

DRAFT FILED: 9/24/07
FINAL APPROVAL: 10/10/07

VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF SEPTEMBER 12, 2007

MEMBERS PRESENT: Kathleen Riedy, Chairman
Ruth Waitkins
Witt Barlow
Doug Olcott

MEMBERS ABSENT: Rhoda Stephens

Meeting came to order at 8:00 PM

Announcement of the location of fire exists to all in attendance of the meeting.

HEARINGS:

Alexander & Susan Skrelja, 58 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 front yard setback with respect to a proposed addition of a vestibule (adj. on 7/11/07)

Mr. Skralja – At your last meeting you asked for better drawings. I have submitted the revised drawings and I hope they explain what you need. One plan shows what is existing and the new plans show an overhead front shot and side shot. The plans show the door and the open porch and the elevations as you requested at the last meeting. It also shows the new proposed vestibule with the existing door being pushed forward and the stairs will be wider and more forward. There is also the door to the front of the house. The grassy area exists and actually goes beyond the property line by approximately one and one half feet.

Riedy – What you are proposing in your plans for this month is the same as in your original application that was submitted for the July meeting?

Skralja – Yes. Only it is a better version as you requested.

Riedy – In your original application you requested a six (6) ft. variance and you are continuing to ask for that today. Correct?

Skralja – Yes.

Riedy – Will you have siding?

Skralja - Yes and it will match. It will be white and the roof will also match and there will be concrete stairs with railings on both sides.

Riedy– Looking at your drawing the vestibule will protrude three feet ten inches from the front or four feet?

Skralja – The length of the vestibule is six feet. It will be six feet.

Any other questions?

There was no reply.

Hearing closed.

Barlow – Made Motion to grant a 6.15 ft. front yard variance according to plans submitted.

Waitkins – Second the Motion

Vote: 4-0 – In Favor – Riedy, Waitkins, Barlow, Olcott

Jeff & Karen Thornton, 100 Upper North Highland Place. Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.13 Block 1 Lot 15. Request for a re-instatement of a variance that was granted on 7/12/06 and expired on 7/12/07 with respect to the proposed construction of a two-car garage and Section 230-40(b) of the Village Code.

Mr. Thornton – I have pictures that I am submitting for the record. The garage is deteriorating as you can see from the pictures.

Riedy – How come you did not apply for the building permit after getting variance?

Thornton – We found a contractor and we got good bids and we sort of let things go and the 12 months expired. The garage needs to be demolished and rebuilt. The bottom left shot shows what the foundation is doing. It is buckling and the top right picture shows a big crack that is balling backwards. It is deteriorating and can't just be fixed. It has to be totally gutted and torn down. It is approximately seven feet from the property line and not the place I would have chosen to put it. But, there really is no other spot to put it. The architect and I tried to find another spot and we couldn't and we sort of let things go and the twelve months expired.

Riedy – You are referring to the photo on page two on the upper right side that shows this area that would be the prime spot but that is the septic area.

Thornton – Yes and we can't put it right next to the house. On the third page of the photo it shows the left side of our house and there is an old oak tree and there are like curved windows that were installed during a 1938 renovation. I would not want to ruin that to put a garage and it would take up our lawn. I spoke to our neighbors. Mr. Thomas wrote a letter when we came before the Board last year and he said that he approved and he had no opposition to the application. The drawings show that we are going to shift it away from the property line because we have a village water tank near there. The architect wanted to make it larger and I suggested we keep it smaller so it will not be huge.

Olcott – Will it be stucco like the house?

Thornton - Yes. But, maybe not the exact same supports.

Barlow – What is the required setback distance for an accessory structure?

Sperber– The issue here is that they are intruding on the front yard. It needs to be within the front line of the structure or farther back.

Barlow – An accessory structure needs to be five feet from the property lines and they cannot go beyond the front of the house.

Sperber – They have the five feet from the property lines it is just a matter of the front wall of the garage and the distance from the street.

Barlow – Is fifty feet the only criteria?

Sperber – Yes. If it was set back from the front property line as required the proposed construction would require a lesser variance.

Discussion followed over plans.

Olcott – Is there a way to lesson the variance?

