

**Zoning Board of Appeals
July 18, 2017**

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, July 18, 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; and Building Inspector Tim Dexter 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 Ms. Smith, seconded by Mr. Lanier. All voted in favor. Motion carried.

Mr. Dunne called for corrections/additions or a motion to approve the minutes of the June 20, 2017 meeting. Ms. Smith believed the City Planner was present at the June meeting however he attended April's meeting. Mr. Sullivan made a motion to approve the minutes of the June 20, 2017 meeting, seconded by Mr. Haug. All voted in favor. Motion carried.

APPLICATION SUBMITTED BY RINA SHUMAN, CORNER LOT AT MADISON AVENUE AND PROSPECT STREET, TAX GRID NO. 30-6054-46-208527-00, R1-10 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-17(C) TO CONSTRUCT A NEW SINGLE FAMILY HOUSE WITH A 12.2 FT. SIDE YARD SETBACK (15 FT. REQUIRED) AND 37.2 FT. TOTAL SIDE YARD SETBACKS (40 FT. REQUIRED)

The public hearing on the application submitted by Rina Shuman, corner lot at Madison Avenue and Prospect Street, seeking relief from Section 223-17(C) to construct a new single family house with a 12.2 ft. side yard setback and 37.2 ft. total side yard setbacks was opened on a motion made by Mr. Lanier, seconded by Mr. Haug. All voted in favor. Motion carried.

Engineer Dan Koehler of Hudson Land Design described his client's proposal to construct a new single family house on a vacant lot located on the northwest corner of Madison Avenue and Prospect Street. This is a pre-existing non-conforming corner lot in the R1-10 Zoning District. The house would face Prospect Street however the lot is narrow and in order to meet the required side yard setbacks, it could only be 22.5 ft. wide. They felt a 24 ft. wide house would be more appropriate however it requires a 12.2 ft. side yard variance on one side where 15 ft. is required, and a total of 37.2 ft. combined side yard setbacks where 40 ft. is required.

Brian Higley, 43 Vail Avenue, a 13 year resident expressed his opposition to the requested variance. He believed the lot as shown is not legal and is smaller required by zoning. He believed it would have a negative impact on the neighborhood because it will be a noticeable difference as most lots in the area are much larger. Mr. Higley felt it would set a negative precedence and reduce his property values. He believed the zoning code is meant to protect residents' investments.

Angelo Pomarico, 88 Prospect Street, presented a petition signed by all adjoining homeowners and read it into the record:

Ref: Application by Shuman requesting relief from Section 223-17(C) to construct a new single family house on the corner of Madison Avenue and Prospect Street. We the undersigned oppose the construction of any house/dwelling on this undersized parcel. A similar request was submitted in April 2005 and was rejected by the Zoning Board. The parcel remains unchanged and is grossly undersized at 5,500 sq. ft. (10,000 sq. ft. are required)

Angelo Pomarico 88 Prospect Street	Brian Higley 82 Prospect Street	Anastatia Cypher 816 Wolcott Avenue
Brian & Sarah Mencher 57 Vail Avenue	Louis J. Amoroso, Sr. 40 Vail Avenue	Jennifer Ulrich 47 Madison Avenue

Mr. Pomarico felt the house would not fit in the neighborhood and the only thing that's changed is property ownership. The lot is undersized by half of what is required and a house would only be 10 ft. wide. He contested the setback measurements on the plan and felt it impossible to achieve what is shown. Mr. Pomarico believed it an extreme request which is why it wasn't approved in 2005. He pointed out the survey doesn't list the current owner and urged the variance be denied.

Mr. Dexter explained this is a pre-existing non-conforming lot which can be built on if setbacks are met. The applicant is seeking relief from those setbacks, and if they propose a house that meets the setbacks it would require architectural approval from the Planning Board. A lengthy discussion took place with regard to the map and its accuracy.

Georgeann Rutkowski, 17 Rector Street, a 31 year resident was appalled with the building under construction on Main Street. She lives near the proposed house and what is being approved in the City is not approved by citizens of Beacon.

Anne Cypher, 816 Wolcott Avenue, attended the meeting when the previous application was denied. She asked if the sidewalk on Madison Avenue and Prospect Street was being included as part of the parcel and believed the fire hydrant encroaches on the lot as well. Ms. Cypher questioned the application because the representative signed it rather than the owner. She felt the lot is too small because other lots in the neighborhood conform to the R1-10 zoning.

