

FILED: 12/18/07
FINAL APPROVAL: 2/13/08

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

MEMBERS PRESENT: Kathleen Riedy, Chairman
Rhoda Stephens
Ruth Waitkins

MEMBERS ABSENT: Witt Barlow
Doug Olcott

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

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

Kathleen Riedy, Chairman of the Board announced the location of fire exits to all in attendance of the meeting.

Ms. Riedy stated to the applicant that there are only three members of the Board present and the applicant would need an affirmative vote from each of the three members present in order to be granted the variance he was seeking. The board agreed to allow the applicant the choice to request an adjournment until the next meeting when there would possibly be a five member board present.

The applicant's representative, Atty. John Gochman decided to proceed with the application.

HEARING:

Joan Pezanowski/P.O.A. for Dorothea Jane Pezanowski, Property located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.09 Block 9 Lot 25. Request for a front yard variance with respect to a shed according to Sections 230-40(A) (1) (b) and 230-40(B) of the Village Code and a side yard variance with respect to a patio according to Section 230-40(E) (1) of the Village Code.

John Gochman, Esq. 321 So. Riverside Ave. was present to represent the applicant.

Rhoda Stephens – Stated to the Board that although she has a personal relationship with the applicant’s attorney, John Gochman, she felt that it would not in any way interfere with her decision making and requested the Boards approval for her to participate in the hearing.

The Board unanimously voted to allow Ms. Stephens to participate in the hearing.

John Gochman, Attorney representing the applicant – Due to the good graces of Mr. Sperber, Asst. Bldg. Inspector, we became aware that we had a situation with the house on 44 Elmore Ave. The house was built by Mr. Pezanowski, who was a village employee at the time (1952). He built a one family dwelling with a breezeway and a garage in December of 1952. Then there was an issue of the breezeway and the garage and whether or not it was built at the same time. We checked with the neighbors and Kay Brozowski gave an affidavit stating that they were built at the time the one family house was built (1952). The Certificate of Occupancy stated “One-Family Dwelling. Mr. Pezanowski passed away on June 27, 2006. His wife went into Sky View Nursing Home after he died. There is no indication she will ever get out. She is suffering from dementia and Alzheimer’s. At the present time all available resources are being used for her nursing home care. I asked Mr. Sperber from the Building Dept. what we would have to do to put the house on the market. He went to the site with me and Joan Pezanowski who was a sister-in-law of Dorothea and George Pezanowski. We looked at the site and Mr. Sperber indicated there were two variances that would be needed. One was the side yard that had a brick patio and it was too close to the property line. I have pictures and colored photos were submitted to the Chairman of the Board.

Since Mr. Pezanowski is deceased and Mrs. Pezanowski is in a nursing home we had to search to find when the patio was installed. It was determined that it was built in the 1960’s and then we found further confirmation that it was built in the 1980’s. There was another area that has a violation. It is the area in which a shed located in the front yard of the property is considered to have two front yards. The shed was installed in 1960 according to the neighbors. That shed needs to be five ft. from the property line. The shed at present is still in existence and is basically used for storage for winter snow plows, shovels, etc. and summer tools, rakes, lawn mowers, etc., to keep it enclosed out of the area. It was cleaned out. There is no equipment or outdoor furniture. The furniture was sold at the time Mr. Pezanowski passed away. We are here to appeal and get a variance approval to legitimize the brick patio and the shed. This will enable the Power of Attorney, Joan Pezanowski, to put the house on the market. They now have a building permit for the interior work. They finished the attic and basement without the benefit of a building permit. We have the permit and drawings and we should be in a position within a week where the work will be completed and then we will have the inspector inspect and issue the Certificate of Occupancy.

Stephens – The shed, is that a permanent structure?

Gochman – No. It is on a slab.

Stephens – Is it considered an accessory building? Does it project beyond the front?

Sperber – Yes to both questions.

Gochman – The requirement was five feet and as it exists it is four feet. We are looking for a one foot variance. The patio requires a four foot setback.

Stephens – How involved would it be to move the shed and the slab back one foot?

Gochman – The condition of the shed would not make it. It is a home improvement sort of thing. He built it.

Riedy – Any other shed like this in the neighborhood?

Gochman – Not to my knowledge, no. But, this house has been there the longest.

Riedy – Would it have any material value to the house if it were taken down?

Gochman – They would not have storage.

Riedy – But, they have a basement.

Gochman – But, they have a stairway. The only thing with the patio is that it is uneven and it may require quite a bit of fill, if it were removed.

Stephens – I noticed some of the bricks were broken and uneven.

Gochman – We would like to enhance the brick and make it more attractive for the sale of the house.

Stephens – What is the size of the patio now?

Sperber – 64 sq. ft. and the shed is about six ft. by seven ft. which is about 42 sq. feet.

Gochman – The shed as it exists is camouflaged. It is not obtrusive. There are a lot of trees. There is also a picture of the basement stairs.

Stephens – Is that indicated as A-C on the survey? Is that legal?

Sperber – Yes.

Stephens - There is another patio on the other side.

Riedy – There is a porch and another patio.

Riedy – To Mr. Sperber – Do you need a permit to build a path?

Sperber – No.

Riedy – Have there been any letters or calls of complaints or objections?

The ZBA Secretary stated that she was not in receipt of any complaints or objections to the application?

Riedy – To the applicant’s attorney – Are you stating that Mr. Pezanowski was not aware of the violations?

Gochman – He worked for the Village, so we do not know if he was aware of it or not.

Sperber – If it was built prior to 1961, I do not know if having an accessory building in the front of the house was permitted at that time or not. As far as patios they do not need a permit if on grade. So, people are not always aware that it needs a four foot setback. But, it is not required to have a Building Permit.

Waitkins – I have reservations about the brick patio. I think he could easily bring it into conformity.

Gochman – You mean shortening it?

Waitkins – Yes.

Gochman – That is a possibility.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing Closed.

Stephens – Made Motion to grant the variance as requested and submitted for a one foot front yard variance for the shed and a variance to allow it to project beyond the primary structure and to grant a four ft. side yard variance for the patio.

Riedy – Second the Motion

Vote: 1-2 - Waitkins – In Favor
Riedy & Stephens – Against

APPLICATION DENIED

Respectfully submitted,

Janice Fuentes
ZBA Secretary
12/12/07

RESOLUTION

Joan Pezanowski/P.O.A. for Dorothea Jane Pezanowski, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, front yard variance with respect to a shed according to Sections 230-40(A)(1)(b) and 230-40(B) of the Village Code and a side yard variance with respect to a patio according to Section 230-40(E)(1) of the Village Code.

The property, at 44 Elmore Ave., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.09 Block 9 Lot 25.

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

The benefit sought by the applicant could be achieved by some other method such as removing the shed that was in poor condition and removing a small portion of the patio in order to comply with the regulations.

The alleged difficulty was self created when the construction took place without the benefit of a Building Permit.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Stephens- Made Motion to grant the variance as requested and submitted for a one foot front yard variance for the shed and a variance to allow it to project beyond the primary structure and to grant a four ft. side yard variance for the patio.

Waitkins – Second the Motion

Vote: 1-2- Waitkins – In Favor

Riedy & Stephens – Against

APPLICATION DENIED

12/12/07