

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, January 15, 2019** 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. Application submitted by Marino Espinoza, 362 Verplanck Avenue, Tax Grid No. 30-6054-29-105838-00, R1-5 Zoning District, for relief from Section 223-17(C) to construct a one-story rear kitchen addition with a 1.6 side yard setback *(10 ft. required)*
2. Continue public hearing on application submitted by PIE Developers, 53 Eliza Street, Tax Grid No. 30-6054-29-031870-00, R1-5 Zoning District, seeking relief from Section 223-17(C) for a Use Variance (and possible Area Variance) to allow a 9-unit multi-family development
3. **Miscellaneous Business**
Change meeting date – Wednesday, February 20, 2019 *(due to President's Day Holiday)*

City of Beacon Planning Board
1/15/2019

Title:

362 Verplanck Avenue

Subject:

Application submitted by Marino Espinoza, 362 Verplanck Avenue, Tax Grid No. 30-6054-29-105838-00, R1-5 Zoning District, for relief from Section 223-17(C) to construct a one-story rear kitchen addition with a 1.6 side yard setback (10 ft. required)

Background:

ATTACHMENTS:

Description	Type
362 Verplanck Avenue Application	Application
362 Verplanck Avenue EAF	EAF
362 Verplanck Avenue Site Plan	Plans
362 Verplanck Survey	Plans

ZONING BOARD OF APPEALS
City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Marino Espinoza ADDRESS: (914) 882-7910

TELEPHONE: (914) 882-7910 E-MAIL: _____

APPLICANT (if not owner): Marino Espinoza ADDRESS: (914) 882-7910

TELEPHONE: (914) 882-7910 E-MAIL: _____

REPRESENTED BY: Aryeh Siegel Architect ADDRESS: 84 Mason Circle, Beacon, NY

TELEPHONE: 845-838-2490 E-MAIL: ajs@ajsarch.com

PROPERTY LOCATION: 362 Verplanck Avenue ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 6054 BLOCK 29 LOT 105838

Section of Zoning Code appealed from or Interpretation desired:

Allow side yard setback of 1.5' where 10' is required to allow addition to continue in the same plane as the existing side wall.

Reason supporting request:

The building predates zoning, and the existing side yard setback is 1.6'. The Applicant wants to add to the existing kitchen.

Setting the addition 10' from the property line is not feasible.

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

Site plan, Survey, Floor Plans, Elevation

Date: December 25, 2018



Owner's Signature

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: Marino Espinoza

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:

348 Verplanck 6054-29-090857 ✓

Applicant Address: 362 Verplanck Avenue

Project Address: 362 Verplanck Avenue

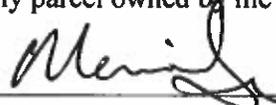
Project Tax Grid # 6054-29-105838

Type of Application Zoning Board 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, Marino Espinoza, 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

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

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: MARISO ESPINOZA

Address of Applicant: 362 Verplanck Av. Beacon, N.Y

Telephone Contact Information: (914) 8827910

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.

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.

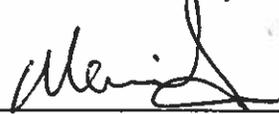
SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

YES

NO

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

(Print) MARINO ESPINOZA

(Signature) 

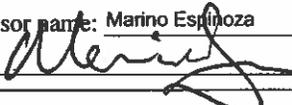
617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 362 Verplanck Avenue			
Project Location (describe, and attach a location map): 362 Verplanck Avenue, corner of Schenck Avenue			
Brief Description of Proposed Action: One story addition to existing kitchen on single family residence.			
Name of Applicant or Sponsor: Marino Espinoza		Telephone: (914) 882-7910	
		E-Mail:	
Address: 362 Verplanck 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.		NO <input checked="" type="checkbox"/>	YES <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: Zoning Board Variance		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ 0.11 acres	
b. Total acreage to be physically disturbed?		_____ 0 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ 0.11 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			

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: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: Marino Espinoza	Date: December 25, 2018	
Signature: 		

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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	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.
_____	_____
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)

