

Regular Meeting

The regular meeting of the Beacon City Council held at the Municipal Center, One Municipal Plaza on September 8, 2009 was called to order beginning with the Pledge of Allegiance to the Flag

Council Members Present:

Mayor Steve K. Gold

Casale, Randy – Council Member – Ward Three

Fredericks, Marlene – Council Member – At Large

Kelly, Charles – Council Member - Ward Two

Leake, Deanna – Council Member – Ward One

Pasti, Sara – Council Member – Ward Four

Excused: Thompson, Eleanor – Council Member – At Large

Also Present:

City Administrator – Meredith Robson

Acting City Administrator – Timothy Dexter

City Attorney – Richard Wolf

Media Represented by:

Goldie Green – Beacon Free Press

Residents at Beginning of Meeting: 47

Community Segment: Proclamation

Certificate of Appreciation
This certificate is awarded to

Timothy Dexter

In recognition of valuable contributions that you have brought to the City of Beacon as “City of Beacon Acting Administrator

Your dedication, loyalty and you’re willing to go beyond your call of duty is admirable and respected by All Council Members, Department Heads, Employees and Most Important the Citizens of Beacon!

First Opportunity for Public Comments: Pertaining to any, item Maximum time for this section is thirty minutes. Maximum time for individual public comment is three minutes.

Lou Amoroso – 40 Vail Avenue – Vail, Madison and Russell Avenues have a problem with stray felines. Elderly women who lives up there called to say she is allergic cats and has problems with her health. Congratulations to Tim Dexter who did a fine job as Acting Administrator. He found good money taxpayers money to repair our City Streets. This shows our tax money in operation. And the DPW Anthony Thomaselli and his crew did a fine job. Thank you.

Tyese Levers – Resident, Parent and the newest member of Passing the Torch for Beacon Arts – A multicultural, multiethnic group.

Candy Sterling – With new members on board, we look forward to their creative energy fueling the company as we move into a new year, a fresh season of shows and an innovative project. As we experience these positive changes, we would like to acknowledge and thank our past supporters and sponsors as well as our ever growing audience. Passing the Torch through the Arts is more than just a collective group of artists producing theatre in the Hudson Valley. We are multi-cultural, multigenerational assortment of imaginative individuals working towards social change. We keep our focus on youth at the center of all initiatives and believe in growth through collaboration. Diversity is an asset we possess both culturally and professionally and at the heart of our company is camaraderie and support. This is who we are and we invite you to join us!

Looking for community and council support to revitalize the community.

Naomi Baat Cannan - Is a member of the **Passing the Torch for Beacon Arts**. This group is very unique as anyone can write a play write and have it read and receive comments from the professionals that are there (Howland Cultural Center).

Hank Dutch – 98 Spring Valley Street – Very pleased with all the roadwork that has been completed. Is aware it is a tough time economically and hopes that we have strong tough hands on the steering wheel as we go forward.

Mr. Diaz – Meadow Ridge Circle – Mr. Diaz is a Beacon Taxi Driver, where there have been a lot of problems at the Beacon Train Station with the Newburgh Taxi drivers. There is a lot of discontent between the drivers as far as physical violence. Suggestion to have better control in the City of Beacon with the Hack Licenses. Like the TLC in the City they issue a certain amount of medallions this would alleviate the amount of Taxi's flooding the Train Station. This is not a safe environment for the public with all the fighting that has taken place.

Dennis Pavelock – 34 Judson Street – The Hudson Valley Suicide Prevention is the hosting out of the darkness awareness walk on September 26th. To register please go to www.outofthedarkness.org . Check In is 6:30 - 7:30 and the walk starts at 8:00am. This is a worthwhile cause and urge anybody and everybody to join. I called City Hall, to get some information and the person on the other side at City Hall gave me the website and said that is all she can do for me. She was aware that I do not have a computer. Mr. Pavelock felt much disrespected. Mr. Pavelock has also called the Mayor and still awaits a phone call.

The terrorist on Monday that wanted to down several transit airlines on simultaneous attacks designed by Al-Qaeda. These terrorist have to be right only once, we the City of Beacon have to right 100% of the time.

Mr. Pavelock have petitioned residents and business owners regarding “Mock Drills”, they have yet to happen, and he stated that we need to take our thoughts out of our meetings and put them into action.

Betty DiPompo – Pearse Place – Our seniors have depended on Channel 22 to get important information. Neighbors have asked me to bring it up at the next Council Meeting. Mayor Steve K. Gold stated that this is not the forum to have dialogue but I will do so now. School is no longer going to be publishing or televising Channel 22. The equipment is outdated and not working at this time. The City is looking into buying new equipment, find a place to have it available to work on and we will train a staff member to operate the equipment and to keep the information updated for all constituents.

Public Hearings:

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 8th, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to Consider a Proposed Local Law to Amend Chapter 223, Zoning, of the City Code with Respect to Affordable Housing.

This local law would take effect immediately upon filing with the Secretary of State. Complete copies of the proposed local laws are available at the Municipal Center for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: July 28, 2009

Comments:

Mayor Steve K. Gold stated that this item will not be voted on tonight and will be adjourned to a later date. The City is waiting on more statistics to figure out what a correct amount should be so it is affordable for Beacon’s Workforce, which is what the Council goal is.

Motion: To Adjourn and Continue at a later date the Public Hearing To Consider A Proposed Local Law To Amend Chapter 223, Zoning, Of The City Code With Respect To Affordable Housing By Council Pasti, Second By Council Kelly. All Present Voted In Favor to Continue the Public Hearing at a later date. All Voted in Favor.

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 8th, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as

soon thereafter as the matter is reached on the agenda, to Consider a Proposed Local Law to Create a Transit Oriented Development Zoning Dist. and Rezone Certain Properties to This New District.

This local law would take effect immediately upon filing with the Secretary of State. Complete copies of the proposed local laws are available at the Municipal Center for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: July 28, 2009

COMMENTS:

Mayor Steve K. Gold - John Clarke has been asked to join the Council to help any questions. The City already has had two meetings regarding the TOD where the public has been encouraged to share their thoughts and concerns. There will be others meetings in the future. There will be a Town Hall Meeting date to be announced. City is not rushing to make a decision there will be a point where the City will be voting on the TOD, and there will be some disagreements on the conclusions, modifications has been made due to the public comments

George Mansfield was asked to come forth at this time as he has an obligation to fill with the Planning Board also this evening.

Comments on the TOD – Had informal discussions with others regarding the TOD

Concerns will be brought down to the planning board tonight

1. The goal is to not allow this TOD to develop into a isolated second Main Street. Main Street should be the priority
2. Boundary lines of the TOD are too close to the river. There was a wish that it remains east of the railroad tracks.
3. Current draft – No mandatory transportation listed.
4. Vagueness of the TOD PLL – With the law as it is written everything will have to go before Zoning, Planning and a Special Use Permit. This document should be explicit as possible to avoid the Zoning, Planning and City Council and the Council's of the future to make decisions in the future and possible litigations of the future.
5. Currently there is a limit on commercial space above the second floor. There have been discussions; why not has one building dedicated to Office Space only.
6. There should be a high level of confidence with any and all studies ie: Cost of Service, transportation, schools.
7. The presentation presented by John Clarke of Dutchess County Planning and Development which illustrated the draft, in one way this could be a distraction, because that is not what necessary what will actually happen on our waterfront. Concerns: Build up to seven stories, the viewsheds (how to you determine an important viewshed.
8. To conclude, Mayor we urge you to go slow. Slower the better let's get this part right, so it does not make issues vague for our future.

Two weeks ago the plans for the visitor center, and it was noted that the City does not have to abide by the rules and regulations that most developers have to. This is a real danger and the City should also be required to follow the same regulations.

Cabot Parson – Deerfield Place –

After several discussions with the mayor about issues of architectural development and integrity throughout the city of Beacon, he has asked CityArts, Beacon's municipal arts and cultural

development committee, to provide assistance and support in helping himself, administration and the city council to navigate the TOD process in regards to the architectural selection process, overall plan and cultural and environmental issues. We are not only happy to oblige but also specifically equipped to do so. We have an initiative within the committee called "Beacon as Campus" which looks at the physical structure of the town itself in terms of architecture and urban planning, and toward furthering the arts and cultural development for our residents and visitors therein. Tara Roscoe, a LEED certified associate with Studio Architecture in Manhattan and Washington, D.C. who has recently moved to Beacon, leads this charge for the committee.

For a city as small as Beacon, we have an impressive record of world-class architectural excellence. Richard Morris Hunt, architect of the Howland Cultural Center and the world famous Biltmore Estate in North Carolina, is still studied as a pivotal contributor to American architectural history. The architects who transformed an old packaging factory into Dia: Beacon have received architectural acclaim around the globe for this amazing structure, put us squarely on the world stage as evidenced by the recent Chinese delegation visit, and have set a high bar for future large projects. Beacon's TOD will be the flagship development project that will have the most visual and experiential impact on the total waterfront development. The world is watching our next move and expects something equal to or greater than Dia. Our residents deserve to expect nothing less and the City should ensure they receive nothing less.

