



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

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

**September 11, 2023
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Community Segment

[Spirit of Beacon Day Update](#)

Public Comment

Public Hearings

[Public Hearing for the HIP Lofts and Studios Development Concept Plan \(Adjourned\)](#)

Reports: Mayor, City Council, and City Administrator

1. [Proclamation in Honor of Patriot Day](#)

Local Laws and Resolutions

1. [Resolution No. 95 - Appointing Andrew Bell to the Tree Advisory Committee](#)
2. [Resolution No. 96 - Appointing Ethan Skuches to the Tree Advisory Committee](#)
3. [Resolution No. 97 - Rejecting the Bids Received for the Beacon Pool Fiberglass Rehabilitation Project](#)
4. [Resolution No. 98 - Accepting a Sight Line, Utility, and Water Easement at 16 West Main Street](#)
5. [Resolution No. 99 - Accepting an offer of Cession and Dedication of Parcel B at 16 West Main Street](#)
6. [Resolution No. 100 - Accepting a Drainage Easement at 44 Kent Street](#)
7. [Resolution No. 101 - Setting a Public Hearing for the Proposed Rezoning of 6 Commerce Street](#)

Approval of Minutes

1. [August 21, 2023 Minutes](#)

Public Comment - Second Opportunity

Adjournment

City of Beacon City Council Agenda
09/11/2023

Title:

Spirit of Beacon Day Update

ATTACHMENTS

City of Beacon City Council Agenda
09/11/2023

Title:

Public Hearing for the HIP Lofts and Studios Development Concept Plan (Adjourned)

ATTACHMENTS

City of Beacon City Council Agenda
09/11/2023

Title:

Proclamation in Honor of Patriot Day

ATTACHMENTS

[Proclamation in Honor of Patriot Day](#)



Proclamation

In Honor and Remembrance of Patriot Day September 11, 2023

WHEREAS, today we join communities across this country in remembering the nearly three thousand innocent victims lost in the attacks of September 11, 2001 and also honor the heroes who served their community twenty-two years ago today and in the following weeks; and

WHEREAS, the City of Beacon shares in mourning the tragic loss of life resulting from that day and offers our continued thoughts and best wishes for the thousands of families impacted, including the family of Jupiter Yambem of Beacon, who was lost at the World Trade Center; and

WHEREAS, it is important we take time on this solemn date to remember the countless civilians, service members, and first responders who risked their own lives to assist others on this fateful day and during the weeks afterwards, some of whom have suffered long-term health consequences and loss of life from their service following the attacks; and

WHEREAS, despite the tragedy of this day, we witnessed ordinary Americans responding with extraordinary courage and selflessness to help others and experienced a renewed resolve to serve and protect our nation in many different ways; and

NOW, THEREFORE BE IT RESOLVED, I, Mayor Lee Kyriacou, do hereby proclaim September 11, 2023 as Patriot Day and National Day of Service and Remembrance and encourage City of Beacon residents to pause in remembrance of the individuals who perished as a result of the terrorist attacks and in honor of those who bravely responded to these attacks to save others.

Signature:  Date: 9/11/2023

Lee Kyriacou, Mayor

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 95 - Appointing Andrew Bell to the Tree Advisory Committee

ATTACHMENTS

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

Andrew Bell Committee Application

Resolution Approving the Appointment of Andrew Bell to the Tree Advisory Committee

CITY OF BEACON

Office of the Mayor

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



www.cityofbeacon.org

Date: August 28, 2023

To: Mayor Kyriacou and City Councilmembers

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

Dear Mayor and Councilmembers:

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

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

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

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

Sincerely,

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

Committee Application



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

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

Name	Andrew Bell (Andy)
Address	REDACTED
Phone Number	REDACTED
Alternate Phone	
Email Address	REDACTED
Committee You are Interested In	☐ Board of Assessment Review ☐ Board of Ethics ☐ Conservation Advisory Committee ☐ Emergency Management Committee ☐ Human Relations Commission ☐ Planning Board ☐ Recreation Committee ☐ Traffic Safety Committee ☐ Zoning Board of Appeals ☐ Any of the above ☒ Other Tree Advisory Committee
Available number of Hours per week (for Committee work)	4
Occupation	Financial Analyst
Employer	City Of New York DEP
Work Address	REDACTED
Work Phone	REDACTED

Education

- ☐ Some High School
- ☐ High School Diploma
- ☐ Some College
- ☐ Associates Degree
- ☒ Bachelor's Degree
- ☐ Master's Degree
- ☐ Doctorate Degree

Interest & Skills

Beautifying and shading Beacon with healthy trees

**Areas of Expertise
(business & civic)**

Beacon Greenway Trail Committee, Green Beacon, Main Street Access Committee

Reference

Reference Name

[Redacted]

Address

[Redacted]

Phone

[Redacted]

Email Address

[Redacted]

Relationship

[Redacted]

Please include your resume along with this application.

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

Applicant Signature: Andrew Bell

Date: 7/24/23



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 95 OF 2023

**APPROVING THE APPOINTMENT OF
ANDREW BELL TO THE TREE ADVISORY COMMITTEE**

WHEREAS, there is currently an open vacancy on the City of Beacon Tree Advisory Committee; and

WHEREAS, in order to keep staggered term lengths, as required under the City of Beacon Code § 204-12, said open vacancy on the Tree Advisory Committee requires a term length which expires on December 31, 2024; and

WHEREAS, Andrew Bell applied to serve a term on the Tree Advisory Committee and is recommended for appointment to fill such open vacancy by Mayor Kyriacou.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints, with the consent of the City Council, Andrew Bell to the open vacancy on the Tree Advisory Committee for a term set to expire on December 31, 2024.

Resolution No. 95 of 2023			Date: September 11, 2023				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 96 - Appointing Ethan Skuches to the Tree Advisory Committee

ATTACHMENTS

[Ethan Skuches Resume](#)

[Ethan Skuches Committee Application](#)

[Resolution Approving the Appointment of Ethan Skuches to the Tree Advisory Committee](#)

Ethan Skuches

he/him

EDUCATION

Vassar College, Poughkeepsie, NY

Graduated May 2022

Bachelors of Arts in Environmental Studies, Departmental Honors

Senior Thesis: "Identifying Opportunities and Pathways to Increase Carbon Sequestration through Reforestation on the Vassar Ecological Preserve" Advisors: Margaret Ronsheim, Keri VanCamp

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

WORK EXPERIENCE

Vassar-Kenauk Conservation Fellow, The Preserve at Vassar

May 2023- Present

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

Arborist, Arcadis U.S.

October 2022- May 2023

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

Forest Monitoring Technician, The Schoodic Institute/ National Park Service

May 2022- September 2022

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

Invasive Species Management Team Leader, Vassar Preserve

September 2020- May 2022

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

SKILLS

Certifications: Red Cross CPR/AED, First- Aid, Lifeguard

Computer: Proficient in Excel and ArcGIS Pro

Native and Invasive Plant Identification

REFERENCE

[Redacted Reference Information]

Committee Application



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

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

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

Education

- ☐ Some High School
☐ High School Diploma
☐ Some College
☐ Associates Degree
☒ Bachelor's Degree
☐ Master's Degree
☐ Doctorate Degree

Interest & Skills

Forest ecology, species biodiversity, conserva

Areas of Expertise
(business & civic)

Plant identification, native vs invasive identifica

Reference

Reference Name

[Redacted]

Address

[Redacted]

Phone

[Redacted]

Email Address

[Redacted]

Relationship

[Redacted]

Please include your resume along with this application.

