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November 28, 2018

**VIA HAND DELIVERY  
AND EMAIL**

Hon. John Dunne  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

RE: Supplemental Submission and Area Variance Application (if necessary)  
Property: 53 Eliza Street, Beacon, New York (Tax ID: 130200-6054-29-031870)

Dear Chairman Dunne and Members of the Zoning Board of Appeals:

On behalf of PIE Development Company, Inc. (the "Applicant"), we respectfully submit this letter in furtherance of the above-referenced application for variance relief to replace the existing legal non-conforming commercial use on the residentially zoned Property with multi-family apartments consisting of nine (9) units ("Project").

This letter supplements our correspondence to the Board, dated October 30, 2018, and provides additional information and responses to comments raised in a letter from your Counsel, dated October 31, 2018 (the "October 31 Letter"). Pursuant to subsequent discussions with the Board's Counsel, we understand that our October 30 submission sufficiently responded to the issues identified at the ZBA's October 16<sup>th</sup> Continued Public Hearing and in the October 31 Letter,<sup>1</sup> relative to financial analysis, planning and design recommendations, and follow-up questions.

We are submitting this letter to address one remaining issue recently raised relative to the nature of the variance requested by the Applicant – namely whether an area variance is required for the proposed density (i.e., the total number of dwelling units) in addition to the Applicant's pending request for a use variance. We respectfully submit that an area variance is not required and the Applicant's request for relief in the form of a use variance is inherently inclusive of the proposed density.

This has been confirmed by the Building Inspector, who is the administrative official charged with enforcing the zoning code and responsible for identifying the type of variance relief required. The Building Inspector determined in correspondence, dated September 13, 2018 (the "Building Inspector's Determination"), that "[b]ased on... my review of the proposed application to construct nine [9] residential units on the referenced parcel [53 Eliza Street]... I have determined that a Use Variance for the project will be required. See **Exhibit A**. Similarly, we submit that

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<sup>1</sup> Specifically, the "Additional Follow-up Questions" section on pages 4-5 of the October 31 Letter.



November 28, 2018

Page 2

the Planning Board's September 12, 2018 recommendation to the ZBA (the "Advisory Opinion"), supports that the Project is inclusive of the Applicant's proposal for nine (9) units, but certainly no more, providing in relevant part that "[a]fter careful consideration, members supported the change of use from commercial to residential subject that the unit count not exceed nine residential units." See **Exhibit B**.

We believe the Building Inspector's Determination is consistent with the inherent nature of density compared to typical area and bulk requirements (e.g., setback limitations). The Applicant's proposed residential use directly correlates with the type and number of units in the Project. Indeed, the Applicant has demonstrated with substantial evidence and analysis that the number of units requested, nine (9) units, is the minimum variance that would provide a reasonable return. As is more fully detailed in the Applicant's August 28<sup>th</sup> and September 25<sup>th</sup> supplemental submissions, the Financial Analysis explains why none of the permitted uses could result in a reasonable return on the Property.<sup>2</sup> Further, the Financial Analysis concludes that none of the permitted uses under zoning, including the pre-existing legal non-conforming use would provide a reasonable return. It also concludes that the use of the Property for residential use, as proposed, is the only viable use, and that the number of units requested, nine (9) units, is the minimum variance that would provide a reasonable return.

Further, Courts have found that conditions of a variance and the dimensional standards applied by the ZBA in its determination are controlling such that no separate area variance should be required.<sup>3</sup> Based on the foregoing, and the authority that the dimensional standards applied by the ZBA in its decision are controlling, we respectfully submit that a separate area variance to permit three (3) additional residential units where nine (9) are requested is not required if the ZBA's decision on the use variance expressly provides for nine (9) units and conditions such approval on the unit count not exceeding nine (9) residential units, which language is noted in the Planning Board's referral comments cited hereinabove. As noted in the Applicant's September 25, 2018 submission, the Zoning Maps dated March 1977, February 1984, March 1991 and October 1993 all designated the Premises as OB – Office Business, and, per the applicable Zoning Codes at those times, the OB district permitted all principal uses as permitted and regulated in the most restrictive adjoining residential district. According to the maps dated 1977 through at least 1993, the Property abutted properties zoned in the OB and RD-3 Zoning Districts. The RD-3 permitted multi-family uses and would have permitted sufficient density for nine (9) residential multi-family units on the Property.