Brian Mencher, 57 Vail Avenue on the corner of Propsect Street and Vail Avenue, echoed the sentiments of fellow neighbors. He felt it would not conform to the neighborhood because it would be a 900 sq. ft. house where others in the area are much larger. He spoke about the moratorium that may be enacted. Mr. Mencher did not want to see properties squeezed in and that a 24 ft. wide house was not what Beacon needs.

Dan Hairston, 94 Prospect Street, echoed the concerns of his neighbor's. He felt the schematics do not clearly show how close it would be to the adjacent house. Mr. Hairston believed zoning laws are created for preservation and that it would be a travesty to approve the variances requested. Lastly he expressed concern that the close proximity of the houses would endanger public safety and asked that the variances be denied.

Theresa Kraft, 315 Liberty Street, felt zoning regulations should be adhered to and requested denying variances to developers. She asked the board to stop granting variances because it is not good growth for Beacon.

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

Mr. Koehler asked for an adjournment to allow time to collect additional information for the appeal. After careful consideration of the applicant's request, Ms. Smith made a motion to adjourn the public hearing until the September meeting, seconded by Mr. Sullivan. On roll call Ms. Smith, Mr. Sullivan, Mr. Dunne and Mr. Lanier voted in favor of the motion, Mr. Haug voted against the motion. Motion carried; 4-1. Mr. Haug felt the community spoke and that the applicant should revise their request and apply for a more reasonable variance.

ITEM NO. 2 APPLICATION SUBMITTED BY 605 N. MACQUESTEN PKWY, LLC (AS A SINGLE MEMBER FOR 475 MAIN STREET BEACON, LLC), TAX GRID NO. 30-6054-37-076730-00, CB ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(D) TO CREATE 7 APARTMENTS IN THE BUILDING AT 475 MAIN STREET (3 PERMITTED)

This item was postponed pending action from the Planning Board.

ITEM NO. 3 APPLICATION SUBMITTED BY JOHN HAGEDORN & PATRICIA KREGER, 41 CLIFF STREET, TAX GRID NO. 30-5954-34-745871-00, R1-5 ZONING DISTRICT, SEEKING RELIEF FROM SECTION 223-26(C)(1) TO CREATE PARKING IN THE REQUIRED FRONT YARD

The public hearing on the application submitted by John Hagedorn & Patricia Kreger, 41 Cliff Street, seeking relief from Section 223-26(C)(1) to create parking in the required front yard was opened on a motion made by Mr. Sullivan, seconded by Ms. Smith. All voted in favor. Motion carried.

John Hagedorn and Patricia Kreger, 41 Cliff Street, presented their proposal to convert the one car attached garage into an artist studio for Ms. Kreger to use for her painting. They would park in the driveway, technically the front yard, which is not permitted by zoning. They looked at adding a parking area next to the house but it is impractical due to the slope of land and a retaining wall. Mr. Hagedorn presented photos of their property. He said they spoke to neighbors who were in favor of their request.

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.

Mr. Dexter explained the artist studio is a permitted use however once the garage is no longer used for parking, it forces residents to park in the driveway which is technically the front yard. Basically, they are asking for permission to park in their existing driveway.

Mr. Dunne read the following memorandum from the Planning Board, and letters from neighbors into the record:

At their last meeting, the Planning Board reviewed the Zoning Board of Appeals agenda and offered an advisory opinion for the application submitted by John Hagedorn and Patricia Kreger to allow off-street parking in the required front yard at 41 Cliff Street. As in the past, members were opposed to permitting parking in the required front yard and recommended the request be denied. As always the final decision will be based on your review of the application but the Planning Board felt the aforementioned factors should be offered as an advisory viewpoint.

We here at 34 Cliff Street have no problem with the renovation plans of Pat Kreger and John Hagedorn, our neighbors at 41 Cliff Street. Turning their garage into an art studio and replacing the garage door with double doors is fine with us. We understand that this means that they will part in their current driveway, and that is perfectly OK with us. Thank you.

Mark Morgan
34 Cliff Street

Be advised that we support the efforts of our new neighbors, John Hagedorn and Pat Kreger, to convert their single car garage into an art studio, and to replace their garage door with regular exterior doors. We see no problem with them parking in their driveway.

