COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508

August 15, 2023
7:00 PM
Zoning Board of Appeals Agenda

Miscellaneous Business

Consider request for a two (2) year extension of Area Variance, 22 Edgewater Place, submitted by Scenic Beacon Developments, LLC.

Regular Meeting

1. Review and hold a continued public hearing on application submitted by 925 Wolcott LLC, 925 Wolcott Avenue, Tax Grid No. 30-5954-44-922633-00, R1-10 Zoning District, for the following: Â a. An area variance from Sections 223-10.C and 223-10.D to permit reconstruction of a structure previously containing a non-conforming use; Â or, in the second alternative, for Â b. A use variance from Section 223-17.C to permit a multi-family or single-room-occupancy (SRO) building in the R1-10 Zoning District. Â Any such variances are to be considered subsequently, and pursuant to Section 223-55.C of the City Code.
2. Review and hold public hearing on application submitted by Adusei Holdings LLC, 75 Oak Street, Tax Grid No. 30-5954-28-972906-00, in the R1-5 Zoning District, to demolish the existing home on the property and rebuild a new home, which requires relief from the following:Â Â Section 223-17.D to allow for a 3.1 ft side yard setback (10 ft required) Section 223-17.D to allow for a 5.4 ft side yard setback (10 ft required)
3. Review and hold public hearing on application submitted by Eva Garcia, 359 Cherry Street, Tax Grid No. 30-5954-16-876329-00, in the R1-40 Zoning District, to construct a rear addition and covered screen porch to an existing 2 1/2-story dwelling, which requires relief from the following: Â Section 223-17.D to allow for a 1.2 ft side yard setback (25 ft required) Section 223-17.D to allow for a 36.1 ft rear yard setback (50 ft required)

City of Beacon Zoning Board of Appeals Agenda
08/15/2023

Title:

Consider request for a two (2) year extension of Area Variance, 22 Edgewater Place, submitted by Scenic Beacon Developments, LLC.

ATTACHMENTS

22 Edgewater ZBA 8.15.23 Submission 7-25-23 (5753616.1).pdf

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Taylor M. Palmer
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July 25, 2023

VIA E-MAIL
AND HAND DELIVERY
Hon. Jordan Haug, Chairman
and Members of the Zoning Board of Appeals
City of Beacon
One Municipal Plaza
Beacon, New York 12508

Re: Edgewater – Request for Extension of ZBA Approval Resolution
Scenic Beacon Developments, LLC
Premises: 22 Edgewater Place, Beacon, New York 12508
Tax Parcel ID: 5955-19-590022

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

We are writing on behalf Scenic Beacon Developments, LLC (the "Applicant"), the owner of the above-referenced Premises, to request confirmation from the Zoning Board of Appeals ("ZBA") that the Applicant has "substantially completed" the Edgewater project in satisfaction of the final outstanding condition of the ZBA's Approval Resolution dated January 17, 2018 (the "ZBA Approval Resolution"). *See* **Exhibit A**. In the alternative, the Applicant respectfully requests a two (2)-year extension of the ZBA Approval Resolution extending the ZBA Approval Resolution from September 11, 2023 through to September 11, 2025.[1]

As this Board is likely aware, the Edgewater project has been under development at the Premises since the issuance of Building Permit No. 2022-0038, issued on January 14, 2022. The Applicant has been working diligently to complete the Edgewater project, and the Applicant advises that the construction of the first three (3) buildings is approximately sixty percent (60%) complete. The Applicant further anticipates that the first three (3) buildings will be fully constructed by March of 2024, and that the remaining four (4) buildings are expected to be completed by June of 2026. Accordingly, provided the substantial completeness of the Edgewater project at this time, the Applicant respectfully requests that the ZBA confirm that all conditions of the ZBA Approval Resolution have been satisfied, and that no further extensions are required.

In the alternative, provided the Applicant's diligent efforts and the ongoing construction at the Premises to fully complete the construction of the Edgewater project, the Applicant respectfully

[1] *See* **Exhibit A**, Condition #3 at Page 8, which provides for extensions of the ZBA Approval Resolution.

CUDDY +FEDER LLP

requests a two (2)-year extension of the ZBA Approval Resolution until September 11, 2025. This request for extension is timely as the Approval Resolution is not set to expire until September 11, 2023. Notably, there are no changes proposed to the parameters of the Edgewater project, nor have there been any material changes to the facts and circumstances that existed when the ZBA Approval Resolution was adopted.

If the conditions of the ZBA Approval Resolution are deemed to have been fulfilled prior to the September 11, 2023 expiration date, we will withdraw the extension request. Alternatively, should an extension of the ZBA Approval Resolution be required, we respectfully request that you please place this matter on the next available ZBA meeting Agenda for consideration.

We look forward to discussing this request at the Board's next available meeting Agenda. In the meantime, if the ZBA or City staff have any questions or comments with regard to the foregoing, please do not hesitate to contact me.

Thank you in advance for your consideration of this matter.

Very truly yours,

Taylor M. Palmer

Enclosure

cc: Christopher White – City Administrator
Judson K. Siebert, Esq. – ZBA Attorney
George Alissandratos, Esq. – ZBA Attorney

Exhibit A

City of Beacon
Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by **Scenic Beacon Developments**, LLC (the "Applicant") to (1) allow three proposed buildings to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6; (2) allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6; and (3) allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, in connection with the construction of seven apartment buildings containing a total of 307 units (413 bedrooms) on property located and collectively known as 22 Edgewater Place, located in the RD-1.7 Zoning District. Said premise being known and designated on the City Tax Map as Pace IDs **5954-25-581985, 5955-19-590022, 5954-25-566983 and 5954-25-574979**; and

WHEREAS, the Applicant is proposing to demolish two existing buildings, construct seven (7) apartment buildings containing 307 units on 12.009 acres in the RD-1.7 Zoning District (the "Proposed Project"); and

WHEREAS, the Proposed Project requires variance approvals from the Zoning Board of Appeals, Special Permit approval from the City Council and Site Plan approval from the Planning Board; and

WHEREAS, the Proposed Action is a Type I action pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, as Lead Agency, opened a public hearing to consider comments regarding any environmental impacts of the Proposed Action on May 9, 2017 and continued the hearing to July 11, 2017, August 8, 2017, September 12, 2017, October 12, 2017, November 14, 2017 and December 12, 2017, at which time the (SEQRA) public hearing was closed; and

WHEREAS, after taking a "hard look" at each of the relevant areas of environmental concern through review of the Environmental Assessment Form and all associated materials prepared in connection with the Proposed Action, the Planning Board adopted a Negative Declaration on December 12, 2017; and

WHEREAS, the Planning Board determined that the Proposed Project is entirely consistent with the Local Waterfront Revitalization Program ("LWRP") policies which apply to the Project; and

WHEREAS, the Zoning Board of Appeals held a duly advertised public hearing on

the application on March 21, 2017 and continued the public hearing to December 19, 2017, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on December 19, 2017; and

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

> In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:
>
> [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
>
> [2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
>
> [3] Whether the requested area variance is substantial;
>
> [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
>
> [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

WHEREAS, pursuant to Zoning Code Section 223.55(C)(2)(c) "the Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community."

WHEREAS, based upon the Record before it and after viewing the premises and neighborhood concerned and upon considering each of the factors set forth in Section 223.55(C)(2)(b)[1]-[5] of the City of Beacon Code, the Zoning Board finds with respect to each of the requested variances as follows:

1. **The variances will not produce an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties created by the granting of the area variances.**

A. Maximum Building Height- Number of Stories

The City's Zoning Code Section 223-17.C/223 Attachment 1:6 permits a building height to be no greater than fifty-five (55) feet or 4 ½ stories. Each of the seven proposed buildings will comply with the maximum height of 55 feet permitted by the Zoning Code Section 223-17.C. A height variance of half a story is required for three buildings designed with gabled roofs.

The Board find that no undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance of half a story permitting a maximum height of 5 stories for three of the seven buildings where the maximum amount of stories permitted by the code is 4 ½ stories. Under the Zoning Code Section 223-63, the "height of building" is measured as the "vertical distance from the average established grade in front of the lot or from the average natural grade at the building line, whichever is higher, to the level of the highest point of the roof, if the roof is flat, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type." Under this definition, gabled roofs and angled roofs are measured differently. The gabled roofs are measured with an extra half story because of its design. The three buildings for which variances are required are not as tall at the peak of the angled roofs as the other four buildings that comply with the 4 ½ story height requirement. Furthermore, the roofs of the buildings are all accessible by the Beacon Fire Department apparatuses. As all seven buildings are within the permitted height of 55 feet, the granting of a half story variance for three of the seven buildings does not create a detriment to nearby properties.

B. Maximum Number of Dwelling Units Per Building

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of an area variance permitting more than 36 dwelling units. The Zoning Code Section 223-17.C states that the maximum number of dwelling units per building shall not exceed 36. The Applicant proposes to construct a total of 307 dwelling units, to be distributed among seven buildings, as permitted on the 12-acre parcel by right. The buildings are proposed to contain the following number of units:

- Building 1- 48 units;
- Building 2- 52 units;

- Building 3- 59 units
- Building 4- 32 units (no variance required)
- Building 5- 32 units (no variance required)
- Buildings 6- 51 units; and
- Building 7- 32 units (no variance required)

Three (3) of the buildings are proposed to contain 32 residential dwelling units, this is four less units than permitted. All the buildings will look similar from the exterior, and the total number of units (307 units) proposed for the 12-acre property is permitted. Under the density regulation in 223 Attachment 1:6, the lot area required per dwelling unit is 1,700 square feet. Therefore, on a 12 acre lot, approximately 522,720 square feet, 307 dwelling units may be constructed. The proposed development will not result in any adverse impacts to the neighborhood character because by permitting the Applicant to have more dwelling units per building, the Applicant is able to preserve more open space and decrease overall lot coverage and impervious surface. Otherwise, the Applicant could construct the same number of units (307), but in more buildings which would have greater impacts.

C. Minimum Separation Between Buildings

No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of a variance to permit a minimum distance of less than 36 feet between buildings. There are a total of five openings between the proposed seven buildings on the premises. The closest minimum distance between the buildings is 12 feet. By reducing the distance between buildings the Applicant is able to cluster the buildings to preserve a maximum amount of open space. In addition, the buildings include additional fire suppression systems and will utilize fire suppression materials to ensure fire safety and further preserve the welfare of the neighborhood and ensure the safety of all residents. The Fire Department received the plans and had no objection to the reduced separation distance between buildings. Overall, the proposed project enhances the character of the neighborhood, and will not have a detrimental impact to either the neighborhood or adjacent properties.

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

A. Maximum Building Height- Number of Stories

The benefit sought by the Applicant cannot be achieved by some other method feasible for the Applicant to pursue. The Applicant may construct 307 dwelling units on the premises by right. The Applicant has presented two other alternatives. Such alternatives require the Applicant to construct eight buildings (providing 288 dwelling units) or nine buildings (providing 307 units). Both alternatives create higher development impacts. The Applicant wants to pursue a sustainable development to maximize open space. Under the

proposed project there is 35% impervious coverage. Both alternatives require at least 40% impervious coverage.

The premises is located in the Coastal Management Zone as defined by the City's Local Water Front Revitalization Program (LWRP). The proposed project condenses and clusters the footprint of the buildings and decreases impervious surfaces to achieve the clustered effect recommended by the LWRP. Specifically the LWRP provides that "the scenic qualities of Beacon results from the combination of clustered buildings (many historic) and wooded hillsides against the backdrop of the Hudson Highlands." On December 12, 2017, the Planning Board issued a Local Waterfront Revitalization (LWRP) Consistency Determination, which provides in part that the proposed Project is consistent with the policies in the LWRP because it condenses and clusters the footprint of the buildings and impervious surfaces to achieve the clustered effected by the LWRP. The proposed alternatives do not achieve the same effect.

B. Maximum Number of Dwelling Units Per Building

The Applicant is proposing 31 dwelling units as below-market rate units, in accordance with the City's Affordable-Workforce Housing Laws. By granting the variance and permitting more than 36 dwelling units in a building, the Applicant can create a better mix of unit types and overall diversity in unit counts to better achieve the goals of the Affordable-Workforce Housing Law.

The Applicant is permitted to build 307 units on the premises pursuant to the density requirements of the RD-1.7 Zoning District on a 12 acre parcel, subject to special use permit approval by the City Council to approve multifamily complexes. Without the variances, the Applicant will need to construct one or two extra buildings, increasing lot coverage and impervious surface. The Applicant's goal to preserve 65% green space, create diversity in buildings and unit types and provide common gathering space for residents cannot be achieved without the requested variance.

If each building contained the same number of units it would necessitate more buildings, and would therefore create a much higher-impact development. Therefore, there is no other feasible means to achieve the required number of units but for the granting of the variance to permit more than 36 dwelling units per building.

C. Minimum Separation Between Buildings

As discussed above, the relative clustering of the buildings contributes to maximizing the amount of open space provided onsite. The proposed layout allows for the preservation of the maximum amount of green space (65%) and will overall enhance the community. Thus, the benefit the Applicant seeks, to develop 307 residential dwelling units and preserve 65% open space, cannot be achieved without the requested variance.

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

The requested variances are mathematically substantial. However, in considering whether a variance is substantial, the Board must examine the totality of the circumstances within the application and the overall effect of granting the requested relief. Here, the variances are not substantial in their effect. The project design provides a variety of units, both market-rate and below-market rate units, while preserving the most amount of open space. Moreover, even though the requested variances are mathematically substantial, this factor alone does not preclude the granting of the variances.

The Board reviewed the overall effect of the requested variances to permit the clustering of units on this 12 acre parcel requiring (1) a half story height variance for three buildings, (2) a variance to permit more than 36 residential dwelling units per building and (3) a variance to allow less than 30 feet between the proposed buildings. While the requested variance is mathematically substantial, the variance will result in minimal impacts to the surrounding neighborhood and environment. Therefore, the Board finds that the requested variance is not substantial.

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

The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There will be no adverse effects of noise, vibrations, odor, traffic, or impact on public services caused by the requested variances. As part of the Coordinated SEQRA review conducted by the Planning Board as Lead Agency, the Planning Board has determined that the entire action, including the required variances, will have no potential significant adverse environmental impacts. As mentioned above, the Planning Board also granted a LWRP Consistency Determination which provides that the proposed Project is consistent with polices and guidance of the LWRP. The proposed project will preserve 65% open space and utilize green infrastructure practices to reduce runoff, minimize grading and soil disturbance, and minimize impervious surface areas. The proposed project will also incorporate soil conservation and dust control best management practices and utilize native vegetation in all proposed landscaping to enhance wildlife habitat.

5. The alleged difficulty was self-created but this factor does not preclude the granting of the area variances.

The need for the variances is self-created since it is presumed the Applicant selected the Property as the location for its proposed development knowing the zoning requirements pertaining to the maximum height of buildings permitted, the maximum number of residential dwelling units per building and the minimum distance required between buildings. However, this does not preclude the granting of the area variance.

NOW THEREFORE, BE IT RESOLVED, that, for the reasons set forth above, the application of Scenic Beacon Developments, LLC (the "Applicant") to allow Building 3, Building 4, and Building 6, as identified on the proposed Site Plan dated January 31, 2017, to have 5 stories where the maximum building height is 4.5 stories pursuant to City § 223-17.C/223 Attachment 1:6, is hereby GRANTED.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow four proposed buildings to exceed 36 units where the maximum number of dwelling units per building is 36 units pursuant to the City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. If the Applicant builds less than 252 units (7 buildings x 36 dwelling units= 252 untis), this variance is void. The Applicant will be required to comply with the Zoning Code requirements restricting the number of units per building and may not exceed 36 residential dwelling units per building.

2. The Applicant is permitted to construct a maximum number of four buildings with more than 36 residential dwelling units. The maximum number of dwelling units for any one building may not exceed 59 residential dwelling units per building.

BE IT FURTHER RESOLVED, that for the reasons set forth above, the application of Scenic Beacon Developments, LLC, to allow less than 30 feet between buildings where the minimum distance between buildings on the same lot is 30 feet pursuant to City Code § 223-17.C/223 Attachment 1:6, is hereby GRANTED subject to the following conditions:

1. The Applicant shall maintain at least 65% of the 12-acre parcel as open space, but for Planning Board approval of impervious infrastructure including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total amount of open space land preserved after Planning Board approval of said impervious infrastructure shall not be less than 60% of the 12-acre parcel.

2. Impervious surface shall not exceed 35% of the 12-acre parcel, but for Planning Board approval of impervious infrastructure, including, but not limited to, sidewalks, development of land banked parking, roads, and decks. The total impervious surface area, including any additional approved impervious surfaces, shall not to exceed 40% of the 12-acre parcel.

3. The distance between any of the proposed buildings shall not be less than 12 feet.

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

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.

2. The Applicant shall obtain a building permit within twelve months from the date of obtaining the last land use approval.

3. The variance shall terminate unless the Proposed Project, as defined herein, has been substantially completed within five years from the date of obtaining the last land use approval or the Applicant appears before the Board for an extension.

Dated: January 17, 2018

Mr. John Dunne, Chairman

Height Variance

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

Maximum Number of Dwelling Units Variance

Mr. Dunne called the roll:							
Motion	**Second**	**Zoning Board Members**	**Aye**	**Nay**	**Abstain**	**Excused**	**Absent**
		John Dunne	X				
X		Jordan Haug	X				
		Robert Lanier	X				
	X	Judy Smith	X				
		David Jensen		X			
		Motion Carried:	4	1			

Maximum Distance Between Buildings Variance

Mr. Dunne called the roll:							
Motion	**Second**	**Zoning Board Members**	**Aye**	**Nay**	**Abstain**	**Excused**	**Absent**
		John Dunne	X				
X		Jordan Haug	X				
	X	Robert Lanier	X				
		Judy Smith	X				
		David Jensen		X			
		Motion Carried:	4	1			

City of Beacon Zoning Board of Appeals Agenda
08/15/2023

Title:

Review and hold a continued public hearing on application submitted by 925 Wolcott LLC, 925 Wolcott Avenue, Tax Grid No. 30-5954-44-922633-00, R1-10 Zoning District, for the following:

a. An area variance from Sections 223-10.C and 223-10.D to permit reconstruction of a structure previously containing a non-conforming use;

or, in the second alternative, for

b. A use variance from Section 223-17.C to permit a multi-family or single-room-occupancy (SRO) building in the R1-10 Zoning District.

Any such variances are to be considered subsequently, and pursuant to Section 223-55.C of the City Code.

ATTACHMENTS

925 Wolcott ZBA 8.15.23- Supplemental Submission 7-25-23- Cover Letter(5753645.1).pdf

925 Wolcott ZBA 8.15.23 Exhibit A - May 16, 2017 Use Variance Approval for 123 Rombout Avenue(5752686.1).pdf

925 Wolcott ZBA 8.15.23 Exhibit B - ZBA February 20, 2019 ZBA Resolution of Approval Resolution for 53 Eliza Street(5752685.1).pdf

925 Wolcott ZBA 8.15.23 Exhibit C - Letter from Building Department dated August 26, 1998(5753381.1).pdf

925 Wolcott ZBA 8.15.23 public comment Case-Leal.pdf

925 Wolcott ZBA 8.16.23 public comment Oakes.pdf

925 Wolcott ZBA 8.15.23 public comment (6-21-23) resubmitted Cole.pdf

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Taylor M. Palmer, Esq.
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July 25, 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 an Area Variance and in the Alternative, a Use Variance, in order to Reconstruct a Destroyed Building on the Premises
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 for an Area Variance – and in the alternative, a Use Variance – so that the Applicant may reconstruct the long-existing multi-family, single-room occupancy ("SRO") use at the above-referenced Premises, which was destroyed in a fire caused by a former tenant.

As this Board is aware, on July 18, 2023, the Board reversed two-thirds (2/3) of the Building Inspector's Determinations, finding in relevant part that:[1]

1) That the Applicant did not take any affirmative action to remove or change the nonconforming multi-family/SRO use; that the destruction of the building was due to a third party, outside of the control of the Applicant; and that this is no different than if the building was destroyed by an act of God; and

2) That the Applicant's proposed work to reconstruct the building in accordance with the previously issued building permit to reduce the existing non-conformity from 16 units down to 9 units is considered "reconstruction" and not an "alteration" as the building was destroyed.

Accordingly, certain area variance relief initially sought by the Applicant in the alternative to the requested interpretations regarding Zoning Code Sections 223-10.C(5) and 223-10.C(2) are no longer applicable.

[1] Note: The ZBA reversed the Building Inspector's Findings regarding Zoning Code Section 223-10.C(5) and 223-10.C(2).

However, notwithstanding the Applicant's plain reading of the Zoning Code Section 223-10.C(4), which should apply here as it relates to nonconforming *use* of buildings rather than just dimensionally nonconforming *buildings*,[2] the Board instead upheld the Building Inspector's Determination regarding Section 223-10.D, which on its face explicitly regulates the "Restoration of damaged *buildings*" (emphasis added). Accordingly, while the Applicant reserves all rights to appeal the Board's separate determination that somehow Section 223-10.D regulates both the *building* and the *use* without explicitly saying so, the Applicant hereby reaffirms its requests in the alternative, seeking an area variance, and if applicable, a use variance, in order to permit the restoration and reconstruction of the destroyed building, and to continue the existing nonconforming use in its approved condition as it existed prior to the fire.[3]

THE APPLICANT REQUESTS AREA VARIANCE APPROVAL:

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 20th and May 19th Letters 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.

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 and which has been repaired following fire damage previously;
- There is a multi-family or SRO structure located immediately across the street at 916 Wolcott Avenue;
- There are other multi-family structures and uses in operation or under construction nearby, including at 895 Wolcott Avenue, Forrestal Heights (Beacon Housing Authority with 100+/- units), and along Creek Drive;

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[2] Note: As noted in the Applicant's May 19, 2023 Zoning Code Section 223-10.C(3) allows the nonconforming use of a building to be changed to a use of less nonconformity, as determined by the Board of Appeals. The Applicant already had a Building Permit to do just that prior to the fire, which would have reduced the number of units in the building from 16 down to 9. Similarly, as detailed in the Applicant's June 27, 2023 submission, Zoning Code Section 223-10.C(4) sets the one-year timeframe to re-establish the nonconforming use of a building that ceases for any reason, in the instant case, the use only ceased because of a fire caused by another. See example of application of this timeframe at **Exhibit C**.

[3] Note: The Applicant understands that the proposed reconstruction is zoning-compliant pursuant to its conversations with the Building Department. Furthermore, it is noted that in its Letters of March 20, 2023 and May 19, 2023 (the "March 20th and May 19th Letters") the Applicant further articulated its arguments in favor of granting an Area Variance, or in the alternative, a Use Variance. These arguments are fully incorporated herein by reference and they are summarized below and expanded upon where relevant.

- The proposal involves the reduction in an existing non-conformity from 16 units to 9 units; and
- 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.[4]

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.*

There is no feasible alternative available to the Applicant:

- This request is to allow a long-established use to continue after being illegally destroyed - if the Variance is not granted, the structure cannot be rebuilt;
- The current (2023) use regulations that regulate uses, which are separate and distinct from the City's bulk regulations that regulate dimensional requirements, would only permit a single-family residence on the Premises, where the Applicant purchased the property with the ability to continue to use it as a multi-family SRO;[5] and
- If the structure cannot be rebuilt, this will significantly reduce the number of housing units available in the neighborhood, in contravention with the City's affordable housing goals.

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

As stated in the Applicant's March 20th and May 19th Letters, this request is not substantial as it is merely a request to reconstruct the building that existed on the Premises, and was to be renovated pursuant to an issued Building Permit and to continue the use thereon, with a reduction in the nonconformity from 16 units down to 9 units. Furthermore, it is respectfully submitted that substantiality is assessed by the impact the grant of the Area Variance on the neighborhood. As indicated, there is a 12-unit multi-family structure located across the street at 916 Wolcott Avenue, and 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 existing

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[4] *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 4th 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").

[5] Note: As noted in the Applicant's discussions with the ZBA, the Applicant highlighted that when a building is destroyed by more than 50%, Zoning Code Section 223-10.D only limits reconstruction where the building (not the use as evidenced by the plain reading of the code section, and especially when read in concert with Zoning Code Section 223-10.C(4) that by its plain language regulates nonconforming uses of buildings that cease for any reason for more than one year).

destroyed footprint and the reconstructed structure will be zoning compliant, as the Applicant understands. As a result, the requested variance to permit a 100% reconstruction 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.*

As noted in the March 20th and May 19th Letters, 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 (as a result, there will be no negative impacts as to noise, light, odor, traffic patterns, public services, etc.). Moreover, it is noted that such reconstruction is considered a Type II Action under SEQRA.[6]

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 20th and May 19th Letters, the need for the Area Variance was not self-created. The ZBA also noted at its July 18th meeting that the Applicant did not take any affirmative action to remove or to change the nonconforming multi-family/SRO use; and that the destruction of the building was due to a third party, outside of the control of the Applicant. As a result, the difficulty here was not "self-created"; nevertheless, the question of self-creation is not determinative for requests for Area Variances.[7]

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 also the minimum variance necessary – indeed, it will merely allow the reconstruction of a formerly existing multi-family/SRO use, including a reduction in the non-conformity from 16 units to 9 units which was already permitted by the City's Building Department, and there will be no change in the character of the community.

IN THE ALTERNATIVE, THE APPLICANT REQUESTS USE VARIANCE APPROVAL TO RESTORE THE EXISTING NONCONFORMING USE:

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

In the 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). As will be more fully discussed with the Board at the public hearing, the arguments stated in the Applicant's March 20th and May 19th Letters, which are

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[6] *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...."

[7] *See* Millpond Management, Inc. v. Town of Ulster Zoning Bd. of Appeals, 42 A.D.3d 804, 805 (3d Dep't 2007).

incorporated herein by reference, are also summarized (and expanded in some instances) below for the Board's consideration and ease of review.

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 property with an appraised monthly income of approximately $20,333, as noted in the Zoning Feasibility Analysis (the "Financial Analysis") prepared by Hudson Property Advisors, LLC and submitted to the Board on May 19, 2023. 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, the Financial Analysis shows the monthly income of approximately $2,400 to $3,800 a month;

   - Provided in part the size and location of the units in the building, 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 an unsustainable and unreasonable reduction below the monthly income established in the Appraisal Report received when the Applicant purchased the property;

   - Pursuant to the Financial Analysis, 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; and

   - No reasonable return will be realized from the other very limited by-right permitted uses in the R1-10 Zoning District as detailed in the Financial Analysis (such as a park, place of worship, community garden, etc.).

Notably, in response to comments from the public hearing on the request for interpretations, the proposed units should not be considered "luxury units." As noted, the relief sought is merely to restore and reconstruct the building with the multi-family SRO use pursuant to Building Permit No. 2022-0354. As approved, each unit is still an SRO Unit, only now the units will contain a kitchenette, bathroom, and new plumbing, electrical, and sprinkler systems, whereas the existing conditions included common bathroom and kitchen facilities. Prices for these units will start at $1,700 a month. The Applicant would also note that generalized public opposition is not a factor to be considered by the Board – the Zoning Code is not a tool by which people generally opposed to the idea of a use can utilize to prevent the establishment (or reestablishment here) of same.[8]

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

As stated in its March 20th and May 19th Letters, the Applicant's hardship is ***very*** unique. Not only

[8] Note: If the City Council meant to regulate these users, i.e., the day the use is destroyed it is eliminated forever, the City Council can update the Zoning Code to state same.

did the Applicant already receive a Building Permit to construct what the Applicant seeks to restore and reconstruct herein, but the Applicant's former tenant burned down the structure on the Premises with no affirmative action by the Applicant involved, as was noted in the Board. Given the unfortunate circumstances that created this unique hardship, it does not apply (and hopefully will not in the future) to a substantial portion of the district or neighborhood.

As is also detailed in the March 20th and May 19th Letters, the Applicant's multi-family/SRO use existed by at least 1965, which precedes the City's enactment of its Zoning Code in 1977 and which placed the Premises in the R1-10 Zoning District and limited the type of residential uses permitted on the Premises. The dramatic 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.

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

As articulated previously, a multi-family/SRO boarding house structure has been on the Premises since at least 1965 (historic aerials of the structure date back decades earlier), and multi-family buildings exist or are under construction at 916 Wolcott Avenue (an existing boarding house multi-family SRO use), 895 Wolcott Avenue, Forrestal Heights and along Creek Drive in the immediate vicinity of the Premises. The reconstruction, with a reduction in the units as permitted by the Building Department on December 12, 2022, will in no way change the character of the neighborhood, and in fact will be less onerous than a 16-unit building.

For the Board's further consideration, it is noted that this Board has a track record of approving Use Variances to permit similar less non-conforming multi-family uses on similarly situated properties classified within the City's single-family residential zones. Indeed, the ZBA recently approved a joint Area Variance and Use Variance to permit a nine (9)-unit multi-family development in multiple buildings at 53 Eliza Street and a Use Variance to permit a 10-unit multi-family building at 123 Rombout Avenue (*see* Use & Area Variance Approvals at **Exhibits A & B**). Importantly, these Use & Area Variance approvals were determined not to negatively impact the character of the single-family residential zoning district that the properties were classified in, which is very similar in character to the single-family residential district that the Premises is classified in.

The hardship has not been self-created.

The Applicant's hardship was not self-created. The Applicant purchased the Premises with the legal existing non-conforming use, which the Applicant maintained and was the process of renovating pursuant to a validly issued Building Permit, when the structure was burned down by a former tenant. It is further noted that this use was long established before the 1977 zoning restrictions limiting the types of residential uses permitted on the Premises.

CONCLUSION AND LIST OF ENCLOSURES:

For the reasons set forth above, and as will be discussed at the public hearing on the pending Variance Applications, the Applicant requests that the above-referenced Area Variance be granted, or in the alternative, the requested Use Variance be granted in their entirety. This matter concerns an exceptionally unique hardship, and one that will not set precedent in the City of Beacon. It is

clear that the Zoning Code allows a non-conforming use that has ceased – or in this case, destroyed by a fire caused intentionally by another person – to be restored and reconstructed within one (1) year from the time that the use ceases for any reason. So, while the interpretation question may ultimately be for Court to decide (if necessary), which decision could obviate the need for the variance relief requested herein, the instant alternative Area and or Use Variance relief sought herein should be granted as is fully supported by the information contained herein and the Applicant's prior submissions.

In furtherance of the Applicant's request, please find enclosed copies of the following Exhibits:

Exhibit A: Zoning Board of Appeals' May 16, 2017 Use Variance Approval for 10 multi-family units at 123 Rombout Avenue;

Exhibit B: Zoning Board of Appeals' February 22, 2019 Use & Area Variance Approval Resolution for 9 multi-family units at 53 Eliza Street; and

Exhibit C: Letter from Building Department dated August 26, 1998.

Additionally, as is noted herein and in the Applicant's March 20, 2023 and May 19, 2023 submissions to this Board, the Applicant's proposal to reconstruct the building in-kind and pursuant to Building Permit No. 2022-0354 is considered a Type II Action under SEQRA.[9]

For all of the reasons set forth herein and in the Applicant's March 20th and May 19th Letters, and in the accompanying documents, it is respectfully submitted that the requested Variance Relief be granted. 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

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

[9] *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...").

CITY OF BEACON
MUNICIPAL CENTER
ONE MUNICIPAL PLAZA, SUITE 1
BEACON, NEW YORK 12508
PHONE 845-838-5002

May 17, 2017

My Four Dghtrs Realty Corp.
5-44 47th Avenue
Long Island City, New York 11101

SUBJECT: **Zoning Board of Appeals Application**

Owner:	My Four Dghtrs Realty Corp.
Address:	123 Rombout Avenue
Tax Grid No.:	30-5954-35-794799-00
Zoning Classification:	R1-5

Dear Sirs:

Enclosed please find a copy of the resolution adopted by the Zoning Board of Appeals for relief from Section 223-15(C) for a Use Variance to allow multi-family apartments (10 units) in a single family zoning district.

A copy of the notice of the hearing as printed in the Poughkeepsie Journal on March 15, 2017 is also enclosed.

Anyone aggrieved by the decision of the Zoning Board may appeal to the Supreme Court of the State of New York in the manner prescribed by law.

Yours truly,

Etha Grogan

Etha Grogan, Secretary
Zoning Board of Appeals

Filed: March 22, 2017
cc: Building Inspector
Taylor Palmer, Cuddy & Feder, LLP, 300 Westage Business Center, Suite 380, Fishkill, NY 12524

City of Beacon
Zoning Board of Appeals

RESOLUTION

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by My Four Daughters Realty Corp, (the "Applicant") for relief from Section 223-17(C) to allow multi-family apartments (10 units) in a single family zoning district on property located at **123 Rombout Avenue** in the R1-5 Zoning District. Said premises being known and designated on the City of Beacon Tax Map as **Parcel ID# 30-5954-35-794799-00**; and

WHEREAS, a duly advertised public hearing on the application was held on April 18, 2017 and May 16, 2017 at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board closed the public hearing on April 18, 2017; and

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

WHEREAS, the Board, from the application, after viewing the premises and neighborhood concerned and upon considering each of the factors set forth at Section 223.55(C)(1)(a)(b)[1]-[4] of the City of Beacon Code, finds with respect to the variance:

1) The applicant **cannot** realize a reasonable return, and applicant **has** provided that lack of return is substantial as demonstrated by competent financial evidence;

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

3) The requested use variance **will not** alter the essential character of the neighborhood; and

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

NOW THEREFORE, BE IT RESOLVED, that said application for relief from Section 223-17(C) to allow multi-family apartments (10 units) in a single family zoning district is hereby **granted** subject to the following conditions:

1. No permit or Certificate of Occupancy shall be issued until the Applicants have paid in full all application and consultant fees incurred by the City of Beacon in connection with the review of this application.

2. Other: The applicant must return to the Planning Board for Site Plan Approval

Dated: May 16, 2017

Mr. Dunne called the roll:

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

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Zone: DUTCHESS

Run Dates:
04/12/17

Signature

Sworn to before me, this 10th day of April 2017

Notary Signature

Vilma Avelar
Notary Public State of New York
NO. 01AV6318411
Qualified in Westchester County
Commission Expires January 26, 2019

Ad Number: 0002061846

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CITY OF BEACON
ONE MUNICIPAL PLAZA - SUITE 1
BEACON, NEW YORK 12508
Phone (845) 838-5002 Fax (845) 838-5026

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Beacon, Dutchess County, NY will conduct a public hearing on Tuesday, April 18, 2017 in the Municipal Center Courtroom at 7:00 p.m., One Municipal Plaza, Beacon, New York in regards to the Application submitted by My Four Dghtr's Realty Corp., 123 Rombout Avenue, Tax Grid No. 30-5954-35-794799-00, R1-5 Zoning District, seeking relief from Section 223-17(C) for a Use Variance to allow multi-family apartments (10 units) in a single family zoning district.

2061846

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Client:

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The Poughkeepsie Journal
P. O. Box 822837
Philadelphia, PA 19182-2837

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

The Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination, the board shall also consider:
[1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
[3] Whether the requested area variance is substantial;
[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

intense and onerous than the existing non-conforming use. Several properties in the R1-5 Zoning District that surround 53 Eliza Street contain multifamily uses, such as townhouse developments, two-family-developments, multi-family apartment uses and other commercial uses.
The Applicant's multifamily proposal will bring the Property further into conformity with surrounding uses, development patterns and the intent of residential zoning. As a result, the Board finds that the granting of the variance will not alter the essential character of the neighborhood.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated: February 20, 2019

Robert K Lanier

Mr. Robert Lanier, Chairman

Use Variance to Permit Multifamily Housing

Chairman Lanier called the roll:

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

Area Variance to Permit Up to Nine Residential Units

Chairman Lanier called the roll:

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

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

Chairman Lanier called the roll:

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

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

A. Project and Sponsor Information.

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

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)			
Government Entity		**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees	☐Yes☑No		
b. City, Town or Village Planning Board or Commission	☑Yes☐No	SITE PLAN AND ARCHITECTURAL REVIEW BOARD APPROVAL	8/28/18
c. City Council, Town or Village Zoning Board of Appeals	☑Yes☐No	VARIANCE RELIEF	8/28/18
d. Other local agencies	☐Yes☑No		
e. County agencies	☑Yes☐No	DCDOH GML 239 Advisory Referral Review	12/1/18
f. Regional agencies	☐Yes☑No		
g. State agencies	☐Yes☑No		
h. Federal agencies	☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☑Yes☐No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The project is located in the R1-5 Single Family Residential district adjacent to properties zoned RD-5 Designed Residence.

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

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site?

C.4. Existing community services.

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

b. What police or other public protection forces serve the project site?
City of Beacon Police

c. Which fire protection and emergency medical services serve the project site?
City of Beacon Fire Department

d. What parks serve the project site?
Memorial Park, South Ave Park, Scenic Hudson's Long Dock Park.

D. Project Details

D.1. Proposed and Potential Development

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

b. a. Total acreage of the site of the proposed action? 0.696 acres
b. Total acreage to be physically disturbed? 0.590 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.696 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 12 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases:

f. Does the project include new residential uses? ☑Yes ☐No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				9 units
At completion of all phases				

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

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

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes ☑No
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____ acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes ☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

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

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

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Do existing sewer lines serve the project site? ☑Yes☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes☑No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☑No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☑No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐Morning ☐Evening ☐Weekend ☐Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 7am-5pm
- Saturday: 8am-5pm
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: N/A Residential
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☑ Yes ☐ No

If yes:

i. Provide details including sources, time of day and duration:

Construction Vehicles at work between the hours of 7am and 5pm

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☑ No

Describe:

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Building mounted lights and pole mounted lights for parking lot all shielded and pointed downward. Proposed building mounted lights and parking lot light poles are within 50 feet to nearest occupied structures.

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☑ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

☑ Urban ☐ Industrial ☑ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Mixed Uses & Former Beacon High School

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

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

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

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☑Yes ☐No

If Yes,

i. Identify Facilities:

City of Beacon High School athletic fields

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑Yes ☐No

If yes, provide DEC ID number(s): B00130 , C314118

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

B00130 remedial actions completed in August 2004. C314118 remedial actions completed on 4/10/2017

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

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

E.2. Natural Resources On or Near Project Site

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

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

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

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

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

e. Drainage status of project site soils:

☑ Well Drained:	66.4 % of site
☑ Moderately Well Drained:	33.6 % of site
☐ Poorly Drained	% of site

f. Approximate proportion of proposed action site with slopes:

☑ 0-10%:	97 % of site
☐ 10-15%:	% of site
☑ 15% or greater:	03 % of site

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

h. Surface water features.

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

ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☑ No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

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

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site:
Raccoon Grey Squirrel White Tail Deer

n. Does the project site contain a designated significant natural community? ☐Yes ☑No
If Yes:
i. Describe the habitat/community (composition, function, and basis for designation):
ii. Source(s) of description or evaluation:
iii. Extent of community/habitat:
- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☑ Yes ☐No

Indiana Bat

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☑No
If yes, give a brief description of how the proposed action may affect that use:

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☑No
If Yes, provide county plus district name/number:

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No
i. If Yes: acreage(s) on project site?
ii. Source(s) of soil rating(s):

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No
If Yes:
i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature
ii. Provide brief description of landmark, including values behind designation and approximate size/extent:

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No
If Yes:
i. CEA name:
ii. Basis for designation:
iii. Designating agency and date:

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. 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? ☑ Yes ☐ No

*The CRIS system confirms the property is not adjacent to a sensitive archaeological site(s).

