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September 14, 2018

Hon. Randy Casale, Mayor
and Members of the City Council
City of Beacon City Hall
1 Municipal Plaza
Beacon, New York 12508

Re: Beacon HIP Lofts Special Permit Application

Dear Mayor Casale and Members of the City Council,

I am writing regarding the upcoming public hearing on the application for a special permit to allow 29 additional artist live-work units at Beacon HIP Lofts.

Application Summary:

This is an application to amend a Special permit granted by the Council in January 2014, which approved 143 artist live-work units in January 2014. A copy of the existing special permit is attached.

The amendment seeks Council authorization for an additional 29 Artist Live work units, to be placed in a newly constructed Building 16, bringing to the total number of Live Work units to 172. The applicant has agreed that it will not seek any further artist live work units on the property, although the density provisions of the zoning law would theoretically allow a maximum of 243 live-work units. An essential element of the project is the elimination of the commercial laundry on the site which has been a high-volume water user of approximately 26,000 gpd. The removal of the commercial laundry will also remove 3 unattractive buildings which are non-contributing to the historic setting. The Application also proposes to eliminate a previously approved 4-story residential building immediately adjacent to the Fishkill Creek that contained 24 units, and will surrender any rights to the height variance previously granted for that 4-story building. Overall, the proposal would concentrate the residential units toward the center of the site and create additional open space in the area close to Fishkill Creek.

The recent amendments to the Historic Preservation Law (134-7)

At the workshop on August 27th, we noted that HIP Lofts is an historic property within the HDLO, and that the Council's special permit review would consider the recently updated provisions about historic appropriateness and compatability of new construction. Historic appropriateness was a key element in the design of the project. To provide documentation to the Council that the

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proposed special permit project meets the standards of 134-7, the applicant will have several experts speak at the public hearing:

- Beth Selig, MA, RPA, of Hudson Valley Cultural Resource Consultants. Her graduate work focused on the occupational revolution in the 19th century and the growth of industrial factories in New York State. Stephanie Roberg-Lopez, a partner in the firm, will also be present. Her master's thesis at Yale was on the subject of historic mill buildings. Ms. Selig will address the appropriateness and compatibility of the proposed Building 16 from the point of view of the history of the Groveville Mills complex, and the historic setting. Hudson Valley Cultural Resource Consultants prepared the historic studies that were part of the project applications, and coordinated the project review by New York State Office of Parks, Recreation, and Historic Preservation (OPRHP). Attached is a letter report summarizing the Findings of Hudson Valley Cultural Resource Consultants.
- Walter Wheeler, preservation architect and Senior Architectural Historian at Hartgen Archeological Associates, who is also president of the Society for Preservation of Hudson Valley Vernacular Architecture. Mr. Wheeler will address the appropriateness and compatibility of the proposed Building 16 from the architectural and historic point of view. The application materials before the Council already contain a letter from Mr. Wheeler about the compatibility of the proposed size and height of the proposed new building (Exhibit H to Special Permit Application). I anticipate receipt of a further letter from Mr. Wheeler specifically addressing the elements of the recent amendments to section 134-7. If I receive it prior to the public hearing, I will promptly email it to the City for distribution and posting.

The remaining enclosures were included in the Council Packets prior to the workshop on August 27th, but have not previously been formally submitted to the Council by the applicant:

1. The letter from the Planning Board to the City Council dated March 15, 2018 recommending that the special permit be granted.
2. The Zoning Board of Appeals Resolution dated February 28, 2018, granting a height variance for building 16 of 52 feet at the third story, with a recessed 4th story of an additional 14 feet.
3. An enlarged copy of the graphic showing the relative ground elevations of Route 52 and the proposed location of Building 16. At the workshop on August 27th, I distributed an 8 1/2 x 11 copy of a graphic showing the ground level elevation of the proposed Building 16, as compared with the elevation of Route 52 and the City Water Department property on the other side of the Fishkill Creek. This graphic shows that the ground elevation at the location of Building 16 is 24 feet lower than the ground elevation at Route 52, and 29 feet

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lower than the elevation on the opposite side of the Fishkill Creek at the City Water Department. This factor will reduce the apparent height of the new building when viewed from either point of view. At the workshop, the 8 /12 x 11 graphic proved somewhat hard to read. I will hand out larger copies at the Public Hearing in the attached 11 x 17 format. The copy posted to the website should be easily readable.

Thank you for your consideration, and we look forward to presenting information about the project at the public hearing.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Van Tuyl". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer L. Van Tuyl

cc: Nicholas Ward-Willis, Esq.
Anthony Ruggiero, City Administrator



HUDSON VALLEY

Cultural Resource Consultants, Ltd.

3 Lyons Drive Poughkeepsie, NY 12601

914-456-3698 • 845-702-0869

September 14, 2018

Beacon HIP Lofts, LLC
16 Squadron Boulevard
New City, NY 10956
Attn: Jennifer Van Tuyl

Re: Beacon HIP Lofts
Beacon City Council Presentation
Front Street
Beacon, Dutchess County, NY

Dear Ms. Van Tuyl,

Thank you for the materials you provided on September 5, 2018 which include the amended provisions of the Beacon City Code relating to special permit review within the Historic District Overlay (HDLO), which set forth standards for reviewing proposed construction in the context of the historic character of the surrounding area, and consideration of the compatibility of the proposal in terms of scale and height with the surrounding properties and the neighborhood. You have also forwarded to me copies of materials considered by the City of Beacon Planning Board in its SEQR Negative Declaration, and the City Zoning Board of Appeals in granting the height variance for the proposed building.

I am familiar with the HIP Lofts site, as my firm prepared the Phase 1A Literature Search and Sensitivity Assessment for this property, and supervised the coordination with the State Historic Preservation Office (SHPO) relating to the proposed restoration and reconstruction of buildings on the site. I therefore write this report to assist the Council in carrying out its duties in reviewing the proposed Special Permit to allow artist live-work units in the LI zoning district. My report assesses the appropriateness of the proposed improvements, including the construction of the new Building 16 in the historic context of the property, and the compatibility of its scale and height with the property, the surrounding properties, and the neighborhood. Walter Wheeler, Architectural Historian with Hartgen Archaeological Associates, has written a separate evaluation which addresses appropriateness and compatibility from an architectural perspective. I have reviewed Mr. Wheeler's letter which is part of the record before the Planning Board and Zoning Board of Appeals, as well as other materials and reviews by the City consultants.

GROVEVILLE MILLS

Based on the information reported in the Phase 1A Literature Search and Sensitivity Assessment, the first structures constructed in the location of the Groveville Mills Historic District were built prior to 1820. Abraham Dubois operated a grist mill along Fishkill Creek, which he sold to Samuel Upton in 1820. The grist mill was converted to a fulling and carding mill a few years later. The fulling and carding mill, owned by the Glenham Company, operated until 1858, when the demand for military uniforms led to the company expanding its factories and production capacity. It was during this period of the mill's operations that tenement buildings, which served as worker housing, were first constructed on the property. The Glenham Company filed for bankruptcy in 1873. In 1876, A. T.

Stewart acquired the mill complex, tenements and a nearby farm. He demolished the extant structures, and built an extensive carpet factory.

In addition to the new brick factory buildings, Stewart built Italianate-style worker housing to the north of the factory buildings, and constructed a bridge over Fishkill Creek. Stewart's carpet mill closed in 1893. The History of Dutchess County, written by Frank Hasbrouck, indicates that in 1909 the machinery at the mills had been sold for scrap, and the buildings were unoccupied.

Throughout the twentieth century, ownership of the Groveville Mill Complex changed frequently, with each new owner modifying the layout of the complex to suit their needs. These changes can be seen on the Sanborn Fire Insurance maps that document the features of the industrial complex in the early twentieth century.

The Groveville Mill Historic Complex is an important historical site. It is one of the first factory complexes in the Hudson Valley Region to provide worker housing on the premises. The construction of the bridge over Fishkill Creek connected the factory to the residential hamlet of Matteawan, providing easy access to the residences in this neighborhood. The Italianate style residential structures located northwest of the factory buildings were not the first worker housing constructed on the property, as tenements had been built on the site as early as the 1860s.

Well into the late nineteenth century, the Fishkill and Beacon areas remained rural. The owners of the Glenham Company and later A. T. Stewart, needing a reliable source of labor, saw that the best way to obtain the employees needed to run the large factory complex was to provide housing. Stewart demolished the tenements built by the Glenham Company and built the residences that are currently located within the historic complex. By providing housing on site, Stewart was able to assemble the workforce needed to run the factory, which in 1875 included 700 employees.

APPLICABLE STANDARDS:

Chapter 134 of the Code requires evaluation of the appropriateness of the proposed construction with the existing setting and compatibility of the scale and height of the new construction in relation to the property, surrounding properties and the neighborhood.

Assuring such compatibility of design was an integral part of the evaluation of the proposed project and the review by the State Historic Preservation Office. The proposed design would construct a larger Building 16, but would also eliminate a 4-story building closer to the Creek and remove the non-contributing commercial laundry buildings which presently surround Building 16. The proposed new Building 16 is 52 feet tall to the third floor level, with a recessed 4th floor that is 14 feet tall, for a total of 66 feet. At this time, the highest structure within the complex is the tower located on the roof of Building 11, which is 67 feet high.

The applicant has submitted documentation to the reviewing Boards that the proposed massing of the building is appropriate in the context of the mill complex, which contains a number of large buildings. The applicant has also established that the massing of the building is appropriate, as it is located in the center of the property, substantially set back from Route 52 and from the Fishkill Creek, and that the elevation at the property line of the proposed Building 16 is 24 feet lower than the elevation at Route 52, and 29 feet lower than the elevation at the Beacon water plant, across the Fishkill Creek, thus substantially reducing the perceived height of the new building. The Planning Board has issued a Determination of Significance finding that the proposed Building 16 will not create any significant adverse impacts. The Zoning Board of Appeals has issued a height variance to authorize construction of the building, finding that, "The City Zoning Board of Appeals, in granting a height variance, has found that, "The proposed height is not out of character with the existing mill complex," and that Building "will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties."

