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

Mayor Lee Kyriacou
Councilmember George Mansfield, At Large
Councilmember Paloma Wake, At Large
Councilmember Molly Rhodes, Ward 1
Councilmember Justice McCray, Ward 2
Councilmember Wren Longno, Ward 3
Councilmember Dan Aymar-Blair, Ward 4
City Administrator Chris White

September 5, 2023
7:00 PM
City Council Agenda

Roll Call

Workshop Agenda Items

1. 6 Commerce Street Proposed Rezoning
2. HIP Lofts and Studios Development Concept Plan
3. Fishkill Avenue Rezoning
4. Appointment of Andrew Bell to the Tree Advisory Committee
5. Appointment of Ethan Skuches to the Tree Advisory Committee
6. Beacon Pool Fiberglass Rehabilitation Project Bid Results
7. 16 West Main Street Easement and Offer of Dedication
8. 44 Kent Street Drainage Easement

Executive Session Items

1. Executive Session: Legal

City of Beacon City Council Agenda
09/05/2023

Title:

6 Commerce Street Proposed Rezoning

ATTACHMENTS

6 Commerce St - Applicant Letter

6 Commerce St - COB City Planner Memorandum

6 Commerce St - Tax Map

6 Commerce Rezoning Map

Draft Local Law Amending the Zoning of the Property at 6 Commerce Street

6 Commerce St - COB Planning Board Memorandum

6 Commerce Street - Dutchess County Planning Response

6 Commerce St - Short EAF Part 1

Hudson Todd
4 Cross St, Beacon, NY 12508

March 31, 2023

Mayor and City Council
1 Municipal Plaza
Beacon, NY 12508

Re: Change in Zoning Designation for 6 Commerce St

Dear Mayor Kyriacou, Councilmembers Rhodes, McCray, Longno, Aymar-Blair, Mansfield, and Wake:

We are writing to request a change of zoning for the property located at 6 Commerce St. … from the current designation of R1-7.5 to designation as Central Main Street (CMS) zone.

6 Commerce St has a varied history and the current R1-7.5 zone reflects only its use in recent years as a single-family residence. Other properties on this (North) side of Commerce St carry the Central Main Street (CMS) zone designation, except for the parcel at 5 Cliff St. property, which is in the Transition (T) zone and used for surface parking. A change to CMS designation for 6 Commerce St would be consistent with adjoining properties, allow compatible and supportive uses, and contribute to the vitality of Beacon's Main St. commercial corridor.

The R1-7.5 residential properties across Commerce Street to the south are not in appreciable dialogue with 6 Commerce, as they are well separated via elevation differences, landscaping, and building orientations. However, the entire immediate neighborhood around 6 Commerce is in the Central Main Street (CMS) zone. The building shares outdoor space, trash and utility services, and parking with its directly adjoining neighbors – all of which are in CMS with their accompanying CMS uses, e.g retail, hospitality, food and bev on the ground floor with rental apartments above

We have been speaking with multiple local individuals and businesses that are interested in renting 6 Commerce. They propose uses that include professional office, café, retail, etc … all permitted uses in the CMS and are uses these business owners believe would thrive in this location.

Thank you very much for your consideration of this request. We would be very happy to follow with more information and to continue the conversation to whatever extent is helpful and necessary.

Sincerely,

Joe Donovan

John Clarke Planning and Design jclarkeplandesign@gmail.com
[redacted]

To: Mayor Kyriacou and the Beacon City Council
From: John Clarke, City Planner
Date: June 1, 2023
Re: **Rezoning Request for 6 Commerce Street**

In a May 31, 2023 letter to the Mayor and City Council, the property owner of 6 Commerce Street requested a rezoning from R1-7.5 to the Central Main Street (CMS) district. While the Council has no obligation to consider this type of zoning request, in this case the proposed rezoning to CMS has some merit.

The 0.05-acre parcel with an existing 2½-story building does not meet the minimum 7,500 square feet required for a conforming lot in the R1-7.5 district. It was apparently attached to the larger-lot residential district on the south side of Commerce Street because at the time the building was being used as a single-family home. One-family detached dwellings are not a permitted use in the CMS district. All the adjoining parcels on the block north of Commerce Street are in the CMS district.

The property owner has renovated the building and is now interested in renting it out for a commercial use. Permitted uses in the CMS district include retail businesses, restaurants, service uses, professional offices, live-work units, and multi-family residential.

There are several issues related to this parcel if it was in the CMS district:

1. While there are multiple parcels along Main Street that are as small as 0.05 acres in size, most all of them meet the minimum CMS lot depth of 75 feet. This parcel is only 46 feet deep and would thereby be non-conforming in terms of lot depth.

2. There is only one parking space on the parcel. Any commercial use would likely need a parking waiver or variance, although the Planning Board often grants waivers for commercial uses on small existing lots in the CMS district under Section 223-41.18G(3) and (4). Finding parking along Commerce Street can be difficult, but the Municipal Building and County Center parking lots generally have available public parking spaces within 800 feet of this parcel. The planned Tompkins Firehouse public lot will offer a third nearby option.

3. The rezoning could potentially remove one housing unit when the rental market is particularly tight. However, the building could also support a ground floor commercial use and an apartment on the upper floor with the parking space for the residential tenant.

All these concerns seem minor or manageable. If the City Council decides this rezoning is worthy of consideration, the next steps would be to draft a Zoning Map change law and to set a public hearing on the proposal. The applicant will be present at the meeting to answer any questions.

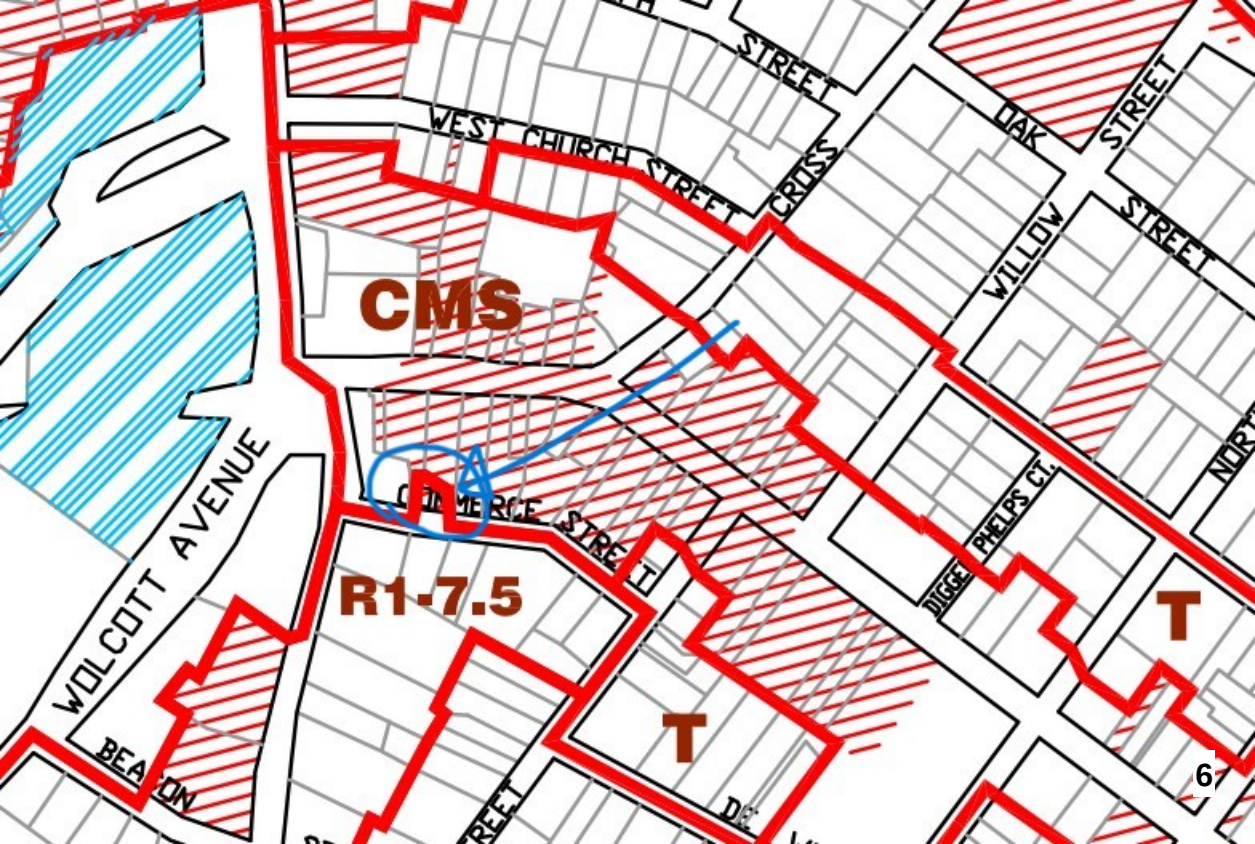
Dutchess County
New York

6 Commerce St - CMS

Dutchess County, NY

Printed By:

ParcelAccess
5/8/2023


STREET
WEST CHURCH STREET
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WOLCOTT AVENUE
R1-7.5
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BEACON

PROPOSED LOCAL LAW NO. 4 OF 2023

CITY COUNCIL
CITY OF BEACON

LOCAL LAW
AMENDING THE ZONING OF
A CERTAIN PROPERTY
FROM R1-7.5 TO CMS

A LOCAL LAW to amend the zoning of a certain property from R1-7.5 to CMS

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

Section 1. The zoning map established by Section 223-3 of Chapter 223 of the City of Beacon City Code is amended to change the Zoning District designation of the following parcel in the City of Beacon from the R1-7.5 Zoning District to the Central Main Street ("CMS") Zoning District:

City of Beacon Tax Parcel No.: 130200-5954-27-757950, which is located at 6 Commerce Street.

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the 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 4. Severability. The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 5. Effective Date

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

John Gunn
Planning Board Chairman

CITY OF BEACON
New York

Planning Board

July 25, 2023

Mayor Lee Kyriacou and
Beacon City Council Members
1 Municipal Plaza
Beacon, New York 12508

Subject: **City Council Referral of Local Law to Rezone 6 Commerce Street from R1-7.5 to the CMS District**

On referral from the City Council, the City of Beacon Planning Board reviewed the proposed Local Law to rezone 6 Commerce Street from R1-7.5 to the CMS District during the July 11, 2023 Planning Board meeting. The Board discussed the current zoning of 6 Commerce Street within the R1-7.5 zone. Board members explored whether there was any reason to retain the parcel's R1-7.5 designation rather than rezone it to the CMS District, with particular attention to possible reasons the City Council retained the parcel's single family zoning when it created the CMS District. At that time, the parcel was likely used as a single family home. City Planner John Clarke noted that the property owners requested the change in zoning because they are anticipating a commercial use. The Board members further discussed that it appears based on signage that a commercial use may have already commenced at the property and referred that issue to the Building Inspector.

After concluding its discussion of the proposed local law, upon a motion by Mr. Williams, seconded by Ms. Quiana, the Board unanimously voted to issue a positive recommendation that the City Council adopt the proposed Local Law.

Very truly yours,

John Gunn

John Gunn, Chairman

Dutchess County Department of Planning and Development

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

239 Planning/Zoning Referral - Exemption Communities

Please Fill in this section

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Numbers(s): **7579500000**

Project Name: **6 Commerce Street Rezoning Proposal**

Applicant: **Hudson Todd LLC**

Address of Property: **6 Commerce St, Beacon, NY 12508**

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **9/8/2023**

Entered By: **Swanson, Benjamin**

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

For County Office Use Only

Response From Dutchess County Department of Planning and Development

No Comments:

- ☑ Matter of Local Concern
- ☐ No Jurisdiction
- ☐ No Authority
- ☐ Withdrawn
- ☐ Incomplete - municipality must resubmit to County
- ☐ Exempt from 239 Review
- ☐ None

Comments Attached:

- ☐ Local Concern with Comments
- ☐ Conditional
- ☐ Denial
- ☐ Incomplete with Comments- municipality must resubmit to County
- ☐ Informal Comments Only (Action Exempt from 239 Review)

Date Submitted:	Notes: **Electronic submission**	☐ Major Project
Date Received: **8/17/2023**		Referral #: **ZR23-248**
Date Requested: **9/8/2023**		
Date Required: **9/15/2023**	☐ Also mailed hard copy	Reviewer:
Date Transmitted: **8/18/2023**		

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information

Name of Action or Project:

Local Law to rezone 6 Commerce Street from R1-7.5 to the CMS district.

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

City of Beacon, 6 Commerce Street (Parcel ID No. 5954-27-757950).

Brief Description of Proposed Action:

The property owner of 6 Commerce Street requested a rezoning from R1-7.5 to the Central Main Street (CMS) district. The 0.05-acre parcel contains an existing 2½-story building which does not meet the minimum 7,500 square feet required for a conforming lot in the R1-7.5 district. All the adjoining parcels on the block north of Commerce Street are in the CMS district. The City Council held a public hearing on the rezoning and referred the Proposed Action to the City's Planning Board which then recommended that the City Council adopt the Proposed Action to rezone the subject property to be part of the CMS District as are adjoining properties along the northern side of Commerce Street.

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

Address:

1 Municipal Plaza

City/PO:	State:	Zip Code:
Beacon	NY	12508

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

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

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

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

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

☐ Parkland

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

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

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources?	☐	☐
If Yes,		
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	☐	☐
If Yes, explain the purpose and size of the impoundment: _____ _____		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	☐	☐
If Yes, describe: _____ _____		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	☐	☐
If Yes, describe: _____ _____		

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

Applicant/sponsor/name: City of Beacon Date: August 3, 2023

Signature: Christian A.L. Gates Title: City Attorney

PRINT FORM

City of Beacon City Council Agenda
09/05/2023

Title:

HIP Lofts and Studios Development Concept Plan

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding Beacon HIP Lofts and Studios

Excerpts from the City of Beacon Code

City Engineer Memorandum Regarding Beacon HIP Lofts and Studios

City Planner Memorandum Regarding Beacon HIP Lofts and Studios

Planning Board Memorandum Regarding Hip Lofts and Studios

HIP Lofts and Studios Development Project Narrative

HIP Lofts and Studios Development Site Plan Application

Beacon HIP Lofts and Studios Slide Deck

Beacon HIP Lofts and Studios Negative Declaration

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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

MEMORANDUM

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

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

RE: **Concept Plan - HIP Lofts and Studios Development**

DATE: **August 21, 2023**

Pursuant to the City of Beacon Zoning Code (the "Code") Chapter 223, Article IVC, the City Council is charged with approval of a Concept Plan for any development proposals within the Fishkill Creek Development (FCD) District. Approval of a Concept Plan by the City Council must precede any final approvals granted by the Planning Board. This memo outlines the duties and responsibilities of the City Council as it considers a Concept Plan for the proposed HIP Lofts and Studios Development.

BACKGROUND

The HIP Lofts and Studios Development (hereinafter the "Proposed Action" or "Project") is the proposed construction of a 2-story mixed use building on an approximately 3.5-acre vacant parcel. The Project is proposing commercial artist/artisan studios on the 1st floor and 28 rental apartments (including three BMR units) on the 2nd floor (commonly referred to as "artist live work lofts"). The Project does not presently have a street address but is known and designated on the Beacon Tax Map as Parcel No. 6055-04-535128 (the "Property"). The Property has frontage along Front Street off Fishkill Ave and abuts the Fishkill Creek as well as the Greenway Trail. The Project is also immediately adjacent to the Beacon Lofts at 18 Front Street.

At its August 15, 2022, meeting the City Council referred the Proposed Action to the Planning Board for a report and recommendation on the Concept Plan. The City Council also directed the Planning Board to conduct a review of the Proposed Action pursuant to the New York State Environmental Quality Review Act (SEQRA). On June 13, 2023, as lead agency for SEQRA purposes, the Planning Board issued a negative declaration (i.e., no significant negative environmental impacts are anticipated because of the Proposed Action). If the City Council approves the Concept Plan, the Project will return to the Planning Board for site plan approval.

In support of the Proposed Action, the following materials are provided:

1. Applicant's Project Narrative Letter explaining changes to the project as a result of review by the Planning Board.

2. Site Plan Drawings (4 Sheets).

3. Planning Board's Negative Declaration.

4. Planning Board Report and Recommendation.

5. City Planner's & Engineer's Last Comment Memos.

CITY COUNCIL REVIEW OF THE CONCEPT PLAN

Pursuant to Code § 223-41.13.F(2)(d), the City Council is required to hold a public hearing on the Concept Plan prior to granting approval.

Pursuant to Code § 223-41.13.F(3)(b)[1]-[8], in approving the Concept Plan for the Project, the City Council is tasked with finding that the following conditions and standards have been satisfied:

1. The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

2. The proposed Fishkill Creek development project complies with § 223-41.13I(15), Fishkill Creek vegetative buffer, of this chapter.

3. The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § 223-41.13I, to the extent applicable at the concept plan stage.

4. The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, the Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

5. The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

6. The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

7. The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

8. The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

The City Council may, in approving the Proposed Action's Concept Plan, attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure compliance with all applicable standards and requirements, as well as to ensure that the intent and purposes of Article IVC of the Code are fulfilled. *See* Code § 223-41.13.F(2)(c).

NEXT STEPS

The City Council should schedule a public hearing on the Proposed Action. Once the City Council is satisfied that it has heard sufficient public comment, it should then close the hearing and deliberate on whether to approve the Concept Plan. Once the City Council is ready to issue a decision, it should direct our office to prepare a resolution which may then be adopted by the City Council at the following meeting(s). Please note that the City Council may continue the public hearing and/or its deliberations at multiple meetings. The City Council may attach such necessary and reasonable conditions to its approval. Once the City Council has made a decision and has adopted an approval resolution, the City Council's involvement in the Project is completed and the applicant will then need to appear before the Planning Board for site plan approval. Any material revisions to the Concept Plan, as a result of site plan review, will require reapproval of the Concept Plan by the City Council.

City of Beacon, NY
Tuesday, August 22, 2023

Chapter 223. Zoning

Article IVC. Fishkill Creek Development (FCD) District

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

A. This article establishes a comprehensive review for land uses in the Fishkill Creek Development District. Development within the Fishkill Creek Development District shall be governed by this article, except to the extent that this article specifically incorporates by reference other sections of this chapter. In the event that any other provision of this chapter is inconsistent with the provisions of this article, then the provisions of this article shall control.

B. Principal uses permitted. A Fishkill Creek development may be a single use, or a mixed use which incorporates various permitted land use elements as part of a comprehensive development plan. These elements may include:
[Amended 6-15-2020 by L.L. No. 7-2020]

(1) Apartment, attached or multifamily dwelling.

(2) Artist live/work space, artist studio and workshop of artisan.

(3) Bed-and-breakfast establishment or inn.

(4) Spa, fitness centers/noncommercial swimming pool, exercise studio, day-care center or similar use as determined by resolution of the City Council. Such uses shall be permitted in buildings that face a street.

(5) Restaurant, bar, brew pub or other eating and drinking establishment. Such restaurants and other eating and drinking establishments shall be permitted in buildings that face a street. No such individual use shall contain more than 5,000 square feet of gross floor area.

(6) Professional and business office in buildings that face a street.

(7) Gallery, exhibit space or museum.

(8) Community facility that complements residential and commercial use, such as a public or semipublic performance and cultural center, live theater, concert hall, meeting room suitable for social, civic, cultural or education activities, bandshell, kiosk or gazebo.

(9) Assembly, manufacturing, workshop or other light industrial use, as determined by the City Council, in fully enclosed buildings and not including any form of outdoor storage.

(10) Day-care center.

(11) Trade school or training program, college, private school, or nursery school.

(12) Other nonresidential use similar to the above uses as determined by resolution of the City Council.

C. Permitted accessory uses. Permitted accessory uses may include:

(1) Uses which are clearly incidental to, and customarily found in connection with, the permitted principal uses. Exterior display of goods on special event days/weeks may be permitted, subject to the issuance of a permit by the City. Exterior storage is not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food or drink stands, are permitted.

(2) Parking and bicycle facility, including parking structure.
[Amended 6-15-2020 by L.L. No. 7-2020]

(3) Short-term rentals in any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling, as provided in § **223-26.5**.

[Added 6-15-2020 by L.L. No. 6-2020[1]]

[1] *Editor's Note: This local law provided the following: "This local law shall take effect on October 1, 2020. Any short-term rental, as defined herein, in existence prior to October 1, 2020 shall have until November 15, 2020, to file an application to obtain a short-term rental permit. Any short-term rental existing prior to October 1, 2020 that (a) does not meet the definition of short-term rental or (b) is a short-term rental, as defined, and does not file an application by November 15, 2020 shall be deemed to be in violation of this local law and subject to enforcement."*

(4) Solar collector, roof garden, or greenhouse.
[Added 6-15-2020 by L.L. No. 7-2020]

D. Procedure for review of Fishkill Creek development proposals.

(1) Each Fishkill Creek development project shall require:

(a) Concept plan approval by the City Council; and

(b) Site plan approval by the Planning Board.

(2) The Planning Board may commence its review of a site plan for one or more Fishkill Creek development projects as soon as an application for such Fishkill Creek development concept plan has been submitted to the City Council. However, no final approval of a site plan for any FCD project shall precede the issuance of a concept plan approval for such FCD project by the City Council.

E. Application fees. Applications to the City Council and Planning Board as provided herein shall be accompanied by the appropriate fees which may be set from time to time by the City Council for such applications. If such fees are not sufficient to defray the costs of review, the applicant shall also be required to pay such additional fees as may be necessary for the reasonable expenses of technical assistance to the City in reviewing the technical aspects of the application.

F. Procedure for Fishkill Creek development concept plan review.

(1) Application. The concept plan application for a Fishkill Creek development for one or more FCD projects shall be submitted to the City Council. The application shall consist of narrative text, drawings and/or illustrations describing the proposed Fishkill Creek development project. All application materials, including plans, shall be submitted in electronic file format acceptable to the Building Department, in addition to at least five paper copies (or such other format or amount as determined by the Building Department), at least two weeks prior to the City Council meeting at which it will be considered. Drawings shall be submitted approximately to scale, but need not be to the precision of a finished engineering drawing or a final site plan. The application shall include the following:

(a) A written description of the Fishkill Creek development project(s) concept plan, and a description of the manner in which such proposal meets the purposes of the Fishkill Creek Development District; how it is consistent with the City of Beacon Comprehensive Plan and, if applicable, Local Waterfront Revitalization Plan; and the manner in which the public

interest would be served by the proposed Fishkill Creek development, including a description of the benefits to the City.

(b) A land use plan showing the various proposed land uses and their spatial arrangement, including the proposed general location of buildings, parking areas, public, community and/or recreation facilities, utility and maintenance facilities and open space.

(c) An indication of the approximate square footage of buildings, the approximate number of dwelling units of each housing type and size, and the approximate amount of floor area of each type of nonresidential use.

(d) An indication of the appropriate number of parking and loading spaces in relation to their intended use.

(e) A general indication of any phasing of construction.

(f) The general configuration of the interior road system, connection/access to the adjoining road system, and an analysis of the need for and the feasibility of providing emergency access.

(g) A plan showing the relation of the proposed uses to existing and proposed uses adjacent to the site that are not part of the application.

(h) The general configuration of the pedestrian circulation system, the connection of such pedestrian passageways to adjoining properties and a description of how the proposal is consistent with the Fishkill Creek Greenway and Heritage Trail Master Plan.

(i) The proposed architectural treatment of views and viewing points from the site to Fishkill Creek; to the site from Fishkill Creek; and over the site from important viewsheds, including those identified in the LWRP, all subject to the City Council's review of photo-simulations as it shall request the applicant provide.

(j) Descriptions, sketches, and sections showing the design scheme contemplated for the entire development and specifically for any public spaces or major elements of the plan.

(k) Such additional information as the City Council may deem necessary in order to properly evaluate the application.

(2) City Council review of Fishkill Creek development concept plan application.

(a) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.

(b) Enhanced public transportation, jitneys and other alternative means of travel between the FCD, Main Street and the Hudson Riverfront, as well as the developer providing a fair share of the funding of such alternative means of travel, shall be considered as important methods of mitigating potential traffic and parking impacts resulting from the FCD.

(c) City Council referrals.

[1] The City Council shall refer the application for a Fishkill Creek development concept plan approval to the Planning Board for a recommendation. The Planning Board shall review all documents and materials relating to the application and may make any advisory recommendations it deems appropriate.

[2] Other referrals. The City Council shall comply with the applicable provisions of General Municipal Law §§ 239-1 and 239-m. In addition to any referrals required by law, the City Council may refer the application to any other City board, department, official, consultant or professional it deems appropriate.

(d) Public hearing. The City Council shall hold a public hearing on the application for a Fishkill Creek development concept plan approval. Any required SEQRA hearing shall be conducted jointly with this public hearing, if practicable.

(3) City Council decision on Fishkill Creek development concept plan.

(a) The City Council shall render a decision on the application for Fishkill Creek development concept plan approval after it has held the required public hearing, completed the SEQRA process and has made the requisite SEQRA determination of significance and/or findings, and, if applicable, has made the consistency determination under the City's Local Waterfront Consistency Law.[2]

[2] *Editor's Note: See Ch.* ***220****, Waterfront Consistency Review.*

(b) Concept plan approval. The City Council may approve the concept plan upon a finding that the following conditions and standards have been met:

[1] The proposed Fishkill Creek development project is consistent with the purposes and requirements of the Fishkill Creek Development District and is otherwise in the public interest.

[2] The proposed Fishkill Creek development project complies with § **223-41.13I(15)**, Fishkill Creek vegetative buffer, of this chapter.

[3] The proposed Fishkill Creek development project meets the Fishkill Creek development design standards set forth in § **223-41.13I**, to the extent applicable at the concept plan stage.

[4] The proposed Fishkill Creek development project is consistent with the City's Comprehensive Plan, Local Waterfront Revitalization Program (if applicable), and Fishkill Creek Greenway and Heritage Trail Master Plan, and will not hinder or discourage the appropriate development and use of adjacent lands.

[5] The proposed Fishkill Creek development project is planned as a cohesive unit with a comprehensive plan for ingress, egress, open space, landscaping, signage, circulation and utility service and the land uses are complementary.

[6] The land uses in the proposed Fishkill Creek development project relate, visually and functionally, with surrounding land areas and land uses, and shall relate compatibly with other elements of the Fishkill Creek corridor.

[7] The Fishkill Creek development project shall be sensitive to the site's relationship to the Fishkill Creek and shall be designed accordingly.

[8] The FCD site is proposed to be developed in such a way as to maximize important views and view corridors throughout the development; and site layout and design has incorporated, protected and/or enhanced important views and view corridors, including those identified in the LWRP.

