CITY OF BEACON, NEW YORK
THE PLANNING BOARD WILL MEET ON WEDNESDAY, SEPTEMBER 9, 2020 AT 7:00 PM. A WORK SESSION WILL TAKE PLACE AT 7:00 PM FOR A TRAINING WORKSHOP, DISCUSSION OF AGENDA ITEMS AND/OR TOPICS OF INTEREST TO THE PLANNING BOARD. THE REGULAR MEETING WILL BEGIN IMMEDIATELY THEREAFTER, BUT NOT LATER THAN 7:30 PM. DUE TO PUBLIC HEALTH AND SAFETY CONCERNS RELATED TO COVID-19, THE PLANNING BOARD WILL NOT BE MEETING IN-PERSON. IN ACCORDANCE WITH THE GOVERNORâ€™S EXECUTIVE ORDER 202.1, THE SEPTEMBER 9, 2020 MEETING WILL BE HELD VIA VIDEOCONFERENCING, AND A TRANSCRIPT WILL BE PROVIDED AT A LATER DATE. THE PUBLIC CAN WATCH THE LIVE MEETING ONLINE AT YOUTUBE AT HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCVPPIGGWZDERSUDXG. IF ANY MEMBERS OF THE PUBLIC WOULD LIKE TO PROVIDE COMMENTS, THEY CAN CALL IN DURING THE MEETING AT (929) 205-6099; WEBINAR ID: 811 0883 5598; PASSWORD: 565698. COMMENTS CAN ALSO BE PROVIDED VIA EMAIL NO LATER THAN 5PM ON

Len Warner
Karen Quiana
Kevin Byrne
Jill Reynolds
J. Randall Williams
Richard Muscat
Chair John Gunn

SEPTEMBER 9, 2020 TO ETHA
GROGAN, AT
EGROGAN@CITYOFBEACON.ORG.

September 9, 2020
7:00 PM
Planning Board Agenda

Regular Meeting

1. Continue public hearing for SEQRA environmental review on applications for Subdivision and Site Plan Approval, "Beacon Views Townhouses" 40 units, Conklin Street, submitted by Beacon Views, LLC (postponed at the applicant's request)
2. Continue public hearing for SEQRA environmental review on applications for Site Plan Approval and Subdivision (lot merger) Approval, retail/residential, 416-420 Main Street, mixed-use commercial, office & residential development, submitted by 416 Main Street Beacon, LLC & 420 Main Street, LLC (d/b/a 420 Main St., LLC)
3. Review application for Subdivision, one lot, 11-89 Mason Circle (Front Street), submitted by Beacon Lofts & Storage, LLC

Miscellaneous Business

1. Zoning Board of Appeals - September Agenda
2. Consider request for two 90-day extensions of Subdivision Approval & Site Plan Approval, Edgewater, submitted by Scenic Beacon Developments, LLC
3. River Ridge Pocket Park (postponed per City Attorney)
4. City Council request to review proposed Local Law amending Chapter 223 concerning Wireless Telecommunications
5. City Council request for review proposed Local Law amending Chapter 134 and Chapter 223 concerning Historic Preservation

Architectural Review

1. Single Family House - Archer Avenue

City of Beacon Planning Board Agenda
09/09/2020

Title:

Continue public hearing for SEQRA environmental review on applications for Subdivision and Site Plan Approval, "Beacon Views Townhouses" 40 units, Conklin Street, submitted by Beacon Views, LLC
(postponed at the applicant's request)

ATTACHMENTS

City of Beacon Planning Board Agenda
09/09/2020

Title:

Continue public hearing for SEQRA environmental review on applications for Site Plan Approval and Subdivision (lot merger) Approval, retail/residential, 416-420 Main Street, mixed-use commercial, office & residential development, submitted by 416 Main Street Beacon, LLC & 420 Main Street, LLC (d/b/a 420 Main St., LLC)

ATTACHMENTS

416-420 Main Street Attorney Cover Letter.PDF

416-420 Main Street Exhibit A - Architect Response.pdf

416-420 Main Street Exhibit B - Traffic Engineer Response to Comments Letter.pdf

416-420 Main Street Exhibit C - Landscape Architect Letter.pdf

416-420 Main Street Exhibit D - Engineer Cover Letter.pdf

416-420 Main Street Sheet 1 Site Plan.pdf

416-420 Main Street Sheet 2 Existing Condition Demolition Plan.pdf

416-420 Main Street Sheet 3 Landscape and Lighting Plan.pdf

416-420 Main Street Sheet 4 Floor Plans.pdf

416-420 Main Street Sheet 5 Building Elevations and Views.pdf

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Taylor M. Palmer, Esq.
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August 25, 2020

VIA E-MAIL
Hon. John Gunn
And Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Application for Special Use Permit, Subdivision (Lot Line Change) & Site Plan Approvals
Supplemental SEQR Submission
Premises: 416-420 Main Street, Beacon, New York
Tax Parcel IDs: (6054-29-056780 & 6054-29-056774)

Dear Chairman Gunn and Members of the Planning Board:

We respectfully submit this letter and the referenced enclosures on behalf of 416 Main Street Beacon, LLC and 420 Main Street, LLC, D/B/A 420 Main St. Beacon, LLC (collectively, the "Applicant"), the owners of the above-referenced Premises, in furtherance of the pending Application and the Planning Board's continued SEQR review of the Project.

Since we last appeared before your Board on August 11th, the Applicant further refined the landscaping plan and the building program, and updated the parking study in response to comments from the Planning Board and its consultants.

REFINED BUILDING PROGRAM:

As is more fully detailed in the updated plans included in the enclosed updated site plan set, the Applicant has made the following changes to the building program in response to the Planning Board's comments and in response to comments from the Architectural Review Board ("ARB") at its meeting on August 14, 2020:

1) Reduced the size of the upper cornice and lightened the color;
2) Modified the brick quoins at the chamfered corner;
3) Changed the storefront color to an off-white;
4) Adjusted the fourth floor design and color – more like a traditional greenhouse design; and
5) Changed the rear elevation to add planters at the roof line.

Additionally, the building entrance was modified to include a revolving door.

In support of this supplemental submission, we respectfully submit copies of the revised site plans and renderings entitled "Site Plan Application – 416-420 Main Street", prepared by Aryeh Siegel, Architect, and Hudson Land Design Professional Engineering, P.C., dated April 28, 2020, last revised August 25, 2020 and numbered and titled as follows:

- Sheet 1 of 10 – Site Plan;
- Sheet 2 of 10 – Existing Conditions & Demolition Plan;
- Sheet 3 of 10 – Landscape Plan & Planting Schedule;
- Sheet 4 of 10 – Building Plans; and
- Sheet 5 of 10 – Building Plans & Renderings.[1]

Please also see the enclosed Response to Comments Letter Dated August 25, 2020, enclosed as **Exhibit A**, prepared by Aryeh Siegel Architect, in response to the letters prepared by Lanc & Tully and John Clarke Planning and Design dated August 7, 2020 and August 6, 2020, respectively (collectively the "Consultant Comment Letters"), which includes additional details regarding the refined building program.

UPDATED TRAFFIC IMPACT AND PARKING STUDY:

Following the Applicant's presentation at August 11th Planning Board meeting, the Applicant's traffic consultant reviewed additional parking data related to on-street parking along Schenck Avenue. As is more fully detailed in the Response to Comments letter enclosed as **Exhibit B**, which was prepared by Maser Consulting in response to the comments in the letter prepared by Creighton Manning dated August 10, 2020 and the comments from the August 11, 2020 SEQR public hearing, the Applicant's traffic consultant prepared two (2) additional on-street parking alternatives along Schenck Avenue.

The first alternative provides parking along the west side of Schenck Avenue only and would provide only four (4) on-street parking spaces, thereby reducing the on-street parking by two (2) spaces. The second alternative provides parking along the east side of Schenck Avenue only and would provide six (6) on-street parking spaces, which is the same number of spaces that Maser

[1] As noted in the Hudson Land Design Response to Comments Letter Dated August 25, 2020, sheet 1 of 1 and sheets 6 of 10 through sheet 10 of 10 will be updated in a future submission once details are confirmed by the Planning Board. *See* **Exhibit D**.

proposed in their recommended on-street parking plan that was previously submitted for review by to this Board. As is detailed in **Exhibit B**, Maser expressed concerns with these less-preferred alternatives highlighting sight distance, emergency service access and vehicle conflicts associated with the less-preferred alternatives that do not create new or additional spaces over the proposed preferred alternative.

As was discussed at the SEQR public hearing and in response to comments from the public, the Applicant's preferred on-street parking plan allows for six (6) total on-street parking spaces along Schenck Avenue (3 on west side and 3 on east side), which increases the available (and legal) on-street parking spaces on Schenck Avenue between Main Street and South Street by two (2) spaces and also maintains on-street parking spaces in front of the 412 Main Street commercial building. Therefore the originally proposed alternative is the preferred alternative in connection with the Project.

LANDSCAPING PLAN & STREET TREE PLANTER:

As was discussed at the August 11th SEQR public hearing, the Applicant continues to refine the landscaping plan for the property together with the project Landscape Architect, Debra Adamsons of Landscape Restorations. The Applicant anticipates informally presenting the proposed landscape plan at the September 9th continued SEQR public hearing, and while the formal landscape plan is forthcoming, the landscape design elements that are being incorporated into the landscape plan are anticipated to include:

- A native planting palette that creates biodiversity, offers food and cover for pollinators and birds and adds beauty in all four (4) seasons. These native plants are low maintenance, once established and reduce/eliminate the need for power tools, water and chemicals;
- A garden area behind the mixed-use building will be open and inviting from Schenck Avenue, not secluded from the public;
- Three (3) shade trees are proposed along Schenck Avenue making the total tree count for the project at fourteen (14); and
- The proposed deck areas in the rear of the mixed-use building and the third floor roof are greened.

Additionally, enclosed as **Exhibit C**, please find a letter prepared by the Applicant's Landscape Architect regarding the existing street tree along Main Street in the existing failing planter. As detailed in the enclosed letter, the existing street tree should be removed and replaced. The

existing planter is cracked on all corners, and the roots from the tree are pushing up the sidewalk. The Applicant's Landscape Architect also confirmed that the tree's crown is too big for the street corner, and as will be shown in the forthcoming landscape plan, the Applicant will propose to replace the tree with a native tree better suited for the corner and utilizing current, high-tech planting materials that are in line aesthetically with the project area. *See* **Exhibit C**.

ADDITIONAL RESPONSE TO COMMENTS MEMORANDUM & INDEX OF ENCLOSURES:

Additionally, in further support of this Application, enclosed please find copies of the following Response to Comments letter prepared by the Applicant's Engineering Consultant, Hudson Land Design:

- Hudson Land Design Response to Comments Letter Dated August 25, 2020, in response to the Consultant Comment Letters (**Exhibit D**).

For ease of reference, in addition to the updated site plan sheets referenced above, the following documents are enclosed herein for consideration in advance of the Planning Board's September 9th meeting Agenda:[2]

Exhibit A: Aryeh Seigel Architect Response to Comments Letter Dated August 25, 2020, 2020, in response to the Consultant Comments Letters;

Exhibit B: Maser Consulting Response to Comments Letter dated August 25, 2020 Prepared in Response to the Comments in the Letter Prepared by Creighton Manning dated August 11, 2020;

Exhibit C: Street Tree Planter Letter prepared by Debra Adamsons of Landscape Restorations; and

Exhibit D: Hudson Land Design Response to Comments Letter Dated August 25, 2020, in response to the Consultant Comments Letters.

We look forward to appearing at the Planning Board's September 9th regular meeting for the continued SEQR public hearing and for the continued review of the Project.

[2] Note: Pursuant to our communications with the City of Beacon Building Department, only electronic submissions are requested at this time.

In the meantime, should the Planning Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

Taylor M. Palmer

Enclosures
cc: Jennifer L. Gray, Esq.
John Clarke Planning and Design
Lanc & Tully Engineering and Surveying, P.C.
Aryeh J. Seigel Architect
Michael A. Bodendorf, P.E. – Hudson Land Design Professional Engineering, P.C.
Maser Consulting P.A.

ARYEH SIEGEL
ARCHITECT

John Gunn - Planning Board Chairman
City of Beacon
One Municipal Plaza
Beacon, NY 12508

Re: 416-420 Main STreet, Beacon, New York
Site Plan Application – Responses to Comments

August 25, 2020

Dear Chairman Gunn and Members of the Planning Board,

Below please find our responses to the comments included in John Clarke Planning and Design's Memorandum, dated July 9, 2020, and Lanc & Tully's letter dated July, 2020. Please find additional responses in Hudson Land Design's separate letter

John Clarke Planning and Design Comment Responses:

1. For Sheet 1 – Site Plan:
    a The front setback is 9.25' and is aligned with the average building setback within 250 feet of on the south side of South Street, instead of the normally required 10' setback.
    b The duplicate parking table has been removed from the drawing
    c Please refer to the letter from the Landscape Designer, Landscape Restorations, regardingthe existing tree in the planter at the corner of Main Street and Schenck Avenue.
    d Parking below the deck is shown dashed on the site plan

2. For Sheet 3 Landscaping
    a A Landscape Schedule will be provided in a future submission.
    b There will be street trees along Schenck Avenue
    c The light fixture information is being researched and will be provided in a future submission.

3. For Sheet 4 and 5 – Building Plans
    a Comment acknowledged.
    b Window elevations will be coordinated with building plans
    c Elevations for the live work building will be provided

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Beacon, New York 12508 | www.ajsarch.com | *Fax* 845 838 2657

d The applicant met with the ARB Sub-Committee on August 14, 2020. We received comments and are addressing them with revised designs.

4. The parking detail has been revised to show 18 foot lengths

5. The site plan now shows a trash enclosure. They will use individual 90 gallon rolling cans.

6. Comment acknowledged. The Applicant will review the plans for Schenck Avenue with the Board.

Lanc & Tully Comment Responses:

General Comments:

1. Proposed traffic improvements will be included on the site plan when an approach has been discussed and accepted by the Planning Board

2. The Applicant will provide further information to the Board regarding the question of a lot for every building.

Preliminary Subdivision Plat:

Please refer to Hudson Land Design's response letter

Existing Conditions & Demolition Plan (Sheet 2 of 10):

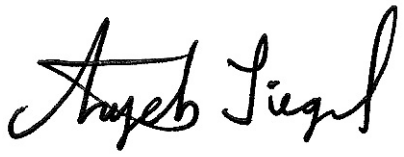
1. The note regarding the concrete planter has been corrected to note that it is a granite plan that will be replaced in-kind.

Landscape & Lighting Plan (Sheet 3 of 10):

1. A Landscape Designer has been retained. A planting schedule and landscape plan will be provided in future submissions.

Thank you. Please let me know if you have any questions.

Sincerely,



Aryeh Siegel
Aryeh Siegel, Architect

MASER CONSULTING

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Landscape Architects
Environmental Scientists

400 Columbus Avenue, Suite 180E
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August 25, 2020

VIA E-MAIL

Chairman John Gunn
City of Beacon Planning Board
City of Beacon City Hall
1 Municipal Plaza
Beacon, NY 12508

Re: 416-420 Main Street
City of Beacon, Dutchess County, New York
MC Project No. 20000282A

Dear Chairman Gunn and Members of the Planning Board:

We are writing on behalf of the Applicant for the proposed 416-420 Main Street project in order to provide additional information regarding the parking associated with the proposed development in response to comments received from provided by Creighton Manning Engineering (CME) in their letter dated August 10, 2020 as well as comments from both the Board and the Public during the most recent planning board meeting on August 11, 2020.

The CME comments, which are responded to in detail below, were made based on our previous submission, which included the Schenck Avenue Proposed Parking Plan. That parking plan includes three (3) on-street parking spaces on the west side of Schenck Avenue near Main Street and three (3) parking spaces on the east side of Schenck Avenue near South Street along with a lateral shift in two-way traffic along Schenck Avenue. Based on comments from the Board in which concerns about the lateral shift in traffic were expressed, we have also prepared two alternate plans for parking along Schenck Avenue for the Boards information and consideration.

The first alternative, which is detailed on Sheet No. 2A attached, provides parking along the west side of Schenck Avenue only and clearly delineates the two-way traffic path along Schenck Avenue with the addition of a striped double yellow centerline. This alternate would provide four (4) on-street parking spaces on the west side of Schenck Avenue between Main Street and South Street reducing the available parking in this area by two (2) spaces from the existing six (6) available on-street spaces. Therefore, we do not find this to be an acceptable alternative.

The second alternative, which is detailed on Sheet No. 2B attached, provides parking along the east side of Schenck Avenue only and clearly delineates the two-way traffic path along Schenck Avenue with the addition of a striped double yellow centerline. This alternative would provide six (6) on-street parking spaces on the east side of Schenck Avenue between Main Street and South Street which is equivalent to the existing available parking in this area. However, as shown on the proposed parking plan, this alternative would restrict the sight lines from the proposed driveway looking to both the left and the right. Furthermore, this alternative may hinder emergency vehicle access to the proposed development. Finally, on-street parking along the east side of Schenck Avenue in close proximity to Main Street could potentially create conflicts with parking vehicles and vehicles turning from Main Street onto Schenck Avenue. For these reasons we have identified the original parking plan with three (3) spaces on the west side and three (3) spaces on the east side of Schenck Avenue as the preferred alternative.

Detailed responses to the CME comments are provided below. The items are numbered according to their review comments and generally reference the preferred alternative however all comments have also been considered in preparation of the alternative parking plans.

CME Comment Reponses

1. Our May 8, 2020, letter stated that sight lines should be added to the Site Plan for both driveways. The applicant has agreed to do this as part of the Final Site Plan. Since decisions need to be made about on-street parking relative to this project in the near term, we recommend that the sight lines be added to the plan as part of the next filing.

   Response: ***The sight lines at both proposed driveway locations have been added to the proposed parking plans. It should be noted that Schenck Avenue does not have a posted speed limit, therefore the City Speed Limit of 30 MPH applies. AASHTO requires a minimum 200 ft. stopping sight distance for a 30 MPH speed. It should be noted that based on our observations of existing traffic along both Schenck Avenue and South Street as well as the limited roadway width, presence of on-street parking and pedestrian movements along the roadway, it is the opinion of Maser Consulting that a 20 MPH operating speed is appropriate for this location, which would reduce the required sight distance to 115 ft. Regardless the more critical 200 ft. stopping sight distance has been utilized to analyze the sight distance at the driveway locations as shown on the attached plans.***

   The 200 ft. sight line is shown on the plan looking left and right from the proposed Schenck Avenue driveway location while the 200 ft. sight line is

shown looking to the right only from the South Street driveway location. The sight line looking to the left from the South Street driveway location is not shown on the plan due to the driveway's proximity to Schenck Avenue (approximately 40 ft.). In addition, the sight line looking to the left from the Schenck Avenue driveway is limited by the proximity of Main Street to this driveway and approximately 140 ft. of sight distance is provided. The sightline looking to the right from the Schenck Avenue driveway location is limited by the existing and proposed on-street parking along the east side of the roadway north of the proposed driveway location, however given the low speed, low volume nature of Schenck Avenue it is the opinion of Maser Consulting that this can be accommodated safely and is not an uncommon condition for driveways in a downtown urban setting such as this. It should also be noted that the double yellow centerline and shift in southbound traffic towards the west side of the roadway, proposed as part of the preferred alternative helps to maximize the available sight distance to the greatest extent possible.

2. CM has no further comments regarding the applicant's parking analysis methodology or findings. We continue to recommend that the city consider adopting a tracking system as explained in our July 10, 2020, letter.

   Response: Comment noted. No further response required.

3. By preparing the Concept Plan for 416-420 Main Street, specifically Sheet 1 of 3, Maser has clearly identified the existing on-street parking conditions along Schenck Avenue between Main Street and South Street. Despite the limited width of Schenck Avenue, Maser identified six (6) compliant on-street parking spaces considering both sides of the street and the existing regulation signs. Maser also identified two (2) non-compliant spaces that are used by drivers but should not be counted as official spaces. CM agrees that six (6) on-street parking spaces should be base condition for this block.

   Response: Comment noted. No further response required.

4. Sheet 2 of 3 illustrates Maser's recommended signing and striping improvements for Schenck Avenue where there competing factors—two-way traffic flow, on-street parking, and limited street width. During the course of this application, the City has expressed a desire to maintain two-way traffic flow and maintain, if not increase, on-street parking on Schenck Avenue. The drawing proposes to preserve a total of six (6) on-street parking spaces by establishing three (3) on-street parking spaces along the easterly side of the block where only two (2) exist. This

is possible due to the reduction in the width of the proposed site driveway to 12 feet. In order to accommodate parking on both sides of the street and maintain two-way traffic flow, Maser proposes to install a center line (double yellow) that will transition laterally such that a minimum of 18 feet is provided for two-way traffic flow on the block. The proposed center line does not appear to reduce the current width of the traveled way; the applicant should confirm this.

Response: ***The Schenck Avenue proposed parking plan will not reduce the current width of the traveled way along the roadway.***

a. Schenck Avenue does not presently provide a center line. The center line will help drivers navigate the block and reinforce curbside areas where on-street parking is not permitted, which is consistent with the Option provided in the Manual on Uniform Traffic Control Devices (MUTCD), Section 3B.01, paragraph 03. The length of the transition zone should be dimensioned and checked for adequacy based on the lateral shift, operating speed, and turning radii.

Response: ***A lateral shift of 7 ft. is proposed along Schenck Avenue as part of the proposed parking plan preferred alternative. Assuming an operating speed of 20 MPH for this area of the roadway, the minimum length of transition required is 46.7 ft. A lateral shift of 48 ft. is provided as shown on the plan.***

b. The placement of the stop line on Schenck Avenue at Main Street should be verified based on turning radii for passenger vehicles to ensure maneuverability within the intersection.

Response: ***The location of the stop sign has been reviewed with respect to the turning radii for passenger vehicles. An insert has been added to the plan showing the anticipated passenger car turning paths. The stop line location has been adjusted accordingly. This has also been considered for the two alternative plans.***

c. The typical dimensions of the on-street parking spaces should be indicated on the plan since they are proposed to be striped.

Response: ***The typical dimension of on-street parking spaces is 7 ft. wide by 20 ft. long. This is now identified on the attached plans.***

d. A diagonal line should be added immediately before the first parking space on the east side of Schenck Avenue to complement the center-line transition (similar to the first space on the west side).

Response: ***This additional diagonal line immediately north of the proposed driveway has been added to the preferred alternative plan.***

e. The drawing should be extended to show how the southbound Schenck Avenue approach to South Street aligns with the proposed southbound receiving lane. Are additional curbside restrictions needed north of South Street in order to transition southbound traffic to the curbside?

Response: ***The Schenck Avenue proposed parking plan has been extended to the north to show the alignment with the existing conditions along Schenck Avenue north of South Street. North of South Street, Schenck Avenue has a similar roadway width of approximately 25-27 ft. accommodating two-way traffic and parking on both sides of the roadway. A dashed double yellow centerline has been added through the South Street intersection to shift traffic back to the current alignment of Schenck Avenue north of South Street.***

f. "No Parking" signs should be added to the west side of Schenck Avenue to indicate that parking is not permitted on the northerly half of the block. CM does not recommend that the existing space in this area be maintained given the street's limited width.

Response: ***"No Parking" signs have been added to the west side of Schenck Avenue at the northerly end near South Street as shown on the plans.***

g. The existing yellow hatched area on the west side Schenck Avenue near Main Street should be changed from yellow to white and the diagonal markings should be rotated 90 degrees. We agree the hatched area on the east side of Schenck Avenue near Main Street should be removed.

Response: ***The existing yellow hatched area on the west side of Schenck Avenue is now shown to be modified from Yellow to White striping and the diagonal markings rotated 90 degrees. This is similarly addressed on both alternative parking plans.***

5. Sheet 3 of 3 illustrates the potential additional on-street parking, 16 spaces, that could be gained on Fishkill Avenue within 800 feet of the subject site. Six (6) of these spaces are already proposed as part of the Fishkill Avenue project. The other ten spaces require coordination with WSP Global, the engineering firm currently developing the plans for Fishkill Avenue. Maser indicated that WSP Global and the City will discuss whether this additional parking can be achieved as part of the project. CM finds this approach acceptable.

Response: Comment noted. No further response required.

Very truly yours,

MASER CONSULTING CONNECTICUT, P.C.

