

CITY OF BEACON
One Municipal Plaza - Courtroom
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026

The Zoning Board of Appeals will meet on **Tuesday, September 19, 2017** in the Municipal Center Courtroom. the meeting starts at at 7:00 PM.

1. Application submitted by Josef Walden, 18 Miller Street, Tax Grid No. 30-5954-44-891677-00, R1-5 Zoning District, for a Use Variance seeking relief from 223-14(E)(1) to construct a garage on a vacant residential lot (***application withdrawn by applicant***)
2. Continue review of application submitted by Rina Shuman, corner lot at Madison Avenue and Prospect Street, Tax Grid No. 30-6054-46-208527-00, R1-10 Zoning District, seeking relief from Section 223-17(C) to construct a new single family house with a 12.2 ft. side yard setback (*15 ft. required*) and 24.7 ft. total side yard setbacks (*40 ft. required*) (***postponed - applicant requested postponement to January 16, 2018***)
3. Continue review of application submitted by Highview Development, LLC, 226 Main Street, Tax Grid No. 30-5954-27-860918-00, CMS Zoning District, to construct a new building which requires relief from Section 223-41.18(D)(5) for a 10 ft. rear yard setback (*25 ft. required*) and Section 223-41.18(F)(2)(a) to provide no off-street parking spaces (*8 off-street spaces required*)
4. Application submitted by Juana Rivera, 13 South Cedar Street, Tax Grid No. 30-5954-36-903845-00, R1-5 Zoning District, for relief from Section 223-17(C) to extend an existing covered side porch to 8' x 8' with a 6 ft. side yard setback (*12.5 ft. required*)
5. Application submitted by The Scenic Hudson Land Trust, 788 Wolcott Avenue, Tax Grid No. 30-6054-14-259407-00, R1-80 Zoning District, for relief from Section 223-17(C) to expand the existing parking area with a 24.5 ft. front yard setback (*50 ft. required*)
6. Application submitted by James and Daphne Black, 10 Wodenethe Drive N., Tax Grid No. 30-5954-51-793547-00, R1-40 Zoning District, for relief from Section 223-17(C) for a two-story addition with a 29.3 ft. rear yard setback (*50 ft. required*) and 16.1 ft. side yard setback (*25 ft. required*)
7. Application submitted by Beacon Lofts & Storage, 39 Front Street (Mason Circle), Tax Grid No. 30-6055-04-590165-00, LI Zoning District, for relief from Section 223-17(C) to construct a new building with a height of 66 ft. (*35 ft. maximum permitted*) (***postponed pending SEQRA determination***)
8. Application submitted by 475 Main Street Beacon, LLC, Tax Grid No. 30-6054-37-076730-00, CB Zoning District, for relief from Section 223-26(F) for a building addition to expand existing office use with existing Main Street retail with zero parking spaces (*14 required*) (***postponed - applicant requested postponement to October 17, 2017***)

City of Beacon Planning Board
9/19/2017

Title:

18 Miller Street

Subject:

Application submitted by Josef Walden, 18 Miller Street, Tax Grid No. 30-5954-44-891677-00, R1-5 Zoning District, for a Use Variance seeking relief from 223-14(E)(1) to construct a garage on a vacant residential lot (***application withdrawn by applicant***)

Background:

City of Beacon Planning Board
9/19/2017

Title:

Prospect Street & Madison Avenue

Subject:

Continue review of application submitted by Rina Shuman, corner lot at Madison Avenue and Prospect Street, Tax Grid No. 30-6054-46-208527-00, R1-10 Zoning District, seeking relief from Section 223-17(C) to construct a new single family house with a 12.2 ft. side yard setback (*15 ft. required*) and 24.7 ft. total side yard setbacks (*40 ft. required*) (***postponed - applicant requested postponement to January 16, 2018***)

Background:

ATTACHMENTS:

Description	Type
Prospect - Application	Application
Prospect EAF	EAF
Prospect Cover Letter	Cover Memo/Letter
Prospect - Plot Plan	Plans
Prospect - Report	Backup Material

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Rina Shuman

ADDRESS: 30 Frances Road

TELEPHONE: 201-274-4771

Pequannock NJ 07440

E-MAIL: RinaShuman@optonline.net

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Hudson Land Design, P.C.
Daniel G. Koehler, P.E.

ADDRESS: 174 Main Street

Beacon NY 12508

TELEPHONE: 845-440-6926

E-MAIL: DKoehler@HudsonLandDesign.com

PROPERTY LOCATION: N corner, Madison Ave.
& Prospect Street

ZONING DISTRICT: R1-10

TAX MAP DESIGNATION: SECTION 6054

BLOCK 46 LOT 208527

Section of Zoning Code appealed from or Interpretation desired:

Relief from Section 223-17(c) for a new single family house with a 12.2 ft. side yard setback
(15 ft. required) & a total of 24.7 ft. side yard setbacks where a total 40 ft. is required

Reason supporting request:

For construction of a single-family home on an existing undersized lot, where
the buildable area does not provide adequate area for construction of a reasonable
conventional home.

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

Plot plan

Date: 6-2-17

Rina Shuman
Owner's Signature

Rina Shuman
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: Rina Shuman

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

N/A

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

N/A

Applicant Address: 30 Frances Rd, Pequannock NJ 07440

Project Address: North corner of Madison Avenue & Prospect Street

Project Tax Grid # 6054-46-208527

Type of Application Area variance

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, Rina Shuman, 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 ✓

Rina Shuman

Signature of Owner

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

NO

YES

Initial

✓

Jm

ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)

✓

W

ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

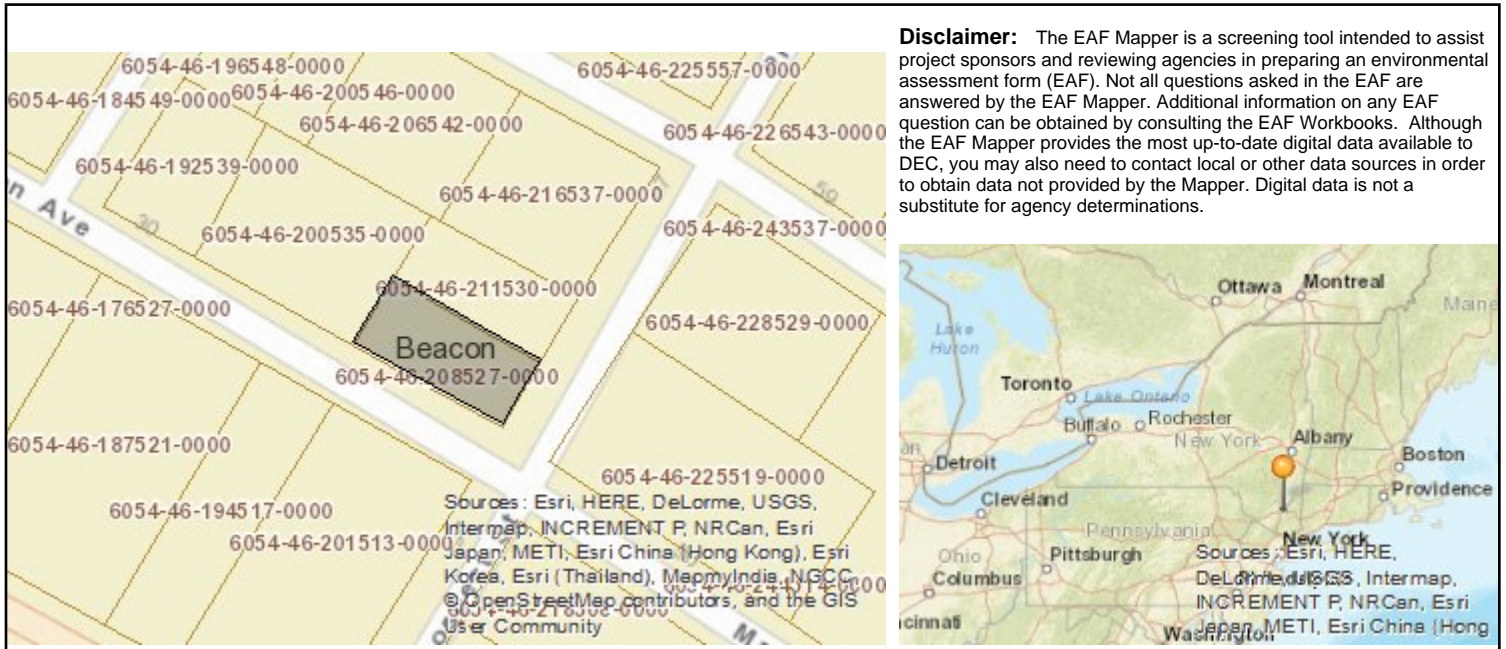
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:	Zip Code:	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

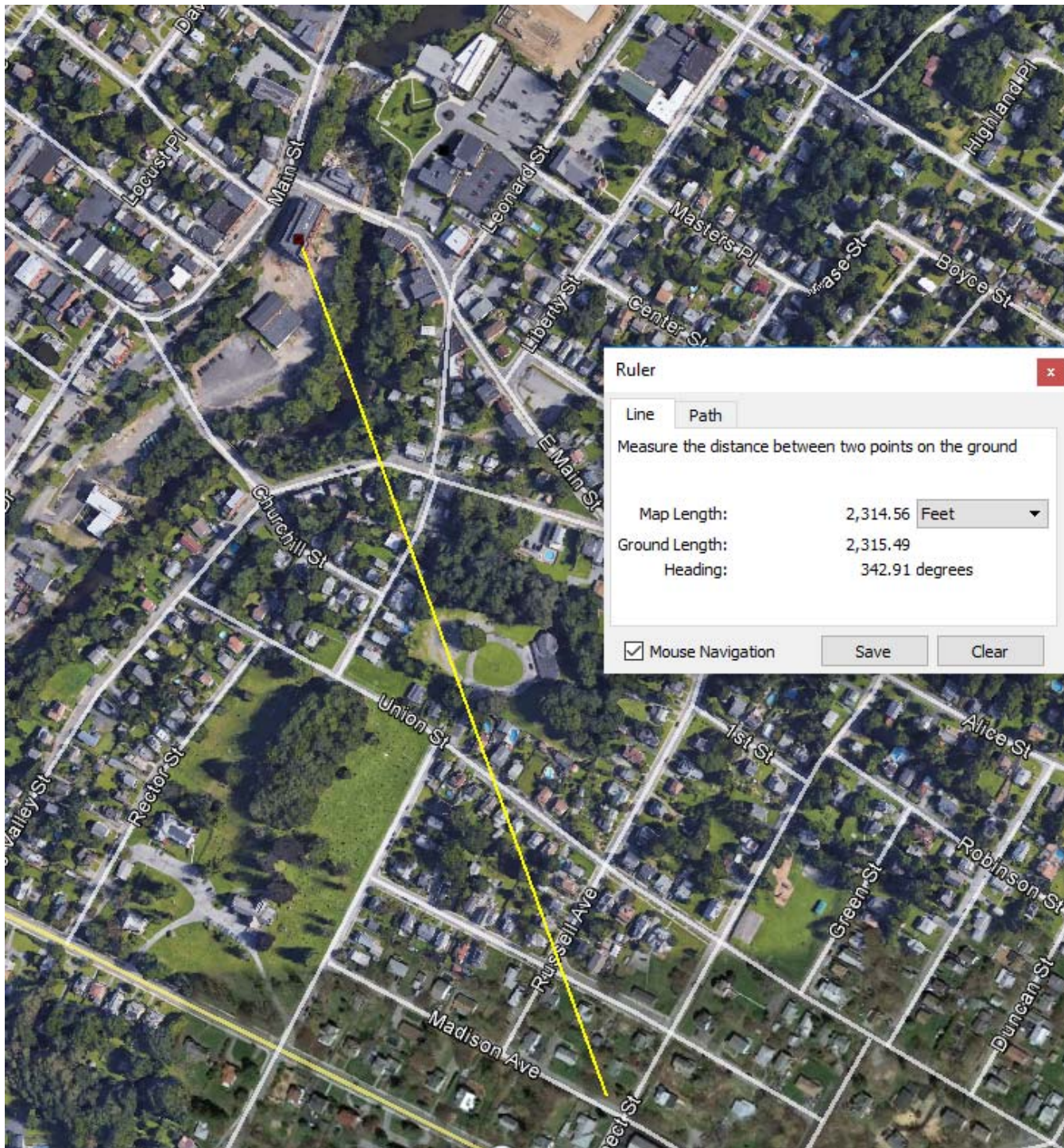
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>Site is located approximately 2,300 feet (per Google Earth)</u> <u>to Site C 31411B - Churchill Mills. EAF mapper provides an automatic</u> <u>yes in this case.</u>	NO	YES
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Rina Shuman</u>		Date: <u>6-2-17</u>
Signature: <u><i>Rina R Shuman</i></u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



Ruler

Line

Path

Measure the distance between two points on the ground

Map Length:

2,314.56

Feet

Ground Length:

2,315.49

Heading:

342.91 degrees

☒ Mouse Navigation

Save

Clear



*Civil & Environmental Engineering Consultants
174 Main Street, Beacon, New York 12508
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com*

August 29, 2017

Mr. Tim Dexter
City of Beacon Zoning Administrator
1 Municipal Street
Beacon, NY 12508

Re: Variance Application
Prospect Street & Madison Avenue parcel
City of Beacon, New York, Tax Parcel: 6054-46-208527 (±0.13-acre)

Dear Mr. Dexter,

Enclosed please find the following items for your review:

- Five (5) copies of report discussing the proposed area variance
- One (1) CD with the above documents electronically

These items are being submitted in support of the previously submitted application, and the requested variances are as follows:

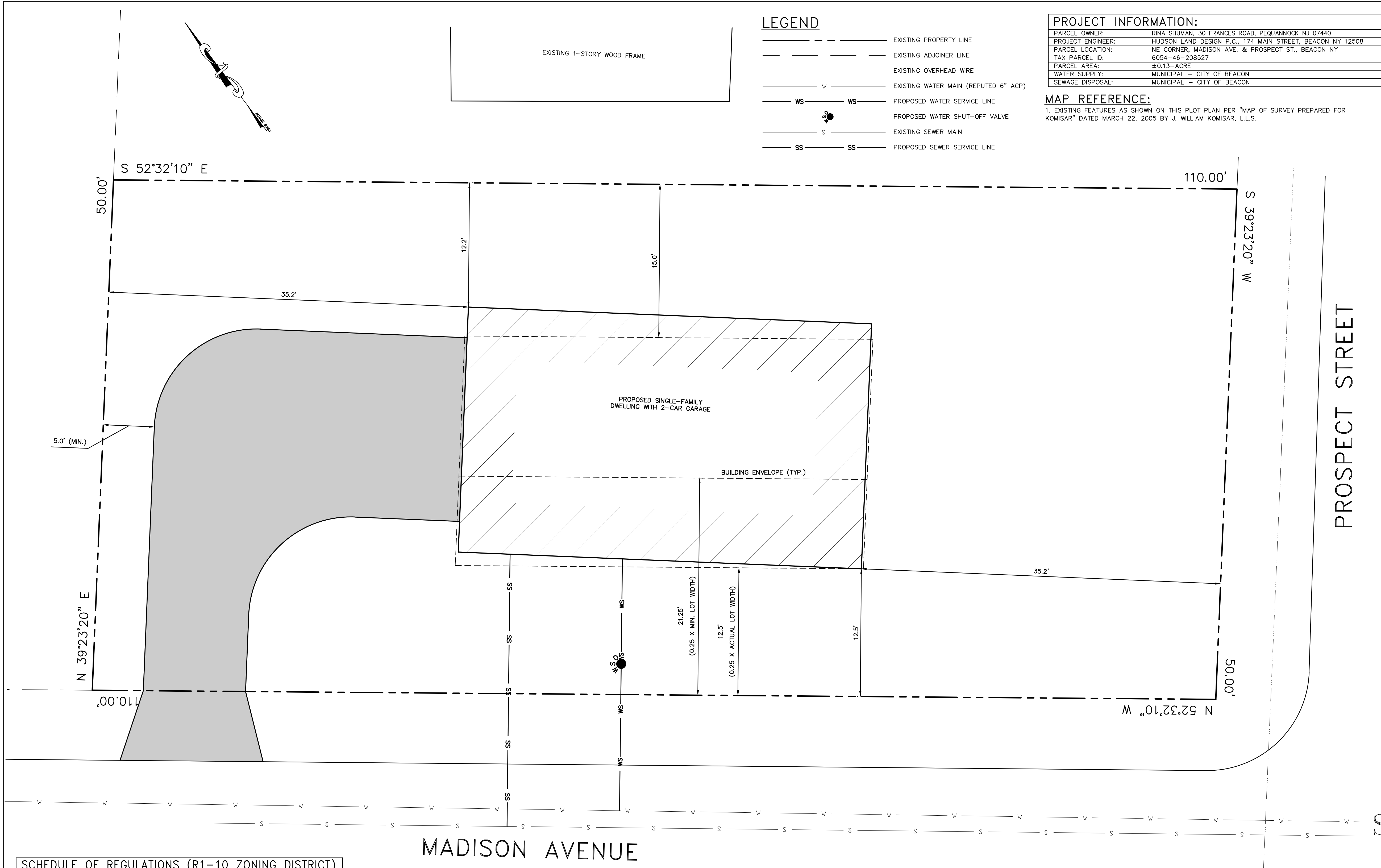
1. Side yard (to the existing property to the northeast) of 12.2 feet, where 15 feet is required, thereby requesting relief of 2.8 feet.
2. Side yard (total) of 24.7 feet, where 40 feet is required, thereby requesting a variance of 15.3 feet.

Should you have any questions, please feel free to call me 845-440-6926.

Sincerely,

Daniel G. Koehler, P.E.
Principal

cc: Rina Shuman (via email)
Michael A. Bodendorf, P.E. (HLD file)



SCHEDULE OF REGULATIONS (R1-10 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:

PARAMETER	REQUIREMENT	PROVIDED
LOT AREA:	10,000 SQUARE FEET MIN	5,500 S.F. ⁽¹⁾
LOT WIDTH:	85 FEET MINIMUM	50 FEET ⁽¹⁾
LOT DEPTH:	100 FEET MINIMUM	110 FEET
YARD SETBACKS (RESIDENTIAL USE):		
FRONT YARD:	35 FEET MINIMUM	35.2 FEET ⁽²⁾
SIDE YARD:	15 FEET MINIMUM	12.2 FEET
SIDE YARD (TOTAL OF TWO):	40 FEET MINIMUM TOTAL	24.6 FEET
REAR YARD:	35 FEET MINIMUM	35.2 FEET
YARD SETBACKS (ACCESSORY STRUCTURE):		
SIDE YARD:	5 FEET MINIMUM	>5 FEET
REAR YARD:	5 FEET MINIMUM	>5 FEET
MAIN BUILDING HEIGHT:	MAX 35 FEET, 2.5 STORIES	<35 FEET
MAIN BUILDING HEIGHT:	MIN 12 FEET, 1 STORY	>12 FEET
ACCESSORY BLDG. HEIGHT:	MAX 15 FEET, 1 STORY	<15 FEET
BUILDING COVERAGE:	MAX 20%	17.2%
DWELLING UNITS PER BLDG:	MAX 1	1

1) PRE-EXISTING, NON-CONFORMING LOT

* ASSUMES FULL FRONT YARD FROM PROSPECT STREET, WITH FRONT YARD ALONG MADISON AVENUE REDUCED TO 0.25 X 50' = 12.5' (PER SECTION 223-13a). ON A CORNER LOT IN ANY RESIDENCE DISTRICT, THERE SHALL BE PROVIDED A SIDE YARD ON THE SIDE STREET EQUAL IN DEPTH TO THE REQUIRED FRONT YARD ON SAID LOT, OR, IF THE LOT IS OCCUPIED BY A ONE-FAMILY HOME, SUCH SIDE YARD MAY BE REDUCED TO 25% OF THE ACTUAL LOT WIDTH - SUBJECT TO INTERPRETATION FROM THE ZONING ADMINISTRATOR).

OWNER'S CONSENT:

THE UNDERSIGNED OWNER OF THE PROPERTY HEREON STATES THAT SHE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

RINA SHUMAN

DATE



DRAWN BY: DGK		CHECKED BY: JDB	JOB NO.: 2017:021
REVISIONS:			
NO.	DATE	DESCRIPTION	BY

PLOT PLAN

SHUMAN PARCEL

MADISON AVENUE & PROSPECT STREET

CITY OF BEACON

DUTCHESS COUNTY, NEW YORK

TAX ID: 6054-46-208527

SCALE: 1" = 5'

JUNE 5, 2017



SEAL

JON D. BODENDORF, P.E.

NYS LICENSE NO. 076245

DANIEL G. KOHLER, P.E.

NYS LICENSE NO. 082716

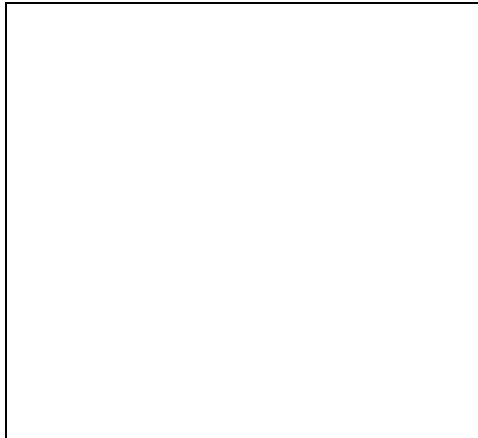
SHEET: 1 OF 1

Area Variance Application

***Shuman Parcel
Madison Avenue & Prospect Street
Beacon, NY 12508
Proposed Single-Family Residence***

Prepared for:
Rina Shuman
30 Frances Road
Pequannock, NJ 07440

August 29, 2017



Prepared by:
Hudson Land Design Professional Engineering, P.C.
174 Main Street
Beacon, NY 12508
Ph: (845) 440-6926
F: (845) 440-6637

TABLE OF CONTENTS

1.0 INTRODUCTION 1

1.1 Project Narrative..... 1

1.2 Required Permits 1

2.0 PROJECT DESCRIPTION 1

2.1 Regulatory Compliance..... 1

2.1.1 Area Variance 1

2.1.1.1 City of Beacon Area Variance Application 2

2.1.1.2 New York State General City Law Balancing Test 2

3.0 ENVIRONMENTAL ASSESSMENT 4

APPENDICES

APPENDIX A:	AREA VARIANCE APPLICATION
APPENDIX B:	ENVIRONMENTAL ASSESSMENT FORM
APPENDIX C:	DEED
APPENDIX D:	NEIGHBORHOOD STUDY PLAN
APPENDIX E:	PLOT PLAN

1.0 INTRODUCTION

1.1 Project Narrative

The subject parcel is located at the northwest corner of Madison Avenue and Prospect Street in Beacon, New York and is currently owned by Rina Shuman. The ±5,500 square-foot parcel is located within the City's R1-10 Residential Zoning District and is further identified as tax parcel 6054-46-208527. The parcel is vacant, maintained as grass lawn area.

The owner and applicant, Rina Shuman, wishes to construct a single-family dwelling on the subject parcel.

1.2 Required Permits

In order for the proposed single-family dwelling project to commence to a point where a building permit application can be submitted to the City Building Department, the applicant will need to obtain the following permit:

1. Area Variance from the City of Beacon Zoning Board of Appeals (ZBA)
 - a. The side yard setback per §223-17(C).
 - i. The applicant is proposing a side yard setback of 12.2 feet, where 15 feet is required, thereby requesting a variance of 2.8 feet.
 - ii. The applicant is proposing the total of two side yards of 24.7 feet where 40 feet is required, thereby requesting a variance of 15.3 feet.

2.0 PROJECT DESCRIPTION

2.1 Regulatory Compliance

2.1.1 Area Variance

As the parcel is only 5,500 square feet in area (50 feet by 110 feet), the parcel is non-conforming to the zoning district in which it lies (required area is 10,000 square feet, minimum lot width is 85 feet). To compound the problem, it is a corner lot; thereby necessitating a larger yard along both street frontages. Per Section 223-13J of the Zoning Code, *on a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one family home, such side yard may be reduced to 25% of actual (emphasis added) lot width.* A marginal house has been proposed on the plot plan (refer to Appendix E). The requested variances are for side yard, and the total (of the two) side yard as discussed in Section 1.2 above.

