

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
April 10, 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 April 10, 2013 was called to order at 8:00 P.M.

Chairman Davis started the meeting by stating that for three of the four applications before the Board tonight, a different member of the Board would be recusing himself or herself.

2. PUBLIC HEARING:

- a) **Marcus, David** – 45 Piney Point Avenue. Located in a RA-9 District and designated on Tax Maps of the Village as Section 79.13 Block 4 Lot 52. Request for variance to place pre-fab shed nearer to the street on which the principal building fronts than such principal building.

Mr. Levitt recused himself from this application. Mr. Marcus presented his application. He explained that he would like to replace a shed that was destroyed by Hurricane Sandy. His property is the last home on a dead end street, and due to the steep slopes on all sides of the property and the location of the house on the lot, the only feasible place for the shed would be in the front corner of the lot. The shed would be visually obstructed by a stone wall and the neighbor's carport. The only neighbor that would be impacted would be the neighbor with the carport, the Kimerlings of 34 Piney Point Avenue; however, the application included a letter of support from them.

Mr. Sperber explained that the shed is an accessory building and that a variance is needed to place an accessory structure closer to the street than the primary structure, and that Mr. Marcus intends to place it at least 5 feet from the property line.

Chairman Davis asked if the proposed location of the shed was the only possible location for it. Mr. Marcus said it was.

Ms. Stephens asked when the original shed was taken down. Mr. Marcus replied that it came down during Hurricane Sandy and that the new shed would be more permanent than the last one.

With no more questions by the Board, Chairman Davis opened the hearing to the public. No one stepped forward, so the hearing was closed.

Mr. Olcott then made a motion to grant a variance to place the pre-fab shed nearer to the street on which the principal building fronts than such principal building. Mr. Macdonald seconded the motion and the motion passed 4 – 0 with all members present for this application voting in favor.

- b) **Laemmel, David B.** – 59 Sunset Drive. Located in a RA-5 District and designated on Tax Maps of the Village as Section 79.05 Block 3 Lot 18. Request for lot width variance for proposed new single family house.

Ms. Stephens recused herself from this application. Present for the application were Mr. and Mrs. Laemmel, Roseann Schuyler, Attorney for Mr. and Mrs. Laemmel, and Timothy Lener, Architect for the project. Ms. Schuyler came forward to explain the application.

Ms. Schuyler started by describing how the Laemmel family has lived in Croton for quite a long time and have been active members of the community. She explained that the Laemmels would like to divide their current whole lot along the original lot lines as created in the 1907 Harmon Map, which shows their whole lot as originally 2 lots – lot 18 and lot 19. They currently live in the house on lot 18, but would like to build a new single family home on lot 19 and move into that one. The lots would each have a lot width of 45 feet. The proposed new house on lot 19 would require a 5-foot lot width variance from the required 50 feet.

Chairman Davis asked if the application was for a subdivision but Ms. Schuyler said no, explaining that two separate lots had been created back in 1907 and have always been 2 separate taxable lots. They were held in separate ownership until 1949 when the 2 lots were purchased by the same owner and they have been held under single ownership ever since. Chairman Davis then asked if there had ever been a house on lot 19. Ms. Schuyler replied in the negative.

Mr. Sperber added that there was a single deed for 2 separate lots and that the tax bill for the 2 lots can be combined for the convenience of the owner.

Ms Schuyler then addressed the factors the Board would be considering in their decision. She said the neighborhood was dominated by 1-family homes on modest lots, such as those at 68 Sunset Drive, 70 Sunset Drive, and 152 Cleveland Drive; each with 45-foot wide lots. The proposed home would adhere to code for all other measurements. There would be no detriment to the neighborhood as shown by letters and statements of support included in the application by the following 14 neighbors:

