

**Zoning Board of Appeals**  
**January 17, 2018**

The Zoning Board of Appeals met for a scheduled meeting on Wednesday, January 17, 2018 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, Jordan Haug, and David Jensen; Building Inspector Tim Dexter and City Attorney Drew Gamils were present.

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

**TRAINING SESSION**

City Attorney Drew Gamils reviewed and read through the proposed Zoning Board of Appeals Rules of Procedure. After a brief discussion and careful consideration, Mr. Haug made a motion to adopt the Zoning Board of Appeals Rules of Procedure, seconded by Mr. Lanier. All voted in favor. Motion carried.

Mr. Haug made a motion to open the meeting, seconded by Ms. Smith. All voted in favor. Motion carried. 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 7:25 p.m. Mr. Lanier made a motion to come out of executive session, seconded by Mr. Haug. All voted in favor. Motion carried. The regular meeting began at 7:55 p.m.

**MISCELLANEOUS BUSINESS**

Change Meeting Date from Tuesday, February 20<sup>th</sup> to Wednesday, February 21<sup>st</sup>

Due to the President's Day holiday, the next Zoning Board of Appeals meeting will be held on Wednesday, February 21, 2018 rather than Tuesday, February 20, 2018.

Approval of November 2017 and December 2017 Meeting Minutes

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the November 21, 2017 meeting. Ms. Smith made a motion to approve the minutes of the November 21, 2017 meeting as presented, seconded by Mr. Haug. All voted in favor. Motion carried.

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the December 19, 2017 meeting. Mr. Haug noted the motion noted in the third paragraph on Page 4, should have been made by Ms. Smith. Mr. Haug made a motion to approve the minutes of the December 19, 2017 meeting as amended, seconded by Mr. Lanier. All voted in favor. Motion carried.

Mr. Dunne welcomed new member David Jensen to the board.

**ITEM NO. 1 CONSIDERATION OF RESOLUTIONS FOR 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; ALLOW LESS THAN 30 FT. BETWEEN BUILDINGS**

A public hearing and full review of this application took place at the December 2017 meeting. Attorney Taylor Palmer, Cuddy & Feder, submitted documents and plans circulated at the December meeting. At that meeting, four out of five members reviewed the five factors that must be considered for area variances and discussed conditions outlined in the draft resolution.

Members first addressed the variance request to allow three buildings to have five stories where 4 ½ stories are permitted without exceeding the 55 ft. building height restriction. Mr. Jensen reviewed the definition of a half-story, and gable roofs as opposed to flat roofs. He believed that Building 4 which has a flat roof goes outside the language of what is allowed. A lengthy discussion took place with regard to restrictions on the number of stories, building heights as measured flat vs. gable roofs, and that buildings will still be within the 55 ft. height requirement. It was noted the Planning Board granted a Negative SEQRA Declaration and determined the proposal to be consistent with the LWRP. Mr. Dunne reviewed the draft resolution and went through five factors relative to the area variance requested and reviewed conditions. Applicant Rodney Weber explained gable roofs would actually be higher (64 ft.) than the flat roofs, thus creating more visual impact.

Ms. Smith made a motion to grant the variance to allow Buildings 3, 4 and 6 to permit five stories where the maximum building height is 4 ½ stories, seconded by Mr. Lanier. Mr. Jensen asked to table the vote for Building 4 because it is a substantial change and a setback should be required for the additional level. A lengthy debate took place with regard to the height of Building 4, as it relates to Buildings 3 and 6. Mr. Palmer reported the change is internal as the building height remains the same, the Fire Department has given their approval, and the Planning Board determined consistency with the LWRP without placing a requirement for a setback. Mr. Jensen felt Building 4 should be the same build out as Buildings 3 and 6. Mr. Siegel reported Building 4 will not be higher than other buildings as the first floor starts lower. On roll call Ms. Smith, Mr. Lanier, Mr. Haug and Mr. Dunne voted in favor of the motion; Mr. Jensen was in favor of granting the variance for Buildings 3 and 6, but voted against the motion because it included Building 4 without restriction. Motion carried; 4-1.

Members went on to discuss the variance request to permit more than 36 units per building for Buildings 1, 2, 3 and 6; Buildings 4, 5 and 7 are under 36 units and need no variance. Mr. Dunne reviewed each of the five factors considered for area variances listed in the draft resolution which were reviewed by four of the five members present at last month's meeting. The variance is for distribution of units within the buildings, the total permitted 307 unit count will not be exceeded. Discussion and review of the two alternative layouts presented to the Planning Board took place which included debate about the possible loss of the area designated for "land-bank" parking. Mr. Siegel reported if they need to construct an additional

building, underground parking would be created under to make up for the shortfall. An additional building takes away park land, green space and views from building to building. Mr. Palmer reported they are trying to develop a project that is more consistent with goals of the Comprehensive Plan, community character, and environmentally friendly. Members reviewed and discussed the alternate proposals. City Attorney Drew Gamils explained the Planning Board's recommendation was not based on the five factors considered when granting an area variance as is required of the Zoning Board of Appeals. A lengthy discussion took place about the Planning Board's SEQRA review, building layout, number of overall units, proposed units per building, and removal of the second condition that limited total unit count to 307 due to affordable workforce housing allowances. After some debate and review of the conditions, Mr. Haug made a motion to grant the variance subject to Conditions 1 and 3, seconded by Ms. Smith. On roll call Mr. Haug, Ms. Smith, Mr. Lanier, and Mr. Dunne voted in favor of the motion; Mr. Jensen voted against the motion because he felt adequate information had not been provided to make a determination. Motion carried; 4-1.

Members discussed the variance request to permit a minimum distance of less than 30 ft. between buildings. Mr. Dunne read through the draft resolution and members reviewed the five factors to be considered for area variances. Discussion took place with regard to Conditions 1 and 2 which referred to percentage of open space and impervious surface limits on the 12-acre parcel. Considerations were given to "land-bank" parking, and possible aspects that may be changed due to requirements of Planning Board or the City Council, i.e. sidewalks, pool, etc., and the applicant requested some flexibility. After a lengthy discussion, members agreed that at least 65% of the parcel will be maintained as open space, impervious surfaces should not exceed 35% but for Planning Board approval of impervious infrastructure, and that total impervious surface area including any additional impervious surfaces shall not exceed 40% of the site. The third condition that distance between any of the proposed buildings will not be less than 12 feet will remain as drafted. Mr. Haug made a motion to grant the variance subject to changes as discussed and read by the City Attorney, seconded by Mr. Lanier. On roll call Mr. Haug, Mr. Lanier, Ms. Smith, and Mr. Dunne voted in favor of the motion; Mr. Jensen voted against the motion. Motion carried; 4-1. Mr. Haug made a motion to accept all general conditions in the draft resolution as discussed and amended, seconded by Mr. Jensen. All voted in favor. Motion carried; 5-0.

**ITEM NO. 2 APPLICATION SUBMITTED BY BEACON LOFTS & STORAGE, 39 FRONT STREET (MASON CIRCLE), TAX GRID NO. 30-6055-04-590165-00, LI ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A NEW BUILDING WITH A HEIGHT OF 66 FT. (35 FT. MAXIMUM PERMITTED)**

Attorney Jennifer VanTuyl, Cuddy & Feder, presented members with documents and copies of slides to follow along with their presentation. The property, formerly known as "Groveville", is located on the southeast side of Route 52 near the City line. They are seeking a variance to replace Building #16 which is structurally unsound and must be taken down. Ms. VanTuyl described her client's proposal to construct a new building that is 6 ft. higher than the existing building with a recessed fourth floor for a total height of 66 ft.