Walter Wheeler, Architectural Historian with Hartgen Archaeological Associates, stated in a letter dated Jan. 17, 2018 that the proposed building "is in keeping with the existing setting and Historic Preservation guidelines for such construction, and will not have a detrimental effect on nearby properties or the character of the

neighborhood.” Weston Davey, Historic Site Restoration Coordinator, Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation, reviewed the project and stated that the “proposed new construction...appears to be appropriate to the surrounding historic district (Comment Letter 01/05/2018).” Tim Lloyd, Archeologist with the Office of Parks, Recreation and Historic Preservation stated “I have no concerns regarding the project's potential impacts to archaeological resources (CRIS Communication 11/29/17).”

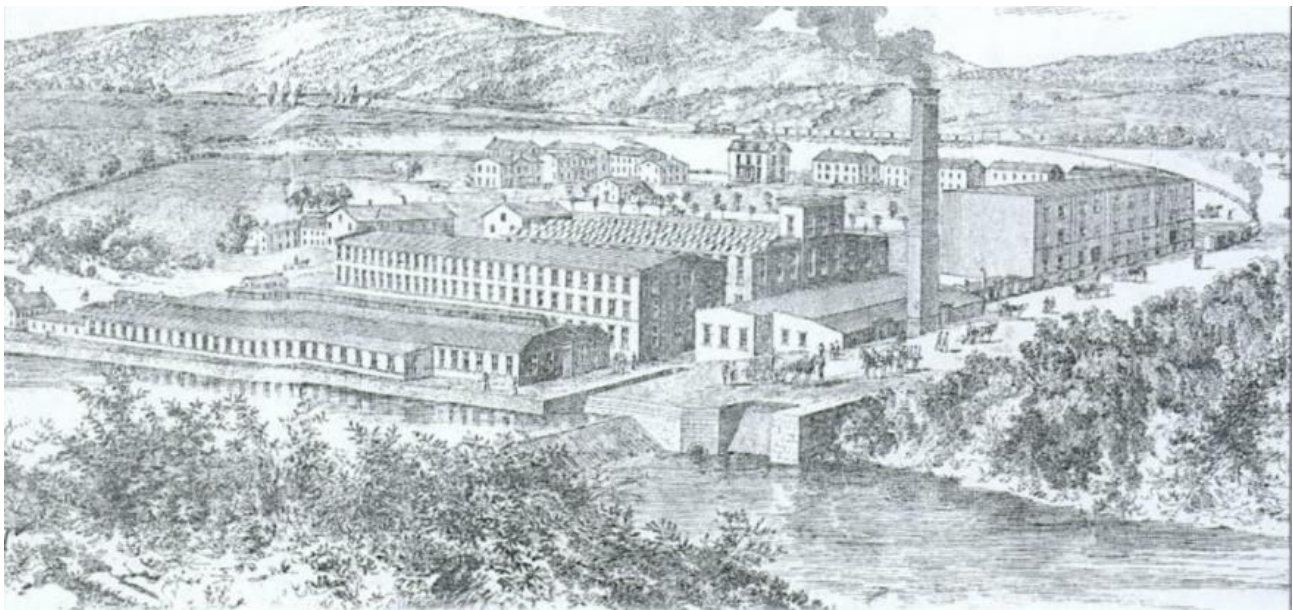
My evaluation leads me to concur with the above findings, based on the historic context of the Mill complex.

FINDINGS

In the late nineteenth and early twentieth centuries, the historic mill complex spanned the entire space between Building 16 and Building 9 (1904 Sanborn Map). The buildings included two vacant structures, a sizing building and a printing and coloring structure. These buildings were torn down, and a new building identified as the Mill No.3 Bleachery and Washhouse was constructed adjacent to the north side of Building 9. An alleyway was located between the Bleachery building and Building 16, which was historically a drying and storage building. The Mill No. 3 building was torn down in 2000.

Based on the historic layout of the mill complex, particularly southeast of Building 16, the proposed massing of the new structure is not out of context with the historic layout of the Groveville Mills Historic District. This southern area of the mill complex was once completely covered with brick factory buildings. These connected structures would have created a visual image of one very large structure.

In the nineteenth century, the tower on Building 11 was not the tallest structure within the complex. A brick chimney was located to the northeast of Building 11 on the far side of the Machine House, which is documented as being 100 feet high. This chimney is visible on the 1879 lithograph of the mill complex (below). An 80 foot high water tower was added to the complex in 1912 (1912 Sanborn Map).



Groveville Mills, circa 1879. (Source: Robert Murphy, *History of Beacon* 1998)

The historic Sanborn Maps (1904-1912) also show that Building 4, which was a series of conjoined small warehouses, was four stories high, with an overall height of 55 feet above grade. The 1879 lithograph shows this building, in the northeastern portion of the complex, as being at or close to the height of the tower on Building 11. In 1919 the height of the building was mapped between 43 feet and 57 feet above street level. The variation is due to alterations made to the landscape on the northeastern side of the structure that would have altered the overall

elevation of the street. In 1879 a rail spur was located in this area, followed by a side street in the early twentieth century, and in 1990 a large parking lot.

Based on the historic layout of the mill complex, the proposed height of the new structure is not out of context with the historic layout of the Groverville Mills Historic District. The varying heights of Building 4, the height of the water tower and brick chimney, along with the tower on Building 11 would have created a higher height envelope for the historic complex.

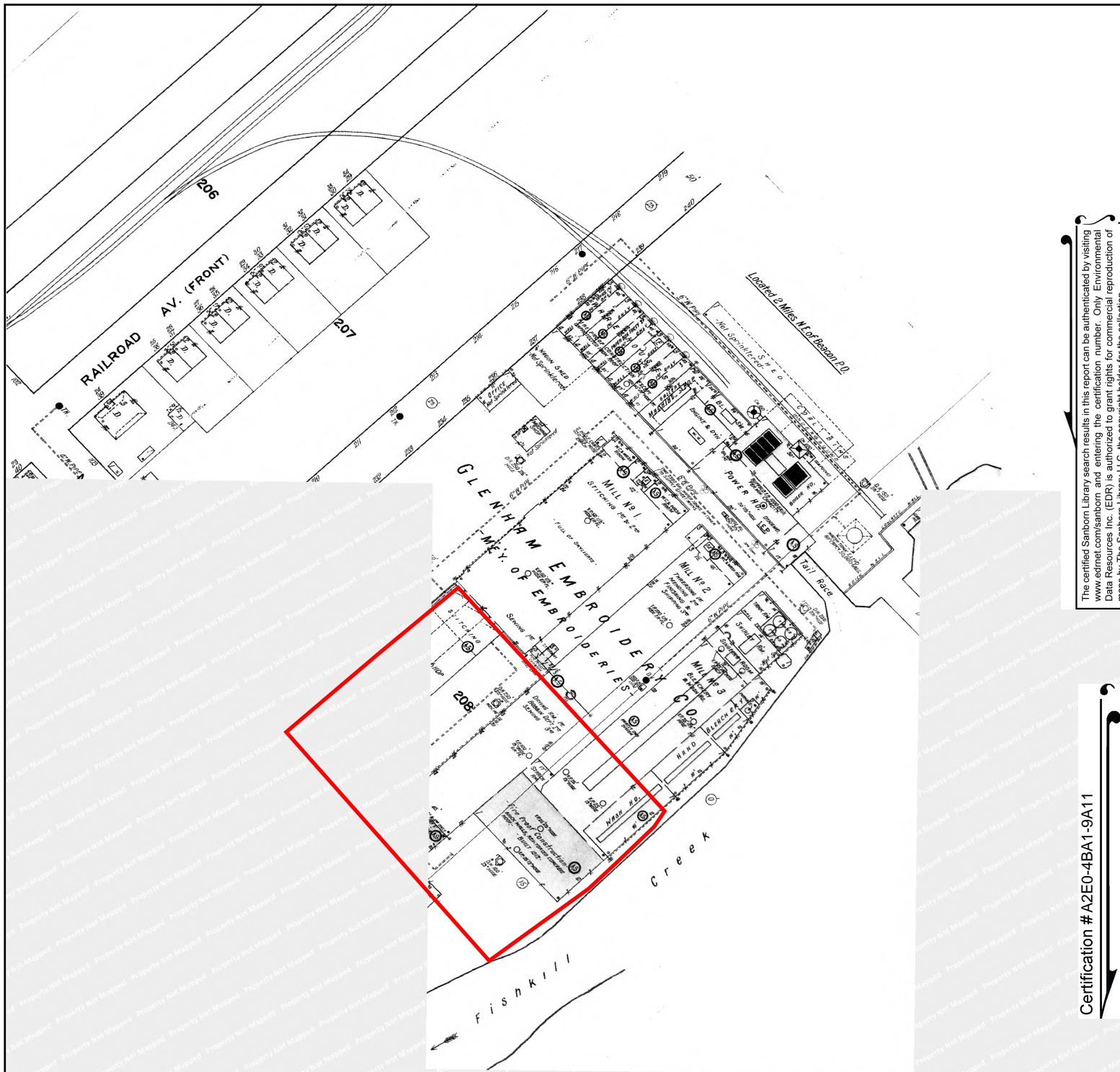
CONCLUSION

The layout, purpose and ownership of the Groverville Historic Complex buildings have changed dramatically over time, beginning at the close of the eighteenth and early nineteenth centuries. The buildings within the historic complex have undergone almost continuous episodes of demolition and rebuilding. It is the opinion of HVCRC that the proposed Building 16 design is in keeping with the historic context of the complex, and that the proposed height and massing will not negatively impact the historic context of the Groverville Mills Historic District.

Sincerely,

A handwritten signature in blue ink that reads "Beth Selig". The signature is written in a cursive, flowing style.

Beth Selig, MA., RPA,
President, Hudson Valley Cultural Resource Consultants



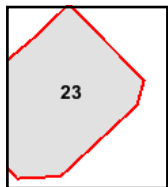
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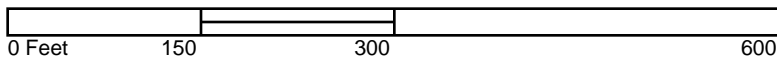
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 Address: 84 Mason Circle
 City, ST, ZIP: Beacon, NY 12508
 Client: Hudson Valley Cultural Resource Consultants
 EDR Inquiry: 5098293.1
 Order Date: 11/06/2017
 Certification # A2E0-4BA1-9A11
 Copyright: 1919

