

DRAFT FILED: 10/21/02
FINAL APPROVAL: 11/13/02

VILLAGE OF CROTON-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS MEETING MINUTES OF
OCTOBER 16, 2002

MEMBERS PRESENT: Don Sapir, Chairman
Rhoda Stephens
Paul Rolnick
Witt Barlow

MEMBERS ABSENT: Ruth Waitkins

ALSO PRESENT: 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 exits to all in attendance of the meeting.

APPROVAL OF MINUTES:

9/11/02 – Motion Made by Stephens, to accept the minutes as corrected.

Barlow – Second the Motion

Vote: 3-1 – In Favor – Stephens, Barlow, Sapir

1 – Abstained – Rolnick

HEARINGS:

Joseph Mangano, 12 Maple Street. Section 79.05 Block 5 Lot 28. Located in a RB District. Request for a front yard variance with respect to a proposed deck.

Joseph Mangano, 112 Maple Street, - I am looking for a three foot front yard variance for a proposed deck in the front of my house.

Sapir - Why did you chose that area and not somewhere else on the property?

Mangano - Because, I have a large maple tree and in the back there is lots of sun and my son has allergies and he has problems breathing in the heat. He cannot play outside because of his asthma. The front would be nice, because it is shady for my son and we can see the sunsets.

Stephens - This will be an extension of your front porch?

Mangano – Yes.

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Stephens - How high off the ground will it be?

Mangano – Seven feet.

Stephens - How far from that tree will the deck be?

Mangano - Three feet.

Stephens - The footing will not affect the tree or the steps near your walkway?

Mangano - No. The steps will be in front of the deck.

Barlow – I thought all of the houses were roughly 10 ft. from the property line?

Mangano - If I want, I can build a five-foot deck without a variance.

Barlow - Is there a reason it has to be raised and not on ground level?

Mangano - I have a front porch that is 7 ft. above ground. I want it to line up with the deck.

Sapir - Why not have a round level patio instead of a deck, then you won't need a variance?

Barlow - Why grant a variance? I would think that he would need a compelling reason in order for us to grant a variance and his reason does not seem to be that compelling.

Sapir - (To Joseph Sperber, Code Enforcement Officer), I he were to build the five foot deck, that he says would not require a variance, would he not need a variance for that too?

Sperber - Not if it is a separate structure.

Sapir - With respect to your son, is there any reason you could not install some sort of an awning?

Mangano - The house blocks the sun most of the time and if I were to install an awning, the tree would need to come down.

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Sapir - You are asking us to excuse you from the strict compliance of the law and we are required to ask if there is a hardship. What will your hardship be? I do not see a hardship and you will still be able to enjoy your house and that area if you had a patio instead of a deck.

Mangano - If I put the deck the same level as the porch it will be more useful. If I build the deck so it does not require a variance, it will have to be five feet and that will not be useful to me.

Rolnick - Why can't you construct an eight-foot patio?

Mangano - Because that would be too close to the property line.

Sperber - They would not need a variance if the patio is at grade level.

Sapir - Do you have a porch in the back?

Mangano - No, it is concrete and there is a slope. The main reason I want it in the front is so my son can play on the same level as the doorway. It will be easier to watch my son when he plays.

Sapir – How old is your son?

Mangano – Six years old.

Stephens - In the back yard there is no shading?

Mangano - No. In the summer there is no shading. He cannot play there. We get nice sunsets in the front. The existing porch is too small so we never use it. If we get the variance, we will be able to use it.

Rolnick - Will you have lights or electricity?

Mangano – No.

Sapir – Do you plan to enclose the area beneath the deck, so it will be esthetically pleasing?

Mangano - Yes, lattice to close it off.

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Rolnick - The stairs run along the side of the deck?

Mangano – Yes. There will be a new railing all along the porch, it will match the deck.

Sapir - Are there any other neighboring properties that have a deck in front of their house?

Mangano – I am not sure.

