

**DRAFT FILED: 3/25/08**  
**FINAL APPROVAL: 4/9/08**

**VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS**  
**MEETING MINUTES OF MARCH 12, 2008.**

MEMBERS PRESENT: Kathleen Riedy, Chairman  
Rhoda Stephens  
Ruth Waitkins  
Doug Olcott

MEMBERS ABSENT: Witt Barlow

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

Meeting came to order at 8:00 P.M.

**APPROVAL OF MINUTES :**

2/13/08 – Motion made by Waitkins – To accept the Minutes as submitted  
Stephens 2<sup>nd</sup> the Motion  
Vote – 4-0 – In Favor

**HEARINGS:**

Kathleen Riedy, Chairman – Announced the location of fire exits to all in attendance of the meeting.

Ms. Riedy – Stated that there were only four members of the board present this evening and due to the fact that she will be recusing herself from one of the hearings (Rigerio Jost, 70 Riverside Ave.) it will leave only three members. Ms. Riedy, further stated that it is the practice of the Board to give the applicants the option of going forward with their hearings or request an adjournment until next month when there may be a full Board present.

All of the applicants on the agenda requested to go forward with their hearings.

**Mary E. Hunt & John Hunt, 49 Truesdale Drive. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 6 Lot 34 & 35. Request for a height variance with respect to an attic addition and request for determination/variance with respect to rear yard.**

Paula Dimofski, Architect - We are requesting a height variance for a half story as well as a determination as to if a rear yard is required and if required we are requesting a variance with respect to the rear yard. I would like to explain the character of the site.

Ms. Dimofski stated that there is a thirty percent slope that is completely inaccessible from Morningside Drive. Referring to plans Ms. Dimofski pointed out the location of the main house and a legal cottage that is also on the property.

Dimofski - There is also a legal apartment located on the first level of the house that is separate from the main house. The apartment is on the ground level. The main living quarters is one level up so the current level is uninhabitable. They are a growing family and they are expecting. This is the main living room, dining room, kitchen and tiny bedrooms (referring to plans) and there is a small study that was built in an existing porch. The proportions of the bedrooms are very small. They have no room for furniture in one bedroom. They want to move all the sleeping quarters upstairs. The new proposed plan is for the living room and dining room to remain the same. We will install stairs to the attic and then going upstairs, rather than going up a full story, we will be raising the peak about eight feet.

Discussion followed over plans – There is a lot of peaks so in this area there is a lot of sloping roofs. We are making the second floor livable. It will have two bedrooms and a laundry room. It will be Tudor style. We want to bring it back to the Tudor style. We will be adding dormers and raising the peak. At the highest point it is currently twenty two feet nine inches. We are not adding a full story. It is in keeping with the neighborhood. We believe we are not looking for a rear yard variance. We are just building on top of the house.

Riedy – The drawing you are referring to A-1 was that submitted to the ZBA?

Dimofski – No. I prepared it to show what we are adding. It is minimal. It will give them better space. The eaves are not coming up much higher maybe four feet.

Discussion followed over plans.

Dimofski – The deck actually conforms. The deck is from a previous application approval.

Riedy – When was the house built?

Hunt – 1928.

Riedy – I noticed that we have a revised Legal Notice.

Joseph Sperber, Code Enforcement Officer – Yes. The reason is because when they asked for an adjournment at the last meeting there was question as to whether or not a rear yard variance would be needed as well. I recommended that be added for this meeting. It was re-noticed. The Village Engineer and I are of the opinion that a rear yard variance is not required because of the way the Code defines a rear yard.

Steve Dimofski – I am also an Architect working on this project. There is a strong need for the Hunts to relocate their sleeping area. Going up is the most feasible for them. This will be an improvement to the home. We will be doing the roof anyway so this would not only be feasible but it will also be an improvement to the house esthetically. We did study trying to expand into the back but it would not work because of the topography. Going up was the most feasible.

Paula Dimofski– We need the story variance because of the way it sits and the way it is measured. On one side it looks like it is one story and the other side it looks like two stories.