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

Applicant Signature: _____

Date: _____



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 96 OF 2023

**APPROVING THE APPOINTMENT OF
ETHAN SKUCHES TO THE TREE ADVISORY COMMITTEE**

WHEREAS, Kate Stryker resigned from the City of Beacon Tree Advisory Committee effective July 25, 2023, thus, there is currently a vacant seat on the Tree Advisory Committee; and

WHEREAS, Kate Stryker's was appointed to a term on the Tree Advisory Committee set to expire on December 31, 2023; and

WHEREAS, Ethan Skuches applied to serve a term on the Tree Advisory Committee and is recommended for appointment to fill the remainder of Kate Stryker's unexpired term by Mayor Kyriacou.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor hereby appoints, with the consent of the City Council, Ethan Skuches to the Tree Advisory Committee for the remainder of the vacant term set to expire on December 31, 2023.

Resolution No. 96 of 2023			Date: September 11, 2023				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 97 - Rejecting the Bids Received for the Beacon Pool Fiberglass Rehabilitation Project

ATTACHMENTS

[Resolution Rejecting the Bids Received for the Beacon Pool Fiberglass Rehabilitation Project](#)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 97 OF 2023

**REJECTING THE BIDS RECEIVED FOR
THE BEACON POOL FIBERGLASS REHABILITATION PROJECT**

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

WHEREAS, on September 1, 2023, the City received three bid submissions which were publicly opened and read aloud; and

WHEREAS, upon review and consultation with the City Attorney it is recommended that all three bids be rejected; and

WHEREAS, the City of Beacon reserved the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Beacon hereby rejects all bids received for COB Bid No. 2023-009, the Beacon Pool Fiberglass Rehabilitation Project, on September 1, 2023.

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

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 98 - Accepting a Sight Line, Utility, and Water Easement at 16 West Main Street

ATTACHMENTS

[Keane & Beane, P.C. Memorandum Regarding 16 West Main Street](#)

[16 West Main Easement Agreement](#)

[16 West Main Street Sheet FSP-1](#)

[Resolution Accepting a Sight Line, Utility, and Water Easement at 16 West Main Street](#)

MEMORANDUM

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

FROM: Keane & Beane, P.C.

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

DATE: August 31, 2023

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

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

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

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

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

2. Offer of Cession and Dedication

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

EASEMENT AGREEMENT

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

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

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

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

1. Grantor hereby grants and releases unto Grantee:

- a. Sight Line and Utility Easement. A permanent sight line and utility easement upon a portion of the Grantor's Property more particularly described in the Schedule "A" sketch entitled "Beacon Commons, Easement Plan" prepared by JMC Planning, Engineering Landscape Architecture & Land Surveying PLLC, dated January 19, 2023, annexed hereto and made a part hereof (the "Sight and Utility Easement Area") for,
 - i. The purpose of maintaining sight lines and visibility along West Main Street and Bank Street, including clearing or regrading, so as to maintain a clear line of sight in either direction across the triangular Sight and Utility Easement Area between the observer's eye 3.5 feet above the pavement surface on one street and an object one foot above the pavement surface on the other side, and
 - ii. The purpose of utilities including, water, sewer and other utility lines, pipes and facilities, and drainage improvements for the

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

- b. Water Easement. A permanent 20 foot and 25 foot water easement upon a portion of the Grantor's Property more particularly described in the Schedule "A" sketch entitled "Beacon Commons, Easement Plan" prepared by JMC Planning, Engineering Landscape Architecture & Land Surveying PLLC, dated January 19, 2023, annexed hereto and made a part hereof (the "Water Easement Area") for the purpose of maintaining, operating, repairing and replacing water lines, pipes, connections and related improvements, including the right to maintain, repair, reconstruct and inspect such improvements, together with the right of access across, under, to and through the Water Easement Area for motor vehicles and pedestrians.
- c. Grantee has the right to enter onto and over Grantor's premises in addition to the Easement Areas, to the extent reasonable and necessary, for the aforementioned purposes of the Sight and Utility Easement and the Water Easement. Grantee shall be responsible, as its sole cost and expense, to submit and pursue any and all necessary governmental approvals and Grantor shall cooperate in respect thereof.

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

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

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

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

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

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

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

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

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

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

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

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

GRANTOR: Farrell Communities Beacon LLC

By: [Signature]
Name: Bryan Farrell Title: Trustee / Member

GRANTEE: City of Beacon

By: _____
Name: _____ Title: _____

Notary page follows

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

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

[Signature]
Notary Public

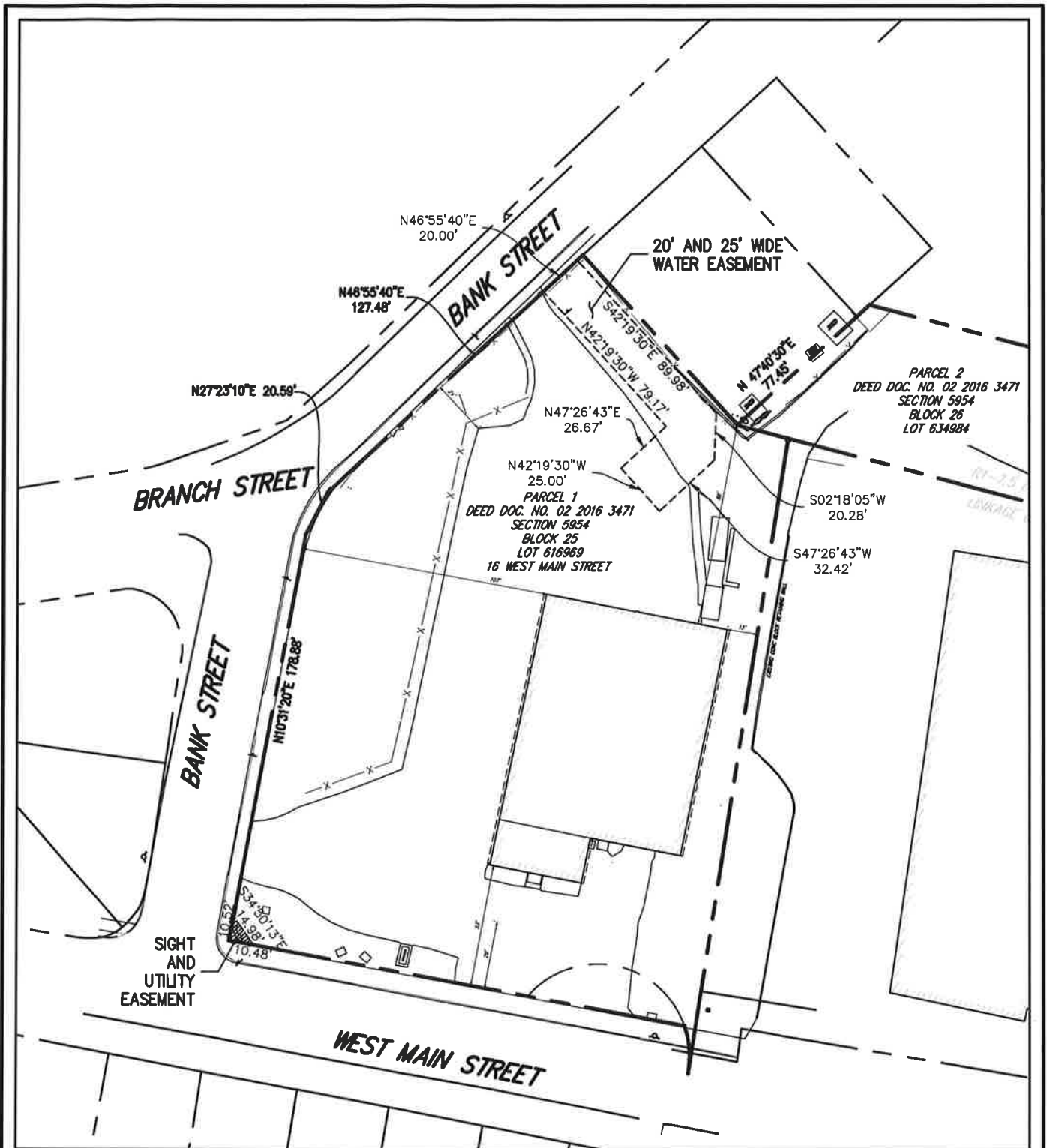
STATE OF NEW YORK)
)ss.:
COUNTY OF)

