

DRAFT FILED: 5/20/08
FINAL APPROVAL: 6/11/08

VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF MAY 14, 2008

MEMBERS PRESENT: Kathleen Riedy, Chairman
Rhoda Stephens
Witt Barlow
Doug Olcott

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

APPROVAL OF MINUTES:

4/9/08 – Stephens - Made Motion to accept the minutes as revised
Barlow – Second the Motion
Vote: 4-0

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

HEARINGS:

Walter Schmidt, Jacoby Street. Located in a RA-25 District and is designated on the Tax Maps of the Village As Section 68.18-1-3. Request for a variance from Section 230-33 and further requests to conform to Section 230-40-G.

Hearing adjourned until June 11, 2008, due to the need to re-notice the hearing.

John Osborn, 88 Maple Street. Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.05 Block 5 Lot 19. Request for a side yard and total side yard variance with respect to a proposed two story addition.

John Osborn – My wife Barbara and I reside at 88 Maple Street. We have been residents for 16 years. Over time as we thought about our future, we had assumed to retire to a single story home with low maintenance features. We searched for that house for several years. Somehow the communities and the houses we saw never compared favorably with the community we live in today and the house we live in. It took time and effort and we learned there is no place like home. We wanted to stay in Croton and retire into our present home, but we needed to make it suitable for us over the next twenty five years. We needed an expert to help. Don Schwartz our architect. The plans tonight show our answer to our question as to how it can be adapted for people who are aging and our needs during the next phase of our lives. We need a side yard variance of 7 ft. and a total side yard variance of 17.4 ft. Exhibit sheets one and two show the new and old building envelopes. We realize the variance seems substantial but there are mitigating circumstances and special unique ness. The distance between 88 Maple Street, and 90

Maple Street, which is the closest property to the project is unique. It is sixty feet rather than the tradition twenty feet setbacks. There is a lot of space between the houses and that is important to recall. There is a precedent. It enhances the character of the neighborhood and compliments the improvements that have been made to other houses up and down Maple Street. The background of the property is that it is in a RA5 district which requires a 5,000 sq. ft. area. Our parcel is 7,500 sq. ft. The property since the Zoning Code was implemented has quite an extensive history. We submitted a variance history with the application. For this evening there are two main characteristics we want to discuss. See Exhibit 3. The first characteristic is the narrow side yards. Today the property is legally non-conforming. It is within 16 ft. of the side yard. On the second narrowest side yard it was once subdivided and one became 86 Maple Street and we then ended up with two narrow side yards. The property is next to the Board of Education access path to the school. It is a fifty foot wide green space with no construction or buildings on it. Exhibit 4 is a photo of that school path.

Discussion followed over plans.

Mr. Osborn – (Referring to plans) - That is the side of the property where we are proposing our project. Exhibit 5 – shows the house in its present condition. It is composed of two parts. Two separate pre-standing structures. It is believed to be a farmhouse that was built in approximately 1901. The addition was added in the 1960's. There was not much continuity when the addition was made in the 1960's. Our goal is to be able to age in this house. We are just reaching retirement and we are making a substantial commitment to this house and we hope to get twenty five more years of good use out of it. We need to meet some goals for accessibility and mobility as we age. We have looked at every aspect of it with an eye toward being able to move around with a wheel chair with respect to hallways and stairways, etc. We also included in the plans handicap accessibility on the main floors. We have achieved the ability to enter and move between the floors without using steps. We have included an elevator. The number of stairs in the house and the configuration of them today made it impossible to attach the stairways. We had difficulty in fitting the elevator into the house. There were simply not enough places we could put it. We thought about this from many different angles. Since Don was able to achieve that, is an accomplishment of his credibility. There are simply an unlimited number of places where it could be put. We thought about this from many different angles before deciding on the current plans. The shed roof addition needs fundament repairs and upgrades. If you can go to Exhibit 1 in the package, fortunately, all of this upgrading offers us an opportunity to achieve some of the goals for what we want to achieve. The addition started as an underground garage. It was small and set well to the back of the property. The first variance was to extend it. In 1965 it was the addition. It is virtually an attached structure joined by a bridge. The back roof of the garage is still underground, rather than being covered with a roof and it leaks. It is

