



AMENDED RESOLUTION NO. 02 OF 2014

**CITY COUNCIL
BEACON, NEW YORK**

**SPECIAL PERMIT APPROVAL FOR ARTIST
LIVE/WORK, ART STUDIO AND SELF STORAGE
COMPONENTS OF THE BEACON HIP LOFTS PROJECT**

WHEREAS, the Beacon City Council is entertaining an application for Special Permit Approval from Beacon HIP Lofts, LLC (the "Applicant") for the project known as the Beacon HIP Lofts (the "Project" or "Proposed Action"); and

WHEREAS, the overall project consists of the renovation and re-use of several existing buildings, the construction of new buildings and general improvements to the site as follows:

1. Five existing buildings and one proposed building to contain 114 proposed artist live/work units for a total of 143 artist live/work units on the site (Buildings #10 and #9 contain 29 existing artist live/work units).
2. One existing building proposed to contain 17 artist studios.
3. A 25,000 square foot expansion of the existing self-storage use to be located in a proposed building that will be connected to the existing self-storage building.
4. A proposed fitness gym and recreation room for the use by residents only.
5. A proposed Greenway Trail that runs continuously around the property and connects to the trail on the adjacent property (the five items above constitute the "Overall Project"); and

WHEREAS, the subject of this Resolution of Special Permit Approval is the Artist Live/Work, Artist Studio and Self-Storage components of the Overall Project; and

WHEREAS, the project site is located at 3-39 and 51 Front Street and is designated 6055-04-590165 and 6055-04-535128 (the latter parcel is the adjacent vacant parcel that contains landbanked parking and the Greenway Trail) on the City tax maps (the "Subject Property" or "Site"); and

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WHEREAS, the total property is 12.24 acres in size, is zoned Light Industrial (LI) and is in the Historic District and Landmark Overlay Zone; and

WHEREAS, 10% of the overall residential units (including the new artist live/work units) will be comprised of below-market-rate units as defined by Article IVB of the Zoning Law; and

WHEREAS, the Overall Project is shown on the following drawings, generally entitled, "Special Use Permit Application Beacon HIP Lofts" prepared by Aryeh Siegel, Architect, Hudson Land Design, LQ Design and TEC Land Surveying:

1. Sheet 1 of 15, "Site Plan," last revised October 29, 2013;
2. Sheet 2 of 15, "Survey/Existing Conditions," last revised July 30, 2013;
3. Sheet 3 of 15, "Site Demolition & Phasing," last revised July 30, 2013;
4. Sheet 4 of 15, "Landscape Plan & Lighting," last revised August 27, 2013;
5. Sheet 5 of 15, "Floor Plans – Buildings 1, 2, 3, 7, 8, 9, 9A, 10," last revised August 27, 2013;
6. Sheet 6 of 15, "Floor Plans – Building 4 & 4A," last revised July 30, 2013;
7. Sheet 7 of 15, "Floor Plans – Building 11, 12, & 16," last revised September 24, 2013;
8. Sheet 8 of 15, "Solar Panel Plan," last revised July 30, 2013;
9. Sheet 9 of 15, "Grading and Utility Plan," last revised October 29, 2013;
10. Sheet 10 of 15, "Erosion and Sediment Control Plan," last revised September 24, 2013;
11. Sheet 11 of 15, "Truck Circulation Plan," last revised August 27, 2013;
12. Sheet 12 of 15, "Site, Landscaping and Erosion & Sediment Control Details," last revised October 29, 2013;
13. Sheet 13 of 15, "Stormwater Details," last revised September 24, 2013;
14. Sheet 14 of 15, "Water and Sewer Details," last revised September 24, 2013;
15. Sheet 15 of 15, "Construction Management & Phasing Plan," last revised October 29, 2013; and

WHEREAS, the application also consists of application forms, Parts 1 and 2 of an expanded full Environmental Assessment Form (EAF) and a Traffic Impact Analysis prepared by Harry Baker & Associates, July 29, 2013; and

WHEREAS, on June 18, 2013, the Zoning Board of Appeals issued the following zoning variances to the project:

1. Relief from Section 223-17(c) to allow a building height of 47 feet (Building #9A).
2. Relief from Section 223-17(c) to allow a building height of 41 feet (Building #4A).

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3. Relief from Section 223-15(E)(1)(c) to allow a two-sided roof mounted sign and Section 223-15(E)(1)(b) to allow a roof mounted sign exceeding allowable dimensions with the condition that they be removed after a period of 30 months; and

WHEREAS, on November 12, 2013, and pursuant to the requirements of Section 223-18.B(1) of the Zoning Law, the Planning Board recommended that the City Council approve the application for Special Permit Approval subject to the Project obtaining Site Plan Approval from the Planning Board; and

WHEREAS, the Beacon City Council is serving as State Environmental Quality Review Act (SEQRA) Lead Agency for the coordinated environmental review of the Overall Project and in that context has reviewed the above mentioned application materials; and

WHEREAS, on December 2, 2013, the City Council, as SEQRA Lead Agency, adopted a Negative Declaration regarding the Project; and

WHEREAS, on December 2, 2013, the City Council held a public hearing on the application for Special Permit Approval, at which time all those interested were given an opportunity to be heard; and

WHEREAS, the City Council 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 City Council makes the following findings in accordance with Section 223-18.B(1) of the Zoning Law:

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. 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.
3. 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.