Hudson Land Design has delineated the neighborhood in order to make comparisons of the requested variance on the subject parcel to the existing conditions on adjacent parcels within the neighborhood. The neighborhood was limited to those parcels within the R1-10 zoning district that do not front on the State Highway Wolcott Avenue, NYS Route 9D). Parcels that front on the State Highway are distinctly different than the parcels that are in the less busy interior street system. The resulting study area consists of 17 parcels,

as can be seen in Appendix D, and is hereinafter referred to as the neighborhood study area. Dutchess County parcel access was used to determine the area of each parcel within the limits of the neighborhood study area. The concept behind the study was to determine the number of parcels that are also undersized in terms of the zoning district regulations. The search results showed that there are 5 of these types of uses within the study area, corresponding to 29.4% (or nearly 1 in 3) of the parcels being undersized. Of the 5 undersized parcels, 4 of them have houses (the subject parcel being the vacant parcel), and three of them are corner lots (again, the subject parcel being one of them). The last 6 digits of the tax ID of the three undersized corner lots are 208527 (subject parcel), 192539 (located two properties to the west), and 196548 (located two properties to the northwest). Parcel 208527, as previously noted, has 55' X 110' dimensions. Parcel 192539 has a dimension of 100' X 66' (average, 63' one side, 69' other side). Parcel 196548 has a dimension of 100' X 50'.

Then, using available GIS and orthophotos, the undersized corner parcels' setback dimensions were delineated in order to compare the side yard setbacks of the similar parcels within the neighborhood study plan. Dimensions were confirmed without the benefit of a survey, but based on laser measurement in the field. The results are that 100% of the developed undersized corner lots do not meet the side yard setbacks, as follows:

Parcel 192539:

Side Yard Setback: 0 feet (deficient ± 15 feet)

Side Yard (total of two): ± 25.5 feet (deficient ± 14.5 feet)

Parcel 196548:

Side Yard Setback: 0 feet (may be over the property line, deficient ± 15 feet)

Side Yard (total of two): ± 15 feet (deficient ± 25 feet)

The applicant is requesting a side yard of 12.2 feet, which is much greater than the side yard provided on the other two developed undersized corner lots. The applicant is also requesting that the total of the two side yards is 24.7 feet, which is nearly identical to Parcel 192539, and is 10 feet more than Parcel 196548.

The requested variance increase is negligible and conforms with the neighborhood.

2.1.1.1 City of Beacon Area Variance Application

The City of Beacon's variance application can be found in Appendix A.

2.1.1.2 New York State General City Law Balancing Test

The standards for an area variance are governed by New York State General City Law §81-b(4)(b). This law requires a balancing test inclusive of five (5) specific sets of criteria. The responses to each of the five criteria show that the project does not pose a detriment to the health, safety and welfare of the neighborhood or community. As such, the area variance should be granted. The balancing test criteria are as follows, and the responses are underlined:

1. The Board shall consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The project will not create an undesirable change to the neighborhood. As discussed Section 2.1.1 of this report, within the neighborhood study area, there are two similar undersized corner parcels that have residences constructed on them. The dimensional regulations on those two lots are not met, and are comparable or exceed the relief that the applicant is requesting. The construction of a house on the subject parcel is consistent with the parcels within the neighborhood study plan, as the majority also have residences constructed on them.
2. The Board shall consider whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The building envelope, considering application of the total of two side yards of 40 feet results in a 10-foot wide by 40-foot long area. The City of Beacon Architectural Review Board will not approve a house with 10-foot dimension, nor is a house with that dimension compatible with the neighborhood. There are no other methods for this applicant, who purchased the parcel, to achieve her goal of constructing a residence.
3. The Board shall consider whether the requested area variance is substantial. As noted in Section 2.1.1 of this report, the requested relief is similar to, and even less than existing side yard setback dimensions of the undersized developed corner lots within the neighborhood study plan, both of which are less than 150 feet from the subject parcel. Therefore, the requested relief is not substantial.
4. The Board shall consider whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The site is served by municipal water and sewer, of which there is capacity. The applicant proposes to install a small landscaped berm on the west side of the parcel that will serve to both screen the neighboring parcel from the proposed house and driveway, and to divert stormwater runoff that flows generally in a westerly direction to the tow of the berm, where it will be diverted to the stormwater conveyance system in the street. Other items identified in the short EAF show that there will be no adverse effects resulting from the proposal. In fact, the short EAF was submitted even though the New York State Department of Environmental Conservation, in accordance with 6NYCRR Part 617.5 deems area variances and construction of single family homes (specifically subsections C9, C12 and C13) as ministerial (or Type 2) actions, or *actions (that) have been determined not to have a significant impact on the environment.* These types of actions do not even require preparation of an EAF. The project will not create any environmental impacts.
5. The Board shall consider whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals,

but shall not necessarily preclude the granting of the area variance. Refer to Appendix C. The deed for this parcel shows that the parcel was created well before 1966. In fact, the parcel was conveyed by deed as a portion of certain premises in 1949, which is likely the date that the parcel was created. The City of Beacon adopted Chapter 223 (Zoning) on March 21, 1977, long after the parcel was created. Had the parcel been created after zoning, dimensional regulations would have been considered. However, as discussed earlier, nearly 1 in 3 parcels in the neighborhood study plan is pre-existing non-conforming in terms of area, likely as a result of lot creation in this area pre-zoning law. When the applicant purchased this property very recently, there was no indication that there would be any issue with setbacks. At a cursory appearance before the Zoning Board of Appeals in July of 2017, it was brought to the applicant's attention that an area variance was requested previously by William Komisar. That application (which asked for more relief than the current application and is inherently different) was denied. However, at the time of that application, William Komisar also controlled the parcel directly to the north. This clearly weighed in on the decision made at that time as that applicant had contiguous lot ownership, which the Code states that *such other lots or so much thereof as might be necessary shall be combined with the first named lot to make a single conforming lot, or a lot that conforms to the fullest extent possible, whereupon a permit may be issued, but only for such combined lots.* The City had an opportunity to enforce this section of the Code at the time of the application when the parcels were held in ownership by one entity; however, that was not the case. This applicant did not create this situation. Further, NYS General City Law states that any self-created difficulty shall not necessarily preclude the granting of an area variance. The ZBA is in full power to grant this requested relief.

3.0 ENVIRONMENTAL ASSESSMENT

A short Environmental Assessment Form (EAF) has been prepared and can be found in Appendix B. Review of 6NYCRR Part 617 (State Environmental Quality Review) determines that an area variance and construction of a single-family home is classified as a Type II action that does not require the preparation of an EAF; however, in support of this application, the short EAF has been prepared because there is substantial information provided in the document that supports a decision in favor of granting the area variance to the applicant.

APPENDIX A
AREA VARIANCE APPLICATION

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Rina Shuman

ADDRESS: 30 Frances Road

TELEPHONE: 201-274-4771

Pequannock NJ 07440

E-MAIL: Rina Shuman @ optonline.net

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Hudson Land Design, P.C.
Daniel G. Koehler, P.E.

ADDRESS: 174 Main Street

Beacon NY 12508

TELEPHONE: 845-440-6926

E-MAIL: DKoehler @ HudsonLandDesign.com

PROPERTY LOCATION: N corner, Madison Ave.
& Prospect Street

ZONING DISTRICT: R1-10

TAX MAP DESIGNATION: SECTION 6054

BLOCK 46 LOT 208527

Section of Zoning Code appealed from or Interpretation desired:

223-17(c)

Reason supporting request:

For construction of a single-family home on an existing undersized lot, where
the buildable area does not provide adequate area for construction of a reasonable
conventional home.

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

Plot plan

Date: 6-2-17

Rina R Shuman
Owner's Signature

Rina R Shuman
Applicant's Signature

Fee Schedule

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

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

APPENDIX B

ENVIRONMENTAL ASSESSMENT FORM

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

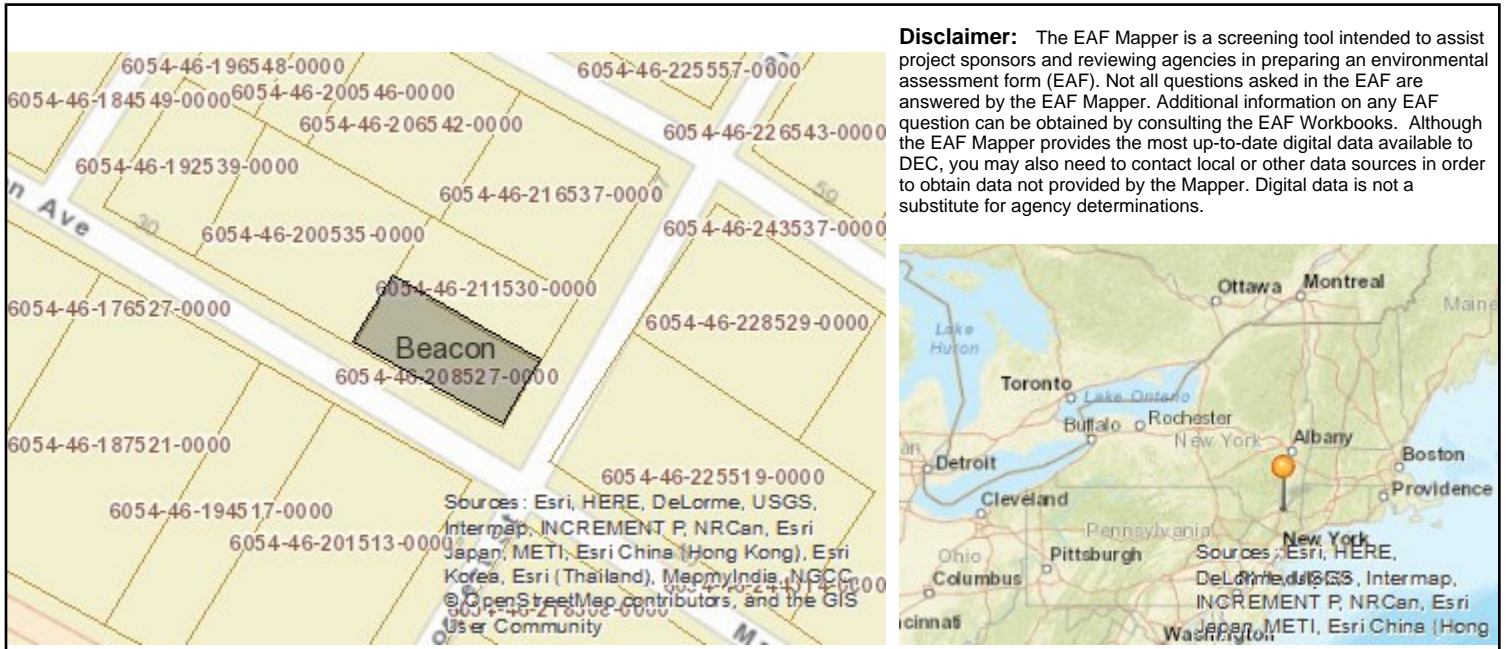
Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

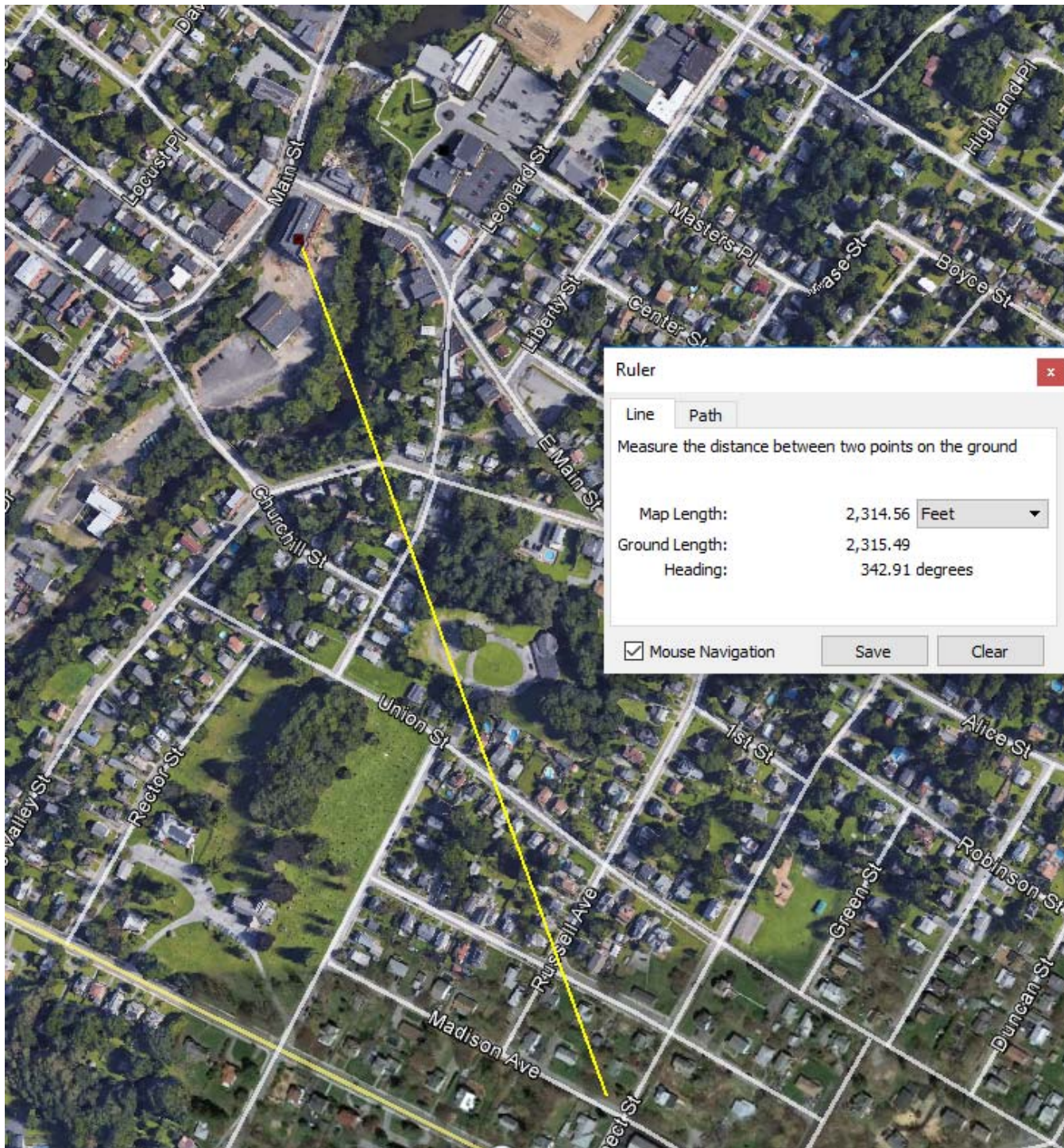
Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO
			YES
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO
			YES
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: <u>Site is located approximately 2,300 feet (per Google Earth)</u> <u>to Site C 31411B - Churchill Mills. EAF mapper provides an automatic</u> <u>yes in this case.</u>	NO	YES
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Rina Shuman</u>		Date: <u>6-2-17</u>
Signature: <u><i>Rina R Shuman</i></u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



Ruler

Line

Path

Measure the distance between two points on the ground

Map Length: 2,314.56 Feet

Ground Length: 2,315.49

Heading: 342.91 degrees

☒ Mouse Navigation

Save

Clear

APPENDIX C

DEED

Shaffs
2-20-45
This Indenture,

Made the 1st day of June
Nineteen Hundred and sixty six

Between HAZEL M. KING, residing
at 3 Prentiss Drive, Hopewell Junction,
Town of East Fishkill, Dutchess County,
New York

State of New York
County of }

Recorded on the day
of J. D., 19 at
o'clock M. in liber
of DEEDS at page
and examined.

Clerk

party of the first part, and
MARIE PUSZTAY, residing at 93 Prospect Street, Beacon,
Dutchess County, New York,

party of the second part,
Witnesseth that the party of the first part, in consideration of

-----TEN----- Dollar^s (\$10.00)
lawful money of the United States, and other good and valuable consideration
paid by the party of the second part, do es hereby grant and release unto the
part y of the second part, her heirs and assigns forever, all
that piece or parcel of land situate, lying and being in the City
of Beacon, County of Dutchess and State of New York, bounded and
described as follows:

BEGINNING at the intersection of the northwest side of
Prospect Street with the northeast side of Madison Avenue and running
thence northwesterly along the northeasterly side of Madison Avenue
110.07 feet more or less to lands now or formerly of Thurston; thence
northeasterly parallel with Prospect Street and along lands now or
formerly of Thurston 50 feet; thence southeasterly parallel with
Madison Avenue 110 feet more or less to Prospect Street and thence
southwesterly along Prospect Street about 50 feet to the point or
place of beginning.

The above described property is a portion of certain premises
conveyed to Alfred F. King and Hazel M. King by a certain deed dated
January 19, 1949 and recorded in the Dutchess County Clerk's Office
on January 31, 1949 in Liber 710 of deeds at page 150.

The above mentioned Hazel M. King is more commonly known as
Hazel D. King.

Subject to the zoning laws and ordinances of the City of
Beacon, Dutchess County, New York.

DUTCHESS COUNTY CLERK'S OFFICE

RECEIVED ON THE 3 DAY OF Jun 1966
AT 2 H 49 M 4 M. RECORDED IN

BOOK No. 1203 OF deeds
AT PAGE 980 AND EXAMINED

John H. Hartmann dep
CLERK

DEED OR SUPPLEMENTAL INSTRUMENT	
CERT \$1.00	NO. 3223
PAGE 318	IND BY
REF.	STAMP 2.20
EX IND	
FOR 4.00	

JUN 3 9 49 AM '66
COUNTY CLERK'S

DUTCHESS COUNTY



of the first part in and to said premises,

To have and to hold the premises herein granted unto the party of the second part, her heirs and assigns forever.

And the party of the first part covenants that she has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written.

In Presence of

Hazel M. King

State of New York

County of Dutchess

On this 1st day of June
Nineteen Hundred and sixty six

before me, the subscriber, personally appeared

HAZEL M. KING

to me personally known and known to me to be the same person described in and who executed the within Instrument, and she acknowledged to me that she executed the same.

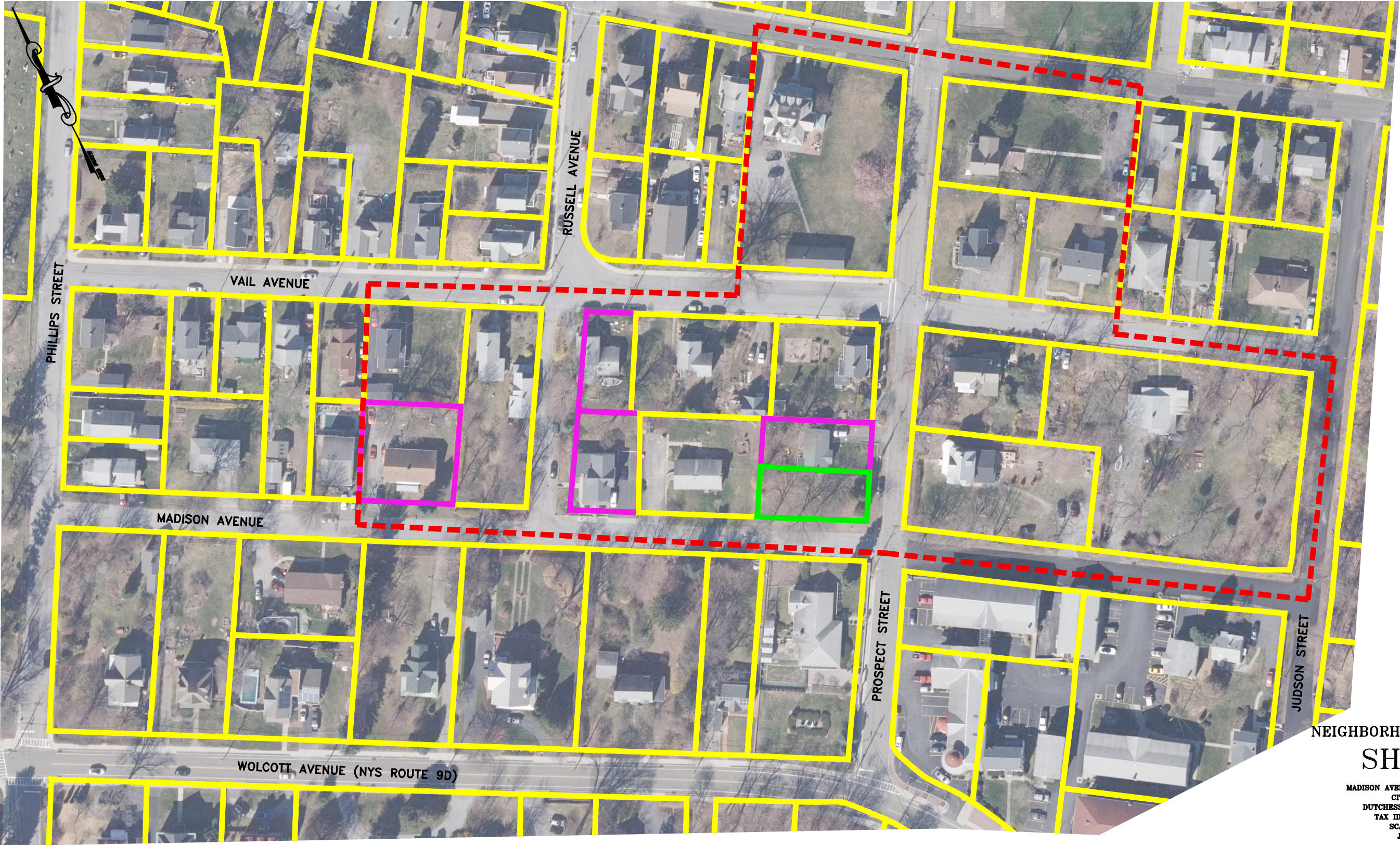
Raymond P. L...
Notary Public

No. ...
Re ...
Columbia ... 1967

P.K.
Rosa & Posa
378 Main St.
Brooklyn

981
LIBER 1203 PAGE 931

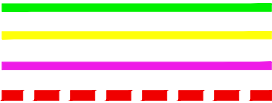
APPENDIX D
NEIGHBORHOOD STUDY PLAN



NEIGHBORHOOD STUDY PLAN
SCALE: 1"=100'


NOTES:
1. BASE MAPPING PER DUTCHESS COUNTY GIS.
2. 2016 ORTHOPHOTO USED AS BACKGROUND IMAGE.

