

# FINAL

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FINAL APPROVAL: 3/14/07

## VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS MEETING MINUTES OF JANUARY 10, 2007

MEMBERS PRESENT: Kathleen Reidy  
Rhoda Stephens  
Doug Olcott

MEMBERS ABSENT: Witt Barlow  
Ruth Waitkins

ALSO PRESENT: Joseph Sperber, Code Enforcement Officer

Meeting came to order 8:00 P.M.

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

The Chairman informed the applicants that there were only three members present this evening and because there are only three members present the applicants will need a unanimous vote in order to be granted the variances they are seeking. The Chairman further stated that it is the usual practice of the Board to grant the applicants an adjournment until the next meeting in February, if they wish to do so, when there will be five members present and their chances of obtaining a unanimous vote will be greater.

All of the applicants present agreed to go forward with their applications.

### 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. (Adjourned on 10/11/06, 11/7/06, 12/13/06, 1/10/07 – Requested to adjourn until February 14, 2007.**

The Board acknowledged receipt of a request form the applicant's attorney Norman Sheer, to adjourn the hearing until February 14, 2007.

The Board granted the applicant's request.

**Robert Klurfeld, 90 Truesdale Drive. Located in a rA-9 District and is designated on the Tax Maps of the village as Section 79.09 Block 5 Lot 10. Request for two front yard variances with respect to a proposed addition.**

Susan Reardon. Architect for the Applicant and Mr. & Mrs. Klurfeld were present for the hearing.

Reardon – Stated that the existing house is approximately 1000 sq. ft. It is a small house. It is currently one story and we are planning to convert the existing garage into a storage room and putting on an addition. It will be 66 ft. long it is now forty two feet long. It is a triangle lot facing two streets. It will be in line with the existing house. We are requesting a 9 ft. front yard variance on the east side and a 9 ft. front yard variance on the west side of the property. The garage will be big enough for just two cars. Other neighboring properties have houses that are huge.

Discussion followed over plans.

Stephens – How does this application differ from the application that was submitted two years ago?

Reardon – It was a twenty two foot addition.

Stephens – So the last variance request is being negated and we are starting all over again?

Reardon – Yes. It is a tiny house and the basement is not finished. They have grandchildren that visit.

Stephens – How long have you lived there?

Mr. Klurfeld – My wife and I have lived there since 1962.

Stephens – You do not need a side yard?

Reardon – No. They only need two front yard variances.

Reidy – Why are you expanding?

Mr. Klurfeld – My sons have moved away and have children and on occasion they like to visit us and they have children of their own. It is jammed. If we get this variance we will have one happy family when we get together.

Reardon - They would also be able to move the laundry room upstairs and that will make it easier for them.

Stephens – In 2004 we granted a variance and no work was done?

Klurfeld - Yes.

Reidy – Will the whole house be resided?

Mr. Klurfeld - Yes.

Reardon – The house is currently forty two ft. by twenty two ft. The new addition will make it sixty six feet by twenty two feet.

Reidy – Will any trees have to be removed for the driveway?

Reardon – There is one dead tree and one live tree that will be removed. We are adding three evergreen trees to provide privacy for the neighbors and screening.

Reidy – How big are the trees?

Reardon – Fourteen feet tall.

Reidy – What would the hardship be if the variance is denied?

Klurfeld – It would be an extreme hardship. The size of the house is not enough space to entertain my family and grandchildren.

Mrs. Klurfeld – We also have an aging mother and would like space for her. She comes to visit a couple of months per year with her aide.

Reidy – have you spoken to your neighbors about your plans?

Mrs. Klurfeld – No because they did not have any problem with the previous one and this application is a compromise from the previous one.

Reidy – The plans you are showing us is this the color?

Mr. Klurfeld – It is Gray. The last time we were here for a variance the neighbor Mrs. Kennedy had an objection. We met with her and had long discussions.

Reardon – Actually the last time we came for a variance she requested it be 25 ft. and it is now going to be 24 ft.

Sperber – The open porch has since been enclosed.

Discussion followed over plans.

Sperber – It is forty two ft. in length including the porch.

Discussion followed over plans.

Reidy – Any other questions with respect to this application?

There was no reply.

Hearing closed.

Reidy – Made Motion to grant a 9ft. front yard variance on the east side and a 9 ft. front yard variance on the right side of the property according to plans submitted and with the following conditions.

1. Material and color will match the existing house.
2. Screening will be provided

Olcott – Second the Motion

Vote: 3-0 - Reidy, Olcott, Stephens.

**Joseph Borges, on behalf of Joseph & Mary Castanzo, 79 Maple Street. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 78.08 Block 7 Lot 25. Request for a Height Variance with respect to a retaining wall.**

Roy Chapman – A member of the public in attendance of the meeting – I request Ms. Reidy to recuse herself from this application. Ms. Reidy and I had a professional relationship in the past and my property abuts the applicant's property.

Ms. Reidy – I have been asked to recuse myself and I am not going to reject his request. However, there are only three Board Members present this evening and there needs to be three members present in order to have a quorum for a hearing. Therefore, we will need to adjourn this hearing until next month on February 14, 2007.

