

*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, March 20, 2018** in the Municipal Center Courtroom. A training work session will take place at 7:00 p.m. and the regular meeting will begin immediately thereafter, but not later than at 7:30 PM.

1. Continue public hearing on 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*)
2. Application submitted by Kristina Eckert, 7 East Willow Street, Tax Grid No. 30-5955-84-931070-00, R1-7.5 Zoning District, seeking relief from Section 223-17(e) to construct a new 22 ft. x 24 ft. detached garage with 3 ft. rear and 3 ft. side yard setbacks (*5 ft. required*)
3. Application submitted by Ruben Burns, 57 Dennings Avenue, Tax Grid No. 30-5954-50-639580-00, R1-10 Zoning District, seeking relief from Section 223-17(C) for a rear addition for an exercise room and elevator with a 18 ft. rear yard setback (*35 ft. required*)

**City of Beacon Planning Board**  
**3/20/2018**

**Title:**

**Prospect Street/Madison Avenue**

**Subject:**

Continue public hearing on 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*)

**Background:**

**ATTACHMENTS:**

Description	Type
Shuman Cover Letter	Cover Memo/Letter
Shuman Application and Back up information	Application



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

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February 27, 2018

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 ( $\pm 0.13$ -acre)

Sent via hand delivery and email: [tdexter@cityofbeacon.org](mailto:tdexter@cityofbeacon.org)

Dear Mr. Dexter,

Enclosed are five (5) copies of a report summarizing the additional information in support of the area variance application for the above referenced parcel. The variance being requested will not be altered as a result of the enclosed materials. Therefore, we are ready to be heard at the March 2018 ZBA meeting as previously requested.

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)  
Etha Grogan (via email)  
Jon D. Bodendorf, P.E. (HLD file)

***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  
Revised February 27, 2018



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

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## 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  $\pm 15$  feet)

Side Yard (total of two):  $\pm 25.5$  feet (deficient  $\pm 14.5$  feet)

Parcel 196548:

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

Side Yard (total of two):  $\pm 15$  feet (deficient  $\pm 25$  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.

In addition, the average distance to every house (not limited to the undersized parcels) was laser measured from the edge of the pavement of the adjoining road. The average setback for the neighborhood was 25.7 feet (with a range of 6.5 feet to 59.5 feet). The proposal calls for the house to be 19.4 feet to the edge of pavement at Madison Avenue, and 44.2 feet to Prospect Street. The proposed 19.4 feet measurement The proposed house will be consistent with others in the neighborhood. Finally, all of the corner lots in the neighborhood were measured to the edge of pavement. Since each has two dimensions to a street, the average was taken. The existing lots averaged 25.1 feet to the edge of pavement. The average of the two dimensions for the proposed house is 31.8 feet, which is in conformance with the other corner lots in the neighborhood.

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. Further, the variance that would be required in order to construct a house that fits within the setback would be much more difficult to approve as there are no houses within the studied neighborhood that would have similar dimensions of 10 feet by 40 feet.
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 as it evidences that there is no environmental impact associated with the construction of a single family house on the subject parcel.

**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.

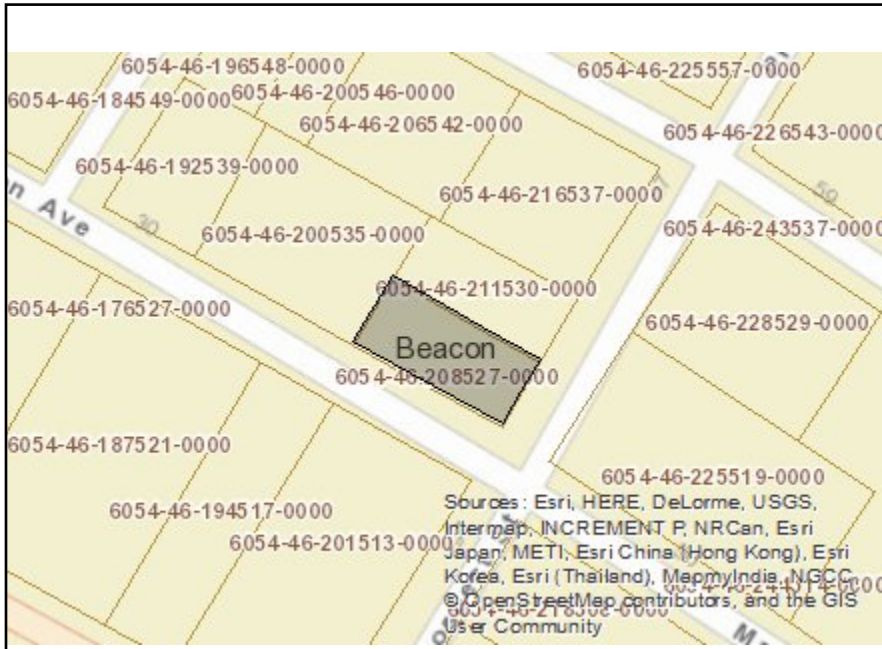
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
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.			<b>NO</b>
			<b>YES</b>
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:			<b>NO</b>
			<b>YES</b>
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?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
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: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
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: _____ _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
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 _____ _____	<b>NO</b>	<b>YES</b>	



