1 emissions, its Scope 2 emissions¹², and two categories of its Scope 3 emissions: employee commute and handling solid waste.

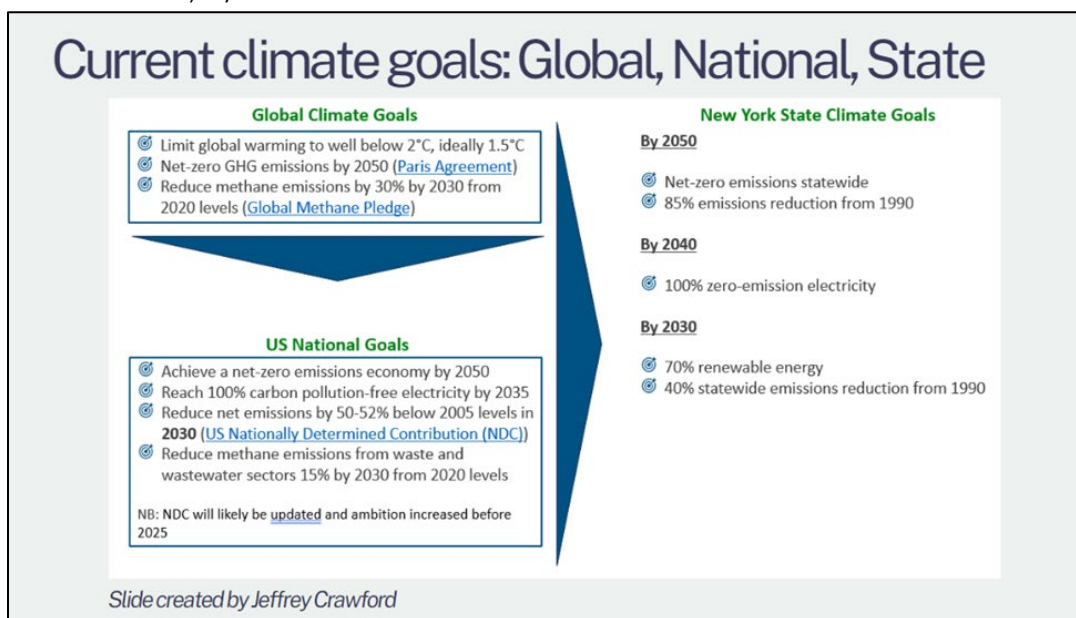
Climate Policy Context

The City of Beacon is pursuing emissions reduction within a context of policies and regulations at global, national, and state levels.

International Agreements: The Paris Agreement is a legally binding international treaty on climate change adopted by national governments in 2015. The U.S. is a Party. Signatories agreed to substantially reduce global GHG emissions in order to hold global temperature increase to well below 2°C above pre-industrial levels. Recognizing that less warming will bring less severe disruptions, signatories agreed to pursue efforts to limit it to 1.5°C above pre-industrial levels. To achieve this, global GHG emissions must reach net zero by 2050 and decrease 50% by 2030.

United States: The U.S. Government is striving for a net-zero emissions economy by 2050. A key milestone is to reduce emissions by 50-52% by 2030 (from a 2005 base year).¹³

New York State: The State's Climate Leadership and Community Protection Act (CLCPA) or Climate Law, signed into law on July 18, 2019, sets goals to reduce emissions to 40% below 1990 levels by 2030 and then to 85% below 1990 levels in terms of absolute reduction and net-zero (100% net reduction) by 2050.



¹² Scope 1 refers to GHGs emitted by local sources, like the use of diesel or gas. Scope 2 refers to emissions caused by the energy we purchase, like electricity for municipal buildings and lighting (to the extent that it is not sourced from renewable energy).

¹³ U.S. Nationally Determined Contribution: <https://unfccc.int/sites/default/files/NDC/2022-06/United%20States%20NDC%20April%2021%202021%20Final.pdf>

City of Beacon: Resolution No. 118 of 2020, adopted August 3, 2020, authorizes the City of Beacon to create a climate action plan in order to reduce GHG emissions. At that time, the City Council resolved Beacon would aim to achieve the State’s reduction goals for the overall community sooner than the goals outlined by the State. It resolved that the Plan should also:

- Aim to reach zero-emission electricity for the entire community sooner than 2040;
- Research the feasibility of reducing the City’s government operations emissions and community emissions more generally to be net zero;
- Ensure that actions recommended are prioritized by highest impact, and do not put any undue burden on residents and taxpayers, particular upon those of lower economic means; and
- Be created with community input.

Note on science-based targets: The best practice in setting emissions reduction targets is to align with scientific consensus on the changes required to keep global warming below 1.5 degrees Celsius above pre-industrial levels.

A science-based target for reducing emissions likely would be significantly higher than the targets established in New York State’s Climate Law.¹⁴ In Beacon’s case it could call for a 60% reduction or greater. The present Climate Action Plan takes up the City’s legislated level of ambition, which is to align with the Climate Law and achieve it on a faster schedule. The Plan uses the most-to-date emissions analysis possible, applying 2021 utility records despite the calculation challenges with using data from that year.

The purpose of this Plan is to identify where the City can have the greatest impact from its operations and achieve the most important changes within its constraints, striving to fulfil our legislated targets.

¹⁴ Sources include High-Impact Action Plan for Beacon provided by ICLEI in 2018

Co-Benefits of Climate Action

Through this plan, City of Beacon strives not only help secure a stable climate but to also assist in providing the benefits of healthier air, savings on energy costs, improved government services, and many other positive side effects that are associated with reducing the municipal carbon footprint.

Cost Savings: In addition to addressing climate change, measures taken to reduce GHG emissions have other important benefits, such as the potential for significant cost savings. Many of the measures in this plan pay for themselves quickly by reducing direct costs, such as fuel or energy used, as well as through reducing indirect costs such as maintenance. For instance, a fleet of smaller and more efficient vehicles is less expensive to purchase and operate, while also being less costly to maintain.

Improving energy efficiency, installing on-site renewables, and other similar measures will also result in lower energy bills for the City, and, therefore, will reduce costs to taxpayers over time. Acting now will also save on costs for repairing damage and otherwise adapting to climate change, especially in the longer term. These savings include, for example, reductions in proactive and reactive costs associated with infrastructure damage from more frequent and intense storms.

Resource Security: Another key benefit of climate change mitigation activities is enhanced energy security through reduction in total demand. This will put less strain on the energy system as a whole as we transition to clean renewable energy.

Many of the actions identified here to mitigate GHG emissions will also help the City of Beacon's government adapt to a changing climate. For example, extreme and prolonged heat waves can put considerable strain on the reliability of energy delivery in peak periods, possibly leading to service disruption during times when cooling is most needed. By increasing efficiency across Beacon facilities, this type of service disruption is less likely. Beacon has already begun work towards the installation of solar panels on municipal properties, which allows the City to use more locally-generated clean energy. Doing so supports future resilience by buffering the City from changes to or strains upon the regional grid, both in terms of clean energy mix and variable costs.

Job Creation: The renewable energy industry has become a leading sector in job growth. The U.S. Bureau of Labor Statistics expects solar installers and wind technicians to be the two fastest-growing jobs through 2026. Energy efficiency jobs are also growing rapidly. These climate protection measures in this plan can spur business and job growth during the design, manufacture, and installation of energy efficient technologies and other green sectors.

Air Quality: Climate change mitigation activities, particularly those related to building heating and the vehicle fleet, help to clean the air and therefore improve public health throughout the community. Given the proximity of our community to the highly-traveled Interstate 84, exposure to air pollution from diesel trucks is one of the highest areas of risk for two of Beacon’s four census tracts.¹⁵ Some of the other impacts of climate change on public health, which are discussed in the Introduction to this Plan, could also be alleviated through reducing local emissions.

Equity: Research shows that vulnerable populations, such as the elderly or chronically ill, low-income families, and people of color, have higher risk of experiencing impacts of climate change. Beacon’s social indicators contribute to its designation as a Disadvantaged Community within New York State, and, as such, must be considered in planning for future actions to reduce negative impacts to the most affected residents.

It is well-documented that climate change exacerbates existing gaps in access to resources, capital, and services.¹⁶ By ameliorating environmental threats and targeting programs and making changes to services or infrastructure before extreme events happen, the City can mitigate the most devastating impacts to already vulnerable populations. Similarly, inequity correlates with greater vulnerability to physical challenges, making many in City of Beacon disproportionately at risk from natural disasters and the impacts of climate change, and often without gaining the same benefits of clean and sustainable infrastructure and support systems. Policies and projects should also consider ways to simultaneously address effects of and systems that perpetuate climate change and inequity.

The Plan indicates which recommended strategies specifically addresses climate equity.

¹⁵ DAC criteria: <https://climate.ny.gov/resources/disadvantaged-communities-criteria/>

¹⁶ U.S. Department of Treasury Report on “The Impact of Climate Change on American Household Finances” (2023): https://home.treasury.gov/system/files/136/Climate_Change_Household_Finances.pdf



IV. Government Operations Emissions

Emissions from local government operations represent the total emissions produced by government facilities, vehicle fleet, and other government-owned or operated activities. In this way, the local government operations figures represent emissions for which the local government is responsible. Government operations are a subset of total community emissions.

Inventory Methodology: Since the early 1990s, U.S. cities have developed community-wide and local government operations GHG inventories based on accounting protocols created by ICLEI. Known as the U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions and the Local Government Operations Protocol, these standards created a credible and defensible methodology, which has since accelerated the number of inventories created and which provides consistency within and across U.S. communities. In 2014, ICLEI partnered with the World Resources Institute and C40 Climate Leadership Group to create the Global Protocol for Community Scale GHG Emissions, which allows communities around the world to compare their emissions footprint.

The City of Beacon used the Local Government Operations Protocol for the 2021 GHG inventory previously described in this report, and ICLEI's ClearPath digital platform for calculating potential reductions from specific actions. More detail on the inventory methodology is available in the City of Beacon's 2021 GHG emissions inventory report,¹⁷ [which is published on the City's website](#).

Note on alternative methodology: The general protocol for local government inventories is to use location-based emissions factors for calculating the emissions associated with the electricity consumed. In Beacon's case, this is a regional grid for upstate New York (eGrid Upstate New York 2021). However, emissions can also be calculated using market-based emissions factors. In Beacon's case the market-based calculation method could better reflect the mix of energy sources in the electricity purchased from the City's utility provider, Central Hudson.

¹⁷ [Studies & Reports — City of Beacon \(beaconny.gov\)](#)

Future inventories may wish to consider the adoption of market-based factors, which would have two main benefits:

1. Market-based calculations would capture emissions associated with Beacon's electricity use based on the percentage of renewable sources, rather than generalizing across multiple utility companies in the Upstate New York region. As of 2024, Central Hudson's energy mix has a lower percentage of renewables than the location-based average (i.e., the electricity is "dirtier" than the regional average).
2. Market-based methodology allows inventories to demonstrate the impact of locally generated solar energy. Currently, Beacon retires renewable energy certificates (RECs) from the solar array at Dennings Point, but in a location-based methodology they cannot be counted as emission reductions.

It should be noted that with the location-based method, actions in communities throughout the region affect the energy mix of the Upstate New York Grid, including Beacon's generation of solar power at Dennings Point. Upstate New York's grid has a particularly low emissions factor due to a high percentage of renewables, and Beacon's use of solar powered electricity is a contributing factor.

Mitigation Cycle: The 2021 GHG inventory provides key information needed to prioritize the City's climate action. It is the first milestone in a full cycle of climate mitigation, and informs the subsequent steps:

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

The outcomes of the above steps make up the present Climate Action Plan.

