

**CITY OF BEACON
CITY COUNCIL**

Resolution No. _____ of 2018

RESOLUTION

**GRANTING A SPECIAL USE PERMIT FOR
2 EAST MAIN STREET (ROUNDHOUSE)**

WHEREAS, 10 Boulevard, LLC (the “Applicant”), submitted an application to amend its Special Use Permit to increase the number of hotel rooms from 41 to 51 by eliminating the spa in the Mill Building and converting the private dining room in the Roundhouse Building to a hotel administrative office (the “Proposed Action”), on property located at 2 East Main Street and 10 East Main Street (also known as 10 Leonard Street) in the General Business (GB) Zoning District, Central Main Street (CMS) Zoning District and the Historic District and Landmark Overlay (HDLO) Zone, and designated on the Tax Map of the City of Beacon as Parcel Nos. **6054-30-168772, -164762, -176760, -184766** (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; and

WHEREAS, on May 17, 2010, the City Council granted a Special Use Permit by Resolution 69A-2010, to allow the Applicant to convert the Roundhouse building to a hotel with a spa and an 80-seat restaurant, conversion of two existing brick mill buildings to a hotel with 58 hotel rooms and conversion of another existing building for artist live/work spaces and an event space for approximately 250 guests; and

WHEREAS, on March 18, 2013, the City Council approved amendments to the Special Use Permit by Resolution 61 of 2013, to permit a reduction in the total number of hotel rooms from 58 to 41, addition of a private dining room to the Roundhouse Building, and addition of two Artist Live/Work spaces in the Mill Building; and

WHEREAS, the Applicant is proposing to amend its Site Plan and Special Use Permit by replacing the spa with 10 additional hotel rooms in the Mill Building and replacing a private dining room in the Roundhouse Building with a hotel administrative office; and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on September 11, 2018 and continued the hearing to October 10, 2018, 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 October 10, 2018; and

WHEREAS, the Planning Board issued a report to the City Council dated October 11, 2018 recommending approval of the Special Use Permit; and

WHEREAS, the Site Plan is shown on drawings entitled “Amendment to Site Plan,” Sheets 1-19, prepared by Aryeh Siegel, Architect; Hudson Land Design, Civil Engineer; Naomi Sachs Design, Landscape Architect; and Badey & Watson, Surveyor, last revised September 25, 2018; and

WHEREAS, on December 3, 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 December 3, 2018; and

WHEREAS, the City Council has reviewed the application for a Special Use Permit against the standards for a Special Use Permit and hotel uses set forth in the City of Beacon Zoning Code § 223-18.B, 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 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 districts in which it is located. The arrangement of site improvements, landscaping, site lighting, site ingress and egress, the adaptive re-use of the existing buildings and the architecture of the proposed new construction will improve the character of the neighborhood.
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 the hotel 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.
4. Parking areas will be of adequate size for the particular use and properly located and suitably screened from the adjoining residential uses by landscaping and fencing, and the entrance and exit drives are laid out so as to achieve maximum safety.

BE IT FURTHER RESOLVED, that the City Council grants an Amended Special Use Permit to 10 Boulevard, LLC to increase the number of hotel rooms from 41 to 51

by eliminating the spa in the Mill Building and converting the private dining room in the Roundhouse Building to a hotel administrative office, on property located at 2 East Main Street and 10 East Main Street (also known as 10 Leonard Street), as set forth and detailed on the plans prepared by Aryeh Siegel, Architect; Hudson Land Design, Civil Engineer; Naomi Sachs Design, Landscape Architect; and Badey & Watson, Surveyor, last revised September 25, 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 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. All conditions, set forth in the City Council’s May 17, 2010 and March 18, 2013 Special Permit Approval Resolutions, not superseded herein, shall remain in full force and effect.
6. 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.
7. 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.

8. 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.
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.

BE IT FURTHER RESOLVED, that on June 18, 2018, the City Council adopted a resolution which requires the City Council to consider at the time of approving a land use project whether it is appropriate to require a weatherproofed copy of the site plan and architectural renderings of the project to be posted on a sign to be maintained at the property from the time of commencement of construction until substantial completion of the structure; the Building Inspector advised since the Proposed Action involves no exterior improvements it would serve no real purpose to have a sign posted on the property, the City Council therefore finds that such a sign is not required for this land use approval.

Dated: December 3, 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 | | | | | | | |