

City of Beacon
CITY COUNCIL

RESOLUTION

**GRANTING A SPECIAL USE PERMIT EXTENSION FOR
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the “Applicant”) to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the “Special Permit Resolution”). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the Applicant’s request was timely, as one (1) year had not elapsed since the date of the August 6, 2018 Special Permit Resolution; and

WHEREAS, the City Council is in receipt of a letter from Michael A. Bodendorf, P.E., dated July 26, 2019, requesting two (2) six (6) month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018; and

WHEREAS, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 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;” and

WHEREAS, Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health 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; and

WHEREAS, the Applicant appeared at the Council's August 5, 2019 Work Session meeting and answered questions from the Council and the Council discussed that granting two (2) six (6) month extensions was not warranted.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants one (1) six (6) month extension of the City Council's Resolution Granting a Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2019.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Dated: August 19, 2019

Resolution No. ____ of 2019			Date: <u>August 19, 2019</u>				
<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call			<input type="checkbox"/> 2/3 Required. <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					