still underground rather than being covered with a roof and it leaks furiously. Exhibit 6 & 7 show the leaking and how it looks in the back today. We are only getting another roof and construction of a modern wall to stop the leaking. The family room has 3 ¾ outside walls. In addition it has an outside roof and floor that cannot be insulated until we can cure the leaking. The walls and the ceiling are typical of 1960's construction. It is cold and the room has two heat ducts. One is in the front and one in the back. In order to use that room we need to supplement that room with a pellet stove. Carrying pellets up the stairs is not something we will be able to do when we age. The shed roof structure that is part of the old addition will require extensive repairs. It is poorly suited to today's energy situation. The extensive re-building we will do on that side of the house, does give us an opportunity to rectify this. These are important goals for us. If we summarize the whole project it is a unified design for the entire house. The design is in keeping with the original house. Exhibit 6 shows this. We have not just worked on the front but for continuity on the entire house. We have minimized the impact on our closest neighbors. We have cited the addition and we chose the location that does not reduce the green space around the house. Although we are asking to replace the existing wall we need you to realize there is 62 feet that we need to extend and the existing structure is legally non-conforming. The other alternative would be a box like addition centered on the back of the house. But it would have a substantial disadvantage. It would reduce green space and eliminate a 100 year old tree. It would block light to two rooms of the house. The complexity of the house will move in the wrong direction for us rather than the right direction. The eight foot setback would have a disadvantage for us. It would create a narrow alley of space. It would be surrounded on three sides by fence. It would create a narrow alley of land that could not be seen on the outside and it would create for us a disadvantage not to be able to extend the house out. The other possible configuration would be to move the elevator to the mid point of the house. That would make access very difficult for someone who has limited ability. Several neighbors have provided documents in support of our application. My wife can give those letters to you now.

Letters submitted for the record.

Mrs. Osborn – 80 Maple St. and 86 Maple St. gave verbal and signed statements, which are among the letters I just submitted to you. We showed the plans to all our neighbors they thought the look was beautiful and they were happy to support us.

Mr. Osborn – The closest neighbor is the school district. I talked to Chris Silveri and he came and looked at the drawing and walked the property with me and discussed safety issues with respect to the children, etc., and he said he would be happy to be the contact person for the school for us. I would also like to thank Joseph Sperber, Asst. Bldg.

Inspector and Janice Fuentes, ZBA Secretary, and everyone who helped us with our application process.

Barlow – How many square feet is there in the present house?

Mr. Osborn – 1,861 sq. ft. and it will be 3,305 with the renovations.

Barlow – What is the reason for the addition other than the need for an elevator, etc.?
That does not require fourteen hundred square feet.

Osborn – There are only two small bedrooms with minimum closet space and down the hall is a bathroom. We want the bathroom closer to master-bedroom, and we need kitchen space, and handicap configurations.

Barlow – What is the need for three bedrooms?

Osborn – We have family and visitors and that is a disadvantage to us now. The house is not easy to have visitors and would like to do that more with our friends as we get older.

Applicant's Architect – They also want the ability to have a caregiver live in the house if necessary.

Osborn – Yes. We do not have relatives in New York State so we would need to consider that.

Barlow – Who owns the fence?

Mr. Osborn–We own it. It is necessary for privacy and for stopping movement of students onto the property.

Architect – The garage would also eliminate the need to get the car off the street.

Olcott – Did you also consider a smaller addition?

Architect – They had needs in terms of mobility that necessitated a footprint on the second floor and we looked at the math as to what would be required on the first floor and second floor. Mrs. Osborn's home office and den space on the lower floor worked out well in overlaying the second story on the footprint that was there.

