

CITY OF BEACON
PLANNING BOARD
RESOLUTION
AMENDED SITE PLAN APPROVAL FOR
511 FISHKILL AVENUE

WHEREAS, the Beacon Planning Board received an application for Amended Site Plan Approval from Aryeh Siegel, Architect, on behalf of applicant, DP 108, LLC (the “Applicant”) to add a new mix of uses to a vacant 128,317 square foot building (37,247 square foot brewery with an accessory 2,296 square foot office and an accessory 4,965 square foot event space/lounge; 72,428 square foot warehouse; 11,381 square foot arcade) plus associated site work including the construction of previously approved land-banked parking spaces (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is located at 511 Fishkill Avenue in the Heavy Industrial (HI) Zoning District and is designated on the City tax maps as Parcel No. 6055-04-580285 (the “Site” or “Property”); and

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

WHEREAS, the Site Plan is shown on the drawings entitled, “Amendment to Site Plan Application – 511 Fishkill Avenue”, Sheets 1-13, dated October 1, 2018, and last revised March 26, 2019, prepared by Aryeh Siegel, Architect and Hudson Land Design Professional Engineering, P.C. (“Site Plan Drawings”); and

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

WHEREAS, on July 14, 2009 the Planning Board granted site plan approval for a 54,000 square foot expansion of the existing building for a manufacturing/distribution facility (Mechtronics) which included the construction of 100 parking spaces plus 85 land-banked parking spaces for future use, if needed; and

WHEREAS, on December 4, 2018 the complete application was referred to the Dutchess County Department of Planning and Development and a response was received that the application is a matter of local concern; and

WHEREAS, the Project is an Unlisted Action pursuant to State Environmental Quality Review Act (SEQRA) and the Planning Board circulated its Notice of Intent to Declare itself Lead Agency for environmental review and received no objections; and

WHEREAS, on April 9, 2019 after taking a “hard look” at the EAF and all of the associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration, finding the Proposed Action will not result in any significant adverse environmental impacts; and

WHEREAS, on January 8, 2019 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the public hearing was continued to February 13, 2019 and March 12, 2019 and after all those interested were given an opportunity to be heard the public hearing was closed on March 12, 2019; and

WHEREAS, the Applicant has requested as part of its application the approval of the joint use of parking spaces by two or more uses on the same lot pursuant to Section 223-26.C(6) of the Beacon City Code such that the total number of parking spaces provided is less than the sum of the spaces that would be required for each use; and

WHEREAS, in support of its requested for the joint use of parking spaces the Applicant has provided a Shared Parking Report which demonstrates that actual anticipated parking demand is less than the number of spaces required by the Zoning Code and by virtue of the variation in the probable time of maximum use by patrons or employees the shared use of the proposed parking spaces is sufficient for the actual demand; and

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

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 223-26.C(6) of the Beacon City Code the Planning Board hereby finds that the total number of parking spaces provided (205) versus the total sum of parking spaces that would otherwise be required for each individual use (311) will substantially meet the intent of the Zoning Code’s parking requirements by reason of variation in the probable time of maximum use by patrons or employees at such establishments and the Planning Board hereby grants approval for the joint use of parking spaces, however, the joint use shall automatically terminate upon a change of use at any such establishments.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Amended Site Plan Approval to the Project, as shown on the Site Plan Drawings and other application materials listed above, subject to the conditions and modifications set forth herein.

A. The following conditions shall be fulfilled prior to the signing of the Site Plan by the Chairman of the Planning Board:

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

2. The comments contained in the City Engineer's letter to the Planning Board dated April 4, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer except for Comment #3 which is addressed in Condition B.6 herein.
4. The comments contained in the City Planner's letter to the Planning Board dated April 4, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Site Plan shall be revised to depict the interior site circulation signage proposed by Maser Consulting.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

B. The following conditions shall be fulfilled prior to the issuance of a Certificate of Occupancy:

1. Existing vegetation (1 or 2 branches) on the south corner of the intersection of NYS Route 52 and Prospect Street shall be trimmed to improve sight distance looking to the south.
2. The Applicant shall seek approval from NYSDOT for signal timing modifications (i.e. shifting 3-5 seconds of green time from the NYS Route 52 through movements to the Red Schoolhouse Road northbound and southbound phases) to improve the operation of the Red Schoolhouse Road approaches.
3. The Applicant shall seek approval from NYSDOT to install an "Intersection Ahead" sign MUTCD Sign No. W2-2 on the NYS Route 52 westbound approach approximately 125 feet prior to the intersection.
4. The Applicant shall seek approval from the City, NYSDOT and the applicable railroad company to install a "Stop" sign on the Mill Street approach to Fishkill Avenue, which approach includes a highway-rail crossing, in order to conform to current MUTCD Standards for an intersection with a flashing signal.
5. The Applicant shall post a performance guaranty with the City of Beacon in the amount of \$10,000.00 for the cost of the Post-Implementation Traffic Monitoring Study referenced below in Condition C.3.