Sapir – Are there any other questions.

There was no reply.

Hearing closed.

Rolnick * - Made Motion to grant a front yard variance for the construction of the deck as per plans submitted.

Barlow – Second the Motion

Vote: 4-0 – Against the Motion – Rolnick, Barlow, Sapir, Stephens

Motion Denied

Raymond D’Alvia, Agent for General Splice Corp., Niles Road & Route 129, Section 68.14 Block 5 Lot 4. Located in a RA-25 District. Request for an amendment of condition #5 of a previous ZBA Resolution granted on 7/10/02. Condition #5 pertains to the number of employees allowed.

Raymond D’Alvia - I was asked at the last meeting the number of employees my client had. I stated three. That was incorrect. My client has as many as 12 or 14 employees on

occasion. When I answered to the Board, I was referring to the number of employees my client had employed at the time of our meeting. I request that no number be put on the number of employees. My client has been in business for several years and there have never been any complaints. No one knows he is even there.

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My client's variance was expired by a couple of years when he was requested his extension. My client is now ready to retire. This permit has been in effect for several years with no problems or complaints. I ask that you extend the variance permit time for a period of five years. No one has complained in the last twenty-five years. I ask you to re-consider this and not to impose a limit of employees.

Sapir - Where do the employees park?

D'Alvia - My client has adequate parking, there is plenty of room.

Barlow - Can you describe the business?

D'Alvia - He puts together conveyor belts and then ships them to where they have to go. He is assembling, not manufacturing.

Barlow - Is this like an E-Mail business?

D'Alvia - He puts conveyor belts together and ships them.

Rolnick - At the last meeting he explained to us that his client puts together conveyor belt fasteners.

D'Alvia - Nothing is kept outside.

Barlow - Has your client had this many (12-14) employees off and on for several years?

D'Alvia - Why put a limit on the number of employees?

Barlow - Because, he is planning on selling the business, if the new employer wants to have that many employees all the time it will not be so innocuous.

D'Alvia - Fred Niles, had a silver nickel-plating business there and it was done indoors.

Sapir - Can we have a site visit to see the parking situation?

Stephens – Also, the Resolution stated that the business was solely for the manufacturing of conveyor belts.

D’Alvia - His phone number is 271-5171 (**off the record??*) You can make arrangements with him to visit the site.

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Sapir - We will make individual arrangements with the owner and meet with him next week.

D’Alvia - I have no objection and you can inspect to see if he does anything other than conveyor belts. We can put that in the resolution too.

Hearing adjourned to allow the Board time to conduct an individual site visit.

Hearing adjourned until November 13, 2002.

Christopher Judge, 38 Palmer Avenue, Section 78.09 Block 3 Lot 39. Located in a RA-5 District. Requesting a side yard variance with respect to a proposed addition.

Judge - I am requesting a side yard variance with respect to a proposed addition, not a front yard variance. The extension is in the back of the house not the front.

Sapir - Everyone within 200 feet of your property was noticed for a front yard and side yard variance. Do you have anyone directly behind you? I mention this for legal reasons only. We are prepared to go forward as noticed to the public. It is up to you. But, if we grant a variance your neighbor can contest it.

Sperber - He is ok with the rear yard. He only needs a side yard. The new addition will not affect the rear yard setback.

The Board agreed to go forward with the hearing and amend the application for a side yard variance.

Judge - I want to extend the existing kitchen. It will be along the same footprint of the existing house. We will be removing an existing mudroom. There is a concrete patio with a picnic table that we would make part of the kitchen.

Sapir - How large is your kitchen now?

Judge - Not big enough.

Sapir - Why do you need a larger kitchen?

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Judge - I have four children and the existing kitchen is tight.

Sapir - Is it an eat-In kitchen?

Judge – Yes.

Sapir - What will you be able to do with the new kitchen, that you can't do with the old?

Judge - We will be able to have a table large enough for the whole family to sit comfortably. We now have room only for a table of four.

