

Zoning Board of Appeals April 17, 2018

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, April 17, 2018 at 7:08 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 provided members with documents related to standards of ethical conduct for members of Planning Boards and Zoning Boards of Appeals, specifically Article 18 of General Municipal Law and City of Beacon's Code of Ethics.

Regular Meeting

Mr. Lanier made a motion to open the meeting, seconded by Mr. Haug. All voted in favor. Motion carried. The regular meeting started at 7:45 p.m.

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the March 20, 2018 meeting. Mr. Lanier made a motion to approve the minutes of the March 20, 2018 meeting as presented, seconded by Ms. Smith. All voted in favor with the exception of Mr. Haug who abstained because he did not attend the March meeting. Motion carried; 4-1.

ITEM NO. 2 CONTINUE PUBLIC HEARING ON 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)

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

Kristina Eckert described her proposal for a variance to allow a new garage with 3 ft. rear and side yard setbacks where 5 ft. is required. At the last meeting neighbors were concerned about the proposed height of the garage which has since been reduced to 15 ft. at the center of the peaked roof as permitted by zoning. Overall the building height is 8 ft. lower than the initial proposal. Ms. Eckert explained if they had to adhere to the 5 ft. side yard setback requirement, they would not have enough space for a two car garage. She presented building plans and explained the second floor has a peaked roof and is not a full story but provides space for an office. Mr. Dexter advised her that only storage is permitted on the second floor, and explained a home office or artist studio is permitted but it must be on the first floor of the building.

Discussion took place about the building plans, which will be reviewed by the Building Department to make certain they conform to the zoning and building codes; the matter before the

board is the request for relief from the side and rear yard setback requirements. Mr. Dexter advised members if a variance is granted, building plans will be reviewed by the Building Department.

Evan D'Arpino, 67 North Elm Street, supported the variance now that the building height has been reduced.

Claudia Haug, 63 North Elm Street, explained her concern was for the height of the building and now that it has been reduced she supported the variance. She felt it will be an improvement to the neighborhood.

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

Mr. Jensen made a motion to amend the draft resolution to include language that the Board expressly notes it is only ruling on the side yard and rear yard setback variances and such ruling is not based on any specific building plans, seconded by Mr. Haug. 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 about each of the factors in order to reach a final determination. Mr. Dunne read the draft resolution as amended and after careful consideration of the factors set forth for area variances, Mr. Jensen made a motion to grant the variances and to pass the resolution as amended, seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

ITEM NO. 2 APPLICATION SUBMITTED BY ANTHONY & SAMANTHA NAYLOR, 13 LAFAYETTE AVENUE, TAX GRID NO. 30-5955-19-702109-00, R1-7.5 ZONING DISTRICT, IS SEEKING RELIEF FROM SECTION 223.17(E) TO DEMOLISH AN EXISTING GARAGE AND CONSTRUCT A NEW 564 SQ. FT. ACCESSORY BUILDING (ONE-STORY GARAGE WITH ARTIST STUDIO) (276 SQ. FT. MAXIMUM PERMITTED)

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

Architect Aryeh Siegel described his client's proposal to remove a small dilapidated garage at 13 Lafayette Avenue and replace it with a combined garage and artist studio. The existing garage encroaches into the required setback so the new garage will improve conformance to zoning requirements. Mr. Siegel reported that based on the size of the house footprint, the accessory building can only be 276 sq. ft. in size. A lengthy discussion took place about the size of the house footprint, possibly building an addition on the house for the artist studio, lot width, and overall lot coverage. Mr. Siegel explained their property backs up to Colonial Springs' parking lot where their trash enclosure is located therefore the garage will act as a buffer. Additionally, the house sits forward to Lafayette Avenue and the garage is barely visible from the street. Members discussed the possibility of creating two separate structures –

one for the garage and one for an artist studio however this variance would allow them to cut down on overall lot clutter. Mr. Dunne opened the floor to public comment.

Brendan Moore, Trustee of 16 Lafayette Avenue and office of 18 Lafayette Avenue, supported the variance request. He said the existing garage is dilapidated and sits so far back on the lot that it is hardly visible from the street. A new structure will also be a buffer from Colonial Springs.

George Pratt, 1207 North Avenue, explained his property borders their house. They have done a nice job bringing this house back and a new garage will be a major improvement. He supported the variance.

Mr. Dunne read the following letters into the record:

I/We are/am close neighbors of Anthony Naylor and Samantha Beste at 13 Lafayette Avenue.
We/I believe the request is reasonable and am in favor of the variance being granted.

Adria Devereaux
8 Lafayette Avenue

Ruby Gray
21 Lafayette Avenue

Artesia Mattis
10 Lafayette Avenue

Brendan Moore
16 Lafayette Avenue

Joseph Krywienko
1205 North Avenue

Isabel & Aquilino Fuentes
5 Colonial Road, Apt. 156

We are the immediate neighbors of Anthony and Samantha Naylor. We fully support their request for relieve from Zoning Section 223-17(e). The garage as it exists is in poor condition with little usable space. The proposed building will add needed space and a better configuration to the back yard. An added benefit would be a visual and auditory screen from the dumpster/recycle area of Colonial Springs. We don't see any adverse effects of this building.

Tom & Rosemary Rednour
7 Lafayette Avenue

As residents of Lafayette Avenue and neighbors of the Naylor's, we would very much like to see a variance granted at number 13. Samantha and Anthony are wonderful, house-proud neighbors and an important part of our community. We feel the proposed plans will only add value to, and enhance the appearance of our neighborhood.

Adria Devereaux
8 Lafayette Avenue

I am writing this letter to voice my full support of my neighbors, Anthony and Samantha Naylor, regarding the proposed variance seeking relief from Section 223.17(e) of the City of Beacon Zoning Code. As my house is directly across the street from Anthony and Samantha's house, I will likely be the neighbor most affected by the change, both in terms of construction and in terms of view. Having reviewed their plans for the demolition of their existing garage and construction of the new accessory building, I have no objections to the proposed plan. In fact, I appreciate their work to improve their property and am excited to see their vision come to fruition.

Karl Mauks-Koepke & Elizabeth Greenblatt
14 Lafayette Avenue

There were no further comments from the public and Mr. Lanier made a motion to close the public hearing, seconded by Mr. Jensen. All voted in favor. Motion carried. A lengthy discussion took place about lot coverage and how accessory structures are regulated by the size of the primary structure on the lot.

Members carefully reviewed each of the five criteria established for granting an area variance. A lengthy discussion took place about each of the factors in order to reach a final determination. 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 Mr. Haug. All voted in favor. Motion carried; 5-0.

There was no further business to discuss and Mr. Haug made a motion to adjourn the meeting, seconded by Mr. Jensen. All voted in favor. The meeting was adjourned at 8:30 p.m.