



TOWN OF
BEEKMAN
New York

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

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, March 2, 2023 at the Beekman Town Hall at 7:00pm. The following members were present: Chairman-Mersin Capollari, Stella Slattery, Linda Porter and Phil Capalbo. Maria Rodrigues was absent. Also present was Town Attorney-Craig Wallace

M. Capollari – Led Pledge of Allegiance, Indicated location of emergency exits.

M. Capollari – Motion to open meeting. Seconded by P. Capalbo. All in favor. Motion carried.

M. Capollari – Reviews agenda as written for Town of Beekman Zoning Board of Appeals March 2, 2023 7pm public hearing.

PUBLIC HEARING

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

M. Capollari – Applicant 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 117.8 ft front yard setback area variance from §155-42E which requires 100 ft and §155 Attachment 1 Schedule A which requires 0-15 ft.

C. Wallace – Comment on the second variance. Indicates that the applicant must obtain a special use permit in order to get the variance. The special use permit bulk regulations control over the underlying TC district which had a minimum of 0-15 ft on the road frontage, whereas, Charitable Foundation Facility bulk regs call for a setback of 100 ft for the front yard and the applicant’s property and design are conforming to those regs. Therefore, the only item for consideration would be the area variance for the 5 acres versus the applicant’s 3.35 acre parcel so if you want to call the public hearing to order at this time.

M. Capollari – Asks for applicant to step forward and present application.

Steve Whalen, Architect/Krista Jones, Owner – Recap of project. Proposal is to construct new 7,000 sq ft facility for Sparrow’s Nest. Will be divided into 2,000 sq ft offices and administration, 2,000 sq ft for kitchen, remaining 3,000 sq ft for storage, mostly food storage. As Mr. Wallace stated, of all the requirements in section 155-42, the only one we don’t meet is for the one minimum lot size variance. Conformed with all other requirements.

M. Capollari – Asks for questions/comments from the board.

S. Slattery – Indicates she does not understand the response to her earlier question regarding why this location was chosen.

Krista – Current space is about 2,000 sq ft, which we have outgrown. Planning a mission expansion and space is too small. Landlord continues to confirm this. We don’t want to be centrally located. Want staff in a quieter place. Everyday stress level is very high. Always wanted land and a garden and was never looking at being in a commercial type of place.

S. Slattery – Concerned variance is substantial and could create a precedent and have repercussions later.

Krista – Explains the space was purposely designed for growth.

C. Wallace – Reminds the board to confine its considerations to the procedures and criteria factors set forth in the code and any consideration of expansion or business concerns are not within the board’s purview. The applicant should address the 5 criteria for the record so the board can make a decision on the evidence.

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

Gina Mahoney, Beekman Rd – Will be neighboring the project. Don’t know all the legalities but support everything they do and would be honored to have the building in our backyard.

M. Capollari – Motion to close public hearing. Seconded by L. Porter. All in favor. Motion carried.

M. Capollari – Asks balancing question 1. Will an undesirable change be produced in the character of the neighborhood or detriment to nearby properties be created by granting this variance.

Krista – It could.

M. Capollari – Can you state why.

Steve – No, because as you know, we’re working with the planning board. It’s a one-story building only taking 7,000 sq ft and we’re planning on landscaping the property, planting a lot more trees and landscaping than currently exists on the site. It’s going to look better and you’re really not going to be able to see the building spring and summer and part of the fall.

M. Capollari – Second question. Can the desired result be achieved by some other means other than granting a variance?

Steve – For that I would say no because that’s the only property that was available. We’ve been in this process for several years now and this is the only property to check all the boxes for everything that we needed. Wanted the largest property that we could get in this area. It was brought to our attention that we would need a variance.

M. Capollari – Is the variance substantial?

Steve – It’s an existing non-conforming condition. There’s nothing we can do about it. If there was more acreage available, we would have gotten it so we could conform.

Krista – We actually did approach one of the neighbors to see if we could purchase their land as well and it wasn’t for sale.

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

Steve – No, because all of the other requirements for planning, zoning and environmental, we meet all of them.

M. Capollari – Finally, is the alleged hardship self-created.

Steve – Could say yes because we want this piece of property. This is where we want to build and invested a lot of time and money into this. So, yes, it is self-created, but this was the size of the land.

C. Wallace – It goes to the fact that the physical lot is non-conforming. You didn’t create the non-conforming aspect of the line. Is that right?

Steve – Confirms yes. They did not subdivide.

Board discussion

P. Capalbo – Asks for confirmation that there is no future desire to build up.

Steve – Confirms and explains the applicant has overdesigned as she only wants to go through the process once.

M. Capollari – Motion for roll call vote to grant variance of 1.65 acres. Seconded by P. Capalbo.

P. Capalbo – Aye

L. Porter - Aye

M. Capollari – Aye

S. Slattery - Nay

3-1 Motion passes

S. Slattery – Would like to add that for the acreage, I think it’s a substantial difference.

M. Capollari – Zoning Board of Appeals resolution for applicant Krista Jones, Corner of Clove Valley Rd and Town Center Blvd., Tax Grid 132200-6759-00-465462, current zone TC read into record. (Enclosed)

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

Meeting adjourned 7:34pm.

Respectfully submitted.

Aletha Bourke
Secretary