

**CITY OF BEACON**

**CITY COUNCIL**

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

**RESOLUTION**

**GRANTING A SPECIAL USE PERMIT FOR  
39 FRONT STREET**

**WHEREAS**, Beacon Lofts and Storage, LLC (the “Applicant”), submitted an application to amend its Special Use Permit to construct an additional 29 artist live/work units (the “Proposed Action”), to be placed in a newly constructed building (Building 16) on property located at 39 Front Street (Mason Circle) in the Light Industrial (LI) Zoning District and the Historic District and Landmark Overlay Zone (“HDLO”) and designated on the Tax Map of the City of Beacon as Parcel ID# **30-6055-04-590165-00** (the “Property”); and

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

**WHEREAS**, the Proposed Action includes a request for 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.B, 223-24.3, and 223-24.7; and

**WHEREAS**, on January 6, 2014 the City Council granted a Special Use Permit by Resolution 02-2014 to allow the Applicant to construct 143 dwelling units on the Property; and

**WHEREAS**, the Applicant seeks to amend its existing Special Use Permit and Site Plan to 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; and

**WHEREAS**, the Applicant is proposed to increase the total number of units to 172; 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**, on February 21, 2018, the Zoning Board of Appeals granted a height variance of 31 feet to allow the Applicant to construct a new building (Building 16) with a height of 66 feet on the Property; and

**WHEREAS**, the Planning Board issued a report to the City Council dated March 15, 2018 recommending approval of the Special Use Permit; and

**WHEREAS**, the Site Plan is shown on drawings entitled “Amendment to Special Use Permit Application,” Sheets 1-10, prepared by Aryeh Siegal, Architect; Hudson Land Design, Civil Engineer; LQ Design, Landscape Architect; and TEC Land Surveying, Surveyor, last revised July 26, 2017; 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.B, 223-24.3, and 223-24.7, and finds that the proposal complies with these sections of the City of Beacon Zoning Code, as set forth below.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council hereby finds pursuant to §§ 223-18 , 223-24.3 and 223-24.7 of the City of Beacon 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. Building 16 is located in the center of the property and is substantially setback form Route 52 and Fishkill Creek. The proposed Building is located at an elevation 24 feet lower than the elevation of Route 52 and 25 feet lower than the elevation across Fishkill Creek.
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. The project consists of mixed-use redevelopment of a portion of the former Groveville Mills industrial site. The proposed building is compatible with the historic setting of Grovevill Mills.
3. The proposed amended site plan features less development near the creek and eliminates land use on adjoining properties.
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.
6. Any exterior restoration shall maintain the architectural and historic integrity of the structure. Any new construction shall be compatible with neighboring structures.
7. The proposed use is compatible with the neighborhood, and activities permitted within the structure can be adequately buffered from any surrounding residential homes.
8. 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.
9. The proposed use is appropriate to the structure, will aid in the preservation of the site and will not result in undue alterations or enlargement of the structure.
10. The larger number of artist live/work units is warranted because of the building size, building configuration, the nature of the proposed preservation and the adaptive reuse of the building.

**BE IT FURTHER RESOLVED**, that the City Council grants an Amended Special Use Permit to Beacon Lofts and Storage, LLC to construct an additional 29 artist live/work units, to be placed in a newly constructed building (Building 16) on property located at 39 Front Street as set forth and detailed on the plans prepared by Aryeh Siegal, Architect; Hudson Land Design, Civil Engineer; LQ Design, Landscape Architect; and TEC Land Surveying, Surveyor, last revised July 26, 2017, 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 consistent with the design standards in the Historic Preservation Chapter, Section 134-7.
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. A copy of this Resolution shall be attached to the Certificate of Occupancy.
4. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
5. In accordance with Section 223-18.F(1) of the City Code, 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.
6. In accordance with Section 223-18.F(2) of the City Code, 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.
7. 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.
8. 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.
9. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: October 15, 2018