



**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 19, 2022
7:00 PM
City Council Agenda**

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearings

Public Hearing for a Proposed Local law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments

Public Hearing for a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements

Public Hearing for a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. Resolution No. 119 - Requesting New York Governor Kathy Hochul to Sign New York State Bill A7389C / S6486D
2. Resolution No. 120 - Adopting a Proposed Local Law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments
3. Resolution No. 121 - Adopting a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements
4. Resolution No. 122 - Adopting a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts

Approval of Minutes

1. September 6, 2022 City Council Minutes

2nd Opportunity for Public Comments

Adjournment

City of Beacon City Council Agenda
09/19/2022

Title:

Public Hearing for a Proposed Local law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments

ATTACHMENTS

City of Beacon Planning Board Memorandum on Accessory Apartments Local Law

Dutchess County Department of Planning and Development Memorandum on Accessory Apartments Local Law

City Planner Memorandum on Accessory Apartment

Keane & Beane, P.C. Memorandum on Accessory Apartments Funding

Proposed Local Law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments

Proposed Amendments to the Schedule of Regulations for Accessory Buildings on Residential Lots

Proposed Amendments to the Schedule of Dimensional Regulations for Accessory Apartments

Proposed Amendments to the Schedule of Use Regulations - Accessory Apartments

Accessory Apartment EAF and Negative Declaration

Memorandum *Planning Board*

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law Amending Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 2:2 of City Code concerning Accessory Apartments

DATE: July 22, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 2:2 of City Code concerning Accessory Apartments. The Board discussed a possible amendment to disallow accessory dwelling units from R1-5 and R1-7.5 properties. The Board did not support this amendment, as these lots represent a significant portion of homes in the areas around Main Street, and an accessory apartment in the R1-5 zoning district was recently approved by the Planning Board. The Board noted that side-yard setback requirements will still need to be met, and the accessory dwelling units should not be disallowed from certain lots based on size alone.

The Board was in support of allowing the Planning Board to waive the parking requirement for units that require Planning Board approval, noting that the decision should be made on a case-by-case basis based on objective circumstances such as the availability of on-street parking.

Overall, the Board was supportive of the section regarding parking discretion and did not support restricting accessory apartments from R1-5 and R1-7.5 zones.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **LL Accessory Apartments**

Applicant: **City of Beacon City Council**

Address of Property:

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **9/7/2022**

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: Digital submission	☐ Major Project	
Date Received: 8/10/2022		Referral #: ZR22-225	
Date Requested: 9/7/2022			
Date Required: 9/9/2022	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 8/29/2022			



COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

August 29, 2022

To: City Council, City of Beacon
Re: **ZR22-225, Accessory Apartments Law**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The City is seeking to make changes to parts of its code related to accessory apartments, including:

- Elimination of the special permit requirement.
- Elimination of the site plan requirement for units entirely within the existing home.
- Adjustment of size limitations to between 200-1,000 square feet and no more than 50% of the size of the home, with possible exceptions for units located in accessory structures built prior to 8/1/1989.
- Ability of the Planning Board to waive off-street parking requirements when deemed appropriate.
- Removal of the *maximum cumulative square footage for accessory buildings* limits from the dimensional regulations table, and establishment of *maximum building coverage* limits for districts that do not have them.
- Reduction of front yard setback minimums in all R1 districts.
- Elimination of inspection/renewal requirements.
- Allowing conversion of nonconforming structures into accessory units without a variance, provided the change does not increase the dimensional nonconformity.

COMMENTS

We commend the city for modernizing its accessory apartment standards and increasing the potential for accessory units to play a role in housing affordability. We offer the following comments on the proposed changes:

1. The Council may wish to consider whether the "50% of the principal dwelling" size rule is necessary and worthwhile. A quick data review shows that about 85% of the roughly 3,000 single-family homes in the listed zoning districts are under 2,000 square feet and thus would have their maximum apartment size curtailed by this standard. Limiting the size restriction to a simple maximum square footage would allow more residents the flexibility to build an apartment that suits their needs and keep the code from favoring those few – often wealthier – residents who own larger homes.
2. The Council may wish to consider updating the August 1, 1989 time limit for conversion of accessory buildings larger than 1,000 square feet, to account for any such buildings constructed in more recent years. Basing it on the age of the building (at least five years old at the time of the application, for example) may be more appropriate than a specific date, given that there does not appear to be anything in the current code that would prevent someone from constructing an accessory building larger than 1,000 square feet.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

A handwritten signature in black ink, appearing to read 'D. Tuttle', with a horizontal line extending to the right.

Dylan Tuttle
Planner

To: Mayor Kyriacou and the Beacon City Council
From: John Clarke, City Planner
Date: June 24, 2022
Re: Accessory Dwelling Units (ADUs)

After the June 13, 2022 Council Workshop discussion on draft revisions to the Accessory Apartments Section 223-24.1, the City Administrator requested a summary memo on accessory dwelling units as an affordable housing option in the City. Accessory apartments tend to be more affordable than typical rental developments because they require no extra land costs, no large parking lots, no elevators or stair bulkheads, have shorter construction periods with lower carrying costs, and involve no large developer profit margins. They are smaller in scale, incremental in nature, and often intended for family members or friends who need housing support at lower cost or no cost.

The largest studies of states and cities that have adopted more progressive and streamlined ADU laws have shown that a substantial percentage of the units built had below-market rents. A 2021 study of California ADUs by the UC Berkeley Center for Community Innovation found that a large portion of units are available to those making less than 80% of the area median income, ranging from only 12 % in LA County to 29% in Alameda County, 38% in San Mateo County, 50% in Santa Clara County, and 67% in Marin County. A 2017 study of updated ADU policies in Seattle, Portland, and Vancouver BC reported that, overall, 58% of the surveyed rents were below the market rates, with only about 40% of these occupied by family or friends.

It is important to note that ADUs are the only affordable housing option available for the R1 single-family districts, which contain the overwhelming majority of the land in Beacon. Historically across the U. S., single-family zoning has been used to exclude lower-income tenants from middle- and upper-income neighborhoods. The proposed NY State ADU legislation has been endorsed by a long list of fair housing advocacy groups and related organizations, including AARP New York, Fair Housing Justice Center, NYS Habitat for Humanity, Housing Rights Initiative, NY Housing Conference, Regional Plan Association, and Westchester Residential Opportunities. The main proponent of the adopted Connecticut ADU law was Desegregate CT, a coalition of 80+ organizations.

Beacon's accessory apartment standards were initially adopted in 1989 and need updating. Many communities in the area allow ADUs, but most were similarly adopted decades ago and do not represent the best model for today's changing demographics, aging population, smaller households, and high demand for affordable housing options. A good starting point for discussion is the Westchester County Department of Planning's Model ADU Ordinance, which includes the following primary recommendations:

- An attached or detached ADU may be added to a house on any residentially zoned lot;
- The parcel shall be occupied by the owner, either in the ADU or principal dwelling unit;
- An ADU may be up to 800 square feet or the size of the primary dwelling, whichever is less;
- The maximum height is 20-25 feet or the height of the primary dwelling, whichever is less;
- No additional ADU parking is required, but the required primary dwelling parking must remain;
- An ADU that complies with the standards will be approved by the Building Inspector;
- ADU application fees shall be no more than 30% of single-family dwelling application fees.

The City of Kingston offers a useful and current comparison. The existing very restrictive standards only allow ADUs in dwellings over 2,000 square feet and built before 1982. They are limited to 300 to 600 square feet in size, but no more than 25% of the principal dwelling. ADUs require additional parking, at least 3 total off-street spaces or likely 4 based on the number of total combined bedrooms, and need a Special Permit from the Planning Board. The recently drafted Zoning Code rewrite, now open for public comments, would permit ADUs as-of-right in a

much broader area of the City and allow ADUs with single-family, duplex, or rowhouse building types. The maximum size for an attached ADU is 1,000 square feet or 50% of the primary structure, whichever is less, and the maximum size of a detached ADU is 1,000 square feet. No additional ADU parking would be required. Approval is proposed to be by administrative review, not through the Planning Board.

Not all communities allow ADUs, including the cities of Poughkeepsie, Hudson, Peekskill, Middletown, and White Plains, as well as the villages of Cold Spring, New Paltz, Nyack, Tarrytown, Mt. Kisco, and Catskill.

The Council also asked for examples of ADU standards from other communities. The following table compares the primary standards for ADUs in area municipalities, mostly in Dutchess County:

Municipality	Min. - Max. ADU Size	Max. % Main House	Required Parking	Approval Process	Other Regulations
Town/Fishkill	350 sf - 1,000 sf	50%	2 spaces	Building Inspector	Separate ADU entrance required
Town/Wappinger	300 sf – 1,000 sf	35%	2 spaces	Zoning Administrator	Only family member or 55+ tenants Min. 80,000 sf lot. 1-year insp/renewal
Village/ Wappingers Falls	750 sf – 1,000 sf		1 space	Special Permit Planning Board	At least 1 family member in both units
Town/Newburgh	450 sf – 700 sf		1 space	Special Permit ZBA	Principal house must be 5 years old
Town/East Fishkill			1 space	Building Inspector	If in principal house, must be 5 years old If in acc. bldg., must be built before 1985
Town/ Poughkeepsie	400 sf	35%	2 spaces	Special Permit ZBA	No more than 1 bedroom in ADU Inspection every 2 years
Town/LaGrange	400 sf	35%	2 spaces	Special Permit Planning Board	No more than 1 bedroom in ADU
Town/ Hyde Park	400 sf	35%	2 spaces	Special Permit Planning Board	No more than 2 bedrooms in ADU ADU shall count for density calculations
Village/Pawling	450 sf – 500 sf		1 space	Special Permit Planning Board	Main house min 1,200 sf. 2-year renewal No more than 1 ADU Bedroom/2 persons
Village/Rhinebeck	400 sf – 750 sf	25%	1 space	Special Permit Planning Board	Owner must live on lot 6 months/year
Village/Red Hook	400 sf – 600 sf	35%	1 space	Special Permit Planning Board	No more than 1 ADU bedroom/2 persons Detached ADU needs min. of 1.5 acres
Town/Pine Plains	250 sf – 1,250 sf	75%	1 space	Special Permit Planning Board	

Please let me know if you have any questions or need additional information.

■ **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**

99 Madison Avenue
New York, NY 10016
Phone 646.794.5747

MEMORANDUM

TO: Mayor Kyriacou and Members of the City Council

FROM: Keane & Beane, P.C.

RE: Funding for Accessory Dwelling Units

DATE: June 23, 2022

At the June 13, 2022 City Council workshop meeting, the City Council asked our office to provide information on the status of state funding available for accessory dwelling units.

As the City Council is aware, Governor Hochul removed the proposed Accessory Dwelling Unit (ADU) legislation from the state's proposed fiscal year 2023 budget after municipal leaders voiced strong opposition to the initiative. The bill, which was originally introduced by State Senator Peter Harkham, would have required municipalities to allow residential property owners to have an accessory apartment on their properties subject to certain conditions.

Although the ADU legislation was removed from the 2023 state budget, the budget was adopted with a \$25 billion, five-year comprehensive housing plan to focus on economic recovery, social justice, climate action and improved digital connectivity. The new multi-year investment includes funding for programs in affordable housing, supportive housing and related services. The plan specifically sets aside \$85 million for the creation or rehabilitation of ADUs, including basement apartments, garage units, attics and backyard cottages. This program will be supported by a new \$4.5 billion capital allocation. The goal of this program is to encourage the creation of alternative housing options, bring existing accessory dwelling units into code compliance across the state, and improve safety for these alternative housing options. This is the link to the Governor's Press Release:

<https://www.governor.ny.gov/news/governor-hochul-announces-launch-comprehensive-25-billion-housing-plan-historic-fy-2023-budget>

Specific details regarding eligibility for the funds, whether they are a loan or grant and other parameters have not yet been announced. We expect the NYS Homes and Community Renewal (HCR) Agency to issue regulations and guidelines to implement the ADU Program.

PROPOSED LOCAL LAW NO. 08 OF 2022

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 223, SECTION 24.1 AND
SECTION 14, AND CHAPTER 223 ATTACHMENT 2:2 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon concerning accessory apartments.

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

Section 1. Chapter 223, Section 24.1 of the Code of the City of Beacon entitled “Accessory Apartments” is hereby amended as follows:

§ 223-24.1 Accessory Apartments.

- A. Purpose and intent. It is the purpose and intent of allowing accessory apartments on all existing single-family properties in all residence districts and the Transitional District ~~in all residence districts~~ to provide the opportunity and encouragement for the development of small, rental housing units designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income and relatives of families presently living in Beacon. It is the further purpose and intent of this provision to allow the more efficient use of the City's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to otherwise help to protect and preserve property values.
- B. Owner occupancy required. The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.
- C. Location on the lot. An accessory apartment may be located either in or attached to a detached single-family dwelling or in an accessory building on such a single-family lot.
- D. Apartment size. The floor area of an accessory apartment shall not exceed 50% of the

~~total floor area of the single-family dwelling in which it is located. In no case shall the total square footage of the accessory apartment exceed a maximum of 1,000 square feet or be less than a minimum of 200 square feet. Notwithstanding the foregoing, The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall be 300 square feet, and the maximum shall be 600 square feet, except that the Planning Board may permit a smaller or larger accessory apartment where appropriate in an existing accessory building which was issued a Certificate of Occupancy more than five (5) years before the date of application- constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot area required in the district in which the lot is located for each accessory apartment in excess of the first one.~~

- E. Exterior appearance. If an accessory apartment is located in a detached single-family dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain that of a single-family residence.
- F. Off-street parking. A minimum of one off-street parking space shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot. The Planning Board may, in its discretion, waive all parking requirements for an accessory apartment when deemed appropriate.
- G. The accessory apartment shall not be used for short term rentals as defined in § 223-26.5.
- H. An existing structure that does not conform to the yard requirements of Chapter 223 may be converted into an accessory apartment without a variance from the Zoning Board of Appeals if the proposed use will not enlarge or increase the dimensional nonconformity.

9/15/2022

This draft highlights revisions made in response to comments from the Dutchess County Department of Planning.

~~G. Renewal inspections. Each accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with this section. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.~~

I. The Building Inspector shall have approval authority for accessory apartments entirely contained within an existing single-family dwelling and meeting all the provisions of this section. All other proposed accessory apartments, including any accessory apartments requiring exterior additions, conversions of existing accessory buildings, or new accessory buildings, shall require site plan approval from the Planning Board.

Section 2. Chapter 223, Section 14 of the Code of the City of Beacon entitled “Accessory buildings on residential lots” is hereby amended to add a new subsection (4) as follows:

§ 223-14 Landscaping, lighting, and miscellaneous regulations.

...

E. Accessory buildings on residential lots.

...

(4) This subsection shall not apply to accessory apartments.

Section 3. Chapter 223 Attachment 1 of the Code of the City of Beacon, entitled “§ 223-17. Schedule of Dimensional Regulations” shall be amended to (1) add a 40% maximum percent building coverage limit for the R1-5 and T Zoning Districts and (2) reduce the required front yard setbacks in all R1 residential districts by five (5) feet.

SEE ATTACHED CHART

Section 4. Chapter 223 Attachment 2 of the Code of the City of Beacon, entitled “§ 223-17, City of Beacon Schedule of Use Regulations” shall be amended to permit accessory apartment as-of-right in all Residential Districts and the Transitional District in the City of Beacon, subject to site plan review by the City Planning Board.

SEE ATTACHED CHART

Section 5. Chapter 223 Attachment 3 of the Code of the City of Beacon, entitled “§ 223-17E, Schedule of Regulations for Accessory Buildings on Residential Lots” shall be amended to (1) eliminate the maximum cumulative square foot requirement for accessory buildings for all R1 Zoning Districts, (2) increase the maximum square footage permitted for each accessory building construction in connection with a single-family dwelling to be based on the total square footage of the principal building rather than the footprint of the principal building, and (3) increase the maximum square footage permitted for each accessory building constructed in connection with a single-family home from 40% to 50%.

SEE ATTACHED CHART

Section 6. 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 7. 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 8. 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 9. Effective Date

9/15/2022

This draft highlights revisions made in response to comments from the Dutchess County Department of Planning.

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

DRAFT

ZONING

223 Attachment 3

City of Beacon

§ 223-17E, Schedule of Regulations for Accessory Buildings on Residential Lots

Zoning District	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Cumulative Square Footage for All Accessory Buildings	Maximum Square Footage Permitted For Each Accessory Building (Based on footprint ~~the total square footage~~ of ~~the~~ principal building)	Maximum Number of Sheds Permitted
R1-120 1-Family Residence District	Not permitted in front yard	50	50	~~2,775~~	40% ~~50%~~	2
R1-80 1-Family Residence District	Not permitted in front yard	30	30	~~2,125~~	40% ~~50%~~	2
R1-40 1-Family Residence District	Not permitted in front yard	25	25	~~1,625~~	40% ~~50%~~	2
R1-20 1-Family Residence District	Not permitted in front yard	20	20	~~1,250~~	40% ~~50%~~	2
R1-10 1-Family Residence District	Not permitted in front yard	15	15	~~960~~	40% ~~50%~~	2
R1-7.5 1-Family Residence District	Not permitted in front yard	5	5	~~720~~	40% ~~50%~~	1
~~R1-5 1-Family Residence District~~	~~Not permitted in front yard~~	~~5~~	~~5~~	~~720~~	40% ~~50%~~	~~1~~

BEACON CODE

Zoning District	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Cumulative Square Footage for All Accessory Buildings	Maximum Square Footage Permitted For Each Accessory Building (Based on footprint ^a of principal building) ^b	Maximum Number of Sheds Permitted
~~R1-5 1-Family Residence District~~	~~Not permitted in front yard~~	5	5	720	40%	1
RD-6 Designed Residence District	Not permitted in front yard	50	50	2,775	40%	2
RD-5 Designed Residence District	Not permitted in front yard	30	30	2,125	40%	2
RD-4 Designed Residence District	Not permitted in front yard	25	25	1,625	40%	2
RD-3 Designed Residence District	Not permitted in front yard	20	20	1,250	40%	2
RD-1.8 Designed Residence District	Not permitted in front yard	15	15	960	40%	2
RD-1.7 Designed Residence District	Not permitted in front yard	5	5	720	40%	1
R1-5 Designed Residence District	Not permitted in front yard	5	5	720	40%	1

NOTES:

The following districts were not included in the Planning Board's recommendation: RMF-1.5 (Multifamily Residence District), SAHO (Senior Affordable Housing Overlay District).

^a Footprint includes attached garages but excludes open porches/decks.

^b The maximum square footage of each accessory building for any single-family dwelling located in the RD Zoning District shall be 50% based on the total square footage of the principal building.

ZONING

223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹]

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

NOTES:

^a A private garage may be built across a common lot line in multifamily developments by mutual agreement between adjoining property owners, a copy of such agreement to be filed with the building permit application for such garage.

^b But not more than 65% of the dwelling units in a multifamily development may be contained in buildings more than 3 1/2 stories in height.

^c But not more than 24 dwelling units in any building 3 1/2 stories or less in height.

^d For multifamily developments, a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit will be required.

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

^f A maximum of one story of parking under a building shall not count toward the maximum building height limitation in feet and stories.

^g And each building shall not exceed 150 feet in length.

^h For all development proposals involving a total lot area of more than three acres within an R1, RD, or Fishkill Creek Development zoning district, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, predevelopment very steep slopes of 25% or more as defined in § 223-63.

ⁱ One-half the minimum lot size area per dwelling unit as the least restrictive adjoining residential district.

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

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹; amended 2-16-2021 by L.L. No. 02-2021]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	X	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		X	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	X	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	X	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	X	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

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

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale or storage business		X	X	X	P	X	X	X	X	X	P	P
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	~~SP~~ <u>P</u>	~~SP~~ <u>P</u>	~~SP~~ <u>P</u>	X	X	X	X	X	X	X	X
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	X	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Local Law to Amend Chapter 223, Section 24.1 and Section 14 and 223 Attachment 1, Attachment 2 and Attachment 3 of the City Code.			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
The City Council is considering adopting a local law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223, Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon concerning accessory apartments. The City Council is considering adopting amendments to the City Code to encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon.			
Name of Applicant or Sponsor:		Telephone: 845-838-5000	
City of Beacon		E-Mail: cityofbeacon@beaconny.gov	
Address:			
1 Municipal Plaza			
City/PO:		State:	Zip Code:
Beacon		NY	12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned _____ acres			
or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>November 15, 2021</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information
Updated September 15, 2022

Project Narrative

The City Council is considering adopting a local law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon (the “City Code”) concerning accessory apartments to encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon. The purpose of the proposed local law is to create more flexible and inclusive regulations for accessory apartments to streamline the review process, avoid unnecessary variances, provide options for more diverse households, help existing homeowners maintain their properties, and incrementally supply smaller, more affordable dwellings with a low impact level on existing neighborhoods.

Accessory apartments are currently permitted in all R1, all RD and T Zoning Districts by special use permit approval from the Planning Board. An accessory apartment is defined in the City Code as “a small rental housing unit, subject to the conditions in City Code § 223-24.1, allowed on single-family properties in residential districts and designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate-income, or property owner relatives.”

The proposed local law amends the City Code to permit the development of accessory apartments on all existing single-family properties in all R1, all RD and in the T Zoning Districts subject to site plan approval from the Planning Board. Under the proposed local law, accessory apartments do not require special use permit approval. The law further exempts any proposed accessory apartment located entirely within an existing single-family dwelling from site plan approval. The Building Inspector shall have approval authority for accessory apartments that meet all the requirements of City Code § 223-24.1 and are contained entirely within an existing single-family dwelling. All other proposed accessory apartments, including any accessory apartments requiring exterior additions, conversions of existing accessory buildings, or new accessory buildings, shall require site plan approval from the Planning Board.

The proposed local law limits the floor area of an accessory apartment to a maximum of 1,000 square feet and a minimum of 200 square feet. The Planning Board may continue to permit larger accessory apartments where appropriate in an existing accessory building which was issued a Certificate of Occupancy more than five (5) years before the date of an application to construct and accessory apartment.

The proposed local law maintains the requirement set forth in City Code § 223-14.1.F concerning off-street parking. However, the proposed local law does include language to allow the Planning board to waive the off-street parking requirement when deemed appropriate.

The proposed local law eliminates the Maximum Cumulative Square Footage column in Chapter 223, Attachment 3, Schedule of Regulations for Accessory Buildings on Residential Lots. The overall square footage of buildings on a lot can be more simply regulated by the existing Maximum Building Coverage column in Chapter 223, Attachment 1, Schedule of Dimensional Regulations. The proposed local law modifies Chapter 223, Attachment 1 to establish a 40% maximum coverage for the R1-5 and T Districts to further regulate maximum building coverage in these zoning districts. Under the City's current zoning regulations, the R1-5 and T Districts have no Maximum Building Coverage listed.

Chapter 223, Attachment 3 is further modified to increase the maximum square footage permitted for each accessory building construction in connection with a single-family dwelling to be based on the total square footage of the principal building rather than the footprint of the principal building and increase the maximum square footage permitted for each accessory building constructed in connection with a single-family home from 40% to 50%. In addition, Chapter 223, Attachment 1 is further modified to reduce the required front yard setbacks in all R1 residential districts by five (5) feet.