Discussion followed over plans

Paula Dimofski – It is set far back so the land around it would accept the additional story.

Riedy – I marked this picture Exhibit A – that shows the house behind this one and what the height might be. Referring to picture – Is this the house on the rear of the Hunts property on Morningside Dr.?

Paula Dimofski – Yes.

Stephens – You said the height of the roof would be around thirty feet?

Paula Dimofski – Yes thirty feet. We are comfortable with that height of thirty feet.

Steve Dimofski– It is a very, wooded site with evergreens, etc., not only on their site but the other properties, around it.

Riedy – With respect to the top floor, what is the current amount and the proposed living space.

Paula Dimofski - 4,000 sq. ft. as it exists and 5,238 sq. ft as total proposed

Mrs. Hunt – I believe that total may also include the basement apartment.

Paula Dimofski – It actually includes the cottage. So the main floor is about 1900 sq. ft.

Riedy – On the top floor how many bedrooms are there?

Paula Dimofski – Three

Discussion followed over plans.

Paula Dimofski - There will be a master bath and master bedroom too.

Steve Dimofski – You can see by the elevation that the Hunts are concerned about the esthetics of the house. We are not just constructing a box. Our construction changes will compliment the house. We have really taken into consideration the considering outside of the house as well.

Olcott – Will you match the stucco?

Dimofski - Yes. We will also add a small entryway to give a separation between the apartment and their living quarters.

Mrs. Hunt – The entrance currently is small and has just a roof and the existing stairway is tight my husband has to duck. This will give him more space.

Steve Dimofski – The house is nestled in the hill and we did study other options and this was the most feasible and it is not obtrusive to the neighbors. You never get the perception of being overwhelmed by the structure.

Mrs. Hunt – My neighbors are located more to the side, not directly behind us.

Riedy – Any other questions, anyone else like to be heard?

There was no reply.

Hearing closed.

Stephens – Made Motion to grant a one-half story variance over and above the stories permitted by Code. The height will be thirty feet high and the Code allows a height of thirty five feet. The Board further approves that application as submitted with the condition it will be in keeping with the present Tudor style.

Olcott – Second the Motion

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

**Julio & Adriana Franggi – 339 Grand Street. Located in a RA-25 District and designated on the Tax Maps of the Village as Section 68.14 Block 3 Lot 8. Request for a front yard and side yard variance with respect to a proposed 2<sup>nd</sup> story addition.**

Adriana Franggi – My Architect Mr. Hansen will explain my application.

Var Hansen, Architect, 12 Lake Rd., Cortlandt Manor, New York – (Referring to plans) The house that exists now is in the lighter colored partitions and what we are proposing is in darker colored partitions. There are two separate areas of the addition. One is the living area and the other is a new front porch. There is an existing enclosed front porch and we have to put insulation in. That is not really new it is existing now.

Stephens – The colored drawing page number three of eleven was submitted with the application. Do you remember when the front porch was enclosed?

Franggi - 1999

Hansen – (Referring to plans) we are proposing a bedroom addition on this side that is all new and to extend the house in the back over an existing bathroom on the first floor. Where the existing bathroom is shown now, it will be converted into a bedroom. The front yard is now a forty foot setback and we found surveys of two neighboring properties within 300 ft. (referring to site plan on first page) that we can use to average our front yard measurement. We would need a twenty foot variance for the front yard for the porch. It is twenty feet too close. We also need a three foot something variance for the second floor bathroom, otherwise I think it meets the Code.

Stephens– What variances were given for closing the porch?

Sperber– There has not been any change to the assessment to the property since 1978 which means it may have been done before 1978.

Riedy– When was it built?

Sperber - Prior to 1931 Zoning.

Riedy – Was the porch part of the original structure?

Sperber – No. There was a permit in 1950 for an extension over the kitchen and to enlarge the upstairs sewing room. Every survey we have shows the front porch.

Riedy – What is the earliest survey we have?

Sperber – 1931 Survey shows the porch and shows the porch enclosed.

