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VILLAGE OF CROTON-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS MEETING MINUTES OF JUNE 12, 2002

MEMBERS PRESENT: Donald Sapir, Chairman
Ruth Waitkins
Paul Rolnick
Tom Szoboszlai

MEMBERS ABSENT: Rhoda Stephens

ALSO ABSENT: Joseph Sperber, Code Enforcement Officer

The meeting came to order at 8:00 P.M.

The Chairman of the Board announced the location of fire exists to all in attendance of the meeting.

Hollis & Mark Anzani, 12 Park Trail. Section 68.17 Block 1 Lot 18. Located in a RA-25 district. Request variances for lot width and lot area, side yard, total side yard, and front yard with respect to a proposed deck and addition.

Mark Anzani - I am requesting the variance you just described. Our intention is to add a front entry hall to the property and extend the back out to construct a new addition and deck.

Sapir – Can you provide us with an elevation?

Adam West, Contractor, Brook Street, Croton-on-Hudson, N.Y. – Yes.

Mr. West referred the Board to plans that were submitted. Discussion followed over plans.

Sapir – How much of a variance are you seeking for each of the variance requests?

Anzani - We are not sure if we need the front yard variance where the entry hall will be.

Sapir - What variances are you seeking and how much?

Anzani - The required setback is 40 ft. for the front and 15 ft. for the side yard.

Sapir - A 40 ft. setback? That does not tell me how much of a variance you are requesting.

Adam West – It is hard to tell. The existing setback is well within the setback, but the front portico that they want to add does not fall within the main part of the house.

Sapir – We need a specific amount for a variance.

Rolnick - The plans say 40 ft. and you think it might actually be 39 ft.? But, you are not sure because you do not have an accurate survey?

Szoboszlai – He shows 40 ft. between the front property line and the proposed addition.

Discussion followed over plans.

West - We may be within the setbacks.

Rolnick - What if we give you a variance for less and it ends up being more?

West - The variance request would be one (1) foot, because it certainly would not be more than that.

Sapir - What about the other variances?

Adam - The dotted line that stretches to the back yard.

The Board and the Contractor referred to and discussed plans.

West - The house as it presently exists encroaches. We are requesting a 14 ft. setback on the left and 15 ft. setback on the right. No rear yard variance is needed.

Waitkins - What will the side yard setback be?

Adam – The architect did not actually show the variance that we are requesting. He is showing what is left.

Szoboszlai - For the minimum requirements in a RA-25 District you will need two single and one total.

West - We are asking for a 31 foot total side yard which will give us 15 ft on one side yard and 5 ft. on the other side yard to make the total side yard.

Sapir - You are also asking for lot area?

West - Yes. Because, the overall lot area is not in compliance. The existing area is 10,300 sq. ft. and we need 25,000 sq. ft.

Sapir - What rooms are presently existing?

Anzani - Two bedrooms, office or bedroom, kitchen, living room, dining room, small TV room, and two bathrooms.

Sapir - How many people live there.

Anzani - Two adults and one child.

Sapir - What do you want to add?

Anzani - Entry hall. As it is now, you walk directly into a TV room. The other addition is a room on the back of the house for an exercise room and equipment. The remainder will be for a deck.

Sapir - The deck will be built on a block foundation?

West - No. It will be on piers that block foundation is beyond that. It will be built on piers.

Sapir - Are there any plans to use the area under the deck?

Anzani - No.

Sapir - Are there any other question?

Szoboszlai - How much floor area will you have when completed?

West - We are adding approximately 140 sq. ft. of heated living space to 1,700 of existing heated living space.

Szoboszlai - Why do you need a lot area variance?

West - Because the existing house is not in compliance.

Waitkins - The upper deck in the back, will you keep that?

Anzani - Yes.

Rolnick - Have you spoken to your neighbors and did they have any comments?

Anzani - We have shown them plans and no one objected.

Sapir - On the front elevation, which is the piece that is being added?

Discussion followed over plans.

Sapir - What will the materials be for the vestibule?

Anzani - Cedar clapboard.

Rolnick - Is that the same as the existing?

