

# FINAL

DRAFT FILED: 4/27/04

FINAL APPROVAL: 5/12/04

VILLAGE OF CROTON-ON-HUDSON, NEW YORK ZONING BOARD OF  
APPEALS MEETING MINUTES OF APRIL 14, 2004.

MEMBERS PRESENT: Don Sapir, Chairman  
Rhoda Stephens  
Ruth Waitkins

Members Absent: Paul Rolnick  
Witt Barlow

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

Announcement of Fire Exists

Mr. Sapir, Chairman of the Board - announced to the applicants that there were only three members of the Board present at the meeting. In order for them to be granted their variances they would need at least three members to approve the application. Because the applicant's chances of obtaining approval are diminished with only three members present, it is the Board's practice to give the applicant the opportunity to request an adjournment until next month when perhaps all of the members will be present. If there is no time pressure on your application and you would like to adjourn the hearing until next month please raise your hand now.

Mr. Tully, P.E. - Representative for Hans Vannes of 25 Grand Street - For clarification, if we decided to have our hearing tonight and two of the members vote in favor of the application and one in disfavor, that would mean the application is denied? The vote does not have to be unanimous?

Sapir - It would have to be unanimous in one way; in favor.

Tully - If we were to proceed and two members turn it down, that means we can come back for reconsideration, if there is new evidence or do we have to file a new application?

Sapir - You need three votes to grant the application no matter how many members are present. It is unusual for this Board to have only three members, because of that unusual circumstance I am giving the applicant the benefit to have the matter adjourned.

Mr. Tully and the Applicant Mr. Vannes, requested to adjourn the hearing until next month. Mr. Tully also stated that the applicant might request an amendment to his application.

Mrs. Peyton – My architect just arrived. May I have time to discuss this with my architect?

The Board agreed and proceeded with the other hearings.

#### **HEARINGS:**

**Michael and Kathleen Reynolds, 12 Devon Avenue, Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 68. Request for a total side yard variance with respect to a proposed addition.**

Reynolds – We are here to ask for a variance for total side yard. We are not in compliance with the total side yard requirement of 20 ft. We only have 16 ft. we are looking for total side yard variance of 4 ft.

Stephens - The house was built in 1934?

Reynolds - Yes

Stephens – And there have been no changes?

Reynolds – No.

Sapir - You are asking to increase the non-conformity by pushing back the present lines of the house?

Reynolds – Correct?

Sapir – Will this be a two-story addition?

Reynolds - No one story

Sapir –What do you plan to add in terms of rooms?

Mrs. Reynolds – There will be one room in the back and we want to expand the kitchen to make it even with the existing attached garage. I have photos of the house.

Photos submitted for the record.

Discussion followed over photos and plans.

Mrs. Reynolds- There will be an enlargement of the kitchen and the Breakfast room. Only two rooms will be expanded.

Stephens – The door will go straight out from the family room?

Mrs. Reynolds - No we do not need stairs there.

Sapir – Have you considered any other possibilities that would not require a variance? Are there any other options?

Mrs. Reynolds – No not at this time. We wanted to expand the kitchen this way so we would not have greater expense to move the plumbing.

Sapir – Will the Breakfast room be replacing any other room?

Mrs. Reynolds - No

Sapir - Do you have a family activity room?

Mrs. Reynolds - No

Sapir - Have you discussed your plans with your neighbors?

Reynolds - Yes

Sapir – Were there any objections?.

Reynolds - No

Sapir – Anyone else like to be heard?

There was no reply.

Hearing closed.

**Janice Swerdloff, 109 Young Ave., Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 4. Request for a side yard and total side yard variance with respect to a proposed addition.**

Rinaldo Garcia, Architect, represented the applicant - I worked on the design. I work with Lawrence Belloscio, 92 Perks Blvd., Cold Spring, N.Y.

We are adding to the back of the house to expand the kitchen, dinning room, and the children's bedroom. We will be extending the nonconforming side yard. We are looking for a 6.4 ft. side yard and a 6.4 ft. total side yard on the other side.

Sapir – So you need 6.4 ft. for the side yard?

Garcia-We need it on both sides with one side yard 6.4 ft.

Sperber – After construction they are looking at a 5.9 ft. setback. Looking at the right side from the front of the house, it is 5.9 ft.. That is the smallest dimension they have.

Garcia – That would be a 2.1 ft. variance needed on that side.

Sperber – Correct and a 3.6 ft. side yard.

Sperber– The requirement is 8 ft. for one side yard and 20 ft. for total side yard.