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<sup>2</sup> Technically, analysis of allowable special permit uses is not required in proving that a reasonable return cannot be realized from any of the uses permitted in the zone. Muller v. Williams, 88 AD2d 725 (3d Dept. 1982). Notwithstanding, such uses are no more viable for this Property than the uses permitted by right.

<sup>3</sup> See Scarsdale Shopping Center Associates, LLC v. Board of Appeals of Zoning for City of New Rochelle, 64 A.D.2d 604 (2d Dept 2009) (holding that a use variance was defined by the zoning district regulations denoted in the conditions to the use variance).





November 28, 2018  
Page 3

Accordingly, we respectfully request that the Board confirm that an area variance is not required for the proposed Project to proceed under the City of Beacon Zoning Code and that the Applicant's pending request for a use variance includes the proposed density of nine (9) multi-family units.

**IN THE ALTERNATIVE, IF THE BOARD DEEMS AN AREA VARIANCE IS REQUIRED,  
THE APPLICANT REQUESTS THAT SUCH RELIEF BE GRANTED TO  
ACCOMMODATE THE PROPOSED PROJECT.**

Enclosed please find a completed ZBA application form (enclosed as **Exhibit C**) for an area variance (if necessary) in response to Counsel's October 31 Letter to allow the proposed (9) multi-family units, where six (6) units are otherwise permitted on the Property in the R1-5 District (as presently zoned) pursuant to the City Zoning Code Schedule of Regulations.

To facilitate the Board's review of this area variance request we have enclosed a check made payable to the City of Beacon for \$250.00, representing the ZBA Variance Application filing fee.<sup>4</sup>

**Area Variance Standards:**

New York State General City Law § 81-b and Zoning Code § 223-55(C)(2) provide that a ZBA shall consider the benefit to the Applicant if the variance is granted as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. The five (5) area variance factors set forth in these provisions and outlined below are a tool for the Board to use in determining whether to grant the request. They should not overwhelm or substitute for the required balancing. No single factor is determinative in assessing an area variance application.

For the following reasons and the based on the evidence in the record, we respectfully submit that upon balancing the variance criteria, the granting of the requested area variance is warranted.

*The granting of the requested area variance will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties.*

This Application is somewhat unusual because it seeks to use the Property for a residential purpose that is less intense and onerous than existing and non-conforming uses. This is unlike situations where applicants seek variances to permit the use of their land in a more intense way than zoning permits (for example, seeking to operate a commercial office with storage for a contractor in a residential zone). The Applicant here is seeking to do the opposite. The proposal

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<sup>4</sup> The Applicant's EAF and project description identify the need for variance relief. The addition of an area variance request does not change the nature of the Project or the agencies involved or interested in this action. To the extent the Board deems it necessary, the Applicant can update the list of government approvals on page 2 of the EAF.



November 28, 2018

Page 4

will replace the existing commercial use with a residential use, bringing the Property further into conformity with surrounding uses, development patterns and the intent of residential zoning.

The Applicant is now seeking to adaptively reuse the Property and change its use to one of less nonconformity and in a manner consistent with the area's existing residential zoning and multi-family character of adjacent properties. Indeed, the existing character of the neighborhood, in addition to the Property's unique size and existing commercial use make it particularly appropriate to accommodate this nine (9) unit multi-family development.

As more fully detailed in the Applicant's August 28<sup>th</sup> submission to this Board, the Property is adjacent to existing residential lots on Eliza Street and Fishkill Avenue. It is also immediately adjacent to and abutting a seventy (70)-unit multi-story apartment building to the south, as well as an eight (8)-unit multi-story apartment use immediately adjacent to and abutting the Property to the north. It is only a few hundred feet from Main Street and the recent 344 Main Street multi-family residential development, as well as the former Beacon High School, and it is adjacent to many other multi-family apartment developments and townhomes. The proposed buildings will make the Property appear part of the local landscape featuring residential elements with similar architectural style and materials to the properties in the neighborhood

