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January 2, 2019

**BY FEDERAL EXPRESS  
AND E-MAIL**

Hon. John Gunn, Chairman  
& Members of the Planning Board  
One Municipal Plaza  
Beacon, New York 12508

Re: AK Property Holding, LLC – Request for Extension of Final Subdivision Approval  
Property: 25 Townsend Street, Beacon, New York

Dear Chairman Gunn and Planning Board Members:

On behalf of AK Property Holding, LLC (the “Applicant”), we are writing to request two (2) 90-day extensions of the July 10, 2018 Final Subdivision Approval Resolution for a proposed thirteen (13) lot residential subdivision.<sup>1</sup> This request is timely, as 180 days (six (6) months)) have not elapsed since the date of the 2018 Approval Resolution.

The Applicant has been working diligently with the project consultants and City Staff to satisfy each of the prerequisite Conditions provided in the 2018 Approval Resolution in order for the Final Subdivision Plat to be signed by the Planning Board Chairman and subsequently recorded in the Dutchess County Clerk’s Office. County Health Department approval is anticipated in the next few months. Additionally, the Applicant has prepared drafts of the following documents, which have been forwarded to the Planning Board Attorney for review:

- a. 20’ wide Conservation and Landscape Easement;
- b. 10’ wide Drainage Easement;
- c. 15’ wide Drainage Easement with Diversion Berm; and
- d. Stormwater Management Maintenance & Access Easement.<sup>2</sup>

Given the particular circumstances noted above, we respectfully submit this formal request for two (2) 90-day extensions (180 days) of the Final Subdivision Approval, thus extending to July 10, 2019, the date by which the Applicant must satisfy conditions A.1-A.8 of the 2018 Approval Resolution in order for the Final Subdivision Plat to be signed by the Chairman of the Planning Board. This Board has the authority to grant the requested extension pursuant to City of Beacon Code Section 195-14(D).

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<sup>1</sup> A copy of the 2018 Approval Resolution, Adopted July 10, 2018 (the “2018 Approval Resolution”), is attached to this letter as **Exhibit A**.

<sup>2</sup> Note: Copies of the draft deliverables are available at this Board’s request. As noted above, these documents are currently being reviewed by the Planning Board Attorney.



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In furtherance of this request for an extension, the Applicant delivered a new escrow check in the amount of \$3,170.75 payable to the City of Beacon. We respectfully request that you please place this matter on the next available Planning Board Agenda for consideration of the Applicant's request for two (2) 90-day extensions. Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Taylor M. Palmer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Taylor M. Palmer

Enclosure

cc: Jennifer L. Gray, Esq. – Planning Board Attorney

# EXHIBIT A

## RESOLUTION

### PLANNING BOARD BEACON, NEW YORK

#### FINAL SUBDIVISION PLAT APPROVAL FOR 25 TOWNSEND STREET

**WHEREAS**, the Beacon Planning Board received an application for Final Subdivision Plat Approval from AK Property Holding LLC ("Applicant") for a residential subdivision (the "Project" or "Proposed Action"); and

**WHEREAS**, the property is located within the R1-7.5 One-Family Residence District and is designated as Parcel 6055-03-383149 on the City Tax Map (collectively, the "Subject Property" or "Site"); and

**WHEREAS**, the Subject Property is owned by AK Property Holding LLC and is comprised of approximately 5 acres which was formerly the site of the Knights of Columbus; and

**WHEREAS**, the Applicant is proposing to subdivide the parcel to create 13 residential lots for the construction of new single-family residences with an additional common lot for stormwater infiltration and 50' right-of-way offered for dedication to the City of Beacon for future road purposes and the opportunity to connect the Subject Property to the adjacent parcel upon the development of the adjacent parcel; and

**WHEREAS**, the new lots would be serviced by a cul-de-sac roadway with sidewalks and a landscaped center island; and

**WHEREAS**, the subdivision is shown on the drawing, entitled "Preliminary Subdivision Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y.; and

**WHEREAS**, the plans reviewed by the Planning Board consist of the following:

- Sheet 1 of 8, entitled "Existing Conditions and Demo Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 2 of 8, entitled "Preliminary Subdivision Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y.
- Sheet 3 of 8, entitled "Utility Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 4 of 8, entitled "Utility Plan and Profile," last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 5 of 8, entitled "Erosion & Sediment Control Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.



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- Sheet 6 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 7 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.
- Sheet 8 of 8, entitled “Construction Details,” last revised June 26, 2018, prepared by Hudson Land Design, Beacon N.Y.

**WHEREAS**, the application also consists of application forms and the Environmental Assessment Form (EAF), and all other submissions by the Applicant; and

**WHEREAS**, the Planning Board reviewed the application at its meetings on January 12, 2016, June 14, 2016, April 11, 2017, May 9, 2017, August 8, 2017, September 12, 2017, February 14, 2018, March 13, 2018, April 10, 2018, May 8, 2018, June 12, 2018 and July 10, 2018; and

**WHEREAS**, on March 13, 2018, following a coordinated review pursuant to SEQRA the Planning Board adopted a Negative Declaration after taking a “hard look” at each of the relevant areas of environmental concern through review of the EAF and all associated materials prepared in connection with the Proposed Action; and

**WHEREAS**, following the adoption of the Negative Declaration pursuant to SEQRA, on March 13, 2018, the Planning Board opened the public hearing on the application for Subdivision Approval, at which time all those interested were given an opportunity to be heard and the public hearing was continued to May 8, 2018 and June 12, 2018, and closed on June 12, 2018; and

**WHEREAS**, on June 12, 2018 the Planning Board granted Preliminary Subdivision Approval for the Project; and

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

**NOW THEREFORE, BE IT 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; and

**BE IT FURTHER RESOLVED**, that the Planning Board finds that the conditions 1 and 2 in Section “A” of the Preliminary Subdivision Approval Resolution, adopted on June 12, 2018, have been fulfilled to the satisfaction of the Planning Board, except for those conditions that have become conditions of Final Subdivision Approval set forth below, and the Planning Board hereby amends the conditions of the Preliminary Subdivision Approval Resolution to remove condition 4 in Section “A” therein.

