

RESOLUTION
PLANNING BOARD
BEACON, NEW YORK

SPECIAL PERMIT AND AMENDED SITE PLAN APPROVALS
FOR 208 MAIN STREET

WHEREAS, the Beacon Planning Board received an application for a Special Permit and Amended Site Plan Approval from 206-208 Main Street LLC (the “Applicant”), to add a partial fourth floor with one apartment for a total of nine units above first-floor commercial (“Proposed Action” or “Project”), on property located at 208 Main Street in the Central Main Street (CMS) Zoning District and designated on the City tax map as Parcel No. 5954-27-842935 (the “Property”); and

WHEREAS, Site Plan Approval was granted by the Planning Board on July 10, 2018 for the renovation of an existing building including a new third story and rear addition to create two storefronts and a total of eight apartments; and

WHEREAS, the Planning Board is the approval authority for the Special Permit to allow the construction of a partial fourth floor pursuant to the City of Beacon Zoning Code § 223-41.18.E(7); and

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

WHEREAS, the application consists of application materials, correspondence, and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Amended Site Plan is shown on the drawings, entitled “Amendment to Site Plan Application,” Sheets 1-6, prepared by Aryeh Siegel, Architect, Hudson Land Design, and TEC Surveying:

<u>Sheet</u>	<u>Title</u>	<u>Dated</u>
1 of 6	<i>Site Plan</i>	3/26/19, rev. 7/30/19
2 of 6	<i>Existing Conditions Survey</i>	3/26/19, rev. 7/30/19
3 of 6	<i>Floor Plans</i>	3/26/19, rev. 7/30/19
4 of 6	<i>Elevations</i>	3/26/19, rev. 7/30/19
5 of 6	<i>Grading, Utility and Erosion & Sediment Control Plan</i>	3/26/19, rev. 5/13/19
6 of 6	<i>Construction Details</i>	3/26/19, rev. 5/13/19; and

WHEREAS, the Proposed Action is a Type II Action pursuant to 6 NYCRR 617.5(c)(11) of the New York State Environmental Quality Review Act (“SEQRA”) requiring no further environmental review; and

Special Permit and Amended Site Plan Approvals

208 Main Street

WHEREAS, on May 9, 2019 the application was referred to Dutchess County Department of Planning and Development pursuant to NYS General Municipal Law and a response was received from the County dated May 29, 2019 indicating the Project is a matter of local concern; and

WHEREAS, on July 9, 2019, the Planning Board opened a public hearing on the Special Permit and Amended Site Plan applications at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 9, 2019; and

WHEREAS, the Planning Board has reviewed the application for Amended Site Plan approval and considered the standards as set forth in the City of Beacon Zoning Code § 223-25.E; and

WHEREAS, the Planning Board has reviewed the application for a Special Permit to allow a fourth story in the CMS District and compared the application against the standards set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-41.18.E(7); 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 upon review of the Special Permit application to allow a partial fourth story, the Planning Board hereby finds pursuant to Section 223-18 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 the partial fourth story, the size of the site in relation to the partial fourth story and the location of the site with respect to streets giving access to the partial fourth story are such that it will be in harmony with the appropriate and orderly development of the district in which it is located. The partial fourth story will be used for one additional apartment in the previously approved 3-story building for a total of nine (9) dwelling units above first-floor commercial. Such proposal is similar in intensity of use as other mixed-use buildings in the CMS District. Further, the 0.10-acre site is similar to other building parcels in the CMS District. Lastly, the arrangement of site improvements, including the stepped-back fourth story, green roof and the architecture of the proposed new construction will not impair the character of the neighborhood, particularly where one of the goals of the Comprehensive Plan is to “Encourage housing development at relatively greater densities within and adjacent to the central business district...”.
2. The location, nature and height of the partial fourth story and the nature and extent of the landscaping on the site, including the proposed green roof, are

Special Permit and Amended Site Plan Approvals

208 Main Street

such that the partial fourth story will not hinder or discourage the appropriate development use of adjacent land and buildings. As shown by the Shadow Study, prepared by Aryeh Siegel, Architect, dated July 30, 2019, the partial fourth story will not cast shadows on adjacent land and buildings that is significantly different in degree than the approved 3-story building.

3. Operations in connection with the partial fourth story (which will be put to a permitted residential use) 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. No parking is required for the proposed use pursuant to Section 223-26.B(2) of the Beacon Zoning Code. The construction of the partial fourth story will allow for one additional dwelling unit at the Property which would otherwise carry a parking requirement of one off-street parking space. The Property is immediately adjacent to a municipal parking lot and there is a second municipal parking lot within 800 feet of the Property. Therefore, existing parking areas will be of adequate size for the particular use and properly located. The remaining portions of the standard set forth at Section 223-18.B are not applicable to the Project.

BE IT FURTHER RESOLVED, that upon review of the Special Permit application to allow a partial fourth story, the Planning Board hereby finds pursuant to Section 223-41.18.E(7)(b) of the City of Beacon Zoning Code:

1. Although the Property is not in the Historic District Landmark Overlay District, the construction of a partial fourth floor will be compatible with the historic character of the surrounding area. The addition will not have substantial detrimental effects on shadows, parking, traffic, or specific views adopted as important by the City Council or in the Comprehensive Plan Update.

The Shadow Study, prepared by Aryeh Siegel, Architect, dated July 30, 2019, indicated that potential shadow overlap from the proposed addition will minimally affect adjacent buildings, with any overlap occurring in the early afternoon of December and January. Most additional shadow generation will fall on the third floor roof of the building itself because of the stepped back design of the partial fourth floor. The partial fourth story will not cast shadows on adjacent land and buildings that is significantly different in degree than the approved 3-story building.

The partial fourth story will not have a substantial detrimental effect on traffic or parking. As set forth above, no parking is required for the Property pursuant to Section 223-26.B(2). The partial fourth story for the creation of

Special Permit and Amended Site Plan Approvals

208 Main Street

one additional apartment would have required one off-street parking space if Section 223-26.B(2) were not applicable. There are two municipal parking lots within 800 feet of the Property, one of which is immediately adjacent to the Property.

Lastly, there are no specific views adopted as important by City Council or identified in the Comprehensive Plan Update that will be affected by the partial fourth story. Thus, the partial fourth floor will not result in the obstruction, elimination, or significant screening of one or more officially designated scenic views. Further, due to the step backs above the third floor, there are minimal views of the fourth floor addition from the street or neighboring properties.

BE IT FURTHER RESOLVED, the Planning Board hereby grants Special Permit and Amended Site Plan Approvals to the Project, as shown and set forth on the above-listed plans prepared by Aryeh Siegel, Architect, Hudson Land Design and TEC Surveying, last revised July 30, 2019, and all other application materials listed above, to permit construction of a partial fourth story with one apartment for a total of nine units above first-floor commercial, on property located at 208 Main Street, subject to the following conditions and modifications:

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, including but not necessarily limited to approval from the Dutchess County Department of Health, 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 August 7, 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 August 8, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant shall submit a performance guarantee for the drainage improvements in the amount of \$24,286.00 in a form acceptable to the City Attorney.
6. 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 of \$2,428.00.

Special Permit and Amended Site Plan Approvals

208 Main Street

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. The Applicant shall submit an Irrevocable Offer of Dedication for review as to form by the City Attorney for the proposed 15" stormwater line and proposed catch basin.
2. The Applicant shall submit a Construction Management Plan for review and approval of the Building Inspector, Highway Superintendent and City Engineer.

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

1. The Applicant shall replace any landscaping in the municipal parking lot damaged during construction.
2. 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 four new apartments in the building (five apartments existed prior to this Site Plan Approval) 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.

208 Main Street

- Resolution Adopted: August 13, 2019
Beacon, New York

Motion by _____, seconded by _____:

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Special Permit and Amended Site Plan Approvals

208 Main Street

Resolution: Approved
 Denied