

CITY OF BEACON
PLANNING BOARD
RESOLUTION
APPROVAL OF A SITE PLAN
AND CERTIFICATE OF APPROPRIATENESS
FOR 184 MAIN STREET

WHEREAS, the Beacon Planning Board received an application for Site Plan approval from Alfandre Architecture, on behalf of the property owner, 184 Main, LLC, (the “Applicant”), to replace an existing 1-story restaurant with a new 2-story building containing two restaurants (the “Project” or “Proposed Action”), on property located at 184 Main Street in the Central Main Street (CMS) Zoning District, and the Historic District and Landmark Overlay (HDLO) Zone in the City of Beacon, Dutchess County, New York and designated on the Tax Map of the City of Beacon as Parcel ID# 5954-27-811956 (the “Property”); and

WHEREAS, the Applicant later amended the application to discontinue its proposal to construct a second story and instead expand the existing 1-story restaurant with a longer 1-story building and new storefront; and

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

WHEREAS, the Proposed Action includes a request for a Certificate of Appropriateness from the Planning Board pursuant to the criteria set forth in §§ 134-7 and 223-41.18(J) of the City of Beacon Code; 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 on the drawings, entitled “Site Plan Application Meyer’s Old Dutch” Sheet A1, prepared by Alfandre Architecture, dated September 20, 2019; and

WHEREAS, the Proposed Action is a Type II action pursuant to the New York State Environmental Quality Review Act (“SEQRA”), and accordingly, no further environmental review is required; and

WHEREAS, the application was referred to Dutchess County Department of Planning and Development on May 8, 2019 and the County responded by letter dated May 30, 2019 with comments about the proposed demolition of the historic building and recommendations concerning lighting; and

WHEREAS, on August 20, 2019, the Zoning Board of Appeals granted a 15 foot rear yard setback variance where the minimum required setback is 25 feet pursuant to Zoning Code § 223-41.18(E)(4) in connection with the proposed construction of a second story on the existing building with a 10 foot rear yard setback; and

WHEREAS, following the Zoning Board of Appeals' approval of the rear yard setback variance, the Applicant decided to discontinue its proposal to construct the second story; and

WHEREAS, the revised application was re-referred to Dutchess County Department of Planning and Development on September 12, 2019 and the County responded on September 17, 2019 noting the Project is a matter of local concern and providing no further comments; and

WHEREAS, on July 9, 2019 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval concerning the Proposed Action, which was continued to September 10, 2019 and October 8, 2019 at which time all those interested were given an opportunity to be heard; and

WHEREAS, on October 8, 2019, after all those interested were given an opportunity to be heard, the public hearing was closed; and

WHEREAS, Section 223-41.18.E(12) of the Zoning Code requires lots in the CMS Zoning District to have a minimum of 10% of the lot landscaped with trees, shrubs or grass, however, the requirement may be waived by the Planning Board for lots of 5,000 square feet or less; and

WHEREAS, the Property consists of less than 5,000 square feet (2,050 square feet) and the Applicant has proposed to plant a street tree in the Main Street right-of-way and requests a waiver from the Planning Board from the 10% requirement; and

WHEREAS, the Zoning Code requires eight (8) off-street parking spaces on the Property, however, Section 223-41.18.J(4) of the Zoning Code authorizes the Planning Board to waive the off-street parking requirement on lots consisting of 8,000 square feet or less with a total floor area of the building being no greater than 5,000 square feet, where the provision of off-street parking is infeasible; and

WHEREAS, the Property consists of less than 8,000 square feet (2,050 square feet), the total floor area of the building is less than 5,000 square feet (1,570 square feet) and the provision of parking on-site is infeasible as the building occupies almost the entire Property, thus the Applicant has requested a waiver from the requirement to provide eight (8) off-street parking spaces; and

WHEREAS, the Planning Board has reviewed the application for Certificate of Appropriateness pursuant to the requirements set forth in § 134-7 of the City of Beacon Code and the design standards set forth in § 223-41.18(J); and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby finds pursuant to the City of Beacon Code § 134-7 that the Proposed Action to expand an existing 1-story restaurant with a longer 1-story building and new storefront at property located at 184 Main Street will be consistent with the historic character of the surrounding area. The existing building is in the Lower Main Street National Register Historic District and the City of Beacon's Historic District and Landmark Overlay District. Based on a photograph from the 1979 Historic Survey, the current storefront is newer construction and the primary remaining historic elements are the brick façade surrounding the storefront and the simple, stepped roofline. The proposed design of the storefront will enhance and restore the historic features of the building. The site improvements will not negatively impact the historic or architectural features, value or significance of the building or its neighboring historical structures and accordingly, the Planning Board hereby grants a Certificate of Appropriateness for the Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that pursuant to Section 223-41.18.E(12) of the Zoning Code the Planning Board hereby waives the requirement that a minimum of 10% of the lot shall be landscaped.

BE IT FURTHER RESOLVED, that pursuant to Section 223-41.18.J(4) of the Zoning Code the Planning Board finds that the provision of off-street parking on the Property is infeasible because the building occupies almost the entirety of the lot, and accordingly, hereby waives the requirement to provide eight (8) off-street parking spaces.

BE IT FURTHER 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 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, including but not necessarily limited to 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 October 2, 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 October 3, 2019, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

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. 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. 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: October 8, 2019
Beacon, New York

_____, 2019
John Gunn, Chairman Dated
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 ____