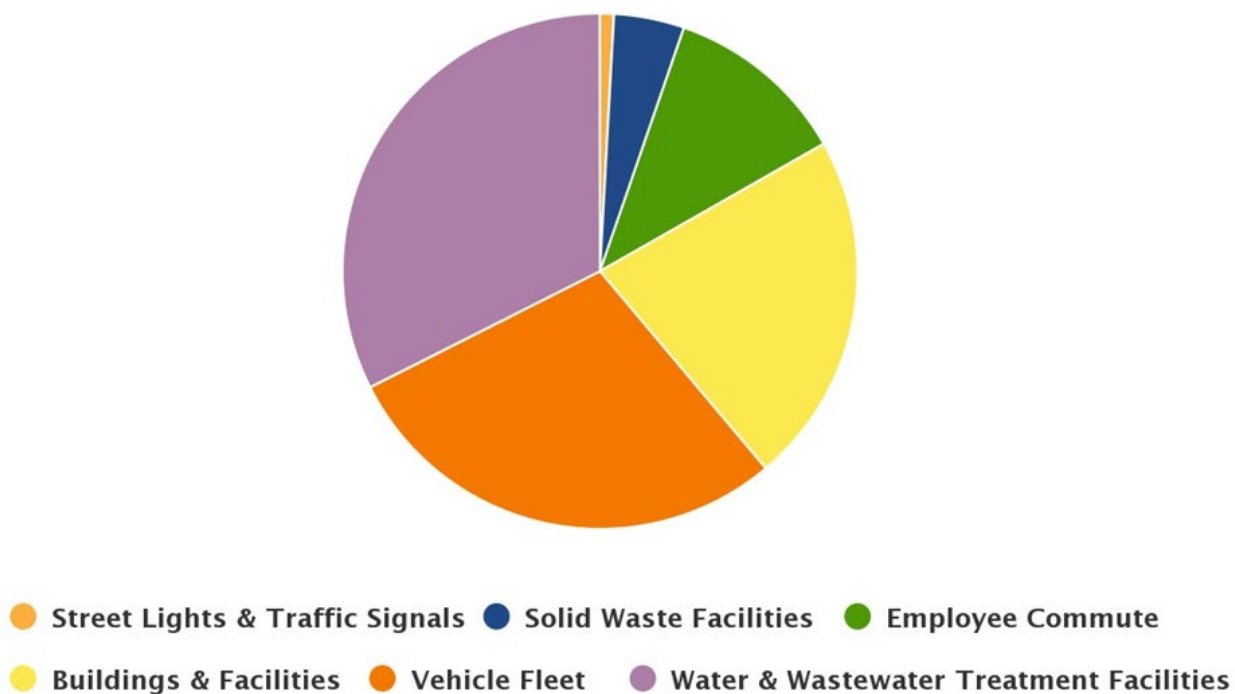
Summary of Results: The City of Beacon's 2021 government operations GHG emissions inventory covers its Scope 1 emissions (GHGs emitted by local sources, like the use of diesel or gas), Scope 2 emissions (emissions caused by the energy we purchase, like electricity for municipal buildings and lighting (to the extent that it is not sourced from renewable energy)), and two subsets of Scope 3 emissions: employee commutes and solid waste handling.

According to that inventory report, municipal emissions were estimated to be 3,081 metric tons of carbon dioxide equivalent (CO₂e) per year. Among the leading contributors to operational emissions in 2021 were methane from the closed landfill at Dennings Point (34%), running the equipment used to treat wastewater, fuel consumed by the City's vehicle fleet (29%), and the use of gas and oil in City buildings.

Actions to reduce emissions from these sectors are therefore a key part of our climate action plan.

Through this inventory, the City determined its overall gross emissions in 2021 equated to **3,081 metric tons of carbon dioxide equivalent (MTCO₂e)**. The government operations net emissions, however, were **2,740 (MTCO₂e)**, due to the Sunlight Beacon solar array at Dennings Point, the energy from which offsets a portion of the emissions from City operations.

CO₂e By Category



Emissions contribution by sector (2021)

- Solid waste: **1,224 MTCO₂e** (61% of total emissions);
- Water & wastewater: **630 MTCO₂e** (32%);
- Vehicle fleet: **558 MTCO₂e** (29%);
- Buildings and facilities: **429 MTCO₂e** (22%);
- Employee commute: **223 MTCO₂e** (12%); and
- Streetlights and traffic lights: **17 MTCO₂e** (1%).

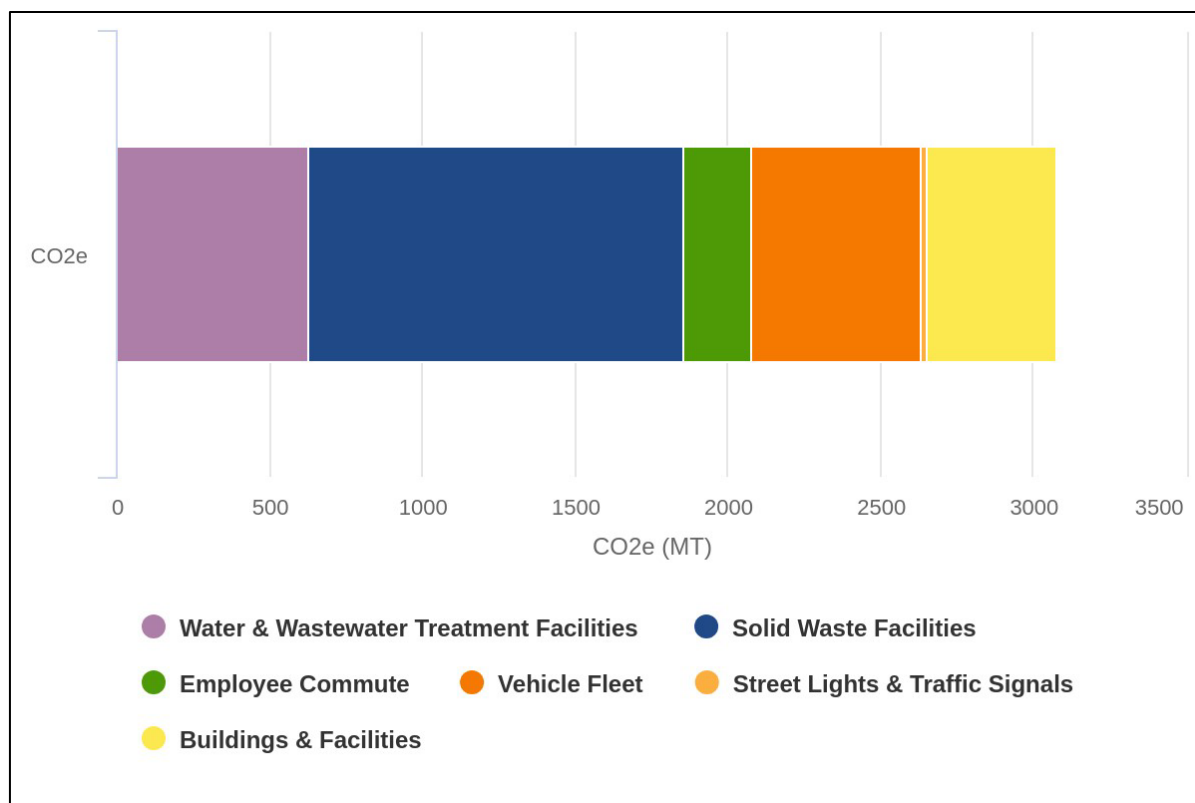


Figure 1: City of Beacon's 2021 Local Government GHG Emissions Inventory

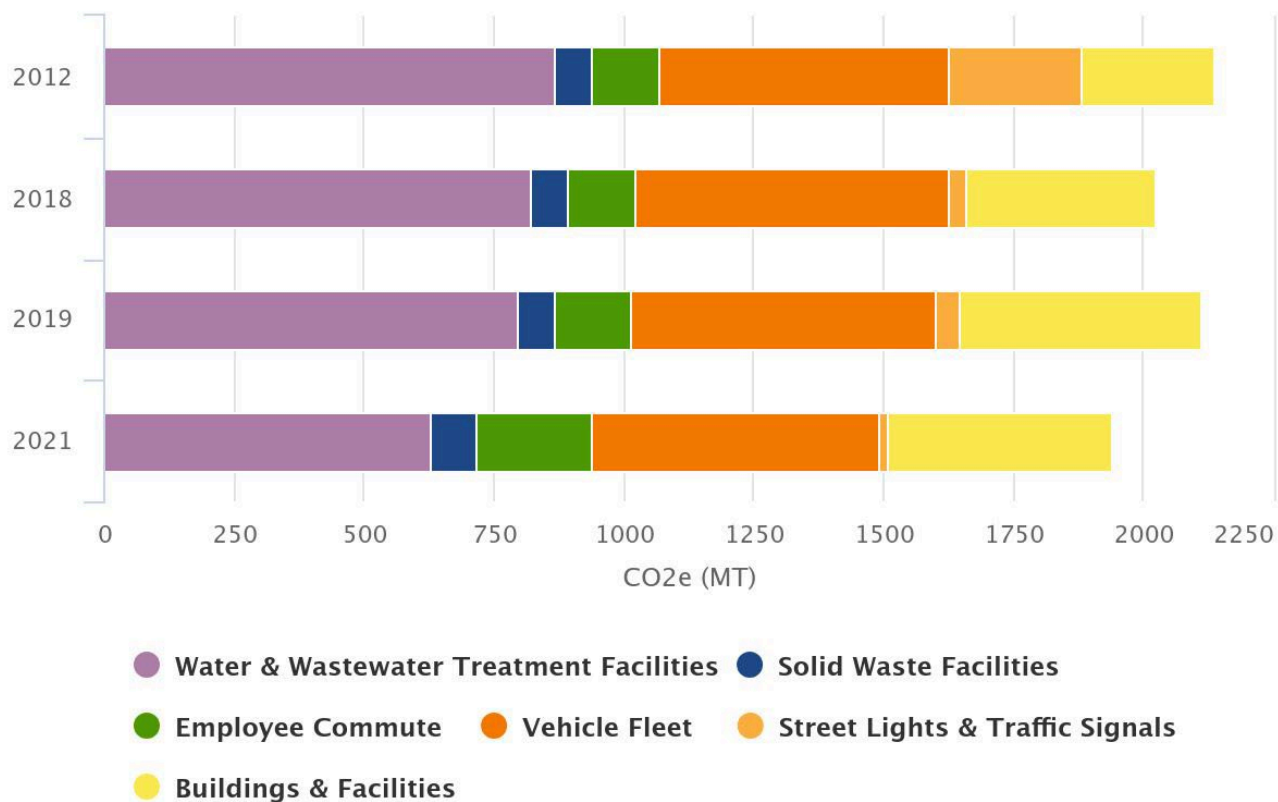
Year-over-year Comparison: Excluding one source of municipal emissions in 2021 – the closed landfill at Dennings Point, which was not included in previous inventories – enables us to compare inventory results to those from previous years.

Inventory Comparison By Sector

Comparison of CO2e by sector and year over all official inventories

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

Without the landfill emissions, the total emissions in 2021 was an estimated 1,943 metric tons CO₂e. This is a 9.8% reduction from the 2019 total of 2,115 metric tons CO₂.



Business as Usual Scenario: Projected Emissions with No Reduction Action

To provide a basis for comparison as specific reduction actions were considered, the City of Beacon completed an emissions forecast based on projections of current data and expected future trends. The emissions forecast is a “Business-As-Usual” (BAU) forecast, a scenario estimating future emissions levels if no further local action were to take place.

Projected Growth in GHG Emissions

Figure 2 shows the projected growth in GHG emissions in the City of Beacon from 2021 to 2030. The emission growth is based on population growth, employee count projections, electricity grid decarbonization projections, and changes in automotive fuel efficiency standards. Beacon’s Local Government Operations BAU forecast shows that if no action were taken to reduce the emissions trajectory, emissions would decrease from 3,081 MTCO₂e in 2021 to 2,837 MTCO₂e by 2030. This is equivalent to a 7.92% reduction in emissions, as opposed to the target of 31% reduction by 2030.

Figure 2 also compares the reduction target with the business-as-usual forecast.