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

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

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

Notary Public



BEACON COMMONS

16 WEST MAIN STREET

BEACON, NY 12508

EASEMENT PLAN

DATE: 01/19/2023

JMC PROJECT: 18119

FIGURE: SCHEDULE 'A'

SCALE: 1" = 60'



120 BEDFORD RD
ARMONK
NY 10504

(914) 273-5225
fax 273-2102

JMCP LLC.COM



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Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

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

Water Easement

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

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

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

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

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

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

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

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



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

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

Sight and Utility Easement

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

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

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

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

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

P:\2018\18119\ADMIN\Legal Descriptions\Legal Description Sight and Utility 2023 01 20.doc

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

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

Schedule A – Information relating to conveyance

Grantor/Transferor	Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantor)	Social Security number (SSN)
☐ Individual	Farrell Communities Beacon LLC	
☐ Corporation	Mailing address	SSN
☐ Partnership	2317 Montauk Highway	
☐ Estate/Trust	City State ZIP code	Employer Identification Number (EIN)
☐ Single member LLC	Bridgehampton NY 11932	83-3722550
☒ Multi-member LLC	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
☐ Other		

Grantee/Transferee	Name (if individual, last, first, middle initial) (☐ mark an X if more than one grantee)	SSN
☐ Individual	City of Beacon	
☐ Corporation	Mailing address	SSN
☐ Partnership	1 Municipal Plaza	
☐ Estate/Trust	City State ZIP code	EIN
☐ Single member LLC	Beacon NY 12508	
☐ Multi-member LLC	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN
☒ Other		

Location and description of property conveyed

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

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

1 ☐ One- to three-family house	6 ☐ Apartment building	Date of conveyance 07 2023 month day year	Percentage of real property conveyed which is residential real property 100 % (see instructions)
2 ☐ Residential cooperative	7 ☐ Office building		
3 ☐ Residential condominium	8 ☐ Four-family dwelling		
4 ☒ Vacant land	9 ☐ Other _____		
5 ☐ Commercial/industrial			

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

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

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

Schedule B – Real estate transfer tax return (Tax Law Article 31)**Part 1 – Computation of tax due**

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

1.		0 00
2.		00
3.		0 00
4.		00
5.		00
6.		0 00

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

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

1.		00
2.		00
3.		00

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

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

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) a ☒
- b. Conveyance is to secure a debt or other obligation..... b ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d ☐
- e. Conveyance is given in connection with a tax sale..... e ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F f ☐
- g. Conveyance consists of deed of partition g ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property i ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) k ☐

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

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

Complete the following only if the interest being transferred is a fee simple interest.

This is to certify that: (mark an **X** in the appropriate box)

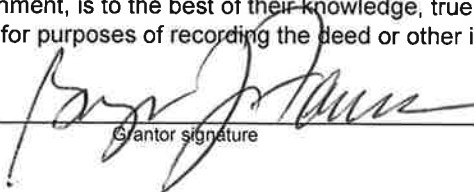
1. ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

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

- e ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantors and grantees must sign)

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

 _____ Grantor signature	Trustee/Member _____ Title	_____ Grantee signature	_____ Title
_____ Grantor signature	_____ Title	_____ Grantee signature	_____ Title

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

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

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

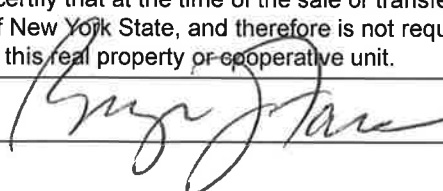
If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under **Exemption for nonresident transferors/sellers**, and sign at bottom.

