

Zoning Board of Appeals
January 22, 2020

The Zoning Board of Appeals met for a scheduled meeting on Wednesday, January 22, 2020 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman David Jensen, Members Robert Lanier, Judy Smith and Elaine Ciaccio; City Attorney Drew Gamils and Building Inspector David Buckley were in attendance. Jordan Haug was absent.

Training Session

City Attorney Drew Gamils summarized the Zoning Board of Appeals general procedures and duties and reviewed Section 223-55 of the City Code, Rules of Procedures, and provided a Power Point presentation on the overall process. She explained why variances are allowed, who has authority to issue variances, how variances work, and provided statutory standards for area and use variances. Members reviewed each of the factors that must be met for use variances and described the purpose of the Comprehensive Plan as it relates to the zoning code. Training will continue at the February meeting.

Regular Meeting

For the benefit of the public, City Attorney Drew Gamils explained any vote that ends in a tie is a negative vote. Mr. Jensen explained three votes are needed to take action on a variance request. Ms. Smith made a motion to open the meeting, seconded by Mr. Lanier. All voted in favor. Motion carried.

Because three affirmative votes are needed to take action and only two members that participated in the November 2019 meeting were present, the minutes of the November 19, 2019 meeting will be voted on at the February 2020 meeting.

ITEM NO. 1 APPLICATION SUBMITTED BY CAROLYN BACCARO, 9 WASHINGTON AVENUE, TAX GRID NO. 30-6054-39-287664-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-13(G) FOR A 6 FT. HIGH FENCE IN THE FRONT YARD (4 FT. MAXIMUM PERMITTED)

Ms. Ciaccio made a motion to reopen the public hearing on the application for relief from Section 223-13(G) for a 6 ft. high fence in the front yard, seconded by Mr. Lanier. All voted in favor. Motion carried.

City Attorney Drew Gamils described the variance request. Mr. Jensen and Ms. Ciaccio confirmed they reviewed the last meeting's video to familiarize themselves with information presented in November 2019.

Stephanie (last name withheld), 20 Washington Avenue, explained she has lived in her home for 25 years and one-third of her property is across the street from the applicant. After returning from vacation she saw that a 6 ft. high fence had been installed. She feels it looks out of place for the neighborhood and it is uninviting. She believed the Baccaro's to be nice people but couldn't understand why they installed such a high fence as they only have small dogs. If installed for security purposes there haven't been any problems in the neighborhood according to

her review of the police blotter. At the November meeting the applicant's indicated they have a very small rear yard and wanted privacy in the front yard however they were aware of this condition when they purchased the property. Stephanie understood they want to block noise from the street but did not support their variance request for the excessively high fence. She felt that no type of landscaping could be planted in the small area along the fence to soften its appearance.

Pamela May, 98 Washington Avenue, explained she had a similar reaction to the high fence when she returned from an extended stay away from home. She also viewed the last meeting's video and felt they should have been aware that Washington Avenue was a busy street and that the house had a very small yard. Ms. May explained that only a small portion of sidewalk exists in front of their house and that most foot traffic is on the other side of the street.

Stephanie agreed that most foot traffic is on her side of the street and even that is not at a disruptive level.

The applicant left the meeting for an unknown reason, and although this is the second meeting no new information was presented. Mr. Jensen confirmed that all members had taken the opportunity to view the property. He asked what regulations were on the books before the 6 ft. height restriction was put into place in 2012. City Attorney Drew Gamils will look into the history of the regulation.

Mr. Lanier made a motion to adjourn the public hearing until the February meeting, and informed members of the public that their comments will be duly noted in the event they can't or don't want to attend the next meeting. The motion was seconded by Ms. Ciaccio. All voted in favor. Motion carried.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Lanier, seconded by Ms. Smith. All voted in favor. Motion carried. The meeting adjourned at 7:50 p.m.