



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM
([HTTPS://TINYURL.COM/3A48KDY7](https://tinyurl.com/3A48KDY7))

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Lastar Gorton, Ward 1
Councilmember Zack Smith, Ward 2
Councilmember Sergei Krasikov, Ward 3
Councilmember Carolyn Glauda, Ward 4
City Administrator Ben Swanson

**July 20, 2026
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Reports: Mayor, City Council, and City Administrator

Workshop

[Appointment of John Testerman to the Position of Motor Equipment Operator](#)

[Beacon Rail Trail SEQRA Exemption](#)

[Discussion of Potential Amendments to the Fishkill Creek District](#)

[Discussion of Potential Amendments to Short-Term Rental Regulations](#)

Local Laws and Resolutions

1. [Resolution No. 59 - Appointing John Testerman to the Position of Motor Equipment Operator](#)
2. [Resolution No. 60 - Approving a Cable Franchise Agreement with Verizon New York Inc.](#)
3. [Resolution No. 61 - Finding the Beacon Rail Trail is a "Qualified Action" Exempt from SEQRA Review](#)
4. [Resolution No. 62 - Referring a Proposed Local Law Concerning the Fishkill Development District and Hotels to the City of Beacon and Dutchess County Planning Boards](#)

Approval of Minutes

1. [July 6, 2026 Minutes](#)

Public Comment - Second Opportunity

Announcement of Next Meeting: August 3, 2026 at 7:00 p.m.

Executive Session

Executive Session: Personnel

Adjournment

City of Beacon City Council Agenda
07/20/2026

Title:

Appointment of John Testerman to the Position of Motor Equipment Operator

ATTACHMENTS

Superintendent of Streets Memorandum Regarding the Appointment of John Testerman to the Position of Motor Equipment Operator

Memorandum

Highway Department



To: Benjamin Swanson, City Administrator
Lee Kyriacou, Mayor
City Council

From: Michael Manzi

Re: Motor Equipment Operator "MEO"

Date: July 14, 2026

Please accept this recommendation to appoint John Testerman to the position of MEO in the Highway Department. Currently, the Highway Department is recruiting for an MEO due to a resignation. After interviewing several candidates with the Director of Human Resources, John Testerman is the most qualified for the position. The Director of Human Resources and I recommend that the City move forward in the hiring process with Mr. Testerman.

Mr. Testerman holds a Commercial Drivers License Class B and has been employed with the Town of Fishkill since 2018. Mr. Testerman started in the Town Parks Department as a seasonal employee and worked his way up to an MEO. His skillset includes: highway and roadway maintenance; drainage and stormwater systems; snowplowing with wing-truck operation; mechanic repairs and preventative maintenance; landscaping; operating excavators; and welding. If approved, his knowledge in these areas will be a great asset to the City of Beacon.

Thank you for your consideration.

Thank you,

Michael Manzi
Superintendent of Streets

City of Beacon City Council Agenda
07/20/2026

Title:

Beacon Rail Trail SEQRA Exemption

ATTACHMENTS

Draft Resolution Finding the Beacon Rail Trail is a Qualified Action Exempt from SEQRA Review

Dutchess County Beacon-Hopewell Rail Trail Feasibility Study (October 2025)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 61 OF 2026

**FINDING THE BEACON RAIL TRAIL IS A “QUALIFIED ACTION”
EXEMPT FROM SEQRA REVIEW**

WHEREAS, effective May 26, 2026, certain amendments signed into law by NYS Governor Hochul to Article 8 of the New York Environmental Conservation Law (“ECL”) have exempted a limited number of actions from the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, as part of the Fiscal Year 2027 state budget, these "Let Them Build" reforms create direct statutory exemptions to bypass the lengthy environmental review process for specific low-impact projects, including infrastructure development such as rail trails, and accelerate development timelines and lower construction costs, while continuing to require compliance with all other local zoning, historic preservation, and environmental laws.

WHEREAS, pursuant to ECL § 8-0111(5-a)(a), “qualified actions”, as set forth in ECL 8-0111(5-a)(b)(i)-(vi), “shall be exempt from the requirements of [SEQRA] as determined by the responsible agency ...”; and

WHEREAS, ECL § 8-0111(5-a)(b)(v) provides that an action “shall be a qualified action exempt from the requirements of [SEQRA] if the Responsible Agency determines the proposed action is” for “construction located at a previously disturbed site of multi-use bicycle and pedestrian trails;” and

WHEREAS, under ECL § 8-0105(11), a “previously disturbed site” is a parcel of land that is:

- (a) determined by a responsible agency to have been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application for a permit or authorization for an action;
- (b) located within a city, town, or village with a population of fewer than one million persons and located outside of an urban area, as such term...is or comes to be defined by the United States Census Bureau..., such parcel shall abut, adjoin, or be opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application for a permit or authorization for an action, provided such abutting, adjoining, or opposite parcel shall not be occupied by an industrial or agricultural use;
- (c) located within a city, town, or village with a population of fewer than one million persons, is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, or special flood hazard area, provided that this paragraph shall not apply if such a

city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;

- (d) located within a city, town, or village with a population of more than one million persons, is not located in a flood hazard area, as defined in section two hundred two of the New York city building code, provided that this paragraph shall not apply if such a city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;
- (e) is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (f) is not located in a designated coastal erosion hazard area; and

WHEREAS, the City of Beacon is undertaking initial steps for the construction of a segment of the Beacon-Hopewell Rail Trail (the “Rail Trail”), a multi-use bicycle and pedestrian trail extending from the City’s Hudson River waterfront to the hamlet of Hopewell Junction in the Town of the East Fishkill; and

WHEREAS, the Rail Trail consists of converting a 3.2 mile stretch located within the City of Metro-North Railroad’s unused Beacon Line rail bed to a multi-use trail within the existing footprint of the railroad tracks; and

WHEREAS, within the City, the Rail Trail consists of a single ±49.9 acre parcel, known and designated on the Tax Map of the City of Beacon as Parcel ID No. 6054-37-096715; and

WHEREAS, in consideration of the Rail Trail, the Dutchess County Transportation Council issued the 52-page report entitled, “Beacon-Hopewell Rail Trail Feasibility Study,” dated October 2025 (the “Feasibility Study”), which considered two options for the Rail Trail, a rail to trail option or a rail with trail option; and

WHEREAS, the Feasibility Study similarly identified that the Rail Trail be constructed by converting the existing rail bed to a multi-use trail because “[t]his option is the most practical and least disruptive: not only would it cost much less than the Rail with Trail option, but it would impose significantly fewer environmental impacts;” and

WHEREAS, on December 29, 2025, the City entered COB Contract No. 2025-068 with Barton & Loguidice, D.P.C., to perform engineering design, preparation of construction drawings, and bidding materials for the Rail Trail; and

WHEREAS, the “Beacon-Hopewell Rail Trail Feasibility Study,” stated that the Rail Trail would be constructed on a parcel which has been improved as a railway line for over 100 years and currently contains railroad tracks.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Beacon, as the agency approving and undertaking the construction of the City’s Rail Trail segment, hereby declares itself to be the Responsible Agency for making the determination of whether the segment of the Rail Trail in the City is a “qualified action” under ECL § 8-0111(5-a); and

BE IT FURTHER RESOLVED, that upon consideration of the whole action to be taken in connection with the construction of the Rail Trail, the City Council of the City of Beacon hereby finds that the Rail Trail will be constructed on a “previously disturbed site,” as such term is defined under ECL §§ 8-0105(11)(i)-(vi), for the following reasons:

- (1) The Rail Trail will be constructed within the footprint of the existing Metro-North Beacon Railroad Line which has been improved by a railroad and appurtenant structures for more than two (2) years, thereby satisfying the definition of ECL § 8-0105(11)(i); and
- (2) According to the 2020 United States Census map, the Rail Trail will be located within an urban area, therefore ECL § 8-0105(11)(ii) is not applicable; and
- (3) The City has adopted a local law requiring new construction to be elevated above the base flood elevation, therefore ECL § 8-0105(11)(iii) is not applicable; and
- (4) The City of Beacon has a population less than one (1) million persons, therefore ECL § 8-0105(11)(iv) is not applicable; and
- (5) The Rail Trail, which will be constructed within the footprint of an unused railroad bed, is not being utilized for an agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (6) According to the New York Department of Environmental Conservation coastal erosion hazard area mapper, last updated November 18, 2025, the Rail Trail is not located within any designated coastal erosion hazard area.

BE IT FURTHER RESOLVED, the City Council of the City of Beacon hereby determines that the Rail Trail, which is the conversion of a 3.2 mile stretch of an existing rail bed located within the City into a multi-use pedestrian and bicycle trail, is a “qualified action” pursuant to ECL § 8-0111(5-a)(iv) and therefore exempt from the requirements of SEQRA.

BE IT FURTHER RESOLVED, the City Administrator, or designee, is hereby authorized to undertake all administrative actions necessary to effectuate the intent of this Resolution, including, but not limited to, transmitting a copy of this resolution to the Village of Fishkill, Town of East Fishkill, Town of East Fishkill, Metro-North, the Dutchess County Council on Transportation, the New York State Department of Transportation Region 8, the New York State Department of Environmental Conservation Region 3, and the United States Army Corps of Engineers New York District.

Resolution No. 61 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Glauda					
		Mayor Lee Kyriacou					
Motion Carried							



BEACON-HOPEWELL RAIL TRAIL STUDY



Beacon-Hopewell Rail Trail Feasibility Study

FINAL Recommendations

DUTCHESS COUNTY
TRANSPORTATION COUNCIL

Better ways from here to there

October
2025

DISCLAIMER

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

Protection of Data from Discovery and Admission into Evidence

Pursuant to 23 USC 407: “Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.”

TITLE VI STATEMENT

The Dutchess County Transportation Council (DCTC) is committed to compliance with Title VI of the Civil Rights Act of 1964, Restoration Act of 1987, and all related rules and statutes. DCTC assures that no person or group(s) of persons shall, on the grounds of race, color, age, disability, national origin, gender, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under all programs, services, or activities administered by the DCTC, whether those programs and activities are federally funded or not. It is also the policy of the DCTC to ensure that all of its programs, policies, and other activities do not have disproportionate adverse effects on minority and low income populations. Additionally, the DCTC will provide meaningful access to services for persons with Limited English Proficiency.



85 Civic Center Plaza, Suite 107

Poughkeepsie, NY 12601

(845) 486-3600

dctc@dutchessny.gov

dutchessny.gov/dctc

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Executive Summary

This Feasibility Report builds upon the study's [Existing Conditions Report](#) and describes the feasibility of constructing a trail along a 12.5-mile stretch of Metro-North Railroad's Beacon Line, extending from the Hudson River in the City of Beacon to the hamlet of Hopewell Junction in the Town of East Fishkill. Specifically, the report discusses the benefits and challenges of two design options: Rail To Trail and Rail With Trail.

Based on our assessment of existing conditions, constructability, and cost, the most feasible option for this corridor is Rail To Trail: converting the existing rail bed to a multi-use trail.

This option is the most practical and least disruptive: not only would it cost much less than the Rail With Trail option, but it would impose significantly fewer environmental impacts. Importantly, the Rail To Trail option would not preclude future rail use.

Construction of a trail could be done in phases, as noted in the Estimated Costs and Suggested Phasing sections. This would allow segments of the trail to be constructed as other segments are designed. Ideally, segments would be bookended by trailheads, allowing parking and access to the trail from both ends and avoiding a dead-end section.

This report includes concepts for a potential trail, along with considerations for future design work and possible solutions to several design and operational challenges. Key topics include:

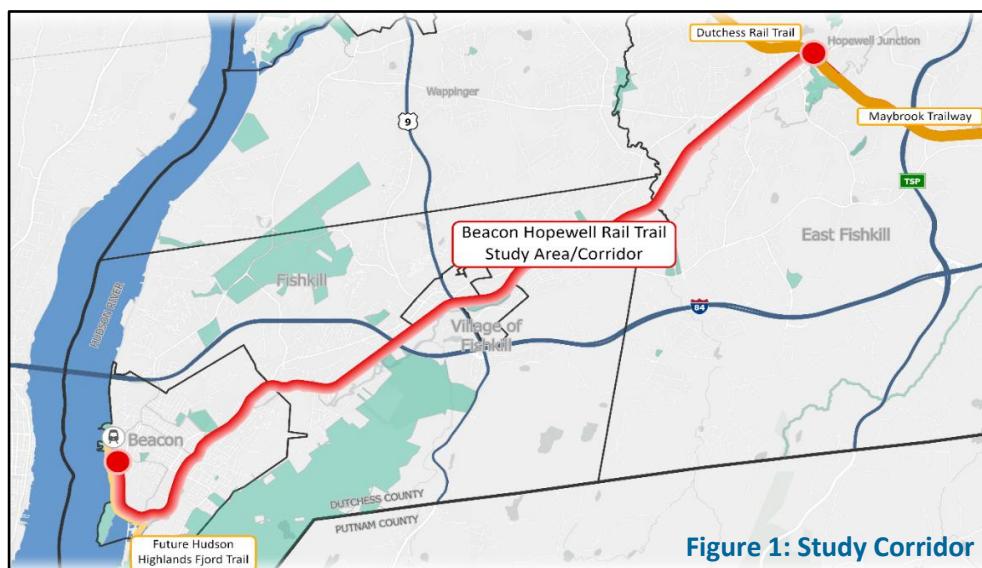
- General design characteristics and requirements for a trail.
- Planning level suggestions for bridge rehabilitation and drainage improvements.
- Road crossing options, including ways to navigate Route 9 and the nearby industrial area in Fishkill.
- Proposed connections to existing and future trails, trailhead/access locations, and trail amenities.
- Ways to address environmental constraints, especially related to the Fishkill Creek.
- Planning level cost estimates, including costs associated with tree removal, track and tie removal and disposal, trail construction, road crossings, drainage improvements, bridge construction and rehabilitation, and trailhead improvements.
- Suggested phasing options to construct a trail as funds become available.
- Recommendations for additional assessments to be completed during preliminary design work.

This feasibility assessment included a public outreach campaign to gauge public interest and concerns related to development of a trail within this corridor. The outreach efforts included an online survey, two pop-up engagement sessions at local events, presentations at municipal meetings, and two online public information meetings. In addition to the public outreach efforts, a Study Advisory Committee comprised of key stakeholders such as the local municipalities and involved agencies met at key milestones during the study. The outreach found overwhelming support for a trail and a strong preference for the Rail To Trail option.

Background & Context

The Beacon Line is currently owned by Metro-North but has not supported rail activity for more than thirty years. The corridor was recently abandoned by Metro-North and designated for “Interim Trail Use” by the Surface Transportation Board, meaning the corridor can be converted to a rail trail. The corridor was also “Rail-Banked”, meaning it could be converted to a railroad corridor again in the future if the need arises.

The corridor travels through the downtown area of the City of Beacon, adjacent to Main St where it meets the Fishkill Creek. Moving east, it runs parallel to Routes 52



and 82 – two major highways in Southern Dutchess – and parallel to the Fishkill Creek. A multi-use trail would offer a non-motorized transportation alternative from the Hudson River-City of Beacon to points east like the Village of Fishkill, and Towns of Fishkill and East Fishkill. It passes by several parks and residential neighborhoods, creating an opportunity to connect residents and visitors with a safe and efficient, non-vehicle alternative. Nearly five miles of the corridor are within the Creek floodplain, and there are several long stretches of the corridor that run along the shore of the Creek.

The [Existing Conditions Report](#) details the current infrastructure along the corridor, which includes steel rails and hardware, wooden railroad ties, ballast stone, drainage pipes and culverts, and nine bridge structures (six bridges and three underpasses). It also includes an assessment of natural resources such as streams, wetlands, threatened and endangered species, hazardous materials, floodplain determinations, and historic and cultural resources. That report finds that overall, the corridor is in good condition and conversion to a trail appears feasible.

If construction of a trail were pursued, permits would likely be required from the New York State Department of Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), United States Army Corps of Engineers, and affected local municipalities (City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill). Utilities within or adjacent to the corridor and their potential impact on a trail also must be addressed.

Dutchess County is home to several rail trails, such as the WRS Dutchess Rail Trail, Maybrook Trailway (both part of the Empire State Trail), Harlem Valley Rail Trail, and the Northside Line. A Hudson Highlands Fjord Trail is planned along the Hudson River from Beacon to Cold Spring. A trail along the

Beacon Line would complement this network of trails and provide a much-desired trail connection across Southern Dutchess.

Trail Standards & Concepts

This report discusses the benefits and challenges of two design options – Rail To Trail and Rail With Trail – along a 12.5-mile stretch of Metro-North Railroad’s Beacon Line, extending from the Hudson River in the City of Beacon to the hamlet of Hopewell Junction in the Town of East Fishkill. Included are a review of trail design standards, road crossing and bridge rehabilitation needs, recommended trailheads, and other design considerations. The report builds upon the [Existing Conditions Report](#) and recommends ways to address the challenges associated with the construction of a trail along this corridor.

Multi-Use Trail Design Standards

Trail Design Standards

Design standards for any multi-use trail on this corridor, including either the Rail To Trail or Rail With Trail option, should follow the *Empire State Trail Design Guide (EST Design Guide)*, consistent with the connecting trail system in Hopewell Junction (Town of East Fishkill). The EST Design Guide includes standards from other references, such as:

- American Association of State Highway and Transportation Officials (AASHTO) 2012 *Guide for the Development of Bicycle Facilities 4th Edition*
- *Manual on Uniform Traffic Control Devices for Streets and Highways, 2009* (MUTCD)
- New York State Department of Transportation (NYSDOT) *Highway Design Manual* (“HDM”)

Standards from these guides were also used to assess the corridor to determine the feasibility of constructing a trail in place of the railroad tracks or adjacent to the tracks.

Additionally, the Americans with Disabilities Act (ADA) requires that new pedestrian facilities be accessible for people with a mobility impairment, such as those who use a wheelchair. ADA standards applicable to the trail design include having no greater than a 2.0% cross slope and a 5.0% running slope, while also providing a trail surface that is firm and stable. Asphalt is the recommended surface for this trail as it is relatively inexpensive and durable and is generally preferred over crushed stone by trail users and for maintenance activities, including winter plowing. Table 1 below shows the recommended design standards for a trail on this corridor, based on the various design guidelines.

Table 1: Recommended Trail Design Standards for the Study Corridor

Element	Standard
Minimum Design Speed	18 MPH
Multi-use Trail Width:	10 ft. (Min.)* 12-14+ ft. (Rec.)
Multi-use Trail Shoulder Width (without railings) Slope of 1V:6H Slope of 1V:3H	2 ft. (Min.) 3-5 ft. (Rec.) 5.0 ft.
Distance between edge of trail and top of slope without barrier	5 ft.
Maximum Grade (ADA Compliance)	5% (Max.)
Minimum Horizontal Curve Radius	120 ft.
Path Cross Slope (ADA Standard):	2.0% (Max.)
Stopping Sight Distance	300 ft.
Lateral Clearance (from edge of trail)	1.0 ft. (to fence) 2.0 ft. (to obstruction)
Vertical Clearance	8.0 ft. (Min.) 10.0 ft. (Rec.)
Bridge Structure Capacity (Emergency vehicles)	H-20 (40,000 lbs; 20 tons)
Pedestrian Safety Rail Height	42 inches (Min.) 54 inches (Rec. over water feature)

* The established design standard is a 10 ft. width; however, short segments with an 8 ft. width may be adequate in areas of limited physical width or other obstructions. A 10 ft. wide trail should only be used in areas with low to moderate use and low levels of mixed pedestrian and bicyclist use. A 12 ft. or wider trail should be considered in heavily traveled areas, typically near trailheads or in areas of particular interest where gatherings may occur. These areas should be evaluated on a case-by-case basis.

Bridge Loading Standards

New or rehabilitated bridges (including pedestrian bridges over roadways) should follow NYSDOT and AASHTO standards for bridge design. The recommended minimum loading for a trail, both for new and rehabilitated structures, is H-10 for vehicle and pedestrian loading (90-pounds per square ft.). The H-10 loading standard refers to a two-axle, 20,000-pound (10 ton) vehicle, with 16,000 pounds loaded on the rear axle and 4,000 pounds on the front axle. Structures designed to carry an H-10 loading can support light maintenance vehicles (pick-up trucks) and emergency service vehicles (such as ambulances). For pedestrian crossings over roadways, H-10 loading should be sufficient, as access to the trail can be provided by maintenance roads connected to the main road and loaded construction vehicles should not have to cross the bridge.

If a particular bridge is necessary for access to a remote section of the corridor, a greater minimum loading should be used, such as H-20 (20 Ton, 40,000-pound) or greater, depending on the expected

load needed to cross the bridge. It may also be necessary for large vehicles to cross one of the bridges during construction or trail maintenance. A loaded tri-axle dump truck could easily exceed 35 tons (a fully loaded tri-axle truck typically has a 20-ton load combined with an unloaded weight of 15-20 tons).

The minimum loading for new and rehabilitated bridges should be discussed and confirmed with the municipality or agency that will be responsible for trail maintenance.

Trail Width Standards

During the design phase of a potential trail, the number of anticipated users by type (e.g., pedestrians, bicyclists, etc.) should be estimated to select the appropriate trail width, with due consideration of existing conditions. Additionally, during design, the use of pavement markings or other features to separate user types should be investigated. Segments with lower volumes could use a minimum combined width of 10 ft.; however, widths of at least 12 ft. are desirable where possible. A width of more than 12 ft. should be considered in heavily traveled areas, such as near trailheads or areas of particular interest where gatherings may occur. For example, where a trail segment is expected to accommodate high numbers of pedestrians and bicyclists, the trail could include two 5 ft. bicycle lanes and a 6 ft. pedestrian path, for a total width of 16 ft. All three lanes would have pavement markings and could accommodate a high volume of users. These areas should be evaluated on a case-by-case basis during design. The FHWA's *Shared Use Path Level of Service Calculator Guide* provides further guidance on widths.

Mixed pedestrian/bicyclist use is more common around trailheads (usually within one mile) and other destination points, such as at scenic overlooks. One such scenic area is at Bridge #3 looking down at the Fishkill Creek valley. In this area, the trail width from the trailhead at Van Pelt Park to the bridge should be at least 12 ft., with 14-16 ft. preferred to accommodate the anticipated mixed use.

Safety Railing Standards

A safety railing should be considered at specific locations along a trail. AASHTO recommends that a safety railing with a minimum height of 42 in. be included when a clear area of 5 ft. at a maximum slope of 1:6 cannot be achieved and one of the following conditions is present:

Slope is equal to or steeper than 1:3 for a vertical drop greater than 6 ft.

- Slope is equal to or steeper than 1:2 for a vertical drop greater than 4 ft.
- Slope is equal to or steeper than 1:1 for a vertical drop greater than 1 ft.



Figure 2: Example of Safety Railing

- Slope is equal to or steeper than 1:3 adjacent to a parallel body of water or other substantial obstacle.

Engineering judgement should be used when determining the placement of safety railings, balancing the cost to install and maintain the railing with the safety of trail users, particularly in areas with steep slopes.

Option 1: Rail To Trail

Introduction

The Rail To Trail option consists of re-purposing the railroad corridor by removing the railroad tracks and installing a multi-use trail within the former footprint of the tracks. Essentially, this option uses the existing railroad corridor footprint to build the trail. In general, the Rail To Trail option has the following benefits and challenges:

Benefits:

- The trail would be built within the existing footprint of the railroad tracks, requiring minimal to no Right of Way impacts or acquisitions.
- Much of the corridor is in good condition, with only a few areas requiring repair work. Approximately nine miles (75%) of the ballast stone is in very good or excellent condition and would need little work to reuse as a base for a trail, reducing costs and material hauling needs.
- The existing drainage systems and bridges/structures could be more easily rehabilitated to support a trail. 19 of the existing culverts under the railroad could be re-used with little to no modifications.
- A minimal construction footprint would reduce environmental impacts.
- Minimal to no impacts to the adjacent electric utilities.
- Lower cost to build than the Rail With Trail option.

Challenges:

- Some major road crossings would require grade separated structures.
- Removing the existing railroad tracks and ties would require special handling and disposal requirements, since railroad ties contain creosote.
- The communications conduit within the ballast stone must remain functional after construction and may be challenging to build around.
- Eight of the existing culverts would need to be rehabilitated or replaced.



Figure 3: Possible Rail-to-Trail design with a 10-ft bike path and 6-ft pedestrian path within the former rail corridor.

The width of a multi-use trail generally ranges from 12-14 ft., with a 5 ft. shoulder or graded area on each side when adjacent to steep slopes, for a total graded width (trail + shoulders) of 22-24 ft. However, the exact width needed for the trail surface and shoulders will vary based on location (e.g., 12-16 ft. in Beacon vs. 12-14 ft. in East Fishkill) and the physical characteristics adjacent to the trail. A section that is in a 'cut' (where the ground rises above the trail) does not require a 5 ft. shoulder next to the trail, so a narrower shoulder could be used.

Approximately 60% of the railroad corridor averages about 20 ft in width, and the Right-of-Way (ROW) along the corridor is wide enough to support the Rail To Trail option. According to Dutchess County GIS data, the average ROW width along the corridor is 100 ft., which is ample to construct a trail within the existing footprint of the tracks. The corridor does narrow to as little as 12 ft. within the City of Beacon. However, this is directly adjacent to the City-owned ROW of Main St., meaning the trail may include both the ROW owned by Metro-North Railroad and the City. No other ROW acquisitions or requirements are projected to be necessary for the Rail To Trail option.

Structure Modifications

There are six railroad bridges and three overpasses along the study corridor. Each structure carries timber railroad ties and steel rail tracks, and a utility line owned by Metro-North Railroad. To accommodate a multi-use trail, work on each structure would require removing the existing railroad ties and tracks and constructing a new concrete deck with a pedestrian railing. The following section describes the expected scope of work and site limitations for each bridge structure for the Rail To Trail option. Further investigations would be required to determine the full structural capacity of each

bridge to support a multi-use trail. Environmental permitting would be required for any rehabilitation of bridge foundations that would involve in-stream work. See the Existing Conditions Report (Appendix A) for more information on these structures.

Bridge No. 1 (BEA-0.63)

This bridge consists of a 107-foot span through-girder superstructure with a combination stone masonry/steel sheet pile bridge foundation. A through-girder superstructure consists of traffic passing between the girders, as seen in the photo below. This structure is carried over the active Metro-North Railroad Hudson Line.



Figure 4: Existing through-girder structure over Metro-North Hudson Line.

Because of the existing through-girder layout, the total deck width would be limited to a maximum of 13 feet, requiring a narrow trail section on the bridge. Further design investigation should be conducted to maximize the trail width over the bridge, while maintaining the existing bridge configuration. The steel girders and bridge foundations are in fair condition and would only require location-specific steel plate repairs and repairs to the stone masonry.

As this structure is carried over an active railroad line, coordination with Metro-North Railroad and Amtrak would be necessary throughout design and construction, especially concerning any elements of work that may interfere with the railroad activity below the structure. This work is typically done through coordination with the railroad and various divisions of their organizations. Flagging operations, design reviews, construction observation, and limited working time periods are part of the coordination efforts typically required. This work is often referred to and implemented as a Railroad Force Account. These force accounts can be time consuming and would incur a cost that should be addressed during the planning or design phase of a project.

Bridge No. 2 (BEA-0.98)

This bridge consists of stone masonry bridge foundations, with a 19'-6" simple span steel multi-girder superstructure carrying the existing timber rail ties and steel rail tracks.



Figure 5: Stone masonry bridge with steel girders.

The structure would carry a 10 to 12-foot trail with a total deck width of approximately 13 to 15 ft. Further investigation would be necessary to determine the limiting deck width. The bridge foundations are in fair condition and would require only location-specific repairs to the stone masonry.

Bridge No. 3 (BEA-3.74)

This bridge consists of a 78-foot single span concrete arch with concrete bridge foundations; the total structure length is approximately 171 feet.



Figure 6: Existing concrete arch bridge.

On this bridge, the trail could be placed directly on the existing structure with a pedestrian railing along its length and approaches. Further investigation, possibly including an underwater inspection and retrieving concrete samples, would be necessary to determine the strength and stability of the existing concrete arch and bridge foundations. The bridge appears to be in fair condition, with some areas needing concrete repair within the arch, as seen from above the bridge deck and approaches. A full-depth inspection of all accessible elements of the bridge would be required to determine the full extent of necessary repair areas.

Bridge No. 4 (BEA-4.21)

This bridge consists of a three span, 156-foot superstructure with concrete/stone masonry bridge foundations, including two piers. Spans 1 and 3 have steel girders carrying the existing deck from underneath, while Span 2 consists of a through-girder layout, where the deck is carried between the girders, as seen in the photo below.

Because of the existing through-girder layout on Span 2, which would be maintained, the total deck width would be limited to 11 ft., requiring a narrower trail section on the bridge. Further design investigations would be needed to maximize a potential trail section over the bridge. The steel girders are in fair condition, with areas needing location-specific repairs in Span 2 and Span 3. It is recommended to remove and replace the concrete at the top of the piers and bridge foundations, as well as the steel bearings where the girders sit due to their existing state of deterioration. Additional concrete and stone masonry repairs at specific areas along each foundation and pier would also be required.



Figure 7: Existing three-span structure with through-girder section.

Bridge No. 5 (BEA-9.51)

This bridge consists of a two span two-girder superstructure with stone masonry bridge foundations and one steel pier. The total structure length is approximately 99 ft.



Figure 8: Existing two-span bridge with steel pier and stone masonry foundations.

The structure could carry a 10-12-foot trail with a total deck width of approximately 13 to 15 ft., though further investigation would be necessary to determine the limiting deck width.

The steel girders are in fair condition and would require location-specific repairs. Steel plate repairs could be completed on the steel pier, in addition to clearing out the debris caught within the stream. Each of the stone masonry foundations would require repointing the mortar across nearly the entire surface of each foundation. The stream flow against the base of the west side stone foundations have eroded the mortar, and the foundations are undermined by up to 1.5 ft. It is recommended that the bottom 2 to 3 ft. of the west side foundation be encased in concrete and the stream banks across each foundation be armored with stone fill to protect against future damage from stream flows.

Bridge No. 6 (BEA-12.03)

This bridge consists of stone masonry abutments and wingwalls with a 19-foot simple span steel multi-girder superstructure. The structure could carry a 10-12-foot trail with a total deck width of approximately 13-15 ft., though further investigation would be necessary to determine the limiting deck width.



Figure 9: Stone masonry foundation as seen on Bridge 6.

It is recommended to remove and replace the concrete at the top of the bridge foundations, as well as the steel bearings where the girders sit due to their existing state of deterioration. Additional concrete/masonry repairs at specific areas along each foundation and pier would also be needed. Each of the stone masonry foundations would require repointing the mortar across nearly the entire surface of each foundation.

The stream flow against the base of the east side stone foundations have eroded the mortar, and the foundations are undermined by up to 1.5 ft. It is recommended that the bottom 2 to 3 ft. of the east foundation be encased in concrete and the stream banks across each foundation be armored with stone fill to protect against future damage from stream flows.

Option 2: Rail With Trail

Introduction

The Rail With Trail option would build a trail parallel to the adjacent railroad bed. The existing steel rails, timber railroad ties, stone ballast, and any additional railroad infrastructure would remain in place. None of the existing railroad bridges could be modified to accommodate both a trail and train, so new pedestrian/bicycle-only bridges would need to be built. Narrow sections, such as along the Fishkill Creek and through urban areas in the City of Beacon, would require specialized designs and property acquisition to accommodate the needed widths. Tree clearing, culvert extensions, rock blasting, and significant earthwork (excavation and fill) would also be required. In general, the Rail With Trail option has the following benefits and challenges:

Benefits:

- The railroad tracks and bridges would remain.
- The communications conduit within the ballast stone would be undisturbed.
- Simpler process to re-integrate potential future train use into the corridor.

Challenges:

- Significantly higher cost to build than the Rail To Trail option.
- Large construction footprint with significant impacts to areas adjacent to the corridor.
- Several large property acquisitions would be required.
- No re-use of the existing materials or footprint of the railroad. All new materials (stone, asphalt, fill) would be used to build a trail.
- Areas in need of repair within the existing corridor (bridges, culverts, washouts) would remain untouched and continue to deteriorate.
- All 27 existing culverts under the railroad tracks would require extensions to carry the existing streams below the trail.
- Construction of five new bridges would be needed (assuming Bridge 2 crossing is at-grade) totaling over 550 ft. of new bridges.

- Potential impacts to the adjacent electric utilities, as relocations of poles and wires would be needed for the offset between the trail and railroad tracks.
- Significant environmental impacts to streams, wetlands, floodplains, and potential threatened and endangered species habitat.
- Significant disturbance to the floodplain, floodway, and banks of the adjacent Fishkill Creek (five miles of the corridor is located within the floodplain of the Fishkill Creek).
- The timber railroad ties saturated with creosote would remain within the corridor.
- Large area of tree clearing.
- Potential for significant areas of rock removal including hammering and blasting of rock cuts.
- Some segments of the trail may need to be located away from the existing corridor to avoid significant constraints (such as rock cuts), adding cost and construction challenges.

A clearance of 25 ft. from the railroad tracks to the trail is recommended to ensure that the trail is built with future rail operations in mind. Although clearance-width requirements can vary based on the type of train use (i.e., passenger rail vs. freight vs. tourist), the trail would be positioned to remain functional with a train operating at the same time. The width must be sufficient for the tracks and supporting ballast, the buffer space, and the trail. This equates to at least 48 ft., meaning that significant work would be required to extend flat areas to nearly 30 ft. to accommodate the required buffer space and the trail. Approximately 40% of the corridor (five miles) has a flat area centered on the railroad tracks that is less than 20 ft. wide. The Beacon line was primarily constructed as a single-track railroad corridor, meaning there are locations where the clearance between obstacles, such as rock cuts, is as narrow as 14 ft.

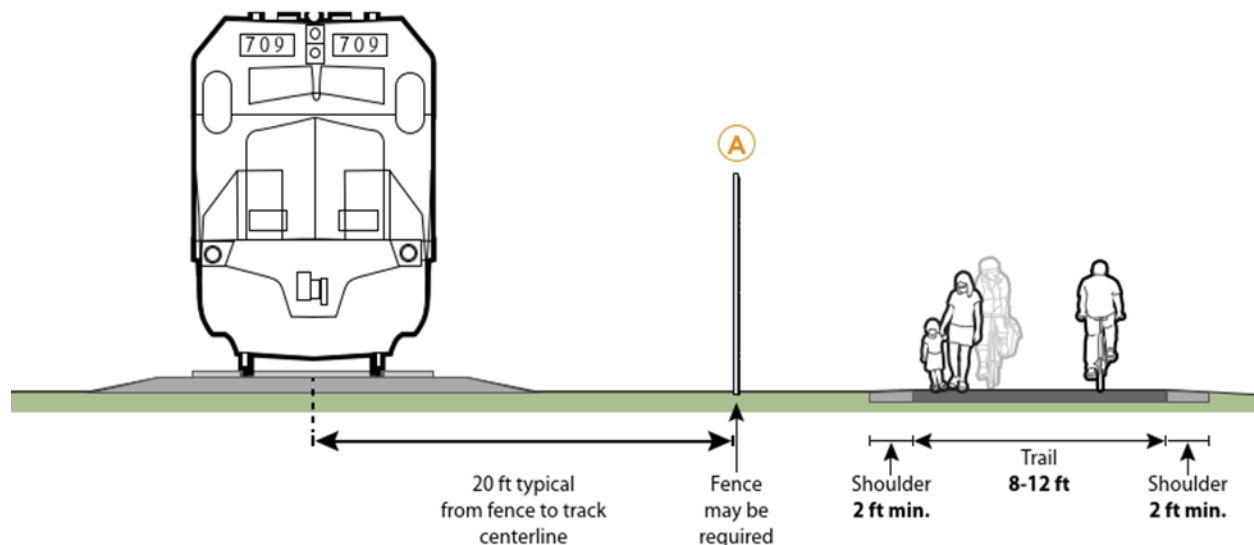


Figure 10: Typical Rail With Trail cross-section showing required 25-ft offset and minimum 8–12 ft trail width with shoulders.

Maintaining this offset would pose numerous challenges along the 13-mile study corridor, especially within the City of Beacon, where the corridor is narrower and physical constraints such as buildings, roadways, and the Fishkill Creek are more prevalent (see examples below in Beacon).



Figure 11: Examples of narrow corridor sections in Beacon with limited space.

Structure Modifications

The Rail With Trail option involves maintaining the railroad bridges in their current locations and constructing either a cantilever structure on each bridge or a standalone bridge next to it to carry trail users. However, the cantilever structure option is not feasible given the significant increase in eccentric (off-center) loading that the bridges would experience. A standalone bridge for trail use is possible at each bridge location; however, there are significant costs associated with this, and there are likely to be significant ROW and environmental impacts as well.

Over 550 ft. of new pedestrian/bicycle-only bridges would need to be constructed adjacent to the existing railroad bridges with this option. One such location is Bridge No. 3 in the Town of Fishkill, which is a concrete arch bridge that crosses the Fishkill Creek. Challenges associated with constructing an additional bridge (offset and parallel to the existing bridge) include rock removal, which would extend more than 400 feet west of the bridge.



Figure 12: Bridge 3 - Town of Fishkill Looking West

All the existing underpass structures could accommodate the Rail With Trail option, but a reduced buffer space between the trail and the railroad tracks would be needed.

Summary of Options

While both options are technically feasible, the Rail With Trail option is much more challenging compared to the Rail To Trail option. Overcoming these challenges, such as the additional ROW, fill, and bridges required, would add significant cost to the Rail With Trail option. The figure below summarizes the two options.

Rail To Trail	Rail With Trail
• Re-use existing ballast stone & bridges • Minimal impacts to environmental features (wetlands, floodplains, established forests) • Remove railroad steel rails & wood ties • Adaptive re-use of a transportation corridor • Little to no property acquisitions required	• Railroad tracks/ties remain in place • Trail offset from tracks 20-25 ft • Significant construction costs due to new bridges, culvert extensions, & significant fill • Extensive environmental impacts to wetlands, floodplains & tree clearing • Physical constraints such as rock cuts, buildings, Fishkill Creek, roadways • Property acquisitions required

Figure 13: Comparison of Rail To Trail and Rail With Trail options

Recommended Concept

Rail To Trail is the most feasible option to construct a trail along the study corridor. This is based on numerous factors including the lower cost and significantly fewer environmental impacts compared to the Rail With Trail option. Dividing the corridor into logical segments, as noted in the Estimated Costs and Suggested Phasing sections, would allow portions of the trail to be built as design and construction funding is applied for and obtained. Ideally, each segment would be bookended by trailheads, allowing parking and access to the trail from both ends and avoiding a dead-end segment.

Funding should be sought as early as possible from federal and state grant opportunities. These funding sources are typically available every few years, which could allow for different segments to be funded by the same source.

Due to the extremely high construction costs, environmental impacts (especially to wetlands and the Fishkill Creek), and added right-of-way needs, the construction of a trail adjacent to the tracks (Rail With Trail) is not recommended. In addition, based on the study's public engagement work, there is less public support for the Rail With Trail option.

Implementation

Suggested Phasing

Based on the existing conditions report and the challenges and recommendations discussed in this report, the conversion of the study corridor to a multi-use trail is feasible from an engineering and environmental perspective. However, since the cost of constructing a trail likely exceeds what any single funding source could provide, trail development could be phased, so that segments of the trail are designed and constructed at different times. This would allow for some trail segments to be built while funding for other segments is secured.

Construction should occur in logical phases based on the amount of funding that is obtainable, the length of the segment, accessibility to potential trail users and connections to other trail networks. This will provide the greatest benefit while funding is sought for other segments of the trail. Trail segments (i.e., phases) should have logical end points with a trailhead to avoid dead-ends for trail users. Suggested segments include the following, from west to east:

- Klara-Sauer Trail at the Hudson River (City of Beacon) to Jean Van Pelt Park (Town of Fishkill): This segment is 3.6 miles long, includes three bridges, and has logical trailheads at both ends. This is likely to be the most heavily used section of the trail due to the high population density in the City of Beacon.
- Jean Van Pelt Park (Town of Fishkill) to Jackson St/Chips Ln (Village of Fishkill): This 2.0 mile segment has potential trailheads at both ends, one bridge, and would include a temporary

trailhead/parking area near Jackson St/Chips Ln and the Village of Fishkill Sewage Treatment Plant.

- Route 9 Crossing and Industrial Area (Village of Fishkill): This 0.4 mile segment includes a route through or around the Industrial Area owned by Montfort Bros., Inc. and a bridge over Route 9, ending at Sarah Taylor Park.
- Sarah Taylor Park (Village of Fishkill) to Doug Phillips Park (Town of Fishkill): This segment is approximately 1.7 miles long and does not involve major design challenges. However, it is almost entirely within the 100-year floodplain of the Fishkill Creek. Doug Phillips Park (Town of Fishkill) to Hopewell Depot (Town of East Fishkill): This 4.1 mile segment includes two bridges and encroaches into the floodplain of the Fishkill Creek.

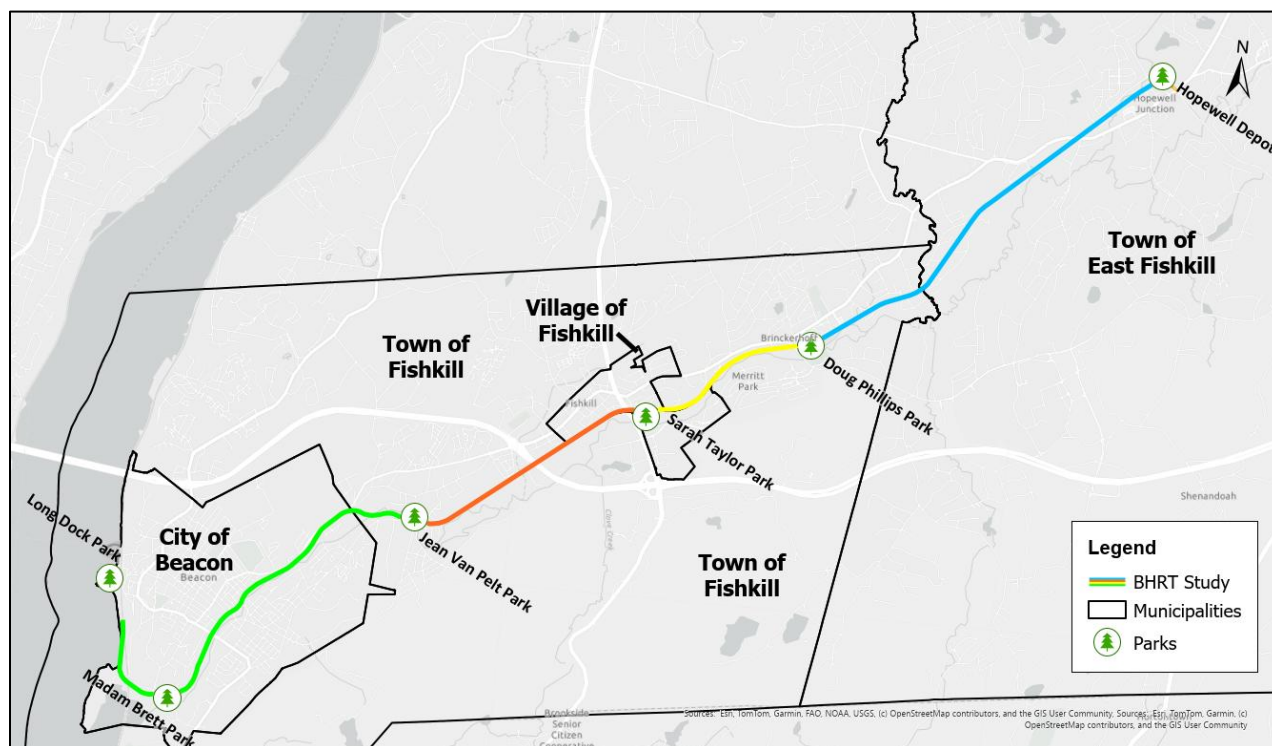


Figure 14: Suggested trail construction phases by segment, from Beacon to Hopewell Junction, aligned with logical trailheads.

Estimated Costs

Based on the assumptions listed below, the Rail To Trail option is estimated to cost about \$46-\$56 million, while the Rail With Trail is estimated to cost \$130-\$150 million. The estimated construction costs for each option (by phase) are detailed in Tables 3 and 4 at the end of the report. The estimates include recommended trailhead improvements at existing parks, major and minor road crossings, bridge rehabilitations, and new bridge constructions (for Rail With Trail). Cost estimate assumptions for both options are outlined below:

Rail To Trail:

- Minor clearing and grubbing activities.

- Steel railroad tracks and other steel materials are salvageable and will offset the cost of removal and recycling.
- No extensive excavation or fill activities are needed.
- 3 inches of subbase (crushed) stone is placed on top of the existing ballast course.
- 4 inches of asphalt pavement is placed at varying widths as recommended in this report.
- 25% of the corridor will need new drainage swales.
- 2 new drainage pipes will need to be installed for every mile of trail.
- The trail can be built adjacent to the Route 9 Industrial Area.
- Each of the trailheads includes a parking expansion for 20 vehicles.
- Trailheads include amenities such as an informational kiosk, signs, benches, picnic tables, and access from the parking area to the trail.
- Estimates include bridges over Routes 9, 52 and 82 with a fill type retaining wall to establish the ramps up to the bridge over the roadway.
- Existing railroad bridges can be rehabilitated according to the recommendations listed in this report.

Rail With Trail

- Significant clearing and grubbing activities.
- An asphalt trail would be constructed on the south side of the railroad tracks, offset 20-25 ft. from the tracks.
- The trail width varies as recommended and includes 6 inches of subbase and 4 inches of asphalt.
- Significant fill and excavation activities are required to establish the required buffer space between the tracks and the trail.
- Rock removal is required in any area where the railroad passes through a rock cut.
- The trail can be built adjacent to the Route 9 Industrial Area.
- All existing drainage pipes and culverts will need to be extended by 40 ft.
- Major and Minor Road Crossing treatments are the same as the Rail To Trail option.
- New bridges would be built adjacent to the existing railroad bridges and assume heavy vehicle loading for construction and maintenance purposes.
- Trailhead costs and improvements are the same as the Rail To Trail option.

Maintenance

In addition to construction costs, a trail would entail ongoing labor and materials costs for maintenance items. Maintenance activities for a trail range from mowing shoulders during the summer to snowplowing during the winter, as well as bi-annual inspections of the bridges and re-surfacing the asphalt (approximately every 15 years). Below is a list of typical maintenance activities for trails.

Continuous Maintenance Activities:



Semi-Annual and Long-Term Maintenance Activities:



Funding Opportunities

There are several potential funding sources for multi-use trails. Most federal transportation funding comes from the multi-modal federal transportation law in effect at the time. To use federal transportation funding, a project must be consistent with an overall transportation plan, such as [Moving Dutchess Forward](#), and be added to the DCTC's [Transportation Improvement Program \(TIP\)](#). For more information, see the DCTC's webpage on [Federal Highway Funding](#) and the [USDOT Grants webpage](#).

The project sponsor should be aware that the sources listed below are reimbursement programs, which require the sponsor to first instance costs and then request reimbursement. Most of the programs also require the sponsor to provide a portion of the total grant amount as a local match.

Transportation Alternatives Program (TAP), Congestion Mitigation Air Quality (CMAQ), and Carbon Reduction Program (CRP): Federal funds are available for the construction of pedestrian and bicycle facilities and pedestrian related improvements. NYSDOT manages these programs through a

competitive, statewide application process, typically every two years. Program elements include:

- 20% local match
- Federal-aid procedures apply
- Design & Construction costs: Minimum = \$500,000; Maximum = \$5 Million

In 2023, \$98 million was distributed across the state in TAP, Congestion Mitigation (CMAQ) and Carbon Reduction Program (CRP) funds.

DCTC Transportation Improvement Program (TIP): The DCTC periodically opens a call for projects when funding is available for specific federal programs. Project sponsors would need to provide a 20% local match and follow federal aid procedures as with the above TAP, CMAQ, and CRP programs.

Active Transportation Infrastructure Investment Program (ATIIP): This FHWA funding program supports projects that connect active transportation networks, accelerating local plans to create safe and convenient walking and biking routes to everyday destinations and fill gaps in trails. In 2024, construction grants had a minimum total cost of \$15 million and required a 20% local match. This program may change based on federal priorities.

Congressional/State Appropriations or Earmarks can be sought from federal or state congressional representatives. For federal appropriations, sponsors would need to follow the federal-aid process.

NYSOPRHP Recreational Trails Program (RTP) provides funding for the development and maintenance of recreational trails or trail-related facilities. RTP funding is available through the FHWA and administered by the New York Office of Parks, Recreation and Historic Preservation (NYSOPRHP). RTP funds can be applied for through the NYS Consolidated Funding Application (CFA). \$3 million was available statewide during the 2025 CFA application period. Program elements include:

- 20% local match
- Federal-aid procedures apply
- Design & Construction costs: Minimum = \$25,000; Maximum = \$300,000

NYSOPRHP Environmental Protection Fund (EPF) provides funding for the development and planning of public parks and recreational facilities. EPF projects can be applied for through the NYS CFA. \$26 million was available statewide during the 2025 CFA application period. Program elements include:

- EPF will fund up to 50% of total project cost
- Design & Construction costs: Minimum = \$25,000; Maximum = \$675,000

Potential Project Sponsors

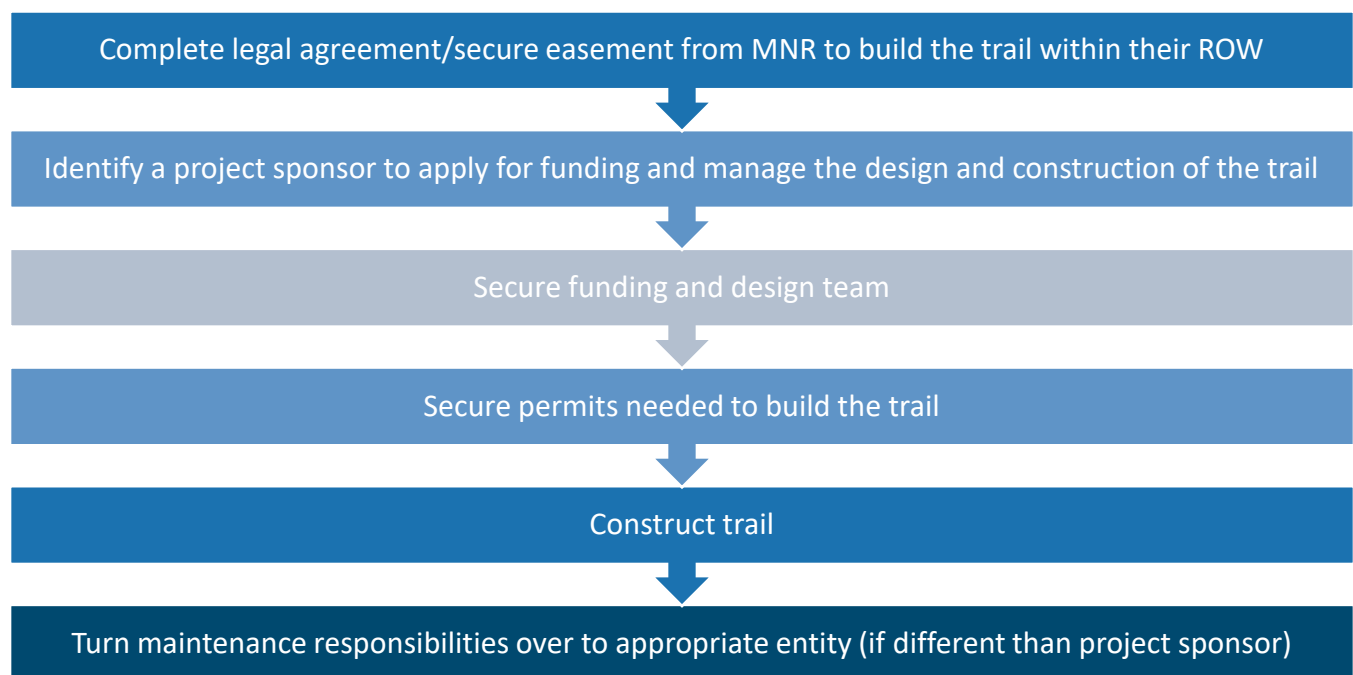
A project sponsor is the municipality, public agency, or private entity responsible for securing funding and approvals for the project, communicating the intent of the project to the community and

stakeholders, and managing the project’s design and construction. Equally important, the sponsor often assumes maintenance responsibility for the finished project. For this potential trail, entities could be sponsors for the entire trail or for certain segments. Potential sponsors could include the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP), Dutchess County, or private entities such as Scenic Hudson or the Open Space Institute.

Local municipalities along the corridor (the City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill) could also act as project sponsors for phases or segments of the trail. However, if the trail segments are connected, one entity should oversee the entire trail to maintain continuity and consistency between the phases, including consistent trail materials and design standards.

Next steps

The next steps to transform this corridor into a trail revolve around the availability of construction funding. There is significant support for a trail from the public and elected officials. The major milestones to transform this corridor into a trail are outlined below.



Additional Design Considerations

In addition to the Rail To Trail and Rail With Trail options assessed for the study corridor, several other challenges, opportunities, and potential solutions were evaluated that are applicable to both trail options. These include overpass structures, roadway crossings, trailhead locations, trail amenities, and connections to communities and other trail networks.

Overpass Structures

There are three overpass structures on the study corridor. There is adequate horizontal and vertical clearance available at each structure to construct a trail in place of the tracks or adjacent to the tracks. The horizontal and vertical clearance for each structure is listed below:

- Overpass 1 (BIN 1006350) carries Wolcott Ave (NYS Route 9D) over the Beacon Line in the City of Beacon. The vertical clearance between the tracks and the low chord of the bridge is greater than 15 ft. The clear span between the bridge foundations is approximately 37 ft.
- Overpass 2 (BIN 1032480) carries I-84 over the Beacon Line in the Town of Fishkill. The vertical clearance between the tracks and the low chord of the bridge is at least 15 ft. The clear span between the bridge foundations is approximately 80 ft.
- Overpass 3 (BIN 1032300) carries NYS Route 82 over the Beacon Line in the Town of East Fishkill. The vertical clearance between the tracks and the low chord of the bridge is at least 15 ft. The clear span between the bridge foundations is approximately 100 ft.



Figure 15: Overpass Structures 1 (Left), 2 (Center), and 3 (Right).

Road Crossing Alternatives

This study categorizes roadway crossings as Major or Minor based on the volume of vehicles at each location, known as the Average Annual Daily Traffic (AADT). Major Crossings have more than 1,000 vehicles per day and Minor Crossings have fewer than 1,000 vehicles per day. The study corridor crosses seven major roads and 21 minor roads. The Existing Conditions Report (see Appendix A) provides more information on these crossings, including a technical memo that was reviewed by NYSDOT (their comments were incorporated into this report). Note: the cost estimates discussed later in this report assume bridges over Routes 9, 52, and 82.

Trail user safety is of the utmost importance at a roadway crossing. There are generally two methods for a trail to cross a roadway: At-grade or grade-separated. At-grade is where the trail crosses the roadway using the same surface, such as with a crosswalk. Grade-separated crossings are where the trail crosses over or under the road using a bridge or tunnel. Grade separation is the safest, as it separates trail users from vehicles. However, these types of crossings are the most expensive. Currently, all of the crossings are at-grade except for the three overpasses that carry Wolcott Ave, I-84, and Route 82 over the railroad tracks.

As most of the crossings are at-grade, the most practical solution would be to provide features and treatments to warn both trail users and road users that there is a crossing present. An ideal at-grade roadway crossing has a variety of features to warn trail users that there is a roadway crossing present, and to warn roadway users that pedestrians and bicyclists may be crossing the roadway. Roadway crossings should include each of the following components:

- Emphasis on safety for both roadway and trail users.
- Clear visibility and sight lines for vehicles and trail users near the crossing.
- Trail crossing at a right angle to the roadway and conspicuous to both drivers and trail users.
- Appropriate traffic control (signs, pavement striping, RRFB's, etc.) at the crossing.
- ADA compliant features.
- Speed reduction for path users and motorists.
- Trail entrance control.

The typical trail-road crossing would include, at a minimum, a marked crosswalk and pedestrian/cyclist (W11-15) warning signs at the crossing point with the downward pointing diagonal arrow (W16-7P) and in advance of the crossing with an "Ahead" plaque (W16-9P) below it. Additional measures to warn road users that a crossing is present include Rectangular Rapid Flashing Beacons (RRFBs), a traffic signal, or a Pedestrian Hybrid Beacon, also known as a High-intensity activated crosswalk beacon (HAWK signal). The images below were extracted from the EST Design Guide and depict the four most common crossing treatments from the perspective of a vehicle approaching a trail crossing (signage, RRFBs, traffic signal, and HAWK signal):



Figure 16: Typical Traffic Signal (left) and HAWK Signal installation (right).



Figure 17: Typical Signage and Striping (left) and RRFB installation (right).

Rectangular Rapid Flashing Beacons (RRFBs) consist of a rapid, high intensity flashing yellow beacon mounted to a standard pedestrian warning sign at an uncontrolled crosswalk. The beacons are activated when a person pushes a button to cross the roadway. These are relatively low cost and are highly effective at improving the yield rate of drivers at marked crosswalks. RRFBs can be solar powered or hard-wired into the electric grid to provide electrical power. Additional signage and pavement markings such as Yield Lines and “Yield Here to Pedestrians” signs can also be installed in advance of an RRFB.

Installing a traffic signal or re-routing the trail to cross at an intersection would have the highest level of both vehicular and pedestrian safety for at-grade trail crossings. A signal warrant analysis would need to be performed prior to progressing the installation of a traffic signal and a traffic study would need to be performed to assess the need to coordinate the new signal with any existing signals in the area. The signal warrant analysis would need to meet the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

If a signal warrant analysis does not indicate that a full traffic signal is appropriate at an intersection, the MUTCD states that a HAWK signal may be installed to facilitate pedestrian crossings instead. A HAWK signal would have a similar effect as a traffic signal, by stopping vehicular traffic when activated by a trail user. When the signal is not activated, the signal heads would be dark, allowing vehicles to travel through the intersection freely. Upon activation by a pedestrian or cyclist, the stop sequence begins with flashing yellow lights and changes to a solid red light for approaching vehicles and a walk symbol for pedestrians. HAWK signals are typically installed at mid-block crossings but can also be installed at intersections.

Additional factors that should be considered for at-grade crossings include vegetation clearing to improve visibility for drivers and trail users, realignment of the trail to cross at a right angle, and installation of ADA compliant features such as curb ramps and detectable warning pads.

The crossing alternatives that would provide the highest level of safety for trail users is a bridge over the roadway or a tunnel under the road. This eliminates the conflict point between vehicles and trail users and allows both to operate without interaction. However, this option is generally the most expensive to construct and would require the most space to build. A typical bridge crossing would need to be elevated approximately 20 ft. above the roadway, and would require nearly 400 ft. long ramps on each side at a maximum grade of 5% (per ADA) to elevate the bridge over the roadway. A tunnel would need similar ramps, but poses other challenges associated with the amount of excavation required and the potential for flooding.

The following sections detail the recommended crossing treatments at each of the seven major road crossings and 21 minor road crossings. These recommendations would apply to both the Rail To Trail and Rail With Trail concepts and were developed using guidance from the AASHTO and FHWA trail crossing design manuals.

Major Roadway Crossings

The major roadway crossings involve roads with more than 1,000 vehicles per day. These include the crossings of Routes 9, 52, 82, and 376, Washington Ave in the Town of Fishkill, and Churchill St and East Main St in the City of Beacon. A crossing recommendation memo is included in the Existing Conditions report (see Appendix A). The memo assessed the existing conditions at each crossing, evaluated several crossing concepts, and recommended a concept for each location. The memo was provided to NYSDOT for their review and comment. Below is a brief discussion of the existing conditions and the recommended concept for each major crossing.

Churchill St. (City of Beacon)

Churchill St. has a speed limit of 30 mph, an AADT of approximately 1,631 vehicles/day (vpd), a crossing length of 25 ft., and is in a downtown business district. The crossing is 100 ft. south of the intersection of Main St. and Churchill St. The recommended crossing treatment at this location is high visibility crosswalk markings, advanced pedestrian warning signs, improved lighting, and the installation of Rectangular Rapid Flashing Beacons.



Figure 18: Churchill St. in Beacon

East Main St (City of Beacon)

East Main St. has a speed limit of 30 mph, and AADT of 5,163 vpd, a crossing length of 55 ft., and is in a small city downtown. The railroad crossing is adjacent to the intersection of East Main St. with Main St. and is unsignalized with stop control on East Main St., although there is a flashing light in the center of the intersection (known locally as the dummy light). The recommended trail crossing treatment includes shifting the trail crossing closer to Main St., combining the crossing with the existing crossing, and installing advanced trail crossing warning signs and a raised median that incorporates the “dummy light”.



Figure 19: Proposed trail crossing at East Main St.

Washington Ave (Town of Fishkill)

Washington Ave has a speed limit of 30 mph, an AADT of 5,735 vpd, and a crossing length of 27 ft. The recommended roadway crossing treatment here includes the installation of RRFBs, realigning the crossing to intersect with Washington Avenue at a right angle, shifting the alignment to the north about 10-15 ft., and installing high visibility crosswalk markings and advanced trail crossing warning signs.

US Route 9 (Village of Fishkill)

The existing railroad crossing of Route 9 in the Village of Fishkill is the most complicated and challenging crossing along the study corridor. The rail line crosses the six-lane highway (three lanes in each direction) at a skew (angle) and the crossing is approximately 140 ft. in length. The AADT is 38,200 vpd and the posted speed limit is 40 mph, although speeds often exceed the posted limit. Traffic at the nearby intersection of Route 9 and Elm St often backs up across the railroad tracks, especially during peak hours. Given the existing conditions and traffic operations at this crossing, a bridge over Route 9 is recommended. A tunnel under Route 9 would be challenging as this area is adjacent to the Fishkill Creek and within the 100-year floodplain, creating potential drainage issues related to flooding. The bridge crossing is more feasible, although it is not without challenges. There are overhead high-voltage electric utility lines that parallel Route 9, and floodplain regulations that apply to new structures within floodplains.



Figure 20: Example of a rail trail bridge – WRS Dutchess Rail Trail over State Route 55.

Another consideration for the Route 9 crossing is the industrial site located directly west of the crossing. The recommended bridge over Route 9 would have to navigate this site as well, and the approximately 400 ft. long ramps (required to meet ADA slopes of 5%) would be within that site. Circular, spiral ramps could be constructed to contain the ramps to a smaller footprint than a linear ramp. The transition from the industrial site to the bridge over Route 9 should be determined during the design phase, once the option to navigate the industrial site has been determined. For further discussion of the industrial site, see the Route 9 Industrial Area section below.

NYS Route 52 (Town of Fishkill)

Route 52 is owned and maintained by NYSDOT and has an AADT of 12,801, a posted speed limit of 45 mph, and a crossing length of 42 ft. at an angle. There is a traffic signal at the nearby intersection of Route 82 (300 ft. to the north), and traffic often backs up across the railroad tracks. Due to these factors, the recommended crossing improvements include installation of a Pedestrian Hybrid Beacon (aka HAWK signal), which would bring traffic to a complete stop when a trail user activates the signal. Another concept that should be considered is a grade separated crossing. A bridge or tunnel would provide the greatest degree of safety for trail users, would not impact traffic operations, and may be required by NYSDOT. However, grade separation would be much more expensive and would require a long approach to cross over or under the roadway and maintain ADA compliance.



Figure 21: Railroad crossing at NYS Route 52

NYS Route 82 (Town of East Fishkill)

Similar to Route 52, Route 82 is owned and maintained by NYSDOT and has a high volume of traffic. The crossing is adjacent to the intersection of Palen Road with Route 82 and crosses Route 82 at a skew. Route 82 has a posted speed limit of 35 mph and an AADT of 18,364 vpd with a crossing length of approximately 80 ft. The recommended crossing concept is to modify the intersection of Route 82 and Palen Rd. and direct trail users to cross at that intersection. The existing signal would be equipped with pedestrian crossing signals and crosswalks would be added. A traffic analysis of the intersection should be included in the design phase to assess the existing intersection and optimize the traffic signals. As with the Route 52 crossing, the design phase should also investigate a grade separated crossing for this location, as that may be required by NYSDOT.



Figure 22: Railroad crossing at NYS Route 82 and the adjacent intersection of Palen Rd.

NYS Route 376 (Town of East Fishkill/Hamlet of Hopewell Junction)

NYS Route 376 has a posted speed limit of 35 mph, an AADT of 6,219 vpd and a crossing length of about 30 ft. The roadway is situated in a hamlet/commercial setting and there is a sharp 90-degree curve north of the crossing. This crossing includes the current starting point for the Junction Loop trail that extends from Route 376 to the Hopewell Junction Depot (and the trailhead for the Maybrook Trailway and WRS Dutchess Rail Trail). Based on the existing characteristics, the recommended crossing concept includes the installation of RRFBs and trimming the vegetation around the sharp curve north of the crossing to improve visibility for approaching vehicles. As with the other State highway crossings, NYSDOT may request that grade separation be considered. However, a bridge over or tunnel under this road is not recommended by the AASHTO guide for the development of bicycle facilities, based on the roadway's characteristics. A similar trail crossing to the north (Dutchess Rail Trail at Route 376) is at-grade. The Town also has a desire to realign Route 376 and assume control of its current alignment as a Town road that could possibly be dead ended, mitigating the need for a grade separated crossing.

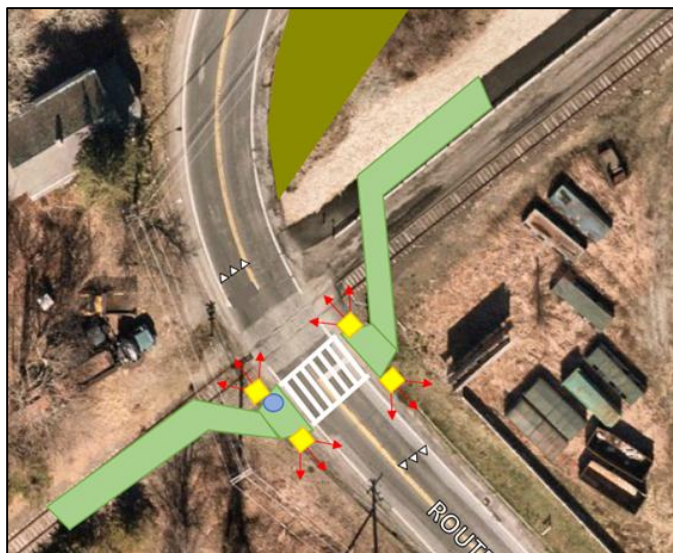


Figure 23: Proposed crossing at NYS Route 376, includes RRFBs and vegetative clearing.

Minor Roadway & Driveway Crossings

There are various types of minor crossings, including residential roads, driveways, and gravel maintenance roads. Since the rail line currently intersects with these minor roadways at grade, and the roads have low traffic volumes, all of the minor roadway crossings would remain at-grade. Traffic controls installed at the minor crossings would vary based on the characteristics of the crossing, such as the road surface, vehicle volumes, and the type of crossing. Table 2 below shows the recommended treatment for each minor crossing, based on engineering guidance and judgement. During the design phase of a trail, each crossing should be re-evaluated for any change in conditions that may require a different crossing treatment.

Table 2: Recommended Treatments for Minor Road Crossings*

Minor Road Name	Bike/Ped Crossing Warning Signs	Crosswalk Markings	Notes
Dennings Ave	X	X	
Arno Driveway	X	X	Apartment Complex
Park Driveway	X	X	
Mill St		X	Realign crossing closer to Route 52
Commercial Driveway	X	X	
Petticoat Ln	X	X	
Pump House Rd	X		
Blodgett Rd	X		
Industrial Driveway	X		
Jackson St	X	X	
Old Main St	X	X	
Pardy Ln	X	X	
McGrath Terr	X	X	
Mountain View Rd	X	X	
Residential Driveway	X		
Lomala Ln	X	X	
Fishkill Creek Rd	X	X	
Broadway	X	X	
Maintenance Road	X		Gravel road
Maintenance Road	X		Gravel road
Helin Rd	X	X	

*Note: Advanced warning signs are not recommended for these minor road crossings.

Trail Entrance Control

Trail entrance control at a road crossing or other trail access point serves two purposes: it deters unauthorized (and potentially unsafe) access to the trail by motor vehicles (such as ATVs, cars, trucks,

etc.) and it notifies trail users that they are approaching a road crossing. Road and trail signs alone generally do not deter access or attract the attention of trail users. The AASHTO bicycle facility design guide notes that bicyclists typically exhibit poor compliance with stop signs at roadway crossings and will typically yield at these crossings rather than come to a complete stop.

Physically altering the trail geometry as it approaches a roadway is recommended to encourage bicyclists and other users to slow down as they approach the crossing. Narrowing the path and adding a low curbed median provides a physical change to the trail conditions, which slows cyclists as they approach the crossing. A low curbed median also deters unauthorized access, as many drivers will not want to drive over the median. Flexible bollards can also deter the average driver, but be driven over by an emergency vehicle if needed. They will also not cause major injuries if a bicyclist strikes them.

Figure 22 below shows an entrance of similar design installed on the WRS Dutchess Rail Trail at the crossing with NYS Route 376, just north of Hopewell Junction. This crossing has a low median with a solid fixed bollard (not recommended) on top, yellow pavement stripes to delineate the median, and ADA compliant features such as a curb ramp and detectable warning. It also features a trail crossing warning sign and a striped crosswalk.



Figure 24: WRS Dutchess Rail Trail crossing of NYS Route 376 in Hopewell Junction.



Figure 25: Preferred trail entrance as outlined in the Empire State Trail Design Guide.

Route 9 Industrial Area

A key consideration along the corridor is the Montfort Brothers, Inc. masonry block manufacturing facility that actively uses an area just west of the Route 9 crossing in the Village of Fishkill. The manufacturing facility is just north of the railroad tracks, while the storage area for block making material and finished products is south of the tracks. Within the site, there is a main driveway where forklifts, front loaders, and other large trucks frequently cross the railroad tracks (100+ times per day). This would create unsafe conflicts with pedestrians and bicyclists if a trail were to be developed along the corridor. Also, a portion of the Montfort site is located within the floodway of the Fishkill Creek,

and the entire site is located within the 100-year flood zone of the creek, so the alignment option chosen for this area would have to obtain local floodplain permits. Accordingly, three options to carry a trail past this facility were assessed (see Figure 26):

- **Option 1:** Construct a bridge over the industrial site driveway (or a tunnel below it)
- **Option 2:** Use roads to the north (Chips Ln., Smith St., Elm St., and Route 9) as an on-road segment of the trail
- **Option 3:** Avoid the site by using the southern edge of the industrial property to construct a trail

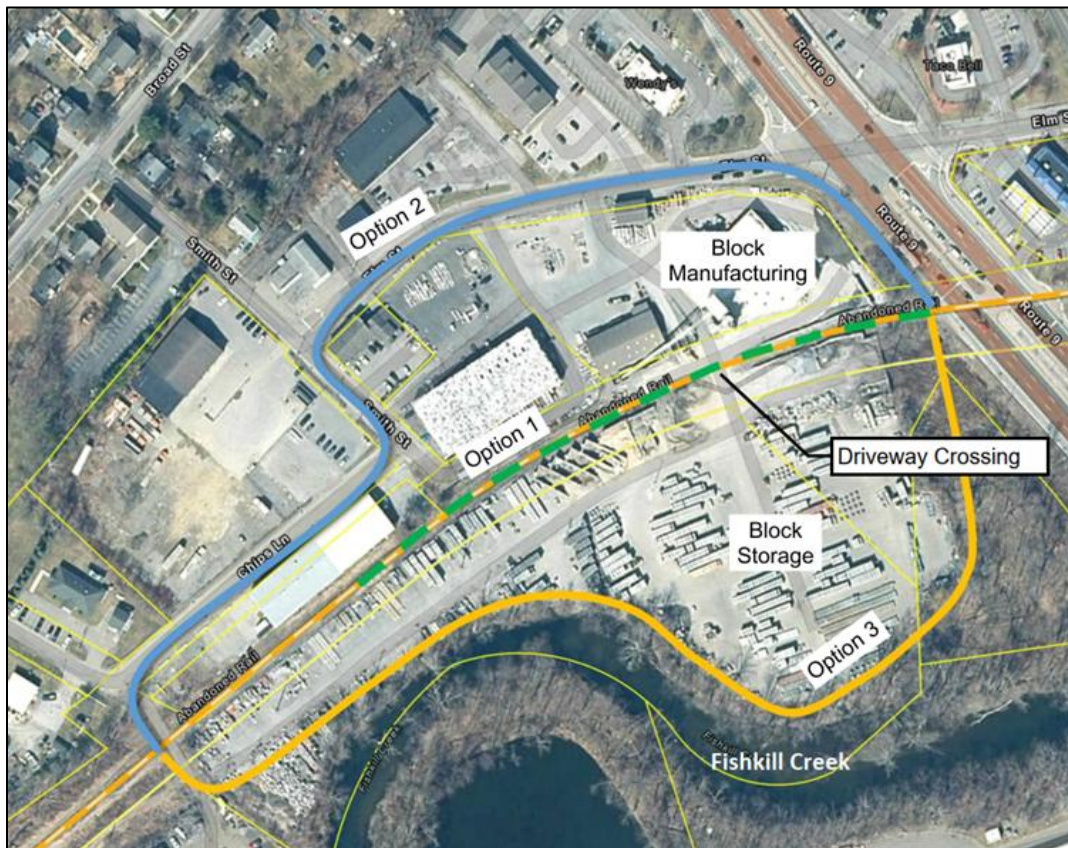


Figure 26: Route 9 Industrial Area – Showing the three trail alignment options evaluated near the Montfort Brothers facility.

The study team presented these options to the site’s owners and their representatives in January of 2025 and toured the site. The most logical and feasible option is to construct a trail using the southern edge of the site (shown in orange on the map below). This would provide a continuous trail connection while avoiding the industrial traffic. A bridge or tunnel to avoid the site would be costly and poses maintenance issues and potential challenges for the site’s activities. A bridge over the site would span the driveway and would have to include an approximately 400 ft. long ramp to meet ADA requirements while elevating the trail to match the bridge. The roads north of the facility have high volumes of trucks that enter and exit the site, which would pose potential conflicts with trail users.



Figure 27: The Route 9 Industrial Area – Option 3 (southern edge alignment) would use this area to avoid industrial traffic and improve safety.

During the design phase for this portion of a trail, the design team would need to consult with the Montfort Bros, Inc. owners to discuss a solution that works for both parties.

Access Locations & Connections

Trailheads

The railroad corridor borders four existing parks, one in the City of Beacon, two in the Town of Fishkill, and one in the Village of Fishkill. The western end of the corridor is approximately 0.4 miles from Long Dock Park on the Hudson River and can be accessed via the existing Klara Sauer trail, which runs parallel to this end of the corridor for approximately 0.25 miles. The eastern end of the corridor is in the hamlet of Hopewell Junction (Town of East Fishkill) at the Hopewell Depot, which is a trailhead for the WRS Dutchess Rail Trail and the Maybrook Trailway.

The four existing parks along the corridor would make for ideal trailheads. Madam Brett Park in Beacon is located adjacent to the former Tioronda Hat Factory and features walking trails, views of a waterfall on the Fishkill Creek, and parking for 15 vehicles. Additional parking is available in the former right-of-way for South Ave (owned by the City of Beacon). Improvements recommended at this trailhead consist of additional trailhead amenities (see the Trail Amenities section), an ADA compliant access to the main trail, and the removal or reconstruction of Bridge No. 2 (see the Structures section). The bridge restricts sight distance to the intersecting roadway of Tioronda Ave and only allows one lane of vehicle travel. The existing parking lot, informational kiosk, and walking trails are on land owned by Scenic Hudson. An agreement with Scenic Hudson would be needed to use this area as a trailhead and to make any improvements at the location.

2.8 miles east of Madam Brett Park sits Jean Van Pelt Park, which offers another logical location for a major trailhead. This location hosts parking and passive recreation opportunities such as picnicking and

fishing in Fishkill Creek. The park is owned and maintained by the Town of Fishkill. Improvements to make this park a trailhead could include extending a trail from the main trail to the parking area, installing wayfinding, informational, and regulatory signs, and adding benches. The existing parking area appears small, so a parking study should be done to confirm that the existing parking layout would be sufficient.

Though not located at a park, an intermediate trailhead could be situated near the intersection of Main St and Herbert St in Beacon. The railroad tracks run parallel to Main St through this area, about 15 ft. from the edge of pavement. A driveway crosses the tracks and opens to a gravel parking area with a maintained grass field and two overlooks to Fishkill Creek. This area is owned by the City of Beacon, Metro North Railroad, and a private entity. The private property could potentially be acquired and developed into a formal trailhead and pocket park, becoming a second trailhead at the eastern end of Main St.

Moving 2.4 miles east, the next logical trailhead is at Sarah Taylor Park, owned and operated by the Village of Fishkill and home to walking paths, a playground, pavilion, benches, picnic tables, athletic fields, and parking. The existing asphalt parking lot does not have delineated parking spaces, which reduces the number of vehicles that can use the lot. Additional parking is available behind a gate. Improvements to the park could include formalizing and maximizing the parking spaces, adding a trail from the parking area to the main trail, and installing wayfinding/informational signs.

1.7 miles east from Sarah Taylor Park is Doug Phillips Park, also owned by the Town of Fishkill. This park has similar amenities to Sarah Taylor Park, such as parking, athletic fields and courts, a playground, and picnic areas. The park also has restrooms – one of the more sought-after trail amenities identified in this study's online survey. Recommended improvements include wayfinding/informational signs and a connection to the main trail.

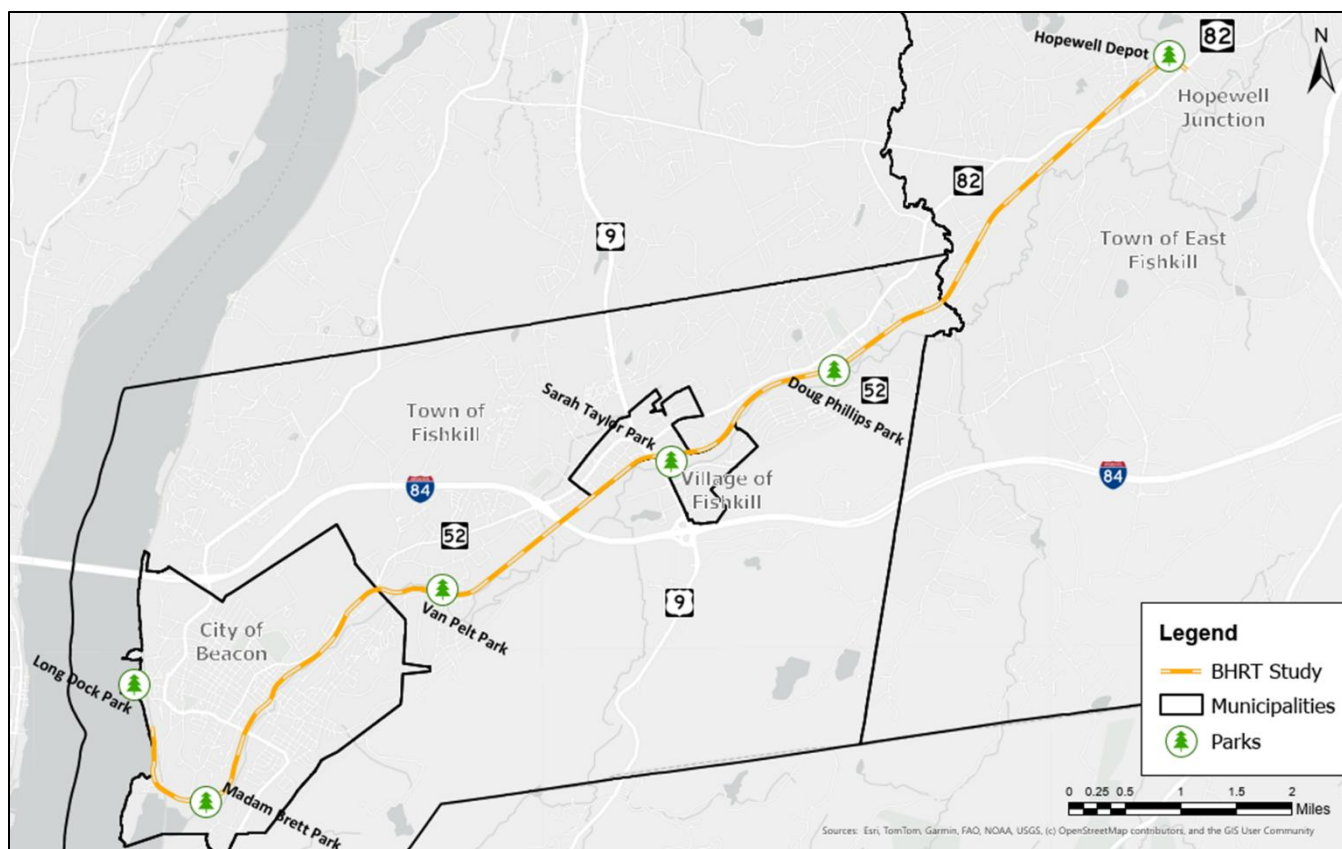


Figure 28: Map of the study area showing the potential trail and trailheads at parks in Beacon, Fishkill, and East Fishkill (Hopewell Junction).

The last logical trailhead is at the Hopewell Depot in Hopewell Junction (Town of East Fishkill). This site is about four miles east of Doug Phillips Park, making it the longest segment between trailheads. The Hopewell Depot is an established trailhead for the WRS Dutchess Rail Trail and the Maybrook Trailway and has a robust set of amenities, including parking, restrooms, trash receptacles, benches, and a museum dedicated to the history of the railroad industry in the Hudson Valley. During trail design, a parking study should be done to ensure enough capacity is available.

Neighborhood and community connections

City of Beacon

The study team met with representatives from the City of Beacon to discuss connection points to a potential trail. Most users coming from Beacon would be able to access the trail from one of the existing roadway crossings, the Main St area, or one of the potential trailheads. The City intends to add a pocket park at Main St/Herbert St. East of Herbert St. Trail access could also from residential areas to a trail could cross both Fishkill Ave (NYS Route 52) and private properties owned by businesses along Fishkill Ave. Some of the business owners could grant an access easement or possibly develop a trail connection on their property. One such opportunity is on a strip of property owned by CHG&E near Delavan Ave. Also, a possible pocket park/trail entrance could be added in the area of Route 52/Mill St.

Town/Village of Fishkill

In addition to the road crossings and trailheads, there are residential areas near the corridor that may warrant a connection to the trail. If it is possible to create a connection for such purposes using public land, that connection should be included in the design of a trail. For example, at the end of Van Steuben Rd, there is a footpath connected to a driveway that was established for the Town to access a pump station. A formal trail could be established in the public right-of-way to connect the trail to over 100 homes in this area.

Other residential connections to a trail could require crossing private property. If a trail is developed, an offer to connect the trail to residential areas (such as those listed below) could be investigated:

- Mountain View Garden Apartments
- The Commons at Fishkill
- Fishkill Mews
- Village Park Condominiums
- The Park Condominiums
- Fishkill Glen Condominiums
- Aveonis Townhouses
- Mountain View Knolls Garden Apartments
- Elm Crest Apartments

Town of East Fishkill

Many of the residential areas in the Town of East Fishkill would be connected to the trail via major and minor roadway connections. An existing informal footpath crosses the corridor and connects Governors Blvd to the Unity (ACME) Shopping Plaza in Hopewell Junction. The Town of Fishkill is working to formalize this path as part of the Junction Loop Trail (see the Regional Connections section below).

Regional Connections

Empire State Trail/WRS Dutchess Rail Trail

As noted above, the trail would connect to the Empire State Trail network at the Hopewell Depot trailhead in Hopewell Junction. This trailhead is the northern terminus of the Maybrook Trailway and the southern terminus of the WRS Dutchess Rail Trail, both of which are part of the Empire State Trail.

Junction Loop

The Junction Loop is a proposed multi-use trail in Hopewell Junction. A segment of the trail has been constructed between the Hopewell Depot and Route 376. A second segment of the trail would travel around the Hopewell Recreation Park and connect the Town offices on Route 376 to Main St (Route 82). A third segment of the trail would use the Beacon Line corridor to connect the footpath between Governors Blvd and the ACME plaza to the existing Junction Loop trail at Route 376. The path between Governors Blvd and the ACME plaza is also part of this segment of the Junction Loop and would be

formalized with a stone or asphalt surface. The existing segment between Route 376 and the Hopewell Depot may need to be widened to meet expected demand.

Hudson Highlands Fjord Trail & Beacon Hudson River Trail

The Fjord Trail is a linear park along the east side of the Hudson River, which is planned to span 7.5 miles between Long Dock Park in the City of Beacon and Dockside Park in the Village of Cold Spring. Some segments of the Fjord Trail have already been built. The potential Beacon-Hopewell Rail Trail would connect to the Fjord Trail where it meets the Klara Sauer Trail on the east bank of the Hudson River. Similarly, the Rail Trail could connect to a proposed Beacon Hudson River Trail that would extend north from the Beacon Train Station to the Beacon-Newburgh Bridge and into the Town of Fishkill.

Bus Transit Connections

Dutchess County Public Transit operates five bus routes with stops near the study corridor: Routes A, B, F, G, and the Amazon Express. Fares are \$1.75, except for Route G, which is free.

Route A serves Route 9 from the Dutchess Mall in Fishkill north to the City of Poughkeepsie. The nearest bus stop to the potential trail is at the intersection of US Route 9 and Merritt Blvd (near Walmart), about 1,500 ft. south of the Route 9 crossing. There is a sidewalk to the bus stop, but no formal bicycle facilities. The Amazon Express also serves this location, providing express bus service for Amazon workers and others along the Route 9 corridor. That route stops in the Walmart parking lot.

Route B connects Beacon to Poughkeepsie using NYS Route 9D. The closest regularly served bus stop to the potential trail is at the Beacon Post Office on Main St, approximately 1,500 ft. west of the trail.

Route F runs parallel to the rail corridor along NYS Route 52 and Route 376. There are three locations where connections to a trail are feasible. Within Beacon, the nearest bus stops are at the intersection of Teller Ave and Main St, about 1,000 ft. along Main St from the potential trail. The Fishkill bus stop is at the intersection of Elm St and US Route 9, approximately 100 ft. from the potential trail. In Hopewell Junction, the bus stop is at the ACME plaza, where an informal path connects the plaza to the rail corridor.

Route G provides free bus service within the City of Beacon. There are four bus stops on this route that are within 500 ft. of the potential trail: at the Beacon train station, the Beacon Theater, the Tioronda Ave/Wolcott Ave intersection, and the Main St/East Main St intersection. All of these locations have sidewalks to the potential trail except for the stop at Tioronda Ave/Wolcott Ave. However, access to the trail could be provided along a path through The Arno apartment complex.

In addition, the Newburgh-Beacon Shuttle (to Orange County and Stewart Airport) operated by Leprechaun Lines serves Metro-North Railroad's Beacon Station. Fares are \$1; however, the shuttle does not allow bicycles on board.

Emergency Services Access

Emergency service vehicles such as ambulances and other rescue vehicles would need access to the trail at all major and minor roadway crossings. That includes crossings that may have new grade-separated structures (such as Route 9). The only minor road crossings that may not be accessible to emergency vehicles are existing maintenance roads such as Pump House Rd in the Town of Fishkill and the CHG&E sub-station in the Town of East Fishkill.

The trail entrance design at the intersecting roadways should be designed (as noted in the Trail Entrance Control section) to allow emergency vehicles to enter the trail when necessary. Fixed bollards and gates should be avoided, as they can be difficult or impossible to remove in emergency situations. Emergency access should be supplemented by providing access via maintenance roads. In addition, the trail width and surface material would need to accommodate an emergency vehicle along the entire length of the trail.

Construction Access & Staging

Frequent access for construction vehicles is critical during the construction of any trail, especially along a narrow, linear corridor like the Beacon Line. Identifying access locations during a preliminary design phase and bidding process would reduce some of these unknowns and could decrease bid prices. In many areas, contractors would only be able to stage one construction vehicle at any one time. In long segments without frequent access points, providing passing zones where one vehicle can pass another would help facilitate grading and stone/asphalt placement. Construction access routes and locations should be reviewed and identified during the design phase.

Priority access locations would include many of the major road crossings along the corridor. Using local roads and minor crossings for construction access should be considered on a case-by-case basis and limited when possible. Heavy truck travel through mainly residential areas, such as the Lomala Ln and Broadway areas at the Fishkill/East Fishkill Town line, could potentially damage existing pavement and impact residents. Instead, construction work in these locations should use passing areas along the trail.

Staging during construction is most feasible at trailheads. Additional staging could be possible near the Pump House Rd crossing at the I-84 overpass and potentially near the CHG&E substation, if permitted.

Trail Amenities

Amenities along the trail should mimic the amenities on other regional trails such as the WRS Dutchess Rail Trail and the Maybrook Trailway. Amenities should also be consistent with the policies and needs of the entity maintaining the trail. For example, trash receptacles should only be installed if they can be regularly emptied. If not, the trail should be signed as “carry-in, carry-out.” Trail amenities can be organized into three general categories based on their location: along the trail, at minor entrances, and at trailheads. Suggested amenities are outlined below. All amenities and facilities (e.g., parking lots,

picnic tables, and restrooms) must be ADA compliant.

Amenities Along the Trail

Amenities that could be installed along the trail (between trail access points) include benches, mile markers, regulatory signs, and informational or historical interpretation signs.

- Benches should be considered at locations with scenic overviews or along stretches where trail users may want to stop and rest. Benches should be installed in shady locations to provide relief from heat.
- Mile markers (including half and possibly quarter mile markers) are helpful to let users know how far they've traveled and to easily convey a location in the event of an emergency.
- Regulatory signs could be installed at consistent intervals to remind users of trail rules and etiquette.
- Interpretative signs could be installed at natural or historic points of interest.
- Another amenity could include pocket parks or wayside attractions at locations such as the Fishkill Falls overlook in the City of Beacon. These locations could include interpretative signs, benches, bike racks, and safety railings.

Amenities at Minor Trail Entrances

Minor trail entrances, including major and minor road crossings, should consist of signs (wayfinding, informational, and regulatory) and benches.

- Wayfinding signs can be used to direct trail users to destinations off the trail, such as the Main St area in Beacon, or to provide distances to major attractions, such as the Empire State Trail in Hopewell Junction.
- Regulatory signs should be installed at every entrance along the trail, so users are aware of expected trail etiquette.
- Benches could be installed at the most popular trail entrances.
- Lighting improvements should also be considered at trailheads and at major road crossings. Rules of the trail would dictate whether lighting is installed at trailheads and if the trail is open past dusk. In more urban settings, such as in Beacon along Main St, lighting at trailheads, crossings, and along the trail may be desirable. However, many trails operate without lighting, apparently without issue.



Figure 29: Northside Line Trail Entrance with signage, lighting, benches, regulatory, and informational signage.

Amenities at Trailheads

Trailheads should provide the most robust package of amenities. These include vehicle parking, wayfinding, informational, and regulatory signs, and benches.

- Parking capacity should be assessed at each trailhead to determine if parking improvements would be needed.
- Other optional amenities include restrooms, water bottle filling stations, bicycle repair stations, bike racks, and trash receptacles. These amenities require maintenance and should be discussed and agreed upon with the entity maintaining the trailhead. Some of the potential trailhead locations already have some of these facilities (e.g., Hopewell Depot and Doug Phillips Park).

Historical Interpretation

Historical elements, such as the historical use of the corridor and the significance of the railroad in the area, could be showcased on interpretative panels along the trail. Infrastructure from the railroad, such as sections of tracks or siding switch components, could be left in place. Historical panels could also showcase significant features near the corridor such as the Tioronda Hat Factory, Matteawan Train Station, Fishkill Creek Falls, the Glenham Mills area, and the former Texaco Research Center. Significant environmental resources could be called out such as the Hudson River Estuary, Dennings Point, the Fishkill Creek waterfalls, wetlands, and floodplains. These panels would offer an opportunity to educate trail users of the area's history and significant natural resources.

Trail Screening

As part of the public outreach process, several private landowners adjacent to the corridor requested screening from a trail in the form of fencing or other measures to reduce the visibility of users on the trail and to improve the delineation of their property. Installing a fence that provides visual screening and property security along the entire trail is cost prohibitive.

There are approximately 111 residential properties bordering the corridor that would require over 23,000 ft. (4.4 miles) of fencing.



Figure 30: Examples of trail screening: vegetative buffer with evergreen trees (left) and 4-ft high box wire fencing (right).

For County-owned/maintained trails, Dutchess County requires the adjacent property owner to take the necessary steps to secure their own property, due to cost and maintenance concerns. Options that could be considered based on the conditions of the border between a property and the trail include fencing and vegetative screening. Fencing such as a 4 ft. high box wire fence (typically found delineating highway and railroad right-of-way) is the most economical. If screening the trail from a particular feature is a concern, a vegetative buffer of evergreen trees could be installed to provide a sustainable, year-round buffer. A 6-8 ft. high wood or vinyl fence would also provide visual screening from the trail. Fencing or other screening features would be the adjacent property owner's responsibility to install and maintain, except when required for safety issues such as slopes or sensitive environmental areas like wetlands.

One practice that should be considered as part of any trail project is to install regulatory signs to remind trail users that they will be trespassing if they wander off the trail.

Anticipated permits

Various permits would be required for the construction of a trail, in addition to other local, state and federal approvals, depending on the funding sources. Specific permits that would likely be required include:

- Section 404 of the Clean Water Act (USACE)

- Article 15 permit (NYSDEC)
- Nationwide Permit (NWP) 14 for Linear Transportation Projects (USACE)
- Water Quality Certification under Section 401 of the Clean Water Act (NYSDEC)
- Article 15 Stream Protection Permit (NYSDEC)
- Highway Work Permit (NYSDOT)
- SPDES Permit (NYSDEC)
- Floodplain Permit (Local Municipalities)

The full list of permits required depends on the location and nature of the work and the funding sources used for construction.

Time of Year Restrictions

Time of year construction restrictions are determined by the relevant permitting agencies and put in place to protect endangered species within or adjacent to a site. Based on the species present within the study corridor, the most likely restrictions would be on cutting trees greater than a two-inch diameter at breast height between April 1 and October 31, and in-stream work between October 1 and April 30.

Additional Assessments

In general, the following detailed assessments and studies should be performed prior to the construction of a trail or trail segment:

- Wetland and Stream assessment
- Threatened and Endangered Species assessment
- Hazardous soil sampling program
- Level 1 bridge loading assessment (for Rail To Trail option)
- Parking and traffic studies for each proposed trailhead

Utilities

Central Hudson Gas & Electric (CHG&E) owns overhead transmission and distribution lines that cross perpendicular and run parallel to the rail corridor. The electric lines were constructed to the clearance standards of a train and would meet the clearance standards for bicyclists/pedestrians and vehicles to pass below them. Relocation of overhead lines may be needed at the major roadway crossings (US Route 9, NYS Routes 52, 82 and 376), if a bridge is used to cross the roadway. CHG&E has requested to be updated about any potential trail project during the design phase. Additionally, CHG&E may have existing maintenance agreements with Metro-North to use the rail corridor to maintain their infrastructure, and those agreements should remain in place if a trail is constructed.

Based on the existing conditions analysis, there is evidence of underground gas, water, sewer and communication lines crossing or adjacent to the study corridor at various points. The depths of those lines are unknown at this time but should not inhibit the construction of a trail on the corridor. A communications line owned by Metro-North is buried within the existing ballast of the railroad tracks and carried on each bridge structure. That line must remain in place and operational after construction of a trail. None of the underground or overhead utilities within the corridor are anticipated to have a major impact on the design and construction of a trail.

Right-of-Way

The rail corridor from the City of Beacon to Hopewell Junction is owned and maintained by Metro-North Railroad (MNR). If a trail project is progressed, rights to the corridor would need to be obtained from MNR through an easement or acquisition. The terms of the easement or acquisition agreement would need to comply with the requirements set forth in the railroad abandonment proceedings granted by the Surface Transportation Board (STB). MNR filed for, and was granted, abandonment of the Beacon Line (from the Hudson River to the NY/Connecticut State Line), “rail-banking” of the corridor, and interim trail use of the corridor. Rail-banking means that the right to convert the corridor back to railroad use at some future date still exists, and that the corridor may be used for other purposes (such as a trail) in the interim. Any agreements, easements, or acquisitions would need to be progressed with MNR.

Public Engagement Overview

Public engagement was critical during the study, and included a mix of virtual and in-person activities, summarized below:

Website

A study website has been maintained since early 2024 and allows viewers to learn about the study and opportunities to get involved, view documents such as the existing conditions report, and submit comments to the study team. The website will remain active until the conclusion of the study.

Pop-up events

Two pop-up sessions were held at local events to raise awareness of the study and to gain feedback. Maps, boards and flyers (in both English and



Figure 31: Pop-up event at the Beacon Farmers Market.

Spanish) were available for attendees to review and annotate. The study team also distributed business cards with the study area map and survey link. The first event was held at the City of Beacon Farmers Market on May 19, 2024, and the second event was held at the Sons of Italy Festival in East Fishkill on May 24, 2024.

Survey

The website hosted an online public survey that was launched in March 2024 and closed in July 2024. The survey was promoted during the pop-up events, on the study website, and by the Study Advisory Committee. The survey asked if users would support a trail, what amenities they would like to see along the trail and where, and how they would use the trail. It also collected general demographic information. The survey resulted in over 1,500 responses and 4,300 pins on the amenities map. Overall, 95% of respondents expressed support for a trail. Most respondents stated that they would bike or walk on the trail. Other comments included that the trail could become an economic driver in the community, offer alternative modes of transportation in the area (especially as Route 52 becomes more congested), and improve the currently abandoned infrastructure.

“This would be a transformational project, connecting the future Fjord Trail and Beacon with the Empire State Trail in Hopewell.”
– Survey Participant

However, some respondents expressed concerns about the feasibility and safety of a trail, such as how safe the road crossings would be, especially at Routes 9, 52 & 82, and how the trail would affect security along the corridor for neighboring residents. Additional concerns focused on the use of e-bikes and the speed at which users travel, the potential loss of the ability for trains to use the corridor in the future, and cost of a trail project. The most requested amenities were restrooms, benches, and waste receptacles. Wayfinding and information signs were also requested (see Figure 32).

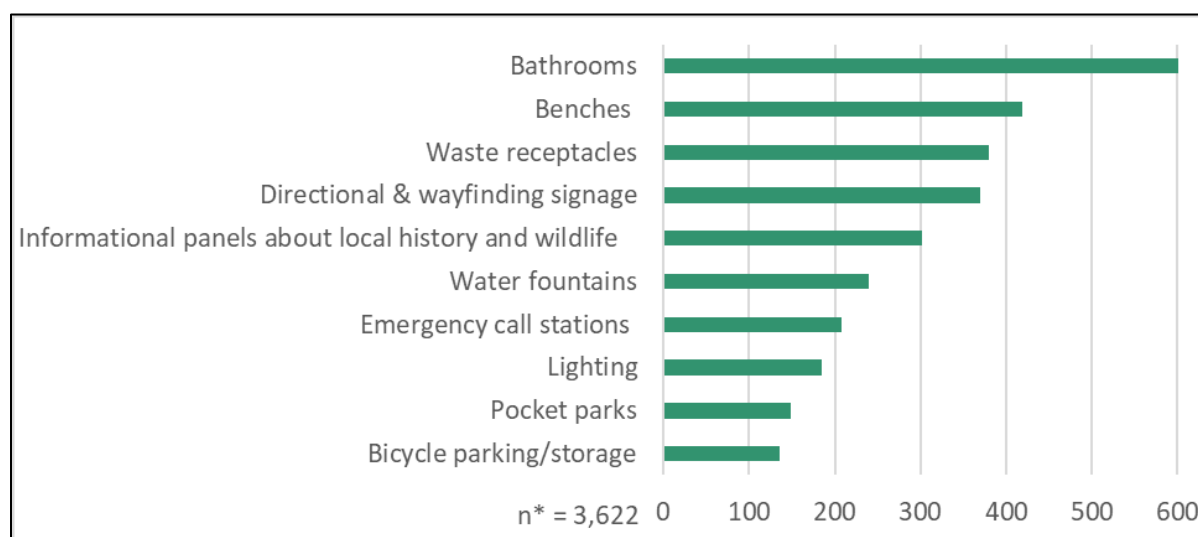


Figure 32: Top trail amenity requests from survey respondents.

Municipal Presentations

In early 2025, the study team conducted a series of in-person presentations to the governing boards of the City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill. Each meeting consisted of a brief presentation to introduce the study, review initial findings, and discuss preliminary design ideas. All four meetings were open to the public. The goal of these presentations was to engage each community with information about the condition of the rail corridor in their area and to listen to their concerns. These small, in-person gatherings allowed for useful dialogue among community members.

Elected officials and the public were generally supportive of a trail on the corridor and expressed excitement for the potential recreational opportunities and economic benefits of a trail. Common themes expressed during these presentations included:

- Support for a trail from the public and elected officials.
- Specific recommendations for amenities.
- Questions about when the trail would be built.
- Concerns from neighboring residents about property security and potential trespassing from the trail onto private property.
- Concerns for the safety of trail users.
- Desire for fencing and screening options to maintain privacy for residences adjacent to the trail.

Public Information Meetings (Virtual)

We held two virtual public meetings during the study. Both meetings included opportunities for the public to submit questions and participate in several interactive polls. The first public meeting was held on March 20, 2025, where the study team presented an overview of existing conditions along the corridor. Approximately 75 people attended that meeting, which was recorded and posted on the study website. A second public meeting was held on August 20, 2025, where the two design concepts were presented, along with the recommended concept. Over 90 people attended that meeting, which was also recorded and posted online. During both meetings, people were supportive of a rail trail, especially the Rail To Trail concept.

Study Advisory Committee

A Study Advisory Committee (SAC) helped guide the study by providing local knowledge, advice, and feedback to the study team. The SAC was comprised of representatives from the municipalities along the corridor, the Dutchess County Department of Public Works and Department of Planning & Development, Metro-North Railroad, NYSDOT, and Scenic Hudson/Fjord Trail. The team held an initial SAC kick-off meeting in fall 2023, with subsequent meetings held throughout the planning process. The SAC was integral in providing feedback on data collected, community and agency input about the potential trail, and coordination with other projects.

Final Thoughts

Based on the assessment of existing conditions, constructability, and cost, the most feasible option for this corridor is Rail To Trail: converting the existing rail bed to a trail. This option is the most practical and least disruptive: not only would it cost much less than the Rail With Trail option, but it would impose significantly fewer environmental impacts. Importantly, the Rail To Trail option would not preclude future rail use, if ever desired. The DCTC stands ready to support interested parties in progressing the Rail To Trail concept, knowing that any project of this scale and scope will require initiative, patience, and significant outside funding.

Table 3. Rail To Trail Cost Estimate

Beacon-Hopewell Rail Trail Rail TO Trail - Planning Level Cost Estimate						
CONSTRUCTION ITEMS	Klara Sauer Trail to Van Pelt Park	Van Pelt Park to Route 9 Area	Route 9 Area and Bridge Crossing	Sarah Taylor Park to Doug Phillips park	Doug Phillips Park to Hopewell Depot	TOTAL
TRAIL LENGTH	3.6 Miles	2.0 Miles	0.4 Miles	1.7 Miles	4.1 Miles	11.8 Miles
CLEARING & GRUBBING	\$ 58,000	\$ 32,000	\$ 32,000	\$ 27,000.00	\$ 65,000	\$ 214,000
RAIL, HARDWARE & TIE REMOVAL	\$ 552,000	\$ 307,000	\$ 62,000	\$ 261,000.00	\$ 628,000	\$ 1,810,000
EARTHWORK	\$ 296,000	\$ 149,000	\$ 30,000	\$ 127,000.00	\$ 305,000	\$ 907,000
TRAIL	\$ 873,000	\$ 417,000	\$ 84,000	\$ 354,000.00	\$ 854,000	\$ 2,582,000
DRAINAGE	\$ 713,000	\$ 83,000	\$ 21,000	\$ 81,000.00	\$ 151,000	\$ 1,049,000
MINOR ROAD CROSSING IMPROVEMENTS	\$ 32,000	\$ 21,000	-	\$ 21,000.00	\$ 57,000	\$ 131,000
MAJOR ROAD CROSSING IMPROVEMENTS	\$ 102,000	-	\$ 5,990,000	\$ 2,490,000.00	\$ 4,847,000	\$ 13,429,000
EROSION CONTROL	\$ 202,000	\$ 102,000	\$ 32,000	\$ 89,000.00	\$ 224,000	\$ 649,000
LANDSCAPING, BENCHES, SIGNS/PANELS	\$ 661,000	\$ 396,000	\$ 69,000	\$ 352,000.00	\$ 742,000	\$ 2,220,000
PEDESTRIAN RAILING	\$ 221,000	\$ 215,000	\$ 98,000	\$ 260,000.00	\$ 527,000	\$ 1,321,000
MADAME BRETT TRAILHEAD	\$ 124,000	-	-	-	-	\$ 124,000
JEAN VAN PELT PARK	\$ 113,000	-	-	-	-	\$ 113,000
TEMPORARY PARKING	-	\$ 44,000	-	-	-	\$ 44,000
SARAH TAYLOR PARK	-	-	\$ 101,000	-	-	\$ 101,000
DOUG PHILLIPS PARK	-	-	-	\$ 101,000.00	-	\$ 101,000
HOPEWELL DEPOT PARKING EXPANSION	-	-	-	-	\$ 85,000	\$ 85,000
BRIDGE #1 REHAB	\$ 325,000	-	-	-	-	\$ 325,000
BRIDGE #2 REHAB	\$ 65,000	-	-	-	-	\$ 65,000
BRIDGE #3 REHAB	\$ 350,000	-	-	-	-	\$ 350,000
BRIDGE #4 REHAB	-	\$ 450,000	-	-	-	\$ 450,000
BRIDGE #5 REHAB	-	-	-	-	\$ 340,000	\$ 340,000
BRIDGE #6 REHAB	-	-	-	-	\$ 130,000	\$ 130,000
WORK ZONE TRAFFIC CONTROL	\$ 47,000	\$ 23,000	\$ 326,000	\$ 125,000.00	\$ 269,000	\$ 790,000
SUBTOTAL CONSTRUCTION COSTS	\$ 4,734,000	\$ 2,239,000	\$ 6,845,000	\$ 4,288,000	\$ 9,224,000	\$ 27,330,000
						\$ -
CONTINGENCY / RISK (15%)	\$ 710,100	\$ 335,850	\$ 1,026,750	\$ 643,200	\$ 1,383,600	\$ 4,099,500
SUBTOTAL (2024 DOLLARS)	\$ 5,445,000	\$ 2,575,000	\$ 7,872,000	\$ 4,932,000	\$ 10,608,000	\$ 31,432,000
						\$ -
FIELD CHANGE ORDER (5%)	\$ 272,250	\$ 128,750	\$ 393,600	\$ 246,600	\$ 530,400	\$ 1,571,600
MOBILIZATION (USE 4%)	\$ 217,800	\$ 103,000	\$ 314,880	\$ 197,280	\$ 424,320	\$ 1,257,280
SUBTOTAL (2024 DOLLARS)	\$ 5,936,000	\$ 2,807,000	\$ 8,581,000	\$ 5,376,000	\$ 11,563,000	\$ 34,263,000
						\$ -
INFLATION TO 2030 DOLLARS (3%)	\$ 895,000	\$ 425,000	\$ 1,290,000	\$ 810,000	\$ 1,735,000	\$ 5,155,000
CONSTRUCTION SUBTOTAL	\$ 6,831,000	\$ 3,232,000	\$ 9,871,000	\$ 6,186,000	\$ 13,298,000	\$ 39,418,000
						\$ -
ENGINEERING	\$ 1,024,650	\$ 484,800	\$ 1,480,650	\$ 927,900	\$ 1,994,700	\$ 5,912,700
CONSTRUCTION INSPECTION	\$ 1,024,650	\$ 484,800	\$ 1,480,650	\$ 927,900	\$ 1,994,700	\$ 5,912,700
ESTIMATED TOTAL	\$ 8,890,000	\$ 4,210,000	\$ 12,840,000	\$ 8,050,000	\$ 17,290,000	\$ 51,280,000

* Engineering and Construction Inspection assume Federal Funding Procedures

Table 4. Rail With Trail Cost Estimate

Beacon-Hopewell Rail Trail Rail WITH Trail - Planning Level Cost Estimate						
CONSTRUCTION ITEMS	Klara Sauer Trail to Van Pelt Park	Van Pelt Park to Route 9 Area	Route 9 Area and Bridge Crossing	Sarah Taylor Park to Doug Phillips park	Doug Phillips Park to Hopewell Depot	TOTAL
TRAIL LENGTH	3.6 Miles	2.0 Miles	0.4 Miles	1.7 Miles	4.1 Miles	11.8 Miles
CLEARING & GRUBBING	\$ 476,000	\$ 264,000	\$ 32,000	\$ 225,000	\$ 542,000	\$ 1,539,000
RAIL, HARDWARE & TIE REMOVAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EARTHWORK	\$ 4,811,000	\$ 1,967,000	\$ 30,000	\$ 1,389,000	\$ 4,126,000	\$ 12,323,000
TRAIL	\$ 1,053,000	\$ 504,000	\$ 84,000	\$ 428,000	\$ 1,032,000	\$ 3,101,000
DRAINAGE	\$ 774,000	\$ 2,468,000	\$ 21,000	\$ 3,046,000	\$ 3,737,000	\$ 10,046,000
MINOR ROAD CROSSING IMPROVEMENTS	\$ 32,000	\$ 21,000	-	\$ 21,000	\$ 57,000	\$ 131,000
MAJOR ROAD CROSSING IMPROVEMENTS	\$ 102,000	-	\$ 5,990,000	\$ 2,490,000	\$ 4,847,000	\$ 13,429,000
EROSION CONTROL	\$ 997,000	\$ 544,000	\$ 32,000	\$ 464,000	\$ 1,130,000	\$ 3,167,000
LANDSCAPING, BENCHES, SIGNS/PANELS	\$ 1,474,000	\$ 849,000	\$ 69,000	\$ 737,000	\$ 1,667,000	\$ 4,796,000
PEDESTRIAN RAILING	\$ 444,000	\$ 69,000	\$ 98,000	\$ 410,000	\$ 637,000	\$ 1,658,000
MADAME BRETT TRAILHEAD	\$ 124,000	-	-	-	-	\$ 124,000
JEAN VAN PELT PARK	\$ 113,000	-	-	-	-	\$ 113,000
TEMPORARY TRAILHEAD	-	\$ 66,000	-	-	-	\$ 66,000
SARAH TAYLOR PARK	-	-	\$ 101,000	-	-	\$ 101,000
DOUG PHILLIPS PARK	-	-	-	\$ 101,000	-	\$ 101,000
HOPEWELL DEPOT PARKING EXPANSION	-	-	-	-	\$ 85,000	\$ 85,000
BRIDGE #1 CONSTRUCTION	\$ 3,500,000	-	-	-	-	\$ 3,500,000
BRIDGE #2 CONSTRUCTION	\$ 500,000	-	-	-	-	\$ 500,000
BRIDGE #3 CONSTRUCTION	\$ 5,000,000	-	-	-	-	\$ 5,000,000
BRIDGE #4 CONSTRUCTION	-	\$ 3,500,000	-	-	-	\$ 3,500,000
BRIDGE #5 CONSTRUCTION	-	-	-	-	\$ 2,500,000	\$ 2,500,000
BRIDGE #6 CONSTRUCTION	-	-	-	-	\$ 750,000	\$ 750,000
WORK ZONE TRAFFIC CONTROL	\$ 194,000	\$ 103,000	\$ 323,000	\$ 280,000	\$ 634,000	\$ 1,534,000
SUBTOTAL CONSTRUCTION COSTS	\$ 19,594,000	\$ 10,355,000	\$ 6,780,000	\$ 9,591,000	\$ 21,744,000	\$ 68,064,000
						\$ -
CONTINGENCY / RISK (15%)	\$ 2,939,100	\$ 1,553,250	\$ 1,017,000	\$ 1,438,650	\$ 3,261,600	\$ 10,209,600
SUBTOTAL (2024 DOLLARS)	\$ 22,534,000	\$ 11,909,000	\$ 7,797,000	\$ 11,030,000	\$ 25,006,000	\$ 78,276,000
						\$ -
FIELD CHANGE ORDER (5%)	\$ 1,126,700	\$ 595,450	\$ 389,850	\$ 551,500	\$ 1,250,300	\$ 3,913,800
MOBILIZATION (USE 4%)	\$ 901,360	\$ 476,360	\$ 311,880	\$ 441,200	\$ 1,000,240	\$ 3,131,040
SUBTOTAL (2024 DOLLARS)	\$ 24,563,000	\$ 12,981,000	\$ 8,499,000	\$ 12,023,000	\$ 27,257,000	\$ 85,323,000
						\$ -
INFLATION TO 2030 DOLLARS (3%)	\$ 3,685,000	\$ 1,950,000	\$ 1,275,000	\$ 1,805,000	\$ 4,090,000	\$ 12,805,000
CONSTRUCTION SUBTOTAL	\$ 28,248,000	\$ 14,931,000	\$ 9,774,000	\$ 13,828,000	\$ 31,347,000	\$ 98,128,000
						\$ -
RIGHT OF WAY	\$ 3,600,000	\$ 2,400,000	\$ 500,000	\$ 1,700,000	\$ 4,100,000	\$ 12,300,000
ENGINEERING	\$ 4,237,200	\$ 2,239,650	\$ 1,466,100	\$ 2,074,200	\$ 4,702,050	\$ 14,719,200
CONSTRUCTION INSPECTION	\$ 4,237,200	\$ 2,239,650	\$ 1,466,100	\$ 2,074,200	\$ 4,702,050	\$ 14,719,200
ESTIMATED TOTAL	\$ 40,330,000	\$ 21,820,000	\$ 13,210,000	\$ 19,680,000	\$ 44,860,000	\$ 139,900,000

* Engineering and Construction Inspection assume Federal Funding Procedures

City of Beacon City Council Agenda
07/20/2026

Title:

Discussion of Potential Amendments to the Fishkill Creek District

ATTACHMENTS

KARC Memorandum Regarding Potential Amendments to the Fishkill Creek District

Fishkill Creek District Map

Proposed Local Law Concerning the Fishkill Development District and Hotels

Draft Schedule of Dimensional Regulations

Draft Schedule of Use Regulations

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants

DATE: July 15, 2026

RE: Fishkill Creek Development District (FCD) – Policy Considerations and Proposed Text Amendments

During the July 6, 2026 City Council Workshop, the Council discussed potential amendments to the Fishkill Creek Development (FCD) District regulations in response to preliminary discussions regarding the potential redevelopment of property located at 555 South Avenue. While no formal application has been submitted, the discussion identified several policy questions regarding the FCD District that warrant consideration independent of any specific project.

This memorandum summarizes the existing FCD regulations, consistency with the City's Comprehensive Plan, and the proposed zoning text amendments prepared in response to the Council's discussion.

Inventory of FCD Parcels

The Fishkill Creek Development (FCD) District encompasses a relatively small geographic area consisting of only nine (9) tax parcels ranging in size from approximately 0.03 acres to 11.07 acres. An outlier parcel of 49.9 acres represents a linear strip of right-of-way land along the abandoned rail line that is being considered for the Hopewell- Beacon rail Trail. Several parcels within the district have been recently developed, while others remain vacant or underutilized and represent future redevelopment opportunities. The district includes former industrial properties, vacant land, and portions of the rail line. A summary of the parcels is provided below, with Attachment A depicting the location of FCD parcels within the city.

Parcel	Lot #	Address	Size	Notes
1	751258	555 South Ave	11.07 Ac	Former Tioronda Hat Works Factory
2	96715	N/A	49.9 Ac	Rail Line
3	894286	Tioronda Ave	1.3 Ac	Vacant parcel
4	951357	Tioronda Ave	4.9 Ac	Vacant parcel
5	12574	200-300 Arno Dr	9.17 Ac	Project also referred to as 248 Tioronda
6	37625	25-28 Creek Dr	3.14 Ac	Developed site
7	459057	Fishkill Ave	4.9 Ac	Vacant parcel
8	535128	Front Street	3.5 Ac	Vacant parcel; Concept plan previously reviewed by Council
9	516113	Front Street	0.03 Ac	Private sewage pump station

Comprehensive Plan Consistency

The 2017 City of Beacon Comprehensive Plan generally supports the continued redevelopment of the Fishkill Creek corridor through a mix of residential, commercial, cultural, and recreational uses. The Plan specifically encourages the redevelopment of underutilized industrial properties, the adaptive reuse of former industrial buildings, environmental remediation of brownfield sites, expanded tourism opportunities, and amenities such as inns, spas, restaurants, and other destination-oriented uses that support the City's economic development objectives.

More specifically, the Comprehensive Plan recommends encouraging the redevelopment of vacant and underutilized industrial sites along Fishkill Creek for new residential, commercial, or light industrial uses, as appropriate, while also promoting tourism, business development, and employment opportunities throughout the City.

While the Comprehensive Plan references hospitality uses and tourism, it does not specifically distinguish between an "inn" and a "hotel," nor does it expressly address whether hotels should be permitted within the Fishkill Creek Development District. Likewise, the Comprehensive Plan does not identify a recommended residential density or establish a target number of dwelling units per acre for the FCD District.

Overall, the Comprehensive Plan appears generally supportive of mixed-use redevelopment, adaptive reuse, tourism, and economic development within the Fishkill Creek corridor. However, it leaves the specific questions of hotel accommodations and residential density to future legislative policy decisions by the City Council.

Purpose of FCD District

In addition to the Comprehensive Plan, the stated purpose of the Fishkill Creek Development (FCD) District provides further guidance regarding the City's intent for this area. The FCD District is specifically intended to encourage the redevelopment of underutilized industrial properties through a mix of residential and nonresidential uses on larger, flexible development sites while preserving the environmental and recreational resources associated with Fishkill Creek. The district also emphasizes the protection of open space corridors, expansion of public access and greenway connections, and enhancement of recreational opportunities along the creek. Consistent with the Comprehensive Plan, the purpose statement establishes the desired character and land use mix for the district but does not prescribe a specific residential density.

FCD Form-Based Development Standards

The Fishkill Creek Development (FCD) District is a form-based mixed-use district that regulates development through detailed bulk, design, and site planning standards. In addition to residential density, the district establishes controls for building height, building coverage, open space, setbacks, creek buffers, architecture, landscaping, parking, pedestrian connections, and

viewsheds, all of which are subject to City Council concept plan approval and Planning Board site plan review. As a result, eliminating or increasing the maximum residential density would not, by itself, permit larger or taller buildings. The overall scale and massing of development would continue to be regulated through the district's existing form-based standards.

Existing Zoning Density Comparison

The current FCD regulations permit one dwelling unit for every 3,960 square feet of lot area, equivalent to approximately 11 dwelling units per acre. The draft Local Law proposes eliminating this maximum residential density limitation while retaining the district's existing form-based bulk and design standards.

The FCD District is somewhat unique in that it combines form-based development standards with a traditional residential density limitation. The General Business (GB) and Light Industry (LI) Districts permit one dwelling unit per 1,500 square feet of lot area (approximately 29 dwelling units per acre), while the City's principal form-based mixed-use districts (CMS, L and WD) do not regulate residential density through a minimum lot area per dwelling unit. Instead, development intensity in those districts is controlled through building height, setbacks, lot coverage, frontage requirements, and other form-based standards.

Accordingly, the Council may wish to consider whether the current FCD density standard continues to reflect the intended character of the district and the city's housing development goals, or whether additional flexibility could be provided while continuing to rely on the district's existing form-based dimensional and design standards to regulate building scale and massing.

District	Min. Area Per Unit (sq. ft per unit)	Units Per Acre
FCD	3,960	11
CMS, L, WD	--	--
GB, LI	1,500	29
RD-1.7	1,700	25
RD-1.8	1,800	24
RD-3	3,000	14
RD-4	4,000	10
RD-5	5,000	8
RD-6	6,000	7
RD-7.5	7,500	5

Definitions: Hotel Versus Inn

The Council requested additional information regarding the distinction between a hotel and an inn under the City's zoning regulations. While hotels are listed as a prohibited use within the Fishkill Creek Development (FCD) District, inns are expressly permitted. However, Section 223-41.13(B)(12) also permits "[o]ther nonresidential use[s] similar to the above uses as determined by resolution of the City Council." As a result, the Code creates some ambiguity regarding whether certain hospitality uses could be considered sufficiently similar to an inn to warrant approval by the Council.

Section 223-63 of the Zoning Code defines these uses as follows:

HOTEL: *A building, or portion thereof, containing rooms occupied primarily by transient guests, who are lodged with or without meals, and in which there may be provided such services as are accessory and incidental to the use thereof as a temporary residence, such as dining, recreational facilities, public rooms and meeting rooms, and gift shops. The term "hotel" shall not include bed-and-breakfast establishment, boardinghouse, rooming house, short-term rental or single-room-occupancy building for the purposes of this chapter.*

INN: *A hotel containing no more than 10 guest rooms.*

Based on these definitions, an inn is simply a hotel with ten (10) or fewer guest rooms. The zoning code does not establish substantially different operational or land use characteristics between the two uses beyond the number of guest rooms. From a land use planning perspective, both provide transient lodging accommodations and may include similar accessory amenities.

Accordingly, if the Council wishes to permit larger hospitality accommodations within the FCD District, a legislative amendment provides the clearest means of resolving this ambiguity rather than relying on the "similar use" provision.

Section 223-14.1 Hotel Regulations

The accompanying draft Local Law includes revisions to §223-14.1 intended to modernize the City's hotel regulations and better accommodate mixed-use development within the FCD District. Specifically, the amendments would permit hotels to function as part of a mixed-use development and remove the existing prohibition on guest room kitchen facilities, while maintaining the existing operational standards applicable to hotel uses.

Summary of Proposed Local Law

Based on the Council's discussion at the July 6, 2026 Workshop, a draft Local Law has been prepared for the Council's consideration. The proposed amendments are intended to provide greater flexibility for mixed-use redevelopment within the Fishkill Creek Development (FCD) District while continuing to rely on the district's existing form-based standards to regulate the scale, massing, and character of development. The proposed amendments include the following:

- **Permit hotels within the FCD District** by adding "hotel" as a permitted principal use alongside bed-and-breakfast establishments and inns within § 223-41.13(B)(3).
- **Remove the maximum dwelling unit density limitation** of 11 dwelling units per acre from § 223-41.14(B), while retaining all existing bulk, design, open space, and form-based development standards applicable to the district.
- **Update the hotel supplemental regulations (§ 223-14.1)** to better reflect contemporary mixed-use development by permitting hotels to function as part of a mixed-use project rather than solely as a stand-alone use, and by removing the prohibition on guest room kitchen facilities. The existing prohibition was historically intended to distinguish hotels from multifamily dwellings and single-room occupancy uses; however, those distinctions are already addressed through the zoning code definitions and applicable building code requirements.
- **Revise the minimum building setback requirement** within § 223-41.14 to measure the setback only from a public street right-of-way, eliminating the reference to private streets for consistency with the City's other zoning regulations.

Next Steps

If the City Council concurs with the proposed amendments, the next step would be to authorize the preparation and circulation of the draft Local Law for referral to the Dutchess County Department of Planning and Development pursuant to General Municipal Law §239-m and to the City of Beacon Planning Board for review and recommendation. The City Council would also be in a position to schedule a public hearing on the proposed Local Law to provide residents, property owners, and other interested stakeholders an opportunity to provide additional input. Following receipt of the referral comments and completion of the public hearing, the City Council may consider adoption of the Local Law.

Cc: Benjamin Swanson, City Administrator
Nick Ward-Willis, Keane & Beane, P.C.

Zoning Map | Dutchess County NY

Orange County

Beacon City

FCD

Fishkill Creek Development (FCD)

84 84 90 36 52B

Scale: 0 100 200 Feet

North Arrow

LOCAL LAW NO. ____ OF 2026

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE
CONCERNING THE FISHKILL DEVELOPMENT DISTRICT AND HOTELS

A LOCAL LAW to amend
Chapter 223, Zoning, concerning
regulations governing hotels and
the Fishkill Development
District.

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

Section 1. Chapter 223 of the Beacon City Code, Article II – General Legislation, Section 223-14.1 entitled “Hotels” is hereby amended as follows:

§ 223-14.1 **Hotels.**

A. Permitted uses. If a site is to be used for a hotel, use of the site and any buildings or structures on the site shall ~~be limited to~~ may include usual hotel activities and accessory uses incidental to the operation of a hotel and of the same general character, provided that all such accessory uses shall be planned as an integral part and located on the same site with the hotel.

(1) Such accessory uses may include the following:

- (a) Dining facilities providing food and drink.
- (b) Newsstands, gift shops and other shops.
- (c) Recreation facilities which shall be for the exclusive use of guests or members.
- (d) Employees' quarters and facilities.
- (e) Spa facilities.
- (f) Conference center facilities

(2) All hotels shall include the following:

- (a) A lobby, registry desk, manager's office and public rest room facilities.
- (b) Off-street parking facilities.
- (c) Access to all guest rooms from an interior hallway

- B. Screening. Outdoor parking areas and recreational facilities shall be screened with fencing, landscaping and/or buildings on all sides toward adjoining residential lots. Where hotel buildings are set back less than 100 feet from one-family residential lots, such buildings shall be suitably screened with planting.
- C. Off-street parking shall be in accordance with § 223-26.

~~D. — No kitchen facilities. There shall be no kitchen facilities in the hotel rooms except for a coffeemaker, a microwave oven and a small refrigerator.~~

Section 2. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.13 entitled “Uses; plan review; design standards,” Subsection B(3) is hereby amended as follows:

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

...

- 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:
- (1) Apartment, attached or multifamily dwelling.
 - (2) Artist live/work space, artist studio and workshop of artisan.
 - (3) Bed-and-breakfast establishment, ~~or inn,~~ or hotel.
 - (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.

...

Section 3. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.14 entitled “Bulk regulations,” Subsections B and G are hereby amended as follows:

§ 223-41.14 **Bulk regulations.**

- A. Minimum size of FCD site: two acres. Notwithstanding the above, the owner of less than two acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.
- B. Development potential. ~~Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a~~ minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. For good cause shown, the City Council may, upon imposition of such conditions as it deems appropriate, allow certificates of occupancy to be issued for dwelling units or artist live/work spaces prior to the nonresidential component being completed. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.
- C. Maximum dwelling unit size: 2,000 square feet of gross floor area.
- D. Maximum building coverage, including parking structures: 35%.
- E. Minimum open space: 30%.
- F. Maximum building height: three stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or

centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the City Council to add architectural interest and to encourage access to rooftop gardens.

- G.** Minimum building setback from edge of pavement of ~~a public and private streets~~ right-of-way: 12 feet.
- H.** Minimum frontage of overall FCD site on public street right-of-way: 50 feet.
- I.** Minimum setback from and buffer width along Fishkill Creek: an average of 50 feet, but not less than 25 feet at any point, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

Section 4. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 211 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification.

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

Section 6. Severability.

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

Section 7. Effective date.

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

DRAFT

ZONING

223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations

[Added 6-15-2020 by L.L. No. 7-2020;¹ amended 9-19-2022 by L.L. No. 8-2022; 9-3-2024 by L.L. No. 8-2024; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

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

NOTES:

- ^a A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ^b But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ^c But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ^d For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ^e In any RD or T District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreation or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided in the future. In its sole discretion, the Planning Board may also reduce the required side yard setbacks to zero feet for subdivisions of land designed for attached or semi-attached single-family dwellings (townhouses) where appropriate, except that the minimum side yard setbacks for end unit dwellings shall not be reduced further than 1/2 the minimum side yard setback of the least restrictive adjoining residential district.

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

BEACON CODE

- ^f A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.
- ^g And each building shall not exceed 150 feet in length.
- ^h For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.
- ⁱ One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations

[Added 6-15-2020 by L.L. No. 7-2020;¹ amended 2-16-2021 by L.L. No. 2-2021; 9-19-2022 by L.L. No. 8-2022; 9-19-2022 by L.L. No. 9-2022; 5-5-2025 by L.L. No. 4-2025; 6-2-2025 by L.L. No. 5-2025; 7-7-2025 by L.L. No. 8-2025; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	P ²	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		P ²	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	P ²	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	P	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	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
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	~~PX~~	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X

¹ Editor’s Note: This local law also repealed former 223 Attachment 2, § 223-17D, Schedule of Regulations for Nonresidential Districts, as amended.

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	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	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale business		X	X	X	P	X	X	X	X	X	P	P
Self-storage facility and warehouse storage	Subject to § 223-24.5	X	X	X	P/SP	X	X	X	X	X	P/SP	P/SP
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	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
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	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*
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	P	P	P	P	P	P	P	P
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	P	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Drive-through facilities, standalone or accessory		X	X	X	X	X	X	X	X	X	X	X
Garden, roof garden, or greenhouse		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
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see →					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

² These uses, excluding townhouses, are only permitted on a parcel within the R1-5 Zoning District and not any other R1 Zoning District. Additionally, these uses are only permitted on a parcel in the R1-5 Zoning District if such parcel is located north of either side of Rombout Avenue, south of Verplank Avenue, east of South Avenue (a/k/a Route 9D) and west of Fishkill/Teller Avenue. For a parcel on the southern side of Rombout Avenue, such use is not permitted on a corner lot unless the driveway and the front of the house is located on Rombout Avenue.

City of Beacon City Council Agenda
07/20/2026

Title:

Discussion of Potential Amendments to Short-Term Rental Regulations

ATTACHMENTS

Keane & Beane, P.C. Memorandum to City Council Regarding Short-Term Rental Law Decision Tree

Dutchess County Short-Term Rental Regulation Tracker (June 2025)

Beacon Zoning Section 223-26.5: Short-Term rentals

Beacon Zoning Code Definition Regarding Short-Term Rental

Beacon Zoning Code Section 223-24.1: Accessory Apartment Prohibition on Short-Term Rentals

MEMORANDUM

TO: Mayor Lee Kyriacou
Members of the City Council

FROM: Keane & Beane, P.C.

RE: Short-Term Rental Local Law - Decision Tree for Updates

DATE: July 17, 2026

This memorandum examines potential options for the City Council of the City of Beacon (the “City Council”) to discuss concerning regulation of short-term rentals (“STRs”) in the City of Beacon pursuant to [Beacon City Code § 223-26.5](#) (the “STR Law”). This memorandum is not meant to be exhaustive but is instead intended to raise certain pathways that the City Council may consider as it relates to the regulation of STRs in the City. Once a pathway is chosen by the City Council, additional decisions concerning the specifics of the pathway will need to be made by the City Council before a local law can be introduced. In 2024, the State Legislature adopted Article 12-D of the N.Y. Real Property Law which expressly allows municipalities to regulate short-term rentals.

I. BACKGROUND

In 2020, the City Council adopted Local Law No. 6 of 2020 providing for the regulation of STRs in the City. An STR is defined as “[a]n entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days.” Beacon City Code § 223-26.5(B). It is unlawful for someone to operate an STR without first receiving a permit from the Building Department. A permit to operate an STR shall only be issued if the property is owner-occupied. Accessory apartments (commonly called “ADUs”), cannot be utilized as an STR; provided, however, the owner may reside in the accessory apartment and utilize the primary residence as an STR.

STRs are currently permitted in all zoning districts and in any single-family home, two-family homes, and multifamily dwellings (i.e., 3 or more units). The legislative findings set forth under Beacon City Code § 223-26.5(A), recognize that a STR is a way for “homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City.” However, the City Council also recognizes that studies have shown STRs “are linked to increases in rent and housing costs” because non-owner occupied STRs are often tied to the removal of rental housing from the traditional long-term housing market.

II. DECISION TREE

1. **Question:** Should STRs be entirely banned in the City? N.Y. Real Property Law § 447-c(1)(d) expressly authorizes municipalities to prohibit STRs.

Discussion: If the answer is yes, then the City Council should consider:

- i. Whether existing lawful STRs may continue as a non-conforming use;
- ii. Whether to phase-out existing lawful STRs over a period of time;
- iii. Whether to allow unpermitted STRs to have a grace period to apply for a permit and then continue as a non-conforming use or to be phased out over period of time.

Discussion: The City Administration has also suggested that the City Council may want to address enforcement issues that will certainly arise from a ban. For example, additional budgeting for the hiring of additional code enforcement officers, additional budgeting to address illegal STRs in City Court, procurement of additional third-party services to identify illegal STRs.

*NOTE: If the answer is yes, the City Council need not address the remainder of this Memorandum and should focus on winding down the existing STR permit program and future enforcement.

2. **Question:** Where should STRs be permitted?

Discussion: The City Council could allow STRs as follows:

- i. In all zoning districts (as is currently allowed)?
- ii. In only a limited number of zoning districts?
- iii. Within a certain distance of Main Street or other place(s)?
- iv. Within a limited distance of another STR?
- v. By reference to an area bounded by identified streets?

3. **Question:** Should the number of STRs be limited?

Discussion: Does the City Council want to cap the total number of STR permits issued in the City? By lottery? By first come-first served? If so, to what number?

Discussion: Does the Council want to guarantee existing STR permits to holders and then limit the number of permits that be issued to new STRs? For example, lawful STR permittees may continue to renew their permits for certain number of years or indefinitely, but the number of new permits are limited.

4. **Question:** Should the owner-occupied requirement be eliminated?

