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January 30, 2020

BY FEDERAL EXPRESS AND E-MAIL

Hon. Lee Kyriacou, Mayor
& Members of the City Council
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Hon. David Jensen, Chairman
& Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Hon. John Gunn, Chairman
& Members of the Planning Board
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: Edgewater Special Use Permit, Subdivision, Site Plan & Area Variance Approvals
Joint Request for One (1) Year Extension of Approvals
Tax IDs: 5954-25-566983, 574979, 582985, & 5955-19-590022

Dear Mayor Kryiacou, Chairman Gunn, Chairman Jensen, and Members of the City Council,
Planning Board and Zoning Board of Appeals:

On behalf of Scenic Beacon Developments, LLC (the “Applicant”), we are writing to request a six (6) month (or two (2) 90-day)) extension for each of the following Approval Resolutions pertaining to the Edgewater Project:

- 1) City Council Resolution Granting a Special Use Permit, dated August 6, 2019 (the “City Council Resolution”). **See Exhibit A.**
 - a. Note: The City Council Resolution was extended by Resolution 115 of 2019, dated August 19, 2019, extending the City Council Resolution until February 6, 2020. **See Exhibit A – Extension.**
- 2) Planning Board Resolution Granting Preliminary & Final Subdivision Plat and Site Plan Approval for the Edgewater Project adopted September 11, 2018 and dated September 17, 2018 (the “Planning Board Resolution”). **See Exhibit B**
 - a. Note: The Planning Board Resolution was extended on August 13, 2019, extending the Planning Board Resolution until March 3, 2020. **See Exhibit B – Extension.**
- 3) Zoning Board of Appeals Area Variance Approval Resolution dated January 17, 2018 (the “ZBA Resolution”). **See Exhibit C.**
 - a. Note: The ZBA Resolution was extended on August 20, 2019, extending the ZBA Resolution until March 10, 2020. **See Exhibit C – Extension.**

This joint request is timely, as 180 days (six (6) months)) have not elapsed since the dates of the last extensions granted for the Approval Resolutions.



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Since the Applicant last appeared before each of your Boards, in response to the County Health Department's May 29, 2019 letter to the Applicant's Engineer, Hudson Land Design, the City's Engineering Consultant, Henning, Durham & Richardson Architecture and Engineering, P.C. ("HDR"), prepared a supplemental hydraulic capacity analysis of the City's sanitary sewer system. Based on our discussions with City Staff and based on the HDR report we understand that the City of Beacon is in the process of upgrading its sanitary sewer system, specifically including the North Interceptor and West Main Street sewer pump station that service the property, which improvements include but are not limited to the following:

1. Conducting work on the sluiceway at the STP headwork;
2. Replacing an 18" gravity line within the DIA Beacon property and along Dennings Avenue to the Sluiceway at the STP with a new 30" pipe;
3. Replacing dual 10" force mains from West Main Street pump station to the gravity line through DIA Beacon; and
4. Replacing the West Main Street pump station.

Provided the above, in the meantime the Applicant is working with City Staff toward satisfying the final comment from the Dutchess County Department of Behavior and Community Health (the "County Health Department") regarding the project, so that the Final Subdivision Plat may be approved and signed by the County Health Department. The Applicant has been in contact with the City Attorney and the City Administrator regarding the sign-off from the County Health Department, and we understand the Applicant and City Staff will be working together to contact the County Health Department to close out this final condition.

Additionally, we also understand that the Planning Board Attorney is in the process of reviewing each of the draft agreements that the Applicant has submitted to the City for review in order to satisfy the prerequisite Conditions provided in the Planning Board Resolution so that the Final Subdivision Plat can be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office. At this time, we understand that comments are forthcoming from the City regarding same.

Accordingly, given the Applicant's diligent efforts to see that the Final Subdivision Plat is approved by the County Health Department, as well as the Applicant's efforts to satisfy the conditions to the Approval Resolutions, we respectfully submit this formal request for two (2) 90-day extensions (180 days) of the City Council Resolution, Planning Board Resolution and ZBA Resolution, thus extending to the City Council Resolution until August 6, 2020 and extending the Planning Board Resolution to September 4, 2020 and extending the ZBA Resolution until September 10, 2020, the dates by which the Applicant must satisfy the conditions in the Approval Resolutions.



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We respectfully request that you please place the respective requests for extensions on the next available City Council, Planning Board and Zoning Board Agendas, respectively, for consideration of the Applicant's request for two (2) 90-day extensions. Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Taylor M. Palmer', is written over a faint, light blue horizontal line.

Taylor M. Palmer

Enclosures

cc: Nicholas M. Ward-Willis, Esq. – City Attorney
Jennifer L. Gray, Esq. – Planning Board Attorney
Drew V. Gamils, Esq. – ZBA Attorney

Exhibit A

1



**CITY OF BEACON
CITY COUNCIL**

Resolution No. 116 of 2018

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, Scenic Beacon Developments, LLC (the “Applicant”) submitted an application for a Special Use Permit to construct multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Parcel IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

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

WHEREAS, the Special Use Permit application was submitted by the Applicant in conjunction with its application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings originally containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Project” or “Proposed Action”); and

WHEREAS, the Subdivision is shown on the drawing, entitled, “Lot Consolidation Map Prepared for Weber Projects LLC,” dated March 6, 2017, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan Edgewater,” Sheets 1-15, dated January 31, 2017, last revised June 26, 2018, prepared by Aryeh Siegal, Architect; and

WHEREAS, the original Proposed Action was a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA)

public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Project; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals opened and closed a public hearing on the Applicant’s variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant’s variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts;

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,533 square feet being deducted prior to determining the net buildable area for the Project.

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans for the Project which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions to the Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage, while increasing the area to remain as green space and not developed and

providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed (“Amended Project” or “Amended Proposed Action”); and

WHEREAS, the Project will provide twenty five (25) Below Market Rate Housing as per the City Code; and

WHEREAS, the Amended Project is no longer a Type I action because it was amended to include 246 total dwelling units which falls below the threshold for Type I actions; and

WHEREAS, the Amended Project is therefore an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Proposed Action and the Amended Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Amended Project; and

WHEREAS, on July 16, 2018, the City Council opened a public hearing on the Special Use Permit application in connection with the Amended Project, at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 16, 2018; 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 Sections 223-18 and finds the proposal complies with this section of the Zoning Law, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to Sections 223-18 of the City 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.

2. The project is within walking distance of the Beacon Train Station and will provide economic benefits of pedestrian traffic to Main Street, while not significantly increasing vehicular impacts on City streets.
3. The Project includes a balanced mix of housing types and sizes, including 25 below-market-rate units in accordance with the City's Affordable Workforce Housing Law.
4. The location, nature and height of buildings, walls and fences 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.
5. Operations in connection with any special use 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.
6. The proposed Amended Project is compatible with other multifamily developments in the surrounding neighborhood, which include the existing Tompkins Terrace and Colonial Springs residential developments.
7. Parking areas will be of adequate size for the particular use and property located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

BE IT FURTHER RESOLVED, that the City Council grants a Special Use Permit to Scenic Beacon Developments, LLC to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District, and designated on the City Tax Map as Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979, upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Subdivision and 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. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.
4. The Applicant has agreed that the trail depicted on the western side of the property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent, and that such trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). Regulations regarding public

use of the Connection Trail will be determined during Site Plan review. The specific location of the connection between the Greenway Trail and the Connection Trail cannot presently be identified by the City. Therefore, the Amended Site Plan shall be designed to accommodate a pedestrian connection to the Metro-North northern parking lot immediately to the west or any proposed development on such property (City Tax Map as Parcel IDs 5954-25-549980 and 5954-33-549777), and thereby also more directly connect to Train Station and any future northern extension of the Hudson River Greenway Trail through the Metro-North parking area. The Subdivision shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, to locate, construct and maintain said Greenway Trail connection.

5. A copy of this Resolution shall be attached to the Certificate of Occupancy.
6. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
7. In accordance with Section 223-18.F(1)(b)(2) 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 two (2) 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.
8. 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.
9. The Building Inspector may revoke this Special Permit approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit approval.
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 approvals granted by this resolution do not supersede the authority of any other entity.

Dated: August 6, 2018

Resolution No. <u>116</u> of 2018		Date: <u>August 6, 2018</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"/> 3/4 Required			
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCreo		x			
x		George Mansfield	x				
		Lee Kyriacou	x				
	x	John Rembert		x			
		Amber Grant					x
		Mayor Randy J. Casale	x				
		Motion Carried	x				

Received In the Office of the
City Clerk
August 7, 2018

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**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 115 OF 2019

**GRANTING A SPECIAL USE PERMIT EXTENSION FOR
EDGEWATER (22 EDGEWATER PLACE)**

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to **Scenic Beacon Developments, LLC** (the “Applicant”) to construct 246 units of multifamily housing on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District (the “Special Permit Resolution”). Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, pursuant to Section 223-18.F(1) of the City of Beacon Zoning Code and Condition #7 of the Special Permit Resolution, the Special Permit shall expire if, among other, things a bona fide application for a Building Permit is not filed within (1) year of the issuance of the Special Use Permit; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the Applicant’s request was timely, as one (1) year had not elapsed since the date of the August 6, 2018 Special Permit Resolution; and

WHEREAS, the City Council is in receipt of a letter from Michael A. Bodendorf, P.E., dated July 26, 2019, requesting two (2) six (6) month extensions of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018; and

WHEREAS, in accordance with Section 223-F(2) of the City of Beacon Zoning Code and Condition #8 of the Special Permit Resolution, 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

WHEREAS, Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the conditions in the Special Permit Resolution, as well as those conditions provided in the January 17, 2018 Zoning Board of Appeals Resolution and the Planning Board’s Site Plan and Subdivision Approval Resolution adopted on September 11, 2018. These conditions must be satisfied as a prerequisite to the Final Subdivision Plat being signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk’s Office; and

WHEREAS, the Applicant appeared at the Council’s August 5, 2019 Work Session meeting and answered questions from the Council and the Council discussed that granting two (2) six (6) month extensions was not warranted.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Beacon hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants one (1) six (6) month extension of the City Council’s Resolution Granting a Special Use Permit, dated August 6, 2018 for property located at 22 Edgewater Place to expire on February 6, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Special Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

Dated: August 19, 2019

Resolution No. <u>115</u> of 2019		Date: <u>August 19, 2019</u>		<input type="checkbox"/> 2/3 Required.			
<input type="checkbox"/> Amendments		<input type="checkbox"/> On roll call		<input type="checkbox"/> 3/4 Required			
<input type="checkbox"/> Not on roll call.							
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson	x				
		Jodi McCredo	x				
x		George Mansfield	x				
		Lee Kyriacou	x				
		John Rembert	x				
	x	Amber Grant	x				
		Mayor Randy J. Casale	x				
		Motion Carried	x				

*Received in the Office of the
City Clerk
August 20, 2019*

Exhibit B

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RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS
AND SITE PLAN APPROVAL
FOR EDGEWATER PROJECT (22 EDGEWATER PLACE)**

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals (lot merger), Site Plan Approval and Special Use Permit Approval from Scenic Beacon Developments, LLC (the “Applicant”), to demolish two existing buildings and construct seven buildings, containing 246 apartments including 25 workforce housing units (350 bedrooms¹), on 12.009 acres on property located and collectively known as 22 Edgewater Place and designated on the Tax Map of the City of Beacon as **Parcel IDs 5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979** (the “Property”) in the RD-1.7 Zoning District, within the within the Local Waterfront Revitalization Program (“LWRP”) boundary, (the “Amended Project” or “Amended Proposed Action”); and

WHEREAS, the City Council is the approval authority for the Special Use Permit to permit multifamily housing on the Property pursuant to City of Beacon Zoning Code § 223-18; and

WHEREAS, the Planning Board is the approval authority for the Subdivision and Site Plan pursuant to City of Beacon Code §§ 195-2 and 223-25; and

WHEREAS, the Amended Proposed Action also includes a request for a determination of consistency with the LWRP; and

WHEREAS, the application consists of application forms, correspondence, the Full Environmental Assessment Form (“Full EAF”) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Subdivision is shown on the drawing, entitled, "Lot Consolidation Map Prepared for Weber Projects LLC," dated August 27, 2018, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings, entitled “Special Use Permit Application,” Sheets 1-15 last revised August 28, 2018, as prepared by Hudson Land Design; TEC Land Surveying; and Aryeh Siegel, Architect; and

¹ The Amended Proposed Action proposes 246 units comprised of 25 studios, 126 1-bedroom units, 86 2-bedroom units, and 9 3-bedroom units.

