

RESOLUTION

PLANNING BOARD BEACON, NEW YORK

AMENDED SITE PLAN AND CERTIFICATE OF APPROPRIATENESS APPROVALS FOR HIP LOFTS & STORAGE (39 FRONT STREET)

WHEREAS, the Beacon Planning Board received an application for a Special Use Permit and Site Plan Approval amendments from HIP Lofts & Storage, LLC (the “Applicant”), to eliminate the previously approved construction of Buildings 9A and 12, demolish Buildings 16, 18, 24, and 25, construct a new Building 16, and extend Building 9 to include one-live work loft (“Proposed Action”), 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, at the completion of the project there will be a total of 172 artist live/work units and a total of 196 bedrooms; and

WHEREAS, the City Council is the approval authority for the Amended Special Use Permit to permit artist live/work units on the property pursuant to the City of Beacon Zoning Code §§ 223-18, 223-24.3 and 223-24.7; and

WHEREAS, the Planning Board is the approval authority for the Amended Site Plan pursuant to the City of Beacon Zoning Code § 223-25; 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 application consists of application forms, correspondence, the Environmental Assessment Form (EAF) and professional studies and reports submitted to the Planning Board; and

WHEREAS, the Site Plan is shown on the 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 October 30, 2018; and

WHEREAS, the Proposed Action is an Unlisted action pursuant to the New York 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 November 14, 2017 and continued the hearing to December 12, 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, on September 17, 2018, the City Council opened a public hearing on the Amended 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, on October 15, 2018, the City Council granted the requested Amended Special Use Permit to permit additional artist live/work units as proposed by the Applicant; and

WHEREAS, on December 11, 2018 the Planning Board opened a duly noticed public hearing on the application for Amended Site Plan approval concerning the Proposed Action, at which time all those interested were given an opportunity to be heard and the public hearing was closed on _____; and

WHEREAS, the Planning Board has reviewed the application for Certificate of Appropriateness pursuant to the requirements set forth in Chapter 134 of the City of Beacon Code; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby finds pursuant to the City of Beacon Code § 134-7 that the proposed new construction of Building 16 will be consistent with the historic character of the surrounding area. The proposed addition is not out of context with the historical layout of the Groverville Mills Historic District with respect to massing and height of the proposed addition. The proposed building respects the remaining building’s envelope, massing and detailing, and replaces an unsalvageable portion of the complex with a building of similar size and scale. The site improvements will not negatively impact the historic or architectural features, value or significance of neighboring historical structures and accordingly, the Planning Board

hereby grants Certificate of Appropriateness Approval to the Project, as shown on the application materials referenced above.

BE IT FURTHER RESOLVED, that the Planning Board considered the Applicant's request for relief from the recommendation at Section 134-7.B(2)(d) of the City Code that larger buildings in the HDLO should incorporate significant breaks in the façades and rooflines generally at intervals of no more than 35 feet. In doing so, the Planning Board has reviewed the alternative designs offered by the Applicant and looked at the local mill buildings along the creek, including existing buildings on the subject property and at One East Main Street. Based on its review, the Planning Board hereby *[approves the alternative architectural design for Building 16 which includes vertical piers to incorporate significant breaks in the façade consistent with the standard set forth at Section 134-7.B(2)(d) of the City Code]* **OR** *[grants the Applicant's request for a deviation from the standard set forth At Section 134-7.B(2)(d) of the City Code for Building 16 due to the lack of significant breaks in the facades of the collective existing structures at the subject Groverville Mills site].*

BE IT FURTHER RESOLVED, that the Planning Board hereby grants Amended Site Plan Approval for the property located and known as 39 Front Street, as shown on the application materials enumerated above, subject to the following conditions:

A. Prior to the signing of the Site Plan Drawings by the Planning Board Chairman, the following conditions shall be fulfilled:

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 December 5, 2018, and all comments in any subsequent letter(s) issued, 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 December 7, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.

When the conditions above have been satisfied, six (6) 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 Applicant has until October 1, 2019 to complete construction of the public access to the northern portion of the Greenway Trail from Front Street as described in the November 27, 2018 letter submitted to the Planning Board from Cuddy & Feder.
2. The Applicant shall have until the issuance the first Certificate of Occupancy for Building 16 to complete construction of stairs and a walking route for the residents of HIP Lofts to use to access the northern portion of the Greenway Trail.
3. Prior to the issuance of a Building Permit for Building 16 and pursuant to Section 223-41.10.A, the Applicant shall submit floor plans which provide a mix of unit types in the same proportion as all other units in the development, subject to approval by the Planning Board. The floor plans should indicate the location of each BMR unit to be provided and no Building Permit shall be issued until the BMR unit locations are approved by the Planning Board.
4. All conditions, set forth in the any previous Planning Board Resolution related to the Property, and not superseded herein, shall remain in full force and effect.
5. 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.
6. 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.
7. As used herein, the term "Applicant" shall include the Applicant and the Applicant's heirs, successors and assigns, and where applicable its contractors and employees.
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 approval granted by this resolution does not supersede the authority of any other entity.
10. The Applicant must return for approval from the Planning Board if any changes to the endorsed plans and/or this resolution of approval are subsequently desired other than changes determined to be field changes by the Building Inspector or City Engineer.

Resolution Adopted: December 11, 2018
Beacon, New York

_____	_____, 2018
John Gunn, Chairman	Dated
City of Beacon Planning Board	

Motion by _____, seconded by _____:

Gary Barrack	Voting:	Jill Reynolds	Voting:
David Burke	Voting:	Randall Williams	Voting:
Patrick Lambert	Voting:	John Gunn, Chairman	Voting:
Rick Muscat	Voting:		