PRINT



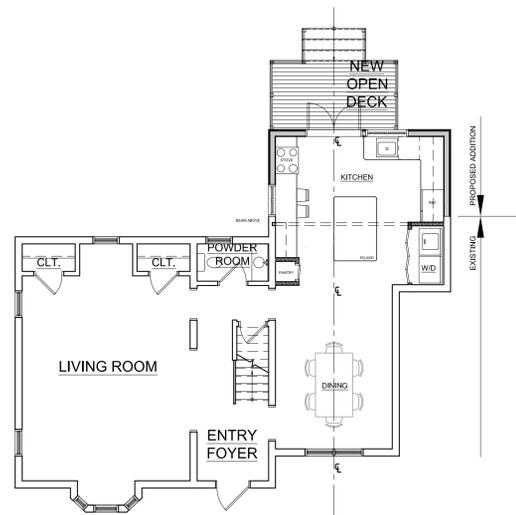
Proposed Rear Elevation

Scale: 1/8" = 1'-0"



Existing Rear Elevation

Scale: 1/8" = 1'-0"



Proposed 1st Floor Plan

Scale: 1/8" = 1'-0"



Existing View: Front



Existing View: Front

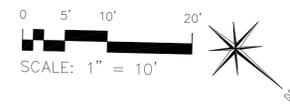
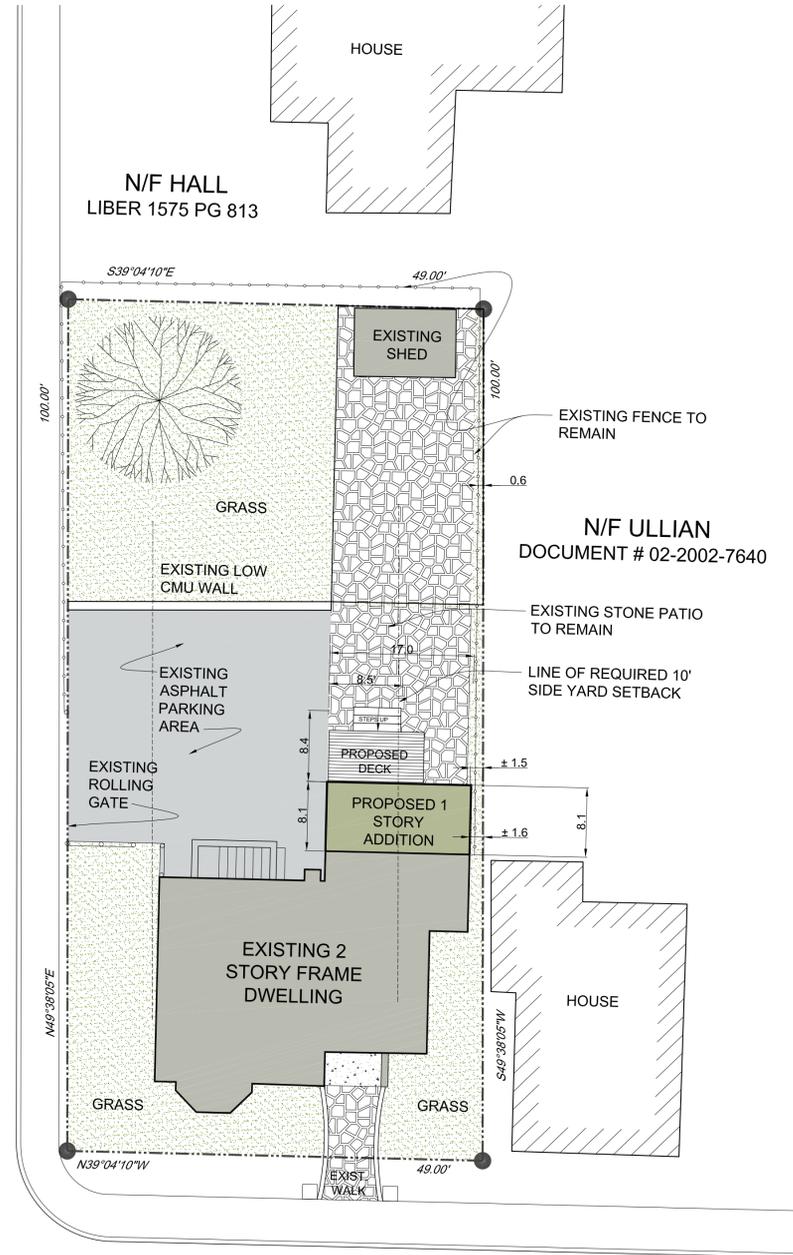