Part 1 – New York State residents

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

Certification of resident transferors/sellers

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

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

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

Part 2 – Nonresidents of New York State

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

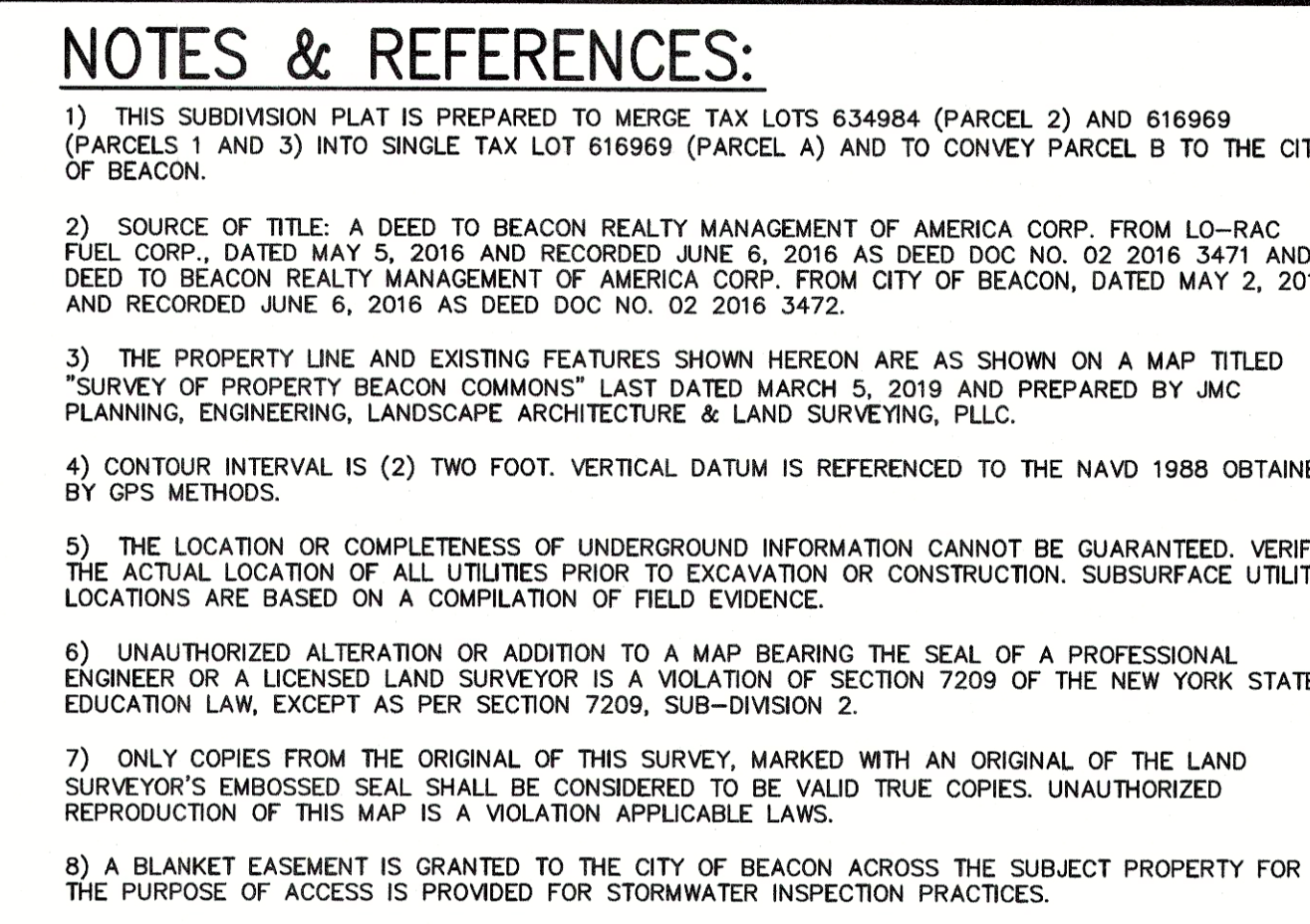
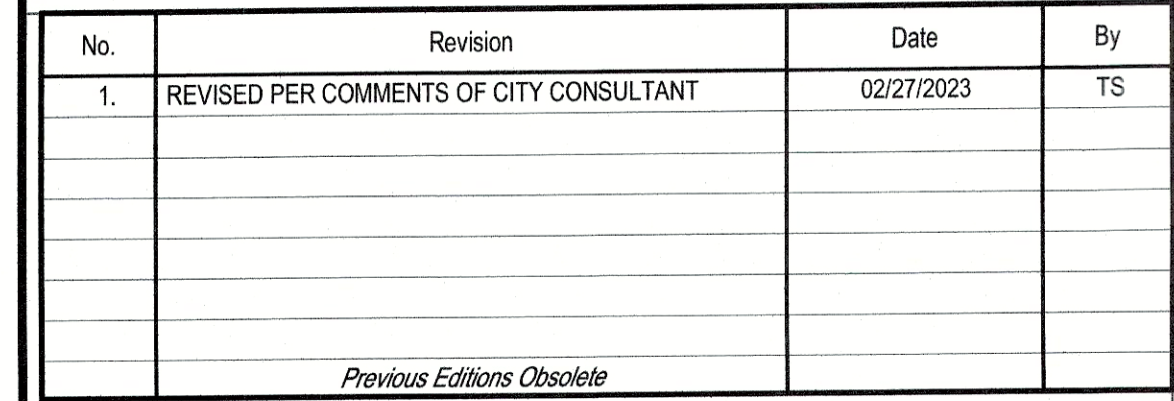
If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form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

Exemption for nonresident transferors/sellers

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

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ to _____ (see instructions).
Date Date
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

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



PLANNING BOARD OF THE CITY OF BEACON

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE ^{9th} ~~21st~~ DAY OF ^{November} ~~July~~, 20²³ ~~22~~, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION; ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.



CHAIRMAN

7/10/23
DATE



SECRETARY

7/21/23
DATE

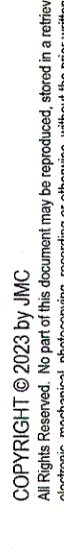
I HEREBY CERTIFY THAT THE SURVEY ON WHICH THIS MAP IS BASED WAS COMPLETED ON SEPTEMBER 12, 2013.



Thomas M. Schmidt
THOMAS M. SCHMIDT, N.Y.C. NO. 500221

09/12/2013
DATE

RECEIVED
MAY - 4 2023
BY: _____

	SUBDIVISION PLAT BEACON COMMONS 16 WEST MAIN STREET AND WEST MAIN STREET CITY OF BEACON, DUTCHESS COUNTY, NEW YORK
Drawn: TS Approved: TS Scale: 1" = 20' Date: 01/20/2023 Project No: 18119	FSP-1-LWG FSP-1-twb Drawing No: FSP—1



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 98 OF 2023

**ACCEPTING A WATER, UTILITY, AND SIGHT LINE EASEMENT
AT 16 WEST MAIN STREET**

WHEREAS, Farrell Communities Beacon LLC (the “Applicant”) obtained Subdivision, Special Permit and Site Plan approvals from the City of Beacon Planning Board on November 9, 2022 for the construction of a 62-unit, four-story multifamily building at 16 West Main Street (the “Property”); and

WHEREAS, pursuant to the Subdivision, Special Permit and Site Plan approvals granted by the City of Beacon Planning Board, the Applicant is required to submit to the City a sight line easement over a portion of the Property for the purpose of maintaining sight lines and visibility along West Main Street and Bank Street;

WHEREAS, pursuant to the Subdivision, Special Permit and Site Plan approvals granted by the City of Beacon Planning Board, the Applicant is also required to submit to the City a utility easement for future utility purposes at the Property; and

WHEREAS, pursuant to the Subdivision, Special Permit and Site Plan approvals granted by the City of Beacon Planning Board, the Applicant is required to submit to the City a water easement where the Applicant will be installing new water lines, pipes, connections and related improvements which will then also be conveyed to and maintained by the City as part of its municipal water delivery system; and

WHEREAS, the Applicant submitted a Water, Utility and Sight Line Easement which grants the City an easement over the Property for the purposes of accessing the utility and water infrastructure as well as giving the City the right to clear any obstructions from the sight line area; and

NOW THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beacon hereby authorizes the Mayor and/or City Administrator to sign the Water, Utility and Sight Line Easement for said purposes, along with all documents as may be necessary for the recording of such document, subject to review and approval by the City Attorney and City Engineer.

Resolution No. 98 of 2023			Date: September 11, 2023				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 99 - Accepting an offer of Cession and Dedication of Parcel B at 16 West Main Street

ATTACHMENTS

[Keane & Beane, P.C. Memorandum Regarding 16 West Main Street](#)

[16 West Main Street Offer of Cession and Dedication of Parcel B](#)

[16 West Main Street Sheet FSP-1](#)

[Resolution Accepting an Offer of Cession and Dedication of Parcel B at 16 West Main Street](#)

MEMORANDUM

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

FROM: Keane & Beane, P.C.

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

DATE: August 31, 2023

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

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

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

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

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

2. Offer of Cession and Dedication

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

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

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

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

Farrell Communities Beacon LLV

By: [Signature]
(name), Managing Member

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

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

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

NOTARY PUBLIC

RECORD AND RETURN TO:

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

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



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

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

Legal Description Parcel B To Be Conveyed to City of Beacon

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

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

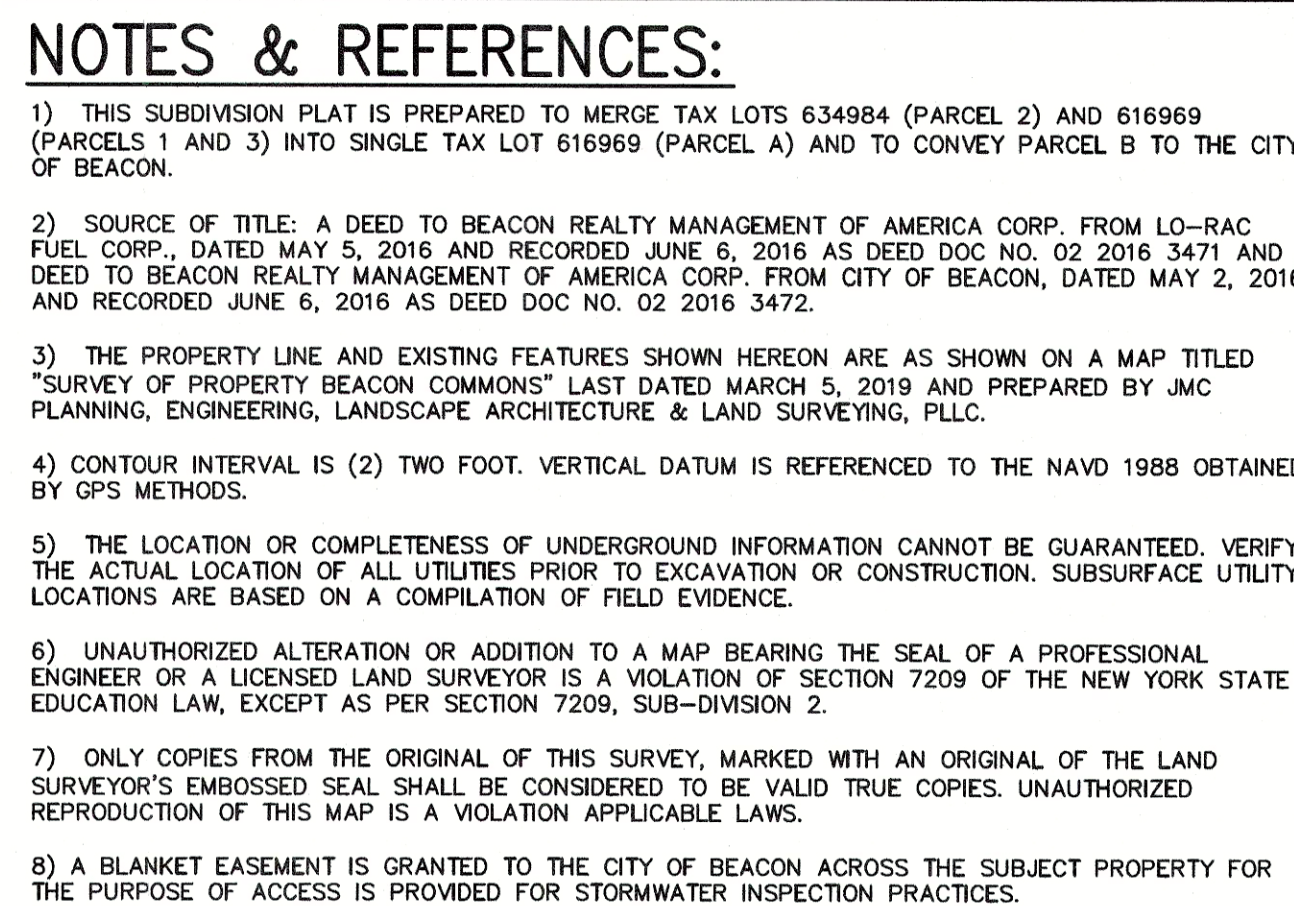
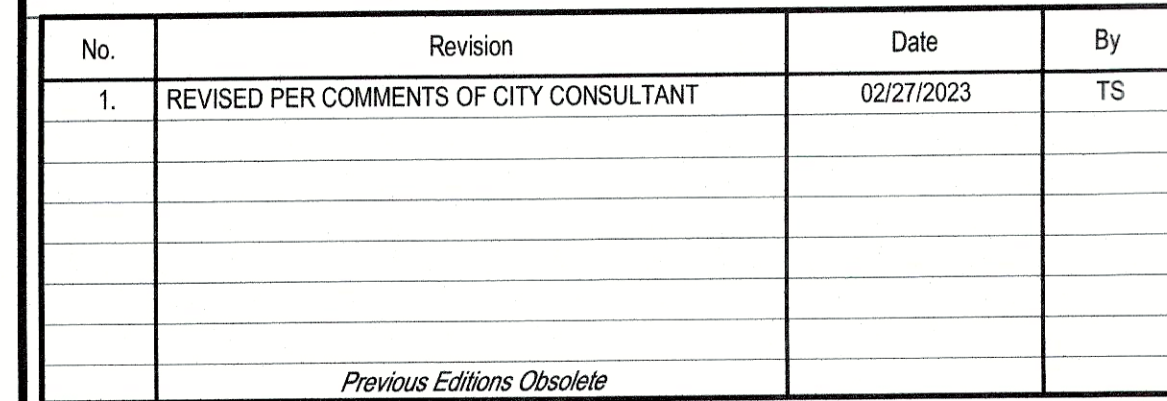
Thence continuing along said northerly line of West Main Street, South 79 degrees 28 minutes 40 seconds East 4.82 feet to a point;

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

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

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

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



PLANNING BOARD OF THE CITY OF BEACON

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE 22nd DAY OF November 2023 SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS PLAT, AS APPROVED, SHALL VOID THIS APPROVAL.

CHAIRMAN [Signature] 7/12/23
DATE

SECRETARY [Signature] 7/21/23
DATE

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

STATE OF NEW YORK
DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF LAND SURVEYING
THOMAS M. SCHMIDT, P.E. LIC. NO. 50221
03/20/2023
DATE

RECEIVED
MAY - 4 2023
BY:

		JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC JMC Site Development Consultants, LLC John Mayer Consulting, Inc. 120 BEDFORD ROAD - ARMONK, NY 10504 voice 914-273-5225 • fax 914-273-2102 www.jmcpllc.com	
SUBDIVISION PLAT		BEACON COMMONS 16 WEST MAIN STREET AND WEST MAIN STREET CITY OF BEACON, DUTCHESS COUNTY, NEW YORK	
Drawn: TS Approved: TS Scale: 1" = 20' Date: 01/20/2023 Project No: 18119 FSP-1.DWG FSP-1.tbl Drawing No:		FSP-1	
Client: FARRELL COMMUNITIES BEACON LLC 2317 MONTAUK HIGHWAY BRIDGEHAMPTON, NY 11932		COPYRIGHT © 2023 by JMC. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of JMC PLANNING, ENGINEERING, LANDSCAPE ARCHITECTURE AND LAND SURVEYING, PLLC. JMC is a registered professional engineering firm in the State of New York. JMC is not responsible for the use of the information contained herein for any purpose not intended by JMC. JMC, its logo, and its name are trademarks of JMC. All other trademarks are the property of their respective owners. JMC and its logo are registered trademarks of JMC. All other trademarks are the property of their respective owners. JMC and its logo are registered trademarks of JMC. All other trademarks are the property of their respective owners.	



