

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2020

RESOLUTION

PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS, SITE PLAN APPROVAL AND CERTIFICATE OF APPROPRIATENESS APPROVAL FOR 1182 NORTH AVENUE

Parcel ID# 5955-19-747060

WHEREAS, the Beacon Planning Board received applications for Preliminary and Subdivision Plan Approvals, Site Plan Approval and Special Use Permit Approval from Andrew G. MacDonald (the “Applicant”), to reconfigure two existing lots with a lot line realignment and build a new house, including an attached 646 square foot accessory apartment and associated parking (the “Proposed Action”) on property located at 1182 North Avenue in the R1-7.5 and Historic District and Landmark Overlay Zone. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 5955-19-747060** (the “Property”); and

WHEREAS, as initially submitted the Proposed Action included a request for a Special Permit for an artist studio, but the application was subsequently amended to withdraw that portion of the Proposed Action; and

WHEREAS, the Applicant seeks to re-configure two existing lots, one of which is currently landlocked and vacant (Parcel 747060), and the other that is developed with a single-family house (Parcel 738049);

WHEREAS, after the proposed lot line realignment Parcel 747060 will be 0.392 acres and Parcel 738048 will be 0.284 acres; and

WHEREAS, the Proposed Action includes a request for a Certificate of Appropriateness from the Planning Board pursuant to Chapter 134 of the City of Beacon Code; and

WHEREAS, the City Council is the approval authority for the Special Use Permit for an accessory apartment pursuant to City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

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

WHEREAS, the application consists of application forms, correspondence, and the Full Environmental Assessment Form (“EAF”); and

WHEREAS, the Subdivision is shown on the drawing, entitled “Preliminary Subdivision Plat 1182 North Avenue,” prepared by John Decker, LS and Hudson Land Design Professional Engineering, P.C., last revised February 25, 2020; and

WHEREAS, the Site Plan is shown the following drawings, generally entitled “1182 North Avenue- Site Plan and Special Use Permit,” prepared by Hudson Land Design Professional Engineering P.C., last revised February 25, 2020:

<u>Sheet</u>	<u>Title</u>
1 of 6	<i>Cover Sheet, CV-1</i>
2 of 6	<i>Existing Conditions & Removals Plan, XC-1</i>
3 of 6	<i>Subdivision & Site Plan, SP-1</i>
4 of 6	<i>Erosion & Sediment Control Plan & Grading and Utility Plan, GU-1</i>
5 of 6	<i>Construction Details, CD-1</i>
6 of 6	<i>Construction Details, CD-2; and</i>

WHEREAS, the proposed floor plans and elevations are shown on the following drawings, entitled “MacDonald Subdivision- Proposed House Plans,” prepared by DM Florance Architecture, PLLC, last revised on February 18, 2020:

<u>Sheet</u>	<u>Title</u>
1 of 3	<i>Proposed House Plans, A-1</i>
2 of 3	<i>Proposed House Front and Left Side Elevations, A-2</i>
3 of 3	<i>Proposed House Rear and Right Side Elevations, A-3; and</i>

WHEREAS, the Proposed Action is an Unlisted Action, pursuant to New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board reviewed the application at its meetings on November 12, 2019, December 10, 2019, January 14, 2020, March 10, 2020, and April 14, 2020; and

WHEREAS, on November 27, 2019 the Planning Board circulated its Notice of Intent to Declare itself Lead Agency pursuant to SEQRA and received no objections; and

WHEREAS, on December 10, 2019, the Planning Board opened and closed a public hearing to consider comments regarding any environmental impacts associated with the proposed lot line realignment between two parcels, where an existing single-family residence will remain, and proposed construction of a single-family residence with a 646 square foot accessory apartment; 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 March 10, 2020; and

WHEREAS, on March 16, 2020, the City Council opened and closed a public hearing on the Special Use Permit application in connection with the proposed attached 646 square foot accessory apartment and approved the Special Use Permit application after finding that the Proposed Action complies with the City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

WHEREAS, on April 14, 2020 the Planning Board opened a duly noticed public hearing on the application for Subdivision, Site Plan and Certificate of Appropriateness approvals concerning the Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was closed on August 14, 2020; and

WHEREAS, due to public health and safety concerns related to the current COVID-19 pandemic, the public hearing was duly noticed by publication, mailing and signage in accordance with notice requirements of the Zoning Code of the City of Beacon, and held by videoconference in accordance with the Governor’s Executive Orders which suspend the “in-person” requirements of the NYS Open Meetings Law and provide alternative means by which to conduct public meetings and hearings remotely; and

WHEREAS, in reviewing the application the Planning Board has considered the criteria for approval of a Certificate of Appropriateness set forth in City Code § 134-7; 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 Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby finds pursuant to City Code § 134-7 that the Proposed Action will be consistent with the historic character of the surrounding area and grants Certificate of Appropriateness Approval for the Proposed Action.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval (lot line realignment) for the Proposed Action, as shown on the plan entitled “Preliminary Subdivision Plat 1182 North Avenue,” prepared by John Decker, LS and Hudson Land Design Professional Engineering, P.C., last revised February 25, 2020.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds 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 (lot line realignment), as shown on the plan entitled “Preliminary

Subdivision Plat 1182 North Avenue,” last revised February 25, 2020, prepared by Hudson Land Design Professional Engineering, P.C. , subject to the conditions and modifications set forth herein.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Site Plan Approval as set forth and detailed on the plans prepared by prepared by Hudson Land Design Professional Engineering P.C., last revised February 25, 2020, subject to the following conditions set forth below and any other requirements which must be met by law:

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 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 April 9, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner’s letter to the Planning Board dated April 9, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. All existing and proposed easements, as applicable, shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney. Proposed easement agreements, declarations of restrictive covenants or other appropriate documents corresponding with the easements and notes shown on the Final Subdivision Plat shall be prepared, as applicable, and submitted to the City Attorney for review as to form 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.

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 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 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 April 9, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner's letter to the Planning Board dated April 9, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

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.

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

1. All conditions, set forth in any previous Planning Board Resolution related to the Property, and not superseded herein, shall remain in full force and effect.
2. 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.
3. 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 Applicant within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within said thirty (30) day period, and an extension therefore has not been granted by the City, this resolution shall be rendered null and void.
4. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.

5. 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.
6. The approvals granted by this resolution do not supersede the authority of any other entity.
7. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form. 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 EAF, the terms of this Resolution shall be controlling.
8. 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.
9. 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.
10. Any proposed revision to the approved Subdivision or Site Plan Drawings, except revisions determined by the Building Inspector and City Engineer to be field changes, shall be submitted to the Planning Board. The Planning Board, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis and/or further project review, as the Board may deem appropriate.

Resolution Adopted: April 14, 2020

Beacon, New York

5102/15/708557v1 4/11/20

John Gunn Chairman
City of Beacon Planning Board

Date

Motion by _____, seconded by _____:

Kevin Byrne

Voting:

Leonard Warner

Voting:

Rick Muscat

Voting:

J. Randall Williams

Voting:

Karen Quiana

Voting:

John Gunn, Chairman

Voting:

Jill Reynolds

Voting:

Resolution: _____