



COURTROOM  
1 MUNICIPAL PLAZA  
BEACON, NY 12508

**June 21, 2023**  
**7:00 PM**  
**Zoning Board of Appeals Agenda**

**Regular Meeting**

1. Review and continue public hearing on application submitted by Susan Battersby, 5 Willow Street, Tax Grid No. 30-5954-27-820961-00, T Zoning District, to convert an existing accessory structure to a single-family dwelling which requires relief from the following: 1) Section 223-12.A to allow for more than one main building on the lot 2) Section 223-17.D to allow for a 1 ft side yard setback (10 ft required) 3) Section 223-17.D to allow for a 1.8 ft rear yard setback (20 ft required)
2. Review and hold public hearing on application by Adusei Holdings LLC, 75 Oak Street, Tax Grid No. 30-5954-28-972906-00, in the R1-5 Zoning District, for relief from the following: 1) Section 223-17.D to allow for a 5.4 ft side yard setback (10 ft required) 2) Section 223-17.D to allow for a 3.1 ft side yard setback (10 ft required)
3. Review and hold public hearing on application submitted by Richard Scali, 4 Jefferson Ave, Tax Grid No. 30-6054-13-229358-00, in the R1-10 Zoning District, for relief from the following: Section 223-26.C(1) to allow for a driveway in the required front yard
4. Review and hold public hearing on application submitted by Danielle Williams, 79 Grove Street, Tax Grid No. 30-6054-39-335733-00, in the R1-5 Zoning District, for relief from the following: 1) Section 223-17.D to allow for a 5 ft side yard setback (10 ft required) 2) Section 223-17.D to allow for a 15.5 ft rear yard setback (20 ft required)
5. Review and hold public hearing on application by 925 Wolcott LLC, 925 Wolcott Avenue, Tax Grid No. 30-5954-44-922633-00, R1-10 Zoning District, for a request for interpretation of the Building Inspector's determination regarding multi-family use

**City of Beacon Zoning Board of Appeals Agenda**  
**06/21/2023**

**Title:**

Review and continue public hearing on application submitted by Susan Battersby, 5 Willow Street, Tax Grid No. 30-5954-27-820961-00, T Zoning District, to convert an existing accessory structure to a single-family dwelling which requires relief from the following:

- 1) Section 223-12.A to allow for more than one main building on the lot
- 2) Section 223-17.D to allow for a 1 ft side yard setback (10 ft required)
- 3) Section 223-17.D to allow for a 1.8 ft rear yard setback (20 ft required)

**ATTACHMENTS**

[Printing Set\\_Zoning Board Submission\\_4\\_230530.pdf](#)

[Sheet 1\\_Site Plan\\_Zoning Board Submission\\_4\\_230530.pdf](#)

[Sheet 2\\_Existing Conditions Demolition Plan\\_Zoning Board Submission\\_4\\_230530.pdf](#)

[Sheet 3\\_Building Plans\\_Zoning Board Submission\\_4\\_230530.pdf](#)



EXTERIOR WALL SCONCE (L1)

KIRKHAM BRONZE 8 1/2" WIDE DARK SKY LED OUTDOOR WALL LIGHT

- 8 1/2" WIDE X 6" HIGH. EXTENDS 10 1/2" FROM THE WALL
- 10 WATT BUILT-IN LED IS COMPARABLE TO A 45 WATT INCANDESCENT BULB
- 450 LUMENS
- 2700K. 79 CRI
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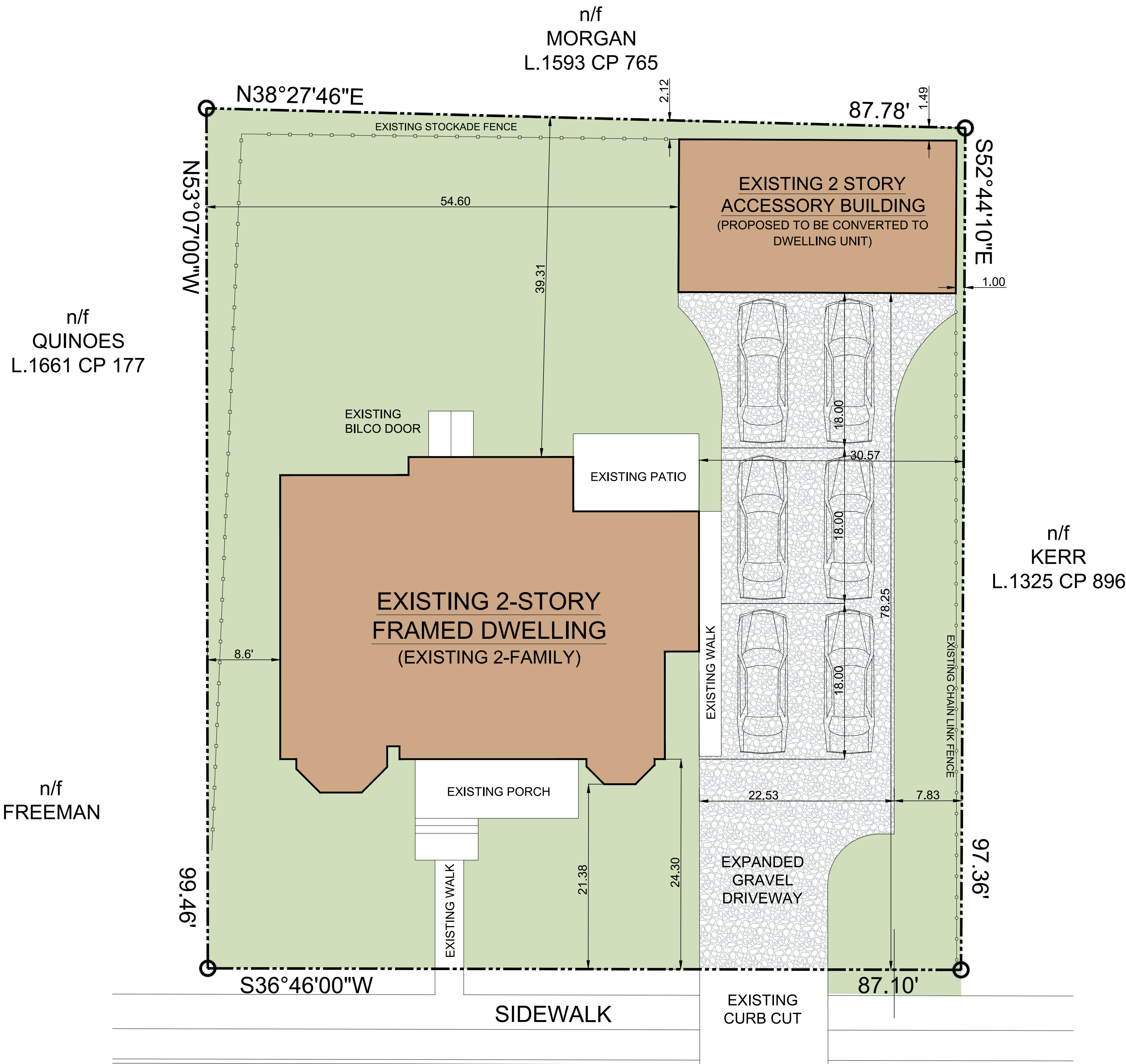
Zoning District	Maximum Lot Size Area				Required Setbacks			Existing Setbacks			Maximum Building Height	Existing Building Height
	Area	Per Unit	Width	Depth	Front	Side	Rear	Front	Side	Rear		
T (Transitional)	5000	2500	50	100	10'	10'	20'	78.25'	1.0' **	1.8' **	2.5 Stories	2 Stories

\*\* Variance required



Location Map

1" = 200'



Zoning Summary

Zoning District:	T (Transitional)
Tax Map No.:	5954-27-820961
Lot Area:	8,604 square feet
Existing Building Footprint:	1,569 square feet
Proposed Accessory Apartment Area:	1,040 square feet
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Two Family Residential
Proposed Use:	Two Family Residential & Additional Dwelling for a total of 3 Dwelling Units

Parking & Loading

Use & Parking Requirements	Proposed Area	Parking Requirement
<b>Residential</b>		
2 spaces for each dwelling unit	2 existing dwelling units + 1 new dwelling unit	6 parking spaces
<b>Total Required Parking Spaces</b>		<b>6 Parking Spaces</b>
<b>Total Proposed Parking Spaces</b>		<b>6 Parking Spaces</b>

Notes:

1. The application is for the conversion of an existing accessory structure (garage) to a single-family dwelling.
2. The Applicant requests a Variance for relief from the requirements of Section 223-12.A, to allow more than one main building on the lot
3. The Applicant requests a Variance for the Side Yard Setback where 10 feet is required and 1 foot exists, per § 223-17D. Schedule of Dimensional Regulations
4. The Applicant requests a Variance for Rear Yard Setback where 20 feet is required and 1.8 foot exists, per § 223-17D. Schedule of Dimensional Regulations
5. Applicant does not believe 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 this variance.
6. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.
7. The applicant does not believe the requested variance is substantial.
8. The applicant does not believe the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
9. The applicant does not believe the difficulty was self-created. However, if the Zoning Board finds that the difficulty was self-created, the consideration shall be relevant to the decision of the board of appeals but shall not necessarily preclude the granting of the area variance.
10. Note that exterior lighting fixtures for the accessory building shall comply with the requirements of Section 223-14B, specifically:
  - a. The type, location, and shading of such lighting shall prevent the spillover of light onto any adjacent residential or multifamily property or direct glare onto any public sidewalk or street.
  - b. Such lighting shall use full cutoff fixtures that do not emit light above the horizontal plane into the night sky, except for lighting for short-term events or holidays, flagpole lighting, decorative light sources under 600 lumens, public parks and other public specialty lighting, as determined by the Building Inspector.
  - c. Color temperatures should be in the range of 2,400 to 4,000 Kelvin degrees.
  - d. The color rendering index should be in the range of 80 to 100.
  - e. Adaptive controls, such as dimmers, timers, and motion sensor shut-off lighting, should be used whenever appropriate.

Index of Drawings

Sheet 1 of 3	Site Plan
Sheet 2 of 3	Survey / Existing Conditions Plan
Sheet 3 of 3	Plans and Elevations

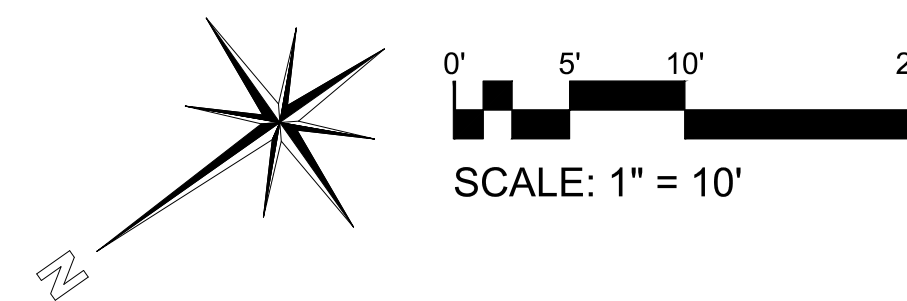
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NO.	DATE	DESCRIPTION	BY
1	2/28/23	REVISED PER PLANNING BOARD COMMENTS	AJS
2	3/30/23	REVISED PER PLANNING BOARD COMMENTS	AJS
3	4/18/23	REVISED PER ZBA ATTORNEY COMMENTS	AJS
4	5/30/23	REVISED PER ZBA COMMENTS	AJS

Site Plan

Scale: 1" = 10'

WILLOW STREET

SITE PLAN INFORMATION FROM A SURVEY BY PETER HUSTIS, L.L.S. DATED JULY 28, 2003



Site Plan Application - Additional Dwelling Unit

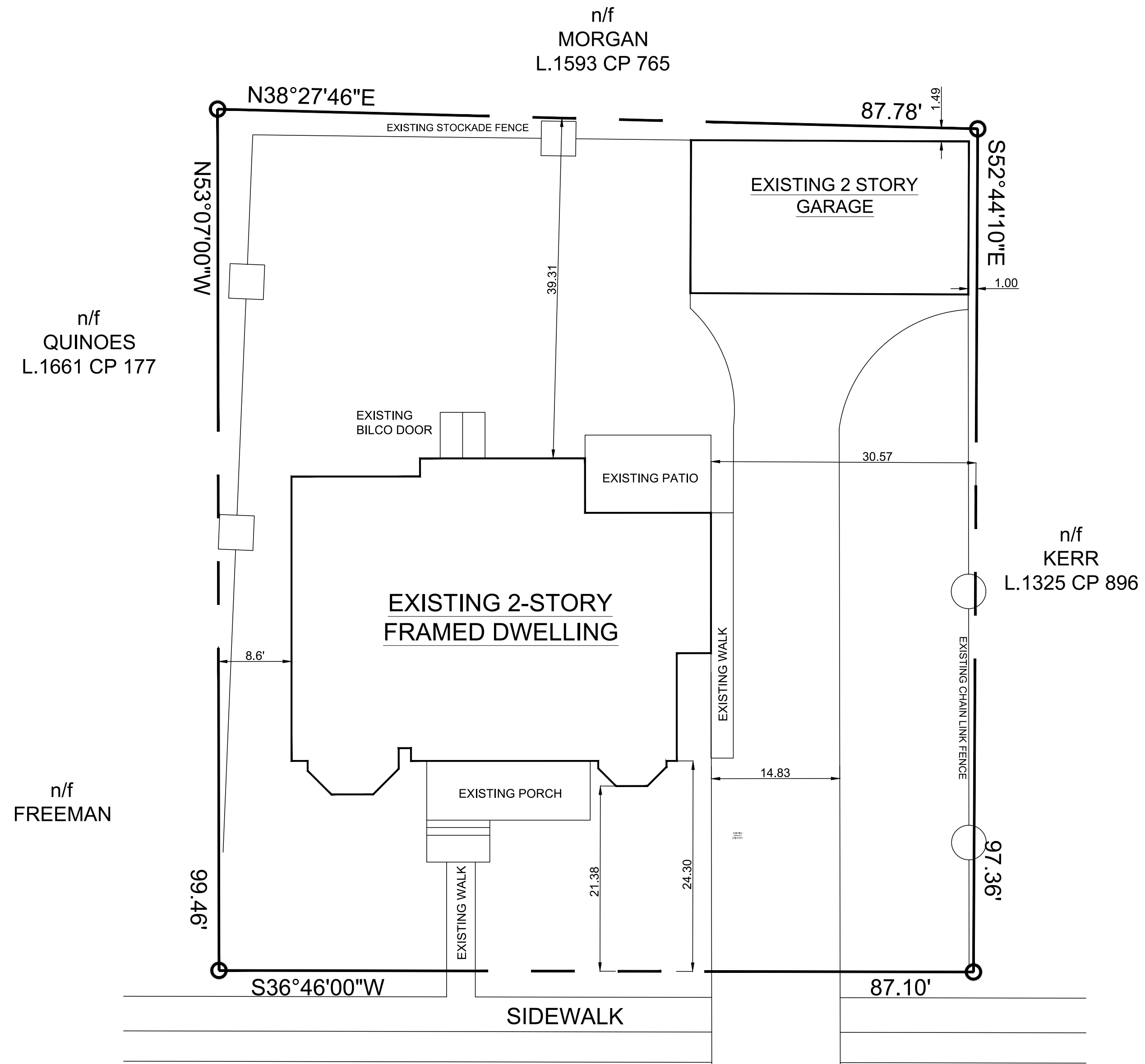
Sheet 1 of 3 - Site Plan

5 Willow Street

Beacon, New York  
Scale: As Noted  
September 1, 2022



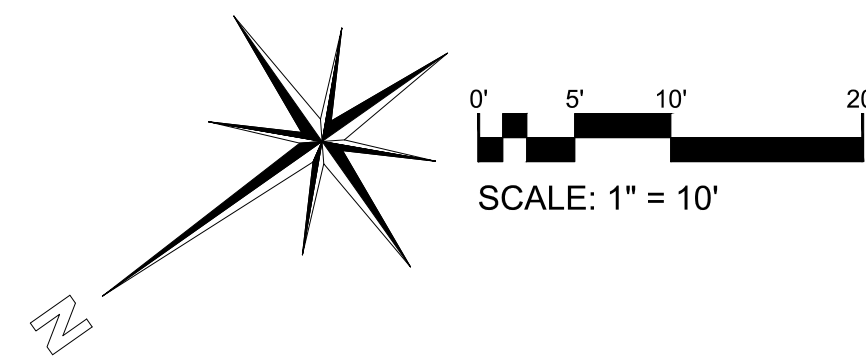
Existing Photos



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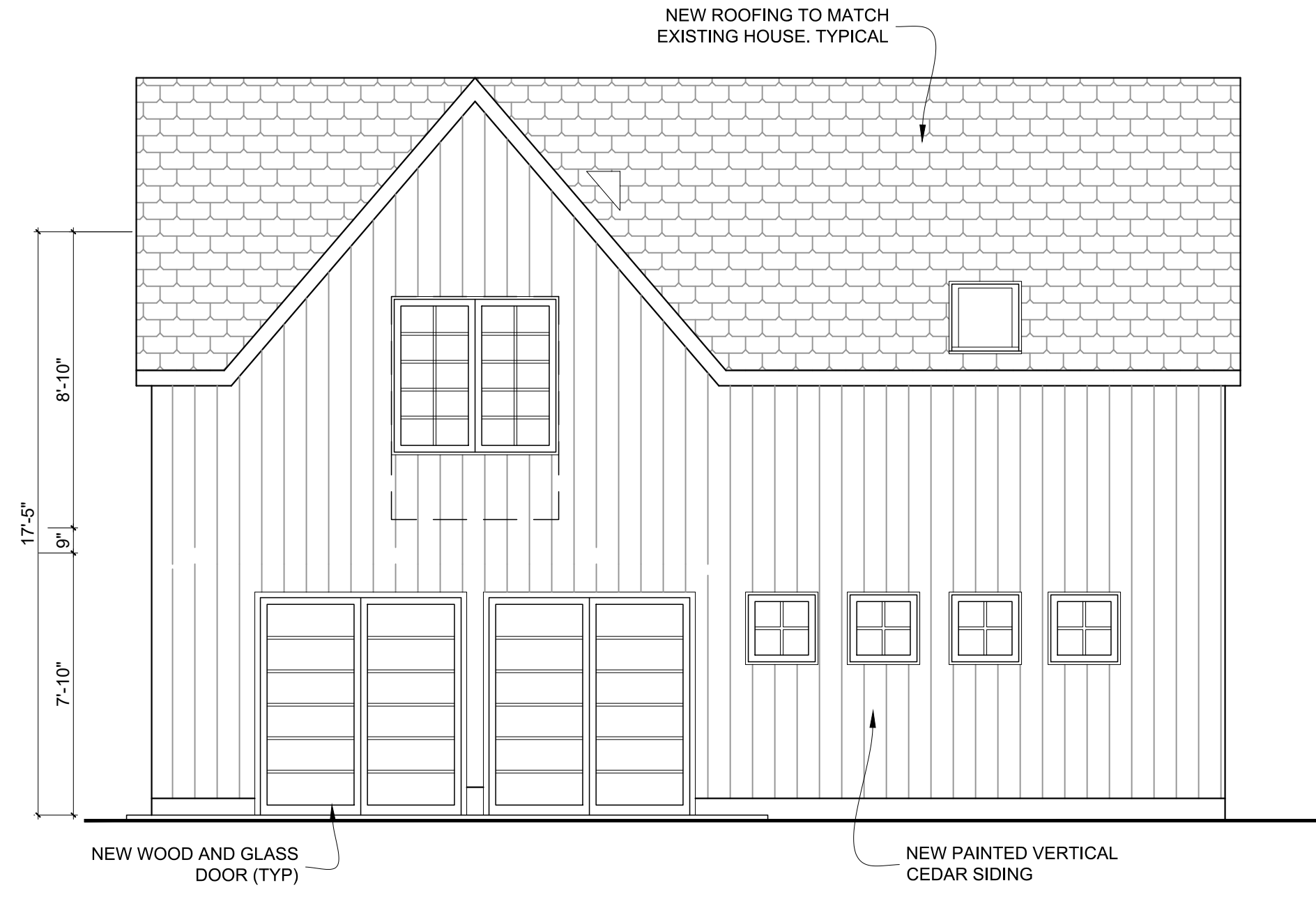
### Existing Conditions & Demolition Plan

Scale: 1" = 10'

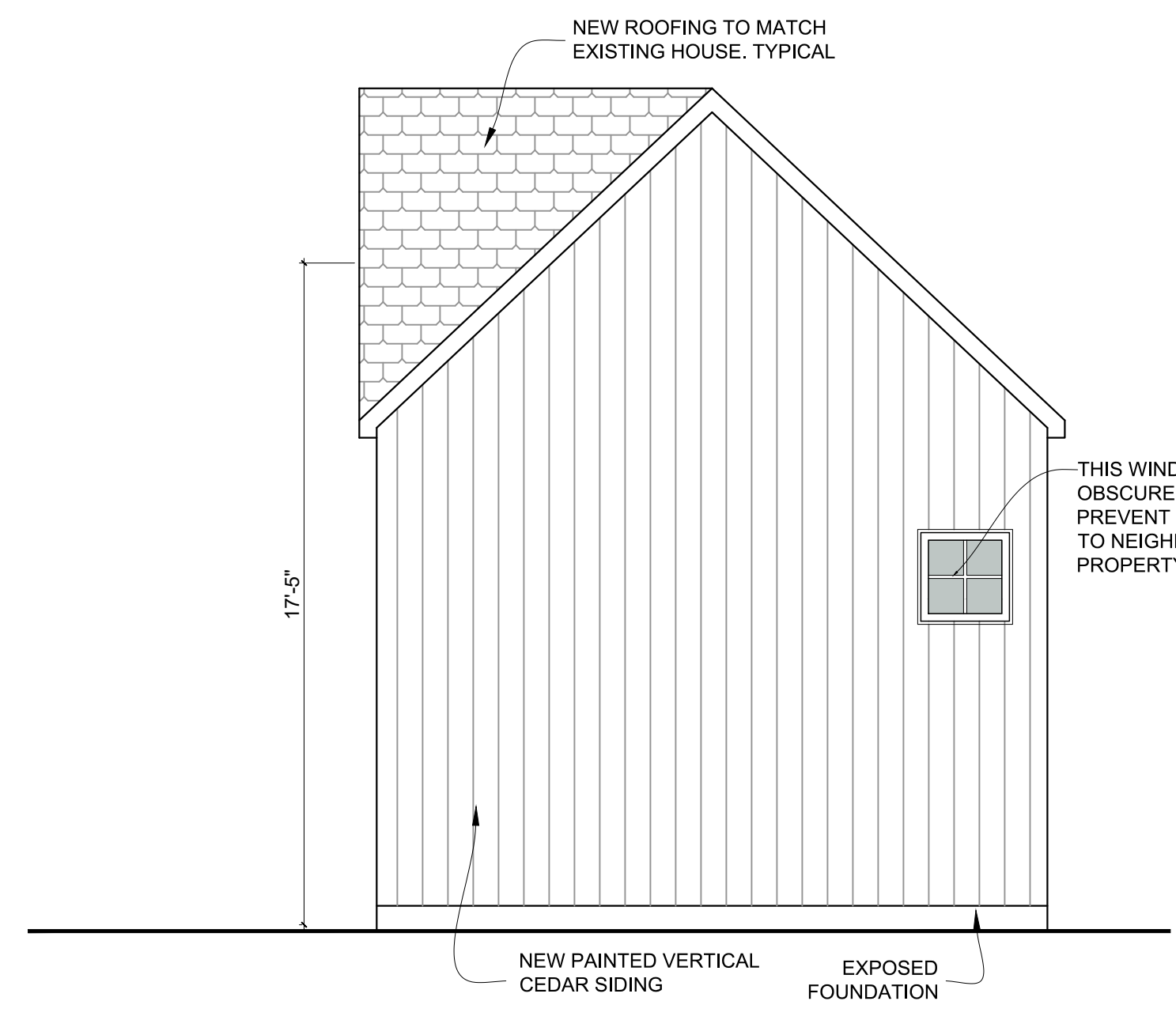
## Site Plan Application - Additional Dwelling Unit

Sheet 2 of 3 - Survey / Existing Conditions Plan

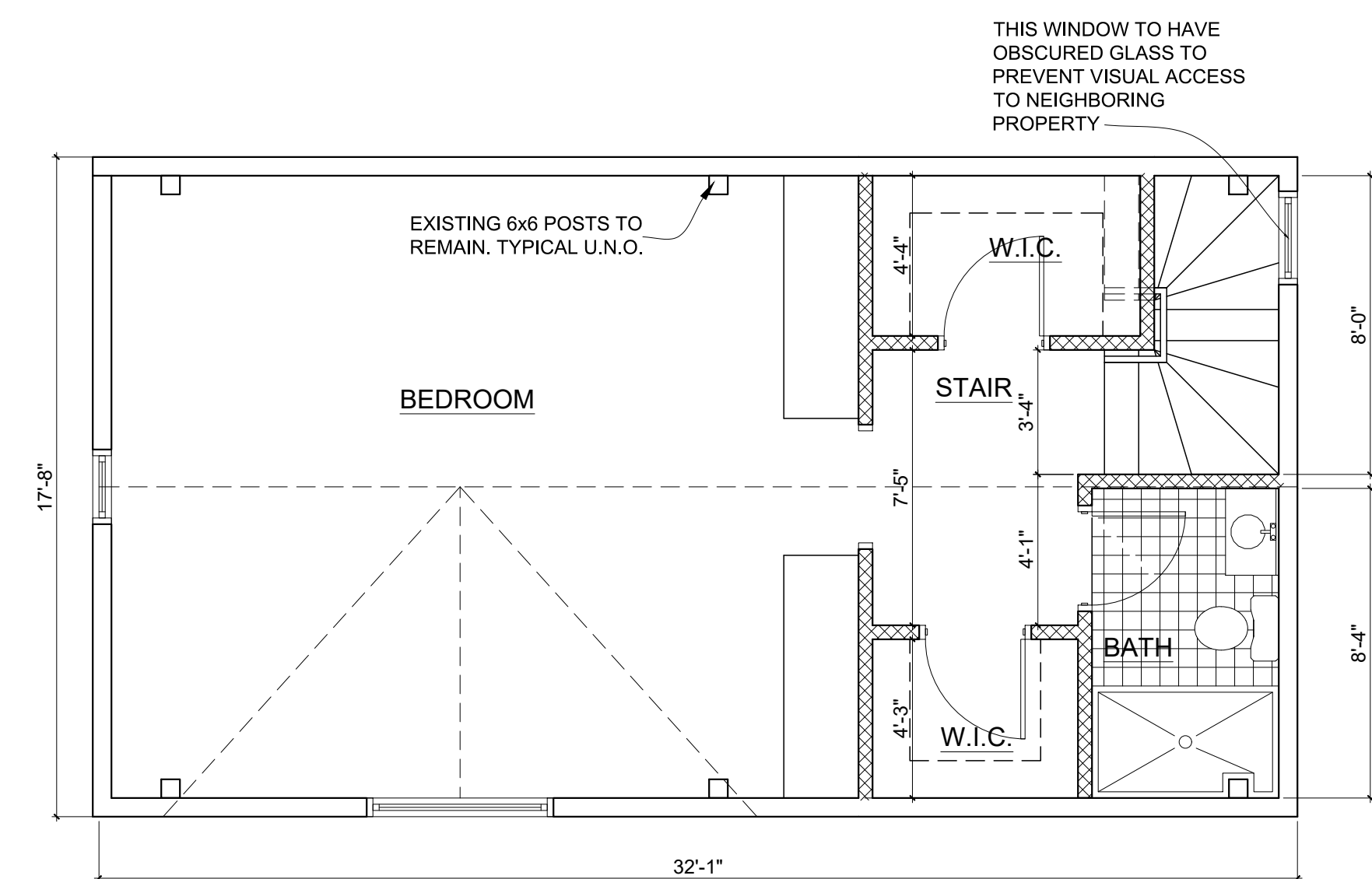
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**Front Elevation**

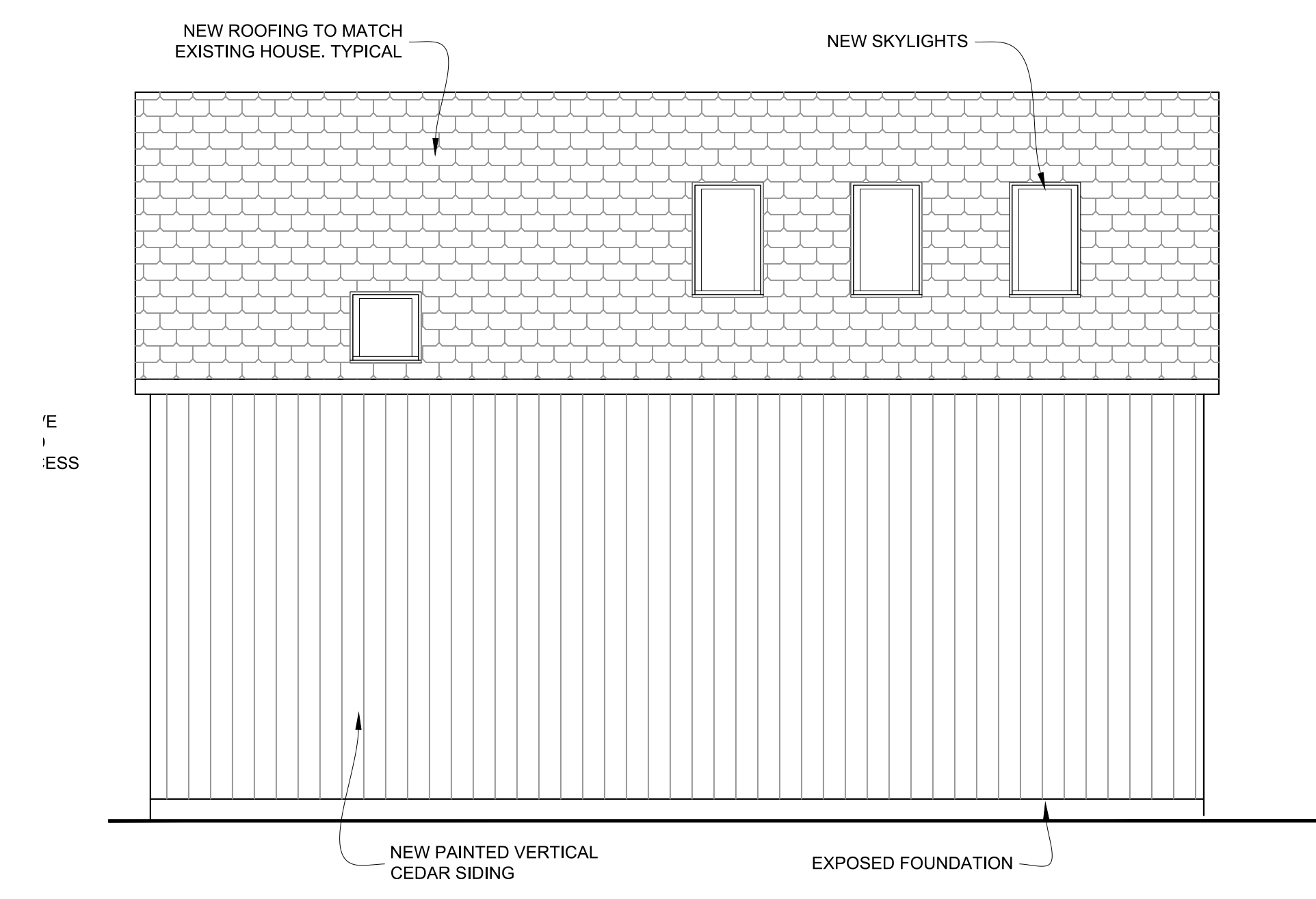


**Right Side Elevation**

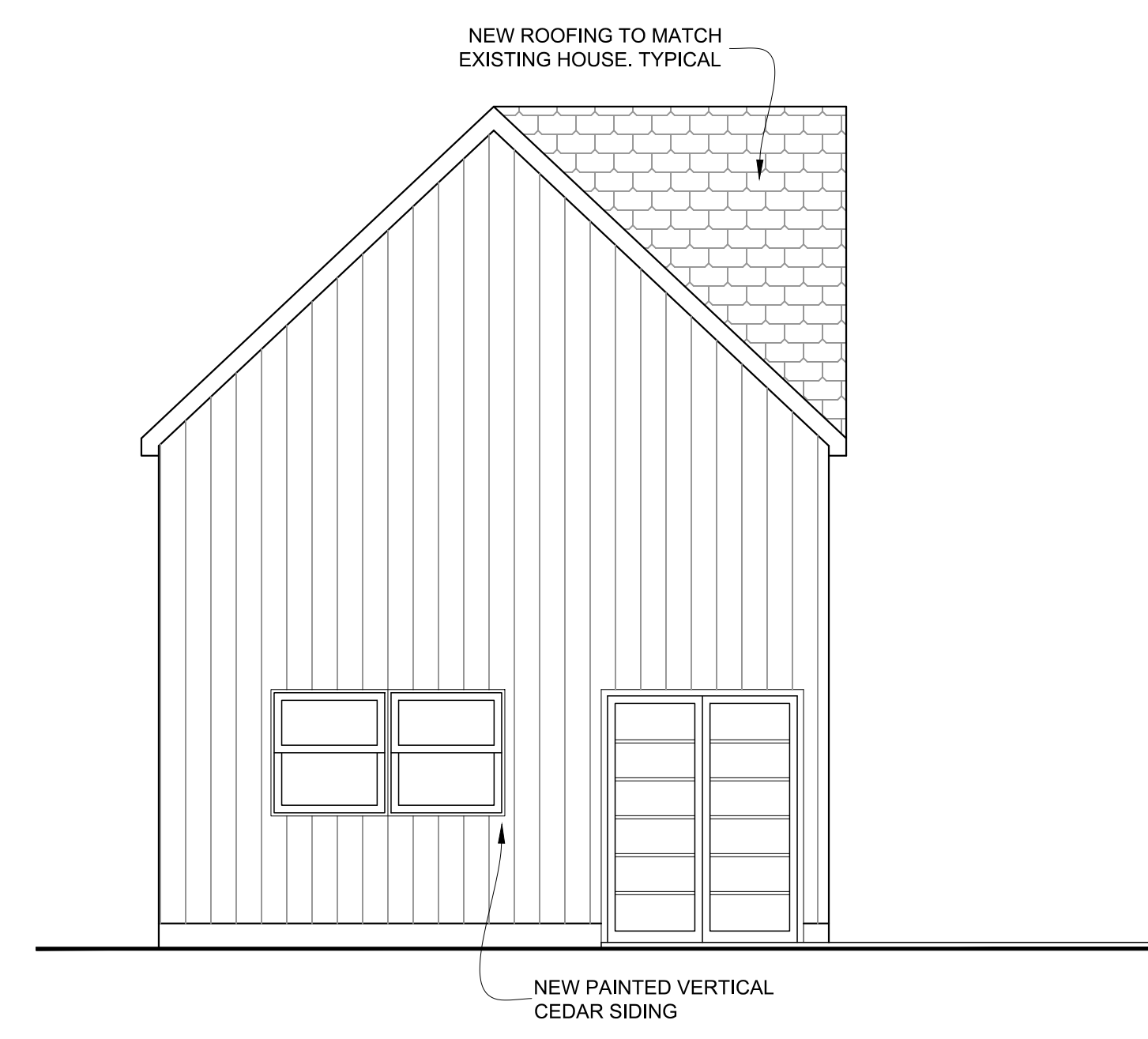


**2nd Floor Plan**

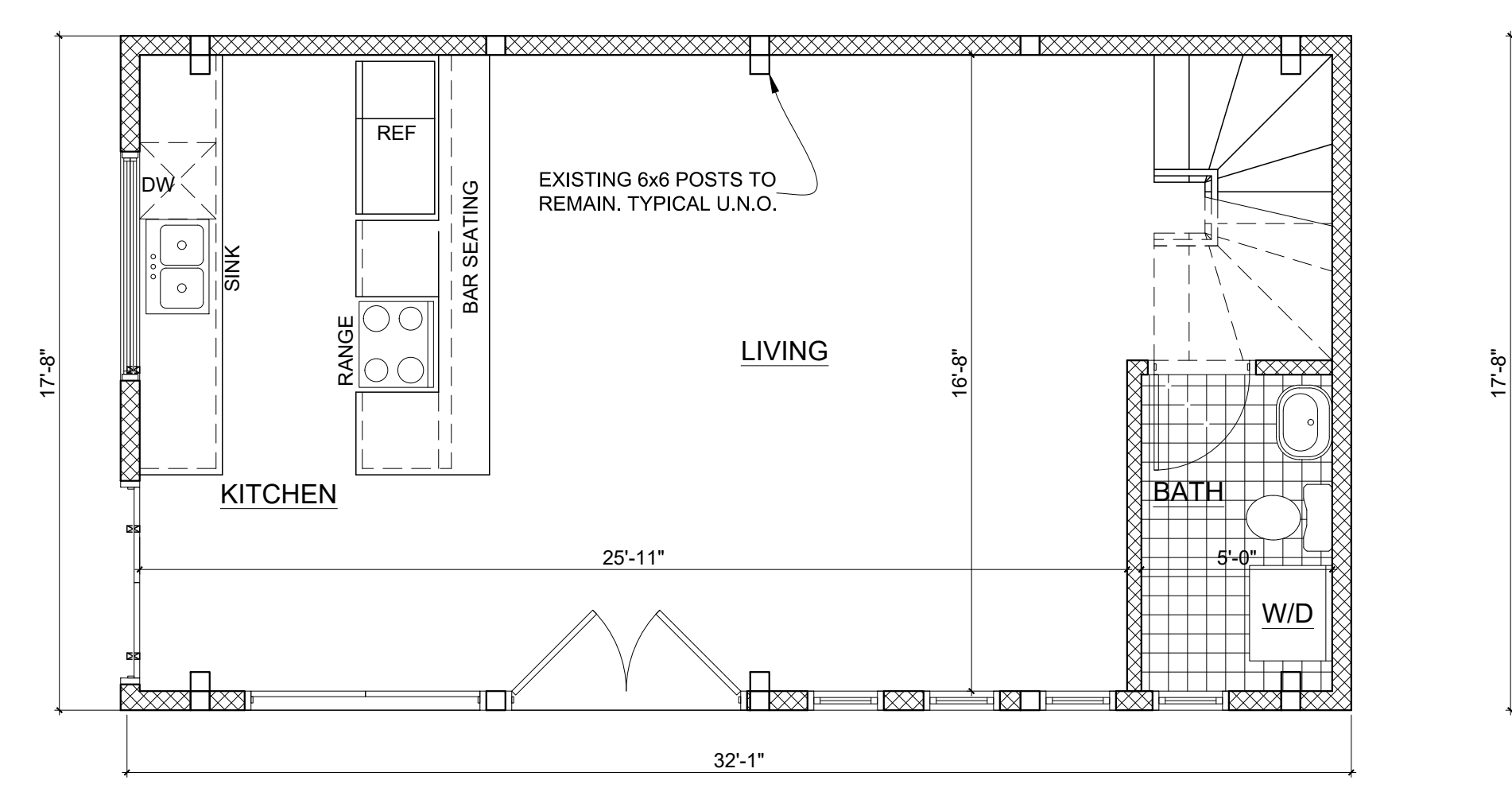
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**Rear Elevation**



**Left Side Elevation**



**1st Floor Plan**

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**Site Plan Application - Additional Dwelling Unit**

Sheet 3 of 3 - Plans & Elevations

**5 Willow Street**

Beacon, New York  
Scale: As Noted  
September 1, 2022

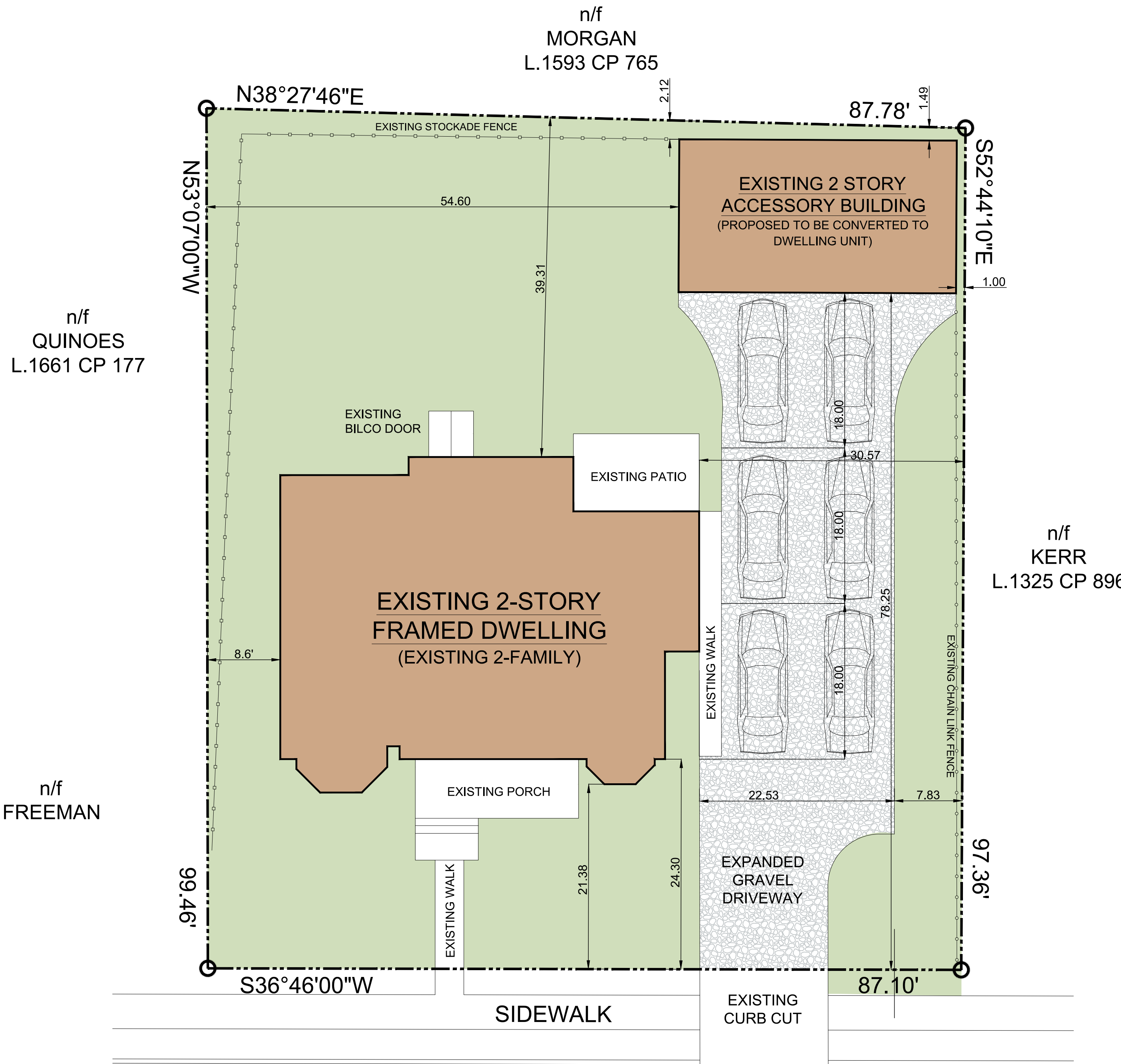


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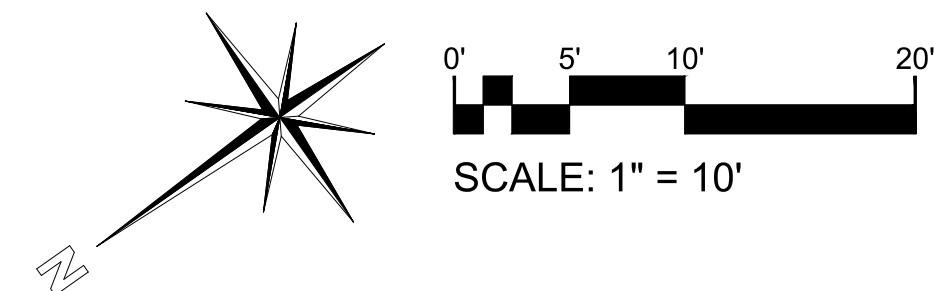


**Site Plan**

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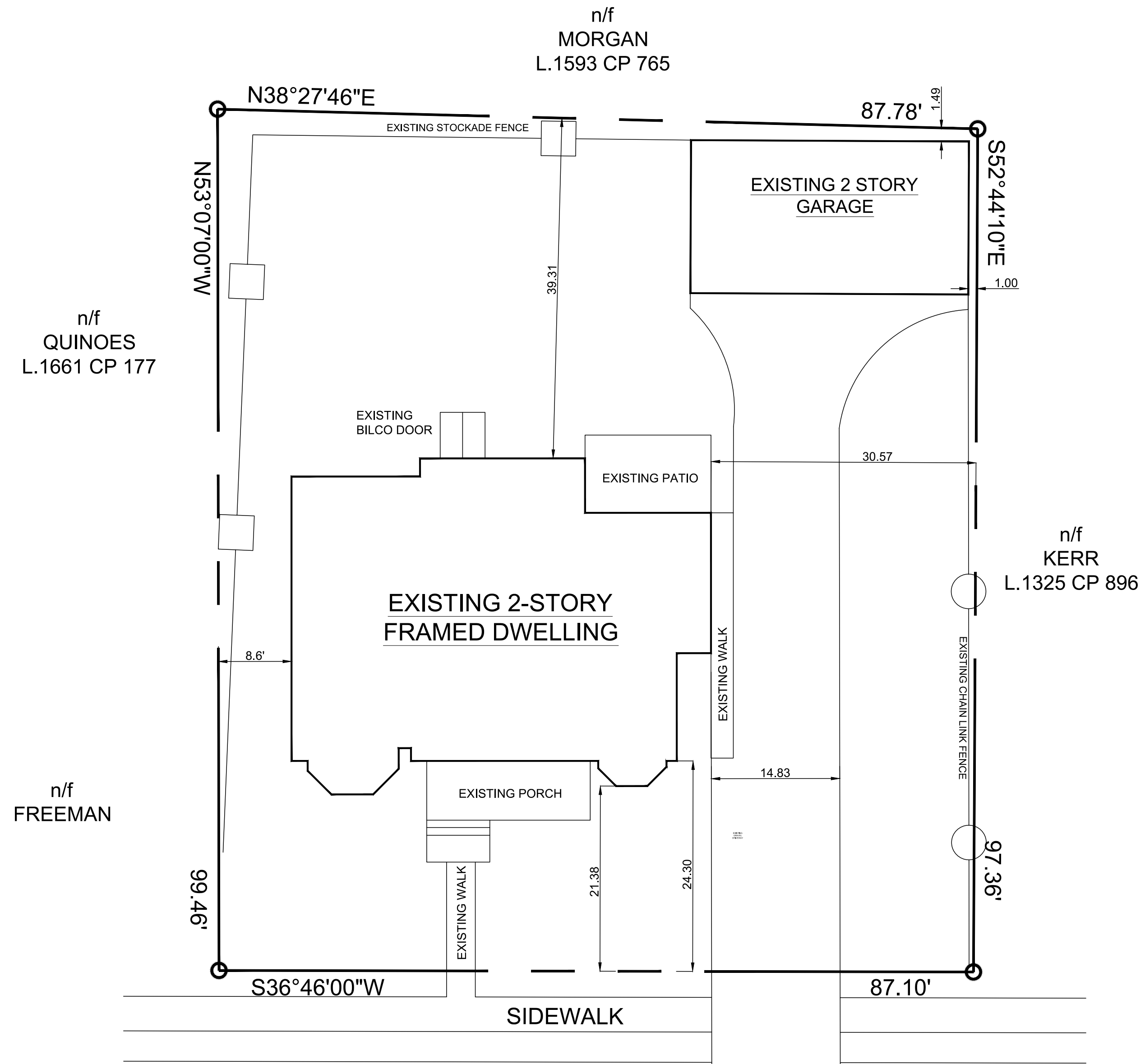
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**Site Plan Application - Additional Dwelling Unit**

Sheet 1 of 3 - Site Plan

**5 Willow Street**

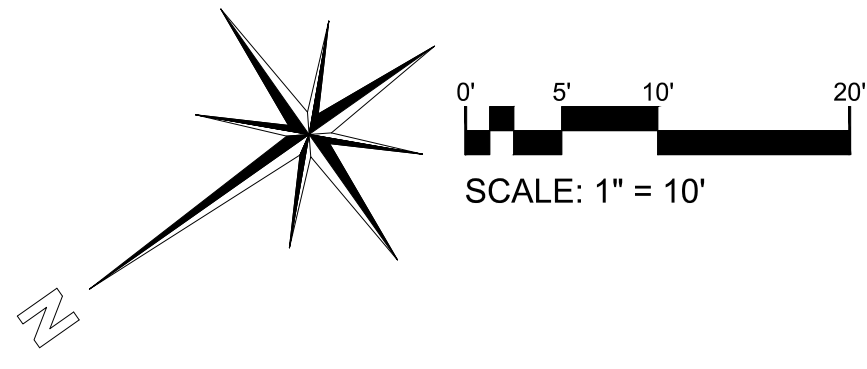
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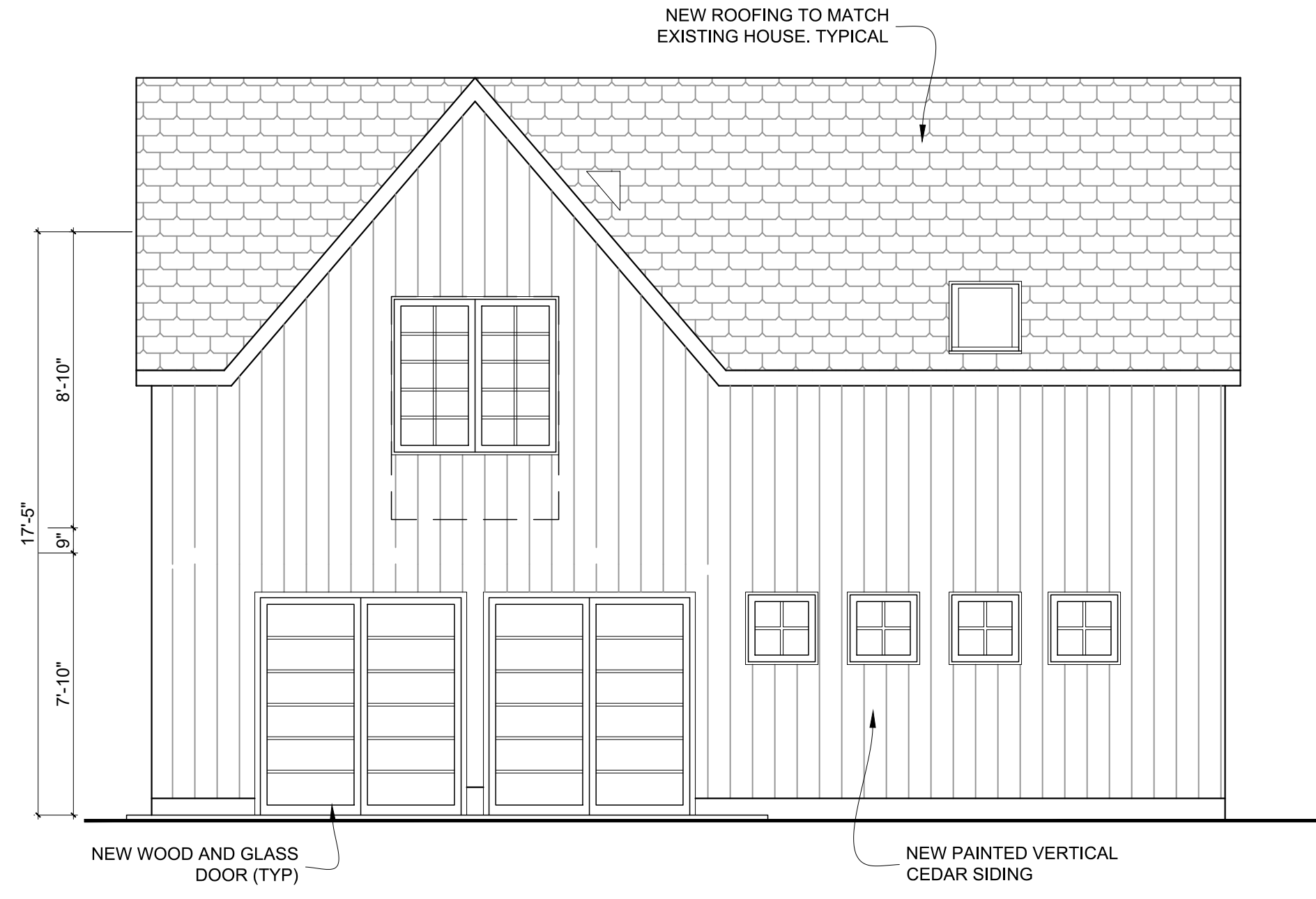
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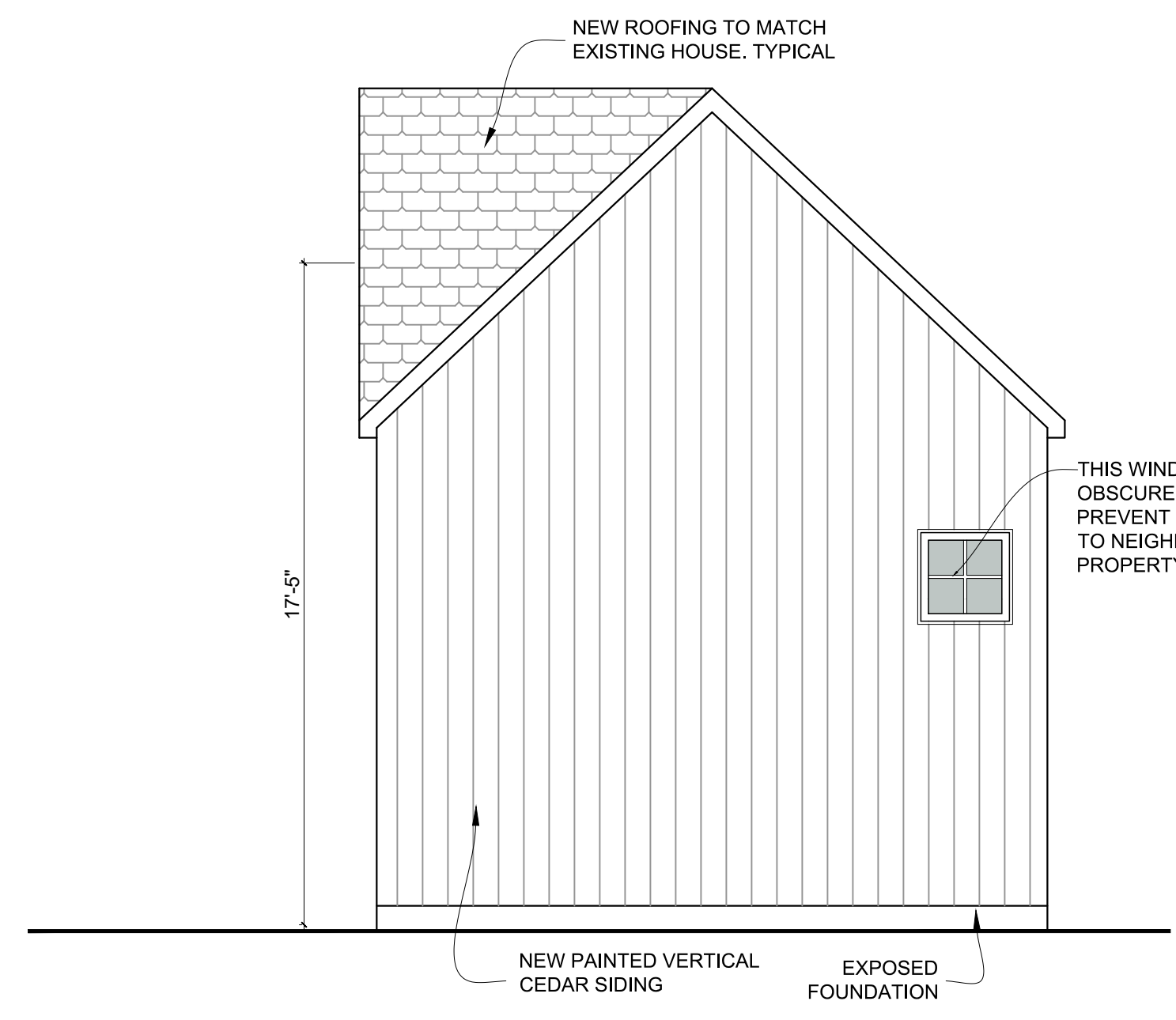
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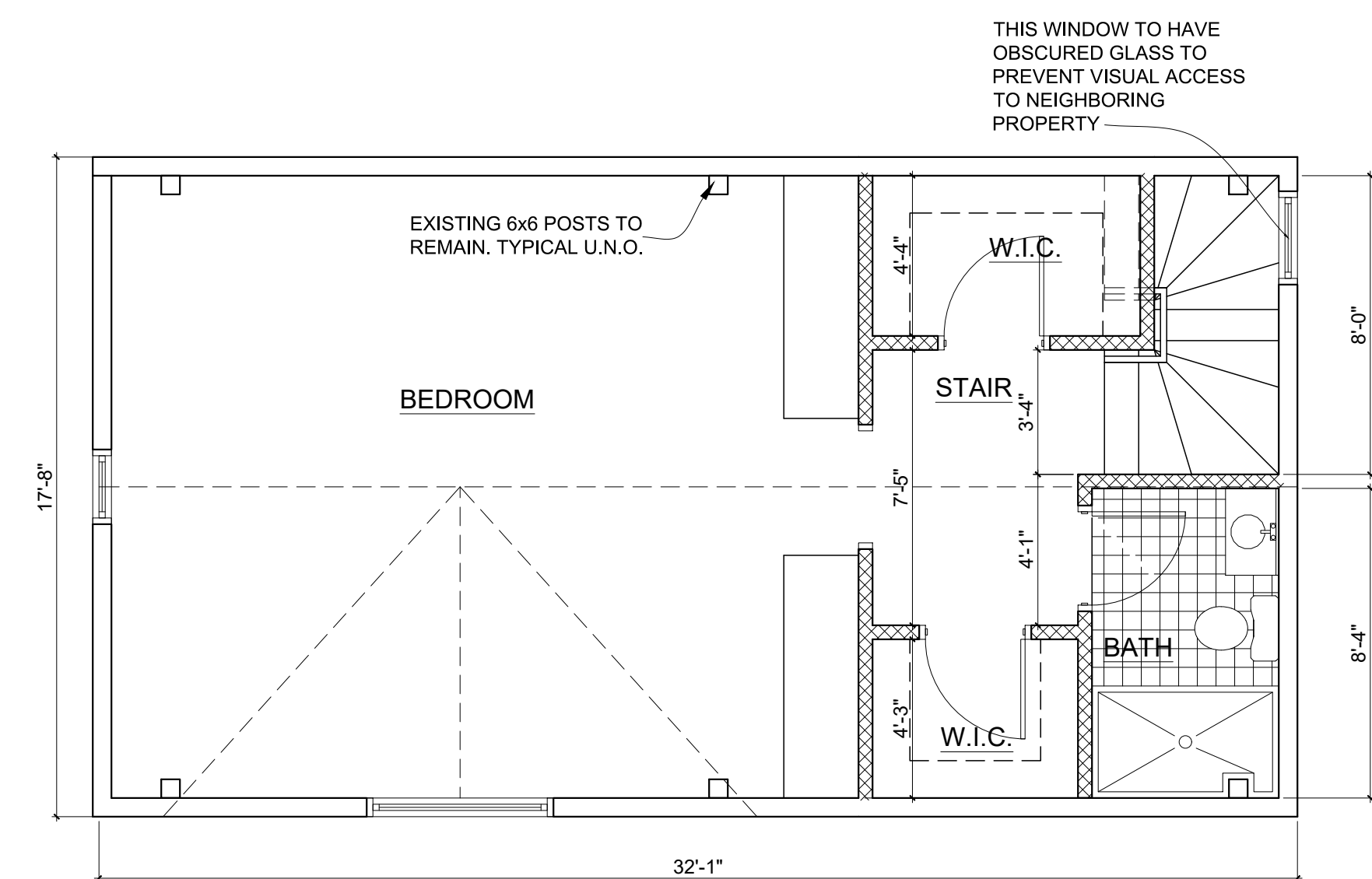
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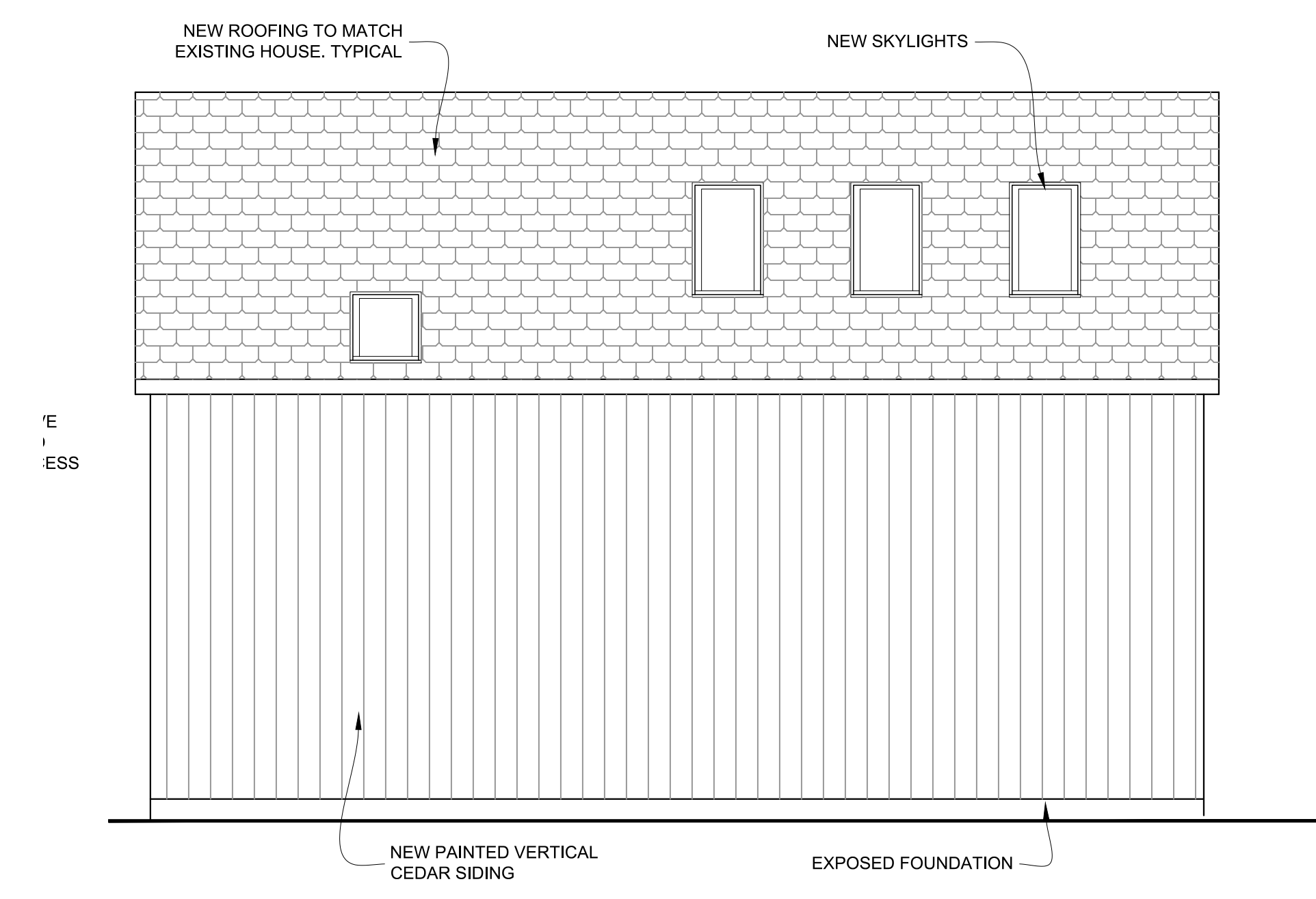


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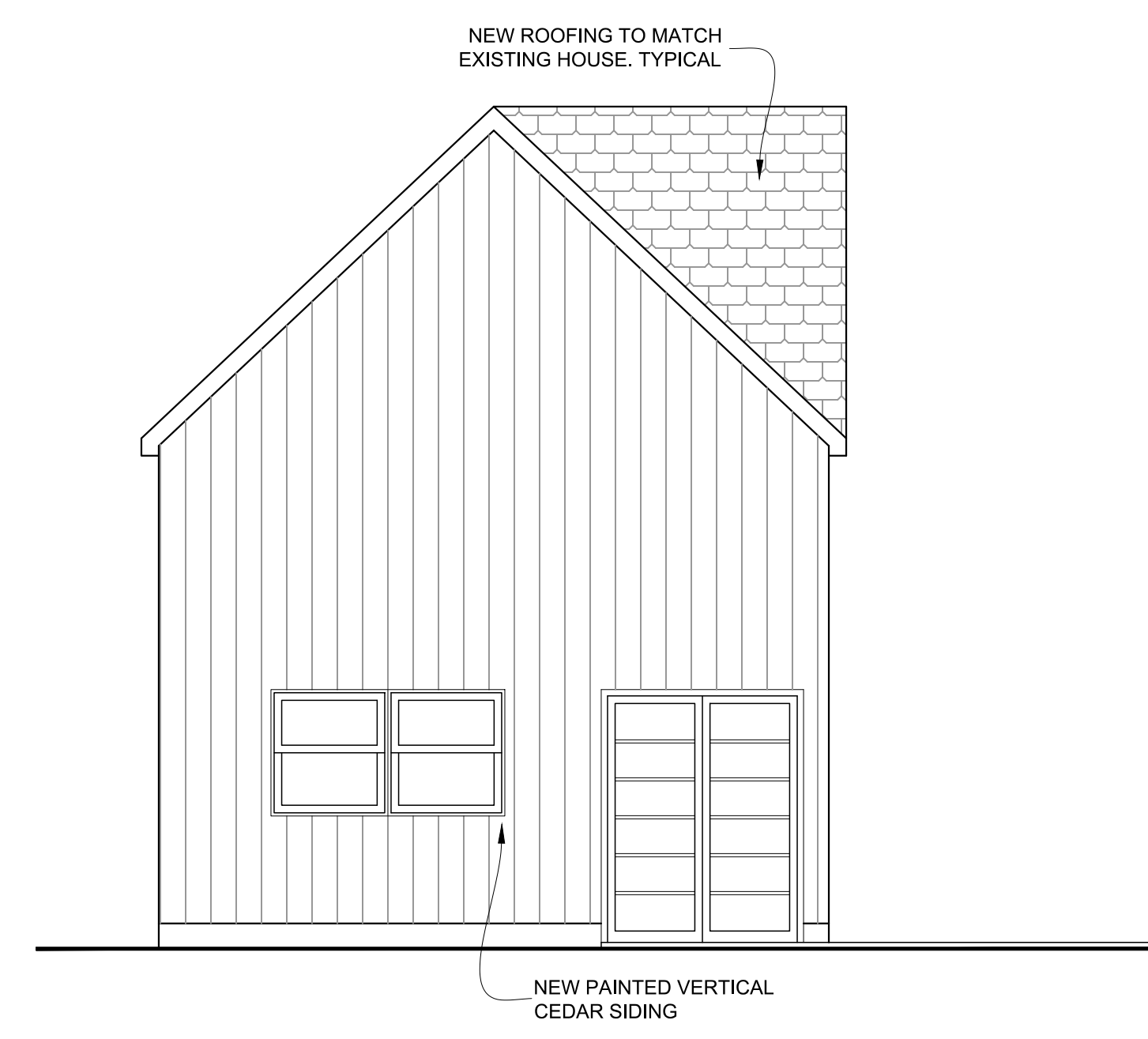


**2nd Floor Plan**

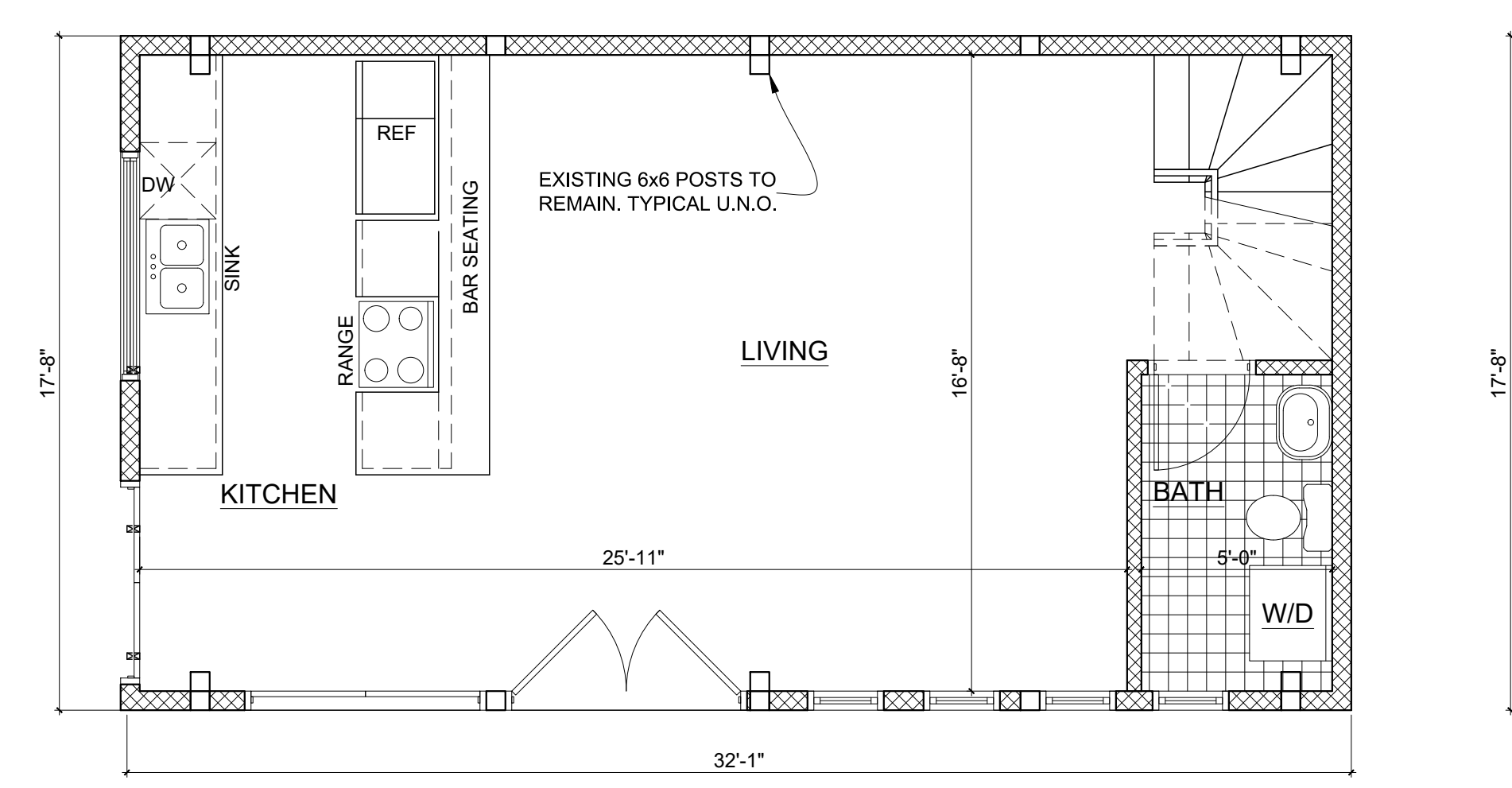
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**Rear Elevation**



**Left Side Elevation**



**1st Floor Plan**

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# Site Plan Application - Additional Dwelling Unit

Sheet 3 of 3 - Plans & Elevations

## 5 Willow Street

Beacon, New York  
Scale: As Noted  
September 1, 2022



**City of Beacon Zoning Board of Appeals Agenda**  
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**Title:**

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**ATTACHMENTS**

[75 Oak St ZBA drawings-signed.pdf](#)

[75 Oak ZBA App.pdf](#)

[75 Oak Contract of sale.pdf](#)

[75 Oak EAF Part 1.pdf](#)

[75 Oak EAF Parts 2 3.pdf](#)

# RENOVATIONS FOR: ADUSEI RESIDENCE 75 OAK STREET BEACON, NY 12508

## GENERAL NOTES:

- ALL WORK SHALL CONFORM TO THE 2020 BUILDING CODE OF NEW YORK STATE CURRENT EDITION AND ALL LOCAL / MUNICIPAL CODES.
- ALL WORK INCLUDING MATERIAL STRESSES AND METHODS OF CONSTRUCTION, SHALL CONFORM TO LOCAL AND STATE CODES.
- CONTRACTOR SHALL CHECK AND VERIFY ALL EXISTING CONDITIONS AND CHECK ALL DIMENSIONS OF THE PROPOSED NEW CONSTRUCTION IN THE FIELD BEFORE STARTING WORK AND REPORT ANY DISCREPANCIES TO THE ARCHITECT PRIOR TO THE START OF WORK.
- INDEMNIFICATION: THE CONTRACTOR AND HIS SUBCONTRACTORS SHALL INDEMNIFY AND SAVE HARMLESS THE OWNER, THE OWNER'S ARCHITECT / ENGINEER, THEIR OFFICERS, AGENTS AND EMPLOYEES FROM ALL LOSSES, COSTS, FEES, EXPENSES, DAMAGES, OR LIABILITIES CAUSE OF 1- BODILY INJURY (INCLUDING DEATH), ACTUAL OR ALLEGED, TO ANY PERSON (INCLUDING BUT NOT LIMITED TO ANY EMPLOYEE OF THE OWNER OR THE CONTRACTOR OR HIS SUBCONTRACTOR AND INCLUDING ANY THIRD PARTY), OR 2- DAMAGE TO PROPERTY (INCLUDING BUT NOT LIMITED TO THE PROPERTY OF THE OWNER OR ITS EMPLOYEES OR OF ANY SUBCONTRACTOR OF THE CONTRACTOR OR ITS EMPLOYEES, OR OF ANY SUBCONTRACTOR OF THE CONTRACTOR AND INCLUDING THE PROPERTY OF ANY THIRD PARTY), ACTUAL OR ALLEGED, IF SUCH BODILY INJURY OR PROPERTY DAMAGE RESULTS DIRECTLY OR INDIRECTLY FROM THE PERFORMANCE OF THIS CONTRACT AND WHETHER OR NOT SUCH BODILY INJURY OR PROPERTY DAMAGE IS CAUSED BY THE ACTS OR OMISSIONS, NEGLIGENT OR OTHERWISE, OF THE CONTRACTOR AND AGENTS OR EMPLOYEES OR OF ANY SUBCONTRACTORS OF THE CONTRACTOR AND HIS SUBCONTRACTORS, OR OF THE OWNER, ITS OFFICERS, AGENTS, OR EMPLOYEES.
- ALL MATERIALS, ASSEMBLIES, FORMS AND METHODS OF CONSTRUCTION AND SERVICES EQUIPMENT SHALL MEET THE FOLLOWING REQUIREMENTS.
  - ACCEPTABLE PRIOR TO THE EFFECTIVE DATE OF THE CODE BY THE BOARD
  - ACCEPTED FOR USE UNDER PRESCRIBED CODE TEST METHODS.
- GENERAL CONTRACTOR SHALL COORDINATE HIS/HER WORK WITH THAT OF OTHER SUBCONTRACTORS AND SUPPLIERS.
- CONTRACTOR SHALL PATCH AND REPAIR ALL SURFACES OPENED DURING THE INSTALLATION OF THE WORK AND REPAIR ALL EXISTING AREAS THAT REMAIN DAMAGED DURING THE PERFORMANCE OF THE WORK.
- ALL DRAWINGS, SPECIFICATIONS AND CONSTRUCTION NOTES ARE COMPLEMENTARY, AND WHAT IS CALLED FOR BY ONE WILL BE BINDING AS IF CALLED FOR BY ALL; ANY WORK SHOWN OR REFERRED TO ON ANY DOCUMENT SHALL BE PROVIDED AS THOUGH SHOWN ON ALL DOCUMENTS.
- THE CHARACTER AND SCOPE OF WORK ARE ILLUSTRATED BY THE DRAWINGS. TO INTERPRET AND EXPLAIN THE DRAWINGS, OTHER INFORMATION DEEMED NECESSARY BY THE ARCHITECT WILL BE FURNISHED TO THE CONTRACTOR WHEN AND AS REQUIRED BY THE WORK, AND IT IS TO BE UNDERSTOOD THAT THE SAID ADDITIONAL DRAWINGS ARE TO BE OF EQUAL FORCE WITH THE DRAWINGS AND SHALL BE CONSIDERED AS FORMING PART OF THESE NOTES TO WHICH THEY REFER.
- CONTRACTOR SHALL NOT OBSTRUCT ACCESS TO ROADWAYS AT ANY TIME.
- ALL DIMENSIONS NOTED ON PLANS ARE TO ROUGH FRAMING UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THIS DOCUMENT AND CONTRACT DOCUMENTS ISSUED TO OTHERS PRIOR TO THE START OF THE WORK.
- CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THE NEW YORK STATE BUILDING CODES, STATE LABOR LAW AND ALL REGULATIONS OF NEW YORK STATE AND OTHER GOVERNMENT AGENCIES. ALL PERMITS SHALL BE PROPERLY DISPLAYED.
- PENETRATION IN OPENINGS OF WALL PARTITIONS OR FLOORS FOR PIPE SLEEVES, ELECTRICAL DEVICES, ETC. SHALL BE PACKED AND SEALED OR OTHERWISE ISOLATED TO MAINTAIN THE REQUIRED FIRE STOPPING AND SOUND TRANSMISSION CLASSIFICATION RATING.
- ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL APPLICABLE CODES.
- ALL PLUMBING & HVAC WORK SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL APPLICABLE CODES.
- MECHANICAL DESIGN-BUILD SHALL BE BY OTHERS.
- IF, IN THE INTERPRETATION OF CONTRACT DOCUMENTS, REQUIREMENTS WITHIN THE DRAWINGS AND SPECIFICATIONS CONFLICT, OR IT APPEARS THAT THE DRAWINGS AND SPECIFICATIONS ARE NOT IN AGREEMENT, THE REQUIREMENT TO BE FOLLOWED SHALL BE DECIDED BY THE ARCHITECT. WHERE THERE IS A DISCREPANCY IN THE QUANTITY, THE CONTRACTOR SHALL PROVIDE THE GREATER QUANTITY; WHERE THERE IS A DISCREPANCY IN THE QUALITY, THE CONTRACTOR SHALL PROVIDE THE SUPERIOR QUALITY.
- THE CONTRACTOR IS RESPONSIBLE FOR FURNISHING AND INSTALLING ALL COMPONENTS, ACCESSORIES, ETC. FOR A COMPLETE PROJECT INCLUDING ITEMS NOT SHOWN IN THESE CONSTRUCTION DRAWINGS.
- ALL PRODUCTS ARE TO BE INSTALLED IN STRICT CONFORMANCE W/ MANUFACTURER'S INSTALLATION INSTRUCTIONS. NO EXCEPTIONS.

## ABBREVIATIONS

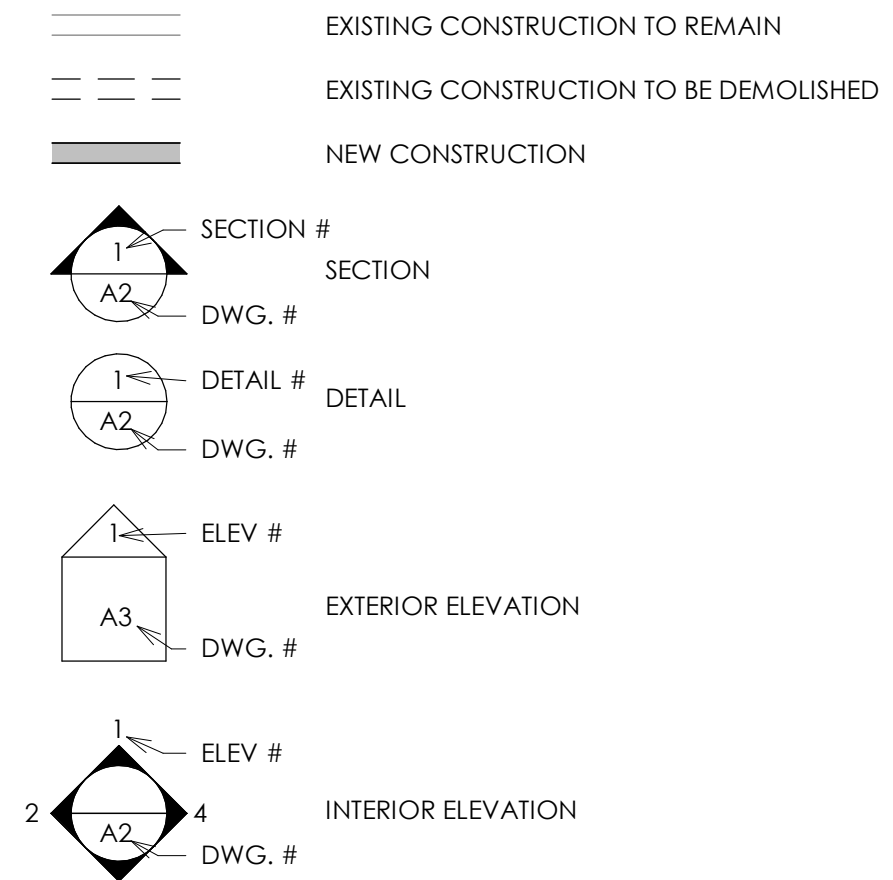
ACT	ACOUSTICAL CEILING TILE	FE	FIRE EXTINGUISHER WALL MTD.	NC	NONCOMBUSTIBLE	T	TREAD
ADD	ADDENDUM	FD	FLOOR DRAIN	NIC	NOT IN CONTRACT	T/	TOP OF
ADJ	ADJACENT	FIN	FINISH	NO	NUMBER	T&G	TONGUE AND GROOVE
AFF	ABOVE FINISHED FLOOR	FX	FIXTURE	NOM	NOMINAL	T/S	TOP OF STEEL
ALT	ALTERNATE	FL	FLOOR	NTS	NOT TO SCALE	TB	TACK BOARD
ALUM	ALUMINUM	FND	FEMININE NAPKIN DISPOSAL	OC	ON CENTER	TCB	TECTUM BOARD
ANOD	ANODIZED FINISH	FNV	FEMININE NAPKIN VENDOR	OH	OVERHEAD	TEL	TELEPHONE
AP	APPROXIMATE	FRP	FIBER REINFORCED PLASTIC	OPNG	OPENING	TEMP	TEMPERED
ARCH	ARCHITECT/ARCHITECTURAL	FT	FEET	OPP HD	OPPOSITE HAND	TERR	TERRAZZO
ASSOC	ASSOCIATED	FTG	FOOTING	PART	PARTITION	TG	TEMPERED GLASS
AV	AUDIO VISUAL	FURN	FURNISH / FURNITURE	PC	PLUMBING CONTRACTOR	THK	THICK
BB	BULLETIN BOARD	FUR	FURRED / FURRING	PF	PRE-FINISHED	THRU	THROUGH
BY	BOTTOM OF	FR	FIRE RESISTANT	PL	PLASTER	TOC	TOP OF CONCRETE
BLDG	BUILDING	FEC	FIRE EXTINGUISHER CABINET	PLAST	PLASTIC LAMINATE	TOP	TOP OF FOOTING
BLKG	BLOCKING	GA	GUAGE	PLMBG	PLUMBING	TPH	TOILET PAPER HOLER
BSMS	BEAM/BEAMS	GAL	GALLON	PLYPLYWD	PLYWOOD	TS	TACK STRIP
SOS	SOS	GALV	GALVANIZED	P/PNT	PANEL	TYP	TYPICAL
BRD/BD	BOARD	GB	GRAB BAR	PAIR	PAIR	UG	UNDERGROUND
BRG	BEARING	GC	GENERAL CONTRACT	POL	POLISH	UH	UNIT HEATER
BSMT	BASEMENT	GCT	GRANITE COUNTER TOP	PP	PAPER	UL	UNDERWRITERS LABORATORIES
		GL	GLASS / GLAZING	PT	POINT	UNO/UN	UNLESS OTHERWISE NOTED
		GRD	GROUND	PTD	PAPER TOWEL DISPENSER	US	UNDERSIDE
		GND	GYP WALL BD/GWB	PTN	PARTITION	UTL	UTILITY
				PVC	POLY VINYL CHLORIDE	UV	UNIT ELEVATOR
				PS	PAINTED GYPSUM BOARD	V	VINYL
					PROJECTION SCREEN	VCT	VINYL COMPOSIT TILE
		H	HIGH	Q.T.	QUARRY TILE	VET	VERTICAL
		H/C	DISABLED ACCESS			VIF	VERIFY IN FIELD
		HD	HEAVY DUTY			VTR	VENT THROUGH ROOF
		HDR	HEADER	R	RISER	W	WIDE
		HDRW	HARDWARE	RAD	RADIUS	W/	WITH
		HM	HOLLOW METAL	RCP	REFLECTED CEILING PLAN	WB	WHITEBOARD
		HORZ	HORIZONTAL	RD	ROOF DRAIN	WC	WATER CLOSET
		HR	HANDRAIL / HOUR	RE	REFER TO	WD	WOOD
		HT	HEIGHT	REFRIG	REFRIGERATOR	WR	WATERPROOF
		HTG	HEATING	REOD	REQUIRED	WRWB	WATER RESISTANT GYPSUM BRD.
		HVAC	HEATING VENTILATION A/C	RH	RIGHT HAND		
				RHR	RIGHT HAND REVERSE		
				RM	ROOM		
		ID	INSIDE DIAMETER	S	SEALER		
		INSUL	INSULATION	SAT	SATURATION		
		INV	INVERT	SC	SOLID CORE WOOD DOOR		
		JAN	JANITOR	SD	SOAP DISPENSER		
		JT	JOINT	SF	SQUARE FEET		
		KPL	KICKPLATE	SHT	SHEET		
		L	LAMINATED GLASS	SIM	SIMILAR		
		LAV	LAVATORY	SPEC	SPECIFICATION		
		LF	LINEAR FEET	SPD	SOAP DISH		
		LH	LEFT HAND	SQ	SQUARE		
		LHR	LEFT HAND REVERSE	SST	STAINLESS STEEL		
		LN	LINE	STL/ST	STEEL		
		LLH	LONG LEG HORIZONTAL	STRUCT	STRUCTURAL / STRUCTURE		
		LLV	LONG LEG VERTICAL	SUSP	SUSPENDED		
		LVR	LOUVER	SV	SHEET VINYL FLOORING		
				SW	SHEAR WALL		
		MACH	MACHINE				
		MAS	MASONRY				
		MAT	MATERIAL				
		MAX	MAXIMUM				
		MBH	MOP & BROOM HOLDER				
		MECH	MECHANICAL				
		MET/MTL	METAL				
		MEZZ	MEZZANINE				
		MFR	MANUFACTURE / MANUFACTURER				
		MIN	MINIMUM				
		MIR	MIRROR				
		MLD	MOLDING				
		MO	MASONRY OPENING				
		MP	METAL PANEL				
		MRGWB	MOISTURE RESISTANT GYPSUM BOARD				

## DRAWING LIST

DWG. # DRAWING NAME

- |        |                          |
|--------|--------------------------|
| 1T1.0  | TITLE SHEET              |
| 2A0.0  | HOUSE PHOTOS             |
| 3SP1.0 | SITE PLAN & ZONING INFO. |
| 4A1.0  | FLOOR PLANS              |
| 5A2.0  | EXTERIOR ELEVATIONS      |

## SYMBOLS

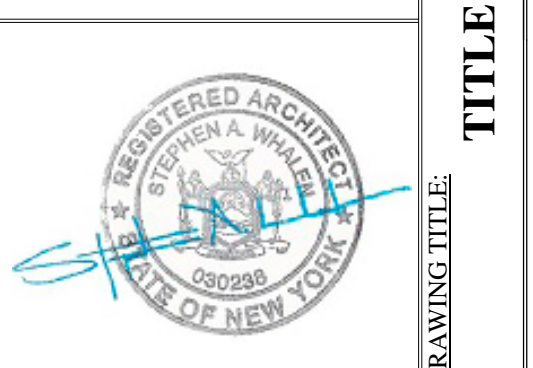


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NO.	DESCRIPTION	REVISIONS / ISSUE DATES	
		DATE	BY

PROJECT NAME:  
**Renovations For:  
Adusei Residence  
75 Oak Street  
Beacon, NY 12508**



DRAWN BY: <b>SW / LB</b>	SHEET: <b>1 OF 5</b>
DATE: <b>02/27/23</b>	SCALE: <b>As indicated</b>

DRAWING NO.  
**1T1.0**

PROJECT PHASE:  
**SD**

DRAWING TITLE: **TITLE SHEET**

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



1 FRONT PHOTO  
2A0.0 NO SCALE



2 BACK PHOTO  
2A0.0 NO SCALE



3 LEFT PHOTO  
2A0.0 NO SCALE



4 RIGHT PHOTO  
2A0.0 NO SCALE

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**WHALEN ARCHITECTURE** PLLC  
1141 ROUTE 55, SUITE A, LAGRANGEVILLE, NY 12540  
(845) 337-4331 WHALENARCHITECTURE.COM

REVISIONS / ISSUE DATES		BY	DATE
NO.	DESCRIPTION		

PROJECT NAME:  
**Renovations For:  
Adusei Residence  
75 Oak Street  
Beacon, NY 12508**



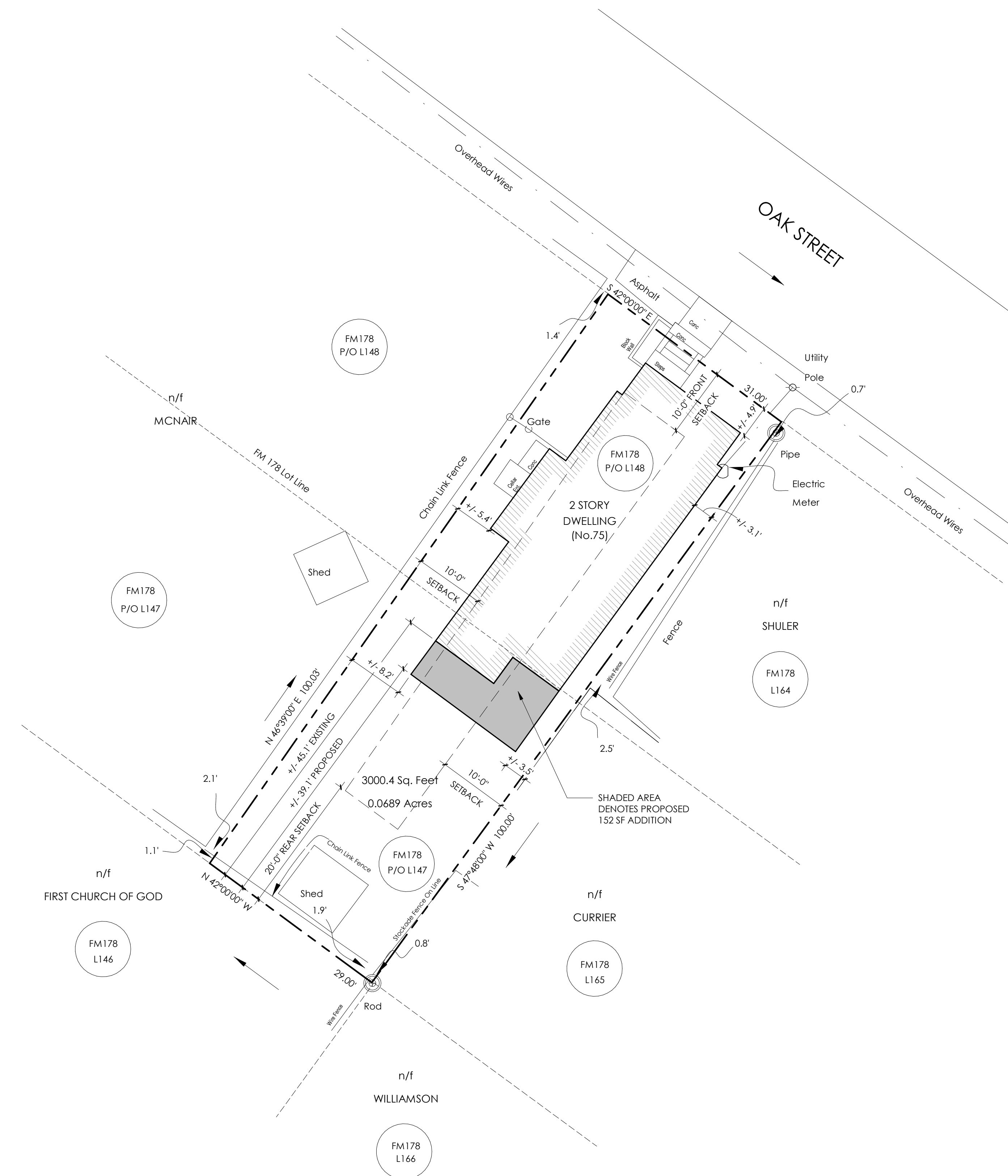
DRAWING TITLE:  
**HOUSE PHOTOS**

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

DRAWN BY: SW  
DATE: 02/27/23  
SHEET: 2 OF 5  
SCALE: As indicated

DRAWING NO.:  
**2A0.0**

PROJECT PHASE:  
SD

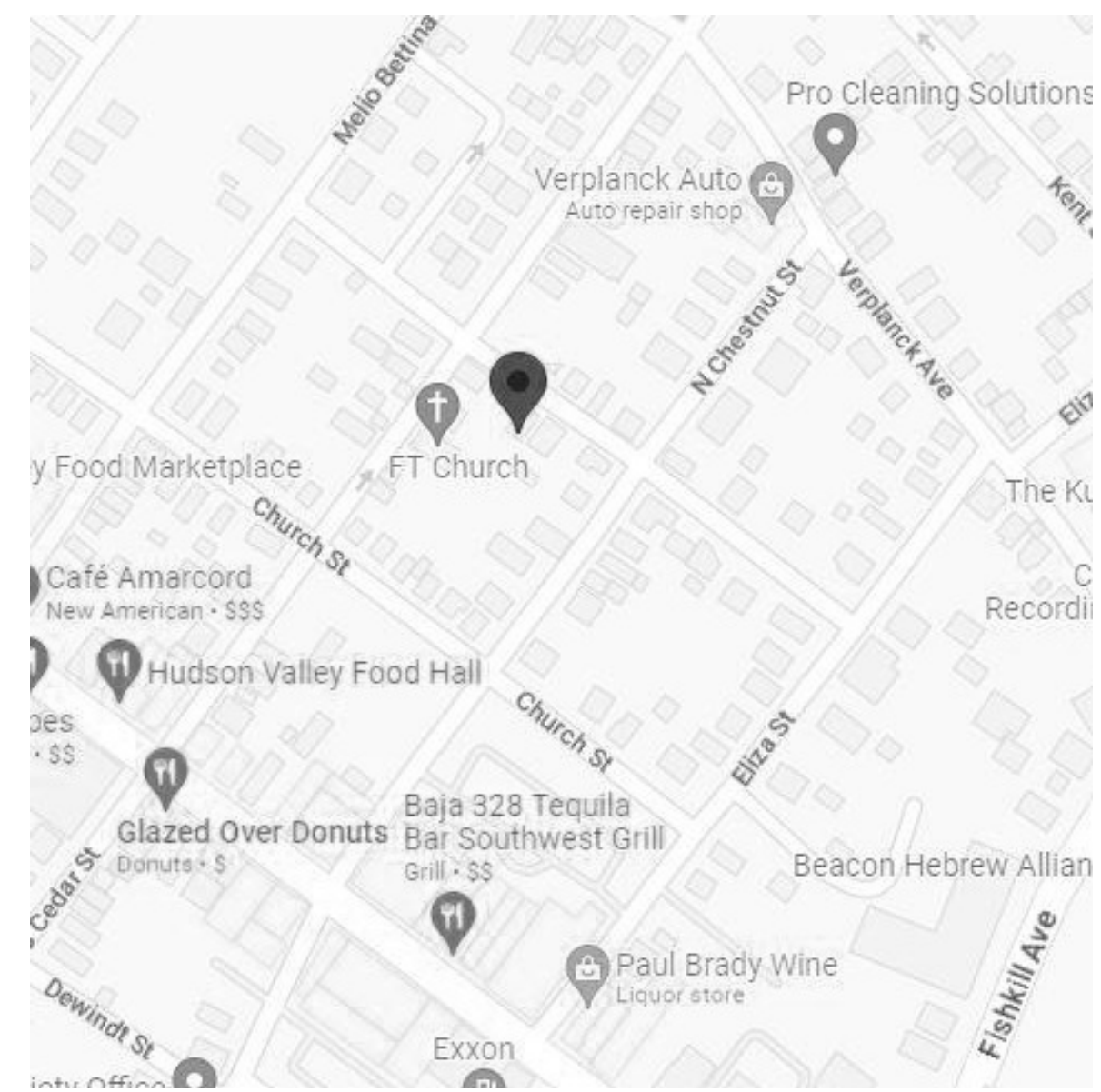


1 SITE PLAN  
3SP1.0 1" = 10'-0"

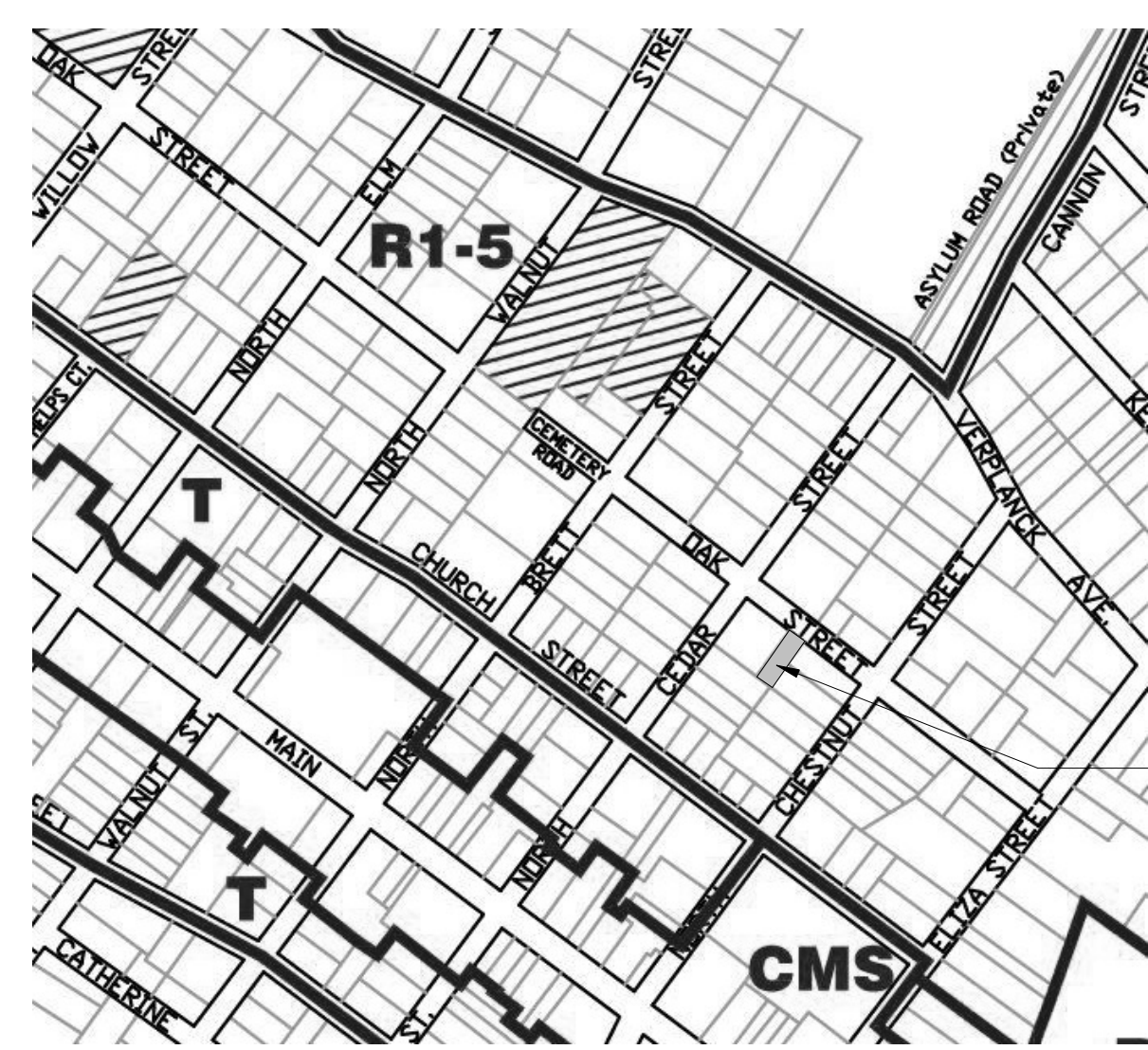
NOTE:  
ALL SITE PLAN INFORMATION WAS TAKEN FROM  
A SURVEY AS PREPARED BY:  
OICLE LAND SURVEYING  
ROBERT F. OICLE, PLS  
946 ROUTE 376, UNIT 10  
WAPPINGERS FALLS, NY 12590  
845.293.0831  
SURVEY DATE: 04.04.23

ZONING INFORMATION												
TOWNSHIP: CITY OF BEACON, NY SECTION, BLOCK, LOT: 5954-28-972906 ZONE: R1-5												
	AREA	PER UNIT	WIDTH	DEPTH	FRONT YD.	SIDE YD.	SIDE YD.	REAR YD.	MAX BLDG. COVERAGE	MAX BLDG. HGHT STORIES	MAX BLDG. HGHT FEET	MAX UNITS
ORDINANCE REQUIREMENT:	5,000 SF	5,000 SF	50 FT	100 FT	10 FT	10 FT	10 FT	20 FT	40 %	2.5	35 FT	1
EXISTING:	3,000.4 SF	3,000.4 SF	31 FT	100 FT	+/- 4.9'	+/- 5.4'	+/- 3.1'	+/- 45.1'	31 %	2.5	25 FT	1
PROPOSED:	NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE	+/- 5.4'	+/- 3.1'	+/- 39.1'	35.96 %	NO CHANGE	NO CHANGE	NO CHANGE

\* = VARIANCE REQUESTED



2 PROXIMITY MAP  
3SP1.0 NO SCALE



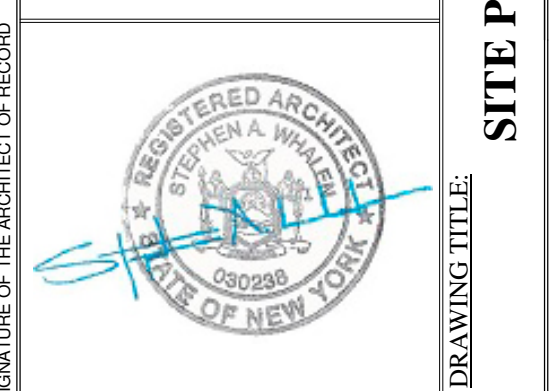
3 PARTIAL ZONING MAP  
3SP1.0 NO SCALE

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REVISIONS / ISSUE DATES	NO.	DESCRIPTION	BY	DATE

PROJECT NAME:  
**Renovations For:  
Adusei Residence**  
75 Oak Street  
Beacon, NY 12508



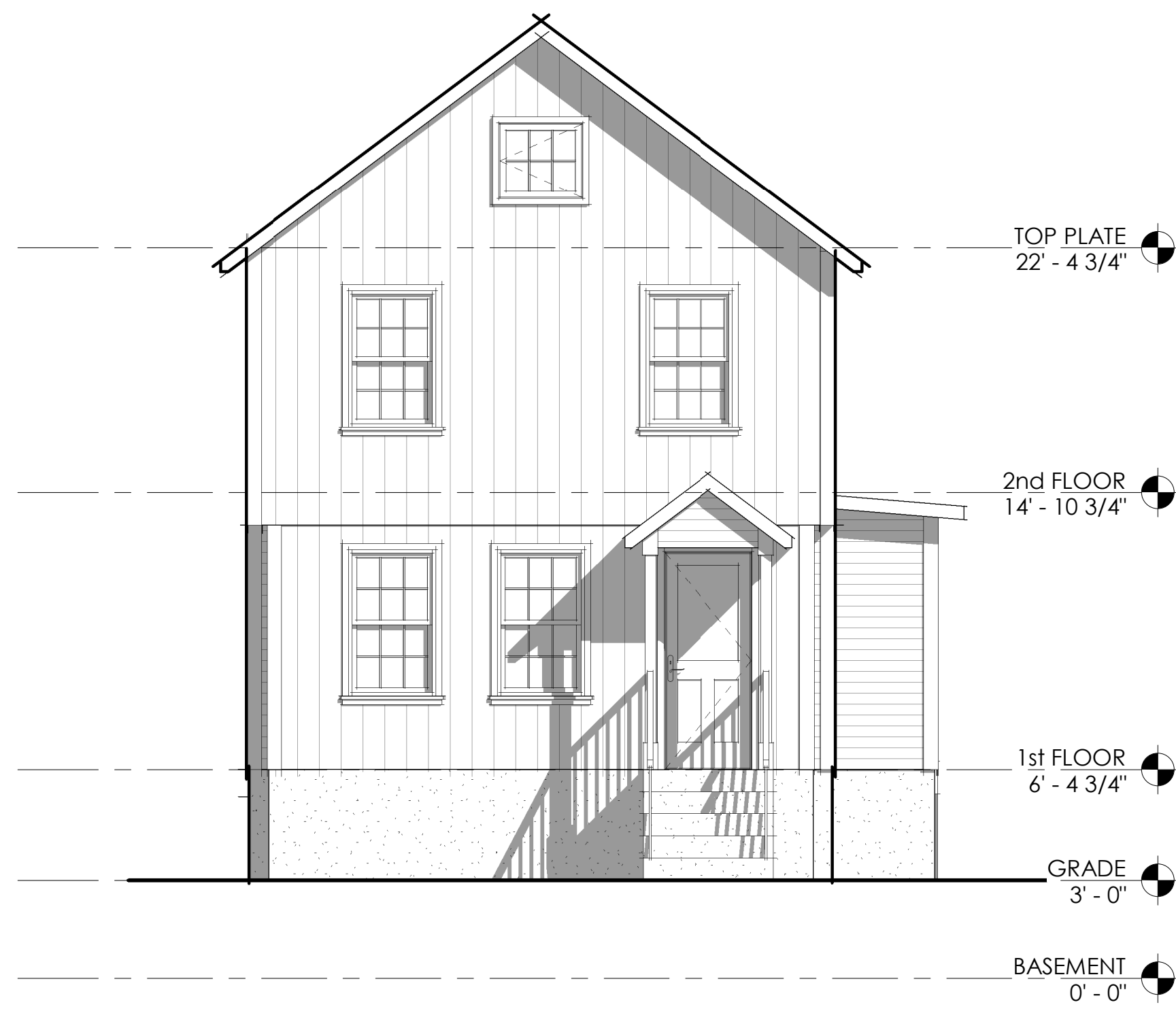
DRAWN BY: SW / LB  
DATE: 02/27/23  
SHEET: 3 OF 5  
SCALE: As indicated

DRAWING NO:  
**3SP1.0**

PROJECT PHASE:  
SD

DRAWING TITLE:  
**SITE PLAN & ZONING INFO.**





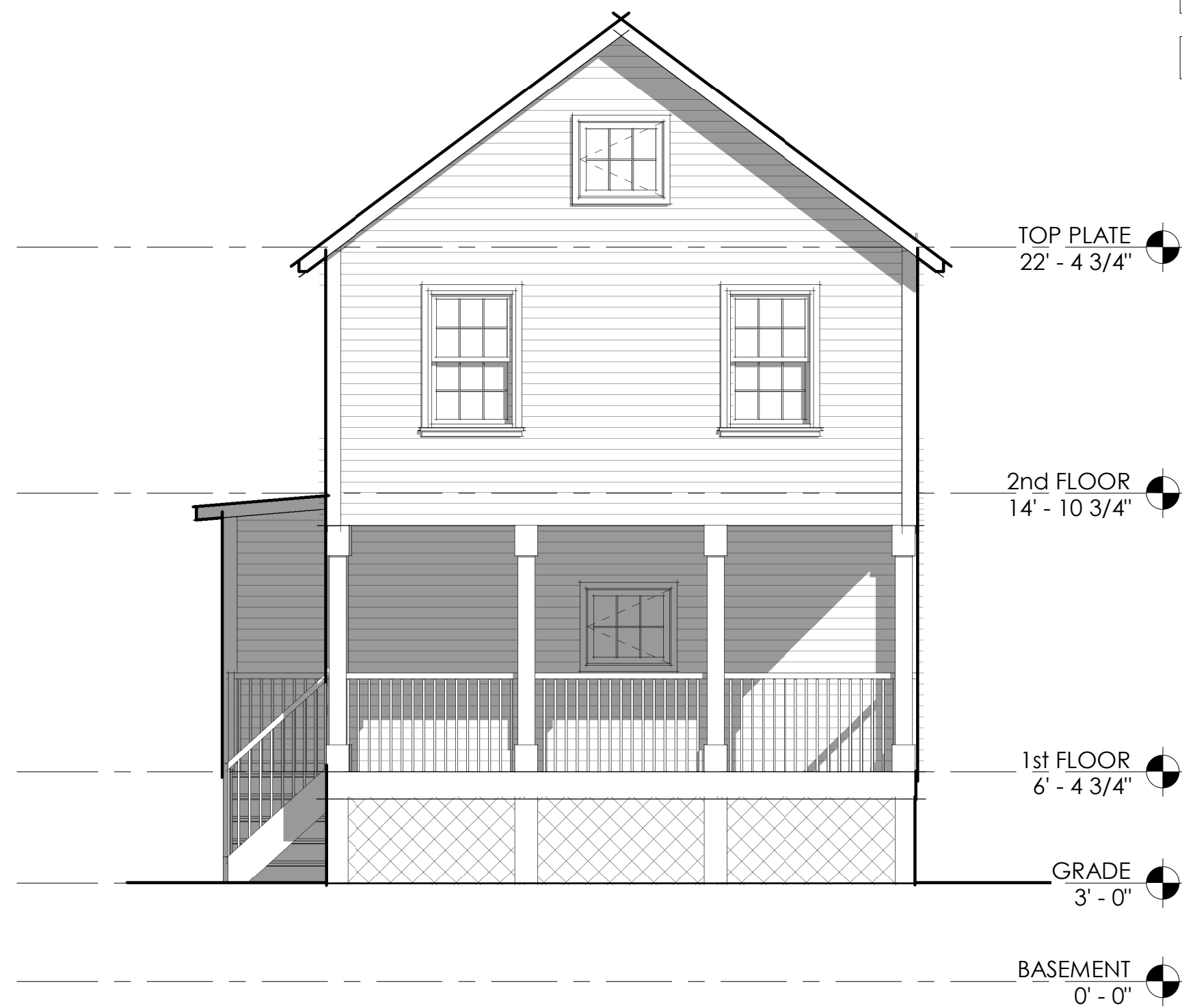
1 FRONT ELEVATION  
5A2.0 1/4" = 1'-0"



2 LEFT ELEVATION  
5A2.0 1/4" = 1'-0"

**ELEVATION KEY NOTES:**

- 1 NEW ASPHALT SHINGLES OVER ZIP ROOF SHEATHING OVER FRAMING AS SCHEDULED.
- 2 NEW METAL GUTTERS AND DOWNSPOUTS. SEE ROOF PLAN FOR MORE INFORMATION.
- 3 NEW EXTERIOR WALL CONSTRUCTION AS SCHEDULED.
- 4 NEW WINDOWS AS SCHEDULED.
- 5 NEW DOOR AS SCHEDULED.
- 6 LINE OF NEW FOUNDATION WALL AND FOOTING. SEE FOUNDATION PLAN FOR MORE INFORMATION.
- 7 APPROXIMATE FINISHED GRADE.



3 REAR ELEVATION  
5A2.0 1/4" = 1'-0"



4 RIGHT ELEVATION  
5A2.0 1/4" = 1'-0"

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(845) 337-4331 WHALENARCHITECTURE.COM

REVISIONS / ISSUE DATES	NO.	DESCRIPTION	BY	DATE

PROJECT NAME:  
**Renovations For:  
Adusei Residence  
75 Oak Street  
Beacon, NY 12508**

PROFESSIONAL ARCHITECT  
STATE OF NEW YORK  
620286

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

DRAWING TITLE:  
**EXTERIOR ELEVATIONS**

DRAWN BY:  
SW / LB

DATE:  
02/27/23

DRAWING NO.:

SHEET:  
5 OF 5

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

**5A2.0**

PROJECT PHASE:  
SD

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL**

OWNER: Adusei Holdings LLC

ADDRESS: 31 Liberty Way  
LaGrangeville NY 12540

TELEPHONE: 917 471 2977

E-MAIL: kwame@aduseiholdings.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: 75 Oak St

ZONING DISTRICT: RI-5 Beacon, City

TAX MAP DESIGNATION: SECTION 5954

BLOCK 20 LOT 972906

Section of Zoning Code appealed from or Interpretation desired:

223-17 SCHEDULE OF DIMENSIONAL REGULATIONS - SIDE YARD  
SETBACKS.

Reason supporting request:

expand and fortify house / construct  
NEW +/- 152 SQUARE FOOT ADDITION TO REAR OF EXISTING HOUSE.

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

Site plans, survey and house plans, EXTERIOR ELEVATIONS.

Date: 5/18/2023

[Signature]  
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: Adusi Holdings LLC

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

Kwame Adusi

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

75 Oak St Beacon

Applicant Address: 31 Liberty Way LaGrangeville NY 12540

Project Address: 75 Oak St Beacon NY 12508

Project Tax Grid # 1302005954289729060000

Type of Application 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, Kwame Adusi, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

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

[Signature]  
Signature of Owner

Owner  
Title if owner is corporation

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

Name of Applicant: Kwame Aducci  
Address of Applicant: 31 Liberty Way LaGrangeville NY 12540  
Telephone Contact Information: 917 4712977

**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.
Kwame Aducci	31 Liberty Way LaGrangeville NY 12540	917 4712977	2/2/23	Poughkeepsie

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

YES

NO

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

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

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

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

YES

NO

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

(Print) \_\_\_\_\_

(Signature) \_\_\_\_\_

**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 <i>Adusei Holdings LLC</i>	Address of Entity <i>31 Liberty Way LaGrangeville NY 12540</i>
Place where such business entity was created <i>New York</i>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <i>New York Secretary of State</i>
Date such business entity or partnership was created <i>01/28/22</i>	Telephone Contact Information <i>518 473 2492</i>

**IF AFFIANT IS A CORPORATION:**

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

--	--

**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
Kwame Adusei	31 Liberty Way LaGrangeville NY	917 471 2977	Owner

**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.
Kwame Aducci	31 Liberty Way Lathamville NY 12110	917 471 277	6/28/22	Poughkeepsie

**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.

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**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
Kwame Aducci	31 Liberty Way Lacawongville NY 12540	917 471 2777

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, Kwame Aducci being first duly sworn, according to law, deposes and says that I am (Title) Owner, an active and qualified member of the Aducci Holdings, 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) Kwame Aducci

(Signature) 



**CONTRACT OF SALE**

**CONTRACT OF SALE**, made October , 2022, among William Jackson, as surviving joint tenant, having an address at 45 Lakeview Road, Poughkeepsie, New York, 12601 as ("Seller"), and Kwame Aduse and Samuel Martin, having an address at 31 Liberty Way, LaGrangeville, New York 12540 as ("Purchaser"). Inez Batten having died on 3/12/2019 and Fred Jackson having died on 12/19/2017.

**The parties hereby agree as follows:**

**1. Premises.** Seller shall sell and convey and Purchaser shall purchase the property together with the buildings and improvements thereon described in Exhibit A hereto (the "Premises"), known by the street address: 75 Oak Street, formerly known as 61 Oak Street, Beacon, New York, County of Dutchess, and the State of New York, and designated on the Tax Map as:  
Parcel ID: 13020000595400289729060000.

TOGETHER WITH Seller's ownership and rights, if any, in any land lying in the bed of any street or highway, opened or proposed, adjoining the Premises to the center line thereof, including any right of Seller's to any unpaid award by reason of any taking by condemnation and/or for damage to the Premises by reason of the change of grade of any street or highway. Seller shall deliver at no additional cost to Purchaser, at the Closing or thereafter, on demand, any documents which Purchaser may require to collect said award or damages.

**2. Personal Property.** This sale includes all fixtures and articles of personal property now attached or appurtenant to the Premises, including plumbing, heating, and lighting fixtures, kitchen and bathroom cabinets, switch plates, doors and door hardware, screens, storm windows, mail box, shrubbery, all as presently may exist. All furniture, household furnishings and all other personal property are excluded from this sale.

**3. Purchase Price.** The purchase price for the Premises is Two Hundred Ninty Thousand Dollars and no cents (\$ 290,000.00), payable as follows:

(a) Twenty Nine Thousand Dollars (\$ 29,000.00) upon the execution of signature of SELLER contract; and the balance paid upon execution of this contract, by check subject to collection. The nonpayment of said check shall give Seller the right to declare this contract null and void and to pursue all remedies against Purchaser on said check or as otherwise permitted by law. The down-payment shall be held in escrow by the Escrow Agent as hereinafter provided.

(b) Two Hundred Sixty One Thousand Dollars (\$ 261,000.00) at the closing.

This is a cash sale.

**4. Acceptable Funds.** All money payable under this contract, unless otherwise specified, shall be paid either: (a) in cash, but not more than \$1,000 shall be so paid; (b) by good certified check of Purchaser drawn on or official check issued by a bank, savings bank, trust company, or savings and loan association having a banking office in New York, payable to the direct order of Seller; or (c) as otherwise agreed in writing by the parties or their attorneys.

**5. Permitted Exceptions.** The Premises is sold subject to the following:

(a) All present and future building, zoning, subdivision, landmark, historic, wetlands, fire and safety restrictions, regulations, laws, ordinances, resolutions and orders of any State, municipal or other governmental authorities having jurisdiction over the Premises or the use or improvement thereof.

(b) Any covenants, restrictions, easements and agreements provided such other covenants, restrictions, easements and agreements are not now violated, do not contain a clause under which the Premises would be forfeited if they were violated, and do not materially restrict the normal use and enjoyment of the Premises.

(c) The rights of utility companies, if any, to install, maintain and operate lines, poles, pipes, distribution boxes, and other equipment and installations over, under or along the street next to the Premises or the part of the Premises next to the street, or running to improvements on the Premises.

(d) Real estate taxes and water and sewer charges, subject to adjustment as hereinafter provided.

(e) Encroachments and projections of walls, foundations, trim, fences or other improvements, installations or appurtenances onto the Premises or from the Premises onto adjoining property; variations between record lines and any tax map; and consents for the erection and maintenance of any structures on, under or above any streets or roads adjoining the Premises.

**6. Objections to Title.** Purchaser agrees promptly to apply for and procure a title insurance commitment from, and to cause title to the Premises to be searched and examined by, a duly licensed and reputable title insurance company (the "title company"). Purchaser agrees to deliver to Seller and her attorneys, BRENNER, GORDON & LANE, ESQS., attention, CHESTER H. GORDON, ESQ., PO Box 5006, Poughkeepsie, New York, 12602, copies of the title company's title report or commitment, and any tax search, departmental searches, survey and survey reading, within not more than thirty days after the date of this contract, together with a written statement by Purchaser of any and all objections to or defects in Seller's title. The failure by Purchaser to deliver any of said documents or said statement on or before said date shall constitute a waiver by Purchaser of any and all objections and defects in Seller's title that would have been disclosed in such documents or statement.

Seller shall be entitled to reasonable adjournments of the Closing to attempt to remedy any defects in title and to otherwise comply with the terms, covenants and conditions of this contract, except as provided for in paragraph 9 hereafter.

Purchasers shall accept such title as the title company will insure in accordance with its standard form of title policy, subject only to the matters provided for in this contract and such other exceptions as the title company, without special premium to Purchasers, will omit as exceptions to coverage or will except with insurance against collection out of or enforcement against the Premises.

**7. The Closing.** The "Closing" means the settlement of the obligations of Seller and Purchasers to each other under this contract, including the payment of the purchase price to Seller, and the delivery to Purchasers of a bargain and sale deed with covenant against grantor's acts, in proper form for recording, so as to transfer full ownership (fee simple title) to the Premises, free of all encumbrances except as herein stated. The deed will contain the covenant required by Section 13 of the Lien Law.

**8. The Closing Date.** The Closing shall be held at the offices of Brenner, Gordon & Lane, Esqs, 457 Maple Street, Poughkeepsie, New York, 12601, or upon reasonable advance notice at the Offices of the Purchaser's institutional lender, the lender's attorneys or the title insurance company (provided such offices are in Dutchess County), at 10:00 A.M. on or about December ~~15~~, 2022 at 10 A.M. (the "Closing Date").

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**9. Violations.** All notes or notices of violations of laws, ordinances, regulations, orders or requirements issued prior to the date of this contract by any governmental authority having jurisdiction over the Premises shall be Purchaser's responsibility. Purchasers agree to accept title subject to all notes or notices of violations. Such violations shall not be objections.

**10. Apportionments And Other Adjustments.** The following shall be apportioned as of midnight of the day preceding the Closing Date: (a) real estate taxes and water and sewer charges, if any, on the basis of the lien period for which assessed;

If the Closing shall occur before a new tax rate is fixed, the apportionment of real estate taxes shall be based upon the old tax rate for the preceding period applied to the latest assessed valuation; however, adjustment will be made when the actual tax amount is determined. This provision shall survive the Closing.

Purchaser shall reimburse Seller for the cost, including any taxes, of all oil, Wood or other fuel at the Premises on the Closing Date. The estimate of the supplier of the fuel shall be conclusive.

Any errors or omissions in computing apportionments shall be corrected after the Closing. This provision shall survive the Closing.

**11. Allowance For Unpaid Taxes.** The amount of any unpaid real estate taxes, assessments, water charges and sewer rents which Seller is obligated hereunder to discharge or satisfy, with any interest or penalties thereon to a date not less than five business days after the Closing, at the option of Seller may be allowed as a credit to Purchaser at the Closing, provided official bills therefor computed to said date are produced at the Closing.

**12. Use Of Purchase Price To Pay Encumbrances.** If there is any lien against the Premises or anything else affecting the sale which Seller are obligated to pay and discharge at the Closing, Seller may use any portion of the balance of the purchase price to discharge it, or they may allow to Purchaser the amount thereof as a credit at the Closing, or they may deposit with the title company the amount which the title company may require to insure Purchaser's title clear of the matter or to insure against its enforcement out of the Premises. Purchaser agrees to provide separate certified checks as reasonably requested to assist in clearing up these matters.

**13. Affidavit As To Judgments And Bankruptcies.** If the examination of title discloses judgments, bankruptcies or other returns against other persons having names the same as or similar to Seller, Seller shall deliver an affidavit showing that they are not against Seller.

**14. Transfer Taxes And Sundry Costs.** At the Closing, Seller shall deliver a check payable to the order of the appropriate State, City or County officer or the title company in the amount of any applicable transfer taxes or stamp taxes payable by reason of the delivery of the deed, together with any required tax returns.

Purchaser shall pay all expenses for examination of title, the premium for any title insurance policy issued to them, and all other title, survey or other expenses incurred by them in connection with this contract or the Closing.

**15. Inability To Convey.** If Sellers shall be unable to convey good and marketable title in accordance with this contract, or fails to deliver such title for any reason other than their willful default, or is unable to comply with any term, covenant or condition of this contract, the sole obligation of Seller shall be to direct Escrow Agent to refund, without interest, any payments made by Purchaser on account of the purchase price and to reimburse Purchaser for Purchaser's expenses for examination of title, whereupon this contract shall terminate and neither party shall have any further claim against the other by reason of this contract, and the lien, if any, of Purchaser's against the Premises shall cease. Seller shall not be obligated to bring any action or proceeding or otherwise incur any expense to remove any objection to title. Purchaser, nevertheless, may accept such title as Seller is able to convey, without any reduction of or credit against the purchase price.

As used throughout this contract "Purchaser's expenses for examination of title" shall mean the reasonable expenses actually incurred by Purchaser, other than attorneys' fees, for examination of title of the Premises and for survey updating, not to exceed usual charges for similar services by the title company where no policy is issued.

**16. Condition Of Premises.** Purchaser has inspected the Premises and any personal property included in this sale and are fully familiar with their physical condition and state of repair. Purchaser agrees to take the same "as is" and in their present condition, subject to reasonable use, wear, tear and deterioration between now and the Closing Date. Seller shall not be liable for any latent or patent defects in the Premises. Purchaser shall have the right to inspect the Premises at a reasonable time prior to the Closing.

Purchaser acknowledges that neither Seller nor any representative or agent of Seller have made any representation or warranty (expressed or implied) as to the physical condition, state of repair, expenses or operation of the Premises or any matter or thing affecting or relating to the Premises or this contract, except as specifically set forth herein. Seller shall not be liable or bound in any manner by any oral or written statement, representation, warranty, agreement or information relating to the Premises or this contract furnished by any real estate broker, agent or other person, unless specifically set forth herein.

Seller represents that Seller is not a foreign person within the meaning of the Foreign Investment in Real Property Tax Act ("FIRPTA"). Seller shall deliver to Purchaser at the Closing a certification stating that Seller is not a foreign person in the form required by FIRPTA.

**17. Lead Paint Risk Assessment Or Inspection.** Purchasers hereby waive the right to have a risk assessment or inspection for lead-based paint and/or lead-based paint hazards and agree to take the Premises "as is" with respect to lead-based paint and/or lead-based paint hazards.

**18. Brokerage.** Purchasers represent and warrant that they have not dealt with any broker in connection with this sale, other than Sam's Realty, ("Broker"), whose commissions Seller agrees to pay pursuant to a separate agreement. Purchasers agree to indemnify and hold Seller harmless from and against all liabilities, claims, damages or expenses, including attorneys' fees, pertaining to any other broker with whom Purchaser has dealt. This provision shall survive the Closing or, if the Closing does not occur, the termination of this contract.

**19. Escrow Conditions.** Purchaser has delivered to BRENNER, GORDON & LANE, ESQS., having an address at PO Box 5006, Poughkeepsie, New York, 12602 ("Escrow Agent") a down-payment in the amount of \$ 29,000.00 (the "down-payment").

Escrow Agent, subject to collection of said check, shall hold the partial down-payment in accordance with this contract, or a joint instruction signed by Seller and Purchaser, or separate instructions of like tenor signed by them, or a final judgment of a court of competent jurisdiction. If Escrow Agent shall receive an instruction from either party, Escrow Agent may act in accordance with such instruction unless other party shall notify Escrow Agent not to act in accordance with such instruction within ten days after delivery of such instruction by Escrow Agent to said other party. Escrow Agent at any time may deposit the down-payment with a court of competent jurisdiction, and upon notice to Seller and Purchaser of such deposit Escrow Agent shall have no further responsibility or liability hereunder. Escrow Agent may resign all duties hereunder and be discharged of all obligations hereunder at any time by giving notice to Seller and Purchaser, whereupon they shall designate a successor escrow agent to whom the down-payment shall be delivered. Escrow Agent hereby is authorized and directed to deliver the down-payment to Seller if, as and when title closes.

Seller and Purchaser acknowledge that Escrow Agent is merely a stakeholder, and that Escrow Agent shall not be liable for any act or omission unless taken or suffered in bad faith, in willful disregard

of this contract or involving gross negligence. Escrow Agent shall not be required to invest the down-payment in an interest bearing account or other income producing investment.

All instructions or notices given shall be in writing and delivered in accordance with Article 20 below. For purposes of this Article, such instructions and notices shall be deemed delivered on the date of delivery, if by hand, or on the date of mailing, if mailed, except that no instruction or notice to Escrow Agent shall be deemed effective until actual receipt thereof by Escrow Agent.

20. **Notices.** All notices, demands and other communications required or permitted under this contract shall be in writing and shall be delivered by hand or by Federal Express Courier, or by registered or certified mail, return receipt requested, with postage prepaid, to Sellers or Purchaser, as the case may be, at their addresses first above written, or at such other addresses as they may designate by notice hereunder. Copies of all such notices, demands and other communications shall be sent in the aforesaid manner to Sellers' attorneys, Brenner, Gordon & Lanes, Esqs., Attention Chester H. Gordon, Esq. at PO Box 5006, Poughkeepsie, New York, 12602, and to Purchasers' Attorney, Vincent Catalano, Esq. at 4 Liberty Street, Second Floor, Poughkeepsie, New York 12601.

21. **Purchasers' Lien.** All payments of Purchasers on account of the purchase price, and their reasonable expenses for examination of title, hereby are made a lien against the Premises. Said lien shall not continue or exist after any default by Purchasers hereunder.

22. **Liquidated Damages.** If Purchaser defaults under this contract, Seller as her sole remedy shall be entitled to declare this contract null and void and to receive from Escrow Agent and to retain all sums paid by Purchasers hereunder as liquidated damages, whereupon this contract shall terminate and neither party shall have any further claim against the other.

23. **Assignment.** Purchasers may not assign this contract without the prior written consent of Sellers. Any attempted assignment without such consent shall be null and void.

24. **Survival.** None of the representations, warranties, covenants or other obligations of Seller hereunder shall survive the Closing, except as expressly provided herein. Acceptance of the deed by Purchaser shall be deemed full and complete performance and discharge of every agreement and obligation of Seller hereunder, except those, if any, which expressly are stated herein to survive the Closing, and then such survival shall be only for a period of one year.

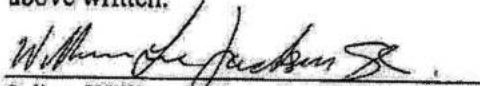
25. **Miscellaneous.** All oral or written statements, representations, and agreements of the parties are superseded by this contract, which alone fully and completely expresses their agreement. This contract may not be amended, waived or modified in any respect except by a writing signed by the party sought to be bound. Neither this contract nor any memorandum thereof shall be recorded by Purchaser.

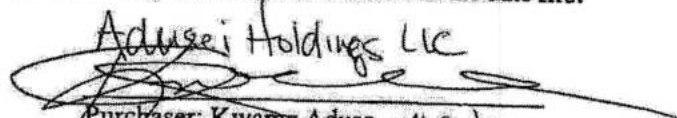
This contract shall be governed by and construed in accordance with the laws of the State of New York. If any provision of this contract shall be unenforceable or invalid, such un-enforceability or invalidity shall not affect any other provision of this contract. The captions in this contract are for convenience only and are not to be considered in construing this contract.

26. **Binding Effect.** This contract shall not be considered an offer or an acceptance of an offer by Seller, and shall not be binding upon them until executed and delivered by both Seller and Purchasers. Upon such execution and delivery, this contract shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, successors and permitted assigns. The obligations of Purchasers hereunder shall be the joint and several obligations of the Purchasers.

27. **Property Condition Disclosure Act:** Purchaser and Seller agree that no Property Condition Disclosure Statement shall be attached to the contract in consideration of a \$500.00 credit against the agreed purchase price. The premises is accepted in "AS IS" condition. Purchasers have retained a licensed home inspector and agrees to rely exclusively on his/her findings. Purchasers shall and hereby does undertake full responsibility for inspections and testing of the premises transferred and for examining public records. It is agreed that the Statute of Limitations on Property Condition Disclosure Statement related claims shall be limited to six months from the date of the contract.

IN WITNESS WHEREOF, Seller and Purchasers have duly executed this contract on the date first above written.

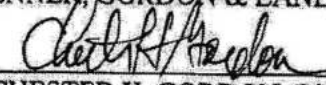
  
Seller: William Jackson

  
Purchaser: Kwame Aduse member

  
Purchaser: Sam Martin

BRENNER, GORDON & LANE, ESQS. hereby executes this contract solely for purposes of agreeing to serve as Escrow Agent in accordance with the provisions of Article 22 of this contract.

BRENNER, GORDON & LANE, ESQS.

By   
CHESTER H. GORDON, ESQ.

SCHEDULE 'A'

PROPERTY DESCRIPTION

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Beacon, Dutchess County, New York, known as 61 Oak Street, bounded and described as follows:

**BEGINNING** at a point in the southerly line of Oak Street, said point being distant ninety-four feet easterly from the intersection of the easterly line of North Cedar Street with the southerly line of Oak Street and running thence with said southerly line of Oak Street south forty-two degrees east thirty-one feet; thence with lands now or formerly of Sykora and Paule south forty-seven degrees forty eight minutes west 100 feet; thence with lands now or formerly of the Star of Bethlehem Baptist Church north forty-two degrees west twenty-nine feet; thence with other lands now or formerly of the Barney Estate north forty-six degrees thirty-nine minutes east one hundred and three one-hundredths feet to the place of beginning.

**BEING** the same premises conveyed to Inez Thorpe, residing at Chelsea, New York, from Vivian Futika, 143 South Plank Road, Newburgh, N.Y. 12550; Kenneth Sheeley, Secore Street, Nelsonville, N.Y. 10516; Douglas Sheeley, 36 Glenford Avenue, Beacon, N.Y. 12508; David Sheeley, 36 Russell Avenue, Beacon, N.Y., 12508; and Vincent Sheeley, Stissing Lake Road, Pine Plains, New York 12567, by a Deed dated the 13<sup>th</sup> day of December, 1978, recorded in Book No. 1498 of Deeds, at Page 154. at the Dutchess County Clerk's Office



**PURCHASER'S RIDER TO CONTRACT**

BETWEEN

**William Jackson, Seller**

AND

**Adusei Holdings LLC, Purchaser**

Notwithstanding anything to the contrary contained in the contract between the parties to which this addendum is hereby made part, the Seller agrees with the Purchaser as follows:

1. <sup>to the best of his knowledge</sup> SELLER'S WARRANTIES THAT DO NOT SURVIVE CLOSING: The Seller makes the following warranties which shall not survive the closing:

- a) That at the time of closing the Premises shall be in the same physical condition as at the time of contract, reasonable wear and tear excepted. The Seller shall maintain the Premises during the contract period in the customary manner, including but not limited to the repair of broken property in and about the Premises, care of the grounds and shrubbery, grass cutting and snow removal, as applicable.
- b) That at the time of closing the plumbing, heating, electrical, water supply, and septic systems will be in working order.
- c) That at the time of closing the Premises will be delivered in a broom-clean condition, vacant and free of debris.
- d) That at the time of closing all appliances will be in working order and shall be the same appliances as existed when Purchaser first viewed the premises.
- e) That at the time of closing the basement and roof shall be dry and free of leaks.
- f) That the Premises abut or have a right of access to a public road.

2. SELLER'S WARRANTIES THAT SURVIVE CLOSING: The Seller makes the following warranties which shall survive the closing of title:

- a) That the appliances and any personal property remaining in the house are sold free and clear of liens and encumbrances.
- ~~b) That the well and septic are located within the boundaries of the Premises.~~
- c) That to the best of Seller's knowledge, they have not received any notice of violation from the municipality; they have not received any notice from either the building code or zoning enforcement officers; that there have been no recommendations for alterations or repairs by any insurance company.
- d) That the Seller is unaware of any defects not visible on ordinary inspection of the Premises.

- e) That the Seller is the sole owner of the Premises and has the full right, power, and authority to sell, convey, and transfer same in accordance with the terms of this contract.
- f) That the Seller is not a "foreign person", as that term is defined for purposes of the Foreign Investment in Real Property Tax Act, Internal Revenue Code ("IRC") Section 1445, as amended, and the regulations promulgated thereunder (collectively "FIRPTA").

3. **DEATH OR INJURY OF PURCHASER:** In the event of the death or permanent and disabling injury of the Purchaser prior to the closing of title of this contract and the delivery of the deed hereunder, the surviving Purchaser, or the Purchaser's legal representative, as the case may be, is hereby given the option of declaring the same null and void, and all sums paid on account hereof shall be forthwith returned to the Purchaser, or the said legal representative, by the Seller. Notice of the exercise of this option, predicated upon the foregoing condition, shall be given in writing by the Purchaser or Purchaser's legal representative not later than ten (10) days subsequent to the occurrence of the death or permanent and disabling injury of either or both of the Purchaser.

4. **ERRORS OR OMISSIONS:** The Seller and Purchaser agree that any errors or omissions in computing apportionments or adjustments at the time of the closing shall be corrected, and that this provision shall survive the closing of title and the delivery of the deed hereunder.

5. **CONFLICT BETWEEN ADDENDUM AND CONTRACT:** In the event of a conflict between this addendum and the main body of this contract or of any other Rider, the terms of this addendum shall be deemed controlling.

6. **CERTIFICATE OF OCCUPANCY:** This transaction shall be subject to the existence of a certificate of occupancy covering the entire premises as a 2 bedroom 1 bathroom single family dwelling, including but not limited to any pools, sheds, and/or finished basements, or, in lieu thereof, the existence of a letter from the building department of the municipality certifying that the structures to be transferred herein were built prior to the requirement of such certificate of occupancy and that currently the premises are not in violation of any zoning ordinance, rule or regulation. The Seller further represents that no additions or modifications to the premises requiring a certificate of occupancy have been made without the issuance of such. In the event that the governing municipality shall require any improvement or inspection of the premises prior to the issuance of a certificate of occupancy or a letter indicating that the premises are not in violation of any zoning or municipal ordinance, then, in that event, the Seller agrees to pay the expense of such inspection or improvement.

7. **TRANSFER OF TITLE:** If Seller is unable to transfer title to Purchaser in accordance with this contract, Seller's sole liability shall be to promptly refund all money paid on account of this contract together with the cost of both the survey and the title examination. Upon such refund and payment this contract shall be considered cancelled, and neither Seller nor Purchaser shall have any further rights against the other.

8. **INSPECTION OF PREMISES:** Purchaser shall be allowed to inspect the premises 24 hours prior to closing upon reasonable notice to the Seller. If such inspection occurs within 24 hours of the time of closing and

c) Interfere unreasonably with the use of the premises for residential purposes.

14. Concerning easements of record, if any, the premises are conveyed subject to easements of record for existing utility service to the premises and such other easements, provided the same do not render title unmarketable, threaten the existence of any improvements thereon, or substantially reduce the usable area of the said premises.

15. The premises are sold and shall be conveyed subject to any state of facts an accurate survey may disclose provided that the same does not disclose substantial diminution of the land area from that described herein or conditions that would otherwise render title unmarketable. Further, said survey must show that the premises conform in all respects to zoning ordinances, and that the house and all improvements on the premises, including but not limited to the well, if any, the septic system in its entirety, if any, the driveway, are within the boundary lines of the premises.

16. Seller represents that the premises are not located in a flood plain, wetland, or area designated as being a flood zone, whether under local, state, or federal rules, regulations, or standards. In the event that the premises are located in such an area, whether wholly or partly, Purchaser shall have the option of proceeding with this Contract or declaring the same null and void and the sole liability of the Seller in the latter case will be the prompt return of the sums paid on account hereof to the Purchaser. In the event that the premises require the payment of flood insurance, this requirement shall be disclosed by the Seller to the Purchaser prior to the Purchaser receiving this information from other sources, such as Purchaser's lending institution, if any, or in the absence of such disclosure by Seller to Purchaser, Purchaser shall have the option of declaring this Contract null and void, and the Seller shall be required to pay all costs incurred by Purchaser for Purchaser's mortgage application, bank costs, title, survey, etc. in addition to receiving the return of the down payment.

17. Seller represents and warrants to the best of Seller's knowledge that at no time have the premises been used for the generation, storage, or disposal of toxic or hazardous materials or as a landfill or other waste disposal site. There are not now, nor have there ever been, underground storage tanks on the premises. Prior to the closing, Seller will not generate, store, suffer, or dispose of any toxic or hazardous materials on or from the premises or allow others to do so. Seller further represents that Seller shall dispose of all waste, discarded or unused building products, debris, and trash in accordance with the municipal or local requirements for the same. Seller will comply with all environmental laws or regulations.

~~18. Seller represents that the premises do not presently benefit from any real estate tax exemption.~~

19. This Contract is contingent upon an examination at Purchaser cost of any underground storage tanks at the subject premises within fourteen (14) days of the date of the fully signed Contract. For inactive underground storage tanks, Seller must prove that such tank(s) and its pipes have been properly closed or removed. In the event of a discovery of a leak from active or inactive tanks, then in that case, the Purchaser shall have the option of terminating this Contract and receiving the prompt return of the down payment on this Contract, unless the entire cost of repairs and remedies is absorbed by the Seller, and adequate repairs and remedies are completed prior to transfer of title. The Seller is strictly liable, without regard to fault, for all cleanup and removal costs, and all direct and indirect damages resulting from any spilled petroleum. (Note that under current law the tank, or combination of

Seller has not vacated the premises at the time of inspection, then Seller agrees to hold Purchaser harmless for any damage caused by Seller vacating the premises.

9. **CONDITIONS OF TITLE:** Seller will give and Purchaser will accept such marketable title as will be insured by any member of the New York Board of Title Underwriters.

10. ~~**MORTGAGE CONTINGENCY; INTEGRATED MORTGAGE RULES:** This Contract is contingent upon Purchaser(s) obtaining a conventional mortgage commitment in the amount of \$ on or before forty five (45) days from receipt of fully executed Contract of Sale received by Purchaser's attorney. Seller(s) shall grant a reasonable extension of the date by which the mortgage commitment must be obtained as set forth herein provided Purchaser(s) has exercised due diligence in applying for the mortgage. If Purchaser(s) is/are unable to obtain such a mortgage commitment either party may cancel the Contract and Seller(s) shall refund the down payment to Purchaser(s) and thereafter this Contract shall be null and void and of no further force and effect. In the event repairs or expenditures are required by lender to satisfy lender's requirements for issuance of a mortgage and Seller(s) elect(s) not to make repairs, Purchaser(s) shall have the right to cancel this Contract. If the Contract is so canceled, Seller(s) shall refund to Purchaser(s) all sums paid to Seller(s) under this Contract and thereafter this Contract shall be null and void and of no further force and effect. With regard to a notice of denial of financing and/or the failure to request an extension of the contingency herein, time is not of the essence and silence on the part of the Purchaser(s) and/or it's attorney, shall not be deemed to convert this transaction into an "all cash transaction".~~

11. ~~If, after having received a mortgage commitment, the lender issuing such commitment fails to fund such commitment and make the loan in accordance with the terms thereof by the closing date set forth herein or as may be subsequently agreed upon, through no fault of Purchaser, then Purchaser, if Purchaser has acted in good faith and has timely complied with Purchaser's obligations hereunder, may cancel this Contract and upon return of the down payment neither party shall have any cause of action against the other. Purchaser shall be deemed to have acted in good faith as long as Purchaser shall have made a reasonable and diligent effort to fulfill any conditions in the commitment.~~

12. ~~This sale is further contingent upon the Purchaser's lending institution appraising the subject premises at an amount at least equal to the purchase price, and in the event that the appraisal is less than the amount of the purchase price, Purchaser shall have the right to terminate this Contract and upon return of the down payment neither party shall have any cause of action against the other.~~

13. The premises are conveyed subject to zoning ordinances, building regulations and restrictions of record, provided the same have not been violated by the use, occupancy or structure, do not render title unmarketable, threaten the existence of any improvements thereon, or substantially reduce the usable area or beneficial enjoyment of the premises, and provided further that same do not:

- a) Contain any outstanding options or repurchase rights;
- b) Require any affirmative acts or monetary payments on the part of the owner of subject premises; and

all tanks on the property which have a capacity of over 1,100.00 gallons, must be registered with the New York State Department of Environmental Conservation ("DEC"). If disclosure under this clause presents conditions that are, within reason, unsatisfactory to the Purchaser, Purchaser shall have the option, by notice to Seller within ten (10) days of disclosure of said condition to Purchaser, to declare this Contract null and void, and the down-payment paid by Purchaser shall be returned forthwith to the Purchaser.

20. Seller to provide copy of existing survey or execute survey endorsement at closing. *if available,*

21. Seller to have installed an operating carbon monoxide detector in the Premises on or before the date of closing.

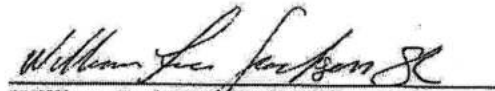
22. As a condition precedent to the Seller holding the Purchaser in breach and/or default of this agreement, the Seller must provide Purchaser and Purchaser's attorney with written notice of default and ten (10) days within which to cure any such default.

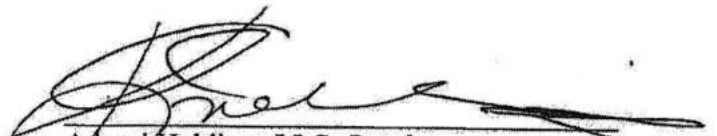
23. As a material and essential part of this agreement the Seller represents to Purchaser that if the premises to be conveyed as a 1 to 4 family residence dwelling that said premises is not owner occupied by the Seller (or any Seller in the event of more than one Seller), within the meaning of Real Property Law Section 265-a or if owner occupied within meaning of said statute, the Seller represents that at the time of this contract and during the executory period of this contract that there are no lawsuits or proceedings pending or threatened to foreclose a mortgage or tax lien affecting the Premises; or that the Premises is not subject to a mortgage which is more than two (2) months in arrears. The Seller makes the foregoing representations with the understanding that the purchaser and Purchaser's title company will rely on same.