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 99 OF 2023

**ACCEPTING AN OFFER OF CESSION AND DEDICATION FOR SIDEWALK PURPOSES
(PORTION OF WEST MAIN STREET)**

WHEREAS, an irrevocable offer of cession and dedication was made to the City of Beacon by Farrell Communities Beacon, LLC (the “Applicant”) in connection with the “Subdivision Plat,” prepared by JMC Planning, engineering, Landscape Architecture & Land Surveying, PLLC, dated January 20, 2023, revised February 27, 2023, which map was approved by the City of Beacon Planning Board by Resolution dated November 9, 2022 and is to be filed in the Dutchess County Clerks Office; and

WHEREAS, the City’s sidewalk along West Main Street is encroaching upon a 29 square foot sliver of the Applicants property at 16 West Main Street, shown as Parcel B on the above referenced Map (the “Property”); and

WHEREAS, the Applicant has offered to convey the aforementioned 29 square foot sliver of its Property to the City; and

WHEREAS, the City Engineer has reviewed said plans and inspected the Property and find same to be suitable for acceptance by the City.

NOW THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Beacon hereby accepts the Applicant’s irrevocable offer of cession and dedication for the Property described as Parcel B; and

BE IT FURTHER RESOLVED, that the Mayor and/or the City Administrator are authorized to execute any forms and documents necessary to effectuate the purpose of this Resolution.

Resolution No. 99 of 2023			Date: September 11, 2023				
☐ Amendments			☐ 2/3 Required				
☐ Not on roll call.			☐ On roll call				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 100 - Accepting a Drainage Easement at 44 Kent Street

ATTACHMENTS

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

44 Kent Street Subdivision Plan

44 Kent Street Drainage Easement

Resolution Accepting a Drainage Easement at 44 Kent Street

■ **Main Office**
445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**
200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**
60 East 42nd Street
New York, NY 10165
Phone 646.794.5747

MEMORANDUM

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

FROM: Keane & Beane, P.C.

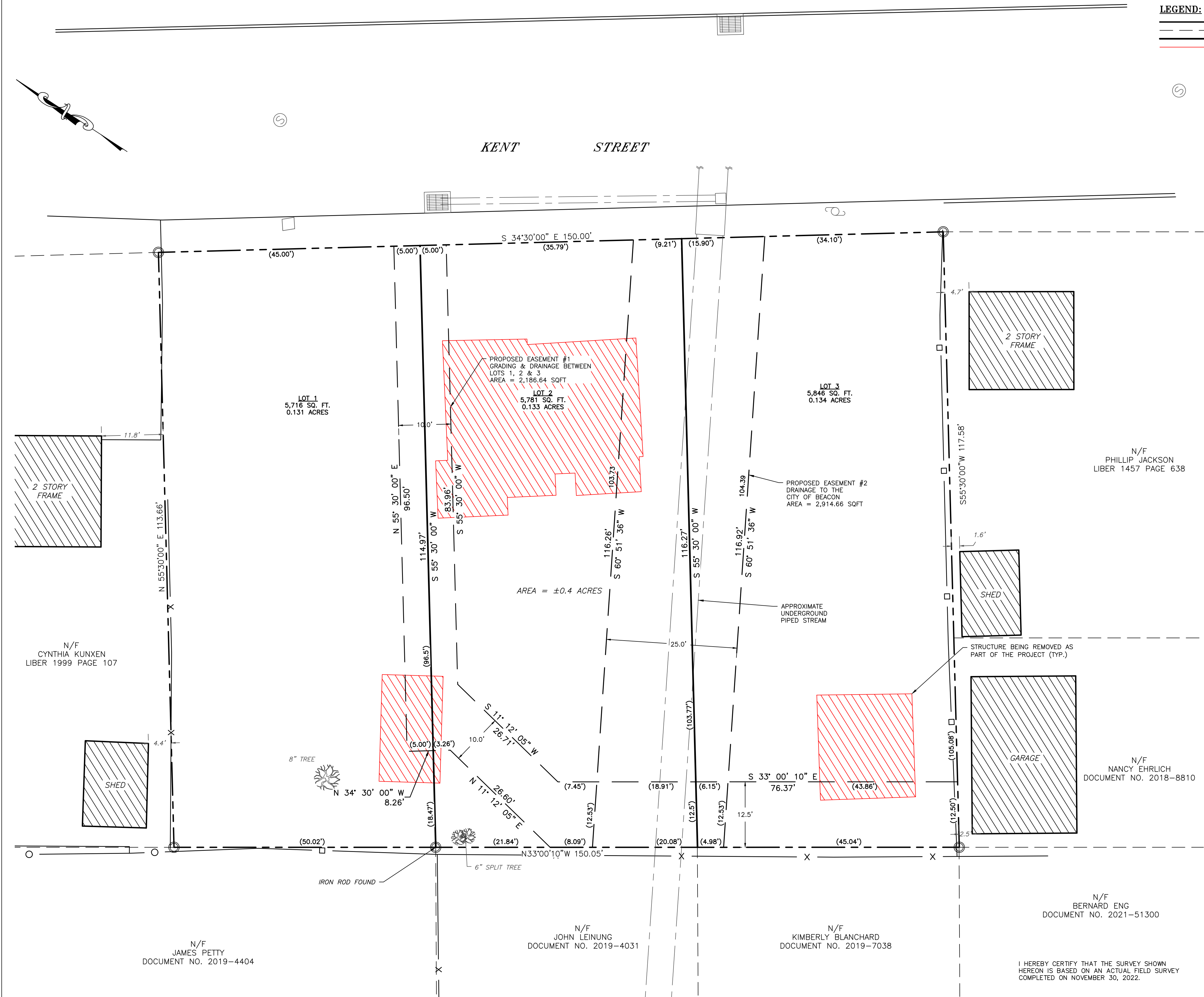
RE: 44 Kent Street - Drainage Easement to City of Beacon

DATE: August 31, 2023

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

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

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



LEGEND:

	EXISTING PROPERTY LINE
	ADJOINING PROPERTY LINE
	PROPOSED PROPERTY LINE
	PROPOSED DEMOLITION

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

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

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

TOTAL PARCEL AREA:
±17,424 S.F. OR ± 0.40 ACRE

TAX MAP REFERENCE:
CITY OF BEACON 6054-21-041931

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

WETLAND NOTE:
NO NYSDEC OR FEDERAL WETLANDS WERE FOUND ONSITE.

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

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

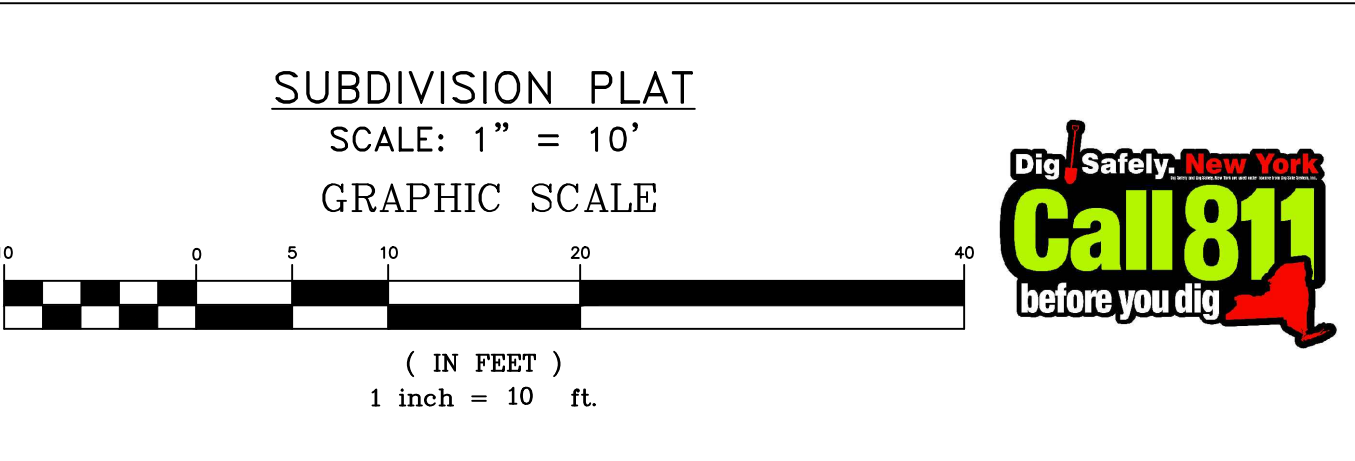
SIGNED THIS _____ DAY OF _____, 20____, BY _____

CHAIRMAN

SECRETARY

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

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



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

PRELIMINARY SUBDIVISION PLAT
HARDISTY SUBDIVISION

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

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

**GRANT OF DRAINAGE EASEMENT
LOT 2 and 3
“HARDISTY SUBDIVISION”**

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

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

WITNESSETH:

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

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

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

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

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

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

- a. the right of ingress and egress by person, motor vehicle and construction equipment necessary to lay and to construct the drainage pipeline or channel system and any necessary appurtenances in, on, under and through the PERMANENT EASEMENT AREA for the transportation and disposal of surface, storm or ground water through the PERMANENT EASEMENT AREA, and to maintain, repair, reconstruct, replace and inspect the same as GRANTEE may deem necessary or desirable; and
- b. The right to clean, clear, excavate, fill, grade, or cultivate the PERMANENT EASEMENT AREAS and/or otherwise improve the same for the purposes herein set forth.

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

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

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

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

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

GRANTOR:

HARDY HOMES, LLC

By: _____
Donna Hardisty, Member

GRANTEE:

CITY OF BEACON

By: _____

Christopher White, City Administrator

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

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

NOTARY PUBLIC

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

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

NOTARY PUBLIC

SCHEDULE A

Robert V. Oswald Jr. - Land Surveying

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

May 25, 2023

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

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

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



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 100 OF 2023

ACCEPTING A DRAINAGE EASEMENT AT 44 KENT STREET

WHEREAS, Hardy Homes, LLC (“Applicant”) obtained approval from the City of Beacon Planning Board on May 9, 2023, for a three-lot subdivision at its property located at 44 Kent Street (the “Property”); and

WHEREAS, pursuant to the subdivision approval, the Applicant has offered to convey to the City of Beacon a drainage easement for the purposes of the City’s operation, maintenance, repair, reconstruction, replacement and inspection of the existing 5-foot subsurface storm drainage culvert which traverses the property; and

WHEREAS, the Applicant submitted a Drainage Easement which grants the City of Beacon an easement over the Property for the purposes of accessing, maintaining, replacing, constructing, repairing, replacing and inspecting the subsurface storm drainage culvert; and

NOW THEREFORE, BE IT RESOLVED THAT, the City Council hereby authorizes the Mayor and/or City Administrator to sign the Drainage Easement for said purposes, along with all documents as may be necessary for the recording of such document, subject to review and approval by the City Attorney and City Engineer.

Resolution No. 100 of 2023			Date: September 11, 2023				
☐ Amendments			☐ On roll call			☐ 2/3 Required	
☐ Not on roll call.						☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
		Motion Carried					

City of Beacon City Council Agenda
09/11/2023

Title:

Resolution No. 101 - Setting a Public Hearing for the Proposed Rezoning of 6 Commerce Street

ATTACHMENTS

6 Commerce St - Applicant Letter

6 Commerce St - COB City Planner Memorandum

6 Commerce St - Tax Map

6 Commerce Rezoning Map

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

6 Commerce St - COB Planning Board Memorandum

6 Commerce Street - Dutchess County Planning Response

6 Commerce St - Short EAF Part 1

Resolution Setting a Public Hearing for 6 Commerce Street

Hudson Todd
4 Cross St, Beacon, NY 12508

March 31, 2023

Mayor and City Council
1 Municipal Plaza
Beacon, NY 12508

Re: Change in Zoning Designation for 6 Commerce St

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

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

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

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

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

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

Sincerely,

Joe Donovan



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

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

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

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

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

1. While there are multiple parcels along Main Street that are as small as 0.05 acres in size, most all of them meet the minimum CMS lot depth of 75 feet. This parcel is only 46 feet deep and would thereby be non-conforming in terms of lot depth.
2. There is only one parking space on the parcel. Any commercial use would likely need a parking waiver or variance, although the Planning Board often grants waivers for commercial uses on small existing lots in the CMS district under Section 223-41.18G(3) and (4). Finding parking along Commerce Street can be difficult, but the Municipal Building and County Center parking lots generally have available public parking spaces within 800 feet of this parcel. The planned Tompkins Firehouse public lot will offer a third nearby option.
3. The rezoning could potentially remove one housing unit when the rental market is particularly tight. However, the building could also support a ground floor commercial use and an apartment on the upper floor with the parking space for the residential tenant.

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



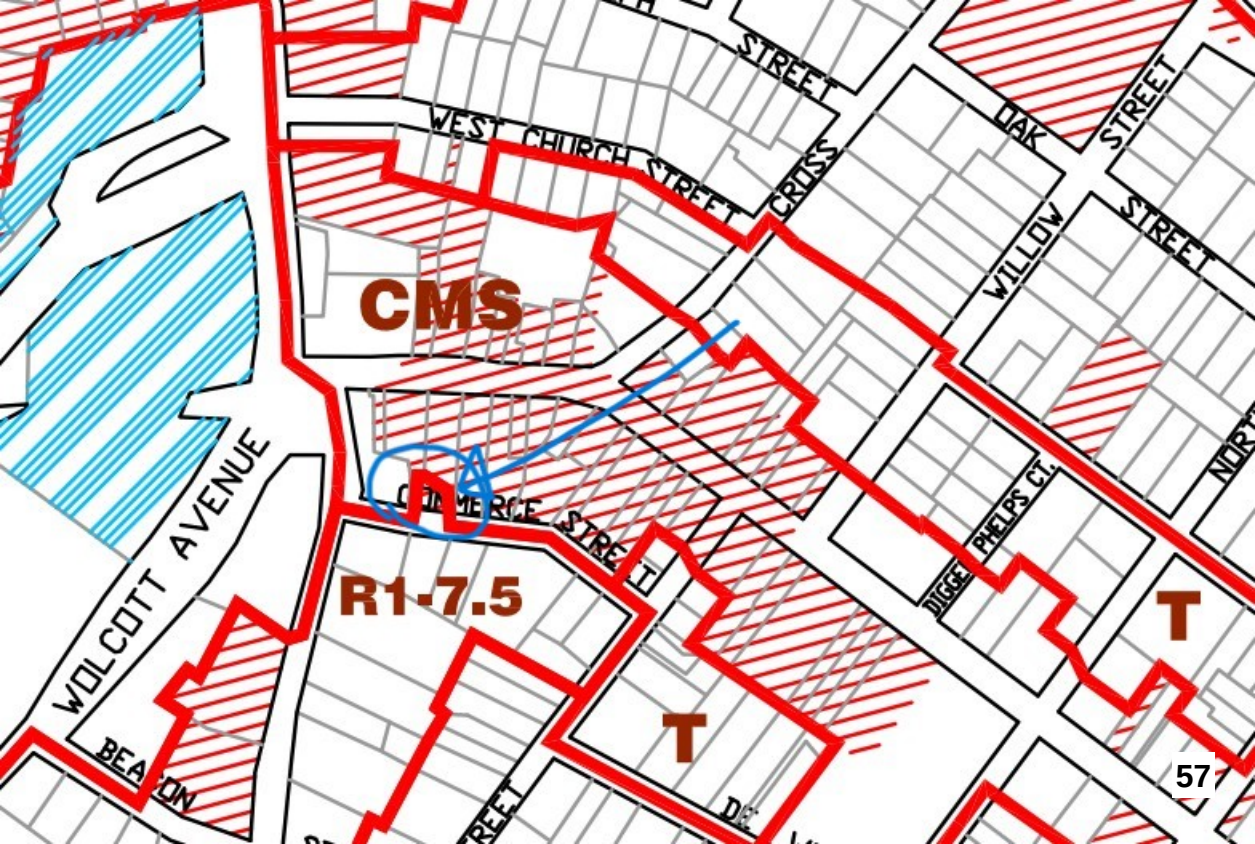
6 Commerce St - CMS Dutchess County, NY



Printed By:

N

ParcelAccess
5/8/2023



CMS

R1-7.5

T

T

577

PROPOSED LOCAL LAW NO. 4 OF 2023

**CITY COUNCIL
CITY OF BEACON**

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

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

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

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

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

Section 2. Ratification, Readoption and Confirmation

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

Section 3. Numbering for Codification

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

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

Section 5. Effective Date

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



John Gunn
Planning Board Chairman

CITY OF BEACON New York

Planning Board

July 25, 2023

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

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

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

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

Very truly yours,

John Gunn, Chairman

Dutchess County Department of Planning and Development		Fax Info Only	To	Date	#pgs
			Co./Dept.	From	
			Fax #	Phone #	

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

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

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

Applicant: **Hudson Todd LLC**

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

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

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

Entered By: **Swanson, Benjamin**

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

For County Office Use Only			
Response From Dutchess County Department of Planning and Development			
No Comments: ☒ Matter of Local Concern ☐ No Jurisdiction ☐ No Authority ☐ Withdrawn ☐ Incomplete - municipality must resubmit to County ☐ Exempt from 239 Review ☐ None		Comments Attached: ☐ Local Concern with Comments ☐ Conditional ☐ Denial ☐ Incomplete with Comments- municipality must resubmit to County ☐ Informal Comments Only (Action Exempt from 239 Review)	
Date Submitted:	Notes: Electronic submission	☐ Major Project	
Date Received: 8/17/2023		Referral #: ZR23-248	
Date Requested: 9/8/2023			
Date Required: 9/15/2023	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 8/18/2023			

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			☐	☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			☐	☐
3. a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
☐ Urban	☐ Rural (non-agriculture)	☐ Industrial	☐ Commercial	☐ Residential (suburban)
☐ Forest	☐ Agriculture	☐ Aquatic	☐ Other(Specify):	
☐ Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☐ ☐	YES ☐ ☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest Agricultural/grasslands Early mid-successional ☐ Wetland ☐ Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO ☐	YES ☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO ☐	YES ☐

49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO ☐	YES ☐

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO ☐	YES ☐

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: <u>Christian A.L. Gates</u> Title: _____		



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 101 OF 2023

**SETTING A PUBLIC HEARING FOR PROPOSED LOCAL LAW NO. 4 OF 2023 TO AMEND
THE ZONING OF 6 COMMERCE STREET FROM R1-7.5 TO CMS**

BE IT RESOLVED THAT the City Council hereby schedules a public hearing for September 25, 2023 at 7:00 pm for Proposed Local Law No. 4 of 2023 to Amend the Zoning of 6 Commerce Street from R1-7.5 to CMS.

Resolution No. 101 of 2023			Date: September 11, 2023				
☐ Amendments						☐ 2/3 Required	
☐ Not on roll call.			☐ On roll call			☐ 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Paloma Wake					
		Justice McCray					
		George Mansfield					
		Wren Longno					
		Molly Rhodes					
		Dan Aymar-Blair					
		Mayor Lee Kyriacou					
Motion Carried							

City of Beacon City Council Agenda
09/11/2023

Title:

August 21, 2023 Minutes

ATTACHMENTS

[August 21, 2023 Minutes](#)



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

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

**August 21, 2023
7:00 PM
City Council
Draft
Minutes**

Regular Meeting

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

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

Councilmembers Present

Mayor Lee Kyriacou

Councilmember George Mansfield, At Large

Councilmember Paloma Wake, At Large

Councilmember Molly Rhodes, Ward One

Councilmember Justice McCray, Ward Two

Councilmember Wren Longno, Ward Three

Also Present

Christopher White, City Administrator

Nicholas Ward-Willis, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. [Resolution No. 89 - Appointing Heidi Harrison to the Position of Assistant Recreation Director](#)

Motion to pass the resolution by Councilmember McCray.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

2. [Resolution No. 90 - Appointing Kyra Cimino to the Position of Recreation Assistant](#)

Motion to pass the resolution by Councilmember Longno.

Second by Councilmember McCray.

Motion passes 6 – 0.

3. [Resolution No. 91 - Appointing Sandro Cabrero to the Position of Motor Equipment Operator](#)

Motion to pass the resolution by Councilmember Mansfield.

Second by Councilmember Longno.

Motion passes 6 – 0.

4. [Resolution No. 92 - Awarding a Contract for the 2023 Accessible Curb Ramps Project](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember McCray.

Motion passes 6 – 0.

5. [Resolution No. 93 - Authorizing the City Administrator to Execute a Supplemental Revenue Agreement for the Installation of Pedestrian Signal Development Project](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 6 – 0.

6. [Resolution No. 94 - Setting a Public Hearing for the HIP Lofts & Studios Concept Plan](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Longno.

Motion passes 6 – 0.

Approval of Minutes

1. [August 7, 2023 Minutes](#)

Motion to approve the minutes by Councilmember Rhodes.

Second by Mayor Kyriacou.

Motion passes 6 – 0.

Public Comment - Second Opportunity

Adjournment

Motion to adjourn by Councilmember Longno.

Second by Councilmember Rhodes.

Motion passes 6 – 0.