

DRAFT FILED: 10/17/09
FINAL APPROVAL: 12/9/09

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

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

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector

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

HEARINGS:

Robert T. Gold D.D.S., 25 King Street. Located in a RA-25 District and is designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 34. Request for a front yard and side yard setback variance with respect to a proposed accessible ramp and stairway to first floor of existing Dentist Office.

Robert Gold, D.D.S. - I am a dentist. I took over the practice 2 ½ years ago. I have a number of patients who are unable to make it up the steps. It has never been handicapped accessible. I am not technically required to comply with handicapped accessibility, but would like to. I have submitted plans that were drawn by my Architect, John Power.

Macdonald – What materials will you be using?

Gold –“Treks” and pressure treated framing will be used.

Discussion followed over plans

Riedy – Do you live there?

Gold- No. I live in Sleepy Hollow.

Sperber – Years ago the dentist office had a special permit and has been used since then as a dentist office and it has not been vacated for more than one year.

Riedy – Is this technically an amendment to a special permit?

Sperber– No. The house was built approximately in the eighteen nineties We figure it was built close to the side yard because there were no zoning regulations then. They now want to put a structure within the required setback areas.

Stephens– Would it be feasible at all to put the ramp across from where the cars go by?

John Power, Architect – That would eliminate the required parking spaces for the patients. Also, the grade dips down in that direction as well, so the ramp would have to be even longer, if that direction was taken.

Stephens – And the people who live in the house?

Gold - They share the parking.

Macdonald – Do they have additional lighting planned?

Gold - There is lighting.

Riedy – How would you provide for lighting in that corner.

Gold – We could put it on the side of the house.

John Power, Architect – A pole or something that is mounted into the ramps to throw some light on every level of the ramp could be integrated into the plan.

Stephens – What will the height of the ramp be from the ground up?

John Power, Architect – We had two designs that we discussed with the Village Engineer. The residential requirements call for more railing, and it has a steeper slope. This is more for institutional or public facility purposes and the guards are required to be higher. The Village Engineer recommended that we go with the more public institutional State Requirement for a professional office.

Stephens – Are you the owner of the property?

Gold – The owner of the property is Dr. Frishberg. He was the original Dentist who used the same office.

Stephens – I was thinking that if he moved he could then have the ramp removed.

Riedy – It does not sound very likely that it would be allowed to expire in the future.

Sperber – I correct myself. It was not a Special Permit that was granted. It was a Use Variance. There is a letter in the file dated December 12, 1980. It does not state that it was a use variance, but clearly it had to be. It also stated that it was shared by two dentists and it stated at the time only one dentist at a time.

Stephens – How long was the office empty and not used?

Gold - He took off on a Friday and I was in on a Monday. Two days.

Stephens – My concern is if it stops being a dentist office and the future need for the use of the ramp.

Riedy – Certainly, Mr. Gold, if you vacated the premises you would not care if the ramp were to be removed. Correct?

Gold. – I would not care. Frankly, I would not be there and it would not be up to me it would be up to the owner.

It was noted for the record that the Owner of the Property, Dr. Frishberg, had sent a letter to the ZBA Secretary giving his permission to the applicant to file for a variance on his behalf.

Discussion followed over the setback dimensions required for the variances requested.

Riedy – Dr. Gold would you object, if as a condition of the variance we request that lighting be installed?

Gold – No.

Stephens– And that it would conform to the regulations.

Gold - Of course.

Riedy – Anyone else like to be heard?

There was no reply.

Hearing closed.

Olcott – Made Motion to grant a 4ft. 4in. front yard variance and a 4.0 in. side yard for the construction of an ADA compliant accessible ramp and stairway to the first floor of an existing Dentist Office. The variance is further granted with the condition that lighting will be provided for safety purposes.

Schuyler – Second the Motion

Vote: All In Favor – Olcott, Schuyler, Riedy, Macdonald, Schuyler.

Deven Sharma, 387 South Riverside Ave. Located in a C-2 District and is designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 29. Request for relief from Section 230-44(P) (4) (a) [1] of the Village Code with respect to three existing signs.

Carlo D’Ippolito, City Lights Sing Co., Mohegan Lake, N.Y. – I represent the owner of the Business “Casa DeNicola”. Devon Sharma, is the owner of the property. The owner of the business “Casa DeNicola” unfortunately, just passed away on Sunday. We still want to move forward with the sign application. His family will then decide what they will do in the future. We are asking for the name on the sign to be changed.

Riedy – Mr. D’ Ippolito, you are the sign maker and you are representing that you are appearing on behalf of the owners, heirs and assignees?

D’ Ippolito - Correct.

Stephens – This particular sign has the lettering on both sides.

