

# FINAL

DRAFT FILED: 12/19/06

FINAL APPROVAL: 1/10/07

## VILLAGE OF CROTON ON HUDSON ZONING BOARD OF APPEALS MEETING MINUTES OF DECEMBER 13, 2006

MEMBERS PRESENT: Kathleen Reidy, Chairman  
Rhoda Stephens  
Ruth Waitkins  
Witt Barlow  
Doug Olcott

ALSO PRESENT: Joseph Sperber, Code Enforcement Officer

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

Announcement of fire exits to all in attendance of the meeting.

APPROVAL OF MINUTES:

### HEARINGS:

**Thomas Fallacaro, 3 Arrowcrest Drive. Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.15 Block 1 Lot 33. Request for a variance from Section 230-40(A)(1)(B) with respect to a retaining wall being built less than five feet from the side property line, and Section 230-40(b) with respect to a retaining wall being built in a front yard, and Section 230-40(A)(1)(a) with respect to a retaining wall being built higher than 15 ft. (Adj. on 10/11/06) (11/07/06 Fax request to adjourn until 12/13/06), (Request to adj. until January 10, 2007).**

The Board acknowledged and granted the applicants request to adjourn the hearing until January 10, 2007.

**Charlene Munro, 56 Truesdale Drive. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 17. Request for a side yard and front yard variance with respect to an existing house and addition.**

Gerald Klein, Esq. represented Charlene Munro the executrix of the estate of Kenneth and Helen Jacobs.

Klein – In 1947 there was a side yard and total side yard variance granted for the purposed of constructing the existing home. The construction took place in 1948. They followed the Building Permit plans for the dormer. This was done prior to my client owning the property. The Brown's owned it and sold it to Jacobs, my client's parents. The dormer had an application for a building permit. It was either, not completed, or sanctioned until 1965. My client was raised in this house all during her childhood and her mother passed away this fall. Unbeknownst to my client, it was not until she set about as executrix of the estate and tried to divide it amongst her brothers that she found out it was not in compliance with the Zoning Regulations. There has been no change to the footprint of the home she was raised in. We think that the construction exists presently as it did then. There is no undesirable change to the neighborhood or adverse affect to the neighborhood or environment. We cannot change the existing house and it was not self created. We ask for the relief we requested and I will be happy to answer any questions you may have.

Barlow – (To Code Enforcement Officer) Do they need a variance from our existing Codes or the Codes that were in place at the time the house was constructed?

Sperber - The north side is fine due to a previous variance that was granted. If you look at the survey there is a chimney (discussion followed over survey). They would need a 1.5 ft. front yard variance and a 2.15 side yard variance if according to the first variance or you can conform it to today's standards, which would be a 4.15 variance.

The Board unanimously agreed that it would be preferable to conform it according to today's standards.

Riedy – There was no Certificate of Occupancy for the house or back addition?

Sperber – No. If they are successful in getting their variance they will then need to apply for the permit for the addition.

Stephens – Many people in the sixties did not get Certificates of Occupancies.

Olcott – Was that addition part of the dormer?

Klein – We do not think so. We were advised that we would need to get this variance from Zoning Board before submitting an application for the permit.

Stephens - What would be required to make the house comply?

Klein - We would have to take over two feet off the house on the south side.

Barlow - We are granting this variance for the house and the addition?

Sperber - Yes.

Barlow - They will not have to come back again?

Sperber - No. But, the addition increases the degree of nonconformity. The present thinking is if they are increasing the degree of nonconformity then the whole house would be involved again, but not for this addition, it already exists. The side yard variance they are requesting covers the addition and the existing house.

Olcott - The addition is one story in the basement as noted on the survey. So, they dug a basement too?

Reidy - It does look like it.

Charlene Munro - We use it as storage. It is not the only door from the outside.

Barlow - It looks like it was built in the fifties.

Riedy - It is clear in the second set of photos that was submitted with the application. They will need 4.15 ft. variance on the south west side of the property?

Barlow - Correct.

Reidy - And the north east side was granted a variance in 1947?

Sperber - Yes.

Riedy - Anyone else wishing to be heard on this matter?

There was no reply.

Hearing closed.

Stephens – Made Motion – To grant a 0.15 front yard variance and a 4.15 ft. south west side yard variance in order for the applicant to comply according to today's standards of Zoning.

Barlow – Second the Motion

Vote: 3-0 - Stephens, Barlow, Olcott Riedy, Waitkins

**Signs Ink on behalf of Meredith Glenn (Owner) 102 Grand Street. Located in a 0-1 District and designated on the Tax Maps of the Village as Section 78.08 Block 6 Lot 37.01 Request for a variance with respect to a proposed sign.**

Steve Chester, Signs Ink, represented the applicant. - Let me show what I submitted to the Building Department. The original plan was different than the one we are presenting tonight. The reason for the change is the Zoning did not allow it. After going to the Visual Environment Board they helped to design a more fitting sign. A 5 ft. sign is very small considering what they will see. It warranted for us to go for a larger sign than what was normally allowed. It is only two properties away from where they would allow a sign this size.

Sperber – The properties that are two or three properties down from this one have larger signs.

Chester – The Church has signs. This will be a gorgeous sign that will be all carved and in keeping with the neighborhood. It will not detract in any way and she is spending a good deal of money for it and I hope you will approve it.

Reidy – You are seeking an application for this sign that is a total of twelve sq. feet. There is already a sign on the window.

Chester – Yes, but that is not considered a sign according to Code.

Sperber – You cannot exceed 75 percent of the glass area or you cannot have a sign on it.

Chester – If she had a choice between a window, vinyl or this sign, I am sure she would prefer this window.

Kathleen – Will it be illuminated?

Chester -- No.

Reidy - No neon lighting or nothing sparkly?

Chester - No.

Stephens - And this will be the only sign?

Chester - Yes.

Barlow - Does this application have to go to any other Board?

Sperber - The Visual Environment Board. They can change the color of the sign, etc.

Barlow - So it could be altered other than this proposed sign and be ugly.

Discussion followed over application.

Chester - It is a thirty foot building and a proposed 12 ft. x 12 ft. sign. The letters are five inches high which is not huge.

Reidy - Anyone else like to be heard?

There was no reply.

Hearing Closed.

Barlow - Made Motion to grant a 7 sq. ft variance according to Section 230-44 P (2) and according to plans submitted.

Stephens - Second the Motion

Vote: 3-0 In Favor - Barlow, Stephens, Reidy - Waitkins, Olcott

Respectfully submitted.

Luzie Fuentes  
ZBA Secretary  
12/13/06

RESOLUTION

Meredeth Glenn, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a variance with respect to a proposed sign.

The property, at 102 Grand Street, is located in a 0-1, District and is designated on the Tax Maps of the Village as Section 78.08 Block 6 Lot 37.01.

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.

There were no objections from the neighbors.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

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

Barlow – Made Motion to grant a 7 sq. ft. variance according to Section 230-44 P(2) of the Village Code and according to plans submitted.

Stephens – Second the Motion

Vote: 3-0 – In Favor – Barlow, Stephens, Reidy, Waitkins, Olecott

12/13/06

**According to Section 230-164 (E)), “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.**