LEGEND:
SUBJECT PARCEL BOUNDARY
OTHER PARCEL BOUNDARY
OTHER PARCEL BOUNDARY (UNDERSIZED)
STUDY AREA LIMITS



DRAWN BY: DGK		CHECKED BY: JDB	JOB NO.: 2017-021
REVISIONS:			
NO.	DATE	DESCRIPTION	BY

NEIGHBORHOOD STUDY PLAN
SHUMAN
MADISON AVENUE & PROSPECT STREET
CITY OF BEACON
DUTCHESS COUNTY, NEW YORK
TAX ID: 6054-46-208527
SCALE: 1" = 100'
JUNE 5, 2017



HUDSON LAND DESIGN
PROFESSIONAL ENGINEERING P.C.
174 MAIN STREET
BEACON, NEW YORK 12508
PH: 845-440-6926 F: 845-440-6637

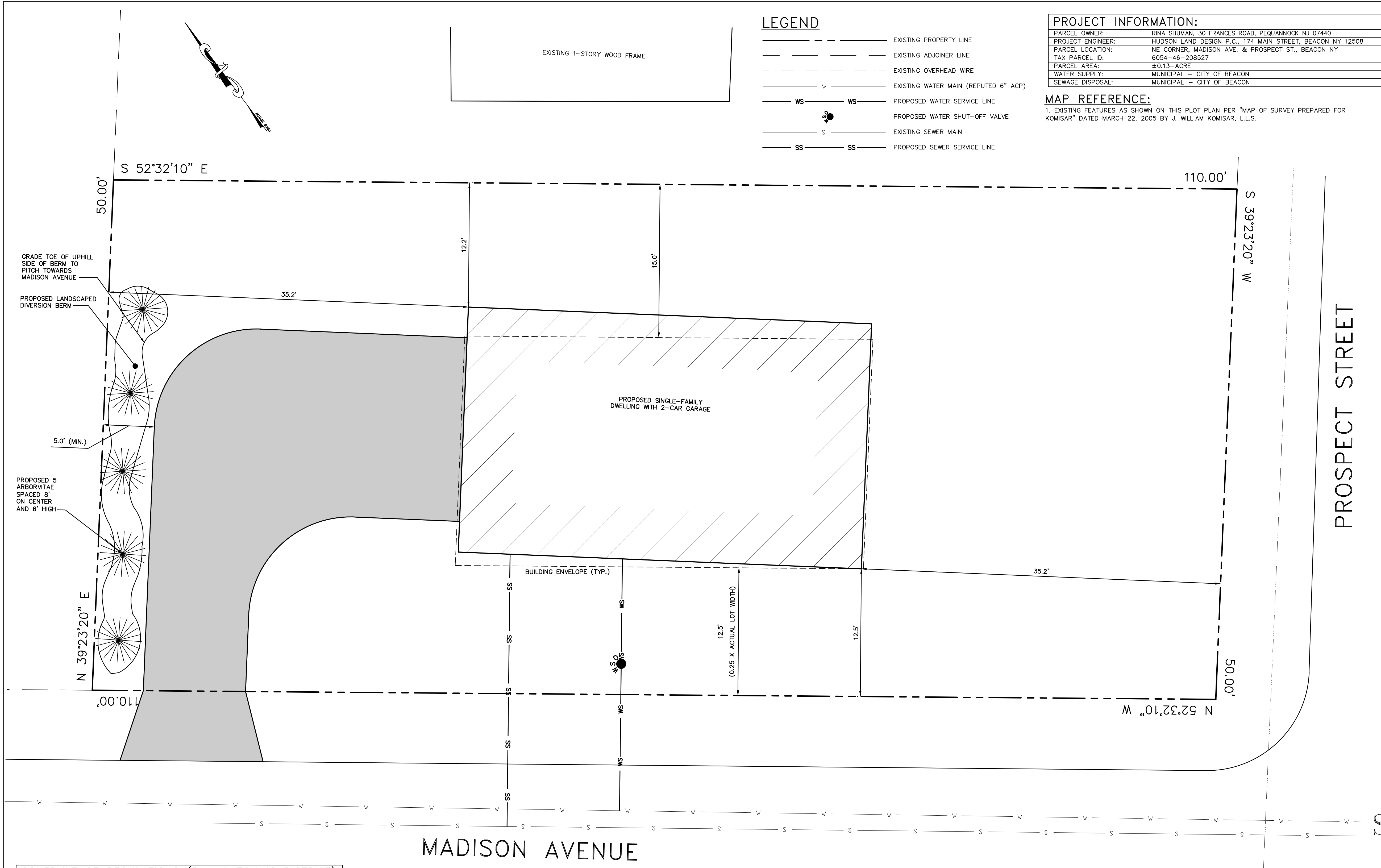
SEAL

JON D. BODENDORF, P.E.
NYS LICENSE NO. 076245
DANIEL G. KOEHLER, P.E.
NYS LICENSE NO. 082716

SHEET: 1 OF 1

APPENDIX E

PLOT PLAN



ADJOINING OWNERS:

SITE SPECIFIC NOTES:

1. THE INTENT OF THE PLOT PLAN IS TO OBTAIN AN INTERPRETATION OF THE BUILDING SETBACK LINES, AND TO REQUEST AN AREA VARIANCE FROM THE ZONING BOARD OF APPEALS FOR YARD SETBACK DEFICIENCIES. THE EXISTING LOT IS UNDER-SIZED, AND CLASSIFIED AS A CORNER LOT.

2. THE SUBJECT PARCEL IS DEFINED AS A CORNER LOT PER SECTION 223-63 OF THE BEACON CODE: A LOT LOCATED AT THE JUNCTION OF AND FRONTING ON TWO OR MORE INTERSECTING STREETS. AS SUCH, AND PER SECTION 223-13j: ON A CORNER LOT IN ANY RESIDENCE DISTRICT, THERE SHALL BE PROVIDED A SIDE YARD ON THE SIDE STREET EQUAL IN DEPTH TO THE REQUIRED FRONT YARD ON SAID LOT, OR, IF THE LOT IS TO BE OCCUPIED BY A ONE-FAMILY HOME, SUCH SIDE YARD MAY BE REDUCED TO 25% OF ACTUAL LOT WIDTH.

3. CONTRACTOR TO VERIFY EXISTING SEWER MAIN DEPTH PRIOR TO CONSTRUCTION AND SHALL ESTABLISH THE FINISHED FLOOR ELEVATION SUCH THAT THE LOWEST SEWERABLE ELEVATION ENSURES GRAVITY FLOW TO THE MAIN WITH A MINIMUM 2% SLOPE, WHILE MAINTAINING ADEQUATE EARTH COVER ABOVE THE SEWER LATERAL.

SCHEDULE OF REGULATIONS (R1-10 ZONING DISTRICT) AND LOT CONFORMANCE TABLE:

PARAMETER	REQUIREMENT	PROVIDED
LOT AREA:	10,000 SQUARE FEET MIN	5,500 S.F. ⁽¹⁾
LOT WIDTH:	85 FEET MINIMUM	50 FEET ⁽¹⁾
LOT DEPTH:	100 FEET MINIMUM	110 FEET
YARD SETBACKS (RESIDENTIAL USE):		
FRONT YARD:	35 FEET MINIMUM	35.2 FEET ⁽²⁾
SIDE YARD:	15 FEET MINIMUM	12.2 FEET
SIDE YARD (TOTAL OF TWO):	40 FEET MINIMUM TOTAL	24.7 FEET
REAR YARD:	35 FEET MINIMUM	35.2 FEET
YARD SETBACKS (ACCESSORY STRUCTURE):		
SIDE YARD:	5 FEET MINIMUM	>5 FEET
REAR YARD:	5 FEET MINIMUM	>5 FEET
MAIN BUILDING HEIGHT:	MAX 35 FEET, 2.5 STORIES	<35 FEET
MAIN BUILDING HEIGHT:	MIN 12 FEET, 1 STORY	>12 FEET
ACCESSORY BLDG. HEIGHT:	MAX 15 FEET, 1 STORY	<15 FEET
BUILDING COVERAGE:	MAX 20%	17.2%
DWELLING UNITS PER BLDG:	MAX 1	1

1) PRE-EXISTING, NON-CONFORMING LOT

2) ASSUMES FULL FRONT YARD FROM PROSPECT STREET, WITH FRONT YARD ALONG MADISON AVENUE REDUCED TO 0.25 X 50' = 12.5' (PER SECTION 223-13j: ON A CORNER LOT IN ANY RESIDENCE DISTRICT, THERE SHALL BE PROVIDED A SIDE YARD ON THE SIDE STREET EQUAL IN DEPTH TO THE REQUIRED FRONT YARD ON SAID LOT, OR, IF THE LOT IS OCCUPIED BY A ONE-FAMILY HOME, SUCH SIDE YARD MAY BE REDUCED TO 25% OF THE ACTUAL LOT WIDTH).

HUDSON LAND DESIGN

PROFESSIONAL ENGINEERING P.C.

174 MAIN STREET
BEACON, NEW YORK 12508
PH: 845-440-6926 F: 845-440-6637

STATE OF NEW YORK
DANIEL G. KOEHLER
REGISTERED PROFESSIONAL ENGINEER
082716

SEAL

JON D. BODENDORF, P.E.
NYS LICENSE NO. 076245
DANIEL G. KOEHLER, P.E.
NYS LICENSE NO. 082716

SHEET: 1 OF 1

City of Beacon Planning Board
9/19/2017

Title:

226 Main Street

Subject:

Continue review of application submitted by Highview Development, LLC, 226 Main Street, Tax Grid No. 30-5954-27-860918-00, CMS Zoning District, to construct a new building which requires relief from Section 223-41.18(D)(5) for a 10 ft. rear yard setback (*25 ft. required*) and Section 223-41.18(F)(2)(a) to provide no off-street parking spaces (*8 off-street spaces required*)

Background:

ATTACHMENTS:

Description	Type
226 Main Application	Application
226 Main EAF	EAF
226 Main Site Plan	Plans
226 Main - Attorney Supplemental Letter to Zoning Board	Cover Memo/Letter
226 Main - Exhibit A	Backup Material
226 Main - Exhibit B	Backup Material

ZONING BOARD OF APPEALS

City of Beacon, New York

Application for Appeal

APPLICANT: Highview Development, LLC ADDRESS: 445 Main Street

Beacon, NY 12508 TELEPHONE: (845) 765-0063

REPRESENTED BY: Aryeh Siegel Architect ADDRESS: 84 Mason Circle

Beacon, NY 12508 TELEPHONE: 845-838-2490

LOCATION: 226 Main Street ZONING DISTRICT: CMS

TAX MAP: SECTION 5954 BLOCK 27 LOT 860918

DECISION APPEALED FROM, OR INTERPRETATION DESIRED:

Relief from Zoning Code Section 223-41.18 (D)(5) Rear Yard setback requirement of 25 feet, to allow a setback of 10 feet.

Relief from Zoning Code Section 223-41.18 (F)(2)(a) requirement for 1 parking space per residential unit, to allow zero parking spaces

REASON SUPPORTING REQUEST:

The lot size does not support the full 25 foot setback. It is not feasible to build the project if the

setback is more than 10 feet. There is no room for off-street parking on the property

There are municipal parking lots within 800 feet of the property. There is adequate street parking.

SUPPORTING DOCUMENTS SUBMITTED HEREWITH: (Site Plan, Survey, etc. as required)

Site Plan and survey.

June 27, 2017

Date


Owner's Signature

Fee: \$100 with application


Applicant's Signature

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: 328 Main Street LLC

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: 445 Main Street, Beacon, NY

Project Address: 226 Main Street, Beacon, NY

Project Tax Grid # 5954-27-86091

Type of Application Special Use Permit Site Plan

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, Brendan McAlpine, 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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>



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.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>gm</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>gm</u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>gm</u>

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: 226 Main Street		
Project Location (describe, and attach a general location map): 226 Main Street, at the corner of North Elm		
Brief Description of Proposed Action (include purpose or need): Demolition of existing 1 story service garage building. New construction of 4 story multifamily residential building with retail at the 1st floor		
Name of Applicant/Sponsor: 328 Main Street LLC		Telephone: (845) 765-0063
		E-Mail: bmc Alpine@highviewdevelopment.com
Address: 445 Main Street		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Same as sponsor		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board - Special Use Permit	April 25, 2017
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • If Yes, complete sections C, F and G. • If No, proceed to question C.2 and complete all remaining sections and questions in Part I	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district? <u>Central Main Street District, Parking Overlay District</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes, i. What is the proposed new zoning for the site? _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C.4. Existing community services.	
a. In what school district is the project site located? <u>Beacon City</u>	
b. What police or other public protection forces serve the project site? <u>Beacon City</u>	
c. Which fire protection and emergency medical services serve the project site? <u>Beacon City</u>	
d. What parks serve the project site? <u>Memorial Park</u>	

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? <u>Residential and Commercial</u>	
b. a. Total acreage of the site of the proposed action?	<u>0.126</u> acres
b. Total acreage to be physically disturbed?	<u>0.126</u> acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	<u>0.126</u> acres
c. Is the proposed action an expansion of an existing project or use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____ _____ _____	

f. Does the project include new residential uses? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	8
At completion of all phases	_____	_____	_____	8

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>1</u> ii. Dimensions (in feet) of largest proposed structure: <u>48'</u> height; <u>84'</u> width; and <u>56'</u> length iii. Approximate extent of building space to be heated or cooled: <u>12,000</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe:

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☒ Yes ☐ No

If Yes:

i. Total anticipated water usage/demand per day: _____ 1,708 gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☒ Yes ☐ No

If Yes:

- Name of district or service area: City of Beacon
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☒ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 1,708 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Sanitary wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities?

☒ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: City of Beacon
- Name of district: City of Beacon
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> Do existing sewer lines serve the project site? Will line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <ul style="list-style-type: none"> Applicant/sponsor for new district: _____ Date application submitted or anticipated: _____ What is the receiving water for the wastewater discharge? _____ 	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="margin-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> _____ Tons/year (short tons) of Carbon Dioxide (CO₂) _____ Tons/year (short tons) of Nitrous Oxide (N₂O) _____ Tons/year (short tons) of Perfluorocarbons (PFCs) _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☒ Yes ☐ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
Approximately 120,000 kwh/year

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
Grid/Local Utility

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____ 7am-10pm
- Saturday: _____ 7am-10pm
- Sunday: _____ 7am-10pm
- Holidays: _____ 7am-10pm

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration: <u>All noise associated (machinery, power tools, etc) with the construction of a 4 story apartment building during 8 AM to 4 PM, Monday through Friday.</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Outdoor lighting at 1st floor entrance doors to retail spaces, and residential lobby. 8' high, shielded to prevent light spill onto neighboring properties</u></p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

Main Street commercial and multifamily residential; single family residential

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.126 acres	0.126 acres	0
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☒ Yes – Spills Incidents database Provide DEC ID number(s): 9309180, 1700416
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): B00130
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
ID: 9309180; Closed
1700416; Open
B00130: Classification Code C -Completed

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ >6.5 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site:	
Urban Land (Ur)	100 %
_____	_____ %
_____	_____ %
d. What is the average depth to the water table on the project site? Average: _____ >6.5 feet	
e. Drainage status of project site soils:	
<input type="checkbox"/> Well Drained:	_____ % of site
<input type="checkbox"/> Moderately Well Drained:	_____ % of site
<input checked="" type="checkbox"/> Poorly Drained	100 % of site
f. Approximate proportion of proposed action site with slopes:	
<input checked="" type="checkbox"/> 0-10%:	100 % of site
<input type="checkbox"/> 10-15%:	_____ % of site
<input type="checkbox"/> 15% or greater:	_____ % of site
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams:	Name _____ Classification _____
• Lakes or Ponds:	Name _____ Classification _____
• Wetlands:	Name _____ Approximate Size _____
• Wetland No. (if regulated by DEC)	_____
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>Seasonal Birds _____</p> <p>_____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p>_____</p> <p>ii. Source(s) of description or evaluation: _____</p> <p>iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>i. If Yes: acreage(s) on project site? _____</p> <p>ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p>ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. CEA name: _____</p> <p>ii. Basis for designation: _____</p> <p>iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____ </div>	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Describe possible resource(s): _____ ii. Basis for identification: _____ </div>	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles. </div>	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: <div style="margin-left: 20px;"> i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? </div>	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

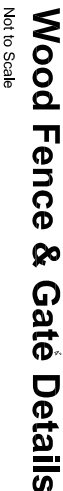
I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Brandon McAlpine Date April 25, 2017

Signature  Title member

SIGNED THIS _____ DAY OF _____, 20____ BY _____
 _____ CHAIRMAN
 _____ SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY
 RESPECTIVELY MAY SIGN IN THIS PLACE.

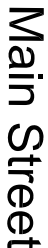
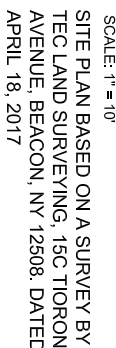
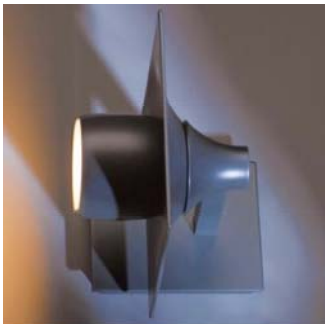


Wood Fence & Gate Details

L1: Wall Mounted

Lighting

NOTE: THE MANUFACTURER DOES NOT PROVIDE PHOTOMETRIC INFORMATION FOR THESE FIXTURES. FIXTURES WILL BE SHIELDED TO AVOID LIGHT SPILLAGE ONTO ADJACENT PROPERTIES, AND TO SHIELD FROM LIGHT PROJECTING UPWARD TO THE SKY



Site Plan

SCALE: 1" = 10'
SITE PLAN BASED ON A SURVEY BY
TEC LAND SURVEYING, 15C TIORON
AVENUE, BEACON, NY 12508. DATE
APRIL 18, 2017

* To conform with neighboring building setbacks
 ** Existing non-conforming condition

PLANT SCHEDULE					
QUANTITY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	COMMENTS
Shrubs					
	10				
	S-R	<i>Rhododendron maximum</i>	Rhododendron	30-36"	
Grass					
	ECO-LAWN	<i>Bouteloua dactyloides</i> 'Texoka'	Texo Lawn	Seed	April-October planting

Location Map

Use & Parking Requirements	Proposed Area	Current Parking Requirement
Residential 1 space per apartment	(1) Apartments	8 parking spaces
Retail 3 spaces per 1,000 sq ft floor area	3,465 sq ft	11 parking spaces
Total Required Parking Spaces		(1) Parking Spaces
Total Proposed Parking Spaces		9 parking spaces See Table 1

1. There are public parking lots within 800' of the property.
2. The applicant proposes a new and separate of 10' inside of the required setback of 25'. This allows the building to be large enough to flexibly support the creation of a minimum number of apartments.
3. Apartments are proposed. Therefore, the project is not required to comply with Workforce Housing requirements.
4. Retail hours of operation: 7am - 10pm, Monday through Sunday, inclusive.

No signage is proposed as part of this application. Retail markets will apply separately to the Planning Board for this item. Signage

Index of Drawings

Site Plan Application

Sheet 1 of 5 - Site Plan

Surveyor:
TEC Surveying
15C Tioronda Avenue
Beacon, New York 12508

226 Main Street
Beacon, New York
Scale: 1" = 10'
April 25, 2017



300 Westage Business Center, Suite 380
Fishkill, New York 12524
T 845 896 2229
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cuddyfeder.com

Jennifer L. Van Tuyl
jvantuyl@cuddyfeder.com

September 15, 2017

By e-mail and by hand

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

Re: Second Supplemental Submission for 226 Main Street
226 Main Street, Beacon, New York 12508 (SBL: 5954-27-860918)

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

We respectfully submit this letter to provide the Board with supplemental information to aid in its consideration of the requested variances, and to respond to the concerns raised by the public at the July 18, 2017 public hearing.

The project seeks to improve an underutilized corner property located on Central Main Street, presently occupied by an automotive repair facility, by constructing a 4-story mixed-use retail and multifamily residential building containing ground-floor retail space and 8 apartment units on the second through fourth floors (the "Project").

The two requested area variances are summarized as follows:

A. Rear Yard Setback:

The Applicant requests relief from Zoning Code Section 223-41.18(D)(5), which requires a rear yard setback of 25 ft. The Applicant requests a variance of 15 ft., to permit a rear yard setback of 10 ft. (The existing building on the site, which would be replaced by the proposed new building, has a rear yard setback of less than one foot.)

B. Residential Parking Spaces:

The Applicant requests relief from Zoning Code Section 223-41.18(F)(2)(a), which requires 1 parking space per 1 residential unit, and thus 8 residential parking spaces, to allow zero spaces on the Premises.

C&F: 3530488.4



September 15, 2017

Page -2-

GENERAL COMMENTS BY THE PUBLIC:

The Zoning Board is obligated to consider each variance separately. However, there were certain comments made by the public which were intended to apply to both variances, and those comments are addressed first.

The Right of an Applicant to Seek Variance Relief:

There were numerous comments from the public that the ZBA should never grant a variance for any application. This clearly reflects a misunderstanding of the law.

Landowners have a constitutional due process right to request variance relief. Granting the ability to apply for variances is an essential element in preserving the constitutionality of zoning laws. Thus, the right to apply for variances is codified in New York State statutes, General City Law 81-b, and in the Beacon City Code, section 223-55 (C) (2).

General opposition to the project, or to development in general:

Many of the comments at the public hearing were general statements of opposition to the project, or to development in general, unsubstantiated by any data or objective facts. Many commenters expressed clear animus for all new development and growth in the City, even projects such as this one, which substantially complies with the requirements and intent of the recently updated City Code and Comp Plan. Multiple commenters requested that the City oppose all development and push back on developers who do not reside in Beacon – by enacting a moratorium on all new applications.

It is well settled law that such general opposition does not provide a valid ground to deny a variance.

THE LEGAL TEST FOR AREA VARIANCES:

New York law clearly states the applicable test for an area variance: weighing the *benefit* of the variance to the applicant, as against the actual *detriment*, if any, to the neighborhood from the granting of the variance.¹ If the benefit to the applicant outweighs the actual harm to the community, the applicant is entitled to receive the area variance.

¹ See GEN. CITY LAW § 81-b; CITY OF BEACON ZONING CODE § 223-55(C)(2).



September 15, 2017

Page -3-

The law does not require an applicant for an area variance to establish any “hardship.” The hardship standard applies only to use variances.

The Zoning Board is obligated to consider each variance separately. Accordingly, this submission addresses the two separate variance requests in turn.

EASEMENT 1 - REAR SETBACK VARIANCE:

Precedent:

Zoning Boards are obligated to treat similar cases in a similar way. They cannot grant variances to some applicants, but not to other applicants in similar circumstances. A critical factor with respect to the rear setback variance is the precedent of this Board’s having granted similar, and even greater, rear setback variances to other properties in similar circumstances.

Specifically, the Board granted variances to:

- **344 Main Street** (SBL: 5954-36-987833), CMS District – O’Donnell Construction Corp.: The Zoning Board of Appeals approved a 0 ft. rear yard setback where 25 ft. was required. The long, narrow site did not allow the applicant to optimize the setup of interior units in the building. The granting of this variance allowed the applicant to build a 4-story mixed use building and lay out 18 apartments and 6 retail units. Further, as a corner lot, the applicant did not want to create the appearance of a “gaping hole” at the rear of the property. The Zero rear setback variance was approved on September 15, 2015. The variance requested by 226 Main Street is less extensive than this variance. The factual circumstances are very similar, since this is also a corner lot with a unique configuration.
- **249 Main Street** (SBL: 5954-27-852906), CMS District – 249 Main Street, LLC: The Zoning Board of Appeals on the same date (September 15, 2015) approved a 10 ft. rear yard setback where 25 ft. was required, to construct a new 4-story residential/retail building.

In light of this precedent, and the similarity of the circumstances, the Board is bound by its prior precedent to make a similar determination.² The circumstances are similar, and there is no justification for a different treatment for this project.³

² See Knight v. Amelkin, 68 N.Y.2d 975 (1986); Dil-Hill Realty Co. v. Schultz, 53 A.D.2d 263 (2d Dept. 1976).

³ See Frisenda v. ZBA of Town of Islip, 215 A.D.2d 479 (2d Dept. 1995); Callahan Indus. Inc. v. Rourke, 187 A.D.2d 781 (3d Dept. 1992).



September 15, 2017

Page -4-

5 Factor Analysis of the Rear Yard Setback Variance:

The grant of the variance is also supported by a consideration of the 5 area variance factors, even independent of the precedent of prior decisions.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance.

The existing building on the subject property sits less than 1 foot from the rear property line. The proposed variance will actually increase this significantly, reducing the nonconformity. The proposed project, including the requested setback variance will also have a positive effect on the character of the neighborhood, as documented by the Dutchess County Planning Department comments on the proposal:

The proposed redevelopment of this prominent corner on Main Street to a 4-story mixed use building with retail on the ground floor will result in a vast improvement in the appearance of this site and will add value to the parcel, and the City as a whole. The proposed site plan is in keeping with the City's regulations for the Central Main Street (CMS) district and we commend the applicant in proposing a building that upholds these standards.⁴

The express purpose of the CMS District is to "increase the vitality, attractiveness, and marketability of Main Street and the Central Business District by providing more flexibility of land use while maintaining and enhancing urban form as recommended by the City's Comprehensive Plan."⁵ Furthermore, the CMS District regulations contemplate that the most ideal location to site taller buildings in the district are on corner lots.⁶

The City's 2007 Comprehensive Plan and 2017 Comprehensive Plan Update "encourage housing development at relatively greater densities within and adjacent to the central

⁴ The County's Letter, dated May 31, 2017 to the City of Beacon Planning Board is on file with the Planning Board and is enclosed herein as **Exhibit A** for the ZBA's ease of reference.

⁵ CITY OF BEACON ZONING CODE § 223-41.16.

⁶ CITY OF BEACON ZONING CODE § 223-41.18(B)(1)(b) (5-story buildings, which are even taller than the 4-story building currently proposed as-of-right, are permissible with special use permit: "Corner locations are deemed most appropriate for such buildings").



September 15, 2017

Page -5-

business district.”⁷ Referencing the 2007 Comprehensive Plan, the 2017 Comprehensive Plan Update recognized and affirmed that:

While Main Street is viewed as an important asset of the City, many residents expressed the need to improve the ‘transition area’ between Teller and Digger Phelps Street. This area lacks the density and architectural features of the more historic sections of Main Street to the east and west. The 2007 Plan stated that many residents felt the City should encourage the development of more residences on Main Street, particularly in the transition area, which would help provide a larger local market for businesses.

... The Main Street business district needs an increased residential population in the area near Main Street in order to support a larger market necessary for long-term economic viability.⁸

There is no adverse impact on the neighborhood which justifies the denial of the setback variance. The generalized claims of so-called “shadow” impacts have been investigated, and the applicant submits herewith a Shadow Study (Exhibit C) which shows that there is no perceptible difference in the nature of the shadows created by the proposed building under the 10 foot setback as compared to the 25 foot as-of-right setback. These claims are discussed in detail below under factor 4, pages 7-9.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

The applicant cannot achieve the benefit he seeks---the construction of a viable building—without a setback variance, because of the shape and shallow nature of the Premises, and its character as a corner lot.