WHEREAS, the Applicant originally submitted an application for Preliminary and Final Subdivision Plat approvals (lot merger) and Site Plan approval for the construction of seven (7) apartment buildings containing a total of 307 units (413 bedrooms) following the demolition of two existing structures and the merger of four lots into a single 12-acre parcel, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Original Proposed Action”); and

WHEREAS, the Original Proposed Action was a Type I Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Original Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the SEQRA public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Full EAF and all associated materials prepared in connection with the Original Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, on December 12, 2017 the Planning Board adopted a Resolution finding the Original Proposed Action to be consistent with the relevant policies of the LWRP; and

WHEREAS, the Zoning Board of Appeals opened a duly advertised public hearing on the Applicant’s variance application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard were given such opportunity on the Applicant’s variance application to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City of Beacon Zoning Code § 223-17.C/223 Attachment 1:6; and

WHEREAS, on December 19, 2017 the Zoning Board of Appeals closed the public hearing; and

WHEREAS, on January 17, 2018, the Zoning Board of Appeals granted the Applicant’s variance requests, with conditions; and

WHEREAS, on May 21, 2018, the City Council adopted Law No. 9-2018 which amended the calculation of lot area per dwelling unit in the R1, RD and Fishkill Creek Development Districts; and

WHEREAS, Local Law No. 9-2018 provides that for all development proposals involving a total lot area of more than three acres within the R1, RD and Fishkill Creek Development Districts, the lot area per dwelling unit calculation shall first deduct any lot area covered by surface water, within a federal regulatory floodway, within a state or federally regulated wetland, or with existing, pre-development very steep slopes of 25 percent or more; and

WHEREAS, application of Local Law No. 9-2018 resulted in a total area of 110,284² square feet being deducted prior to determining the net buildable area for the Project, as shown on the Steep Slopes Analysis Map, dated June 8, 2018, as prepared by Hudson Land Design; and

WHEREAS, on June 12, 2018 the Beacon Planning Board received a revised set of plans which included revisions to the Site Plan, in part to comply with Local Law No. 9-2018; and

WHEREAS, the revisions provided in the Amended Project include but are not limited to a reduction in the total number of proposed dwelling units from 307 units (413 bedrooms) to 246 units (350 bedrooms) which is a reduction of 61 units or approximately 20%, a reduction in the number of parking spaces by approximately 15%, reduction in water usage by 15%, a reduction in school age children by 13%, a reduction in the amount of impervious surface coverage while increasing the area to remain as green space and not developed, adjustments to a retaining wall along the eastern parking lot and relocation of the pathway on the western side of the Property to avoid Very Steep Slopes, and providing approximately 140 feet of additional walkways on the west side of the Property facing the Hudson River, beyond what was originally proposed; and

WHEREAS, the Amended Project is no longer a Type I Action because it was amended to include 246 total dwelling units, which falls below the threshold for Type I Actions, and accordingly the Amended Project is an Unlisted Action pursuant to SEQRA; and

WHEREAS, based upon a review of the Updated Parts 1 and 2 of the Full EAF and all other application materials that were submitted in support of the Original Proposed Action, along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the Planning Board adopted an Amended Negative Declaration on July 10, 2018 and determined that the Amended Proposed Action will not have any significant adverse impacts upon the environment; and

WHEREAS, on July 10, 2018 the Planning Board also determined that the Amended Project is entirely consistent with the LWRP policies which apply to the Amended Project; and

² The Applicant's representatives calculated the deduction of total lot area as 110,284 square feet whereas the City Engineer calculated the deduction of total lot area as 110,533 square feet. The Special Permit Resolution by the City Council references 110,284 square feet. Both figures result in a maximum density of 252 units.

WHEREAS, on July 16, 2018, the City Council opened and closed a public hearing on the Special Use Permit application in connection with the Amended Project and approved the Special Use Permit application by Resolution 116-2018 (the “Special Permit Resolution”) after finding the Amended Proposed Action complies with City of Beacon Zoning Code § 223-18; and

WHEREAS, on August 8, 2017 the Planning Board opened a duly noticed public hearing on the application for Site Plan approval concerning the Original Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was continued to September 12, 2017, October 11, 2017, November 14, 2017, December 12, 2017 and thereafter adjourned month to month to June 12, 2018; and

WHEREAS, on August 14, 2018 the Planning Board re-opened a duly re-noticed public hearing on the application for Site Plan approval and opened a duly noticed public hearing pursuant to City of Beacon Zoning Code § 223-16.C regarding impacts to very steep slopes, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, on September 11, 2018 the Planning Board opened a public hearing on the application for Subdivision approval, at which time all those interested were given an opportunity to be heard and the public hearings were closed on September 11, 2018; and

WHEREAS, the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes; and

WHEREAS, on September 7, 2017, the Planning Board’s Architectural and Community Appearance Board of Review (the “ARB”) reviewed the Original Proposed Action and recommended approval of the design, basing its criteria on City Code §86-6, such that no building or structure is so detrimental to the desirability, property values or development of the surrounding area as to provoke one or more harmful effects set forth in City Code §86-2, and the Amended Project does not materially change the design of the proposed seven buildings; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has reviewed the proposed Site Plan in accordance with City of Beacon Zoning Code §223-16.B concerning impacts to Very Steep Slopes and finds that the Project avoids construction on Very Steep Slopes, as defined by the City of Beacon Zoning Code, to the extent practicable and further finds that to the extent there are impacts to Very Steep Slopes:

- (1) There is no other suitable alternative area within the lot available for the proposed development. Disturbing a small portion of Very Steep Slopes is necessary for

almost any type of reasonable development of the Property. A looped road with two points of ingress and egress is recommended for safety purposes and would likely be required for any type of multifamily development on the Property, which is evidenced by the prior disturbance of Very Steep Slopes for previous development on the Property. Further, moving the interior drives to avoid disturbance to Very Steep Slopes would decrease ADA accessibility. Most of the Very Steep Slopes on the Property with the exception of the Bluff on the west side appear to be man-made from previous development of the Property and construction of Bank Street.

- (2) The proposed development is the minimum necessary to make reasonable use of the land. The density of the Project has been reduced from 307 units to 246 units which is six fewer units than the maximum permitted on the Property. In addition, clustering the development reduces the need for a larger footprint which would disturb additional land. Several site design elements have been proposed to further reduce disturbance to the minimum necessary to make reasonable use of the Property, including (i) reduction of parking areas and travel lanes, (ii) landbanked parking and parking under buildings, (iii) retaining wall along the parking area along Buildings 1 and 2 to minimize impacts to Very Steep Slopes along Bank Street and maintain existing vegetation, (iv) relocation of the trail along the Bluff further from the ridgeline, (v) elimination of parallel parking spaces from the access road to reduce impacts to fragmented interior Very Steep Slopes, and (vi) relocation of the retaining wall along the west side of the site entrance off Branch Street to minimize impacts to Very Steep Slopes;
- (3) All feasible construction standards and precautions will be taken to assure that environmental impacts are minimized. Temporary erosion and sediment control (E&SC) measures will be implemented during construction, and permanent E&SC measures are incorporated into the project design. Weekly inspections of the temporary E&SC measures by a qualified professional will be required; and
- (4) The purpose and intent of Section 223-16.B of the Zoning Code are satisfied to the maximum extent feasible. As stated above, most of the Very Steep Slopes on the Property appear to be man-made as a result of previous development of the Property, with the exception of the Bluff at the western edge of the Property. The Bluff will remain largely undisturbed as a result of the Project. Thus, the purpose and intent of the Code in preventing erosion, minimizing stormwater runoff, preserving the City's underground water resources, and protecting the City's character and property values, is satisfied by the Project's avoidance of disturbance to Very Steep Slopes, particularly those that are natural and not man-made, to the maximum extent feasible.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Amended Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, as shown on the application materials referenced above, subject to the conditions and modifications set forth herein, and also hereby grants Site Plan Approval for the Property located and collectively known as 22 Edgewater Place, as shown on the application materials enumerated above, subject to the following conditions:

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat 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 Amended Project, including but not necessarily limited to approval from 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 September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat 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 September 6, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant has agreed that the trail depicted on the western side of the Property which connects to Tompkins Terrace to the North and is generally adjacent to the Bluff as depicted on the Amended Site Plan and the sidewalks south of Building 5 and along the Branch Street entry that connect to Bank Street (the "Connection Trail") are open to the public, dawn to dusk, weather dependent. A note shall be added to the plat to this effect.
6. The Applicant has further agreed that the Connection Trail may be connected, at the City's sole cost and expense, in the future to the City's proposed Greenway Trail to the west along the Metro North property (the "Greenway Trail"). The note on the plat regarding the future trail linking the future Greenway Trail to the Connection Trail shall be revised to replace the reference to a reservation of rights by the City of Beacon with a grant of easement rights to the City of Beacon and otherwise clarify the scope of the

easement to the satisfaction of the City Attorney, consistent with the Special Permit Resolution adopted by the City Council, which provides the Final Subdivision Plat shall contain language satisfactory to the City Attorney offering for dedication to the City an easement, without a legal description, for the City to locate, construct and maintain said Greenway Trail connection.

7. As per the Special Permit Resolution adopted by the City Council for this Project, regulations regarding public use of the Connection Trail were directed to be determined during Site Plan review. Accordingly, the Connection Trail is subject to the following regulations:
 - i. The Connection Trail shall be open to the public from dawn to dusk, subject to weather conditions.
 - ii. The Applicant has the right to close the Connection Trail due to weather conditions or other unsafe or hazardous conditions, including but not limited to construction activity on the Property.
 - iii. The Connection Trail shall be used for purposes of pedestrian recreation or otherwise traveling to and from the Metro North Train Station.
 - iv. The Applicant shall keep the Connection Trail in good working order for the purposes described above.
 - v. The Applicant shall be solely responsible for the construction, maintenance, repair and replacement of the Connection Trail.
8. All easements shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.
9. The following easement agreements, declarations of restrictive covenants or other appropriate documents shall be prepared and submitted to the City Attorney for review and shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat, with a copy of the recorded documents submitted to the City Clerk for filing:
 - i. Stormwater Easement and Maintenance Agreement
 - ii. "Connection Trail" Easement Agreement or Declaration for the purpose of authorizing public access over the "Connection Trail" from Tompkins Terrace to Branch Street.
 - iii. Declaration or Easement Agreement granting to the City of Beacon a 20-foot right-of-way for the construction and maintenance of a trail linking the off-site Greenway Trail to the "Connection Trail" within

the area depicted on the Final Subdivision Plat as “Limits of ‘Connection Trail’ Connection Area,” with the exact location of the 20-foot right-of-way to be determined at a future date. The easement shall include reference to the “Limits of the ‘Connection Trail’ Connection Area” as shown on the Final Subdivision Plat. As per Special Permit Resolution #116-2018 adopted by the City Council for the Project, construction of the trail linkage shall be at the City of Beacon’s sole cost and expense.

10. An Offer of Dedication with a description of the area to be dedicated as shown on the subdivision plat to the north of the Branch Street right-of-way shall be submitted to the City Council.
11. The proposed water lines serving the Project are being offered for dedication to the City of Beacon. An Offer of Dedication shall be submitted to the City Council along with a draft Water Line Easement Agreement. In the event the City Council does not accept dedication of the installed water lines, the Applicant shall be solely responsible for the maintenance, repair and replacement of such lines.
12. The Applicant shall post a performance bond with the City of Beacon for the public improvements which include, but are not limited to, the proposed water system, Branch Street improvements, and traffic signal timing modifications. The Applicant’s engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.

When the conditions above have been satisfied, four (4) 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 signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:

1. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Amended Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
2. The comments contained in the City Engineer’s letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.

3. The comments contained in the City Planner's letter to the Planning Board dated September 6, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

C. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled:

1. The Applicant shall submit a Maintenance Agreement, License Agreement or other similar document to the City Council for review concerning the Applicant's agreement to maintain the approximately 155 foot section of the Branch Street public right-of-way which extends from the intersection of Bank Street and Branch Street westward to the point where Branch Street becomes a private right-of-way, due its use as the primary access to the Project with only one other private user (Bobbit, Parcel ID 5954-25-569966).
2. The Applicant shall establish an escrow with the City of Beacon for the inspection of the water main installation.
3. The Applicant shall establish an escrow for stormwater inspections by the City Engineer on behalf of the City of Beacon.
4. Pursuant to Section 223-41.10.A, the Applicant shall submit floor plans which provide a mix of unit types in the same proportion as all other units in the development, subject to approval by the Planning Board. The floor plans should indicate the location of each BMR unit to be provided.
5. Pursuant to Section 223-26.E of the Zoning Code, the Applicant shall be responsible for the construction of the forty-five (45) landbanked parking spaces as shown on the approved site plan referenced herein within six (6) months of the date such spaces may be deemed necessary by the Planning Board. A landbanked parking agreement shall be submitted to the City Attorney for review and approval.

D. Prior to the issuance of a Certificate of Occupancy, the following conditions shall be fulfilled:

1. The Applicant shall perform the traffic signal timing modifications, including adaptive software technology if required, for the AM Peak Hour for the Wolcott Avenue/Verplanck Avenue intersection and for the PM Peak Hour for the Wolcott Avenue/Beekman Street intersection, as set forth in the Traffic Impact Study, dated January 18, 2017, revised February 27, 2017, including any subsequent revisions thereto, as prepared by Maser Consulting, P.A, Hawthorne, N.Y., to the satisfaction of the Building Inspector, City Engineer, City Traffic Consultant and NYSDOT.