Existing View: Rear



Location Map
Not to Scale

SCHENCK AVENUE



Site Plan
Scale: 1" = 10'

VERPLANCK AVENUE

Zoning Summary

Zoning District:	R1-5 (One Family)
Tax Map No.:	6054-29-105838
Lot Area:	4,899 Square Feet
Building Footprint:	Existing 891 Square Feet Proposed 140 Square Feet Total 1,031 Square Feet
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Single Family Residential
Proposed Use:	Single Family Residential

Parking & Loading

Use & Parking Requirements	Proposed Area	Parking Requirement
Single Family Residential		
2 spaces per dwelling unit	1 single family	2 Parking Spaces
Total Required Parking Spaces		2 Parking Spaces
Total Proposed Parking Spaces		2 Parking Spaces

Notes:

- The existing kitchen, due to its small size, has limited current usefulness and affects the future value of the house.
- The required side yard setback is 10 feet
- The existing side yard setback is 10.3' on the south side and 1.5' on the north side
- The applicant requests a variance to allow an 8 foot deep kitchen addition to continue to follow the existing grandfathered setback of 1.5 feet at the north property line
- Area Variance Factors
 - There will not be 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 benefit sought by the applicant cannot be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
 - The requested area variance is not substantial;
 - The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - The alleged difficulty is not self-created.

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N 1530

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N 1530

MAP OF SURVEY FOR MARINO ESPINOZA

CITY OF BEACON

DUTCHESS COUNTY, NEW YORK

LOT AREA=
4,899 SQUARE FEET
OR
0.1125 ACRES

SCHENCK AVENUE

VERPLANCK AVE

N/F HALL
LIBER 1575 PAGE 813

N/F ULLIAN
DOCUMENT # 02-2002-7640

NOTES:
HOUSE CORNERS
H2, H3, H9 & H4
READINGS WERE
TAKEN
HERE

H0
ALL OTHERS
TAKEN
HERE

FOUNDATION

PREPARED BY:

GARY R. LA TOUR, L.S.
273 EAST MAIN ST.
BEACON, NEW YORK



14-05



City of Beacon Planning Board
1/15/2019

Title:

53 Eliza Street

Subject:

Continue public hearing on application submitted by PIE Developers, 53 Eliza Street, Tax Grid No. 30-6054-29-031870-00, R1-5 Zoning District, seeking relief from Section 223-17(C) for a Use Variance (and possible Area Variance) to allow a 9-unit multi-family development

Background:

ATTACHMENTS:

Description	Type
1.7.19 - 53 Eliza - Supplemental Submission - Cover Letter	Cover Memo/Letter
1.7.19 - 53 Eliza - Supplemental Submission - Exhibit A - Inc. Tabs 1 and 2	Backup Material



445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
T 914 761 1300
F 914 761 5372
cuddyfeder.com

Taylor M. Palmer, Esq.
tpalmer@cuddyfeder.com

January 7, 2019

**VIA FEDERAL EXPRESS
AND EMAIL**

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

RE: Application for Use & Area Variances – Responses to Board Comments
Property: 53 Eliza Street, Beacon, New York (Tax ID: 130200-6054-29-031870)

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

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

This letter supplements our most-recent letters to this Board, dated October 30, 2018 and November 28, 2018, and provides additional information and responses to comments that were raised at this Board’s December 18, 2018 meeting.

THE APPLICANT’S DETAILED FINANCIAL ANALYSIS CONFIRMS THAT THE NUMBER OF UNITS REQUESTED, NINE (9) UNITS, IS THE MINIMUM POSSIBLE VARIANCE RELIEF THAT WOULD PROVIDE A REASONABLE RETURN NECESSARY TO ADDRESS THE HARDSHIP.

