

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
December 14, 2011

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

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of December 14, 2011 was called to order at 8:05 P.M.

2. NEW BUSINESS

PUBLIC HEARING:

- a) **Edmond A. Gemmola, Agent for Carol A. Fetchick** - 73 Hastings Avenue. Located in a RA-5 and designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 46. Request for front yard variance for existing house, front yard variance for a proposed second floor addition, and rear yard variance for a new attached 2-car garage.

Mr. Gemmola came forward to present the application. He started off by stating that although he is the architect for the project, he wanted the Board to know that he and his son intend to purchase the property, and that currently they were in the process of figuring out what they can do with the property in regard to expansion (by this application) and what his son can handle tax-wise.

He then began explaining the variances being sought. The house is on a corner lot. The front yard on Hastings Avenue as opposed to the front yard on Benedict Boulevard is being designated as the front yard for purposes of the front yard setback requirement for the existing house. He explained that the house was built in 1950 when there were different setback requirements and the house was also built on a skew. Should this variance be granted, a certificate of occupancy could then be issued.

Chairman Davis interrupted to ask Mr. Sperber for clarification of front yard and side yard designations for corner lot properties. Mr. Sperber explained that the Village Code specifies that you have to have 2 front yards, but does not specify what has to be designated as the side yard and what has to be designated as the rear yard. Since rear

yards are usually bigger than side yards, practice is to make the larger yard the rear and the yard closer to the property line the side lot.

Mr. Gemmola continued his presentation. The proposal included taking down the 1-car garage which he said was old and whose access was tight and building a new 2-car attached garage with an attic above. The new garage would become part of the primary structure and would trigger the need for the rear yard variance. He then showed architectural renderings of 2 possible schemes for the expansion of the house. One showed the second floor with a 15.0 foot front yard setback and the other showed the second floor with a 10.6 foot front yard setback which would require the second front yard variance being sought. The application package also included photos of the house as it exists today. Mr. Gemmola further explained that he feels that architecturally the proposed expansion blends in with the neighborhood; that the property is on a grade and that the new garage would be lower which would correct the current drainage issue.

Mr. Olcott stated that he thought that the scheme with the recessed second floor which would not require the front yard variance looked better and asked Mr. Gemmola if that plan was feasible. Mr. Gemmola said he agreed that architecturally that scheme looked better, that the plan would be tight to lay out, but not impossible.

Ms. Stephens asked for confirmation that a 2-car garage is being proposed, and Mr. Gemmola replied that was correct and added that a larger garage was needed because steps from the garage up to the house would be needed as well as steps from the garage down to the basement.

Ms. Stephens then asked if any trees would need to be cut down to which Mr. Gemmola replied that at least one in the front of the house would need to be taken down and others would need to be trimmed. Ms. Stephens followed up with a question to Mr. Sperber as to whether a tree removal permit would be needed in that case. Mr. Sperber explained that as part of the construction process and along with the building permit, a tree removal permit may be required.

Mr. Macdonald then remarked that the proposed new garage was really big. Mr. Gemmola replied that the new garage was not 25 feet by 25 feet as Mr. Macdonald said, but that the actual space inside the garage without the needed steps would be 25 feet by 21 feet. He added that he needed a large garage because he has an old wide car that needs to fit. Mr. Macdonald was then given another rendering showing a better picture of the garage. Mr. Gemmola also added that with the roofline he was trying to mitigate the size of the garage, and that there is another home on Benedict Boulevard and Young Avenue that has a big garage.

Ms. Stephens then wanted to know if the space over the garage would be used as living space, and Mr. Gemmola said that as of the present it would just be used for storage and would not be heated.

Ms. Schuyler questioned the access to the upper garage level and Mr. Gemmola said there would only be access via the stairs in the garage.

With no more questions from the Board, Chairman Davis opened the hearing to the public, and with no one stepping forward then closed the public hearing.

Next, the Board discussed the application. Mr. Macdonald asked Mr. Sperber what was the allowable building coverage percentage for the district. Mr. Sperber replied that it was 40% and that Mr. Gemmola's proposal was only 34%. Mr. Olcott remarked that he thought the second scheme with the recessed front requiring no variance was preferable because it had less visual impact while still being feasible, and the rest of the Board agreed.

Chairman Davis then asked the Secretary to confirm that notice of the application had gone out to the neighbors and that no comments had been received. She replied in the affirmative. He then said that the net impact is that the house would be perceived as a much bigger house and setting it back would mitigate that impact. Mr. Gemmola said he did not disagree with that. Mr. Macdonald then remarked that this lot was one of the smallest lots in the neighborhood and that it was going to be a big house on a little lot. Mr. Gemmola disagreed and cited several lot sizes in the immediate area. He added that he felt he did a good job of mitigating the visual impact by setting the garage back and by the placement of low elements on either side of the main part of the house/structure. He further added that the garage was very important to him.

Ms. Stephens then made a motion to grant a 4.4 foot front yard variance on Hastings Avenue for the existing house and a 7.5 foot rear yard variance for a new attached 2-car garage with the conditions that the second floor be set back the required 15 feet and the space above the garage to be unheated storage space. Ms. Schuyler seconded the motion and the motion passed 5 - 0 with all members in favor.

Ms. Stephens wanted it noted that no Village Liaison was present at the meeting.

3. NEW BUSINESS:

- a) Consider draft zoning code amendment language regarding fences, walls and attached structures for recommendation to Village Board.

Board members had in front of them a memo dated December 6, 2011 from Village Attorney Jim Staudt to the Board regarding Zoning Law Changes. The memo was a draft of zoning code revisions pertaining to retaining walls and fences. With input from the Village Engineer, Dan O'Connor, and Mr. Sperber the Board members discussed the proposed revisions.

Board members agreed with the revisions to items I and II and IV. In item III, the Board concluded that Section H (of definition of BUILDING) should read: Retaining walls

exceeding four feet in height or retaining more than four feet of earth. The Board will ask for the corresponding change to be made in Section 230-40 and possibly 230-40(C) if needed to harmonize the sections of the code. After much discussion, consensus was reached regarding the proposed revision to item V which deals with fences. Garden walls, and hedges were also included but the Board was not sure if hedges should be included. Mr. O'Connor felt that they should not be included because it would be a nightmare to try to enforce code with regard to hedges.

Chairman Davis said he would send a memo to Mr. Staudt requesting him to draft the revised local zoning law code with the changes discussed.

4. APPROVAL OF MINUTES:

Ms. Stephens made a motion to approve the minutes and resolutions of the November 9, 2011 Zoning Board of Appeals meeting, as amended. The motion was seconded by Mr. Olcott. The motion was passed 5 - 0 in favor.

5. ADJOURNMENT:

The meeting was adjourned at 9:35 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals