



**CITY OF BEACON
CITY COUNCIL**

RESOLUTION NO. 22 OF 2024

**GRANTING SPECIAL USE PERMIT EXTENSION NO. 2 FOR
EDGEWATER PLACE PROJECT (PARCEL ID NO. 5955-19-590022)**

WHEREAS, on August 6, 2018 the City of Beacon City Council granted a Special Use Permit to Scenic Beacon Developments, LLC (the “Applicant”) to construct 246 units of multifamily housing property located on and collectively known as Edgewater Place, located in the RD-1.7 Zoning District (the “Special Use Permit Resolution”). Said premises being known and designated on the City Tax Map as Parcel ID #5955-19-590022; and

WHEREAS, at its meeting on August 19, 2019, and in accordance with the Special Use Permit Resolution and the City Zoning Code, the City Council adopted Resolution No. 115 of 2019, granting the Applicant an extension to file an application for a building permit; and

WHEREAS, on January 14, 2022, the Applicant was issued its first building permit, Building Permit No. 2022-0038; and

WHEREAS, pursuant to Section 223-18.F(1)(b)[2] of the Beacon City Zoning Code and Condition No. 7(b) of the Special Use Permit Resolution, the Special Use Permit shall expire “If all required improvements are not made within two (2) years from the date of issuance of the Building Permit”; and

WHEREAS, as of the date of this Resolution, the Applicant has not completed all required improvements within two (2) years from the date of issuance of the first building permit on January 14, 2022; and

WHEREAS, the Applicant’s request for an extension was timely received on December 21, 2023, as two (2) years had not lapsed since the date the first building permit was issued on January 14, 2022; and

WHEREAS, in accordance with Section 223-18.F(2) and Condition No. 8 of the Special Use Permit Resolution, the City Council may grant one (1) or more extension of up to six (6) months each, “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” and “all appropriate erosion control measures to protect surrounding properties are in place”; and

WHEREAS, the Applicant submitted a letter dated December 21, 2023, requesting four (4) six (6) month extensions (i.e., two-years) of the City Council’s Resolution granting a Special Use Permit; and

WHEREAS, the Applicant states it has been working diligently to complete the Edgewater Project, and that the construction of the first three (3) buildings are approximately 75% completed as of November 30, 2023 and the Applicant further expects the first (3) buildings will be fully constructed by March of 2024 followed by construction commencing for the remaining four (4) buildings in June 2024; and

WHEREAS, the City of Beacon Building Inspector has advised that the Applicant is prosecuting the required improvements with due diligence, proper erosion control measures are in place, and the two-year extension is reasonable; and

WHEREAS, the City Council discussed the extension of the Special Use Permit at its January 16, 2024 Work Session meeting.

NOW, THEREFORE, BE IT RESOLVED, in accordance with Beacon City Zoning Code § 223-18.F(2) and Condition No. 8 of the Special Use Permit, the City Council of the City of Beacon finds the Applicant has been prosecuting the construction of the improvements with due diligence, offered a reasonable explanation of its inability to complete the project, and proper erosion control measures are in place and hereby grants four (4) six (6) month extensions of City Council Resolution No. 116 of 2018, dated August 6, 2018, granting a Special Use Permit for improvements to the property located at Edgewater Place, known and designated on the Tax Map of the City of Beacon as Parcel ID #5955-19-590022, to expire on January 14, 2026.

BE IT FURTHER RESOLVED, the extension granted herein shall be deemed null and void in the event the Applicant does not satisfy the following conditions:

- a) Timely renewal of any permits or approvals issued by the City of Beacon in connection with the Special Use Permit Resolution, including, but not limited to Building Permit No. 2022-0189 set to expire on July 25, 2024, and Building Permit No. 2022-0197 set to expire on July 26, 2024, except Building Permit No. 2022-0038, issued for the construction of building No. 6, which expired on January 14, 2024 the Applicant shall submit a bona fide application for renewal within fifteen (15) calendar day; or
- b) Pay to the City all applicable fees and professional review fees incurred in connection with the Application or this extension request.

BE IT FURTHER RESOLVED, except as expressly modified by the amendment contained herein, the Special Use Permit Resolution dated August 6, 2018 is otherwise to remain in full force and effect.

| Resolution No. 22 of 2024 | | Date: January 22, 2024 | | | | | |
|---|--------|--|-----|----|---------|--------|--------|
| <input type="checkbox"/> Amendments | | <input type="checkbox"/> 2/3 Required | | | | | |
| <input type="checkbox"/> On roll call. | | <input type="checkbox"/> 3/4 Required | | | | | |
| Motion | Second | Council Member | Yes | No | Abstain | Reason | Absent |
| | | Paloma Wake | x | | | | |
| | | Amber Grant | x | | | | |
| x | | Molly Rhodes | x | | | | |
| | | Jeffrey Domanski | x | | | | |
| | x | Pam Wetherbee | x | | | | |
| | | Dan Aymar-Blair | x | | | | |
| | | Mayor Lee Kyriacou | x | | | | |
| | | Motion Carried | x | | | | |