

**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. \_\_\_\_ OF 2017**

**RESOLUTION GRANTING AN AMENDED SPECIAL USE PERMIT FOR  
177 MAIN STREET**

**WHEREAS**, Frog Leap, Inc., (the “Applicant”), has submitted applications for an Amended Special Use Permit and Site Plan to maintain the existing 800 s.f. ground floor retail storefront, reduce the number of dwelling units from three to two (2 bedroom apartment on the second floor and 1 bedroom apartment on the third floor) and construct a rear addition to the existing building on property located at 177 Main Street, consisting of 0.107 acres and designated on the Tax Map of the City of Beacon as Parcel ID 5954-27-791947 (the “Property”) in the Central Business (CB) Zoning District and Historic District and Landmark Overlay District in the City of Beacon, Dutchess County, New York; and

**WHEREAS**, on August 20, 2001 pursuant to Resolution No. 126 of 2001 the City Council granted a Special Use Permit to Main Street Projects for four apartments on the second and third floor with one apartment and commercial space on the ground floor (total of five apartments); and

**WHEREAS**, the proposed project is shown on the following drawings, generally entitled, “Amended Special Permit Application,” prepared by Aryeh Siegel, Architect, last revised April 25, 2017:

1. Sheet 1 of 4, “Site Plan;”
2. Sheet 2 of 4, “Existing Conditions Plan;”
3. Sheet 3 of 4, “Floor Plans;”
4. Sheet 4 of 4, “Sections and Elevations;” and

**WHEREAS**, the application also consists of application forms, a Certificate of Inspection pursuant to City Code §179-6 and Parts 1 and 2 of a full Environmental Assessment Form (EAF); and

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

**WHEREAS**, the Planning Board considered the Special Permit and Site Plan Applications at its May 9, 2017 meeting and issued a report to the City Council dated May 11, 2016 recommending approval of the Special Use Permit subject to Site Plan approval by the Planning Board; and

**WHEREAS**, the proposed action is a Type II action pursuant to the New York State Environmental Quality Review Act (9 NYCRR 617.5(c)(9)) and accordingly, no further environmental review is required; and

**WHEREAS**, on June 5, 2017, the City Council conducted a public hearing on the Special Permit Application at which time all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council 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 City Council hereby makes the following findings in accordance with Section 223-18.B(1) of the Zoning Law:

1. 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.
2. 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.
3. 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.
4. 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.

**BE IT FURTHER RESOLVED**, that the City Council grants an Amended Special Use Permit to Frog Leap, Inc. to the multifamily residence component of the Project as set forth and detailed on the plans listed above, prepared by Aryeh Siegel, Architect, last revised April 25, 2017, upon the following conditions:

- A. Six (6) sets of the above referenced plans shall be submitted for endorsement by the City Administrator. 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 any Building Permits for the Project:**

1. The Applicant shall seek and obtain Site Plan Approval and Certificate of Appropriateness Approval from the Planning Board. As part of the Site Plan review and approval process matters, including but not necessarily limited to the following, shall be resolved to the satisfaction of the Planning Board:
  - a. The Applicant shall demonstrate that it has an easement from the adjacent property owner for access over the shared driveway to the two proposed parking spaces, or the plan shall be modified to eliminate the need for an easement.

**C. The following are general conditions which much be fulfilled:**

1. 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 therefor has not been granted by the City, this resolution shall be rendered null and void.
2. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.

3. 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.
4. The approvals granted by this resolution do not supercede the authority of any other entity.
5. In accordance with Section 223-18.F(1) of the Zoning Law, this Special Permit Approval authorizes only the particular use specified in the permit and shall expire if:
  - a. A bona fide application for a Building Permit is not filed within one (1) year of the issuances of this Special Permit Approval; or
  - b. If all required improvements are not made within two (2) years from the date of issuance of the Building Permit; or
  - c. If said use ceases for more than six (6) months for any reason.
6. In accordance with Section 223-18.F(2) of the Zoning Law, the City Council may grant one (1) or more extensions of up to six (6) months each, to (a) complete the conditions of approval for the special permit use, upon a finding that the applicant is working toward completion of such conditions with due diligence and has offered a reasonable explanation of its inability to complete such improvements and file a bona fide application for a building permit, and (b) to complete construction of the improvements, upon a finding that the Applicant is prosecuting construction with due diligence and has offered a reasonable explanation of its inability to complete the Project. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time shall not require a public hearing.
7. Any proposed revision to this approved Special Permit Approval shall be submitted to the City Council. The City Council, 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, further project review and/or a further hearing, as it may deem appropriate.
8. The Building Inspector may revoke this Special Permit Approval where it is found that the use of the premises does not conform with the limitations and conditions contained in the Special Permit Approval.

Dated: June 5, 2017

Resolution No. _____ of 2017			Date: <u>June 5, 2017</u>				
<input type="checkbox"/> <input type="checkbox"/> Amendments			<input type="checkbox"/> 2/3 Required				
<input type="checkbox"/> <input type="checkbox"/> Not on roll call.			<input type="checkbox"/> On roll call <input type="checkbox"/> 3/4 Required				
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		<b>Ali Muhammad</b>					
		<b>Omar Harper</b>					
		<b>Lee Kyriacou</b>					
		<b>George Mansfield</b>					
		<b>Pamela Wetherbee</b>					
		<b>Peggy Ross</b>					
		<b>Mayor Randy J. Casale</b>					
		<b>Motion Carried</b>					