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>		

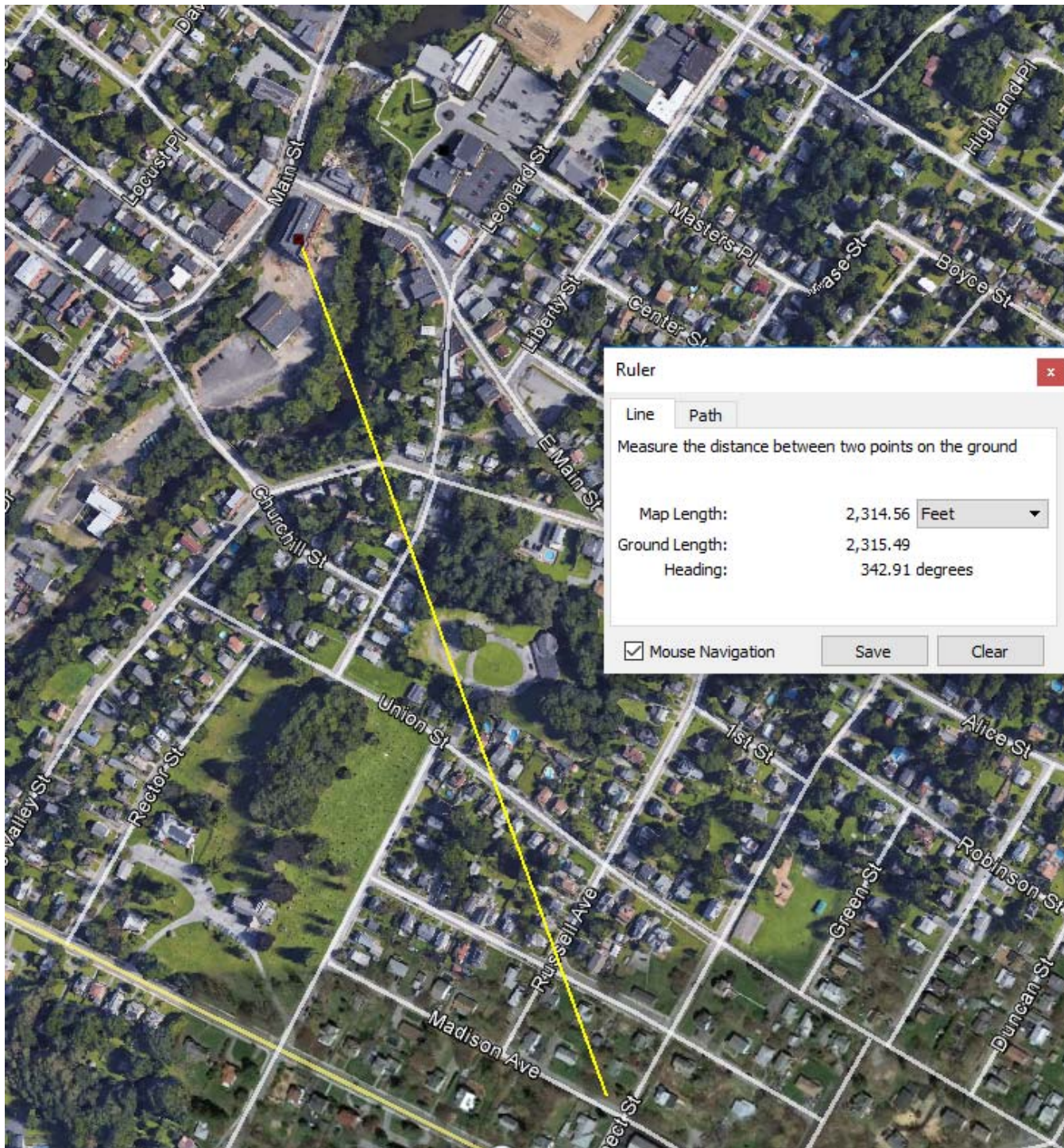


**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting 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

## **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<sup>s</sup> (\$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

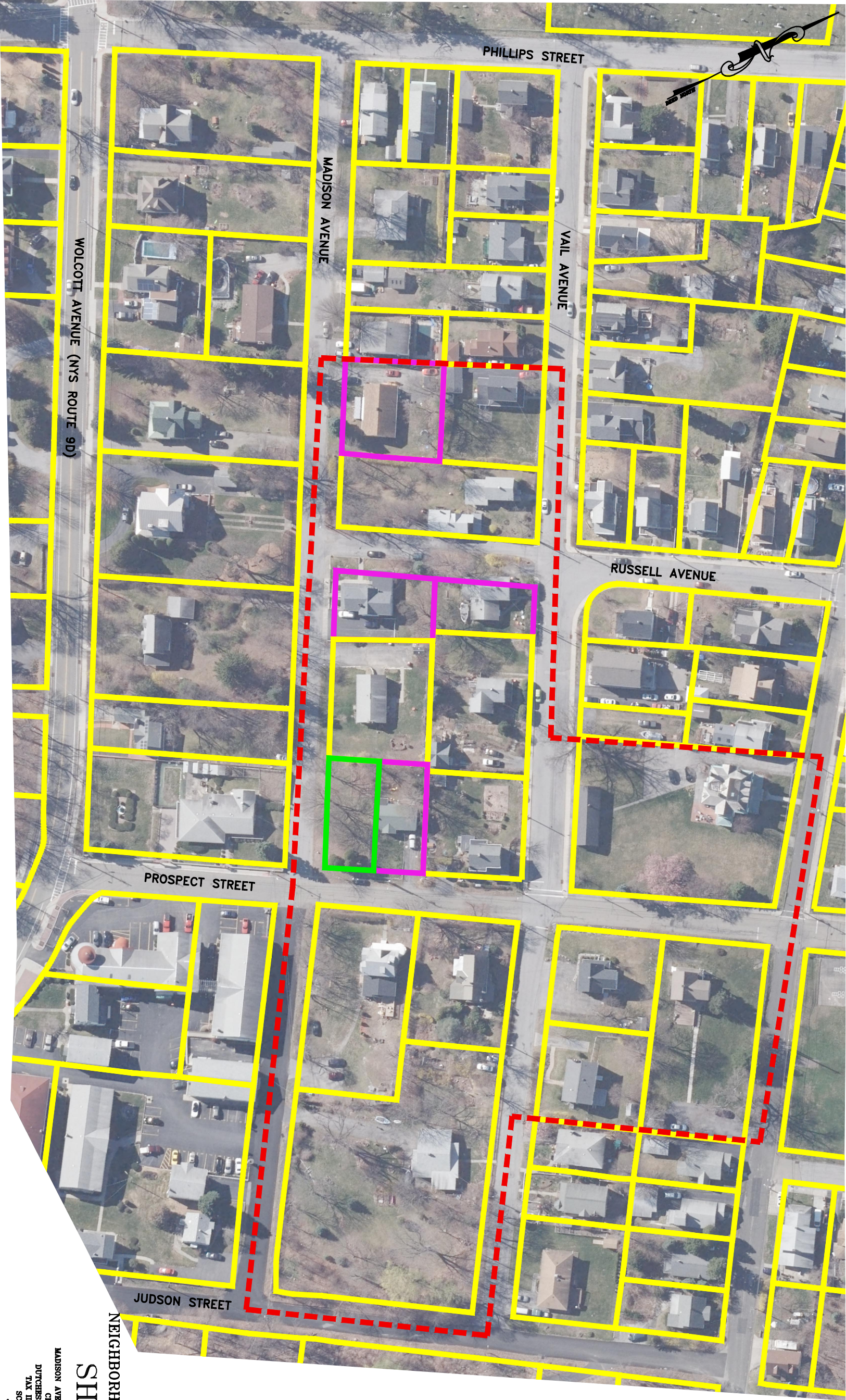
No. ...  
Re ...  
Columbia ... 1967

P.K.  
Rosa & P. ...  
378 Main St.  
Brooklyn, N.Y.

981  
LIBER 1203 PAGE 931

**APPENDIX D**  
**NEIGHBORHOOD STUDY PLAN**





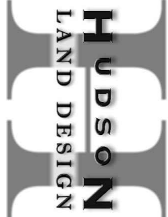
NEIGHBORHOOD STUDY PLAN

SCALE: 1"=100'

LEGEND:

- SUBJECT PARCEL BOUNDARY
- OTHER PARCEL BOUNDARY
- OTHER PARCEL BOUNDARY (UNDERSIZED)
- STUDY AREA LIMITS

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



SEAL

HUDSON LAND DESIGN  
PROFESSIONAL ENGINEERING P.C.  
174 MAIN STREET  
BEACON, NEW YORK 12508  
PH: 845-440-0826 F: 845-440-0637

