

**Regular Meeting**

The regular meeting of the Beacon City Council held at the Municipal Center, One Municipal Plaza on September 21, 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: 37

**Community Segment: New York State Conference of Mayors and Municipal Officials  
Years of Service Awards**

Thirty Years

David Russell

Thirty Five Years

James McCollum

Douglas Ostrander

Donald Schiller

Gary Christopher

Mayor Steve K. Gold stated that it was extraordinary that five individuals have worked for the City of Beacon for Thirty and more years. Congratulations went to all employees for their hard work and dedication to the City.

**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.**

**James Korn – 19 South Brett Street** - The September 8<sup>th</sup> comments submitted has not been uploaded to the website. Mr. Korn would like his letter posted not a synopsis of what was said.

**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.

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**Mr. Diaz - 10 Meadow Ridge Circle** – Regarding Taxi’s at the Train Station with the problems of other Taxi’s from other cities and towns. Needs to be addressed, as something serious is going to happen if the fighting between Cab Drivers continues. Mayor Gold asked Mr. Diaz to call his office and arrange an appointment with the Mayor to discuss possible solutions.

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**John Gilvey – 169 Main Street** – At a previous meeting I accused the Council of selling out the businesses on Main Street. Mr. Gilvey stated that now the City of Beacon is giving away the waterfront in the City of Beacon. In addition, the Mayor mentioned the possibility of giving Business on Main Street priority to a space down by the Waterfront. Maybe the City Council should appeal the law regarding ground floor apartments on Main Street, so landlords can survive.

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**Dennis Morney 439 Fishkill Avenue** – Regarding non-homestead being charged one percent too much for the past eight, nine years. Are the business going to get a refund? Received a letter saying that his business owes money from the Pub Crawl event. I believe the City owes me about six hundred in taxes, so as far as he is concerned he owes no money.

There is a law that no bicycles on sidewalks. On Route 9D there is no presence of a bicycle path. So, bicyclists have to ride in the street.

Requested a breakdown of what the City spent on the Pub Crawl so the business owners who participated can see what they are paying for.

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\_\_\_\_\_ - **Mountain Lane** – Read a Letter to Council Member Sara Pasti. Regarding increasing noise over the years from all terrain vehicles on Mount Beacon. Harassment typically takes place in the evenings and on the weekends. Recently this has escalated and it continues throughout the night. September 5<sup>th</sup> – All Day and Throughout the Night, September 12<sup>th</sup> around four o’clock a group of young children playing in the road, when an unlicensed ATV’s came speeding up the Lane. Police have been called and arrived on the scene but no charges were

issued to this youth. Can some action be taken on these two points 1) Display signage stating "Children at Play", 2) Can something be done with the gated access in that area, as the padlock has been removed and there is now free access up the mountain. There is a law regarding driving ATV, and in addition, signage stating no ATV. All I would like to do is enforce the law.

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**Mark Roland – 29 Rector Street** – Would like to clarify a few things that were discussed at the last meeting. Not against taking away Beacon's tax base. In favor of TOD, could be a great thing for the City. Maximizing the potential of the waterfront as a community resource and a place for enjoyment and commerce and transit. The current draft of the TOD is inadequate in addressing these fundamental issues. City of Beacon has one shot in making the waterfront asset work for the City. There are too many unanswered questions in the current TOD draft. Senator Chris Dodd has submitted legislation in August called "Livable Communities Act in 2009", which is currently in the legislative process. This bill has the prospect of hundreds and millions of dollars in Federal Aide to TOD, Brownfield Redevelopments, and complete street programs for communities like City of Beacon. So no one has brought up any pressing deadlines to rush this through, we need to slow down the process, first to see if the Federal Aide might be imminently available to help with this project. But most important that the City of Beacon is not unduly pressured by outside entities or forces to make this decision that will not be in our best interest.

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**Michael Benzer – 162 Main Street** – The Economic Task Force which was created to work on the economic problems in the City and development. This Task Force has not met in months. Is this committee now inactive? Mr. Benzer believes it would be prudent if this Task Force is still together to give a report on the TOD. Mayor Steve Gold stated that he is waiting for Jonathan Drapkin from Patterns for Progress to do his efforts to try to bring in a Main Street Economic Development Entity. Meetings were organized by Anne Meagher of the DCSDC. Another meeting will be arranged.

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**George Mansfield – 5 Churchill Street** – Need to slow the process down regarding the TOD. Research for four hours on the internet regarding TOD in other communities. Successful TOD's are rare. I urge Beacon to raise the bar high or set our standards high and not compromise. Prior to this being approved, it needs to be clear and mandatory link to Main Street.

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**Vane Lashua – Liberty Street** – Clearwater is having its work sessions at the University Settlement Camp during the weekends up through the middle of November. Help is needed, and it is a great opportunity to go see the camp, see what is there and provide skills that they might need. The second topic is the Walkway over the Hudson – October 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> is going to be the grand opening, including fireworks on Friday Night, opening both ends to the bridge on Sunday. This will be part of the reason tourist come to the Hudson Valley,

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**Public Hearings:**

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 21<sup>st</sup>, 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 119§16, Fire Prevention and Building, to Provide For Placement of a Lien on Properties for Unpaid Inspection Fees.

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.

**Comments: None**

Motion: To close the Public Hearing To Consider A Proposed Local Law to Amend Chapter 119§16, Fire Prevention and Building, to Provide For Placement of a Lien on Properties for Unpaid Inspection Fees By Council Casale, Second By Council Pasti. All Present Voted In Favor to Close Public Hearing

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PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 21<sup>st</sup>, 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 §149, to Define and Abate Unsafe Noise in the City of Beacon.

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.

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**COMMENTS:**

**Dennis Marony** - Read the law and it says to the property line. Is that from the noise where it is coming from or from the people's property line? Typically it says to the house, which everyone in New York State goes by. Spoke to one of the legislatures and he stated a population over one million is to the property line. Mr. Maroney stated that having property line in this local law does not make any sense. Would like someone to bring the tool to his establishment to measure the decimal levels. Requested two levels one from property line as it does not make sense at all.

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**Pam Weatherbee – 66 Mead Avenue** – Wanted to say thank you to all Council Members for putting the Noise Ordinance on the Agenda tonight, as there has been concerns because the Police are not able fully figure out what the actual notice level should be this will make it fair enough for all residents in the City of Beacon to have peace and quiet, especially at night time.

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**Vane Lashua – Liberty Street** - After I moved to this address, I learned that in this area is the testing site for motorcycle pipe noise and drag strip racing, tire squealing, I believe the Noise Ordinance should exempt this area from the Noise Ordinance. (Said in sarcasm) I would like to see an insertion in the bill, about having a proper installed muffler. This is a residential area with small children playing and a great place to live. The Mayor said he will speak to the Chief to have a patrol in this area.

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Motion: To close the Public Hearing to Consider a Proposed Local Law to Amend §149, to Define and Abate Unsafe Noise in the City of Beacon By Council Leake, Second By Council Casale.

Council Member Casale stated that the Council has been working on this Local Law for a long time, there are a lot more problems with noise then we really realize. We are not here to bury anyone; we are here to make the community as a whole a better place to live. It is not only commercial against Residential; it is also a problem in residential neighborhoods.

All Present Voted In Favor to Close Public Hearing

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PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Tuesday, September 21<sup>st</sup>, 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 §3.05, to Add to the Powers and Duties of the Mayor the Authority to Appoint an Acting Mayor.

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.

**COMMENTS: NONE**

Motion: To close the Public Hearing to Consider a Proposed Local Law to Amend §3.05, to Add to the Powers and Duties of the Mayor the Authority to Appoint an Acting Mayor by Council Pasti, Second By Council Casale. All Present Voted In Favor to Close Public Hearing

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**Minutes of August 3, 2009** Motion by Council Member Pasti, Seconded by Council Member Casale. All Present Voted In Favor to Accept the Minutes as is.

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

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

**Lou Amoroso – Vail Avenue** – Under New Business there is a Resolution for the Mayor to accept one hundred and fifty thousand dollars from NYS EPA for the Kayak dock down at long dock. I thought at the workshop it was seventy five thousand dollars. Margery Groten of Scenic Hudson explained that the grant is for one hundred and fifty thousand dollars, and the match of fifty thousand dollars Scenic Hudson will be responsible for.

Margery Groten explained that this Kayak Dock is going to be a public facility as all of Scenic Hudson parks are. It will not be operated by any particular Kayak operator. All kayak operators

are welcome, residents will have full access and hoping to build in some storage units for residents who own kayaks to rent space to store their kayaks down by the waterfront. One of the requirements is that it is accessible to everyone not only Beacon residents. Scenic Hudson will maintain this Kayak Dock.

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**Larry Diaz – 803 Meadow Ridge Circle** – Regarding the Spirit of Beacon Day, why is it only for not for profits to have a vendor table. Brief background on the Spirit of Beacon Day, many year ago there was some racial tension in the City. A committee was form and a meeting took place between all the church organizations, social groups, community groups and the idea that materialized was that not of profits will be able to have their vending on Main Street, and a parade for all of Beacon to watch and to have different organization that are not for profits match in the parade. So the origin came from mending the community together.

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## **UNFINISHED BUSINESS**

### **Resolutions:**

#### **Resolution 137 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**

WHEREAS, the Beacon City Council is entertaining applications from Long Dock Beacon pertaining to a planned mixed-use waterfront development project located within the City's Waterfront Development (WD) zoning district (the "Proposed Action"); and

WHEREAS, the Proposed Action includes the construction of a 212,642 square foot hotel and conference center surrounded by a 16-acre park; and

WHEREAS, on April 21, 1991 the City Council adopted its Local Waterfront Revitalization Program (LWRP); and

WHEREAS, on April 29, 1992, the New York State (NYS) Department of State approved the City's LWRP; and

WHEREAS, on August 19, 1992, the U.S. Office of Ocean Resource Management concurred on the incorporation of the City's LWRP into the New York State Coastal Management Program as a Routine Program Implementation in accordance with the provisions of the U.S. Coastal Zone Management Act of 1972; and

WHEREAS, on October 21, 1991 the City Council adopted Chapter 220, Waterfront Consistency Review, of the City Code; and

WHEREAS, Chapter 220 is intended to provide City agencies with a framework to consider the policies and purposes contained in the LWRP when reviewing an application, and to ensure to the maximum extent practicable that such application is consistent with the policies and purposes set forth in said chapter; and

WHEREAS, Section 223-41.4F(3)(a) of the City's Zoning Law states that the City Council shall not render a decision on the applications for Waterfront Development Concept Plan Approval and Special Permit Approval until it has held the required public hearing, completed the SEQR process including the requisite SEQR findings, and made the consistency determination as required under the City's Local Waterfront Consistency chapter; and

WHEREAS, the City Council makes its determination of consistency based upon the Coastal Assessment Form (CAF), the SEQRA documents, the application and project documentation, and such other information as is deemed necessary in its determination; and

WHEREAS, on December 30, 2008 the NYS Department of State provided the Long Dock Beacon project sponsors with a concurrence of Consistency Certification with the New York Coastal Management Program; and

WHEREAS, the City Council has received a Waterfront Consistency Review Report from the City Planning Consultant dated May 15, 2009; and

WHEREAS, on May 12, 2009 the City of Beacon Planning Board made an LWRP Consistency Determination regarding the subject project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby determines that the site uses and design of the Proposed Action are fully consistent with the policies and recommendations of the City's LWRP as more specifically detailed in the above referenced May 15, 2009 Waterfront Consistency Review Report, the May 12, 2009 Planning Board LWRP Consistency Determination, and the related SEQR Findings Statement pertaining to the Proposed Action adopted by the City Council, as a SEQR Involved Agency on May 15, 2009; and

BE IT FURTHER RESOLVED, that in particular, the Proposed Action is consistent with the City's LWRP coastal policies for the following reasons:

- The Proposed Action will provide significant revitalization of the existing disturbed site conditions of this underutilized post industrial waterfront property.
- The existing predominantly vacant and neglected site will be substantially improved to better serve and enhance the surrounding waterfront area and the City.
- The planned site uses and public access amenities are consistent and compatible with adjacent and surrounding land uses, including recreational parklands, waterfront activities, limited residential uses in the area, and other existing and planned tourist/destination facilities such as Dia:Beacon, the Rivers and Estuaries Center and Denning's Point State Park.
- As a mixed-use waterfront development and riverside park, the Proposed Action will benefit the area character and development trends and is anticipated to significantly enhance the community's attraction as a Hudson River destination; and

BE IT FURTHER RESOLVED, that this LWRP consistency determination shall be maintained in the files of the City Council and said files shall be made available for public inspection upon request.

*This Resolution was Tabled at the September 8, 2009 Council Meeting.*

**Motion** to take off the table by Council Member Leake, Seconded by Council Member Kelly. All present voted in favor to take this item off the table.

**Motion** to Adopt Resolution pertaining to 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 by Council Member Pasti, and Seconded by Council Member Kelly. All present voted in favor of this Resolution.

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**Resolution 138 of 2009 - Approving Waterfront Development Concept Plan and Special Permit for an Application by Long Dock Beacon for Mixed Use Development Within the Waterfront Development (WD) Zoning District.**

WHEREAS, the Beacon City Council is entertaining applications from The Scenic Hudson Land Trust, Inc. and Long Dock Beacon Associates, LLC (the "Applicants") for the project known as Long Dock Beacon (the "Project" or "Proposed Action"), pertaining to the planned mixed-use waterfront development project located within the City of Beacon's Waterfront Development (WD) zoning district; and

WHEREAS, the Proposed Action includes the construction of 212,642 square feet (gross floor area) of sustainably designed and operated mixed-use development and includes the following major commercial, park and green/sustainable land use components:

**Commercial Components.** The main building on the project site will consist of a 4-story mixed-use "green" hotel and conference center, which will include:

- 166 Room Hotel
- 400 person Conference Center (31,475 square feet)
- 255 seat White-Tablecloth Conference Center Restaurant (200 all year indoor seats and 55 seasonal outdoor seats)
- 372 seat moderately priced Bistro/Bar (239 all-year indoor seats and 133 seasonal outdoor seats)
- 8,477 SF Sport Center
- 4,524 SF Spa
- 600 SF Retail (sundries and convenience items)
- 425 SF Office Space (Scenic Hudson Field Office)
- 500 SF Seasonal Food and Beverage Venue (at Greenhouse)
- Renovated Quiet Harbor for non-petroleum powered recreational crafts with Kayak Storage & Rentals
- Working Greenhouse (1,800 square feet) open to the public
- Public Restroom Facilities (500 square feet)
- Seasonal Food Venue (500 square feet)

**Scenic Hudson Park Improvements.** Surrounding the hotel and conference center development components will be the Scenic Hudson Park at Long Dock. The park will consist of approximately 16 acres of trails, pathways, Beacon Point, enhanced and created wetlands, day use non-motorized boat access, lawn, meadow lands, interpretive signs, picnic areas, a small environmental demonstration area, as well as other amenities, including:

- North Boardwalk Promenade providing year-round public river-edge access
- Public “Civic” Plaza (10,700 square feet) providing multiple opportunities for the public to view and access the river as well as gather overlooking the Hudson River for seasonal events, including seasonal tent structure and a small satellite food venue cabinet
- Trails and Meadows of native grasses and plants
- Interpretive areas and enhancement of wetlands
- Fishing pier
- Areas for picnicking and recreation
- Historic “Red Barn” (4,000 square feet), preserved and adaptively reutilized for youth-oriented river-based educational uses, such as arts programming, boat building or other community-oriented programming; and

WHEREAS, the Proposed Action requires Waterfront Development Concept Plan and Special Permit Approvals from the City Council, among other related approvals, and Site Plan Approval from the Beacon Planning Board; and

WHEREAS, the Beacon Planning Board served as SEQRA Lead Agency for the coordinated environmental review of the Proposed Action and in that context has reviewed the proposed materials in support of the Proposed Action, including the Draft Environmental Impact Statement, Final Environmental Impact Statement and Special Permit application and site plans; and

WHEREAS, on May 12, 2009, the Planning Board, as SEQR Lead Agency, adopted a Findings Statement regarding the Proposed Action; and

WHEREAS, on May 15, 2009, the City Council, as an Involved Agency, adopted a Findings Statement regarding the Proposed Action; and

WHEREAS, pursuant to the requirements set forth in §223-41.4(F)(2)(b)[1] of the Beacon Zoning Law, the Planning Board provided the City Council with a resolution and report dated June 9, 2009 which recommended that the City Council approve the applications for Waterfront Development Concept Plan and Special Permit Approvals; and

WHEREAS, the City Council referred the proposed subject applications to the Dutchess County Department of Planning and Development (DCDPD) in accordance with Sections 239-1 and m of the General Municipal Law; and

WHEREAS, in response to the City Council’s referral of the applications to the DCDPD the Council received correspondence which recommends that this is a “Matter of Local Concern;” and

WHEREAS, on July 6 and August 17, 2009 the City Council held public hearings on the applications for Waterfront Development Concept Plan and Special Permit Approvals, at which time(s) all those interested were given an opportunity to be heard; and

WHEREAS, on September 21, 2009 the City Council adopted a Local Waterfront Revitalization Program (LWRP) Consistency Determination regarding the Proposed Action in accordance with Section 223-41.4F(3) of the City's Zoning Law; and

WHEREAS, the City Council is fully familiar with the Proposed Action.

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following findings in accordance with Section 223-41.4F(3) of the City Zoning Law:

1. The proposed waterfront development project will fulfill the following purposes of the waterfront development zone:
  - (a) To stimulate the revitalization of the City and its waterfront by establishing a well-designed central focus for the City's waterfront area.

The Waterfront Development Concept Plan proposes to redevelop a riverfront property which is currently an abandoned former industrial site. It provides a central focus for public activity along the Beacon waterfront through the development of parkland and recreational amenities, public access to the riverfront, cultural and educational activities and tourism.

