

Zoning Board of Appeals
October 16, 2019

The Zoning Board of Appeals met for a scheduled meeting on Wednesday, October 16, 2019 at 7:05 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman Robert Lanier, Members Judy Smith and Jordan Haug, City Attorney Drew Gamils and Building Inspector David Buckley were in attendance.

Mr. Lanier outlined the format of the Board's proceedings for the benefit of the public, explaining three out of five members were present and three votes would be needed to take action on a variance request. He then called for corrections/additions or a motion to approve the minutes of the September 17, 2019 meeting. Mr. Haug made a motion to approve the minutes of the September 17, 2019 meeting as presented, seconded by Ms. Smith. All voted in favor. Motion carried; 3-0.

ITEM NO. 1 APPLICATION SUBMITTED BY ROBERT VYE, 19 SOUTH ELM STREET, TAX GRID NO. 30-5954-27-813875-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(E) TO CONSTRUCT A 425 SQ. FT. DETACHED GARAGE (299 SQ. FT. MAXIMUM PERMITTED)

Robert Vye returned to continue the public hearing on his request for a variance at 19 South Walnut Street. He reported the size of his house was confirmed and based on the footprint a 299 sq. ft. accessory building is permitted. Mr. Vye explained he would like to construct a 426 sq. ft. garage which will allow space for a small workshop. Ms. Smith asked if he had any plans to put an addition on the existing house because a variance would not be needed if the footprint was larger. Mr. Vye had no plans to increase the size of his house.

Mr. Lanier opened the floor for public comment however no one from the public wished to speak. Ms. Smith 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 to allow construction of a 426 sq. ft. garage where 299 sq. ft. maximum is permitted. 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. The applicant was informed of the standard conditions set forth in the draft resolution. Members felt similar situations exist in the neighborhood and that the request was not substantial considering a larger house footprint would allow the applicant to construct a larger building.

After careful consideration, Mr. Haug made a motion to grant the variance as requested with typical conditions as outlined in the draft resolution. Mr. Lanier read through the conditions, noting the standard expiration period will now run in accordance with a building permit. The applicant has six months to obtain a building permit and two years to complete the project. Ms. Smith seconded the motion. All voted in favor. Motion carried; 3-0.

ITEM NO. 2 APPLICATION SUBMITTED BY DAVID MAROS, 1228 NORTH AVENUE, TAX GRID NO. 30-5955-75-792142-00, R1-7.5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-10(C)(4) TO ALLOW THE VACANT PRE-EXISTING, NON-CONFORMING TWO-FAMILY DWELLING THAT IS UNDER RENOVATION TO REMAIN UNOCCUPIED AND MAINTAIN ITS TWO-FAMILY STATUS UNTIL RENOVATIONS ARE COMPLETE

City Attorney Drew Gamils explained this application for an extension was not necessary because the applicant is actively pursuing renovations to the existing two-family house. The applicant received approvals from the Planning Board and work is ongoing.

Miscellaneous Business

35 Rombout Avenue - Request for 6-month extension of approval granted 7/17/18

Mr. Buckley explained a variance for an addition with an 8.1 ft. side yard setback was granted on July 17, 2018 and is one of the variances with a condition that construction must be completed within six months. He explained they have an active building permit for the addition which is framed with windows, however they ran into a problem with the original contractor. Their building permit doesn't expire until December 3, 2020 therefore Mr. Buckley suggested the variance expiration be synced with the building permit. After careful consideration, Mr. Haug made a motion to extend the variance to a date certain (December 3, 2020), seconded by Ms. Smith. All voted in favor. Motion carried; 3-0.

There was no further business to discuss and Mr. Haug made a motion to adjourn the meeting, seconded by Ms. Smith. All voted in favor. Motion carried; 3-0. The meeting was adjourned at 7:20 p.m.