Thornton – I don't know. We would have a drainage problem if the driveway just went straight in.

Discussion followed over plans. The property slopes down and the road to the water tank curves toward the property.

Barlow – Would it be possible to put it back a little bit?

Thornton – I can ask the architect. A builder or architect would need to answer that.

Barlow – Ask him if it is feasible.

Sperber – If you put it back further from the road and the property in the back slopes down the structure would need to be taller. But, it does not seem that the height of the garage will be an issue.

Thornton – That is right.

Barlow– It all depends on the slope of the terrain. I did not look at that when I visited the site. I think you should speak to your architect and since it has already been one year since your first variance was granted there seems to be no real rush. Correct?

Thornton – Well we would like to get started with the construction. I already hired my architect. For me I would rather have it level rather than having to go down hill. That is not something that I had considered doing. The excavation would also be a lot more expensive and I would need to cut down some trees. If we are granted the variance I would ask him about that. As I said before this is not the location that I would have picked myself, but it seems to be the only area feasible.

Thornton – (To Mr. Sperber) What do you think?

Sperber – (To Mr. Barlow) How far back would you like to see it go?

Barlow – I am just suggesting he move it so there is not such a big variance.

Thornton– The main problem with that is it will be more expensive and a longer gate driveway.

Sperber – He would have to explore it more.

Riedy – Perhaps you could consider requesting an adjournment until the October 10th hearing to explore this more with your architect and report back in October. I totally suspect that we would be able to vote that day and you would be able to start construction sometime after that.

Thomas – Can I call my architect and see if he can come down tonight?

The Board agreed to adjourn the hearing in order to the applicant time to contact his architect this evening.

Hearing Adjourned.

Hearing re-convened:

Thornton - I was able to get in touch with my architect on the phone

He said if I put the garage down hill I will have more water drainage. I will request an adjournment until the next meeting in order give my architect and I time to review our options, if any.

Adjournment granted until October 10, 2007.

Douglas Whikehart, 27 Ridge Road. Located in a RA-5 District and designated on the tax Maps of the Village as Section 79.09 Block 1 Lot 76. Request for a height variance with respect to a proposed fence.

Mr. Whikehart - I purchased the property about five years ago. The property next to mine was originally granted a variance to construct the house. Originally my house was situated next to a small unbuildable lot and it was completely private. They applied variances to construct on the vacant lot and the original application to build was denied two times and the third time the owner was allowed a substantial variance to build a house on the vacant lot. I think that in the original representation of those cases this board was misled by the people that originally made that application. They said only saplings would be cut and it was clear cut. The slope was not an issue. But, when the trees were cleared the slope changed. My house is twelve feet away from a two story house and my privacy is completely gone. I asked the developer what he planned for both houses and he said he did not know. So I put up a privacy fence when I did not hear from him. I thought that eight feet was the allowable height and that was my mistake. The Village Inspector informed me that I needed a height variance so that is what I am asking for. I have submitted drawings of the fence with the application. Looking at my back yard at the edge of the property line where the fence is there is a section of the fence that is an extra eighteen inches tall and it slopes down the property line. I picked this height for a specific reason. When the house was being built, I put up panels for privacy during construction. A sliding glass door was installed that faces and towers over my house. I graded it a little high for further privacy. Adding eighteen inches higher at that small section took the lack of privacy away. I could no longer see into their house and they could no longer see into mine. In spite of that my entire back yard remains in full view of the property next door. The second story of their house has been constructed in such a way that they can see in all areas of my house and yard. There is no place where I am not in view of the people next door. There is only one spot two feet away that, from a seated position is the one spot I have to enjoy my yard in privacy. The next drawing shows the property line and the building on the other side. They installed a patio that was not on the original plan approved by the Planning Board. So even if I cannot see them in this spot, if I talk I will still be overheard.

One picture shows the building next door also put a privacy fence. This has caused me significant consequences. I do not have construction crews at my disposal. I am told my house is the original house on my block and I am in the process of restoring it after significant neglect and now it seems highly unlikely. My loss of value of the house and because of my loss of privacy due to the construction of my neighbor is in the tens of thousands of dollars. I am only asking you to restore some sense of my privacy.

