

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
March 9, 2011

PRESENT: Seth Davis, Chairperson
Alan Macdonald
Doug Olcott
Roseann Schuyler
Rhoda Stephens

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of March 9, 2011 was called to order at 8:00 P.M.

Ms. Stephens asked that it be noted that there were no Village Board members present.

2. PUBLIC HEARING:

- a) **Raegan Grindean – 66 Penfield Avenue** – Located in the RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 29. Request for total side yard variance for front porch.

Ms. Grindean was represented by her contractor, Matt Carroll.

Ms. Stephens requested that it be noted that the house and plans indicate 64 Penfield, while the tax maps indicate 66 Penfield. Chairman Davis asked whether the practice in this kind of situation, was to use the postal address or the tax map address. Mr. Sperber added that the water and tax bills, and 911 use “66” as the address, and suggested that the Board use such. It was then agreed that for the purposes of the resolution, the Board would use the 66 Penfield address, indicating also, that the property was sometimes known as 64 Penfield. When the owner clears up the discrepancy, which Mr. Carroll said is being worked on, the tax map will reflect the change.

It was determined that the applicant was requesting a 2.8 foot total side yard variance.

Discussion ensued regarding when the house was built. Mr. Sperber said the property card indicates 1932, and if so, the house was built consistent with the 1931 code. The zoning codes changed in 1964 introducing total side yard requirements, and therefore the applicant is applying for the variance.

Ms. Schuyler asked if the proposed porch was just for improving the aesthetics of the house. Mr. Carroll said “yes”, that it would not be enclosed, and there would be no stone floor.

Mr. Macdonald asked about the foundation, and Mr. Carroll replied that there would have to be a full foundation with full footings.

Chairman Davis asked for any comments from the public regarding the application, to which there was no reply. Chairman Davis declared the public hearing closed.

A motion was made by Ms. Stephens to grant a 2.8 foot total side yard variance in order to build a porch. Seconded by Mr. Olcott, the vote carried 5-0, all members were in favor.

- b) **Dino Tsagarakis - 383 South Riverside Avenue** – Located in a C-2 General Commercial Zoning District and Harmon/South Riverside Gateway Overlay Zone and designated on the Tax Map of the Village as Section 79.13 Block 2 Lot 27. Request for side yard variance for rear single story addition.

Chairman Davis stated the Board had some familiarity with the project, (having seen a lot of the drawings and copies of documents going back and forth with the Village Board). He, however, requested that the applicant give an idea of the project along with the specifics of the variance.

Eric Lam, the architect, gave an overview of the site. Now abandoned for 2 years, it was a commercial establishment. The ultimate goal is to make it a mixed use property – the ground floor being commercial/retail with access to the second floor, which will have three 1-bedroom apartments. Some site work will be done in the front for an office and additional parking. Additional landscaping will be performed on the backyard. There are 2 single-story structures, separate from each other that create a small courtyard. One is attached on the side of the two-story building, the other rear one is not. The plan is to take down the rear single-story structure, and to replace the side single-story structure with another larger one that would contain an office and trash room. The building of the new one-story side structure is triggering the need for a side yard variance. The two-car garage with living space above, situated in the back, will eventually be demolished and used for additional parking.

Ms. Schuyler asked whether the exposed pipe in the “courtyard” area is or was part of an underground storage tank. The applicant didn’t think so, but the Zoning Board suggested it would be wise to find out what it was before applying for financing.

Ms. Schuyler asked if the path leading around the back would be continued around the back to the new structure. Mr. Lam said it would and that there would be an entrance to the new structure from the front as well as the back.

Mr. Macdonald asked if the new structure would use the existing foundation since there was no indication in the drawings. Mr. Lam said there will be a new foundation. Mr. Sperber said that the foundation would have to be addressed when applying for the building permit.

Ms. Schuyler asked how large the second floor apartments will be. Mr. Lam said there will be 3 one-bedroom apartments with approximately 650 sq. ft. each.

