

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**PRELIMINARY AND FINAL SUBDIVISION PLAT APPROVALS FOR
160 ROMBOUT AVENUE**

Parcel ID#5954-35-853796

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals from Hudson Land Design, on behalf of the applicant Karic Associates, LLC, (the “Applicant”) for a 2-lot residential subdivision (the “Project” or “Proposed Action”) on an 0.33-acre parcel located at 160 Rombout Avenue and designated on the Tax Map of the City of Beacon as **Parcel ID# 5954-35-853796** in the R1-5 One-Family Residence (“R1-5”) Zoning District (the “Property”); and

WHEREAS, the Applicant is proposing to subdivide an 0.33-acre parcel with one existing house into two lots for the construction of an additional single-family house; and

WHEREAS, Proposed Lot 1 would consist of approximately 7,219 square feet/0.1657254 acres and Proposed Lot 2 would consist of approximately 7,281 square feet/0.1671488 acres; and

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

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

WHEREAS, the subdivision is shown on the drawings, entitled “160 Rombout Avenue Subdivision,” Sheets 1-4, dated December 31, 2019, last revised February 25, 2020, as prepared by Hudson Land Design, as follows:

<u>Sheet</u>	<u>Title</u>
1 of 4	<i>Preliminary Subdivision Plan</i>
2 of 4	<i>Preliminary Subdivision Plan</i>
3 of 4	<i>Construction Details</i>
4 of 4	<i>Construction Details and Notes; and</i>

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

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

WHEREAS, on January 29, 2020 the Planning Board circulated its Notice of Intent to be Lead Agency pursuant to the State Environmental Quality Review Act (“SEQRA”) and no objections were received; and

WHEREAS, on April 14, 2020 the Planning Board, as Lead Agency, adopted a Negative Declaration pursuant to SEQRA after taking a “hard look” at each of the relevant areas of environmental concern through review of the EAF and all associated materials prepared in connection with the Proposed Action and finding that the Proposed Action will not result in any significant adverse environmental impacts; and

WHEREAS, on April 14, 2020, the Planning Board opened and closed the duly noticed public hearing on the application for Subdivision Approval, at which time all those interested were given an opportunity to be heard; 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, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City Code.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Project, as shown on the application materials enumerated 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 to the Project, as shown on the application materials enumerated above, subject to the following conditions and modifications 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 10, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
4. All easements shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.
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. Such document(s) shall include a Stormwater Maintenance Agreement.

When the conditions above have been satisfied, six (6) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, one set will be retained by the City Clerk, one set will be provided to the Planning Board, and one set each will be forwarded to the Building Inspector, City Engineer and City Planner.

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

1. 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 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. Therefore, that Applicant shall pay a Recreation Fee for the new lot as prescribed under Section 195-25.A(4) of the City Code. The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy, the Applicant shall pay a Recreation Fee as per the City's Fee Schedule in effect at the time of payment.

2. 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.
3. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
4. 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.
5. As used herein, the term "Applicant" shall include Karic Associates, LLC, and its heirs, successors and assigns.
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 approvals granted by this Resolution do not supersede the authority of any other entity.
8. 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.
9. 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.
10. 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.

- 11. 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. 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

John Gunn, Chairman
City of Beacon Planning Board

_____, 2020
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: _____ - _____