

DRAFT FILED: 6/12/09
FINAL APPROVAL: 7/8/09

VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF JUNE 10, 2009

MEMBERS PRESENT: Kathleen Riedy, Chairman
Rhoda Stephens
Doug Olcott
Roseann Schuyler
Alan Macdonald

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

ABSENT: Richard Olver, Village Board Liaison

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

The Chairman of the Board announced the location of fire exits to all in attendance of the meeting.

HEARINGS:

Jeffrey Abrandt, 14 Hillside Ave. Located in a RB District and designated on the Tax Maps of the Village as Section 67.20 Block 4 Lot 42. Request for a rear yard variance with respect to a proposed deck.

Jeffrey Abrandt – My application is for permission to build a deck from the rear facing westward. It is in keeping with the neighborhood. There are at least two decks on my block that are exactly like the one I am proposing. One of them was granted a variance. I have collected signed statements from neighbors whose homes are contiguous to my property and neighborhood. One neighbor came this evening and he is the one that will be most affected and my deck will overlook his deck. His house faces High Street and he has a deck that I admire. His name is Joseph Streany and he is present here tonight. He is the only neighbor who actually will see the deck. No one else will see it. I did not go to 6 Hillside Ave. to get a statement signed in favor of my application because, I understand the owner may be on one of the Village Boards and it might be a conflict, so I did not go to them. The deck will only be 10 ft. deep. I hope the Board will approve my application. It will be in keeping with the rest of the block. If we were to put a deck in the front I would not see the river and it would interfere with the street. I supplied pictures with my application. When I first moved to this property Joseph Streany helped me remove a lot of brush and debris to make the area much cleaner. The plans are in keeping with the requirements of the Village, but it is a little short of the requirements.

The property where the Verizon Telephone Company is located I never see anyone there. "Zollers" has a deck out the back. He told me that he would sign the statement for me but I did not have time to have him sign the letter.

Riedy – (To Mr. Sperber) – Is this a two family district?

Sperber – Yes. So, it requires a 30 ft. setback and therefore they will need a 17 ft. rear yard setback variance. The application is incorrect. Because it is a two-family in a two family district it needs to comply with the Zoning Requirements for a two-family in a two-family zone.

Mr. Abrandt – I apologize. I stand corrected. I was not told that.

Riedy – How old is the house?

Abrandt – It appears to be in the 1900's or early 1920's. It was approximately around the time they built the Croton Dam. It has some of the same stone work that was used on the dam. There is no Certificate of Occupancy.

Riedy – The house is only twenty three feet from the property line as-built.

Abrandt – Because the house was built prior to Code.

Riedy – Why not build a deck on the side of the house?

Abrandt – On one side yard there is no room and the other side yard has a stairwell to the second floor. It would not work.

Riedy – Is your home a two family or a one family?

Abrandt – A two-family.

Submitted For the Record: Copies of letters that were signed by several neighbors stating they had no objections to the application.

Riedy – What material will the deck be made of ? The posts and deck will be made of wood and a composite wood that is called "Trek". It will be attractive and the color will be white or gray.

Riedy – When did you purchase the property?

Abrandt – June of 2008.

Schuyler – The deck on Hillside was granted a variance? Do we know that for a fact?

Abrandt – Yes. On 6 Hillside Ave. and 8 Hillside Ave. as well.

Riedy – Do we know if there is a variance for 6 Hillside Ave.?

Sperber – No. But, I will check.

The hearing was adjourned for a short period of time to allow Mr. Sperber time to review the files for variances pertaining to 6 Hillside Ave. and 8 Hillside Ave.

Mr. Sperber returned to the meeting and stated: 6 Hillside Ave. was granted a variance in 1993. It was a substantial variance. The house also predated and did not meet any of the setback requirements. The existing side yard setback for the house was approximately 1 ft. and the total side yard was approximately 11 ft. 8 Hillside Ave. received a Building Permit for a deck in 1994 and the Certificate of Occupancy was issued in 1994.

