

**Zoning Board of Appeals  
December 19, 2017**

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, December 19, 2017 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman Jack Dunne and Members Robert Lanier, Judy Smith, and Jordan Haug; Building Inspector Tim Dexter and City Attorney Drew Gamils were present. Member John Gunn was absent.

Mr. Dunne outlined the format of the Board's proceedings for the benefit of the public, explaining four out of five members were present and three votes would be needed to take action on a variance request.

**EXECUTIVE SESSION**

Mr. Haug made a motion to go into executive session for advice of counsel, seconded by Mr. Lanier. All voted in favor. Motion carried. Members went into executive session at 7:05 p.m. Mr. Haug made a motion to come out of executive session, seconded by Mr. Lanier. All voted in favor. The regular meeting started at 7:25 p.m.

**ITEM NO. 1 CONTINUE REVIEW OF APPLICATION SUBMITTED BY SCENIC BEACON DEVELOPMENTS, LLC, 22 EDGEWATER PLACE, TAX GRID NO.'S 30-5954-25-581985, 574979, & 566983-00; AND 30-5955-19-590022-00, RD-1.7 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A NEW RESIDENTIAL DEVELOPMENT AS FOLLOWS: ALLOW BUILDINGS TO HAVE 5 STORIES (4.5 MAXIMUM PERMITTED); ALLOW BUILDINGS TO EXCEED 36 UNITS PER BUILDING; AND ALLOW LESS THAN 30 FT. BETWEEN BUILDINGS**

Attorney Taylor Palmer introduced owner Rodney Weber, Engineer Mike Bodendorf, and Architect Aryeh Siegel to present information on variances requested for the Edgewater project. This is a continuation of a public hearing originally held on March 21, 2017. The Planning Board, as Lead Agency in the SEQRA environmental review process, issued a Negative Declaration at their last meeting. Mr. Taylor summarized the project and described the three variances they are seeking for the project. Over 100 letters of support were submitted for the record.

Aryeh Siegel summarized features of the site, including extensive landscaping, a large park, a sidewalk to the train station, infrastructure improvements, and explained all required parking is provided on site. The RD-1.7 Zoning District is unique to the City and was tailored for a townhouse development allowing 307 units which would have covered 70-80 % of the site. He presented an alternate plan that would not require variances with additional buildings that would take up more pervious space, would be less environmentally friendly, and rents would be higher. The project was compared to Tompkins Terrace which has far less consideration for the environment. Mr. Siegel explained that conceivably the project could be done without variances but the applicant is trying to achieve balance between the LWRP and Comprehensive Plan which encourages density. They are proposing to construct seven buildings to lessen the footprint, provide more green space, safer pedestrian travel, and improve aesthetics. A nine building plan

was considered however one of the buildings would occupy the center green space; and the City Planner showed an eight building plan with fewer apartments and a reduction in the green space. The proposed layout provides an average of 25 ft. between each building.

A lengthy discussion took place with regard to building height, and the difference between flat and gabled roofing was reviewed. Gable roofs are actually taller due to the way they are measured by the midpoint between the gable and the building eave. The Planning Board recommended approval for the number of stories as requested. Mr. Dunne opened the floor to public comment and asked that focus remain within the three variances before the board.

Michal Mart, 49 Sycamore Drive, questioned the alternate plans as it relates to building coverage and believed the shortage of space between buildings is a fire hazard. Mr. Palmer explained the Fire Department did not have a concern as they have access to both sides of each building. The brick buildings will be also be provided with sprinkler systems.

Emil Alzamora, 593 South Avenue, understood the applicant purchased 555 South Avenue which is across from his property. He researched the applicant's development approach and appreciates his vision to build quality projects. He felt the variances are worth considering and held interest in his future project along the creek.

Theresa Kraft, 315 Liberty Street, felt the development is too large, too many resources will be affected, infrastructure is not in place, view sheds will be affected and variances will set a precedent. She had concern for the safety of firefighters and believed developers should follow zoning regulations.

Casey Morris, 490 Main Street and recently moved to Beacon, pointed out of the 307 units 90 would be studios and 100 would be one-bedroom units. These units are not meant for large families and will be affordable, entry level rents.

Keith Laug, 26 High Street and owner of Zone Fitness, supported the project because Beacon needs more density to support businesses. He has seen an increase over the last ten years but more is needed.

Alla Barres, Main Street property owner, said the average population of Beacon is not large and more residents are needed to sustain business on Main Street. More affordable units are needed to increase the local population.

Jillian Kelly, 451 Main Street and owner of Turn Key Realty, supported the requested variances and felt they made sense for this development. The number of units is already determined so now it is time to focus on how they will be built. She supported the seven building layout as it provides more green space, it's innovative, and will be attractive. Lastly, 90% of the units will be filled by young single professionals and Beacon needs this type of development.

