

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
April 11, 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 April 11, 2012 was called to order at 8:00 P.M.

Chairman Davis started the meeting with a statement regarding the upcoming New York Planning Federation meeting in Saratoga Springs he will be attending. Having heard comments from the public at Monday night's Village Board meeting regarding Village officials being sent to meetings at "exotic" locations, he wanted it on the record that he would be absorbing the travel expense and would be staying with his mother-in-law.

2. PUBLIC HEARING:

- a) **Stephen & Amy Cappelli** - 31 Observatory Drive. Located in a RA-9 Zoning District and designated on the Tax Maps of the Village as Section 79.09 Block 7 Lot 35. Request for front yard variance for proposed front porch.

The applicants were being represented by their attorney, Peter Schuyler and their architect on the project, Michael Piccirillo. Chairman Davis pointed out that Ms. Schuyler had recused herself from this application, as she did with respect to last month's application, because she is a personal friend of the applicants.

Mr. Schuyler presented the application. The application package included the architect's rendering, elevation drawings and site plan. Photos of neighboring homes were posted on the bulletin board. Mr. Schuyler said that the side porch was eliminated from the plan which now only included a front porch. He explained that due to the unique site plan, that is, the placement of the house on the lot and the lot being in a cul-de-sac, a variance is really needed only for the left side of the proposed front porch and the right side could be built as-of-right. He added that in light of comments made at last month's meeting, the proposed front porch had been reduced in width to 9 feet and taking into account the width of the columns and railings, the width of the porch is reduced even more to about 8-feet 1-inch. The porch would be replacing existing shrubbery. He further added that the Cappellis enjoy the front of the home more than the rear due to the sloping in the rear.

They believe that front porches are a staple of American homes; that the front porch will increase the value of the house and would enhance the character of the neighborhood, and that almost all the homes on Observatory Drive have a portico and some have full porches. Mr. Schuyler then referred to a letter written by Harold and Joan Coffey, submitted on April 7, 2012 to the Zoning Board, which he felt supported a front porch as opposed to a wraparound front and side porch.

This was followed by questions from the Board. Mr. Macdonald wanted to know the width of the existing portico. Mr. Piccirillo replied that it was 4 feet. Ms. Stephens asked what would happen to the window in the basement and Mr. Piccirillo said it would remain. Mr. Macdonald asked what kind of furniture would be placed on the porch. Mr. Cappelli replied that there will be wicker furniture along with bluestone flooring.

Mr. Olcott pointed out that the posts were different in the hand rendering and the drawings. Mr. Olcott also said that he had measured the width of his porch which was 6-feet 10-inches and had discussed it with his wife who is also an architect. He concluded that his own porch was a little tight and that his wife agreed that an 8-foot wide porch was reasonable. He then asked if the applicant would consider an 8-foot wide porch. Mr. Schuyler pointed out that an 8-foot porch would still require a variance and that visually there was not that much difference between an 8-foot and a 9-foot porch when you take into account that the property line is a ways back from the sidewalk.

Mr. Piccirillo then said that due to the railings and columns, an 8-foot 5-inch or 8-foot 6-inch width would be useful. He also pointed out from the photos that all the homes in the cul-de-sac have at least a portico, and that the front porch at 28 Observatory Drive was between 12 feet and 15 feet in depth. He added that the porch design blended with the house and would not appear to be an add-on; that it will fit in with other typical projects in the Village. He feels it would be a nice addition to the neighborhood, and that the placement of the house on the property was causing the unusual set of conditions requiring the variance.

Mr. Macdonald then brought up the letter from the Mr. & Mrs. Coffey which Mr. Schuyler had referred to earlier. He said he did not think they were in support of the front porch. Chairman Davis then read the relevant portion of the letter and said that one could not make that conclusion from the letter.

Mr. Macdonald then also asked if the applicants would consider an 8-foot wide porch. Mr. Schuyler said they would but again stated that he did not see a big visual difference between a 9-foot porch and an 8-foot porch.

Mr. Cappelli added that he is the youngest of five children and that there are about 21 members in his immediate family; that holiday time gets crazy at the house; and that the porch could handle the overflow of people.

With the Board's questions answered, Chairman Davis opened the hearing to the public.

Nurun Nabi, residing at 34 Observatory Drive stepped forward to speak. He was in support of the application citing that he was a friend of Mr. Cappelli, that they both had children, and that the front porch would be an enhancement and would allow the children to enjoy the outdoors.

Next, Mr. Tad Holland of 32 Observatory Drive stepped forward. He first handed out a letter to the Board from Larry Delliquadri, another neighbor, residing at 33 Observatory Drive, which stated opposition to the Cappellis' application and which sought to clarify a letter submitted at last month's meeting regarding the Cappellis previous application. Mr. Holland then stated that he thought the proposed size of the porch was unreasonably large and wanted his opposition to the application made clear.

Ken Walsh, another Village resident, added that he was in support of the application and thought the house was "neat".

Mr. Schuyler then reiterated that a variance was needed only for one side of the proposed porch, the left side, when facing the house from the street. Again, visually, if one were standing in the road, there would be more than the 25-foot front yard setback requirement from the road to the porch. Only when standing at the southwestern corner of the property does it become an issue. He also said that the Cappellis spent a lot of money hiring an architect to do more than just slap something onto the front of the house.

With no one else stepping forward to speak, Chairman Davis closed the public hearing.

The Board then discussed the application. Ms. Stephens started by stating that she was glad to see that the applicants took what was discussed at the prior meeting into consideration and that they had come back with a proposal for just the front porch and not the wraparound to the side of the house. She also agreed that only a portion of the porch required the variance due to the layout of the house and property. She felt, however, that an 8-foot porch would be better. Mr. Macdonald said that he also would be more comfortable with an 8-foot porch. Mr. Olcott added that the Board should try to limit the variance as much as feasible. Chairman Davis said he had been persuaded by the argument relating to the placement of the house on the property and by the orientation of the other houses in the cul-de-sac on their respective lots. He said he felt that due to this orientation, the proposed front porch was not making the Cappelli house any closer to the house next to it. He also agreed with Mr. Olcott's point about minimizing the variance.

Mr. Olcott made a motion to grant a 5-foot 3-inch front yard variance for the proposed front porch with the condition that the porch always be kept open with no screening or enclosure of any kind, except for a porch safety railing as shown on the application. Mr. Macdonald seconded the motion. The variance was granted with a vote of 4 to 0. Ms. Schuyler abstained, having recused herself from the application. The Board noted the revised front yard setback would be 19 feet 9 inches.

3. APPROVAL OF MINUTES:

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

Ms. Stephens then made a motion to approve the amended minutes and resolutions of the March 14, 2012 Zoning Board of Appeals meeting. The motion was seconded by Ms. Schuyler. The motion passed 5 - 0 in favor.

4. ADJOURNMENT:

The meeting was adjourned at 9:25PM.

Respectfully submitted,

Toni Cruz
Zoning Board Secretary