Sapir - How old are your children?

Judge - Their ages are from five years old to thirteen years old. We will also put in a powder room and install new kitchen cabinets in the kitchen to store the food, which is now being stored in the pantry that will be converted to the powder room.

Sapir - How many bathrooms do you have.

Judge - When the addition is completed, we will have one and one half baths.

Sapir - Is there any other way to construct this?

Judge - No. The kitchen is only nine or ten feet wide. As it is, I cannot fit a table large enough for the whole family and I cannot construct it any other way because of the layout of the house.

Sapir - You are asking for a 4.1 ft. side yard variance?

Judge - I want to extend the existing house and I need a 3.9 ft. variance.

Sperber - Even if the applicant could construct the addition some other way, he would still need a variance, because his house is legally non-conforming. It was built prior to zoning.

Rolnick - Are we sure? There was an application before us by the name of "Spring" and we said he did not need a variance for the rear of the addition, because it already had a variance.

Sapir - What is the direction, is it the southerly side of the house?

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Judge – South East.

Sapir - Are there any other questions?

There was no reply.

Hearing closed.

Rolnick – Made Motion to grant a southeast side yard variance of 3.9 ft. for a proposed addition of a kitchen, according to plans submitted, that will increase the degree of non-conformity.

Barlow – Second the Motion

Vote: 4-0 In Favor - Rolnick, Barlow, Sapir, Stephens

Muriel Grimes, 128 Hastings Avenue, Section 79.09 Block 10 Lot 45. Located in a RB District. Requesting a side yard and rear yard variance with respect to a proposed new garage.

Jim Grimes, 128 Hastings - We are requesting a side yard and rear yard variance with respect to a proposed new garage. We intend to use the same setback as the existing non-conforming garage. The garage is in poor condition and we do not have enough storage space.

Sapir - How much of a variance are you requesting?

Grimes – A side yard variance of 0.32 ft.

Sapir - Are you currently using the garage for your automobile?

Grimes – I am not using it. The floor is dirt and broken rocks. We have two cars and we would like to be able to store two cars. We would also like to be able to store tools and garden equipment.

Stephens - It will not have heat or water installed?

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Grimes – No.

Sapir - Are you presently parking one car in the driveway and one in the street?

Grimes - Sometimes, it depends.

Barlow - Is this a two-family house?

Grimes - Yes.

Barlow - Do your tenants have a car?

Grimes - This garage is not for them.

Sapir - Will the siding on the garage be the same as the house?

Grimes - I intend on using texture one-eleven. It is a fancy plywood and you can stain it. I am not sure yet what color I will use. Eventually I will put siding.

Barlow - Then the plans you submitted that indicate siding is to be used, may not be correct?

Grimes - We can put siding if you request it, but it will not match the shingle on the house. Eventually, I would want to put siding. I now have shingles and the garage will be texture one-eleven. When I am ready to side the house, I will also side the garage.

Sapir - When are you intending to do this?

Grimes - four or five years from now.

Rolnick - Is the blacktop extensions you are showing us accurate.

Grimes - I will have to extend the blacktop over some. It is a rough drawing.

Discussion followed over plans.

Barlow - I understand you could build a garage without a variance, but you can't without losing a lot of your yard.

Grimes - Correct.

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Grimes - But, the texture one-eleven is a short-term thing.

Sapir - My concern is that I am reluctant to improve something that will not fit in with your neighbor's houses.

Grimes - I can side it if you want, but it will be a little more expensive for me.

Discussion followed over plans and using texture one-eleven.

Rolnick - The application states that you will be using the same footprint of the existing garage.

Grimes - Yes, that is correct.

Rolnick - Is the proposed building going to be exactly as the drawing you submitted, except for the siding?

Grimes - That is what we are proposing to do.

Sapir - Any other questions?

There was no reply.

Hearing closed.

Respectfully submitted,

Janice Fuentes
ZBA Secretary

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