The Applicant appreciates the opportunity to provide this Board with additional details in support of the Applicant’s Financial Analysis.¹ As this Board is aware, at the December 18th Public Hearing, the Applicant’s consultants reviewed the “Restricted Report” prepared by Valuation Consultants dated July 5, 2018 (the “Restricted Report”), which used a sales comparison approach to determine a good faith valuation of the Property. During our discussion with the Board, the Board requested additional information regarding the fair market value of the Property in order to confirm that nine (9) units is the minimum possible variance that would provide a reasonable return to the property owner.

¹ Note: The Applicant’s Financial Analysis incorporates the details contained in the Applicant’s submissions dated August 28, September 25, October 30 and November 28, and includes the details presented by the Applicant’s financial consultants at this Board’s December 18th Public Hearing.



January 7, 2019
Page -2-

In order to better respond to this question, the Applicant sought additional Financial Opinions from real estate experts that have intimate familiarity with the real estate market in the City of Beacon. As is more fully detailed in the Applicant's Supplemental Financial Analysis annexed hereto as **Exhibit A**, which analysis includes Financial Opinions from two (2) real estate experts, it is respectfully submitted that the fair market value for the Property is between \$400,000 and \$450,000. See **Exhibit A**.

Specifically, the Applicant's Supplemental Financial Analysis (**Exhibit A**) includes correspondence from the Applicant's financial consultant, McAlpine Construction Co., Inc, dated January 7, 2019 (the "Supplemental Financial Analysis"), which references enclosed opinions from CR Properties Group, LLC, dated January 3, 2019 (the "CR Opinion"),² and from McGrath Realty Inc., dated January 7, 2019 (the "McGrath Opinion", collectively referred to as "the Financial Opinions").³ As noted in the Supplemental Financial Analysis, each of the Financial Opinions considered the "Restricted Report" prepared by Valuation Consultants and further assessed the location of the Property; access to the Property; the highest and best use of the Property given its existence as a legal non-conforming commercial use and its marketability as a commercial use given these site conditions and constraints. The Supplemental Financial Analysis considered the fair market value representative of these additional factors that are not otherwise reflected in the sale comparison approach. Accordingly, the Supplemental Financial Analysis confirms that "[i]n my professional opinion, I would agree [with the Financial Opinions] that the fair market value [of the Property] is between \$400,000 and \$450,000." See **Exhibit A**.

Additionally, this Board sought more details regarding the Applicant's cost basis for the Property. As more fully detailed in **Exhibit A**, the Supplemental Financial Analysis provides further support that none of the permitted uses in the underlying zoning, including the pre-existing non-conforming use would result in a reasonable return on the Property. The Supplemental Financial Analysis also shows that the use of the Property for residential use, as proposed, is the only viable use, and that the number of units requested, nine (9) units, is the minimum variance that would provide a reasonable return. The infeasibility of these alternatives, including only six (6) units, is supported by the competent financial evidence in the record. Ultimately, nine (9) units are necessary in order to realize a reasonable return with regard to the fair market value and the owner's basis in the Property. It is therefore axiomatic that the benefit sought cannot be achieved by any method other than the requested variance relief.

² See **Exhibit A**, Tab 1.

³ See **Exhibit A**, Tab 2.



January 7, 2019
Page -3-

WHILE THE APPLICANT REFERS THIS BOARD TO ITS ATTORNEY REGARDING PROCEDURE, IT IS RESPECTFULLY SUBMITTED THAT THE ZONING BOARD OF APPEALS MAY REVIEW THE APPLICANT'S REQUESTS FOR USE AND AREA VARIANCES SIMULTANEOUSLY; IN THE ALTERNATIVE, THE REQUEST FOR A USE VARIANCE MAY BE REVIEWED BY THIS BOARD, FOLLOWED BY THE APPLICANT'S REQUEST FOR AN AREA VARIANCE.

During the December 18th meeting, this Board also considered the Applicant's position that the Application for nine (9) multi-family units did not require an Area Variance because the Applicant's request for a Use Variance for nine (9) multi-family units is inherently inclusive of the proposed density. Following the discussion on this matter, the Board opened the Public Hearing on the Applicant's request in the alternative for an Area Variance, which review would be considered concurrently with the Public Hearing on the application for a Use Variance.