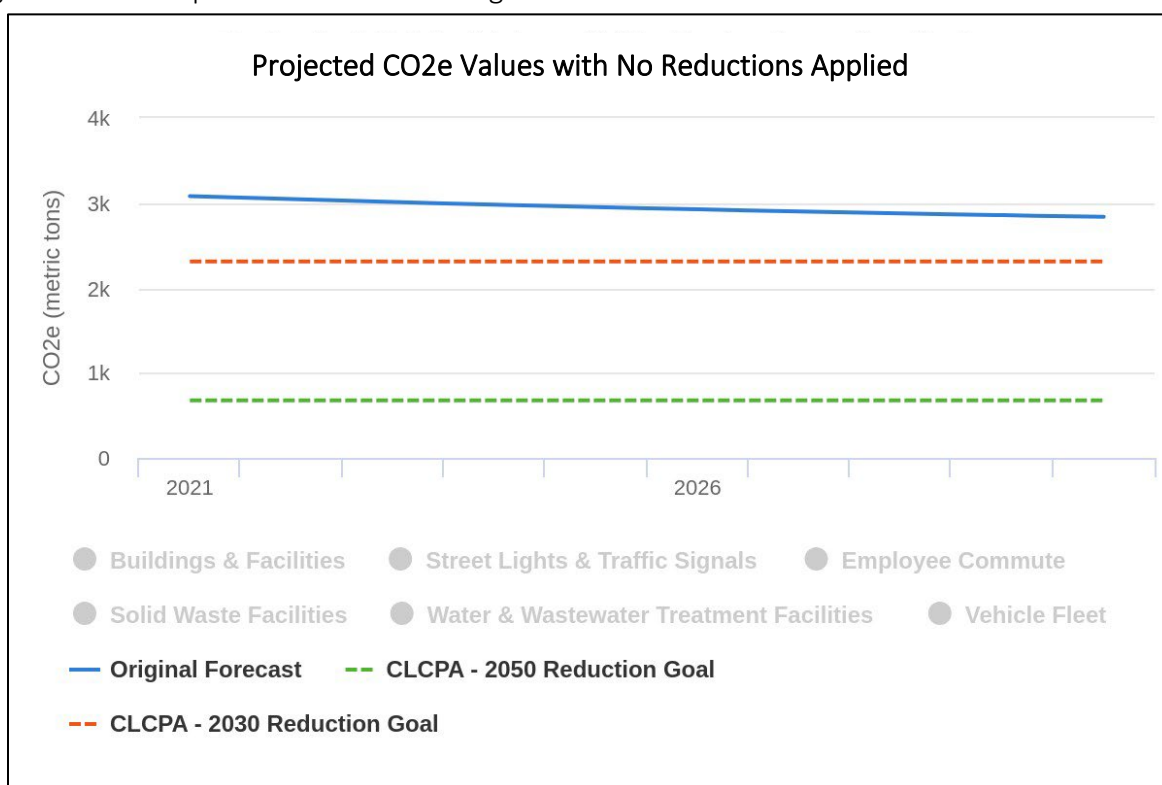
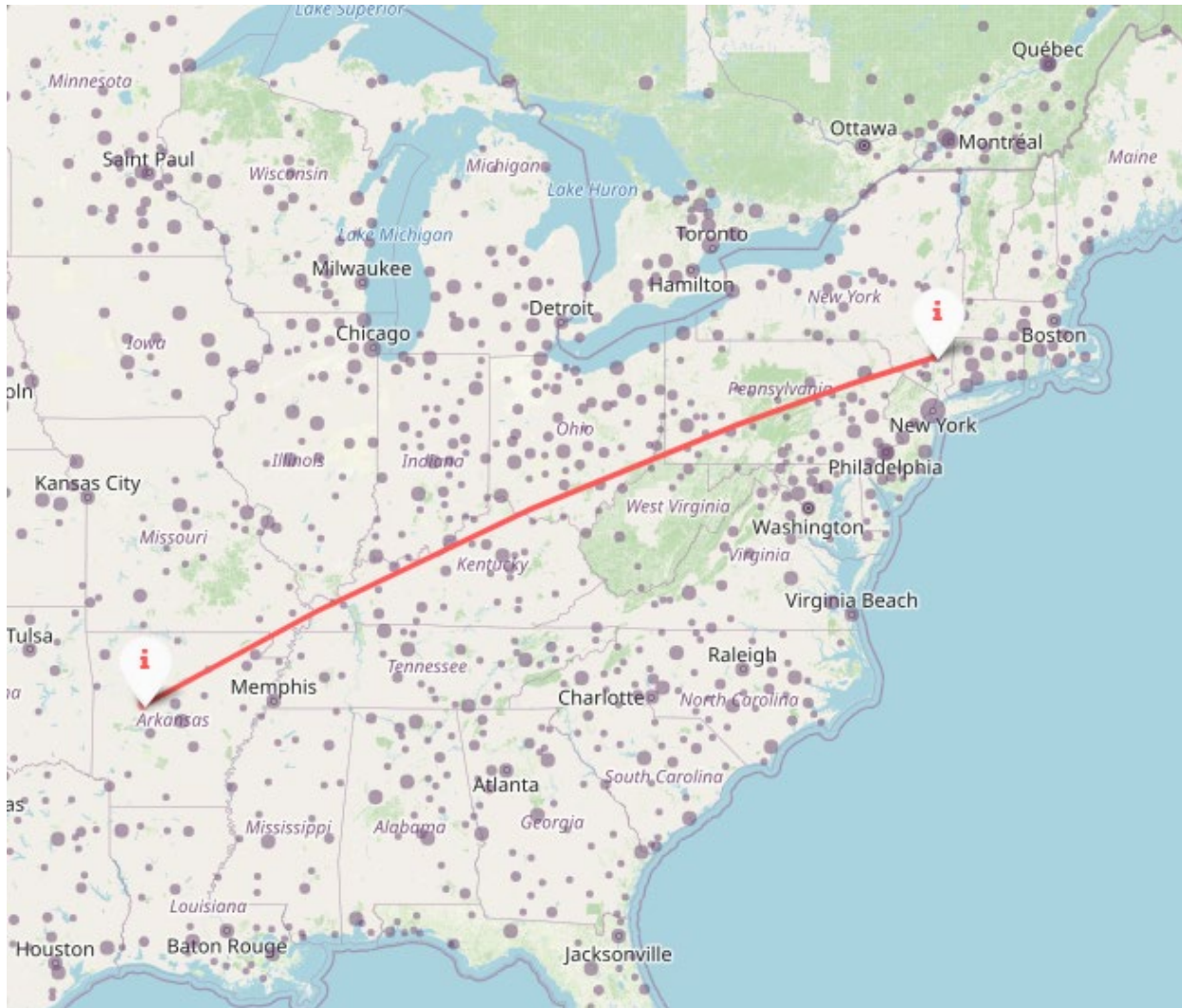


Figure 2: Projected Growth in GHG Emissions from 2021 to 2030

With a high emissions projection, the local climate in Beacon (as part of the area surrounding Poughkeepsie, NY) 60 years from now is anticipated to be most similar to the current climate in Ola, Arkansas.¹⁸ Summers are expected to be 10.2°F (5.7°C) warmer and 2.7% wetter than current local conditions. Winters are expected to be 10.6°F (5.9°C) warmer and 22.6% wetter.



Projected climate in Poughkeepsie, New York in 60 years¹⁹

¹⁸ <https://fitzlab.shinyapps.io/cityapp/>

¹⁹ Source: **Matt Fitzpatrick** at the [University of Maryland Center for Environmental Science - Appalachian Lab](https://fitzlab.shinyapps.io/cityapp/).
<https://fitzlab.shinyapps.io/cityapp/>

V. Mitigation Strategy

This section outlines strategies to reduce operational emissions that will collectively allow the City to reach its mitigation targets, as well as the estimated reductions associated with each strategy. The estimates serve as a planning tool to help stay on track to achieving the City's climate action goals, but no given strategy is individually binding.

The City acknowledges the importance of the projects and goals outlined in this Plan, while recognizing that it is not legally committed to any specific actions or targets mentioned in the document. The City retains the discretion to change the anticipated priorities and make decisions based on evolving circumstances and the progress of ongoing efforts. This non-binding Plan allows the City to remain adaptable and responsive to future developments.

Based upon results captured in the 2021 GHG inventory and prioritization consultations with key staff, Beacon's plan focuses on four high-impact areas for climate mitigation: buildings, vehicles, water and wastewater, and solid waste.

In addition to these modelled reduction strategies, the City is also committed to increasing the number and quality of trees in Beacon and to conserving selected parcels of open space, efforts that play an important role in mitigating GHG emissions at the local level and provide many other benefits. While this is not currently feasible to include in modeling, that could change in the coming years.

Finally, this Plan's forecasting reflects additional changes that do not depend on specific City initiatives. For example, New York State estimates that EV uptake across the population will reach 16% by 2030. The present Plan includes a reduction measure applying that adoption to the gasoline mileage associated with City of Beacon employees' commute.²⁰

Buildings

The City of Beacon's buildings and facilities are powered by a mix of electricity, natural gas, and heating oil. The use of fossil fuels for heat and energy on-site contributes directly to the government's emissions, and the electricity used for lighting, heat, and other operations is partially generated from burning fossil fuels, as well. In 2021, the energy consumed in Beacon-owned and operated buildings and facilities accounted for 22% of the City's total GHG emissions.

Improving the efficiency of buildings and infrastructure will contribute significantly to achieving our GHG reduction targets, while saving government and taxpayer money used on utility costs and by reducing the need for new infrastructure. The City aims to ensure that all future

²⁰ This reduction measure does not add back in emissions from charging EVs. However, those emissions are expected to be minimal in comparison to gasoline consumption, both due to EVs' efficiency and the low carbon intensity of the New York State grids.

construction projects for municipal facilities are electric and energy-efficient. The City is aware that even fully electric infrastructure relies in part on fossil fuels (approximately 60% of the energy mix for the NY Upstate region²¹). Therefore, increasing the proportion of locally generated solar that powers municipal buildings is a complementary strategy to move closer to net-zero buildings.²²

The strategies in the table below indicate opportunities to update existing facilities to make their management compatible with climate goals.

Install Solar Arrays ²³		
Description & benefits	Reduction Potential: 4.38% of total 2021 CoB emissions	Co-Benefits: Cost savings, resource security
	To meet goals for this category, the City of Beacon could install rooftop solar on three municipal facilities: • Highway Garage; • Administrative building at wastewater treatment facility; and • Lewis Tompkins Hose Firehouse. Solar panels are a clean, renewable source of energy, and would contribute to lower-emissions electricity for municipal operations. Increasing the City's capacity to generate electricity locally is consistent with its policy of using 100% renewable energy for municipal operation electricity each year. Solar panels provide savings on energy costs while reducing the use of fossil fuels. Locally generated solar power also lessens reliance on a larger energy grid, and therefore enhances Beacon's climate resilience.	
KPI	• Solar panels installed on proposed buildings (or alternative buildings with equivalent total generation capacity) • Successful interconnection with utility	
Responsible staff	City Administrator	
Proposed timeline	• Highway garage: 2024 • Wastewater administrative building: 2025 • Firehouse: 2025	

²¹ <https://www.epa.gov/egrid/data-explorer>

²² A net-zero building would be all-electric and source the electricity from renewable energy, such as on-site solar.

²³ Per the emissions calculation method used for this Plan (location-based calculations), installing local solar to power municipal buildings and facilities does not appear to have a substantial impact on emissions. (Another calculation method – the market-based method – would reveal greater impact from installing solar, and future GOCAP iterations would benefit from using the market-based calculation method.) Regardless, installing more solar generation supports a cleaner regional grid and more resilience for Beacon's municipal operations.

Electrify Municipal Buildings		
Description & benefits	Reduction Potential: 3.11% of total 2021 CoB emissions	Co-Benefits: Public health, cost savings, resource security, equity
	As of May 2024, the City is nearing completion of a project to consolidate three former firehouses into one centralized facility, which has undergone renovations and a 60% expansion to its square footage. The building will now be all-electric (with a mandated exception for a back-up generator) and use a geothermal heat pump system.	
	Heat pumps are a much more efficient way to heat and cool buildings than systems based on burning natural gas or oil. This system will lead to cost savings while using a cleaner source of energy and making improvements to local air quality. These improvements will be especially impactful for residents living near the respective facilities and people who work in the municipal buildings.	
KPI	• Turn on geothermal system • Decommission former fire facilities	
Responsible staff	• City Administrator • Building Inspector • DPW Superintendent	
Proposed timeline	• Lewis Tompkins Hose firehouse conversion: 2024 • Decommission former firehouse facilities: 2024	

Vehicle Fleet

The City of Beacon owns and operates approximately 92 government vehicles, ranging from small passenger cars to heavy trucks and equipment. Besides emitting GHGs, gasoline and diesel also produce air pollutants that, when combusted, reduce local air quality and negatively impact health for employees and residents.

Energy consumed by fleet vehicles accounted for 29% of the City's total GHG emissions in 2021. Transitioning the municipal vehicle fleet to hybrid and electric vehicles (EVs) and other low-carbon fuel sources will contribute significantly to achieving GHG reduction targets, while saving the government money on fuel costs and improving local air quality.

The strategies in the table below focus on opportunities to electrify the vehicle fleet. The strategies for the City’s vehicle fleet are informed by a robust fleet assessment conducted for Beacon by ICF in partnership with Central Hudson in 2023-2024.