The presentation showed the 2014 approved Site Plan as a mixed use complex with storage, artist live/work spaces, offices and galleries. A 2016 engineering report authored by M.A. Day Engineering revealed that Building #16 was structurally unsound. In the interim, demands for higher ceiling heights with greater separations between floors increased so the units could be readily converted to non-residential use. The fourth floor will be setback to have limited visibility from pedestrians at ground level. Ms. VanTuyl reported the property is located in the Historical Overlay District therefore the building was designed with a historical sensitivities in mind. She discussed the building design and explained NYS Office of Parks, Recreation, and Historic Preservation reviewed the proposal and had no archaeological concerns. Project documentation, including the Phase 1A analysis, response from SHPO and the Planning Board's referral memo were reviewed by an architectural historian who concluded the requested height variance for Building #16 is in keeping with the existing setting. He reported the proposal follows Historic Preservation guidelines for such construction and would not have a detrimental effect on nearby properties or the character of the neighborhood. A lengthy review of the proposed building design took place.

Ms. VanTuyl provided a detailed analysis of the five factors for area variances and explained the applicant's difficulty is solely related to learning that the building must be totally reconstructed. The commercial laundry will be removed which eliminates a heavy water user. They are increasing unit count from 143 to 172 however it does not exceed the permitted density of 243 units. Ms. VanTuyl reviewed the requested building height in terms of the site's industrial setting, context of existing buildings, and topography of the site which sits 24 ft. below Route 52. She explained this is a Type 1 action under SEQRA requiring a coordinated review and ultimately a Negative Declaration was issued by the Planning Board. In addition, SHPO found the development to be appropriate in this district, and the applicant has been before the architectural review subcommittee. Discussion took place with regard to floor area ratios and the fourth floor setback of 12 ft. on four sides.

Ms. Smith made a motion to open the public hearing, seconded by Mr. Jensen. All voted in favor. Motion carried.

Mary Heuer, 24 Grove Street, asked about building materials because she did not feel faux brick should be used on the new building.

Michal Mart, 49 Sycamore Drive, said the applicant's rationale is based on financial reasons therefore believed the board should be provided with a breakdown of expenses. She felt buildings appear very dense, too close to each other, and too tall.

John Milano of Landgrove Realty, Inc. and adjacent property owner, supported the variance explaining the owners take care of their property. He believed the variance for a higher building will not be an obstruction, will blend in with the development and will be beneficial to the community.

Dawn Powell, 19 Hammond Plaza, asked if there would be any acknowledgement of the historic structure and its history. Mr. Siegel explained SHPO recommended some type of acknowledgement and they plan to create a display that will honor the building and original property as a whole. He reported real brick will be used on the new structure.

Lisa Galina Alvarez, 23 Hammond Plaza, held hope that the small hydro-electric power plant located on site will remain with the same company. Currently power from that plant is purchased by Vassar College.

Theresa Kraft, 315 Liberty Street, felt the board should not approve a building that is twice the allowable height. She asked if mechanical equipment would extend above the building height and expressed concern for fire and safety.

Mr. Siegel reported the hydro-electric power plant will continue to operate. There have been concerns about noise therefore the owner and operators are working to come up with a way to baffle the sound. The building will have fire stairs and a sprinkler system, and the Fire Chief indicated he has no concern about access. Mr. Siegel reported the mechanicals will be on the north side somewhat shielded by the lower roof. Ms. VanTuyl also explained they are not seeking a variance for additional units, and financial rationale is the benefit the applicant is seeking to make up for the unsound building. Mr. Dunne read the following memorandum from the Planning Board into the record.

At their last meeting, the Planning Board reviewed the application submitted by Beacon Hip Lofts for a variance to allow construction of a new building 66 ft. in height where 35 ft. maximum is permitted. A lengthy discussion took place about building height permitted by zoning, the proposed building height and how it compares to existing historic buildings on site. After careful consideration, members voted unanimously to recommend the new building height be limited to that of the adjacent historic building to the north due to the historic nature of the site and to maintain consistency of buildings on site. 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.

After a lengthy discussion, 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 10:15 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 10:20 p.m.

Members asked for additional time to consider the information provided and asked for more details prior to making a decision on the variance request. They asked for elevations, measurements of all building heights on site, floor area calculations of the fourth floor vs. other floors, and what would plan be for building 9A if no variance is granted.

Mr. Haug made a motion to adjourn the public hearing until the February meeting, seconded by Mr. Lanier. All voted in favor. Motion carried.