The proposed local law eliminates the requirement that accessory apartments be inspected every two years. The proposed local law does not contain any renewal inspection requirement for accessory apartments. However, the proposed local law does include a condition that no accessory apartment shall be used as a short-term rental.

The proposed local law maintains the language set forth in City Code § 223-24.1.B, requiring the owner of the single-family lot upon which an accessory apartment is located to occupy at least one of the dwelling units. The proposed local law also maintains the condition set forth in City Code § 223-24.1.E, which requires that the exterior appearance of all accessory apartments located in a detached single-family dwelling must be designed to look like that of the single-family residence.

An accessory apartment may be located either in or attached to a detached single-family dwelling or in an accessory building on such a single-family lot. However, the proposed local law allows certain nonconforming structures to be converted into accessory apartments without a variance from the Zoning Board of Appeals. An existing structure that does not conform to the yard requirements of Chapter 223 may be converted into an accessory apartment without a variance from the Zoning Board of Appeals if the proposed use will not enlarge or increase the dimensional nonconformity.

Project:

Accessory Apartments

Date:

September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City Council of the City of Beacon (the "City Council") has prepared a proposed local law to amend Chapter 223, Section 24.1 and 14, and Chapter 223, Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon. The purpose of the proposed local law is to create more flexible and inclusive regulations for accessory apartments, streamline the review process to permit accessory apartments in the City, avoid unnecessary variances, provide options for more diverse households, help existing homeowners maintain their properties, and incrementally supply smaller, more affordable dwellings with a low impact level on existing residential neighborhoods.

Accessory apartments are currently permitted in all R1, all RD and T Zoning Districts by special use permit approval from the Planning Board. The proposed local law amends the City Code to permit the development of accessory apartments on all existing single-family properties in these districts pursuant to site plan approval from the Planning Board. Under the proposed local law, accessory apartments do not require special use permit approval. The proposed local law does not create a material conflict with an adopted land use plan or zoning regulation. Approval of an accessory apartment will not change the use, or intensity of use of the land, as the subject property will continue to be used as a residential property. The law includes limitations and restrictions that will mitigate any potential impacts to the property or the character of the neighborhood from the accessory apartment. The law includes specific requirements concerning the size of the apartment, parking and appearance of the unit to allow the Planning Board to adequately regulate accessory apartments. The proposed local law will not result in any significant adverse environmental impacts.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	<i>Drew Gamils</i> Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council Agenda
09/19/2022

Title:

Public Hearing for a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements

ATTACHMENTS

City of Beacon Planning Board Memorandum on Self-Storage Parking Local Law

Dutchess County Department of Planning and Development Memorandum on Self Storage Parking Local Law

Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements

Warehouse Storage and Self-Storage - Schedule of Use Regulations

EAF for Self Storage Parking Local Law

Negative Declaration for Self-Storage Parking Local Law

Memorandum
Planning Board

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon
Regarding Self-Storage Parking Requirements

DATE: September 15, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements. The Board discussed a possible amendment to add parking standards for self-storage facilities into the Code. Currently there are only provisions for warehouse facilities, and a self-storage facility requires a significantly lower number of parking spaces. A study on existing and comparable facilities was provided to support these claims. The Board was in support of these modifications to the City Code.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements**

Applicant: **City of Beacon**

Address of Property: **N/A**

**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: **9/28/2022**

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: 9/8/2022		Referral #: ZR22-260	
Date Requested: 9/28/2022			
Date Required: 10/7/2022	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 9/14/2022			

PROPOSED LOCAL LAW NO. 09 OF 2022

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon regarding the Schedule of Regulations, off-street parking standards and definitions for a warehouse storage and a self-storage facility.

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

Section 1. Chapter 223 Attachment 1 of the Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be amended for “Wholesale or storage business” as follows:

SEE ATTACHED CHART

Section 2. Chapter 223, Section 26, Subsection F of the Code of the City of Beacon entitled “Schedule of Off-Street Parking Requirements” is hereby amended to modify the standard for “Wholesale, storage, utility or other similar commercial use” and to add a requirement for “Self-storage facility” as follows:

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

...

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

Wholesale, <u>warehouse</u> storage, utility or other similar commercial use	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
--	---

Self-storage facility

1 space per 10,000 square feet of gross floor space,
plus one space per employee

Section 3. Chapter 223, Section 63 of the Code of the City of Beacon, entitled “Definitions” is hereby amended to delete the definition of “Storage Business” and to add definitions for “Self-Storage Facility” and “Warehouse Storage” as follows:

§223-63 Definitions.

~~STORAGE BUSINESS~~

~~A fully enclosed structure for the containment of materials, including warehouses and residential storage facilities with individual bays that are leased for the storage of personal property.~~

SELF-STORAGE FACILITY

An establishment that permits customers to store their own materials in private warehouse space with individual lockable units accessible from outdoor driveways or indoor hallways.

WAREHOUSE STORAGE

An establishment for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public). This does not include a Self-Storage Facility.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification

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

Section 6. Severability

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

Section 7. Effective Date

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

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹; amended 2-16-2021 by L.L. No. 02-2021]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	X	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		X	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	X	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	X	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	X	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

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

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale, warehouse storage or self-storage business		X	X	X	P	X	X	X	X	X	P	P
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	SP	SP	SP	X	X	X	X	X	X	X	X
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	X	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law concerning requirements for self-storage facilities			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000	
		E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>September 8, 2022</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information

Project Narrative

The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses.

Under the proposed local law a self-storage facility is defined as "an establishment that permits customers to store their own materials in private warehouse space with individual lockable units accessible from outdoor driveways or indoor hallways." These facilities require one off-street parking space per 10,000 square feet of gross floor space, plus one off-street parking space per employee.

A warehouse storage facility is defined as "an establishment for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public). This does not include a Self-Storage Facility." Such facilities require one off-street parking space per employee but not less than one off-street parking space per 1,000 square feet of gross floor area. These parking requirements are the same for wholesale, utility and other similar commercial uses.

Project: Self-Storage Parking

Date: September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses. The purpose of the proposed local law is to create practical off-street parking requirements for self-storage facilities given the limited parking needs of these facilities. Self storage facilities are widely known to be low generators of parking. Long-term storage facilities have intermittent parking demands.

The proposed local law does not create a material conflict an an adopted land use plan or zoning regulation. The construction of a self-storage facility will still require site plan approval from the Planning Board. The Planning Board will have the opportunity to evaluate and mitigate potential impacts to the community or environment from the construction of such facilities.

For the reasons set forth herein, the proposed local law will not result in any significant adverse environmental impacts.

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

City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council Agenda
09/19/2022

Title:

Public Hearing for a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts

ATTACHMENTS

Keane & Beane, PC Memorandum Regarding Zoning Amendment

City of Beacon Planning Board Memorandum on Parking on Residential Lots Local Law

Dutchess County Department of Planning and Development Memorandum on Off-Street Parking Adjacent to Non-Residential Districts Local Law

Proposed Local Law Amending Off Street Parking Adjacent to Non-Residential Districts

EAF for Local Law Regarding Parking on Residential Lots

Negative Declaration for Parking on Residential Lots Local Law

■ **Main Office**

445 Hamilton Avenue
White Plains, NY 10601
Phone 914.946.4777
Fax 914.946.6868

■ **Mid-Hudson Office**

200 Westage Business Center
Fishkill, NY 12524
Phone 845.896.0120

■ **New York City Office**

99 Madison Avenue
New York, NY 10016
Phone 646.794.5747

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: Proposed Local Law – Zoning

DATE: August 12, 2022

It has come to our attention that when the City Zoning Code was amended in June 2020, the ability to allow off-street parking on residential lots as a special permit use was inadvertently omitted. This omission was discovered during review of an application currently pending before the Planning Board for a multifamily residential project at 16 West Main Street. The application includes a small, landlocked parcel located in the R1-7.5 District to the rear of 16 West Main Street. The remainder of the project is in the Linkage District. When the application was submitted in 2019 it was noted that the applicant's use of the landlocked parcel for off-street parking would be subject to approval of a special permit. Review of the site plan and lot merger applications have proceeded before the Planning Board with that understanding until recently when the Planning Board adopted a SEQRA Negative Declaration and referred the application to the City Council for review of the special permit. During preparation of materials for the City Council's review, it was discovered that the Zoning Code provision that allowed off-street parking on this landlocked residential parcel had been inadvertently omitted from the Zoning Code.

It is proposed that the City Council consider reinstating the omitted use. In this regard, a draft local law was prepared to amend the City Zoning Code to reinstate off-street parking as a use permitted in the R1-7.5 and other residential districts by special permit subject to the limitations in the attached draft local law.

In the absence of action by the City Council, the applicant has the option to seek an area variance from the Zoning Board of Appeals to allow less parking than would otherwise be permitted for the project or file a petition to rezone the rear parcel. If the Council would like to consider the local law, the Council should refer the local law to the City and County Planning Board and schedule a public hearing in for the Council's second voting meeting in September.

Memorandum
Planning Board

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon
Regarding Off-Street Parking Adjacent to Non-Residential Districts

DATE: September 15, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts through the issuance of a Special Use Permit. The Board discussed a possible amendment to reinstate a provision to the City Code allowing parking in residential districts adjacent to commercial districts. This section was inadvertently removed when the Code was previously amended. This amendment would give the Planning Board the power to issue such permits, in place of the City Council. This provision will apply not only to current projects before the Planning Board, but to any future project which meets these requirements. The Board was in support of these modifications to the City Code.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts**

Applicant: **City of Beacon**

Address of Property: **N/A**

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **9/28/2022**

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: 9/8/2022		Referral #: ZR22-261	
Date Requested: 9/28/2022			
Date Required: 10/7/2022	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 9/16/2022			



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

September 16, 2022

To: City Council, City of Beacon
Re: **ZR22-261, Local Law – Surface parking on some residential lots**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The City is considering reinstating a provision that would allow residentially zoned lots that share a border with commercially zoned lots to be used for surface parking with issuance of a special permit.

COMMENTS

The Council may wish to consider whether a rezoning is more appropriate in this case. A quick GIS review shows that over 100 residential parcels would qualify under this provision. Given that this use is likely only appropriate in a few cases, rezoning those specific parcels as a need arises may be a more targeted way to address this issue.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

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

Dylan Tuttle
Planner

PROPOSED LOCAL LAW NO. 10 OF 2022

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to
amend Chapter 223
of the Code of the
City of Beacon
regarding off-street
parking.

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

Section 1. Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon, entitled “Location, use, design, construction and maintenance” shall be added as follows:

...

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

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 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 upon filing with the Office of the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law concerning off-street parking adjacent to residential properties			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The City of Beacon is considering a proposed local law to create Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>September 8, 2022</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information

Project Narrative

The City of Beacon is considering a proposed local law to add Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on non-residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.

The new provision permits the Planning Board to issue a special permit to allow off-street parking for private passenger vehicles on a lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters. This provision was inadvertently omitted from the Zoning Code in 2020.

Project: Parking Special Permit

Date: September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City of Beacon is considering a proposed local law to add Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on non-residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.

The purpose of the proposed local law is to allow the Planning Board to issue a special permit to allow off-street parking for passenger vehicles on a lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district.

For the reasons set forth herein, the proposed local law will not result in any significant adverse environmental impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

City of Beacon City Council Agenda
09/19/2022

Title:

Resolution No. 119 - Requesting New York Governor Kathy Hochul to Sign New York State Bill A7389C / S6486D

ATTACHMENTS

Conservation Advisory Committee Memorandum in Support of New York State Bill A7389C / S6486D

Resolution in Support of New York State Bill A7389C / S6486D



August 2nd, 2022

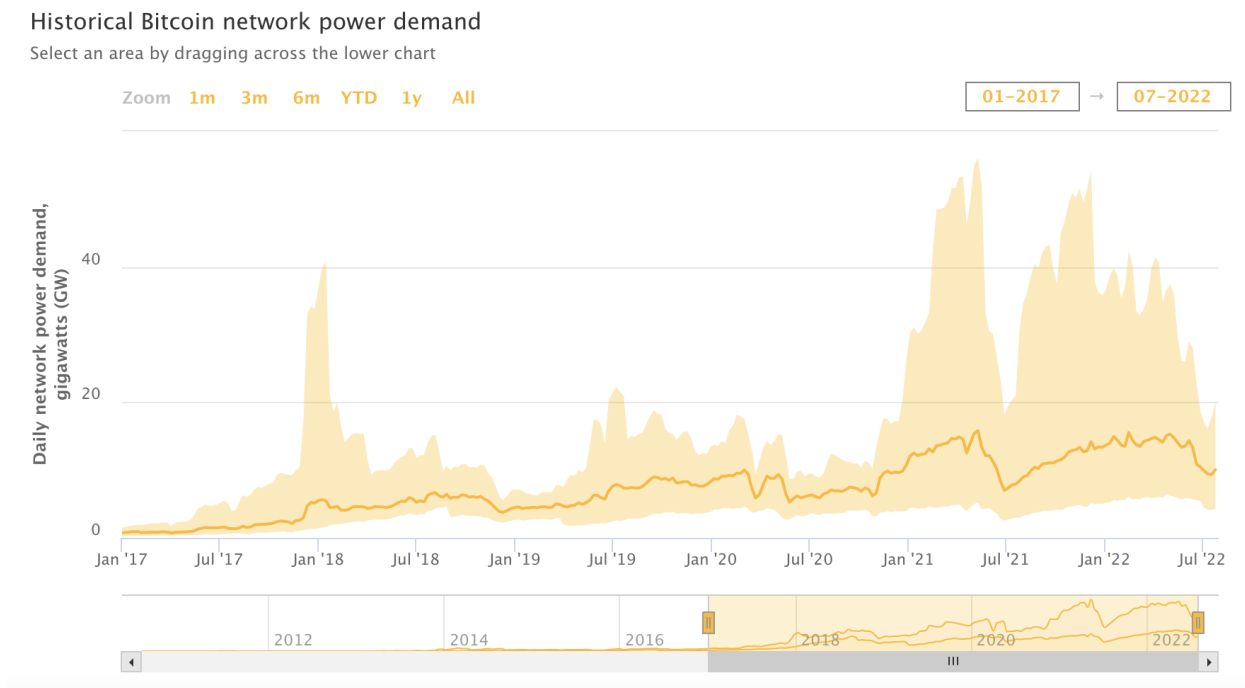
To: Beacon City Council

From: Beacon Conservation Advisory Committee

Re: Support of a moratorium on cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions

Dear City Council:

We are writing to voice our support for the [NYS Assembly Bill A7389C](#) / NYS State S6486. This bill, which passed both chambers, institutes a 2 year moratorium on air permit issuance and renewal of for electric generating facilities that utilize carbon-based fuel and that provide, in whole or in part, behind-the-meter electric energy consumed or utilized by cryptocurrency mining operations that use proof-of-work authentication methods to validate blockchain transactions. [The Cambridge Bitcoin Electricity Consumption Index](#) (CBECI) provides an up-to-date estimate of the Bitcoin network's daily electricity load, with methodology details available [here](#). Below is a chart that shows the historical Bitcoin network power demand from January 2017 through July 2022.



This law was enacted in response to crypto mining operators taking over old/retiring coal and gas powered electricity generating plants to feed their mining operations and/or drastically increasing the amount of electricity they produce thus resulting in increased emissions.

Unfortunately, Governor Hochul has not signed the bill. We urge the City Council to adopt a resolution asking Governor Hochul to sign said bill into the law, and provide suggested resolution text below.

Voted all in favor on July 5, 2022

Respectfully,

Sergei Krasikov
Chair, Conservation Advisory Committee

A handwritten signature in black ink, appearing to be 'SK' with a large loop and a trailing flourish.



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 119 OF 2022

**RESOLUTION REQUESTING NEW YORK STATE GOVERNOR KATHY HOCHUL TO SIGN
NEW YORK STATE BILL A7389C / S6486D, WHICH INSTITUTES A TWO-YEAR
MORATORIUM ON CRYPTOCURRENCY MINING OPERATIONS THAT USE PROOF-OF-
WORK AUTHENTICATION METHODS TO VALIDATE BLOCKCHAIN TRANSACTIONS**

WHEREAS, Climate change threatens the health, welfare, and economy of the State of New York (“the State”) with increasingly severe and widespread impacts to our communities, including directly in the form of loss of life, damage and reduction in value to property, ecological harm, and increased infrastructure costs; and

WHEREAS, it is the policy of the State to conserve, improve, and protect its natural resources and environment, as well as to prevent, abate, and control all forms of pollution in order to enhance the health, safety, and welfare of the people of the State and their overall economic and social well-being; and

WHEREAS, to mitigate the current and future effects of climate change, the State implemented the Climate Leadership and Community Protection Act (“the Climate Act”) which requires that greenhouse gas emissions be reduced eighty-five percent statewide by 2050 and that the State reach a net zero level of emissions in all sectors of the economy by that time; and

WHEREAS, Cryptocurrency mining operations running ‘proof-of-work’ authentication methods to validate blockchain transactions are an expanding industry in the State of New York and the expanded use of said methods would greatly increase the amount of energy usage in the state of New York, thus hindering efforts to reach compliance with the Climate Act; and

WHEREAS, NYS Assembly Bill A7389C / NYS State S6486 establishes a two-year moratorium on issuance of new permits for electric generating facilities that utilize a carbon-based fuel and that provide, in whole or in part, behind-the-meter electric energy consumed or utilized by cryptocurrency mining operations that use ‘proof-of-work’ authentication methods to validate blockchain transactions. Furthermore, NYS Assembly Bill A7389C / NYS State S6486 established a two-year moratorium on renewal of permits for electric generating facilities that utilize a carbon-based fuel and that provide, in whole or in part, behind-the-meter electric energy consumed or utilized by cryptocurrency mining operations that use ‘proof-of-work’ authentication methods to validate blockchain transactions, if the renewal application seeks to increase or will allow or result in an increase in the amount of electric energy consumed or utilized by a cryptocurrency mining operation that uses ‘proof-of-work’ authentication methods to validate blockchain transactions; and

WHEREAS, New York State Assemblyperson Jonathan Jacobson was one of the co-sponsors of NYS Assembly Bill A7389C / NYS State S6486 and has voted to pass it.

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon reaffirms the critical importance of meeting the emissions and equity goals of the Climate Act, which will help mitigate dangerous climate change impacts upon the region and nation, while delivering the additional benefits of improving public health, economic opportunities, environmental protection, and quality of life for the people of Beacon; and

BE IT FURTHER RESOLVED, that the City of Beacon declares its support for prohibiting an expansion of fossil fuel infrastructure, which contradicts the goals of the Climate Act, as well as its support for general efforts throughout the State to transition to efficient electricity-based solutions for buildings and transportation; and

BE IT FURTHER RESOLVED, that the City of Beacon urges Governor Hochul to sign NYS Assembly Bill A7389C / NYS State S6486 into law; and

BE IT FURTHER RESOLVED, that the City of Beacon shall forward copies of this resolution to the Governor of New York, Commissioner of the NYS Department of Environmental Conservation, President of NYSEDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing the City of Beacon.

Resolution No. 119 of 2022			Date: September 19, 2022				
☐ 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
09/19/2022

Title:

Resolution No. 120 - Adopting a Proposed Local Law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments

ATTACHMENTS

Dutchess County Department of Planning and Development Memorandum on Accessory Apartments Local Law

City of Beacon Planning Board Memorandum on Accessory Apartments Local Law

City Planner Memorandum on Accessory Apartments

Keane & Beane, P.C. Memorandum on Accessory Apartments Funding

Proposed Local Law to Amend Chapter 223, Section 24.1 and Section 14 and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments

Proposed Amendments to the Schedule of Dimensional Regulations for Accessory Apartments

Proposed Amendments to the Schedule of Use Regulations - Accessory Apartments

Proposed Amendments to the Schedule of Regulations for Accessory Buildings on Residential Lots

Accessory Apartment EAF and Negative Declaration

Resolution Adopting a Local Law Regarding Accessory Apartments

Dutchess County Department of Planning and Development		Fax Info Only	To Co./Dept. Fax #	Date #pgs From Phone #	
239 Planning/Zoning Referral - Exemption Communities					
Municipality: City of Beacon					
Referring Agency: Municipal Board					
Tax Parcel Number(s):					
Project Name: LL Accessory Apartments					
Applicant: City of Beacon City Council					
Address of Property:					
Please Fill in this section	Exempt Actions:* 239 Review is NOT Required ● Administrative Amendments (fees, procedures, penalties, etc.) ● Special Permits for residential uses (accessory apts, home occupations, etc.) ● Use Variances for residential uses ● Area Variances for residential uses ● Renewals/Extension of Site Plans or Special Permits that have no changes from previous approvals No Authority to review these Actions ● Subdivisions / Lot Line Adjustments ● Interpretations ☐ Exempt Action submitted for informal review		Actions Requiring 239 Review ☐ Comprehensive/Master Plans ☒ Zoning Amendments (standards, uses, definitions, district regulations, etc.) ☐ Other Local Laws associated with zoning (wetlands, historic preservation, affordable housing, architectural review, etc.) ☐ Rezoning involving all map changes ☐ Architectural Review ☐ Site Plans (all) ☐ Special Permits for all non-residential uses ☐ Use Variances for all non-residential uses ☐ Area Variances for all non-residential uses ☐ Other (Describe):		Parcels within 500 feet of: ☐ State Road: ☐ County Road: ☐ State Property (with recreation area or public building) ☐ County Property (with recreation area or public building) ☐ Municipal Boundary ☐ Farm operation in an Agricultural District
	Date Response Requested: 9/7/2022				
	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: Digital submission	☐ Major Project	
Date Received: 8/10/2022		Referral #: ZR22-225	
Date Requested: 9/7/2022			
Date Required: 9/9/2022	☐ Also mailed hard copy	Reviewer: 	
Date Transmitted: 8/29/2022			



COUNTY OF DUTCHESS

DEPARTMENT OF PLANNING AND DEVELOPMENT

August 29, 2022

To: City Council, City of Beacon

Re: **ZR22-225, Accessory Apartments Law**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The City is seeking to make changes to parts of its code related to accessory apartments, including:

- Elimination of the special permit requirement.
- Elimination of the site plan requirement for units entirely within the existing home.
- Adjustment of size limitations to between 200-1,000 square feet and no more than 50% of the size of the home, with possible exceptions for units located in accessory structures built prior to 8/1/1989.
- Ability of the Planning Board to waive off-street parking requirements when deemed appropriate.
- Removal of the *maximum cumulative square footage for accessory buildings* limits from the dimensional regulations table, and establishment of *maximum building coverage* limits for districts that do not have them.
- Reduction of front yard setback minimums in all R1 districts.
- Elimination of inspection/renewal requirements.
- Allowing conversion of nonconforming structures into accessory units without a variance, provided the change does not increase the dimensional nonconformity.