The facts demonstrate that the Premises and proposed development are actually comparable in lot size (in terms of overall acreage/SF) to the other lots on its block, but the Premises is distinguishable from most of the other properties because it is a corner lot. See **Exhibit B**.

⁷ CITY OF BEACON, 2007 COMPREHENSIVE PLAN at 7 (Population and Residential Development), 106 (Land Use, Objective C);

⁸ See CITY OF BEACON, 2017 COMPREHENSIVE PLAN UPDATE at 61-62 (Section 4.2, Goals and Recommendations)

C&F: 3530488.4



September 15, 2017

Page -6-

Despite its comparable square footage to other lots located on its block within the CMS District, 226 Main Street is quite shallow, being only about 57 ft. deep. The requested 10 ft. setback would allow a building depth of approximately 47 ft., with an interior dimension of about 45 ft. This is the minimum feasible depth to create a layout that permits apartments to be located on either side of a central 5-foot wide corridor, and creates apartments of a viable size, each 20 ft. wide. It is infeasible to lay out an apartment unit that is less than 20 ft. deep, and still maintaining a configuration that features adequate living space and facilities. To meet Building Code requirements for a 3+ story multifamily building, the double-loaded corridor must be at least 5 ft. wide, and there must be two means of ingress/egress access to the building. Applying the 25 ft. setback requirement would make the double-loaded corridor impossible, as there would simply not be enough space within the building footprint to support the amount of square footage required by the corridor and ingress/egress access ways, and maintain reasonably sized apartment units on each floor.

Allowing the Applicant to build on the Premises and receive an economic return from its property is a legitimate “benefit” to be sought by an area variance, and cannot be rejected by a ZBA as an “unworthy” motive. This consideration is particularly applicable to the present case, where the Applicant seeks to develop this corner lot in accordance with the broader objectives of the CMS District regulations and Comprehensive Plan. It is improper for a ZBA to deny a variance and attempt to relegate an applicant to an alternative design that is a “profound departure” from, or at causing a substantial loss compared to what the applicant is seeking through the variance request.⁹ Similarly, where an applicant seeks the benefit of a variance a ZBA may not reject a variance on the ground or allegation that the applicant doesn't “need” it.¹⁰

3. Whether the requested area variance is substantial.

The variance is not substantial in its effect. The substantiality of a 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.¹¹ Thus, the

⁹ See Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (Court reversed ZBA's denial of variance where the ZBA attempted to force the applicant to a profound departure from its own proposal, and would cost applicant an additional \$1 million).

¹⁰ See Baker v. Brownlie, 248 A.D.2d 527 (2 Dept. 1998) (Board may not reject a variance on the ground that the applicant doesn't “need” the variance to have a patio not facing the water).

¹¹ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003) (“consideration of the percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality....[A] large deviation can have little or no impact depending on the circumstances of the variance application.”); Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, Misc.3d 1120(A), 873 N.Y.S.2d 512 (Table), 2007 WL 56495232007 N.Y. Slip. Op. 52571(U) (“Substantiality cannot be judged in the abstract; rather, the totality of

C&F: 3530488.4



September 15, 2017

Page -7-

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.¹²

Here, the requested variance is not substantial in its effect, because a 10 ft. rear yard setback is greater than the Premises' existing rear yard setback (less than 1 ft.), and is consistent with other existing properties in the CMS District. The existing building on the property is set back less than one foot from the rear property line, and other properties in the area feature rear yard setbacks of 10 feet or less, including several that were granted variances for reduced rear yard setbacks.

Moreover, even if a variance is deemed "substantial," this factor alone does not preclude the granting of a variance, since the applicant meets the overall balancing test.¹³

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance will have no adverse impacts on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services, caused by a mere 15-foot reduction in rear yard setback. As the County Planning Board establishes in its letter, there will in fact be a positive visual/aesthetic effect on the neighborhood and district - as the proposed Project employs a pleasing architectural design in character with the goals of the CMS District. The increased residential density in the CMS District will revitalize Main Street's economy and contribute to a vibrant and walkable streetscape.

relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one."); Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (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, 968 N.Y.S.2d 702, 705 (3d Dept. 2013) (upholding ZBA determination that an area variance).

¹² *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 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); Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this "does not relieve [the ZBA] from engaging in the balancing test" and the application can still be granted.").

¹³ *See* Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this "does not relieve [the ZBA] from engaging in the balancing test" and the application can still be granted.").

C&F: 3530488.4



September 15, 2017

Page -8-

The only public comments that had any specific connection to the proposed project included unsupported claims that a 4-story building in this location is inappropriate because it will create “shadows” on neighboring properties and it block the flow of “light and air” in the neighborhood.

These comments reflect generalized opposition to the project itself and the proposed building height, not the requested setback variance. Height is not an issue before this Board, nor is it an issue for debate, since it is zoning compliant. The Beacon Zoning Code § 223-41.18(D)(7) expressly permits 4-story buildings in the CMS District. The Zoning Code also notes that the most appropriate location for a taller building is on a corner lot.¹⁴

Moreover, under New York State law, a neighboring property owner has no natural or inherent right to light or air, and may not complain that either has been cut off by the erection of buildings on adjoining land.¹⁵ Nor does such owner possess an implied visual easement over property he does not own.¹⁶ It is well-settled law in New York that no easement for light or air will ever be implied in favor of one city lot over another, and that doctrine of implied easements of that kind does not exist in this state; further, no such rights may be acquired by prescription, even where the existing neighboring parcel has been in place for many decades.¹⁷

Therefore, arguments by neighbors that the proposed Project will cut off light and air access to existing buildings located on adjacent or nearby properties are without legal merit. The adjacent and neighboring property owners have no inherent right to light or air; these lots, like any other lot in a city, do not enjoy a perpetual right to undeveloped surroundings merely by virtue of having been there first. The only means by which a property owner may acquire a right to light and air is by an express easement. No such easement exists.

¹⁴ See CITY OF BEACON ZONING CODE § 223-41.18(B)(1)(b) (“Corner locations are deemed most appropriate for such buildings...”).

¹⁵ See Myers v. Gemmel, 10 Barb 537, 542-543 (New York Gen. Term 1851); De Baun v. Moore, 6 N.Y. Ann. Cas. 132, 32 A.D. 397, 52 N.Y.S. 1092 (2d Dept. 1898), *aff'd* 167 N.Y. 598, 60 N.E. 1110; Kingsway Realty & Mortgage Corp. v. Kingsway Repair Corp., 228 N.Y.S. 265, 223 A.D. 281 (2d Dept. 1928); 1 N.Y. Jur.2d Adjoining Landowners § 57; Pica v. Cross County Construction Corp., 259 App.Div. 128, 18 N.Y.S.2d 470 (1st Dept. 1940); Blair v. 305-313 East 4th Street Assocs., 123 Misc.2d 612 (New York Co. 1983). The English doctrine of “ancient lights” (providing that a landowner had a legal right to light and air based on an extended period of uninterrupted use and enjoyment) has been rejected in New York State and almost universally in every United States jurisdiction. See Myers v. Gemmel, 10 Barb 537, 542-543 (New York Gen. Term 1851).

¹⁶ Haber v. Paramount Ice Corp., 239 App.Div. 324, 327, 267 N.Y.S. 329, *aff'd*, 264 N.Y. 98, 190 N.E. 163; Salvin v. Northbracepeth Coal Co., 9 Law R., Ch. Appeals, 705, *cited in* Campbell v. Seaman, 63 N.Y. 568, 577; Blair v. 305-313 East 4th Street Assocs., 123 Misc.2d 612 (New York Co. 1983).

¹⁷ Cohan v. Fleuroma, Inc., 43 A.D.2d 741, 346 N.Y.S.2d 157 (2d Dept. 1973); Wilmurt v. McGrane, 16 App.Div. 412, 418-19, 45 N.Y.S. 32 (1st Dept. 1897); Cutting v. Cutting, 86 N.Y. 41 Sickels 522 (1881); Edgerton v. Foote, 19 Wend 309 (1838); Merriam v. 352 West 42nd Street Corp., 14 A.D.2d 383, 221 N.Y.S.2d 82 (1st Dept. 1961).



September 15, 2017

Page -9-

Moreover, to respond to these neighbor comments, the applicant hereby submits a “Shadow Impact Study” which establishes that the requested variance, changing the rear setback from 25 feet to 10 feet does not result in any perceptible change in shadow impacts on neighboring properties. Please refer to **Exhibit C**.

The owner of 4 North Elm Street, to the rear of 226 Main Street, objected at the last meeting that this property would suffer adverse effects if the rear setback variance is granted. The Shadow Study refutes these allegations. It is also worthy of note that the owner of 4 North Elm Street has made several offer to purchase 226 Main Street, and his opposition may be motivated by the desire to own the property himself. Moreover, upon information and belief, the owner of 4 North Elm Street, as a partner in O’Donnell Construction Corporation, is the direct beneficiary of this Board’s grant of a zero feet rear yard setback at 344 Main Street. It seems inappropriate to object to one’s neighbor receiving a variance, after benefitting from the grant of a similar—and even greater—variance oneself.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The difficulty is not self-created, but rather arises because of the shallow configuration of a corner lot, as described above. However, even if the hardship *were* self-created, this does not alone justify denial of an area variance under N.Y. GENERAL CITY LAW § 81-b(4)(b)(v).¹⁸

Conclusion as to Easement 1 - rear setback variance

Based upon a consideration of the 5 factors, the overall balancing test, and the binding nature of the Board’s past decisions in similar cases, the applicant has established its entitlement to this variance.

¹⁸ See Matter of Daneri v. ZBA Town of Southold, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).



September 15, 2017

Page -10-

EASEMENT 2 -THE PARKING VARIANCE:

The applicant has also requested that the Board grant a variance of the 8 required off-street spaces for the 8 new apartments. The applicant has noted that its plan provides at least 2 and possibly 3 new parking spaces along the new frontage created by the new project, and that there are two public parking lots in close proximity to the site.

Precedent:

As noted above, Zoning Boards are obligated to treat similar cases in a similar way. They can't grant variances to some applicants, but not to other applicants in similar circumstances. The ZBA has granted parking variances to a number of Main Street projects featuring a residential component, including:

- **232 Main Street (SBL: 5954-27-867918), Preshrock Corp., Central Business ("CB") District:** On September 16, 2003, the ZBA unanimously voted 7-0 to grant a variance of 29 parking spaces, to permit zero parking spaces where 29 were required, and further to waive the fee-in-lieu of parking requirement. The applicant established that there was no space for parking because the building had been converted from original retail use to seasonal restaurant with retail sales, and the back of the property had been converted to an outdoor dining patio to maximize investment. The applicant relied on parking available in a nearby public parking lot.
- **544 Main Street (SBL: 6054-30-129788), 544 Main Street LLC, CB District:** The ZBA voted unanimously 5-0 to grant a parking variance allowing the applicant to provide 14 off-street parking spaces where 18 spaces were required, for a variance of 4 parking spaces. The applicant intended to renovate an existing building to ground floor retail/commercial and apartments above. Due to topographic (steep slope) conditions of the site, the parking area could not be extended to the rear of the parcel. There was an adjacent municipal parking lot, which was at one time a part of the 544 Main Street property. The applicant showed that it would be impossible to provide parking on its property due to topographic conditions.
- **536 Main Street (SBL: 6054-30-132779), Grzegorz Stachnik, CB District:** The ZBA unanimously voted 5-0 on February 21, 2006 to grant a variance of 3 parking spaces, to provide 5 off-street parking spaces where 8 were required. The applicant proposed to construct a new three-story building with artist live/work space on the ground floor and apartment units on the upper floors on a vacant parcel of land.

Naturally, the consideration of a parking variance is dependent on the relevant facts. The key relevant facts in this situation are that: (1) the applicant is creating 2-3 additional parking spaces by closing in open curbs on its property; (2) the proposed property is located within 800 feet of

C&F: 3530488.4



September 15, 2017

Page -11-

two public parking lots, and (3) that studies have established available on-street parking in the neighborhood.

5 Factor Analysis of Requested Parking Variance:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance.

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by granting the area variance, for three separate reasons. First, there is adequate street parking surrounding the Premises; the City's 2017 Comprehensive Plan Update noted that "The City of Beacon is well-served by current public and private parking facilities."¹⁹ A 2014 parking analysis of Center City parking availability by the Dutchess County Planning Department also "suggests there is still ample parking capacity in the downtown area for future growth."²⁰

Second, the existing street parking will be supplemented by the closing of multiple curb cuts on the Premises' frontage, thereby allowing for the addition of 2 to 3 new on-street parking spaces.

Third, there are also 2 public parking lots located within 800 feet of the property: the Pleasant Ridge Pizza lot (parking for 13 cars) and the Dutchess County Motor Vehicles lot (parking for 92 cars).²¹ The existing and new street parking, coupled with the nearby public parking lots, are sufficient to meet the residential parking needs for the proposed use, and therefore no change in character to the neighborhood or detriment to nearby properties will be caused by the parking needs of the proposed Project. Moreover, the complaints by neighbors of crowded parking by tourists and shopper, as well as church attendees, are inapplicable to the proposed request, since demand for residential parking generally occurs at different hours than the commercial parking.²²

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

¹⁹ CITY OF BEACON, 2017 COMPREHENSIVE PLAN UPDATE at 84 (Section 6: Transportation, Parking).

²⁰ *Id.*; see also Dutchess County Department of Planning and Development, *Beacon Center City Parking Analysis* at 6 (2014).

²¹ See CITY OF BEACON ZONING CODE § 223-41.18(F)(3), which lists criteria that the Planning Board may consider in choosing to modify the residential parking requirement of ZONING CODE § 223-41.18(F)(2). "That there is sufficient public parking available within 800 feet of the site and within the CMS or PB Districts to meet foreseeable parking needs of the proposed use and surrounding uses for the duration of the proposed use." *Id.* at § 223-41.18 (F)(3)(d).

²² See Dutchess County Department of Planning and Development, *Beacon Center City Parking Analysis* at 7, 15 (2014).
C&F: 3530488.4

September 15, 2017

Page -12-

There are no other viable means for the Applicant to achieve the benefit sought by the area variance. There is insufficient space on the site to construct off-street parking, while still maintaining the minimum feasible depth of the building to support a multifamily residential layout. The difficulty in providing off-street parking on this corner lot is exacerbated by the City's Zoning Code prohibition on parking within a front yard.²³ Because the Premises is a corner lot, it is treated as having two front yards.²⁴ Further, the CMS Zoning District regulations require that buildings within the CMS District be sited right at the streetscape, to improve the pedestrian experience.²⁵ Therefore, the only permitted location for off-street parking on this lot would be at the rear of the lot.²⁶

But the shallow nature of the lot does not create the possibility to provide such parking. A minimum 42 ft. setback from the rear property line would be required to provide any parking at the rear of the Premises, considering that the required width/length of a parking space is 9 ft./18 ft.²⁷, and the required width of a drive aisle is 24 ft.²⁸ This would leave only approximately 23 ft. in depth for a building sited on the lot. As detailed in the analysis for the rear setback variance, the Premises is only about 57 ft. in depth. Requiring off-street parking to be sited on the lot, leaving only 23 ft. in which to construct a building, would make not only a double-loaded corridor setup impossible, [see discussion of building requirements in analysis of setback variance above, pages 5-6] but would render *any* possible building configuration unworkable and the lot effectively undevelopable.

²³ CITY OF BEACON ZONING CODE § 223-41.18(D)(1) ("Front setback on Main Street: minimum zero, maximum 10 feet, except that a larger maximum may be allowed if the **area in front of a building has no parking spaces** and is landscaped and used in a manner that enhances the street life on Main Street by such means as pocket parks or plazas, fountains, outdoor dining areas, public art and outdoor display of items for sale on the premises. Such outdoor space shall be landscaped with plant materials as appropriate to the use, in a configuration approved by the Planning Board." [bold emphasis added]); CITY OF BEACON ZONING CODE § 223-41.18(D)(2) ("Front setback on other streets: minimum zero, maximum 25 feet. If surrounding buildings have a larger setback, the setback line may be placed in a location that harmonizes with the prevailing setbacks, **provided that there is no parking in the front yard** other than on a driveway accessing a rear garage." [bold emphasis added]); CITY OF BEACON ZONING CODE § 223-41.18(F)(1) ("All off-street parking for buildings that have Main Street frontage **shall be located behind, underneath, or to the side** of a building. If on the side, the parking area shall be located at least 40 feet from the Main Street property line..." [bold emphasis added]); see also CITY OF BEACON ZONING CODE § 223-41.18(D)(13).

²⁴ CITY OF BEACON ZONING CODE § 223-41.18(D)(3) ("Corner buildings: Corner buildings **shall be treated as having frontage on both streets and front setbacks shall apply to both**, as appropriate to the street. Corner buildings with **frontage on Main Street** shall **wrap around corners** and **maintain a consistent setback line** along the side." [bold emphasis added]).

²⁵ CITY OF BEACON ZONING CODE § 223-41.18(D)(1), (2); see also CITY OF BEACON ZONING CODE § 223-41.18(D)(13).

²⁶ Indeed, this is the parking scheme envisioned by the Comprehensive Plan for the CMS District. See City of Beacon Comprehensive Plan at 106 (2007) ("The properties between Digger Phelps Street and Teller Avenue should be encouraged to be redeveloped at greater density, with incentives (such as increased floor area ratio) for new housing construction above the first floor and **parking included behind the building.**" [bold emphasis added]).

²⁷ CITY OF BEACON ZONING CODE § 223-26(C)(2)(a).

²⁸ CITY OF BEACON ZONING CODE § 223-26(C)(2)(c).



September 15, 2017

Page -13-

Because a building that shallow in depth is completely unworkable, parking cannot be provided on the site.

As noted in the earlier portion of this letter (see page 6), allowing the Applicant to build on the Premises and receive an economic return from its property is a legitimate “benefit” to be sought by an area variance. It is impossible to provide the required number of off-street parking spaces and still preserve the benefit sought by the Applicant; therefore, a variance from the required number of off-street parking spaces is the only means by which the Applicant can achieve the benefit sought.

3. Whether the requested area variance is substantial.

The requested variance to permit zero parking spaces where 8 spaces are required is not substantial in its effect. The substantiality of a 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.²⁹ Thus, the overall effect of granting the relief is the appropriate inquiry. The ZBA must consider the surrounding neighborhood and nearby lots, including the availability of on-street and off-street parking, when determining whether the application is substantial.³⁰

Here, the proposed Project is not substantial in its effect. The Board must consider the Applicant’s parking variance request individually on its own merits, and should not be distracted by discussions of other sections of Main Street which don’t have nearby public parking lots for residential parking, by complaints about tourist parking or Sunday church parking which are irrelevant to the demand for residential parking since the demands

²⁹ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003) (“consideration of the percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality....[A] large deviation can have little or no impact depending on the circumstances of the variance application.”); Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, Misc.3d 1120(A), 873 N.Y.S.2d 512 (Table), 2007 WL 56495232007 N.Y. Slip. Op. 52571(U) (“Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.”); Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (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, 968 N.Y.S.2d 702, 705 (3d Dept. 2013) (upholding ZBA determination that an area variance).

³⁰ 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 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); See Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this “does not relieve [the ZBA] from engaging in the balancing test” and the application can still be granted.”).



September 15, 2017

Page -14-

occur at different hours, or speculation about future development and future circumstances. The comments at the public hearing conflate this specific parking variance request with other issues, and other speculative future developments on Main Street. Whether future projects, on other properties, may have a substantial effect on existing parking is not an issue now before this Board. Likewise, this Board is not the forum in which to debate legislative issues concerning the CMS District's preference for increased residential density.

An essential part of the context of this application is the availability of two nearby municipal parking lots (with space for 13 cars and 92 cars, respectively) in the immediate vicinity. These lots supplement the available on-street parking. Additionally, the applicant will be creating 2-3 additional parking spaces immediately adjacent to this building. These existing parking resources are more than sufficient to serve central Main Street's parking needs.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed variance will have no adverse impacts on the physical or environmental conditions in the neighborhood or district.

The data discussed in the previous sections establishes that the proposed Project will have no adverse effect or impact on the physical or environmental conditions of the neighborhood or district. The proposed Project encourages walkability and access to public transportation, and will have a beneficial impact on the aesthetics, walkability, and economy of the neighborhood and district. It will also result in closing multiple curb cuts, allowing for the addition of 2 to 3 on-street parking spaces and thereby only truly generating a need for 5-6 off-site parking spaces.

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The difficulty is not self-created, but results from the lot's shape and character as a corner lot. As discussed above, placement of the 8 required off-street parking spaces on the Premises would result in an unworkably narrow 23 ft. building envelope, rendering *any* development of the Premises infeasible. The proposed Project is in conformance with the other aspects and intent of the CMS Zoning District, and with the goals of the Comprehensive Plan, but will be impossible to achieve without obtaining the requested

C&F: 3530488.4



September 15, 2017

Page -15-

parking variance. Finally, even if the hardship *were* self-created, this does not alone justify denial of an area variance under N.Y. GENERAL CITY LAW § 81-b(4)(b)(v).³¹

Conclusion with respect to Easement 2 - parking variance:

The facts clearly show that there is ample available public parking in the neighborhood of the proposed building to provide 8 residential spaces. The proposed project itself will provide 2 or 3 new spaces immediately in front of the building. Considering the overall balancing test, the 5 factors, and the precedent of past parking variances, there is no harm to the community sufficient to outweigh the benefit to the applicant from the grant of the parking variance.

Summary:

The Applicant looks forward to appearing at the Zoning Board of Appeals meeting on September 19, 2017. Should you have any questions, please call me at the office. My direct line is 914-872-1941.

The following exhibits are attached to this letter:

- Exhibit A: 293-m Referral Response Letter from Dutchess County Department of Planning & Development to City of Beacon Planning Board, dated May 31, 2017;
- Exhibit B: Chart, Map, and Property Cards Illustrating Comparable Lot Sizes to the Premises located within the same Block in the CMS District; and
- Exhibit C: “226 Main Street Shadow Impact Study,” prepared by Patrick Cleary, AICP, dated September 15, 2017.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Van Tuyl', with a stylized, flowing script.

Jennifer L. Van Tuyl

cc: Edward J. Phillips, Esq.
Eric L. Gordon, Esq.

³¹ See Matter of Daneri v. ZBA Town of Southold, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).



September 15, 2017
Page -16-

Jennifer L. Gray, Esq.
Aryeh J. Siegel, AIA
Brendan McAlpine

Exhibit A

Dutchess County Department of Planning & Development,
Response to City of Beacon Planning Board Referral for 226 Main Street

MARCUS J. MOLINARO
COUNTY EXECUTIVE



EOIN WRAFTER, AICP
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

May 31, 2017

To: Planning Board, City of Beacon

Re: Referral # 17-165, 226 Main Street 4-story retail/MFR Building Special Permit and Site Plan
Parcel: 5954-27-860918, Main Street

The Dutchess County Department of Planning and Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m).

ACTION

The applicant is seeking a special use permit and site plan approval for the demolition of an existing 1-story service garage building and the construction of a new 4-story multifamily residential building with retail on the 1st floor.

COMMENTS

The proposed redevelopment of this prominent corner on Main Street to a 4-story mixed use building with retail on the ground floor will result in a vast improvement in the appearance of this site and will add value to the parcel, and the City as a whole. The proposed site plan is in-keeping with the City's regulations for the Central Main Street (CMS) district and we commend the applicant in proposing a building that upholds these standards.

Streetscape Improvements

Currently, the site maintains two curb cuts, one on North Elm Street and a second on Main Street to allow vehicles to access the existing service garage. As part of this project, or in the future, we suggest these curb cuts be replaced with raised curbs to allow additional on-street parking immediately adjacent to the building. As part of that project, an additional street light and street tree could be added on Main Street to continue the existing streetscape improvements further west.

Trash Enclosure

Retail tenants could include a deli or coffee shop or other use that could generate large amounts of waste. We note that the doors to the enclosure open to the building and not the street, and so we question what kind of receptacles will be used as it does not appear that commercial trucks will be accessing the area. The Board should ensure that the trash enclosure is appropriately sized to allow for both garbage and recycling for both the retail and residential tenants.

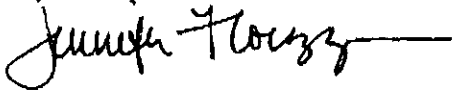
Referral 17-165; 226 Main Street 4-story retail/MFR building special permit and site plan – page 2/2

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Eoin Wrafter, AICP
Commissioner

By

A handwritten signature in black ink, appearing to read "Jennifer F. Cocozza", followed by a horizontal line.

