

Zoning Board of Appeals

April 16, 2019

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, April 16, 2019 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman Robert Lanier, Members Judy Smith, Jordan Haug, David Jensen, and Garrett Duquesne; City Attorney Drew Gamils and Building Inspector David Buckley were in attendance.

Mr. Lanier reminded members that there will be a joint City Council, Planning Board and Zoning Board retreat on Monday, April 22, 2019, 7:00 p.m. at the Municipal Center. It is mandatory and will count as two hours of training for members.

Mr. Lanier called for corrections/additions or a motion to approve the minutes of the March 19, 2019 meeting. Ms. Smith made a motion to approve the minutes of the March 19, 2019 meeting as presented, seconded by Mr. Haug. All voted in favor. Motion carried; 5-0.

Mr. Lanier read the following notification from the Planning Board with regard to SEQRA review for 23-28 Creek Drive:

The City of Beacon Planning Board is hereby notifying you that it has received an application for Concept Plan Approval, Subdivision (lot line realignment) Approval and Site Plan Approval in connection with a proposal to construct a mixed-use development on the former City of Beacon DPW site with a total of eight apartments and 20,000 square feet of commercial space. The Beacon City Council is the approval authority for the Concept Plan and the Beacon Planning Board is the approval authority for the Subdivision and Site Plan. The proposed action also includes a request for area variances from the Beacon Zoning Board of Appeals. The 2.582-acre parcel is located in the Fishkill Creek Development (FCD) district. The City of Beacon Planning Board hereby declares its intent to serve as the Lead Agency for the environmental review of the proposed action. Further, the City of Beacon Planning Board is hereby notifying you that, in accordance with the provisions of the State Environmental Quality Review Act (SEQRA), the Planning Board will automatically become the Lead Agency unless you submit a written objection to the Board within 30 calendar days of the mailing of this notification. In accordance with the requirements of SEQRA, enclosed for your review are Part 1 of the Long Environmental Assessment Form (EAF) which has been prepared by the project sponsor for the proposed action, and a copy of the application.

After some consideration, Mr. Duquesne made a motion that the Zoning Board of Appeals had no objection to the Planning Board acting as Lead Agent in the SEQRA review process for 23-28 Creek Drive, seconded by Ms. Smith. All voted in favor. Motion carried.

ITEM NO. 1 REVISED APPLICATION SUBMITTED BY CAROLINE EISNER, 38 JUDSON STREET, TAX GRID NO. 30-6054-47-297552-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A 225 SQ. FT. ONE-STORY REAR ADDITION WITH A 3 FT. SIDE YARD SETBACK (10 FT. REQUIRED) AND A TWO-STORY 223 SQ. FT. SECOND STORY ADDITION OVER THE EXISTING FIRST FLOOR KITCHEN WITH A 3 FT. SIDE YARD SETBACK (10 FT. REQUIRED)

The public hearing on the application submitted by Caroline Eisner, 38 Judson Street, for relief from Section 223-17(C) to construct an addition over the existing first floor structure with a 3 ft. side yard setback and a two-story addition with a 3 ft. side yard setback was reopened on a motion made by Mr. Haug, seconded by Mr. Jensen. All voted in favor. Motion carried.

Paul Henderson, Sigler Henderson Studio, LLC, described changes made to his client's proposal for an addition that requires side yard variances. The overall length of the addition was reduced to extend only three feet beyond the existing covered porch which is a three foot reduction from the original proposal. The height of the second story addition was reduced to remain in line with the existing roof and the project was reduced from three to two bedrooms. Mr. Henderson explained the owner agreed to radical changes in response to neighbors' comments and concerns presented at the last meeting. Mr. Lanier opened the floor for public comment.

Lisa Wilson, 36 Judson Street, asked if the white line she saw spray-painted on their property was to delineate the length of the rear addition.

Mr. Henderson explained the rear addition extension was reduced from 15 feet to 12.2 feet. Ms. Eisner confirmed that the contractor painted the line to show the rear line of the addition.

Allan Wilson, 36 Judson Street, expressed appreciation for reductions made by the neighbor and reported they have no problem with the requested variance as modified.

There were no additional comments from the public and Mr. Jensen 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 an addition over the existing first floor structure with a 3 ft. side yard setback and a two-story addition with a 3 ft. side yard setback where 10 ft. is required. 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. Ms. Smith and Mr. Lanier felt the variances were not substantial, however Mr. Jensen, Mr. Duquesne and Mr. Haug believed they were substantial in context however not of great consequence because the addition remains in line with the existing house and is not visible from the street. Mr. Jensen felt the need for variances was self-created in the sense that they purchased a house with constructive knowledge of the side yard issue and that they want to expand with an addition, however he felt it was not self-created in the sense that

beyond that knowledge they did not do anything to create the situation. The applicant was informed of the standard conditions set forth in the draft resolution and agreed to each condition as presented.