Cookie cutter developments may be fine elsewhere, whether or not they become well integrated into their communities, serve as bedroom "micro climates" with no relationship to the larger area, or even remain vacant. Beacon deserves better. Developer-driven design often promises much, but delivers much less, and when the MTA and chosen developer have finished their processes and are counting their profits, it is the people of Beacon, their children, and their children's children, who will be living day to day with the results. For whether our ancestors are buried on nearby soil or we've only recently unpacked the last of our boxes, all Beaconites know this city by another name: HOME.

Architecture itself is one of the seven Classical Arts. CityArts urges the City to understand the cultural and environmental impact of this huge new project, our ability to exceed expectations and create something amazing, and make every effort to fight for the highest quality outcome. We have one shot at this, and opportunities missed will pay negative dividends for generations to come. Effective, beautiful, livable, sustainable, strongly designed waterfront communities are happening the world over, and Beacon should take every opportunity to claim its place in that company, and to serve as an example and living design classroom to others of how it can be accomplished.

To that end, the City needs to claim their right, in addition to the zoning ordinance under consideration and the planning and approvals boards and processes, to be an ACTIVE participant at every level to shape the initial profile of the plan and to raise expectations. We will be working closely with the mayor and the City as this project develops to help this happen, but initially at this stage, we have the following recommendations to the mayor and to the council:

The City, via the mayor, administration and council as appropriate, should have, **MUST** have, a seat at the table in creating the REP for the TOD and co-signatory authority with the MTA. Our

TOD does NOT have to be the same as other TODs. We have the power to retain control of this process at the municipal level, and should make every effort to do so.

The City, via the mayor, administration and council as appropriate, should have, **MUST** have, co-signatory authority for selection of finalists for overall concept plan and for final proposal selected. Special permit granting authority is not enough and only gives us a passive voice in the process. This should include the ability by the city to reject any and all proposals deemed unfit for our land and our citizens.

Specific requirements for a successful proposal should aim to the highest outcome possible - LEED Gold Certification or above for both overall plan and any subdivision, including base building and interior scope,

Architecture firms considered should show a track record of successful, progressive designs that work well with distinctive geographic environments and provide imaginative solutions to specific site challenges.

In a city fast gaining an international reputation as both a home to contemporary culture and environmental awareness, the proposal should showcase both architectural and environmental prowess to produce a world-class development specifically suited to Beacon's character, strengths and surroundings.

Architecture firms considered should be able to demonstrate through peer review records (awards, editorial) a strong and inventive design aesthetic.

Public and private spaces within the winning proposal should be integrated in innovative ways which create opportunities for community-building among TOD and other Beacon residents; design can either separate residents from pedestrians and visitors or cross-pollinate the two living streams into one flowing vibrant whole.

Overall plan should both design and cover costs for one end of an integrated sustainable inner-city transit mechanism or system that will link the TOD district directly with the Main Street corridor and beyond to the rest of Beacon; simply stating the need for linkage will not result in an actual transportation solution.

The plan should also specifically demonstrate space for Public Art; costs associated with the acquisition and installation should be underwritten by the developer.

Completion of specific design, environmental, public space and transit features in the chosen design **MUST** be tied to any Certificates of Occupancy, so that the features and priorities important to the city are not removed from the project on the back end due to cost or other considerations. These specifics must be identified and communicated to the winning developer(s) prior to official approval of the plan by the city.

Mark Hurley – 29 Tioronda Avenue – The City of Beacon has a great opportunity to bring a unique and inspiring to our waterfront. The TOD will be the first impression visitors will have to

the City of Beacon. This impression should bring instant curiosity, desire. The TOD should be connecting link between DIA, the Waterfront and Main Street, which will ultimately result in business on Main Street. An ultra modern architect design of that would tie in the contemporary art already present in Beacon. This design should also spill onto Main Street to connect the links. Stewart Airport has also put Beacon on the map and we should utilize this opportunity to have tourism in Beacon and to avoid having Beacon just a transit stop.

Suggestions:

1. Urge to MTA and City Council to open a completion to all architects to create a contemporary design for the TOD. We hope the TOD to be stunning rather than “just ok”

James Korn - 19 South Brett Street

Transit Oriented Development (TOD) Zoning District

There are three things I'd like to talk about: viewsheds, linkage with Main Street, and a sense of style.

* Viewsheds

Viewsheds must be preserved. This is a priority. The language in the zoning has been changed from "viewsheds" to "views and view corridors"; "viewsheds" should be retained. Viewsheds are referred to repeatedly in the LWRP and by Scenic Hudson.

The most important of these viewsheds is the view I talked about at the August 3, 2009 City Council meeting. It **extends from the corner of Beekman and River Streets south to the bridge over the tracks**. I related my experience of it as one on foot primarily and I presented a picture I had taken. Afterward, a lifelong resident of Beacon approached me and said he experiences this view from his car driving along Beekman from 9D at the south to 9D at the north. As he rounds the corner at the bridge, he says the view is reminiscent of Cape Cod with the sweep of the boats dotting the harbor. I couldn't agree more this is nothing short of spectacular. But let me say, and I'm sure he'd agree, Cape Cod has nothing on Beacon.

As to offering alternative vantage points from a deck or other structures, protecting viewsheds is not about offering alternatives, but saving them. But having said this, even the views from the promenade as proposed in John Clarke's August 3, 2009, presentation are obscured. At the south, by the as yet to be built hotel and conference center, trees today; at its center by the Metro North platform - its roof, steps to the overpass over the tracks (visitor center), structures on the platform itself (for example, booths for commuters to wait for the train in inclement weather) - imagine standing on one of the platforms at Croton-Harmon and looking out across the others to the parking lot or train yard; and north, I have vague recollections that a building for the area north of the sloop club, south of Riverfront Park, and west of the tracks, has been discussed - it would be great if the council could dispel the possibility of this. Elevate the promenade a little? Elevating the promenade to say two or more stories to clear the aforementioned structures would present a view of the waterfront (from Beekman and the TOD itself) further obscured by an elevated horizontal band (even the pencil view corridors) - imagine elevated trains in Queens and Brooklyn and the adjacent buildings and standing on the street. **The idea of a promenade, although very seductive, is deeply flawed.** To get a good view of the waterfront, you really need to stand back a bit and get a bit of elevation; from Beekman Street we have this today.

But here **we can get into a discussion of whether it's the proposed ordinances themselves or John Clarke's proposal.** I would suggest it is primarily the former, the level of intensity of the proposed

zoning. Take building height for instance. **The zoning proposes 7 stories. Yes, seven stories.** It's been mentioned that somehow these will be built into the hillside and this will take care of things. But building height is measured from the grade not from sea level and the roads will slope gently down to the tracks not in a steep step, so it is conceivable that there can be structures of seven stories at the highest point (River and Beekman Streets) with another three stories below grade. More importantly, building height is experienced standing next to them, or from what is now Beekman Street, not from 9D. Seven stories! We have but a handful of buildings in Beacon today that are over three stories, so seven is definitely not in the character of Beacon.

And let me mention at this point, in the recommendations of the Waterfront Committee to the City Council on December 1, 2008, on Beekman Street and Edgewater, "Preserving viewsheds to and from the river should be a primary goal. This may limit structure height in some parts of the development."

As others have done, it is instructive to look to other communities.

From an article entitled "Mayor Kinnally and Good Government" in the Vol. 11, No. 7, Summer 2009 issue of the River Journal ("A monthly news and views publication / reaching every household and business in Irvington, Tarrytown, and Irvington.") Kinnally was mayor of Hastings from 1993 to 2009.

Steiner: Are river towns served by shoreline development?

Kinnally: If done responsibly, there's no question about it. Taking an under-performing resource and turning it around is a positive step. Irvington did a great job in their park down there; it brought people down to the river - where they hadn't been. I think the same thing can happen in Hastings and up and down the river.

Steiner: **What must the river towns be careful of in this process?**

Kinnally: Overbuilding, or building on a scale that's inappropriate. **You don't want to change the character of river towns. So you don't want towers.** You don't want something that is going to dwarf - literally and figuratively - the surrounding community and change or upset the nature of the river town. **You don't want to move the focus residentially and commercially, because you don't want to poach from the downtown area.**

* Public Transit / Linkage with Main Street

I would like to challenge the notion that exiting the top of a parking garage will significantly reduce the effort to walk to Main Street or alter the prospect that people will walk instead of drive. The corner of River and Beekman Street (point of the TOD closest to the Main Street) is roughly only a third of the distance linearly and, more importantly, only a third of the height. **People are no really more likely to climb 90 feet of elevation gain than they are to 135 feet (the elevation of the west end of Main Street).** And, as to the prospect of walking through a parking garage to get to and from the waterfront and Main Street, this is fraught with undesirable aspects.