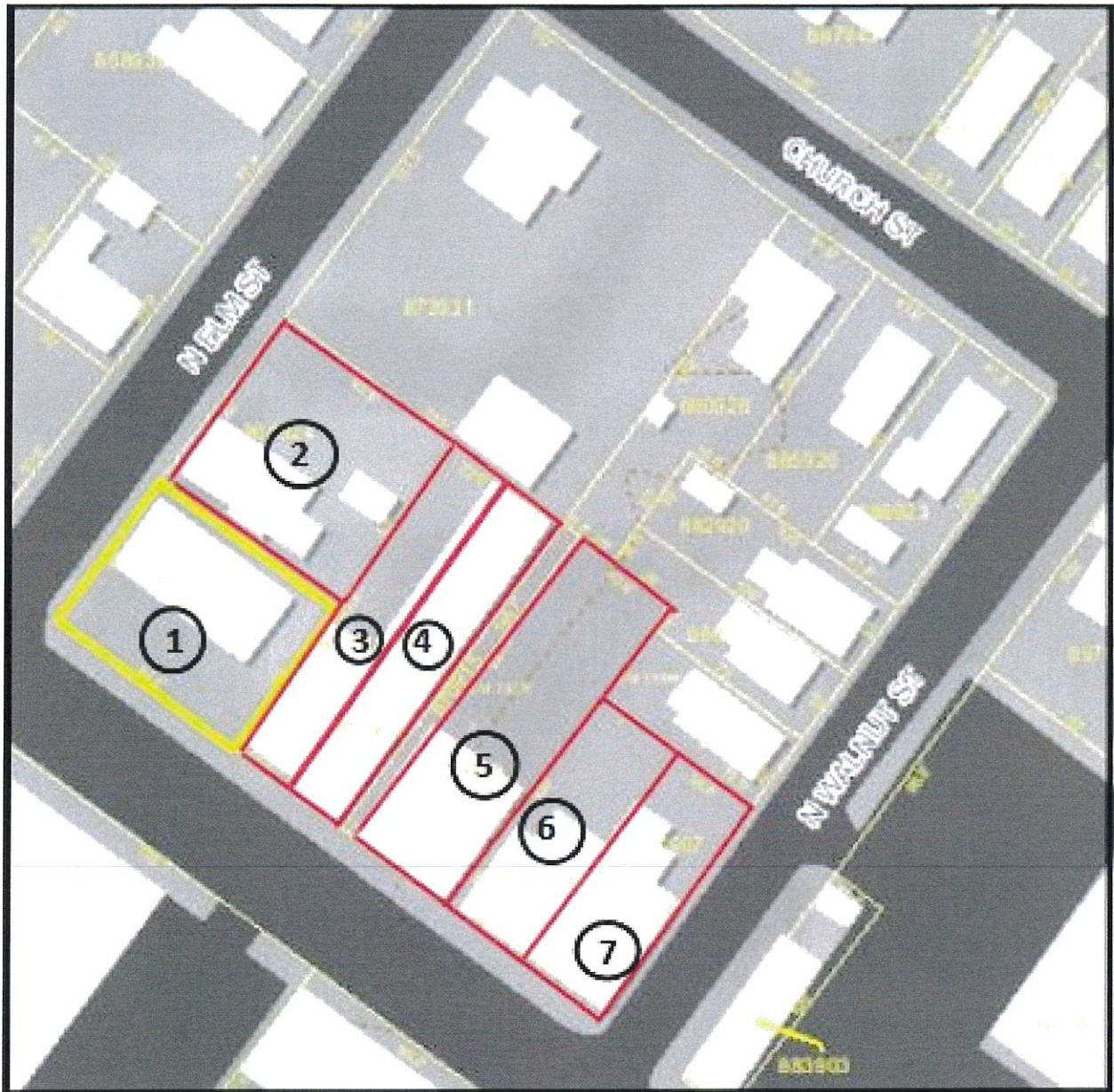
Jennifer F. Cocozza
Deputy Commissioner

Exhibit B

Comparable Lot Sizes within Same Block of 226 Main Street

No. (Map Key)	Address	SBL	Lot Size
1	226 Main Street (the "Premises")	5294-27-860918	0.13 acres/ 5,663 SF
2	4 North Elm Street	5954-27-864924	0.15 acres/ 6,534 SF
3	232 Main Street	5954-27-867918	"23.4x146.2" = 0.08 acres/ 3,421 SF
4	234 Main Street	5954-27-869916	0.09 acres/ 3,920 SF
5	236-240 Main Street	5954-27-872913	0.15 acres/ 6,534 SF
6	242 Main Street	5954-27-874910	0.08 acres/ 3,485 SF
7 (Note: Corner Lot)	246 Main Street	5954-28-877907	0.08 acres/ 3,485 SF

Exhibit B Map





ParcelAccess

1

Final Roll

Parcel Grid Identification #:
130200-5954-27-860918-0000
Municipality: Beacon

Parcel Location

226 Main St

Owner Name on March 1

Mc Garvey , Jeffery (P)

Primary (P) Owner Mail Address

272 Baxtertown Rd
Fishkill NY 125240000



Parcel Details

Size (acres): .13 Ac (C) Land Use Class: (430) Commercial: Motor Vehicle Services
File Map: Agri. Dist.: (0)
File Lot #: School District: (130200) Beacon City School District
Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$115000	\$334700	\$334700	\$334700	\$334700	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 334700

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sale Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	0	1380	0238	()	0

Site Information:

Site Number: 1

Water Supply: (3) Comm/public Sewer Type: (3) Comm/public Desirability: (3) Normal Zoning Code: CB Used As: (G04) Auto srv ctr

Commercial/Industrial/Utility Building Information:

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1930	1	1860	(0109) 1 sty apt load sup	(2) Average

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	0

Number Identical:	Condition Code:
0	3

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (G04) Auto srv ctr

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(10) Bays	1860	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
3	0	0	0

Improvements:

Site Number: 1

Improvement Number: 1

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(OH1) Ovrhdoor-com	10	10	3	1960

Condition:	Grade	Sq. Ft.
(2) Fair	C	0

Site Number: 1

Improvement Number: 4

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LP4) Pavng-asphalt	0	0	1	1950

Condition:	Grade	Sq. Ft.
(3) Normal	D	2100

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ParcelAccess

2

Final Roll

Parcel Grid Identification #:

130200-5954-27-864924-0000

Municipality: Beacon

Parcel Location

N 4 Elm St

Owner Name on March 1

Kacherski, Charles (P)

Primary (P) Owner Mail Address

N 4 Elm St

Beacon NY 125080000



Parcel Details

Size (acres): 0.15 Ac Land Use Class: (220) Residential: Two Family Year-Round Residence
 File Map: Agri. Dist.: (0)
 File Lot #: School District: (130200) Beacon City School District
 Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:
 \$39000 \$273300 \$273300 \$273300 \$273300 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:
 H: Homestead 1 100 \$ 273300

Tent. Roll: Final. Roll: Valuation:
 5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:
 \$275000 4/6/2017 3:44:46 PM 22017 3504 (J) 1

Site Information:

Site Number: 1

Water Supply: Sewer Type: Desirability: Zoning Code: Used As:
 (3) Comm/public (3) Comm/public (2) Typical CB ()

Residential Building Information:

Site Number: 1

Year Built: Year Remod.: Building Style: No. Stories: Sfla: Overall Cond.:
 1900 0 (08) Old style 2 1998 (3) Normal

No. Kitchens: No. Full Baths: No. Half Baths: No. Bedrooms: No. Fire Places: Basement Type:
 2 2 0 4 0 (4) Full

Central Air: Heat Type: Fuel Type: First Story: Second Story: Addl. Story:
 0 (3) Hot wtr/stm (4) Oil (4) 1101 (4) 897 (4) 0

•
 Half Story: 3/4 Story: Fin. Over. Gar.: Fin. Attic: Unfin 1/2 Story: Unfin 3/4 Story:
 0 0 0 0 0 0
 •
 Fin Rec Room: No. Rooms: Grade: Grade Adj. Pct.:
 0 0 (C) Average 95
 •

Improvements:

Site Number: 1

Improvement Number: 1

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(RP2) Porch-coverd	0	0	1	1900

Condition:	Grade	Sq. Ft.
(3) Normal	C	132

Site Number: 1

Improvement Number: 2

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(RG4) Gar-1.0 det	0	0	1	1900

Condition:	Grade	Sq. Ft.
(3) Normal	C	200

Site Number: 1

Improvement Number: 3

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LS5) Pool-abv grn	0	0	1	1900

Condition:	Grade	Sq. Ft.
(3) Normal	C	314

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ParcelAccess

3

Final Roll

Parcel Grid Identification #:
130200-5954-27-867918-0000
Municipality: Beacon

Parcel Location
232 Main St

Owner Name on March 1
Bock, Stephen Trustee (P)
Bock, Ricann Trustee (A)

Primary (P) Owner Mail Address
NE 11540 Wing Point Way
Bainbridge Island WA 98110



Parcel Details

Size (acres): 23.4 x 146.2 **Land Use Class:** (482) Commercial: Multiple Use or Multipurpose: Downtown Row Type (detached)
File Map: **Agri. Dist.:** (0)
File Lot #: **School District:** (130200) Beacon City School District
Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$75000	\$395000	\$395000	\$395000	\$395000	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 395000

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	5/23/2007 2:26:30 PM	22007	5617	(I)	1

Site Information:

Site Number: 1	Sewer Type:	Desirability:	Zoning Code:	Used As:
Water Supply:	(3) Comm/public	()	CB	(D08) Small retail
(3) Comm/public				

Commercial/Industrial/Utility Building Information:

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1965	3	4140	(0320) 3 sty Str/off/apt load sup	(2) Average

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	0

Number Identical:	Condition Code:
1	3

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (D08) Small retail

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	1380	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Site Number: 1

Use Number: 2

Used As: (A01) Walk-up apt

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	2760	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
4	0	0	0

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Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (D08) Small retail

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	2860	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Site Number: 1

Use Number: 2

Used As: (F05) Row storage

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	120	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

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ParcelAccess

5

Final Roll

Parcel Grid Identification #:

130200-5954-27-872913-0000

Municipality: Beacon

Parcel Location

236-240 Main St

Owner Name on March 1

240 Main St Beacon LLC , (P)

Primary (P) Owner Mail Address

E 18 22nd St

New York NY 125080000



Parcel Details

Size (acres): .15 ac (s) Land Use Class: (484) Commercial: Multiple Use or Multipurpose: One Story Small Structure
 File Map: 11699 Agri. Dist.: (0)
 File Lot #: 1 School District: (130200) Beacon City School District
 Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$95000	\$315300	\$315300	\$315300	\$315300	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 315300

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$1	11/3/2008 3:03:02 PM	22008	6863	(B)	1

Site Information:

Site Number: 1

Water Supply:	Sewer Type:	Desirability:	Zoning Code:	Used As:
(3) Comm/public	(3) Comm/public	()	CB	(D08) Small retail

Commercial/Industrial/Utility Building Information:

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1970	1	2100	(0312) 1 sty store load sup	(2) Average

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	0

Number Identical:	Condition Code:
1	3

•
Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (D08) Small retail

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	2100	0	0	0

•

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

•

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ParcelAccess

6

Final Roll

Parcel Grid Identification #:
130200-5954-27-874910-0000
Municipality: Beacon

Parcel Location
242 Main St

Owner Name on March 1
Gaither, Denise (P)
Gaither, Elbert Jr (A)

Primary (P) Owner Mail Address
242 Main St
Beacon NY 125080000



Parcel Details

Size (acres): 0.08 Ac Land Use Class: (482) Commercial: Multiple Use or Multipurpose: Downtown Row Type (detached)
File Map: Agri. Dist.: (0)
File Lot #: School District: (130200) Beacon City School District
Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$87500	\$271600	\$271600	\$271600	\$271600	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 271600

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$250000	1/8/2010 3:30:54 PM	22010	276	(J)	1

Site Information:

Site Number: 1

Water Supply:	Sewer Type:	Desirability:	Zoning Code:	Used As:
(3) Comm/public	(3) Comm/public	()	CB	(E03) Profssnl off

Commercial/Industrial/Utility Building Information:

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1968	2	2228	(0319) 2 sty Str/off/apt load sup	(2) Average

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
0	0	0	0	0

Number Identical:	Condition Code:
1	3

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (C01) Restaurant

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	1538	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Site Number: 1

Use Number: 2

Used As: (A01) Walk-up apt

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(02) Apartments	690	690	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	1	0	0

ABSOLUTELY NO ACCURACY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTENDED. ALL INFORMATION ON THIS MAP IS SUBJECT TO CHANGE BASED ON A COMPLETE TITLE SEARCH OR FIELD SURVEY.

This report was produced with ParcelAccess Internet on 9/11/2017. Developed and maintained by OCIS - Dutchess County, NY.



ParcelAccess

7

Final Roll

Parcel Grid Identification #:

130200-5954-28-877907-0000

Municipality: Beacon

Parcel Location

246 Main St

Owner Name on March 1

246 Main Street LLC , (P)

Primary (P) Owner Mail Address

1166 North Ave

Beacon NY 125080000



Parcel Details

Size (acres): 0.08 Ac (D) Land Use Class: (421) Commercial: Dining Establishments: Restaurants
 File Map: Agri. Dist.: (0)
 File Lot #: School District: (130200) Beacon City School District
 Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$160000	\$620800	\$620800	\$620800	\$620800	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 620800

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$1400000	4/26/2017 3:09:13 PM	22017	3494	(J)	1

Site Information:

Site Number: 1

Water Supply:	Sewer Type:	Desirability:	Zoning Code:	Used As:
(3) Comm/public	(3) Comm/public	()	CB	(F05) Row storage

Commercial/Industrial/Utility Building Information:

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 1

Year Built:	No. Stories:	Gross Floor Area:	Boeck Model	Const. Qual.:
1960	3	5845	(0320) 3 sty Str/off/apt load sup	(2) Average

Air Cond. %:	Sprinkler %:	Alarm %:	No. Elevator:	Basement sf.:
100	0	0	0	0

Number Identical:	Condition Code:
1	3

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (C06) Nbhd tavern

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(01) Square feet	1800	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Site Number: 1

Use Number: 2

Used As: (B06) Room/dorm

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(03) Rooms	4045	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
20	0	0	0

ABSOLUTELY NO ACCURACY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTENDED. ALL INFORMATION ON THIS MAP IS SUBJECT TO CHANGE BASED ON A COMPLETE TITLE SEARCH OR FIELD SURVEY.

This report was produced with ParcelAccess Internet on 9/11/2017. Developed and maintained by OCIS - Dutchess County, NY.

City of Beacon Planning Board
9/19/2017

Title:

13 South Cedar Street

Subject:

Application submitted by Juana Rivera, 13 South Cedar Street, Tax Grid No. 30-5954-36-903845-00, R1-5 Zoning District, for relief from Section 223-17(C) to extend an existing covered side porch to 8' x 8' with a 6 ft. side yard setback (*12.5 ft. required*)

Background:

ATTACHMENTS:

Description	Type
13 South Cedar Application	Application
13 South Cedar Survey	Plans

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Juana M. Rivera

TELEPHONE: Chris Stamo
845-240-1412

ADDRESS: 13 South Cedar St.
Beacon N.Y. 12508

E-MAIL: jmrjuana75@yahoo.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Chris Stamo

ADDRESS: 13 South Cedar St.
Beacon N.Y. 12508

TELEPHONE: 347-739-4934

E-MAIL: ~~chrisstamo@allstate.com~~
chrisstamo@allstate.com

PROPERTY LOCATION: 13 South Cedar Street ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 5954 BLOCK 36 LOT 903845

Section of Zoning Code appealed from or Interpretation desired:

Relief from Section 223.17(c) to extend an existing covered side porch to 8' x 8'
with a 6 ft. side yard setback (12.5 ft. required)

Reason supporting request:

Side entrance expansion

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

Survey

Date: July 25, 2017

X Rivera
Owner's Signature
Juana M. Rivera

Applicant's Signature

Chris Stamo

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: Juana M. Rivera } Chris Staro

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: 13 South Cedar St. Beacon N.Y. 12501

Applicant Address: 13 South Cedar St. Beacon N.Y. 12508

Project Address: 13 South Cedar St. Beacon N.Y. 12508

Project Tax Grid # _____

Type of Application _____

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, Juana M. Rivera } Chris Staro, 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 NO
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon NO
3. ALL tax payments due to the City of Beacon are current true
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon NO
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon NO
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current true

X Juana M. Rivera Chris Staro
Signature of Owner

Title if owner is corporation

Office Use Only:

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)

NO	YES	Initial
<input checked="" type="checkbox"/>	<input type="checkbox"/>	JM
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CS
<input type="checkbox"/>	<input checked="" type="checkbox"/>	CS

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Juana M. Rivera & Chris Stano							
Name of Action or Project: Side entrance expansion							
Project Location (describe, and attach a location map): 13 South Cedar St. Beacon NY							
Brief Description of Proposed Action: Side entrance expansion							
Name of Applicant or Sponsor: Juana M. Rivera & Chris Stano		Telephone: 845-224-9745					
Address: 13 South Cedar St.		E-Mail: jmrjuana75@yahoo.com					
City/PO: Beacon		State: N.Y.	Zip Code: 12508				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%;"><tr><td style="width: 50%;">NO</td><td style="width: 50%;">YES</td></tr><tr><td style="text-align: center;">✓</td><td></td></tr></table>	NO	YES	✓	
NO	YES						
✓							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%;"><tr><td style="width: 50%;">NO</td><td style="width: 50%;">YES</td></tr><tr><td style="text-align: center;">✓</td><td></td></tr></table>	NO	YES	✓	
NO	YES						
✓							
3.a. Total acreage of the site of the proposed action? _____ acres							
b. Total acreage to be physically disturbed? _____ acres							
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____	Date: <u>X</u> <u>7/25/17</u>	
Signature: <u>X</u> <u>Juana M. River</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<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.	
_____ 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)

City of Beacon Planning Board
9/19/2017

Title:

788 Wolcott Avenue

Subject:

Application submitted by The Scenic Hudson Land Trust, 788 Wolcott Avenue, Tax Grid No. 30-6054-14-259407-00, R1-80 Zoning District, for relief from Section 223-17(C) to expand the existing parking area with a 24.5 ft. front yard setback (*50 ft. required*)

Background:

ATTACHMENTS:

Description	Type
788 Wolcott Application	Application
788 Wolcott Site Plan	Plans

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: The Scenic Hudson Land Trust, Inc.

ADDRESS: One Civic Center Plaza
Poughkeepsie, NY 12601

TELEPHONE: 845.473.4440

E-MAIL: Mrasmussen@scenichudson.org

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Brit Basinger

ADDRESS: The Chazen Companies
547 River St. Troy, NY 12180

TELEPHONE: 518.266.7356

E-MAIL: bbasinger@chazencompanies.com

PROPERTY LOCATION: 788 Wolcott Ave.,
Beacon, NY 12508

ZONING DISTRICT: R1-80

TAX MAP DESIGNATION: SECTION 6054

BLOCK 14 LOT 259407

Section of Zoning Code appealed from or Interpretation desired:

223-17C Schedule of Regulations for Residential Districts - Minimum Front Yard Setback, Zoning District R1-80.

Reason supporting request:

Please see attached description.

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

Mount Beacon Trailhead Parking Improvements drawing set dated 8.29.17 prepared by The Chazen Companies.

Date: _____



Owner's Signature

Steve Rosenberg, Executive Director, The Scenic Hudson Land Trust, Inc.

Fee Schedule

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

Applicant's Signature

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

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: The Scenic Hudson Land Trust, Inc.

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:

See attached

Applicant Address: One Civic Center Plaza, Poughkeepsie, NY 12601

Project Address: 788 Wolcott Ave., Beacon, NY 12508

Project Tax Grid # 6054-14-259407

Type of Application Zoning Board of Appeals Appeal Application

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, Steve Rosenberg, 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 X
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 X
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



Signature of Owner

Steve Rosenberg, Executive Director, The Scenic Hudson Land Trust, Inc.

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.)	<u>✓</u>	<u> </u>	<u>ER</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<u>N/A</u>	<u> </u>	<u>ER</u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<u>N/A</u>	<u> </u>	<u>ER</u>

Scenic Hudson-Owned Properties in Beacon, NY

Parcel	Address	Tax ID
Scenic Hudson's Long Dock Park	23 Long Dock Road	5954-32-490828
Scenic Hudson's Long Dock Park	8 Long Dock Road	5954-32-481840
Scenic Hudson's Long Dock Park	Long Dock Road	5954-41-537725
Madam Brett Park	South Ave. Rear	5954-15-705263
Madam Brett Park	560 South Ave.	5954-16-830270
Madam Brett Park	Tioronda Ave. Rear	5954-16-910293
Mt. Beacon Park	788 Wolcott Ave.	6054-14-259407

August 29, 2017

John Dunne, Chairman and Members of the
City of Beacon Zoning Board of Appeals
1 Municipal Plaza
Beacon, NY 12508

Re: Mount Beacon Trailhead Parking Improvements
Application for Appeal

Dear Chairman Dunne:

Please find attached an Application for Appeal for the Mount Beacon Trailhead Parking Improvements project. Recently, demand for parking at the Mount Beacon Trailhead has increased significantly resulting in overcrowding. Scenic Hudson wishes to expand and improve the parking lot in order to better accommodate the current parking levels.

Mount Beacon Park is zoned R1-80 Residential which includes a 50' minimum front yard setback. A portion of this front yard setback is needed to achieve the benefits listed below, while still providing an attractive place to park for visitors and Beacon residents who hike the Mount Beacon trails.

The proposal will create a desirable change for the following reasons:

- The new parking lot will greatly mitigate the current overcrowding. Expanded and better organized parking will accommodate cars that are now being parked outside the intended parking spaces.
- The proposal will enhance the parking lot's natural character, providing a more attractive appearance for motorists on Wolcott Avenue and for neighbors. Gravel pavement is restored, natural materials are used for guard-rails and most of the mature trees are retained.
- The proposed plan includes a 24.5' front yard setback which is planted with native trees and shrubs to create an attractive visual screen to the surrounding properties.
- Expanding the parking lot toward Wolcott Avenue conserves a wetland that supports a wet meadow ecosystem and mitigates stormwater runoff. It also keeps the parking away from the neighborhood to the south, as required by the City Council in their 1999 Special Permit Approval.

Please find enclosed the Application for Appeal, Affidavit of Property Owner, Short Environmental Assessment Form, one electronic and five sets of drawings dated 8.29.17 and a check for \$250 for the application fee.

We respectfully request to be put on the agenda for the September 19th Zoning Board of Appeals meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Meg Rasmussen", with a long horizontal flourish extending to the right.

Meg Rasmussen
Sr. Park Planner

Encl.

cc: Rita Shaheen, Scenic Hudson
Brit Basinger, The Chazen Companies



Mount Beacon Trailhead Parking Improvements
788 Wolcott Ave, Beacon, NY

Reason supporting request:

Recently, demand for parking at the Mount Beacon Trailhead has increased significantly, resulting in overcrowding at the parking lot. Scenic Hudson wishes to expand and improve the parking lot in order to better accommodate the current parking levels. The proposal will create a desirable change for the following reasons:

- The new parking lot will greatly mitigate the current parking lot overcrowding. Expanded and better organized parking will accommodate cars that are now being parked outside the intended parking spaces.
- The proposal will enhance the parking lot's natural character, providing a more attractive appearance for motorists on Wolcott Avenue and for neighbors. Gravel pavement is restored, natural materials are used for guard-rails and most of the mature trees are retained.
- The proposed plan includes a 24.5' front yard setback which is planted with native trees and shrubs to create an attractive visual screen to the surrounding properties.
- Expanding the parking lot toward Wolcott Avenue conserves a wetland that supports a wet meadow ecosystem and mitigates stormwater runoff. It also keeps the parking away from the neighborhood to the south, as required by the City Council in their 1999 Special Permit Approval.

A portion of the front yard setback is needed to achieve these benefits, while still providing an attractive place to park for visitors and Beacon residents who hike the Mount Beacon trails.

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
The Scenic Hudson Land Trust, Inc.							
Name of Action or Project: Mount Beacon Trailhead Parking Improvements							
Project Location (describe, and attach a location map): 788 Wolcott Ave., Beacon, NY 12508							
Brief Description of Proposed Action: Granting of a front yard setback variance in association with an Amended Site Plan Application for expansion of a parking lot.							
Name of Applicant or Sponsor: The Scenic Hudson Land Trust, Inc.		Telephone: 845.473.4440 X263 E-Mail: mrasmussen@scenichudson.org					
Address: One Civic Center Plaza							
City/PO: Poughkeepsie		State: NY	Zip Code: 12601				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">X</td> <td></td> </tr> </table>	NO	YES	X	
NO	YES						
X							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Planning Board - Amended Site Plan Approval			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	NO	YES		X
NO	YES						
	X						
3.a. Total acreage of the site of the proposed action?		1.2 acres					
b. Total acreage to be physically disturbed?		0.70 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		15.14 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> Parkland							

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: NYS DEC ID #314044-Tuck Industries on Tioronda Ave and NYS DEC ID #546031 Hudson River PCB Sediments	NO	YES
		X
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>The Scenic Hudson Land Trust, Inc.</u>	Date: <u>8-28-17</u>	
Signature: 		

Steve Rosenberg, Executive Director, The Scenic Hudson Land Trust, Inc.