COMMENTS

We commend the city for modernizing its accessory apartment standards and increasing the potential for accessory units to play a role in housing affordability. We offer the following comments on the proposed changes:

1. The Council may wish to consider whether the “50% of the principal dwelling” size rule is necessary and worthwhile. A quick data review shows that about 85% of the roughly 3,000 single-family homes in the listed zoning districts are under 2,000 square feet and thus would have their maximum apartment size curtailed by this standard. Limiting the size restriction to a simple maximum square footage would allow more residents the flexibility to build an apartment that suits their needs and keep the code from favoring those few – often wealthier – residents who own larger homes.
2. The Council may wish to consider updating the August 1, 1989 time limit for conversion of accessory buildings larger than 1,000 square feet, to account for any such buildings constructed in more recent years. Basing it on the age of the building (at least five years old at the time of the application, for example) may be more appropriate than a specific date, given that there does not appear to be anything in the current code that would prevent someone from constructing an accessory building larger than 1,000 square feet.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

A handwritten signature in black ink, appearing to read 'D. Tuttle', with a horizontal line extending to the right.

Dylan Tuttle
Planner

Memorandum *Planning Board*

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law Amending Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 2:2 of City Code concerning Accessory Apartments

DATE: July 22, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 2:2 of City Code concerning Accessory Apartments. The Board discussed a possible amendment to disallow accessory dwelling units from R1-5 and R1-7.5 properties. The Board did not support this amendment, as these lots represent a significant portion of homes in the areas around Main Street, and an accessory apartment in the R1-5 zoning district was recently approved by the Planning Board. The Board noted that side-yard setback requirements will still need to be met, and the accessory dwelling units should not be disallowed from certain lots based on size alone.

The Board was in support of allowing the Planning Board to waive the parking requirement for units that require Planning Board approval, noting that the decision should be made on a case-by-case basis based on objective circumstances such as the availability of on-street parking.

Overall, the Board was supportive of the section regarding parking discretion and did not support restricting accessory apartments from R1-5 and R1-7.5 zones.

To: Mayor Kyriacou and the Beacon City Council
From: John Clarke, City Planner
Date: June 24, 2022
Re: Accessory Dwelling Units (ADUs)

After the June 13, 2022 Council Workshop discussion on draft revisions to the Accessory Apartments Section 223-24.1, the City Administrator requested a summary memo on accessory dwelling units as an affordable housing option in the City. Accessory apartments tend to be more affordable than typical rental developments because they require no extra land costs, no large parking lots, no elevators or stair bulkheads, have shorter construction periods with lower carrying costs, and involve no large developer profit margins. They are smaller in scale, incremental in nature, and often intended for family members or friends who need housing support at lower cost or no cost.

The largest studies of states and cities that have adopted more progressive and streamlined ADU laws have shown that a substantial percentage of the units built had below-market rents. A 2021 study of California ADUs by the UC Berkeley Center for Community Innovation found that a large portion of units are available to those making less than 80% of the area median income, ranging from only 12 % in LA County to 29% in Alameda County, 38% in San Mateo County, 50% in Santa Clara County, and 67% in Marin County. A 2017 study of updated ADU policies in Seattle, Portland, and Vancouver BC reported that, overall, 58% of the surveyed rents were below the market rates, with only about 40% of these occupied by family or friends.

It is important to note that ADUs are the only affordable housing option available for the R1 single-family districts, which contain the overwhelming majority of the land in Beacon. Historically across the U. S., single-family zoning has been used to exclude lower-income tenants from middle- and upper-income neighborhoods. The proposed NY State ADU legislation has been endorsed by a long list of fair housing advocacy groups and related organizations, including AARP New York, Fair Housing Justice Center, NYS Habitat for Humanity, Housing Rights Initiative, NY Housing Conference, Regional Plan Association, and Westchester Residential Opportunities. The main proponent of the adopted Connecticut ADU law was Desegregate CT, a coalition of 80+ organizations.

Beacon's accessory apartment standards were initially adopted in 1989 and need updating. Many communities in the area allow ADUs, but most were similarly adopted decades ago and do not represent the best model for today's changing demographics, aging population, smaller households, and high demand for affordable housing options. A good starting point for discussion is the Westchester County Department of Planning's Model ADU Ordinance, which includes the following primary recommendations:

- An attached or detached ADU may be added to a house on any residentially zoned lot;
- The parcel shall be occupied by the owner, either in the ADU or principal dwelling unit;
- An ADU may be up to 800 square feet or the size of the primary dwelling, whichever is less;
- The maximum height is 20-25 feet or the height of the primary dwelling, whichever is less;
- No additional ADU parking is required, but the required primary dwelling parking must remain;
- An ADU that complies with the standards will be approved by the Building Inspector;
- ADU application fees shall be no more than 30% of single-family dwelling application fees.

The City of Kingston offers a useful and current comparison. The existing very restrictive standards only allow ADUs in dwellings over 2,000 square feet and built before 1982. They are limited to 300 to 600 square feet in size, but no more than 25% of the principal dwelling. ADUs require additional parking, at least 3 total off-street spaces or likely 4 based on the number of total combined bedrooms, and need a Special Permit from the Planning Board. The recently drafted Zoning Code rewrite, now open for public comments, would permit ADUs as-of-right in a

much broader area of the City and allow ADUs with single-family, duplex, or rowhouse building types. The maximum size for an attached ADU is 1,000 square feet or 50% of the primary structure, whichever is less, and the maximum size of a detached ADU is 1,000 square feet. No additional ADU parking would be required. Approval is proposed to be by administrative review, not through the Planning Board.

Not all communities allow ADUs, including the cities of Poughkeepsie, Hudson, Peekskill, Middletown, and White Plains, as well as the villages of Cold Spring, New Paltz, Nyack, Tarrytown, Mt. Kisco, and Catskill.

The Council also asked for examples of ADU standards from other communities. The following table compares the primary standards for ADUs in area municipalities, mostly in Dutchess County:

Municipality	Min. - Max. ADU Size	Max. % Main House	Required Parking	Approval Process	Other Regulations
Town/Fishkill	350 sf - 1,000 sf	50%	2 spaces	Building Inspector	Separate ADU entrance required
Town/Wappinger	300 sf – 1,000 sf	35%	2 spaces	Zoning Administrator	Only family member or 55+ tenants Min. 80,000 sf lot. 1-year insp/renewal
Village/ Wappingers Falls	750 sf – 1,000 sf		1 space	Special Permit Planning Board	At least 1 family member in both units
Town/Newburgh	450 sf – 700 sf		1 space	Special Permit ZBA	Principal house must be 5 years old
Town/East Fishkill			1 space	Building Inspector	If in principal house, must be 5 years old If in acc. bldg., must be built before 1985
Town/ Poughkeepsie	400 sf	35%	2 spaces	Special Permit ZBA	No more than 1 bedroom in ADU Inspection every 2 years
Town/LaGrange	400 sf	35%	2 spaces	Special Permit Planning Board	No more than 1 bedroom in ADU
Town/ Hyde Park	400 sf	35%	2 spaces	Special Permit Planning Board	No more than 2 bedrooms in ADU ADU shall count for density calculations
Village/Pawling	450 sf – 500 sf		1 space	Special Permit Planning Board	Main house min 1,200 sf. 2-year renewal No more than 1 ADU Bedroom/2 persons
Village/Rhinebeck	400 sf – 750 sf	25%	1 space	Special Permit Planning Board	Owner must live on lot 6 months/year
Village/Red Hook	400 sf – 600 sf	35%	1 space	Special Permit Planning Board	No more than 1 ADU bedroom/2 persons Detached ADU needs min. of 1.5 acres
Town/Pine Plains	250 sf – 1,250 sf	75%	1 space	Special Permit Planning Board	

Please let me know if you have any questions or need additional information.

■ **Main Office**

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■ **Mid-Hudson Office**

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■ **New York City Office**

99 Madison Avenue
New York, NY 10016
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MEMORANDUM

TO: Mayor Kyriacou and Members of the City Council

FROM: Keane & Beane, P.C.

RE: Funding for Accessory Dwelling Units

DATE: June 23, 2022

At the June 13, 2022 City Council workshop meeting, the City Council asked our office to provide information on the status of state funding available for accessory dwelling units.

As the City Council is aware, Governor Hochul removed the proposed Accessory Dwelling Unit (ADU) legislation from the state's proposed fiscal year 2023 budget after municipal leaders voiced strong opposition to the initiative. The bill, which was originally introduced by State Senator Peter Harkham, would have required municipalities to allow residential property owners to have an accessory apartment on their properties subject to certain conditions.

Although the ADU legislation was removed from the 2023 state budget, the budget was adopted with a \$25 billion, five-year comprehensive housing plan to focus on economic recovery, social justice, climate action and improved digital connectivity. The new multi-year investment includes funding for programs in affordable housing, supportive housing and related services. The plan specifically sets aside \$85 million for the creation or rehabilitation of ADUs, including basement apartments, garage units, attics and backyard cottages. This program will be supported by a new \$4.5 billion capital allocation. The goal of this program is to encourage the creation of alternative housing options, bring existing accessory dwelling units into code compliance across the state, and improve safety for these alternative housing options. This is the link to the Governor's Press Release:

<https://www.governor.ny.gov/news/governor-hochul-announces-launch-comprehensive-25-billion-housing-plan-historic-fy-2023-budget>

Specific details regarding eligibility for the funds, whether they are a loan or grant and other parameters have not yet been announced. We expect the NYS Homes and Community Renewal (HCR) Agency to issue regulations and guidelines to implement the ADU Program.

PROPOSED LOCAL LAW NO. 08 OF 2022

**CITY COUNCIL
CITY OF BEACON**

**PROPOSED LOCAL LAW TO AMEND CHAPTER 223, SECTION 24.1 AND
SECTION 14, AND CHAPTER 223 ATTACHMENT 2:2 OF THE CODE OF THE
CITY OF BEACON**

A LOCAL LAW to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon concerning accessory apartments.

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

Section 1. Chapter 223, Section 24.1 of the Code of the City of Beacon entitled “Accessory Apartments” is hereby amended as follows:

§ 223-24.1 Accessory Apartments.

- A. Purpose and intent. It is the purpose and intent of allowing accessory apartments on all existing single-family properties in all residence districts and the Transitional District ~~in all residence districts~~ to provide the opportunity and encouragement for the development of small, rental housing units designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate income and relatives of families presently living in Beacon. It is the further purpose and intent of this provision to allow the more efficient use of the City's existing stock of dwellings and accessory buildings, to provide economic support for present resident families of limited income and to otherwise help to protect and preserve property values.
- B. Owner occupancy required. The owner of the single-family lot upon which an accessory apartment is located shall occupy at least one of the dwelling units on said lot.
- C. Location on the lot. An accessory apartment may be located either in or attached to a detached single-family dwelling or in an accessory building on such a single-family lot.
- D. Apartment size. The floor area of an accessory apartment shall not exceed 50% of the

~~total floor area of the single-family dwelling in which it is located. In no case shall the total square footage of the accessory apartment exceed a maximum of 1,000 square feet or be less than a minimum of 200 square feet. Notwithstanding the foregoing, The minimum floor area for an accessory apartment within a detached single-family dwelling shall be 400 square feet. The maximum floor area shall be 650 square feet, but in no case shall the floor area of the apartment exceed 30% of the total floor area of the dwelling building in which it is located. For an accessory apartment located in an accessory building, the minimum floor area shall be 300 square feet, and the maximum shall be 600 square feet, except that the Planning Board may permit a smaller or larger accessory apartment where appropriate in an existing accessory building which was issued a Certificate of Occupancy more than five (5) years before the date of application- constructed prior to August 1, 1989. There shall be no more than one accessory apartment permitted per single-family lot. There shall be no more than one accessory apartment permitted per single-family lot. However, in the case of a lot which contains an existing accessory building or buildings that comply with the minimum required setbacks required for a principal building in the zoning district in which the lot is located and that were constructed prior to August 1, 1989, one accessory apartment shall be permitted in each such accessory building in addition to the one permitted in the detached single-family dwelling; the area of such lot shall be at least 100% larger than the minimum lot area required in the district in which the lot is located for each accessory apartment in excess of the first one.~~

- E. Exterior appearance. If an accessory apartment is located in a detached single-family dwelling, the entry to such unit and its design shall be such that, to the degree reasonably feasible, the exterior appearance of the building will remain that of a single-family residence.
- F. Off-street parking. A minimum of one off-street parking space shall be provided for each accessory apartment in addition to the off-street parking required for other uses existing on the lot. The Planning Board may, in its discretion, waive all parking requirements for an accessory apartment when deemed appropriate.
- G. The accessory apartment shall not be used for short term rentals as defined in § 223-26.5.
- H. An existing structure that does not conform to the yard requirements of Chapter 223 may be converted into an accessory apartment without a variance from the Zoning Board of Appeals if the proposed use will not enlarge or increase the dimensional nonconformity.

