

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 Siegel, 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 from 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 Groveville 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 Siegel, 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. The Planning Board shall make a determination as to whether the Applicant should use the proposed façade design or the alternative façade design with piers. The Planning Board shall review the Applicant's proposed renderings for both designs.
3. The Applicant shall post a weatherproofed copy of the site plan and architectural renderings of the proposed project on Front Street side of the project, the location, size and substance of which shall be to the reasonable satisfaction of the Building Inspector. The renderings shall be posted upon the issuance of the first demolition permit.

4. The Applicant shall revise its plans to identify an access point to the northern portion of the Greenway Trail located by the proposed stairs shown on the existing site plan, and a walking route through or around the north parking lot which residents of the proposed development may use to access the northern portion of the Greenway Trail. During the Planning Board's site plan review, the Applicant shall set forth a date by which the stairs will be constructed and the access will be provided. This date shall be subject to approval by the Planning Board.
5. To assure unobstructed public access to the northern portion of the trail from Front Street, the Applicant shall revise its plans to show an access point to the northern portion of the Greenway Trail from Front Street that is not limited based on business hours. The northern portion of the Greenway Trail shall be redesigned to remain open from dawn to dusk public use and shall not be closed off by any gate, fence or similar barrier. During the Planning Board's site plan review, the Applicant shall set forth a date by which this access will be constructed. This date shall be subject to approval by the Planning Board.
6. 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.
7. As agreed to by the Applicant, and more fully set forth in the Zoning Board Resolution approved on February 21, 2018, 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.
8. 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.
9. A copy of this Resolution shall be attached to the Certificate of Occupancy.
10. As used herein, the term "Applicant" shall include its heirs, successors and assigns.
11. The City Council hereby recognizes that a Building Permit was issued in September 2014 for certain improvements approved in the Council's January 6, 2014 Resolution which satisfied Condition 5 of said Resolution. With respect to the project set forth in this resolution, the Applicant requires at least the following permits: (1) a Demolition Permit to remove the laundry building; (2) a Demolition Permit to remove Building 16; (3) a Building Permit to construct the storage

building; (4) a Building Permit to construct Building 16; and (5) a Building Permit to extend Building 9. All Demolition Permits must be obtained within a year from the date of issuance of this Resolution, and all Building Permit applications in connection with the project must be filed by September 1, 2021, including any Building Permit not listed above. This condition shall satisfy the requirements set forth in City Code Section 223-18.F(1). This Special Permit Approval shall expire if:

- a. The applicant fails to meet the conditions set forth herein; or
 - b. Said use ceases for more than six (6) months for any reason.
12. The City Council hereby incorporates Condition 6(a) set forth in the City Council's Special Permit Approval Resolution dated January 6, 2014, whereby the City Council granted the Applicant twelve (12) six-month extensions (for a total of six (6) years). The Council is not granting any further extensions as part of this approval resolution. Therefore, all required improvements associated with this project shall be completed by September 2022.
 13. All conditions, set forth in the City Council's January 4, 2014 Special Permit Approval Resolution, and not superseded herein, shall remain in full force and effect.
 14. Any proposed revision to this Amended 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 public hearing, as it may deem appropriate.
 15. 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.
 16. 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.
 17. The approvals granted by this resolution do not supersede the authority of any other entity.

Dated: October 15, 2018

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