As was discussed with the Board and its Counsel at the December 18th meeting, while the Applicant defers to the Board's Counsel as to procedure, it is respectfully submitted that this Board may consider the variance relief sought herein together, reviewing the respective legal standards proscribed for the variances sought in accordance with the Zoning Code and New York General City Law. In the alternative, if the Board sees fit, the Board could first review the criteria for a Use Variance before it considers the criteria and standards applicable to the request for an Area Variance.

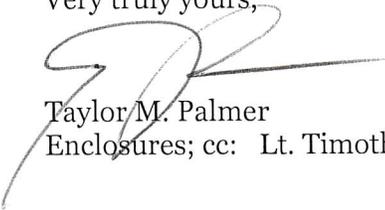
CONCLUSION

As is evidenced by the materials provided in support of the Applicant's Use and Area Variance requests, the requested variances are the minimum variances necessary, and the benefit to the Applicant if the variances are granted outweighs any possible detriment to the health, safety and welfare of the neighborhood or community. For the reasons set forth herein, and which will be further discussed at the Board's January 15th meeting, the Applicant respectfully submits that, under the tests provided by the law, the issuance of the Use and Area Variances is justified.

Pursuant to the Applicant's discussions with this Board at its December 18th meeting, the Applicant respectfully requests that this Board consider closing the Public Hearings and that this Board also consider adopting a Negative Declaration under SEQRA.

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

Very truly yours,



Taylor M. Palmer

Enclosures; cc: Lt. Timothy P. Dexter, Building Inspector; Drew V. Gamils, Esq.

EXHIBIT A

January 7, 2019

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

Project:
53 Eliza Street
Beacon, NY 12508

Dear Sir:

Enclosed are two appraisals for the above referenced project. These appraisals refer to information provided by Valuation Consultants, the company responsible for the original restricted appraisal of the property dated July 5, 2018. Both CR Properties Group LLC and McGrath Realty Inc. are commercial real estate brokers who are familiar with the Beacon real estate market.

The appraisal by Valuation Consultants was done using a sales comparison approach. It took into account sales dated as far back as February 25, 2016, April 10, 2016, August 16, 2017, and November 29, 2017. These sales are of commercial properties on main roads and not in residential areas. These were the best comps available, but are not necessarily indicative of the value of 53 Eliza Street. The appraisals currently being submitted look at the value of the subject property, taking into consideration the fact that this property is located on a residential street and not on a main road or in a more traditional commercial setting.

It is the opinion of both CR Properties Group LLC and McGrath Realty Inc. that because of site location and use constraints, this property is not commercially viable. In my professional opinion, I would agree that fair market value is between \$400,000 and \$450,000.

As it relates to financial hardship for the owner, in the twenty years that he has owned the property, in addition to the \$700,000 which is the total of the property purchase price and improvements made to the property, he has spent \$1.2 million in interest payments for mortgages, as well as \$280,000 City of Beacon taxes and \$284,000 in property and general liability insurance.

I also refer back to McAlpine Construction's letter to Cuddy & Feder LLP dated December 7, 2018, which is in response to Drew Victoria Gamils' letter of November 30, 2018, specifically Item #4 and Item #5. Item #4 is documentation for site work numbers dated

August 28, 2018. The documentation provided totals \$563,810. Item #5 is documentation of soft costs also dated August 28, 2018. The documentation provided totals \$974,000. Enclosed you will find the document titled **9 Condominium Units** updated to reflect these more accurate costs. As you can see, the profit using the updated costs is reduced significantly.

It is obvious that building either three single homes or 6 condominiums becomes even less economically viable. Sale of the property at \$450,000 (if possible) would allow the owner to merely pay off his first mortgage, but does not allow him to fulfill his obligation on the second mortgage or recoup any of the nearly \$1,760,000 he has spent on carrying charges over the last twenty years.

Ed Pietrowski has been a Beacon resident for forty years, twenty-five of them as a local electrical contractor, twenty-one at the Eliza Street property. Four of his children live here in Beacon and eight grandchildren attend Beacon schools. This project is right for the community and deserves every consideration.

