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VIA E-MAIL

Hon. John Gunn
And Members of the Planning Board
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Application for Special Use Permit, Subdivision (Lot Line Change) & Site Plan Approvals
Office, Commercial and Residential Mixed-Use Development
Premises: 416-420 Main Street, Beacon, New York
Tax Parcel IDs: (6054-29-056780 & 6054-29-056774)

Dear Chairman Gunn and Members of the Planning Board:

On behalf of 416 Main Street Beacon, LLC and 420 Main Street, LLC, D/B/A 420 Main St. Beacon, LLC (collectively, the "Applicant"), the owners of the above-referenced Premises, we respectfully submit this letter and the referenced enclosures in support of an Application for a Special Use Permit Approval (the "SUP Application")¹ proposing to redevelop the Premises for a proposed zoning-compliant 16,848 sq. ft. mixed-use office, commercial and limited residential development, including a large green space area as the property transitions northeast to South Street. See Attached Site Plans & Renderings.

The Project consists of two (2) buildings, the first of which is a proposed 14,703 sq. ft. mixed-use building with frontages along Main Street and Schenck Avenue that will be comprised of a 4,616 sq. ft. ground floor retail space (1,675 sq. ft. of which consists of the existing Kitchen & Coffee space – formerly Ella's Bellas),² as well as 7,872 sq. ft. of commercial office space on the second and third floors and 2,215 sq. ft. of residential space containing two (2) apartment units on the stepped-back fourth floor. The proposed mixed-use building will include improvements on the presently vacant 416 Main Street parcel, as well as vertical improvements above the existing building located at 418-420 Main Street, which structure will be maintained. The Applicant also

¹ Note: The Application also involves the removal of the existing lot line (Subdivision Approval) and Site Plan review by the City of Beacon Planning Board. Additionally, in accordance with the City of Beacon Zoning Code Section 223-18(B)(1), an "[a]pplication for required special permits shall be made to the Planning Board as agent for the City Council..."

² Note: The Kitchen & Coffee commercial space will remain.



proposes to construct a 2,145 sq. ft. single family home, artist/live work space in the rear of the Premises, fronting on South Street.

PROJECT BACKGROUND:

The 416-420 Main Street Premises is unique property in the City of Beacon as it is “split-zoned” between two (2) of the City’s Commercial Zoning Districts, including the Central Main Street District (“CMS”) and the Business Off-Street Parking District (“PB”). The Premises is presently comprised of two (2) lots, which the Applicant proposes to consolidate into one (1) resultant lot.³ The proposed mixed-use building is located exclusively on the portion of the Premises zoned CMS, and the limited residential structure located in the rear of the Premises is on the portion of the Premises that is *presently* zoned PB.

As this Board may be aware, since 2019 the Applicant has been closely monitoring the City Council’s efforts to update the City’s Zoning Tables, as well as the City Council’s proposed zoning map amendments for properties that are presently classified in the PB, OB and LB Zoning Districts, which properties are anticipated to be rezoned into a new “Transitional (“T”)” Zoning District. Recognizing the importance of these zoning changes and the transition between Main Street and the surrounding mixed-use and residential neighborhoods that support Main Street, the Project was designed in furtherance of the City’s efforts to bring office and commercial to Main Street while respecting the community character of the surrounding neighborhood. Given the above, and as is more fully detailed in the zoning table in the enclosed Site Plans, the residential structure in the rear portion of the Premises has also been designed to be zoning-compliant under both PB and T zoning regulations. We would also note that the proposed zoning amendments referenced herein *would not* impact the proposed zoning-compliant mixed-use building located in the portion of the Premises that is zoned CMS.

Give the above, as a Beacon resident the Applicant desires to redevelop the Premises to increase the attractiveness of the property along Main Street and to support the vitality and sustainability of the Main Street corridor with mixed-uses. Accordingly, the development program for this mixed-used Project is designed to be consistent with the traditional character of Main Street in the City’s Historic District Overlay (“HDLO”) Zone.

PROCEDURAL INFORMATION:

In order for the Applicant to proceed before this Board in connection with the Site Development

³ **Note:** The Applicant proposes to own both of the proposed buildings on the resultant one (1) lot in a condominium ownership structure, which has been discussed and reviewed with the City Attorney in anticipation of this Application submission.

Plan,⁴ Subdivision (Lot Line Change) and Architectural Review Board Approvals, the Applicant also requires a Special Use Permit for the proposed fourth-story tower for this corner lot, together with the proposed fourth-story 15-ft. setback on both the Main Street and Schenck Avenue frontages for the (2) apartment units proposed in the mixed-use building. *See* Attached Site Plans & Renderings. We would also highlight that but for the proposed fourth-story improvements, the mixed-uses proposed for the Premises would otherwise be considered permitted uses. As noted above, the instant Application is also fully zoning-compliant, and does not require any variances from the Zoning Board of Appeals.

The Applicant respectfully requests to appear at the Planning Board's May 12th meeting in order to discuss the Project with this Board and in order to initiate the environmental review process pursuant to the State Environmental State Environmental Quality Review Act ("SEQRA"). The proposed Project is classified as an Unlisted Action pursuant to SEQRA, and an Environmental Assessment Form ("EAF") for the Project is enclosed herein as **Exhibit A**.

THE PROPOSED PROJECT SATISFIES THE SPECIAL USE PERMIT CRITERIA:

Pursuant to N.Y. Gen. City Law § 27-b and City of Beacon Zoning Code § 223-18 (the "Special Permit Provisions"), special uses shall be deemed to be principally permitted use in their respective districts, subject to the standards set forth in Zoning Code § 223-18.⁵

According to the New York Court of Appeals, New York's highest court, generally:

a special exception [permit/use] gives permission to use property in a way that is consistent with the zoning ordinance, although not necessarily allowed as of right. The significance of this distinction is that the 'inclusion of the permitted use in the ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood'...⁶

⁴ This Application for Site Plan Approval, including this narrative and the referenced enclosures, are submitted in accordance with the procedures for Site Development Plan Review detailed in Zoning Code Section 223-41.13(G).

⁵ Note: A copy of the fully executed Special Use Permit Application Form is enclosed as **Exhibit B**.

⁶ Retail Prop. Trust v. Bd. of Zoning Appeals of Town of Hempstead, 98 N.Y.2d 190, 195, 774 N.E.2d 727 (2002) (*citing* Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 N.Y.2d 238, 243 (1972) [citations omitted]); *see also* Nathan v. Bd. of Appeals of Town of Hempstead, 125 A.D.3d 866, 5 N.Y.S.3d 127 (N.Y. App. Div. 2015) (holding that "[a]n applicant for a special exception permit need only show that it has complied with every legislatively imposed condition on the permitted use"); *see also* Juda Const., Ltd. v. Spencer, 21 A.D.3d 898, 900, 800 N.Y.S.2d 741, 743 (2005) (the Supreme Court, Appellate Division, Second Department held that "[a] use permitted by special exception use permit is a use that has been found by the local legislative body to be appropriate for the zoning district and 'in harmony

In considering the SUP Application, Zoning Code §223-18(B)(1) directs that the City Council shall consider the following standards and conditions:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) Parking areas will be of adequate size for the particular use and properly located and suitably screened from adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.

As this Board is aware, the CMS District is designed to increase the vitality, attractiveness, and marketability of Main Street, as recommended in the City of Beacon Comprehensive Plan Update adopted on April 3, 2017.⁷ There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the proposed Project and it is respectfully submitted that the proposed the commercial and office uses proposed in this Project further these goals.

Additionally, the Project is also built to be consistent with the character of the existing Beacon Hotel and the uses along the Main Street frontage that the Premises share. In addition to its design-compatibility with the historic character of adjacent and nearby buildings in the HDLO, the proposed mixed-use building is also designed the ensure that there are no substantial detrimental effects from shadows, parking or traffic, which is consistent with the findings prescribed in City of Beacon Zoning Code (the “Zoning Code”) Section 223-41.18. See attached Site Plans & Renderings & **Exhibit C** – Traffic & Parking Study. Indeed, the Applicant’s Traffic Consultant, Maser Consulting P.A., prepared a Traffic Impact Study & Parking Analysis (“Traffic & Parking Study”) for consideration during the SEQRA review process. The Traffic & Parking Study evaluated the proposed entry and exit points of the Premises and the potential traffic and parking impacts associated with the proposed Project. Ultimately, the TIS concludes that similar levels of service and delays will be experienced at the area intersections under the future No-Build and Build Conditions. See **Exhibit C** - Traffic & Parking Study at page 15. Additionally, the Traffic & Parking Study concludes that parking needs for the proposed development can be

with the general zoning plan and will not adversely affect the neighborhood” [citations omitted] and further held that “[t]he [special] permit must be granted if the application satisfies the criteria set forth in the zoning law (*citing* Matter of Pleasant Val. Home Constr. v. Van Wagner, 41 N.Y.2d 1028, 1029, 395 N.Y.S.2d 631, 363 N.E.2d 1376).

