



**CITY OF BEACON  
CITY COUNCIL**

**RESOLUTION NO. 067 OF 2016**

**GRANTING EXTENSION  
OF SPECIAL PERMIT APPROVAL  
FOR 248 TIORONDA AVENUE PROJECT**

**WHEREAS**, on August 4, 2014, the City of Beacon City Council granted Special Permit approval to Beacon 248 Development, LLC (the "Applicant") for development of residential units at 248 Tioronda Avenue; and

**WHEREAS**, on January 4, 2016, the City Council granted an extension of the Special Permit Approval to July 13, 2016; and

**WHEREAS**, the City Council is in receipt of a June 9, 2016 letter from the Applicant's attorney requesting a final 18-month extension of the Special Permit (3 extensions of 6-months each), as outlined in the June 9, 2016 letter; and

**WHEREAS**, prior to the City Council's approval of an extension in January 2016, the Applicant performed, including, but not limited to the following:

- 1) Completed its site plan application and obtained site plan approval from the Planning Board on January 13, 2015; and
- 2) Obtained required approval from the Dutchess County Health Department; and
- 3) Negotiated revised crossing easements with the MTA, which were signed by the Applicant and returned to the MTA on November 23, 2015; and
- 4) Revised the final plat for final review by the City Planner and Engineer, having addressed all of the City Engineer's and City Planner's comments on the site plan.

**WHEREAS**, the June 9, 2016 letter sets forth the following reasons supporting the grant of the requested extension:

- 1) As per the Applicant, final crossing easement agreements with MTA have "progressed," but have not yet been executed. (Although the MTA crossing easement was executed and recorded in the Dutchess County Clerk's office in February 2016, it was discovered that the description set forth in the recorded easement was incorrect and must now be corrected through a "Corrected Second Amended to Indenture" to be recorded in the Clerk's Office. According to the Applicant, a Corrected Second

Amended Indenture has been provided to MTA for review and signature.).

- 2) According to the Applicant, they have shown reasonable diligence in pursuing the required approvals.
- 3) According to the Applicant, one 6-month extension is not adequate to accommodate the amount of work that must be accomplished to prepare the project for construction, including obtaining financing; and

**WHEREAS**, the Council reserved to itself in Condition 17 of the August 4, 2014 Special Permit approval, the ability to extend any time period; and

**WHEREAS**, at the time of issuance of the Special Permit, the Council had the authority to issue unlimited number of 6 month extensions pursuant to Section 223-18.F(2) of the City of Beacon Zoning Code and the City Council's adoption of Local Law 6 of 2016, which restricts the time period to two (2) years to complete the conditions of approval for issuance of a Special Permit, does not apply to this Application.

**NOW, THEREFORE, BE IT RESOLVED**, that upon consideration of the Applicant's request for an extension of its Special Permit approval and based upon the Council's review and consideration of the reasons set forth above as well as the discussion had at its June 13, 2016 meeting, the Council finds that reasonable cause exists for the granting of one six month extension and two additional six month extensions, as set forth below.

**BE IT FURTHER RESOLVED**, that the Council hereby grants a six month extension of the August 4, 2014 special permit, to January 13, 2017, upon the condition that the Applicant shall appear at a Council work session once every three months until the issuance of a building permit for the purpose of providing the Council with a report on the status of the outstanding items to be completed by the Applicant prior to the issuance of a building permit.

**BE IT FURTHER RESOLVED**, that the Council hereby grants two additional six month extensions beyond the one six month extension set forth above, to January 13, 2018, on the following conditions: (1) the agreement with the MTA shall be recorded on or before January 13, 2017, and (2) the Applicant shall appear at a Council work session once every three months until the issuance of a building permit for the purpose of providing the Council with a report on the status of the outstanding items to be completed by the Applicant prior to the issuance of a building permit.

**BE IT FURTHER RESOLVED**, that all other conditions of the City Council's Special Permit approval remains unmodified.

<b>Resolution No. 067 of 2016</b>			<b>Date: <u>June 20, 2016</u></b>				
<input type="checkbox"/> <b>Amendments</b>						<input type="checkbox"/> <b>2/3 Required</b>	
<b>X Not on roll call.</b>			<input type="checkbox"/> <b>On roll call</b>			<input type="checkbox"/> <b>3/4 Required</b>	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
	<b>X</b>	<b>Ali Muhammad</b>	<b>X</b>				
		<b>Omar Harper</b>					<b>X</b>
		<b>Lee Kyriacou</b>					<b>X</b>
		<b>George Mansfield</b>	<b>X</b>				
<b>X</b>		<b>Pamela Wetherbee</b>	<b>X</b>				
		<b>Peggy Ross</b>	<b>X</b>				
		<b>Mayor Randy J. Casale</b>	<b>X</b>				
		<b>Motion Carried</b>	<b>X</b>				