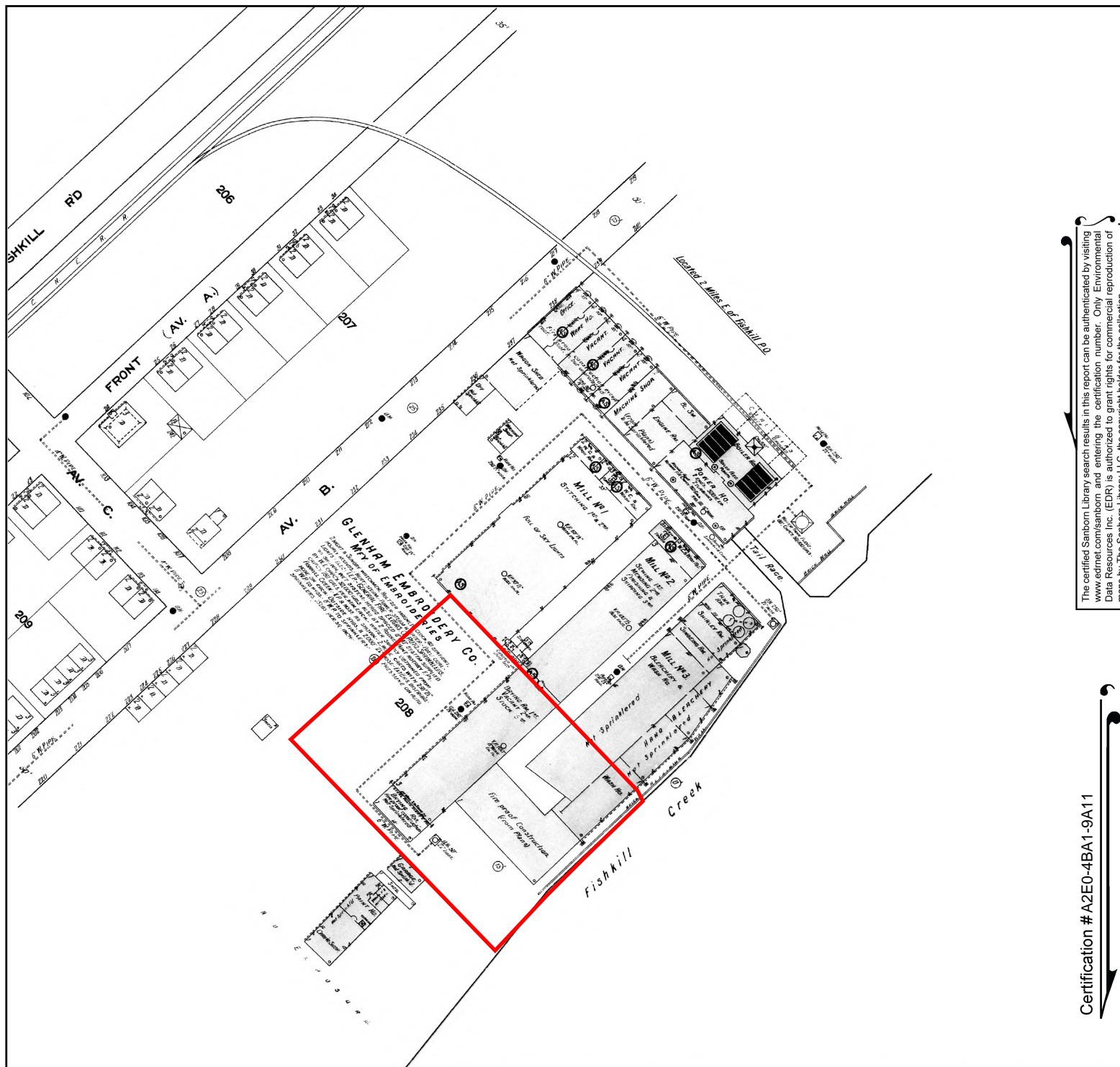


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Volume 1, Sheet 23





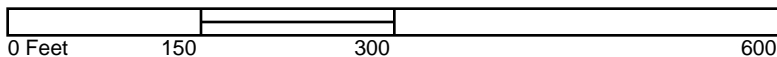
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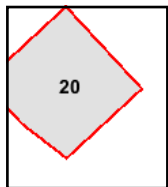
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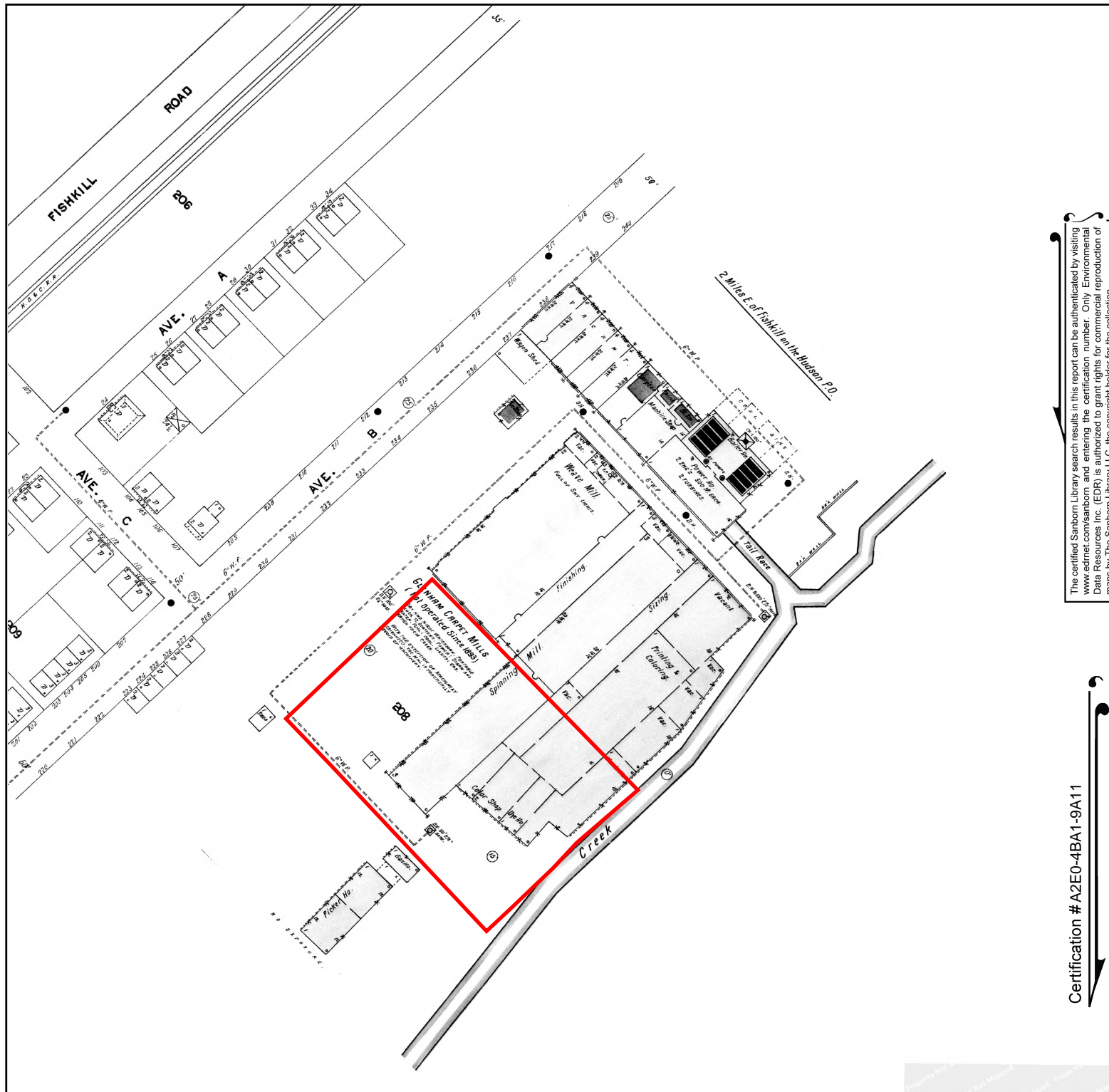


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 Outlined areas indicate map sheets within the collection.



Volume 1, Sheet 20





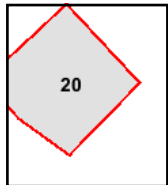
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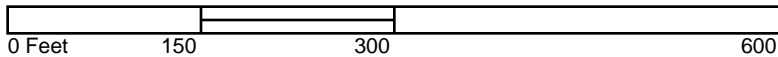
Site Name: Beacon Lofts
 Address: 84 Mason Circle
 City, ST, ZIP: Beacon, NY 12508
 Client: Hudson Valley Cultural Resource Consultants
 EDR Inquiry: 5098293.1
 Order Date: 11/06/2017
 Certification # A2E0-4BA1-9A11
 Copyright 1904



This Certified Sanborn Map combines the following sheets.
 Outlined areas indicate map sheets within the collection.



Volume 1, Sheet 20





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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

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

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).

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

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.

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

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.

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

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.

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

- (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

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

- 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.

**Amended Resolution of Special Permit Approval for Artist Live/Work,
Artist Studio, and Self-Storage Components of the Beacon HIP Lofts Project**

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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DAVID H. STOLMAN
AICP, PP
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MICHAEL A. GALANTE
EXECUTIVE
VICE PRESIDENT

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FREDERICK P. CLARK ASSOCIATES, INC.
PLANNING, TRANSPORTATION, ENVIRONMENT AND DEVELOPMENT
RYE, NEW YORK FAIRFIELD, CONNECTICUT

MEMORANDUM

To: Mayor Randy Casale and the Beacon City Council

Date: January 3, 2014

Subject: **Beacon HIP Lofts – Amended Special Permit Approval**

As requested, attached is a draft **Amended Resolution of Special Permit Approval** in connection with the above captioned project.

The original Resolution of Special Permit Approval has been revised on page 7 to grant extensions of time to complete the proposed phased project. Revisions relative to the original resolution are shown with double underlining and ~~strikeout~~. We have conferred with the City Attorney in the preparation of the resolution.

We look forward to discussing the resolution with you.

