



TOWN OF
BEEKMAN
New York

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**Town of Beekman Zoning Board of Appeals
Minutes of February 2, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, February 2, 2023 at the Beekman Town Hall at 7:00 PM.

The following members were present:

Chairman: Mersin Capollari
Phil Capalbo
Stella Slattery
Linda Porter

Also present: Town Attorney – James Horan

M. Capollari – Meeting called to order at 7:00pm
Led the Pledge of Allegiance
Indicated emergency exits and restrooms

M. Capollari – Evening agenda consists of public hearing for Sparrow’s Nest. The applicant was referred by the Planning Board and is seeking a 1.65-acre area variance from §155-42A of the Town Code, which requires a minimum lot size of 5-acres. Also seeking a 117.8 ft. front yard setback area variance from §155-42E, which requires 100 ft and §155 Attachment 1 Schedule A of the Town Code which requires 0-15 feet.

M. Capollari – Motion to open public hearing. Seconded by P. Capalbo.

J. Horan – Indicates this will have to be an informational meeting since the public hearing notices were not sent.

M. Capollari – For the record, there will be no public hearing this evening. §155-42 states the procedures. The public hearing will be adjourned to a later date. The applicant is here to provide an information session for the ZBA.

DISCUSSION

- 1. Sparrow’s Nest / Krista Jones – Area Variance**
Corner of Clove Valley Rd and Town Center Blvd.
Grid # 6759-00-465462
Zone TC

Steve Whalen, Architect – Apologizes for the oversight regarding the public hearing notices. Appreciates the ZBA having the informational meeting.

Krista Jones, Applicant – Introduces project and gives background info on the organization and how it came to be. It is the 10-year anniversary of the 501c3 charity Sparrow’s Nest which provides meals to families with a cancer diagnosis in the home. As the organization has grown, additional space is needed. Wanted a place that is serene. The public is welcome to stop by. It is not a store front and very quiet. The town planning board has been very welcoming. The next step is coming before ZBA because there was a section of the code that is not met with the almost 3.5 acres. Steven has donated all his time to not only be the architect but doing a lot of the engineering so not mad that Steve missed that part of the application.

Steve – It’s going to be a 7,000 sq. ft. building. It’s only one story. The areas are broken down. 2,000 sq. ft is going to be offices and administration. Another 2,000 sq. ft. that’s going to be the kitchen. The remaining 3,000 sq. ft. will be for storage, mechanical equipment, etc. The reason it’s positioned the way it is on the site is that it is not a public building and they really just need a place to set up camp to provide the food and cook it. They need a lot more room. When we were first looking at the site, it being across from the Beekman Library, we wanted to mirror image that. There were contradictions in the zoning code like the front yard setback in TC zone being further back for a non-profit. We just decided to mirror image the library. That is all the acreage that was available or they would’ve bought it. They would have room for expansion. With that one it’s kind of like an existing non-conforming variance that we’re looking for and the other one is just how we want to position the building. It works out for their layout for deliveries and staff parking lot.

S. Slattery – Questions the 5 counties that are serviced.

Krista – Dutchess, Putnam, Orange, Ulster into Kingston and tip of Northern Westchester.

S. Slattery – Questions why Beekman and not central location.

Krista – Not centrally located but wanted acreage, timing of availability and size, peaceful and serene, quiet and grounding. Saw this property and stopped looking.

S. Slattery – How many employees? Administrative offices?

Krista – Three full-timers and a part-timer that is the kitchen manager. Planning extra office as will likely expand. Myself, my kitchen manager and we used to have 15 kitchen staff before Covid. Now we have two.

S. Slattery – Questions how food and supplies are received.

Krista – Once a week via truck. Fridays 10-12:30. Little others. That truck has everything from tins, napkins, food, etc.

S. Slattery – How is food distributed?

Krista – Seven volunteers come in on a Tuesday. Those 7 volunteers disperse the food throughout Dutchess County. We have a small refrigerated truck that the food for the other four counties goes into and that food is brought to each county to a meet up space where the volunteers distribute the food into their own counties.

S. Slattery – Questions size of refrigerated truck.

Krista – It’s here outside. It’s able to go on the Taconic. Bigger than a pick up.

M. Capollari – Asks applicant to speak to funding.

Krista – Bring in about \$1 million per year and need about \$900,000 to operate so my goal has always been to go over at least \$100,000 which we have saved over the last 10 years. We're going into this project with \$1 million in reserves which we plan to use. I have another \$275,000 committed. I have grant requests for \$750,000 more. Two of those look really good so I think those will be coming in in the next couple months. We're not really putting anything forward for the capital project to our donors because I think we'll be able to fund it without asking donors for dollars and I'm afraid of donor fatigue. Funded through different sources. Some grants and foundations for operating, probably only \$100,000, corporate sponsors somewhere between 150 and 200, the destination run brings in anywhere from \$300-450,000 of the income. We do apple pies and T-shirts. When we lose recipients, we receive hundreds of thousands of dollars from families and communities of loved ones.

M. Capollari – What would you say you have in terms of reserves?

Krista – We keep a year in reserves. That is above and beyond the money we have in reserves for capital.

M. Capollari – Expressed concern for if the situation becomes very stressed and cash is running low, now you have to exit the building and everything is approved, and you have to go somewhere else.

Krista – Explains emergency contingency plans in place to which operating expense becomes less of an issue.

L. Porter – Questions future plans of a garden for growing own food and internships for high school and culinary students.

Krista – A lot of high school students volunteer. Would love to be able to have some hoop houses, at some point grow and sustain our own food sources. Love the opportunity to have our own place. With Covid we had to dial down on our volunteerism and this opens it up if kids want to come learn how to plant and being able to cultivate a different lifestyle. We encourage kids especially, to come out and volunteer because what we imprint on them is what they bring into the world.

P. Capalbo – Questions for engineer. See that the lot coverage is 5% which is max lot coverage. The variance you're asking for with the TC zoning and supplemental zoning, it's kind of unclear whether you need the variance or don't need the variance but you have two front yards because they both joined two different roads so if you need the variance for one, you would need the variance for the other. We only have the variance for the one so we would have to amend that so you would have the variance you require for both or we would have to decide that the supplement overrides the TZ zone which I am more inclined at this point without conversing with the rest of the board at the moment that the supplemental actually does override the TC zone. That's usually what the supplemental is for is to say this, for charitable organization we require this, regardless of that particular zoning. Mersin can chime in whether we agree or have some other issue. I'm inclined that the charitable organization supplement in our code §155-42 actually overrides the TC.

J. Horan – That's typically the way it works. Usually the supplemental, because it's a particular criteria that's associated. It's a special permit and not strictly a site plan. As a special permit use, that would be an underlying condition to get the special permit. What's somewhat strange is that the Town Center contemplates smaller lots with buildings right up on the street, on street parking, but this use is specifically permitted in the zone, charitable. The underlying mechanics of the town center and the standards that were applied realistically don't necessarily meet that criteria. Looking briefly, most of the area in the Town Center, the lots are not 5 acres so I think when drafting the code, that was kind of an oversight. You've got a library across the street that does not have 5 acres. If the board makes a finding that the supplemental

setback requirements trump the 0-15, then that variance is not required. That's just an interpretation as to what controls so the only thing you'd really be looking at is the acreage. It's a permitted use in the Town Center district but there's really not any 5-acre parcels in the district.

P. Capalbo – With the 5-acre minimum for charitable organizations, I've spoken with the Planning Board Chair and town engineer briefly and what it seems to be is that 5-acre minimum for charitable is so that we don't have charitable organizations taking two 1-acre lots for church housing or whatever and we have all these little properties taken off the tax rolls. Churches would be inclined to 5 acres, put their church on and have their little clerical house where the live-in would be. That's pretty much why they put a 5-acre minimum on it. That's exactly why ZBA's are in place because if this was a case where you were asking for a church, I'd be more inclined to be negative to it only because we have so many churches in the area. With your services, there's not another one around and it's an asset to the community. Everyone spoke highly from the Planning Board. If there were three or four others doing exactly what you were doing and we were in jeopardy of losing property tax rolls by giving that variance, we would probably be in a different view, mindset-wise. We're just giving thoughts as we've got to meet again. We can't give specifics or vote on it but we're inclined to believe that the supplemental does override the TC zoning and you already have more than 100 feet on both sides of the road frontage which is both front properties. Check with the planning board again and make sure that if you are going to ask for a variance that you ask for it on both sides. You don't want the planning board to say you have to have it for the TC zoning we give a variance for one side but you don't have it on the other. There's a whole other issue if we made you go 15 and 15 for any building in the TC zoning, whether charitable or not, that means the building would have to be down in the lower corner on both roads which gives us a lot of problems for storm water runoff and other issues. We gave Dollar General the setback for the same reason and all other buildings that are previously in that TC zoning are already backed off way past the 15 feet. Regarding growth, you can't grow wider because you've already covered the maximum percentage but would there be a desire to go up?

Steve – The first application, before we even went to planning, was 5,000. Krista and I talked about it and went in for the max so we don't have to worry about expansion. Any expansion would be internal. Only want to go through this process once.

M. Capollari – Some of the concerns of the board were the potential vehicles coming in and out, causing traffic in the area, the financial stresses and contingencies which were addressed. Asks if there are additional questions or concerns. Makes sense to adjourn at this point. Next meeting is March 2. Is it reasonable for you to accomplish by then?

Steve – Confirms mailings will go out and will return March 2.

P. Capalbo – Instructs applicant to notify building department once mailings have gone out.

M. Capollari – Motion to adjourn meeting. Seconded by S. Slattery. All in favor. Motion carried.

Meeting Adjourned 7:33pm

Respectfully Submitted.

Aletha Bourke
Secretary