



TOWN OF
BEEKMAN
New York

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**Town of Beekman Zoning Board of Appeals
Minutes of May 2, 2024**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, May 2, 2024 at the Beekman Town Hall at 7:00 PM.

The following members were present:

Acting Chairman: Phil Capalbo
Cristian Hanganu
Linda Porter
Maria Rodrigues

Also present:

Secretary – Aletha Bourke

P. Capalbo – Meeting called to order at 7:01pm. Led the Pledge of Allegiance

P. Capalbo – Asks if board member have had a chance to review minutes.

P. Capalbo – Motion to accept meeting minutes for January 2023, December 2023, April 2023 and April 2024. Seconded by L. Porter. Roll call vote:

P. Capalbo – Aye
M. Rodrigues – Aye
C. Hanganu – Aye
L. Porter –
Motion carried

P. Capalbo – Two open cases from last month. Reads agenda aloud into minutes for record.

PUBLIC HEARING

- 1. Smith Accessory Building – Area Variance - Continuation**
45 Baker Rd.
Grid # 6658-00-870966
Zone R-90

On April 9, 2024, a determination was made by the Zoning Administrator that the accessory structure is pre-existing non-conforming.

P. Capalbo – Motion to accept the determination by the Zoning Administrator that variance relief is not required. Seconded by M. Rodrigues. Roll call vote:

**L. Porter – Aye
M. Rodrigues - Aye
P. Capalbo - Aye
C. Hanganu – Aye
Motion carried**

P. Capalbo – Motion to close public hearing. Seconded by C. Hanganu. Roll call vote:

**M. Rodrigues – Aye
L. Porter – Aye
P. Capalbo – Aye
C. Hanganu – Aye
Motion carried.**

- 2. Scharteau Expansion – Area Variance - Continuation**
426 Old Route 55
Grid # 6858-00-128494
Zone R-135

On April 9, 2024, a determination was made by the Zoning Administrator that the garage is a legal non-conforming structure on a non-conforming lot and shall not be enlarged in accordance with §155-58(F)(2).

P. Capalbo – Asks for representative to speak on behalf of application.

Mike Gillespie, PE – The Zoning Administrator was petitioned specific to her determination for this particular parcel in terms of setbacks. Provision in the code for anything in the zone that is non-conforming cannot be extended or expanded. Indicated that nothing can be done relative to expanding the garage.

P. Capalbo – Confirms that is what the ZA conveyed to the board.

Mike – Also proposing front porch. Understand ZBA may be in a position to allow for that variance. Do not understand how the board is in a position to allow the applicant to effectively expand footprint of the home with front porch. Although not living space, it is an expansion of the footprint and closer to property line, but cannot allow for garage. Would like an explanation of the difference.

P. Capalbo – Would need further explanation from ZA. Could have to do with principle versus accessory structure. Cannot say without counsel. The only thing on the agenda for ZBA vote is the porch. Well within your rights to ask. Will move forward with porch. Applicant can re-petition garage.

Mike – Will request in writing for response in writing.

P. Capalbo – Asks if there are any public comments. None

P. Capalbo - Motion to close public hearing. Seconded by C. Hanganu. Roll call vote:

**L. Porter – Aye
M. Rodrigues – Aye
P. Capalbo – Aye
C. Hanganu – Aye
Motion carried.**

P. Capalbo – Most of the area is pre-existing non-conforming. Not intrusive or a nuisance to neighbors. No sightline or visibility problems. Map shows 26.9 ft. and 13.1 ft. for relief to side yard.

Mike – Is the board going to vote on pre-existing non-conformity of this existing structure to clean things up.

P. Capalbo – The codes that they're reading within on the front porch didn't go into non-conforming structure. It's going into new structure on non-conforming lot. Understand your point that it's added onto the house.

Mike – We're coming out with a porch and, because the house is not parallel to the side property lines, it does get a hair closer to the side lot line looking at the house on the left-hand side.

P. Capalbo – Confirms where they're proposing to build the porch, the closest point will be 26.9 ft. To the front you have 43.7 and looking for relief for 56.3. Staying within the framework of the house, not extending out past the house.

L. Porter – Questions why applicant did not consider building forward on garage.

C. Hanganu – Understanding is that the difference between the two structures is that the primary structure and what is being proposed with the porch falls under a different code section than enlarging an accessory structure.

Mike – Does not recall code providing a determination whether its accessory or primary.

C. Hanganu – Confirms there is a section on code that covers primary structures and another that covers accessory structures. Confirms there are two variances being considered. Adds the porch will be a good restoration.

P. Capalbo – Motion to grant variance relief for side yard setback of 13.1 ft. and front yard setback of 56.3 ft. Seconded by L. Porter. Roll call vote:

L. Porter – Aye

M. Rodrigues – Aye

P. Capalbo – Aye

C. Hanganu – Aye

Motion carried.

P. Capalbo – Motion to close meeting. Seconded by L. Porter. Roll call vote:

L. Porter – Aye

M. Rodrigues – Aye

P. Capalbo – Aye

C. Hanganu – Aye

Motion carried.

Meeting adjourned 7:23 pm.

Respectfully submitted

Aletha Bourke
Planning/Zoning Secretary