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July 26, 2019

Hon. Randy Casale, Mayor
& Members of the City Council
City of Beacon Council
1 Municipal Center
Beacon, NY 12508

Re: Edgewater Special Use Permit – Request for One (1) Year Extension
Tax IDs 5954-25-566983, 574979, 582985, & 5955-19-590022
City of Beacon, New York

Dear Mayor Casale and Members of the City Council:

On behalf of Scenic Beacon Developments, LLC (“the Applicant”) we are writing to request a two (2) six (6)-month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018 (the “Special Permit Resolution”). Pursuant to condition #7 on page 5 of the Special Permit Resolution, “... the special permit 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 two (2) 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.”

During the Council’s review of the Application, the Applicant indicated that it would take several years to complete the development of the project, and initially requested additional time to process the conditions including the County Health Department’s review that would subsequently be included in the Planning Board’s Site Plan and Subdivision Approval Resolution, which followed the adoption of the Special Permit Resolution. This request is timely, as one (1) year has not elapsed since the date of the August 6, 2018 Special Permit Resolution.

The Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health (DCDBCH) in order to satisfy

each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board's Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. Further, we have been in regular contact with the DCDBCH, as well as the City Engineer and the Applicant is doing everything possible to facilitate this signoff. To date, all of the DCDBCH comments have been satisfied with the exception of providing hydraulic modeling of the receiving City sewer system, which we understand is being processed. We continue to work with the City to provide this information.

As noted above, the one (1) year period provided in the Special Permit Resolution to file for a Building Permit will expire on August 6, 2019. In accordance with Section 223-18.F(2) of the City of Beacon Zoning Law, and condition 8 on page 5 of the Special Permit Resolution, "... 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... The granting of an extension of time shall not require a public hearing." Therefore, the Applicant hereby respectfully requests two (2) six-month extensions in order for the Applicant to obtain a Building Permit, extending the Special Permit Resolution until August 6, 2020. If the conditions are fulfilled prior to the expiration date, we will withdraw our extension request. Please place this item on the next available City Council Agenda for consideration of two (2) six-month extensions.

We look forward to discussing this proposal with you at your next available City Council meeting Agenda. Should you have any questions, please feel free to call me at 845-440-6926.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Bodendorf".

Michael A. Bodendorf, P.E.
Principal

cc: Scenic Beacon Developments, LLC
Tina Andress-Landolfi
Taylor M. Palmer, Esq.
Aryeh Siegel, AIA
Daniel G. Koehler, P.E. (HLD File)