(c) Conditions. In approving any Fishkill Creek development concept plan, the City Council may attach such conditions, safeguards and mitigation measures as it deems necessary or appropriate to assure continual conformance to all applicable standards and requirements and to fulfill the intent and purposes of this chapter. An approved concept plan shall expire if site plan review is not pursued diligently and received. If site plan approval is granted, the concept plan approval shall expire at the time the site plan approval expires.

(4) Revisions to FCD concept plan. After approval, any proposed revisions shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revisions, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.

G. Site development plan review. After approval of the Fishkill Creek development concept plan by the City Council, the Planning Board may grant site plan approval to a Fishkill Creek development project.

(1) Application for site plan approval. The application for site development plan approval shall contain all the material set forth in § **223-25B** of this chapter. In addition, the applicant shall submit the following:

(a) Information to establish that the proposed site plan complies with § **223-41.13** I(15), Fishkill Creek vegetative buffer, of this chapter.

(b) Information to establish that the proposed site plan meets the Fishkill Creek development standards set forth in Subsection **I** below.

(c) Information to establish that the proposed site plan is in substantial conformance with the approved Fishkill Creek development concept plan.

(d) Elevations showing the architectural and design treatment of all buildings, public and open spaces and other site plan elements.

(e) Information to establish the relationship of the proposed project to later elements of the development of the FCD District, including any other adjacent and nearby lands that are not part of the applicant's Fishkill Creek development project(s).

(f) Such other information as the Planning Board may reasonably require in order to evaluate the site plan application.

(g) Application fees as required pursuant to Subsection **E** above.

(2) Planning Board review of site plan.

(a) The Planning Board shall conduct a detailed review of the adequacy, location, arrangement, design and appearance of each aspect of the proposed development. The Planning Board shall have the authority to assure that aspects of the overall development of the FCD District (e.g., stormwater management, domestic water and fire protection, sanitary sewer, all utilities, streets, etc.) shall be adequate to suit the purposes and needs of the entire FCD District, as it is finally developed.

(b) In acting on any site development plan application, the Planning Board shall take into consideration the Fishkill Creek development concept plan, the proposed design and layout of the entire FCD District, including the proposed location, height and landscaping of buildings, traffic circulation within and without the site, provision of off-street parking, exterior lighting, display of signs, landscaping, buffer areas and open spaces, and architecture and design, so that any development will have a harmonious relationship with the existing or permitted development of contiguous land and of adjacent neighborhoods, and so that pedestrian and vehicular traffic will be handled adequately and safely within the site and in relation to the adjoining street system. Particularly, the Planning Board shall assure that the proposed site plan meets the Fishkill Creek development design standards set forth in Subsection **I** below.

(c) The proposed site development plan shall be in substantial conformance with the Fishkill Creek development concept plan. The site plan for a particular Fishkill Creek development project will provide detailed building envelopes, elevations and site design details. The Planning Board may exercise its discretion in allowing minor variations from the Fishkill Creek development concept plan so long as the site plan is, in the Planning Board's judgment, generally in keeping with the Fishkill Creek development concept plan approved by the City Council. In no case, however, shall the Planning Board have the authority to approve a total number of dwelling units and/or an amount of nonresidential floor area in the Fishkill Creek development project which exceeds the number(s) approved as part of the Fishkill Creek development concept plan.

(3) Time period for construction. At the time of approving the site plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.

(4) Adjustments to site plan during construction. During the construction of an approved site plan, the Building Inspector or the City Engineer may authorize minor adjustments to the approved plans which are consistent with the overall approved site plan, when such adjustments appear necessary in the light of technical or engineering considerations which develop during actual construction, or when such adjustments are required in order to comply with law, rules or regulations made applicable to the subject property by any agency or instrumentality of the United States, New York State, Dutchess County or City government. The Building Inspector or City Engineer may, in his discretion, refer any such proposed change to the Planning Board for review. The Planning Board may determine to treat the modification as a minor site plan adjustment under this section or to treat it as a site plan amendment under Subsection **G(5)** below. If treated as a minor site plan adjustment, the Planning Board may authorize the Engineer or Building Inspector to approve the requested change.

(5) Site plan amendments. If the Planning Board determines that the character of the proposed changes requires a site plan amendment, the Planning Board shall process the application as an amended site plan under this Subsection **G(5)** and shall have the discretion to determine the extent of further environmental analysis and project review that is required. After appropriate review, the Planning Board shall approve any site plan amendment by resolution.

H. Subdivision within a Fishkill Creek development. The Planning Board may review any proposed subdivision application within a Fishkill Creek development at any time. Any requests for subdivision approval shall follow the procedures set forth in Chapter **195**, Subdivision of Land, of the City Code. The setbacks and other dimensional requirements of the FCD District shall apply to the gross land area of the total Fishkill Creek development project, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.

I. Fishkill Creek development design standards.

(1) All new buildings or substantial alterations of existing buildings in the Fishkill Creek Development District, shall comply with the following design standards. These standards are intended to supplement the provisions in Chapter **86**, Architectural Design, and to relate historic buildings and traditional streetscapes in the area to new redevelopment efforts, while still allowing contemporary architectural flexibility.

(2) Key terms. Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the City Council or Planning Board, as applicable, finds a strong justification for an alternative solution in and unusual and specific circumstance; and "may" means that the standard is an optional guideline that is encouraged but not required.

(3) General district standards. While the FCD District may contain various uses, development shall be planned as a cohesive unit, with a comprehensive plan for access, connected greenspace, landscaping, signs, circulation, and compatible architectural elements. Plans should build on the existing Beacon environmental and historic context.

(a) Proposals shall show previous buildings on the site and document inspiration from the City's industrial past along the riverfront and creek frontage, including the type and texture of materials, roof forms, spacing and proportions of windows and doors, and exterior architectural features. Building details may be traditional or may be more modern and simple.

(b) Construction on parcels in or directly adjoining the Historic District and Landmark Overlay Zone should reinforce historical patterns and neighboring buildings with an emphasis on

continuity and historic compatibility, not contrast. The goal is to renew and extend the traditional character of the district, but new construction may still be distinguishable in up-to-date technologies and details, most evident in windows and interiors (see also Chapter **134**, Historic Preservation).

(c) The plan shall be sensitive to the site's relationship to the Fishkill Creek and developed in such a way as to maximize important public views and view corridors throughout the development.

(4) Specific standards. See also the annotated photo examples in Figures 13-1 through 13-3, illustrating the design standards.[3]

(a) Historic mill buildings in Beacon generally had simple forms and repetitive window openings with flat or low-pitched gable roofs. Groups of related buildings shall be designed to present a varied but compatible mix. New construction should have rooftop cornices, capstones, parapets, railings, or projecting eaves.

(b) Architectural features, materials, and windows shall be continued on all sides of the building, avoiding any blank walls. Larger buildings should incorporate subtle breaks in the facade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail.

(c) Buildings shall have an emphasized entrance doorway to visually connect the building to the street frontage and an interconnected sidewalk and walking/bicycle path system to allow residents access to the street and Greenway Trail along the creek frontage.

(d) Industrial artifacts, such as stacks, towers, skylights, window frames, loading doors, and docks, should be retained or reproduced and incorporated into the design, whenever possible. Railings, balconies, entrance canopies, lighting fixtures, and other functional details should use industrial styles, metal materials, and darker colors.

(e) Windows shall be divided into smaller panes to break up large areas of glass. Individual panes shall be greater in height than width, but the Planning Board may allow exceptions for transom lights, storefronts, and other specialty windows. Tinted or mirrored glass and large glass wall areas shall not be permitted.

(f) Commercial buildings shall have at least 70% glass on the first-floor facades. Residential floors shall have at least a 30% glass-to-wall ratio.

(g) For finish building materials, traditional brick is recommended with secondary elements of cement-based stucco, stone, smooth-finished fiber-cement siding, metal, or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), and chain link, plastic, or vinyl fencing shall not be permitted.

(h) Greenhouses, solar collectors, mechanical systems, and other rooftop accessory structures may project up to 15 feet above the maximum height, if set back at least 15 feet from the edge of a flat roof.

(i) Off-street parking, mechanical equipment, and refuse containers shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements. Window or projecting air conditioners shall not be permitted.

(j) Every site should include at least one pedestrian-oriented gathering place, green, landscaped plaza, courtyard, terrace, or outdoor eating area, using the building forms to frame, overlook, or complement the space.

[3] *Editor's Note: Said figures are on file in the City offices.*

(5) Energy efficiency. The plan for the Fishkill Creek development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings, such as taking advantage of passive solar and solar panel opportunities.

(6) Landscaping, screening and buffering. A comprehensive landscaping plan, including proposed streetscape and rooftop elements, shall be submitted for the project.

(a) Sidewalks, open spaces, parking areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., shall be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.

(b) The Planning Board may require street trees, buffer landscaping, fencing or screening to separate land uses and to screen parking lots or structures, utility buildings, refuse collection areas, cooling systems and other similar installations and features.

(c) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall emphasize native species, not include invasive species, and shall be appropriate to the growing conditions of the environment and this climatic zone.

(d) Green roofs and rooftop terraces and gardens are encouraged for visual and environmental reasons.

(7) Lighting. A comprehensive lighting plan with photometric measurements and fixture specifications shall be submitted for the project. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use.
[Amended 6-15-2020 by L.L. No. 7-2020]

(a) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in parking lots shall be a maximum of 20 feet high.

(b) All exterior lighting shall comply with the standards in § **223-14B**.

(8) Signage.

(a) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review process.

(b) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.

(9) Vehicle, bicycle and pedestrian circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles, bicycles and/or pedestrians shall be determined on the basis of sound current planning and engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent practicable and be narrow enough to slow traffic speeds. Commercial uses should be pedestrian oriented and assist in building walkable streets and a connection to downtown Beacon.

(10) Public access for greenway trails.

(a) While a Fishkill Creek development will require certain private elements for the security and benefit of its residents and property owners, a Fishkill Creek development shall provide public pedestrian access in a manner which enhances existing public access opportunities, and coordinates such public access with existing or anticipated opportunities for public access on adjacent lands to facilitate future linkages in a continuous pedestrian path system.

(b) In order to foster the purposes of this article, in order to implement the policies expressed in the City's Comprehensive Plan and the Fishkill Creek Greenway and Heritage Trail

Master Plan, including the creation of greenway trails, and in order to increase public pedestrian access to and the potential for enjoyment of Fishkill Creek, each FCD project shall show a dry-land right-of-way or easement for the enjoyment of the public, which easement shall be not less than 20 feet in width traversing the entire length of the site unless configured otherwise by the Planning Board during the site development plan review process. To the maximum extent practicable, said right-of-way or easement shall be integrated so as to create linkages with existing and anticipated public pedestrian and bicycle trail systems on adjacent lands.

(c) The trail within said right-of-way or easement shall be constructed by the project developer and shall be maintained by the property owner. Said trail may be located in the Fishkill Creek buffer.

(11) Off-street parking and loading.

(a) General parking requirements.

[1] Off-street parking and loading areas shall be designed with careful regard to their relation to the uses served. They shall be coordinated with the public street system serving the project in order to avoid conflicts with through traffic or obstruction to pedestrian walks.

[2] Parking and loading facilities not enclosed in structures shall be suitably landscaped and/or screened as determined appropriate by the Planning Board. Off-street parking shall be located toward the rear or side of the site, under the ground floor of buildings, and/or screened from public views by approved landscaping or architectural elements.

[3] The construction of any proposed parking structures to accommodate the PCD project shall be integrated into the development.

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

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

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

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

(12) Utilities and services.

(a) Underground lines. All on-site television, power and communication lines, as well as all on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the government agency or utility company having jurisdiction. Any utility equipment to be necessarily located above ground shall be adequately screened from view in an attractive manner.

(b) Approval of appropriate jurisdictions. All buildings within Fishkill Creek development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.

(c) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact and shall not be by multiple individual satellite dishes.

(d) Refuse collection. The Fishkill Creek development project shall provide an adequate means of storing refuse between collections, and shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.

(e) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.

(f) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way.

(g) Utility deficiencies. The FCD project shall address all known utility deficiencies which have a relationship to the project, the project's impact upon said utilities, and the project's implementation and/or financing of its fair share of the mitigation of said impact and deficiencies, including the dedication of utility easements to the City.

(13) Floodplain. The Fishkill Creek development project shall comply with the applicable provisions of Chapter **123**, Flood Damage Prevention, of the City Code. All habitable stories shall be elevated above the one-hundred-year floodplain elevation.

(14) Historic preservation. Every reasonable effort shall be made to preserve and/or incorporate significant historic structures and artifacts as part of the FCD project.

(15) Fishkill Creek vegetative buffer.

(a) A protective creekside buffer measured from the top of the creek bank shall be observed. "Top of the creek bank" shall mean the highest elevation of land which confines Fishkill Creek.

(b) The protective creekside buffer dimension in § 223-41.14I(15)(a) of this chapter is a minimum and may be increased if necessary to mitigate the impact of the proposed development.

(c) With respect to development near the creekside buffer, the site plan shall address the following requirements:

[1] Site development shall be filled to the topography and soil so as to create the least potential for vegetation loss and site disturbance.

[2] Vegetation removal shall be limited to that amount necessary for the development of the site. Protection of tree crowns and root zones shall be required for all trees planned for retention.

[3] Vegetation indigenous to the site or plant community shall be restored in areas affected by construction activities. Temporary vegetation, sufficient to stabilize the soil, may be required on all disturbed areas as needed to prevent soil erosion. New planting shall be given sufficient water, fertilizer and protection to ensure reestablishment.

(d) All approved measures to mitigate the loss or impact to riparian habitat shall become conditions of approval of the project.

(e) The creekside buffer shall be protected by a conservation easement and/or covenants and restrictions which provide for the preservation of existing and proposed vegetation within said buffer.

LANC & TULLY
Engineering and Surveying, P.C.

June 7, 2023

Mr. John Gunn
Beacon Planning Board Chair
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

RE: Beacon HIP Lofts & Studios
Multi-Use Building
Tax No. 6055-04-535128
City of Beacon

Dear Mr. Gunn:

My office has received the following regarding a multi-family residential and commercial artist/artisan studio units located along Front Street:

- Correspondence dated May 30, 2023, from Aryeh Siegel, Architect.
- Correspondence dated May 30, 2023, from Hudson Land Design.
- Plan set titled "Beacon HIP Lofts & Studios", consisting of sheets 1 of 12 through 12, with the latest revision date of May 30, 2023, as prepared by Aryeh Seigel, Architect and Hudson Land Design.

The proposed project entails the construction of a building consisting of 30,000 square feet of artist/artisan studios and 28 1-bedroom loft apartments on the 2nd story on a 3.5± acre parcel located along the Fishkill Creek, with the southern portion of the parcel being located within the Floodway, and a majority of the parcel being located within the 100-year flood plain. The project is located in the FCD (Fishkill Creek Development) Zone and is also within the HDLO (Historic District and Landmark Overlay) Zone.

Based on our review of the above documents and plans, we would like to offer the following comments:

General Comments:

1. As the project site is located within the floodplain, the applicant will need to secure a Floodplain Development Permit in accordance with Section 123-12 of the City of Beacon Code. ***Applicant notes that a Flood Development Permit will be applied for at building permit.***

2. The applicant will need to form a sewer transportation corporation, as a sewer system that collects sewage from multiple parcels is required to be either owned and operated by a municipality or by a sewer transportation corporation in accordance with NYSDEC standards. ***Applicant notes that a sewer transportation corporation will be formed, and that the applicant will retain their attorney to consult with the City attorney in forming the required documents.***

3. Except for direct connection service lines, new water distribution piping, sewer collection piping and modifications to the sewage pump station will require approval from the Dutchess County Department of Health. ***Applicant notes that application to the Dutchess County Department of Health will be made once a SEQR determination has been made.***

4. Once a formal agreement with the adjacent parcel owner has been executed for the proposed widening and re-paving of Front Street, it shall be provided to the Planning Board for review.

5. The applicant should confirm with the City of Beacon Water & Sewer Department that they have sufficient water to service the proposed project and have sufficient capacity within the sewer system to accept the flows from the proposed project. ***The applicant has noted that they have spoken with the Superintendent and that they will be performing fire flow tests to confirm adequate flows and pressures, and will also establish an escrow account for modeling of the sewer system once the City's consultant establishes the cost for this modeling.***

6. The plan should be referred to the Greenway Trail Committee for their review and input. ***The applicant's architect has met with members of the Greenway Trail Committee and has agreed to allow the committee to provide input for portions of the trail as the project design moves forwards.***

Water & Sewer Engineer's Report:

1. To further improve odor issues, the applicant should also consider the installation of an odor control system as previously noted in our correspondence of November 23, 2022. ***The project engineer has stated that the applicant's site superintendent is currently looking into available odor control options.*** Once the options have been reviewed by the applicant and project engineer, the information shall be presented in the Engineer's Report.

2. The existing sanitary force main, from the pump station to Liberty Street, shall be evaluated as to its condition. The results of this evaluation shall be provided in the report. ***Applicant notes that they are hiring a pipe inspection company to televise the force main to properly evaluate the condition of the pipeline.***

3. Section 5.0, Water Supply, should be updated to reflect existing pressures and fire flows within the existing system in the area, as well as expected fire flows at the proposed hydrants for the project. This information will also be required for the design of the fire sprinkler system to be installed within the building. ***Applicant's engineer states that hydrant flow testing will be conducted on the water system and the results added to the report in the future.***

Sheet 1 of 12 (Site Plan):

1. The first-floor elevation is noted as 148.2 on Sheet 1, whereas Sheet 5 notes the first-floor elevation as 148.45, as presented to the Planning Board at the last meeting.

Sheet 5 of 12 (Grading & Utility Plan):

1. Consideration should be given to removing the landscaping shown on this sheet so that the proposed utilities and grading for the project are clear and legible, along with the existing topography and utilities on the site.

2. Construction details shall be added to the plans for the proposed retaining walls, and that the wall(s) will be required to be designed by a licensed professional engineer registered in NY State, as they exceed 4 feet in height. ***Applicant's consultant notes that once a wall type is selected, appropriate design details will be added to the plans.***

2. As the retaining wall along the southern corner of the building exceeds 30 inches in height, and a walkway is proposed directly behind the wall, barrier protection (fencing) shall be provided to ensure that falls are prevented from occurring off of the top of the wall. A construction detail shall be added to the plans for the fencing, and the retaining wall detail shall also incorporate the installation of this fencing.

Stormwater Pollution Prevention Plan (SWPPP):

1. As the applicant is proposing infiltration systems on site to handle water quality and runoff reduction from the site, soil testing will need to be performed for these proposed systems. The applicant's engineer should contact the City Engineer's office to set up a joint site meeting to allow for witnessing of soil testing. ***Applicant's consultant notes that this will be coordinated with the City Engineer's office.***

This completes our review at this time. Further comments may be provided based on future submissions. **A written response letter addressing each of the above comments should be provided with the next submission.** If you have any questions, or require any additional information, please do not hesitate to contact our office.

Very truly,

LANC & TULLY, P.C.

John Russo, P.E.

cc: John Clarke, Planner
Jennifer Gray, Esq.
Bruce Flower, Building Inspector

John Clarke Planning and Design

[redacted]

To: John Gunn, Chair, and the City of Beacon Planning Board
Date: June 9, 2023
Re: **Beacon HIP Lofts, Concept Plan SEQRA Review and Recommendation to the City Council**

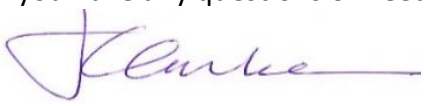
I have reviewed response letters from Aryeh Siegel and Hudson Land Design and a 12-sheet Site Plan set, all dated May 30, 2023.

Proposal
The applicant is proposing to construct a multi-use building with a total of 30,000 square feet of 1st-floor artist/artisan studios and 28 loft apartments on the 2nd floor. The proposed project is on a 3.5-acre undeveloped parcel in the Fishkill Creek Development (FCD) district and within the Historic District and Landmark Overlay (HDLO) zone. An existing Greenway Trail is also on the parcel.

Comments and Recommendations
The FCD district requires City Council approval of the Concept Plan. The Council has referred the plans to the Planning Board for a SEQRA analysis and an advisory recommendation on the Concept Plan. More specific architectural, landscaping, lighting, and engineering details should be covered by the Planning Board during a subsequent Site Plan and Architectural Review process.

All my previous comments have been addressed. From a planning perspective, the Concept Plan is sufficiently complete to return to the City Council with a positive recommendation.

If you have any questions or need additional information, please feel free to email me.



John Clarke, Beacon Planning Consultant

c: Bruce Flower, Building Inspector
Jennifer Grey, Esq., City Attorney
John Russo, P.E., City Engineer
Aryeh Siegel, Project Architect
Michael Bodendorf, P.E., Project Engineer

John Gunn
Planning Board Chairman

CITY OF BEACON
New York

Planning Board

July 25, 2023

Mayor Lee Kyriacou and
Beacon City Council Members
1 Municipal Plaza
Beacon, New York 12508

Subject: **City Council Referral of Application by Beacon Hip Lofts LLC for FCD Concept Plan Approval**

On referral from the City Council, the City of Beacon Planning Board reviewed the application for Fishkill Creek Development ("FCD") District Concept Plan approval submitted by Beacon Hip Lofts LLC during Planning Board meetings held on September 12, 2022, November 9, 2022, January 10, 2023, February 15, 2023, March 28, 2023, May 9, 2023 and June 13, 2023. The application proposes the construction of a two-story, 52,447 s.f. building with 28 one-bedroom loft apartments on the 2nd floor and 30,000 square feet of commercial artist studios on the 1st floor (the "Project"). The parcel consists of 154,737 square feet or +/- 3.55 acres and is located on Front Street within the Fishkill Creek Development ("FCD") Zoning District and Historic District and Landmark Overlay District ("HDLO"). The City Council is the approval authority for the Concept Plan after referral to the Planning Board for its report and recommendation, and the Planning Board is the approval authority for the Site Plan.

During the Board's review, it also acted as Lead Agency in the environmental review of the project pursuant to the State Environmental Quality Review Act ("SEQRA") and on June 13, 2023 adopted a Negative Declaration finding the Project will not result in any significant adverse environmental impacts.

During the Board's review, the Applicant modified the Concept Plan to make substantial improvements to the Greenway Trail including increased landscaping and enhanced

John Gunn
Planning Board Chairman

CITY OF BEACON
New York

Planning Board

accessibility by the elimination of stairs that were previously proposed on the trail. In addition, the Concept Plan was modified to reduce the proposed amount of impervious surfaces specifically in the area of proposed off-street parking. A majority of the Planning Board is in support of reducing the required number of parking spaces from 95 to 80 based upon a shared parking analysis. In addition, the Planning Board is in favor of land banking an additional 14 parking spaces based on the anticipated interplay between this Project and the tenants of the neighboring developed parcel whereby tenants of the neighboring parcel have expressed interest in renting the proposed art studios. Therefore, the Board found that 66 constructed parking spaces, plus 14 land banked spaces, rather than the 95 spaces required by the City Zoning Code would be sufficient for the Project.

After concluding its discussion of the Project, upon a motion by Mr. Jensen, seconded by Ms. Quiana, the Board unanimously voted to transmit a positive recommendation to the City Council for approval of the proposed Concept Plan.

Very truly yours,

John Gunn

John Gunn, Chairman

Project Narrative

Beacon HIP Lofts and Studios Development
Front Street, Beacon, NY

June 6, 2023

Summary

The Beacon Lofts and Studios Development site is a 3.5-acre vacant parcel adjacent to the previously approved and developed Beacon Lofts project off of Fishkill Avenue. The proposed project visually and functionally extends the existing development concept at the Beacon Lofts project, which mainly consists of Artist Live Work Lofts, with a few artist studio spaces.

The Planning Board approved a SEQRA Negative Declaration for the project at their June 2023 meeting and voted to provide a positive recommendation to the City Council for approval of the Concept Plan. Assuming the Council approves the Concept Plan, we will return to the Planning Board to continue the Site Plan and Certificate of Appropriateness review.

The project is in the Fishkill Creek Development (FCD) zoning district. The proposal is to construct a 2-story mixed use building with commercial artist/artisan studios on the 1st floor and 28 rental apartments on the 2nd floor.

The project is designed as a cohesive unit with building design, landscaping, circulation, ingress and egress, and utility services.

The Applicant worked closely with the Planning Board to improve the originally proposed plan that the City Council reviewed before referring the project to the Planning Board, landscaping, and improvements to the previously approved Greenway Trail:

- The Applicant met with the Greenway Trail representatives and revised the originally proposed trail to eliminate steps. This allows the trail to be used be people with mobility concerns.

84 Mason Circle | ajs@ajsarch.com | *Tel* 845 838 2490
Beacon, New York 12508 | www.ajsarch.com | *Fax* 845 838 2657

- We significantly reduced the number of parking spaces required by analyzing the shared parking potential, and the associated impervious paving. We land banked a number of parking spaces so that they do not have to be constructed unless a parking problem arises in the future.

- We added landscaping.

- We provided site engineering to ensure that the project meets flood plain requirements. We are providing a new sewer line through the site, and the stormwater has been engineered using green practices.

Compliance with Fishkill Creek Development Zone Requirements
The proposed project fits exactly with the primary goal of the Fishkill Creek Development Zone, as stated in the City of Beacon Zoning Code:

"Encourage the development of undeveloped or underutilized industrial properties along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses."

This vacant lot along the Fishkill Creek has been undeveloped for decades and proposes to blend commercial and residential uses. The requirement that a minimum of 25% of the proposed building be commercial is far exceed in this case. The commercial portion of the project is almost 60% of the building area. Similar commercial studio uses exist on the adjacent developed Beacon Lofts property, and there is a strong demand for more space like that, which this project provides. There is limited commercial studio space available in Beacon, and this project provides this much needed benefit to Beacon.

The residential portion of the building on the 2nd floor consists of 28 one-bedroom loft apartments with mezzanines, similar to the very well received lofts on the adjacent developed property. Ten percent of these apartments will be Below Market Rate units. The residential use complies with the FCD zoning, as well as the Beacon Comprehensive Plan.

Because the upper floor does not cover the entire footprint of the 1st floor, there is a common tenant landscaped roof garden overlooking the landscape and the Fishkill Creek.

Our landscape designer has developed the preliminary design to enhance the site, works with viewsheds of the Fishkill Creek, work with the proposed stormwater management practices that our site/civil engineer is proposing to use and provide plantings and trees in the parking lot areas to mitigate the heat island effects of the new impervious parking surfaces. We added more trees and landscaping to the land banked parking areas. The Greenway Trail currently runs through the site (and

connects to the existing Greenway Trail in the developed adjacent parcel) and will be enhanced along with the proposed landscaping. This continues the use that is consistent with the Beacon Comprehensive Plan and is a benefit to the City and its residents and visitors. The trail will be expanded near the proposed building to provide screening between the building and the trail, and also to create a more park-like experience along that section of the trail. The building is set far back from the Creek so the existing trail will retain its natural feel.