Before ordinance changes can be properly considered mass transportation plans need to be put in place, concrete plans for frequent daily service, early morning to late evening. We need to get serious about mass transit; it has been a priority since early days of the comprehensive plan (focus groups) likely longer. Speaking of the "Comprehensive" planning process, it is often cited as a reason for why things have progressed the way they have. It's been a while since I read the early focus group documents (they need to be put back up on the website), but I have no recollection of people saying we need high density apartment towers at the waterfront and these needn't be the only way of getting the things they said they do want at the waterfront. It's been mentioned that a Smart Growth grant is being applied for. My understanding, and I could be confusing this with something else, is that the funds overall for this are extremely limited, will be difficult to obtain, and would be limited to 10 to 15 thousand dollars to do a study. A linkage study was performed, "Beacon Transportation Linkages Program Final Report" July

2008, and, although, it contains a lot of information is not particularly useful in implementing a solution. I will say more about this during my comments for Edgewater.

*** Vision and a Sense of Style**

Last, yet certainly not least, yet definitely more subjective: vision and a sense of style. I am not talking about color and cornices, although these do matter on some level. I am talking about how **the development's form and function (architecture, roads, amenities, etc.) serves the stated objectives of enhancing the quality of life of Beacon's residents and its visitors and linking Beacon's Main Street with its waterfront, not merely balancing its budget.**

I attended a lecture recently in the Gallery Talk series at Dia:Beacon given by Steven Evans entitled "Building Dia:Beacon". No matter what you may think of the artwork, the place is a cathedral to human ingenuity and spirit. I really can't do justice here to all the things he said nor do I have the time for them, but I can mention a couple of things. The building was built in 1929. Its windows were designed so its workers could work by natural light. Today, you view the art work strictly by natural light. The building fell derelict and was renovated in 2002; this renovation was carefully thought out. On the inside of the building, the walls on the outside are exposed brick, inside walls smooth white; they draw you through the space and give you a sense of place no matter where you are in the building. We may not notice these consciously, but our bodies and minds do. **Dia:Beacon, the building, is an example of how they got it right, first when they built it, and again when they renovated it. We should emulate this.**

It would be nice if a hundred from now people experience the same joy from the buildings we construct today as those that were built along our Main Street a hundred years ago. Now's the time to include the visionaries. One friend characterized it as a Frank Lloyd Wright thing - buildings hugging the landscape, architectural sculpture, drawing the visitor as well as gaze along. We are early enough in the process.

In summary: Viewsheds must be preserved. Public Transportation provided. Waterfront and Main Street linked. And a wondrous vision for Beacon's future realized.

Thank you: Mayor, members of the City Council Members, and residents of Beacon.

Naomi Baat Cannan – South Street -

Development on our Waterfront is a very sensitive issue for many different reasons. Not only is it environmentally difficult but it's also financially questionable. For instance who will ultimately benefit from a TOD, and will this development enhance Beaconites and their community in the long run both financially and socially.

The MTA has not clearly stated their goals and neither has their intentions been clearly established. Is their goal to maximize their profits from any development? If so, there is only one way the owners or developers of this property will maximize their agenda for bottom line profits and that's to build high towers, and lots of them all along the Waterfront.

On the other hand the goal of Beacon has been established it's to create addition revenues, not revenues to replace Main Street, but additional revenues to augment Main Street revenues. Therefore, There is only one way Beacon will profit from any development on the Waterfront and that is to build low density studio and one bedroom apartments or small one bedroom co-ops or condos, and by keeping parking availability low and by linking these new residents to Main Street Beacon via - built into contract. Conveyance vehicles.

Some of the issues I have spoken about before are

- #1 Insularity
- #2 Main Street Impact
- #3 Parking and Traffic
- #4 utilities, Services and costs

First:

Beacon has one insular entity at the Waterfront, and that's DIA. It neither has any public art show scheduled for this coming year to tie DIA to Main Street, nor does it provide any transportation to or from Main Street, nor does it actively work at having or giving information about Main Street and Beacon's galleries to its visitors.

People come to DIA and have no idea that there is a town up the hill.

If we were San Francisco this would not be a problem. In San Francisco there is public transportation to all corners of the city. Beacon has hills that rival those in San Francisco, but it has no public transportation to automatically connect the lower Waterfront to upper Beacon.

Requiring a conveyance service, something like a four passenger electric or hybrid vehicle to operate on the hour on Fri. Sat and Sun and every two hours during the rest of the week, which the developers of the Waterfront maintain is essential to make the needed connection between lower and upper Beacon

Secondly:

It has been proposed, that Main Street businesses will be given first priority to open up a store on the Waterfront.

This proposal though doesn't take into account the enormous and untenable financial quandary that a small business would face.

A move is extremely expensive and forcing a Main Street business to go to the Waterfront in order to remain in business is not smart planning. The least effect this type of policy will produce is to leave another store vacant on Main Street. In fact, allowing direct competitive businesses to open anywhere on the Waterfront will not generate more revenue. In fact the shock to Main Street may be insurmountable and comparable to what happened to many Main Streets across the country when box stores moved in.

We cannot put competing businesses such as restaurants, bike rentals and galleries on the Waterfront without realizing that this will cause businesses on Main Street to close. That's just a fact.

Therefore it may be advisable to pre set parameters, for example, commercial rentals may be more profitable to Beacon (and that's the goal) if a TOD only caters to Service and Professional

Offices for commercial rentals and studio and one-bedroom apartments or studio or one-bedroom co-ops or condos for residential.

Third:

Do we add more parking or not? If we want a truly TOD zone than the answer is no. And if that is the case then we need to construct residences and commercial spaces that will be sufficiently served by the metro line, a car rental facility, a 50 cents Beacon to train service, and by a four passenger hourly vehicle provided by any development on the Waterfront.

As I have mentioned before if two underground parking levels are to be built, who will monitor them, how will they be kept clean and not used as a toilet, as the underground pass and the elevator at the station are now being used for? Will these underground parking facilities be gated, will they be safe and will they be affordable to use and maintain? If more spaces are built more cars will come. Do we want more cars at the Waterfront?

And fourth;

Will Beacon need a new pump station, new roads, new sewers or more services? If so who will pay for them? And this may be the big question?

Can the Waterfront be developed at no further cost to Beacon taxpayers?

Can the Waterfront be developed at no loss of revenue to Beacon?

These issue need to be addressed in detail before any decision is to be made regarding the Waterfront, even regarding the planned hotel and conference center.

At the moment the law allows for six story structures on our Waterfront. As in other instances, pushing this limit to ten or twelve stories by a developer will only mean waiting it out until a new city council comes into power who will allow this tall tower variance. To avoid this from happening now or sometime in the future we need to change the law now. The standard height on the Waterfront needs to be limited to two stories.

A variance can always be given to allow two stories on top of a one or two story-parking garage. This can be applied for and granted when and if it becomes the way to build parking and residences on the Waterfront.

Granting a variance is much easier than fighting a developer who will wage an active campaign to go twelve stories instead of six.

Developing the Waterfront in order to generate revenue is a lofty goal, and it's very exciting to think that one day we might stand on 9D and look down onto the Waterfront and see green roofed terraced residences and commercial spaces that create a unique and wonderful addition to our city and even to the state of New York. I've brought an example of such a project with me today and will leave a copy with the council.

Last but not least, we have a hill between the lower Waterfront and Upper Beacon and this fact will always be an issue in any development unless linkage is the first consideration in any project while the health of Main Street is maintained at the same time.

Dennis Pavelock – Judson Street – I mentioned we should talk to Newburgh’s Planning Officials as to any grey areas as to pertaining our Riverfront.

I also mentioned about regarding a fire boat maybe the entities involved can offset costs for this. I mentioned more commercial development to put the Beacon residents to work.

I also said we need to stop being so conservative and step outside the box. Let’s talk the chance with our Zoning to new heights. To allow different attractions, I am almost certain we as a city won’t be sorry.

My former organization the Concerned Citizens Coalition of Beacon did two petitions regarding keeping the Fishkill Creek side all commercial development.

John Gilvey – Hudson Beach Glass - Thank you for opening this up to a dialogue instead of a monologue. Mr. Gilvey asked who John Clarke works for. Which was explained by the Mayor that he works for Dutchess County, David Stolman is the City of Beacon’s Planner. Mr. Gilvey further stated that Mr. Clarke drew a pretty picture of what might happen on the waterfront but has no basis, there is no developer who has embraced this plan. Mayor Steve K. Gold explained that the City Council had a choice to either have “something” to visualize or just go with sheer imagination. He believes this has confused many.

The one hundred and fifteen thousand square feet of retail space on the waterfront. David Stolman stated that it is actually two hundred thousand square feet. MTA reason for doing a TOD is to have their parking built for them. Mr. Gilvey was concerned that Main Street business is in jeopardy if the City of Beacon builds MTA Parking Garage.

