

CITY OF BEACON
CITY COUNCIL

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the City of Beacon will hold a public hearing on Monday, November 2nd at the City of Beacon Municipal Center, One Municipal Plaza, Beacon, New York at 7:00 p.m. or as soon thereafter as the matter is reached on the agenda, to consider a Special Use Permit for a Bed & Breakfast establishment, Applied for by Yuan Lee, @ 300 South Avenue, identified on City tax maps as Section 5954, Block 16, Lot 755455.

A copy of the proposal is available for inspection at the Municipal Center, lower level, One Municipal Plaza, Beacon, New York during regular business hours (Monday-Friday 8:30a.m.–3:30 p.m.)

All interested persons and citizens shall have an opportunity to be heard on said proposals at the date, time and place aforesaid.

Iola C. Taylor, City Clerk

Dated: October 20, 2009

To the City of Beacon Planning Board

October 16, ~~2009~~ 2009

We would like to thank the members of the Beacon Planning Board for your thoughtful consideration of our objections to the Special Use Permit sought by Mr. Lee for his property at 300 South Avenue. We strongly maintain that the use of the existing driveway on our property for the commercial use proposed by Mr. Lee would unfairly exploit our property and Mr. Lee's limited right to use a portion of it. We and everyone we spoke to about this matter believe it is only fair, considerate and reasonable that Mr. Lee put in a driveway of his own for the purpose of reaching his business across his own property. After all, he was trying to do so but unfortunately it appears he went about it all wrong. We hope not all your hearings are so contentious however we felt we had to protect our interests, defend our property, and respond to at least some of the irrelevant complaints made by Mr. Lee and his friends. In the end we feel a reasonable conclusion was reached by the Board in making the approval of his Special Use Permit contingent on the installation of a primary driveway to be used for Mr. Lee's Bed and Breakfast business. We sincerely appreciate your efforts.

As our attorney, Karen Burstein, expressed in her letter to the Board, we wish Mr. Lee well in his endeavors, just not at the expense of our liabilities, privacy, and property rights. There are too many existing problems, not to mention unknown future ones, to allow the existing driveway and our property to be used for Mr. Lee's business purposes and profit.

We also hope that along with Mr. Lee's commitment to put in another driveway to facilitate his B & B establishment, the Planning Board will require him to correct his proposed signage to direct all vehicle traffic dealing with the B & B up that new driveway, not ours. We intend to place an additional sign on our property that will state: PRIVATE DRIVEWAY, NOT FOR BED AND BREAKFAST TRAFFIC.

And we are also pleased to see that the Board is mindful of the city law specific to B & Bs and hopeful that the Board will require Mr. Lee to respect part B of those laws which clearly states: **Off-street parking accessory to this use shall be screened from adjacent residential properties.** In the hearing, Mr. Lee strongly protested this law being applied to him seemed to maintain that somehow he is special and should be exempt from this regulation. We of the adjacent property feel just as strongly that the regulation should be enforced. It is clearly intended to protect the neighbors of such establishments, especially when the owners of such establishments will not do so on their own, just as Mr. Lee has demonstrated he is disinclined to do. As Mr. Lee is asking the City and its citizens for approval of his Special Use Permit, it seems only fair and reasonable that he be required to respect the few, generous and tolerant regulations for B&B establishments that the city requires. The historical relevance of this parking screening aside, said screening can be nonpermanent in nature so if he wishes to in the future, Mr. Lee can return his home to its true historic

purpose (and significance); that of being a residence. We're confident that this law will be enforced and that Mr. Lee can and will solve this landscape design problem in his usual artistic manner.

Please also note that we have voluntarily relaxed our rightful enforcement of the limited and limiting restrictions of the driveway's contested easement. We do this in the spirit of cooperation and do not wish for there to be any misinterpretation and misrepresentation to exist that would suggest that we are in any way obstructing access to Mr. Lee's property. It is not our intention to inhibit Mr. Lee's rights to use his own property however he wishes but we are determined to not allow him to use our property however he wishes. We just want Mr. Lee to realize, respect, and execute his responsibilities with regard to his neighbors, fellow citizens, and the City of Beacon laws and regulations which govern his business.

Our attorney will no doubt wish to send a follow-up letter of her own to the Board and all parties concerned to give proper legal definition to the points we have attempted to make in this letter. However, it was our primary objective in this letter to express our gratitude to the board for its efforts in helping facilitate both ours and Mr. Lee's needs as well as attempt to satisfactorily resolve our differences.

Respectfully,

Handwritten signatures of Karen Gowan and Greg Grann in black ink. The signature for Karen Gowan is on the left and the signature for Greg Grann is on the right.

Karen Gowan and Greg Grann,
310 South Avenue, Beacon, New York 12508

APPLICATION FOR SPECIAL PERMIT APPROVAL

Submit in triplicate to: City Council, One Municipal Plaza, Suite One, Beacon, New York 12508

IDENTIFICATION OF APPLICANT

(For Official Use Only)

Date 7/28/09 Initials EG

Owner: YUAN LEE

Application & Fee Rec'd 8/11/09

Address: 300 SOUTH AVENUE
BEACON, NY 12504

Referred to Planning Board 8/11/09

Rec'd by Planning Board 8/11/09

Signature: Yuan Lee

Report sent to City Council 10/14/09

Report rec'd by City Council _____

Date: JULY 26, 2009

Public Notice Published _____

Phone: 765-0251

Public Hearing Held _____

Application Approved: _____

Application Disapproved: _____

Interest of applicant, if other than owner: SAME

Professional person preparing site plan: ARYEH SIEGEL ARCHITECT

Address: 514 MAIN STREET Phone: 838-2490

IDENTIFICATION OF SUBJECT PROPERTY: Property Address: _____

Tax Map Designation: Section 5954 Block 16 Lot(s) 755455

Land Area: 4.085 ACRES (3 ADJOINING PROPERTIES) Zoning District(s) R1-40

DESCRIPTION OF PROPOSED DEVELOPMENT

Proposed Use: 4 GUEST ROOM BED & BREAKFAST

Gross Non-Residential Floor Space: Existing 0 Proposed 0

TOTAL 0

Dwelling Units (by type): Existing 1 SINGLE FAMILY Proposed 4 GUEST ROOMS / SUITES

TOTAL 5

Parking Spaces (See Section 223.26): Required 6 Proposed 6

Loading Spaces (See Section 223.26): Required 0 Proposed 0

ITEMS TO ACCOMPANY THIS APPLICATION

- Eight (8) copies of a site location sketch showing the location of the subject property and the proposed development with respect to neighboring properties and development.
- Eight (8) copies of the proposed site development plan, consisting of sheets showing the required information as set forth on the back of this form, and such other information as deemed necessary by the City Council or the Planning Board to determine and provide for the proper enforcement of the Zoning Ordinance.
- Eight (8) copies of any additional sketches, renderings, or information submitted.
- An application fee, payable to the City of Beacon, computed as follows: \$200 + \$35 for EACH REQUIRED off-street parking and loading space.
- An initial escrow amount as set forth in the fee schedule as outlined in Section 223-61.1 of Beacon City Code, shall be submitted with the application.

CITY OF BEACON
SITE PLAN SPECIFICATION FORM

Name of Application: 300 SOUTH AVENUE

PLEASE INDICATE WHETHER THE SITE PLAN DRAWINGS SHOW THE SUBJECT INFORMATION BY PLACING A CHECK MARK IN THE APPROPRIATE BOXES BELOW.

	YES	NO
<p>The site plan shall be clearly marked "Site Plan", it shall be prepared by a legally certified individual of firm, such as a Registered Architect or Professional Engineer, and it shall contain the following information:</p>		
LEGAL DATA		
Name and address of the owner of record.	✓	
Name and address of the applicant (if other than the owner).	✓	
Name and address of person, firm or organization preparing the plan.	✓	
Date, north arrow, and written and graphic scale.	✓	
NATURAL FEATURES		
Existing contours with intervals of two (2) feet, referred to a datum satisfactory to the Planning Board.		N/A
Approximate boundaries of any areas subject to flooding or stormwater overflows.		N/A
Location of existing watercourses, wetlands, wooded areas, rock outcrops, isolated trees with a diameter of eight (8) inches or more measured three (3) feet above the base of the trunk, and any other significant existing natural features.		N/A
EXISTING STRUCTURES, UTILITIES, ETC.		
Outlines of all structures and the location of all uses not requiring structures.	✓	
Paved areas, sidewalks, and vehicular access between the site and public streets.	✓	
Locations, dimensions, grades, and flow direction of any existing sewers, culverts, water lines, as well as other underground and above ground utilities within and adjacent to the property.	✓	
Other existing development, including fences, retaining walls, landscaping, and screening.	✓	
Sufficient description or information to define precisely the boundaries of the property.	✓	
The owners of all adjoining lands as shown on the latest tax records.	✓	
The locations, names, and existing widths of adjacent streets and curb lines.	✓	
Location, width, and purpose of all existing and proposed easements, setbacks, reservations, and areas dedicated to private or public use within or adjacent to the properties.	✓	