Historic Overlay Zone

The property is also in the Historic Overlay Zone, so the building design will be reviewed by the Architectural Review Board and the Planning Board. The proposed building has a brick exterior and massing and window proportions similar to the former industrial Beacon Lofts parcel next door. The design also recalls the gable roofs of the adjacent apartment complex along Fishkill Avenue, which used to house the workers and managers at the former factory. The building is only 2 stories high, where 3 stories are permitted.

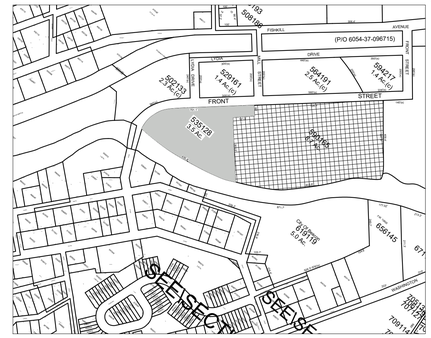
Additional Zoning Compliance

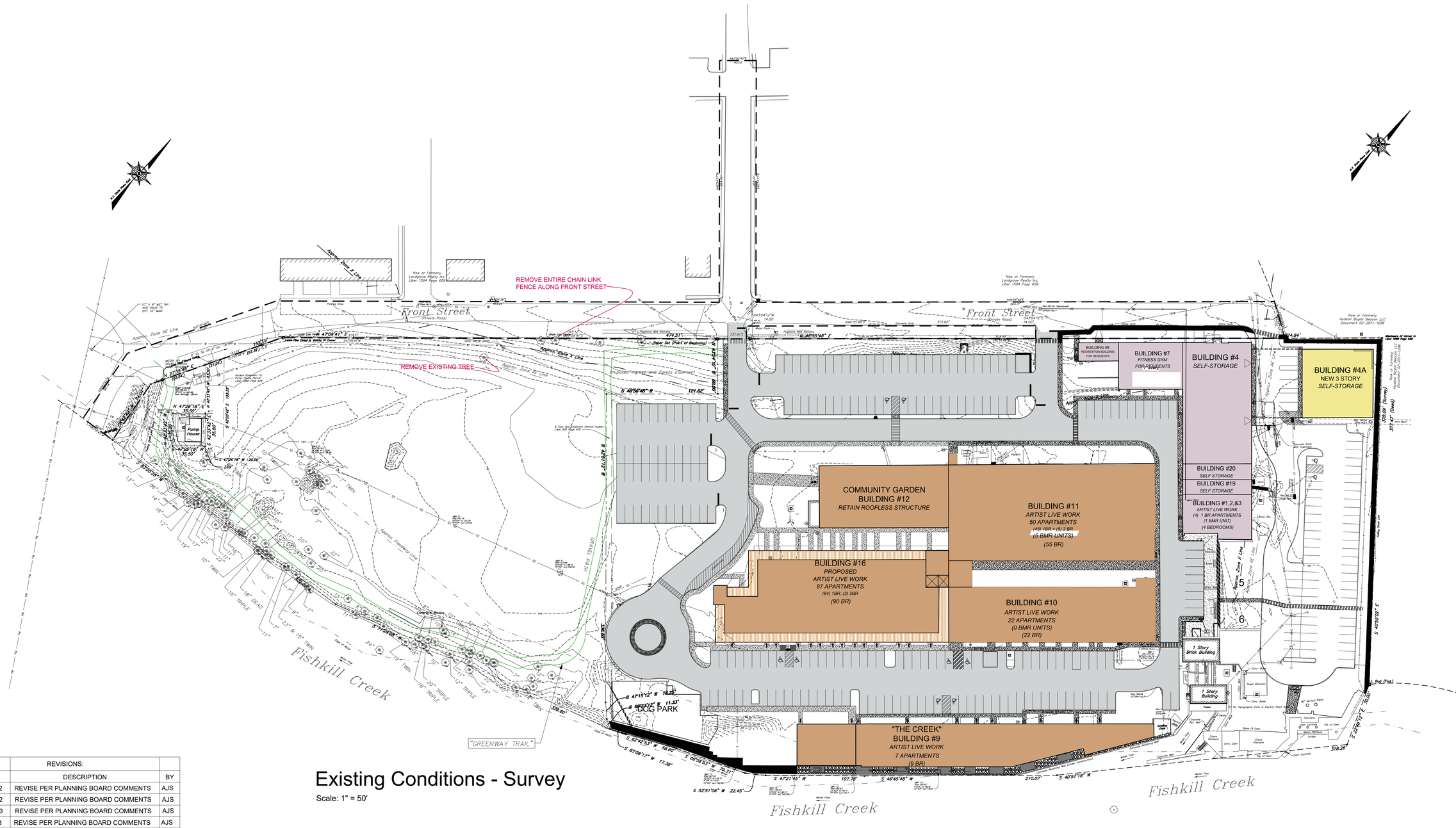
The proposed project is not directly affected by the Local Waterfront Revitalization Plan.

NO.	DATE	REVISIONS: DESCRIPTION	BY
1	10/25/22	REVISE PER PLANNING BOARD COMMENTS	AJS
2	12/27/22	REVISE PER PLANNING BOARD COMMENTS	AJS
3	01/31/23	REVISE PER PLANNING BOARD COMMENTS	AJS
4	02/28/23	REVISE PER PLANNING BOARD COMMENTS	AJS
5	03/30/23	REVISE PER PLANNING BOARD COMMENTS	AJS
6	04/25/23	REVISE PER PLANNING BOARD COMMENTS	AJS
7	05/30/23	REVISE PER PLANNING BOARD COMMENTS	AJS

Zoning Regulations Table

	Required Setbacks Front	Side	Rear	Proposed Setbacks Front	Side	Rear	Minimum frontage on public street right-of-way	Proposed frontage on public street right-of-way	Minimum Site Area	Existing Site Area	Maximum Residential Development Potential	Proposed Number of Residential Units	Required Commercial Space	Proposed Commercial Space	Maximum Dwelling Size	Proposed Dwelling Size	Maximum Building Coverage	Proposed Building Coverage	Minimum Open Space	Proposed Open Space	Maximum Building Height	Proposed Building Height	Minimum setback from and buffer width along Fishkill Creek	Proposed setback from and buffer width along Fishkill Creek
Zoning District																								
FCD	12'	12'	12'	75.5'	33.4'	102.2'	50 feet	507.5 feet	2 acres	3.55 acres	28	28	25%	58%	2,000 sf	1,055 sf max	35%	20%	30%	80%	3 stories / 40'	2 stories / 40'	An average of 50 feet, but not less than 25 feet at any point	102' minimum




REMOVE ENTIRE CHAIN LINK FENCE ALONG FRONT STREET
REMOVE EXISTING TREE
Front Street
(Private Road)
Front Street
(Bryden Road)
Approx. Zone AE Line
Approx. Zone X Line
Approx. Floodplain Line
Proposed Ingress and Egress Easement
Now or Formerly Landgrove Realty Inc. Liber 1594 Page 609
Now or Formerly Hudson Bryder Beacon, LLC Document 02-2011-1296
Fishkill Creek
"GREENWAY TRAIL"
DOG PARK
COMMUNITY GARDEN
BUILDING #12
RETAIN ROOFLESS STRUCTURE
BUILDING #11
ARTIST LIVE WORK
50 APARTMENTS
(45) 1BR + (5) 2 BR
(5 BMR UNITS)
(55 BR)
BUILDING #16
PROPOSED
ARTIST LIVE WORK
87 APARTMENTS
(84) 1BR, (3) 2BR
(90 BR)
BUILDING #10
ARTIST LIVE WORK
22 APARTMENTS
(0 BMR UNITS)
(22 BR)
"THE CREEK"
BUILDING #9
ARTIST LIVE WORK
7 APARTMENTS
(9 BR)
BUILDING #8
RECREATION BUILDING FOR RESIDENTS
BUILDING #7
FITNESS GYM FOR RESIDENTS
BUILDING #4
SELF-STORAGE
BUILDING #4A
NEW 3 STORY
SELF-STORAGE
BUILDING #20
SELF STORAGE
BUILDING #19
SELF STORAGE
BUILDING #1,2,&3
ARTIST LIVE WORK
(4) 1 BR APARTMENTS
(1 BMR UNIT)
(4 BEDROOMS)
1 Story Brick Building
1 Story Building
Pump House
Trailer
Loading Dock
Parking
Concrete Dock with Overhang
Stone Platform
Conc. Dam
Top of Dam
Base Of Dam
Concrete Retaining Wall (Under Construction)
Water Flow
Leave Up
Approx. Zone A Line
Approx. Zone AE Line
Approx. Zone X Line
Hudson Bryder Beacon, LLC Document 02-2011-1296
Whitehorse 91 Center, P Liber 1665 Page 628
Fishkill Creek
Fishkill Creek
N 47°09'41" E 474.51'
S 46°56'48" E 121.52'
S 47°13'12" W 16.25'
S 42°46'48" W 11.33'
S 52°42'53" W 58.80'
S 65°08'17" W 17.39'
S 66°58'53" W 72.31'
S 52°51'06" W 22.45'
S 47°21'45" W 107.78'
S 46°45'48" W 210.07'
S 40°57'18" W 318.26'
S 40°55'02" E 376.04' (Survey)
S 40°55'02" E 376.00' (Deed)
N 47°09'41" E 474.84'
N 42°43'47" E 103.31'
N 47°36'18" E 55.50'
S 42°23'42" W 103.31'
S 47°36'18" W 55.50'
S 47°28'18" W 20.00'
S 42°23'42" W 20.00'
S 47°28'18" W 55.50'
S 42°23'42" W 103.31'
N 42°23'42" E 103.31'
N 47°36'18" E 55.50'
S 42°23'42" W 103.31'
S 47°36'18" W 55.50'
S 42°23'42" W

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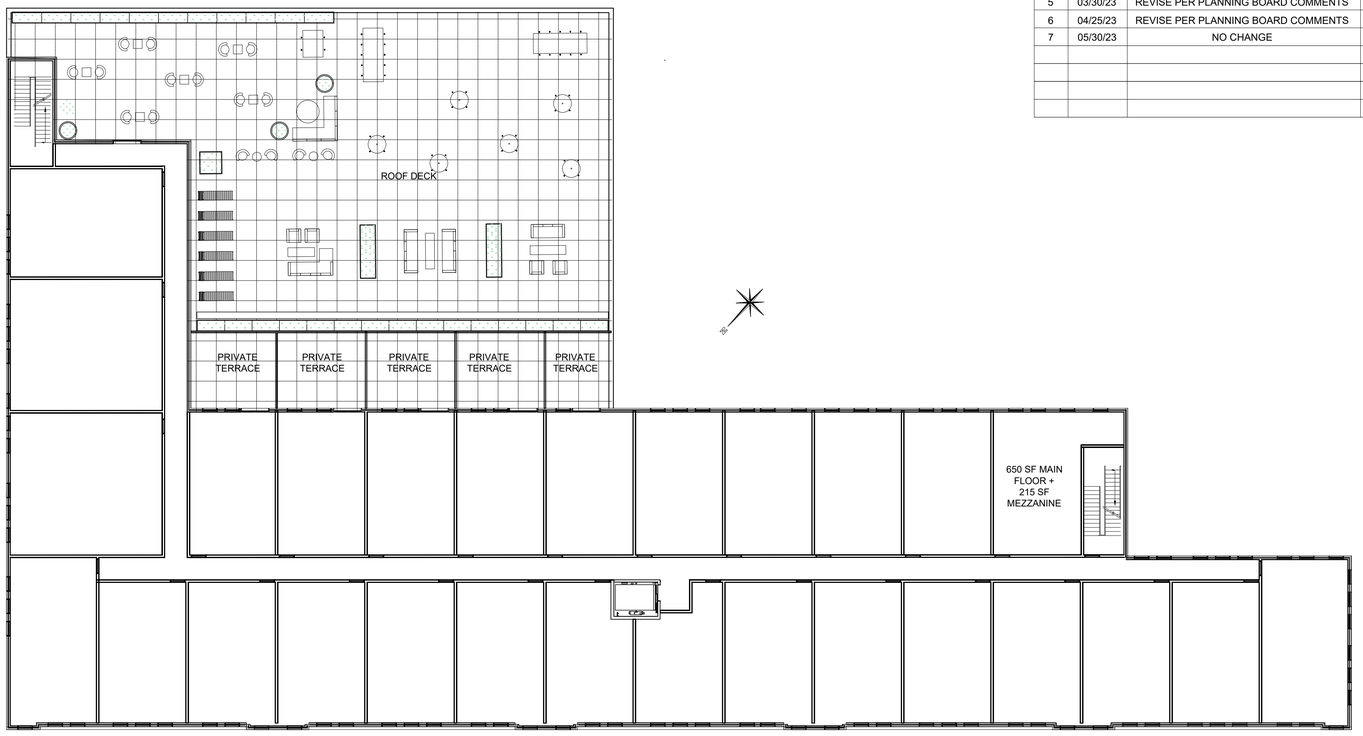
7	05/30/23	NO CHANGE	AJS

View



2nd Floor Plan - Residential - 22,624 Gross Square Feet

Scale: $\frac{1}{16}$" = 1'-0"

1st Floor Plan - Commercial - 32,014 Gross Square Feet

Scale: $\frac{1}{16}$" = 1'-0"

View

Site Plan Application

Sheet 4 of 12 - Building Plans & Images

Owner:
Fishkill Creek Development Corp.
16 Squadron Boulevard
New City NY 10956

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

Landscape Design:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

Beacon HIP Lofts and Studios
Beacon, New York
Scale: 1" = 20'
May 21, 2022

		REVISIONS:	
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6	04/25/23	REVISE PER PLANNING BOARD COMMENTS	AJS

NOTE: ALL EXTERIOR LIGHTING ON THE SITE SHALL COMPLY WITH BEACON ZONING CODE REQUIREMENTS, AND SHALL BE DIRECTED AND/OR SHIELDED SO AS NOT TO CAUSE ANY OBJECTIONABLE GLARE OBSERVABLE FROM NEIGHBORING STREETS AND PROPERTIES. THE SOURCE (BULBS) OF SUCH LIGHTING SHALL NOT BE VISIBLE FROM SAID NEIGHBORING STREETS AND PROPERTIES. PHOTOMETRIC DIAGRAMS ARE SHOWN WITH SHIELDED CONDITIONS.

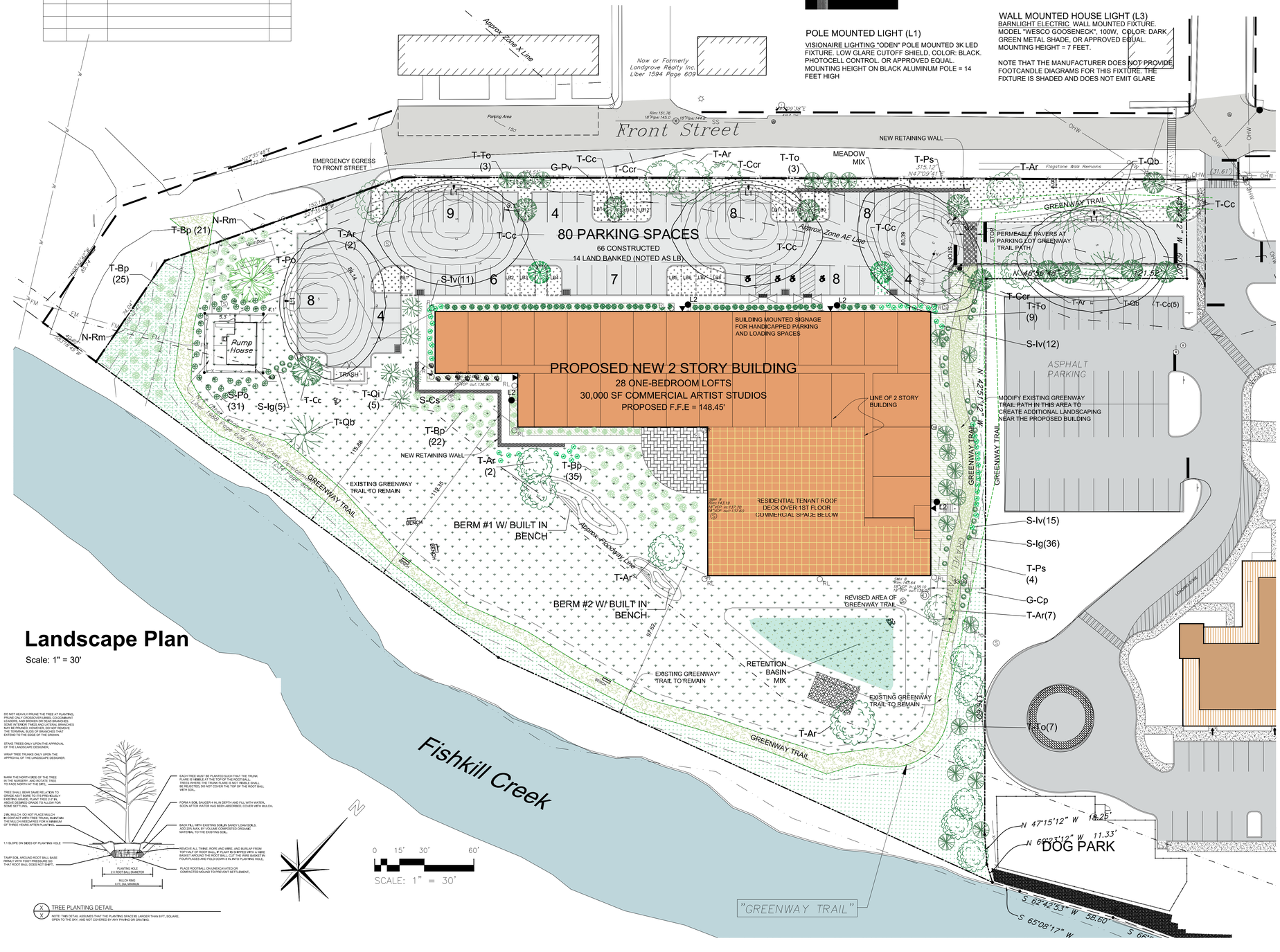
POLE MOUNTED LIGHT (L1)

VISIONAIRE LIGHTING "ODEN" POLE MOUNTED 3K LED FIXTURE. LOW GLARE CUTOFF SHIELD, COLOR: BLACK. PHOTOCELL CONTROL. OR APPROVED EQUAL. MOUNTING HEIGHT ON BLACK ALUMINUM POLE = 14 FEET HIGH

WALL MOUNTED HOUSE LIGHT (L3)

BARNLIGHT ELECTRIC WALL MOUNTED FIXTURE. MODEL "WESCO GOOSENECK", 100W, COLOR: DARK GREEN METAL SHADE, OR APPROVED EQUAL. MOUNTING HEIGHT = 7 FEET.

NOTE THAT THE MANUFACTURER DOES NOT PROVIDE FOOTCANDLE DIAGRAMS FOR THIS FIXTURE. THE FIXTURE IS SHADED AND DOES NOT EMIT GLARE



Landscape Plan

Scale: 1" = 30'

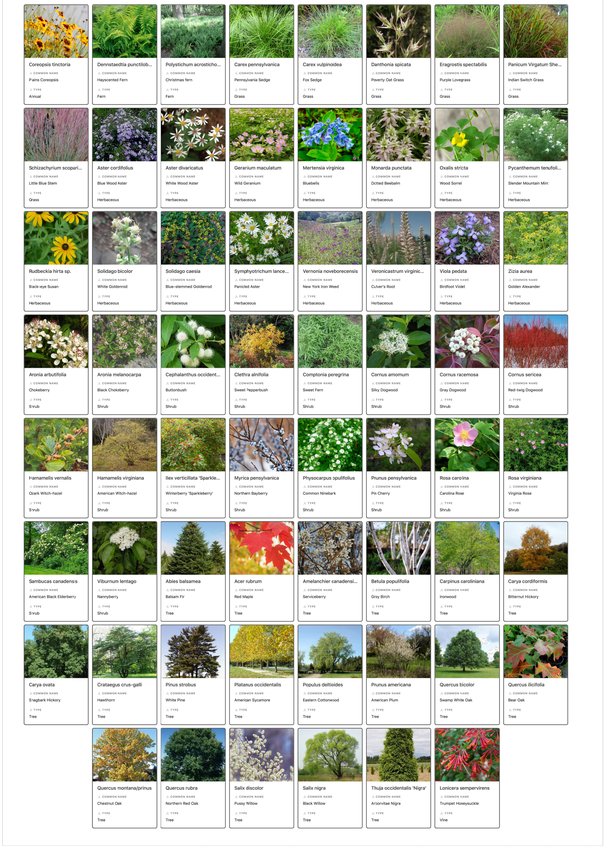
TREE PLANTING DETAIL

NOTE: THIS DETAIL ASSUMES THAT THE PLANTING SPACE IS LARGER THAN 5 FT. SQUARE, OPEN TO THE SKY, AND NOT COVERED BY ANY PAVING OR GRATING.

Planting Schedule

Symbol	Quantity	Type	Botanical Name	Common Name	Size	Planting Time
S-Aa		58 Shrub	Aronia arbutifolia	Chokeberry	3 gal	Spring/Fall
S-Iv		48 Shrub	Ilex verticillata 'Sparkleberry'	Winterberry 'Sparkleberry'	3 gal	Spring/Fall
S-Po		31 Shrub	Physocarpus opulifolius	Common Ninebark	5 gal	Spring/Fall
T-Ar		16 Tree	Acer rubrum	Red Maple	2"	Spring/Fall
T-Bp		75 Tree	Betula populifolia	Grey Birch	4'	Spring/Fall
T-Cc		13 Tree	Carpinus caroliniana	Ironwood	2"	Spring/Fall
T-Ccr		3 Tree	Crataegus crus-galli	Hawthorn	1"	Spring/Fall
T-Ps		5 Tree	Pinus strobus	White Pine	6-7'	Spring/Fall
T-Po		1 Tree	Platanus occidentalis	American Sycamore	2"	Spring/Fall
T-Qb		4 Tree	Quercus bicolor	Swamp White Oak	2"	Spring/Fall
T-Qi		5 Tree	Quercus ilicifolia	Bear Oak	1.5"	Spring/Fall
T-Ar		14 Tree	Quercus rubra	Northern Red Oak	2"	Spring/Fall
T=Sd		Tree	Salix discolor	Pussy Willow	5 gal	Spring/Fall
T=To		28 Tree	Thuja occidentalis	Arborvitae	5-6'	Spring/Fall
NRM	pounds	Herb	Natural Roadside Mix	Golden Rod,Aster, Sedge, Coreop	tbd	Spring/Fall/Sum
DRMM	pounds	Herb	Deer Resistant Meadow Mix		tbd	Spring/Fall/Sum
BM	pounds	Herb	Bioretention Mix		tbd	Spring/Fall/Sum
CBRM	pounds	Herb	Creek Bank Restoration Mix		tbd	Spring/Fall/Sum
	plugs	Grass		Poverty Oats	tbd	
G-Ss	plugs	Grass		Little Bluestem	tbd	
G-Cv	plugs	Grass	Carex vulpinoides	Fox Sedge	tbd	
G-Cp	plugs	Grass	Carex pensylvanica	Oak Sedge	tbd	
H-Sc	plugs	Herb	Solidago caesia		tbd	
H-A	plugs	Herb	Amsonia	White wood Aster	tbd	
H-Ct	pounds	Annual	Coreopsis tinctoria	Plains Coreopsis	tbd	
F-Dp	plugs	Fern		Hay Scented	tbd	

Illustrated Plant List



Site Plan Application

Sheet 3 of 12 - Landscape & Lighting Plan

Owner:
Fishkill Creek Development Corp.
16 Squadron Boulevard
New City NY 10956

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

Landscape Design:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

Beacon HIP Lofts and Studios

Beacon, New York
Scale: 1" = 30'
May 21, 2022

Beacon Lofts & Studios

Front Street

Beacon, New York
Commercial & Residential

REVISIONS:			
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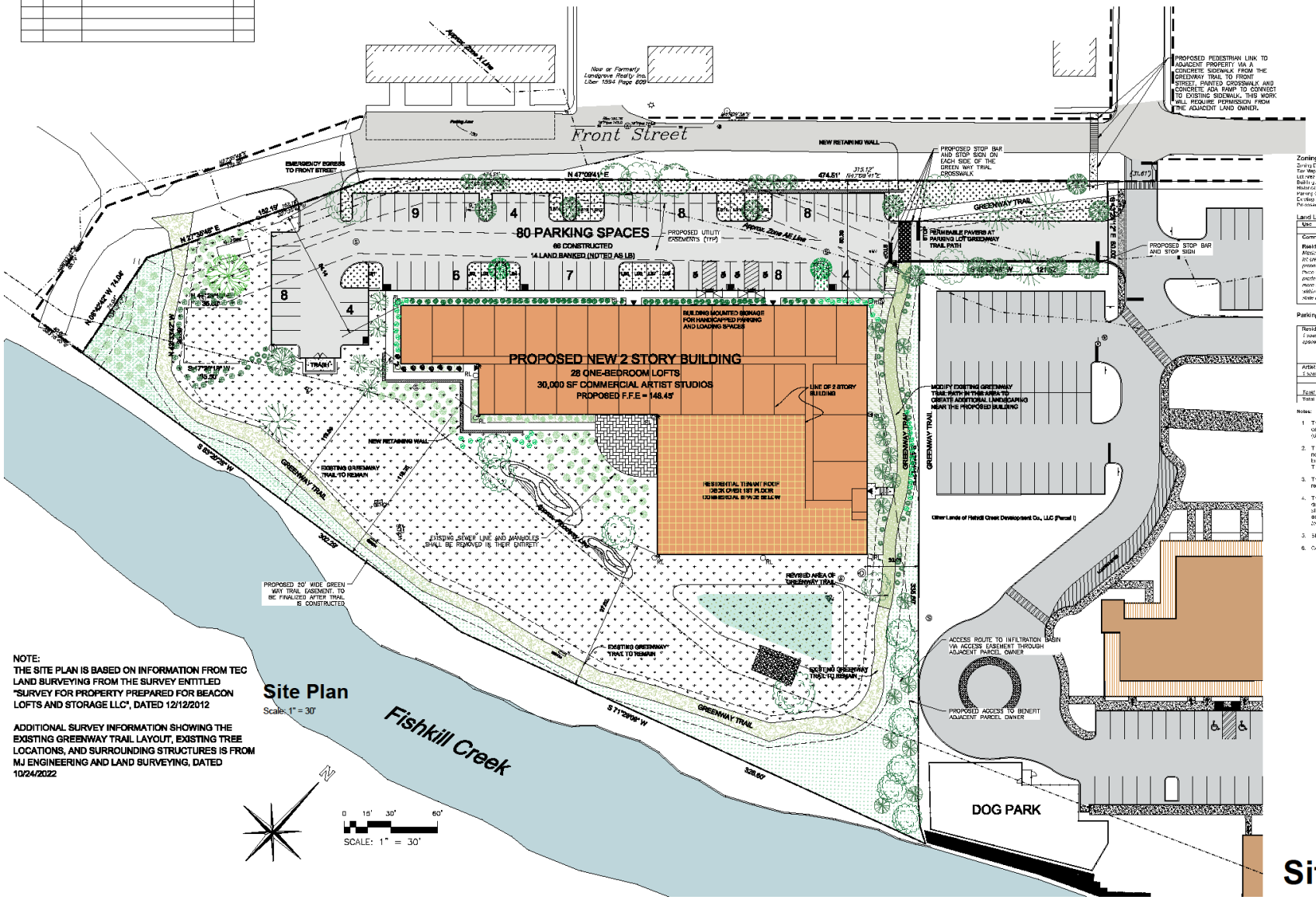
7	05/30/23	REVISE PER PLANNING BOARD COMMENTS	AJS