Mayor Steve K. Gold explained that next year this City having a budget deficit which was from our midyear report of 1.7 million dollars. The city will not be able to sustain itself financially. All the past years when the City thought it was doing satisfactory. In 2008 and 2009 one thing became very event we do not have enough revenue to pay for our expenses. This will be a hardship for our taxpayers and our employees. City Council is looking for ways to make our City financially sustainable. There is not one person on this Council that has that slightest interest to sell out any business on Main Street. We are actually looking for ways to help Main Street not harm them.

John Clarke – DC Planning Department – Explained that he does work for Dutchess County, which includes ALL of Dutchess County taxpayers. We are here at the request of the City. The City asked if they could get some kind of visual for the waterfront. Mr. Clarke further stated that he has had a lot experience with different Main Streets in the County Main Streets survive with three things and must have three things. Population base, tourist, and by drive by traffic to have business survive. Beacon has a hard time with the third thing drive by traffic, as it is not on the way to many places. A larger population base will help Main Street businesses. A more active waterfront will bring in more tourist and visitors, which will spill over onto Main Street. If you do not add on and exist day to day without change Main Street will not survive.

Kevin Byrnes – 61 Tioronda Avenue

Recently a draft of zoning changes for the TOD was issued for comment and dates set for hearings and a vote on the code changes.

I would like to address the proposed TOD zoning district and make recommendations for its improvement.

There are serious concerns with the impact of these proposed changes on the economy, environment and quality of life in the City of Beacon.

These concerns were addressed in the Comprehensive Plan, and by the committees which helped make recommendations on how the recommendations of the Comprehensive Plan would be enacted as zoning law. Unfortunately many of the most important subcommittee recommendations were not adopted and the draft zoning does not solve the problems identified.

The text which has been distributed does not resolve adequately concerns about connections to and financial impacts on Main street businesses, the highest priority in the comprehensive plan.

It has changed the zoning map to include the water side of the tracks in the TOD district, which has not been adequately justified or explained.

The Comprehensive plan proposed mixed uses; the current zoning will allow an all residential scheme to be built.

The comprehensive plan called for considering environmental performance standards such as LEED ratings or Energy Star. The draft zoning allows the minimum legal required performance.

It should be explained clearly to the many people in Beacon who contributed to the comprehensive plan why many of their values and priorities are not being addressed when it comes time to put them into effect.

The current draft does include many good elements. The design guidelines are fairly well thought out, and the view sheds seem to have been addressed. The code does allow for somewhat high residential densities by the train station, and reduced parking requirements, and protection of view sheds.

It allows any combination of retail commercial and residential uses. This does not ensure a mixed use project, and would allow a project of only one component. Parking requirement reductions depend partially on complimentary uses, and other parking demand reduction techniques, and these are not required in order to achieve the reduction. A maximum allowable parking ratio should additionally be considered as a means of both decreasing the very high cost of structured parking, reducing the traffic load on the few routes into the site, and reducing the additional vehicle miles driven in Beacon to achieve the goal of the TOD to reduce automobile pollution. By not implementing these parking strategies recommended by nationally recognized practitioners, the environmental impact of the project will definitely be worse than if it was not built. More cars in Beacon will equal more exhaust, equaling even worse air quality for a region which already has lower air quality than New York City.

The code as written includes several required elements not prioritized in the public part of the process, including required structured parking configurations, restrictions on phasing, elevated structures and specific design features which may be expensive and require higher densities and less desirable uses to pay for. These are desirable things generally but to have them be one of the

few requirements seems to not follow the priorities of the Comprehensive Plan. It also prioritizes retail development as the commercial component, and would not even allow an office building as of right if that were proposed.

The approval process is also problematic. It is fast tracked with both council and planning dept hearings able to be held concurrently. It is solely dependent on approvals from the Council and Planning board with no explicit inclusion of the public priorities which were so painstakingly developed. This leaves the outcome of necessarily subjective reviews uncertain for both the public and any developer.

The failure to incorporate most of the public's concerns and input for this reason greatly diminish the potential of this project to benefit the city, as elements which may have promoted pre-approval have been eliminated.

What then are the priorities inherent in the proposed zoning code? It would seem to encourage various retail and dining and drinking establishments, as the commercial component of the TOD. These uses would also generate a higher proportion of its revenue to the county in sales tax than other uses. Since the policymakers at the county level and the MTA have been involved in the review and comments of this zoning ordinance, it would be a fair question to ask whose values and interests have been prioritized, and whose have been ignored.

The map of the TOD zone has also been modified from what was included in the Comprehensive Plan, by including the west or water side of the railroad tracks. The Waterfront Committee did not recommend a change from Waterfront Park to Waterfront Development zones but suggested that if a small restaurant was desired, the waterfront park zone be amended to allow that. This will be a much surer and effective way to determine what elements are desired on the waterfront which is one of the most treasured locations in Beacon. The public has in the public process expressed a clear desire for passive recreation uses on the waterfront in the Local Waterfront Revitalization Plan, the Harbor Management plan, and the Comprehensive Plan. These desires are not something which should be given away on trust to a large and publicly unaccountable organization and a private developer.

The economic benefits to the city are also not addressed in a way which would be to its long term or short term benefit. Job producing and tax positive uses such as office uses should be prioritized and encouraged with all means at the city's disposal. The inclusion of a LEED requirement will add value to office development and create a unique location for enterprises. The large and unjustifiable amount of retail commercial space proposed will cause competing Main Street business to close or reduce their revenue. This will reduce the tax revenue the city receives. The money generated in a single landlord, large scale development like this will be siphoned away from Beacon's economy, and will create a too big to fail entity which considers us as consumers, not as neighbors and friends. It will be entirely dependent on automobile traffic and will require expensive infrastructure spending, and public subsidies to be built and to operate. We currently have a retail corridor which costs the city very little and generates considerable revenue, keeping taxes lower in Beacon than they would have to be otherwise. The long term wisdom of trading in this complex and lucrative economic driver for a single private entity is questionable, and has not worked to the benefit of any local community that has done this.

Reduction of VMT or Vehicle Miles Traveled is the most important goal of Transit Oriented Development, and zoning codes have a determining impact on whether a project is auto dependent, transit adjacent or a auto trip reducing true TOD project. The costs of catering to those automobile are borne by us all in increased taxes for parking and roads, air quality reduction and quality of life. The current draft of the code does not implement or require any TDM study, Traffic Demand Management can reduce the cost in money and reduced quality of life caused by auto dependent land uses. There are many methods available that experts in this field can utilize to reduce demand, and costs, but many of them, such as maximum parking limitations need to be included in the zoning.

The County and the MTA as public agencies have a responsibility to contribute to this project. Improved feeder transit services and safe and convenient bike and walking routes are crucial to peoples decision to not take cars to this location. The county should be ashamed at the dismal performance of its transit service for which it receives substantial subsidies. A fast and convenient alternative to the Park and Ride model is the only way that this project will be truly environmentally beneficial. Otherwise it may as well be in a cornfield.

Successful TOD developments require careful planning, public acceptance, commitments from other government agencies, and clear understanding of how the laws we pass encourage or discourage beneficial results. The negative effects of a project this size could easily significantly weaken our local economy, cause substantial traffic congestion, ruin the quality of our waterfront and increase taxes. A clear understanding of how to craft a zoning ordinance which will help make the sort of positive change the city has said it desires in the comprehensive plan is required to prevent the sort of large and costly mistakes made in the past.

I hope that you as decision makers in this important process will consider reinstating the recommendations of the comprehensive plan, and the waterfront committee. They were responsible and well considered. They were a part of a fairly open and democratic process. It incorporated values of importance to Beaconites, and tried to solve specific problems. They should not be discarded lightly, or on the pretext of emergency. A real opportunity for the benefits that a TOD type development can have for a regional solution to problems of sprawl, traffic, pollution and to improve the prosperity and quality of life for Beacon and the surrounding area could be encouraged with the proper zoning. By not addressing these concerns, it endangers the TOD concept, a good one if properly enacted, and the prospects of support for future development proposals from the community.

David Stolman – Mr. Stolman read the revised language of the PLL regarding the TOD which was recently revised (09-01-09) . Mr. Stolman stated that the section regarding office space to be consistent. In the illustration that John Clarke of DC Planning supplied there was an office structure which had offices on more than just the ground and second floor. In order to make these regulations consistent by the section which states office can only be on the first and second floors. Mr. Clarke agreed with this with job creation types uses, and should be allowed on all floors.

There is some confusion in the language regarding the maximum of one hundred and nineteen (estimated) square feet which is in the law would be for all combined commercial uses, not just for retail use. An office building or professional building will be coming out of those

percentages. You cannot tell someone you cannot have a business by the waterfront because it is up on Main Street. Mr. Clarke did state he is not an attorney, but felt that this would be improper.

Richard Cantor, Esq. – Was present this evening to represent his clients Arthur and Michael DeDominicis, Certified Public Accountant & Consultants, 5 West Main Street. It was brought to the attention to the Mayor and Council that this firm has been existence for many years at the same location and if the TOD Zoning Law take affect this Company will be affected, which be detrimental to this business. Mayor Steve K. Gold stated that he agrees and the Council agrees to remove this parcel of land out of the TOD District. This will be brought to the Council Meeting next week via resolution.