Convert Vehicle Fleet		
Description & benefits	Reduction Potential: 4.25% of total 2021 CoB emissions	Co-Benefits: Public health, cost savings, resource security, and equity
	In recent years, the City of Beacon has made multiple vehicle fleet replacements, including: purchasing of a Ford Mach-E and Chevy Bolt for the Police Department and Wastewater Treatment Plant, respectively. Going forward, the City plans to continue its transition from a gas fleet to battery-electric vehicles at a steady, incremental rate. Hybrid vehicles will be considered if EV versions are not available or practical.	
	Electric vehicles (EVs) are more fuel-efficient and release fewer GHGs than traditional gas vehicles. EVs also save on overall costs in the long run, with electricity being a cheaper “fuel” source than buying gas or diesel, the trend of falling up-front purchase costs of EVs, and continuing sources of government incentives for funding municipal purchases of such.	
	Local air quality is improved with each replacement of a gas vehicle with an EV or hybrid vehicle.	
KPI	• Ensure new vehicle purchases are all-electric or plug-in hybrid, wherever feasible • Purchase electric vehicles at rate of 5% per year beginning 2026²⁴ • Remove their gas counterparts from the City’s fleet	
Responsible staff	City Administrator	
Proposed timeline	• Mach-E: 2023 (complete) • Chevrolet Bolt EUV: 2024 (complete) • Chevrolet Blazer: 2025 • Peterbilt 220: 2026 • Optimal maintenance of all vehicles • 5% fleet-wide transition to BEV per year: 2026-2030	

²⁴ 5% surpasses the City’s general rate of vehicle replacement. Setting a target for proportion of fleet rather than specific vehicles allows for adapting to changing needs and vehicle condition. A steady rate of gradual conversion also provides time to build up the City’s municipal charging infrastructure in a way that keeps pace with electric vehicle adoption, and it allows time for the market to expand for include a selection of electric alternatives for heavier-duty vehicles.



Install EV chargers		
Description & benefits	Reduction Potential: N/A	Co-Benefits: Public health, cost savings, and resource security
	While charging stations don't reduce GHG emissions themselves, by increasing EV infrastructure and the number of charging stations in Beacon, using EVs becomes easier, more accessible, and more appealing. These factors combined encourage the purchase and use of EVs by both local governments and residents, and increased usage of EVs in Beacon will reduce local GHG emissions.	
	Moving to electric vehicles will also save costs on gas and increase air quality.	
KPI	EV chargers installed	
Responsible staff	• City Administrator • Head of DPW	
Proposed timeline	2025, 2028	



Solid Waste

Government-produced waste generates GHGs in a number of ways. Firstly, solid waste from Beacon is hauled to an incinerator in Poughkeepsie – generating emissions in the process – at which point it is burned, thereby releasing additional GHGs and contributing further to air pollution. Second and even more impactful, the closed landfill at Dennings Point in Beacon is the City’s largest single source of annual emissions, contributing to around 36.9% of emissions in 2021. Altogether, in 2021, the solid waste sector in Beacon accounted for 61% of total operational emissions.

The strategy in the table below identifies an opportunity to significantly mitigate methane reductions and make the City’s waste management practices more compatible with climate goals.

Capture of Landfill Methane		
Description & benefits	Reduction Potential: 33.98% of total 2021 CoB emissions	Co-Benefits: Public health and equity
	The City of Beacon hopes to install biofilters at the closed Dennings Point landfill site, which are expected to mitigate methane emissions by 90% of those emissions each year. Reducing these emissions will lead to better air quality locally. This reduction measure may require outside funding to be secured before implementing, so its implementation is potentially grant-dependent.	
KPI	• Design completed for biofilter system • Installation of biofilters • Commence yearly monitoring to measure emission reduction	
Responsible staff	City Administrator	
Anticipated timeline	2029	

Water and Wastewater

The City of Beacon owns and operates a Wastewater Treatment Plant (WWTP), located at Dennings Point, and a water treatment plant located at Liberty Street. In 2021, the water and wastewater treatment sector in Beacon accounted for 32% of total operational emissions due to the energy-intensive processes involved in maintaining healthy and clean water for consumption, as well as in complying with environmental standards associated with purification of wastewater. Wastewater treatment is one of the City's most emission-intensive operations.

The City has identified a short-term opportunity to reduce one source of emissions, the oil-burning heating system. The City also identified an opportunity to install heat pumps in one or more of the buildings at the water treatment plant.

Electrify WWTP Administrative Building		
Description & benefits	Reduction Potential: 5.49% of total 2021 CoB emissions	Co-Benefits: Public health, cost savings, equity
	The City of Beacon plans to electrify the heating system of its wastewater administrative building by converting to a heat pump. This may involve conducting an energy study beforehand to provide specific recommendations.	
	The new system would reduce the amount of GHG emitted by the building, lessen energy use overall, and therefore save money on energy bills. The replacement will also improve air quality for those who work at the wastewater plant and live nearby.	
KPI	- Conduct energy audit / assessment of administrative building - Replace boiler with heat pump	
Responsible staff	- City Administrator - Head of Wastewater Department	
Proposed timeline	Wastewater Administrative Building: 2025	

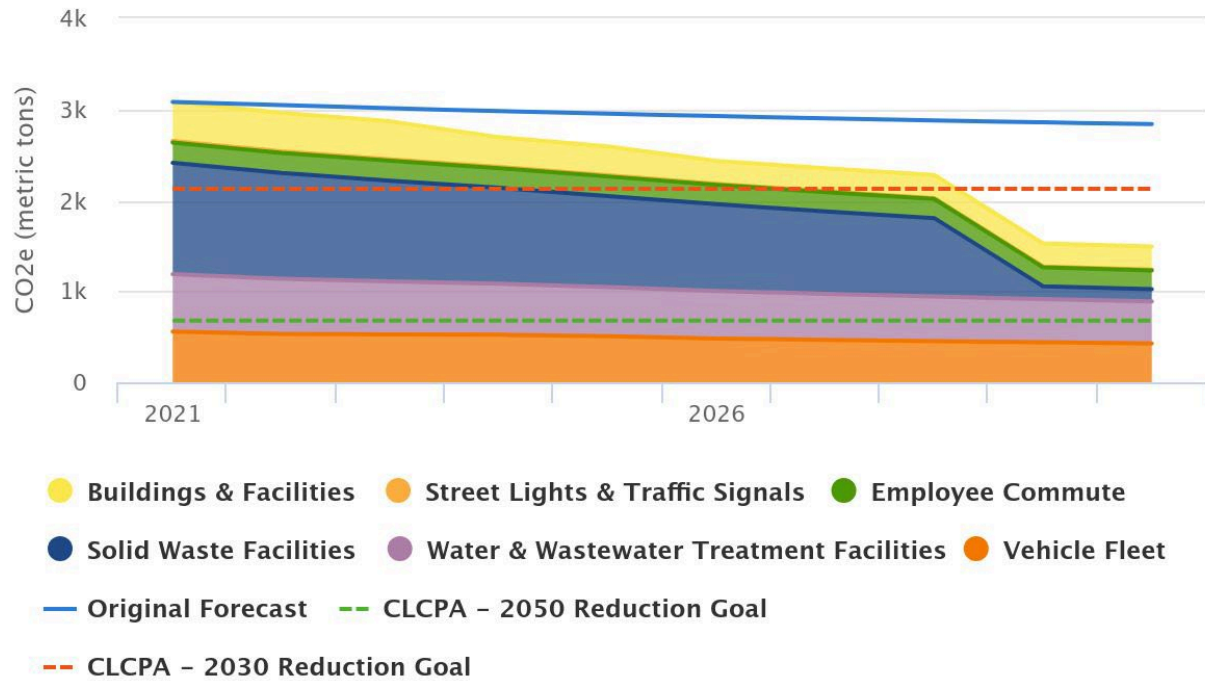
Electrify Water Treatment Facility		
Description & benefits	Reduction Potential: 5.49% of total 2021 CoB emissions	Co-Benefits: Public health, cost savings, equity
	The City of Beacon plans to electrify the heating system of its water treatment plant by converting to a heat pump system. This may involve conducting an energy study beforehand to provide specific recommendations.	
	The new system would reduce the amount of GHG emitted by the building, lessen energy use overall, and save money on energy bills. The replacement will also improve air quality for those who work at the water plant and live nearby.	
KPI	• Conduct energy audit / assessment of administrative building • Replace current heating and cooling system with heat pump system	
Responsible staff	• City Administrator • Head of Water Department	
Proposed timeline	Water Treatment Plant: 2026	

Combined Impact of Reduction Strategies

Overall, the Plan includes the following reduction measures:

- Natural reduction in landfill methane emissions over time
- Biofiltration system at closed landfill
- Projected EV uptake across New York State, applied to CoB employees
- Optimal vehicle maintenance fleet-wide
- Replace 2016 Chevrolet Impala with 2023 Ford Mach-E, replace 2004 Chevrolet Impala with 2023 Bolt EUV, replace 2016 Chevrolet Impala with 2025 Chevrolet Blazer EV, replace 1990 International dump truck with Peterbilt 220
- Replace 5% of gas vehicles with EVs each year, beginning in 2025
- Install geothermal heat pumps at Lewis Tompkins Hose Firehouse, wastewater treatment plant administrative building, and water treatment plant
- Decommission former firehouse facilities
- Install solar at: Highway Garage, wastewater treatment plant administrative building, and Lewis Tompkins Hose Firehouse

Projected CO2e Values With Reductions Applied



Sector	2021 Emissions	2030 Forecasted Emissions
Buildings	429 MTCO ₂ e	252 MTCO ₂ e
Employee commute	223 MTCO ₂ e	207 MTCO ₂ e
Vehicle fleet	558 MTCO ₂ e	426 MTCO ₂ e
Solid waste	1,224 MTCO ₂ e	135 MTCO ₂ e
Water and wastewater	630 MTCO ₂ e	461 MTCO ₂ e
Streetlights and traffic lights	17 MTCO ₂ e	9 MTCO ₂ e
Total	3,081 MTCO ₂ e	1,490 MTCO ₂ e (represents a 48.36% decrease from 2021 emissions)

Figure 6: Combined Emissions reductions

VI. Monitoring Plan

The City of Beacon intends to monitor progress towards achieving the targets of the Plan. Monitoring enables the City to track the impacts of the actions in the Plan and compare projected reductions in emissions with what is actually realized, help determine whether a given action is meeting expectations, and identify corrective measures, as needed.

To facilitate ongoing tracking of the City’s efforts, the City intends to continue its membership in ICLEI. Beacon has had an annual membership with ICLEI for over five years, which provides for access to technical support and emissions monitoring tools for municipalities. These tools have been essential to the City’s ability to complete GHG inventories and to create this Plan.

Increased data collection also will support the City’s ability to monitor progress against the Plan. Based on recommendations from ICLEI, the Plan proposes that each City department take an odometer reading for its vehicles on a yearly basis. The records will enable the City to calculate vehicle miles travelled (VMT) each year, improving forecasting of fleetwide emissions. Vehicle-specific VMT will be helpful in making decisions about replacing gas-powered vehicles with EVs.

Monitoring efforts will include periodic updates to the GHG emissions inventory for government operations, and more frequent updates to this Plan that reflect progress on its individual reduction strategies or alternative measures being undertaken. Every two years, the City intends to develop an “action report,” which will provide updates on the implementation status of the emissions reduction strategies contained in this Plan. In addition, a “monitoring report” developed every four years will update the inventory of government operations GHG emissions.

Monitoring Component	Action Reporting	Full Reporting
Overall Strategy: Reporting any changes to initial strategy	Yes	Yes
GHG Emissions Inventories: Provide updated energy consumption and GHG emissions data for the reporting year	No	Yes
Mitigation Action Plans: Report the implementation status (completed, in progress, on hold) of key actions and update their impacts	Yes	Yes

Table 8: Monitoring Status

With the approval of this Climate Action Plan in 2024, the first monitoring action report will be due in 2026, and the first full monitoring report with the updated GHG inventory will be due in 2028. Interim updates may be conducted as time and resources allow.

Input from community members will be an important component of the forthcoming action reports and monitoring reports.

VII. Next Steps: Implementing the Plan

Some of the actions in the Plan are underway or fully completed. Specifically, in 2023 the City replaced a gas-powered car with an EV and conducted a 2021 GHG emissions inventory. In 2024, the City replaced a gas-powered car with an EV and installed geothermal heat pumps at the Tomkins Firehouse, as part of a renovation to consolidate three facilities into one.

