



TOWN OF
BEEKMAN
New York

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**Town of Beekman Zoning Board of Appeals
Minutes of September 7, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, September 7, 2023 at the Beekman Town Hall at 7:00 PM. The following members were present: Acting Chairman: Phil Capalbo, Stella Slattery, Linda Porter and Maria Rodrigues. Mersin Capollari was absent.

Also present was Town Attorney – Craig Wallace and Secretary – Aletha Bourke.

P. Capalbo – Meeting called to order at 7:01pm
Led the Pledge of Allegiance
Indicated emergency exits and restrooms

P. Capalbo - Motion to open the meeting. Seconded by M. Rodrigues. All in favor. Motion carried.

P. Capalbo - Motion to approve August 3, 2023 minutes. Seconded by M. Rodrigues. All in favor. Motion carried.

PUBLIC HEARING

- 1. 17 Bowe Ln – Area Variance**
Maiorino-Detached Garage
Grid # 6659-00-461851
Zone R-90

L. Porter – Reads aloud letter from Zoning Administrator determining the applicability of Beekman town code §155-26-1c. The ZA has determined that the property meets all code required setbacks and the applicant may now proceed with their building permit application.

P. Capalbo – Defers to town attorney for additional information

C. Wallace – At the last meeting, the applicant was granted variances and the application was left open for that particular determination by the zoning administrator. She made the determination that no further variances need to come before this board so we'll submit a decision for the board to sign off on.

2. Quigley Pool House – Area Variance

11 Lyndsey Ln.
Grid # 6759-00-990432
Zone R-45

P. Capalbo - Motion to keep the public hearing open at the applicant's request until October 5, 2023. Seconded by S. Slattery. All in favor. Motion carried.

3. The Center of Youth – Area Variance

Route 55
Grid # 6759-00-652224
Zone TC

P. Capalbo – The applicant is seeking an area variance to the Article 155, Attachment 2 Schedule B of the town code which requires a minimum front yard setback of 0-15 feet. The applicant has proposed 106 feet, 3 inches and is requesting a variance for the remaining 91 feet, 3 inches.

C. Wallace – By way of background for the boards edification, there is a pending application before the planning board for site plan and special use permit so the applicant wanted to come before this board for a simple area variance for the front yard setback. You only have one variance to make a decision on tonight.

P. Capalbo – This is typically where we go over a lot of stuff on the plans. A lot of this stuff is still before the planning board that they still have to see the Department of Health and the planning board. They are before us while that's being tied up in decisions of whether or not they could get the front yard setback to have the building not be 15 feet from the road. Will be deciding on front yard setback. They meet all other requirements.

Brian Stokosa, Applicant's Engineer – Application is with Planning Board. Would like to revitalize the site across the street from Dollar General. It once was a deli, 2500 sq ft slab on grade, parking lot up front with sign, well out front. Grass out back and existing septic system. The building caught fire some time ago and has remained a slab on grade, vacant for a long time. The applicant would like to open a spa med center; salt cave, hair, nails, therapeutic activities on the first floor and one bedroom apartment upstairs. Downstairs footprint about 2500 sq ft, not looking to increase size, just resurrect what was there. Access to upstairs apartment via exterior staircase. Apartment parking away from retail portion of building, possibly in area formerly used as refuse enclosure. Trying to keep disturbance to a minimum, freshen the site with lighting, landscaping, following code as it relates to architecture details will be working through the planning board. Initial discussion was received well. Town center code wants the building 0-15 feet. Currently seeking relief from setback so as not to have to disturb existing parking lot, front DOT entrance, septic, or well. Would like to maintain existing infrastructure, freshen architectural components and revitalize site. There are staggered buildings along Route 55 so the 0-15 ft setback threshold for buildings I think is more in line with new construction (sites another project as example of starting to create Town Center Corridor) This parcel lends itself to re-utilizing everything that's there, lessening disturbance and impact on utilities and permitting. With the current location of the slab, we're set back 106 feet and seeking variance for 91' 3".

P. Capalbo – Asks applicant's representative to review 5 criteria.

Brian – 1) No undesirable change to the character of the neighborhood or detriment to nearby properties. The construction being proposed is consistent with neighboring properties being set back at various points

along Route 55. We're reusing existing infrastructure and keeping disturbance limit to the lowest extent possible. 2) For us to try to achieve this without a variance would require major disturbance. It would be a complete redesign of the site, being permitting, well, new septic. It would be a substantial change to the site. Granting the variance, utilizing existing infrastructure would be minimal impact. 3) The variance request is not seen as substantial because the previous building was in the same location as the proposed building. Not increasing dramatically in size. If there is the opportunity, will reduce. 4) Adverse impact on physical or environmental conditions. A lot of disturbance already performed. Reuse of existing utilities. Site is established, will just be tweaking some internals to meet current code. Did not feel that was substantial. 5) We came into this application trying to reuse existing infrastructure on site. The structure was existing before the building was subject to a fire at that time. The current zoning changed over the course of time so we do not feel hardship is self-created.

P. Capalbo – Asks for questions regarding 5 criteria

S. Slattery – Inquires about parking spaces

Brian – 15 spaces, 1 handicapped. This is not a typical site plan where you have heavy retail so deliveries will be minimal.

S. Slattery – Inquires about possibly adding to the building in the future.

Brian – Maintaining footprint. Sensitive to on-site septic so septic system is in the back and components are installed. What you see is the ultimate intent.

M. Rodrigues – Inquires if septic system is going to meet future usage since it is a different type of business.

Brian – Different type of business, different type of water use consumption. The site had a Board of Health approval based upon that retail/deli/food service component. As part of the health department approval process, we'll have to obtain the reaffirmation of that health department standard. Before this site gets final approval from the health department and the planning board, we'll have to go through those steps. Will look at condition of the septic tank to see if there's any required modifications, verifying size, and ensuring replacement area design in case the primary area ever failed.

L. Porter – Questions only one septic for all sink runoff/laundry and whether gully tank will be used.

Brian – Current standards on a commercial application as it relates to laundry/wash waste still considers as sewage so everything goes into one. Will probably be broken down by bedroom count so there will be a certain flow rate for upstairs and for each sink/nail station, the DEC has recommendations so that will be part of the analysis.

P. Capalbo – Spoke with the town engineer to go over some of the concerns that are still in front of the planning board for and Department of Health. Most of the questions that have been asked are still going through planning.

P. Capalbo – Motion to open public hearing comments. Seconded by M. Rodrigues. All in favor. Motion carried.

Frank Morello – Seeking confirmation that variance is only for 15-foot frontage setback.

P. Capalbo – Town Center is currently zoned at 15 ft. Old zoning was considerably farther setback. With Town Center zoning 12-15 years ago, the grand plan was to try to make more of a Village on the Green feel with sidewalks, businesses up close. It was not taken into consideration that the businesses that are currently there are already 50+ feet off the road so to start putting one or two 15 ft on the road is an issue. We've had this discussion many times. Over the years, the county has widened Route 55 from Route 9 to 22 a couple times. When it came through LaGrange, it had to take eminent domain of businesses that were built right on the highway and take them down to widen the road. The only corridor between Route 9 and Rout 22 is Route 55 so there is a lot of concern with allowing businesses to build right on the road when considering projected widening. If it is applicable and we can help as in this case, we try to see if we can give relief on those things, in consideration of public's opinion as well.

P. Capalbo – Motion to close Public Hearing. Seconded by M. Rodrigues. All in favor. Motion carried.

C. Wallace – Confirms affidavit of publication and all mailings received for record and action is Type 2 SEQR.

P. Capalbo – (Addressing Board Members) So can we give the applicant relief considering what we know on this application? What are your opinions? We've been down this road with Dollar General. The realistic view is there was already a building on that property. It's been vacant but everything is still in place for. Since then, the zoning has changed to what is now TC. The town board is trying to put together a commission to look at the zoning because we have had this application quite a few times. I personally prefer parking up front of businesses as it is in the light, seen from highways, less nefarious activity.

M. Rodrigues – Most of the businesses along there are very irregular in setbacks. Although the variance is excessive to what it is zoned for, you have to consider the neighborhood it's in.

P. Capalbo – Motion to approve variance as applied, concerning a 91.3' front yard variance on lot # 6759-00-652224. Seconded by L. Porter. All in favor. 4-0. Motion carried.

P. Capalbo – Motion to close meeting. Seconded by M. Rodrigues. All in favor.

Meeting Adjourned 7:26 pm.

Respectfully submitted.

Aletha Bourke
Secretary