The applicant asked if the other two Board Members could override Mr. Chapman's request.

Reidy – Stated she is not going to reject Mr. Chapman's request therefore, the hearing will need to be adjourned until next month on February 14, 2007.

The applicant agreed to come back on February 14, 2007 for the hearing.

**Stephen Krisky, 49 Sunset Drive. Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.09 Block 3 Lot 4. Request for a Side Yard Variance with respect to a proposed addition**

Stephen Krisky and Judy Lewis of 49 Sunset Drive appeared at the hearing.

Krisky – We have our architect here this evening and we are submitting additional plans to address Mr. Olcott's concerns.

Olcott – I happened to bump into Mr. Krisky and mentioned to him that his plans were not clear, so I requested him to submit additional drawings.

Reidy – These plans are much more helpful than the plans we originally received. Thank you Mr. Olcott for suggesting it.

Reidy – Mr. Krisky, what is your reason for this application.

Krisky - Rather than fight with a teenage daughter for the shower and my wife is a chef, so I did not want to deny her the kitchen she always wanted. The house is small. There are only a few bedrooms and there is no spot to enjoy family time. We would like to add a family room, kitchen and one half bath. We are looking to extend the line on both sides of the house and extend it farther back. Half of the shaded area is the deck as opposed to it all being living space. We are only extending one story. It does not require foundation work.

Reidy – The second story will remain unchanged?

Krisky – Correct. It will be two thousand square feet when finished. The addition is approximately 104 square feet. The third floor has no heat and is not considered living space.

Reidy - Referring to plans – It says here “Size alternate”. What does that depict?

Discussion followed over plans.

Krisky – It is referring to two different window treatments and whether it will be two windows or one.

Reidy – The rear elevation plans.....

Discussion followed over plans.

Ms. Lewis – Referring to plans – This is the new deck and this is the new part of the kitchen and this is the new family room.

Discussion continued over plans.

Riedy – So from that area it will be no higher than what is existing, only the bulk will change because it will be deeper.

Krisky – We are keeping the integrity of the existing house, so you do not see the bulk.

Ms. Lewis – We will also be putting in a patio made of stone.

Discussion followed over plans.

Riedy – The addition, will you be residing it?

Krisky – We will match it with the existing siding.

Stephens – When did you purchase the property?

Krisky – 1994.

Olcott – It is a deep lot.

Reidy – Any other questions?

Lora Rickett – (Neighbor) I live across the street (50 Sunset Drive) - My house is a historical house. My view is between the two houses across the street. I only found out about it last night. Just the ten feet going towards the back. I have pictures that show it cuts my view in half. I just felt like I had to say something. The density of that wall got me. Steve (applicant) keeps telling me it does not have any impact on anything. I have photos and I invited the Rickett's to come and look from my driveway.

Riedy – Let us look at the photos and indicate on each one for the record what each picture depicts.

Rickett – I have four pictures.

Pictures were reviewed by the Board and submitted for the record.

Rickett - **Picture A** – I thought I was taking a picture straight across from my driveway to the property across the street but Judy (applicant) says that is not so.

**Picture B** – Was taken from their driveway and this shows where we see the pool and the area of the deck is where it will be a solid wall when the addition is built. You can also see where the plants are hanging.

Mrs. Krisky – That is not true. You have no view. Our house is directly in front of your house.

Rickett - **Picture C** – Was taken from my driveway. That is just another picture to Clarify I have a view. I stood in the middle of the road to take it.

**Picture D** – Is the most important. It was taken with me standing in the middle of my driveway.

Reidy – What View are you concerned about?

Rickett – The lengthening of the house in the back. Ten feet goes back farther than the existing deck. So, I think I will lose more than fifty percent of my view.

Olcott – Will it affect your view from your porch or window?

Rickett – Yes.

Mrs. Krisky – That is not true. Your house is directly in front of my house. You have no view. When I spoke to you last night I asked you if you had a view from your balcony and you said “No”. So the only view you have is from your driveway. So therefore, you will not even see the addition from your porch.

Reidy – (To Ms. Rickett) Your concern is that the increased depth will take away from the current view you have from your house?

Rickett – Yes.

Mrs. Krisky – She means her view from the middle of her driveway. She has no view from her house.

Reidy – I am just trying to understand Ms. Rickett’s concerns.

Olcott – Are you saying that from her porch it will only affect ....

Mrs. Krisky – Her view will not even be affected from her second or third floor. What we are applying to the Board for is the variance from the side yard. We have the right to go towards the rear of the house. We do not need a rear yard variance. The issue is the angle of the view from her driveway that is the side of the house. There is no significant disruption from what she sees now. We are just trying to conform to the Zoning that was put in place after the house was built. The house is now legally non-conforming. It is our legal right to come before the Board to request a four foot variance from either side. The addition will happen either way. So, you tell me what makes sense. The issue is not what is behind us we don’t need a rear yard variance. The issue before the Board is only the side yard.

Olcott – So the total side yard variance they are requesting is 3.95 ft.?

Sperber – What they are saying is if they were to meet the side yard setbacks they would not need a variance and therefore they would be able to build the addition towards the back without needing any variances. But, the original house although it was conforming at the time it was built it no longer meets the current regulations. Therefore, they need the side yard variance for the addition.

Mr. Krisky– My architect tells me we have more than ample space in the rear to do it. I am not sure this is clear to Ms. Rickett, but that is the reality of it.

Olcott – Is your architect still here this evening?

Mr. Krisky – No. He had to go to another meeting.

Olcott – Just going back farther would be possible?

Krisky – Yes. But there is the deck so it would not be possible.

Olcott – You answered my question.

Mr. Krisky – We are not going back as far as we can. We are trying to keep within reason and the integrity of the neighborhood.

Reidy – There are no Floor Area Ratio issues?

Sperber – Not even close. They are well below the floor area ratio.

Reidy - Any other questions?

There was no reply.

Hearing closed.

Stephens – Made Motion to grant the application as submitted to increase the legal nonconformity by a 3.95 ft. side yard variance with respect to a proposed 400 sq. ft. addition. With the following condition: The siding match the house.

Olcott – Second the Motion

Vote: All in Favor - 3-0 – Stephens, Olcott, Reidy

**Louis Guaman, 10 Church Street. Located in a RB District and designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 40. Request for a Side Yard, Total Side Yard and Front Yard with respect to (2) proposed porticos.**

Guaman – I want to make a portico that will come out four feet to protect my stairs from snow and ice. There are two bilco doors for the basement. When we have heavy rain the rain comes in. The portico will help so there will be no more rain in my basement.

Reidy – That is just a cloth canopy?

Guaman – Yes and I will put a two. One will be on the left and one will have a roof in the front stairs to protect form snow and ice.

Stephens – You will do this in two places?

Guaman – Yes.

Reidy – Why is there a side yard variance required?

Sperber – This is a two family and the setback dimensions are different than a one family.

Olcott – It is coming over the lot line. He has green space between his lot line and the sidewalk.

Stephens – Part of it is steps.

Reidy – How can we give him a variance for property he does not own?

Olcott – He is only building to his lot line. But there is still a gap. He is not going all the way to the sidewalk.

Reidy – The canopy on the side of the house over the bilco door, why is there a side yard variance required?

Sperber – Because it is in a RB District. One side yard needs to be 12 ft. and the total side yard needs to be 30 ft. he has a total of 20 ½ ft. His house was built prior to zoning. It is legally non-conforming.

Olcott – This will be made of canvas?

Guaman – Yes. It will help protect the steps and basement from rain etc.

Stephens- I find it difficult to approve anything I do not have a picture of. Do you have a picture from the company so I can see what it looks like?

Sperber - We spoke to the applicant with respect to the drawings and how they needed to be improved. This is the third drawing and it is a vast improvement from the first drawing that was submitted. The front will have a dog house type of roof.

Olcott - What will be on the exterior? Stucco?

Joe - I think it is stucco. I think it will be a roofed over area. It will not be enclosed.

Olcott - So there will be no stucco on the front portico?

Guaman - The house is all brick except for the inside of the house. It is sheet rock and insulation. I will put big screws and aluminum or something. It will not be heavy.

Reidy - I agree with Mrs. Stephens. I have a hard time approving something without a clear picture of what you are going to build. Six months ago someone came to us for a portico and they had pictures of what they wanted to build. That picture allowed us to be able to grant the variance based on the plans as submitted. I would like to encourage you to go back and provide us with new plans.

Olcott - Do you know an architect that could draw plans for you?

Discussion followed over what type of drawings the Board is requesting.

Mr. Guaman, Applicant - Agreed to adjourn the hearing until February at which time he will be able to submit better drawings.

The Board unanimously agreed to adjourn the hearing until February 14, 2007.

Hearing adjourned

Respectfully submitted,

Janice Fuentes  
ZBA Secretary  
1/10/07

## RESOLUTION

**Robert Klurfeld**, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for two front yard variances with respect to a proposed addition.

The property, at 90 Truesdale Drive, is located in a RA-9, District and is designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 10.

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:

Reidy – Made Motion to grant a 9 ft. front yard variance on the east side and a 9 ft. front yard variance on the right side of the property according to plans submitted and with the following conditions:

1. Material and color will match the existing house.
2. Screening will be provided.

Olcott – Second the Motion

Vote: 3-0 Reidy, Olcott, Stephens

1/10/07

**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.**

## RESOLUTION

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

The property, at 49 Sunset Drive, is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.09 Block 9 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 to the character of the neighborhood or detriment to nearby properties. The addition is not a large addition. The neighbor adjacent to the applicant's property who will be the one most affected did not object to the application. The neighbor across the street was concerned about her view being obstructed. However, during the hearing it was determined there was no view from the neighbor's house or porch now.

The requested variance was not substantial. The house with the proposed addition will fall well below the floor area ratio that is allowed.

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

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

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

Stephens – Made Motion to grant the application as requested for a side yard variance of 3.95 ft. to increase the degree of non-conformity of the existing legally non-conforming house with a proposed 400 sq. ft. addition and with the condition the siding will match the existing house.

Olcott – Second the Motion

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

1/10/07

**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.**