9/15/2022

This draft highlights revisions made in response to comments from the Dutchess County Department of Planning.

~~G. Renewal inspections. Each accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with this section. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.~~

I. The Building Inspector shall have approval authority for accessory apartments entirely contained within an existing single-family dwelling and meeting all the provisions of this section. All other proposed accessory apartments, including any accessory apartments requiring exterior additions, conversions of existing accessory buildings, or new accessory buildings, shall require site plan approval from the Planning Board.

Section 2. Chapter 223, Section 14 of the Code of the City of Beacon entitled “Accessory buildings on residential lots” is hereby amended to add a new subsection (4) as follows:

§ 223-14 Landscaping, lighting, and miscellaneous regulations.

...

E. Accessory buildings on residential lots.

...

(4) This subsection shall not apply to accessory apartments.

Section 3. Chapter 223 Attachment 1 of the Code of the City of Beacon, entitled “§ 223-17. Schedule of Dimensional Regulations” shall be amended to (1) add a 40% maximum percent building coverage limit for the R1-5 and T Zoning Districts and (2) reduce the required front yard setbacks in all R1 residential districts by five (5) feet.

SEE ATTACHED CHART

Section 4. Chapter 223 Attachment 2 of the Code of the City of Beacon, entitled “§ 223-17, City of Beacon Schedule of Use Regulations” shall be amended to permit accessory apartment as-of-right in all Residential Districts and the Transitional District in the City of Beacon, subject to site plan review by the City Planning Board.

SEE ATTACHED CHART

Section 5. Chapter 223 Attachment 3 of the Code of the City of Beacon, entitled “§ 223-17E, Schedule of Regulations for Accessory Buildings on Residential Lots” shall be amended to (1) eliminate the maximum cumulative square foot requirement for accessory buildings for all R1 Zoning Districts, (2) increase the maximum square footage permitted for each accessory building construction in connection with a single-family dwelling to be based on the total square footage of the principal building rather than the footprint of the principal building, and (3) increase the maximum square footage permitted for each accessory building constructed in connection with a single-family home from 40% to 50%.

SEE ATTACHED CHART

Section 6. 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 7. 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 8. 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 9. Effective Date

9/15/2022

This draft highlights revisions made in response to comments from the Dutchess County Department of Planning.

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

DRAFT

ZONING

223 Attachment 1

City of Beacon

§ 223-17. Schedule of Dimensional Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹]

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

NOTES:

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

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

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹; amended 2-16-2021 by L.L. No. 02-2021]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	X	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		X	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	X	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	X	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	X	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

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

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale or storage business		X	X	X	P	X	X	X	X	X	P	P
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	~~SP~~ <u>P</u>	~~SP~~ <u>P</u>	~~SP~~ <u>P</u>	X	X	X	X	X	X	X	X
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	X	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

ZONING

223 Attachment 3

City of Beacon

§ 223-17E, Schedule of Regulations for Accessory Buildings on Residential Lots

Zoning District	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Cumulative Square Footage for All Accessory Buildings	Maximum Square Footage Permitted For Each Accessory Building (Based on footprint ~~the total square footage~~ of ~~the~~ principal building)	Maximum Number of Sheds Permitted
R1-120 1-Family Residence District	Not permitted in front yard	50	50	~~2,775~~	40% ~~50%~~	2
R1-80 1-Family Residence District	Not permitted in front yard	30	30	~~2,125~~	40% ~~50%~~	2
R1-40 1-Family Residence District	Not permitted in front yard	25	25	~~1,625~~	40% ~~50%~~	2
R1-20 1-Family Residence District	Not permitted in front yard	20	20	~~1,250~~	40% ~~50%~~	2
R1-10 1-Family Residence District	Not permitted in front yard	15	15	~~960~~	40% ~~50%~~	2
R1-7.5 1-Family Residence District	Not permitted in front yard	5	5	~~720~~	40% ~~50%~~	1
~~R1-5 1-Family Residence District~~	~~Not permitted in front yard~~	~~5~~	~~5~~	~~720~~	40% ~~50%~~	~~1~~

BEACON CODE

Zoning District	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Cumulative Square Footage for All Accessory Buildings	Maximum Square Footage Permitted For Each Accessory Building (Based on footprint ^a of principal building) ^b	Maximum Number of Sheds Permitted
R1-5 1-Family Residence District	Not permitted in front yard	5	5	720	40%	1
RD-6 Designed Residence District	Not permitted in front yard	50	50	2,775	40%	2
RD-5 Designed Residence District	Not permitted in front yard	30	30	2,125	40%	2
RD-4 Designed Residence District	Not permitted in front yard	25	25	1,625	40%	2
RD-3 Designed Residence District	Not permitted in front yard	20	20	1,250	40%	2
RD-1.8 Designed Residence District	Not permitted in front yard	15	15	960	40%	2
RD-1.7 Designed Residence District	Not permitted in front yard	5	5	720	40%	1
R1-5 Designed Residence District	Not permitted in front yard	5	5	720	40%	1

NOTES:

The following districts were not included in the Planning Board's recommendation: RMF-1.5 (Multifamily Residence District), SAHO (Senior Affordable Housing Overlay District).

^a Footprint includes attached garages but excludes open porches/decks.

^b The maximum square footage of each accessory building for any single-family dwelling located in the RD Zoning District shall be 50% based on the total square footage of the principal building.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Local Law to Amend Chapter 223, Section 24.1 and Section 14 and 223 Attachment 1, Attachment 2 and Attachment 3 of the City Code.			
Project Location (describe, and attach a location map):			
City of Beacon			
Brief Description of Proposed Action:			
The City Council is considering adopting a local law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223, Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon concerning accessory apartments. The City Council is considering adopting amendments to the City Code to encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon.			
Name of Applicant or Sponsor:		Telephone: 845-838-5000	
City of Beacon		E-Mail: cityofbeacon@beaconny.gov	
Address:			
1 Municipal Plaza			
City/PO:		State:	Zip Code:
Beacon		NY	12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			☐
			☒
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned _____ acres			
or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>November 15, 2021</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information
Updated September 15, 2022

Project Narrative

The City Council is considering adopting a local law to amend Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon (the “City Code”) concerning accessory apartments to encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon. The purpose of the proposed local law is to create more flexible and inclusive regulations for accessory apartments to streamline the review process, avoid unnecessary variances, provide options for more diverse households, help existing homeowners maintain their properties, and incrementally supply smaller, more affordable dwellings with a low impact level on existing neighborhoods.

Accessory apartments are currently permitted in all R1, all RD and T Zoning Districts by special use permit approval from the Planning Board. An accessory apartment is defined in the City Code as “a small rental housing unit, subject to the conditions in City Code § 223-24.1, allowed on single-family properties in residential districts and designed to meet the special housing needs of single persons, couples, other small households, the young, the elderly, persons of low and moderate-income, or property owner relatives.”

The proposed local law amends the City Code to permit the development of accessory apartments on all existing single-family properties in all R1, all RD and in the T Zoning Districts subject to site plan approval from the Planning Board. Under the proposed local law, accessory apartments do not require special use permit approval. The law further exempts any proposed accessory apartment located entirely within an existing single-family dwelling from site plan approval. The Building Inspector shall have approval authority for accessory apartments that meet all the requirements of City Code § 223-24.1 and are contained entirely within an existing single-family dwelling. All other proposed accessory apartments, including any accessory apartments requiring exterior additions, conversions of existing accessory buildings, or new accessory buildings, shall require site plan approval from the Planning Board.

The proposed local law limits the floor area of an accessory apartment to a maximum of 1,000 square feet and a minimum of 200 square feet. The Planning Board may continue to permit larger accessory apartments where appropriate in an existing accessory building which was issued a Certificate of Occupancy more than five (5) years before the date of an application to construct and accessory apartment.

The proposed local law maintains the requirement set forth in City Code § 223-14.1.F concerning off-street parking. However, the proposed local law does include language to allow the Planning board to waive the off-street parking requirement when deemed appropriate.

The proposed local law eliminates the Maximum Cumulative Square Footage column in Chapter 223, Attachment 3, Schedule of Regulations for Accessory Buildings on Residential Lots. The overall square footage of buildings on a lot can be more simply regulated by the existing Maximum Building Coverage column in Chapter 223, Attachment 1, Schedule of Dimensional Regulations. The proposed local law modifies Chapter 223, Attachment 1 to establish a 40% maximum coverage for the R1-5 and T Districts to further regulate maximum building coverage in these zoning districts. Under the City's current zoning regulations, the R1-5 and T Districts have no Maximum Building Coverage listed.

Chapter 223, Attachment 3 is further modified to increase the maximum square footage permitted for each accessory building construction in connection with a single-family dwelling to be based on the total square footage of the principal building rather than the footprint of the principal building and increase the maximum square footage permitted for each accessory building constructed in connection with a single-family home from 40% to 50%. In addition, Chapter 223, Attachment 1 is further modified to reduce the required front yard setbacks in all R1 residential districts by five (5) feet.

The proposed local law eliminates the requirement that accessory apartments be inspected every two years. The proposed local law does not contain any renewal inspection requirement for accessory apartments. However, the proposed local law does include a condition that no accessory apartment shall be used as a short-term rental.

The proposed local law maintains the language set forth in City Code § 223-24.1.B, requiring the owner of the single-family lot upon which an accessory apartment is located to occupy at least one of the dwelling units. The proposed local law also maintains the condition set forth in City Code § 223-24.1.E, which requires that the exterior appearance of all accessory apartments located in a detached single-family dwelling must be designed to look like that of the single-family residence.

An accessory apartment may be located either in or attached to a detached single-family dwelling or in an accessory building on such a single-family lot. However, the proposed local law allows certain nonconforming structures to be converted into accessory apartments without a variance from the Zoning Board of Appeals. An existing structure that does not conform to the yard requirements of Chapter 223 may be converted into an accessory apartment without a variance from the Zoning Board of Appeals if the proposed use will not enlarge or increase the dimensional nonconformity.

Project:

Accessory Apartments

Date:

September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City Council of the City of Beacon (the "City Council") has prepared a proposed local law to amend Chapter 223, Section 24.1 and 14, and Chapter 223, Attachment 1, Attachment 2 and Attachment 3 of the Code of the City of Beacon encourage the development of accessory apartments to promote renter and owner affordability in the City of Beacon. The purpose of the proposed local law is to create more flexible and inclusive regulations for accessory apartments, streamline the review process to permit accessory apartments in the City, avoid unnecessary variances, provide options for more diverse households, help existing homeowners maintain their properties, and incrementally supply smaller, more affordable dwellings with a low impact level on existing residential neighborhoods.