In the coming months, the City will engage with City staff and other stakeholders to prepare to implement additional reduction strategies, beginning with those scheduled for 2025. Preparations include identifying grants, tax credits, and other funding sources, and gathering bids for services and equipment.

VIII. Additional Recommendations

The City received valuable feedback from community members during a comment period on the draft version of the Climate Action Plan, conducted in June 2024. While some suggestions lie outside the scope of the present Plan, they are presented below for consideration in future updates and discussions.

A. Future updates to GOCAP: The suggestions below could be explored for inclusion in the next iteration of the municipal Climate Action Plan.

1. Add a chapter on adaptation to climate change:

Commenters suggested that the Climate Action Plan should address the City's role in action to adapt to current and forecasted consequences of climate change, such as increased flooding, temperature rise, and more severe disaster conditions.

An adaptation planning process would assess Beacon's vulnerabilities to climate hazards, and the create a climate adaptation plan that presents a strategy for protecting local vulnerable assets and improve Beacon's resilience to climate change based on its local physical, economic, and social vulnerabilities.²⁵ It could outline steps such as information sharing, details on emergency gathering locations, and related resources. The adaptation plan would ultimately be included as a chapter in the Climate Action Plan.

²⁵ <https://hudsonvalleyregionalcouncil.org/capiadapt/>

2. Use second emissions calculation method:

Commenters suggested that future inventories and GOCAPs use a second method of calculating emissions – the market-based method, which would better reflect Beacon’s utility company’s specific energy mix (the percentage of renewable sources in the electricity it provides to Beacon customer accounts), which likely differs from the regional grid average. By using this method, calculations would better indicate potential reductions from relying on locally generated solar power rather than the mix provided through the utility company.

It would also allow the City’s emissions inventories to account for the solar power generated at City facilities and the associated renewable energy credits (RECs) the City retires through the State’s trading system. The market-based method allows RECs that we created or purchased to count as absolute emissions reductions.

3. Model emissions reduction from trees and open space:

Conserving natural areas has a high potential for emissions reduction. Commenters noted that trees and green spaces offer powerful ways to draw carbon from the atmosphere and accelerate progress towards limiting warming. For this iteration of the GHG inventory and Plan, the City was not able to capture the emissions reduction benefits of its publicly owned trees due to constraints on feasible tools for doing so. However, new tools may make it easier to forecast CO₂ absorption from trees in future inventories and Plans.

The City is proud of its historical status as a Tree City USA. The City of Beacon Tree Committee oversees publicly owned trees.

4. Explore battery storage as an emissions reduction strategy:

Storing energy generated through Beacon’s solar installations can increase local resiliency by allowing for a more reliable supply of electricity for municipal operations, particularly during grid outages, while also helping to avoid such outages. Public funding is becoming more available for battery storage and other technological developments, such as two-way charging for electric vehicles and demand response that will support adoption of renewables and make the electricity grid more resilient. The City could consider initiating a study of such tools and potentially reflect findings in future versions of the Climate Action Plan.

5. Extend forecasting to 2050 and create a net-zero target:

To complete the City of Beacon’s alignment with New York State’s Climate Law and associated milestones, the City will need to plan for ways to align with the target of 85% absolute emissions reduction by 2050 as well as net-zero (100% emissions reductions including offsets if needed beyond 85%) before 2050. Reducing government operations to net zero is an existing legislative commitment by Beacon’s City Council.

6. Create management plan for emissions inventory:

A commenter suggested creating a GHG Inventory Management Plan, establishing specific lines of responsibility for maintaining and updating the emissions data in the plan and producing future updates, and formalizing the resources available to support inventory management.

B. Potential community-wide CAP: One commenter noted that in order for Beacon to become the greenest community in the Hudson Valley, it needs to take action on climate beyond the scope of its own operations. Indeed, as resolved in Beacon City Council resolution 118 of 2020, the City has decided to create a Plan that includes:

- Reducing GHG emissions for the overall community in line with the goals set by New York State, on a faster schedule;
- Reaching the State goal of zero-emission electricity sooner than 2040;
- Reducing both government operation emissions and community emissions to be net zero;
- Recommendations for action based on highest impact;
- Avoiding undue burden on residents/taxpayers of lower income; and
- Input from community members, including assistance from the Conservation Advisory Committee (CAC).

The suggestions below, received from members of the public who reviewed the draft Plan, have potential impacts on community-wide emissions and electricity sources, and they could be explored for inclusion in such a Climate Action Plan.

Increase solar generation	Support installation of solar at each school in the Beacon City School District and continue creating incentives for residential solar
Reduce vehicle miles travelled	Ensure access to reliable transportation via public infrastructure to reduce vehicle emissions
	Improve infrastructure for bike and pedestrian use
Reduce vehicle idling	Set local law on idling ²⁶
Reduce single-use plastic	Adopt “skip the stuff” policy to prohibit restaurants from providing disposable plastic items in take-out and delivery orders unless requested ²⁷
	<i>“Please consider a bill like this in the climate plan; plastic is a pollutant and emitter, from production to disposal.”</i>



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²⁶ Existing NY State regulations: <https://afdc.energy.gov/fuels/laws/IR?state=ny>

²⁷ Recent example from New York City: <https://www.nyc.gov/content/getstufdone/pages/single-use-plastic>

City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 91 - Adopting Local Law No. 6 of 2024 Concerning Prohibition of Eviction Without Good Cause

ATTACHMENTS

Resolution Adopting Local Law No. 6 of 2024 Concerning Prohibition of Eviction Without Good Cause

Keane & Beane, P.C. Memorandum Regarding Revisions to a Local Law Concerning Prohibition of Eviction Without Good Cause (August 16, 2024)

Keane & Beane, P.C. Memorandum Regarding a Local Law Concerning Prohibition of Eviction Without Good Cause (July 15, 2024)

Local Law No. 6 of 2024 Concerning Prohibition of Eviction Without Good Cause

New York State Homes and Community Renewal Good Cause Eviction Handout (May 2024)

New York State Real Property Law Section 213 Regarding Voluntary Local Government Participation in Good Cause Eviction



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 91 OF 2024

**ADOPTING LOCAL LAW NO. 6 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING PROHIBITION OF EVICTION WITHOUT GOOD CAUSE**

WHEREAS, pursuant to Resolution No. 2024-072, passed on July 15, 2024, the City of Beacon City Council set a public hearing for August 5, 2024 regarding a Proposed City of Beacon Local Law to amend Chapter 173 of the Beacon City Code concerning prohibition of eviction without good cause; and

WHEREAS, notice for said Public Hearing was published in the Poughkeepsie Journal to provide notice for the public to attend and comment upon the proposed Local Law; and

WHEREAS, on August 5, 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.

NOW THEREFORE, BE IT RESOLVED, the City Council hereby adopts Local Law No. 6 of 2024 to amend the Beacon City Code concerning prohibition of eviction without good cause.

Resolution No. 91 of 2024			Date: August 19, 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							

MEMORANDUM

TO: Lee Kyriacou, Mayor
Members of the Beacon City Council

FROM: Keane & Beane, P.C.

RE: Revised Proposed Local Law - Prohibition of Eviction Without Good Cause

DATE: August 16, 2024

Based upon public comments and Council comments during the City Council's meeting on August 5, 2024, we were asked to revise the proposed local law concerning Prohibition of Eviction without Good Cause ("GCE"). As such, the following revisions have been made to the proposed local law:

1. Exemptions for "high rent" housing are increased from 245% to 345% of the Dutchess County Fair Market Rent ("FMR"); and
2. Exemptions for "small landlords" are lowered from ten (10) rental units to one (1) unit.

As such, tenants with rents above 345% the Dutchess County FMR will be exempt from the proposed local law. Similarly, "small landlords" who only own one (1) rental unit will be exempt (i.e., landlords with two (2) or more rental units are not exempt). These thresholds are similar to what other municipalities have established or have proposed to establish. However, municipalities do not have the authority to enforce the GCE on behalf of tenants, only a tenant has the ability to enforce the GCE.

Albany, Poughkeepsie, Ithaca, and Newburgh (proposed) have established the high rent exemption threshold at 345% of the local FMR and have defined the "small landlord" exemption as an owner of one (1) rental unit. Kingston adopted a lower FMR at 300% but also adopted a "small landlord" definition of one (1) rental unit. Rochester has not opted into the State's Good Cause Eviction law, but has proposed adopting the default thresholds (i.e., 245% FMR and ten (10) rental units for "small landlords").

There are several blanket exemptions which local municipalities may not amend. For information on the blanket exemptions and an overview of the GCE, we respectfully refer the Council to our office's Memorandum dated July 15, 2024. Please do not hesitate to contact our office with any questions. Thank you.

cc: Chris White, City Administrator

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the City Council

FROM: Keane & Beane, P.C.

RE: New York State Real Property Law Article 6-A: Good Cause
Eviction Law

DATE: July 15, 2024

Included herewith is a proposed local law for the City Council's (the "Council") consideration to voluntarily opt the City of Beacon (the "City") into the State's new Good Cause Eviction Law ("GCE") pursuant to Article 6-A of the New York State Real Property Law ("RPL").¹ In 2022, the City adopted its own local GCE law under Article III of Chapter 173 of the Beacon Code. However, like other local GCE laws adopted by New York municipalities, Beacon's GCE law was ultimately found to be invalid as unconstitutional and preempted by State Law in the Beacon City Court *Matter of 201-211 Main St. LLC. v. Gerado Ortiz*, Index No. LT-138-23 (Beacon City Ct. 20223). As such, this proposed local law repeals and replaces Beacon's GCE.

The State's new GCE authorizes local governments outside New York City to voluntarily participate in the GCE by adopting a local law consistent with RPL § 213, with two exceptions as detailed below. Further, the GCE preempts municipalities from altering any other terms or provisions of the GCE but for these two areas. If the Council adopts the proposed local law, the City would be voluntarily adopting all provisions of the GCE and solely limited to defining these two areas of exemption. As such, this memorandum offers a brief overview of the GCE and explains the two provisions the Council may define and therefore exempt. For convenience, also attached herewith is a copy of the enabling statute, RPL § 213.

The Council has discretion to establish the exemption for (1) "high rent" housing accommodations and for (2) "small landlords" who own less than a certain number of housing accommodations. As such, the GCE only provides two areas for local decision making. The proposed local law, unless otherwise amended by the Council, adopts the GCE's default definitions for both areas. A "housing accommodation" means *any*

¹ The RPL enabling statute (i.e., Article 6-A of the RPL) sunsets on June 15, 2034, unless otherwise extended, superseded or amended.

residential premises, including any residential premises located within a mixed-use residential premises.

“High Rent” Exemption

1. Establish an exemption for any unit on or within a housing accommodation that has a monthly rent above ____ % of the Dutchess County fair market rent (“FMR”). RPL §§ 213(2)(a).

RPL § 213(2)(a) provides, that unless modified by the local municipality, any housing unit which has a monthly rent greater than two hundred forty-five percent (245%) of the FMR shall be exempt from the GCE. The proposed local law adopts the default FMR exemption set forth in the GCE (i.e., 245% above the FMR). The FMR is set and adjusted annually by the United States Department of Housing and Urban Development and published for County of Dutchess by the New York State Division of Housing and Community Renewal. The table below shows the 100% FMR for Dutchess County for 2024 as well as the default 245% FMR (rounded to the nearest dollar).

FMR	Efficiency	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom
100%	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560
245%	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272

Therefore, the Council can exempt “high rent” housing accommodations with a FMR of: (i) NYS default of 245%; (ii) a percent above 100%, but less than 245%; or (iii) a percent more than 245%.

Small Landlord Exemption

2. Provide an exemption for “small landlords” who own no more than ____ number of units in the State of New York. RPL § 213(2)(b).

The GCE also provides that any “small landlord” is exempt from the GCE regardless of the rent charged. RPL § 213(1)(b) provides, that unless modified by a municipality, “small landlord” shall mean any landlord of no more than 10 (ten) units in the State. The proposed local law adopts the default definition of “small landlord.” Thus, an owner of no more than ten (10) housing units would be exempt from the GCE unless otherwise modified by the City Council.

