

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS, SITE PLAN APPROVAL AND CERTIFICATE OF APPROPRIATENESS FOR RIVER RIDGE (12 FERRY STREET/PARCEL L)

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals and Site Plan Approval from River Ridge Views LLC (the “Applicant”) for the construction of eighteen (18) residential attached townhouses to be subdivided into individual lots plus one common lot, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting, off-street parking areas, and retaining walls; and (the “Project” or “Proposed Action”); and

WHEREAS, the Site is located in the Coastal Management Zone as defined by the City’s Local Waterfront Revitalization Program (LWRP) and the Proposed Action includes a request for an LWRP Consistency Determination; and

WHEREAS, the Site is located in the Historic District and Landmark Overlay Zone and the Proposed Action includes a request for a Certificate of Appropriateness pursuant to Chapter 134 of the City Code; and

WHEREAS, the subject property is located at 12 Ferry Street and designated on the City tax maps as Parcel Nos. 5954-34-630770, 5954-26-637879, 5954-26-649885 (also known as “Parcel L”); and

WHEREAS, the subdivision is shown on the drawing, entitled, “Preliminary Subdivision Plat prepared for River Ridge Views LLC,” dated July 25, 2017, prepared by TEC Land Surveying; and

WHEREAS, the Site Plan is shown on the drawings entitled, “Site Plan River Ridge Townhouses,” Sheets 1-11, dated July 25, 2017, last revised February 27, 2018, prepared by Aryeh Siegal, Architect; and

WHEREAS, the application also consists of application forms, correspondence, the Environmental Assessment Form (EAF) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Project will offer 2 dwelling units in compliance with Article IVB, Affordable-Workforce Housing, of the City’s Zoning Law, except to the extent such requirements are waived by the City Council pursuant to Section 223-41.10.N of the City Zoning Law, and the remaining 16 units will be offered for rent at market rate; and

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WHEREAS, on August 8, 2017 the Planning Board forwarded the Application to the Architectural Review Subcommittee for review of the architecture of the proposed buildings; and

WHEREAS, the Applicant met with the Architectural Review Subcommittee on November 20, 2017 and January 11, 2018 to review the architectural plans for the Project and the resulting plans were reviewed by the Planning Board on February 14, 2018 and March 13, 2018; and

WHEREAS, the application was referred to the Dutchess County Planning Department pursuant to New York State General Municipal Law and a response was received dated August 16, 2017; and

WHEREAS, on November 14, 2017, the Planning Board opened a public hearing for the purpose of soliciting comments regarding the relevant areas of environmental impact, and the SEQRA public hearing was closed on January 9, 2018; and

WHEREAS, on November 14, 2017, the Planning Board opened a public hearing on the application for Site Plan Approval, at which time all those interested were given an opportunity to be heard and the public hearing was closed on February 14, 2018; and

WHEREAS, on January 9, 2018 after taking a “hard look” at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action the Planning Board adopted the a Negative Declaration for this Type I Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, notice of the Type 1 Negative Declaration was published in the NYSDEC’s Environmental Notice Bulletin on January 17, 2018; and

WHEREAS, on January 9, 2018 after considering all relevant policies of the City’s LWRP the Planning Board determined that the Project is entirely consistent with the LWRP policies which apply to the Project; and

WHEREAS, on January 17, 2018 the City of Beacon Zoning Board of Appeals adopted Resolution 2018-5 which granted a variance from Section 223-17.C/223 Attachment 1:2 of the City’s Zoning Law to allow the minimum distance between proposed Building Group 2 and proposed Building Group 3 to be 18.9 feet where the minimum distance required between buildings on the same lot is 70 feet (51.1 ft. variance); and

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WHEREAS, on February 21, 2018 the City of Beacon Zoning Board of Appeals adopted Resolution 2018-6 which amended conditions of the variance granted pursuant to Resolution 2018-5; and

WHEREAS, on February 14, 2018, the Planning Board opened a public hearing on the application for Subdivision Approval, at which time all those interested were given an opportunity to be heard and the public hearing was closed on February 14, 2018; and

WHEREAS, the Planning Board has reviewed the application for Certificate of Appropriateness pursuant to the requirements set forth in Chapter 134 of the City Code; and

WHEREAS, the RD-7.5 district limits building lengths to 150 feet, however, the row of townhouses to the south of the entrance exceeds that length by 19 feet. Section 223-41.10.M of the City Code authorizes the Planning Board to modify this requirement in connection with the provision of affordable housing; 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 to the Project, as shown on the application materials enumerated above; and

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; and

BE IT FURTHER RESOLVED, the pursuant to Section 223-41.10.M of the City Code the Planning Board hereby authorizes the modification of the maximum building length from 150 feet to 169 feet for the row of townhouses to the south of the proposed Site entrance based on the provision of affordable housing as part of the Project; and

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, Site Plan Approval and Certificate of Appropriateness Approval to the Project, as shown on the application materials enumerated above, subject to the conditions and modifications set forth herein.

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.

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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 March 8, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat 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 March 8, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.
5. The Applicant shall submit appropriate HOA documentation for review as to form by the City Attorney, which shall include access and utility easements over the HOA common parcel for the benefit of each of the proposed 18 residential lots.

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 Final Site Plan by the Chairman of the Planning Board:

1. The comments contained in the City Engineer's letter to the Planning Board dated March 8, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
2. The comments contained in the City Planner's letter to the Planning Board dated March 8, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
3. The Applicant shall fund an escrow account with the City of Beacon for the monthly stormwater inspections in an amount as determined by the City Engineer.