Zoning Regulations Table

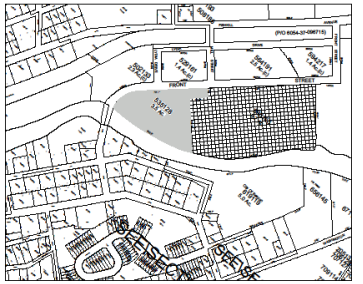
Zoning District	Required Setbacks front	side	rear	Proposed Setbacks front	side	rear	Minimum frontage on public street right of way	Proposed frontage on public street right of way	Minimum Site Area	Existing Site Area	Maximum Residential Development Potential	Proposed Number of Residential Units	Required Commercial Space	Proposed Commercial Space	Maximum Dwelling Size	Proposed Dwelling Size	Maximum Building Coverage	Proposed Building Coverage	Minimum Open Space	Proposed Open Space	Maximum Building Height	Proposed Building Height	Minimum setback from and buffer width along Fishkill Creek	Proposed setback from and buffer width along Fishkill Creek
HCD	12'	12'	12'	75.6'	83.1'	102.2'	50 lineal feet	607.3 lineal feet	2 acres	3.65 acres	25	28	25%	65%	2,000 sf	1,085 s.f. avg	35%	20%	30%	83%	3 stories / 40'	2 stories / 40'	At an elevation of 99 feet (as measured from 25 feet back from the top of the bank)	100' min. depth



NOTE:
THE SITE PLAN IS BASED ON INFORMATION FROM TEC LAND SURVEYING FROM THE SURVEY ENTITLED "SURVEY FOR PROPERTY PREPARED FOR BEACON LOFTS AND STORAGE LLC", DATED 12/12/2012

ADDITIONAL SURVEY INFORMATION SHOWING THE EXISTING GREENWAY TRAIL LAYOUT, EXISTING TREE LOCATIONS, AND SURROUNDING STRUCTURES IS FROM MJ ENGINEERING AND LAND SURVEYING, DATED 10/24/2022

Site Plan
Scale: 1" = 30'



Location Map
Scale: 1" = 400'

Zoning Summary

Zoning District	HCD (FISHKILL CREEK DEVELOPMENT)
Tax Map No.	6055-34-530178
Lot Area	154,427 sf
Building Area	52,447 square feet (30,000 sf commercial / 22,447 sf residential)
Historic Overlay District	No
Parking Overlay District	No
Existing Use	Vacant (Vacant)
Proposed Use	Commercial (U.S. Route 2 Restricted)

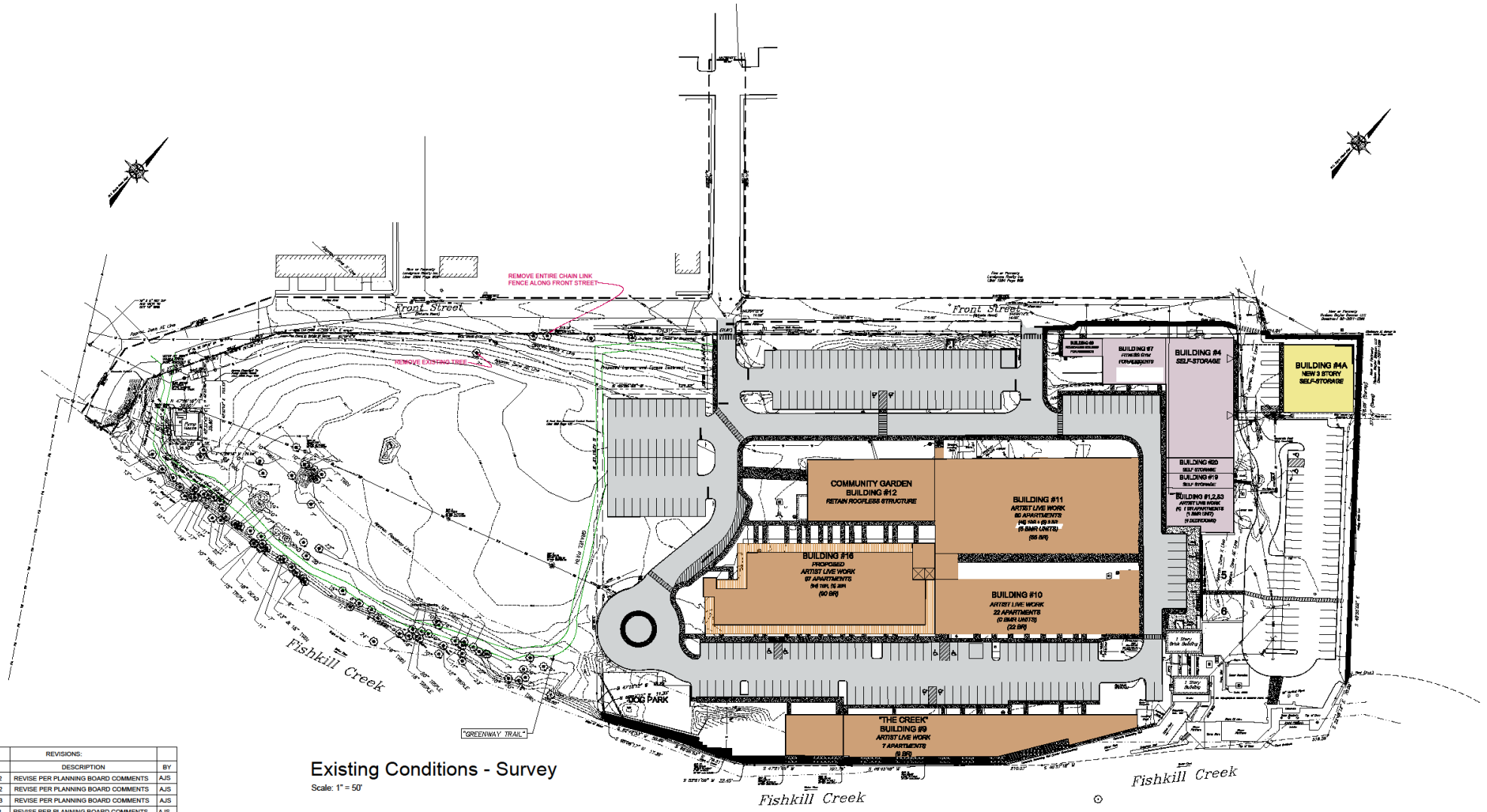
Land Use Compliance

Use	Permitted / Required	Proposed
Commercial	25% of building area	58% of building area
Residential Maximum number of dwelling units per acre of lot area, after deducting up to one square foot of area for each square foot of area of more than three acres and for all land area constituting precipitous land, every square foot of 10% or more of slopes as covered by bureau, army within a federal regulatory floodway or within a state or federally regulated wetland. (1)	28 Dwelling Units	28 Dwelling Units

Parking & Loading

Residential 1 space for each dwelling unit over 500 square feet	25 apartments x 28 bedrooms	35 spaces
Artist Studio 1 space for each 800 square feet	30,000 sf	38 spaces
Total Required Parking Spaces		95 spaces required
Total Proposed Parking Spaces		66 spaces proposed (1) (2)

Notes:
1. The Planning Board, at its February 2023 meeting, determined that 15 of the 95 required off-street parking spaces can be waived based on the Applicant's analysis of shared parking per Beacon Zoning Code Section 223-26 (C)(6).
2. The Applicant proposes to land bank 14 additional spaces based on interest expressed by tenants of the neighboring developed parcels. Land banking all these spaces in the new building (for 14 land banked spaces can be built if required by the Building Inspector per the requirements of the Beacon Zoning Code Section 223-26(F)). Therefore the number of parking spaces proposed to be constructed is 66.
3. The Fishkill Creek Development Area requires that a minimum of 25% of the building area be an approved non-residential use. The project proposes 58% approved non-residential use.
4. The proposed section of Greenway Trail, traversing the property follows the alignment recommended in the Greenway Trail Design Handbook. The trail is proposed to be 10 feet wide, with a 2 foot wide mowed strip on each side. The trail is proposed to be constructed of permeable pavers. Where possible, the trail will be placed in close proximity to the creek, screened from the proposed building. Due to the steep slopes on the site, the trail has been relocated in the northern portion of the property to the top of the bank



Existing Conditions - Survey

Scale: 1" = 50'

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Existing Conditions Plan

Site Plan Application

Sheet 2 of 12 - Existing Conditions - Survey

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16 Squadron Boulevard
New City NY 10956

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

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Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

Landscape Design:
Landscape Restorations
7 Creek Drive
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Beacon HIP Lofts and Studios
Beacon, New York
Scale: 1" = 30'
May 21, 2022

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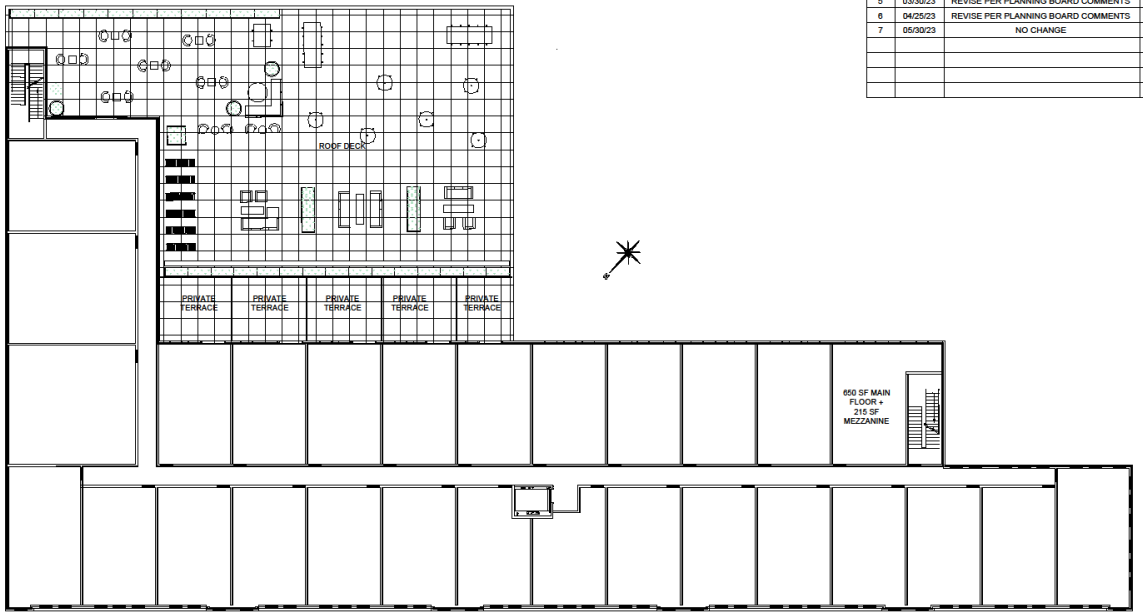
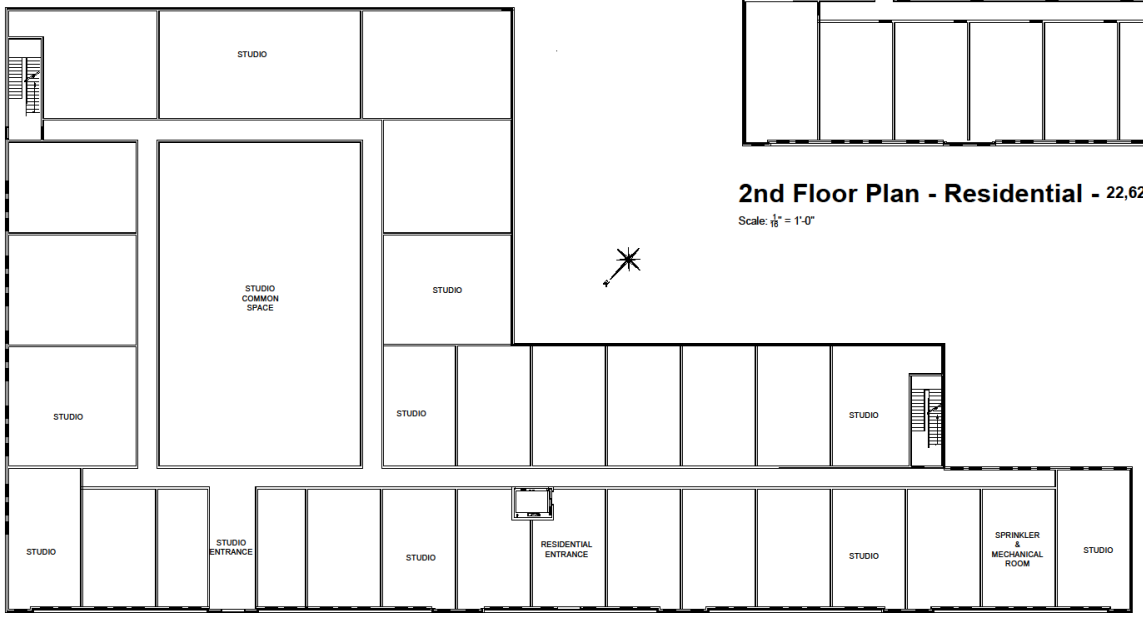
7	05/30/23	NO CHANGE	AJS

View



2nd Floor Plan - Residential - 22,624 Gross Square Feet

Scale: 1/16" = 1'-0"



1st Floor Plan - Commercial - 32,014 Gross Square Feet

Scale: 1/16" = 1'-0"

View

Site Plan Application

Sheet 4 of 12 - Building Plans & Images

Owner:
Fishkill Creek Development Corp.
16 Squadron Boulevard
New City NY 10956

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

Landscape Design:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

Beacon HIP Lofts and Studios

Beacon, New York
Scale: 1" = 20'
May 21, 2022

Building Plans and Views

NO.	DATE	REVISIONS: DESCRIPTION	BY
1	10/25/22	REVISE PER PLANNING BOARD COMMENTS	AJS
2	12/27/22	REVISE PER PLANNING BOARD COMMENTS	AJS
3	01/31/23	REVISE PER PLANNING BOARD COMMENTS	AJS
4	02/28/23	REVISE PER PLANNING BOARD COMMENTS	AJS
5	03/30/23	REVISE PER PLANNING BOARD COMMENTS	AJS
6	04/25/23	REVISE PER PLANNING BOARD COMMENTS	AJS

NOTE: ALL EXTERIOR LIGHTING ON THE SITE SHALL COMPLY WITH BEACON ZONING CODE REQUIREMENTS, AND SHALL BE DIRECTED AND/OR SHIELDED SO AS NOT TO CAUSE ANY OBJECTIONABLE GLARE OBSERVABLE FROM NEIGHBORING STREETS AND PROPERTIES. THE SOURCE (BULBS) OF SUCH LIGHTING SHALL NOT BE VISIBLE FROM SAID NEIGHBORING STREETS AND PROPERTIES. PHOTOMETRIC DIAGRAMS ARE SHOWN WITH SHIELDED CONDITIONS.

POLE MOUNTED LIGHT (L1)

VISIONAIRE LIGHTING "ODEN" POLE MOUNTED 3K LED FIXTURE. LOW GLARE CUTOFF SHIELD, COLOR: BLACK. PHOTOCELL CONTROL. OR APPROVED EQUAL. MOUNTING HEIGHT ON BLACK ALUMINUM POLE = 14 FEET HIGH

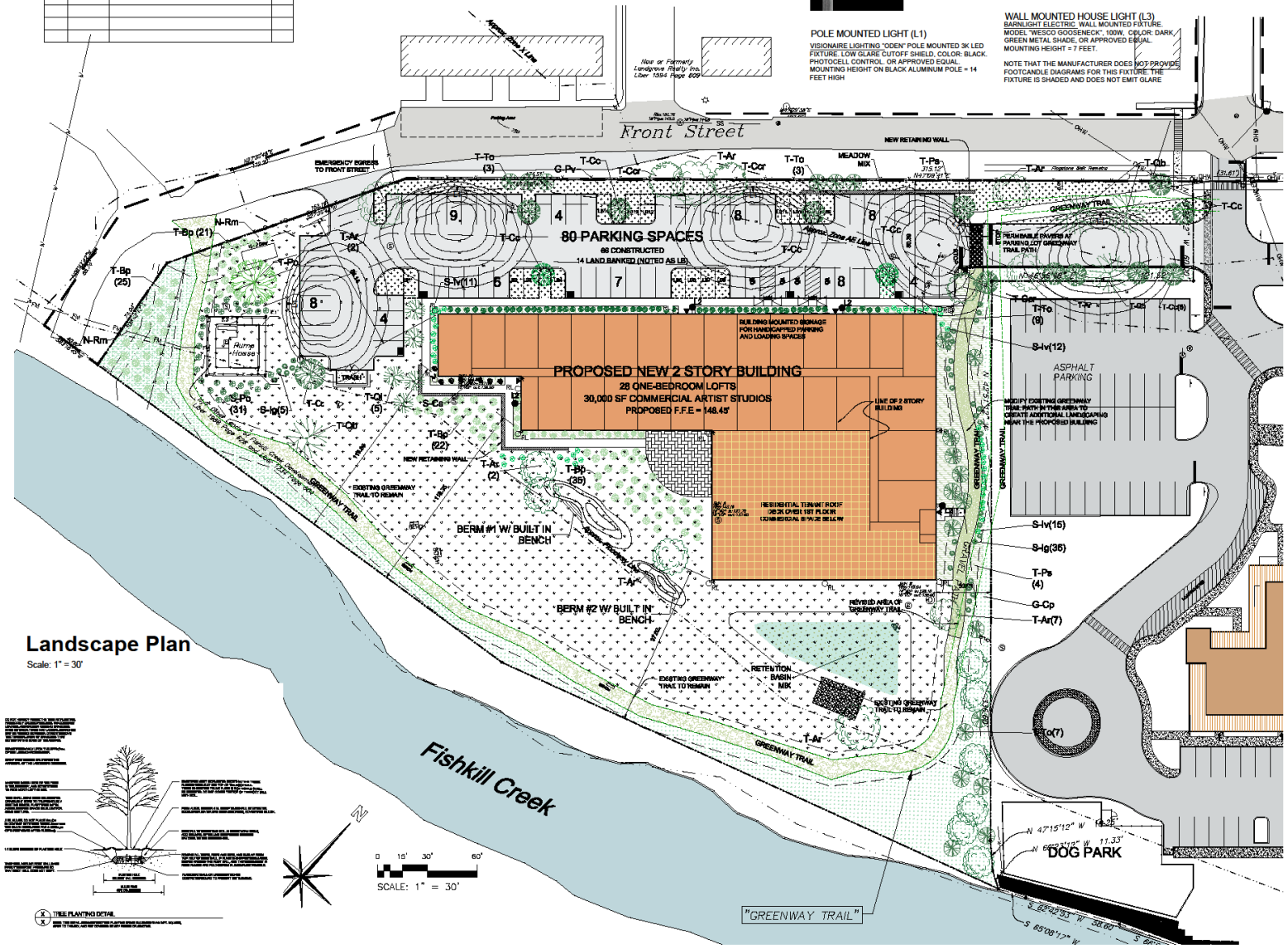
WALL MOUNTED HOUSE LIGHT (L3)

BARNLIGHT ELECTRIC WALL MOUNTED FIXTURE MODEL "WESCO GOOSENECK", 100W., COLOR: DARK GREEN METAL SHADE, OR APPROVED EQUAL. MOUNTING HEIGHT = 7 FEET.

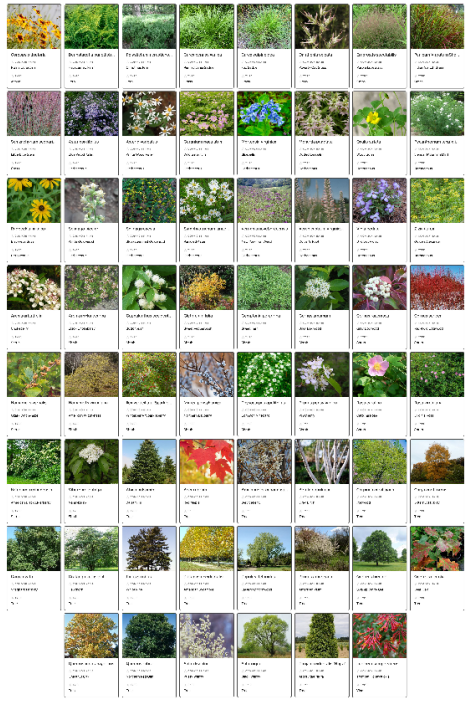
NOTE THAT THE MANUFACTURER DOES NOT PROVIDE FOOTCANDLE DIAGRAMS FOR THIS FIXTURE. THE FIXTURE IS SHADED AND DOES NOT EMIT GLARE

Planting Schedule

Symbol	Quantity	Type	Botanical Name	Common Name	Size	Planting Time
S-Aa	58	Shrub	Aronia arbutifolia	Chokeberry	3 gal	Spring/Fall
S-Iv	48	Shrub	Ilex verticillata 'Sparkleberry'	Winterberry 'Sparkleberry'	3 gal	Spring/Fall
S-Vo	31	Shrub	Physocarpus opulifolius	Common Ninebark	5 gal	Spring/Fall
T-Ar	16	Tree	Acer rubrum	Red Maple	2"	Spring/Fall
T-Bp	75	Tree	Betula populifolia	Gray Birch	4'	Spring/Fall
T-Cc	13	Tree	Carpinus caroliniana	Ironwood	2"	Spring/Fall
T-Ccr	3	Tree	Crataegus crus-galli	Hawthorn	1"	Spring/Fall
T-Ps	5	Tree	Pinus strobus	White Pine	6-7'	Spring/Fall
T-Po	1	Tree	Platanus occidentalis	American Sycamore	2"	Spring/Fall
T-Qb	4	Tree	Quercus bicolor	Swamp White Oak	2"	Spring/Fall
T-Qi	5	Tree	Quercus ilicifolia	Bear Oak	1.5"	Spring/Fall
T-Ar	14	Tree	Quercus rubra	Northern Red Oak	2"	Spring/Fall
T-Sd		Tree	Salix discolor	Pussy Willow	5 gal	Spring/Fall
T-To	28	Tree	Thuja occidentalis	Arborvitae	5-6'	Spring/Fall
NRM	pounds	Herb	Natural Roadside Mix	Golden Rod,Aster, Sedge, Coreop	tbd	Spring/Fall/Sum
DRMM	pounds	Herb	Deer Resistant Meadow Mix		tbd	Spring/Fall/Sum
BM	pounds	Herb	Bioretention Mix		tbd	Spring/Fall/Sum
CBRM	pounds	Herb	Creek Bank Restoration Mix		tbd	Spring/Fall/Sum
	plugs	Grass		Poverty Oats	tbd	
G-Ss	plugs	Grass		Little Bluestem	tbd	
G-Cv	plugs	Grass	Carex vulpinoides	Fox Sedge	tbd	
G-Cp	plugs	Grass	Carex pensylvanica	Oak Sedge	tbd	
H-Sc	plugs	Herb	Solidago caesia		tbd	
H-A	plugs	Herb	Amsonia	White wood Aster	tbd	
H-Cl	pounds	Annual	Coreopsis tinctoria	Plains Coreopsis	tbd	
F-Dp	plugs	Fern		Hay Scented	tbd	



Illustrated Plant List



Landscape Plan

Site Plan Application

Sheet 3 of 12 - Landscape & Lighting Plan

Owner:
Fishkill Creek Development Corp.
16 Squadron Boulevard
New City NY 10956

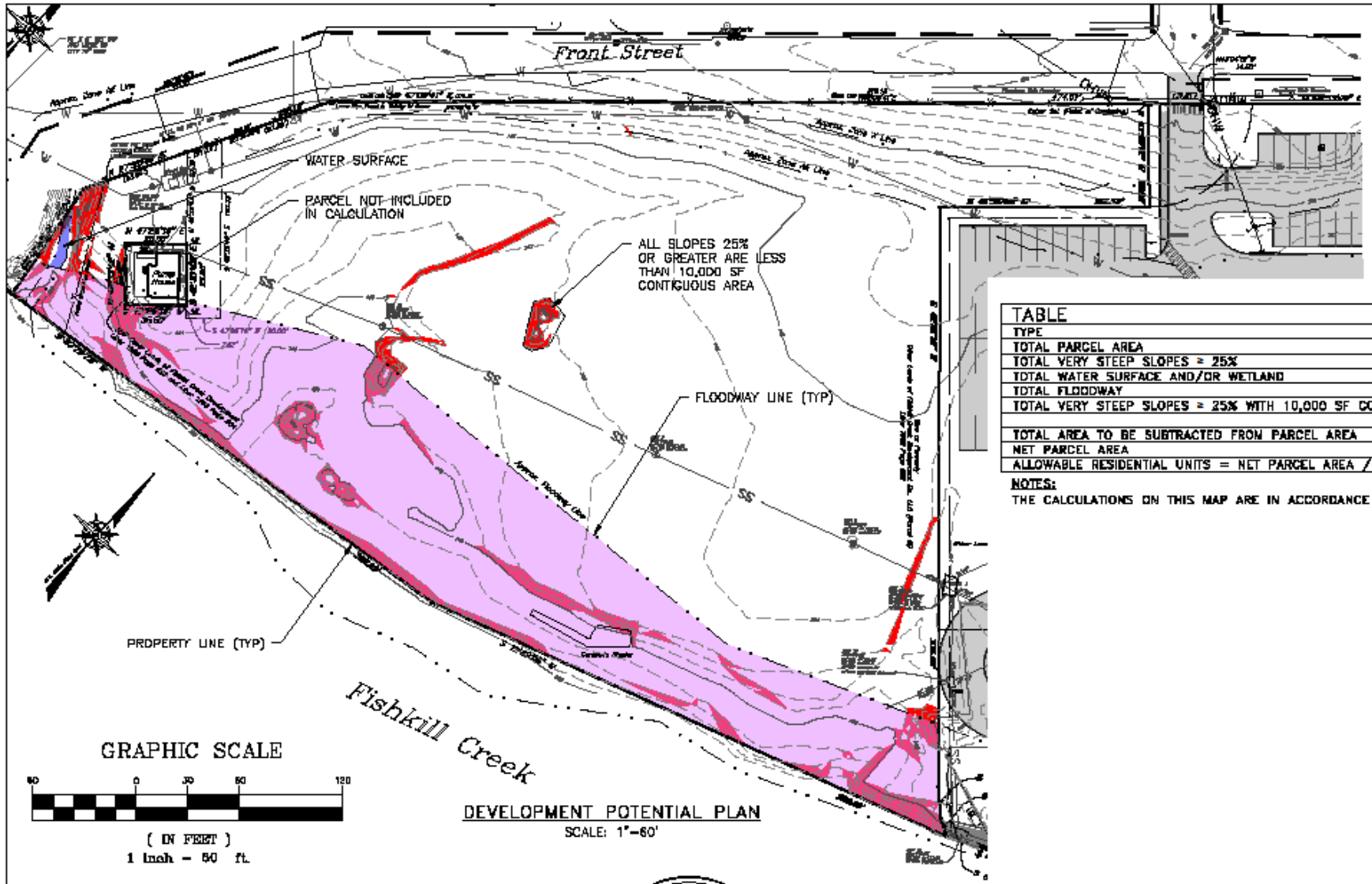
Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site / Civil Engineer:
Hudson Land Design
174 Main Street
Beacon, New York 12508

Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

Landscape Design:
Landscape Restorations
7 Creek Drive
Beacon, New York 12508

Beacon HIP Lofts and Studios
Beacon, New York
Scale: 1" = 30'
May 21, 2022



DEVELOPMENT POTENTIAL PLAN
SCALE: 1"=60'

TABLE

TYPE	COLOR	AREA
TOTAL PARCEL AREA		153,428 SF
TOTAL VERY STEEP SLOPES ≥ 25%		6,970 SF
TOTAL WATER SURFACE AND/OR WETLAND		180 SF
TOTAL FLOODWAY		40,603 SF
TOTAL VERY STEEP SLOPES ≥ 25% WITH 10,000 SF CONTIGUOUS AREA		0 SF
TOTAL AREA TO BE SUBTRACTED FROM PARCEL AREA	N/A	40,783 SF
NET PARCEL AREA	N/A	112,845 SF
ALLOWABLE RESIDENTIAL UNITS = NET PARCEL AREA / 3,690 SF PER UNIT	N/A	30 UNITS

NOTES:
THE CALCULATIONS ON THIS MAP ARE IN ACCORDANCE WITH §223-41.148.