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

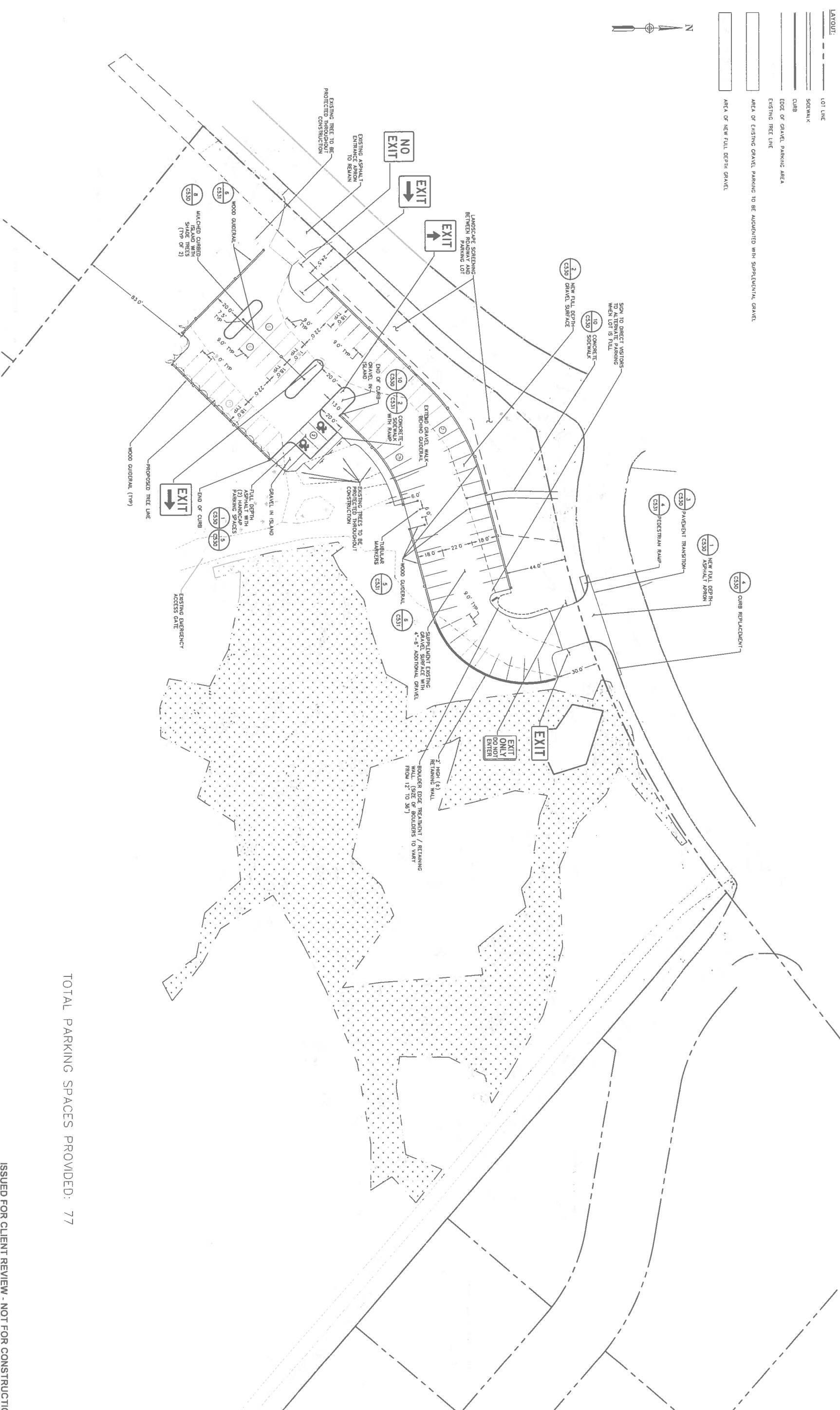
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ 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.

_____ 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)



TOTAL PARKING SPACES PROVIDED: 77

ISSUED FOR CLIENT REVIEW - NOT FOR CONSTRUCTION

MOUNT BEACON TRAILHEAD PARKING IMPROVEMENTS

PARKING LOT LAYOUT PLAN

CITY OF BEACON DUTCHESS COUNTY NEW YORK

designed LL	checked BB
date 8/29/17	score 1"=30
project no. 31725 00	
sheet no. C130 3 Of 8	

[illegible]

Chazen
COMPANIES
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Landscaping Division

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☐ 1011 Dunsmuir Street, Suite 300,
 Vancouver, British Columbia
 Phone: (604) 360-1329

[illegible]

Drawing Name: Z:\projects\31700-31700\31725-00 Scheme Motion Mount Broom Trainee\Disc101_C150_31725-00_517E.dwg
 User: Attended: SBASE_517_31725-00: XTB_31725-00: ALAYOUI_31725-00: PLANDSCAPE_31725-00
 Date Printed: Aug 28, 2017 2:11pm

City of Beacon Planning Board
9/19/2017

Title:

10 Wodenethe Drive North

Subject:

Application submitted by James and Daphne Black, 10 Wodenethe Drive N., Tax Grid No. 30-5954-51-793547-00, R1-40 Zoning District, for relief from Section 223-17(C) for a two-story addition with a 29.3 ft. rear yard setback (*50 ft. required*) and 16.1 ft. side yard setback (*25 ft. required*)

Background:

ATTACHMENTS:

Description	Type
10 Wodenethe Drive Application	Application
10 Wodenethe Drive Survey	Plans

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Daphne & James Black

ADDRESS: 10 Wodenethe DR. North
Beacon NY 12508

TELEPHONE: 845-416-1213

E-MAIL: dblack@blackelectric.net

APPLICANT (if not owner): Same

ADDRESS: Same

TELEPHONE: Same

E-MAIL: Same

REPRESENTED BY: SUF

ADDRESS: Same

TELEPHONE: Same

E-MAIL: Same

PROPERTY LOCATION: 10 Wodenethe Dr. N

ZONING DISTRICT: R1-40

TAX MAP DESIGNATION: SECTION 5954

BLOCK 51 LOT 793547

Section of Zoning Code appealed from or Interpretation desired:

Relief from Section 223-17(c) for a two-story addition with a 29.3 ft. rear yard setback
(50 ft. req'd) and a 16.1 ft. side yard setback (25 ft. req'd)

Reason supporting request:

22' need more ^{covered} parking + square footage

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

Survey

Date: 8/24/17

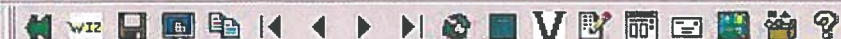
Daphne Black
Owner's Signature

Fee Schedule

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

Same
Applicant's Signature

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



5954-51-793547-0000

130200 Beacon

Active

R/S: 1

School: Beacon City SE

Black, James R

Roll Year: 2018 Next Yr

1 Family Res

Land AV: 61,000

10 Wodenethe Dr N

Land Size: 0.54 acres

Homestead

Total AV: 315,200

Parcel 5954-51-793547-0000

- Notes
- History
- Assessment
- Description
- Owner(s)
- Images
- Gis
- Site (1) Res
 - Land(s)
 - Bldg
 - Imprvmt(s)
 - Valuation
- Sale06/20/17
 - Site (1) Res
 - Land(s)
 - Bldg
 - Imprvmt(s)
 - Valuation
- Sale07/08/13
 - Site (1) Res
 - Land(s)
 - Bldg
 - Imprvmt(s)
 - Valuation
- Sale06/13/01

Sale

Additional Sales Info /Attorney Info

Owner(s)

Condition Codes: J

View Cond Codes

Deed Date: 06/29/2017

Sale Type: 3 Land & Building

Deed Book: 22017

Deed Type: B Bargain/Sale

Deed Page: 4736

Sales Status: T Transmitted

Contract Date: 00/00/0000

Corrections Data

Sale Date: 06/20/2017

Verify: [dropdown]

Date Last Phy Insp: 00/00/0000

Condition Code [checkbox]

Full Sale Price: [redacted]

Sale Date [checkbox]

Personal Prop: [checkbox]

Sale Price or Personal Property [checkbox]

Net Sale Price: 424,500

Rar Excluded: No

Valuation Usable: [checked]

Cod Excluded: No

No. Parcels: 1 OR Part of a Parcel [checkbox]

Arms Length: Yes

Current Owner(s):

Sale Date:

Prior Owners:

James R Black

06/20/2017

Last Name: First Name: MI: Jr, Sr, ect

Daphne D Black

06/20/2017

Camay Andrew W

Camay Stephanie M

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: DAPHNE and James BLACK

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

N/A

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

N/A

Applicant Address: 10 Wodenethe Dr. N. Beacon NY 12508

Project Address: SAME

Project Tax Grid # 130200 - 5954 - 51 - 793547

Type of Application ZBR

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, Daphne BLACK, 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

Daphne Black

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.)	<u>✓</u>	<u> </u>	<u>Jm.</u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<u> </u>	<u>✓</u>	<u>KM</u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<u> </u>	<u>✓</u>	<u>KM</u>

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: <i>DAPHNE and James BLACK</i>							
Project Location (describe, and attach a location map): <i>10 Wodenethe DR. NORTH</i>							
Brief Description of Proposed Action: <i>2 story addition</i>							
Name of Applicant or Sponsor: <i>Daphne and James BLACK</i>		Telephone: <i>(845) 446-1213</i>					
		E-Mail: <i>dblack@blackelectric.net</i>					
Address: <i>10 Wodenethe DR. NORTH</i>							
City/PO: <i>Beacon NY 12508</i>		State:	Zip Code:				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td style="height: 40px;">✓</td> <td></td> </tr> </table>	NO	YES	✓	
NO	YES						
✓							
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td style="height: 40px;">✓</td> <td></td> </tr> </table>	NO	YES	✓	
NO	YES						
✓							
3.a. Total acreage of the site of the proposed action?		<i>0.45</i> acres					
b. Total acreage to be physically disturbed?		_____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0.45</i> acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	✓	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>DAPHNE BLACK</u>		Date: <u>8/24/17</u>
Signature: <u>X</u> <u>Daphne Black</u>		

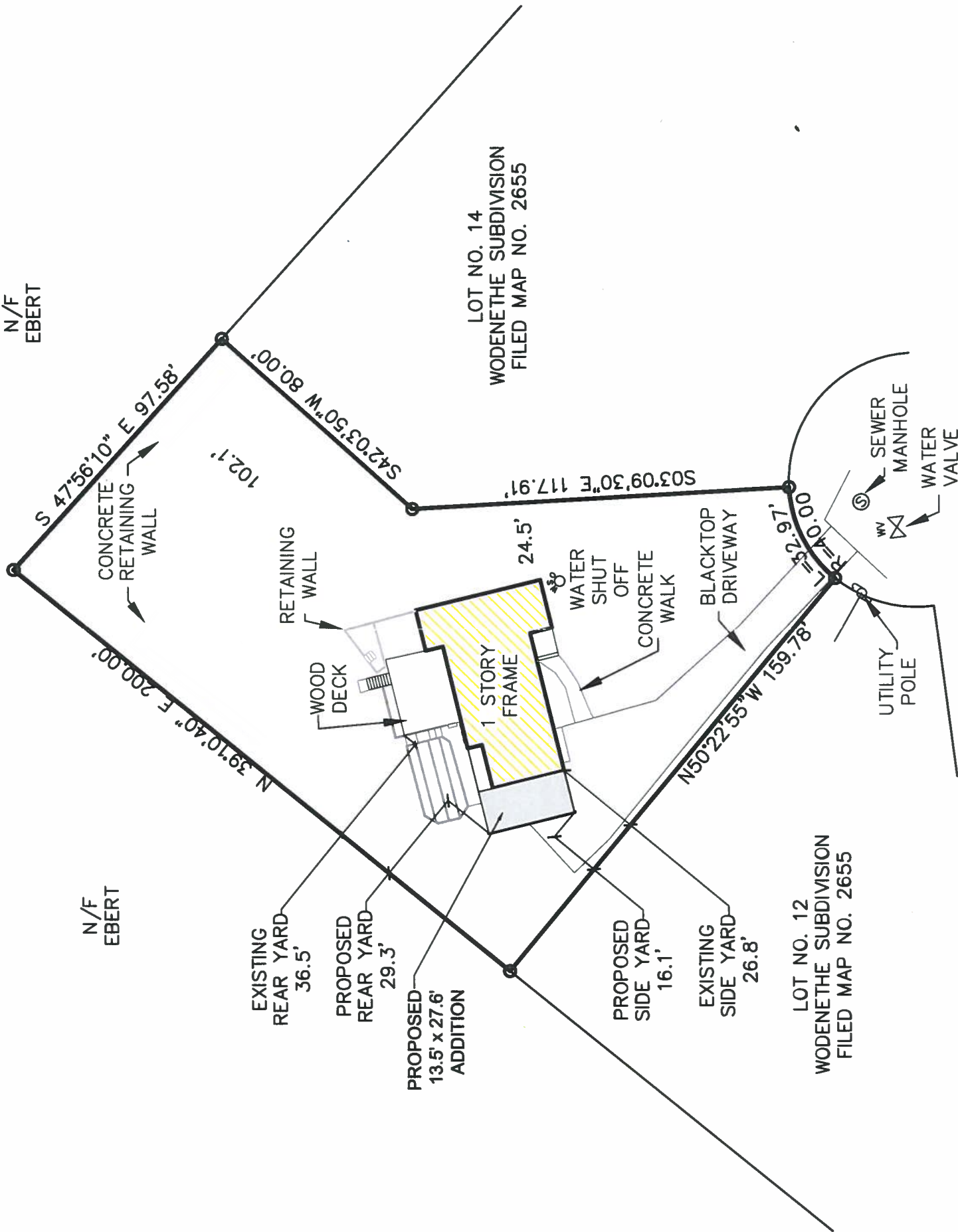
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<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.	
_____ 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)



*WODEN THE
DRIVE
NORTH*

[illegible]

City of Beacon Planning Board
9/19/2017

Title:

39 Front Street (Mason Circle)

Subject:

Application submitted by Beacon Lofts & Storage, 39 Front Street (Mason Circle), Tax Grid No. 30-6055-04-590165-00, LI Zoning District, for relief from Section 223-17(C) to construct a new building with a height of 66 ft. (35 ft. maximum permitted) (***postponed pending SEQRA determination***)

Background:

ATTACHMENTS:

Description	Type
39 Front Street Application	Application
39 Front Street EAF	EAF
39 Front Street Site Plan 1	Plans
39 Front Street Site Plan 2	Plans

ZONING BOARD OF APPEALS

City of Beacon, New York

Application for Appeal

APPLICANT: Beacon Lofts & Storage, LLC ADDRESS: 16 Squadron Boulevard

New City, NY 10956 TELEPHONE: (845) 639-7700

REPRESENTED BY: Aryeh Siegel Architect ADDRESS: 84 Mason Circle

Beacon, NY 12508 TELEPHONE: 845-838-2490

LOCATION: 39 Front Street ZONING DISTRICT: LI

TAX MAP: SECTION 6055 BLOCK 04 LOT 590165

DECISION APPEALED FROM, OR INTERPRETATION DESIRED:

Allow new construction of a 4 story building, 66' high.

REASON SUPPORTING REQUEST:

A previous variance for this project was granted for new construction of a 4 story building, 47' high.

The applicant is consolidating the previously approved 4 story building into the reconstruction of

another approved building to eliminate the additional building and create more landscaped area.

SUPPORTING DOCUMENTS SUBMITTED HERewith: (Site Plan, Survey, etc. as required)

Site Plan, elevations

August 29, 2017

Date


Owner's Signature

Fee: \$100 with application


Applicant's Signature

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Beacon Lofts & Storage, LLC

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

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

Applicant Address: 16 Squadron Boulevard, New City, NY 10956

Project Address: 39 Front Street

Project Tax Grid # 6055-04-590165

Type of Application Zoning Variance for Amendment to 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, Gabriel Alexander, 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 ☒



Signature of Owner

Managing Member

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)	___	___	___

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Beacon HIP Lofts and Storage		
Project Location (describe, and attach a general location map): 39 Front Street, Beacon, NY, Dutchess County		
Brief Description of Proposed Action (include purpose or need): New construction, renovations and additions and to existing former light industrial site. Replace the majority of industrial/commercial spaces with artist live work residential. Expand existing self storage building. Landscaping and site work.		
Name of Applicant/Sponsor: Beacon Lofts & Storage, LLC	Telephone: (845) 639-7700	
	E-Mail:	
Address: 16 Squadron Boulevard		
City/PO: New City	State: NY	Zip Code: 10956
Project Contact (if not same as sponsor; give name and title/role): Aryeh Siegel Architect	Telephone: 845-838-2490	
	E-Mail: ajs@ajsarch.com	
Address: 84 Mason Circle		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor): Same as Applicant	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	City Council - Special Use Permit Amendment	July 25, 2017
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board - Site Plan Application	July 25, 2017
c. City Council, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals - height variance	August 25, 2017
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning	
a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. If Yes, what is the zoning classification(s) including any applicable overlay district?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
LI - Light Industrial	
b. Is the use permitted or allowed by a special or conditional use permit?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes, i. What is the proposed new zoning for the site? _____	
C.4. Existing community services.	
a. In what school district is the project site located?	Beacon City School District
b. What police or other public protection forces serve the project site?	City of Beacon
c. Which fire protection and emergency medical services serve the project site?	City of Beacon
d. What parks serve the project site?	Memorial Park

D. Project Details

D.1. Proposed and Potential Development	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Residential, commercial self-storage	
b. a. Total acreage of the site of the proposed action? 8.74 acres	
b. Total acreage to be physically disturbed? _____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 8.74 acres	
c. Is the proposed action an expansion of an existing project or use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: 29	
d. Is the proposed action a subdivision, or does it include a subdivision? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____	
ii. Is a cluster/conservation layout proposed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
i. If No, anticipated period of construction: 36 months	
ii. If Yes:	
• Total number of phases anticipated 2	
• Anticipated commencement date of phase 1 (including demolition) 04 month 2017 year	
• Anticipated completion date of final phase 04 month 2020 year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	
Building 16 to be completed by 12/2018. Self Storage to be completed by 04/2020	

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	85
At completion of all phases	_____	_____	_____	172

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>35</u> height; <u>78'</u> width; and <u>132'</u> length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☐ No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☐ No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? • Will line extension within an existing district be necessary to serve the project? <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p> <p>_____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 40px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ <p>_____</p> <ul style="list-style-type: none"> • Will stormwater runoff flow to adjacent properties? <input type="checkbox"/> Yes <input type="checkbox"/> No 	
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p>			
<p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade to, an existing substation? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>n.. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>LED parking lot lights, 14' high, shielded from buildings and neighboring properties, night sky compliant</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Describe: _____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

- ☒ Urban ☒ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

The site is in a light industrial zone. There are retail stores nearby. There are single family residences nearby

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No
i. If Yes: explain: The City of Beacon Greenway Trail passes through the site

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities:

e. Does the project site contain an existing dam? ☒ Yes ☐ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

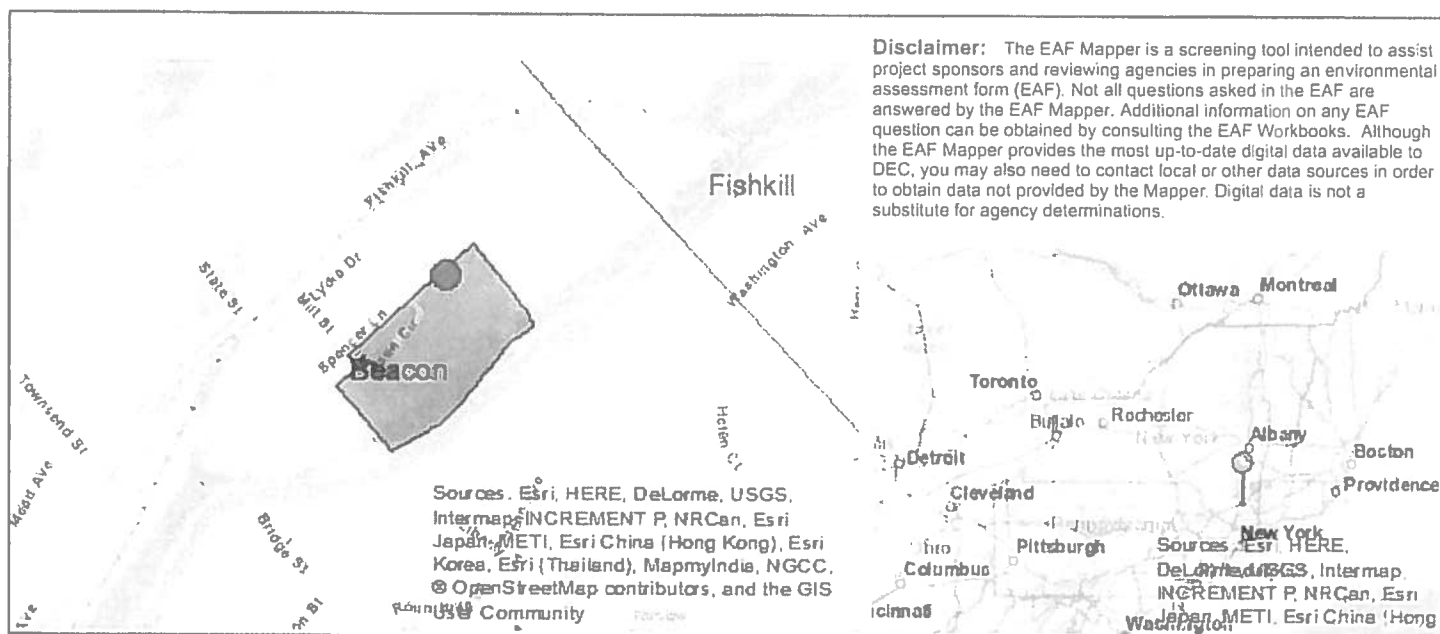
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 314004
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> • If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No • Explain: _____ 	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ 5 feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: <div style="display: flex; justify-content: space-between;"> Ud (Udorthents, smoothed) 100 % </div> <div style="display: flex; justify-content: space-between;"> _____ _____ % </div> <div style="display: flex; justify-content: space-between;"> _____ _____ % </div>	
d. What is the average depth to the water table on the project site? Average: _____ 3 feet	
e. Drainage status of project site soils: <input checked="" type="checkbox"/> Well Drained: _____ 100 % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input checked="" type="checkbox"/> 0-10%: _____ 86 % of site <input checked="" type="checkbox"/> 10-15%: _____ 2 % of site <input checked="" type="checkbox"/> 15% or greater: _____ 12 % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
<ul style="list-style-type: none"> • Streams: Name <u>862-244</u> Classification <u>C</u> • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name <u>Federal Waters, Federal Waters, Federal Waters,...</u> Approximate Size _____ • Wetland No. (if regulated by DEC) _____ 	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>_____</p> <p>_____</p>
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>
<p>E.3. Designated Public Resources On or Near Project Site</p>
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	314004
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-244
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	Yes

(1) NOT MORE THAN ONE SIGN AFFIXED TO THE OUTER WALL OF THE STRUCTURE WITHIN WHICH

- [illegible]

SIGNAGE:
NOTE: SIG

SIGNAGE:
NOTE: SIGNAGE SHALL BE 2' 0" HIGH MAXIMUM. THE AGGREGATE AREA OF THE SIGNAGE SHALL NOT EXCEED 1 SQUARE FOOT FOR EACH LINEAR FOOT OF BUILDING FACING THE STREET.

THERE IS A TOTAL OF 696 LINEAR FEET OF BUILDING FACING THE STREET. THEREFORE, THE TOTAL ALLOWABLE AREA OF STORAGE IS 696 SQUARE FEET.

THERE ARE 2 4'x8' SIGNS MOUNTED ON POSTS AT THE ENTRANCES TO THE SITE, FOR A TOTAL OF 64 SF.

THE TOTAL PROPOSED AREA OF SIGNAGE IS 484 SF. THE ALLOWABLE AREA OF SIGNAGE IS 696 SQUARE FEET.

[illegible][illegible]²² Abutting residential districts or white driveway is proposed between building and lot line. Note that all setbacks are existing.