Sincerely,

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

Robert A. McAlpine

McAlpine Construction Co., Inc.
217 Main Street
Beacon, NY 12508

cc: Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

53 Eliza Street, Beacon NY
9 Condominium Units

January 7, 2019

<u>Unit</u>	<u>Sq. Ft.</u>	<u>Bldg. Cost @ \$125 sq. ft.</u>	<u>Land Cost @ \$77,777</u>	<u>Sale Price @ \$270 sq. ft.</u>
1	1650	\$206,250	\$77,777	\$440,500
2	1600	\$200,000	\$77,777	\$432,000
3	1872	\$234,000	\$77,777	\$505,440
4	1872	\$234,000	\$77,777	\$505,440
5	1872	\$234,000	\$77,777	\$505,440
6	1872	\$234,000	\$77,777	\$505,440
7	1800	\$225,000	\$77,777	\$486,000
8	2300	\$287,500	\$77,777	\$621,000
9	1800	\$225,000	\$77,777	\$486,000
Total Sq. Ft.		Bldg. Cost (\$125/sq. ft)	Land Cost	Total Bldg. & Land Cost
16,638 sq. ft.		\$2,079,750	\$700,000	\$2,779,750 (\$125/sq. ft.)

Site Cost \$563,810

Soft Cost \$974,000

Financing @ 5% of Cost

A/E Fees @ 3% of cost

CM Fee @ 6% of cost

Broker Commission @ 6% of sale price

Total Cost \$4,317,560

Sale Price \$4,492,260

Profit \$174,700

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CR Properties Group, LLC
Licensed in NY & CT

The Cast Iron Building
295 Main Street
Poughkeepsie, NY 12601
Tel: (845)485-3100 | Fax: (845)485-4787
Email: info@crproperties.com
Web: www.crproperties.com

January 3, 2019

Mr. Robert McAlpine
McAlpine Construction Company, Inc.
179 Main Street
Beacon, NY 12508

Re: 53 Eliza St. – Beacon, NY

Mr. McAlpine,

Pursuant to your request, let this letter serve as a Broker Opinion of Value and Use for the property located at 53 Eliza St. in Beacon, New York 12508.

I, Thomas M. Cervone, member of CR Properties Group, LLC a CT & NYS licensed real estate brokerage firm, with offices located at 295 Main Street, City of Poughkeepsie, County of Dutchess, State of New York, report that I am familiar with the real estate values in the County of Dutchess, and that I know the parcel located at 53 Eliza St. in the City of Beacon, New York also known as tax grid number 6054-29-031870.

The land parcel is a +/- .69-acre lot with two commercial buildings totaling approximately 6,920± square feet located in a residential area. The site is located immediately north of a one-way residential street, there is limited access to main roads and highways for tractor trailers and commercial transportation, and the existing buildings are positioned in such a way as to inhibit commercial ingress and egress. Therefore, it would be challenging to find a commercial buyer.

In my opinion, the highest and best use of the parcel is residential development versus the existing commercial usage. Additionally, residential would be more compatible with the general neighborhood.

In summary, our opinion of value of the 53 Eliza St. property in its existing condition would be \$427,000. Based on its limited nonconforming commercial usage it is unlikely to attract a commercial application. An approved site with a conforming residential project would be valued closer to \$100,000 per dwelling unit.

Kindly call my office (845)485-3100 to discuss the matter in further detail. Alternatively, my email address is tom@crproperties.com.

Feel free to visit our website www.crproperties.com for additional resources.

Thank you.

Sincerely,

Thomas M. Cervone, Member
CR Properties Group, LLC

Enclosure
TMC/mmg

- Notable Clients**
- IBM
 - Iron Mountain
 - Jenny Craig
 - Kaiser-Permanente
 - KIA
 - Kimco Realty Trust
 - Kraft
 - LA Weight Loss
 - Laidlaw Transit
 - Liberty Travel
 - Lincoln-Mercury
 - Lone Star Steak House
 - Mail Boxes Etc.
 - Mall Properties
 - Marist College
 - Mavis Tire
 - McCollister's
 - Transportation Group
 - McDonalds
 - MDS Laboratories
 - New York Times
 - OGO
 - Orkin
 - Pella Windows
 - Perkins
 - Philip Morris, Inc.
 - Pizzagali Development
 - Price Chopper
 - Supermarkets
 - Praxair, Inc.
 - Priceless Kids
 - Pro Golf Discount
 - Pyramid Company
 - RE Michaels
 - Rite-Aid
 - Roe Movers
 - Ryder
 - Saint Francis Hospital
 - Sally Beauty
 - Saturn
 - Sprint
 - Staples, Inc.
 - Stewart's Ice Cream
 - Strober King
 - Taco Bell
 - Taylor Manufacturing
 - TJ Maxx
 - United Refrigeration
 - UPS
 - Vassar College
 - Vassar Brothers
 - Volvo Cars of America
 - VW
 - Wal-Mart