Richard G. D'Andrea, P.E., PTOE
Principal Associate/Project Manger

RGD/ces
Enclosures

R:\Projects\2020\20000282A_416-420 Main Street\Correspondence\OUT\200824RGD_CME 8.10.20 Response.docx



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REV	DATE	DRAWN BY	DESCRIPTION

CONCEPT PLAN

FOR

416-420 MAIN STREET

MAIN STREET AT SCHENCK AVENUE

CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

WESTCHESTER OFFICE
400 Columbus Avenue
Suite 180E
Valhalla, NY 10595

Phone: 914.347.7500
Fax: 914.347.7266

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	7/16/20	RGD	PJG

PROJECT NUMBER:	DRAWING NAME:
20000282A	200824RGD_PARKING CONCEPTS

SHEET TITLE:

SCHENCK AVENUE
EXISTING PARKING

SHEET NUMBER:

1 of 3

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

By: RDANDREA
02820A_416-420 Main Street\Plans (Maser PDFs)\200824RGD_Parking Concepts.dwg\R-01-EXIST. PARKING



PASSENGER CAR
TURNING RADIUS DIAGRAM

SCHENCK AVENUE

200 FT. STOPPING SIGHT DISTANCE

200 FT. STOPPING SIGHT DISTANCE

SOUTH STREET

INSTALL SIGN
PARKING ANY TIME
NYP1-2 (12"x18")

3 PROPOSED STRIPED SPACES EAST SIDE OF SCHENCK, NO PARKING WEST SIDE OF SCHENCK

STRIPED DOUBLE YELLOW CENTERLINE FOR DELINEATION OF TRAVEL LANES

3 EXISTING SPACES WEST SIDE OF SCHENCK TO REMAIN, STRIPING TO BE ADDED FOR DELINEATION OF SPACES, NO PARKING ON EAST SIDE OF SCHENCK

EXISTING SIGN
NO PARKING HERE TO CORNER

INSTALL SIGN
STOP
R1-1 (30"x30")

INSTALL SIGNS BACK-TO-BACK
W11-2(R) (30"x30")
W16-7P(R) (24"x12")
W11-2(L) (30"x30")
W16-7P(L) (24"x12")

MAIN STREET

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

EXIST. HATCHED STRIPING TO BE RESTRIPED AS 4" WHITE STRIPING. NEW MARKINGS TO BE ROTATED 90° FROM EXISTING

20'
48'
20'
7'
18'

REMOVE SIGN
NO PARKING BETWEEN SIGNS

INSTALL SIGN
PARKING ANY TIME
NYP1-2 (12"x18")

REMOVE SIGN
NO PARKING HERE TO CORNER
NO PARKING BETWEEN SIGNS

INSTALL SIGN
PARKING ANY TIME
NYP1-2 (12"x18")

Now or Formerly Beacon Main Realty Group 6054-29-062771

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

EXIST. HATCHED STRIPING TO BE REMOVED

140 FT. SIGHT DISTANCE

INSTALL PAINTED WHITE STOP BAR TO BE PLACED 4 FT. PRIOR TO CROSSWALK LINE

30 0 30 60
SCALE : 1" = 30'

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State of N.Y. C.O.A: 0008671 / 0008821

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REV	DATE	DRAWN BY	DESCRIPTION

CONCEPT PLAN

FOR

416-420 MAIN STREET

MAIN STREET AT SCHENCK AVENUE

CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

WESTCHESTER OFFICE
400 Columbus Avenue
Suite 180E
Valhalla, NY 10595

Phone: 914.347.7500
Fax: 914.347.7266

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	7/16/20	RGD	P/G

PROJECT NUMBER:	DRAWING NAME:
20000282A	200824RGD_PARKING CONCEPTS

SHEET TITLE:
SCHENCK AVENUE
PROPOSED PARKING
PREFERRED PLAN

SHEET NUMBER:
2 of 3

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

0282A, 416-420 Main Street\Plans (Maser PDFs)\200824RGD_Parking Concepts.dwg(R-02-PROP. PARKING (ALT 1) By: RDANDREA



PASSENGER CAR
TURNING RADIUS DIAGRAM

SCHENCK AVENUE

200 FT. STOPPING SIGHT DISTANCE

200 FT. STOPPING SIGHT DISTANCE

SOUTH STREET

INSTALL SIGN
NO PARKING ANY TIME
NYP1-2 (12"x18")

REMOVE SIGN
NO PARKING BETWEEN SIGNS

REMOVE SIGN
NO PARKING HERE TO CORNER
NO PARKING BETWEEN SIGNS

INSTALL SIGN
NO PARKING ANY TIME
NYP1-2 (12"x18")

20'

7'

18'

1 PROPOSED STRIPED SPACES WEST SIDE OF SCHENCK, NO PARKING EAST SIDE OF SCHENCK

STRIPED DOUBLE YELLOW CENTERLINE FOR DELINEATION OF TRAVEL LANES

3 EXISTING SPACES WEST SIDE OF SCHENCK TO REMAIN, STRIPING TO BE ADDED FOR DELINEATION OF SPACES, NO PARKING ON EAST SIDE OF SCHENCK

EXISTING SIGN
NO PARKING HERE TO CORNER

INSTALL SIGN
STOP
R1-1 (30"x30")

INSTALL SIGNS BACK-TO-BACK
W11-2(R) (30"x30")
W11-2(L) (30"x30")
W16-7P(R) (24"x12")
W16-7P(L) (24"x12")

Now or Formerly Beacon Main Realty Group 6054-29-062771

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

MAIN STREET

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

EXIST. HATCHED STRIPING TO BE REMOVED

140 FT. SIGHT DISTANCE

EXIST. HATCHED STRIPING TO BE RESTRIPED AS 4" WHITE STRIPING. NEW MARKINGS TO BE ROTATED 90° FROM EXISTING

INSTALL PAINTED WHITE STOP BAR TO BE PLACED 4 FT. PRIOR TO CROSSWALK LINE

30 0 30 60
SCALE : 1" = 30'

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REV	DATE	DRAWN BY	DESCRIPTION

CONCEPT PLAN

FOR

416-420 MAIN STREET

MAIN STREET AT
SCHENCK AVENUE

CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

WESTCHESTER OFFICE
400 Columbus Avenue
Suite 180E
Valhalla, NY 10595

Phone: 914.347.7500
Fax: 914.347.7266

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	7/16/20	RGD	PJG

PROJECT NUMBER:	DRAWING NAME:
20000282A	200824RGD_PARKING CONCEPTS

SHEET TITLE:
SCHENCK AVENUE
PROPOSED PARKING
WEST SIDE PARKING ONLY

SHEET NUMBER:
2A of 3

By: RDANDREA

0282A_416-420 Main Street\Plans (Maser PDFs)\200824RGD_Parking Concepts.dwg[R-02-PROP. PARKING (ALT 2)

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.



PASSENGER CAR
TURNING RADIUS DIAGRAM

SCHENCK AVENUE

200 FT. STOPPING SIGHT DISTANCE

200 FT. STOPPING SIGHT DISTANCE

SOUTH STREET

INSTALL SIGN
PARKING ANY TIME
NYP1-2 (12"x18")

3 PROPOSED STRIPED SPACES EAST SIDE OF SCHENCK, NO PARKING WEST SIDE OF SCHENCK

REMOVE SIGN
NO PARKING BETWEEN SIGNS

20'

STRIPED DOUBLE YELLOW CENTERLINE FOR DELINEATION OF TRAVEL LANES

3 EXISTING SPACES WEST SIDE OF SCHENCK TO REMOVED, 3 NEW SPACES EAST SIDE OF SCHENCK TO BE ADDED

INSTALL SIGN
PARKING ANY TIME
NYP1-2 (12"x18")

REMOVE SIGN
NO PARKING HERE TO CORNER

REMOVE SIGN
NO PARKING HERE TO CORNER
NO PARKING BETWEEN SIGNS

20'

7'

INSTALL SIGN
STOP
R1-1 (30"x30")

INSTALL SIGNS BACK-TO-BACK
W11-2(R) (30"x30")
W11-2(L) (30"x30")
W16-7P(R) (24"x12")
W16-7P(L) (24"x12")

18'

Now or Formerly Beacon Main Realty Group 6054-29-062771

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

MAIN STREET

W11-2(L) (30"x30")
AHEAD
W16-9P (24"x12")

EXIST. HATCHED STRIPING TO BE RESTRIPED AS 4" WHITE STRIPING. NEW MARKINGS TO BE ROTATED 90° FROM EXISTING

140 FT. SIGHT DISTANCE

EXIST. HATCHED STRIPING TO BE REMOVED

INSTALL PAINTED WHITE STOP BAR TO BE PLACED 4 FT. PRIOR TO CROSSWALK LINE

30 0 30 60
SCALE : 1" = 30'

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REV	DATE	DRAWN BY	DESCRIPTION

CONCEPT PLAN

FOR

416-420 MAIN STREET

MAIN STREET AT
SCHENCK AVENUE

CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

WESTCHESTER OFFICE
400 Columbus Avenue
Suite 180E
Valhalla, NY 10595

Phone: 914.347.7500
Fax: 914.347.7266

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	7/16/20	RGD	PJG

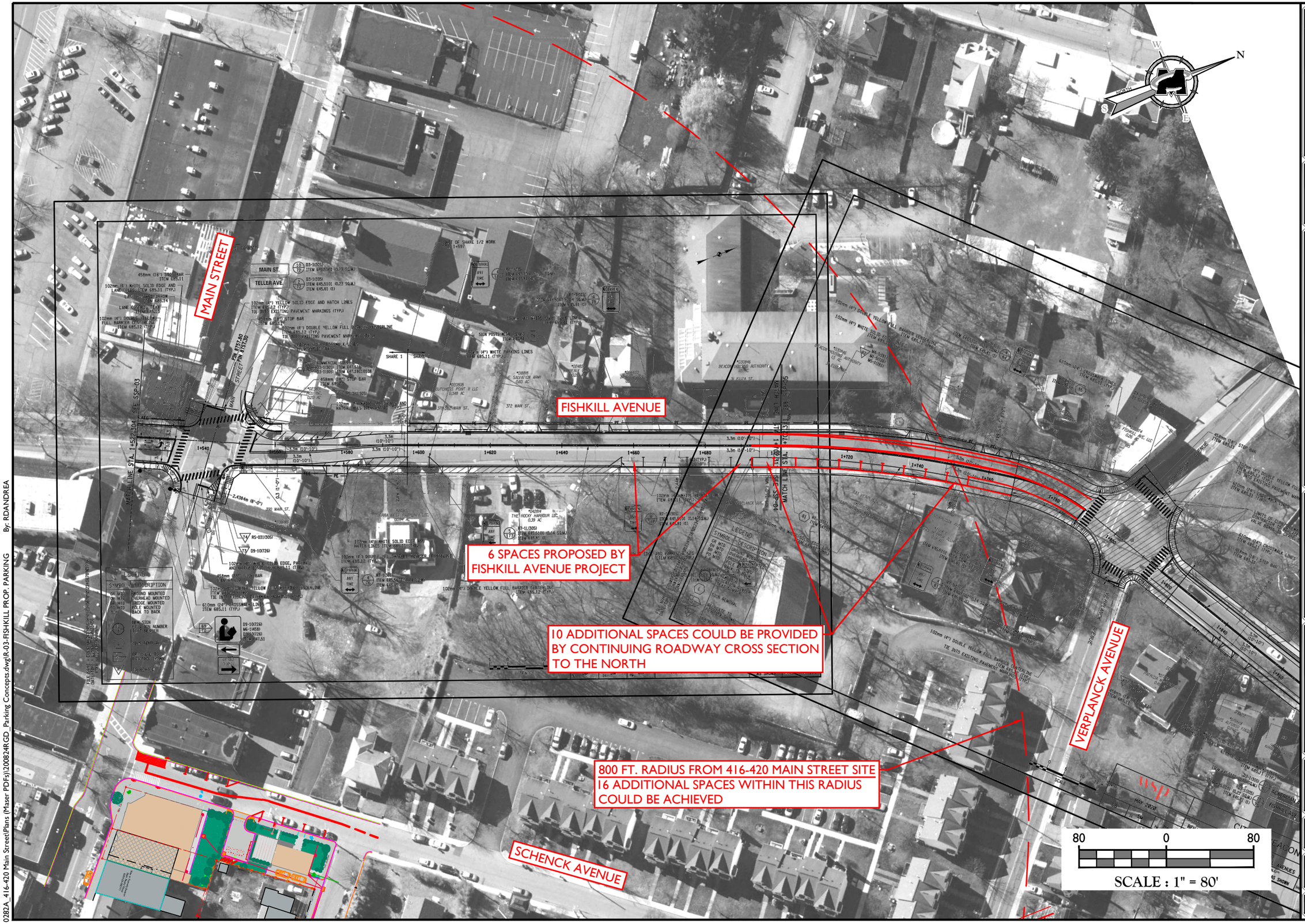
PROJECT NUMBER:	DRAWING NAME:
20000282A	200824RGD_PARKING CONCEPTS

SHEET TITLE:
SCHENCK AVENUE
PROPOSED PARKING
EAST SIDE PARKING ONLY

SHEET NUMBER:
2B of 3

NOTE: DO NOT SCALE DRAWINGS FOR CONSTRUCTION.

0282A_416-420 Main Street\Plans (Maser PDFs)\200824RGD_Parking Concepts.dwg|R-02-PROP. PARKING (ALT 3) By: RDANDREA



0282A_416-420 Main Street\Plans (Maser PDFs)\200824RGD_Parking Concepts.dwg\R-03-FISHKILL PROP. PARKING By: RDANDREA

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REV	DATE	DRAWN BY	DESCRIPTION

CONCEPT PLAN

FOR

416-420 MAIN STREET

MAIN STREET AT SCHENCK AVENUE
CITY OF BEACON
DUTCHESS COUNTY
NEW YORK

WESTCHESTER OFFICE
400 Columbus Avenue
Suite 180E
Valhalla, NY 10595
Phone: 914.347.7500
Fax: 914.347.7266

SCALE:	DATE:	DRAWN BY:	CHECKED BY:
AS SHOWN	7/16/20	RGD	PJG

PROJECT NUMBER: 20000282A

DRAWING NAME: 200824RGD_PARKING CONCEPTS

SHEET TITLE: FISHKILL AVENUE PROPOSED PARKING

SHEET NUMBER: 3 of 3

Landscape Restorations
Practicing Ecological Landscape Design and Management Principles
P.O. Box 286 Beacon New York 12508

Re: 416 Main Street Beacon LLC
Street Tree in Planter

Dear Tom,

It is my determination, based on experience and after consulting with two different arborists and conferring with colleagues, that the Linden will probably not survive the construction. The tree will most likely fail and begin dropping limbs over time and soon after need to be removed.

I am also concerned about the failing planter (it is cracked on all sides), indicating that the roots probably do not have enough room in the planter and now appear to be pushing up the sidewalk and cracking it, as well. (see photos below)

Another concern is that the tree scale is too big for the sidewalk, so the crown would need to be pruned back considerably, putting more stress on the tree, in addition to the construction damage it is sure to suffer through.

It is my opinion that a new, native street tree be planted directly into the earth with permeable pavers surrounding the plant to allow for it to receive water and to grow properly. New horticultural, progressive ways of planting street trees can be applied for this project. The new tree will benefit from more soil to grow in and create less of a future, potential hazard for the city, its citizens and visitors and for your project.

I am happy to answer any questions regarding the future of the existing tree and the hopes of a replacement tree.

Thank you,

Debra

BELOW: Existing tree in failing planter



BELOW: Existing, out of scale, tree



BELOW; Cracking pavement



Civil & Environmental Engineering Consultants
174 Main Street, Beacon, New York 12508 (Main Office and Mailing Address)
13 Chambers Street, Newburgh, NY 12550 (Satellite Office)
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com

August 25, 2020

Hon. John Gunn, Chairman
City of Beacon Planning Board
1 Municipal Plaza
Beacon, NY 12508

Re: 416-420 Main Street Subdivision, Site Plan and Special Use Permit
416-420 Main Street
Tax parcels: 6054-29-056780, ±0.18 ac. (416 Main Street)
6054-29-056774, ±0.07 ac. (418-420 Main Street)
City of Beacon, NY

Dear Chairman Gunn and Members of the Planning Board:

On behalf of the Applicant for the above referenced project, Hudson Land Design (HLD) has revised the plan set in response to John Clark Planning and Design's August 6, 2020 comment letter and Lanc & Tully's August 7, 2020 comment letter. Below is a point-by-point response to the comments received. Please note that Aryeh Siegel has prepared Sheets 1 through 5 of the plan set and has responded to certain comments that pertain his sheets under separate cover. Maser Consulting has provided a response letter and parking striping option under separate cover.

John Clarke Planning and Design August 6, 2020 Comment Letter

1. Aryeh Siegel has responded to this comment.
2. Aryeh Siegel has responded to this comment.
3. Aryeh Siegel has responded to this comment.
4. The parking stall length has been updated on the detail.
5. Handling of trash is now shown on Sheet 1 of the revised plan set.
6. Comment noted. Maser Consulting has provided on-street parking options and a response under separate cover.

Lanc & Tully August 7, 2020 Comment Letter

General Comments

1. Comment noted. Maser Consulting has provided on-street parking options and a response under separate cover.

Preliminary Plat

1. TEC Land Surveying will provide this information under separate cover in a future submission.
2. The plat has been revised to note that the planter is "Granite".

Existing Conditions & Demolition Plan (Sheet 2 of 10)

1. Aryeh Siegel has responded to this comment.

Landscape & Lighting Plan (Sheet 3 of 10)

1. Aryeh Siegel has responded to this comment.

Grading Plan (Sheet 6 of 10)

1. The on-street re-striping will be shown on the site plan once the board has reviewed the striping options provided by Maser Consulting.

Construction Details (Sheet 9 of 10)

1. The ADA parking details have been added back to the parking and striping detail.

Construction Details (Sheet 10 of 10)

1. The core and boot detail has been revised to reflect a storm drainage pipe connection.

HLD has not provided any revised plans at this time, as the remaining comments in reference to the Subdivision Plat, and sheets 5 through 10 are minor housekeeping comments in nature. Revised sheets will be provided once the planning board has decided on an on-street striping plan (by Maser), landscaping plan and trash handling. We look forward to discussing this project at your next available planning board agenda. Should you have any questions, please feel free to contact me at 845-440-6926.

Sincerely,



Michael A. Bodendorf, P.E.
Principal

cc: 416 Main Street Beacon, LLC & 420 Main Street Beacon, LLC
Taylor Palmer, Esq.
Aryeh Siegel, AIA
Daniel G. Koehler, P.E. (HLD file)

Bulk Zoning Regulations Table - Main Building

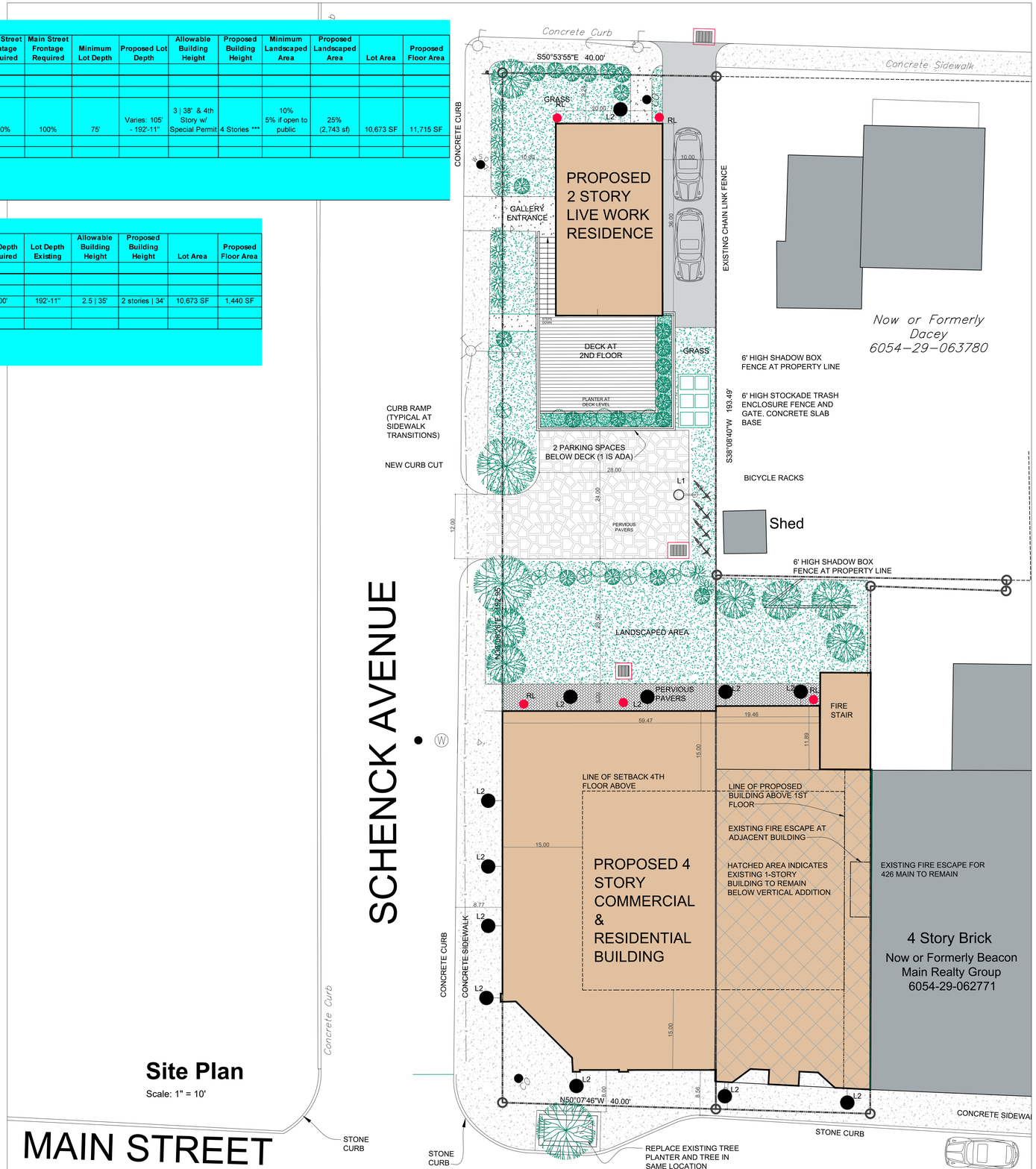
	Required Setbacks			Proposed Setbacks			Main Street Frontage Required	Main Street Frontage Required	Minimum Lot Depth	Proposed Lot Depth	Allowable Building Height	Proposed Building Height	Minimum Landscaped Area	Proposed Landscaped Area	Lot Area	Proposed Floor Area
	Front	Side	Rear	Front	Side	Rear										
Zoning District																
CMS*	0'-10'	0'	20'	6'-3" - 7'-3" **	0'	118'	100%	100%	75'	Varies: 105' - 192'-11"	3 | 38' & 4th Story w/ Special Permit	4 Stories ***	10% 5% if open to public	25% (2,743 sf)	10,673 SF	11,715 SF

Lot 6054-29-056780 (416 Main Street) is located in both CMS & T Zoning Districts
* Main Building lies within the CMS District
** Front setback varies along Main Street
*** Seeking special permit for 4th-Story w/ 15' Building stepback

Bulk Zoning Regulations Table - Live/Work Residence

	Required Setbacks			Proposed Setbacks			Lot Depth Required	Lot Depth Existing	Allowable Building Height	Proposed Building Height	Lot Area	Proposed Floor Area
	Front	Side	Rear	Front	Side	Rear						
Zoning District												
T*	10'	10'	20'	10'	10'/10'	146'	100'	192'-11"	2.5 | 35'	2 stories | 34'	10,673 SF	1,440 SF

Lot 6054-29-056780 (416 Main Street) is located in both CMS & T Zoning Districts
* Live/Work Residence lies within the T District.
** 10' side yard towards neighbor. 10' side yard towards Schenck Ave.



Site Plan

Scale: 1" = 10'

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
4	08/25/20	REVISED PER PLANNING BOARD COMMENTS	AJS



Location Map

Scale: 1" = 400'

Zoning Summary

Zoning District:	CMS (Central Main Street) & T (Transition Zone)
Tax Map No.:	6054-29-056780 (416 Main Street) & 6054-29-056774 (418-420 Main Street)
Lot Area:	0.177 Acres & 0.068 Acres = 0.245 Acres Total
Building Footprint:	4,616 SF (Front Building) & 720 SF (Back Building) = 5,336 SF Total Footprint
Historical Overlay District:	Yes
Parking Overlay District:	Partial, not the portion of the lot in the T District where the Back Building will be located.
Existing Use:	Vacant (416 Main Street) & Commercial (Restaurant/Coffee House)
Proposed Use:	Mixed-Use: Retail/Office/Residential (Front Building) & Artist Live Work Residential (Back Building)

Parking & Loading

Use & Parking Requirements	Proposed Area	Current Parking Requirement
Residential		
(1) space per unit (CMS)	(1) Apartments in Front Building	1 parking spaces
(1) space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area	(1) one-bedroom Artist Live Work with retail	2 parking spaces
Commercial		
(2) spaces per 1,000 SF (CMS) for Retail	4,295 sf	8 parking spaces
(2) spaces per 1,000 SF (CMS) for Office	6,220 sf	12 parking spaces
Total Required		**23 parking spaces**
Total Provided		**4 parking spaces** See Note 1

Notes:

1. The Applicant proposes to provide 4 parking spaces for the residential uses and requests a waiver of the parking for commercial uses. A Zoning Variance to provide 6 parking spaces where 36 were required was granted for a previously approved project in 2013. Zoning Variance #2013-09
2. There are public parking lots within 800' of the property.
3. No signage is proposed as part of this application. Retail tenants will apply separately to the Planning Board for their own signage

Index of Drawings

Sheet 1 of 1	Subdivision Plat
Sheet 1 of 10	Site Plan
Sheet 2 of 10	Existing Conditions & Demolition Plan
Sheet 3 of 10	Landscape Plan & Planting Schedule
Sheet 4 of 10	Building Plans
Sheet 5 of 10	Building Elevations & Renderings
Sheet 6 of 10	Grading & Utility Plan
Sheet 7 of 10	Erosion and Sediment Control Plan
Sheet 8 of 10	Utility Profiles
Sheet 9 of 10	Construction Details
Sheet 10 of 10	Construction Details

Site Plan Application

Sheet 1 of 10 - Site Plan

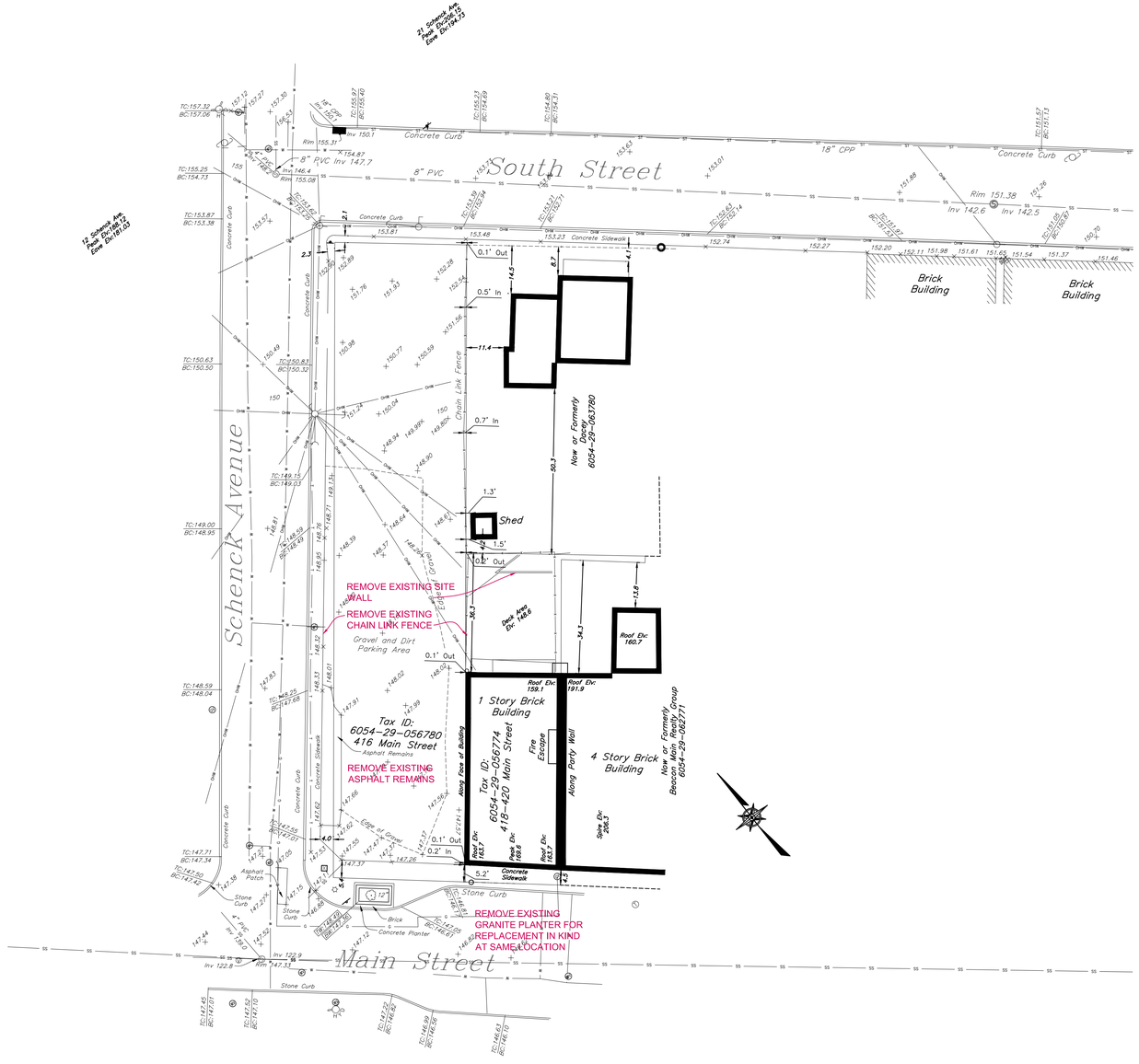
Owner:
416 Main Street Beacon, LLC and 420 Main St. Beacon, LLC
C/O Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

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

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

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

416-420 Main Street
Beacon, New York
Scale: 1" = 10'
April 28, 2019



Existing Conditions & Demolition Plan

Scale: 1" = 20'

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	NO CHANGE	AJS
4	08/25/20	NO CHANGE	AJS

Site Plan Application

Sheet 2 of 10 -Existing Conditions & Demolition Plan

Owner:
416 Main Street Beacon, LLC and 420 Main St. Beacon, LLC
C/O Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

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

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

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

416-420 Main Street
Beacon, New York
Scale: 1/16" = 1'-0"
April 28, 2019



POLE MOUNTED LIGHT (L1)

SELUX LIGHTING "BETA PENDANT" POLE MOUNTED 100W FIXTURE. MODEL #BPC-L-R2-1-H100-BK-120-HS-PC WITH LOW GLARE CUTOFF SHIELD. COLOR: BLACK. PHOTOCELL CONTROL. OR APPROVED EQUAL. MOUNTING HEIGHT ON A35 SERIES BLACK ALUMINUM POLE = 12 FEET

NOTE: AS AN ALTERNATE, THE OWNER MAY INSTALL EQUIVALENT WATTAGE LED FIXTURES CONFORMING TO THE COLOR TEMPERATURES SPECIFIED IN THE CITY OF BEACON ZONING CODE IN PLACE OF THE INCANDESCENT FIXTURES SHOWN. LED LIGHTING WILL MEET THE SAME SPECIFICATIONS FOR LOW GLARE CUT OFF CONTROLS, EITHER BY SHIELDING OR INTERNAL CONTROLS.



WALL MOUNTED HOUSE LIGHT (L2)

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

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

LIGHTING NOTES:

ALL EXTERIOR LIGHTING ON THE SITE SHALL CONFORM TO BEACON ZONING CODE SECTION 223-14B: EXTERIOR LIGHTING. ALL EXTERIOR LIGHTING ACCESSORY TO A RESIDENTIAL, INDUSTRIAL, MULTIFAMILY OR NONRESIDENTIAL USE, INCLUDING THE LIGHTING OF SIGNS, SHALL BE SUBJECT TO THE FOLLOWING STANDARDS: [AMENDED 12-9-2019 BY L.L. NO. 11-2019]

(1) THE TYPE, LOCATION, AND SHADING OF SUCH LIGHTING SHALL PREVENT THE SPILLOVER OF LIGHT ONTO ANY ADJACENT RESIDENTIAL OR MULTIFAMILY PROPERTY OR DIRECT GLARE ONTO ANY PUBLIC SIDEWALK OR STREET.

(2) SUCH LIGHTING SHALL USE FULL CUTOFF FIXTURES THAT DO NOT EMIT LIGHT ABOVE THE HORIZONTAL PLANE INTO THE NIGHT SKY, EXCEPT FOR LIGHTING FOR SHORT-TERM EVENTS OR HOLIDAYS, FLAGPOLE LIGHTING, DECORATIVE LIGHT SOURCES UNDER 600 LUMENS, PUBLIC PARKS AND OTHER PUBLIC SPECIALTY LIGHTING, AS DETERMINED BY THE BUILDING INSPECTOR.

(3) HOURS OF LIGHTING AND FIXTURE HEIGHT, TYPE, DESIGN, INTENSITY, AND COLOR TEMPERATURE MAY BE DETERMINED BY THE PLANNING BOARD IN ACTING ON ANY SITE DEVELOPMENT PLAN UPON CONSIDERATION OF THE FOLLOWING CONSIDERATIONS:

(a) LIGHTING FIXTURES IN PEDESTRIAN AREAS SHOULD BE A MAXIMUM OF 15 FEET IN HEIGHT AND PARKING LOT LIGHTING FIXTURES SHOULD BE A MAXIMUM OF 20 FEET.

(b) PEDESTRIAN AND PARKING LOT AREAS SHOULD AVERAGE APPROXIMATELY ONE FOOTCANDLE. ONLY HIGH SECURITY AREAS MAY REQUIRE LIGHTING IN THE TWO TO FIVE FOOTCANDLE RANGE, WHILE OVER FIVE FOOTCANDLES IS USUALLY A WASTE OF ENERGY AND A SOURCE OF GLARE.

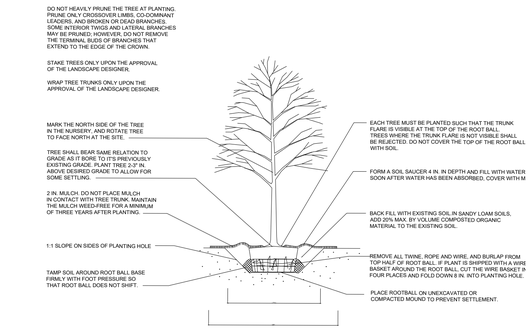
(c) COLOR TEMPERATURES SHOULD BE IN THE RANGE OF 2,400 TO 4,000 KELVIN DEGREES.

(d) THE COLOR RENDERING INDEX SHOULD BE IN THE RANGE OF 80 TO 100.

(e) ADAPTIVE CONTROLS, SUCH AS DIMMERS, TIMERS, AND MOTION SENSOR SHUT-OFF LIGHTING, SHOULD BE USED WHENEVER APPROPRIATE.

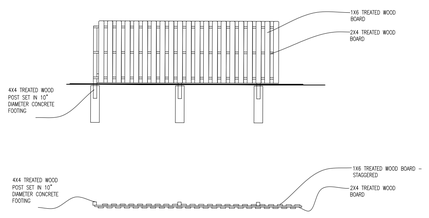
HATCHING & LANDSCAPE LEGEND

- CONCRETE SIDEWALK
- ASPHALT PAVING
- GRAVEL PATH (STEEL EDGING)
- CONSERVATION BUFFER – WEST
- CONSERVATION BUFFER – EAST
- WETLAND RESTORATION AREA
- NATIVE MEADOW
- INDIAN SWITCHGRASS (G-PV)
- CUSTOM GRASS MIX – (ERNMX-CUS1)
- SEDGE (G-CP)
- EVERGREEN SHRUB (S-IG)
- BIO-RETENTION AREA MIX
- PROPOSED NEW ORNAMENTAL NATIVE TREE T-XX
- PROPOSED NATIVE EVERGREEN
- EXISTING TREE TO REMAIN (WITH CALIPER)



Tree Planting Detail

Scale: NTS



Shadowbox Fence Detail

Scale: NTS



Landscaping & Lighting Plan

Scale: 1" = 20'

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
4	08/25/20	NO CHANGE	AJS

Site Plan Application

Sheet 3 of 10 - Landscaping & Lighting Plan

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C/O Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

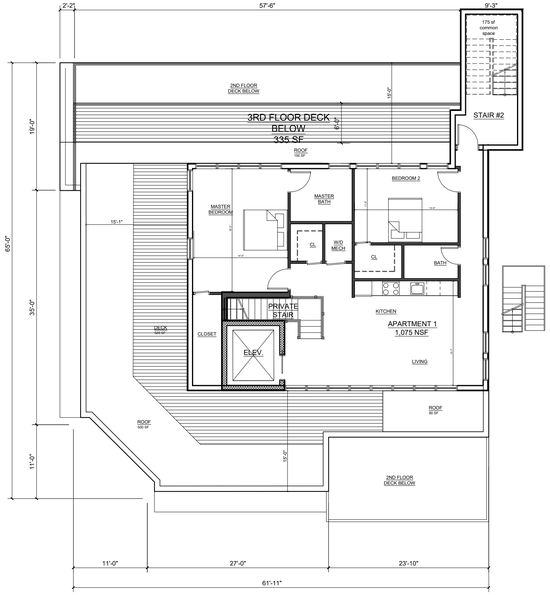
Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

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

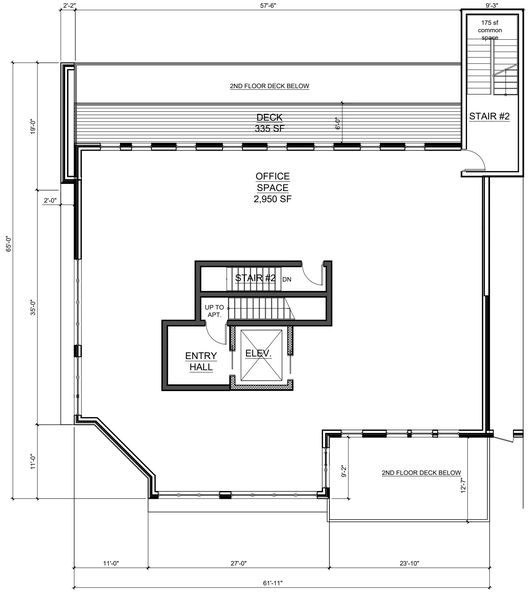
Surveyor:
TEC Surveying
831 Route 52, Suite 2C
Fishkill, New York 12524

416-420 Main Street
Beacon, New York
Scale: 1/16" = 1'-0"
April 28, 2019

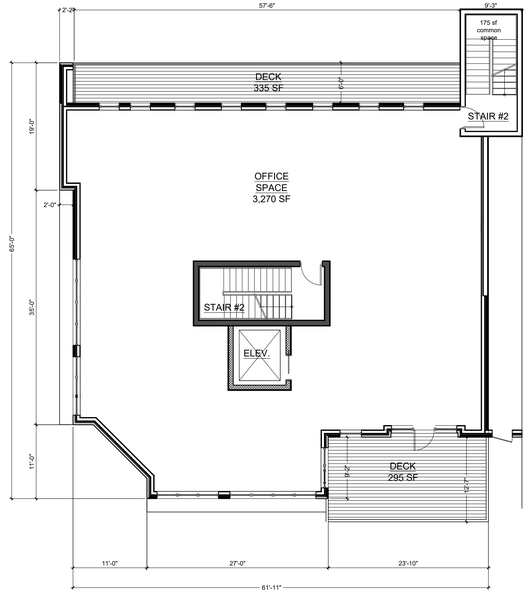
REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
4	08/25/20	REVISED PER PLANNING BOARD COMMENTS	AJS



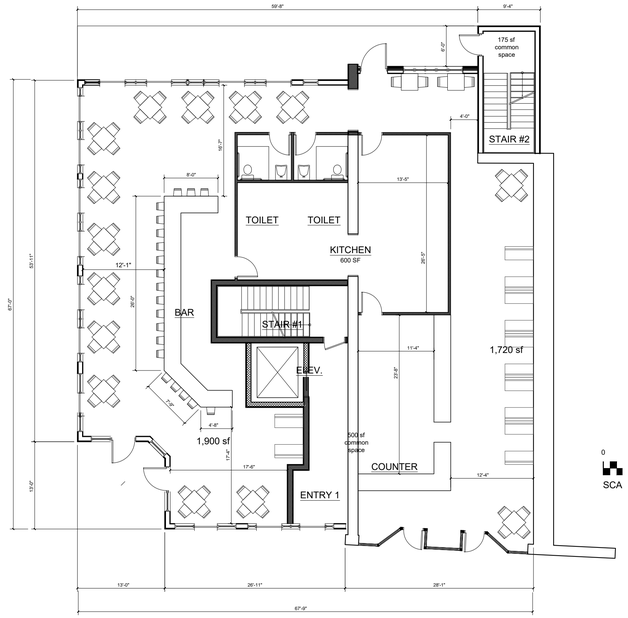
4th Floor Plan



3rd Floor Plan



2nd Floor Plan



1st Floor Plan

Main Building Floor Plans

Site Plan Application

Sheet 4 of 10 - Building Plans

Owner:
416 Main Street Beacon, LLC and 420 Main St. Beacon, LLC
C/O Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

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

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

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

416-420 Main Street
Beacon, New York
Scale: $^{3}/_{32}$" = 1'-0"
April 28, 2019

ROOF:
STANDING SEAM METAL.
COLOR: ZINC

CORNICE:
PAINTED AZEK TRIM AND
PAINTED FIBERGLASS
CORBELS.

WINDOWS:
CASEMENT WINDOWS BY
ANDERSEN OR APPROVED
EQUAL. COLOR: BLACK

SIDING:
STANDING SEAM METAL
TO MATCH ROOF AT 4TH
FLOOR.

GLEN GARY 56DD BRICK
AT EXTERIOR WALLS

CANOPY:
SHEET METAL. COLOR:
BRICK RED

STOREFRONTS:
ALUMINUM & GLASS.
COLOR: GRAY



Elevation: Main Street

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



Elevation: Rear

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

CORNICE:
PAINTED AZEK TRIM AND
PAINTED FIBERGLASS
CORBELS.

WINDOWS:
CASEMENT WINDOWS BY
ANDERSEN OR APPROVED
EQUAL. COLOR: BLACK

SIDING:
STANDING SEAM METAL
TO MATCH ROOF AT 4TH
FLOOR.

GLEN GARY 56DD BRICK
AT EXTERIOR WALLS

CANOPY:
SHEET METAL. COLOR:
BRICK RED



Elevation: Schenck Avenue

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

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	06/24/20	CITY COUNCIL PRESENTATION	AJS
2	06/30/20	REVISED PER PLANNING BOARD COMMENTS	AJS
3	07/28/20	REVISED PER PLANNING BOARD COMMENTS	AJS
4	08/25/20	REVISED PER PLANNING BOARD COMMENTS	AJS



View from Schenck Avenue at Rear



View from Main Street



View from Schenck Avenue



View from Corner

Site Plan Application

Sheet 5 of 10 - Building Elevations & Renderings

Owner:
416 Main Street Beacon, LLC and 420 Main St. Beacon, LLC
C/O Cuddy & Feder LLP
445 Hamilton Avenue
White Plains, NY 10601

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

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

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

416-420 Main Street
Beacon, New York
Scale: $\frac{1}{16}$" = 1'-0"
April 28, 2019

City of Beacon Planning Board Agenda
09/09/2020

Title:

Review application for Subdivision, one lot, 11-89 Mason Circle (Front Street), submitted by Beacon Lofts & Storage, LLC

ATTACHMENTS

Beacon Hip Lofts Cover Letter.pdf

Beacon Hip Lofts EAF Short Form.pdf

Beacon Hip Lofts Subdivision Application.pdf

Beacon Hip Lofts Subdivision Plat.pdf

CUDDY +FEDER LLP

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Fishkill, New York 12524
T 845 896 2229
F 845 896 3672
cuddyfeder.com

Jennifer L. Van Tuyl, Esq.
JVanTuyl@cuddyfeder.com

August 25, 2020

BY E-MAIL

Hon. David Buckley, Building Inspector
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Hon. John Gunn, Chairman
And Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Beacon HIP Lofts Project: Beacon Lofts & Storage Property
Subdivision application pursuant to City Zoning Law 223-25 C (3)
Premises: 39 Front Street—Parcel ID#30-6055-04-590165-00

Dear Mr. Buckley and Chairman Gunn and Planning Board members:

Enclosed is an application for a two-lot subdivision of the above parcel, pursuant to the provisions of City of Beacon Code 223-25 C (3). We request that this matter be scheduled for the September 9, 2020 Planning Board meeting.

Background:

On December 11, 2018, the Planning Board granted amended Site Plan approval and a certificate of appropriateness to the Beacon HIP Lofts project on the above parcel. The Project Sponsor is fully committed to compliance with this Site Plan and does not seek to modify any of its provisions or requirements. Rather, the Project Sponsor is making an application pursuant to the provisions of the Beacon Code 223-25 C (3), which authorizes the Planning Board, after completion of Site Plan Review, to subdivide one or more of the lots or buildings within a project that will continue to be controlled by an approved Site Plan. This is a unique provision in the City Code, similar to those in other communities, that applies to larger projects which are controlled by an overall project site plan, and that involve a number of buildings or uses to be developed over a period time.

The proposed subdivision will not change the project in any way operationally. The reason for the requested subdivision is solely to resolve difficulties the Applicant encountered in arranging

for competitive financing of the proposed new construction on Building 16 while this building remains on the same parcel with other buildings in the project. Placing Building 16 on its own parcel will resolve the problem. Such separate financing of new construction is a common occurrence in developments where both new construction and existing buildings are involved. The Beacon HIP Lofts project operates, and will continue to operate, as a cohesive development pursuant to the commitments and conditions contained in the existing Site Plan approvals.

The Building Inspector has reviewed the zoning law and rendered a determination that the current situation is within the scope of Section 223-25 C (3) and that this section authorizes the Planning Board to entertain the requested subdivision. Under this zoning provision, all development will remain strictly controlled by the overall Site Plan, and there will be no change in the project. The enclosed application materials confirm that this is the case.

SEQRA:

It is well established that a Lead Agency has a continuing duty to evaluate potential changes in a project, even after the adoption of a Negative Declaration:

> As a practical matter, a change to a project or action can come at almost any time during the environmental review process, and even after initial approval of the project. Whenever the change arises, the Lead Agency should evaluate the change in order to ascertain whether it could give rise to potentially significant adverse environmental effects. The evaluation process to be used is analogous to the initial environmental review of the action, albeit more focused because the Lead Agency has the benefit [of its previous environmental analysis, whether by EAF or DEIS/FEIS].

Ruzow, Gerard, Environmental impact Review in New York, Section 3.13[2][b].

Here, the only "project change" is "drawing a line on paper" to create a separate parcel. All the corporeal aspects of the project remain the same as those already examined by the Planning Board in the SEQR examination previously conducted. The Project was previously reviewed as an Unlisted action and the Planning Board has served as the Lead Agency under SEQR, and adopted a Negative Declaration on December 17, 2017 [copy attached to this letter].

Ordinarily, only a lot line realignment is identified as a "Type 2" action, and subdivisions are considered unlisted actions. But the reason that a Subdivision is considered an unlisted action is that it presents the possibility of new development that was not previously reviewed. In this case, however, all of the potential development was reviewed as part of the Site Plan review, and the particular subdivision provision in the Beacon Zoning Law will compel continued compliance with the Site Plan that has already been reviewed under SEQR and found to have not significant adverse impacts.

Accordingly, the Applicant submits that the Planning Board would be authorized to review the application materials and its previous negative declaration, and determine that there is no material change in the action it previously reviewed, as the drawing of the line for ownership purposes does not effectuate any actual operational change in the project, and simply acknowledge the continuing efficacy of its prior Negative Declaration. We do not believe that the consideration of an EAF is necessary to establish that there is "no impact." Nonetheless, we have included a short form EAF, which documents that the proposed subdivision has no significant adverse impacts, and that it does not change the prior analysis. Thus, whether the Planning Board treats the subdivision as an additional permit within the previously reviewed action, or a project change, the analysis supports the conclusion that no significant impacts result.

Application materials enclosed:

Enclosed herewith are the following applications (5 copies) relating to the above property:

1. Application for Preliminary Subdivision approval for a 2-lot subdivision, with appropriate checklists and documentation.

2. Proposed Preliminary subdivision Plat. The proposed easements to be created for the benefit of the new lot are shown on the proposed plat. The proposed subdivision plat shows the creation of a non-exclusive vehicular and pedestrian access and parking easement for the benefit of the new Lot 2, providing unrestricted access to parking as provided by the Site Plan. Lot 2 will continue to benefit from the existing water line, sewer, and drainage easement that serve the existing Beacon Lofts and Storage Parcel. A non-exclusive and undefined access to utilities on lot 1, as they are presently located, or are later relocated, is also provided. See SUBDIVISION NOTES on proposed subdivision plat. We expect that any approval of the subdivision would be conditioned upon review by the Planning Board Attorney of actual transactional documents to effectuate those easements, and any other transactional documents relating to the property, and that those documents be recorded simultaneously with the filing of the Plat in the County Clerk's Office.

3. Copy of the approved Site Plan as an Exhibit, which shows the governing controls on development which will continue to be in place after the subdivision. The proposed subdivision plat also contains explicit notes confirming the continuing authority of the approved Site Plan over the project (SUBDIVISION NOTES).

4. Short EAF, as described above.

5. Checks for the application fees and escrow.

6. A CD-ROM of the application materials and additional exhibits is also enclosed.

Requested action at September 9, 2020 meeting:

We look forward to presenting and discussing the application with the Board at the meeting on September 9, 2020. At that meeting, we intend to request that the Planning Board, subject to the comments of its consultants and the exercise of its discretion, consider scheduling a public hearing on the proposed subdivision plat for the October 13th meeting. We do not believe there is any necessity for a separate SEQR hearing in view of the circumstances.

Should any of the City consultants or City Staff have any questions or comments prior to the meeting, please do not hesitate to contact any of the applicant's consultants.

Thank you for your consideration in this matter.

Very truly yours,



Jennifer L. Van Tuyl

Enclosures
cc: Jennifer Gray, Esq., Planning Board Attorney
Tom Cerchiarra, P.L.S.
Brendan Johnson, P.L.S.
Mike Bodendorf, P.E.
Aryeh Siegel, AIA
Jack Wertz

4554111.1

Agency Use Only [If Applicable]

Project : 39 Front Street

Date : December 12, 2017

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

Please see attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

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

Upon review of the information recorded on this EAF, as noted, plus this additional support information

All application materials submitted by the Applicant, memoranda from City staff and consultants, agency and public comment, and testimony from meetings held on the application.

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

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

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

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

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

Name of Action: 39 Front Street - HIP Lofts

Name of Lead Agency: City of Beacon Planning Board

Name of Responsible Officer in Lead Agency: Jay Sheers

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Jay Sheers Date: December 18, 2017

Signature of Preparer (if different from Responsible Officer) Jennifer L. Gray, Esq., Keane & Beane, P.C. Date:

For Further Information:

Contact Person: Etha Grogan, Planning Secretary

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: egrogan@cityofbeacon.org

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

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

PRINT FULL FORM

ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION

APPLICATION FOR AMENDED SPECIAL USE PERMIT AND AMENDED SITE PLAN APPROVAL FOR 39 FRONT STREET (HIP LOFTS)

39 Front Street: Tax Grid No. 6055-04-590165

CONCLUSIONS

The Planning Board circulated its Notice of Intent to declare itself Lead Agency to all known Involved and Interested agencies and later declared itself Lead Agency on October 11, 2017. The Proposed Action is an Unlisted action undergoing a coordinated review.