The GCE has a strict definition of “landlord” to address housing accommodations in which multiple persons have a beneficial interest, including entities with more than person having a beneficial interest. If a landlord is a person, they cannot be considered a “small landlord” if they have a beneficial ownership, in whole or part, in more than the number of units established above; if there is more than one natural person owner,

then no one person may be a beneficial owner, in whole or in part, in more than the number of units established above. RPL § 211(3)(b). If a landlord is an entity, it cannot be considered a “small landlord” if each person with a direct or indirect ownership interest in the entity (or any affiliated entity) owns more than the number of units established above. If an entity cannot provide the names of all natural persons with a direct or indirect ownership interest in the entity, such entity shall not qualify as a “small landlord.” RPL § 211(3)(c). As such, if a housing accommodation is owned by multiple persons or an entity and any one person meets the definition above, then the entire housing accommodation is subject to the GCE.

Other Exemptions Preempted by the GCE

RPL § 214 also provides blanket exemptions from the GCE for several types of housing accommodations. These housing accommodations are automatically exempt from the GCE regardless of whether such satisfy the definition of FMR and “small landlord.” Please note the below is a simplified version of the automatic exemptions provided by the GCE. For a fully detailed list of the blanket exemptions, please see RPL § 214. These automatic exemptions include:

- Buildings for which a certificate of occupancy was issued on or after January 1, 2009, and for a period of thirty (30) years thereafter.
- Owner-occupied housing accommodations containing 10 or fewer units;
- Units already subject to rent regulation pursuant to local, state, federal law, rule, or regulation;
- Manufactured homes located in manufactured home park, condominiums, cooperatives, or within a building that is subject to an offering plan submitted to the office of the attorney general;
- Units occupied as an incident to the tenant’s employment that is being lawfully terminated; and
- Sublets, hotel rooms, other transient uses, religious facilities or institutions, seasonal use units, units within hospitals, continuing/adult care facilities, assisted living facilities, senior residential communities, and dormitories.

Tenants of GCE-exempt rental units are also still entitled to the protections and remedies afforded to tenants under existing provisions of the RPL, the State Real Property and Actions Law, and other applicable federal, state and local laws and ordinances.

Grounds for Eviction under the GCE

The GCE limits “good cause” to a set of narrowly defined circumstances. Please note the below is a simplified version of the grounds for “good cause” eviction. For a fully detailed explanation, please see RPL § 216. Unless the housing unit or accommodation is exempt from the GCE, tenants may only be removed for the following “good cause” reasons:

- Non-payment of rent, unless the rent is “unreasonable”;
- Violation of a substantial obligation of the tenancy;
- Nuisance;
- Malicious or grossly negligent substantial damage to the premises or building;
- Occupancy is in violation of law and an order to vacate has been issued, unless the condition is created by the landlord, through neglect or otherwise;
- Illegal use of the premises;
- Unreasonable refusal of access for necessary repairs;
- Owner occupancy as principal residence;
- Demolition;
- Withdrawal from the rental housing market; and
- Failure to agree to reasonable changes to a lease or increase to rent.

Unreasonable Rent Increase

There is a rebuttable presumption that any rent increase exceeding 10% of the previous rent or the inflation index (whichever is lower) is unreasonable and therefore prohibited. RPL § 216(1)(a)(i); *see also* RPL § 211(8). The “inflation index” is 5% plus the annual percentage change in the applicable consumer price index. Dutchess County must use the consumer price index for New York-Newark-Jersey City, NY-NJ-PA, for the preceding calendar year, which was 3.82% for 2022-2023 and thus resulting in an inflation index of 8.82%. RPL § 211(7). Landlords may rebut this presumption by showing a change in circumstance, such as property tax expenses and recent increases thereto as well as completion of “significant repairs.” However, the repairs cannot be a result of the landlord’s failure to properly maintain the building or housing accommodation. Cosmetic improvements alone (e.g., painting, decorating, and minor repairs) do not qualify as “significant repairs.” Therefore, any rent increases that is below the lesser of the inflation index or 10% of the previous rent is *per se* reasonable.

Notice and Disclosure Requirements

The State also amended the Real Property Actions and Proceedings Law and other provisions of the RPL to impose new notice and disclosure requirements upon all landlords in the State. Since these new requirements apply regardless of whether the City opts into the GCE, this memorandum does not discuss these new notice and disclosure requirements.

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 AMENDING CHAPTER 173 OF THE BEACON CITY CODE
CONCERNING PROHIBITION OF EVICTION WITHOUT GOOD CAUSE**

A LOCAL LAW to repeal and replace Article III of Chapter 173 of the Beacon City Code to enact a local Good Cause Eviction law pursuant to New York Real Property Law Article 6-a.

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

Section 1. Chapter 173 of the Beacon City Code, Article III – Prohibition of Eviction Without Good Cause Law, Sections 173-14 to 173-19 are hereby repealed in its entirety.

Section 2. Chapter 173 of the Beacon City, Article III – Prohibition of Eviction Without Good Cause Law, is hereby amended as follows:

Article III Prohibition of Eviction Without Good Cause Law

§ 173-14 Purpose.

The purpose of this Article is to adopt a local law pursuant to and in accordance with the provisions of Article 6-A of the New York State Real Property Law to prohibit certain evictions without good cause in the City of Beacon.

§ 173-15 Prohibition of eviction without good cause established.

A. All applicable provisions set forth in Article 6-A of the New York State Real Property Law, and any amendments thereto, are hereby adopted by the City of Beacon.

B. Pursuant to § 213(2)(a) of Article 6-A of the New York State Real Property Law, for the purposes of this Article, any unit on or within a housing accommodation shall be exempt from the provisions of this Article if such unit has a monthly rent above three hundred forty-five percent (345%) of fair market rent, as published by the United States Department of Housing and Urban Development and as shall be published for the County of Dutchess by the New York State Division of Housing and Community Renewal.

C. Pursuant to § 213(2)(b) of Article 6-A of the New York State Real Property Law, for the purposes of this Article, a “small landlord” is defined as a landlord of no more than one (1) units anywhere in the State of New York shall be exempt from the provisions of this Article.

§ 173-16 Automatic Sunset of this Article.

Pursuant to § 7(b) of Chapter 56, Part HH, of the Laws of the State of New York of 2024, this Article shall automatically expire and be repealed on June 15, 2034, unless Article 6-A of the New York State Real Property Law is extended, terminated, or otherwise amended by the State of New York prior to such automatic repeal date.

Section 3. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 173 of the Beacon City Code 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.

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

Section 6. Effective date.

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



Good Cause Eviction Law Required DHCR Notice

Introduction

On April 20, 2024, Governor Hochul signed the Good Cause Eviction (GCE) law into effect. Under that law, on or before August 1st of each year, the Division of Housing and Community Renewal (DHCR) is required to publish the information contained in this notice.

Geographic Applicability

As of April 20, 2024, the GCE law is in effect in New York City pursuant to § 212 of the Real Property Law.¹ Other villages, towns, or cities (collectively, “municipalities”) that wish to opt-in the GCE law must pass a local law pursuant to § 213 of the Real Property Law. DHCR is required to publish a list of all municipalities, other than New York City, that have adopted a local law. The list will include the municipality name, the applicable percentage of Fair Market Rent that will qualify as an exemption from the provisions of the GCE law adopted by the municipality, and the definition of small landlord adopted by the municipality. This list will be published annually, on or before August 1st of each year along with the other information contained in this notice.

As of May 1, 2024, no municipalities have opted into the GCE law pursuant to § 213(1) of the Real Property Law.

Fair Market Rent and Fair Market Rent Percentage Exception

Pursuant to §§ 211(2)(a) and 214(15) of the Real Property Law, rental units are not covered by the GCE law if they have a monthly rent above the applicable Fair Market Rent threshold. In New York City and in any village, town, or city other than New York City that adopts the GCE law and does not provide for a different Fair Market Rent threshold, the GCE law does not cover a rental unit rented for more than 245% of Fair Market Rent. Fair Market Rent is determined by the U.S. Department of Housing and Urban Development by county.

DHCR is required to publish Fair Market Rent and 245% of Fair Market Rent for each unit type, by county, on or before August 1st of each year. See the charts below for current Fair Market Rent and 245% of current Fair Market Rent.

¹ Sections two, three, four, and five of the GCE law, which govern the content of certain notices landlords must provide to tenants, do not go into effect until 120 days after April 20.

HUD FMR (245%): Effective May 1, 2024

COUNTY	EFFICIENCY	1 BEDROOM	2 BEDROOM	3 BEDROOM	4 BEDROOM
Albany County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Allegany County	\$1,656	\$1,791	\$2,217	\$2,769	\$3,156
Bronx County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Broome County	\$2,095	\$2,215	\$2,795	\$3,660	\$4,028
Cattaraugus County	\$1,727	\$1,737	\$2,217	\$2,788	\$3,163
Cayuga County	\$1,784	\$1,796	\$2,347	\$2,965	\$3,452
Chautauqua County	\$1,622	\$1,742	\$2,217	\$2,862	\$2,952
Chemung County	\$2,217	\$2,259	\$2,960	\$3,822	\$4,158
Chenango County	\$1,646	\$1,904	\$2,217	\$2,974	\$3,317
Clinton County	\$2,011	\$2,024	\$2,565	\$3,143	\$3,418
Columbia County	\$2,528	\$2,553	\$2,916	\$3,526	\$3,883
Cortland County	\$1,960	\$1,972	\$2,430	\$2,977	\$4,123
Delaware County	\$1,923	\$1,955	\$2,217	\$3,124	\$3,136
Dutchess County	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272
Erie County	\$2,330	\$2,430	\$2,849	\$3,489	\$3,930
Essex County	\$2,019	\$2,029	\$2,379	\$3,207	\$3,543
Franklin County	\$1,502	\$1,869	\$2,217	\$2,820	\$3,210
Fulton County	\$1,786	\$1,798	\$2,362	\$2,857	\$3,224
Genesee County	\$1,622	\$1,970	\$2,391	\$2,982	\$3,312
Greene County	\$2,269	\$2,364	\$2,830	\$3,717	\$3,888
Hamilton County	\$2,112	\$2,127	\$2,793	\$3,376	\$3,905
Herkimer County	\$1,923	\$1,936	\$2,430	\$2,938	\$3,455
Jefferson County	\$2,259	\$2,536	\$3,332	\$4,515	\$5,466
Kings County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Lewis County	\$1,698	\$1,732	\$2,217	\$2,842	\$3,560
Livingston County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Madison County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Monroe County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Montgomery County	\$1,825	\$1,911	\$2,239	\$2,857	\$3,065
Nassau County	\$4,185	\$5,253	\$6,145	\$7,953	\$8,626
New York County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Niagara County	\$2,330	\$2,430	\$2,849	\$3,489	\$3,930
Oneida County	\$1,923	\$1,936	\$2,430	\$2,938	\$3,455
Onondaga County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Ontario County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Orange County	\$3,031	\$3,477	\$4,471	\$5,672	\$6,272
Orleans County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Oswego County	\$2,029	\$2,244	\$2,759	\$3,383	\$3,920
Otsego County	\$1,762	\$2,154	\$2,599	\$3,195	\$3,462
Putnam County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065

Queens County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Rensselaer County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Richmond County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
Rockland County	\$5,846	\$6,005	\$6,742	\$8,413	\$9,065
St. Lawrence County	\$1,619	\$1,869	\$2,303	\$2,822	\$3,067
Saratoga County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schenectady County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schoharie County	\$2,477	\$2,771	\$3,366	\$4,069	\$4,484
Schuyler County	\$1,561	\$1,813	\$2,303	\$3,114	\$3,219
Seneca County	\$1,874	\$1,887	\$2,428	\$3,178	\$4,121
Steuben County	\$1,820	\$1,860	\$2,217	\$2,859	\$3,668
Suffolk County	\$4,185	\$5,253	\$6,145	\$7,953	\$8,626
Sullivan County	\$1,933	\$2,247	\$2,641	\$3,690	\$4,050
Tioga County	\$2,095	\$2,215	\$2,795	\$3,660	\$4,028
Tompkins County	\$3,212	\$3,513	\$4,077	\$5,037	\$5,461
Ulster County	\$3,146	\$3,205	\$4,170	\$5,385	\$6,025
Warren County	\$2,301	\$2,511	\$3,146	\$4,072	\$4,190
Washington County	\$2,301	\$2,511	\$3,146	\$4,072	\$4,190
Wayne County	\$2,298	\$2,573	\$3,202	\$3,871	\$4,265
Westchester County	\$4,038	\$4,738	\$5,762	\$7,068	\$7,673
Wyoming County	\$1,774	\$1,784	\$2,217	\$2,989	\$3,295
Yates County	\$1,771	\$1,987	\$2,612	\$3,322	\$3,741

Source: U.S. Department of Housing and Urban Development, Fair Market Rents (FMR) for federal fiscal year 2024, All New York State counties. <https://www.huduser.gov/portal/datasets/fmr.html>. Values in table reflect 245% of FMR.