⁷ See ZONING CODE Section 223-41.16.

accommodated by the public parking in the vicinity of the Premises during both Weekday and Weekend peak parking periods. See **Exhibit C** - Traffic & Parking Study at page 15.

It is also important to note that even in these uncertain times, the Applicant proposes to further the City's efforts to bring office space to Main Street through the development of the proposed Project. At the same time, the location, size, nature, and intensity of the proposed Project is in harmony with the appropriate and orderly development of the CMS and PB Zoning Districts, and the Project even contemplates potential zoning amendments including the formation of the T Zoning District. As noted above, in addition to monitoring the City's efforts regarding the new T Zoning District, the Applicant has also reviewed the City Council's Work Sessions and Regular Meeting discussions regarding potential changes that would be applied to projects in the CMS Zoning District that propose fourth stories. Accordingly, the development program for the Project also incorporates public benefits, including green building designs, green space between the mixed-use building and the proposed residential building and the development of two (2) upper floors of commercial office space right on Main Street. See attached Site Plans & Renderings.

It is respectfully submitted that the proposed Project complies with these legislatively imposed criteria and will have no adverse impacts on the neighborhood as demonstrated herein.

CONCLUSION:

For the foregoing reasons, and as will be further discussed at this Board's May 12th regular meeting and the subsequent Public Hearings before the Board and the City Council on this Project, the Applicant respectfully submits that the proposed Project satisfies the purposes of the CMS and PB zoning districts by providing a mix of commercial, office and residential uses that will add handsome architectural features and add to the vibrancy of Main Street

In support of this Application, please find enclosed the following documents:⁸

- Exhibit A:** Short Environmental Assessment Form;
- Exhibit B:** Application for Special Use Permit Approval;
- Exhibit C:** Traffic Impact Study & Parking Analysis prepared by Maser Consulting P.A., dated April 28, 2020;
- Exhibit D:** Engineer Project Narrative, prepared by Hudson Land Design; and
- Exhibit E:** Entity Disclosure Form.

In further support of this Application, we respectfully submit copies of the site plans and renderings entitled "Site Plan Application – 416-420 Main Street", prepared by Aryeh Siegel, Architect, and Hudson Land Design Professional Engineering, P.C., dated April 28, 2020, numbered and titled as follows:

⁸ Note: Pursuant to our communications with the City of Beacon Building Department, only electronic submissions are requested at this time.

- Sheet 1 of 1 – Preliminary Subdivision Plat;
- Sheet 1 of 10 – Site Plan;
- Sheet 2 of 10 – Existing Conditions & Demolition Plan;
- Sheet 3 of 10 – Landscape Plan & Planting Schedule;
- Sheet 4 of 10 – Building Plans;
- Sheet 5 of 10 – Building Plans & Renderings;
- Sheet 6 of 10 – Grading & Utility Plan;
- Sheet 7 of 10 – Erosion and Sediment Control Details;
- Sheet 8 of 10 – Utility Profiles;
- Sheet 9 of 10 – Construction Details; and
- Sheet 10 of 10 – Construction Details

Additionally, we understand that the Applicant mailed e-check payable to the City of Beacon in the amount of \$5,243.75, representing the Application filing fee, as well as a second check payable to the City of Beacon in the amount of \$8,000, for the establishment of an escrow for professional fees.⁹

We look forward to appearing at this Board's regular meeting on Tuesday, May 12th in order to initially review the proposed Project and to initiate the environmental review process. In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,



Taylor M. Palmer

Enclosures

Cc: Jennifer L. Gray, Esq.
Aryeh J. Seigel Architect
Michael A. Bodendorf, P.E. – Hudson Land Design Professional Engineering, P.C.

⁹ Note: An existing escrow is on file in the amount of \$1,500.