Anzani - Vinyl. We have no plans on replacing it.

Sapir - Are there any questions from the public?

John Nickitopoulos- 14 Park Trail - I have no objections to this application. I think it will improve the neighborhood.

Hearing closed.

Dominick Mamone, 41 Old Post Road, Section 67.20 Block 2 Lot 20. Located in a RA-5 District. Request for an amendment of condition #1 of Variance granted on 2/11/98, and determination/Variance with respect to a proposed addition and two-car garage.

Mamone - I have a statement of facts that I would like to read to the Board (see attached).

Mamone - The existing two-car garage was built according to a previous variance that was granted on 2/11/98 and I am now proposing to construct an additional two-car garage, which will conform to the existing garage in every respect. It will in no way increase the degree of non-conformity that already exists and has a variance. I am requesting that the Board determine that my request does not require a variance. I am also requesting that the Board will grant my request to omit condition number one (1) of the original resolution, which requests plantings of evergreens. They will no have any useful or beneficial purpose, If, I construct a second garage in that area.

Sapir - Are the trees planted?

Mamone - No. They were never planted, because I had this addition in mind. If you grant my request the garage will be located in the area where the wall is and the trees will be located. I spoke to Joseph Sperber, Code Enforcement Officer, and he said that this condition was the only thing that was holding up my Certificate of Occupancy.

Sapir - Why didn't you bring the second garage to our attention when you asked for the original variance?

Mamone - I did not have it in mind at the time. It is hard to foresee what something will look like. There is actually very little of the actual wall that you can see. It was hard to imagine before construction.

Sapir - What is your need for a four-car garage?

Mamone - I am into old antique cars. I have two cars in the garage and my twin boys have lots of bicycles and I have lawn mower equipment, etc. If anything falls over it will do damage to the antique cars. The antique cars hardly get used. Only when the weather is good.

Sapir - Will you be constructing an addition as well?

Mamone - No.

Rolnick - Will the new garage be used for anything else other than cars?

Mamone - Yes. It will be also be used for bicycles, lawn mower equipment, etc.

Rolnick - What about parking?

Mamone - There is plenty of parking area in front. My tenants have two cars that are parked in the front of the property.

Sapir - Is it possible to build the garage and still plant trees?

Discussion followed over plans & pictures.

Mamone - There are no neighbors that will see it. Where Mrs. Fagan lives there is actually a hill. You would have to climb down a hill to see it. I also have a supporting letter from my neighbor behind me. (Letter submitted from Richard Cunningham, 43 Old Post Road).

Sapir - When did you complete the construction of the garage?

Waitkins - Isn't there an anchor fence on top of the concrete?

Mamone - Yes. First I was going to do a four-foot and then I said I will do a six-foot, because a railing and a four-foot would not protect kids from climbing over it.

Sapir - When was the garage completed?

Mamone - Approximately 1998.

Sapir - Is it just a two-car garage that you want to construct or something else?

Mamone - Just a two-car garage. The height and everything is being met. I do not understand if a variance is needed or even what that variance would be. I am not going any closer than what you are allowed to go. It will be five feet away from the property line. All of the measurements are being met.

Sapir - You are requesting us to remove the condition that you say you do not need at this time?

Mamone - We needed a variance to construct the garage wall right on the property line. Had I made the door on the right side, you would never get in there. This tucked it in and served the best purpose all around.

Sapir - I am not sure if you need a variance other than to remove the condition you have not met.

Szoboszlai - Why didn't you put the initial garage where you are proposing this new garage?

Mamone - Because, I had to construct a wall right on the property line and I need to make the garage incorporate into that wall. It holds it. If I put it where the cement slab is now the headlights would bother the neighbors more so than where it is not. There was a lot of dirt behind there. There was a lot of stuff coming down. You could not really get any equipment in there to construct it.

Waitkins - You have all the rear yard you need, correct?

Mamone - Yes.

Waitkins - Why does this letter say something about the brook.

Mamone - We already cleaned it. If you look at the pictures I submitted it is hard to imagine what was there before.

