



TOWN OF  
**BEEKMAN**  
*New York*

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**Town of Beekman Zoning Board of Appeals  
Minutes of June 6, 2024**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, June 6, 2024 at the Beekman Town Hall at 7:00 PM.

The following members were present:

Chairman: Cristian Hanganu  
Linda Porter  
Maria Rodrigues

Also present:

Town Attorney – Craig Wallace  
Secretary – Aletha Bourke

C. Hanganu – Meeting called to order at 7:12pm

Led the Pledge of Allegiance

Indicates minutes from February 2023, March 2023 and May 2024 have been reviewed.

C. Hanganu – Reads details of application aloud from agenda. It is understood that the home was built prior to the current zoning and to be modified, would need to conform with current regulations.

C. Wallace – Appears that way. Code is not forgiving. Should open the public hearing, hear from the applicant, make a determination as to whether they're appealing the ZA decision or seeking a variance from that decision and go from there.

**C. Hanganu – Motion to open public hearing. Seconded by M. Rodrigues. Roll call vote:**

**L. Porter – Aye**

**M. Rodrigues – Aye**

**C. Hanganu – Aye**

**Motion carried.**

**PUBLIC HEARING**

- 1. Kilian Addition – Area Variance**  
15 Susan Dr.  
Grid # 6859-00-512822  
Zone R-135

C. Hanganu – Asks applicant to approach podium and describe proposed application.  
Brendan and Jenica Kilian, Applicants – Looking to do a partial second story addition. Just going up, not outside of the footprint.

C. Hanganu – Confirms horizontal footprint will not change.

Brendan – Just going up on the side of the house where we have the 21 feet and we need 40 feet.

M. Rodrigues – Asks for clarification whether it is over the house side or the garage side.

Jenica – Confirms over the house side. Just want to add 2 bedrooms and a bathroom.

C. Hanganu – On the submitted plans, we have what looks like an outline of what's labeled existing dwelling and there's a garage and a deck and an area in gray that seems to come outside of that area that says proposed second story addition and then proposed covered porch, so there's two components there.

Brendan – The porch is also part of it. It was in the denial. It's a partial second story addition and a front covered porch all the way across.

C. Hanganu – Will come back to the porch. It appears on these plans that the proposed second story addition would extend to the one side the footprint of the home. The gray box seems to suggest that the second story would include an expansion of the footprint horizontally. Am I misreading?

Brendan – Confirms he is misreading. Not going outside the footprint where it would encroach on the other side. Where the house ends now, it's going to be the same spot going straight up. The only part going out is on the front which we have the setback for which is the porch.

C. Wallace – Asks applicant if they spoke with the Zoning Administrator/Building Inspector and informed her they were going vertical. If you look at the map, it appears that you're adding to an existing structure horizontally.

C. Hanganu – This is a denial the way it is presented to us. It's a denial of increasing the footprint of the house. If you were just going vertical, this wouldn't be before us the way it is. The porch would be but not the second story.

L. Porter – Used to do drafting. Anything with these lines is the addition so when you look, that's exactly what is here. ZA may have been looking at the top picture Think there was a mix up.

C. Wallace – Ask for confirmation that the existing dwelling includes the are where the proposed second story addition is.

Brendan – Yes. That's our bedroom basically and we're putting 2 bedrooms and a bathroom above the bedroom.

C. Wallace – Cannot speak for ZA but believe based on her decision she believed the addition was a brand new footprint addition which is why the denial.

M. Rodrigues – Also indicated setbacks which are not being affected at all.

Brendan – Didn't want to question the decision.

C. Wallace – You did question her because you appealed it which is why we're here.

M. Rodrigues – Confirms additional bedrooms going upstairs and on well and septic and asks if septic will support additional bedrooms.

Brendan – It is going to because it will still be a 3-bedroom house. The second bedroom downstairs is going to be opened up and made into an office. The closet is going. Will be a reconfiguration, still 3 bedrooms.

C. Hanganu – What we do have is an expansion of the footprint for the porch. Confirms applicant is proposing 46 ft wide porch.

Brendan – 6 feet out, 46 feet wide.

L. Porter – The length of the house.

C. Hanganu – The porch is going to line up with existing deck.

Brendan – We have the clearance in the front, just not on the side but not going past the end of the house. Confirms septic is in front of house.

C. Hanganu – In light of newly discovered information that ZA may have overlooked or misunderstood what was in the application, the way the survey reads is misleading as it seems to suggest the addition would be a horizontal expansion.

**C. Hanganu – Motion to have applicant go back building department for an amended building permit. Seconded by L. Porter. Roll call vote:**

**L. Porter – Aye**

**M. Rodrigues – Aye**

**C. Hanganu – Aye**

**Motion passes.**

C. Wallace – Motion passes so that part of the application will go back to the Zoning Administrator for reconsideration based on newly discovered facts that this is a vertical change rather than a horizontal change within the same existing footprint that does not require variance. She needs to interpret whether or not they can do so as of right, which apparently you should be able to do.

L. Porter – That's for the addition, not for the porch.

C. Wallace – With respect to the front porch, you should now consider the 5 factors.

C. Hanganu – Draws attention to application. Asks applicant to walk the board through the 5 criteria from the point of view of the porch only. 1. Will an undesirable change be produced in the character of the neighborhood or a detriment to the nearby properties by granting variance?

Jenica – No. There are porches on surrounding houses. It's a similar feature.

C. Hanganu – Can the desired result be achieved by some other means than granting the variance?

Jenica – No. One side of the house is too close to the property line. It's 21ft instead of the 40 that is required so will still need the variance to line up.

C. Wallace – Confirms applicant is not protruding further than existing porch.

Board members review plans and discuss location of property lines, septic and setbacks.

C. Hanganu – Number 3 is the variance substantial?

Jenica – No, not encroaching on that side. It's only coming out 6ft.

C. Hanganu – Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Jenica – No. A lot of the houses have front porches in the area. It will blend in nicely.

C. Hanganu – Is the alleged hardship self-created?

Jenica – No. The house is pre-existing.

C. Wallace – Technically yes, because there's a new structure being built. However, they have to operate within the confines of the existing zoning which is the hardship.

C. Hanganu – We're looking at a variance of 16ft 8in for the side yard to allow for the porch to be added to the home. Perspective is it would be a positive enhancement.

**C. Hanganu – Motion to grant side yard setback variance for front porch for 16ft 8in as existing is 23ft 4in and requirement is 40ft. Seconded by L. Porter. Roll call vote:**

**L. Porter – Aye**

**M. Rodrigues – Aye**

**C. Hanganu – Aye**

**Motion passes.**

C. Wallace – Motion passes so side setback variance is granted with respect to the front porch. The decision will be forthcoming in writing which will be given to the Zoning Administrator so that the applicant can proceed with the building permit.

Brendan – Inquires about ZA decision on addition.

C. Wallace – The ZBA has ruled. You need to show on plans to Zoning Administrator that the height of the building does not exceed code.

Brendan – Confirms 35ft. Will have architect do that.

C. Wallace – Indicates the board must establish jurisdiction and confirms certified mailing was verified.

C. Hanganu – Indicates board is in receipt of certified mail receipts and affidavit of publication. Information is consistent with requirements.

C. Wallace – Need to make a motion to accept minutes that were reviewed.

**C. Hanganu – Returning to review of the minutes from February 2023, March 2023 and May 2024, Motion to accept. Seconded by M. Rodrigues. Roll call vote:**

**L. Porter – Aye  
M. Rodrigues – Aye  
C. Hanganu – Aye  
Motion passed.**

C. Hanganu – One item of other business is a proposal to revise the 2024 Zoning Board of Appeals meeting dates and submission deadlines. Modification to the existing ZBA meeting schedule is proposed as follows: Shifting from the first Thursday of the month to the first Tuesday of the month consistent with agenda (enclosed).

**C. Hanganu - Motion to adopt change to ZBA meeting dates and submission deadlines. Seconded by L. Porter. Roll call vote:**

**L. Porter – Aye  
M. Rodrigues – Aye  
C. Hanganu – Aye  
Motion passed.**

C. Wallace – Draws attention to application where indication of impervious area to be calculated by engineer. Confirms that is when it was thought that the addition was an expansion of the footprint. It was not determined whether impervious was calculated.

**C. Hanganu – Motion to adjourn meeting. Seconded by M. Rodrigues. Roll call vote:**

**L. Porter – Aye  
M. Rodrigues – Aye  
C. Hanganu – Aye  
Motion passed.**

Meeting adjourned 7:40 pm.

Respectfully submitted

Aletha Bourke  
Planning/Zoning Secretary