

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

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, July 17, 2018 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman John Dunne, and Members Robert Lanier, Judy Smith, Jordan Haug, and David Jensen (in at 7:10); City Attorney Drew Gamils and Building Inspector Tim Dexter.

Regular Meeting

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.

Mr. Lanier made a motion to open the meeting, seconded by Ms. Smith. All voted in favor. Motion carried. The meeting began at 7:00 p.m. with a discussion of Miscellaneous Business.

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the June 19, 2018 meeting. Ms. Smith made a motion to approve the minutes of the June 19, 2018 meeting as presented, seconded by Mr. Haug. All voted in favor. Motion carried.

Miscellaneous Business

River Ridge Views, LLC, Wolcott Avenue (a.k.a. Parcel "L"): Amendment to Condition #2 of the Resolution of approval adopted on February 28, 2018 regarding time limit to obtain a Building Permit

Engineer Dan Koehler of Hudson Land Design, and on behalf of attorney Jennifer VanTuyl of Cuddy & Feder, explained they are seeking an amendment to Condition #2 of the resolution approved on February 28, 2018 for the River Ridge Views project to change the amount of time they have to obtain a building permit. The resolution currently provides the applicant with six months to obtain a building permit from the date of the Planning Board's Site Plan and Subdivision Approval. Similar to 1181 North Avenue, they are requesting that the applicant be allowed six months to obtain a building permit from the applicant's last appearance before the Planning Board including any appearance before the Planning Board for a request for extensions. After careful consideration, Mr. Haug read and made a motion to accept the draft resolution amending Condition #2 of the variance previously granted:

"The Applicant has six months to commence construction following the date of issuance of a building permit and 24 months after the date of issuance of said building permit to complete construction. The Applicant has six months to obtain a building permit from the Applicant's last appearance before the Planning Board including any appearance before the Planning Board for a request for an extension".

The motion was seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

ITEM NO. 1 APPLICATION SUBMITTED BY AMIT KOCHHAR, 35 ROMBOUT AVENUE, TAX GRID NO. 30-5954-34-688852-00, R1-7.5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) FOR A 412 SQ. FT. TWO-STORY ADDITION WITH AN 8.1 FT. SIDE YARD SETBACK (10 FT. REQUIRED)

Mr. Haug made a motion to open the public hearing however the applicant was not in attendance. Mr. Haug withdrew his motion.

ITEM NO. 2 APPLICATION SUBMITTED BY GLORIA GAMBLE, 98 ROMBOUT AVENUE, TAX GRID NO. 30-5954-35-769843-00, R1-5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO REBUILD A FIRE-DAMAGED HOUSE ON THE EXISTING FOOTPRINT WITH 1.5 FT. AND 7.7 FT. SIDE YARD SETBACKS (10 FT. REQUIRED); AND CONSTRUCT A 21 FT. X 24.5 FT. TWO-STORY REAR ADDITION WITH 0.9 FT. AND 7.8 FT. SIDE YARD SETBACKS (10 FT. REQUIRED); AND TO ALLOW 1,581 SQ. FT. OF TOTAL LOT COVERAGE (1,349 SQ. FT. MAXIMUM IS PERMITTED)

Mr. Haug made a motion to open the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried. (David Jensen joined meeting at 7:10).

Contractor Julius White described his client's proposal to rebuild her house that was 100% destroyed in a fire (as determined by the insurance company) that occurred in February of 2018. In addition to constructing a new house, the owner wants to construct a rear addition in the same building line consistent with the original house setbacks. A variance for lot coverage is needed because building coverage will exceed the 1,349 sq. ft. maximum permitted. Mr. White explained he plans to use the existing foundation if it survives demolition of the building. Discussion took place about making a smaller foundation however it would create a narrow house that would seem out of character for the neighborhood and affect the driveway. A lengthy discussion and debate took place about building dimensions as proposed, and the size of the proposed deck and addition as they related to percentage of lot coverage.

Mr. Dunne opened the floor to public comment and Mr. Dunne verified that no correspondence had been received regarding this appeal. No one in the audience wished to speak and Mr. Lanier made a motion to close the public hearing, seconded by Mr. Haug. All voted in favor. Motion carried.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request for side yard setback variances to reconstruct a fire damaged house with an addition. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Ms. Smith made a motion to grant the side yard setback variances as requested, seconded by Mr. Haug. All voted in favor. Motion carried; 5-0.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request for side yard setback variances in connection with the construction of a rear addition to the new house. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other

feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Mr. Lanier made a motion to grant the lot width variance as requested, seconded by Mr. Jensen. All voted in favor. Motion carried; 5-0.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request to exceed the maximum lot coverage for reconstruction of a fire damaged house with a rear addition and open rear deck. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Mr. Jensen made a motion to grant the side yard setback variances subject to the rear deck will not be enclosed, seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

The applicant was acceptable with general conditions to commence construction within six months and one year to complete from the date of obtaining the last land approval.

