

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
27 FOWLER STREET**

WHEREAS, Marianne Hughes Joiner (the “Applicant”), submitted an application for Special Use Permit to construct a 366 square foot accessory apartment (the “Proposed Action”) on property located on property located at 27 Fowler Street in an R1-5 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 30-5954-44-972638** (the “Property”); and

WHEREAS, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan approval; and

WHEREAS, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

WHEREAS, the Site Plan is shown on drawings, entitled “Additions & Renovations to: Hughes Residence” last revised June 14, 2019, as prepared by Whalen Architecture, PLLC; and

WHEREAS, the Proposed Action is a Type II Action, pursuant to New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

WHEREAS, on May 21, 2019, the Zoning Board of Appeals granted the Applicant (1) a variance to provide one off-street parking space where two off street parking spaces are required pursuant to City Code § 223-24.1(F); and (2) a variance to permit an off-street parking facility in the required front yard setback where no off-street parking facility is permitted to be developed in any required front yard setback pursuant to City Code § 223-26(C)(1), in connection with the proposal to convert and enlarge the existing garage into a one bedroom 366 square foot accessory apartment; and

WHEREAS, the Planning Board issued a report to the City Council dated June 14, 2019 recommending approval of the Special Use Permit; and

WHEREAS, on July 15, 2019, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 15, 2019; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-24.1, and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to §§ 223-18 223-24.1 of the City of Beacon Zoning Code:

1. The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The proposed accessory apartment use is compatible with the surrounding residential uses in the neighborhood.
3. Operations in connection with the accessory apartment will not be more objectionable to nearby properties by reason of noise, fumes, vibration or other characteristic than would be the operations of any permitted use, not requiring a special permit.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses.
5. The Applicant occupies the single-family home located on the same lot upon which the accessory apartment will be located.
6. The entry to the accessory apartment and its design is such that the exterior appearance of the building remains that of a single-family residence. In addition, the vinyl siding will match the main house

BE IT FURTHER RESOLVED, that the City Council [grants] an application for Special Use Permit to Marianne Hughes Joiner to construct a 366 square foot accessory apartment (on property located on property located at 27 Fowler Street in an R1-5 Zoning District as set forth and detailed on the plans prepared by Whalen Architecture, PLLC, last revised June 14, 2019 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval from the City of Beacon Planning Board.
2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.

3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The accessory apartment shall be inspected by the Building Department every two years in order to determine whether the apartment remains in compliance with Section 223-24.1. Upon a satisfactory inspection report, the accessory apartment owner shall be reissued a certificate of occupancy. In the event that the inspection indicates that the apartment is no longer in compliance, the certificate of occupancy shall be revoked until the violations are cured.
5. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
6. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
 - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
 - b. If all required improvements are not made within one (1) years from the date of issuance of the Building Permit; or
 - c. If said use ceases for more than six (6) months for any reason.
7. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
8. Any proposed revision to this Amended Special Permit Approval 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 public hearing, as it may deem appropriate.
9. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.

10. If any of the conditions enumerated in this resolution upon which this approval is granted are found to be invalid or unenforceable, then the integrity of this resolution and the remaining conditions shall remain valid and intact.
11. The approvals granted by this resolution do not supersede the authority of any other entity.

BE IT FURTHER RESOLVED, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; the Building Inspector advised since the Proposed Action involves construction of an accessory apartment located on private property and is limitedly visible from Fowler Street, it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: July 15, 2019

Resolution No. _____ of 2019			Date: <u>July 15, 2019</u>				
<input type="checkbox"/> Amendments			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required.	
<input type="checkbox"/> Not on roll call.						<input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy J. Casale					
		Motion Carried					