

**DRAFT FILED: 9/8/08**  
**FINAL APPROVAL: 9/10/2008**

**VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS**  
**MEETING MINUTES OF JULY 30, 2008**

MEMBERS PRESENT: Kathleen Riedy, Chairman  
Rhoda Stephens  
Doug Olcott

Also Present: Joseph Sperber, Asst. Bldg. Inspector

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

Kathleen Riedy – ZBA Chairman – Announced the location of Fire/Emergency exists to all in attendance of the meeting.

Riedy – Stated to the applicants that there were only three members present for the hearing. Therefore, each application would require an affirmative vote from each member in order to have their applications approved. Ms. Riedy also explained to the applicants that it has always been the practice of the Board to give the applicant the option of moving forward with the hearing or request an adjournment until the following month when possibly there would be a full board. The next months meeting is scheduled for September 10, 2008.

All of the applicants requested to move forward with their applications.

**HEARINGS:**

**Colleen Croce, 27 Devon Ave. Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 79. Request for a side yard and total side yard variance with respect to a proposed addition.**

Gary Arbusto – Gemmola & Associates, 4 Croton Point Ave. - Represented the applicant. – This is the existing floor plan (referring to plans). It is a 1 ½ story house at this point. These are the existing elevations as they are now and we are proposing a 2 ½ story house. We are not encroaching on any front or rear yard setbacks.

Mrs. Croce – There was a variance granted on September 13, 2000.

Arbusto – All we are doing is removing the existing roof and moving it up.

Riedy – Why are you expanding your house?

Mrs. Croce – For our two children and so all of us can have the bedrooms on the same floor. We now have two rooms upstairs and two rooms downstairs. They now share a room and they are the opposite sexes and we would like to be on the same floor with them.

Riedy – What is the square footage?

Arbusto – The upper level is 363 sq. ft.

Stephens – The entire livable space is 1,280 now.

Riedy – Do you have a bath on the second floor?

Croce – No. Only on the first floor.

Riedy – How high is the house?

Arbusto – 21.3 ft.

Arbusto – The total proposed upper level will be 713 sq. ft. and the lower level will stay the same.

Riedy – You are in a tight little place. Your neighbor to the west is only 8.4 ft. on that end and the neighbor opposite you and on the easterly side are only seven feet. Aren't you concerned about increasing the bulk so close to these homes>

Arbusto - It is only being increased by 4 ft. We are only raising it up to the level of the homes on each side.

Stephens – You are asking for one side yard and a total side yard?

Sperber – I went through that. The one side yard needs .3 ft. variance and the total side yard will need 4.16 ft.

Stephens – How are you finishing the outside of the house?

Arbusto – The lower level is stucco. That will stay the same. It will only be the upper part that will be new.

Riedy – The plans as submitted, how many bedrooms does the new plans call for?

Mrs. Croce – Three on the second floor and one bathroom.

Riedy – Have you spoken to your neighbors?

Mrs. Croce – Yes. They have no objections and I have a letter from them.

Riedy – The survey reflects an enclosed porch in the rear of the house. Is that staying?

Mrs. Croce – Yes. That is not being touched.

Discussion followed over plans.

Riedy – The proposed rear elevation does not reflect what you are actually going to do? When an individual makes an application we judge it according to plans submitted and think it will be submitted for the building permit.

Stephens – What are your plans for the rear?

Arbusto - It will still stay as an existing enclosed porch. We will just add on at the top.

Discussion followed over plans.

Riedy - You submitted photos of your home. Tell us according to exhibit number what do they depict.

Exhibit A – Existing rear sun porch of the home which will remain in tact and untouched. The proposal was to add a little area on there which will not be done.

Exhibit B – Is the side of the house with the variance issue. The height is going to be bumped up shy of 21.3 ft.

Exhibit C – The other side of the house that is not an issue. That will be raised the five feet also. This is the side of the garage not to be touched.

Exhibit D – The front of the home and the roof will be raised.

Riedy – The front window will stay and the front door and it will be built upward.

Arbusto – Horizontal siding will be installed.

Stephens – Is there any other way this could be achieved?

Mrs. Croce – We had to raise the second floor in order to get the height requirement. It would not meet the Code if we did not do that.

Riedy – Anyone else like to be heard?

George Pires, 36 Hastings – I am located at the rear of the applicants property. I have gone over the application with them and I have no objection to the granting of the variance.

Hearing Close.

Stephens – Made Motion to grant a .3 ft. side yard variance and a 4.16 ft. total side yard variance according to plans as submitted and with the condition that horizontal siding be installed on the second floor addition.

Olcott – Second the motion

Vote: 3-0 – In Favor – Stephens, Olcott, Riedy.

**Stephanie Kaplan & Joel Velez, 126 Upper North Highland Place. Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 68.13 Block 1 Lot 30. Request for a side yard, totals side yard, and front yard variance with respect to a proposed addition.**

Riedy – I need to speak with respect to the procedure for this application. There are issues with drainage, erosion, etc., that is within the purview of the Water Control Commission. Therefore, the Zoning Board will address the issues with respect to the side yard, total side yard, and front yard issues you have submitted to us. This matter will then be referred to the Water Control Commission to review the items within their purview.

Joel Velez, Applicant – I prefer to be called John Velez. Although, my real name is Joel.

Michael Piccerillo, the applicants architect – My client has an existing one story wood frame house. The majority of the house has a flat roof. They cannot solve some of the flat roof issues. By putting in a new pitched roof we are hoping to solve most of those problems.