Cesar Saragozin
36 Cliff Street

Our neighbors at 41 Cliff Street, John Hagedorn and Pat Kreger, want to finish their one-car garage in order to turn it into an art studio. To let in more light they also want to replace the garage door with double doors. We support their renovation plans and their parking in the driveway. We wish them the best in their new home in Beacon.

Kurt Zischke
40 Cliff Street

Our neighbors at 41 Cliff Street, Pat Kreger and John Hagedorn, have notified us of their intent to renovate their property by transforming their garage into an artist's studio and replacing the existing garage doors with exterior double doors. We understand that this renovation would require them to park their vehicles in the existing driveway, located at the front of their property. We here at 43 Cliff Street wholeheartedly support this endeavor, and respectfully request that the Zoning Board of Appeals give serious consideration to approval of this variance. Thank you for your attention to this matter.

Milena Pisano McNally, Esq. and Peter McNally
43 Cliff Street

Mr. Dunne opened the floor to public comment however no one from the public wished to speak. Mr. Haug made a motion to close the public hearing, seconded by Mr. Lanier. All voted in favor. Motion carried.

After careful consideration of factors set forth for area variances, Mr. Haug made a motion to grant the variance as requested, seconded by Mr. Lanier. All voted in favor. Variance granted; 5-0.

ITEM NO. 4 APPLICATION SUBMITTED BY BEACON TODD, LLC, 18 WEST MAIN STREET, TAX GRID NO. 30-5954-26-647966-00, LINKAGE (L) ZONING DISTRICT, FOR RELIEF FROM SECTION 223-41.21 TO CREATE A 6,600 S.F. RETAIL SPACE (5,000 S.F. MAXIMUM PERMITTED)

The public hearing on the application submitted by Beacon Todd, LLC, 18 West Main Street, for relief from Section 223-41.21 to create a 6,600 s.f. retail space was opened on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried.

Architect David Burke presented Brett Feller's proposal to create a hardware store in the existing commercial building at 18 West Main Street located in the Linkage Zoning District. Mr. Feller, a Beacon resident, explained he currently owns and operates two 10,000 sq. ft. hardware stores, one in New Windsor and one in Newburgh. He wants to open a 6,600 hardware sq. ft. store in Beacon however only a 5,000 sq. ft. retail space is permitted in the Linkage District. Mr. Feller explained they feel a larger space is necessary in order to fulfill the needs of Beacon citizens and contractors. He presented a diagram of the space differential between 5,000 sq. ft. and the proposed 6,600 sq. ft.

Mr. Burke explained the building owner recognizes certain building and site upgrades will be needed to create a storefront. A new 30 ft. x 6-8 ft. glazed storefront façade will be created bring transparency into the store. In addition the owner will add landscaping, a patio, and benches to create a linkage to the street. Mr. Burke presented the proposed building improvements.

Mr. Dexter explained the retail use is permitted as of right in the Linkage Zoning District. A 5,000 sq. ft. maximum of retail space permitted and they are seeking approval to allow an expansion to 6,600 sq. ft. within the existing building. Mr. Dunne opened the floor for public comment.

Laura Donahue-Bell, 326 Washington Avenue, believed the request to be substantial and that the board should adhere the codes that exist. She felt there no reason to vary from the law.

Daniel Aubry, 5 Bridge Street, mourned the passing of the former hardware store and supported the variance.

Brett Feller explained the former Nichol's Hardware store did not survive because they needed more space to accommodate the needs of the community.

Georgeann Rutkowski, 17 Rector Street, supported the hardware store and was in favor of the requested variance.

Eleni Smolen, 4 DeWindt Street, supported the hardware store and was in favor the requested variance.

Peter Schlemowitz, 7 Jackson Street, supported the variance and was in favor of the proposed building and site improvements. He felt Beacon needs a hardware store and if size is a factor then he wholeheartedly supported the applicant's request.

Michael Herron, owner of Two Way Brewery also at 18 West Main Street expressed his support of the variance, and wished they were there when his business was under construction. He felt it only a minor change that will not be noticed, a small request in the realm of business.

Theresa Kraft, 315 Liberty Street, had concern that the True Value sign will be large and lit up in neon. She felt signage should be considered.

Mr. Dexter reported the applicant's representative, David Burke, is also a Planning Board member and explained there is not a conflict of interest because the project does not require Planning Board approval. The applicant is only here for a variance to allow the retail space to exceed what is permitted. Mr. Feller explained the True Value sign will not be bold and will be kept lower on the window. Mr. Dunne read the following memorandum from the Planning Board into the record:

At their last meeting, the Planning Board reviewed the Zoning Board of Appeals' agenda and offered an advisory opinion for the application submitted by Hudson Todd, LLC for a variance to create a 6,600 sq. ft. retail space where 5,000 sq. ft. is permitted in the existing building at 18 West Main Street. Members discussed the application and supported the request because they felt the space would be appropriate for the proposed use as a hardware store. As always the final decision will be based on your review of the application but the Planning Board felt the aforementioned factors should be offered as an advisory viewpoint.

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

After careful consideration of factors set forth for area variances, Mr. Lanier made a motion to grant the variance for a hardware store, seconded by Ms. Smith. All voted in favor. Variance granted; 5-0.

ITEM NO. 5 APPLICATION SUBMITTED BY STEPHEN SPACARELLI, KNEVELS AVENUE, TAX GRID NO. 30-5954-16-950472-00, R1-40 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) TO CONSTRUCT TWO NEW SINGLE FAMILY HOUSES (AFTER RECEIVING SUBDIVISION APPROVAL) WITH ONE HOUSE HAVING A 27.9 FT. FRONT YARD SETBACK AND ONE HOUSE HAVING A 28.1 FT. FRONT YARD SETBACK (50 FT. REQUIRED)

The public hearing on the application submitted by Stephen Spacarelli, Knevels Avenue, for relief from Section 223-17(C) to construct two new single family houses with one house having a 27.9 ft. front yard setback and one house having a 28.1 ft. front yard setback was opened on a motion made by Mr. Lanier, seconded by Mr. Sullivan. All voted in favor. Motion carried. Mr. Haug recused himself as Mr. Spacarelli is a client of his law firm.

Stephen Spacarelli described his proposal to subdivide a parcel of land into two lots which requires installation of a private road. He wants to locate the houses closer to the private road to preserve mature trees on site. The private road is below Sargent School therefore moving the houses closer will have minimal impact. The houses will be 80 ft. from the property line and set back from the private road where the ground is level. Moving the houses back to the required front yard setback will necessitate involve removal of many trees to create a retaining wall. In

addition, Mr. Spacarelli explained the new houses will be more in line with the existing home at the end of the private road. Mr. Dunne opened the floor to public comment.

Andrea Davis, 94 Knevels Avenue, explained she's owned her home at the end of the private road for 11 years. She had concern about the houses being closer to the private road and asked that a buffer remain between their homes. Ms. Davis always knew a house would be built on the property but didn't think it would be subdivided for two houses. She asked that a buffer be preserved between the new houses and her property.

Terry Davis, 94 Knevels Avenue, agreed with the proposal and had no problem with the requested setback. He's met with the Spacarelli's and feel they have done what they can to preserve the land.

Laura Donahue-Bell, 326 Washington Avenue, expressed concern that the subdivision isn't approved yet they are asking for variances.

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

After careful consideration of factors set forth for area variances, Ms. Smith made a motion to grant the variances as requested subject to receiving final Subdivision Approval from the Planning Board, seconded by Mr. Lanier. All voted in favor. Variance granted; 5-0.

ITEM NO. 6 APPLICATION SUBMITTED BY HIGHVIEW DEVELOPMENT, LLC, 226 MAIN STREET, TAX GRID NO. 30-5954-27-860918-00, CMS ZONING DISTRICT, TO CONSTRUCT A NEW BUILDING WHICH REQUIRES RELIEF FROM SECTION 223-41.18(D)(5) FOR A 10 FT. REAR YARD SETBACK (25 FT. REQUIRED) AND SECTION 223-41.18(F)(2)(A) TO PROVIDE NO OFF-STREET PARKING SPACES (8 OFF-STREET SPACES REQUIRED)

The public hearing on the application submitted by Highview Development, LLC, 226 Main Street, to construct a new building requiring relief from Section 223-41.18(D)(5) for a 10 ft. rear yard setback and Section 223-41.18(F)(2)(a) to provide no off-street parking spaces was opened on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried.

Architect Aryeh Siegel described his client's proposal to replace the existing auto body shop with a new four-story mixed use building having 8 apartments above and retail space on the street level. Mr. Siegel read the positive endorsement sent from Dutchess County Department of Planning & Development. He explained they need a 10 ft. rear yard setback rather than 25 ft. so the building has enough depth to make it feasible to create apartments with corridors. The existing building currently sits on the property line and the Zoning Board has previously granted similar variances in the CMS zoning district. In addition, they are requesting a variance for 8 off-street parking spaces because the lot is very small. Municipal parking lots are located very near the site and the City is working on an agreement with Dutchess County to utilize their parking lot across the street. The number of curb cuts will be reduced which will add two on-

street parking spaces. Mr. Siegel reported the informal survey of on-street parking during evening and night hours revealed there to be ample space.

Georgeann Rutkowski, 17 Rector Street, asked about the water shortage and felt development should not be allowed to continue.

Theresa Kraft, 315 Liberty Street, asked the board to deny the variances. She feels everyone on Main Street will be impacted by the lack of parking and that building not be allowed on every square inch of property.

Michal Mart, 49 Sycamore Drive, believed use of the municipal lots have been slated for use by another building. Residents typically have more than one car and there will be no place to park during snow storms. She felt close attention should be given to other projects taking place in the same area.

Melissa Ortquist, 17 Church Street, said they often have often have problems with parking, particularly on Sundays when church is in session. Often her driveway is blocked and they've had to call the police to get out. She was concerned that a 200 year old Copper Beech tree and antique gardens on the property will die due to the tall building. Ms. Ortquist reported 17 Church Street was Beacon's first hospital and the new building will be a detriment to the property.

Resident (name not clear) at 23 Church Street reported there are so many cars parked that it becomes a one-way street. The tall building will shade the Ortquist house and residents of the new building will be able to see in their back yard. He felt Beacon is growing much too fast and that although the corner vehicle repair shop is an eyesore, it shouldn't be replaced with a huge building. He also felt 8 parking spaces would not be enough.

Carol Brown-Naidu, 10 South Elm Street, can't get out of her house as it is with the amount of traffic and it becomes a one-way street due to the number of parked cars. She had concern that the fire department may take of the DMV building and feels residents are being pushed out.

Attorney Jonathan Berk, 4 North Elm Street, said the tall building will decrease light on neighboring properties. He feels this project will have a detrimental impact on the area and cited standards for obtaining a use variance. He asked that the variance be denied due to the lack of light and inadequate parking.

William Cohen, 43 Liberty Street, felt too many people are moving here from Manhattan and they are destroying the atmosphere. He opposed the new growth and wants Beacon to keep its charm. Mr. Cohen felt parking should be provided and asked the board to deny the variance.

Robert Bomersbach, 814 Wolcott Avenue, a 14 year resident opposed the request and asked the board to stop granting variances. He encouraged the board to take time with development and to consider the impact on our resources.

Ann Cypher, 816 Wolcott Avenue, a 40 year resident felt this building should be required to provide off-street parking because she's required to have off-street parking. She asked where visitors would park and felt consideration should be given to how many other parking variances have been granted.

David Smolen, 4 DeWindt Street, felt municipal parking lots should be used for shoppers not full time residents. He believed a 25 ft. setback would control shadows of the very tall building. Mr. Smolen felt parking should be provided within the property boundaries.

Laura Donahue-Bell, 326 Washington Avenue, asked the board to deny the requested variances because the setback is more than 50% and parking should be provided on site.

David Aymar-Blair, 58 Judson Street, was opposed to the variances and felt zoning laws should not be compromised. He felt the building should have only two dwelling units and a 25 ft. rear yard setback. He opposed granting variances for new construction.

Attorney Anthony Morando of Cuddy & Feder, LLC reviewed area variance standards as they apply to this application and demonstrated point by point reasons for granting the variances. This property is unique in that it is a corner lot with an existing building that already sits on the property line and the new building would have a 10 ft. setback. Permitting a smaller rear setback keeps with the character of the CMS district and the Comprehensive Plan. Mr. Morando explained building height and lighting are items that will be addressed by the Planning Board. He pointed out the CMS district was established with the intent to allow taller buildings with less parking. Mr. Morando reported Dutchess County provided a positive opinion of the project for the manner in which it applied standards established for the zone. With regard to parking, the applicant shows an increase in two street spaces and the use of municipal lots are encouraged in the CMS zone. Mr. Morando was of the opinion that the variances are justified and should be granted.

Mr. Siegel advised members that the City was considering changes to setback requirements in the CMS zone because and it is a very strict restriction on Main Street where buildings typically take up the entire parcel. The recently reviewed Comprehensive Plan was an open public process and after a lengthy review it was determined that the CMS zone should have increased density and require less parking considering use of municipal lots.

Elissa Betterbid, 32 Tree Line Court, Fishkill, New York formerly lived in Beacon and spends money and time here with her parents. She expressed her opposition to the variances and saw no need to create more residential space considering the number of unoccupied homes that are falling into disrepair.

Neftaliz Valez, 3 Rector Street, feels Beacon is growing too much and that the parcel in question is better suited for a food cart.

Ms. Smith asked to postpone the hearing to time to consult with legal counsel considering precedents have been set for parking and setback variances. After some consideration, Ms. Smith made a motion to postpone the hearing until the board has legal counsel at the next

meeting, seconded by Mr. Lanier. On roll call Ms. Smith, Mr. Lanier and Mr. Sullivan voted in favor of the motion; Mr. Haug and Mr. Dunne voted against the motion. Motion carried; 3-2. Mr. Dunne announced that all public comments from this hearing will be considered and need not be repeated.

ITEM NO. 7 APPLICATION SUBMITTED BY DMS CONSOLIDATORS, LTD., 30 BEEKMAN STREET, TAX GRID NO. 30-5954-26-660924-00, LINKAGE (L) ZONING DISTRICT, FOR RELIEF FROM SECTION 223-41.21(D)(5) TO ALLOW A ZERO (0) FT. BUILDING STEPBACK FOR THE ELEVATOR SHAFT ONLY WHICH EXTENDS ABOVE THE THIRD STORY (15 FT. BUILDING STEPBACK REQUIRED)

The public hearing on the application submitted by DMS Consolidators, Ltd., 30 Beekman Street, for relief from Section 223-41.21(D)(5) to allow a zero (0) ft. building setback for the elevator shaft only which extends above the third story was opened on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried.

Architect Mark Bolson explained this project was previously approved however during development of construction documents, they found that the approved tower was in violation of building setback requirements. They met with the Building Department and were advised to seek relief from the Zoning Board of Appeals in order to keep the building design approved by the Planning Board. Mr. Dexter explained that during the course of review it became apparent that the 4th floor and glass elevator access to the roof garden should technically be setback similar to the rest of the upper floors. The issue was discussed with the Planning Board and they recommended this architectural feature remain. The variance is needed for the glass tower only as the remainder of the building is in conformance. Redesign could be costly, and could result in significant delays in construction. Mr. Dunne opened the floor for public comment.

Daniel Aubry, 5 Bridge Street, felt members should consider that the applicant is not creating an additional burden and the building was initially reduced from a much larger version. He supported the variance request.

Theresa Kraft, 315 Liberty Street, requested the board to stop granting variances and to make the applicant redesign the building. She felt a better view of the historic cemetery this project encroached upon should be created.

There were no further comments from the public and Mr. Sullivan made a motion to close the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried. Mr. Dunne read the following memorandum from the Planning Board into the record:

At their last meeting, the Planning Board reviewed and discussed the variance application for 30 Beekman Street, "The View" submitted by DMS Consolidators, Ltd. Their variance request is to allow the approved building design to remain although the elevator shaft does not have the required third story setback. Members felt it would be appropriate to allow the building design to remain as approved. Members voted unanimously to send a favorable recommendation to the Zoning Board of Appeals. As always the final decision will be based on your review of the application but the Planning Board felt the aforementioned factors should be offered as an advisory viewpoint.

After careful consideration of factors set forth for area variances, Ms. Smith made a motion to grant the variance as requested, seconded by Mr. Sullivan. All voted in favor. Variance granted; 5-0.

Miscellaneous Business

Although the board typically takes the month off, Mr. Dexter felt consideration should be given to holding a meeting in the month of August due to the amount of activity before the board. He felt it would not be fair to members of the public to hold up applications for two months if a quorum of members could be available. Mr. Haug, Mr. Lanier, Ms. Smith and Mr. Dunne felt they could attend an August 15th meeting; Mr. Sullivan could not. After some discussion, Mr. Lanier made a motion to schedule a meeting for August 15, 2017 subject to fully informing applicants that it would not be a full board and that three positive votes would be needed to grant a variance. The motion was seconded by Mr. Haug. All voted in favor. Motion carried; 5-0.

There was no further business to discuss and Ms. Smith made a motion to adjourn the meeting, seconded by Mr. Haug. All voted in favor. Motion carried. The meeting adjourned at 9:36 p.m.