The proposal involves the demolition and adaptive reuse of the existing commercial structures to make them into a residential use that is more consistent with the surrounding properties and those properties located in the District. The Applicant believes that the proposed use of the Property will benefit the community, considering the City's potential growth and the need for additional rental units. The 2017 Comprehensive Plan Update restated the City's goal of "[e]ncourag[ing] housing development at relatively greater densities within and adjacent to the central business district... [and] to encourage residential development of... underutilized industrial sites..." (pg. 23) [emphasis added].<sup>5</sup> The 2017 Plan also notes that in preparing the plan "[m]any agreed that housing density on and near Main Street should be increased, particularly in the area between Elm and Teller; [and that] participants felt that more people living in the vicinity of Main Street would help ensure the economic vitality of Main Street" (page 51).<sup>6</sup> The Property is indeed located a few hundred feet from Main Street, between Teller Avenue and Elm Street. If the Zoning Board grants the requested variance, the residential project will be more inclusive and comply with the City's goals for development in the vicinity of Main Street.

Additionally, as noted in the Planning Board's September 12, 2018 Advisory Opinion:

Members reviewed the proposal and gave consideration to the applicant's claim that the proposed residential units will be more consistent with the

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<sup>5</sup> CITY OF BEACON, 2017 COMPREHENSIVE PLAN UPDATE, at 23, *available at*: [http://cityofbeacon.org/pdf/Beacon\\_Comprehensive\\_Plan\\_Final-040417.pdf](http://cityofbeacon.org/pdf/Beacon_Comprehensive_Plan_Final-040417.pdf).

<sup>6</sup> *Id.* at 51.





November 28, 2018

Page 5

character of the street and more conforming than the existing offices, storage and contractor's yard... [and] "[a]fter careful consideration, members supported the change of use from commercial to residential subject that the unit count not exceed nine residential units."

*See Exhibit B.*

Further, in response to City Planner, John Clarke's memorandum, dated September 6, 2018, the Applicants previously revised the proposed building fronting on Eliza Street to be more consistent with the surrounding properties. As this Board is aware, as noted in the Applicant's October 30, 2018 submission, additional copies of the renderings previously submitted by the Applicant, which include porches for the proposed building fronting on Eliza Street were provided. Further, to date, more than twenty (20) letters of support and approval recommendation have been received for the proposed Project on the Property from owners of parcels that are adjacent to and abutting the Property, and from others in the surrounding neighborhood and community.

Accordingly, it is respectfully submitted that granting of the requested area variance will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties.

*The benefit sought by the Applicant cannot be achieved by some method feasible to the Applicant to pursue, other than an area variance.<sup>7</sup>*

The range of appropriate alternatives is guided by two (2) critical factors: First, an alternative must still provide the benefit sought by the Applicant and, second, it must be feasible for the Applicant to pursue. A ZBA may not deny a variance and attempt to relegate an applicant to an alternative design that is a "profound departure" from, or substantially costlier than, the design proposed in the variance.<sup>8</sup>

A variance from the City's R1-5 District lot area per dwelling unit standard is sought in conjunction with the Applicant's pending use variance request to allow nine (9) multi-family units. The benefit sought by the Applicant is the nine (9) dwelling units necessary to realize a reasonable return from the Property. We respectfully refer the Board to the Applicant's Financial Analysis included in the Applicant's August 28<sup>th</sup> submission and in the Applicant's supporting dollars and cents proofs and related details included in the Applicant's August 28<sup>th</sup>, September 25<sup>th</sup> and October 30<sup>th</sup> supplemental submissions (collectively the "Financial Analysis"), which Financial Analysis is

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<sup>7</sup> See CITY OF BEACON ZONING CODE § 223-55(C)(2)(b)(2).

<sup>8</sup> See Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dept. 2002). See also, Baker v. Brownlie, 248 A.D.2d 527 (2d Dept. 1998) and Salkin, New York Zoning Law & Practice § 29:36 Administrative Relief from Zoning Regulations: Variances.



November 28, 2018

Page 6

incorporated here by reference. As detailed in the Financial Analysis, the Applicant has reviewed and demonstrated in response to prior comments from the Board and City Staff that none of the permitted uses could result in a reasonable return on the Property. Further, the Financial Analysis concludes that none of the permitted uses under zoning, including the pre-existing legal non-conforming use would provide a reasonable return. It also concludes that the use of the Property for residential use, as proposed, is the only viable use, and that the number of units requested, nine (9) units, is the minimum variance that would provide a reasonable return. The infeasibility of these alternatives, including only six (6) units, is supported by the competent financial evidence in the record. Ultimately, nine (9) units are necessary in order to realize a reasonable return. It is therefore axiomatic that the benefit sought cannot be achieved by any method other than the requested area variance.

*The requested area variance is not substantial.*

The substantiality of an area variance cannot be judged solely by a comparison of the percentage deviation from the mandated requirements of the Zoning Code. In considering whether a variance is substantial, the ZBA shall examine the totality of the circumstances within an application.<sup>9</sup>

Thus, the overall effect of granting the relief is the appropriate inquiry. The ZBA must consider the surrounding neighborhood and nearby lots when determining whether the Application is substantial.<sup>10</sup> The Applicant is seeking the requested area variance to replace the existing legal non-conforming commercial use on this residentially zoned Property. The proposed Project complies with all other bulk requirements of the Zoning Code and allows for dwelling units that are consistent with the demand and existing development in the area, namely along Eliza Street and Fishkill Avenue. Furthermore, the mere fact that a variance may be deemed “substantial,” or fails to meet one (1) of the other five (5) factors, does not preclude application of the overall balancing test.<sup>11</sup>

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<sup>9</sup> See Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals Town of Gardiner, 56 A.D.3d 883, 886 (3d Dept. 2008) (although variances were substantial the ZBA properly determined area variances will not have a substantial impact on the community); see also Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821, 824 (3d Dept. 2013) (upholding ZBA determination that an area variance was not substantial when compared to the nearby buildings).

<sup>10</sup> See, Crystal Pond Homes, Inc. v. Prior, 305 A.D.2d 595 (2d Dept. 2003) (court overturned lot area application for 12,750 square foot lot where 21,780 was required where there were a substantial amount of substandard lots in the area); Gonzalez v. ZBA of Putnam Valley, 3 A.D.3d 496 (2d Dept. 2004) (denial overturned where record showed substandard lots next to subject lot and other nearby nonconforming structures similar to that sought by applicant).

<sup>11</sup> Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dept. 2002) (determination that a request that was determined “substantial” did not excuse the Zoning Board of Appeals from applying the overall balancing test).





November 28, 2018

Page 7

The Applicant has submitted site plans, including revised elevations incorporating the City Planner's comment, together with information and letters of support establishing that the Project is consistent with the character of the area. As described above, and our prior submissions, the Project will not adversely impact neighboring properties. Indeed, the Project received a positive recommendation from the Planning Board in its Advisory Opinion. *See Exhibit B.* Thus, the requested area variance must not be considered substantial when looking at the totality of the application and the context of the area. The design of the proposed dwelling units is reflective of other properties within the immediate vicinity of the premises and is therefore not a departure of the overall design of the neighborhood. *See Site Plans and Elevations* included in the Applicant's prior supplemental submissions noted herein. The Project will ultimately benefit the community and bring the Property more in line with the zoning district.

*The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

As noted above, and in the Applicant's prior submissions to the Board, the Property currently contains a more intense, commercial use that is less compatible with the neighborhood and the zoning districts than the proposed Project. This is unrefuted in the record. The Project will not result in any adverse effects relative to noise, vibrations, odor, traffic, or impact on public services. As evidenced by the immense public support this Project has received, including from all adjoining neighbors, the Project will improve the conditions of the neighborhood. This is further demonstrated, as is the point that the Project will not have an adverse environmental impact, by the Full Environmental Assessment Form ("EAF") in the record and filed on August 28, 2018. Indeed, no significant environmental concerns have been raised by the Planning Board, Zoning Board, the public, or City Staff throughout the City's review of the Project. As was discussed at this Board's September 18 meeting, and as noted in the Applicant's supplemental submission to this Board dated September 28 in response comments at the Public Hearing, the Applicant retained the services of Maser Consultant, P.A., in order to review any potential traffic impacts and to formally respond to these comments. Maser's Traffic Evaluation dated September 27, 2018 (the "Traffic Evaluation"), concludes that:

"... it is anticipated that with the Proposed Development, similar Levels of Service will be maintained in the future. As a result, it can be concluded that the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Site. Furthermore, as previously indicated, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed."