The northern side of the project site will include a greenhouse, the historic "Red Barn," environmental education facilities, a public plaza, seasonal food concessions, a pedestrian boardwalk along the River parking and stormwater treatment facilities. The center of the site will include the proposed 4-story Hotel and Conference Center building including restaurants, hotel, conference facilities, a sports center and spa, limited sundries retail, a small Scenic Hudson field office, a "Quiet Harbor" with beach, kayak and canoe put-in, kayak and canoe storage and rentals, and Beacon Point with a fishing pier, an art installation and shoreline restoration. The southern portion of the site will contain trails linking to the Beacon Riverside Trail, enhanced wetlands, a second canoe and kayak put-in, open fields and meadows, parking, and an outdoor area for environmental education.

The Waterfront Development Concept Plan will add complimentary activities to the surrounding area, including the adjacent Metro-North Railroad Beacon Station and associated parking facilities, the City's Riverfront Park to the north, Denning's Point to the south, Beacon Sloop Club and future planned facilities for The Beacon Institute for Rivers and Estuaries.

- (b) To provide for land uses consistent with the Beacon Local Waterfront Revitalization Program, including residential and waterfront commercial uses, to

serve as a catalyst for the economic and physical revitalization of the entire waterfront area.

The Planning Board recently approved its Local Waterfront Revitalization Program Consistency Determination. With regard to the physical revitalization of the site, the Waterfront Development Concept Plan proposes various public improvements. These improvements include sewer and water services, storm drainage enhancements, pedestrian walkways, and shoreline stabilization, etc. Furthermore, the proposed action will increase public access to Hudson River through the proposed commercial and recreational activities. Moreover, it is anticipated that the combined direct and indirect economic impact of the proposed development will total more than \$350 million over the initial 10-year operational period.

- (c) To encourage a mix of uses on the waterfront with a consistent set of design standards to assure a unified and comprehensively planned development that will function effectively and achieve a high standard of site planning and architectural design.

The Waterfront Development Concept Plan provides a mix of commercial and recreational opportunities along the Hudson River for both City of Beacon residents and visitors alike. Also, the proposed Hotel and Conference Center will be designed to maximize commercial development square footage in a compact footprint, including building materials and colors which are muted and will be compatible with the surrounding landscape.

- (d) To eliminate deteriorated structures and incompatible, visually unattractive or otherwise deleterious land uses.

The Waterfront Development Concept Plan proposes to restore underutilized and deteriorated waterfront lands. The project's co-sponsor, Scenic Hudson, has already rehabilitated the exterior of the existing Red Barn and its interior will be improved as part of the proposed action to house a community-oriented program. The existing residence and boat club buildings will be demolished to make room for the planned Hotel and Conference Center building.

The existing small harbor will be reoriented into a Quiet Harbor, with an accessible beach for boat launching of non-petroleum powered boats. Underutilized degraded land on the southern side of the site will be renovated to create meadows, links to the Beacon Riverside Trail, enhanced wetlands, and a second canoe and kayak put-in.

- (e) To increase pedestrian public access to, and the potential for the enjoyment of, the waterfront, and to integrate that access with existing and anticipated pedestrian public access opportunities on adjacent public lands.

The Waterfront Development Concept Plan is designed to provide public access to on-site facilities and river shoreline. In addition to the proposed links to the Beacon Riverside Trail and new trails to Beacon Point, the proposed development is located adjacent to the Metro-North Railroad Beacon Station, which will allow increased pedestrian and public access along and to the Hudson River. Also, the proposed development will provide a variety of recreational opportunities through increased access to Hudson River, and the Beacon Riverside Trail.

2. The proposed waterfront development project meets the following Waterfront Development Design Standards set forth in § 223-41.4I, to the extent applicable at the special permit stage:
  - (a) Comprehensive design. The WD Zone allows for flexibility of design to encourage innovative site planning and creative use of the Long Dock Peninsula. While Long Dock is expected to contain various use elements (e.g., residential, commercial, marina, etc.), the peninsula must be planned as a cohesive unit, with a comprehensive plan for ingress, egress, circulation and utility service. Additionally, the land uses on Long Dock must be complementary. The architectural styles must be compatible and must attain high standards of design.

The Applicant proposes building materials and colors which are muted and will be compatible with the surrounding landscape, such as natural wood cladding. Notwithstanding, the architectural design and style of the proposed Hotel and Conference Center building shall be subject to Planning Board review and approval as part of the site plan review process.

Long Dock Beacon is proposed to be a sustainable, mixed-use, transit-oriented development. It has been planned and designed as a cohesive unit, including a complimentary mix of both commercial and recreational elements.

Development of vehicular access to the planned development involves construction of a new project site entrance driveway just north of the existing site entrance on Red Flynn Drive. Sight lines will be improved by the planned shift in the location of the driveway intersection farther away from the curving bridge section of Red Flynn Drive. Appropriate traffic control signs will be installed at the newly re-aligned site driveway entrance.

External emergency access to the development areas is proposed to be provided to/from the project site via a new connection to the existing Metro-North Railroad parking area. All site roadways and parking areas will be privately maintained. Maintenance responsibilities, scheduling and maintenance-related policies will be outlined as part of the maintenance program for the project site. Management tasks will be undertaken wholly or in part either by the selected hotel operator, outside maintenance contractor or other entities.

- (b) Relationship to uses on surrounding public property. The land uses in a waterfront development shall relate, visually and functionally, with surrounding land areas,

including Riverfront Park, Dennings Point, Dia:Beacon and the Metro-North Train Station. Elements of the site plan, particularly those at the entrance, shall relate compatibly with other elements of the City waterfront.

The proposed development will add complimentary activities to the surrounding area, including the adjacent Metro-North Railroad Beacon Station and associated parking facilities, the City's Riverfront Park to the north, Dia:Beacon to the east, Denning's Point to the south, Beacon Sloop Club and future planned facilities for The Beacon Institute for Rivers and Estuaries.

- (c) Relationship to river. All elements of a project within the WD Zone shall also be sensitive to the site's relationship to the river and shall be designed accordingly.

The orientation of the proposed Hotel and Conference Center building was selected to minimize the impact on river views from adjacent sites to the east and west by locating the building perpendicular to the river's edge and massed as low as possible. By orienting the building perpendicular to the water's edge, the amount of river view potentially blocked by the building is minimized, as the narrowest portion of the building is in that view corridor. Furthermore, the building itself will be surrounded by parkland.

- (d) Provision of view corridors. The site shall be developed in such a way as to maximize important views, with design elements such as taller building heights away from the Hudson River, view opportunities at the river's edge and view corridors throughout the development. Site layout and design shall consider view corridors identified in the LWRP and shall also consider important views from Riverfront Park and from the Hudson River toward the shore. Important views should be protected and enhanced to the maximum extent practicable.

As noted above, the proposed Hotel and Conference Center building has been designed to minimize the impact on river views. Also, it has been designed to protect the view sheds described in § 220-6(28)(a through m) of the Code to be consistent with the Local Waterfront Revitalization Program.

- (e) Architectural design standards.
- (1) The various elements of the project shall be integrated by cohesive architectural treatment and compatible design.
  - (2) Buildings shall be designed in consideration of appearance from all vantage points.
  - (3) Architectural elements shall be used to provide visual interest, reduce apparent scale of the development and promote integration of the various design elements in the project.

- (4) Groups of related buildings shall be designed to present a compatible appearance in terms of architectural style.
- (5) Building lines shall be varied to the extent practicable in order to provide an interesting interplay of buildings and open spaces.
- (6) Appurtenances on buildings and auxiliary structures, such as mechanical equipment or water towers, carports, garages or storage buildings, shall receive architectural treatment consistent with that of principal buildings.

The architectural design and style of the proposed Hotel and Conference Center building shall be subject to Planning Board review and approval as part of the site plan review process.

- (f) Energy efficiency. The plan for development of any waterfront development project shall be designed and arranged in such a way as to promote energy efficiency to the maximum extent practicable for all buildings.

The proposed development has been designed to provide the following “green” and sustainable building elements:

- Fresh air-based heating and cooling system strategies.
- Material choices for interior finishes, fabrics and furniture that do not contribute to chemical off-gassing.
- Green cleaning materials that are free of harmful chemicals.
- Mechanical systems will be selected for their energy efficient design.
- “High performance” building envelope including the correct placement of glass and sun shades for passive heating and cooling.
- Advanced controls for individual space comfort.
- Utilization of a reconstituted urban brownfield location.
- Restorative landscape strategies to clean storm run-off and reduce water consumption.
- Building orientation to maximize day lighting and favorable solar orientation.
- Incorporation of solar panels and partial vegetated roof covering.
- Bulk dispensers for consumable room products.
- Permeable surfacing of parking lots.
- Construction materials which are sourced to minimize transportation delivery distances.
- Use of local and regional businesses, food suppliers and Main Street linkage activities.
- Promotion of alternative transportation modes for employees and guests.
- Use of environmental demonstration area to educate public about sustainable design.
- Information on energy conservation for hotel guests and visitors.

- (g) Landscaping, screening and buffering.

- (1) All sidewalks, open spaces, parking areas, boat storage areas and service areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc., will be attractive, durable, easily maintained and compatible with the exterior materials of adjacent buildings.
- (2) The Planning Board may require buffer landscaping, fencing or screening to separate land uses and to screen utility buildings, refuse collection areas, cooling systems and other similar installations and features.
- (3) All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board. Landscape materials selected shall be appropriate to the growing conditions of the shoreline environment and this climatic zone.