David H. Stolman, AICP, PP
President

Attachment

cc: Iola C. Taylor
Meredith Robson
Lt. Timothy P. Dexter
Arthur R. Tully, PE
Nicholas Ward-Willis, Esq.
Aryeh Siegel, Architect

BEACON PLANNING BOARD
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026
John Gunn, Chairman

March 15, 2018

Mayor Casale & City Council Members
One Municipal Plaza - Suite One
Beacon, New York 12508

RE: Special Use Permit (amendment)
39 Front Street "Hip Lofts"


Applicant: Beacon Lofts and Storage

Dear Mayor Casale & Council Members:

At their March 14, 2018 Planning Board meeting, members reviewed an application from Beacon Lofts & Storage to amend their existing Special Use Permit for the Artist Live/Work units. The project would eliminate the previously approved construction of Buildings 9A and 12, demolish Buildings 16, 18, 24, and 25, construct a larger Building 16, and extend the existing Building 9 to include one Live/Work loft. The existing Special Use Permit allowed 143 Live/Work units and the applicant is proposing to increase the number of units to 172. The Planning Board reviewed the Special Use Permit Application for completeness and to identify relevant planning-related information for the Council's analysis of the application for an amendment to the existing Special Use Permit. The Planning Board's review is not intended to supplant the City Council's role in reviewing the Special Use Permit application for compliance with the relevant standards of review.

After careful review, Board members voted unanimously to recommend the City Council issue a Special Use subject to the applicant returning to the Planning Board for amended Site Plan Approval.

A copy of the application and Site Plan are enclosed for your information. If you have any questions regarding the Planning Board's action, please call me.

Yours truly,

John Gunn, Chairman

City of Beacon
Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Beacon Lofts & Storage**, (the “Applicant”) for a 31 foot building height variance where the maximum building height permitted is 35 feet pursuant to the City of Beacon Code § 223-17.D/223 Attachment 2:3, in connection with the proposed construction of a new building (Building 16), with 87 artist live/work units, on property located at 39 Front Street (Mason Circle) in the LI Zoning District (the “Proposed Project”). Said premises being known and designated on the City of Beacon Tax Map as **Parcel ID# 30-6055-04-590165-00**; and

WHEREAS, the Applicant is proposing to construct a new building, 66 feet in height, as part of the redevelopment of 8.74 acres, known as HIP Lofts. This project requires variance approval from the Zoning Board, Amended Special Permit Approval from the City Council and Amended Site Plan Approval from the Planning Board; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act; and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on November 14, 2017 and continued the hearing to December 19, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, 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 on December 12, 2017; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on the application on January 17, 2018 and February 21, 2018 at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on February 21, 2018; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and Zoning Code Section 223.55(C)(2)(b), when deciding the request for an area variance:

In making its determination, the Zoning Board of Appeals

shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) “the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community;” and

WHEREAS, as part of its presentation, the applicant represented that it proposed to substitute the proposed amended site plan for the previously approved site plan, which would, among other elements, (a) eliminate the commercial laundry with approximately 26,000 gpd water usage; and (b) eliminate the 4 story building 9A, located along the Creek, which had received a variance for a 47 foot height, and the substitution of a one-story structure in that location which is a continuation of the existing building; and applicant further represented that it would consent that, upon issuance of all approvals for the amended site plan and the vesting of rights to complete construction of building 16 under the approved amended site plan, it would agree that the previously granted height variance for building 9A be deemed rescinded and null and void; and

WHEREAS, as part of its presentation, the applicant also represented that, as part of its proposed amended site plan, it was willing to commit that, upon issuance of all approvals for the proposed amended site plan and the vesting of rights to complete construction of building 16 under the approved amended site plan, it would not seek, and would not claim rights to seek, land use approvals to place additional residential units on the subject parcel

beyond the 172 Artist Live-Work units shown on the proposed amended site plan, such Declaration to be effective only for so long as the applicable zoning regulations for the subject site permit a total of 243 or fewer Artist Live-Work units; and the Applicant further represented that, upon the same conditions, it was willing to record a Declaration to the same effect, the form, content, and timing of recording of which to be approved by the City Attorney's office; and

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to the requested variance as follows:

- 1. The variance will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variance.**

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance. The proposed height is not out of character with the existing mill complex, since the complex already contains a building with a tower which is approximately 67 feet high. In addition, the main portion of the proposed building is only 6 feet taller (52 ft) than the existing building that it will replace (46 ft). The fourth story of the proposed building increases the height of the building to 66 feet, but the fourth story contains a proposed setback of 10 feet from the edge of the main buildings walls, so that this tallest portion minimizes its visual impact. This setback brings the perceived height of the building close to the height of the adjacent Building 10, and the building's overall height of 66 feet is within the height envelope established by nearby Building 11 of the complex, at 67 feet.

The architect designed the project in compliance with two policy documents *Preservation Brief 14, New Exterior Additions to Historic Buildings*, published by the National Park Service and written by Anne E. Grimmer and Kay D. Weeks, and the Department of the Interior's *Standards for Rehabilitation*, which provide guidelines as to how to appropriately construct additions to existing historic structures.

Furthermore, the proposed building is located in the center of the property. This location reduces potential visual impacts to properties across Fishkill Creek. However, the only property located directly across Fishkill Creek is a City Water Department industrial building. Visual impacts will be further mitigated by dense vegetation consisting of mature trees. Therefore, the requested variance will not produce an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.

2. The benefit sought by the Applicant cannot be achieved by some method feasible for the Applicant to pursue, other than the requested area variance.