~~24. — The parties acknowledge that this transaction may be subject to the TILA-RESPA Integrated Mortgage Disclosure Rules ("TRID") and that the parties may be required to provide closing adjustments and other information to the Purchaser's lender six or more business days in advance of the closing date in order for the Closing Disclosure to be timely provided to Purchaser in compliance with TRID. The parties agree to provide any such information requested by Purchaser's lender within the time frame set by the lender. The parties acknowledge that either party's failure to do so could delay the closing. The parties further acknowledge that, once a closing date is scheduled with the Purchaser's lender, any attempt by either party to reschedule the closing could result in a significant delay of the closing. All parties agree to make a good faith effort not to reschedule a closing once the date has been established.~~

25. The parties acknowledge and agree that the closing date set forth herein is not the actual closing date. Pursuant to New York case law, either party may extend the closing date set forth in the contract for a reasonable amount of time, typically no more than thirty (30) days. Therefore, the closing date set forth herein is a target date only and closing on or by this exact date cannot be guaranteed and should not be assumed. The parties should consult with their attorney before locking in their interest rate, notifying any landlord, packing, scheduling contractors or movers, or any other items dependent upon a specific, firm closing date.

26. The name of the purchaser is changed to Adusei Holdings LLC

  
William Jackson, Seller

  
Adusei Holdings LLC, Purchaser

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

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

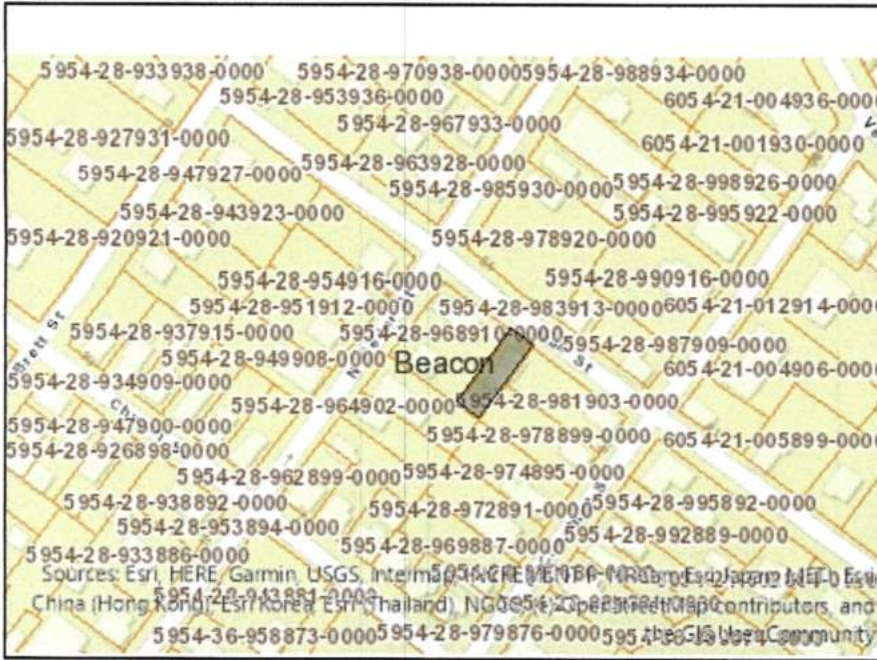
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: New addition to 75 Oak Street			
Project Location (describe, and attach a location map): 75 Oak Street, Beacon, NY 12508			
Brief Description of Proposed Action: Construct a new +/- 152 square foot, 2 story addition on the back of the existing residence.			
Name of Applicant or Sponsor: Adusei Holdings, LLC		Telephone: 917-471-2977	
		E-Mail: kwame@aduseiholdings.com	
Address: 31 Liberty Way			
City/PO: Lagrangeville		State: NY	Zip Code: 12540
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: ZBA, Building Department		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.07 acres			
b. Total acreage to be physically disturbed? _____ 0.003 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.07 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

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



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
Indiana Bat	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe:		
Storm water will be discharged from gutters to downspouts to splash blocks and/or rip rap.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> AGENT Applicant/sponsor/name: <u>STEPHEN A. WILSON, R.A., LEED AP</u> Date: <u>5/30/23</u> Signature: <u>[Signature]</u> Title: <u>PRINCIPAL</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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

Project:

Date:

***Short Environmental Assessment Form  
Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

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

Project:

Date:

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

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

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)

**City of Beacon Zoning Board of Appeals Agenda**  
**06/21/2023**

**Title:**

Review and hold public hearing on application submitted by Richard Scali, 4 Jefferson Ave, Tax Grid No. 30-6054-13-229358-00, in the R1-10 Zoning District, for relief from the following:

Section 223-26.C(1) to allow for a driveway in the required front yard

**ATTACHMENTS**

[4 Jefferson Zoning App.pdf](#)

[4 Jefferson Public Comment Letter Fris.pdf](#)



CITY OF BEACON  
New York  
Building Department

Bruce Flower  
Building Inspector

845-838-5020  
Email: [bflower@beaconny.gov](mailto:bflower@beaconny.gov)

June 5, 2023

Richard Scali  
4 Jefferson Ave.  
Beacon, NY 12508

Dear Mr. Scali,

I have received your application to relocate the driveway for your home located at 4 Jefferson Ave. which is in the R1-10 Zoning District. The application is being denied since the parking spaces are being proposed in the required front yard of the home.

223-26 C (1) Location The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § 223-17C.

You have the right to appeal this decision with the Zoning Board of Appeals. If you wish to appeal this decision, please contact the Zoning Board of Appeals Secretary regarding the application and instructions.

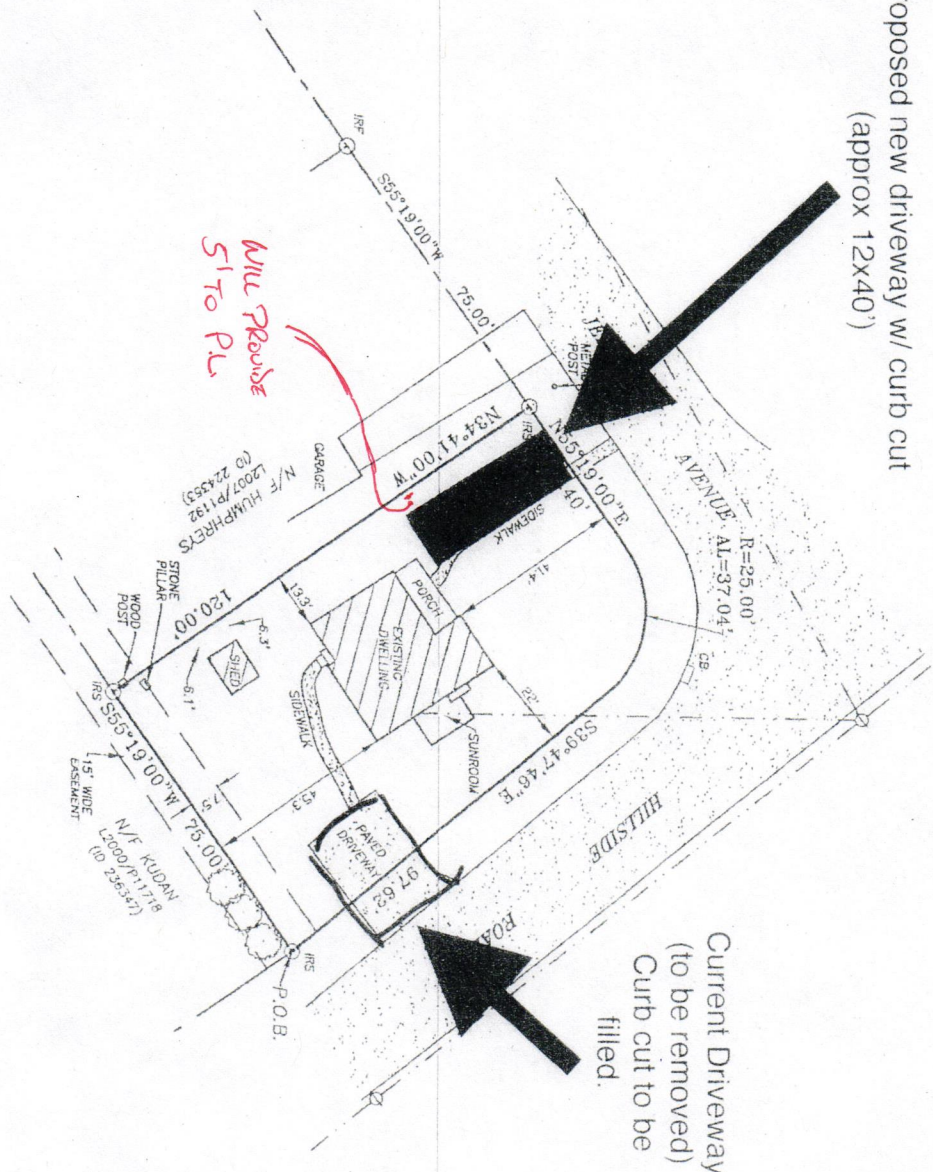
Sincerely,

Bruce Flower  
Building Inspector



Proposed new driveway w/ curb cut  
(approx 12x40')

*Will Provide  
S1 to P.L.*



- LEGEND**
- IRF/IRF *IRF/IRF* (Symbol for IRF/IRF)
  - IRF5 *IRF5* (Symbol for IRF5)
  - *Utility Line And Pole*
  - *Address Markers Line*
  - *Other Line*



**NOTES:**

PROPERTY LINE AS SHOWN ARE BASED ON DEEDS OF RECORD AND FILED MAPS. THIS IS AN ACCURATE SURVEY COMPLETED IN THE FIELD SEPTEMBER 2021. SUBJECT TO ALL EASEMENTS AND/OR AGREEMENTS THAT THE PUBLIC UTILITY COMPANIES MAY HAVE.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYORS SEAL OR HIS/HER EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES

GUARANTEES OR CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID GUARANTEES OR CERTIFICATIONS SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON, AND TO THE ASSIGNEES OF THE LENDING INSTITUTION. GUARANTEES OR CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SUBJECT TO ALL RIGHT OF WAY TAKINGS NOT SHOWN OR FOUND IN COUNTY OR TOWN RECORDS

**REFERENCES:**

- L2014/7/9/800
- RECORD LOT 69 AS SHOWN ON A MAP ENTITLED "RECORD MAP" DATED 12/16/1939
- NEW YORK FIELD 12/16/1939

**CERTIFY TO:**

- SODA REGISTRATION
- RECORD BOOK ABSTRACT & TITLE SERVICES, LLC
- THE SECURITY TITLE GUARANTEE CORPORATION
- OR PARTNER
- NEW REG LLC, its successors and/or assigns
- Paul Raskunas & sons LLP, as landowners under the guidance of "Hopper" Family Trust dated 3/11/2014

**LAND AREA**

R24920 59' +/-

SURVEY FOR  
**FRANTZICH & SCALI**  
CITY OF BEACON  
DUTCHESS COUNTY, NEW YORK

**STEVEN J. GREEN PLS**  
LICENSE NO. 059365  
P.O. BOX 1949 WTE-1807  
2299356

STEVEN J GREEN PLS LICENSE 059365 DATE

SCALE	PROJECT	JOB NUMBER
1" = 20'	4 BEACON AVE	22-14
TABULAR ID	DATE	DATE
2299356	9/27/2021	1 of 1

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL**

OWNER: Richard Scali

ADDRESS: 4 Jefferson Ave  
Beacon, NY 12508

TELEPHONE: 631-891-8367

E-MAIL: RVScali@gmail.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_

TAX MAP DESIGNATION: SECTION \_\_\_\_\_

BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

Section of Zoning Code appealed from or Interpretation desired:

\_\_\_\_\_  
\_\_\_\_\_

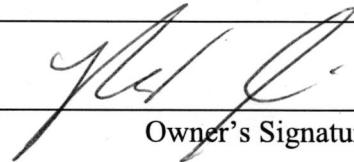
Reason supporting request:

Relocation of driveway on property

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

Survey, Building plan

Date: 5/22/23



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: Richard Scali + Kara Frantzich

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

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

Applicant Address: 4 Jefferson Ave, Beacon 12508

Project Address: 10

Project Tax Grid # \_\_\_\_\_

Type of Application \_\_\_\_\_

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, Richard Scali, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

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

*[Handwritten Signature]*

Signature of Owner

Title if owner is corporation

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

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

**INDIVIDUAL DISCLOSURE FORM**

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

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

**SECTION A**

Name of Applicant: Richard Scali

Address of Applicant: 4 Jefferson Ave, Beacon 12508

Telephone Contact Information: 631 891 8367

**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.
Richard Scali	4 Jefferson Ave, Beacon 12508	631 891 8367	10.21.21 - Purchase	10.21.21 Handel & Carlini LLP
Kara Frantzich	4 Jefferson Ave, Beacon 12508	631 891 8367	10.21.21 - Purchase	10.21.21 Handel & Carlini LLP

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

(Print) Richard Scali

(Signature) 

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

**ENTITY DISCLOSURE FORM**

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

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

**SECTION A.**

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

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	Telephone Contact Information
Principal Place of Business of Entity	Place and date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed



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

YES

NO

I, \_\_\_\_\_ 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) \_\_\_\_\_

## Amanda Caputo

---

**From:** Mary F <mfris1958@gmail.com>  
**Sent:** Wednesday, June 21, 2023 12:16 PM  
**To:** Amanda Caputo  
**Subject:** Variance Application/ Richard Scali

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Zoning Board,

I recently received your certified mail letter regarding a proposed variance for my neighbor, Richard Scali.

I live across the street from them, at 54 Hillside Road, and I am very much in favor of your approval for a variance to move their driveway to the other side of their home.

Right now I just see pavement and cars, so it will be nice to see a green lawn instead, and I'm sure they will enjoy having a proper back yard!

Thank you for letting me know...

Sincerely,  
Mary Fris  
54 Hillside Road  
Beacon NY  
845 764-1886



**City of Beacon Zoning Board of Appeals Agenda**  
**06/21/2023**

**Title:**

Review and hold public hearing on application submitted by Danielle Williams, 79 Grove Street, Tax Grid No. 30-6054-39-335733-00, in the R1-5 Zoning District, for relief from the following:

- 1) Section 223-17.D to allow for a 5 ft side yard setback (10 ft required)
- 2) Section 223-17.D to allow for a 15.5 ft rear yard setback (20 ft required)

**ATTACHMENTS**

[79 Grove St Zoning App.pdf](#)



CITY OF BEACON  
New York  
Building Department

*Bruce Flower*  
*Building Inspector*

845-838-5020  
Email: [bflower@beaconny.gov](mailto:bflower@beaconny.gov)

Danielle Williams  
79 Grove Street  
Beacon, NY 12508

Dear Ms. Williams,

I have received your application for a 12' x16' rear open deck for your home located at 79 Grove Street which is in the R1-5 Zoning District. The application is being denied at this time due to insufficient side and rear yard setbacks. The required setback for the side yard is 10' and the rear yard is 20'. As per the proposed plan only 5' is being provided on the side yard and 15'-6" proposed in the rear yard.

223-17. D Schedule of Dimensional Regulations

You have the right to appeal this decision with the Zoning Board of Appeals. If you wish to appeal this decision, please contact the Zoning Board of Appeals Secretary regarding the application and instructions.

Sincerely,

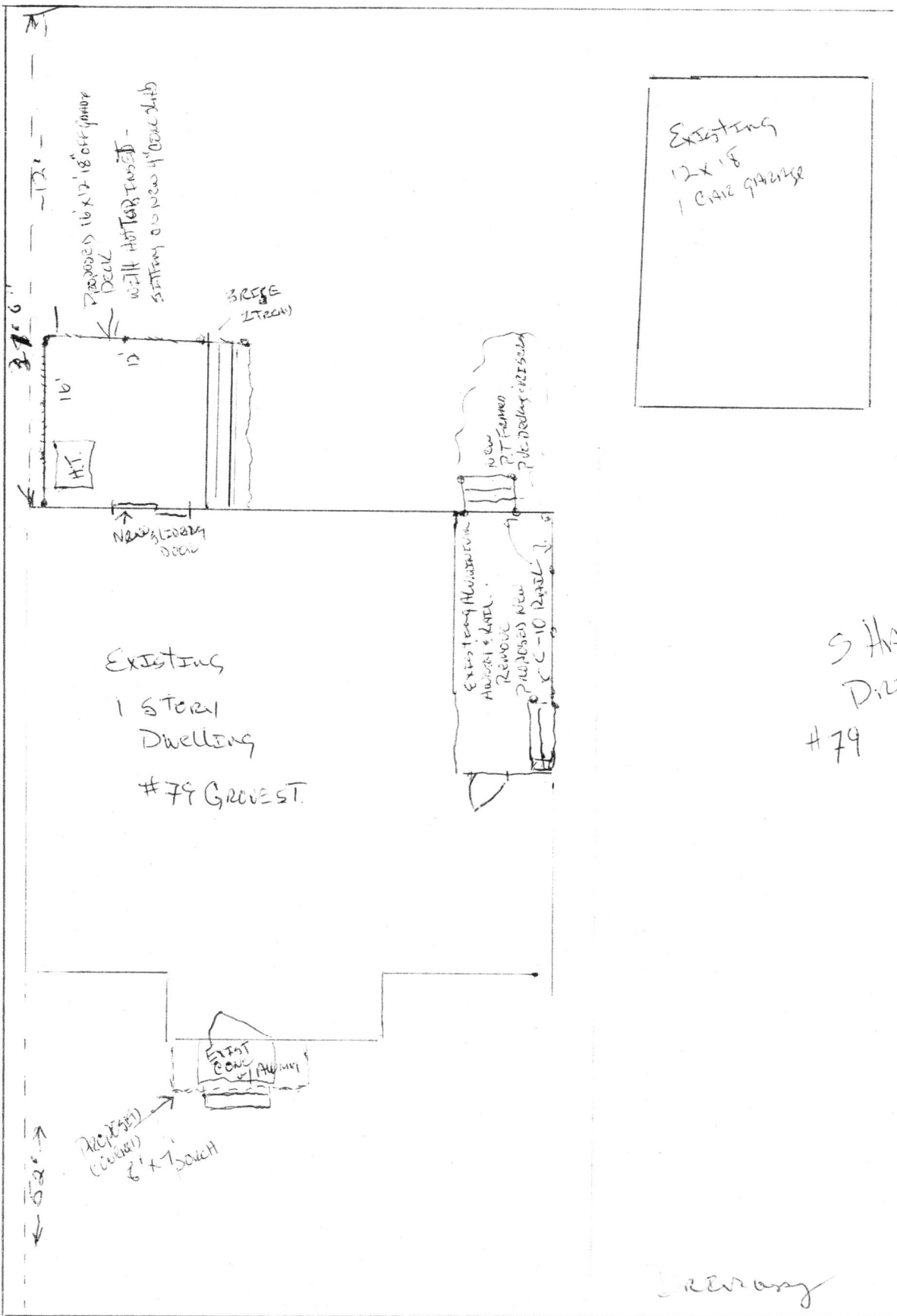
Bruce Flower  
Building Inspector

50' +/-

15'6"

16'

112'



PROPOSED 16x17'18" HOT TUB PORCH DECK WITH HOT TUB INSTALLED - SETBACK TO NEW 4' CONC SLAB

BREVE STRAY

H.T.

NEW STAIRS DOWN

EXISTING 1 STORY DWELLING #79 GROVE ST.

NEW PT-FRAMED PORCH DECK 6'x7' PARCEL

EXISTING 12x18 GARAGE REMOVE PROPOSED NEW C-10 PARCEL

EXISTING 12x18 1 CAR GARAGE

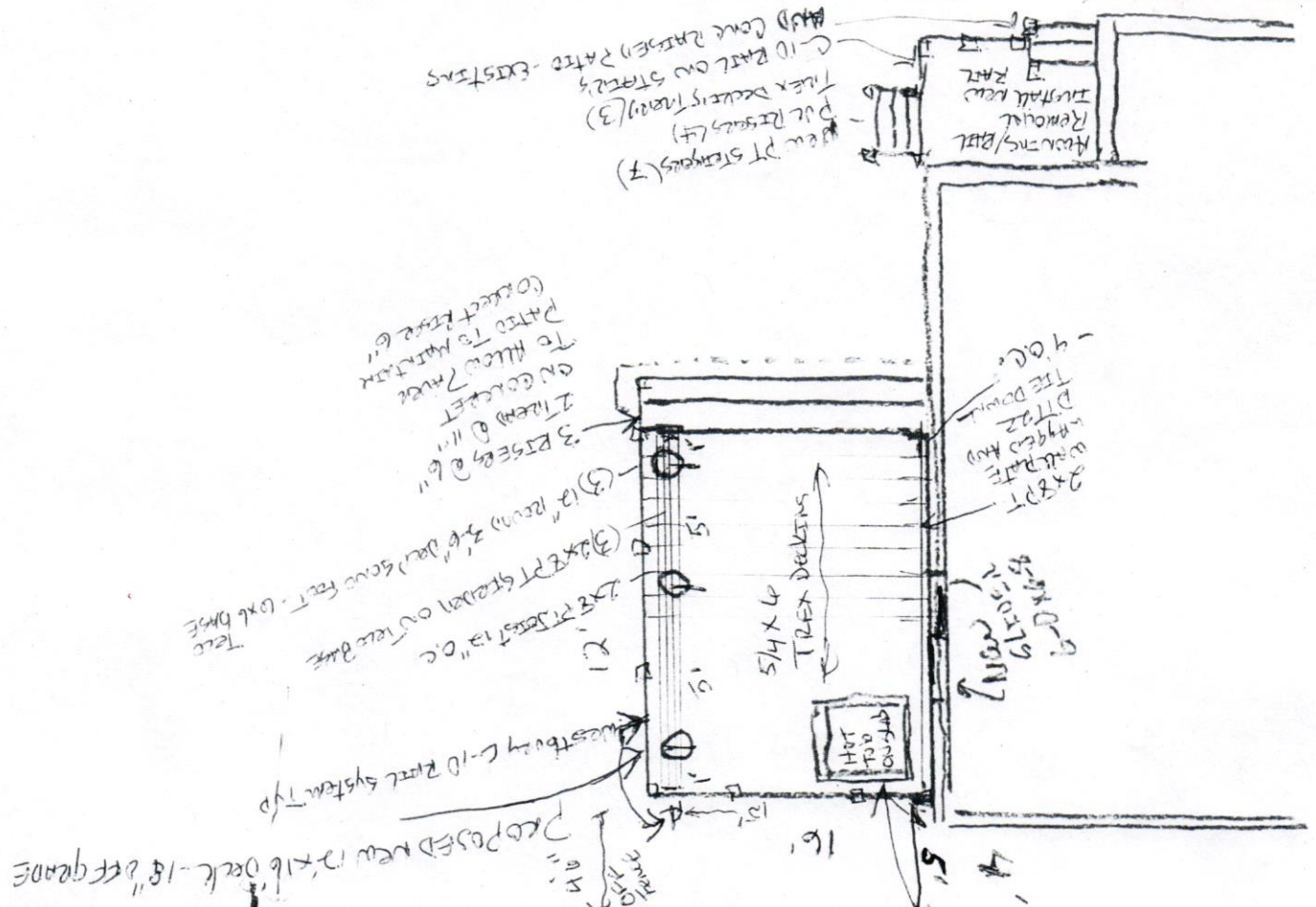
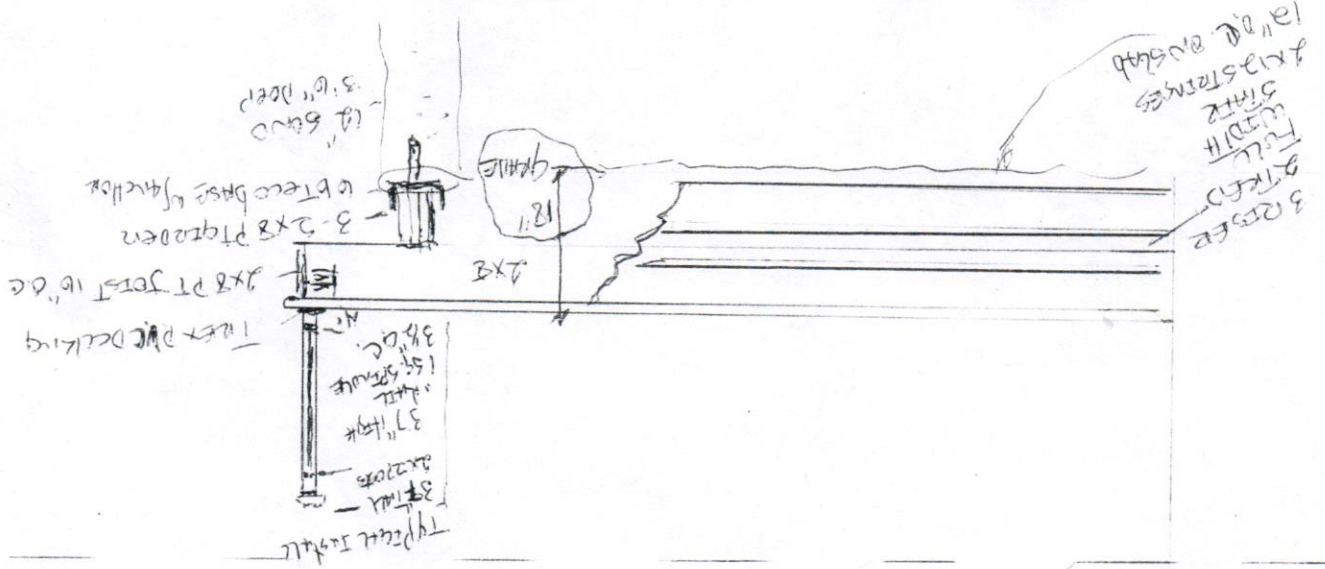
EXISTING GARAGE

S HAWKES DRIVE #79 #77

PROPOSED 6'x7' PORCH

Driveway

GROVE ST



3/16"  
 Exist  
 6\"/>

NOT TO SCALE  
 88\"/>

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL**

OWNER: Danielle Williams

ADDRESS: 79 Grove St.

TELEPHONE: 845-863-5529

Beacon  
E-MAIL: daniwilli@aol.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_

ZONING DISTRICT: \_\_\_\_\_

TAX MAP DESIGNATION: SECTION \_\_\_\_\_

BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

Section of Zoning Code appealed from or Interpretation desired:

\_\_\_\_\_  
\_\_\_\_\_

Reason supporting request:

small deck addition on back yard off back of the house

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

Date: May 25, 2023

Danielle Williams  
Owner's Signature

Danielle Williams  
Applicant's Signature

**Fee Schedule**

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

**APPLICATION PROCESSING RESTRICTION LAW**

**Affidavit of Property Owner**

Property Owner: Danielle Williams

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

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

Applicant Address: 79 Grove St. Beacon, NY 12508

Project Address: 79 Grove St. Beacon, NY 12508

Project Tax Grid # \_\_\_\_\_

Type of Application \_\_\_\_\_

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, Danielle Williams, the undersigned owner of the above referenced property, hereby affirm that I have reviewed my records and verify that the following information is true.

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

Danielle Williams

Signature of Owner

Title if owner is corporation

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

Name of Applicant: Danielle Williams

Address of Applicant: 79 Grove St. Beacon, NY 12508

Telephone Contact Information: 845.863.5529

**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.

**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

*Danielle Williams  
19 Grove St. Beacon, NY 12508*

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

(Print) Danielle Williams

(Signature) *Danielle Williams*



<b>FOR OFFICE USE ONLY</b>
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	Telephone Contact Information
Principal Place of Business of Entity	Place and Date of incorporation
Method of Incorporation	Official place where the documents and papers of incorporation were filed

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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.

<b>Name</b>	<b>Resident Address</b>	<b>Resident Telephone Number</b>	<b>Nature and Extent of Interest</b>

**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.

**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.

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**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, Danielle Williams 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) \_\_\_\_\_

## City of Beacon Zoning Board of Appeals Agenda

06/21/2023

### **Title:**

Review and hold public hearing on application by 925 Wolcott LLC, 925 Wolcott Avenue, Tax Grid No. 30-5954-44-922633-00, R1-10 Zoning District, for a request for interpretation of the Building Inspector's determination regarding multi-family use

### **ATTACHMENTS**

[5-19-23 925 Wolcott ZBA Supplemental Submission\(5682597.1\) \(002\).pdf](#)

[3-20-23 925 Wolcott - Request for Interpretation and in Alternative Variance Application to ZBA with Exhibits A-E and Plans\(5613009.1\) \(002\).pdf](#)

[3-27-23 925 Wolcott - Request for Adjournment from April 18th ZBA Meeting Agenda w\\_ A B Attached\(5621321.1\).pdf](#)

[925 Wolcott Public Comment Letter Ayers.pdf](#)

[925 Wolcott Public Comment Letter Bertolozzi.pdf](#)

[925 Wolcott Public Comment Letter Clark.pdf](#)

[925 Wolcott Public Comment Letter Lovell.pdf](#)

[925 Wolcott Public Comment Letter Oakes.pdf](#)

[925 Wolcott Public Comment Letter Gillette.pdf](#)

[925 Wolcott Public Comment Letter OShea.pdf](#)

[925 Wolcott Public Comment Letter Case-Leal.pdf](#)

[925 Wolcott Public Comment Letter Deakyne.pdf](#)

[925 Wolcott Public Comment Letter Masters.pdf](#)

[925 Wolcott Public Comment Letter Mustakas.pdf](#)

[925 Wolcott Public Comment Letter Safiullin.pdf](#)

925 Wolcott Public Comment Letter Kara.pdf

925 Wolcott Public Comment Letter Bell.pdf

925 Wolcott Public Comment Letter Martin.pdf

925 Wolcott Public Comment Letter Colm OShea.pdf

925 Wolcott Public Comment Letter Hull.pdf

925 Wolcott Public Comment Letter Loach.pdf

925 Wolcott Public Comment Letter Drouillard.pdf

925 Wolcott Public Comment Letter Feyl.pdf

925 Wolcott Public Comment Letter Morris.pdf

925 Wolcott Public Comment Letter Mendelson.pdf

925 Wolcott Public Comment Letter Manywether.pdf

925 Wolcott Public Comment Letter Obrien.pdf

925 Wolcott Public Comment Letter Oakes Updated June Letter.pdf

925 Wolcott Public Comment Letter Caramagna.pdf

925 Wolcott Public Comment Letter Cole.pdf

925 Wolcott Public Comment Letter Merrill.pdf

925 Wolcott Public Comment Letter Giunta.pdf

925 Wolcott Public Comment Letter Vaughn.pdf

925 Wolcott Public Comment Letter Case-Leal Petition.pdf

925 Wolcott Public Comment Letter Case-Leal Petition List.pdf

925 Wolcott Public Comment Letter Ashley.pdf



[925 Wolcott Public Comment Letter Ward.pdf](#)

[925 Wolcott Public Comment Letter West.pdf](#)

[925 Wolcott Public Comment Letter Gregory Cole.pdf](#)



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May 19, 2023

**VIA HAND DELIVERY  
AND EMAIL**

Chairman Jordan Haug  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: 925 Wolcott LLC  
Supplemental Submission in Support of Request for Interpretation and in the Alternative  
an Application for an Area Variance and/or a Use Variance to Restore a Destroyed Building  
Premises: 925 Wolcott Avenue, Beacon, New York (Tax Parcel ID: 5954-44-922633)

Dear Chairman Haug and the Members of the Zoning Board of Appeals,

On behalf of 925 Wolcott LLC (the "Applicant"), the owner of the above-referenced Premises, we respectfully submit this letter and the referenced enclosures in furtherance of the Applicant's pending application seeking an interpretation from this Board confirming that the Applicant can proceed to restore a building that was destroyed in a fire that was intentionally set by a former tenant.

As is more fully detailed in its letter dated March 20, 2023 (the "March 20<sup>th</sup> Letter"), the Applicant purchased the Premises on July 13, 2022, and we understand that the Premises contained a legal non-conforming multi-family (single-room occupancy, or "SRO") rental building. On December 12, 2022, the Applicant received Building Permit No. 2022-0354, which permitted interior renovations to convert 16 existing units to 9 units (effectively reducing an existing non-conformity). Pursuant to Building Permit No. 2022-0354, each unit would have included a bathroom and kitchenette, together with new plumbing, electrical, and sprinkler systems. Unfortunately, before these renovations were completed, the building was severely damaged by the fire, and the walls were demolished at the request of the Fire Department to extinguish the fire.

A Determination was first received from the City's Building Department via e-mail on January 19, 2023 (the "Original Determination"), that the proposed multi-family or SRO use could not be reestablished pursuant to Section 223-10.(D) of the City of Beacon Zoning Code (the "Zoning Code"), for which a timely appeal was filed with the Zoning Board of Appeals ("ZBA") on March 20, 2023. On that same day, the Building Department issued a New Determination, dated March 20, 2023 (the "New Determination") now stating that the proposed multi-family or SRO use could not be reestablished pursuant to Sections 223-10.(C).(5), 223-10.(C).(2), and 223-10.(D) of the Zoning Code. In light of the receipt of this New Determination, the Applicant filed an adjournment request on March 27, 2023. This letter supplements our March 20, 2023 submission, and further appeals the New Determination. See **Exhibits A & B** - Original & New Determinations.

We would also note that on March 2, 2023 the Applicant filed a Freedom of Information Law (“FOIL”) request with the City pursuant to New York Public Officers Law, for Building Department and ZBA records related to the Premises. On April 27, 2023, the Applicant received a response from the City that was comprised of only six (6) documents – a very small file given the age of the building on the Premises, which we understand was erected well before 1965.<sup>1</sup> The limited documents the Applicant was able to obtain included a Certificate of Occupancy for repairs to previous fire damage that occurred on or around 1991, and the Building Department’s 2022 approval for the reduction of the non-conforming use from 16 units to 9 units.

**BACKGROUND REGARDING ORIGINAL & NEW DETERMINATIONS:**

As noted in the Applicant’s March 20<sup>th</sup> Letter to this Board, in an e-mail dated January 19, 2023, the City’s Building Inspector stated that “...when a non-conforming use in the city is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements....” See **Exhibit A**. As a result, the Building Inspector’s original position was that the multi-family or SRO use was no longer permitted. In making this Original Determination, the Building Inspector found that the controlling provision in the Zoning Code was the section of the Zoning Code related to “Non-conforming uses and structures”, and more specifically, Zoning Code Section 223-10.D., which provides for “[r]estoration of damaged [non-conforming] buildings.” The Applicant appealed this Original Determination, noting that a plain reading of Zoning Code Section 223-10.(D) does not prohibit the continued use of the multi-family or SRO use, as the applicable 50% limit applies to the reconstruction of non-conforming buildings, not the continuation of non-conforming uses.

However, on March 20, 2023, the Building Department provided a New Determination with two (2) additional findings that were not included in the Original Determination, finding as follows:

*1. City Code § 223-10.C(5): The building in which the nonconforming use was conducted is deemed to have been removed as of January 3, 2023. The building was completely destroyed by a fire and as a result the unstable walls were required to be demolished under the New York State Building Code to address health and safety concerns. Notwithstanding that the building was damaged by arson and required to be demolished under State law, I find that the building was removed as a result of the fire and demolition work and no reusable portion of the building exists. Subsequent use of the land must be in conformity with the standards specified in Chapter 223 for the R1-10 Zoning District. As such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(5).*

*2. City Code § 223-10.C(2): Any reconstruction of the building will result in structural alterations that far exceed 25% of the building’s fair market value. A*

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<sup>1</sup> Note: Historic Aerials of the Premises that are available online through Dutchess County Aerial Access appear to show the Premises improved by the building dating back to *at least* 1936. Dutchess County’s online aerial resources are only available dating back to 1936.

*new building will need to be erected on the Property, as such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(2).*

*3. City Code § 223-10.D: The City has consistently relied upon City Code § 223-10.D to prohibit the continuation of a nonconforming use after severe damage. When a non-conforming use in the City is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. This Section is clear that a nonconforming use shall only be permitted to continue where destruction of such nonconforming building is less than 50%. In this case, the building was completely destroyed by a fire and the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.D.*

In light of the additional findings in the New Determination, we respectfully submit this supplemental request for a formal interpretation confirming that the use of the above-referenced Premises as a legal non-conforming multi-family or SRO rental may continue. In the alternative, and as stated in the Applicant's March 20<sup>th</sup> Letter to the ZBA, the Applicant seeks an Area Variance to permit the reconstruction of the structure that was completely destroyed; and as a secondary alternative request, for a Use Variance to permit said multi-family or SRO use. Furthermore, it is respectfully submitted that this supplemental appeal is being timely filed within the 60-day period articulated under Section 81-a of General City Law from the date of the New Determination, and in furtherance of our timely March 20<sup>th</sup> submission appealing the Original Determination.

**I. REQUEST FOR INTERPRETATION: MULTI-FAMILY USE (SINGLE-ROOM OCCUPANCY):**

As detailed above, the Building Inspector's New Determination provides three (3) findings regarding the long-established multi-family or SRO use on the Premises that was destroyed by a former tenant. As noted in the New Determination, the use (and the building) has existed on the Premises since *at least* 1965, which precedes the City's adoption of its current Zoning Code in 1977.

For the following reasons, the Applicant respectfully requests a formal interpretation that the use of the above-referenced Premises as a legal non-conforming multi-family or SRO use may continue. These conclusions must be reached since, as highlighted in the Applicant's March 20<sup>th</sup> Letter, New York Law requires a plain reading of the City's Zoning Code. In addition, since zoning restrictions are in derogation of common-law property rights, they must be strictly construed. Any ambiguity in a Zoning Code must be construed in an Applicant's favor.

A. The Continued Use of the Premises as a Legal Non-Conforming Multi-Family or SRO Use is Permitted as the Applicant did not Remove the Use, as Regulated Under Section 223-10.C.(5) of the Zoning Code.

The Building Inspector relies on Section 223-10.C.(5) of the Zoning Code to state that the building was "removed" and as a result the subsequent use of the land must be in conformity with the Zoning

Code.<sup>2</sup> It is noted that this building was not voluntarily “removed” by the Applicant by any means. In the New Determination, the Building Inspector states that:

*“...the building was completely destroyed by fire started by a former tenant of the Property. Thereafter, with the consent of the property owner, the walls of the house were demolished in order to give access to the Fire Department to completely extinguish the fire....”*

Moreover, the Building Inspector stated:

*“...The building was completely destroyed by a fire and as a result the unstable walls were required to be demolished under the New York State Building Code to address health and safety concerns. Notwithstanding that the building was damaged by arson and required to be demolished under State law, I find that the building was removed as a result of the fire and demolition work and no reusable portion of the building exists....”*

The Building Inspector’s conclusion that the building was “removed” and therefore the multi-family or SRO use cannot continue flies in the face of New York case law. If this New Determination is upheld by this Board, it will also result in the removal of important affordable rental housing units in the City in direct contravention of the goals in the City’s Comprehensive Plan and the City Council’s current and long-standing objectives to provide more affordable housing options within the City of Beacon.<sup>3</sup> Notwithstanding the City’s clear policy goals, on the particular issue of “removal”, case law holds that removal should be the result of an affirmative action of a property owner.<sup>4</sup> Here, the damage was the result of an illegal arson, and further damage and demolition was *required* by the New York State Building Code, as determined by the City (i.e., the Fire

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<sup>2</sup> Section 223-10.C.(5) of the Zoning Code reads: “If any building in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of any land on which such building was located, and the subsequent use of any building thereon, shall be in conformity with the standards specified by this chapter for the district in which such land or building is located.”

<sup>3</sup> See Section 3.3 of CITY OF BEACON 2017 COMPREHENSIVE PLAN UPDATE, <https://beaconny.gov/wp-content/uploads/2019/10/Beacon-Comprehensive-Plan-Final.pdf>. See also, May 15, 2023 City Council Meeting Agenda and associated discussions on affordable housing options in the City of Beacon.

<sup>4</sup> See 440 East 102<sup>nd</sup> Street Corp. v. Murdock, 285 N.Y. 298, 310 (1941) (“There could be no abandonment by the owner of the old non-conforming uses through the taking of a part of the premises by the city and the demolition of the buildings thereon or by the injury to and subsequent demolition of another building on account of fire.”); Franmor Realty Corporation v. Le Bouef, 201 Misc. 220, 223 (Sup. Ct. Nassau Cty. 1951) (“The general rule is that the right of a property owner to continue a non-conforming use may be lost through abandonment of such use. However, an abandonment, within the meaning of the rule under consideration, connotes a voluntary, affirmative, completed act.”) (internal citations omitted); Inc. Vill. of North Hornell v. Rauber, 181 Misc. 546, 554 (Sup. Ct. Steuben Cty. 1943) (“There could be no abandonment by the owner of the old non-conforming uses through the taking of a part of the premises by the city and the demolition of the buildings thereon or by the injury to and subsequent demolition of another building on account of fire. Neither occurred through the voluntary act of the owner.”) (internal citations omitted); see also Savetsky v. Bd. of Zoning Appeals of Town of Southampton, 5 A.D.3d 779 (2d Dep’t 2004) (upholding a ZBA’s determination that a use was not voluntarily discontinued due to an injunction against use and occupancy).

Department). There was no “removal” as that term is plainly read and understood. The Applicant did not remove the use – instead pursuant to Building Permit No. 2022-0354, the Applicant was in the process of converting 16 existing units to 9 units, effectively reducing the existing non-conformity. Thus, the claimed removal of the use is in direct contrast with the provision under Section 223-10.(C).(4) of the Zoning Code, which regulates abandonment of non-conforming uses and has no reference to an affirmative act of removal.<sup>5</sup> This point is further highlighted by the fact that Merriam-Webster’s Dictionary (online ed. 2023) defines “remove” in part as “to get rid of.” The Applicant did not get rid of the use – the building was destroyed by another while the Applicant tried to renovate the existing use and effectively reduce its existing non-conformity.

*B. The Continued Use of the Premises as a Legal Non-Conforming Multi-Family or SRO Use is Permitted as the Applicant is not Altering the Structure, as Regulated Under Section 223-10.C.(2) of the Zoning Code.*

The Building Inspector’s New Determination then cites to Section 223-10.C.(2) of the Zoning Code to argue that since there will be “structural alterations that far exceed 25% of the building’s fair market value,” the previous non-conforming use is no longer permitted.<sup>6</sup>

While the New Determination does not provide any support for the finding that the cost of reconstruction cost would exceed 25% of the building’s fair market value, making such a determination arbitrary, we would further highlight that Section 223-10.C.(2) specifically regulates structural “alterations.” The Zoning Code defines “alter” as:

*To change, enlarge or rearrange the structural parts or the exit facilities of a structure or to move a building from one location or position to another.*

Accordingly, the footprint of the reconstructed home will be approximately the same as the previously demolished building and the reconstruction does not comprise an “alteration” triggering this provision of the Zoning Code. This is in comparison to a “reconstruction,” which is referenced at Section 223-10.(D) of the Zoning Code, and which is defined by Black’s Law Dictionary (11<sup>th</sup> ed. 2019) as:

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<sup>5</sup> Section 223-10.(C).(4) of the Zoning Code reads: “If any nonconforming use of a building ceases for any reason for a continuous period of more than one year or is changed to a conforming use or if the building in or on which such use is conducted or maintained is moved for any distance whatever for any reason, then any future use of such building shall be in conformity with the standards specified by this chapter for the district in which such building is located.” Compare the above-referenced cases to Two Wheel Corp. v. Fagiola, 96 A.D.2d 1098 (2d Dep’t 1983) (where a zoning ordinance provides for the discontinuance of a right of non-conforming use after six months of nonuse, the intent of the landowner with respect to abandonment is irrelevant).

<sup>6</sup> Section 223-10.C.(2) of the Zoning Code provides that: “[s]uch nonconforming building shall not be structurally altered during its life to an extent greater than 25% of its fair market value, as determined by the City Tax Assessor, unless such alterations are required by law or by the provisions of Subsection H herein; provided, however, that such maintenance and repair work as is required to keep a nonconforming building or structure in sound condition shall be permitted and provided further that any such nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use at the time of the adoption of this chapter.”

*Reconstruct: To build (something) again after destruction, damage, or impairment.*

*Reconstruction: The act or process of rebuilding, re-creating, or reorganizing something.*

While the proposed reconstructed building will contain an approximately 625 square-foot rear addition, this is in conformance with the Building Permit approved in December and represents a *de minimis* change the footprint of the structure that was destroyed. Furthermore, in other contexts, such as the State Environmental Quality Review Act (“SEQRA”), the term “reconstruction” has been determined not to require replacement in-kind of the original building.<sup>7</sup>

It is also noted that Building Permit No. 2022-0354, which was issued in December for proposed renovations and the addition, at the time did not prevent the continued use as multi-family or SRO. Furthermore, reading Section 223-10.C.(2) plainly indicates that “maintenance and repair work” is permitted, as is proposed here. It should also be highlighted that the proposed reduction from 16 to 9 units reduces the non-conformity of the premises, which is permitted under Section 223-10.(C).3 of the Zoning Code:

*A nonconforming use of a building may be changed only to a use of less nonconformity, as determined by the Board of Appeals.<sup>8</sup>*

As a result of the above, the proposed improvement here is a reconstruction that reduces an existing non-conformity – not a structural alteration - and is therefore permitted under the Zoning Code.

C. *The Continued Use of the Premises as a Legal Non-Conforming Multi-family or SRO Use is Permitted Under Section 223-10.D of the Zoning Code.*

In the Original and New Determinations, the Building Inspector also cites to Section 223-10.D of the Zoning Code to argue that the continued use is no longer permitted due to the destruction of the building.<sup>9</sup> As is more fully detailed in the Applicant’s March 20<sup>th</sup> Letter and hereby incorporated

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<sup>7</sup> See Inc. Vill. of Munsey Park v. Manhasset-Lakeville Water District, 2017 WL 2126350 (2d Dep’t 2017); see also SEQRA Handbook, which states in regard to 6 NYCRR 617.5(c)(2) that: “[r]eplacement in kind refers to function, size and footprint. Stick-for-stick replacement is not needed to qualify as replacement in kind....”

<sup>8</sup> The Board has the authority to approve a reduction in the intensity of a non-conforming use, as advised by the Building Department previously (see an example of such a determination for 53 Eliza Street enclosed at **Exhibit C**).

<sup>9</sup> Section 210-23.D of the Zoning Code reads: “Restoration of damaged buildings. If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is

by reference, this section of the Zoning Code is irrelevant to the continued use in the instant matter. Zoning Code Section 223-10.D states in relevant part that:

“[i]f any **nonconforming building** shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made **unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located...**” (emphasis added).

A plain reading of the above section – construing any ambiguity in the Applicant’s favor, as required – confirms that this provision refers to the building conforming to the now in-effect *bulk regulations*, but makes no mention of not permitting *the use* to continue where the structure itself complies with the bulk regulations for the current zoning classification.<sup>10</sup> This conclusion is reinforced by the fact that this section of the Zoning Code specifically concerns “restoration of damaged buildings.” A plain reading of this provision provides that where the destruction is more than fifty percent (50%), as is the case here, the repaired or reconstructed building would merely need to comply with the dimensional bulk regulations, but that by no means revokes the *use*. As stated in the Applicant’s March 20<sup>th</sup> Letter, the Applicant is merely proposing to restore the damaged building that was damaged by a tenant who we understand admitted to destroying the building. From a policy standpoint, someone else burning down someone’s building because they don’t like the use, shouldn’t then impact the use of the property – doing so would set a very dangerous precedent if one is trying to “get rid of” of a non-conforming use(s) that they might not like by destroying/damaging it, as is the very unfortunate and unique case here. Consequently, the instant request for an interpretation is by no means, precedential, and is unique to this set of facts.

## II. IN THE ALTERNATIVE, THE APPLICANT REQUESTS AREA VARIANCE APPROVAL:

### A. In the Alternative, the Applicant Requests Approval for an Area Variance to Permit Reconstruction of the Structure.

As set forth above, it is the Applicant’s position that no Area Variance is required as the multi-family or SRO use is a legal non-conforming use that has not been removed or extinguished. Indeed, as detailed herein, the Applicant already received Building Permit No. 2022-0354, which permitted renovations to the building to convert 16 existing units to 9 units – without variances – for the project that the Applicant now simply proposes to reconstruct. However, if this Board determines that a variance is required here, the Applicant respectfully requests Area Variance approval to permit reconstruction of a structure containing what we understand to be a non-conforming use that had been destroyed down to the foundation that remains (at or nearly 100% destroyed), in lieu of the reconstruction limits of a “removal,” a 25% market value cap, and a 50% destruction cap articulated under Sections 223-10.C.(5), 223-10.C.(2), and 223-10.D. of the Zoning Code,

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*diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.”*

<sup>10</sup> Note: Neither the Building Inspector’s Original Determination nor the New Determination reference the need for a height variance to permit the proposed height for the reconstructed building. Notwithstanding, the Applicant will not be increasing the height beyond that which existed, and the Applicant seeks a clarification from the Building Inspector on this point.



respectively.<sup>11</sup>

The Application complies with the Area Variance criteria established under Section 81-b(4) of the General City Law and Section 223-55.C.2. of the Zoning Code, as articulated in the Applicant's March 20<sup>th</sup> letter to this Board. In undertaking this analysis, the Board shall consider the benefit granted to the Applicant as weighed against the welfare of the surrounding neighborhood.

The Applicant refers to all of the arguments it made in favor of the requested Area Variance in its March 20<sup>th</sup> Letter, and incorporates them herein by reference. These arguments are summarized briefly below for the Board's benefit, and expanded on where appropriate.

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.*

The proposal will not result in a negative change to the character of the neighborhood, as a result of the following findings:

- There is a long history of the use of the Premises as a multi-family use, since at least 1965 – which will be continued;
- There is a multi-family or SRO structure located immediately across the street at 916 Wolcott Avenue, and two-family uses abound in the proximate neighborhood; and
- The proposal involves the reduction in an existing non-conformity from 16 units to 9 units.

In addition to the arguments above, there are other multi-family structures and uses in operation or under construction nearby, including, according to the Applicant's understanding, at 895 Wolcott Avenue and Forrestal Heights (Beacon Housing Authority with 100+/- units), and along Creek Drive. Based on the above, in no way will the granting of an Area Variance detrimentally impact the surrounding neighborhood or nearby properties, as this long-time use has become an essential part of the character of the neighborhood, and the same use is located directly across the street.<sup>12</sup>

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<sup>11</sup> See Bobandal Realties, Inc. v Worthington, 21 A.D.2d 784 (2d Dep't 1964) (holding that variances can be considered for proposed construction in excess of reconstruction caps).

<sup>12</sup> See Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, 21 Misc.3d 1120(A) at \*4 (Sup. Ct. Steuben Cty. 2007, aff'd 4<sup>th</sup> Dep't 2007) ("While the work the Town has put into its plan is commendable, denying area variances based upon what a municipality hopes the neighborhood will be like in some distant future is an impermissible restriction on the use of property not intended by the applicable statute and is contrary to case law. Courts have consistently placed great reliance on the effect that the granting of an area variance would have on the character of the neighborhood, and the analysis has always been to determine whether the plan sought to be implemented by the area variance is out of character with the existing scheme of development").



*Image 1: Multi-family uses are commonly found throughout the neighborhood.*

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.*

As also noted in the Applicant’s March 20<sup>th</sup> Letter, if the Area Variance is not granted, the structure cannot be rebuilt, significantly reducing the number of housing units available in the neighborhood and putting further pressure on the City’s affordable housing stock and availability. This is in direct contravention of the goals in the City’s Comprehensive Plan and the City Council’s current and long-standing objectives to provide more affordable housing options within the City of Beacon, as referenced above. There is no other viable alternative available.

3. *Whether the requested Area Variance is substantial.*

As stated in the Applicant’s March 20<sup>th</sup> Letter, this request is not substantial as it is merely a request to construct the building already existed on the Premises and to continue the use thereon. Furthermore, substantiality is assessed by the impact of the grant of the Area Variance on the neighborhood. As indicated, there is a 12-unit multi-family structure located across the street from the Premises at 916 Wolcott Avenue. Additional multi-family units are located or under construction at 895 Wolcott Avenue and Forrestal Heights, as well as along Creek Drive. The



reconstruction will align with the approximate footprint and height of the destroyed structure, with the exception of a *de minimis* 625-square foot addition at the rear of the structure. As a result, the requested variance is not substantial.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental considerations in the neighborhood or district.*

The granting of the Area Variance will not adversely affect the environment of the neighborhood or of the R1-10 Zoning District, as the intensity of the long-established use is being decreased from 16 to 9 units. Moreover, it is noted that such reconstruction is considered a Type II Action under SEQRA.<sup>13</sup>

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.*

As highlighted in the Applicant’s March 20<sup>th</sup> Letter, the need for the Area Variance was not self-created; nevertheless, the question of self-creation is not determinative for requests for Area Variances.<sup>14</sup>

Pursuant to Section 81-b(4) of the General City Law and Section 223-55.C.(2) of the Zoning Code, the Area Variance requested is the minimum variance necessary – it will merely allow the reconstruction of a formerly existing multi-family or SRO use, and there will be no change in the character of the community.<sup>15</sup>

**III. IN THE SECOND ALTERNATIVE, THE APPLICANT REQUESTS USE VARIANCE APPROVAL:**

- A. *In the Second Alternative, the Applicant Requests Use Variance Approval to the Permit Multi-Family or SRO Use that Existed on the Premises to Continue as Approved by Building Permit No. 2022-0354.*

In the second alternative, the Applicant requests the issuance of a Use Variance in order to permit the continued use of the long-established multi-family or SRO use found on the Premises. As noted below, this request complies with the relevant criteria listed under General City Law Section 81-b(3) and Zoning Code Section 223-55.c.(1). The arguments stated in the Applicant’s March 20<sup>th</sup> Letter, which are incorporated herein by reference, are also summarized (and expanded as necessary) below for the Board’s consideration and ease of review.

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<sup>13</sup> See 6 NYCRR Part 617.5(c)(2): “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes....”

<sup>14</sup> See Millpond Management, Inc. v. Town of Ulster Zoning Bd. of Appeals, 42 A.D.3d 804, 805 (3d Dep’t 2007).

<sup>15</sup> Note: Furthermore, while the Applicant awaits the determination of the Building Inspector as to if a height variance is required, the Applicant would like to note again that there will be no detrimental impact from the proposed height of the reconstructed building – as the building will be rebuilt to a roof line that has existed since at least 1965.

1. *The Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.*

The Applicant purchased the Premises in July of 2022 with the intention of continuing the multi-family or SRO use as permitted. As illustrated in the enclosed Zoning Feasibility Analysis (the “Financial Analysis”) prepared by Hudson Property Advisors, LLC (*see* enclosed at **Exhibit D**), the Applicant purchased the property with an appraised monthly income of approximately \$20,333. Moreover, as is also illustrated in the Financial Analysis, while the total number of existing non-conforming units will be reduced from 16 units to 9 units, the Applicant expects the income from the 9-unit building to be approximately \$17,550. If instead the Applicant were to construct and lease a single-family home on the Premises, which is the only permitted residential use on the Premises under the existing zoning classification notwithstanding the existing non-conforming use that was on the Premises, the Financial Analysis shows the monthly income of approximately \$2,400 to \$3,800 a month – representing a significant and not viable reduction in the Applicant’s reasonably expected return. Moreover, this Financial Analysis reflects that the 9 dwelling units proposed (and previously approved by Building Permit No. 2022-0354) represents the minimum variance relief necessary, as less than 9 units would represent a further drop below the monthly income established in the Appraisal Report received when the Applicant purchased the property. Any further reduction in the number of units and related drop in income would make use of the property unfeasible.

It is stated in the Financial Analysis that a single-family home in other areas of the City can only be expected to sell upwards of \$1,200,000, representing a substantial lack of return for the Applicant, as when the Applicant purchased the structure, its appraised value was \$1,700,000.

It is further emphasized that no reasonable return will be realized from the other very limited by-right permitted uses in the R1-10 Zoning District, including parks, preserves, and community gardens; and places of worship/religious facilities. Moreover, short-term rentals are not a realistic use as the Applicant will not be residing on the Premises and intends to provide long-term housing options for residents in the City of Beacon.

2. *The hardship is unique and does not apply to a substantial portion of the district or neighborhood.*

As stated in its March 20<sup>th</sup> Letter, the Applicant’s hardship is very unique. Not only did the Applicant already receive a Building Permit to construct what the Applicant seeks to reconstruct herein, but the Applicant’s former tenant burned down the structure on the Premises. This very unique act of another is one that hopefully will not be replicated elsewhere. At the same time, the arson committed by the former tenant placed additional burdens on the City’s housing market and has also placed the Applicant in the position of requiring the instant review by the ZBA.

As is detailed herein, it is noted that the Applicant’s multi-family or SRO use existed at least by 1965, which precedes the City’s enactment of its Zoning Code in 1977. The shift in the character of the area under the regulations of the 1977 Zoning Code, which post-dated the establishment of the use of the Premises, created the hardship. Furthermore, under New York Law the concept of “uniqueness” does not require property that is the subject of a Use Variance application to be the



only property which suffers from a particular hardship.<sup>16</sup> Nevertheless, for the reasons set forth herein, the hardship involved herein is *very* unique and does not apply to a substantial portion of the district or neighborhood.

3. *The variance will not alter the essential character of the neighborhood.*

As articulated previously, a multi-family or SRO boarding house structure has been on the Premises since at least 1965, and multi-family buildings exist or are under construction at 916 Wolcott Avenue (an existing boarding house), 895 Wolcott Avenue, Forrestal Heights and along Creek Drive/in the immediate vicinity of the Premises, as illustrated in Image 1 above. The continued existence of this multi-family or SRO use on the Premises will in no way alter the character of the neighborhood, and the Applicant's previously-approved proposal would indeed reduce the existing legal non-conformity on the Premises.

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

The Applicant's burden was not self-created as the structure on the Premises was burned down by a tenant and the use was legal existing non-conforming – with a valid Building Permit to construct what the Applicant is trying to reconstruct at this time. If such relief is deemed necessary, the issuance of a Use Variance merely allows the continued – and reduced in non-conformities – use that has been in operation on the Premises for decades and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.<sup>17</sup> Moreover, the multi-family use reflects the growing trend in the immediate neighborhood, invalidating any argument that this burden is self-created.<sup>18</sup>

**CONCLUSION AND LIST OF ENCLOSURES:**

For the reasons set forth above, and as will be discussed at the public hearing on the Application, the Applicant requests that an interpretation be granted confirming that the *use* of the above-referenced Premises may be continued as a legal non-conforming multi-family or SRO use. In the alternative, the Applicant requests the above-referenced Area and or Use Variances.

As is noted herein and in the Applicant's March 20, 2023 submission to this Board, the instant application and for the Applicant's proposal to reconstruct the building in-kind and pursuant to

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<sup>16</sup> See Rothenberg v. Board of Zoning Appeals, 232 A.D.2d 568 (2d Dep't 1996) (the Court upheld a use variance for a commercial use in a residential zone, even though other properties in the area shared some of the difficulties).

<sup>17</sup> See 54 Marion Avenue, LLC v. City of Saratoga Springs, 162 A.D.3d 1341 (3d Dep't 2018) (when considering the hardship factor, the Court has looked to the shift in character that rendered the only presently permitted use onerous and obsolete, holding that "the need for a use variance only arose decades after the property was acquired due to a gradual shift in the character of the area that rendered the permitted residential use onerously and obsolete, petitioners sufficiently allege that the hardship identified by them was not self-created").

<sup>18</sup> See Siano v. City of Saratoga Springs Zoning Bd. of Appeals, 21 Misc.3d 115(A) (Sup. Ct. Saratoga Cty. 2006) (noting that a hardship is not self-created when the character of a neighborhood continues to shift).



May 19, 2023  
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Building Permit No. 2022-0354, is considered a Type II Action under SEQRA.<sup>19</sup> Notwithstanding, a Short Environmental Assessment Form was submitted with the Applicant's March 20<sup>th</sup> Letter.

Enclosed with this submission, please find five (5) copies of the following documents:

- Exhibit A:** Original Determination from Building Inspector, dated January 19, 2023;
- Exhibit B:** New Determination from Building Inspector, dated March 20, 2023;
- Exhibit C:** Example of Guidance from City's Building Inspector that ZBA has Authority to Approve Reduction in Intensity of Non-Conforming Use;
- Exhibit D:** Financial Analysis entitled "Zoning Feasibility Analysis", prepared by Hudson Property Advisors, LLC, dated May 18, 2023; and
- Exhibit E:** Revised Zoning Board of Appeals Application Form (revised to reference Zoning Code Sections listed in New Determination).

For all of the reasons set forth herein and in the Applicant's March 20<sup>th</sup> Letter, and in the accompanying documents, it is respectfully submitted that this interpretation request, and in the alternative the requested variance relief, should be granted in its entirety.

In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

Taylor M. Palmer

cc:

Bruce Flower – City of Beacon Building Inspector  
Keane & Beane, P.C. – ZBA Attorney  
Maximillian R. Mahalek, Esq.  
925 Wolcott LLC

<sup>19</sup> See 6 NYCRR Pt. 617.5(C)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes...").

# Exhibit A

**From:** [Palmer, Taylor M.](#)  
**To:** [Palmer, Taylor M.](#)  
**Subject:** Yeshia Text  
**Date:** Friday, February 17, 2023 2:25:27 PM

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From: Bruce Flower <bflower@beaconny.gov>  
Sent: Thursday, January 19, 2023 9:57 AM  
To: david@niemotkoarchitects.com  
Subject: 925 Wolcott Ave

David,

After review of the City Code with the Zoning Board Attorney I was correct in my interpretation of the Zoning Code. When a non-conforming use in the city is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. To try to keep the nonconforming use on the property, either a change in district would have to be passed by the City Council or a Use Variance would need to be issued by the Zoning Board of Appeals. A Use Variance is very difficult to obtain and would probably be denied.

223-10 Non-conforming uses and structures

D. Restoration of damaged buildings. If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.

The parcel is located in the R1-10 Zoning District which will only allow a single family home to be constructed on the lot. This appears to be the property owners only option at this time.

If you have any questions feel free to contact me.

Bruce

Bruce Flower  
City of Beacon  
Building Department  
1 Municipal Plaza  
Beacon, NY 12508

Sent from my iPhone



# Exhibit B



**CITY OF BEACON**  
**New York**  
**Building Department**

*Bruce Flower*  
*Building Inspector*

845-838-5020  
*Email: bflower@beaconny.gov*

**MEMORANDUM**

**TO:** Taylor Palmer, Esq.  
Cuddy & Feder, LLP

**FROM:** Bruce Flower, Building Inspector  
City of Beacon

**RE:** 925 Wolcott Avenue  
Determination on the Continuation of the Nonconforming Use

**DATE:** March 20, 2023

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This memorandum sets forth my determination regarding the continuation of the nonconforming use at 925 Wolcott Avenue in response to your request, dated March 10, 2023 for a formal determination with respect to reconstructing the building at 925 Wolcott Avenue. It is my conclusion that the nonconforming use of the property shall not be permitted to continue in any new building on the lot.

**A. Facts**

The property located at 925 Wolcott Avenue, known and designated on the Tax Map of the City of Beacon as Parcel No. 5954-44-922633 (the “Property”), was improved with a three - story multi-family building with a gross floor area of approximately 4,136 square feet (the “Boardinghouse”). The building was constructed prior to 1965 and used as a boardinghouse/single room occupancy from that time. The Property is in the R1-10 Zoning District. Under current zoning, the only residential uses permitted in the R1-10 Zoning District are one-family detached dwellings. Therefore, the boardinghouse use constitutes a nonconforming use on the Property.

On January 3, 2023, the building was completely destroyed by fire started by a former tenant of the Property. Thereafter, with the consent of the Property owner, the walls of the house were demolished in order to give access to the Fire Department to completely extinguish the fire. Photographs depicting a) the building prior to the fire, b) the building after the fire, and c) the Property after the building was demolished, are attached hereto as Exhibits “B”, “C” and “D” respectively.

### **B. Relevant Provisions of the City Code**

A boardinghouse is defined in the City Code of the City of Beacon (the “City Code”) as “a dwelling occupied by one family with no more than two boarders, roomers or lodgers in the same household, who are lodged with or without meals, and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants.” City Code § 223-63{23}. Boardinghouses are not permitted anywhere in the City of Beacon, as such, the previous use of the Property as a boardinghouse is considered a nonconforming use. At the time of the fire on January 3, 2023, there were eight (9) separate rooms for boarders.

A nonconforming use is defined as “a use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use existed and was lawful under this chapter at the time the use was established.” City Code § 223-63{113}.

Under City Code § 223-7, “no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or any manner, except in conformity with all regulations, requirements and restrictions specified in [Chapter 223] for the district in which such building or land is located.” Pursuant to this Section, all buildings constructed on the Property must comply with the dimensional and use regulations set forth in the City Code. This Section prohibits construction of a multi-family building in the R1-10 Zoning District as such use does not comply with the regulations of the City Code. The Building Inspector is further prohibited from issuing a certificate of occupancy for any building that is not in complete conforming with the provisions of the City’s Zoning Code pursuant to City Code §§ 223-49 and 223-42.

Except as provided for in City Code §§ 223-10.C and D, the City Code allows the nonconforming use of certain structures to continue even though such use does not conform to the use provisions of Chapter 223 of the City Code. A copy of City Code § 223-10 is attached hereto as Exhibit “E.” Specifically under City Code § 223-10.C(5), the nonconforming use of a building or structure may be continued provided that “if any building in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of any land on which such building was located, and the subsequent use of any building thereon, shall be in conformity with the standards specified in [Chapter 223] for the district in which such land or building is located.” In this case, the building in which the nonconforming boardinghouse use was conducted was completely destroyed and no usable portion of the building exists. Therefore, as the building no longer exists on the Property, the nonconforming use is prohibited from continuing pursuant to City Code § 223-10.C(5).

In addition, City Code § 223-10.C(2) provides that the nonconforming use of a building or structure may be continued, provided that “such nonconforming building shall not be structurally altered during its life to an extent greater than 25% of its fair market value.” Since the building has been completely destroyed, reconstruction of the building (which as noted above, has been removed), would violate this Section of the City Code. Reconstruction of the building would require structural alterations to an extent greater than 25% of its fair market value.

In making this determination my office has also relied upon City Code § 223-10.D. This Section specifically provides that “if any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all regulations of [Chapter 223] for the district in which it is located.” This Section goes on to state that “where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued...” The second sentence clearly refers to use, and as a nonconforming use can only continue if less than 50% of the building is destroyed, nonconforming uses cannot continue if the building is destroyed by more than 50%. No one can credibly contend this building was not destroyed less than 50%.

It is my understanding that the City has previously relied upon this Section in similar situations where nonconforming uses have been destroyed or damaged beyond 50% (specifically multifamily uses destroyed in fires) and has interpreted this provision of the Code to apply to buildings that are either dimensionally nonconforming or used for a nonconforming use. When any such building is destroyed or damaged by more than 50%, the nonconforming building and/or use cannot be reestablished. Any new building constructed must conform to all use and dimensional regulations set forth in the City Code.

### **C. Findings**

#### **1. City Code § 223-10.C(5)**

The building in which the nonconforming use was conducted is deemed to have been removed as of January 3, 2023. The building was completely destroyed by a fire and as a result the unstable walls were required to be demolished under the New York State Building Code to address health and safety concerns. Notwithstanding that the building was damaged by arson and required to be demolished under State law, I find that the building was removed as a result of the fire and demolition work and no reusable portion of the building exists. Subsequent use of the land must be in conformity with the standards specified in Chapter 223 for the R1-10 Zoning District. As such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(5).

#### **2. City Code § 223-10.C(2)**

Any reconstruction of the building will result in structural alterations that far exceed 25% of the building’s fair market value. A new building will need to be erected on the Property, as such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(2).

### 3. City Code § 223-10.D

The City has consistently relied upon City Code § 223-10.D to prohibit the continuation of a nonconforming use after severe damage. When a non-conforming use in the City is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. This Section is clear that a nonconforming use shall only be permitted to continue where destruction of such nonconforming building is less than 50%. In this case, the building was completely destroyed by a fire and the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.D.

#### **D. Conclusion**

After review of the City Code, I have determined that that any new structure on the Property shall be required to conform to the dimensional and use regulations set forth in the City Code for the R1-10 Zoning District. The Property owner is prohibited from re-establishing the boardinghouse use on the Property.

# Exhibit C

City of Beacon  
One Municipal Plaza - Suite 1  
Beacon, New York 12508

*Building Department*

August 26, 1998

RECEIVED  
AUG 28 1998

P & D Electric of Hudson Valley, Inc.  
Attention: Ed Pietrowski, President  
53 Eliza Street  
Beacon, New York 12508

RE: 53 Eliza Street  
Grid #30-6054-29-031870-00

Dear Ed:

I am in receipt of your letter dated August 14, 1998 questioning the legal use of the referenced property. The existing use of office and storage for a contractor is considered to be a pre-existing, legal, non-conforming use which may continue provided it is not discontinued for any reason for a continuous period of one year. Non-conforming uses can only be changed to a use less non-conforming as determined by the Zoning Board of Appeals. Therefore, any proposed change in the nature of the use of the building would require an appearance before the Zoning Board of Appeals. Since your intentions are to move your offices and storage for your electrical contracting business in the building, approval from the Zoning Board of Appeals will not be necessary since there is no change in the use of the building.

As previously discussed, the property maintenance in the past has been less than desirable. We will closely monitor the property for compliance with the various sections of the City of Beacon Code of Ordinances. I do understand that it is your intention to clean up the property, remove the debris and maintain it in a neat and orderly fashion. If you have any further questions regarding this issue, I can be reached at 838-5020.

Sincerely,  
*Timothy P. Dexter*  
Timothy P. Dexter, CPCA  
Building Inspector

TPD:eg

# Exhibit D



# ZONING FEASIBILITY ANALYSIS

---

Project Site: 925 Wolcott Avenue  
City of Beacon  
Dutchess County, New York

Submitted: 925 Wolcott LLC  
c/o Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, New York 10601

Prepared by: Hudson Property Advisors, LLC

Date of Report: May 18, 2023

*HPA File No.* 2023.04019

# HUDSON PROPERTY ADVISORS, LLC

★ ★ ★ ★ ★

10 SOUTH MOGER AVENUE, MOUNT KISCO, NEW YORK 10549

WWW.HUDSONPROPERTYADVISORS.COM

In accordance the request of 925 Wolcott LLC, represented by Cuddy & Feder, LLP, Hudson Property Advisors conducted an on-site physical inspection of the Project Site, conducted market data research, obtained information from the property owner, their engineer, architect and/or and other experts and performed the necessary analysis which enabled us to provide an opinion of the economic viability of various uses for the Project Site in connection with a zoning related matter. Findings contained herein are based, in part, on information provided by the owner as well as other sources deemed reliable, however, no warranty or representation is made to the accuracy thereof and same is submitted subject to errors, omissions and other conditions including those included in, but not necessarily limited to, the Underlying Assumptions and Contingent Conditions section of the Addendum. This report is not an appraisal of real property, nor should it be construed as such. No real estate appraisal services are provided herein and no opinion of market value (or market rent) is offered herein.

This feasibility analysis includes the following sections:

1. Introduction.
2. Methodology.
3. Property History.
4. Location description.
5. Project Site - Existing Conditions.
6. Project Site – Proposed Action
7. Principal Permitted Uses “R1-10” zoning district.
8. Description of Permitted Use Scenarios.
9. Economic Viability based on Sales.
10. Economic Viability based on Rentals.
11. Analysis of Economic Viability – Permitted Principal Uses.
12. Conclusion.

In addition, within the addendum are the following:

1. Property plot plan;
2. Portion of zoning map;
3. Deed;
4. Demolition cost estimate;
5. Definitions of some common terms;
6. Assumptions and limiting conditions.

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## 1. Introduction

The Project Site is known as 925 Wolcott Avenue in the City of Beacon, Dutchess County, NY. The Project Site is municipally identified on the official maps and rolls of the City of Beacon as Grid No. 130200-5954-44-922633-0000 (“5954-44-922633”).

The Project Site consists of a 0.41± acre parcel of land which had long been improved with a three-story frame structure that was used as a 16-unit multi-family SRO dwelling. The structure was destroyed by fire within the past year or so. Plans call for re-development of the property with a new SRO, nine-unit multi-family building (with each unit having a bathroom and kitchenette).

The property is situated within a district designated “R1-10 One-Family Residence District, 10,000 square feet per dwelling unit” by the City of Beacon which does not permit this use. The Applicant is seeking a use variance for the legalization of its construction.

The analysis contained herein demonstrates the lack of economic viability that would be provided to the Project Site based on the Principal Permitted Uses allowed in the “R1-10 One-Family Residence District, 10,000 square feet per dwelling unit” zoning district (hereinafter referred to as “R1-10 District”). The analysis assumes that the prior existing use (as a 16-unit multi-family SRO dwelling) is economically viable if allowed to continue under a zoning variance; this analysis also assumes that the proposed use (as a nine-unit multi-family SRO dwelling) will be economically viable if allowed continue under a zoning variance.

Our analysis is made as of the date of our physical inspection of the Project Site, May 15, 2023. As indicated in the statement of underlying assumptions and contingent conditions appearing at the end of this report, this analysis is predicated on the assumption that the Project Site is free of asbestos, and is unimpaired by contamination or contamination related issues. We do not have the expertise to recognize such conditions. It is the responsibility of the client to retain other experts who have training and experience in ascertaining the existence of these substances.

This report includes the following sections:

1. Introduction.
2. Location Description.
3. Property History.
4. Methodology.
5. Project Site - Existing Conditions.

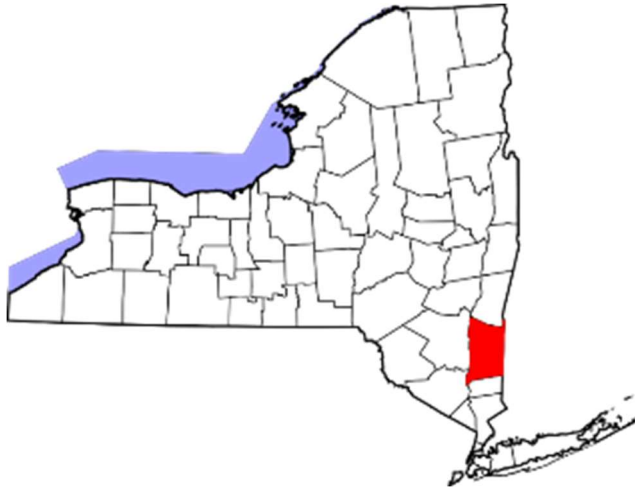
6. Project Site – Proposed Action.
7. Principal Permitted Uses “R1-10 One-Family Residence District, 10,000 square feet per dwelling unit” zoning district.
8. Principal Permitted Use Scenarios.
9. Economic Viability of Single-family Use based on market data research with respect to sales of recent sales of single-family homes in the area of the Project Site.
10. Economic Viability of Single-family Use based on market data research with respect to recent rentals of single-family homes in the area of the Project Site.
11. Conclusion of economic viability/financial feasibility of “As of Right” uses permitted in the “R1-10” zoning district.
12. Conclusion.

In addition, within the Addendum are the following:

1. Property Plot Plan Project Site.
2. Portion of City Zoning Map.
3. Deed to Project Site.
4. Definitions of some Common Terms.
5. Underlying Assumptions and Limiting Conditions.

## 2. Location

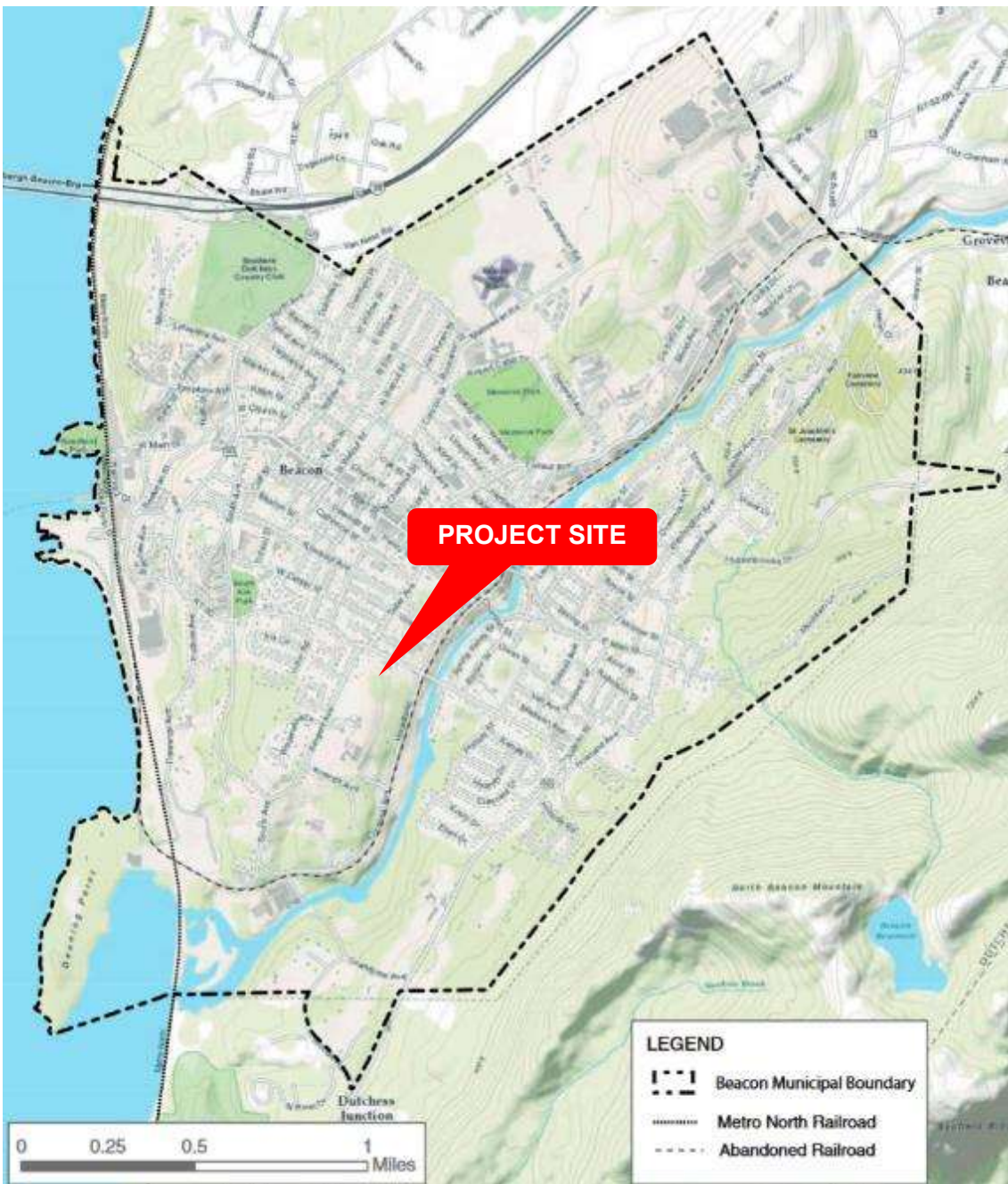
The Project Site is located in the City of Beacon in Dutchess County, NY. Dutchess County is considered part of the Hudson River Valley Region. The southwestern portion of Dutchess County has developed into a largely residential area with many residents commuting to New York City. The northern and eastern regions of the county remain rural with large tracts of working farmland, including many held as



investments. The Project site is situated in the central portion of the City of Beacon, several blocks southwest of Beacon's central business district. The Project Site is situated at the confluence of NY State Route 9D (known locally as Wolcott Avenue and Teller Avenue). NY State Route 9D is the main north/south roadway in the area; Teller Avenue is one of the main east/west roadways in the area. According to the NY State Department of Transportation, the AADT (Average Annualized Daily Traffic count) along the stretch of NY State Route 9D directly

south of the Project Site was 6,143 vehicles (estimated) and the count for the stretch immediately north of the Project Site was 6,680 vehicles (actual). The immediate neighborhood is primarily characterized by single-family residential land uses, including many which appear to have been constructed 75 or more years ago. A number of small scale (typically less than six ~ eight units or so) multi-family residences are also located in the nearby area. For example, 895 Wolcott Avenue, just two blocks south of the Project Site, contains seven apartments. Additional larger multi-family development is currently being developed near Fishkill Creek just a few blocks away. Other than being situated at the confluence of two main roads, with a relatively constant level of vehicular traffic, no apparent adverse impacts were observed in the area and the location is considered well-suited for residential land use.

**LOCATION MAP- CITY OF BEACON**



Base Map Source:

City of Beacon Comprehensive Plan Update, Adopted April 3, 2017, prepared by BFJ Planning

Project Site: 925 Wolcott Avenue  
 City of Beacon, Dutchess County, New York  
 Grid No. 5954-44-922633



**TRAFFIC DATA MAP**





### 3. Property History

Below is a brief history of the recent history of the property.

Date	Description
July 2018	Ownership of the property was acquired by LAJ Beacon LLC by virtue of a certain deed dated July 18, 2018 which was recorded in the Dutchess County Clerk's Office, Division of Land Records in Deed Book 22018, Page 5433 of Deeds therein. The indicated purchase price was \$1,225,000. Additional property was included in that sale; a portfolio allocation was unavailable.
July 2022	<p>Ownership of the property was acquired by 925 Wolcott, LLC from LAJ Beacon LLC by virtue of a certain deed dated July 13, 2022 which was recorded in the Dutchess County Clerk's Office, Division of Land Records as Deed Document # 02 2022 52712 of deeds therein. Although the indicated purchase price was \$650,000, the current owner reported that the purchase price was not indicative of market value at the time of sale. First, the property was acquired in an off-market transaction (it was not exposed to the open market). Second, the acquisition was part of a portfolio (a package of three properties) and the price represented an allocation between three properties. Third, and perhaps most importantly, ownership reported that there was a "complication" between the three partners who were selling the portfolio. This complication included the fact that one of the partners (the largest equity investor) had obtained their acquisition funding from a family member who wanted to be paid back and the partner was very desperate to sell the property. Overall, the lack of exposure to the open market, distress nature of the sale and the fact that the sale represented a package price indicate that the sale does not meet the definition of an arm's length transaction. As a result, the purchase price can not be considered a valid indication of market value.</p> <p>At the time of purchase, the acquisition/construction was financed with a \$585,000 acquisition loan and a \$485,000 construction loan from Wisdom Funding USA LLC.</p> <p>The purchaser (current owner) submitted a plan to the Building Department to conduct a full gut renovation which would have converted the building into nine rental apartments. A Building Permit was issued on December 12, 2022.</p>
January 3, 2023	The building suffered a fire which was caused by arson and resulted in a complete loss.

## 4. Methodology

The analysis contained herein evaluates economic viability that would be provided to the Project Site if developed with the Principal Permitted Uses allowed in the “R1-10 One-Family Residence” (“R1-10 District”) zoning district and compares that potential to the economic viability of the prior use.

In order to accomplish this objective, market data with respect to sales of detached single-family homes in the vicinity was researched and analyzed and the results are compared to indications of property value<sup>1</sup> at the time of its fairly recent acquisition.

This report focuses on the economic viability of single-family detached residential use and compares the viability of that use to the previous (SRO) use. The Client requested that market data research with respect to recent sales of single-family homes in the area is conducted for the purpose of demonstrating recent pricing levels for this property type in this particular sub-market. In addition, the Client also requested that market data research with respect to rentals of single-family homes in the sub-market area be conducted for the purpose of comparing that potential income to the income that was generated by the improvements that had previously been on the property.

The comparisons described above demonstrate the economic viability (or lack thereof) that would be provided to the Project Site if developed with the Principal Permitted Uses allowed in the “R1-10 One-Family Residence” zoning district and compares that viability to the previous multi-family use.

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<sup>1</sup> The term “indication(s) of value” used herein is used as common language; it is not used as such term is defined in the Dictionary of Real Estate Appraisal, a publication of the Appraisal Institute (i.e., a value derived from the Sales Comparison Approach).

## 5. Project Site – Existing Conditions

The Project Site is located at the southeast corner of Wolcott Avenue and Sargent Avenue. Known locally as Wolcott Avenue, this stretch of roadway is part of NY State Route 9D the main north/south roadway in the area. Opposite the Project Site is Teller Avenue, one of the main east / west roadways in the area. The Project Site is municipally identified by the City of Beacon as Grid No. 5954-44-922633. A legal description for the Project Site is included in the deed in the Addendum. The Project Site is located in a district designated “R1-10 One-Family Residence District, 10,000 square feet per dwelling unit” by the official Zoning Ordinance of the City of Beacon.

A plot plan<sup>2</sup> has been provided to us by the Client for purposes of analyzing and describing measurements of distance and area, location of lot lines, rights-of-way, etc.

According to the plot plan, the Project Site contains 17,085.5 square feet (0.41 acre) of land, with 122.00± feet of frontage along the west side of Wolcott Avenue and 146 feet of frontage along the south side of Sargent Avenue. The Project Site is irregular in shape (nearly rectangular). The topography within the Project Site, as observed at our inspection, indicates generally level land.

Wolcott Avenue, in the vicinity of the Project Site, is a two-way public street improved with macadam paving, a pedestrian sidewalk along the east side (opposite the Project Site), street lights and pavement markings. Wolcott Avenue in the immediate vicinity runs generally in a northwest/southeast course, with one lane of traffic in each direction; posted speed limit is 15 mph.

Sargent Avenue, in the vicinity of the Project Site, is a two-way public street improved with macadam paving and overhead street lighting. Sargent Avenue, in the immediate vicinity, runs generally in a northeast/southwest course, with one lane of traffic in each direction; posted speed limit is 15 mph.

No soils report was provided; we assume that the Project Site’s soils are adequate to support development. Public utilities in the vicinity and available to the Project Site include telephone, electric, water and sewer. Visibility of the site from fronting roads is available from both directions of vehicular traffic at the vicinity of the site.

Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by us. We have no knowledge of the existence of such

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<sup>2</sup> Map entitled “Plot Plan, Multi-family Building, 925 Wolcott Avenue, Beacon, NY, Parcel ID: 130200-5954-44-922633-0000,” prepared by David Niemotko, NY State Registered Architect, David Niemotko, Architects, dated March 17, 2023 (See Addendum).

materials on or in the Project Site. We, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the use of the property. The opinion(s) provided herein are predicated on the assumption that there is no such material on or in the property that would cause a loss in use or value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The Client is urged to retain an expert in this field, if desired.

The Project Site had previously been improved with a part one- and part three-story frame structure containing sixteen residential rental units used as a rooming house. The building was originally constructed in 1906, underwent renovations as recently as 2022 and contained a main section of 4,136 sq. ft. and a rear section (25' x 25') of 625 sq. ft., for a total of 4,761 square feet. The building was destroyed by fire January 3, 2023.

### TAX PARCEL MAP WITH AERIAL OVERLAY




Base MAP Source: *Dutchess County Parcel Access (GIS)*

Project Site: 925 Wolcott Avenue  
City of Beacon, Dutchess County, New York  
Grid No. 5954-44-922633





<b>Photographic Log</b>			
<b>Client Name:</b> Cuddy & Feder LLP		<b>Site Location:</b> 925 Wolcott Avenue City of Beacon, Dutchess County, New York Grid No. 5954-44-922633	<b>Project No.:</b> 2023.04019
<b>Photo No.:</b> 1	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Northwest			
Wolcott Avenue (NY State Route 9D) view northbound			

<b>Photo No.:</b> 2	<b>Date:</b> 5/15/2023		
Southeast			
<b>Description:</b> Wolcott Avenue (NY State Route 9D) view southbound (Project Site road frontage on right hand side of photo)			


<b>Photographic Log</b>			
<b>Client Name:</b> Cuddy & Feder LLP		<b>Site Location:</b> 925 Wolcott Avenue City of Beacon, Dutchess County, New York Grid No. 5954-44-922633	<b>Project No.:</b> 2023.04019
<b>Photo No.:</b> 3	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Northeast			
<b>Description:</b> Sargent Avenue facing toward Wolcott Avenue			


<b>Photo No.:</b> 4	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Southwest			
<b>Description:</b> Sargent Avenue facing southwest (Project Site's Sargent Avenue road frontage shown on left hand side of photo)			

<b>Photographic Log</b>			
<b>Client Name:</b> Cuddy & Feder LLP		<b>Site Location:</b> 925 Wolcott Avenue City of Beacon, Dutchess County, New York Grid No. 5954-44-922633	<b>Project No.:</b> 2023.04019
<b>Photo No.:</b> 5	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Southeast			
<b>Description:</b> Northerly portion of Project site (at corner of Sargent Avenue and Wolcott Avenue).			

<b>Photo No.:</b> 6	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> West			
<b>Description:</b> View of driveway entrance to Project Site and road frontage along Wolcott Avenue (NY State Route 9D).			



<b>Photographic Log</b>			
<b>Client Name:</b> Cuddy & Feder LLP		<b>Site Location:</b> 925 Wolcott Avenue City of Beacon, Dutchess County, New York Grid No. 5954-44-922633	<b>Project No.:</b> 2023.04019
<b>Photo No.:</b> 7	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Southwest			
<b>Description:</b> View of Project Site (Wolcott Avenue/NY State Route 9D in foreground)			

<b>Photo No.:</b> 8	<b>Date:</b> 5/15/2023		
<b>Direction Photo Taken:</b> Northeast			
<b>Description:</b> View of Project Site (Sargent Avenue in foreground)			

## 6. Project Site – Proposed Action

The purchaser (current owner) submitted a plan to the City of Beacon Building Department to conduct a full gut renovation of the prior structure which would have converted the building into nine rental apartments. A Building Permit was issued on December 12, 2022. The Client provided us with a set of plans<sup>3</sup> illustrating the conversion to this use. The building was designed in a classic architectural style with ample fenestration, large front porch and a Mansard style roof.

Below is a front elevation for visual assistance.



### Front Elevation

Source:

David Niemotko, NY State Registered Architect, David Niemotko, Architects

<sup>3</sup> Plans entitled "Renovation of Existing House, 925 Wolcott Avenue, Beacon, NY," prepared by David Niemotko, NY State Registered Architect, David Niemotko, Architects, dated September 15, 2022, with subsequent revisions (See Addendum).

Plans called for a mix of four studio apartments and five one-bedroom apartments, each with kitchen and private bathroom. Proposed unit mix is shown in the following table:

***PROPOSED UNIT MIX (925 WOLCOTT AVENUE)***

Floor	Unit No.	Type	Bdrms	Bths
1	1	One-bdrm	1	1
1	2	One-bdrm	1	1
1	3	Studio	0	1
1	4	Studio	0	1
2	1	Studio	0	1
2	2	One-bdrm	1	1
2	3	Studio	1	1
3	1	One-bdrm	1	1
3	2	One-bdrm	1	1

## 7. Principal Permitted Uses, “R1-10” Zoning District

According to City of Beacon Zoning<sup>4</sup>, permitted uses for properties situated within The “R1-10 One-Family Residence” (“R1-10 District”) zoning district are as follows:

Permitted Uses by District	Reference Notes	All R1
<b>Residential</b>		
One-family detached dwelling		P
One-family attached/semidetached	Including townhouses	X
Two-family dwelling		X
Multifamily dwelling		X
Artist live/work space	Subject to § 223-14.2	X
<b>Retail/Office/Service</b>		
Retail, personal service, or bank		X
Office		X
Artist studio, art gallery/exhibit space		X
Funeral home		X
Commercial recreation, indoor		X
Auction gallery		X
Adult use	Subject to § 223-20.1	X
<b>Food/Lodging</b>		
Restaurant or coffee house		X
Bar/brew pub/microbrewery/microdistillery		X
Food preparation business		X
Short-term rental	Subject to § 223-26.5	P
Bed-and-breakfast	Subject to § 223-24.4	SP
Inn		X
Hotel	Subject to § 223-14.1	X
<b>Social/Community</b>		
Spa/fitness center/exercise studio		X
Day-care center		X
Park, preserve, community garden		P
Theater, concert or conference space		X
Museum		SP*
Place of worship/religious facility		P
Social club	Subject to § 223-24.2	SP

**Key**

- X = Use Not Permitted
- P = Permitted Use
- SP = Special Permit Use by Planning Board
- SP\* = Special Permit Use by City Council

Based on the regulations, the only allowable By-Right Permitted Uses for the subject are:

1. One-family detached dwelling;
2. Short-term rental;
3. Park, preserve, community garden;
4. Place of worship/religious facility.

<sup>4</sup> §223 Attachment 2, 223-17. City of Beacon Schedule of Use Regulations, [Added 6-15-2020 by L.L. No. 7-2020;1 amended 2-16-2021 by L.L. No. 2-2021; 9-19-2022 by L.L. No. 8-2022; 9-19-2022 by L.L. No. 9-2022]

## 8. Principal Permitted Use Scenarios

The “R1-10 One-Family Residence” zoning district allows the four uses cited previously. Since park, preserve, community garden uses are not considered for-profit land uses (they are not purchased for financial profitability) they will not be considered in this analysis.

Similarly, places of worship/religious facility uses are not considered for-profit land uses (they are not purchased for financial profitability) they will not be considered in this analysis. Short term rentals as per City code, are rentals of less than 30 consecutive days, and only for owner-occupied residences.

This report, therefore, focuses on the economic viability of single-family detached residential use and compares the viability of that use to the previous (SRO) use. The Client requested that we conduct market data research with respect to recent sales of single-family homes in the area for the purpose of demonstrating recent pricing levels for this property type in this particular sub-market.

## 9. Economic Viability of Single-family Use based on Sales Data

In order to test the financial feasibility/economic viability of the development under single-family use, market data with respect to sales of detached single-family homes was conducted. This research is compared to the implications of value provide by the Client’s prior appraisal. The research focused on sales of detached single-family homes that occurred over the past twelve months in the City of Beacon and contained between 2,000 and 5,000 square feet of living area and had lots ranging in size from 0.10 to 1.5 acres. Below is a summary of the 27 sales found.

### **SINGLE-FAMILY HOME SALES, BEACON, NY (PAST 12 MONTHS)**

Listing #	Address	BD	BA	Sq Ft	Yr Built	Acres	Price	Sold Date
6206856	37 N Elm Street	4	3 (3 0)	2,260	1900	0.15	\$340,000	2/27/2023
6186473	33 Lafayette Avenue	4	2 (2 0)	2,054	1950	0.32	\$450,000	8/17/2022
6169292	108 Spring Valley Street	4	3 (3 0)	2,440	1885	0.12	\$490,000	6/1/2022
6090912	0 Washington Avenue	3	3 (2 1)	2,000	2021	0.26	\$520,000	5/31/2022
6192482	49 Lafayette Avenue	4	2 (2 0)	2,470	1950	0.22	\$600,000	8/26/2022
6185995	387 Liberty Street	3	2 (2 0)	2,076	1880	0.23	\$600,000	8/9/2022
6171868	3 Ralph Street	3	2 (1 1)	2,373	1935	0.45	\$615,000	5/31/2022
6181379	17 Talbot Avenue	2	2 (2 0)	2,141	1970	0.26	\$625,721	6/22/2022
6207844	62 Spring Valley Street	4	4 (3 1)	2,072	1870	0.14	\$680,000	2/10/2023
6172773	42 Rende Drive	4	3 (2 1)	2,040	1970	0.23	\$706,000	5/31/2022
6198232	65 Dennings Avenue	4	3 (3 0)	2,734	2018	0.41	\$715,000	11/2/2022
6197971	14 W Willow Street	3	2 (2 0)	2,700	1939	0.23	\$725,000	10/11/2022
6169503	205 E Main Street	4	3 (3 0)	2,564	1900	0.22	\$727,000	6/24/2022
6173005	33 N Cedar Street	3	3 (3 0)	2,200	2004	0.14	\$747,500	6/10/2022
6183078	38 Lafayette Avenue	4	4 (3 1)	2,209	1892	0.11	\$835,000	7/1/2022
6169983	5 Dutchess Terrace	5	3 (3 0)	3,900	1920	0.29	\$835,000	5/24/2022
6198527	27 Willow Street	3	3 (2 1)	2,076	1880	0.11	\$840,000	10/27/2022
6186247	26 Slocum Road	4	4 (3 1)	4,807	2003	2.00	\$865,000	9/14/2022
6225562	21 Exeter Circle	4	5 (4 1)	4,200	2002	0.95	\$892,416	4/5/2023
6179542	8 Churchill Street	4	4 (3 1)	3,000	1869	0.17	\$945,000	8/18/2022
6165373	25 Riding Ridge Trail	4	3 (2 1)	3,047	2016	2.05	\$985,600	6/13/2022
6184551	1085 Wolcott Avenue	4	4 (2 2)	2,520	1914	1.80	\$1,050,000	8/12/2022
6183993	19 W Willow Street	5	3 (2 1)	2,400	2012	0.27	\$1,050,000	7/15/2022
6142786	82 Mountain Lane	3	3 (3 0)	3,200	1986	0.63	\$1,225,000	5/16/2022
6203690	55 S Brett Street	3	3 (2 1)	4,400	1900	0.39	\$1,250,000	12/5/2022
6183128	73 Teller Avenue	5	4 (3 1)	4,000	1881	0.29	\$1,250,000	7/14/2022
6182627	135 Sargent Avenue	3	3 (2 1)	3,063	2019	1.29	\$1,900,000	8/3/2022
<b>Survey Low</b>		<b>2</b>		<b>2,000</b>	<b>1869</b>	<b>0.11</b>	<b>\$340,000</b>	
<b>Survey High</b>		<b>5</b>		<b>4,807</b>	<b>2021</b>	<b>2.05</b>	<b>\$1,900,000</b>	
<b>Survey Average</b>		<b>3.7</b>		<b>2,776</b>	<b>1944</b>	<b>0.51</b>	<b>\$832,009</b>	
<b>Survey Median</b>		<b>4</b>		<b>2,470</b>	<b>1939</b>	<b>0.26</b>	<b>\$747,500</b>	

Data Source: Hudson Gateway Association of Realtors (HGAR)

The preceding data demonstrates average and median pricing of \$832,009 and \$747,500 respectively for the 27 sales. The data demonstrates that the vast majority of the market (over 80% of the sales found) ranged in sale price between \$600,000 and \$1,250,000.

The Client provided us with a copy of a real estate appraisal report<sup>5</sup> that was prepared as of May 16, 2022. A review of that appraisal (as such term is defined in the Uniform Standards of Appraisal Practice, USPAP) is beyond the scope of, and was not performed for, this assignment. As result, it is beyond the scope of this assignment to agree or disagree with the conclusion(s) reached therein. The conclusion reached in the Colliers appraisal report is taken at face value for comparison purposes. That appraisal report concluded at an “as-is” market value of \$1,700,000.

To test the economic viability of a detached single-family home use, the following implications are compared below:

Majority of market (House Sales)	\$600,000 ~ \$1,200,000
----------------------------------	-------------------------

Appraisal Report Value of original 16 unit building	\$1,700,000
---	-------------

A comparison of these implications demonstrates a relatively large discrepancy. This discrepancy is an indication of the lack of financial feasibility / economic viability of a detached single-family house use compared to the prior multi-family residential use. If building were to be erected that was smaller than the previous building, the construction cost may be lesser, but correspondingly the value of the property may fall under that listed in the Appraisal Report.

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<sup>5</sup> Appraisal report of 925 Wolcott Avenue, Beacon, New York, 12508, prepared by Colliers International Valuation and Advisory Services, Colliers File #JFK220556.

## 10. Economic Viability of Single-family Use based on Rental Data

In order to test the financial feasibility/economic viability of the development under single-family use, market data with respect to rentals of detached single-family homes was conducted. This research is compared to the implications of rental income provide by the Client’s prior appraisal. The research focused on rentals of detached single-family homes in the City of Beacon that occurred over the past twelve months in the city of Beacon. Below is a summary of the nine rentals found.

### **SINGLE-FAMILY HOME RENTALS, BEACON, NY (PAST 12 MONTHS)**

MLS#	Address	BR	Bth	Sq. ft.	Year Built	Style	Lot Size	Area	Date	Rent
6206298	17 N Brett Street Unit#A	2	1 (1 0)	600	1940	Bungalow	0.43		1/21/2023	\$2,100
6202480	51 N Elm Street	2	1 (1 0)	788	1929	Arts&Crafts, Bungalow	0.15		8/24/2022	\$2,200
6216231	5 N Elm Street Unit#B 1st Floor	1	1 (1 0)	1,358	1890	Contemporary, Other	0.06		12/9/2022	\$2,400
6206892	2 Spring Valley Street Unit#RH	3	1 (1 0)	950	1870	Cottage	0.27		4/26/2023	\$2,500
6205924	169 Verplanck Avenue	3	2 (1 1)	1,301	1880	Split Level	0.19		10/13/2022	\$2,800
6224750	1459 NY 9D Route	3	2 (2 0)	1,312	1927	Capecod	0.62		2/4/2023	\$2,950
6214051	95 E Main Street	5	2 (2 0)	2,000	1870	Two Story	0.06		10/10/2022	\$3,000
6236649	22 Helen Court	3	2 (1 1)	1,502	1989	Colonial	0.16		3/31/2023	\$3,300
6196404	5 Dewindt Street	3	2 (2 0)	1,276	1900	Capecod	0.13		7/18/2022	\$3,850
	<b>Survey Low</b>		<b>1</b>	<b>600</b>		<b>1870</b>		<b>0.06</b>		<b>\$2,100</b>
	<b>Survey High</b>		<b>5</b>	<b>2,000</b>		<b>1989</b>		<b>0.62</b>		<b>\$3,850</b>
	<b>Survey Average</b>		<b>3</b>	<b>1,232</b>		<b>1911</b>		<b>0.23</b>		<b>\$2,789</b>
	<b>Survey Median</b>		<b>3</b>	<b>1,301</b>		<b>1900</b>		<b>0.16</b>		<b>\$2,800</b>

Data Source: Hudson Gateway Association of Realtors (HGAR)

Note: Some of the rentals above are classified by HGAR as single-family homes but are actually homes that contain more than a single unit (i.e., two-family homes). For example, 51 N Elm Street has at least two units. While it is recognized that the sample size (nine rentals) is smaller than the sample size of the house sales, sufficient data exists to demonstrate a reasonable representation of the market for house rentals in the City.

The preceding data demonstrates rental pricing ranging from \$2,100 per month to \$3,850 per month, with average and median rentals of \$2,789 and \$2,800 per month respectively for the nine rentals found. The data demonstrates that the vast majority of the market (nearly 80% of the rentals found) ranged in rental price between \$2,400 and \$3,850 per month.



The Client provided us with a copy of a real estate appraisal report<sup>6</sup> that was prepared as of May 16, 2022. As mentioned earlier, a review of that appraisal (as such term is defined in the Uniform Standards of Appraisal Practice, USPAP) is beyond the scope of, and was not performed for, this assignment. As result, it is beyond the scope of this assignment to agree or disagree with the conclusion(s) reached therein. The conclusion reached in the Colliers appraisal report is taken at face value for comparison purposes. That appraisal report indicated a potential gross income of \$244,000 annually. This figure equates to \$20,333 per month.

As mentioned previously, the owner received a Building Permit on December 12, 2022 for conversion of the structure into nine rental apartments described earlier in this report. The owner has estimated a rent range of \$1,700-\$2,200 a month for the apartments , representing an estimated gross monthly income of approximately \$17,550

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<sup>6</sup> Appraisal report of 925 Wolcott Avenue, Beacon, New York, 12508, prepared by Colliers International Valuation and Advisory Services, Colliers File #JFK220556.

To test the economic viability of a detached single-family home use on a rental basis, the implications of gross rental income are compared below:

<u>Source</u>	<u>Gross Monthly Income</u>
Majority of Market (House Rentals)	\$2,400 ~ \$3,800 per month
Appraisal report (prior 16 unit building)	\$20,333 per month
Nine units (as per owner)	\$17,550 per month

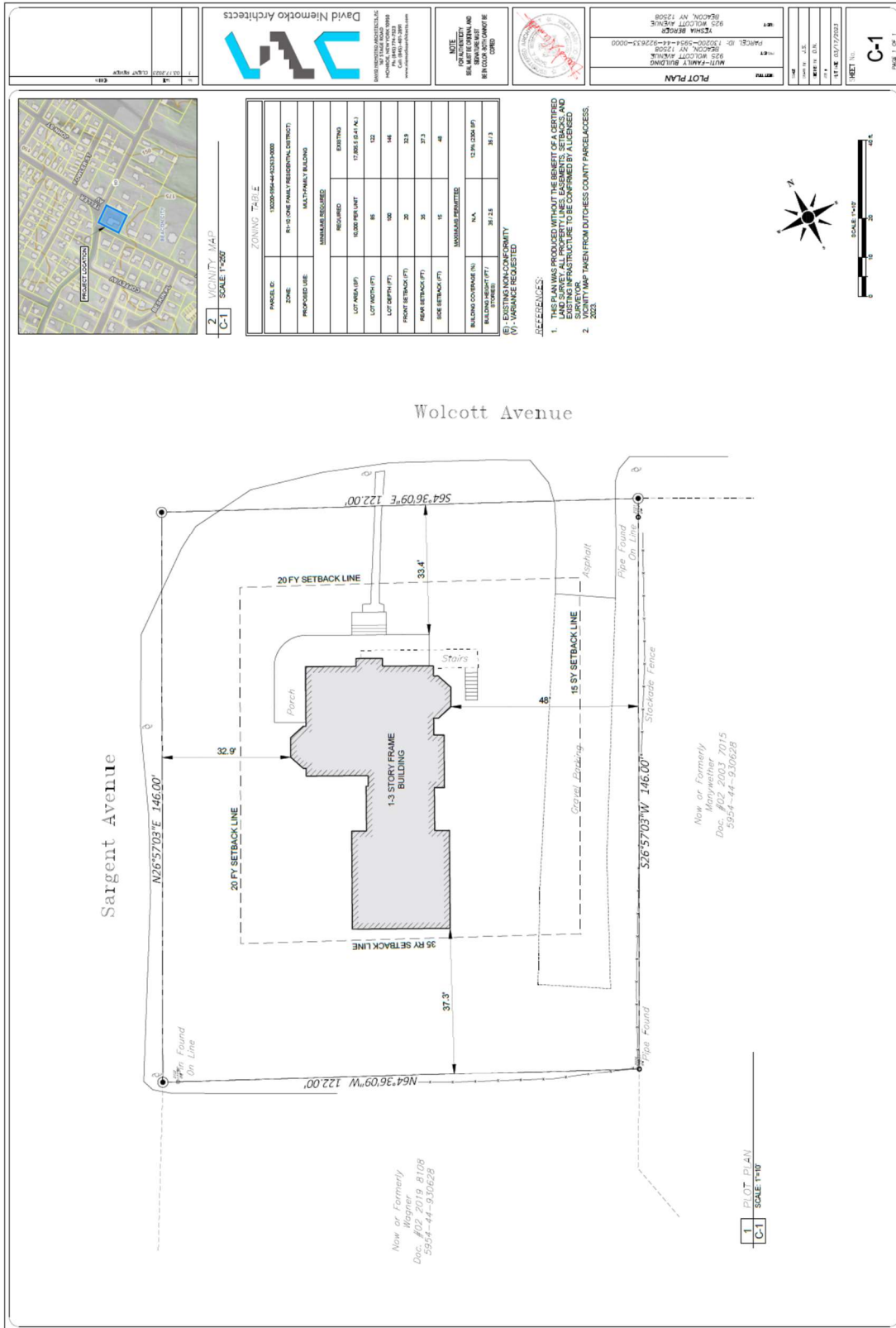
A comparison of the above implications demonstrates a relatively large discrepancy between single-family use and multi-family use for both the prior 16 unit building and the proposed nine unit building. This discrepancy is an indication of the lack of financial feasibility / economic viability of a detached single-family house use compared to the prior multi-family residential use on a rental basis.

## 11. Conclusion

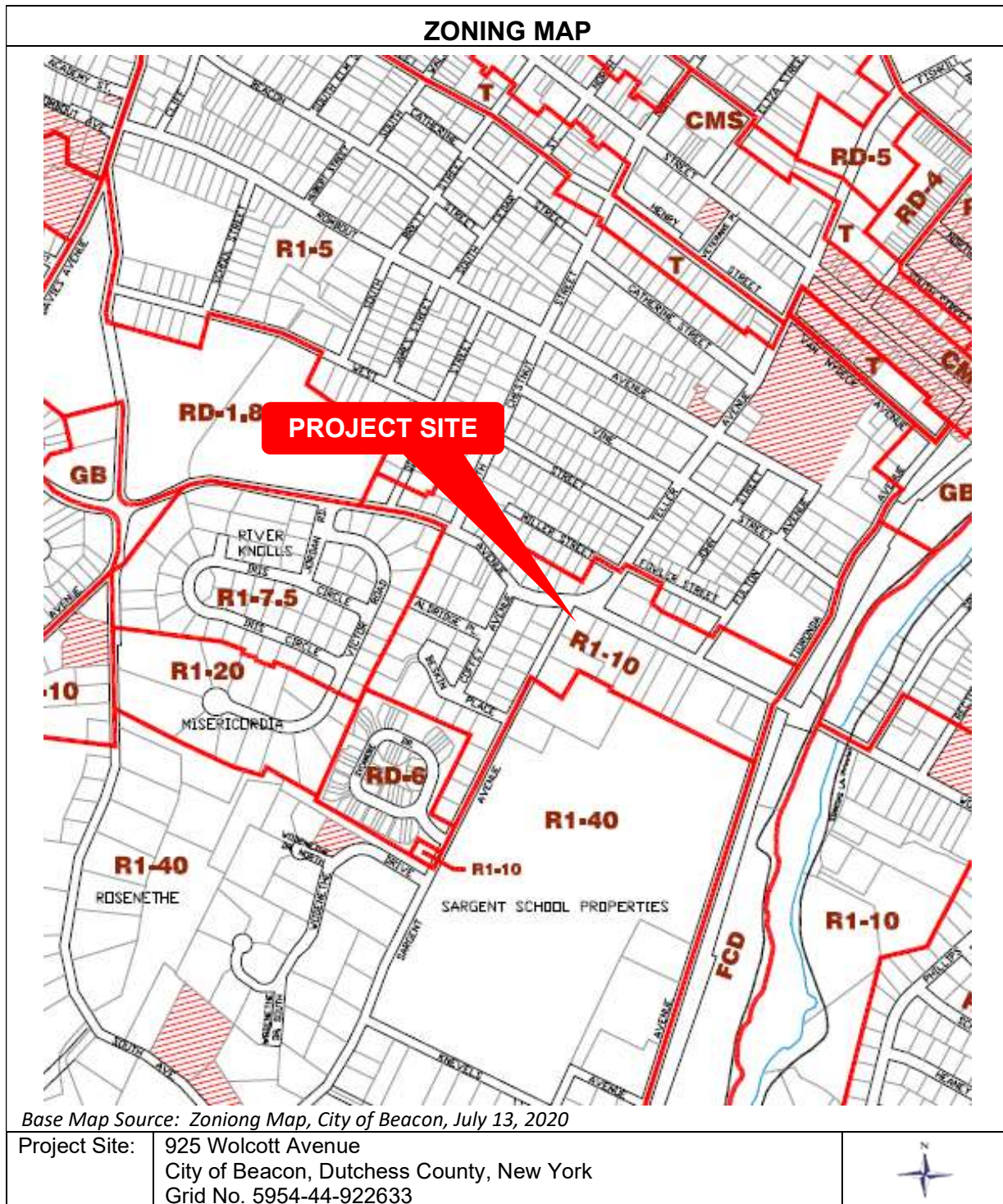
In summary, the foregoing analysis demonstrates the lack of economic viability that would be provided to the property based on the Principal Permitted Uses allowed in the “R1-10 District.” As discussed above, none of the uses in the “R1-10 District” studied are expected to provide a financially feasible economic return to the property. Although the main principal permitted use in the “R1-10 District” district (single-family residence use) would normally be considered economically viable in certain locations, it would not be considered economically viable in the instant case compared to the multi-family use given the reasons cited earlier.

## Addendum

# Property Plot Plan



Portion of Zoning Map



Deed



Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 7/28/2022  
Time Recorded: 3:05 PM

MADISON TITLE AGENCY LLC  
1125 OCEAN AVE  
LAKEWOOD, NJ 08701

Document #: 02 2022 52712

Received From: MADISON TITLE AGENCY LLC

Grantor: LAJ BEACON LLC  
Grantee: 925 WOLCOTT LLC

Recorded In: Deed  
Instrument Type:

Tax District: City of Beacon

Examined and Charged As Follows :

Recording Charge: \$315.00  
Transfer Tax Amount: \$2,600.00  
Includes Mansion Tax: \$0.00  
Transfer Tax Number: 8820

Number of Pages: 4  
Do Not Detach This Page  
\*\*\* This is Not A Bill

Red Hook Transfer Tax:

RP5217: Y  
TP-584: Y

County Clerk By: CSC  
Receipt #: 24557  
Batch Record: 157

Bradford Kendall  
County Clerk



02202252712

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

Effective July 13, 2022

THIS INDENTURE, made the 8<sup>th</sup> day of June, in the year 2022

BETWEEN LAJ BEACON, LLC <sup>having an address of 369 Main St. #493, Beacon NY 12508</sup> party of the first part, and 925 Wolcott, LLC <sup>having an address of 40 Catskill Highrail, Monroe, NY 10950.</sup> party of the second part,

WITNESSETH, that the party of the first part, in consideration of Six Hundred Fifty Thousand (\$650,000.00) dollars and other valuable consideration dollars paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the BBeing and intended to be a portion of the same premises conveyed to the party of the first part by Deed from Jeffrey Rothschild as receiver of Jeng-Fu Wu and Hsin-Hsing Wu pursuant to an Order dated 02/22/18 and recorded 02/22/18 in Document No. 11-2017-50960C recorded July 31, 2018 in Document # 02-2018-5433 as further described in Schedule A attached hereto and made a part hereof

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises. TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed this day and year first above written.

IN PRESENCE OF:

  
\_\_\_\_\_  
Josh Friedman, as Authorized Signatory for LAJ BEACON, LLC  
\_\_\_\_\_  
\_\_\_\_\_

Unpaid / Unofficial Document



ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Rockland, ss:

On the 8<sup>th</sup> day of June in the year 2022, before me, the undersigned, personally appeared Joshua Friedman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of whom the individual(s) acted, executed the instrument.



ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(If the place of residence is in a city, town or village, give the street and street number if any, thereof; that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

State of , County of , ss:
\*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year , before me the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

Bargain and Sale Deed With Covenants

Title No. MTANY 174369-02

LAJ BEACON, LLC TO 925 Wolcott, LLC

SECTION: 5954
BLOCK: 44
LOT: 922633
COUNTY OR TOWN: Dutchess



RETURN BY MAIL TO:

Adam K. Kurland, Esq.
ADAM K. KURLAND ATTORNEY AT LAW, P.C.
337 North Main Street
Suite 11
New City, New York 10956

**Stewart Title Insurance Company**

Title No.: MTANY-174459-02

**SCHEDULE A CONTINUED**

**LEGAL DESCRIPTION**

All that certain lot, piece or parcel of land, situate, lying and being in the City of Beacon, County of Dutchess and State of New York, bounded and described as follows:

BEGINNING in the southwesterly line of Wolcott Avenue at the northwestern corner of lands of Supple; and

RUNNING THENCE with northwesterly line of lands of Supple southwesterly 146 feet;

THENCE northwesterly 122 feet (Deed: 120 feet) to the southeasterly line of Sargent Avenue;

THENCE with the southeasterly line of Sargent Avenue, northeasterly 146 feet to the intersection of the southeasterly line of Sargent Avenue with the southwesterly line of Wolcott Avenue;

THENCE with the southwesterly line of Wolcott Avenue, southeasterly 122 feet to the place of BEGINNING.

NOTE: Being Grid No. 595-44-922633, Tax Map of the City of Beacon, County of Dutchess.

NOTE: Lot and Block shown for informational purposes only.

Issued by:

**Madison Title Agency, LLC**  
1125 Ocean Avenue, Lakewood, NJ 08701  
Telephone: 732-905-9400 Fax: 732-905-9420

NY Report – Legal Description

174459-02/83





## Definitions of Common Terms

Since the report utilizes a number of terms that are common in the industry but not necessarily common to the reader, for the sake of clarity and consistency, the following definitions, obtained from Appraisal Institute<sup>7</sup>, will be used herein. It is noted that some of the definitions are more commonly used with other property types (i.e., retail, office) but they are included herein.

### **Functional Utility**

The ability of a property or building to be useful and to perform the function for which it is intended according to current market tastes and standards; the efficiency of a building's use in terms of architectural style, design and layout, traffic patterns, and the size and type of rooms.

### **Gross Income**

Total income from a property before deducting any expenses, customarily stated on an annual basis

### **Discount Rate**

A rate of return on capital used to convert future payments or receipts into present value

### **Effective Gross Income (EGI)**

The anticipated income from all operations of the real estate after an allowance is made for vacancy and collection losses and an addition is made for any other income.

### **Net Operating Income (NOI)**

The actual or anticipated net income that remains after all operating expenses are deducted from effective gross income but before mortgage debt service and book depreciation are deducted. Note: This definition mirrors the convention used in corporate finance and business valuation for EBITDA (earnings before interest, taxes, depreciation, and amortization)."

### **Direct Capitalization**

A method used to convert an estimate of a single year's income expectancy into an indication of value in one direct step, either by dividing the net income estimate by an appropriate capitalization rate or by multiplying the income estimate by an appropriate factor. Direct capitalization employs capitalization rates and multipliers extracted or developed from market data. Only one year's income is used. Yield and value changes are implied, but not explicitly identified.

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<sup>7</sup> Appraisal Institute, *The Dictionary of Real Estate Appraisal*, 7th ed., s.v. (Chicago: Appraisal Institute, 2022), PDF e-book.

### **Gross Building Area (GBA)**

1. Total floor area of a building, excluding unenclosed areas, measured from the exterior of the walls of the above grade area. This includes mezzanines and basements if and when typically included in the market area of the type of property involved.
2. Gross leasable area plus all common areas.
3. For residential space, the total area of all floor levels measured from the exterior of the walls and including the superstructure and substructure basement; typically does not include garage space.

### **Gross Living Area (GLA)**

“Total area of finished, above-grade residential space; calculated by measuring the outside perimeter of the structure and includes only finished, habitable, above-grade living space. (Finished basements and attic areas are not generally included in total gross living area. Local practices, however, may differ.)”

### **Load Factor**

“A measure of the relationship of common area to usable area and therefore the quality and efficiency of the building area layout, with higher load factors indicating a higher percentage of common area to overall rentable space than lower load factors; calculated by subtracting the amount of usable area from the rentable area and then dividing the difference by the usable area:

$$\text{Load Factor} = \frac{\text{Rentable Area} - \text{Usable Area}}{\text{Usable Area}}$$

Also known as ‘*add-on factor.*’”

### **Rentable Area (Net Rentable Area)**

For office or retail buildings, the tenant’s pro rata portion of the entire office floor, excluding elements of the building that penetrate through the floor to the areas below. The rentable area of a floor is computed by measuring to the inside finished surface of the dominant portion of the permanent building walls, excluding any major vertical penetrations of the floor. Alternatively, the amount of space on which the rent is based; calculated according to local practice.

### **Usable Area**

1. For office buildings, the actual occupiable area of a floor or an office space; computed by measuring from the finished surface of the office side of the corridor and other permanent walls, to the center of partitions that separate the office from adjoining usable areas, and to the inside finished surface of the dominant portion of the permanent outer building walls. Sometimes called net building area or net floor area.
2. The area that is actually used by the tenants measured from the inside of the exterior walls to the inside of walls separating the space from hallways and common areas.

## Underlying Assumptions and Contingent Conditions

This analysis is made subject to the following assumptions and limiting conditions:

1. No responsibility is assumed for matters of a legal nature, or require legal expertise or specialized knowledge beyond that of a real estate analyst nor has an opinion been rendered on title, good and clear title being assumed, free of any encumbrances and/or defects or liens.
2. No opinion is intended to be expressed and no responsibility is assumed for the legal description of the property if any. Although a legal description may be included herein, it is included as a matter of courtesy and no responsibility is assumed for its accuracy or completeness.
3. The distribution of taxes projected herein for land and/or improvements where separately scheduled are applicable to each such respective element of the subject property under the program(s) of utilization. Such individual taxes may not be applicable unless agreed to by the local municipality and are invalid in conjunction with any other analysis.
4. If this report contains a tax estimate relating to an estate that is less than the whole fee simple estate, then (i) the taxes projected for such estate relates to a fractional interest only in the real estate involved, and (ii) the taxes of this fractional interest plus the taxes of all other fractional interests may or may not equal the taxes of the entire fee simple estate considered as a whole.
5. If this report contains a tax estimate relating to a geographical portion of a larger parcel or tract of real estate, then (i) the taxes projected for such geographical portion relates to such portion only and should not be construed as applying with equal validity to other portions of the larger parcel or tract, and (ii) the taxes projected for such geographical portion plus the taxes of all other geographical portions may or may not equal the taxes of the entire parcel or tract considered as an entity.
6. The subject property is assumed to have been held under responsible ownership and competent management, unless otherwise specifically stated. In the absence of a statement herein to the contrary, it is assumed that such quality ownership and management will continue for the remaining economic and useful life estimated therefor.
7. It is assumed that there are no hidden or unapparent conditions of the Property, subsoil or structures that could affect the Property. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
8. It is assumed that the property is in full compliance with all applicable federal, state, county, local and any other applicable regulations and laws, ordinances, building standards, use restrictions, environmental regulations and restrictions, and zoning, unless noncompliance is stated, defined and considered in the Report. Determining and reporting on such compliance were not part of the scope of work for this assignment.
9. It is assumed that all water, sewer and/or septic facilities and utilities (whether existing or proposed) are or will be in good working order, are safe for use, and are or will be sufficient to serve the current or proposed uses of the subject property or any structures or other uses or improvements. Determining and reporting on such matters were not part of the scope of work for this assignment.
10. Unless otherwise stated in this Report, the past or current existence of hazardous materials or environmental contamination on, below or near the subject property was not observed or known by us. We have no knowledge of the existence of such materials or contamination on or in the property. We are, however, is not qualified to detect such substances or to make determinations about their presence. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon gas and other potentially hazardous materials or environmental contamination may affect the property. Unless otherwise stated, the conclusions reached herein are predicated on the assumption that there is no such material on, below or affecting the property that would cause any impact thereon. Additionally, unless otherwise stated,

the conclusion(s) reached is predicated on the assumption that there is no impact related to stigma associated with hazardous materials, environmental contamination or any other issues. No responsibility is assumed for such conditions or for any expertise or engineering assistance required to discover them. The user of this report is urged to retain an expert in this field, if desired.

11. It is assumed that all required licenses, certificates of occupancy and other governmental consents have been or can be obtained and renewed for any use on which the opinion(s) contained in the Report is based.
12. Any representation, indication, and/or description herein as to the physical condition and/or content of the unseen, underlying land or the indiscernible improvements included in this Report is intended solely as an expression of the general visual impression gained by us upon inspection of the property. No representation is made as to any technical and/or engineering expertise of such observations, and no technical and/or engineering professional responsibility is assumed therefor, or for any conditions not observable or specifically mentioned herein.
13. The physical condition of the improvements, if any, considered by the Report is based on visual inspection by us or other person identified in the Report. Hudson Property Advisors, LLC assumes no responsibility for the soundness of structural members of the improvements, or for the condition of mechanical equipment, plumbing or electrical components. We are not an expert in the field of structural integrity of the improvements or of mechanical equipment, plumbing or electrical components.
14. Any sketch(s), map(s), drawing(s), and/or diagram(s) prepared by us and included in this report have been offered only for the purpose of providing visual assistance. No engineering survey or analysis of the property has been made by us, and no responsibility is assumed in connection therewith.
15. To the extent, if any, that information, estimates, and/or opinions have been obtained from others, and to the extent, if any, that such information, estimates, and/or opinions have been utilized and/or included herein, the source(s) of such information, estimates, and/or opinions may be deemed to have been sound, responsible, and reliable. However, no responsibility or liability therefor is assumed by us.
16. The projected financial information (such as, but not necessarily limited to potential gross income and expenses) referred to in the Report may be based on lease summaries, lease abstracts or other financial information provided by the owner, client or third parties. Hudson Property Advisors, LLC assumes no responsibility for the authenticity or completeness of such information provided by others and recommends that legal and/or accounting advice be obtained regarding the interpretation of financial statements, lease provisions and the contractual rights of parties.
17. Possession of this report, or a copy thereof, does not confer any right of disclosure as to the conclusions, identity of the preparer, or any part of the contents hereof, or of publication, nor may it be used for any purpose by anyone other than the submittee without our prior written consent, and then only subject to such qualification(s) as may be imposed in connection therewith. Exception to this condition is granted for reports submitted to any court of competent jurisdiction, or other duly constituted official body by, or on behalf of the submittee, pursuant to duly instituted legal proceedings.
18. Any authorized user(s) of this Report who provides a copy to, or permits reliance thereon by, any person or entity not authorized by Hudson Property Advisors, LLC, in writing to use or rely thereon, hereby agrees to indemnify and hold Hudson Property Advisors, LLC, its affiliates and their respective shareholders, directors, officers and employees, harmless from and against all damages, expenses, claims and costs, including attorney's fees, incurred in investigating and defending any claim arising from or in any way connected to the use of, or reliance upon, the Report by any such unauthorized person(s) or entity or entities.
19. All conclusions rendered within this report assume normal marketing times unless otherwise indicated.
20. In arriving at the conclusion(s) set forth in this report no consideration has been given to the effect of state, local or federal income and gains taxes, or of occupancy, hotel, capital levy, gift, estate, succession, inheritance, or similar taxes, which may be imposed upon any owner, lessee or mortgagee, by reason of any sale, conveyance, transfer, leasing, hypothecation, mortgage, pledge or other disposition of the property.



21. This report expresses an opinion as of the date of preparation. It is supplied at the request of the submittee and, unless otherwise stated, is for the submittee's exclusive use. It is not a guarantee. Neither Hudson Property Advisors, LLC, nor any of its officers or employees has made any representation or warranty regarding this report. Since real estate consulting is not an exact science, this report constitutes only the best professional opinion of this company and the person(s) who signed this report. Hudson Property Advisors, LLC is under no circumstances responsible for differences in conclusion(s) or results which could occur as the result of repeated expertise and/or the use of standards, norms, methods or criteria other than those employed by Hudson Property Advisors, LLC.
22. The opinions and or conclusions reached herein are only effective as of the date stated in the Report. Changes either before or after the effective date in external and market factors or in the Property itself can significantly affect the conclusions.
23. In the event of a claim against Hudson Property Advisors, LLC, or its affiliates or their respective officers, owner(s) or employees or staff in connection with or in any way relating to this Report or this engagement, the maximum damages recoverable by Client shall be limited to the amount of the fee actually collected by Hudson Property Advisors, LLC or its affiliates for this Report and under no circumstances shall any claim for consequential damages be made.
24. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of the ADA in this analysis.
25. The liability of Hudson Property Advisors, LLC, Jonathan Bernz and all signers, is limited to the client only and limited to the amount of fee actually received by Hudson Property Advisors, LLC. Further, there is no accountability, obligation or liability expressed or implied to any third party.
26. In the event that Client utilizes or submits HPA's (Hudson Property Advisors, LLC) report(s) or other work product in connection with a tax return or any other tax matter, Client understands, agrees and acknowledges that HPA and its Personnel provide no warranty, representation or prediction as to the outcome of the tax matter, regardless of whether the tax matter is Federal, State or local or whether the tax matter relates to income tax property tax or any other tax. Client understands, agrees and acknowledges that the taxing authority (whether it is the Internal Revenue Service or any federal, state or local tax authority) may disagree with or reject the conclusion(s) reached herein or work product or otherwise disagree with Client's tax position. Client further understands, agrees and acknowledges that the taxing authority may seek to collect from Client additional taxes, interest, penalties or fees. Client agrees that HPA and its personnel shall have no responsibility to liability to Client or any other party for any such taxes, interest, penalties or fees, and Client will not seek damages or other compensation from HPA or its Personnel relating to any taxes, interest, penalties or fees imposed on Client or for any attorney's fees, costs or other expenses relating to Client's tax matter. These limitations of liability and damages restrictions shall be in addition to any other limitations and restrictions stated in this agreement or in the report. Further, these limitations of liability are an express condition of this assignment. HPA's Personnel are intended third-party beneficiaries of this section.
27. Use of or reliance on this Report, regardless of whether such use or reliance is known or authorized by Hudson Property Advisors, LLC, constitutes acknowledgement and acceptance of these general assumptions and limiting conditions, any assumptions, extraordinary or otherwise or conditions, hypothetical or otherwise, and any other terms and conditions stated in this Report.
28. This report provides real estate tax consulting services only. The report is not intended to provide legal, accounting, appraisal, engineering or income taxation advice or services.

29. Except as stated herein, we have not: (i) examined any other agreements, contracts, deeds, instruments or documents; (ii) examined any books or records related to the property; nor (iii) made or conducted any due diligence or other enquiries or investigations concerning the property.
30. For the purposes of this opinion, we have assumed (without any investigation or verification the authenticity and completeness of all documents submitted to us as originals or conformed copies, the conformity to originals of all documents submitted to us as copies or received by (or as an attachment to an) e-mail or facsimile transmission and the authenticity and completeness of the original documents of which such copies, conformed copies or facsimiles have been supplied.
31. For the purposes of this opinion, we have assumed (without any investigation or verification the genuineness of all signatures and stamps to all documents reviewed and that all signatures which purport to have been attested were made in the presence of the purported witness(es).



**About HPA**

Hudson Property Advisors, LLC is a leading real estate consulting firm providing appraisal and advisory services in the greater New York Metropolitan area. With over 35 years of experience, the firm's management earned a regional reputation advising institutions, governments and private clients on a wide range of real estate valuation matters.

Hudson Property Advisors, LLC is a privately owned company providing professional real estate consulting, appraisal and advisory services in the greater New York metropolitan area. The firm is owned by Jonathan Bernz, MAI. Since 1983, Mr. Bernz has been engaged exclusively in the appraisal, consultation and analysis of commercial, industrial, large scale residential, and other property types. Prior to forming Hudson Property Advisors in 2007, Mr. Bernz served as Vice President of one of the largest privately owned appraisal companies in New York's lower Hudson Valley.

Mr. Bernz has over 35 years of professional experience and presently holds the MAI designation from the Appraisal Institute and certified general real estate appraisal licenses in New York and Connecticut.

Primary professional territory includes the following areas:

- New York City, NY
- Westchester County, NY
- Putnam County, NY
- Dutchess County, NY
- Rockland County, NY
- Orange County, NY
- Fairfield County, CT
- Litchfield County, CT

In addition to the areas cited above, Mr. Bernz completed assignments in northern New York State as well as in other markets, including properties in Arizona, California, Colorado, Connecticut, Florida, Kentucky, Massachusetts, Michigan, New Jersey, Texas and the U.S. Virgin Islands.

###

# Exhibit E

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL- REVISED**

OWNER: 925 Wolcott LLC

ADDRESS: 40 Catskill High Rail

Monroe, NY 10950

TELEPHONE: 917-626-4268

E-MAIL: yeshiaberger@gmail.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: Taylor M. Palmer, Esq.  
Cuddy & Feder LLP

ADDRESS: 445 Hamilton Avenue, 14th Floor

White Plains, NY 10601

TELEPHONE: 914-761-1300

E-MAIL: tpalmer@cuddyfeder.com

PROPERTY LOCATION: 925 Wolcott Avenue

ZONING DISTRICT: R1-10

TAX MAP DESIGNATION: SECTION 5954

BLOCK 44 LOT 922633-0000

Section of Zoning Code appealed from or Interpretation desired:

Section 223.10.D, Section 223.10.C(2) and Section 223.10.C(5). See Project Narrative attached.

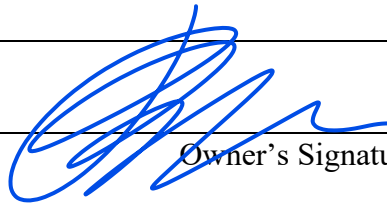
Reason supporting request:

See Project Narrative attached.

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

See Project Narrative attached.

Date: March 17, 2023



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: 925 Wolcott LLC

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

Yeshia Berger

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

1256 North Avenue - Owned by separate entity

916 Wolcott Avenue - Owned by separate entity

Applicant Address: 40 Catskill High Rail, Monroe, NY 10950

Project Address: 925 Wolcott Avenue, Beacon, NY 12508

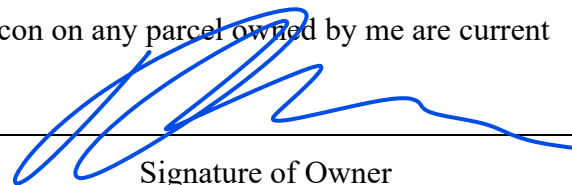
Project Tax Grid # 5954-44-922633-0000

Type of Application Interpretation (Alternatives: Area Variance or Use 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, Yeshia Berger, 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 N/A
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon ✓
3. ALL tax payments due to the City of Beacon are current ✓
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N/A
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N/A
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current ✓



Signature of Owner

925 Wolcott LLC by: Yeshia Berger, Member

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 A**

Name of Applicant: 925 Wolcott LLC

Address of Applicant: 40 Catskill High Rail, Monroe, NY 10950

Telephone Contact Information: 917-626-4268

**SECTION B.** List all owners of record of the subject property or any part thereof.

<b>Name</b>	<b>Residence or Business Address</b>	<b>Telephone Number</b>	<b>Date and Manner title was acquired</b>	<b>Date and place where the deed or document of conveyance was recorded or filed.</b>
925 Wolcott LLC	40 Catskill High Rd Monroe, NY 10950	917-626-4268	July 13, 2022 Deed	July 28, 2022 Dutchess County Clerk



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

YES       NO

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

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

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

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

YES       NO

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

925 Wolcott LLC  
 (Print) By: Yeshia Berger

(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 <b>925 Wolcott LLC</b>	Address of Entity <b>40 Catskill High Rail Monroe, NY 10950</b>
Place where such business entity was created <b>New York State Department of State</b>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <b>New York State Department of State DOC ID: 6467643</b>
Date such business entity or partnership was created <b>04/26/2022</b>	Telephone Contact Information <b>917-626-4268</b>

**IF AFFIANT IS A CORPORATION:**

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

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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
Yeshia Berger	40 Catskill High Rail Monroe, NY 10950	917-626-4268	100%

**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.
Yeshia Berger	40 Catskill High Rail Monroe, NY 10950	917-626-4268	7/13/22 - Deed	7/28/22 - Recorded in Dutchess County Clerk's Office

**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
925 Wolcott LLC	40 Catskill High Rail, Monroe, NY 10950
LAJ Beacon LLC	369 Main Street, #493, Beacon, NY 12508

**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

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**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, Yeshia Berger being first duly sworn, according to law, deposes and says that I am (Title) Sole Member, an active and qualified member of the 925 Wolcott LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) 925 Wolcott LLC  
By: Yeshia Berger

(Signature) 



445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Taylor M. Palmer, Esq.  
[tpalmer@cuddyfeder.com](mailto:tpalmer@cuddyfeder.com)

March 20, 2023

**VIA HAND DELIVERY  
AND EMAIL**

Chairperson Jordan Haug  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, NY 12508

Re: 925 Wolcott LLC – Request for Interpretation and in the Alternative an Application for an Area Variance and/or a Use Variance to Restore a Damaged/Destroyed Building Premises: 925 Wolcott Avenue, Beacon, New York (Tax Parcel ID: 5954-44-922633)

Dear Chairperson Haug and the Members of the Zoning Board of Appeals,

On behalf of 925 Wolcott LLC (the “Applicant”), the owner of the above-referenced Premises, we respectfully submit this letter and the referenced enclosures in support of the Applicant’s request for a formal interpretation from this Board regarding the Applicant’s proposal to restore a building that was damaged and destroyed in an arson fire that was intentionally set by a former tenant on January 3, 2023.<sup>1</sup>

The Applicant purchased the Premises on July 13, 2022, and we understand that the Premises contained a legal non-conforming multi-family (single-room occupancy, or “SRO”) rental building. The aged building was in need of improvement, which the Applicant set out to do in October of 2022. In working with the Building Department, the Applicant received Building Permit No. 2022-0354, issue dated December 12, 2022, which was approved for interior renovations to convert 16 existing units to 9 units (effectively reducing what we understand was an existing non-conformity),<sup>2</sup> each unit to have included a bathroom and kitchenette and meet the City’s SRO definition, together with new plumbing, electrical, and sprinkler systems.

Unfortunately, before these renovations were completed, the building was severely damaged by the fire, and now the Applicant simply proposes to restore the damaged building pursuant to the previously approved plans and in accordance with City of Beacon Zoning Code Section 223-10.D.

<sup>1</sup> See HIGHLANDS CURRENT ARTICLE, dated January 6, 2023, available at: <https://highlandscurrent.org/2023/01/06/arrest-made-in-beacon-fire/>.

<sup>2</sup> Note: The Applicant submitted a request to review the City’s files related to the Premises on March 2, 2023, pursuant to New York’s Freedom of Information Law (“FOIL”). PUBLIC OFFICERS LAW ARTICLE 6, Sections 84-90. As of the date of this letter, we have not been provided access to the City’s files, and we anticipate providing further details to this Board and the City, as applicable, once we have access to same.





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**BACKGROUND REGARDING THE PREMISES & THE EXISTING BUILDING:**

As noted above, the Premises is located at 925 Wolcott Avenue, and is presently classified in the R1-10 Zoning District in the City of Beacon. The property is located across the street from 916 Wolcott Avenue, which we understand is also approved for 12 multi-family SRO units, together with residential, multi-family townhouses, and the Beacon Housing Authority property just down the street from the Premises. For the Board's consideration, photos of the Premises, including the existing improvements on the Premises before and after the fire, together with the surrounding area are found at **Exhibit A**.

The building that was damaged/destroyed on the Premises was a three (3)-story multi-family structure, which had received a Building Permit on December 12, 2022 (enclosed as **Exhibit D**), in order to improve the building and convert 16 existing units to 9 units.

However, following the arson event, in an e-mail dated January 19, 2023, the Applicant received an e-mail from the City of Beacon Building Inspector, Bruce Flower (the "January 19<sup>th</sup> E-mail"), advising that "... when a non-conforming use in the city is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements..." The January 19<sup>th</sup> E-mail further provides that in order to "...try to keep the nonconforming use on the property, either a change in district would have to be passed by the City Council or a Use Variance would need to be issued by the Zoning Board of Appeals. A Use Variance is very difficult to obtain and would probably be denied." See **Exhibit E** - January 19<sup>th</sup> E-mail). In making this determination, the Building Inspector advised that the controlling provision in the Zoning Code was the section of the Zoning Code related to "Non-conforming uses and structure", in particular, Zoning Code Section 223-10.D., which provides for "[r]estoration of damaged [non-conforming] buildings."

However, this flies in the face of a plain reading of Zoning Code Section 223-10.D., which read in favor of the property owner as to any ambiguity, provides that "[i]f any **nonconforming building** shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made **unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located...**" As will be discussed more fully below herein, this section of the Zoning Code refers to the building conforming to the bulk regulations, but makes no mention of not permitting the use to continue where the structure itself complies with the bulk regulations for the current zoning classification. Again, that section specifically concerns "restoration of damaged *buildings*".

As discussed herein, the Applicant is merely proposing to restore the building that was destroyed by a tenant who we understand admitted to same. From a policy standpoint, someone else burning down a person's building because they do not like the use, should not then impact the use of the property – doing so would set a very dangerous precedent if one is trying to "get rid of" of a non-conforming use(s) that they might not like by destroying/damaging it, as is the very unfortunate and unique case here. Consequently, the instant request for an interpretation is by no means, precedential.



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Ultimately, our client had no intention of “removing” the building or to damage it whatsoever – indeed his intent was just the opposite, which was/is to renovate and improve it (and now restore it because someone else damaged/destroyed it), which was evidenced by the construction drawings submitted to the Building Department in 2022, combined with the Building Permit issued in 2022 for those improvements, and the work that had been undertaken to do make those improvements) before the former tenant destroyed the building.

Accordingly, we respectfully submit this request for a formal interpretation/determination that the use of the above-referenced Premises may be continued as a legal non-conforming multi-family (SRO rental) use in a dimensionally conforming building. In the alternative, the Applicant seeks an Area Variance to permit the restoration/reconstruction of the structure that was completely destroyed; and as a secondary alternative request, for a Use Variance to permit said multi-family use. Please note that this request is being filed within the 60-day period articulated under Section 81-a of General City Law from the Inspector’s informal January 19<sup>th</sup> E-mail determination out of an abundance of caution. The Applicant understands that the Building Inspector is in the process of formalizing their Determination, and this Application will be supplemented with additional material upon issuance of said formal Determination. As we also noted above, the Applicant submitted a FOIL request to review the City’s files related to the Premises and we anticipate providing further details to this Board and the City, as applicable, once we have access to same.

**I. REQUEST FOR INTERPRETATION: MULTI-FAMILY USE (SINGLE-ROOM OCCUPANCY):**

On January 19, 2023, the City’s Building Inspector provided an e-mail (found at **Exhibit E**) to the Applicant’s architect, David Niemotko Architects, P.C., stating that since “more than 50% of [the] structure was “destroyed,” the “use expire[d] on the property and revert[ed] back to the current zoning requirements,” prohibiting the use of the Premises as a multi-family structure. In his e-mail, the City’s Building Inspector cited to Section 223-10. of the City’s Zoning Code, which reads:

*D. Restoration of damaged buildings. If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.*



For the following reasons, the Applicant respectfully requests a formal interpretation/determination that the *use* of the above-referenced Premises may be continued as a legal non-conforming multi-family (SRO rental) use in a dimensionally conforming building.<sup>3</sup>

**The Zoning Code Permits the Continued Use of the Above-Referenced Premises as a Legal Non-conforming Multi-family (Single-Room Occupancy Rental) Use in a Dimensionally Conforming Building.**

The multi-family SRO use on the Premises has occurred for a significant period of time on the Premises. The Applicant requests an interpretation from this Board, serving in its *de novo* role, that this long-existing multi-family use may continue pursuant to the City’s Zoning Code.

To begin this analysis, it is important to highlight that New York law requires a plain reading of the City’s Zoning Code.<sup>4</sup> In addition, since zoning restrictions are in derogation of common-law property rights, they must be strictly construed.<sup>5</sup> Any ambiguity in a Zoning Code must be construed in an Applicant’s (the property owner’s) favor.<sup>6</sup>

Pursuant to Section 223-10.D. of the Zoning Code, as cited above, “[i]f any **nonconforming building** shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made **unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located...**” (emphasis added). Reading this section plainly, and construing any ambiguity in the Applicant’s favor, this sentence clearly refers to the building conforming to the now in effect *bulk regulations*, but makes no mention of not permitting *the use* to continue where the structure itself complies with the bulk regulations for the current zoning classification. This conclusion is reinforced by the fact that this section of the Zoning Code specifically concerns “restoration of damaged buildings.” Use is only mentioned in the next sentence of this provision, which states that when **less than 50%** of a building is destroyed, it **may be restored**, and the “nonconforming use continued, provided that the total cost of **such restoration** does not exceed the replacement value of the destroyed portion of the building....” (emphasis added). A plain reading of this provision provides that where the destruction is more than 50% (as is the case here), the repaired or reconstructed building would need to comply with the dimensional regulations; but that does not revoke the use.

<sup>3</sup> Note: Pursuant to a conversation with the Building Inspector on March 13, 2023, the Applicant understands that the City’s Building Inspector is in the process of issuing a Formal Determination. However, the Applicant is submitting this request in light of the sixty-day limitation for such appeals pursuant to Section 81-a of the General City Law. Moreover, as a part of this, if it is determined that an Area Variance is required for the in-kind reconstruction, that will be requested by the Applicant at that time or other necessary steps taken.

<sup>4</sup> See *Toys “R” Us v. Silva*, 89 N.Y.2d 411, 420-21 (1996).

<sup>5</sup> *Id.* at 421-22.

<sup>6</sup> See *Allen v. Adami*, 39 N.Y.2d 275, 277 (1976).

For illustration purposes, when you compare this to the preceding Zoning Code Section 223-10.C. (concerning nonconforming use of structures and continuing the nonconforming use of a building), that section provides in the relevant part:

*(4) **If any nonconforming use** of a building ceases for any reason for a continuous period of more than one year or is changed to a conforming use or if the building in or on which such use is conducted or maintained is moved for any distance whatever for any reason, **then any future use of such building** shall be in conformity with the standards specified by this chapter for the district in which such building is located. (emphasis added).*

Respectfully, this Application concerns the “restoration of a damaged building” as regulated under Section 223-10.D., which would require the repaired or reconstructed *building* to comply with the *dimensional* regulations of the current zoning classification, based on a plain reading of the statute. As a result, Section 223-10.D. does not proscribe the continuation of this long-established multi-family use (single-room occupancy).

Reinforcing this conclusion, New York case law provides that protections for legal nonconforming uses cannot be destroyed by subsequent ordinances.<sup>7</sup> Moreover, there can be no abandonment of a non-conforming use when said use is destroyed by a fire.<sup>8</sup> Abandonment must be the result of an action taken by a party.<sup>9</sup> Only by such an affirmative action would the restriction on the future use of a legal nonconforming use, as articulated under Section 223-10.C. of the Zoning Code, apply.

## **II. IN THE ALTERNATIVE, A REQUEST FOR AREA VARIANCES:**

### **In the Alternative, the Applicant Requests an Approval for an Area Variance to Permit 100% Reconstruction of the Damaged Premises.**

As set forth above, it is the Applicant’s position that no Area Variance is required as the multi-family use is a legal non-conforming use. However, if the Board determines that a variance is required, the Applicant requests an Area Variance to permit reconstruction of a structure containing what we understand to be a non-conforming use that had been 100% destroyed, in place of the 50% cap

<sup>7</sup> See Incorporated Village of North Hornell v. Rauber, 181 Misc. 546, 550 (Sup. Ct. Steuben Cty. 1943).

<sup>8</sup> *Id.* at 554 (“There could be no abandonment by the owner of the old non-conforming uses through the taking of a part of the premises by the city and the demolition of the buildings thereon or by the injury to and subsequent demolition of another building on account of fire. Neither occurred through the voluntary act of the owner.”) (internal citations omitted).

<sup>9</sup> See Franmor Realty Corporation v. Le Bouef, 201 Misc. 220, 223 (Sup. Ct. Nassau Cty. 1951) (“The general rule is that the right of a property owner to continue a non-conforming use may be lost through abandonment of such use. However an abandonment, within the meaning of the rule under consideration, connotes a voluntary, affirmative, completed act.”) (internal citations omitted).



March 20, 2023  
Page -6-

articulated under Section 223-10.D. of the Zoning Code.<sup>10</sup>

The Application complies with the Area Variance criteria established under Section 81-b(4) of the General City Law and Section 223-55.C.2. of the Zoning Code. It is noted that, in undertaking this analysis, the Board shall consider the benefit granted to the Applicant as weighed against the welfare of the surrounding neighborhood.

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.*

The granting of an Area Variance would not cause an undesirable change in the character of the neighborhood or present a detriment to nearby properties. There is a long history of the use of the Premises as a multi-family use. Moreover, there is a multi-family structure located immediately across the street at 916 Wolcott Avenue, and two-family uses abound in the proximate neighborhood. Furthermore, under the Applicant's approved renovations to the structure to convert 16 existing units to 9 units (effectively reducing what we understand was an existing non-conformity),<sup>11</sup> each unit to have included a bathroom and kitchenette and meet the City's SRO definition, together with new plumbing, electrical and sprinkler systems.

Based on the above, in no way will the granting of an Area Variance detrimentally impact the surrounding neighborhood or nearby properties.<sup>12</sup>

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.*

The request here is for the continued use of the multi-family use, which has been undertaken for a significant period of time. If the Area Variance is not granted, the structure cannot be rebuilt, significantly reducing the number of housing units available (for example, a single-family

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<sup>10</sup> Note: As noted above, the Applicant submitted a FOIL request to review the City's files related to the Premises and we anticipate providing further details about the use to this Board and the City, as applicable, once we have access to same. See also Bobandal Realities, Inc. v Worthington, 21 A.D.2d 784 (2d Dep't 1964) (holding that variances can be considered for proposed construction in excess of reconstruction caps).

<sup>11</sup> Note: Zoning Code Section 223-10.C.3. also provides that a "nonconforming use of a building may be changed only to a use of less nonconformity, as determined by the Board of Appeals."

<sup>12</sup> See Lodge Hotel, Inc. v. Town of Erwin Zoning Bd. of Appeals, 21 Misc.3d 1120(A) at \*4 (Sup. Ct. Steuben Cty. 2007, aff'd 4<sup>th</sup> Dep't 2007) ("While the work the Town has put into its plan is commendable, denying area variances based upon what a municipality hopes the neighborhood will be like in some distant future is an impermissible restriction on the use of property not intended by the applicable statute and is contrary to case law. Courts have consistently placed great reliance on the effect that the granting of an area variance would have on the character of the neighborhood, and the analysis has always been to determine whether the plan sought to be implemented by the area variance is out of character with the existing scheme of development").



residence) in the neighborhood and putting further pressure on the City’s affordable or below-market rate housing availability. There is no other viable alternative available to the Applicant.

3. *Whether the requested Area Variance is substantial.*

The Applicant’s request is not a substantial request. It is merely a request to reestablish the use and building that already existed. Moreover, substantiality is assessed by the impact of the grant of the Area Variance on the neighborhood. As noted, there is a 12-unit multi-family structure across the street at 916 Wolcott Avenue, and there will not be any changes to the Premises or its appearance. As a result, this request will not have a substantial impact on the neighborhood.

4. *Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental considerations in the neighborhood or district.*

The granting of the Area Variance will in no way adversely affect or impact the environment of the neighborhood or of the R1-10 Zoning District. The intensity of the use is not being increased. As noted above, the Applicant’s previously approved renovations to the structure to convert 16 existing units to 9 units effectively reduce what we understand was an existing non-conformity.

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.*

The need for the Area Variance was not self-created, as the Applicant’s tenant burned down the building. Moreover, as noted above, a question of self-creation is not determinative for requests for Area variances.<sup>13</sup>

It is noted, pursuant to Section 81-b(4) of the General City Law and Section 223-55.C.2. of the Zoning Code, the Area Variance requested is the minimum variance necessary – it will merely legalize a formerly existing multi-family use, and there will be no change in the character or welfare of the community.

**III. IN THE SECOND ALTERNATIVE, A REQUEST FOR A USE VARIANCE:**

**In the Second Alternative, the Applicant Requests a Use Variance to Permit Multi-Family Use (Single-Room Occupancy) on the Premises.**

In the second alternative, the Applicant requests the issuance of a Use Variance to permit the continued use of the long-established multi-family SRO use found on the Premises. As noted below, this request complies with the relevant criteria listed under General City Law Section 81-b(3) and

<sup>13</sup> See *Millpond Management, Inc. v. Town of Ulster Zoning Board of Appeals*, 42 A.D.3d 804, 805 (3d Dep’t 2007).



Zoning Code Section 223-55.c.1.

1. *The Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.*

The Applicant purchased the Premises very recently in July of 2022. In connection with this purchase, the Applicant planned their finances based off projected income from the then-existing 16 multi-family SRO units, and/or a conversion from the 16 existing units to 9 units, which improvements were allowed pursuant to the Building Permit issued by the City for same.

However, under the Building Inspector's January 19<sup>th</sup> E-mail determination, the use will be eliminated – and with it, any income generated from same - representing a significant burden for the Applicant. We understand that this loss of income tied to the legal non-conforming use of the property could not be made up by merely developing a single-family residence on the property, which is the *only* permitted residential use under the current R1-10 Zoning District classification for the Premises. Accordingly, the Applicant is in the process of retaining a consultant to provide additional information in support of this point illustrating further that the Applicant cannot realize a reasonable return and showing that that lack of return is substantial.

2. *The hardship is unique and does not apply to a substantial portion of the district or neighborhood.*

The hardship faced by the Applicant is *very* unique. Their former tenant burned down the structure on the Premises, and in so doing, based on the Building Inspector's January 19<sup>th</sup> E-mail determination, that action of destroying the building is putting several SRO units potentially at risk from being removed from the Beacon housing market, placing additional pressure on the City's housing supply. Due to the former tenant's illegal actions, the Applicant is now before your Board simply requesting to restore the damaged building on the Premises. It is also noted that, under New York Law, the concept of "uniqueness" does not require property which is the subject of a Use Variance application to be the only property which suffers from a particular hardship.<sup>14</sup> Although here, this is a *very* unique situation – as it was caused by an illegal act designed by someone else (not the property owner) to damage and destroy the building.

3. *The variance will not alter the essential character of the neighborhood.*

As noted previously in this letter, a multi-family SRO boarding house structure has been on the Premises for a significant period of time, and a multi-family structure exists across the street at 916 Wolcott Avenue (12 units), and just down the street from the Beacon Housing Authority development at 2 Forrestal Heights. The continued existence of this SRO structure on the Premises will in no way alter the character of the neighborhood. Indeed, the Applicant's approved Building Permit would result in decreasing an existing legal non-conformity.

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<sup>14</sup> See *Rothenberg v. Board of Zoning Appeals*, 232 A.D.2d 568 (2d Dep't 1996).



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

The Applicant's burden was not self-created. The structure was burned down by a tenant. The issuance of a Use Variance is simply legalizing a use that has been in operation for decades. This is also the minimum variance relief necessary and adequate to address the hardship placed on the Applicant, while preserving the character of the neighborhood, in compliance with Section 81-b(3) of the General City Law and Section 223-55.C.1. of the Zoning Code.

**CONCLUSION AND LIST OF ENCLOSURES:**

For the reasons set forth above, and as will be further discussed at the public hearing on this matter and following the Applicant's ability to have access to the City's files through its pending FOIL request, the Applicant requests that an interpretation be granted confirming that the *use* of the above-referenced Premises may be continued as a legal non-conforming multi-family (single-room occupancy rental) use in a dimensionally conforming building. In the alternative, the Applicant requests the above-referenced Area or Use Variances.

It is noted that this proposal for in-kind reconstruction consists of a Type II Action under the State Environmental Quality Review Act ("SEQRA").<sup>15</sup>

In support of this submission, please find enclosed copies of the following documents:

- Exhibit A:** Photographs of the Premises;
- Exhibit B:** Zoning Board of Application Form;
- Exhibit C:** Short Environmental Assessment Form;
- Exhibit D:** Building Permit dated December 12, 2022; and
- Exhibit E:** Informal Determination from Building Inspector dated January 19, 2023.

Also enclosed, please find copies of the Construction Drawings that were previously prepared by the Applicant related to proposed improvements to the structure, which were being undertaken at the time of the arson. They are entitled "Renovation of Existing House," are dated November 25, 2022, and were prepared by David Niemotko Architects, P.C. We also respectfully submit copies of the Site Plan Drawing entitled "Plot Plan," prepared by David Niemotko Architects, P.C., and dated March 17, 2023.

In addition, please find enclosed a check payable to the City of Beacon in the amount of \$1,000, representing the Applicable fees for an Interpretation, Area Variance, and Use Variance; as well as a separate check in the amount of \$1,000 to establish the relevant Escrow Account.

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<sup>15</sup> See 6 NYCRR Pt. 617.5(C)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes...").





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Page -10-

For all of the reasons set forth herein and in the accompanying documents, it is respectfully submitted that this interpretation request should be granted in its entirety. In the meantime, should this Board or City Staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "TP", with a long horizontal flourish extending to the right.

Taylor M. Palmer

cc:

Bruce Flower – City of Beacon Building Inspector  
Drew V. Gamils, Esq. – ZBA Attorney  
Maximillian R. Mahalek, Esq.  
925 Wolcott LLC

# Exhibit A

**Exhibit A: Images of the Premises and Surrounding Area**

**Dutchess County Parcel Access Viewer Image: 925 Wolcott Avenue (the “Premises”):**



**Google Aerial View Image of the Premises:**



**Exhibit A: Images of the Premises and Surrounding Area**

**Google Street View of the Premises (Before Fire):**



**Google Street View of the Premises (Before Fire), Westbound on Wolcott Avenue:**



**Exhibit A: Images of the Premises and Surrounding Area**

**Google Street View of the Premises (Before Fire), Eastbound on Wolcott Avenue:**



**Mid Hudson News Image of Fire that Destroyed Structure on Premises:<sup>1</sup>**



<sup>1</sup> Available at: <https://midhudsonnews.com/2023/01/03/early-morning-fire-sweeps-through-beacon-boardng-house/>.

**Exhibit A: Images of the Premises and Surrounding Area**

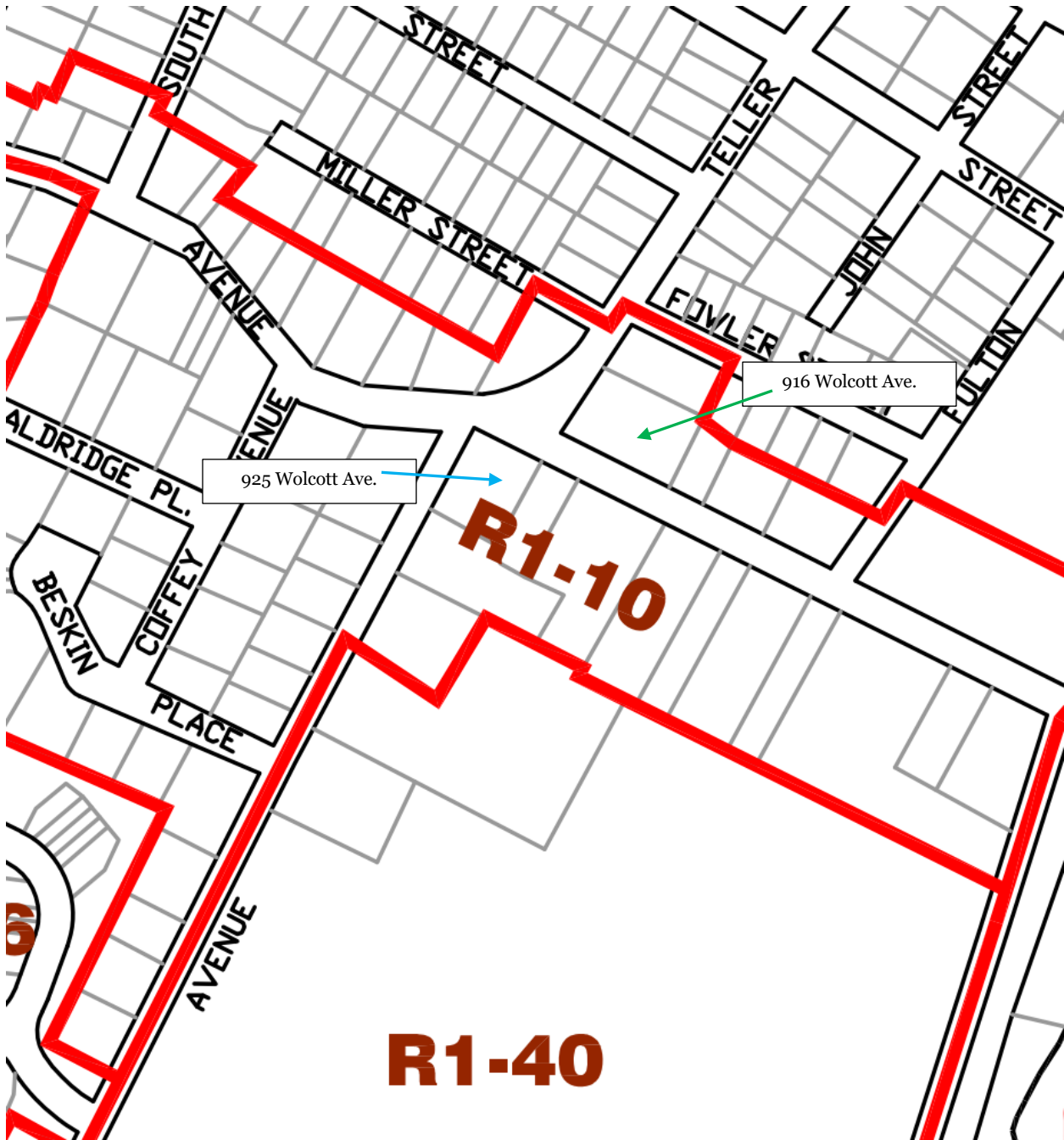
**Photograph of Premises after Fire Damage:**



925 Wolcott Ave. – Foundation  
and Damaged Building

**Exhibit A: Images of the Premises and Surrounding Area**

**City of Beacon Zoning Map Excerpt – R1-10 Zoning District:**



**Exhibit A: Images of the Premises and Surrounding Area**

**Google Street View Image of 916 Wolcott Avenue Across the Street from Premises:**





# Exhibit B

**ZONING BOARD OF APPEALS**

City of Beacon, New York

**APPLICATION FOR APPEAL**

OWNER: 925 Wolcott LLC

ADDRESS: 40 Catskill High Rail

Monroe, NY 10950

TELEPHONE: 917-626-4268

E-MAIL: yeshiaberger@gmail.com

APPLICANT (if not owner): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_

REPRESENTED BY: Taylor M. Palmer, Esq.  
Cuddy & Feder LLP

ADDRESS: 445 Hamilton Avenue, 14th Floor

White Plains, NY 10601

TELEPHONE: 914-761-1300

E-MAIL: tpalmer@cuddyfeder.com

PROPERTY LOCATION: 925 Wolcott Avenue

ZONING DISTRICT: R1-10

TAX MAP DESIGNATION: SECTION 5954

BLOCK 44 LOT 922633-0000

Section of Zoning Code appealed from or Interpretation desired:

Section 230.10.D. See Project Narrative attached.

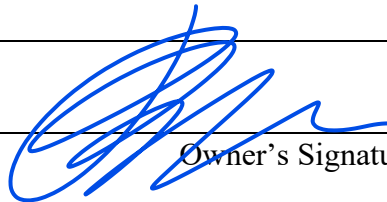
Reason supporting request:

See Project Narrative attached.

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

See Project Narrative attached.

Date: March 17, 2023



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: 925 Wolcott LLC

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

Yeshia Berger

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

1256 North Avenue - Owned by separate entity

916 Wolcott Avenue - Owned by separate entity

Applicant Address: 40 Catskill High Rail, Monroe, NY 10950

Project Address: 925 Wolcott Avenue, Beacon, NY 12508

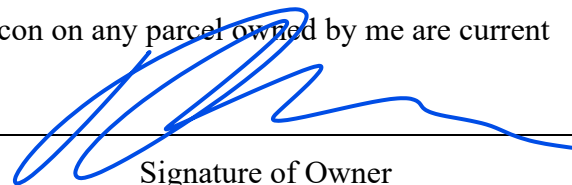
Project Tax Grid # 5954-44-922633-0000

Type of Application Interpretation (Alternatives: Area Variance or Use 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, Yeshia Berger, 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 N/A
2. Violations are pending on a parcel or parcels owned by me situated within the City of Beacon ✓
3. ALL tax payments due to the City of Beacon are current ✓
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N/A
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N/A
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current ✓



Signature of Owner

925 Wolcott LLC by: Yeshia Berger, Member

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 A**

Name of Applicant: 925 Wolcott LLC

Address of Applicant: 40 Catskill High Rail, Monroe, NY 10950

Telephone Contact Information: 917-626-4268

**SECTION B.** List all owners of record of the subject property or any part thereof.

<b>Name</b>	<b>Residence or Business Address</b>	<b>Telephone Number</b>	<b>Date and Manner title was acquired</b>	<b>Date and place where the deed or document of conveyance was recorded or filed.</b>
925 Wolcott LLC	40 Catskill High Rd Monroe, NY 10950	917-626-4268	July 13, 2022 Deed	July 28, 2022 Dutchess County Clerk

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

YES       NO

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

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

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

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

YES       NO

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

925 Wolcott LLC  
 (Print) By: Yeshia Berger

(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 <b>925 Wolcott LLC</b>	Address of Entity <b>40 Catskill High Rail Monroe, NY 10950</b>
Place where such business entity was created <b>New York State Department of State</b>	Official Registrar's or Clerk's office where the documents and papers creating entity were filed <b>New York State Department of State DOC ID: 6467643</b>
Date such business entity or partnership was created <b>04/26/2022</b>	Telephone Contact Information <b>917-626-4268</b>

**IF AFFIANT IS A CORPORATION:**

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

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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
Yeshia Berger	40 Catskill High Rail Monroe, NY 10950	917-626-4268	100%

**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.
Yeshia Berger	40 Catskill High Rail Monroe, NY 10950	917-626-4268	7/13/22 - Deed	7/28/22 - Recorded in Dutchess County Clerk's Office

**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
925 Wolcott LLC	40 Catskill High Rail, Monroe, NY 10950
LAJ Beacon LLC	369 Main Street, #493, Beacon, NY 12508

**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

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**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, Yeshia Berger being first duly sworn, according to law, deposes and says that I am (Title) Sole Member, an active and qualified member of the 925 Wolcott LLC, a business duly authorized by law to do business in the State of New York, and that the statements made herein are true, accurate, and complete.

(Print) 925 Wolcott LLC  
By: Yeshia Berger

(Signature) 

# Exhibit C

# Short Environmental Assessment Form

## Part 1 - Project Information

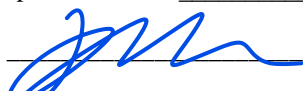
### Instructions for Completing

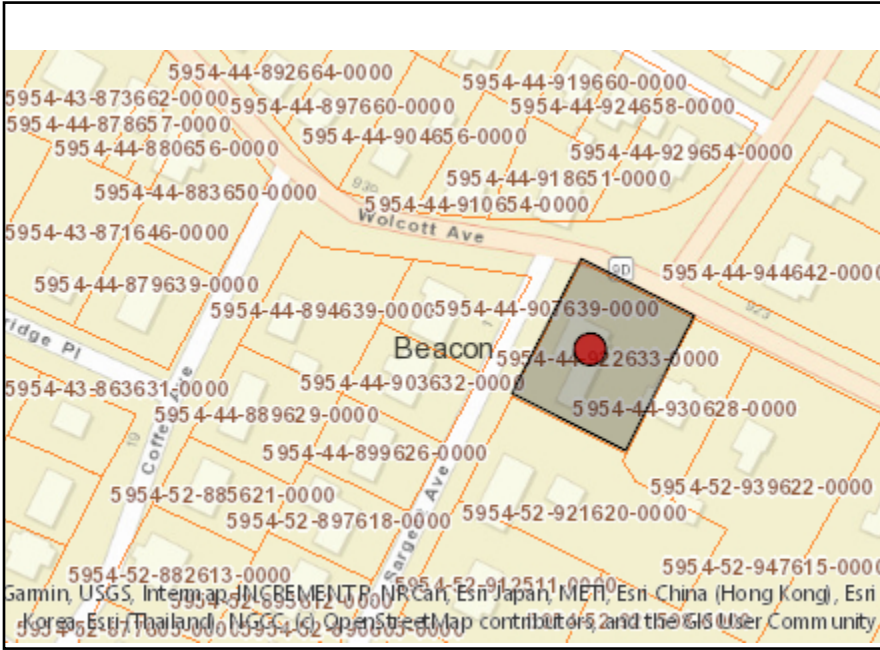
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5.     Urban           Rural (non-agriculture)           Industrial           Commercial           Residential (suburban)			
<input type="checkbox"/> Forest     Agriculture                   Aquatic           Other(Specify):			
<input type="checkbox"/> Parkland			

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____ Signature:  _____ Title: _____		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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



# Exhibit D

This permit is granted on the express condition that all work done hereunder shall in all respects conform to the requirements of the New York State Uniform Fire Prevention and Building Code and the plans and specification submitted to the Building Department.



**NO. 2022-0354**

**City of Beacon**  
One Municipal Plaza - Suite 1  
Beacon, New York 12508

**Building Permit**

Issued Date: **12/12/2022**  
Expiration Date: **12/11/2024**

Construction Address: **925 Wolcott Ave**  
SBL: **5954-44-922633** **40 Catskill High Rd**  
Owner's Name **925 Wolcott LLC**  
& Address **40 Catskill High Rd**

**Monroe NY 10950**

Applicant: **925 Wolcott LLC**

Permit to Commence the Following Work:

- Interior renovations to convert 16 units to 9 units
- Each unit will have a bathroom and kitchenette and meet the SRO definition
- All new plumbing and electric
- Install sprinkler system

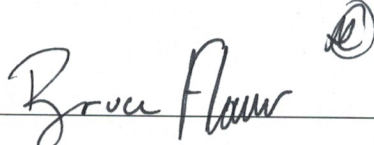
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**CONTRACTORS**

**Fees:**

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<b>BUILD</b>	<b>\$1,120.90</b>
<b>Total:</b>	<b>\$1,120.90</b>

Approved *Bruce Flower* 

Work must begin within 6 (six) months from date of issue. Permit expires 2 (two) years from date of issue. Occupancy in whole or part of building without a Certificate of Occupancy is prohibited by law.

# Exhibit E

**From:** [Palmer, Taylor M.](#)  
**To:** [Palmer, Taylor M.](#)  
**Subject:** Yeshia Text  
**Date:** Friday, February 17, 2023 2:25:27 PM

---

From: Bruce Flower <bflower@beaconny.gov>  
Sent: Thursday, January 19, 2023 9:57 AM  
To: david@niemotkoarchitects.com  
Subject: 925 Wolcott Ave

David,

After review of the City Code with the Zoning Board Attorney I was correct in my interpretation of the Zoning Code. When a non-conforming use in the city is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. To try to keep the nonconforming use on the property, either a change in district would have to be passed by the City Council or a Use Variance would need to be issued by the Zoning Board of Appeals. A Use Variance is very difficult to obtain and would probably be denied.

223-10 Non-conforming uses and structures

D. Restoration of damaged buildings. If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.

The parcel is located in the R1-10 Zoning District which will only allow a single family home to be constructed on the lot. This appears to be the property owners only option at this time.

If you have any questions feel free to contact me.

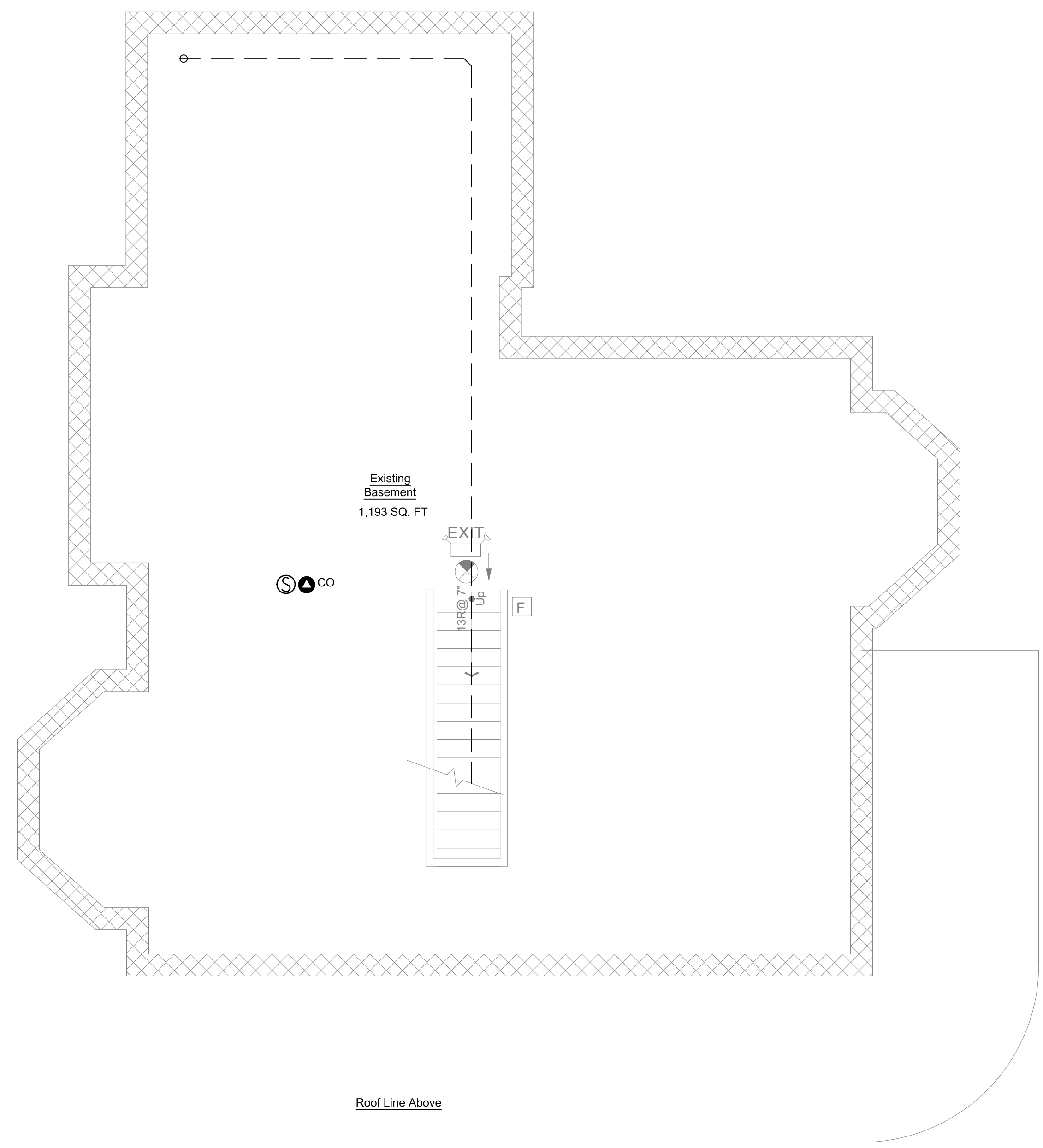
Bruce

Bruce Flower  
City of Beacon  
Building Department  
1 Municipal Plaza  
Beacon, NY 12508

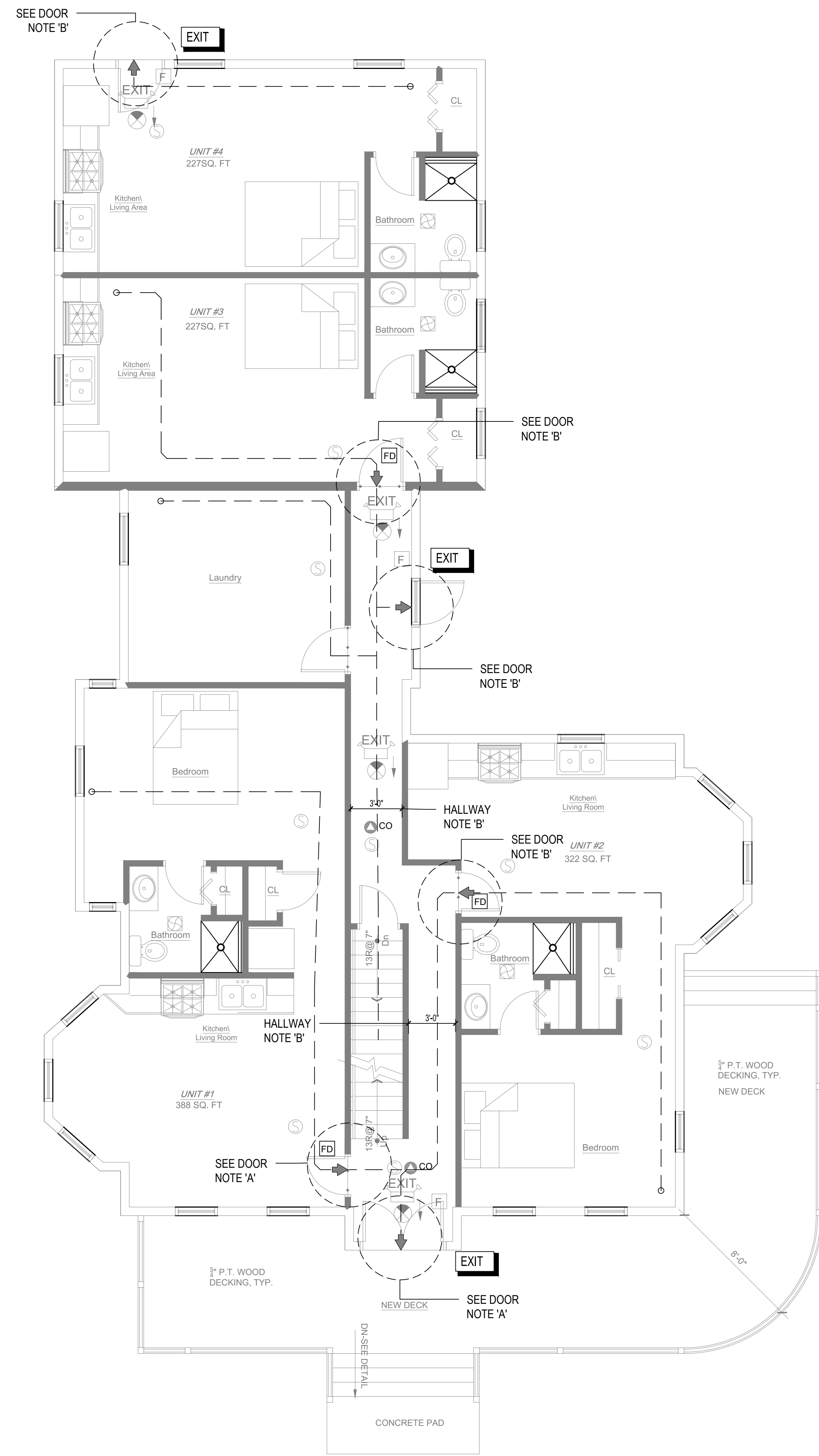
Sent from my iPhone

# Site Plans

Egress Legend	
DOOR NOTE 'A' 6'-0" DOUBLE LEAF DOOR: EGRESS CAPACITY 68" CLEAR WIDTH 687.20" = 340 PEOPLE	DOOR NOTE 'B' 3'-0" SINGLE LEAF DOOR: EGRESS CAPACITY 2-10" CLEAR WIDTH 347.20" = 170 PEOPLE
HALLWAY NOTE 'B' 3'-0" CLEAR WIDTH EGRESS CAPACITY 367.20" = 180 PEOPLE	
SYMBOL	DESCRIPTION
	TRAVEL DISTANCE (T.D.) MAX. # OF OCCUPANTS
	SMOKE/FIRE SEPARATION
	ADA PATH OF TRAVEL
	RESCUE WINDOW
	(2) HR RATED ASSEMBLY



2  
A.01 Proposed Basement Egress Plan  
1/4" = 1'-0"



1  
A.01 Proposed First Floor Egress Plan  
1/4" = 1'-0"

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REVISION	DATE
CLIENT REVIEW	09-20-2022
CLIENT REVIEW	09-26-2022
BD SUBMISSION	11-10-2022
BD REVISION	11-25-2022

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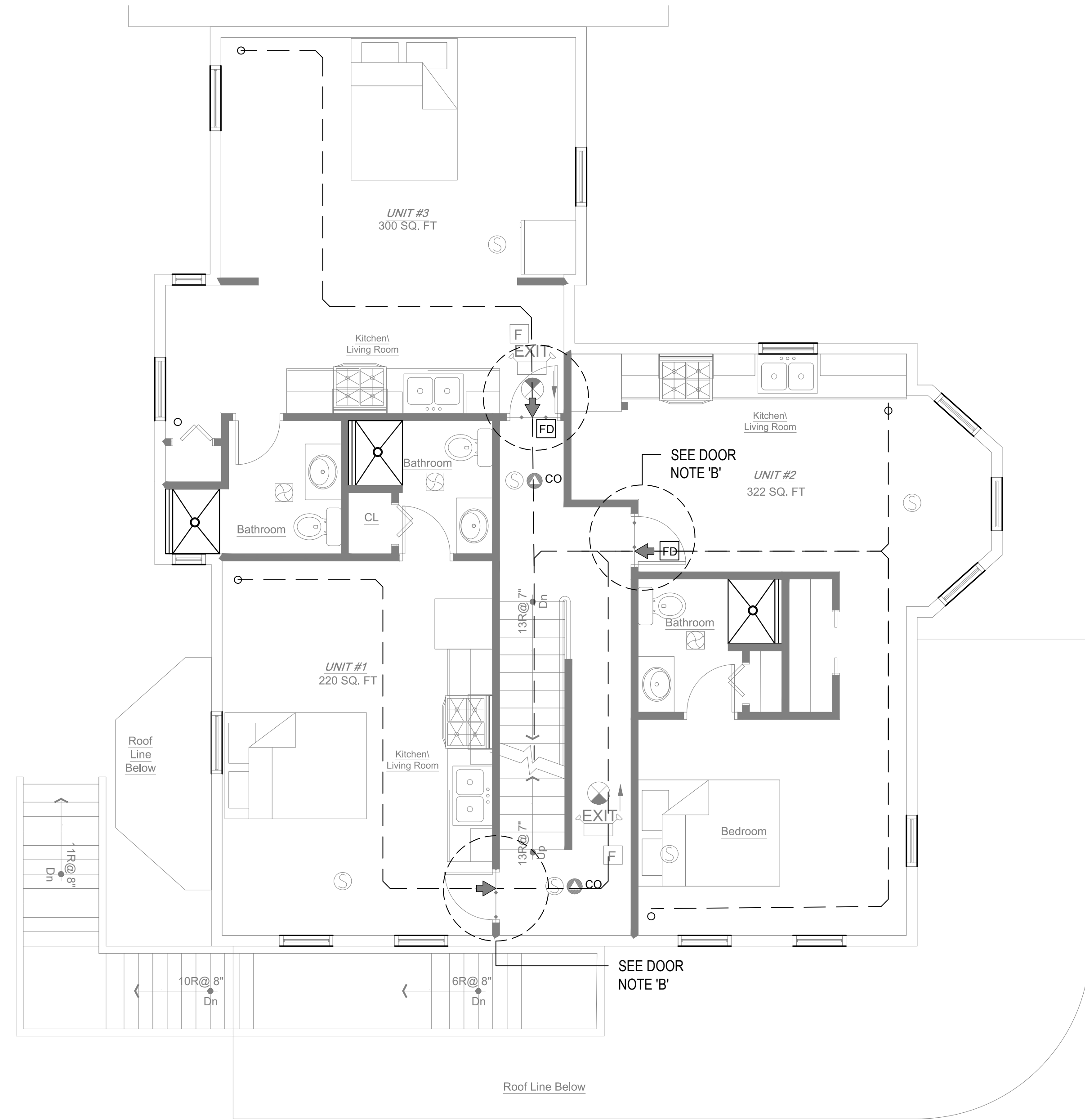
SHEET	PROPOSED 3RD & BASEMENT FLOOR EGRESS PLAN
PROJECT	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

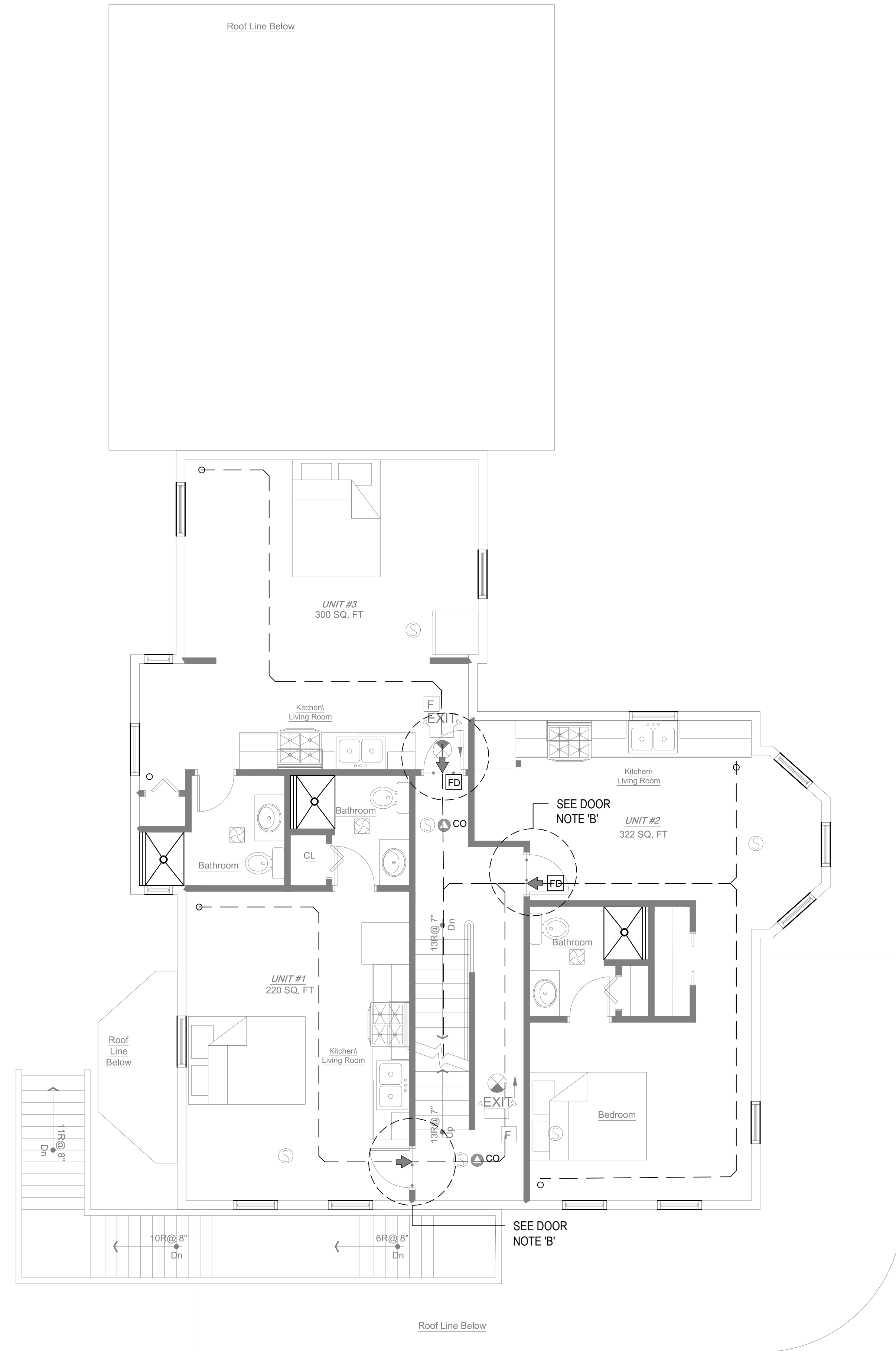
SHEET No.  
**A.01**

**Egress Legend**

<b>DOOR NOTE 'A'</b> 6'-0" DOUBLE LEAF DOOR: EGRESS CAPACITY 68" CLEAR WIDTH 687.20" = 340 PEOPLE		<b>DOOR NOTE 'B'</b> 3'-0" SINGLE LEAF DOOR: EGRESS CAPACITY 2-10" CLEAR WIDTH 347.20" = 170 PEOPLE		<b>HALLWAY NOTE 'B'</b> 3'-0" CLEAR WIDTH EGRESS CAPACITY 367.20" = 180 PEOPLE	
SYMBOL	DESCRIPTION				
	TRAVEL DISTANCE (T.D.) MAX. # OF OCCUPANTS				
	SMOKE/FIRE SEPARATION				
	ADA PATH OF TRAVEL				
	RESCUE WINDOW				
	(2) HR RATED ASSEMBLY				



2  
A.02 Proposed Second Floor Egress Plan  
1/4" = 1'-0"



1  
EG2.01 Proposed Third Floor Egress Plan  
1/4" = 1'-0"

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REV. NO.	DATE	DESCRIPTION
09-25-2022	09-26-2022	CLIENT REVIEW
11-10-2022	11-10-2022	BD SUBMISSION
11-25-2022	11-25-2022	BD REVISION



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SHEET TITLE: PROPOSED 1ST & 2ND FLOOR EGRESS PLAN  
 PROJECT: RENOVATION OF EXISTING HOUSE  
 925 WOLCOTT AVENUE  
 BEACON, NY 12508  
 CLIENT: YESHIA BERGER  
 925 WOLCOTT AVE  
 BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**A.02**

## Egress Legend

DOOR NOTE 'A' 6'-0" DOUBLE LEAF DOOR: EGRESS CAPACITY 68" CLEAR WIDTH 687.20' = 340 PEOPLE	DOOR NOTE 'B' 3'-0" SINGLE LEAF DOOR: EGRESS CAPACITY 2'-10" CLEAR WIDTH 347.20' = 170 PEOPLE	HALLWAY NOTE 'B' 3'-0" CLEAR WIDTH EGRESS CAPACITY 367.20' = 180 PEOPLE
--	---	--

SYMBOL	DESCRIPTION
	TRAVEL DISTANCE (T.D.) MAX. # OF OCCUPANTS
	SMOKE/FIRE SEPARATION
	ADA PATH OF TRAVEL
	RESCUE WINDOW
	(2) HR RATED ASSEMBLY

## Minimum Clearances

## EGRESS CORRIDORS SERVING:

7'-0" WALL TO WALL WITHOUT LOCKERS OR WARDROBES.

8'-0" WALL TO LOCKER FACE WITH LOCKERS OR WARDROBES ON ONE SIDE.

9'-6" LOCKER FACE TO LOCKER FACE WITH LOCKERS OR WARDROBES ON BOTH SIDES.

## CLEAR WIDTHS FOR SECONDARY EGRESS CORRIDORS SERVING 100 OR FEWER OCCUPANTS:

5'-0"

DOORS FROM ALL OFFICE SPACES (EXCLUDES LAVATORIES, STORAGE ROOMS, JANITOR'S CLOSETS LOCKER ROOMS:

SHALL SWING INTO THE CORRIDOR

SHALL HAVE A SAFETY VISION PANEL OF 1/4" GLAZING (NOT LESS THAN 100 SQ. INCHES)

LOCKER FACE TO LOCKER FACE WITH LOCKERS OR WARDROBES ON BOTH SIDES.

## Egress Code Analysis

PER THE 2020 NEW YORK BUILDING CODE (IBC)

USE GROUP CLASSIFICATION "R-2" RESIDENTIAL

## SECTION 1003 GENERAL MEANS OF EGRESS

## 1003.3 PROTRUDING OBJECTS

PROTRUDING OBJECTS ON CIRCULATION PATHS SHALL COMPLY WITH THE REQUIREMENTS OF SECTIONS 1003.3.1 THROUGH 1003.3.4.

## 1003.3.4 CLEAR WIDTH

PROTRUDING OBJECTS SHALL NOT REDUCE THE MINIMUM CLEAR WIDTH OF ACCESSIBLE ROUTES

## OCCUPANT LOAD

## 1004.2.1 INTERVENING SPACES OR ACCESSORY AREAS

WHERE OCCUPANTS EGRESS FROM ONE OR MORE ROOMS, AREAS OR SPACES THROUGH OTHERS, THE DESIGN OCCUPANT LOAD SHALL BE THE COMBINED OCCUPANT LOAD OF INTERCONNECTED ACCESSORY OR INTERVENING SPACES. DESIGN OF EGRESS PATH CAPACITY SHALL BE BASED ON THE CUMULATIVE PORTION OF OCCUPANT LOADS OF ALL ROOMS, AREAS OR SPACES TO THAT POINT ALONG THE PATH OF EGRESS TRAVEL.

## 1004.2.3 ADJACENT STORIES

OTHER THAN FOR THE EGRESS COMPONENTS DESIGNED FOR CONVERGENCE IN ACCORDANCE WITH SECTION 1005.6, THE OCCUPANT LOAD FROM SEPARATE STORIES SHALL NOT BE ADDED.

## 1004.4 MULTIPLE OCCUPANCIES

WHERE A BUILDING CONTAINS TWO OR MORE OCCUPANCIES, THE MEANS OF EGRESS REQUIREMENTS SHALL APPLY TO EACH PORTION OF THE BUILDING BASED ON THE OCCUPANCY OF THAT SPACE. WHERE TWO OR MORE OCCUPANCIES UTILIZE PORTIONS OF THE SAME MEANS OF EGRESS SYSTEM, THOSE EGRESS COMPONENTS SHALL MEET THE MORE STRINGENT REQUIREMENTS OF ALL OCCUPANCIES THAT ARE SERVED.

## 1004.5 AREAS WITHOUT FIXED SEATING

THE NUMBER OF OCCUPANTS SHALL BE COMPUTED AT THE RATE OF ONE OCCUPANT PER UNIT OF AREA AS PRESCRIBED IN TABLE 1004.5. FOR AREAS WITHOUT FIXED SEATING, THE OCCUPANT LOAD SHALL BE NOT LESS THAN THAT NUMBER DETERMINED BY DIVIDING THE FLOOR AREA UNDER CONSIDERATION BY THE OCCUPANT LOAD FACTOR ASSIGNED TO THE FUNCTION OF THE SPACE AS SET FORTH IN TABLE 1004.5. WHERE AN INTENDED FUNCTION IS NOT LISTED IN TABLE 1004.5, THE FIRE CODE OFFICIAL SHALL ESTABLISH A FUNCTION BASED ON A LISTED FUNCTION THAT MOST NEARLY RESEMBLES THE INTENDED FUNCTION.

## TABLE 1004.5 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

STORAGE & MECHANICAL ROOMS	300 GROSS
ASSEMBLY:	
ASSEMBLY WITH FIXED SEATS	SECTION 1004.4
CONCENTRATED (CHAIRS ONLY)	7 NET
STANDING SPACE	5 NET
UNCONCENTRATED (TABLES & CHAIRS)	15 NET
BUSINESS AREAS (OFFICES)	150 GROSS
LOCKER ROOMS	50 GROSS
KITCHENS, COMMERCIAL	200 GROSS
DORMITORIES	50 GROSS
CLASSROOM AREA	20 NET

## 1004.9 POSTING OF OCCUPANT LOAD

EVERY ROOM OR SPACE THAT IS AN ASSEMBLY OCCUPANCY SHALL HAVE THE OCCUPANT LOAD OF THE ROOM OR SPACE POSTED IN A CONSPICUOUS PLACE, NEAR THE MAIN EXIT OR EXIT ACCESS DOORWAY FROM THE ROOM OR SPACE, FOR THE INTENDED CONFIGURATIONS.

## MEANS OF EGRESS SIZING

## SECTION 1005

## 1005.3 REQUIRED CAPACITY BASED ON OCCUPANT LOAD

## 1005.3.1 STAIRWAYS

CALCULATED BY MULTIPLYING THE OCCUPANT LOAD SERVED BY SUCH STAIRWAYS BY A MEANS OF EGRESS CAPACITY FACTOR OF 0.3 INCH PER OCCUPANT.

## 1005.3.2 OTHER EGRESS COMPONENTS

MEANS OF EGRESS COMPONENTS OTHER THAN STAIRWAYS SHALL BE CALCULATED BY MULTIPLYING THE OCCUPANT LOAD SERVED BY EACH COMPONENT BY A MEANS OF EGRESS CAPACITY FACTOR OF 0.2 INCH PER OCCUPANT.

## NUMBER OF EXITS AND EXIT ACCESS DOORWAYS

## SECTION 1006

1006.2.1 EGRESS BASED ON OCCUPANT LOAD AND COMMON PATH OF EGRESS TRAVEL DISTANCE.

TWO EXITS OR EXIT ACCESS DOORWAYS FROM ANY SPACE SHALL BE PROVIDED WHERE THE DESIGN OCCUPANT LOAD OR THE COMMON PATH OF EGRESS TRAVEL DISTANCE EXCEEDS THE VALUES LISTED IN TABLE 1006.2.1

## \*B\*OCCUPANCY:

49 MAX OCCUPANT LOAD/ PROPOSED 4 OCC<49 MAX OCC  
75' MAX COMMON PATH OF EGRESS TRAVEL DISTANCE

## \*A\*OCCUPANCY:

49 MAX OCCUPANT LOAD/ PROPOSED 35 OCC<29 MAX OCC 3 EXITS PROVIDED  
75' MAX COMMON PATH OF EGRESS TRAVEL DISTANCE

## \*R\*OCCUPANCY:

20 MAX OCCUPANT LOAD/ PROPOSED 130 OCC<20 MAX OCC 2 EXITS PROVIDED  
125' MAX COMMON PATH OF EGRESS TRAVEL DISTANCE MUST BE SPRINKLER

## Egress Code Continues

## EXIT ACCESS

## SECTION 1016

1016.2 EGRESS THROUGH INTERVENING SPACE

EGRESS FROM A ROOM OR SPACE SHALL NOT PASS THROUGH ADJOINING OR INTERVENING ROOMS OR AREAS, EXCEPT WHERE SUCH ADJOINING ROOMS OR AREAS AND THE AREA SERVED ARE ACCESSORY TO ONE OR THE OTHER.

EGRESS SHALL NOT PASS THROUGH KITCHENS, STORAGE ROOMS, CLOSETS OR SPACES USED FOR SIMILAR PURPOSES.

## EXIT ACCESS TRAVEL DISTANCE

## SECTION 1017

\*R\* OCCUPANCY:

NOT TO EXCEED 200 FEET WITHOUT SPRINKLER SYSTEM

## CORRIDORS

## SECTION 1020

1020.1 CORRIDOR FIRE-RESISTANCE RATING:

\*B\* OCCUPANCY

1 HOUR WITHOUT A SPRINKLER SYSTEM

1020.2 MINIMUM CORRIDOR WIDTH

MINIMUM CORRIDOR WIDTH UNLESS OTHERWISE NOTED: 44"

WITH AN OCCUPANT LOAD OF LESS THAN 50: 36"

GROUP \*B\* WITH A CORRIDOR SERVING MORE THAN 100: 72"

1020.4 DEAD END CORRIDORS

MAX DEAD END CORRIDOR LENGTH = 20'

NOT FOR

CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REVISION:  
CLIENT REVIEW  
BD SUBMISSION  
BD REVISIONDATE  
09-20-2022  
09-26-2022  
11-10-2022  
11-25-2022

No.



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SHEET TITLE: EGRESS CODE ANALYSIS AND NOTES

PROJECT: RENOVATION OF EXISTING HOUSE  
925 WOLCOTT AVENUE  
BEACON, NY 12508CLIENT: YESHIA BERGER  
925 WOLCOTT AVE  
BEACON, NY 12508

SCALE:

DRN:

CAD #

JOB # JOB

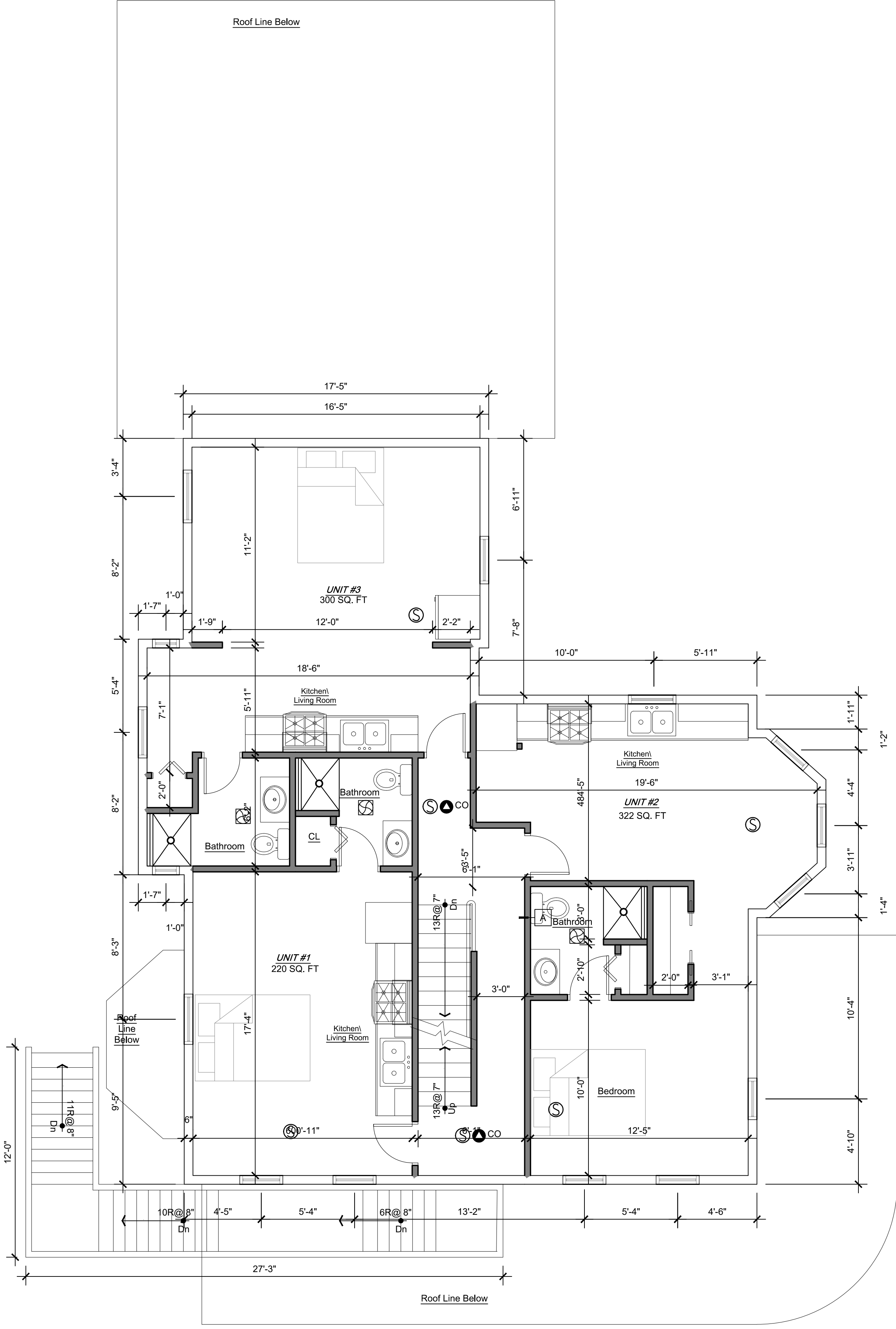
PLOT DATE: 09/15/2022

SHEET No.

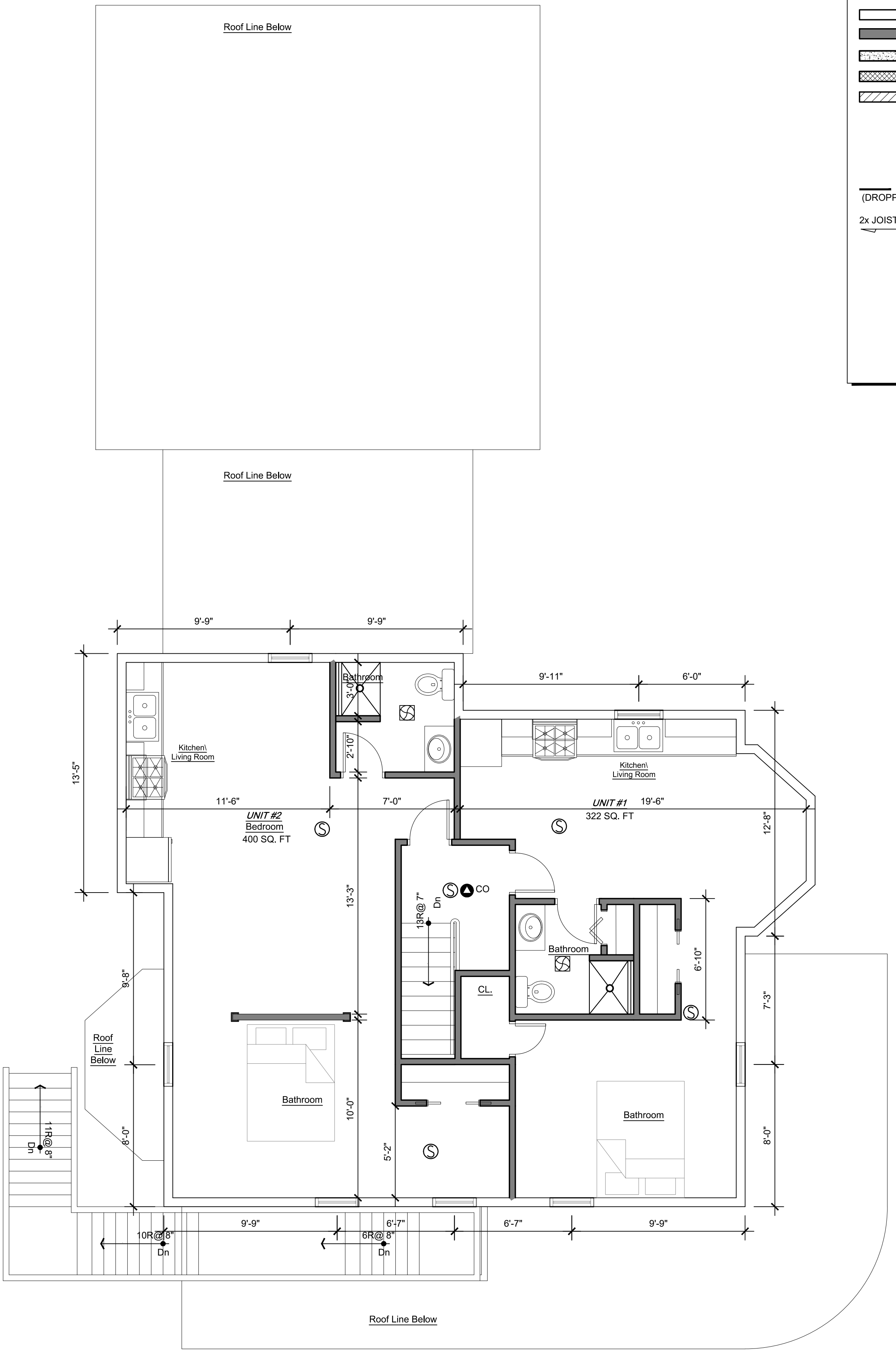
EG2.03







**1**  
A2.02  
**Proposed Second Floor Plan**  
1/4" = 1'-0"  
PLAN NOTES  
1. ALL CONDITIONS EXIST UNLESS OTHERWISE NOTED, TYP.  
2. TOTAL AREA THIS FLOOR = 863 SQ. FT. - NO CHANGE IN FOOTPRINT  
3. TOTAL UNITS THIS FLOOR = 5 TOTAL UNITS



**2**  
A2.02  
**Proposed Third Floor Plan**  
1/4" = 1'-0"  
PLAN NOTES  
1. ALL CONDITIONS EXIST UNLESS OTHERWISE NOTED, TYP.  
2. TOTAL AREA THIS FLOOR = 804 SQ. FT. - NO CHANGE IN FOOTPRINT  
3. TOTAL UNITS THIS FLOOR = 3 TOTAL UNITS

SYMBOL	DESCRIPTION
[Solid line]	EXISTING WALL TO REMAIN
[Dashed line]	NEW WOOD FRAMED WALL
[Hatched pattern]	NEW POURED CONCRETE
[Cross-hatched pattern]	EXIST. CMU FOUNDATION WALL
[Diagonal hatched pattern]	NEW INTERIOR 2x4 OR 2x6 WOOD STUD WALL, 16" O.C. W/ 1/2" GYP. BD LOAD BEARING WITH BLOCKING AT MID SPAN P.T. BOTTOM PLATE (IF FRAMED TO CONCRETE) W.R. GYP. BD. FOR BATHROOMS R-21 BATT INSULATION
[Dashed line with arrowheads]	NEW BEAM/LINTEL (DROPPED/FLUSH)
[Arrow]	NEW FRAMING DESIGNATION (ARROWHEADS INDICATE DIRECTION) F.J. - FLOOR JOIST R.R. - ROOF RAFTER R.B. - RIDGE BEAM L.B. - LEDGER BOARD R.T. - RAFTER TIE C.T. - COLLAR TIE

**NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW**

REVISION:

NO.	DATE	DESCRIPTION
09-20-2022	09-26-2022	CLIENT REVIEW
11-10-2022	11-10-2022	BD SUBMISSION
11-25-2022	11-25-2022	BD REVISION
11-06-2022	11-06-2022	BD COMMENT

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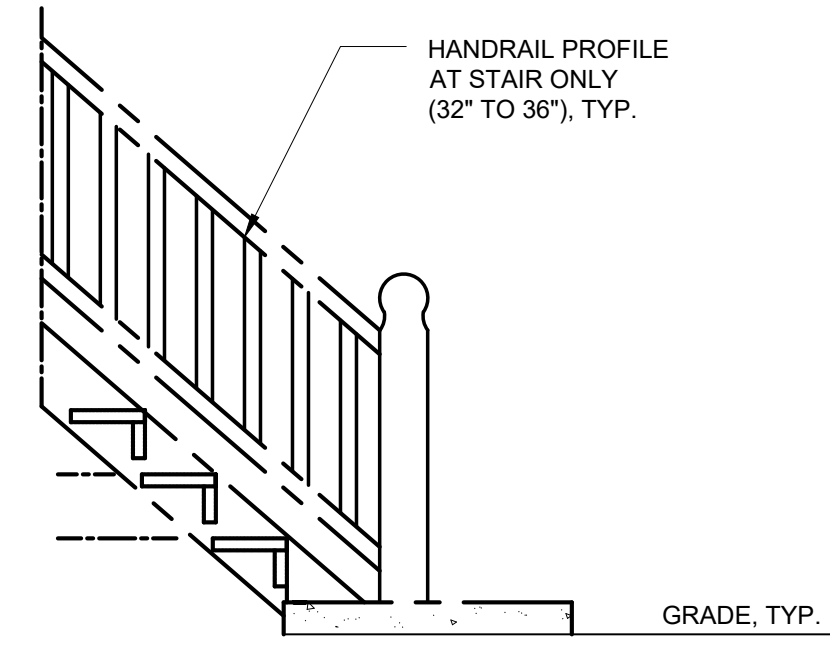
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SHEET TITLE: **PROPOSED SECOND AND THIRD FLOOR PLAN**  
PROJECT: **RENOVATION OF EXISTING HOUSE**  
925 WOLCOTT AVENUE  
BEACON, NY 12508  
CLIENT: **YESHIA BERGER**  
925 WOLCOTT AVE  
BEACON, NY 12508

SCALE: \_\_\_\_\_  
DRWN: \_\_\_\_\_  
CAD # \_\_\_\_\_  
JOB # **JOB**  
PLOT DATE: **09/15/2022**

SHEET No. **A2.02**

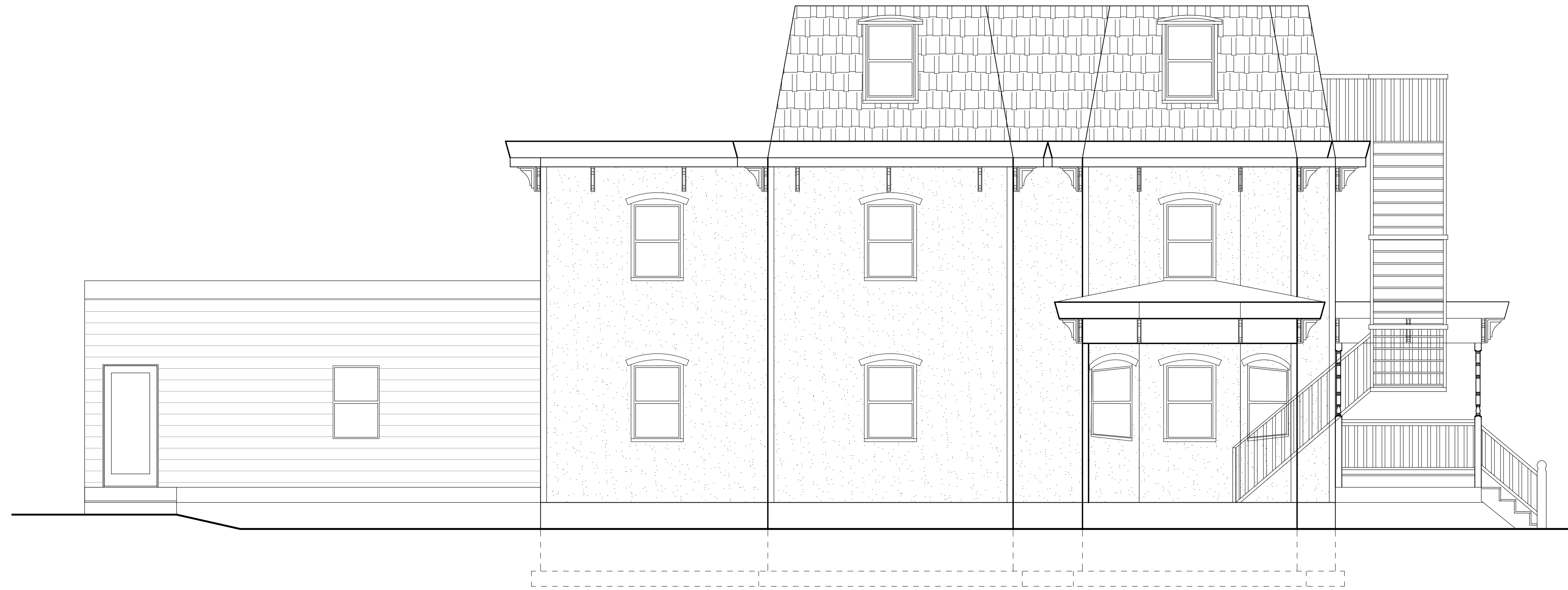


- PLAN NOTES:
1. STAIR CAN BE EITHER P.T. WOOD OR CONCRETE TO FOLLOW GRADE.
  2. NO SPACE ON THE RAILING OR STAIR SHALL ALLOW A 4" SPHERE TO PASS THROUGH PER CODE, TYP.

3 Stair / Railing Detail  
1/4" = 1'-0"



1 Front Elevation  
1/4" = 1'-0"



2 Left Elevation  
1/4" = 1'-0"

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REV. NO.	DATE	DESCRIPTION
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11-10-2022	11-10-2022	CLIENT REVIEW
11-25-2022	11-25-2022	BD SUBMISSION
11-06-2022	11-06-2022	BD REVISION
		BD COMMENT

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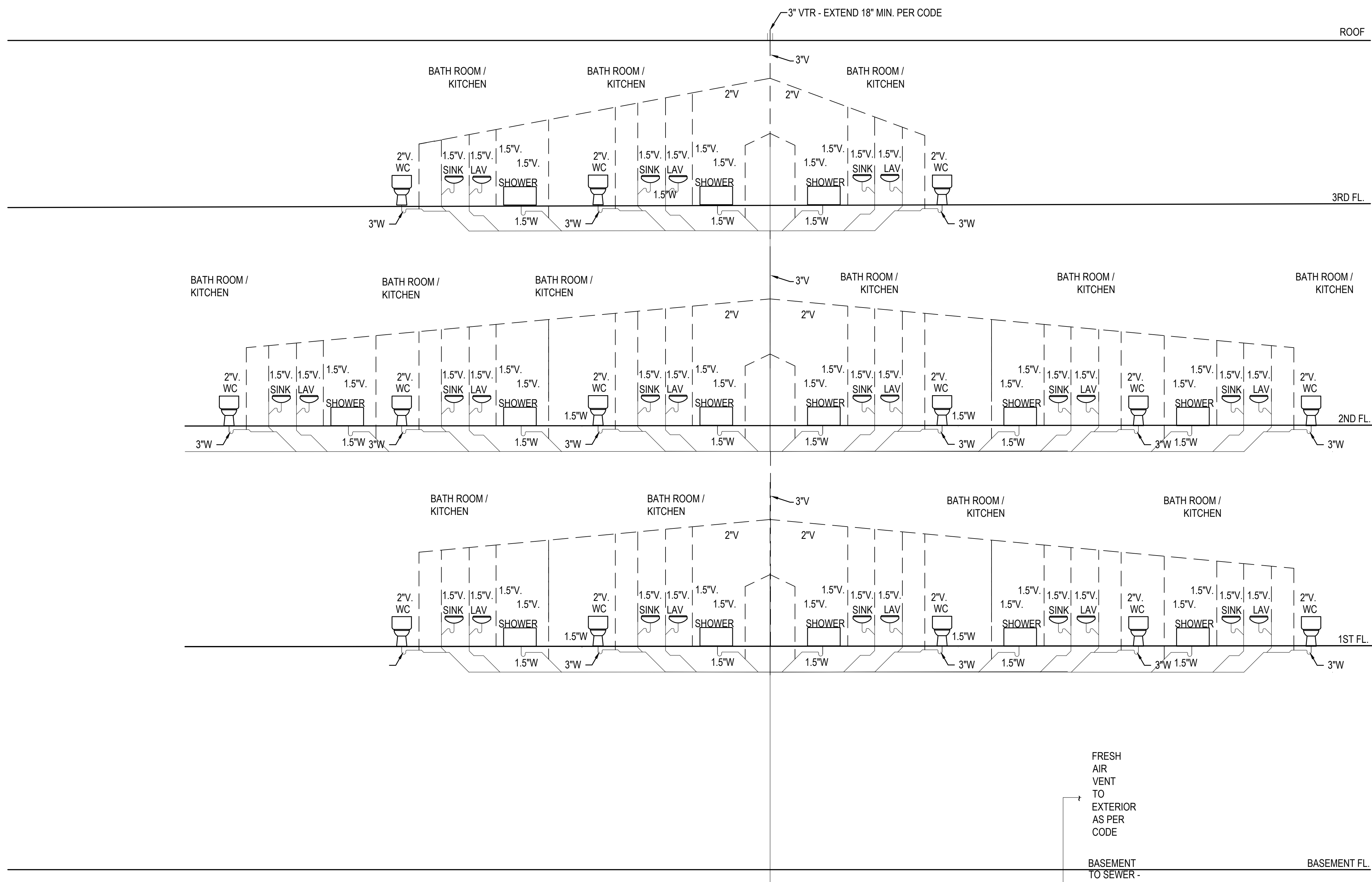
SHEET TITLE:	ELEVATIONS, NOTES
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**A3.01**

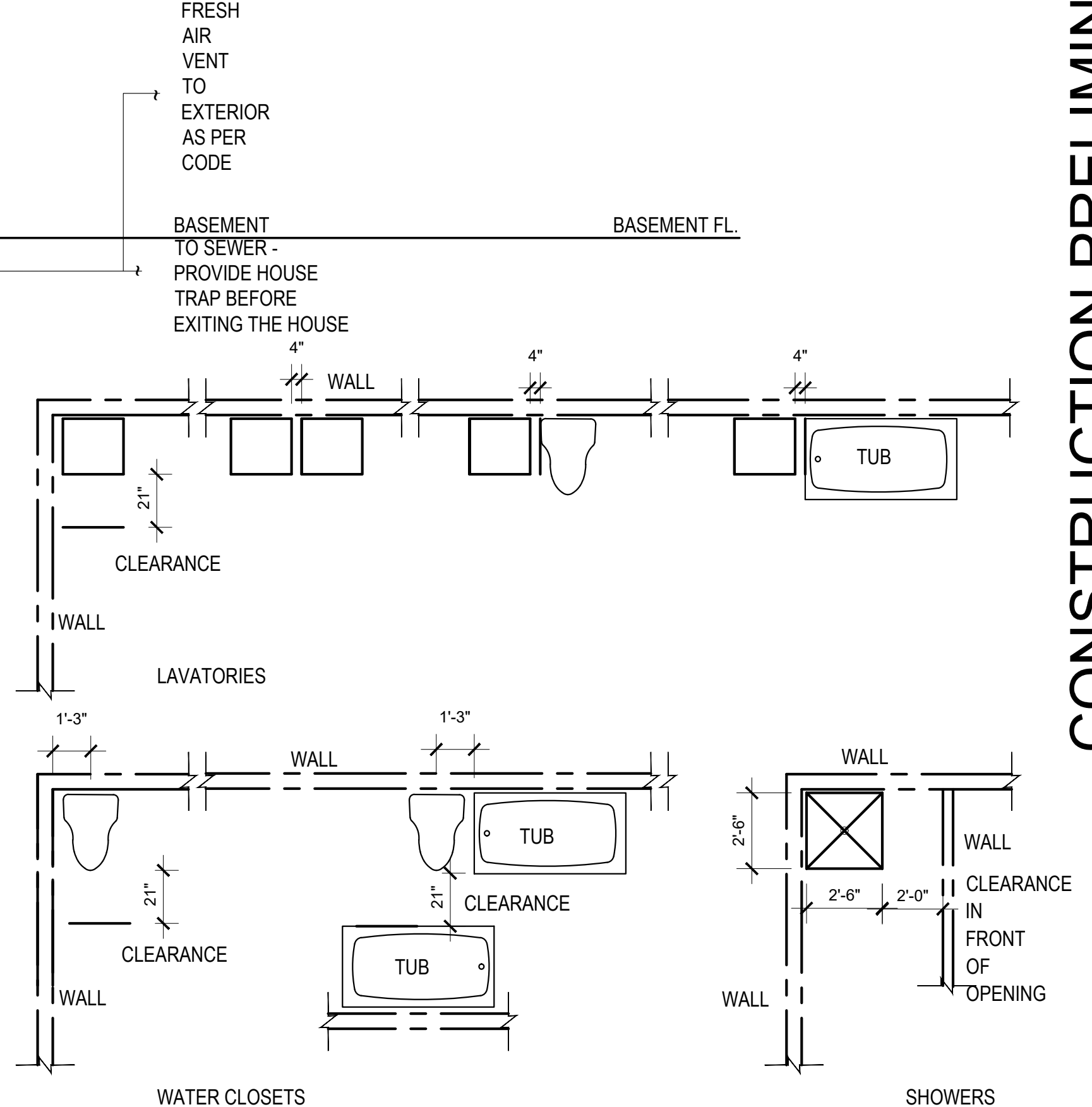
**PLUMBING NOTES**

1. ALL PLUMBING WORK UNDER THIS CONTRACT SHALL CONFORM TO THE NYS BUILDING CODE OF 2015, THE 2015 NATIONAL STANDARD PLUMBING CODE, THE NEW YORK STATE ENERGY CODE, THE LOCAL BUILDING DEPARTMENT, THE REQUIREMENTS OF THE UTILITY AND THE LOCAL WATER COMPANY.
2. ALL MATERIALS SHALL BE NEW UNLESS NOTED OTHERWISE.
3. THE PLUMBING CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ALL LABOR AND MATERIALS SUPPLIED AND INSTALLED UNDER THIS CONTRACT AND SHALL GUARANTEE THE WORK PERFORMED UNDER THIS CONTRACT FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ACCEPTANCE OF THIS WORK.
4. PLUMBING CONTRACTOR SHALL CONSULT WITH, COOPERATE AND COORDINATE WITH THE GENERAL CONTRACTOR, HEATING CONTRACTOR, SPRINKLER CONTRACTOR, ELECTRICAL CONTRACTOR, ETC. IN ORDER TO MINIMIZE INTERFERENCES BETWEEN TRADES DURING PERFORMANCE OF THIS WORK.
5. THE PLUMBING CONTRACTOR SHALL PREPARE AND FILE ALL REQUIRED PLANS AND PERMITS WITH THE LOCAL BUILDING DEPARTMENT AND SHALL PAY ALL FILING FEES AS REQUIRED. HE SHALL OBTAIN ALL AUTHORITIES AND SHALL PAY ALL WORK PERMITS, INSPECTIONS AND WRITE-OFFS AS REQUIRED TO EXECUTE THIS WORK IN A MANNER IN CONFORMANCE WITH THE CODES AND AUTHORITIES HAVING JURISDICTION.
6. THE PLUMBING CONTRACTOR SHALL PERFORM ALL TESTS AND ARRANGE FOR ALL INSPECTIONS FOR WORK UNDER HIS CONTRACT AS REQUIRED BY LAW AND SHALL SUPPLY ALL CERTIFICATES OF INSURANCE AS REQUIRED BY THE LAW AND THE OWNER.
7. THE PLUMBING CONTRACTOR SHALL MAKE ALL FINAL CONNECTIONS TO ALL PLUMBING EQUIPMENT REGARDLESS WHETHER ILLUSTRATED HEREIN WITHOUT ANY ADDITIONAL COSTS TO THE OWNER.
8. PLUMBING CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS, INCLUDING THE SIZE OF CONNECTIONS, ROUGHING DIMENSIONS, ETC. BEFORE SUBMITTING A QUOTATION FOR THE WORK.
9. PLUMBING CONTRACTOR SHALL PERFORM ALL CUTTING, EXCAVATION, BACKFILLING, ROUGH AND FINISH PATCHING AS PER THE SPECIFICATIONS AS REQUIRED FOR THE INSTALLATION OF THE WORK, UNLESS NOTED OTHERWISE.
10. ALL CONNECTIONS TO NEW AND/OR EXISTING EQUIPMENT SHALL BE SIZED AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
11. IT IS THE INTENT OF THIS CONTRACT THAT THE COMPLETED WORK BE FULLY OPERATIONAL.
12. ALL PIPE HANGERS AND SUPPORTS SHALL BE INSTALLED AT INTERVALS AND BE FABRICATED OF MATERIALS AS REQUIRED BY THE CODE.
13. ALL NEW PLUMBING FIXTURES SHALL BE INSTALLED WITH ANGLE STOP VALVES IN THE SUPPLY LINES SERVING THE FIXTURE.
14. ALL NEW EXPOSED WATER AND WASTE PIPING SERVING THE FIXTURES SHALL BE CHROME PLATED AND SHALL HAVE CHROME PLATED ESCUTCHEONS RIGIDLY ATTACHED TO THE PIPING AT THE POINT OF WALL OR FLOOR PENETRATIONS.
15. PLUMBING CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL NEW PLUMBING FIXTURES AND EQUIPMENT TO BE SUPPLIED AND INSTALLED UNDER THIS CONTRACT FOR APPROVAL BEFORE INSTALLATION OF SAME.
16. WATERPROOF PIPE SLEEVES SHALL BE INSTALLED AT ALL PENETRATIONS THROUGH EXTERIOR WALLS. PIPE SLEEVES SHALL BE INSTALLED AT ALL WALL PENETRATIONS THROUGH INTERIOR WALLS AND FLOORS. ALL PIPING PENETRATIONS TO BE SEALED AROUND WITH "NELSON" FIRE SEAL.
17. WATER HAMMER ELIMINATORS (APPROVED - FIELD FABRICATED OR MANUFACTURED) SHALL BE INSTALLED AT ALL RUN OUTS IN HOT AND/OR COLD WATER LINES SERVING TOILET ROOMS AND OTHER AREAS WHICH INCORPORATE "RAPID-ACTION" VALVES SUCH AS FLUSHMETERS, SOLENOID VALVES, ETC.
18. ALL PIPING SHALL BE TESTED AT A MINIMUM PRESSURE OF 1-1/2 TIMES THE MAXIMUM OPERATING PRESSURE UNLESS OTHERWISE NOTED ON THE DOCUMENTS OR THE PLUMBING CODE AND IN ACCORDANCE WITH THE UTILITY REQUIREMENTS FOR GAS PIPING SYSTEMS.
19. ALL REMOVALS PERFORMED UNDER THIS CONTRACT SHALL INCLUDE REMOVAL OF ALL DEBRIS AND DISPOSAL AT AN APPROPRIATE SITE.
20. ALL LAVATORIES DESIGNED FOR USE BY PERSONS CONFINED TO WHEELCHAIRS SHALL HAVE THE HOT AND COLD WATER SERVICES, AS WELL AS THE TRAP, RECESSED AND INSULATED IN ACCORDANCE WITH THE ADA REQUIREMENTS. CONTRACTOR SHALL USE TRUEBRO LAVGUARD E-Z SERIES UNDER SINK PROTECTIVE PIPE COVERS OR EQUAL.
21. REFER TO THE ARCHITECTURAL PLANS FOR ALL STRUCTURAL DIMENSIONS.
22. ALL WATER SERVICE PIPING WITHIN THE BUILDING IS TO BE INSULATED WITH 1" FIBERGLASS INSULATION.
23. ALL PLUMBING FIXTURES TO BE INSTALLED AS PER FACTORY RECOMMENDATIONS.
24. FLOOR DRAIN STRAINERS SHALL BE SET LEVEL WITH FINISHED FLOORS.
25. ALL FLOOR DRAINS TO BE PROVIDED WITH TRAP PRIMER.
26. ALL PIPE DIMENSIONS ARE INSIDE CLEAR.
27. ALL PLUMBING FIXTURES TO HAVE ISOLATION VALVES.



**1 Plumbing Riser Diagram**  
1/4" = 1'-0"

- PLAN NOTES:
1. COVER ALL EXPOSED HOT WATER PIPING WITH 1/2" WALLED, FOAM INSULATION, I.E. ARMORFLEX OR APPROVED EQUAL.
  2. UNDERSLAB SANITARY PIPING CAN BE PLASTIC, SCHEDULE 40.
  3. SLOPE WASTE PIPE AT 1/4" PER FOOT, TYP.
  4. INSTALL FIREPROOF CAULK AROUND ALL PIPE AND DUCT PENETRATIONS THROUGH FLOORS AND CEILINGS.
  5. PIPE PENETRATIONS THROUGH THE FOUNDATION WALL SHALL BE 2 PIPE SIZES LARGER THAN THE PIPE PASSING THROUGH THE WALL. THE VOID SHALL BE FILLED WITH A "FLEXIBLE", WATERPROOF MATERIAL, I.E. LINK-SEAL.
  6. VENT DRYER DIRECTLY TO THE EXTERIOR PER CODE AND AS PER THE MANUFACTURER'S SPECIFICATIONS.
  7. INSTALL FIREPROOF CAULK AND STOPPING AROUND ALL PIPE AND DUCT PENETRATIONS THROUGH THE FLOOR, TYP.
  8. FURNACE IS GAS FIRED, 125,000 BTUS, 85% EFFICIENCY MIN.



**2 Plumbing Clearance Diagram**  
1/4" = 1'-0"

**NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW**

REVISION:	CLIENT REVIEW
	CLIENT REVIEW
	BD SUBMISSION
	BD REVISION
	BD COMMENT

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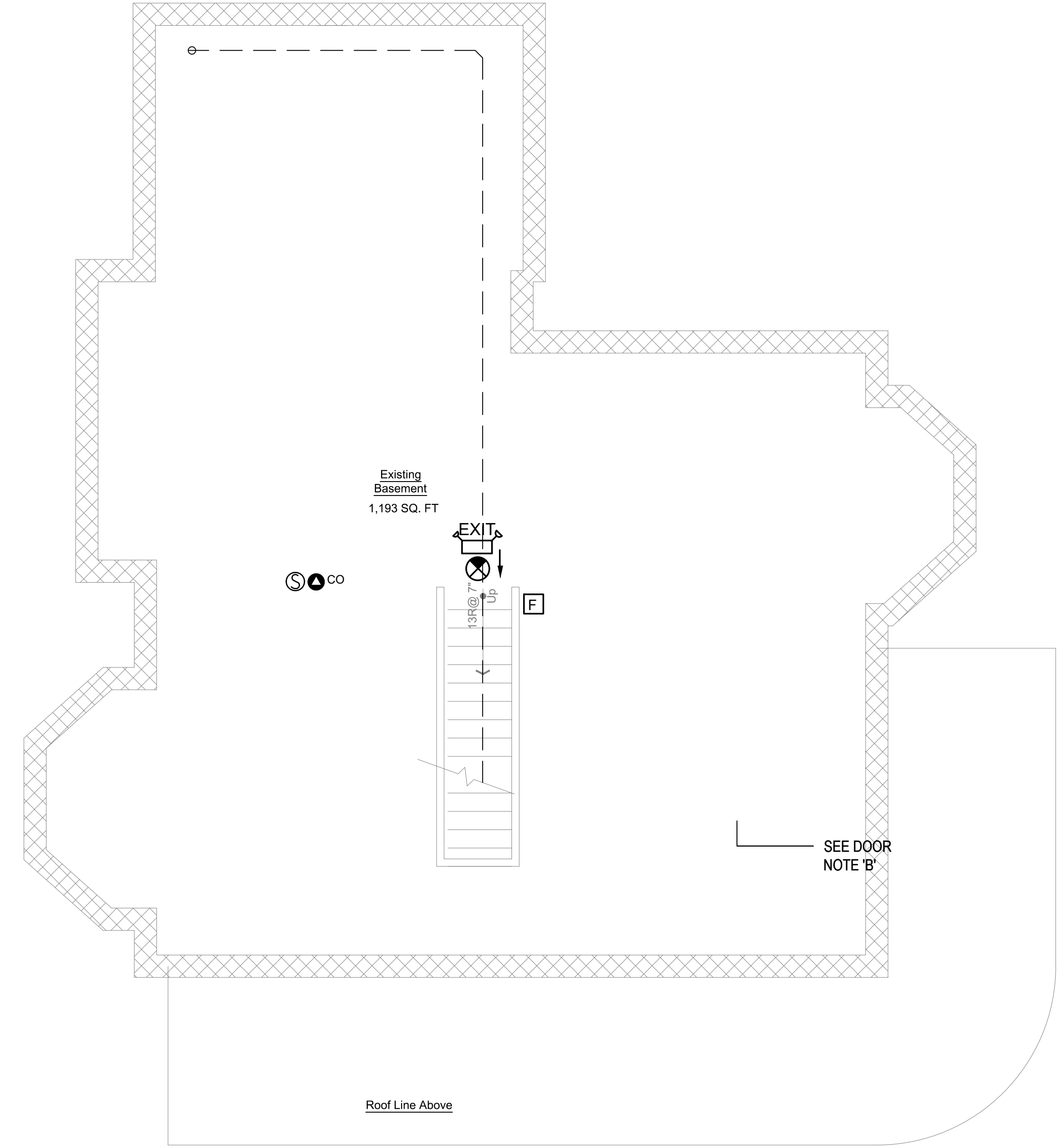
SHEET TITLE:	PLUMBING RISER DIAGRAM & DETAILS
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

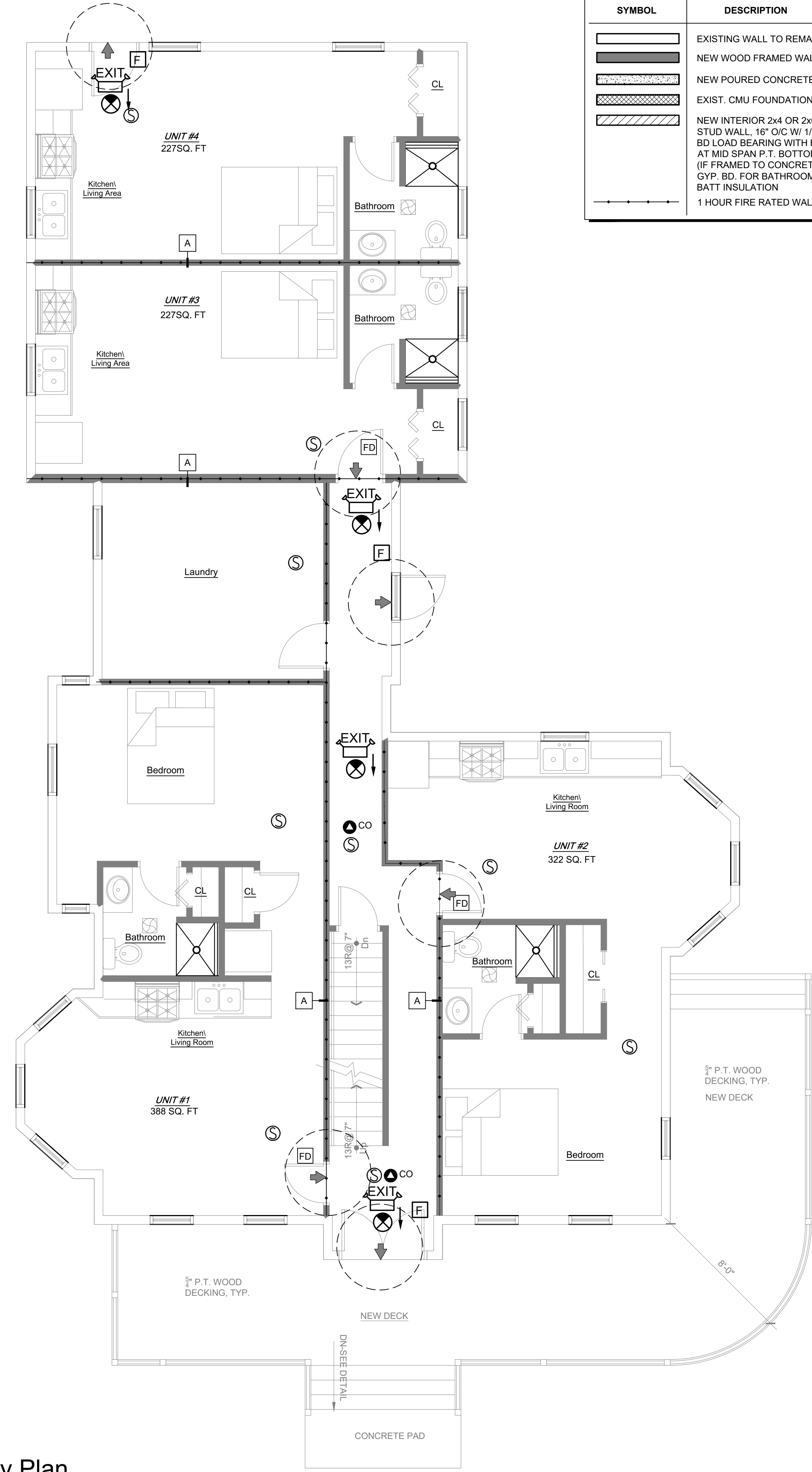
SHEET No.  
**P2.01**

FIRE ALARM EQUIPMENT SCHEDULE	
SYMBOL	DESCRIPTION
	EXIT LIGHT - WALL MOUNTED DIRECTIONAL - ARROW AS REQUIRED LIGHTED EXIT SIGN WITH LED LIGHT STRIP AND NI-CAD BATTERY BACK-UP, 120 VOLT
	EXIT LIGHT - CEILING MOUNTED DIRECTIONAL - ARROW AS REQUIRED LIGHTED EXIT SIGN WITH LED LIGHT STRIP AND NI-CAD BATTERY BACK-UP, 120 VOLT
	EXIT LIGHT
	EMERGENCY- BATTERY BACK UP-LIGHTING UNIT
	FIRE ALARM DOUBLE ACTION PULL STATION
	FIRE ALARM SYSTEM HORN/STROBE ANNUNCIATOR
	COMBINATION HORN/STROBE LIGHT DEVICE FOR ADA RESTROOMS
	HEAT DETECTOR - MOUNT WITHING 3 FEET OF HIGHEST POINT
	PHOTOELECTRIC HARD WIRED AND BATTERY BACK-UP SMOKE DETECTOR
	CARBON MONOXIDE DETECTOR. SEE NOTE 14/A1
	FLOURESCENT 2x... LAY IN FIXTURE WITH EMERGENCY BALLAST/BATTERY CHARGER BACK-UP; LAMPS - (2) F32 T-8 W/ RAPID START ELECTRONIC BALLAST, 120V.
	INTERIOR WALL MOUNT FLOURESCENT FIXTURE W/ POLYCARBONATE LENS & EMERGENCY BALLAST POWER PACK FOR 2 LAMP EMERGENCY OPERATION; LAMPS - (2) F32 T-8 W/ RAPID START ELECTRONIC BALLAST, 120V.

SYMBOL	DESCRIPTION
	EXISTING WALL TO REMAIN
	NEW WOOD FRAMED WALL
	NEW POURED CONCRETE
	EXIST. CMU FOUNDATION WALL
	NEW INTERIOR 2x4 OR 2x6 WOOD STUD WALL, 16" O/C W/ 1/2" GYP. BD LOAD BEARING WITH BLOCKING AT MID SPAN P.T. BOTTOM PLATE (IF FRAMED TO CONCRETE) W.R. GYP. BD. FOR BATHROOMS R-21 BATT INSULATION
	1 HOUR FIRE RATED WALL



2 LS.01 1/4" = 1'-0" Basement Life-safety Plan



1 LS.01 1/4" = 1'-0" First Floor Life-Safety Plan

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REVISION	DATE	DESCRIPTION
1	09-20-2022	CLIENT REVIEW
2	09-26-2022	CLIENT REVIEW
3	11-10-2022	BD SUBMISSION
4	11-25-2022	BD REVISION

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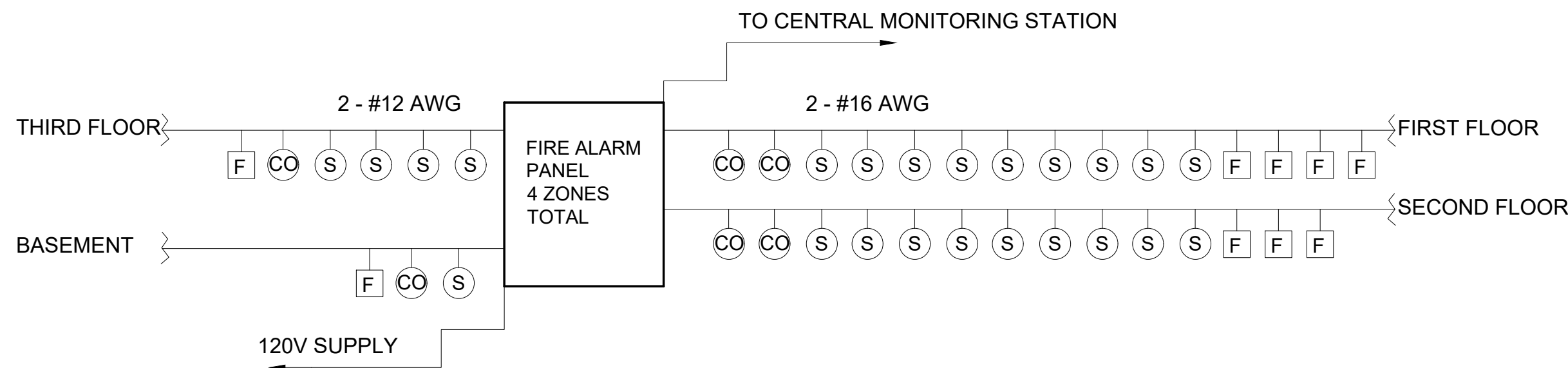
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SHEET TITLE:	PROPOSED FIRE ALARM PLANS & DETAILS
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

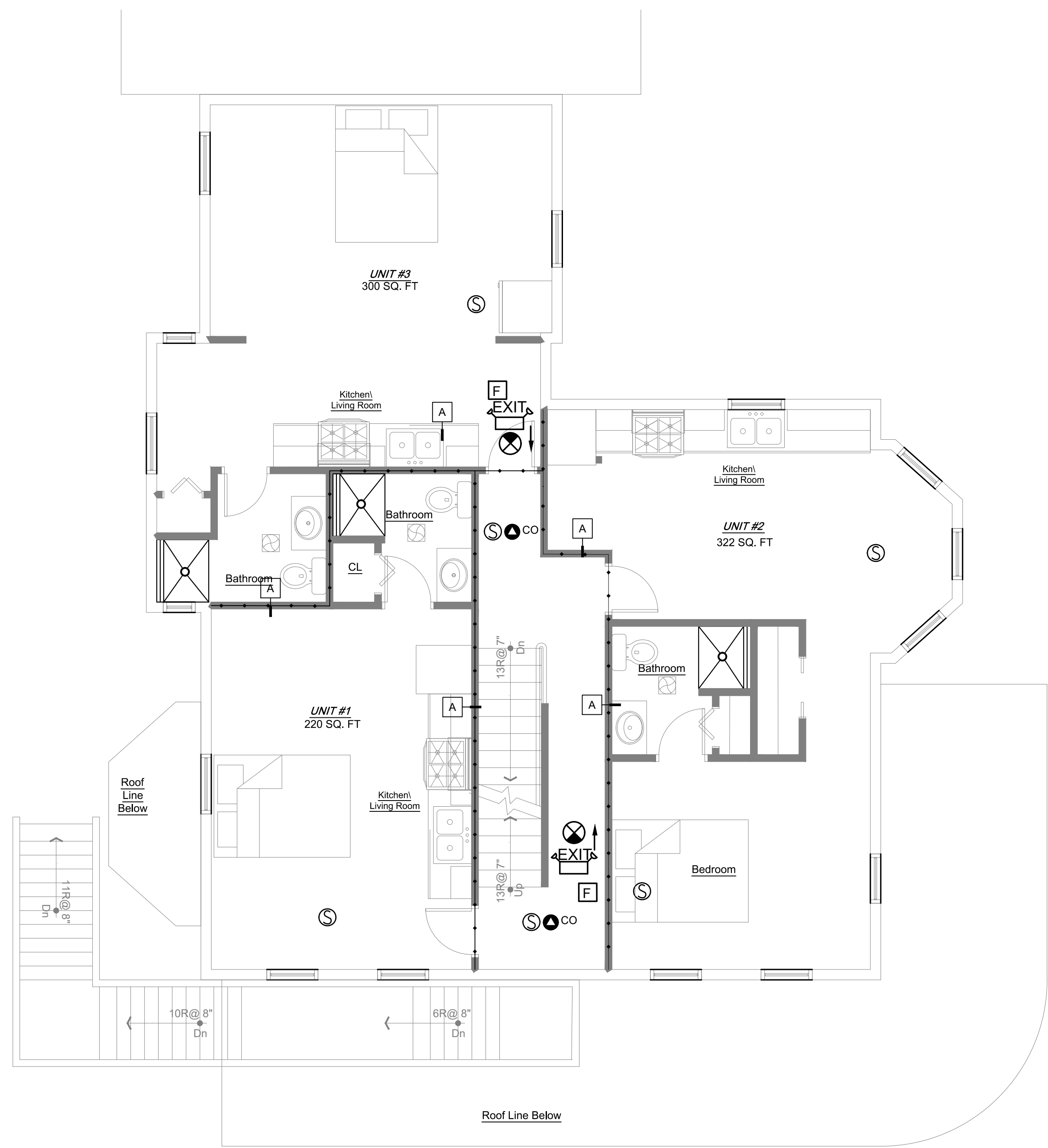
SHEET No.  
**LS.01**



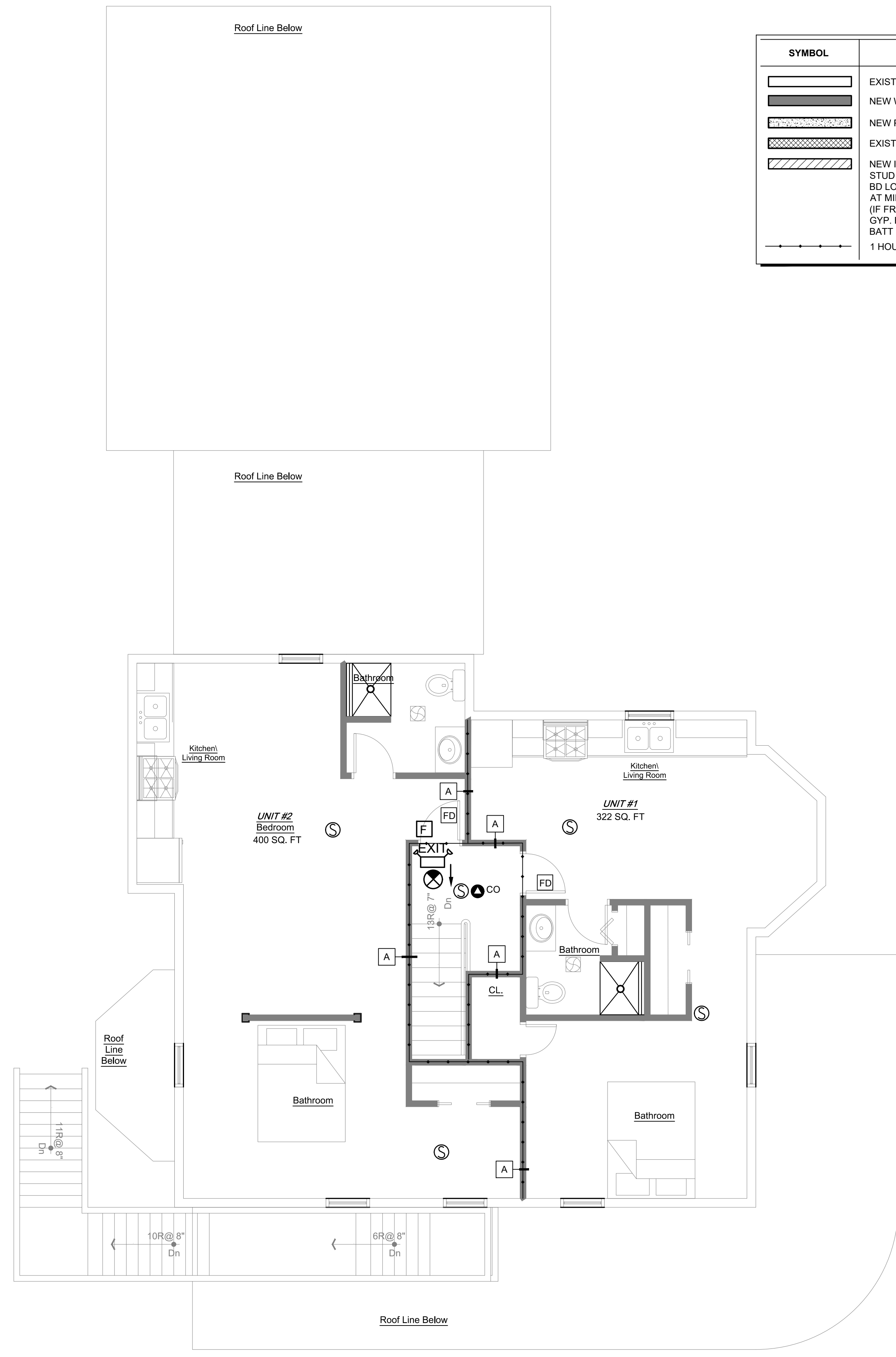
**3 Fire Alarm Schematic**  
LS1.02 1/4" = 1'-0"

**PLAN NOTES**

1. LOCATION OF DEVICES ON THE PLANS ARE APPROXIMATE DUE TO GRAPHICS.
  2. INSTALL AND LOCATE FIRE ALARM EQUIPMENT AS PER THE BUILDING CODE. NOTIFY ARCHITECT OF ANY DISCREPANCIES.
  3. FIRE ALARM PANEL TO BE LOCATED IN THE MAIN LOBBY.
  4. CO - SEE NYS 2016 AMENDMENT FOR PLACEMENT - LESS THAN 10,000 DETECTION ZONE - HVAC SYSTEM
- G - GENERATOR  
M - METER  
MP - MAIN PANEL BOARD  
TS - TRANSFER SWITCH  
MS - MAIN SERVICE SWITCH  
PA, PB, PC - SUB PANELS  
FAP - FIRE ALARM PANEL



**2 Second Floor Life Safety Plan**  
LS.02 1/4" = 1'-0"



**1 Third Floor Life Safety Plan**  
FA2.01 1/4" = 1'-0"

SYMBOL	DESCRIPTION
[Solid Line]	EXISTING WALL TO REMAIN
[Dashed Line]	NEW WOOD FRAMED WALL
[Stippled Pattern]	NEW POURED CONCRETE
[Cross-hatched Pattern]	EXIST. CMU FOUNDATION WALL
[Diagonal Line Pattern]	NEW INTERIOR 2x4 OR 2x6 WOOD STUD WALL, 16" O/C W/ 1/2" GYP. BD LOAD BEARING WITH BLOCKING AT MID SPAN P.T. BOTTOM PLATE (IF FRAMED TO CONCRETE) W.R. GYP. BD. FOR BATHROOMS R-21 BATT INSULATION
[Thick Solid Line]	1 HOUR FIRE RATED WALL

**NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW**

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CLIENT REVIEW	09-26-2022	
BD SUBMISSION	11-10-2022	
BD REVISION	11-25-2022	

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SHEET TITLE:	PROPOSED FIRE ALARM PLAN & SCHEMATIC
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**LS.02**

**SPRINKLER HEAD LEGEND**

SYMBOL	ORF	TEMP	RESPONSE	K-FAC	FINISH	MODEL	STYLE	PLATE	MFG.	QUAN.	MEA #
⊙	1/2"	155°	QUICK	5.62	CHROME	Tyco TFP230 0	RECESSED	CHROME	RELIABLE	0	258-93-E
◀	1/2"	155°	QUICK	5.62	CHROME	Tyco TFP230 0	HOR. SIDEWALL (EXTENDED)	CHROME	RELIABLE	49	258-93-E

**SPRINKLER NOTES**

**SPRINKLER DESIGN NOTES**

THIS SYSTEM SHALL BE DESIGNED IN ACCORDANCE WITH CURRENT NFPA AND NEW YORK STATE BUILDING CODES FOR THE PROPOSED USE AND OCCUPANCY. ALL DEVICES SHALL BE APPROVED BY FACTORY MUTUAL AND LISTED BY UNDERWRITERS LABORATORIES. ALL ELECTRICAL DEVICES SHALL BE LISTED BY THE 2020 NATIONAL ELECTRIC CODE.

LOCAL AUTHORITIES HAVING JURISDICTION AND THE INSURANCE CARRIER, IF APPLICABLE, WILL HAVE FINAL APPROVAL OF THE INSTALLATION AND DESIGN.

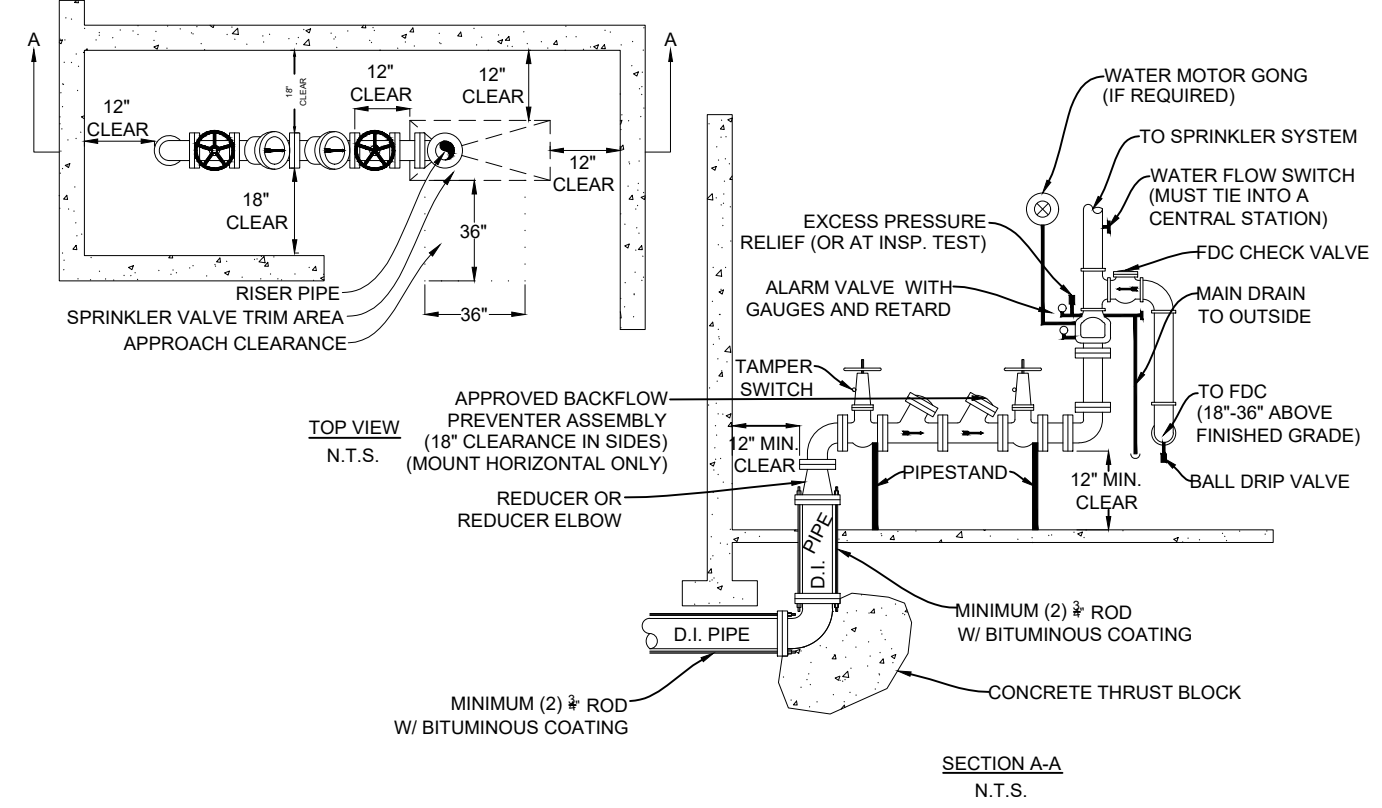
THE SPRINKLER SYSTEM SHALL BE DESIGNED, FURNISHED AND INSTALLED COMPLETE WITH ALL ITEMS, AS INCLUDED IN THE SCOPE OF WORK, SPECIFIED IN THE CONTRACT AND IN ACCORDANCE WITH ALL CURRENTLY ACCEPTED IBC AND NFPA CODES.

**SPRINKLER MATERIALS:**

PIPING: ALL PIPING AND FITTINGS SHALL BE LISTED FOR USE IN SPRINKLER SYSTEMS AND SHALL BE IN ACCORDANCE TO THE LATEST NFPA STANDARDS.

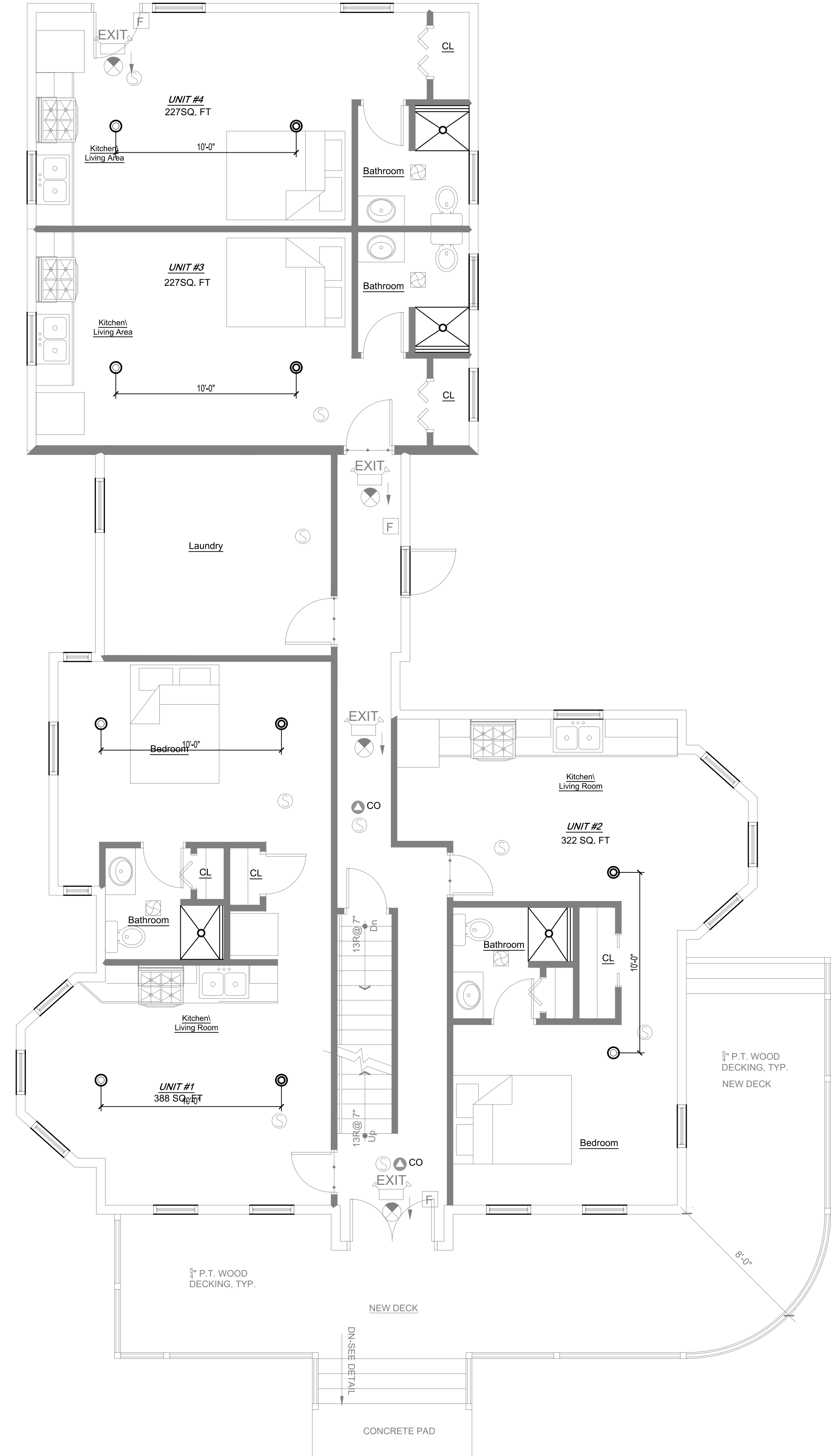
**DESIGN NOTES:**

- THE CONTRACTOR SHALL PROVIDE SIGNED AND SEALED SPRINKLER DESIGN DRAWINGS.
- THE CONTRACTOR SHALL PROVIDE A DRY SYSTEM IN AREAS IN UN HEATED AREAS.
- ALL MATERIAL SHALL BE LISTED BY UNDERWRITERS LABORATORIES.
- ALL EQUIPMENT SHALL BE APPROVED BY FACTORY MUTUAL.
- ALL HANGERS SHALL BE INSTALLED IN ACCORDANCE TO NFPA #13 SECT. 3-15.



**Sprinkler Riser**

- 2  
SP.01  
1/4" = 1'-0"
- INDOOR BACKFLOW ASSEMBLY NOTES**
- 1) REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTION ASSEMBLY SHALL COMPLY WITH ASSE 1013 & AWWA C511.
  - 2) REDUCED PRESSURE DETECTOR BACKFLOW PREVENTION ASSEMBLY SHALL COMPLY WITH ASSE 1047.
  - 3) DOUBLE CHECK VALVE BACKFLOW PREVENTION ASSEMBLY SHALL COMPLY WITH ASSE 1015 & AWWA C510.
  - 4) DOUBLE CHECK DETECTOR BACKFLOW PREVENTION VALVE ASSEMBLY SHALL COMPLY WITH ASSE 1048.
  - 5) BACKFLOW ASSEMBLY SHALL MAINTAIN MINIMUM CLEARANCES FROM WALLS AND FLOOR AS SPECIFIED.
  - 6) EXTERIOR ACCESS DOOR TO BACKFLOW ASSEMBLY IS REQUIRED.
  - 7) PIPE MATERIAL SHALL BE CLASS 350 DIP APPROVED BY THE TOWN.
  - 8) INSTALLATION SHALL BE IN COMPLIANCE WITH ALL APPLICABLE TOWN ORDINANCES AND SPECIFICATIONS IN ADDITION TO THE N.C. PLUMBING CODE.
  - 9) PROPERTY OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE AND OPERATION OF BACKFLOW ASSEMBLY AND COMPLIANCE WITH REPORTING AND TESTING REQUIREMENTS.
  - 10) ALL 'NO LEAD' BRASS COMPONENTS SHALL MEET UNS C89833 AS PER ASTM B884.



**Proposed First Floor Fire Alarm Plan**

1  
SP.02  
1/4" = 1'-0"

**NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW**

REVISION:

NO.	DATE	DESCRIPTION
09-25-2022	09-26-2022	CLIENT REVIEW
11-10-2022	11-10-2022	BD SUBMISSION
11-25-2022	11-25-2022	BD REVISION

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SHEET TITLE: PROPOSED SPRINKLER PLANS & DETAILS  
PROJECT: RENOVATION OF EXISTING HOUSE  
925 WOLCOTT AVENUE  
BEACON, NY 12508  
CLIENT: YESHIA BERGER  
925 WOLCOTT AVE  
BEACON, NY 12508

SCALE:  
DRWN:  
CAD #  
JOB # JOB  
PLOT DATE: 09/15/2022

SHEET No.  
**SP.01**

**SPRINKLER HEAD LEGEND**

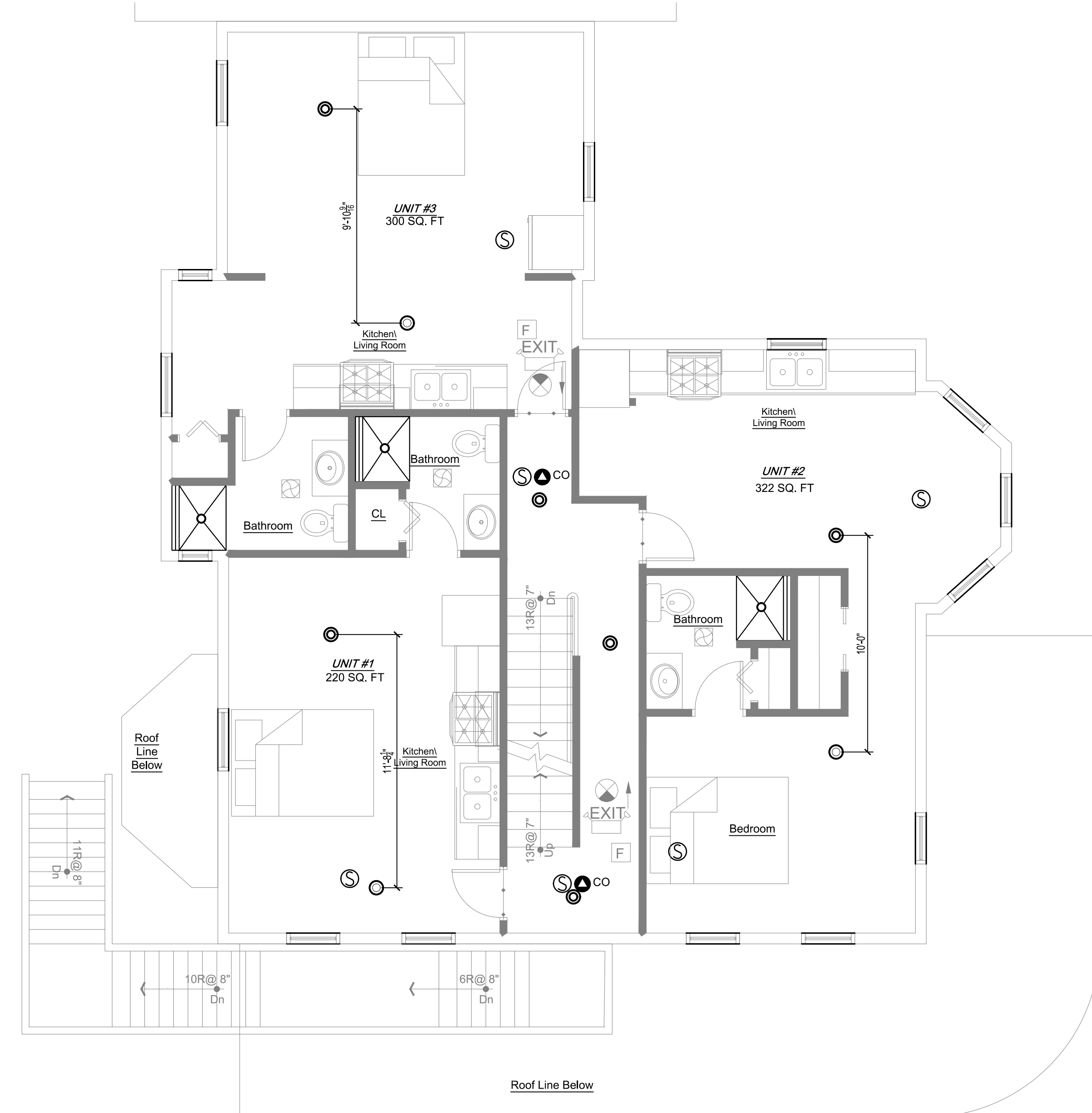
SYMBOL	ORF	TEMP	RESPONSE	K-FAC	FINISH	MODEL	STYLE	PLATE	MFG.	QUAN.	MEA #
⊙	1/2"	155°	QUICK	5.62	CHROME	Tyco TFP230 0	RECESSED	CHROME	RELIABLE	0	258-93-E
◀	1/2"	155°	QUICK	5.62	CHROME	Tyco TFP230 0	HOR. SIDEWALL (EXTENDED)	CHROME	RELIABLE	49	258-93-E

**HYDRAULIC SIZING CRITERIA**

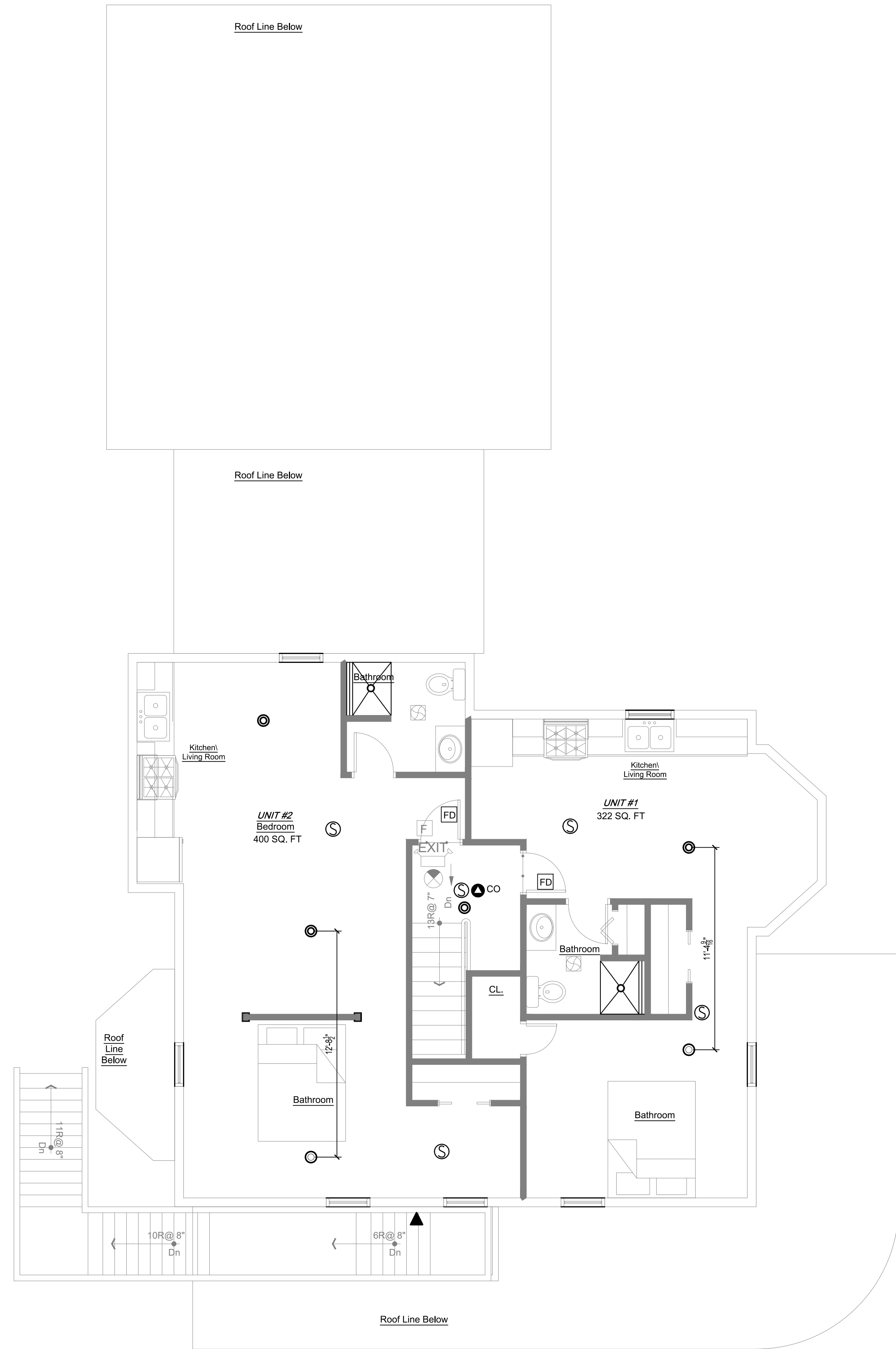
HYDRAULIC CALCULATION CRITERIA USED TO DETERMINE PIPE SIZES SHALL BE REQUIRED BY THE AUTHORITIES HAVING JURISDICTION AND SHALL BE CALCULATED AS FOLLOWS:

- OCCUPANCY CLASSIFICATION: = LIGHT HAZARD, RESIDENTIAL
- DENSITY = 00.10 GPM/SQ.FT, 0.15 GPM/SQ.FT.
- MOST REMOTE COMPARTMENT- 3RD FLOOR WEST APARTMENT (NFPA-13R)
- TOTAL QUANTITY OF SPRINKLERS CALCULATED: 2 (MAX ALLOWED OF 4 PER ROOM PER NFPA-13R)
- COVERAGE/SPRINKLER = 103.5 SQ.FT.

NOTE:  
THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING HYDRAULIC CALCULATIONS AND OBTAIN APPROVAL FROM ALL AUTHORITIES HAVING JURISDICTION OVER THE SPRINKLER WORK, INCLUDING THE OWNERS INSURANCE CO. IN ADDITION, OBTAIN AGENCY APPROVALS FOR HYDRAULICS PRIOR TO INSTALLATION OF NEW YORK.



2 **Second Floor Fire Alarm Plan**  
SP.02 1/4" = 1'-0"



1 **Proposed Third Floor Sprinkler Plan**  
SP2.01 1/4" = 1'-0"

**NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW**

REV. NO.	DATE	DESCRIPTION
09-25-2022	09-26-2022	CLIENT REVIEW
11-10-2022	11-10-2022	CLIENT REVIEW
11-25-2022	11-25-2022	BD SUBMISSION
		BD REVISION



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SHEET TITLE:	PROPOSED SPRINKLER PLANS & DETAILS
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**SP.02**



LIGHTING & EQUIPMENT SCHEDULE

- 2020 ENERGY CONSERVATION CONSTRUCTION CODE, SECTION 4 RESIDENTIAL ENERGY EFFICIENCY SECTION 404 POWER AND LIGHTING
- A MINIMUM OF 75% OF THE LAMPS IN PERMANENTLY INSTALLED LIGHTING FIXTURES SHALL BE HIGH-EFFICACY LAMPS.

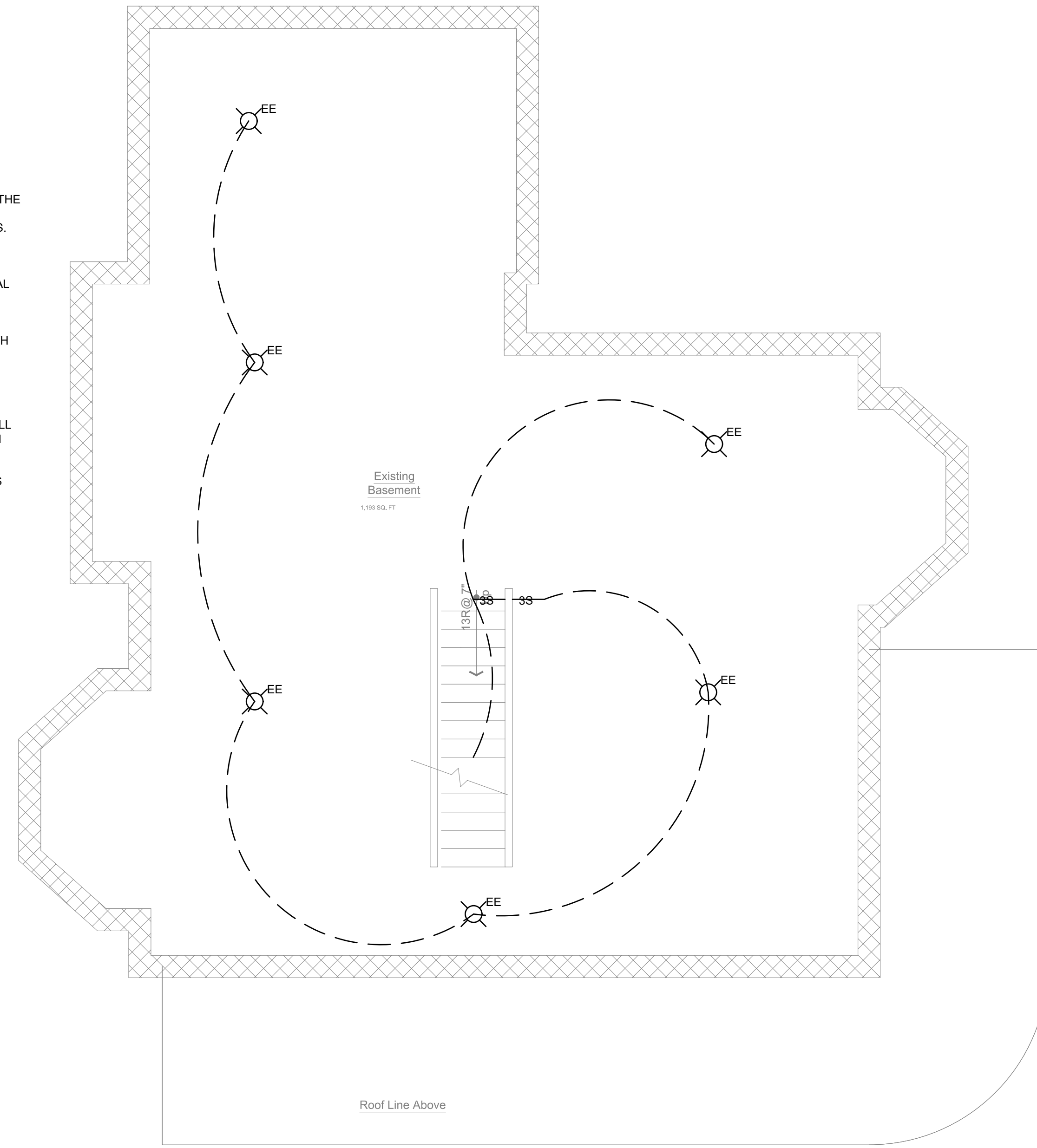
- EE KEYLESS PORCELIN FIXTURE WITH A 13 WATT CFL BULB OR EQUIVALENT LED BULB AND FIXTURE
- W WALL MOUNT LED FIXTURE 60W - VANITY
- R RECESSED LIGHT FIXTURE - APPROX. LOCATIONS- EXIST. FIXTURES W/ 60 WATT LED OR CFL ENERGY EFFICIENT EQUIVALENT BULBS
- UC UNDERCOUNTER LIGHTING
- WR WATER RESISTANT RECESSED LIGHTING - 60 WATT BULB MIN. OR EQUAL LED OR CFL BULB
- FE CEILING FAN WITH 13 WATT CFL BULB OR LED EQUIVALENT
- L EXTERIOR LIGHT PER CODE

EXHAUST FAN/LIGHT COMBO 50 CFM, DUCT TO EXTERIOR. SEE NOTE 5/A1- INSTALL AS PER MANUF. SPECS.

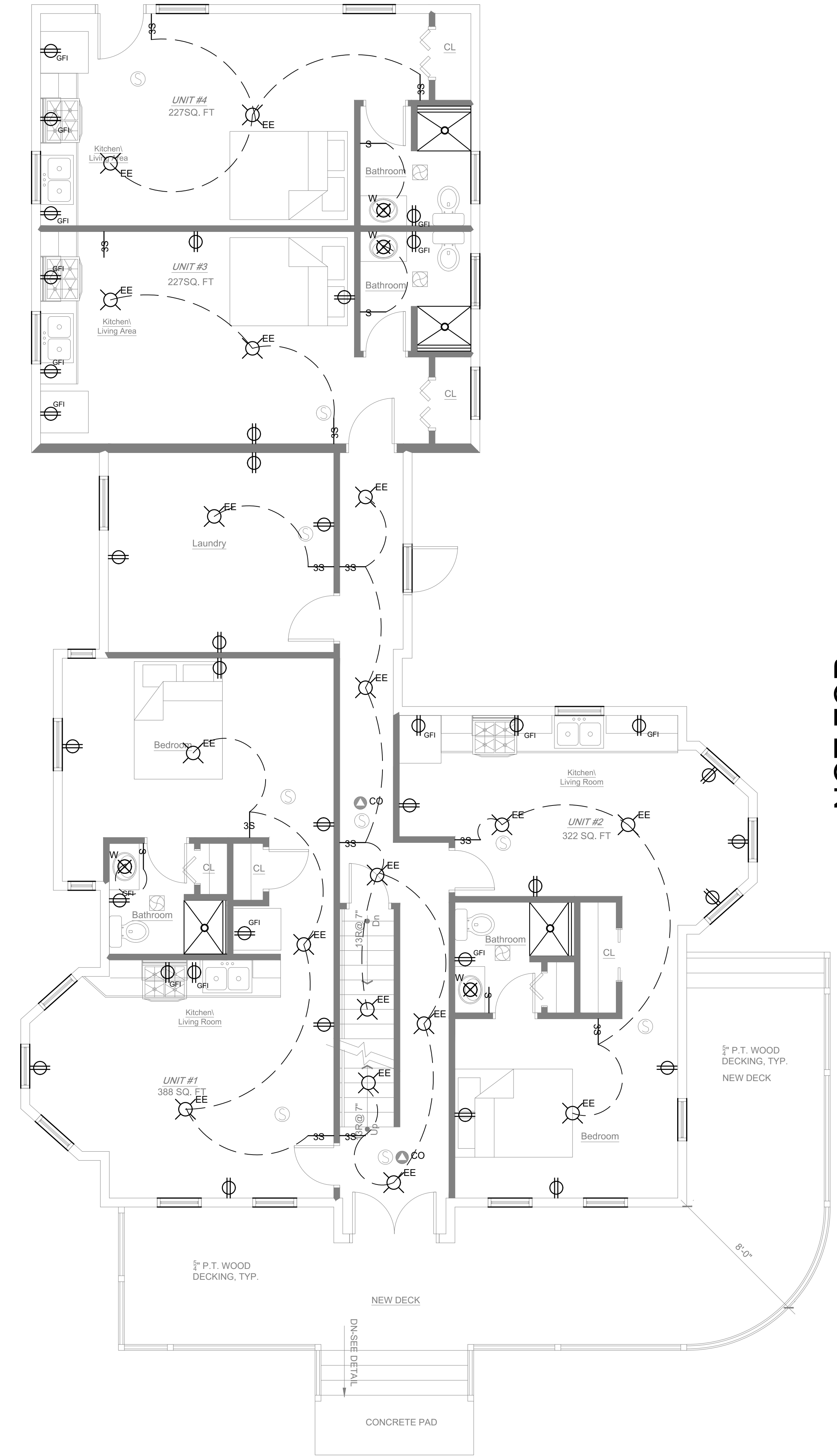
- SMOKE DETECTOR. SEE NOTE 14/A1.
- CO CARBON MONOXIDE DETECTOR. SEE NOTE 14/A1.
- FURNACE TURN OFF SWITCH
- GFI GROUND FAULT PROTECTION RECEPTACLE OR CIRCUIT
- DIMMER SWITCH
- LIGHT SWITCH
- GENERAL RECEPTACLE 110 V

GENERAL ELECTRIC NOTES

- ALL ELECTRICAL WORK SHALL BE COMPLETED IN ACCORDANCE W/ THE NYS RESIDENTIAL CODE OF 2020 (CHAPTER 8 AND 35), NATIONAL ELECTRIC CODE (NEC NFPA 72), AND ALL OTHER APPLICABLE CODES. CONTRACTOR SHALL PROVIDE A WRITTEN SCHEDULE OF ALL CIRCUITRY IN THE PANEL. SCHEDULES SHALL MATCH THE LOADS SHOWN IN THE PANEL SCHEDULE INCLUDED WITH THIS DOCUMENT. ALL SPARE PANEL SPACES SHALL BE FULLY PROTECTED WITH METAL BLANKS.
- ELECTRICAL CONTRACTOR SHALL COMPLY WITH ALL REQUIRED PERMITS AND INSPECTIONS.
- MAIN POWER WILL BE 120/240V SINGLE PHASE 4/0 FEEDER WIRE WITH A 200 AMP SERVICE AND PANEL.
- "DEDICATED RECEPTACLES" SHALL BE
  - OVEN - #6 NM ROMEX 50 AMP 220V
  - DRYER - #10 NM ROMEX 30 AMP 220V
  - FURNACE - #12 NM ROMEX 15 AMP 110V
- ALL LIGHTING SHALL HAVE A MINIMUM OF #14 NM ROMEX WIRING. ALL RECEPTACLES THAT ARE 20 AMP U.O.N SHALL A MINIMUM OF #12 NM ROMEX WIRING.
- ALL KITCHEN AND BATHROOM RECEPTACLES SHALL BE GROUND FAULT PROTECTED AND ARC FAULT PROTECTED. RECEPTACLES AND LIGHTING IN FINISHED AREAS PER NEC CODE SHALL BE ARC FAULT PROTECTED. AND TAMPER RESISTANT.
- LAYOUT OUTLETS PER CODE U.O.NOTED, TYP.



1 Proposed Basement Electrical Floor Plan  
E2.01 1/4" = 1'-0"



2 Proposed First Electrical Floor Plan  
E2.01 1/4" = 1'-0"

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REVISION	DATE
CLIENT REVIEW	09-20-2022
BD SUBMISSION	09-26-2022
BD REVISION	11-10-2022
BD COMMENT	11-06-2022



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SHEET TITLE:	1ST & 2ND FLOOR ELECTRICAL PLAN
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**E2.01**

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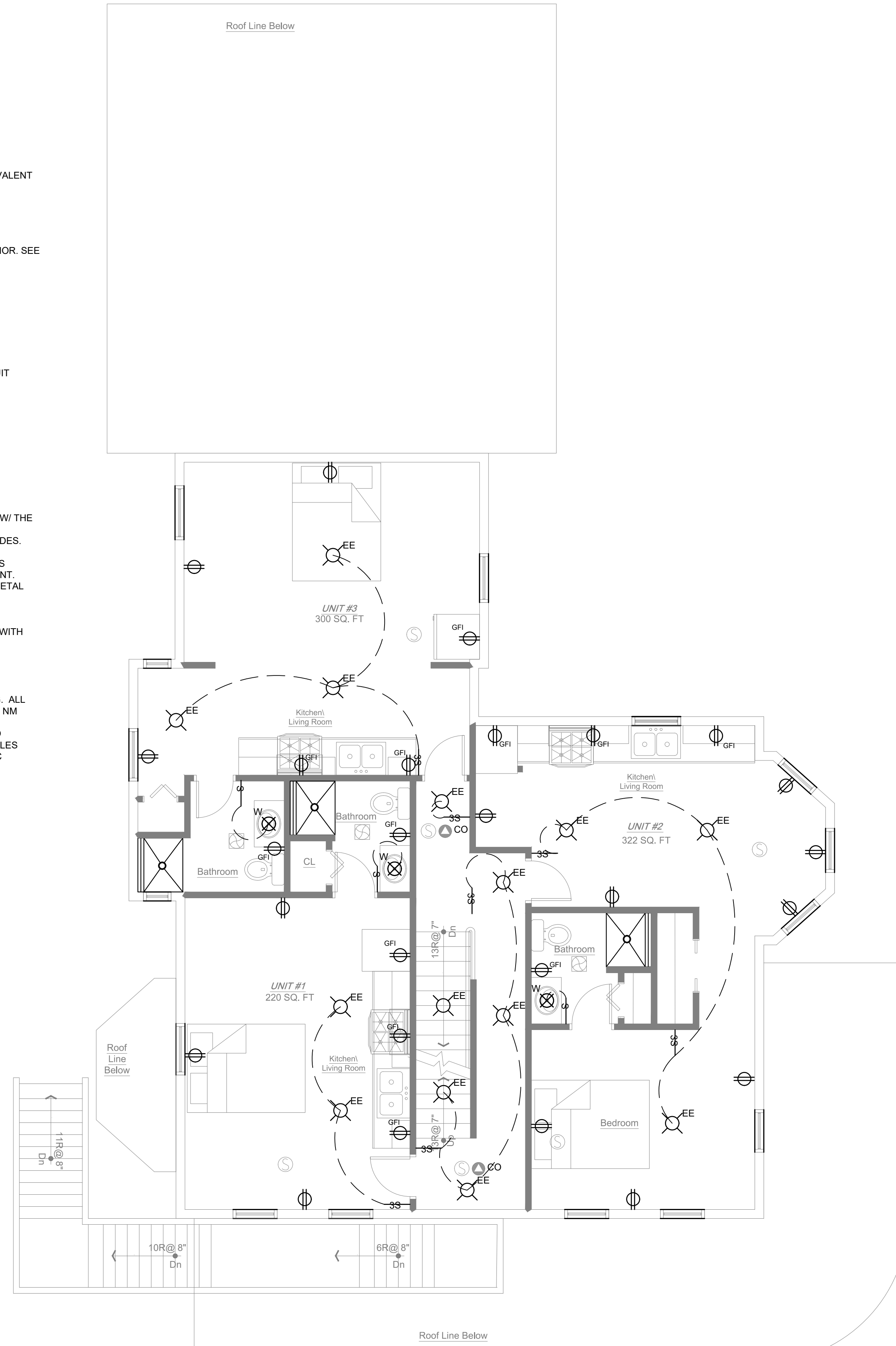
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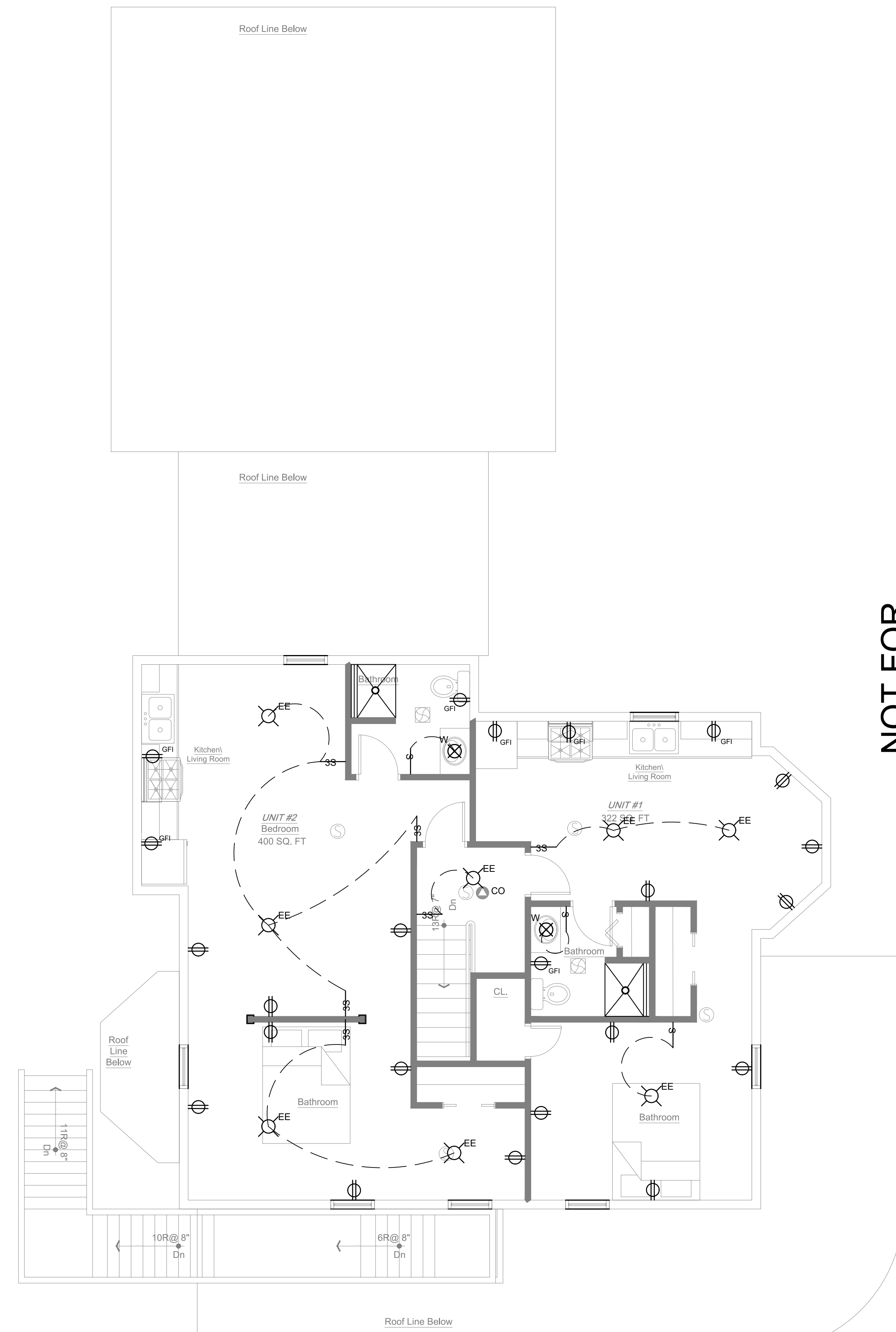
- SMOKE DETECTOR. SEE NOTE 14/A1.
- CARBON MONOXIDE DETECTOR. SEE NOTE 14/A1.
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- GFI GROUND FAULT PROTECTION RECEPTACLE OR CIRCUIT
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  - FURNACE - #12 NM ROMEX 15 AMP 110V
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- ALL KITCHEN AND BATHROOM RECEPTACLES SHALL BE GROUND FAULT PROTECTED AND ARC FAULT PROTECTED. RECEPTACLES AND LIGHTING IN FINISHED AREAS PER NEC CODE SHALL BE ARC FAULT PROTECTED. AND TAMPER RESISTANT.
- LAYOUT OUTLETS PER CODE U.O.NOTED, TYP.



1 Proposed Second Electrical Floor Plan  
E2.02 1/4" = 1'-0"



2 Proposed Third Floor Electrical Plan  
E2.02 1/4" = 1'-0"

NOT FOR CONSTRUCTION PRELIMINARY BUILDING DEPARTMENT- REVIEW

REVISION	DATE	DESCRIPTION
CLIENT REVIEW	09-20-2022	
BD SUBMISSION	09-26-2022	
BD REVISION	11-10-2022	
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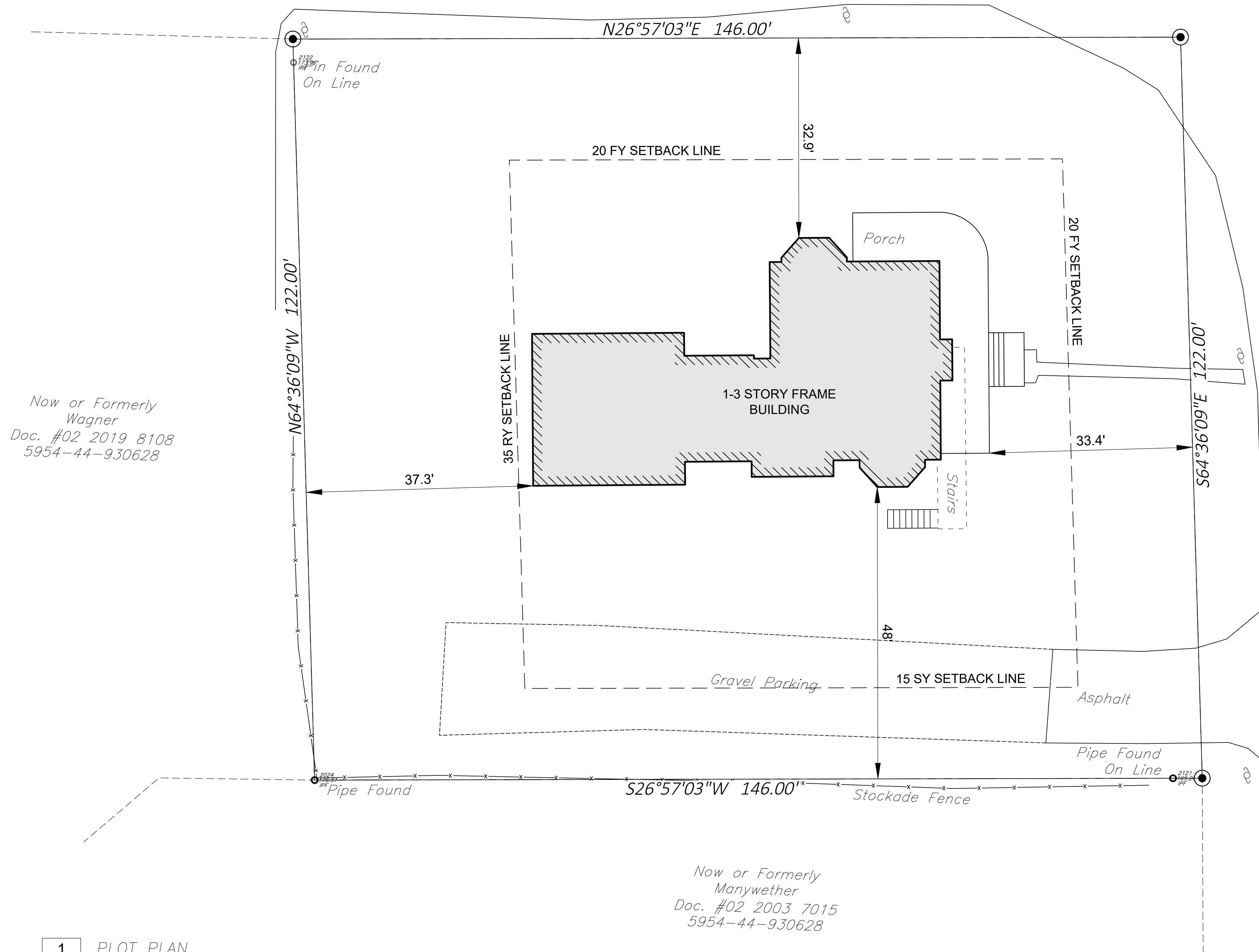
SHEET TITLE:	1ST & 2ND FLOOR ELECTRICAL PLAN
PROJECT:	RENOVATION OF EXISTING HOUSE 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVE BEACON, NY 12508

SCALE:	
DRWN:	
CAD #	
JOB #	JOB
PLOT DATE:	09/15/2022

SHEET No.  
**E2.02**

Sargent Avenue

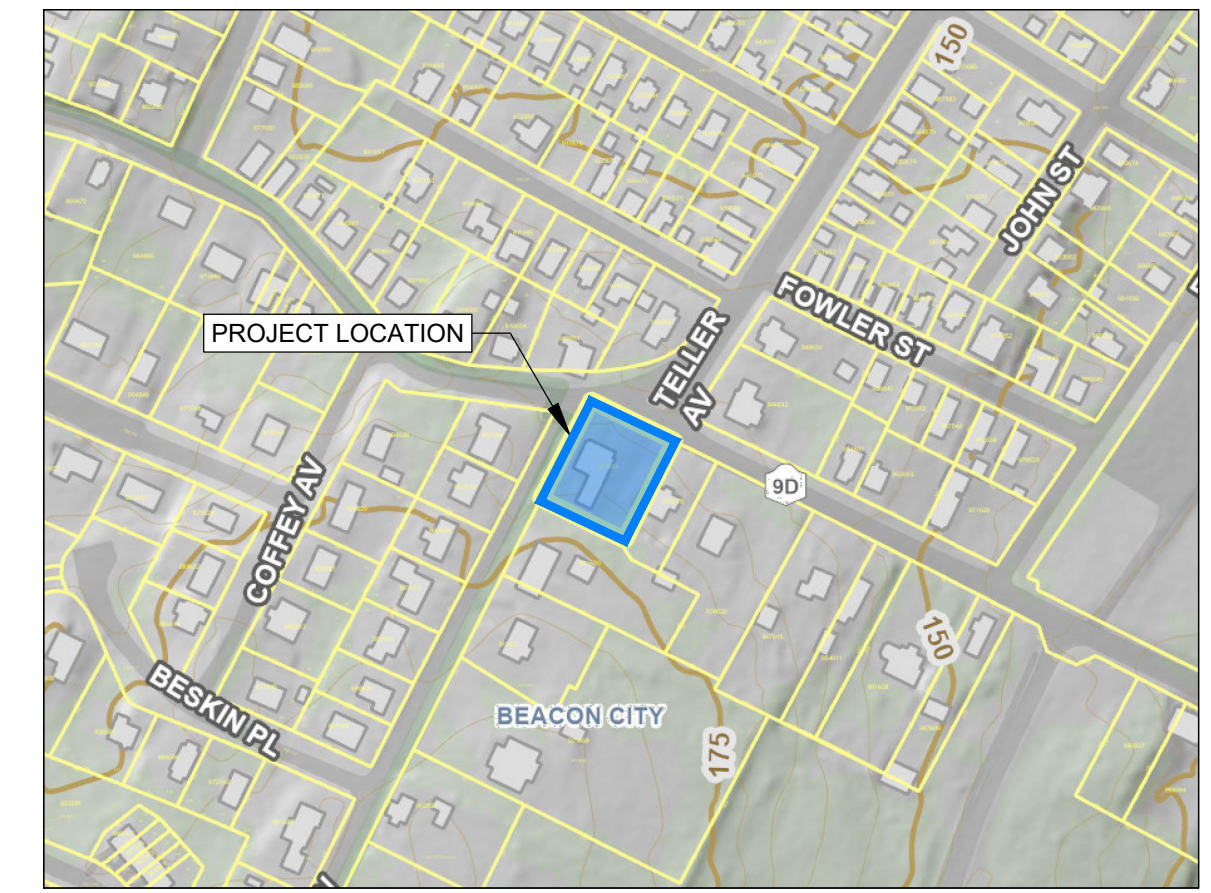
Wolcott Avenue



Now or Formerly  
Wagner  
Doc. #02 2019 8108  
5954-44-930628

Now or Formerly  
Manywether  
Doc. #02 2003 7015  
5954-44-930628

**1** PLOT PLAN  
**C-1** SCALE: 1"=10'



**2** VICINITY MAP  
**C-1** SCALE: 1"=250'

ZONING TABLE		
PARCEL ID:	130200-5954-44-922633-0000	
ZONE:	R1-10 (ONE FAMILY RESIDENTIAL DISTRICT)	
PROPOSED USE:	MULTI-FAMILY BUILDING	
MINIMUMS REQUIRED		
	REQUIRED	EXISTING
LOT AREA (SF)	10,000 PER UNIT	17,805.5 (0.41 Ac.)
LOT WIDTH (FT)	85	122
LOT DEPTH (FT)	100	146
FRONT SETBACK (FT)	20	32.9
REAR SETBACK (FT)	35	37.3
SIDE SETBACK (FT)	15	48
MAXIMUMS PERMITTED		
BUILDING COVERAGE (%)	N.A.	12.9% (2304 SF)
BUILDING HEIGHT (FT / STORIES)	35 / 2.5	35 / 3

(E) - EXISTING NON-CONFORMITY  
(V) - VARIANCE REQUESTED

REFERENCES:

1. THIS PLAN WAS PRODUCED WITHOUT THE BENEFIT OF A CERTIFIED LAND SURVEY. ALL PROPERTY LINES, EASEMENTS, SETBACKS, AND EXISTING INFRASTRUCTURE TO BE CONFIRMED BY A LICENSED SURVEYOR.
2. VICINITY MAP TAKEN FROM DUTCHESS COUNTY PARCELACCESS, 2023.

REVISION	
DATE	03.17.2023
DESCRIPTION	CLIENT REVIEW
NO.	1



DAVID NIEMOTKO ARCHITECTS, P.C.  
167 STAGE ROAD  
MONROE, NEW YORK 10950  
Ph: (845) 774-7523  
Cell: (845)-401-2891  
www.niemotkoarchitects.com

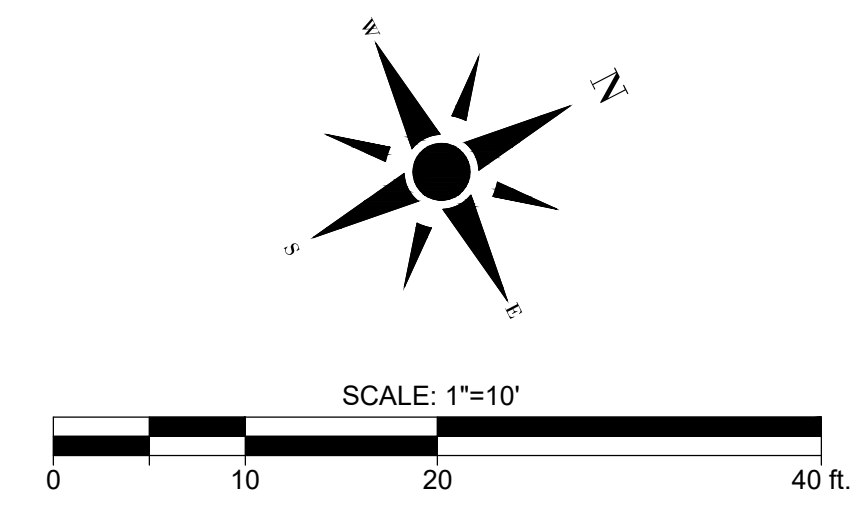
**NOTE**  
FOR AUTHENTICITY  
SEAL MUST BE ORIGINAL AND  
SIGNATURE MUST  
BE IN COLOR - BOTH CANNOT BE  
COPIED



SHEET TITLE:	PLOT PLAN
PROJECT:	MULTI-FAMILY BUILDING 925 WOLCOTT AVENUE BEACON, NY 12508
CLIENT:	YESHIA BERGER 925 WOLCOTT AVENUE BEACON, NY 12508
PARCEL ID:	130200-5954-44-922633-0000

SCALE:	
DRAWN BY:	J.S.
CHECKED BY:	D.N.
JOB #	
PLOT DATE:	03/17/2023

SHEET No.  
**C-1**  
PAGE 1 OF 1





445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

Taylor M. Palmer  
[tpalmer@cuddy&feder.com](mailto:tpalmer@cuddy&feder.com)

March 27, 2023

**VIA ELECTRONIC MAIL**

Chairperson Jordan Haug  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, New York 12508

Re: 925 Wolcott LLC – Request for Adjournment from April 18, 2023 ZBA Meeting Agenda  
Premises: 925 Wolcott Avenue, Beacon, New York (Tax Parcel ID: 5954-44-922633)

Dear Chairperson Haug and Members of the Zoning Board of Appeals:

On behalf of our client 925 Wolcott LLC (the “Applicant”), we respectfully request that the above-referenced matter be adjourned from the April 18, 2023 Zoning Board of Appeals (“ZBA”) meeting Agenda. This adjournment request is submitted in furtherance of the Applicant’s March 20, 2023 submission to the ZBA, seeking an interpretation/determination and in the alternative variance relief from the Building Inspector’s January 19<sup>th</sup> e-mail determination (the “Original Determination”) regarding the existing multi-family use on the Property.

As you may know, after our discussions with ZBA’s counsel, the Building Inspector submitted a new determination, which is also dated March 20, 2023 (the “New Determination”) – the same day as the Applicant’s timely submission to this Board in response to the Building Inspector’s Original Determination dated January 19, 2023. The New Determination includes new/additional findings that the Applicant must now prepare responses to, which the Applicant will submit to your Board in a future submission. See **Exhibits A & B** – Original Determination & New Determination.

Provided the details in the New Determination and the additional findings included therein, the Applicant respectfully requests that this matter be adjourned from the ZBA’s April meeting Agenda in order for the Applicant to have the opportunity to fully address same. Accordingly, the Applicant respectfully requests that this matter be adjourned until the ZBA’s June regular meeting Agenda.

Thank you for your consideration in this matter.

Very truly yours,

Taylor M. Palmer  
Enclosures

cc: Bruce Flower – City of Beacon Building Inspector  
Keane & Beane, P.C. – ZBA Attorney  
925 Wolcott LLC

# Exhibit A

**From:** [Palmer, Taylor M.](#)  
**To:** [Palmer, Taylor M.](#)  
**Subject:** Yeshia Text  
**Date:** Friday, February 17, 2023 2:25:27 PM

---

From: Bruce Flower <bflower@beaconny.gov>  
Sent: Thursday, January 19, 2023 9:57 AM  
To: david@niemotkoarchitects.com  
Subject: 925 Wolcott Ave

David,

After review of the City Code with the Zoning Board Attorney I was correct in my interpretation of the Zoning Code. When a non-conforming use in the city is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. To try to keep the nonconforming use on the property, either a change in district would have to be passed by the City Council or a Use Variance would need to be issued by the Zoning Board of Appeals. A Use Variance is very difficult to obtain and would probably be denied.

223-10 Non-conforming uses and structures

D. Restoration of damaged buildings. If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued, provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.

The parcel is located in the R1-10 Zoning District which will only allow a single family home to be constructed on the lot. This appears to be the property owners only option at this time.

If you have any questions feel free to contact me.

Bruce

Bruce Flower  
City of Beacon  
Building Department  
1 Municipal Plaza  
Beacon, NY 12508

Sent from my iPhone

# Exhibit B



**CITY OF BEACON**  
**New York**  
**Building Department**

*Bruce Flower*  
*Building Inspector*

845-838-5020  
*Email: bflower@beaconny.gov*

**MEMORANDUM**

**TO:** Taylor Palmer, Esq.  
Cuddy & Feder, LLP

**FROM:** Bruce Flower, Building Inspector  
City of Beacon

**RE:** 925 Wolcott Avenue  
Determination on the Continuation of the Nonconforming Use

**DATE:** March 20, 2023

---

This memorandum sets forth my determination regarding the continuation of the nonconforming use at 925 Wolcott Avenue in response to your request, dated March 10, 2023 for a formal determination with respect to reconstructing the building at 925 Wolcott Avenue. It is my conclusion that the nonconforming use of the property shall not be permitted to continue in any new building on the lot.

**A. Facts**

The property located at 925 Wolcott Avenue, known and designated on the Tax Map of the City of Beacon as Parcel No. 5954-44-922633 (the “Property”), was improved with a three - story multi-family building with a gross floor area of approximately 4,136 square feet (the “Boardinghouse”). The building was constructed prior to 1965 and used as a boardinghouse/single room occupancy from that time. The Property is in the R1-10 Zoning District. Under current zoning, the only residential uses permitted in the R1-10 Zoning District are one-family detached dwellings. Therefore, the boardinghouse use constitutes a nonconforming use on the Property.



On January 3, 2023, the building was completely destroyed by fire started by a former tenant of the Property. Thereafter, with the consent of the Property owner, the walls of the house were demolished in order to give access to the Fire Department to completely extinguish the fire. Photographs depicting a) the building prior to the fire, b) the building after the fire, and c) the Property after the building was demolished, are attached hereto as Exhibits “B”, “C” and “D” respectively.

### **B. Relevant Provisions of the City Code**

A boardinghouse is defined in the City Code of the City of Beacon (the “City Code”) as “a dwelling occupied by one family with no more than two boarders, roomers or lodgers in the same household, who are lodged with or without meals, and in which there are provided such services as are incidental to its use as a temporary residence for part of the occupants.” City Code § 223-63{23}. Boardinghouses are not permitted anywhere in the City of Beacon, as such, the previous use of the Property as a boardinghouse is considered a nonconforming use. At the time of the fire on January 3, 2023, there were eight (9) separate rooms for boarders.

A nonconforming use is defined as “a use of a building or of land that does not conform to the regulations as to use in the district in which it is situated, which use existed and was lawful under this chapter at the time the use was established.” City Code § 223-63{113}.

Under City Code § 223-7, “no building shall be erected, moved, altered, rebuilt or enlarged, nor shall any land or building be used, designed or arranged to be used, for any purpose or any manner, except in conformity with all regulations, requirements and restrictions specified in [Chapter 223] for the district in which such building or land is located.” Pursuant to this Section, all buildings constructed on the Property must comply with the dimensional and use regulations set forth in the City Code. This Section prohibits construction of a multi-family building in the R1-10 Zoning District as such use does not comply with the regulations of the City Code. The Building Inspector is further prohibited from issuing a certificate of occupancy for any building that is not in complete conforming with the provisions of the City’s Zoning Code pursuant to City Code §§ 223-49 and 223-42.

Except as provided for in City Code §§ 223-10.C and D, the City Code allows the nonconforming use of certain structures to continue even though such use does not conform to the use provisions of Chapter 223 of the City Code. A copy of City Code § 223-10 is attached hereto as Exhibit “E.” Specifically under City Code § 223-10.C(5), the nonconforming use of a building or structure may be continued provided that “if any building in which any nonconforming use is conducted or maintained is hereafter removed, the subsequent use of any land on which such building was located, and the subsequent use of any building thereon, shall be in conformity with the standards specified in [Chapter 223] for the district in which such land or building is located.” In this case, the building in which the nonconforming boardinghouse use was conducted was completely destroyed and no usable portion of the building exists. Therefore, as the building no longer exists on the Property, the nonconforming use is prohibited from continuing pursuant to City Code § 223-10.C(5).

In addition, City Code § 223-10.C(2) provides that the nonconforming use of a building or structure may be continued, provided that “such nonconforming building shall not be structurally altered during its life to an extent greater than 25% of its fair market value.” Since the building has been completely destroyed, reconstruction of the building (which as noted above, has been removed), would violate this Section of the City Code. Reconstruction of the building would require structural alterations to an extent greater than 25% of its fair market value.

In making this determination my office has also relied upon City Code § 223-10.D. This Section specifically provides that “if any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all regulations of [Chapter 223] for the district in which it is located.” This Section goes on to state that “where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued...” The second sentence clearly refers to use, and as a nonconforming use can only continue if less than 50% of the building is destroyed, nonconforming uses cannot continue if the building is destroyed by more than 50%. No one can credibly contend this building was not destroyed less than 50%.

It is my understanding that the City has previously relied upon this Section in similar situations where nonconforming uses have been destroyed or damaged beyond 50% (specifically multifamily uses destroyed in fires) and has interpreted this provision of the Code to apply to buildings that are either dimensionally nonconforming or used for a nonconforming use. When any such building is destroyed or damaged by more than 50%, the nonconforming building and/or use cannot be reestablished. Any new building constructed must conform to all use and dimensional regulations set forth in the City Code.

### **C. Findings**

#### **1. City Code § 223-10.C(5)**

The building in which the nonconforming use was conducted is deemed to have been removed as of January 3, 2023. The building was completely destroyed by a fire and as a result the unstable walls were required to be demolished under the New York State Building Code to address health and safety concerns. Notwithstanding that the building was damaged by arson and required to be demolished under State law, I find that the building was removed as a result of the fire and demolition work and no reusable portion of the building exists. Subsequent use of the land must be in conformity with the standards specified in Chapter 223 for the R1-10 Zoning District. As such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(5).

#### **2. City Code § 223-10.C(2)**

Any reconstruction of the building will result in structural alterations that far exceed 25% of the building’s fair market value. A new building will need to be erected on the Property, as such, the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.C.(2).

### 3. City Code § 223-10.D

The City has consistently relied upon City Code § 223-10.D to prohibit the continuation of a nonconforming use after severe damage. When a non-conforming use in the City is destroyed or there is a loss of more than 50% of that structure, the use expires on the property and reverts back to the current zoning requirements. This Section is clear that a nonconforming use shall only be permitted to continue where destruction of such nonconforming building is less than 50%. In this case, the building was completely destroyed by a fire and the nonconforming use of the structure is prohibited from continuing under City Code § 223-10.D.

#### **D. Conclusion**

After review of the City Code, I have determined that that any new structure on the Property shall be required to conform to the dimensional and use regulations set forth in the City Code for the R1-10 Zoning District. The Property owner is prohibited from re-establishing the boardinghouse use on the Property.

## Amanda Caputo

---

**From:** Joseph Ayers <ayersj1@newschool.edu>  
**Sent:** Tuesday, June 13, 2023 10:28 AM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it concerns,

I am a Beacon resident since 2009, and I have been watching the developments around our beloved town. I am writing to express my support for Beacon zoning, and my strong opposition to the developer's appeal to build another SRO at the 925 Wolcott location.

Please reach out if you have any questions.

A concerned Beaconite,  
Joseph Ayers  
646-709-9488

--

JOSEPH AYERS  
PT Associate Teaching Professor  
FIRST YEAR FACULTY  
PARSONS SCHOOL OF DESIGN  
2 WEST 13TH STREET, NEW YORK, NY 10011  
E | [ayersj1@newschool.edu](mailto:ayersj1@newschool.edu)  
M | [646.709.9488](tel:646.709.9488)



## Amanda Caputo

---

**From:** Sarah Bertolozzi <sarahbertolozzi@gmail.com>  
**Sent:** Tuesday, June 13, 2023 11:03 AM  
**To:** Amanda Caputo  
**Subject:** No variance for luxury multi unit where the boarding house used to be

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom it May Concern,

My family has lived on Fulton Ave, around the corner from the boarding house that burned down, for forty years. We have seen much growth and change in Beacon, as well as the accompanying positive and negative repercussions for the community. We rejoice in the renaissance of the artistic community in Beacon, of which my father has been a collaborator and champion. We celebrate the rejuvenation of Main St, and dearly love to support our family, friends, and neighbors in their local business endeavors. We love Beacon.

That being said, the very last thing this neighborhood (and Beacon on the whole) needs is more luxury rental units. The sad fact of the matter is that, my cousins and I, all fourth generation Beaconites, are for the most part having to raise the next generation of our family outside of Beacon for the simple fact that housing prices, both buying and renting, have become wholly unsustainable. Our parents stay in the houses in which we grew up, as their property taxes grow year by year. None of us are against paying our fair share for the good of the community. But, it feels extremely unjust that as families struggle to meet the rising taxes on their homes, developers continue to be granted tax breaks to build more and more units that none of us from Beacon can ever hope to occupy. Variances continue to be granted to developers that make our streets congested, parking untenable, and community spaces overcrowded. Beacon must temper its unchecked growth with thoughts of sustainability and affordability for its inhabitants.

We oppose the variance to build a multi unit luxury rental property where the boarding house stood. It's zoning clearly states that it should revert to a single family home once the boarding house was 50% or more demolished. Our community does not need more overpriced luxury rental units. It needs a thoughtful pause on new development, and for those on the zoning board to catch their breath, stop, and think about the future of the community. We think, if they do, they will see that continuing to grant variances of this nature to developers is not in line with the healthy, sustainable growth of our beloved community of Beacon.

Best,  
Sarah Bertolozzi

Sent from my iPhone

## Amanda Caputo

---

**From:** Charlie Clark <clarkcharliej@gmail.com>  
**Sent:** Tuesday, June 13, 2023 10:54 AM  
**To:** Amanda Caputo  
**Subject:** Oppose variance for 925 Wolcott

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms Caputo

I am emailing today to oppose the proposed variance of code at the property 925 Wolcott.

I am the property owner at 61 Sargent Ave, Beacon, NY 12508 where I live with my wife and three children directly opposite 925 Wolcott. My Children all attend Sargent Elementary school.

Over the last three years I have spoken to the prior residents of 925 Walcott about the living conditions of the building and every time the residents have mentioned the general discontent that the landlords had for the tenants well being, and the landlords lack of care for their living conditions.

I have reason to believe that the landlords of 925 Walcott do not serve the best interests of their tenants, the neighborhood surrounding the building or the Beacon community.

Furthermore, the intersection at Sargent and Walcott is already very dangerous, being at the crest of a blind hill/corner it is especially dangerous for families to cross the road here. The crossing guards who have worked on this intersection will attest to how dangerous it is. It has also been the site of multiple traffic incidents over the past 4 years. What will not help for the safety of our community is putting a 9 unit luxury short term rental property on this already dangerous corner, it will add to the congestion and general confusion for the drivers and pedestrians in the vicinity.

I hope that the town planning board will consider the safety and concerns of our Beacon community over the greed of some out of town investors who see Beacon as a profit vehicle and not a home.

Thank you for your consideration,  
Charles Clark

## Amanda Caputo

---

**From:** Chris Lovell <clovell93@gmail.com>  
**Sent:** Tuesday, June 13, 2023 10:40 AM  
**To:** Amanda Caputo  
**Subject:** opposition to the developer's appeal of 925 wolcott

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This January, the old Boarding House Single Room Occupancy on Wolcott and Teller burnt down. In 1977 it was granted special permission to remain a multi-unit SRO only until "more than 50% is destroyed for any reason."

The city of Beacon Building Department ruled in March of this year that the property would need to be rebuilt as a single family home. The developers are now appealing that decisions and asking the appeal committee to bend the rules for them. The neighbors surrounding the building unanimously oppose this development. Building this 9 unit short term apartment building would be a significant disruption to the community.

I urge the Zoning Appeals Board to stand by the integrity of Beacon's zoning laws, deny the developer's request, and require that property be rebuilt as a single family home.


It represents a significant disruption to the neighborhood and brings up numerous disruptions related to congestion, traffic, safety, and the local community.

Best,

Christopher Lovell

--

~ Chris Lovell

**No trees were killed to send this message, but a large number of electrons were terribly inconvenienced. Please consider the environment before printing this email.** 

Steven and Meg Oakes  
913 Wolcott Avenue  
Beacon, NY 12508

City of Beacon Zoning Board  
1 Municipal Plaza  
Beacon, NY 12508  
April 18, 2023

Dear Chair Haug and members Smith, Ciaccio, Vakirtis, Boyd and Secretary Caputo:

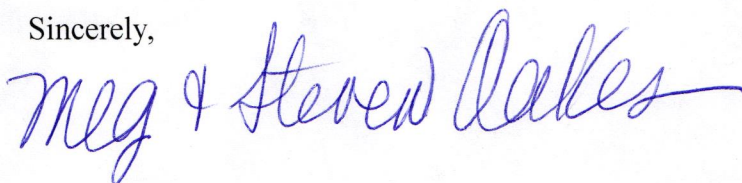
My wife and I had been hopeful that with the sale of the historic Second Empire house at 925 Wolcott Avenue, improvements would be forthcoming. That residence, and the substantial wooden house across the street—the one with three bullet holes through the siding from a recent altercation—were for years nonconforming apartment buildings and were the source of decades of turmoil in my neighborhood. These formerly grand houses were at times transient apartment buildings in a neighborhood of single-family residences, and as such were incongruous and inappropriate.

The destruction of the building at 925 Wolcott Avenue by arson was unfortunate, as the house provided a visual anchor that illustrated the historical, 19<sup>th</sup> century character of the neighborhood. But now that the building is gone, the time is right to follow the zoning laws applying to the neighborhood and permit only the construction of a single-family residence.

Allowing anything else, such as another nonconforming apartment building, would irreparably and permanently destroy the character of the neighborhood. The property owner of 925 Wolcott will likely claim hardship, but if the owner had sufficient insurance on the structure, he will be made good; if not, then the hardship is by definition self-created. Some of the value of that property was in the form of the non-conforming use, and per City zoning code, that was lost when the building burned. The Code makes this clear in § 233-10 D by requiring that if damage to a nonconforming building exceeds 50% of its value, every portion of a replacement structure must 'be made to conform to all the regulations...for the district in which it is located.' Not all investments pay off. It should not be up to the neighbors to suffer a loss in the character and enjoyment of their neighborhood—and in the values of their homes—so that an investor can realize undeserved gains. The neighborhood still bears far more than its share of incongruous property use in the form of the remaining apartment house on the corner of Wolcott and Teller Avenues.

For better or worse, zoning exists, and it is viewed by most homeowners as a contract between them and the municipality insuring that their neighborhood won't be devalued for the gain of one. Providing an exemption from the law for an investment company at the expense of neighborhood homeowners should be off the table from the start.

Sincerely,





Steven and Meg Oakes

## Amanda Caputo

---

**From:** Courtney Gillette <courtney.gillette@gmail.com>  
**Sent:** Tuesday, June 13, 2023 12:58 PM  
**To:** Amanda Caputo  
**Subject:** No Variance to allow Luxury Boarding House at 925 Wolcott

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms. Caputo,

My name is Courtney Gillette and I am a resident of Beacon, NY. I'm writing to you today to urge you to and the Zoning Appeals Board to deny a developer's request to build a luxury boarding house at 925 Wolcott.

This lot is zoned for a single family occupancy home, as its neighboring houses are, and I implore you to protect the safety and community of this neighborhood, and Beacon at large. Housing justice is a crucial issue for Beacon, as skyrocketing rents and housing prices have jeopardized affordable housing for hundreds of Beaconites. Allowing a luxury boarding house at 925 Wolcott would exacerbate this issue and be a poor decision against the integrity of the Beacon community.

Please vote NO on the variance request for 925 Wolcott. Thank you for your time.

Best,  
Courtney

--

// [courtney.gillette@gmail.com](mailto:courtney.gillette@gmail.com)

// 917.558.2417

// <http://www.courtneygillette.com>

## Amanda Caputo

---

**From:** Marie O'Shea <marie.glancy@gmail.com>  
**Sent:** Tuesday, June 13, 2023 1:41 PM  
**To:** Amanda Caputo  
**Subject:** 925 Walcott Avenue LLC

Hello,

As a resident of the neighborhood where 925 Walcott Ave is located, I received a letter about the variance application for this site yesterday.

I would like to express my strong opposition to the City granting this variance. This intersection is already dangerous and disorganized, with especially poor visibility of and from any vehicles traveling south on Walcott. There is a reason why the site should be zoned for single-family residences only. The last thing the intersection needs is a new SRO bringing inordinate foot and car traffic.

As a resident of the area, I'm also aware that SROs are not well integrated into the fabric of a residential neighborhood. Recent illustrations include the inferno at 925 earlier this year which damaged neighboring buildings, and frequent police activity. The proposed rental pricing for the new structure at 925 Walcott suggests the building will attract short-term visitors who would be better served by hotels or motels in areas zoned for business and residential use.

Our zoning exists for a reason. Flagrant exceptions undermine civic trust and harmony. I agree with the City building inspector's determination that the structure which burned at 925 Walcott should be replaced with a single-family home like almost all the other houses around it. I ask the Appeals Board to deny the application of 925 Walcott LLC, which is not even a Beacon entity.

Sincerely,  
Marie O'Shea  
718-395-2254

## Amanda Caputo

---

**From:** James Case-Leal <jamescaseleal@gmail.com>  
**Sent:** Tuesday, June 13, 2023 2:49 PM  
**To:** Amanda Caputo  
**Subject:** Opposing Variance at 925 Wolcott

Dear Appeals Board,

I have lived at 55 Sargent, directly across the street from 925 since purchasing my home in 2018, the same year I was elected to the Board of Education. I have had an intense and strange relationship with that property which has caused me and my family an enormous amount of grief culminating in the tragic and traumatic event this past January.

I knew many of the former tenants personally, including Brian Atkinson, the man who destroyed that building in a fire. I also knew others. I helped some of them on occasion as neighbors do. But as long as I have lived here, the intersection of Wolcott and Teller has been plagued with problems. It is without a doubt, the most dangerous intersection in the city. It has the most traffic accidents, emergency calls, and pedestrian injuries. Having a multi-unit property with a parking lot that empties into the intersection has been a significant contributor to those problems.

I am writing to oppose the variance for the current owners to build another multi-unit building. I have been appalled by their conduct as landlords and do not trust their intentions or promises to help our community. I know the rents the former tenants were paying was only a few hundred dollars a month. Most likely, the most they could afford. The current owners purchased this property with the clear intention of raising the rents to 2,200 a month by their own financial plan. Their decision to evict the previous tenants in the middle of winter reveals a callous cruelty for the Beaconite most in need.

I do not trust their ability to integrate a new property into the neighborhood. Even after the fire, they left the rubble exposed on a corner where children, including my own walk to school. I saw people in the middle of the night scavenging for copper or wires. When it rained, I thought of the toxins seeping into the ground. It wasn't until the city forced them with fines that they bothered to clean up the mess and put up a cheap fence.

These property owners are not capable of assessing what represents a disruption to our neighborhood. They don't live here and never have. Every aspect of their conduct since taking ownership has instigated a series of major disruptions to our community. There is no reason to believe that their future plans would be any different. They have cited the need for affordable housing. That is true. The property they bought WAS affordable housing and their intention was always to remove the low income tenants and capitalize on Beacon's booming housing market as proven by their financial projections included in their own appeal.

I ask that you please take my objection into consideration. I have been heavily engaged in my community in Beacon. I love it here. I have every expectation that 55 Sargent Ave, Beacon NY will be my home for the rest of my life. When I look out my front window, I now see a derelict pile of rubble reminding me of their disrespect for our neighborhood. I ask that you please deny their appeal and allow this corner of Beacon to heal.

Thank you for all that you do. I understand your job is difficult and appreciate your service.

Very best,  
James Case-Leal

## Amanda Caputo

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**From:** Holly Deakyne <pazzia@gmail.com>  
**Sent:** Tuesday, June 13, 2023 3:32 PM  
**To:** Amanda Caputo  
**Subject:** NO Variance to allow a Luxury Boarding House at 925 Wolcott, Beacon NY

I support the Beacon zoning determination for a single family home and oppose the developer's appeal to build another SRO.

As a homeowner and occupant of a nearby property at 6 Aldridge Pl, I oppose a large multi-unit short-term rental property at this location. It should remain a single family residence, or at maximum a duplex, as the lot does not have the space for multiple units or parking for multiple units. We also don't need short-term rentals in Beacon; we need actual residences that people can live in.

thank you,  
Holly Deakyne

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This January, the old Boarding House Single Room Occupancy on Wolcott and Teller burnt down. In 1977 it was granted special permission to remain a multi-unit SRO only until "more than 50% is destroyed for any reason."

Beacon's building inspector rightly determined that the rebuilt structure must conform to the neighborhood and be rebuilt as a single family home.

The developers have submitted an appeal to convince the City to bend the law so they can build a brand new 9 unit luxury multi-unit short term rental with rents starting at \$2,200/mo for a one bedroom.

The community of Beaconites who live within the neighborhood of 925 Wolcott oppose this new development and ask the Zoning Appeals Board to stand by the integrity of our zoning, deny the developer's request, and require that property be rebuilt in line with its assigned zoning as a single family residence.

It represents a significant disruption to the neighborhood and brings up numerous disruptions related to congestion, traffic, safety, and our local community.

We ask the Appeals Board to prioritize our safety and our concerns over the profits of an out-of-town investor wanting to build a luxury short term rental.

**Amanda Caputo**

**From:** Clara Masters <claramasters@gmail.com>

**Sent:** Tuesday, June 13, 2023 9:27 PM

Amanda Caputo

**To:**

NO Variance to allow a Luxury Boarding House at 925 Wolcott

**Follow Up Flag:**

Follow up

**Flag Status:**

Flagged

Good evening,

I am writing to express my support of Beacon zoning and 100% opposition to the developer's appeal to build another SRO.

Clara Masters  
Beacon, NY

## Amanda Caputo

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**From:** Brittany Mustakas <brittany.mustakas@gmail.com>  
**Sent:** Tuesday, June 13, 2023 11:00 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am a 4th generation Beaconite. A descendant from railroad and Nabisco factory workers. I welcome the positive changes that have come to Beacon with open arms because it is, after all, a much more safe community to raise my family than the one I was raised in. However, I do not believe more apartments is acceptable for 925 Wolcott. The home on 925 Wolcott was a historic landmark that was tragically destroyed in many different ways. I own a home within 100 yards of this property and demand that any structure to be built on this land remains within its assigned zoning as a single family residence. We are owed an explanation as to why this is under consideration. Looking forward to the public hearing.

Brittany Mustakas  
80 Sargent Ave, Beacon, NY 12508

## Amanda Caputo

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**From:** Roman Safiullin <romansafiullin@gmail.com>  
**Sent:** Tuesday, June 13, 2023 11:23 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott - no variance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As residents of 21 teller avenue - property that's three doors down from 925 Wolcott, we ask the Appeals Board to prioritize our safety and our concerns over the profits of an out-of-town investor wanting to build a luxury short term rental. We oppose this new development and ask the Zoning Appeals Board to stand by the integrity of our zoning, deny the developer's request, and require that property be rebuilt in line with its assigned zoning as a single family residence.

Thank you,  
Roman Safiullin & Abbey Keener



## Amanda Caputo

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**From:** karamarie <mariakara@gmail.com>  
**Sent:** Tuesday, June 13, 2023 5:06 PM  
**To:** Amanda Caputo  
**Subject:** important note.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

hello! i am in opposition for a variance for 925 wolcott! please do not approve.  
thank you,  
Kara  
131 washington Ave, Beacon, NY 12508

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love, kara  
[www.karadean.com](http://www.karadean.com)

## Amanda Caputo

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**From:** Andrew Bell <mtbeacon@yahoo.com>  
**Sent:** Wednesday, June 14, 2023 8:40 AM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the members of the Beacon Zoning Board,

I'm writing to express my support to **maintain and preserve the single family zoning** in which this parcel resides.

I can't fathom a valid justification for even requesting a variance for a multi-unit structure at 925 Wolcott Avenue. The zoning law is clear and long established. The prior non-conforming exemption has expired with the demolition of the previous structure.

Best regards,  
Andrew Bell

## Amanda Caputo

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**From:** LA Martin <lumartin@yahoo.com>  
**Sent:** Wednesday, June 14, 2023 1:48 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Avenue Opposition

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello, I am writing to advise of my opposition to the new proposal and/or developer's appeal regarding the property located at 925 Wolcott Avenue in Beacon.

L. Martin

Sent from my iPhone

## Amanda Caputo

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**From:** Colm O'Shea <coshea4@gmail.com>  
**Sent:** Wednesday, June 14, 2023 10:42 AM  
**To:** Amanda Caputo  
**Subject:** Re: 925 Walcott Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Greetings,

As a resident of the neighborhood where 925 Walcott Ave is located, I received a letter about the variance application for this site yesterday.

I beg the City to oppose this variance. As many of my neighbors have observed, the intersection is already dangerous and disorganized, with especially poor visibility of and from any vehicles traveling south on Walcott. There is a reason why the site should be zoned for single-family residences only. The last thing the intersection needs is a new SRO bringing inordinate foot and car traffic.

As a resident of the area, I'm well aware that such enterprises are not well integrated into the fabric of a residential neighborhood. Recent illustrations include the inferno at 925 earlier this year which damaged neighboring buildings, and frequent police activity. The proposed rental pricing for the new structure at 925 Walcott suggests the building will attract short-term visitors who would be better served by hotels or motels in areas zoned for business and residential use.

Our zoning exists for a reason. Flagrant exceptions undermine civic trust and harmony. I agree with the City building inspector's determination that the structure which burned at 925 Walcott *should be replaced with a single-family home like almost all the other houses around it*. I ask the Appeals Board to deny the application of 925 Walcott LLC, which is not even a Beacon entity.

Sincerely,  
Colm O'Shea  
718-395-2254

## Amanda Caputo

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**From:** Sarah Hull <sarahmorganhull@gmail.com>  
**Sent:** Wednesday, June 14, 2023 10:41 AM  
**To:** Amanda Caputo  
**Subject:** Please oppose luxury housing on Wolcott

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Amanda,

My name is Sarah and I live with my family on Sycamore Drive.

Please oppose the attempts to deregulate 925 Wolcott Ave. — it is already a busy, dangerous intersection, very close to a school. That sweet little corner cannot fit — nor is it zoned for — luxury, multi-unit housing.

Deregulation of this block would hurt the tax-paying residents who call this area home.

ONLY a single-family house is appropriate.

Please block this proposal.

All the best,  
Sarah and Veronika and Brian  
(503) 577-0682

## Amanda Caputo

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**From:** Marianne Loach <addresseasy@gmail.com>  
**Sent:** Wednesday, June 14, 2023 9:09 PM  
**To:** Amanda Caputo  
**Subject:** No to 9 unit bldg at 925 wolcott.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am in support support of Beacon zoning and oppose the developer's appeal to build another SRO 9 unit building at 925 wolcott, beacon.

Thank you.

## Amanda Caputo

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**From:** arabella Drouillard <achampaq@gmail.com>  
**Sent:** Friday, June 16, 2023 11:49 AM  
**To:** Amanda Caputo  
**Subject:** Variance for the old (burned out) rooming house on Wolcott?

No! I am adamantly against a zoning variance that brings in luxury short term rentals. How can this even be a question when we have such a shortage of affordable housing in Beacon?

Arabella Drouillard  
61 Dinan St  
Beacon

## Amanda Caputo

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**From:** Sarah <sarahbfeyl@yahoo.com>  
**Sent:** Tuesday, June 20, 2023 10:53 AM  
**To:** Amanda Caputo  
**Subject:** Variance for a multi-unit building at 925 Wolcott.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am writing to express my support of Beacon zoning and opposition to the developer's appeal to build another SRO at 925 Wolcott Ave.

This January, the old Boarding House Single Room Occupancy on Wolcott and Teller burned down. It had been granted special permission to remain a multi-unit SRO only until "more than 50% is destroyed for any reason." Beacon's building inspector rightly determined that the rebuilt structure must conform to the neighborhood and be rebuilt as a single family residence.

The developers have submitted an appeal to convince the City to bend the law so they can build a brand new 9 unit luxury building with a history of short term rentals with rents starting at \$2,200/mo for a one bedroom.

The community of Beaconites who live within the neighborhood of 925 Wolcott oppose this proposed development and ask the Zoning Appeals Board to stand by the integrity of our zoning, deny the developer's request, and require that property be rebuilt in line with its assigned zoning as a single family residence. It represents a significant disruption to the neighborhood and brings up numerous disruptions related to congestion, traffic, safety, and our local community.

We ask the Appeals Board to prioritize our safety and our concerns over the profits of an out-of-town investor wanting to build a 'market rate' rental.

Thank you,

Sarah Burns Feyl, 51 West Center St., Beacon



## Amanda Caputo

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**From:** sally morris <hellosallymorris@gmail.com>  
**Sent:** Monday, June 19, 2023 9:48 AM  
**To:** Amanda Caputo  
**Subject:** I oppose a variance for 925 Wolcott.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I strongly oppose a variance for 925 Wolcott,

I live at 61 Sargent Avenue, right across the street from 925 Wolcott, sadly It is one of the most dangerous sections of road in the whole of Beacon. Adding more housing & in turn bringing more cars to that corner without implementing safety structures to the road - sidewalks on Sargent Ave, traffic lights etc would be an incredibly dangerous and irresponsible move from the City of Beacon.

I would also add that the building has been purchased by an seemingly unscrupulous individual who in my opinion has already committed crimes against human rights. I have no faith that this individual would do anything other than further compromise the people of Beacon in pursuit of their individual wealth.

--

**Sally Morris Clark**  
*prop and set design*

917 631 6850  
New York  
[sallymorrisclark.com](http://sallymorrisclark.com)

## Amanda Caputo

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**From:** Carole Mendelson <carole.mendelson@gmail.com>  
**Sent:** Sunday, June 18, 2023 11:00 AM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern:

My family has owned the house at 911 Wolcott Ave. for almost 100 years. I grew up in this neighborhood, went to school here, and have always enjoyed the quiet serenity of the area. For this reason, I feel I have to add my voice to those who are objecting to the request for a zoning variance for 925 Wolcott which would allow a nonconforming apartment building to be created.

This type of structure would be out-of-character with the rest of the neighborhood, and might worsen problems related to crime and traffic. I don't think the owners of nearby single-family homes should have to face the potential detriment to their property-values and to their quality-of-life which the proposed variance might bring.

Thank you for your consideration.

Carole Marinaccio Mendelson

## Amanda Caputo

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**From:** Earl Manywether <earlnorma@aol.com>  
**Sent:** Friday, June 16, 2023 6:20 PM  
**To:** Amanda Caputo  
**Subject:** Property Owner

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Ms. Amanda C. Caputo

We are responding to the letter that we recieved from the City of Beacon. This letter informed us that there's intense to build a multi-family or a single room occupancy on the lot of 925 Wolcott Ave Beacon NY 12508. We have lived at 923 Wolcott ave for twenty years and within that amount time we've suffered in silence. Due to loud drunken fights from the tenants, emergency service like ambulances, fire truck and police responding to their emergencies. Almost every weekend for many years the above mentioned had to respond to RSO's at 925 Wolcott ave and the one right a cross the street on Wolcott from our home. Which was a abuse of our men/women who services our community night and day.

Its a known fact that there was a fire at 925 Wolcott on January 03, 2023 at approximately 6:00A. That fire damaged our home it melted the siding off the side of our home and garage. We were very lucky that our wonderful and hard working Police/fire department worked so hard to put out the fire and clear the two of us from harms way.

To place another SRO or a multi-family home in that space will be a negative for our home and the community. It will be noises, more fights, and the traffic will be out of control. There will be garbage thrown all over the street and thrown into our yard. Car alarms going off and taxi cabs laying on their horns not carrying about the neighbors.

we sincerly do not want to have any of those issues anymore, we understand that others need some place to live but it should not be at our comfort or expense. We love our home/Beacon NY. We need peace and quiet in our home and our surrounding. Please we do not want either of those above requested to be build, a single family home would be preferred someone who will take pride and take care of their property.

Thanks, Earl and Norma Manywether  
923 Wolcott Ave Beacon NY 12508.

## Amanda Caputo

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**From:** Ian <ian\_obrien@verizon.net>  
**Sent:** Friday, June 16, 2023 4:11 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Variance Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As a Beacon residents, we'd like to express our opposition to the Variance for a multi-unit building at 925 Wolcott.

Please uphold Beacon's zoning laws and keep Beacon beautiful!

Sincerely

Ian & Melissa O'Brien

William Steven and Meg Oakes  
913 Wolcott Avenue  
Beacon, NY 12508

Chairman Jordan Haug  
and Members of the Zoning Board of Appeals  
City of Beacon  
1 Municipal Plaza  
Beacon, NY 12508

June 17, 2023

Dear Chairman Haug and members of the Zoning Board of Appeals:

Although I have previously submitted a letter stating my complete opposition to granting a special continuation of the nonconforming use at 925 Wolcott Avenue or an area variance allowing a nonconforming use, the submittal by the owner's attorneys requires a separate response.

The following are my comments on the letter submitted By Cuddy and Feder LLP on May 19, 2023.

- The applicant through his attorneys claims he must reconstruct a multi-unit building because there is no economic viability to a single-family home in that area given the removed building's claimed \$1.7 M "appraised value," which is two and a half times the Full Market Value on the City's 2022 Tax Roll. He provides data that he says demonstrates that his proposed multi-family structure would earn him substantially more than would a single-family residence. There are no unique conditions that make the property unsuitable for its zoned use.
  - The law says he is permitted to argue that he be allowed to realize a "reasonable financial return." It DOS NOT state that he be allowed to realize the *maximum* possible rate of return based on a use that is no longer permissible. Just because he can earn more creating a multi-unit SRO does not demonstrate a lack of financial viability for a single-family residence.
  - His claimed purchase price is not verifiable, and the documentation he provided to the County at the time of the sale lists the price as \$650K, and the County lists that as Full Market Value as of July 1, 2022. His statement that he cannot realize an appropriate return based on his unverified, undocumented and highly suspect purchase price is therefore meaningless and irrelevant.
  - He claims there is no economic viability of a single-family house in the neighborhood is proved false by the scores of single-family homes in the neighborhood, all of which are well-maintained and some with substantial recent investments in restoration and renovation.
  - The applicant's threshold for 'a reasonable rate of return' cannot be based on an intangible value (that of the nonconforming use) that was tenuous and disappeared when the building burned. The permit and its value were terminated with the building's destruction, and cannot be used as a threshold for valuation after January 3<sup>rd</sup>, 2023. The clear and unequivocal determination by Building Inspector Bruce Flower was that

the “building in which the nonconforming use was conducted was deemed to have been removed January 3, 2023,” and that “Subsequent use of the land must be in conformance with the standards specified in Chapter 223 for the R1-10 Zoning District.” The investor assumed the risk that the nonconforming use could be extinguished by any number of calamities and was subject to the land usage and zoning rules of the City, and in this instance, he lost. The owner has two other properties in Beacon and doubtless tax laws can be used to help him with his loss.

- He claims a hardship, but without question that hardship is self-imposed, and he cannot even show that it exists. Zoning law in New York State generally considers a hardship to be self-imposed “...if the variance applicant purchased the property subject to the restrictions and was aware of the zoning restrictions at the time that it purchased the property.” [*Matter of Ctr. Square Assn. v. Bd. of Zoning Appeals*, 19 A.D.3d at 971, 798 N.Y.S.2d 756].
  - The applicant claims that because he didn’t voluntarily remove the building, the nonconforming use remains. Courts in New York State disagree. See information in the footnote below found in *Pelham v Board of Trustees* (77 N.Y. 2<sup>nd</sup> 66 (1990), which addresses a largely identical issue—loss of a nonconforming use because of fire. The case specifically addresses the issue of “the affirmative action of a landowner” as being irrelevant to the discontinuance of a nonconformity.<sup>1</sup>
- Curiously, the applicant states that he wants merely to “repair the damaged building,” apparently attempting to claim that less than fifty percent of the building was destroyed by the fire and subsequent measures to remove clear hazards to neighbors, pedestrians, and drivers.
    - Arson shouldn’t penalize the owner, he claims. But should it penalize neighbors of the investment property such that they must transfer to him some of their property’s value and their enjoyment of their neighborhood? The property’s owner, not neighbors, assumed risks when he purchased the property. Fire insurance should make him whole.
    - He says, “reconstruction does not comprise an alteration,” and asks the Zoning Board of Appeals to call the construction of a new a 9-unit SRO “maintenance and repair work.” This is of course preposterous and would seem to demonstrate contempt for the proceedings. He also claims that because the new building would be roughly the same size (save for a 600+ sq./ft. addition!) it should not be viewed as new, and the nonconforming use should continue. This line of reasoning defies logic and common sense and cannot be taken seriously.

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<sup>1</sup> “The policy of zoning embraces the concept of the ultimate elimination of nonconforming uses, and thus the courts favor reasonable restriction of them.” (*Matter of Harbison v City of Buffalo*, 4 N.Y.2d 553, 559-560.) Fair and intelligent land use planning tolerates nonconforming uses partly because property owners would otherwise suffer undue financial hardship if precipitously faced with discontinuance of an existing nonconforming use and loss of investment due to rezoning (*People v Miller*, 304 N.Y. 105, 108; *Matter of Harbison v City of Buffalo*, supra, at 559). There is, however, no absolute entitlement to reestablishment of a nonconforming use. Where an owner’s investment is extinguished by accidental destruction of the structure which had constituted the nonconforming use, it is not unreasonable thereafter to require compliance with current zoning requirements. The public interest preferring the elimination of nonconforming uses, having been postponed, ripens into actuation (*State ex rel. Covenant Harbor Bible Camp v Steinke*, 7 Wisc 2d 275, 96 NW2d 356, 361-362). Thus, courts have accepted municipal land use legislation imposing reasonable restrictions against reestablishing nonconforming uses after substantial destruction, based on some significant percent of value or volume \*71 destroyed (*Matter of Koeber v Bedell*, 254 App Div 584, affd without opn 280 N.Y. 692; *Matter of Bobandal Realities v Worthington*, 21 AD2d 784, affd without opn 15 N.Y.2d 788, supra).”

- The applicant claims that although the Code says that a destroyed building must be made to conform ‘to all the regulations of this chapter,’ he says the *building* must conform to only the *dimensional and bulk regulations* (p7) but the nonconforming use lives on. Note that he quotes only *part* of the regulation (I have italicized the part he provided) in support of this contention, leaving out a sentence that makes the meaning of the regulation clear (in bold, below):
 

“Restoration of damaged buildings. *If any nonconforming building shall be destroyed by any means to an extent of more than 50%, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all the regulations of this chapter for the district in which it is located. **Where the destruction of such nonconforming building is less than 50%, it may be restored and the nonconforming use continued,*** provided that the total cost of such restoration does not exceed the replacement value of the destroyed portion of the building at the time of its destruction and further provided that such restoration is started within a period of six months of such destruction and is diligently prosecuted to completion. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition of any wall declared unsafe by the Building Inspector.” Reading the whole section of the code makes clear that the reference of ‘nonconforming’ is to the building (structure) *and* use, not just the building. The Building Department’s letter of March 20<sup>th</sup>, 2023 makes the law perfectly clear.
- The applicant’s Alternate Request for Area Variance Approval is just as specious in that it ignores the recognized and legitimate desire in zoning regulations to eliminate nonconforming uses and replace them with conforming uses.
  - Any comparison between a proposed SRO with fewer units and the old nonconforming SRO is specious. That nonconforming use ended on January 3<sup>rd</sup>, 2023: the current use is R1-10, a single-family residence. A proper comparison is between a single-family residence and a new nonconforming SRO. Neighbors and residents have made their views clear on what they desire.
  - Applicant says the new building won’t change the character of the neighborhood, but clearly the nonconforming one has been a great burden on neighbors and was a detriment to the neighborhood, and now is the time to affect an improvement, just as the code was written to do. Countless police calls, fights in the street, and a murder in the 1990s suggest that the nonconforming use at 925 Wolcott is in fact a problem.
  - He points to other nonconforming uses in the area, specifically 916 Wolcott Avenue, across the street, 895 Wolcott at the bridge over the Fishkill, Forrestal Heights, and a development at Creek Drive. 916 Wolcott Avenue, tellingly with the same owner as the burned house, is another disaster of a nonconforming property, complete with recent bullet holes in the façade; Forrestal Heights is a municipal development that followed in the footsteps of Urban Renewal and is an aberration in Beacon generally; the entrance to the Creek Drive project is over 2700 feet from 925 Wolcott and isn’t in any practical sense a neighboring property. 895 Wolcott was *built as a row house* (not an SRO multi-family) in the late 19<sup>th</sup> century and *continues largely unchanged in that capacity*; 925 was a single-family home converted to an SRO, and there is a difference. None of these properties have created anywhere near the burden on the neighborhood that 925 (and 916) have.

- The Area Variance would be counter to the wishes of those who are living in the neighborhood as shown by the preponderance of letters submitted to the Board.

I encourage the Zoning Board of Appeals to abide by the findings of the Building Department, the clear language of the City's zoning code, and the overwhelming wishes of the community and deny all attempts by 925 Wolcott LLC to continue a nonconforming use that was extinguished on January 3<sup>rd</sup>.

Sincerely,



Meg and Steven Oakes  
913 Wolcott Avenue  
Beacon



June 16, 2023

The Zoning Board  
City of Beacon  
One Municipal Plaza  
Beacon, New York 12508

Subject: Proposed Building Variance  
For- 925 Wolcott Avenue

We are Paul and Elaine Caramagna, residing in our home located at 930 Wolcott Avenue, Beacon, New York. We have owned and lived in the home for many years.

We are writing to express our concern regarding a proposed building variance for the (now) empty lot located at 925 Wolcott Ave.

As you know the former building on that parcel was operated as a rooming house for a very long time. In the course of those years the building and property had continuously deteriorated.

On January 3, 2023, in the early morning hours, a current or former inhabitant of the property set fire to the building completely destroying the structure.

For many months, the owner did nothing to remove the debris or protect the property from the public access. Several months later, workers arrived and began to clear the burned out rubble of the home. With that work now only partially completed, a cyclone fence with locking gate was installed. Nothing further has been done to attend to the property or the building since that initial work and since the January fire date.

We now learn that the owners have applied to the Zoning Board for a variance to the building code, for authorization to rebuild a multi bedroom boarding house. The property is zoned for one family.

We as neighbors and residents of the City of Beacon, are vehemently opposed to the variance and the construction of the proposed building. There are several reasons for our opposition:

The premises is zoned as a single family dwelling. there is no reason to rezone it only to appease the business plan of the property owner.

1. The intersection of Sargent Ave and Wolcott avenue is heavily traveled, especially in the morning and evening hours. With a sizable new large number of residents, there are sure to be many new automobiles entering and exiting the property, thereby exacerbating the already busy roadway.

Although there is a STOP sign on the corner of Teller Ave. and Wolcott, it does little to warn drivers to take notice and care for oncoming traffic from three different directions.

2. The intersection is also a school crossing. A crossing guard is there two hours per day to aid in their crossing. The traffic from all directions exceeds the speed limit and it is difficult to see on coming cars. It is an extremely dangerous street to cross. People need to run across to compete with the cars.

The addition of more cars coming and going from the parking area would create an even more dangerous condition. There have been countless automobile accidents that have already occurred at these intersections because careless drivers, ignoring the stop sign, running into the George Washington Statue and taking out the telephone phone on the corner at the stop sign as also occurred.

3. Our home, has, twice, been driven into by reckless drivers, causing us extreme anguish and worry, that another crash with occur at any time. We incurred well over \$7000.00 in "out of pocket" repair costs and have had to build 4 brick columns and a fence to help keep cars away from the house. Our gas meter was driven into the last incident! It was terrifying!

We are aware that a redesign and repair of the intersection has been in the planning for quite some time but not yet been approved nor started. It is a much needed job to be done.

For the above reasons as well as the frequent walk-by activity of the rooming house residents in a drunken or drug induced condition is also a very real concern to us. The Police and Fire departments through the years

have been summoned to these residences on numerous occasions.

4. The Boarding house located across the street from number 925 owned by the same party was the target of a “drive-by” shooter several months ago. We live in jeopardy and fear that another shooting will occur, this time, mistaking our home for the target rooming house.

5. And last, another Boarding house with all of its potential issues will negatively affect property values in our neighborhood. It is “our neighborhood” and we take pride in our homes taking care of them. We need a family that has a vested interest in the neighborhood and property.

Thank you for your consideration of this rather long letter and again, request that the proposed variance be denied.

Respectfully,

Paul and Elaine Caramagna  
930 Wolcott Avenue  
Beacon, New York

To: Beacon Zoning Appeals Board:

I am writing in support of Beacon City Code Section 223.10D which disallows the reconstruction of 925 Wolcott Ave. as a multi-family/SRO use property, as stated in the original adjudication by the Building Department January 19th, 2023.

I stood outside this property on January 3rd and watched in horror as it burnt to the ground as a result of arson. I stood there keeping watch on my neighbors' homes should they need to be alerted because of spread of flames. It was a harrowing sight. Two homes next to it were damaged by the fire as well, as is known.

I, and other neighbors, have had to call the fire department and police numerous times over the years as there have been incidents ranging from careless, unattended BBQ flames on a window sill, unsafe situations, drug deals, and many domestic violence incidents at both SROs (925 and 916).

Given house values in Beacon, and potential profit of a sale, and /or income from rental, I don't see the validity of a hardship.

I am not in favor of 925 being rebuilt as an SRO.

Thank you,

Catherine Cole

18 Teller Ave.

Beacon, NY 12508

845-489-5688

## Amanda Caputo

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**From:** Stacie Merrill <stacie@staciemerrill.com>  
**Sent:** Wednesday, June 21, 2023 9:16 AM  
**To:** Amanda Caputo  
**Subject:** I oppose a variance for 925 Wolcott Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To Whom It May Concern,

I am writing in regard to the variance application to 925 Wolcott Ave.

Please uphold the current zoning ordinance and do not grant a variance to this predatory landowner, whose track record for caring about this community is zero. Please be the body of government in this city that actually looks after its residents.

Sincerely,

Stacie Merrill

11-year Beacon resident

## Amanda Caputo

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**From:** John and Erin Giunta <johnanderin@mac.com>  
**Sent:** Tuesday, June 20, 2023 6:03 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Ave

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Members of the Zoning Board,

We are residents of Beacon who live directly off of Sargent Avenue. We turn off of and onto Sargent Ave at the corner 925 Wolcott Avenue daily. We are concerned about the proposal for a variance to change the zoning for 925 Wolcott from a single-family residence to a multi unit apartment building. This is not in keeping in line with the intention of the lot as evident in the current zoning laws. This lot had a specific instructions to keep it a single family unit should more than 50% of the building be destroyed. That was put specifically in place to prevent instances like this from happening. Average Beacon residents should not be put at the disposal of out-of-town developers who are taking advantage of lax variances to help them put more money in their pocket and who are not concerned about the fabric of our community. That corner is very dangerous. There's a currently unpainted/unmarked crosswalk at this intersection as this is a major path for children walking to and from school. A crossing guard is stationed there during school travel times. To change the zoning of this lot to allow building a driveway for multiple cars as part of a nine unit apartment building to be entering and exiting at this extremely dangerous intersection is not putting the citizens and residence of Beacon first.

The residents of Beacon should not be forced to pay for an unfortunate investment that the developers bought into fully knowing what the status of the lot would be should damage occur to the property.

We do not subscribe to the idea that adding a nine unit building would bring affordable housing to Beacon. The affordable housing that was destroyed in the fire is unfortunate, but creating nine luxury apartments in this very busy intersection is not the answer to our housing issues.

We urge the zoning board to not grant a variance to the developer and follow the current zoning laws which would compel the rebuilt property to be a single-family home.

Sincerely,  
Erin Giunta  
John Giunta  
9 Knevels Ave, Ward 4

Sent from my iPhone

## Amanda Caputo

---

**From:** jjvaughn@optonline.net  
**Sent:** Tuesday, June 20, 2023 4:56 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Ave. - Appeal - Zoning Board

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To whom it may concern:

As a resident just across the street from 925 Wolcott Ave. since 1969, I fully support the Building Department's decision to uphold the City Code and disallow the rebuilding of 925 Wolcott Ave. as a multi-family or SRO use property.

Sincerely,

J. Jaye Vaughn

9 Teller Ave.

Beacon, NY

## Amanda Caputo

---

**From:** James Case-Leal <jamescaseleal@gmail.com>  
**Sent:** Wednesday, June 21, 2023 10:39 AM  
**To:** Amanda Caputo  
**Subject:** Petition to oppose the appeal and variance at 925 Wolcott  
**Attachments:** Petition to oppose appeal and variance at 925 Wolcott.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Zoning Board of Appeals,  
In the past two weeks the community of stakeholders in Beacon have organized this petition and collected over a thousand signatures in opposition of the appeal and zoning variance request for 925 Wolcott.

The majority of the signatures are by residents of Beacon, but also include people whose children attend Beacon schools, people who have been forced to leave Beacon because of the inflated housing market, and people who come to Beacon to spend their money as tourists.

We ask that you please take our voices in to consideration when making your decision.

thank you.



Wednesday June 21, 2023  
To: Zoning Board of Appeals  
Beacon, NY 12508

**Petition opposing the appeal and zoning variance request concerning  
925 Wolcott Ave, Beacon, NY 12508**

**The residents of Beacon and our community of stakeholders oppose the proposed development at 925 Wolcott and ask the Zoning Appeals Board to stand by the integrity of our zoning by denying the developer's appeal and zoning variance request.**

**This would be a significant disruption to the neighborhood and brings up numerous disruptions related to congestion, traffic, safety, and our local community.**

**We ask the Appeals Board to prioritize our safety and our concerns over the profits of an out-of-town investor wanting to build a 'market rate' rental by requiring that property be rebuilt in line with its assigned zoning as a single-family residential.**

Signature #	Name	City	St	Zip	Date e-Signed
1	Hollis Bogdanffy	Beacon	NY	12508	6/13/23
2	kara dean-assael	beacon	NY	12508	6/13/23
3	Jeaniene Durso	Beacon	NY	12508	6/13/23
4	Cassy Coyne	Beacon	NY	10508	6/13/23
5	Stephanie Roland	Beacon	NY	10508	6/14/23
6	Taina Lopez	Beacon	NY	12058	6/13/23
7	Michael Limer	Beacon	NY	12507	6/13/23
8	Paul Caramagna	Beacon	NY	12508	6/13/23
9	Carter Spurrier	Beacon	NY	12508	6/13/23
10	Leah Burke	Beacon	NY	12508	6/13/23
11	Patrick Metzger	Beacon	NY	12508	6/14/23
12	Philip Willman Duffy	Beacon	NY	12508	6/13/23
13	Yvonne DeMoss	Beacon	NY	12508	6/13/23
14	Helen Nelsen	Beacon	NY	12508	6/13/23

15	Janira Quinones	Beacon	NY	12508	6/13/23
16	Sarah Feyl	Beacon	NY	12508	6/13/23
17	Bridget Caramagna	Beacon	NY	12508	6/13/23
18	Pat Sullivan	Beacon	NY	12508	6/13/23
19	maryalice quinn	Beacon	NY	12508	6/13/23
20	Marie O'Shea	Beacon	NY	12508	6/13/23
21	Avril Schofield	Beacon	NY	12508	6/13/23
22	Benjamin Degen	Beacon	NY	12508	6/13/23
23	Katie Ray	Beacon	NY	12508	6/13/23
24	Heather Clark	Beacon	NY	12508	6/13/23
25	Jennifer Clair	Beacon	NY	12508	6/13/23
26	Jessica Hernandez	Beacon	NY	12508	6/13/23
27	Ryan Green	Beacon	NY	12508	6/13/23
28	Beth Zingone	Beacon	NY	12508	6/13/23
29	Kimberly Coccagna	Beacon	NY	12508	6/13/23
30	brandon thomas	beacon	NY	12508	6/13/23
31	Bobby Stephens	Beacon	NY	12508	6/13/23
32	Hope Gangloff	Beacon	NY	12508	6/13/23
33	dana o'malley	Beacon	NY	12508	6/13/23
34	Abigail Taylor	Beacon	NY	12508	6/13/23
35	Matthew Langston	Beacon	NY	12508	6/13/23
36	Stacie Merrill	Beacon	NY	12508	6/13/23
37	Jennifer Polk	Beacon	NY	12508	6/13/23
38	Peter Stropoli	Beacon	NY	12508	6/13/23
39	Sarah Bertolozzi	Beacon	NY	12508	6/13/23
40	Charles Clark	Beacon	NY	12508	6/13/23
41	Katie Cicatelli-Kuc	Beacon	NY	12508	6/13/23
42	Denise Loatman-Owens	Beacon	NY	12508	6/13/23
43	Colette Storti-Roberts	Beacon	NY	12508	6/13/23
44	Joseph Bertolozzi	Beacon	NY	12508	6/13/23
45	Anna West	Beacon	NY	12508	6/13/23
46	Jo Barber	Beacon	NY	12508	6/13/23
47	Jennifer Velez	Beacon	NY	12508	6/13/23
48	Emily Zempel Roberts	Beacon	NY	12508	6/13/23
49	eleanor kleiner	Beacon	NY	12508	6/13/23
50	Tessa Dean	Beacon	NY	12508	6/13/23
51	Hugh Sheehy	Beacon	NY	12508	6/13/23
52	Kaitlin Ashley	Beacon	NY	12508	6/13/23
53	Elie Brangbour	Beacon	NY	12508	6/13/23
54	Charlie Morris	Beacon	NY	12508	6/13/23
55	Sarah Coleman	Beacon	NY	12508	6/13/23
56	William Irwin	Beacon	NY	12508	6/13/23

57	Notmington Schofield	Beacon	NY	12508	6/13/23
58	Shane Killoran	Beacon	NY	12508	6/13/23
59	John Cason	Beacon	NY	12508	6/13/23
60	Courtney Velez	Beacon	NY	12508	6/13/23
61	Clara Masters	Beacon	NY	12508	6/13/23
62	Robert Featherstone	Beacon	NY	12508	6/13/23
63	Ted Hubbard	Beacon	NY	12508	6/13/23
64	Augustus Antalek	Beacon	NY	12508	6/13/23
65	Mitchell Schulman	Beacon	NY	12508	6/13/23
66	Bridget Antalek	Beacon	NY	12508	6/13/23
67	Raquel Verdesi	Beacon	NY	12508	6/13/23
68	Jennifer Rutledge	Beacon	NY	12508	6/13/23
69	anne alvergue	beacon	NY	12508	6/13/23
70	Maryann Allan	Beacon	NY	12508	6/13/23
71	Elissa Betterbid	Beacon	NY	12508	6/13/23
72	H Holmes	Beacon	NY	12508	6/13/23
73	Emily Pullen	Beacon	NY	12508	6/13/23
74	Margaux Lange	Beacon	NY	12508	6/13/23
75	Philomena Kiernan	Beacon	NY	12508	6/13/23
76	Arabella Droullard	Beacon	NY	12508	6/13/23
77	Jason Holmes	Beacon	NY	12508	6/13/23
78	Kristen Holt-Browning	Beacon	NY	12508	6/13/23
79	Sally Morris	Beacon	NY	12508	6/13/23
80	Chris Neyen	Beacon	NY	12508	6/13/23
81	Uma Rao	Beacon	NY	12508	6/13/23
82	Meredith Caraher	Beacon	NY	12508	6/13/23
83	Kimberly Madigan	Beacon	NY	12508	6/13/23
84	Gwynne Watkins	Beacon	NY	12508	6/13/23
85	Alison Bogart	Beacon	NY	12508	6/13/23
86	Dawn Simmonds	Beacon	NY	12508	6/13/23
87	kk naimool	Beacon	NY	12508	6/13/23
88	Arie Bram	Beacon	NY	12508	6/13/23
89	Bronwyn Sandoval	Beacon	NY	12508	6/13/23
90	Mike Statini	Beacon	NY	12508	6/13/23
91	Brian Schetter	Beacon	NY	12508	6/13/23
92	Dana Cahill	Beacon	NY	12508	6/13/23
93	Leonnie Calabrese	Beacon	NY	12508	6/13/23
94	Kristan Flynn	Beacon	NY	12508	6/13/23
95	Mary Funchion	Beacon	NY	12508	6/13/23
96	Bea W	Beacon	NY	12508	6/13/23
97	sue statini	beacon	NY	12508	6/13/23
98	Taylor Lyons	Beacon	NY	12508	6/13/23

99	Katrine Stroyberg	Beacon	NY	12508	6/13/23
100	Tom Conroy	Beacon	NY	12508	6/13/23
101	Gail Wauford	Beacon	NY	12508	6/13/23
102	Nicole Yannantuono	Beacon	NY	12508	6/13/23
103	Mary Collyer	Beacon	NY	12508	6/13/23
104	Courtney Gillette	Beacon	NY	12508	6/13/23
105	Aimee Fournier	Beacon	NY	12508	6/13/23
106	David Balogh	Beacon	NY	12508	6/13/23
107	Melissa Santiago	Beacon	NY	12508	6/13/23
108	Alison Acquaviva	Beacon	NY	12508	6/13/23
109	Brendan Koerner	Beacon	NY	12508	6/13/23
110	Amy Murphy	Beacon	NY	12508	6/13/23
111	Erika Burrett	Beacon	NY	12508	6/13/23
112	Kristen Acquaviva	Beacon	NY	12508	6/13/23
113	Andrew Buckland	Beacon	NY	12508	6/13/23
114	Heather Courtney	Beacon	NY	12508	6/13/23
115	shannon brandt	Beacon	NY	12508	6/13/23
116	Lila Nawrocki	Beacon	NY	12508	6/13/23
117	Amy Martinez	Beacon	NY	12508	6/13/23
118	angela koehler	Beacon	NY	12508	6/13/23
119	Neftaliz Velez	Beacon	NY	12508	6/13/23
120	Elisabeth Swanson	Beacon	NY	12508	6/13/23
121	Evan Merkhofer	Beacon	NY	12508	6/13/23
122	Gina Sylvester	Beacon	NY	12508	6/13/23
123	Dawn smith	Beacon	NY	12508	6/13/23
124	Kate Vander Linden	Beacon	NY	12508	6/13/23
125	Linda Greenough	Beacon	NY	12508	6/13/23
126	Donna Snowden	Beacon	NY	12508	6/13/23
127	Jennifer Partlow	BEACON	NY	12508	6/13/23
128	Lisa Wagner	Beacon	NY	12508	6/13/23
129	Pam Koeber-Diebboll	Beacon	NY	12508	6/13/23
130	Ed Watts	Beacon	NY	12508	6/13/23
131	Isaiah Sealey	Beacon	NY	12508	6/13/23
132	Lauren Zilahy	Beacon	NY	12508	6/13/23
133	Rebekah Azzarelli	Beacon	NY	12508	6/13/23
134	Elizabeth Audley	Beacon	NY	12508	6/13/23
135	Mike Hamel	Beacon	NY	12508	6/13/23
136	Tracy Pavlovic	Beacon	NY	12508	6/13/23
137	Christina Capriola	Beacon	NY	12508	6/13/23
138	Lori Merhige	Beacon	NY	12508	6/13/23
139	Maureen Harvey	Beacon	NY	12508	6/13/23
140	Brian Murphy	Beacon	NY	12508	6/13/23

141	Sue Rossi	beacon	NY	12508	6/13/23
142	Alison Spodek	Beacon	NY	12508	6/13/23
143	Sarah Stropoli	Beacon	NY	12508	6/13/23
144	Jennifer See	Beacon	NY	12508	6/13/23
145	Diane Coulter	Beacon	NY	12508	6/13/23
146	Rebecca Green	Beacon	NY	12508	6/13/23
147	Lynn McElduff	Beacon	NY	12508	6/13/23
148	Doreen Murphy	Beacon	NY	12508	6/13/23
149	Michal Mart	Beacon	NY	12508	6/13/23
150	Donna Hardisty	Beacon	NY	12508	6/13/23
151	Mairead Haley	Beacon	NY	12508	6/13/23
152	Orsolya Gilkes	Beacon	NY	12508	6/13/23
153	John Kleinfeldt	Beacon	NY	12508	6/13/23
154	Mary Lane	Beacon	NY	12508	6/13/23
155	Russ StGeorge	Beacon	NY	12508	6/13/23
156	Mike Papo	Beacon	NY	12508	6/13/23
157	Peter Unterweger	Beacon	NY	12508	6/13/23
158	Laura Nenno	Beacon	NY	12508	6/13/23
159	Skye Duquesne	Beacon	NY	12508	6/13/23
160	Kathleen Manzi	Beacon	NY	12508	6/13/23
161	Peter Trifilo	Beacon	NY	12508	6/13/23
162	Barbara Chaya	Beacon	NY	12508	6/13/23
163	Cheryl-Ann Darcy	Beacon	NY	12508	6/13/23
164	James Mckenna	Beacon	NY	12508	6/13/23
165	Andrew Zanzarella	Beacon	NY	12508	6/13/23
166	Fonteneou Richard	Beacon	NY	12508	6/13/23
167	Katherine Fiske	Beacon	NY	12508	6/13/23
168	Mike Rasimas	Beacon	NY	12508	6/13/23
169	Holly Deakyne	Beacon	NY	12508	6/13/23
170	John Fay	Beacon	NY	12508	6/13/23
171	chris knoeppel	BEACON	NY	12508	6/13/23
172	Rik Mercaldi	Beacon	NY	12508	6/13/23
173	Stephanie Barber	Beacon	NY	12508	6/13/23
174	Joe Waring	Beacon	NY	12508	6/13/23
175	Heather Clark	Beacon	NY	12508	6/13/23
176	Alexandra Regan	Beacon	NY	12508	6/13/23
177	Peggy Miller	Beacon	NY	12508	6/13/23
178	Arthur Camins	Beacon	NY	12508	6/13/23
179	Roman Safiullin	Beacon	NY	12508	6/13/23
180	Katie Wheeler-Martin	Beacon	NY	12508	6/13/23
181	Elizabeth Greenblatt	Beacon	NY	12508	6/13/23
182	Anne Picard Carbone	Beacon	NY	12508	6/13/23

183	Christine Mund	Beacon	NY	12508	6/13/23
184	Naomi Miller	Beacon	NY	12508	6/13/23
185	Jean Noack	Beacon	NY	12508	6/13/23
186	Helena Bogardus	Beacon	NY	12508	6/13/23
187	Jessica Eriksmoen	Beacon	NY	12508	6/13/23
188	Zachary Dupra	Beacon	NY	12508	6/13/23
189	Eileen Sheppard	beacon	NY	12508	6/13/23
190	J. Dewey	Beacon	NY	12508	6/13/23
191	Christopher Lane	Beacon	NY	12508	6/13/23
192	Maria Badami	Beacon	NY	12508	6/13/23
193	Marissa Inniss	Beacon	NY	12508	6/13/23
194	Rachel Faiella	Beacon	NY	12508	6/13/23
195	Leigh Waksmundzki	Beacon	NY	12508	6/13/23
196	tina cashin	beacon	NY	12508	6/13/23
197	Christina Ricottilli	Beacon	NY	12508	6/13/23
198	Brenda Murnane	Beacon	NY	12508	6/13/23
199	Nicholas Kuc	Beacon	NY	12508	6/13/23
200	Andrew Bell	Beacon	NY	12508	6/13/23
201	Elizabeth Gibbs	Beacon	NY	12508	6/13/23
202	JANE SYLVESTER	Beacon	NY	12508	6/13/23
203	Axel Beyer	Beacon	NY	12508	6/13/23
204	Alicia Fahlman	Beacon	NY	12508	6/13/23
205	Jean Haight	Beacon	NY	12508	6/13/23
206	Claire Nelson	Beacon	NY	12508	6/13/23
207	Nancy Goo	Beacon	NY	12508	6/13/23
208	Parker Elbe	Beacon	NY	12508	6/13/23
209	Peter Augello	Beacon	NY	12508	6/13/23
210	Gary Sunshine	Beacon	NY	12508	6/13/23
211	Rosemarie B Sullivan	Beacon	NY	12508	6/13/23
212	Grace Ostrander	Beacon	NY	12508	6/13/23
213	Nicole Moreno	Beacon		12508	6/13/23
214	George Coughlin	Beacon	NY	12508	6/13/23
215	Donald Areant	Beacon	NY	12508	6/13/23
216	Thomas de Villiers	Beacon	NY	12508	6/13/23
217	James Zellinger	Beacon	NY	12508	6/13/23
218	Catharine Martin	Beacon	NY	12508	6/13/23
219	Amy Soucy	Beacon	NY	12508	6/13/23
220	Alletta Cooper	Beacon	NY	12508	6/13/23
221	Peter Hockler	Beacon	NY	12508	6/13/23
222	Debbie MacGregor	Beacon	NY	12508	6/13/23
223	Melissa Buerkett	Beacon	NY	12508	6/13/23
224	Anne Morrison	Beacon	NY	12508	6/13/23

225	Julie Waldkoetter	Beacon	NY	12508	6/13/23
226	Lawrence Taylor	Beacon	NY	12508	6/13/23
227	Jennifer Ortiz	Beacon	NY	12508	6/13/23
228	Terry Hockler	Beacon	NY	12508	6/13/23
229	Alexis Fall	Beacon	NY	12508	6/13/23
230	Christine Wang	Beacon	NY	12508	6/13/23
231	Robert Simmonds	Beacon	NY	12508	6/13/23
232	Kimberly Sauer	Beacon	NY	12508	6/13/23
233	Barbara O'Dell	Beacon	NY	12508	6/13/23
234	Ann Kacur	Beacon	NY	12508	6/13/23
235	Robert Meeker	Beacon	NY	12508	6/13/23
236	Natalee Montesano	Beacon	NY	12508	6/13/23
237	k z	beacon	NY	12508	6/13/23
238	Carolyn Glauda	Beacon	NY	12508	6/13/23
239	Megan Carrasquillo	Beacon	NY	12508	6/13/23
240	Mary Ellen O'Brien	Beacon	NY	12508	6/13/23
241	Milagros Ortiz	Beacon	NY	12508	6/13/23
242	Nancy Garo	Beacon	NY	12508	6/13/23
243	Sean Twohig	Beacon	NY	12508	6/14/23
244	Amie Anderson	Beacon	NY	12508	6/14/23
245	Sean Haase	Beacon	NY	12508	6/14/23
246	william rivera	beacon	NY	12508	6/14/23
247	Susan Higgins	Beacon	NY	12508	6/14/23
248	Mary Hope	Beacon	NY	12508	6/14/23
249	David Merrill	Beacon	NY	12508	6/14/23
250	Melissa Cioffi	Beacon	NY	12508	6/14/23
251	Anthony Thomaselli	Beacon	NY	12508	6/14/23
252	Lisa Caccomo	Beacon	NY	12508	6/14/23
253	Courtney Martin	Beacon	NY	12508	6/14/23
254	Freddy Pantojas	Beacon	NY	12508	6/14/23
255	Christine Jamin	Beacon	NY	12508	6/14/23
256	Nicole Navarro	Beacon	NY	12508	6/14/23
257	MJ Coteco	Beacon	NY	12508	6/14/23
258	Janet Morgan	Beacon	NY	12508	6/14/23
259	Zulay Soto	Beacon	NY	12508	6/14/23
260	Anthony Angelucci	Beacon	NY	12508	6/14/23
261	Lisa Evans	Beacon	NY	12508	6/14/23
262	DJ Moerman	Beacon	NY	12508	6/14/23
263	Margaret Badami	Beacon	NY	12508	6/14/23
264	Lynn Costello	Beacon	NY	12508	6/14/23
265	Michele Haase	Beacon	NY	12508	6/14/23
266	Dylan Wood	Beacon	NY	12508	6/14/23

267	Josef Wieland	Beacon	NY	12508	6/14/23
268	Edwin Mercado	Beacon	NY	12508	6/14/23
269	Rachel Silkworth	Beacon	NY	12508	6/14/23
270	Felicia Ballos	Beacon	NY	12508	6/14/23
271	Carol Salvas	Beacon	NY	12508	6/14/23
272	Jesse Bell	Beacon	NY	12508	6/14/23
273	Bryan Quackenbush	Beacon	NY	12508	6/14/23
274	Kate Figueroa	Beacon	NY	12508	6/14/23
275	Hugo Alzate	Beacon	NY	12508	6/14/23
276	Brittany Mustakas	Beacon	NY	12508	6/14/23
277	Marisa Frederick	Beacon	NY	12508	6/14/23
278	Jonathan Lombardi	Beacon	NY	12508	6/14/23
279	Lisa Andretta	Beacon	NY	12508	6/14/23
280	Jon-Michael Dewit	Beacon	NY	12508	6/14/23
281	Stacy Dedring	Beacon	NY	12508	6/14/23
282	John Giunta	Beacon	NY	12508	6/14/23
283	Pat Hasapis	Beacon	NY	12508	6/14/23
284	Irma Colon	Beacon	NY	12508	6/14/23
285	Eve Morgenstern	Beacon	NY	12508	6/14/23
286	Esther Delgado	Beacon	NY	12508	6/14/23
287	Tiffany Schubin	Beacon	NY	12508	6/14/23
288	Liz Lore	Beacon	NY	12508	6/14/23
289	Pam Pritzker	Beacon	NY	12508	6/14/23
290	Jennifer Landisi	Beacon	NY	12508	6/14/23
291	Mariana Duma	Beacon	NY	12508	6/14/23
292	Kate Siracusa	Beacon	NY	12508	6/14/23
293	Babyann Hernandez	Beacon	NY	12508	6/14/23
294	Sarah Mencher	Beacon	NY	12508	6/14/23
295	Amanda Simonetta	Beacon	NY	12508	6/14/23
296	freddie torres	beacon	NY	12508	6/14/23
297	Eric Ortquist	Beacon	NY	12508	6/14/23
298	Ruth Viera-Panko	Beacon	NY	12508	6/14/23
299	Caroline Eisner	Beacon	NY	12508	6/14/23
300	Erica Hugh	Beacon	NY	12508	6/14/23
301	Jamie Creagh	Beacon	NY	12508	6/14/23
302	Claire Bracken	BEACON	NY	12508	6/14/23
303	Erin Giunta	Beacon	NY	12508	6/14/23
304	Edwin Tirres	Beacon	NY	12508	6/14/23
305	Martha Jaycox	Beacon	NY	12508	6/14/23
306	Liza Norcross	Beacon	NY	12508	6/14/23
307	L Bell	Beacon	NY	12508	6/14/23
308	gabriel anel	Beacon	NY	12508	6/14/23



309	Sarah Terrell	Beacon	NY	12508	6/14/23
310	Sarah From	Beacon	NY	12508	6/14/23
311	Tanya Broas	Beacon	NY	12508	6/14/23
312	Eric Saiset	Beacon	NY	12508	6/14/23
313	Sarah Hull	Beacon	NY	12508	6/14/23
314	CARRA GALABURDA	Beacon	NY	12508	6/14/23
315	Jennifer Blakeslee	Beacon	NY	12508	6/14/23
316	Celeste Williams	Beacon	NY	12508	6/14/23
317	Sheila MacRae-Ariel	Beacon	NY	12508	6/14/23
318	Mary Hernandez	Beacon	NY	12508	6/14/23
319	Calvin Serpico	Beacon	NY	12508	6/14/23
320	Kathy Caporale	Beacon	NY	12508	6/14/23
321	Kira Brooks	Beacon	NY	12508	6/14/23
322	Patrick Zaccara	beacon	NY	12508	6/14/23
323	Kristen Battle	Beacon	NY	12508	6/14/23
324	Teresa Rad	Beacon	NY	12508	6/14/23
325	Erin Serpico	Beacon	NY	12508	6/14/23
326	Charlene Weise	Beacon	NY	12508	6/14/23
327	Katie Chirichillo	Beacon	NY	12508	6/14/23
328	Laura Bellizzi	Beacon	NY	12508	6/14/23
329	Samantha Brittain	Beacon	NY	12508	6/14/23
330	Cecelia Tapley	Beacon	NY	12508	6/14/23
331	Toni Baer	Beacon	NY	12508	6/14/23
332	Sasha Stim-Fogel	Beacon	NY	12508	6/14/23
333	Jill Steeley	Beacon	NY	12508	6/14/23
334	Allison Woolston	Beacon	NY	12508	6/14/23
335	KHITAM Nakhleh	Beacon	NY	12508	6/14/23
336	Meghan Burns	Beacon	NY	12508	6/14/23
337	Timothy Kieper	Beacon	NY	12508	6/14/23
338	Charlotte Oglesby	Beacon	NY	12508	6/14/23
339	AJ Johnson	Beacon	NY	12508	6/14/23
340	Melyssa Chesney	Beacon	NY	12508	6/14/23
341	Barbara Fisher	Beacon	NY	12508	6/14/23
342	Robby Valentine	beacon	NY	12508	6/14/23
343	Linda Owen	Beacon	NY	12508	6/14/23
344	Julann Schwarz	Beacon	NY	12508	6/14/23
345	Anthony Piccone	Beacon	NY	12508	6/14/23
346	Tara D'Andrea	Beacon	NY	12508	6/14/23
347	Paul Yeaple	Beacon	NY	12508	6/14/23
348	Heather Yerks	Beacon	NY	12508	6/14/23
349	Scot Sedley	Beacon	NY	12508	6/14/23
350	Elizabeth Phelan	Beacon	NY	12508	6/14/23

351	Philip Bradford	Beacon	NY	12508	6/14/23
352	Krystle Heady	Beacon	NY	12508	6/14/23
353	joan Martorano	Beacon	NY	12508	6/14/23
354	Colin Gentle	Beacon	NY	12508	6/14/23
355	Kathryn Comperatore	Beacon	NY	12508	6/14/23
356	Kathleen Mazza	Beacon	NY	12508	6/14/23
357	Rheyan Cader	Beacon	NY	12508	6/14/23
358	Hannah Simmons	Beacon	NY	12508	6/14/23
359	Nadina Handley	Beacon	NY	12508	6/14/23
360	John Rini	Beacon	NY	12508	6/14/23
361	Eleni Smolen	Beacon	NY	12508	6/14/23
362	Anne Kane	Beacon	NY	12508	6/14/23
363	Liz Matthews	Beacon	NY	12508	6/14/23
364	Melissa Oberle	Beacon	NY	12508	6/14/23
365	Anne Druckenmiller	Beacon	NY	12508	6/14/23
366	Deanna Theiss	Beacon	NY	12508	6/14/23
367	Marilyn Joseph	BEACON	NY	12508	6/14/23
368	Misty Ebert	Beacon	NY	12508	6/14/23
369	Virginia Piazza	Beacon	NY	12508	6/14/23
370	Joseph Malandrucolo	Beacon	NY	12508	6/14/23
371	Jasmine Sanchez	Beacon	NY	12508	6/14/23
372	Kristen Aloisi	Beacon	NY	12508	6/14/23
373	William Sciambi	BEACON	NY	12508	6/14/23
374	Hanna Wagner	Beacon	NY	12508	6/14/23
375	Lisa Dortch	Beacon	NY	12508	6/14/23
376	Gabrielle Summers	Beacon	NY	12508	6/14/23
377	Susan Staples	Beacon	NY	12508	6/14/23
378	Dan Rigney	Beacon	NY	12508	6/14/23
379	Chris DeCaprio	Beacon	NY	12508	6/14/23
380	John Fay	Beacon	NY	12508	6/14/23
381	Patricia Rose	Beacon	NY	12508	6/14/23
382	Robyn Tauss	Beacon	NY	12508	6/14/23
383	Marc Epstein	Beacon	NY	12508	6/14/23
384	Jacqueline Arroyo	Beacon	NY	12508	6/14/23
385	Yaroslav Dobriansky	Beacon	NY	12508	6/14/23
386	Mark Trecka	Beacon	NY	12508	6/14/23
387	Miranda Romine	Beacon	NY	12508	6/14/23
388	Lorraine Simmonds	Beacon	NY	12508	6/14/23
389	Sarah Wolff	Beacon	NY	12508	6/14/23
390	Thomas Moffitt	Beacon	NY	12508	6/14/23
391	Mike Diago	Beacon	NY	12508	6/14/23
392	Derek Enos	Beacon	NY	12508	6/14/23

393	Stacey Davis	Beacon	NY	12508	6/14/23
394	Sally Ciampaglione	Beacon	NY	12508	6/14/23
395	Josh McKible	Beacon	NY	12508	6/14/23
396	Bob Kacur	Beacon	NY	12508	6/14/23
397	Ilana Friedman	Beacon	NY	12508	6/14/23
398	Joshua Negron	Beacon	NY	12508	6/14/23
399	Joseph Radoccia	Beacon	NY	12508	6/14/23
400	Peggy Rose	Beacon	NY	12508	6/14/23
401	Joanne Stanton	Beacon	NY	12508	6/14/23
402	Robert Brush	Beacon	NY	12508	6/14/23
403	Zoraida Montoya	Beacon	NY	12508	6/14/23
404	Bonnie Johnson	Beacon	NY	12508	6/14/23
405	Pam Jones	Beacon	NY	12508	6/14/23
406	Maggie Dickinson	Beacon	NY	12508	6/14/23
407	Lauren Donnelly	Beacon	NY	12508	6/14/23
408	Victoria Albra	Beacon	NY	12508	6/14/23
409	Jen Whiteside	Beacon	NY	12508	6/14/23
410	Amy Blair	Beacon	NY	12508	6/14/23
411	Eelco Kessels	Beacon	NY	12508	6/14/23
412	Scott Mckevitt	Beacon	NY	12508	6/14/23
413	DANIEL FRASCO	Beacon	NY	12508	6/14/23
414	Kate Ritter	Beacon	NY	12508	6/14/23
415	Deborah Reynolds	Beacon	NY	12508	6/14/23
416	Laura Bono	Beacon	NY	12508	6/14/23
417	Sharon Watts	beacon	NY	12508	6/14/23
418	Allison Prouty	Beacon	NY	12508	6/14/23
419	Annetia Gigliotti	Beacon	NY	12508	6/14/23
420	Ivan Tapia	Beacon	NY	12508	6/14/23
421	Sarah Brittain	Beacon	NY	12508	6/15/23
422	Guyayne Simmons	Beacon	NY	12508	6/15/23
423	Annemarie Moleano	Beacon	NY	12508	6/15/23
424	Kathleen Laucius	Beacon	NY	12508	6/15/23
425	kimberly powlis	beacon	NY	12508	6/15/23
426	Theo De Haas	Beacon	NY	12508	6/15/23
427	Nicole Santomero Rowley	Beacon	NY	12508	6/15/23
428	Bri Mole	Beacon	NY	12508	6/15/23
429	Jack Nightingale	Beacon	NY	12508	6/15/23
430	Richard Haight	Beacon	NY	12508	6/15/23
431	Joey de Haas	Beacon	NY	12508	6/15/23
432	Elaine Montleon	Beacon	NY	12508	6/15/23
433	Juliet Strong	Beacon	NY	12508	6/15/23
434	Shannon Idema	Beacon	NY	12508	6/15/23

435	Tina Owen	Beacon	NY	12508	6/15/23
436	Stephanie Montesanto	Beacon	NY	12508	6/15/23
437	Michele Miller	Beacon	NY	12508	6/15/23
438	Michele Rios	Beacon	NY	12508	6/15/23
439	Julia Caldwell	Beacon	NY	12508	6/15/23
440	Alexander Okon	Beacon	NY	12508	6/15/23
441	Kit Burke-Smith	Beacon	NY	12508	6/15/23
442	Jennifer Czyz	Beacon	NY	12508	6/15/23
443	Amy Farid	Beacon	NY	12508	6/15/23
444	Chris Musorofiti	Beacon	NY	12508	6/15/23
445	Lisa Casey	Beacon	NY	12508	6/15/23
446	Jean Huang	Beacon	NY	12508	6/15/23
447	Richard Hull	Beacon	NY	12508	6/15/23
448	Harry Owens	Beacon	NY	12508	6/15/23
449	Joanne Werner	Beacon	NY	12508	6/15/23
450	Pam Wetherbee	Beacon	NY	12508	6/15/23
451	Ronnie Farley	Beacon	NY	12508	6/15/23
452	Samantha Palmeri	Beacon	NY	12508	6/15/23
453	Frances Belaval	Beacon	NY	12508	6/15/23
454	Alexander Cohen	Beacon	NY	12508	6/15/23
455	Lisa Sjolholm	Beacon	NY	12508	6/15/23
456	Jeanette Olson	Beacon	NY	12508	6/15/23
457	Karen Soovajian	Beacon	NY	12508	6/15/23
458	Alix Olson	Beacon	NY	12508	6/15/23
459	Anny Robinson	Beacon	NY	12508	6/15/23
460	Evelyn Fasanaro	Beacon	NY	12508	6/15/23
461	Alexandra Devin	Beacon	NY	12508	6/15/23
462	Lawrence Gault	Beacon	NY	12508	6/15/23
463	Melissa Powlis	Beacon	NY	12508	6/15/23
464	Michael Joyce	Beacon	NY	12508	6/15/23
465	Ana Joanes	Beacon	NY	12508	6/15/23
466	Stanley Smith	Beacon	NY	12508	6/15/23
467	Mike Saragozin	Beacon	NY	12508	6/15/23
468	Annie Rapalje	Beacon	NY	12508	6/15/23
469	Maurice Masmela	Beacon	NY	12508	6/15/23
470	Carmen Van Wert	Beacon	NY	12508	6/15/23
471	Mandy Berman	Beacon	NY	12508	6/15/23
472	Christopher miozzi	Beacon	NY	12508	6/15/23
473	Carmen Smith	Beacon	NY	12508	6/15/23
474	Danielle Raheem	Beacon	NY	12508	6/15/23
475	Kurt Lauer	Beacon	NY	12508	6/15/23
476	Kevin Zamudio	Beacon	NY	12508	6/15/23

477	Joe Yanarella	Beacon	NY	12508	6/15/23
478	Rebecca Morgan	Beacon	NY	12508	6/15/23
479	Rebecca Arndt	Beacon	NY	12508	6/15/23
480	Dianna Lewis	Beacon	NY	12508	6/15/23
481	Sharon DePaolo	Beacon	NY	12508	6/16/23
482	Yoon Jayoung	Beacon	NY	12508	6/16/23
483	Leeann Fonteneou soto	Beacon	NY	12508	6/16/23
484	Steve Jaffe	Beacon	NY	12508	6/16/23
485	Russ StGeorge	Beacon	NY	12508	6/16/23
486	Alicia Stalker	Beacon	NY	12508	6/16/23
487	Jason Scheiding	Beacon	NY	12508	6/16/23
488	Kerry Confrey	Beacon	NY	12508	6/16/23
489	Patrick O'Dell	Beacon	NY	12508	6/16/23
490	Kathleen Colbert	Beacon	NY	12508	6/16/23
491	Ellen Laurelli	Beacon	NY	12508	6/16/23
492	Kazumi Tanaka	Beacon	NY	12508	6/16/23
493	Patricia Wyatt	Beacon	NY	12508	6/16/23
494	Jeremy Suckow	Beacon	NY	12508	6/16/23
495	Susan Wright	Beacon	NY	12508	6/16/23
496	Kelly Ellenwood	Beacon	NY	12508	6/16/23
497	Petrina Schoonmaker	Beacon	NY	12508	6/16/23
498	Rory McElduff	Beacon	NY	12508	6/16/23
499	Deana Morenoff	Beacon	NY	12508	6/16/23
500	Lily Piyathaisere	Beacon	NY	12508	6/16/23
501	Jessica Simkovic	Beacon	NY	12508	6/16/23
502	Dana H.	Beacon	NY	12508	6/16/23
503	Tyler Baxter	Beacon	NY	12508	6/16/23
504	Tyler Patterson	Beacon	NY	12508	6/16/23
505	Nancy Nancy Solomon	Beacon	NY	12508	6/16/23
506	Brent Allman	Beacon	NY	12508	6/16/23
507	Elizabeth Ertner	Beacon	NY	12508	6/17/23
508	Steven Blumenthal	Beacon	NY	12508	6/17/23
509	Christy Ingalls	Beacon	NY	12508	6/17/23
510	Joshua Jacobs	Beacon	NY	12508	6/17/23
511	Kendra Bentley	Beacon	NY	12508	6/17/23
512	Hayden McElduff	Beacon	NY	12508	6/17/23
513	Michael Merritt	Beacon	NY	12508	6/17/23
514	Nicole Meyer	Beacon	NY	12508	6/18/23
515	Andrea Moreau	Beacon	NY	12508	6/18/23
516	Christopher Sjoholm	Beacon	NY	12508	6/18/23
517	Erin Zukowski	Beacon	NY	12508	6/18/23
518	Michael Arginsky	Beacon	NY	12508	6/18/23

519	Rajinder Keating	Beacon	NY	12508	6/18/23
520	Cait Hammer	Beacon	NY	12508	6/18/23
521	Prudence S Posner	Beacon	NY	12508	6/18/23
522	Raz Angell	Beacon	NY	12508	6/19/23
523	Sheila Bettolozzi	Beacon	NY	12508	6/13/23
524	Michael Zanzarella	Beacon	NY	12508	6/13/23
525	Caylee Simmonds	Beacon	NY	12508	6/13/23
526	Heather Browne	Beacon	NY	12508	6/13/23
527	Tammy Desmarais	Beacon	NY	12524	6/13/23
528	Ross VanAnden	Beacon	NY	12524	6/13/23
529	Maria Guido	Beacon	NY	12524	6/14/23
530	Kathleen Richard	Beacon	NY	12524	6/14/23
531	anthony ravinsky	Beacon	NY	12524	6/14/23
532	Peter Pettorossi	Beacon	NY	12524	6/14/23
533	Kate Rabe	Beacon	NY	12524	6/14/23
534	Diane Boujikian	Beacon	NY	12524	6/14/23
535	Jacqueline Baeza	Beacon	NY	12524	6/14/23
536	Shahneese Williams	Beacon	NY	12524	6/14/23
537	Erika Foy	Beacon	NY	12524	6/15/23
538	Phyllis Mackin	Beacon	NY	12524	6/15/23
539	Joan + Ehrenberg	Beacon	NY	12524	6/15/23
540	Rebecca Miozzi	Beacon	NY	12524	6/15/23
541	Barbara Farber	Beacon	NY	12533	6/13/23
542	Nancy Rosaler	Beacon	NY	12533	6/14/23
543	Leatrice Huggins	Beacon	NY	12508	6/16/23
544	Justin Conway	Beacon	NY	12508	6/14/23
545	Joshua Marsh	Beacon	NY	12508	6/13/23
546	Matthew Hollis	Beacon	NY	12508	6/13/23
547	Royal Bogardus	Beacon	NY	12508	6/14/23
548	Suzette Simmons	Beacon	NY	12508	6/14/23
549	Ashley Arrigo	Beacon	NY	12508	6/14/23
550	Moraya Seeger DeGeare	Beacon	NY	12508	6/14/23
551	Luz Mercado	Beacon	NY	12508	6/13/23
552	Gail Robinson	Beacon	NY	13856	6/14/23
553	Teri Bradley	Beacon	NY	30319	6/13/23
554	James Case-Leal	Beacon	NY	12508	6/13/23
555	Samantha Tseng	Beacon	NY	12508	6/15/23
556	Jon Miller	Beacon	NY	12508	6/13/23
557	Kenny Gibbs	Beacon	NY	12508	6/13/23
558	Catherine Pomeroy	Beacon	NY	12508	6/14/23
559	Mary Vassalo	Beacon	NY	12508	6/13/23
560	Toby Dunne	Beacon	NY	11236	6/13/23

561	Lucky Longo	Beacon	NY	10516	6/14/23
562	Chie Fueki	Beacon	NY	10524	6/14/23
563	Paula King	Beacon	NY	12533	6/13/23
564	Margot Kingon	Beacon	NY	12533	6/13/23
565	Benny Galarza	Beacon	NY	12533	6/13/23
566	Yvette Valdes Smith	Beacon	NY	12533	6/14/23
567	Joan Unterweger	Beacon	NY	12508	6/15/23
568	Shelly Blumenthal	Beacon	NY	12508	6/13/23
569	Nicholas Dedring	Beacon	NY	12508	6/13/23
570	Alexis Reyes	Beacon	NY	11213	6/14/23
571	Jeffrey Domanski	Beacon	NY		6/15/23
572	stephanie soltish	Glenham	NY	12527	6/13/23
573	John Philipbar	Glenham	NY	12527	6/13/23
574	Morgan Navarro	Glenham	NY	12527	6/14/23
575	Jennifer Alfasso	Glenham	NY	12527	6/15/23
576	Shirley Mojica	Glenham	NY	12528	6/15/23
577	Karine Gordineer	Hopewell Junction	NY	10524	6/14/23
578	Margaret McElduff McCann	Hopewell Junction	NY	12533	6/13/23
579	Ishia Wilson	Hopewell Junction	NY	12533	6/13/23
580	Dawn Peck	Hopewell Junction	NY	12533	6/13/23
581	Christopher Toland	Hopewell Junction	NY	12533	6/14/23
582	Loredana Tradito	Hopewell Junction	NY	12533	6/14/23
583	rachel muller	Hopewell Junction	NY	12533	6/14/23
584	Pam Seegler	Hopewell Junction	NY	12533	6/14/23
585	Eric Eckley	Hopewell junction	NY	12533	6/14/23
586	wyonna rutledge	hopewell junction	NY	12533	6/14/23
587	Jeanne Barber	Hopewell Junction	NY	12533	6/14/23
588	Gandolfo Angela	Hopewell Junction	NY	12533	6/15/23
589	Eleni Christodouloupoulos	Hopewell Junction	NY	12533	6/15/23
590	Karen Miura	Hopewell Junction	NY	12533	6/15/23
591	Detoro Donna	Hopewell Junction	NY	12533	6/15/23
592	Bryson Adams	Hopewell Junction	NY	12533	6/16/23
593	Holly Jackson	Hopewell Junction	NY	12533	6/16/23
594	john lihag	Hopewell Junction	NY	12533	6/18/23
595	Case Meeuwisse	Hopewell Junction	NY	12533	6/18/23
596	Margaret McDuffie	Hopewell Junction	NY		6/14/23
597	Anna cory-Watson	Wappingers Falls	NY	12508	6/13/23
598	Craig Russo	Wappinger Falls	NY	12590	6/13/23
599	Conni Mills	Wappingers Falls	NY	7094	6/14/23

600	Ilana Prusock	Wappingers Falls	NY	12590	6/13/23
601	Zenta Janks	Wappingers Falls	NY	12508	6/13/23
602	Nicole D'Ambrosio	Wappingers Falls	NY	12590	6/13/23
603	Brandy Capolino	Wappingers Falls	NY	12590	6/13/23
604	Toglia Marianne	Wappingers Falls	NY	12590	6/13/23
605	Yael Korman	Wappingers Falls	NY	12590	6/13/23
606	Sandra HroudA	Wappingers Falls	NY	12590	6/13/23
607	Amanda Wiersum	Wappingers Falls	NY	12590	6/13/23
608	Janine Kozak-gauzza	Wappingers Falls	NY	12590	6/13/23
609	Brandy Burre	Wappingers Falls	NY	12590	6/13/23
610	Ann Mellor	Wappingers Falls	NY	12590	6/13/23
611	Nicole Le Blanc	Wappingers Falls	NY	12590	6/13/23
612	sabrina mayr	Wappingers Falls	NY	12590	6/13/23
613	Alberto Rios	Wappingers Falls	NY	12590	6/13/23
614	Virginia Kalaka	Wappingers Falls	NY	12590	6/13/23
615	Joan Spiconardi	Wappingers Falls	NY	12590	6/13/23
616	lesly deschler	Wappingers Falls	NY	12590	6/13/23
617	Linda Nevelus	Wappingers Falls	NY	12590	6/13/23
618	Sarah gilbert	Wappingers Falls	NY	12590	6/13/23
619	Julia McCook	Wappingers Falls	NY	12590	6/13/23
620	Marjorie Hetling	Wappingers Falls	NY	12590	6/14/23
621	Maureen Brierton	Wappingers Falls	NY	12590	6/14/23
622	Erin Dotson	Wappingers Falls	NY	12590	6/14/23
623	Erica Barden	Wappingers Falls	NY	12590	6/14/23
624	Tina Serrano	Wappingers Falls	NY	12590	6/14/23
625	David Oberhauser	Wappingers Falls	NY	12590	6/14/23
626	Tanya Sorbello	Wappingers Falls	NY	12590	6/14/23
627	Thomas Pearson	Wappingers Falls	NY	12590	6/14/23
628	Alexander West	Wappingers Falls	NY	12590	6/14/23
629	Victoria Diaz	Wappingers Falls	NY	12590	6/14/23
630	Ashley MacIsaac	Wappingers Falls	NY	12590	6/14/23
631	Christine Rowe	Wappingers Falls	NY	12590	6/14/23
632	Robert Dewit	Wappingers Falls	NY	12590	6/14/23
633	tina taylor	Wappingers Falls	NY	12590	6/14/23
634	Yamalit Holguin	Wappingers Falls	NY	12590	6/14/23
635	Susan Drake	Wappingers Falls	NY	12590	6/14/23
636	Joelle Price	Wappingers Falls	NY	12590	6/14/23
637	Erik Fyfe	Wappingers Falls	NY	12590	6/14/23
638	Joseph Grotzer	Wappingers Falls	NY	12590	6/15/23
639	William Vasquez	Wappingers Falls	NY	12590	6/15/23
640	Catherine Papula	Wappingers Falls	NY	12590	6/15/23
641	jonathan halevah	Wappingers Falls	NY	12508	6/15/23



642	Megan Moran	Wappingers Falls	NY	12590	6/15/23
643	Crystal Taylor	Wappingers Falls	NY	12590	6/16/23
644	Elvira Capitano	Wappingers Falls	NY	12590	6/16/23
645	Eric Hardwick	Wappingers Falls	NY	12590	6/16/23
646	Patricia Kirkup	Wappingers Falls	NY	12590	6/16/23
647	Elizabeth Cenicola	Wappingers Falls	NY	12590	6/17/23
648	Natasha Claudio	Wappingers Falls	NY	12590	6/17/23
649	Rachael Cea	Wappingers Falls	NY	12590	6/17/23
650	Margaret deHeus	Wappingers Falls	NY	12590	6/17/23
651	Crissy Abbagliato	Wappingers Falls	NY	12590	6/18/23
652	carl oken	fishkill	NY	12524	6/13/23
653	Patrick Costanzo	Fishkill	NY	12524	6/13/23
654	Denise Bresciani	Fishkill	NY	12524	6/13/23
655	Brittany Cataldo	Fishkill	NY	12524	6/13/23
656	C Phillips	Fishkill	NY	12524	6/13/23
657	Steve Knibbs				
657	st0m1k@verizon.net	Fishkill	NY	12524	6/14/23
658	Vanessa Rutigliano	Fishkill	NY	12524	6/14/23
659	Michelle Scarchilli	Fishkill	NY	12524	6/14/23
660	Jennifer Coughlin	Fishkill	NY	12524	6/17/23
661	Barbara Mulligan	Fishkill	NY	12590	6/13/23
662	Hilary Roberto	Fishkill	NY	13524	6/14/23
663	Marianne Marichal	Newburgh	NY	12550	6/13/23
664	Gillian Ramkalawon	Newburgh	NY	12550	6/13/23
665	Adrienne Spencer	Newburgh	NY	12550	6/13/23
666	Richard Hockler	Newburgh	NY	12550	6/13/23
667	Colleen Jones	Newburgh	NY	12550	6/13/23
668	Rachel Dolfinger	Newburgh	NY	12550	6/13/23
669	Kelly Hamburger	Newburgh	NY	12550	6/13/23
670	Tamsin Hollo	Newburgh	NY	12550	6/13/23
671	Lisa DaCruz	Newburgh	NY	12550	6/13/23
672	Paul Cooper	Newburgh	NY	12550	6/13/23
673	Wilfred Lopez	Newburgh	NY	12550	6/13/23
674	Chris Gerhardt	Newburgh	NY	12550	6/14/23
675	Heather Davies	Newburgh	NY	12550	6/14/23
676	Mary FETHEROLF	Newburgh	NY	12550	6/14/23
677	Lauren Hernandez	Newburgh	NY	12550	6/14/23
678	Vicky Herouart	Newburgh	NY	12550	6/14/23
679	Jim Rooney	Newburgh	NY	12550	6/15/23
680	Christopher Reiss	Newburgh	NY	12550	6/15/23

681	Meghan Tanton	New Windsor	NY	12553	6/13/23
682	Andretta Danielle	New Windsor	NY	12553	6/14/23
683	Jackie F	New Windsor	NY	12553	6/14/23
684	Erica Kozuch	New Windsor	NY	12553	6/14/23
685	Catherine Welshman	New Windsor	NY	12553	6/14/23
686	Paul Lyons	Highland	NY	12528	6/13/23
687	Tara Urbanak	Highland	NY	12528	6/14/23
688	Madeline Trinidad	Highland	NY	12528	6/14/23
689	ISRAEL BELTRAN	Highland	NY	12528	6/14/23
690	Timothy Lathrop	Highland	NY	12528	6/14/23
691	LeRoy Hogan	Highland	NY	12528	6/15/23
692	Christina Bueti	Highland	NY	12528	6/18/23
693	Marianne Piluso	Highland Falls	NY	10928	6/15/23
694	Colm O'Shea	Cold Spring	NY	10516	6/13/23
695	Bettina Utz	Cold spring	NY	10516	6/13/23
696	Mary Pace	Cold Spring	NY	10516	6/13/23
697	David Limburg	Cold Spring	NY	10516	6/13/23
698	Sterling DeWeese	Cold Spring	NY	10516	6/13/23
699	Stephen Heath	Cold Spring	NY	10516	6/13/23
700	Debbie Brennen	Cold Spring	NY	10516	6/13/23
701	Carolyn Llewellyn	Cold Spring	NY	10516	6/13/23
702	Christine Peterson	Cold Spring	NY	10516	6/14/23
703	Ben Cheah	Cold Spring	NY	10516	6/14/23
704	Todd Giudice	Cold Spring	NY	10516	6/14/23
705	Dana DiCastro	Garrison	NY	10524	6/13/23
706	Samantha Milligan	Garrison	NY	10524	6/14/23
707	Rebecca Correllus	Garrison	NY	10524	6/14/23
708	Keith Kondzielaski	Garrison	NY	10524	6/14/23
709	Lhawang Sherpa	Garrison	NY	10524	6/14/23
710	Mary Burns	Garrison	NY	10524	6/14/23
711	David Cardona	Garrison	NY	10524	6/14/23
712	Mary Beth Stephens	Poughkeepsie	NY	12508	6/13/23
713	LA Martin	Poughkeepsie	NY	12508	6/14/23
714	Jason Demichiel	Poughkeepsie	NY	12601	6/13/23
715	Teresa Marra	Poughkeepsie	NY	12601	6/13/23
716	Gina Merola	Poughkeepsie	NY	12601	6/13/23
717	Patty Lamoree	Poughkeepsie	NY	12601	6/13/23

718	Joseph Baxter	Poughkeepsie	NY	12601	6/13/23
719	Noreen McGarry	Poughkeepsie	NY	12601	6/13/23
720	Julia Bliss	Poughkeepsie	NY	12601	6/14/23
721	Brian O'Mara	Poughkeepsie	NY	12601	6/14/23
722	Cooper Clary	Poughkeepsie	NY	12601	6/14/23
723	Erik Tippa	Poughkeepsie	NY	12601	6/14/23
724	Tariq Cruz	Poughkeepsie	NY	12601	6/14/23
725	Michelle Coughlin	Poughkeepsie	NY	12601	6/14/23
726	Chase Russell	Poughkeepsie	NY	12601	6/14/23
727	Gina Bambinelli	Poughkeepsie	NY	12601	6/15/23
728	Lisa Pizzola	Poughkeepsie	NY	12601	6/15/23
729	Diane Haight	Poughkeepsie	NY	12601	6/15/23
730	Nina Thompson	Poughkeepsie	NY	12508	6/16/23
731	mia acampora	Poughkeepsie	NY	12601	6/16/23
732	Jacob Vitale	Poughkeepsie	NY	12601	6/16/23
733	Diane M Spiak-Pisanelli	Poughkeepsie	NY	12601	6/16/23
734	Beatrice Conklin	Poughkeepsie	NY	12601	6/17/23
735	Nancy Latronica	Poughkeepsie	NY	12603	6/13/23
736	Bonnie Z	Poughkeepsie	NY	12603	6/13/23
737	Linda Lopez	Poughkeepsie	NY	12603	6/13/23
738	Virginia Gonzalez	Poughkeepsie	NY	12603	6/13/23
739	Lisa Cardinale	Poughkeepsie	NY	12603	6/13/23
740	Courtney Mas	Poughkeepsie	NY	12603	6/13/23
741	Erin VanBuren	Poughkeepsie	NY	12603	6/13/23
742	Sadie DiRubbio	Poughkeepsie	NY	12508	6/14/23
743	Emily Lopez	Poughkeepsie	NY	12603	6/14/23
744	Mary Boyle Bernadette Lopez-	Poughkeepsie	NY	12603	6/14/23
745	Fitzsimmons	Poughkeepsie	NY	12603	6/14/23
746	Jeremy Gruhl	Poughkeepsie	NY	12603	6/14/23
747	Janet Young	Poughkeepsie	NY	12603	6/14/23
748	Christopher Duncan	Poughkeepsie	NY	12603	6/14/23
749	Mark Thompson	Poughkeepsie	NY	12603	6/14/23
750	Alison Chi	Poughkeepsie	NY	12603	6/14/23
751	daniela Vasquez Vasquez	Poughkeepsie	NY	12603	6/14/23
752	Isabel Robles	Poughkeepsie	NY	12603	6/14/23
753	Paul Nawrocki	Poughkeepsie	NY	12603	6/15/23
754	Lynne Angevine	Poughkeepsie	NY	12603	6/16/23
755	Meredith Hairston	Poughkeepsie	NY	12603	6/16/23
756	JAMES BURNS	Poughkeepsie	NY	12508	6/17/23
757	Maria Fonteneou	Poughkeepsie	NY	12603	6/17/23
758	Muriel Horowitz	Poughkeepsie	NY	12603	6/18/23

759	Jordan Aguilar	New York	NY	10003	6/14/23
760	Chip Gibson	New York	NY	10003	6/14/23
761	Whitney Bria	New York	NY	10003	6/15/23
762	Gregory Costello	New York	NY	10004	6/13/23
763	Patricia Schultz	New York	NY	10004	6/14/23
764	Brenda DeLeon	New York	NY	10004	6/14/23
765	Rosemarie Echandy	New York	NY	10005	6/14/23
766	Jeannine Young	New York	NY	10007	6/13/23
767	alex takashima	New York	NY	10013	6/13/23
768	Meagan Meeuwisse	New York	NY	10013	6/19/23
769	Amanda Quintana	New York	NY	10016	6/16/23
770	Jennifer Justice	New York	NY	10032	6/13/23
771	Anthony Sherin	New York	NY	10040	6/13/23
772	Tanya Regan	New York	NY	10075	6/13/23
773	Sydney Williams	New York	NY	10118	6/13/23
774	Stephan Picard	New York	NY	10118	6/13/23
775	Kenneth Hendricks	New York	NY	10118	6/13/23
776	Jayse Gamblin	New York		10118	6/14/23
777	Aileen Masone	New York	NY	10118	6/14/23
778	Sagrystano Cosmo	New York	NY	10118	6/14/23
779	Karen Glusker	New York	NY	10118	6/14/23
780	Shalynda Peterson	New York	NY	10118	6/14/23
781	Christine Yalanis	New York	NY	10118	6/14/23
782	Tom Luciano	New York	NY	10118	6/15/23
783	Sally Travis	New York	NY	10118	6/16/23
784	Maribel Marulanda	New York		11106	6/14/23
785	Erika Rohrsen	New York	NY	11216	6/13/23
786	Nicole Perez	New York	NY	12508	6/13/23
787	Nick Derevjanik	New York	NY	12508	6/13/23
788	Al Mason	New York	NY	12508	6/13/23
789	Sarah Uzelac	New York	NY	12508	6/14/23
790	Scott Herring	New York	NY	12508	6/14/23
791	Joan Pirie	New York	NY	12524	6/13/23
792	Vincent Petrocelli	New York	NY	12524	6/14/23
793	MARK SPRINGER	New York	NY	12508	6/13/23
794	Suresh Dianand	Brooklyn	NY	11208	6/14/23
795	Jen Stroh	Brooklyn	NY	11210	6/13/23
796	Jane Hammer	Brooklyn	NY	11211	6/13/23
797	Dumitru Mahoney	Brooklyn	NY	11213	6/15/23

798	Reka Simonsen	Brooklyn	NY	11217	6/14/23
799	ted Auerbach	Brooklyn	NY	11218	6/15/23
800	David Smolen	Brooklyn	NY	11221	6/14/23
801	Rachel Shuman	Brooklyn	NY	11222	6/15/23
802	Jon Inwood	Brooklyn	NY	11226	6/14/23
803	Devon Carpenter	Brooklyn	NY	11231	6/13/23
804	michael nuccitelli	Brooklyn	NY	11235	6/15/23
805	Francis Boyle	Brooklyn	NY	11236	6/14/23
806	Karen Pitcher	Albany	NY	12201	6/13/23
807	Neil Vaughn	Albany	NY	12208	6/14/23
808	Tara Tornello	Albany	NY	12210	6/13/23
809	Kimberly Zamparelli	Albany	NY	12563	6/15/23
810	carol albasini	Bayside	NY	11361	6/14/23
811	Nick Voss	Brewster	NY	10509	6/15/23
812	Barbara OBRIEN	Buffalo	NY	14208	6/16/23
813	Audrey Otero	Buffalo	NY	14225	6/14/23
814	Stacey Pisco	Buffalo	NY	14225	6/15/23
815	Tony Colucci	Carmel	NY	10512	6/13/23
816	Tiffany Dellacamera	Carmel	NY	10512	6/15/23
817	deidra Germain Skinner	CHATEAUGAY	NY	12920	6/17/23
818	Edward Stypulkoski	Chelsea	NY	12512	6/14/23
819	Katherine Gambino	Clifton Park	NY	12065	6/15/23
820	Marianne Loach	Cold Spring Harbor	NY	11724	6/13/23
821	Mark Baylash	Cold Spring Harbor Cornwall-on-	NY	11724	6/13/23
822	rowland thomas	Hudson	NY	12518	6/15/23
823	Ross Bielefeld	Corona	NY	11368	6/13/23
824	Diana Piccoli	Cortlandt Manor	NY	10567	6/15/23
825	Robert Pucci	Dover Plains	NY	12522	6/15/23
826	Michael Stinson	East Syracuse	NY	13057	6/13/23
827	Regina martinez	East Syracuse	NY	13057	6/13/23
828	Alfredo Gonzalez	East Syracuse	NY	13057	6/16/23
829	Mary Mullane	Elmont	NY	11003	6/16/23
830	Doug Kane	Flushing	NY	11120	6/14/23
831	Henry Louis	Flushing	NY	11120	6/15/23
832	JoAnna Robertson	Gallatin	NY	12571	6/14/23
833	Antoinette Vickery	Glenmont	NY	12077	6/14/23
834	Mike McGowan	Gloversville	NY	12078	6/14/23
835	Carl Kemmerer	Gloversville	NY	12078	6/16/23
836	Christina Arrigo	Granville	NY	12832	6/13/23
837	Matthew George	Hornell	NY	14843	6/13/23

838	Monica Jones	Hyde park	NY	12095	6/13/23
839	Dianna Chirico-vacca	Hyde Park	NY	12538	6/14/23
840	Zoe Chaveco	Katonah	NY	10536	6/14/23
841	Megan Campanelli	Kings Park	NY	11754	6/15/23
842	Randall Okey	Kingston	NY	12401	6/14/23
843	Bob Bradshaw	Kingston	NY	12401	6/16/23
844	Tim Joseph	L	NY	12540	6/14/23
845	Jamaal Fryar	Lagrangeville	NY	12540	6/14/23
846	Smith Jaclyn	Lagrangeville	NY	12540	6/15/23
847	Michael Sylvester	Lake George	NY	12845	6/13/23
848	NoreenNoreen Joachim	Mahopac	NY	10541	6/15/23
849	Alex Joachim	Mahopac	NY	10541	6/16/23
850	Janet best	Manlius	NY	13104	6/15/23
851	Sandra Petrocitto	Marlboro	NY	12542	6/13/23
852	Michael Clarke	Marlboro	NY	12542	6/14/23
853	Amy Chan	Middletown	NY	10940	6/15/23
854	Nancy Wilbur	Middletown	NY	10940	6/15/23
855	Janette Arrigo	Millbrook	NY	12545	6/13/23
856	laurie defeo	millbrook	NY	12545	6/15/23
857	Blanca Cerritos	Monroe	NY	10950	6/15/23
858	Kim Squillace	New paltz	NY	12561	6/14/23
859	Dominick Curatola	New Rochelle	NY	10801	6/13/23
860	Jennifer Salandra	Pawling	NY	12564	6/14/23
861	Jacklynn Sienty	Pawling	NY	12564	6/14/23
862	Danny Box	Pawling	NY	12564	6/14/23
863	Amanda Compton	Peekskill	NY	10566	6/14/23
864	mary colleen sokerka	peekskill	NY	10566	6/16/23
865	Amy Ricciardella	Phoenicia	NY	12464	6/14/23
866	Samantha Rios	Pine Bush	NY	12566	6/14/23
867	Hillary Conary	Pleasant Valley	NY	12533	6/17/23
868	Christopher Lovell	Pleasant Valley	NY	12569	6/13/23
869	Heather Murphy	Pleasant Valley	NY	12569	6/14/23
870	Solangie Ledesma	Poughquag	NY	12570	6/14/23
871	Ann Jackson	Poughquag	NY	12570	6/14/23
872	peggy basalyga	pound ridge	NY	10576	6/13/23
873	Marion LaFranco	Pound Ridge	NY	10576	6/16/23
874	Maria Cadillac	Queens	NY	11377	6/13/23
875	Karin Ahlin	Queens	NY	11379	6/16/23
876	Cindy Flynn Flynn	Rensselaer	NY	12144	6/13/23
877	Cameron Devenney	Rensselaer	NY	12144	6/14/23
878	Heather Thomas	Rhinebeck	NY	12572	6/15/23
879	Kimberly Gates	Rhinebeck	NY	12572	6/17/23

880	Barbara LaGois	Ridge	NY	11961	6/14/23
881	Janice Bernard	Saugerties	NY	12477	6/14/23
882	Danielle Pulcastro	Schenectady	NY	12306	6/14/23
883	Jennifer Halstead	Schenectady	NY	12308	6/13/23
884	James Oleksa	Schenectady	NY	12308	6/14/23
885	Adrienne Tricozzi	Schenectady	NY	12308	6/15/23
886	Brian Robertson	Stanfordville	NY	12581	6/15/23
887	Ryan Sullivan	Stormville	NY	12582	6/13/23
888	Shannon Herman	Stormville	NY	12582	6/13/23
889	Lisa Price	Stormville	NY	12582	6/14/23
890	Sharon Morgese	Stormville	NY	12582	6/14/23
891	Susan Stalker	Syracuse	NY	13219	6/16/23
892	Adam sovik	Syracuse	NY	13261	6/13/23
893	Olivia Goo	Syracuse	NY	13261	6/13/23
894	Tina Bernstein	Syracuse	NY	12508	6/13/23
895	audrey posteraro	Syracuse	NY	13261	6/13/23
896	N baat-Canaan	Syracuse	NY	13261	6/13/23
897	Henry King	Syracuse	NY	13261	6/13/23
898	Laura Parker-Bey	Syracuse	NY	13261	6/13/23
899	Erin Flood	Syracuse	NY	13261	6/14/23
900	Carolyn Brazil	Syracuse	NY	13261	6/14/23
901	Athina Lévesque	Syracuse	NY	13261	6/15/23
902	Miquel Custard	Syracuse	NY	13261	6/16/23
903	Alice Shechter	The Bronx	NY	10466	6/18/23
904	Emilia Makarova	The Bronx	NY	10475	6/13/23
905	Jackie Janks	Troy	NY	12180	6/13/23
906	Jayne Warner	Troy	NY	12180	6/14/23
907	Lori Alphonse	Truxton	NY	13158	6/13/23
908	arlene domenico	ulster park	NY	12487	6/14/23
909	Randy Bennis	Utica	NY	13502	6/14/23
910	Kristen Sweet	Utica	NY	13502	6/14/23
911	Abisael Mercado	Utica	NY	13502	6/14/23
912	Maribeth McDowell	Utica	NY	13502	6/16/23
913	Ishmael Ribar	Valatie	NY	12184	6/15/23
914	Christine Lawlor	W@oodbourne	NY	12788	6/15/23
915	Anne Kozak	Walden	NY	12586	6/13/23
916	Richard Martino	Walden	NY	12586	6/14/23
917	Maggie Gottfried	Walden	NY	12586	6/14/23
918	Evan Gottfried	Walden	NY	12586	6/14/23
919	kevin vacirca	Walden	NY	12586	6/15/23
920	Robin Resto	Wallkill	NY	12589	6/13/23
921	Evelyn Andersen	Warwick	NY	10990	6/16/23

922	Linda B Schiller	Washingtonville	NY	10992	6/13/23
923	STEVEN BRIANTE	White Plains	NY	10605	6/14/23
924	Danielle Winters	White Plains	NY	10605	6/16/23
925	Evan Paulin	Wingdale	NY	12594	6/17/23
926	Suzannah Kellner	Woodstock	NY	12498	6/13/23
927	Dawn Schiavone	Yorktown Heights	NY	10598	6/14/23
928	Carmen Vazqueztell		NY	11385	6/15/23
929	Joseph Bogart		NY		6/13/23
930	REISA CAPELLI	Allendale	NJ	7401	6/13/23
931	Matt Marino	Bernardsville Cape May Court	NJ	7024	6/13/23
932	Caroline Ranoia	House	NJ	8210	6/14/23
933	Frank Marino	Fanwood	NJ	7023	6/13/23
934	Marissa Oquendo	Hackensack	NJ	7601	6/13/23
935	Faith ODell	Manahawkin	NJ	8050	6/14/23
936	Joseph Roberts	Newark	NJ	7102	6/13/23
937	Annette Champagne	Ocean City	NJ	8226	6/14/23
938	Savannah Mojica	Rockaway	NJ	7866	6/15/23
939	Trudy Merced	Tenafly	NJ	7670	6/17/23
940	Scott Zillitto	West New York	NJ	7093	6/15/23
941	Calina White	Verbena	AL	36091	6/14/23
942	Beth Simek	Phoenix	AZ	85001	6/15/23
943	Alexiss Dandrade Cancel	Scottsdale	AZ	85250	6/13/23
944	Rae Beale	Fullerton	CA	92833	6/15/23
945	Janine Lucas	Huntington Beach	CA	92649	6/14/23
946	Vivian Taube	Larkspur	CA	94939	6/14/23
947	Moon Knight	Los Angeles	CA		6/13/23
948	Skeleton Key	Los Angeles	CA		6/14/23
949	Dean Inouye	Mountain View	CA	94043	6/13/23
950	Lila Prins	Oakland	CA	94618	6/16/23
951	Greg Tompkins	San Jose	CA	95112	6/14/23
952	Gail Martinez	San Leandro	CA	94577	6/14/23
953	Martha Lopez	Stockton	CA	95207	6/15/23
954	Dancing Ass		CA		6/14/23
955	Charlotte Nolan	Calhan	CO	80808	6/15/23
956	Elyssa Dixon	Colorado Spdings	CO	80904	6/15/23
957	Raymond Zallar	Colorado Springs	CO	80903	6/15/23
958	Lori Dixon	Colorado Springs	CO	80904	6/15/23
959	Kelly Griffin	Colorado Springs	CO	80906	6/15/23
960	Lori Hedberg	Colorado Springs	CO	80907	6/15/23



961	Lorena Morales Aparicio	City	CT	0	6/14/23
962	sara mussen	Colchester	CT	6415	6/13/23
963	Jennifer Taveras	Danbury	CT	6811	6/15/23
964	Sharman Wheatley	Hartford	CT	6123	6/13/23
965	Karen Golder	Hartford	CT	6123	6/13/23
966	Donna Wagner	Norwalk	CT	6851	6/13/23
967	Teresa Nobles	Norwalk	CT	6854	6/13/23
968	Shannon Taliercio	Norwalk	CT	6854	6/13/23
969	Al Galletly	Ridgefield	CT	6877	6/14/23
970	Kimberly Martins	Ridgefield	CT	6877	6/14/23
971	Evernia Fay	Simsbury	CT	6070	6/13/23
972	Teresa Greenough	Stamford	CT	6902	6/13/23
973	Tanya hill	West Haven	CT	6516	6/15/23
974	John Dillon	Westport	CT	6880	6/13/23
975	Janet Nobles	Wilton	CT	6897	6/13/23
976	Suzanne Jeschke	Wilton	CT	6897	6/14/23
977	James Doughman	Wilton	CT	6897	6/14/23
978	Cayla Clarke	Wilton	CT	6897	6/15/23
979	Kate Macaluso	Windsor	CT	6006	6/14/23
980	Riley Martin	Wolcott	CT	6716	6/14/23
981	Gina Moroch	Woodstock Valley	CT	6282	6/14/23
982	Karen Levy	New Castle	DE	19726	6/13/23
983	Aubrey Jenkins	Brandon	FL	33511	6/13/23
984	Tori Nobile	Daytona Beach	FL	32117	6/13/23
985	Jayne Escobar	Fort Lauderdale	FL	33313	6/13/23
986	Grace Mer	Greenacres	FL	33463	6/13/23
987	Tara Platt	Holiday	FL	34691	6/15/23
988	Arlene Smith	Jacksonville	FL	32255	6/13/23
989	Jada Jackson	Melbourne	FL	32902	6/14/23
990	Jay Vaughn	North Port	FL	34288	6/13/23
991	Kathryn Edgar Henry	Palm City	FL	34990	6/14/23
992	Anonymous Anonymous	Palm Coast	FL	32137	6/15/23
993	Kristyn Meeks	Parrish	FL	34219	6/13/23
994	Irene Lokerson	Pensacola	FL	32503	6/13/23
995	Barry Shipes	Sanford	FL	10598	6/13/23
996	Doreen Stephens	Sarasota	FL	34232	6/13/23
997	Sonja Tyus	Sebring	FL	33875	6/15/23
998	Mary Ann Wolfe	Spring Hill	FL	34608	6/15/23
999	Gina Pampinella	Tallahassee	FL	32309	6/14/23
1000	George VanAnden	Tampa	FL	33614	6/13/23
1001	Bianca See	Tampa	FL	33619	6/14/23
1002	Dawn Kuc	Tampa	FL	33619	6/14/23

1003	Melissa Spear	Wesley Chapel	FL	33543	6/14/23
1004	Deandrya Salter	Winter Springs	FL	32708	6/14/23
1005	Kay Mazur	ACWORTH	GA	30102	6/17/23
1006	Julia Redman	Atlanta	GA	30309	6/15/23
1007	Peter Mazur	atlanta	GA	30317	6/17/23
1008	Dawn M Crosby	Gainesville	GA	30504	6/14/23
1009	Linda Barrett	Gainesville	GA	30504	6/15/23
1010	David Wilson	Wailuku	HI	96793	6/13/23
1011	Michael Angel	Libertyville	IA	52567	6/14/23
1012	Lisa Masters	Fort Wayne	IN	46804	6/13/23
1013	Jose Roman	New Orleans	LA	70115	6/14/23
1014	Eugene Nicolato	Youngsville	LA	70592	6/15/23
1015	David Villegas	Belchertown	MA	1007	6/14/23
1016	Wendy Drinkwater	Beverly	MA	1915	6/13/23
1017	Marcia Haines	Dorchester	MA	2121	6/14/23
1018	Kimberly Beaulac	PITTSFIELD	MA	1201	6/13/23
1019	Theresa Blinder	Plymouth	MA	2360	6/14/23
1020	Diane João	Springfield	MA	1129	6/14/23
1021	Grace Pang	Wellesley	MA	2481	6/15/23
1022	Kate Moynagh	Annapolis	MD	21401	6/13/23
1023	Jessica Hudd	Annapolis	MD	21403	6/14/23
1024	Jaclyn Fitzkee	Baltimore	MD	21210	6/16/23
1025	Lisa Neyen	Berlin	MD	21811	6/13/23
1026	Diana Reyes	Bowie	MD	20715	6/14/23
1027	Amu Whisper	Bowie	MD	20715	6/15/23
1028	Nancy Giunta	Cumberland	MD	21502	6/14/23
1029	Dawnmarie Hormerte	Poughkeepsie	MD	12603	6/14/23
			M		
1030	Julie Nelson	Eyota	N	55934	6/15/23
			M		
1031	Becca Perhacs	O Fallon	O	63368	6/13/23
1032	Stacy McCutchen	Olive Branch	MS	38654	6/19/23
1033	Gail Woods	Burgaw	NC	28425	6/16/23
1034	Kris Buck	Charlotte	NC	28203	6/14/23
1035	Erika Rodriguez	Charlotte	NC	28205	6/14/23
1036	Jennifer Todd	Mooresville	NC	28115	6/14/23
1037	Connie Senchack	New Bern	NC	28562	6/15/23
1038	Melissa Craig	Salisbury	NC	28146	6/15/23
1039	Linda D Monden Thomas	Wake Forest	NC	27587	6/13/23
1040	Crista Woolley	Dover	NH	3820	6/13/23
1041	Michelle Gargurevich	Newport	PA	17074	6/17/23
1042	Mark Freas	Pittsburgh	PA	15212	6/13/23

1043	Amanda Creighton	Plymouth Meeting	PA	19462	6/14/23
1044	Laura Burns	Plymouth Meeting	PA	19462	6/16/23
1045	Conner Eveland	Willow Grove	PA	19090	6/13/23
1046	Daleila Tracey	East Providence	RI	2914	6/15/23
1047	Janet Tasetano	Westerly	RI	2891	6/16/23
1048	kiana rios	rock hill	SC	29732	6/13/23
1049	Angelina Edge	Summerville	SC	29485	6/14/23
1050	Adam Kaluba	Burleson	TX	76028	6/14/23
1051	Dan Quackenbush	Dallas	TX	75270	6/14/23
1052	Danielle Chavarria	Ashburn	VA	20147	6/15/23
1053	Jason Olivencia	Charlottesville	VA	22903	6/15/23
1054	Elizabeth Louis-Ferdinand	Culpeper	VA	22701	6/14/23
1055	Phillip Constans	McLean	VA	22101	6/15/23
1056	Donna Bakum	Stafford	VA	22554	6/13/23
1057	Michelle Flanary	Staunton	VA	22801	6/13/23
1058	Anthony Buckland	Virginia Beach	VA	23457	6/14/23
1059	Marissa Staples	Virginia Beach	VA	23458	6/14/23
1060	Kylene Pezzotta	Seattle	WA	98111	6/15/23
1061	Vince Mendieta	Austin		78745	6/15/23
1062	Candice Mendoza	Bandera		78003	6/15/23

## Amanda Caputo

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**From:** Kaitlin Ashley <kaitlinmashley@gmail.com>  
**Sent:** Wednesday, June 21, 2023 1:25 PM  
**To:** Amanda Caputo  
**Subject:** Please uphold Beacon's zoning law (no multiunit property @ 925 Wolcott)

Hi there,

Unfortunately I cannot attend the public hearing tonight, but I'd like to state my support for Beacon's zoning law and opposition to the variance for the proposed multiunit building at 925 Wolcott.

While I have sympathy for the owner who purchased the property with the intention to take advantage of the multi-unit home, I believe providing an exception to our zoning laws for this situation would set a dangerous precedent and signal to Beaconnites that the rules do not apply for its wealthier residents.

While I do not know the history of these zoning rules, I imagine they exist for a reason, and breaking with them should occur rarely and only if doing so aligns with the town's values. Based on everything we now know about this situation (the evictions of the previous tenants from their low-income housing before Christmas, the landlord v. evictee conflict that led to arson, the owner's stated intention to create above-market rate rental units), this should not be the time Beacon bends the rules. I'm afraid doing so would further stoke the Old Beacon v. New Beacon flames, and ultimately further divide a town to appease the interests of one individual.

Thanks for reading,

Kaitlin Ashley  
(Wilkes St; previously on Teller & Wolcott)

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Kaitlin Ashley

## Amanda Caputo

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**From:** SkyWard Guy <christophercward7@gmail.com>  
**Sent:** Wednesday, June 21, 2023 1:56 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott Ave

To the City of Beacon Zoning Board of Appeals.

I am writing to state my strong opposition to allow a nonconforming residential use or a change of zoning to allow a commercial business on the property at 925 Wolcott Avenue.

I have lived at 67 Sargent Avenue for almost 18 years and have heard and seen enough of the illegal activity that has taken place on this property. From fights to drug deals to sexual predators living on the property, I've had enough.

This is a quiet and friendly neighborhood and the use of the 925 Wolcott Ave parcel should blend in with that.

In addition, the intersection of Teller Ave, Wolcott Ave and Sargent Ave is dangerous enough. The last thing we need is to have more vehicle collisions due to additional vehicles entering and exiting the middle of this intersection.

This owner adopted the attitude of 'Don't ask for permission now. Beg for forgiveness later'. They have shown all of us who they are and how little they care for this neighborhood. They should not be rewarded with an unnecessary zoning change to make more money at the expense of our neighborhood.

Please do not approve their request to a change of zoning.

Thank you.  
Chris Ward  
67 Sargent Avenue

## Amanda Caputo

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**From:** Anna Wildbees <anna.wildbees@gmail.com>  
**Sent:** Wednesday, June 21, 2023 2:27 PM  
**To:** Amanda Caputo  
**Subject:** 925 Wolcott

Hello,

Not only am I against changing zoning laws, at a very busy confusing intersection but changing it to short term rentals.

Our short term rental policy MUST continue to be only owner occupied residences. I had the unfortunate experience of having an illegal airbnb next door for over a year. It took that long for it to be shut down. Problems I had

- 1) Flaming pieces of paper hitting my wood house. Not ambers, fire, because they had no idea how to start a grill on a windy day.
- 2) Different dogs barking at me in my own yard, every week. I like dogs but not startled by new dogs every couple days. Just a chain link fence between us, what sensible person would allow that? Someone trying to make extra money since they can charge extra for pets.
- 3) groups of visitors dragging wheeled suitcases which you can hear for blocks away. Lacking basic sense on how to walk on a non sidewalk street. Can you imagine people walking up Wolcott on the street to get there?
- 4) groups of people watching us leave town for vacation---knowing those strangers know we will be gone for two suitcase worth of time.

That property is located at a tricky intersection which would be worse with 9 groups of people, bikes and cars. Where will they walk?  
Wolcott? Fishkill Avenue? Very dangerous place for new comers.

Their estimated rent is extremely low for short term rentals and if they are luxury. 300/400 a night at minimum 3000 a month. Easy to be a cash business so their lowballing it makes sense.

Please don't change the zoning law.

regards.

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Anna West  
<https://www.instagram.com/annawest.painter/>  
[www.annawest.net](http://www.annawest.net)

Gregory Cole  
18 Teller Avenue  
Beacon, NY 12508

Amanda C. Caputo  
Planning and Zoning Board Secretary  
City of Beacon  
One Municipal Plaza -Suite One  
Beacon, NY 12508

June 21, 2023

Dear Members of the Planning and Zoning Board,

In regard to the Appeal of Interpretation/Variance Application for 925 Wolcott Avenue: I would very much prefer not to have another single room occupancy rise up at 925 Wolcott Avenue. We have lived next to two single room occupancies for years now – directly next to our house, and across Wolcott at 925 Wolcott, which went up in flames from arson.

I really would rather not have the traffic, noise and congestion from a single room occupancy building nor the police and fire dept. calls on such building.

Thank you,

Yours Sincerely  
Gregory Cole