According to the survey it appears they would not have needed a variance for the deck. They had 10 ft. on one side and more than enough to meet the other requirements. It was a single family house when the permit and Certificate of Occupancy was approved. Otherwise, it also would have needed larger setbacks. If they have turned it into a two-family since that time I would not know.

Discussion followed over the setback requirements for a one family as opposed to a single family.

Riedy – This application requires a seventeen foot rear yard variance. Mr. Brandt, my concern about your plan is that your proposed deck is shown to be 14 ft. high and it is going to have eight huge posts that will be going up 14 ft. high. Would you be open to some type of screening?

Abrandt – I am not opposed to anything the Board would see appropriate. The reason for the posts is that we live on a drop. I wanted the posts to be substantial for safety reasons. I just wanted it to be engineered safely.

Sperber – The other properties have high decks also. There will also be some safety measures that we will want to be added to the plans. Because, we are talking about a 14 ft. height.

Abrandt – When I first purchased the property I also saw similar decks on other properties in the area so I thought I would be able to have it too.

Riedy – It's OK. People come to us for variances all the time. The only difference between you and your neighbor is that he was able to build his deck of right. So the Village had no say other than the requirements of the Building Code.

Abrandt – It was 6 Hillside Ave. that needed the variance.

Stephens – Yours needed the variance because you needed to meet the setbacks for a two-family residence which is more.

The Board agreed to amend the application to request a 17 ft. rear yard variance according to the two family setback requirements.

Abrandt – Suggested putting skirting around the beams to make them more esthetically pleasing.

Abrandt - After I am able to do some more clearing in that area it will lend itself to attractive shrubbery. It was previously a jungle.

Riedy – What if we request trees and they grow so large that he will not have a view of the river?

Discussion followed over different species of trees that would not grow so tall or a mixture of trees, shrubs.

The Board agreed that landscaping would be better as compared to installing skirting around the posts along with a few evergreen trees.

The applicant agreed.

Streany – (Neighbor directly affected by the application) - Jeff Abrandt has been a terrific neighbor since he has moved in. The previous owner was an elder man who was not able to maintain the property properly. Jeff did a lot of work when he moved in so he could have a vista view of the river. I certainly do not oppose and I have signed the statement that says that. The phone company just lets their property get out of control and growing wild. I need to contact the village to let them know. We have cleared some of it with the phone company's permission otherwise, it would be terrible. I certainly think it would be nice if he could get a variance to get the deck that he desires and to be able to enjoy it as much as I enjoy mine. With respect to lattice, I just had a painter stain mine and they look nice and natural and it blends in with what is there. I think it should be the applicant's call as to what pleases him. The roof of the phone company's building has a huge retaining wall that surrounds the property. You actually have difficulty

standing on the property. For the applicant to construct a sound deck so he can enjoy it is a wonderful thing.

Stephens – I think it would be less distracting to have evergreens, etc. as screening instead of a lattice fence. The evergreens would be more attractive.

Abrandt – I do like the idea of greenery. I could live with whatever makes my neighbors happy.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing closed.

Olcott – Made Motion to grant a 17 ft. rear yard variance with the following condition:

The applicant will install a combination of evergreens and deciduous trees with the purpose of screening in order to obscure the deck columns so it will lessen the visual impact of the deck.

Stephens – Second the Motion

Vote - 4-1 - In Favor – Olcott, Stephens, Schuyler, Macdonald
Opposed – Riedy.

Respectfully submitted

Janice Fuentes
ZBA Secretary
6/10/09

RESOLUTION

Jeffrey Abrandt, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a rear yard variance with respect to a proposed deck.

The property, at 14 Hillside Ave., is located in a RB, District and is designated on the Tax Maps of the Village as Section 67.20 Block 4 Lot 42.

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 applicant submitted signed statements from the neighbors stating they had no objections to the application.

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 applicant's rear yard was on a slope and not usable. The house predated Zoning and did not meet the current setback dimensions.

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

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6/10/09

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.