**ITEM NO. 3 APPLICATION SUBMITTED BY BEACON TODD, LLC, 18 WEST MAIN STREET, TAX GRID NO. 30-5954-26-647966-00, LINKAGE ZONE, SEEKING RELIEF FROM SECTION 223-15(E)(1)(C) FOR A SIGN THAT PROJECTS ABOVE THE EAVES OF THE BUILDING (BRETT'S TRUE VALUE HARDWARE BUSTORE)**

The public hearing on the application submitted by Beacon Todd, LLC, 18 West Main Street, seeking relief from Section 223-15(E)(1)(c) for a sign that projects above the eaves of the building was opened on a motion made by Mr. Jensen, seconded by Mr. Lanier. All voted in favor. Motion carried.

Sabeen Hassan described her client's proposal to install a sign for the new "Brett's True Value Hardware Store" that will project above the eaves of the building at 18 West Main Street. The building is 8-10 ft. below street level and visibility of signs located below the roof eaves will be obscured by on-street parking. Ms. Hassan provided elevation drawings and photos of views from the street. The façade of this existing building will be upgraded however no changes will be made to the flat roofline. There were no further questions and Mr. Dunne opened the floor to public comment.

Theresa Kraft, 315 Liberty Street, believed letters affixed to the building would be more visible than a sign that appears as if it's floating above the building.

Members discussed the roof line and size of the sign and determined that a condition could be placed on the variance so that the sign cannot extend any further than 3 ft. above the roof line. The sign will be backlit with white LED lighting.

Members read and reviewed the Short Environmental Form and went through Parts 2 and 3 to determine what the environmental impact would be from this action. After a lengthy review and careful consideration, Mr. Jensen made a motion to issue a Negative Declaration in the SEQRA review, seconded by Mr. Haug. All voted in favor. Motion carried.

There were no further comments from the public and Mr. Haug made a motion to close the public hearing, seconded by Mr. Lanier. All voted in favor. Motion carried. Members carefully reviewed each of the five criteria established for granting an area variance. A lengthy discussion took place with regard to store hours and whether the sign would be lit all night or just during work hours. Consideration was given to adjacent uses and whether nearby residential units would be adversely affected by an illuminated sign. Members felt a restriction should be placed on the hours that the sign should be lit.

Brett Feller, 45 Rector Street and operator of the hardware store, felt turning off the sign would hurt business as people coming to and from the train may not know the store exists. He compared his business to others in Beacon and felt the decision should be fair across the board.

Members reviewed Google Maps to determine the proximity of residential housing and it was noted the adjacent brewery closes at 11:00 p.m. After reviewing the neighborhood, members withdrew discussion about limiting the time the sign is lit. City Attorney Drew Gamils reviewed conditions outlined in the draft resolution. Mr. Dunne read the draft resolution and after careful consideration of the factors set forth for area variances, Mr. Haug made a motion to

grant the variance as requested with conditions as outlined in the draft resolution, and that the sign shall not extend more than three feet above the roofline, seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

**ITEM NO. 4 APPLICATION SUBMITTED BY DKH REALTY, LLC, 410 FISHKILL AVENUE, TAX GRID NO. 30-6055-80-424048-00, GB ZONING DISTRICT, SEEKING RELIEF FROM THE FOLLOWING: SECTION 223-15(E)(2) TO ALLOW TWO FREE STANDING SIGNS (ONE SIGN PERMITTED); SECTION 223-15(E)(2)(A) TO ALLOW SIGNS TO EXCEED 20 SQ. FT.; AND SECTION 223-5(E)(2)(C) TO ALLOW SIGNS TO EXCEED 12 FT. IN DIMENSION**

The public hearing on the application submitted by DKH Realty, LLC, 410 Fishkill Avenue, seeking relief from Section 223-15(E)(2) to allow two free standing signs, Section 223-1(2)(a) to allow signs to exceed 20 sq. ft.; and Section 223-5(E)(2)(c) to allow signs to exceed 12 ft. in dimension was opened on a motion made by Mr. Jensen, seconded by Ms. Smith. All voted in favor. Motion carried.