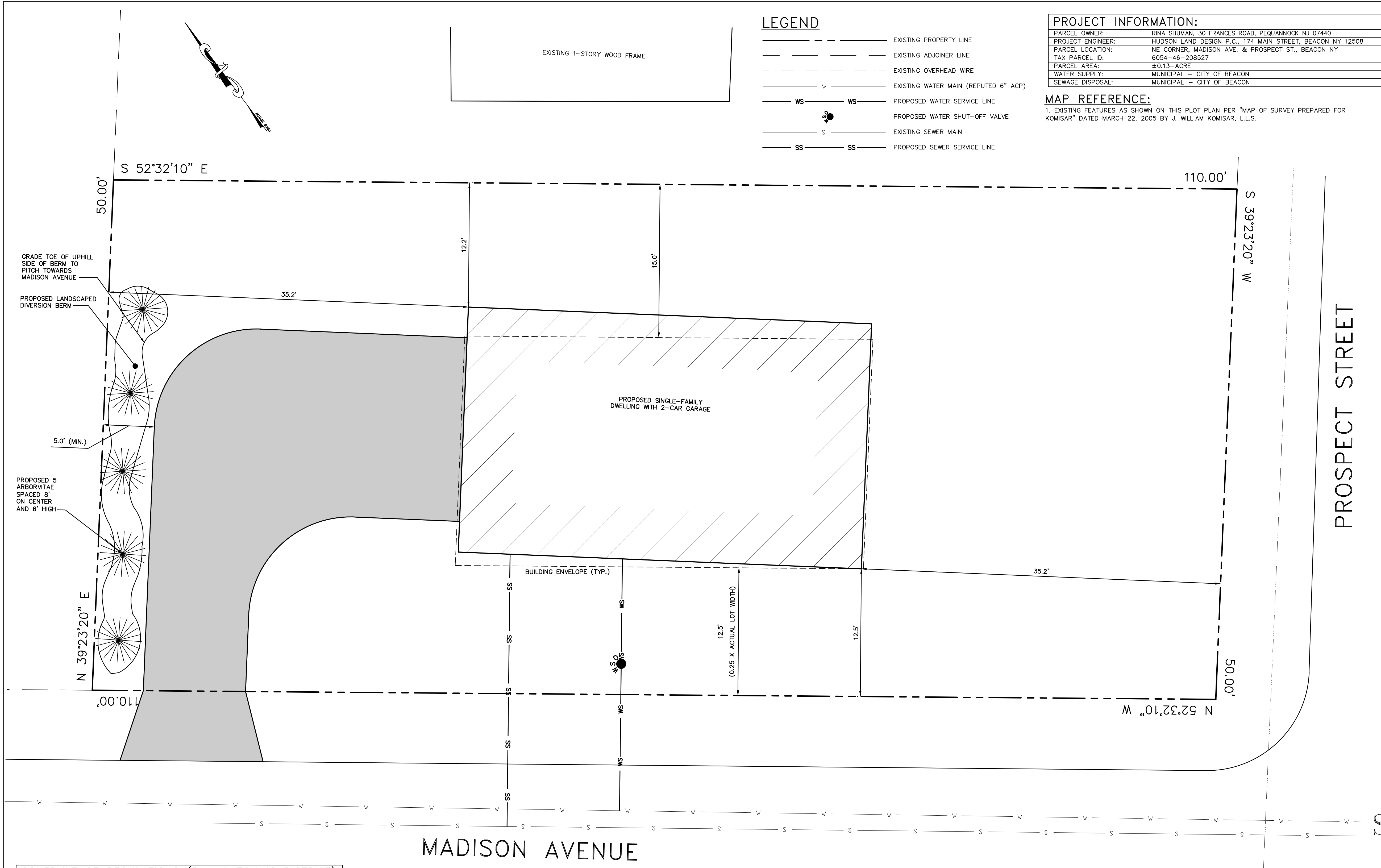
JON D. BODENDORF, P.E.  
NYS LICENSE NO. 070246  
DANIEL G. ROSENBERG, P.E.  
NYS LICENSE NO. 082716

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



**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. <sup>(1)</sup>
LOT WIDTH:	85 FEET MINIMUM	50 FEET <sup>(1)</sup>
LOT DEPTH:	100 FEET MINIMUM	110 FEET
YARD SETBACKS (RESIDENTIAL USE):		
FRONT YARD:	35 FEET MINIMUM	35.2 FEET <sup>(2)</sup>
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**  
**3/20/2018**

**Title:**

**7 East Willow Street**

**Subject:**

Application submitted by Kristina Eckert, 7 East Willow Street, Tax Grid No. 30-5955-84-931070-00, R1-7.5 Zoning District, seeking relief from Section 223-17(e) to construct a new 22 ft. x 24 ft. detached garage with 3 ft. rear and 3 ft. side yard setbacks (*5 ft. required*)

**Background:**

**ATTACHMENTS:**

Description	Type
7 East Willow Application	Application
7 East Willow EAF	EAF
7 East Willow Survey	Plans

# ZONING BOARD OF APPEALS

City of Beacon, New York

## APPLICATION FOR APPEAL

OWNER: KRISTINA ECKERT

ADDRESS: 7 EAST WILLOW ST

BEACON, NY 12508

TELEPHONE: 845 464 5730

E-MAIL: cke.kristina@gmail.com

APPLICANT (if not owner): \_\_\_\_\_

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

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

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

REPRESENTED BY: \_\_\_\_\_

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

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

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

PROPERTY LOCATION: \_\_\_\_\_

ZONING DISTRICT: R1-7.5

TAX MAP DESIGNATION: SECTION 5955

BLOCK 84 LOT 931070

Section of Zoning Code appealed from or Interpretation desired: Section 223-17(e) for construction of new garage with 3ft. rear & 3ft. side yard setbacks (5 ft. req'd)

Reason supporting request:

WILL BE MORE DIFFICULT / EXPENSIVE TO KEEP EXISTING GARAGE IN PLACE. MOVING GARAGE WOULD NOT GIVE US SPACE TO PARK A SECOND CAR IN LINE WE CAN DO NOW.

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

Survey

Date: \_\_\_\_\_

X Krista Eckert

Owner's Signature

### Fee Schedule

AREA VARIANCE	<u>\$ 250</u>
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: KRISTINA ECKERT

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:

7 EAST WILLOW STREET  
BEACON, NY 12508

Applicant Address: 7 EAST WILLOW ST. BEACON NY 12508

Project Address: 7 EAST WILLOW ST. BEACON, NY 12508

Project Tax Grid # \_\_\_\_\_

Type of Application 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, KRISTINA ECKERT, 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 ✓

X Kristina Eckert

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

✓ \_\_\_\_\_ EB

\_\_\_\_\_ ✓ 9

\_\_\_\_\_ ✓ 8

2018 open due  
3/2/18

**FOR OFFICE USE ONLY**

Application #

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

**INDIVIDUAL DISCLOSURE FORM**

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

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

**SECTION A**

Name of Applicant: KRISTINA ECKERT  
Address of Applicant: 7 EAST WILLOW STREET BEACON, NY 12508  
Telephone Contact Information: 845 464 5730

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

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
KRISTINA ECKERT	7 EAST WILLOW ST. BEACON, NY 12508	845.464.5730	PURCHASE MAY 2015	MAY 2015 HANCOCK CARLONI
YAREMIT TRITJAL	"	845.518.7909	MAY 2015	MAY 2015 CARLONI

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

☐☐

YES

NO

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

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

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

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

☐

YES

☒

NO

I, KEISTINA ECKERT being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) KEISTINA ECKERT

(Signature) 

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.

<b>Part 1 - Project and Sponsor Information</b>																		
Name of Action or Project: <b>GARAGE</b>																		
Project Location (describe, and attach a location map): <b>7 EAST WILLOW STREET BEACON NY 12508</b>																		
Brief Description of Proposed Action: <b>REPLACE EXISTING 2 CAR GARAGE</b>																		
Name of Applicant or Sponsor: <b>KRISTINA ECKERT</b>		Telephone: <b>845 464 5730</b>																
		E-Mail: <b>cke.kristin@gmail.com</b>																
Address: <b>7 EAST WILLOW STREET</b>																		
City/PO: <b>BEACON</b>		State: <b>NY</b>	Zip Code: <b>12508</b>															
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><b>X</b></td><td></td></tr></table>	NO	YES	<b>X</b>												
NO	YES																	
<b>X</b>																		
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><b>X</b></td><td></td></tr></table>	NO	YES	<b>X</b>												
NO	YES																	
<b>X</b>																		
3.a. Total acreage of the site of the proposed action?		<b>.142</b> acres																
b. Total acreage to be physically disturbed?		<b>.011</b> acres																
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<b>.142</b> acres																
4. Check all land uses that occur on, adjoining and near the proposed action. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input type="checkbox"/> Commercial</td><td><input checked="" type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input type="checkbox"/> Other (specify): _____</td></tr><tr><td><input type="checkbox"/> Parkland</td><td colspan="4"></td></tr></table>				<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				
<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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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: _____	NO	YES
	X	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>Kristina Ecker</u>	Date: <u>X 2/19/18</u>	
Signature: <u>[Signature]</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?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

**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.
<hr/> <div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<hr/> <div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<hr/> <div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

**PRINT**



N/F  
**BELLAMY  
&  
HAY**  
LIBER 2022 PAGE 46

N/F  
**D'ARPINO**  
DOCUMENT #02-2013-5910

N/F  
**HAUG**  
LIBER 1540 PAGE 354

②

④

⑥

③

⑤

⑦

N/F  
**SHERMAN**  
DOC. # 02-2004-1791

N/F  
**FORDE**  
DOCUMENT #02-2004-4306

ORCHARD PLACE

EAST  
WILLOW  
STREET

NORTH  
SCALE 1"=20'

