



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508
AND LIVE VIA ZOOM

**January 18, 2023
7:00 PM
Zoning Board of Appeals Agenda**

Regular Meeting

1. Review and hold public hearing on application submitted by House Advancement LLC, 12 Louisa Street, Tax Grid No. 30-6054-39-267638-00, in the R1-5 Zoning District, for relief from Section 223-10 (E) to extend a pre-existing nonconforming structure by adding a second-story addition
2. Consider request for one (1) year extension of Use and Area Variance, 53 Eliza Street, submitted by PIE Development Company. Inc.

City of Beacon Zoning Board of Appeals Agenda
01/18/2023

Title:

Review and hold public hearing on application submitted by House Advancement LLC, 12 Louisa Street, Tax Grid No. 30-6054-39-267638-00, in the R1-5 Zoning District, for relief from Section 223-10 (E) to extend a pre-existing nonconforming structure by adding a second-story addition

ATTACHMENTS

[12 Louisa Street Property Survey.pdf](#)

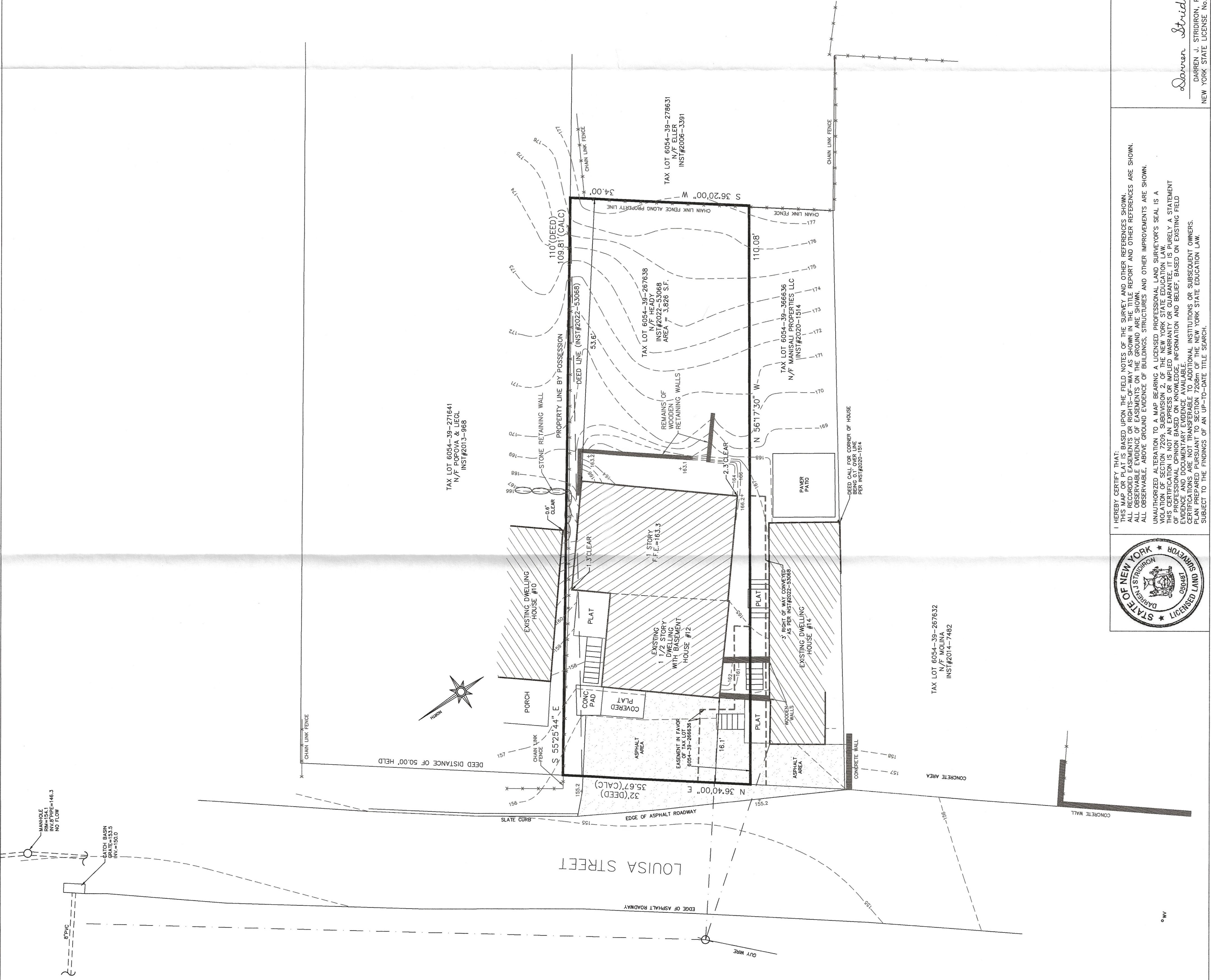
[12 Louisa Street_ZBA Application-11.29.2022.pdf](#)

[22109 Louisa_ZBA BINDER_11.29.2022.pdf](#)

- REFERENCES:
- VILLAGE OF BEACON TAX MAP SECTION 6054.
 - DEEDS FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE AS:
INST#2022-53068
INST#2022-53069
INST#2013-968
INST#2008-3381

LEGEND

	DENOTES EXISTING UTILITY POLE
	DENOTES EXISTING OVERHEAD WIRES
	DENOTES EXISTING STONE WALL
	DENOTES EXISTING CHAIN LINK FENCE
	DENOTES EXISTING CONTOUR LINE
	DENOTES EXISTING SPOT GRADE



I HEREBY CERTIFY THAT:
THIS MAP OR PLAT IS BASED UPON THE FIELD NOTES OF THE SURVEY AND OTHER REFERENCES SHOWN.
ALL RECORDED EASEMENTS OR RIGHTS-OF-WAY AS SHOWN IN THE TITLE REPORT AND OTHER REFERENCES ARE SHOWN.
ALL EASEMENTS OR RIGHTS-OF-WAY NOT SHOWN IN THE TITLE REPORT AND OTHER REFERENCES ARE SHOWN.
ALL OBSERVABLE ABOVE GROUND EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS ARE SHOWN.
UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 1209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.
THIS CERTIFICATION IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE. IT IS PURELY A STATEMENT OF FACTS BASED ON THE INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE.
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
SUBJECT TO THE FINDINGS OF AN UP-TO-DATE TITLE SEARCH.

Darin J. Stridman
DARIN J. STRIDMAN, P.L.S.
NEW YORK STATE LICENSE NO. 050487

BOUNDARY & TOPOGRAPHIC SURVEY LOCATED AT	TAX LOT: 6054-39-267638
12 LOUISA STREET	AREA: AS SHOWN
VILLAGE OF BEACON DUTCHESS COUNTY NEW YORK	DATE: 11/21/22
148 ROUTE 17M SUITE 2, HARRISMAN, NY 10926	SCALE: 1" = 10'
	JOB NO. 1402-96

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: House Advancement LLC

ADDRESS: 3213 Hamilton Way

New Windsor, NY 12553

TELEPHONE: (917) 434-6358

E-MAIL: jeffrealtamirano@yahoo.com

APPLICANT (if not owner): _____

ADDRESS: 3213 Hamilton Way

New Windsor, NY, 12553

TELEPHONE: _____

E-MAIL: _____

REPRESENTED BY: Jason Lichwick Architecture

ADDRESS: 1207 Route 9, Suite 6A

Wappingers Falls, NY 12590

TELEPHONE: (845) 284-6344

E-MAIL: jason@jlarchitectureny.com

PROPERTY LOCATION: 12 Louisa Street

ZONING DISTRICT: R1-5

TAX MAP DESIGNATION: SECTION 6054

BLOCK 39 LOT 267638

Section of Zoning Code appealed from or Interpretation desired:

Section 223-10 Nonconforming uses and structures

Subsection E Nonconformity other than use.

Reason supporting request:

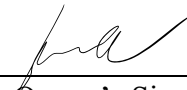
Area variance to remove and replace the main roof and add a small second story addition to the second floor.

The work proposed is within the existing footprint of the house and meets the maximum height requirement.

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

Survey and construction documents

Date: 11/25/22



Owner's Signature

Fee Schedule

AREA VARIANCE	\$ 250
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250
ESCROW FEE:	\$1000
I & I INSPECTION:	\$50

Applicant's Signature

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: House Advancements LLC

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

Jeffrey Altamirano

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

12 Louisa Street

Applicant Address: 3213 Hamilton Way, New Windsor NY 12553

Project Address: 12 Louisa Street, Beacon NY

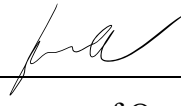
Project Tax Grid # 6054-39-267638

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, Jeffrey Altamirano, 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 True
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon False
3. ALL tax payments due to the City of Beacon are current True
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon False
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon False
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current True



Signature of Owner

Membet/President

Title if owner is corporation

Office Use Only:	NO	YES	Initial
Applicant has violations pending for ANY parcel owned within the City of Beacon (Building Dept.)	___	___	___
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)	___	___	___

FOR OFFICE USE ONLY

Application #

CITY OF BEACON**1 Municipal Plaza, Beacon, NY****Telephone (845) 838-5000 • <http://beaconny.gov/>****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: Jeffrey AltamiranoAddress of Applicant: 3213 Hamilton Way, New Windsor NY 12553Telephone Contact Information: (917) 434-6358**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.
Jeffrey Altamirano	3213 Hamilton Way New Windsor, NY, 12553	9174346358	07/2022, closing company	07/2022, closing company in Newburgh

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

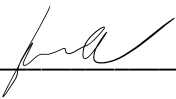
SECTION C. If the applicant is a contract vendee, a duplicate original or photocopy of the full and complete contract of purchase, including all riders, modification and amendments thereto, shall be submitted with the application.

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

(Print) Jeffrey Altamirano

(Signature) 

FOR OFFICE USE ONLY
Application #

CITY OF BEACON

1 Municipal Plaza, Beacon, NY

Telephone (845) 838-5000 • <http://beaconny.gov/>

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 223-61.4 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, JOINT VENTURE OR OTHER BUSINESS ENTITY, EXCEPT A CORPORATION:

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

IF AFFIANT IS A CORPORATION:

Name of Entity House Advancements LLC	Telephone Contact Information (917) 434-6358
Principal Place of Business of Entity 3213 Hamilton Way New Windsor, NY 12553	Place and Date of incorporation Albany, NY 02/28/202
Method of Incorporation	Official place where the documents and papers of incorporation were filed Albany, NY

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SECTION B. List all persons, officers, limited or general partners, directors, members, shareholders, managers, and any others with any interest, mortgage, encumbrance or other interest (recorded or unrecorded) in or with the above referenced Entity. List all persons to whom corporate stock has been pledged, mortgaged or encumbered and with whom any agreement has been made to pledge, mortgage or encumber said stock. Use a supplemental sheet to list additional persons.

Name	Resident Address	Resident Telephone Number	Nature and Extent of Interest
Jeffrey Altamirano	3213 Hamilton Way New Windsor, NY 12553	(917) 434-6358	

SECTION C. 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.
Jeffrey Altamirano	3213 Hamilton Way New Windsor, NY 12553	(917) 434-6358	07/29/2022 via purchase/close	07/29/2022 Beacon, NY

SECTION D. Is any owner, of record or otherwise, an officer, director, stockholder, agent or employee of any person listed in Section B-C?

☐

YES

☒

NO

Name	Employer	Position

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

Current Name	Other Names

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

SECTION H. If the applicant is not a record owner of the subject property, describe the applicant’s interest in the subject property and the relationship the applicant has to the record owner(s) of the subject property.

N/A

SECTION I. 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. Any sensitive or confidential information may be redacted from the contract prior to production.

SECTION J.

1. Where the record owner or contract vendee is a corporation, the following additional information shall be submitted:

Name of the Corporation	Telephone Contact Information
Principal Business Address	Place and Date of Incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

2. Please provide the following information for every incorporator, officer, director and shareholder of the corporation.

Name	Residence or business address	Telephone number

3. Have any shares of the stock of the corporation or of any stockholder been pledged, mortgaged or encumbered?

☐

YES

☐

NO

If so, please list the name and address of each person having, holding, owning or claiming any such interest.

Name	Address

SECTION K. 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 I am (Title) _____, an active and qualified member of the _____, 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) _____

(Signature) _____

PROJECT:
ADDITION & INTERIOR ALTERATIONS

12 LOUISA STREET
BEACON, NY 12508

OWNER:

HOUSE ADVANCEMENTS LLC
3213 HAMILTON WAY
NEW WINDSOR, NY 12553

PROJECT DATA

CODES:

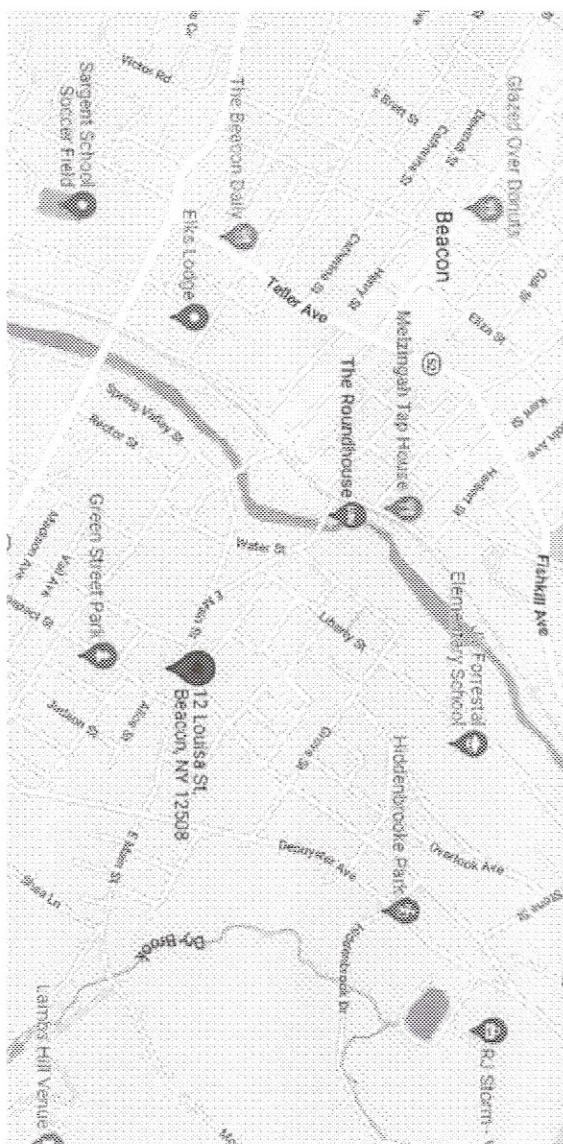
2020 EXISTING BUILDING CODE OF NEW YORK STATE
2020 RESIDENTIAL BUILDING CODE OF NEW YORK STATE

CLASSIFICATION:

OCCUPANCY • SINGLE FAMILY DWELLING
CONSTRUCTION • TYPE 5B - FRAME CONSTRUCTION

DESIGN CRITERIA:

UNIFORM DISTRIBUTED LIVE LOADS (LBS./S.F.):
ROOF • 35 GROUND SNOW LOAD
SLEEPING ROOMS • 30
ROOMS OTHER THAN SLEEPING ROOMS • 40
DECKS • 40



SITE LOCATION MAP

2020 RESIDENTIAL CODE OF NEW YORK STATE CHAPTER 11 ENERGY EFFICIENCY, TABLE N1102.1 - INSULATION & FENESTRATION REQUIREMENTS BY COMPONENTS CLIMATE ZONE: 5 (OUTDOORS)		
ITEM	REQD	PROVD
FENESTRATION U-FACTOR	U-0.35 (MAX)	U-0.31
SKYLIGHT	U-0.55 (MAX)	N/A#2
ROOF CEILING R-VALUE	R-49	R-48
WALL R-VALUE	R-20	R-21
MASS WALL ASSEMBLY	R-13	N/A#P
FLOOR R-VALUE	R-25	R-30
BASEMENT WALL R-VALUE	R-19/19	N/A#2
SLAB PERIMETER R-VALUE	R-10	N/A#2
SLAB PERIMETER DETAIL	F-T10	N/A#P
CRANK SPACE WALL R-VALUE	R-15/19	N/A#P

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA													
LOCATION: TOWN OF BEACON													
GROUND SNOW LOAD	WIND DESIGN				SUBJECT TO DAMAGE FROM		WINTER DESIGN TEMP.	ICE BARRIER UNDERLAYMENT RECD.	FLOOD FREEZING HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP		
	SPEED (MPH)	TOPO EFFECTS	SPECIAL WIND REGION	WIND BORNE DEBRIS ZONE	SEISMIC DESIGN CATEGORY (RCV ONLY)	WEATHERING FROST LINE DEPTH						TERMINATE	
35	115	NO	YES	NO	C	SEVERE	42"	MODERATE TO HEAVY	6	YES	NO	1000	51.6

LEGEND

	AREA NOT IN SCOPE OF WORK
	WATER CLOSET
	LAVATORY
	NEW DOOR
	EXISTING DOOR
	EXISTING WALL
	NEW CMU WALL
	NEW RATED SHAFT WALL
	NEW MASONRY WALL
	NEW STUD WALL
	CENTER LINE
	BEAM ABOVE
	PROPERTY BOUNDARY
	FENCE LINE
	SETBACK AREA
	FOOTING BELOW
	GRADE
	CALL OUT
	SECTION INDICATOR
	ELEVATION VIEW INDICATOR
	INTERIOR ELEVATION VIEW INDICATOR
	BACKFILL/UNDISTURBED EARTH
	EXIST EARTH
	TARGET ELEVATION
	CENTERLINE
	WALL ASSEMBLY INDICATOR
	DOOR INDICATOR
	WINDOW INDICATOR
	COLUMN LINE INDICATOR

ABBREVIATIONS

ADA	AMERICAN DISABILITIES ACT	HT	HEIGHT
AFF	ABOVE FINISH FLOOR	INSTALL	INSTALLATION
A.H.J.	AUTHORITY HAVING JURISDICTION	INSUL	INSULATION
ALUM	ALUMINUM	JSTS	JOISTS
ANSI	AMERICAN NATIONAL STANDARDS INSTITUTE	LB	POUND
APPROX	APPROXIMATE	L.L	LIVE LOAD
ASSY.	ASSEMBLY	L.V.L	LAMINATED VENEER LUMBER
BOCY	BUILDING CODE NEW YORK	MAX.	MAXIMUM
BD	BOARD	ML	MILLIMETER
B.I.	BUILDING INSPECTOR	MN.	MINIMUM
BLOG	BUILDING	M.O.	MASONRY OPENING
B.O.	BOTTOM OF	MTL	METAL
BTM	BOTTOM	N/A	NOT APPLICABLE
CL	CLOSET	N.T.S	NOT TO SCALE
CLNG	CEILING	O.C.	ON CENTER
C.O.	CARBON MONOXIDE DETECTOR	O.H	OVER HEAD/OVER HANG
CONC	CONCRETE	P.E	PROFESSIONAL ENGINEER
CONT.	CONTINUOUS	PSF	POUNDS PER SQUARE FOOT
COV.	COVERAGE	PSI	POUNDS PER SQUARE INCH
CMU	CONCRETE MASONRY UNIT	R.A	REGISTERED ARCHITECT
DH	DOUBLE HUNG	REINF.	REINFORCING
DI.	DIAMETER	REF.	REFRIGERATOR
DL	DEAD LOAD	R.O.	ROUGH OPENING
DTL	DETAIL	R.Y.	REAR YARD
ELEC.	ELECTRIC	SD	SMOKE DETECTOR
EQ.	EQUAL	SECT.	SECTION
EQUIP.	EQUIPMENT	S.F.	SQUARE FEET
E.W.	EACH WAY	SS	STAINLESS STEEL
FDN	FOUNDATION	STL	STEEL
F.I.	FIRE INSPECTOR	STOR.	STORAGE
FIN.	FINISH	S.Y.	SIDE YARD
FLR	FLOOR	T&A	TO BE ANNOUNCED
FT.	FOOT	T.O.	TOP OF
FTG	FOOTING	T.W.S	TYPICAL WALL SECTION
F.Y.	FRONT YARD	TYP	TYPICAL
GALV.	GALVANIZED	VERT.	VERTICAL
GC	GENERAL CONTRACTOR	V.I.F.	VERIFY IN FIELD
G.S.L.	GROUND SNOW LOAD	W	WITH
GYP	GYPSUM	W.I.C.	WALK-IN CLOSET
HORIZ.	HORIZONTAL	W.W.M.	WELDED WIRE MESH

DRAWING LIST

T1.1	TITLE SHEET
S1.1	PROPOSED SITE PLAN & ZONING DATA
A1.1	EXISTING & PROPOSED BASEMENT PLAN, FIRST & SECOND FLOOR PLANS, SCHEDULES & DETAILS
A2.1	PROPOSED EXTERIOR ELEVATIONS
A3.1	PROPOSED BUILDING SECTIONS & DETAILS
D1.1	EXISTING & PROPOSED DEMO PLANS
D1.2	EXISTING & PROPOSED DEMO ELEVATIONS



JASON LICHWICK ARCHITECTURE PLLC
387 HOCKER AVENUE, SUITE 5
POUGHKEEPSIE, NEW YORK 12603

P: 845.284.8344
jasonlichtwick.com

IT IS A VIOLATION OF THE LAW FOR
UNLESS APPLIED TO AN EXISTING
UNDER THE DIRECTION OF A
REGISTERED ARCHITECT OR ENGINEER.
THIS DRAWING IS THE PROPERTY OF
JASON LICHWICK ARCHITECTURE PLLC.
ITEM BEARING THE SEAL OF AN
ARCHITECT OR ENGINEER IS NOT TO
BE REPRODUCED OR TRANSMITTED
IN ANY FORM OR BY ANY MEANS,
ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING,
OR BY ANY INFORMATION STORAGE
AND RETRIEVAL SYSTEM, WITHOUT
THE WRITTEN PERMISSION OF JASON
LICHWICK ARCHITECTURE PLLC.
ALTERNATION AND A SPECIFIC
REVISION OF THIS DRAWING.
NOTE: DO NOT SCALE



Proposed Addition and Interior Alterations

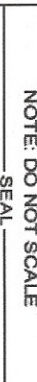
House Advancements, LLC
9.B.L. 0054-69-39-267638
12513
Beacon, NY 12508

For Zoning Board of Appeals Review and Approval

Date: 11.29.2022
Revisions:

Drawn By: JL

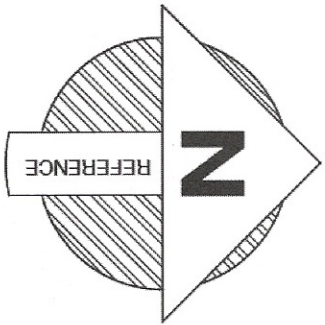
DESCRIPTION OF THE ALTERATION.
NOTE: DO NOT SCALE



House Advancements, LLC
S.B.L: 6054-39-267638
12 Louisa Street
Beacon, NY 12508

2 of 7

** INDICATES VARIANCE REQ'D



HOUSE ADVANCEMENT IS LLC DATED: NOVEMBER 21, 2022

Scale: 1" = 10'-0"

WALL TYPES

- 1

WALL TYPE 1: EXISTING EXTERIOR WALL
- EXISTING EXTERIOR WALL
- HOUSE WRAP
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 2

WALL TYPE 2: EXISTING INTERIOR WALL
- EXISTING INTERIOR WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 3

WALL TYPE 3: EXISTING INTERIOR WALL
- EXISTING INTERIOR WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 4

WALL TYPE 4: EXISTING INTERIOR WALL
- EXISTING INTERIOR WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 5

WALL TYPE 5: NEW EXTERIOR WALL
- NEW EXTERIOR WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 6

WALL TYPE 6: NEW INTERIOR PARTITION WALL
- NEW INTERIOR PARTITION WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD
- 7

WALL TYPE 7: NEW INTERIOR PLUMBING WALL
- NEW INTERIOR PLUMBING WALL
- 1/2" GYPSUM WALL BOARD
- 1/2" GYPSUM WALL BOARD

NUMBER	QUANTITY	MODEL #	ROUGH OPENING (WxH)	MANUFACTURER	REMARKS
(1)	2		3'-0" x 4'-2"		EXISTING WINDOW TO REMAIN
(2)	1		8'-4" x 2'-9 1/2"		EXISTING WINDOW TO REMAIN
(3)	1	2640 (100SH)	2'-3 1/2" x 3'-5 1/2"	ANDERSEN (100S)	GRILLE PATTERN TO MATCH DRAWINGS
(4)	1		2'-2" x 4'-5"		EXISTING WINDOW TO REMAIN
(5)	5	3050 1/2 (100SH)	2'-11 1/2" x 4'-11 1/2"	ANDERSEN (100S)	GRILLE PATTERN TO MATCH DRAWINGS
(6)	1		2'-3 1/2" x 3'-11 1/2"		EXISTING WINDOW TO REMAIN
(7)	1	3000 (100SH)	2'-11 1/2" x 2'-11 1/2"	ANDERSEN (100S)	GRILLE PATTERN TO MATCH DRAWINGS
(8)	1	2636-2 (100SHD)	5'-0" x 3'-2"	ANDERSEN (100S)	GRILLE PATTERN TO MATCH DRAWINGS
(9)	1		3'-10" x 3'-11 3/4"		EXISTING WINDOW TO REMAIN
(10)	1	2636 (100SH)	2'-7 1/2" x 3'-5 1/2"	ANDERSEN (100S)	GRILLE PATTERN TO MATCH DRAWINGS

LIGHT & VENTILATION CALCS. (HABITABLE ROOMS)

2020 RESIDENTIAL CODE OF NEW YORK STATE, SECTION R309 LIGHT & VENTILATION

ROOM NAME	FLOOR AREA (SQ. FT.)	NATURAL LIGHT		NATURAL VENTILATION		MINIMUM WINDOW RESCUE OPENING (SLEEPING AREAS)	
		REQD. (SQ. FT.)	PROVD. (SQ. FT.)	REQD. (SQ. FT.)	PROVD. (SQ. FT.)	REQD. (SQ. FT.)	PROVD. (SQ. FT.)
BEDROOM 01	104	8.32	10.38	FAI	4.16	5.79	5.79
BEDROOM 02	100	8.00	10.38	FAI	4.00	5.79	5.79
BEDROOM 03	111	8.88	10.38	FAI	4.44	5.79	5.79
MASTER BEDROOM	124	9.92	20.78	FAI	4.88	11.58	5.79

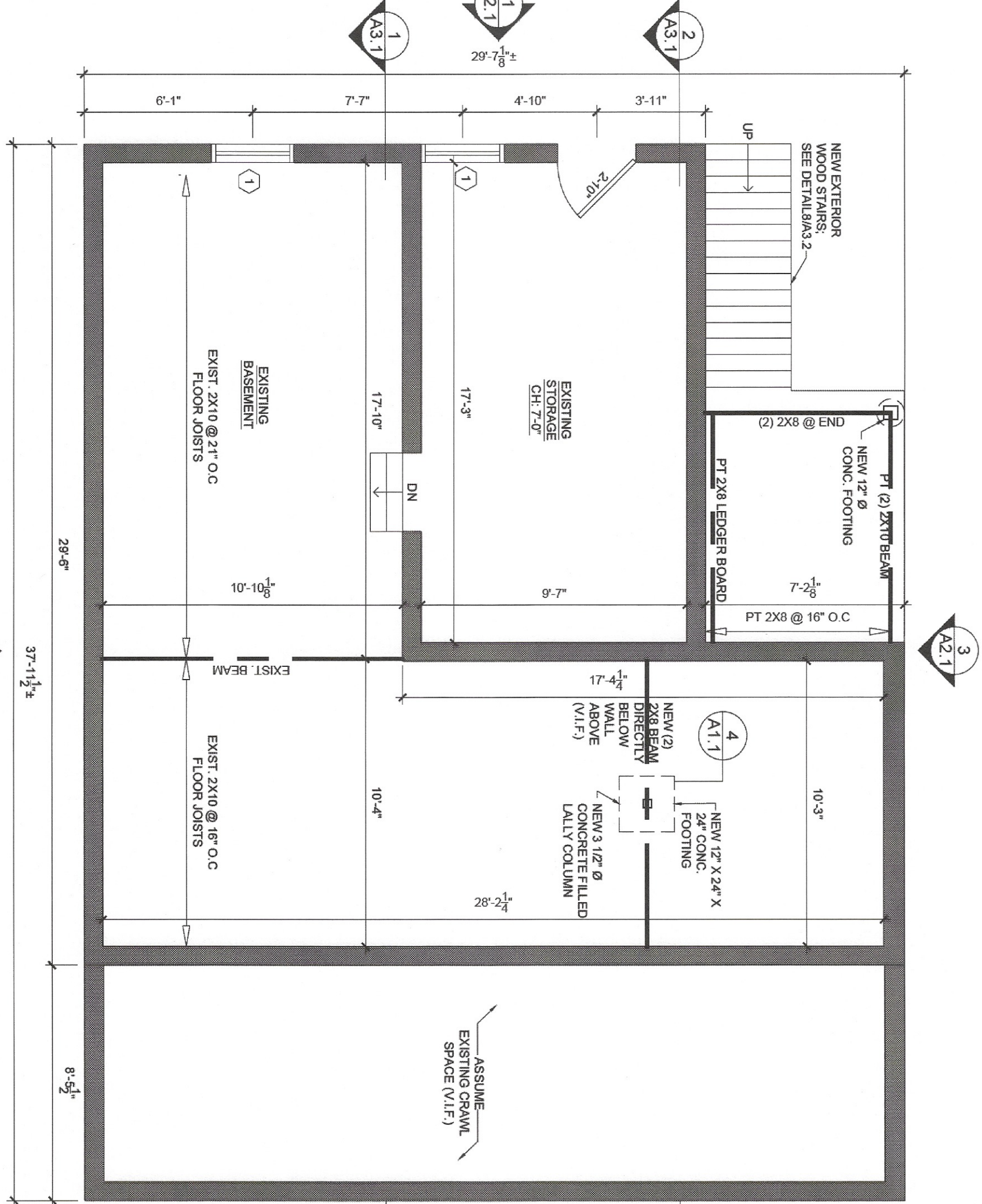
FIRST FLOOR ROOM FINISH SCHEDULE

ROOM NAME	BASE/ WALL TRIM	FLOOR	N	S	E	W	CEILING	NOTES
LIVING ROOM	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
DINING ROOM	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
KITCHEN	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
BEDROOM 01	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	

SECOND FLOOR ROOM FINISH SCHEDULE

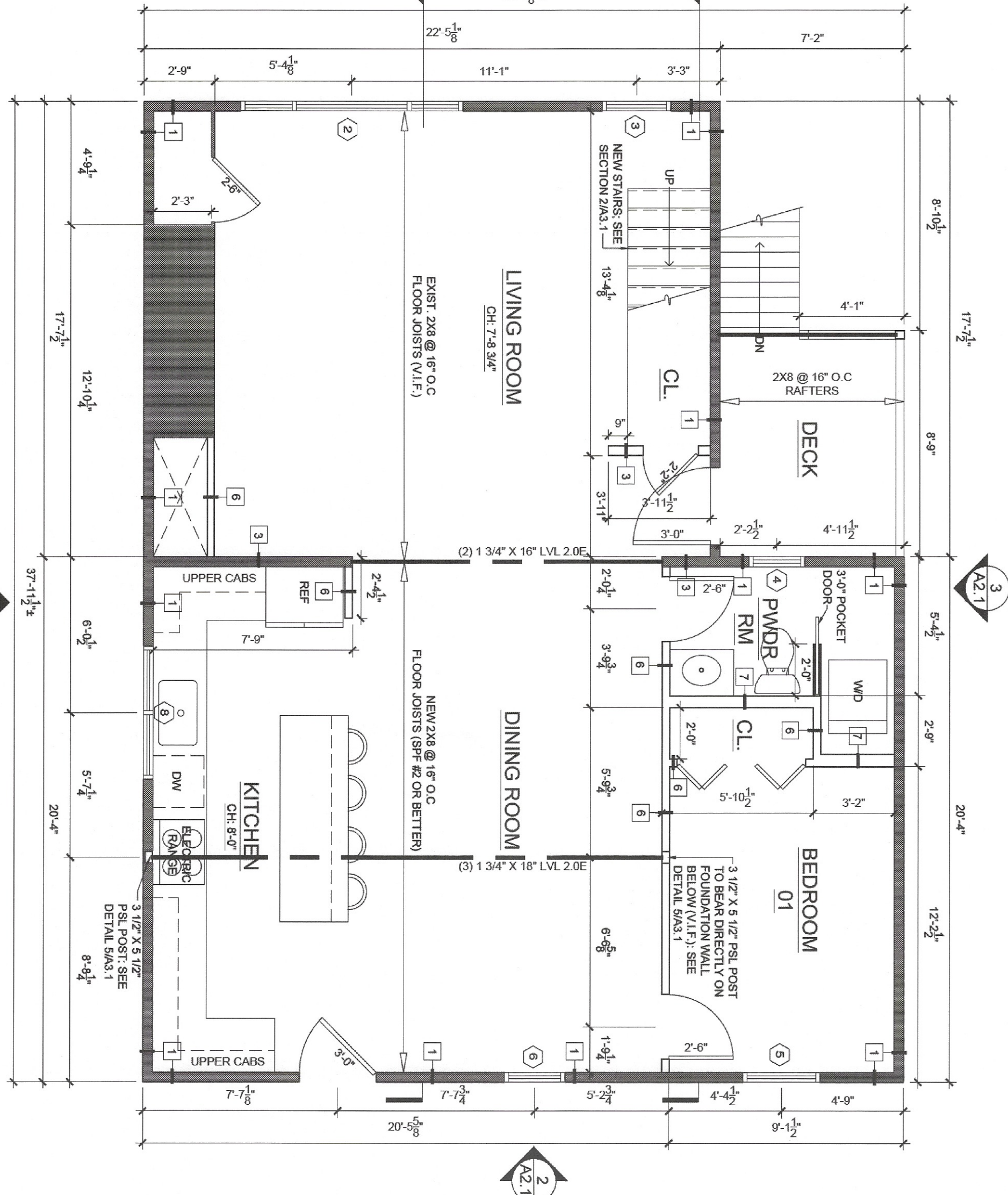
ROOM NAME	BASE/ WALL TRIM	FLOOR	N	S	E	W	CEILING	NOTES
BEDROOM 02 (NEW)	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
BEDROOM 03 (NEW)	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
MASTER BEDROOM (NEW)	WOOD	HWOOD	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
BATH 01 (NEW)	WOOD	TILE	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	
BATH 02 (NEW)	WOOD	TILE	GYPTPT	GYPTPT	GYPTPT	GYPTPT	GYPTPT	

- FINISH NOTES:
- ALL DOORS & HARDWARE TO BE SELECTED BY OWNER.
 - ALL CLOSETS SHALL BE FINISHED ON THE INSIDE WITH 1/2" GYPSUM BD ON WALLS AND CEILING W/ WOOD BASE TRIM.
 - ALL TRIM SHALL BE SELECTED BY OWNER.
 - ALL FINISHES SHALL BE DONE FROM TOP TO BOTTOM FREE OF DUST. APPLY (2) FINISH COATS SEMI-GLOSS LATEX PAINT. COLOR TO BE SELECTED BY OWNER.
 - ALL WALLS AND CEILING GYPSUM BOARD TO BE TAPED AND SPRACKLED (3) COATS. SAND SMOOTH. VACUUM ALL SANDING DUST. APPLY (1) COAT PRIMER AND (2) COATS FINISH LATEX PAINT. COLOR TO BE SELECTED BY OWNER.
 - INSTALL MARBLE SADDLE AT BATHROOMS.
 - ALL PAINT TO BE "BENJAMIN MOORE" OR APPROVED EQUAL.
 - ALL CEILING GRID & DOWNLIGHTS TO BE SELECTED BY OWNER.
 - ALL FLOORING TO BE SELECTED BY OWNER.



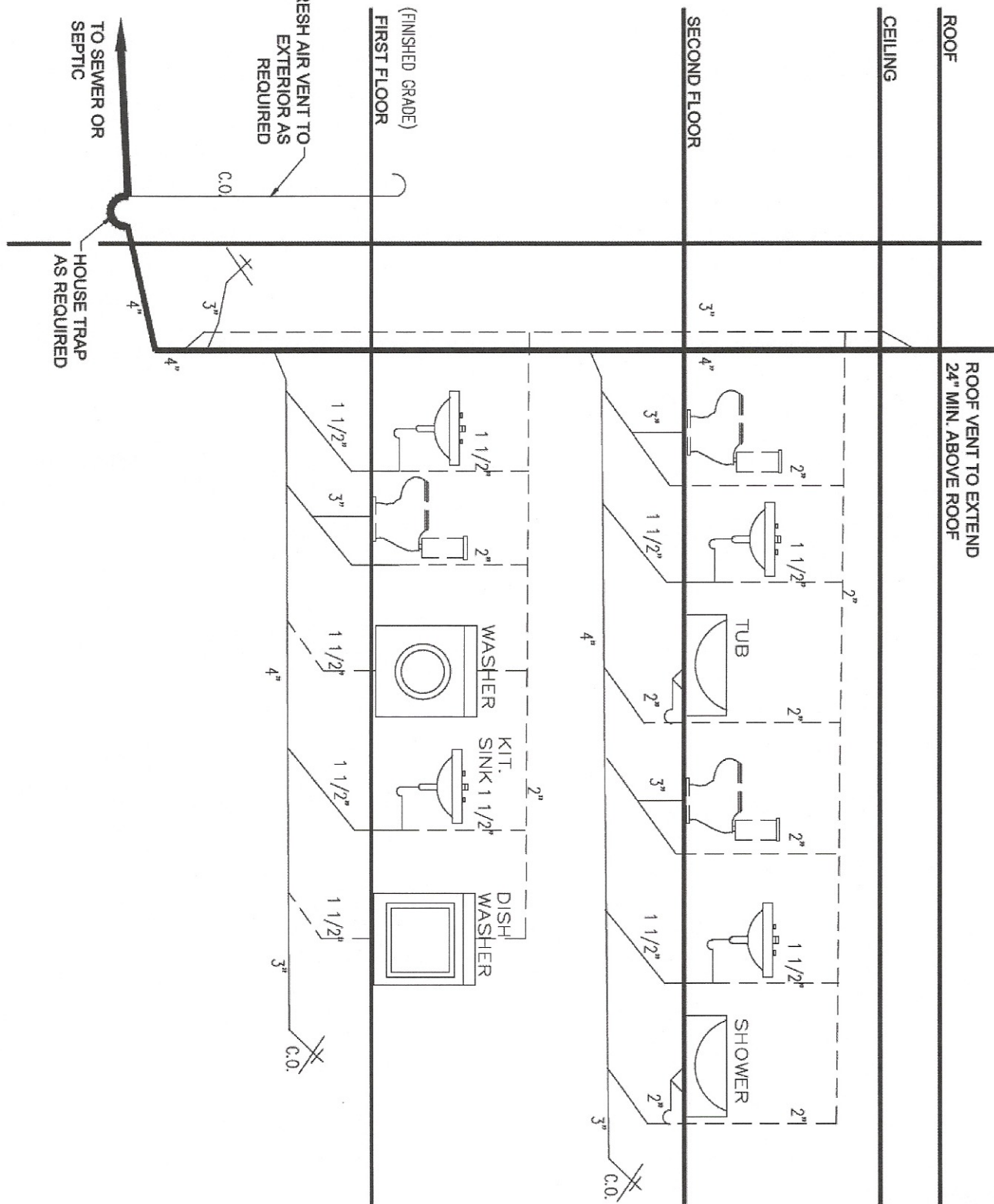
1 Existing & Proposed Basement Plan

Scale: 1/4" = 1'-0"



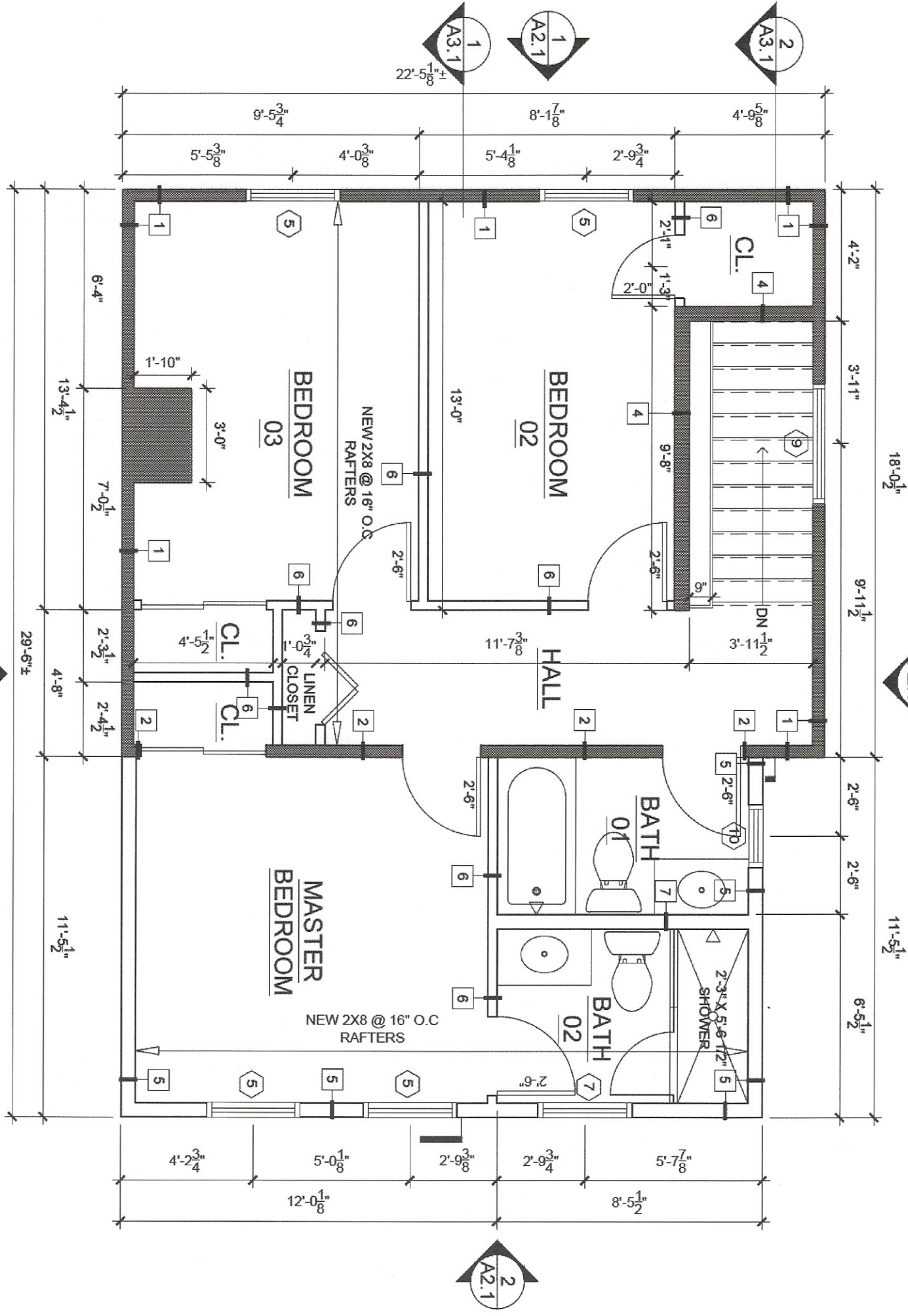
2 Existing & Proposed First Floor Plan

Scale: 1/4" = 1'-0"



4 Plumbing Riser Diagram

Scale: 1/4" = 1'-0"



3 Existing & Proposed Second Floor Plan

Scale: 1/4" = 1'-0"

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT OR ENGINEER, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF AN ARCHITECT OR ENGINEER IS ALTERED. THE ALTERING ARCHITECT OR ENGINEER SHALL AFFIX TO HIS ITEM THE SEAL AND THE NOTATION "ALTERED BY" FOLLOWED BY HIS SIGNATURE AND THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION. NOTE: DO NOT SCALE



Proposed Addition and Interior Alterations

House Advancements, LLC
S.B.L: 6054-39-267638
12 Louisa Street
Beacon, NY 12508

For Zoning Board of Appeals Review and Approval

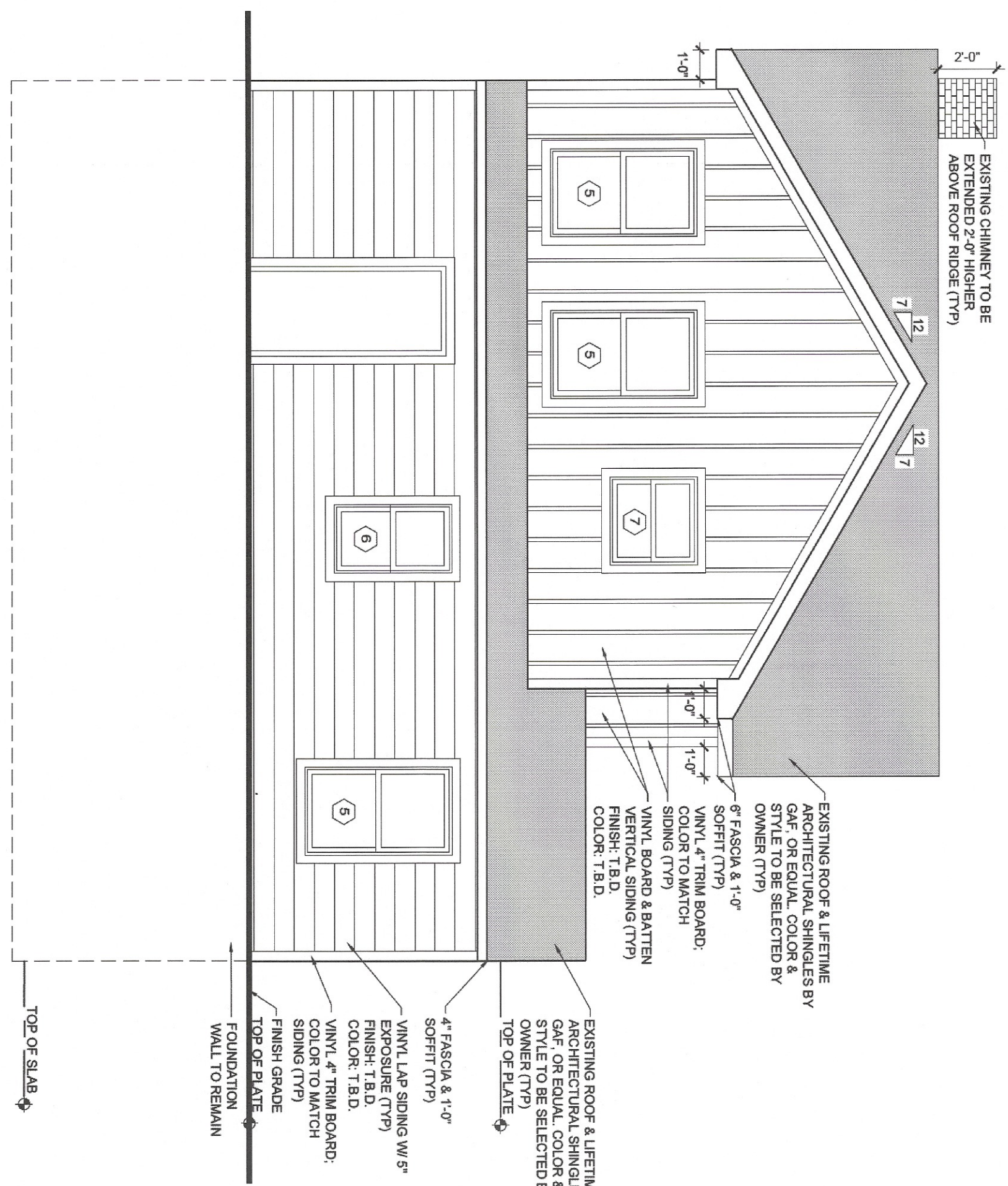
Date: 11.29.2022

Revisions

Drawn By: JL

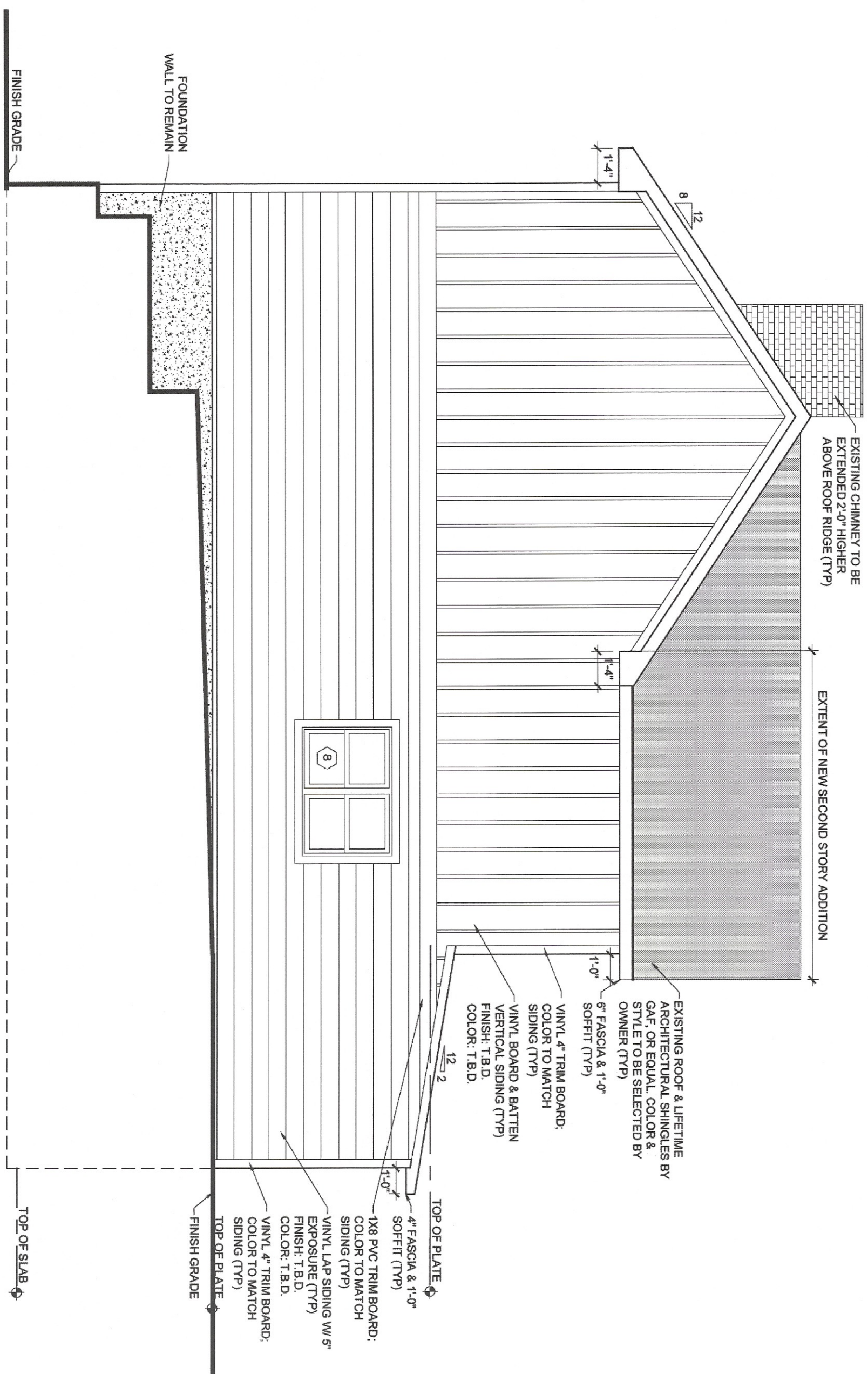
A2.1

4 of 7



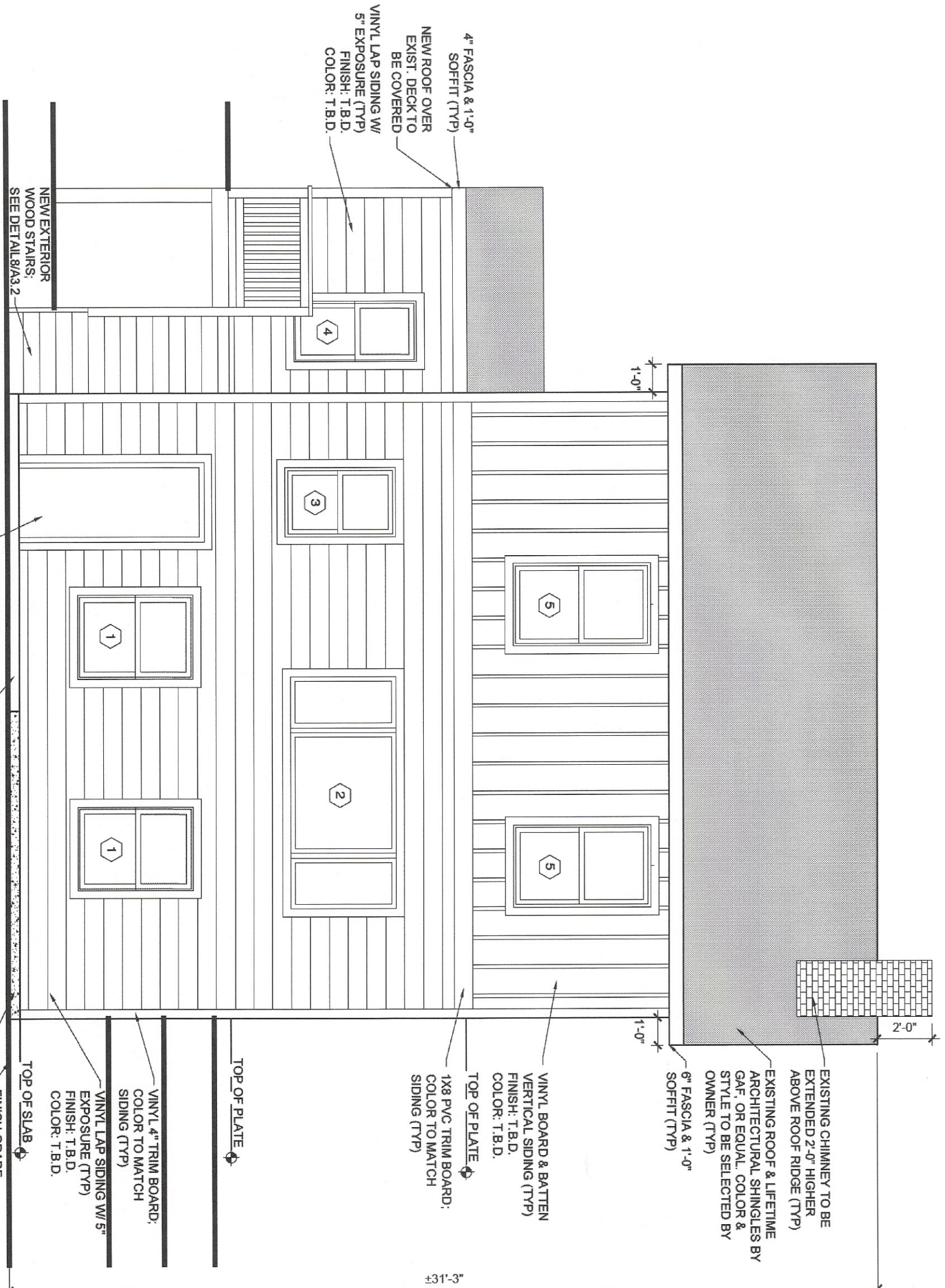
2 Proposed Rear Elevation

Scale: 1/4" = 1'-0"



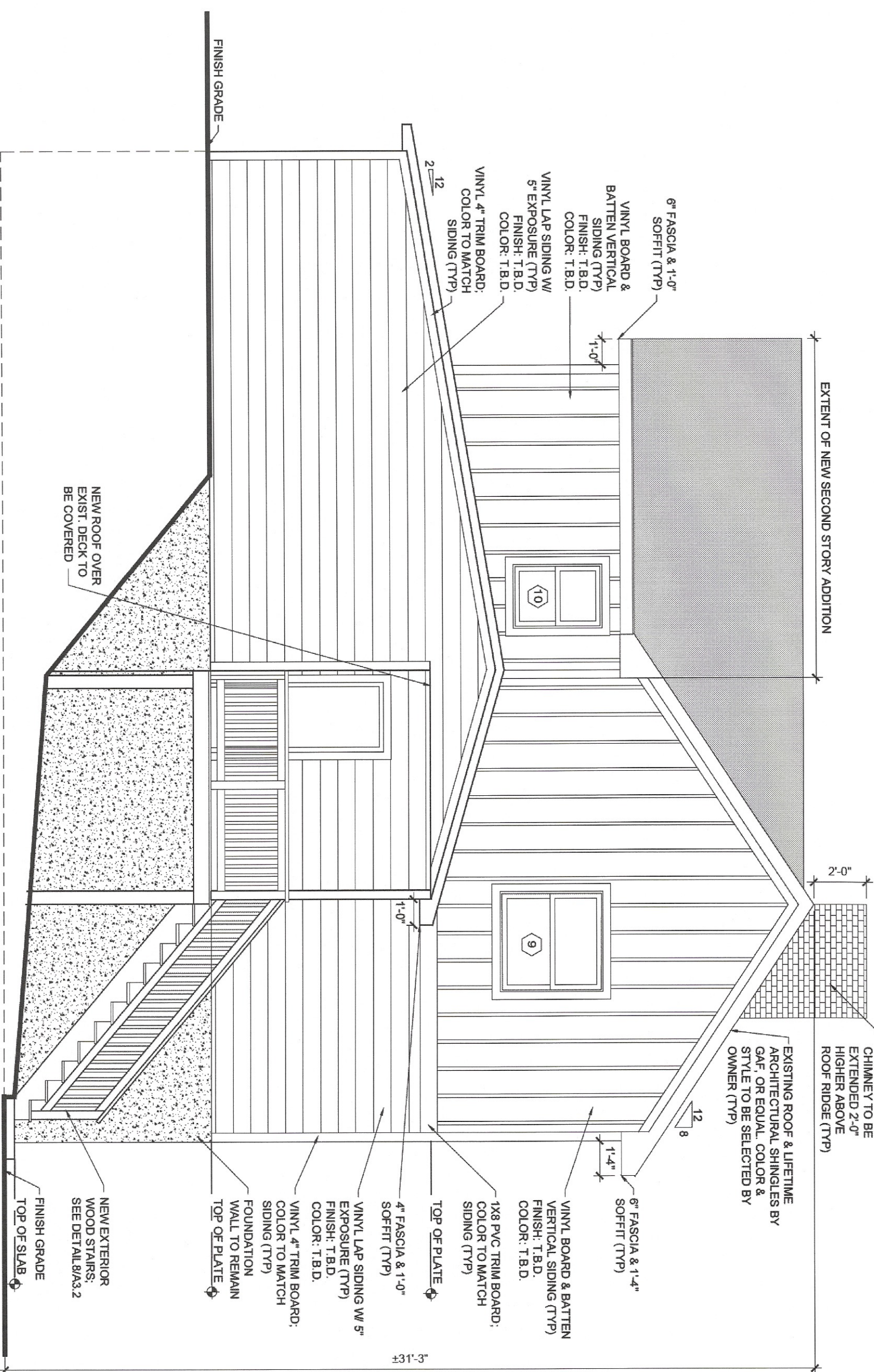
4 Proposed Right-Side Elevation

Scale: 1/4" = 1'-0"



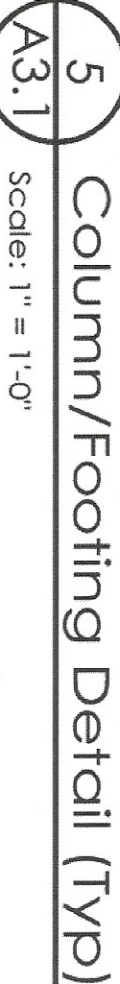
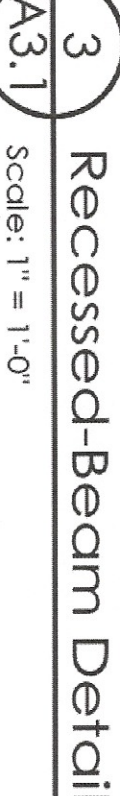
1 Proposed Front Elevation

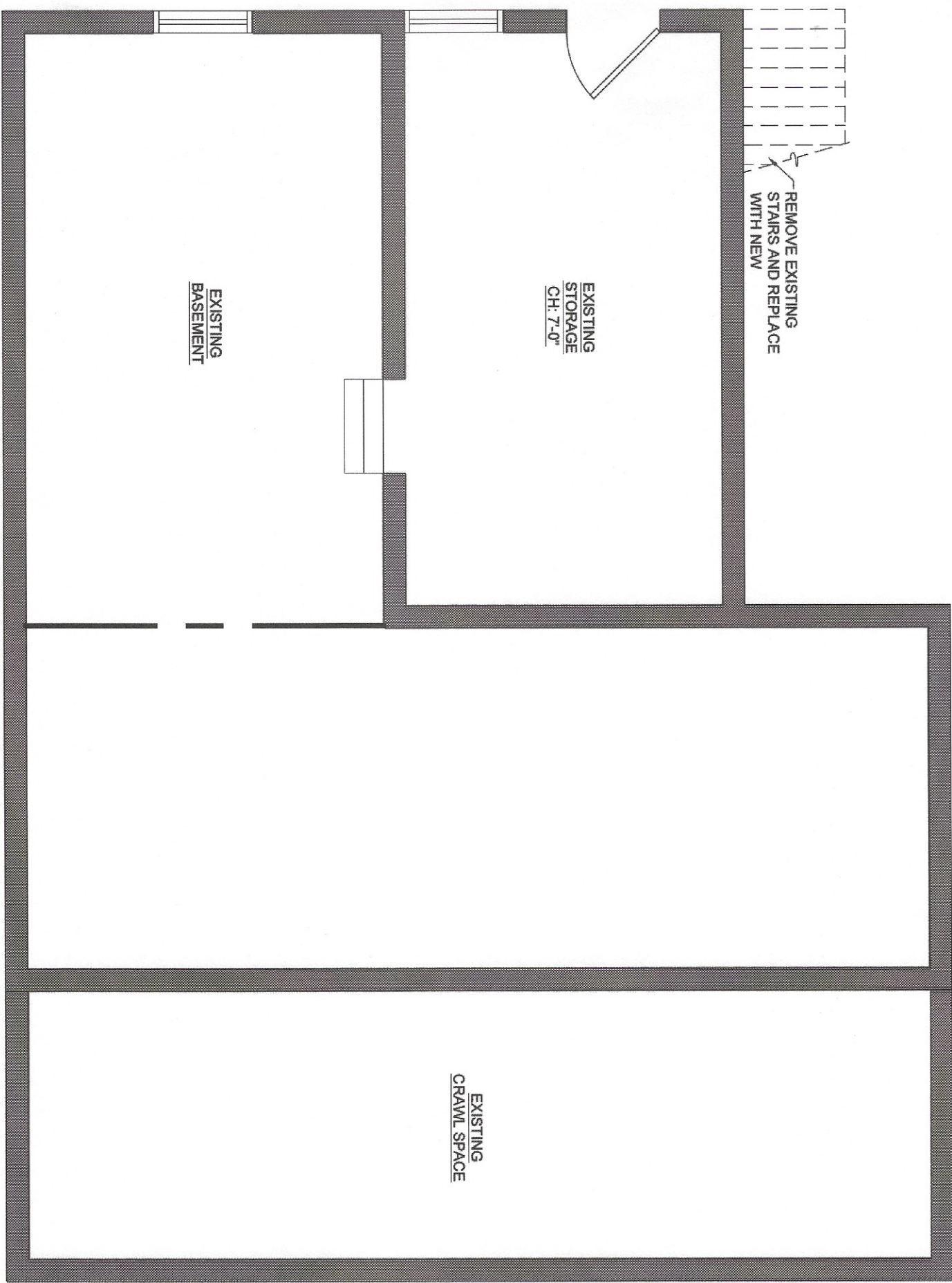
Scale: 1/4" = 1'-0"



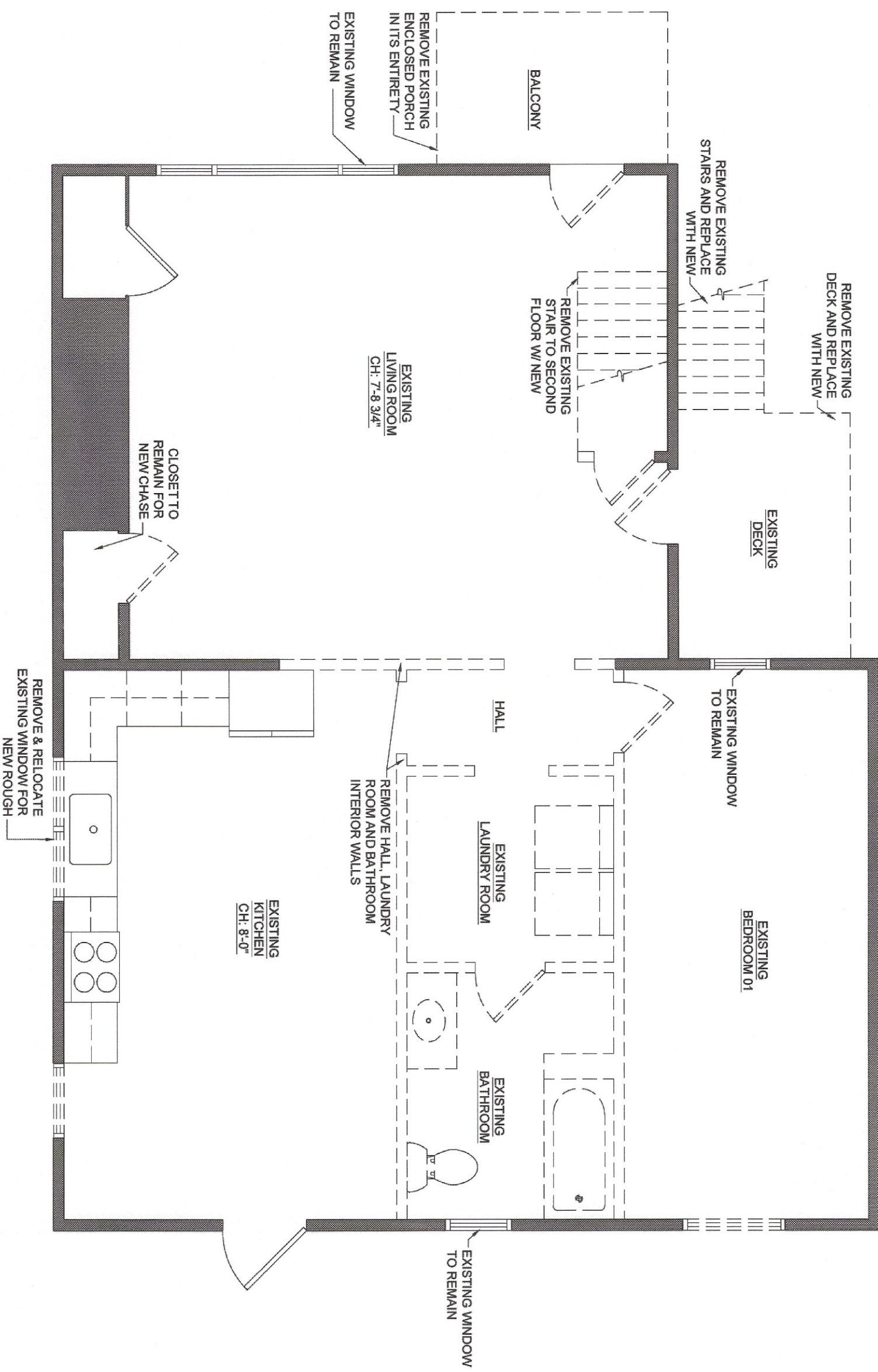
3 Proposed Left-Side Elevation

Scale: 1/4" = 1'-0"

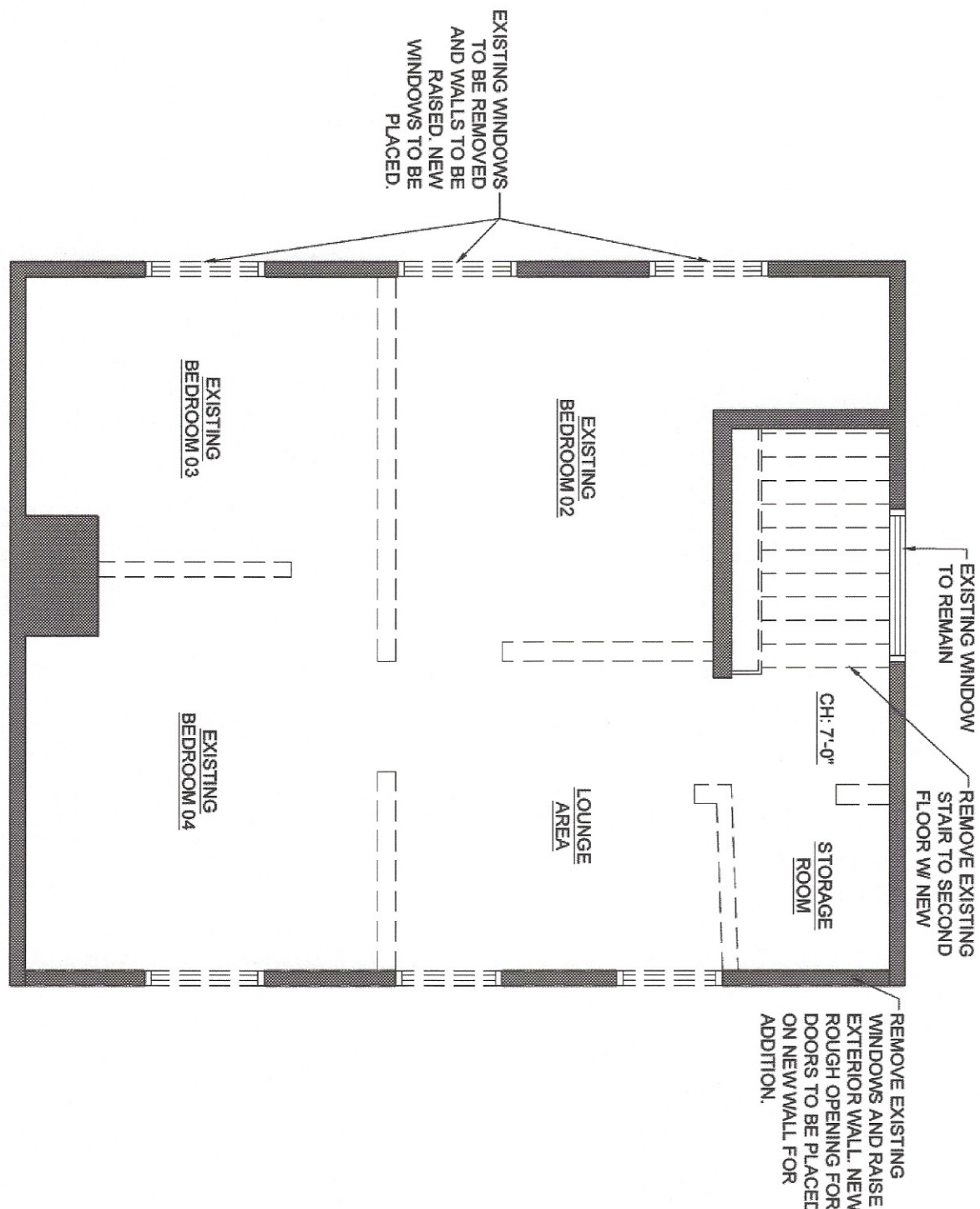




1 Existing & Proposed Basement Demo Plan
D1.1 Scale: 1/4" = 1'-0"



2 Existing & Proposed First Floor Demo Plan
D1.1 Scale: 1/4" = 1'-0"



3 Existing & Proposed Second Floor Demo Plan
D1.1 Scale: 1/4" = 1'-0"

P: 845.284.6344
jasonlichwick.com

House Advancements, LLC
S.B.L: 6054-39-267638
12 Louisa Street
Beacon, NY 12508

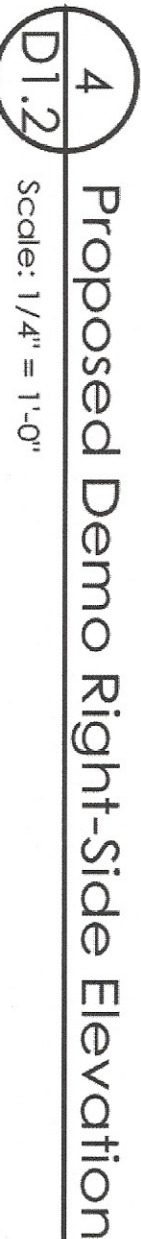
For Zoning Board of Appeals Review and Approval

Date: 11.29.2022

Revisions:

Drawn By: JL

7 of 7



City of Beacon Zoning Board of Appeals Agenda
01/18/2023

Title:

Consider request for one (1) year extension of Use and Area Variance, 53 Eliza Street, submitted by PIE Development Company. Inc.

ATTACHMENTS

[12-27-22 53 Eliza Street - ZBA Extension Request with Exhibits A-C Attached\(5505600.1\).pdf](#)



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White Plains, New York 10601
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F 914 761 5372
cuddyfeder.com

Taylor M. Palmer
tpalmer@cuddyfeder.com

VIA EMAIL: (acaputo@cityofbeacon.org)

December 27, 2022

Hon. David Jensen, Chairman
& Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: PIE Development Company, Inc. (53 Eliza Street) Use & Area Variance Approvals
Request for an Additional One (1)- Year Extension

Dear Chairman Jensen and Members of the Zoning Board of Appeals:

On behalf of PIE Development Company, Inc. (the “Applicant”), together with Eliza Street, LLC and Charlie Queaj (the “Owners”), we are writing to request an additional one year (1) extension of the Use & Area Variance Approval Resolution (the “ZBA Resolution”) that was adopted by this Board on February 20, 2019,¹ which was last extended as a bridge extension at the March 16, 2021,² which brings the current expiration date to January 19, 2023.

Specifically, the ZBA Resolution provides in relevant part that “[t]he Applicant has... 24 months after the date of issuance of said building permit to complete construction.” The City of Beacon Building Department issued its Building permit on January 19, 2021.³ Accordingly, this request is timely and has not elapsed since the Applicant obtained the Building Permit. Notably, the Owner will also be in contact with the Building Department directly in order to extend the open Building Permit.

For the Board’s consideration, since the Applicant last appeared before the Zoning Board of Appeals, the Owners have been diligent in their efforts to satisfy the conditions of the ZBA Resolution. Indeed, all of the three (3) new buildings have been constructed, and it is anticipated that the buildings will be completely finished within the next eight (8) to ten (10) months, notwithstanding complications presented by the COVID-19 Pandemic. The Owners will certainly keep the City apprised of their progress, but the project is nearly complete at this time.

¹ A copy of the ZBA Resolution is attached to this letter as **Exhibit A**.

² A copy of the March 16, 2021 ZBA Meeting Minutes are attached to this letter as **Exhibit B**.

³ A copy of the Building Permit is attached to this letter as **Exhibit C**.



Page -2-
December 27, 2022

Accordingly, given the Applicant's diligent efforts to satisfy the conditions of the ZBA Resolution, we respectfully submit this formal request for a one (1)-year extension of the ZBA Resolution, thus extending the ZBA Resolution until January 19, 2024, the date by which the Applicant must satisfy the conditions in the ZBA Resolution.

We respectfully request that you please place this extension request on the next available ZBA Agenda for consideration of the Applicant's request for a one (1)-year extension.

Thank you in advance for your consideration in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "T. Palmer", with a long horizontal flourish extending to the right.

Taylor M. Palmer

Enclosures

cc: Drew V. Gamils, Esq. – ZBA Attorney

Exhibit A

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **PIE Development Company, Inc.** (the "Applicant") to allow a multifamily development consisting of nine dwelling units, which will be distributed into three buildings, on property located at 53 Eliza Street in the R1-5 Zoning District, said premises being known and designated on the tax map of the City of Beacon as **Parcel ID# 6054-29-031870** (the "Property"); and

WHEREAS, the Property is comprised of approximately 0.69 acres (30,307 square feet) of land; and

WHEREAS, the Applicant seeks a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit multifamily dwelling units in the R1-5 Zoning District where multifamily dwelling units are not a permitted use; and

WHEREAS, the Applicant also seeks an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2; and

WHEREAS, a duly advertised public hearing on the use variance application was held on September 18, 2018, and continued to October 16, 2018, November 20, 2018, December 18, 2018, and January 15, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, a duly advertised public hearing on the area variance application was held on December 18, 2018, and continued to January 15, 2019, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearings on the use and area variance applications on January 15, 2019; and

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

WHEREAS, pursuant to the City Code Section 223.55.C(1)(b), when deciding a request for a use variance:

No such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- [1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- [2] The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- [3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and
- [4] The alleged hardship has not been self-created; and

WHEREAS, pursuant to New York State General City Law § 81-b(4) and City Code Section 223.55.C(2)(b), when deciding the request for an area variance:

The Zoning Board of Appeals shall take into consideration 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. In making such a determination, the board shall also consider:

- [1] 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;
- [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- [3] Whether the requested area variance is substantial;
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance; and

WHEREAS, the Board of Appeals, in granting variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community; and

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55.C(1)(b)[1]-[4] of the City Code, the Zoning Board finds with respect to the requested use variance to permit a multifamily use in a single family residential zoning district:

1. The Applicant cannot realize a reasonable return as demonstrated by competent financial evidence.

The Applicant must show with “dollars and cents” proof that land cannot yield a reasonable return if used only for a purpose allowed in that zone. For example, the courts have determined that evidence should be provided to show: (1) the amount of purchase price paid by the applicant for the entire parcel of property; (2) the present value of the entire parcel of property or any part thereof; (3) the expenses and carrying charges in connection with the maintenance of the entire parcel of property or any part thereof; (4) the amount of taxes on the entire parcel of property or any part thereof; (5) the amount of any mortgages, liens or other encumbrances, if any, on the entire parcel of property or any part thereof; (6) the amount of annual income realized by the current use of the property; (7) the amount of potential annual income realized by the permitted

uses; and (8) an estimate as to what a reasonable return on the entire parcel of property or any part thereof should be based on the initial investment of the applicant or the present value of the property. This list is not exhaustive, but is a recommendation as to what type of evidence should be in the record when the Board makes its determination. *Crossroads Recreation, Inc. v. Broz*, 4 N.Y.2d 39,44 (1959).

The Applicant provided the Zoning Board with a breakdown of the costs associated with the Applicant's purchase and renovation of the property. The application provides "dollars and cents" proof that the Applicant cannot realize a reasonable return if the property is used for any use currently permitted under the zoning.

The existing zoning permits residential uses, detached single-family dwellings not to include house trailer; buildings, structures and uses owned by the City of Beacon; churches or other places of worship; public schools; and parks and farms. The Applicant's Financial Analysis confirms that subdividing the lot into two or three lots, as permitted by right, and improving each with a single-family home for rental and/or for sale, will result in a significant financial loss to the Applicant, given its initial investment in the property and subsequent improvements.

The Applicant submitted a Supplemental Financial Analysis, which includes correspondence from the Applicant's financial consultant, McAlpine Construction Co., Inc., dated January 7, 2019, which references opinions from CR Properties Group, LLC, dated January 3, 2019 and from McGrath Realty Inc., dated January 7, 2019. Each expert assessed the Property, the location of the Property, access to the Property, and the highest and best use of the Property given its existence as non-conforming commercial use and its marketability as a commercial use given the site conditions and constraints. The Supplemental Financial Analysis considered the fair market value representative of these factors that are not otherwise reflected in a sale comparison approach. The Supplemental Financial Analysis confirms that the fair market value of the Property is between \$400,000 and \$450,000. Pursuant to a letter submitted by the Applicant's account, Kevin David, dated January 29, 2019, the Property was purchased in March of 1999 for \$161,039 (\$145,000 for the buildings, \$10,000 for the land and \$6,039 for closing costs). As of December 31, 2017, the building depreciated \$69,867 and had a cost basis of \$75,133. In his letter, Mr. Davis stated that the current cost basis remains \$75,133 plus the cost of improvements to the property (\$545,000) for a total of \$620,133. Sale of the property at \$450,000 would not provide the Applicant with a reasonable return on his investment.

The Applicant's supplemental submission dated October 30, 2018, includes a schedule of costs for a hypothetical three lot residential subdivision. A three lot subdivision is the maximum theoretical as-of-right subdivision buildout/layout for the premise based on the City's dimensional requirements and the shape of the lot. Such a subdivision would result in a total loss of \$540,000, factoring in land cost, building cost, potential sale price of the homes, site development costs and other soft costs. This submission also includes a schedule of costs associated with a six unit multifamily development complex. According to the cost breakdown, such a development would result in a total loss of \$151,440. Comparatively, a nine unit multifamily development complex is the only option that would provide a reasonable return, with a \$174,700 profit, as set forth in the Applicant's January 7, 2019 submission.

The Applicant submitted a letter from Robert McAlpine, dated December 7, 2018 providing a breakdown of soft costs and several estimates providing a breakdown of site costs as part of the Applicant's December 14, 2018 submission. The Applicant also submitted a Proposal for Architectural Services from Aryeh Sigel, dated December 3, 2018 to design the proposed multifamily development complex with nine condominium apartments distributed to three buildings.

Other permitted uses, such public schools or a church would require extensive off-street parking which is not available on the site. The Applicant's Supplemental Financial Analysis, dated January 7, 2019, provides that none of the permitted uses, including the existing non-conforming use, would result in any return on the Property. The Applicant's financial analyses demonstrate that a use variance to permit multifamily housing and an area variance to permit up to nine dwelling units on the Property are the minimum variances necessary to provide a reasonable return.

The Applicant's Financial Analysis, dated January 7, 2019, considers the amount paid for the property, the present value of the parcel; expenses and carrying charges for the Property, renovation costs, an accountant statement regarding cost basis, property appraisal information, taxes on the Property; mortgages on the Property; the income realized by the business (including prospective tenants) and the economic viability of each permitted use under existing zoning, including the pre-existing non-conforming use. After reviewing the Applicant's submission, the Board finds that the Applicant has demonstrated by competent financial evidence that it cannot realize a reasonable return by using the property for uses currently permitted by the City of Beacon Zoning Code in the R1-5 Zoning District.

2. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

The Applicant's hardship is unique to the Applicant's property and is not applicable to a substantial portion of the zoning district or neighborhood. The Property is approximately 30,307 square feet. It is a very large lot in the R1-5 Zoning District. This Property presents a unique situation because of its large lot size, existing buildings on the premise, and its pre-existing non-conforming commercial use. The proposed project also allows the Applicant to reuse one of the existing buildings on the site for two multifamily dwelling units. The proposed project is more conforming than the existing non-conforming commercial use. The site location and use constraints of the Property make it not commercially viable because there is limited access to main roads and highways for commercial transportation. Furthermore, it is located adjacent to other multifamily housing developments. Thus, the alleged hardship is unique to 53 Eliza Street.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood.

Granting the use variance will not alter the essential character of the neighborhood. Nor will the variance stimulate a pattern for future development that would eventually alter the neighborhood's character. The Property is zoned in the R1-5 Zoning District and is surrounded by residential uses, including multifamily residential uses located at 31 Eliza Street and 195 Fishkill Avenue. The Property has been occupied by nonconforming commercial and office building uses for several decades, and is presently used as a storage yard.

The Applicant is seeking to reuse the Property in a manner more consistent with the area's existing residential zoning. The Applicant seeks to use the Property for a residential purpose that is less

intense and onerous than the existing non-conforming use. Several properties in the R1-5 Zoning District that surround 53 Eliza Street contain multifamily uses, such as townhouse developments, two-family-developments, multi-family apartment uses and other commercial uses.

The Applicant's multifamily proposal will bring the Property further into conformity with surrounding uses, development patterns and the intent of residential zoning. As a result, the Board finds that the granting of the variance will not alter the essential character of the neighborhood.

4. The alleged hardship has not been self-created.

The hardship exists because the neighborhood has changed since the original commercial zoning classification on the Property. The Property is presently zoned in the R1-5 (1-Family Residence District) and is surrounded by residential uses. Prior to 1998 the Property was zoned as commercial in the OB (Office Business) district. For decades the property has been occupied by commercial uses and office buildings. The Applicant has owned the Property since March 1999 and has maintained the property as a legal non-conforming office, storage and contractor's yard. Over twenty years, the residential uses in the community have intensified. Multifamily developments have been constructed on adjacent land. Since 1998 the City has become popular among residents moving away from New York City. Retail, commercial and hospitality businesses have also increased on Main Street. The current use of the Property as a non-conforming storage yard is now out of place for the surrounding neighborhood. As a result, the Property is no longer suitable for such commercial use.

The Applicant did not purchase the Property intending to develop multifamily housing. The Applicant has owned the Property for more than two decades and originally purchased the property to conduct his commercial business. The Applicant tried to sell the property for several years, beginning in 2014, but was unsuccessful.¹

As a result, the hardship is not self-created.

AND WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City Code, the Zoning Board finds with respect to the requested area variance to permit nine multifamily units where six are permitted:

- 1. The area variance for nine multifamily units will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variance.**

¹ *54 Marion Avenue, LLC v. City of Saratoga Springs*, 162 A.D.3d 1341 (2d Dep't 2018) ("Property owner's allegation, that financial hardship arising from residential property's unique location on corner of intersection between side street and busy commercial thoroughfare arose decades after the property was acquired due to a gradual shift in the character of the area that rendered the permitted residential use onerous and obsolete, alleged that the hardship was not self-created.")

Kontogiannis v. Fritts, 131 A.D.2d 944 (3d Dep't 1987) ("Zoning board's conclusion that use variance petitioner's hardship was self-created was unsupported; record showed that applicant did not construct recreation building with the goal of converting it into multifamily dwelling several years later, but that original purpose of building became obsolete.")

The proposed residential use will replace the existing legal non-conforming commercial use on the property to bring the Property further into conformity with surrounding uses, development patterns and the intent of the residential zoning designation for the lot. The Applicant also plans to adaptively reuse one of the existing structures on the Property for two multifamily dwelling units. The Property is also adjacent to existing multifamily residential developments, including a seventy unit multi-story apartment building at 31 Eliza Street, and an eight unit multi-story apartment building at 195 Fishkill Avenue.

For these reasons, in addition to the reasons discussed above, the area variance for nine multifamily units will not produce an undesirable change in the character of the neighborhood.

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

The benefit sought by the Applicant is to obtain a reasonable return on its original investment. As outlined in the Applicant's Financial Analysis and supplemental documentation, nine multifamily units, is the minimum necessary that would provide a reasonable return. The Applicant's Financial Analysis demonstrates that the use of the Property for a residential use with nine residential dwelling units is the minimum density necessary to provide a reasonable return. None of the permitted uses under zoning, including the pre-existing legal non-conforming use would provide a reasonable return for the Applicant. The Applicant also evaluated whether it could achieve a reasonable return by constructing up to six multifamily dwelling units. Such a development would also yield a financial loss to the applicant of up to \$151,440. The Applicant considered building costs, land costs, estimated sales prices, soft costs and site costs in its evaluation. The Zoning Board believes that the Applicant has demonstrated through its financial analyses, other supplemental information and accompanying dollar and cents proof, that the benefit sought cannot be achieved by any other feasible methods. There is no other feasible design for the lot that would yield a reasonable return.

3. The requested variance is mathematically substantial; however, this does not outweigh the other factors meriting the granting of the variance.

The requested variance is mathematically substantial. The variance request represents a fifty percent increase from what is permitted. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. The proposed Project complies with all other bulk requirements in the City Code. The design of the proposed dwelling units is reflective of other properties within the immediate vicinity of the premises and is therefore not a departure from the overall design of the neighborhood. In addition, as previously discussed, the project will not adversely impact neighboring properties. Therefore, while the project is mathematically substantial, this factor does not outweigh the other factors involved in the area variance balancing test.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The Property currently contains a more intense, legal non-conforming use that is less compatible with the neighborhood and the R1-5 Zoning District, as compared to the proposed multifamily use. The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variance.

The Applicant retained the services of Maser Consultant, P.A. to review any potential traffic impacts. The Traffic Evaluation, dated September 27, 2018, concludes that the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Property. Furthermore, the proposed nine unit multifamily development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed. As part of the Uncoordinated SEQRA review, the Zoning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts.

5. The alleged difficulty is not self-created for the reasons discussed above.

NOW THEREFORE, BE IT RESOLVED, after taking a “hard look” at the EAF and all of the associated materials prepared in connection with the use and area variance request, undergoing an uncoordinated review, the Board herein adopts the attached Negative Declaration for the Proposed Action.

BE IT FURTHER RESOLVED, that the Board of Appeals, finds that for the reasons set forth above, the requested use and area variances are the minimum variances necessary and adequate to address the unnecessary hardship proven by the Applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

BE IT FURTHER RESOLVED, that the Board finds that for the reasons set forth above, the Applicant has demonstrated that the applicable zoning regulations and restrictions have caused an unnecessary hardship for the Applicant.

BE IT FURTHER RESOLVED, that for the reasons set forth above, said application by PIE Development Company, Inc. for a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit multifamily dwelling units on property located at 53 Eliza Street in the R1-5 Zoning District, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application by PIE Development Company Inc. for an area variance to construct up to nine dwelling units, where density requirements allow a maximum of six units pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that all the variances granted herein are subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.
2. The Applicant has six months to commence construction following the date of issuance of a building permit and 24 months after the date of issuance of said building permit to complete construction. The Applicant has one year to obtain a building permit from the Applicant's last appearance before the Planning Board.
3. The use and area variances granted by this resolution are subject to approval of the site plan from the Planning Board for no more than nine multifamily dwelling units.

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: February 20, 2019



Mr. Robert Lanier, Chairman

Use Variance to Permit Multifamily Housing

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
		John Dunne	X				
X		Jordan Haug	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried	4	1			

Area Variance to Permit Up to Nine Residential Units

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
	X	John Dunne	X				
X		Jordan Haug	X				
		Judy Smith	X				
		David Jensen		X			
		Motion Carried	4	1			

Vote to Approve Resolution with Conditions, As Amended on the Record

Chairman Lanier called the roll:

Motion	Second	Zoning Board Member	Aye	Nay	Abstain	Excused	Absent
		Robert Lanier	X				
		John Dunne	X				
		Jordan Haug	X				
X		Judy Smith	X				
	X	David Jensen	X				
		Motion Carried	5	0			

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: 53 Eliza Street		
Project Location (describe, and attach a general location map): 53 Eliza Street Beacon, NY 12508		
Brief Description of Proposed Action (include purpose or need): Proposed multi-family development to replace the existing non-conforming commercial buildings and commercial uses with nine (9) apartments in 3 separate buildings with parking areas, internal travel-ways and landscaped areas on the residentially zoned property		
Name of Applicant/Sponsor: PIE Development Company, Inc.		Telephone: (845) 838-1775 E-Mail: EPPDHV@optonline.net
Address: 53 Eliza Street		
City/PO: Beacon	State: NY	Zip Code: 12508
Project Contact (if not same as sponsor; give name and title/role): Aryeh Siegel Architect		Telephone: 845-838-2490 E-Mail: ajs@ajsarch.com
Address: 84 Mason Circle		
City/PO: Beacon	State: NY	Zip Code: 12508
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☐ Yes ☒ No or Village Board of Trustees		
b. City, Town or Village ☒ Yes ☐ No <u>Planning Board</u> or Commission	SITE PLAN AND ARCHITECTURAL REVIEW BOARD APPROVAL	8/28/18
c. City Council, Town or ☒ Yes ☐ No Village <u>Zoning Board of Appeals</u>	VARIANCE RELIEF	8/28/18
d. Other local agencies ☐ Yes ☒ No		
e. County agencies ☒ Yes ☐ No	DCDOH GML 239 Advisory Referral Review	12/1/18
f. Regional agencies ☐ Yes ☒ No		
g. State agencies ☐ Yes ☒ No		
h. Federal agencies ☐ Yes ☒ No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☒ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☒ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☒ No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No	
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No	
If Yes, identify the plan(s): _____ _____ _____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

The project is located in the R1-5 Single Family Residential district adjacent to properties zoned RD-5 Designed Residence.

- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☒ No

- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

- i. What is the proposed new zoning for the site?

C.4. Existing community services.

- a. In what school district is the project site located? Beacon City School District

- b. What police or other public protection forces serve the project site?

City of Beacon Police

- c. Which fire protection and emergency medical services serve the project site?

City of Beacon Fire Department

- d. What parks serve the project site?

Memorial Park, South Ave Park, Scenic Hudson's Long Dock Park.

D. Project Details

D.1. Proposed and Potential Development

- a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational, if mixed, include all components)? Residential

- b. a. Total acreage of the site of the proposed action? 0.696 acres

- b. Total acreage to be physically disturbed? 0.590 acres

- c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.696 acres

- c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

- i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

- d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

- i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

- ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

- iii. Number of lots proposed? _____

- iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

- e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

- i. If No, anticipated period of construction: 12 months

- ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase I (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☒ Yes ☐ No			
If Yes, show numbers of units proposed.			
<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase			9 units
At completion			
of all phases			

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☒ No	
If Yes,	
i. Total number of structures _____	
ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length	
iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☒ No	
If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No	
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)	
If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?	
• Volume (specify tons or cubic yards): _____	
• Over what duration of time? _____	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No	
If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? ☐ Yes ☐ No	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No	
If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 1,980 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: City of Beacon
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 1,980 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary wastewater.

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Beacon Sewage Treatment Plant
- Name of district: City of Beacon
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

• Do existing sewer lines serve the project site? ☒ Yes ☐ No • Will line extension within an existing district be necessary to serve the project? ☐ Yes ☒ No If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No If Yes: • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☒ No If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ • If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____ ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____			
vi. Are public/private transportation service(s) or facilities available within 1/4 mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: <u>7am-5pm</u> • Saturday: <u>8am-5pm</u> • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: <u>N/A Residential</u> • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☒ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: <u>Construction Vehicles at work between the hours of 7am and 5pm</u>	
ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☒ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☒ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: <u>Building mounted lights and pole mounted lights for parking lot all shielded and pointed downward Proposed building mounted lights and parking lot light poles are within 50 feet to nearest occupied structures.</u>	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☒ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally describe proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing: _____

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☒ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☒ Urban ☐ Industrial ☒ Commercial ☒ Residential (suburban) ☐ Rural (non-farm)

☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Mixed Uses & Former Beacon High School

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.640	*0.468	-0.172
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>Grass/Landscaped Areas</u>	.056	0.228	+0.172

*0.222 acres of the total 0.468 ac. will be Permeable Pavers.

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
If Yes,
i. Identify Facilities:
City of Beacon High School athletic fields

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____
iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☒ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☐ Yes - Spills Incidents database Provide DEC ID number(s): _____
☐ Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): B00130 , C314118
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):
B00130 remedial actions completed in August 2004. C314118 remedial actions completed on 4/10/2017

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☒ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ > 6.7 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Knickerbocker-Urban land complex	66.4 %
Dutchess-Cardigan-Urban land com-	33.6 %
_____	_____ %

d. What is the average depth to the water table on the project site? Average: _____ > 6.7 feet

e. Drainage status of project site soils: ☒ Well Drained: 66.4 % of site
☒ Moderately Well Drained: 33.6 % of site
☐ Poorly Drained: _____ % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: 97 % of site
☐ 10-15%: _____ % of site
☒ 15% or greater: 03 % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☒ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☒ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☒ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☒ No

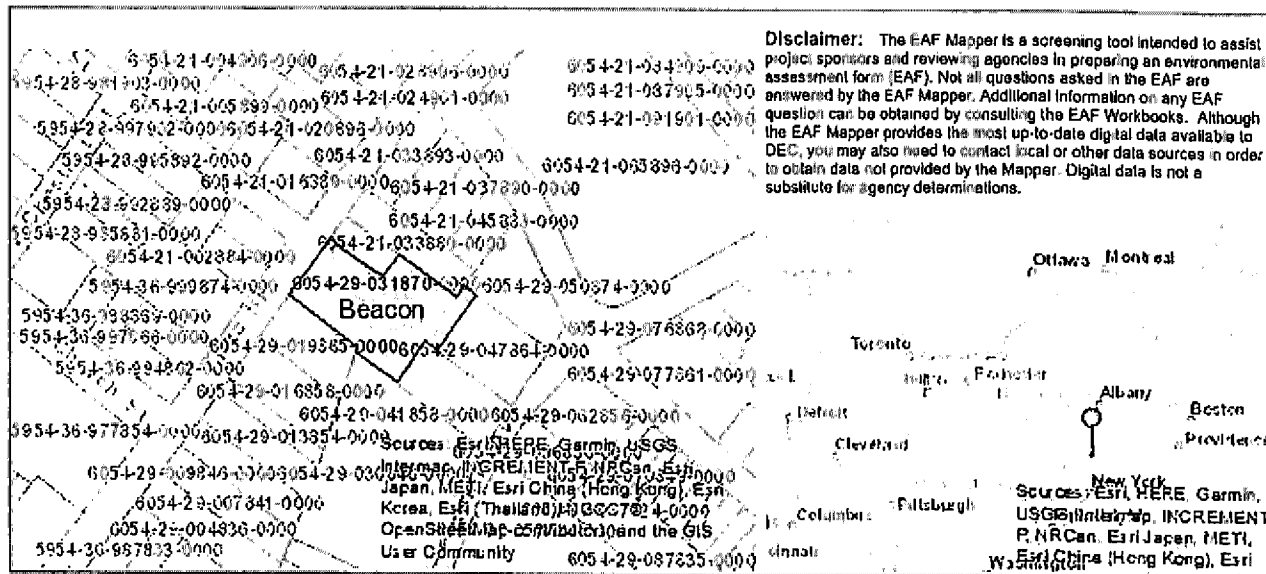
k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☒ No
If Yes:
i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: Raccoon Grey Squirrel White Tail Deer	
n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☒ Yes ☐ No Indiana Bat	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No If yes, give a brief description of how the proposed action may affect that use: _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

EAF Mapper Summary Report

Thursday, August 23, 2018 10:22 AM



B.1.i [Coastal or Waterfront Area]	No
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.ii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	B00130 , C314118
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	No
E.2.h.ii [Surface Water Features]	No
E.2.h.iii [Surface Water Features]	No
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes

E.2.o. [Endangered or Threatened Species - Indiana Bat Name]

E.2.p. [Rare Plants or Animals] No

E.3.a. [Agricultural District] No

E.3.c. [National Natural Landmark] No

E.3.d. [Critical Environmental Area] No

E.3.e. [National Register of Historic Places] Digital mapping data are not available or are incomplete. Refer to EAF Workbook.

E.3.f. [Archeological Sites] Yes

E.3.i. [Designated River Corridor] No

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only (If applicable)	
Project :	53 Eliza Street
Date :	February 20, 2019

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i> ☐ NO ☒ YES			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☒	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☒	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☒	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☒	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☒	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☒	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☒	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☒ NO ☐ YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☒ NO ☐ YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

I. Other impacts: _____		☐	☐
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part I. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part I. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐
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6. Impacts on Air The proposed action may include a state regulated air emission source. ☒ NO ☐ YES (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	☐ ☐ ☐ ☐ ☐ ☐	☐ ☐ ☐ ☐ ☐ ☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☒ NO ☐ YES <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☒ NO ☐ YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	☐ ☐	☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	☐ ☐	☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/4 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical 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.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation The proposed action may result in a change to existing transportation systems. ☒ NO ☐ YES (See Part I, D.2.j) <i>If "Yes", answer questions a - f. If "No", go to Section 14.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy The proposed action may cause an increase in the use of any form of energy. ☒ NO ☐ YES (See Part I, D.2.k) <i>If "Yes", answer questions a - e. If "No", go to Section 15.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☒ YES (See Part I, D.2.m., n., and o.) <i>If "Yes", answer questions a - f. If "No", go to Section 16.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☒	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☒	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☒	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☒	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☒	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____			

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		☒ NO	☐ YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

Site Plan, Existing Conditions, Survey, Building Plan, letter from the Applicant dated January 7, 2019, letter from the Applicant dated December 14, 2018, letter from the Applicant dated November 28, 2018, letter from the Applicant dated October 30, 2018, letter from the Applicant dated September 28, 2018, Traffic Evaluation by Maser Consulting P.A. dated September 27, 2018, letter from the Applicant dated August 28, 2018, and photographs.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
City of Beacon Zoning Board of Appeals as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Use and area variance application to permit a nine-unit multi-family development on 53 Eliza Street.

Name of Lead Agency: City of Beacon Zoning Board of Appeals.

Name of Responsible Officer in Lead Agency: Robert K. Lanier

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Robert K. Lanier

Date: 2/25/19

Signature of Preparer (if different from Responsible Officer): Sethi Karmel in behalf of the city

Date: February 26, 2019

For Further Information:

Contact Person: Etha Grogan, Secretary to the Zoning Board of Appeals

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: Egrogan@cityofbeacon.org

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM

**ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION**

**APPLICATION FOR USE AND AREA VARIANCE APPROVAL
FOR 53 ELIZA STREET**

Parcel No. 6054-29-031870

CONCLUSIONS

Based upon a review of Parts 1 and 2 of the Full Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action (Unlisted), along with reports from City staff and consultants, information from involved and interested agencies, and information from the public, the City of Beacon Zoning Board of Appeals, undergoing an uncoordinated review, makes the conclusions set forth below.

Project Description:

The Proposed Action is to allow a multi-family development on 0.69 acres consisting of nine multifamily dwelling units, which will be distributed into three buildings, on property located at 53 Eliza Street in the R1-5 Zoning District (the "Property"). The Proposed Action includes a request for a use variance from City Code § 223-17.C/223 Attachment 1:2 to permit a multi-family residence in the R1-5 Zoning District where such development is not a permitted use, and an area variance to construct up to nine dwelling units, where the maximum number of dwelling units permitted on the Property is six pursuant to the City Code § 223-17.C/223 Attachment 1:2.

The Proposed Action is an Unlisted action. The Zoning Board of Appeals opened a public hearing to consider comments on the application on September 18, 2018. The public hearing was closed on January 15, 2019.

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 project site.

The Property is located in the R1-5 Zoning District and is currently improved with non-conforming commercial buildings. The Property is already fully developed. The Proposed Action will involve the demolition of certain existing commercial buildings and construction of up to nine multifamily residential dwelling units with typical

grading and site work associated with such construction. There are no wetlands, water bodies, steep slopes or other environmentally sensitive areas on the Property. The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the Property.

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

Residential land uses are generally not associated with the discharge of contaminants into aquifers or other groundwater sources. There will be no bulk storage of petroleum or chemicals on-site. The Project does not include or require wastewater discharged to groundwater. The Project will be connected to the existing public water distribution and sanitary sewer systems. Water usage and liquid waste generation is anticipated to be an additional 1,980 gallons per day above the existing condition. Adequate water supply and sewer capacity exist for these additional flows.

The Proposed Action will not result in any significant adverse impact to 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.

The Proposed Action will disturb less than one acre and will not create any net additional stormwater runoff. Therefore, 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 grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. 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, including removal of existing impervious surfaces and vegetation, and site grading. 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.

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

0.056 acres of the Property is currently grass/landscaped areas. After the project is completed 0.228 acres will be grass/landscaped areas. This is an increase of 0.172 acres. The predominate wildlife species that occupy or use the project site include raccoons, grey squirrels and white tail deer. The project site does not contain a designated significant natural community. Although the Full EAF indicates that the Property may contain or serve as habitat for the endangered Indiana Bat, there are no trees on the Property that would serve as suitable habitat for the Indiana Bat.

- **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 visible from any publicly accessible vantage points either seasonally nor year around.

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

Developing the property into a multifamily development with up to nine dwelling units in an existing residential neighborhood will not have a significant adverse impact on historic or archeological resources because there are no historic resources in the immediate vicinity of the Site.

- **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.

- **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 construction of nine multifamily dwelling units will not result in a significant adverse traffic impact. The Applicant submitted a traffic evaluation study prepared by Maser Consulting P.A., dated September 27, 2018 to review the traffic impacts associated with the proposed multifamily development. It is anticipated that the multifamily development will generate similar traffic during peak hours as the existing commercial use. The Site will be accessed via a driveway connection to Eliza Street offset approximately 30 feet to the south of Oak Street. The Proposed Action will eliminate the two (2) existing driveways located on each side of the existing building fronting on Eliza Street and consolidate the driveways into one (1) central two-way access driveway for better circulation into and out of the Site.

Maser Consulting conducted turning movement traffic counts at the intersection of Eliza Street and Oak Street on Tuesday September 25, 2018 during the AM and PM Peak Periods. In order to assess the potential traffic impacts of the Proposed Development, estimates of the anticipated Site Generated Traffic Volumes were made based on information provided by the Institute of Transportation Engineers (ITE) as contained in their publication Trip Generation, 10th Edition dated 2017 based on ITE Land Use Code 220 – Multi-Family Low Rise Residential. In addition, for comparison purposes, estimates of the potential traffic generation of the as-of-right use for the property, i.e. three (3) single family residential dwellings, were also computed based on ITE Land Use Code – 210 – Single Family Housing. According to the Maser Consulting traffic report, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours. Maser Consulting concluded that “the Proposed Development is not anticipated to have a significant impact on traffic operating conditions in the vicinity of the Site. Furthermore, as previously indicated, the proposed nine (9) unit multi-family development and the as-of-right three-unit single family homes would have similar traffic generation during each of the Peak Hours analyzed.”

- **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 substation, 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 noxious odors. Outdoor lighting will be consistent with typical residential lighting and will include building mounted lights and pole mounted lights for the parking lot. All lighting shall be shielded and pointed downward. Noise impacts associated with the proposed Project will be limited to temporary impacts generated during construction. Temporary noise impacts associated with construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 5:00 p.m Monday-Friday, and 8 a.m. — 5 p.m on Saturday. It is not anticipated that blasting will be necessary during the proposed construction. If blasting does become necessary, it will be performed in accordance with all applicable state and local requirements. In addition, there will be no significant noise impacts post-construction.

- **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.**

Residential land uses are generally not associated with significant adverse impacts on human health from exposure to new or existing sources of contaminants. The site is currently used for office/warehouse space, however there has never been any hazardous waste generated, treated and/or disposed of at the site and no spills have been reported at the site. There is no existing contamination on the site.

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

The Proposed Action is generally consistent with the Comprehensive Plan and City Zoning Code.

Based upon this information and the information in the Full Environmental Assessment Form, the Zoning Board of Appeals finds that the Proposed Action will not have any significant adverse impacts upon the environment. .

Adopted: February 20, 2019
Beacon, New York

Received Office of the City Clerk 2/26/2019

Exhibit B

Zoning Board of Appeals

March 16, 2021

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, March 16, 2021 at 7:00 p.m. Due to public health and safety concerns related to COVID-19, the Zoning Board of Appeals did not meet in person. In accordance with the Governor's Executive Order 202.1, the March 16, 2021 meeting was held via videoconferencing. The live meeting online was available on YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>. Comments could be called in during the meeting at **(929) 205-6099; Webinar ID: 890 7372 0278; Password 767174**.

In attendance during the Zoom meeting were Chairman David Jensen, Members Robert Lanier, Judith Smith, Jordan Haug, and Elaine Ciaccio; Building Inspector David Buckley, and City Attorney Drew Gamils.

Mr. Jensen called for corrections/additions or a motion to approve the minutes of the November 17, 2020 meeting. He noted a typographical error was made in the last paragraph of Page 1 that should be corrected. Mr. Haug made a motion to approve the minutes of the November 17, 2020 meeting as amended, seconded by Mr. Lanier. All voted in favor. Motion carried; 5-0.

MISCELLANEOUS BUSINESS

Consider request for a six (6) month extension of Use and Area Variance, 53 Eliza Street, submitted by PIE Development Company, Inc.

Attorney Taylor Palmer with Cuddy & Feder, LLP, described his client's request for a bridge extension of the Use and Area Variance Approval Resolution that was adopted by the board on February 20, 2019. A six-month extension adopted on July 21, 2020 extended their approvals to January 9, 2021. A building permit application was submitted and a building permit was issued on January 19, 2021 therefore they are seeking a retro-active 11-day bridge extension not the six months originally requested. Mr. Palmer reported construction is set to begin soon however they will return for an extension if construction doesn't begin within six months of the date the building permit was issued, or if construction isn't completed within 24-months. He explained delays were due to financing and bonding required for the building permit application. A resolution circulated prior to the meeting will be amended to reflect the extension date. After careful consideration, Ms. Smith made a motion to grant an 11-day extension to the date of the building permit, seconded by Mr. Lanier. All voted in favor. Motion carried.

ITEM NO. 1 REVIEW APPLICATION SUBMITTED BY ANNE LEWIS, 247 LIBERTY STREET, TAX GRID NO. 30-6054-24-397929-00, R1-10 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17 FOR AN ADDITION WITH A 6 FT. SIDE YARD SETBACK (15 FT. REQUIRED)

Mr. Lanier made a motion to open the public hearing on the application for relief from Section 223-17 for an addition with a 6 ft. side yard setback at 247 Liberty Street, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

Anne Lewis described her proposal to construct a rear addition on her house at 247 Liberty Street that will require a variance for a side yard setback. The house currently sits 11.5 ft. from the property line and the addition will not extend much beyond the house with the entry way 6 ft. from the property line. Ms. Lewis explained she works from home with an office on the second floor and would prefer creating a room to the rear of the house which will provide space on the ground floor. The addition can't go on the other side of the house because the first-floor bedroom and bathroom windows would be blocked. The interior layout eliminates other options without an entire renovation which she cannot afford. The one-story story addition would sit behind an existing 6 ft. Cedar fence and won't be seen from the street. Ms. Lewis reported she spoke to immediate neighbors and no one was opposed to the proposed addition. She is a tax accountant and although she does not have many visitors, she felt it odd for clients to enter at the rear of the house. A rear addition would reduce the variance but a variance would still be required. The house was constructed in 1915 and all houses in the neighborhood are close with deep lots. Ms. Lewis initially wanted a vestibule because the front door goes directly into the living room however after considering the whole, felt an addition would be better. It will provide a door directly into the office space and an entrance that allows her to access the kitchen without going through the living room. Contractor Tom Rupperd explained it is a small space and although most additions are lined up with the house line, it is difficult to match the existing siding color. This design keeps the change color to the rear with only the side entrance visible from the driveway. Mr. Rupperd explained a variance would be needed even if the addition was flush because the entryway would extend into the side yard setback. A lengthy debate took place with regard to the fence, addition, entryway and general layout of the addition. Mr. Jensen opened the floor for public comment.

Mr. Jensen read the following comment into the record:

I just wanted to voice my support for Anne's project. Since she has moved into her home, she has only added to the beauty of our neighborhood with her home and lovely landscaping. I can see no reason to object to her current plans and wish her the best in her project. Thank you.

Dr. Anne Provet
232 Liberty Street

Theresa Kraft, 315 Liberty Street, read the following:

I live near this residence. I studied this applicant's plans and proposal and found that it is both cohesively designed in scale with the existing home and the surrounding homes. The newly proposed entryway and mudroom pump-out add an interesting designed element to this charming house versus building a plain box. As stated, there is enough property outback to accommodate this addition. On another note, the applicant's architect blended this fresh addition with the existing structure seamlessly, I look forward to watching this progress.

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

Board members considered the benefit to the Applicants if the variances are granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such granting and 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 the following:

Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the requested area variances?

The Board found that this variance would not create an undesirable change in the character of the neighborhood or a detriment would not be produced in the character of the neighborhood. After viewing the design of the house and listening to public input, members felt the architect ensured the design will maintain the character of neighborhood. No matter what, it is likely any sort of addition to the house would involve a side yard setback variance.

Can the benefit the applicant seeks be achieved through another method, feasible for the applicant to pursue, that does not require area variances?

The Board found that the addition could be constructed with a reduced variance, however the benefit of the applicant hopes to achieve cannot be met by another method. The design and layout of the house can only be achieved with the variance.

Are the requested variances substantial?

The Board found that the variance request was numerically substantial however would not have a substantial impact on the community.

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

The Board found that the addition was designed to be in conformity with the neighborhood and would not have an adverse effect on the physical and environmental conditions in the neighborhood.

Is the alleged difficulty self-created?

The Board found that the variance was self-created.

The applicant was informed of the conditions set forth in the resolution, all fees must be paid and most significantly that a permit must be obtained within six months with two years to complete construction. The applicant was aware that he could seek an extension if needed but saw no issue in completing the project within the timeframe set forth in the resolution.

The Board measured whether the requested variance was the minimum variance necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Members agreed the requested variance was the minimum and that the applicant was not asking for more relief than was necessary.

After careful consideration, Mr. Lanier made a motion to grant the variance as requested with conditions outlined in the draft resolution, seconded by Ms. Smith. All voted in favor. Motion carried; 5-0.

ITEM NO. 2. REVIEW APPLICATION SUBMITTED BY CLODAGH AUBRY, 15 WATER STREET, TAX GRID NO. 30-6054-38-170705-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17 FOR A ONE-STORY ADDITION WITH A 3.2 FT. SIDE YARD SETBACK (10 FT. REQUIRED) AND AN OPEN REAR DECK WITH A 1.1 FT. SIDE YARD SETBACK (5 FT. REQUIRED)

Mr. Jensen announced he lives across the street from the applicant within the notification zone therefore recused himself from this application. Mr. Lanier was designated the Acting Chairman. Ms. Smith made a motion to open the public hearing on the application for relief from Section 223-17 for a one-story addition with a 3.2 ft. side yard setback and an open rear deck with a 1.1 ft. side yard setback at 15 Water Street, seconded by Mr. Haug. All voted in favor. Motion carried; 4-0.

Architect Aryeh Siegel, joined by applicant Clodagh Aubry, described his client's proposal to construct a small dining room addition and open rear deck on property located at 15 Water Street. The current house has a pre-existing, non-conforming condition in that it is situated on a small parcel and its orientation does not follow the property lines. The house has an existing rear deck that would be used for the one-story addition and a new deck would be added to the rear of the addition. The existing house is 4 ft. from the property line and the proposed addition would be 3.2 ft. from the property line. Mr. Siegel reported the effective setback from the adjacent house is closer to 16.5 ft. due to the driveway and right-of-way. He explained that given the tightness of the lot there is no other practical way to gain additional space and this addition won't be visible from the street because the house is located behind a two-story house.

Concerns were raised that the planters shown on the proposed deck extend beyond the deck and further encroach the setback area. Mr. Siegel reported the proposed planters cantilever on the upper portion of the deck and will not affect the ground space. Ms. Aubry explained the existing deck was damaged during Covid therefore believed it the perfect time to utilize the space for a dining room and deck that would naturally step down into the property. Discussion took place with regard to 17 Water Street, the adjacent flag lot also owned by family which provides access to the street. A house once existed on the lot but the foundation was rotted so it was demolished, however there are no plans to rebuild at this time. Mr. Siegel reported the deck could be built on the other side of the addition however the Aubry's want to plant an orchard and garden space. Aesthetically they felt it better to have the addition follow the symmetry of the house. There were no further comments and Mr. Lanier opened the floor for public comment.

Theresa Kraft, 315 Liberty Street, read the following:

I'm not here to say you should or should not allow this application to pass through the proper channels. But I'd like to make sure the city and zoning board do not continue to set a precedent for giving severe relief to buildable property lines, especially when it affects more than the single applicant's property. The current house in this proposal is currently beyond the allowable setback lines, and this applicant is asking for reliefs that goes beyond that. One relief is 1/3 of the requirement, and the second relief is 1/5 of the requirement by the current zoning code. Owning 15 Water St. and 17 Water St. should not add weight to this approval process unless there is a parcel lot merger on the horizon and that would be a good thing. But I'm sure whatever Clodagh and her family design and build will be outstanding. Happy Saint Paddy's Day!

The following letter was read into the record:

We have reviewed the documents posted on the City of Beacons - Zoning Board of Appeals Agendas – regarding your application for a Zoning Variance for your property at 15 Water Street. Specifically, you are requesting a relief or a variance for the side yard setback requirements for your new sunroom / dining room and deck beyond. As discussed with you previously, our comments are limited to the following:

1. We understand that the glass room will have a sloping glass roof and that the roof of this sunroom will not be occupiable.
2. We understand looking at this application that a large portion of the lot at 15 water street will be 'built' – this will reduce the amount / rate of stormwater infiltration on this site. The adjacent property – (on the other side of the 10'-0" wide 'flag lot' access road to 17 water street) is 19 water street, our home. We are concerned after the construction of the sunroom / deck - and associated regrading of the site – that our property – specifically our basement - would be adversely affected by stormwater runoff.

We do not think this should preclude the approval of this side yard variance by the ZBA for 15 water street – we would rather ask / insist that a lineal drain – French drain be installed along the property line between 15 / 17 water street. We understand that the owner of 15 Water is also the owner of 17 Water. We understand that - at this time – there are no plans to sell, or to develop the property of 17 Water. We believe that given that it is the same property owner – a variance should be granted to 15 Water. We support the owner's application for a variance and request that the application be noted about a lineal drain next to the new construction.

Kristin Morales, Owner 19 Water
Ivan Morales, Owner 19 Water

Mr. Siegel assured the board that they would make certain the neighbors would not be affected. He explained the property has a decent slope and the roof of the addition will be guttered for stormwater to flow to the opposite side of the neighbors. Building Inspector Dave Buckley did not believe a French drain would be necessary because 19 Water Street sits higher than 15 Water Street where the drainage runs from front to back downward toward the creek. He explained a gutter already drains out to this location without a problem, and this small addition will not contribute that much more stormwater into the system.

There were no further comments and Mr. Haug made a motion to close the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried; 4-0.

Board members considered the benefit to the Applicants if the variances are granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such granting and 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 the following:

Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the requested area variances?

The Board found the driveway mitigates the impact of the 1.1 foot variance for the open deck and any future property owner of 17 Water Street would be aware of the addition as it will be constructed prior to a new property owner. The property adjacent to the deck and addition

will only be used as a driveway. The driveway mitigated the Board's concerns about potential impacts therefore found the variances would not create an impact to the character of the neighborhood.

Can the benefit the applicant seeks be achieved through another method, feasible for the applicant to pursue, that does not require area variances?

The Board found that the benefit could be achieved with a smaller variance because the deck could be configured differently, however the flow and design of the addition and the deck create a clean, modern, balanced look. The house is not in alignment with the property line therefore anything constructed in the rear would require a variance and such construction would be located closer to the property line compared to the house considering the angle of the property line.

Are the requested variances substantial?

The Board found that the variances requested were substantial numerically. It was noted the driveway is part of the flag lot, not an easement.

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

The Board found that the proposed variances would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Discussion took place with regard to stormwater discharging onto driveway and Mr. Buckley reported the addition will generate a very small amount off additional runoff. He felt it could be easily handled without a French drain.

Is the alleged difficulty self-created?

The Board found that the variances were self-created

The Board measured whether the requested variances were the minimum necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. Members agreed the requested variances were the minimum necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Ms. Smith made a motion to grant the requested variances as requested. The applicant was informed of the conditions set forth in the resolution, all fees must be paid and most significantly that a permit must be obtained within six months with two years to complete construction. The applicant was aware that he could seek an extension if needed but saw no issue in completing the project within the timeframe set forth in the resolution. The motion was seconded by Mr. Haug. All voted in favor. Motion carried. All voted in favor with the exception of Ms. Ciaccio who voted against the motion. Mr. Lanier noted he voted in favor of the variance request due to the driveway situation, and would have voted in a different direction otherwise. Motion carried: 3-1-1.

There was no further business to discuss and the meeting was adjourned on a motion made by Mr. Haug, seconded by Ms. Ciaccio. Mr. Lanier congratulated City Attorney Drew Gamils who was recently recognized for a legal award. All voted in favor. All voted in favor. Motion carried. The meeting was adjourned at 8:47 p.m.

Exhibit C

CITY OF BEACON BUILDING PERMIT

Permit Number # 2021-0018

Address: 53 Eliza Street

Date Issued: 1/19/21 Expiration Date 1/18/23

NOTICE TO PROPERTY OWNER: This card must be prominently displayed on building so as to be seen from fronting street.

David Buckley
Building Inspector, (845) 838-5020