An extensive and comprehensive planting plan has been proposed. All landscaping, screening and buffering elements shall be subject to Planning Board review and approval as part of the site plan review process.

- (h) Lighting. Streets, drives, walks and other outdoor areas shall be properly lighted to promote safety and encourage pedestrian use. All exterior lighting for the project shall be directed downward or otherwise appropriately shielded and designed to minimize excessive light. It shall have an attractive appearance compatible with the overall project design and waterfront character. Lighting type, number and locations shall be subject to Planning Board review and approval as part of the site plan review.

The lighting type, number, location, average light intensity and downshielding measures shall be subject to Planning Board review and approval as part of the site plan review process.

- (i) Signage.

- (1) All signs shall be planned and designed in accordance with an overall comprehensive signage plan, which shall be subject to Planning Board review and approval as part of site plan review.
- (2) All signs shall be of a size and scale as determined appropriate by the Planning Board to accomplish their intended purpose.

All proposed signs shall be subject Planning Board review and approval as part of the site plan review process.

- (j) Vehicular circulation system and traffic access. The rights-of-way and pavement widths for all internal streets, drives, walks or other accessways for vehicles and/or pedestrians shall be determined on the basis of sound current planning and

engineering standards, which shall accommodate projected demand but minimize impervious surface to the maximum extent possible.

Vehicular circulation and traffic access shall be subject to Planning Board review and approval as part of the site plan review process.

- (k) Public access. While a waterfront development will require certain private elements for the security and benefit of its residents and property owners, a waterfront development should provide pedestrian public access in a manner which:
- (1) Enhances existing public access opportunities at the riverfront, in furtherance of the LWRP and the state's coastal policies.
  - (2) Coordinates such public access with existing or anticipated opportunities for public access on adjacent public lands to facilitate future linkages in a continuous pedestrian path system.

The proposed project is designed to provide public access to on-site facilities and river shoreline. In addition to the proposed links to the Beacon Riverside Trail and new trails to Beacon Point, the proposed development is located adjacent to the Metro-North Railroad Beacon Station, which will allow increased pedestrian and public access along and to the Hudson River. Also, the proposed development will provide a variety of recreational opportunities through increased access to Hudson River, and the Beacon Riverside Trail.

- (l) Off-street parking and loading.
  - (1) Alternative methods of meeting off-street parking requirements. The WD Zone encourages a mix of land uses on the waterfront wherein the cumulative parking demand is less than the sum of the peak demand values for each individual land use. This makes it possible to share parking without conflict and to avoid a large surplus of parking spaces in the waterfront area. Also, because of the special nature and value of land along the waterfront, and because of the anticipated mix of land uses, alternative parking solutions, such as valet parking, off-site parking, etc., may, in certain situations, also be appropriate.
  - (2) Planning Board authority. The Planning Board shall be authorized to find that any portion of the off-street parking requirements of a waterfront development have been satisfied when the applicant establishes to the Board's satisfaction that alternative parking solutions are appropriate and will provide adequate parking for the WD site. If an applicant wishes to use alternative parking methods, he must submit a complete analysis to the Board for review. This analysis must include estimates of peak parking demands for different land uses for different hours of the day and days of

the week. It should also define strategies intended to incorporate alternative parking methods and the advantages of such strategies.

- (3) Alternative parking methods. Alternative parking methods include the following, and such other methods as the Planning Board deems appropriate, or any combination thereof:

[a] Parking shared among various use elements within the waterfront development.

[b] Provision of parking off-site, in private or municipal lots, where appropriate arrangements for such parking can be made.

[c] Valet parking.

As a unique mixed-use project to be developed in a single phase under an integrated coordinated plan, it would not be appropriate to simply apply the individual parking requirements for those components of the proposed action which have a corresponding City zoning parking standard. To address this situation, as noted above, the Planning Board is currently authorized to determine required minimum parking based on its “discretion” for those uses that do not have a corresponding specified zoning standard. Also, the parking requirements can be modified by the Planning Board for the purposes of preserving waterfront open space through the application of shared parking and alternative parking measures, along with consideration of a related supporting analysis.

A reduced on-site parking plan is proposed to be consistent with the above noted Zoning Law provisions and in accordance with the conservation development template guiding the proposed action’s planning and design process, and in order to meet LEED Gold standards. The reduced on-site parking plan is derived from an analysis of the peak parking demand anticipated for the site’s specific mixed land uses. Adequate on-site surface parking is proposed to accommodate the anticipated peak usage of the mixed-use facility and will be provided in appropriate locations on the project site.

- (4) Off-street loading. Off-street loading shall be provided as the Planning Board may find appropriate. An adequate number off-street loading spaces shall be subject Planning Board review and approval as part of the site plan review process.

(m) On-site utilities and services:

- (1) Underground lines. All on-site television, power and communication lines, as well as on-site water, sewer and storm drainage lines, shall be installed underground in the manner prescribed by the regulations of the

government agency or utility company having jurisdiction. Any utility equipment which will be necessarily located above ground will be adequately screened from view in an attractive manner.

- (2) Approval of appropriate jurisdiction. All buildings within waterfront development projects shall be served by water supply, sanitary sewage and stormwater drainage systems as approved by the appropriate government agency or agencies having jurisdiction thereof. Stormwater drainage shall minimize siltation and nonpoint source discharge of salted areas and any other pollutants. Best management practices shall be required.
- (3) Television hookups. Television hookups shall either be by cable television or a central antenna system designed to minimize adverse aesthetic impact.
- (4) Refuse collection. The waterfront development shall provide an adequate means of separation, and storing refuse between collections, which shall comply with all applicable City requirements, including recycling requirements. Such storage systems shall be designed to minimize adverse aesthetic impact.
- (5) Cooling systems. Cooling systems shall be designed so as to minimize adverse aesthetic impact.
- (6) Placement of utilities. Where possible, all utilities shall be placed within the right-of-way, and all possible steps shall be taken to avoid placement of utilities under the pavement, in order to assure ease of future maintenance.

Infrastructure supporting the proposed development will include various utility improvements associated with sewage disposal, including construction of a City sewage lift station, water supply, natural gas service, stormwater drainage control, telephone, electric, cable and high speed internet. Placement of utilities and mechanical equipment shall be subject to Planning Board review and approval as part of the site plan review process.

- (n) Floodplain. The waterfront development plan shall comply with the applicable provisions of the Beacon Local Law for Flood Damage Prevention.

Almost the entire project site lies within an area mapped as 100-year floodplain associated with the adjacent Hudson River. Only a small area associated with the fill supporting the western end of the access bridge (of Red Flynn Drive) and abutment is currently above the floodplain elevation. In order to conform to the abovementioned Local Law, fill is proposed to raise the elevation of portions of the parking areas above the 100-year flood elevation. The lowest habitable floor of the new hotel and conference center building will be supported and elevated

above the 500-year flood elevation by a series of piles to be installed under the building.

3. The proposed waterfront development project will be in harmony with the appropriate and orderly development of the City's waterfront area.
  - As aforementioned, the proposed development is consistent with the WD District purposes and permitted land uses.
  - The proposed mix of commercial and recreational uses provides for a fully integrated site development plan.
  - The proposed development provides connections to the surrounding areas, including inter-modal access.
  - The proposed development will revitalize the waterfront through a mixed use development that includes complimentary commercial uses supporting the continued growth of Main Street businesses.
  - The proposed development will provide the implementation of activities and land uses fully consistent with the City of Beacon LWRP coastal policies, particularly due to the fact that the proposed action will provide significant revitalization of the existing disturbed site conditions of this underutilized post industrial waterfront property.
  
4. The proposed waterfront development project will not hinder or discourage the appropriate development and use of adjacent lands.
  - The proposed development will revitalize the existing predominantly vacant and neglected site, resulting in a substantial improvement of the property, which will better serve and enhance the surrounding waterfront area, the River and the City.
  - The proposed development will provide a mixed use development consistent and compatible with existing and planned, adjacent and surrounding land uses, based on the following components:
    - Recreational parklands
    - Waterfront activities
    - Limited residential uses in the area
    - Beacon Train Station, Ferry Dock and Beacon Harbor
    - Dia:Beacon
    - The Rivers and Estuaries Center
    - Denning's Point State Park
  
5. The proposed land uses will be in accordance with the approved waterfront development concept plan.
  - The proposed development has been designed to be fully consistent with the various development policies enumerated in Beacon's LWRP as well as for the WD District.