Steve Maheddy, 52 Leonard Street, felt the variances make sense in that there will be less impact on the land. More affordable units are needed in the community, and these will have direct access to the train and provide views of the river.

Michael Haynes, 2 South Street, could not find a smaller apartment so he found a larger apartment and a roommate to help pay the expensive rent. He feels Beacon needs more available apartments to help keep units more affordable.

Andra Sramek, Greenwood Drive and raised in Beacon, has worked for many environmental agencies and supported the project as an environmentalist and horticulturist. She felt it rare to see developer ask for variances to increase green space. They intend to use plantings to help water conservation and their design will require little irrigation. This project will show other developers the value of landscape and good building design.

Ken Straus, 6 Slocum Road, was in favor of the project, and as a landlord with smaller apartments sees this as an opportunity for growth. This is a positive project that will provide new infrastructure without adding a tax burden. He vouched for Mr. Weber's integrity and ability to change old rundown buildings into beautiful functioning structures.

Rodney Weber, resident and developer, explained aesthetics of the project will change without these variances. If buildings can't be five stories high, they will have gabled roofs. If they are restricted to 36 units per building, it will decrease the number of studio apartments and they are trying to provide diversity in apartment sizes. More units can fit into larger buildings which ultimately decreases the cost of rent. Additional businesses will be attracted by creating more space for people to live, and the project is within walking distance to the train station and Main Street. Mr. Weber explained he is trying to create a project to minimize footprint for the future by leaving 65% of the property green space. Lastly, no one wants a view of another building, which is why only seven buildings are being proposed, and this project provides panoramic views and will bring residents together. A lengthy discussion took place with regard to building coverage, how gable roofs are measured, the number of BMR units and how they are dispersed, and rental rates.

Michal Mart, 49 Sycamore Drive, asked how much would be charged for rents however was informed that rents cannot be part of the Zoning Board's considerations.

Gary Joseph, One East Main Street, reported no other development in town will build on only 35% of the property.

Jillian Kelly explained apartment rents are based on square footage and studios are cheaper than one-bedroom units.

Discussion took place about BMR units, and how rates and eligibility are calculated. Hudson River Housing has been hired by the City to institute the program based on eligibility and affordability.

There were no further public comments and Mr. Lanier made a motion to close the public hearing, seconded by Mr. Haug. All voted in favor. Motion carried.

Mr. Haug made a motion to go into executive session for advice of counsel, seconded by Ms. Smith. All voted in favor. Motion carried. Members went into executive session at 8:40 p.m. Mr. Haug made a motion to come out of executive session, seconded by Mr. Lanier. All voted in favor. The regular meeting resumed at 8:47 p.m.

Ms. Smith made a motion to authorize the City Attorney to draft a resolution for consideration at the January meeting. City Attorney Drew Gamils advised members to review each of the variances based on the applicable area variance standards before, therefore Ms. Smith withdrew her motion.

Mr. Dunne read the following memorandum from the Planning Board; City Attorney Drew Gamils explained the Planning Board offers an advisory opinion and they do not consider the five factors that must be considered for area variances.

At their last meeting, the Planning Board reviewed the application submitted by Scenic Beacon Developments, LLC for the following variance requests on the project known as "Edgewater": allow buildings to have 5 stories, allow buildings to exceed 36 units per building, and allow less than 30 ft. between buildings. A lengthy discussion took place with regard to building unit counts and building separation. After careful consideration of density and the building layout, members voted to recommend the Zoning Board of Appeals deny variances requested to allow more than 36 units per building and to allow less than 30 feet between buildings. Members felt the building count and separation could be reconfigured to conform to zoning requirements. Discussion with regard to the number of stories took place with the applicant and after much debate, members unanimously voted to recommend the Zoning Board of Appeals grant the variance to allow five story buildings (Buildings 3, 4, and 6) as requested since the buildings still fit within the 55-ft. height limits. As always the final decision will be based on your review of the application but the Planning Board felt the aforementioned factors should be offered as an advisory viewpoint.

Individually members went through each of the requested variances and reviewed the five area variance standards that must be considered to provide the City Attorney with information needed to draft a resolution based on their comments. Discussion took place on altering the space between Buildings 3 and 4, the total amount of impervious coverage (approximately 35%), and information on when this particular zoning district was created.

After a lengthy review and discussion, Mr. Haug made a motion to authorize the City Attorney to draft a resolution based on members' comments, subject to review of City Council minutes when the zoning district was established for this property and subject to review of any new information provided by the applicant. The motion was seconded by Mr. Lanier. All voted in favor. Motion carried; 4-0.

There was no further business to discuss and the Mr. Lanier made a motion to close the public hearing, seconded by Mr. Haug. All voted in favor. Motion carried. The meeting adjourned at 9:13 p.m.