HUD FMR (100%): Effective May 1, 2024					
COUNTY	EFFICIENCY	1 BEDROOM	2 BEDROOM	3 BEDROOM	4 BEDROOM
Albany County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Allegany County	\$676	\$731	\$905	\$1,130	\$1,288
Bronx County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Broome County	\$855	\$904	\$1,141	\$1,494	\$1,644
Cattaraugus County	\$705	\$709	\$905	\$1,138	\$1,291
Cayuga County	\$728	\$733	\$958	\$1,210	\$1,409
Chautauqua County	\$662	\$711	\$905	\$1,168	\$1,205
Chemung County	\$905	\$922	\$1,208	\$1,560	\$1,697
Chenango County	\$672	\$777	\$905	\$1,214	\$1,354
Clinton County	\$821	\$826	\$1,047	\$1,283	\$1,395
Columbia County	\$1,032	\$1,042	\$1,190	\$1,439	\$1,585
Cortland County	\$800	\$805	\$992	\$1,215	\$1,683
Delaware County	\$785	\$798	\$905	\$1,275	\$1,280
Dutchess County	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560

Erie County	\$951	\$992	\$1,163	\$1,424	\$1,604
Essex County	\$824	\$828	\$971	\$1,309	\$1,446
Franklin County	\$613	\$763	\$905	\$1,151	\$1,310
Fulton County	\$729	\$734	\$964	\$1,166	\$1,316
Genesee County	\$662	\$804	\$976	\$1,217	\$1,352
Greene County	\$926	\$965	\$1,155	\$1,517	\$1,587
Hamilton County	\$862	\$868	\$1,140	\$1,378	\$1,594
Herkimer County	\$785	\$790	\$992	\$1,199	\$1,410
Jefferson County	\$922	\$1,035	\$1,360	\$1,843	\$2,231
Kings County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Lewis County	\$693	\$707	\$905	\$1,160	\$1,453
Livingston County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Madison County	\$828	\$916	\$1,126	\$1,381	\$1,600
Monroe County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Montgomery County	\$745	\$780	\$914	\$1,166	\$1,251
Nassau County	\$1,708	\$2,144	\$2,508	\$3,246	\$3,521
New York County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Niagara County	\$951	\$992	\$1,163	\$1,424	\$1,604
Oneida County	\$785	\$790	\$992	\$1,199	\$1,410
Onondaga County	\$828	\$916	\$1,126	\$1,381	\$1,600
Ontario County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Orange County	\$1,237	\$1,419	\$1,825	\$2,315	\$2,560
Orleans County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Oswego County	\$828	\$916	\$1,126	\$1,381	\$1,600
Otsego County	\$719	\$879	\$1,061	\$1,304	\$1,413
Putnam County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Queens County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Rensselaer County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Richmond County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
Rockland County	\$2,386	\$2,451	\$2,752	\$3,434	\$3,700
St. Lawrence County	\$661	\$763	\$940	\$1,152	\$1,252
Saratoga County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schenectady County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schoharie County	\$1,011	\$1,131	\$1,374	\$1,661	\$1,830
Schuyler County	\$637	\$740	\$940	\$1,271	\$1,314
Seneca County	\$765	\$770	\$991	\$1,297	\$1,682
Steuben County	\$743	\$759	\$905	\$1,167	\$1,497
Suffolk County	\$1,708	\$2,144	\$2,508	\$3,246	\$3,521
Sullivan County	\$789	\$917	\$1,078	\$1,506	\$1,653
Tioga County	\$855	\$904	\$1,141	\$1,494	\$1,644
Tompkins County	\$1,311	\$1,434	\$1,664	\$2,056	\$2,229
Ulster County	\$1,284	\$1,308	\$1,702	\$2,198	\$2,459
Warren County	\$939	\$1,025	\$1,284	\$1,662	\$1,710

Washington County	\$939	\$1,025	\$1,284	\$1,662	\$1,710
Wayne County	\$938	\$1,050	\$1,307	\$1,580	\$1,741
Westchester County	\$1,648	\$1,934	\$2,352	\$2,885	\$3,132
Wyoming County	\$724	\$728	\$905	\$1,220	\$1,345
Yates County	\$723	\$811	\$1,066	\$1,356	\$1,527

Source: U.S. Department of Housing and Urban Development, Fair Market Rents (FMR) for federal fiscal year 2024, All New York State counties. <https://www.huduser.gov/portal/datasets/fmr.html>.

Consumer Price Index

Section 211(7) of the Real Property Law requires DHCR to publish, on or before August 1st of each year, the annual percentage change for the most recent preceding calendar year in the applicable consumer price index for all urban consumers for all items, as published by the U.S. Bureau of Labor.

See the chart below for the applicable annual percentage changes in the consumer price indices in New York State, which may be used in determining the applicable inflation indices and local rent standards pursuant to §§ 211(7) and (8) of the Real Property Law for renewal leases covered by the GCE law.

NYS Consumer Price Indices: Effective [May 1, 2024]		
	New York-Newark-Jersey City, NY-NJ-PA	Northeast Region
Annual % Change in Consumer Price Index for Preceding Calendar Year (2022 to 2023)	3.82%	3.45%
Applicable NYS Counties (provided that, outside of NYC, only applies if a village, town, or city has adopted GCE law)	Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Westchester	Albany, Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming, Yates

Source: U.S. Bureau of Labor Statistics, Consumer Price Index (CPI) Series CUUSS12ASA0 (All items in New York-Newark-Jersey City, NY-NJ-PA, all urban consumers, not seasonally adjusted and All items in Northeast urban, all urban consumers, not seasonally adjusted). <https://www.bls.gov/cpi/>. Values represent the percentage change calculated for annual CPI from 2022 to 2023.

McKinney's Consolidated Laws of New York Annotated

Real Property Law (Refs & Annos)

Chapter 50. Of the Consolidated Laws

Article 6-a. Good Cause Eviction Law [Expires and Deemed Repealed June 15, 2034, Pursuant to L.2024, C. 56, Pt. HH, § 7] (Refs & Annos)

McKinney's Real Property Law § 213

§ 213. Voluntary participation by local governments outside the city of New York

Effective: April 20, 2024

Currentness

<[Expires and deemed repealed June 15, 2034, pursuant to L.2024, c. 56, pt. HH, § 7.]>

1. Applicability. This article shall apply in any village, town, or a city, other than the city of New York, that, acting through its local legislative body, adopts the provisions of this article by local law.

2. Opt-in by a village, town, or city, other than the city of New York. A village, town, or city that adopts the provisions of this article by local law pursuant to subdivision one of this section may:

(a) provide that any unit on or within a housing accommodation shall be exempt from the provisions of this article if such unit has a monthly rent above a percent of fair market rent, as published by the United States department of housing and urban development and as shall be published for each county in the state by the division of housing and community renewal pursuant to subdivision fifteen of section two hundred fourteen of this article, that shall be established in the local law adopted pursuant to subdivision one of this section, provided that if such local law does not establish such percent of fair market rent, any unit on or within a housing accommodation with a monthly rent greater than two hundred forty-five percent of such fair market rent shall be exempt from the provisions of this article; and/or

(b) define “small landlord” as a landlord of no more than any number of units in the state that the village, town, or city enacts by local law, provided that if such local law does not define “small landlord,” a “small landlord” shall mean a landlord of no more than ten units in the state.

3. Notwithstanding the foregoing provisions of this section, if a town and a village within such town both adopt the provisions of this article by local law pursuant to subdivision one of this section, the local law adopted by such town shall not apply within the territorial limits of a village within such town.

4. Nothing in this section shall permit a village, town, or city to which this article applies to preempt or alter the terms and provisions of this article within such village, town or city.

5. Within thirty days of receipt of a local law adopted pursuant to subdivision one of this section, and filed with the department of state pursuant to section twenty-seven of the municipal home rule law, the department of state shall notify the division of housing and community renewal of such adoption.

6. The division of housing and community renewal shall include in the annual publication required pursuant to subdivision seven of section two hundred eleven of this article a list including any village, town, or city, other than the city of New York, as to which the division of housing and community renewal has received the notice from the department of state required pursuant to subdivision five of this section indicating that such village, town, or city has adopted a local law pursuant to subdivision one of this section to apply the provisions of this article within such village, town, or city. Such list shall include the name of each village, town, or city that has adopted such a local law, the applicable fair market rent threshold within such village, town, or city for exemption from the provisions of this article established pursuant to paragraph (a) of subdivision two of this section, and the applicable definition of small landlord within such village, town, or city established pursuant to paragraph (b) of subdivision two of this section.

Credits

(Added L.2024, c. 56, pt. HH, § 1, eff. April 20, 2024.)

McKinney's Real Property Law § 213, NY REAL PROP § 213

Current through L.2024, chapters 1 to 158, 160 to 194. Some statute sections may be more current, see credits for details.

End of Document

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City of Beacon City Council Agenda
08/19/2024

Title:

Resolution No. 92 - Adopting Local Law No. 7 of 2024 Concerning Soil Stabilization

ATTACHMENTS

Resolution Adopting Local Law No. 7 of 2024 Concerning Soil Stabilization

Local Law No. 7 of 2024 Concerning Soil Stabilization: SEAF Part 1

Proposed Local Law Concerning Soil Stabilization: SEAF Parts 2-3

City of Beacon Planning Board Memorandum Regarding Local Law No. 7 of 2024 Concerning Soil Stabilization

Dutchess County Planning Memorandum Regarding Local Law No. 7 of 2024 Concerning Soil Stabilization

Local Law No. 7 of 2024 Concerning Soil Stabilization



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 92 OF 2024

**ADOPTING LOCAL LAW NO. 7 OF 2024 TO AMEND THE BEACON CITY CODE
CONCERNING SOIL STABILIZATION**

WHEREAS, pursuant to Resolution No. 2023-073, passed on July 15, 2024, the City of Beacon City Council set a public hearing for August 19, 2024 regarding a Proposed City of Beacon Local Law amend the Beacon City Code concerning soil stabilization; and

WHEREAS, notice for said Public Hearing was published in the Poughkeepsie Journal to provide notice for the public to attend and comment upon the proposed Local Law; and

WHEREAS, on August 19, 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; and

WHEREAS, the proposed local law is an Unlisted Action pursuant to the State Environmental Quality Review Act ("SEQRA") as set forth in 6 NYCRR Part 617; and

WHEREAS, the City Council is the lead agency for SEQRA purposes as the adoption of local zoning laws are solely within City Council's purview; and

WHEREAS, the City Council is familiar with the proposed local law and has reviewed the Short Environmental Assessment Forms Parts 1, 2, and 3 (collectively the "SEAF").

NOW THEREFORE, BE IT RESOLVED, the City Council, based upon its review of the proposed local law, including, but not limited to, the SEAF Parts 1, 2, and 3, hereby determines that the proposed local law amending soil stabilization standards within the City of Beacon will not result in a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED, the City Council hereby adopts the SEAF Part 3 Negative Determination finding that the proposed local law will not have a significant adverse impact on the environment and authorizes the City Administrator to sign the SEAF Part 3; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts Local Law No. 7 of 2024 to amend the Beacon City Code concerning soil stabilization.

Resolution No. 92 of 2024			Date: August 19, 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					

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 City Council			
Name of Action or Project: Local Law - Soil Stabilization			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The proposed Local Law would amend Chapters 190 (Stormwater Management and Erosion and Sediment Control) and 223 (Zoning) of the Code of the City of Beacon to add a requirement that all erosion and sediment control practices employed for the purpose of soil stabilization must be made of natural fibers that are fully biodegradable, unless otherwise approved by the City. The purpose of the proposed Local Law is to encourage green building practices and reduce environmental impacts of construction.			
Name of Applicant or Sponsor: City of Beacon City Council		Telephone: 245-838-5000	
		E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: New York	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☐
			YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO ☐
			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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☐	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 City Council</u> Date: <u>7/9/24</u> Signature: <u></u> Title: <u>City Attorney</u>		

SEAF Part 1: Narrative
Proposed Local Law Concerning Soil Stabilization

The City Council of the City of Beacon proposes a local law to amend Chapters 190 (Stormwater Management and Erosion and Sediment Control) and 223 (Zoning) of the Code of the City of Beacon to add a requirement that all erosion and sediment control practices employed for the purpose of soil stabilization must be made of natural fibers that are fully biodegradable, unless otherwise approved by the City or otherwise required by NYSDEC.