DRAWN BY: CMB CHECKED BY: MAB

REVISIONS:

NO.	DATE	DESCRIPTION	BY

STATE OF NEW YORK · MICHAEL A. BOSSHOFF · 084466 · LICENSED PROFESSIONAL ENGINEER · SEAL

HUDSON LAND DESIGN
HUDSON LAND DESIGN PROFESSIONAL ENGINEERING P.C.
174 MAIN ST., BEACON, NEW YORK 12508
13 CHAMBERS ST., NEWBURGH, NEW YORK 12550
PH: 845-440-6828
F: 845-440-6827

DEVELOPMENT POTENTIAL PLAN

BEACON HIP LOFTS & STUDIOS

FRONT STREET
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK
TAX ID: 6055-04-535128

JOB #: 2019:003
DATE: 10/25/2022
SCALE: 1" = 60'
TITLE: DP-1
SHEET: 1 OF 1

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209.2 OF THE NEW YORK EDUCATION LAW

Development Potential Plan

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:
To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

SEE ATTACHED.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information
All application materials submitted by the Applicant, memoranda from City staff and consultants, Traffic Impact Study, Phase 1A Archaeological Report, Stormwater Pollution Prevention Plan, New York Department of Parks, Recreation and Historic Preservation comments, public comments, and testimony during meetings held on the application.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the City of Beacon Planning Board as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Concept Plan Approval, Beacon HIP Lofts and Studios, Front Street, submitted by Beacon HIP Lofts LLC

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: John Gunn

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Date: 6/13/23

Signature of Preparer (if different from Responsible Officer) Date: 6/13/23

For Further Information:

Contact Person: Amanda Caputo, Planning Board Secretary

Address: One Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5005

E-mail: acaputo@beaconny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

ATTACHMENT TO
NEGATIVE DECLARATION
REASON SUPPORTING DETERMINATION

APPLICATION FOR CONCEPT PLAN
AND SITE PLAN APPROVAL
FOR
BEACON HIP LOFTS & STUDIOS

Parcel No. 6055-04-535128

CONCLUSIONS

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the Planning Board. This Part 3 analysis will discuss and explain the analysis of the potential impacts, and why a particular element of the proposed action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in Part 3, even if the potential impact was identified as "none" or "small." Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (FEAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, as lead agency, provides the following rationale for its determination pursuant to the State Environmental Quality Review Act ("SEQRA").

Project Description

The Proposed Action is for Concept Plan and Site Plan Approval pursuant to the City of Beacon Code § 223-41.13. In the Fishkill Creek Development Zoning District, the City Council is the approval authority for the Concept Plan and the Planning Board is the approval authority for the Site Plan.

The Proposed Action involves the development of an unimproved parcel for the construction of a two-story, 52,447 s.f. building with 28 one-bedroom loft apartments on the 2nd floor and 30,000 square feet of commercial artist studios on the 1st floor. The parcel consists of 154,737 square foot or +/- 3.55 acres. It is located within the Fishkill Creek Development ("FCD") Zoning District, Historic District and Landmark Overlay District ("HDLO") and is identified on the City of Beacon Scenic Resources Inventory, and known and designated on the Tax Map of the City of Beacon as **Parcel No. 6055-04-535128** (the "Property" or "project site").

The Proposed Action is an Unlisted Action under SEQRA. The City Council referred the Proposed Action to the Planning Board for advisory review and recommendation on the application for Concept Plan Approval and the Planning Board is the lead agency for the SEQRA review of the Proposed Action.

Summary of Rational for Negative Determination

The Proposed Action will not result in any significant adverse impacts on the environment. In summary:

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the project site.**

  The project site is located within the FCD Zoning District and the HDLO District. The Proposed Action involves the construction of a two-story building having a mixed commercial and residential use on a +/- 3.55 acre parcel. The Greenway Trail currently runs through the project site and connects to another portion of the Greenway Trail on the developed adjacent parcel. The Greenway Trail will be enhanced by the Proposed Action with the installation of benches and landscaping. Further, the location of a segment of the Greenway Trail will be adjusted to provide additional space for landscaping between the Trail and the proposed building and eliminate the need for steps on the trail.

  The project site is relatively flat. The proposed building and improvements designed to be located outside the Floodway. Additionally, as shown on Sheet 1 of 12 of plans entitled "Site Plan Application – Beacon HIP Lofts and Studios, dated May 21, 2022, last revised May 30, 2023, the Applicant has proposed to maintain 80% of the site as open space, where 30% is required under the City Code's FCD Zoning District regulations.

  The project site was previously developed and the Proposed Action proposes typical site work and grading activities.

  Although the Proposed Action will result in the addition of impervious surfaces to the project site, as more fully described herein, the Applicant has provided sufficient measures to prevent significant adverse impacts resulting from stormwater runoff .

  For these reasons, the Proposed Action will not have a significant adverse environmental impact on the land.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual landforms on the site.**

  There are no unique geological features on the property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

  Water and Sewer Utilities. The Applicant provided a report entitled, "Preliminary Water and Sewer Engineer's Report: for Beacon HIP Lofts and Studios," prepared by Hudson Land Design Professional Engineering, P.C., Beacon N.Y., dated January 31, 2023, last revised February 28, 2023 (the "Report"). The Report estimates that the proposed total demand for water and wastewater is 5,480 gallons per day (gpd) each. This estimate takes

into consideration a 20% reduction permitted by NYSDEC Design Standards for Wastewater Treatment Works due to installation of water saving fixtures. The Report also provides that based on previous conversations with the City of Beacon Water and Sewer Superintendent, the City's existing sewer infrastructure and sewer treatment plant has sufficient capacity to handle the anticipated increase in daily flows, provided that all stormwater inflow from the site is eliminated. Further, the treatment plant currently has the capacity for 6 million gallons per day (MGD) and presently operates at an average flow of 3.2 to 3.5 MGD therefore providing capacity for the Proposed Action. To eliminate stormwater inflow and infiltration to the municipal sewer system, an existing old clay sewer pipe will be removed or crushed in place after the installation of a new sewer main.

A private pump station currently services the developed portion of the adjacent HIP complex and the adjacent Landgrove apartment complex, and will also serve the Proposed Action. Complaints of odors from the pump station have been received by the City. The Report analyzes the operation of the pump station under the cumulative full build out of the developed HIP complex, the adjacent Landgrove apartments, and the Proposed Action and makes several recommendations for improved operation of the pump station: (a) lower the floats such that there is adequate permanent water on the pumps, and shorten the pump cycle so the pumps cycle at least four (4) times per day; (b) lower the pump off elevation to 35.3 inches from the pump station floor; and (c) set the high-level alarm at 12" above the pump on elevation. These recommendations from the Report shall be included as conditions in any resolution of approval for the Proposed Action along with any additional feasible odor control mechanisms.

The Applicant will form a sewer transportation corporation, as a sewer system that collects sewage from multiple parcels is required to be either owned and operated by a municipality or by a sewer transportation corporation in accordance with New York State Department of Environmental Conservation (NYSDEC) standards.

Stormwater Management and Erosion & Sediment Control. The Applicant submitted a "Stormwater Pollution Prevention Plan for Beacon HIP Lofts and Studios," ("SWPPP") dated October 25, 2022, prepared by Hudson Land Design Professional Engineering, P.C. The SWPPP concluded that the erosion and sediment control plan is in accordance with the latest revisions to the New York State Standards and Specifications for Erosion and Sediment Control. The Hydrologic and Hydraulic calculations for all modeled storm events demonstrate that the resulting stormwater runoff from the Proposed Action will not adversely impact offsite properties, stormwater conveyance systems or receiving bodies of water. Temporary and permanent stormwater systems and facilities have been designed in accordance with the latest revisions to the New York State Stormwater Management Design Manual. Additionally, the Proposed Action has been designed to capture and treat 90% of the average annual stormwater runoff from the development through water quality measures. Furthermore, green infrastructure practices have been implemented.

The Property is adjacent to the Fishkill Creek. Stormwater runoff from impervious surfaces will be collected and directed to an infiltration basin for water quality treatment before being discharged to Fishkill Creek. The outflow discharges of stormwater runoff will be

into the Fishkill Creek, however, as the on-site infiltration systems will have built-in measures to handle water quality and flow there will be no significant adverse impact to Fishkill Creek.

Per the FEAF Part 1, there will not be any bulk storage of petroleum or chemicals at the Proposed Action. Additionally, per the FEAF Part 1, the Applicant has not proposed using pesticides during construction or operations.

For the reasons stated above, the Proposed Action will not have a significant adverse impact on surface or groundwater.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

According to the FEAF Part 1, the Proposed Action is within a 100-year floodplain. The 100-year flood elevation at the north end of the property is at 146.2 feet above mean sea level and the first-floor elevation will be set at 148.45 feet in accordance with Chapter 123 of the Beacon City Code. The construction will comply with all requirements of Chapter 123 of the City Code regarding floodplains. A Floodplain Development Permit from the Building Inspector in accordance with § 123-12 of the Beacon City Code is required during the building permit application process. The proposed building and structures, however, according to the Site Plan, Sheet 1 of 12, are outside of the floodway and Proposed Action will not increase the 100-year flood elevation by more than one (1) foot.

Although the Proposed Action will result in a modification of existing drainage, as the property is currently unimproved, the Applicant has provided measures to control and regulate the discharge of stormwaters runoff from the proposed additional impervious surfaces, as described above.

The Proposed Action, for the above reasons, will not result in a significant adverse impact on flooding.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

Construction activities associated with grading, removal of existing debris, vegetation, and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by such construction activities and will be temporary and confined to the Property. Construction vehicles and small power generators will emit certain air pollutants through engine exhaust. It is anticipated that nearby properties will experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles and small power generators throughout occasional periods during construction of the proposed project. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, removal of existing impervious surfaces and vegetation, and site grading. Per Sheet 6 of 12, Note7, the Applicant will provide for on-site dust control measures will be accomplished by

standard methods of lightly wetting all exposed soil and rapidly stabilizing the regraded areas with topsoil, loam and/or seeding. Fugitive dust controls for temporary soil stockpiles may also employ the use of temporary enclosures, per Sheet 11 of 12. These unavoidable short-term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local statutes, laws, rules, regulations, and codes.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on air quality.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

According to the FEAF Part 1, the Proposed Action is within the habitat area of the Indiana bat. According to Sheet 2 of 12, the Applicant is only proposing to remove one tree that has a diameter of 6" or greater. Thus, it is unlikely that the Proposed Action will have an impact on any Indiana Bats in the area.

The Applicant has proposed to plant a substantial amount of flora including: 137 shrubs, 162 trees, as well as various herbs and grasses throughout the property. Moreover, pursuant to the FCD provisions in the City Code as well as the Fishkill Creek Greenway & Heritage Plan, the Applicant has provided substantial greenery along the Greenway Trail and the portions of the Property abutting Fishkill Creek.

Furthermore, the Applicant's planting plan, as shown on Sheet 3 of 12, is in accordance with the City Code § 223-41.13(I)(6) in that the Applicant has provided a comprehensive landscaping, screening, and buffering plan.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on flora or fauna.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no known or listed agricultural resources within the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination, or significant screening of any officially designed scenic viewshed. According to the FEAF Part 1, the Proposed Action is identified in the City of Beacon Scenic Resource Inventory Report. The Proposed Action retains significant open space, 80% when only 30% is required by the FCD Zoning District, as shown on Sheet 1 of 12 of the Site Plans. The Scenic Resource Inventory Report noted that preserving natural areas would help increase wildlife habitat. The Proposed

Action includes the planting of over 200 shrubs and trees on the Property which will help preserve the wildlife habitat and further the purposes of the FCD Zoning District.

Furthermore, the property was once a site of factories during the Industrial Revolution and twentieth century, as such, the Applicant designed the façade of the proposed building in such similar style. The proposed building will also complement the adjacent façade and design of the Beacon HIP Lofts. According to the FEAF Part 1, the property is not located within any other Federal, State or Local scenic viewsheds.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

- **Impact on Historic and Archaeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archaeological resources.**

The project site is located within the National Register Eligible Groveville Mills Historic District. Additionally, according the FEAF Part 1 there are several neighboring sites or properties in the vicinity of the Proposed Action which are on or eligible for placement on the National or State Register of Historic Places.

Accordingly, in a letter dated September 9, 2022 the City Planner advised the Applicant to further investigate potential impacts to historical and archaeological resources. As such the Applicant sought comments from the New York State Department of Parks, Recreation and Historic Preservation who then recommended that the Applicant conduct a Phase 1A Archaeological Survey. The Applicant submitted a "Phase 1A Literature Search and Sensitivity Assessment," conducted by the Hudson Cultural Services, dated November 2022, which opined that the Proposed Action has retained the integrity of the property in the overall redevelopment concept, and has maintained the nineteenth century model of providing workspace and housing within the same complex. The Phase 1A states that the proposed building is smaller in massing and lower in elevation than any of the historic mill buildings to the north therefore making it compatible within the historic district. The Project site has experienced significant soil movement in the nineteenth and twentieth centuries, and thus is not considered to be sensitive for historic resources. Additionally, the commercial development of the Property over the past 200 years has eliminated the potential for any precontact discoveries on the site. Thus, no further archeological investigation is warranted.

For these reasons, the Proposed Action will not have a significant adverse impact on historic or archeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The project site is not designated as open space by the City of Beacon. Under the FCD Zoning District, the Applicant is required to maintain at least 30% of the property as open space. Here, the Applicant has proposed to provide 80%, as shown on Sheet 1 of 12. The

Property is currently an open field with wild grasses and flora and is thus not used for recreation other than the Greenway Trail which will be retained. The Applicant has retained open areas as detailed in Sheet 1 of 12 in accordance with the FCD standards in the City Code. Additionally, the Greenway Trail runs along the Property's northeastern and southwestern perimeters. The Applicant, in accordance with the Fishkill Creek Greenway & Heritage Trail Master Plan and the FCD requirements has provided for the improvement and maintenance of the Greenway Trail and its use by the general public. Such improvement and maintenance will benefit the community of Beacon as it will provide greater access for the community to enjoy the green and scenic areas along the Fishkill Creek abutting the Proposed Action. Importantly, Sheet 1 of 12, Note 4 provides that the proposed portion of the Greenway Trail traversing the property is in accordance with the Greenway Trail Design Recommendations which states in pertinent that the design of the trail should be to provide accessibility to outdoor enjoyment and education for users of all abilities. Note 4 on Sheet 1 of 12 also states that such portion of the Greenway Trail traversing the property will follow standard requirements for materials, dimensions, proximity to the Fishkill Creek, and provide screening from the buildings.

For these reasons, the Proposed Action will not have a significant adverse impact on open space and recreation.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on critical environmental areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Applicant submitted a Traffic Impact Study ("TIS"), prepared by Colliers Engineering & Design, dated December 23, 2022, which was revised and updated in a 32-page follow up comment letter for the Planning Board's consideration, dated January 30, 2023. The TIS was reviewed by the City's traffic consultant Creighton Manning Engineering, LLP.

Traffic. It is not anticipated that the Proposed Action will result in significant adverse impacts to traffic. The City traffic consultant, in its letter dated January 5, 2023, agrees with the Applicant that the Proposed Action is expected to generate peak traffic flows of 91 trips during weekday AM peak hour, 203 total trips during the weekday PM peak hour, and 229 total trips during the Saturday midday peak hour. The Front Street/Mill Street intersection will operate at an acceptable level of service with the Proposed Action. Independent of the Proposed Action, the intersection is scheduled to be improved with an actuated traffic control signal. However, the intersection will operate at acceptable levels with or without the new traffic control signal.

Parking. A total of 95 off-street parking spaces are required, and the Applicant has proposed to provide 66 parking spaces which the Planning Board determined is acceptable

based on a shared parking analysis pursuant to City Code § 223-26.C(6), as detailed in the TIS and subsequent responsive comment letter from Colliers Engineering & Design.

Per City Code § 223-26.C(6) the Planning Board indicated at its February 2023 meeting its intention to waive 15 of the required 95 off street parking spaces based on the Applicant's shared parking analysis. The TIS provides that the Project will result in a weekday peak parking demand of 76 parking spaces and a Saturday peak parking demand of 84 parking spaces. The TIS based its analysis on the City of Beacon Code parking requirements along with hourly parking demand data provided by the Institute of Transportation Engineers, Parking Generation Manual (5th Edition). The City's planning consultant, in his letter dated January 6, 2023, opined that the parking provided by the Applicant is likely higher than will be needed based on the likelihood that the commercial studio space on the first floor of the proposed building will be used primarily by the residents of this proposed building and the residents of the artist live-work units in the adjacent building. Thus, the City planning consultant recommended land banking spaces. Accordingly, and as shown on Sheet 1 of 12, Note 2, the Applicant proposes to land bank 14 additional spaces such that 66 spaces will be constructed, 14 spaces will be land banked pursuant to Section 223-26.E and 15 spaces will be waived pursuant to 223-26.C(6).

For these reasons, the Proposed Action will not have a significant adverse impact on traffic and parking.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The Proposed Action will increase demand on the energy grid, however, the existing energy infrastructure will be able to adequately serve such additional demand. The Proposed Action does not require the construction of a new substation, or upgrade to any existing substation.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on energy.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable noise, odors or light.**

In a letter by the City Engineering Consultant dated May 3, 2023, the Applicant has been advised to consider the installation of an odor control system, as was previously noted in correspondence of November 23, 2022. In a response letter by the Applicant's Engineering Consultant dated May 30, 2023, the Applicant's site superintendent is still considering what options are available and such chosen method will be added to the Applicant's Engineering Report. For further discussion on odor control, please see Page 3, above.

Per Sheet 3 of 12, all exterior lighting on the site will comply with Beacon Zoning Code requirements and will be directed and/or shielded so as not to cause any objectionable glare

observable from neighboring streets and properties. The source (bulbs) of such lighting will not be visible from neighboring streets and properties.

Noise impacts associated with the Proposed Action will be limited to temporary impacts generated during construction. It is not anticipated that significant rock removal will occur on the site. Furthermore, per the Beacon City Code Chapter 111, blasting cannot occur without first attaining a permit from the City Building Inspector and such request is not anticipated to occur. However, if rock removal is required such will be done in accordance with all applicable local, state and federal regulations. In addition, there will not be significant noise impact post-construction.

For these reasons, the Proposed Action is not anticipated to result in a significant adverse environmental impact as a result of objectionable noise, odors, or light.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

According to the FEAF Part 1, the site has experienced previous spills and has been the subject of remedial actions. The site was the subject of New York Department of Environmental Conservation ("DEC") Spill No. 9004847, which was closed on August 2, 1990. The site was also the subject of DEC Spill No. 9012487, which was closed on June 18, 1991. The site was also the subject of DEC Spill No. 2000545, which was closed on July 1, 2020. DEC Spill No. 2200992, at 89 Mason Circle, an adjacent property, is not closed at the time of this determination and according to the DEC database is the result of chemical odors in an apartment complex. It is not anticipated that DEC Spill No. 2200992 will impact the Proposed Action.

The FEAF Part 1 also identifies the Texaco Research Center on Old Glenham Road as a potential source of contamination as shown on the DEC Environmental Site Remediation database as Site Code No. 314004. However, this site is almost 0.50 miles away from the project site and therefore is not anticipated to have a significant adverse environmental impact on human health. Further, the project site is proposed to be served by public water thus exposure to contaminated groundwater via drinking water is not expected.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

The Proposed Action is within the FCD Zoning District (City Code, Chapter 223, Article IVC). The purpose of the FCD District is to encourage the development and/or redevelopment of undeveloped or underutilized industrial property along the Fishkill Creek in a manner that provides a mix of residential and nonresidential uses. Furthermore, the Fishkill Creek Greenway Heritage Trail Plan sets forth goals such as establishing and

preserving the Greenway Trail and providing for substantial open spaces and preservation of wildlife habit. The Proposed Action is generally consistent with the FCD District, Fishkill Creek Greenway Heritage Trail Plan, Comprehensive Plan and City Zoning Code, will not have a significant impact on municipal services, and is consistent with the character of the surrounding uses and design of buildings in the FCD District.

Based upon this information and the information in the Full Environmental Assessment Form and all other documents and information in the record, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative

Declaration indicates that no environmental impact statement needs to be prepared and that the Beacon Planning Board's SEQRA process is complete.

Adopted: June 13, 2023
Beacon, New York

Motion by, Mr. Jensen, seconded by Ms. Quiana:

Kevin Byrne	Voting AYE	Leonard Warner	Voting AYE
Donna Francis	Voting AYE	J. Randall Williams	Voting EXCUSED
David Jensen	Voting AYE	John Gunn, Chairman	Voting AYE
Karen Quiana	Voting AYE		

Title:

Fishkill Avenue Rezoning

ATTACHMENTS

Draft Fishkill Avenue District Regulations

Draft Fishkill Avenue District Zoning Map

Draft Fishkill Avenue Zoning Dimensional Table

Draft Fishkill Avenue Zoning Use Table

Chapter 223 Zoning

Article IVG. Fishkill Avenue District (FA)

§ 223-41.23. Purpose.

The purpose of this Article IVG is to increase the attractiveness, marketability, and environmental sustainability of the part of the City of Beacon along Fishkill Avenue (Route 52) between Memorial Park and the Mill Street intersection by providing more options for mixed-use buildings with residential development, enhanced landscaping and walkability, and traditional urban forms reinforced by design standards. The Fishkill Avenue District is also intended to integrate land uses with a future recreational rail-trail along the former railroad tracks and Fishkill Creek corridor, as recommended in the Comprehensive Plan Update adopted on April 3, 2017.

§ 223-41.24. Applicability and boundaries.

The provisions of this article apply to the area shown as the Fishkill Avenue District (FA) on the City of Beacon Zoning Map. In case of any conflict between this article and other provisions of this Zoning Chapter, this article shall control. All new uses of land and structures in the FA District shall comply with this article, with the following additional provisions:

1) Existing nonconforming uses may continue as provided in § 223-10, Nonconforming uses and structures, except as may be otherwise provided in this article. Conforming residential uses existing on the effective date of this article shall be bound by the zoning of the subject property immediately prior to the enactment of the Fishkill Avenue District. Any existing conforming building that is destroyed by fire or casualty to an extent of more than 50% may be rebuilt on the same footprint and with the same dimensions and may be extended at the same height along its frontage. Any existing building that does not satisfy the minimum building height requirements in the district may continue and may be expanded at the same height, provided that it is in conformity with all other dimensional requirements in the district.

2) In order to encourage mixed uses, more than one permitted use shall be allowed on any lot or parcel, subject to all approval criteria contained herein.

§ 223-41.25. Regulations.

A. Permitted uses in the FA District. Permitted principal uses, permitted accessory uses, and uses that need a special permit by the Planning Board are listed in the § 223-17 Schedule of Use Regulations, with the following additional provisions:

1) Permitted uses are subject to site development plan approval under § 223-25, except that site plan review shall not be required for a change of use in an existing building where the new use is allowed by right and the building will not be expanded.

2) Special permit uses are also subject to the provisions and conditions in § 223-18.

3) For any new construction of a principal building, an apartment use, multifamily dwelling unit, or the residential portion of an artist live/work space shall only be located on the upper stories or at least 75 feet behind the facade in the rear portion of the ground floor.

4) For permitted auto-oriented uses, including a gasoline filling station or drive-through facility, the accessory fuel pumps or drive-through window and lane shall be placed in a secondary location towards the rear or at least 40 feet from any property line that fronts on a street. Such auto-oriented uses shall also be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street and that partially screens the use from public street and sidewalk views.

B. Dimensional regulations.

All new construction or enlargement of existing structures in the FA District shall be subject to the § 223-17 Schedule of Dimensional Regulations, with the following additional provisions:

1) Building height: new buildings shall have a minimum of two stories, with the upper floor built in a manner that allows actual occupancy for one or more permitted uses and does not create the mere appearance of a second story.