	YES	NO
PROPOSED DEVELOPMENT		
The location, use and design of proposed buildings or structural improvements.		n/a
The location and design of all uses not requiring structures, such as outdoor storage (if permitted), and off-street and unloading areas.	✓	
Any proposed division of buildings into units of separate occupancy.	✓	
The location, direction, power, and time of use for any proposed outdoor lighting.	✓	
The location and plans for any outdoor signs.	✓	
The location, arrangement, size(s) and materials of proposed means of ingress and egress, including sidewalks, driveways, or other paved areas.	✓	
Proposed screening and other landscaping including a planting plan and schedule prepared by a qualified individual or firm.		n/a
The location, sizes and connection of all proposed water lines, valves, and hydrants and all storm drainage and sewer lines, culverts, drains, etc.		n/a
Proposed easements, deed restrictions, or covenants and a notation of any areas to be dedicated to the City.		n/a
Any contemplated public improvements on or adjoining the property.		n/a
Any proposed new grades, indicating clearly how such grades will meet existing grades of adjacent properties or the street.		n/a
Elevations of all proposed principal or accessory structures.	✓	
Any proposed fences or retaining walls.		n/a
MISCELLANEOUS		
A location map showing the applicant's entire property and adjacent properties and streets, at a convenient scale.	✓	
Erosion and sedimentation control measures.		n/a
A schedule indicating how the proposal complies with all pertinent zoning standards, including parking and loading requirements.	✓	
An indication of proposed hours of operation.	✓	
If the site plan only indicates a first stage, a supplementary plan shall indicate ultimate development.		n/a

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: YUAN LEE

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

List all properties in the City of Beacon that you hold a 5% interest in:

Applicant Address: 300 SOUTH AVENUE

Project Address: 300 SOUTH AVENUE

Project Tax Grid # 5954-16-755455

Type of Application SPECIAL USE PERMIT

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, YUAN LEE, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

- 1. No violations are pending for ANY parcel owned by me situated within the City of Beacon
- 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon
- 3. ALL tax payments due to the City of Beacon are current
- 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon
- 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon
- 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current

Yuan Lee
Signature of Owner

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	—	—	—
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	—	—	—
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	—	—	—

INFORMATION TO BE SHOWN ON SITE LOCATION SKETCH

- a. Property lines, zoning district boundaries and special district boundaries affecting all adjoining streets and properties, including properties located on the opposite sides of adjoining streets.
- b. Any reservations, easements or other areas of public or special use which affect the subject property.
- c. Section, block and lot numbers written on the subject property and all adjoining properties, including the names of the record owners of such adjoining properties.

INFORMATION TO BE SHOWN ON SITE DEVELOPMENT PLAN

- a. Title of development, date and revision dates if any, north point, scale, name and address of record owner of property and of the licensed engineer, architect, landscape architect, or surveyor preparing the site plan.
- b. Existing and proposed contours at a maximum vertical interval of two (2) feet.
- c. Location and identification of natural features including rock outcrops, wooded areas, single trees with a caliper of six (6) or more inches measured four (4) feet above existing grade, water bodies, water courses, wetlands, soil types, etc.
- d. Location and dimensions of all existing and proposed buildings, retaining walls, fences, septic fields, etc.
- e. Finished floor level elevations and heights of all existing and proposed buildings.
- f. Location, design, elevations, and pavement and curbing specifications, including pavement markings, of all existing and proposed sidewalks, and parking and truck loading areas, including access and egress drives thereto.
- g. Existing pavement and elevations of abutting streets, and proposed modifications.
- h. Location, type and design of all existing and proposed storm drainage facilities, including computation of present and estimated future runoff of the entire tributary watershed, at maximum density permitted under existing zoning, based on a 100 year storm.
- i. Location and design of all existing and proposed water supply and sewage disposal facilities.
- j. Location and design of all existing and proposed storm drainage facilities, including that located within the adjoining street right-of-way. All such lines and equipment must be installed underground.
- k. Estimate of earth work, including type and quantities of material to be imported to or removed from the site.
- l. Detailed landscape plan, including the type, size and location of materials to be used.
- m. Location, size, type, power, direction, shielding and hours of operation of all existing and proposed lighting facilities.
- n. Location, size, type and design of all existing and proposed business and directional signs.
- o. Written dimensions shall be used whenever possible.
- p. Signature and seal of licensed professional preparing the plan shall appear on each sheet.
- q. Statement of approval, in blank, as follows:

“Recommended for approval:

_____ Date

Chairman, City Planning Board

Approved by Resolution of the City Council of the City of Beacon
on the _____ day of _____ 20_____

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Yuan Lee	2. PROJECT NAME Chrystie House Bed and Breakfast
3. PROJECT LOCATION: Municipality Beacon County Dutchess	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 300 South Avenue	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Create 4 guest room bed and breakfast in owner-occupied single family residence	
7. AMOUNT OF LAND AFFECTED: Initially <u>4.085</u> acres Ultimately <u>4.085</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: Planning Board - Site Plan/Special Use Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Yuan Lee Date: July 26, 2009 Signature: <u>Yuan Lee</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

1

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? <input type="checkbox"/> Yes <input type="checkbox"/> No	If No, a negative declaration may be superseded by another involved agency.
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.	
_____	July 26, 2009
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)