2

McGrath Realty Inc.
20 Corporate Park Drive Suite C
Hopewell Jct. New York 12533
845-896-5444
kmcgrath@mcgrathrealtyinc.com

January 7, 2019

Mr. Ed Pietrowski
P&D Electric of Hudson Valley Inc.
53 Eliza Street
Beacon NY 12508

RE: 53 Eliza Street Beacon NY
Tax ID No.: 132800-6054-29-031870 .69 Acres
County of Dutchess State of New York USA

Dear Mr. Pietrowski

In accordance with your request, I have reviewed the subject property for developing an opinion as to its market value. I have reviewed pertinent data gathered by Valuation Consultants in the investigation of the subject property. The subject property is located at **53 Eliza Street Beacon NY** land consisting of +/- .69 acres; County of Dutchess, State of New York. The subject property includes two commercial buildings totaling approximately 6,920 +/- total Sq. Ft. along with all easements.

Zoning: The property is zoned in the "R1-5" single family residential district, permitting single family homes on 5,000 Sq. Ft. lots. The existing use is a non-conforming commercial use in the current residential zoning. Therefore, the commercial use substantially reduces the market rate value of the property.

Utilities: City water & Sewer, electric & gas.

Environmental Report: On file, deemed clean, verify with owner

Property Assessment:	Land	\$ 25,000
	Building	<u>\$508,500</u>
	Total	\$533,500

Property Taxes:	School	\$11,377.73
	Town/County	<u>\$ 8,764.20</u>
	Total Taxes	\$20,141.93

Location: The property is located at **53 Eliza Street Beacon NY**; County of Dutchess, State of New York.” It is approximately 50 miles north of New York City. The subject property is located within a residential neighborhood district, positioned approximately one and a half blocks from Main Street, a major retail shopping district, consisting of commercial, retail, hotel, hospitality, restaurants, apartment housing and office. The subject use is a non-conforming commercial use, located in a residential neighborhood.

Its location in a residential area makes it a difficult property to market commercially. The sales comparison analysis previously done by Valuation Consultants compares this parcel to properties on main roads and not in the middle of a residential area. It also assumes that properties sold would continue in their previous use (office building etc.). The current use of this property as a contractors yard is probably its best use commercially but most contractors rent yards. Consequently, this parcel is not viable as a commercial property and its best use would be residential.

Improvements: The site improvements are considered structurally sound but are in need of some renovations. The property is currently being utilized by the owner for an electrical company operation. The property is improved with two buildings: a warehouse structure, consisting of 3,420 Sq. Ft., and a main commercial office structure consisting of approximately 3,500 Sq. Ft. Total 6,920 +/- Sq. Ft.

Site/Acreage: The total parcel consists of approximately .69 +/- acres of commercial property, located in a residential neighborhood.

Based upon my familiarity with the subject property, our knowledge of property values in the City of Beacon, as well as our knowledge of the Dutchess County real estate market in general, it is our opinion, that the market value of the subject property, as of January 3, 2019, was:

6,920 Square Feet of existing buildings @ \$65.00 per Square Feet

FOUR HUNDRED FIFTY THOUSAND DOLLARS

(\$450,000.00)

This is an opinion of value. If you have any questions regarding our analysis, please do not hesitate to contact our office. We appreciate the opportunity of consulting with you on this matter.

Very truly yours,

Kevin McGrath
President

City of Beacon Planning Board
1/15/2019

Title:

Change Meeting Date

Subject:

Miscellaneous Business

Change meeting date – Wednesday, February 20, 2019 *(due to President's Day Holiday)*

Background: