



COURTROOM, CITY HALL
1 MUNICIPAL PLAZA
BEACON, NY 12508
THE ZONING BOARD OF
APPEALS WILL MEET AT 7:00
PM. A TRAINING WORK
SESSION WILL TAKE PLACE
AT 7:00 PM AND THE
REGULAR MEETING AND
PUBLIC HEARINGS WILL
BEGIN IMMEDIATELY
THEREAFTER, BUT NOT
LATER THAN 7:30 PM.

June 22, 2022

7:00 PM

Zoning Board of Appeals Agenda

Regular Meeting

1. Review and hold Public Hearing on application submitted by James Petty, 146 Verplanck Avenue, Tax Grid No. 30-6054-21-028928, in the R1-5 Zoning District, for relief from Section 223-17 to subdivide lot where existing home will have a proposed 4.7 ft. side yard setback (10 ft. required)

City of Beacon Zoning Board of Appeals Agenda
06/22/2022

Title:

Review and hold Public Hearing on application submitted by James Petty, 146 Verplanck Avenue, Tax Grid No. 30-6054-21-028928, in the R1-5 Zoning District, for relief from Section 223-17 to subdivide lot where existing home will have a proposed 4.7 ft. side yard setback (10 ft. required)

ATTACHMENTS

[146 Verplanck Zoning Application.pdf](#)

[2106_144 Verplanck - Zoning Drawings.pdf](#)

[146 Verplanck Avenue Recommendation to ZBA.pdf](#)

[ZBA Resolution_146 Verplanck.pdf](#)

[146 Verplanck Public Comment Konzen.pdf](#)

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEALOWNER: James Petty & Julia OnoratoADDRESS: 146 Verplanck AveBeacon, NY 12508TELEPHONE: 203.645.2616E-MAIL: james@postscriptstudio.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: James Petty // Postscript StudioADDRESS: 146 Verplanck AveBeacon, NY 12508TELEPHONE: 646.883.9708E-MAIL: james@postscriptstudio.comPROPERTY LOCATION: 146 VerplanckZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION _____

BLOCK 21 LOT 028928

Section of Zoning Code appealed from or Interpretation desired:

§ 223-17. Schedule of Dimensional Regulations: Relief from Minimum Side Yard: 10-Feet to allow reinstatement of previous property line to existing house of 4.7 feet.

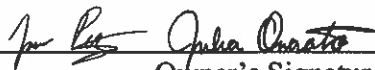
Reason supporting request:

Proposal to re-subdivide Lot originally subdivided in 1869 and joined approx. 1990s. The existing house built in 1870's does not comply with modern zoning side yard setback. New house to be built on new lot in compliance with all current Zoning Regulations.

Supporting documents submitted herewith: Site Plan, Survey, etc. as required:

Survey, Subdivision Map 1869, Site Plan, Elevations, Diagram of Verplanck Avenue

Date: 5/30/2022


Owner's Signature

Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250

Applicant's Signature

****escrow fees may apply if required by Chairman****

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: James Petty & Julia Onorato

If owned by a corporation, partnership or organization, please list names of persons holding over 5% interest.

n.a.

List all properties in the City of Beacon that you hold a 5% interest in:

n.a.

Applicant Address: 146 Verplanck Ave., Beacon, NY 12508

Project Address: 146 Verplanck Ave., Beacon, NY 12508

Project Tax Grid # 130200-6054-21-028928

Type of Application Area Variance

Please note that the property owner is the applicant. "Applicant" is defined as any individual who owns at least five percent (5%) interest in a corporation or partnership or other business.

I, James Petty & Julia Onorato, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon X
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon
3. ALL tax payments due to the City of Beacon are current X
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current X


Signature of Owner

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	<u> </u>	<u> </u>	<u> </u>
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)	<u> </u>	<u> </u>	<u> </u>
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)	<u> </u>	<u> </u>	<u> </u>

CITY OF BEACON**1 Municipal Plaza, Beacon, NY****Telephone (845) 838-5000 • <http://cityofbeacon.org/>****INDIVIDUAL DISCLOSURE FORM**

(This form must accompany every land use application and every application for a building permit or certificate of occupancy submitted by any person(s))

Disclosure of the names and addresses of all persons) filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION AName of Applicant: James PettyAddress of Applicant: 146 Verplanck Ave, Beacon N.Y. 12508Telephone Contact Information: 203.645.2616**SECTION B. List all owners of record of the subject property or any part thereof.**

Name	Residence or Business Address	Telephone Number	Date and Manner title was acquired	Date and place where the deed or document of conveyance was recorded or filed.
James Petty	146 Verplanck Ave Beacon NY 12508	203.645.2616	03 July 2019 Purchased	09 July 2019 Dutchess County
Julia Onorato	146 Verplanck Ave Beacon NY 12508	609.472.0712	03 July 2019 Purchased	09 July 2019 Dutchess County

SECTION B. Is any owner of record an officer, elected or appointed, or employee of the City of Beacon or related, by marriage or otherwise, to a City Council member, planning board member, zoning board of appeals member or employee of the City of Beacon ?

☐

YES

☒

NO

If yes, list every Board, Department, Office, agency or other position with the City of Beacon with which a party has a position, unpaid or paid, or relationship and identify the agency, title, and date of hire.

Agency	Title	Date of Hire, Date Elected, or Date Appointed	Position or Nature of Relationship

SECTION C. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

SECTION D. Have the present owners entered into a contract for the sale of all or any part of the subject property and, if in the affirmative, please provide a duplicate original or photocopy of the fully and complete contract of sale, including all riders, modifications and amendments thereto.

☐

YES

☒

NO

I, James Petty being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) James Petty

(Signature) 

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Lot Subdivision			
Project Location (describe, and attach a location map): 146 Verplanck Ave, Beacon NY 12508			
Brief Description of Proposed Action: Subdivide lot into two parcels, reinstating original property line from 1869.			
Name of Applicant or Sponsor: Postscript Studio		Telephone: 646.883.9708 E-Mail: james@postscriptstudio.com	
Address: 146 Verplanck Ave			
City/PO: Beacon		State: NY	Zip Code: 12508
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO ☒ YES ☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: City of Beacon Planning Board - Subdivision Application			NO ☐ YES ☒
3.a. Total acreage of the site of the proposed action?		0.27 acres	
b. Total acreage to be physically disturbed?		0.09 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.27 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	☒	☐
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>James Petty // Postscript Studio</u>		Date: <u>05/30/2022</u>
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair the character or quality of the existing community?	☐	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	☐	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	☐	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	☐	☐
7. Will the proposed action impact existing:		
a. public / private water supplies?	☐	☐
b. public / private wastewater treatment utilities?	☐	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	☐	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	☐	☐

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	☐	☐
11. Will the proposed action create a hazard to environmental resources or human health?	☐	☐

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT



Civil & Environmental Engineering Consultants
174 Main Street, Beacon, New York 12508 (Main Office and Mailing Address)
13 Chambers Street, Newburgh, New York 12550 (Satellite Office)
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com

March 28, 2022

Mr. John Gunn, Chairman, & Members of the City of Beacon Planning Board
 1 Municipal Center
 Beacon, NY 12508

Re: Infiltration and Inflow Investigation
 Petty Subdivision
 Tax ID: 6054-21-028928 (±0.271 Acres Total)
 City of Beacon, New York

Dear Chairman Gunn & Members of the Planning Board,

Hudson Land Design (HLD) has completed an infiltration and inflow investigation at the above referenced parcel as required by the City of Beacon. The investigation was conducted on March 22, 2022 at the existing residence located at 146 Verplanck Avenue in the City of Beacon, which consists of a two-story framed building.

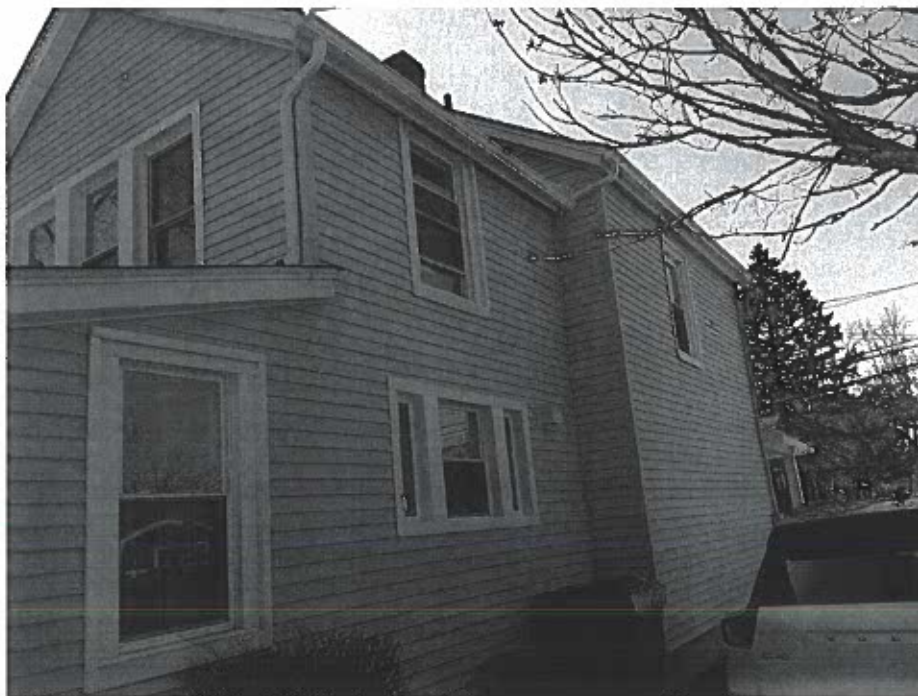
The first phase of the study consisted of an exterior inspection of the building to determine the location of roof leader discharge points. The existing two-story building on site has 3 sets of gutters, 2 which run along the building's north and south sides, and 1 gutter runs along the western (street facing) side of the house's front porch.

The gutters which run along the north and south sides of the building collect the rainwater intercepted by the second-floor roof and appear to transport it easterly towards the back end of the residence. On the back side of the residence (away from Verplanck Avenue) the north and south gutters' roof leaders discharge onto a first-floor slanted roof and then along an overhang roof. Neither the first-floor roof nor the overhang roof have any gutters or roof leaders, and the water appears to just drop off the overhang onto the ground at the back end of the residence (no roof leader that lead to or into the ground). Please see pictures below for reference.

View of the second-floor gutters along the residence's south side as seen from southeast of the building.



View of the second-floor gutters along the residence's north side near the building's northeast corner.



View of the first-floor roof and overhang on the back of the building. No gutters are present on the overhang or first-floor roof.



The third set of gutters present on the building was a gutter running along the street facing side of the residence's front porch. The gutter appears to collect the rainwater that exclusively falls onto the porch's roof and get directed/discharged to a roof leader by the porch's southwest corner. The roof leader discharges onto the ground/lawn on the porch's southeast corner. Please see the picture provided for reference.

View of the residence's front porch and roof leader outlet (by the porch's southwest corner).



The second phase of the study consisted of interior inspection of the building to determine if there are any illicit connections to the building sewer line from sump pumps, floor drains and the like. HLD personnel were able to observe sections of interior sanitary sewer plumbing to the point where the sanitary sewer lines within the house converged into what is believed to be the raw invert outlet for the residence. The raw invert outlet was located near the residence's southeast corner on the basement level. After inspecting the lines going into the outlet, it appears that no other connections except for sanitary sewage are connected to any of the lines. The raw invert outlet goes directly down into the ground of the basement and is presumed to then direct southwest towards the existing sewer lines on Verplanck Avenue. Please see the pictures below for reference.

View of the sewer lines as they lead to the raw invert outlet.



View of the raw invert outlet connection near the basement's southeastern corner.



146 Verplanck Avenue Infiltration and Inflow Report
March 28, 2022
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A sump pump was observed along the basement's northwest corner near the house's circuit breaker box. The pump's forcemain is routed through the building's north foundation wall and appears to discharge to the lawn just north of the lot's concrete driveway. No other forcemain pipes were found and no other indications that the sump pump was connected to a sanitary sewer system was found. Please see pictures for reference.

View of the sump pump by the basement's northwest corner.



146 Verplanck Avenue Infiltration and Inflow Report
March 28, 2022
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View of the sump pump's discharge point north of the residence and the concrete driveway on site.



HLD did not find any illicit connections from the building located at 146 Verplanck Avenue to the City of Beacon's sanitary sewer collection system.

Should you have any questions, please feel free to call me at 845-440-6926.

Sincerely,



Daniel G. Koehler, P.E.

cc: James Petty & Julia Louise Onorato (via email)
Michael A. Bodendorf, P.E. (HLD file)

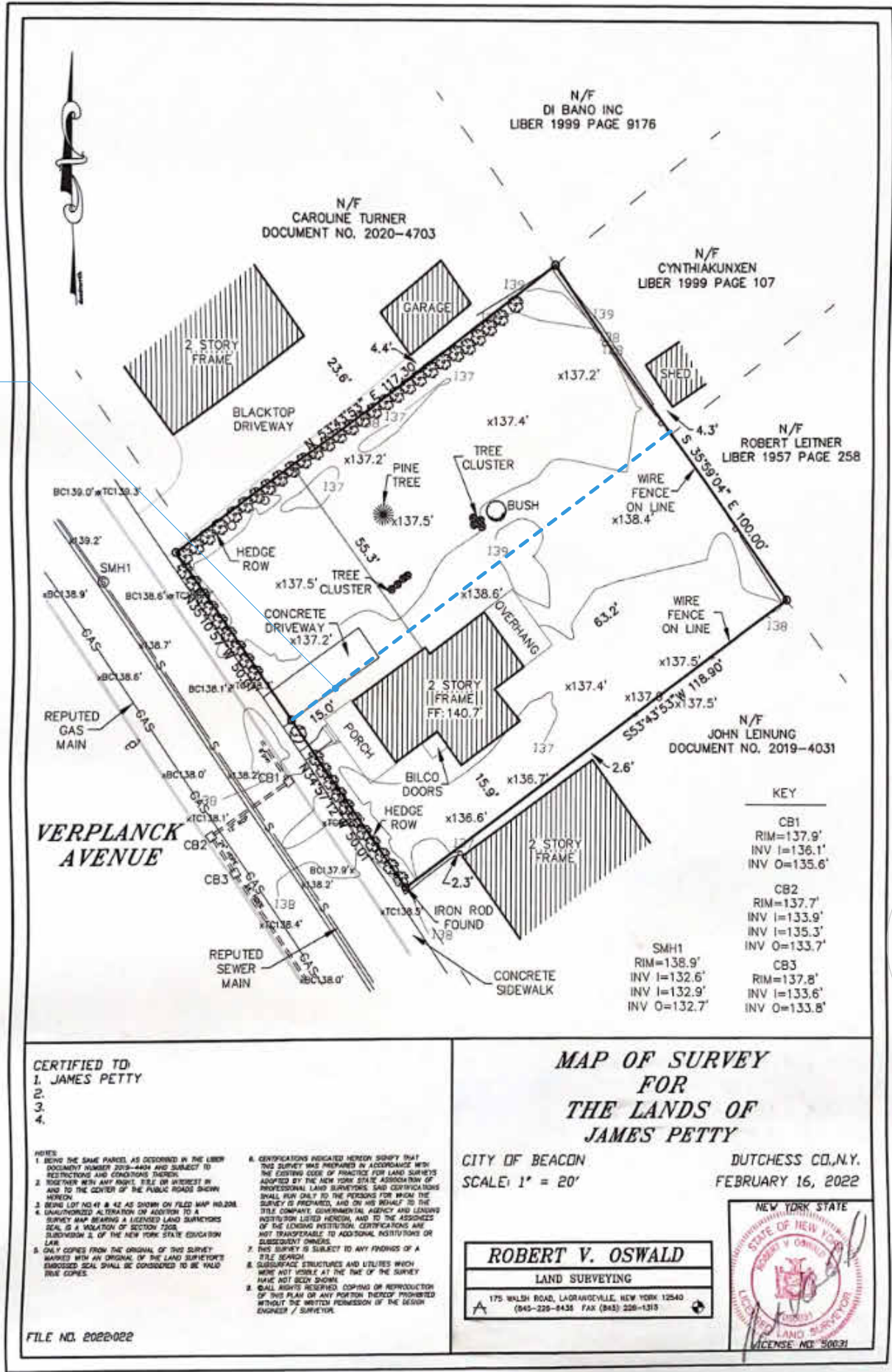
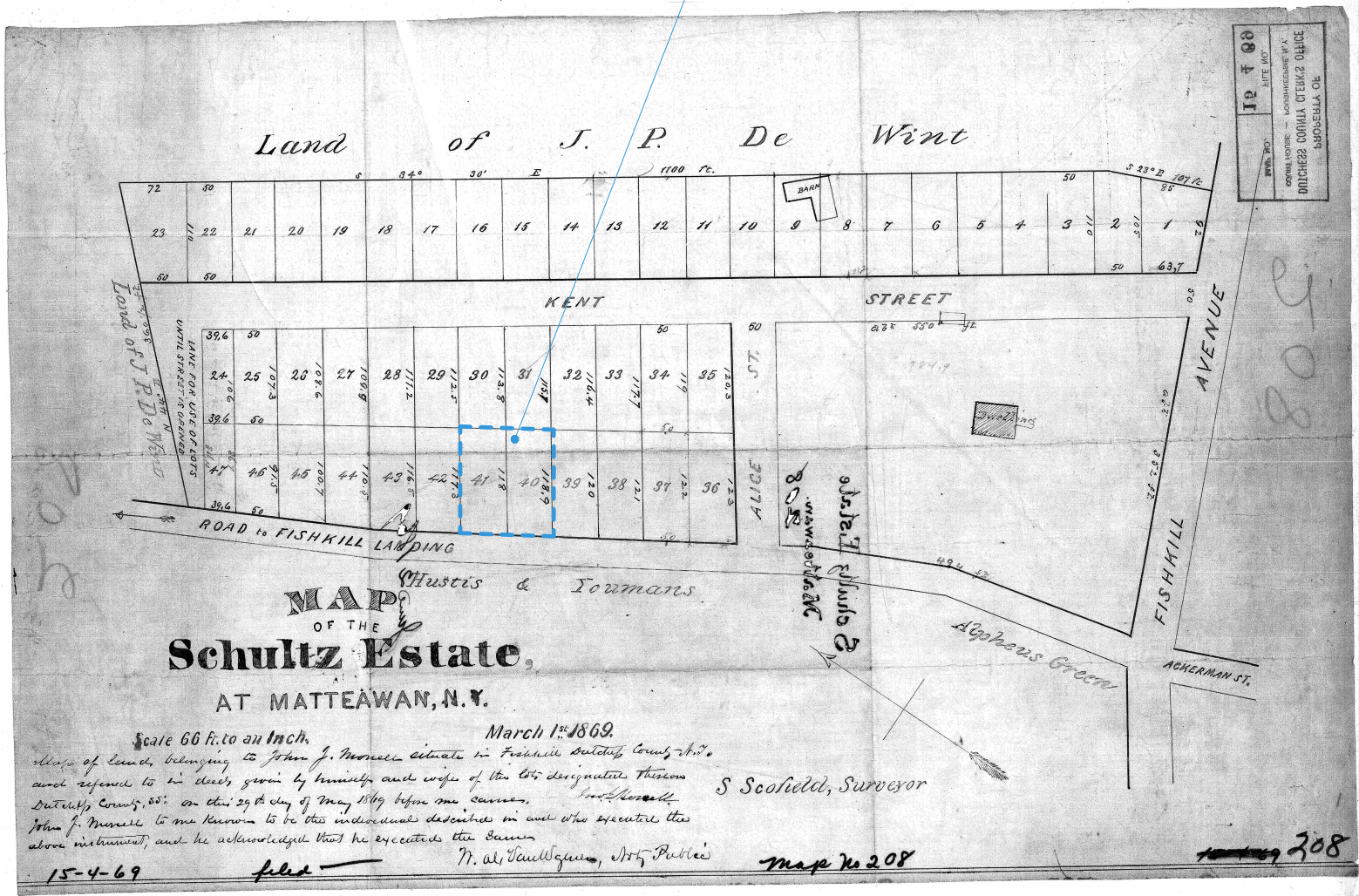
146 Verplanck Avenue
File Map: 208
File Lot: 40 & 41
Tax Grid: 130200-6054-21-028928

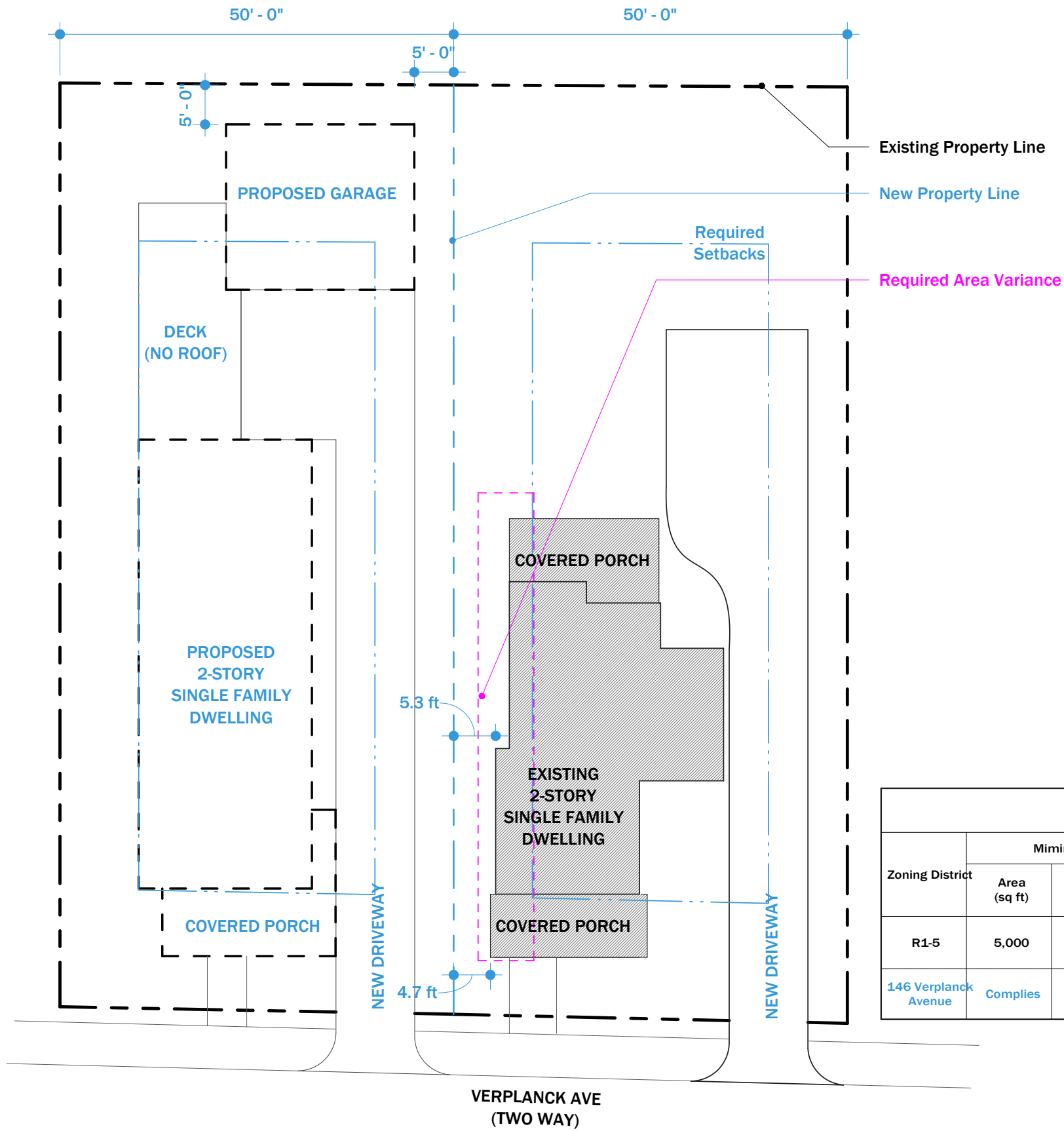
PROJECT:
146 Verplanck Ave
Beacon, New York

DATE: 05/31/22
PROJECT NO 2106

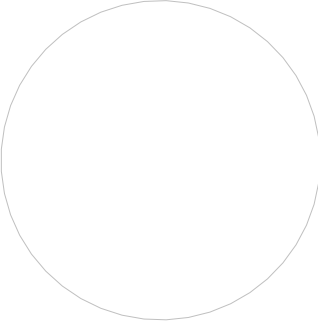
Proposed reinstatement of property line

Original subdivision of land into two lots in 1869.





§ 223-17. Schedule of Dimensional Regulations									
Zoning District	Minimum Lot Size Area			Minimum Yards			Maximum Height (stories/ft)	Max Coverage	
	Area (sq ft)	Width (ft)	Depth (ft)	Front (ft)	Side (ft)	Rear (ft)		Multifamily	All Other
R1-5	5,000	50	100	15	10	20	2.5/35	N.A.	-
146 Verplanck Avenue	Complies	Complies	Complies	Existing Non-Compliant	Variance Required	Complies	Complies	N.A.	Complies

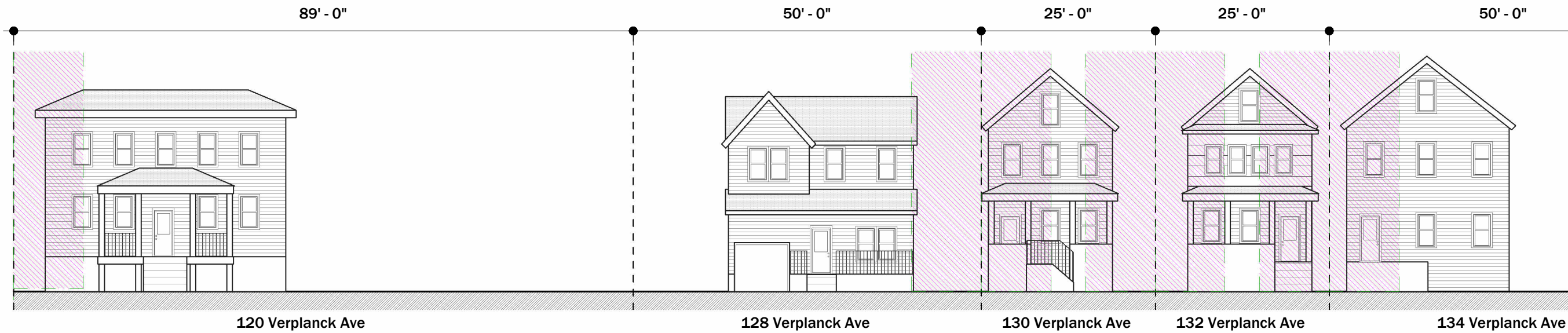


Site Plan

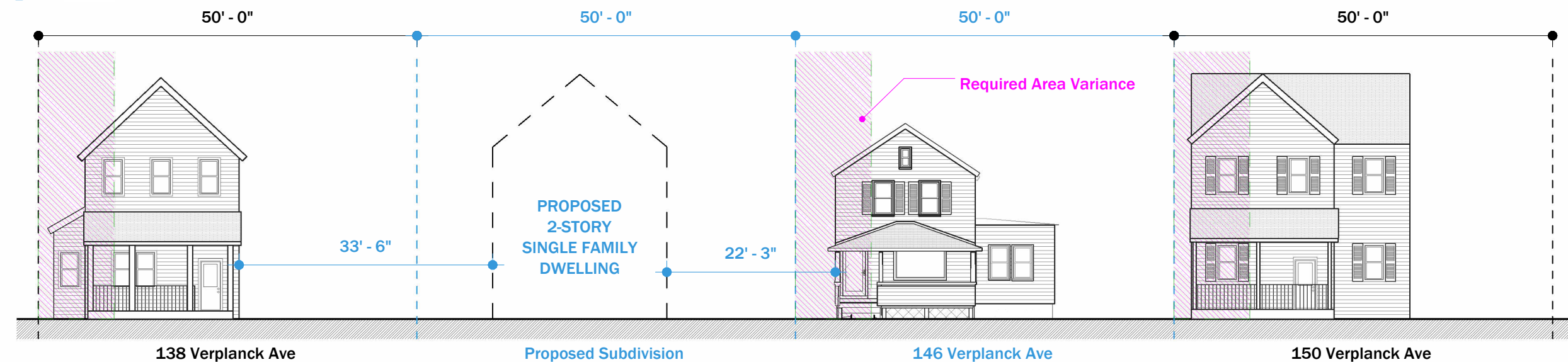
SCALE: 1/16" = 1'-0"

Z1.0

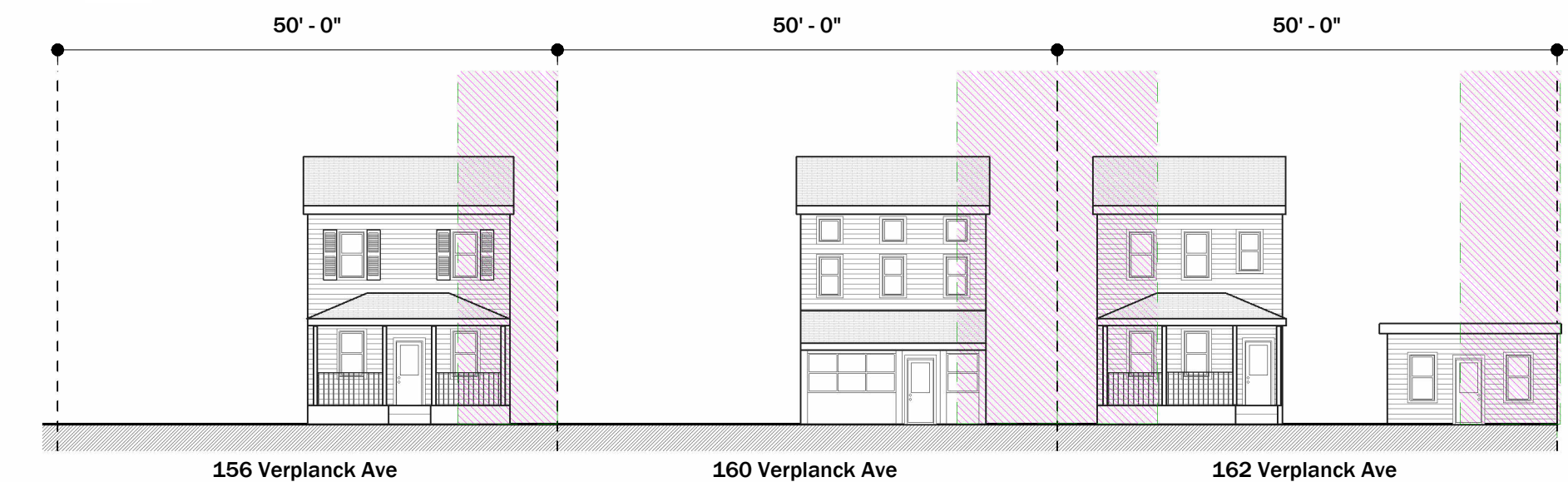
DRAWN BY: J.Petty



1 Verplanck Avenue Elevation Diagram - 1
SCALE: 1/16" = 1'-0"



2 Verplanck Avenue Elevation Diagram - 2
SCALE: 1/16" = 1'-0"



3 Verplanck Avenue Elevation Diagram - 3
SCALE: 1/16" = 1'-0"

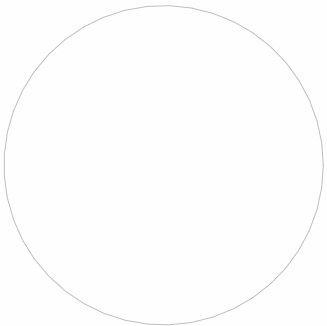
Hatched areas represents Lots with existing non-conforming Zoning Side Yard requirements.