Mr. Osborn – We both work from the house and we wanted a library/dinning-room space to be available as a comfortable work space.

Architect – If we were to put a master bedroom on grade behind the building, access with an elevator became difficult and it also increased the building onto the green space. As you look above the elevations you are looking above the street. Most of the rock elevation will not be seen from passer-bys or from far away.

Stephens – In tying in the old garage and family room and making it uniform the outside finish will be uniform as well?

Mr. Osborn – Yes.

Barlow – What kind?

Architect - Shingle or hardy board depending on budget, it will be uniform. Hardboard looks like cedar siding.

Mr. Osborn - We are relocating the furnace and heater to a mechanical room by itself. Now it is in a basement that is prone to flooding.

Barlow – What is in the attic space?

Mr. Osborn – Storage. There is no heat.

Riedy – Sheet A-1, A-2,(Discussion followed over plans)

Riedy – You are adding an additional twenty feet to the front of the house?

Architect – No the back of the house.

Riedy – The front yard setback would remain the same then?

Architect – There is a window box that will be the only projection out. It will be cantilevered out.

Discussion followed over plans.

Riedy _ The proposed new kitchen is....

Architect – Exhibit 2, where the patio is.

Discussion followed over plans with respect to the location of the proposed kitchen.

Riedy – Does your proposal call for a new patio extension on the back?

Architect – No.

Discussion followed over plans with respect to the rear yard and location of trees.

Mr. Osborn – Exhibit 10 shows the area looking out from the shed room addition you can see that tree.

Architect – Exhibit 10 was taken right at the back of the addition and that tree is right there (referring to plans).

Riedy – (To Mr. Sperber, Asst. Bldg. Inspector) Are any special permits needed for the elevator?

Sperber – No. That will be part of the Building Permit approval process. He would need to manufacturers cut sheets with respect to weight accommodations, etc.

Architect – It will be sitting on rock.

Riedy – One of my concerns is the bulk of this structure . Sheet A-2.10 the north elevation. This is what would be up the path to the PVC school? What is the current height of the north elevation?

Architect – If you took an average it is approximately fifteen feet and it will go up another sixteen feet with the addition. It will not exceed the existing ridge.

Discussion followed over elevation plans.

Riedy – ..and the south elevation, that would be no higher than it exists today?

Architect - Correct . In the back the east elevation is below the ridge line. On A-2-1, it is the same height as the front. In terms of volume, looking at size, that same size would have needed to occur on the back side and it would be directly adjacent to the adjoining property owner. The existing house, the alley way of the fifty foot sidewalk, you can see on exhibit four as you are looking west toward Maple Street. We do not have the lower elevation we have the higher elevation.

Osborn – I do not think our house proportionately would be any bigger than our neighbors.

Barlow – It is so close to 86 Maple St.. It looks like a beautiful plan but I am troubled by the size. We all have extenuating circumstances. We are all getting old. Is there any other reason for you plans?

Osborn – My wife needs another space for a small office.

Barlow – But you are doing that in the house now.

Architect. – The proximity of the property line would be a concern especially if there is another house on that side, but here we have fifty feet between the structures. We are respecting the neighbors houses

Osborn– It would be more in keeping with zoning to do the box like addition but the neighbors at 86 Maple St. would feel very strongly opposed to that plan. That came out in our discussion with them.

Architect – It is less obtrusive and if we were to go into the back yard I think we would be over our lot coverage.

Osborn – If you had to go back to the garage and come out an elevator in the back it would be very difficult for people.

Architect - We also want to try and avoid the impervious surfaces.

Mrs. Osborn – Not just because of the green space being key but also the elevator location.

Riedy – Sheet A-1.20 shows the bedrooms. You identified one for possible future care giver which is your big reason for the second floor addition. I was just trying to see if the bulk could be diminished.

Mr. Osborn – We have the width.

Olcott – You have a piano room, parlor and T.V. room. I think most houses are between fifteen and twenty two hundred sq. feet, is a fair range.

Riedy – I agree. It is a beautiful design but I am very concerned about the bulk. Do you know what the purpose of the right-of-way is leading to the PVC School?

Discussion followed over options

Riedy – It may be a way to leave the school in the event of an emergency.

Mrs. Osborn – 87 Maple Street is approximately 3,700 sq. ft.

Architect – In terms of the volume of the house, even if there was one master bedroom any other plan would result in a larger footprint, so this is the most economical way to put any addition on there. Anything else will make the footprint of the house larger. In terms of the viability of the addition, I think what is there, compared to what is proposed, the proposed plans would lend positively to the neighborhood.

Mr. Osborn – We submitted exhibit A and we have shown aerial photos of our home and our neighbors.

Discussion followed over other options for expanding.

Discussion followed over legally nonconforming setbacks and increasing the degree of nonconformity if plans were different.

The Board discussed the possibility of other options and what the Code would require.

Olcott – Is there a way to make it less bulky by taking out the T.V. room, parlor and study?

Mr. Osborn - Every one of those rooms has wonderful craftsmanship and all those rooms have some disadvantage to them. You really cannot look out those windows you need blinds for privacy.

Mrs. Osborn– It is the first house and only house we ever owned and have become attached to it. There was a house that had all our requirements, but we never put a bid on it because we thought that was just not the right place for us. We are just trying to have a comfortable house and space to use. Today there are twenty steps and it is not possible for a lot of our friends to climb those steps today.

Riedy – That is Croton. A lot of us have the same problem. With respect to the issue of width, A-1.20 – the whole master bedroom, reading area, is the whole width of the house.

Mr. Osborn – Yes and the office area for my wife.

Riedy – Where it says open to below....

Discussion followed over plans.

Mr. Osborn - The space in the front of the second floor is space for us to see the river.

Architect – By ordinances it appears to me that you firmly believe that anything to this house would need review. The volume is within the ordinance but it seems the location of the volume is what the issue is to you.

Riedy – (Referring to Bulk Regulations in the Code) It speaks to the issue of allowable floor area ratio and the Asst. Bldg. Inspector and Engineer had a chance to look at the plans. Do we have a floor area ratio issue here?

Sperber – No. If they did they would have to go before the Planning Board. They fall slightly below what is allowed.

Barlow – But they are pretty close they are within one percent of what is allowed.

Architect – I do not know at what standpoint that volume would not be allowed if it was in a different location. I feel it is far better on the north side of the house and less of an imposition in the yard.

Riedy – The issue is not the bulk but the placement and location of the home on the property and the impact on adjacent properties and what impact it would have for people using the path to PVC School. I just want to know is some other method possible. That is why we are looking for some other alternatives. In effect what could be argued is that you are burdening a public space and saying it is because the bulk and location would not have a large affect on an adjacent property owner as it would in another location.

Riedy – Any other questions?

Hearing closed.

Stephens - Made Motion to grant a 7 ft. side yard variance and a 17.4 total side yard variance according to plans submitted.

Barlow – Second the Motion

Vote: 0-4 – Against – Stephens, Barlow, Riedy, Olcott

Respectfully submitted

Janice Fuentes
ZBA Secretary
5/14/08

RESOLUTION

John Osborn, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a side yard and total side yard variance with respect to a proposed two story addition.

The property, at 88 Maple Street., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.05 Block 5 Lot 19.

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 an undesirable change to the character of the neighborhood due to the bulk of the proposed addition.

The benefit could be achieved by some other method. The bulk could be reduced.

The requested variance is substantial.

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

Stephens – Made Motion to grant a 7 ft. side yard variance and a 17.4 side yard variance according to plans submitted.

Barlow – Second the Motion

Vote: 0-4 – Against – Stephens, Barlow, Riedy, Olcott

APPLICATION DENIED

5/14/08