Thomas Cunningham = 10 Newlands Road – The numbers early presented showing the possible fiscal benefit of the development on the waterfront turned out to be incorrect. When the Mayor and Council realized that these figures were wrong it was determined that a new fiscal impact study would need to be re-done. If we are going to spend the taxpayer's money to have another Cost Study Analysis, we the taxpayers do not want to waste the money.

I urge that the Cost of Services Study uses creditable and reasonable multipliers for children especially, but also residents that will be brought in by the development. The numbers must be defended. For example if you have a three bedroom apartment there are statistically proven demonstrated numbers the kind of children you can expect have as a result of a three bedroom apartment. The study should use those numbers and not different numbers. There is a concern from the School perspective the total number on the table right now is fifteen hundred, that is six hundred at TOD, three hundred and edge water, possibly three hundred and Beacon terminals and two additional hundred at Fishkill Creek. If all these projects go through as currently envisioned the city is talking about fifteen hundred new dwelling units in the City of Beacon. This is a significant increase to what the City of Beacon already has. This includes the additional children enrolled in school and other services that will be required. Mr. Cunningham is not clear to him how this extra dwelling will bring in additional revenue dollars. Another point Mr. Cunningham raised is balancing the budget. These additional dwellings will not balance the budget next year.

Mayor Steve K. Gold – addressed Mr. Cunningham issued stating at the last workshop one of the items discussed was to have a discussion with the school. Mr. Dexter has been in touch with the organization that will be performing the cost of services analysis. We will have an accurate report of how many school aged children and how many adults. The Mayor thanked Mr. Cunningham for bringing all these issues to the table.

Mark Roland – Rector Street – Concerned that one of our precious resources is being banned out whether it is going to make the City of Beacon money or not. There are many quality of life issues such as ten years from now and trying to get to Route 84 and it is going to take extra time due to the fact of

increased population. Is there going to be some magic where there will be a linkage to Main Street. The phrase Traffic Mitigation means to reduce, this is not reducing traffic this is making more traffic. Again mitigation means to reduce, and what the City is doing is making more space to add more traffic. Need to think beyond today and what is going to transpire in the future. This is like a home equity loan to the MTA, they will maximize their hundreds and thousands of dollars of property. We should have zip lock parking where a certain amount of residents will not be allowed to have vehicles down by the waterfront.

Chris Ancliffe – Washington Avenue - Former chair of the waterfront committee. Would like clarification of these maps. The three areas of Waterfront Park are proposed to rezone as TOD. Part of the Waterfront Park will be part of the TOD on the riverside of the tracks. Reading from the revised TOD PLL will be on the river side of the park. The City should be cautious allowing commercial development in this zone. This area was envisioned as green space. Should be very careful about making our waterfront like the City of Newburgh Waterfront.

Janine Lambers – 29 Tioronda Avenue – Regarding the Traffic a thought occurred to her regarding putting in a Rotary Service (traffic circle) which will keep a flowing movement, instead of putting in more traffic lights. Mayor Steve K. Gold suggested that this be investigated further.

David Stolman – City Planner – Explained the Traffic Study. Which contained three projects: Long Dock Hotel Conference Center, the Edgewater Project and the entire TOD project. Taking into consideration all these projects it was calculated with a background growth rate for additional traffic, there were specific traffic mitigation measures designs so the traffic that is generated will flow quite well through intersection, once the improvements have been made. The City of Beacon asked all three developers to pay for the Traffic Study which cost around sixty five thousand dollars.

Jill Rubin – 9 West Willow Street - Ms. Rubin believes the character of the Waterfront is specifically designed, otherwise there will be no character of this area. It is important with housing and commercial development that the waterfront does not lose its beauty as it is an attraction to the tourist.

Lou Amoroso – 40 Vail Avenue – The study should show that the property is wetlands, and will have to go quite away to stabilize a big building.

Tim Buzinski – 180 Main Street – Business Owner/Resident - Concerns: the use of the west side of the tracks being used for retail, size and scope of the retail spaces, the cost to the taxpayers. I am asking that

each of these concerns are looked at very carefully. Need to improve the existing Beacon not the potential Beacon.

Motion: To Adjourn and Continue Public Hearing to Consider a Proposed Local Law to Create a Transit Oriented Development Zoning Dist. and Rezone Certain Properties to This New District By Council Fredericks, Second By Council Pasti. All Voted in Favor to Adjourn and Continue the Public Hearing

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 8th, 2009 at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to Consider a Proposed Local Law to Create A New RD-1.7 Designed Residence Zoning Dist. And Rezone Certain Properties to this New District.

This local law would take effect immediately upon filing with the Secretary of State. Complete copies of the proposed local laws are available at the Municipal Center for inspection during regular business hours.

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: July 28, 2009

Comments:

Mayor Steve K. Gold stated because this will be included in the cost of service this public hearing will not be closed this evening but it will be adjourned until the results are in.

James Korn – 19 South Brett Street – New RD-1.7 Designed Residence Zoning District (Edgewater)

Because of its proximity to the railroad station if not directly designated transit oriented development the innuendo has been there. But **is it really transit oriented development?** The summit is at roughly the same elevation and almost as distant linearly from the train station as the end of Main Street. Therefore, **people living at Edgewater are really no more likely to walk to and from the train station than those living in town:** 600 more cars driving to and from the train station and to and from Main Street. Edgewater might as well be a mile away.

So what can we do? Limit the number of parking spaces? No, this will probably do more harm than good. **Before ordinance changes can be properly considered mass transportation plans need to be in place, concrete plans for frequent daily service, early morning to late evening.** A Smart Growth Grant for more studies is not enough. Likelihood of getting it is low, funds are limited, and studies to date (e.g. Linkage Study, July 2008) have been of limited usefulness. We need to get serious about mass transit; it has been a priority since early days of the comprehensive plan (focus groups) likely longer.

Thoughts and Questions:

* Tompkins Terrace: Tompkins Terrace isn't that much further north than Edgewater and the elevation is roughly the same. They share the same access road to 9D. **Have any studies of Tompkins Terrace been done?** Cars per household? Percentage that walk/drive to the station. When they get in their cars do they drive to Main Street to shop or north on 9D to Poughkeepsie?

* Edgewater challenge: I invite the City Council to climb to the summit of Edgewater with me starting at the train station. **Summit Edgewater with me?**

* Thinking outside the box: perhaps form a mass transportation corporation into which the developers of Edgewater, TOD and Long Dock are required to buy shares not only to capitalize the purchase of equipment, but to fund the ongoing operation and maintenance? If they say, this is not a financially viable enterprise, isn't this the point - if they can't, can the city? We really need mass transport to make the idea of TOD (Transit Oriented Development) and Edgewater work properly. **Requiring developers to invest in mass transit will mean they have "skin in the game" and give the city something of significance and lasting value in exchange for these important sites to develop.**

In summary: before zoning can be properly considered a funded mass transit plan must be in place.

Lou Amoroso – 19 Vail Avenue – To understand what is going on, one end of Beacon on the Mountain we look for open space, and on the other end of Beacon, which is just as pretty we are looking to overload this City to sink it right back into the River. Priorities are not right when you talk about open space, as this is not open space, it is congestion space.

Motion: To Adjourn the Public Hearing to Consider a Proposed Local Law to Create A New RD-1.7 Designed Residence Zoning Dist. And Rezone Certain Properties to this New District, By Council Fredericks, Second By Council Pasti. All Present Voted In Favor to Adjourn and Continue This Public Hearing.

Minutes of July 6, 2009 Motion to Approve, by Council Member Pasti, seconded by Council Member Fredericks, All present voted in Favor

Minutes of July 20, 2009 Motion to Approve, by Council Member Pasti, seconded by Council Member Fredericks, All present voted in Favor

Communication / All Reports from Mayor and Council Members Located at the end of the Minutes

Public Comments Pertaining to This Agenda Only: Up to Five Minutes per Person

UNFINISHED BUSINESS

Resolutions: NONE

Local Laws and Ordinances:

1. Proposed Local Law to Amend Chapter 223, Zoning, of the City Code with Respect to Affordable Housing.

Motion: To Adjourn the Proposed Local Law To Consider A Proposed Local Law To Amend Chapter 223, Zoning, Of The City Code With Respect To Affordable Housing By Council Pasti, Second By Council Fredericks. All Present Voted In Favor to Adjourn.

NEW BUSINESS

Resolutions:

Resolution 131 of 2009 – Accept Dedication of the Road Known as Victor Road Extension and any Easement within the Subdivision along with all public improvements completed as part of the project.