Riedy – (to Mr. Sperber) Can you find out about the patio issue?

Sperber – The Village Engineer has spoken to the neighbors about the patio issue and I have issued a notice about the fence. Permits are not required for patios.

Barlow – Was there an existing fence there.

Whikehart - Yes. I had one four inches high for my dogs.

Riedy – Was there a reason why you constructed the fence so the not so nice side was towards your neighbor.

Whikehart - I was told I was not required to put the nice side toward my neighbors.

Riedy – You are looking for a variance that will allow an area of fence approximately 14 feet in length to be 18 inches higher than what is required by Code?

Whikehart – In the area going down it would be roughly 22 linear feet to allow the fence to be in excess of six feet.

Riedy – How long has this fence been up?

Whikehart – Since late spring.

Riedy – When did Mr. Franzoso put his fence up next door.

Whikehart – I am not sure. It was a couple of months after I put my fence up.

Riedy – Did you ever contact Mr. Franzoso the contractor for the property next door to discuss putting up some kind of natural barrier?

Whikehart – I planted my own shrubbery so it did not occur to me.

Riedy – Can I ask a question about the first photo that shows the back patio? Your concern is a window on the second floor of the new construction next door looking down on your property. Is there a sliding glass door behind that section of the fence?

Whikehart – There is also another photo that shows it on that side of the house.

Riedy – looking at the survey the fence runs the whole length?

Whikehart - Yes it runs right next to where the five is circled. There is a Maple tree that is still standing and that is where it runs to.

Riedy– Mr. Franzoso sent a letter. Did you see it?

Whikehart – No.

Riedy – Mr. Scott also wrote a letter. Did you see that?

Whikehart – No.

Copies were given to the applicant to review.

Riedy – I see Mark Franzoso wants to reply to your application. After we are finished I will ask him to speak and then ask you to respond to his comments.

Mark Farnzoso – Basically, do you have any questions from me after reading my letter? I think my letter speaks for itself. I do not want to get into an argument with Mr. Whikehart. I think I went above and beyond the call of duty in the construction phase. Actually the way Mr. Whikehart put together his fence with used lumber and everything, it was a hardship to me actually. So I had to put up a fence that was neighbor friendly. I was the one who actually pointed out the fence to the Village Engineer. I do not want to hassle with him. He has not been a good neighbor through this whole process. I did not do a shoddy job. It is spectacular. We can chew up time but I know there are other people that would like to talk. The two second floor windows are for light.

Riedy – What about the first floor sliding glass window and what are your plans for that house?

Franzoso – To sell it.

Barlow – You are the builder but Mr. Scott no longer owns it, you own it?

Franzoso – Correct. Mr. Whikehart did not have to go to the expense of putting up a fence at all. I was going to put up a fence and do plantings.

Riedy – Have you done plantings on your side of the fence?

Franzoso – His fence impacts me a great deal. But, I have done a ton of plantings. I have heard his side and I deny his allegations to be honest. We are here about a fence and an extra two feet is not part of the Code. I think by granting this it will open a can of worms in this town. I think Croton, like Briarcliff and Cortland, should have a neighbor friendly rule. Coming down here tonight and coming out of Glengary Road, just before the Salzberg house, there is a fence and you can imagine a two hundred foot fence with the bad side out. You always should consider your neighbors on the outside of the property.

Riedy – Much of the courtesies that we extend are not codified, it is just old fashioned courtesy. Maybe the new owners would be concerned about their privacy, not you, because you will not own it. Would you consider replacing your fence with the extra two feet if Mr. Whikhart would agree to remove his fence?

Franzoso – Most fences come in six foot panels. What Mr. Whikehart did is kind of ugly.

Riedy – So there is no possibility in your mind?

Franzoso – I don't think he has a case. I think if you grant this variance it will open up a whole can of worms in this town it would be ugly.

Riedy – What would the detriment be to you if the variance is granted? He can have it six feet.

Franzoso– It does not look good. His water drainage runs off his roof and shoots on our property.....

Riedy – Our issue tonight is with the fence.

Franzoso – But I just want you to know that this will just add to the problems I already have. I was hoping it will be denied and he would remove his fence. The type of fence he has there now is just pulled and jammed into the ground and the root systems.