Howard Vobus of Sign Here Sign Company described his client's proposal to remove a free-standing existing sign from 409 Fishkill Avenue and reinstall it across the street at 410 Fishkill Avenue. The existing Hyundai dealership at 409 Fishkill Avenue is now a Mitsubishi franchise. The overall size of the sign is 20 ft. x 6 ft. but the actual lettering area is minimal in comparison. Mr. Dexter explained the actual sign area is the geometric shape surrounding the lettering, the remainder is the sign support. Mr. Vobus explained that due to contractual obligations, Hyundai won't allow "certified pre-owned" wording on their sign. Discussion took place about what would be done if the second sign could not be installed. Mr. Dunne opened the floor to public comment.

Theresa Kraft, 315 Liberty Street, felt adding a second sign would add light and visual pollution. She recommended a smaller sign be used because this is a congested area and the sign is massive.

Mr. Vobus explained the Hyundai logo is the only portion of sign that is illuminated. He felt the addition of a second sign would further identify the dealership entrance.

Members read and reviewed the Short Environmental Form and went through Parts 2 and 3 to determine what the environmental impact would be from this action. After a lengthy review and careful consideration, Mr. Haug made a motion to issue a Negative Declaration in the SEQRA review, seconded by Mr. Lanier. All voted in favor. Motion carried.

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

Mr. Dunne read the draft resolution and after careful consideration of the factors set forth for area variances, Mr. Lanier made a motion to grant the variance as requested, seconded by Ms. Smith. After a brief discussion, Mr. Lanier rescinded his motion. Mr. Haug made a motion to grant the variance with conditions outlined in the draft resolution, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

**ITEM NO. 5 APPLICATION SUBMITTED BY DKH REALTY, LLC, 409 FISHKILL AVENUE, TAX GRID NO. 30-6055-80-416064-00, GB ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-15(E)(1) TO INSTALL THREE NEW SIGNS AFFIXED TO THE BUILDING'S OUTER WALL (ONE SIGN PERMITTED), AND SECTION 223-15(E)(1)(B) TO ALLOW SIGNS TO EXCEED 2 FT. IN HEIGHT**

The public hearing on the application submitted by DKH Realty, LLC, 409 Fishkill Avenue, seeking relief from Section 223-15(E)(1) to install three new signs affixed to the building's outer wall, and Section 223-15(E)(1)(b) to allow signs to exceed 2 ft. in height was opened on a motion made by Mr. Haug, seconded by Mr. Lanier. All voted in favor. Motion carried.

Howard Vobus of Sign Here Sign Company described his client's proposal to install new three new signs for a Mitsubishi dealership. Three existing signs - Healey, Hyundai, and Enterprise Rent-A-Car would be replaced with two 36-inch cabinets to advertise Healey and Mitsubishi where only 24-inch high signs are permitted. Mr. Vobus reported the impact would be minimal as the actual area of lettering is small. Members reviewed signage that was previously there, and it was noted that the sign will be internally lit only where the logo exists.

There were no comments from the public and Mr. Haug made a motion to close the public hearing, seconded by Mr. Lanier. All voted in favor. Motion carried. Members read and reviewed the Short Environmental Form and went through Parts 2 and 3 to determine what the environmental impact would be from this action. After a lengthy review and careful consideration, Mr. Lanier made a motion to issue a Negative Declaration in the SEQRA review, seconded by Mr. Haug. All voted in favor. Motion carried.

Mr. Dunne read the draft resolution and after careful consideration of the factors set forth for area variances, Mr. Lanier made a motion to grant the variances with conditions as outlined in the draft resolution, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

**ITEM NO. 6 APPLICATION SUBMITTED BY RIVER RIDGE VIEWS, LLC, WOLCOTT AVENUE (A.K.A. PARCEL "L"), TAX GRID NO.'S 5954-26-637879, 649885 & 630770-00, RD-7.5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A NEW RESIDENTIAL DEVELOPMENT WITH BUILDINGS THAT HAVE LESS THAN 18.9 FT. BETWEEN BUILDINGS WHERE 70 FT. IS REQUIRED**

The public hearing on the application submitted by River Ridge Views, LLC, Wolcott Avenue (a.k.a. Parcel "L"), seeking relief from Section 223-17(C) to construct a new residential development with buildings that have less than 18.9 ft. between buildings where 70 ft. is required was opened on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried.