Accordingly, the proposed redevelopment of the Property for a residential use consisting of nine (9) units will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district. Conversely, the existing commercial use of the Property is



November 28, 2018

Page 8

significantly less compatible with the district and may continue as a legal preexisting non-conforming use without the Project.

*The difficulty is not self-created, but in any event, such consideration does not preclude the granting of the requested area variance.*

As discussed during prior meetings and in submissions to the Board, the Applicant's need for a variance to allow the proposed nine (9) multi-family units arose decades after the Property was acquired and to address a gradual shift in the character of the area that rendered the existing non-conforming commercial use onerous, obsolete and incompatible with the area. The ZBA is familiar with the continuing Renaissance in the City of Beacon and increasing demand for residential accommodations. The Applicant's proposed Project and multi-family use of this Property is more compatible with surrounding land uses than the uses permitted under existing zoning, and at the same time will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Indeed, when the Applicant sought to purchase the commercial Property in 1998 in order to operate a commercial use for office, storage and a contractor's yard for his electrical business, the Applicant obtained a determination from City of Beacon Building Inspector dated August 26, 1998 that confirmed the existing use of office and storage for a contractor is considered to be a pre-existing, legal, non-conforming use.<sup>12</sup> The Applicant has owned the property since March 1999 and has abided by the limitation for over twenty (20) years.<sup>13</sup> Over those twenty (20) years the residential uses in the community have intensified and have eroded the suitability of this Property for the limited commercial use. The character of the neighborhood, although mixed to some degree when the Applicant purchased the Property, has become more residential as the result of development by others, not the Applicant – which post-acquisition developments were not self-imposed.<sup>14</sup>

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<sup>12</sup> See, Kontogionnis v. Fritts, 131 A.D.2d 944 (3d Dept. 1987) (the court found that the ZBA's finding that the petitioner's hardship was "self-created" was without merit, holding that "[t]he record establishes that petitioner did not construct the recreation building in 1974 with the goal of converting it into a multifamily dwelling several years down the line... [and] [i]n such circumstances, the grant of a use variance may be appropriate.")

<sup>13</sup> See, 54 Marion Avenue, LLC v. City of Saratoga Springs, 162 A.D.3d 1341 (3d Dept. 2018) (holding that "the need for a use variance only arose decades after the property was acquired due to a gradual shift in the character of the area that rendered the permitted residential use onerous and obsolete, petitioners sufficiently alleged that the hardship identified by them ***was not self-created***" [bold and italic emphasis added]).

<sup>14</sup> See, Siano v. City of Saratoga Springs Zoning Bd. of Appeals, 21 Misc.3d 1115(A) (Sup. Ct. Saratoga County 2006) (the court held that the Applicant satisfied the criterion that the hardship was not self-created, holding in relevant part that: "[o]n the one hand, when petitioners acquired the property, they knew that it was zoned for residential use, and indeed, have abided by that limitation for over 10 years. On the other,





November 28, 2018

Page 9

Ultimately, the character of the neighborhood, although mixed when the Applicant purchased the Property, has become increasingly multi-family in nature as a result of the development by others. There has been a serious, obvious and undeniable gradual shift in character in the area from 1998 to 2018 and the Applicant did not purchase the property with eye on developing multi-family nearly twenty (20) years later. Such post-purchase development and changes is not self-imposed.<sup>15</sup> Accordingly, it is respectfully submitted that the need for a use variance only arose decades after the property was acquired due to this gradual character shift and, thus, the alleged hardship is not self-created.

#### CONCLUSION

We respectfully submit that an area variance is not required and the Applicant's request for relief in the form of a use variance is inherently inclusive of the proposed density. Alternatively, for the reasons set forth above, and which will be further discussed at the Board's December 18 meeting, the Applicant respectfully requests that the aforementioned area variance be granted, to the extent deemed necessary, to provide relief from the City's minimum lot area per dwelling unit standard to allow for the proposed nine (9) multi-family units on the Property. As evidenced by the materials provided in support of the Applicant's use variance request, the requested area variance is the minimum variance necessary, and the benefit to the Applicant if the area variance is granted outweighs any possible detriment to the health, safety and welfare of the neighborhood or community. Indeed, the Project will improve the area and benefit the public.

Should the ZBA or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me. Thank you for your attention to and consideration of this matter.

