

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
January 09, 2013

PRESENT: Seth Davis, Chair
Andrew Levitt
Alan Macdonald
Doug Olcott
Rhoda Stephens

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of January 09, 2013 was called to order at 8:02 P.M.

2. PUBLIC HEARING:

- a) **Barry Scheer** - 40 Irving Avenue. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.05 Block 4 Lot 42. Request for side yard variance for proposed second floor addition.

Mr. and Mrs. Scheer were both present; Mr. Scheer came forward to present the application. He explained that the house had been badly damaged by a tree strike during Hurricane Sandy, so they needed to make substantial repairs to the house which included rebuilding half the front wall. They decided that while taking care of the repairs, they should make the changes/alterations to the house that they have wanted to do for the last twenty years. They have wanted a second bath and more closet space. The changes would mean building out 9 feet in the front of the house and would increase the square footage from approximately 1600 to 1800 square feet. Mr. Scheer said the plans are to keep everything as close as possible to the original character of the house, staying with a dutch colonial roofline. He added that they would be adding to the non-conformity of the house but would not be changing its footprint. He said he felt the addition would be a major improvement to the house without changing the character of the neighborhood.

Chairman Davis explained that the house had been built prior to the adoption of the Village Zoning Code, so the house is legally non-conforming. The proposed addition would not change the footprint of the house but would increase the degree of non-conformity and that requires a variance.

Mr. Scheer further explained that there was no survey on record for his property, so the architect, John Power, worked up a site plan based on a survey of the neighboring property, 83 Radnor Avenue. It indicates that the back of the house is 4 feet, 4 inches

from the side property line, while the front of the house is 4 feet, 5 inches from the same side property line, thus creating the need for a 3-foot, 8-inch side yard variance.

Chairman Davis then pointed out that the closest structure that would be affected by the requested variance was the back of the garage of the neighbors at 83 Radnor Avenue. The distance between the Scheer house and the back of that garage is 15 feet.

Mr. Scheer also submitted 4 written responses to the neighbor notice supporting the variance request. They were from Mr. and Mrs. Joseph Schulman of 83 Radnor Avenue, the del Preto family of 20 Irving Avenue, Valerie Leis, a realtor with North Country Sotheby's located at 2 Croton Point Avenue, and Cathy & Tim Higgins who reside at 35 Melrose Avenue.

Mr. Macdonald asked if the applicant had considered making the addition to the back of the house. Mr. Power (who had joined the meeting after it had started) replied that the rear of the house is smaller with an odd shaped room and a staircase to the attic which would need to be relocated, so it was just not feasible.

Chairman Davis opened the hearing to the public and Mr. Peter Marengo, who resides at 37 Irving Avenue stood up to say he had no objections to the variance request. No one else came forward, so Chairman Davis closed the hearing. He then declared that he thought the proposed addition would be an improvement to the house.

Mr. Olcott made a motion to grant a 3-foot, 8-inch side yard variance for the proposed second floor addition to the house which was built in 1925 and is legally non-conforming and which will not increase the footprint of the house. The motion was seconded by Ms. Stephens. The motion was approved 5 to 0 with all members of the Board voting in favor of the motion.

3. APPROVAL OF MINUTES:

Ms. Stephens then made a motion to approve the amended minutes and the amended resolution of the December 12, 2012 Zoning Board of Appeals meeting. The motion was seconded by Mr. Levitt. The motion passed 4 - 0 in favor. Mr. Olcott abstained, having been absent from the meeting.

Ms. Stephens wanted it noted that the Village Liaison had not been present at tonight's meeting.

4. ADJOURNMENT:

The meeting was adjourned at 8:43PM.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals