

**CITY OF BEACON**

**CITY COUNCIL**

Resolution No. \_\_\_\_\_ of 2019

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
305 MAIN STREET**

**WHEREAS**, Douglas Ballinger on behalf of 305 Beacon LLC (the “Applicant”), submitted an application for a Special Use Permit to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio (the “Proposed Action”) on property located at 305 Main Street in the Central Main Street (CMS) Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 5954-36-908866** (the “Property”); and

**WHEREAS**, the Special Use Permit Application was submitted by the Applicant in conjunction with its application to the Planning Board for Site Plan Approval; and

**WHEREAS**, the City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-41.18.B; and

**WHEREAS**, the Site Plan is shown on the following drawings, entitled “Planning Board SUP Submittal Set Addenda” last revised August 13, 2019, as prepared by Ashokan Architecture & Planning PLLC:

Sheet	Title
A-001	<i>Cover Sheet</i>
A-101	<i>Ground Floor Plan + Front</i>
A-102	<i>Ground Floor Plan +Rear</i>
A-103	<i>Roof &amp; Basement Plans</i>
A-104	<i>Interior Elevations</i>
A-201	<i>Front, Rear &amp; Partial Side Elevations</i>
A-301	<i>Building Sections; and</i>

**WHEREAS**, the Property Survey is shown on the plan, entitled “Survey of Property Prepared for 305 Beacon LLC,” last revised July 17, 2019, as prepared by Robert F. Oicle, PLS; and

**WHEREAS**, the Proposed Action is a Type II Action, pursuant to New York State Environmental Quality Review Act, and accordingly no further environmental review is required; and

**WHEREAS**, the Planning Board issued a report to the City Council dated August 19, 2019 recommending approval of the Special Use Permit subject to the Applicant returning to the Planning Board for final Site Plan Approval; and

**WHEREAS**, on October 7, 2019, the City Council opened a public hearing on the Special Use Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on October 7, 2019; and

**WHEREAS**, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code §§ 223-18.B and 223-41.18.B and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds pursuant to §§ 223-18.B and 223-41.18.B 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 it, the size of the site in relation to it and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located. The Applicant is using an existing one-story building to operate its wine and tapas bar in the CMS District. Such an operation is an appropriate use in the CMS District. The Property is surrounded by similar commercial uses, including restaurant uses such as Café Amarcord, Enoteca Ama, Mr. V's Deli and Royal Crepes.
2. The location, nature and height of the structure and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the appropriate development use of adjacent land and buildings. The proposed wine and tapas bar is compatible with the surrounding commercial uses in the neighborhood. The Applicant is using an existing one-story building. The Applicant will only be modifying the storefront and adding a back patio.
3. Operations in connection with the wine and tapas bar 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. Under § 223-18.B(1)(d), the City Council is required to find that the proposed parking areas will be of adequate size for the particular special permit use and properly located and suitably screened from adjoining residential uses. However, the Applicant's proposal does not include (and practically, is not able to provide) any off-street parking spaces. Under § 223-41.18.G(4), for lots of 8,000 square feet or less, where the provision of on-site parking is infeasible, the Planning Board may waive all parking requirements provided that the total floor area of the building is no greater than 5,000 square feet. The Property at issue is 1,314 square

feet and the total floor area of the existing building is 939 square feet. Therefore, the Planning Board may waive all parking requirements. The Planning Board recommended the Special Use Permit be approved and it's assumed they will grant the waiver. The Applicant submitted details to the City Council and City Planner with information regarding available on-street parking within 2-3 blocks along Main Street and the adjacent side streets during peak business hours. The Applicant's parking study included photographs of open spaces at various hours. The Property is also located within 600 feet of the Beacon DMV public parking lot and the two municipal lots off Chestnut Street. § 223-41.18.G(3)(d) allows a modification of the parking requirement if sufficient public parking is available within 800 feet of the site. The Applicant has demonstrated that there is sufficient space to load and unload deliveries without interfering with the flow of vehicle or pedestrian traffic.

5. The Proposed Action is consistent with the City of Beacon Comprehensive Plan Update. The majority of commercial development in the City is located along Main Street. In accordance with the City's 2017 Comprehensive Plan Update, the Proposed Action will further increase the attractiveness and marketability of Main Street. The proposed wine and tapas bar is a unique establishment which will draw people to the City.
6. The Proposed Action will enhance the architectural character of the street. The Proposed Action includes modification to the storefront of the existing building. Such modifications will enhance the architectural character of the street by adding new elements that relate to historic buildings, the general façade, window patterns and traditional streetscapes in the area. The storefront will include Greenwich gray real stone veneer, double hung tempered glass windows, crenel roof parapet sections and a fabric awning. The restaurant sign will be constructed of wood with metal brackets. Such fixtures are appropriate for Main Street and will contribute to the character of the neighborhood.
7. The Proposed Action will benefit the urban, pedestrian-friendly qualities of Main Street. The new storefront design conforms with the CMS design standards in Section 223-41.18.J. Such design standards are intended to promote pedestrian access and activities. The building's front entrance faces the primary street, Main Street, and is connected to the sidewalk. Pedestrians can walk to the wine and tapas bar.

**BE IT FURTHER RESOLVED**, that the City Council [GRANTS/DENIES] an application for Special Use Permit to Douglas Ballinger on behalf of 305 Beacon LLC to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio on property located at 305 Main Street in the Central Main Street Zoning District as set forth and detailed on the plans prepared by Ashokan Architecture & Planning PLLC, last revised August 13, 2019 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Final Site Plan Approval from the City of Beacon Planning Board.

2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. The Applicant shall be prohibited from operating, playing or permitting the operation or playing of any amplified music outside on the back patio.
5. The Applicant shall be required to explore and report to the Planning Board its efforts and the feasibility of having access to the parking lot in the rear for deliveries.
6. All deliveries shall be completed before 1 p.m.
7. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
8. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
  - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
  - b. If all required improvements are not made within one (1) years from the date of issuance of the Building Permit; or
  - c. If said use ceases for more than six (6) months for any reason.
9. In accordance with Section 223-18.F(2) of the Zoning Law, 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 (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
10. Any proposed revision to this Amended Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental

analysis, further project review and/or a public hearing, as it may deem appropriate.

11. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform to the limitations and conditions contained in the Special Permit Approval.
12. 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.
13. The approvals granted by this resolution do not supersede the authority of any other entity.

**BE IT FURTHER RESOLVED**, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; since the Proposed Action does not involve any major construction or demolition, it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: October 21, 2019