ITEM NO. 1 APPLICATION SUBMITTED BY AMIT KOCHHAR, 35 ROMBOUT AVENUE, TAX GRID NO. 30-5954-34-688852-00, R1-7.5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) FOR A 412 SQ. FT. TWO-STORY ADDITION WITH AN 8.1 FT. SIDE YARD SETBACK (10 FT. REQUIRED)

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

Architect Jeff Wilkinson described his client's proposal to construct a two-story addition to the house at 35 Rombout Avenue which is located in the Historic Landmark and Overlay District. Mr. Wilkinson presented elevation drawings of the proposed addition and reported the Planning Board issued a Certificate of Appropriateness for the building design. They are seeking relief for a small portion of the proposed addition that will extend into the required 10 ft. side yard setback. Mr. Wilkinson explained the hodgepodge of small additions will be removed to allow for the addition to increase the size of the very small kitchen and create a larger master bedroom and bathroom suite on the second level. He explained the addition will improve the property value and maintain the historic significance of the structure. They explored other options but would need to indent the building in one small area which would take away from the common lines and architecture of the existing house.

Mr. Dunne opened the floor to public comment and Mr. Dunne verified that no correspondence had been received regarding this appeal. No one in the audience wished to speak and Mr. Lanier made a motion to close the public hearing, seconded by Mr. Haug. All voted in favor. Motion carried.

Members carefully reviewed each of the five criteria established for granting area variance as they related to the construction of an addition to the existing house. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Mr.

Lanier made a motion to grant the lot width variance as requested, seconded by Mr. Haug. All voted in favor. Motion carried; 5-0. The applicant was acceptable with general conditions to commence construction and one year to complete from the date of obtaining the last land approval.

ITEM NO. 3 APPLICATION SUBMITTED BY COULTER YOUNG, 100 ROMBOUT AVENUE, TAX GRID NO. 30-5954-35-772842-00, R1-5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A 396 SQ. FT. DETACHED GARAGE (246 SQ. FT. MAXIMUM IS PERMITTED) AND TO ALLOW 1,563 SQ. FT. OF TOTAL LOT COVERAGE (1,296 SQ. FT. MAXIMUM PERMITTED)

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

Coulter Young described his proposal to construct a detached garage to provide off-street parking and storage on his property at 100 Rombout Avenue. The shared driveway is approximately 102 ft. long, 80 ft. of which is shared with the adjacent neighbor. He explained they need additional storage and now must store items stored at Beacon Self-Storage which costs \$1,800 per year. Mr. Young reported he needs a variance to exceed the maximum overall lot coverage and for the garage to exceed the maximum garage size permitted. Mr. Dexter explained there is an error in our Schedule of Regulations, however permitted lot coverage is 30% and this will be approximately 7.3% over the maximum required. He advised the applicant that the garage can only be a one-story structure no higher than 15 ft. with an attic area for storage only.

Mr. Dunne opened the floor to public comment and Mr. Dunne verified that no correspondence had been received regarding this appeal. No one in the audience wished to speak.

A lengthy discussion and debate took place about lot coverage measurements and percentages. Mr. Dexter explained an addition that has not yet been constructed was taken into account when measurements were taken and he confirmed the draft resolution was correct. Members also took into consideration that the lot is pre-existing, non-conforming therefore in that context the request is not that substantial.

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.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request to construct a detached garage that exceeds the maximum size permitted. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Mr. Lanier made a motion to grant the lot width variance as requested, seconded by Mr. Haug. All voted in favor. Motion carried; 5-0.

Members carefully reviewed each of the five criteria established for granting area variances as they related to the request to exceed total lot coverage permitted in connection with construction of a detached garage. After discussing each factor and giving careful consideration to any impacts to the character of the neighborhood, achieving the benefit by other feasible methods, whether the request was substantial, review of environmental and physical impacts, and whether the need for a variance was self-created, Mr. Haug made a motion to grant the lot width variance as requested, seconded by Mr. Jensen. All voted in favor. Motion carried; 5-0.

The applicant was acceptable with general conditions to commence construction within six months and one year to complete from the date of obtaining the last land approval.

Mr. Haug made a motion to adjourn the meeting, seconded by Ms. Smith. Discussion of attendance for the August meeting had not taken place therefore the motion and second were withdrawn. Consideration was given to whether a meeting would be held in August based on the number of members that could be in attendance. Ms. Smith and Mr. Lanier reported they could not attend therefore a quorum of three members would be present. Applicants will be advised that only three members would be present at the August 21, 2018 meeting and that all three votes would be needed to pass a resolution. The decision to go through with a hearing with only three members will be left up to the applicant. There was no further business to discuss and Mr. Haug made a motion to adjourn the meeting, seconded by Mr. Lanier. All voted in favor. The meeting was adjourned at 8:17 p.m.