- The proposed development will significantly enhance the community's attraction as a Hudson River destination.
  - The proposed development incorporates a number of green principles and features, and is intended to serve as a model waterfront revitalization project.
6. The proposed waterfront development uses meet the standards of § 223-41.4B(2).
- The proposed development consists of a sustainable, mixed-use, transit-oriented development, growing out of an extensive community planning process.
  - The mixed-uses (commercial and park) of the proposed development are fully consistent with the permitted uses of the underlying WD District as detailed and evaluated in the completed Long Dock Beacon Draft and Final Environmental Impact Statements. The proposed mixed-use components, including hotel, conference center, restaurants, office, retail, water dependent uses, greenhouse and public access with waterfront-related amenities, are all consistent with the uses identified by the Beacon Zoning Code as permitted components of the WD Waterfront Development District.
7. The proposed Project is otherwise in the public interest.
- The proposed development will provide stabilization to a portion of the Hudson River shoreline.
  - The proposed development will provide remediation of historic contaminated soils.
  - The proposed development will provide rehabilitation of significant waterfront area, including enhancement of site wetlands.
  - The proposed development will provide for increased public access to the River and proposed parklands of the site through an innovative sustainable site design incorporating mixed-uses involving passive and active recreational opportunities.
  - The proposed development will create an attractive waterfront for visitors while serving the residents of Beacon.
  - The proposed development will generate positive fiscal benefits to the City
  - and surrounding region.
  - The proposed development will provide a central focus point and destination for continuing growth along the Beacon waterfront; and

BE IT FURTHER RESOLVED, that the City Council hereby grants Waterfront Development Concept Plan and Special Permit Approvals to the Project, subject to compliance with the following conditions and any other requirements which must be met by law:

**A. The following condition shall be fulfilled prior to the issuance of a Building Permit for the Project:**

The Applicant shall seek and obtain Final Site Plan Approval from the Planning Board for each phase of the Project.

**B. The following are general conditions which shall be fulfilled:**

1. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
2. This approval is conditioned upon compliance with all of the plans, programs and other mitigation measures specified in the DEIS, the FEIS and the City Council's Findings Statement. Where the terms of this resolution may be inconsistent with these three (3) documents, the terms of this resolution shall be controlling.
3. The Applicants shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this Project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
4. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.
5. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
6. The approvals granted by this resolution do not supersede the authority of any other entity.
7. In accordance with Section 223-41.4F(4) of the Zoning Law, this Special Permit Approval shall expire if:
  - a. A bona fide application for a Building Permit for the initial (park) phase of the Project is not filed within one (1) year of the adoption of this resolution; or
  - b. All required improvements with respect to the initial (park) phase of the Project are not substantially completed within two (2) years of the date of the issuance of the Building Permit therefor; or
  - c. Said park shall cease for more than six (6) months for any reason.
8. In accordance with Section 223-41.4F(4) of the Zoning Law, this Special Permit Approval shall expire if:
  - a. A bona fide application for a building permit for the hotel and conference center phase of the Project is not filed within three (3) years of the adoption of this resolution; or

- b. All required improvements with respect to the hotel and conference center phase of the Project are not substantially completed within two (2) years of the date of the issuance of the Building Permit therefor; or
  - c. Said hotel and conference center shall cease for more than six (6) months for any reason.
9. The City Council may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time periods. The extension of these time periods shall not require the holding of a new public hearing.
10. Any proposed revision to the approved Special Permit shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
11. The Planning Board may review any proposed subdivision application within a waterfront development at any time. Any requests for subdivision approval shall follow the procedures set forth in the City of Beacon's Subdivision Regulations. The bulk standards, setbacks and other dimensional requirements of the WD District shall apply to the gross land area of the total waterfront development, whether or not the gross land area is or will remain in one ownership, and shall not apply to individual or subdivided lots.
12. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit.
13. In addition to the traffic mitigation measures identified as being the Applicant's responsibility in the DEIS, FEIS and/or Findings Statements for the Project, the Applicants shall also be responsible for their fair share, as determined by the City, of the cost of the mitigating improvements identified in the traffic impact analysis entitled *Waterfront Redevelopment Traffic Management Study*, prepared by Frederick P. Clark Associates, Inc. and dated January 2009, as said improvements may be modified in the future based upon changing circumstances.

***This Resolution was Tabled at the September 8, 2009 Council Meeting.***

**Motion** to take off the table by Council Member Pasti, Seconded by Council Member Leake. All present voted in favor to take this item off the table.

**Motion** to Adopt Resolution Approving Waterfront Development Concept Plan and Special Permit for an Application by Long Dock Beacon for Mixed Use Development within the Waterfront Development (WD) Zoning District by Council Member Pasti, and Seconded by Council Member Kelly.

**Comments** Mayor Gold addressed City Attorney Wolf to meet with David Stolman where he indicated these changes.

All present voted in favor of this Resolution.

**Local Laws and Ordinances:**

**Resolution Number 139 of 2009 Adopting Local Law 12 of 2009 - Amending Chapter 119-16, Fire Prevention And Building Code, City Of Beacon Code, To Provide For Placing Lien On Property For Unpaid Inspection Fees**

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

**Section 1. Title.**

This Local Law shall be known and cited as “A Local Law Amending Chapter 119-16, City of Beacon Code, to Provide for Placing Lien on Property for Unpaid Inspection Fees”.

**Section 2. Legislative Intent.**

The intent of this law is to prevent the City of Beacon from being deprived of inspection fee revenue by those responsible for payment of inspection fees authorized by the City’s fee schedule but who have failed to pay such fees. Upon written request of the Code Enforcement Officer, the City tax collector is empowered to place a lien in favor of the City on the property on which the inspection was conducted for the amount of the unpaid inspection fees.

**Section 3. Amendment.**

City Code Section 119-6 is hereby amended to add Section 119-6A as follows:

“Section 119-6A: Upon presentation to the City Tax Collector by the Code Enforcement Officer of a described property on which an inspection fee has not been paid, the Tax Collector shall place a lien on such property in the amount of the unpaid fee, which amount shall collect interest at the statutory rate.”

**Section 4. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State pursuant to the Municipal Home Rule Law.

**Motion** Adopting Resolution 139 of 2009 Adopting Local Law 12 of 2009 - Amending Chapter 119-16, Fire Prevention And Building Code, City Of Beacon Code, To Provide For Placing Lien On Property For Unpaid Inspection Fees by Council Member Casale, and Seconded by Council Member Leake.

**Comments:** NONE

All present voted in favor of this Local Law

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**Resolution 140 of 2009 Adopting Local Law 13 of 2009 to Amend Section 149 to Define and Abate Unsafe Noise in the City of Beacon**

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

Section 1. Title.

This Local Law shall be known and cited as the “City of Beacon Noise Control Law”.

Section 2. Legislative Intent.

The intent of this law is to supersede the present “Noise Control Law of the City of Beacon” by the enactment of the following provisions, definitions and standards for noise elimination or abatement in the City of Beacon.

Section 3. Findings and Declarations.

It is hereby found and declared that:

A. The making, creation or maintenance of loud, unnatural or unusual noises, which are prolonged and unnatural in their time, place and use, affect and are a detriment to the public health, comfort, convenience, safety and welfare of the residents of the City of Beacon.

B. The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared the provisions and prohibitions hereinafter contained and enacted are for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare, and the peace and quiet of the City of Beacon and for its inhabitants.

Section 4. Definitions.

As used in this chapter, the following terms shall have the meanings as indicated:

**BOOMBOX** – Self contained, portable, hand-held music or sound amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this chapter.

**COMMERCIAL AREA** – A group of commercial facilities and the abutting public rights-of-way and public spaces.

**COMMERCIAL FACILITY** – Any premises, property or facility involving traffic in goods or furnishing of services for sale or profit, including but not limited to:

- A. Banking or other financial institutions
- B. Dining establishments
- C. Establishments providing retail services
- D. Establishments providing wholesale services
- E. Establishments for recreation and entertainment, including serving alcohol
- F. Office buildings
- G. Transportation
- H. Warehouses
- I. Establishments providing commercial living accommodations and commercial property used for human habitation, when such is the source of the sound under investigation.

**COMMERCIAL SCHOOL** – An educational or training establishment operated for a business, including the instruction of language, dance, fine or applied arts, martial arts, business computers, trades, vocations or similar activity.

**CONSTRUCTION** – Any site preparation, assembly erection, repair, alteration or similar action, but excluding demolition of buildings or structures.

**DECIBEL** – The practical unit of measurement for sound pressure level. The number of “decibels” of a measured sound is equal to 20 times the logarithm to the base of 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated “dB”.

**DEMOLITION** – Any dismantling, intentional destruction or removal of buildings or structures.

**EMERGENCY WORK** – Any work or action necessary to deliver essential services including but not limited to repairing water, gas, electricity, telephone or sewer facilities or public transportation facilities, removing fallen trees on public rights-of-way or abating life-threatening conditions.

**INDUSTRIAL FACILITY** – Any activity and its related premises, property, facilities or equipment involving the fabrication, manufacture or production of durable or nondurable goods.

**MOTORIZED EQUIPMENT** – Any power equipment utilizing an electric or internal combustion engine.

**MOTOR VEHICLE** – Any vehicle that is propelled or drawn on land by an engine or motor.

**MUFFLER** – A sound-dissipative device or system for abating the sounds of escaping gasses of an internal combustion engine.

**MULTI-DWELLING UNIT BUILDING** – Any building wherein there are two or more dwelling units.

**MULTIUSE PROPERTY** – Any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent thereto.

**MUSIC AMPLIFIED CARS** – A personal or commercial vehicle with music amplification or reproduction equipment capable of emitting sound that is audible at distances exceeding the permissible limits established within this chapter.

**NOISE CONTROL OFFICER** – A City of Beacon police officer trained in the measurement of sound. Said officer is empowered to issue an order of abatement or appearance ticket for a violation of this chapter.

**NOISE DISTURBANCE** – Any sound that:

A. Endangers the safety or health of any person

B. Disturbs a reasonable person of normal sensitivities

C. Endangers personal or real property

D. Affects persons in the City of Beacon under A, B, or C and is from a sound source located outside the City of Beacon city limits and exceeds the permissible levels of this local law.

**PERSON** – Any individual, corporation, company, association society, firm, partnership or joint-stock company.

**PUBLIC RIGHT-OF-WAY** – Any street, avenue, boulevard, road, highway, sidewalk, alley or parking lot used by members of the general public.

**PUBLIC SPACE** – Any real property or structures therein that are either owned, leased or controlled by a governmental entity or used by members of the general public. “Public space” includes but is not limited to parks, sports fields or lots.

**REAL PROPERTY LINE** – Either the imaginary line, including its vertical extension, that separates one parcel of real property from another or the vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling unit building.

**RESIDENTIAL AREA** – A group of residential properties and the abutting public rights-of-way and public spaces.

RESIDENTIAL PROPERTY – Property used for human habitation, including but not limited to:

- A. Private property used for human habitation
- B. Commercial living accommodations and commercial property used for human habitation
- C. Recreational and entertainment property used for human habitation
- D. Community service property used for human habitation
- E. Hospitals, long-term medical or residential care facilities.

SCHOOL – Any place of education or instruction, other than a commercial school, college, university, theological seminary, convent, monastery, day-care center, children’s day camp and religious retreat.

SOUND LEVEL – The sound pressure level measured in decibels with a sound level meter set for A-weighting; “sound level” is expressed in “dBA”.

SOUND LEVEL METER – An instrument used to measure sound level which conforms to Type 1 or Type 2 standards specified by ANSI Specifications S1.4-1971.

WEEKDAY – Any day that is not a legal holiday beginning on Monday at 7:00 a.m. and ending on the following Friday 6:00 p.m.

WEEKEND – Begins on Friday at 6:00 p.m. and ends on the following Monday at 7:00 a.m.

Section 5. Noise disturbance prohibited.

It shall be unlawful for any person to make, continue, cause or allow, orally or mechanically, any noise disturbance affecting persons in the City of Beacon.

Section 6. Enumeration of prohibited noise.

The following acts are declared to be a violation of Section 5 when exceeding the sound limits in Table I of this Local Law. This enumeration shall not be deemed to be exclusive.

A. **SOUND-REPRODUCTION SYSTEMS** – Operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, television, receiver or similar device that reproduces or amplifies sound, or sound produced orally, in such a manner as to create a noise disturbance as measured at the property line for any person other than the operator of the device. The owner of the establishment from which the sound is released and the person transmitting the sound are separately liable for a violation of this ordinance. Commercial facilities, such as dining, recreation or entertainment facilities, shall keep their doors and windows closed during hours of operation except as necessary for entrance or egress.

B. **LOUDSPEAKERS AND PUBLIC-ADDRESS SYSTEMS:** Using or operating any loudspeaker, public-address system or similar device between the hours of 10:00 p.m. and 9:00 a.m. of the following day such that the sound therefrom creates a noise disturbance across a residential real property line as measured at the property line.

C. **ANIMALS AND BIRDS:** Owning, possessing or harboring any animal or bird that frequently or for a continued duration makes or creates a noise disturbance across a residential real property line as measured at the property line. A noise disturbance includes an animal or bird emitting a noise disturbance continually for 10 minutes or intermittently for 30 minutes.

D. **LOADING AND UNLOADING:** Loading, unloading, opening, closing or other handling of boxes, crates, containers, bales, cans, drums, refuse or similar objects or the pumped loading or unloading of materials in liquid, gaseous, powder or pellet form between the hours of 10:00 p.m. and 7:00 a.m. the following day when the sound therefrom creates a noise disturbance across a residential real property line as measured at the property line.

E. **MOTOR VEHICLES:** Operating or permitting the operation of any motor vehicle, or any auxiliary equipment attached to such a vehicle, for a period longer than five minutes in any sixty-minute period while the vehicle is stationary for reasons other than traffic congestion or emergency work on a public right-of-way or public space within 150 feet of a residential area, or operating or permitting the operation of any motor vehicle so out of repair or in such a condition as to create a noise disturbance.

(1) No motor vehicle may be operated without a properly functioning muffler on a public right-of-way.

(2) The operation of a vehicle which is un-muffled or is equipped with straight pipes is a violation of this Local Law. It shall be unlawful to operate a car radio or car stereo so that the sound produced exceeds the sound level limits in Table I at a distance of 25 or more feet from the vehicle.

(3) The registered owner of the vehicle, if present when the violation occurs, is in violation of this section. If the owner of the vehicle is not present, the violation will be served upon the person in charge or control of the vehicle, or anyone who assists in the production of the sound that is found to be in violation.

(4) The horn or signaling device on any motor vehicle may not be operated, except when used as a danger or traffic warning signal, and such operation must terminate when the danger has passed.

(5) It shall be unlawful for a motor vehicle to audibly sound a false alarm.

(6) An exterior alarm of motor vehicle must not audibly sound for more than five minutes continuously or ten minutes intermittently.

F. **CONSTRUCTION, REPAIR AND DEMOLITION:** Operating or permitting the operation of any tool or equipment used in construction, repair, demolition or excavation between the hours of 7:00 p.m. and 7:00 a.m. on any day. Such operation does not constitute a violation if the tool or equipment is used in an emergency situation. This section shall not apply to the following activities so long as they are operating within the time and volume parameters set forth by this ordinance: road maintenance/ improvement on pre-existing roads, on which daytime construction would prove disruptive on traffic flow. All motorized equipment used in construction and demolition activity shall be operated with a muffler.

G. **POWER TOOLS:** Used for landscaping and yard maintenance, excluding emergency work, shall not be operated within 200 feet of a residential property line between the hours of 7:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 7:00 p.m. and 9:00 a.m. on weekends or legal holidays, unless such activities can meet the limits set forth in Table I. All motorized equipment used in these activities shall be operated with a muffler. The limits set forth in Table I notwithstanding, the sound levels from these power tools may not exceed 70 dBA when measured at the property line of an affected person, for a duration exceeding at or within the property line of an affected person, for a duration exceeding 15 minutes continuously or 30 minutes intermittently in any single day, between the hours of 8:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 8:00 a.m. and 9:00 p.m. on weekends or legal holidays.

H. **SOUND DEVICES ON PUBLIC TRANSPORTATION:** Operating, playing or permitting the operation or playing of any radio, phonograph, tape player, compact disc player, cell phone, television receiver or similar device on or in any method of public transportation in such a manner that the sound from such device is audible to any other person.

I. **MISCELLANEOUS SOUND PRODUCERS:** Creating or emitting a noise which constitutes a noise disturbance by any manner, including but not limited to a horn, siren, whistle, shout, bell, musical instrument, tool or engine.

Section 7. Prima facie evidence of noise disturbance.

The following shall be considered prima facie evidence of a noise disturbance:

A. A sound-level reading taken at a dwelling within a multi-dwelling unit building, arising from any location within a multi-dwelling unit building, above 55 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m.

B. A sound-level reading taken at a dwelling within a multi-dwelling unit building, arising from any location within a multi-dwelling unit building, above 45 dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m. the next day.

C. A sound-level reading taken at a residential property line, arising from another residential property, above 70 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m.

D. A sound-level reading taken at a residential property line, arising from another residential property, above 50 dBA during the time period commencing at 10:00 p.m. and ending at 7:00 a.m. the next day.

E. A sound-level reading taken at a residential property line, arising from a commercial property, an industrial property, a public space or a public right-of-way, above 70 dBA during the time period commencing at 7:00 a.m. and ending at 10:00 p.m.

F. A sound-level reading taken at a residential property line, arising from a commercial property, an industrial property, a public space or a public right-of-way, above 50 dBA during the time period commencing 10:00 p.m. and ending at 7:00 a.m. the next day.

G. A sound-level reading taken at a commercial property line at any time, arising from any property source, above 70 dBA.

H. A sound-level reading taken at an industrial property line at any time, arising from any property source, above 70 dBA.

Section 8. Exemptions.

The following sounds are exempt from the restrictions of this chapter:

A. Sounds from motorized equipment such as power tools, lawn mowers and garden equipment when operated between the hours of 9:00 a.m. and 8:00 p.m., provided that they produce less than 70 dBA at any property line of a residential property.

B. Sound for the bells or chimes of a church, synagogue or other house of worship.

C. Sound from a snow blower, snow thrower, electric snow shovel or snowplow used for the purpose of snow removal.

D. Sound from an exterior burglar alarm of any building or motor vehicle, provided that such alarm shall terminate within fifteen (15) minutes after it has been activated.

E. Sound used for the purposes of alerting a person of an emergency.

F. Sound from the performance of emergency work.

G. Sound from a municipally sponsored or approved celebration or event.

H. National warning system (NAWAS); systems used to warn the community of attack or imminent public danger such as flooding, explosion or hurricane.