Riedy – What problems?

Piccerillo – Multiple leaks. Because the roof is flat it is difficult to maintain and repair.

Riedy – When was it built?

Stephanie Kaplan, Applicant – Approximately 1947.

Piccerillo – Along with the roof we thought we might also solve an interior space issue. There is a small master bedroom and no master bath. There is a great need for a master bath that led us to do a single story addition to make it a standard size master bedroom and bath.

Riedy – How large is the master bedroom now?

Piccerillo – 13 ft. x 13 ft.

Riedy – And the proposed?

Piccerillo – 17 ft. x 14 ft.

Riedy – Does that include the bath?

Piccerillo – No. The master bath will be 4.5 ft. x 10 ft.

Riedy – How many bathrooms do you have in the house now?

Piccerillo - Two. One is on the first floor.

Stephens – How far out are you planning on expanding into the side yard?

Piccerillo – 3 ft. 6 ½ in. towards the side yard.

Olcott - Is there a smaller addition on the other side too?

Piccerillo – The existing living room and lower addition. That is not in the side yard setback. The existing house is non-conforming. The west side is not. Between the septic and the rear of the property we have septic and there is a ledge. It is not an easy site to work with.

Stephens – Is this addition going over where the septic is?

Piccerillo – No. It will be according to the Health Dept. regulations for distance away from the septic tank. On the eastern side of the house there is a wall sitting on dirt. It is in disrepair and in dire need of fixing. We want to remove it and install a new one with drainage.

Discussion followed over plans.

Stephens – The existing overhang comes out how far?

Piccerillo – Approximately three to four feet.

Stephens – So you are not going beyond what actually exists?

Piccerillo – Correct.

Riedy – What plans do you have for the exterior?

Piccerillo – Vertical white cedar. Contemporary.

Stephens – Do we need to be concerned about the buffer zone?

Sperber - No. They will be going before the Water Control Commission. Not sure if they will need an EIF Form. In the course of their review process they will require erosion protection.

Riedy – After 30 ½ years, what is triggering the construction now?

Stephanie Kaplan – I had two kids in college, weddings, and now I can afford it. It will help with the rain and the wetness. Otherwise, the house will not survive. The bathroom is falling apart. It all needs to be redone. I also need to have my own bathroom. I have cancer and am going through Chemo Therapy treatment.

Piccerillo – Our work will improve the house. It will not impair the neighborhood.

Riedy – Why repair the wall at all?

Piccerillo – There is room behind it. It is part of the structure. If removed you will see part of the inside of the entry.

Discussion followed over plans.

Piccerillo – If we do not do that work eventually, we will not only have structural problems to solve, but Water Control Commission issues as well.

Riedy – You would also lose habitable space.

Piccerillo – It will become a safety issue and will eventually collapse. So I have to do something and I am trying to do the minimum to solve it.

Riedy – So this is not just a design feature, but it is important for the stability of the house.

Piccerillo – Correct.

Olcott – How long have you been in the house?

Ms. Kaplin – Approximately 1 ½ years.

Riedy – The side yard variance that is being requested for the expansion of the master bedroom. Where is it on the plans?

Piccerillo – Page A-1 and upstairs is A-2.

Riedy – Have you spoken to your neighbors?

Ms. Kaplan – Yes. My neighbor was concerned about the location of the air conditioning unit. We will not have it on that side. We will have central air conditioning.

Anyone else like to be heard?

There was no reply.

Hearing closed.

Riedy – Made Motion to Grant an 8 ft. 6 in side yard variance and a 7 ft. 5 in. total side yard variance according to plans submitted and the Board further directs the applicant to apply to the Water Control Commission for their review.

Stephens – Second the Motion.  
Vote: 3-0 – Riedy, Stephens, Olcott.

Respectfully submitted,

Janice Fuentes  
ZBA Secretary  
7/30/08

## RESOLUTION

Colleen Croce, 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 addition.

The property, at 27 Devon Ave., is located in a RA-5, District and is designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 79.

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. One neighbor whose property is located at the rear of the applicant's property was at the meeting and stated he had no objections.

The proposed variance/addition is not substantial and will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

There was no other method to accomplish this. Because the existing structure already has an existing variance it would have been necessary to apply for a variance no matter what addition they were proposing.

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

Stephens – Made Motion to grant a .3 ft. side yard variance and a 4.16 ft. total side yard variance according to plans as submitted with the condition that horizontal siding be installed on the second floor addition.

Olcott – Second the Motion

Vote: 3-0 - In Favor – Stephens, Olcott, Riedy

7/30/08

**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

Stephanie Kaplan & Joel Velez, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a side yard, total side yard variance with respect to a proposed addition.

The property, at 126 Upper North Highland Ave., is located in a RA-40, District and is designated on the Tax Maps of the Village as Section 68.13 Block 1 Lot 30.

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 by the applicant can not be achieved by any other method.

The variance is substantial but due to structural problems with the house and the fact that the addition cannot be placed in any other area due to the location of septic and a stream, this plan is the most feasible. Without renovations and improvements to the house it will become structurally unsafe.

The applicant proved hardship.

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

Riedy – Made Motion to Grant a 8 ft. 6 in. side yard variance and a 7 ft. 5 in. total side yard variance according to plans submitted and the Board further directs the applicant to apply to the Water Control Commission for their review.

Stephens – Second the Motion  
Vote: 3-0 – Riedy, Stephens, Olcott.

7/30/08

**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.**