Ms. Smith made a motion to grant the variances as requested and subject to conditions outlined in the draft resolution, seconded by Mr. Duquesne. All voted in favor. Motion carried; 5-0. Variance granted.

ITEM NO. 2 APPLICATION SUBMITTED BY MARIANNE HUGHES JOINER, 27 FOWLER STREET, TAX GRID NO. 30-5954-44-972638-00, R1-5 ZONING DISTRICT, TO CREATE AN ACCESSORY APARTMENT IN AN ACCESSORY STRUCTURE WHICH REQUIRES RELIEF FROM THE FOLLOWING: SECTION 223-17(C) FOR A 0.3 FT. SIDE YARD SETBACK (5 FT. REQUIRED); SECTION 223-17 (C) FOR A 3.7 FT. REAR YARD SETBACK (5 FT. REQUIRED); SECTION 223-17(E) FOR A 417 SQ. FT. ACCESSORY STRUCTURE (342 SQ. FT. MAXIMUM PERMITTED); SECTION 223-24(1)(F) TO PROVIDE ONE OFF-STREET PARKING SPACE (2 OFF-STREET PARKING SPACES REQUIRED); AND SECTION 223-26(C)(1) TO CREATE A PARKING AREA IN THE REQUIRED FRONT YARD

The public hearing on the application for variances as listed above was opened on a motion made by Mr. Haug, seconded by Mr. Duquesne. All voted in favor. Motion carried.

Steven Whalen of Whalen Architecture introduced his client, Maryanne Hughes Joiner who described her proposal to convert the existing garage into an accessory apartment. She and her husband moved to Beacon two years ago and feel it is the perfect combination of community and being close to the City. They have a young family and are planning to have another child however will need help because she was hospitalized during the last three months of her previous pregnancy. They want to convert the existing garage into an accessory apartment so their parents can be closer to support the family during this pregnancy. Ms. Hughes Joiner reported she went to neighbors about the variances and obtained support for her application. The following signatures of support were submitted for the record:

Brian Murphy 19 Fowler Street	Ian Panteleone 30 Fowler Street	Rose Dennis Quirk 23 Fowler Street
Sheila Bertolozzi 73 Fulton Avenue	Kevin Cummings 31 Fowler Street	Colm O'Shea 16 Fowler Street
Danielle Moses (tenant) 906 Wolcott Avenue	Kirsten Kucer (tenant) 24 Fowler Street	

Mr. Whalen explained they want to renovate and enlarge the existing dilapidated garage to create a one-bedroom accessory apartment. Variances are needed for the garage's existing side and rear yard setbacks, to allow the accessory structure to be 417 sq. ft. in size where 342 sq. ft. maximum is permitted, to provide one off-street parking space where two are required, and to allow parking in the required front yard. They want to enlarge the existing garage to allow space to create a living room area. Parking already takes place in the front yard which is not unusual to other houses on the street.

City Attorney Drew Gamils informed members that the application must go through the Planning Board for Site Plan Approval and the City Council for Special Permit Approval. Mr. Whalen reported new water and electric will be installed to service the accessory apartment. The garage could be relocated to comply with the 5 ft. side and rear yard setbacks which would eliminate two of the necessary variances. Discussion took place about the condition of the garage and the possibility that it be rebuilt smaller to meet zoning requirements. A lengthy discussion took place about the size of the existing house, the parking layout, moving the garage, reducing the size of the structure, and meeting state code requirements with regard to room size. The applicant will look into alternatives and return next month with a revised plan based on comments presented. Mr. Lanier opened the floor for public comment.

Kirsten Kucer, 24 Fowler Street, explained she is a tenant and caretaker of the property. She supported the variances requested and had no objection to the accessory apartment.

Mr. Duquesne asked that the site plan be revised to better delineate the boundaries of the driveway and parking area. Discussion took place restricting use of the accessory apartment as an Air B&B (not a permitted use in the City of Beacon) and whether occupancy of the accessory apartment could be limited to only relatives of the property owner. It was noted that accessory apartment regulations require the property owner to occupy one of the units on the premises.

There was no further discussion and Mr. Haug made a motion to adjourn the public hearing until the May 21, 2019 meeting, seconded by Ms. Smith. All voted in favor. Motion carried. The applicant will return with revised plans.

There was no further business to discuss and the meeting was closed on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried. The meeting adjourned at 8:00 p.m.