Very truly yours,

  
Taylor M. Palmer

Cc: Lt. Timothy P. Dexter, Building Inspector  
Drew V. Gamils, Esq.  
Aryeh J. Seigel Architect

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since their acquisition, the commercial uses in the neighborhood have intensified, particularly directly across the street. These post-acquisition changes have further eroded the attractiveness or suitability of this property for residential use. The character of the neighborhood, although mixed to some degree when petitioners purchased the property, has become more commercial as the result of development by others, not petitioners. None of these post acquisition developments was self-imposed").

<sup>15</sup> *Id.*



November 28, 2018  
Page 10

Michael A. Bodendorf, P.E. – Hudson Land Design Professional Engineering, P.C.  
PIE Development Company, Inc.



# Exhibit A



Timothy P. Dexter, CPCA  
Building Inspector

CITY OF BEACON  
New York

BUILDING DEPARTMENT

845-838-5020

September 13, 2018

RE: 53 Eliza Street  
Beacon, New York 12508  
30-5954-35-764863-00

To Whom It May Concern:

Based on our initial meeting and my review of the proposed application to construct nine residential units on the referenced parcel. I have determined that a Use Variance for the project will be required.

If you have any questions or concerns please feel free to contact me at 845-838-5020.

Sincerely,

A handwritten signature in dark ink that reads "Timothy P. Dexter".

Lt. Timothy P. Dexter, CPCA  
Building Inspector



# Exhibit B



# Memorandum

## *Planning Board*

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TO: Zoning Board Chairman Dunne and Zoning Board Members

FROM: Planning Board Chairman Sheers and Planning Board Members

RE: Advisory Opinion  
53 Eliza Street  
Applicant: Pie Development Company

DATE: September 12, 2018

At their last meeting, the Planning Board reviewed an application for Site Plan Approval for a nine-unit residential development of property located at 53 Eliza Street submitted by Pie Development Company. They are proposing to replace the pre-existing non-conforming commercial buildings and operations with a multiple dwelling nine-unit residential development. An uncoordinated SEQRA review will take place at both the Zoning Board of Appeals and the Planning Board.

Members reviewed the proposal and gave consideration to the applicant's claim that the proposed residential units will be more consistent with the character of the street and more conforming than the existing offices, storage and contractor's yard. A lengthy discussion took place about the layout of the site, and understanding that if a use variance is granted the applicant would return to the Planning Board for Site Plan Approval at which time the Planning Board may have comments regarding modification of the layout of the proposed buildings and other site elements. After careful consideration, members supported the change of use from commercial to residential subject that the unit count not exceed nine residential units.

As always the final decision will be based on your review of the application but the Planning Board felt the aforementioned factors should be offered as an advisory viewpoint.



# Exhibit C

# ZONING BOARD OF APPEALS

City of Beacon, New York

## APPLICATION FOR APPEAL (if necessary)

OWNER: PIE Development Company, Inc.

ADDRESS: 53 Eliza Street, Beacon, NY 12508

TELEPHONE: (845) 838-1775

E-MAIL: eppdhv@optonline.net

APPLICANT (if not owner): Same as owner

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: Aryeh Siegel, Architect

ADDRESS: 84 Mason Circle, Beacon, NY 12508

TELEPHONE: 845-838-2490

E-MAIL: ajs@ajsarch.com

PROPERTY LOCATION: 53 Eliza Street

ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 6054

BLOCK 29 LOT 031870

Section of Zoning Code appealed from or Interpretation desired:

Please See Attached Variance Project Narrative

Reason supporting request:

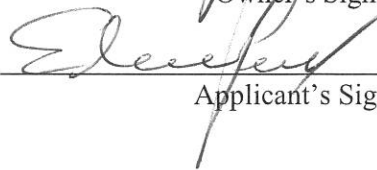
Please See Attached Variance Project Narrative

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

Please See Attached Variance Project Narrative, Site Plans and Renderings

Date: November 28, 2018

  
Owner's Signature

  
Applicant's Signature

### Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250

*\*\*escrow fees may apply if required by Chairman\*\**

# APPLICATION PROCESSING RESTRICTION LAW

## Affidavit of Property Owner

Property Owner: PIE Development Company, Inc.