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4. 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; and

BE IT FURTHER RESOLVED, that the City Council hereby grants Special Permit Approval to the Artist Live/Work, Artist Studio and Self-Storage components of the Project, as shown on the application materials enumerated above, subject to compliance with the following conditions and any other requirements which must be met by law:

- A. Six (6) sets of the above referenced plans shall be submitted for endorsement by the City Administrator. One set of the endorsed plans will be returned to the Applicants, 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 issuance of any Building Permits for the Project:**

The Applicant shall seek and obtain Site Plan Approval from the Planning Board. As part of the Site Plan review and approval process matters, including but not necessarily limited to the following, shall be resolved to the satisfaction of the Planning Board:

1. The Applicant shall resolve the following item contained in the City Engineer's letter to the Planning Board dated November 8, 2013 to the satisfaction of the Planning Board:

The "Water Supply" section of the Water & Sewer Report notes that observed static pressures within the onsite water system ranged between 78 psi and 81 psi. Based upon subsequent fire flow testing at the hydrants onsite, available fire flow, while maintaining a minimum pressure of 20 psi in the water main, was only 757 gpm. Based upon the observed static pressures, additional field investigation and testing shall be conducted to determine if any valves were closed, or partially closed, during the testing, or if the lines have heavy tuberculation within them.

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2. The Applicant shall resolve the following items contained in the City Planner's letter to the Planning Board dated November 8, 2013 to the satisfaction of the Planning Board:
 - (a) The Applicant has proposed to provide 40 additional parking spaces as landbanked parking spaces on parcel number 6055-04-535128. In accordance with Section 223-26.E of the Zoning Law, the Planning Board may waive the improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Attorney are obtained assuring the City that the property owner will be responsible for the construction of such waived spaces within six months of the date such spaces may be deemed necessary by the Planning Board. The Application form shall be revised to include the additional parcel (parcel number 6055-04-535128).
 - (b) The Access Easement to be conveyed by Landgrove Realty Inc. to Beacon Lofts and Storage, LLC shall be shown on the plans.
 - (c) The Landscape Plan shall be revised to include a plant schedule for the plantings proposed adjacent to the landbanked parking area and the Greenway Trail on parcel number 6055-04-535128.
 - (d) A note has been added to the plans regarding the location of the Greenway Trail. The note shall be revised to state, "Proposed Interim Greenway Trail to Front Street. Note that the Owner and Planning Board agree to re-visit the routing of this portion of the trail (from the southeast corner of parcel number 6055-04-535128 to Front Street) in the future when an application is submitted for development of parcel number 6055-04-535128 or when the landbanked parking is required to be built. It is further agreed that the trail shall remain continuous from the southeast corner of parcel number 6055-04-535128 to Front Street."
 - (e) Details of all proposed signage for the Greenway Trail shall be provided on the plans.
 - (f) A detail of the proposed stone dust trail shall be provided on the plans.

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- (g) Crosswalk striping shall be provided on the two parking spaces adjacent to Buildings 4 and 7 for continuation of the Greenway Trail.
 - (h) The location of the generator shall be shown on the site plan. In addition, the noise specifications of the generator shall be submitted for review.
- 3. Arrangements shall be made which ensure the Project's full compliance with Article IVB, Affordable-Workforce Housing, of the Zoning Law.
 - 4. Arrangements for the payment of recreation fees by the Applicant shall be made.

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

- 1. 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 Applicant within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within said thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
- 2. As used herein, the term "Applicant" shall include its heirs, successors and assigns, and where applicable its contractors and employees.
- 3. 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.
- 4. The approvals granted by this resolution do not supersede the authority of any other entity.
- 5. 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 issuance of this Special Permit Approval; or

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- 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 uses cease for more than six (6) months for any reason.
- 6. 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 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. No such extensions shall be granted unless the City Council finds that all appropriate erosion control measures to protect surrounding properties are in place. The City Council may impose such conditions as it deems appropriate upon the grant of any extension. The granting of an extension of time under this section shall not require a public hearing.
 - a. Given that this resolution applies to a phased project which is proposed to be constructed over approximately seven and two-thirds (7-2/3) years, and given that said phasing is not addressed under the current City Zoning Law, the City Council hereby agrees to grant the Applicant twelve (12) six-month extensions (for a total of six (6) years), with said extensions commencing after the expiration of the two (2)-year time frame contained in Condition 5.b above.
 - b. The continued validity of the extensions in Condition 6.a above are conditioned upon the Applicant prosecuting construction of the Overall Project with due diligence and that all appropriate erosion control measures to protect surrounding properties are in place.
- 7. Any proposed revision to this approved Special Permit Approval shall be submitted to the City Council. The City Council, in its discretion, shall determine the appropriate procedures for consideration of the proposed revision, and whether such revision is material enough to require further environmental analysis, further project review and/or a further hearing, as it may deem appropriate.
- 8. 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.

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VOTING

	Motion	Second	Voting
Mayor Randy Casale	_____	_____	_____/_____ ✓
Charles Kelly	_____	_____	_____ Absent
Lee Kyriacou	_____/_____ ✓	_____	_____ ✓
George Mansfield	_____/_____ ✓	_____	_____ ✓
Ali T. Muhammad	_____	_____	_____ ✓
Peggy Ross	_____	_____/_____ ✓	_____ ✓
Pam Wetherbee	_____	_____	_____ ✓

Resolution Adopted: January 6, 2014
Beacon, New York

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