1. ALL EXTERIOR LIGHTING ON THE SIDE OF THE ROAD SHALL BE SHIELDED SO AS NOT TO CAUSE AN

2. PHOTOGRAPHIC DIAGRAMS ARE NOT AVAILABLE FOR THE EXISTING LIGHT FIXTURES MOUNTED ON THE BUILDING, THE LUMENS IN THESE PHOTOGRAPHED FIXTURES ARE ONLY ESTIMATED BY THE BIDDERS.

PAVING LEGEND

 CONCRETE SIDEWALK

 ASPHALT PAVING

 CONCRETE PAVING

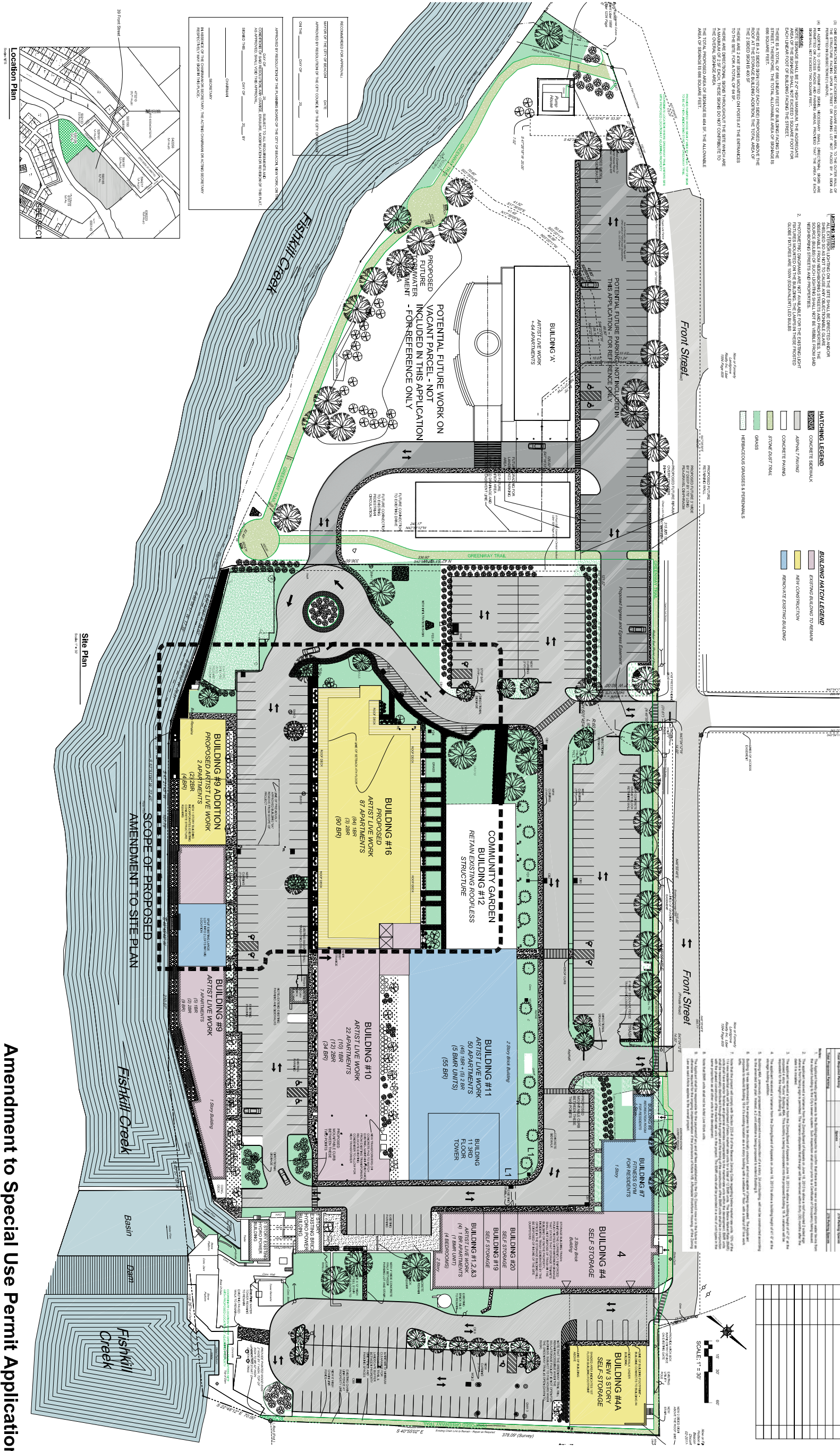
BUILDING HATCH LEGEND

EXISTING BUILDING TO REMAIN

NEW CONSTRUCTION

RENOVATE EXISTING BUILDING

1999 1997 1995 1993 1991 1989 1987 1985 1983 1981 1979 1977 1975 1973 1971 1969 1967 1965 1963 1961 1959 1957 1955 1953 1951 1949 1947 1945 1943 1941 1939 1937 1935 1933 1931 1929 1927 1925 1923 1921 1919 1917 1915 1913 1911 1909 1907 1905 1903 1901 1899 1897 1895 1893 1891 1889 1887 1885 1883 1881 1879 1877 1875 1873 1871 1869 1867 1865 1863 1861 1859 1857 1855 1853 1851 1849 1847 1845 1843 1841 1839 1837 1835 1833 1831 1829 1827 1825 1823 1821 1819 1817 1815 1813 1811 1809 1807 1805 1803 1801 1799 1797 1795 1793 1791 1789 1787 1785 1783 1781 1779 1777 1775 1773 1771 1769 1767 1765 1763 1761 1759 1757 1755 1753 1751 1749 1747 1745 1743 1741 1739 1737 1735 1733 1731 1729 1727 1725 1723 1721 1719 1717 1715 1713 1711 1709 1707 1705 1703 1701 1699 1697 1695 1693 1691 1689 1687 1685 1683 1681 1679 1677 1675 1673 1671 1669 1667 1665 1663 1661 1659 1657 1655 1653 1651 1649 1647 1645 1643 1641 1639 1637 1635 1633 1631 1629 1627 1625 1623 1621 1619 1617 1615 1613 1611 1609 1607 1605 1603 1601 1599 1597 1595 1593 1591 1589 1587 1585 1583 1581 1579 1577 1575 1573 1571 1569 1567 1565 1563 1561 1559 1557 1555 1553 1551 1549 1547 1545 1543 1541 1539 1537 1535 1533 1531 1529 1527 1525 1523 1521 1519 1517 1515 1513 1511 1509 1507 1505 1503 1501 1499 1497 1495 1493 1491 1489 1487 1485 1483 1481 1479 1477 1475 1473 1471 1469 1467 1465 1463 1461 1459 1457 1455 1453 1451 1449 1447 1445 1443 1441 1439 1437 1435 1433 1431 1429 1427 1425 1423 1421 1419 1417 1415 1413 1411 1409 1407 1405 1403 1401 1399 1397 1395 1393 1391 1389 1387 1385 1383 1381 1379 1377 1375 1373 1371 1369 1367 1365 1363 1361 1359 1357 1355 1353 1351 1349 1347 1345 1343 1341 1339 1337 1335 1333 1331 1329 1327 1325 1323 1321 1319 1317 1315 1313 1311 1309 1307 1305 1303 1301 1299 1297 1295 1293 1291 1289 1287 1285 1283 1281 1279 1277 1275 1273 1271 1269 1267 1265 1263 1261 1259 1257 1255 1253 1251 1249 1247 1245 1243 1241 1239 1237 1235 1233 1231 1229 1227 1225 1223 1221 1219 1217 1215 1213 1211 1209 1207 1205 1203 1201 1199 1197 1195 1193 1191 1189 1187 1185 1183 1181 1179 1177 1175 1173 1171 1169 1167 1165 1163 1161 1159 1157 1155 1153 1151 1149 1147 1145 1143 1141 1139 1137 1135 1133 1131 1129 1127 1125 1123 1121 1119 1117 1115 1113 1111 1109 1107 1105 1103 1101 1099 1097 1095 1093 1091 1089 1087 1085 1083 1081 1079 1077 1075 1073 1071 1069 1067 1065 1063 1061 1059 1057 1055 1053 1051 1049 1047 1045 1043 1041 1039 1037 1035 1033 1031 1029 1027 1025 1023 1021 1019 1017 1015 1013 1011 1009 1007 1005 1003 1001 999 997 995 993 991 989 987 985 983 981 979 977 975 973 971 969 967 965 963 961 959 957 955 953 951 949 947 945 943 941 939 937 935 933 931 929 927 925 923 921 919 917 915 913 911 909 907 905 903 901 899 897 895 893 891 889 887 885 883 881 879 877 875 873 871 869 867 865 863 861 859 857 855 853 851 849 847 845 843 841 839 837 835 833 831 829 827 825 823 821 819 817 815 813 811 809 807 805 803 801 799 797 795 793 791 789 787 785 783 781 779 777 775 773 771 769 767 765 763 761 759 757 755 753 751 749 747 745 743 741 739 737 735 733 731 729 727 725 723 721 719 717 715 713 711 709 707 705 703 701 699 697 695 693 691 689 687 685 683 681 679 677 675 673 671 669 667 665 663 661 659 657 655 653 651 649 647 645 643 641 639 637 635 633 631 629 627 625 623 621 619 617 615 613 611 609 607 605 603 601 599 597 595 593 591 589 587 585 583 581 579 577 575 573 571 569 567 565 563 561 559 557 555 553 551 549 547 545 543 541 539 537 535 533 531 529 527 525 523 521 519 517 515 513 511 509 507 505 503 501 499 497 495 493 491 489 487 485 483 481 479 477 475 473 471 469 467 465 463 461 459 457 455 453 451 449 447 445 443 441 439 437 435 433 431 429 427 425 423 421 419 417 415 413 411 409 407 405 403 401 399 397 395 393 391 389 387 385 383 381 379 377 375 373 371 369 367 365 363 361 359 357 355 353 351 349 347 345 343 341 339 337 335 333 331 329 327 325 323 321 319 317 315 313 311 309 307 305 303 301 299 297 295 293 291 289 287 285 283 281 279 277 275 273 271 269 267 265 263 261 259 257 255 253 251 249 247 245 243 241 239 237 235 233 231 229 227 225 223 221 219 2



Index of Drawings

- Sheet 1 of 10
Site Plan
- Sheet 2 of 10
Survey/Existing Conditions Plan
- Sheet 3 of 10
Landscape Plan & Lighting
Building Plans
- Sheet 4 of 10
Elevations
- Sheet 5 of 10
Grading & Utility Plan
- Sheet 6 of 10
Erosion & Sediment Control Plan
- Sheet 7 of 10
Site Details
- Sheet 8 of 10
Stormwater Details
- Sheet 9 of 10
Water & Sewer Details
- Sheet 10 of 10

NOTE THAT SHEETS FROM THE PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION ARE INCLUDED IN THIS SET FOR REFERENCE

[illegible]

Amendment to Special Use Permit Application

Site Plan - Sheet 1 of 10

Beacon HIP Lofts

Owner:
Beacon HIP Lofts, LLC
For Parcel 6055-04-590165
39 Front Street
Beacon, NY 12508

Owner:
Beacon Lofts and Storage, LLC
For Parcel 6055-04-535128
39 Front Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Site/Civil Engineer
Hudson Land Design
174 Main Street
Beacon, New York 12508

Landscape Design:
LQ Design
P.O. Box 244
Beacon, NY 12508

Surveyor
TEC Land Surveying
Beacon, New York 12508

Beacon HIP Lofts
Beacon, New York
Scale: As Noted
July 25, 2017

City of Beacon Planning Board
9/19/2017

Title:

475 Main Street

Subject:

Application submitted by 475 Main Street Beacon, LLC, Tax Grid No. 30-6054-37-076730-00, CB Zoning District, for relief from Section 223-26(F) for a building addition to expand existing office use with existing Main Street retail with zero parking spaces *(14 required)*
(postponed - applicant requested postponement to October 17, 2017)

Background:

ATTACHMENTS:

Description	Type
475 Main Revised Application & Narrative	Application
475 Main Site Plan	Plans
475 Main Elevations	Plans

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: 475 MAIN STREET BEACON, LLC

ADDRESS: 101 Castleton Street

Pleasantville, NY 10570

TELEPHONE: (914) 484-2606

E-MAIL: jeffmear@themeargroup.com

APPLICANT (if not owner):

605 N. MACQUESTEN PARKWAY, L.L.C. as a single member for
475 MAIN STREET BEACON, LLC

ADDRESS: 605 North MacQuesten Parkway

Mount Vernon, NY 10552

TELEPHONE: (914) 484-2606

E-MAIL: jeffmear@themeargroup.com

REPRESENTED BY: Taylor M. Palmer, Esq.
Cuddy & Feder LLP

ADDRESS: 445 Hamilton Avenue, 14th Floor

White Plains, NY 10601

TELEPHONE: (914) 761-1300

E-MAIL: tpalmer@cuddyfeder.com

PROPERTY LOCATION: 475 Main Street

ZONING DISTRICT: CB (Central Business)

TAX MAP DESIGNATION: SECTION 6054

BLOCK 37 LOT 076730

Section of Zoning Code appealed from or Interpretation desired: for a building addition

Section 223-26(F) to expand existing office use with existing Main Street retail
with zero (0) parking spaces (14 required)

Reason supporting request:

Please See Attached Narrative

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

Please See Attached Narrative, including Revised Site Plan, Shadow Study and Financial Analysis

Date: 8-29-17

475 MAIN STREET BEACON, LLC

By: 

Owner's Signature

605 N. MACQUESTEN PARKWAY, L.L.C., as a single
member for 475 MAIN STREET BEACON, LLC

By: 

Applicant's Signature

Fee Schedule

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

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



Taylor M. Palmer
tpalmer@cuddyfeder.com

August 29, 2017

BY HAND DELIVERY
AND E-MAIL

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

Re: Amended Area Variance Application for Required Number of Off-Street Parking Spaces
Premises: 475 Main Street, Beacon, New York (Tax ID: 6054-37-076730)

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

On behalf of 605 N. Macquesten Parkway, L.L.C., as a single member for 475 Main Street Beacon LLC, (the "Applicant"), the owner of the above-referenced Premises, we respectfully submit this request for an area variance for the required number of off-street parking spaces, in connection with a proposed expansion to the existing mixed-use building.¹

The Premises is classified in the CB – Central Business Zoning District and has two (2) street frontages, with an existing (3)-story building frontage located on the south side of Main Street, west of the intersection with Tioronda Avenue, on which the 'L'-shaped Premises also fronts. The Premises is comprised of 5,362+/- sq. ft. of land, which is currently improved by a mixed-use building, with office space on the second and third floors and a retail/gallery space on the Main Street frontage.² See **Exhibit B** – Google Map Images. The existing building is adjacent to similar mixed-use buildings located along Main Street, and no changes are proposed to the footprint of the existing building.

The Applicant submitted an Amended Site Plan Application to the Planning Board proposing to expand the existing office space and maintain the retail space on the Main Street frontage. Previously, the Applicant sought a variance for residential density that is no longer required in light of the Applicant's Amended Site Plan Application, which was developed in response to public discussion and comment, including comments from the

¹ See **Exhibit A** – Amended ZBA Application Form.

² Note: In 1992, the Beacon Zoning Board of Appeals granted a density variance to construct seven (7) apartments on the Premises.



August 29, 2017

Page -2-

Howland Cultural Center.³ Accordingly, the current plan was developed after the Applicant determined the economic feasibility of expanding the existing office use and maintaining the Main Street retail. Therefore, the plans have been revised to reflect an addition of 2,664+/- sq. ft. of office space to the existing mixed-use office/commercial building. See Enclosed Revised Site Plan Prepared by Aryeh Siegel, Architect, Last Revised August 29, 2017.

As this Board is aware, the City of Beacon Zoning Code and the City's Comprehensive Plan Update recognize the unique hardship faced by Main Street building owners – in particular with respect to off-street parking. Indeed, Zoning Code Section 223-26(B) provides a “grandfather” provision for buildings like 475 Main Street, which existed on April 20, 1964.⁴ In this instant matter, because of the current CB Zoning District classification, the proposed addition “would result in a requirement for additional parking” based on the *current* parking schedule. Therefore, the Applicant seeks a parking variance for 13.32 off-street parking spaces for the office and commercial use, for the proposed addition, which is only seven (7) more spaces than would otherwise be permitted under the grandfather provision without variance.⁵

AREA VARIANCE RELIEF REQUESTED

The Applicant is requesting that the Zoning Board of Appeals (“ZBA”) grant area variance relief from Zoning Code § 223-26(F), which requires one (1) off-street parking space to be provided per 200 sq. f.t of commercial or office use, to permit zero (0) parking spaces where 13.32 spaces are required.

Pursuant to Zoning Code § 223-26(B), uses in existence prior to 1964 are not required to provide the amount of parking facilities that would be required under the existing Code, unless the intensification or expansion of the existing use, or the addition of a new use, exceeds twenty-five percent (25%) of the original parking facilities that would have been required pursuant to the 1964 version of the Code. The existing 6,303 SF mixed-use office/commercial building has been in existence as an office use prior to 1964; therefore, the original portion of the building is grandfathered under the Code and no new parking must be provided. However, the 2,664+/- SF addition to the Premises, pursuant to the

³ In a letter dated July 13, 2017, the Howland Cultural Center identified in relevant part that it believes that the “... highest and best use of this property, at least from the community's point of view, would be for retail, office and studios, which are historic uses and ones that appear to be in demand.”

⁴ According to research from the Beacon Historical Society, including the 1964 Beacon Directory, the existing use of the first floor in 1964 was for a retail (hardware store), with professional legal offices on the 2nd and 3rd floors.

⁵ **Note:** under the City's proposed rezoning to extend the CMS District to the lower sections of Main Street, as currently drafted, the existing improved Premises *would not* be required to obtain area variance relief for parking – as only 23 total spaces would be required (2.5 spaces per 1,000 sq. ft.), which includes the proposed addition.



August 29, 2017

Page -3-

current zoning requirement of 1 space per 200 SF of office/retail area, will require approximately 13.32 parking spaces. As this exceeds the 25% threshold of the amount of parking spaces that would have been required in 1964, the Applicant is thus obligated by the Code to provide 13.32 new parking spaces, requiring an area variance from this Board.

AREA VARIANCE STANDARDS

In considering the granting of the requested area variance, N.Y. 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 weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. For the following reasons, we respectfully submit that upon balancing the area variance criteria, the granting of the requested area variance is warranted:

Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

The granting of the requested area variance for the proposed building addition will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties. The existing street parking, coupled with the nearby public parking lots, are sufficient to meet the parking needs for the proposed use, and therefore no change in character to the neighborhood or detriment to nearby properties will be caused by the parking needs of the proposed Project.

Moreover, the demand for office parking generally occurs at different hours than residential or commercial/retail parking. Unlike residential parking, which requires spaces for evenings and overnight, or commercial parking, which is at its heaviest on the weekends, office parking is generally in highest demand Monday through Friday, 9:00AM to 5:00PM. Therefore, the proposed office space is complementary to the surrounding existing and proposed residential and retail/commercial uses, and will not increase parking demand or produce any detriment to the surrounding neighborhood or properties. Thus, there will be no undesirable change and no adverse impacts to the character of the Main Street mixed-use neighborhood by the granting of the parking variance, which is consistent with the character of the neighborhood.

Whether the benefit sought by the applicant can be achieved by some method, feasible to the applicant to pursue, other than the area variance.

Zoning Code §223-55(C)(2)(b)(2) requires the ZBA to consider “whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to



August 29, 2017

Page -4-

pursue, other than an area variance.” The range of appropriate alternatives is limited by two (2) standards: First, the 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 more costly than, the design proposed in the variance. 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.

Here, there are no other viable means for the Applicant to achieve the benefit sought by the area variance. Provided the building’s proximity to the Howland Cultural Center the Applicant has taken into account the comments from the Planning Board and the adjacent property owner to create quality office space on the heart of Main Street that is economically viable. As shown in the enclosed Financial Analysis, prepared by an experienced licensed real estate broker, Mr. Daniel Aubry, of Daniel Aubry Realty,⁶ the proposed addition is necessary to provide a reasonable return on the Premises (especially, because the Application no longer includes a residential component as requested by the Howland Cultural Center). In order to build the proposed addition, an additional stair tower is required, occupying approximately 450 sq. ft. of the addition. Therefore, nearly 2.5 new spaces are required for floor area that is used to access occupiable space. No changes are proposed to the existing building footprint, which has existing since prior to 1964. There is insufficient space on the ‘L-shaped’ lot to construct any off-street parking, while maintaining the integrity of the existing building footprint. The requested variance is also unique, because it seeks relief for office and retail use, rather than residential use in the CB District.

Whether the requested area variance is substantial.

It is respectfully submitted that upon the consideration of the facts and circumstances in the instant Application, the requested area variance is not substantial. “Substantiality” is not solely a matter of the mathematical proportion of the permitted minimum that the Applicant is seeking to vary. Rather, the important test is always whether the variance will actually have a detrimental effect on the neighborhood.⁷

⁶ Enclosed as **Exhibit C**, is a copy of a Financial Analysis of the proposed development on the Premises, prepared by Daniel Aubry, of Daniel Aubry Realty, who is very familiar with the marketing of residential properties in the City of Beacon.

⁷ See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. Westchester Co. 2003) (“consideration of the percentage [of lot coverage] alone, taken in a vacuum, is not an adequate indicator of the substantiality....[A] large deviation can have little or no impact depending on



August 29, 2017

Page -5-

The requested variance is not substantial in its effect, because granting the variance will not have a substantial impact on the availability of parking in the surrounding area, given the proximity of two (2) public parking lots, the existing street parking, and the complementary nature of office parking to residential and retail/commercial parking needs (as discussed above under Criteria 1).

Moreover, even if a variance is deemed “substantial,” this does not preclude the granting of a variance where the applicant meets the overall balancing test, i.e. the benefit of the applicant outweighs any adverse effect on the neighborhood.⁸ We submit there is no such adverse effect in this matter.

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The proposed nonresidential expansion of the existing building constitutes an action exempt from the State Environmental Quality Review Act (“SEQRA”) because this is a Type II Action. See 6 NYCRR § 617.5(c)(7). The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, as noted above, since the proposal for no off-street parking spaces is consistent with the existing character along Main Street. Providing no off-street parking will have no adverse effects of noise, vibrations, odor, traffic, or impact on public services. As discussed under Criteria 1, the peak parking times for the proposed office use is complementary to those of the surrounding residential and retail/commercial uses. Accordingly, the proposed expansion of the nonresidential structure for office use, which has historically been the use of the Premises, will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

the circumstances of the variance application.”; Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, Misc.3d 1120(A), 873 N.Y.S.2d 512 (Table), 2007 WL 56495232007 N.Y. Slip. Op. 52571(U) (“Substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.”); Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883, 886, 867 N.Y.S.2d 238, 241 (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, 968 N.Y.S.2d 702, 705 (3d Dept. 2013) (upholding ZBA determination that an area variance).

⁸ See Corp. of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. Zoning Bd. of Appeals of Town/Village of Harrison, 296 A.D.2d 460, 461-62, 745 N.Y.S.2d 76, 78, 2002 N.Y. Slip Op. 05773 (2d Dept. 2002) (even though a variance seeking a 77% increase over the permitted height was substantial, this “does not relieve [the ZBA] from engaging in the balancing test” and the application can still be granted.”).



August 29, 2017

Page -6-

Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The area variance requested herein is not self-created, but instead is the result of the hardship created by the 'L'-shaped lot and the existing development on the Premises. The building at 475 Main was constructed prior to the implementation of Zoning in the City of Beacon. As discussed above, the design presented herein seeks to use a portion of the existing building otherwise undeveloped with a revenue generating use, thus permitting the benefit sought herein. The proposed alterations and additions realize the use of the Premises. Therefore, it is respectfully submitted that the Applicant's request for relief here is not self-created, and to the extent that the ZBA may believe otherwise, we respectfully remind the ZBA that this factor is not dispositive pursuant to N.Y. VILLAGE LAW § 7-712-b(3)(b)(5). See Daneri, 98 A.D.3d 508 (self-created nature of difficulty is not preclusive of the ability to obtain an area variance).

CONCLUSION

The overall test for the grant of an area variance is whether the benefit to the applicant if the variance is granted, as weighed against any detriment to the health, safety and welfare of the neighborhood or community by such grant. After considering each of the 5 factors discussed above, for each of the requested variances, the Applicant respectfully submits that there is no harm to the community that weighs against the benefit to the Applicant, and that the proposed variance is the minimum variances that meets the Applicant's needs and at the same time fully protects the character of the neighborhood and the health, safety and welfare of the community.

