

Village of Croton-on-Hudson  
Zoning Board of Appeals Meeting of  
February 8, 2012

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 February 8, 2012 was called to order at 8:05 P.M.

Chairman Davis made an announcement to members of the public with interest in the 50 Half Moon Bay application that it was not on tonight's agenda. He explained that new information had been supplied to Dan O'Connor, Village Engineer, which resulted in Mr. O'Connor's conclusion that his prior determination was incorrect and that a variance from residential density limitation would not be required. Chairman Davis added that copies of the new materials are available for public viewing and that procedurally the 50 Half Moon Bay application would now go to the Planning Board to continue its process.

Mr. O'Connor then met with those interested in the 50 Half Moon Bay application in the small conference room to provide more details and answer any questions.

**2. OLD BUSINESS:**

- a) **Nancy Kennedy, Agent for Vera Scozzafava** - 20 Thompson Avenue.  
Located in a RA-5 Zoning District and designated on the Tax Maps of the Village as Section 79.09 Block 2 Lot 40. Request for side yard variance and total side yard variance for existing house and deck.

Colleen Coxen, a real estate agent with Nancy Kennedy Houlihan Lawrence, was at the meeting to represent Ms. Scozzafava. She said that she found out that the variance was needed when she applied for a certificate of occupancy for the dwelling. She said Ms. Scozzafava had purchased the home in 1966 and that the deck was rebuilt in the 1980 - 1985 time frame. Ms. Scozzafava's contractor at the time told her she did not need a certificate of occupancy. Now that she wants to sell the home, she needs to come into conformity.

Ms. Coxen added that the application package included statements of support from several neighbors: Dmitriy Fedorov, residing at 26 Thompson Avenue, Edward Walsh residing at 13 Thompson Avenue, and Milton & Christine Herman of 9 Thompson Avenue. She pointed out the Mr. Fedorov is the neighbor directly facing the deck.

Ms. Stephens asked if the deck was another exit and Ms. Coxen said it was, along with the front door, and garage. Mr. Olcott asked if the deck had been rebuilt with the same dimensions and Ms. Coxen said it had been. Mr. Macdonald asked if a building permit had been applied for and if so, would footings need to be verified. Mr. Sperber replied that if the variance is granted the next step would be the building permit application and the footings would be verified as part of the approval process for the permit.

Ms. Coxen then added that she felt there would be no change to the characteristics of the neighborhood and had included photos of the deck along with neighboring properties in the application package.

Ms. Stephens asked if the deck were to be removed, would there be a need for another means of egress besides the front door. Mr. Sperber responded that if access is needed to a door, the zoning code allows for encroachment on the required yard setback, without variance, to erect a set of stairs and a landing of adequate size for door swing.

Chairman Davis then opened the meeting to the public and when no one stepped forward, then closed the public hearing.

Board members agreed that there would be no change in the characteristics of the neighborhood and that tearing down the existing deck and replacing it with just a landing and stairs would look ugly and choppy and would not flow well.

Ms. Stephens then made a motion to grant a 2 feet side yard variance and a 1.7 feet total side yard variance for the existing house and deck. Mr. Olcott seconded the motion and wanted it noted in the resolution that although self-created, the difficulty has existed since construction and is mitigated by the presence of similar decks on neighboring homes (as shown in the pictures submitted), and that the variance requested is not substantial. The motion passed with all 5 members in favor.

Chairman Davis stated for the record that at this time the ZBA is not fully operative on the Novus agenda system and that materials for this meeting had been made available through a download site (<ftp://croton.wsg.net/ZBA>), and hopes that the system will be tailored and the staff trained in the near future. In the meantime materials are made available to the extent practicable.

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

Chairman Davis started off with a status update. He said the Board had a solid redraft of the proposed changes and had submitted the draft to Village Attorney, Joanna Feldman, to draft a Local Law. He said she was running into problems regarding fences and had suggested that the Board needed to be more specific regarding heights and percentage solidity of fences.

Chairman Davis then suggested that the Board now start from scratch with regard to fences, adding that there were no issues with the proposed changes for walls and retaining walls.

A lengthy discussion of fences followed among the Board members, Mr. O'Connor, and Mr. Sperber. The following resulted from the discussion:

“Man-made” should be placed in front of the word berm.

At issue is at what height and for what distance a fence can be erected along a side lot line starting from the front property line; two important parameters being backing out of the driveway and aesthetics; the Board concluded 15 feet in a RA-5 zone and 25 feet everywhere else, otherwise a variance is needed. The height limitation for that area is yet to be determined.

Replacement of fences with regard to conformity issues. Chairman Davis suggested information be sought as to how other communities addressed this.

Mr. Sperber will research the various types of fences with regard to percentage solidity and their availability to residents.

In conclusion on the topic, Chairman Davis said he would draft tonight's changes and circulate them to the Board for review and then pass them along to Ms. Feldman.

### **3. APPROVAL OF MINUTES:**

Chairman Davis took a moment to commend Mr. O'Connor for his handling of the reversal of his interpretation regarding the 50 Half Moon Bay variance application. He said he also felt that it was unfortunate that some people came to the meeting expecting to hear about 50 Half Moon Bay, but it appeared that the public appreciated meeting with Mr. O'Connor.

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

Ms. Stephens then made a motion to approve the minutes and resolutions of the January 11, 2012 Zoning Board of Appeals meeting, as amended. The motion was seconded by Ms. Schuyler. The motion passed 3 - 0 in favor with Mr. Macdonald and Mr. Olcott abstaining because they were not present at January's meeting.

**4. ADJOURNMENT:**

The meeting was adjourned at 9:50PM.

Respectfully submitted,

Toni Cruz  
Zoning Board Secretary