

RESOLUTION

**PLANNING BOARD
BEACON, NEW YORK**

**PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS AND
SITE PLAN APPROVAL FOR
3 WATER STREET**

Parcel ID# 6054-38-170722

WHEREAS, the Beacon Planning Board received applications for a Special Use Permit, Preliminary and Subdivision Plan Approvals and Site Plan Approval from POK Beacon LLC (the “Applicant”) to construct a one-story 590 square foot accessory apartment and addition to an existing single-family house (the “Proposed Action”) on property located at 3 Water Street in the R1-5 and Central Main Street Zoning Districts. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-38-170722** (the “Property”); and

WHEREAS, the applicant seeks to consolidate parcels to create one 0.54 acre parcel, which is partially located in the CMS and R1-5 Zoning District as shown on the Subdivision Plat referenced below; 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 merger) 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 3 Water Street,” prepared Hudson Land Design Professional Engineering, P.C., last revised April 28, 2020; and

WHEREAS, the Site Plan is shown the following drawings, generally entitled “Special Use Permit Application - 3 Water Street Accessory Apartment,” prepared by Aryeh Siegal Architect and Hudson Land Design Professional Engineering P.C., last revised April 28, 2020:

<u>Sheet</u>	<u>Title</u>
1 of 6	<i>Site Plan, Floor Plans & Elevations</i>
2 of 6	<i>Site Plan, Floor Plans & Elevations</i>

- 3 of 6 *Grading and Drainage Plan*
- 4 of 6 *Erosion & Sediment Control Plan*
- 5 of 6 *Construction Details*
- 6 of 6 *Construction Details; and*

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

WHEREAS, on March 16, 2020, the City Council approved the Special Use Permit application for a 590 square foot accessory apartment after finding that the Proposed Action complies with the City of Beacon Zoning Code §§ 223-18.B and 223-24.1; and

WHEREAS, on May 12, 2020 the Planning Board opened a duly noticed public hearing on the application for Subdivision and Site Plan 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 May 12, 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, 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 grants Preliminary Subdivision Plat Approval (lot merger) for the Proposed Action, as shown on the plan entitled “Preliminary Subdivision Plat 3 Water Street,” prepared Hudson Land Design Professional Engineering, P.C., last revised April 28, 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 merger), as shown on the plan entitled “Preliminary Subdivision Plat 3 Water Street,” prepared Hudson Land Design Professional Engineering, P.C., last revised April 28, 2020; 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 Aryeh Siegal Architect and Hudson Land Design Professional Engineering P.C., last revised April 28,

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 May 8, 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 May 8, 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 and offers of dedication, 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, offers of dedication, 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 May 8, 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 May 8, 2020, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
5. The Site Plan proposes plantings within the City right-of-way. The Applicant shall obtain any and all approvals from the City Council and/or City Building Department and/or City Highway Department for the placement of such plantings in the right-of-way. The Site Plan shall be revised to add the following note:

In the event the proposed plantings within the right-of-way are not installed, or are removed in the future, the fence along the frontage shall either be removed, or the fence shall be relocated to allow sufficient area on the lot to install in-kind replacement plantings between the fence and the right-of-way for the purpose of screening the fence from public view.

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. Any previous resolution or approval for an artist live/work unit at the Property is superseded by the approvals issued herein and by the City Council resolution for an accessory apartment and all necessary revisions shall be made to the Certificate of Occupancy to reflect the classification of the existing structure on the Property as a single-family dwelling.
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. 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.
8. 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.
9. 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: May 12, 2020
 Beacon, New York

 John Gunn Chairman
 City of Beacon Planning Board

 Date

Motion by _____, seconded by _____:

Kevin Byrne

Voting:

Leonard Warner

Voting:

Rick Muscat
Karen Quiana
Jill Reynolds

Voting:
Voting:
Voting:

J. Randall Williams
John Gunn, Chairman

Voting:
Voting:

Resolution: Approved _____
Denied _____