Stephens – 2.1 ft. side and 3.6 ft. total side yard?

Sperber - Correct.

Garcia . There is one existing bath we are adding one more.

Sapir – Is there any other way to achieve this without obtaining a variance?

Garcia – Only by adding a couple of feet on each side, that will mess up the architecture, and the kitchen would get cut up, and it will be more expensive in terms of roofing and etc.

Sapir – Were the neighbors advised of this addition?

Mrs. Swerdoff- Yes and one of my neighbors is here tonight.

Stephens – When your are referring to the right side are you referring to the north side?

Garcia - Yes the north side.

James McCaffrey – 115 Young Ave. – I would just like to clarify something. The proposal is to expand straight towards the back of the property. They will not be expanding to the side?

Garcia - No. The addition will just go straight back towards the rear.

Sapir - Anyone else like to be heard?

There was no reply.

Hearing Closed

Stephens – Made Motion to grant a 2.1 ft. northerly side yard and 3.6 ft. total side yard according to plans submitted.

Waitkins – Second the Motion

Vote: 3-0 In Favor - Stephens, Waitkins, Sapir

**Terrance Rooms, 11 Farrington Road, Located in a RB District and is designated on the Tax Maps of the Village as Section 78.08 Block 3 Lot 11. Request for a side yard and total side yard variance with respect to a proposed addition.**

Rinaldo Garcia, Architect, Lawrence Belloscio, 92 Perks Blvd., Cold Spring, N.Y. represented the applicant.

Garcia - We are proposing an extension and to enclose an existing porch to make it part of the living space. It is a narrow lot and nonconforming.

Sperber - This is for a single-family house?

Garcia -Yes single family. We are looking to renovate this house and we are proposing to put in the rear a second story add about ten feet.

Discussion followed over pictures.

Sapir - You want to enclose the porch ?

Garcia - Yes. In the front there is a roofed porch that we want to enclose to make apart of the living space.

Stephens - Referring to plans - In the room in the rear, is there any way that you could put the entrance and the steps in the rear as opposed to the side?

Discussion followed over plans.

Garcia - The reason we did that is because they want a patio in the back and the property slopes, that why we went to the side, it is more desirable than to do it at the higher side. It would also require a few more steps to do it that way and because of the grade in the back, it is not a good place to do the steps.

Stephens - The neighbor is located in the street above?

Owner - Yes the neighbor is here tonight. I spoke with the neighbors on Sunday and were in agreement with our proposal.

Waitkins - Are there no bedrooms on the first floor?

Rep – No. The existing bedrooms are too small.

Discussion followed over plans.

Stephens – When was the house built?

Sperber – It was built before 1931.

Sperber – The variances they are requesting are 2.8 ft. for one side yard on the West Side and 14.3 ft. for the front yard. This is a legally non-conforming lot, but they want to increase the degree of nonconformity, that is why they need the variance. They are not asking to encroach more on the front yard; that is how it already exists and always has been.

Sapir – Anyone else living in the house?

Rooms – My son.

Sapir Are you going to have landscaping in front of that area by the porch?

Rooms - Yes.

Sapir - No overhang at all from the front door?

Garcia : – Yes, the second floor comes out and it is covered.

Discussion followed over plans.

Sapir – Is there any other way to achieve this without a variance?

Not without going out the side. The house is very small.

Anyone else like to be heard?

Hearing closed.

Waitkins – Made Motion a variance of 2.8 ft. on the west side yard and 14.3 ft. front yard variance according to plans submitted.

Stephens – Second the Motion

Vote: 3-0 In Favor - Waitkins, Stephens, Sapir

**Susan Riordan, Architect for Thomas Peyton & Janet Mainiero, 33 Grand St. Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 78.08 Block 5 Lot 64. Request for a special permit with respect to 230-40(b) of the Village Code.**

Susan Reardon, Architect, Office located in Ossining, N.Y. Represented the applicant.

Reardon – Referring to Section 230-4(b) of the Village Code; the front yard requirement is 25 ft. and we have extremely steep slopes, so we decided to go forward of the house. There is also a tree on the property and killing the tree would also hamper the slope area and vegetation is important for the slope as well.

Discussion followed over pictures the applicant submitted.

Sapir – Where will you be building the garage? Will you be building the garage where the parking area is now?

Reardon – Yes.

Discussion followed over plans

Stephens – You will not be expanding the black top area?

Reardon - Not any farther

Sapir – Are you building any retaining walls?

Reardon - We are trying to prevent that because of the tree.

Waikins – The size will be the approximate size of the parking area in the pictures?