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

Edward J. Pietrowski, Jr.

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

53 Eliza Street, Beacon, NY 12508 and 85 Oak Street, Beacon, NY 12508

Applicant Address: 53 Eliza Street, Beacon, NY 12508

Project Address: 53 Eliza Street, Beacon, NY 12508

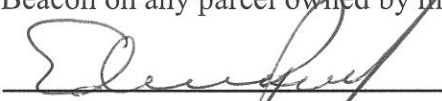
Project Tax Grid # 6054-29-031870

Type of Application Application for Variance Relief

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, Edward J. Pietrowski, Jr., 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      | <u>X</u>      |
| 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon | <u>      </u> |
| 3. ALL tax payments due to the City of Beacon are current                                       | <u>X</u>      |
| 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon         | <u>      </u> |
| 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon | <u>      </u> |
| 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current      | <u>X</u>      |

  
\_\_\_\_\_

Signature of Owner

\_\_\_\_\_  
President

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)	___	___	___

### FOR OFFICE USE ONLY

Application # \_\_\_\_\_



**CITY OF BEACON**

**1 Municipal Plaza, Beacon, NY**

**Telephone (845) 838-5000 • <http://cityofbeacon.org/>**

**INDIVIDUAL DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A**

Name of Applicant: PIE Development Company, Inc.

Address of Applicant: 53 Eliza Street, Beacon, NY 12508

Telephone Contact Information: 845-838-1775

**SECTION B.** List all owners of record of the subject property or any part thereof.

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Edward J. Pietrowski, Jr.	53 Eliza Street Beacon, NY 12508	845-838-1775	1999 by Deed	Deed Recorded 4/13/1999

**SECTION B.** Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon?

☐ YES ☒ NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

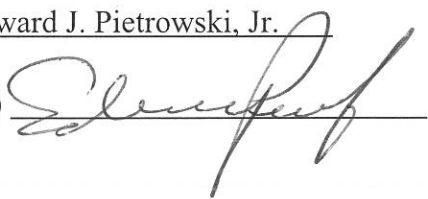
Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

**SECTION C.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

**SECTION D.** Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐ YES ☒ NO

I, Edward J. Pietrowski, Jr. being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Edward J. Pietrowski, Jr.  
(Signature) 

<b>FOR OFFICE USE ONLY</b>
Application #

**CITY OF BEACON**  
**1 Municipal Plaza, Beacon, NY**  
**Telephone (845) 838-5000\* <http://cityofbeacon.org/>**

**ENTITY DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any entity)

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

**SECTION A.**

**IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:**

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

**IF AFFIANT IS A CORPORATION:**

Name of Entity PIE Development Company, Inc.	Telephone Contact Information 845-838-1775
Principal Place of Business of Entity 53 Eliza Street, Beacon, NY 12508	Place and date of incorporation Hankin, Hanig, Stall, Caplicki, Redl 11/16/98* 319 Main Street, Poughkeepsie, NY



Method of Incorporation	Official place where the documents and papers of incorporation were filed
Domestic Business Corporation	*same as above

**SECTION B.** List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Edward J. Pietrowski, Jr.	5 Meadow Lane, Beacon, NY 12508	845-831-0169	President

**SECTION C.** List all owners of record of the subject property or any part thereof.

<b>Name</b>	<b>Residence or Business Address</b>	<b>Telephone Number</b>	<b>Date and Manner title was acquired</b>	<b>Date and place where the deed or document of conveyance was recorded or filed.</b>
Edward J Pietrowski, Jr.	53 Eliza Street, Beacon, NY 12508	845-838-1775	3/31/99 Deed	Dutchess County Deed Recorded 4/13/99

**SECTION D.** Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☐ YES

☒ NO

<b>Name</b>	<b>Employer</b>	<b>Position</b>

**SECTION E.** Is any party identified in Sections A- C an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon?

☐ YES

☒ NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

**SECTION F.** Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ YES

☒ NO

Current Name	Other Names



**SECTION G.** List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address

**SECTION H.** If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

**SECTION I.** Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐

YES

☒

NO

I, Edward J. Pietrowski, Jr., being first duly sworn, according to law, deposes and says that I am President, an active and qualified member of the PIE Development Company, Inc., a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Edward J. Pietrowski, Jr.

(Signature) 