Project Description: The subject property consists of 8.74 acres. The Proposed Action is for an amendment of the previously approved Special Permit and Site Plan for redevelopment of the property. The scope of work for the amendment to the project generally encompasses the following:

1. Eliminate proposed new construction of Building 9A. This building was a 4-story building with 24 live work lofts (16 one-bedroom and 8 2-bedroom)
2. Eliminate the existing commercial laundry use consisting of Buildings 18, 24 and 25.
3. Eliminate the proposed artist studio use in Building 12. Retain the existing structure of Building 12 for use as a community garden amenity.
4. Per the assessment of the structural engineer, demolish existing Building 16 (36 live work lofts (27 one-bedroom and 9 2-bedroom)
5. Rebuild Building 16 with 87 artist live work lofts. Note that the total number of lofts in the completed project will be 172 instead of the 143 originally approved by the current Special Use Permit. This is an addition of 29 artist live work lofts. The reconstructed building will require a variance to allow a building height of 52;-6" to the main roof level, plus 13'-6" to the roof level of the setback 4th floor for an overall roof height of 66'-0". The existing Building 16 is pre-existing nonconforming at 45'-3" where a maximum of 35' is permitted in the Light Industrial (LI) District.
6. Extend existing Building 9 to add 2 live work lofts (1 bedroom each)
7. Minor reconfiguration of parking and landscaping around the area of work
8. Note that the reconfiguration of parking, and the proposed revisions to the scope of work allows for all the required parking for this parcel to be provided on the parcel. The originally approved land banked parking on the adjacent parcel (6055-

04-535128) is no longer required to satisfy parking requirements, and has been eliminated from the scope of work.

At the completion of the project, there will be a total of 172 live work apartments with a total of 196 bedrooms.

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board, acting as Lead Agency, makes the following conclusions:

The Proposed Action will not result in any significant adverse impacts on the environment. In summary, the Planning Board noted the following items in support of its determination of significance:

1. The Proposed Action results in a reduction of approximately 25,624 gallons per day of water and sewer demand than the originally approved project.
2. The Proposed Action will result in a decrease of 0.04 acres of impervious surface coverage.
3. Review of the Applicant's Traffic Study, prepared by Harry Baker & Associates, revised October 25, 2017 and November 28, 2017, demonstrated that although there are minor changes to the volume to capacity (v/c) ratio, the comparison shows that there is no adverse impact to the Level-of-Service (LOS) to the intersections previously studied for the project.
4. The land banked parking on the adjacent parcel has been eliminated because it is no longer necessary to support the parking needs of the project.
5. The construction will comply with all requirements of Chapter 123 of the City Code regarding floodplains. Building 9 was shortened so that it is in line with Building 9A and therefore will have no effect on current the currently floodplain or floodway.
6. The "Phase 1A Literature Search and Sensitivity Assessment Beacon Lofts Site Plan Amendment Building 16 and Building 9A Addition," prepared by Hudson Valley Cultural Resource Consultants, Ltd, Poughkeepsie, NY, dated November 2017, concludes that the "proposed design of reconstruction for Building 16 and the design of the addition to Building 9 are in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and effectively mitigate any adverse impacts to the Groveville Mills Historic District."
7. The "Threatened and Endangered Species Habitat Suitability Assessment Report," prepared by Ecological Solutions LLC, Southbury, CT, dated October 30, 2017, confirms that the "proposed project will not impact any potential Indiana bat activity since there is no habitat on the site."

Based upon all information before the Planning Board to-date, including the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

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

Beacon Lofts and Storage, LLC

Name of Action or Project:

Beacon Lofts Subdivision pursuant to Beacon Code section 223-25 C (3)

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

16 Squadron Blvd, New City NY 10956

Brief Description of Proposed Action:

All project development has already been reviewed as part of a coordinated SEQR review, during which the Planning Board served as Lead Agency, relating to Site Plan and other municipal reviews, resulting in a Negative Declaration adopted by the Planning Board on December 18, 2017. The current application proposes, as authorized under Zoning Law 223-25 C (3) to subdivide one of the building sites within the project as a separate lot, for financing purposes. All development within the entire project will continue to be controlled by the approved Site plan as amended by Resolution of the Planning Board dated December 11, 2018.

Name of Applicant or Sponsor:	Telephone: 914-806-0007
Beacon Lofts and Storage, LLC	E-Mail: jw@wolfeny.com

Address:

16 Squadron Blvd,

City/PO:	State:	Zip Code:
New City	New York	10956

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

3. a. Total acreage of the site of the proposed action? 8.746 acres
   b. Total acreage to be physically disturbed? 0 acres
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? +/-12.276 acres

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

5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☑ Aquatic ☐ Other(Specify):
   ☐ Parkland

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

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

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation services available at or near the site of the proposed action?	☐	☑
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☑

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies:		
Not applicable as it involves only subdivision of a lot. The energy details were provided and reviewed in the Long Form EAF during the 2018 site plan review and approval.	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____		
Water service connections were covered during the 2018 amended Site Plan approval.	☑	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____		
Sewer service connections were covered during the 2018 amended Site Plan approval.	☑	☐

	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	☐	☑
Historic/cultural resources were covered during the 2018 amended Site Plan approval.		
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☑

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

APPLICATION FEES

Site Plan	**Residential $500 + $250 per dwelling unit** **Commercial $500 + $250 per 1,000 s.f.**
Special Use Permit	**Residential $500 + $250 per dwelling unit** **Commercial $500 + $250 per 1,000 s.f.**
Subdivision	**$ 750 for 2-4 lots + $100 per lot** **$1,000 for 5 or more lots + $300 per lot**
Zoning Board of Appeals	**Use Variance $500** **Area Variance $250** **Interpretation $250**

ESCROW FEES

ALL SUBDIVISIONS, AND RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

No. of Lots or Dwelling Units	Initial Deposit	Depleted to	Replenishment
1-5 (including lot-line realignment)	$ 2,500	$ 1,000	Current bills + $1,000
6-15	$ 7,500	$ 2,500	Current bills + $1,000
Over 15	$ 15,000	$ 5,000	Current bills + $5,000

NON-RESIDENTIAL SITE PLAN AND SUP APPLICATIONS

	Initial Deposit	Depleted to	Replenishment
Existing Buildings/Change of Use with no site development	$ 1,500	$ 1,000	Current bills + $500
Up to 3,000 s.f. gross floor area	$ 2,500	$ 1,000	Current bills + $1,000
3,000 to 10,000 s.f. gross floor area	$ 2,500 + $0.50 per sq.ft. over 3,000	$ 2,500	Current bills + $2,500
Over 10,000 s.f. gross floor area	$ 7,500 + $0.50 per sq.ft. over 10,000	$ 2,500	Current bills + $2,500

ZONING

* *if required by Chairman*	Initial Deposit	Depleted to	Replenishment
Use Variance*	$ 1,000	$500	Current bills + $500
Area Variance*	$ 1,000	$500	Current bills + $500
Interpretation*	$ 1,000	$500	Current bills + $500

ARCHITECTURAL REVIEW OR CERTIFICATE OF APPROPRIATENESS ***(if not currently before PB)***

* *if required by Chairman*	Initial Deposit	Depleted to	Replenishment
Single Family House*	$500	$250	Current bills + $250
All others*	$500	$250	Current bills + $250

CITY OF BEACON
PRELIMINARY SUBDIVISION PLAT
AND CONSTRUCTION PLANS SPECIFICATION FORM

Name of Application: Beacon Lofts Subdivision

PRELIMINARY SUBDIVISION PLAT	**YES**	**NO**
The preliminary plat shall be clearly marked "Preliminary Plat", shall be drawn to a convenient scale but not less than 1" = 100', and shall contain the following information:	X	
Proposed subdivision name or identifying title, name, and address of property owner and subdivider (if other than owner), name and address of the surveyor and/or engineer preparing the plan, scale, approximate true North point, and date.	X	
The approximate location and dimensions of all property lines, the total acreage of the proposed subdivision, the location of any zoning, special district or municipal boundary lines affecting the subdivision, and the names of owners of record of properties adjoining and directly across the street from proposed subdivision.	X	
The location of all existing structures and pertinent features, including railroads, water bodies, water courses, wetlands, rock outcroppings, wooded areas, major trees, and stone walls, that may influence the design of the subdivision, plus accurate topography at a vertical contour interval of not more than two (2) feet. The topographic data shall be determined by field survey unless the Planning Board specifically waives this requirement and/or permits the substitution of topographic information obtained from other sources determined satisfactory for the particular case.		Waiver
The location and status of existing streets or private roads, easements and rights-of-way (if any), proposals for the layout of new streets or private roads (including widths and approximate curve radii) and any proposed easements, rights-of-way and/or reservations.	X	
The names of existing streets or private roads and proposed names for new streets or private roads.	X	
The proposed arrangement of lots, including identifying numbers and approximate area and dimensions of each.	X	
Location, size and nature of any area proposed to be reserved for park purposes.		X
A site location sketch, at a scale of one inch equals 400 feet, showing the general situation within 1,000 feet of the applicant's property with respect to surrounding properties, streets and private roads.	X	
Where the preliminary plat includes only a portion of an applicant's contiguous holding, the applicant shall also indicate, on a sketch at a scale of not less than one inch equals 200 feet, the probable future street or private road system, lot arrangement and location of park and other reservations for the remaining portion of the tract. Such sketch shall be for the purpose of guiding the Planning Board in reviewing the proposed preliminary plat and shall include topographic data with a vertical contour interval of not more than five feet plus any other information determined necessary by the Planning Board.	X	
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.	X	

PRELIMINARY CONSTRUCTION PLANS	YES	NO
The preliminary construction plans shall be drawn at the same scale as the preliminary plat and shall include the following information:		N/A
Location and sizes of any existing water, sewer storm drainage and other utility lines and structures within and nearby the proposed subdivision.		N/A
The proposed system for the provision of water supply and fire protection facilities, sewage disposal, stormwater drainage, and other utility services.		N/A
Proposed street or private road profiles and cross-sections showing the approximate grade of proposed streets or private roads, the relationship of existing to proposed grades, and the proposed grades, and the proposed vertical curvature along the center line of all new streets or private roads.		N/A
Location of all existing and proposed monuments and other subdivision improvements.		N/A
Such additional information as may be required by this chapter, the Zoning chapter, or the Planning Board.		N/A

CITY OF BEACON
FINAL SUBDIVISION PLAT
AND CONSTRUCTION PLANS SPECIFICATION FORM

Name of Application: _____

FINAL SUBDIVISION PLAT	**YES**	**NO**
The final subdivision plat shall be drawn clearly and legibly on transparent tracing cloth with black waterproof ink, at a scale no smaller than one inch equals 100 feet but preferably at a scale of one inch equals 50 feet. The sheet size shall not exceed 36 inches by 48 inches. If the size of proposed subdivision required a drawing larger than this, two or more sheets may be submitted, with match lines clearly indicated, and an index map shall be prepared on the same size sheet.		
The final plat shall contain the following information:		
Proposed subdivision name or identifying title, name, and address of owner of record and of subdivider (if other than owner), certification and seal of the registered engineer or licensed land surveyor who prepared the plat, names of the owners of record of adjoining properties and of properties directly across the street or private road, graphic scale, approximate true North point, and date.		
The location and dimensions of all boundary lines of the proposed subdivision, and all existing and proposed streets, private roads, lot lines, easements and rights-of-way, with sufficient data to readily determine the location, bearing and length of all such lines and to reproduce such lines upon the ground.		
The names of all existing and proposed streets and private roads.		
The locations of all water bodies and watercourses.		
The location of all existing buildings, including identification of all buildings to be removed as a condition of plat approval.		
The total acreage included in the entire subdivision, and the identification number and acreage of all lots and land reservations within the proposed subdivision.		
Location of all existing and proposed monuments.		
A site location map, at a scale of one inch equals 400 feet, showing the location of the subject property with respect to neighboring properties, streets and private roads.		
Notations explaining any drainage, sight slope, street widening, park area or other reservations or easements, including any self-imposed restrictions or covenants.		
Endorsement of approval by the Dutchess County Health Department.		
Plan for the provisional delivery of mail, as approved by the local postmaster.		
Endorsement of the owner as follows: "Approved for filing: _____ _____" Owner Date		

FINAL SUBDIVISION PLAT *(continued)*	**YES**	**NO**
Form for endorsement by Planning Board Chairman as follows: "Approved by Resolution of the Planning Board of the City of Beacon, New York, on the _____ day of _____, 20_____, subject to All requirements and conditions of said Resolution. Any change, erasure, modification or revision of this plat, as approved, shall void this approval. Signed this _____ day of _____, 20_____, by _____, Chairman _____, Secretary In absence of the Chairman or Secretary, the Acting Chairman or Acting Secretary Respectively may sign in this place.		
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.		
Stormwater pollution prevention plan. A stormwater pollution prevention plan consistent with the requirements of Chapter 190 and with the terms of preliminary plan approval shall be required for final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 190, Article II. The approved final subdivision plat shall be consistent with the provisions of Chapter 190.		

FINAL CONSTRUCTION PLANS	**YES**	**NO**
Final construction plans and profiles shall be prepared for all proposed streets, private roads and other required improvements. Plans shall be drawn at the same scale as the final plat and on the same size sheets, but not on the same sheets. The following information shall be shown:		
Plans and profiles showing the location and a typical cross-section of street and/or private road pavements including curbs and gutters, sidewalks, manholes and catch basins; the location of street or private road trees, lighting and signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants; the location and size of all water, gas or other underground utilities or structures; and the location and design of any other required improvements.		
Profiles showing existing and proposed elevations along the center line of all streets and private roads. Where a proposed street or private road intersects an existing street or private road, the elevation along the center line of the existing street or private road within 100 feet of intersection, shall be shown. All elevations must be referred to established U.S. Government of approved local benchmarks, where they exist within ½ mile of the boundary of the subdivision.		
The Planning Board may require, where steep slopes exist, cross-sections showing existing and proposed elevations of all new streets and private roads every 100 feet at five points on a line at right angles to the center line of the street or private road, said elevation points to be at the center line of the street or private road, each property line, and points 30 feet inside each property line.		
Location, size, elevation and other appropriate description of any existing facilities which will be connected to proposed facilities and utilities within the subdivision.		

FINAL CONSTRUCTION PLANS *(continued)*		
Where the design of the subdivision requires the regarding of land, the regarding of land, the regraded contours shall be shown along with estimates of the quantity of material to be added or removed and the proposed measures to be implemented by the subdivider to rehabilitate the disturbed area or areas.		
Title of all sheets, name, address, signature and seal of licensed engineer preparing the construction plans, the date prepared, including revisions dates if any, approximate true North point, scale, and consecutive numbering as sheet _____ of _____.		
A notation of approval, on all sheets as follows "Approved by: _____ _____ Owner Date and _____ _____ Planning Board Chairman Date"		
Such additional information as may be required by Chapter 195 – Subdivision of Land; Chapter 223 – Zoning; or the Planning Board.		

For all items marked "NO" above, please explain below why the required information has not been provided:

_____

_____

_____

_____

_____

_____

Applicant/Sponsor Name:_____

Signature:_____

Date: _____

FOR OFFICE USE ONLY
Application #

CITY OF BEACON
1 Municipal Plaza, Beacon, NY
Telephone (845) 838-5000 • http://cityofbeacon.org/

ENTITY DISCLOSURE FORM

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any entity)

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-61.4 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

IF AFFIANT IS A PARTNERSHIP, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

IF AFFIANT IS A CORPORATION:

Name of Entity Beacon Lofts and Storage, LLC	Telephone Contact Information 914-806-0007
Principal Place of Business of Entity 16 Squadron Boulevard New City, NY 10956	Place and Date of incorporation Rockland County 11/14/2012
Method of Incorporation Limited Liability	Official place where the documents and papers of incorporation were filed Rockland County

SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest, mortgage, encumbrance or other interest (recorded or unrecorded) in or with the above referenced

Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Jack Wercberger	33 Pleasant Ridge Road, Spring Valley, NY 10977	914-806-0007	Managing Member - 33.333%
Gavriel Alexander	9 Harriel Lane,Spring Valley, NY 10977	845-639-7700	Managing Member - 33.333%
TLG Property Holdings, LLC Attn: Mark Weiderman	12 Melaney Dr., Monsey, NY 10952		Limited Member - 1.667%
Tehila Obermeister	11 Tammy Road, Spring Valley, NY 10977		Limited Member - 1.667%
2015 Saul Horowitz Grantor CLAT	21 Rochelle Lane, Spring Valley, NY 10977		Limited Member - 8.333%
Dahan & Dahan Inc. Attn: Hedva Dahan	24 Scenic Drive, Suffern, NY 10901		Limited Member - 1.667%
Neil Neuman	16 Woodwind Lane, Spring Valley, NY 10977		Limited Member - 8.333%
Salvatore Iodice	738 West Nyack Rd. West Nyack, NY 10994		Limited Member - 4.167%
Agostino Iodice	738 West Nyack Rd. West Nyack, NY 10994		Limited Member - 4.167%
Hali Gottesman	6609 Western Run Drive, Baltimore, MD 21215		Limited Member - 0.417%
Henry Gottesman	6609 Western Run Drive, Baltimore, MD 21215		Limited Member - 0.417%
PRID C/O Meira Katz	3208 Hatton Road, Baltimore, MD 21208		Limited Member - 0.833%
Norman Feldman	3208 Hatton Road, Baltimore, MD 21208		Limited Member - 1.667%

SECTION C. List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Beacon Lofts and Storage, LLC	16 Squadron Blvd, New City New York 10956	845-639-7700	11/14/2012	11/14/2012 Rockland County

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☐ **YES** ☒ **NO**

Name	Employer	Position

SECTION E. Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐ ☒

YES **NO**

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	**Title**	**Date of Hire, Date Elected, or Date Appointed**	**Position or Nature of Relationship**

SECTION F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ **YES** ☒ **NO**

Current Name	**Other Names**

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	**Address**
Same as Section B	

SECTION H. If the applicant is not a record owner of the subject property, describe the applicant's interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

Applicant is record owner

SECTION I. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application. Any sensitive or confidential information may be redacted from the contract prior to production.

SECTION J. N/A

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted**:**

Name of the Corporation	Telephone Contact Information
Principal Business Address	Place and Date of Incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	**Residence or business address**	**Telephone number**

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

☐ YES ☒ NO

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address

SECTION K. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES ☒ NO

I, Jack Wercberger being first duly sworn, according to law, deposes and says that I am (Title) Member, an active and qualified member of the Beacon Lofts and Storage, LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Jack Wercberger

(Signature) _____

SURVEY NOTES

1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.

2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.

3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.

4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.

5. The certifications herein are not transferable.

6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.

7. Subject to the findings of a current title search.

8. Subject to covenants, easements, restrictions, conditions and agreements of record.

9. Subject to any right, title or interest the public may have for highway use.

10. Bearings and North shown hereon are referenced to NAD 83-NY East using NYSNET RTN GPS.

EASEMENT NOTES

SUBJECT to and/or TOGETHER with covenants, conditions, easements, leases, agreements, etc. in the following documents: Liber 536 page 341, Liber 542 page 167, Liber 548 page 276, Liber 552 page 67, Liber 553 page 276, Liber 926 page 435, Liber 545 page 265, Liber 546 pages 176 and 179, Liber 554 page 6, Liber 682 page 129, Liber 1216 page 95, Liber 1234 page 508, Liber 57 page 261, Liber 536 page 6, Liber 830 page 434 and Liber 1025 page 78, Liber 522 page 235, Liber 546 page 373, Liber 1217 page 620.

TOGETHER with ALL of the party of the first part's right, title and interest in and to the pump house serving the Groveville Mills buildings and the immediate area of land on which the pump house stands.

TOGETHER with an access easement to said pump house parcel as stated in Liber 1988 page 628.

TOGETHER with an easement of right of way set forth in Liber 830 page 434 and subject to the condition therein contained.

TOGETHER with all the party of the first part's right, title and interest in and to the lands under the Fishkill Creek, contiguous to or adjacent to the lands thereby conveyed, and the dam across said creek at said property and all the party of the first part's right, title and interest in and to the water rights in and to the water of said creek adjoining and contiguous to and in continuation of the most westerly and most easterly lines of the lands above conveyed.

TOGETHER with a perpetual right of way of all reasonable purposes over Front Street, immediately adjoining the premises herein conveyed and over the roadway known as Mill Avenue, which roadway connects Front Street with the Main Concrete Highway as stated in Liber 542 page 167.

SUBJECT to an easement for ingress and egress for Parcel 3 in Liber 1988 page 628 as shown hereon.

SUBDIVISION NOTES

1. This subdivision is approved under the provisions of the Beacon Zoning Law section 223-25 C (3), and is based upon a development plan (Site Plan) prepared by Aryeh Siegel, AIA, Hudson Land Design, Civil Engineer; LD Design, Landscape Architect; and TEC Land Surveying, Surveyor, entitled "HIP LOFTS & STORAGE (39 Front Street) Amendment to Special Use Permit Application" Sheets 1-10, with last revision date November 27, 2018, which received Site Plan Approval issued by the City of Beacon Planning Board, by Resolution dated December 11, 2018, and any amendment to such Site Plan Drawings or Site Plan Resolution as may be duly adopted by the Planning Board in the future ("the approved Site Plan").

2. All Development on each of the two lots in this subdivision continues to be subject to all requirements shown on the approved Site Plan. The approval of this Subdivision does not authorize any development within either Lot other than as shown on the approved Site Plan.

3. Both lots on the Subdivision are also obligated to maintain their respective properties in compliance with the applicable provisions of the City of Beacon Site Plan regulations which provide that the continued validity of any Certificate of Occupancy shall be subject to continued conformance with the approved Site Plan or any amendments thereto, and with any conditions thereof (section 223-25 A).

4. Non-exclusive access for vehicular and pedestrian circulation and parking is provided for the benefit of proposed Lot 2 in the areas designated for such purposes on the Subdivision Plat and the approved Site Plan.

5. An non-exclusive undefined easement for access to utilities is provided for the benefit of Lot 2 over the entire area of Lot 1 to provide Lot 2 with access to gas, electric, and other utilities that run underground or overground throughout Lot 1, where such utilities currently stand or as they may be relocated on Lot 1.

6. Lot 2 shall continue to have non-exclusive access to the existing water, sewer, and drainage easements shown on the Plat which presently benefit the existing Beacon Lofts and Storage Parcel (6055-04-590165) over the Beacon HIP Lofts parcel to the west (Tax parcel 6055-04-535128).

ZONING

Subject Parcels are located in the Light Industrial (LI) District as well as the Historic District and Landmark Overlay Zone as per City of Beacon Zoning Map dated September 24, 2018.

FLOOD ZONE

Subject Parcel to be subdivided is located Zone "X" Unshaded and Zone AE, as per Flood Insurance Rate Map:
No. 36027C0464E Effective Date: March 2, 2012.

