

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
November 14, 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 November 14, 2012 was called to order at 8:05 P.M.

2. PUBLIC HEARING:

- a) **Coxen, Colleen**, Agent for **Tyre, James & Anne** - 2 Cedar Lane. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 54. Request for front yard variance for existing carport.

Ms. Coxen had requested that the application be adjourned.

- b) **Peter Tsagarakis/Rakis Inc.** – 215 S. Riverside Ave. & Bungalow Road. Located in a RA-5 and C-2 Districts and designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, & 54. Request for renewal of Special Permit under Code Section 230-51C and Code Section 230-52B for existing parking lot (Section 79.09 Block 1 Lot 52) on Bungalow Road.

Mr. Peter Tsagarakis was not present but was being represented by his son, Dino Tsagarakis. Chairman Davis asked Mr. Sperber if the applicant has seen his (Mr. Sperber's) November 8, 2012 memo to the Board. Mr. Dino Tsagarakis said that he had not, so Mr. Sperber gave him a copy. The memo updated the status of two of the conditions that had been placed on the special permit granted by the Board on November 9, 2011. The condition requiring placement of seed and mulch over the topsoil on the 6 Hudson Street lot had been met; however, the condition requiring the removal of the guard rail on the northeast corner of the Diner parcel with landscaping in its place had not. The applicant was hoping to have this condition removed. Mr. Sperber stated that the Engineering Office agreed and explained that the location/existence of the guard rail was not visible from the residential area and really had no impact on the residential area. Removal of the guard rail would necessitate the elimination of one parking spot and

would mean the loss of a protective barrier to the stone wall and existing landscaping from delivery trucks that back into the area and often hit the guard rail. Mr. Tsagarakis concurred with Mr. Sperber's explanation.

After Chairman Davis, Ms. Stephens, and Mr. Olcott expressed their agreement that there was not much visual impact on the residential area Chairman Davis made a proposal to eliminate the condition regarding the removal of the guard rail.

Chairman Davis then asked Mr. Sperber about his thoughts on the outstanding issue of financial assurance (the amount and term to be determined by the Village Engineer). Mr. Sperber replied that he had spoken with the Village Engineer, Dan O'Connor, and they both agreed that there was no need now for a performance bond since all the landscaping had been completed (assuming the guard rail condition was to be eliminated). Only a maintenance bond would be needed which is typically set at 10% - 20% of all landscaping costs (including soil and seed) and usually has a 2-year time frame. He further explained that seed had been planted early enough, that by the end of two years, one should have a good idea of the life of the landscaping and depending on the survival of the plants at the end of that two years, a refund could be made. He added that Mr. Tsagarakis was in the process of obtaining a comprehensive invoice from the landscaper.

Mr. Tsagarakis expressed his wishes for a 5-year term on the special permit renewal. In response to Chairman Davis' inquiry, Mr. Sperber said that the term of the special permit was up to the Board and that there was no statute of limitations regarding the term.

Ms. Stephens said that she was hesitant to set a precedent by granting a long period for the special permit.

Ms. Schuyler said that she would be comfortable with a special permit that steps up in length at each renewal period. This being a renewal request, she would be agreeable to a 3-year term; the initial special permit having had a 1-year term. After that, applicant could be eligible for a 5-year special permit.

Chairman Davis added he expected that in 3 years from now, there would be no need for a maintenance bond.

Mr. Macdonald asked if the applicant had asked for a specific term for the special permit. The applicant had not.

Ms. Stephens then made a motion to grant the renewal of the special permit under Code Sections 230-51C and 230-52B for the existing parking lot on Bungalow Road for a term of 3 years with the conditions set forth in the resolution. Ms. Schuyler seconded the motion. The motion passed with all members in favor.

Chairman Davis then explained to Mr. Tsagarakis that the term and amount of the maintenance bond was strictly the Village Engineer's call.

3. APPROVAL OF MINUTES:

Ms. Stephens then made a motion to approve the amended minutes and resolution of the October 17, 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 8:55PM.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals