

## RESOLUTION

### CITY OF BEACON PLANNING BOARD

#### SITE PLAN APPROVAL FOR 27 FOWLER STREET

**WHEREAS**, the Beacon Planning Board received an application for Site Plan Approval from Marianne Hughes Joiner (the “Applicant”) to construct a 366 square foot accessory apartment (the “Project” or “Proposed Action”) 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 City Council is the approval authority for the Special Use Permit to permit an accessory apartment on the property pursuant to the City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

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

**WHEREAS**, the application also consists of application forms, correspondence, and the Environmental Assessment Form (EAF); and

**WHEREAS**, the Site Plan is shown on the following drawings entitled, “Additions & Renovations to: Hughes Residence”, Sheets 1-2, prepared by Whalen Architecture:

<u>Sheet</u>	<u>Title</u>	<u>Dated</u>
1 of 2	<i>Site Plan and Zoning Information</i>	last rev. 7/29/19
2 of 2	<i>Proposed Plan &amp; Elevations</i>	last rev. 7/29/19; and

**WHEREAS**, the Proposed Action is a Type II Action, pursuant to § 617.5(c)(11) the New York State Environmental Quality Review Act (SEQRA), 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 allowed in such 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**, on July 17, 2019, the City Council granted the requested Special Use Permit to the Applicant for the proposed 366 square foot accessory apartment on the Property; and

**WHEREAS**, on September 10, 2019 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval, at which time all those interested were given an opportunity to be heard, and the public hearing was closed on September 10, 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 Code.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board hereby grants Site Plan Approval for the Project, as shown on the Site Plan Drawings and application materials described above, subject to the conditions and modifications set forth herein.

**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.

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 the Certificate of Occupancy, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:**

1. 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 the new accessory apartment 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.

**C. 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.
2. In the event the apartment is no longer in compliance with the City of Beacon City Code or the terms of this Resolution, the Certificate of Occupancy shall be revoked until the violations are cured.
3. 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.
9. 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.
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 approval granted by this resolution does not supersede the authority of any other entity.
12. 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: September 10, 2019  
Beacon, New York

\_\_\_\_\_  
John Gunn, Chairman  
City of Beacon Planning Board

\_\_\_\_\_, 2019  
Dated

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