



CITY OF BEACON, NEW YORK
COURTROOM, CITY HALL
1 MUNICIPAL PLAZA
BEACON, NY 12508

August 17, 2021

7:00 PM

Zoning Board of Appeals Agenda

Regular Meeting

1. Review and hold public hearing on application submitted by Lauren Peragine, 17 Laurel Street, Tax Grid No. 30-6054-49-449621-00, R1-10 Zoning District, for relief from Section 223-17(D) to allow for a second story addition to an existing one-story garage with a 10.2 ft. side yard setback (15 ft. required)
2. Review and hold public hearing on application submitted by Frederick Todd Davidson, 49 Teller Avenue, Tax Grid No. 30-5954-44-959697-00, R1-5 Zoning District, for relief from Section 223-23(D) for 139 sq. ft. two-story addition and new 302 sq. ft. second story addition (over existing single-story) with 4.6 ft. side yard setback (12.5 ft. required)
3. Continue public hearing on application submitted by Scott Herring & Lauren Johnson, 20 Paye Street, Tax Grid No. 30-5954-15-730297-00, R1-10 Zoning District, for relief from Section 223-17(D) to construct a one-story 1-1/2 car garage with 21.11 ft. front yard setback (25 ft. required) and 9.4 ft. side yard setback (15 ft. required)
4. Continue public hearing on application submitted by Beacon 248 Holdings, LLC, 248 Tioronda Avenue, Tax Grid Nos. 30-5954-16-993482-00 and 30-6054-45-012574-00, FCD Zoning District, for relief from Section 223-41.1(B) to allow construction of the residential building to take place before, and not concurrently with, construction of the project's commercial building

City of Beacon Zoning Board of Appeals Agenda
08/17/2021

Title:

Review and hold public hearing on application submitted by Lauren Peragine, 17 Laurel Street, Tax Grid No. 30-6054-49-449621-00, R1-10 Zoning District, for relief from Section 223-17(D) to allow for a second story addition to an existing one-story garage with a 10.2 ft. side yard setback (*15 ft. required*)

ATTACHMENTS

[ZBA Resolution 17 Laurel Street](#)

[17 Laurel Street Application.pdf](#)

[17 Laurel Street Planning Board Referral.docx](#)

[17 Laurel Street Survey.pdf](#)

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION
Parcel ID# 6054-49-449621

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Lauren Peragine (the “Applicant”) for a side yard setback variance of 4.8 feet where the minimum required rear yard setback is 15 feet pursuant to City Code §§ 223-17D and 223 Attachment 1, in connection with the construction of a second story addition to an existing one-story garage with a 10.2 side yard setback, at 17 Laurel Street, in the R1-10 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as Parcel ID# 6054-49-449621 (the “Property”); and

WHEREAS, a duly advertised public hearing on the application was held on August 17, 2021, 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 August 17, 2021; 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 the variance is.
- 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 the variance.
- 5) As to whether the alleged difficulty is self-created, the Board found that the difficulty is.

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 side yard setback variance of 4.8 feet where the minimum required rear yard setback is 15 feet pursuant to City Code §§ 223-17D and 223 Attachment 1, in connection with the construction of a second story addition to an existing one-story garage with a 10.2 side yard setback, at 17 Laurel Street, in the R1-10 Zoning District 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. This 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; and (iii) fails to 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 this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.

Dated: August 17, 2021

Mr. David Jensen, Chairman

Chairman David Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith		
		Robert Lanier		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEALOWNER: Lauren PeragineADDRESS: 17 Laurel St.
BeaconTELEPHONE: 845.323-9423E-MAIL: LBC59@aol.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 17 Laurel St.ZONING DISTRICT: Residential R1-10TAX MAP DESIGNATION: SECTION 6054BLOCK 48 LOT 449621

Section of Zoning Code appealed from or Interpretation desired:

Section 223.17(D) for a second story addition over an existing one-story garage with
a 10 ft. side yard setback (15 ft. required)

Reason supporting request:

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

Date: 7-18-21Lauren Peragine
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: Lauren + John Peragine

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

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

Applicant Address: 17 Laurel St. Beacon

Project Address: 17 Laurel St. Beacon

Project Tax Grid #

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, Lauren Peragine, 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 ☒
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 ☒
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 ☐

Lauren Peragine

Signature of Owner

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

NO ☒

YES ☐

Initial EG

ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)

☐

☒

EL

ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

☐

☒

EL

Application #

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 A

Name of Applicant: Lauren PeragineAddress of Applicant: 17 Laurel St.Telephone Contact Information: 845-323-9423

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.
Lauren Peragine	17 Laurel St	845-323-9423		
John Peragine	(())	845-300-2303		

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

(Print) _____

(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: 17 Laurel St. Accessory Apartment							
Project Location (describe, and attach a location map): 17 Laurel St.							
Brief Description of Proposed Action: Add an accessory apartment above existing 2 car garage							
Name of Applicant or Sponsor: Lauren Peragine		Telephone: 845-323-9423					
		E-Mail: LBC59@aol.com					
Address: 17 Laurel St.							
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">NO</td> <td style="padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☐</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☐	☐
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">NO</td> <td style="padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 5px;">☒</td> <td style="text-align: center; padding: 5px;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☐	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☒	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☒	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO ☒	YES ☐	

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>J Lauren Peragine</u> Date: <u>7-18-21</u> Signature: <u>Lauren Peragine</u>		

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



Memorandum

Planning Board

TO: Zoning Board Chairman Jensen and Zoning Board Members

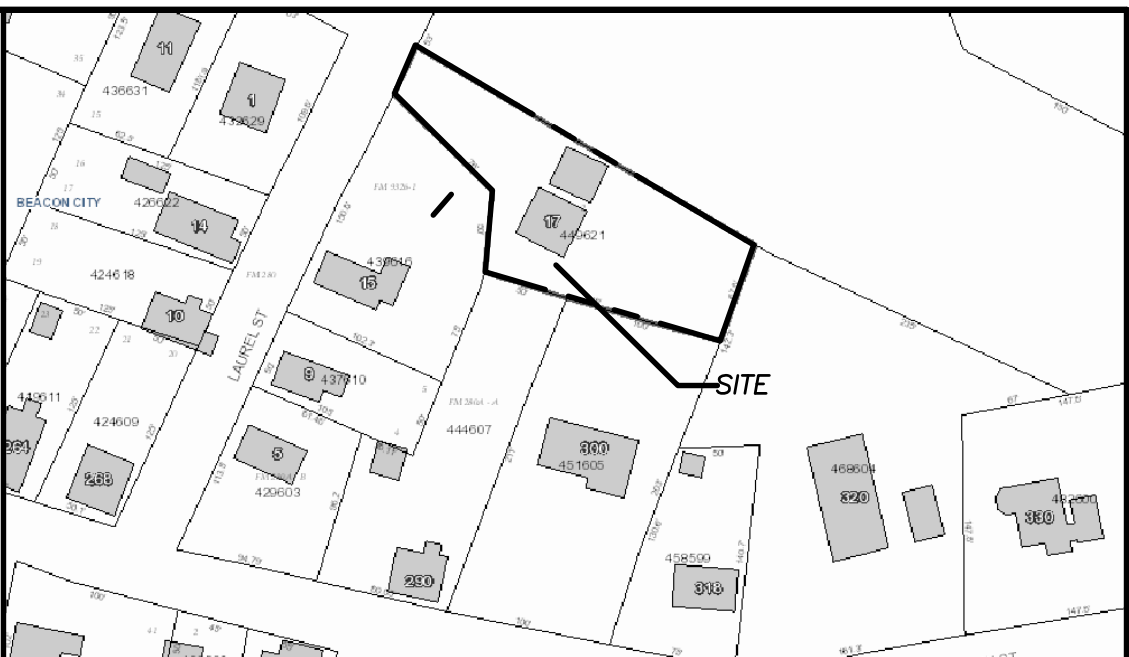
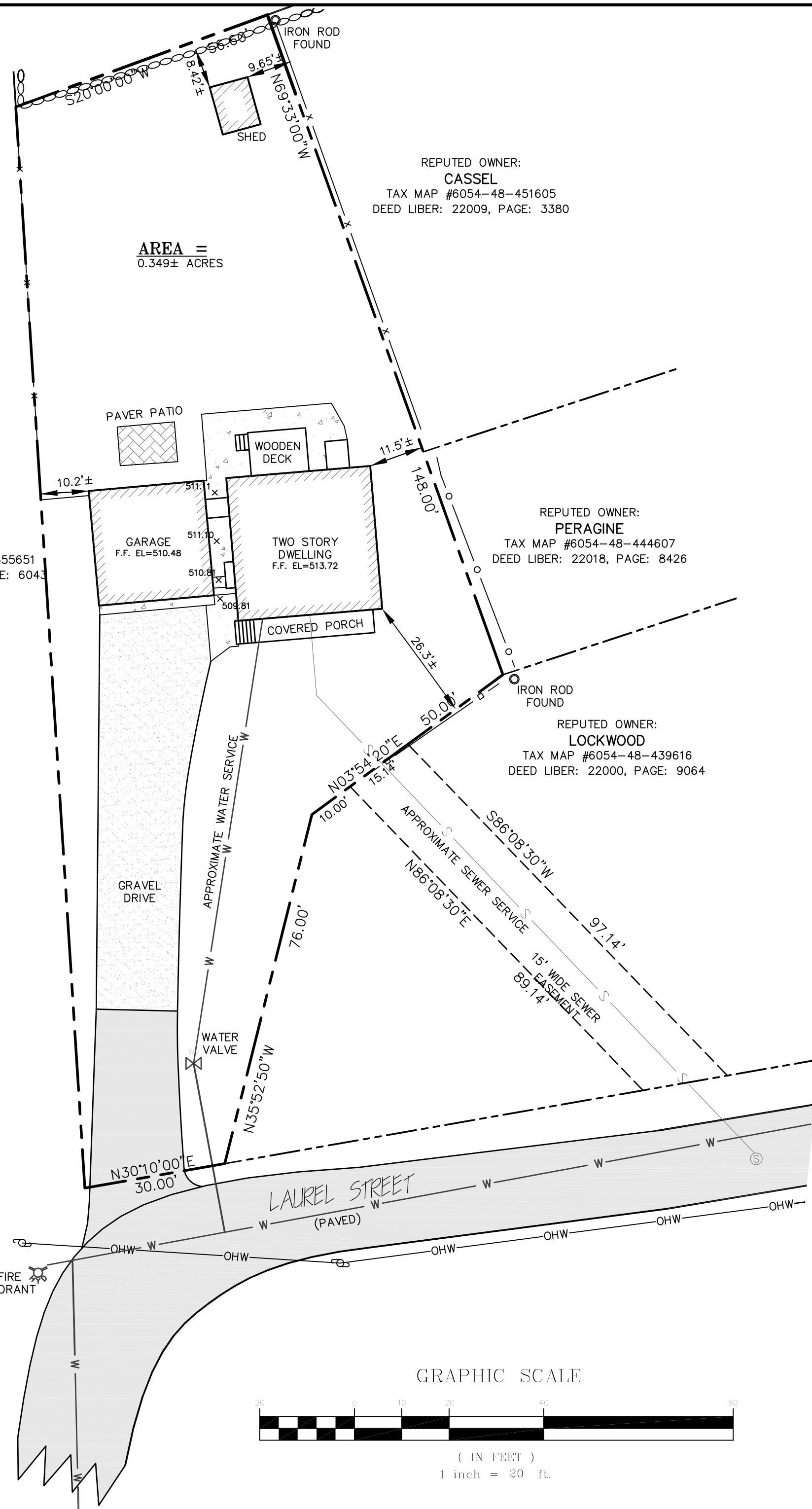
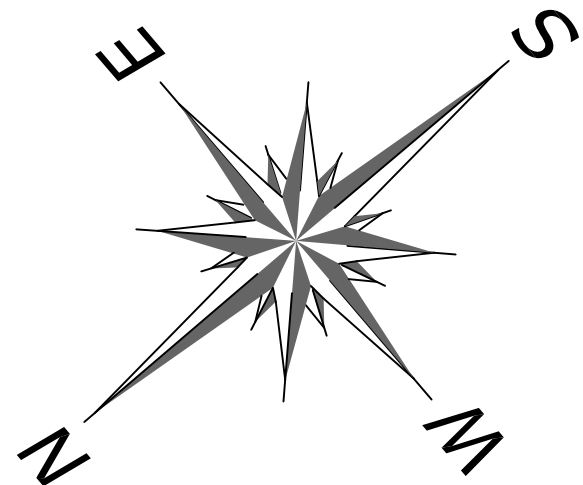
FROM: Planning Board Chairman Gunn and Planning Board Members

RE: Advisory Opinion
17 Laurel Street
Applicant: Lauren Paragine

DATE: July 14, 2021

At their last meeting on July 13, 2021, the Planning Board reviewed an application for an accessory apartment at 17 Laurel Street which includes a new second-story addition over an existing one-story garage. A lengthy discussion and review took place and members unanimously agreed to support a variance needed for a side yard setback. The current 10 ft. side yard setback on the existing structure is a pre-existing non-conforming condition and no expansion of the footprint is proposed. Members supported the applicant's request for a 5 ft. variance to allow a second story addition for an accessory apartment.

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.



LOCATION MAP
N.T.S.

REFERENCE

TAX MAP DATA: SECTION 6054 BLOCK 48 LOT 449621
DEED LIBER: 22019, PAGE: 6982
BEING LOT 2 ON A DUTCHESS COUNTY FILED MAP ENTITLED "SUBDIVISION
PLAT, LANDS OF MARY D. LOCKWOOD" AND FILED WITH THE DUTCHESS
COUNTY CLERK ON OCTOBER 10, 1991 AS MAP #9326.

LEGEND

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- WOODEN FENCE
- VINYL FENCE
- WIRED FENCE
- STONEWALL
- OVER HEAD WIRES
- UTILITY POLE
- PAVEMENT
- BRICK PAVERS
- GRAVEL

GENERAL NOTES:

SUB-SURFACE STRUCTURES WHERE NOT
VISIBLE OR READILY APPARENT, WILL NOT BE
SHOWN AND THEIR EXTENT WILL NOT BE
CERTIFIED.

CONTRACTOR TO VERIFY LOCATION OF
UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION

THE OFFSETS FROM PROPERTY LINES SHOWN
HEREON ARE NOT INTENDED TO GUIDE IN THE
ERECTION OF POLES, FENCES, RETAINING WALLS,
BUILDING ADDITIONS, OR ANY OTHER STRUCTURES
OR PLANTINGS AND SHOULD NOT BE USED FOR
SUCH PURPOSES.

SUBJECT TO ANY UNWRITTEN AND/OR WRITTEN
LICENSES, EASEMENTS, RESTRICTIONS, AND/OR
AGREEMENTS.

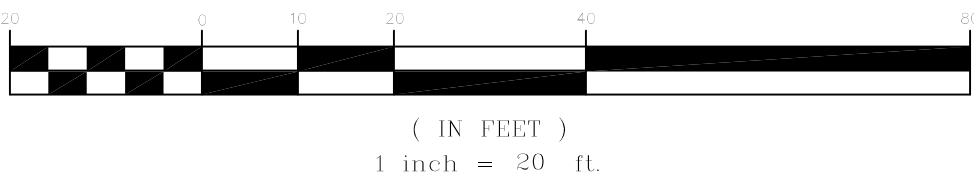
ISSUING OF A NEW TITLE POLICY OR REDATING OF
AN EXISTING POLICY REFERENCING THIS SURVEY
WITHOUT THE BENEFIT OF AN UPDATE OF THIS
SURVEY BY FUSCO ENGINEERING AND LAND
SURVEYING, P.C. SHALL TERMINATE ANY LIABILITY
EXPRESSED OR IMPLIED HEREON.

TO: LAUREN PERAGINE

I HEREBY CERTIFY THAT THIS IS AN ACTUAL
SURVEY COMPLETED IN THE FIELD ON JANUARY 15, 2021

ERNEST JOHNSON, P.L.S.
NEW YORK LICENSE NO. 50041

GRAPHIC SCALE



INITIALS	DATE	ISSUED FOR	
UNAUTHORIZED ALTERATION OR ADDITION TO A MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS MAP NOT HAVING THE SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID. THIS MAP MAY NOT BE USED FOR OTHER PURPOSES OR TRANSACTIONS. THIS MAP IS COPYRIGHTED BY FUSCO ENGINEERING & LAND SURVEYING, P.C., AND MAY NOT BE SOLD, RENTED, LEASED, PHOTOCOPIED, TRACED, ENLARGED, REDUCED, OR TRANSFERRED IN ANY OTHER WAY WITHOUT THE PRIOR WRITTEN CONSENT OF FUSCO ENGINEERING & LAND SURVEYING, P.C. COPIES OF THIS MAP BEARING THE ORIGINAL SEAL OF NEW YORK STATE LICENSED ENGINEER OR LAND SURVEYOR ARE VALID. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.			
		FUSCO ENGINEERING & LAND SURVEYING, P.C. CONSULTING ENGINEERS	
233 EAST MAIN ST. MIDDLETOWN, NY 10940		PHONE: (845) 344-5863 FAX: (845) 956-5865	
PROJECT TITLE: SURVEY OF PROPERTY FOR LAUREN PERAGINE			
CITY OF BEACON PREPARED FOR: LAUREN PERAGINE 17 LAUREL STREET BEACON, N.Y. 12508		APPROVED BY: EJ REVIEWED BY: EJ DRAWN BY: NM	SCALE: 1"=20' REVISION DATE: DATE: 01/15/21
ADDRESS OF PROPERTY 17 LAUREL STREET CITY OF BEACON DUTCHESS COUNTY NEW YORK		STATE OF NEW YORK COUNTY OF DUTCHESS REFERENCE NUMBER: 20-215 SHEET NUMBER: 1 PAGE 1 OF 1	

City of Beacon Zoning Board of Appeals Agenda
08/17/2021

Title:

Review and hold public hearing on application submitted by Frederick Todd Davidson, 49 Teller Avenue, Tax Grid No. 30-5954-44-959697-00, R1-5 Zoning District, for relief from Section 223-23(D) for 139 sq. ft. two-story addition and new 302 sq. ft. second story addition (over existing single-story) with 4.6 ft. side yard setback (*12.5 ft. required*)

ATTACHMENTS

[ZBA Resolution 49 Teller Avenue](#)

[49 Teller Avenue Application.pdf](#)

[49 Teller Avenue EAF.pdf](#)

[49 Teller Avenue Site Plan.pdf](#)

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION
Parcel ID# 5954-44-959697

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Frederick Todd Davidson (the “Applicant”) for a front yard setback variance of 7.9 feet where the minimum required rear yard setback is 12.5 feet pursuant to City Code §§ 223-17D and 223 Attachment 1 and 223-13J, in connection with the construction of a two story addition with a 4.6 foot front yard setback, at 49 Teller 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# 5954-44-959697 (the “Property”); and

WHEREAS, the Property is located on a corner lot; and

WHEREAS, City Code § 223-13 provides that on a corner lot in any residence district, there shall be provided a side yard on the side street equal in depth to the required front yard on said lot, or, if the lot is to be occupied by a one-family home, such side yard may be reduced to 25% of actual lot width; and

WHEREAS, a duly advertised public hearing on the application was held on August 17, 2021, 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 August 17, 2021; 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 the variance is.
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- 5) As to whether the alleged difficulty is self-created, the Board found that the difficulty is.

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 front yard setback variance of 7.9 feet where the minimum required rear yard setback is 12.5 feet pursuant to City Code §§ 223-17D and 223 Attachment 1 and 223-13J, in connection with the construction of a two-story addition with a 4.6-foot front yard setback, at 49 Teller Avenue, in the R1-5 Zoning District 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. This 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; and (iii) fails to

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 this variance approval provided that a written request for an extension is submitted before the variance expires. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variance was originally granted have not substantially changed.

Dated: August 17, 2021

Mr. David Jensen, Chairman

Chairman David Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith		
		Robert Lanier		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		

ZONING BOARD OF APPEALS
City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Frederick Todd Davidson

ADDRESS: 16 South St

Beacon, NY 12508

TELEPHONE: 210.334.8730

E-MAIL: DAVIDSONFT@gmail.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

PROPERTY LOCATION: 49 Teller Ave

ZONING DISTRICT: R1-E

TAX MAP DESIGNATION: SECTION 5954

BLOCK 44 LOT 959697

Section of Zoning Code appealed from or Interpretation desired:

TABLE 223-17 SCHEDULE OF DIMENSIONAL REGULATIONS.

Reason supporting request:

Explain why for each and every permitted use under the zoning regulations for the particular district where the property is located the applicant cannot realize a reasonable return.

SINCE THE HOUSE IS ON A CORNER LOT, THERE ARE 2 FRONT YARD SETBACKS. THE SETBACK ON VINE STREET GOES THROUGH THE HOUSE, SO ANY ADDITIONS ON THIS SIDE WOULD REQUIRE A VARIANCE.

Explain why the hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.

THE EXISTING COVERED PORCH IS APPROXIMATELY 8' FROM THE PROPERTY LINE. WE ARE SEEKING A VARIANCE TO BE 4.6' FROM THE PROPERTY LINE WHICH IS NOT SUBSTANTIAL.

Explain why the requested use variance will or will not alter the essential character of the neighborhood.

THE ARCHITECTURE OF THE PROPOSED ADDITION WILL MATCH THE EXISTING HOUSE.

Explain whether the hardship has or has not been self-created.

THE HARDSHIP IS SELF CREATED SINCE WE ARE PROPONING TO EXPAND THE FOOTPRINT OF THE EXISTING HOUSE.

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

SITE PLANS, FLOOR PLANS, AND EXTERIOR ELEVATIONS PREVIOUSLY SUBMITTED.



City of Beacon Building Department

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: TODD DAVIDSON
(Applicant)

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

N/A

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

N/A

Applicant Address: 16 SOUTH STREET, BEACON, NY
Project Address: 49 TELLER AVENUE, BEACON, NY
Project Tax Grid #: 5954-44-959697
Type of Application: RESIDENTIAL ADDITION

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

I, STEVEN A. WHALEN, ^{AGENT OF} the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.
(Check statements that are true)

1. No violations are pending for ANY parcel owned by me situated within the City of Beacon. ✓
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. ✓
4. Tax delinquencies exist on a parcel or parcels owned by me in 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. ✓

Steven A. Whalen

Signature of Owner AGENT OF OWNER.