No homes on the North side of Verplanck Ave between Matteawan Rd and Eliza St meet existing Zoning Side Yard requirements.

All properties measured from street by architect.

Dimensions from 138 Verplanck, 146 Verplanck, and 150 Verplanck are listed on survey.

Elevations are diagrammatic.

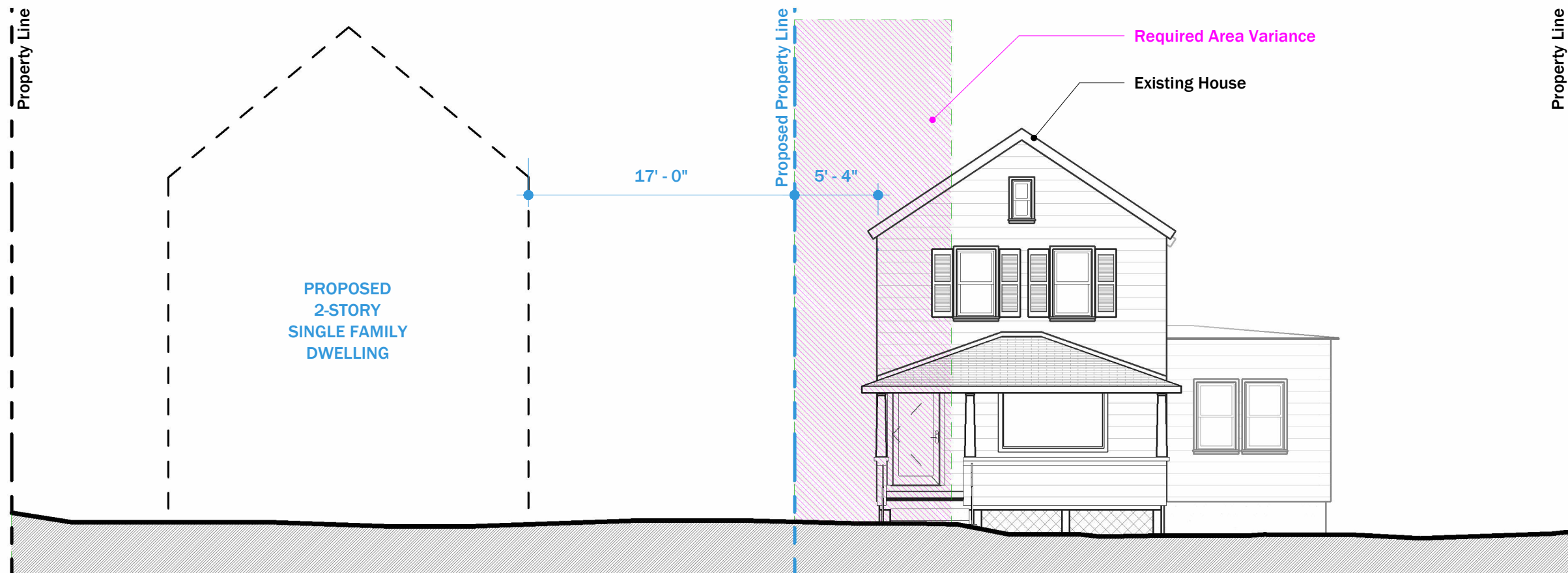


Verplanck Avenue
Elevation Diagram

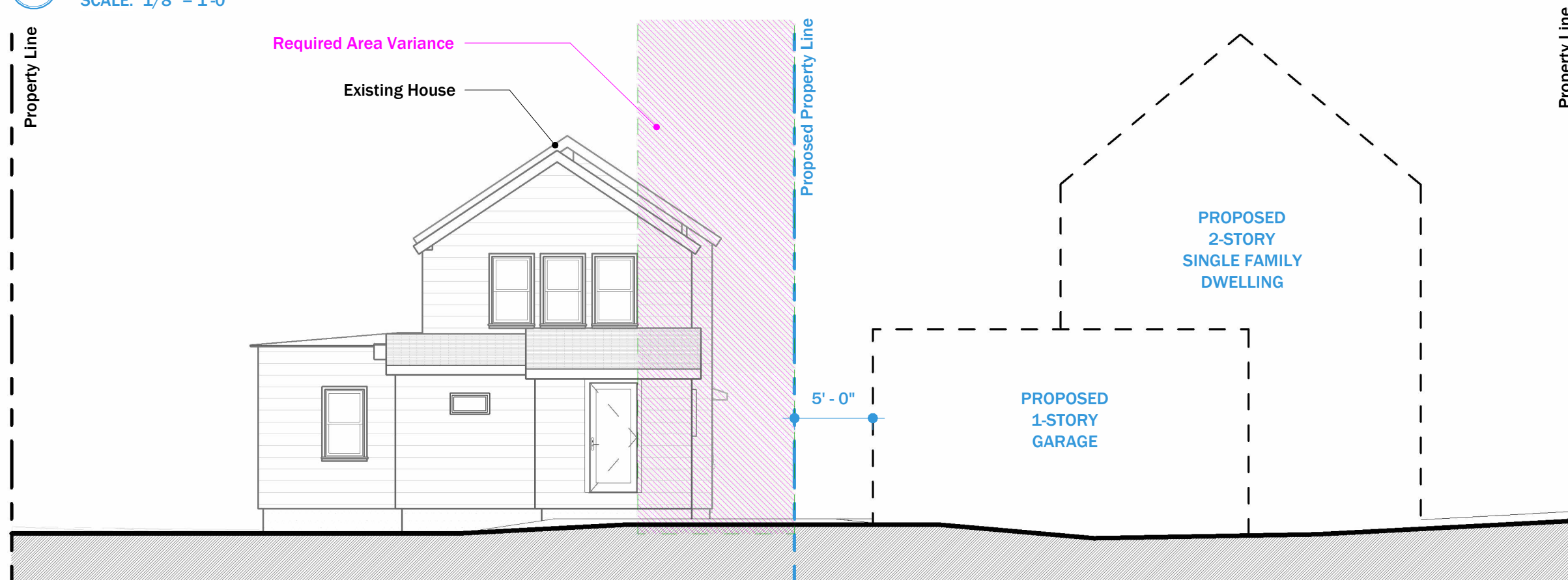
SCALE: 1/16" = 1'-0"

Z1.1

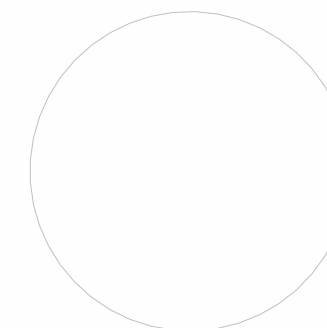
DRAWN BY: J.Petty



1 Front Elevation
SCALE: 1/8" = 1'-0"



2 Rear Elevation
SCALE: 1/8" = 1'-0"



Elevations

SCALE: 1/8" = 1'-0"

Z3.0

DRAWN BY: J.Petty



Memorandum

Planning Board

TO: Zoning Board Chairman Jensen and Zoning Board Members

FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Advisory Opinion
146 Verplanck Avenue
Applicant: James Petty

DATE: May 12, 2022

At their last meeting, the Planning Board reviewed an application for Subdivision Approval for a subdivision at 146 Verplanck Avenue submitted by James Petty.

The applicant proposes to subdivide a 0.27-acre parcel with one existing house into two lots for the construction of an additional house. Parcel 1 would have 5,922 square feet and Parcel 2 would have 5,882 square feet. Section 223-17 of the City Zoning Code requires a 10-foot side yard, and the proposed subdivision has a 4.7-foot side yard. Board members reviewed the proposal and after careful consideration of the variance needed, voted unanimously to send a positive 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.

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION
Parcel ID# 6054-21-028928

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **James Petty** (the “Applicant”) for a 5.3 foot side yard setback variance where the minimum required side yard setback is 10 feet pursuant to City Code §§ 223-17(D) and 223 Attachment 1 to subdivide a lot where the existing home will have a proposed side yard setback of 4.7 feet on property located at 146 Verplanck Avenue in the R1-5 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-21-028928** (the “Property”); and

WHEREAS, a duly advertised public hearing on the application was held on June 22, 2022, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on June 22, 2022; and

WHEREAS, the proposed action is a Type II Action pursuant to the New York State Environmental Quality Review Act, and accordingly, no further environmental review is required; and

WHEREAS, the Board considered the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

NOW, THEREFORE, BE IT RESOLVED, that the Board, from the application, considered each of the factors set forth at Section 81-b(4)(b) of the General City Law and found, with respect to those considerations, as follows:

- 1) As to whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance, the Board found that
- 2) As to whether the benefit the Applicant seeks can be achieved through another method, feasible for the Applicant to pursue, that does not require the area variance, the Board found that

- 3) As to whether the requested variance is substantial, the Board found that
- 4) As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the Board found that
- 5) As to whether the alleged difficulty is self-created, the Board found that

BE IT FURTHER RESOLVED, that the Board finds that the requested variance [IS/IS NOT] the minimum variance necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that said application for a 5.3 foot side yard setback variance where the minimum required side yard setback is 10 feet pursuant to City Code §§ 223-17(D) and 223 Attachment 1 to subdivide a lot where the existing home will have a proposed side yard setback of 4.7 feet on property located at 146 Verplanck Avenue, is hereby [GRANTED/DENIED], subject to the following conditions:

1. No permit or certificate of occupancy shall be issued until the Applicant has paid in full all application and consultant fees incurred by the City in connection with the review of this application.
2. The variance shall be void if the Applicant fails to (i) obtain a building permit within six months from the date of this Resolution; (ii) commence construction within six months following the date of issuance of the building permit; or (iii) complete construction and obtain a certificate of occupancy within 24 months after the date of issuance of said building permit.

BE IT FURTHER RESOLVED, that the Zoning Board of Appeals may grant a six month extension of the variance provided that a written request for an extension is submitted before the variance expire. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance were originally granted have not substantially changed.

Dated: June 22, 2022

Mr. David Jensen, Chairman

Chairman Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith	Excused	
		Montos Vakirtzis		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		

Amanda Caputo

From: konzen@optonline.net
Sent: Saturday, June 18, 2022 11:24 AM
To: Amanda Caputo
Subject: OPPOSED to variance application for 146 Verplanck Ave. Beacon, NY

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Caputo,

In response to the certified letter we received, regarding subdividing the lot at 146 Verplanck Ave here in Beacon, we are opposed to this because an adjacent building with a roof deck will greatly impact our privacy in our home and yard.

Thank you for your consideration.

Sincerely,

Ed and Cynthia Konzen

52 Kent St.

Beacon, NY 12508