The purpose of the proposed Local Law is to encourage green building practices and reduce environmental impacts of construction. Instead of synthetic materials like nylon or plastic the local law would require use of materials such as hay, straw, jute, coconut, wood fiber, or similar materials to stabilize soils during construction or while allowing new vegetation to grow and develop root structure to stabilize the soils. The decomposition of the biodegradable materials also promotes soil health. The proposed amendment would not apply to practices such as silt fencing and other temporary sediment control measures that are ultimately removed from the site or practices required by NYSDEC to be of a specific non-degradable material.

Project: LL - Soil Stabilization

Date: August 19, 2024

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☒	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☒	☐
3. Will the proposed action impair the character or quality of the existing community?	☒	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☒	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☒	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☒	☐
7. Will the proposed action impact existing:	☒	☐
a. public / private water supplies?	☒	☐
b. public / private wastewater treatment utilities?	☒	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☒	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☒	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☒	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local will amend Chapter 190 (Stormwater Management and Erosion and Sediment Control) and Chapter 223 (Zoning) of the Beacon City Code (the "Code"). The proposed local law will require all erosion and sediment control practices employed for the purposes of soil stabilization to be comprised of fully biodegradable materials, unless otherwise approved by the City of Beacon or required by the New York State Department of Environmental Conservation (NYSDEC). As such, the local law is intended to alleviate adverse impacts to the environment caused by plastic or non-biodegradable soil stabilization methods.

The local law would require all erosion control practices employed for soil stabilization to be made of natural fibers, such as hay, straw, jute, coconut, wood fiber or similar materials. This green building practice will alleviate adverse environmental impacts by allowing new vegetation to grow and develop roots thereby helping to stabilize soils. Furthermore, non-biodegradable soil stabilization, such as commonly used plastic products, are known to leech into the soils and bodies of water which can negatively impact human and animal health, as well as aquatic species that rely on such soils or waters for food or habitat. Biodegradable materials will decompose within a relatively short period of time whereas plastics may take hundreds, if not thousands of years to fully decompose, thereby causing adverse impacts for generations. However, this local law will not apply to practices such as silt fencing and other temporary sediment control measures that are ultimately removed from the site or required by NYSDEC to be made of a specific non-degradable material.

Therefore, the proposed local law is not anticipated to have a significant adverse environmental impact. There are no changes to intensities of land uses, and the local law will have a significant benefit to environmental resources (e.g., natural areas, wetlands, streams, flora, fauna, etc.). There will be no significant adverse impacts on historic or aesthetic resources, and no impacts on community character, traffic, air or noise. Flooding and erosion are not anticipated to have a significant adverse impact on the environment as the local law requires natural soil stabilization methods which allow new vegetation to grow thereby helping resist erosion. For these reasons, the local law will not have a significant adverse environmental impact and will have an overall positive impact on the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Beacon City Council	August 19, 2024
Name of Lead Agency	Date
Christopher White	City Administrator
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	



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

John Gunn, Chair

August 15, 2024

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

Subject: City Council Referral of Local Law Amending Chapters 190 and 223
of the Code of the City of Beacon regarding Soil Stabilization

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law amending Chapters 190 and 223 of the Beacon Code regarding soil stabilization during the August 13, 2024 Planning Board meeting. Planning Board Attorney, Jennifer Gray, reviewed the proposed local law to modify the existing provisions of the Beacon Code to require erosion and sediment control measures for soil and slope stabilization to be made of natural fibers rather than synthetic materials like nylon or plastic.

After discussing the proposed amendments, the four Planning Board members in attendance unanimously expressed that they are generally in favor of the proposed local law.

Sincerely,

John Gunn
Planning Board Chair

JG/mp

Dutchess County Department of Planning and Development		Fax Info Only	To Co./Dept. Fax #	Date #pgs From Phone #	
239 Planning/Zoning Referral - Exemption Communities					
Municipality: City of Beacon					
Referring Agency: Municipal Board					
Tax Parcel Numbers(s):					
Project Name: Proposed Local Law No. 6 of 2024 Concerning Soil Stabilization					
Applicant: City of Beacon City Council					
Address of Property:					
Please Fill in this section	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: 8/14/2024				
	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: 7/18/2024		Referral #: ZR24-247	
Date Requested: 8/14/2024			
Date Required: 8/16/2024	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 7/23/2024			

LOCAL LAW NO. __ OF 2024

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTERS 190 AND 223 OF
THE BEACON CITY CODE CONCERNING
SOIL STABILIZATION

A LOCAL LAW to amend
Beacon City Code, Chapters
190 and 223, concerning
Soil Stabilization.

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

Section 1. Chapter 190 of the Code of the City of Beacon, Section B, entitled “Contents of stormwater pollution prevention plans,” is hereby amended as follows:

§ 190-7 Stormwater pollution prevention plans.

A. Stormwater pollution prevention plan requirement. No application for approval of a land development activity shall be reviewed until the appropriate board has received a stormwater pollution prevention plan (SWPPP) prepared in accordance with the specifications in this chapter.

B. Contents of stormwater pollution prevention plans.

...

(g) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project, from initial land clearing and grubbing to project close-out. All erosion control practices employed for soil stabilization shall be made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the Stormwater Management Officer or applicable municipal board, or unless otherwise required by NYSDEC;

Section 2. Chapter 223 of the Code of the City of Beacon, Section 12, entitled “Buildings, uses and lots,” is hereby amended as follows:

§ 223-12 Buildings, uses and lots.

...

O. Stormwater Management and Erosion & Sediment Control. Stormwater management and erosion and sediment control methods shall be employed for all projects in compliance with Chapter 190 “Stormwater Management and Erosion and Sediment Control” and the New York Standards and Specifications for Erosion and Sediment Control. All erosion control practices employed for soil stabilization shall be made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the Stormwater Management Officer or applicable municipal board, or unless otherwise required by NYSDEC.

Section 3. Chapter 223 of the Code of the City of Beacon, Section 16, Subsection B, entitled “Hilltops, ridgelines and very steep slopes,” is hereby amended as follows:

B. Hilltops, ridgelines and very steep slopes. For the purpose of preventing erosion, minimizing stormwater runoff and flooding, preserving the City’s underground water resources and protecting the City’s character and property values, it is the intent of this chapter to avoid the development of hilltops, ridgelines and very steep slopes, and toward this end, wherever practicable, new construction shall avoid such areas, and existing vegetation in such areas shall not be disturbed wherever practicable. The City Council, the Planning Board, the Zoning Board of Appeals and the Building Inspector shall take these objectives into consideration in reviewing and acting on any plans submitted pursuant to the provisions of this chapter. Further, no building, development, construction of other site improvements, excavation, filling, grading, or removal of significant vegetation shall be permitted on a very steep slope unless the approval authority has determined:

- (1) That there is no other suitable alternative area within the lot available for the proposed use, improvement or development of such lot;
- (2) That the activity proposed is the minimum necessary to make reasonable use of the land;
- (3) That all feasible construction standards and precautions will be taken to assure that environmental impacts will be minimized; ~~and~~
- (4) That all erosion control practices proposed for soil stabilization are made of natural fibers (hay, straw, jute, coconut, wood fiber, or similar materials) that are fully biodegradable, unless otherwise approved by the approval authority, or unless otherwise required by NYSDEC; and
- (5) That the purpose and intent of this section are satisfied to the maximum degree feasible.

Section 4. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapters 190 and 223 of the Code of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification.

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

Section 6. 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 7. 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
08/19/2024

Title:

August 5, 2024 Minutes

ATTACHMENTS

[August 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

August 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://www.youtube.com/@cityofbeacon8181>. The public was able to attend in-person or through video or telephone and were made aware via the City of Beacon website, beaconny.gov. Please take notice that the full transcript of this meeting is available upon request at City Hall Suite 1, 1 Municipal Plaza, Beacon NY 12508, or by calling (845) 838 – 5010, or by emailing cityofbeacon@beaconny.gov.

Councilmembers Present

Mayor Lee Kyriacou

Councilmember Paloma Wake, At Large

Councilmember Amber Grant, At Large

Councilmember Molly Rhodes, Ward One

Councilmember Jeffrey Domanski, Ward Two

Councilmember 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

Public Hearings

Public Hearing on Proposed Local Law No. 5 of 2024 Concerning Prohibition of Eviction Without Good Cause

Motion to close the public hearing by Councilmember Aymar-Blair.

Second by Councilmember Domanski.

Motion passes 6 - 0.

Public Hearing on a Proposed Local Law Concerning Minimum Parking Requirements

Motion to close the public hearing by Councilmember Rhodes

Second by Councilmember Grant.

Motion passes 6 - 0.

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 75 - Appointing Coleman Lawrence to the Position of Heavy Motor Equipment Operator

Motion to pass the resolution by Councilmember Grant

Second by Councilmember Rhodes.

Motion passes 6 – 0.

2. Resolution No. 76 - Appointing Isabella Nocerino to the Position of Police Officer

Motion to pass the resolution by Councilmember Grant.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

3. [Resolution No. 77 - Authorizing the City Administrator to Execute an Agreement with Sun Up Construction Corporation for the 2024 Beacon Accessible Curb Ramps Project](#)

Motion to pass the resolution by Councilmember Aymar-Blair.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

4. [Resolution No. 78 - Authorizing the City Administrator to Execute an Agreement with MCT at Service, Inc. for the 2024 Beacon City Hall Exterior Stair Replacement Project](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

5. [Resolution No. 79 - Authorizing the City Administrator to Submit an Application for a 2024 Climate Smart Communities Grant](#)

Motion to pass the resolution by Councilmember Domanski.

Second by Councilmember Grant.

Motion passes 6 – 0.

6. [Resolution No. 80 - Authorizing the Issuance of Bonds for the Fishkill Avenue Water Main Replacement](#)

Motion to pass the resolution by Councilmember Grant.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

7. [Resolution No. 81 - Authorizing the Issuance of Bonds for Highway Department Equipment](#)

Motion to pass the resolution by Councilmember Grant.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

8. [Resolution No. 82 - Authorizing the Issuance of Bonds for Wastewater Treatment Plant Upgrades](#)

Motion to pass the resolution by Councilmember Aymar-Blair.

Second by Councilmember Grant.

Motion passes 6 – 0.

9. [Resolution No. 83 - Authorizing the Issuance of Bonds for a Ladder Fire-Fighting Truck](#)

Motion to pass the resolution by Councilmember Grant.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

10. [Resolution No. 84 - Adopting Local Law No. 5 of 2024 Concerning Minimum Parking Requirements](#)

Motion to amend Local Law No. 5 of 2024 to include language requiring City of Beacon Planning Board review and report regarding resulting parking outcomes by Councilmember Grant.

Second by Councilmember Rhodes.

Motion Passes 6 – 0.

Motion to pass the resolution, as amended, by Councilmember Grant.

Second by Councilmember Rhodes.

Motion passes 5 – 1. Councilmember Aymar-Blair voted against the resolution.

11. [Resolution No. 85 - Referring Proposed Local Law No. 8 of 2024 Concerning the Fishkill Creek Development District to the City of Beacon and Dutchess County Planning Boards](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Grant.

Motion passes 6 – 0.

12. [Resolution No. 86 - Authorizing the Mayor to Execute a Settlement Agreement with St. Andrew and St. Luke Episcopal Church](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

Approval of Minutes

1. [July 15, 2024 Minutes](#)

Motion to approve the minutes by Councilmember Rhodes.

Second by Councilmember Aymar-Blair.

Motion passes 6 – 0.

Public Comment - Second Opportunity

Announcement of Next Meeting: August 19, 2024 at 7:00 p.m. (Workshop) & 8:00 p.m. (Meeting)

Executive Session

1. [Executive Session: Personnel](#)

Motion to go into executive session regarding personnel and to adjourn therefrom with no further business by Councilmember Grant.

Second by Councilmember Domanski.

Motion passes 6 – 0.

Adjournment

Motion to come out of executive session and adjourn by Councilmember Rhodes.

Second by Councilmember Grant.

Motion passes 6 – 0.