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4. The note on the Site Plan referencing the maintenance obligations for the proposed Ferry Street walkway, shall be revised to state, “Subject to approval of the City Council it is proposed by the Applicant that the proposed Ferry Street stairs and sidewalk connection....”
5. The Applicant shall finalize the technical design of the proposed retaining walls to the satisfaction of the City Engineer, as per Note 2 of the City Engineer’s March 8, 2018 letter to the Planning Board. Unless the City Engineer and City Building Inspector determine otherwise, minor changes to the location or design of the stormwater system shall not require further review and approval by the Planning Board.

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. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. The Applicant shall submit in recordable form satisfactory to the City Attorney for review and acceptance by the City Council all easements required for the Project, including but not limited to:
 - a. An easement for public use of the portion of the proposed Ferry Street walkway located on the Site near proposed Units 1 and 2. The proposed walkway connects Route 9D (Wolcott Avenue) to Ferry Street via the new concrete stairs proposed to be constructed by the Applicant, at the Applicant’s sole cost. In the event the City Council and/or NYSDOT do not approve the construction of the proposed walkway, the Applicant shall fund an escrow account with the City of Beacon for the City’s use in making improvements to the Ferry Street walkway. The amount shall be the estimated costs of constructing the walkway and stairs as shown on the Site Plan. The Applicant shall submit a cost estimate for review and verification by the City Engineer. In the event the City does not use the funds to make improvements to the Ferry Street walkway within five (5) years of the date of this Resolution, the funds shall be returned to the Applicant.

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- b. Stormwater Management Maintenance Agreement & Access Easement binding on all subsequent landowners to ensure the long-term maintenance of all proposed stormwater practices. The Stormwater Management Maintenance Agreement & Access Easement shall be prepared in accordance with Section 190-9 of the City Code in a form acceptable to the City Attorney and shall be recorded in the Dutchess County Clerk's Office.

Thereafter, the Applicant shall submit written evidence certifying that such easements have been duly recorded in the Dutchess County Clerk's Office.

2. Pursuant to Section 223-41.21.H(3), the Applicant shall submit a performance guarantee for the construction of all public improvements in an amount to be determined by the City Engineer and in a form acceptable to the City Attorney.
3. The Applicant shall submit a Construction Management Plan for review and approval of the Building Inspector, Highway Superintendent and City Engineer.
4. The Applicant shall seek approval from NYSDOT as part of the necessary Highway Work Permit for installation of a crosswalk across Route 9D (Wolcott Avenue) at the Site entrance. The Planning Board's preferred location for the crosswalk is on the north side of the Site entrance.
5. The Applicant shall seek approval from NYSDOT as part of the necessary Highway Work Permit for the installation of those portions of the walkway connecting Route 9D to Ferry Street, located in the NYSDOT right-of-way.

D. Prior to the issuance of the first Certificate of Occupancy, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:

1. The Applicant shall seek all necessary permits and approvals from the City for the construction of the proposed Ferry Street walkway, including approval by the City Council.
2. 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 as prescribed under Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law.

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The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy for each building, the Applicant shall pay a Recreation Fee for the number of new dwelling units in the building in accordance with Sections 223-25.H(4) and 223-61.A(7) of the Zoning Law, as per the City's Fee Schedule in effect at the time of payment.

3. The deed for the individual Lots, and the certificates of occupancy and rental agreements, as appropriate, for each dwelling unit/lot that fulfills the requirements of Article IVB, Affordable-Workforce Housing, of the Zoning Law shall contain language, satisfactory to the City Attorney in form and substance, which states that the subject dwelling is a below-market-rate unit as defined in Article IVB of the Zoning Law of the City of Beacon, New York, and is subject to all applicable restrictions and limitations as set forth therein, as amended from time to time, taking into consideration any waivers granted by the City Council pursuant to Section 223-41.10.N of the Zoning Law.

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

1. No tree removal shall take place except between October 31 and March 31, unless otherwise permitted. Should it not be possible to fell the trees within this window, the applicant shall, after obtaining concurrence from NYSDEC as to the protocol, conduct emergent surveys 1 hour before sunset on the night before clearing to assure that no impacts on habitat of Indiana Bat or the northern long eared bat occur. In the event trees are felled prior to obtaining all other outside agency approvals and/or prior to obtaining a building permit, (1) tree stumps shall not be removed, and (2) in the event a building permit is not obtained within 1 year of the tree removal, the Applicant shall submit a Tree Restoration Plan to the Planning Board for review and approval.
2. Compliance with Article IVB, Affordable-Workforce Housing, of the City's Zoning Law, except to the extent waiver(s) are granted by the City Council pursuant to Section 223-41.10.N of the City Zoning Law.
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. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form and related application documents. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures.

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Where the terms of this resolution may be inconsistent with the EAF, the terms of this resolution shall be controlling.

5. 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.
3. As used herein, the term “Applicant” shall include River Ridge Views, LLC, and its heirs, successors and assigns, and where applicable its contractors and employees.
4. 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.
5. The approvals granted by this resolution do not supersede the authority of any other entity.
6. 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.
7. 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.
8. 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.

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Resolution Adopted: March 13, 2018
Beacon, New York

_____, 2018
John Gunn, Chairman Dated
City of Beacon Planning Board

Motion by _____, seconded by _____:

Gary Barrack	Voting: ____	Jill Reynolds	Voting: ____
David Burke	Voting: ____	Randall Williams	Voting: ____
Patrick Lambert	Voting: ____	John Gunn, Chairman	Voting: ____
Rick Muscat	Voting: ____		