

MEMORANDUM

TO: City of Beacon City Council

FROM: Keane & Beane, P.C.

RE: Special Permit for Edgewater

DATE: April 11, 2018

The Edgewater Special Use Permit application is on Monday's agenda for a public hearing. We have written this memo to provide you with an overview of the application. The application was workshopped on March 12, 2018, March 26, 2018, and April 9, 2018.

Scenic Beacon Developments, LLC (the "Applicant") is proposing to demolish two existing buildings to construct seven apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District on property located and collectively known as 22 Edgewater Place. 22 Edgewater Place is known and designated on the City Tax Map as Tax parcels 581985, 590022, 566983 and 574979. 22 Edgewater Place is the only property located in the RD-1.7 Zoning District.

Documents Submitted

At this time the Applicant has provided the following documents:

- Drawings, dated February 28, 2017, last revised January 30, 2018, all of which are available for review at the City Clerk's office and have been posted on the City's website at prior work sessions:
 - Sheet 1 of 15 Site Plan
 - Sheet 2 of 15 Existing Conditions Plan/Survey
 - Sheet 3 of 15 Landscape Plan
 - Sheet 4 of 15 Lighting Plan
 - Sheet 5 of 15 Lower Level/Podium Parking Floor Plan
 - Sheet 6 of 15 1st Floor Plan (2nd and 3rd Floors Typical)
 - Sheet 7 of 15 5th Floor/Roof Plans
 - Sheet 8 of 15 Renderings
 - Sheet 9 of 15 Building Elevations
 - Sheet 11 of 15 Erosion and Sediment Control Plan
 - Sheet 12 of 15 Profiles
 - Sheet 13 of 15 Site Details

- Sheet 14 of 15 Stormwater Details
- Sheet 15 of 15 Water and Sewer Details

- Application for Special Use Permit, dated January 30, 2018
- Entity Disclosure Form, dated January 30, 2018
- Letter from the Planning Board to the City Council dated February 20, 2018
- Environmental Assessment Form Part 3
- Attachment to Negative Declaration, dated December 12, 2017
- Planning Board Local Waterfront Revitalization Program (LWRP) Consistency Determination dated December 18, 2017
- City of Beacon Zoning Board of Appeals Resolution dated January 17, 2018
- Letter from Taylor Palmer, Cuddy & Feder, to the City Council, dated February 20, 2018 (with Exhibits)
- Letter from Taylor Palmer, Cuddy & Feder, to the City Council, dated January 30, 2018
- Edgewater Development, Appendix E, Traffic Volume Data, prepared by Maser Consulting P.A.
- Edgewater Development Appendix F, Accident Data, prepared by Maser Consulting P.A., dated February 27, 2017
- Letter from Philip J. Grealy, Ph.D., P.E., Maser Consulting P.A. to John Russo, P.E., dated February 27, 2017
- Letter from Richard G. D'Andrea, P.E., PTOE, Maser Consulting P.A. to City Planning Board., dated May 18, 2017
- Revised Traffic Volume Figures, prepared by Maser Consulting P.A., dated May 9, 2017
- Revised Level of Service Summary Table (Table No. 2-R), prepared by Maser Consulting P.A., dated May 9, 2017
- Revised Capacity Analysis, prepared by Maser Consulting P.A., dated January 4, 2017
- Revised Appendix E, Traffic Count Data, prepared by Maser Consulting P.A.
- Letter from Philip Grealy, Ph.D., P.E., and Richard G. D'Andrea, P.E., PTOE, Maser Consulting P.A., to Planning Board, dated August 3, 2017

Land Use Approvals

On December 12, 2017, the Planning Board (as the Lead Agency conducting the SEQRA review) determined the proposed project will not result in any significant adverse environmental impacts and adopted a Negative Declaration. The Planning Board also determined that the proposed project is consistent with the Local Waterfront Revitalization Program ("LWRP") policies which apply to the project.

On January 17, 2017, the Zoning Board of Appeals granted three variance approvals to the Applicant to (1) allow three proposed buildings to have 5 stories where the

maximum building height is 4.5 stories pursuant to City Code § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6. The Zoning Board's variance approvals are subject to conditions set forth in the Resolution.

At the February 14, 2018 Planning Board meeting, the Planning Board reviewed the Special Use Permit application from Scenic Beacon Developments, LLC. On February 20, 2018, the Planning Board rendered its report to the City Council. The Applicant must now appear before the City Council for Special Permit Approval of the multiple dwelling apartments.

Once the Applicant obtains Special Permit approval, it must return to the Planning Board for Site Plan Approval. In addition, pursuant to the Schedule of Regulations Residential Districts, multifamily housing developments in the RD-1.7 Zoning District require a well-designed and landscaped recreation or usable open space area, approved by the Planning Board, of 2,000 square feet for the first 20 dwelling units or part thereof, plus 100 square feet for each additional dwelling unit.

Special Use Permit Standards

Multifamily housing is a permitted use in the City of Beacon, subject to the satisfaction of the Special Permit standards set forth in City Code § 223-18.B. The City Council may grant the Applicant a Special Permit to build multifamily housing, provided that it shall find that all of the following conditions and standards set forth in City Code § 223-18.B have been met:

- (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.

The City Council may attach such conditions and safeguards to the Special Permit as are necessary to assure continual conformance with all applicable standards and requirements. City Code § 223-18.E. The conditions must relate to the conditions and standards set forth in City Code § 223-18.B.

The City Council's evaluation of the application must be based on the standards and conditions set forth above. If the conditions above are met, the application must be granted, although the Council can impose conditions. The Application can be denied if the City Council finds that the proposed project will not be in harmony with the appropriate and orderly development of the RD-1.7 Zoning District or finds that the proposed project will discourage the appropriate development and use of the adjacent land. The City Council may also deny the application if the operations of the proposed project will be more objectionable than other permitted uses in the RD-1.7 Zoning District or concludes that the proposed parking areas are not adequate.

The City Council has the ability to ask the Applicant to modify the proposed project to address any specific concerns related to the conditions and standards in § 223-18.B. The Applicant is requesting 307 dwelling units, however, the City Council may approve fewer units if it feels that the proposed project cannot meet the standards and conditions for the Special Permit and a project with less units can.