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**BE IT FURTHER RESOLVED**, that the Planning Board hereby grants Final Subdivision Plat Approval to the Project, as shown on the application materials enumerated above, subject to the following conditions and modifications:

- A. The following conditions shall be fulfilled prior to the signing of the Final Subdivision Plat by the Chairman of the Planning Board:**
1. The comments contained in the City Engineer's letter to the Planning Board dated July 5, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Engineer.
  2. The comments contained in the City Planner's letter to the Planning Board dated July 5, 2018, and all comments in any subsequent letter(s) issued, shall be fulfilled to the satisfaction of the City Planner.
  3. All application review fees shall be paid in full.
  4. 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 for the extension of water distribution and sewer collection systems, and shall meet all conditions contained in such approvals, as required therein.
  5. The Applicant shall submit all necessary easements in recordable form satisfactory to the City Attorney, which shall be recorded in the Dutchess County Clerk's Office simultaneously with the Subdivision Plat and prior to the transfer of any subdivision lot, with a copy of the recorded documents submitted to the City Clerk for filing. Such easements include but may not be limited to the following:
    - a. 20' wide Conservation and Landscape Easement
    - b. 10' wide Drainage Easement
    - c. 15' wide Drainage Easement with diversion berm
    - d. Stormwater Management Maintenance Agreement & Access Easement in accordance with Section 190-9 of the City Code
- Thereafter, the Applicant shall submit written evidence certifying that such easements have been duly recorded in the Dutchess County Clerk's Office.
6. The Applicant shall submit appropriate Homeowner's Association documentation for review as to form by the City Attorney, which shall include maintenance obligations for the landscaped cul-de-sac island and all stormwater facilities, including the infiltration basin and all pipes, swales and structures that convey stormwater through the Subject Property. The "HOA Lot" containing the infiltration basin shall be owned and maintained by the HOA. Unless and until the City of Beacon accepts the



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offer of dedication of the 50' right of way spur off of the cul-de-sac, such right-of-way shall be owned and maintained by the HOA.

7. Pursuant to Section 195-15 of the City Code, the Applicant shall submit a performance guarantee for the construction of all public improvements in an amount to be determined by the City Engineer and in a form acceptable to the City Attorney.
8. Sheet 2 of 8, entitled "Preliminary Subdivision Plan," last revised June 26, 2018, prepared by Hudson Land Design, Beacon, N.Y. shall be re-labeled as "Final Subdivision Plan."

**B. Prior to the issuance of a Building Permit, the following conditions shall be fulfilled to the satisfaction of the Building Inspector:**

1. The Applicant shall submit a Construction Management Plan for review and approval of the Building Inspector, Highway Superintendent and City Engineer.
2. The Applicant shall fund an escrow account with the City of Beacon for the monthly stormwater inspections in an amount as determined by the City Engineer.


**C. The following are general conditions which shall be fulfilled:**

1. Based on the current and anticipated future need for park and recreational opportunities in the City of Beacon, as set forth in the analysis provided by BFJ Planning, and the demands of the future population of the Project, the Planning Board hereby finds that additional recreation/parkland should be created as a condition of approval. However, the Planning Board hereby determines that recreation/parkland of adequate size and location cannot be provided on the Project Site. Therefore, that Applicant shall pay a Recreation Fee as prescribed under Section 195-25.A(4) of the City Code. The Planning Board hereby requires that, prior to the issuance of the Certificate of Occupancy, the Applicant shall pay a Recreation Fee as per the City's Fee Schedule in effect at the time of payment.
2. 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.
3. This approval is conditioned upon compliance with all of the mitigation measures specified in the Applicant's Environmental Assessment Form. 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.

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4. 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 written 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 if the Final Plat has not yet been filed in the Dutchess County Clerk's Office.
5. As used herein, the term "Applicant" shall include their heirs, successors and assigns, and where applicable its contractors and employees.
6. 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.
7. The approvals granted by this Resolution do not supersede the authority of any other entity.
8. Conditional approval of the Final Subdivision Plat shall expire one hundred eighty (180) days from the date of the adoption of this Resolution unless all items in Condition A above have been certified as completed and the Final Plat has been submitted for endorsement by the Planning Board Chairman, or unless a written request for an extension of Final Subdivision Plat Approval is granted. The Planning Board may grant ninety (90) day extensions to said time period.
9. Once the Final Subdivision Plat has been endorsed by the Planning Board Chairman, said Plat must be filed in the Dutchess County Clerk's Office within sixty-two (62) days. After said filing, two (2) copies of the Final Plat certified by Dutchess County shall be submitted to the Planning Board Secretary. One (1) certified copy of the Final Plat shall be retained by the Planning Board and the other certified copy shall be transmitted to the City Clerk along with a signed copy of this Resolution.
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.

Resolution Adopted: July 10, 2018  
Beacon, New York

  
John Gunn, Chairman

7/10/2018  
Date

Motion by R. Williams, seconded by R. Muscat :

Gary Barrack Voting AYE

Rick Muscat

Voting AYE

David Burke Voting EXCUSED

Randall Williams

Voting AYE

Jill Reynolds Voting AYE

John Gunn, Chairman

Voting AYE

Patrick Lambert Voting AYE