

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

PRELIMINARY & FINAL SUBDIVISION PLAT APPROVALS FOR 32 ALICE STREET

WHEREAS, the Beacon Planning Board received applications for Preliminary and Final Subdivision Plat Approvals from Brent Spodek (the “Applicant”), to subdivide a 0.467 acre parcel with one existing house for the construction of an additional house on property located at 32 Alice Street and designated on the Tax Map of the City of Beacon as **Parcel ID# 6054-47-320616** (the “Property”) in the R1-7.5 Zoning District (the “Project” or “Proposed Action”); and

WHEREAS, the Planning Board is the approval authority for the Subdivision pursuant to City of Beacon Code § 195-2; and

WHEREAS, the application consists of application forms, correspondence, the Environmental Assessment Form (EAF) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the subdivision is shown on the drawing, entitled “Preliminary Subdivision Plat,” Sheet 1 of 4, dated June 26, 2018 and last revised September 24, 2018, as prepared by TEC Land Surveying; and

WHEREAS, the subdivision is also shown on the drawing, entitled “Preliminary Subdivision Plan,” Sheets 2-4, dated June 26, 2018 and last revised September 25, 2018, as prepared by Hudson Land Design; and

WHEREAS, the Proposed Action is an Unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on August 14, 2018 at which time the SEQRA public hearing was also closed; and

WHEREAS, on August 14, 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 SEQRA; and

WHEREAS, the Schedule of Regulations for Residential Districts requires a front yard setback of 30 feet, but pursuant to Section 223-13.K of the Zoning Code and due to the

setbacks of existing buildings along the same side of Alice Street as the Property which are less than 30 feet, the front yard setback of 9.8 feet proposed herein is permitted in that it conforms as nearly as practicable to those existing on adjacent lots; and

WHEREAS, on September 18, 2018 the Zoning Board of Appeals granted (1) a seven foot lot width variance to permit the applicant to create a building lot with an average width of 68 feet where 75 feet is required, and (2) a 12 foot lot width variance to permit the applicant to construct a building at a point where the lot width is 63 feet where 75 feet is required; and

WHEREAS, on October 10, 2018 the Planning Board opened a public hearing on the application for Subdivision, at which time all those interested were given an opportunity to be heard, and the public hearing was closed on October 10, 2018; and

WHEREAS, the Planning Board is fully familiar with the Project and has reviewed the Project relative to all applicable provisions of the City of Beacon Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants Preliminary Subdivision Plat Approval for the Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the Final Subdivision Plat will not be substantively changed from the Preliminary Subdivision Plat and hereby determines that a public hearing on the Final Plat is not required.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Final Subdivision Plat Approval, as shown on the application materials referenced above, subject to the conditions and modifications set forth herein.

A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:

1. All application review fees shall be paid in full.
2. The Applicant shall seek and obtain all required permits and/or approvals from the appropriate agencies for the Project, including but not necessarily limited to approval from the Dutchess County Department of Health, and shall meet all conditions contained in such approvals, as required therein.
3. The comments contained in the City Engineer's letter to the Planning Board dated October 4, 2018, and all comments in any subsequent letter(s) issued, pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Engineer.
4. The comments contained in the City Planner's letter to the Planning Board dated October 5, 2018, and all comments in any subsequent letter(s) issued,

pertaining to the Subdivision Plat shall be fulfilled to the satisfaction of the City Planner.

5. All existing and proposed easements, as applicable, shall be shown on the Final Subdivision Plat to the satisfaction of the City Engineer and City Attorney.
6. A Stormwater Maintenance and Easement Agreement shall be prepared and submitted in a recordable form to the City Attorney for review as to form pursuant to Section 190-9.B and D of the City Code, which shall be recorded simultaneously with the Subdivision Plat. The Easement shall be subject to acceptance by the City Council. A copy of the recorded documents shall be submitted to the City Clerk for filing.

When the conditions above have been satisfied, four (4) sets of the above referenced plans revised as per the conditions above shall be submitted for endorsement by the Planning Board Chairman. One set of the endorsed plans will be returned to the Applicant, 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 are general conditions which shall be fulfilled:

1. The Building Inspector and the City Engineer shall have the right to direct the Applicant to cause the placement, cleaning and/or repair of sedimentation and erosion control devices wherever and whenever deemed necessary during construction.
2. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form and related application documents, including the SEQRA Negative Declaration. The Applicant shall be responsible for the funding and/or implementation of all such identified mitigation measures. Where the terms of this resolution may be inconsistent with the EAF, the terms of this resolution shall be controlling.
3. 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 Applicants within thirty (30) days of each notification by the City that such fees are due. If such fees are not paid within the thirty (30) day period, and an extension therefor has not been granted by the City, this resolution shall be rendered null and void.
4. As used herein, the term "Applicant" shall include Brent Spodek, and all heirs, successors and assigns, and where applicable their contractors and employees.

- Resolution Adopted: October 10, 2018
Beacon, New York

Motion by _____, seconded by _____:

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