E. The following are general conditions which shall be fulfilled:

1. Within 6-12 months following completion and full occupancy of the Amended Project, the following intersections will be monitored by the Applicant to assess whether traffic signal warrants are satisfied at these locations:
 - a. Wolcott Avenue/Tompkins Avenue
 - b. Beekman Street/West Main Street


Prior to monitoring, the Applicant shall submit a Monitoring Protocol for review and approval of the City Traffic Consultant and NYS DOT, which shall include pedestrian and bicyclist counts. If a traffic signal is warranted, the Applicant shall contribute its fair share toward the installation of a traffic signal based on the level of traffic volume the Project contributes to the intersection or other reasonable basis consistent with best practices in the industry.

2. Pursuant to NYSDEC recommendations, removal of trees greater than four (4) inches in diameter at the Project Site will take place between October 1 and April 1 during the bat hibernation period to avoid the removal of trees which may be utilized by Indiana Bats as roosting trees.
3. Any increase to the total number of units above 246 or bedrooms above 350 on the Property shall require an application to the City Council and the Planning Board to amend the Special Permit and Site Plan, respectively.
4. 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 Amended 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 or is otherwise impractical. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Section 225-25.H of the City Code. The Planning Board hereby requires that, prior to the issuance of the first Certificate of Occupancy for each building, the Applicant shall pay a Recreation Fee for the number of units located in the subject building, as per the City's Fee Schedule in effect at the time of payment.
5. Rock removal operations shall be limited to 8 a.m. to 5 p.m., Monday through Friday. Rock removal shall not occur on any federal holidays or weekends.

6. 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.
7. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Full EAF and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the Full EAF, the terms of this resolution shall be controlling.
8. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this Amended 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 Scenic Beacon Developments, LLC, and its heirs, successors and assigns.
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 approvals granted by this resolution do not supersede the authority of any other entity.
12. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.
13. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this resolution and proof of recording of the easement documents described above.

14. 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 11, 2018
Beacon, New York



John Gunn, Chairman
City of Beacon Planning Board

9/17, 2018
Dated

Motion by R.Williams, seconded by P.Lambert:

Gary Barrack	Voting: Excused	Jill Reynolds	Voting: AYE
David Burke	Voting: AYE	Randall Williams	Voting: AYE
Patrick Lambert	Voting: AYE	John Gunn, Chairman	Voting: AYE
Rick Muscat	Voting: Excused		

Approved: 5-0

*Received in the Office of the
City Clerk
on September 17, 2018*

2

Planning Board
August 13, 2019

The Planning Board meeting was held on Tuesday, August 13, 2019 in the Municipal Center Courtroom. The meeting commenced at 7:00 p.m. with Chairman John Gunn, Members Gary Barrack, Jill Reynolds, David Burke and Rick Muscat. Also in attendance were Building Inspector David Buckley, City Attorney Jennifer Gray, City Engineer Art Tully, and City Planner John Clarke. Members Pat Lambert and Randall Williams were excused.

Training Session

Mr. Clarke provided members with Greenway Connections, a Power Point presentation from Dutchess County Planning on the Greenway Compact, a guide showing planning techniques for local planning initiatives to preserve outside green spaces.

Regular Meeting

The regular meeting started at 7:30 p.m. with Mr. Gunn calling for corrections/additions or a motion to approve minutes of the July 9, 2019 meeting. Mr. Barrack made a motion to approve the minutes of the July 9, 2019 meeting as presented, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 1 CONTINUE PUBLIC HEARING FOR SEQRA ENVIRONMENTAL REVIEW ON APPLICATION FOR SUBDIVISION, 2-LOT RESIDENTIAL, SUBMITTED BY DELAPORTAS ENTERPRISES I, INC., 52 DENNINGS AVENUE

Due to inactivity, a letter will be sent to the applicant advising them that the application will be removed from future agendas unless a new submission is made.

ITEM NO. 2 PUBLIC HEARING ON APPLICATION TO AMEND EXISTING SITE PLAN APPROVAL, TO ADD APARTMENT, STAIRWELL AND COMMERCIAL SPACE, 162 MAIN STREET, SUBMITTED BY THE HOSE COMPANY, LLC

Ms. Reynolds made a motion to open the public hearing on the application for Site Plan Approval, seconded by Mr. Burke. All voted in favor. Motion carried.

Engineer Dan Koehler, with applicant Michael Benzer, described the proposal to construct a rear addition to include a new three-story stairway, storage space, and one-story shop extension, and access to a new two-bedroom apartment on the existing third floor. The property is located in the Historic and Landmark Overlay District and is adjacent to a municipal parking lot.

Mr. Clarke asked that final elevation drawings, including materials, colors, and general dimensions be submitted. He suggested re-using the existing tall windows proposed to be closed up on the second floor in place of the proposed smaller windows on the side and rear elevations however Mr. Benzer explained they are not original to the building. Consideration was given to enlarging the smaller windows and Mr. Clarke asked for more detail on the tree well and how it will fit within the existing pavers and concrete sidewalk.

Mr. Tully reported easements must be obtained from the City and neighbor for access during construction. Mr. Benzer reported they are working with the neighbor who has agreed to give them access. Mr. Gunn opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, asked about setbacks because the building sits on the property line. She was informed that it is permitted in the CMS Zoning District.

A lengthy discussion took place with regard to materials, brick step backs and roof lines of the proposed addition. The architect and a better rendering of the building will be provided for the next meeting. The public hearing will remain open for the month of September. After some consideration, Ms. Reynolds made a motion to authorize the City Attorney to draft a resolution of Site Plan Approval for consideration at the next meeting, seconded by Mr. Muscat. All voted in favor. Motion carried.

ITEM NO. 3 CONTINUE REVIEW OF APPLICATION FOR SITE PLAN APPROVAL, 6 UNIT RESIDENTIAL "FERRY LANDING AT BEACON", BEEKMAN STREET, SUBMITTED BY FERRY LANDING AT BEACON, LTD.

Attorney Neil Alexander of Cuddy & Feder was present to continue review of the Ferry Landing residential project on Beekman Street. Discussion took place with regard to sight distance based on the latest correspondence from the City's traffic consultant. Mr. Alexander believed the draft resolution that was circulated for review addressed sight distance concerns and he was comfortable with the resolution as drafted. A lengthy debate took place with regard to limiting the height of landscaping in front of the building and possibly shifting the building back to assure sight distance is not affected in the future. Mr. Alexander contended that a sight easement area will guarantee that landscaping will be appropriately maintained, and he suggested other mechanisms that could be done by the City to make the exit from Ferry Street safer. Discussion took place about speed limits and it was noted that speeds traveled by those going to or leaving from the train station are often higher than the speed limit. Mr. Alexander felt sight distances and changes to the plan should have been discussed before a draft resolution was prepared for consideration. He asked that the draft resolution be modified so they don't need to return next month. After a lengthy discussion, members agreed to change language in the resolution by adding a condition that the Site Plan will be revised to shift Unit #1 to the rear by up to four feet, shift Unit #2 to the rear by up to two feet in order to allow the proposed landscape plan to be implemented without causing obstruction to the sight lines, and to maintain a minimum 24 ft. drive aisle at the rear of the building. The foundation must be staked before the installation of foundation forms and pouring to confirm that required minimum sight distance can be achieved. After careful consideration of the revised resolution as modified by the City Attorney's description, Mr. Muscat made a motion to approve the revised resolution, seconded by Ms. Reynolds. All voted in favor. Motion carried.

ITEM NO. 4 CONTINUE REVIEW OF APPLICATION FOR A SPECIAL USE PERMIT AND SITE PLAN APPROVAL (ADD A PARTIAL 4TH FLOOR), RETAIL/RESIDENTIAL, 208 MAIN STREET, SUBMITTED BY 206-208 MAIN STREET, LLC

Mr. Siegel provided a revised shadow study for the setback fourth floor and added additional area to the roof garden as requested. He received the draft resolution of approval and felt it to be appropriate. Mr. Clarke reported the applicant has provided a narrative addressing each required Special Use Permit condition as discussed in previous meetings. He advised the applicant to remove reference to the Certificate of Appropriateness on the plans because the property is not located in the Historic District and Landmark Overlay Zone.

City Attorney Jennifer Gray reviewed the resolution for Special Use Permit Approval as circulated and Mr. Burke made a motion to approve the resolution as presented, seconded by Mr. Barrack. All voted in favor with the exception of Ms. Reynolds. Motion carried; 4-1.

ITEM NO. 5 CONTINUE REVIEW OF APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, 27 FOWLER STREET, SUBMITTED BY MARIANNE HUGHES-JOINER

Architect Stephen Whalen described his client's proposal to replace an existing garage with a studio accessory apartment and reported the latest consultant comments can be easily addressed. He explained that he added a portion of the water and sewer map to show the extent of water sewer lines that can be found. Mr. Tully advised him that more research is needed because the specific location of utilities must be determined before final site plan approval can be granted.

After careful consideration Mr. Muscat made a motion to schedule a public hearing on the application for Site Plan Approval for the September meeting, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Discussion took place with regard to the applicant's proposal to install windows higher rather than reverse the floor plan in order to provide privacy for the adjacent neighbors. The higher window line allowed them to keep the morning light and preserve views of the mountain. Members agreed it was a good balance and supported the floor plan as presented. After some discussion Ms. Reynolds made a motion to authorize the City Attorney's office to draft a resolution of Site Plan Approval for consideration at the next meeting, seconded by Mr. Barrack. All voted in favor. Motion carried.

ITEM NO. 6 CONTINUE REVIEW APPLICATION FOR SPECIAL USE PERMIT AND SITE PLAN APPROVAL, WINE AND TAPAS BAR, 305 MAIN STREET, SUBMITTED BY DOUGLAS BALLINGER

Architect Brad Will of Ashokan Architecture and owner Douglas Ballinger were present to describe the proposal to convert an existing one-story building into a wine and tapas bar with a new storefront and rear patio. Revised plans and changes to the building façade were done based on comments from the July meeting.

Mr. Clarke reviewed his comments and discussion took place with regard to the width of sidewalk, signage, hours of operation, patio hours, and façade materials. Mr. Tully asked the applicant to provide details on how connection to the sanitary sewer will be corrected and information on the alley and right-of-way/easement. The applicant reported there will be no outdoor music, amplified or otherwise.

After careful consideration, Mr. Muscat made a motion to make a favorable recommendation to the City Council in support of the Special Use Permit application, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Miscellaneous Business

Zoning Board of Appeals – August Agenda

Members reviewed the agenda for the Zoning Board of Appeals' August meeting and had no comments.

Consider request for two 90-day extensions of Subdivision and Site Plan Approval – Edgewater

On behalf of Scenic Beacon Developments, Engineer Dan Koehler of Hudson Land Design requested two 90-day extensions of Subdivision Approval and Site Plan Approval to finalize items that must be completed with the Health Department. He reported they are close but a larger scale study must be completed. City Attorney Jennifer Grey confirmed that easement documentation has been submitted and is under review. After some consideration, Mr. Gunn made a motion to grant two 90-day extensions as requested, seconded by Mr. Barrack. All voted in favor. Motion carried.

Architectural Review

Single Family House – St. Luke's Place

This item was postponed at the applicant's request.

Single Family House – Miller Street

Robert Palisi, managing member of Fulton Avenue Realty Restoration Company, LLC, presented proposed elevations for a new house on a vacant lot on Miller Street. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Ms. Reynolds made a motion, seconded by Mr. Burke, to approve the elevations, color and material scheme as presented with the following: Siding – Glacier Blue (Mastic Quest); Roof – Timberline Charcoal Shingles; Windows – Double Hung 6/6 in White with Black Shutters; Trim – White; Front Door – Soft Duckling; and Porch – Trex in Pebble Grey. All voted in favor. Motion carried.

Single Family House – Shea Lane

Architect Heike Schneider presented proposed elevations for a new house on a vacant lot on Shea Lane. Members reviewed the proposed elevations, color scheme and materials relative to neighboring housing stock. After careful consideration, Mr. Muscat made a motion, seconded by Ms. Reynolds, to approve the elevations, color and material scheme as presented with the following: Siding – Hardie Clapboard Style in Sandstone Beige; Roof – Metal Standing Seam in Gray; Windows – Double Hung 6/6 Black frame and grilles; Trim – Windham Cream Azek material; and Front Door – Essex Green. All voted in favor. Motion carried.

Certificate of Appropriateness – 554 Main Street; Walden Bank Sign

A representative of Timely Signs of Kingston described his client's proposal to install a double-sided "Walden Savings Bank" sign for their office located at 554 Main Street. The 24" x 26" metal sign will be anchored to the building. Members reviewed the sign and suggested that the line separating the word "lending" and "office" be removed or relocated under the work "bank". Mr. Burke made a motion to approve the sign as suggested, seconded by Mr. Muscat. All voted in favor. Motion carried.

Certificate of Appropriateness – 182 Main Street; change façade color

Property owner Courtney Smith Wiesmore of 182 Main Street, LLC, described their proposal to repaint the storefront at 182 Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration, Mr. Burke made a motion to approve the change from red trim to PPG "Black Magic" and to paint the yellow stucco to match the brick, seconded by Ms. Reynolds. All voted in favor. Motion carried.

Certificate of Appropriateness – 484 Main Street; change façade color

Property owner Courtney Smith Wiesmore of 484 Main Street Beacon, LLC, described their proposal to repaint the storefront at 484 Main Street which is situated in the Historic Preservation and Overlay District. Members reviewed the proposed color scheme and after careful consideration, Mr. Muscat made a motion to approve the change from mauve and blue trim to PPG "Black Magic" and the recessed panels and cornice details in PPG "Knights Armor", seconded by Ms. Reynolds. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Reynolds, seconded by Mr. Muscat. All voted in favor. Motion carried. The meeting adjourned at 9:40 p.m.

Exhibit C

1

**City of Beacon
Zoning Board of Appeals**

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Scenic Beacon Developments, LLC** (the “Applicant”) to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the Applicant is proposing to demolish two existing buildings, construct seven (7) apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District (the “Proposed Project”); and

WHEREAS, the Proposed Project requires variance approvals from the Zoning Board of Appeals, Special Permit approval from the City Council and Site Plan approval from the Planning Board; and

WHEREAS, the Proposed Action is a Type I action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program (“LWRP”) policies which apply to the Project; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on

the application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on December 19, 2017; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and Zoning Code Section 223.55(C)(2)(b), when deciding the request for an area variance:

In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) “the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to each of the requested variances as follows:

1. **The variances will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variances.**

A. Maximum Building Height- Number of Stories

The City's Zoning Code Section 223-17.C/223 Attachment 1:6 permits a building height to be no greater than fifty-five (55) feet or 4 ½ stories. Each of the seven proposed buildings will comply with the maximum height of 55 feet permitted by the Zoning Code Section 223-17.C. A height variance of half a story is required for three buildings designed with gabled roofs.

The Board find that no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance of half a story permitting a maximum height of 5 stories for three of the seven buildings where the maximum amount of stories permitted by the code is 4 ½ stories. Under the Zoning Code Section 223-63, the "height of building" is measured as the "vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, whichever is higher, to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type." Under this definition, gabled roofs and angled roofs are measured differently. The gabled roofs are measured with an extra half story because of its design. The three buildings for which variances are required are not as tall at the peak of the angled roofs as the other four buildings that comply with the 4 ½ story height requirement. Furthermore, the roofs of the buildings are all accessible by the Beacon Fire Department apparatuses. As all seven buildings are within the permitted height of 55 feet, the granting of a half story variance for three of the seven buildings does not create a detriment to nearby properties.

B. Maximum Number of Dwelling Units Per Building

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of an area variance permitting more than 36 dwelling units. The Zoning Code Section 223-17.C states that the maximum number of dwelling units per building shall not exceed 36. The Applicant proposes to construct a total of 307 dwelling units, to be distributed among seven buildings, as permitted on the 12-acre parcel by right. The buildings are proposed to contain the following number of units:

- Building 1- 48 units;
- Building 2- 52 units;

- Building 3- 59 units
- Building 4- 32 units (no variance required)
- Building 5- 32 units (no variance required)
- Buildings 6- 51 units; and
- Building 7- 32 units (no variance required)

Three (3) of the buildings are proposed to contain 32 residential dwelling units, this is four less units than permitted. All the buildings will look similar from the exterior, and the total number of units (307 units) proposed for the 12-acre property is permitted. Under the density regulation in 223 Attachment 1:6, the lot area required per dwelling unit is 1,700 square feet. Therefore, on a 12 acre lot, approximately 522,720 square feet, 307 dwelling units may be constructed. The proposed development will not result in any adverse impacts to the neighborhood character because by permitting the Applicant to have more dwelling units per building, the Applicant is able to preserve more open space and decrease overall lot coverage and impervious surface. Otherwise, the Applicant could construct the same number of units (307), but in more buildings which would have greater impacts.

C. Minimum Separation Between Buildings

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of a variance to permit a minimum distance of less than 36 feet between buildings. There are a total of five openings between the proposed seven buildings on the premises. The closest minimum distance between the buildings is 12 feet. By reducing the distance between buildings the Applicant is able to cluster the buildings to preserve a maximum amount of open space. In addition, the buildings include additional fire suppression systems and will utilize fire suppression materials to ensure fire safety and further preserve the welfare of the neighborhood and ensure the safety of all residents. The Fire Department received the plans and had no objection to the reduced separation distance between buildings. Overall, the proposed project enhances the character of the neighborhood, and will not have a detrimental impact to either the neighborhood or adjacent properties.

- 2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variances.**

A. Maximum Building Height- Number of Stories

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant may construct 307 dwelling units on the premises by right. The Applicant has presented two other alternatives. Such alternatives require the Applicant to construct eight buildings (providing 288 dwelling units) or nine buildings (providing 307 units). Both alternatives create higher development impacts. The Applicant wants to pursue a sustainable development to maximize open space. Under the

proposed project there is 35% impervious coverage. Both alternatives require at least 40% impervious coverage.

The premises is located in the Coastal Management Zone as defined by the City's Local Water Front Revitalization Program (LWRP). The proposed project condenses and clusters the footprint of the buildings and decreases impervious surfaces to achieve the clustered effect recommended by the LWRP. Specifically the LWRP provides that "the scenic qualities of Beacon results from the combination of clustered buildings (many historic) and wooded hillsides against the backdrop of the Hudson Highlands." On December 12, 2017, the Planning Board issued a Local Waterfront Revitalization (LWRP) Consistency Determination, which provides in part that the proposed Project is consistent with the policies in the LWRP because it condenses and clusters the footprint of the buildings and impervious surfaces to achieve the clustered effected by the LWRP. The proposed alternatives do not achieve the same effect.

B. Maximum Number of Dwelling Units Per Building

The Applicant is proposing 31 dwelling units as below-market rate units, in accordance with the City's Affordable-Workforce Housing Laws. By granting the variance and permitting more than 36 dwelling units in a building, the Applicant can create a better mix of unit types and overall diversity in unit counts to better achieve the goals of the Affordable-Workforce Housing Law.

The Applicant is permitted to build 307 units on the premises pursuant to the density requirements of the RD-1.7 Zoning District on a 12 acre parcel, subject to special use permit approval by the City Council to approve multifamily complexes. Without the variances, the Applicant will need to construct one or two extra buildings, increasing lot coverage and impervious surface. The Applicant's goal to preserve 65% green space, create diversity in buildings and unit types and provide common gathering space for residents cannot be achieved without the requested variance.

If each building contained the same number of units it would necessitate more buildings, and would therefore create a much higher-impact development. Therefore, there is no other feasible means to achieve the required number of units but for the granting of the variance to permit more than 36 dwelling units per building.

C. Minimum Separation Between Buildings

As discussed above, the relative clustering of the buildings contributes to maximizing the amount of open space provided onsite. The proposed layout allows for the preservation of the maximum amount of green space (65%) and will overall enhance the community. Thus, the benefit the Applicant seeks, to develop 307 residential dwelling units and preserve 65% open space, cannot be achieved without the requested variance.