DEED REFERENCE

Liber 1988 Page 628
Front Street Associates, L.L.C.
To
Fishkill Creek Development Co., LLC
December 19, 1996

Liber 1234 Page 805
The Groveville Corporation
To
Keystone Dyeing and Finishing, Inc.
November 20, 1967

Liber 830 Page 434
Ammann Manufacturing and Construction Company
To
The Groveville Corporation
December 3, 1934

Liber 522 Page 235
Glenham Company Inc.
To
Ammann Manufacturing and Construction Company
March 18, 1932

Liber 542 Page 167
Ammann Manufacturing and Construction Company
To
The Groveville Corporation
December 3, 1934

Liber 546 Page 373
Ammann Manufacturing and Construction Company Inc.
To
Henry Goertz and Linda Goertz
March 22,1935

Liber 1217 Page 620
Sarah Lewittes
To
The Groveville Corporation
January 23, 1967

DATE OF SURVEY

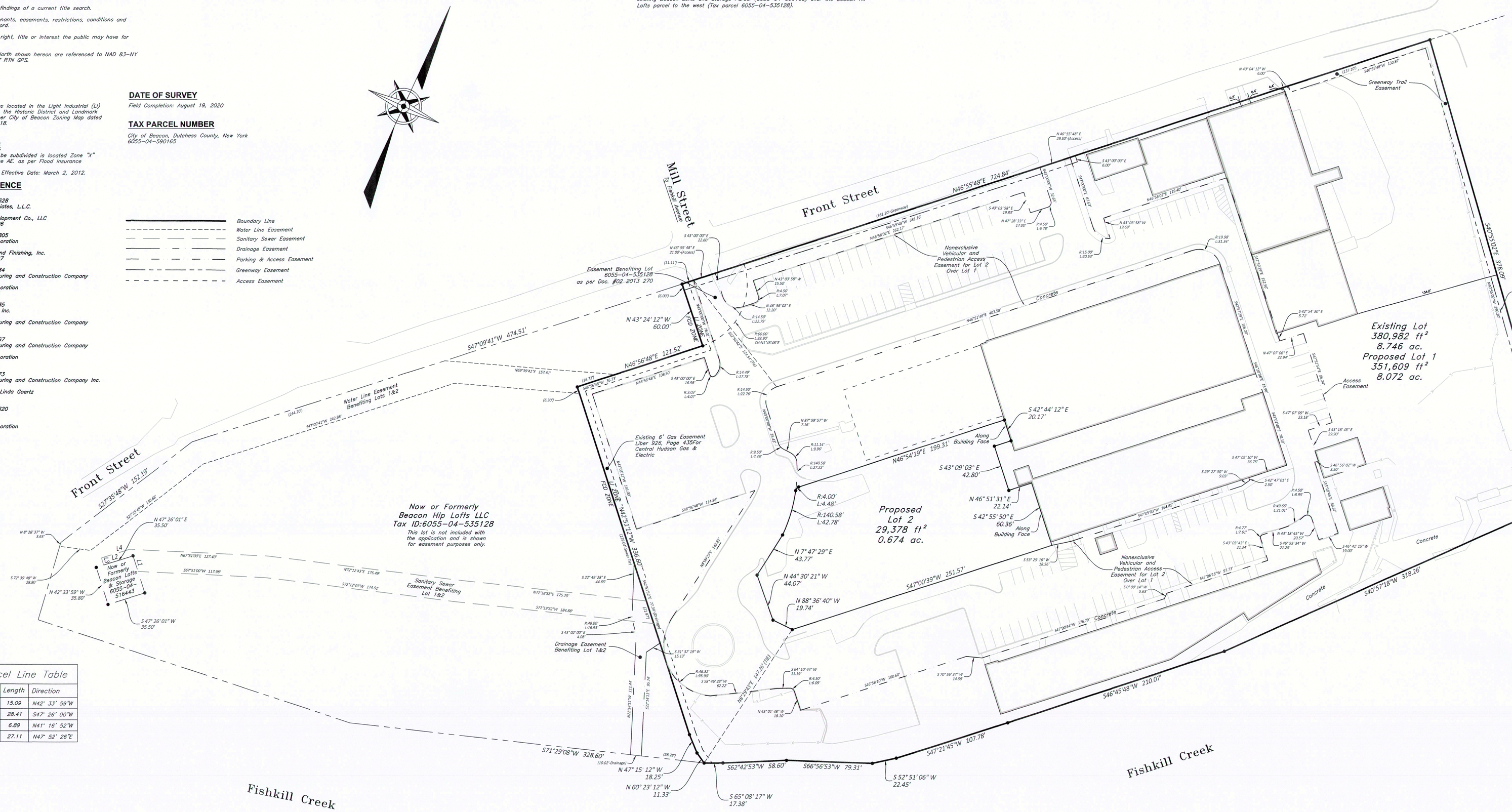
Field Completion: August 19, 2020

TAX PARCEL NUMBER

City of Beacon, Dutchess County, New York
6055-04-590165

Boundary Line
Water Line Easement
Sanitary Sewer Easement
Drainage Easement
Parking & Access Easement
Greenway Easement
Access Easement

Parcel Line Table		
Line #	Length	Direction
L1	15.09	N42° 33' 59"W
L2	28.41	S47° 26' 00"W
L3	6.89	N41° 16' 52"W
L4	27.11	N47° 52' 26"E


Front Street
Mill Street
(f.k.a. Fishkill Avenue)
N46°55'48"E 724.84'
(201.20' Greenway)
S40°57'18"W 381.16'
N46°56'48"E 121.52'
S47°09'41"W 474.51'
N 43° 24' 12" W 60.00'
FEMA ZONE AE
FEMA ZONE X
Easement Benefiting Lot 6055-04-535128 as per Doc. #02 2013 270
Nonexclusive Vehicular and Pedestrian Access Easement for Lot 2 Over Lot 1
Greenway Trail Easement
Greenway Trail Easement To The City of Beacon
Existing Lot 380,982 ft² 8.746 ac.
Proposed Lot 1 351,609 ft² 8.072 ac.
Proposed Lot 2 29,378 ft² 0.674 ac.
Access Easement
Water Line Easement Benefiting Lots 1&2
Existing 6' Gas Easement Liber 926, Page 435For Central Hudson Gas & Electric
Now or Formerly Beacon Hip Lofts LLC Tax ID:6055-04-535128
This lot is not included with the application and is shown for easement purposes only.
Now or Formerly Beacon Hip Lofts & Storage 6055-04-516443
Sanitary Sewer Easement Benefiting Lot 1&2
Drainage Easement Benefiting Lot 1&2
Now or Formerly Fishkill Avenue Beacon NY, LLC 6055-04-639223
Now or Formerly City of Beacon 6055-04-662193
Concrete
Fishkill Creek
Fishkill Creek
S 42° 44' 12" E 20.17'
N 46° 54' 19" E 199.31'
S 43° 09' 03" E 42.80'
N 46° 51' 31" E 22.14'
S 42° 55' 50" E 60.36'
N 7° 47' 29" E 43.77'
N 44° 30' 21" W 44.07'
N 88° 36' 40" W 19.74'
S47°00'39"W 251.57'
S40°57'18"W 318.36'
S46°45'48"W 210.07'
S47°21'45"W 107.78'
S22°48'12"E 70.00'
S 52° 51' 06" W 22.45'
S65°08'17"W 17.38'
N 60° 23' 12" W 11.33'
N 47° 15' 12" W 18.25'
S62°42'53"W 58.60'
S66°56'53"W 79.31'
S71°29'08"W 328.60'
S 47° 26' 01" W 35.50'
N 42° 33' 59" W 35.80'
N 47° 26' 01" E 35.50'
S 71° 35' 48" W 38.80'
N 8° 26' 37" W 3.63'
S 22° 49' 28" E 44.65'
S 31° 37' 19" W 23.13'
N 87° 29' 41" E 147.26' (TIE)
S 43° 00' 00" E 22.60'
N 46° 55' 48" E 21.00' (Access)
S 43° 03' 58" E 19.63'
N 43° 28' 33" E 17.00'
N 43° 03' 58" W 19.69'
S 42° 54' 30" E 5.71'
N 47° 07' 00" E 22.94'
S 47° 07' 00" W 23.16'
S 43° 18' 45" E 29.90'
S 46° 56' 02" W 3.50'
S 47° 02' 10" W 36.75'
S 29° 27' 30" W 9.03'
S 42° 47' 01" E 2.50'
N 43° 18' 45" W 20.57'
S 46° 55' 34" W 21.25'
S 46° 41' 15" W 19.00'
S 43° 03' 43" E 21.84'
S 53° 25' 16" W 18.36'
S 37° 09' 34" W 5.63'
S 70° 50' 37" W 14.59'
S 47° 26' 16" W 12.73'
S 47° 09' 04" W 178.79'
S 40° 58' 10" W 160.60'
N 43° 01' 48" W 18.00'
N 46° 56' 48" E 29.50' (Access)
N 46° 50' 04" E 119.60'
N 43° 04' 12" W 6.00'
S 40° 58' 48" W 130.87'
(131.10')
(19.30')
(58.28')
(10.02' Drainage)
(144.70')
(6.30')
(36.73')
(6.89')
(27.11')
(28.41')
(15.09')
(11.11')
(6.00')
N 47° 52' 26" E 35.50'
L1
L2
L3
L4
R:4.00' L:4.48' R:140.58' L:42.78'
R:140.58' L:37.52'
R:14.50' L:22.79'
R:60.00' L:93.90' CH:N21°45'48"E
R:14.50' L:22.76'
R:14.48' L:17.78'
R:3.03' L:4.07'
R:9.50' L:7.40'
R:11.34' L:8.96'
R:48.00' L:35.95'
R:46.32' L:35.90'
R:4.50' L:7.07'
R:4.50' L:7.07'
R:4.50' L:6.78'
R:15.00' L:20.53'
R:29.58' L:31.34'
R:4.77' L:7.61'
R:4.50' L:8.95'
R:49.66' L:21.01'
R:4.50' L:6.99'
N87°59'57"W 7.16'
N87°59'57"W 7.16'
S40°58'48"W 114.80'
S40°57'18"W 381.16'
N72°12'43"E 175.48'
S72°12'43"W 174.91'
N71°38'38"E 175.75'
S71°19'32"W 184.88'
N87°29'41"E 103.58'
N87°29'41"E 157.62'
S47°09'41"W 243.86'
S47°35'48"W 152.19'
S27°35'48"W 150.66'
N68°51'00"E 127.40'
S67°51'00"W 117.98'
S40°58'48"W 108.00'
S43°00'00"E 16.88'
S43°02'00"E 4.08'
S40°57'18"W 210.07'
S40°57'18"W 107.78'
S40°57'18"W 107.78'
S40°57'18"W 107.78

City of Beacon Planning Board Agenda
09/09/2020

Title:

Zoning Board of Appeals - September Agenda

ATTACHMENTS

September Agenda.docx

CITY OF BEACON
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026

The Zoning Board of Appeals will meet on **Tuesday, September 15, 2020** at 7:00 PM. Due to public health and safety concerns related to COVID-19, the Zoning Board of Appeals will not be meeting in-person. In accordance with the Governor's Executive Order 202.1, the September 15, 2020 meeting will be held via videoconferencing, and a transcript will be provided at a later date. The public can watch the live meeting online at YouTube at https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg. If any interested members of the public would like to provide comments on the application, comments can be called in during the meeting at **(929) 205-6099; Webinar ID: 864 1129 1868; Password 699471**. Comments can also be provided via email no later than 5PM on September 15, 2020 to Etha Grogan, Planning Board Secretary, at egrogan@cityofbeacon.org. Please check the meeting materials posted on the City website (www.cityofbeacon.org) and for further instructions to access the virtual meeting and for updated information. **This agenda and the meeting format are subject to change.**

1. Review application submitted by Brandy Burre, 75 Russell Avenue, Tax Grid No. 30-6054-46-191564-00, R1-5 Zoning District, for relief from Section 223-17(C) for a bathroom addition with a storage area below with 6.7 ft. side yard setback *(10 ft. required)*

Miscellaneous Business

1. Consider request for a six (6) month extension of Area Variances, Edgewater, submitted by Scenic Beacon Developments, LLC

City of Beacon Planning Board Agenda
09/09/2020

Title:

Consider request for two 90-day extensions of Subdivision Approval & Site Plan Approval, Edgewater, submitted by Scenic Beacon Developments, LLC

ATTACHMENTS

Edgewater PB Ext Request with Exhibit A 8-25-20.PDF

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Taylor M. Palmer
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August 25, 2020

BY E-MAIL

Hon. John Gunn, Chairman
& Members of the Planning Board
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: Edgewater – Subdivision & Site Plan Approvals
Request for Two (2) Year Extension
Tax IDs: 5954-25-566983, 574979, 582985, & 5955-19-590022

Dear Chairman Gunn and Members of the Planning Board:

On behalf of Scenic Beacon Developments, LLC (the "Applicant"), we are writing to request two (2) ninety day extensions (180 days) of the Planning Board Resolution Granting Preliminary & Final Subdivision Plat and Site Plan Approval for the Edgewater Project adopted September 11, 2018 and dated September 17, 2018 (the "Planning Board Resolution"). *See* **Exhibit A.**[1] This request is timely, as 180 days (six (6) months) have not elapsed since the date of the last extension granted for the Planning Board Resolution.

As you know, by letter dated August 6, 2020 (the "August 6th Letter") the Applicant provided a joint update to this Board and to the City Council and Zoning Board of Appeals regarding the Applicant's significant progress in the development of the project. In summary, since the Applicant last appeared before your Board, the Applicant has been working diligently together with City Staff to satisfy the conditions to the various Approval Resolutions related to the project, including the following:

1) The Applicant filed a Bona Fide Building Permit Application in satisfaction of Condition 7.a. (page 5) of the City Council's Special Use Permit Approval Resolution (Res. No. 116 of 2018) (the "City Council Resolution");[2]

[1] Note: The Planning Board Resolution was last extended by the Planning Board on February 11, 2020 until September 4, 2020.

[2] Note: A copy of the August 6th letter is on file with the Zoning Board of Appeals, which included an electronic copy of the Bona Fide Building Permit Application, date-stamped as received by the Building Department on August 6, 2020. Copies of the remaining documentation filed in connection with the Bona Fide Building Permit Application are on file with the City of Beacon Building Department. The August 6th Letter also enclosed a letter from the Building Inspector, David Buckley, confirming the Bona Fide Building Permit Application was filed by the Applicant on August 6, 2020 in satisfaction of the condition to the City Council Resolution and in accordance with Zoning Code Section 223-18.F(1)(a).

2) The Applicant satisfied all conditions to the Planning Board Resolution so that the Final Subdivision Plat and Site Plan could be signed by the Chairman of the Planning Board;[3] and

3) The Applicant filed the Final Subdivision Plat that was signed by the Chairman of the Planning Board at the Dutchess County Clerk's Office on August 6, 2020, which is filed in the County Clerk's Office as Filed Map No. 12669.

At this time, the City Council is considering the final two (2) partially executed Agreements,[4] which require authorization for Mayor Kyriacou to sign prior to the Applicant recording same at the Dutchess County Clerk's Office. Once these Agreements have been signed by Mayor Kyriacou, the Applicant will record same and provide proof of recording to the Planning Board Attorney. Two (2) copies of the certified Final Plat (Filed Map No. 12669) were sent to the Planning Board Secretary in satisfaction of Condition E.13 of the Planning Board Resolution.

Accordingly, given the Applicant's diligent efforts detailed above to satisfy the conditions of the Planning Board Resolution and the ZBA and City Council Resolutions, we respectfully submit this formal request for two (2) ninety day extensions (180 days) of the Planning Board Resolution, extending the Planning Board Resolution until March 3, 2021, the dates by which the Applicant must satisfy the conditions in the Planning Board Resolution.[5]

We respectfully request that you please place this request for an extension on the next available Planning Board Agenda for consideration of the Applicant's request for two (2) ninety day extensions (180 days).

Thank you for your consideration in this matter.

Very truly yours,

Taylor M. Palmer
Enclosure
cc: Jennifer L. Gray, Esq. – Planning Board Attorney; Scenic Beacon Developments, LLC

[3] Note: As noted above, satisfying the conditions of the Planning Board Approval Resolution (Conditions A.1 through A.12 and B.1 through B.3) included preparing a multitude of easements, declarations and other Agreements conditioned in the Planning Board Resolution, which were reviewed and approved by the City Attorney. The Applicant also obtained and filed the bonds for road and water improvements and for traffic signal modifications; satisfied the comments of the City Engineer and City Planner and obtained approval from the Dutchess County Department of Behavior and Community Health.

[4] Note: These final two (2) Agreements include the Temporary Construction Easement/Pedestrian Access Easement and the Branch Street Maintenance Agreement.

[5] Note: The Applicant will respectfully withdraw this extension if the two (2) Agreements noted in footnote 4 herein are signed by the City and recorded by the Applicant satisfying the Planning Board Resolution prior to the September 4, 2020 expiration date.

Exhibit A

RESOLUTION

PLANNING BOARD
BEACON, NEW YORK

PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS AND SITE PLAN APPROVAL FOR EDGEWATER PROJECT (22 EDGEWATER PLACE)

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals (lot merger), Site Plan Approval and Special Use Permit Approval from Scenic Beacon Developments, LLC (the "Applicant"), to demolish two existing buildings and construct seven buildings, containing 246 apartments including 25 workforce housing units (350 bedrooms[1]), on 12.009 acres on property located and collectively known as 22 Edgewater Place and designated on the Tax Map of the City of Beacon as **Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979** (the "Property") in the RD-1.7 Zoning District, within the within the Local Waterfront Revitalization Program ("LWRP") boundary, (the "Amended Project" or "Amended Proposed Action"); and

WHEREAS, the City Council is the approval authority for the Special Use Permit to permit multifamily housing on the Property pursuant to City of Beacon Zoning Code § 223-18; and

WHEREAS, the Planning Board is the approval authority for the Subdivision and Site Plan pursuant to City of Beacon Code §§ 195-2 and 223-25; and

WHEREAS, the Amended Proposed Action also includes a request for a determination of consistency with the LWRP; and

WHEREAS, the application consists of application forms, correspondence, the Full Environmental Assessment Form ("Full EAF") and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Subdivision is shown on the drawing, entitled, "Lot Consolidation Map Prepared for Weber Projects LLC," dated August 27, 2018, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings, entitled "Special Use Permit Application," Sheets 1-15 last revised August 28, 2018, as prepared by Hudson Land Design; TEC Land Surveying; and Aryeh Siegel, Architect; and

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[1] The Amended Proposed Action proposes 246 units comprised of 25 studios, 126 1-bedroom units, 86 2-bedroom units, and 9 3-bedroom units.

WHEREAS, the Applicant originally submitted an application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the "Original Proposed Action"); and

WHEREAS, the Original Proposed Action was a Type I Action pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Original Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the SEQRA public hearing was closed; and

WHEREAS, after taking a "hard look" at each of the relevant areas of environmental concern through review of the Full EAF and all associated materials prepared in connection with the Original Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, on December 12, 2017 the Planning Board adopted a Resolution finding the Original Proposed Action to be consistent with the relevant policies of the LWRP; and

WHEREAS, the Zoning Board of Appeals opened a duly advertised public hearing on the Applicant's variance application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard were given such opportunity on the Applicant's variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on December 19, 2017 the Zoning Board of Appeals closed the public hearing; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant's variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts; and

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,284[2] square feet being deducted prior to determining the net buildable area for the Project, as shown on the Steep Slopes Analysis Map, dated June 8, 2018, as prepared by Hudson Land Design; and

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions provided in the Amended Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage while increasing the area to remain as green space and not developed, adjustments to a retaining wall along the eastern parking lot and relocation of the pathway on the western side of the Property to avoid Very Steep Slopes, and providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed; and

WHEREAS, the Amended Project is no longer a Type I Action because it was amended to include 246 total dwelling units, which falls below the threshold for Type I Actions, and accordingly the Amended Project is an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Original Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the LWRP policies which apply to the Amended Project; and

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[2] The Applicant's representatives calculated the deduction of total lot area as 110,284 square feet whereas the City Engineer calculated the deduction of total lot area as 110,533 square feet. The Special Permit Resolution by the City Council references 110,284 square feet. Both figures result in a maximum density of 252 units.

WHEREAS, on July 16, 2018, the City Council opened and closed a public hearing on the Special Use Permit application in connection with the Amended Project and approved the Special Use Permit application by Resolution 116-2018 (the "Special Permit Resolution") after finding the Amended Proposed Action complies with City of Beacon Zoning Code § 223-18; and

WHEREAS, on August 8, 2017 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval concerning the Original Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was continued to September 12, 2017, October 11, 2017, November 14, 2017, December 12, 2017 and thereafter adjourned month to month to June 12, 2018; and

WHEREAS, on August 14, 2018 the Planning Board re-opened a duly re-noticed public hearing on the application for Site Plan approval and opened a duly noticed public hearing pursuant to City of Beacon Zoning Code § 223-16.C regarding impacts to very steep slopes, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, on September 11, 2018 the Planning Board opened a public hearing on the application for Subdivision approval, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes; and

WHEREAS, on September 7, 2017, the Planning Board's Architectural and Community Appearance Board of Review (the "ARB") reviewed the Original Proposed Action and recommended approval of the design, basing its criteria on City Code §86-6, such that no building or structure is so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more harmful effects set forth in City Code §86-2, and the Amended Project does not materially change the design of the proposed seven buildings; and

WHEREAS, the Planning Board is fully familiar with the Amended Project and has reviewed the Amended Project relative to all applicable provisions of the City of Beacon Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes and finds that the Project avoids construction on Very Steep Slopes, as defined by the City of Beacon Zoning Code, to the extent practicable and further finds that to the extent there are impacts to Very Steep Slopes:

(1) There is no other suitable alternative area within the lot available for the proposed development. Disturbing a small portion of Very Steep Slopes is necessary for

almost any type of reasonable development of the Property. A looped road with two points of ingress and egress is recommended for safety purposes and would likely be required for any type of multifamily development on the Property, which is evidenced by the prior disturbance of Very Steep Slopes for previous development on the Property. Further, moving the interior drives to avoid disturbance to Very Steep Slopes would decrease ADA accessibility. Most of the Very Steep Slopes on the Property with the exception of the Bluff on the west side appear to be man-made from previous development of the Property and construction of Bank Street.

(2) The proposed development is the minimum necessary to make reasonable use of the land. The density of the Project has been reduced from 307 units to 246 units which is six fewer units that the maximum permitted on the Property. In addition, clustering the development reduces the need for a larger footprint which would disturb additional land. Several site design elements have been proposed to further reduce disturbance to the minimum necessary to make reasonable use of the Property, including (i) reduction of parking areas and travel lanes, (ii) landbanked parking and parking under buildings, (iii) retaining wall along the parking area along Buildings 1 and 2 to minimize impacts to Very Steep Slopes along Bank Street and maintain existing vegetation, (iv) relocation of the trail along the Bluff further from the ridgeline, (v) elimination of parallel parking spaces from the access road to reduce impacts to fragmented interior Very Steep Slopes, and (vi) relocation of the retaining wall along the west side of the site entrance off Branch Street to minimize impacts to Very Steep Slopes;

(3) All feasible construction standards and precautions will be taken to assure that environmental impacts are minimized. Temporary erosion and sediment control (E&SC) measures will be implemented during construction, and permanent E&SC measures are incorporated into the project design. Weekly inspections of the temporary E&SC measures by a qualified professional will be required; and

(4) The purpose and intent of Section 223-16.B of the Zoning Code are satisfied to the maximum extent feasible. As stated above, most of the Very Steep Slopes on the Property appear to be man-made as a result of previous development of the Property, with the exception of the Bluff at the western edge of the Property. The Bluff will remain largely undisturbed as a result the Project. Thus, the purpose and intent of the Code in preventing erosion, minimizing stormwater runoff, preserving the City's underground water resources, and protecting the City's character and property values, is satisfied by the Project's avoidance of disturbance to Very Steep Slopes, particularly those that are natural and not man-made, to the maximum extent feasible.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Amended Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, as shown on the application materials referenced above, subject to the conditions and modifications set forth herein, and also hereby grants Site Plan Approval for the Property located and collectively known as 22 Edgewater Place, as shown on the application materials enumerated above, subject to the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

1. All application review fees shall be paid in full.

2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Amended Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.

3. The comments contained in the City Engineer's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Engineer.

4. The comments contained in the City Planner's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.

5. The Applicant has agreed that the trail depicted on the western side of the Property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent. A note shall be added to the plat to this effect.

6. The Applicant has further agreed that the Connection Trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). The note on the plat regarding the future trail linking the future Greenway Trail to the Connection Trail shall be revised to replace the reference to a reservation of rights by the City of Beacon with a grant of easement rights to the City of Beacon and otherwise clarify the scope of the

easement to the satisfaction of the City Attorney, consistent with the Special Permit Resolution adopted by the City Council, which provides the Final Subdivision Plat shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, for the City to locate, construct and maintain said Greenway Trail connection.

7. As per the Special Permit Resolution adopted by the City Council for this Project, regulations regarding public use of the Connection Trail were directed to be determined during Site Plan review. Accordingly, the Connection Trail is subject to the following regulations:

   i. The Connection Trail shall be open to the public from dawn to dusk, subject to weather conditions.

   ii. The Applicant has the right to close the Connection Trail due to weather conditions or other unsafe or hazardous conditions, including but not limited to construction activity on the Property.

   iii. The Connection Trail shall be used for purposes of pedestrian recreation or otherwise traveling to and from the Metro North Train Station.

   iv. The Applicant shall keep the Connection Trail in good working order for the purposes described above.

   v. The Applicant shall be solely responsible for the construction, maintenance, repair and replacement of the Connection Trail.

8. All easements shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.

9. The following easement agreements, declarations of restrictive covenants or other appropriate documents shall be prepared and submitted to the City Attorney for review and shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat, with a copy of the recorded documents submitted to the City Clerk for filing:

   i. Stormwater Easement and Maintenance Agreement

   ii. "Connection Trail" Easement Agreement or Declaration for the purpose of authorizing public access over the "Connection Trail" from Tompkins Terrace to Branch Street.

   iii. Declaration or Easement Agreement granting to the City of Beacon a 20-foot right-of-way for the construction and maintenance of a trail linking the off-site Greenway Trail to the "Connection Trail" within

the area depicted on the Final Subdivision Plat as "Limits of 'Connection Trail' Connection Area," with the exact location of the 20-foot right-of-way to be determined at a future date. The easement shall include reference to the "Limits of the 'Connection Trail' Connection Area" as shown on the Final Subdivision Plat. As per Special Permit Resolution #116-2018 adopted by the City Council for the Project, construction of the trail linkage shall be at the City of Beacon's sole cost and expense.

10. An Offer of Dedication with a description of the area to be dedicated as shown on the subdivision plat to the north of the Branch Street right-of-way shall be submitted to the City Council.

11. The proposed water lines serving the Project are being offered for dedication to the City of Beacon. An Offer of Dedication shall be submitted to the City Council along with a draft Water Line Easement Agreement. In the event the City Council does not accept dedication of the installed water lines, the Applicant shall be solely responsible for the maintenance, repair and replacement of such lines.

12. The Applicant shall post a performance bond with the City of Beacon for the public improvements which include, but are not limited to, the proposed water system, Branch Street improvements, and traffic signal timing modifications. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.

When the conditions above have been satisfied, four (4) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

B. Prior to the signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:

1. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Amended Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.

2. The comments contained in the City Engineer's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.

3. The comments contained in the City Planner's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

C. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled:

1. The Applicant shall submit a Maintenance Agreement, License Agreement or other similar document to the City Council for review concerning the Applicant's agreement to maintain the approximately 155 foot section of the Branch Street public right-of-way which extends from the intersection of Bank Street and Branch Street westward to the point where Branch Street becomes a private right-of-way, due its use as the primary access to the Project with only one other private user (Bobbit, Parcel ID 5954-25-569966).

2. The Applicant shall establish an escrow with the City of Beacon for the inspection of the water main installation.

3. The Applicant shall establish an escrow for stormwater inspections by the City Engineer on behalf of the City of Beacon.

4. Pursuant to Section 223-41.10.A, the Applicant shall submit floor plans which provide a mix of unit types in the same proportion as all other units in the development, subject to approval by the Planning Board. The floor plans should indicate the location of each BMR unit to be provided.

5. Pursuant to Section 223-26.E of the Zoning Code, the Applicant shall be responsible for the construction of the forty-five (45) landbanked parking spaces as shown on the approved site plan referenced herein within six (6) months of the date such spaces may be deemed necessary by the Planning Board. A landbanked parking agreement shall be submitted to the City Attorney for review and approval.