Accessory apartments are currently permitted in all R1, all RD and T Zoning Districts by special use permit approval from the Planning Board. The proposed local law amends the City Code to permit the development of accessory apartments on all existing single-family properties in these districts pursuant to site plan approval from the Planning Board. Under the proposed local law, accessory apartments do not require special use permit approval. The proposed local law does not create a material conflict with an adopted land use plan or zoning regulation. Approval of an accessory apartment will not change the use, or intensity of use of the land, as the subject property will continue to be used as a residential property. The law includes limitations and restrictions that will mitigate any potential impacts to the property or the character of the neighborhood from the accessory apartment. The law includes specific requirements concerning the size of the apartment, parking and appearance of the unit to allow the Planning Board to adequately regulate accessory apartments. The proposed local law will not result in any significant adverse environmental impacts.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	<i>Drew Gamils</i> Signature of Preparer (if different from Responsible Officer)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 120 OF 2022

**ADOPTING PROPOSED LOCAL LAW NO. 08 OF 2022 WHICH AMENDS CHAPTER 223,
SECTION 24.1 AND SECTION 14, AND CHAPTER 223 ATTACHMENT 1, ATTACHMENT 2,
AND ATTACHMENT 3 OF THE CODE OF THE CITY OF BEACON CONCERNING
ACCESSORY APARTMENTS**

WHEREAS, pursuant to Resolution No. 2022-072 passed on August 1, 2022 the City of Beacon City Council set a public hearing for August 15, 2022 regarding the proposed City of Beacon Local Law No. 08 of 2022 (“proposed Local Law”) which amends Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments (“Public Hearing”); and

WHEREAS, notice for the Public Hearing was published in the Poughkeepsie Journal on August 5, 2022; and

WHEREAS, the Public Hearing was held on August 15, 2022 and the City of Beacon City Council provided the opportunity for the public to comment on the proposed Local Law before adjourning such to September 19, 2022; and

WHEREAS, the Public Hearing was continued on September 19, 2022 and the City of Beacon City Council provided the opportunity for the public to comment on the proposed Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with the State Environmental Quality Review Act (“SEQRA”) and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed Local Law finding that the adoption of the proposed Local Law will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts Proposed Local Law No. 08 of 2022 which amends Chapter 223, Section 24.1 and Section 14, and Chapter 223 Attachment 1, Attachment 2, and Attachment 3 of the Code of the City of Beacon Concerning Accessory Apartments.

Resolution No. 120 of 2022			Date: August 15, 2022				
☐ 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
09/19/2022

Title:

Resolution No. 121 - Adopting a Proposed Local Law to to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements

ATTACHMENTS

City of Beacon Planning Board Memorandum on Self-Storage Parking Local Law

Dutchess County Department of Planning and Development Memorandum on Self Storage Parking Local Law

Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements

Warehouse Storage and Self-Storage - Schedule of Use Regulations

EAF for Self Storage Parking Local Law

Negative Declaration for Self-Storage Parking Local Law

Resolution Adopting a Local Law Regarding Self-Storage Parking

Memorandum
Planning Board

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon
Regarding Self-Storage Parking Requirements

DATE: September 15, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements. The Board discussed a possible amendment to add parking standards for self-storage facilities into the Code. Currently there are only provisions for warehouse facilities, and a self-storage facility requires a significantly lower number of parking spaces. A study on existing and comparable facilities was provided to support these claims. The Board was in support of these modifications to the City Code.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Self-Storage Parking Requirements**

Applicant: **City of Beacon**

Address of Property: **N/A**

**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: **9/28/2022**

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: 9/8/2022			
Date Requested: 9/28/2022			Referral #: ZR22-260
Date Required: 10/7/2022	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 9/14/2022			

PROPOSED LOCAL LAW NO. 09 OF 2022

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to amend Chapter 223 of the Code of the City of Beacon regarding the Schedule of Regulations, off-street parking standards and definitions for a warehouse storage and a self-storage facility.

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

Section 1. Chapter 223 Attachment 1 of the Code of the City of Beacon, entitled “Section 223-17, City of Beacon Schedule of Use Regulations” shall be amended for “Wholesale or storage business” as follows:

SEE ATTACHED CHART

Section 2. Chapter 223, Section 26, Subsection F of the Code of the City of Beacon entitled “Schedule of Off-Street Parking Requirements” is hereby amended to modify the standard for “Wholesale, storage, utility or other similar commercial use” and to add a requirement for “Self-storage facility” as follows:

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

...

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

Wholesale, <u>warehouse</u> storage, utility or other similar commercial use	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
--	---

Self-storage facility

1 space per 10,000 square feet of gross floor space,
plus one space per employee

Section 3. Chapter 223, Section 63 of the Code of the City of Beacon, entitled “Definitions” is hereby amended to delete the definition of “Storage Business” and to add definitions for “Self-Storage Facility” and “Warehouse Storage” as follows:

§223-63 Definitions.

~~STORAGE BUSINESS~~

~~A fully enclosed structure for the containment of materials, including warehouses and residential storage facilities with individual bays that are leased for the storage of personal property.~~

SELF-STORAGE FACILITY

An establishment that permits customers to store their own materials in private warehouse space with individual lockable units accessible from outdoor driveways or indoor hallways.

WAREHOUSE STORAGE

An establishment for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public). This does not include a Self-Storage Facility.

Section 4. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 5. Numbering for Codification

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

Section 6. Severability

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

Section 7. Effective Date

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

ZONING

223 Attachment 2

City of Beacon

§ 223-17. City of Beacon Schedule of Use Regulations
[Added 6-15-2020 by L.L. No. 7-2020¹; amended 2-16-2021 by L.L. No. 02-2021]

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Residential												
One-family detached dwelling		P	P	P	X	X	X	X	X	X	X	X
One-family attached/semidetached	Including townhouses	X	P	P	X	X	P	X	X	P	X	X
Two-family dwelling		X	P	P	X	X	X	X	X	X	X	X
Multifamily dwelling		X	SP*	P	P	P	P	P	X	P	X	X
Artist live/work space	Subject to § 223-14.2	X	X	P	P	P	P	P	X	P	P	X
Retail/Office/Service												
Retail, personal service, or bank		X	X	X	P	P	P	P	X	X	P	X
Office		X	X	P	P	P	P	P	X	P	P	X
Artist studio, art gallery/exhibit space		X	X	P	P	P	P	X	X	P	P	X
Funeral home		X	X	X	P	X	X	X	X	X	P	X
Commercial recreation, indoor		X	X	X	P	P	X	X	X	X	P	P
Auction gallery		X	X	X	P	X	X	X	X	X	P	P
Adult use	Subject to § 223-20.1	X	X	X	X	X	X	X	X	X	SP	X
Food/Lodging												
Restaurant or coffee house		X	X	X	P	P	P	P	SP*	P	X	X
Bar/brew pub/microbrewery/microdistillery		X	X	X	P	P	P	P	X	P	P	P
Food preparation business		X	X	X	P	SP	SP	X	X	X	P	P
Short-term rental	Subject to § 223-26.5	P	P	P	P	P	P	P	P	P	P	P
Bed-and-breakfast	Subject to § 223-24.4	SP	SP	SP	P	X	P	X	SP*	P	P	X
Inn		X	X	X	P	P	P	P	SP*	P	P	X
Hotel	Subject to § 223-14.1	X	X	X	P	P	P	P	X	X	P	X
Social/Community												
Spa/fitness center/exercise studio		X	X	SP	P	P	P	P	X	P	P	X
Day-care center		X	X	P	P	X	P	P	X	P	SP	X
Park, preserve, community garden		P	P	P	P	P	P	P	P	P	P	X
Theater, concert or conference space		X	X	X	P	P	P	P	X	P	P	X
Museum		SP*	SP*	SP*	P	P	P	P	X	P	P	SP
Place of worship/religious facility		P	P	P	P	X	X	X	X	X	P	X
Social club	Subject to § 223-24.2	SP	SP	SP	SP	P	X	X	X	X	SP	X
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

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

BEACON CODE

Permitted Uses by District	Reference Notes	All R1	All RD	T	GB	CMS	L	WD	WP	FCD	LI	HI
Government facility		P	P	P	P	P	P	P	P	P	P	P
Golf course		SP*	SP*	X	X	X	X	X	X	X	X	X
Health Care												
Hospital or nursing home	Subject to 223-21.1/22	SP*	SP*	X	X	X	X	X	X	P	P	P
Animal care facility		SP	SP	X	SP	X	X	X	X	X	SP	X
Educational												
College or university		SP*	SP*	X	P	P	P	X	X	P	P	P
Trade school or training program		X	X	X	P	P	P	X	X	P	P	P
Private school or nursery school		SP	SP	SP	P	X	P	X	X	P	SP	X
Parking/Auto-Oriented												
Off-street parking or parking structure	Subject to § 223-26	X	X	SP	SP	SP	X	X	X	X	X	X
Vehicle sales or rental lot		X	X	X	SP	X	X	X	X	X	SP	X
Gas filling station and/or car wash	Subject to Ch. 210/§ 223-21	X	X	X	SP	X	X	X	X	X	SP	X
Auto body or repair shop	Subject to Chapter 210	X	X	X	SP	X	X	X	X	X	SP	X
Ambulance service		SP	SP	SP	P	X	X	X	X	X	P	X
Industrial or Assembly												
Wholesale, warehouse storage or self-storage business		X	X	X	P	X	X	X	X	X	P	P
Workshop		X	X	SP	P	P	P	X	X	P	P	P
Industrial or manufacturing use		X	X	X	X	X	SP	X	X	P	P	P
Other												
Wireless communication facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Small cell wireless facility	Subject to § 223-26.4	P	P	P	P	P	P	P	P	P	P	P
Farm		P	X	X	X	X	X	X	X	X	X	X
Horticultural nursery		P	P	X	P	X	X	X	X	X	P	X
Historic District Overlay Use	Subject to § 223-24.7	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
Permitted Accessory Uses (includes uses/structures customarily incidental to a permitted principal use, but not an activity for commercial gain in a residential district)												
Accessory apartment	Subject to § 223-24.1	SP	SP	SP	X	X	X	X	X	X	X	X
Private tennis court or pool	Subject to § 223-13	P	P	P	X	X	X	X	X	X	X	X
Home occupation or artist studio	Subject to § 223-17.1	P	P	P	X	X	X	X	X	X	X	X
Parking structure		X	X	SP	X	P	P	P	X	P	X	X
Garden, roof garden, or greenhouse		P	P	P	P	P	P	P	P	P	P	P
Solar collectors	Subject to Article X	P	P	P	P	P	P	P	P	P	P	P
X = Use Not Permitted P = Permitted Use SP = Special Permit Use by Planning Board SP* = Special Permit Use by City Council	For specific standards see -->					Article IVD	Article IVE	Article IVA	Article IVA	Article IVC		

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law concerning requirements for self-storage facilities			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000	
		E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☐	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
_____ _____	☐	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
_____ _____	☐	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
_____ _____	☐	☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>September 8, 2022</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information

Project Narrative

The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses.

Under the proposed local law a self-storage facility is defined as "an establishment that permits customers to store their own materials in private warehouse space with individual lockable units accessible from outdoor driveways or indoor hallways." These facilities require one off-street parking space per 10,000 square feet of gross floor space, plus one off-street parking space per employee.

A warehouse storage facility is defined as "an establishment for the storage of products, supplies, and equipment offered for wholesale distribution (not for direct sale to the general public). This does not include a Self-Storage Facility." Such facilities require one off-street parking space per employee but not less than one off-street parking space per 1,000 square feet of gross floor area. These parking requirements are the same for wholesale, utility and other similar commercial uses.

Project: Self-Storage Parking

Date: September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City of Beacon is considering a proposed local law to amend Chapter 223 of the Code of the City of Beacon regarding off-street parking standards and definitions for a warehouse storage and a self-storage facility. The proposed local law defines self-storage facilities and warehouse storage facilities, and establishes clear off-street parking requirements for these uses. The purpose of the proposed local law is to create practical off-street parking requirements for self-storage facilities given the limited parking needs of these facilities. Self storage facilities are widely known to be low generators of parking. Long-term storage facilities have intermittent parking demands.

The proposed local law does not create a material conflict an an adopted land use plan or zoning regulation. The construction of a self-storage facility will still require site plan approval from the Planning Board. The Planning Board will have the opportunity to evaluate and mitigate potential impacts to the community or environment from the construction of such facilities.

For the reasons set forth herein, the proposed local law will not result in any significant adverse environmental impacts.

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

City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 121 OF 2022

**ADOPTING PROPOSED LOCAL LAW NO. 09 OF 2022 WHICH AMENDS CHAPTER 223 OF THE
CITY CODE REGARDING OFF-STREET PARKING STANDARDS FOR WAREHOUSE
STORAGE AND SELF-STORAGE FACILITY**

WHEREAS, pursuant to Resolution No. 2022-111 passed on August 15, 2022 the City of Beacon City Council set a public hearing for August 15, 2022 regarding the proposed City of Beacon Local Law No. 09 of 2022 (“proposed Local Law”) which amends Chapter 223 of the City Code regarding off-street parking standards for warehouse storage and self-storage facility (“Public Hearing”); and

WHEREAS, notice for the Public Hearing was published in the Poughkeepsie Journal on August 19, 2022; and

WHEREAS, the Public Hearing was held on September 19, 2022 and the City of Beacon City Council provided the opportunity for the public to comment on the proposed Local Law; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with the State Environmental Quality Review Act (“SEQRA”) and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed Local Law finding that the adoption of the proposed Local Law will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts Proposed Local Law No. 09 of 2022 which amends Chapter 223 of the City Code regarding off-street parking standards for warehouse storage and self-storage facility.

Resolution No. 121 of 2022			Date: August 15, 2022				
☐ 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
09/19/2022

Title:

Resolution No. 122 - Adopting a Proposed Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts

ATTACHMENTS

Keane & Beane, PC Memorandum Regarding Zoning Amendment

City of Beacon Planning Board Memorandum on Parking on Residential Lots Local Law

Dutchess County Department of Planning and Development Memorandum on Off-Street Parking Adjacent to Non-Residential Districts Local Law

Proposed Local Law Amending Off Street Parking Adjacent to Non-Residential Districts

EAF for Local Law Regarding Parking on Residential Lots

Negative Declaration for Parking on Residential Lots Local Law

Resolution Adopting a Local Law Regarding Off Street Parking Adjacent to Non-Residential Districts

■ **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**

99 Madison Avenue
New York, NY 10016
Phone 646.794.5747

MEMORANDUM

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

FROM: Keane & Beane, P.C.

RE: Proposed Local Law – Zoning

DATE: August 12, 2022

It has come to our attention that when the City Zoning Code was amended in June 2020, the ability to allow off-street parking on residential lots as a special permit use was inadvertently omitted. This omission was discovered during review of an application currently pending before the Planning Board for a multifamily residential project at 16 West Main Street. The application includes a small, landlocked parcel located in the R1-7.5 District to the rear of 16 West Main Street. The remainder of the project is in the Linkage District. When the application was submitted in 2019 it was noted that the applicant's use of the landlocked parcel for off-street parking would be subject to approval of a special permit. Review of the site plan and lot merger applications have proceeded before the Planning Board with that understanding until recently when the Planning Board adopted a SEQRA Negative Declaration and referred the application to the City Council for review of the special permit. During preparation of materials for the City Council's review, it was discovered that the Zoning Code provision that allowed off-street parking on this landlocked residential parcel had been inadvertently omitted from the Zoning Code.

It is proposed that the City Council consider reinstating the omitted use. In this regard, a draft local law was prepared to amend the City Zoning Code to reinstate off-street parking as a use permitted in the R1-7.5 and other residential districts by special permit subject to the limitations in the attached draft local law.

In the absence of action by the City Council, the applicant has the option to seek an area variance from the Zoning Board of Appeals to allow less parking than would otherwise be permitted for the project or file a petition to rezone the rear parcel. If the Council would like to consider the local law, the Council should refer the local law to the City and County Planning Board and schedule a public hearing in for the Council's second voting meeting in September.

Memorandum
Planning Board

TO: City Council

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Proposed Local Law to amend Chapter 223 of the Code of the City of Beacon
Regarding Off-Street Parking Adjacent to Non-Residential Districts

DATE: September 15, 2022

As requested, the Planning Board reviewed the proposed Local Law to amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts through the issuance of a Special Use Permit. The Board discussed a possible amendment to reinstate a provision to the City Code allowing parking in residential districts adjacent to commercial districts. This section was inadvertently removed when the Code was previously amended. This amendment would give the Planning Board the power to issue such permits, in place of the City Council. This provision will apply not only to current projects before the Planning Board, but to any future project which meets these requirements. The Board was in support of these modifications to the City Code.

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

239 Planning/Zoning Referral - Exemption Communities

Municipality: **City of Beacon**

Referring Agency: **Municipal Board**

Tax Parcel Number(s):

Project Name: **Local Law to Amend Chapter 223 of the Code of the City of Beacon Regarding Off-Street Parking Adjacent to Non-Residential Districts**

Applicant: **City of Beacon**

Address of Property: **N/A**

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

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

No Authority to review these Actions

- Subdivisions / Lot Line Adjustments
- Interpretations

☐ Exempt Action submitted for informal review

Actions Requiring 239 Review

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

Parcels within 500 feet of:

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

Date Response Requested: **9/28/2022**

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: 9/8/2022			Referral #: ZR22-261
Date Requested: 9/28/2022			
Date Required: 10/7/2022	☐ Also mailed hard copy	Reviewer:	
Date Transmitted: 9/16/2022			



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

September 16, 2022

To: City Council, City of Beacon
Re: **ZR22-261, Local Law – Surface parking on some residential lots**

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The City is considering reinstating a provision that would allow residentially zoned lots that share a border with commercially zoned lots to be used for surface parking with issuance of a special permit.

COMMENTS

The Council may wish to consider whether a rezoning is more appropriate in this case. A quick GIS review shows that over 100 residential parcels would qualify under this provision. Given that this use is likely only appropriate in a few cases, rezoning those specific parcels as a need arises may be a more targeted way to address this issue.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner
By

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

Dylan Tuttle
Planner

PROPOSED LOCAL LAW NO. 10 OF 2022

**CITY COUNCIL
CITY OF BEACON**

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

A LOCAL LAW to
amend Chapter 223
of the Code of the
City of Beacon
regarding off-street
parking.

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

Section 1. Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon, entitled “Location, use, design, construction and maintenance” shall be added as follows:

...

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

Section 2. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapters 223 and 210 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 upon filing with the Office of the Secretary of State.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Local Law concerning off-street parking adjacent to residential properties			
Project Location (describe, and attach a location map): City of Beacon			
Brief Description of Proposed Action: The City of Beacon is considering a proposed local law to create Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.			
Name of Applicant or Sponsor: City of Beacon		Telephone: 845-838-5000 E-Mail: cityofbeacon@beaconny.gov	
Address: 1 Municipal Plaza			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☐	YES ☒
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☐	YES ☐
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

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

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

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

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

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

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>City of Beacon City Code</u> Date: <u>September 8, 2022</u> Signature: <u><i>Drew Jamils</i></u> Title: <u>City Attorney</u>		

City of Beacon
Short Environmental Assessment Form
Part 1 - Project Information

Project Narrative

The City of Beacon is considering a proposed local law to add Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on non-residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.

The new provision permits the Planning Board to issue a special permit to allow off-street parking for private passenger vehicles on a lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district, provided that the off-street parking shall be on a portion of the lot within 200 feet of the commercial or industrial district and that the use shall not include fee-based parking for railroad commuters. This provision was inadvertently omitted from the Zoning Code in 2020.

Project: Parking Special Permit

Date: September 15, 2022

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Short Environmental Assessment Form

Part 3 Determination of Significance

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

The City of Beacon is considering a proposed local law to add Chapter 223, Section 26, Subsection C, Item 8 of the Code of the City of Beacon concerning off-street parking for private passenger vehicles on non-residential properties. The proposed local law amends the City Zoning Code to reinstate off-street parking as a use permitted in residential zoning districts by special permit subject to certain the limitations.

The purpose of the proposed local law is to allow the Planning Board to issue a special permit to allow off-street parking for passenger vehicles on a lot in a residential district which has a shared parcel line for at least 20 feet with a commercial or industrial district.

For the reasons set forth herein, the proposed local law will not result in any significant adverse environmental impacts.

☐	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
☒	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
City of Beacon City Council	September 19, 2022
Name of Lead Agency	Date
Lee Kyriacou	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 122 OF 2022

**ADOPTING PROPOSED LOCAL LAW NO. 10 OF 2022 WHICH AMENDS CHAPTER 223 OF THE
CITY CODE REGARDING OFF-STREET PARKING**

WHEREAS, pursuant to Resolution No. 2022-112 passed on August 15, 2022 the City of Beacon City Council set a public hearing for August 15, 2022 regarding the proposed City of Beacon Local Law No. 10 of 2022 (“proposed Local Law”) which amends Chapter 223 of the City Code regarding off-street parking (“Public Hearing”); and

WHEREAS, notice for the Public Hearing was published in the Poughkeepsie Journal on August 19, 2022; and

WHEREAS, the Public Hearing was held on September 19, 2022 and the City of Beacon City Council provided the opportunity for the public to comment on the proposed Local Law; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council in accordance with the State Environmental Quality Review Act (“SEQRA”) and upon review of the Short Environmental Assessment Form and all other materials prepared, hereby adopts the attached Negative Declaration for the proposed Local Law finding that the adoption of the proposed Local Law will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the City of Beacon City Council hereby adopts the Proposed Local Law No. 10 of 2022 which amends Chapter 223 of the City Code regarding off-street parking.

Resolution No. 122 of 2022			Date: August 15, 2022				
☐ 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
09/19/2022

Title:

September 6, 2022 City Council Minutes

ATTACHMENTS

[September 6, 2022 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

**September 6, 2022
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 Paloma Wake, At Large

Councilmember George Mansfield, At Large

Councilmember Molly Rhodes, Ward One

Councilmember Justice McCray, Ward Two

Councilmember Wren Longno, Ward Three

Also Present

Chris White, City Administrator

Nicholas Ward-Willis, City Attorney

Call to Order

Pledge of Allegiance

Roll Call

Community Segment

[Mitchell Associates Architects Presentation on Lewis Tompkins Hose Firehouse Renovation Project](#)

Public Comment

Reports: Mayor, City Council, and City Administrator

Local Laws and Resolutions

1. [Resolution No. 114 - Appointing Aaron Harrison to the Position of Motor Equipment Operator](#)

Motion to pass the resolution by Councilmember Wake.

Second by Councilmember McCray.

Motion passes 6 – 0.

2. [Resolution No. 115 - Authorizing an Amendment to an Agreement with Mitchell Associates Architects, PLLC for Design of the Lewis Tompkins Hose Fire Station Renovation Project](#)

Motion to pass the resolution by Councilmember Longno.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

3. [Resolution No. 116 - Authorizing an Agreement with Tighe & Bond for Engineering Design for the Sludge Dewatering System at the Wastewater Treatment Plant](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember McCray.

Motion passes 6 – 0.

4. [Resolution No. 117 - Authorizing a Bond Issuance for the Sludge Dewatering System at the Wastewater Treatment Plant](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 6 – 0.

5. [Resolution No. 118 - Amending the 2022 City Council Meeting Dates and Times](#)

Motion to pass the resolution by Councilmember Rhodes.

Second by Councilmember Longno.

Motion passes 6 – 0.

Approval of Minutes

1. [August 15, 2022 City Council Minutes](#)

Motion to approve the minutes by Councilmember McCray.

Second by Councilmember Rhodes.

Motion passes 6 – 0.

2nd Opportunity for Public Comments

Adjournment

Motion to adjourn by Councilmember Rhodes.

Second by Councilmember Wake.

Motion passes 6 – 0.