Riedy – Why do you need more space?

Mrs. Franggi – Our family is growing. I am expecting.

Mr. Franggi - We have small bathroom upstairs and need another.

Olcott – How many square feet will be added to house.?

Hansen – first floor living room is one hundred and the front porch is sixty three square feet extra. On the second floor the bedroom addition would be the same it is over the living room. The bathroom addition upstairs is seventy square feet.

Stephens– If we deem the front porch should stay the way it is, can the rest of the house be built as planned, if the front porch remained as is?

Mrs. Franggi – We need more space in the family room now.

Hansen – I do not know what to say about that. The front porch as it is now is useless. It is more for storage than anything. It is narrow. It is not heated and it is hot in the summer. If the Board agrees I would rather see it reverted to an open porch.

Mr. Franggi – The roof is leaking. We have to do something about the porch whether we leave it open or closed.

Mrs. Franggi – That is how this project began. So we would be able to use it to expand.

Stephens – They don't need any State approvals?

Sperber – No. The Code allows you to average two or three houses on the same street for frontage measurement.

Riedy – Are those homes within three hundred feet and are they legally non-conforming?

Sperber – I did not check but they may have been built prior to Zoning.

Riedy – So your plans would mean that the porch would be thirteen feet from the front property line.

Discussion followed over the first drawing on the site plans.

Riedy – It would be 12.79 from the front property line.

Stephens – The addition on the outside will be what material?

Hansen – It will be the same siding.

Riedy – With respect to the plans for the second floor addition, from the front, is this first floor roof line going to remain the same height

Hansen – Yes.

Discussion followed over plans.

Riedy – Does anyone have any other questions?

There was no reply.

Hearing closed.

Waitkins – Made Motion to grant a nine foot front yard variance and a three point eight foot side yard variance with the condition that all of the exterior siding will be consistent.

Stephens – Second the Motion

Vote: - Waitkins, Stephens, Riedy, Olcott

**Marco & Susheila Ramn Flores, 5 Wayne Street. Located in a RB District and designated on the Tax Maps of the Village as Section 79.13 block 2 Lot 8. Request for a front yard variance with respect to a proposed porch.**

Hernandez Jorge, Architect for the applicant – We are doing some work on the house renovation and we decided to add a porch to the front. We can make it four or five feet deep to sit and enjoy the outside. We are making it eight feet deep. We will need a front yard variance. It will have a façade of stone in the front and white columns and railing. They prefer to have railings for esthetics. In the rear we will have bay windows on the second floor to enjoy the view of the river. To the side is the addition and in front is the porch.

Discussion followed over plans.

Jorge – We are extending the roof line and deepening the dormers.

Pictures submitted to show adjacent house.

Riedy – I will mark this picture Exhibit A. Is the proposed porch on the same line as the neighbor?

Jorge – It will be a couple of feet closer to the property line than the neighbor. Exhibit B shows the property down the road to get a feeling of the whole neighborhood. On the second page of the plans you can see the foundation and additional work.

Stephens – You are requesting a nine foot variance?

Discussion followed over measurement of variance being requested.

Sperber – They are requesting a four foot front yard variance.

Riedy – The depth will be eight feet deep?

Jorge – Yes.

Stephens – It will basically be in line with the other house?

Jorge – Yes. As shown in drawing number one.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing closed.

Waitkins – Made Motion to grant the application as submitted for a four foot front yard variance.

Olcott – Second the Motion

Vote: 4-0 – In Favor

**Michael Kolk on behalf of Rogerio Jost, 70 Truesdale Drive. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.09 Block 5 Lot 13. Request for a determination that the south east corner of the property is a side yard and if determined that it is a rear yard the applicant further requests a rear yard variance.**