I. Sounds from municipal sponsored projects or repairs as ordered by the City Engineer or City Highway Superintendent.

J. Emergency generators which may be used during a power failure.

Section 9.

**TABLE I**  
**Maximum Permissible Sound Level Limits**

	Residential 7:00 a.m. to 10:00 p.m.	Residential 10:00 p.m. to 7:00 a.m.	Commercial 24 hours	Industrial 24 hours
Outdoors (dBA)	70	50	70 *	70 *
Indoors (dBA)	55	45	55 *	65 *

\* does not pertain to levels identified in Section 7, E and F.

**Section 10. Variances.**

A. Any sound producer adversely affected by a provision of this chapter may apply to the Building Inspector for a variance from such provision.

B. Applications for a variance shall set forth the following information:

- (1) The name and address of the applicant
- (2) The name and location of the noise source for which such application is made.
- (3) The reason for which the variance is requested, including the hardship that will result to the applicant or the public if the variance is not granted.
- (4) The nature and intensity of noise that will occur during the period of the variance.
- (5) The section or sections of this chapter to which the variance shall apply.
- (6) A description of interim noise control measures to be taken by the applicant to minimize noise and the impact occurring from the noise.
- (7) A specific time schedule of noise control measures.
- (8) A presentation of adequate proof that noise levels occurring during the period of the variance will not constitute a danger to public health.
- (9) A presentation of adequate proof that compliance with this chapter would impose an arbitrary or unreasonable hardship upon the applicant without equal or greater benefit to the public.

C. The applicant's failure to supply the foregoing information shall be cause for rejection of the application.

**Section 11. Fee and duration of variance.**

A. The Building Inspector shall charge the applicant for the variance a fee of \$25.

B. The duration of the variance shall not exceed one year and may be limited by the Building Inspector to any period of time up to one year.

C. A copy of the variance shall be on file with the City of Beacon Building Department and available to the public.

**Section 12. Approval of variance.**

In granting the application for a variance, the Building Inspector shall consider:

- A. The character and degree of injury to or inference with the health and welfare of use of the property which is affected.
- B. The social and economic value of the activity for which the variance is sought.
- C. The ability of the applicant to apply the best practical noise control measures.

Section 13. Revocation of variance.

The variance may be revoked by the Building Inspector if:

- A. There is a violation of one or more conditions of the variance; or
- B. There is a material misrepresentation of fact in the variance application; or
- C. There is a material change in any of the circumstances relied upon by the Building Inspector in granting the variance.

Section 14. Permit Required.

No person shall operate, use or permit operation of any sound producing device on or in front of any public right-of-way or public space without a permit from the Police Chief of the City of Beacon Police Department. Such permit shall be issued in accordance with such rules and conditions as the Chief may prescribe.

Section 15. Revocation of permit.

A variance issued pursuant to Section 10 of this chapter may be revoked by the Police Chief of the City of Beacon Police Department for persistent violations of this Local Law or a single violation of this Local Law exceeding the permitted decibel level by 10 or greater dBA.

Section 16. Abatement orders.

A police officer of the City of Beacon may issue an order requiring abatement of any source of sound in violation of this chapter.

Such directed abatement must be made within a reasonable time period and in accordance with the conditions prescribed by the officer.

Section 17. Issuance of appearance ticket.

Violation of any provision of this chapter or of an abatement order shall be cause for an appearance ticket to be issued by a police officer of the City of Beacon.

Section 18. Penalties for offenses.

Any violation of any provision of this chapter or violation of a lawful abatement order shall constitute an offense. For a first offense, a fine of \$50 shall be imposed. For a second offense occurring within one year of the first offense, a fine of up to \$150 may be imposed for each such additional violation. For a third or further violation, imprisonment for up to 20 days may be imposed in addition to a fine of up to \$150.

Section 19. Severability.

It is the intent of the City Council that if any provision of this Chapter shall be declared invalid, all other provisions herein shall remain valid and enforceable.

Section 20. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State pursuant to the Municipal Home Rule Law.

**Motion** Adopting Resolution 140 of 2009 Adopting Local Law 13 of 2009 - Amend Section 149 to Define and Abate Unsafe Noise in the City of Beacon by Council Member Pasti, and Seconded by Council Member Leake.

**Comments:** Mayor Steve Gold, thanked Pam Weatherbee for all her help with this Local Law, who was able to give all of the Council very good advice. In addition, the Mayor thanked the Council for being steadfast with this Local Law. The Mayor thanked Mr. Tim Dexter for all his help tightening up some of the issues that were a little loose. Chief Scofield was also recognized at this time for being involved.

All present voted in favor of this Local Law

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**Resolution 141 of 2009 Adopting Local Law 14 of 2009 Adding To the City Charter §3.05 to the Powers and Duties of The Mayor To Appoint An Acting Mayor**

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

**Section 1. Title.**

This Local Law shall be entitled "A Local Law adding to the City Charter Section 3.05 to the Powers and Duties of the Mayor to Appoint an Acting Mayor".

**Section 2. Intent and Purpose.**

This Local Law provides for the creation of the position of Acting Mayor who shall be appointed by the Mayor to assure that the office and powers of the Mayor are properly executed in the absence of the Mayor from office or where the Mayor's disability causes his/her absence preventing the Mayor from executing the functions of the Mayor's office.

**Section 3. Appointment of Acting Mayor**

- A. The City Council hereby creates the position of Acting Mayor who shall be appointed by the Mayor, subject to City Council approval, within three months of the City of Beacon's reorganization meeting.
- B. In the event of a tie vote of the City Council on the approval of the Mayor's appointment of an Acting Mayor, the Mayor's appointment shall stand.

**Section 4. Qualifications of Acting Mayor**

The Acting Mayor shall be a member by the City Council at the time of appointment.

**Section 5. Duties of Acting Mayor**

The Acting Mayor shall have all the powers and perform all the duties of the Mayor during any period of the Mayor's absence from office, and shall be entitled to cast one vote as Acting Mayor and no vote as a Council member.

**Section 6. Term of Service**

The Acting Mayor shall cease serving as Mayor upon the termination of the Mayor's absence and resumption by the Mayor of his/her mayoral duties.

**Section 7. Compensation**

The Acting Mayor will not receive compensation for services as Mayor.

**Section 8. Determination**

The determination of whether a vacancy exists in the elective office of Mayor shall be made as set forth in City Code Section 2.08 and the Public Officers Law. If there is a conflict between the language of this Local Law and Section 2.08 or the Public Officers Law, the terms of Section 2.08 or the Public Officers Law shall supersede the provisions of this Law.

**Section 9. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

**Motion** Adopting Resolution 141 of 2009 Adopting Local Law 14 of 2009 - Adding To the City Charter §3.05 to the Powers and Duties of The Mayor To Appoint An Acting Mayor by Council Member Casale, and Seconded by Council Member Kelly.

**Comments: NONE**

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 and Mayor Steve Gold – Yes. With Six ayes and one excused this Local is adopted.

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## **NEW BUSINESS**

### **Resolutions:**

#### **Resolution 142 of 2009 Authorize Mayor to Apply For and To Accept \$150,000 in NYS Department Of State Environmental Protection Funds To Help Fund The Construction Of The Kayak Deck At Long Dock Beacon**

WHEREAS, The Scenic Hudson Land Trust, Inc. is preparing to expand the park at Long Dock Beacon on its property on the Beacon waterfront to create an active and engaging public amenity for the community and visitors; and

WHEREAS, the park plan includes a large deck and kayak pavilion for the launching of non-motorized boats; and

WHEREAS, in honor of the Hudson Fulton-Champlain Quadricentennial celebration, under Title 11 of the New York State Environmental Protection Fund the New York State Department of State has announced a new grant program to fund public docks to create access for recreational non-motorized boats on the Hudson River and Lake Champlain; and

WHEREAS, the grant program requires a 25% match and The Scenic Hudson Land Trust will provide the entire match for the grant application;

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes the Mayor to apply for and to accept \$150,000 in NYS Department of State Environmental Protection Funds to help fund the construction of the kayak deck at Long Dock Beacon.

**Motion** Authorizing Mayor to Apply For And To Accept \$150,000 In NYS Department Of State Environmental Protection Funds To Help Fund The Construction Of The Kayak Deck At Long Dock Beacon by Council Member Kelly, and Seconded by Council Member Pasti.

**Comments:** Council Member Pasti thanked Scenic Hudson for applying and using Scenic Hudson funds to pay for the match for this particular grant. Mayor Gold echoed the same comments it's a good project. Beacon High School has a Kayak Program and this will be a great benefit for the students.

On a Roll Call – Council Member Thompson – Excused, Council Member Leake - Yes, Council Member Kelly Yes, and Council Member Casale – Yes, Council Member Pasti – Yes, Council Member Fredericks – Yes and Mayor Steve Gold Yes. With Six ayes and one excused this Local is adopted.

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

**Kathy Deuterma – 27 South Brett Street** – Community Watch is growing, and is well received throughout the City. Rombout Avenue has joined in on the Community Watch and will have meetings as well. Dinan Street is also involved in the Community Watch, and signs are going up.

