



CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2019

RESOLUTION

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

Parcel ID# 5954-36-933866

WHEREAS, Happy Valley Arcade, LLC (the “Applicant”), submitted an application for a Special Use Permit to convert an existing one-story rear garage into a bar with outdoor patio, maintaining the front building’s first floor retail use and second story office use (the “Proposed Action”) on property located at 296 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# 5954-36-933866** (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 “Site Plan Application-296 Main Street- Happy Valley Bar” last revised September 24, 2019, as prepared by Aryeh Siegel, Architect and Hudson Land Design:

Sheet	Title
Sheet 1 of 4	<i>Site Plan</i>
Sheet 2 of 4	<i>Existing Conditions and Demolition Map</i>
Sheet 3 of 4	<i>Plans & Elevations</i>
Sheet 4 of 4	<i>Storm Water Utility Plan; and</i>

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 October 15, 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 December 9, 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 December 9, 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 building to operate its bar and arcade 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. In addition, the front of the building's first floor retail use and second story office use will continue unchanged.
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 bar and arcade use is compatible with the surrounding commercial uses in the neighborhood. The Applicant is using an existing building. The garage will be fitted with new doors and a new entry door will be added on the Main Street side of the garage.
3. Operations in connection with the bar and arcade 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. The Applicant will comply with the City of Beacon regulations regarding both times and decibel levels. All live outdoor music shall be prohibited on the Property.
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. Parking is not required pursuant to Section 223-26.B(2) of the Code of the City of Beacon. The building has been in existence since April 20, 1964. The parking required for the Proposed Action amounts to less than a 25% increase from the parking required for the uses existing in 1964.

17 parking spaces would have been required in 1964 for the uses in existence at that time and 9 parking spaces are required for the current proposed uses.

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 bar is a unique establishment which will draw people to the City. In addition, the Applicant will maintain the front building's first floor retail use and second story office use.
6. The Proposed Action will enhance the architectural character of the street. The Proposed Action includes modification to the existing garage. The garage will be fitted with new doors and a new entry door will be added on the Main Street side of the garage.
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 bar and arcade.

BE IT FURTHER RESOLVED, that the City Council [GRANTS/DENIES] an application for Special Use Permit to Happy Valley Arcade, LLC, to convert an existing one-story rear garage into a bar with outdoor patio, maintaining the front building's first floor retail use and second story office use on property located at 296 Main Street in the Central Main Street (CMS) Zoning District as set forth and detailed on the plans prepared by Aryeh Siegel, Architect and Hudson Land Design, last revised September 24, 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 live music outside on the patio.
5. The Applicant shall modify the plans to remove the roll up overhead doors in the garage building.

6. The Planning Board shall examine the access door to be located on North Cedar Street to ensure it is only used as an emergency access and provides safe egress and ingress as there is no sidewalk located on North Cedar Street.
7. The Planning Board shall consider requiring the Applicant add privacy fencing and landscaping on the east side of the property between the outdoor patio at 296 Main Street and the building at 300 Main Street.
8. As used herein, the term “Applicant” shall include its heirs, successors and assigns.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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: December 16, 2019

Resolution No. ____ of 2019		Date: <u>December 16, 2019</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 2/3 Required.			
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> On roll call		<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					