

**RESOLUTION**

**PLANNING BOARD  
BEACON, NEW YORK**

**GRANTING SITE PLAN APPROVAL  
305 MAIN STREET**

**Parcel ID# 5954-36-908866**

**WHEREAS**, the Beacon Planning Board received an application for Site Plan Approval from Douglas Ballinger on behalf of 305 Beacon LLC (the “Applicant”) 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 Planning Board is the approval authority for the Site Plan pursuant to City of Beacon Zoning Code § 223-25; 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 following drawings entitled “Early Terrible Wine Bar”, Sheets 1-8, last revised December 30, 2019 as prepared by Ashokan Architecture & Planning PLLC, Kingston, N.Y.:

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 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**, a bar is a use permitted in the CMS District subject to the issuance of a Special Use Permit and the Applicant submitted a Special Use Permit Application in conjunction with its application to the Planning Board for Site Plan Approval; 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 21, 2019, the City Council granted a Special Use Permit to 305 Beacon LLC to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio on the Property; and

**WHEREAS**, on December 10, 2019 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval, and after all those interested were given an opportunity to be heard the public hearing was closed on December 10, 2019; and

**WHEREAS**, as directed by the City Council's October 21, 2019 Resolution, the Applicant explored the feasibility of having access to the parking lot in the rear for deliveries and reported that it was unable to obtain permission from the rear neighbor to receive deliveries; and

**WHEREAS**, pursuant to §223.18B(1)(d) of the City of Beacon Code, 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 are of the building is no greater than 5,000 square feet; and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board finds pursuant to § 223-25E of the City of Beacon Zoning Code the proposed location, size of the use, and other site features maintain a harmonious relationship with the existing and permitted development of the neighborhood, will not impede pedestrian and vehicular traffic and is consistent with the City of Beacon Comprehensive Plan. The Applicant is using an existing one-story building to operate its wine and tapas bar in the CMS District which is surrounded by similar commercial uses. The Applicant will be modifying the storefront and adding a back patio. The proposed use as a wine and tapas bar increases the attractiveness and economic viability of Main Street as desired by the 2017 Comprehensive Plan Update.

**BE IT FURTHER RESOLVED**, that the Planning Board hereby waives the parking requirement pursuant to §223.18B(1)(d) of the City of Beacon Code, upon determining that the lot at 305 Main Street is less than 8,000 square feet, on-site parking is infeasible and the total floor are is less than 5,000 square feet.

**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 following conditions and modifications:

**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 January \_\_, 2020, 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 January 10, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Site Plan shall be revised to include the following notes:
  1. Amplified music on the rear patio is prohibited.
  2. Best efforts shall be used to ensure all deliveries are completed prior to 1:00 p.m. and upon request from the Building Department a letter shall be provided detailing such efforts.
6. To the extent work is being performed in the three-foot right-of-way easement on the adjacent parcel, the Applicant shall submit a written, notarized letter of authorization from the parcel owner on which the easement is located to authorize such work.

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. Amplified music is expressly prohibited on the rear patio of the premises.
2. Applicant shall use its best efforts to ensure all deliveries shall be completed before 1 p.m. and upon request from the Building Department, provide a letter detailing such efforts.
3. 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

