

Zoning Board of Appeals
March 17, 2020

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, March 17, 2020 at 7:00 p.m. in the lower level of Lewis Tompkins Hose firehouse, 13 South Avenue, Beacon, New York. Acting Chairman Robert Lanier, Member Jordan Haug, Building Inspector David Buckley, and Mayor Lee Kyriacou were in attendance. Chairman David Jensen, Members Judith Smith and Elaine Ciaccio, and City Attorney Drew Gamils joined the meeting via telephone.

City Attorney Drew Gamils provided information on public meeting rules in light of the Covid-19 outbreak and Governor Cuomo's Executive Order 202.2, dated March 13, 2020. The order suspends the open meetings law to allow meetings to take place via telephone. A quorum was achieved by two members present and three members on the phone, therefore the meeting was deemed valid to continue.

Mayor Lee Kyriacou was also in attendance and thanked board members, expressing his gratitude for figuring out how to make the meeting take place.

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 February 18, 2020 meeting. Mr. Haug made a motion to approve the minutes of the February 18, 2020 meeting as presented, seconded by Mr. Jensen. All voted in favor. Motion carried; 5-0.

ITEM NO. 1 REVIEW APPLICATION SUBMITTED BY FULTON AVENUE REALTY RESTORATION, 10 MILLER STREET, TAX GRID NO. 30-5954-44-915663-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) TO CONSTRUCT AN ACCESSORY STORAGE BUILDING WITH A 3 FT. SIDE YARD SETBACK (5 FT. REQUIRED) AND A 3 FT. REAR YARD SETBACK (5 FT. REQUIRED)

Mr. Haug made a motion to open the public hearing on the application submitted by Fulton Avenue Realty Restoration, 10 Miller Street, for relief from Section 223-17(C) to construct an accessory storage building with a 3 ft. side and rear yard setback, seconded by Ms. Smith. All voted in favor. Motion carried.

Robert Palisi, on behalf of Fulton Avenue Realty Restoration, described his request to construct a storage building for the single-family house on 10 Miller Street with three-foot side and rear yard setbacks where five-feet is required. He introduced the only two people in the audience as his clients, Mr. and Mrs. Cronin. The house is constructed however they want a small garage for storage but need to modify the setbacks.

Discussion took place with regard to lot coverage because the house takes up more of the lot than expected. Mr. Buckley confirmed that a variance is not needed for lot coverage, only setbacks. Mr. Palisi explained the building will have a garage door and it will be used to store lawn furniture, garden tools, lawn mower, etc. The building will have a garage doored. Storage for lawn furniture, lawn mower, etc. They want to set it back to leave adequate space between

the house. It was noted that the property to the east as a garage which is also very close to the property line. Mr. Lanier opened the floor for public comment however there was no one in the audience but for the applicants. Mr. Haug made a motion to close the public hearing, seconded by Ms. Ciaccio. 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?

Ms. Smith believed that granting the area variances will produce a detriment to the neighborhood because the rear yard setback and the side yard setback standards for accessory structures are already abbreviated and this places the accessory structure very close to the property line. Mr. Haug asked about the reduction in size from the proposed garage which had not been built. The majority of members concluded that the proposed variance will not produce an undesirable change in the character of the neighborhood or 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?

The Board found that the accessory storage building was placed in this location to preserve as much backyard space as possible. The majority of members agreed if the shed was moved over that it would eliminate space behind the house. Two members believed the shed could be placed horizontally behind the house within the setbacks. Other members felt that moving the shed would not create a desirable space between the house and the shed and eliminate a substantial portion of the backyard. The majority of members found that the benefit the Applicant seeks cannot be achieved through another method feasible for the Applicant to pursue.

Are the requested variances substantial?

The majority of member felt the variances were mathematically substantial, however not substantial in context of location and how it will appear to neighbors.

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

Members were in agreement that the proposed variances would not have an adverse impact on the physical or environmental conditions in the neighborhood or district.

Is the alleged difficulty self-created?

The majority of members felt the difficulty was self-created.

After careful consideration, Mr. Haug made a motion to grant the variances with conditions outlined in the draft resolution, seconded by Mr. Jensen. On roll call Mr. Haug, Mr. Jensen, Mr. Lanier and Ms. Ciaccio voted to grant the variances as requested; Ms. Smith voted against the motion. Motion carried; 4-1.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Haug, seconded by Ms. Smith. All voted in favor. Motion carried. The meeting adjourned at 7:33 p.m.