Reardon - Yes. Our options are tough because of the steep slopes. If you see the topography map you can actually see the slopes.

Waitkins - Does that property extend down the hill and around the curve?

Reardon - Yes.

Sapir – Is there any place to put it lower?

Reardon – No, there is a 40 ft. drop

Stephens – Will you be making a walkway for them to get to the garage?

Reardon – No. They park their cars and walk on the public sidewalk to get to their cars.

Waitkins – That is how you walk to your garage, by coming on the sidewalk and walking to the side?

Peyton – Where the driveway is now, there is a great deal of vegetation and a tree that blocks that view coming up Grand Street. What people do to get a better view is they stand right by the front door. Where the garage is, there is a very healthy tree.

Sapir – Is there anyway for you to build the garage without a special permit?

Reardon - There is a steep slope and it drops off and it would need a significant retaining wall and it would also be cost prohibited for the project.

Stephens – What is the actual size of the parking area now?

Reardon – Approximately 22 ft. x 25 ft. and it extends to the side walk

Stephens – How far from the actual sidewalk will it be when completed?

Reardon -12 ft. from the sidewalk

Discussion followed over pictures.

Reardon – The street line and the property line is one and the same.

Sapir – How many drivers in the house?

Reardon - Two

Sapir – How many cars?

Reardon – Two.

Sapir - How long have you owned the house?

Peyton – Two years.

Stephens – You're looking for a 20 ft. front yard setback?

Reardon – No. We are looking at a 5 ft. front yard setback. That is what we are asking.

Sapir – Is anyone else here regarding this application?

There was no reply.

Sapri – What is across the street from where the garage is to be built?

Reardon - Vacant land.

Sapir - Is that a buildable lot?

Reardon – I don't know.

Sapir – Was this application discussed with the neighbors?

Reardon – Yes and there were no objections. One neighbor, Mr. Vannes is here tonight.

There were no objections.

Sapir – Sapir, this is a property that I would like to look at. I did not have a chance to look at it. Before any of the views of the Hudson River are taken away, it has always been my practice that no other option is available. I would like to request an adjournment of this public hearing until next month in order to have time to visit the site. Next month we may have additional members, which may give you additional votes.

The Board and the applicant agreed to adjourn until next month.

Hearing adjourned until next month.

**Mr. Tully, P.E., representative of Mr. Vannes** – We wish to request an adjournment until next month at which time we may request to amend our application.

The Board agreed to adjourn the hearing until next month.

Respectfully submitted

Janice Fuentes  
ZBA Secretary  
4/14/04

## RESOLUTION

Terrance Rooms, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a side yard and total side yard variance with respect to a proposed addition.

The property, at 11 Farrington Rd, is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 78.08 Block 3 Lot 11.

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

The variance sought is not substantial.

The proposed addition is in keeping with the character of the neighborhood and not detrimental to the environment or neighbors.

The granting of the variance will increase the enjoyment of the property.

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

Waitkins – Made Motion to Grant a variance of 2.8 ft. on the west side yard and 14.3 ft. front yard variance according to plans submitted.

Stephens – Second the Motion

Vote – 3-0 – all in Favor – Waitkins, Stephens, Sapir

4/14/04

**According to Section 230-76 (D), "Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void."**

## RESOLUTION

Janice Swerdloff, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a side yard and total side yard variance with respect to a proposed addition.

The property, at 109 Young Ave., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 4.

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 or detriment to the neighborhood the proposed construction will be an improvement.

There will be no adverse effect or impact on the environment.

The benefit sought by the applicant cannot be achieved any other way.

There were no objections from the neighbors.

The variances requested were not substantial

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

Stephens – Made Motion to Grant a Northerly side yard variance of 2.1 ft. and a total side yard variance of 3.6ft., according to plans submitted.

Waitkins– Second the Motion

Vote – 3-0 – all in Favor – Waitkins, Stephens, Sapir

4/14/04

**According to Section 230-76 (D), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.”**

RESOLUTION

**FINAL**

**Michael & Kathleen Reynolds** has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a total side yard variance with respect to a proposed addition.

The property, at 12 Devon Ave., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 68.

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 or detriment to the neighborhood the proposed construction will be an improvement.

There will be no adverse effect or impact on the environment.

There were no objections from the neighbors.

The variances requested were not substantial

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

Stephens – Made Motion to Grant a total side yard variance of 4 ft. and according to plans submitted.

Waitkins– Second the Motion

Vote – 3-0 – all in Favor – Stephens, Waitkins Sapir

4/14/04

**According to Section 230-76 (D), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.”**