3. The requested variances are mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variances are mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. Here, the variances are not substantial in their effect. The project design provides a variety of units, both market-rate and below-market rate units, while preserving the most amount of open space. Moreover, even though the requested variances are mathematically substantial, this factor alone does not preclude the granting of the variances.

The Board reviewed the overall effect of the requested variances to permit the clustering of units on this 12 acre parcel requiring (1) a half story height variance for three buildings, (2) a variance to permit more than 36 residential dwelling units per building and (3) a variance to allow less than 30 feet between the proposed buildings. While the requested variance is mathematically substantial, the variance will result in minimal impacts to the surrounding neighborhood and environment. Therefore, the Board finds that the requested variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variances. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts. As mentioned above, the Planning Board also granted a LWRP Consistency Determination which provides that the proposed Project is consistent with policies and guidance of the LWRP. The proposed project will preserve 65% open space and utilize green infrastructure practices to reduce runoff, minimize grading and soil disturbance, and minimize impervious surface areas. The proposed project will also incorporate soil conservation and dust control best management practices and utilize native vegetation in all proposed landscaping to enhance wildlife habitat.

5. The alleged difficulty was self-created but this factor does not preclude the granting of the area variances.

The need for the variances is self-created since it is presumed the Applicant selected the Property as the location for its proposed development knowing the zoning requirements pertaining to the maximum height of buildings permitted, the maximum number of residential dwelling units per building and the minimum distance required between buildings. However, this does not preclude the granting of the area variance.

NOW THEREFORE, BE IT RESOLVED, that, for the reasons set forth above, the application of Scenic Beacon Developments, LLC (the "Applicant") to allow Building 3, Building 4, and Building 6, as identified on the proposed Site Plan dated January 31, 2017, to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. If the Applicant builds less than 252 units (7 buildings x 36 dwelling units= 252 units), this variance is void. The Applicant will be required to comply with the Zoning Code requirements restricting the number of units per building and may not exceed 36 residential dwelling units per building.
2. The Applicant is permitted to construct a maximum number of four buildings with more than 36 residential dwelling units. The maximum number of dwelling units for any one building may not exceed 59 residential dwelling units per building.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. The Applicant shall maintain at least 65% of the 12-acre parcel as open space, but for Planning Board approval of impervious infrastructure including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total amount of open space land preserved after Planning Board approval of said impervious infrastructure shall not be less than 60% of the 12-acre parcel.
2. Impervious surface shall not exceed 35% of the 12-acre parcel, but for Planning Board approval of impervious infrastructure, including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total impervious surface area, including any additional approved impervious surfaces, shall not to exceed 40% of the 12-acre parcel.
3. The distance between any of the proposed buildings shall not be less than 12 feet.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant shall obtain a building permit within twelve months from the date of obtaining the last land use approval.
3. The variance shall terminate unless the Proposed Project, as defined herein, has been substantially completed within five years from the date of obtaining the last land use approval or the Applicant appears before the Board for an extension.

Dated: January 17, 2018


Mr. John Dunne, Chairman

Height Variance

Mr. Dunne called the roll							
Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
		Jordan Haug	X				
	X	Robert Lanier	X				
X		Judy Smith	X				
		David Jensen		X			
		Motion Carried	4	1			

Maximum Number of Dwelling Units Variance

Mr. Dunne called the roll:							
Motion	Second	Zoning Board Members	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
X		Jordan Haug	X				
		Robert Lanier	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried:	4	1			

Maximum Distance Between Buildings Variance

Mr. Dunne called the roll:							
Motion	Second	Zoning Board Members	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
X		Jordan Haug	X				
	X	Robert Lanier	X				
		Judy Smith	X				
		David Jensen		X			
		Motion Carried:	4	1			

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**CITY OF BEACON
MUNICIPAL CENTER
ONE MUNICIPAL PLAZA, SUITE 1
BEACON, NEW YORK 12508
PHONE 845-838-5002**

August 21, 2019

Scenic Beacon Developments, LLC
Attention: Rodney Weber
11 Creek Drive
Beacon, New York 12508

SUBJECT: Variance Application
Applicant: Scenic Beacon Developments, LLC
Address: 22 Edgewater Place
Tax Grid No.: 30-5954-25-566983, 574979, 582985 and
5955-19-590022-00
Zoning Classification: RD-1.7

Dear Mr. Weber:

Enclosed please find a copy of the resolution adopted by the Zoning Board of Appeals to grant a six (6) month extension of the variances outlined in the resolution dated January 17, 2018 as requested.

Anyone aggrieved by the decision of the Zoning Board may appeal to the Supreme Court of the State of New York in the manner prescribed by law.

Yours truly,

Etha Grogan, Secretary
Zoning Board of Appeals

Filed: August 21, 2019
cc: Building Inspector

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, on January 17, 2018 the City of Beacon Zoning Board of Appeals granted **Scenic Beacon Developments, LLC** (the "Applicant") variances to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as **22 Edgewater Place**, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the approval resolution required the Applicant to obtain a building permit within twelve months from the date of obtaining the last land use approval; and

WHEREAS, on August 6, 2018, the Applicant received a special use permit from the City Council to construct multifamily housing on the Property; and

WHEREAS, on September 11, 2018, the Beacon Planning Board granted preliminary and final subdivision plat approvals and site plan approval to the Applicant; and

WHEREAS, as of the date of this Resolution, the Applicant has not filed a bona fide application for a Building Permit; and

WHEREAS, the variance therefore expires on September 11, 2019; and

WHEREAS, the Zoning Board is in receipt of a letter from Michael A. Bodendorf, P.E., dated August 26, 2019, requesting an extension of the Zoning Board of Appeals January 17, 2018 Resolution; and

WHEREAS; Mr. Bodendorf explained in his letter that the Applicant has been working diligently with the project consultants, City Staff and the Dutchess County Department of Behavior and Community Health in order to satisfy each of the prerequisite conditions provided in the 2019 Planning Board Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk's Office; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Beacon Zoning Board hereby finds that the Applicant has offered a reasonable explanation why it has not been able to apply for a building permit and grants a six (6) month extension of the variances referenced herein for property located at 22 Edgewater Place to expire on March 11, 2020, unless a building permit is issued prior to March 11, 2020.

BE IT FURTHER RESOLVED, except as specifically modified by the amendment contained herein, the Zoning Board of Appeals Resolution dated January 17, 2018 is otherwise to remain in full force and effect.

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
	X	Garrett Duquesne	X				
		Jordan Haug	X				
		Judy Smith	X				
X		David Jensen	X				
Motion Carried			5	0			

Dated: August 20, 2019



Mr. Robert Lanier, Chairman