

DRAFT

DRAFT FILED: 9/17/02

**VILLAGE OF CROTON-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS MEETING MINUTES
OF SEPTEMBER 11, 2002.**

MEMBERS PRESENT: Donald Sapir, Chairman
Rhoda Stephens
Ruth Waitkins
Witt Barlow

MEMBERS ABSENT: Paul Rolnick

ALSO ABSENT: Joseph Sperber, Code Enforcement Officer

Meeting came to order at 8:00 P.M.

Sapir - Announced the location of fire exists to all in attendance of the meeting.

Mr. Sapir, Chairman of the Board, requested a moment of silence in memory of "September 11, 2001."

MINUTES APPROVED: 9/11/02 - Motion made by Stephens to accept the minutes as corrected.

Waitkins – Second the Motion

Vote: 4-1 In Favor - 4-Stephens, Sapir, Waitkins, Rolnick

HEARINGS:

John Gochman, Attorney for Peter Del Bourgo, Penfield Avenue. Section 7.13 block 3 Lot 29. Request for a side yard and rear yard variance with respect to an existing garage.

Gochman – Peter Del Bourgo is with me tonight. He is the Power of Attorney for Sonia Del Bourgo, who is in a nursing home.

When preparing to sell his property, my client was required to obtain a survey. Once the survey was obtained, it was realized that the original structure met the 1931 Zoning Requirements at the time of construction which was 1936. However, the existing garage

which was built the same time as the original structure, did not meet zoning. A five-foot setback is required. We are seeking a .3 ft. for the rear yard setback and .2 ft. for the side yard setback.

Gochman - For the record, I would like to meet the findings:

The original structure and garage have existed since 1936. It was originally purchased by the Del Bourgo's in 1845. It has been held in the same un-improved state since that time. At the time the original construction took place the Village was very flexible with respect to zoning requirements. It is an existing situation. Nothing has changed. It is not affecting the character of the neighborhood. There will be no detriment to nearby properties. There is no other way to conform other than removing the garage, which would be a hardship to my client. The amount of variance requested is not substantial. We are not changing the location. We are only asking for a variance to make the existing garage conform to today's Zoning Regulations.

Sapir - For the record the Legal Notice incorrectly states the applicants name as: "Del Boro. The correct spelling is "Del Bourgo"

Sapir - Have any of the neighboring properties turned over since 1943?

Gochman - Yes. I represented William Trent who owned an adjoining property. He had some knowledge as to when he thought the property was built.

Sapir - Did he have any objections?

Gochman - No.

Sapir - What would the hardship to you client, if the variance is not granted?

Gochman - The only certification we have is a Certificate of Compliance and a letter from the Village Engineer dated August 12, 2002, that states that the original structure (house) meets the 1931 Zoning Requirements that were in effect at the time of construction. But, the garage fails to meet the requirements

Sapir - Do you know if the property has been assessed with the garage?

Gochman - Yes. It is being assessed for the main house and the garage as it exists.

Sapir - What has the applicant used the garage for? Storage of automobile?

Mr. Del Bourgo – Yes, the garage has been used, but there has not been a car there for 10 years.

Sapir - Is there running water in the garage?

Del Bourgo – No.

Sapir - Are there any other questions?

Barlow – Do you require a variance for the residence as well as the garage?

Gochman – No. That meets zoning.

Gochman – Submitted a copy of the Property Record Card to the Board to show that the garage was being assessed at \$1,100.00.

Sapir - Any other questions?

There was no reply.

Hearing Closed.

Decision:

Stephens – Made Motion to grant a .3 ft. rear yard variance and a .2 ft. side yard variance for the existing garage.

Waitkins – Second the Motion

Vote: All In Favor - Stephens, Waitkins, Sapir, Rolnick, Barlow

ANNOUNCEMENTS:

The Board announced the Village Board's appointment of a new Zoning Board Member, Witt Barlow.

The Board congratulated and welcomed Mr. Barlow as a member of the Board

Respectfully submitted,

Janice Fuentes
ZBA Secretary
9/11/02

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RESOLUTION

Oeter Del Bourgo, Power of Attorney for Sonia Del Bourgo has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a side yard and rear yard variance with respect to an existing garage.

The property, at Penfield Avenue is located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 29.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The variance request is not substantial. The garage has existed since 1936 when the original structure was built.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **GRANTED** as follows:

Stephens – Made Motion to grant a .3 ft. rear yard variance and a .2 ft. side yard variance for the existing garage.

Waitkins – Second the Motion

Vote: All In Favor – Stephens, Waitkins, Sapir, Rolnick, Barlow.

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