

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**GRANTING SITE PLAN APPROVAL
FOR 296 MAIN STREET**

Parcel ID#5954-36-933866

WHEREAS, the Beacon Planning Board received an application for a Special Use Permit and Site Plan approval from Happy Valley Arcade, LLC (the “Applicant”), to convert an existing one-story rear garage into a bar with outdoor patio, maintaining the front building’s first floor retail use and second story office use (the “Project” or “Proposed Action”), on property located at 296 Main Street in the Central Main Street (CMS) Zoning District in the City of Beacon, Dutchess County, New York and designated on the Tax Map of the City of Beacon as Parcel ID# **5954-36-933866** (the “Property”); and

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

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

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

WHEREAS, the Site Plan is shown on the drawings, entitled “Site Plan Application – 296 Main Street – Happy Valley Bar” Sheets 1-4, dated August 27, 2019 and last revised January 28, 2020, as prepared by Aryeh Siegel, Architect and Hudson Land Design:

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

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

WHEREAS, the City of Beacon Planning Board previously granted Site Plan approval to River Valley Restaurant Group to convert the existing retail storefront and a

one-story rear garage into a restaurant, maintaining the second story office use at 296 Main Street by resolution dated February 13, 2019; and

WHEREAS, this resolution supersedes the City of Beacon Planning Board resolution dated February 13, 2019 granting Site Plan approval to River Valley Restaurant Group; and

WHEREAS, on December 16, 2019 the City Council granted a Special Use Permit for the proposed bar; and

WHEREAS, on January 14, 2020 the Planning Board opened and closed a duly noticed public hearing on the application for Site Plan approval concerning the Proposed Action, at which time all those interested were given an opportunity to be heard; and

WHEREAS, pursuant to § 223-26.B(2) the Applicant is not required to provide off-street parking because the building has been in existence since April 20, 1964 and the amount of parking that would be required for the proposed use amounts to less than a 25% increase from the parking required for the uses existing in 1964; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby 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, including but not necessarily limited to the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
3. Note 5 on the Site Plan shall be revised to read “The conditions of Special Use Permit and Site Plan Approvals prohibit live music outside on the patio. Any live music on the patio in the future requires written application to the City of Beacon to modify the Special Use Permit and Site Plan conditions which shall be at the discretion of the City Council and Planning Board, respectively. If the conditions are modified, all live music shall comply with the City of Beacon regulations regarding times and decibel levels in effect at that time.”

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 conditions shall be fulfilled prior to the issuance of a Building Permit:

1. The Applicant shall post with the City of Beacon a performance guaranty for the proposed public improvements which include an extension of an existing drainage line on North Cedar Street to the Site. The Applicant's engineer shall prepare a cost estimate for the work and provide to the City Engineer for review.
2. The Applicant shall obtain a road opening permit from the City Highway Department for the proposed extension of an existing drainage line on North Cedar Street.
3. The Applicant shall establish an escrow fund with the City of Beacon for the construction observation of the public utility extension.
4. All application review fees shall be paid in full.

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

1. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
2. The Applicant shall be responsible for the payment of all application review costs incurred by the City in its review and approval of this project. Such fees shall be paid by the Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
3. The Applicant shall be prohibited from operating, playing or permitting the operation or playing of any live music outside on the patio.
4. This resolution supersedes the City of Beacon Planning Board resolution dated February 13, 2019 which granted Site Plan approval to River Valley

Restaurant Group to convert the existing retail storefront and one-story rear garage into a restaurant at 296 Main Street.

- 5. As used herein, the term “Applicant” shall include the Applicant and the Applicant’s heirs, successors and assigns, and where applicable its contractors and employees.
- 6. 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.
- 7. The approval granted by this resolution does not supersede the authority of any other entity.
- 8. 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: February 11, 2020
Beacon, New York

John Gunn, Chairman
City of Beacon Planning Board

_____, 2020
Dated

Motion by _____, seconded by _____:

Kevin Byrne	Voting:	Len Warner	Voting:
Rick Muscat	Voting:	Randall Williams	Voting:
Karen Quiana	Voting:	John Gunn, Chairman	Voting:
Jill Reynolds	Voting:		

Resolution: Approved _____
Denied _____