D’Ippolito – Yes, because it is visible for the traffic. All the awnings are existing awnings.

Discussion followed over plans and visibility of the signs to passing traffic.

Stephens – The only reason they need to come before us is because of the lettering. Correct?

Sperber -Correct. If there are no words there is no sign.

Stephens – Did the previous owner have a variance for the large canopy?

Sperber – No. The previous owner just put them up.

Schuyler – Is there lighting on the signs?

D’Ippolito – Yes. It is illuminated.

Sperber – This has already gone to the V.E.B and they made a lot of suggestions.

Stephens – Can we have their suggestions?

Sperber – I thought they were forwarded to you.

Stephens – No.

Sperber – Submitted a copy of the V.E.B. minutes to the Board.

Riedy – One of our issues is that about four or five years ago the village enacted a new sign ordinance that requires the façade is to have one sign and you are requesting four and one is illuminated.

D’Ippolito – Two. The larger one is illuminated too. It might have been a box sign first and then they decided to put awnings. But, it is already there and it would cost the owner money to eliminate some of that and not putting words on an illuminated sign would not look good. But, it is already there. It would cost money to take it down.

Riedy – So, the restaurant sign is illuminated. So, that sign advertises that it is an Italian restaurant and the “Casa DeNicola” sign tells the name of the restaurant and that is also illuminated. So, as I drive east on Croton Point Ave. and I come to that corner and make a left onto So. Riverside Ave., you will see the “Casa De Nicola” sign.

D’Ippolito – From the corner you will not be able to read them.

Riedy– I very much want to encourage business to open in Croton. But, we do have a relatively new Village Statute.....

D’Ippolito – May I suggest something? If it was my place, I would eliminate this sign (referring to plans). I believe the sign “Italian Cuisine” is very important.

Stephens – So, you would recommend removing the illuminated sign here (referring to plans).

Riedy – Then the Casa de Nicola sign would still be illuminated?

D'Ippolito – Yes.

Olcott – Referred the Board to Section 230-44 (O) of the sign Ordinance.

Olcott – (Referring to Section 230-44(O) of the Sign Ordinance) These are not signs in the windows but he could put them in the windows instead of on the awning.

The Board also referred to Section 230-44 (P)(e)[1] with respect to illumination and 230-44 (P)(4)(a)[1] with respect to signs in a Central Commercial C-1 District.

Riedy – Any other questions?

There was no reply.

Hearing Closed.

Riedy -Made Motion to grant a variance according to Section 230-44(P)(4)(a)[1] of the Village Code for three signs on the façade of the building. One sign being an illuminated canopy with the words “Casa De Nicola” on the front facing west and the word “Restaurante” on each side. In addition there will be two fixed awnings. One awning will bear the word “Italian” and the other will bear the word “Cusine”. The application is also approved with the condition that the existing illuminated sign bearing the word “Restaurante” will be removed.

Stephens – Second the Motion.

Vote: 5-0 – In Favor – Riedy, Stephens, Olcott, Macdonald, Schuyler

Respectfully submitted,

Janice Fuentes
ZBA Secretary
11/10/09

RESOLUTION

Robert T. Gold, D.D.S., Practicing dentist, practicing at 25 King Street, on behalf of the owner Dr. Bruce Fishberg has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard variance and a side yard setback variance with respect to a proposed accessible ramp and stairway to the first floor of the existing Dentist Office.

The property, 25 King Street., is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 34.

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:

Olcott – Made Motion to grant a 4ft. 4in. front yard variance and a 4.0 in. side yard for the construction of an ADA compliant accessible ramp and stairway to the first floor of an existing Dentist Office. The variance is further granted with the condition that lighting will be provided for safety purposes.

Schuyler – Second the Motion

Vote: All In Favor – Olcott, Schuyler, Riedy, Macdonald, Schuyler.

11/10/09

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.

RESOLUTION

Devon Sharma, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for relief from Section 230-(P)(4)(a)[1] of the Village Code with respect to three existing signs.

The property, at 387 South Riverside Ave., is located in a C-2, District and is designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 29.

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:

Riedy -Made Motion to grant a variance according to Section 230-44(P)(4)(a)[1] of the Village Code for three signs on the façade of the building. One sign being an illuminated canopy with the words “Casa De Nicola” on the front facing west and the word “Restaurante” on each side. In addition there will be two fixed awnings. One awning will bear the word “Italian” and the other will bear the word “Cusine”. The application is also approved with the condition that the existing illuminated sign bearing the word “Restaurante” will be removed.

Stephens – Second the Motion.

Vote: 5-0 – In Favor – Riedy, Stephens, Olcott, Macdonald, Schuyler

11/10/09

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.