D. Prior to the issuance of a Certificate of Occupancy, the following conditions shall be fulfilled:

1. The Applicant shall perform the traffic signal timing modifications, including adaptive software technology if required, for the AM Peak Hour for the Wolcott Avenue/Verplanck Avenue intersection and for the PM Peak Hour for the Wolcott Avenue/Beekman Street intersection, as set forth in the Traffic Impact Study, dated January 18, 2017, revised February 27, 2017, including any subsequent revisions thereto, as prepared by Maser Consulting, P.A, Hawthorne, N.Y., to the satisfaction of the Building Inspector, City Engineer, City Traffic Consultant and NYSDOT.

E. The following are general conditions which shall be fulfilled:

1. Within 6-12 months following completion and full occupancy of the Amended Project, the following intersections will be monitored by the Applicant to assess whether traffic signal warrants are satisfied at these locations:

   a. Wolcott Avenue/Tompkins Avenue

   b. Beekman Street/West Main Street

   Prior to monitoring, the Applicant shall submit a Monitoring Protocol for review and approval of the City Traffic Consultant and NYSDOT, which shall include pedestrian and bicyclist counts. If a traffic signal is warranted, the Applicant shall contribute its fair share toward the installation of a traffic signal based on the level of traffic volume the Project contributes to the intersection or other reasonable basis consistent with best practices in the industry.

2. Pursuant to NYSDEC recommendations, removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and April 1 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees.

3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.

4. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Amended Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site or is otherwise impractical. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Section 225-25.H of the City Code. The Planning Board hereby requires that, prior to the issuance of the first Certificate of Occupancy for each building, the Applicant shall pay a Recreation Fee for the number of units located in the subject building, as per the City's Fee Schedule in effect at the time of payment.

5. Rock removal operations shall be limited to 8 a.m. to 5 p.m., Monday through Friday. Rock removal shall not occur on any federal holidays or weekends.

6. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.

7. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Full EAF and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the Full EAF, the terms of this resolution shall be controlling.

8. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this Amended Project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.

9. As used herein, the term "Applicant" shall include Scenic Beacon Developments, LLC, and its heirs, successors and assigns.

10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.

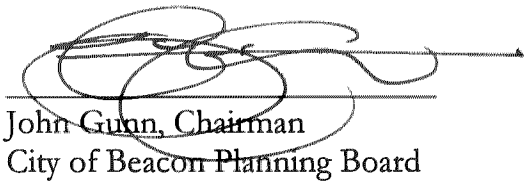
11. The approvals granted by this resolution do not supersede the authority of any other entity.

12. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.

13. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this resolution and proof of recording of the easement documents described above.

14. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.

Resolution Adopted: September 11, 2018
Beacon, New York



John Gunn, Chairman
City of Beacon Planning Board

9/17, 2018
Dated

Motion by R.Williams, seconded by P.Lambert:

Gary Barrack	Voting: Excused	Jill Reynolds	Voting: AYE
David Burke	Voting: AYE	Randall Williams	Voting: AYE
Patrick Lambert	Voting: AYE	John Gunn, Chairman	Voting: AYE
Rick Muscat	Voting: Excused		

Approved: 5-0

Received in the Office of the
City Clerk
on September 17, 2018

City of Beacon Planning Board Agenda
09/09/2020

Title:

River Ridge Pocket Park ***(postponed per City Attorney)***

ATTACHMENTS

City of Beacon Planning Board Agenda
09/09/2020

Title:

City Council request to review proposed Local Law amending Chapter 223 concerning Wireless Telecommunications

ATTACHMENTS

Memorandum from the City Attorney Regarding Small Cell Wireless.pdf

Proposed Local Law Regarding Small Cell Wireless Facilities.pdf

Small Wireless Facilities Design Standards.pdf

Wireless Telecommunication Law Comparison.pdf

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MEMORANDUM

TO: **City of Beacon**

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

RE: **Wireless Telecommunication Local Law**

DATE: **July 21, 2020**

Our office has prepared the attached proposed local law concerning wireless telecommunications services facilities. This memorandum summarizes the major changes in the proposed local law.

Repealing Section 223-26.4 and Section 223-24.5

The proposed local law repeals Section 223-26.4 of the City Code which only regulated small cell wireless telecommunications facilities. Under the existing Code, no person can install certain small cell facility without first obtaining a small cell permit from the Planning Board. The proposed local law also repeals Section 223-24.5 which establishes special regulations to control the location, construction and maintenance of wireless telecommunications services facilities. Under the existing code, no wireless telecommunication services facility can be located or constructed on any lot or structure in the City of Beacon unless a special use permit is issued by the City Council. Under the draft local law, wireless telecommunications facilities no longer require special use permit approval from the City Council. Instead, applicants are required to obtain approval from the Planning Board to construct a wireless telecommunications services facility, including cell towers and small cell wireless facilities.

Individual standards and regulations for special permit uses are set forth in Sections 223-20 through 223-24. (*See* Section 223-19). Since special use permits are not required for wireless telecommunication facilities under the proposed local law, such regulations cannot be included in Section 223-24.5 and have therefore been moved to Section 26.4.

A comparison version of Section 223-24.5 and proposed Section 223-26.4 is attached hereto to highlight the changes made.

Eligible Facility Requests

Under the existing City Code, Section 223-26.4.C(2), eligible facility requests are reviewed by the Planning Board. The term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment, removal of transmission equipment; or replacement of transmission equipment. This term is defined in the City Code. The Planning Board reviews an eligible facility request application only to the extent necessary to determine if such request is an eligible facility request. The Planning Board is required under the Spectrum Act to approve all eligible facility requests that do not substantially change the physical dimensions of such structure.

Under the proposed local law, eligible facilities requests shall not require any approval from the Planning Board. Only a building permit shall be required prior to any modification of an eligible support structure pursuant to an eligible facilities request.

Application

A provision was added to the proposed local law to allow the Planning Board to waive any application submission requirements for applications pertaining to small cell wireless facilities if it believes the material is unnecessary to its review of the application. The ability to waive a certain application materials is within the sole discretion of the Planning Board.

Location and Access

The locational priorities previously set forth in Section 223-24.5.H have been removed from the proposed local law. Section 223-24.5.H established separate locational priorities for small cell wireless facilities and non-small cell wireless facilities. If the proposed site selected for the wireless telecommunications services facility is not the highest priority, applicants are required to submit a detailed explanation as to why a site of higher priority was not selected. The applicant seeking such an exemption has to satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.

In an effort to streamline and improve the efficiency of the review process for wireless telecommunications services facilities these priorities have been eliminated from the proposed local law. The City established locational priorities to minimize adverse aesthetic impacts and preserve scenic values of the City. The proposed local law includes additional provisions in Subsection J. Visual Mitigation, to address such concerns.

Visual Mitigation

Subsection J(6-10) have were added to the proposed local law to provide more opportunity for the Planning Board to regulate and condition wireless telecommunications services facilities to mitigate visual impacts.

The proposed local law also states that all applications for small wireless facility permits shall comply with City's design standards set forth in the Small Wireless Facility Design and Review Guideline Policy, to the maximum extent feasible. This policy shall be created by the Building Inspector, upon consultation with the City Planner, and shall be approved by the Planning Board. A copy of the draft guideline policy is attached.

DRAFT LOCAL LAW NO. ____ OF 2020

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND
CHAPTER 223, SECTIONS 24.5, 26.4, 25(A), 41.18(A)(19) AND 41.21(A)(10)
THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 223, SECTIONS 24.5, 26.4, 25(A), 41.18(A)(19) and 41.21(A)(10) of the Code of the City of Beacon concerning wireless telecommunications services facilities.

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

Section 1. Chapter 223, Section 24.5 of the Code of the City of Beacon entitled "Wireless Telecommunication Services Facilities" is hereby repealed in its entirety.

Section 2. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled "Small Cell Wireless Telecommunications Facilities" is hereby repealed in its entirety.

Section 3. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled "Wireless Telecommunications Services Facilities" is hereby created as follows.

§ 223-26.4 **Wireless telecommunications services facilities.**

A. Statement of intent and objectives.

(1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development

Plan.

(2) The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among telecommunications providers.

B. Except as provided hereinafter, no wireless telecommunications services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon without first filing a wireless telecommunications services facility application with the Planning Board and obtaining approval from the Planning Board.

C. Exemptions. The provisions of this section shall not apply to:

(1) Unlicensed wireless telecommunications services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.

(2) An eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure. A building permit must be obtained prior to any modification of an eligible support structure pursuant to an eligible facilities request.

D. An application for approval of a wireless telecommunications services facility shall be jointly filed by the operator of the wireless telecommunications services facility and the owner of the property on which such facility is proposed to be located and shall contain the following.

(1) A site development plan showing applicant's entire property and adjacent properties and streets, at a convenient scale.

(2) An engineering plan illustrating the design and specifications of the proposed structure and equipment, including location of radios, antenna facilities, transmitters, equipment shelters, cables, conduits, point of demarcation, transport solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable the design documents should include

specifications on design, pole modifications and ADA compliance;

(3) Where applicable, a load bearing study to determine whether the a structure requires reinforcement in order to accommodate the attachment of the proposed wireless telecommunication facility. If pole reinforcement is warranted, teh design documents should include the proposed pole modification.

(4) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;

(5) The applicant's name, address, telephone number, and e-mail address;

(6) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant;

(7) A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

(8) The location of the nearest residential structure;

(9) Identify all existing and proposed wireless telecommunications services facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies);

(10) A visual impact assessment of the proposed wireless telecommunications services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the Planning Board;

(11) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities; and

(12) In the case of an application for approval of a wireless telecommunications services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the

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financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the Planning Board and a copy shall be filed with the City Clerk and the Building Inspector.

(13) For applications concerning small cell wireless telecommunications facilities, the Planning Board may waive any of the above application submission requirements that it believes to be unnecessary.

E. The applicant and all future owners of the premises and the wireless telecommunications services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

F. Application fees. At the time an applicant submits an application for a wireless telecommunications services facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.

G. Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless telecommunications services facility located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of-way shall be set forth in the City of Beacon fee schedule.

H. Setbacks. Wireless telecommunications services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless telecommunications services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the Planning Board makes a written determination that such designs are not necessary or feasible.

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I. Height limitations. Within the height limitations set forth below, a wireless telecommunications services facility shall not exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve. Coverage requirements, safety, visual impacts, and proximity to occupied buildings are all factors that can be considered in determining the appropriate height.

(1) The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless telecommunications services facility shall not be placed more than 10 feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed or ten percent taller than the highest point of the adjacent structures if the adjacent structures are taller than the structure to which the antennas and equipment are proposed to be affixed, unless the Planning Board determines that a request height is required to provide the necessary service and/or capacity (i.e. network densification). .

(2) The height of any monopole or tower utilized in a wireless telecommunications services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.

(3) Applicants must submit documentation justifying the total height.

J. Visual mitigation.

(1) All wireless telecommunications services facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless telecommunications services facility.

(2) Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, and surrounding properties to the extent practicable, as determined by the Planning Board.

(3) No signs shall be erected on any wireless telecommunications services facility except as may be required by the FCC or other governmental agency with

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jurisdiction over such facilities.

(4) All equipment enclosures and storage buildings associated with the wireless telecommunications services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped. All accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

(5) All wireless telecommunication services facilities shall be sited to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication services facilities.

(6) No wireless telecommunications services facility shall be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the satisfaction of the Planning Board that the selected site is necessary to provide wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.

(7) The Planning Board may consider alternative locations for equipment.

(8) The Planning Board shall consider all impacts to sight lines and aesthetic views.

(9) No wireless telecommunications services facility shall obstruct pedestrian or vehicular traffic in any way.

(10) Wherever possible, new wireless telecommunications services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Towers shall be the structures of last resort.

(11) All applications for a small wireless facility permit shall comply with the Small Wireless Facility Design and Review Guideline Policy, to the maximum extent feasible, and the applicable provisions of this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in the Small Wireless Facility Design and Review Guideline Policy and this subsection relating to an application for, or approval of, a small wireless facility permit. The Wireless Facility Design and Review Guideline Policy shall be created by the Building Inspector, upon

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consultation with the City Planner, and shall be approved by the Planning Board.

K. Materials. A wireless telecommunications services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the Planning Board. The mountings of wireless telecommunications antennas shall be nonreflective and of the appropriate color to blend with their background.

L. Lighting. The wireless telecommunications services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

M. Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless telecommunications services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the Planning Board. A copy of such certification report shall be submitted to the Planning Board prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The Planning Board may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the Planning Board whenever they are required to be submitted to the FCC. The Planning Board may hire a qualified professional of its choosing to review and confirm such initial and subsequent certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

N. Utility service. Electrical and land-based telephone lines extended to serve the wireless telecommunications services facility sites shall be installed underground. If the wireless telecommunications services facility is attached to a building, and if determined practical and economically feasible by the Planning Board, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.

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O. Safety provisions. A wireless telecommunications services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.

P. Security provisions. A wireless telecommunications services facility shall be designed to prevent unauthorized access and may include the incorporation of physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

Q. Structural/safety inspection and report.

(1) A monopole or tower over 50 feet in height shall be inspected at least every five years from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.

(2) The City of Beacon reserves the right to inspect any wireless telecommunications services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, state or federal law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

R. Interference. In the event that the wireless telecommunications services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

S. The Secretary of the Planning Board shall forward a copy of the Planning Board decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

T. Duration. Construction must be commenced within 12 months of issuance of the Planning Board's approval and diligently pursued thereafter, or such approval shall expire.

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U. Removal, relocation or modification of wireless telecommunications services facilities in the public right-of-way.

(1) Notice. Within 90 days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless telecommunications services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

(2) Abandonment of facilities. Upon abandonment of a wireless telecommunications service facility within a public right-of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

(3) A wireless telecommunications provider is authorized, after 30 days written notice to the City Building Inspector, to remove its facility at any time from the rights-of-way and cease paying the City the administrative fee.

Section 4. Subsection A of Chapter 223, Section 25 of the Code of the City of Beacon entitled "Site development plan approval" is hereby amended as follows:

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings ~~or small cell wireless telecommunications services facilities~~, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

Section 5. Subsection A(19) of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled "Regulations" is hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review and approval. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

…

(19) Wireless telecommunications services facilities, provided that they are consistent with § 223-26.4~~24.5~~ and, if mounted on a building, they do not increase its height by more than 15 feet above applicable height limits.

Section 6. Subsection A(10) of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled "Regulations" is hereby amended as follows:

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review:

…

(10) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and are consistent with § 223-26.4~~24.5~~.

Section 7. Ratification, Readoption and Confirmation

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

Section 8. 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

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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 9. 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 10. Effective Date

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

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Draft 6/12/2020

City of Beacon

Small Wireless Facilities

Aesthetic Design Standards

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1. BACKGROUND AND PURPOSE

The City of Beacon has adopted the following standards in order to facilitate and encourage the orderly installation of wireless telecommunications infrastructure for the public convenience. The City encourages wireless service providers and wireless infrastructure providers to locate small wireless facilities in the public rights-of-way in a responsible fashion. These networks of low powered micro antennas provide cellular and data coverage to supplement the providers' macrocellular networks. New small cell installations will improve the providers' ability to meet current and future consumer cellular and data needs;

The following design standards have been developed by the City of Beacon to ensure that the design, appearance, and other features of small wireless facilities are compatible with nearby land uses; to prevent the intangible public harm of unsightly or out-of-character deployments; to ensure vehicular and pedestrian traffic safety and coordinate various uses in the right-of-way; and to protect the integrity of historic, cultural, and scenic resources and citizens' quality of life.

This document establishes design and aesthetic requirements that all small wireless facilities installed within the ROW must meet prior to installation within the City's boundaries. Small wireless facilities installed within the ROW are bound to these design standards.

There are several different small wireless facility installations permitted within Beacon:
- Attachments to utility poles and utility lines
- Attachments to traffic signal poles
- Attachments to certain types of street light poles
- New freestanding installations (small cell pole)
- New combination poles with street light and concealed small wireless facility (smart poles)

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1. GENERAL REQUIREMENTS

1.1 SMALL WIRELESS FACILITY EQUIPMENT

AESTHETICS	Providers shall consider the aesthetics of the existing street lights and other City infrastructure near proposed small wireless facility locations, with special attention given to the details of neighborhoods with unique or ornamental street light assemblies. Unique or ornamental assemblies may include mast arms, ornamental pole bases, architectural luminaires, mounting heights, pole colors, etc. Equipment should match the aesthetics of the pole and surrounding poles.
EXTERNAL SHROUDING	4G antennas shall be cantennas or contained in a shroud and any other equipment shall be contained in an equipment cabinet, unless the visual impact can otherwise be reduced by its location on the pole. 5G antennas are not required to be shrouded, but shall be reasonably colored to match the pole on which they are mounted. On wood poles, the color of attachments shall be gray or OEM default colors.
SIDEARM (OFF-SET) INSTALLS	The nearest point of the enclosure to the pole shall not extend more than 30 inches from the pole or as specified by pole owner(s). The minimum mounting height shall be 20 feet.
CONDUITS	All cables shall be in rigid conduits from below ground to eight (8) feet above grade. Cables shall be in conduits or covers at heights greater than eight (8) feet above grade. Conduits and covers shall be surface mounted to the pole unless required to be installed inside the pole.
HARDWARE ATTACHMENT	Welding onto existing equipment is not permitted.
COLOR	All equipment shall be colored or painted to match pole aesthetics. If a wood pole, the visible attachments and

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	hardware shall be colored gray or OEM default colors. Paint color and type shall be that specified by the City Engineer.
CABLES	All cables shall be clearly labeled for future identification.
CANTENNAS	Cantennas or antennas contained in a shroud shall be mounted directly on top of the pole, unless a side arm installation is required by a pole owner. A tapered transition between the upper pole and pole-top cantenna is required. Cantenna shall be no more than 3 cubic feet in volume.
STICKERS OR SIGNS	Any on-pole cabinet and any ground mounted utility box shall be labeled with: (1) RF warning sticker or sign, no larger than 7x10 inches. Facing to the street near the elevation of the antennas; (2) 7-inch by 10-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No product advertising.
LIGHTS	There shall be no lights on the equipment unless required by federal law.
GROUND MOUNTED EQUIPMENT BOX	Shall not be permitted unless applicant demonstrates that no other feasible options for containing the necessary equipment are available. Boxes shall not be placed closer than 20 feet from a street corner, and sight lines for drivers and pedestrians must be preserved. The City Engineer shall make the final determination on approval or denial of the proposed placement. All ground mounted equipment boxes shall be attached to a concrete foundation. All equipment must be at least two (2) feet clear of the curb. The City prefers equipment to be placed in existing underground vaults when available.

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POLE CONNECTION	Attachments to the side of a pole shall be oriented away from the street side of the pole, placed perpendicularly or parallel to the street, unless applicant demonstrates need for variation. Providers shall use a consistent orientation on poles located on the same block. Attachments must be at least two (2) feet clear of the curb.
HEIGHT OF EQUIPMENT ON POLE	The lowest point shall not be lower than eight (8) feet from the grade directly below the equipment enclosure.
POWER METER	As required by National Grid and in a location that (1) minimizes its interference with other users of the City's right-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes its aesthetic impact.

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1.2 NEW AND REPLACEMENT METAL POLES

POLE STYLE	Pole shall match aesthetics of surrounding street lights. Pole extension on traffic signal pole shall match the rest of the pole.
COLOR	A pole and pole extension shall be colored or painted to match existing street light aesthetics. Paint color and type used shall be that specified by the City Engineer.
INTERNAL INSTALLS	Equipment shall be installed internally when using a new underground-fed pole. Any equipment installed within a pole shall not protrude from the pole except to the extent reasonably necessary to connect to power or a wireline, or as required by National Grid.
STICKERS OR SIGNS	On each pole, a (1) RF warning sticker or sign, no larger than 5 x 7 inches. Facing to the street near the elevation of the antenna(s); (2) 5-inch by 7-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No product advertising.

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1.3 GENERALLY APPLICABLE REQUIREMENTS

Any small wireless facilities, whether co-located on an existing pole or installed on or in a new pole, shall comply with the following requirements:

- Shall not significantly create a new obstruction to property sight lines.
- Shall preferably be on a pole located as close as possible to the point of intersection created by the extension of side-yard property lines with the existing line of utility or street light poles in the right-of-way, and preferably along a property's secondary street facing.
- Shall be installed with appropriate clearance from existing utilities.
- Providers shall consider the aesthetics of existing street lights and street furniture in the neighborhood of the proposed small cell locations. These aesthetic considerations and accommodations shall be included in the application submittal.
- All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of traffic signals, signage, street lights, street furniture, fire hydrants, underground infrastructure, or business district maintenance.
- New small wireless facility wires, cords and cables shall be encased in a separate conduit than any City wires, cords, and cables.
- Shall be placed so as not to interfere with normal operation and maintenance of street lights, traffic signals or other street appurtenances.

1.31 CITY'S PREFERRED SMALL WIRELESS FACILITY EQUIPMENT LOCATIONS IN ORDER OF PREFERENCE:

- On-strand attached to a utility pole, if meeting provider service objective.
- Attached to existing utility poles or to traffic signal poles.
- Attached to plain wood or plain metal street light poles.
- Replacement plain metal street light pole with concealed small wireless facility equipment and antennas.
- Installation of small cell poles.
- Replacement ornamental street light pole with concealed small wireless facility equipment and antennas.

Applicant shall demonstrate the infeasibility of each city-preferred location before requesting permission for the next on the list.

1.32 STANDARDS FOR SMALL WIRELESS FACILITIES WITHIN NATIONAL REGISTER-LISTED HISTORIC DISTRICTS OR THE CITY'S HISTORIC DISTRICT AND LANDMARK OVERLAY ZONE OR ADJACENT TO NATIONAL REGISTER-LISTED SITE OR LOCAL PROTECTED SITE

In order to maintain the character of a historic property, all wireless facilities and new structures within a National Register-Listed Historic District or the City's Historic District and Landmark Overlay Zone or adjacent to a National Registered-Listed site or local protected site must employ screening, concealment, camouflage, or other stealth techniques to minimize visual impacts. The placement of small wireless facilities on existing structures or new poles shall be subject to the following:

- Tower structures and new wooden structures will not be permitted.
- Small wireless facilities shall not be installed on poles located in front of a building designated as a local landmark or listed on the National Register.
- The design of wireless facilities and related new structures must be integrated with existing buildings, structures and landscaping, including considerations of height, color, style, placement, design and shape.

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2. ATTACHMENTS TO UTILITY POLES

2.1 PURPOSE

This chapter of the standards governs attachment of a small wireless facility to a utility pole.

2.2 STANDARDS

A small wireless facility attachment shall conform to pole owner's attachment standards. Any attachment to a utility pole or utility line shall first be approved by the owner(s) of the utility pole or line.

All associated equipment shall be mounted on poles if allowed by pole owner and pole is capable of supporting.

Fiber, wires and cables shall be in conduits or covers surface-mounted to pole.

One (1) small wireless facility will be allowed by the City per utility pole if technically feasible and if in the determination of the City Engineer there are no safety or aesthetic concerns. These standards apply whether attachment is to an existing utility pole, or the owner requires installation of a replacement utility pole.

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3. ATTACHMENTS TO TRAFFIC SIGNAL POLES

3.1 PURPOSE

This chapter of the standards governs attachment of a small wireless facility to a traffic signal pole.

3.2 STANDARDS

One (1) small wireless facility will be allowed by the City per traffic signal pole if technically feasible and if in the determination of the City Engineer there are no safety or aesthetic concerns.

All provider equipment other than the antenna shall be housed inside an existing underground vault, inside the pole or a pole extension at the top of the pole, inside a pole-mounted cabinet, or hidden within the cantenna. The cantenna shall only be attached to the top of the pole. 5G antennas shall be mounted not more than 6" from the pole or pole extension and shall be colored to match the pole.

Fiber, wire and cables shall be inside pole in a conduit. If conduit space is not available, the pole cannot be used.

A small wireless facility may not be placed on a traffic signal pole which has a luminaire attached.

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4. ATTACHMENTS TO STREET LIGHT POLES

4.1 PURPOSE

This chapter governs small wireless facility attachments to a street light pole. Two different types of small wireless facility installations are permitted on street light poles, which are:

- Co-locating small wireless facility equipment on plain (non-ornamental) wood or plain (non-ornamental) metal street light poles.
- Replacing an existing plain wood or plain metal street light pole so that small wireless facility equipment can be attached.

4.2 STANDARDS

No small wireless facility placement shall be allowed as attachments on ornamental street lighting poles. Replacement of an existing ornamental street light pole with a matching smart pole may be permitted as per Section 6.

One (1) small wireless facility will be allowed by the City per street light pole if technically feasible and if in the determination of the City Engineer there are no safety or aesthetic concerns. These standards apply whether attachment is to an existing street light pole or to a replacement street light pole.

On an existing pole, the equipment excluding the antenna shall be in an equipment cabinet if on the pole, otherwise shielded from view, hidden within the cantenna, or contained in an existing underground vault or new or existing ground-mounted utility box.

- All equipment not concealed in a base cabinet shall be above the ground at least eight (8) feet.
- Equipment shall be oriented away from the street. If an exception is made allowing the small cell equipment to orient toward the street, the attachment shall be installed no less than 16 feet above the ground.
- The size of small wireless facilities shall be minimized as much as possible to minimize visual impact without decreasing the level of service desired by provider.
- The lighting level-of-service shall not be decreased.
- The City may require a new smart pole in lieu of collocating on a metal street light pole. See Section 6 for smart pole standards.
- Wood poles shall only be allowed by approval in areas that have predominantly wood poles or when replacing an existing wood pole. Wood poles shall not be allowed on streets which do not currently have wooden utility poles.

5. INSTALLATION OF SMALL CELL POLE

5.1 PURPOSE

This chapter of the Standards is to be used when installing a freestanding small wireless facility installation, referred to as a small cell pole.