6. The Applicant shall prepare a study of the existing Fishkill Avenue Sewage Pump Station and gravity sewer system located down-stream of the project Site, to ensure that the pump station and gravity conveyance lines can accommodate the additional sewer flows proposed from the project. In the event upgrades are necessary to accommodate the Project, the Applicant shall implement the necessary upgrades.

If the Applicant can demonstrate to the satisfaction of the City Engineer and Building Inspector that certain areas of the proposed uses can be occupied without impacts to the existing sewer infrastructure a 6-month Temporary Certificate of Occupancy ("TCO") may be issued for such areas at the discretion of the Building Inspector with the opportunity for one 6-month extension of the TCO. If the study required by this condition and any required sewer improvements are not complete within that 12-month period between the issuance of the TCO and the expiration of the extension, the TCO may be revoked, rescinded or suspended, and the Applicant shall return to the Planning Board. Failure to comply with this condition, including the implementation of any necessary upgrades, shall constitute a violation of this Site Plan Approval and may subject to the Applicant to fines, penalties and/or revocation of this Site Plan Approval upon due notice and opportunity for the Applicant to be heard

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

1. Approval for the joint use of parking spaces granted herein is based upon the particular type and hours of operation for each proposed use. As such, approval for the joint use of parking spaces shall automatically terminate upon a change of use from any of the uses approved herein (Brewery Production, Brewery Event Space, Arcade [Indoor Commercial Recreation], and Warehouse). The hours of operation for the proposed uses shall remain as proposed by the Applicant, unless an amendment is approved by the Planning Board, however slight variations of these hours are permitted without Planning Board approval provided the hours do not overlap to negate the Planning Board's approval of the joint use of parking spaces as described herein. The hours of operation are as follows:

Brewery Production: 8AM-4PM, Monday through Friday

Warehouse: 8AM-4PM, Monday through Friday

Brewery Event Space: 5PM-12AM, Monday through Sunday

Arcade: 5PM-10PM, Wednesday through Friday; 10AM-10PM, Saturday and Sunday

2. As agreed by the Applicant, the Applicant shall monitor the actual parking demands of the Site during the first three (3) months of peak operations at the Site to ensure the parking supply is adequate. In the event it is determined by the Building Inspector that parking supply is not adequate to meet the regular

demands of the Site, the Applicant shall return to the Planning Board to review the adequacy of the parking supply.

3. As agreed by the Applicant, the Applicant shall conduct a Post-Implementation Traffic Monitoring Study 6-12 months from the date of the issuance of the final Certificate of Occupancy, or at such earlier time as deemed warranted by Building Inspector. Prior to the performing the Post-Implementation Traffic Monitoring Study, the Applicant shall submit a scope and plan to the City of Beacon and NYSDOT for review. The results of the Study shall be submitted to NYSDOT and the City of Beacon for review. In the event traffic mitigation is warranted as determined by the City of Beacon and/or NYSDOT, the Applicant shall recommend and implement mitigation measures. Thereafter, the Applicant shall evaluate the effectiveness of the mitigation within 6 months of full implementation and submit the results of the evaluation to the City of Beacon and NYSDOT. Failure to comply with this condition, including the implementation of post-occupancy traffic mitigation measures deemed by the City of Beacon and/or NYSDOT to be warranted, shall constitute a violation of this Site Plan Approval and may subject to the Applicant to fines, penalties and/or revocation of this Site Plan Approval upon due notice and opportunity for the Applicant to be heard.
4. The Applicant shall maintain the existing emergency access drive around the sides and rear of the building in a condition satisfactory to the Building Inspector.
5. The Applicant shall establish an escrow for stormwater inspections by the City Engineer on behalf of the City of Beacon.
6. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
7. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Full EAF and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the Full EAF, the terms of this resolution shall be controlling.
8. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this 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.

8. As used herein, the term "Applicant" shall include the Applicant and the Applicant's heirs, successors and assigns, and where applicable its contractors and employees.
9. 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.
10. The approval granted by this resolution does not supersede the authority of any other entity.
11. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.

Resolution Adopted: May 14, 2019
Beacon, New York

_____	_____, 2019
John Gunn, Chairman	Dated
City of Beacon Planning Board	

Motion by _____, seconded by _____:

Gary Barrack	Voting: ____	Jill Reynolds	Voting: ____
David Burke	Voting: ____	J. Randall Williams	Voting: ____
Patrick Lambert	Voting: ____	John Gunn, Chairman	Voting: ____
Rick Muscat	Voting: ____		

Resolution: Approved ____
 Denied ____