

**Zoning Board of Appeals**  
July 21, 2020

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, July 21, 2020. Due to public health and safety concerns related to COVID-19, the Zoning Board of Appeals did not meet in person. In accordance with the Governor's Executive Order 202.1, the July 21, 2020 meeting was held via videoconferencing. The live meeting online was available on YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>. Comments could be called in during the meeting at **(929) 205-6099; Webinar ID: 859 0328 0286; Password 704986**.

In attendance during the Zoom meeting were Chairman David Jensen, Members Robert Lanier, Jordan Haug, Judith Smith, and Elaine Ciaccio; Building Inspector David Buckley, and City Attorney Drew Gamils.

Mr. Haug made a motion to open the meeting, seconded by Ms. Smith. All voted in favor. Motion carried. Mr. Lanier called for corrections/additions or a motion to approve the minutes of the March 17, 2020 meeting. Mr. Lanier made a motion to approve the minutes of the March 17, 2020 meeting as presented, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

**Miscellaneous Business**

Consider request for a six (6) month extension of Area Variance, 23-28 Creek Drive, submitted by 23-28 Creek Drive, LLC

Attorney Taylor Palmer of Cuddy & Feder presented his client's request for a six (6) month extension of the Area Variance for 23-28 Creek Drive that was adopted on September 17, 2019. Since their last appearance the property was purchased, the subdivision was approved by the Dutchess County Department of Health, and a demolition permit was obtained from the City. Site remediation measures will commence shortly and Mr. Palmer reported Docuware is anxious to start development of the site. City Attorney Gamils explained the Planning Board and City Council approved extensions which will expire within the same timeframe. After careful consideration of the request, Mr. Haug made a motion to grant a six (6) month extension as requested, seconded by Mr. Lanier. Mr. Jensen read from the resolution, "Now therefore be it resolved that the City of Beacon Zoning Board hereby grants a six (6) month extension of the variances referenced herein for property located herein for property located at 23-28 Creek Drive to expire on January 14, 2021. Be it further resolved, except as specifically modified by the amendment contained herein, the Zoning Board of Appeals Resolution dated September 17, 2019 is otherwise to remain in full force and effect." All members voted in favor of the motion. Motion carried; 5-0.

Consider request for a six (6) month extension of Use Variance and Area Variance, 53 Eliza Street, submitted by PIE Development Company, Inc.

Attorney Taylor Palmer of Cuddy & Feder presented his client's request for a six (6) month extension of the Use and Area Variances granted for 53 Eliza Street as adopted on February 20, 2019. He explained this is similar to Creek Drive in process and review. The applicant has worked diligently to fulfill all conditions of the Planning Board's approval and has submitted their performance bond to the City Attorney for review and approval. Mr. Jensen read the resolution, "Now therefore be it resolved that the City of Beacon Zoning Board hereby grants a six (6) month extension of the variances referenced herein for property located herein for property located at 53 Eliza Street to expire on January 9, 2021. Be it further resolved, except as specifically modified by the amendment contained herein, the Zoning Board of Appeals Resolution dated February 20, 2019 is otherwise to remain in full force and effect." After careful consideration, Mr. Lanier made a motion to grant the extension as requested, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

**ITEM NO. 1 REVIEW APPLICATION SUBMITTED BY ROBIN DALEY, 49 PROSPECT STREET, TAX GRID NO. 30-6054-46-249593-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A ONE-CAR GARAGE WITH A 6.6 FT. SIDE YARD SETBACK (10 FT. REQUIRED)**

Mr. Haug made a motion to open the public hearing on the application submitted by Robin Dale, 49 Prospect Street, for relief from Section 223-17(C) to construct a one-car garage with a 6.6 ft. side yard setback, seconded by Mr. Lanier. All voted in favor. Motion carried.

Owner Robin Daley explained he built the house in 2002 and intended to put a garage in the basement but couldn't because the foundation had to be lowered. He now wants to attach a 13-foot wide garage, with a second story above, on the grassy area to the left of the house with a second story above. The second floor will have a guest bedroom for his in-laws who live in South America and stay for extended periods of time. It will also have a sewing room, office and a small bathroom. Mr. Daley explained there will be connection to the garage will be from the house and addition, not to the basement. Discussion took place with regard to the house which is not situated square within the lot lines and Mr. Daley explained the house was placed so it would be parallel to the street. Mr. Jensen opened the floor for public comment however no one from the public wished to speak. Mr. Jensen read the following comment letter submitted for consideration:

We support Bob's plan for his home on prospect. While I don't agree with building houses to lot sizes (this is more of an issue with John Joseph Construction and other monsters), Bob is a gracious and considerate neighbor and I would like to see him carry out his plan. He has always wanted a garage. He informed us of his plans and showed us the blueprints, we talked details and he sent the community letters. The addition looks to blend with the home's current design and is significantly more tasteful than the garage forward designs on Duncan (whoever approved that design needs to be fired) in addition Bob talked about doing some aesthetic work on our side of the house which won't be affected by the build out. He offered to put a fence around his AC (he immediately did it) to decrease the volume. This was very kind of him to do as AC units are extremely loud. We live on a corner lot so we don't really have a designated backyard and it's important to have good neighbors such as Bob to work out such issues with. I think he should be allowed his 7 ft as the lot is not square. There are two or three larger trees that may be removed to accommodate the addition and my wishes are that the trees may be replaced. This is none of my

business it's just my wishes. \*General statements for meeting\* for our neighborhood, we are asking for new playground signs, painted crosswalks and walkable sidewalks to make it safer for kids to travel to Green Street park as prospect is a speed cut through for people to get to east main. Workers have just started removing the old playground today, we would love an update on that plan.

Matthew W. Robinson  
25 First Street (corner of Prospect and First)

Mr. Daley reported two trees on his property that are leaning up against the fence and somewhat hang over the O'Dell property will be taken down. He spoke with the O'Dell's who agree they could be dangerous to their property if they fell. He agreed with the suggestion to plant new trees and will work with his neighbor with regard to planting.

Mr. Buckley reported the applicant originally proposed a larger addition with a 1.2 ft. setback and after working with him, the plan was reduced to achieve the least variance possible. The garage could fit behind the house to avoid the need for a variance however it would be difficult due to the topography. It would create a very steep driveway exceeding the 14% maximum grade restriction. The applicant was also reluctant to take away from their rear yard and did not want to reconfigure the house internally to relocate the master bedroom and bath.

There were no further comments and no one from the public wished to speak. Mr. Lanier made a motion to close the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried.

**Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the requested area variances?**

After careful consideration of the request and neighboring properties, members felt an undesirable change will not be produced in the character of the neighborhood nor be a detriment to nearby properties.

**Can the benefit the applicant seeks be achieved through another method, feasible for the applicant to pursue, that does not require area variances?**

Due to the slope in the applicant's backyard, the board felt the proposed location for the garage is the only solution that makes sense, also considering the applicant's good faith effort to reduce the infringement.

**Are the requested variances substantial?**

Members felt the variance request was substantial however the applicant agreed to scale down the variance. Members agreed that the initial plan was far more substantial.

**Will the proposed variances have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?**

The board found that the proposed variance would not have an adverse impact on the physical or environmental condition of the neighborhood.

**Is the alleged difficulty self-created?**

Members determined the difficulty to be self-created.

After some discussion, members felt the requested variance was the minimum necessary and adequate to preserve and protect the character of the neighborhood. The variance was downsized and made only large enough to adequately fit a vehicle.

The applicant was informed of the conditions set forth in the resolution, most significantly that a permit must be obtained within six months with two years to complete construction. Mr. Daley was aware that he could seek an extension if needed but saw no issue in completing the project within the timeframe set forth in the resolution.

After careful consideration, Ms. Smith made a motion to grant the variance with conditions outlined in the draft resolution, seconded by Ms. Ciaccio. On roll call Ms. Smith, Ms. Ciaccio, Mr. Haug, Mr. Lanier and Mr. Jensen voted to grant the variance as requested. Motion carried; 5-0.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Smith, seconded by Mr. Lanier. All voted in favor. Motion carried. The meeting adjourned at 7:48 p.m.