The lack of any meeting being shown on Channel 22, I urge the Council to look at Channel 22 and to begin to televising these Council Meetings for our seniors and others who are not able to make it to the Council Meetings.

Mayor Steve Gold stated that this is Cablevisions actions, and the Mayor will contact this company to mend the fences.

**Lou Amoroso – 40 Vail Avenue** – Regarding our City Youths and to have more things for them to do, with the budget being cut. Another issue is ATV – The Public needs to know that Mount Beacon technically is in the Town of Fishkill. City of Beacon needs to get in touch with the Town of Fishkill regarding this problem of ATV's using Mount Beacon.

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**CHECK LIST:** \$ 733,876.95

**NEXT WORKSHOP:** Monday, September 28, 2009

**NEXT COUNCIL MEETING:** Special Council Meeting Monday, September 28<sup>th</sup>  
Next Regular Council Meeting on Monday, October 5, 2009

## **REPORTS**

### **Correspondence Report:**

No Correspondence Report for this evening

### **City Administrator: Meredith Robson**

1. Last few weeks finalizing references check on the cost of services study proposals, which the City received four proposals.
2. Finalizing a reference check and review of the energy performance contracting proposals, which the City received two.
3. Working through the Budget process, beginning to meet with Department Heads
4. Preparing for three labor contracts negotiations, one started several months ago and two more to begin, which all expire at the end of the year. One of the contracts expired the end of last year.
5. Moving forward completing the Capital Projects completed as per the workshop meeting

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**Council Member Thompson:** Excused

**Council Member Leake:**

Good Evening, Thank you for joining us tonight. Called attention to this Sunday, Spirit of Beacon Day. The walkway over the Hudson was absolutely fantastic, which is going to be a very historical event which takes place next week.

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#### **Council Member Kelly:**

1. Residents are interested in starting a neighborhood watch program on Vine Street. I encouraged them to contact Detective Williams, Kathy Deuterman and or Pamela Seegler to learn the procedures to get it started.
  2. Technical Problems televising the meetings on Channel 22. He City Council is working on this problem.
  3. Thank everyone who participated in the primary.
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#### **Council Member Casale**

1. Echoed Council Member Kelly, it is important that we get Channel 22 up and running again to have the Council Meetings televised again.
  2. I would like to know the status of the camera's on Main Street. Mr. Dexter had told us that they should be working in a couple of weeks.
  3. There was a letter presented to us about the cul-de-sac on Delavan Avenue. The last report I received was we were waiting for a letter from the homeowners and we were going to redo the cul-de-sac. What is the status of this project?
  4. Would like the Mayor to put on the workshop to discuss Taxi licenses in Beacon.
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#### **Council Member Pasti**

##### **The Economy and Beacon**

During the past few months I have spent time walking in Ward 4 to talk with residents and to learn about their concerns for the next few years. Not surprisingly, people are concerned about the economy and the rising cost of housing and taxes.

At the last Council meeting we opened public hearings on several issues related to affordable housing and the development of Beacon's riverfront. I have encouraged residents to visit the City's website to read the Transit-Oriented Development presentation that is posted on the City of Beacon website and to attend the town meeting that is scheduled for October 1st. While the riverfront development is more important for Beacon's future than it is for the present, it is important because it has the potential to bring new revenues into Beacon. It is important that residents learn what is being proposed and help us set guidelines for this development so that it can be the best that it can be, and a model for other similar developments.

With regard to the immediate future, I have had people ask about cost-savings measures that the City might take--particularly where the city's legal and other consultants are concerned. While I have great respect for our current consultants, I believe that we owe it to our residents to reach out to our current consultants in law, planning and engineering as well as to new consultants who may be recommended to us so that we can reassure our constituents that we are making the best possible choices in terms of both experience and cost.

#### **Other Concerns That I Heard**

##### **Beacon's Youth**

A major concern among those that I heard was about finding ways to engage the City's youth in productive activities. With regard to issues relating to youth, I would like to propose that the City

consider holding a youth forum next spring—inviting city and county agencies, non-profits, churches, and, most importantly, local youth to come together to share their thoughts on what not only the City, but what we as a community can do together to help address the challenges facing our youth and our community.

#### **ATV's on the Mountain**

Another major concern in Ward 4 is the increase in ATV's on the roadways on Mt. Beacon. ATV's riding up and down the roads before heading onto the mountain has become a safety concern for residents who live on the streets near the mountain. I understand that the City is looking into how to address this problem, and that Scenic Hudson has also been contacted and has expressed its interest in helping to address the situation if it can.

#### **Disaster Preparedness**

At the last Council meeting Dennis Pavelock spoke very passionately about the need for Beacon to develop a disaster preparedness plan. I have heard the same thing from other residents in Ward 4. I know that the City established a Disaster Preparedness Committee last year and I would like a status report from this committee to be placed on a future workshop agenda. At a minimum, residents need to know who to call and where to go should a natural or other disaster occur. I look forward to hearing what the Committee has to say when it gives its report.

#### **Channel 22**

Many residents have complained to me about the loss of Channel 22. I understand from the Mayor that he has been looking into ways to replace this Channel and I encourage the City to support whatever plan is developed even if it means spending unbudgeted funds. The relatively small amount of money that we would need to pay to restore this channel will be well worth its expense in terms of keeping our citizens informed. Also, I would encourage residents to visit the City's website where, on the City Council page, you can find an image and a link to videos from past Council meetings. I went to the VIMEO.COM website where the videos are stored and found 19 videos of past meetings that people can watch.

#### **Children Playing in Neighborhoods**

I have heard many complaints about speeding drivers in residential neighborhoods. While people understand that roadways are not meant to be playgrounds for children, to see cars speeding at 40 miles per hour in quiet residential neighborhoods is very upsetting. Since the police cannot be everywhere that people are speeding, for those of you who are listening who may also have a tendency to speed, please slow down and respect the law and keep your eyes out for children who may be playing in the area.

#### **Beacon City-Wide Events**

Last but not least, I have heard comments from residents who have expressed an interest in participating in an Event Committee that can review the fee structure and staffing for city events. I encourage the Mayor to establish a Committee that can debrief last year's events—from the Strawberry Festival to the Pub Crawl—and help the City to help figure out where to go from here.

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#### **Mayor Steve K. Gold:**

I read at the last Council Meeting a letter from our School System that they are no longer continue with Channel 22. They will be using a different type of programming. There are two problems 1.) The equipment is no longer usable due to malfunctions. Mr. Symon from the School District reported that new equipment would range about eighteen thousand dollars. Wrote a letter to Roger Conner of Cablevision, and told him he can mend some fences if he could supply us with that equipment again. We do not have space in City Hall for this equipment. Met with our videographer to talk about this and he will be meeting with the school system tomorrow.

Fishkill Avenue – The City Council has unanimously decided to move ahead with resurfacing Fishkill and Teller Avenues! We are not going to wait for State and Federal Funds for this. Work will begin at the end of September. This project will take two to three weeks, depending upon weather conditions. Asking all residents to be patient as traveling these roads will be very difficult.

Council decided to use two funds that can only be used for road repairs, the job is expected to cost five hundred thousand dollars. Half of the money will come from all the remaining money from the road account, the other half will come from highway funds that the county gives each to the city each year which is called the county highway improvement program, or another word the CHIPS program. Would like to personally extend my thanks to Council Member Casale the former highway supervisor who knows this information very well, and who recommended this course action to the City Council. There is a consequence to use the CHIPS funds, as the City of Beacon will have to wait ten years for the bigger better state project, which the city originally had planned. The Council and the Mayor agree by placing the Federal State Project on hold for ten years was the right decision to make and they would not give Administrator Robson when, if or how much would be available. The project is not eligible for stimulus money either.

A town hall meeting has been scheduled for Thursday, October 1<sup>st</sup> at 7pm at the Veterans Memorial Building to discuss the MTA, the Transit Oriented Development and other residential developments and zoning changes that the Council will be deciding on over the next few month.

There have been complaints about cats in their neighborhoods and I reported to them that the City is trying to resolve that issue. We have a resident that has been doing this work on her own (Nicole Ganas) who is familiar with this process of the trap neuter and return (TNR). One of the organization, Pet Smart will be willing to help the City to write a grant. If there is anyone who would like to help with this project call City Hall and we will put you in touch with Ms. Ganas.

Last Thursday Night I was in Modena at a Town Hall Meeting to represent one of our businesses that was there that needed to get a letter from their town stating that they will be operating a business for a period of time there, and needed my support as Mayor. This allowed them to get Empire Development Zone monies.

I will be traveling to Albany tomorrow to meet with a representative of Housing to talk about the Beacon Long Dock Project. I was invited by the assistant director of housing, as they took an interest in one of the funding opportunities that Matthew Rudikoff from the Foss Group has talked to them about.

**Motion to Adjournment of Council Meeting by Council Member Pasti, Seconded by Council Member Casale. All Present voted in Favor.**

Respectfully submitted,  
Colleen Swift

Executive Assistant to Mayor Steve K. Gold

Date: December 10, 2009 - Date Approved: December 21, 2009