Sapir - When did you purchase the antique cars? Two or three years ago and before that I had a 57 Chevy and a 66 Mustang.

Sapir - Before the garage, how many antique cars did you have?

Mamone - Two

Rolnick - The original minutes say that you could not put it far back on the property because you would be too close to the stream. Is that still the case? Is the new structure more than twenty feet away from the stream?

Mamone - Yes.

Szoboszlai - On the plans it looks like the roof ends here (referring to plans).

Mamone – No. It will be like a reversed gable but offset.

Sapir – Are there any other questions?

Philip Tully, Retired Village Engineer, 4 Eklof Court – I have been in this Village for over thirty years and I have continued to operate in this Village for the past five years. There is no need for a variance because it is not increasing the degree of non-conformity. The building addition will in no way extend the rear, front, or height limitations as required by zoning regulations. I have done business from Yonkers, Eastchester, Queens, and numerous times in this Village. If the improvements conform to the regulations, no variance is required. We have one existing two-bay garage and we are proposing one more two-bay garage. With respect to the prior variance there were conditions set-forth by the Zoning Board to screen. That was never done and that is the one reason no Certificate of Occupancy was issued. Because, we did not comply by the condition of the Variance. We have simply requested by letter to rescind or modify that condition and the Board could decide without us here. But, we are here. The existing building is legally non-conforming.

Sapir - If this application is denied.....

Tully - What application denied?

Sapir - The planting of the trees. Will he be free to build the garage if we do not grant the condition?

Tully - He could build a detached garage according to zoning requirements, but there would be no benefit and it would be a worse case scenario to follow.

Donald Fagan, 9 North Highland Place. I live across the street. His back yard is directly in front of our front porch. The “Fagan’s” have lived there for one hundred years and they are still there.

Rolnick - Are you opposed to the variance?

Fagan – No. I just want to let you know where it is going. His back yard faces our front yard.

Sapir - Would it be advantages to you if we required trees? Would you prefer that?

Fagan – Yes.

Discussion followed over plans.

Fagan - OK, there is a two-car garage and what about the front? I think he is taking the value of your property away. He works on cars on Sundays.

Sapir - (To Mamone) – Will you have to expand the concrete area?

Sapir - He is saying your field of vision is his back yard.

Mamone - Twenty five to thirty feet elevation from a distance. The neighbor that is really close is the neighbor that sent the letter of approval. He is 100 ft. away. It is better than what they were looking at before. If you look at the pictures you can see.

Sapir - We previously imposed a condition to plant trees in front of the wall so it would not be unsightly. The house hides the garage. If you build an additional two-car garage, that will be visible. He may be able to move the garage over and without needing a variance. The spot he is now proposing, he needs our permission because of the trees.

Sapir - A reasonable condition that we could impose would be some kind of screening and I am not familiar enough with your (Mr. Fagan) point of vision to determine where these trees should be placed.

Rolnick – What about the fact your property is higher up. Would the screening need to be taller?

Szoboszlai - To make the additional structure more attractive and the trees will break that up, is that what you are looking for?

Fagan - Yes, some landscaping in there.

Sapir - Which side of North Highland are you on?

Fagan - The second house on the left, but my front porch faces the back of the property. It is a triangle.

Szoboszlai - He is not asking for screening. He is just saying that there is so much garage and vinyl siding that it is unsightly. The Board requested evergreens so it would not look so much like a vinyl siding and concrete. Now you are proposing another structure that complies with the Code. Once you ask the Board to change a condition you may have another condition entirely different. Now you re going to put a garage in front of it. If you originally asked for this they still might have asked for the trees in front of it.

Tully - this Board made reference to a variance being required. We are saying that no variance is required.

Szoboszlai - Why? I think this is an issue? He needed a variance for the previous structure and there was a condition in the Resolution. He is not asking for that variance to be changed.

Tully - No. We are asking for the condition to be modified. Modify it to fit the new structure. To say you oppose the variance, we say there is no variance required. Fine, modify the condition. That is acceptable to us.

Sapir – Anyone else like to be heard?

There was no reply.