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Scenic Hudson's Long Dock Park; Mount Beacon

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): State or Local Park

iii. Distance between project and resource: 1.5 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

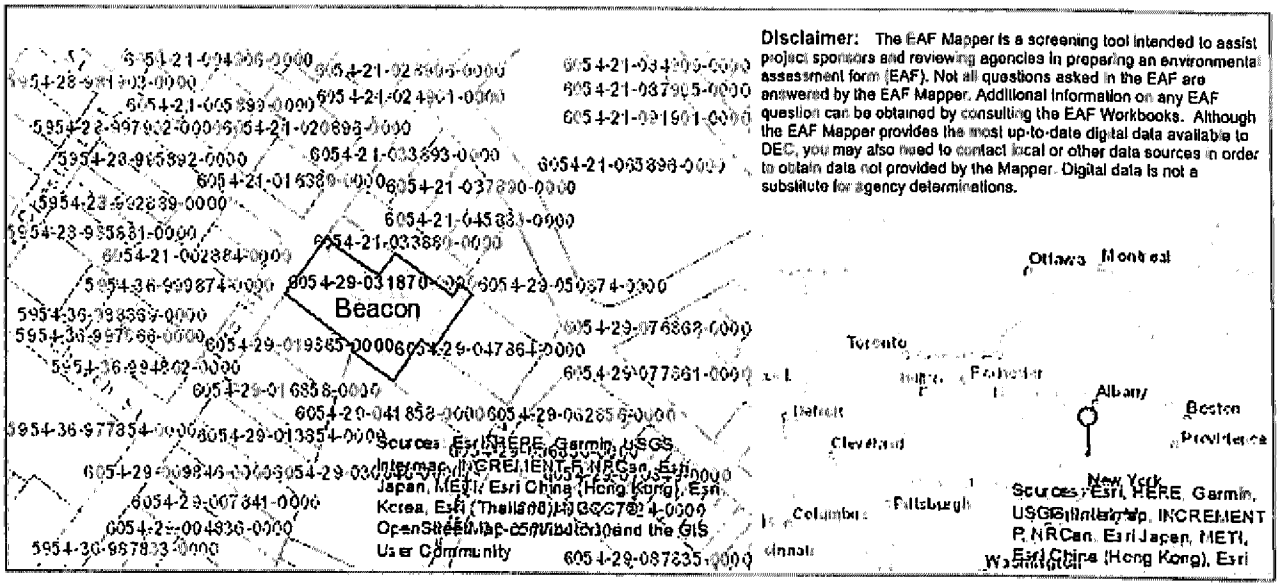
Applicant/Sponsor Name PIE Development Company, Inc. Date 8/28/2018

Signature _____ Title president

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EAF Mapper Summary Report

Thursday, August 23, 2018 10:22 AM



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

E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

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

Agency Use Only [If applicable]

Project: 53 Eliza Street

Date: February 20, 2019

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

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

Tips for completing Part 2:

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

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☐ NO ☑ YES

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

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☑ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

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

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) ☑NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☑NO ☐YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

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

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 9

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

9. **Impact on Aesthetic Resources** The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) *If "Yes", answer questions a - g. If "No", go to Section 10.*		☑ NO	☐ YES
	Relevant Part I Question(s)	**No, or small impact may occur**	**Moderate to large impact may occur**
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

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

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

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☑ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____			

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☑ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☑	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☑	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☑	☐

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

16. Impact on Human Health
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES
If "Yes", answer questions a - m. If "No", go to Section 17.

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

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

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

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

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

PRINT FULL FORM

Agency Use Only (If Applicable)

Project: 53 Eliza Street

Date: February 20, 2019

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

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

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

Reasons Supporting This Determination:

To complete this section:

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

See attached.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

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

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

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

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

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

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

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

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

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

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

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

Title of Responsible Officer: Chairman

Signature of Responsible Officer in Lead Agency: Robert K Lanier Date: 2/25/19

Signature of Preparer (if different from Responsible Officer) Stella Hermelin on behalf of the city Date: February 26, 2019

For Further Information:

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

Address: 1 Municipal Plaza, Beacon, NY 12508

Telephone Number: 845-838-5002

E-mail: Egrogan@cityofbeacon.org

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

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

ATTACHMENT TO
NEGATIVE DECLARATION
REASONS SUPPORTING DETERMINATION

APPLICATION FOR USE AND AREA VARIANCE APPROVAL
FOR 53 ELIZA STREET

Parcel No. 6054-29-031870

CONCLUSIONS

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

Project Description:

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

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

Summary of Rationale for Negative Declaration

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

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

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

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

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

  There are no unique geological features on the Property.

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

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

  The Proposed Action will not result in any significant adverse impact to surface or groundwater quality or quantity.

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

  The Proposed Action will disturb less than one acre and will not create any net additional stormwater runoff. Therefore, the Project will not have a significant adverse impact on or alter drainage flows or patterns, or on surface water runoff.

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

  Construction activities associated with grading and excavation could result in temporary air quality impacts. Air quality in the area, however, is not expected to be significantly impacted by project construction because the construction activities will be temporary and confined to the Property. Construction vehicles will emit certain air pollutants through engine exhaust. There is also the potential for fugitive dust to be created during the construction period from site preparation activities, including removal of existing impervious surfaces and vegetation, and site grading. These unavoidable short term

impacts to air quality will cease upon project completion. Construction will be conducted in accordance with all applicable federal, state and local codes.

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

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

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

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

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

  The Proposed Action will not result in the obstruction, elimination or significant screening of one or more officially designated scenic views, or visible from any publicly accessible vantage points either seasonally nor year around.

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

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

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

  The area of the Proposed Action is not designated as open space by the City of Beacon. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted: February 20, 2019
Beacon, New York

Received
Office of the City Clerk
2/26/2019

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

From: James Case-Leal
To: Mercedes Perez
Subject: 8/15 - continued opposition to the variance requests for 925 Wolcott
Date: Tuesday, August 15, 2023 12:30:01 PM

Dear Chairman and Zoning Appeals Board,
Aug 15, 2013

I'm writing again to express my opposition to the zoning variance requested by the owners of the property located at 925 Wolcott Ave, Beacon NY.

I have read the amended application for an area and use variance. I wanted to offer the following points as rebuttals to the points mentioned within their application.

1.)
First, I want to address how the non-conforming use produces undesirable changes in the character of the neighborhood and is a detriment to nearby properties.

In the newest application, the applicant is attempting to establish that the character of the neighborhood is mixed use. We know this is not true.

The only exception to this is the sister SRO property to 925 (by the same owner). These two properties have ALWAYS been incongruous with the character of the neighborhood which is why we have the code established stating their non-conforming use ends with destruction.

The other examples the applicant makes such as Forrestal Heights and 895 Wolcott Avenue are very commonly understood as different neighborhoods within Beacon and reveal that they are out of touch with the neighborhoods in Beacon.

2.)
Second, I understand that the board considers whether the benefit sought by the applicant can be achieved by some other method.

The applicant is again attempting to use our city's affordable housing goals as supporting arguments for their variance request. The new application has changed the amount they state as the starting rent from $2,000/mo, now to $1,700/mo for a studio apartment. (lower when they want to seem modest affordable housing, higher when estimating their potential losses to gain simpathy)

The former tenants who lived at 925 Wolcott HAD real affordable housing before the applicant bought the property and evicted them all in violation of Beacon good cause eviction

law. Its shameful to think they would then use ‘affordable housing’ as an argument to help them here.

The applicant is now trying to claim that ~2,000 for a 200 sq ft apartment is not ‘luxury’. I purchased my 1,500 sq ft 3bd room house in 2018 directly across the street for $250,000. My mortgage payments are $1,400/mo.

The applicant makes it very clear in their application that the benefit they seek is profit. This variance request is not to improve the quality of their primary residence, it's only for financial profit. But the profits they project are speculative. It is unreasonable to claim a loss for profits on leases for new apartments that were never built.

Between the insurance settlement and what they could sell that empty lot for today easily result in real profit. They are hoping to roll the dice and make even more, but truly, not only could the benefit they seek be gained by selling the property and walking way, it could also be made with equal if not better levels of risk elsewhere.

3.)
The applicant claims that the request is not substantial citing only the former use as a supporting argument.

The applicant seems to be unaware that this variance request is not based on any former non-conforming use, but the current use – which is zoned as single family residential. The requested use of a 9 unit multi-unit apartment building in the middle of a single family residential neighborhood is a VERY substantial request and change.

4.)
The intersection at the corner of Wolcott and Teller, where 925 sits, is statistically the most dangerous intersection in the city of Beacon. It has the highest rate of traffic accidents, pedestrian injuries, and emergency calls. A multi-unit building requires multi-unit parking which will empty into that intersection. This has been a significant contributing factor to the dangers of this intersection which is a primary school crossing for Sargent School.

While the proposed development does reduce the number of units from 16 to 9, it changes the nature of those units from SRO single rooms rented to individuals into 9 one-bedroom apartments potentially occupied by couples each with their own vehicle. Potentially increasing the regular vehicle traffic resulting from this property to 18 cars plus guests.

We have 50 years of proof that an SRO in that intersection has a huge negative effect on the neighborhood. It would be an insult to zoning laws and the neighbors to ignore that historical

proof.

5.)
There is no question that only one person is responsible for the arson at 925 Wolcott on January 3. But I also think it is imperative to recognize that the owners of that property broke Beacon housing law at the time by conducting an illegal eviction.

They did so in the middle of winter with a group of people they knew to be desperate and many with literally nowhere else to go. I have followed up with some of the former tenants and know that at least two of them now reside in the Poughkeepsie Men's shelter.

I believe that was a potentially volatile situation and that the current owners' decision to show callous disregard for basic human rights and our community contributed indirectly to the disaster that followed. They clearly have a strong legal team and should have understood the clause in Beacon zoning around non-conforming use and taken steps to secure the building site when it was vacant and to have a more robust fire alarm and suppression system. These choices combined contributed to the situation that endangered all of the neighbors who live in the area.

Please take these points into consideration when making your decision. I have spoken to many of my neighbors and have not heard a single person who does not adamantly oppose this variance.

Thank you for all that you do.

Very best,
James Case-Leal
55 Sargent Ave, Beacon NY

Steven and Meg Oakes
913 Wolcott Avenue
Beacon, NY 12508

City of Beacon Planning Board
1 Municipal Plaza
Beacon, NY 12508
August 14th, 2023

Re: 925 Wolcott variance application

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

The letter from the representative for 925 Wolcott LLC makes arguments that are not supported by the current conditions. Specifically the applicant continues to argue that his request for variances will affect a reduction in the nonconforming use, and that this should be seen as a positive thing. But the property lost its nonconforming status in January. The request must be seen as to *increase* density on the property from a single-family residence (the current zoning applying to 925 Wolcott Avenue) to a 9-unit SRO. Such a significant change should not be interpreted as an improvement but as a negative change, something that requires careful consideration, including that of Code 223-26 regarding parking requirements.

In a request for an Area Variance, the applicant states that establishing a 9-room SRO on a lot zoned single-family will not result in a negative change for the neighborhood. He can make this claim only by ignoring the current status of the property as single-family and no longer nonconforming. He then goes on to state that for years there was an SRO on the property, not mentioning that it was one which neighbors have unequivocally stated was a blight and weight on property values. He says there is another similar building--also owned by the same owner--across the street, alas the same characterization applies to it. He says that there are other multi-family buildings in the general vicinity, although no one who lives in the area would characterize these as 'in the neighborhood.' But most tellingly, he states that his proposal "involves the reduction in an existing non-conformity from 16 unity to 9 units." *That 16-unit nonconformity ended in January of this year*; the property is now zoned for single-family use. The owner's representative makes this same specious argument several times in the document. The request cannot be for the reduction in a nonconforming structure of 16 units to 9, but must be for a substantial increase of a one single-family housing unit to a SRO building of nine units. He wants far more than the code allows, not less.

The owner claims that there is no feasible alternative available. That the applicant purchased the property “with the ability to continue to use it as a multi-family SRO" is true only to the extent that it wasn't destroyed more than 50% by any means. His ability to use it in this way was ended by the fire. Buying a nonconforming building where zoning codes make its life subject to conditions that could

happen with every passing storm or rat-chewed wire is the very definition of a business risk.

He says the request to rebuild the nonconformity is not substantial. Again, the issue is not reducing the number of units in an existing nonconforming building but *creating an entirely new 9-unit SRO in a lot now determined to be single family.* That the previous use was long-standing is irrelevant. It is a simple fact that the request is most accurately described as 'to build a 9-unit SRO on a lot currently zoned single family.' His request is furthermore substantial because it would perpetuate a significant inappropriate development that will undeniably lower home values in the neighborhood, permanently. The nonconformity was subject to termination: allowing it to grow anew would create a permanent blight.

The alleged difficulty was c*ompletely* self-created, in that the applicant purchased a *very perishable use* attached to a building, and that use could be and was extinguished by the destruction of the building. In short, the decision to purchase the property was a risky business calculation, and like any other investment, profits are not guaranteed, and losses must be considered. That the destruction was not caused by the applicant is irrelevant to the matter. The destruction was also not caused by the neighbors of the building, and it should not be up to them to accept a decline in their quality of life to act as an insurance agent for the investor. Nonconformities are not granted permanent status under any and all circumstances, and the destruction of the building was foreseen by the Code as one of the ways in which such a use could be legally terminated.

The hardship is only unique because the investors plans didn't work out as he had hoped they would. There is no exception in 223-10 for unintentional destruction...the code specifies "...destroyed by any means..." And although we think we know the circumstances of the fire, I do not believe this has been determined in a court of law and claiming it as fact is presumptuous.

In the 'In the Alternative" section, the applicant says he "cannot realize a reasonable rate of return" without re-establishing the use, but then goes on to say that the applicant "expects" income of such-and-such an amount. “Expects” is not relevant to anything but his own desires. He mentions an appraised value of $1.7 million, but that is not A) a statement of the documented purchase cost, and B) is no longer a useful number in that the nonconforming use, upon which it is based, was a substantial part of the value, and a risk the investor took when he bought the property. The only clear numbers relating to the purchase price are those the investor provided to the County upon transfer of the property. Again, the investor took the risk, not the city or the neighbors of his property, and the risk should remain with him. Presumably he purchased insurance to protect himself.

The same vague ‘hardship’ is claimed, but again, without any documentation.

He also says that the establishment of zoning in 1977 resulted in "a dramatic shift in the character of the area under the 1977 Zoning Code," perhaps suggesting that the neighborhood somehow went downhill or otherwise changed. The idea that 1977 zoning changed the neighborhood is preposterous on its face. The neighborhood is comprised largely of single-family residences in all directions, with many dating from the 1840-1900 period; a minority of compliant houses have been added, mostly along Sargent Drive. The hardship claim, if allowed, will set a terrible precedent, namely that the destruction of a nonconforming use can never be ended because the owner will experience a hardship by claiming he will

not make the money he had hoped to make.

And finally, the attached Exhibits do not in any way support the claim that the city is pleased to allow multi-family dwellings in single-family neighborhoods. The examples in the attachments show that the city worked with property owners of unusually-configured nonconforming properties which had been commercial in nature (lumberyard, construction material and equipment storage) but located in areas zoned residential, to convert these oddly configured properties to residential use. Lot size, in ratio to units allowed, was close or equal to the requirements, and constructing several larger residences was deemed to permit more open space than a greater number of smaller buildings. In these cases, the nonconforming use of a large, irregular lot was changed from commercial to residential, quite arguably an improvement. That is not the case with this application.

Sincerely,

Meg and Steven Oakes

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

City of Beacon Zoning Board of Appeals Agenda
08/15/2023

Title:

Review and hold public hearing on application submitted by Adusei Holdings LLC, 75 Oak Street, Tax Grid No. 30-5954-28-972906-00, in the R1-5 Zoning District, to demolish the existing home on the property and rebuild a new home, which requires relief from the following:

1. Section 223-17.D to allow for a 3.1 ft side yard setback *(10 ft required)*
2. Section 223-17.D to allow for a 5.4 ft side yard setback *(10 ft required)*

ATTACHMENTS

75 Oak ZBA 8.15.23 app.pdf

75 Oak ZBA 8.15.23 Contract of sale.pdf

75 Oak ZBA 8.15.23 EAF part 1.pdf

75 Oak ZBA 8.15.23 EAF Parts 2 3.pdf

75 Oak ZBA 8.15.23 site plan-elevations.pdf

ZONING BOARD OF APPEALS
City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Adusei Holdings LLC

ADDRESS: 8

TELEPHONE: 917-471-2977

E-MAIL:

APPLICANT (if not owner):

ADDRESS:

TELEPHONE:

E-MAIL:

REPRESENTED BY:

ADDRESS: 25 Shipyard Rd Apt F402 Poughkeepsie NY 12601

TELEPHONE:

E-MAIL:

PROPERTY LOCATION: 75 Oak St

ZONING DISTRICT: Beacon, City

TAX MAP DESIGNATION: SECTION 5954 BLOCK 28 LOT 972906

Section of Zoning Code appealed from or Interpretation desired:

Reason supporting request:

Demolish existing structure, and re-build in the same footprint and same height of existing structure.

We recently recvieved ZBA approval to expand the structure.

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

Site plan and house plans

Date: 7/25/23

Owner's Signature

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: Adusei Holdings LLC

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

Kwame Adusei

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

75 OAK ST BEACON

Applicant Address: 25 Shipyard Rd Poughkeepsie NY 12601

Project Address: 75 Oak St Beacon NY 12508

Project Tax Grid # 130200575428972406000

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 Adusei, 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 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 Adusei

Address of Applicant: 25 Shipyard Rd Poughkeepsie NY 12601

Telephone Contact Information: 917- 471- 2977

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 Adusei	25 Shipyard Rd Poughkeepsie NY 12601	917-471-2977	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	Address of Entity
Adusei Holdings LLC	25 Shipyard Rd Poughkeepsie NY 12601
Place where such business entity was created New York	Official Registrar's or Clerk's office where the documents and papers creating entity were filed New York Secretary of State
Date such business entity or partnership was created 01/28/22	Telephone Contact Information 518-473-2992

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	25 Shipyard Rd Poughkeepsie NY 12601	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 Adusei	25 Shipyard Rd Poughkeepsie, NY 1261	917-471-2977	01/28/22	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.

_____

_____

_____

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 Adusei	25 Shipyard Rd Poughkeepsie NY 12601	917-971-2977

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.

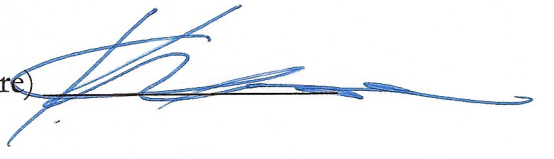
Name	Address

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

(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 downpayment 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,~~ 30 2022 at 10 A.M. (the "Closing Date"). KA

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

Aduse-i Holdings LLC

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 o 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 13th 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. SELLER'S WARRANTIES THAT DO NOT SURVIVE CLOSING: The Seller makes the following warranties which shall not survive the closing:

to the best of his knowledge

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 <u>not the actual closing date</u>. 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.

Part 1 – Project and Sponsor Information

Name of Action or Project:

New Construction of 75 Oak Street

Project Location (describe, and attach a location map):

75 Oak Street, Beacon, NY 12508

Brief Description of Proposed Action:

Demolish existing structure, and re-build in the same footprint and same height of existing structure. We recently received ZBA approval to expand the structure, the plans will remain the same however, the construction will be new due to the current level of disrepair.

Name of Applicant or Sponsor:	Telephone: 917-471-2977
Adusei Holdings, LLC	E-Mail: kwame@aduseiholdings.com

Address:

25 Shipyard Rd

City/PO:	State:	Zip Code:
Poughkeepsie	NY	12601

	NO	YES
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.	☑	☐
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	☐	☑

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. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☑ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ 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?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
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
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
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑
_____		

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑
_____		

	NO	YES
12. a. Does the 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
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: _____		
_____		
_____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☑ Suburban

	NO	YES
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? Indiana Bat	☐	☑
16. Is the project site located in the 100-year flood plan?	☑	☐
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: 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)? If Yes, explain the purpose and size of the impoundment:_____	☑	☐
~~1~~9. 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: _____	☑	☐
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: _____	☐	☑

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: _____ Date:_____

Signature: _____Title:_____

PRINT FORM



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

Agency Use Only [If applicable]

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?	☑	☐

PRINT FORM

Agency Use Only [If applicable]

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)

PRINT FORM

GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO THE 2020 RESIDENTIAL CODE OF NEW YORK STATE CURRENT EDITION AND ALL LOCAL / MUNICIPAL CODES.

2. ALL WORK INCLUDING MATERIAL STRESSES AND METHODS OF CONSTRUCTION, SHALL CONFORM TO LOCAL AND STATE CODES.

3. 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.

4. 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 IT'S EMPLOYEES OR OF THE CONTRACTOR AND HIS SUBCONTRACTORS OR IT'S 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.

5. ALL MATERIALS, ASSEMBLIES, FORMS AND METHODS OF CONSTRUCTION AND SERVICES EQUIPMENT SHALL MEET THE FOLLOWING REQUIREMENTS.
A. ACCEPTABLE PRIOR TO THE EFFECTIVE DATE OF THE CODE BY THE BOARD
B. ACCEPTED FOR USE UNDER PRESCRIBED CODE TEST METHODS.

6. GENERAL CONTRACTOR SHALL COORDINATE HIS/HER WORK WITH THAT OF OTHER SUBCONTRACTORS AND SUPPLIERS.

7. 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.

8. 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.

9. 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.

10. CONTRACTOR SHALL NOT OBSTRUCT ACCESS TO ROADWAYS AT ANY TIME.

11. ALL DIMENSIONS NOTED ON PLANS ARE TO ROUGH FRAMING UNLESS OTHERWISE NOTED.

12. CONTRACTOR SHALL REPORT ANY DISCREPANCIES BETWEEN THIS DOCUMENT AND CONTRACT DOCUMENTS ISSUED TO OTHERS PRIOR TO THE START OF THE WORK.

13. 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.

14. 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.

15. ALL ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL APPLICABLE CODES.

16. ALL PLUMBING & HVAC WORK SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL APPLICABLE CODES.

17. MECHANICAL DESIGN-BUILD SHALL BE BY OTHERS.

18. 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.

19. THE CONTRACTOR IS RESPONSIBLE FOR FURNISHING AND INSTALLING ALL COMPONENTS, ACCESSORIES, ETC. FOR A COMPLETE PROJECT INCLUDING ITEMS NOT SHOWN IN THESE CONSTRUCTION DRAWINGS.

20. ALL PRODUCTS ARE TO BE INSTALLED IN STRICT CONFORMANCE W/ MANUFACTURER'S INSTALLATION INSTRUCTIONS. NO EXCEPTIONS.

RENOVATIONS FOR:

ADUSEI RESIDENCE

75 OAK STREET
BEACON, NY 12508



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

EXISTING CONSTRUCTION TO REMAIN

EXISTING CONSTRUCTION TO BE DEMOLISHED

NEW CONSTRUCTION

SECTION # / DWG. # — SECTION

DETAIL # / DWG. # — DETAIL

ELEV # / DWG. # — EXTERIOR ELEVATION

ELEV # / DWG. # — INTERIOR ELEVATION

ABBREVIATIONS

ACT	ACOUSTICAL CEILING TILE
ADD	ADDENDUM
ADJ	ADJACENT
AFF	ABOVE FINISHED FLOOR
ALT	ALTERNATE
ALUM	ALUMINUM
ANOD	ANODIZED FINISH
AP	ACOUSTICAL PANEL
APPROX	APPROXIMATE
ARCH	ARCHITECT/ARCHITECTURAL
ASSOC	ASSOCIATED
A/V	AUDIO VISUAL
BB	BULLETIN BOARD
B/	BOTTOM OF
BLDG	BUILDING
BLKG	BLOCKING
BM/BMS	BEAM/BEAMS
BOS	BOTTOM OF SOFFIT
BRD/BD	BOARD
BRG	BEARING
BSMT	BASEMENT
C	CARPET
CAB	CABINET
CB	CHALKBOARD
CJ	CONTROL JOINT
CL	CENTER LINE
CLG	CEILING
CLO	CLOSET
CLR	COOLER
CMU	CONCRETE MASONRY UNIT
COL	COLUMN
CONC	CONCRETE
CONF	CONFERENCE
CONT	CONTINUOUS
CONTR	CONTRACTOR
CORR	CORRIDOR
CSMU	CALCIUM SILICATE MASONRY UNIT
CT	CERAMIC TILE
CTB	CERAMIC TILE BASE
DA	DOUBLE ACTING
DET/DTL	DETAIL
DF	DRINKING FOUNTAIN
DIA	DIAMETER
DISP	DISPENSER
DIV	DIVISION
DN	DOWN
DR	DOOR
DS	DOWNSPOUT
DWG	DRAWING
EA	EACH
EHD-X	ELECTRIC HAND DRYER
EIFS	EXTERIOR INSULATION FINISH SYSTEM
EL/ELEV	ELEVATION
ELEC	ELECTRIC
EMER	EMERGENCY
EMO	EXISTING MASONRY OPENING
EQ	EQUAL
EQUIP	EQUIPMENT
E.U.	EGRESS UNIT
EWC	ELECTRIC WATER COOLER
EWO	EXISTING WINDOW OPENING
EXHIB	EXHIBIT
EXIST/EXISTG	EXISTING
EXP JT	EXPANSION JOINT
EXP	EXPOSED
EXT	EXTERIOR
FE	FIRE EXTINGUISHER WALL MTD.
FD	FLOOR DRAIN
FIN	FINISH
FIX	FIXTURE
FL	FLOOR
FND	FEMININE NAPKIN DISPOSAL
FNDN	FOUNDATION
FNV	FEMININE NAPKIN VENDOR
FRP	FIBER REINFORCED PLASTIC
FT	FEET
FTG	FOOTING
FURN	FURNISH / FURNITURE
FUR	FURRED / FURRING
FR	FIRE RESISTANT
FEC	FIRE EXTINGUISHER CABINET
GA	GUAGE
GAL	GALLON
GALV	GALVANIZED
GB	GRAB BAR
GC	GENERAL CONTRACT
GCT	GRANITE COUNTER TOP
GL	GLASS / GLAZING
GND	GROUND
GYP WALL BD/GWB	GYPSUM WALL BOARD
H	HIGH
H/C	DISABLED ACCESS
HD	HEAVY DUTY
HDR	HEADER
HDWR	HARDWARE
HM	HOLLOW METAL
HORZ	HORIZONTAL
HR	HANDRAIL / HOUR
HT	HEIGHT
HTG	HEATING
HVAC	HEATING VENTILATION A/C
ID	INSIDE DIAMETER
INSUL	INSULATION
INV	INVERT
JAN	JANITOR
JT	JOINT
KPL	KICKPLATE
L	LAMINATED GLASS
LAV	LAVATORY
LF	LINEAR FEET
LH	LEFT HAND
LHR	LEFT HAND REVERSE
LIN	LINEN
LLH	LONG LEG HORIZONTAL
LLV	LONG LEG VERTICAL
LVR	LOUVER
MACH	MACHINE
MAS	MASONRY
MAT	MATERIAL
MAX	MAXIMUM
MBH	MOP & BROOM HOLDER
MECH	MECHANICAL
MET/MTL	METAL
MEZZ	MEZZANINE
MFGR	MANUFACTURE / MANUFACTURER
MIN	MINIMUM
MIR	MIRROR
MLD	MOULDING
MO	MASONRY OPENING
MP	METAL PANEL
MRGWB	MOISTURE RESISTANT GYPSUM BOARD
NC	NONCOMBUSTIBLE
NIC	NOT IN CONTRACT
NO	NUMBER
NOM	NOMINAL
NTS	NOT TO SCALE
OC	ON CENTER
OH	OVERHEAD
OPNG	OPENING
OPP HD	OPPOSITE HAND
PART	PARTITION
PC	PLUMBING CONTRACTOR
PF	PRE-FINISHED
PL	PLATE
PL LAM/PLAS LAM	PLASTIC LAMINATE
PLAST	PLASTER
PLMBG	PLUMBING
PLY/PLYWD	PLYWOOD
PNL	PANEL
P/PNT	PAINT
POL	POLISH
PR	PAIR
PT	POINT
PTD	PAPER TOWEL DISPENSER
PTN	PARTITION
PVC	POLY VINYL CHLORIDE
PGB	PAINTED GYPSUM BOARD
PS	PROJECTION SCREEN
Q.T.	QUARRY TILE
R	RISER
RAD	RADIUS
RCP	REFLECTED CEILING PLAN
RD	ROOF DRAIN
RE	REFER TO
REFRIG	REFRIGERATOR
REQD	REQUIRED
RH	RIGHT HAND
RHR	RIGHT HAND REVERSE
RM	ROOM
S	SEALER
SAT	SATURATION
SC	SOLID CORE WOOD DOOR
SD	SOAP DISPENSER
SF	SQUARE FEET
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SPD	SOAP DISH
SQ	SQUARE
SST	STAINLESS STEEL
STL/ST	STEEL
STRUCT	STRUCTURAL / STRUCTURE
SUSP	SUSPENDED
SV	SHEET VINYL FLOORING
SW	SHEAR WALL
T	TREAD
T/	TOP OF
T&G	TONGUE AND GROOVE
T/S	TOP OF STEEL
TB	TACK BOARD
TCB	TECTUM BOARD
TEL	TELEPHONE
TEMP	TEMPERED
TERR	TERRAZZO
TG	TEMPERED GLASS
THK	THICK
THRU	THROUGH
TOC	TOP OF CONCRETE
TOF	TOP OF FOOTING
TOM	TOP OF MASONRY
TPH	TOILET PAPER HOLER
TS	TACK STRIP
TYP	TYPICAL
UG	UNDERGROUND
UH	UNIT HEATER
UL	UNDERWRITERS LABATORIES
UNO/UON	UNLESS OTHERWISE NOTED
U/S	UNDERSIDE
UTIL	UTILITY
UV	UNIT ELEVATOR
V	VINYL
VCT	VINYL COMPOSIT TILE
VET	VERTICAL
VIF	VERIFY IN FIELD
VTR	VENT THROUGH ROOF
W	WIDE
W/	WITH
WB	WHITEBOARD
WC	WATER CLOSET
WD	WOOD
WP	WATERPROOF
WR GWB	WATER RESISTANT GYPSUM BRD.

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(845) 337-4331 WHALENARCHITECTURE.COM

REVISIONS / ISSUE DATES

NO.	DESCRIPTION	BY	DATE
	ISSUED TO ZBA	LB/JD	07/25/23

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

DRAWING TITLE:
TITLE SHEET

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

DRAWN BY: SW / LB	SHEET: 1 OF 5
DATE: 06/26/2023	SCALE: As indicated

DRAWING NO:
1T1.0

PROJECT PHASE:
CD



1 2A0.0 FRONT PHOTO
NO SCALE



2 2A0.0 BACK PHOTO
NO SCALE



3 2A0.0 LEFT PHOTO
NO SCALE



4 2A0.0 RIGHT PHOTO
NO SCALE

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REVISIONS / ISSUE DATES

NO.	DESCRIPTION	BY	DATE
	ISSUED TO ZBA	LB/JD	07/25/23

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

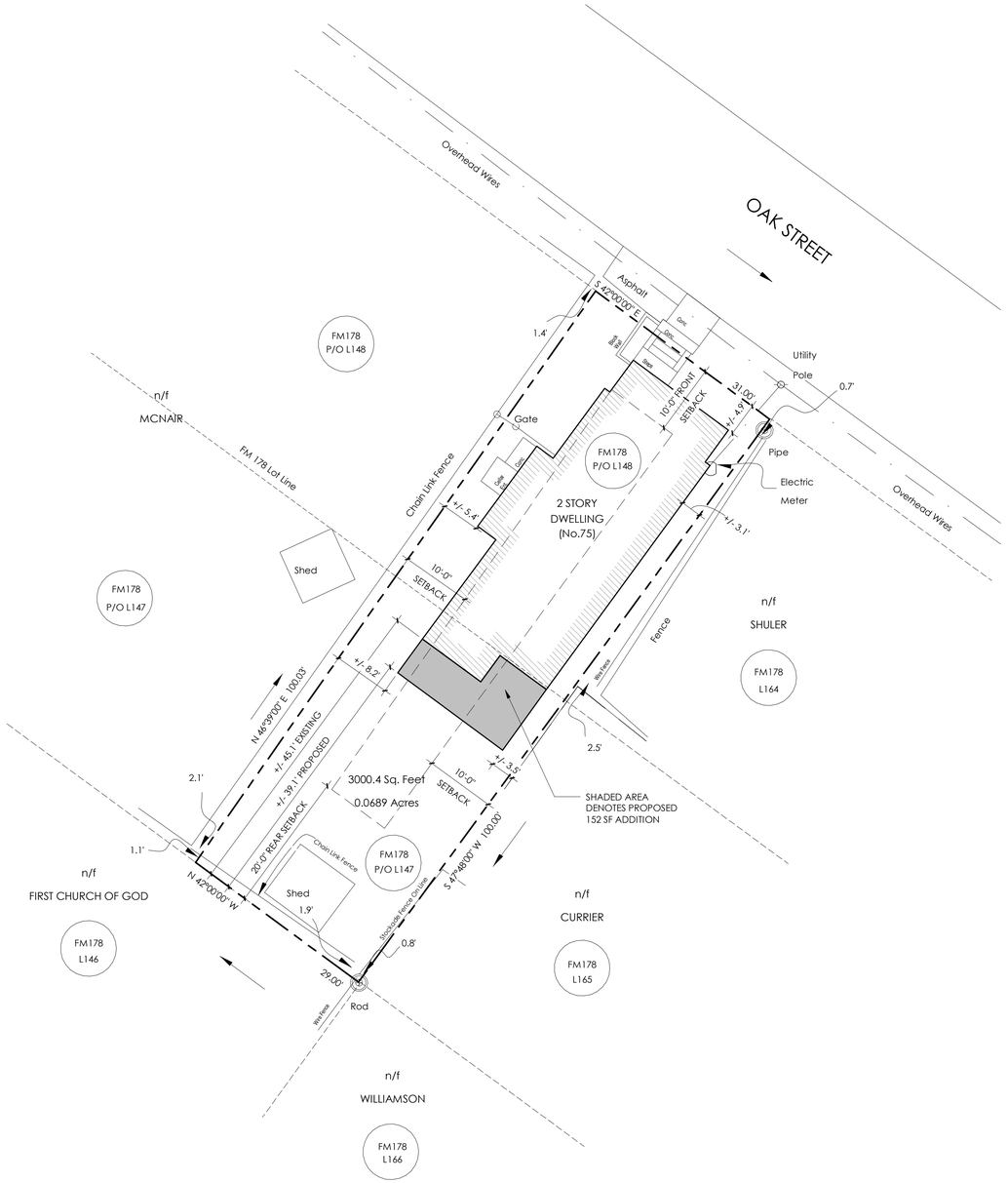
DRAWING TITLE:
HOUSE PHOTOS

THESE DRAWINGS ARE INSUFFICIENT FOR CONSTRUCTION PURPOSES UNLESS SIGNATURE OF THE ARCHITECT OF RECORD

DRAWN BY: SW
SHEET: 2 OF 5
DATE: 06/26/2023
SCALE: As indicated

DRAWING NO:
2A0.0

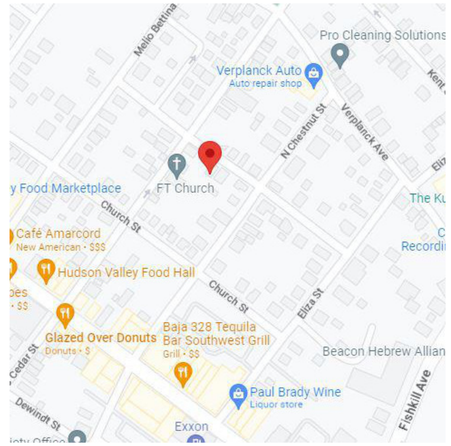
PROJECT PHASE:
CD



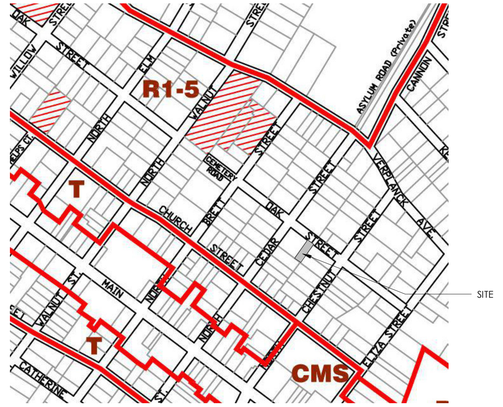
N

1 3SP1.0 SITE PLAN
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



2 3SP1.0 PROXIMITY MAP
NO SCALE



3 3SP1.0 PARTIAL ZONING MAP
NO SCALE

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**

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REVISIONS / ISSUE DATES

NO.	DESCRIPTION	BY	DATE
	ISSUED TO ZBA	LB/JD	07/25/23

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

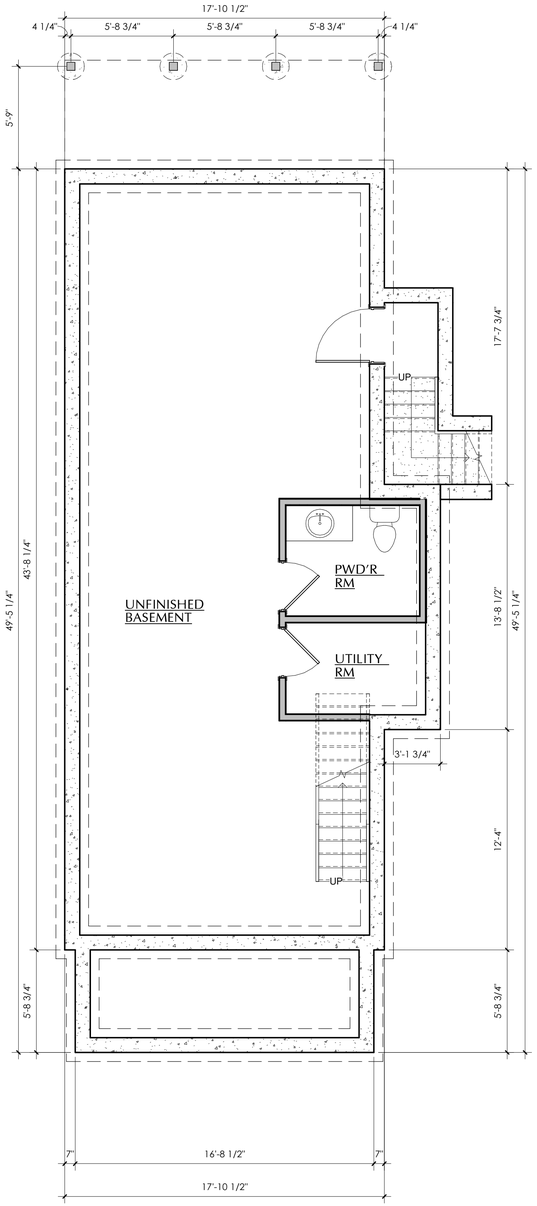
DRAWING TITLE:
SITE PLAN & ZONING INFO.

THESE DRAWINGS ARE INSUFFICIENT FOR CONSTRUCTION UNLESS SIGNED BELOW BY SIGNATURE OF THE ARCHITECT OF RECORD

DRAWN BY: SW / LB
SHEET: 3 OF 5
DATE: 06/26/2023
SCALE: As indicated

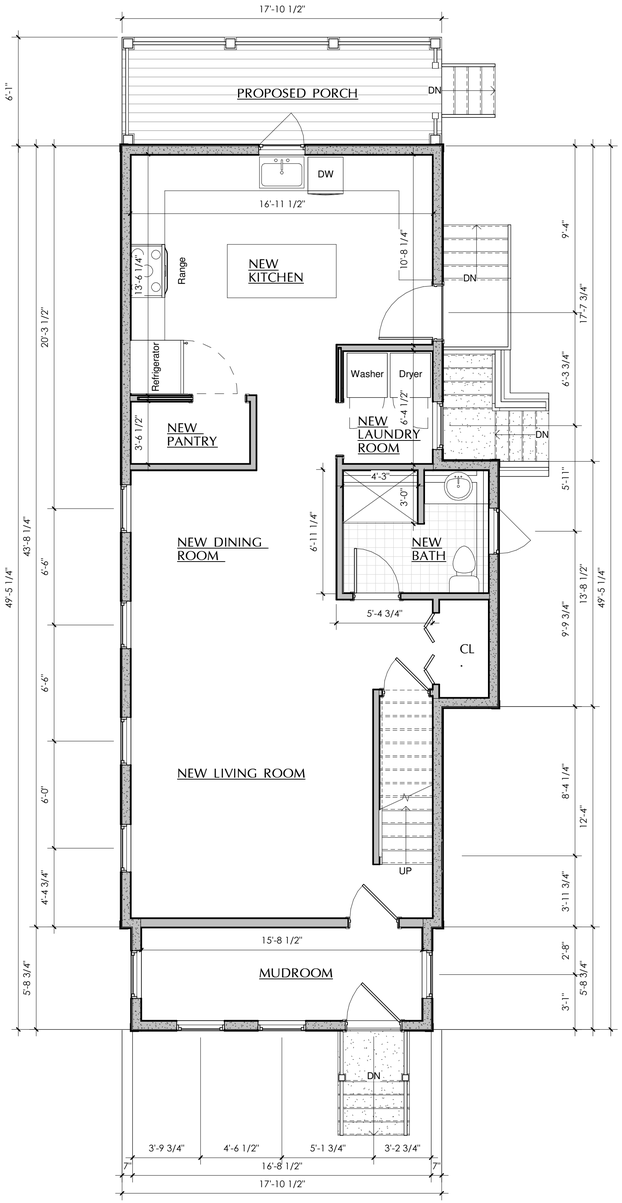
DRAWING NO:
3SP1.0

PROJECT PHASE:
CD



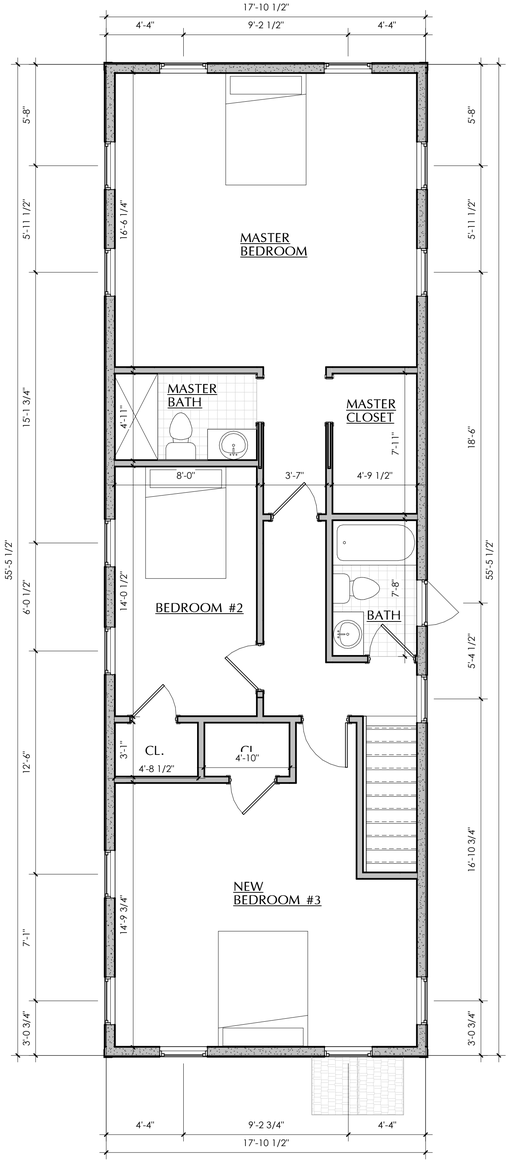
1 4A1.0 BASEMENT PLAN

1/4" = 1'-0"



2 4A1.0 1st FLOOR PLAN

1/4" = 1'-0"



3 4A1.0 2nd FLOOR PLAN

1/4" = 1'-0"

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REVISIONS / ISSUE DATES

NO.	DESCRIPTION	BY	DATE
	ISSUED TO ZBA	LB/JD	07/25/23

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

DRAWING TITLE:
FLOOR PLANS

THESE DRAWINGS ARE INSUFFICIENT FOR CONSTRUCTION AND MUST BEAR THE SIGNATURE OF THE ARCHITECT OF RECORD

DRAWN BY: SW / LB
SHEET: 4 OF 5
DATE: 06/26/2023
SCALE: 1/4" = 1'-0"

DRAWING NO:
4A1.0

PROJECT PHASE:
CD



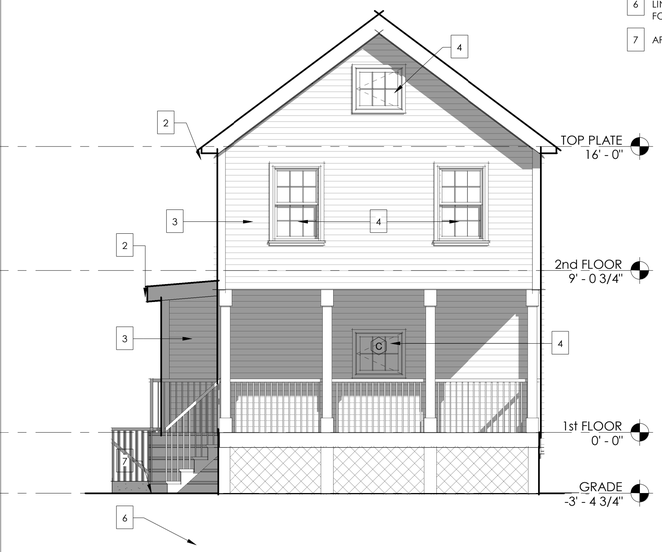
1 5A2.0 **FRONT ELEVATION**
1/4" = 1'-0"



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



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

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REVISIONS / ISSUE DATES

NO.	DESCRIPTION	BY	DATE
	ISSUED TO ZBA	LB/JD	07/25/23

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

DRAWING TITLE:
EXTERIOR ELEVATIONS

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DRAWN BY:	SHEET:
SW / LB	5 OF 5
DATE:	SCALE:
06/26/2023	1/4" = 1'-0"

DRAWING NO:
5A2.0

PROJECT PHASE:
CD

City of Beacon Zoning Board of Appeals Agenda
08/15/2023

Title:

Review and hold public hearing on application submitted by Eva Garcia, 359 Cherry Street, Tax Grid No. 30-5954-16-876329-00, in the R1-40 Zoning District, to construct a rear addition and covered screen porch to an existing 2 1/2-story dwelling, which requires relief from the following:

1. Section 223-17.D to allow for a 1.2 ft side yard setback *(25 ft required)*
2. Section 223-17.D to allow for a 36.1 ft rear yard setback *(50 ft required)*

ATTACHMENTS

359 Cherry ZBA 8.15.23 app.pdf

359 CherryZBA 8.15.23 - Sheet 1_Site Plan_230725.pdf

359 Cherry ZBA 8.15.23 - Sheet 2_Existing Conditions and Demo Plan_230725.pdf

359 Cherry ZBA 8.15.23 - Sheet 3_Floor Plan and Elevations_230725.pdf

359 Cherry ZBA 8.15.23 public comment Bank.pdf

359 Cherry ZBA 8.15.23 public comment Strelchun.pdf

ARYEH SIEGEL
ARCHITECT

Amanda Caputo
Planning Board Secretary
City of Beacon
One Municipal Plaza
Beacon, NY 12508

Re: **359 Cherry Street**
Zoning Board Variance Application

July 25, 2023

Dear Amanda,

Please find enclosed:

- (5) sets of Sheets 1 through 3, dated July 25, 2023
- ZBA Application Form for Area Variance Request
- I & I Form
- Individual Disclosure Form
- Checks for Zoning Board Application Fee and Escrow
- Electronic files to be forwarded to you

Thank you. Please let me know if you have any questions.

Sincerely,

Aryeh Siegel
Aryeh Siegel, Architect

84 Mason Circle
Beacon, New York 12508
ajs@ajsarch.com
www.ajsarch.com
Tel 845 838 2490
Fax 845 838 2657

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Eva Garcia

ADDRESS: 359 Cherry Street
Beacon, NY 12508

TELEPHONE: 917 593 0956

E-MAIL: namssilat@gmail.com

APPLICANT (if not owner): Eva Garcia

ADDRESS: 359 Cherry Street
Beacon, NY 12508

TELEPHONE:

E-MAIL: namssilat@gmail.com

REPRESENTED BY: Aryeh Siegel Architect

ADDRESS: 84 Mason Circle
Beacon, NY 12508

TELEPHONE: 845-838-2490

E-MAIL: ajs@ajsarch.com

PROPERTY LOCATION: 359 Cherry Street

ZONING DISTRICT: R-40

TAX MAP DESIGNATION: SECTION 5954 BLOCK 16 LOT 876329

Section of Zoning Code appealed from or Interpretation desired:

Side yard setback, rear yard setback. as further described on Sheet 1 of the drawings submitted with this application.

Reason supporting request:

The existing house is closer to the property line than zoning allows. The addition follows the existing setback as closely as possible.

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

Site Plan, Site Plan, Building Plans and Elevations

Date: July 21, 2023

SIGN HERE

Owner's Signature

SIGN HERE

Applicant's Signature

Fee Schedule

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

escrow fees may apply if required by Chairman

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Eva Garcia

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: 359 Cherry Street

Project Address: 359 Cherry Street

Project Tax Grid # 5954-16-876329

Type of Application Zoning Board of Appeals Variance Request

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, Eva Garcia, 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 ☑

SIGN HERE

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
New York

Certificate of Inspection Application

Parcel Address 359 Cherry Street **Tax ID Number** 5954-16-876329

Property Owners Information:

Name Eva Garcia

Mailing Address 359 Cherry Street

Business Phone # _____ Home Phone # _____

Cell Phone # 917 593 9956 E-mail Address namssilat@gmail.com

_____ SIGN HERE

Signature of Owner

For office use only:

	Connected to sanitary sewer	Disconnected	Waiver Requested	Waiver Approved
Roof Leaders	_____	_____	_____	_____
Sump Pump	_____	_____	_____	_____
Yard drain	_____	_____	_____	_____
Other (describe)	_____	_____	_____	_____

_____

Signature of Inspector

Inspection Date _____

Expiration Date _____

FEE: $50.00

FOR OFFICE USE ONLY
Application #

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

INDIVIDUAL DISCLOSURE FORM

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

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

SECTION A

Name of Applicant: EVA GARCÍA

Address of Applicant: 359 Cherry Street

Telephone Contact Information: 917 593 0956

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.
EVA GARCÍA	359 Cherry St.	9175930956	Sept. 2016	Paul Supple Beacon, NY

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

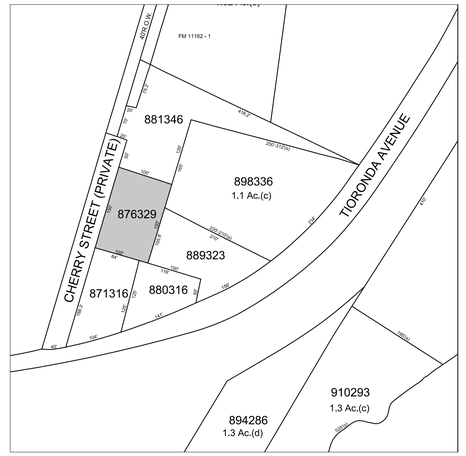
(Print) EVA GARCÍA

(Signature) _____

REVISIONS:			
NO.	DATE	DESCRIPTION	BY

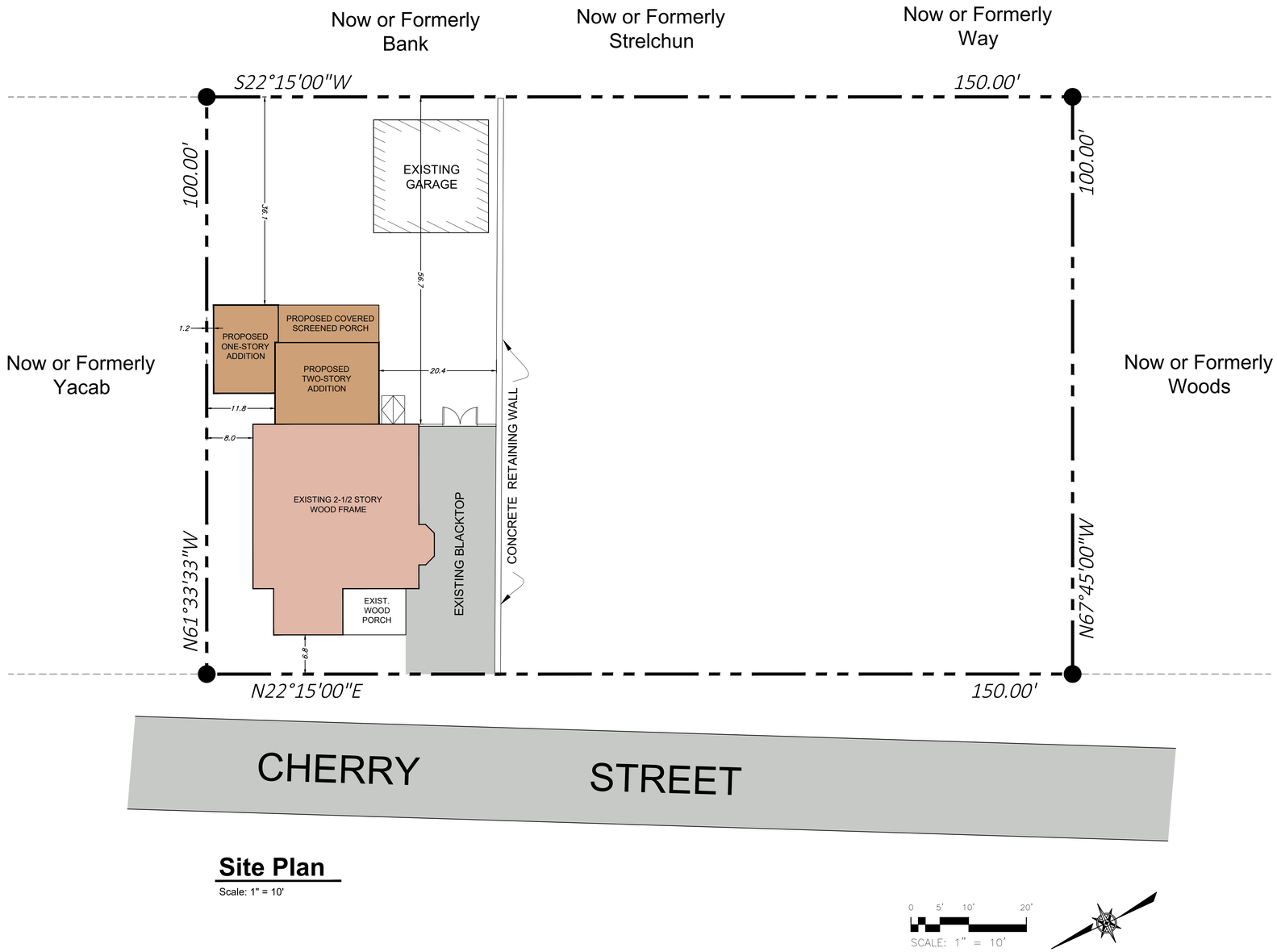
Bulk Zoning Regulations Table

	Minimum Lot Size (Required)			Minimum Lot Size (Proposed)			Minimum Yards (Required)			Minimum Yards (Proposed)			Allowable Building Height	Proposed Building Height	Lot Coverage (Maximum)	Lot Coverage (Proposed)	Proposed Building Footprint
	Area	Width	Depth	Area	Width	Depth	Front	Side	Rear	Front	Side	Rear					
Zoning District																	
R1-40 (One Family District)	40,000 SF	150'	150'	15,000 SF (Existing)	150'	100'	35'	25'	50'	6.8' (Exsting)	1.2' *	36.1' *	35'	28'	15.00%	9.00%	1,355 SF
* Variance Required																	



Location Map

Scale: Not to Scale



Site Plan

Scale: 1" = 10'

0 5' 10' 20'
SCALE: 1" = 10'

Zoning Summary

Zoning District:	R1-40 (One Family)
Tax Map No.:	5954-16-876329
Lot Area:	0.34 Acres (Total combined lot area)
Building Footprint:	1,355 SF
Historical Overlay District:	No
Parking Overlay District:	No
Existing Use:	Residential (One Family)
Proposed Use:	Residential (One Family)

Parking & Loading

Use & Parking Requirements	Proposed Area	Current Parking Requirement
Residential		
(2) space per dwelling unit	One Family	2 parking spaces
Total Required		**2 parking spaces**
Total Provided		**2 parking spaces**

Notes:

1. The application is for the addition of a Two-Story addition.
2. The Applicant requests a Variance for the Side Yard Setback where 25 feet is required and 1 foot is proposed, per § 223-17. Schedule of Dimensional Regulations
3. The Applicant requests a Variance for Rear Yard Setback where 50 feet is required and 36 feet is proposed, per § 223-17. Schedule of Dimensional Regulations
4. 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.
5. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than setback variances.
6. The applicant does not believe the requested variances is substantial.
7. 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.
8. 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.

Index of Drawings

Sheet 1 of 3	Site Plan
Sheet 2 of 3	Existing Conditions and Demo Plan
Sheet 3 of 3	Floor Plans & Elevations

Zoning Board Application

Sheet 1 of 3 - Site Plan

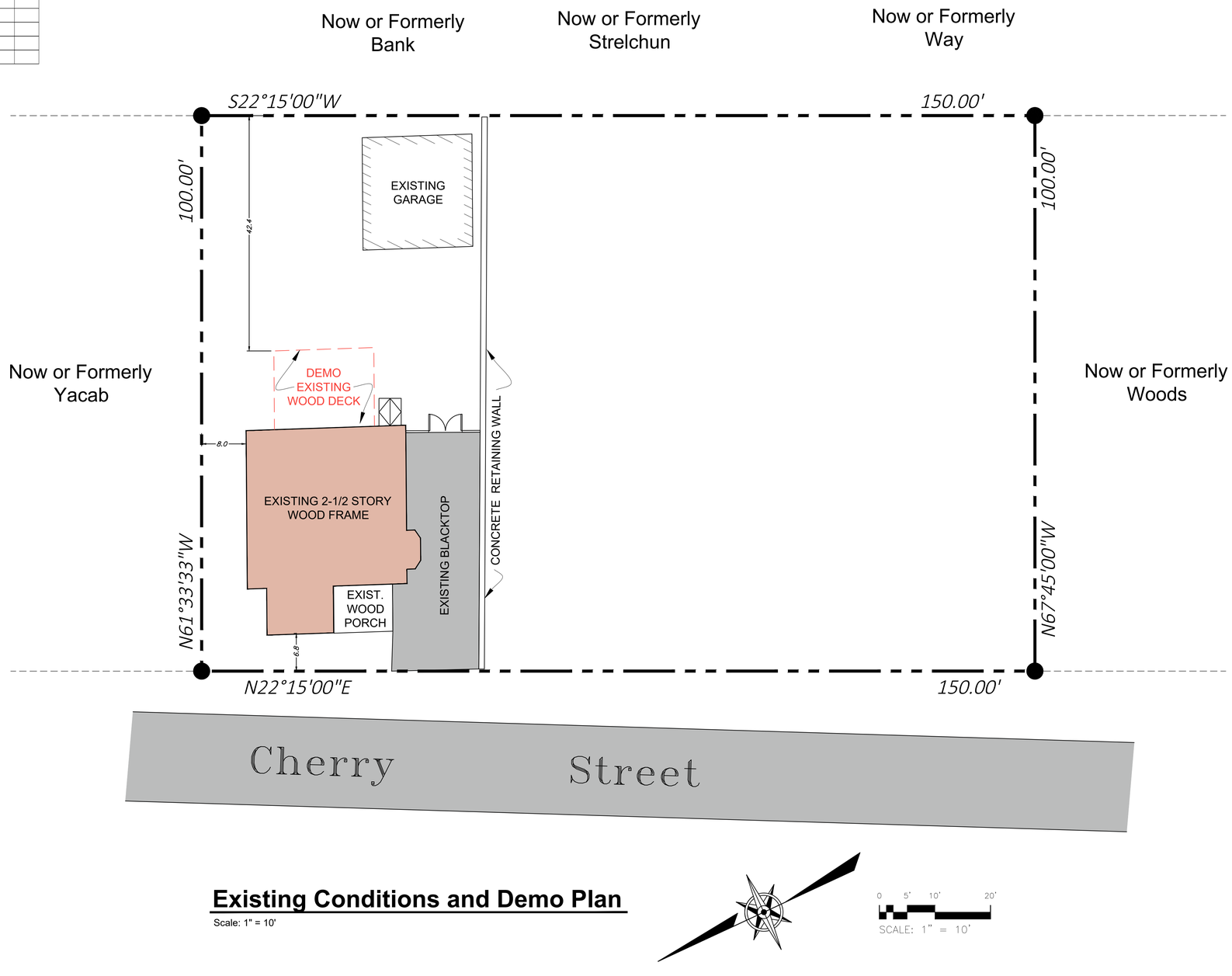
Owner:
Maria Eva Garcia Rodriguez
359 Cherry Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

359 Cherry Street

Beacon, New York
Scale: 1" = 10'
July 25, 2023

REVISIONS:			
NO.	DATE	DESCRIPTION	BY



Existing Conditions and Demo Plan

Scale: 1" = 10'

0 5' 10' 20'

SCALE: 1" = 10'

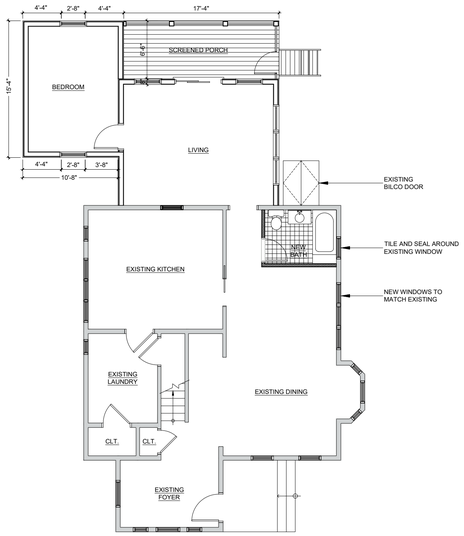
Zoning Board Application

Sheet 2 of 3 - Existing Conditions and Demo Plan

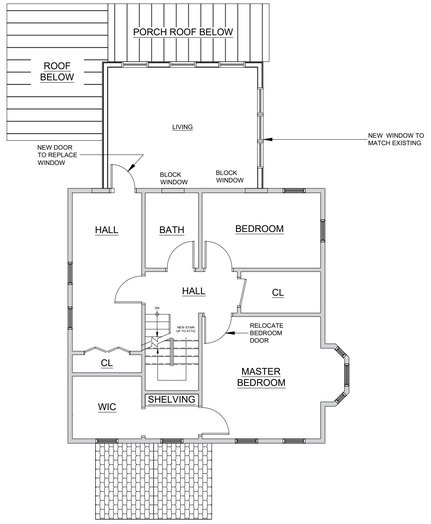
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359 Cherry Street
Beacon, New York
Scale: 1" = 10'
July 25, 2023



1 Proposed 1st Floor Plan
1/8" = 1'-0"



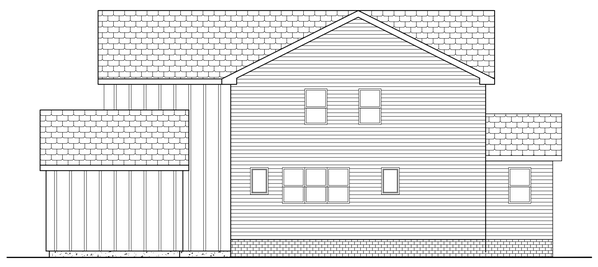
2 Proposed 2nd Floor Plan
1/8" = 1'-0"



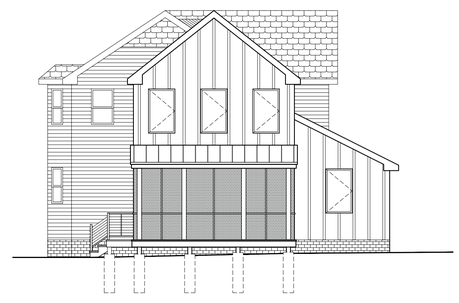
1 West Elevation
1/8" = 1'-0"



1 South Elevation
1/8" = 1'-0"



1 North Elevation
1/8" = 1'-0"



1 East Elevation
1/8" = 1'-0"

Zoning Board Application

Sheet 3 of 3 - Floor Plans and Elevations

Owner:
Maria Eva Garcia Rodriguez
359 Cherry Street
Beacon, NY 12508

Architect:
Aryeh Siegel, Architect
84 Mason Circle
Beacon, New York 12508

359 Cherry Street

Beacon, New York
Scale: 1/8" = 1'-0"
July 25, 2023

From: Diana Maria Bank
To: Mercedes Perez
Subject: Variance application for 359 Cherry Street
Date: Sunday, August 6, 2023 6:43:28 PM

Dear Mercedes Perez,

I am writing on behalf of my husband Jeffrey Bank and myself. We live at 325 Tioronda Avenue, the property abuts the rear of 359 Cherry Street. We are aware of Eva Garcia's application for a variance. We don't have any reservations and we support her application.

Thank you,
Diana M Bank

August 15, 2023

Mercedes Perez
Planning and Zoning Board Secretary
City of Beacon
One Municipal Plaza, Suite One
Beacon, NY 12508

Dear Mercedes Perez,

I am writing on behalf of myself, Elizabeth Strelchun, and my partner Alfred Esposito. We live at 335 Tioronda Avenue which abuts the rear line of 359 Cherry Street. We are aware of Eva Garcia's application for a variance.

We have the following concern: the proposed additions will create substantial additional impervious surface area. How will the stormwater runoff be handled so that it is not directed onto 335 Tioronda Avenue? We are downhill from 359 Cherry Street. There is a drainpipe that extends out of the concrete retaining wall with an elbow on it so stormwater runoff is directed toward 335 Tioronda Avenue. That pipe is approximately 6 feet from the property line.

We request that this drainpipe be redirected and that stormwater runoff from 359 Cherry Street is not directed onto 335 Tioronda Avenue. We request that the site plan show a stormwater drainage plan that will stop stormwater from 359 Cherry Street from flowing onto 335 Tioronda Avenue.

Upon our above noted concern being addressed and corrected, we will then support the proposed project at 359 Cherry Street.

Sincerely,

Elizabeth A. Strelchun