

RESOLUTION
PLANNING BOARD
BEACON, NEW YORK
SITE PLAN APPROVAL
FOR FERRY LANDING AT BEACON

WHEREAS, the Beacon Planning Board received applications for Subdivision and Site Plan Approval from Ferry Landing at Beacon, Ltd. (the “Applicant”) to construct eight (8) single-family townhouses (which application was later revised to reduce the proposal to six [6] single-family townhouses) on 0.56 acres (the “Project” or “Proposed Action”), located at the intersection of Beekman Street and Ferry Street and designated on the City tax map as Parcel No. 5954-33-556840 in the Linkage (L) zoning district and the Coastal Management Zone as defined by the City’s Local Waterfront Revitalization Program (LWRP) (the “Property”); and

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

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

WHEREAS, the Site Plan is shown the on the following drawings:

1. “Site Information Plan for Ferry Landing at Beacon”, Sheets 1-9, prepared by Ferry Landing at Beacon, Ltd.:

<u>Sheet</u>	<u>Title</u>	<u>Dated</u>
1 of 9	<i>Site Information Plan</i>	last rev. 3/20/19
2 of 9	<i>Existing Site Conditions</i>	last rev. 3/20/19
3 of 9	<i>Site Development Plan</i>	last rev. 3/20/19
4 of 9	<i>Site Grading Plan</i>	last rev. 3/20/19
5 of 9	<i>Site Utilities Plan</i>	last rev. 3/20/19
6 of 9	<i>Utility Profile Plan</i>	last rev. 3/20/19
7 of 9	<i>Sight Distance Plan</i>	last rev. 3/20/19
8 of 9	<i>Site Details Plan</i>	last rev. 3/20/19
9 of 9	<i>Site Details Plan</i>	last rev. 3/20/19; and

2. “*West Elevation, East Elevation, South Elevation, North Elevation,*” Drawing 1 of 1, dated June 26, 2019;
3. “*Axonometric Diagram,*” dated June 26, 2019;

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4. *Rendered West Elevation, Rendered Perspective One, Rendered Perspective Two, Rendered Perspective Three*, Drawing 1 of 1, dated June 26, 2019;
5. “*Sight Distance Plan for Ferry Landing at Beacon*,” prepared by Ferry Landing at Beacon, Ltd, dated July 29, 2019; and

WHEREAS, the Application was referred to the Dutchess County Department of Planning and Development and the Planning Board is in receipt of a response with comments dated August 16, 2017, which comments were duly considered by the Planning Board in its review of the Application; and

WHEREAS, the Planning Board as Lead Agency opened a public hearing to consider comments concerning any environmental impacts of the Proposed Action pursuant to the State Environmental Quality Review Act (SEQRA) on June 12, 2018, the public hearing was adjourned from July 2018 through February 2019 to permit the Applicant to meet and confer with the Architectural Review Board Subcommittee, and the hearing was re-noticed and re-opened on March 12, 2019 and closed on June 11, 2019; and

WHEREAS, by submission dated May 28, 2019 the Applicant revised the application to reduce the height of the proposed building from 4-stories to 3-stories; and

WHEREAS, by letter dated May 28, 2019 the Applicant withdrew its Subdivision Application; and

WHEREAS, the Proposed Action is an Unlisted Action pursuant to SEQRA and on June 11, 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, in accordance with Section 220-6 of Chapter 220, Waterfront Consistency Review, of the City Code, all “actions to be undertaken within the City’s Coastal Management Zone shall be evaluated for consistency in accordance with the....LWRP policy standards....”; and

WHEREAS, on June 11, 2019, the Planning Board determined that the Proposed Project is consistent with the LWRP policies which apply to the Project; and

WHEREAS, on July 9, 2019 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval, and after all those interested were given an opportunity to be heard the public hearing was closed on July 9, 2019; and

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

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants Site Plan Approval to the Project, as shown on the Site Plan drawings and other application materials listed above, subject to the following conditions and modifications:

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 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 comments contained in the City Traffic Consultant's letter to the Planning Board dated August 11, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Traffic Consultant.
6. The Applicant shall submit information to clarify the material to be used for the cornice at the top of the brick.
7. The following plans and graphics shall be incorporated into the Site Plan set prior to the signing of the Site Plan by the Chairman of the Planning Board:
 - a. "*West Elevation, East Elevation, South Elevation, North Elevation*," Drawing 1 of 1, dated June 26, 2019;
 - b. "*Axonometric Diagram*," dated June 26, 2019;
 - c. "*Rendered West Elevation, Rendered Perspective One, Rendered Perspective Two, Rendered Perspective Three*," Drawing 1 of 1, dated June 26, 2019;
 - d. "*Sight Distance Plan for Ferry Landing at Beacon*," prepared by Ferry Landing at Beacon, Ltd, dated July 29, 2019; and
8. The Applicant shall add the following notes to the Site Plan:
 - a. No resident access shall be permitted on the roof of the third story. No mechanical equipment, antennas, chimneys or similar rooftop elements or

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accessory structures are permitted without Planning Board approval which shall consider the preservation and protection of the view shed from Bayview Avenue.

- b. After the issuance of a building permit and after installation of the foundation forms, but prior to the pouring of the foundation, the foundation forms shall be inspected by the City Building Inspector for consistency with the Sight Distance Plan for Ferry Landing at Beacon, dated July 29, 2019 to confirm the required minimum sight distance can be achieved. The City Building Inspector may consult with the City Engineer and/or City Traffic Consultant as necessary in performing the sight distance evaluation. In the event the required minimum sight distance cannot be achieved due to obstructions or other reason, the Site Plan shall be revised to achieve the required minimum sight distance. If revisions other than field changes are necessary to achieve the required minimum sight distance, the Applicant shall return to the Planning Board for approval of such revisions.

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 a (1) 20 ft. Drainage Easement for the existing drainage infrastructure located on the Property, and (2) a Sight Distance Easement restricting the landscape planting beds westerly of the front facades to vegetation consistent with a low-profile growth pattern and prohibiting any improvement in such area that would obstruct sight distance for vehicle egress southerly from Ferry Street or northerly from the site driveway, in recordable form satisfactory to the City Attorney, which shall be recorded by the Applicant in the Dutchess County Clerk's Office after acceptance by the City Council with a copy of the recorded document and proof of recording submitted to the City Clerk and Building Department for filing. For the purpose of obtaining a Building Permit, acceptance by the City Council and recording in the Dutchess County Clerk's Office are not pre-requisites for the issuance of a Building Permit.
2. The Applicant shall submit a Construction Management Plan for review and approval of the Building Inspector, Highway Superintendent and City Engineer.

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3. The Applicant shall post a performance guaranty with the City of Beacon for all proposed public improvements. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.
4. The Applicant shall establish an escrow pursuant to Section 223-61.1 of the Zoning Code for construction inspections by the City Engineer on behalf of the City of Beacon.

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 submit appropriate Condominium or Homeowner's Association documentation for review as to form by the City Attorney, which shall include but not be limited to (1) common access easements, (2) maintenance obligations for all common areas including landscaping, sidewalks, stormwater facilities, snow removal, and all other common elements, including reference to the aforementioned sight distance easement, (4) common utility easements, and (3) notice of the prohibitions against (i) resident rooftop access, and (ii) installation of rooftop elements, as per the above-referenced plan notation.
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 six new dwellings 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.

3. The Applicant shall record the Drainage Easement and the Sight Distance Easement in the Dutchess County Clerk's Office and submit proof of recording along with a copy of the recorded documents to the Building Department and City Clerk's Office for filing.

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

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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. 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.
4. 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.
5. 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.
6. The approval granted by this resolution does not supersede the authority of any other entity.
7. 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: August 13, 2019
Beacon, New York

_____, 2019
Dated

John Gunn, Chairman
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