Edna Karwaski, 55 Sunset Drive
Corey A. Moeller, 146 Cleveland Drive
David Kurie, 47 Sunset Drive
Charles Roberto, 51 Sunset Drive
Harry A. McCormack, 142 Cleveland Drive
Ned Rickett, 50 Sunset Drive
Teresa Jankovic and Bernard Yozwiak, 64 Sunset Drive
Thomas A. Johnson, 65 Sunset Drive
Judy Lewis and Steve Krisky, 49 Sunset Drive
Thomas Tarnowsky, 61 Sunset Drive
Patrick and Suzanne DeLasho, 92 Lexington Drive
Denise Korey, 90 Lexington Drive
Patrice M. Hanigan, 93 Lexington Drive
Ward Pardee, 53 Sunset Drive

Mr. Levitt then asked about the question included on Mr. Tarnowsky's letter of support regarding off-street parking. Mr. Laemmel replied that Mr. Tarnowsky was originally from the Bronx and did not grasp the parking provision as illustrated on the plans.

Ms. Schuyler added that she believed that if the variance were to be granted, and the house built, someone walking or driving by two years from today, would be hard-pressed to pick out the house from the others.

Mr. Levitt asked if any of the letters/statements of support were from the adjoining neighbors and the Laemmels said they were. Mr. Levitt followed with another question as to whether the spacing between the houses is going to be consistent. Mr. Lener said it was and he went on to explain that the goal of the design of the proposed house was to keep to similar house designs in the neighborhood as exemplified by such things as the roofline, the eave lines, the windows, and the use of wood shingle.

Chairman Davis asked if the Laemmels could have added onto their existing home. Ms. Schuyler said that had the 2 lots stayed in separate ownership, the applicant would not need to be before the Board tonight. She said the Laemmels were trying to be good neighbors by not adding onto their existing home and dwarfing the other homes in the area and that a lot of thought was put into the proposed design of the new house. She said she reviewed the Board's decisions on similar applications in the past 10 years and that similar variances had been granted. When the variances were denied it was because the applications involved more than one variance being sought. She also said that the 5-foot variance being sought was only 10% of the required width and that all other requirements, such as allowable maximum building coverage, floor area, and other setbacks were being satisfied with the proposed design.

Mr. Lener added that environmental factors were carefully considered in the design. Plans include mitigation of storm water which would all be captured on the property as

opposed to the current runoff problem. The highest quality landscaping is planned along with high efficiency for heating.

Ms. Schuyler concluded her presentation by saying that the issue at hand was not self-created but was created when the 1907 Harmon Map was put forth with the 45-foot wide lots. As a result, these are the dimensions that the Laemmels have to deal with and they are proposing an attractive property that would be a good addition to the neighborhood.

Chairman Davis said that had a house been built on the lot it would be grandfathered. Then he asked if the applicant knew why no house had ever been built on it. Ms. Schuyler said that she could not discern that from the records.

Mr. Macdonald asked if the height of the new house would be similar to the height of the old one. Mr. Lener replied that he tried to keep the height as low as possible with 30 feet in the front and 36 feet in the back. Ms. Schuyler added that from the front it would look no higher than the others in close proximity.

The application package included photos of neighboring homes.

Chairman Davis opened the hearing to the public. Edna Karwaski of 55 Sunset Drive stepped forward to say she had no objections to the plans. Patrick DeLasho stepped forward next. He said he was in direct line to the current house and to the proposed house and felt that the new house would fit in well and therefore had no objections. A third neighbor came forward (Jeannette Kurie of 47 Sunset Drive). She had also reviewed the plans and felt the style of the proposed house looked like it would fit in with the neighborhood. With no one else stepping forward, the public hearing was closed.

The Board then discussed the application. Mr. Macdonald said he had no problem with the variance if there were indeed 2 legal lots. Chairman Davis said he thought the proposal was right for this particular lot given that it would be impossible to build houses on a great majority of the lots in the neighborhood and that adding to the existing house would have been detrimental to the neighborhood. Mr. Macdonald added that he felt that a lot of thought had been put into the plans.

A motion was made by Mr. Olcott to grant a 5-foot lot width variance for a proposed single family house. The motion was seconded by Mr. Macdonald. The motion passed 4 – 0 with all members present for this application voting in favor.

