

**CITY OF BEACON**

**CITY COUNCIL**

Draft 7/12/18

Resolution No. \_\_\_\_\_ of 2018

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
850 WOLCOTT AVENUE**

**WHEREAS**, St. Luke's Episcopal Church and Hudson Hills Academy (the "Applicant"), has submitted an application for a Special Use Permit to lease one of its existing buildings to Hudson Hills Academy for a private school use on property located at 850 Wolcott Avenue, and designated on the Tax Map of the City of Beacon as Parcel ID 6054-45-120587 (the "Property") in the R1-7.5 Zoning District and Historic District and Landmark Overlay District in the City of Beacon, Dutchess County, New York (the "Application"); 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 Application at its June 12, 2018 meeting and issued a report to the City Council dated June 13, 2018 recommending approval of the Special Use Permit; and

**WHEREAS**, the Special Use Permit Application was submitted by the Applicant in conjunction with its application for Subdivision and Site Plan approval to subdivide a 9.88 acre parcel with an existing church, school building, rectory and garage into two lots so that the school building is located on its own parcel (the "Proposed Action"); and

**WHEREAS**, the Proposed Action includes a request for Certificate of Appropriateness from the Planning Board pursuant to the criteria set forth in § 134-7 of the City of Beacon Code; and

**WHEREAS**, the subdivision is shown on the drawing, entitled "Subdivision Plat prepared for Saint Luke's Episcopal Church," last revised June 25, 2018, as prepared by TEC Land Surveying; and

**WHEREAS**, the Site Plan is shown on the drawings entitled, "850 Wolcott Avenue- St. Luke's Episcopal Church & Hudson Hills Academy" Sheets 1-4, last revised June 26, 2018, as prepared by Aryeh Siegel; and

**WHEREAS**, the Proposed Action is a Type I action pursuant to 6 NYCRR 617.4(b)(5)(iii) because St. Luke's Episcopal Church, located on the Property, is listed on the National Register of Historic Places; and

**WHEREAS**, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on June 12, 2018 at which time the State Environmental Quality Review Act (SEQRA) public hearing was also closed; and

**WHEREAS**, on June 12, 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 a Negative Declaration pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, on July 16, 2018, the City Council opened a public hearing on the Special Permit application at which time all interested persons were given the opportunity to be heard and the public hearing was closed on July 16, 2018; and

**WHEREAS**, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit set forth in the City of Beacon Zoning Code Sections 223-18 and finds the proposal complies with this section of the Zoning Law, as set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds pursuant to Sections 223-18 of the City Zoning Code:

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. Proposed landscaping between the play equipment and Rector Street will serve to buffer the sound to residents on Rector Street.
3. 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.
4. 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.
5. Parking areas will be of adequate size for the particular use and property located and suitably screened from the adjoining residential uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.
6. The existing off-street parking spaces on the project site will be shared between the proposed private school and the Church. There are 40 existing off-street parking spaces. The proposed private school and the church intend to share the existing 40 parking spaces with all parking spaces being available to the Church on Sundays and Church Holidays. In the event of an occasional special event by the proposed private school lawn parking will be made available for any overflow. Overall, adequate parking can be provided without unduly destroying the landscape or the setting of the structure. The parking area 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 a Special Use Permit to Saint Luke's Episcopal Church and Hudson Hills Academy to lease one of the existing buildings to Hudson Hills Academy for a private school use on property located at 850 Wolcott Avenue, and designated on the Tax Map of the City of Beacon as Parcel ID 6054-45-120587 (the "Property") in the R1-7.5 Zoning District and Historic District and Landmark Overlay District in the City of Beacon, Dutchess County, New York as set forth and detailed on the plans prepared by TEC Land Surveying and Aryeh Siegel, dated June 26, 2018 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Subdivision, Site Plan and Certificate of Appropriateness Approval from the City of Beacon Planning Board.

2. No permits shall be issued until the Applicant has paid to the City all applicable fees and professional review fees incurred in connection with review of this Application.
3. The applicant shall place a crosswalk across Rector Street and a stop bar and stop sign s across the Rector Street property entrance.
4. The Applicant shall cap enrollment of the private school at 100 students. Students shall arrive at approximately 8:20 AM and depart at approximately 3:15 PM.
5. Arrival and dismissal traffic shall be supervised and coordinated by school personnel.
6. All car traffic shall enter and exit from and to Wolcott Avenue and appropriate signage shall be posted and notification distributed to parents/guardians that vehicular access from Rector Street is prohibited. All bus traffic shall enter from Phillips Street and exit to Wolcott Avenue. No vehicle shall enter or exit from Rector Street.
7. The Applicant shall prepare easements and/or declarations of restrictive covenants related to shared use of parking on the site. Such easements and/or declarations of restrictive covenants shall be submitted to the City Attorney for approval as to form.
8. A copy of this Resolution shall be attached to the Certificate of Occupancy.
9. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
10. 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 one (1) 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.
11. 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.
12. 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.
13. 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.

14. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: July 16, 2018

Resolution No. _____ of 2018		Date: <u>2018</u>		<input type="checkbox"/> Amendments <input type="checkbox"/> Not on roll call.		<input type="checkbox"/> 2/3 Required <input type="checkbox"/> 3/4 Required	
Motion	Second	Council Member	Yes	No	Abstain	Reason	Absent
		Terry Nelson					
		Jodi McCredo					
		George Mansfield					
		Lee Kyriacou					
		John Rembert					
		Amber Grant					
		Mayor Randy Casale					
<b>Motion Carried</b>							