Michael Kolk, Architect – Represented the applicant – This is a RA-9 District. It is a somewhat oversized and irregular lot. It is the Macodo Inn\*\*\* that was originally built in 1992. As described on the site plan there was an addition put on in 1998. One on Truesdale side and north side all within zoning limits and an addition on the east rear side for a kitchen and bath. Originally it had a three car garage on the first level and a living unit on the second. Part of the first floor was converted into living space and a kitchen on the second floor was moved down to the first floor addition. There is a copy of the survey that dates 1992 and it denotes by Philip Tully that the area in question was deemed to be a side yard that required a twelve foot minimum setback. The house conformed to that when the addition in the back was put on. That made the addition on this corner of the property twenty five feet. A rear yard would be a thirty foot requirement, but that was not considered a rear yard when that application was approved. So, for the life of this house it has been considered a side yard. So, I request that the Board determine that it continues to be a side yard on this corner (referring to plans). The main issue here is that since 1992 when it was first built the area in question was considered a side yard. After further review I decided to ask for a determination.

Discussion followed over plans

Architect - There is no house adjacent to this house at all. There is one located on Truesdale to the south. Mr. & Mrs. Jost have letters from neighbors stating they have no objection to the application.

Letters sent subsequent to the application were submitted to the Board.

Stephens – the addition is two hundred thirty square feet?

Architect - Yes.

Architect –The mud room will be under the lines of the existing porch.

Architect– It will be wood and the siding will be identical to the existing.

Riedy - Anyone else like to be heard?

Robert Klurfeld. 90 Truesdale Drive. I received a notice. It was not clear what they were interested in doing. It just said it was a determination of a rear yard or side yard. I am two properties away so I decided to visit my neighbors. I feel they should receive the variance. It is minor compared to some cases that have come before you in the past couple of years. These kinds of people deserve to be welcomed to Croton and not have to hassle over something so minuscule.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing closed.

Stephens – Made Motion to continue to consider the south east corner of the property as a side yard since village records show that it was deemed to be a side yard since 1992 when the original structure was built and again when renovations took place in 1998.

Olcott – Second the Motion

Vote: 3-1 – In Favor - Stephens, Olcott, Waitkins  
Abstained – Riedy

Respectfully submitted,

Janice Fuentes  
ZBA Secretary  
3/12/08

## RESOLUTION

**Julio & Adriana Franggi**, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard and side yard variance with respect to a proposed 2<sup>nd</sup> story addition.

The property, at 339 Grand Street., is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 68.14 Block 3 Lot 8.

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:

Waitkins – Made Motion to grant a nine foot front yard variance and a three point eight foot side yard variance with the condition that all of the exterior siding will be consistent.

Stephens – Second the Motion

Vote – 4-0 – Waitkins, Stephens, Riedy, Olcott

3/12/08

RESOLUTION

**Mary E. Hunt & John Hunt**, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a height variance with respect to an attic addition and request for determination/variance with respect to rear yard.

The property, at 49 Truesdale Drive., is located in a RA-9, District and is designated on the Tax Maps of the Village as Section 79.09 Block 6 Lot 34 & 35.

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:

Stephens – Made Motion to grant a one-half story variance over and above the stories permitted by Code. The height will be thirty feet high and the Code allows a height of thirty five feet. The Board further approves that application as submitted with the condition it will be in keeping with the present Tudor style.

Olcott – Second the Motion

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

3/12/08

## **RESOLUTION**

**Marco & Susheila Ramn Flores**, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard variance with respect to a proposed porch.

The property, at 5 Wayne Street, Is located in a RB, District and is designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 8.

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:

Waitkins – Made Motion to grant the application as submitted for a four foot front yard variance.

Olcott – Second the Motion

Vote: 4-0 – In Favor

3/12/08

## RESOLUTION

**Rogério Jost**, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, has requested a determination that the south east corner of the property is a side yard and if determined that it is a rear yard the applicant further requests a rear yard variance.

The property, at 70 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 13.

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:

Stephens – Made Motion to continue to consider the south east corner of the property as a side yard since village records show that it was deemed to be a side yard since 1992 when the original structure was built and again when renovations took place in 1998.

Olcott – Second the Motion

Vote: 3-1 – In Favor - Stephens, Olcott, Waitkins  
Abstained – Riedy

3/12/08