Barlow – But that part of the fence does not require a variance so he could leave that portion there.

Franzoso – My fence is a maintenance free fence. His will rot out.

Whikehart –I do not need Mr. Franzoso to worry about the maintenance of my fence He is fond of vinyl and I do not think it is it is attractive. That does not help me even if he would do it. The fence is actually eighteen inches higher. I cannot believe that eighteen inches could cause havoc on this community. The variance that was granted for that

property was substantial and I am sure it must have set a precedent. I am the one that loses privacy and the value of my house. I am only asking for my privacy.

Barlow –would you be willing to change the fence so it would be neighbor friendly with the good side facing your neighbor.

Whikehart – I would be willing to put a stockade fence on the other side of that part, sure, but I am not required to put the nice side out but I would be willing to do that.

Olcott – If you came before us before you constructed the fence the issue of whether or not it would be neighbor friendly would have come up. But you are now coming after the fact.

Whikehart – I do not see where this has caused any hardship since he was going to put up a fence anyway.

Franzoso – (To Mr. Sperber) Joe, what was the variance with respect to the Scott lot?

Riedy – Please stop! That is not the topic this evening. This hearing is with respect to a fence.

Franzoso – I just don't think it is a good idea to grant the variance.

Riedy – Mr. Whikehart – I will get you copies of Mr. Franzoso's letter to the Board and the letter from Mr. Scott.

Riedy - Anyone else like to be heard?

There was no reply.

Hearing closed.

Olcott – Made Motion to grant the variance as requested with the condition that the applicant replaces the 22 ft. of fence with the post side facing the applicants property or that both sides of the proposed fence will be a mirror images of each other.

Riedy Second the Motion.

Vote: 3-1 In Favor – Riedy, Barlow, Olcott
Against - Waitkins

Carl & Sally Barnes, 10 Morningside Drive. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 6 Lot 46. Request for a front yard variance with respect to a proposed construction of a front porch.

Mr. Barnes – I brought extra pictures that show the house prior to construction and the pictures submitted with the application shows the house in construction. We are three months into the construction project. We removed the back porch and wanted to replace it with a front porch. It would allow us to be friendly with the people on their way to Silver Lake. We are requesting a front yard variance. We are not asking for anything that we are not legally entitled to. It would complement the existing house. It is an old Sears's house that was added onto several times. The front porch would help tie into the angles that are going on with the design of the house. Originally, we had hoped to get Gary Yates, Architect, to re-draw the plans after discussing it with the Village Engineer. It was my understanding that the front porch would be a certain length in front of the house and it seemed to add more insult to injury in trying to correct the lines of the house. The Village Engineer suggested that we go all the way over not just to the windows so we could also tie the in the family room windows as well as the lines above. I am at loss because my architect is in Maine. We have to take the existing roof of the vestibule off in order to carry the beam across the front of the house for the extension.

Riedy – (Referred to photos). What does photo “A” depict?

Mr. Barnes – On the far right is the family room bump out. The approval request tonight is to go all the way over to the bump out to the family room. We have installed only a portion of the cement siding until we find out what the approval will be this evening. I think Gary Yates wants to take off the gable roof and match it with the framing in the back and not extend the slope of the roof down so far. But, he has not really addressed it until we have a variance and then we will know how to tie it in.

Mr. Barnes – Photo “B” shows the front stoop and the stoop will be taken down because it will change from a cement stoop to a wood stoop. It is just that the extension comes out from the vestibule. It was a three foot high railing. That will now be open on all sides. We have no intention of closing it in with anything.

Riedy – Why are you coming to us now with these plans? You were previously before us with extensive plans for the renovation of your home. Why were these plans not included then?

Mr. Barnes – Because my architect Gary Yates said I did not need it. The drawing that was originally submitted had to be changed because of the encroachment to the road.

Sperber – The Code allows an encroachment of six feet in depth and eight feet in width for the portico. I think that was part of the original plan. They are now asking for the width of the porch to be larger so esthetically it does not end in a bad place.

Discussion followed over plans.

Sperber– Since they are building the structure larger in terms of width they are just bringing the side yard setback straight through.

Discussion followed over drawing.

Olcott – Is the front yard variance already granted then? The depth of the porch did not change.

Mrs. Barnes– We got a one foot variance that was approved. For this one we are requesting seventeen feet and in making it longer it comes closer to the road.

Discussion followed over plans.

Barnes – But now it is an additional six feet closer to the road.

Discussion followed over plans.

Barnes – There is a house at the end of the block that is the same setback, if not closer than what we are requesting.

Riedy – (To Mr. Sperber)What rule applies to this?

Mr. Sperber – Referred to Section 230-40 (E)(3) of the Village Code that states no one or two family dwelling need have a front yard greater than the average setback of two or more existing dwellings located within 300 feet on each side of said proposed construction. Sperber stated that this allows the applicant to use the average front yard setback as his.

Barlow – Your architect never did the measurements for you? Do you know that there is a letter in objection to your application?

Barnes – It is just a funky house it

Riedy– With respect to the esthetics, what benefits will you get from the construction of this porch and what is the hardship if not granted?

Mr. Barnes – We no longer have back porch and it is a user friendly community.

Mrs.Barnes – This house has a lot that we want and we felt strongly about the front porch.

Riedy – Why do you no longer have the porch in the back of the house?

Mrs. Barnes - That is where the addition is.

Mr. Barnes – We are 36 feet from the back yard and we have a limited amount of space.

Riedy – Regarding the drawings of Mr. Yates. The variance requested is a four foot side yard variance and a seven foot front yard?

Barnes – Yes. Correct.

Waitkins – Couldn't you put the porch on the back of the house?

Barnes– I don't think so there are only 36 feet and not much room

Waitkins – How deep will the porch be? It does not look very deep.

Barnes – The front porch will be eight feet six inches.

Waitkins – Will it be big enough for furniture?

Barnes – Yes. Everyone from inspectors to neighbors has commented on the many roof lines that are going on and how we can clean the roof lines up.

Barlow – Have you discussed it with your neighbors?

Barnes – Yes. All of the neighbors and anyone who would have gotten a letter. We have been very sensitive in talking to all the neighbors.

Olcott – One neighbor’s concern was the Japanese Cherry tree. The neighbor wanted to know if it would be removed. .

Barlow – You wouldn’t transplant it?

Barnes – The root ball is too clustered. The Japanese Cheery tree is slowly fading, but I have no intention of touching it.

Letter submitted from neighbor was given to application to review.

Riedy – when you refer to the playroom bump out is that the Photo “C” area at the right? So the proposed front porch would extend the whole front of the house to that spot?

Barnes - Yes. There is a ledger board that has been put in place that shows you where it will end.

Barlow – I would have them address the parking issue that is in the letter.

Discussion followed over letter submitted by neighbor.

Barnes – As I understand it will not come any farther than the current stoop. I think the previous owners used to park farther up near the front of the house then we do currently. The driveway is at a bit of an angle and I thought that we could put a pear tree in. That would be a nice addition. We have always been able to get around the bush. The sidewalk would be maintained or replaced. The flagstone has been chipped away because of the construction project. The water main will be replaced and we may think of replacing it then. But I do not think the parking would change at all .

Frank Ronci, 12 Morningside Drive– I have been a resident for twenty four years. I just want to echo what Mr. Barnes said that we live in a neighbor friendly area. I apologize for the tardiness of the letter I sent to you. I drafted it today at noon time at my desk and faxed it at 1:00 P.M. today to the ZBA Secretary. There are two over arching issues as neighbors. We are an adjacent neighbor. One issue is with respect to property ratio rules. I understand it is an existing small lot. I did not speak at the last meeting because the Board seemed to be split on that issue and I did not want to push it. The other issue pertains to the space issue of floor area ratio. It is an oversized home in an undersized lot. Carl has always expressed his desire to have family gatherings and we have shared in many of them with him. However, this additional extension creates problems. There are issues with respect to drainage and fire safety is an issue. When they excavated you

could not have gotten a piece of paper between the two houses. We were very lucky with that one.

Riedy – Did the Village Engineer look at the floor area ratio?

Sperber – This is a porch. The Code with respect to floor area ratio specifies areas that are habitable and between walls.

Riedy – We did not grant a variance with respect to floor area ratio.

Ronci– Yes you did. I think if this whole project was approved at the same time it would have given the Board a whole different judgment on this. All of the other houses have uniform setbacks. That is a triangular piece of property. The previous owner made changes but it did not change the esthetics of Morningside Dr. It will create a visual barrier and there will also be an issue of loss of light. Currently the parking is tight. I do not see how they cannot need to use the street for parking. I do not see the need for the additional seven feet when an adequate porch can be built. The gables can be addressed in another way. It is an intrusion towards the street. We agreed to the original application because we thought it was needed and they shared the drawings with us. We knew what was happening. He needed a larger home for the girls. I just think they can accomplish their goals without this improvement.

Barnes – One car is just beyond the line of the stairway and the other is just beyond the line with the street. There is only an eight foot side yard.

Barlow- So they are not side to side parking it is front to back?

Waitkins – (To neighbor) As you face the house are you on the right or left?

Ronci – I am number twelve. There has been new construction a few doors up. They chose to maintain the rules. That arch would be completely lost if you allow that proposal.

Olcott – Does anyone else have concerns as to how this is going to effect parking on the street? They are currently parking off the road and they can fit the cars only with one behind the other. With the extension they will not be able to park like that. One car will have to park someplace else or farther back.

Barlow – You are pushing the whole entry out four feet.

Barnes – But it is the vestibule that comes out.

Barlow – No the covered porch.

Barnes – But that does not affect the parking.

Olcott - That is still unclear to me. Don't they pull out four feet?

Discussion followed as to where they park and where they will park when construction is finished.

Discussion followed over plans

Barnes – We could not put three small cars but it is comfortable to put two without impeding the sidewalk.

Barnes – It was not in addition to the one foot that was approved. Only an eight foot that is being requested correct?

Riedy – Correct. We could construe it to be accumulatively as eight feet.

Barnes – When we first moved here the house on the end of the block changed dramatically to a colonial and has a similar front porch and they gave us a few tips of what not to do with the posts in the ground, etc. But that porch is very similar. So there is another house that has a porch contrary to a letter that was submitted from our neighbor.

Riedy – what about the arc?

Mrs. Barnes – One cannot see it unless they are at the side of the house as of course our neighbor who is here tonight can see it. It does not have an asphalt driveway it has gravel. The drainage issues we have addressed and the driveway will be gravel so there is plenty of room for run off.

Riedy - You will have to debate this after the meeting. You may choose either to do no porch and stay with the stoop or you make changes according to the variance that was already granted.

Barnes - I am not the contractor or architect I can't say yes, if we put it back farther. We need to build it out a littler farther because we would not be able to get in an out comfortably. We also wanted to clean up the messy lines on a very charming house.

Barlow – We can deliberate tonight or you can adjourn and ask your architect to come up with plans to satisfy everyone.

Barnes – How does an adjournment work? If a decision is made tonight we can appeal?

Riedy- Alternatively, you can agree to adjourn the matter until next month, and then the Board will make a decision from which you can take an appeal and ask the Board to reconsider your application and then you can take an appeal from the Boards decision. The Board can make a decision tonight and you have a right to pursue an Article 78 proceeding to say the decision was arbitrary and capricious.

Barnes – If we asked for reconsideration would there be a fee?

Riedy – I don't know. A request for reconsideration assumes there was a negative consideration so I would expect that the village would assess another filing fee.

Barnes – If we wait until next month we will lose a month with winter coming on.

Riedy – The Board will allow you time to decide what you want to do.

Barnes – Requested copy of the letter sent by his neighbor and after some consideration he decided to request an adjournment until the October 10, 2007 meeting.

The Board granted the adjournment request until October 10, 2007.

Juan Vanegas, 142 Maple Street. Located in a RB District and designated on the Tax Maps of the Village as Section 79.07 Block 1 Lot 38. Request for a rear yard side yard and total side yard variance with respect to a proposed addition.

Ray Garcia, Architect, represented the applicant.

Garcia – We are creating a two story addition on the second floor. There will be a family room and two additional rooms on the first floor. The new deck will not have any additional staircase. We will be using the existing staircase. There will be a new roof and siding. The variance requested is for a combined side yard variance. The front yard already has a setback of fourteen feet. We do not have the total side yard requirements. We need a variance of 13.55 ft.

Barlow – Is this addition being added to both floors?

Garcia – Yes and we will open up the kitchen.

Barlow – where are the bedrooms?

Garcia – One bedroom in front. Upstairs it is not a large second story.

Barlow – What is on the lower floor below the first floor?.

Barlow – There is a small legal apartment.

Barlow – So it is a three family house?

Garcia - Yes.

Riedy – How big is the existing house and the extension?

Garcia – The existing house is about 1000 sq. ft. and we are adding about 50 sq. ft. times two for the second floor.

Sperber – The total sq. footage would be 640 sq. ft.

Riedy– You made reference to the family's requirements....

Garcia - He has children and grandchildren and he needs to have more room when they come. The first floor is rented by his daughter and the second floor the applicant lives there with his wife and two relatives live in the basement.

Riedy– You say you have a case because he has family needs. What are they?

Garcia – Because when his family comes to visit it is small and that is the reason for the addition to the second floor. The addition to the first floor is where the daughter lives and they are adding two additional bedrooms where only one currently exists.

Riedy– your daughter lives on the first floor? Is it her family that needs the additional space?

Vanegas– Yes. She has one child and another one is due.

Riedy – What kind of siding will you have?

Garcia – There will be new vinyl siding for the whole house.

Riedy – The proposed deck is one story or two stories?

Garcia– One story on the second floor.

Discussion followed over pictures.

Garcia – It will be the same level as the concrete deck.

Riedy – On the first floor there will be a three bedroom apartment and on the second floor there will be a one bedroom apartment?

Garcia – Yes. The need upstairs is for more family space.

Olcott – How come the plans do not show a bedroom?

Garcia– We just have a cut off. The door going to the dining room is actually a door to the existing bedroom.

Barlow – Have you discussed this with the neighbors?

Garcia – No.

Waitkins – They all get notices.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing closed.

Waitkins – Made Motion to grant a 16.45 ft. side yard variance, 13.55 ft. Total Side Yard variance, and a 9.55 ft front yard variance according to plans submitted.

Riedy – Second the Motion

Vote: 4-0 – In Favor

Respectfully submitted,

Janice Fuentes
ZBA Secretary
9/12/07

RESOLUTION

Alexander & Susan Skrelja, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard variance with respect to a proposed addition of a vestibule.

The property, at 56 Truesdale Dr., is located in a RA-9, District and is designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 17.

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 affect on the physical or environmental conditions of the neighborhood or district.

The requested variance was not substantial.

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

Barlow – Made Motion to grant a 6.15 ft. front yard variance according to plans submitted.

Waitkins – Second the Motion

Vote: 4-0 – In Favor – Riedy, Waitkins, Barlow, Olcott

9/12/07

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

Douglas Whikehart, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a height variance with respect to a proposed fence.

The property, at 27 Ridge Rd., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.09 Block 1 Lot 76.

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

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

The benefit sought by the applicant could not be achieved by any other method.

The alleged difficulty was not self created in that the fence was needed in order to give the applicant the privacy he was seeking.

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

Olcott – Made Motion to grant a height variance as requested with the condition that the applicant replaces the 22 ft. of fence with the post side facing the applicant’s property or that both sides of the proposed fence will be a mirror image of each other.

Riedy Second the Motion.

Vote: 3-1 In Favor – Riedy, Barlow, Olcott

Against - Waitkins

9/12/07

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

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

The property, at 142 Maple Street, is located in a RB, District and is designated on the Tax Maps of the Village as Section 79.07 Block 1 Lot 38.

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 affect on the physical or environmental conditions of the neighborhood or district.

The benefit sought could not be obtained by any other method.

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

Waitkins – Made Motion to grant a 16.45 ft. side yard variance, 13.55 ft. Total side yard variance, and a 9.55 ft. front yard variance according to plans submitted.

Riedy – 2nd the Motion

Vote: 4-0 In Favor – Riedy, Waitkins, Barlow, Olcott

9/12/07

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.