- NOTES:** 1.) LOT AREA = 6,165 SQ. FT. OR 0.142 ACRES  
2.) CITY OF BEACON TAX MAP DESIGNATION: 5955-84-931070, ZONE = R1-7.5  
3.) OWNERS OF RECORD: YAREMIJ TRYTJAK & KRISTINA ECKERT, DEED OF RECORD: DOCUMENT #02-2015-3035  
4.) LOT NUMBERS SHOWN HEREON ARE IN BLOCK "C" AS SHOWN ON A MAP ENTITLED "SECTION 'A' OF IRVING PARK" AND FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON SEPTEMBER 18, 1923 AS MAP #1314.  
5.) CITY OF BEACON MINIMUM ACCESSORY BUILDING SETBACK TABLE:

	SIDE LINE	REAR LINE
ZONING REGULATIONS (REQUIRED)	5'	5'
PROPOSED GARAGE (PROVIDED)	3' & 23'	3'
VARIANCE (REQUESTED)	3'	3'
EXISTING GARAGE (TO BE REPLACED)	22'-28'	27'-33'

MAP OF SURVEY OF LANDS OF  
**TRYTJAK AND ECKERT**

CITY OF BEACON, DUTCHESS COUNTY, NEW YORK SCALE 1"=20' FEBRUARY 9, 2018

**CERTIFIED TO:**

YAREMIJ TRYTJAK  
KRISTINA ECKERT  
CITY OF BEACON

**PREPARED BY:**

GARY R. LATOUR, L.S.





**City of Beacon Planning Board**  
**3/20/2018**

**Title:**

**57 Dennings Avenue**

**Subject:**

Application submitted by Ruben Burns, 57 Dennings Avenue, Tax Grid No. 30-5954-50-639580-00, R1-10 Zoning District, seeking relief from Section 223-17(C) for a rear addition for an exercise room and elevator with a 18 ft. rear yard setback (*35 ft. required*)

**Background:**

**ATTACHMENTS:**

Description	Type
57 Dennings Application	Application
57 Dennings EAF	EAF
57 Dennings Survey	Plans

# ZONING BOARD OF APPEALS

City of Beacon, New York

## APPLICATION FOR APPEAL

OWNER: Ruben Burns

ADDRESS: 57 Dennings Avenue  
Beacon, NY 12508

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

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

APPLICANT (if not owner): \_\_\_\_\_

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

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

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

REPRESENTED BY: Stephen Burns PE

ADDRESS: 58 Teller Avenue  
Beacon, NY 12508

TELEPHONE: 845-546-3310

E-MAIL: sburns@burnsengineeringservices.com

PROPERTY LOCATION: 57 Dennings Avenue  
Lot 3 65 Dennings Subdivision ZONING DISTRICT: R1-10

TAX MAP DESIGNATION: SECTION 5954 BLOCK 50 LOT 639580

Section of Zoning Code appealed from or Interpretation desired:

223-17 C - Rear Lot Line Setback of 35' reduced to 18' to allow for an exercise room addition and  
elevator.

Reason supporting request:

225 Square Foot Addition will allow for an exercise room where the existing deck is located. The deck will be  
replaced with a smaller deck spanning between the new addition and proposed shaft for an elevator to make the living  
area accessible.

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

Proposed Site Plan, Proposed addition plans and elevations. Short EAF

Date: \_\_\_\_\_

\_\_\_\_\_  
Owner's Signature

### Fee Schedule

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

\_\_\_\_\_  
Applicant's Signature

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

## Affidavit of Property Owner

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

Applicant Address: 57 Dennings Avenue

Project Address: 57 Dennings Avenue

Project Tax Grid # 5954-50-63958

[illegible]

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,     Ruben Burns    , 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 X

Signature of Owner

Title if owner is corporation

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

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

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

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

Name of Applicant: Ruben Burns

Address of Applicant: 57 Dennings Avenue

Telephone Contact Information: \_\_\_\_\_

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
Ruben Burns	57 Dennings Avenue		January 2018 Purchase	January 2018 Poughkeepsie



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

☐ YES

☒ NO

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

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

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

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

☐ YES

☒ NO

I,     Ruben Burns     being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print)     Ruben Burns    