Jennifer VanTuyl, Cuddy, described her client's request for a variance associated with an 18-unit townhouse development on property known as "Parcel L" on Wolcott Avenue. The buildings are grouped and laid out in the shape of an "L" to maximize protection and privacy to the Reformed Church to the north and Hammond Plaza to the southwest of the site. Ms. VanTuyl explained the odd-shaped property was cleared during Urban Renewal and was recently



rezoned to RD-7.5 which permits a total of 17 units, and the additional unit is a bonus if the required number of BMR (Below Market Rate) units are provided. Ms. VanTuyl reviewed the alternate layout considered to rationalize that the current proposal protects the church, Hammond Plaza residents, and preserves the LWRP view shed. She reported the Planning Board adopted a Negative SEQRA Declaration, and made a positive LWRP consistency determination for the project. Ms. VanTuyl reported the letter submitted by Arthur Camins, 29 Rombout Avenue, contained the same comments made to the Planning Board, most of which are Site Plan issues. Overall they feel this layout makes the most sense from an environmental standpoint, protecting views and privacy, and meets the goals of the Comprehensive Plan. A lengthy discussion took place about potential impacts to neighboring properties, privacy for residents and neighbors, building layout and relocation of the historical gazebo. Ms. VanTuyl reported the proposal for a pocket park was withdrawn but they are formalizing the existing rope path that leads to Beekman Street with a public stair. In conclusion Ms. VanTuyl felt this project preserves the character of the community and provides a broader benefit to the city. The proposal has been reviewed and approved by the architectural review subcommittee and the Planning Board relayed a positive recommendation with regard to the application. Discussion took place with regard to parking for townhouse residents, which is more than required by zoning. There was no further discussion and Mr. Dunne opened the floor to public comment.

Theresa Kraft, 315 Liberty Street, has been following the project application and encouraged the board to grant the variance because it is the best layout for the applicant and neighboring properties.

Lisa Galina Alvarez, 23 Hammond Plaza, felt this was the best plan and it works well for the residents of Hammond Plaza. She was pleased that the historic gazebo is to be preserved and that the plan for a path/pocket park has been withdrawn.

Constantine Hodge, 6 Hammond Plaza, supported the project and indicated this applicant has been a good neighbor by seeking their input. She urged the board grant the variance as requested.

Dawn Powell, 19 Hammond Plaza, complimented the applicant's team and felt this project is a good model to show how things get done when people work together. She supported the variance and would be disappointed if it were denied.

Mr. Dunne read the following letters into the record:

Planning Board

At their last meeting, the Planning Board reviewed the application submitted by River Ridge Views for a variance to allow to construction of a new residential development with buildings that have a separation of 18.9 ft. where 70 ft. is required. The applicant has been before the Planning Board for several months and a detailed assessment of the proposed layout has taken place. The building separation does not meet code between Units 11 and 14 of the two buildings that form an L-shape near the church (Building Group 2 and Building Group 3). After careful consideration that the proposal is supported by the church and the layout is aesthetically appropriate to the surrounding development, members voted unanimously to send a positive recommendation that

the variance be granted. 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.

Arthur Camins

Please accept this statement in lieu of my appearance at the Zoning Board of Appeals on Wednesday, January 17, 2018, which I am unable to attend. I am Arthur H. Camins. I live at 29 Rombout Avenue, just up the block from the proposed Parcel L development project. Please read this statement into the official record during the period of open hearing. I urge you to deny any proposed variances. I know that I speak for many in the proximate neighborhood and beyond when I say that if the developer's current plans do not comply with the letter and intent of existing laws and regulations they should either develop a new plan or not build. It is not the responsibility of government to grant exceptions to ensure the profitability of developers. The City of Beacon does not have a responsibility to ensure the maximum number of buildable units if doing so violates zoning or other regulations. Such is the case with current developer plans for Parcel L.

1. The existing site is in a designated historic overlay district and provides a wide spectacular and unique vista of the Hudson River and particularly beautiful sunsets. This view is available now to anyone walking or driving by. The proposed 70' separation between the north and south units is completely insufficient to preserve the vista. It is essentially a driveway with a little greenery on either side. To preserve the view, four of the south units and one of the north units should be either eliminated or relocated. In fact, most of the current view is to the south of the proposed driveway and would be blocked by the units. Put another way, the vista should be a minimum of 240'.
2. The site plan notes that the lot size only permitted 17 units, but the developers are asking for 18. I see no reason to grant permission for extra units. In fact, to preserve the view shed, no more than 12 should be permitted.
3. I noted that the 2 required below market rate (BMR) units are located at the edges of the proposed rows of units. I strongly object to this as economic segregation, adding isolation and stigma to the people who will live there. The BMR units should look identical from the outside, not just similar as noted in the site plan. Put another way, the only people who need to know these units cost less are the people who live in them.
4. There needs to be far greater specification in the plan before acceptance with respect to building material type, quality and architectural design to maintain the historic nature of the community. It should enhance, not just preserve.
5. I noted that the proposed staircase where the rope path exists is concrete. To enhance the property, the staircase as well as any retaining walls should be faced in local stone and with railings to reflect the woodsy nature of the path. The area around the path should maintain its wooded feel.
6. I urge the Zoning Board of Appeals to reject the current plan and to require the developer to present a plan that demonstrates that the view shed is preserved, complies with any other pertinent zoning regulations, and integrated BMR units within the development.

Reformed Church of Beacon

We understand that a public hearing on the above matter will take place on January 17, 2018. On behalf of the Reformed Church of Beacon we are the closest neighbor to River Ridge, and appreciate the fact that the developers of River Ridge have discussed their plans with us prior to presenting them to the City. We support their choice of a townhouse design with an L-shaped configuration that presents a finished look facing the Church as illustrated in the rendering. The colors and materials fit in nicely with our Church building. The proposed L-shaped layout does the best job of separating the residential uses and the Church, as compared to the other layout options. All of the alternate layouts have substantial areas where the churchyard would look into paved parking areas next door. Plantings would not totally screen these views and plantings can lose their screening effect as they get older and more open. The proposed layout provides long-term privacy for the Church by avoiding views from the churchyard into the parking areas of the residential project and presents a neat and uniform appearance facing the Church. It is this L-

shaped design that creates the need for the building separation variance. As the closest and most affected neighbor, we believe this L-shaped design has a positive impact on the Church. We understand that the test for a variance is weighting the benefit to the applicant as against any adverse impact on the neighborhood. We think the variance is for the benefit of the neighborhood and has no adverse impact. We therefore request that you grant the requested variance of building separation. Dan Goldman, Elder

Ms. VanTuyl addressed Mr. Camins comments about BMR units, materials for the public walkway, and views of the river. Each comment he submitted was responded to at the Planning Board. Ultimately the Planning Board adopted the LWRP Consistency and a Negative SEQRA Declaration for the project.

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

Mr. Dunne read the draft resolution and after careful consideration of the factors set forth for area variances, Ms. Smith made a motion to grant the variances with conditions as outlined in the draft resolution, seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

**ITEM NO. 6 CONTINUE REVIEW OF APPLICATION SUBMITTED BY RINA SHUMAN, CORNER LOT AT MADISON AVENUE AND PROSPECT STREET, TAX GRID NO. 30-6054-46-208527-00, R1-10 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A NEW SINGLE FAMILY HOUSE WITH A 12.2 FT. SIDE YARD SETBACK (15 FT. REQUIRED) AND 24.7 FT. TOTAL SIDE YARD SETBACKS (40 FT. REQUIRED)**

This item was postponed to March 2018 upon the request of the applicant. Members discussed the length of time since the original hearing and agreed that the matter should be re-noticed in the newspaper and that notices be send to property owners.

There was no further business to discuss and the Mr. Haug made a motion to close the public hearing, seconded by Mr. Lanier. All voted in favor. Motion carried. The meeting adjourned at 12:21 a.m.