Sapir - Having heard the concerns of Mr. Fagan, my belief is, if we are going to give him relief from the condition of screening the wall and replacing it with a four-car garage, which is unsightly, I would like to view it from the Fagan's property in order to be able to impose any condition with respect to any type of screening. This time I would like to make sure that we do something that will be done right and quickly. I do not know if the rest of the Board is prepared to vote.

The Board agreed to adjourn the hearing in order to view the site from Fagan's property. The Board requested Mr. Fagan's permission to enter his property in order to do so.

Mr. Fagan agreed.

Hearing adjourned.

Monica M. Sliva, 3 Wolf Road, Section 67.19 Block 3 Lot 2. Located in a RA-5 District. Request for a rear yard variance with respect to an existing deck.

George Oros, Attorney for the applicant - I am representing the new owners. As part of the closing, it came up through a title search that a variance was required for the rear yard. When the Route 9 bypass was constructed, the house was moved. The home and deck are in keeping with the community. The property adjoins Rout 9, not any homeowners.

Waitkins - The property next to it can never be built on?

Oros - There is a reverted clause, if the current owner builds an improvement than the neighbors can make a move to seize the property.

Rolnick - Who owns the property on the right?

Oros- We do. They own it all the way up to the corners. In the area where the “crease” is (referring to fold on survey), there is a separate property lot and from there over nothing can be constructed.

Szoboszlai - Referred to a metal shed shown on survey.

Oros- It has been removed it is no longer there.

Szoboszlai - Does this deck comply with the Building Codes?

Oros – Yes, except the Building Inspector suggested flag bolts.

Oros - This did not come up during the original title search. They assumed the deck was part of the original structure. I cannot attest to the fact that it was part of the original structure. Maybe my client can get a statement to that affect.

Sapir - Anyone else like to be heard?

Adam West, 6 Dream Lake Road, - That was the “Grant property”. I remember the deck being there when I was growing up, around the early sixties.

Sapir - Anyone else like to be heard?

There was no reply.

Hearing Closed.

Waitkins – Made Motion to grant a 19 foot rear yard variance as requested and according to plans submitted.

Rolnick – Second the Motion

Vote: 4-0 – In Favor – Waitkins, Sapir, Szoboszlai, Rolnick,

Robert Scott, 33 Ridge Road. Section 79.09 Bock 1 Lots 32 (Improved Lot) and 33 (vacant lot). Request for a lot depth, front yard, & rear yard variance for the “improved lot” and a lot depth variance for the “vacant lot” in order to create two non-conforming lots.

Scott – I am asking for three variances. Originally when I went to the assessor, I was told there would be no problem moving the lot line. The next day Joseph Sperber, Code Enforcement Officer, said I would need a side yard variance in order to make a movement of the lot line. Janice Fuentes, ZBA Secretary, called the office’s attention to the fact that the lot was not in conformance with other regulations of the ordinance. The house was built prior to zoning. It has a side yard of 60.79 ft.. It is an unusual shaped lot. The other side totals 142 ft. It is in excess of 4,000 sq. ft.

Sapir - The lot in which the hose is standing is more than 5,000 ft.?

Scott – Yes. We purchased the house in 1963. My family lived in Turkey and moved back to the states. We were seduced by the lawn that was encroaching on the map. The adjoining lot was owned by a Broadway actress by the name of ***Yates. I discovered she died in Belleview hospital and I traced her heirs. They agreed to sell the adjoining lot for back taxes and sewer assessments. I describe my lot as a “bow tie”. It is rather large. It extends 229 ft. on Ridge Road. The adjoining lot is the corporate line of Harmon and Croton. We purchased it in 1966 and we then developed it. I have photos.

Sapir – We have all seen the lot.

Scott - I have two sets of pictures for the record.

Sapir - Are both sets the same photos?

Scott – Yes, the same sets. The Bow tie lot is two different elevations. The total area of the lot is approximately 9,200 sq. ft. We are asking the Board to transfer the fenced in portion of the bow tie lot. It would leave a lot larger than 5,000 sq. ft. on the other side.

Discussion followed over measurements.

Scott - I am sorry, I made an error. The total area would be 11,000.00 sq. ft.

Sapir – Is your intention to develop a house for you and your family to move into? What size home would it be, 35 ft.?

Scott - Yes. It would be conforming to current regulations. It will be 25 ft. x 35 ft. with the proper side yards and without needing a variance. A house could be built on the lot now, even without a variance. If you know Ridge Road, we have the largest setback of anyone on Ridge Road and we have the post office behind us, and the newly developed addition to the Van Wyck Shopping Center. There is commercial property on one side and a neighbor on Ridge Road. Five years ago we gave two building lots to the Croton Community Land Conservancy to be kept green forever. We would be benefiting more concretely by building there and selling the house we occupy now. Nothing will change, if the variance is granted. The appearance of the neighborhood will not change the looks. It will remain the same except the vacant lot will be developed.

Rolnick - If you sold your current property as is, and built on the other existing lot, you could accomplish what you want.

Scott - The difference in the “bow-tie” area, if purchased now, would have no benefit to the lower portion that is developed.

Sapir - If I understand your application, the only change to lot thirty-two (32) is that you are increasing the size of the lot and you are decreasing the size of the vacant lot, but what do you need for lot thirty-two (32)?

Rolnick - Because, the shape of the lot reduces the depth.

Scott - We purchased the lot like this.

Waitkins - The improved lot would have the correct lot area?

Scott - It meets the RA-5 lot area. If I might add, you can look at the post cards outside the historical society office and it shows what the hill looked like before it was bulldozed away b “Attaviano”.

Sapir - The house you propose to build on lot 33, will it have a garage?

Scott - We have not gotten to that point. We asked Mr. Tully to investigate to see if the lot is buildable. He created map number 4 with a house and with that footprint.

Szoboszlai - Right now, you are asking for a variance for the improved lot only so you can move the lot line?

Scott - Yes. We are not making it less buildable.

Scott – If you look at Mr. Sperber’s, May 10, 2002, memo you will see the dimensions I am requesting.

Sapir - Anyone else like to be heard?

There was no reply.

Hearing Closed.

Waitkins – Made Motion to **Deny** the application for **Lot #33 (vacant lot)** without prejudice, at which time the applicant can come forward with a new application and with a new plan for a residence on that property. Motion is further made to **GRANT** the application for **Lot # 32 (improved Lot)** for a lot depth variance and to grant a front yard variance of 1 ft. and a rear yard variance of 12 ft. with the following condition.

Lot line change will be as shown on map dated 4/9/85 by William A. Slater

Szoboszlai – Second the Motion

Vote: 4-0 - In Favor - Waitkins, Szoboszlai, Sapir, Rolnick

John Nickitopoulos, 14 Park Trail, Section 68.17 Block 1 Lot 21. Request for a front yard, side yard, and rear yard variance with respect to a proposed addition and two-car garage.

Nickitopoulos - I am requesting a front, rear, and side yard variance. The front yard setback as it exists is now 30 ft. and it is non-conforming by 10 ft. I plan on removing a rear section of the house and going over twenty feet, because of the way the lot is configured. I will need a twenty three (23) ft. variance and on the left side (west side) of the house I will have 16 ft. and I will need a twenty (20) ft. variance.

Sapir - How far off the side yard will you be?

Rolnick - He will need ten feet, because the minimum is twenty (20) ft.

Nickitopoulos – Due to septic and the configurations of the east side of the house, I am unable to go out that way. The addition I proposed will be a two car garage in the front and in the rear it will be one room. There will be a dining room, fourteen or sixteen feet by twenty, approximately. The second floor will be attached to the existing house. When finished it will have five (5) bedrooms and one master-bathroom and one common bathroom.

Sapir - How many people are there in the house?

Nickitopoulos - I have five and I am in the process of trying to adopt another child. There are three adults and two children now.

Sapir - Do you have an eat in kitchen?

Nickitopoulos - The back portion that I will remove is basically the dining room. It is 12 ft. x 21 ft., that I will be removing. The deck will also be removed.

