

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**SITE PLAN APPROVAL FOR
53 ELIZA STREET**

WHEREAS, the Beacon Planning Board received an application for Site Plan Approval from PIE Development Company, Inc. (the “Applicant”) for the construction of a multifamily development consisting of nine (9) dwelling units which will be distributed among three (3) buildings (the “Project” or “Proposed Action”); and

WHEREAS, the subject property is located at 53 Eliza Street in the R1-5 Zoning District and designated on the City tax maps as Parcel No. 6054-29-031870 (the “Site”); and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan Application,” Sheets 1-13, dated August 28, 2018, last revised June 25, 2019, prepared by Aryeh Siegal, Architect and Hudson Land Design; 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, the Project is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and has undergone an uncoordinated review; and

WHEREAS, on February 20, 2019 the City of Beacon Zoning Board of Appeals granted a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit a multi-family residence in the R1-5 Zoning District where such development is not a permitted use, and an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2; and

WHEREAS, the Planning Board forwarded the Application to the Architectural Review Subcommittee for review of the architecture of the proposed buildings; and

WHEREAS, the Applicant met with the Architectural Review Subcommittee on several dates to review the architectural plans for the Project and the Planning Board reviewed the Architectural Review Subcommittee’s recommendations; and

WHEREAS, on April 9, 2019, the Planning Board opened a public hearing on the Site Plan application, and the public hearing was closed on June 11, 2019; and

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WHEREAS, on June 11, 2019 after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action the Planning Board adopted the a Negative Declaration for this Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); 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 the Planning Board hereby grants Site Plan Approval for the Project, as shown on the application materials described 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 Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer’s letter to the Planning Board dated July 1, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner’s letter to the Planning Board dated July __, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant shall prepare a construction cost estimate for the proposed work within the road right-of-way and submit the estimate for approval by the City Engineer.
6. The Applicant shall submit a performance guarantee for the proposed work in the road right-of-way in an amount to be approved by the City Engineer and in a form acceptable to the City Attorney.
8. The Applicant shall fund an escrow account with the City of Beacon for the construction observation and monthly stormwater inspections of the proposed utilities and site improvements in an amount as determined by the City Engineer.

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

1. Information regarding the size of the individual water service shall be provided to the Building Department.

C. Prior to the issuance of the Certificate of Occupancy, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law.

The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy, the Applicant shall pay a Recreation Fee for each of the nine (9) dwelling units in accordance with Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law, as per the City's Fee Schedule in effect at the time of payment.

D. 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 mitigation measures specified in the Applicant's Environmental Assessment Form and related application documents. 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 EAF, the terms of this resolution shall be controlling.