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)
ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)
ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

NO YES Initial

— ☒ — SW
— ☒ — SW
— ☒ — SW

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 A

Name of Applicant: TODD DAVIDSON

Address of Applicant: 16 SOUTH STREET, BEACON, N.Y.

Telephone Contact Information: 210-334-8730

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.
TODD DAVIDSON	16 SOUTH ST.	210-334-8730		

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, STEPHEN A. WHALEY, being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) STEPHEN A. WHALEY

(Signature) [Signature]

Short Environmental Assessment Form

Part 1 - Project Information

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.

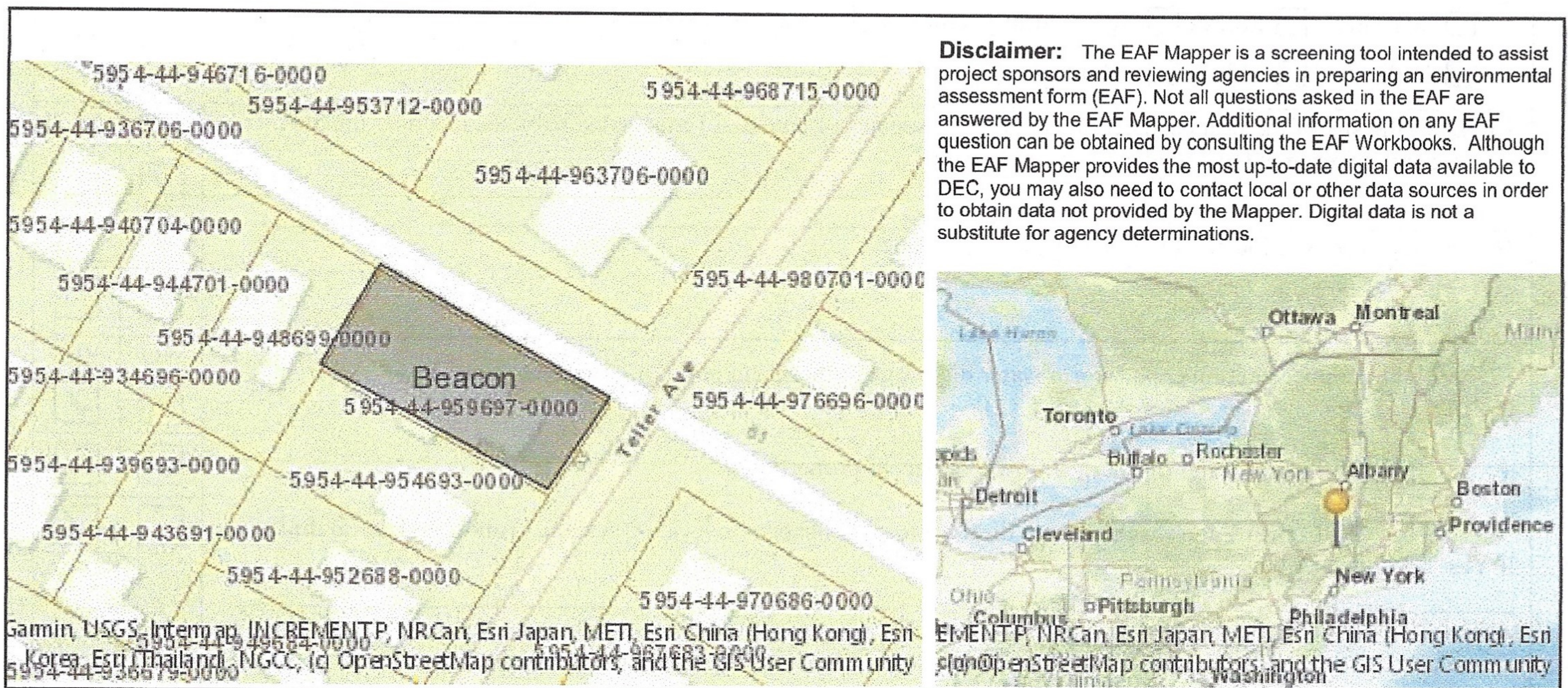
Part 1 – Project and Sponsor Information			
Name of Action or Project: Davidson Residence			
Project Location (describe, and attach a location map): 49 Teller Avenue, Beacon, NY 12508			
Brief Description of Proposed Action: Construct a new 139 square foot addition to the north side of the existing residence and a 302 square foot 2nd story addition to the west side of the existing residence.			
Name of Applicant or Sponsor: Todd Davidson		Telephone: 210-334-8730 E-Mail: davidsonft@gmail.com	
Address: 16 South Street			
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 government Agency? If Yes, list agency(s) name and permit or approval: ZBA, Building Department		NO ☐	YES ☒
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.13 acres .01 acres .13 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify): ☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:			
The proposed scope of work will meet the current energy code requirements. _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	☐	☒	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	☐	☒	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☒	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☒	☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☒	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☒
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☒
Storm water runoff will connect to existing storm drains.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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: <u>TO BE DETERMINED.</u>	NO	YES
	☐	☒
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>STEPHEN WHALEN R.A. 90 ARCHITECTURE, PLLC</u> ^{WHALEN} Date: <u>6/29/21</u> Signature: <u>[Signature]</u> Title: <u>PRINCIPAL.</u>		

EAF Mapper Summary Report

Tuesday, June 29, 2021 9:00 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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)?	☒	☐
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?	☒	☐

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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.

WILKINSON ARCHITECTURE, PLLC

Name of Lead Agency

6/29/21

Date

STEPHEN X. WILKINSON, RA, LEED AP.

Print or Type Name of Responsible Officer in Lead Agency

PRINCIPAL

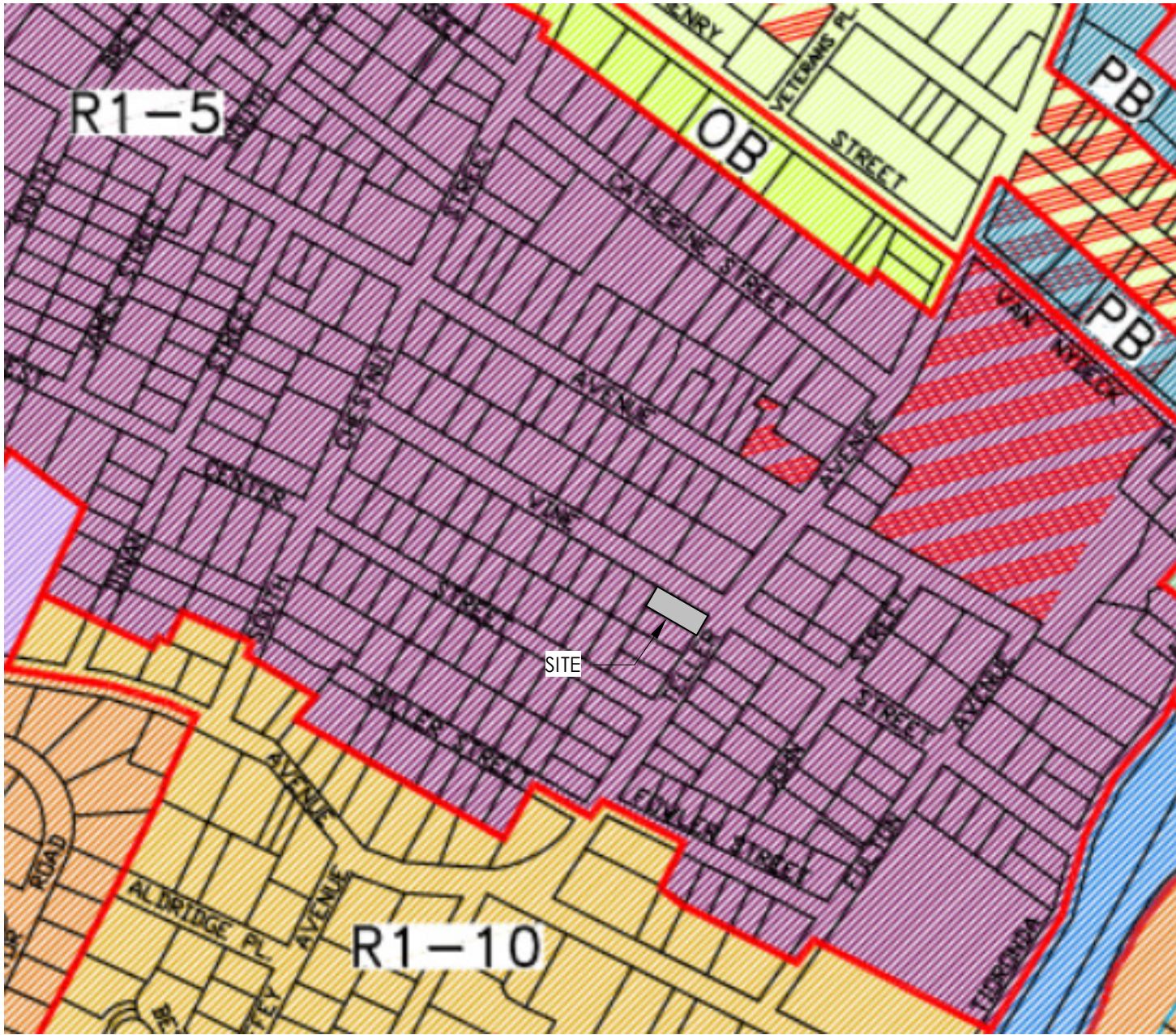
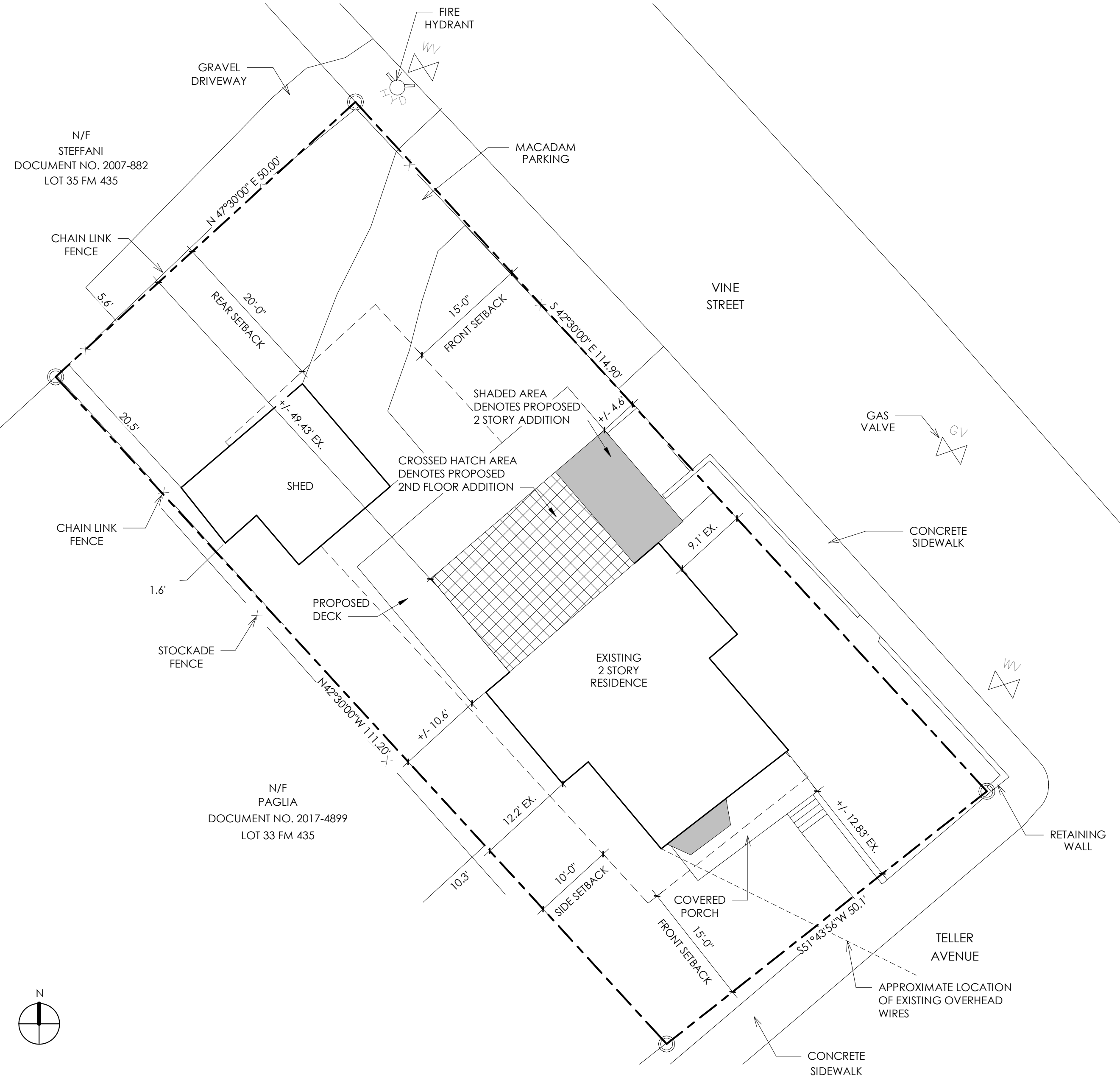
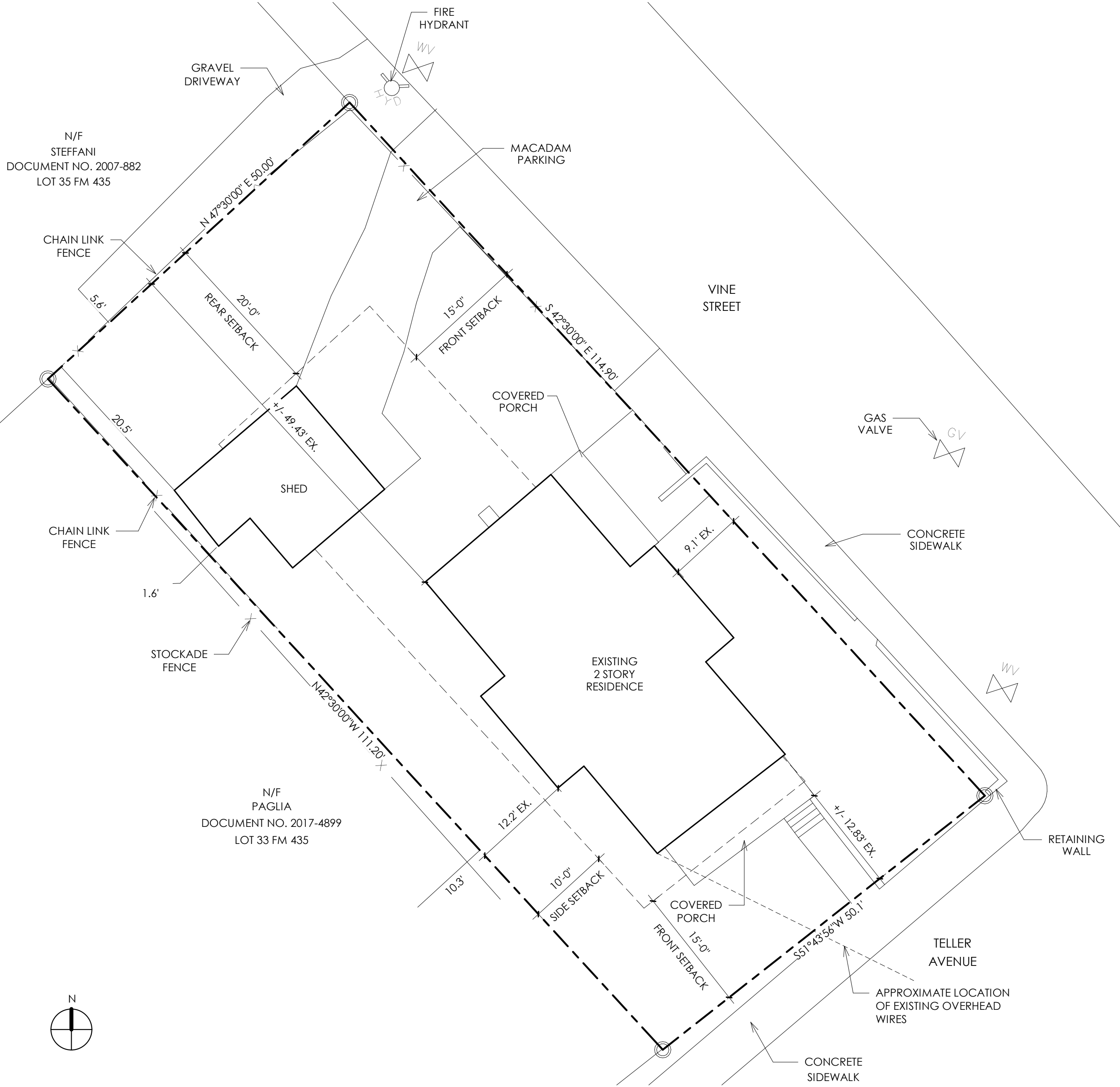
Title of Responsible Officer

[Signature]

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

PRINT FORM



ZONING INFORMATION										
TOWNSHIP: BEACON, NY SECTION, BLOCK, LOT: 5954-44-959697 ZONE: R1-5										
	LOT AREA	WIDTH	DEPTH	FRONT YD.	FRONT YD.	REAR YD.	SIDE YD.	BLDG. COVERAGE	BLDG. HGHT STORIES	BLDG. HGHT FEET
ORDINANCE REQUIREMENT:	MIN. 5,000 SF	MIN. 50 FT	MIN. 100 FT	MIN. 15 FT	MIN. 15 FT	MIN. 20 FT	MIN. 10 FT	N/A	MAX. 2.5 STORIES	MAX. 35 FT
EXISTING:	5,652 SF	50.10 FT	114.90 FT	12.83 FT	9.1 FT	49.43 FT	12.2 FT	N/A	2 STORIES	25 FT
PROPOSED:	NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE	*4.6 FT	NO CHANGE	10.6 FT	N/A	NO CHANGE	NO CHANGE

* VARIANCE REQUIRED.

REVISIONS / ISSUE DATES		BY		DATE	
NO.	DESCRIPTION	SW/JD		4/29/21	
	ISSUED TO ZBA				

PROJECT NAME:
Additions and Renovations to the:
Davidson Residence
49 Teller Avenue
Beacon, NY 12508

PROPOSED SITE PLAN

THESE DRAWINGS ARE INSUFFICIENT FOR CONSTRUCTION WITHOUT THE SEAL AND SIGNATURE OF THE ARCHITECT OF RECORD

DRAWN BY:
SW/JD

DATE:
2/1/21

SHEET:
2 of 5

SCALE:
As indicated

DRAWING NO:
2SP1.0

PROJECT PHASE:
SD

City of Beacon Zoning Board of Appeals Agenda
08/17/2021

Title:

Continue public hearing on application submitted by Scott Herring & Lauren Johnson, 20 Paye Street, Tax Grid No. 30-5954-15-730297-00, R1-10 Zoning District, for relief from Section 223-17(D) to construct a one-story 1-1/2 car garage with 21.11 ft. front yard setback (*25 ft. required*) and 9.4 ft. side yard setback (*15 ft. required*)

ATTACHMENTS

[ZBA Resolution 20 Paye Avenue](#)

[20 Paye Avenue Application.pdf](#)

[20 Paye Street Elevations and Site Plan.pdf](#)

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION
Parcel ID# 5954-15-730297

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by Scott Herring & Lauren Johnson (the “Applicants”) for (1) a front yard setback variance of 3.89 feet where the minimum required front yard setback is 25 feet pursuant to City Code §§ 223-17E and 223 Attachment 1, and (2) a side yard setback variance of 5.6 feet where the minimum required side yard setback is 15 feet pursuant to City Code §§ 223-17E and 223 Attachment 3, in connection with the construction of a one-story 1-1/2 car garage with a 21 foot 11 inch front yard setback and 9 feet 4 inch side yard setback, at 20 Paye Street, in the R1-10 Zoning District. Said premises being known and designated on the tax map of the City of Beacon as Parcel ID# 5954-15-730297 (the “Property”); and

WHEREAS, a duly advertised public hearing on the application was held on June 15, 2021 and continued the public hearing on August 16, 2021, 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 August 16, 2021; 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 variances are 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 variances, 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 variances, the Board found that
- 3) As to whether the requested variances are substantial, the Board found that
- 4) As to whether the proposed variances 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 the variance is.

BE IT FURTHER RESOLVED, that the Board finds that the requested variances [ARE/ARE NOT] the minimum variances 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 (1) a front yard setback variance of 3 feet 1 inch where the minimum required front yard setback is 25 feet pursuant to City Code §§ 223-17E and 223 Attachment 1, and (2) a side yard setback variance of 5 feet 8 inches where the minimum required side yard setback is 15 feet pursuant to City Code §§ 223-17E and 223 Attachment 3, in connection with the construction of a one-story 1-1/2 car garage with a 21 foot 11 inch front yard setback and 9 feet 4 inch side yard setback, at 20 Paye Street, 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 variances 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; and (iii) fails to 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 this variance approval provided that a written request for an

extension is submitted before the variances expire. Such extension shall only be granted upon a showing by the Applicant that the circumstances and conditions upon which the variances were originally granted have not substantially changed.

Dated: August 17, 2021

Mr. David Jensen, Chairman

Chairman David Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith		
		Robert Lanier		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		0

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEALOWNER: Scott Herring & Lauren JohnsonADDRESS: 82 Mountain Lane
Beacon, NY 12508TELEPHONE: 415-577-7350E-MAIL: scottjherring@gmail.com

APPLICANT (if not owner): _____

ADDRESS: _____

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Studio VaaADDRESS: 120 Channingville Rd Apt 5F
Wappingers Falls, NY 12590TELEPHONE: 845-242-0103E-MAIL: studiovaa@gmail.comPROPERTY LOCATION: 20 Paye Ave.ZONING DISTRICT: R1-10TAX MAP DESIGNATION: SECTION 5954BLOCK 12 LOT 730297

Section of Zoning Code appealed from or Interpretation desired:

223 Attachment 1 - Relief from 25 foot front yard setback and 15 side yard setback to allow for a
one story 1 1/2 car attached garage

Reason supporting request:

Proposed location is the best possible location and allows us to take advantage of an existing
parking area and requires the least amount of regrading.

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

Site Plan and proposed garage elevationsDate: 17 May 2021
Owner's Signature**Fee Schedule**

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

Applicant's Signature****escrow fees may apply if required by Chairman****

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: Scott HerringAddress of Applicant: 82 Mountain Lane Beacon, NY 12508Telephone Contact Information: 415-577-7350**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.
Scott Herring	82 Mountain Lane Beacon, NY 12508	415-577-7350	10 July 2018 Purchased	23 July 2018 Dutchess County
Lauren Johnson	82 Mountain Lane Beacon, NY 12508	415-328-3828	10 July 2018 Purchased	23 July 2018 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.

☐

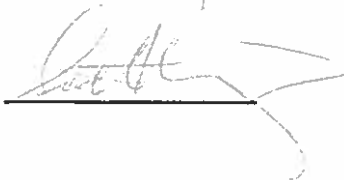
YES

☒

NO

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

(Print) Scott Herring

(Signature) 

617.20
Appendix B
Short Environmental Assessment Form

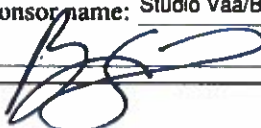
Instructions for Completing

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: Garage Addition							
Project Location (describe, and attach a location map): 20 Paye Ave Beacon, NY 12508							
Brief Description of Proposed Action: New one story 1 1/2 car attached garage addition to an existing single family residence.							
Name of Applicant or Sponsor: Studio Vaa		Telephone: 845-242-0103 E-Mail: studiovaa@gmail.com					
Address: 120 Channingville Rd. Apt 5F							
City/PO: Wappingers Falls		State: NY	Zip Code: 12590				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;">☒</td> <td style="text-align: center; padding: 2px;">☐</td> </tr> </table>	NO	YES	☒	☐
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: Building Permit from City of Beacon			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;">☐</td> <td style="text-align: center; padding: 2px;">☒</td> </tr> </table>	NO	YES	☐	☒
NO	YES						
☐	☒						
3.a. Total acreage of the site of the proposed action? _____ .24 acres b. Total acreage to be physically disturbed? _____ .03 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ .24 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							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO ☐	YES ☒	N/A ☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☒	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☒	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☒	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☒	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☒	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☒	YES ☐	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO ☒	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☒	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☒	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☒ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☒	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☒	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES	NO ☐	YES ☒	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	☒ NO ☐ YES		

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: Studio Vaa/Bryan Corrigan		Date: 17 May 2021
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?"

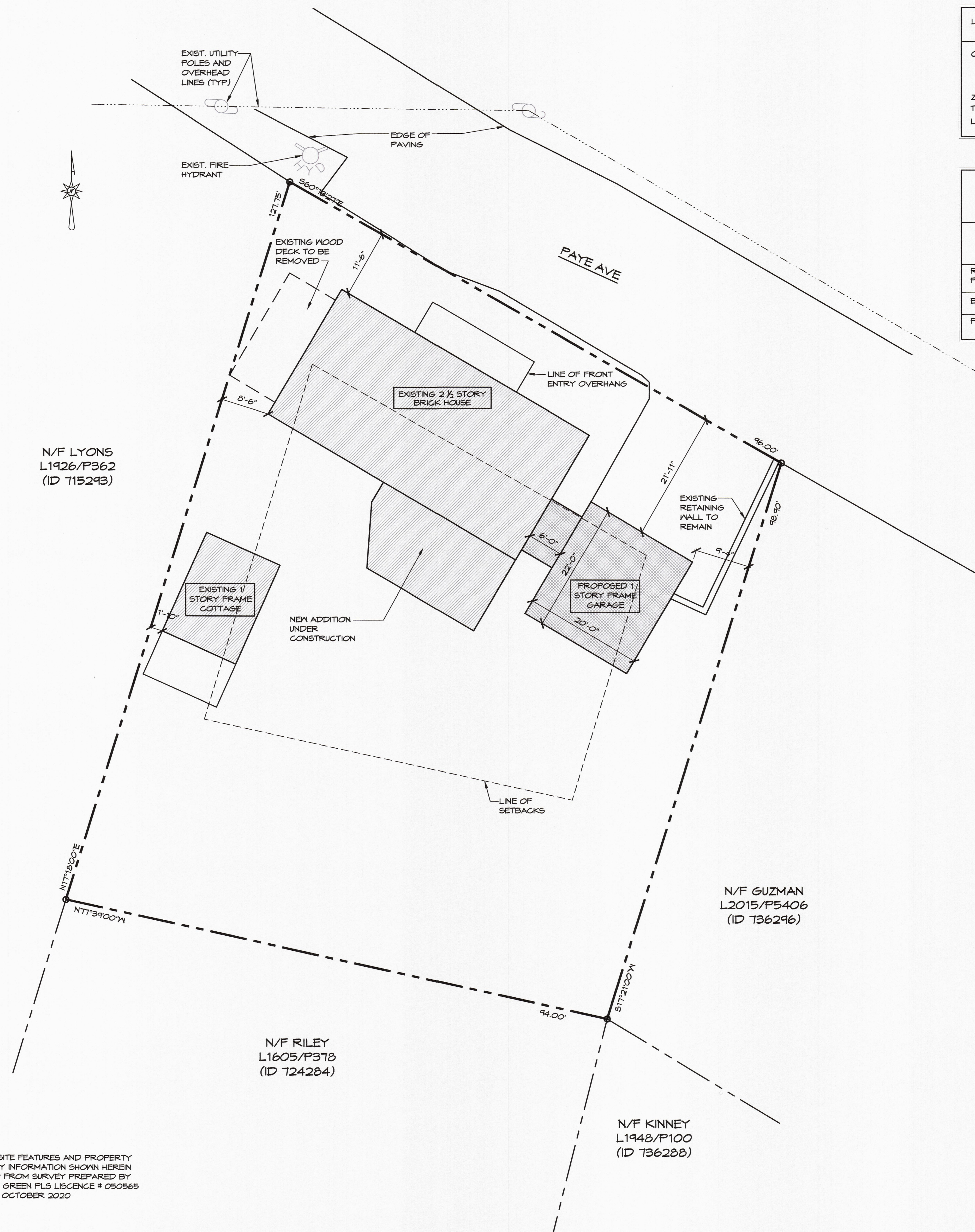
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	☐	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	☐	☐
3. Will the proposed action impair 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



LEGAL DATA	
OWNER:	SCOTT HERRING & LAUREN JOHNSON 82 MOUNTAIN LANE BEACON, NY 12508
ZONE:	R1-10 ONE FAMILY RESIDENTIAL
TAX GRID NO.	5454-12-730247
LOT SIZE:	.24 AC

CITY OF BEACON DIMENSIONAL REGULATIONS R1-10 ONE-FAMILY RESIDENCE TABLE 223-1T										
	MINIMUM LOT SIZE AREA				MINIMUM YARDS			MAX BLDG. HEIGHT MAIN STRUCTURE (STORIES/FEET)	BUILDING % OF BLDG COVERAGE	MIN. OPE SPACE
	LOT AREA (SF)	PER UNIT (SF)	LOT WIDTH (FT)	LOT DEPTH (FT)	FRONT YARD (FT)	SIDE YARD (FT)	REAR YARD (FT)			
REG'D/ PERMITTED	10,000	10,000	85	100	25	15	35	2.5/35'	25%	-
EXISTING	10,617.98	10,617.98	94'	98.9	11.5	8.5'	37.5	2.5/27.5	17%	-
PROPOSED	10,617.98	10,617.98	94'	98.9	11.5	8.5/9.3	37.5	2.5/27.5	22.5%	-

ADD/ALT TO:
HERRING/JOHNSON
RESIDENCE
20 PAVE AVE.
BEACON, NY



studio vAA

120 CHANNINGVILLE RD
WAPPINGERS FALLS, NY 12586
T 914 475 0076
studiowaa@gmail.com

#	REVISION	DATE

SHEET TITLE:
SITE PLAN

SCALE :
1" = 10'-0"

DATE :
17 MAY 2021

PROJECT NUMBER	2101
----------------	------

	SHEET NUMBER
--	--------------

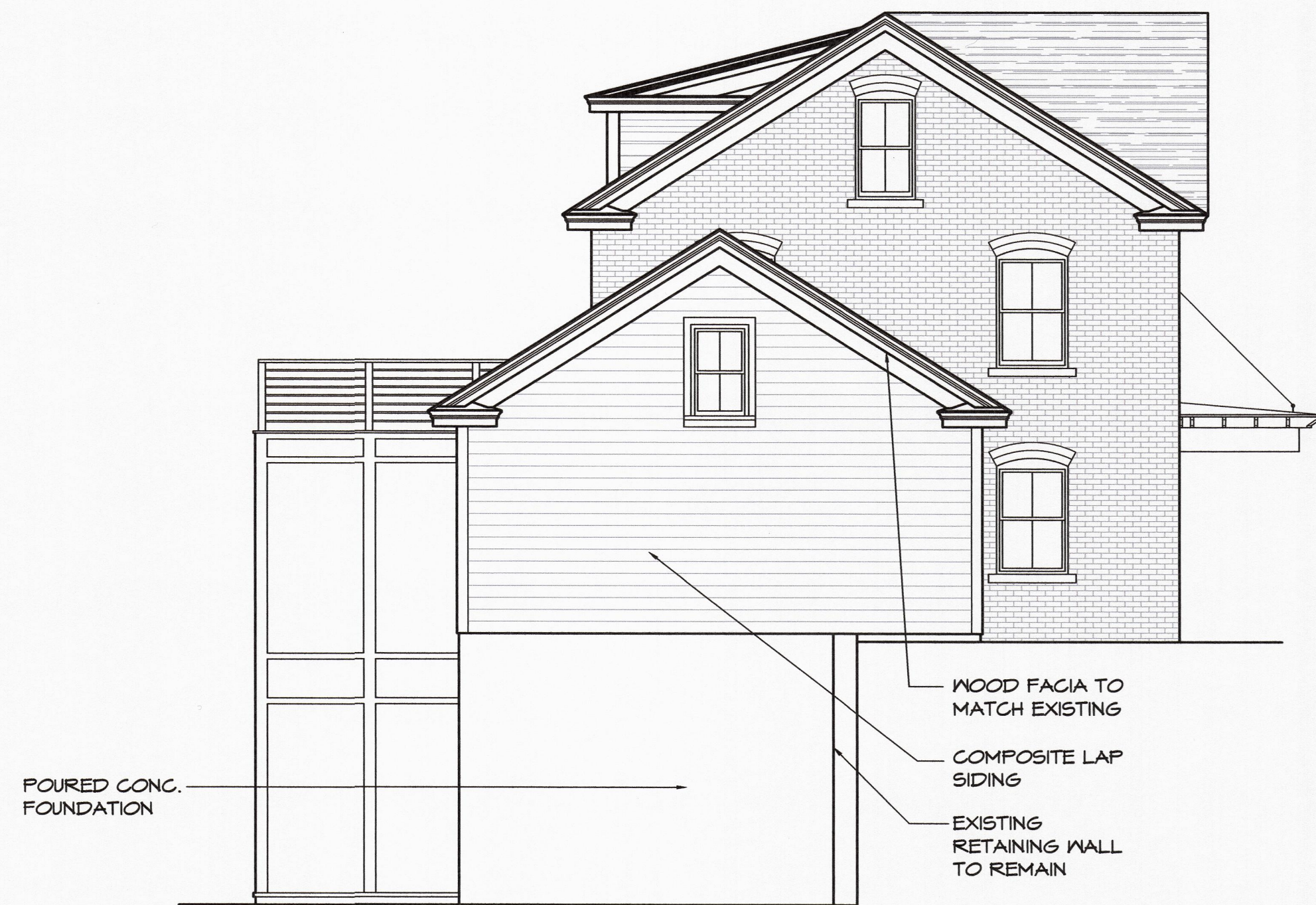
C-

© 2021 STUDIO V&A

ADD/ALT TO:
HERRING/JOHNSON
RESIDENCE
20 PAVE AVE.
BEACON, NY



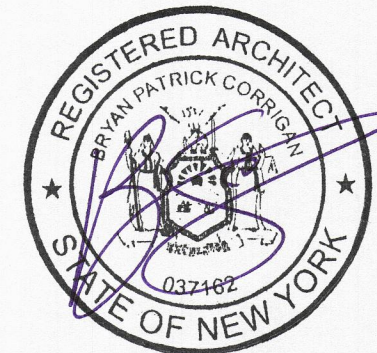
1 EAST ELEVATION
C-2 3/16" = 1'-0"



2 SOUTH ELEVATION
C-2 3/16" = 1'-0"



3 WEST ELEVATION
C-2 3/16" = 1'-0"



studio vAA
120 CHANNINGVILLE RD.
WAPPINGERS FALLS, NY 12590
T 914 475 0076
studiovaa@gmail.com

#	REVISION	DATE

SHEET TITLE:
PROPOSED GARAGE
ELEVATIONS

SCALE:
3/16" = 1'-0"

DATE:
17 MAY 2021

PROJECT NUMBER:
2101

SHEET NUMBER:

C-2

City of Beacon Zoning Board of Appeals Agenda
08/17/2021

Title:

Continue public hearing on application submitted by Beacon 248 Holdings, LLC, 248 Tioronda Avenue, Tax Grid Nos. 30-5954-16-993482-00 and 30-6054-45-012574-00, FCD Zoning District, for relief from Section 223-41.1(B) to allow construction of the residential building to take place before, and not concurrently with, construction of the project's commercial building

ATTACHMENTS

[ZBA Resolution 248 Tioronda](#)

[248 Tioronda Avenue Application.pdf](#)

[248 Tioronda Avenue Cover Letter.pdf](#)

[248 Tioronda Avenue EAF.pdf](#)

[E-mail From CPC.pdf](#)

[Letter from Lakeland Bank.pdf](#)

[248 Tioronda Avenue Variance Request EAF Part 2 and 3](#)

[Variance Request 248 Tioronda EAF Part 3 Negative Declaration](#)

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

Parcel ID# 5954-16-993482 & 6054-45-012574

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by 248 Beacon Holdings, LLC (the “Applicants”) for relief from City Code § 223-41.1B to allow construction of the residential buildings to take place before, and not concurrently with, construction of the project’s commercial building on property located at 248 Tioronda Avenue, in the Fishkill Creek Development (FCD) District. Said premises being known and designated on the tax map of the City of Beacon as Parcel ID# 5954-16-993482 & 6054-45-012574 (the “Property”); and

WHEREAS, City Code § 223-41.1B requires that development in the FCD District include a minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/work spaces, which must be built out before or concurrently with the residential development of the site; and

WHEREAS, a duly advertised public hearing on the application was held on July 20, 2021 and continued the public hearing on August 16, 2021, 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 August 16, 2021; and

WHEREAS, the proposed action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act; 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; and

WHEREAS, acting in its capacity as Lead Agency for environmental review, and after taking a “hard look” at all of the potential environmental impacts that might result from the proposed action, the Board has concluded for the reasons set forth in the annexed Negative Declaration that there will be no significant environmental impact or effect caused or occasioned by the issuance of the requested area variance.

NOW, THEREFORE, BE IT RESOLVED, that the Board, pursuant to the State Environmental Quality Review Act, hereby adopts the attached Negative Declaration.

BE IT FURTHER 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 the variance is.

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 relief from City Code § 223-41.1B to allow construction of the residential buildings to take place before, and not concurrently with, construction of the project's commercial building on property located at 248 Tioronda Avenue, in the Fishkill Creek Development (FCD) District, 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; and (iii) fails to 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 this variance approval provided that a written request for an extension is submitted before the variance expires. 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: August 17, 2021

Mr. David Jensen, Chairman

Chairman David Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith		
		Robert Lanier		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		0

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: 248 Beacon Holdings LLC ADDRESS: 147 Union Street
Poughkeepsie, NY 12601
 TELEPHONE: (845) 393-1380 E-MAIL: berry@chaibuilders.com

APPLICANT (if not owner): Same as above ADDRESS: Same as above
 TELEPHONE: Same as above E-MAIL: Same as above

REPRESENTED BY: Daniel F. Leary, Esq. ADDRESS: 527 Route 22, Suite 2
Pawling, NY 12564
 TELEPHONE: BNR LLP (914) 837-0896 E-MAIL: dleary@bnrllp.com

PROPERTY LOCATION: 248 Tioranda Avenue ZONING DISTRICT: FCD (Fishkill Creek Development)

TAX MAP DESIGNATION: SECTION 5954 BLOCK 16 LOT 993482
6054 45 012574
 Section of Zoning Code appealed from or Interpretation desired:
Section 223-41.14B

Reason supporting request:

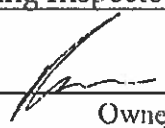
See Attached

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

Site Plan, Correspondence from David Buckley, Building Inspector, dated June 25,
Correspondence of CPC, dated May 17, 2021.

Date: June 28, 2021**2021,
Fee Schedule**

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


 Owner's Signature


 Applicant's Signature
****escrow fees may apply if required by Chairman****

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: 248 Beacon Holdings LLC

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

Bernard Kohn

Michael Silberberg

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

344 Main Street, Beacon, NY 12508

Craig House

Applicant Address: 147 Union Street, Poughkeepsie, NY 12601

Project Address: 248 Tioronda Avenue

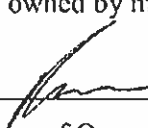
Project Tax Grid # 5954-16-993482 & 6054-45-012574

Type of Application Zoning Board of Appeals ("ZBA")

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, Bernard Kohn, 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 | <u>X</u> |
| 2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon | <u> </u> |
| 3. ALL tax payments due to the City of Beacon are current | <u>X</u> |
| 4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon | <u> </u> |
| 5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon | <u> </u> |
| 6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current | <u>X</u> |


Signature of Owner

Bernard Kohn- Principal

Title if owner is corporation

Office Use Only:

Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)

ALL taxes are current for properties in the City of Beacon are current (Tax Dept.)

ALL Special Assessments, i.e. water, sewer, fines, etc. are current (Water Billing)

NO	YES	Initial
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

FOR OFFICE USE ONLY

Application #

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: 248 Beacon Holdings LLCAddress of Applicant: 147 Union Street, Poughkeepsie, NY 12601Telephone Contact Information: (845) 393-1380**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.
248 Beacon Holdings LLC	147 Union Street Poughkeepsie, NY	(845) 393-1380	12110118 by Deed	Book 22019 Pg. 496 -
				Dutchess County Clerk

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

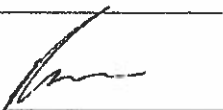
☒

NO

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

(Print) Bernard Kohn

(Signature)



FOR OFFICE USE ONLY

Application #

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

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

Disclosure of the names and addresses of all persons or entities owning any interest or controlling position of any Limited Liability Company, Partnership, Limited Partnership, Joint Venture, Corporation or other business entity (hereinafter referred to as the "Entity") filing a land-use application with the City is required pursuant to Section 223-62 of the City Code of the City of Beacon. If any Member of the Entity is not a natural person, then the names and addresses as well as all other information sought herein must be supplied about the non-natural person member of that Entity, including names, addresses and Formation filing documents. Applicants shall submit supplemental sheets for any additional information that does not fit within the below sections, identifying the Section being supplemented.

SECTION A.

IF AFFIANT IS A PARTNERSHIP, JOIN VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION: N/A

Name of Entity	Address of Entity
Place where such business entity was created	Official Registrar's or Clerk's office where the documents and papers creating entity were filed
Date such business entity or partnership was created	Telephone Contact Information

SECTION E. Is any party identified in Sections A- C 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 F. Was any person referred to in Sections A-D known by any other name within five (5) years preceding the date of the application?

☐ YES ☒ NO[illegible]

SECTION G. List the names and addresses of each person, business entity, partnership and corporation in the chain of title of the subject premises for the five (5) years next preceding the date of the application.

Name	Address
248 Beacon Holdings LLC	147 Union Street Poughkeepsie, NY 12601
Beacon 248 Development LLC	104 Rochelle Avenue Rochelle Park 275

SECTION H. 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.

N/A

SECTION I. 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, Bernard Kohn being first duly sworn, according to law, deposes and says that I am (Title) Principal, an active and qualified member of the LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) Bernard Kohn

(Signature)





Berlandt Nussbaum & Reitzas LLP
Attorneys at Law

NEW YORK CITY OFFICE

125 PARK AVENUE
25TH FLOOR
NEW YORK, NY 10017

WHITE PLAINS OFFICE

445 HAMILTON AVENUE
14TH FLOOR
WHITE PLAINS, NY 10601

PAWLING OFFICE

527 ROUTE 22
SUITE 2
PAWLING, NY 12564

TELEPHONE (212) 804-6329
FACSIMILE (646) 461-2312

WWW.BNRLLP.COM

June 29, 2021

VIA ELECTRONIC MAIL

Hon. David Jensen, And
Members of the Zoning Board of Appeals
City of Beacon
1 Municipal Plaza
Beacon, New York 12508

Re: Application of 248 Beacon Holdings, LLC, for an Area Variance
Premises: 248 Tioronda Avenue, Beacon, New York
Tax Parcel IDs: (5954-16-993482 & 6054-45-012574- Now Merged)

Dear Chairman Jensen and Members of the Zoning Board of Appeals ("ZBA"):

By way of introduction, this firm represents 248 Beacon Holdings, LLC (the "Applicant"), the owner of property located at 248 Tioronda Avenue in the City of Beacon (the "City"), known and designated on the tax assessment map of the City as 5954-16-993482 & 6054-45-012574, but merged in to one parcel pursuant to the previously granted subdivision/lot merger approval by the City of Beacon Planning Board (the "Property").

Pursuant to Section 223.55 (C)(2) of the City of Beacon Zoning Code, we submit the enclosed application to the ZBA for a variance from Section 223-41.14B of the Zoning Code ("Bulk Regulations"), which requires that nonresidential space be built out before or concurrently with the residential development of the Property. Attached to the application is a supplemental statement setting forth the reasons supporting the request for a variance. In further support, we also enclose correspondence of The Community Preservation Corporation, dated May 17, 2021.

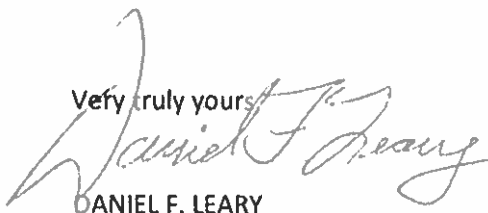
We respectfully request that the application be placed on the agenda of the July 20, 2021 meeting for a public hearing and consideration of this request for a variance. In the interim, if you have any questions, or need additional information, please do not hesitate to contact me at 914-837-0896 or dleary@bnrllp.com.

June 29, 2021
Page 2 of 2

BNR

Thank you for your consideration.

Very truly yours

A handwritten signature in cursive script, reading "Daniel F. Leary". The signature is written in dark ink and is positioned over the typed name "DANIEL F. LEARY".

DANIEL F. LEARY

Cc: Berry Kohn, 248 Beacon Holdings, LLC
Drew Gamils, Esq., ZBA Attorney
Jennifer L. Gray, Esq., Planning Board Attorney



David Buckley
Building Inspector

CITY OF BEACON
New York

BUILDING DEPARTMENT

845-838-5020
Email: dbuckley@cityofbeacon.org

June 25, 2021

Re: 248 Tioronda Ave
Grid # 5954-16-993482

Dear Mr. Kohn:

Your request to not build the commercial building concurrently with the two residential buildings at the referenced address is in violation of section 223-41.14(B) of the City of Beacon Zoning Code and cannot be approved.

You are hereby directed to apply to the zoning board of appeals for relief of this request. If you have any questions or need further information, please feel free to contact me at (845) 838-5020. Thank you.

Sincerely,

A handwritten signature in dark ink that reads "David Buckley". The signature is stylized with a large, looped "D" and a flourish at the end.

David Buckley
Building Inspector



The Community Preservation Corporation

480 Bedford Road, Suite 4201
Chappaqua, New York 10514

May 17, 2021

Mr. Bernard Kohn
248 Beacon Holdings LLC

Re: 248 Tioronda Avenue, Beacon, NY

To whom it may concern:

Mr. Kohn has submitted a request to the Community Preservation Corporation (CPC) for Construction Financing for the purposes of constructing a mixed-use development consisting of 64 residential apartments and 25,400 SF of Office space. The financing request states that the residential apartments will be constructed in two separate buildings with each building consisting of 32 apartments. The 25,400 SF of Office Space will be located in a third building.

CPC has reviewed the proposed development and is supportive of the project and would like to find a way to provide Mr. Kohn with the requested financing to construct additional housing in Beacon. CPC would like to move forward toward loan approval, however, given the uncertainty for demand for commercial space and in particular office space created by the pandemic, we are not able to finance the commercial component of this project at this time. CPC relies on Permanent Loan lenders such as Freddie Mac and Fannie Mae among others to provide long term financing to take-out CPC's Construction Loan's and these lenders are currently very hesitant to and in most cases not underwriting any income generated from office space or the commercial components of mixed-use developments. If these lenders begin to consistently underwrite to commercial income and in particular office space in the future, CPC would then reevaluate the loan request at that time, but for the time being we are unable to finance the commercial portion of this development.

CPC is both interested and excited to provide capital for multi-family development in Beacon and throughout New York State. Mr. Kohn is an existing client of CPC's and is currently in good standing. CPC is looking forward to working with Mr. Kohn in order to develop and preserve much needed safe affordable housing throughout the Hudson Valley.

Should you have any questions, please feel free to contact me.

Best Regards,

Michael Kroog Digitally signed by Michael Kroog
Date: 2021.05.17 16:20:46 -04 00'

Michael Kroog
Vice President, Mortgage Officer
P - (914) 801-1065
E - mkroog@communitypc.com

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: 248 Tioronda Avenue Mixed-Use Project (Residential)							
Project Location (describe, and attach a location map): 248 Tioronda Avenue Beacon, NY 12508 (Commercial)							
Brief Description of Proposed Action: Application to the Zoning Board of Appeals ("ZBA") for relief from Section 223-41.14B of the Zoning code, to allow for construction of residential before office is fully built.							
Name of Applicant or Sponsor: 248 Beacon Holdings LLC		Telephone: 845-393-1380 E-Mail: berry@chaibuilders.com					
Address: 147 Union Street							
City/PO: Poughkeepsie		State: NY	Zip Code: 12601				
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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
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:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;">☒</td> <td style="text-align: center;">☐</td> </tr> </table>	NO	YES	☒	☐
NO	YES						
☒	☐						
3.a. Total acreage of the site of the proposed action?		9.18 acres					
b. Total acreage to be physically disturbed?		N/A acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		9.18 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							

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	☒	☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	☐	☒	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	☐	☒	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	☒	☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☐	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☒	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	☒	☐	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	☒	☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☒	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	☐ NO ☐ YES		

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: <u>Former NYCS DEC State Super fund site - May 2003</u>	NO ☐	YES ☒
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>248 Beacon Holdings LLC</u> Date: <u>6/28/2021</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

City of Beacon

Request for Area Variance from the Zoning Board of Appeals (the “ZBA”)

Applicant: 248 Beacon Holdings LLC (the “Applicant”)

Parcel Nos: 5954-16-993482 & 6054-45-012574 (Merged)

Hearing Date: July 20, 2021

Supplemental Responses to the ZBA Application

Section of the City of Beacon Zoning Code from which variance is requested and herewith appealed:

The Applicant is seeking a variance from the following code section:

Section 223-41.14B of the City Zoning Code (“Bulk Regulations”), which requires that nonresidential space be built out before or concurrently with the residential development of the site.

Request for Area Variance.

Pursuant to General City Law Section 81-b (4) and Section 223.55 (C) (2) (b) of the City Zoning Code, the overall test for area variances is the balancing of the benefit to the applicant if the variances are granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or the community by such grant. As more fully set forth in the enclosed correspondence from The Community Preservation Corporation (“CPC”), dated May 17, 2021, the Applicant is not able to finance the commercial/office component of his fully approved mixed use project (the “Project”) at this time. This is due to the uncertainty of demand for commercial space and office space in particular, attributed to the pandemic and other factors. On the other hand, financing for the residential component of the Project remains available, and the Applicant is desirous of commencing construction on that portion of the Project as soon as possible. The Applicant is fully committed to the construction of the nonresidential space as approved for the Project, once financing is available. Therefore, the Applicant respectfully asks that the ZBA consider the benefit of granting the requested relief from Section 223-41.14B of the Zoning Code, when weighing and balancing the following five (5) factors:

1. There will be no undesirable change in the character of the neighborhood or a detriment to nearby properties by the granting of the variance.

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the variance. For the Project as a whole, the previous approval by the City of Beacon Planning Board to construct two multifamily buildings and a commercial building remains intact. The Applicant is not proposing to construct any additional buildings, expand impervious surfaces or change any of the previously approved setback, lot coverage and other

dimensional requirements applicable to development in the Fishkill Creek Development (“FCD” Zoning District. In addition, the Project would remain wholly consistent with the Local Waterfront Revitalization Program (“LWRP”) Zoning District. In sum, there will be no undesirable or detrimental “external” impacts to the character of the neighborhood or nearby surrounding properties by the grant of this variance.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the Applicant to pursue, other than a variance.

As demonstrated by the enclosed correspondence from the CPC, there are no other feasible methods for the Applicant to pursue besides the requesting variance. Specifically, the financial viability of the Project itself hinges on the grant of the variance. Because the Applicant cannot obtain financing for the Project without obtaining relief from the sequencing in construction between commercial space and residential development required under Section 223-41.14B, there are no other feasible options for the Applicant to pursue. The Applicant is working within the constraints of the existing lending/borrowing market and this variance is the minimum necessary that will allow construction of the Project to move forward.

3. The requested variance is not substantial.

The requested variance is not substantial in effect. “Substantiality” is not just a matter of mathematical proportion. Rather, the reigning test is always whether the variance will have a detrimental effect on the neighborhood.

As already noted in “1” above, there will be no detrimental effect on the neighborhood by the grant of this variance. In fact, the variance being sought does nothing to change or increase building/lot coverage, setbacks, building size or the space between the proposed development and neighboring property owners required under the approved site plan or in the Zoning Code.

4. The requested variance, if granted, will not have an adverse impact on the physical and/or environmental conditions in the neighborhood.

The proposed variance will not have an adverse effect on the physical or environmental conditions of the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic or impact on public services by the grant of this variance. The variance will not result in any adverse impacts under SEQRA, nor will it increase any of the environmental impacts that went in to the “Negative Declaration” adopted by the Planning Board as Lead Agency on April 14, 2014. Other than this proposed change in sequencing between commercial and residential construction, none of the terms and conditions of the site plan previously approved by the Planning Board will be impacted by the grant of the variance, and the Project’s consistency with the LWRP remains unchanged.

5. The alleged difficulty was not self-created.

The alleged difficulty was not self-created, but arises out of a zoning amendment that was adopted well after the Applicant selected the site as the location of its proposed development and commenced site plan review by the Planning Board. However, even if the hardship was self-created, this alone does not preclude the grant of an area variance under General City Law 84-b (4) (v).

Begin forwarded message:

From: Michael Kroog <mkroog@communityp.com>
Date: July 19, 2021 at 1:53:07 PM EDT
To: Berry Kohn <berry@chaibuilders.com>
Subject: RE: EXT:Planning Board Comments_248 Tioronda.pdf

Hello Berry, CPC has provided financing for almost all of the mixed-use properties in Beacon at one point or another over the years. I have noted the last few mixed-use projects that CPC provided financing for in Beacon for reference.

CPC provides construction and permanent financing for mixed-use projects throughout the Hudson Valley, NYS and permanent financing on mixed-use projects throughout the Country. CPC is a seller/servicer for Freddie Mac and Fannie Mae which are the largest purchasers of multi-family mortgages (Permanent Financing) in the Country. It is currently very difficult to get them to include commercial income in the loan leverage due to the disruptions and complications in all commercial businesses over the past year +. This in turn results in more equity needed from the developer to make the financing work.

Furthermore, CPC's construction lending platform is capitalized by many of the major banks (except Chase) with Citibank being the lead bank so we are in constant contact with these institutions regarding financing and we see the same hesitation at the moment from these partners regarding the commercial component of mixed-use properties, especially office space given the shifting trends in remote working capability.

Lofts at Beacon Falls / 50-54 Leonard Street – Mixed-use
Beacon Theater / 445 Main Street – Mixed-use
494-495 Main and 2 South Street, Beacon – Mixed-use

Best,

Mike

From: Berry Kohn <berry@chaibuilders.com>
Sent: Monday, July 19, 2021 1:14 PM
To: Michael Kroog <mkroog@communityp.com>
Subject: EXT:Planning Board Comments_248 Tioronda.pdf



July 19, 2021

Mr. Bernard Kohn

248 Beacon Holdings LLC

Re: 248 Tioronda Avenue, Beacon, NY

To whom it may concern:

Mr. Kohn has discussed construction financing with Lakeland Bank for the purposes of constructing a mixed-use development consisting of 64 residential apartments and 25,400 SF of office space. The pro-forma information provided to Lakeland Bank indicates residential apartments will be constructed in two separate buildings with each building consisting of 32 apartments. The 25,400 SF of office space will be located in a third building.

Lakeland Bank has reviewed the information provided and has expressed an interest in financing the development project. A concern surrounding the financing inquiry is the development project's office space component. Due to various macroeconomics factors, microeconomic factors and inherently high vacancy rates, office space is considered to be a higher risk property type. As a result, Lakeland Bank would most likely not fund the portion of the construction loan associated with the office space until it has been largely leased. This risk mitigation tactic is not unique to Lakeland Bank. Many banks are hesitant to finance speculative office space projects in today's economy.

Lakeland Bank is very interested in financing multi-family development projects in Beacon and throughout the Hudson Valley. Since the opening of its New York Loan Production Office in 2015, Lakeland Bank has successfully financed commercial development projects in the Hudson Valley (two of which are located in Beacon, NY).

Should you have any questions, please feel free to contact me.

Ken Lawson

Relationship Manager

Commercial and Middle Market Lending

556 Route 32, Highland Mills, NY 10930

Office: 845-827-3155 | Cell: 973-903-1079

Project: 248 Tioronda Avenue - Variance

Date: August 17, 2021

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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)?	☒	☐
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?	☒	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

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.

See attached.

☐

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.

City of Beacon Zoning Board of Appeals

Name of Lead Agency

August 17, 2021

Date

David Jensen

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION

APPLICATION FOR VARIANCE APPROVAL
FOR 248 TIORONDA AVENUE**

Parcel Nos. 5954-10-993482 and 6054-45-012574

CONCLUSIONS

This Part 3 analysis has been prepared to address all relevant areas of environmental concern as identified in the review by the Zoning Board of Appeals (“ZBA”). This narrative will discuss and explain the analysis of the potential impacts, and why the Proposed Action will not result in a significant adverse environmental impact. Such analysis is appropriately set forth in the Part 3, even if the potential impact was identified as “none” or “small.” Based upon a review of Parts 1 and 2 of the Short Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with information from the public, the ZBA, undergoing an uncoordinated review, provides the following rationale for its SEQRA Determination.

Project Description:

On June 28, 2021, 248 Beacon Holdings, LLC submitted an application the ZBA for relief from City Code § 223-41.1B to allow construction of the residential buildings to take place before, and not concurrently with, construction of the project’s commercial building on property located at 248 Tioronda Avenue, in the Fishkill Creek Development (FCD) District (the “Proposed Action”). Said premises being known and designated on the tax map of the City of Beacon as Parcel ID# 5954-16-993482 & 6054-45-012574 (the “Property”). City Code § 223-41.1B requires that development in the FCD District include a minimum of 25% of the total development's floor area shall be permitted nonresidential uses other than dwelling units or artist live/workspaces, which must be built out before or concurrently with the residential development of the site.

On April 14, 2020, the Planning Board of the City of Beacon granted subdivision (lot merger) and site plan approval to 248 Beacon Holdings, LLC to redevelop the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 s.f. office building, with associated parking. The multifamily residential development is included in two buildings with a total of 28 one-bedroom units and 36 two-bedroom units (100 bedrooms) (collectively referred to herein as the “Project” or “Proposed Development”). The Project includes Greenway Trail for public use along the Fishkill Creek.

The Proposed Action is an Unlisted Action. The Zoning Board of Appeals opened a public hearing to consider comments on the application on July 20, 2021. The public hearing was closed on _____.

Summary of Rationale for Negative Declaration

The Proposed Action will not result in any significant adverse impacts on the environment.

In summary:

- **Impact on Land: The Proposed Action will not have a significant adverse environmental impact as a result of any physical change to the Property.**

The Property is located in the FCD District. The Proposed Development is located almost entirely within the existing disturbed area of the former Tuck Tape Industries development area. The Property is already cleared and graded. The proposed variance may increase the length of time it takes to complete the Project which may cause additional disturbance to the land resulting from the extended use of construction vehicles and storage of materials on the Property. However, no significant adverse environmental impacts are expected as a result of any physical change to the Property.

- **Impact on Geological Features: The Proposed Action will not have a significant adverse environmental impact on any unique or unusual landforms on the site.**

There are no unique geological features on the Property.

- **Impacts on Surface Water and Groundwater: The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.**

The Proposed Development will connect to existing public water and existing wastewater utilities. The Proposed Action to allow the Applicant to construction the residential buildings before the commercial buildings will not have a significant adverse environmental impact on the surface or groundwater quality or quantity.

Stormwater. Construction of the Proposed Development will result in a disturbance area of 5.95 acres of the 9.18-acre site, but virtually the entire disturbance is within the area already disturbed by the factory buildings, parking areas, and other areas associated with the industrial development. The Project will increase the impervious area by 0.48 acres. As a redevelopment project with an increase in overall impervious area, treatment of stormwater will be provided for 100% of the additional new impervious area and 25% of the existing disturbed impervious area. The project

proposes to use a combination of standard stormwater management practices and alternative practices. The site will continue to discharge stormwater runoff to the Fishkill Creek. An Erosion and Sediment Control Plan was previously approved for the Project and shall be employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion. Therefore, the Proposed Development is not expected to result in any adverse impacts in regard to stormwater.

Water resources. According to the NYSDEC Environmental Resource Map, the site does not contain nor is contiguous to a State regulated wetland or associated adjacent area. The Site is contiguous to the Fishkill Creek, a NYSDEC stream identified as H-95, a tributary of the Hudson River. This stream is classified as a Class C stream in the vicinity of the Site; therefore, it is not regulated by NYSDEC as a protected water, as confirmed by letter from NYSDEC dated March 21, 2019.

Groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems.

As a result, the Project will not result in a significant adverse impact on surface or groundwater quality or quantity.

- **Impact on Flooding: The Proposed Action will not have a significant adverse environmental impact on or alter drainage flows or patterns, or surface water runoff.**

According to the National Flood Insurance Program Flood Insurance Rate Map (FIRM), City of Beacon, New York, Community Panel 360217, a portion of the Site along the Fishkill Creek is located within Flood Zone AE, which is described as an area of the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual (100-year) chance flood can be carried without substantial increases in flood heights. No building construction is proposed within Zone AE. The Proposed Action has no impact on the location of the buildings.

For the reasons set forth above and herein, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or on surface water runoff.

- **Impact on Air: The Proposed Action will not have a significant adverse environmental impact on air quality.**

Construction activities associated with the Proposed Action could result in temporary air quality impacts. The proposed variance may prolong the length of time construction activities occur on the Property, however, air quality in the area is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction will be limited to 7:00 a.m. to 5:00

p.m. Monday through Friday, or as otherwise limited by the City Code in effect at the time of construction. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities. Fugitive dust emissions will be mitigated by wetting and stabilizing soils to suppress dust generation. Other dust suppression methods will include the spraying of soil stockpiles during dry periods and covering trucks carrying solid and other dry materials. These unavoidable short-term impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes. It is anticipated that nearby properties may experience temporary fugitive dust and an elevation in vehicle emissions from construction vehicles throughout occasional periods during construction of the proposed project. This is a temporary, construction-related, unavoidable impact that is not significant.

- **Impact on Plants and Animals: The Proposed Action will not have a significant adverse environmental impact on flora or fauna.**

There are currently no records of rare or state-listed animals or plants, or significant natural communities, at the Property. Therefore, no significant adverse impacts to endangered, threatened or rare species are anticipated as a result of the Proposed Action.

- **Impact on Agricultural Resources: The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

There are no agricultural resources in the vicinity of the Property.

- **Impact on Aesthetic Resources: The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visibility from any publicly accessible vantage points either seasonally or year around.

- **Impact on Historic and Archeological Resources: The Proposed Action will not have a significant adverse environmental impact on historic or archeological resources.**

The Site is not substantially contiguous to nor does it contain a building site, or district, listed on the National or State Register of Historic Places. The Proposed Action concerning the phasing of construction will not have a significant adverse environmental impact on historic or archaeological resources.

- **Impact on Open Space and Recreation: The Proposed Action will not have a significant adverse environmental impact on open space and recreation.**

The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource. In fact, the Proposed Development includes a significant addition to the City's Greenway Trail system.

- **Impact on Critical Environmental Areas: The Proposed Action will not have a significant adverse environmental impact on Critical Environmental Areas.**

The Proposed Action is not located in a Critical Environmental Area.

- **Impact on Transportation: The Proposed Action will not have a significant adverse environmental impact on transportation.**

The Proposed Action will not generate additional traffic so as to result in a significant adverse environmental impact on transportation. The Proposed Action may extend the length of time it takes to complete the Proposed Development which may temporarily generate additional traffic from construction vehicles. However, the traffic expected to be generated by the Proposed Development will not result in any significant adverse traffic impacts, as set forth in the Negative Declaration adopted by the Planning Board on June 11, 2019 in connection with 248 Beacon Holdings, LLC's proposed subdivision (lot merger) and site plan application to redevelop the northern portion of the former Tuck Industries manufacturing site with a 64-unit multifamily residential development and a 25,400 s.f. office building, with associated parking.

- **Impact on Energy: The Proposed Action will not have a significant adverse environmental impact on energy.**

The existing energy infrastructure will adequately serve the additional demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

- **Impact on Noise, Odor and Light: The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or light.**

The Proposed Action is not anticipated to generate any discernable odors at the property line. Noise impacts associated with the Proposed Development will be limited to temporary impacts generated during construction. The Proposed Action may increase the duration of construction. There will be no significant noise impacts post-construction. All exterior lighting was previously reviewed and approved by the

Planning Board. The lighting will be downward directed and will consist of full cut-off lighting with International Dark-Sky Association approved “dark sky friendly” performance. The Proposed Action will not impact exterior lighting.

- **Impact on Human Health: The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Property was listed in the NYSDEC’s Environmental Remediation Database as Site Code 314044, formerly owned by Tuck Industries and operated as a tape manufacturing facility. The listing was the result of leaking drums and storage tanks that contained solvents and solvent recovery system waste (primarily heptanes and toluene), which resulted in soil contamination. The NYSDEC website indicates that the has been remediated and assigned a classification of C, which means that the NYSDEC has determined that remediation has been satisfactorily completed under a remedial program. The site has been delisted from the NYS Registry of Inactive Hazardous Waste Disposal Sites per NYSDEC correspondence dated October 11, 2002.

By letter dated May 1, 2003, NYSDEC notified the owner of the Site that it had been “deleted from the Registry effective with receipt of this letter.”

As such the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.

- **Consistency with Community Plans and Community Character: The Proposed Action is not inconsistent with adopted community plans and community character.**

The Applicant requires a variance because it seeks to construct the residential buildings prior to, and not concurrently with construction of the commercial building. The Applicant’s request does not comply with the City’s adopted zoning regulations, however, the ZBA is authorized by General City Law and the City Code to vary the provisions of the City Zoning Code and grant relief from certain provisions of the City’s Zoning Code. The ZBA may grant relief to the Applicant to allow the Applicant to construct the commercial building after the residential buildings, the variance pertains only to the phasing of the Project. The Applicant shall be required to ultimately construct the commercial use on the property pursuant to the approved Site Plan and shall fulfill the intent of the Zoning Code to promote commercial development in the FCD District.

Based upon this information and the information in the Full Environmental Assessment Form, the ZBA finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Adopted: August 17, 2021
Beacon, New York

Dated: August 17, 2021

Mr. David Jensen, Chairman

Chairman David Jensen called the roll:

Motion	Second	Zoning Board Member	Aye	Nay
		David Jensen		
		Judy Smith		
		Robert Lanier		
		Jordan Haug		
		Elaine Ciaccio		
		Motion Carried		0