- c) **Aarons, Mark** – 18 Georgia Lane. Located in a RA-40 District and designated on Tax Maps of the Village as Section 68.13 Block 3 Lot 6. Request for side yard variance and total side yard variance for proposed addition.

Chairman Davis asked Mr. Aarons, who was presenting the application, what was different in this application from the same variances requested and granted by the Board

on September 15, 2010. Mr. Aarons said there was no difference. Chairman Davis added that the applicant needed to apply again because the proposed work had not taken place in the allotted time.

Chairman Davis said the property was located at the end of Georgia Lane on the right side of the cul-de-sac. Mr. Aarons said that his neighbors at 20 and 16 Georgia Lane were aware of his intentions and had no objections. He added that his house is extremely small for the block and that he was proposing a 700-foot addition which would make the house more sellable and that the house needed a redo.

Mr. Olcott said he remembered from the last application that the lot was very irregularly shaped. Mr. Aarons agreed saying also that the addition would impact a very small area.

The hearing was opened to the public. No one stepped forward and the hearing was then closed.

This was followed by a motion made by Ms. Stephens to grant a 7-foot 6-inch side yard variance and a 15-foot 6-inch total side yard variance for the proposed addition. Mr. Olcott seconded the motion. The motion was passed with a vote of 5 – 0 with all members voting in favor.

- d) **Lafleur, Jeffrey** – 32 Wolf Road. Located in a RA-5 District and designated on Tax Maps of the Village as Section 67.19 Block 2 Lot 44. Request for rear yard variance for proposed addition.

Chairman Davis recused himself from the application and Ms. Stephens took over the Chair.

Jeffrey and Carol Lafleur were present tonight along with Mr. Lafleur's brother, Rick Lafleur. Mr. Jeffrey Lafleur presented the application. He said he was seeking a 3-foot rear yard variance to bump out the back of the house in order to add a 13-foot by 17-foot dining room. He said that his documentation included a letter of support from the neighbors directly behind him, Mr. and Mrs. James Carullo, who would be most impacted by the addition.

Mrs. Lafleur said there were no houses on either side of their house. Ms. Stephens got confirmation that on the east side of the property was Rte. 9 and Cook Lane was on the west side.

Mr. Macdonald asked if the applicant would be removing the sliders, to which Mr. Jeffrey Lafleur said yes.

Ms. Stephens asked if the dining room addition would be raised off the ground and if there would be an exit from it. Mr. Rick Lafleur said the new dining room would be 2 ½ feet off the ground and that there would be an exit from the dining room onto the deck.

Mr. Levitt asked if one would be able to see the addition driving down Riverside Avenue. Mr. Rick Lafleur said you would not and then added that if they had proposed a dining room with a width of 10 feet instead of 13 feet, no variance would be required but that the 13-foot width would make a decent sized dining room. He further added that actually just a small corner of the proposed new dining room requires the variance.

Mr. Macdonald asked if the applicant had thought about using some of the existing living room for the new dining room to avoid a variance. Mr. Rick Lafleur said they could not do it without significant structural change.

Mr. Levitt asked for confirmation that just a small corner of the proposed dining room needed the variance. Mr. Rick Lafleur said that was true.

With no more questions from the Board, Ms. Stephens opened the hearing to the public. With no one stepping forward, Ms. Stephens closed the hearing.

The Board then discussed the application. Mr. Macdonald said he had no problem with it feeling that it would not affect anyone and that the variance was for a small sliver of the proposed dining room. Mr. Olcott felt that it was a modest addition and had no impact on anyone.

Next, Mr. Olcott made a motion to grant a 3-foot rear yard variance for a proposed dining room addition in the rear. The motion was seconded by Mr. Macdonald. The motion passed 4 – 0 with all members present for the application voting in favor.

3. APPROVAL OF MINUTES:

Ms. Stephens made a motion to approve the amended minutes and amended resolution of the February 13, 2013 Zoning Board of Appeals meeting. The motion was seconded by Mr. Macdonald. The motion passed 4 - 0 in favor. Mr. Olcott did not vote, 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 9:35PM.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals