



COURTROOM
1 MUNICIPAL PLAZA
BEACON, NY 12508

March 18, 2025
7:00 PM
Zoning Board of Appeals Agenda

The Zoning Board of Appeals will meet at 7:00 p.m., in the Municipal Center courtroom, located at One Municipal Plaza, Beacon, New York.

Regular Meeting

1. Approval of the January 22, 2025, minutes
2. Approval of the February 19, 2025, minutes
3. Continue review and public hearing on application submitted by Lendita Mavraj, 6 Cliff Street, Tax Grid No. 30-5954-27-799935-00, in the T Zoning District, to allow the primary building on the property to be converted from a one-family residence to a two-family residence, which requires relief from the following: Section 223-17.D. to allow for a minimum lot area per dwelling unit of 1,631 sq ft (2,500 sq ft required). And, to allow the construction of an addition and deck to the primary building, which requires relief from the following: Section 223-17.D. to allow for a 6 ft rear yard setback (20 ft required)
4. Review and hold public hearing on application submitted by Mark Torre, 30 Riding Ridge Trail, Tax Grid No. 30-5954-20-946077-00, in the R1-80 Zoning District, to allow for the construction of a 20 ft x 20 ft carport to be located forward of the front line of the primary building, which requires relief from the following: Section 223-14 Landscaping, lighting, and miscellaneous regulations. E. Accessory buildings on residential lots. (3) Detached garages and other accessory buildings. Detached garages and other accessory buildings are permitted, provided that they comply with the accompanying Schedules of Regulations and meet the following additional requirements: (a) The building shall be located behind the front line of the primary building.

Miscellaneous Business

1. Consider a request for a six (6) month extension of a variance approval previously granted for property at 152-158 Fishkill Avenue (Tax Grid Nos. 6054-29-042814 & 6054-29-041801), submitted by 152-158 Fishkill Avenue, LLC.

City of Beacon Zoning Board of Appeals Agenda
03/18/2025

Title:

Approval of the January 22, 2025, minutes

ATTACHMENTS

City of Beacon Zoning Board of Appeals Agenda
03/18/2025

Title:

Approval of the February 19, 2025, minutes

ATTACHMENTS

City of Beacon Zoning Board of Appeals Agenda
03/18/2025

Title:

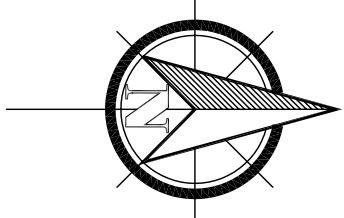
Continue review and public hearing on application submitted by Lendita Mavraj, 6 Cliff Street, Tax Grid No. 30-5954-27-799935-00, in the T Zoning District, to allow the primary building on the property to be converted from a one-family residence to a two-family residence, which requires relief from the following: Section 223-17.D. to allow for a minimum lot area per dwelling unit of 1,631 sq ft (2,500 sq ft required). And, to allow the construction of an addition and deck to the primary building, which requires relief from the following: Section 223-17.D. to allow for a 6 ft rear yard setback (20 ft required)

ATTACHMENTS

[6 Cliff ZBA 3.18.25 Survey J24-057 Mavraj.pdf](#)

[6 Cliff ZBA 3.18.25 Fence Proposal.pdf](#)

[6 Cliff ZBA 3.18.25 public comment Kraft.pdf](#)



LEGEND

- IRF/IPF IPF/IRF IRON PIPE/ROD FOUND
---○--- UTILITY LINE AND POLE
----- ADJOINING PROPERTY LINE

NOTES:

PROPERTY LINE AS SHOWN ARE BASED ON DEEDS OF RECORD AND FILED MAPS. THIS IS AN ACCURATE SURVEY COMPLETED IN THE FIELD xxxxxx 2021

SUBJECT TO ALL EASEMENTS AND/OR AGREEMENTS THAT THE PUBLIC UTILITY COMPANIES MAY HAVE.

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

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

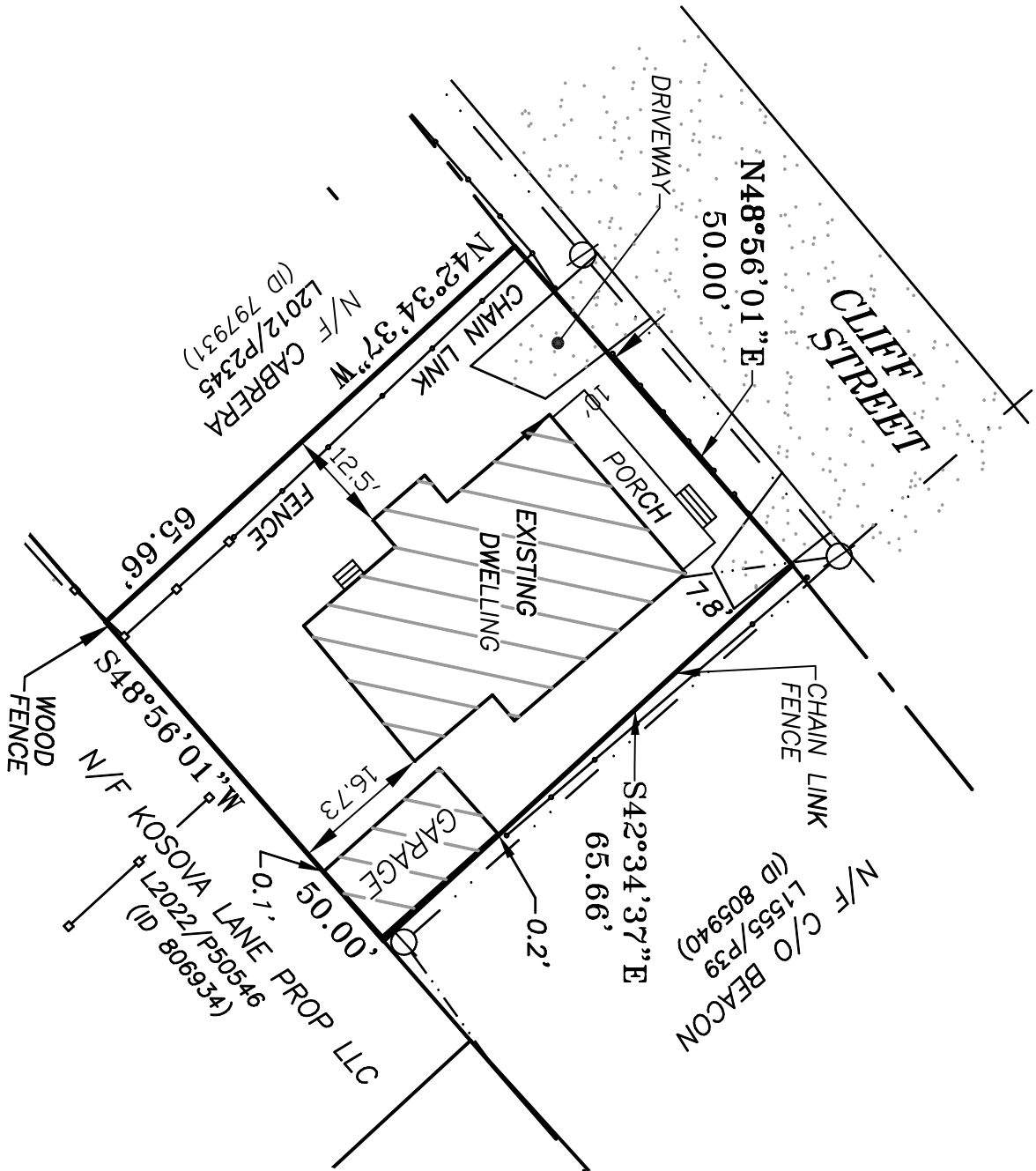
SUBJECT TO ALL RIGHT OF WAY TAKINGS NOT SHOWN OR FOUND IN COUNTY OR TOWN RECORDS

REFERENCES:

-L1666/P722

CERTIFY TO:

- FADIL MAVRAJ
-LENDITA MAVRAJ
-RIVER CITY ABSTRACT OF HUDSON VALLEY INC.
-RIVER CITY ABSTRACT OF HUDSON
-STEWART TITLE INSURANCE COMPANY
-ESTATE OF WILLE LEE REED SR.



GRAPHIC SCALE



SURVEY FOR MAVRAJ			
CITY OF BEACON DUTCHESS COUNTY, NEW YORK			
PROJECT TITLE			
STEVEN J. GREEN PLS			
LICENSE NO. 060565 P.O. BOX 534, GOSHEN, NY 10924 (845) 978-1672			
STEVEN J GREEN PLS		LICENSE 060565	DATE
UNAUTHORIZED ALTERATION OR ADDITION TO A PLAN BEARING A LICENSED LAND SURVEYOR'S OR PROFESSIONAL ENGINEER'S SEAL IS A VIOLATION OF SECTION 7209 SUB-DIVISION 2 OF THE N.Y. STATE EDUCATION LAW.			
SCALE	PROJECT	CAD REFERENCE	
1" = 20'	6 CLIFF ST	124-067	
PARCEL ID	DATE:	DWG.NO	
799935	7/6/24	1 of 1	

D. FREEMAN ARCHITECT

26 SHELDON DRIVE

POUGHKEEPSIE, NEW YORK 12603

Telephone 845-452-5359

Fax 845-452-5359

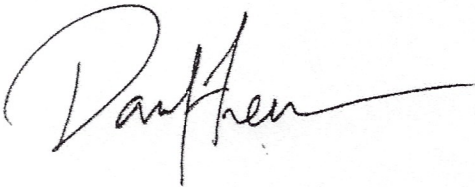
Email david@dfarcht.com

Web www.dfarcht.com

We have met with the owner of 8 Cliff Street and have the following proposal for a lot line fence to be included in the scope of the work of the project.

1. The owners of 6 Cliff Street will help the owners of 8 Cliff Street to relocate the PVC Shed to within the boundary/property of 8 Cliff Street.
2. The owners of 6 Cliff Street will install a new fence as described below and shown on attached plans and photos.
 - i. Install a solid wood fence starting 1 foot from the north east corner of 8 Cliff Street iron pin. Solid Fence will run to a point in line with the front of 6 Cliff Street and 8 Cliff Street and measured nine feet from the house located at 8 Cliff Street. This measurement ensures placement of fence on 6 Cliff Street property.
 - ii. Install a chain link fence (2) sections from the end of the solid fence to connect to the existing chain link fence at the front of 8 Cliff Street.
 - iii. Owners of 6 Cliff Street agree to install finished side of solid fence to face 8 Cliff Street and to maintain the fence.

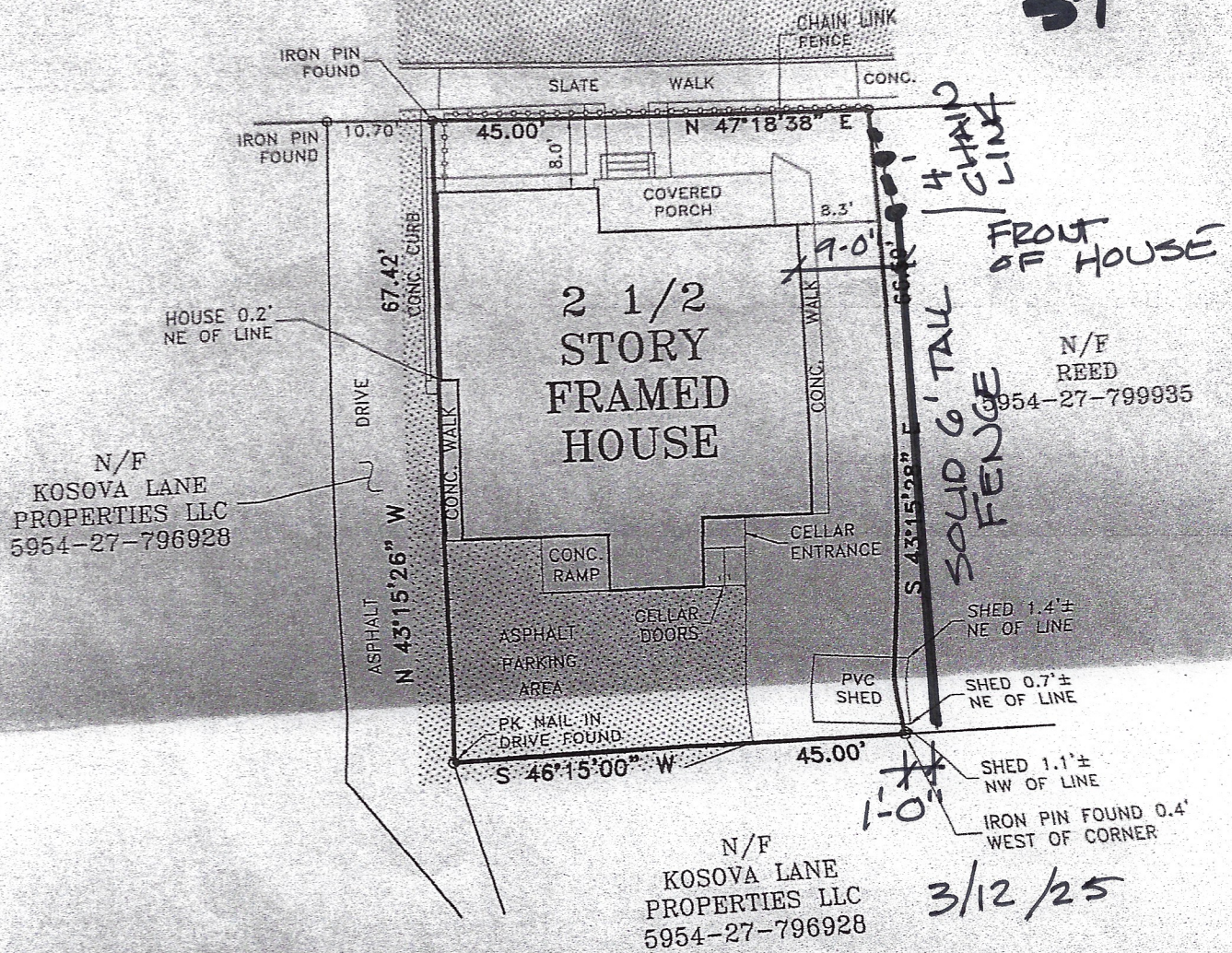
Thanks



March 12, 2025

8 CLIFF STREET

6 CLIFF ST

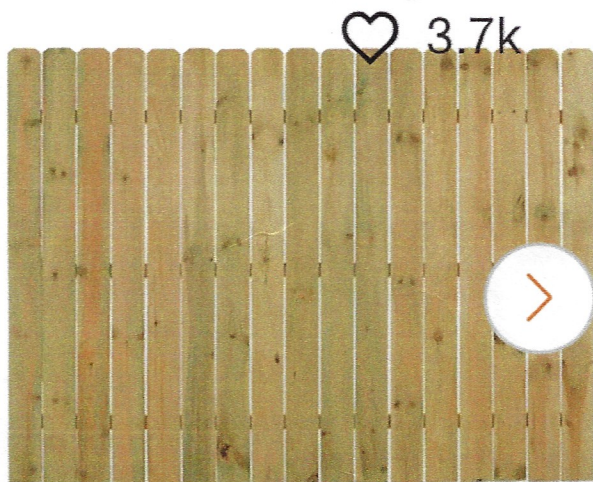


GENERAL NOTES:

1. THE PREMISES SHOWN HEREON IS GENERALLY AS DESCRIBED IN DEED DOCUMENT

6 Cliff Street Fence Options

Note: maximum 6' high



Best Seller

**6 ft. H x 8 ft. W
Pressure-Treated
Pine Dog-Ear Fence
Panel**



From: [Theresa Kraft](#)
To: [Mercedes Perez](#); [Jordan Haug](#); [Judy Smith](#); [Elaine Ciacccio](#); [Montos Vakirtzis](#); [Stowe Boyd](#)
Subject: COB ZBA
Date: Wednesday, February 19, 2025 7:09:49 PM

To COB ZBA

Regarding tonight's public on the 6 Cliff Street T zone converting a single-family in to a two family resident this seems to conform to everything else that the city is letting happen. I do not see any issue with this unless the surrounding neighbors are not 100% in agreement with us.

And I hope you give 11 Highland Pl. the request requested six months extension.

Thank you for all you do.

Theresa Kraft
Beacon NY 12508-2632
Mobile (914) 456-3258



City of Beacon Zoning Board of Appeals Agenda
03/18/2025

Title:

Review and hold public hearing on application submitted by Mark Torre, 30 Riding Ridge Trail, Tax Grid No. 30-5954-20-946077-00, in the R1-80 Zoning District, to allow for the construction of a 20 ft x 20 ft carport to be located forward of the front line of the primary building, which requires relief from the following: Section 223-14 Landscaping, lighting, and miscellaneous regulations. E. Accessory buildings on residential lots. (3) Detached garages and other accessory buildings. Detached garages and other accessory buildings are permitted, provided that they comply with the accompanying Schedules of Regulations and meet the following additional requirements: (a) The building shall be located behind the front line of the primary building.

ATTACHMENTS

[30 Riding Ridge Trl ZBA 3.18.25 app.pdf](#)

[30 Riding Ridge Trl denial ltr 1.9.25.pdf](#)



S & L Contracting and Service Inc,
Marcia Lopez
Po Box 451
Peekskill NY 10566

City of Beacon
1 Municipal Plaza
Beacon, NY 12508

February 24, 2025

To whom it may concern,

Mr. Mark Torre who resides (homeowner) at 30 Riding Ridge Trail Beacon New York 12508 is looking to put a 20x20 carport in his property in which is allowable in Zone R1-80. However, as per Chapter: 223-14-E-3 A code "The building should be located behind the front line of the primary building" it's not allowing us to put the carport where we believe it's the best place to put the carport. We are requesting a variance due to the circumstance of the land grading at 30 Riding Ridge and how the house was built in which is impossible to put in a different area of the property. Mr. Torre house front line is where his majority of his property is and its away from the Cul-di sac as you can see his property survey (please see attachment).

we have found to be the best place to put the carport where we have proposed for the carport to be install, in which is in front of the house facing towards the majority of his property and is accessible to his driveway and it's a short walk distance to Mr. Torres house. The Carport is going to be place in an area that's already asphalt, which it doesn't affect any living environment. And it doesn't affect the look of the house. Also, the carport will allow the Torres family to put their cars under the carport to cover from the unbearable heat that they receive from the sun in sunny days specially during the summer.

If you have any questions, please don't hesitate to reach me to 347-200-5130

Best regard.

Marcia Lopez
Cell: 347-200-5130

PROPERTY OWNER'S ENDORSEMENT

(To be completed if the person applying for the permit is not the property owner)

State of New York

County of Dutchess

I hereby Certify that I Mark Torr am the Homeowner/ owner in fee
(Name)

of property at 30 Riding Ridge Trail In the Town / Village of Beacon
(Address)

I also hereby authorize Marcia Lopez of S&L Contracting
(Agent) (Company)

To make application for a permit to perform said work in the foregoing application.

[Signature] 2/19/25
(Property Owner) (Date)

I Marcia Lopez Being duly sworn, deposes and say that he/ she is
(Agent)

Representative of S&L Contracting and Service Inc. and is Authorized by the
(Company)

Owner to obtain and perform said work in the forgoing application and plans that all statements contain therein are true to the deponent's own knowledge.

[Signature]
(Applicant/ Agent)

Sworn to before me this 19 day of February 2025

ZONING BOARD OF APPEALS

City of Beacon, New York

APPLICATION FOR APPEAL

OWNER: Mark Torre

ADDRESS: 30 Ridding Ridge Trail
Beacon, NY 12508

TELEPHONE: _____

E-MAIL: _____

APPLICANT (if not owner): USP Contracting and Service Inc.

ADDRESS: PO Box 451
Peekskill NY 10566

TELEPHONE: 347-200-5130

E-MAIL: s1contractingandserviceinc@hotmail.com

REPRESENTED BY: Marcia Lopez

ADDRESS: PO Box 451
Peekskill NY 10566

TELEPHONE: 347-200-5130

E-MAIL: s1contractingandserviceinc@hotmail.com

PROPERTY LOCATION: 30 Ridding Ridge Trail

ZONING DISTRICT: R1-80

TAX MAP DESIGNATION: SECTION 5954

BLOCK 20 LOT 946077

Section of Zoning Code appealed from or Interpretation desired:

Code 223-14 (E3a)

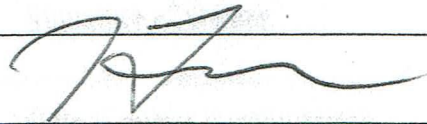
Reason supporting request:

Carport to cover vehicles from sun and snow, and it the best place to put the
Car port since other areas are slope

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

See attachments

Date: 2/19/2025



Owner's Signature



Applicant's Signature

Fee Schedule

AREA VARIANCE	\$ 250 -
USE VARIANCE	\$ 500
INTERPRETATION:	\$ 250
ESCROW FEE:	\$1000 -
I & I INSPECTION:	\$5060 -

APPLICATION PROCESSING RESTRICTION LAW

Affidavit of Property Owner

Property Owner: Mark Torre

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: ~~30 Riding Ridge R~~ 30 Riding Ridge Trail Beacon, NY 12508

Project Address: 30 Riding Ridge Trail Beacon NY 12508

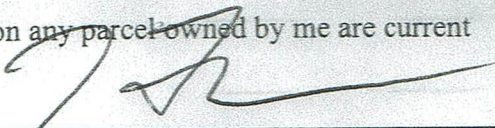
Project Tax Grid # _____

Type of Application Construct a car Port

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, Mark Torre, 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 N/A
3. ALL tax payments due to the City of Beacon are current ✓
4. Tax delinquencies exist on a parcel or parcels owned by me within the City of Beacon N/A
5. Special Assessments are outstanding on a parcel or parcels owned by me in the City of Beacon N/A
6. ALL Special Assessments due to the City of Beacon on any parcel owned by me are current ✓


Signature of Owner

Title if owner is corporation

Office Use Only:

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

NO

X

YES

—

Initial

MP

KLM

KLM

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: Mark Torre

Address of Applicant: 30 Ridding Ridge Trail Beacon NY 12508

Telephone Contact Information: _____

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.
Mark Torre				
Mark Torre	30 Ridding Ridge Trail Beacon NY 12508			
Judith Torre				

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

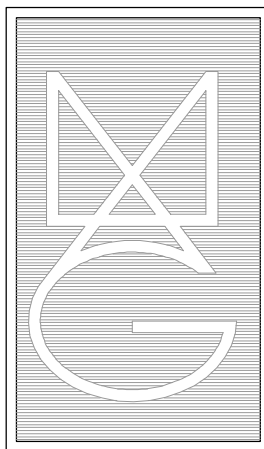
I, Mark Torre being first duly sworn, according to law, deposes and says that the statements made herein are true, accurate, and complete.