Rolnick - What is the existing square footage and how much are you adding?

Nickitopoulos - It is approximately sixteen or seventeen hundred sq. feet now and it will be approximately twenty four or twenty five hundred square feet.

Sapir - Is there any reason why you cannot build on the other side?

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Nickitopoulos - Septic.

Rolnick - When did you purchase the property?

Nickitopoulos - 1988

Sapir - The deck will stay?

Nickitopoulos – No. It will be removed and that will become the dining area.

Rolnick - The plan for a deck behind the addition, will that be removed?

Nickitopoulos - That will be removed.

Discussion followed over plans.

Nickitopoulos - The deck will be on the pool side of the house.

Szoboszlai – Where will the garage be in relation to the street?

Nickitopoulos - It will be facing the street.

Discussion followed over plans.

Rolnick – The plans show the deck is staying. I think that is incorrect.

Sapir - Have you spoke to your neighbor located on the right side?

Nickitopoulos - Yes. They are here tonight.

Sapir - What about the neighbor behind you?

Nickitopoulos - They are here also.

The neighbors stated they had no problem with the application.

Sapir – To the neighbors – You will have a chance to identify yourselves and be heard later.

Rolnick - How much will the roof be raised?

Nickitopoulos - Just enough to get a pitch on the roof. I plan no storage in the attic. I am set back thirty (30) ft. from the property line. The road is part of my property.

Sapir - Would you have any objections to a condition that you remove the deck and rear dining room?

Nickitopoulos - No. I want to do that.

Sapir - Anyone else like to be heard?

Timothy Auld, 16 Park Trail – I general I am supportive. He is a lovely neighbor. He is moving the part that is almost on my property line now. I want to be sure that it will not affect the area that is nailed down.

Sapir - We do not have a rear elevation.

Rolnick - Yes. But, there is no height elevation.

Sapir – How far is your house from the rear yard?

Auld - Some distance.

Sapir - Is it the garden you are worried about?

Auld - Yes.

Nickitopoulos - I do not know what the attic height will be.

Discussion followed over plans.

Neighbor - My husband and my son assured me that the sun will not be blocked. I think in general, what he is proposing will be a big improvement. The height is my only concern.

Anzani – 12 Park Trail - I also support this application. The addition of the garage will clean up the front and be esthetically pleasing.

Sapir - Anyone else like to be heard?

There was no reply.
Hearing was closed

John P. Spring, 19 Observatory Drive. Section 79.09 Block 7 Lot 42. Located in a RA-9 District. Request for a determination/variance with respect to a proposed two-story addition.

Mr. Spring - My wife and I are in contract to purchase this property. We are not sure if we require a variance, so we phrased the application request to include “determination”. The existing property consists of two parts. The lot is 100 ft. x 150 ft. If you drive by and blink your eyes you will miss it, because there are all trees in the front of it. It is a long structure situated to the back of the lot towards the Minkler’s property. It originally was a very small two-story building and it was built approximately 1930. In 1990 the previous owners added a long lingual structure that created a long monolithic structure. The addition is in the shape of a Dutch barn and looks like a Dutch barn. It is not a very attractive building at the moment. I think it qualifies as the worst house on a nice block. We are proposing to add a two-story addition on the front of the house towards the middle to make best use of the space. The existing two-story residence is legally non-conforming, because it does sit close to the property line. The structure that we are proposing is well within the variance requirements. Some of the elevations for the floor plans are to put in a ground floor kitchen and dining area. On the upper floor there will be a large study. There will be a cathedral ceiling in the front. The whole structure will be surrounded by a simple porch. It will help to integrate the building that has a Dutch look to it. It will also blend in with some of the architecture in the neighborhood. We propose an additional floor area of just over one thousand square feet.

Sapir - What was the variance required when the previous owners had it?

Rolnick - Are you going to be modifying the existing structure in any way?

Spring - The exterior?

Rolnick - Yes. Exterior.

Spring - We may put something more in with the Dutch colonial shape.

Rolnick - The roofing plans that says “Dutch Colonial” is that there now?

Spring – No. Appearance wise the roof will be removed. Engineering wise, I do not know how they will do that.

Szoboszlai - The peak of the roof will remain the same height , but will the wall height remain the same?

Discussion followed over drawings.

Szoboszlai - I am concerned, if the height of the structure is going to increase at the wall.

Spring - Perhaps, if you go to the front view, it will help. We want the first floor level and the second floor level to be exact.

Sapir - I see your application does not indicate that you are looking for any specific variance.

Spring - If what we are proposing to build is conforming to what is required, then we need no variance.

Rolnick - But, they are talking about modifying an existing structure that is too close to the lot line.

Sapir - Correct, and it also is on the boarder of the "Minkler's property.

Spring -They recently built and their house extends towards the back of the lot and the variance that they received was such that their current structure was built close to the property line. There is a hedge and we are trying to work together for the best conditions and solutions and we are also taking into consideration air conditioners, etc.

Szoboszlai - I am still not clear on what you are proposing to do with the two-story structure which is too close to the property line.

Spring - We are trying to make it conform to the rest of the building, which does not conform.

Rolnick - They are making the pitch of the roof less and the second story wall height will be slightly higher.

Szoboszlai - When I visited the site, I thought the pitch of the roof was different?

Spring - I think there was an original roof that was very steep and they then put on a dormer. That gave them a second story and those two angles are still there from the front. We are proposing not to change the roof, but to take the eaves off and put on new eaves that match the new structure to look good.

Sapir - Are there any other questions?

Frank Jarc, 15 Observatory Drive., - My property is to the north of his property (two lots to the right). It is a 50 ft. lot that was given a variance years ago. My property is a lot less than 70 ft. away. I welcome Mr. Spring to the neighborhood. I am happy that he is doing something with the property. Very happy. But, I would like to know if there will be any changes to the windows on that side?

Spring - We will take out the old and put in new windows with the same dimensions.

Jarc – On the North elevation of the addition and the second floor plan, it calls for clear story windows on the second floor and the north window is calling for “eyebrow” windows. Is that going to be an “eyebrow” window with dormer?

Spring - The architect put that there. Is there something about “eyebrows” you do not like? The “eyebrow” will be even higher than a normal window. The windows in the front, no one can stand at them, there is no floor below and the “eyebrow” window is reasonably high up and it will be a five foot high window to let light in, but not for people to look out. The beginning of it is five feet above the floor level.

Jarc - How tall will that window be?

Spring - Three feet. The whole idea is to let light in and the same reason for the cathedral ceiling.

Jarc - My concern is the current structure, behind the addition. The new addition will now be looking in my back yard. The windows will be fifteen plus above ground level and will have visual access in my back yard. I’m not only concerned about privacy, but, I also learned recently, that as a study, it will be used many hours and late at night. Light will be coming out of those windows. There will be windows on the north-east and the south will have windows. There will be approximately sixty feet of windows. It will be hard to screen this with evergreens or something of that magnitude. My windows are three feet wide and four feet high. There has to be a compromise somewhere in-between, perhaps something smaller.

Szoboszlai - Your principal concern is the north elevation?

Jarc – Yes.

Rolnick - When you say small, you mean the windows and not the structure, correct?

Jarc – Yes, Windows.

Sa[or - Trees could provide some screening.

Jarc - I believe I will be able to see the light that is given off from those windows in my family room.

Sapir - Are you concerned about light only, or the fact he will be able to see into your house and you into his.

Jarc - My concern is the privacy of him viewing into my yard, light, and illuminations.

Sapir – Does the same apply to your other neighbor?

Jarc - The space between that house and this house is about the same.

Spring - I have no problem with him wanting privacy and I believe it deserves some attention, but we may see that the problem is not that bad. We see fairly high objects between our yards. There is the “Minkler’s” house and then a garage that blocks the view and also two large pine trees and a hedge. So, let’s have a look at this. I have no problem changing the design to the face of the windows or dimming light bulbs, or using curtains.

Jarc – Your addition will not be blocked from my back yard by the Minkler’s house. The only screening is from my back yard.

Rolnick – What about the pine trees he spoke about?

Jarc – Arborvitae’s that I planted. I can give you a pretty good idea of the cost. They could provide screening on one window, but not the side yard. I would like to thank the Board for their time and attention.

Madeline Minkler – I am right next door. We have seen pictures of the addition. That is fine as far as I am concerned. What we were concerned about was screening. We were thinking that we all could add something for screening. We will have to pull hedges that are there in order to plant. There are six foot pine trees on the Spring property that have no growth from six feet down, so we have no protection from the property line at all. We were thinking of putting up a fence and then trees could grow at the upper level. We were considering sharing the cost rather than one person taking on the total cost. My main concern is the screening.

Sapir - The addition that is proposed, is that where your rear yard is or front yard?

Minkler - Facing my house my rear yard is in the back. There is approximately 26 ft. from the corner of his porch to my house.

Ann Coviello – 44 Lexington, I will be adjoining Mr. Springs back yard. Welcome to the neighborhood. His present line is five (5) ft. from my fence. It already exists, but it is close (referring to existing non-conformity that received a variance). Did you get a variance for that? I never received a notice. When the application said two stories, I was thinking two stories in addition to what is there now. My question is, instead of the pitch as it is, will it be boxed out? In other words will it be squared off for more living space?

Discussion followed over plans.

Covello – The back of the house is not attractive. It looks like a mausoleum in the back yard. They are very close to my house. There are a small windows and skylights.

Sapir - I think you are in luck, because they are building in the front of the house, not the back.

Covello - Will there be any drainage issues?

Sapir - You will have to discuss that with the village.

Covello - What about screening for the back of the house?

Spring - The actual distance from the house to the property line is 13 ft.

Covello – That was our only concern, trees or a fence, some kind of screening for the back.

Sapir – That is an issue you might want to discuss with each other, not us.

Rolnick - Are you adding or changing any windows in the back?

Spring - I am not sure. It looks like there is a window in the back that we might want to convert to a dormer, because the windows in the back are all mixed up. I think we can work something out, together with the neighbors. I do not know the answers to your questions. We have not had a chance to do details. My presumption was, that when we go for a building permit, it will be looked at and reviewed with great detail.

Sapir - Anyone else like to be heard?

Andy Turshen, 40 Lexington Drive, - I am a back yard neighbor. Our only concern is also not being sure how they will alter the back of the house and the illuminations. The existing trees have no growth. Your lights will shine in our bedroom windows.

Szoboszlai - What type of trees are behind the house?

Spring - Maple and Oak.

Sapir - Mr. Spring, I think the problem you might have is the side windows. How committed are you to those?

Spring - I am committed to getting some sort of light entry. The architect prides himself in being able to simulate the sun and where it will come in at different times of the year. I have also heard concerns from the neighbors about privacy. I can work with that. I am not committed to looking out of windows. I only want light.

Barbara Castanzo – 25 Observatory Drive – I think the addition that John and Ann are planning will be an asset. I am just concerned that it will be built over the garage and forward. But, that is not the case, so I have no problem with the Spring's application.

Joann Coffey, 27 Observatory Drive - It is a lovely street. I just want one clarification. There is a proposal before you and he may need a variance and if he does not need a variance, this discussion is moot. I have no objections.

Sapir - It is not really moot, because we are having a hearing to hear the neighbors concerns. But, we cannot impose any conditions, if we decide it does not require a variance.

The Board requested an adjournment in order to request the village attorney's interpretation as to whether or not this application requires a variance.

Hearing adjourned until next month.

NEW BUSINESS:

Tomas Szoboszlai, ZBA Member, announced that he has been accepted as a member of the School Board and due to scheduling conflicts of the two boards, he is announcing his resignation as a member of the Zoning Board of Appeals. Mr. Szoboszlai, stated that he enjoyed working with everyone involved with the ZBA, serving the public and addressing the public's needs. Mr. Szoboszlai stated that he will remain on the Board until a successor can be appointed.

Respectfully submitted

Janice Fuentes
ZBA Secretary
6/12/02