(Signature)   X

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

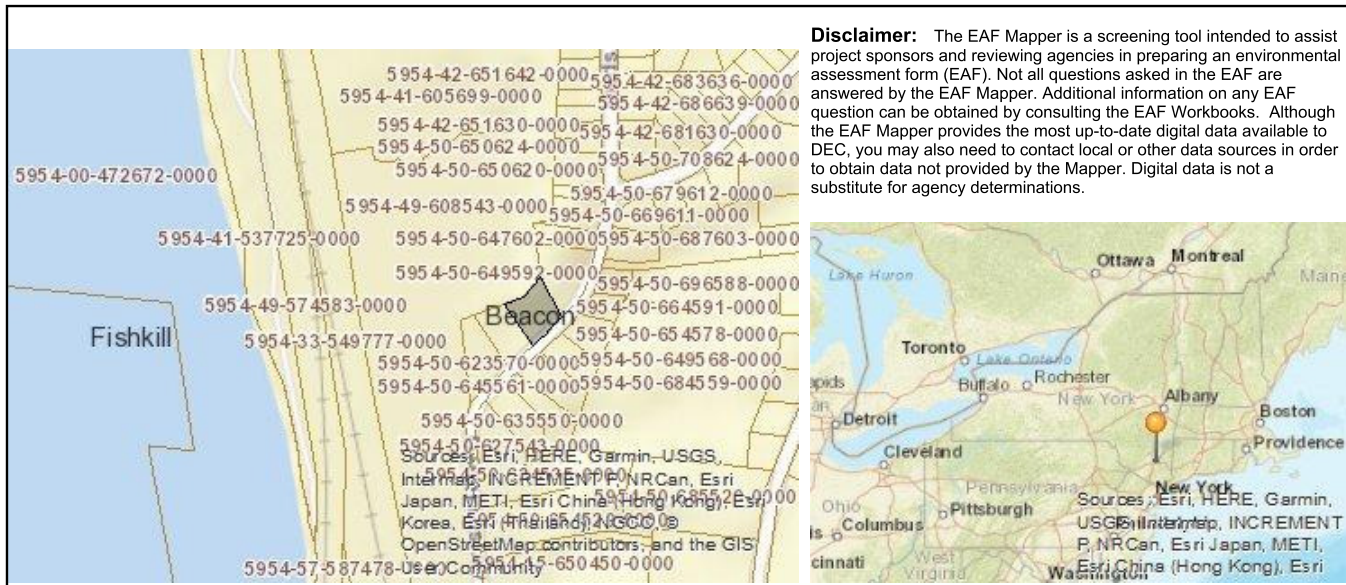
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Exercise Room and Elevator Addition to the Burns Residence			
Project Location (describe, and attach a location map): 57 Dennings Avenue, Beacon, NY 12508			
Brief Description of Proposed Action: Add an Exercise Room where an existing deck exists and relocate the existing deck along the side of the addition. Also add an elevator linking the lower level and upper level with a exccessable route.			
Name of Applicant or Sponsor: Ruben Burns		Telephone:	
		E-Mail:	
Address: 57 Dennings Avenue			
City/PO: Beacon		State: NY	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.			<b>NO</b> <input checked="" type="checkbox"/>
			<b>YES</b> <input type="checkbox"/>
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:			<b>NO</b> <input checked="" type="checkbox"/>
			<b>YES</b> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.312 acres	
b. Total acreage to be physically disturbed?		0.001 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.312 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" 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: _____ _____ _____	<b>NO</b>   <input checked="" type="checkbox"/>	<b>YES</b>   <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: _____ _____ _____	<b>NO</b>   <input checked="" type="checkbox"/>	<b>YES</b>   <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: _____ _____ _____	<b>NO</b>   <input type="checkbox"/>	<b>YES</b>   <input checked="" type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor name: _____ Date: _____ Signature: _____		



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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Atlantic Sturgeon, Bald Eagle, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

SURVEY NOTES

1. Copyright TEC Land Surveying. All Rights Reserved. Reproduction or copying of this document may be a violation of copyright law unless permission of the author and / or copyright holder is obtained.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed or red inked seal are genuine true and correct copies of the surveyor's original work and opinion. A copy of this document without a proper application of the surveyor's embossed or red inked seal should be assumed to be an unauthorized copy.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. Subject to the findings of a current title search.
8. Subject to covenants, easements, restrictions, conditions and agreements of record.
9. Subject to any right, title or interest the public may have for highway use.
10. Bearings and North shown hereon are referenced to NAD 83-NY East using NYSNET RTN GPS.

FILED MAP REFERENCE

Being Lot 3 as shown on map entitled "Subdivision Plan 65 Dennings Ave", Prepared bt TEC Land Surveying and filed in the Dutchess County Clerk's Office on July 10, 2015 as Map No. 9679B.

Map entitled "Subdivision Plat Lands of Dia Center For The Arts" prepared by T. M. Depuy Engineering and Land Surveying, P.C. and filed in the Dutchess County Clerks office on October 18, 2002 as Map No. 9679A.

Map entitled "Subdivision of Property for Federal Paper Board Company, Inc." prepared by James A. Dillin, PLS and filed in the Dutchess County Clerks office on March 25, 1993 as Map No. 9679.

