

CITY OF BEACON

CITY COUNCIL

Resolution No. _____ of 2018

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
21 SOUTH AVENUE**

WHEREAS, Reverend John Williams, on behalf of the property owner, **Protestant Episcopal Diocese of New York** (the “Applicant”), submitted an application for a Special Use Permit to renovate an existing building to create three apartments on property located at 21 South Avenue and designated on the Tax Map of the City of Beacon as Parcel ID 5954-26-724907 (the “Property”) in the R1-7.5 Zoning District, the Historic District and Landmark Overlay District and the Coastal Management Zone in the City of Beacon, Dutchess County, New York (the “Project” or “Proposed Action”); and

WHEREAS, the Special Use Permit Application was submitted by the Applicant in conjunction with its application for Site Plan approval; and

WHEREAS, the Proposed Action includes a request for an Local Waterfront Revitalization Project (LWRP) Consistency Determination and a 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 City Council is the approval authority for the Special Use Permit pursuant to City of Beacon Zoning Code §§ 223-18 and 223-24.7; and

WHEREAS, the Planning Board considered the Proposed Action at its June 12, 2018 and July 10, 2018 meetings and issued a report to the City Council dated July 11, 2018 recommending approval of the Special Use Permit; and

WHEREAS, the Site Plan is shown on the drawing, entitled “Renovation of 21 South Avenue,” last revised July 20, 2018, as prepared by Barry Donaldson Architects; and

WHEREAS, the Proposed Action is a Type II action pursuant to the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the LWRP policies which apply to the project; and

WHEREAS, on September 17, 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 September 17, 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 §§ 223-18 and 223-24.7, 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 §§ 223-18 and 223-24.7 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. The existing singly family home will be converted into a three unit apartment, but the existing building footprint will remain unchanged.
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 the proposed multifamily 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 properly 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. There is an existing asphalt lot on the site to the rear of the building. The Applicant will expand the existing driveway to the lot and will add five lined parking spaces.
6. The multifamily residential use will not exceed four units.
7. Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures. The renovation of the existing building has been designed with consideration to the historic nature of the subject building and other buildings in the neighborhood, including colors, architectural features and site improvements. Such renovations will enhance and restore the historic nature of the existing structure.

8. The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
9. 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.
10. The proposed use is appropriate to the structure, will aid in the preservation of the structure and will not result in undue alterations or enlargement of the structure.

BE IT FURTHER RESOLVED, that the City Council grants a Special Use Permit to the Protestant Episcopal Diocese of New York to renovate an existing building to create three apartments on property located at 21 South Avenue as set forth and detailed on the plans prepared by Barry Donaldson Architects, dated July 20, 2018 upon the following conditions:

1. Prior to the issuance of a Building Permit, the Applicant shall obtain Site Plan and Certificate of Appropriateness Approval from the City of Beacon Planning Board.
2. The Applicant shall reconfigure its off-street parking lot to comply with § 223-26C(1) of the City Zoning Code, which provides that no off-street parking facility shall be developed in any side or rear yard within five feet of the lot line.
3. All off-street parking areas shall be landscaped with appropriate trees, shrubs and other plant materials and ground cover as required under § 223-26C(3) of the City Zoning Code.
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 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.
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: September 17, 2018

Resolution No. _____ of 2018		Date: <u>2018</u>					
<input type="checkbox"/> Amendments		<input type="checkbox"/> 2/3 Required					
<input type="checkbox"/> Not on roll call.		<input type="checkbox"/> 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							