The Zoning Board then emphasized that the issue of the exposed fill pipe should be addressed.

Chairman Davis then asked if there were any comments from the public. There was no response, so he declared the public hearing closed.

Chairman Davis and Ms. Schuyler remarked that they liked the proposed design.

A discussion of the variance led to the conclusion that the purpose of the variance is that the lot is within 25 feet of a residential area and a 10 foot side yard variance on the north side was being sought. Mr. Sperber suggested that a condition should be made requiring the established property be staked by a New York State Licensed Surveyor prior to any excavation or construction.

Mr. Olcott remarked that he thought the proposed change to the property will be an improvement to the neighborhood and area.

A motion was made by Mr. Olcott to grant a 10 foot single side yard variance on the north side of the property, subject to the condition of a New York State Licensed Surveyor staking the property prior to any excavation or construction. The motion was seconded by Ms Schuyler. The vote carried 5 – 0, all in favor.

Mr. Macdonald then asked whether a construction easement was needed. Mr. Sperber and the ZBA suggested that it would be a good idea to get a written access agreement signed by the neighbor.

3. APPROVAL OF MINUTES:

The minutes of the December 8, 2010 Zoning Board of Appeals meeting, as amended, were approved.

Chairman Davis remarked that his term ends on March 31, and should he not be re-appointed, wanted the other Zoning Board members to know that he enjoyed working with them.

Mr. Olcott made a motion to adjourn which was seconded by Mr. Macdonald.

The meeting was adjourned at 9:08PM.

Respectfully submitted,
Toni Cruz
Zoning Board Secretary

RESOLUTION

Raegan Grindean has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, in accordance with Village Code Section 230-33 (A) for a 2.8 foot total side yard variance for new front porch.

The property, at **66 Penfield Avenue**, sometimes known as 64 Penfield Avenue, is located in the RA-5 Zoning District and is designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 29.

A public hearing having been held after due notice, and no objections raised from the public, this Board from the application and after viewing the premises and neighborhood concerned, find that:

1. there will be no undesirable change of the neighborhood or detriment to nearby properties;
2. the benefit sought cannot be achieved by other means;
3. the requested variance is not substantial;
4. the proposed variance will not have an adverse effect or impact on the physical or environmental conditions existing in the neighborhood; and
5. the alleged difficulty was not self-created.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as submitted.

Stephens made the motion to grant a 2.8 foot total side yard variance for the construction of a new front porch.

Olcott seconded the motion.

Vote: 5 - 0

In favor: Davis, Macdonald, Olcott, Schuyler, Stephens

Absent: None

Conditions: According to plans submitted.

Date: March 9, 2011

Date Revised: April 13, 2011

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

Dino Tsagarakis of KPT Riverside Realty Inc. has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, in accordance with Village Code Section 230-33 (A) for a 10 foot side yard variance for the first floor addition.

The property, at **383 South Riverside Avenue**, is located in the C-2 Zoning District and South Riverside/Harmon Gateway Overlay Zone and is designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 27.

A public hearing having been held after due notice, and no objection raised from the public, this Board from the application and after viewing the premises and neighborhood concerned, find that:

1. there will be no undesirable change of the neighborhood or detriment to nearby properties;
2. the benefit sought cannot be achieved by other means;
3. while the variance sought is substantial, it is consistent with the existing structure and cannot be achieved by any other means; and
4. the proposed variance will not have an adverse effect or impact on the physical or environmental conditions existing in the neighborhood.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as submitted.

Olcott made the motion to grant a 10 foot side yard variance for the first floor addition on the north side.

Schuyler seconded the motion.

Vote: 5 - 0

In favor: Davis, Macdonald, Olcott, Schuyler, Stephens

Absent: None

Conditions: That the property line be staked by a New York State Licensed Surveyor prior to commencement of any excavation or construction along the north side of the property, and that the structure be certified by a Licensed Surveyor prior to the issuance of a Certificate of Occupancy.

Date: March 9, 2011

Date Revised: April 13, 2011

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.