5.2 STANDARDS

All small wireless facility carrier equipment excluding the antenna shall be housed internal to an equipment cabinet at the base of the pole or hidden within the pole or cantenna. No provider equipment shall be strapped or banded to the outside of the small cell pole.

- Small Cell Poles shall coordinate with neighborhood pole style, color, and material type, matching aesthetics of adjacent poles, but may have larger diameter to internally conceal equipment.
- A base containing equipment shall be round with a preferred diameter of the base cabinet 18 inches with a maximum 24 inch diameter. The meter shall be contained in an equipment cabinet as approved by National Grid.
- Ownership of small cell poles is to remain with the provider.
- At least 15% of the pole design structural capacity shall be reserved for future City installations.
- All new poles shall have appropriate clearance from existing utilities.
- Small Cell Poles shall have a smooth transition from the upper pole to the cantenna or 5G antenna.
- Wood poles shall not be allowed on streets which do not currently have wooden utility poles.

5.3 PLACEMENT REQUIREMENTS

All small cell poles shall be privately owned and shall be permitted by the Department of Engineering via the ROW Permit Requirements as outlined in the Master License Agreement.

- Preferred location for new pole is generally on an extension of the side-yard property line at the intersection with the line of street lights, utility poles, or trees in the ROW, to avoid interference with building face, views, business signage, pedestrian flow, etc.
- Small Cell Poles placement shall not impede, obstruct, or hinder pedestrian or vehicular travel.
- Small Cell Poles shall not be located along the frontage of a historic building, deemed historic on a federal, state, or local level.
- Small Cell Poles shall not significantly create a new obstruction to property sight lines.
- Whenever possible, the freestanding small wireless facility shall be located on the secondary street.

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- Small Cell Poles shall be located within the street amenity zone whenever possible.
- All new poles shall be in line with adjacent utility or street light poles, and preferably be equidistant from them.
- To minimize conflicts with trees, minimum distance standards will be established from tree canopy edge. Distances will vary based on current age of tree (which is based on diameter of trunk) in order to anticipate future tree growth. Distances will also depend on which side of street the cell structures will be installed.

    a. Distance from canopy edge on utility pole side of street (where low-growing trees are planted)

Trunk Diameter	Distance from canopy edge
1 to 6”	20’
7 to 12”	15’
13” and up:	10’

    b. Distance from canopy edge on side of street free of utility poles (where tall-growing trees are planted)

Trunk Diameter	Distance from canopy edge
1 to 6”	55’
7 to 12”	45’
13 to 18”	35’
18 to 24”	25’
24” and up	15’

    The City may refuse applications for sites that are prime locations for tree planting due to soil quality, tree lawn width, and importance of tree canopy at this location to the community. These priority tree planting areas are typically on the side of the street without utility poles, and have tree lawns (planting strips) greater than seven (7) feet wide between the curb and the sidewalk.

    Small Cell Poles shall be placed at an equal distance between trees and other poles when possible.

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- Small Cell Poles shall not be installed between the perpendicular extension of the primary street-facing wall plane of any single- or two-family residence and the street.
- When located adjacent to a commercial establishment, such as a shop or restaurant, small cell poles shall not be located in front of store front windows, primary walkways, primary entrances or exits, or in such a way that would impede a delivery to the building.
- Small Cell Poles shall be at least 5’ from driveways, entrances or private lead walks to buildings, and bus shelters.
- Small Cell Poles must be placed outside of the 20-foot equipment clear zone, or applicable sight triangle at intersection corners.

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6. INSTALLATION OF SMART POLES

6.1 PURPOSE

This chapter of the Standards is to be used when installing a:

- Replacement plain metal street light pole with internally concealed small wireless facility equipment and antennas; or
- Replacement ornamental street light pole with internally concealed small wireless facility equipment and antennas.

6.2 STANDARDS

All small wireless facility carrier equipment excluding the antenna shall be housed internal to an equipment cabinet at the base of the pole, or concealed within the pole or cantenna. No provider equipment shall be strapped to the outside of the smart pole.

Smart poles shall reasonably match neighborhood pole style, color and material type. Height of smart pole shall not exceed the greater of 10% higher than original/surrounding light poles, or 50 feet.

A base containing equipment shall be round with a preferred diameter of the base cabinet 18 inches with a maximum 24 inch diameter. The meter shall be contained in the base cabinet or as approved by National Grid.

New luminaires shall be mounted at the same height as adjacent street lights. New luminaires shall reasonably match existing and shall incorporate the City's networked lighting control node.

The lighting level-of-service shall not be decreased.

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§ DRAFT LOCAL LAW NO. ____ OF 2020

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND CHAPTER 223-, SECTIONS 24.5 Wireless telecommunication, 26.4, 25(A), 41.18(A)(19) AND 41.21(A)(10) THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 223, SECTIONS 24.5, 26.4, 25(A), 41.18(A)(19) and 41.21(A)(10) of the Code of the City of Beacon concerning wireless telecommunications services facilities.-

[Added 7-15-2002 by L.L. No. 21-2002; amended 12-2-2002 by L.L. No. 30-2002; 2-19-2019 by L.L. No. 2-2019]

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

Section 1. Chapter 223, Section 24.5 of the Code of the City of Beacon entitled "Wireless Telecommunication Services Facilities" is hereby repealed in its entirety.

Section 2. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled "Small Cell Wireless Telecommunications Facilities" is hereby repealed in its entirety.

Section 3. Chapter 223, Section 26.4 of the Code of the City of Beacon entitled "Wireless Telecommunications Services Facilities" is hereby created as follows.

§ 223-26.4 **Wireless telecommunications services facilities.**

A. Statement of intent and objectives.

(1) (1) The City Council has determined that the establishment of zoning provisions to institute minimum standards for wireless telecommunications services facilities

shall be among the legislative purposes of the Zoning Law of the City of Beacon and is in accordance with the goals, objectives and policies of the City's Development Plan.

(2) ~~(2)~~ The purpose of these special regulations is to reasonably control the location, construction and maintenance of wireless telecommunications services facilities in order to ~~encourage the siting of said facilities in nonresidential areas and to~~ protect, to the maximum extent practicable, aesthetic impacts, the open space character of portions of the City of Beacon, the property values of the community, and the health and safety of citizens, while not unreasonably limiting competition among ~~telecommunication~~telecommunications providers.

B. ~~B. Use.~~ Except as provided hereinafter, no wireless ~~telecommunication~~telecommunications services facility shall be located, constructed or maintained on any lot, building, structure or land area in the City of Beacon ~~unless a special use permit has been issued in conformity with the requirements of this chapter and all other applicable regulations~~without first filing a wireless telecommunications services facility application with the Planning Board and obtaining approval from the Planning Board.

C. ~~C.~~ Exemptions. The provisions of this section shall not apply to:

~~(1) Wireless telecommunication services facilities that obtain a small cell permit from the Planning Board pursuant to § 223-26.4; or~~

(1) ~~(2)~~ Unlicensed wireless ~~telecommunication~~telecommunications services facilities installed wholly within a principal or accessory building, such as but not limited to baby monitors, heart monitors, garage door openers and burglar alarm transmitters, and serving only that building.

~~D. Special use permit application.~~

(2) ~~(1)~~ An eligible facilities request for modification of an eligible support structure that does not substantially change the physical dimensions of such structure. A building permit must be obtained prior to any modification of an eligible support structure pursuant to an eligible facilities request.

An application for approval of a wireless ~~telecommunication~~telecommunications services facility shall be ~~submitted on the relevant forms for special use permit approval and shall be~~ jointly filed by the operator of the wireless ~~telecommunication~~telecommunications

services facility and the owner of the property on which such facility is proposed to be located.

D. ~~(2) The special use permit application~~ and shall contain the following:.

(1) ~~(a)~~ A site development plan showing applicant's entire property and adjacent properties and streets, at a convenient scale. ~~The site development plan shall also describe any new proposed structure and antenna(s) and all related fixtures, antenna equipment, appurtenances and apparatus, including but not limited to height above preexisting grade, materials, color and lighting;~~

(2) ~~(b)~~ An engineering plan illustrating the design and specifications of the proposed structure and equipment, including location of radios, antenna facilities, transmitters, equipment shelters, cables, conduits, point of demarcation, transport solution, electrical distribution panel, electric meter, and electrical conduit and cabling. Where applicable the design documents should include specifications on design, pole modifications and ADA compliance;

(3) Where applicable, a load bearing study to determine whether the a structure requires reinforcement in order to accommodate the attachment of the proposed wireless telecommunication facility. If pole reinforcement is warranted, teh design documents should include the proposed pole modification.

(4) The location, size, and height of all existing and proposed structures on the property which is the subject of the application;

(5) ~~(c)~~ The applicant's name, address, telephone number, and e-mail address;

(6) ~~(d)~~ The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant ~~with respect to the filing of the special use permit application~~;

(7) ~~(e)~~ A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;

(8) ~~(f)~~ The location of the nearest residential structure;

~~(g) Identify and disclose the number and locations of wireless telecommunication services facilities that the applicant has installed or locations the applicant has considered in the past~~

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~~year within the City;~~

~~(h) A description of the anticipated maintenance needs, including frequency of service, personnel needs and equipment needs, and the potential traffic safety and noise impact of such maintenance;~~

(9) ~~(i)~~ Identify all existing and proposed wireless ~~telecommunication~~telecommunications services facilities which impact upon the service area covering the City of Beacon, including but not limited to topographic maps of the City with service coverage and service gap grids and all proposed as well as other functionally acceptable locations for such facility(ies);

~~(j) The operator of the wireless telecommunication services facility shall submit a certificate of public utility, unless it can be demonstrated to the satisfaction of the City Council that the operator of such facility is exempt from such requirement pursuant to New York State law;~~

(10) ~~(k)~~ A visual impact assessment of the proposed wireless telecommunications services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the Planning Board;

(11) Where the owner of the property on which a wireless telecommunication services facility is proposed contemplates that such property may be used for the installation of two or more such facilities, the property owner shall submit a conceptual master plan identifying the total number and location of such facilities; and~~-~~

~~(l) Any application for a wireless telecommunication services facility shall include a statement and appropriate documentation demonstrating that City-owned sites, buildings and structures and the City's existing facilities inventory have been reviewed to the extent relevant to provide a wireless telecommunication services facility in the area which is the subject of such application and that all reasonable efforts have been made to locate or collocate such facility on all City-owned sites, buildings and structures and on all sites identified in such existing facilities inventory within the service area.~~

~~(m) Any amendment to information contained in a special use permit application shall be submitted in writing to the City within 30 days after the change necessitating the amendment.~~

~~(3) The City may reject applications not meeting the requirements stated herein or which are otherwise incomplete.~~

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~~(4) No wireless telecommunication services facilities shall be installed, constructed or modified until the application is reviewed and approved by the City Council and the special use permit has been issued.~~

(12) ~~(5)~~ In the case of an application for approval of a wireless telecommunications services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the Planning Board and a copy shall be filed with the City Clerk and the Building Inspector.

(13) For applications concerning small cell wireless telecommunications facilities, the Planning Board may waive any of the above application submission requirements that it believes to be unnecessary.

E. The applicant and all future owners of the premises and the wireless ~~telecommunication~~telecommunications services facility shall at all times keep on file in the office of the City Clerk the name, address, and telephone number of the owner and operator of such facility and of at least one individual who shall have authority to arrange for the maintenance of the premises and facility and who shall be authorized to accept service of notices and legal process on behalf of the owner and operator(s) of the premises and facility and to bind the owner to any settlement, fine, judgment, or other disposition (other than incarceration) which may result from any civil or criminal action or proceeding instituted by the City against such owner and/or operator(s).

~~E. Every application for a small cell wireless telecommunication services facility shall be referred to the Planning Board for report and recommendation thereon before the public hearing required by law. Within 30 days of the date of the first Planning Board meeting on or after the date of referral, the Planning Board shall forward its recommendation to the City Council and the applicant, and shall indicate whether the application should be approved, disapproved or approved with modifications and shall specify what modifications, if any, are necessary.~~

F. ~~F.~~ Application fees. At the time an applicant submits an application for a wireless ~~telecommunication~~telecommunications services facility, such applicant shall pay a nonrefundable application fee in an amount as determined by the City Council and set forth in the City of Beacon fee schedule, in addition to any other fee required by law.

G. ~~G.~~ Reimbursement for the use of the public right-of-way. In addition to permit application fees, every wireless ~~telecommunication~~telecommunications services facility

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located in the public right-of-way is subject to the City's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the public right-of-way. The annual fee for use of the public right-of- way shall be set forth in the City of Beacon fee schedule.

~~H. Location and access.~~

~~(1) Subject to the City Council's review and evaluation of technological, structural, safety and financial considerations associated with alternative locations for the siting of wireless telecommunication services facilities, the locational priorities set forth below are consistent with the City's obligation to create the least amount of adverse aesthetic impact and to preserve the scenic values of the City.~~

~~(2) Applications for small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection **H(2)(a)** being the highest priority and Subsection **H(2)(f)** being the lowest priority.~~

~~(a) On the roof of any City-owned or federal-, state- or local government-owned buildings or structures.~~

~~(b) Location on privately owned buildings.~~

~~(c) Location on existing City-owned utility poles.~~

~~(d) Location on City-owned infrastructure on private poles.~~

~~(e) Location on City-owned property, where there is no existing pole.~~

~~(f) Location on privately owned utility poles.~~

~~(3) Applications for all non-small cell wireless facilities shall locate, site and erect said facility in accordance with the following priorities, Subsection **H(3)(a)** being the highest priority and Subsection **H(3)(g)** being the lowest priority:~~

~~(a) Collocation on existing wireless telecommunication services facilities on lands owned or controlled by the City.~~

~~(b) Collocation on a site with existing wireless telecommunication services facilities in the City.~~

~~(c) On sites, buildings and structures located in the HI and LI Zoning Districts.~~

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~~(d) On sites, buildings and structures in the PB, OB, LB and GB Zoning Districts.~~

~~(e) On sites, buildings and structures in the CMS Zoning District.~~

~~(f) On sites, buildings and structures in Residential Zoning Districts.~~

~~(g) On sites, buildings and structures in the WD, WP, or Historic District and Landmark Overlay Zone.~~

~~(4) If the proposed site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of higher priority was not selected. The applicant seeking such an exemption must satisfactorily demonstrate the reason or reasons why such a special use permit should be granted for the proposed site and the hardship that would be incurred by the applicant if the permit was not granted for the proposed use.~~

~~(5) Wherever possible, new wireless telecommunication services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Lattice towers shall be the structures of last resort.~~

~~(6) All new wireless telecommunication services facilities and premises shall be of proper size, location and design to accommodate collocation of other service providers' facilities, unless otherwise permitted by the City Council. To the maximum extent practicable, existing roadways shall be used to provide access to the site of a wireless telecommunication services facility.~~

~~(7) An applicant may not bypass a site of higher priority by stating the site presented is the only site leased or selected. An application shall address collocation as an option and, if such option is not proposed, the applicant must explain why collocation is commercially or otherwise impracticable.~~

~~(8) Notwithstanding the above, wireless telecommunication services facilities are permitted in all zoning districts in the City of Beacon. The City Council may approve any site located within the City, provided the City Council finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants.~~

H. ~~I.~~ Setbacks. Wireless ~~telecommunication~~telecommunications services facilities, except those structurally mounted to an existing building or structure, shall be located not less than two times the otherwise applicable setback requirements for principal structures for the district in which the property is located, or not less than the height of the facility plus the otherwise applicable setback requirements for principal structures for the zoning district in which the property is located, whichever shall be greater. Wireless

~~telecommunication~~telecommunications services facilities structurally mounted to the roof of an existing building or structure shall be set back at least 15 feet from the edge of the roof along any street frontage, unless the ~~City Council~~Planning Board makes a written determination that such designs are not necessary or feasible.

I. ~~J.~~ Height limitations. Within the height limitations set forth below, a wireless ~~telecommunication~~telecommunications services facility shall not exceed the minimum height reasonably necessary to accomplish the purpose it is proposed to serve. Coverage requirements, safety, visual impacts, and proximity to occupied buildings are all factors that can be considered in determining the appropriate height.

(1) ~~(1)~~ The height of any antennas, or other associated antenna equipment, structurally mounted as part of a wireless ~~telecommunication~~telecommunications services facility shall not be placed more than 10 feet above the highest point of the existing structure on which such antennas or antenna equipment is affixed. ~~Antennas shall be mounted so that the bottom of the antenna is at least 20 feet above the grade at the base of the pole~~ or ten percent taller than the highest point of the adjacent structures if the adjacent structures are taller than the structure to which the antennas and equipment are proposed to be affixed, unless the Planning Board determines that a request height is required to provide the necessary service and/or capacity (i.e. network densification). .

(2) ~~(2)~~ The height of any monopole or tower utilized in a wireless ~~telecommunication~~telecommunications services facility shall not exceed 150 feet in height measured from the highest point of such facility to the finished grade elevation of the ground immediately adjacent to the structure.

(3) ~~(3)~~ Applicants must submit documentation justifying the total height.

~~K. Visual mitigation. The applicant/provider shall prepare a visual impact assessment of the proposed wireless telecommunication services facility based upon appropriate modeling, photographic simulation and other pertinent analytical techniques as required by the City Council.~~

J. ~~(1)~~ Visual mitigation.

(1) All wireless ~~telecommunication~~telecommunications services facilities shall be sited so as to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residents in the area of the wireless ~~telecommunication~~telecommunications services facility.

(2) ~~(2)~~ Landscaping and/or other screening and mitigation, including but not limited to architectural treatment, stealth design, use of neutral or compatible coloring and materials, or alternative construction and transmission technologies, shall be required to minimize the visual impact of such facility from public thoroughfares, important viewsheds designated by the City Council or listed in the City's Comprehensive Plan, and surrounding properties to the extent practicable, as determined by the ~~City Council~~Planning Board.

(3) ~~(3)~~ No signs shall be erected on any wireless ~~telecommunication~~telecommunications services facility except as may be required by the ~~City Council for security~~FCC or ~~safety purposes~~other governmental agency with jurisdiction over such facilities.

(4) ~~(4)~~ All equipment enclosures and storage buildings associated with the wireless ~~telecommunication~~telecommunications services facilities shall be consistent or compatible with adjacent buildings in terms of design, materials and colors and shall be appropriately landscaped. All accessory equipment shall maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings.

(5) ~~(5) All special use permit applications for~~All wireless telecommunication services facilities shall ~~contain a demonstration that the facility is~~be sited ~~as~~ to have the least adverse visual effect on the environment and its character, on existing vegetation and on the residences in the area of the wireless telecommunication services facilities.

(6) ~~L.~~ No wireless telecommunications services facility shall be located in the Historic District and Landmark Overlay Zone, unless the applicant demonstrates to the satisfaction of the Planning Board that the selected site is necessary to provide wireless services, including but not limited to, filling a gap in coverage, densifying a wireless network, introducing a new service or otherwise improving service capabilities.

(7) The Planning Board may consider alternative locations for equipment.

(8) The Planning Board shall consider all impacts to sight lines and aesthetic views.

(9) No wireless telecommunications services facility shall obstruct pedestrian or vehicular traffic in any way.

(10) Wherever possible, new wireless telecommunications services facilities shall be in the form of antennas attached to an existing building or structure and/or shall be in the form of stealth structures. Towers shall be the structures of last resort.

(11) All applications for a small wireless facility permit shall comply with the Small Wireless Facility Design and Review Guideline Policy, to the maximum extent feasible, and the applicable provisions of this section. However, notwithstanding anything to the contrary, where appropriate, the Planning Board shall have the authority to waive any requirements set forth in the Small Wireless Facility Design and Review Guideline Policy and this subsection relating to an application for, or approval of, a small wireless facility permit. The Wireless Facility Design and Review Guideline Policy shall be created by the Building Inspector, upon consultation with the City Planner, and shall be approved by the Planning Board.

K. Materials. A wireless ~~telecommunication~~telecommunications services facility shall be of galvanized finish or painted gray or another neutral or compatible color determined to be appropriate for the proposed location of such facility in the reasonable judgment of the ~~City Council.~~Planning Board. The mountings of wireless ~~telecommunication~~telecommunications antennas shall be nonreflective and of the appropriate color to blend with their background.

L. ~~M.~~ Lighting. The wireless ~~telecommunication~~telecommunications services facility shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority.

M. ~~N.~~ Operational characteristics. Unless otherwise superseded by the Federal Communications Commission (FCC), the design and use of the proposed wireless ~~telecommunication~~telecommunications services facility, including its cumulative impact with other existing and approved facilities, shall be certified to conform to the maximum NIER exposure standards promulgated by the FCC, as amended. Said certification shall include a report by a licensed professional electrical engineer with expertise in radio communication facilities and/or health physicist acceptable to the ~~City Council.~~Planning Board. A copy of such certification report shall be submitted to the ~~City Council~~Planning Board prior to commencing operation of such facility and a copy shall be filed with the Building Inspector. The ~~City Council~~Planning Board may require annual certification of conformance with the applicable emission standards. Additionally, copies of certification reports shall be submitted to the ~~City Council~~Planning Board whenever they are required to be submitted to the FCC. The ~~City Council~~Planning Board may hire a qualified professional of its choosing to review and confirm such initial and subsequent

certification report(s), the cost of which shall be reimbursed by the applicant in accordance with the escrow account procedures established by the City for the reimbursement of professional review fees for subdivision, site plan and special use permit applications. Any violation of the emissions standards shall require immediate discontinuation and correction of the use responsible for the violation.

~~O. Noise. Noise-producing equipment shall be sited and/or insulated to prevent any detectable increase in noise above ambient levels as measured at the property line.~~

N. ~~P.~~ Utility service. Electrical and land-based telephone lines extended to serve the wireless ~~telecommunication~~telecommunications services facility sites shall be installed underground. If the wireless ~~telecommunication~~telecommunications services facility is attached to a building, and if determined practical and economically feasible by the ~~City Council~~Planning Board, all wires from the ground to said facility shall be located within the building. If permitted to be located outside said building, the wires shall be enclosed in a conduit whose materials and colors are consistent or compatible with the building.

O. ~~Q.~~ Safety provisions. A wireless ~~telecommunication~~telecommunications services facility shall be designed and erected so that in the event of structural failure it will fall within the required setback area and, to the maximum extent possible, away from adjacent development.

P. ~~R.~~ Security provisions. A ~~security program shall be formulated and implemented for the site of a~~ wireless ~~telecommunication~~telecommunications services facility~~. Such program~~ shall be designed to prevent unauthorized access and may include the incorporation of physical features such as fencing, anti-climbing devices or elevating ladders on monopoles and towers, and/or monitoring either by staff or electronic devices to prevent unauthorized access and vandalism.

Q. ~~S.~~ Structural/safety inspection and report.

(1) ~~(1)~~ A monopole or tower over 50 feet in height shall be inspected at least ~~once a year~~every five years from a structural and safety perspective at the expense of the service provider by a licensed professional engineer, or at any other time upon a determination by the Building Inspector that the monopole or tower may have sustained structural damage, and a copy of the inspection report shall be submitted to the Building Inspector.

(2) ~~(2)~~ The City of Beacon reserves the right to inspect any wireless

~~telecommunication~~telecommunications services facility to ensure compliance with the provisions of this section and any other provisions found within the Federal Communications Commission (FCC) regulations and City of Beacon Code, state or federal law. The City of Beacon and/or its agents shall have the authority to enter the property upon which a wireless ~~telecommunication~~telecommunications facility is located at any time, upon reasonable notice to the operator, to ensure such compliance.

~~T. Lease agreement. In the case of an application for approval of a wireless telecommunication services facility to be located on lands owned by a party other than the applicant or the City, a copy of the lease agreement with the property owner, absent the financial terms of such agreement, together with any subsequent modifications thereof, shall be provided to the City Council and a copy shall be filed with the City Clerk and the Building Inspector.~~

R. ~~U.~~ Interference. In the event that the wireless ~~telecommunication~~telecommunications services facility causes interference with the radio or television reception within the City of Beacon, the applicant, at the applicant's sole expense, shall thereafter ensure that any interference problems are promptly corrected.

S. ~~V.~~ The ~~City Clerk~~Secretary of the Planning Board shall forward a copy of the ~~City Council special use permit~~Planning Board decision to the City Tax Assessor to allow the City to better assess the utility infrastructure for wireless telephone facilities.

T. ~~W.~~ Duration. Construction must be commenced within 12 months of issuance of the Planning Board's approval and diligently pursued thereafter, or such approval shall expire.

U. Removal, relocation or modification of wireless ~~telecommunication~~telecommunications services facilities in the public right-of-way.

(1) Notice. Within 90 days following written notice from the City, the wireless provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any wireless ~~telecommunication~~telecommunications services facility within the public right-of-way whenever the City has determined that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any City improvement in or upon, or the operations of the City in or upon, the public right-of-way.

(2) Abandonment of facilities. Upon abandonment of a wireless

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~~telecommunication~~telecommunications service facility within a public right-of-way of the City, the wireless provider shall notify the City within 90 days. Following receipt of such notice the City may direct the wireless provider to remove all or any portion of the small cell facility if the City, or any of its departments, determines that such removal will be in the best interest of the public health, safety and welfare.

(3) A wireless telecommunications provider is authorized, after 30 days written notice to the City Building Inspector, to remove its facility at any time from the rights-of-way and cease paying the City the administrative fee.

Section 4. Subsection A of Chapter 223, Section 25 of the Code of the City of Beacon entitled "Site development plan approval" is hereby amended as follows:

A. Approval required. No building permit shall be issued, other than for interior alterations, and no change in type of use, as categorized in § 223-26F hereof, shall be permitted, other than one-family dwellings or ~~small cell~~ wireless telecommunications services facilities, except in conformity with an approved site development plan, and no certificate of occupancy for such structure or use shall be issued until all the requirements for such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved plan and conditions. Revisions of such plans shall be subject to the same approval procedure.