2) Chimneys, vent pipes, mechanical systems, elevator shafts, antennas, wireless communications facilities, roof gardens and fences, greenhouses, solar collectors, wind energy systems, and other rooftop accessory structures may project up to 15 feet above the maximum height. With the exception of roof gardens and solar collectors, such projections may occupy no more than 20% of the roof area and must be set back at least 15 feet from the front edge of the roof.

3) A minimum of 15% of the lot shall be landscaped with trees, shrubs, or grass in locations approved by the Planning Board that enhance the streetscape or provide a landscaped interior courtyard. This requirement may be reduced to 5% if the landscaped area is accessible to the public. These requirements may be waived for pre-existing lots of 5,000 square feet or less.

C. Parking facilities.

1) All off-street parking shall be located behind, underneath, or to the side of a building. If on the side, it shall be located at least 40 feet from any lot line that fronts on Fishkill Avenue and be screened by a low brick or stone wall, hedge, ornamental fence, and/or other landscaping that maintains the continuity of the street and that partially screens the parking lot from public street and sidewalk views.

2) Section 223-26B of this chapter shall not apply in the FA District.

3) The minimum quantity of required on-site parking spaces shall be as follows:

    a) Residential: one space per unit.

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

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

    d) Other uses: as listed in § 223-26 of this chapter.

4) The quantity of required on-site parking above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available to the Planning Board in the public record, demonstrating one or more of the following:

    a) That the projected operational characteristics of the proposed use and/or its proximity within walking distance of regular public transit and other services justify a reduction in the required amount of parking.

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

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

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

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

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

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

D. Streetscape improvements.

1) Planning Board should require the lot owner to provide planters, trees, shrubs, or other landscaping to enhance the appearance of the streetscape. Ornamental fencing four feet or less in height may be provided to separate privately owned space from public space. For commercial uses, display areas, and outdoor dining and seating areas may be provided.

2) A pedestrian clearway, at least five feet wide, with unobstructed space for pedestrian activity, shall be provided along the sidewalk, unless site conditions require a narrower clearway.

3) Within the street transition zone between the curb and front lot line, if space permits, lot owners may plant trees and place benches, tables, and outdoor seating areas with the approval of the Department of Public Works. The Planning Board may require the planting of street trees on average 30 feet to 40 feet apart as a condition of site plan approval.

4) The Planning Board may require that an applicant constructing a building greater than 10,000 square feet in floor area pay for the provision of related street improvements to improve pedestrian and/or bicycle safety.

E. Site plan and special permit amendments.

For any proposed change to an approved site plan, the applicant shall meet with the Building Inspector who shall make a determination as to whether or not the proposed change is significant. If the Building Inspector determines that the change is significant (e.g., a change of use and/or a change in dimensions of more than 10% shall be presumed to be significant), the application shall be referred to the Planning Board for an amendment to the site plan or special permit, as appropriate. If the Building Inspector determines that the change is not significant and otherwise complies with applicable requirements, the Building Inspector is authorized to issue a building permit without further review.

F. Compliance with below-market-rate housing requirements.

All applications involving residential development shall comply with Article IVB of this chapter, Affordable-Workforce Housing.

G. Design standards.

Because of the design standards in this section, the architectural review provisions of Chapter 86 shall not apply within the FA District. In addition to the preceding sections of this article, all new buildings or substantial alterations of existing buildings shall comply with the following design requirements:

1) These design standards are intended to promote the following purposes:

a) Preserve and enhance the unique character of the City of Beacon.

b) Promote pedestrian access and activity, as well as a general sense of area security.

c) Restore and maintain the role of streets as civic and social spaces, framed by active uses.

d) Encourage economic development and a convenient mix of uses and services

e) Support a sense of design context that relates new redevelopment efforts to traditional urban forms and streetscapes, while still allowing contemporary architectural flexibility.

2) Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

3) Buildings should have a top-floor cornice feature and first-floor architectural articulation, such as a storefront with a secondary cornice or an architecturally emphasized entrance doorway, to accent the central body of the building.

4) Architectural features and windows should be continued on all sides of the building that are clearly visible from a street or public parking area, avoiding any blank walls, except in cases of existing walls or potential common property walls.

5) Buildings should incorporate subtle breaks in the façade and window surrounds with projecting sills, lintels, or crowns to add some depth, shadow, and detail. Larger buildings shall incorporate significant breaks in the facades and rooflines at intervals of no more than 40 feet.

6) Building elements that provide additional architectural interest, such as bay windows, cornices, balconies, and porches, should be encouraged and may encroach up to six feet into required yards.

7) Metal, glass or canvas-type awnings and canopies or projecting signs should be encouraged. Vinyl awnings are discouraged unless the applicant can demonstrate to the Planning Board's satisfaction that the finish and design of such awning are of high quality, aesthetically pleasing and meet the intended standards of the district, as determined by said Board.

8) Buildings shall have a front entrance door facing the primary street and connected to the sidewalk. Front entrance doors for commercial buildings and retail storefronts shall be active and provide main access during business hours.

9) Primary individual window proportions shall be greater in height than in width, although the Planning Board may allow exceptions for storefront, transom and specialty windows. Mirrored, reflective, or tinted glass, all-glass walls, and exterior roll-down security gates shall not be permitted. Any shutters shall match the size of the window opening, appear functional, and be attached to the window frame.

10) Commercial buildings shall have at least 70% glass on the first-floor facades, located between two feet and 10 feet above the sidewalk. Residential buildings shall have at least 30% glass on the upper-floor facades.

11) Finish building materials should be wood, brick, stone or smooth cast stone, traditional cement-based stucco, or fiber-cement siding or other material deemed acceptable by the Planning Board. Vinyl, aluminum or sheet metal siding or sheet trim, exposed concrete blocks or concrete walls, plywood or other similar prefabricated panels, unpainted or unstained lumber, synthetic stone or brick, or synthetic stucco, exterior insulation and finishing system (EIFS), or direct-applied finish system (DAFS), as well as chain link, plastic, or vinyl fencing shall not be permitted.

12) Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.

13) Lighting fixtures shall be a maximum of 15 feet in height, except pole lights in rear parking lots shall be a maximum of 20 feet high. All exterior lighting shall comply with the standards in §223-14B.

14) Ground-based mechanical equipment and refuse containers shall be concealed from public view by approved architectural elements and shall be located towards the rear of the site. Any rooftop equipment shall also be screened from public views.

15) The Planning Board may waive setback requirements for designated historic landmarks, as defined in Chapter 134, Historic Preservation, and civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

H. Environmental standards

1) The approval of a Fishkill Creek development project is an action subject to the State Environmental Quality Review Act (SEQRA), and all proceedings to review such project shall comply with the applicable requirements of SEQRA.

2) Site development plans adjacent to the rail-trail right-of-way and Fishkill Creek shall be sensitive to the property's relationship with these important public features, shall be developed in such a way as to protect any City-designated public views, and may be required to establish a view or access corridor from the public sidewalks through the development to the rail-trail right-of-way.

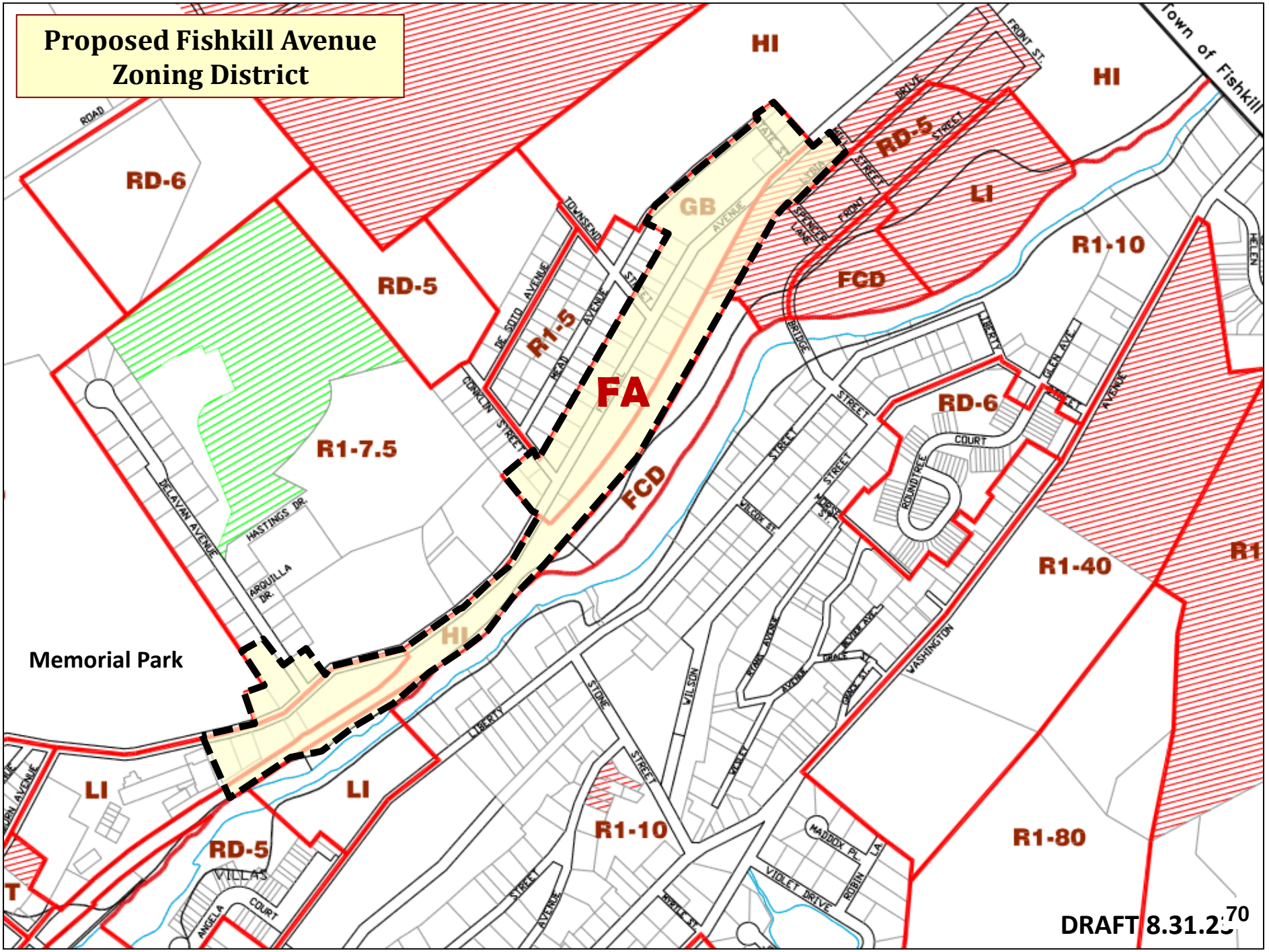
3) A minimum 8-foot-wide rear buffer with plantings and fencing should be required by the Planning Board for adjoining parcels to the rail-trail right-of-way or residential properties.

4) Stormwater drainage shall limit off-site runoff, consistent with New York State and City of Beacon best management practices.

5) Green roofs, top-floor garden terraces, and/or rooftop solar panels should be encouraged. Any remaining roof treatment shall have a highly reflective surface to minimize urban heat island effects.

Fishkill Avenue Corridor
Current Zoning Districts

HI
HI
Town of Fishkill
GB
RD-5
LI
R1-10
FCD
R1-5
R1-7.5
FCD
RD-6
R1-40
R1
HI
LI
LI
RD-5
Memorial Park


Proposed Fishkill Avenue Zoning District
HI
RD-6
RD-5
GB
FA
FCD
R1-5
R1-7.5
R1-10
R1-40
R1-80
LI
Memorial Park
Town of Fishkill
DRAFT 8.31.23

Zoning District	Minimum Lot Size[h] (See also § 223-12 I)				Minimum Yard[a]			Minimum Distance Between Buildings Same Lot	Maximum Height Main Building (see 223-13) (stories | ft)	Maximum % Building Coverage		Maximum Number of Units per Building	Minimum Open Space	Zoning District	Also Refer to Pertinent Sections
	Area (sf)	Per Unit (sf)	Width (ft)	Depth (ft)	Front (ft)	Side (ft)	Rear[d,e] (ft)			Multi-Family	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'	20-35'	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	
FA				100'	15'	20'	25'		- | 35'				15%	FA	
GB		1,500		100'	15'	20'	25'		– | 35'					GB	
CMS				75'	0-10'	0'	20'		3 | 38'				10%	CMS	Art IVD
L				75'	0-20'	0-30'	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 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, recreation or other purposes will be properly maintained for the intended purpose(s) and not further subdivided in the future.

f A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories [Added 2-16-2010 by L.L. No. 2-2010]

g And each building shall not exceed 150 feet in length. [Added 2-16-2010 by L.L. No. 2-2010]

h For all development proposals involving a total lot area of more than three acres within a 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, pre-development very steep slopes of 25 percent 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.

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	T	FA	GB	CMS	L	WD	WP	FCD	LI	HI
Residential													
One-Family Detached Dwelling		P	P	P	x	x	x	x	x	x	x	x	x
One-Family Attached/Semidetached	Including Townhouses	x	P	P	x	x	x	P	x	x	P	x	x
Two-Family Dwelling		x	P	P	x	x	x	x	x	x	x	x	x
Multifamily Dwelling	Including Apartments	x	SP*	P	P	P	P	P	P	x	P	x	x
Artist Live/Work Space	Subject to §223-14.2	x	x	P	P	P	P	P	P	x	P	P	x
Retail/Office/Service													
Retail, Personal Service, or Bank		x	x	x	P	P	P	P	P	x	x	P	x
Office		x	x	P	P	P	P	P	P	x	P	P	x
Artist Studio, Art Gallery/Exhibit Space		x	x	P	P	P	P	P	x	x	P	P	x
Funeral Home		x	x	x	P	P	x	x	x	x	x	P	x
Commercial Recreation, Indoor		x	x	x	P	P	P	x	x	x	x	P	P
Auction Gallery		x	x	x	P	P	x	x	x	x	x	P	P
Adult Use	Subject to §223-20.1	x	x	x	x	x	x	x	x	x	x	SP	x
Food/Lodging													
Restaurant or Coffee House		x	x	x	P	P	P	P	P	SP*	P	x	x
Bar/Brew Pub/Microbrewery/Microdistillery		x	x	x	P	P	P	P	P	x	P	P	P
Food Preparation Business		x	x	x	P	P	SP	SP	x	x	x	P	P
Short-term rental	Subject to §223-26.5	P	P	P	P	P	P	P	P	P	P	P	P
Bed and Breakfast	Subject to §223-24.4	SP	SP	SP	P	P	x	P	x	SP*	P	P	x
Inn		x	x	x	P	P	P	P	P	SP*	P	P	x
Hotel	Subject to §223-14.1	x	x	x	P	P	P	P	P	x	x	P	x
Social/Community													
Spa/Fitness Center/Exercise Studio		x	x	SP	P	P	P	P	P	x	P	P	x
Day Care Center		x	x	P	P	P	x	P	P	x	P	SP	x
Park, Preserve, Community Garden		P	P	P	P	P	P	P	P	P	P	P	x
Theater, Concert or Conference Space		x	x	x	P	P	P	P	P	x	P	P	x
Museum		SP*	SP*	SP*	P	P	P	P	P	x	P	P	SP
Place of Worship/Religious Facility		P	P	P	P	P	x	x	x	x	x	P	x
Social Club	Subject to §223-24.2	SP	SP	SP	SP	SP	P	x	x	x	x	SP	x
Government Facility		P	P	P	P	P	P	P	P	P	P	P	P
Golf Course		SP*	SP*	x	x	x	x	x	x	x	x	x	x
Healthcare													
Hospital or Nursing Home	Subject to §223-21.1 and 22	SP*	SP*	x	x	x	x	x	x	x	P	P	P
Animal Care Facility		SP	SP	x	SP	SP	x	x	x	x	x	SP	x
Educational													
College or University		SP*	SP*	x	P	P	P	P	x	x	P	P	P
Trade School or Training Program		x	x	x	P	P	P	P	x	x	P	P	P
Private School or Nursery School		SP	SP	SP	P	P	x	P	x	x	P	SP	x
x = Use Not Permitted	For Specific						Article	Article	Article	Article	Article	9.5.23	DRAFT
P = Permitted Use	Standards See -->						IVD	IVE	IVA	IVA	IVC		
SP=Special Permit Use by Planning Board													
SP*=Special Permit Use by City Council													

Section 223-17, City of Beacon Schedule of Use Regulations (Suggested Edits)

Permitted Uses by District	Reference Notes	All R1	All RD	T	FA	GB	CMS	L	WD	WP	FCD	LI	HI
Parking/Auto-Oriented													
Off-Street Parking or Parking Structure	Subject to §223-26	x	x	SP	SP	SP	SP	x	x	x	x	x	x
Vehicle Sales or Rental Lot		x	x	x	SP	SP	x	x	x	x	x	SP	x
Gas Filling Station and/or Car Wash	Subject to Ch. 210 & 223-21	x	x	x	SP	SP	x	x	x	x	x	SP	x
Auto Body or Repair Shop	Subject to Chapter 210	x	x	x	SP	SP	x	x	x	x	x	SP	x
Ambulance Service		SP	SP	SP	P	P	x	x	x	x	x	P	x
Industrial or Assembly													
Wholesale or Storage Business		x	x	x	P	P	x	x	x	x	x	P	P
Workshop		x	x	SP	P	P	P	P	x	x	P	P	P
Industrial or Manufacturing Use		x	x	x	x	x	x	SP	x	x	P	P	P
Other													
Wireless Telecommunications Facility	Subject to §223-26.4	P	P	P	P	P	P	P	P	P	P	P	P
Small Cell Wireless Facility	Subject to §223-26.4	P	P	P	P	P	P	P	P	P	P	P	P
Farm		P	x	x	x	x	x	x	x	x	x	x	x
Horticultural Nursery		P	P	x	P	P	x	x	x	x	x	P	x
Historic District Overlay Use	Subject to §223-24.7	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)													
Accessory Apartment	Subject to §223-24.1	P	P	P	x	x	x	x	x	x	x	x	x
Private Tennis Court or Pool	Subject to §223-13	P	P	P	x	x	x	x	x	x	x	x	x
Home Occupation or Artist Studio	Subject to §223-17.1	P	P	P	x	x	x	x	x	x	x	x	x
Parking Structure		x	x	SP	SP	x	P	P	P	x	P	x	x
Garden, Roof Garden, or Greenhouse		P	P	P	P	P	P	P	P	P	P	P	P
Solar Collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P	P
x = Use Not Permitted	For Specific						Article	Article	Article	Article	Article	9.5.23	DRAFT
P = Permitted Use	Standards See -->						IVD	IVE	IVA	IVA	IVC		

SP=Special Permit Use by Planning Board

SP*=Special Permit Use by City Council

City of Beacon City Council Agenda
09/05/2023

Title:

Appointment of Andrew Bell to the Tree Advisory Committee

ATTACHMENTS

Secretary to the Mayor Memorandum Regarding the Proposed Appointment of Andrew Bell to the Tree Advisory Committee

Andrew Bell Committee Application

CITY OF BEACON

Office of the Mayor

One Municipal Plaza
Beacon, New York 12508
845-838-5010 - Office
845-838-5012 - Fax

www.cityofbeacon.org

Date: August 28, 2023

To: Mayor Kyriacou and City Councilmembers

Re: Proposed Appointment of Andrew Bell to the Tree Advisory Committee

Dear Mayor and Councilmembers:

In order to provide some background information on and context to Mr. Bell's application for appointment to the Tree Advisory Committee, I solicited information from him regarding his background, qualifications, and experience for use during your consideration of such.

Mr. Bell is a resident of Beacon and has a variety of long-standing volunteer experiences in the City of Beacon, including having served multiple terms on the Beacon Historical Society as a Trustee over the course of the past twenty (plus) years. He also spent seven years as a Board Member and Treasurer for Hudson Valley Community Services, currently serves as a Board Member for Cornerstone Family Health and as a Committee-member for Beacon's Greenway Trail Committee, co-founded the Green Beacon Coalition, has volunteered for the Mohonk Preserve for the past seven years, and recently completed serving as co-chair on Beacon's Main Street Access Committee.

Professionally, Mr. Bell worked for IBM for nearly twenty years before taking his current position for the New York City Department of Environmental Protection in 2016.

Mr. Bell also comes with recommendation for appointment by the Committee's current Chair, Pete Bailey. I hope that the above provides context for and otherwise aids in your discussion regarding this proposed appointment.

Sincerely,

Benjamin Swanson
Secretary to the City Mayor
Beacon, NY
845-838-5010

Committee Application

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

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

Name	**Andrew Bell (Andy)**
Address	[redacted]
Phone Number	[redacted]
Alternate Phone	
Email Address	[redacted]

Committee You are Interested In

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

Available number of Hours per week (for Committee work)	**4**
Occupation	**Financial Analyst**
Employer	**City Of New York DEP**
Work Address	[redacted]
Work Phone	[redacted]

Education

- [ ] Some High School
- [ ] High School Diploma
- [ ] Some College
- [ ] Associates Degree
- [x] Bachelor's Degree
- [ ] Master's Degree
- [ ] Doctorate Degree

Interest & Skills: Beautifying and shading Beacon with healthy trees

Areas of Expertise (business & civic): Beacon Greenway Trail Committee, Green Beacon, Main Street Accesss Committee

---

Reference

Reference Name: [redacted]

Address: [redacted]

Phone: [redacted]

Email Address

Relationship: [redacted]

Please include your resume along with this application.

I agree that by submitting this application, I am electronically signing the application. I solemnly declare that the information I have provided is true.

Applicant Signature: Andrew Bell Date: 7/24/23

City of Beacon City Council Agenda
09/05/2023

Title:

Appointment of Ethan Skuches to the Tree Advisory Committee

ATTACHMENTS

Ethan Skuches Resume

Ethan Skuches Committee Application

Ethan Skuches

he/him

[redacted]

EDUCATION

Vassar College, Poughkeepsie, NY — Graduated May 2022
Bachelors of Arts in Environmental Studies, Departmental Honors
Senior Thesis: "Identifying Opportunities and Pathways to Increase Carbon Sequestration through Reforestation on the Vassar Ecological Preserve" Advisors: Margaret Ronsheim, Keri VanCamp

Developed a management plan for increased carbon sequestration and more resilient native plant communities through restoration work on the Vassar Preserve. Quantified and mapped tree carbon sequestration on the Preserve based on calculations derived from diameter at breast height measurements.

WORK EXPERIENCE

Vassar-Kenauk Conservation Fellow, The Preserve at Vassar — May 2023- Present

- Bridging the Kenauk Institute in Montebello, Canada, and the Preserve at Vassar to create cohesion between the two through environmental education programming and environmental research.

Arborist, Arcadis U.S. — October 2022- May 2023

- Overseeing contracts by the New York City Parks Department for street tree planting and natural resource management.
- Conducting tree inspections on New York City street trees. Inspecting trees for health issues ranging from root to crown.

Forest Monitoring Technician, The Schoodic Institute/ National Park Service — May 2022- September 2022

- Resampling 200 forest plots across 20 different National Park/ National Historic Parks sites from Virginia to Maine.
- Monitoring tree bole, crown, and foliage health, with specific attention to tree pests and diseases such as beech bark/ leaf disease, emerald ash borer, hemlock wooly adelgid, Asian longhorn beetle, and more.
- Identifying and collecting data on herbaceous, shrubby, and woody plants in a variety of habitats ranging from boreal to oak-hickory forests.
- Monitoring for emerging invasive vegetation and insects in National Park sites.

Invasive Species Management Team Leader, Vassar Preserve — September 2020- May 2022

- Using manual removal techniques to contain invasive vines *Ampelopsis brevipedunculata* and *Celastrus orbiculatus*, as well as other invasive plant species such as *Lonicera morrowii* and *L. maackii.*
- Clearing invasive species dominated canopy gaps and replanting these cleared gaps with native tree species to support regeneration.
- Assisting in general tree plantings around the Preserve to support forest health and working with New York State DEC programs to obtain saplings for plantings.
- Organizing and coordinating volunteers to assist in invasive removal and tree plantings.
- Leading tours of the Preserve for the Poughkeepsie community, Vassar families and Vassar alumnae/ donors.

SKILLS

Certifications: Red Cross CPR/AED, First- Aid, Lifeguard
Computer: Proficient in Excel and ArcGIS Pro
Native and Invasive Plant Identification

REFERENCE

[redacted]

Committee Application

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

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

Name	**Ethan Skuches**
Address	[redacted]
Phone Number	[redacted]
Alternate Phone	
Email Address	[redacted]
Committee You are Interested In	☐ Board of Assessment Review ☐ Board of Ethics ☐ Conservation Advisory Committee ☐ Emergency Management Committee ☐ Human Relations Commission ☐ Planning Board ☐ Recreation Committee ☐ Traffic Safety Committee ☐ Zoning Board of Appeals ☐ Any of the above ☑ Other **Tree Committee**
Available number of Hours per week (for Committee work)	**5**
Occupation	**Vassar- Kenauk Conservation Fellowship**
Employer	**Vassar College- The Preserve at Vassar**
Work Address	[redacted]
Work Phone	

Education

- [ ] Some High School
- [ ] High School Diploma
- [ ] Some College
- [ ] Associates Degree
- [x] Bachelor's Degree
- [ ] Master's Degree
- [ ] Doctorate Degree

Interest & Skills: Forest ecology, species biodiversity, conservat

Areas of Expertise (business & civic): Plant identification, native vs invasive identifica

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Reference

Reference Name: [redacted]

Address: [redacted]

Phone: [redacted]

Email Address: [redacted]

Relationship: [redacted]

Please include your resume along with this application.

I agree that by submitting this application, I am electronically signing the application. I solemnly declare that the information I have provided is true.

Applicant Signature:_____ Date:_____

City of Beacon City Council Agenda
09/05/2023

Title:

Beacon Pool Fiberglass Rehabilitation Project Bid Results

ATTACHMENTS

Recreation Director Memorandum Regarding the Beacon Pool Fiberglass Rehabilitation Project Bid Results

Resolution Award the Contract for the Beacon Pool Fiberglass Rehabilitation Project

Memo

To: Chris White, City Administrator
From: Mark Price
CC: Benjamin Swanson
Date: September 5, 2023
Re: Fiberglass Rehabilitation of the Beacon Pool

The City of Beacon solicited a request for bids for a project that will rehabilitate the interior surface of the city-maintained Beacon Pool. The current fiberglass interior of the Beacon Pool installed late in the 1990s is easily 10 years past its useful life. Significant deterioration was observed this year requiring us to consider its rehabilitation.

Three proposals were received for the city's solicitation *Beacon Pool Fiberglass Rehabilitation Project (COB Bid No. 2023-009)*. These proposals were carefully reviewed. Bluewater Pools is the lowest bidder, and we feel the best firm for our project.

The following tabulation shows the order from the lowest bidder, the name of the bidder, and the total contract amount.

Bidder	Base Bid Value	Notes
Bluewater Pools	$225,000	Lowest bidder
Marine Pool Renovations, LLC	$248,000	
Stardust Pools	$293,000	

I would recommend award of the contract to perform the work to Bluewater Pools. Work will be completed in the Fall of 2023.

Mark Price

Recreation Director

23 West Center Street Beacon, NY 12508 • Phone: (845) 765-8440 • Fax: (845) 765-8439
mprice@cityofbeacon.org

CITY OF BEACON
CITY COUNCIL

RESOLUTION NO. 97 OF 2023

AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH BLUEWATER POOLS FOR THE BEACON POOL FIBEGLASS REHABILITATION PROJECT

WHEREAS, the City of Beacon published an advertisement, pursuant to Section 103 of the General Municipal Law, seeking bids from qualified contractors for COB Bid No. 2023-009, the Fiberglass Rehabilitation Project on August 18, 2023; and

WHEREAS, three bids were submitted and opened on September 1, 2023 at 10:00 a.m.; and

WHEREAS, Bluewater Pools was the lowest responsible bidder at $225,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby awards the Bid for the Beacon Pool Fiberglass Rehabilitation Project for the amount of $225,000.00; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby authorizes the City Administrator to execute an agreement with Bluewater Pools for the Beacon Pool Fiberglass Rehabilitation Project, subject to approval by the City Attorney as to form and substance; and

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized to execute any extensions or amendments to this Agreement subject to review and approval by the City Attorney as to form and substance; and

Resolution No. 97 of 2023		**Date: September 11, 2023**					
☐ **Amendments**						☐ **2/3 Required**	
☐ **Not on roll call.**			☐ **On roll call**			☐ **3/4 Required**	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/05/2023

Title:

16 West Main Street Easement and Offer of Dedication

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding 16 West Main Street

16 West Main Easement Agreement

16 West Main Street Offer of Cession and Dedication of Parcel B

16 West Main Street Sheet FSP-1

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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

MEMORANDUM

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

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

RE: **16 West Main Street – Easement and Offer of Dedication**

DATE: **August 31, 2023**

On November 9, 2022, the Planning Board approved an application for the construction of a 62-unit, 4-story multifamily building at 16 West Main Street.

1. Water, Utility and Sight Line Easement to the City of Beacon

As part of the approved project, the developer will be installing water main infrastructure which has been offered for dedication to the City. Once the infrastructure is installed to the satisfaction of the City, the developer will post a maintenance bond upon the City's acceptance of the infrastructure. The infrastructure is proposed to be located on private property. Therefore, the owner has prepared an easement to the City for access to the infrastructure. A copy of that easement, which has been reviewed by our office, is attached for your review.

The easement also covers a triangular area at the corner of West Main Street and Bank Street. The easement provides for the City's use of that area for utility purposes and obligates the owner of the property to keep that area clear for the sight line of motorists at that intersection. In the event there is ever an obstruction within that triangular sight line area, the City would have the right but not the obligation to enter the property and clear the obstruction.

A copy of the plans showing the proposed easements is provided for your reference. If the easement document is acceptable, a resolution will be prepared for your next regular meeting to accept the easement and authorize the City Administrator to sign the easement and related recording forms to allow the easement to be recorded by the property owner in the Dutchess County Clerk's Office.

2. Offer of Cession and Dedication

The approved plans show that there is a 29 square foot sliver of property on the City sidewalk along West Main Street that is currently owned by the owner of 16 West Main Street. A copy of the plans showing this parcel (identified as Parcel B) is provided for your reference. As part of this project, the owner has offered to convey that sliver of property to the City. If the City is inclined to accept this sliver of property located on the City sidewalk, a resolution will be prepared for your next regular meeting to accept the offer and authorize the necessary steps to effectuate the property transfer.

EASEMENT AGREEMENT

THIS EASEMENT is made this 8th day of August, 2023 by and between Farrell Communities Beacon LLC, a New York limited liability company and having an address at 2317 Montauk Highway, Bridgehampton, New York 11932 (hereinafter referred to as "Grantor") and City of Beacon, a municipal corporation having its office at 1 Municipal Plaza, Beacon, New York 12508 (hereinafter referred to as "Grantee").

WHEREAS, Grantor is the owner of certain real property located at 16 West Main Street in Beacon, Dutchess County, State of New York, designated on the City Tax Map as Section 5954, Block 25, Lot 616969 and identified as Parcel 1 on a certain map entitled "Subdivision Plat," prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC, dated January 20, 2023, revised February 27, 2023, and filed in the Dutchess County Clerk's Office as Filed Map No. _____("Grantor's Property"); and

WHEREAS, Grantee is desirous of obtaining, and Grantor is willing to grant, (i) a permanent sight line and utility easement, and (ii) a permanent water easement, over a portion Grantor's Property for the benefit of Grantee for the purposes set forth herein and as shown on the Schedule "A" attached hereto.

NOW THEREFORE, for valuable consideration including the mutual promises exchange herein, the receipt and legal sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Grantor hereby grants and releases unto Grantee:

    a. Sight Line and Utility Easement. A permanent sight line and utility easement upon a portion of the Grantor's Property more particularly described in the Schedule "A' sketch entitled "Beacon Commons, Easement Plan" prepared by JMC Planning, Engineering Landscape Architecture & Land Surveying PLLC, dated January 19, 2023, annexed hereto and made a part hereof (the "Sight and Utility Easement Area") for,

        i. The purpose of maintaining sight lines and visibility along West Main Street and Bank Street, including clearing or regrading, so as to maintain a clear line of sight in either direction across the triangular Sight and Utility Easement Area between the observer's eye 3.5 feet above the pavement surface on one street and an object one foot above the pavement surface on the other side, and
        ii. The purpose of utilities including, water, sewer and other utility lines, pipes and facilities, and drainage improvements for the

purposes of discharging or conveying storm water, including the right to construct, maintain, replace and repair improvements therein, including the installation and maintenance of pipes and other infrastructure, together with the right of access across, under, to and through the Sight and Utility Easement Area for motor vehicles and pedestrians; and

b. Water Easement. A permanent 20 foot and 25 foot water easement upon a portion of the Grantor's Property more particularly described in the Schedule "A' sketch entitled "Beacon Commons, Easement Plan" prepared by JMC Planning, Engineering Landscape Architecture & Land Surveying PLLC, dated January 19, 2023, annexed hereto and made a part hereof (the "Water Easement Area") for the purpose of maintaining, operating, repairing and replacing water lines, pipes, connections and related improvements, including the right to maintain, repair, reconstruct and inspect such improvements, together with the right of access across, under, to and through the Water Easement Area for motor vehicles and pedestrians.

c. Grantee has the right to enter onto and over Grantor's premises in addition to the Easement Areas, to the extent reasonable and necessary, for the aforementioned purposes of the Sight and Utility Easement and the Water Easement. Grantee shall be responsible, as its sole cost and expense, to submit and pursue any and all necessary governmental approvals and Grantor shall cooperate in respect thereof.

2. Grantor shall not erect any buildings, walls, fences, structures or other improvements, or plant any trees or shrubs on the Easement Areas except to the extent authorized by any approvals heretofore or hereafter granted by the City of Beacon or its Planning Board for the development of the Grantor's Property; shall not interfere with or cause injury or damage to the Easement Areas; shall do nothing in the Easement Areas which would prevent, impede or disturb the full use and intended purpose of this Easement by the Grantee, and subject thereto Grantor reserves the right to fully use and enjoy the Easement Areas, subject to the terms of this Easement, which use and enjoyment shall include driving and walking over the Easement Areas.

3. Grantor shall maintain clear sight lines as described in Paragraph 1.a. In the event Grantor fails to maintain the sight lines as described in Paragraph 1.a, Grantee shall have the right, but not the obligation, to enter upon and clear, regrade and otherwise maintain, as necessary, the Sight and Utility Easement Area. It is expressly understood that it may be necessary to remove as part of said work physical obstructions which may in the future be located within the Sight and Utility Easement Area. Any dispute as to the restoration of the Sight and Utility Easement Area shall be submitted to arbitration pursuant to the Rules of the American Arbitration Association.

4. Grantee shall maintain and keep in force for the mutual benefit of Grantor and Grantee public liability insurance against claims for personal injury, death or property damage occurring in, on, or about the easement area in amount and under such terms as are reasonably acceptable to Grantor. Grantee shall deliver to Grantor a certificate of insurance naming Grantor as an additional insured, prior to entry upon the easement area and shall provide written evidence that such insurance is still in effect upon request of Grantor. Such certificate shall provide that the insurance policy may not be cancelled without ten (10) days prior written notice to Grantor.

5. Grantee shall be fully responsible at its cost for proper installation and the proper functioning of the improvements made by Grantee within the Easement Area in a reasonably safe condition and good and workmanlike manner. Grantee will indemnify and hold harmless Grantor from any claims, losses, liabilities, costs, expenses, damages or suits including attorneys fees arising out the Grantee's use of the Easement Areas including any installation or use of the improvements made by Grantee in the Easement Areas, except to the extent such claim, loss, liability, cost, expense, damage or suit is caused by the negligence or willful misconduct of the Grantor.

6. This Easement shall run with Grantor's Property, as defined herein, and shall be binding upon all parties including any successors or assigns having or acquiring any right, title or interest in such real property.

7. This Easement Agreement and any provisions thereof, may not be altered, modified, amended, waived, extended, changed, discharged or terminated orally or by any act or failure to act on the part of any party hereto but only by an agreement in writing upon consent and signed by the parties hereto and recorded in the Office of the Dutchess County Clerk, Division of Land Records.

8. Grantor hereby covenants that the Grantor is seized of the Easement Areas in fee simple and has good right to convey this Easement.

9. Each of the persons executing this Easement Agreement on behalf of the parties is duly authorized to do so. Each party has full right and authority to enter into this Easement Agreement and to consummate the transaction described in this Easement Agreement. This Easement Agreement constitutes the valid and legally binding obligation of the parties and is enforceable against each of them in accordance with its terms.

11. If any provision of the foregoing is deemed unenforceable by the final judgment of any court of competent jurisdiction, the balance of this Easement and hold harmless agreement shall remain in full force and effect. It is hereby agreed that the provisions of this Easement Agreement shall be interpreted in accordance with the laws of the State of New York and that any unresolved disputes between the parties shall be submitted and determined by a court of competent jurisdiction with neither party interfering with the other party's access to the site in accordance with the purpose and intent of this Easement.

12. All Recitals and therein referred to documents are incorporated herein as though herein set forth at length.

14. The parties shall fully cooperate with each other including entering into such other and further agreements, letters, etc. necessary or appropriate to effectuate the intended purposes.

IN WITNESS WHEREOF, the parties hereto have respectively signed and sealed this Easement Agreement the day and year first written above.

GRANTOR: Farrell Communities Beacon LLC

By: _____
Name: Bryan Farrell Title: Trustee / Member

GRANTEE: City of Beacon

By: _____
Name: Title:

Notary page follows

STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the 8th day of August , 2023, before me, the undersigned, personally appeared Bryan Farrell , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instruction, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

JILLIAN R DEGRENIER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6409831
Qualified in Suffolk County
My Commission Expires: 10/5/2024

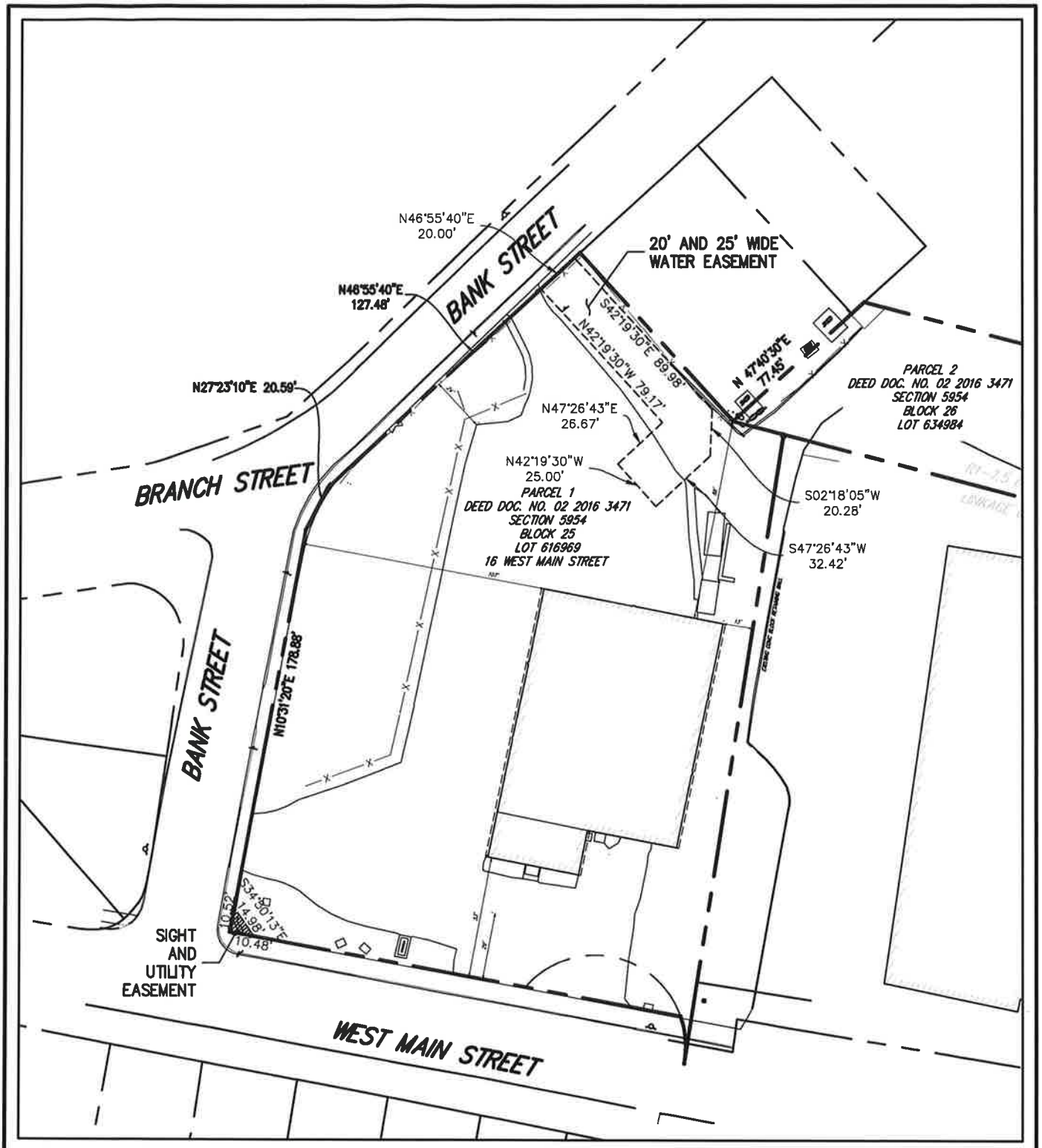
STATE OF NEW YORK)
)ss.:
COUNTY OF)

On the ___ day of _____, 2023, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the

basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instruction, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____

Notary Public



BEACON COMMONS

16 WEST MAIN STREET — BEACON, NY 12508

EASEMENT PLAN

DATE: 01/19/2023 — JMC PROJECT: 18119

FIGURE: SCHEDULE 'A' — SCALE: 1" = 60'

120 BEDFORD RD
ARMONK
NY 10504

(914) 273-5225
fax 273-2102

JMCPLLC.COM

JMC

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18119–SITE.dwg; EASEMENT.tab; EASEMENTS.ls

JMC Project 18119
Beacon Commons
16 West Main Street
Town of Newburgh
Dutchess County, New York
July 28, 2022

Water Easement

A water easement over a portion of land formerly of Beacon Realty Management of America Corp. as described in deed dated May 5, 2016 and recorded in the Dutchess County Clerk's Office as Document No. 02 2016 3471 on June 2, 2016;

COMMENCING at a point along the easterly line of Bank Street at its point of intersection with the northerly line of West Main Street;

Thence along said easterly line of Bank Street the following three (3) course and distances;

1) North 10 degrees 31 minutes 20 seconds East, 178.88 feet to a point;
2) North 27 degrees 23 minutes 10 seconds East, 20.59 feet to a point;
3) North 46 degrees 55 minutes 40 seconds East, 127.48 feet to the Point of Beginning;

Thence continuing along said easterly line of Bank Street, North 46 degrees 55 minutes 40 seconds East, 20.00 feet to a point;

Thence through said lands formerly of Beacon Realty Management of America Corp. the following six (6) course and distances;

1) South 42 degrees 19 minutes 30 seconds East, 89.98 feet to a point;
2) South 02 degrees 18 minutes 05 seconds West, 20.28 feet to a point;
3) South 47 degrees 26 minutes 43 seconds West, 32.42 feet to a point;
4) North 42 degrees 19 minutes 30 seconds West, 25.00 feet to a point;
5) North 47 degrees 26 minutes 43 seconds East, 26.67 feet to a point;
6) North 42 degrees 19 minutes 30 seconds West, 79.17 feet to the Point of Beginning.

P:\2018\18119\ADMIN\Legal Descriptions\G Legal Description Water Easement 2020 07 28 28.doc

JMC Project 18119
Beacon Commons
16 West Main Street
Town of Newburgh
Dutchess County, New York
January 20, 2023

Sight and Utility Easement

A sight and utility easement over a portion of land formerly of Beacon Realty Management of America Corp. as described in deed dated May 5, 2016 and recorded in the Dutchess County Clerk's Office as Document No. 02 2016 3471 on June 2, 2016;

BEGINNING at a point along the easterly line of Bank Street at its point of intersection with the northerly line of West Main Street;

Thence along said easterly line of Bank Street, North 10 degrees 31 minutes 20 seconds East, 10.52 feet to a point;

Thence through said lands formerly of Beacon Realty Management of America Corp, South 34 degrees 50 minutes 13 seconds East, 14.98 feet to its point of intersection with the aforesaid northerly line of West Main Street;

Thence along said northerly line of West Main Street, North 79 degrees 28 minutes 40 seconds West, 10.48 feet to the Point of Beginning.

TP-584 (9/19)

Department of Taxation and Finance

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

Recording office time stamp

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

Schedule A – Information relating to conveyance

Grantor/Transferor

☐ Individual
☐ Corporation
☐ Partnership
☐ Estate/Trust
☐ Single member LLC
☒ Multi-member LLC
☐ Other

Name *(if individual, last, first, middle initial)* (☐ *mark an X if more than one grantor)*: Farrell Communities Beacon LLC

Social Security number (SSN):

Mailing address: 2317 Montauk Highway

SSN:

City	State	ZIP code
Bridgehampton	NY	11932

Employer Identification Number (EIN): 83-3722550

Single member's name if grantor is a single member LLC *(see instructions)*:

Single member EIN or SSN:

Grantee/Transferee

☐ Individual
☐ Corporation
☐ Partnership
☐ Estate/Trust
☐ Single member LLC
☐ Multi-member LLC
☒ Other

Name *(if individual, last, first, middle initial)* (☐ *mark an X if more than one grantee)*: City of Beacon

SSN:

Mailing address: 1 Municipal Plaza

SSN:

City	State	ZIP code
Beacon	NY	12508

EIN:

Single member's name if grantee is a single member LLC *(see instructions)*:

Single member EIN or SSN:

Location and description of property conveyed

Tax map designation – Section, block & lot *(include dots and dashes)*	SWIS code (six digits)	Street address	City, town, or village	County
5954-25-616969		16 West Main Street	Beacon	Dutchess

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

1 ☐ One- to three-family house
2 ☐ Residential cooperative
3 ☐ Residential condominium
4 ☒ Vacant land
5 ☐ Commercial/industrial
6 ☐ Apartment building
7 ☐ Office building
8 ☐ Four-family dwelling
9 ☐ Other _____

Date of conveyance: 07 (month) / _____ (day) / 2023 (year)

Percentage of real property conveyed which is residential real property 100 % *(see instructions)*

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

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

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

Schedule B – Real estate transfer tax return (Tax Law Article 31)

Part 1 – Computation of tax due

1	Enter amount of consideration for the conveyance *(if you are claiming a total exemption from tax, mark an **X** in the Exemption claimed box, enter consideration and proceed to Part 3)* ☐ **Exemption claimed**	1.	0 00
2	Continuing lien deduction *(see instructions if property is taken subject to mortgage or lien)*	2.	00
3	Taxable consideration *(subtract line 2 from line 1)*	3.	0 00
4	Tax: $2 for each $500, or fractional part thereof, of consideration on line 3	4.	00
5	Amount of credit claimed for tax previously paid *(see instructions and attach Form TP-584.1, Schedule G)*	5.	00
6	Total tax due* *(subtract line 5 from line 4)*	6.	0 00

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

1	Enter amount of consideration for conveyance *(from Part 1, line 1)*	1.	00
2	Taxable consideration *(multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)*	2.	00
3	Total additional transfer tax due* *(multiply line 2 by 1% (.01))*	3.	00

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

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

a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a ☒

b. Conveyance is to secure a debt or other obligation ..... b ☐

c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ..... c ☐

d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d ☐

e. Conveyance is given in connection with a tax sale ..... e ☐

f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ..... f ☐

g. Conveyance consists of deed of partition ..... g ☐

h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h ☐

i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i ☐

j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than $200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment ..... j ☐

k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) *(attach documents supporting such claim)* ..... k ☐

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

Schedule C – Credit Line Mortgage Certificate (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.
This is to certify that: *(mark an **X** in the appropriate box)*

1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.

2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:

   a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.

   b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).

   c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.

   d ☐ The maximum principal amount secured by the credit line mortgage is $3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

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

   e ☐ Other *(attach detailed explanation)*.

3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:

   a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.

   b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.

4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. *(Make check payable to county clerk where deed will be recorded.)*

Signature (both the grantors and grantees must sign)

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

Grantor signature	Title	Grantee signature	Title
[signature]	Trustee/Member		
Grantor signature	Title	Grantee signature	Title

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

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

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

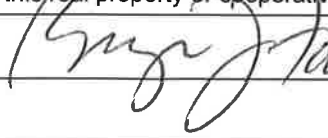
If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an *X* in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 – New York State residents

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

Certification of resident transferors/sellers

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

Signature	Print full name	Date
	Bryan Farrell	07-23-2023
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

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

Part 2 – Nonresidents of New York State

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

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

Exemption for nonresident transferors/sellers

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

☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ (Date) to _____ (Date) *(see instructions)*.

☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.

☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

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

This **IRREVOCABLE OFFER OF CESSION AND DEDICATION** is dated the 8th day of August, 2023, from Farrell Communities Beacon LLC, a New York limited liability company with offices at 2317 Montauk Highway, Bridgehampton, New York 11932, hereinafter referred to as the "Grantor", to THE CITY OF BEACON, a municipal corporation having its office at 1 Municipal Plaza, Beacon, New York 12508, hereinafter referred to as the "Grantee" or "City".

WITNESSETH:

WHEREAS, the Grantor is the owner of the lands located at 16 West Main Street, City of Beacon, County of Dutchess, State of New York, identified on the City Tax Map as Parcel Nos. 5954-25-616969 and 5954-26-634984 and shown on a certain map entitled "Subdivision Plat," prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC, dated January 20, 2023, revised February 27, 2023, and filed in the Dutchess County Clerk's Office as Filed Map No. _____ (the "Premises"); and

WHEREAS, the City of Beacon Planning Board granted various approvals for redevelopment of the Property pursuant to resolution dated November 9, 2022, entitled "Preliminary & Final Subdivision Plat Approvals, Special Permit and Site Plan Approvals for Beacon Commons (16 West Main Street)"; and

WHEREAS, the Grantor wishes to file a formal irrevocable offer of cession for certain property consisting of 0.0067 acres (29 square feet) and identified as "Parcel B" on the aforementioned Filed Map.

NOW, THEREFORE, Grantor does hereby offer to Grantee the following:

> Fee simple title in and to property identified as "Parcel B" on a certain map entitled "Subdivision Plat," prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC, dated January 20, 2023, revised

February 27, 2023, and filed in the Dutchess County Clerk's Office as Filed Map No. _____ consisting of 0.0067 acres (29 square feet), which property is more fully described in Schedule "A" attached hereto and made a part hereof ("Premises").

The undersigned Grantor covenants and warrants that it is seized of title of said Premises in fee simple, and has good and unencumbered right to convey same, and hereby irrevocably offers to grant, cede and convey and dedicate to the Grantee, for public purposes, the Premises.

In furtherance of this Irrevocable Offer of Cession and Dedication, the Grantor simultaneously delivers to the City instruments in proper form for recording so as to convey proper title to the lands described herein, such instruments to be held by the City until such time as the improvements of such property have been constructed in accordance with applicable laws, rules and regulations and until such time as the City may otherwise decide to accept such instruments of conveyance.

This Irrevocable Offer of Cession and Dedication shall run with the land and be binding upon the Grantor and its successors and assigns, and may be accepted by the City of Beacon at any time, it being the intent that if said offer is to be accepted, it will be accepted, at the City Council's sole discretion. The acceptance shall be in the form of a City Council resolution, and the Grantor hereby authorizes the City to record the conveyances delivered herewith at any time thereafter. At the time of such acceptance of this offer, the Grantor hereby covenants to pay all costs and expenses incurred by the City to file the deed of title record respecting the Premises herein offered. It is expressly understood that the acceptance of these irrevocable offers of cession by the City, and/or the recording thereof, does not constitute any actual acceptance by the City of Beacon of the offer herein contained. The execution and delivery of this irrevocable offer

of cession and dedication shall impose no obligation by the City to accept such offer.

Pursuant to applicable provisions of law, the Grantor, on behalf of its heirs, successors, and assigns, hereby waives any claim for damages in the event the City or a successor municipality, shall lay out, by Eminent Domain or otherwise, any streets, highway or easement over the lands hereby offered for cession and dedication.

This irrevocable offer of cession is made and executed pursuant to the resolution of the Managing Member of Grantor company, and is made in the regular course of business of Grantor company, and the property conveyed does not constitute all, or substantially all, of the assets of Grantor.

IN WITNESS WHEREOF, the Grantor has executed this irrevocable offer of cession this 8th day of August, 2023.

Farrell Communities Beacon LLV

By: _____
(name), Managing Member

JILLIAN R DEGRENIER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01DE6409831
Qualified in Suffolk County
My Commission Expires: 10/5/2024

STATE OF NEW YORK)
) ss.:
COUNTY OF Suffolk)

On the 8th day of August, 2023, before me the undersigned, a Notary Public in and for said State, personally appeared Bryan Farrell, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

RECORD AND RETURN TO:

Keane & Beane, P.C.
445 Hamilton Avenue, 15th Flr
White Plains, New York 10601

Attn: Nicholas M. Ward-Willis, Esq.
City Attorney

Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering
Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

JMC Project 18119
Beacon Commons
16 West Main Street
City of Beacon, NY
February 27, 2023
Revised March 21, 2023

Legal Description Parcel B To Be Conveyed to City of Beacon

All that certain parcel of land situate in the City of Beacon, Dutchess County and State of New York, being and intended to be a portion of the lands described in a deed to Beacon Realty Management of America Corp. from Lo-Rac Fuel Corp., dated May 5, 2016 and recorded June 6, 2016 as Deed Document No. 02 2016 3471, more particularly bounded and described as follows:

BEGINNING at a point along the northerly line of West Main Street, said point being South 79 degrees 28 minutes 40 seconds East, 200.18 measured along said northerly line of West Main Street from its point of intersection with the easterly line of Bank Street;

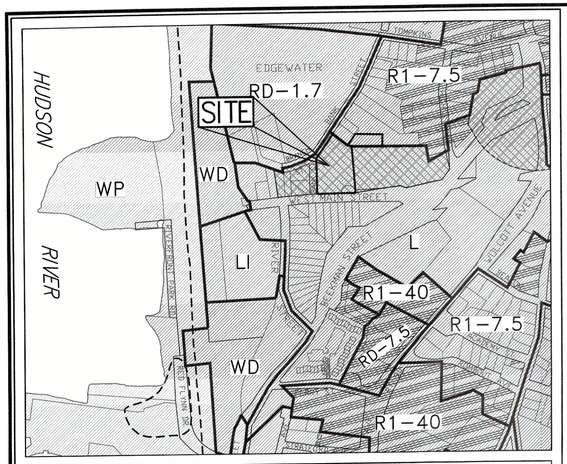
Thence continuing along said northerly line of West Main Street, South 79 degrees 28 minutes 40 seconds East 4.82 feet to a point;

Thence South 08 degrees 57 minutes 00 seconds West, 20.01 feet to a point in the pavement of West Main Street;

Thence northerly through said pavement along the arc of a curve to the left having a radius of 40.00 feet, a central angle of 30 degrees 00 minutes 32 seconds, an arc length of 20.95 feet and being subtended by a chord bearing North 04 degrees 29 minutes 30 seconds West, 20.71 feet to the Point of Beginning.

Containing 29 square feet more or less or 0.00067 acres of land more or less.

P:\2018\18119\ADMIN\Legal Descriptions\Legal Description Parcel B 2023 02 27.docx



AREA MAP
1" = 400'

NOTES & REFERENCES:

1) THIS SUBDIVISION PLAT IS PREPARED TO MERGE TAX LOTS 634984 (PARCEL 2) AND 616969 (PARCELS 1 AND 3) INTO SINGLE TAX LOT 616969 (PARCEL A) AND TO CONVEY PARCEL B TO THE CITY OF BEACON.

2) SOURCE OF TITLE: A DEED TO BEACON REALTY MANAGEMENT OF AMERICA CORP. FROM LO-RAC FUEL CORP., DATED MAY 5, 2016 AND RECORDED JUNE 6, 2016 AS DEED DOC NO. 02 2016 3471 AND A DEED TO BEACON REALTY MANAGEMENT OF AMERICA CORP. FROM CITY OF BEACON, DATED MAY 2, 2016 AND RECORDED JUNE 6, 2016 AS DEED DOC NO. 02 2016 3472.

3) THE PROPERTY LINE AND EXISTING FEATURES SHOWN HEREON ARE AS SHOWN ON A MAP TITLED "SURVEY OF PROPERTY BEACON COMMONS" LAST DATED MARCH 5, 2019 AND PREPARED BY JMC PLANNING, ENGINEERING, LANDSCAPE ARCHITECTURE & LAND SURVEYING, PLLC.

4) CONTOUR INTERVAL IS (2) TWO FOOT. VERTICAL DATUM IS REFERENCED TO THE NAVD 1988 OBTAINED BY GPS METHODS.

5) THE LOCATION OR COMPLETENESS OF UNDERGROUND INFORMATION CANNOT BE GUARANTEED. VERIFY THE ACTUAL LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION OR CONSTRUCTION. SUBSURFACE UTILITY LOCATIONS ARE BASED ON A COMPILATION OF FIELD EVIDENCE.

6) UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING THE SEAL OF A PROFESSIONAL ENGINEER OR A LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PER SECTION 7209, SUB-DIVISION 2.

7) ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY, MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES. UNAUTHORIZED REPRODUCTION OF THIS MAP IS A VIOLATION APPLICABLE LAWS.

8) A BLANKET EASEMENT IS GRANTED TO THE CITY OF BEACON ACROSS THE SUBJECT PROPERTY FOR THE PURPOSE OF ACCESS IS PROVIDED FOR STORMWATER INSPECTION PRACTICES.

FINAL SUBDIVISION PLAT LEGEND

ADJACENT PROPERTY LINE	
COMBINATION INLET	CI
CONTOUR	205
CURB	
CURB CUT	
DOUBLE DRAIN INLET	DDI
DRAIN INLET	DI
FENCE	
FENCE POST	FP
GAS VALVE	
GUY WIRE	
HYDRANT	
MANHOLE	MH
MONUMENT	MON
OIL FILL	OF
OIL VENT PIPE	OVP
OUTLET CONTROL STRUCTURE	OCS
OVERHEAD WIRE	OHW
PROPERTY CORNER	
PROPERTY LINE	
REBAR	RB
ROOF OVER	
SANITARY SEWER MANHOLE	SMH
SIGN	
STONE WALL	
TELECOMMUNICATIONS MANHOLE	TMH
UTILITY POLE	
UTILITY POLE WITH LIGHT	
WALL	
WATER VALVE	

ABBREVIATIONS

CONC	CONCRETE
DOC	DOCUMENT
E	EAST
FNC	CHAIN LINK FENCE
FND	FOUND
FNS	STOCKADE FENCE
FNPVC	POLYVINYL CHLORIDE FENCE
N	NORTH
NO.	NUMBER
O.L.	ON LINE
OCS	OUTLET CONTROL STRUCTURE
PLCRN	PROPERTY LINE CORNER
RMS	REMAINS
S	SOUTH
W	WEST

No.	Revision	Date	By
1.	REVISED PER COMMENTS OF CITY CONSULTANT	02/27/2023	TS
	Previous Editions Obsolete		

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

RB FND
15.29'
SECTION 5954 BLOCK 26 LOT 641208
18.75'
65.25'
SECTION 5954 BLOCK 25 LOT 646995
95.00'
SECTION 5954 BLOCK 25 LOT 636993
SPIKE FND
44.00'
SECTION 5954 BLOCK 26 LOT 625982
70.00'
SECTION 5954 BLOCK 25 LOT 622988
N46°55'40"E 150.84'
S42°19'30"E 100.00'
S42°19'30"E 80.00'
N42°19'30"W 79.17'
20.00'
CONCRETE CURB
CONCRETE WALK
ASPHALT (TO BE REMOVED)
127.48'
N27°23'10"E 20.59'
15' WIDE DRAINAGE EASEMENT DEED LIBER 1362 PAGE 178 (TO BE EXTINGUISHED)
PROPOSED 20' AND 25' WIDE WATER EASEMENT IN FAVOR OF THE CITY OF BEACON
PARCEL A
AREA=1.50444± ACRES OR 65,533± SQUARE FEET
PARCEL 1 (TO BE MERGED WITH PARCELS 2 & 3)
S47°26'43"E 26.67'
N42°26'30"W 25.00'
S47°26'43"E 32.42'
OF I.P. N 20.84±
RMS OF WALL
FORMERLY FAIRBANKS N/F ROSEMARY HEADY, JOHN T. HEADY, SR. AND KENENTH HEADY DEED LIBER 1800 PAGE 719
SECTION 5954 BLOCK 25 LOT 622988
N/F WILLIAM GOING AND LINDA GOING DEED DOC. NO. 02 2002 10633
SECTION 5954 BLOCK 26 LOT 625982
S42°19'30"E 6.00'
N 47°40'30"E 77.45'
SHED
N87°19'30"W 8.49'
7.00'
S47°40'30"W 64.01'
2.76±
CONCRETE RETAINING WALL
PROPOSED 6.00' WIDE ACCESS EASEMENT IN FAVOR OF ROSEMARY HEADY, JOHN T. HEADY SR. AND KENNETH HEADY
S75°15'50"E 152.89'
N/F JUAN DIAZ AND JACQUELINE DIAZ DEED DOC. NO. 02 2003 752
LOT 3 MAP NO. 7717
SECTION 5954 BLOCK 26 LOT 636993
PARCEL 2 (TO BE MERGED WITH PARCELS 1 & 3)
S14°44'10"W 65.00'
39.72'
6" FNPVC RB 0.8'± S 0.L.± E/W
N47°40'30"E 15.79'
N 75°15'50" W 172.22'
S75°15'50"E 123.92'
132.50'
S14°44'10"W 13.25'
TAX LOT LINE TO BE REMOVED
PROPOSED 13.25' WIDE ACCESS EASEMENT IN FAVOR OF BEACON TODD LLC
ASPHALT
TALL ONE STORY BRICK BUILDING (TO BE REMOVED)
S08°57'00"W 258.01'
CONC BLOCK RETAINING WALL
N10°31'20"E 178.88'
N/F BEACON TODD LLC DEED DOC. NO. 02 2017 8111
SECTION 5954 BLOCK 26 LOT 647966
PARCEL LINE TO BE REMOVED
S79°28'40"E 4.82'
R=40.00'
L=20.95'
Δ=30°00'32"
CH=20.71'
N04°29'30"W
S08°57'00"W 20.01'
PARCEL B
TO BE CONVEYED TO THE CITY OF BEACON
AREA=0.00067± ACRES OR 29± SQUARE FEET
10.92'
S74°07'15"E 14.98'
10.48'
PROPOSED SIGHT AND UTILITY EASEMENT
N79°28'40"W 205.00'
S79°28'40"E 200.18'
PARCEL 3 (TO BE MERGED WITH PARCELS 1 & 2)
BENCH ON CONC PAD
MON 4.2± E
SMH
TMH
MH
OCS
OHW
CONCRETE CURB
WEST MAIN STREET

DUTCHESS COUNTY DEPARTMENT OF HEALTH

THIS PLAN DOES NOT CONSTITUTE A REALTY SUBDIVISION AS DEFINED BY ARTICLE XI, TITLE II, SECTION 1115 OF THE PUBLIC HEALTH LAW OF THE STATE OF NEW YORK, AND ARTICLE XI OF THE DUTCHESS COUNTY SANITARY CODE.

PERMISSION IS HEREBY GRANTED FOR THE FILING OF THIS MAP WITH THE CLERK OF DUTCHESS COUNTY. APPROVAL FOR THE ARRANGEMENTS FOR WATER SUPPLY AND/OR SEWAGE DISPOSAL IS NEITHER SOUTH NOR GRANTED.

AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER OF HEALTH — DATE 6/9/2023

OWNER'S CONSENT

THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

FARRELL COMMUNITIES BEACON LLC — DATE 5/3/23

PLANNING BOARD OF THE CITY OF BEACON

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE 21st DAY OF November 2023 SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

CHAIRMAN — DATE 7/21/23

SECRETARY — DATE 7/21/23

I HEREBY CERTIFY THAT THE SURVEY ON WHICH THIS MAP IS BASED WAS COMPLETED ON SEPTEMBER 12, 2018.

THOMAS M. SCHMITT, P.L.S. LIC. NO. 50221

07/27/2023
DATE

RECEIVED
MAY - 4 2023
BY:

Client:
FARRELL COMMUNITIES BEACON LLC
2317 MONTAUK HIGHWAY
BRIDGEHAMPTON, NY 11932

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JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
JMC Site Development Consultants, LLC
John Meyer Consulting, Inc.
120 BEDFORD ROAD - ARMONK, NY 10504
voice 914.273.5225 - fax 914.273.2102
www.jmcpllc.com

JMC

SUBDIVISION PLAT

BEACON COMMONS
16 WEST MAIN STREET AND WEST MAIN STREET
CITY OF BEACON, DUTCHESS COUNTY, NEW YORK

Drawn:	TS
Approved:	TS
Scale:	1" = 20'
Date:	01/20/2023
Project No:	18119
	FSP-1.DWG
	FSP-1.tab
Drawing No:	FSP-1

Title:

44 Kent Street Drainage Easement

ATTACHMENTS

Keane & Beane, P.C. Memorandum Regarding 44 Kent Street

44 Kent Street Subdivision Plan

44 Kent Street Drainage Easement

KEANE & BEANE P.C.
ATTORNEYS AT LAW

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

MEMORANDUM

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

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

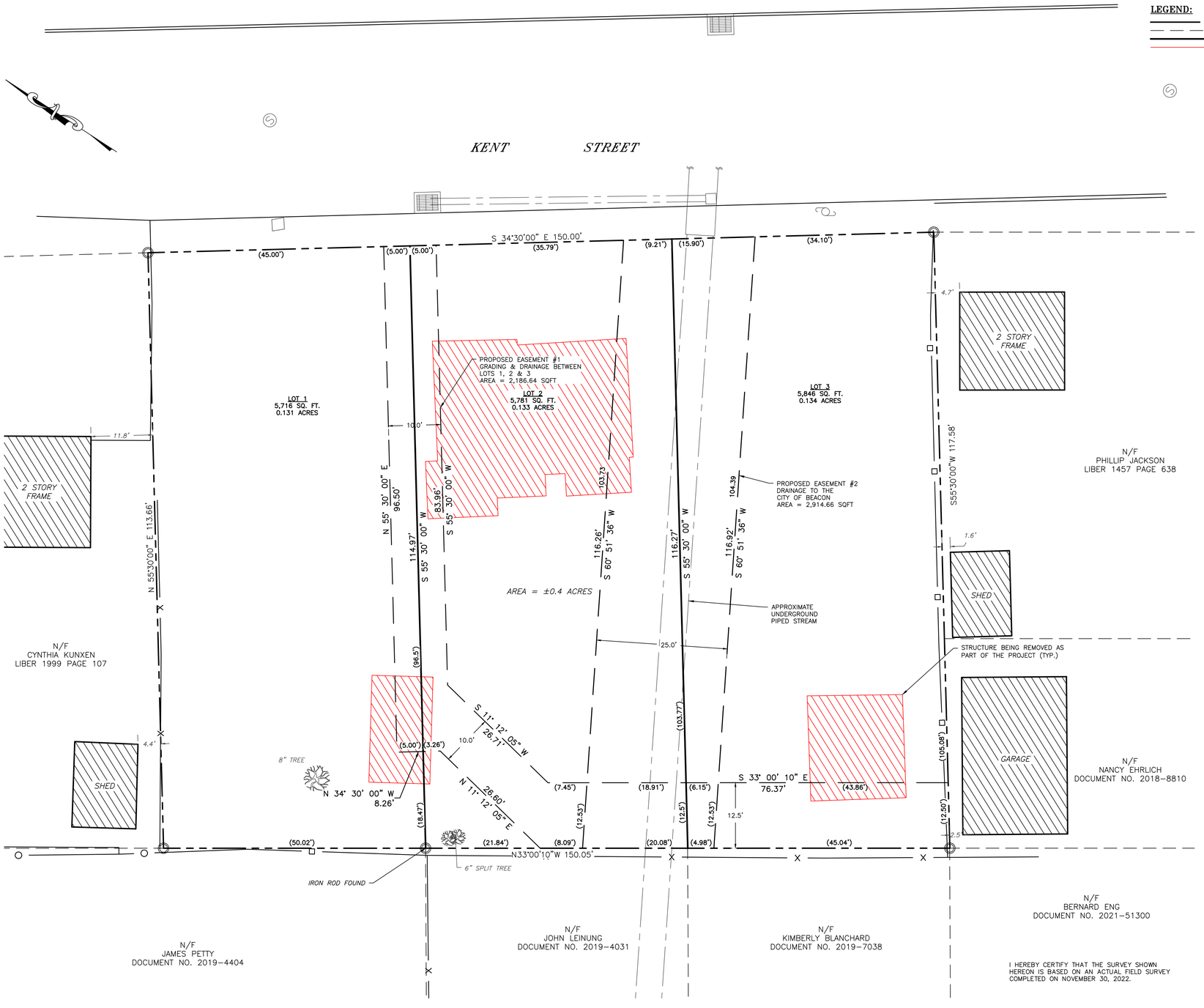
RE: **44 Kent Street - Drainage Easement to City of Beacon**

DATE: **August 31, 2023**

On May 9, 2023, the Planning Board approved a three-lot subdivision at property located at 44 Kent Street. During review of the application, it was discovered that a 5-foot subsurface storm drainage culvert traverses the property. No recorded easement was located for this infrastructure.

Accordingly, as part of the subdivision process the property owner has offered to convey to the City of Beacon a drainage easement for the purposes of the City's operation, maintenance, repair, reconstruction, replacement and inspection of the City's existing drainage infrastructure. The location of the proposed easement is shown on Sheet 3 of the approved Subdivision Plan set which is provided for your reference.

A draft the drainage easement, prepared by the property owner's attorney and reviewed by our office, is provided for your review. If acceptable, a resolution will be prepared for your next regular meeting to accept the easement and authorize the City Administrator to sign the easement and related recording forms to allow the easement to be recorded by the property owner in the Dutchess County Clerk's Office.



LEGEND:

- EXISTING PROPERTY LINE
- ADJOINING PROPERTY LINE
- PROPOSED PROPERTY LINE
- PROPOSED DEMOLITION

SCHEDULE OF REGULATIONS (R1-5 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:

PARAMETER	REQUIREMENT	LOT 1	LOT 2	LOT 3
LOT AREA:	5,000 SQFT MIN./UNIT	±5,716 SQFT	±5,781 SQFT	±5,846 SQFT
LOT WIDTH:	50 FEET MINIMUM	±50 FEET	±50 FEET	±50 FEET
LOT DEPTH:	100 FEET MINIMUM	±113 FEET	±115 FEET	±116 FEET

MAP REFERENCE:

1. "MAP OF SURVEY FOR THE LANDS OF HARDY HOMES" DATED NOVEMBER 30, 2022 AS PREPARED BY ROBERT V. OSWALD LS. (845) 226-6436.

TOTAL PARCEL AREA:

±17,424 S.F. OR ± 0.40 ACRE

TAX MAP REFERENCE:

CITY OF BEACON 6054-21-041931

FLOOD BOUNDARY:

SUBJECT PARCEL IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANGE FLOODPLAIN) PER PANEL 36027C0464E DATED MAY 2, 2012.

WETLAND NOTE:

NO NYSDEC OR FEDERAL WETLANDS WERE FOUND ONSITE.

EASEMENT NOTES:

1. PROPOSED EASEMENT #1 IS A GRADING AND DRAINAGE EASEMENT BENEFITING LOTS 1-3. THE OWNER OF LOT 3 SHALL HAVE UNIMPEDED OVERLAND FLOW OF STORMWATER RUNOFF THROUGH LOT 2 TO THE STORM PIPE INLET.
2. PROPOSED EASEMENT #2 IS A DRAINAGE EASEMENT TO BENEFIT THE CITY OF BEACON FOR AN EXISTING UNDERGROUND STORM DRAINAGE LINE.
3. NO STRUCTURES MAY BE ERECTED WITHIN THE EASEMENTS.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY COMPLETED ON NOVEMBER 30, 2022.

BY: _____
Robert V. Oswald , L.L.S.

N.Y. State Lic. no. 50031

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20_____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

SIGNED THIS _____ DAY OF _____, 20_____, BY

_____ CHAIRMAN

_____ SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

DRAWN BY: CMB				CHECKED BY: DGK			
REVISIONS:				REVISIONS:			
NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	BY
1	2/27/23	PER PLANNING BOARD COMMENTS	CMB				
2	3/30/23	PER PLANNING BOARD COMMENTS	CMB				

SUBDIVISION PLAT
SCALE: 1" = 10'
GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

Dig Safely. New York Call 811 before you dig

STATE OF NEW YORK DANIEL G. ROSENBERGER 082716 LICENSED PROFESSIONAL ENGINEER

SEAL

HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING P.C.
174 MAIN ST., BEACON, NEW YORK 12508
13 CHAMBERS ST., NEWBURGH, NEW YORK 12550
PH: 845-440-6926
F: 845-440-6637

PRELIMINARY SUBDIVISION PLAT

HARDISTY SUBDIVISION

44 KENT STREET
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK
TAX ID: 6054-21-041931

JOB #:	2022:033
DATE:	12/2/2022
SCALE:	AS SHOWN
TITLE:	PL-1
SHEET:	3 OF 7

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF SECTION 7209.2 OF THE NEW YORK EDUCATION LAW

GRANT OF DRAINAGE EASEMENT
LOT 2 and 3
"HARDISTY SUBDIVISION"

THIS INDENTURE, made the _____, 2023, between, **HARDY HOMES, LLC.**, a New York Limited Liability Company with offices at 5 South Wodenethe Drive, Beacon, New York 12508, as GRANTOR, and

CITY OF BEACON, a municipal corporation with offices, 1 Municipal Plaza, Beacon, New York 12508, as GRANTEE,

W I T N E S S E T H :

WHEREAS, the Grantor is the owner of the lands located in the City of Beacon, County of Dutchess and State of New York, identified as Lot 2 and Lot 3 as shown on a subdivision map entitled "Hardisty Subdivision," prepared by Hudson Land Design Professional Engineering, P.C., dated December 2, 2022, last revised June 6, 2023, which map filed in the Dutchess County Clerk's Office, as Filed Map No. _____ (collectively, Lot 2 and Lot 3 are referred to herein as the "PROPERTY") and,

NOW, THEREFORE, in consideration of the sum of ONE ($1.00) dollar, lawful money of the United States, actual consideration, and in the further consideration of the promises set forth below, the GRANTOR hereby grants and releases unto the GRANTEE a PERMANENT EASEMENT upon the following terms and conditions:

1. GRANT OF PERMANENT EASEMENT: The GRANTOR grants unto the GRANTEE a PERMANENT EASEMENT in, on, under and through that portion of the PROPERTY more particularly described on Schedule A attached hereto and made a part hereof (the

"PERMANENT EASEMENT AREA"), for the purposes of constructing, operating, maintaining, repairing, reconstructing, replacing and inspecting, pipes, conduits and related appurtenances for the transportation and disposal of surface, storm or ground water, through PERMANENT EASEMENT AREA as GRANTEE may deem necessary or desirable.

2. RESEEDING: Upon completion of the construction in the PERMANENT EASEMENT AREA, the PERMANENT EASEMENT AREA will be reseeded. Subject to the terms of this Grant, if subsequent maintenance or repair work requires a disturbance of the PERMANENT EASEMENT AREA, to the extent reasonably practicable, the GRANTEE will restore the premises to the condition that existed prior to the disturbance, exclusive of tree or shrub planting.

3. ADDITIONAL RIGHTS: RIGHT OF WAY AND ACCESS: This Grant of PERMANENT EASEMENT AREA includes but is not limited to the following appurtenant rights necessary to effectuate the above described purposes of this PERMANENT EASEMENT:

a. the right of ingress and egress by person, motor vehicle and construction equipment necessary to lay and to construct the drainage pipeline or channel system and any necessary appurtenances in, on, under and through the PERMANENT EASEMENT AREA for the transportation and disposal of surface, storm or ground water through the PERMANENT EASEMENT AREA, and to maintain, repair, reconstruct, replace and inspect the same as GRANTEE may deem necessary or desirable; and

b. The right to clean, clear, excavate, fill, grade, or cultivate the PERMANENT EASEMENT AREAS and/or otherwise improve the same for the purposes herein set forth.

4. PROHIBITION OF STRUCTURES: The GRANTOR is hereby prohibited from

planting any trees or shrubs or constructing and/or maintaining any type of permanent or temporary structure including fences, underground pipes and conduits in, on, under or over the PERMANENT EASEMENT AREA except as may be shown on Filed Map No._____. There appears to be a proposed connection of a roof drain to the side of an underground vault on Lot 3 within the City drainage easement (see Sheet 4).

5. BINDING EFFECT: This PERMANENT EASEMENT shall be recorded by GRANTOR in the Office of the Dutchess County Clerk, and the terms, covenants, and agreements herein contained shall inure to the benefit of, and be binding upon the parties hereto and their respective heirs, distributees, legal representatives, successors and assigns and **ALL COVENANTS HEREIN SHALL RUN WITH THE LANDS AFFECTED THEREBY AND SHALL BE PERPETUAL IN DURATION.**

6. GRANTOR hereby covenants that GRANTOR is seized of the PROPERTY in fee simple and has good right to convey this easement.

IN WITNESS WHEREOF, the GRANTOR and GRANTEE have executed this instrument as of the date first set forth above.

GRANTOR:

HARDY HOMES, LLC

By:_____
Donna Hardisty, Member

GRANTEE:

CITY OF BEACON

By:_____

Christopher White, City Administrator

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

On the day of , 2023 before me, the undersigned, a notary public in and for said state, personally appeared DONNA HARDISTY, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

On the day of , 2023 before me, the undersigned, a notary public in and for said state, personally appeared CHRISTOPHER WHITE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

_____
NOTARY PUBLIC

SCHEDULE A

Robert V. Oswald Jr. - Land Surveying

P.O. Box 1
Lagrangeville, New York 12540
845-226-6436
fax - 845-226-1316

May 25, 2023

Lands of Hardisty Subdivision
Drainage Easement #2 to the City of Beacon
Lots 2, & 3
Filed map no. _____

Description of a certain parcel of land situated in the City of Beacon, County of Dutchess and the State of New York.

Beginning at a point along the westerly line of Kent Street and said point being the northeasterly corner of Lot no. 2 with the northwesterly corner of Lot No. 3 as shown on a certain map entitled Hardisty Subdivision and filed in the Dutchess County Clerk's Office as filed map no. _____, thence in a southerly direction along the westerly line of Kent Street, SOUTH 34-30-00 EAST 15.90 feet to a point, thence in a southerly direction over and through Lot 3, SOUTH 60-51-36 WEST 116.92 feet to a point along the westerly line of Lot 3, thence in a northerly direction along the westerly line of Lot 3 and Lot 2, NORTH 33-00-10 WEST 25.06 feet to a point, thence in a easterly direction over and through Lot 2, NORTH 60-51-36 EAST 116.26 feet to a point along the westerly line of Kent Street, thence in a southerly direction along the westerly line of Kent Street, SOUTH 34-30-00 EAST 9.21 feet to the point of beginning, Containing 2,914.66 sq. ft. of land more or less.

City of Beacon City Council Agenda
09/05/2023

Title:

Executive Session: Legal

ATTACHMENTS