

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2018

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
1181 NORTH AVENUE**

WHEREAS, Normington Schofield (the “Applicant”), has submitted an application for a Special Use Permit to construct a new two story office building on property located at 1181 North Avenue, and designated on the Tax Map of the City of Beacon as Parcel ID 5955-19-716048 (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 Special Use Permit Application was submitted by the Applicant in conjunction with its application for Subdivision and Site Plan approvals to subdivide an existing 0.74 acre parcel into two lots, and to construct a new office building, along with associated infrastructure including but not limited to landscaping, stormwater management facilities, lighting and off-street parking areas (the “Proposed Action”); and

WHEREAS, the Proposed Action includes a request for a determination of consistency with the Local Waterfront Revitalization Program (LWRP), Certificate of Appropriateness from the Planning Board pursuant to the criteria set forth in § 134-7 of the City of Beacon Code, and one area variance from the Zoning Board of Appeals; and

WHEREAS, the subdivision is shown on the drawing, entitled “Preliminary Subdivision Plat,” last revised April 24, 2018, as prepared by John J. Post, Jr.; and

WHEREAS, the Site Plan is shown on the drawings entitled, “Special Use Permit Application” Sheets 1-5, last revised April 24, 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 the project is located immediately west of the Bogardus-DeWindt House which 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 May 8, 2018 at which time the State Environmental Quality Review Act (SEQRA) public hearing was also closed; and

WHEREAS, on May 8, 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 May 8, 2018 the Planning Board adopted a Resolution finding the Proposed Action to be consistent with the relevant policies of the LWRP; and

WHEREAS, on June 19, 2018, the Zoning Board of Appeals opened and closed a public hearing on the Applicant’s request for a 13 foot lot width variance where the minimum required lot width is 75 feet pursuant to City Code § 223-17.C/223 Attachment 1:2, in connection with the proposed new lot on the Property; and

WHEREAS, on June 19, 2018, the Zoning Board of Appeals granted the application for a 13 foot lot width variance; 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, 223-24.7 and 134-7, and finds the proposal complies with these sections of the Zoning Law, as set forth below.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds pursuant to Sections 223-18, 223-24.7, and 134-7 of the City Zoning Code:

1. Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
2. The proposed building has been designed with consideration to the historical nature of the buildings in the vicinity, including the DeWindt House to the rear. The siting of the proposed office building on the proposed lot fills a void in the continuous street frontage common along both sides of this block and locates the building away from the historic DeWindt House. The proposed building will also screen the existing parking lot at the rear of the property.
3. The property is located on North Avenue, also known as Route 9D, which is a main thoroughfare through the City of Beacon. This portion of Route 9D features a mix of commercial and residential properties.
4. The existing house on the property is currently used as an office building.

5. The proposed office use is compatible with the neighborhood, and activities permitted within the structure.
6. The resulting traffic generation will not overburden existing roads, and adequate parking can be provided without unduly destroying the landscape or the setting of the structure.
7. 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.
8. 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.
9. 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.
10. 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 a Special Use Permit to Normington Schofield to construct a new two story office building on property located at 1181 North Avenue, and designated on the Tax Map of the City of Beacon as Parcel ID 5955-19-716048 (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 Aryeh Siegel and John Post, Jr., dated April 24, 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. *The professional office permitted by Special Permit shall not exceed 10 employees. (In approving a Special Permit for a professional office use in the HDLO, the City Council shall establish limitations on the number of employees, as it deems warranted. Professional offices shall not exceed 10 employees pursuant to § 223-24.7 of the City Zoning Code, unless the City Council determines that a larger number is warranted by one or more of the following: a) building size; (b) building configuration, (c) the nature of the proposed*

preservation and/or adaptive reuse of the building or (d) the historic nature and context of the building and the need for preservation and/or adaptive reuse. (See § 223-24.7C))

3. The office's hours shall be 7:00 a.m. to 10:00 p.m. Monday through Sunday, inclusive.
4. 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.
5. A copy of this Resolution shall be attached to the Certificate of Occupancy.
6. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
7. 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.
8. 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.
9. 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.

10. 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.
11. 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"/> On roll call		<input type="checkbox"/> 2/3 Required			
<input type="checkbox"/> Not on roll call.				<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					
Motion Carried							