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant is working within an existing developed historical site. The plan to redevelop HIP Lofts received initial approvals from the Planning Board and Zoning Board several years ago to restore the old factory complex at Groveville. The originally approved project included the construction of Building 9A, a 4-story building featuring 24 artist live/work lofts and renovation of Building 16 to house 36 artist live/work units. As part to the original approval of the project, the Zoning Board granted the Applicant a 7 foot building height variance for the then-proposed Building 9A, to construct a 4 story/ 47 foot building where the maximum building height in the LI District was 3 stories and 35 feet. However, subsequent engineering tests revealed that Building 16 is structurally unsound, and cannot be renovated in accordance with the original plans. Therefore, the Applicant now proposes to construct a new Building 16, with 87 artist live/work units and eliminate Building 9A. The proposed new Building 16 is designed to incorporate the units that were originally to be housed in Building 9A. In order to fit these extra units, the building must be constructed at a taller height. The requested variance is the minimum variance to accommodate the new proposal. Furthermore, eliminating Building 9A allows the applicant to meet its parking requirements without a variance.

In addition it is much more expensive to demolish a building then to renovate it as originally proposed. The Applicant was unexpectedly forced to re-evaluate the project design. The proposed unit types, including mezzanine units, which require greater ceiling height, and penthouse units help to finance the building reconstruction. Building 16 includes mezzanine units which require a 17 foot floor to ceiling separation. These units have a lower vacancy rate than non-mezzanine units and can be more easily converted to other non-residential uses without the variance. Without a variance, the applicant would reconstruct Building 9A, which would block views of the creek, decrease the amount of available greenspace on site and decrease available parking area. The Applicant will not be able to achieve the same benefits without a height variance.

3. The requested variance is mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variance is mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granted the requested relief. Here, the requested height variance is not substantial in its effect. The site is located in an industrial area. The tallest building located on the site is approximately 67 feet high at the top of its tower element, which is 1 foot taller than the highest portion of the proposed building. The proposed building has also been designed with a top story setback to minimize the visual impact of its height to the greatest possible extent, while still being able to accommodate the

artist live/work units originally proposed for Building 9A. In addition, the property located directly across Fishkill Creek from the subject property is a City Water Department industrial Building.

The consolidation of Buildings 9A and 16 into one new building creates more landscaped area and results in an overall smaller building footprint. Almost all the buildings on the Beacon HIP Lofts property are substantially higher than 35 feet allowed by the current Zoning Code. The expanded height of the proposed Building 16, with its set back 4th floor, is in keeping with the scale of the rest of the property. Therefore, the Board finds that the requested variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the granting of this variance. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board determined that the Proposed Action will have no potential significant adverse environmental impacts. The Proposed Action will result in a decrease of 0.04 acres of impervious surface coverage. The consolidation of the artist live/work units from Building 9A into the proposed Building 16 also permits tighter clustering of the development, resulting in more open space. Therefore, the Board finds that the proposed variance will not have a significant adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The alleged difficulty was self-created but this factor does not preclude the granting of the area variances.

The alleged difficulty was self-created. The need for the variance arises from the subsequent engineering studies that revealed that Building 16 is structurally unsound, and cannot be renovated in accordance with the original plans. The Applicant redesigned the project eliminate Building 9A and rebuild Building 16. The height variance is required to retain the artist live/work and mezzanine units originally proposed for Building 9A. The applicant redesigned the project knowing the height constraints in the Zoning District.


NOW THEREFORE, BE IT RESOLVED, that said application for a height variance of 31 feet to construct a new building with a height of 66 ft. where 35 ft. is permitted pursuant to 223-17.D/223 Attachment 2:3 is hereby **GRANTED** subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.

2. The Applicant has six months to commence construction following the date of issuance of the building permit and 24 months after the date of issuance of said building permit to complete construction. The Applicant has six months to obtain a building permit from the date of the Planning Board's Site Plan approval.
3. The Zoning Board of Appeals may grant a six month extension of this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.
4. As offered and agreed to by the Applicant, and more fully described within the above Resolution, prior to the issuance of a Building Permit the Applicant shall submit for review and approval by the City Attorney as to form a deed restriction which prohibits additional residential dwelling units on the subject property beyond the 172 Artist Live/Work units currently proposed, for so long as the subject property is governed by zoning restrictions which allow 243 or fewer Artist Live/Work units, as do the Light Industrial (LI) Zoning District regulations currently applicable to the property.
5. As agreed to by the Applicant, and more fully described within the above Resolution, based in part upon the Applicant's intent that the proposed Special Use Permit and Site Plan Amendments (including the removal of Building 9A and construction of a new Building 16), will supersede the prior approved Special Use Permit and Site Plan (which included a 4-story addition to Building 9A), upon the issuance of a Building Permit and vesting of rights to complete construction of Building 16 according to the amended Site Plan, the area variance previously granted by the City of Beacon Zoning Board of Appeals by Resolution 2013-12, dated June 18, 2013, to permit Building 9A to have a height of 47 feet where 35 feet is required, is rescinded and superseded.

Resolution Approved: February 21, 2018

Dated: February 28, 2018


John Dunne, Chairman

Mr. Dunne called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		John Dunne	X				
		Jordan Haug		X			
X		Robert Lanier	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried	3	2			

Received in the Office of the
City Clerk
February 28, 2018

