

**Zoning Board of Appeals
June 20, 2017**

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, June 20, 2017 at 7:00 p.m. in the Municipal Center courtroom, One Municipal Plaza, Beacon, New York. Chairman Jack Dunne and Members Neil Sullivan, Robert Lanier, Judy Smith, and Jordan Haug; Building Inspector Tim Dexter; and City Attorney Nick Ward-Willis were present.

Mr. Dunne outlined the format of the Board's proceedings for the benefit of the public. He noted five members were present and three votes would be needed to take action on a variance request. The meeting was then opened on a motion made by Mr. Lanier, seconded by Ms. Smith. All voted in favor. Motion carried.

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the May 16, 2017 meeting. The board secretary pointed out that a few minor grammatical corrections were made to the minutes and members took the opportunity to review the amended minutes. Mr. Sullivan made a motion to approve the minutes of the May 16, 2017 meeting as amended, seconded by Mr. Haug. All voted in favor. Motion carried.

Mr. Dunne announced that Item No. 3 on the agenda, 475 Main Street, was postponed at the applicant's request. Mr. Dexter explained the applicant is before the Planning Board for Site Plan Approval therefore they must act on the SEQRA environmental review before going before the Zoning Board of Appeals.

ITEM NO. 1 APPLICATION SUBMITTED BY 184 MAIN, LLC (BRIAN ARNOFF), 184 MAIN STREET, TAX GRID NO. 30-5954-27-811956-00, CB ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-15(E)(1) TO ALLOW A SECOND IDENTIFICATION SIGN ON THE BUILDING

The public hearing on the application submitted by 184 Main, LLC (Brian Arnoff), 184 Main Street, seeking relief from Section 223-15(E)(1) to allow a second identification sign on the building was opened on a motion made by Mr. Haug, seconded by Mr. Lanier. All voted in favor. Motion carried.

Brian Arnoff of 184 Main, LLC and residing at 9 Maple Street, described his proposal to install two signs "Meyers Old Dutch", on the building at 184 Main Street. He explained the building has space for a sign above the front door however he also wants to add a perpendicular sign for people to see from the street. Mr. Dexter explained the code only allows one identification sign affixed to the building façade. He reviewed size limitations and reported in this case the applicant is just over the total square footage permitted. Mr. Dexter recommended the board to reference the size of the sign if the variance is granted. City Attorney Nick Ward-Willis added that the size and location of the sign should be added to the resolution to provide the Building Department with guidance into the future.

Mr. Dunne opened the floor to public comment however 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.

After careful consideration of factors set forth for area variances, Ms. Smith made a motion to grant the variance, subject to the sign being hung on the easterly side of the building and that it be limited to 2.43 sq. ft. Mr. Lanier seconded the motion. All voted in favor. Variance granted; 5-0

ITEM NO. 2 APPLICATION SUBMITTED BY JOSEF WALDEN, 18 MILLER STREET, TAX GRID NO. 30-5954-44-891677-00, R1-5 ZONING DISTRICT, FOR A USE VARIANCE SEEKING RELIEF FROM 223-14(E)(1) TO CONSTRUCT A GARAGE ON A VACANT RESIDENTIAL LOT

The public hearing on the application submitted by Josef Walden, 18 Miller Street, for a use variance seeking relief from 223-14(E)(1) to construct a garage on a vacant residential lot was opened on a motion made by Ms. Smith, seconded by Mr. Sullivan. All voted in favor. Motion carried.

Josef Walden described his proposal to construct a garage on the vacant lot adjacent to his house. Although he plans to construct a new house on the lot, he cannot afford to at this time because there are easements and a drainage structure that must be addressed. A shed currently exists on the lot; and an existing garage on his property at 16 Miller Street encroaches on the vacant lot. The garage and shed would be removed and a new garage located so as to allow adequate space to build a house next to it. The garage would be used for storage of personal items, i.e. ATV, kid's toys, motorcycle, etc. Drainage on the lot needs to be rerouted before he can build the house. Mr. Walden explained he plans to build within the next five years, and a lot line realignment would not allow him the space to construct a house. Further, the garage is falling down and he doesn't want to repair it or build a new one in the same location.

City Attorney Nick Ward-Willis explained construction of an accessory building without a primary structure is not permitted therefore all criteria of a use variance must be met. The applicant must show that he can't achieve a reasonable return on the property by providing dollars and cents proof. He advised members that they do not have the authority to grant a variance if all four criteria required for a use variance are not met. The applicant must prove that he cannot realize a reasonable return, the hardship is unique and does not apply to a substantial portion of the neighborhood, that it will not alter the character of the neighborhood, and that the hardship was not self-created. Mr. Walden explained he has no intent to sell or try to make profit from the property. He contended the financial hardship lies in engineering and the cost of relocating drainage illegally installed on his property. Mr. Walden said he did not go to the City about it because he believed they would not assist with relocating the drainage. City Attorney Nick Ward-Willis advised Mr. Walden to approach the City, and return with financial information to prove the hardship. After some discussion, Mr. Walden asked for an adjournment and the City Attorney advised members that it must be adjourned to a specific date.

Ms. Smith made a motion to postpone the public hearing until the September 19, 2017 meeting as requested by the applicant, seconded by Mr. Haug. All voted in favor. Motion carried. City Attorney Nick Ward-Willis advised the applicant to review the criteria that must be met for granting of a use variance prior to returning in September.

Mr. Haug made a motion to go into executive session for advice of counsel, seconded by Mr. Lanier. All voted in favor. Motion carried. Members went into executive session at 7:30 p.m.

Mr. Lanier made a motion to come out of executive session at 8:25 p.m., seconded by Mr. Dunne. All voted in favor. Motion carried. There was no further business to discuss and Mr. Lanier made a motion to adjourn the meeting, seconded by Mr. Haug. All voted in favor. Motion carried. The meeting adjourned at 8:25 p.m.