Section 5. Subsection A(19) of Chapter 223, Section 41.18 of the Code of the City of Beacon entitled "Regulations" is hereby amended as follows:

§ 223-41.18 Regulations.

A. Uses by right. The uses listed below are permitted by right in the CMS District, in the manner and under the conditions specified below. Unless otherwise indicated in this § 223-41.18, all such uses require site plan review and approval. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.18G(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein.

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(19) Wireless telecommunications services facilities, provided that they are consistent with § 223-26.4~~24.5~~and, if mounted on a building, they do not increase its height by more than 15 feet above applicable height limits.

Section 6. Subsection A(10) of Chapter 223, Section 41.21 of the Code of the City of Beacon entitled "Regulations" is hereby amended as follows:

A. Uses by right. Uses listed below in this Subsection A are permitted by right subject to site plan review, except as otherwise noted, to be conducted in an expedited fashion pursuant to Subsection H below. Site plan review shall not be required for a change of use in an existing building where the new use is allowed by right, the building will not be expanded, and the minimum number of off-street parking spaces required for the new use in § 223-41.21F(2) is not more than 25% greater than the requirement for the existing use in § 223-26F herein. The following uses are allowed by right subject to site plan review:

…

(10) Wireless telecommunications services facilities, provided that they are mounted on a building and do not increase its height by more than 15 feet above applicable height limits and are consistent with § 223-26.4~~24.5~~.

Section 7. Ratification, Readoption and Confirmation

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

Section 8. 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 9. 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

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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 10. Effective Date

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

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City of Beacon Planning Board Agenda
09/09/2020

Title:

City Council request for review proposed Local Law amending Chapter 134 and Chapter 223 concerning Historic Preservation

ATTACHMENTS

Final Updated Local Law Historic Preservation Alternative Language.pdf

DRAFT 8/6/2020

DRAFT LOCAL LAW NO. ____ OF 2020

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO AMEND CHAPTER 134 AND CHAPTER 223, SECTIONS 24.7, 41.18.G(3), AND 41.18.J(15) OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to amend Chapter 134 and Chapter 223, Section 24.7, 41.18.G(3), and 41.18.J(15) of the Code of the City of Beacon concerning Historic Preservation.

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

Section 1. The term "Historic District and Landmark Overlay Zone" shall be deleted and replaced with the term "Historic ~~Property~~ Properties Overlay Zone" throughout the entire Code of the City of Beacon.

Section 2. The term "HDLO" shall be deleted and replaced with the term "HPO" throughout the entire Code of the City of Beacon.

Section 3. Chapter 134 of the Code of the City of Beacon entitled "Historic Preservation" is hereby amended as follows:

§ 134-1. Purpose.

The City of Beacon wishes to encourage the preservation of properties that are ~~re-exist within the City of Beacon landmarks, structures, buildings and districts~~ of special historical or architectural significance ~~which, by reason of their antiquity or uniqueness of architectural construction or design, are of particular significance to the heritage of the City, county, state or nation~~.

§ 134-2. Historic Properties Overlay Zone~~District~~.

A~~n~~ Historic Property ~~District and Landmark~~ Overlay (HPO) Zone ~~(HDLO~~) is hereby established for the purpose~~s~~ of encouraging the preservation of properties~~protection, enhancement, perpetuation and use of buildings and structures~~ of ~~and appurtenant vistas having~~ special historical or architectural significance~~aesthetic value which represent or reflect elements of the City's cultural, social, economic, political and architectural history~~.

§ 134-3. Definitions.

Unless specifically defined below, words or phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

ALTERATION

Any act or process that changes one or more of the identified historical~~exterior architectural~~ features of a structure that is visible from a public street, public sidewalk or public park, including but not limited to the ~~erection,~~ construction~~, reconstruction~~, demolition, moving or removal of any structure. For the purposes of this Chapter, alteration excludes maintenance, repair or replacement of an identified historical feature which does not involve a change in design or outward appearance,~~-~~ as well as ~~-~~plumbing and/or electrical work and any minor, accessory, utility or security related changes that do not substantially detract from the historic property. In the HPO zone, a building permit and certificate of appropriateness are required for an alteration~~-~~.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Planning Board authorizing ~~indicating its approval of plans for~~ the alteration, construction~~, removal~~ or demolition of an ~~exterior architectural~~identified historical feature of a designated historic property or structure located wholly or partially within a designated historic district. ~~a landmark or of a structure within an historic district.~~

CERTIFICATE OF ECONOMIC HARDSHIP

A certificate issued by the Zoning Board of Appeals authorizing ~~an~~ the alteration, construction~~, removal~~ or demolition ~~even though~~where a certificate of appropriateness has previously been denied by the Planning Board.

~~**CONSTRUCTION**~~

~~The act of making an addition to an existing structure or the erection of a new principal or accessory structure on a historic propertylot or parcel.~~

~~**DEMOLITION**~~

~~Any act or process that destroys in part or in whole a landmark or historic a structure or a structure within an historic district.~~

IDENTIFIED HISTORICAL FEATURE

An exterior feature of a structure or property specifically identified as a contributing historic element in the Historic Resource Inventory Form and open to view from a public street, public sidewalk or public park. In all cases, including where a historic property does not have a Historic Resource Form, the design and general arrangement of the exterior of a structure open to view from a public street, public sidewalk or public park, including the nature and style of the building, windows, doors, or similar items found on or related to the exterior of an historic structure shall be considered an identified historical feature.

~~**EXTERIOR ARCHITECTURAL FEATURES**~~

~~The design and general arrangement of the exterior of a structure open to view from a public way, public property or any part of any public building, public street, public sidewalk, or public park, including the kind and texture of building materials and number, proportion, type and spacing of windows, doors, walls, roofs, murals, projections and signs. This term shall also include all earthworks, sidewalks, driveways, fences, trees, landscaping and other site features visible from a public way, public property or any part of any public building. public street, public sidewalk or any public park that are specifically identified as a contributing element in the Historic Resource Inventory Form.~~

~~**HISTORIC DISTRICT**~~

~~An area designated as an "historic district" by action of the City Council in enacting this chapter and which contains within definable geographic boundaries one or more landmarks and which may have within its boundaries other properties or structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.~~

HISTORIC PROPERTY ~~LANDMARK~~

A property or structure designated as historic ~~a "landmark"~~ by action of the City Council pursuant to this ~~in enacting this~~ chapter~~ that is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Beacon~~. This definition shall also include all non-historic properties located in an area designated as a historic district by action of the City Council.

~~**OWNER OF RECORD**~~

~~The person, corporation or other legal entity issued as owner of a parcel according to the records of the Dutchess County Clerk.~~

~~**REPAIR**~~

~~Any change that is not construction or alteration.~~

~~**STRUCTURE**~~

~~Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, walls, sidewalks, signs, billboards, backstops for tennis courts, radio and television antennae, including supporting towers, and swimming pools.~~

§ 134-4. Designation of landmarks ~~or historic districts~~.

A. The City Council may act upon its own initiative, or upon petition from the owner of a proposed historic ~~landmark, site, structure or~~ property, the Planning Board, or historic preservation committee, to consider designation of a~~n~~ historic ~~district or historic landmark, site, structure or~~ property. ~~All designated historic districts and landmarks shall be included in the HDLO.~~ All nominations shall include a New York State Office of Parks, Recreation and Historic Preservation Historic Resource Inventory Form, or an equivalent form, describing the building and site and identifying the criteria for nomination under § 134-4.B.

B. The City Council shall~~, upon investigation as it deems necessary, make a~~ determin~~c~~ation ~~as to~~ whether a proposed historic property ~~district or landmark~~ meets one or more of the following criteria:

~~(1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the City, county, state or nation;~~

~~(2) Is identified with historic personages or with important events in national, state or local history;~~

~~(3)~~(1) Has ~~Embodies~~ distinguishing architectural characteristics ~~of an architectural-type specimen, inherently valuable for a study~~ of a period, style, method of construction, ~~or of~~ indigenous materials or craftsmanship;

(2) Has special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the community;

~~(4)~~ (3) Is eligible ~~Is the work of a designer whose work has significantly influenced an age; or~~

~~(5)~~ ~~Qualifies~~ for inclusion on the State or National Registers of Historic Places.

C. Notice of a proposed designation shall be sent by certified mail or personal delivery to the owner of the property proposed for designation, describing the property proposed and announcing a public hearing by the City Council to consider the designation. Once the City Council has issued notice of a proposed designation, no building permits shall be issued by the Building Inspector until the Council has made its decision.

D. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City of Beacon at least fourteen (14) calendar days prior to the date of such hearing.

E. The City Council shall hold a public hearing prior to designation of any ~~landmark or~~ historic property~~district~~. ~~The City Council, owners and any interested parties may present testimony or documentary evidence at the hearing which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district. The record may also contain reports, public comments or other evidence offered outside of the hearing.~~

F. In determining whether ~~or not~~ to designate a new historic property~~landmark~~, the City Council shall consider the factors listed in § 134-4.B and any testimony or evidence presented during the public hearing.

G. The City Council shall make a decision within sixty (60) days of the conclusion of the hearing, the City Council shall render its decision on the proposed designation. If the City Council fails to act within sixty (60) days, or fails to extend the period in which to act, the designation shall be deemed to have been denied. A super-majority vote of two-thirds of ~~five (5)~~ Council members voting is necessary to designate a new historic landmark if the property owner objects to such designation.

H. The City Council shall notify the owner of ~~forward notice of~~ each ~~property~~ designated historic property ~~as a landmark and the boundaries of each designated historic district to the property owner, the City Clerk, the Planning Board, the Zoning Board, and the offices of the Dutchess County Clerk for recordation~~.

I. D~~A list of d~~esignated historic properties shall be ~~maintained on file with the City Clerk and~~ shown on the City of Beacon Zoning Map.

§ 134-5. Uses permitted by special permit.

Section 223-24.7 of Chapter 223, Zoning, of the City Code, enumerates ~~the~~ additional uses that ~~which~~ may be permitted by special permit, issued by the ~~City Council~~ Planning Board in the Historic Propert~~y~~ies ~~District and Landmark~~ Overlay Zone, and the process by which such uses may be permitted.

§ 134-6. Certificate of appropriateness.

A. Applicability. Applications for a building permit involving alteration, construction, or demolition of an identified historical feature of a designated historic property or structure located wholly or partially within a designated historic district shall require certificate of appropriateness approval from the Planning Board. No building permit shall be issued until a certificate of appropriates has first been issued by the Planning Board or a certificate of economic hardship is approved by the Zoning Board. If a certificate of appropriateness has been approved, then a building permit or any other approval issued

for the same work or activity shall be consistent with the terms and requirements of the certificate of appropriateness. If the certificate of appropriateness is denied, the Building Inspector shall refuse to grant a building or other permit.~~rNo person shall carry out any exterior alteration of a landmark or property within an historic district without first obtaining a certificate of appropriateness from the Planning Board or a certificate of economic hardship from the Zoning Board. No certificate of appropriateness is needed for changes to interior spaces, unless they are open to the public, to architectural features that are not visible from a public street or way, public property or public building, or for the installation of a temporary sign as described in § 223-15F of the Zoning Ordinance of the City of Beacon if located in a nonresidential district.~~ Nothing in this chapter shall be construed to prevent the ordinary maintenance and repair of any ~~exterior architectural~~identified historical feature of a ~~landmark or~~ property within an historic district which does not involve a change in design~~, material~~ or outward appearance.

B. Application. The Building Inspector shall transmit any building permit application involving alteration, construction, or demolition of an ~~exterior architectural~~identified historical feature of a historic property or structure located wholly or partially within a designated historic district to the Planning Board. The Planning Board shall review the building permit application pursuant to the criteria set forth in § 134-6.C to determine whether to issue a certificate of appropriateness.

C. Criteria. In determining whether to issue a certificate of appropriateness, T~~In reviewing certificate of appropriateness application, t~~he Planning Board shall give consideration to the following:

(1) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.

(2) The relationship of the identified ~~exterior architectural~~ historical features of such structure to the rest of the structure and to the surrounding area.

~~(1)~~(3) For an addition or new structure, the compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms if applicable, spacing and proportion of windows and doors, exterior architectural details, and street-front fixtures.

(4) For a proposal requiring site development plan or special permit approval in addition to a certificate of appropriateness, the Planning Board shall apply the design standards in § 134-7.

D. Review.

(1) The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon. Where site plan review, special permit or subdivision approval

is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.

(2) The Planning Board shall approve, deny or approve the permit with modifications within ~~45~~60 days from the Planning Board's receipt of the completed building permit application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.

~~§ 134-7. Criteria for approval of a certificate of appropriateness or special permit in the HDLO.~~

~~A. Historic districts are living entities that have typically grown and accommodated change through multiple time periods. HDLO buildings are recognized as models for how to design high-quality, enduring structures that have gained in public appreciation over time, thereby serving as excellent examples for sustainable development. In reviewing an HDLO application and plans, the City Council or Planning Board shall give consideration to:~~

~~(2) The historic or architectural value or significance of the structure and its relation to the historic character of the surrounding area.~~

~~(3) The relationship of the exterior architectural features of such structure to the rest of the structure and to the surrounding area.~~

~~(4)~~(5) ~~The compatibility of exterior design in terms of scale, arrangement, texture and materials proposed, roof and cornice forms, spacing and proportion of windows and doors, exterior architectural details, signs, and street-front fixtures.~~

§ 134-7 Site plan or special permit design standards

~~B.~~A. In applying the principle of compatibility, the City Council or -Planning Board shall use the following standards when considering a site development plan application or special permit pertaining to a designated historic property. ~~for new structures, additions, or alterations in the HDLO.~~ Standards using the verb "shall" are required; "should" is used when the standard is to be applied unless the Planning Board -or City Council finds a strong justification for an alternative solution in an unusual and specific circumstance; and "may" means that the "standard" is an optional guideline that is encouraged but not required.

(1) The design, character, and appropriateness to the property of the proposed alteration or new construction.

(a) Construction shall build on the historic context with applications required to demonstrate aspects of inspiration or similarities to adjacent ~~HDLO~~ HPO structures or historic buildings in the surrounding area.

(b) Compatibility does not imply historic reproduction, but new architecture shall also not arbitrarily impose contrasting materials, scales, colors, or design features.

(c) The intent is to reinforce and extend the traditional patterns of the ~~HDLO~~ HPO district, but new structures may still be distinguishable in up-to-date technologies and details, most evident in window construction and interiors.

(d) Exterior accessory elements, such as signs, lighting fixtures, and landscaping, shall emphasize continuity with adjacent ~~HDLO~~ HPO properties and the historic characteristics of the sidewalk and streetscape.

(e) Where possible, parking shall be placed towards the rear of the property in an unobtrusive location with adequate screening from public views, unless another location provides better screening.

(2) The scale and height of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood.

(a) Where possible, an addition to an historic structure should be placed towards the rear, or at least recessed, so that the historic structure remains more prominent than the subsidiary addition.

(b) Any alteration or addition to an historic structure shall not damage or obscure the character-defining features of the architecture or site to the maximum extent possible.

(c) The height of any new building facades in the ~~HDLO~~ HPO shall not conflict with the heights of adjacent historic structures on adjoining ~~HDLO~~ HPO parcels.

(d) Larger buildings or additions should incorporate significant breaks in the facades and rooflines, generally at intervals of no more than 35 feet.

(3) Architectural and site elements and their relation to similar features of other properties in the ~~HDLO~~HPO.

(a) It is not appropriate to disrupt the relationship between an historic building and its front yard or landscape, including screening historic properties from traditional street views by high walls or hedges.

(b) Historic storefronts, porches, cornices, window and door surrounds, or similar architectural features should not be enclosed, obscured, or removed so that the character of the structure is substantially changed.

(c) Deteriorated building features should be repaired rather than being replaced and, if not repairable, should be replicated in design, materials, and other historic qualities.

(d) New buildings in the ~~HDLO~~ HPO should have a top-floor cornice feature or eave and first-floor architectural articulation, such as an architecturally emphasized entrance doorway or porch, to accent the central body of the building.

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

(f) New ~~HDLO~~ HPO buildings shall have a front entrance door facing the primary street and connected to the sidewalk.

(g) Primary individual window proportions shall be greater in height than width, but the approving body may allow exceptions for storefront, transom, and specialty windows. Mirrored, reflective, or tinted glass and all-glass walls, except greenhouses, shall not be permitted. Any shutters shall match the size of the window opening and appear functional.

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

(i) Materials and colors should complement historic buildings on the block. Fluorescent, neon, metallic, or other intentionally garish colors, as well as stripes, dots, or other incompatible patterns, shall be prohibited.

(j) Mechanical equipment and refuse containers shall be concealed from public view by approved architectural or landscaping elements and shall be located to the rear of the site. Window or projecting air conditioners shall not be permitted on the front façade of new buildings or additions.

~~§ 134-8. Certificate of appropriateness application procedure.~~

~~A. Prior to the commencement of any work requiring a certificate of appropriateness, the owner shall file an application for such a certificate with the Planning Board. The application shall include:~~

~~(1) The name, address and telephone number of the applicant.~~

~~(2) Scaled drawings showing the proposed changes.~~

~~(3) Descriptions or samples of materials to be used.~~

~~(4) Where the proposal includes signs or lettering, a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, if any, and a plan showing the sign's location on the property.~~

~~(5) Any other information which the Planning Board may deem necessary in order to visualize the proposed work.~~

~~B. No building permit shall be issued for such proposed work until a certificate of appropriateness has first been issued by the Planning Board. The certificate of appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Beacon.~~

~~C. The applicant may consult with the Planning Board or its designated agent prior to submitting an application.~~

~~D. Where site plan review or subdivision approval is also required for the application, the certificate of appropriateness procedure shall be conducted simultaneously with such review by the Planning Board.~~

~~E. The Planning Board shall approve, deny or approve the permit with modifications within 45 days from receipt of the completed application. The Planning Board may hold a public hearing on the application at which an opportunity will be provided for proponents and opponents of the application to present their views. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.~~

~~F. All decisions of the Planning Board shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the City Clerk's Office for public inspection. The Planning Board's decision shall state the reasons for denying or modifying any application.~~

§ 134-~~7~~9. Hardship criteria and application procedure.

A. An applicant whose certificate of appropriateness has been denied may apply ~~for relief~~ to the Zoning Board of Appeals for a certificate of economic hardship to obtain relief from the requirements of this chapter. Upon receipt of an application for relief, the Zoning

Board shall, within 45 calendar days thereafter, hold a public hearing. Notice of the public hearing shall be provided by the applicant in the same manner as required in § 223-61.2.B.

B. At the public hearing, the Zoning Board may hear testimony and entertain the submission of written evidence from the applicant and/or the public.

C. To obtain a certificate of economic hardship, the applicant must prove the existence of economic hardship by establishing that:

(1) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible; and

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and

(3) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

D. The Zoning Board shall take into consideration the economic feasibility of alternatives to ~~removal,~~ alteration, construction or demolition of a landmark or portion thereof, and balance the interest of the public in preserving the historic landmark or building, or portion thereof, and the interest of the owner in removing, altering or demolishing the landmark or portion thereof.

E. The Zoning Board shall make a decision within 30 days of the conclusion of the hearing on the application. The Board's decision shall be in writing and shall state the reasons for granting or denying the hardship application.

~~F. All decisions of the Zoning Board of Appeals shall be in writing. A copy shall be sent to the applicant, and a copy shall be filed with the City Clerk. The Board's decision shall state the reasons for approving or denying the application. If the Zoning Board of Appeals approves the application, the Board shall issue a certificate of economic hardship.~~

§ 134-8~~10~~. Enforcement.

All work performed pursuant to a certificate of appropriateness issued under this chapter shall conform to any requirements included therein. It shall be the duty of the Building Inspector to inspect periodically any such work to assure compliance. In the event that work is found that is not performed in accordance with the certificate of appropriateness, or upon notification of such fact by the Planning Board, the Building Inspector shall issue a stop-work order, and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

§ 134-9~~11~~. Penalties for offenses.

A. Failure to comply with any of the provisions of this local law shall be deemed a violation, and the violation is subject to the penalties provided in § 223-53 of Chapter 223, Zoning.

B. The City Council is also authorized to institute any and all actions required to enforce this chapter. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

§ 134-10~~2~~. Fees.

The applicant shall not be charged an application fee, professional review fees or fees to prepare and publish any public notice incurred in connection with the certificate of appropriateness or economic hardship application, except for any fees associated with another land use application concerning the historic property.

~~A. Each application for a certificate of appropriateness shall be accompanied by a fee, in an amount set by the City Council, payable to the City Clerk.~~

~~B. The applicant may be charged a fee by the Planning Board for the actual cost of preparation and publication of each public notice of hearing on the application. Said fees shall also be fixed from time to time by resolution of the City Council.~~

§ 134-11~~13~~. Assessment abatement.

Any person who is granted a certificate of appropriateness and performs the work detailed in the application submitted to the Planning Board will not be subject to an increase in assessment for the subject property as a result of the improvements made to the buildings and structures on said property. This clause does not apply to applicants who also receive a special permit as set forth in § 223-18 of Chapter 223, Zoning.

Section 4. Chapter 223, Section 24.7 of the Code of the City of Beacon entitled "Uses permitted by special permit in the Historic District and Landmark Overlay Zone" is hereby amended as follows:

§ 223-24.7. Uses permitted by special permit in the Historic District and Landmark Overlay Zone.

The following uses may be permitted by special permit, issued by the~~-~~ Planning Board ~~City Council~~, in the Historic Properties ~~District and Landmark~~ Overlay Zone:

A. Specialized business uses of low traffic volume, normally associated with history, the arts or cultural uses, appropriate to the structure and compatible with the neighborhood. Such uses may include:

(1) Artists' or artisans' studios.

(2) Antique shops.

(3) Rare book, coin or stamp shops or similar type uses as determined by the ~~City Council~~ Planning Board.

B. Residential, hotel or professional uses, provided that they are appropriate to the structure, compatible with the neighborhood and are located on a road that can accommodate increased traffic as determined by the Planning Board ~~City Council~~. These uses may include the following:

(1) Sit-down restaurants not to exceed a seating capacity of 50.

(2) Bed-and-breakfast establishments not to exceed 10 guest bedrooms, subject to the requirements of § 223-24.4B, C and E.

(3) Professional offices not to exceed 10 employees.

(4) Multifamily residential use not to exceed four units.

(5) Artist live/work spaces not to exceed four units.

(6) Hotel and hotel-related accessory uses and structures with adequate screening of any new structures from surrounding public street views.

C. Special permits warranted under certain conditions.

(1) Notwithstanding the limitations in Subsection B above, and with the exception of Subsection B(2), the Planning Board ~~City Council~~ may approve a special permit for any of the uses listed in said section, and may allow a larger number of seats, employees, dwelling units, or artist live/work spaces, when it determines that such larger number is warranted by one or more of the following:

(a) Building(s) size.

(b) Building(s) configuration.

(c) The nature of the proposed preservation and/or adaptive reuse of the building(s).

(d) The historic nature and context of the building(s) and the need for preservation and/or adaptive reuse.

(2) In approving any such special permit, the ~~City Council~~Planning Board shall establish such limitations on the number of seats, employees, dwelling units, artist live/work spaces, or accessory uses and structures as it deems warranted.

D. Findings.

(1) The ~~City Council~~ Planning Board must make the following findings before special permit approval is granted:

(a) Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.

(b) The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.

(c) The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.

(d) The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.

(2) These standards shall be in addition to the general special permit standards set forth in § 223-18 and the standards set forth in § 134-7.

E. A site plan shall be submitted to ~~the Planning Board to~~ accompany any special permit application under this section. The site plan shall be accompanied by schematic architectural drawings which shall show the existing conditions of the property and any existing structure and the proposed restoration or construction. The Planning Board must approve a certificate of appropriateness in order to grant site plan approval as set forth above.

Section 5. Section 41.18.G(3) of Chapter 223, Article XVD of the Code of the City of Beacon entitled "Central Main Street (CMS) District" is hereby amended as follows:

Article XVD Central Main Street (CMS) District

§ 223-41.18 Regulations.

…

G. Parking location and quantity.

(3) The requirements in Subsection G(2) above may be modified by the Planning Board, in its discretion, based upon information submitted by the applicant or otherwise made available in the public record, demonstrating one or more of the following:

(a) That the projected operational characteristics of the proposed use require a different amount of parking.

(b) That adequate shared parking, contractually obligated for the duration of the proposed use, is available within 500 feet of the site and within the CMS or PB Districts.

(c) That the applicant has provided sufficient bicycle parking to reduce anticipated vehicular travel demand.

(d) That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use.

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

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

(g) <u>The application involves a designated historic property as defined in Chapter 134 of the City Code.</u>

…

Section 6. Section 41.18.J(15) of Chapter 223, Article XVD of the Code of the City of Beacon entitled "Central Main Street (CMS) District" is hereby amended as follows:

Article XVD Central Main Street (CMS) District

§ 223-41.18 Regulations.

…

J. Design Standards

...

(15) The Planning Board may waive setback requirements for <u>designated historic properties as defined in Chapter 134 of the City Code,</u> landmark civic buildings, including government buildings, schools, libraries, or places of worship, and for pedestrian-oriented places, such as public greens or plazas and outdoor eating areas.

Section 7. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, Chapter 134 of the City of Beacon are otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 8. 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 9. 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 10. Effective Date

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

City of Beacon Planning Board Agenda
09/09/2020

Title:

Single Family House - Archer Avenue

ATTACHMENTS