(Print) Mark Torre

(Signature) [Signature]

Carpport Project

30 Riding Ridge Trail, Beacon, New York 12508



MAG DESIGNS
982 MAIN STREET, SUITE 4-116
FISHKILL, N.Y. 12524
P. (845) 440-3384 F. (845) 440-3359



Carpport Project
30 Riding Ridge Trail
Beacon, New York 12508

COVER SHEET

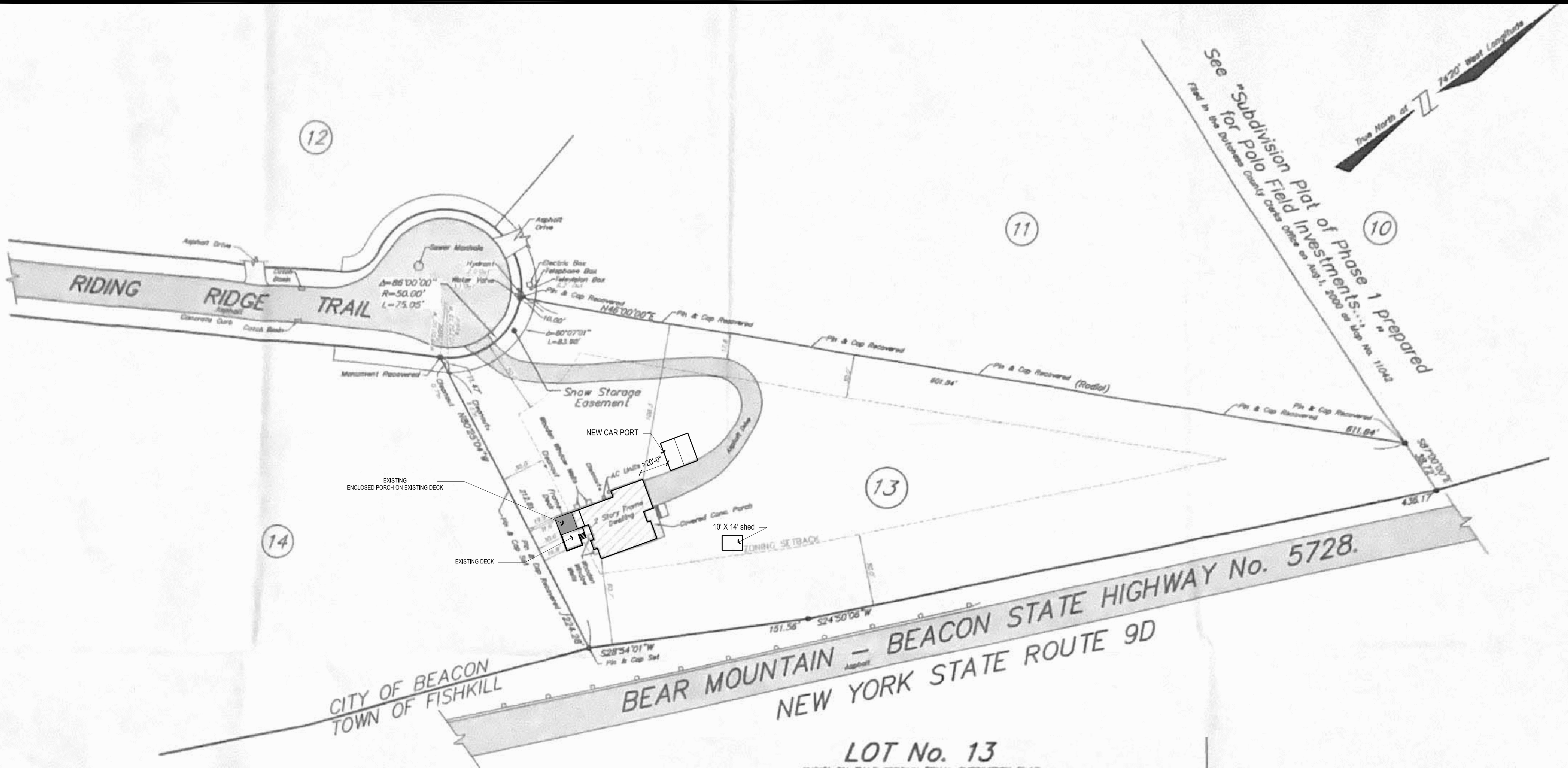
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File: 12-30-24 Job: 2430
Scale: 1/32" = 1'-0"

C0-01



Area = 2.070 Acres

which includes 0.018 acres in Snow Storage Easement

This map was prepared for the exclusive use of and is certified only to:
MARK A. TORREY
JUDITH F. TORREY
CHICAGO TITLE INSURANCE COMPANY
but only for use in connection with their Title No. RPATS-4489
SANTANDER BANK, N.A.
its successors and/or assigns, but only as their interest may appear in a 2018 mortgage to it by MARK A. TORREY and JUDITH F. TORREY

Notes

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2. Unauthorized alteration or addition to a document prepared by a licensed land surveyor is a violation of Section 7209, Subdivision 3 of the New York State Education Law.
3. All certifications are valid for this map and copies thereof only if said map or copies bear the embossed seal of the surveyor whose signature appears hereon.
4. If underground improvements, easements, or encroachments exist and are neither visible during normal field survey operations nor described in instruments provided to these surveyors, they may not be shown on this map.
5. This property may be affected by instruments which have not been provided to these surveyors. Users of this map should verify title with their attorney or a qualified title examiner.
6. The premises hereon is Lot 1.3 as shown on that certain map entitled "Final Subdivision Plot of Phase 3 of Polo Field Investments..." which was filed in the County Clerk's office on November 4, 2004, as Map No. 11042B.

LOT No. 13
SHOWN ON THAT CERTAIN FINAL SUBDIVISION PLAT
OF
PHASE 3
OF
POLO FIELD INVESTMENTS...
WHICH WAS FILED IN THE DUTCHESS COUNTY CLERK'S OFFICE ON NOVEMBER 4, 2004, AS
MAP No. 11042B
CITY OF BEACON
DUTCHESS COUNTY
NEW YORK
SCALE 1 in. = 40 ft. OCTOBER 23, 2018

We hereby certify that the survey shown hereon was completed by us on October 23, 2018 that this map was completed on October 24, 2018 and that this survey has been prepared in accordance with the existing Code of Practice for Land Surveyors adopted by The New York State Association of Professional Land Surveyors, Inc.



BADEY & WATSON
Surveying & Engineering, P.C.
12
NEW YORK STATE LICENSED LAND SURVEYOR
LICENSE No. 00389

PRINTED
BADEY & WATSON
Surveying & Engineering, P.C.
FILE No. 05-246

CODE COMPLIANCE:

Code Compliance:

- A. All construction must conform to all applicable 2020 Residential code of New York codes including 2018 amendments, as currently dictated by the City of Beacon.

1. Should there be any information supplied on the drawings or in the specifications by the Architect that inadvertently does not comply with any code, the Contractor shall bring the matter to the immediate attention of the Architect and resolve it before any construction affecting this matter begins.
2. Should the Contractor knowingly construct anything in non-compliance with any code without consulting the Architect before hand, the Contractor shall bear full responsibility for correcting the construction to comply with all local and state codes and at no additional cost to the Architect or the Owner, even if the drawings or specifications can be shown to call out non-complying situations, or if the problem did not come to the Architect's attention during a site visit.

- A. All Electrical, Plumbing and H.V.A.C. work shall be done or directly supervised by Contractors licensed to work in the State of New York.

Inspections and Permits:

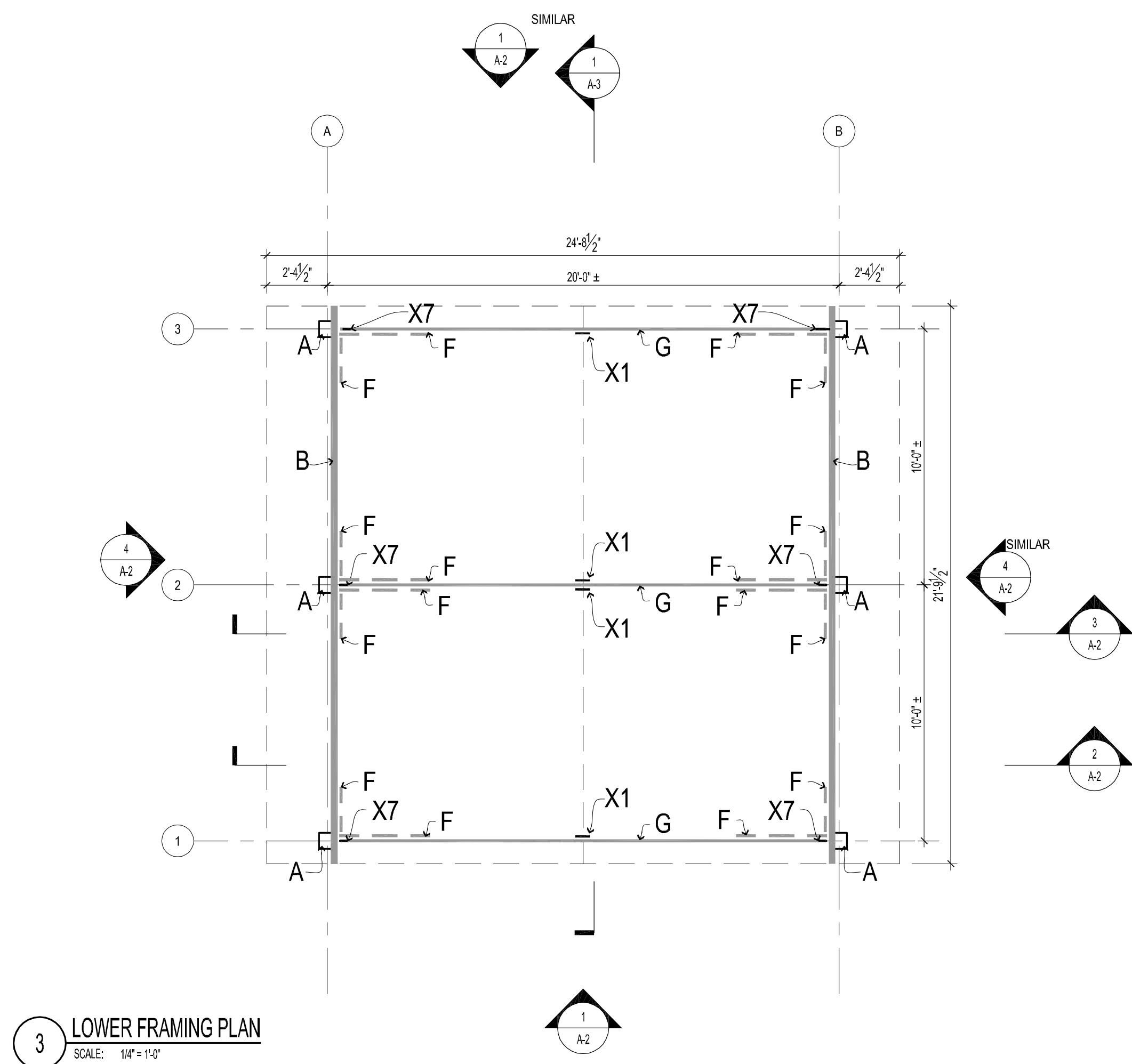
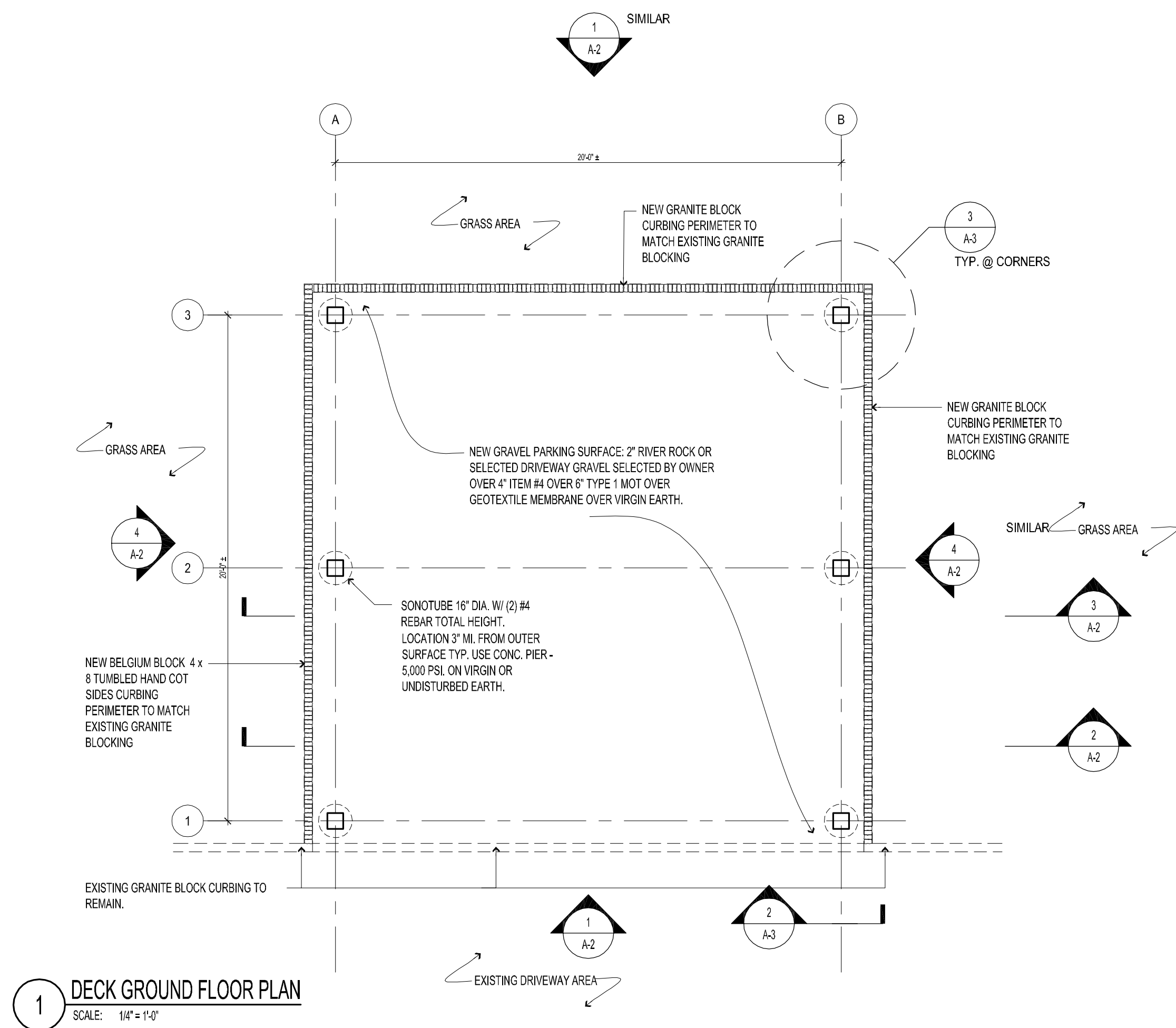
- A. The General Contractor shall coordinate with all the governing authorities to inspect construction at the times called for in the respective towns with jurisdiction.

Insurance:

- A. Contractors, Subcontractors and all others working for the owner prior to the start of construction shall have insurance policies in force with the limits for personal injury and property damage.
- B. All insurance shall be the Contractors and Subcontractors expense.

Liens:

- A. The Contractor shall submit lien waivers from the subcontractors, suppliers, etc. as proof that no lien is against the Owner or their property at the completion of work to date and with each progress payment before payment is made by the Owner to the Contractor. Final payment will not be made until all lien waivers are submitted to the Owner by all trades.



TIMBER CHART:

A = 8" x 8" P.T. SOLID POST

B = (2) 2" x 12" P.T. SUPPORT BEAM

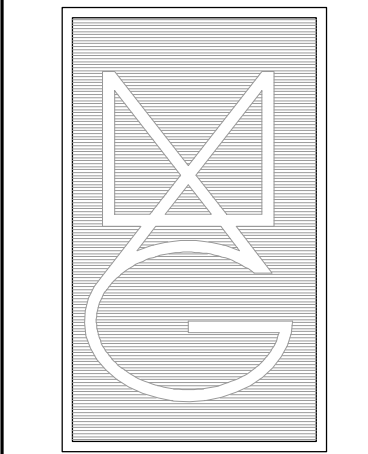
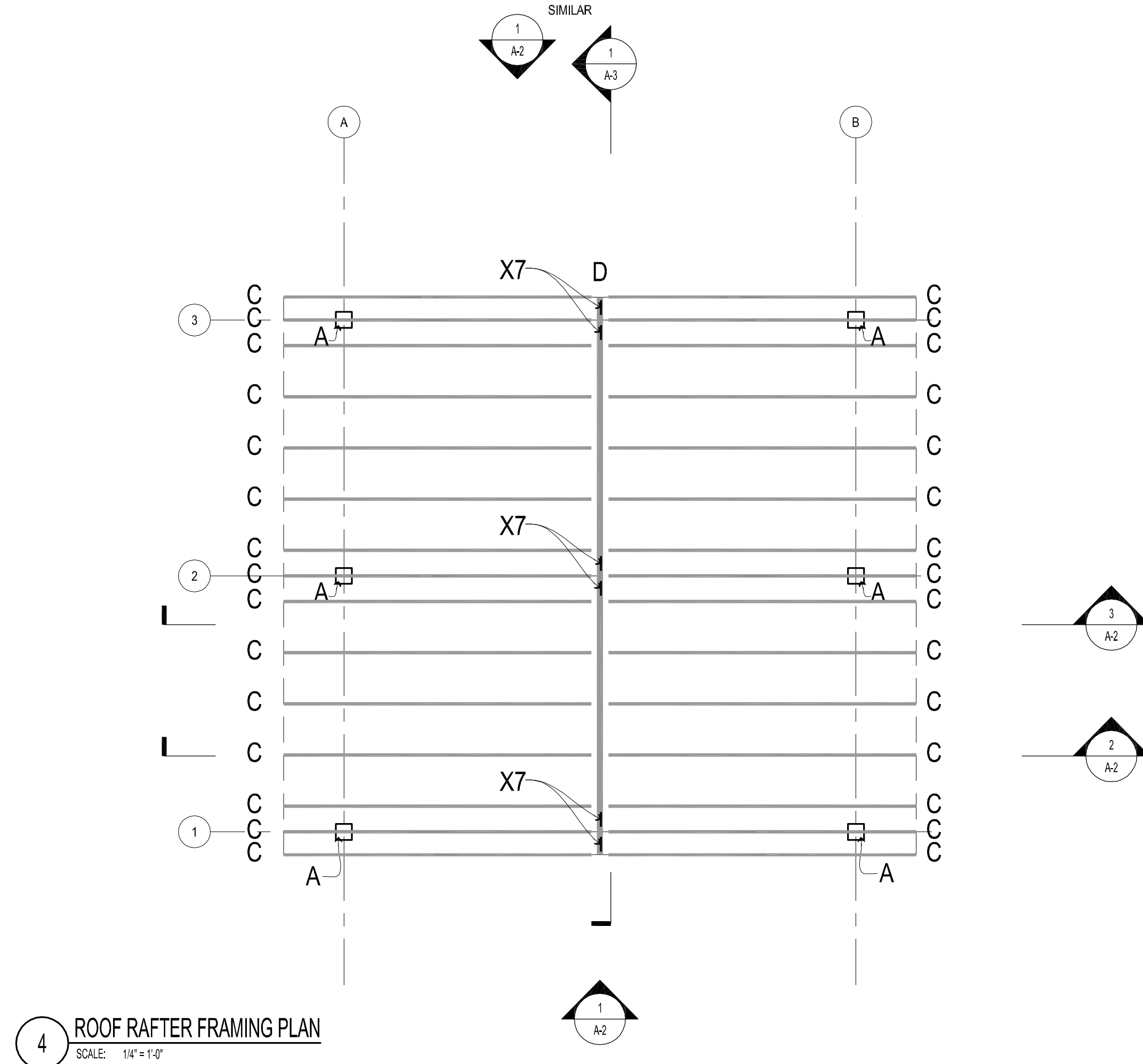
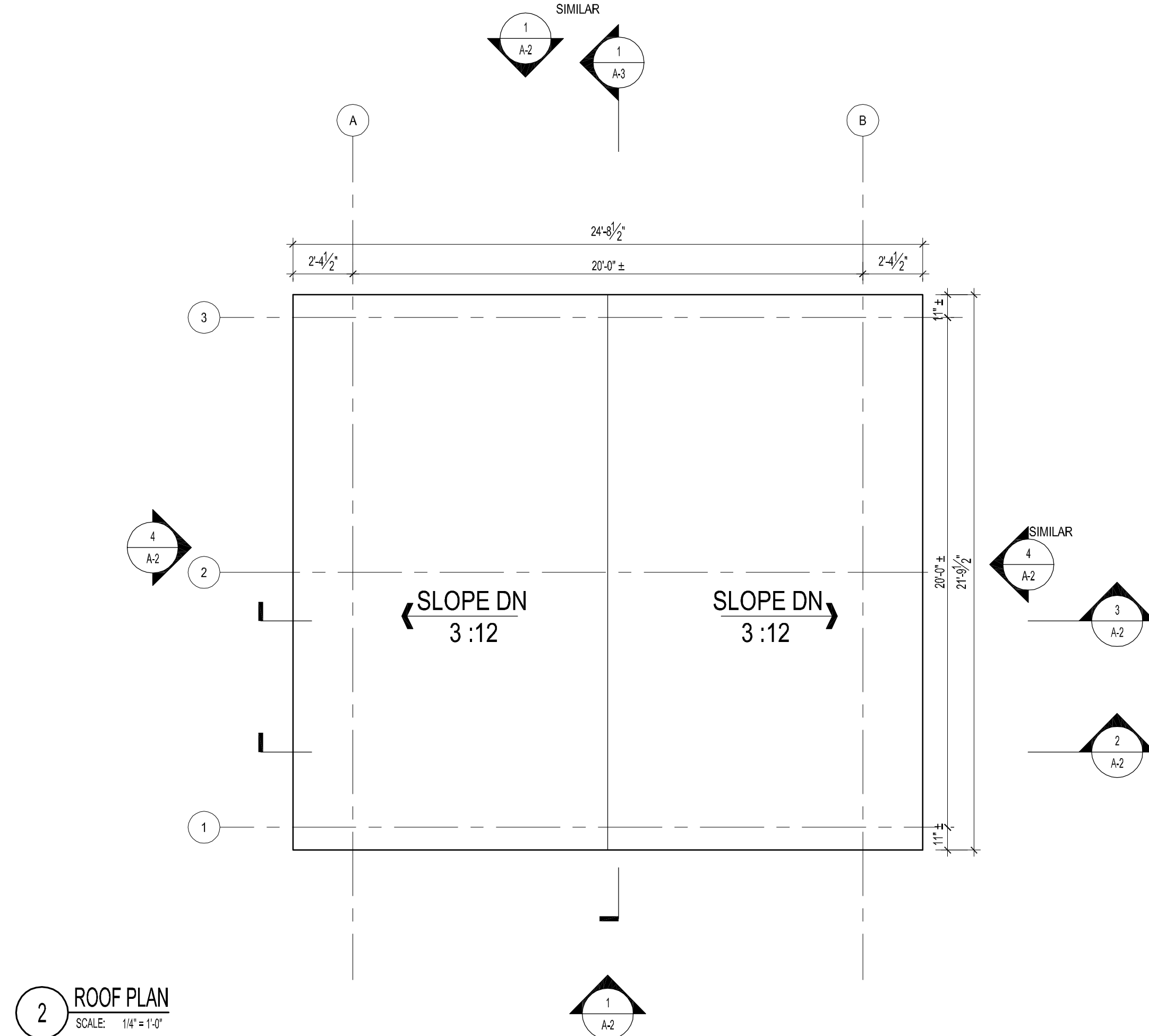
C = 2" x 8" P.T. ROOF RAFTER @ 24" O.C.

D = (2) 2" x 12" P.T. RIDGE BEAM PLATE

E = 4" x 4" P.T. POST SUPPORT

F = 2 x 8 P.T. BRACE

G = 2 x 12 P.T. COLLAR



MAG DESIGNS
982 MAIN STREET, SUITE 4-116
FISHKILL, N.Y. 12524
P. (845) 440-3384 F. (845) 440-3339



Carpport Project
30 Riding Ridge Trail
Beacon, New York 12508

DECK PLAN & FRAMING PLANS

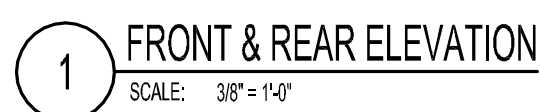
REVISIONS

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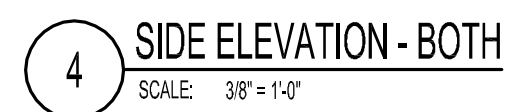
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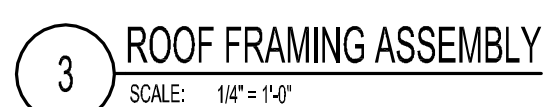
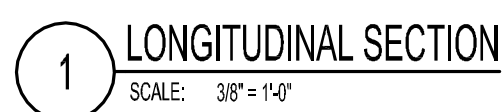
File:
Date: 12-30-24 Job: 2430
Scale: 1/4" = 1'-0"

A-1



2 SECTION THROUGH MIDDLE OF THE BAY
SCALE: 3/8" = 1'-0"





1 BRACKET & FRAMING SCHEDULE
SCALE: 3/8" = 1'-0"



Riding Ridge Trail



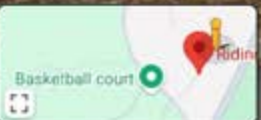
Share



30 Riding Ridge Trail
Beacon, New York

Google Street View

Dec 2021



Google



21











CITY OF BEACON

BUILDING DEPARTMENT

1 Municipal Plaza, Beacon, NY, 12508
 Ph: (845) 838-5021 | Fax: (845) 838-5026
 Email: cwirthmann@beaconny.gov

January 29, 2025

Mark Torre
 30 Riding Ridge Trail
 Beacon, NY 12508

Dear Mark Torre,

I have received your application to construct a 20' by 20' carport on the property located at 30 Riding Ridge Trail (Grid # 5954-20-946077) which is in the R1-80 Zoning District. A carport is an allowed accessory structure in the R1-80 Zoning District but shall be located behind the front line of the primary building. This application is being denied at this time due to the proposed construction being located forward the front line of the primary building.

Chapter 223. Zoning

Article III. General Regulations

§ 223-14. Landscaping, lighting, and miscellaneous regulations.

E. Accessory buildings on residential lots.

(3) Detached garages and other accessory buildings. Detached garages and other accessory buildings are permitted, provided that they comply with the accompanying Schedules of Regulations and meet the following additional requirements:

(a) The building shall be located behind the front line of the primary building.

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

Sincerely,

Cory Wirthmann
 Deputy Building Inspector

City of Beacon Zoning Board of Appeals Agenda
03/18/2025

Title:

Consider a request for a six (6) month extension of a variance approval previously granted for property at 152-158 Fishkill Avenue (Tax Grid Nos. 6054-29-042814 & 6054-29-041801), submitted by 152-158 Fishkill Avenue, LLC.

ATTACHMENTS

[152-158 Fishkill ZBA 3.18.25 ext request.pdf](#)



March 5, 2025

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

Taylor M. Palmer
tpalmer@cuddyfeder.com

VIA E-MAIL AND FEDERAL EXPRESS

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

Re: Request for Extension of Variance Approval
Premises: 152-158 Fishkill Avenue, Beacon, New York
Tax Parcel IDs: 6054-29-042814 & 6054-29-041801

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

On behalf of 152-158 Fishkill Avenue LLC ("Applicant"), we are writing to request placement on the next Zoning Board of Appeals ("ZBA") meeting Agenda in order to request an extension of the Area Variance Approval Resolution that was issued by this Board on July 18, 2023 for the proposed retaining wall height for the approved multi-family mixed-use project at the above-referenced Premises (the "ZBA Approval").¹

Specifically, the Applicant respectfully requests a six (6)-month extension of the ZBA Approval, thus extending until September 12, 2025, the date by which the Applicant must obtain a Building Permit.² The Applicant continues to work diligently towards obtaining a Building Permit, which efforts include, but are not limited to, a submission on February 21, 2025 of updated plans and draft agreements to the City's Staff and Consultants to enable signature of the Site Plan and Subdivision Plat by the Planning Board Chair.

We look forward to discussing this extension request at the Board's next available meeting Agenda. In the meantime, should 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 time and consideration of this extension request.

Very truly yours,

Taylor M. Palmer
Enclosures

cc: George Alissandratos, Esq., ZBA Attorney

¹ On July 18, 2023, the Zoning Board of Appeals granted a Variance permitting retaining wall heights up to 15.4 feet. The ZBA has granted six (6)-month extensions of this ZBA Approval through March 12, 2025 - a copy of the relevant approvals are enclosed as **Exhibit A**.

² Note: There are no changes proposed to the parameters of the Project, nor have there been any material changes to the facts and circumstances that existed when the ZBA Resolution was adopted. See St. Onge v. Donovan, 71 N.Y.2d 507 (N.Y. 1988) (holding that variances run with the land); see also Dill-Hill Realty Corp v. Schultz, 53 A.D.2d 263 (3d Dep't 1976).

EXHIBIT A

Received by office
of the City Clerk
9/19/2024

2024-10

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

152-158 Fishkill Avenue
Parcel ID #s 6054-29-041801 and 6054-29-042814

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by 152-158 Fishkill Avenue, LLC (the "Applicant") for a second six (6)-month extension of the approval resolution previously granted by the Zoning Board of Appeals dated July 18, 2023 and filed in the Office of the City Clerk on July 20, 2023 (Resolution 2023-11) (the "July 2023 Approval Resolution"), a copy of which is annexed hereto as Exhibit "A"; and

WHEREAS, the Applicant received a first six (6)-month extension of the July 2023 Approval Resolution at the Zoning Board of Appeals' March 19, 2024 meeting, thus extending the July 2023 Approval Resolution through September 12, 2024 (Resolution 2024-02, a copy of which is annexed hereto as Exhibit "B"); and

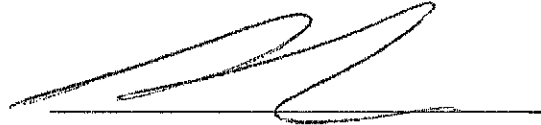
WHEREAS, the Applicant appeared before the Zoning Board of Appeals at its September 17, 2024 meeting and explained its request for a second six (6)-month extension to the July 2023 Approval Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a second six (6)-month extension of the July 2023 Approval Resolution.

BE IT FURTHER RESOLVED, that this resolution shall have an effective date of September 12, 2024.

[The remainder of this page left intentionally blank.]

Dated: September 18, 2024



Jordan Haug, Chairman

Chairman Haug called the roll:

<u>Motion</u>	<u>Second</u>	<u>Zoning Board Member</u>	<u>Aye</u>	<u>Nay</u>
	X	Stowe Boyd	X	
		Judy Smith	X	
		Jordan Haug	X	
X		Montos Vakirtzis	X	
		Elaine Ciaccio	X	
Motion Carried:			5	0

Received by office of the City Clerk 3/22/2024
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CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION

152-158 Fishkill Avenue

Parcel ID #s 6054-29-041801 and 6054-29-042814

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by 152-158 Fishkill Avenue, LLC (the "Applicant") for a six (6)-month extension of the approval resolution previously granted by the Zoning Board of Appeals dated July 18, 2023 and filed in the Office of the City Clerk on July 20, 2023 (Resolution 2023-11) (the "July 2023 Approval Resolution"), a copy of which is annexed hereto as Exhibit "A"; and

WHEREAS, by its own language, the July 2023 Approval Resolution was set to expire on January 18, 2024; and

WHEREAS, the Board intended to condition the expiration of the July 2023 Approval Resolution upon the date of obtaining the last land use approval for the project; and

WHEREAS, the project obtained Preliminary and Final Subdivision Plat Approval, as well as Site Plan Approval, at the Planning Board's September 12, 2023 meeting; and

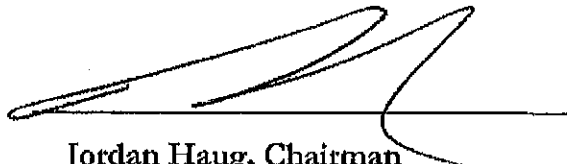
WHEREAS, in accordance with the intention of the Board, and given the Planning Board's September 12, 2023 approvals, the July 2023 Approval Resolution was set to expire on March 12, 2024 (i.e., six (6) months from the Planning Board approvals); and

WHEREAS, the Applicant appeared before the Zoning Board of Appeals at its March 19, 2024 meeting and explained its request for a six (6)-month extension to the July 2023 Approval Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals hereby grants a six (6)-month extension of the July 2023 Approval Resolution.

BE IT FURTHER RESOLVED, that this resolution shall have an effective date of March 12, 2024.

Dated: March 20, 2024



Jordan Haug, Chairman

Chairman Haug called the roll:

<u>Motion</u>	<u>Second</u>	<u>Zoning Board Member</u>	<u>Aye</u>	<u>Nay</u>
		Stowe Boyd	ABSENT	
		Judy Smith	X	
		Jordan Haug	X	
X		Montos Vakirtzis	X	
	X	Elaine Ciaccio	X	
Motion Carried:			4	0

CITY OF BEACON
ZONING BOARD OF APPEALS

RESOLUTION
152-158 Fishkill Avenue
Parcel ID #s 6054-29-041801 and 6054-29-042814

WHEREAS, an application has been made to the City of Beacon Zoning Board of Appeals by 152-158 Fishkill Avenue LLC (the "Applicant") for a variance from Beacon City Code § 223-13.G(1) to allow for a proposed retaining wall with a maximum height ranging from seven-and-a-half feet (7.5') to fifteen and four-tenths feet (15.4'). The variance is sought in furtherance of the Applicant's pending applications for Site Plan and Subdivision (Lot Merger) approval (the "proposed action"), which are presently before the City of Beacon Planning Board, and specifically to permit the construction of portions of retaining walls over six feet (6') in height in the area of a parking lot located north of the newly proposed building and two (2) segments to the east of the proposed structure on property located at 152-158 Fishkill Avenue in the T Zoning District, said premises being known and designated on the tax map of the City of Beacon as Parcel ID #s 6054-29-041801 and 6054-29-042814 (the "Property"); and

WHEREAS, the proposed action is subject to a coordinated review under the New York State Environmental Quality Review Act ("SEQRA"), with the City of Beacon Planning Board serving as SEQRA Lead Agency; and

WHEREAS, the proposed action is classified as an Unlisted action under SEQRA and the City of Beacon Planning Board has adopted a SEQRA Negative Declaration, thus dispensing with further environmental review; and

WHEREAS, a duly advertised public hearing on this variance application was held on July 18, 2023, at which time all those wishing to be heard on the application were given such opportunity; and

WHEREAS, the Board duly closed the public hearing on July 18, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Board, having considered each of the factors set forth at Section 81-b(4)(b) of the General City Law, finds as follows:

- 1) As to whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance, the Board finds that no undesirable change will occur, as confirmed by the SEQRA Negative Declaration issued by the City of Beacon Planning Board and the Board's evaluation of the conditions necessitating the retaining wall and its proposed height, including topography and site alterations facilitating construction of the newly proposed building.
- 2) As to whether the benefit the Applicant seeks can be achieved through another method, feasible for the Applicant to pursue, that does not require the area variance, the Board finds that such alternatives are not available. In this regard, the Board notes that the design and height of the retaining wall is the product of thorough review and evaluation by the City of Beacon Planning Board to minimize impacts associated with the proposed action. As stated, the design and height of the retaining wall is driven by existing site conditions and the necessity for a retaining structure.
- 3) As to whether the requested variance is substantial, the Board finds that, while numerically substantial, the practical impact of the variance is not substantial in effect. In making this finding, the Board is considering the context in which the requested variance relief is sought, including the specific site conditions involved and the absence of actual impact of the variance upon neighboring properties.
- 4) As to whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, the Board finds that it will not, as confirmed by the SEQRA Negative Declaration issued by the City of Beacon Planning Board.
- 5) As to whether the alleged difficulty is self-created, the Board finds that while self-created, the retaining wall has been designed to minimize impact and achieves an overall benefit for the proposed action.

BE IT FURTHER RESOLVED, that the Board finds that the requested variance is the minimum variance necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

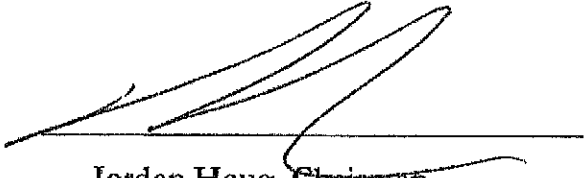
BE IT FURTHER RESOLVED, that said application for a variance from City Code § 223-13.G(1) to allow for a retaining wall with a maximum height ranging from seven-and-a-half feet (7.5') to fifteen and four-tenths feet (15.4'), which variance is sought to permit the construction of portions of walls over six feet (6') in height in the area of the parking lot located north of the newly proposed building and two (2) segments to the east of the proposed structure on property located at 152-158 Fishkill Avenue in the T Zoning District, is hereby granted subject to the following conditions:

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

BE IT FURTHER RESOLVED, that the above variance is being granted solely for the purpose of constructing portions of retaining walls over six feet (6') in height in the area of the parking lot located north of the newly proposed building and two (2) segments to the east of the proposed structure, as set forth in the application submitted and presented to the Board, and it does not apply to any other work that may fall within the scope of the variance being granted, whether now or at any point in the future.

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

Dated: July 18, 2023



Jordan Haug, Chairman

Chairman Haug called the roll:

<u>Motion</u>	<u>Second</u>	<u>Zoning Board Member</u>	<u>Aye</u>	<u>Nay</u>
		Stowe Boyd	X	
		Judy Smith	X	
		Jordan Haug	X	
		Montos Vakirtzis	X	
		Elaine Ciaccio	X	
		Motion Carried;	X	