WHEREAS, the City Engineers, Lanc & Tully, P.C., have inspected the Misericordia Subdivision Project to ensure that all required public improvements have been completed in accordance with the approved plans and the City of Beacon Street Specifications; and

WHEREAS, by Resolution No. 52 of 2008 dated May 5, 2008, the City Council adopted a Resolution to approve the road known as Victor Road Extension and any and all easements within the subdivision along with all public improvements completed as part of the project subject to certain recommended stipulations in a memo dated April 15, 2008 from the City Engineers, Lanc & Tully, P.C.; and

WHEREAS, the recommended stipulations as contained in said memo have been performed to the satisfaction of the City Engineers.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The City Council hereby accepts the dedication of the extension of the road known as Victor Road along with the constructed public utilities completed as part of the project;
2. That the Maintenance Bond in the amount of \$51,629.00 previously filed remain until its expiration;
3. The City Clerk is hereby directed to cause the deed for the extension of the road and all related documents to be recorded in the Office of the Dutchess County Clerk.

Motion by Council Member Leake to Accept Dedication of the Road Known as Victor Road Extension and any Easement within the Subdivision along with all public improvements completed as part of the project., Seconded by Council Member Fredericks. All Present Voted In Favor to Accept Resolution.

Resolution 132 of 2009 Resolution Accepting the City’s Draft Harbor Management Plan as Complete and Ready for Public Review and Authorizing it’s Submission to the New York State Department of State.

WHEREAS, the City of Beacon initiated preparation of a Harbor Management Plan in cooperation with the New York State Department of State in accordance with the provisions of Executive Law, Article 42; and

WHEREAS, the Draft Harbor Management Plan has been prepared; and

WHEREAS, the City Council, as lead agency, has prepared and evaluated an Environmental Assessment Form concerning the action of adopting the Harbor Management Plan in accordance with the requirements of the State Environmental Quality Review Act and Part 617 of the implementing regulations of Article 8 of the New York State Environmental Conservation Law, and determined that there will be no anticipated adverse impacts upon natural, institutional, economic, developmental, and social resources of the City, and have, therefore, prepared and filed a Negative Declaration;

NOW, THEREFORE, BE IT RESOLVED, that the Draft Harbor Management Plan for the City of Beacon is accepted by the City Council as complete and ready for public review and shall be submitted to the New York State Department of State for its review by State, federal, and regional agencies pursuant to the provisions of Article 42 of the NYS Executive Law.

Motion by Council Member Pasti to Accept the City's Draft Harbor Management Plan as Complete and Ready for Public Review and Authorizing its Submission to the New York State Department of State Seconded by Council Member Leake. All Present Voted in Favor.

RESOLUTION 133 OF 2009 – AUTHORIZE MAYOR TO ENTER INTO AN AGREEMENT FOR CONSULTING SERVICES - COST OF SERVICE STUDY

WHEREAS, the City Council of the City of Beacon desires to receive an accurate estimate of the anticipated cost of services to the City from the proposed development of the Transit Oriented Development near the Beacon Rail Station, the Long Dock Beacon development, the Edgewater Residential Development and other projects in the City; and

WHEREAS, the City requires a consultant to provide it with such a cost of service study which will assist the City in its planning and use of municipal services.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Beacon is hereby authorized to enter into an agreement for consulting services, not to exceed \$20,000, to obtain a cost of services study for costs generated by the above proposed developments.

Motion by Council Member Frederick to **AUTHORIZE MAYOR TO ENTER INTO AN AGREEMENT FOR CONSULTING SERVICES - COST OF SERVICE STUDY** Seconded by Council Member Pasti.

Comments: Mr. Dexter gave the Council an Update as follows: There were four proposals, ranging from 85 thousand to 129 thousand dollars. Currently we are negotiating with the firm that did the Comprehensive Plan Review, which so happened to be lowest bid out of the four. In addition, they already have history with the City of Beacon. Meredith Robson is in the process of reviewing the proposal.

The City of Beacon will ask the Developers to pay for this Cost of Service Study. This is not a guarantee to have the Developers to pay for this Cost of Service Study

On a roll call: Council Member Thompson – Excused, Council Member Leake – yes, Council Member Kelly – yes, Council Member Casale – yes, Council Member Pasti - yes, Council Member Fredericks – yes Mayor Steve K. Gold – yes. Six Ayes, One Excused. All Present Voted in Favor.

RESOLUTION of 2009 - Adoption of Local Waterfront Revitalization Program Consistency Determination Regarding an Application by Long Dock Beacon for a Mixed Use Development within the Waterfront Development (WD) Zoning District.

Comment: Mayor Steve Gold explained that City Administrator would like time to review this Resolution prior to Council discussing and voting on.

Motion to table for City Administrator to Review by Council Member Leake, **Adoption of Local Waterfront Revitalization Program Consistency Determination Regarding an Application by Long Dock Beacon for a Mixed Use Development within the Waterfront Development (WD) Zoning District** Seconded by Council Member Fredericks. All present voted in Favor to table this Resolution.

RESOLUTION of 2009 – Approving Waterfront Development Concept Plan and Special Permit for an Application by Long Dock Beacon for a Mixed Use Development within the Waterfront Development (WD) Zoning District

Comment: Mayor Steve Gold explained that City Administrator would like time to review this Resolution prior to Council discussing and voting on.

Motion to table for City Administrator to Review by Council Member Leake, **Approving Waterfront Development Concept Plan and Special Permit for an Application by Long Dock Beacon for a Mixed Use Development within the Waterfront Development (WD) Zoning District** Seconded by Council Member Fredericks. All present voted in Favor to table this Resolution.

Local Laws and Ordinances:

Resolution 134 of 2009 to Set Public Hearing - Proposed Local Law To Chapter 119 Section 16 Fire Prevention and Building Code, City of Beacon code, To Provide for Placing Lien on Property for Unpaid Inspection Fees. **Introduction – Set Public Hearing for Monday, September 21, 2009**

Motion by Council Member Pasti, **Set Public Hearing for Monday, September 21, 2009** Seconded by Council Member Fredericks. All present voted in Favor to Set Public Hearing

Resolution 135 of 2009 Proposed Local Law to Amend Section 149 of the City of Beacon Code To Define and Abate Unsafe Noise in the City of Beacon. **Introduction – Set Public Hearing for Monday, September 21, 2009**

Motion by Council Member Fredericks, **Set Public Hearing for Monday, September 21, 2009** Seconded by Council Member Pasti. All present voted in Favor to Set Public Hearing

Resolution 136 of 2009 - Proposed Local Law Adding to the City Charter Section 3.05 to the Power and Duties of the Mayor and Authority to Appoint an Acting Mayor. **Introduction – Set Public Hearing for Monday, September 21, 2009.**

Motion by Council Member Fredericks, **Set Public Hearing for Monday, September 21, 2009** Seconded by Council Member Kelly. All present voted in Favor to Set Public Hearing

ANNOUNCEMENTS:

BUDGET AMENDMENTS;

Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$29,000 into an MTA tax expense line (Code: 1989.400000). This is to cover the cost of the new tax imposed by the MTA on employers engaging in business within the Metropolitan Commuter Transportation District. The tax will be .34% of the City of Beacon payroll expense and will be due for the period of March 1, 2009 through December 31, 2009.

Comments: Mayor Gold spoke with a representative of DC Supervisors and Mayors, PDTC and Town of Fishkill Patricia Myers and stated that the Beacon City Council will be setting funds aside as there is opposition regarding paying this MTA tax. A letter of protest should be included with the payment if City of Beacon should pay.

Motion by Council Member Frederick, **To Accept Budget Amendment** Seconded by Council Member Kelly. On a Roll Call: Council Member Thompson – Excused, Council Member Leake: Yes, Council Member Kelly – No not to pay, Yes to put in line item to pay at a later date, Council Member Casale – Yes, Council Member Pasti – Yes, Council Member Fredericks – Yes, Mayor Steve K. Gold – Yes. 6 Ayes, 1 Excused, Motion passes.

Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$1,000 into the Attorney civil action expense (Code: A1420.456500) to cover litigation expense for general business services provided by Towne, Bartowski and DeFio Keane.

Motion by Council Member Frederick, **To Accept Budget Amendment** Seconded by Council Member Pasti. On a Roll Call: Council Member Thompson – Excused, Council Member Leake - Yes, Council Member Kelly - Yes, Council Member Casale – Yes, Council Member Pasti – Yes, Council Member Fredericks – Yes, Mayor Steve K. Gold – Yes. 6 Ayes, 1 Excused, Motion passes.

Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$5,705 to the Attorney expense for the case of Finch vs. City of Beacon (Code: 1420.450412). These funds are

necessary to cover legal services rendered by Hodges, Walsh, and Slater, LLP for the case and the city is only liable for half of the expense. The other half was paid by Traveler's Insurance Company.

Comments: Council Member Casale stated in the workshop minutes, I asked if this was going to be the last payment. Acting City Administrator stated he believed so. (**Prior Workshop Minutes Need to be corrected)

Motion by Council Member Frederick, **To Accept Budget Amendment** Seconded by Council Member Pasti. On a Roll Call: Council Member Thompson – Excused, Council Member Leake - Yes, Council Member Kelly - Yes, Council Member Casale – Yes, Council Member Pasti – Yes, Council Member Fredericks – Yes, Mayor Steve K. Gold – Yes. 6 Ayes, 1 Excused, Motion passes.

