

Zoning Board of Appeals
November 20, 2018

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, November 20, 2018 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman John Dunne, Members Robert Lanier, Judy Smith, Jordan Haug, and David Jensen; City Attorney Drew Gamils and Building Inspector Tim Dexter were in attendance.

Regular Meeting

Mr. Lanier made a motion to open the meeting, seconded by Mr. Jensen. All voted in favor. Motion carried. The regular meeting began at 7:20 p.m.

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.

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 TO ALLOW A 9-UNIT MULTI-FAMILY DEVELOPMENT

This item was adjourned to December 18, 2018 at the request of the applicant.

APPLICATION SUBMITTED BY BONITA LAHEY, 28 VAIL AVENUE, TAX GRID NO. 30-6054-46-186570-00, R1-5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) FOR A FIRST FLOOR BEDROOM ADDITION WITH A 7 FT. SIDE YARD SETBACK (10 FT. REQUIRED) AND A 21 FT. REAR YARD SETBACK (30 FT. REQUIRED)

The public hearing on the application submitted by Bonita Lahey, 28 Vail Avenue, seeking relief from Section 223-17(c) for a first floor bedroom addition with a 7 ft. side yard setback and a 21 ft. rear yard setback was opened on a motion made by Mr. Lanier, seconded by Mr. Haug. All voted in favor. Motion carried.

Contractor Ayren Staples described his client's proposal to construct a one-story rear addition to provide a bedroom and bathroom on the main floor of the house. The rear/side open deck will be removed and the addition will remain in line with the small one story jut out on the two story portion of the house. The addition will be further away from the neighbor on the side where the deck now exists. Discussion took place about lot coverage and Mr. Dexter explained the addition will not exceed maximum lot coverage as calculated by the Deputy Building Inspector upon intake of the application. City Attorney Drew Gamils explained whatever variance is granted must be adhered to or the applicant must return to the board for alternate approval.

There were no further comments and Mr. Dunne opened the floor for public comment however no one wished to speak. Mr. Haug made a motion to close the public hearing, seconded by Mr. Jensen. All voted in favor. Motion carried.

Members carefully reviewed each of the five criteria established for granting area variances as they related to construction of a one-story addition to extend the pre-existing non-conforming use with a 418 sq. ft. second floor addition with reduced existing side and rear yard setbacks. Members discussed each factor and gave 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. After some consideration, Mr. Haug made a motion to grant the requested variances subject to the addition only being a single story structure, seconded by Mr. Lanier. Mr. Jensen asked to table the motion to review the draft resolution. After discussing the wording of the resolution and changes that would be made Mr. Haug withdrew his motion to grant the variances. Mr. Jensen made a motion to amend the resolution language as discussed, seconded by Mr. Haug. All voted in favor. Motion carried. Mr. Jensen made a motion to grant the variance subject to the standard conditions listed, seconded by Mr. Haug. All voted in favor. Motion carried; 5-0.

Minutes

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the October 16, 2018 meeting. Mr. Jensen made a motion to strike the word “detailed” in both the first and fourth sentence of the fourth paragraph on Page 3, and to change the word “deplorable” to “poor” in the second sentence of the second paragraph on Page 4. The motion was seconded by Mr. Haug. All voted in favor. Motion carried. Mr. Jensen made a motion to approve the minutes of the October 16, 2018 meeting as amended, seconded by Mr. Haug. All voted in favor. Motion carried.

Training Session

City Attorney Drew Gamils presented a 30-minute training session on powers of the Zoning Board of Appeals. Topics included interpretations, appeals, and established rules of construction. A review of related case law took place.

Mr. Haug made a motion to go into executive session for advice of counsel, with the meeting to be adjourned immediately thereafter, seconded by Mr. Jensen. All voted in favor. Members went into executive session at 8:35 p.m.