- a. **Discussion:** Since the STR local law was adopted in 2020, it has proven difficult to accurately enforce the owner-occupancy requirement. STR operators are often able to show their lawful residence is at the subject property even when they spend a substantial time elsewhere. If an owner can prove their lawful residence is at the property, it is unreasonable and arbitrary to deny the permit on the grounds that the owner is *suspected* of spending time elsewhere. Moreover, the Building Department is not in a position to second-guess the owner's lawful residence upon proof their residence is at the property, which is proven through property tax filings, utility bills, and an affidavit.

5. **Question:** Whether the 100 rental days per year limitation is effective.

Discussion: The City Code presently limits the use of an STR to a maximum of 100 days per year. This limitation has proven impractical to enforce. STR listings on websites are not sufficient legal proof that someone has rented the STR for a variety of reasons (e.g., incorrect listings, cancellations, etc.). Therefore, the City would need to routinely monitor all STRs to determine whether someone is staying at the residence. It would then need to be determined whether this person is the owner or tenant, or STR patron. If the person is a STR patron, the patron would then need to sign an affidavit to attest to their length of stay. This process will need to be completed (for each STR) until it can be proven the length of stays at the STR exceeds 100 days. Not only will this process raise serious privacy concerns, but the City does not have the resources to devote to this monitoring.

6. **Question:** Whether to increase the penalty for violations of the City's STR law.

Discussion: The City presently provides that a violation of the STR law is subject to a \$25 per day penalty because the penalty is tied to the City's general penalty for violations of the Zoning Code. This fine could be considered the cost of doing business to some operators of STRs. Other municipalities in Dutchess County have the ability to seek significantly higher fines, typically ranging from \$350 to \$1,500 per each day an offense occurs. Some also assess a civil penalty, such as the Village of Wappingers Falls and Town of Poughkeepsie, which civil penalty can be as great as \$500 for a first offense. The City of Poughkeepsie issues a

\$750 fine per day and the Kingston issues a \$1,000 fine per day for an unlawful renting or listing. Accordingly, the City Council should amend the penalties to provide a stand-alone penalty for violating the City's STR law. Our office recommends a minimum \$500 per day fine of unpermitted renting or listing. The fine structure could also be amended to provide escalating fines for subsequent violations.

7. **Question:** Whether to amend the Law to require short-term rental marketplaces to include only permitted STRs.

Discussion: A small but growing number of larger municipalities, such as New York City, New Orleans, San Francisco, and even the State of Rhode Island, require short-term rental marketplaces (e.g., AirBnB and Vrbo) to only market permitted STRs. Marketplaces which violate these laws by listing unlicensed/permitted STRs can face fines up to \$1,000 per illegal listing per day or offense.

cc: Ben Swanson, City Administrator
Natalie Quinn, City Planner
Bryan Murphy, Building Inspector

As of June 2025. For planning purposes only, no guarantee of accuracy is given.

Municipality	Short-Term Rentals ---- Local Regs Tracker					Regs of Note							
	Status of STR Regs	Adopted STR regs?	Date of Adoption	link to regs in e-code (or Pool)	Partnering with County on Granicus monitoring? (confirmed Feb 2025)	Primary Residence Requirement?	Distinguish between Hosted/Unhosted?	Require SUP or Site Plan?	Require administrative permit	Cap # nights/year unit can be STR'd	Cap on # STRs per owner	Cap on Total # Permits	Other Items of Interest
C/Beacon	completed	Yes	10/1/2020	https://ecode360.com/36578976	Yes	YES (via STAR tax exemption status)	no - both are allowed, submit contact person if not onsite during STR	no	YES	100 days	functionally yes, but not expressly stated	no	allowed in all zones and in all types of housing (SFR/2-fam/ADU/multifam); 2-year permit duration; inspection by Bldg Dept
C/Poughkeepsie	completed	Yes	10/1/2024	https://cityofpoughkeepsie.com/DocumentCenter/View/3627/Zoning-Code	No	no	Yes	No	Yes	no	no	Yes for unhosted (0.5% of housing stock)	Allowed in all but industrial and waterfront zones. Allowed in all housing types (if owned or permitted by owner). One-year permit.
T/Amenia													
T/Beekman	completed	Yes	6/7/2023	https://ecode360.com/B/E1259/laws/LF1807888.pdf	Yes	YES	YES	no	YES	no	1 per owner	15	primary residency via STAR, tax return, other accepted evidence; annual permit; inspection
T/Clinton	completed	Yes	11/17/2020	LF1296205.pdf (ecode360.com)	Yes	no	YES	YES for unhosted	YES for hosted		2 unhosted per owner		annual permit; addt'l insurance; inspection; treats unhosted as though also not primary residence - odd;
T/Dover													
T/East Fishkill	completed	yes	9/28/2023	https://ecode360.com/44153086	No	no	no	no	no (but need to register)	no	no	no	very spartan; limited to single-occupancy bldgs; must register w/Town
T/Fishkill													
T/Hyde Park													
T/LaGrange													
T/Milan	completed	Yes	11/15/2021	https://ecode360.com/6517411	Yes	YES	YES	no	YES	no	no	no	annual permit; allowance made to allow STR on non-primary residence if at time of adoption of regs, owner has primary residence elsewhere in town
T/North East													
T/Pawling	completed	Yes	2/12/2020	https://ecode360.com/35786438	No	no	no	no	YES	no	no	no	annual permit; septic system inspection; max occupancy per unit based on septic capacity or 2ppBR or 20, whichever is less; no special events; property inspection
T/Pine Plains													
T/Pleasant Valley													
T/Poughkeepsie	completed	Yes	5/24/2023	https://ecode360.com/42552534	Yes	YES*	YES (2 types of unhosted*)	no	YES	no	no	YES/no (max 30 only for unhosted as prin comm use)	*unhosted not in primary residence is considered a principal commercial use, unhosted in primary residence is accessory res use; SF dwellings only, no ADUs; annual permit; primary res per STAR, taxes, other as accepted by town; insurance for STR use; inspection
T/Red Hook	completed	Yes	12/22/2021	https://ecode360.com/RE0424/laws/LF1472442.pdf	Yes	YES*	YES	no	YES	210 hosted / 120 others	1*	no	*except for "farm stays"; no permit needed for 1x STR rental/year of primary residence (but must register w/Town); STR defined as the "accessory use of a structure..."

T/Rhinebeck	completed	Yes	5/22/2024	https://www.rhinebeckny.gov/uploads/3/9/4/4/39447425/2024-05-28_local_law_6_filing_str.pdf	Yes	Yes	YES (unhosted not allowed)	No*	Yes	No	Functionally yes - residency requirement	No	*SUP required in Rhinecliff. Farm stay exemption.
T/Stanford	completed	Yes	8/14/2025	https://ecode360.com/12909210	Unknown	No	No	No	Yes	No	No	55	
T/Union Vale													
T/Wappinger	completed	Yes	4/28/2025	https://ecode360.com/46813672	No	No	No	No	Yes	No	No	No	1,500 foot buffer between STRs. 400-foot buffer around daycares and schoold
T/Washington	completed	Yes	1/11/2024	Town of Washington STR Local Law - Adopted 01.11.2024.pdf	Yes	not quite*	no	no	YES	no	1**	40	*for 1 year prior and when STR permit in effect, min 1 owner must live in unit for min 100 days/year; **min 1 owner must have owned property for at least 1 year before applying for STR permit; allowed in primary or accessory structure; 2-year permit term; inspection; max occupancy per septic capacity but no higher than 8ppl; insurance;
V/Fishkill													
V/Millbrook	completed	Yes	2/14/2024	https://ecode360.com/MI1586/laws/LF1992446.pdf	Yes	yes*	no - both are allowed, submit contact person if not onsite during STR	no	yes	no	1	15	*2-year grace period for current operators whose STR is not their primary residence.
V/Millerton													
V/Pawling													
V/Red Hook													
V/Rhinebeck	completed	Yes	11/12/2019	https://ecode360.com/35551330	Yes	YES	YES	no	YES	16	1	15	can have STR in SFR/2-fam/ADU; annual permit decided by lottery; required min distance between STRs (2 lots); inspection
V/Tivoli	completed	Yes	8/14/2024	https://ecode360.com/45577200#45577200	Yes	No	YES (unhosted not allowed)	No	Yes	60	1	Yes - established annually by Village Board	Max 2 bedrooms, 2 guests per room (+ kids). Host must be present in the home (not an ADU) for the duration of the rental
V/Wappingers Falls	completed	Yes	12/13/2023	https://ecode360.com/4256035#44256035	No	YES	YES (unhosted not allowed)	sketch map	YES	no	1 (per resident)	no	annual permit; resident must reside in dwelling during the rental (hosted); only allowed in SFR, not ADU; insurance; inspection; only "owner" can apply for permit though primary resident tenant can offer it for STR

§ 223-26.5. Short-term rentals. [Added 6-15-2020 by L.L. No. 6-2020¹]

- A. Findings. The City Council of the City of Beacon has determined it is in the best interest of the City and its residents to regulate short-term rentals. The City Council recognizes the benefits of short-term rentals to allow homeowners to supplement their income to defray the cost of housing and to provide lodging for visitors to the City. However, in order to protect the health, safety and welfare of the City and its residents, it is necessary to restrict the rental of dwelling units for terms shorter than 30 consecutive days, a practice which is growing in popularity with the advent of internet and social media-based programs that connect property owners and persons seeking short-term rentals. In addition, studies have shown that short-term rentals are linked to increases in rent and housing costs because rental units are taken off the market and used as short-term rentals. Units are going to short-term renters rather than to permanent residents which results in a decrease in available housing stock within the City of Beacon. By this section, the City Council seeks to allow short-term rentals in dwelling units located in single-family homes, two-family homes, accessory apartments and multifamily dwellings. The City Council recognizes that the impacts of short-term rentals may be different in multifamily dwellings compared to short-term rentals in single-family and two-family homes. The impacts may be more acute in multifamily dwellings due to the shared style of community living, the proximity of dwelling units to one another, and use of shared community space. To address these concerns the City Council has adopted more stringent enforcement requirements for short-term rental units in multifamily dwellings. The City Council believes that the restrictions and requirements imposed herein further the City's goals and objectives and promote the protection of the health, safety and welfare of the City and its residents.
- B. Definitions. As used in this section, the following words shall have the meanings indicated:
- DWELLING UNIT — A building, or portion thereof, providing complete housekeeping facilities for one family.
- OCCUPIED PRIMARY RESIDENCE — A dwelling unit used by the owner or tenant as his or her or their primary residence. All owners of the business entity must use the premises as his or her or their primary residence. When a property is titled in the name of a trustee, the property shall be considered an occupied primary residence if the grantor or grantee is the occupant of the property.
- OWNER — Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the real property. The term "owner" shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership.
- PERSON — Any person, individual, corporation, governmental entity, partnership, association, trustee or other legal entity.
- PRIMARY RESIDENCE — The primary location that a person inhabits and resides most of the year.

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."

SHORT-TERM RENTAL — An entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term "short-term rental" does not include dormitories, hotel or motel rooms, bed-and-breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.

TENANT — Any person holding a written lease to occupy, use and possess the whole or part of any building or real property, either alone or with others.

- C. Permit required. It shall be unlawful to use, establish, maintain, operate, occupy, rent or lease any property as a short-term rental without first having obtained a short-term rental permit.
- D. Any dwelling unit, or room(s) therein, located in a one-family home, two-family home, accessory apartment, or multifamily dwelling may be used as short-term rentals subject to the requirements set forth in this section. Short-term rentals shall be permitted in all zoning districts within the City of Beacon.
- E. Permit application.
 - (1) An application for a short-term rental permit shall be filed and a short-term rental permit shall be obtained before the dwelling unit, or a room or group of rooms within a dwelling unit is advertised for short-term rental, and, if the spaces are not advertised, then such permit shall be obtained before said space is leased or rented.
 - (2) Issuance of a short-term rental permit requires submission of an application to the Building Department and payment of the processing fee set forth in the City fee schedule.²
 - (3) If a tenant seeks a short-term rental permit, the tenant's application shall be signed by the landlord.
 - (4) The form and content of the permit applications shall be as determined from time to time by the Building Department and shall contain such information and materials as the Building Department deems necessary to determine the sufficiency of the application. Such application shall contain, at a minimum:
 - (a) Proof of receipt of New York State STAR Credit or STAR property tax exemption for the short-term rental property;
 - (b) Copy of utility bill in the applicant's name;
 - (c) Property address; total number of rooms; location; number of persons.
 - [1] The property address;
 - [2] The total number of dwelling units located within the building;
 - [3] The total number of bedrooms and bathrooms inside the dwelling unit;
 - [4] The total number of rooms proposed for short-term rental use;

2. Editor's Note: Said fee schedule is on file in the City offices.

- [5] The location of each such dwelling unit or individual bedroom within the building; and
- [6] The number of persons to be accommodated in each room available for short-term rental use;
- (d) A signed and notarized certification in a form acceptable to the Clerk by the applicant attesting to the fact that:
 - [1] The applicant resides at the property and it is the applicant's primary residence;
 - [2] That the property is fit for human habitation and safe;
 - [3] That the applicant will comply with all of the conditions and restrictions of the permit;
 - [4] That no portion of the area used for short-term rentals will utilize a cellar or attic, or any portion thereof, as habitable space unless it meets the requirements of the International Fire, Residential and Building Codes or successor law;
 - [5] That the property is in compliance with all the provisions of this article, the applicable provisions of the City Code, the International Series of Codes and the New York State Code Supplement; and
 - [6] The required building permits and certificates of occupancy are in place for all existing structures on the property if applicable;
- (e) Such other information as the City may require to prove the property is an occupied primary residence and safe for renters; and
- (f) If an applicant plans to rent the entire dwelling unit, the short-term rental application shall include the name and contact information of a responsible person with the right to enter and maintain possession of the dwelling. Such responsible person must be available 24 hours a day to respond in person to tenant and neighborhood concerns and be capable of responding in person within two hours of notification from the City.
- (5) All permits issued pursuant to this section shall be for a period of two years and shall be renewable for subsequent two-year terms upon application, conformance with this section and payment of the permit fee.
- (6) If the information submitted as part of the permit application changes at any time after submittal of the application, it is the responsibility of the owner to submit such changes to the Building Department in writing within 30 days of the occurrence of such change. Failure to do so shall be deemed a violation of this section.
- F. Inspection. The property shall be inspected by the Building Department at the time of the initial application and prior to any permit renewal, to determine whether the property remains in compliance with the section and all other applicable provisions of the City Code, the

International Series of Codes and New York State Code Supplement. If the Building Inspector determines that the short-term rental space is not in compliance, the owner shall cease use of the dwelling unit as a short-term rental until all noncomplying elements have been corrected and the owner shall apply for reinspection with the Building Department, subject to an additional fee as set forth in the City Fee Schedule.

- G. Occupied primary residence. It shall be unlawful to use, establish, maintain operate, occupy, rent or lease any property as a short-term rental if the property is not an occupied primary residence. The property used as a short-term rental shall be the primary residence of the owner, tenant, grantor or grantee at all times during the term of the permit.
- H. All short-term rentals shall comply with the following standards:
- (1) If a property owner or tenant is renting out the entire dwelling unit, the property owner must engage the services of an agent with the right to enter and maintain possession of the dwelling. This agent must be available 24 hours a day to respond to tenant and neighborhood concerns and be capable of responding within two hours of notification from the City.
 - (2) No owner shall offer or use any part of the property as a short-term rental not approved for residential use, including but not limited to, vehicles parked on the property, a storage shed, recreation room, trailer, garage, or any temporary structure such as a tent.
 - (3) A short-term rental property shall not be rented for any other purpose, commercial or otherwise, not expressly permitted under this section, such as concerts or weddings.
 - (4) Short-term rental of an entire dwelling unit is limited to 100 days in any one calendar year. A rental day shall be deemed to mean any day that the property is occupied for rental overnight. Upon request, the property owner or tenant shall provide:
 - (a) A statement from any/all short-term rental website platforms used to advertise the short-term rental; such letter shall be provided on the company's letterhead and shall indicate the number of rentals for the entire dwelling unit that occurred within the year; and
 - (b) A certified letter indicating the number of days the entire dwelling unit was rented within the year through any short-term rental website or other means.
 - (5) If a property owner advertises their rental, the short-term rental permit number must be included in the listing.
 - (6) All guests are subject to the provisions of the Code of the City of Beacon. The property owner or tenant is responsible for informing each guest of these provisions.
- I. Presumptive evidence. The presence or existence of the following shall create a rebuttable presumption that a property is being utilized as a short-term rental:
- (1) The property is offered for lease or rent on a short-term rental website, including but not limited to Airbnb, HomeAway, VRBO and similar websites; or
 - (2) The property is offered for lease or rent by the use of any other advertising mechanism

for a period of less than 30 days.

J. A list of all short-term rental units located in the City of Beacon shall be maintained on the City's website, and a hard copy shall be available for review in the City Building Department. Such list shall be updated every six months.

K. Revocation of a permit.

(1) The grounds upon which a permit can be revoked shall include but shall not be limited to:

- (a) The permit was issued in error, or issued in whole or in part as a result of a false, untrue, or misleading statement on the permit application or other document submitted for filing, including but not limited to the schematic or certification;
- (b) A short-term rental permit has been issued and the owner or tenant fails to continue to occupy the premises as his, her or their primary residence;
- (c) Use of the property as a short-term rental creates a hazard or public nuisance, threat to public safety or other condition which negatively impacts the use and/or enjoyment of surrounding properties, or threatens the peace and good order, or quality of life in the surrounding community;
- (d) Failure to comply or violating the conditions of the permit;
- (e) Failure to comply or violating any federal, state, or local law, regulation or rule.
- (f) Short-term rental permits for dwelling units located in multifamily buildings may be revoked if the Police Department or Building Inspector receives three substantiated written complaints in a twelve-month period concerning the use of the premises as a short-term rental. A written complaint can be substantiated by the Building Inspector of the Police Department if it is a complaint regarding the violation of a City law or ordinance and the complaint is supported by other evidence, including a police report, photograph, or video.

(2) Any permit issued pursuant to this section may be revoked or suspended by the Building Inspector, after written notice to the owner. Written notice shall be served by registered or certified mail, return receipt requested, and by regular mail, to the applicant at the address shown on the application. The notice shall describe the reasons why the City is revoking the permit.

L. Appeals.

(1) Upon the denial, suspension or revocation of a permit, the applicant may, within 15 business days from the date of the written notice, file a request for a hearing before the Zoning Board of Appeals. Such request shall be filed with the Zoning Board of Appeals' Secretary. Notice of the date, place and time of the hearing shall be given in writing by mail to the applicant at the address shown on the application. In the event that demand for a hearing is not made within the prescribed time or in the event that the applicant does not timely appear for the hearing, the Building Inspector's decision shall be final and conclusive.

- (2) The hearing shall commence no later than 30 days after the date on which the request was filed.
 - (3) The applicant shall be given an opportunity to present evidence why such denial of application, or such suspension or revocation of the permit, shall be modified or withdrawn. The Building Inspector or his or her designated agent may also present evidence. Upon consideration of the evidence presented, the Zoning Board of Appeals shall sustain, modify or reverse the decision of the Building Inspector or his or her designated agent.
 - (4) In the event the applicant is not satisfied with the decision of the Zoning Board of Appeals, such aggrieved party may file an Article 78 proceeding under the New York Civil Practice Law and Rules. The Article 78 proceeding must be filed within 30 days of the filing of the Zoning Board of Appeals' decision with the City Clerk of the City of Beacon and service of the same upon the applicant.
- M. Violations. A violation of any provision of this chapter is an offense, punishable as provided for in § 1-3, General penalty. When a person has received written notice from the Building Inspector or has been served with a summons and complaint in an action to enjoin continuance of any violation, each day in excess of 10 days thereafter that he shall continue to be guilty of such violation shall constitute an additional, separate and distinct offense.

SHORT-TERM RENTAL — An entire dwelling unit, or a room or group of rooms within a dwelling unit, made available to rent, lease or otherwise assigned for an occupancy of less than 30 consecutive days. The term “short-term rental” does not include dormitories, hotel or motel rooms, bed-and-breakfast inns or lodging houses, as permitted and regulated by the City of Beacon Zoning Ordinance.

G. The accessory apartment shall not be used for short-term rentals as defined in § 223-26.5.

City of Beacon City Council Agenda
07/20/2026

Title:

Resolution No. 59 - Appointing John Testerman to the Position of Motor Equipment Operator

ATTACHMENTS

Resolution Appointing John Testerman to the Position of MEO

Superintendent of Streets Memorandum Regarding the Appointment of John Testerman to the Position of Motor Equipment Operator



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 59 OF 2026

**APPOINTING JOHN TESTERMAN TO THE POSITION OF
MOTOR EQUIPMENT OPERATOR**

WHEREAS, there is currently a vacancy for the position of Motor Equipment Operator; and

WHEREAS, John Testerman meets the qualifications for the position of Motor Equipment Operator, and is recommended for appointment to the position by the Superintendent of Streets.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints and the City Council approves the appointment of John Testerman to the position of Motor Equipment Operator.

Resolution No. 59 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Glauda					
		Mayor Lee Kyriacou					
Motion Carried							

Memorandum

Highway Department



To: Benjamin Swanson, City Administrator
Lee Kyriacou, Mayor
City Council

From: Michael Manzi

Re: Motor Equipment Operator “MEO”

Date: July 14, 2026

Please accept this recommendation to appoint John Testerman to the position of MEO in the Highway Department. Currently, the Highway Department is recruiting for an MEO due to a resignation. After interviewing several candidates with the Director of Human Resources, John Testerman is the most qualified for the position. The Director of Human Resources and I recommend that the City move forward in the hiring process with Mr. Testerman.

Mr. Testerman holds a Commercial Drivers License Class B and has been employed with the Town of Fishkill since 2018. Mr. Testerman started in the Town Parks Department as a seasonal employee and worked his way up to an MEO. His skillset includes: highway and roadway maintenance; drainage and stormwater systems; snowplowing with wing-truck operation; mechanic repairs and preventative maintenance; landscaping; operating excavators; and welding. If approved, his knowledge in these areas will be a great asset to the City of Beacon.

Thank you for your consideration.

Thank you,

Michael Manzi
Superintendent of Streets

City of Beacon City Council Agenda
07/20/2026

Title:

Resolution No. 60 - Approving a Cable Franchise Agreement with Verizon New York Inc.

ATTACHMENTS

[Resolution Approving a Cable Franchise Agreement with Verizon New York Inc.](#)

[Cable Franchise Agreement with Verizon New York Inc.](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 60 OF 2026

APPROVING A CABLE FRANCHISE AGREEMENT WITH VERIZON NEW YORK INC.

WHEREAS, the City of Beacon (the “City”) has negotiated and reviewed a proposed cable television Franchise Agreement with Verizon New York, Inc. (“Verizon”); and

WHEREAS, the City Council of the City of Beacon has considered and reviewed the proposed agreement and determined that the Cable Franchise Agreement is in the best interest of the City in that it gives residents competitive options for cable television services; and

WHEREAS, on July 6, 2026, a public hearing was opened and closed on the proposed Cable Franchise Agreement to obtain input from the public, and all those in attendance who desired to be heard were given an opportunity to do so; and

WHEREAS, the Cable Franchise Agreement shall become effective on the date that the New York State Public Service Commission issues a Certificate of Confirmation of the franchise; and

WHEREAS, the terms of the Cable Franchise Agreement have been negotiated between the City and Verizon and are determined to be fair and equitable and acceptable to the Board; and

WHEREAS, the City Council, as Lead Agency, has determined that the grant of a cable franchise to Verizon is deemed to be a Type II Action pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations promulgated under 6 NYCRR Part 617.5(c) 26 and 33.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Beacon hereby enters into a Franchise Agreement with Verizon New York, Inc. for the provision of cable television service and that the City Administrator is authorized to execute said Cable Franchise Agreement in a form approved by the City Attorney.

Resolution No. 60 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Glauda					
		Mayor Lee Kyriacou					
Motion Carried							

Cable Franchise Agreement
by and between
the City of Beacon
and
Verizon New York Inc.

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EXHIBITS

Exhibit A: Franchise Area

Exhibit B: Municipal Buildings to be Provided Cable Service Subject to Section 3.3

THIS CABLE FRANCHISE AGREEMENT (the “Franchise” or “Agreement”) is entered into by and between the City of Beacon, a validly organized and existing political subdivision of the State of New York (the “Local Franchising Authority” or “LFA”) and Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the “Franchisee”).

WHEREAS, the LFA wishes to grant Franchisee a nonexclusive franchise to construct, install, maintain, extend and operate a cable system in the Franchise Area as designated in this Franchise;

WHEREAS, the LFA is a “franchising authority” in accordance with Title VI of the Communications Act, (*see* 47 U.S.C. §522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended;

WHEREAS, Franchisee has upgraded its telecommunications and information services network through the installation of a Fiber to the Premise Telecommunications Network (“FTTP Network”) in the Franchise Area which transmits the Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Services are not subject to the Cable Law or Title VI of the Communications Act;

WHEREAS, the FTTP Network occupies the Public Rights-of-Way within the LFA, and Franchisee desires to use portions of the FTTP Network to provide Cable Services (as hereinafter defined) in the Franchise Area;

WHEREAS, the LFA has identified the future cable-related needs and interests of the LFA and its community, has considered and approved the financial, technical and legal qualifications of Franchisee, and has determined that Franchisee’s plans for its Cable System are adequate and feasible in a full public proceeding affording due process to all parties;

WHEREAS, the LFA has found Franchisee to be financially, technically and legally qualified to operate the Cable System;

WHEREAS, the LFA has determined that in accordance with the provisions of the Cable Law, this Franchise complies with NY PSC’s franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, the LFA and Franchisee have reached agreement on the terms and conditions set forth herein and the parties have agreed to be bound by those terms and conditions.

NOW, THEREFORE, in consideration of the LFA’s grant of a franchise to Franchisee, Franchisee’s promise to provide Cable Service to residents of the Franchise Area pursuant to and consistent with the Cable Law (as hereinafter defined), pursuant to the terms and conditions set

forth herein, the promises and undertakings herein, and other good and valuable consideration, the receipt and the adequacy of which are hereby acknowledged,

THE SIGNATORIES DO HEREBY AGREE AS FOLLOWS:

1. **DEFINITIONS**

Except as otherwise provided herein, the definitions and word usages set forth in the Cable Law are incorporated herein and shall apply in this Agreement. In addition, the following definitions shall apply:

1.1. *Access Channel*: A video Channel, which Franchisee shall make available to the LFA without charge for Public, Educational, or Governmental noncommercial use for the transmission of video programming as directed by the LFA.

1.2. *Affiliate*: Any Person who, directly or indirectly, owns or controls, is owned or controlled by, or is under common ownership or control with, the Franchisee.

1.3. *Basic Service*: Any service tier, which includes the retransmission of local television broadcast signals as well as the PEG Access Channels required by this Franchise.

1.4. *Cable Law*: Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended, to the extent authorized under and consistent with federal law.

1.5. *Cable Service or Cable Services*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(6), as amended.

1.6. *Cable System or System*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(7), as amended.

1.7. *Channel*: Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(4), as amended.

1.8. *Communications Act*: The Communications Act of 1934, as amended.

1.9. *Control*: The ability to exercise de facto or de jure control over day-to-day policies and operations or the management of Franchisee's affairs.

1.10. *Educational Access Channel*: An Access Channel available for noncommercial use solely by local public schools and public school districts in the Franchise Area and other not-for-profit educational institutions chartered or licensed by the New York State Department of Education or Board of Regents in the Franchise Area.

1.11. *FCC*: The United States Federal Communications Commission, or successor governmental entity thereto.

1.12. *Force Majeure*: An event or events reasonably beyond the ability of Franchisee to anticipate and control. This includes, but is not limited to, severe or unusual weather conditions, strikes, labor disturbances and disputes, war or act of war (whether an actual declaration of war is made or not), insurrection, riots, act of public enemy, incidences of terrorism, acts of vandalism, epidemics, actions or inactions of any government instrumentality or public utility including condemnation, accidents for which the Franchisee is not primarily responsible, fire, flood, or other acts of God, or work delays caused by waiting for utility providers to service or monitor utility poles to which Franchisee's FTTP Network is attached, and unavailability of materials and/or qualified labor to perform the work necessary.

1.13. *Franchise Area*: Those buildings within the incorporated area (entire existing territorial limits) of the LFA and such additional areas as may be annexed or acquired where, as of the Effective Date, Verizon has installed its FTTP Network and activated its FTTP Network terminals for service, as generally depicted in Exhibit A. The Franchise Area shall also include other buildings to the extent provided in the last sentence of Section 3.1 below.

1.14. *Franchisee*: Verizon New York Inc. and its lawful and permitted successors, assigns and transferees.

1.15. *Government Access Channel*: An Access Channel available for the sole noncommercial use of the LFA.

1.16. *Gross Revenue*: All revenue, as determined in accordance with generally accepted accounting principles, which is derived by Franchisee from the operation of the Cable System to provide Cable Service in the Franchise Area, subject to the following inclusions and exclusions.

1.16.1. Gross Revenue includes, without limitation: all Subscriber and customer revenue earned or accrued net of bad debts including revenue for: (i) Basic Service; (ii) all fees charged to any Subscribers for any and all Cable Service provided by Franchisee over the Cable System in the Franchise Area, including without limitation Cable Service related program guides, the installation, disconnection or reconnection of Cable Service; revenue from late or delinquent charge fees; Cable Service related or repair calls; the provision of converters, remote controls, additional outlets and/or other Cable Service related Subscriber premises equipment, whether by lease or fee; (iii) revenue from the sale or lease of access channel(s) or channel capacity; (iv) video on demand Cable Service and pay-per-view Cable Service; (v) compensation received by Franchisee that is derived from the operation of Franchisee's Cable System to provide Cable Service with respect to commissions that are paid to Franchisee as compensation for promotion or exhibition of any products or services on the Cable System, such as "home shopping" or a similar channel, subject to the exceptions below; and (vi) Franchise Fees imposed on Franchisee by the LFA that are passed through from Franchisee as a line item paid by Subscribers. Gross Revenue includes a pro rata portion of all revenue derived by Franchisee pursuant to compensation arrangements for advertising derived from the operation of Franchisee's Cable System to provide Cable Service within the Franchise Area, subject to the exceptions below. The allocation of home shopping and advertising revenue shall be based on the number of Subscribers in the Franchise Area divided by the total number of subscribers in

relation to the relevant local, regional or national compensation arrangement. Advertising commissions paid to third parties shall not be netted against advertising revenue included in Gross Revenue.

1.16.2. Gross Revenue shall not include: Revenue received by any Affiliate or other Person in exchange for supplying goods or services used by Franchisee to provide Cable Service over the Cable System; bad debts written off by Franchisee in the normal course of its business (provided, however, that bad debt recoveries shall be included in Gross Revenue during the period collected); refunds, rebates or discounts made to Subscribers or other third parties; any revenue of Franchisee or any other Person which is received directly from the sale of merchandise through any Cable Service distributed over the Cable System, however, that portion of such revenue which represents or can be attributed to a Subscriber fee or a payment for the use of the Cable System for the sale of such merchandise shall be included in Gross Revenue; the sale of Cable Service on the Cable System for resale in which the purchaser is required to collect cable Franchise Fees from purchaser's customer; the sale of Cable Service to customers, which are exempt, as required or allowed by the LFA including, without limitation, the provision of Cable Service to public institutions as required or permitted herein; any tax of general applicability imposed upon Franchisee or upon Subscribers by a city, state, federal or any other governmental entity and required to be collected by Franchisee and remitted to the taxing entity (including, but not limited to, sales/use tax, gross receipts tax, excise tax, utility users tax, public service tax, communication taxes and non-cable franchise fees); any foregone revenue which Franchisee chooses not to receive in exchange for its provision of free or reduced cost cable or other communications services to any Person, including without limitation, employees of Franchisee and public institutions or other institutions designated in the Franchise (provided, however, that such foregone revenue which Franchisee chooses not to receive in exchange for trades, barter, services or other items of value shall be included in Gross Revenue); sales of capital assets or sales of surplus equipment; program launch fees, i.e., reimbursement by programmers to Franchisee of marketing costs incurred by Franchisee for the introduction of new programming; directory or Internet advertising revenue including, but not limited to, yellow page, white page, banner advertisement and electronic publishing; or any fees or charges collected from Subscribers or other third parties for any PEG Grant payments; and.

1.16.3. except as otherwise provided in Subsection 1.16.1, any revenue classified, in whole or in part, as Non-Cable Service revenue under federal or state law including, without limitation, revenue received from Telecommunications Services; revenue received from Information Services, including, without limitation, Internet Access service, electronic mail service, electronic bulletin board service, or similar online computer services; charges made to the public for use of the Cable System for two-way communication; fees, taxes and surcharges on Non-Cable Services, including, but not limited to the NY Municipal Construction Surcharge; and any other revenue attributed by Franchisee to Non-Cable Services in accordance with federal law, rules, regulations, standards or orders. Should revenue from any service provided by Franchisee over the Cable System be classified as Cable Service revenue by a final determination or ruling of any agency or court having jurisdiction, after the exhaustion of all appeals related thereto, the LFA shall be entitled, after notification to Franchisee, to amend this Agreement in the manner prescribed under applicable state law or this Franchise to include revenue from Franchisee's provision of such service as Gross Revenue, and Franchisee shall include revenue

from such service as Gross Revenue on a going forward basis commencing within ninety (90) days following the date of issuance of an order from the NY PSC approving such amendment.

1.17. *Information Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. §153(24), as amended.

1.18. *Internet Access*: Broadband access service that enables Subscribers to access the Internet.

1.19. *Local Franchising Authority (LFA)*: The City of Beacon, New York, or the lawful successor, transferee, or assignee thereof.

1.20. *Non-Cable Service*: Any service that does not constitute the provision of Cable Service including, but not limited to, Information Service and Telecommunications Service.

1.21. *NY PSC*: The New York Public Service Commission.

1.22. *PEG*: Public, Educational, and Governmental.

1.23. *PEG Access Designee*: Any entity designated by the LFA for the purpose of owning and/or operating the equipment and facilities used in the production and/or broadcast of PEG Access Channel programming for the LFA, including but not limited to any access corporation.

1.24. *Person*: An individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

1.25. *Public Access Channel*: An Access Channel available for non-commercial use solely by the residents in the Franchise Area on a first-come, first-served, nondiscriminatory basis.

1.26. *Public Rights-of-Way*: The surface and the area across, in, over, along, upon and below the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys, and boulevards, including, public utility easements and public lands and waterways used as Public Rights-of-Way, as the same now or may thereafter exist, which are under the jurisdiction or control of the LFA. Public Rights-of-Way do not include the airwaves above a right-of-way with regard to cellular or other non-wire communications or broadcast services.

1.27. *Subscriber*: A Person who lawfully receives Cable Service over the Cable System with Franchisee's express permission.

1.28. *Telecommunication Services*: Shall be defined herein as it is defined under Section 3 of the Communications Act, 47 U.S.C. § 153(53), as amended.

1.29. *Title VI*: Title VI of the Communications Act, Cable Communications, as amended.

1.30. *Transfer of the Franchise:* Any transaction in which: a fifty percent (50%) ownership or other interest in Franchisee is transferred, directly or indirectly, from one Person or group of Persons to another Person or group of Persons, so that Control of Franchisee is transferred; or the rights held by Franchisee under the Franchise and the certificate of confirmation issued therefor by the NY PSC are transferred or assigned to another Person or group of Persons. However, notwithstanding the foregoing, a Transfer of the Franchise shall not include transfer of an ownership or other interest in Franchisee to the parent of Franchisee or to another Affiliate of Franchisee; transfer of an interest in the Franchise or the rights held by the Franchisee under the Franchise to the parent of Franchisee or to another Affiliate of Franchisee; any action which is the result of a merger of the parent of the Franchisee; or any action which is the result of a merger of another Affiliate of the Franchisee.

1.31. *Video Programming:* Shall be defined herein as it is defined under Section 602 of the Communications Act, 47 U.S.C. § 522(20), as amended.

1.32. *Video Service Provider or VSP:* Any entity using any portion of the Public Rights-of-Way to provide Video Programming services to multiple subscribers within the territorial boundaries of the LFA, for purchase, barter, or free of charge, regardless of the transmission method, facilities or technologies used. A VSP shall include, but is not limited to, any entity that provides Cable Services, multi-channel multipoint distribution services, broadcast satellite services, satellite delivered services, wireless services, and internet-protocol based services within the territorial boundaries of the LFA.

2. **GRANT OF AUTHORITY; LIMITS AND RESERVATIONS**

2.1. *Grant of Authority:* Subject to the terms and conditions of this Agreement and the Cable Law, the LFA hereby grants the Franchisee the right to own, construct, operate and maintain a Cable System along the Public Rights-of-Way within the Franchise Area, in order to provide Cable Service. No privilege or power of eminent domain is bestowed by this grant; nor is such a privilege or power bestowed by this Agreement.

2.2. *The FTTP Network:* Upon delivery of Cable Service, by subjecting Franchisee's mixed-use facilities to the NY PSC's minimum franchise standards and the LFA's police power, the LFA has not been granted broad new authority over the construction, placement and operation of Franchisee's mixed-use facilities, provided, however, that nothing herein shall be construed to limit the LFA's existing authority with respect to the Franchisee's mixed use facilities pursuant to Title II of the Communications Act, Section 27 of the Transportation Corporations Law, and lawful and applicable local laws, including any lawful right to compel relocation of such facilities in the event of road-widenings and other adjustments to the Public-Rights-of-Way.

2.3. *Effective Date and Term:* This Franchise shall become effective on the date that the NY PSC issues a certificate of confirmation for this Franchise (the "Effective Date"), following its approval by the LFA's governing authority authorized to grant franchises and its acceptance by the Franchisee. The term of this Franchise shall be five (5) years from the Effective Date unless the Franchise is earlier terminated by Franchisee pursuant to the terms of Section 2.4 or 2.5 or revoked by the LFA as provided herein. The Franchisee shall memorialize

the Effective Date by notifying the LFA in writing of the same, which notification shall become a part of this Franchise.

2.4. *Termination Generally:* Notwithstanding any provision herein to the contrary, Franchisee may terminate this Agreement and all obligations hereunder at any time during the term of this Agreement for any reason, in Franchisee's sole discretion, upon one hundred eighty (180) days' written notice to the LFA.

2.5. *Modification/Termination Based on VSP Requirements:*

2.5.1. If there is a change in federal, state, or local law that reduces any material financial and/or operational obligation that the LFA has required from or imposed upon a VSP, or if the LFA enters into any franchise, agreement, license, or grant of authorization to a VSP to provide Video Programming services to residential subscribers in the LFA with terms or conditions materially less burdensome than those imposed by this Franchise, Franchisee and the LFA shall, within sixty (60) days of the LFA's receipt of Franchisee's written notice, commence negotiations to modify this Franchise to create reasonable competitive equity between Franchisee and such other VSPs. Any modification of the Franchise pursuant to the terms of this section shall not trigger the requirements of Subpart 892-1 of the NY PSC rules and regulations.

2.5.2 Franchisee's notice pursuant to Section 2.5.1. shall specify the change in law and the resulting change in obligations. Franchisee shall respond to reasonable information requests from the LFA, as may be necessary to review the change in obligations resulting from the cited law.

2.5.3 In the event the parties do not reach mutually acceptable agreement on a modification requested by Franchisee, Franchisee shall, at any time and in its sole discretion, have the option of exercising any of the following actions: (1) commence franchise renewal proceedings in accordance with 47 U.S.C. §546 with the Franchise term being accelerated, thus being deemed to expire thirty-six (36) months from the date of Franchisee's written notice to seek relief hereunder; (2) terminate the franchise within two (2) years from notice to the LFA; (3) submit the matter to mediation by a mutually-acceptable mediator; or (4) if agreed by both parties, submit the matter to commercial arbitration by a mutually-selected arbitrator in accordance with the rules of the American Arbitration Association.

2.6. *Grant Not Exclusive:* The Franchise and the rights granted herein to use and occupy the Public Rights-of-Way to provide Cable Services shall not be exclusive, and the LFA reserves the right to grant other franchises for similar uses or for other uses of the Public Rights-of-Way, or any portions thereof, to any Person, or to make any such use itself, at any time during the term of this Franchise. Any such rights which are granted shall not adversely impact the authority as granted under this Franchise and shall not interfere with existing facilities of the Cable System or Franchisee's FTTP Network.

2.7. *Franchise Subject to Federal Law:* Notwithstanding any provision to the contrary herein, this Franchise is subject to and shall be governed by all applicable provisions of federal law as it may be amended, including but not limited to the Communications Act.

2.8. *No Waiver:*

2.8.1. The failure of the LFA on one or more occasions to exercise a right under this Franchise, the Cable Law, or other applicable state or federal law, or to require compliance or performance under this Franchise, shall not be deemed to constitute a waiver of such right or a waiver of compliance or performance of this Agreement, nor shall it excuse Franchisee from compliance or performance, unless such right or such compliance or performance has been specifically waived in writing.

2.8.2. The failure of the Franchisee on one or more occasions to exercise a right under this Franchise, the Cable Law, or other applicable state or federal law, or to require performance under this Franchise, shall not be deemed to constitute a waiver of such right or a waiver of performance of this Agreement, nor shall it excuse the LFA from performance, unless such right or such performance has been specifically waived in writing.

2.9. *Construction of Agreement:*

2.9.1. The provisions of this Franchise shall be liberally construed to effectuate their objectives.

2.9.2. Nothing herein shall be construed to limit the scope or applicability of Section 625 of the Communications Act, 47 U.S.C. § 545, as amended.

2.9.3. Should any change to state law, rules or regulations have the lawful effect of materially altering the terms and conditions of this Franchise, then the parties shall modify this Franchise to the mutual satisfaction of both parties to ameliorate the negative effects on the Franchisee of the material alteration. Any modification to this Franchise shall be in writing and shall be subject to Section 222 of the New York Public Service Law and Title 16, Chapter VIII, Part 892, Subpart 892-1, Section 892-1.4 of the Official Compilation of Codes, Rules and Regulations of the State of New York requiring application to the NY PSC and approval of any modification. If the parties cannot reach agreement on the above-referenced modification to the Franchise, then Franchisee may terminate this Agreement without further obligation to the LFA or, at Franchisee's option, the parties agree to submit the matter to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association.

2.9.4. The LFA and the Franchisee each acknowledge that they have received independent legal advice in entering into this Agreement. In the event that a dispute arises over the meaning or application of any term(s) of this Agreement, such term(s) shall not be construed by the reference to any doctrine calling for ambiguities to be construed against the drafter of this Agreement.

2.8. *Police Powers:* The LFA shall not enact any local laws that are inconsistent with this Franchise, provided, however, that nothing in this Franchise shall be construed to prohibit the reasonable, necessary and lawful exercise of the police powers of the

LFA in a manner not materially in conflict with the privileges granted in this Franchise and consistent with all federal and state laws, regulations and orders.

2.9. *Restoration of Municipal Property:* Any municipal property, including, but not limited to, Public Rights-of-Way and public streets damaged or destroyed by Franchisee's employees or agents in connection with the installation, repair, maintenance or disconnection of Cable Service shall be promptly repaired or replaced by the Franchisee and restored to its pre-existing condition.

2.10. *Restoration of Subscriber Premises:* The Franchisee shall ensure that Subscriber premises are restored to pre-existing condition if damaged by the Franchisee's employees or agents in any respect in connection with the installation, repair, maintenance or disconnection of Cable Service.

2.11. *Compliance with Federal and State Privacy Laws:* Franchisee shall comply with the privacy provisions of Section 631 of the Communications Act and all other applicable federal and state privacy laws and regulations. The parties agree that, during the term hereof, Franchisee shall not be subject to any local laws or ordinances which conflict with such applicable federal and/or state privacy laws, or which would impose additional or distinct requirements upon Franchisee with respect to Subscriber privacy other than those which are expressly set forth in applicable federal and/or state privacy laws.

3. **PROVISION OF CABLE SERVICE**

3.1. *Franchise Area:* Subject to applicable law and the issuance of all necessary permits by the LFA, Franchisee shall offer Cable Service to all residential households of the Franchise Area and may make Cable Service available to businesses in the Franchise Area, except: (A) for periods of Force Majeure; (B) for periods of delay caused by the LFA; (C) for periods of delay resulting from Franchisee's inability to obtain authority to access rights-of-way in the Franchise Area; (D) in areas where developments or buildings are subject to claimed exclusive arrangements with other providers; (E) in areas, developments, buildings or other residential dwelling units where Franchisee cannot gain access after good faith efforts, including, but not limited to, circumstances where Franchisee cannot access the area, development, or building by using Franchisee's existing network pathways and which would thus require the construction of new trunk, feeder, or distribution lines in accordance with NY PSC rules and regulations; (F) in areas, developments, buildings or other residential dwelling units where the provision of Cable Service is economically infeasible because such provision requires nonstandard facilities which are not available on a commercially reasonable basis, in accordance with NY PSC rules and regulations; (G) in residential dwelling units that are not habitable or have not been constructed as of the Effective Date; and (H) for Subscribers who fail to abide by Franchisee's terms and conditions of service. Franchisee shall have the right, but not the obligation, to extend the Cable System into other buildings in the territorial limits of the LFA which shall then become part of the Franchise Area.

3.2. *Availability of Cable Service:* Franchisee shall make Cable Service available to all residential dwelling units and may make Cable Service available to businesses within the Franchise Area in conformance with Section 3.1, and Franchisee shall not

discriminate between or among any individuals in the availability of Cable Service or based upon the income of the residents in a local area. Within the Franchise Area, Franchisee shall be required to connect, at Franchisee's expense, other than a standard installation charge, all residential dwelling units that are within one hundred fifty (150) feet of trunk or feeder lines not otherwise already served by Franchisee's FTTP Network. Franchisee shall be allowed to recover, from a Subscriber that requests such connection, the actual costs incurred for residential dwelling unit connections that exceed one hundred fifty (150) feet or are in an area with a density of less than thirty-five (35) occupied residential dwelling units per mile and the actual costs incurred to connect any non-residential dwelling unit Subscriber, provided, however, that Franchisee may seek a waiver of any requirement that it extend service to any party requesting the same in an area with a density of less than thirty-five (35) occupied residential dwelling units per mile if such would not be possible within the limitations of economic feasibility.

3.3. *Cable Service to Public Buildings:* Subject to Section 3.1, if requested in writing by the LFA and within sixty (60) days following such request, Franchisee shall provide, within the Franchise Area, one service outlet activated for Basic Service to each public school and public library, and such other buildings used for municipal purposes as may be designated by the LFA as provided in **Exhibit B**. Franchisee may charge for such Basic Service in accordance with applicable law, which as of the Effective Date is Franchisee's marginal cost of providing such service. If it is necessary to extend Franchisee's aerial trunk or feeder lines more than one hundred fifty (150) feet solely to provide service to any such school or public building, the LFA shall have the option either of paying Franchisee's direct costs for such aerial extension in excess of one hundred fifty (150) feet, or of releasing Franchisee from the obligation to provide service to such school or public building. Furthermore, Franchisee shall be permitted to recover, from any school or public building owner entitled to service, the direct cost of installing, when requested to do so, more than one outlet, or concealed inside wiring, or a service outlet requiring more than one hundred fifty (150) feet of drop cable. For underground installations, Franchisee shall charge the recipient Franchisee's actual cost. Such cost shall be submitted to said recipient, in writing, before installation is begun. Cable Service may not be resold or otherwise used in contravention of Franchisee's rights with third parties respecting programming. Equipment provided by Franchisee, if any, shall be replaced at retail rates if lost, stolen or damaged. The parties hereto agree that the exercise of any conditional obligations set forth in this Section 3.3 shall not constitute a modification or amendment of the Franchise within the meaning of Subpart 892-1 of the NY PSC rules and regulations.

4. **SYSTEM FACILITIES**

4.1. *Quality of Materials and Work:* Franchisee shall operate and maintain its System using materials of good and durable quality, and all work involved in the construction, installation, maintenance and repair of the Cable System shall be performed in a safe, thorough and reliable manner.

4.2. *System Characteristics:* The Cable System shall be operated as an active two-way plant for Subscriber interaction, if any, required for the selection or use of Cable Service using sufficient bandwidth with an initial digital carrier passband between 50 and 860 MHz and/or industry standard Open Systems Interconnection (OSI) model elements.

4.3. *Interconnection:* The Franchisee shall operate its Cable System so that it may be interconnected with other cable systems in the Franchise Area. Interconnection of systems may be made by direct cable connection, microwave link, satellite, or other appropriate methods.

4.4. *Emergency Alert System:* Franchisee shall comply with the Emergency Alert System ("EAS") requirements of the FCC and applicable state and local EAS Plans, in order that emergency messages may be distributed over the System.

4.5. *Parental Control:* The Franchisee shall comply with all applicable requirements of federal law(s) governing Subscribers' capability to control the reception of any channels being received on their television sets.

5. **PEG SERVICES**

5.1. *PEG Set Aside:*

5.1.1. In order to ensure universal availability of public, educational and government programming, Franchisee shall provide capacity on its Basic Service tier for up to one (1) dedicated Public Access Channel, one (1) dedicated Educational Access Channel, and up to one (1) dedicated Government Access Channel (collectively, "PEG Access Channels"),

5.1.2. The LFA hereby authorizes Franchisee to transmit PEG Access Channel programming within and without LFA jurisdictional boundaries. Franchisee specifically reserves the right to make or change PEG Access Channel assignments in its sole discretion. If a PEG Access Channel provided under this Article is not being utilized by the LFA, Franchisee may utilize such PEG Access Channel, in its sole discretion, until such time as the LFA elects to utilize the PEG Access Channel for its intended purpose. In the event that the LFA determines to use PEG capacity, the LFA shall provide Franchisee with prior written notice of such request in accordance with NY PSC rules and regulations.

5.1.3. Franchisee shall provide the technical ability to play back pre-recorded programming provided to Franchisee consistent with this Section. Franchisee shall transmit programming consistent with the dedicated uses of PEG Access Channels. Franchisee shall comply at all times with the requirements of Section 895.4 of the NY PSC rules and regulations.

5.2. *PEG Access Channel Connection:*

5.2.1 Subject to the successful completion of all required site preparation work by the LFA and provision of access to the Franchisee for equipment installation and provisioning, within sixty (60) days of the Effective Date, the Franchisee shall provide, at no cost to LFA, an upstream PEG Access Channel transmission connection to equipment owned by the LFA and/or the PEG Access Designee at 1 Municipal Plaza, Beacon, NY 12508 (the "PEG Connection Site"). The LFA or, if designated by the LFA in writing to Franchisee, the PEG Access Designee, shall be required to pay Franchisee for all costs associated with installing any subsequent or relocated connection if initiated by the LFA or PEG Access Designee; provided,

however, that LFA and/or PEG Access Designee responsibility for the foregoing costs is subject to the LFA's express written consent, and subject further to Franchisee's prior disclosure of such costs and prior consent to same by the LFA or PEG Access Designee.

5.2.2 The demarcation point between the Franchisee's signal processing equipment (which the Franchisee shall own, install and maintain) and the LFA's PEG Access Channel equipment shall be at the output of the LFA's signal processing equipment at the PEG Connection Site. The LFA and/or the PEG Access Designee shall be solely responsible for operating its switching equipment and the picture and audio quality of all PEG access programming up to the demarcation point and for ensuring all PEG Access Channel programming is inserted on the appropriate upstream PEG Access Channel. All PEG Access Channel programming shall be transmitted to the Franchisee in baseband, SD-SDI or HD-SDI format with either mono or stereo audio signals, and with signals received by Franchisee in stereo cablecast by Franchisee in stereo. Notwithstanding the foregoing, the Franchisee shall not be obligated to provide the LFA or PEG Access Designee with either cablecast equipment and facilities or the personnel responsible for maintaining and operating equipment and facilities on the LFA's side of the demarcation point and used to generate or administer any PEG Access Channel signals, except as necessary to implement the Franchisee's responsibilities specified herein. The LFA and the Franchisee shall work together in good faith to resolve any connection issues. If the LFA issues a franchise to, or renews a franchise with, a competing Cable Service provider, the competing Cable Service provider may not connect its system to Franchisee's System for the purposes of obtaining PEG Access Channel programming from the PEG Access Channels transmitted on Franchisee's System without Franchisee's prior written consent.

5.2.3 The LFA shall provide to Franchisee at the demarcation point a suitable video signal and a suitable audio signal for each PEG Access Channel. Franchisee, upon receipt of the suitable video and audio signals, shall provide, install and maintain in good working order the equipment necessary for transmitting the PEG Access Channel signal to the channel aggregation site for further processing for distribution to Subscribers. Franchisee's obligations with respect to such upstream transmission equipment and facilities shall be subject to the availability, without charge to Franchisee, of suitable required space, environmental conditions, electrical power supply, access, pathway, and other facilities and such cooperation of the LFA as is reasonably necessary for Franchisee to fulfill such obligations.

5.3. *PEG Grant:*

5.3.1. Franchisee shall provide to the LFA a quarterly grant for use in support of the production of local PEG Access Channel programming in the amount of forty-five cents (\$.45) per Subscriber per month (the "PEG Grant"). The amount of the PEG Grant shall be calculated by multiplying the total number of Subscribers per month in each month of the calendar quarter by forty-five cents (\$.45), and adding those multiples together. Each PEG Grant payment (including the final PEG Grant payment) shall become due and payable within forty-five (45) days following the end of each calendar quarter until the Franchise expires or is terminated by either party.

5.3.2. The PEG Grant shall be used solely by the LFA for PEG Access Channel equipment, including, but not limited to, studio and portable production equipment, editing equipment and program playback equipment, or for renovation or construction of PEG Access Channel facilities. The LFA and/or PEG Access Designee, as determined by the LFA, shall own all facilities and equipment purchased with the PEG Grant, and Franchisee shall have no obligation to maintain, repair, replace or insure any equipment or facilities purchased with the PEG Grant.

5.3.3. Upon the Franchisee's request, the LFA shall provide Franchisee with an annual report setting forth a summary of all expenditures of PEG Grant funds paid to the LFA by Franchisee.

5.4. *Indemnity for PEG:* The LFA shall require all local producers and users of any of the PEG facilities or Channels to agree in writing to authorize Franchisee to transmit programming consistent with this Agreement and to defend and hold harmless Franchisee and the LFA from and against any and all liability or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name or service mark; for breach of contractual or other obligations owing to third parties by the producer or user; and for any other injury or damage in law or equity, which result from the use of a PEG facility or Channel. The LFA shall establish rules and regulations for use of PEG Access Channel facilities, consistent with, and as required by, 47 U.S.C. §531.

5.5. *Recovery of Costs:* To the extent permitted by federal law, the Franchisee shall be allowed to recover from Subscribers the costs of interconnection, the PEG Grant or any other costs arising from the provision of PEG Access Channel services and to include such costs as separately billed line items on each Subscriber's bill. Without limiting the foregoing, if allowed under state and federal laws, Franchisee may externalize, line-item, or otherwise pass-through interconnection and any franchise-related costs to Subscribers.

5.6. *No PEG Access Designee Rights:* The LFA and the Franchisee herein acknowledge and agree that any PEG Access Designee is not a party to this Franchise and that any provisions herein that may affect a PEG Access Designee are not intended to create any rights on behalf of any PEG Access Designee.

6. **FRANCHISE FEES**

6.1. *Payment to LFA:* Franchisee shall pay to the LFA a Franchise Fee of five percent (5%) of annual Gross Revenue (the "Franchise Fee"). In accordance with Title VI, the twelve (12) month period applicable under the Franchise for the computation of the Franchise Fee shall be a calendar year. Such payments shall be calculated on a quarterly basis and made no later than forty-five (45) days following the end of each calendar quarter. Specifically, payments shall be due and payable on or before May 15 (for the first quarter), August 15 (for the second quarter), November 15 (for the third quarter) and February 15 (for the fourth quarter of the

previous calendar year). No acceptance of any payment shall be construed as an accord that the amount paid is the correct amount. Franchisee shall be allowed to submit or correct any payments that were incorrectly omitted, and shall be refunded any payments that were incorrectly submitted, in connection with the quarterly Franchise Fee remittances within ninety (90) days following the close of the calendar year for which such payments were applicable. Late payments for Franchise Fees shall be subject to interest at the then-current rate set forth in Section 5004 of the New York Civil Practice Law and Rules (which as of the date of execution of this Agreement is nine percent (9%) per annum) from the due date to the date that such payment is made.

6.2. *Supporting Information:* Each Franchise Fee payment to the LFA shall be accompanied by a brief report prepared by a representative of Franchisee showing the basis for the computation of the Franchise Fee.

6.3. *Audit:*

6.3.1 The LFA may conduct an audit to confirm the accuracy of Franchise Fee payments required under this Agreement no more than once every two (2) years during the term, and once up to six (6) years after the term. Audits shall be conducted by an independent third party, retained by the LFA in its sole discretion, and shall be initiated by written notice to Franchisee. The LFA's retained auditor shall submit its complete request for records within one (1) month of said written notice. Subject to the confidentiality provisions of Section 7.1, and execution of a non-disclosure agreement by the auditor, all records necessary for the audit shall be made available in a timely manner by Franchisee for inspection, copying and auditing at an office of Franchisee within seventy-five (75) miles of the LFA during Franchisee's regular corporate business hours and/or electronically where practical. The parties shall work cooperatively on an ongoing basis during the audit review if the LFA or its designated auditor identifies reasonable follow up requests to the extent necessary to complete the audit.

6.3.2 The audit shall be completed in an expeditious and timely manner. If upon completion of the audit, the LFA does not make a claim for additional payments, then the LFA shall provide Franchisee with written documentation of closure of the audit within sixty (60) days of the completion of the audit. If the LFA or its retained auditor do not have any open requests and do not provide written documentation of the audit closure, the audit will be deemed closed after ninety (90) days of inactivity.

6.3.3 If the results of an audit indicate an underpayment of Franchise Fees, as indicated in a report to be provided by the auditor to Franchisee, such underpayment plus interest at the then-current rate set forth in Section 5004 of the New York Civil Practice Law and Rules (which as of the date of execution of this Agreement is nine percent (9%) per annum) per annum from the due date to the date the payment is made shall be paid to the LFA within sixty (60) days of written notice. If the audit determines that Franchisee has overpaid Franchise Fees, then Franchisee may apply such overpayment as a credit against its next quarterly Franchise Fee payment, or shall be refunded by the LFA to Franchisee within sixty (60) days if Franchisee is no longer required to make Franchise Fee payments.

6.3.4 All audits conducted by an independent third party shall be performed using Generally Accepted Auditing Standards promulgated by the Auditing Standards Board of the American Institute of Certified Public Accountants.

6.4. *Limitation on Franchise Fee Actions:* The parties agree that the period of limitation for recovery of any Franchise Fee payable hereunder shall be six (6) years from the date on which payment by Franchisee is due, but cannot exceed the date of records retention reflected in Section 7.

6.5. *Bundled Services:* If Cable Services subject to the Franchise Fee required under this Article 6 are provided to Subscribers in conjunction with Non-Cable Services, then the calculation of Gross Revenue shall be adjusted, if needed, to include only the value of the Cable Services billed to Subscribers, as reflected on the books and records of Franchisee in accordance with FCC rules, regulations, standards or orders.

7. REPORTS AND RECORDS

7.1. *Open Books and Records:* Upon reasonable written notice to the Franchisee and with no less than thirty (30) business days written notice to the Franchisee, the LFA shall have the right to inspect all books, records, maps, plans, financial statements and other like materials of Franchisee pertaining to Franchisee's provision of Cable Service in the Franchise Area during Franchisee's regular corporate business hours and on a nondisruptive basis at an office of the Franchisee located within seventy-five (75) miles of the LFA, and/or electronically where practical, as are reasonably necessary to ensure compliance with the terms of this Franchise. Such notice shall specifically reference the section or subsection of the Franchise which is under review, so that Franchisee may organize the necessary books and records for appropriate access by the LFA. Any such inspection by the LFA shall be completed in an expeditious and timely manner. Franchisee shall not be required to maintain for franchise compliance purposes any books and records relating to Subscriber counts, the calculation of Gross Revenue and the remittance of Franchise Fees longer than six (6) years, or longer than the time periods listed below for other records, subject to maintaining records that are the subject of a pending inquiry, if any, by the LFA for so long as the parties are addressing such inquiry. Notwithstanding anything to the contrary set forth herein, Franchisee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose any of its or an Affiliate's books and records not relating to the provision of Cable Service in the Franchise Area. The LFA shall treat any information disclosed by Franchisee as confidential and shall only disclose it to employees, representatives, and agents thereof who have a need to know, or in order to enforce the provisions hereof. Franchisee shall not be required to provide Subscriber information in violation of Section 631 of the Communications Act, 47 U.S.C. §551.

7.2. *Records Required:* Franchisee shall comply with all record keeping requirements established by applicable federal and state laws, rules and regulations and shall also maintain:

7.2.1. Records of all written complaints for a period of six (6) years after receipt by Franchisee. The term "complaint" as used herein refers to complaints about any

aspect of the Cable System or Franchisee's cable operations, including, without limitation, complaints about employee courtesy. Complaints recorded will not be limited to complaints requiring an employee service call;

7.2.2. Records of outages for a period of six (6) years after occurrence, indicating date, duration, area, and the number of Subscribers affected, type of outage, and cause;

7.2.3. Records of service calls for repair and maintenance for a period of six (6) years after resolution by Franchisee, indicating the date and time service was required, the date of acknowledgment and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and (if different) the date and time the problem was resolved;

7.2.4. Records of installation/reconnection and requests for service extension for a period of six (6) years after the request was fulfilled by Franchisee, indicating the date of request, date of acknowledgment, and the date and time service was extended; and

7.2.5. Accurate maps showing the area of coverage for the provisioning of Cable Service.

7.3. *System-Wide Statistics:* Any valid reporting requirement in the Franchise may be satisfied with system-wide statistics, except those related to Franchise Fees and consumer complaints.

8. INSURANCE AND INDEMNIFICATION

8.1. *Insurance:*

8.1.1. Franchisee shall maintain in full force and effect, at its own cost and expense, during the term of this Franchise, the following insurance coverage:

8.1.1.1. Commercial General Liability Insurance in the amount of twelve million dollars (\$12,000,000) per occurrence for property damage and bodily injury and twelve million dollars (\$12,000,000) general aggregate. Such insurance shall cover the construction, operation and maintenance of the Cable System, and the conduct of Franchisee's Cable Service business in the LFA.

8.1.1.2. Automobile Liability Insurance in the amount of twelve million dollars (\$12,000,000) combined single limit each accident for bodily injury and property damage coverage.

8.1.1.3. Workers' Compensation Insurance meeting the statutory requirements of the State of New York and Employers' Liability Insurance in the following amounts: (A) Bodily Injury by Accident: \$100,000; and (B) Bodily Injury by Disease-each employee: \$100,000; \$500,000 disease-policy limit.

8.1.2. The LFA, and its elected officials, officers, employees and representatives shall be included as an additional insured as their interests may appear under this Franchise on the Commercial General Liability Insurance and Automobile Liability Insurance required herein.

8.1.3. Each insurance policy shall be written on a primary and non-contributing basis, including any self-insured retentions. To the extent permitted by New York law, the Franchisee waives all rights of subrogation or similar rights against the LFA and its elected officials, officers, employees and representatives.

8.1.4. Upon receipt of notice from its insurer(s), the Franchisee shall provide the LFA with thirty (30) days' prior written notice of cancellation of any required coverage.

8.1.5. Each of the required insurance policies shall be with insurers qualified to do business in the State of New York, with an A.M. Best Financial Strength rating of A- or better.

8.1.6. Upon written request, Franchisee shall deliver to the LFA Certificates of Insurance showing evidence of the required coverage.

8.1.7. The failure of the LFA to object to the contents of the policy of insurance and/or Certificate of Insurance, or Franchisee's failure to file a Certificate of Insurance shall not be deemed a waiver of the insurance requirements or any and all rights held by the LFA.

8.2. *Indemnification:*

8.2.1. Franchisee agrees to indemnify the LFA, including its officers, boards, elected officials and employees for, and hold it harmless from, all liability, damage, cost or expense arising from claims of injury to persons or damage to property occasioned by reason of any conduct undertaken pursuant to the Franchise, or by reason of any suit or claim for royalties, programming license fees or infringement of patent rights arising out of Franchisee's provision of Cable Services over the Cable System other than PEG facilities and Channels, provided that the LFA shall give Franchisee timely written notice of a claim or action for which it seeks indemnification pursuant to this Subsection; and in any event the LFA shall provide Franchisee with such written notice within a period of time that allows Franchisee to take action to avoid entry of a default judgment and does not prejudice Franchisee's ability to defend the claim or action. Notwithstanding the foregoing, Franchisee shall not indemnify the LFA for any damages, liability or claims resulting from the willful misconduct or negligence of the LFA, its officers, agents, employees, attorneys, consultants, independent contractors or third parties of LFA, or for any activity or function conducted by any Person other than Franchisee in connection with PEG Access or EAS.

8.2.2. With respect to Franchisee's indemnity obligations set forth in Subsection 8.2.1, Franchisee shall provide the defense of any claims brought against the LFA by selecting counsel of Franchisee's choice to defend the claim, subject to the consent of the LFA,

which shall not be unreasonably withheld. Notwithstanding any provision contained herein and to the contrary, if separate representation to fully protect the interest of both parties is necessary due to a conflict of interest between the LFA and counsel selected by the Franchisee to represent the LFA, provided Franchisee is unwilling to replace such conflicted counsel, Franchisee shall pay all reasonable legal expenses incurred by the LFA in defending itself with regard to any action, suit or proceeding indemnified by Franchisee, but such obligation shall not include reimbursement for the value of any services rendered by officials or employees of the LFA. Nothing herein shall be deemed to prevent the LFA from cooperating with the Franchisee and participating in the defense of any litigation by its own counsel at its own cost and expense, provided however, that after consultation with the LFA, Franchisee shall have the right to defend, settle or compromise any claim or action arising hereunder, and Franchisee shall have the authority to decide the appropriateness and the amount of any such settlement. In the event that the terms of any such proposed settlement includes the release of the LFA and the LFA does not consent to the terms of any such settlement or compromise, Franchisee shall not settle the claim or action but its obligation to indemnify the LFA shall in no event exceed the amount of such settlement, provided such proposed settlement was accepted in writing by the plaintiff(s) or petitioner(s).

8.2.3. The LFA shall hold harmless and defend Franchisee from and against and shall be responsible for damages, liability or claims resulting from or arising out of the willful misconduct or negligence of the LFA in connection with this Franchise.

8.2.4. The LFA shall be responsible for its own acts of willful misconduct, negligence, or breach, subject to any and all defenses and limitations of liability provided by law. The Franchisee shall not be required to indemnify the LFA for acts of the LFA which constitute willful misconduct or negligence on the part of the LFA, its officers, employees, agents, attorneys, consultants, independent contractors or third parties of LFA.

9. TRANSFER OF THE FRANCHISE

Subject to Section 617 of the Communications Act, 47 U.S.C. § 537, as amended, no Transfer of the Franchise shall occur without the prior consent of the LFA, provided that such consent shall not be unreasonably withheld, delayed or conditioned. In considering an application for the Transfer of the Franchise, the LFA may consider the applicant's: (i) technical ability; (ii) financial ability; (iii) good character; and (iv) other qualifications necessary to continue to operate the Cable System consistent with the terms of the Franchise. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, by assignment of any rights, title, or interest of the Franchisee in the Franchise or Cable System in order to secure indebtedness, or for transactions otherwise excluded under the definition of Transfer of the Franchise above.

10. RENEWAL OF FRANCHISE

10.1. *Governing Law:* The LFA and Franchisee agree that any proceedings undertaken by the LFA that relate to the renewal of this Franchise shall be governed by and comply with the provisions of Section 12.12 below, the Cable Law and Section 626 of the Communications Act, 47 U.S.C. § 546, as amended.

10.2. *Needs Assessment:* In addition to the procedures set forth in Section 626 of the Communications Act, the LFA shall notify Franchisee of all of its assessments regarding the identity of future cable-related community needs and interests, as well as the past performance of Franchisee under the then current Franchise term. Such assessments shall be provided to Franchisee by the LFA promptly so that Franchisee will have adequate time to submit a proposal under 47 U.S.C. § 546 and complete renewal of the Franchise prior to expiration of its term.

10.3. *Informal Negotiations:* Notwithstanding anything to the contrary set forth herein, Franchisee and the LFA agree that at any time during the term of the then current Franchise, while affording the public appropriate notice and opportunity to comment, the LFA and Franchisee may agree to undertake and finalize informal negotiations regarding renewal of the then current Franchise and the LFA may grant a renewal thereof.

10.4. *Consistent Terms:* Franchisee and the LFA consider the terms set forth in this Article 10 to be consistent with the express provisions of 47 U.S.C. § 546 and the Cable Law.

11. **ENFORCEMENT AND TERMINATION OF FRANCHISE**

11.1. *Notice of Violation:* If at any time the LFA believes that Franchisee has not complied with the terms of the Franchise, the LFA shall informally discuss the matter with Franchisee. If these discussions do not lead to resolution of the problem in a reasonable time, the LFA shall then notify Franchisee in writing of the exact nature of the alleged noncompliance in a reasonable time (for purposes of this Article, the “Noncompliance Notice”).

11.2. *Franchisee’s Right to Cure or Respond:* Franchisee shall have sixty (60) days from receipt of the Noncompliance Notice to: (i) respond to the LFA, if Franchisee contests (in whole or in part) the assertion of noncompliance; (ii) cure such noncompliance; or (iii) in the event that, by its nature, such noncompliance cannot be cured within such sixty (60) day period, initiate reasonable steps to remedy such noncompliance, and notify the LFA of the steps being taken and the date by which Franchisee projects that it will complete cure of such noncompliance. Upon cure of any noncompliance, the LFA shall provide written confirmation that such cure has been effected.

11.3. *Public Hearing:* The LFA shall schedule a public hearing if the LFA seeks to continue its investigation into the alleged noncompliance (i) if Franchisee fails to respond to the Noncompliance Notice pursuant to the procedures required by this Article, or (ii) if Franchisee has not remedied the alleged noncompliance within sixty (60) days or the date projected pursuant to Section 11.2(iii) above. The LFA shall provide Franchisee at least twenty-one (21) days’ prior written notice of such public hearing, which will specify the time, place and purpose of such public hearing, and provide Franchisee the opportunity to be heard.

11.4. *Enforcement:* Subject to Section 12.12 below and applicable federal and state law, in the event the LFA, after the public hearing set forth in Section 11.3 determines that Franchisee is in default of any provision of this Franchise, the LFA may:

11.4.1 Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or

11.4.2 Commence an action at law for monetary damages or seek other equitable relief; or

11.4.3 In the case of a substantial noncompliance with a material provision of this Franchise, seek to revoke the Franchise in accordance with Section 11.5.

11.5. *Revocation:* Should the LFA seek to revoke this Franchise after following the procedures set forth above in this Article, including the public hearing described in Section 11.3, the LFA shall give written notice to Franchisee of such intent. The notice shall set forth the specific nature of the noncompliance. The Franchisee shall have sixty (60) days from receipt of such notice to object in writing and to state its reasons for such objection. In the event the LFA has not received a satisfactory response from Franchisee, it may then seek termination of the Franchise at a second public hearing. The LFA shall cause to be served upon the Franchisee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise.

11.5.1. At the designated public hearing, Franchisee shall be provided a fair opportunity for full participation, including the rights to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the LFA, to compel the testimony of other persons as permitted by law, and to question and/or cross examine witnesses. A complete verbatim record and transcript shall be made of such hearing.

11.5.2. Following the second public hearing, Franchisee shall be provided up to thirty (30) days to submit its proposed findings and conclusions to the LFA in writing and thereafter the LFA shall determine: (i) whether an event of default has occurred under this Franchise; (ii) whether such event of default is excusable; and (iii) whether such event of default has been cured or will be cured by the Franchisee. The LFA shall also determine whether it will revoke the Franchise based on the information presented, or, where applicable, grant additional time to the Franchisee to effect any cure. If the LFA determines that it will revoke the Franchise, the LFA shall promptly provide Franchisee with a written determination setting forth the LFA's reasoning for such revocation. Franchisee may appeal such written determination of the LFA to an appropriate court, which shall have the power to review the decision of the LFA de novo. Franchisee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of Franchisee's receipt of the written determination of the LFA.

11.5.3. The LFA may, at its sole discretion, take any lawful action that it deems appropriate to enforce the LFA's rights under the Franchise in lieu of revocation of the Franchise.

11.6. *Abandonment of Service:* Franchisee shall not abandon any Cable Service or portion thereof without the LFA's prior written consent as provided in the Cable Law. Notwithstanding the foregoing, the parties agree that if Franchisee invokes Section 2.4 of the

Franchise (*Termination Generally*) and a timely written termination notice is provided, the LFA's prior written consent is considered granted.

12. **MISCELLANEOUS PROVISIONS**

12.1. *Actions of Parties:* In any action by the LFA or Franchisee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld, delayed or conditioned.

12.2. *Binding Acceptance:* This Agreement shall bind and benefit the parties hereto and their respective receivers, trustees, successors and assigns, and the promises and obligations herein shall survive the expiration date hereof.

12.3. *Preemption:* In the event that federal or state law, rules, or regulations preempt a provision or limit the enforceability of a provision of this Agreement, the provision shall be read to be preempted to the extent, and for the time, but only to the extent and for the time, required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding on the parties hereto, without the requirement of further action on the part of the LFA.

12.4. *Force Majeure:* Franchisee shall not be held in default under, or in noncompliance with, the provisions of the Franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by a Force Majeure. Furthermore, the parties hereby agree that it is not the LFA's intention to subject Franchisee to penalties, fines, forfeitures or revocation of the Franchise for violations of the Franchise where the violation was a good faith error that resulted in no or minimal negative impact on Subscribers, or where strict performance would result in practical difficulties and hardship being placed upon Franchisee that outweigh the benefit to be derived by the LFA and/or Subscribers.

12.5. *Delivery of Payments:* Franchisee may use electronic funds transfer to make any payments to the LFA required under this Agreement.

12.6. *Notices:* Unless otherwise expressly stated herein, notices required under the Franchise shall be mailed first class, postage prepaid, to the addressees below. Each party may change its designee by providing written notice to the other party. Notwithstanding anything herein to the contrary, all regulatory channel and rate notices from Franchisee to the LFA may be served electronically upon the LFA, instead of by first class mail as described above, to cityofbeacon@beaconny.gov and cityclerk@beaconny.gov, or such other email address(es) provided by the LFA.

Notices to Franchisee shall be to:

Verizon
1 Verizon Way
Basking Ridge, NJ 07920
Attention: Sarah E. Lyzak, VP and Deputy General Counsel

with a copy to:

Verizon
111 Main Street
White Plains, NY 10601
Attention: Pamela Goldstein, Associate General Counsel

Notices to the LFA shall be to:

City Administrator
City of Beacon
1 Municipal Plaza
Beacon, NY 12508

12.7. *Entire Agreement:* This Franchise and the exhibits hereto constitute the entire agreement between Franchisee and the LFA and supersede all prior or contemporaneous agreements, representations or understandings (whether written or oral) of the parties regarding the subject matter hereof. Any local laws or parts of local laws that materially conflict with the provisions of this Agreement are superseded by this Agreement.

12.8. *Amendments and Modifications:* Amendments and/or modifications to this Franchise shall be mutually agreed to in writing by the parties and subject to the approval of the NY PSC, pursuant to the Cable Law, except as provided herein.

12.9. *Captions:* The captions and headings of articles and sections throughout this Agreement are intended solely to facilitate reading and reference to the articles, sections and provisions of this Agreement. Such captions shall not affect the meaning or interpretation of this Agreement.

12.10. *Severability:* If any section, subsection, sub-subsection, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, subsection, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise.

12.11. *Recitals:* The recitals set forth in this Agreement are incorporated into the body of this Agreement as if they had been originally set forth herein.

12.12. *FTTP Network Transfer Prohibition:* Under no circumstance including, without limitation, upon expiration, revocation, termination, denial of renewal of the Franchise or any other action to forbid or disallow Franchisee from providing Cable Services, shall Franchisee or its assignees be required to sell any right, title, interest, use or control of any portion of Franchisee's FTTP Network including, without limitation, the Cable System and any capacity used for Cable Service or otherwise, to the LFA or any third party. Franchisee shall not be required to remove the FTTP Network or to relocate the FTTP Network or any portion thereof as a result of revocation, expiration, termination, denial of renewal or any other action to forbid or disallow Franchisee from providing Cable Services. This provision is not intended to contravene leased access requirements under Title VI or PEG requirements set out in this Agreement.

12.13. *NY PSC Approval:* This Franchise is subject to the approval of the NY PSC. Franchisee shall file an application for such approval with the NY PSC within sixty (60) days after the date hereof. Franchisee shall also file any necessary notices with the FCC.

12.14. *Rates and Charges:* The rates and charges for Cable Service provided pursuant to this Franchise shall be subject to regulation in accordance with federal law.

12.15. *Publishing Information:* LFA hereby requests that Franchisee omit publishing information specified in 47 C.F.R. § 76.952 from Subscriber bills.

12.16. *Employment Practices:* Franchisee will not refuse to hire, nor will it bar or discharge from employment, nor discriminate against any person in compensation or in terms, conditions, or privileges of employment because of age, race, creed, color, national origin, or sex.

12.17. *Identification of Franchisee's Employees & Contractors:* The Franchisee shall require all Franchisee personnel, contractors and subcontractors contacting Subscribers or potential Subscribers at the homes of such Subscribers or potential Subscribers to wear a clearly visible identification card bearing their name and photograph.

12.18. *Customer Service:* Franchisee shall comply with the consumer protection and customer service standards set forth in Parts 890 and 896 of the NY PSC rules and regulations.

12.19. *No Third-Party Beneficiaries:* Except as expressly provided in this Agreement, this Agreement is not intended to, and does not, create any rights or benefits on behalf of any Person other than the parties to this Agreement.

12.20. *LFA Official:* The City Administrator of the LFA is the LFA official that is responsible for the continuing administration of this Agreement.

12.21. *No Waiver of LFA's Rights:* Notwithstanding anything to the contrary in this Agreement, no provision of this Agreement shall be construed as a waiver of the LFA's rights under applicable federal, state and local law.

12.22. *Counterparts:* This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. Further, this Agreement may be executed by facsimile, email, electronic signature or other electronic means, and so executed shall have the full force and legal effect as an executed original of this Agreement.

[Signature Page Follows]

AGREED TO THIS ____ DAY OF _____, 2026.

City of Beacon:

By: _____
Benjamin Swanson, City Administrator

Verizon New York Inc.

By: _____
Eugene Barrins, Vice President

EXHIBIT A FRANCHISE AREA

A map depicting the Franchise Area for purpose of illustration is below. Construction of the Franchisee's FTTP Network has been completed to 100% of current households in the Franchise Area and will be at 100% through the term of the Agreement.

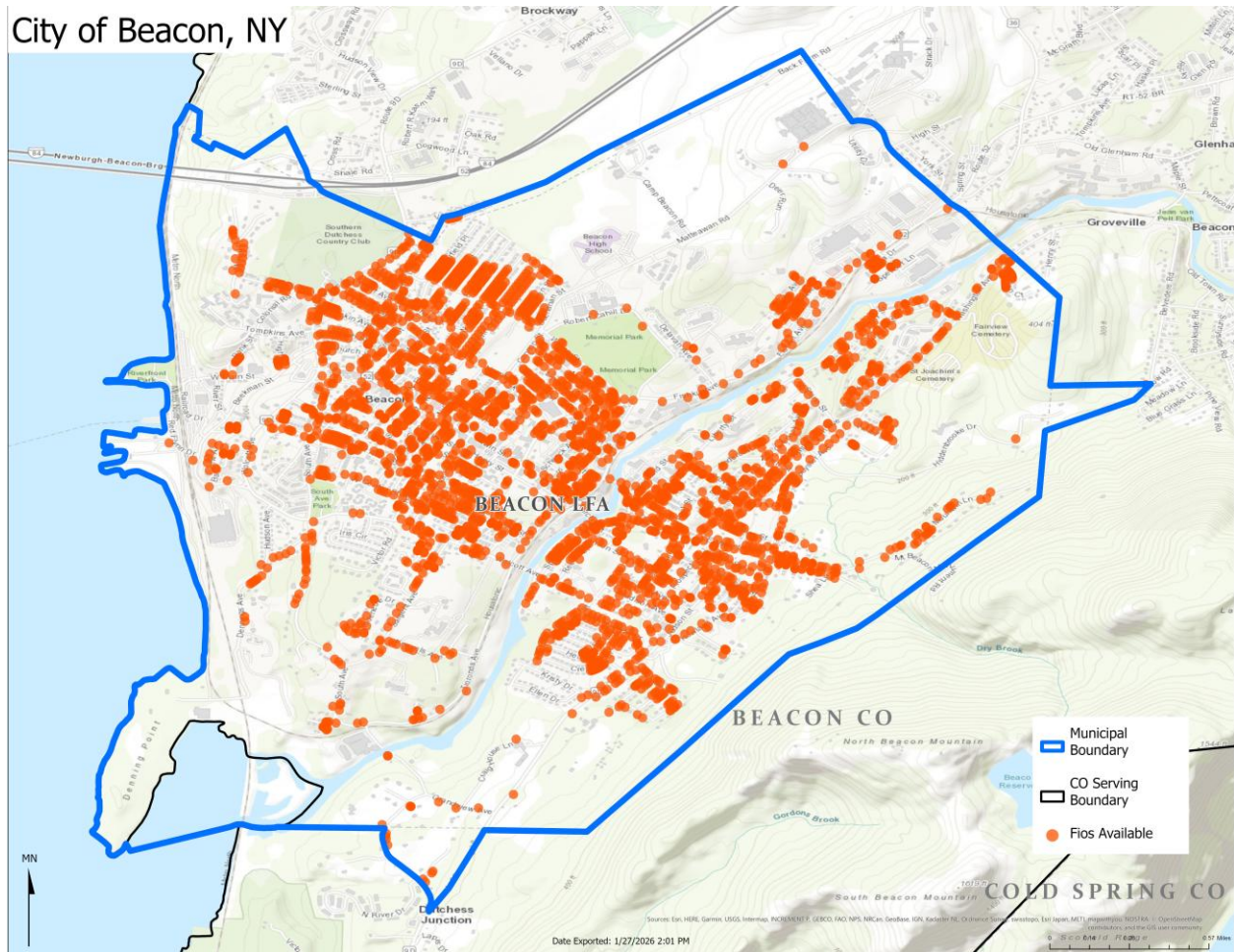


Exhibit A

Beacon/Verizon New York Inc.
Franchise Agreement/2026

EXHIBIT B
MUNICIPAL BUILDINGS TO BE PROVIDED CABLE SERVICE
SUBJECT TO SECTION 3.3
(all in Beacon, NY 12508)

City Hall, 1 Municipal Plaza

Beacon Transfer Station, 90 Dennings Avenue

Beacon Water & Sewer Dept., 470 Liberty Street

Beacon Fire Department, 1140 Wolcott Avenue

Beacon Volunteer Ambulance Corp., One Arquilla Drive

Beacon Board of Education, 10 Education Drive

Rombout Middle School, 84 Matteawan Road

J.V. Forrestal Elementary School, 125 Liberty Street

Sargent Elementary School, 29 Education Drive

South Avenue Elementary School, 60 South Avenue

Glenham Elementary School, 20 Chase Road

Howland Public Library, 313 Main Street

Beacon Recreation Center, 23 West Center Street

Beacon Highway Facility, 30 Camp Beacon Drive

Beacon High School, 101 Matteawan Road

Exhibit B

Beacon/Verizon New York Inc.
Franchise Agreement/2026

City of Beacon City Council Agenda
07/20/2026

Title:

Resolution No. 61 - Finding the Beacon Rail Trail is a "Qualified Action" Exempt from SEQRA Review

ATTACHMENTS

[Resolution Finding the Beacon Rail Trail is a Qualified Action Exempt from SEQRA Review](#)

[Dutchess County Beacon-Hopewell Rail Trail Feasibility Study \(October 2025\)](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 61 OF 2026

**FINDING THE BEACON RAIL TRAIL IS A “QUALIFIED ACTION”
EXEMPT FROM SEQRA REVIEW**

WHEREAS, effective May 26, 2026, certain amendments signed into law by NYS Governor Hochul to Article 8 of the New York Environmental Conservation Law (“ECL”) have exempted a limited number of actions from the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, as part of the Fiscal Year 2027 state budget, these "Let Them Build" reforms create direct statutory exemptions to bypass the lengthy environmental review process for specific low-impact projects, including infrastructure development such as rail trails, and accelerate development timelines and lower construction costs, while continuing to require compliance with all other local zoning, historic preservation, and environmental laws.

WHEREAS, pursuant to ECL § 8-0111(5-a)(a), “qualified actions”, as set forth in ECL 8-0111(5-a)(b)(i)-(vi), “shall be exempt from the requirements of [SEQRA] as determined by the responsible agency ...”; and

WHEREAS, ECL § 8-0111(5-a)(b)(v) provides that an action “shall be a qualified action exempt from the requirements of [SEQRA] if the Responsible Agency determines the proposed action is” for “construction located at a previously disturbed site of multi-use bicycle and pedestrian trails;” and

WHEREAS, under ECL § 8-0105(11), a “previously disturbed site” is a parcel of land that is:

- (a) determined by a responsible agency to have been substantially altered by an occupied, formerly occupied, or demolished building or by another improvement or use at least two years prior to the application for a permit or authorization for an action;
- (b) located within a city, town, or village with a population of fewer than one million persons and located outside of an urban area, as such term...is or comes to be defined by the United States Census Bureau..., such parcel shall abut, adjoin, or be opposite from another parcel that is or has been occupied or formerly occupied by a building, or demolished building, or another improvement or use at least two years prior to the application for a permit or authorization for an action, provided such abutting, adjoining, or opposite parcel shall not be occupied by an industrial or agricultural use;
- (c) located within a city, town, or village with a population of fewer than one million persons, is not located in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain, or special flood hazard area, provided that this paragraph shall not apply if such a

city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;

- (d) located within a city, town, or village with a population of more than one million persons, is not located in a flood hazard area, as defined in section two hundred two of the New York city building code, provided that this paragraph shall not apply if such a city, town, or village has adopted a law or ordinance that requires new construction to be elevated above the base flood elevation as defined by FEMA;
- (e) is not currently being used for agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (f) is not located in a designated coastal erosion hazard area; and

WHEREAS, the City of Beacon is undertaking initial steps for the construction of a segment of the Beacon-Hopewell Rail Trail (the “Rail Trail”), a multi-use bicycle and pedestrian trail extending from the City’s Hudson River waterfront to the hamlet of Hopewell Junction in the Town of the East Fishkill; and

WHEREAS, the Rail Trail consists of converting a 3.2 mile stretch located within the City of Metro-North Railroad’s unused Beacon Line rail bed to a multi-use trail within the existing footprint of the railroad tracks; and

WHEREAS, within the City, the Rail Trail consists of a single ±49.9 acre parcel, known and designated on the Tax Map of the City of Beacon as Parcel ID No. 6054-37-096715; and

WHEREAS, in consideration of the Rail Trail, the Dutchess County Transportation Council issued the 52-page report entitled, “Beacon-Hopewell Rail Trail Feasibility Study,” dated October 2025 (the “Feasibility Study”), which considered two options for the Rail Trail, a rail to trail option or a rail with trail option; and

WHEREAS, the Feasibility Study similarly identified that the Rail Trail be constructed by converting the existing rail bed to a multi-use trail because “[t]his option is the most practical and least disruptive: not only would it cost much less than the Rail with Trail option, but it would impose significantly fewer environmental impacts;” and

WHEREAS, on December 29, 2025, the City entered COB Contract No. 2025-068 with Barton & Loguidice, D.P.C., to perform engineering design, preparation of construction drawings, and bidding materials for the Rail Trail; and

WHEREAS, the “Beacon-Hopewell Rail Trail Feasibility Study,” stated that the Rail Trail would be constructed on a parcel which has been improved as a railway line for over 100 years and currently contains railroad tracks.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Beacon, as the agency approving and undertaking the construction of the City’s Rail Trail segment, hereby declares itself to be the Responsible Agency for making the determination of whether the segment of the Rail Trail in the City is a “qualified action” under ECL § 8-0111(5-a); and

BE IT FURTHER RESOLVED, that upon consideration of the whole action to be taken in connection with the construction of the Rail Trail, the City Council of the City of Beacon hereby finds that the Rail Trail will be constructed on a “previously disturbed site,” as such term is defined under ECL §§ 8-0105(11)(i)-(vi), for the following reasons:

- (1) The Rail Trail will be constructed within the footprint of the existing Metro-North Beacon Railroad Line which has been improved by a railroad and appurtenant structures for more than two (2) years, thereby satisfying the definition of ECL § 8-0105(11)(i); and
- (2) According to the 2020 United States Census map, the Rail Trail will be located within an urban area, therefore ECL § 8-0105(11)(ii) is not applicable; and
- (3) The City has adopted a local law requiring new construction to be elevated above the base flood elevation, therefore ECL § 8-0105(11)(iii) is not applicable; and
- (4) The City of Beacon has a population less than one (1) million persons, therefore ECL § 8-0105(11)(iv) is not applicable; and
- (5) The Rail Trail, which will be constructed within the footprint of an unused railroad bed, is not being utilized for an agricultural purposes and has not been used for agricultural purposes within: (a) the immediately preceding two years, or (b) three of the last five years before the application for a permit or authorization for an action; and
- (6) According to the New York Department of Environmental Conservation coastal erosion hazard area mapper, last updated November 18, 2025, the Rail Trail is not located within any designated coastal erosion hazard area.

BE IT FURTHER RESOLVED, the City Council of the City of Beacon hereby determines that the Rail Trail, which is the conversion of a 3.2 mile stretch of an existing rail bed located within the City into a multi-use pedestrian and bicycle trail, is a “qualified action” pursuant to ECL § 8-0111(5-a)(iv) and therefore exempt from the requirements of SEQRA.

BE IT FURTHER RESOLVED, the City Administrator, or designee, is hereby authorized to undertake all administrative actions necessary to effectuate the intent of this Resolution, including, but not limited to, transmitting a copy of this resolution to the Village of Fishkill, Town of East Fishkill, Town of East Fishkill, Metro-North, the Dutchess County Council on Transportation, the New York State Department of Transportation Region 8, the New York State Department of Environmental Conservation Region 3, and the United States Army Corps of Engineers New York District.

Resolution No. 61 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Glauda					
		Mayor Lee Kyriacou					
Motion Carried							



BEACON-HOPEWELL RAIL TRAIL STUDY



Beacon-Hopewell Rail Trail Feasibility Study

FINAL Recommendations

DUTCHESS COUNTY
TRANSPORTATION COUNCIL

Better ways from here to there

October
2025

DISCLAIMER

The preparation of this report has been financed in part through grant[s] from the Federal Highway Administration and Federal Transit Administration, U.S. Department of Transportation, under the State Planning and Research Program, Section 505 [or Metropolitan Planning Program, Section 104(f)] of Title 23, U.S. Code. The contents of this report do not necessarily reflect the official views or policy of the U.S. Department of Transportation.

Protection of Data from Discovery and Admission into Evidence

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85 Civic Center Plaza, Suite 107

Poughkeepsie, NY 12601

(845) 486-3600

dctc@dutchessny.gov

dutchessny.gov/dctc

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Executive Summary

This Feasibility Report builds upon the study's [Existing Conditions Report](#) and describes the feasibility of constructing a trail along a 12.5-mile stretch of Metro-North Railroad's Beacon Line, extending from the Hudson River in the City of Beacon to the hamlet of Hopewell Junction in the Town of East Fishkill. Specifically, the report discusses the benefits and challenges of two design options: Rail To Trail and Rail With Trail.

Based on our assessment of existing conditions, constructability, and cost, the most feasible option for this corridor is Rail To Trail: converting the existing rail bed to a multi-use trail.

This option is the most practical and least disruptive: not only would it cost much less than the Rail With Trail option, but it would impose significantly fewer environmental impacts. Importantly, the Rail To Trail option would not preclude future rail use.

Construction of a trail could be done in phases, as noted in the Estimated Costs and Suggested Phasing sections. This would allow segments of the trail to be constructed as other segments are designed. Ideally, segments would be bookended by trailheads, allowing parking and access to the trail from both ends and avoiding a dead-end section.

This report includes concepts for a potential trail, along with considerations for future design work and possible solutions to several design and operational challenges. Key topics include:

- General design characteristics and requirements for a trail.
- Planning level suggestions for bridge rehabilitation and drainage improvements.
- Road crossing options, including ways to navigate Route 9 and the nearby industrial area in Fishkill.
- Proposed connections to existing and future trails, trailhead/access locations, and trail amenities.
- Ways to address environmental constraints, especially related to the Fishkill Creek.
- Planning level cost estimates, including costs associated with tree removal, track and tie removal and disposal, trail construction, road crossings, drainage improvements, bridge construction and rehabilitation, and trailhead improvements.
- Suggested phasing options to construct a trail as funds become available.
- Recommendations for additional assessments to be completed during preliminary design work.

This feasibility assessment included a public outreach campaign to gauge public interest and concerns related to development of a trail within this corridor. The outreach efforts included an online survey, two pop-up engagement sessions at local events, presentations at municipal meetings, and two online public information meetings. In addition to the public outreach efforts, a Study Advisory Committee comprised of key stakeholders such as the local municipalities and involved agencies met at key milestones during the study. The outreach found overwhelming support for a trail and a strong preference for the Rail To Trail option.

Background & Context

The Beacon Line is currently owned by Metro-North but has not supported rail activity for more than thirty years. The corridor was recently abandoned by Metro-North and designated for “Interim Trail Use” by the Surface Transportation Board, meaning the corridor can be converted to a rail trail. The corridor was also “Rail-Banked”, meaning it could be converted to a railroad corridor again in the future if the need arises.

The corridor travels through the downtown area of the City of Beacon, adjacent to Main St where it meets the Fishkill Creek. Moving east, it runs parallel to Routes 52

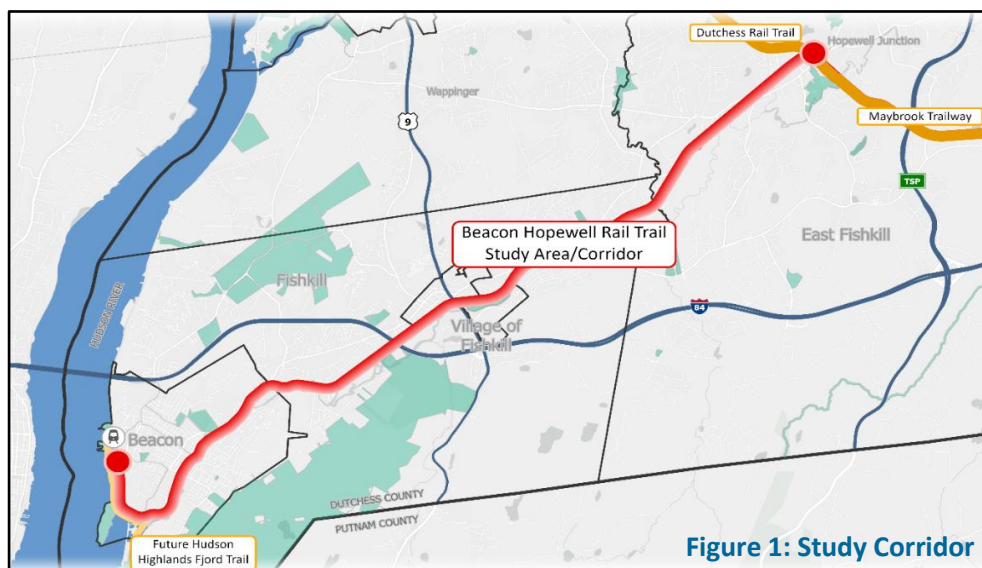


Figure 1: Study Corridor

and 82 – two major highways in Southern Dutchess – and parallel to the Fishkill Creek. A multi-use trail would offer a non-motorized transportation alternative from the Hudson River-City of Beacon to points east like the Village of Fishkill, and Towns of Fishkill and East Fishkill. It passes by several parks and residential neighborhoods, creating an opportunity to connect residents and visitors with a safe and efficient, non-vehicle alternative. Nearly five miles of the corridor are within the Creek floodplain, and there are several long stretches of the corridor that run along the shore of the Creek.

The [Existing Conditions Report](#) details the current infrastructure along the corridor, which includes steel rails and hardware, wooden railroad ties, ballast stone, drainage pipes and culverts, and nine bridge structures (six bridges and three underpasses). It also includes an assessment of natural resources such as streams, wetlands, threatened and endangered species, hazardous materials, floodplain determinations, and historic and cultural resources. That report finds that overall, the corridor is in good condition and conversion to a trail appears feasible.

If construction of a trail were pursued, permits would likely be required from the New York State Department of Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), United States Army Corps of Engineers, and affected local municipalities (City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill). Utilities within or adjacent to the corridor and their potential impact on a trail also must be addressed.

Dutchess County is home to several rail trails, such as the WRS Dutchess Rail Trail, Maybrook Trailway (both part of the Empire State Trail), Harlem Valley Rail Trail, and the Northside Line. A Hudson Highlands Fjord Trail is planned along the Hudson River from Beacon to Cold Spring. A trail along the

Beacon Line would complement this network of trails and provide a much-desired trail connection across Southern Dutchess.

Trail Standards & Concepts

This report discusses the benefits and challenges of two design options – Rail To Trail and Rail With Trail – along a 12.5-mile stretch of Metro-North Railroad’s Beacon Line, extending from the Hudson River in the City of Beacon to the hamlet of Hopewell Junction in the Town of East Fishkill. Included are a review of trail design standards, road crossing and bridge rehabilitation needs, recommended trailheads, and other design considerations. The report builds upon the [Existing Conditions Report](#) and recommends ways to address the challenges associated with the construction of a trail along this corridor.

Multi-Use Trail Design Standards

Trail Design Standards

Design standards for any multi-use trail on this corridor, including either the Rail To Trail or Rail With Trail option, should follow the *Empire State Trail Design Guide (EST Design Guide)*, consistent with the connecting trail system in Hopewell Junction (Town of East Fishkill). The EST Design Guide includes standards from other references, such as:

- American Association of State Highway and Transportation Officials (AASHTO) 2012 *Guide for the Development of Bicycle Facilities 4th Edition*
- *Manual on Uniform Traffic Control Devices for Streets and Highways, 2009* (MUTCD)
- New York State Department of Transportation (NYSDOT) *Highway Design Manual* (“HDM”)

Standards from these guides were also used to assess the corridor to determine the feasibility of constructing a trail in place of the railroad tracks or adjacent to the tracks.

Additionally, the Americans with Disabilities Act (ADA) requires that new pedestrian facilities be accessible for people with a mobility impairment, such as those who use a wheelchair. ADA standards applicable to the trail design include having no greater than a 2.0% cross slope and a 5.0% running slope, while also providing a trail surface that is firm and stable. Asphalt is the recommended surface for this trail as it is relatively inexpensive and durable and is generally preferred over crushed stone by trail users and for maintenance activities, including winter plowing. Table 1 below shows the recommended design standards for a trail on this corridor, based on the various design guidelines.

Table 1: Recommended Trail Design Standards for the Study Corridor

Element	Standard
Minimum Design Speed	18 MPH
Multi-use Trail Width:	10 ft. (Min.)* 12-14+ ft. (Rec.)
Multi-use Trail Shoulder Width (without railings) Slope of 1V:6H Slope of 1V:3H	2 ft. (Min.) 3-5 ft. (Rec.) 5.0 ft.
Distance between edge of trail and top of slope without barrier	5 ft.
Maximum Grade (ADA Compliance)	5% (Max.)
Minimum Horizontal Curve Radius	120 ft.
Path Cross Slope (ADA Standard):	2.0% (Max.)
Stopping Sight Distance	300 ft.
Lateral Clearance (from edge of trail)	1.0 ft. (to fence) 2.0 ft. (to obstruction)
Vertical Clearance	8.0 ft. (Min.) 10.0 ft. (Rec.)
Bridge Structure Capacity (Emergency vehicles)	H-20 (40,000 lbs; 20 tons)
Pedestrian Safety Rail Height	42 inches (Min.) 54 inches (Rec. over water feature)

* The established design standard is a 10 ft. width; however, short segments with an 8 ft. width may be adequate in areas of limited physical width or other obstructions. A 10 ft. wide trail should only be used in areas with low to moderate use and low levels of mixed pedestrian and bicyclist use. A 12 ft. or wider trail should be considered in heavily traveled areas, typically near trailheads or in areas of particular interest where gatherings may occur. These areas should be evaluated on a case-by-case basis.

Bridge Loading Standards

New or rehabilitated bridges (including pedestrian bridges over roadways) should follow NYSDOT and AASHTO standards for bridge design. The recommended minimum loading for a trail, both for new and rehabilitated structures, is H-10 for vehicle and pedestrian loading (90-pounds per square ft.). The H-10 loading standard refers to a two-axle, 20,000-pound (10 ton) vehicle, with 16,000 pounds loaded on the rear axle and 4,000 pounds on the front axle. Structures designed to carry an H-10 loading can support light maintenance vehicles (pick-up trucks) and emergency service vehicles (such as ambulances). For pedestrian crossings over roadways, H-10 loading should be sufficient, as access to the trail can be provided by maintenance roads connected to the main road and loaded construction vehicles should not have to cross the bridge.

If a particular bridge is necessary for access to a remote section of the corridor, a greater minimum loading should be used, such as H-20 (20 Ton, 40,000-pound) or greater, depending on the expected

load needed to cross the bridge. It may also be necessary for large vehicles to cross one of the bridges during construction or trail maintenance. A loaded tri-axle dump truck could easily exceed 35 tons (a fully loaded tri-axle truck typically has a 20-ton load combined with an unloaded weight of 15-20 tons).

The minimum loading for new and rehabilitated bridges should be discussed and confirmed with the municipality or agency that will be responsible for trail maintenance.

Trail Width Standards

During the design phase of a potential trail, the number of anticipated users by type (e.g., pedestrians, bicyclists, etc.) should be estimated to select the appropriate trail width, with due consideration of existing conditions. Additionally, during design, the use of pavement markings or other features to separate user types should be investigated. Segments with lower volumes could use a minimum combined width of 10 ft.; however, widths of at least 12 ft. are desirable where possible. A width of more than 12 ft. should be considered in heavily traveled areas, such as near trailheads or areas of particular interest where gatherings may occur. For example, where a trail segment is expected to accommodate high numbers of pedestrians and bicyclists, the trail could include two 5 ft. bicycle lanes and a 6 ft. pedestrian path, for a total width of 16 ft. All three lanes would have pavement markings and could accommodate a high volume of users. These areas should be evaluated on a case-by-case basis during design. The FHWA's *Shared Use Path Level of Service Calculator Guide* provides further guidance on widths.

Mixed pedestrian/bicyclist use is more common around trailheads (usually within one mile) and other destination points, such as at scenic overlooks. One such scenic area is at Bridge #3 looking down at the Fishkill Creek valley. In this area, the trail width from the trailhead at Van Pelt Park to the bridge should be at least 12 ft., with 14-16 ft. preferred to accommodate the anticipated mixed use.

Safety Railing Standards

A safety railing should be considered at specific locations along a trail. AASHTO recommends that a safety railing with a minimum height of 42 in. be included when a clear area of 5 ft. at a maximum slope of 1:6 cannot be achieved and one of the following conditions is present:

Slope is equal to or steeper than 1:3 for a vertical drop greater than 6 ft.

- Slope is equal to or steeper than 1:2 for a vertical drop greater than 4 ft.
- Slope is equal to or steeper than 1:1 for a vertical drop greater than 1 ft.



Figure 2: Example of Safety Railing

- Slope is equal to or steeper than 1:3 adjacent to a parallel body of water or other substantial obstacle.

Engineering judgement should be used when determining the placement of safety railings, balancing the cost to install and maintain the railing with the safety of trail users, particularly in areas with steep slopes.

Option 1: Rail To Trail

Introduction

The Rail To Trail option consists of re-purposing the railroad corridor by removing the railroad tracks and installing a multi-use trail within the former footprint of the tracks. Essentially, this option uses the existing railroad corridor footprint to build the trail. In general, the Rail To Trail option has the following benefits and challenges:

Benefits:

- The trail would be built within the existing footprint of the railroad tracks, requiring minimal to no Right of Way impacts or acquisitions.
- Much of the corridor is in good condition, with only a few areas requiring repair work. Approximately nine miles (75%) of the ballast stone is in very good or excellent condition and would need little work to reuse as a base for a trail, reducing costs and material hauling needs.
- The existing drainage systems and bridges/structures could be more easily rehabilitated to support a trail. 19 of the existing culverts under the railroad could be re-used with little to no modifications.
- A minimal construction footprint would reduce environmental impacts.
- Minimal to no impacts to the adjacent electric utilities.
- Lower cost to build than the Rail With Trail option.

Challenges:

- Some major road crossings would require grade separated structures.
- Removing the existing railroad tracks and ties would require special handling and disposal requirements, since railroad ties contain creosote.
- The communications conduit within the ballast stone must remain functional after construction and may be challenging to build around.
- Eight of the existing culverts would need to be rehabilitated or replaced.



Figure 3: Possible Rail-to-Trail design with a 10-ft bike path and 6-ft pedestrian path within the former rail corridor.

The width of a multi-use trail generally ranges from 12-14 ft., with a 5 ft. shoulder or graded area on each side when adjacent to steep slopes, for a total graded width (trail + shoulders) of 22-24 ft. However, the exact width needed for the trail surface and shoulders will vary based on location (e.g., 12-16 ft. in Beacon vs. 12-14 ft. in East Fishkill) and the physical characteristics adjacent to the trail. A section that is in a 'cut' (where the ground rises above the trail) does not require a 5 ft. shoulder next to the trail, so a narrower shoulder could be used.

Approximately 60% of the railroad corridor averages about 20 ft in width, and the Right-of-Way (ROW) along the corridor is wide enough to support the Rail To Trail option. According to Dutchess County GIS data, the average ROW width along the corridor is 100 ft., which is ample to construct a trail within the existing footprint of the tracks. The corridor does narrow to as little as 12 ft. within the City of Beacon. However, this is directly adjacent to the City-owned ROW of Main St., meaning the trail may include both the ROW owned by Metro-North Railroad and the City. No other ROW acquisitions or requirements are projected to be necessary for the Rail To Trail option.

Structure Modifications

There are six railroad bridges and three overpasses along the study corridor. Each structure carries timber railroad ties and steel rail tracks, and a utility line owned by Metro-North Railroad. To accommodate a multi-use trail, work on each structure would require removing the existing railroad ties and tracks and constructing a new concrete deck with a pedestrian railing. The following section describes the expected scope of work and site limitations for each bridge structure for the Rail To Trail option. Further investigations would be required to determine the full structural capacity of each

bridge to support a multi-use trail. Environmental permitting would be required for any rehabilitation of bridge foundations that would involve in-stream work. See the Existing Conditions Report (Appendix A) for more information on these structures.

Bridge No. 1 (BEA-0.63)

This bridge consists of a 107-foot span through-girder superstructure with a combination stone masonry/steel sheet pile bridge foundation. A through-girder superstructure consists of traffic passing between the girders, as seen in the photo below. This structure is carried over the active Metro-North Railroad Hudson Line.



Figure 4: Existing through-girder structure over Metro-North Hudson Line.

Because of the existing through-girder layout, the total deck width would be limited to a maximum of 13 feet, requiring a narrow trail section on the bridge. Further design investigation should be conducted to maximize the trail width over the bridge, while maintaining the existing bridge configuration. The steel girders and bridge foundations are in fair condition and would only require location-specific steel plate repairs and repairs to the stone masonry.

As this structure is carried over an active railroad line, coordination with Metro-North Railroad and Amtrak would be necessary throughout design and construction, especially concerning any elements of work that may interfere with the railroad activity below the structure. This work is typically done through coordination with the railroad and various divisions of their organizations. Flagging operations, design reviews, construction observation, and limited working time periods are part of the coordination efforts typically required. This work is often referred to and implemented as a Railroad Force Account. These force accounts can be time consuming and would incur a cost that should be addressed during the planning or design phase of a project.

Bridge No. 2 (BEA-0.98)

This bridge consists of stone masonry bridge foundations, with a 19'-6" simple span steel multi-girder superstructure carrying the existing timber rail ties and steel rail tracks.



Figure 5: Stone masonry bridge with steel girders.

The structure would carry a 10 to 12-foot trail with a total deck width of approximately 13 to 15 ft. Further investigation would be necessary to determine the limiting deck width. The bridge foundations are in fair condition and would require only location-specific repairs to the stone masonry.

Bridge No. 3 (BEA-3.74)

This bridge consists of a 78-foot single span concrete arch with concrete bridge foundations; the total structure length is approximately 171 feet.



Figure 6: Existing concrete arch bridge.

On this bridge, the trail could be placed directly on the existing structure with a pedestrian railing along its length and approaches. Further investigation, possibly including an underwater inspection and retrieving concrete samples, would be necessary to determine the strength and stability of the existing concrete arch and bridge foundations. The bridge appears to be in fair condition, with some areas needing concrete repair within the arch, as seen from above the bridge deck and approaches. A full-depth inspection of all accessible elements of the bridge would be required to determine the full extent of necessary repair areas.

Bridge No. 4 (BEA-4.21)

This bridge consists of a three span, 156-foot superstructure with concrete/stone masonry bridge foundations, including two piers. Spans 1 and 3 have steel girders carrying the existing deck from underneath, while Span 2 consists of a through-girder layout, where the deck is carried between the girders, as seen in the photo below.

Because of the existing through-girder layout on Span 2, which would be maintained, the total deck width would be limited to 11 ft., requiring a narrower trail section on the bridge. Further design investigations would be needed to maximize a potential trail section over the bridge. The steel girders are in fair condition, with areas needing location-specific repairs in Span 2 and Span 3. It is recommended to remove and replace the concrete at the top of the piers and bridge foundations, as well as the steel bearings where the girders sit due to their existing state of deterioration. Additional concrete and stone masonry repairs at specific areas along each foundation and pier would also be required.



Figure 7: Existing three-span structure with through-girder section.

Bridge No. 5 (BEA-9.51)

This bridge consists of a two span two-girder superstructure with stone masonry bridge foundations and one steel pier. The total structure length is approximately 99 ft.



Figure 8: Existing two-span bridge with steel pier and stone masonry foundations.

The structure could carry a 10-12-foot trail with a total deck width of approximately 13 to 15 ft., though further investigation would be necessary to determine the limiting deck width.

The steel girders are in fair condition and would require location-specific repairs. Steel plate repairs could be completed on the steel pier, in addition to clearing out the debris caught within the stream. Each of the stone masonry foundations would require repointing the mortar across nearly the entire surface of each foundation. The stream flow against the base of the west side stone foundations have eroded the mortar, and the foundations are undermined by up to 1.5 ft. It is recommended that the bottom 2 to 3 ft. of the west side foundation be encased in concrete and the stream banks across each foundation be armored with stone fill to protect against future damage from stream flows.

Bridge No. 6 (BEA-12.03)

This bridge consists of stone masonry abutments and wingwalls with a 19-foot simple span steel multi-girder superstructure. The structure could carry a 10-12-foot trail with a total deck width of approximately 13-15 ft., though further investigation would be necessary to determine the limiting deck width.



Figure 9: Stone masonry foundation as seen on Bridge 6.

It is recommended to remove and replace the concrete at the top of the bridge foundations, as well as the steel bearings where the girders sit due to their existing state of deterioration. Additional concrete/masonry repairs at specific areas along each foundation and pier would also be needed. Each of the stone masonry foundations would require repointing the mortar across nearly the entire surface of each foundation.

The stream flow against the base of the east side stone foundations have eroded the mortar, and the foundations are undermined by up to 1.5 ft. It is recommended that the bottom 2 to 3 ft. of the east foundation be encased in concrete and the stream banks across each foundation be armored with stone fill to protect against future damage from stream flows.

Option 2: Rail With Trail

Introduction

The Rail With Trail option would build a trail parallel to the adjacent railroad bed. The existing steel rails, timber railroad ties, stone ballast, and any additional railroad infrastructure would remain in place. None of the existing railroad bridges could be modified to accommodate both a trail and train, so new pedestrian/bicycle-only bridges would need to be built. Narrow sections, such as along the Fishkill Creek and through urban areas in the City of Beacon, would require specialized designs and property acquisition to accommodate the needed widths. Tree clearing, culvert extensions, rock blasting, and significant earthwork (excavation and fill) would also be required. In general, the Rail With Trail option has the following benefits and challenges:

Benefits:

- The railroad tracks and bridges would remain.
- The communications conduit within the ballast stone would be undisturbed.
- Simpler process to re-integrate potential future train use into the corridor.

Challenges:

- Significantly higher cost to build than the Rail To Trail option.
- Large construction footprint with significant impacts to areas adjacent to the corridor.
- Several large property acquisitions would be required.
- No re-use of the existing materials or footprint of the railroad. All new materials (stone, asphalt, fill) would be used to build a trail.
- Areas in need of repair within the existing corridor (bridges, culverts, washouts) would remain untouched and continue to deteriorate.
- All 27 existing culverts under the railroad tracks would require extensions to carry the existing streams below the trail.
- Construction of five new bridges would be needed (assuming Bridge 2 crossing is at-grade) totaling over 550 ft. of new bridges.

- Potential impacts to the adjacent electric utilities, as relocations of poles and wires would be needed for the offset between the trail and railroad tracks.
- Significant environmental impacts to streams, wetlands, floodplains, and potential threatened and endangered species habitat.
- Significant disturbance to the floodplain, floodway, and banks of the adjacent Fishkill Creek (five miles of the corridor is located within the floodplain of the Fishkill Creek).
- The timber railroad ties saturated with creosote would remain within the corridor.
- Large area of tree clearing.
- Potential for significant areas of rock removal including hammering and blasting of rock cuts.
- Some segments of the trail may need to be located away from the existing corridor to avoid significant constraints (such as rock cuts), adding cost and construction challenges.

A clearance of 25 ft. from the railroad tracks to the trail is recommended to ensure that the trail is built with future rail operations in mind. Although clearance-width requirements can vary based on the type of train use (i.e., passenger rail vs. freight vs. tourist), the trail would be positioned to remain functional with a train operating at the same time. The width must be sufficient for the tracks and supporting ballast, the buffer space, and the trail. This equates to at least 48 ft., meaning that significant work would be required to extend flat areas to nearly 30 ft. to accommodate the required buffer space and the trail. Approximately 40% of the corridor (five miles) has a flat area centered on the railroad tracks that is less than 20 ft. wide. The Beacon line was primarily constructed as a single-track railroad corridor, meaning there are locations where the clearance between obstacles, such as rock cuts, is as narrow as 14 ft.

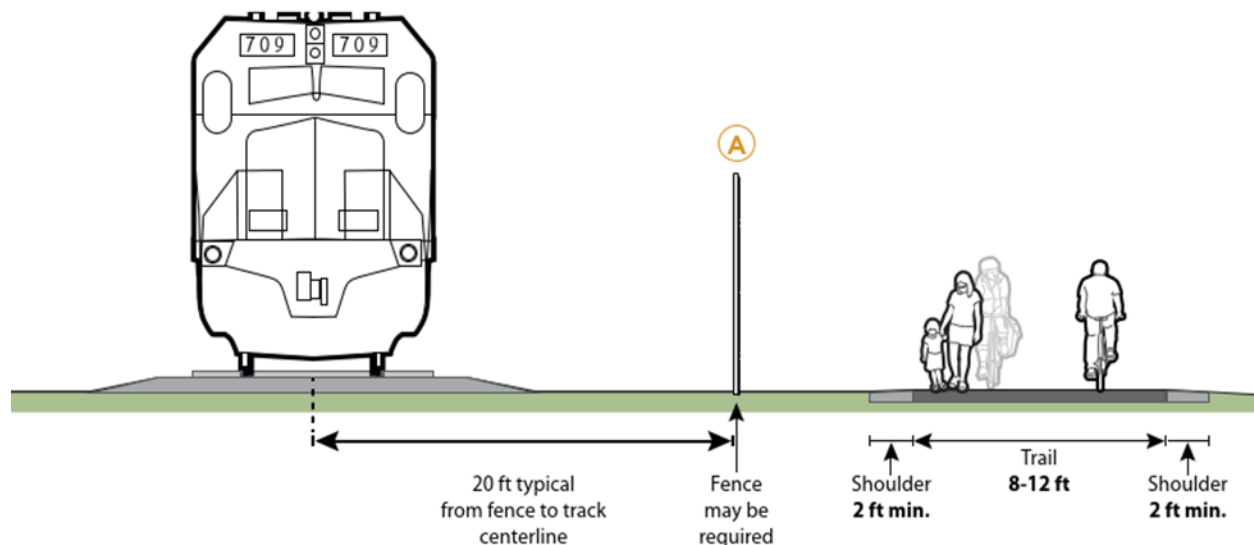


Figure 10: Typical Rail With Trail cross-section showing required 25-ft offset and minimum 8–12 ft trail width with shoulders.

Maintaining this offset would pose numerous challenges along the 13-mile study corridor, especially within the City of Beacon, where the corridor is narrower and physical constraints such as buildings, roadways, and the Fishkill Creek are more prevalent (see examples below in Beacon).



Figure 11: Examples of narrow corridor sections in Beacon with limited space.

Structure Modifications

The Rail With Trail option involves maintaining the railroad bridges in their current locations and constructing either a cantilever structure on each bridge or a standalone bridge next to it to carry trail users. However, the cantilever structure option is not feasible given the significant increase in eccentric (off-center) loading that the bridges would experience. A standalone bridge for trail use is possible at each bridge location; however, there are significant costs associated with this, and there are likely to be significant ROW and environmental impacts as well.

Over 550 ft. of new pedestrian/bicycle-only bridges would need to be constructed adjacent to the existing railroad bridges with this option. One such location is Bridge No. 3 in the Town of Fishkill, which is a concrete arch bridge that crosses the Fishkill Creek. Challenges associated with constructing an additional bridge (offset and parallel to the existing bridge) include rock removal, which would extend more than 400 feet west of the bridge.



Figure 12: Bridge 3 - Town of Fishkill Looking West

All the existing underpass structures could accommodate the Rail With Trail option, but a reduced buffer space between the trail and the railroad tracks would be needed.

Summary of Options

While both options are technically feasible, the Rail With Trail option is much more challenging compared to the Rail To Trail option. Overcoming these challenges, such as the additional ROW, fill, and bridges required, would add significant cost to the Rail With Trail option. The figure below summarizes the two options.

Rail To Trail	Rail With Trail
• Re-use existing ballast stone & bridges • Minimal impacts to environmental features (wetlands, floodplains, established forests) • Remove railroad steel rails & wood ties • Adaptive re-use of a transportation corridor • Little to no property acquisitions required	• Railroad tracks/ties remain in place • Trail offset from tracks 20-25 ft • Significant construction costs due to new bridges, culvert extensions, & significant fill • Extensive environmental impacts to wetlands, floodplains & tree clearing • Physical constraints such as rock cuts, buildings, Fishkill Creek, roadways • Property acquisitions required

Figure 13: Comparison of Rail To Trail and Rail With Trail options

Recommended Concept

Rail To Trail is the most feasible option to construct a trail along the study corridor. This is based on numerous factors including the lower cost and significantly fewer environmental impacts compared to the Rail With Trail option. Dividing the corridor into logical segments, as noted in the Estimated Costs and Suggested Phasing sections, would allow portions of the trail to be built as design and construction funding is applied for and obtained. Ideally, each segment would be bookended by trailheads, allowing parking and access to the trail from both ends and avoiding a dead-end segment.

Funding should be sought as early as possible from federal and state grant opportunities. These funding sources are typically available every few years, which could allow for different segments to be funded by the same source.

Due to the extremely high construction costs, environmental impacts (especially to wetlands and the Fishkill Creek), and added right-of-way needs, the construction of a trail adjacent to the tracks (Rail With Trail) is not recommended. In addition, based on the study's public engagement work, there is less public support for the Rail With Trail option.

Implementation

Suggested Phasing

Based on the existing conditions report and the challenges and recommendations discussed in this report, the conversion of the study corridor to a multi-use trail is feasible from an engineering and environmental perspective. However, since the cost of constructing a trail likely exceeds what any single funding source could provide, trail development could be phased, so that segments of the trail are designed and constructed at different times. This would allow for some trail segments to be built while funding for other segments is secured.

Construction should occur in logical phases based on the amount of funding that is obtainable, the length of the segment, accessibility to potential trail users and connections to other trail networks. This will provide the greatest benefit while funding is sought for other segments of the trail. Trail segments (i.e., phases) should have logical end points with a trailhead to avoid dead-ends for trail users. Suggested segments include the following, from west to east:

- Klara-Sauer Trail at the Hudson River (City of Beacon) to Jean Van Pelt Park (Town of Fishkill): This segment is 3.6 miles long, includes three bridges, and has logical trailheads at both ends. This is likely to be the most heavily used section of the trail due to the high population density in the City of Beacon.
- Jean Van Pelt Park (Town of Fishkill) to Jackson St/Chips Ln (Village of Fishkill): This 2.0 mile segment has potential trailheads at both ends, one bridge, and would include a temporary

trailhead/parking area near Jackson St/Chips Ln and the Village of Fishkill Sewage Treatment Plant.

- Route 9 Crossing and Industrial Area (Village of Fishkill): This 0.4 mile segment includes a route through or around the Industrial Area owned by Montfort Bros., Inc. and a bridge over Route 9, ending at Sarah Taylor Park.
- Sarah Taylor Park (Village of Fishkill) to Doug Phillips Park (Town of Fishkill): This segment is approximately 1.7 miles long and does not involve major design challenges. However, it is almost entirely within the 100-year floodplain of the Fishkill Creek. Doug Phillips Park (Town of Fishkill) to Hopewell Depot (Town of East Fishkill): This 4.1 mile segment includes two bridges and encroaches into the floodplain of the Fishkill Creek.

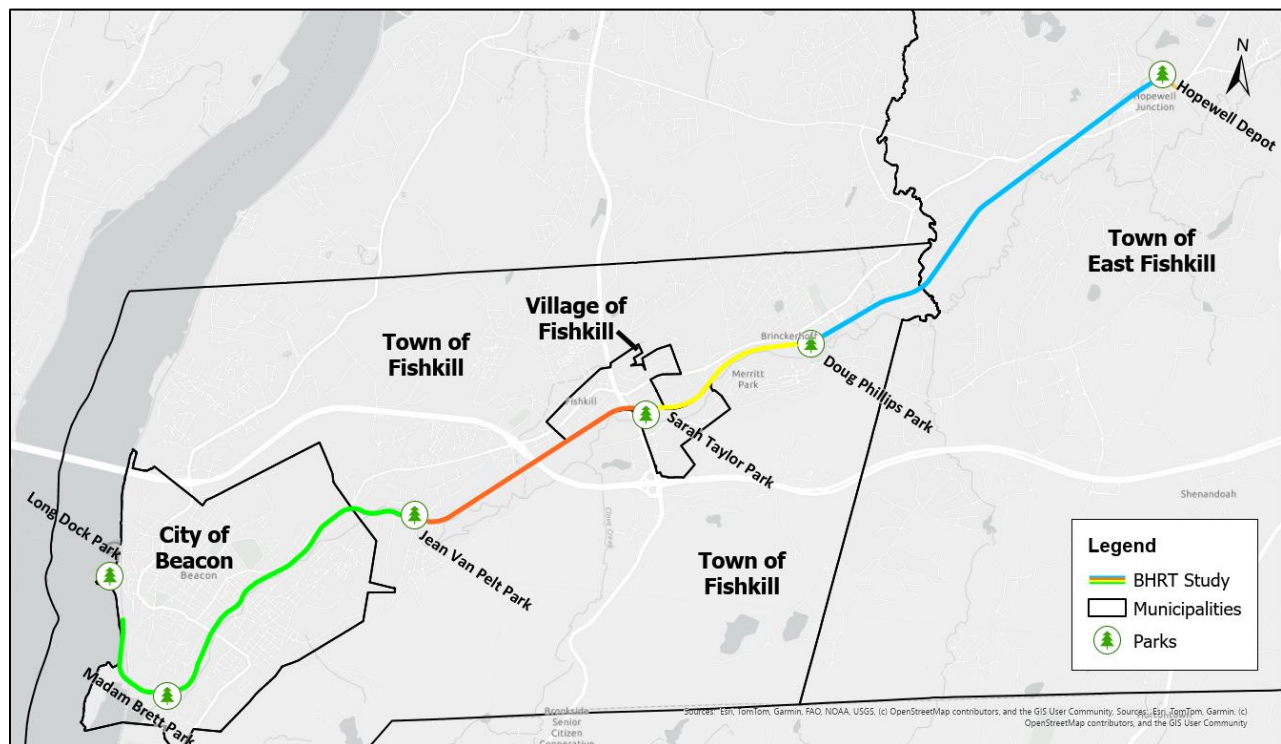


Figure 14: Suggested trail construction phases by segment, from Beacon to Hopewell Junction, aligned with logical trailheads.

Estimated Costs

Based on the assumptions listed below, the Rail To Trail option is estimated to cost about \$46-\$56 million, while the Rail With Trail is estimated to cost \$130-\$150 million. The estimated construction costs for each option (by phase) are detailed in Tables 3 and 4 at the end of the report. The estimates include recommended trailhead improvements at existing parks, major and minor road crossings, bridge rehabilitations, and new bridge constructions (for Rail With Trail). Cost estimate assumptions for both options are outlined below:

Rail To Trail:

- Minor clearing and grubbing activities.

- Steel railroad tracks and other steel materials are salvageable and will offset the cost of removal and recycling.
- No extensive excavation or fill activities are needed.
- 3 inches of subbase (crushed) stone is placed on top of the existing ballast course.
- 4 inches of asphalt pavement is placed at varying widths as recommended in this report.
- 25% of the corridor will need new drainage swales.
- 2 new drainage pipes will need to be installed for every mile of trail.
- The trail can be built adjacent to the Route 9 Industrial Area.
- Each of the trailheads includes a parking expansion for 20 vehicles.
- Trailheads include amenities such as an informational kiosk, signs, benches, picnic tables, and access from the parking area to the trail.
- Estimates include bridges over Routes 9, 52 and 82 with a fill type retaining wall to establish the ramps up to the bridge over the roadway.
- Existing railroad bridges can be rehabilitated according to the recommendations listed in this report.

Rail With Trail

- Significant clearing and grubbing activities.
- An asphalt trail would be constructed on the south side of the railroad tracks, offset 20-25 ft. from the tracks.
- The trail width varies as recommended and includes 6 inches of subbase and 4 inches of asphalt.
- Significant fill and excavation activities are required to establish the required buffer space between the tracks and the trail.
- Rock removal is required in any area where the railroad passes through a rock cut.
- The trail can be built adjacent to the Route 9 Industrial Area.
- All existing drainage pipes and culverts will need to be extended by 40 ft.
- Major and Minor Road Crossing treatments are the same as the Rail To Trail option.
- New bridges would be built adjacent to the existing railroad bridges and assume heavy vehicle loading for construction and maintenance purposes.
- Trailhead costs and improvements are the same as the Rail To Trail option.

Maintenance

In addition to construction costs, a trail would entail ongoing labor and materials costs for maintenance items. Maintenance activities for a trail range from mowing shoulders during the summer to snowplowing during the winter, as well as bi-annual inspections of the bridges and re-surfacing the asphalt (approximately every 15 years). Below is a list of typical maintenance activities for trails.

Continuous Maintenance Activities:



Semi-Annual and Long-Term Maintenance Activities:



Funding Opportunities

There are several potential funding sources for multi-use trails. Most federal transportation funding comes from the multi-modal federal transportation law in effect at the time. To use federal transportation funding, a project must be consistent with an overall transportation plan, such as [Moving Dutchess Forward](#), and be added to the DCTC's [Transportation Improvement Program \(TIP\)](#). For more information, see the DCTC's webpage on [Federal Highway Funding](#) and the [USDOT Grants webpage](#).

The project sponsor should be aware that the sources listed below are reimbursement programs, which require the sponsor to first instance costs and then request reimbursement. Most of the programs also require the sponsor to provide a portion of the total grant amount as a local match.

Transportation Alternatives Program (TAP), Congestion Mitigation Air Quality (CMAQ), and Carbon Reduction Program (CRP): Federal funds are available for the construction of pedestrian and bicycle facilities and pedestrian related improvements. NYSDOT manages these programs through a

competitive, statewide application process, typically every two years. Program elements include:

- 20% local match
- Federal-aid procedures apply
- Design & Construction costs: Minimum = \$500,000; Maximum = \$5 Million

In 2023, \$98 million was distributed across the state in TAP, Congestion Mitigation (CMAQ) and Carbon Reduction Program (CRP) funds.

DCTC Transportation Improvement Program (TIP): The DCTC periodically opens a call for projects when funding is available for specific federal programs. Project sponsors would need to provide a 20% local match and follow federal aid procedures as with the above TAP, CMAQ, and CRP programs.

Active Transportation Infrastructure Investment Program (ATIIP): This FHWA funding program supports projects that connect active transportation networks, accelerating local plans to create safe and convenient walking and biking routes to everyday destinations and fill gaps in trails. In 2024, construction grants had a minimum total cost of \$15 million and required a 20% local match. This program may change based on federal priorities.

Congressional/State Appropriations or Earmarks can be sought from federal or state congressional representatives. For federal appropriations, sponsors would need to follow the federal-aid process.

NYSOPRHP Recreational Trails Program (RTP) provides funding for the development and maintenance of recreational trails or trail-related facilities. RTP funding is available through the FHWA and administered by the New York Office of Parks, Recreation and Historic Preservation (NYSOPRHP). RTP funds can be applied for through the NYS Consolidated Funding Application (CFA). \$3 million was available statewide during the 2025 CFA application period. Program elements include:

- 20% local match
- Federal-aid procedures apply
- Design & Construction costs: Minimum = \$25,000; Maximum = \$300,000

NYSOPRHP Environmental Protection Fund (EPF) provides funding for the development and planning of public parks and recreational facilities. EPF projects can be applied for through the NYS CFA. \$26 million was available statewide during the 2025 CFA application period. Program elements include:

- EPF will fund up to 50% of total project cost
- Design & Construction costs: Minimum = \$25,000; Maximum = \$675,000

Potential Project Sponsors

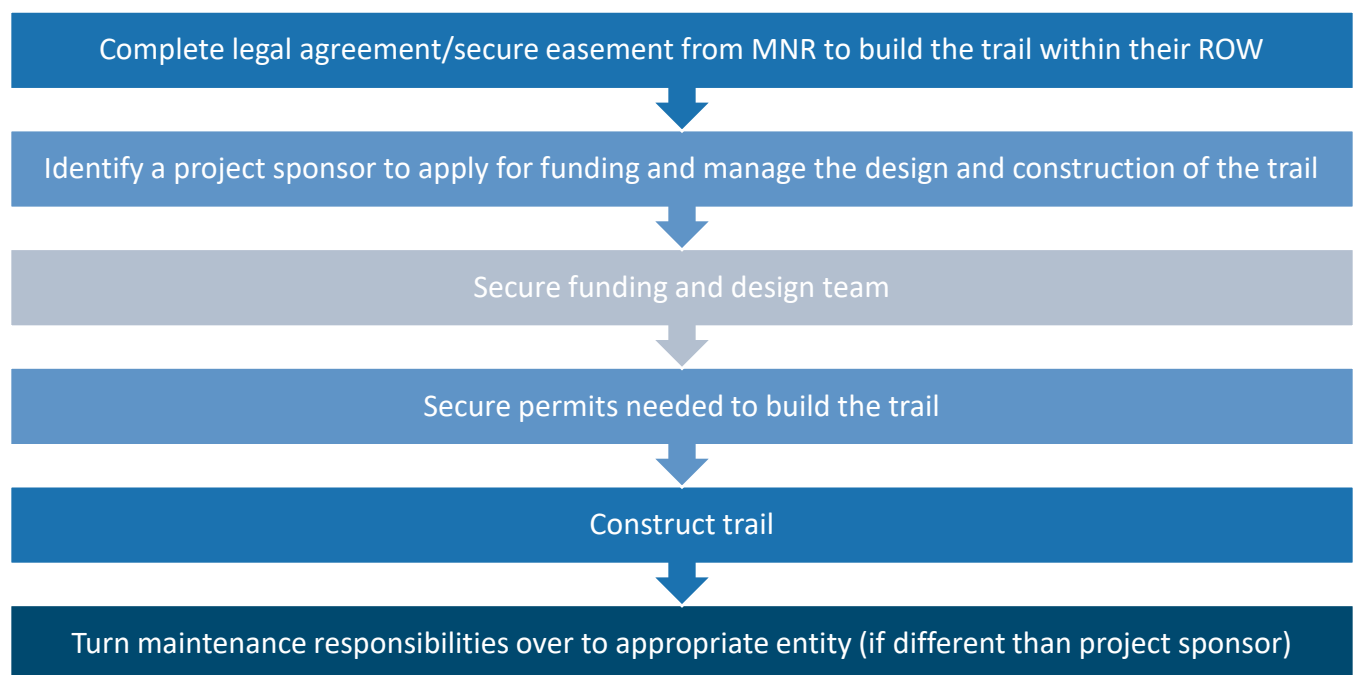
A project sponsor is the municipality, public agency, or private entity responsible for securing funding and approvals for the project, communicating the intent of the project to the community and

stakeholders, and managing the project’s design and construction. Equally important, the sponsor often assumes maintenance responsibility for the finished project. For this potential trail, entities could be sponsors for the entire trail or for certain segments. Potential sponsors could include the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP), Dutchess County, or private entities such as Scenic Hudson or the Open Space Institute.

Local municipalities along the corridor (the City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill) could also act as project sponsors for phases or segments of the trail. However, if the trail segments are connected, one entity should oversee the entire trail to maintain continuity and consistency between the phases, including consistent trail materials and design standards.

Next steps

The next steps to transform this corridor into a trail revolve around the availability of construction funding. There is significant support for a trail from the public and elected officials. The major milestones to transform this corridor into a trail are outlined below.



Additional Design Considerations

In addition to the Rail To Trail and Rail With Trail options assessed for the study corridor, several other challenges, opportunities, and potential solutions were evaluated that are applicable to both trail options. These include overpass structures, roadway crossings, trailhead locations, trail amenities, and connections to communities and other trail networks.

Overpass Structures

There are three overpass structures on the study corridor. There is adequate horizontal and vertical clearance available at each structure to construct a trail in place of the tracks or adjacent to the tracks. The horizontal and vertical clearance for each structure is listed below:

- Overpass 1 (BIN 1006350) carries Wolcott Ave (NYS Route 9D) over the Beacon Line in the City of Beacon. The vertical clearance between the tracks and the low chord of the bridge is greater than 15 ft. The clear span between the bridge foundations is approximately 37 ft.
- Overpass 2 (BIN 1032480) carries I-84 over the Beacon Line in the Town of Fishkill. The vertical clearance between the tracks and the low chord of the bridge is at least 15 ft. The clear span between the bridge foundations is approximately 80 ft.
- Overpass 3 (BIN 1032300) carries NYS Route 82 over the Beacon Line in the Town of East Fishkill. The vertical clearance between the tracks and the low chord of the bridge is at least 15 ft. The clear span between the bridge foundations is approximately 100 ft.



Figure 15: Overpass Structures 1 (Left), 2 (Center), and 3 (Right).

Road Crossing Alternatives

This study categorizes roadway crossings as Major or Minor based on the volume of vehicles at each location, known as the Average Annual Daily Traffic (AADT). Major Crossings have more than 1,000 vehicles per day and Minor Crossings have fewer than 1,000 vehicles per day. The study corridor crosses seven major roads and 21 minor roads. The Existing Conditions Report (see Appendix A) provides more information on these crossings, including a technical memo that was reviewed by NYSDOT (their comments were incorporated into this report). Note: the cost estimates discussed later in this report assume bridges over Routes 9, 52, and 82.

Trail user safety is of the utmost importance at a roadway crossing. There are generally two methods for a trail to cross a roadway: At-grade or grade-separated. At-grade is where the trail crosses the roadway using the same surface, such as with a crosswalk. Grade-separated crossings are where the trail crosses over or under the road using a bridge or tunnel. Grade separation is the safest, as it separates trail users from vehicles. However, these types of crossings are the most expensive. Currently, all of the crossings are at-grade except for the three overpasses that carry Wolcott Ave, I-84, and Route 82 over the railroad tracks.

As most of the crossings are at-grade, the most practical solution would be to provide features and treatments to warn both trail users and road users that there is a crossing present. An ideal at-grade roadway crossing has a variety of features to warn trail users that there is a roadway crossing present, and to warn roadway users that pedestrians and bicyclists may be crossing the roadway. Roadway crossings should include each of the following components:

- Emphasis on safety for both roadway and trail users.
- Clear visibility and sight lines for vehicles and trail users near the crossing.
- Trail crossing at a right angle to the roadway and conspicuous to both drivers and trail users.
- Appropriate traffic control (signs, pavement striping, RRFB's, etc.) at the crossing.
- ADA compliant features.
- Speed reduction for path users and motorists.
- Trail entrance control.

The typical trail-road crossing would include, at a minimum, a marked crosswalk and pedestrian/cyclist (W11-15) warning signs at the crossing point with the downward pointing diagonal arrow (W16-7P) and in advance of the crossing with an "Ahead" plaque (W16-9P) below it. Additional measures to warn road users that a crossing is present include Rectangular Rapid Flashing Beacons (RRFBs), a traffic signal, or a Pedestrian Hybrid Beacon, also known as a High-intensity activated crosswalk beacon (HAWK signal). The images below were extracted from the EST Design Guide and depict the four most common crossing treatments from the perspective of a vehicle approaching a trail crossing (signage, RRFBs, traffic signal, and HAWK signal):



Figure 16: Typical Traffic Signal (left) and HAWK Signal installation (right).



Figure 17: Typical Signage and Striping (left) and RRFB installation (right).

Rectangular Rapid Flashing Beacons (RRFBs) consist of a rapid, high intensity flashing yellow beacon mounted to a standard pedestrian warning sign at an uncontrolled crosswalk. The beacons are activated when a person pushes a button to cross the roadway. These are relatively low cost and are highly effective at improving the yield rate of drivers at marked crosswalks. RRFBs can be solar powered or hard-wired into the electric grid to provide electrical power. Additional signage and pavement markings such as Yield Lines and “Yield Here to Pedestrians” signs can also be installed in advance of an RRFB.

Installing a traffic signal or re-routing the trail to cross at an intersection would have the highest level of both vehicular and pedestrian safety for at-grade trail crossings. A signal warrant analysis would need to be performed prior to progressing the installation of a traffic signal and a traffic study would need to be performed to assess the need to coordinate the new signal with any existing signals in the area. The signal warrant analysis would need to meet the requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

If a signal warrant analysis does not indicate that a full traffic signal is appropriate at an intersection, the MUTCD states that a HAWK signal may be installed to facilitate pedestrian crossings instead. A HAWK signal would have a similar effect as a traffic signal, by stopping vehicular traffic when activated by a trail user. When the signal is not activated, the signal heads would be dark, allowing vehicles to travel through the intersection freely. Upon activation by a pedestrian or cyclist, the stop sequence begins with flashing yellow lights and changes to a solid red light for approaching vehicles and a walk symbol for pedestrians. HAWK signals are typically installed at mid-block crossings but can also be installed at intersections.

Additional factors that should be considered for at-grade crossings include vegetation clearing to improve visibility for drivers and trail users, realignment of the trail to cross at a right angle, and installation of ADA compliant features such as curb ramps and detectable warning pads.

The crossing alternatives that would provide the highest level of safety for trail users is a bridge over the roadway or a tunnel under the road. This eliminates the conflict point between vehicles and trail users and allows both to operate without interaction. However, this option is generally the most expensive to construct and would require the most space to build. A typical bridge crossing would need to be elevated approximately 20 ft. above the roadway, and would require nearly 400 ft. long ramps on each side at a maximum grade of 5% (per ADA) to elevate the bridge over the roadway. A tunnel would need similar ramps, but poses other challenges associated with the amount of excavation required and the potential for flooding.

The following sections detail the recommended crossing treatments at each of the seven major road crossings and 21 minor road crossings. These recommendations would apply to both the Rail To Trail and Rail With Trail concepts and were developed using guidance from the AASHTO and FHWA trail crossing design manuals.

Major Roadway Crossings

The major roadway crossings involve roads with more than 1,000 vehicles per day. These include the crossings of Routes 9, 52, 82, and 376, Washington Ave in the Town of Fishkill, and Churchill St and East Main St in the City of Beacon. A crossing recommendation memo is included in the Existing Conditions report (see Appendix A). The memo assessed the existing conditions at each crossing, evaluated several crossing concepts, and recommended a concept for each location. The memo was provided to NYSDOT for their review and comment. Below is a brief discussion of the existing conditions and the recommended concept for each major crossing.

Churchill St. (City of Beacon)

Churchill St. has a speed limit of 30 mph, an AADT of approximately 1,631 vehicles/day (vpd), a crossing length of 25 ft., and is in a downtown business district. The crossing is 100 ft. south of the intersection of Main St. and Churchill St. The recommended crossing treatment at this location is high visibility crosswalk markings, advanced pedestrian warning signs, improved lighting, and the installation of Rectangular Rapid Flashing Beacons.



Figure 18: Churchill St. in Beacon

East Main St (City of Beacon)

East Main St. has a speed limit of 30 mph, and AADT of 5,163 vpd, a crossing length of 55 ft., and is in a small city downtown. The railroad crossing is adjacent to the intersection of East Main St. with Main St. and is unsignalized with stop control on East Main St., although there is a flashing light in the center of the intersection (known locally as the dummy light). The recommended trail crossing treatment includes shifting the trail crossing closer to Main St., combining the crossing with the existing crossing, and installing advanced trail crossing warning signs and a raised median that incorporates the “dummy light”.

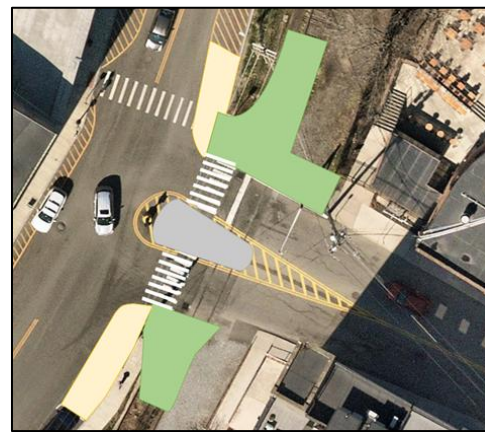


Figure 19: Proposed trail crossing at East Main St.

Washington Ave (Town of Fishkill)

Washington Ave has a speed limit of 30 mph, an AADT of 5,735 vpd, and a crossing length of 27 ft. The recommended roadway crossing treatment here includes the installation of RRFBs, realigning the crossing to intersect with Washington Avenue at a right angle, shifting the alignment to the north about 10-15 ft., and installing high visibility crosswalk markings and advanced trail crossing warning signs.

US Route 9 (Village of Fishkill)

The existing railroad crossing of Route 9 in the Village of Fishkill is the most complicated and challenging crossing along the study corridor. The rail line crosses the six-lane highway (three lanes in each direction) at a skew (angle) and the crossing is approximately 140 ft. in length. The AADT is 38,200 vpd and the posted speed limit is 40 mph, although speeds often exceed the posted limit. Traffic at the nearby intersection of Route 9 and Elm St often backs up across the railroad tracks, especially during peak hours. Given the existing conditions and traffic operations at this crossing, a bridge over Route 9 is recommended. A tunnel under Route 9 would be challenging as this area is adjacent to the Fishkill Creek and within the 100-year floodplain, creating potential drainage issues related to flooding. The bridge crossing is more feasible, although it is not without challenges. There are overhead high-voltage electric utility lines that parallel Route 9, and floodplain regulations that apply to new structures within floodplains.



Figure 20: Example of a rail trail bridge – WRS Dutchess Rail Trail over State Route 55.

Another consideration for the Route 9 crossing is the industrial site located directly west of the crossing. The recommended bridge over Route 9 would have to navigate this site as well, and the approximately 400 ft. long ramps (required to meet ADA slopes of 5%) would be within that site. Circular, spiral ramps could be constructed to contain the ramps to a smaller footprint than a linear ramp. The transition from the industrial site to the bridge over Route 9 should be determined during the design phase, once the option to navigate the industrial site has been determined. For further discussion of the industrial site, see the Route 9 Industrial Area section below.

NYS Route 52 (Town of Fishkill)

Route 52 is owned and maintained by NYSDOT and has an AADT of 12,801, a posted speed limit of 45 mph, and a crossing length of 42 ft. at an angle. There is a traffic signal at the nearby intersection of Route 82 (300 ft. to the north), and traffic often backs up across the railroad tracks. Due to these factors, the recommended crossing improvements include installation of a Pedestrian Hybrid Beacon (aka HAWK signal), which would bring traffic to a complete stop when a trail user activates the signal. Another concept that should be considered is a grade separated crossing. A bridge or tunnel would provide the greatest degree of safety for trail users, would not impact traffic operations, and may be required by NYSDOT. However, grade separation would be much more expensive and would require a long approach to cross over or under the roadway and maintain ADA compliance.



Figure 21: Railroad crossing at NYS Route 52

NYS Route 82 (Town of East Fishkill)

Similar to Route 52, Route 82 is owned and maintained by NYSDOT and has a high volume of traffic. The crossing is adjacent to the intersection of Palen Road with Route 82 and crosses Route 82 at a skew. Route 82 has a posted speed limit of 35 mph and an AADT of 18,364 vpd with a crossing length of approximately 80 ft. The recommended crossing concept is to modify the intersection of Route 82 and Palen Rd. and direct trail users to cross at that intersection. The existing signal would be equipped with pedestrian crossing signals and crosswalks would be added. A traffic analysis of the intersection should be included in the design phase to assess the existing intersection and optimize the traffic signals. As with the Route 52 crossing, the design phase should also investigate a grade separated crossing for this location, as that may be required by NYSDOT.



Figure 22: Railroad crossing at NYS Route 82 and the adjacent intersection of Palen Rd.

NYS Route 376 (Town of East Fishkill/Hamlet of Hopewell Junction)

NYS Route 376 has a posted speed limit of 35 mph, an AADT of 6,219 vpd and a crossing length of about 30 ft. The roadway is situated in a hamlet/commercial setting and there is a sharp 90-degree curve north of the crossing. This crossing includes the current starting point for the Junction Loop trail that extends from Route 376 to the Hopewell Junction Depot (and the trailhead for the Maybrook Trailway and WRS Dutchess Rail Trail). Based on the existing characteristics, the recommended crossing concept includes the installation of RRFBs and trimming the vegetation around the sharp curve north of the crossing to improve visibility for approaching vehicles. As with the other State highway crossings, NYSDOT may request that grade separation be considered. However, a bridge over or tunnel under this road is not recommended by the AASHTO guide for the development of bicycle facilities, based on the roadway's characteristics. A similar trail crossing to the north (Dutchess Rail Trail at Route 376) is at-grade. The Town also has a desire to realign Route 376 and assume control of its current alignment as a Town road that could possibly be dead ended, mitigating the need for a grade separated crossing.

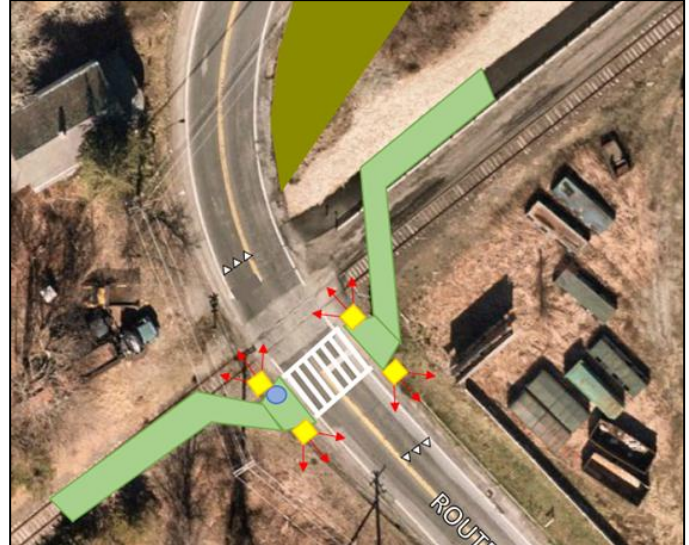


Figure 23: Proposed crossing at NYS Route 376, includes RRFBs and vegetative clearing.

Minor Roadway & Driveway Crossings

There are various types of minor crossings, including residential roads, driveways, and gravel maintenance roads. Since the rail line currently intersects with these minor roadways at grade, and the roads have low traffic volumes, all of the minor roadway crossings would remain at-grade. Traffic controls installed at the minor crossings would vary based on the characteristics of the crossing, such as the road surface, vehicle volumes, and the type of crossing. Table 2 below shows the recommended treatment for each minor crossing, based on engineering guidance and judgement. During the design phase of a trail, each crossing should be re-evaluated for any change in conditions that may require a different crossing treatment.

Table 2: Recommended Treatments for Minor Road Crossings*

Minor Road Name	Bike/Ped Crossing Warning Signs	Crosswalk Markings	Notes
Dennings Ave	X	X	
Arno Driveway	X	X	Apartment Complex
Park Driveway	X	X	
Mill St		X	Realign crossing closer to Route 52
Commercial Driveway	X	X	
Petticoat Ln	X	X	
Pump House Rd	X		
Blodgett Rd	X		
Industrial Driveway	X		
Jackson St	X	X	
Old Main St	X	X	
Pardy Ln	X	X	
McGrath Terr	X	X	
Mountain View Rd	X	X	
Residential Driveway	X		
Lomala Ln	X	X	
Fishkill Creek Rd	X	X	
Broadway	X	X	
Maintenance Road	X		Gravel road
Maintenance Road	X		Gravel road
Helin Rd	X	X	

*Note: Advanced warning signs are not recommended for these minor road crossings.

Trail Entrance Control

Trail entrance control at a road crossing or other trail access point serves two purposes: it deters unauthorized (and potentially unsafe) access to the trail by motor vehicles (such as ATVs, cars, trucks,

etc.) and it notifies trail users that they are approaching a road crossing. Road and trail signs alone generally do not deter access or attract the attention of trail users. The AASHTO bicycle facility design guide notes that bicyclists typically exhibit poor compliance with stop signs at roadway crossings and will typically yield at these crossings rather than come to a complete stop.

Physically altering the trail geometry as it approaches a roadway is recommended to encourage bicyclists and other users to slow down as they approach the crossing. Narrowing the path and adding a low curbed median provides a physical change to the trail conditions, which slows cyclists as they approach the crossing. A low curbed median also deters unauthorized access, as many drivers will not want to drive over the median. Flexible bollards can also deter the average driver, but be driven over by an emergency vehicle if needed. They will also not cause major injuries if a bicyclist strikes them.

Figure 22 below shows an entrance of similar design installed on the WRS Dutchess Rail Trail at the crossing with NYS Route 376, just north of Hopewell Junction. This crossing has a low median with a solid fixed bollard (not recommended) on top, yellow pavement stripes to delineate the median, and ADA compliant features such as a curb ramp and detectable warning. It also features a trail crossing warning sign and a striped crosswalk.

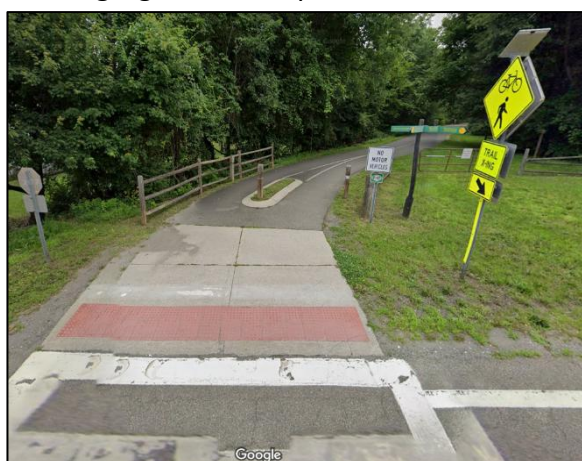


Figure 24: WRS Dutchess Rail Trail crossing of NYS Route 376 in Hopewell Junction.



Figure 25: Preferred trail entrance as outlined in the Empire State Trail Design Guide.

Route 9 Industrial Area

A key consideration along the corridor is the Montfort Brothers, Inc. masonry block manufacturing facility that actively uses an area just west of the Route 9 crossing in the Village of Fishkill. The manufacturing facility is just north of the railroad tracks, while the storage area for block making material and finished products is south of the tracks. Within the site, there is a main driveway where forklifts, front loaders, and other large trucks frequently cross the railroad tracks (100+ times per day). This would create unsafe conflicts with pedestrians and bicyclists if a trail were to be developed along the corridor. Also, a portion of the Montfort site is located within the floodway of the Fishkill Creek,

and the entire site is located within the 100-year flood zone of the creek, so the alignment option chosen for this area would have to obtain local floodplain permits. Accordingly, three options to carry a trail past this facility were assessed (see Figure 26):

- **Option 1:** Construct a bridge over the industrial site driveway (or a tunnel below it)
- **Option 2:** Use roads to the north (Chips Ln., Smith St., Elm St., and Route 9) as an on-road segment of the trail
- **Option 3:** Avoid the site by using the southern edge of the industrial property to construct a trail

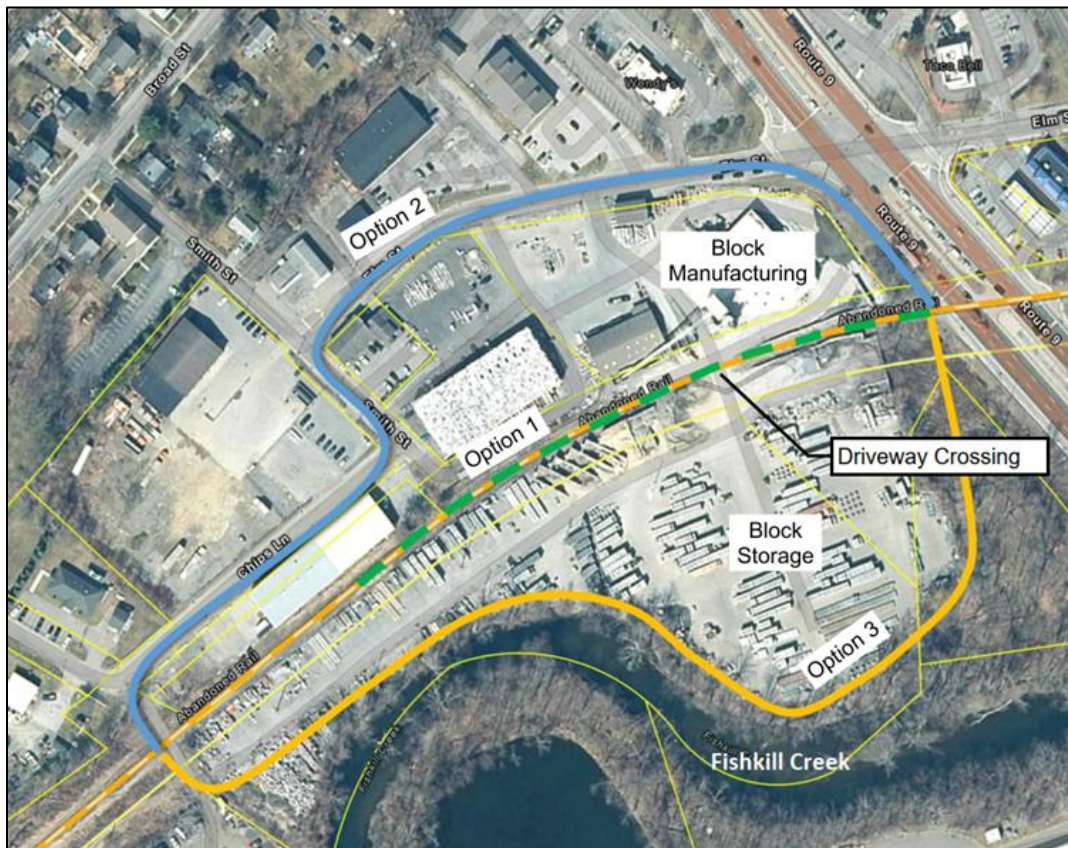


Figure 26: Route 9 Industrial Area – Showing the three trail alignment options evaluated near the Montfort Brothers facility.

The study team presented these options to the site’s owners and their representatives in January of 2025 and toured the site. The most logical and feasible option is to construct a trail using the southern edge of the site (shown in orange on the map below). This would provide a continuous trail connection while avoiding the industrial traffic. A bridge or tunnel to avoid the site would be costly and poses maintenance issues and potential challenges for the site’s activities. A bridge over the site would span the driveway and would have to include an approximately 400 ft. long ramp to meet ADA requirements while elevating the trail to match the bridge. The roads north of the facility have high volumes of trucks that enter and exit the site, which would pose potential conflicts with trail users.



Figure 27: The Route 9 Industrial Area – Option 3 (southern edge alignment) would use this area to avoid industrial traffic and improve safety.

During the design phase for this portion of a trail, the design team would need to consult with the Montfort Bros, Inc. owners to discuss a solution that works for both parties.

Access Locations & Connections

Trailheads

The railroad corridor borders four existing parks, one in the City of Beacon, two in the Town of Fishkill, and one in the Village of Fishkill. The western end of the corridor is approximately 0.4 miles from Long Dock Park on the Hudson River and can be accessed via the existing Klara Sauer trail, which runs parallel to this end of the corridor for approximately 0.25 miles. The eastern end of the corridor is in the hamlet of Hopewell Junction (Town of East Fishkill) at the Hopewell Depot, which is a trailhead for the WRS Dutchess Rail Trail and the Maybrook Trailway.

The four existing parks along the corridor would make for ideal trailheads. Madam Brett Park in Beacon is located adjacent to the former Tioronda Hat Factory and features walking trails, views of a waterfall on the Fishkill Creek, and parking for 15 vehicles. Additional parking is available in the former right-of-way for South Ave (owned by the City of Beacon). Improvements recommended at this trailhead consist of additional trailhead amenities (see the Trail Amenities section), an ADA compliant access to the main trail, and the removal or reconstruction of Bridge No. 2 (see the Structures section). The bridge restricts sight distance to the intersecting roadway of Tioronda Ave and only allows one lane of vehicle travel. The existing parking lot, informational kiosk, and walking trails are on land owned by Scenic Hudson. An agreement with Scenic Hudson would be needed to use this area as a trailhead and to make any improvements at the location.

2.8 miles east of Madam Brett Park sits Jean Van Pelt Park, which offers another logical location for a major trailhead. This location hosts parking and passive recreation opportunities such as picnicking and

fishing in Fishkill Creek. The park is owned and maintained by the Town of Fishkill. Improvements to make this park a trailhead could include extending a trail from the main trail to the parking area, installing wayfinding, informational, and regulatory signs, and adding benches. The existing parking area appears small, so a parking study should be done to confirm that the existing parking layout would be sufficient.

Though not located at a park, an intermediate trailhead could be situated near the intersection of Main St and Herbert St in Beacon. The railroad tracks run parallel to Main St through this area, about 15 ft. from the edge of pavement. A driveway crosses the tracks and opens to a gravel parking area with a maintained grass field and two overlooks to Fishkill Creek. This area is owned by the City of Beacon, Metro North Railroad, and a private entity. The private property could potentially be acquired and developed into a formal trailhead and pocket park, becoming a second trailhead at the eastern end of Main St.

Moving 2.4 miles east, the next logical trailhead is at Sarah Taylor Park, owned and operated by the Village of Fishkill and home to walking paths, a playground, pavilion, benches, picnic tables, athletic fields, and parking. The existing asphalt parking lot does not have delineated parking spaces, which reduces the number of vehicles that can use the lot. Additional parking is available behind a gate. Improvements to the park could include formalizing and maximizing the parking spaces, adding a trail from the parking area to the main trail, and installing wayfinding/informational signs.

1.7 miles east from Sarah Taylor Park is Doug Phillips Park, also owned by the Town of Fishkill. This park has similar amenities to Sarah Taylor Park, such as parking, athletic fields and courts, a playground, and picnic areas. The park also has restrooms – one of the more sought-after trail amenities identified in this study's online survey. Recommended improvements include wayfinding/informational signs and a connection to the main trail.

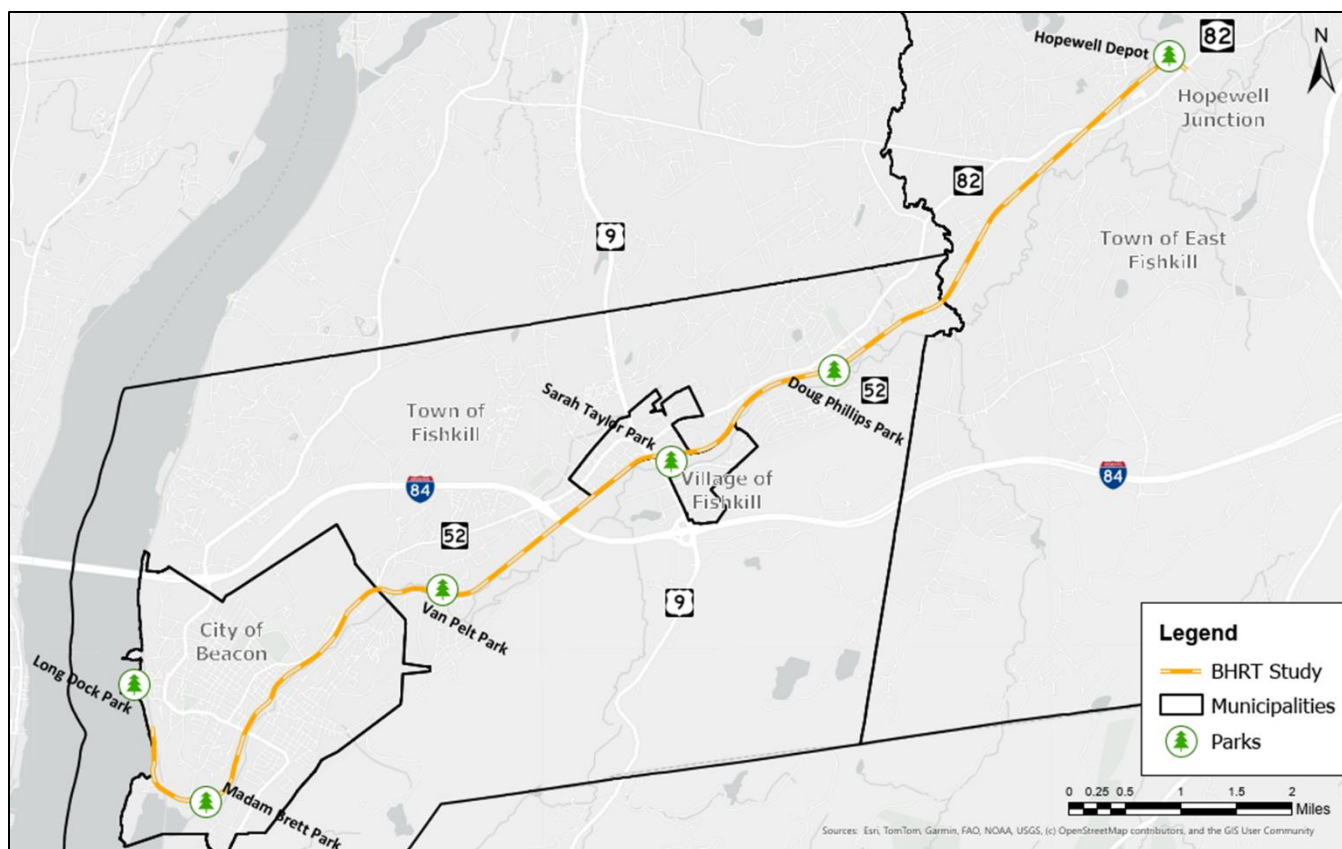


Figure 28: Map of the study area showing the potential trail and trailheads at parks in Beacon, Fishkill, and East Fishkill (Hopewell Junction).

The last logical trailhead is at the Hopewell Depot in Hopewell Junction (Town of East Fishkill). This site is about four miles east of Doug Phillips Park, making it the longest segment between trailheads. The Hopewell Depot is an established trailhead for the WRS Dutchess Rail Trail and the Maybrook Trailway and has a robust set of amenities, including parking, restrooms, trash receptacles, benches, and a museum dedicated to the history of the railroad industry in the Hudson Valley. During trail design, a parking study should be done to ensure enough capacity is available.

Neighborhood and community connections

City of Beacon

The study team met with representatives from the City of Beacon to discuss connection points to a potential trail. Most users coming from Beacon would be able to access the trail from one of the existing roadway crossings, the Main St area, or one of the potential trailheads. The City intends to add a pocket park at Main St/Herbert St. East of Herbert St. Trail access could also from residential areas to a trail could cross both Fishkill Ave (NYS Route 52) and private properties owned by businesses along Fishkill Ave. Some of the business owners could grant an access easement or possibly develop a trail connection on their property. One such opportunity is on a strip of property owned by CHG&E near Delavan Ave. Also, a possible pocket park/trail entrance could be added in the area of Route 52/Mill St.

Town/Village of Fishkill

In addition to the road crossings and trailheads, there are residential areas near the corridor that may warrant a connection to the trail. If it is possible to create a connection for such purposes using public land, that connection should be included in the design of a trail. For example, at the end of Van Steuben Rd, there is a footpath connected to a driveway that was established for the Town to access a pump station. A formal trail could be established in the public right-of-way to connect the trail to over 100 homes in this area.

Other residential connections to a trail could require crossing private property. If a trail is developed, an offer to connect the trail to residential areas (such as those listed below) could be investigated:

- Mountain View Garden Apartments
- The Commons at Fishkill
- Fishkill Mews
- Village Park Condominiums
- The Park Condominiums
- Fishkill Glen Condominiums
- Aveonis Townhouses
- Mountain View Knolls Garden Apartments
- Elm Crest Apartments

Town of East Fishkill

Many of the residential areas in the Town of East Fishkill would be connected to the trail via major and minor roadway connections. An existing informal footpath crosses the corridor and connects Governors Blvd to the Unity (ACME) Shopping Plaza in Hopewell Junction. The Town of Fishkill is working to formalize this path as part of the Junction Loop Trail (see the Regional Connections section below).

Regional Connections

Empire State Trail/WRS Dutchess Rail Trail

As noted above, the trail would connect to the Empire State Trail network at the Hopewell Depot trailhead in Hopewell Junction. This trailhead is the northern terminus of the Maybrook Trailway and the southern terminus of the WRS Dutchess Rail Trail, both of which are part of the Empire State Trail.

Junction Loop

The Junction Loop is a proposed multi-use trail in Hopewell Junction. A segment of the trail has been constructed between the Hopewell Depot and Route 376. A second segment of the trail would travel around the Hopewell Recreation Park and connect the Town offices on Route 376 to Main St (Route 82). A third segment of the trail would use the Beacon Line corridor to connect the footpath between Governors Blvd and the ACME plaza to the existing Junction Loop trail at Route 376. The path between Governors Blvd and the ACME plaza is also part of this segment of the Junction Loop and would be

formalized with a stone or asphalt surface. The existing segment between Route 376 and the Hopewell Depot may need to be widened to meet expected demand.

Hudson Highlands Fjord Trail & Beacon Hudson River Trail

The Fjord Trail is a linear park along the east side of the Hudson River, which is planned to span 7.5 miles between Long Dock Park in the City of Beacon and Dockside Park in the Village of Cold Spring. Some segments of the Fjord Trail have already been built. The potential Beacon-Hopewell Rail Trail would connect to the Fjord Trail where it meets the Klara Sauer Trail on the east bank of the Hudson River. Similarly, the Rail Trail could connect to a proposed Beacon Hudson River Trail that would extend north from the Beacon Train Station to the Beacon-Newburgh Bridge and into the Town of Fishkill.

Bus Transit Connections

Dutchess County Public Transit operates five bus routes with stops near the study corridor: Routes A, B, F, G, and the Amazon Express. Fares are \$1.75, except for Route G, which is free.

Route A serves Route 9 from the Dutchess Mall in Fishkill north to the City of Poughkeepsie. The nearest bus stop to the potential trail is at the intersection of US Route 9 and Merritt Blvd (near Walmart), about 1,500 ft. south of the Route 9 crossing. There is a sidewalk to the bus stop, but no formal bicycle facilities. The Amazon Express also serves this location, providing express bus service for Amazon workers and others along the Route 9 corridor. That route stops in the Walmart parking lot.

Route B connects Beacon to Poughkeepsie using NYS Route 9D. The closest regularly served bus stop to the potential trail is at the Beacon Post Office on Main St, approximately 1,500 ft. west of the trail.

Route F runs parallel to the rail corridor along NYS Route 52 and Route 376. There are three locations where connections to a trail are feasible. Within Beacon, the nearest bus stops are at the intersection of Teller Ave and Main St, about 1,000 ft. along Main St from the potential trail. The Fishkill bus stop is at the intersection of Elm St and US Route 9, approximately 100 ft. from the potential trail. In Hopewell Junction, the bus stop is at the ACME plaza, where an informal path connects the plaza to the rail corridor.

Route G provides free bus service within the City of Beacon. There are four bus stops on this route that are within 500 ft. of the potential trail: at the Beacon train station, the Beacon Theater, the Tioronda Ave/Wolcott Ave intersection, and the Main St/East Main St intersection. All of these locations have sidewalks to the potential trail except for the stop at Tioronda Ave/Wolcott Ave. However, access to the trail could be provided along a path through The Arno apartment complex.

In addition, the Newburgh-Beacon Shuttle (to Orange County and Stewart Airport) operated by Leprechaun Lines serves Metro-North Railroad's Beacon Station. Fares are \$1; however, the shuttle does not allow bicycles on board.

Emergency Services Access

Emergency service vehicles such as ambulances and other rescue vehicles would need access to the trail at all major and minor roadway crossings. That includes crossings that may have new grade-separated structures (such as Route 9). The only minor road crossings that may not be accessible to emergency vehicles are existing maintenance roads such as Pump House Rd in the Town of Fishkill and the CHG&E sub-station in the Town of East Fishkill.

The trail entrance design at the intersecting roadways should be designed (as noted in the Trail Entrance Control section) to allow emergency vehicles to enter the trail when necessary. Fixed bollards and gates should be avoided, as they can be difficult or impossible to remove in emergency situations. Emergency access should be supplemented by providing access via maintenance roads. In addition, the trail width and surface material would need to accommodate an emergency vehicle along the entire length of the trail.

Construction Access & Staging

Frequent access for construction vehicles is critical during the construction of any trail, especially along a narrow, linear corridor like the Beacon Line. Identifying access locations during a preliminary design phase and bidding process would reduce some of these unknowns and could decrease bid prices. In many areas, contractors would only be able to stage one construction vehicle at any one time. In long segments without frequent access points, providing passing zones where one vehicle can pass another would help facilitate grading and stone/asphalt placement. Construction access routes and locations should be reviewed and identified during the design phase.

Priority access locations would include many of the major road crossings along the corridor. Using local roads and minor crossings for construction access should be considered on a case-by-case basis and limited when possible. Heavy truck travel through mainly residential areas, such as the Lomala Ln and Broadway areas at the Fishkill/East Fishkill Town line, could potentially damage existing pavement and impact residents. Instead, construction work in these locations should use passing areas along the trail.

Staging during construction is most feasible at trailheads. Additional staging could be possible near the Pump House Rd crossing at the I-84 overpass and potentially near the CHG&E substation, if permitted.

Trail Amenities

Amenities along the trail should mimic the amenities on other regional trails such as the WRS Dutchess Rail Trail and the Maybrook Trailway. Amenities should also be consistent with the policies and needs of the entity maintaining the trail. For example, trash receptacles should only be installed if they can be regularly emptied. If not, the trail should be signed as “carry-in, carry-out.” Trail amenities can be organized into three general categories based on their location: along the trail, at minor entrances, and at trailheads. Suggested amenities are outlined below. All amenities and facilities (e.g., parking lots,

picnic tables, and restrooms) must be ADA compliant.

Amenities Along the Trail

Amenities that could be installed along the trail (between trail access points) include benches, mile markers, regulatory signs, and informational or historical interpretation signs.

- Benches should be considered at locations with scenic overviews or along stretches where trail users may want to stop and rest. Benches should be installed in shady locations to provide relief from heat.
- Mile markers (including half and possibly quarter mile markers) are helpful to let users know how far they've traveled and to easily convey a location in the event of an emergency.
- Regulatory signs could be installed at consistent intervals to remind users of trail rules and etiquette.
- Interpretative signs could be installed at natural or historic points of interest.
- Another amenity could include pocket parks or wayside attractions at locations such as the Fishkill Falls overlook in the City of Beacon. These locations could include interpretative signs, benches, bike racks, and safety railings.

Amenities at Minor Trail Entrances

Minor trail entrances, including major and minor road crossings, should consist of signs (wayfinding, informational, and regulatory) and benches.

- Wayfinding signs can be used to direct trail users to destinations off the trail, such as the Main St area in Beacon, or to provide distances to major attractions, such as the Empire State Trail in Hopewell Junction.
- Regulatory signs should be installed at every entrance along the trail, so users are aware of expected trail etiquette.
- Benches could be installed at the most popular trail entrances.
- Lighting improvements should also be considered at trailheads and at major road crossings. Rules of the trail would dictate whether lighting is installed at trailheads and if the trail is open past dusk. In more urban settings, such as in Beacon along Main St, lighting at trailheads, crossings, and along the trail may be desirable. However, many trails operate without lighting, apparently without issue.



Figure 29: Northside Line Trail Entrance with signage, lighting, benches, regulatory, and informational signage.

Amenities at Trailheads

Trailheads should provide the most robust package of amenities. These include vehicle parking, wayfinding, informational, and regulatory signs, and benches.

- Parking capacity should be assessed at each trailhead to determine if parking improvements would be needed.
- Other optional amenities include restrooms, water bottle filling stations, bicycle repair stations, bike racks, and trash receptacles. These amenities require maintenance and should be discussed and agreed upon with the entity maintaining the trailhead. Some of the potential trailhead locations already have some of these facilities (e.g., Hopewell Depot and Doug Phillips Park).

Historical Interpretation

Historical elements, such as the historical use of the corridor and the significance of the railroad in the area, could be showcased on interpretative panels along the trail. Infrastructure from the railroad, such as sections of tracks or siding switch components, could be left in place. Historical panels could also showcase significant features near the corridor such as the Tioronda Hat Factory, Matteawan Train Station, Fishkill Creek Falls, the Glenham Mills area, and the former Texaco Research Center. Significant environmental resources could be called out such as the Hudson River Estuary, Dennings Point, the Fishkill Creek waterfalls, wetlands, and floodplains. These panels would offer an opportunity to educate trail users of the area's history and significant natural resources.

Trail Screening

As part of the public outreach process, several private landowners adjacent to the corridor requested screening from a trail in the form of fencing or other measures to reduce the visibility of users on the trail and to improve the delineation of their property. Installing a fence that provides visual screening and property security along the entire trail is cost prohibitive.

There are approximately 111 residential properties bordering the corridor that would require over 23,000 ft. (4.4 miles) of fencing.



Figure 30: Examples of trail screening: vegetative buffer with evergreen trees (left) and 4-ft high box wire fencing (right).

For County-owned/maintained trails, Dutchess County requires the adjacent property owner to take the necessary steps to secure their own property, due to cost and maintenance concerns. Options that could be considered based on the conditions of the border between a property and the trail include fencing and vegetative screening. Fencing such as a 4 ft. high box wire fence (typically found delineating highway and railroad right-of-way) is the most economical. If screening the trail from a particular feature is a concern, a vegetative buffer of evergreen trees could be installed to provide a sustainable, year-round buffer. A 6-8 ft. high wood or vinyl fence would also provide visual screening from the trail. Fencing or other screening features would be the adjacent property owner's responsibility to install and maintain, except when required for safety issues such as slopes or sensitive environmental areas like wetlands.

One practice that should be considered as part of any trail project is to install regulatory signs to remind trail users that they will be trespassing if they wander off the trail.

Anticipated permits

Various permits would be required for the construction of a trail, in addition to other local, state and federal approvals, depending on the funding sources. Specific permits that would likely be required include:

- Section 404 of the Clean Water Act (USACE)

- Article 15 permit (NYSDEC)
- Nationwide Permit (NWP) 14 for Linear Transportation Projects (USACE)
- Water Quality Certification under Section 401 of the Clean Water Act (NYSDEC)
- Article 15 Stream Protection Permit (NYSDEC)
- Highway Work Permit (NYSDOT)
- SPDES Permit (NYSDEC)
- Floodplain Permit (Local Municipalities)

The full list of permits required depends on the location and nature of the work and the funding sources used for construction.

Time of Year Restrictions

Time of year construction restrictions are determined by the relevant permitting agencies and put in place to protect endangered species within or adjacent to a site. Based on the species present within the study corridor, the most likely restrictions would be on cutting trees greater than a two-inch diameter at breast height between April 1 and October 31, and in-stream work between October 1 and April 30.

Additional Assessments

In general, the following detailed assessments and studies should be performed prior to the construction of a trail or trail segment:

- Wetland and Stream assessment
- Threatened and Endangered Species assessment
- Hazardous soil sampling program
- Level 1 bridge loading assessment (for Rail To Trail option)
- Parking and traffic studies for each proposed trailhead

Utilities

Central Hudson Gas & Electric (CHG&E) owns overhead transmission and distribution lines that cross perpendicular and run parallel to the rail corridor. The electric lines were constructed to the clearance standards of a train and would meet the clearance standards for bicyclists/pedestrians and vehicles to pass below them. Relocation of overhead lines may be needed at the major roadway crossings (US Route 9, NYS Routes 52, 82 and 376), if a bridge is used to cross the roadway. CHG&E has requested to be updated about any potential trail project during the design phase. Additionally, CHG&E may have existing maintenance agreements with Metro-North to use the rail corridor to maintain their infrastructure, and those agreements should remain in place if a trail is constructed.

Based on the existing conditions analysis, there is evidence of underground gas, water, sewer and communication lines crossing or adjacent to the study corridor at various points. The depths of those lines are unknown at this time but should not inhibit the construction of a trail on the corridor. A communications line owned by Metro-North is buried within the existing ballast of the railroad tracks and carried on each bridge structure. That line must remain in place and operational after construction of a trail. None of the underground or overhead utilities within the corridor are anticipated to have a major impact on the design and construction of a trail.

Right-of-Way

The rail corridor from the City of Beacon to Hopewell Junction is owned and maintained by Metro-North Railroad (MNR). If a trail project is progressed, rights to the corridor would need to be obtained from MNR through an easement or acquisition. The terms of the easement or acquisition agreement would need to comply with the requirements set forth in the railroad abandonment proceedings granted by the Surface Transportation Board (STB). MNR filed for, and was granted, abandonment of the Beacon Line (from the Hudson River to the NY/Connecticut State Line), “rail-banking” of the corridor, and interim trail use of the corridor. Rail-banking means that the right to convert the corridor back to railroad use at some future date still exists, and that the corridor may be used for other purposes (such as a trail) in the interim. Any agreements, easements, or acquisitions would need to be progressed with MNR.

Public Engagement Overview

Public engagement was critical during the study, and included a mix of virtual and in-person activities, summarized below:

Website

A study website has been maintained since early 2024 and allows viewers to learn about the study and opportunities to get involved, view documents such as the existing conditions report, and submit comments to the study team. The website will remain active until the conclusion of the study.

Pop-up events

Two pop-up sessions were held at local events to raise awareness of the study and to gain feedback. Maps, boards and flyers (in both English and



Figure 31: Pop-up event at the Beacon Farmers Market.

Spanish) were available for attendees to review and annotate. The study team also distributed business cards with the study area map and survey link. The first event was held at the City of Beacon Farmers Market on May 19, 2024, and the second event was held at the Sons of Italy Festival in East Fishkill on May 24, 2024.

Survey

The website hosted an online public survey that was launched in March 2024 and closed in July 2024. The survey was promoted during the pop-up events, on the study website, and by the Study Advisory Committee. The survey asked if users would support a trail, what amenities they would like to see along the trail and where, and how they would use the trail. It also collected general demographic information. The survey resulted in over 1,500 responses and 4,300 pins on the amenities map. Overall, 95% of respondents expressed support for a trail. Most respondents stated that they would bike or walk on the trail. Other comments included that the trail could become an economic driver in the community, offer alternative modes of transportation in the area (especially as Route 52 becomes more congested), and improve the currently abandoned infrastructure.

“This would be a transformational project, connecting the future Fjord Trail and Beacon with the Empire State Trail in Hopewell.”
– Survey Participant

However, some respondents expressed concerns about the feasibility and safety of a trail, such as how safe the road crossings would be, especially at Routes 9, 52 & 82, and how the trail would affect security along the corridor for neighboring residents. Additional concerns focused on the use of e-bikes and the speed at which users travel, the potential loss of the ability for trains to use the corridor in the future, and cost of a trail project. The most requested amenities were restrooms, benches, and waste receptacles. Wayfinding and information signs were also requested (see Figure 32).

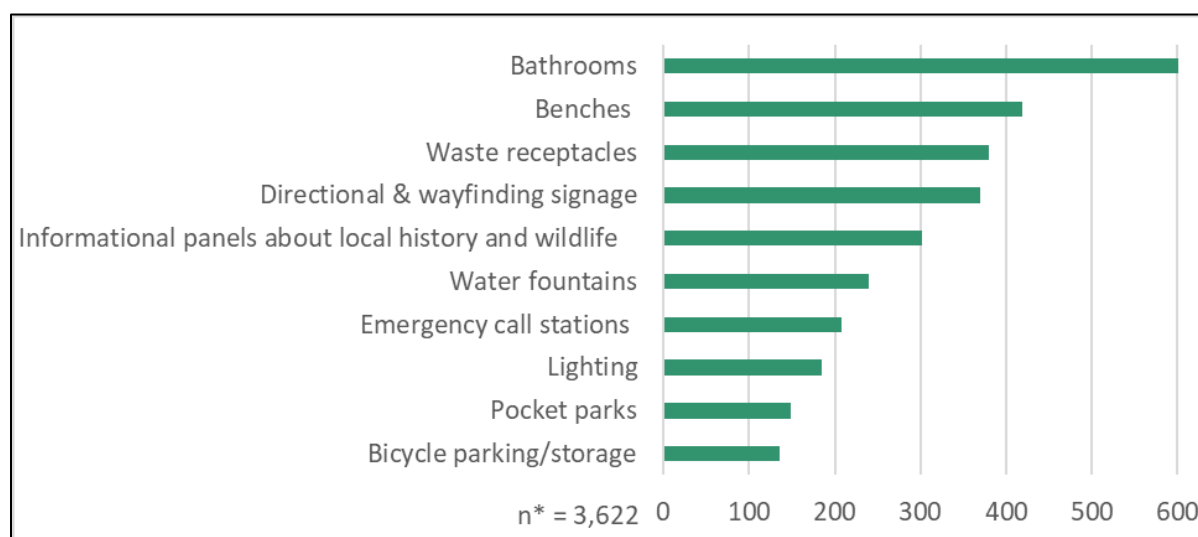


Figure 32: Top trail amenity requests from survey respondents.

Municipal Presentations

In early 2025, the study team conducted a series of in-person presentations to the governing boards of the City of Beacon, Town of Fishkill, Village of Fishkill, and Town of East Fishkill. Each meeting consisted of a brief presentation to introduce the study, review initial findings, and discuss preliminary design ideas. All four meetings were open to the public. The goal of these presentations was to engage each community with information about the condition of the rail corridor in their area and to listen to their concerns. These small, in-person gatherings allowed for useful dialogue among community members.

Elected officials and the public were generally supportive of a trail on the corridor and expressed excitement for the potential recreational opportunities and economic benefits of a trail. Common themes expressed during these presentations included:

- Support for a trail from the public and elected officials.
- Specific recommendations for amenities.
- Questions about when the trail would be built.
- Concerns from neighboring residents about property security and potential trespassing from the trail onto private property.
- Concerns for the safety of trail users.
- Desire for fencing and screening options to maintain privacy for residences adjacent to the trail.

Public Information Meetings (Virtual)

We held two virtual public meetings during the study. Both meetings included opportunities for the public to submit questions and participate in several interactive polls. The first public meeting was held on March 20, 2025, where the study team presented an overview of existing conditions along the corridor. Approximately 75 people attended that meeting, which was recorded and posted on the study website. A second public meeting was held on August 20, 2025, where the two design concepts were presented, along with the recommended concept. Over 90 people attended that meeting, which was also recorded and posted online. During both meetings, people were supportive of a rail trail, especially the Rail To Trail concept.

Study Advisory Committee

A Study Advisory Committee (SAC) helped guide the study by providing local knowledge, advice, and feedback to the study team. The SAC was comprised of representatives from the municipalities along the corridor, the Dutchess County Department of Public Works and Department of Planning & Development, Metro-North Railroad, NYSDOT, and Scenic Hudson/Fjord Trail. The team held an initial SAC kick-off meeting in fall 2023, with subsequent meetings held throughout the planning process. The SAC was integral in providing feedback on data collected, community and agency input about the potential trail, and coordination with other projects.

Final Thoughts

Based on the assessment of existing conditions, constructability, and cost, the most feasible option for this corridor is Rail To Trail: converting the existing rail bed to a trail. This option is the most practical and least disruptive: not only would it cost much less than the Rail With Trail option, but it would impose significantly fewer environmental impacts. Importantly, the Rail To Trail option would not preclude future rail use, if ever desired. The DCTC stands ready to support interested parties in progressing the Rail To Trail concept, knowing that any project of this scale and scope will require initiative, patience, and significant outside funding.

Table 3. Rail To Trail Cost Estimate

Beacon-Hopewell Rail Trail Rail TO Trail - Planning Level Cost Estimate						
CONSTRUCTION ITEMS	Klara Sauer Trail to Van Pelt Park	Van Pelt Park to Route 9 Area	Route 9 Area and Bridge Crossing	Sarah Taylor Park to Doug Phillips park	Doug Phillips Park to Hopewell Depot	TOTAL
TRAIL LENGTH	3.6 Miles	2.0 Miles	0.4 Miles	1.7 Miles	4.1 Miles	11.8 Miles
CLEARING & GRUBBING	\$ 58,000	\$ 32,000	\$ 32,000	\$ 27,000.00	\$ 65,000	\$ 214,000
RAIL, HARDWARE & TIE REMOVAL	\$ 552,000	\$ 307,000	\$ 62,000	\$ 261,000.00	\$ 628,000	\$ 1,810,000
EARTHWORK	\$ 296,000	\$ 149,000	\$ 30,000	\$ 127,000.00	\$ 305,000	\$ 907,000
TRAIL	\$ 873,000	\$ 417,000	\$ 84,000	\$ 354,000.00	\$ 854,000	\$ 2,582,000
DRAINAGE	\$ 713,000	\$ 83,000	\$ 21,000	\$ 81,000.00	\$ 151,000	\$ 1,049,000
MINOR ROAD CROSSING IMPROVEMENTS	\$ 32,000	\$ 21,000	-	\$ 21,000.00	\$ 57,000	\$ 131,000
MAJOR ROAD CROSSING IMPROVEMENTS	\$ 102,000	-	\$ 5,990,000	\$ 2,490,000.00	\$ 4,847,000	\$ 13,429,000
EROSION CONTROL	\$ 202,000	\$ 102,000	\$ 32,000	\$ 89,000.00	\$ 224,000	\$ 649,000
LANDSCAPING, BENCHES, SIGNS/PANELS	\$ 661,000	\$ 396,000	\$ 69,000	\$ 352,000.00	\$ 742,000	\$ 2,220,000
PEDESTRIAN RAILING	\$ 221,000	\$ 215,000	\$ 98,000	\$ 260,000.00	\$ 527,000	\$ 1,321,000
MADAME BRETT TRAILHEAD	\$ 124,000	-	-	-	-	\$ 124,000
JEAN VAN PELT PARK	\$ 113,000	-	-	-	-	\$ 113,000
TEMPORARY PARKING	-	\$ 44,000	-	-	-	\$ 44,000
SARAH TAYLOR PARK	-	-	\$ 101,000	-	-	\$ 101,000
DOUG PHILLIPS PARK	-	-	-	\$ 101,000.00	-	\$ 101,000
HOPEWELL DEPOT PARKING EXPANSION	-	-	-	-	\$ 85,000	\$ 85,000
BRIDGE #1 REHAB	\$ 325,000	-	-	-	-	\$ 325,000
BRIDGE #2 REHAB	\$ 65,000	-	-	-	-	\$ 65,000
BRIDGE #3 REHAB	\$ 350,000	-	-	-	-	\$ 350,000
BRIDGE #4 REHAB	-	\$ 450,000	-	-	-	\$ 450,000
BRIDGE #5 REHAB	-	-	-	-	\$ 340,000	\$ 340,000
BRIDGE #6 REHAB	-	-	-	-	\$ 130,000	\$ 130,000
WORK ZONE TRAFFIC CONTROL	\$ 47,000	\$ 23,000	\$ 326,000	\$ 125,000.00	\$ 269,000	\$ 790,000
SUBTOTAL CONSTRUCTION COSTS	\$ 4,734,000	\$ 2,239,000	\$ 6,845,000	\$ 4,288,000	\$ 9,224,000	\$ 27,330,000
						\$ -
CONTINGENCY / RISK (15%)	\$ 710,100	\$ 335,850	\$ 1,026,750	\$ 643,200	\$ 1,383,600	\$ 4,099,500
SUBTOTAL (2024 DOLLARS)	\$ 5,445,000	\$ 2,575,000	\$ 7,872,000	\$ 4,932,000	\$ 10,608,000	\$ 31,432,000
						\$ -
FIELD CHANGE ORDER (5%)	\$ 272,250	\$ 128,750	\$ 393,600	\$ 246,600	\$ 530,400	\$ 1,571,600
MOBILIZATION (USE 4%)	\$ 217,800	\$ 103,000	\$ 314,880	\$ 197,280	\$ 424,320	\$ 1,257,280
SUBTOTAL (2024 DOLLARS)	\$ 5,936,000	\$ 2,807,000	\$ 8,581,000	\$ 5,376,000	\$ 11,563,000	\$ 34,263,000
						\$ -
INFLATION TO 2030 DOLLARS (3%)	\$ 895,000	\$ 425,000	\$ 1,290,000	\$ 810,000	\$ 1,735,000	\$ 5,155,000
CONSTRUCTION SUBTOTAL	\$ 6,831,000	\$ 3,232,000	\$ 9,871,000	\$ 6,186,000	\$ 13,298,000	\$ 39,418,000
						\$ -
ENGINEERING	\$ 1,024,650	\$ 484,800	\$ 1,480,650	\$ 927,900	\$ 1,994,700	\$ 5,912,700
CONSTRUCTION INSPECTION	\$ 1,024,650	\$ 484,800	\$ 1,480,650	\$ 927,900	\$ 1,994,700	\$ 5,912,700
ESTIMATED TOTAL	\$ 8,890,000	\$ 4,210,000	\$ 12,840,000	\$ 8,050,000	\$ 17,290,000	\$ 51,280,000

* Engineering and Construction Inspection assume Federal Funding Procedures

Table 4. Rail With Trail Cost Estimate

Beacon-Hopewell Rail Trail Rail WITH Trail - Planning Level Cost Estimate						
CONSTRUCTION ITEMS	Klara Sauer Trail to Van Pelt Park	Van Pelt Park to Route 9 Area	Route 9 Area and Bridge Crossing	Sarah Taylor Park to Doug Phillips park	Doug Phillips Park to Hopewell Depot	TOTAL
TRAIL LENGTH	3.6 Miles	2.0 Miles	0.4 Miles	1.7 Miles	4.1 Miles	11.8 Miles
CLEARING & GRUBBING	\$ 476,000	\$ 264,000	\$ 32,000	\$ 225,000	\$ 542,000	\$ 1,539,000
RAIL, HARDWARE & TIE REMOVAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EARTHWORK	\$ 4,811,000	\$ 1,967,000	\$ 30,000	\$ 1,389,000	\$ 4,126,000	\$ 12,323,000
TRAIL	\$ 1,053,000	\$ 504,000	\$ 84,000	\$ 428,000	\$ 1,032,000	\$ 3,101,000
DRAINAGE	\$ 774,000	\$ 2,468,000	\$ 21,000	\$ 3,046,000	\$ 3,737,000	\$ 10,046,000
MINOR ROAD CROSSING IMPROVEMENTS	\$ 32,000	\$ 21,000	-	\$ 21,000	\$ 57,000	\$ 131,000
MAJOR ROAD CROSSING IMPROVEMENTS	\$ 102,000	-	\$ 5,990,000	\$ 2,490,000	\$ 4,847,000	\$ 13,429,000
EROSION CONTROL	\$ 997,000	\$ 544,000	\$ 32,000	\$ 464,000	\$ 1,130,000	\$ 3,167,000
LANDSCAPING, BENCHES, SIGNS/PANELS	\$ 1,474,000	\$ 849,000	\$ 69,000	\$ 737,000	\$ 1,667,000	\$ 4,796,000
PEDESTRIAN RAILING	\$ 444,000	\$ 69,000	\$ 98,000	\$ 410,000	\$ 637,000	\$ 1,658,000
MADAME BRETT TRAILHEAD	\$ 124,000	-	-	-	-	\$ 124,000
JEAN VAN PELT PARK	\$ 113,000	-	-	-	-	\$ 113,000
TEMPORARY TRAILHEAD	-	\$ 66,000	-	-	-	\$ 66,000
SARAH TAYLOR PARK	-	-	\$ 101,000	-	-	\$ 101,000
DOUG PHILLIPS PARK	-	-	-	\$ 101,000	-	\$ 101,000
HOPEWELL DEPOT PARKING EXPANSION	-	-	-	-	\$ 85,000	\$ 85,000
BRIDGE #1 CONSTRUCTION	\$ 3,500,000	-	-	-	-	\$ 3,500,000
BRIDGE #2 CONSTRUCTION	\$ 500,000	-	-	-	-	\$ 500,000
BRIDGE #3 CONSTRUCTION	\$ 5,000,000	-	-	-	-	\$ 5,000,000
BRIDGE #4 CONSTRUCTION	-	\$ 3,500,000	-	-	-	\$ 3,500,000
BRIDGE #5 CONSTRUCTION	-	-	-	-	\$ 2,500,000	\$ 2,500,000
BRIDGE #6 CONSTRUCTION	-	-	-	-	\$ 750,000	\$ 750,000
WORK ZONE TRAFFIC CONTROL	\$ 194,000	\$ 103,000	\$ 323,000	\$ 280,000	\$ 634,000	\$ 1,534,000
SUBTOTAL CONSTRUCTION COSTS	\$ 19,594,000	\$ 10,355,000	\$ 6,780,000	\$ 9,591,000	\$ 21,744,000	\$ 68,064,000
						\$ -
CONTINGENCY / RISK (15%)	\$ 2,939,100	\$ 1,553,250	\$ 1,017,000	\$ 1,438,650	\$ 3,261,600	\$ 10,209,600
SUBTOTAL (2024 DOLLARS)	\$ 22,534,000	\$ 11,909,000	\$ 7,797,000	\$ 11,030,000	\$ 25,006,000	\$ 78,276,000
						\$ -
FIELD CHANGE ORDER (5%)	\$ 1,126,700	\$ 595,450	\$ 389,850	\$ 551,500	\$ 1,250,300	\$ 3,913,800
MOBILIZATION (USE 4%)	\$ 901,360	\$ 476,360	\$ 311,880	\$ 441,200	\$ 1,000,240	\$ 3,131,040
SUBTOTAL (2024 DOLLARS)	\$ 24,563,000	\$ 12,981,000	\$ 8,499,000	\$ 12,023,000	\$ 27,257,000	\$ 85,323,000
						\$ -
INFLATION TO 2030 DOLLARS (3%)	\$ 3,685,000	\$ 1,950,000	\$ 1,275,000	\$ 1,805,000	\$ 4,090,000	\$ 12,805,000
CONSTRUCTION SUBTOTAL	\$ 28,248,000	\$ 14,931,000	\$ 9,774,000	\$ 13,828,000	\$ 31,347,000	\$ 98,128,000
						\$ -
RIGHT OF WAY	\$ 3,600,000	\$ 2,400,000	\$ 500,000	\$ 1,700,000	\$ 4,100,000	\$ 12,300,000
ENGINEERING	\$ 4,237,200	\$ 2,239,650	\$ 1,466,100	\$ 2,074,200	\$ 4,702,050	\$ 14,719,200
CONSTRUCTION INSPECTION	\$ 4,237,200	\$ 2,239,650	\$ 1,466,100	\$ 2,074,200	\$ 4,702,050	\$ 14,719,200
ESTIMATED TOTAL	\$ 40,330,000	\$ 21,820,000	\$ 13,210,000	\$ 19,680,000	\$ 44,860,000	\$ 139,900,000

* Engineering and Construction Inspection assume Federal Funding Procedures

City of Beacon City Council Agenda
07/20/2026

Title:

Resolution No. 62 - Referring a Proposed Local Law Concerning the Fishkill Development District and Hotels to the City of Beacon and Dutchess County Planning Boards

ATTACHMENTS

Resolution Referring a Proposed Local Law Concerning the Fishkill Development District and Hotels to the City of Beacon and Dutchess County Planning Boards

KARC Memorandum Regarding Potential Amendments to the Fishkill Creek District

Fishkill Creek District Map

Proposed Local Law Concerning the Fishkill Development District and Hotels

Draft Schedule of Dimensional Regulations

Draft Schedule of Use Regulations



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 62 OF 2026

**REFERRING A PROPOSED LOCAL LAW CONCERNING
THE FISHKILL DEVELOPMENT DISTRICT AND HOTELS**

WHEREAS, the City of Beacon is considering a local law which would amend the City's zoning code concerning regulations governing hotels and the Fishkill Development District; and

WHEREAS, the City Council wishes for both the City of Beacon and Dutchess County Planning Boards to provide a report and recommendation on the proposed local law.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby refers a Proposed Local Law amending City Code Chapter 223 concerning regulations governing hotels and the Fishkill Development District to the City of Beacon Planning Board and the Dutchess County Planning Board for a report and recommendation to the City Council; and

BE IT FURTHER RESOLVED THAT the City Council hereby schedules a public hearing for August 17, 2025 at 7:00 pm for a Proposed Local Law concerning regulations governing hotels and the Fishkill Development District.

Resolution No. 62 of 2026			Date: July 20, 2026				
☐ Amendments			☐ 2/3 Required				
☐ On roll call			☐ 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Amber Grant					
		Lastar Gorton					
		Zack Smith					
		Sergei Krasikov					
		Carolyn Bennett Glauda					
		Mayor Lee Kyriacou					
Motion Carried							

MEMORANDUM

TO: Mayor Lee Kyriacou and Beacon City Council

FR: Natalie Quinn, KARC Planning Consultants

DATE: July 15, 2026

RE: Fishkill Creek Development District (FCD) – Policy Considerations and Proposed Text Amendments

During the July 6, 2026 City Council Workshop, the Council discussed potential amendments to the Fishkill Creek Development (FCD) District regulations in response to preliminary discussions regarding the potential redevelopment of property located at 555 South Avenue. While no formal application has been submitted, the discussion identified several policy questions regarding the FCD District that warrant consideration independent of any specific project.

This memorandum summarizes the existing FCD regulations, consistency with the City's Comprehensive Plan, and the proposed zoning text amendments prepared in response to the Council's discussion.

Inventory of FCD Parcels

The Fishkill Creek Development (FCD) District encompasses a relatively small geographic area consisting of only nine (9) tax parcels ranging in size from approximately 0.03 acres to 11.07 acres. An outlier parcel of 49.9 acres represents a linear strip of right-of-way land along the abandoned rail line that is being considered for the Hopewell- Beacon rail Trail. Several parcels within the district have been recently developed, while others remain vacant or underutilized and represent future redevelopment opportunities. The district includes former industrial properties, vacant land, and portions of the rail line. A summary of the parcels is provided below, with Attachment A depicting the location of FCD parcels within the city.

Parcel	Lot #	Address	Size	Notes
1	751258	555 South Ave	11.07 Ac	Former Tioronda Hat Works Factory
2	96715	N/A	49.9 Ac	Rail Line
3	894286	Tioronda Ave	1.3 Ac	Vacant parcel
4	951357	Tioronda Ave	4.9 Ac	Vacant parcel
5	12574	200-300 Arno Dr	9.17 Ac	Project also referred to as 248 Tioronda
6	37625	25-28 Creek Dr	3.14 Ac	Developed site
7	459057	Fishkill Ave	4.9 Ac	Vacant parcel
8	535128	Front Street	3.5 Ac	Vacant parcel; Concept plan previously reviewed by Council
9	516113	Front Street	0.03 Ac	Private sewage pump station

Comprehensive Plan Consistency

The 2017 City of Beacon Comprehensive Plan generally supports the continued redevelopment of the Fishkill Creek corridor through a mix of residential, commercial, cultural, and recreational uses. The Plan specifically encourages the redevelopment of underutilized industrial properties, the adaptive reuse of former industrial buildings, environmental remediation of brownfield sites, expanded tourism opportunities, and amenities such as inns, spas, restaurants, and other destination-oriented uses that support the City's economic development objectives.

More specifically, the Comprehensive Plan recommends encouraging the redevelopment of vacant and underutilized industrial sites along Fishkill Creek for new residential, commercial, or light industrial uses, as appropriate, while also promoting tourism, business development, and employment opportunities throughout the City.

While the Comprehensive Plan references hospitality uses and tourism, it does not specifically distinguish between an "inn" and a "hotel," nor does it expressly address whether hotels should be permitted within the Fishkill Creek Development District. Likewise, the Comprehensive Plan does not identify a recommended residential density or establish a target number of dwelling units per acre for the FCD District.

Overall, the Comprehensive Plan appears generally supportive of mixed-use redevelopment, adaptive reuse, tourism, and economic development within the Fishkill Creek corridor. However, it leaves the specific questions of hotel accommodations and residential density to future legislative policy decisions by the City Council.

Purpose of FCD District

In addition to the Comprehensive Plan, the stated purpose of the Fishkill Creek Development (FCD) District provides further guidance regarding the City's intent for this area. The FCD District is specifically intended to encourage the redevelopment of underutilized industrial properties through a mix of residential and nonresidential uses on larger, flexible development sites while preserving the environmental and recreational resources associated with Fishkill Creek. The district also emphasizes the protection of open space corridors, expansion of public access and greenway connections, and enhancement of recreational opportunities along the creek. Consistent with the Comprehensive Plan, the purpose statement establishes the desired character and land use mix for the district but does not prescribe a specific residential density.

FCD Form-Based Development Standards

The Fishkill Creek Development (FCD) District is a form-based mixed-use district that regulates development through detailed bulk, design, and site planning standards. In addition to residential density, the district establishes controls for building height, building coverage, open space, setbacks, creek buffers, architecture, landscaping, parking, pedestrian connections, and

viewsheds, all of which are subject to City Council concept plan approval and Planning Board site plan review. As a result, eliminating or increasing the maximum residential density would not, by itself, permit larger or taller buildings. The overall scale and massing of development would continue to be regulated through the district's existing form-based standards.

Existing Zoning Density Comparison

The current FCD regulations permit one dwelling unit for every 3,960 square feet of lot area, equivalent to approximately 11 dwelling units per acre. The draft Local Law proposes eliminating this maximum residential density limitation while retaining the district's existing form-based bulk and design standards.

The FCD District is somewhat unique in that it combines form-based development standards with a traditional residential density limitation. The General Business (GB) and Light Industry (LI) Districts permit one dwelling unit per 1,500 square feet of lot area (approximately 29 dwelling units per acre), while the City's principal form-based mixed-use districts (CMS, L and WD) do not regulate residential density through a minimum lot area per dwelling unit. Instead, development intensity in those districts is controlled through building height, setbacks, lot coverage, frontage requirements, and other form-based standards.

Accordingly, the Council may wish to consider whether the current FCD density standard continues to reflect the intended character of the district and the city's housing development goals, or whether additional flexibility could be provided while continuing to rely on the district's existing form-based dimensional and design standards to regulate building scale and massing.

District	Min. Area Per Unit (sq. ft per unit)	Units Per Acre
FCD	3,960	11
CMS, L, WD	--	--
GB, LI	1,500	29
RD-1.7	1,700	25
RD-1.8	1,800	24
RD-3	3,000	14
RD-4	4,000	10
RD-5	5,000	8
RD-6	6,000	7
RD-7.5	7,500	5

Definitions: Hotel Versus Inn

The Council requested additional information regarding the distinction between a hotel and an inn under the City's zoning regulations. While hotels are listed as a prohibited use within the Fishkill Creek Development (FCD) District, inns are expressly permitted. However, Section 223-41.13(B)(12) also permits "[o]ther nonresidential use[s] similar to the above uses as determined by resolution of the City Council." As a result, the Code creates some ambiguity regarding whether certain hospitality uses could be considered sufficiently similar to an inn to warrant approval by the Council.

Section 223-63 of the Zoning Code defines these uses as follows:

HOTEL: *A building, or portion thereof, containing rooms occupied primarily by transient guests, who are lodged with or without meals, and in which there may be provided such services as are accessory and incidental to the use thereof as a temporary residence, such as dining, recreational facilities, public rooms and meeting rooms, and gift shops. The term "hotel" shall not include bed-and-breakfast establishment, boardinghouse, rooming house, short-term rental or single-room-occupancy building for the purposes of this chapter.*

INN: *A hotel containing no more than 10 guest rooms.*

Based on these definitions, an inn is simply a hotel with ten (10) or fewer guest rooms. The zoning code does not establish substantially different operational or land use characteristics between the two uses beyond the number of guest rooms. From a land use planning perspective, both provide transient lodging accommodations and may include similar accessory amenities.

Accordingly, if the Council wishes to permit larger hospitality accommodations within the FCD District, a legislative amendment provides the clearest means of resolving this ambiguity rather than relying on the "similar use" provision.

Section 223-14.1 Hotel Regulations

The accompanying draft Local Law includes revisions to §223-14.1 intended to modernize the City's hotel regulations and better accommodate mixed-use development within the FCD District. Specifically, the amendments would permit hotels to function as part of a mixed-use development and remove the existing prohibition on guest room kitchen facilities, while maintaining the existing operational standards applicable to hotel uses.

Summary of Proposed Local Law

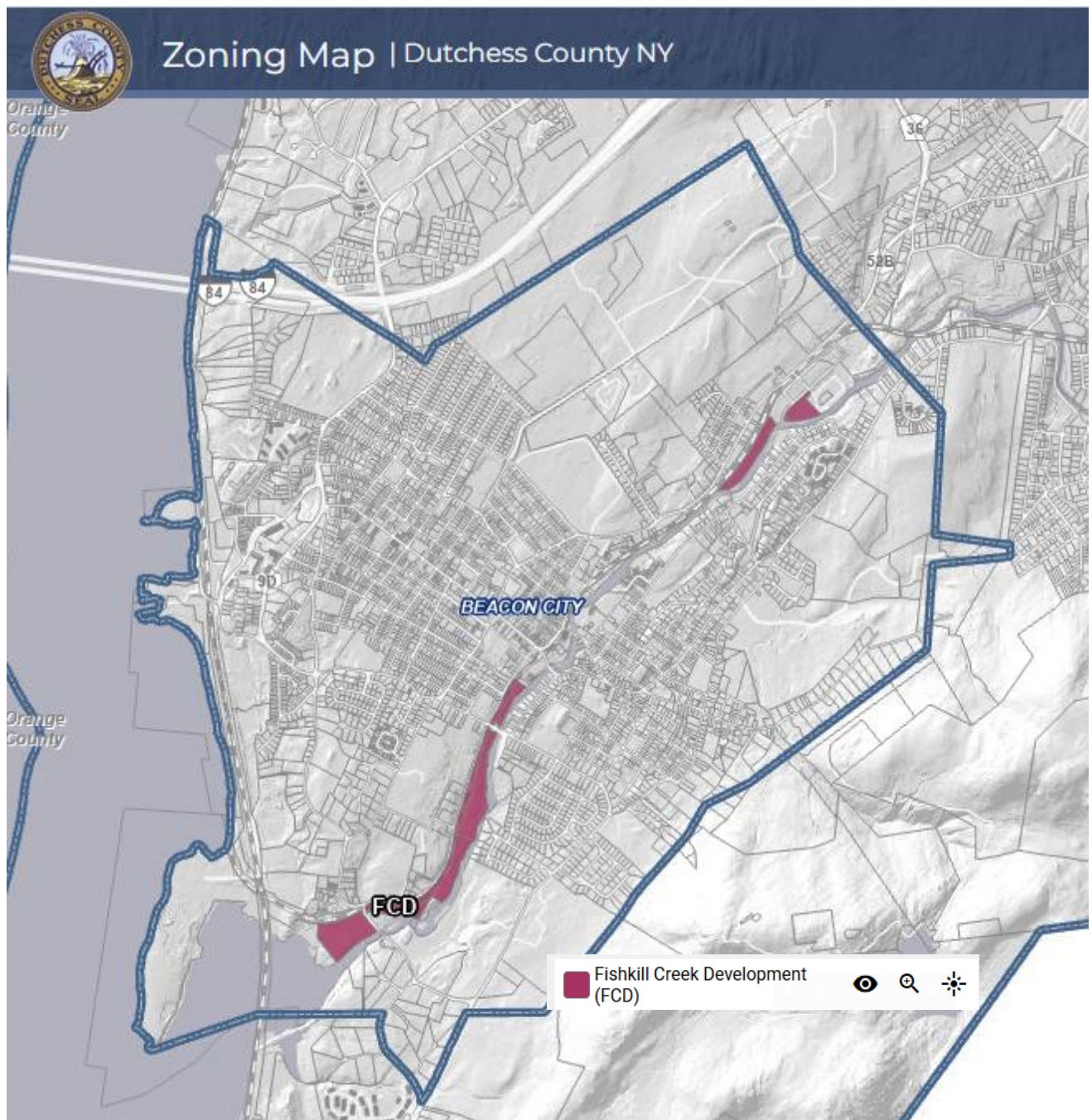
Based on the Council's discussion at the July 6, 2026 Workshop, a draft Local Law has been prepared for the Council's consideration. The proposed amendments are intended to provide greater flexibility for mixed-use redevelopment within the Fishkill Creek Development (FCD) District while continuing to rely on the district's existing form-based standards to regulate the scale, massing, and character of development. The proposed amendments include the following:

- **Permit hotels within the FCD District** by adding "hotel" as a permitted principal use alongside bed-and-breakfast establishments and inns within § 223-41.13(B)(3).
- **Remove the maximum dwelling unit density limitation** of 11 dwelling units per acre from § 223-41.14(B), while retaining all existing bulk, design, open space, and form-based development standards applicable to the district.
- **Update the hotel supplemental regulations (§ 223-14.1)** to better reflect contemporary mixed-use development by permitting hotels to function as part of a mixed-use project rather than solely as a stand-alone use, and by removing the prohibition on guest room kitchen facilities. The existing prohibition was historically intended to distinguish hotels from multifamily dwellings and single-room occupancy uses; however, those distinctions are already addressed through the zoning code definitions and applicable building code requirements.
- **Revise the minimum building setback requirement** within § 223-41.14 to measure the setback only from a public street right-of-way, eliminating the reference to private streets for consistency with the City's other zoning regulations.

Next Steps

If the City Council concurs with the proposed amendments, the next step would be to authorize the preparation and circulation of the draft Local Law for referral to the Dutchess County Department of Planning and Development pursuant to General Municipal Law §239-m and to the City of Beacon Planning Board for review and recommendation. The City Council would also be in a position to schedule a public hearing on the proposed Local Law to provide residents, property owners, and other interested stakeholders an opportunity to provide additional input. Following receipt of the referral comments and completion of the public hearing, the City Council may consider adoption of the Local Law.

Cc: Benjamin Swanson, City Administrator
Nick Ward-Willis, Keane & Beane, P.C.



LOCAL LAW NO. ____ OF 2026

CITY COUNCIL
CITY OF BEACON

A LOCAL LAW AMENDING CHAPTER 223 OF THE BEACON CITY CODE
CONCERNING THE FISHKILL DEVELOPMENT DISTRICT AND HOTELS

A LOCAL LAW to amend
Chapter 223, Zoning, concerning
regulations governing hotels and
the Fishkill Development
District.

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

Section 1. Chapter 223 of the Beacon City Code, Article II – General Legislation, Section 223-14.1 entitled “Hotels” is hereby amended as follows:

§ 223-14.1 **Hotels.**

A. Permitted uses. If a site is to be used for a hotel, use of the site and any buildings or structures on the site shall ~~be limited to~~ may include usual hotel activities and accessory uses incidental to the operation of a hotel and of the same general character, provided that all such accessory uses shall be planned as an integral part and located on the same site with the hotel.

(1) Such accessory uses may include the following:

- (a)** Dining facilities providing food and drink.
- (b)** Newsstands, gift shops and other shops.
- (c)** Recreation facilities which shall be for the exclusive use of guests or members.
- (d)** Employees' quarters and facilities.
- (e)** Spa facilities.
- (f)** Conference center facilities

(2) All hotels shall include the following:

- (a)** A lobby, registry desk, manager's office and public rest room facilities.
- (b)** Off-street parking facilities.
- (c)** Access to all guest rooms from an interior hallway

- B. Screening. Outdoor parking areas and recreational facilities shall be screened with fencing, landscaping and/or buildings on all sides toward adjoining residential lots. Where hotel buildings are set back less than 100 feet from one-family residential lots, such buildings shall be suitably screened with planting.
- C. Off-street parking shall be in accordance with § 223-26.

~~D. — No kitchen facilities. There shall be no kitchen facilities in the hotel rooms except for a coffeemaker, a microwave oven and a small refrigerator.~~

Section 2. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.13 entitled “Uses; plan review; design standards,” Subsection B(3) is hereby amended as follows:

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

...

- 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:
- (1) Apartment, attached or multifamily dwelling.
 - (2) Artist live/work space, artist studio and workshop of artisan.
 - (3) Bed-and-breakfast establishment, ~~or inn,~~ or hotel.
 - (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.

...

Section 3. Chapter 223 of the Beacon City Code, Article IVC – Fishkill Creek Development District, Section 223-41.14 entitled “Bulk regulations,” Subsections B and G are hereby amended as follows:

§ 223-41.14 **Bulk regulations.**

- A. Minimum size of FCD site: two acres. Notwithstanding the above, the owner of less than two acres of land may apply for approval of a FCD project, where such land is adjacent to a proposed, approved or constructed FCD project.
- B. Development potential. ~~Maximum number of dwelling units per acre of lot area, after deducting on all development proposals involving a total lot area of more than three acres any lot area with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63, covered by surface water, within a federal regulatory floodway, or within a state or federally regulated wetland: 11. Additionally, a~~ minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site. For good cause shown, the City Council may, upon imposition of such conditions as it deems appropriate, allow certificates of occupancy to be issued for dwelling units or artist live/work spaces prior to the nonresidential component being completed. Less nonresidential square footage may be granted by the City Council for the voluntary and guaranteed inclusion in the project of desirable environmental, transportation, or other substantial public benefits which would not otherwise be required of the project, as determined at the sole discretion of the City Council as part of the concept plan approval.
- C. Maximum dwelling unit size: 2,000 square feet of gross floor area.
- D. Maximum building coverage, including parking structures: 35%.
- E. Minimum open space: 30%.
- F. Maximum building height: three stories and 40 feet, as determined from the average grade level of the side of the building facing the primary street view. A corner or

centrally located elevator or stair tower projecting one story above the permitted building height may be approved by the City Council to add architectural interest and to encourage access to rooftop gardens.

- G.** Minimum building setback from edge of pavement of ~~a public and private streets~~ right-of-way: 12 feet.
- H.** Minimum frontage of overall FCD site on public street right-of-way: 50 feet.
- I.** Minimum setback from and buffer width along Fishkill Creek: an average of 50 feet, but not less than 25 feet at any point, except with respect to the existing building located at 555 South Avenue located in the Historic District and Landmark Overlay Zone, in which case the minimum setback and buffer requirement shall not apply.

Section 4. Ratification, Readoption and Confirmation.

Except as specifically modified by the amendments contained herein, Chapter 211 of the Beacon City Code is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification.

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

Section 6. Severability.

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

Section 7. Effective date.

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

DRAFT

ZONING

223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations

[Added 6-15-2020 by L.L. No. 7-2020;¹ amended 9-19-2022 by L.L. No. 8-2022; 9-3-2024 by L.L. No. 8-2024; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

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

NOTES:

- ^a A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.
- ^b But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.
- ^c But not more than 24 dwelling units in any building 3 1/2 stories or less in height.
- ^d For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.
- ^e In any RD or T District, the Planning Board may approve a subdivision of land into individual building lots containing a minimum of 1,800 square feet of area each and designed for attached or semi-attached single-family dwellings (townhouses), provided that the design is such that the gross dwelling unit density for the entire tract does not exceed that which can normally be permitted for multiple dwellings in the district in which the property is located and further provided that the Planning Board attaches such conditions and safeguards to its approval as, in its opinion, are necessary to assure that the entire property, including any designated common areas for open space, recreation or other purposes, will be properly maintained for the intended purpose(s) and not further subdivided in the future. In its sole discretion, the Planning Board may also reduce the required side yard setbacks to zero feet for subdivisions of land designed for attached or semi-attached single-family dwellings (townhouses) where appropriate, except that the minimum side yard setbacks for end unit dwellings shall not be reduced further than 1/2 the minimum side yard setback of the least restrictive adjoining residential district.

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

BEACON CODE

- ^f A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.
- ^g And each building shall not exceed 150 feet in length.
- ^h For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.
- ⁱ One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations

[Added 6-15-2020 by L.L. No. 7-2020;¹ amended 2-16-2021 by L.L. No. 2-2021; 9-19-2022 by L.L. No. 8-2022; 9-19-2022 by L.L. No. 9-2022; 5-5-2025 by L.L. No. 4-2025; 6-2-2025 by L.L. No. 5-2025; 7-7-2025 by L.L. No. 8-2025; 11-17-2025 by L.L. No. 12-2025; 12-1-2025 by L.L. No. 13-2025]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	P ²	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		P ²	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	P ²	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	P	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	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
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	PX	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X

¹ Editor’s Note: This local law also repealed former 223 Attachment 2, § 223-17D, Schedule of Regulations for Nonresidential Districts, as amended.

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	TS	WP	FCD	LI	HI
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	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	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale business		X	X	X	P	X	X	X	X	X	P	P
Self-storage facility and warehouse storage	Subject to § 223-24.5	X	X	X	P/SP	X	X	X	X	X	P/SP	P/SP
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	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
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	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*
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	P	P	P	P	P	P	P	P
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	P	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Drive-through facilities, standalone or accessory		X	X	X	X	X	X	X	X	X	X	X
Garden, roof garden, or greenhouse		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
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see →					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

² These uses, excluding townhouses, are only permitted on a parcel within the R1-5 Zoning District and not any other R1 Zoning District. Additionally, these uses are only permitted on a parcel in the R1-5 Zoning District if such parcel is located north of either side of Rombout Avenue, south of Verplank Avenue, east of South Avenue (a/k/a Route 9D) and west of Fishkill/Teller Avenue. For a parcel on the southern side of Rombout Avenue, such use is not permitted on a corner lot unless the driveway and the front of the house is located on Rombout Avenue.

City of Beacon City Council Agenda
07/20/2026

Title:

July 6, 2026 Minutes

ATTACHMENTS

[July 6, 2026 Minutes](#)



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

Mayor Lee Kyriacou
Councilmember Amber Grant, At Large
Councilmember Paloma Wake, At Large
Councilmember Lastar Gorton, Ward 1
Councilmember Zack Smith, Ward 2
Councilmember Sergei Krasikov, Ward 3
Councilmember Carolyn Glauda, Ward 4
City Administrator Ben Swanson

**July 6, 2026
7:00 PM
Draft
City Council
Minutes**

Regular Meeting

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

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

Councilmembers Present

Mayor Lee Kyriacou

Councilmember Amber Grant, At Large

Councilmember Paloma Wake, At Large

Councilmember Lastar Gorton, Ward One

Councilmember Zack Smith, Ward Two

Councilmember Carolyn Glauda, Ward Four

Also Present

Benjamin Swanson, Deputy City Administrator

Nicholas Ward-Willis, City Attorney

Call to Order**Pledge of Allegiance****Roll Call****Community Segment**

[Swearing in of Benjamin Swanson to the Position of City Administrator](#)

Public Comment**Public Hearings**

[Public Hearing for a Proposed Franchise Agreement with Verizon New York Inc.](#)

Motion to close the public hearing by Councilmember Gorton.

Second by Councilmember Glauda.

Motion passes 6 - 0.

Reports: Mayor, City Council, and City Administrator**Workshop**

[Appointment of Elizabeth Clough to the Position of Senior Account Clerk Typist](#)

[Discussion of Potential Amendments to the Fishkill Creek District](#)

[Proposed HDLO Nominations](#)

[Proposed 2027-2031 Capital Program](#)

[Proposed Amendments to the 2026 Budget](#)

Local Laws and Resolutions

1. [Resolution No. 53 - Appointing Elizabeth Clough to the Position of Senior Account Clerk Typist](#)

Motion to adopt the resolution by Councilmember Gorton.

Second by Councilmember Grant.

Motion passes 6 - 0.

2. [Resolution No. 54 - Designating Certain Properties as a Historic Landmark](#)

Motion to amend the resolution to remove 331 Verplanck Avenue by Councilmember Grant.

Second by Councilmember Wake.

Motion passes 6 – 0.

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

Second by Councilmember Gorton.

Motion passes 5 – 1. Councilmember Gorton voted against the resolution.

3. [Resolution No. 55 - Designating Certain Properties as a Historic Landmark](#)

Motion to adopt the resolution by Councilmember Grant.

Second by Lee Kyriacou.

Motion passes 4 – 2. Councilmembers Gorton and Smith voted against the resolution.

4. [Resolution No. 56 - Removing Certain Properties from Nominations as a Historic Landmark](#)

Motion to adopt the resolution by Councilmember Smith.

Second by Councilmember Glauda.

Motion passes 6 – 0.

5. [Resolution No. 57 - Adopting the 2027-2031 Capital Program](#)

Motion to adopt the resolution by Councilmember Grant.

Second by Councilmember Smith.

Motion passes 6 – 0.

6. [Resolution No. 58 - Approving Amendments to the 2026 Budget](#)

Motion to adopt the resolution by Councilmember Gorton.

Second by Councilmember Grant.

Motion passes 6 – 0.

Approval of Minutes

1. [June 15, 2026 Minutes](#)

Motion to adopt the resolution by Councilmember Smith.

Second by Councilmember Grant.

Motion passes 6 – 0.

Public Comment - Second Opportunity

Announcement of Next Meeting: July 20, 2026 at 7:00 p.m.

Adjournment

Motion to adjourn by Councilmember Smith.

Second by Councilmember Grant.

Motion passes 6 – 0.

City of Beacon City Council Agenda
07/20/2026

Title:

Executive Session: Personnel

ATTACHMENTS