Amend the General Fund budget Contingency expense (Code: A1990.400001) by transferring \$1,300.00 to the Human Relations Department facility rent (Code: A8040.469700). This is the amount owed for the rent for May and June of The department vacated the premises at the end of June 2009 and no further amount is due.

Motion by Council Member Kelly, **To Accept Budget Amendment** Seconded by Council Member Leake. On a Roll Call: Council Member Thompson – Excused, Council Member Leake - Yes, Council Member Kelly - Yes, Council Member Casale – Yes, Council Member Pasti – Yes, Council Member Fredericks – Yes, Mayor Steve K. Gold – Yes. 6 Ayes, 1 Excused, Motion passes.

PUBLIC COMMENTS: On any item on any issue you would like to discuss. Maximum of five minutes to speak.

James Korn – Cost of Service – The City should not use the same firm even though they already know the City.

Naomi Baat Cannon – When the contractors did the streets, they left white plastic tabs on the sidewalk which could possibly be a trip hazard.

Jerry Landisi – Wanted to assure that the Taxi Services was addressed this evening. Will be on a future workshop.

CHECK LIST: 296,412.12

NEXT WORKSHOP: September 14, 2009

NEXT COUNCIL MEETING: September 21, 2009

EXECUTIVE SESSION:

REPORTS

Correspondence Report:

Date: August, 2009 – Charlie Symon – Assistant Superintendent for Media & Operations

RE: Future of Channel 22 Ed/Gov Channel

In June of 2003 Beacon City Schools and the City of Beacon went into a joint venture known as Channel 22 Educational / Governmental Cable broadcasting. The equipment that was purchased by BCSD and later partially reimbursed by a grant from Cablevision. The city for their part never actually contributed financially to this venture, though the city does collect a considerable amount from Cablevision each year.

Over the past few years the BCSD staff assigned to program and update Channel 22 have been asked to do more and more as the City (and school district) added video and increased the amount of event bulletins. We have always tried to be cooperative and also to some degree add students to the mix to help out and learn the production process. We have not always agreed on some content, but I have tried to work around that.

Right now we are at a critical turning point for the future of Channel 22. As you know while the channel broadcasts only in the City of Beacon, Beacon City School District has a considerable number of residents and possible audience in the Towns of Wappingers and Fishkill. This has always been a stumbling block for BCSD to get our news out to these people. In the past year residents in the City of Beacon were limited in receiving Channel 22 when Cablevision started restricting access to those who have a cable boxes only. We are also limited in some content and sponsorship due to regulations on PEG channels by the FCC & NYSPSC.

Beacon Schools to better service our audience in the Beacon City School District has decided to create exclusive educational programming and Broadcast this content in a streaming format on the Internet which will be accessible to all BCSD resident 24/7 (as well as the rest of the world), instead of continuing on a limited Channel 22.

The streaming format required the purchase of new advanced technology equipment, which was recently purchased and put into a test broadcast. We plan on switching to this Internet format by the end of September.

As for Channel 22, we would be willing to manage your content for the short term until you can figure out what the city wants to do. You might recall the pre-channel 22 cable limited version originated out of City Hall. This may be of interest again to the city since you would have access 24/7 to add content, especially in city emergencies. I do need to advise that the current equipment has aged and is in need of repair or replacement. Sound quality has degenerated because of the aging equipment.

The short term commitment by BCSD to broadcast content, is very dependent on how long the current equipment will operate, two pieces are consistently “freezing up”, and may not last long. Estimated cost of replacement would be in the range of \$6,000 to \$12,000.

I would be happy to assist in a suggested design, if you choose to go that way or discuss some way that the district continue to assist in broadcasting with the City being financially responsible for any equipment needed as well as any labor costs to manage the productions.

Date: August 14, 2009 - Michael C. Caldwell, MD, MPH Commissioner of Health
RE: *West Nile and other Arthropod-borne diseases in Dutchess County*

I wanted to take this opportunity to update you on the Dutchess County Health Department's mosquito prevention program. As you may be aware, the mosquito population is significantly increased this year due to the continued rains and standing water that increases mosquito breeding sites. We have been closely monitoring West Nile Virus and other arthropod-borne diseases in Dutchess County over the past ten years. I am pleased to inform you that there has been only one documented case of West Nile Virus in a human during this ten year period and none over the past five years.

From 2000 until 2008, Dutchess County conducted surveillance of birds and mosquitoes to determine the presence of the West Nile Virus within our community. The Dutchess County Department of Health also contracted with a professional mosquito control service to larvicide catch basins throughout the County in order to control breeding sites of mosquitoes implicated in the spread of the West Nile Virus. The Department, through extensive media outreach programs, encourages the public to eliminate mosquito breeding environments within their communities and to exercise personal precaution measures when outdoors.

During 2008-2009, the Department made a decision to confine its West Nile Virus prevention activities to bird surveillance and continued public education. With only one documented human West Nile Virus case, and with shifting priorities to address emerging infections such as the Novel H1N1 Flu, we have discontinued larvicide treatments of catch basins. The Health Department continues to maintain Department of Environmental Conservation (DEC) permits to provide us flexibility if we choose to reinstate our larviciding efforts in the future. If your local community would like to learn more information about larviciding, we are available to assist you and to provide technical support. Our division of Environmental Health Services can be reached at (845) 486-3404.

Dutchess County residents are encouraged to continue to report dead birds to the Dutchess County Health Department's West Nile Virus (WNV) Hotline at (845) 486-3438. While the Health Department is interested in receiving reports of all dead birds, not all birds are picked up and sent for WNV testing. Members of the Corvidae family (crows and blue jays), and raptors (hawks, owls) in good condition, are the most common birds forwarded for WNV testing.

We look forward to continuing to work with you to monitor our community and to educate our neighbors about preventing mosquito and tick-borne illnesses. I invite you to visit our County website at www.dutchessny.gov for further information. You can also find updated information at www.cdc.gov and www.healthfinder.gov . Use the search box to find specific topics and more detailed information.

In good health,

Michael C. Caldwell, MD, MPH Commissioner of Health

DATE: August, 2009 – Roger Connor - Cablevision

Re: HD Programming Channel Changes

Dear Mayor Gold:

At Cablevision we strive to provide our customers with the best experience in cable programming home entertainment. For the convenience of our HD customers viewing, we created a consistent block of premium HD programming. Effective August 19, the programming services listed below will be seen on channels 800 through 840. They were previously seen in the 700 Channel range.

Service	From Channel:	To Channel:
HBO HD	750	800
HBO 2 HD	779	801
HBO Signature HD	775	802
HBO Family HD	776	803
HBO Comedy HD	777	804
HBO Zone HD	778	805
HBO Latino HD	793	806
Starz HD	740	811
Starz Kids & Family HD	773	812
Starz Edge HD	774	813
Encore HD	772	816
Showtime HD	760	820
Showtime Too HD	798	821
Showtime Showcase HD	799	822
Cinemax HD	770	830
Action Max HD	794	831
MoreMax HD	795	832
@Max HD	796	835
Outer Max HD	797	837
The Movie Channel HD	780	840

Customers will be notified of the new channel locations via bill messages beginning July 23. In addition, a slate advising customers where to find premium HD services will replace HD programming in the 700 channel range beginning August 19. An HD digital cable box or CableCARD will be required to see this programming. HD programming is free to customers subscribing to an iO package or an HD a la carte service.

If you have any questions with regard to these changes, please do not hesitate to call me 845-296-3564.

Date: August, 2009

RE: Chinese Delegation Visits Beacon

Delegates from the Chinese city of Tianjin met with local leaders Monday morning to share ideas and forge a friendship between the two municipalities.

"Tianjin is also a port city ... located next to a beautiful river," explained Shen Xinyue, an interpreter with the Tianjin International Exchange Commission.

The delegates said they were interested in visiting Beacon to learn more about environmental preservation and development.

Twenty Tianjin City government officials sat facing approximately the same number of representatives from Dutchess County government, business and nonprofits at the Howland Cultural Center.

The groups exchanged translated introductions and pleasantries, followed by a brief Hudson Valley history lesson.

Charles North, president of the Dutchess County Regional Chamber of Commerce, explained his organization's community role.

"We are a private organization, not part of the government," North said.

Barbara Murphy, vice president of Pattern for Progress, a regional nonprofit focused on environmentally sustainable growth, told the delegates how citizens fought to protect Storm King Mountain in Orange County from development.

"A battle waged by citizens on both sides of the river gave rise to some of the first state and national environmental protection laws," she said.

World is shrinking

Beacon Mayor Steve Gold thought there had been some mistake when he was contacted by the Chinese city three weeks ago, he said.

Tianjin, located about 75 miles to the southeast of Beijing, is the sixth largest city in China by population. The delegates will also visit Philadelphia and Los Angeles.

"I was thrilled that representatives from the City of Tianjin came to Beacon to visit and try to open up an exchange of ideas and economy," said Gold. "I think what was learned is that the world is becoming a smaller place."

Following the exchange at the Howland Cultural Center, the delegates boarded a bus and headed to the Dia museum.

Interpreter Xinyue said the group was looking forward to a meal at a local Chinese restaurant.

DATE: August 14, 2009 – Ruth L. Pierpont, Director – Division for Historic Preservation

RE: Trinity Methodist Church (Former)
8 Mattie Cooper Square, Beacon NY 12508

We are pleased to inform you that the property noted above will be considered by the State Review Board at its next meeting, September 15, 2009, for nomination to the National and State Registers of Historic Places. These Registers are the federal and state governments' official lists of historic properties worthy of preservation. Listing in the Registers provides recognition of our national, state and local heritage and assistance in preserving it. Enclosed is a copy of the criteria under which properties are evaluated for listing.

Listing in the National and State Registers affords properties a measure of protection from the effects of federal and/or state sponsored or assisted projects, provides eligibility for certain federal tax provisions and renders certain properties eligible for federal and state preservation grants. In general, there are no restrictions placed upon private owners of registered properties. The results of listing are explained more fully in the attached fact sheet.

Owners of private properties proposed for listing in the National Register must be given the opportunity to concur in or object to the listing. Each private property owner has one vote regardless of how many properties or what part of a single property that party owns. A notarized objection by the sole owner of a private property will prevent that property from being listed in the National Register. For properties or districts under multiple ownership, a majority of the owners must object in order to prevent the listing. If a property owner wishes to object to a proposed listing, he/she must submit a notarized acknowledgement that he/she is the owner of the property in question and that he/she objects to the proposed National Register listing. Objections must be submitted before the property is listed.

If a property cannot be listed because of owner objection, the SHPO will submit the nomination to the Keeper of the National Register for a determination of eligibility for listing. Properties formally determined eligible for National Register listing by the Keeper are subject to the same protection from the effects of federally sponsored or assisted projects as are listed properties. There are no provisions in the New York State Historic Preservation Act that allow an owner to prevent listing in the State Register by means of objection.

If you wish to comment on whether or not the property should be nominated to the National and State Registers, please send your comments to the SHPO at the address below. Comments must be received by September 14, 2009, in order to be considered when this property is reviewed by the State Review Board.

A draft copy of the proposed nomination is on file in this office and can be made available to you upon request. For more information, please contact Bill Krattinger, Historic Preservation Field Services Bureau, New York State Office of Parks, Recreation and Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, (518)237-8643, ext. 3265.

DATE

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Acting City Administrator: Tim Dexter

1. Cameras on Main Street – Contractor stated everything is going fairly well. Hopefully will be fully operational in two weeks.
2. Blacktopping – Most of this work is done, on what the Council approved. Howland Avenue is the last street to accomplish, which will be done tomorrow. In addition, I am happy to report that this was under budget! Credit should also go to M. Robson, City

- Administrator who was able to review the budget and have a midyear report and was able to collectively come up with funds to back the blacktopping on the City Streets a reality.
3. University Settlement Camp – Most of the small unused buildings have been boarded up. Three building are scheduled to be torn down this week. Within two weeks this project should also be completed.
 4. Fairway Cemetery is moving right along, most of the drainage work is done along with the road and repaving and reclaiming the street is also almost complete (within two weeks).
 5. Shared Agreements between the School and City of Beacon. School district has had only one meeting since this was brought to the table. They have discussed it and sent it on to their legal counsel for advise
 6. Lastly, Thank you for the proclamation, I enjoyed the nine weeks, went very quickly. I appreciate the Council, Mayor and Ms. Robson had had the confidence in me to fulfill the City Administrator position as “acting”. When I was making my decision I knew the fact that Department Heads, including the staff members at City Hall, the Consultants were all competent to willing to work as a team to get the answers needed to report make to the Council.

City Administrator took the time to thank Tim Dexter for keeping the ship afloat for the last couple of months. I appreciate all the work and dedication that Mr. Dexter put forth while I was away adopting my son from China.

Council Member Thompson: Excused

Council Member Leake:

Will submit comments in writing. Would like the Mayor to announce the 9/11 Ceremonies to take place.

Council Member Kelly:

Two Citizens on Vine Street contacted me about the need for a neighborhood watch program. Apparently there were a few incidences that resulted in the Police being called. I will contact these constituents, but I also encouraged them to contact Detective Donald William, Beacon Police Department and/or Kathy Deuterman to get the Neighborhood Watch Program giving.

Council Member Casale

Good evening everyone and thank you for coming.

I would like to commend Zep and the Highway Department on the great job they did on paving Main Street from South Street to Herbert Street; Blackburn Avenue from Fishkill, Avenue to Herbert Street; East Main Street from Liberty Street to Spring Valley Street; Spring Valley Street; South Avenue from Commerce Street to Rombout Avenue; and North Elm Street from Main Street to Verplanck Avenue. Tomorrow they will pave Howland Avenue from East Main Street to Route 9D. These road improvements enhance those neighborhoods.

I would like to ask the Mayor to put on Monday night's workshop agenda to discuss doing the same improvements to Route 52 from Wolcott Avenue to the City line. These improvements

would help promote Main Street business and be a major boost to all businesses on Route 52. Our residents would not be beating up their vehicles.

In May I was told by our Administrator that when we finished the Main Street project that we found roughly \$1 million from closed out capital projects. We used some towards finishing the Main Street tree project and we should have at least \$200,000 left. I suggest we take \$250,000 and remove all the bad spots on Route 52 and repave.

I was told about a problem at the train station with the cabs. I would like to put on a workshop agenda to discuss how we give cabs licenses and see if we need to rework this.

I have been getting many complaints about the coverage of our Council meetings on Channel 22. They still have the July meeting on. I would ask the Administrator to look into this. Many people depend on this to follow what goes on in the city.

I asked to have the Traffic Committee look into a stop sign at Spring Valley and East Main Street heading east on Spring Valley. Do we know what the outcome is?

Has there been any response to the problem with feral cats?

I would like to thank Tim Dexter for the fine job he did as acting Administrator.

What is the status of the Comprehensive Plan for the University Settlement Camp?

Last but not least, tomorrow school opens - watch out for kids walking and obey the flashing lights on the school buses.

Council Member Pasti

In consideration of the lateness of the hour, I will defer my report to the next Council meeting. However, I would like to mention one thing relative to Spring Valley Street. As most of you who have been attending or watching meetings know, most of last year I began my reports by talking about the work that needed to be done on Spring Valley Street. Working together with the city's engineering consultants, Tony Furco and Dave Miller from the Traffic Safety Committee and the residents; we were able to develop a plan for the reconstruction of the street that we believe will work for the future. While the current economic crisis is preventing the implementation of this plan at the present time, on behalf of the residents I want to thank my fellow Council people and the Department of Public Works for the repaving work that was completed last week on Spring Valley Street. While there is still work to be done, this current, much-needed improvement to the street has made a big difference to the residents and likely to everyone who drives the street.

Thanks to the Mayor and to my fellow Council members for making this possible.

Council Member Fredericks

I would like to touch upon the TOD this evening. I am very pleased to see that many of our citizens are showing such interest in this project. Both on the www.BeaconCitizens.com site and also this evening.

As I have mentioned, numerous times, I am in favor of this development. I believe it to be a very positive move for the City and am hoping I can see this development come to me. I know that a substantial amount of merchants on Main St., are concerned with the “retail” end of the development. We on the City Council are working very diligently to have certain requirements for businesses to rent “retail space” at the TOD. We have gone over many of these requirements and will continue to do this. I feel that people living and working at the TOD would be able to have easy access to Main Street, and am hoping to see a bus or trolley for easy access to Main Street. I am working on that as well. I also believe the developer should be responsible for this and not the City.

Yes, some people are complaining that Main St., needs updating and I agree with this wholeheartedly. I do not believe that we on the Council are “selling out” the businesses on Main Street to Metro North.

We all need to realize that Beacon of the Past will never be again. Years ago, we worked, lived and shopped in Beacon. It was a totally different era. We must encourage the businesses on Main St. to stay there and we on the Council must strive to bring more to Main St.

I am hoping that much of our space in the TOD will be commercial, i.e., doctors, attorneys, and the like. I know that this Council would not be in agreement to put in businesses that would hurt our Main Street.

I hope that everyone listening to this report will read what the Mayor has to say on this topic. Make sure you all come to meetings and ask questions. We on the council value your input and we will consider all that is said.

Thank you.

City Attorney: Richard Wolf

Mr. Wolf stated that he would submit his report in writing.

Few things he wanted to mention were:

1. Taxi Situation
2. The Blue Dragon
3. Presrock Litigation
4. Noise Ordinance

Mayor Steve K. Gold:

Motion to Adjournment of Council Meeting by Council Member Kelly, Seconded by Council Member Leake.

Respectfully submitted,

Colleen Swift

Executive Assistant to Mayor Steve K. Gold

Date: November 16, 2009 Date Approved: December 7, 2009