TAX PARCEL NUMBER

City of Beacon, Dutchess County, New York  
130200-5954-50-639580

AREA

13,597 Square Feet  
0.312 Acres

CERTIFICATIONS

Rubin H. Burns  
Laura E. Burns  
Amtrust Title Insurance Company

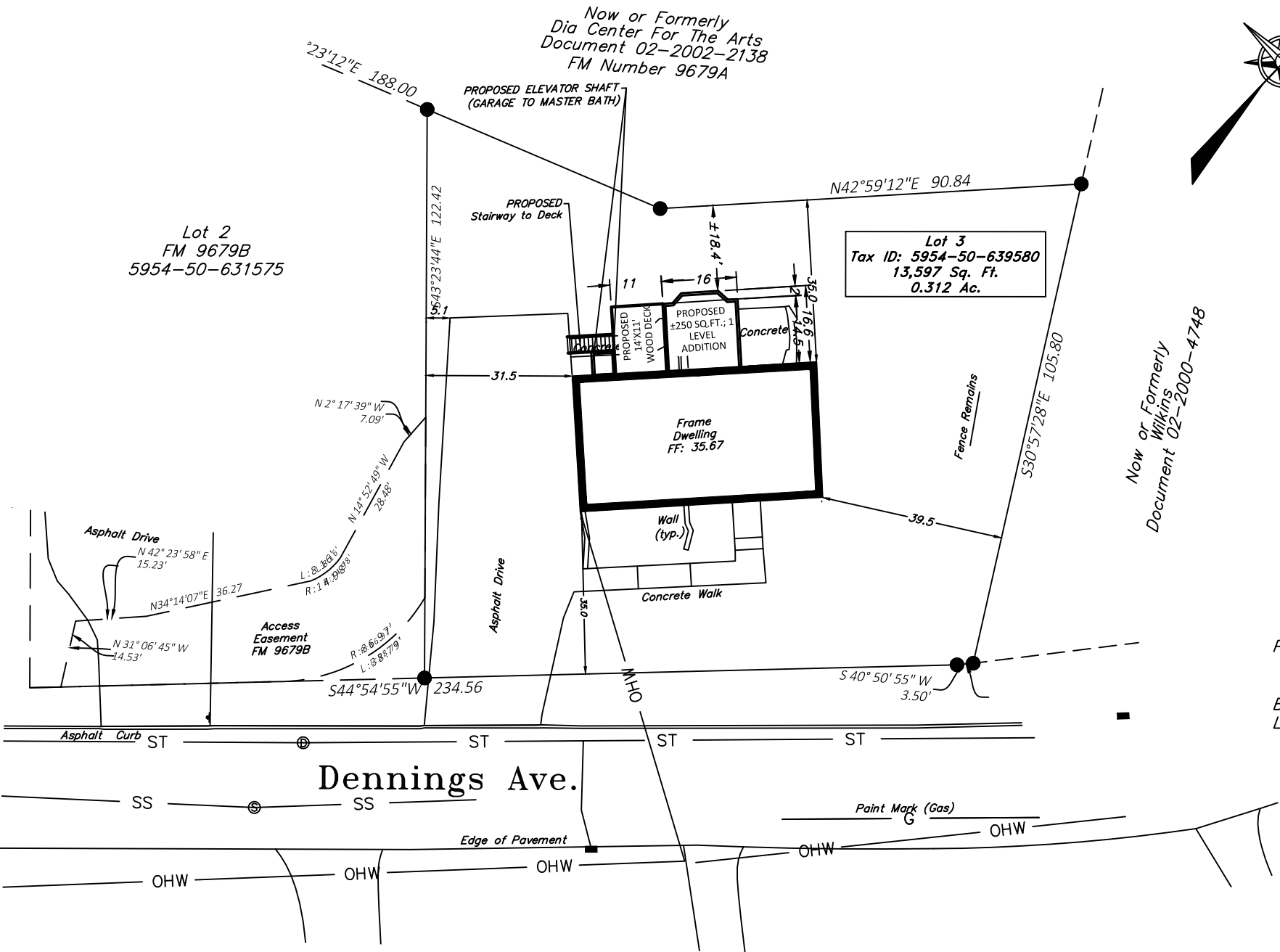
TEC

LAND SURVEYING

150 TIORONDA AVE. BEACON, NY 12508  
PH: 845.445.6590 FX: 845.445.6591

DEED REFERENCE

Document 02-2017-3039  
John and Frank Coppola  
To  
Beacon Residential, LLC  
April 25, 2017



PROPOSED ±250 SQ.FT. ADDITION,  
ELEVATOR AND ±14X11' WOOD  
DECK ADDED FEBRUARY 13, 2018  
BY STEPHEN K. BURNS, P.E.  
LIC. NO. 087236

DENNINGS AVENUE  
"REAR ADDITION PLOT PLAN"  
SURVEY OF PROPERTY  
PERPARED OF  
LOT 3 FILED MAP 9679B  
CITY OF BEACON, COUNTY OF DUTCHESS, STATE OF NEW YORK

tax id 5954-50-639580	
address DENNINGS AVENUE	
date 2/2/18	drawn BJ
scale 1"=30'	checked TEC
project no. 17-038	
project name DENNINGS AVE	
sheet 1 OF 1	