In support of this application, please find enclosed one (1) original copy of the instant letter with the following documents:

- Exhibit A:** Amended City of Beacon ZBA Application Form for Area Variance;
- Exhibit B:** Google Maps Aerials of the Premises; and
- Exhibit C:** Financial Analysis of the proposed development on the Premises, prepared by Daniel Aubry, of Daniel Aubry Realty;



August 29, 2017
Page -7-

In further support of this Application, we respectfully submit site plans entitled "Site Plan Application – 475 Main Street", prepared by Aryeh Siegel, Architect, dated March 28, 2017, last revised August 29, 2017.⁹

The Applicant looks forward to appearing at the September 19, 2017 meeting. 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,

A handwritten signature in blue ink, appearing to read "Taylor M. Palmer", is written over a horizontal line.

Taylor M. Palmer

Enclosures

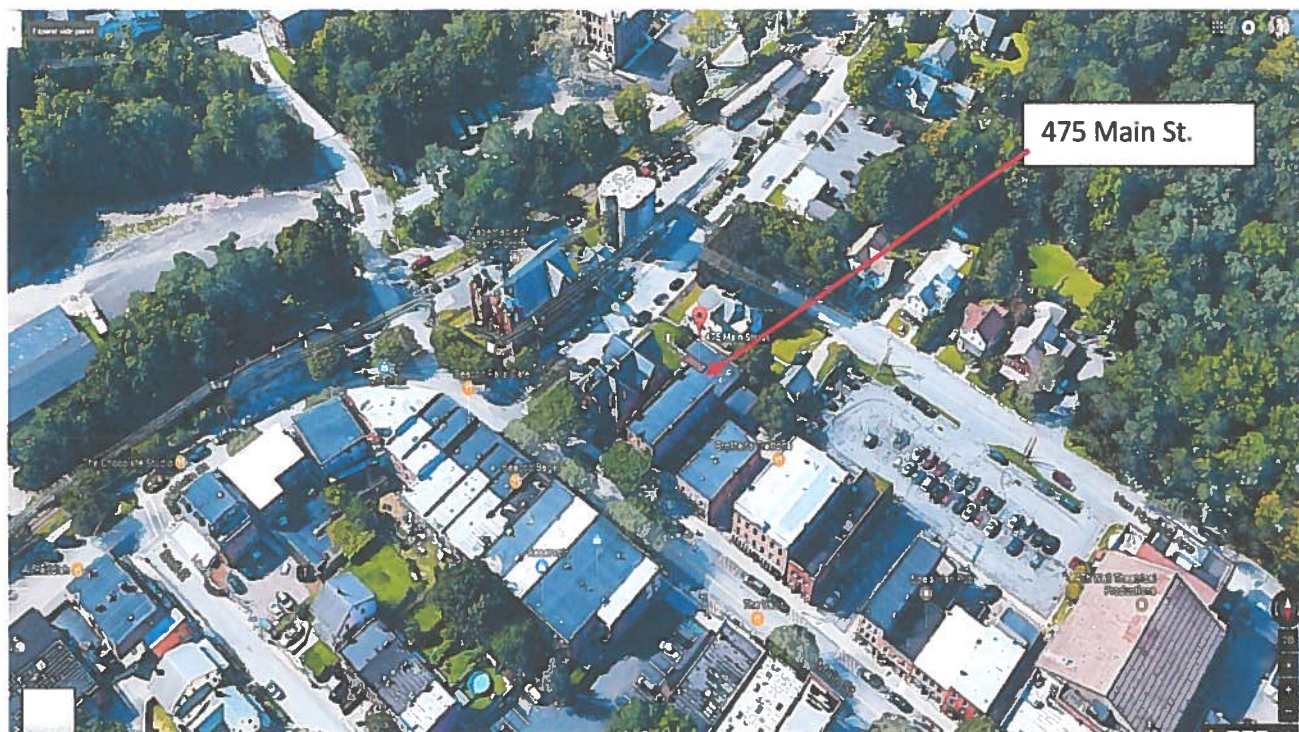
cc: Edward J. Phillips, Esq.; Jennifer L. Gray, Esq.; Aryeh J. Siegel, AIA

⁹ The Applicant previously submitted a check payable to the City of Beacon in the amount of \$250, representing the Area Variance application filing fee. The Applicant has not yet appeared at the ZBA in connection with this application.

Exhibit B

Google Map Aerials – 475 Main Street

View of Premises Facing South:



View of Premises Facing North:



Exhibit B (Cont.)

Ariel View (Birds-eye) of Premises Facing North:



View of Premises From Tironda Avenue:



Exhibit B (Cont.)

Street View of Premises From Main Street Facing South:



Street View From Main Street Premises Facing East:



APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____. SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF THE PLANNING BOARD. FURNISH INFORMATION ON REVISION OF THIS PLAN AS APPROVED. SHALL VOID THIS APPROVAL.

SIGNED THIS _____ DAY OF _____, 20____ BY _____ CHAIRMAN

SECRETARY

IN ABSENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY RESPECTIVELY MAY SIGN IN THIS PLACE.

PLANT SCHEDULE	QUANTITY	KEY	BOTANIC NAME	COMMON NAME	SIZE	COMMENTS
	6	5-16	live garden	Shamrock	36-36"	
	1	5-FOI	Physocarpus opulifolius	Red Robin	3-5	
	21	5-CP	Physocarpus opulifolius	Scotch Broom	1-3	
	7	5-PS	Physocarpus opulifolius	Brude's White	1-ft	



L2: Wall Mounted



L1: Pathway Light

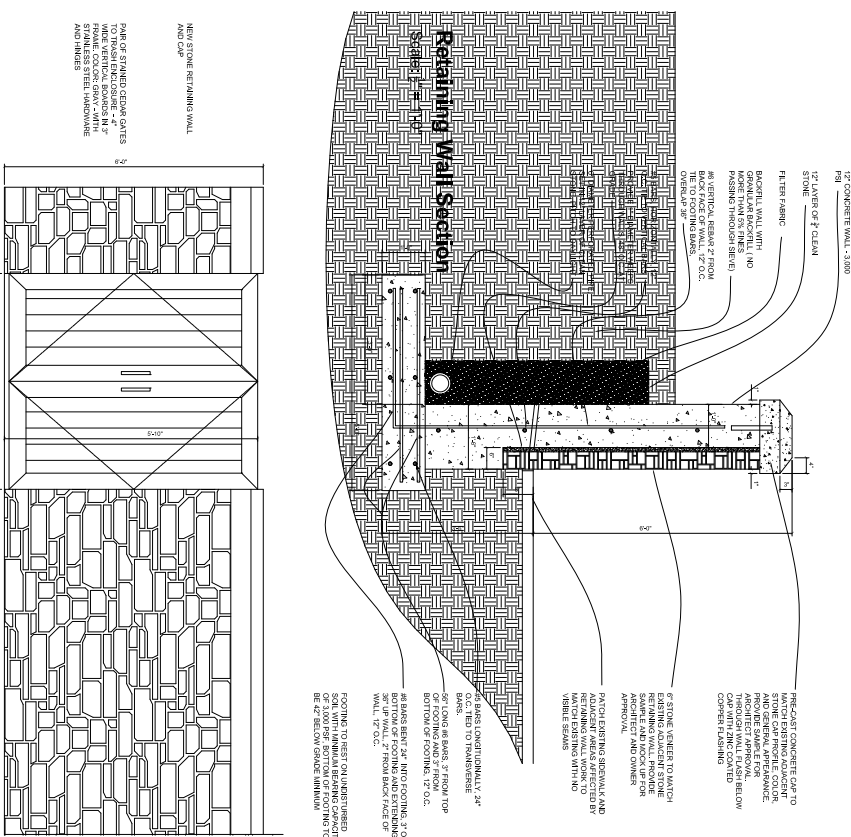
HUBBARDTON FORGE "HOOD" OUTDOOR DARK SKY COMPLIANT WALL SCONCE #306563, 15" HIGH X 6 1/2" WIDE, BURNISHED STEEL FINISH, 60 W INCANDESCENT LAMP

JOHN TIMBERLAND THREE-TIER PAGODA LOW VOLT BRONZE 4 WATT LED LANDSCAPE PATH LIGHT - STYLE # 20468 (OR APPROVED EQUAL)

NOTE: THE MANUFACTURERS DO NOT PROVIDE PHOTOMETRIC INFORMATION FOR THESE FIXTURES, FIXTURES ARE SHIELDED TO AVOID LIGHT SPILLAGE ONTO ADJACENT PROPERTIES, AND TO SHIELD FROM LIGHT PROJECTING UPWARD TO THE SKY

Lighting

Not to Scale



Retaining Wall Elevation
Scale: 1/8" = 1'-0"

Owner:
605 N. Macquesten Pkwy, LLC
101 Castleon Street #206
Pleasantville, NY 10570

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

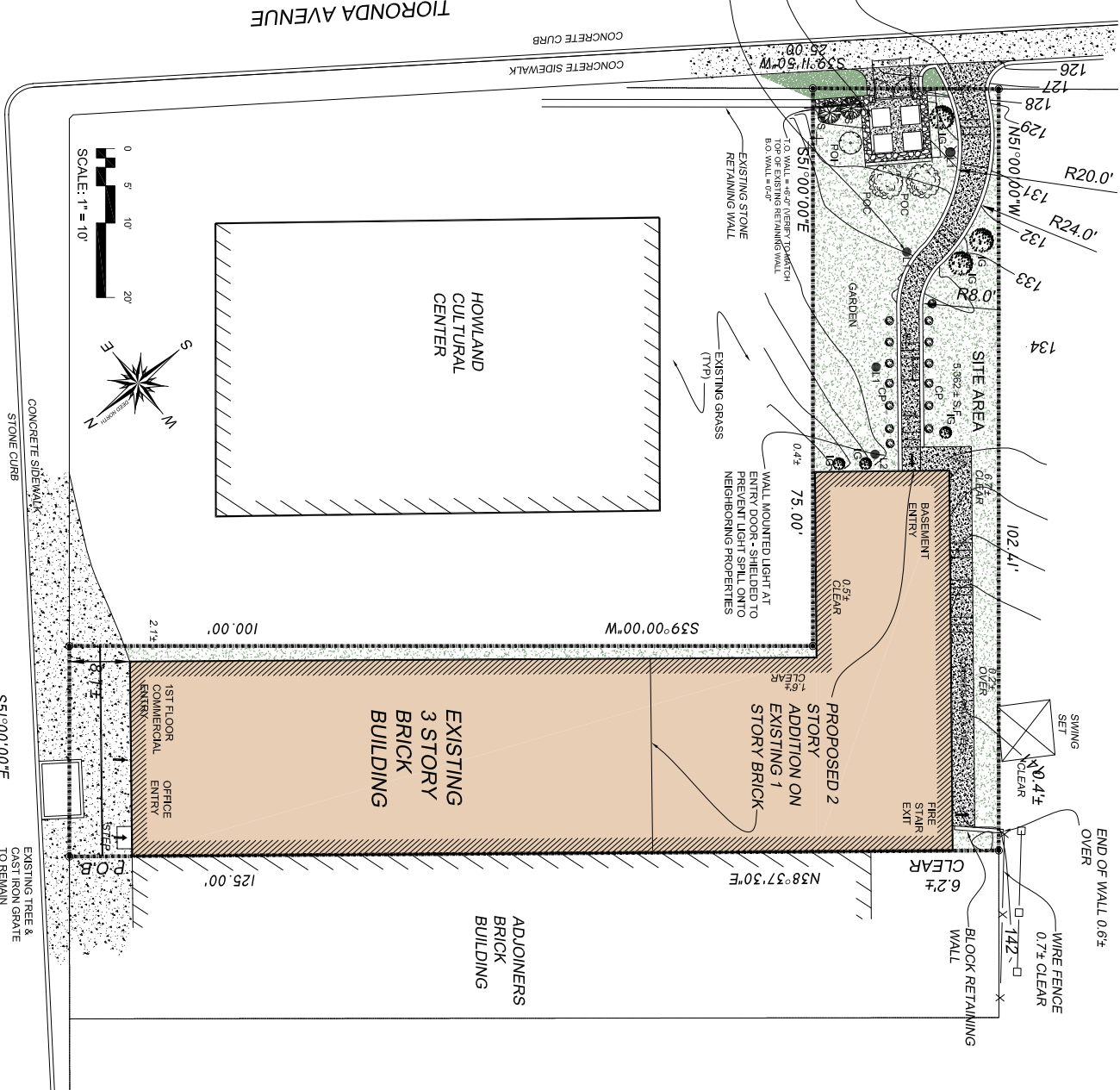
Zoning Regulations Table											
	Required Setbacks			Proposed Setbacks			Lot Depth Required	Lot Depth Existing	Maximum Building Coverage	Proposed Building Coverage	Allowable Building Height
	Front	Side	Rear	Front	Side	Rear					
Zoning District											
CB	0'	20'*	25'*	0"	0.0'	6.7'	100	100	NA	NA	35'

Proposed Building Height	Proposed Building Area	Allowable FAR	Allowable Floor Area	Proposed Floor Area
35' no change	5,382 sf	2	10,724 sf	9,048 sf

* Existing Condition to remain. No driveway is proposed between building and lot line. Not abutting a residential district

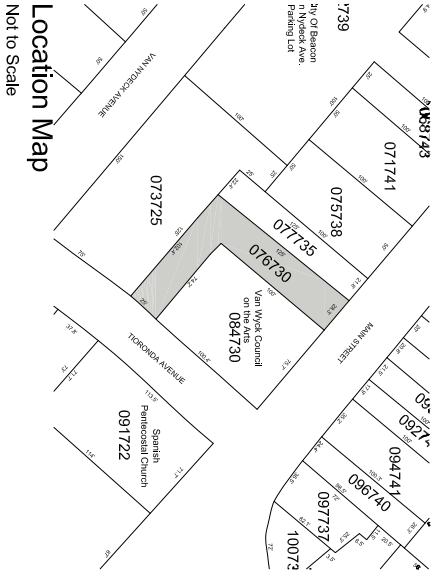
** Abutting residential districts or where driveway is proposed between building and lot line.

Site Plan
Scale: 1" = 10'



Surveyor:
Fusco Engineering & Surveying, PC
233 East Main Street
Middletown, NY 10940

Landscape Designer:
Landscape Restorations
P.O. Box 286
Beacon, New York 12508



Location Map
Not to Scale

Zoning Summary			
Zoning District:	CB (Central Business)		
Lot Area:	0.12 Acres		
Building Footprint:	3,015 square feet		
Proposed Use:	Retail Art Gallery / Residential (single unit)		
Existing Use:	Office / Retail		

Parking & Loading			
Use & Parking Requirements	1984 Area	1984 Parking Requirement	Proposed Area
Residential			
1984 - 1.72 spaces per dwelling unit	0 apartments	0 parking spaces	
Retail			
1984 - 1 space per 200 sf gross area excluding basement and utility areas	1,625 sf	9 parking spaces	
Office			
1984 - 1 space per 250 sf gross area excluding basement and utility areas	3,892 sf	16 parking spaces	
Present - 1 space for each 200 square feet of gross floor area, excluding utility areas			
Total Required Parking Spaces			
25 Parking Spaces			
Total Proposed Parking Spaces			
38 Parking Space			
Total Proposed Parking Spaces			
0 Parking Space (Note 5)			

- Notes:
- Parking is required per Beacon Zoning Code Section 223.26 (B.2). The building was in existence on April 20, 1984. The new use is more than 25% greater intensity than the use existing in 1984. 25 parking spaces would have been required in 1984 for the use in existence at that time. 38 parking spaces are required for the current proposed use.
 - The existing use in 1984 was retail (hardware store) at the 1st floor, and professional legal offices on the 2nd and 3rd floor, per rezoning in the Beacon Historical Society, including the 1984 Beacon Ordinance.
 - Business hours: is 9am - 10pm Monday through Sunday inclusive.
 - The Applicant proposes to maintain the existing wall mounted perpendicular building sign. No new signage is proposed
 - The Applicant will require a parking variance from the Zoning Board of Appeals because there is no space available on the site for parking

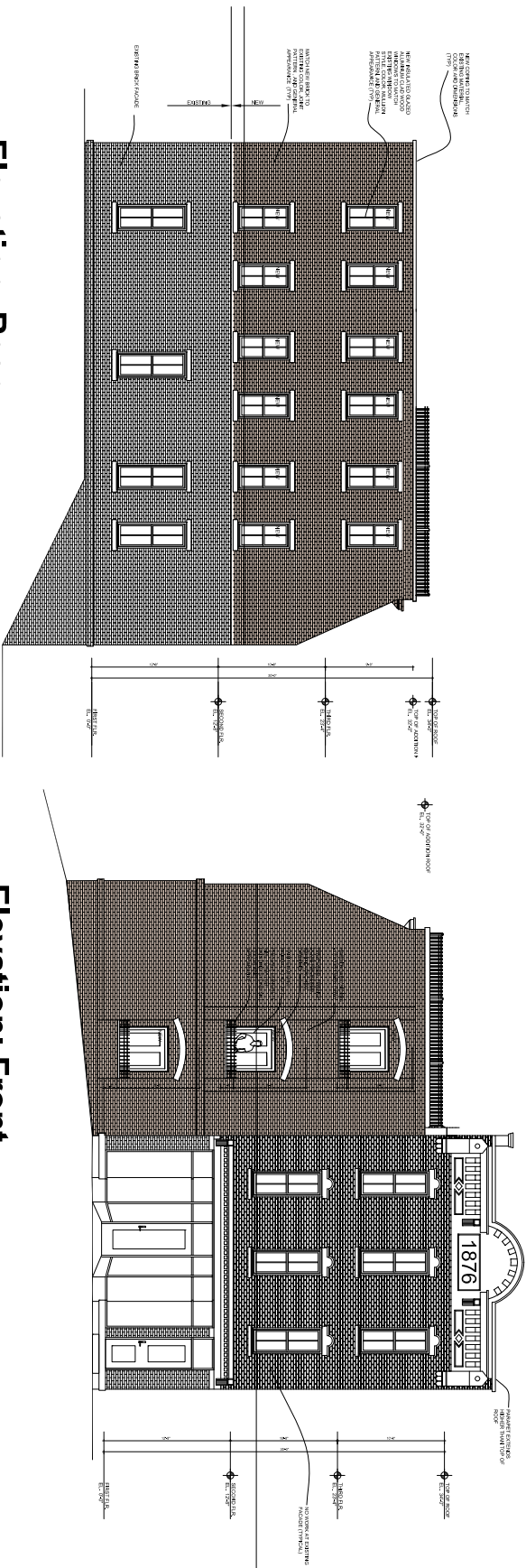
Index of Drawings			
Sheet 1 of 4	Site Plan		
Sheet 2 of 4	Existing Conditions Survey		
Sheet 3 of 4	Building Plans		
Sheet 4 of 4	Elevations		

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
1	04/25/17	REVISED PER PLANNING BOARD COMMENTS	AJS
2	05/30/17	REVISED PER PLANNING BOARD COMMENTS	AJS
3	08/29/17	REVISED PER OWNER	AJS

Site Plan Application

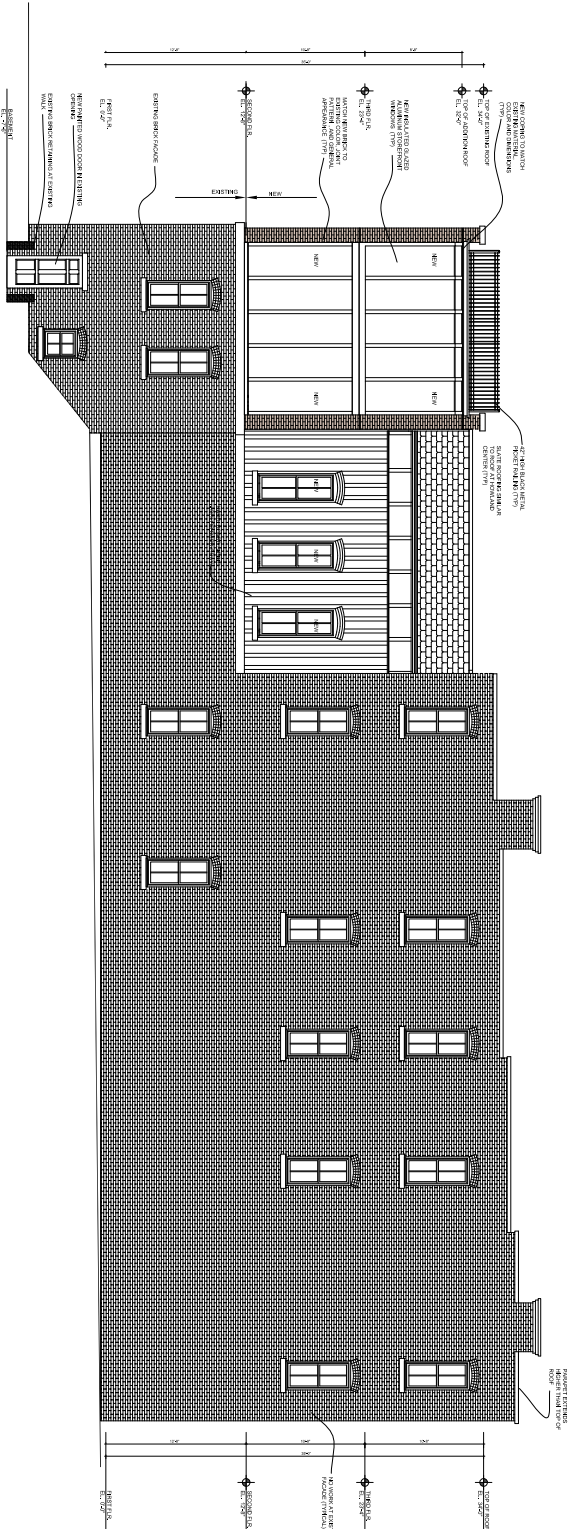
Sheet 1 of 4 - Site Plan

475 Main Street
Beacon, New York
Scale: 1" = 10'
March 28, 2017



Elevation: Rear

Elevation: Front



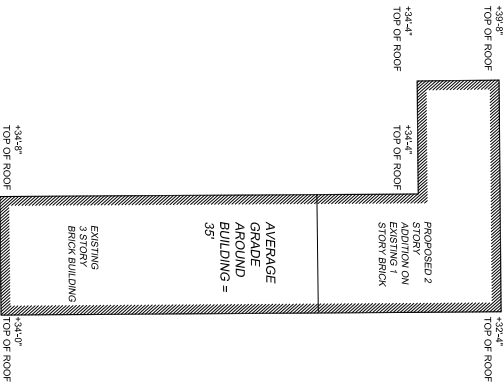
Elevation: Side

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE CITY OF BEACON, NEW YORK, ON THE _____ DAY OF _____, 20____, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGE, ENLARGEMENT, MODIFICATION OR REVISION OF THIS PLAN, AS APPROVED, SHALL VOID THIS APPROVAL.

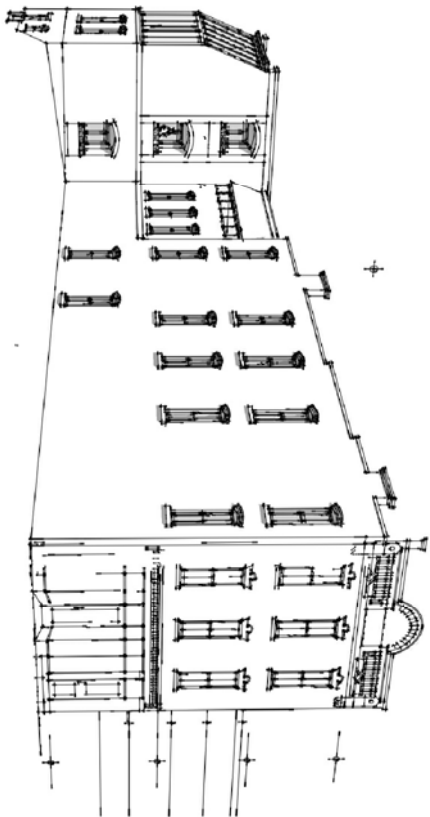
SIGNED THIS _____ DAY OF _____, 20____, BY _____ CHAIRMAN _____ SECRETARY

IN PRESENCE OF THE CHAIRMAN OR SECRETARY, THE ACTING CHAIRMAN OR ACTING SECRETARY, RESPECTIVELY MAY SIGN IN THEIR PLACE.

REVISIONS:			
NO.	DATE	DESCRIPTION	BY
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Average Grade Diagram



View: Main Street



View: Tioronda Avenue

Site Plan Application

Sheet 4 of 4 - Building Elevations

Owner:
605 N. Macquesten Pkwy, LLC
101 Castleon Street #206
Pleasantville, NY 10570

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

Surveyor:
Fusco Engineering & Surveying, PC
233 East Main Street
Middletown, NY 10940

475 Main Street
Beacon, New York
Scale: 3/8" = 1'-0"
March 28, 2017