

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
August 14, 2013

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

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Doug Olcott
Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of August 14, 2013 was called to order at 8:00 P.M.

2. OLD BUSINESS:

- a) **Seelke, Kurt** - 65 Melrose Avenue. Located in a RA-5 District and designated on Tax Maps of the Village as Section 79.05 Block 4 Lot 30. Request for interpretation of the determination made by the Assistant Building Inspector under Village Code Section 230-9A(10) that a gun repair business is not a customary home occupation. (*Adjourned from 06/12/13*).

Chairman Davis wanted it noted that he and Mr. Seelke had a telephone conversation about the application prior to the last Village Board work session at which the Village Board discussed the Village Code regarding customary home occupations and which was attended by both Chairman Davis and Mr. Seelke along with Mr. Macdonald. In that conversation Chairman Davis reiterated the reasoning and discussions that took place regarding the application at the previous Zoning Board meetings.

At tonight's meeting Chairman Davis asked Mr. Seelke if he had anything he wanted to add before the Board voted on the application. Mr. Seelke said he did not. Chairman Davis said the Board had unfortunately come to a conclusion against Mr. Seelke's appeal. He explained that because of the language of the Zoning Code the Board really had no choice; they needed to be convinced that the activity (gun repair) was a customary home occupation in the area, and they were not convinced, and could therefore come to no other conclusion.

Chairman Davis moved to affirm the Assistant Building Inspector's determination that a gun repair business is not a customary home occupation in the Village of Croton-on-Hudson. Mr. Macdonald seconded the motion. The motion was passed with a vote of 4 to 0; all members present voting in favor. A resolution affirming the original determination and setting forth the findings of the Board was drafted.

3. NEW BUSINESS:

- a) **Farber, Andrew and Stacey** - 235 Cleveland Drive. Located in a RA-25 District and designated on Tax Maps of the Village as Section 68.18 Block 1 Lot 18. Request for variance to install an inground pool and patio nearer to street on which principal building fronts than such principal building.

Stacy Farber was present at the meeting. She came forward to explain that she was seeking a variance to install a pool closer to the street than the principal house because there was no back yard and no adequate space anywhere else other than the proposed location. Her application package included a landscaping and site plan, photos of the property in its current state, and renderings depicting how the property would appear with the pool. She further explained that a variance granted to the previous owners back in the 1960s for alterations to enlarge the house had resulted in the loss of a side yard. That variance along with the topography of the property had left her no choice but to ask to place the pool in the front yard.

Ms. Stephens asked about screening the pool from the street and Ms. Farber said she was proposing some type of natural screening.

Mr. Levitt asked what the neighbors thought since the application did not include any letters of support from neighbors. Ms. Farber said one neighbor had their own pool, another neighbor had no problem with it, and another neighbor was a renter. Chairman Davis then asked the Secretary if neighbor notices regarding the application had been sent out and the Secretary said that they had been.

Chairman Davis then asked Mr. Sperber for more information about the variance granted in the 1960s. Mr. Sperber said that it was a side yard and rear yard variance for a project to enlarge the house and was indicated on the drawings included in the present application package.

Mr. Macdonald asked what kind of pool was going to be installed. Ms. Farber said it is a semi-aboveground and semi-inground pool, but looks like an inground pool, and can support a lot of backfill. It will be placed in the front yard, will be partially above grade, and will have shrubbery around it.

Ms. Stephens and Mr. Macdonald both asked about fencing around the pool and Mr. Sperber said that would be part of the building permit application process.

All the Board members expressed concern about screening the pool from the street since in most residential areas pools are not typically in the front yard. Ms. Farber said she would not want to put up a solid fence because she would not want to lose the feel of nature and would want to see the surrounding nature. She would, however, make sure there would be natural screening with plantings and, if necessary, would plant evergreens.

Chairman Davis then opened the hearing to the public. No one came forward, so Chairman Davis closed the public hearing.

Mr. Levitt made a motion to grant an area variance to install a pool and patio nearer to the street on which the principal building fronts than such principal building with the condition that plantings be installed between the pool and the street. The motion was seconded by Ms. Stephens. The motion passed 4 to 0 with all members voting in favor.

Chairman Davis strongly urged Ms. Farber to work with Mr. Sperber about the screening of the pool.

- b) **Jorge, Rui** - 27 Harrison Street. Located in a RB (Two Family Residence) District and designated on Tax Maps of the Village as Section 68.17 Block 2 Lot 26. Request for side yard variance and total side yard variance for porticos on the side entrance of each dwelling for two proposed 2-family homes.

Mr. Jorge presented the application before the Board. He explained that he is in the process of subdividing his property that currently has a one-family house on it into a subdivision of 2 lots with each new lot having a two-family dwelling on it. Each new unit (a total of 4 units) has a side entrance with a roof covering it. In order to make the entrance landing and roof coverage area of the landing of each unit a little larger, a side yard variance and total side yard variance is needed. He continued to say that each unit was pretty much identical and that everything else had been approved by the Planning Board.

Chairman Davis explained that the applicant had been to the Planning Board on May 14th, and that the applicant's documentation package included a memo from the Planning Board Chairman to Chairman Davis dated July 2, 2013, recommending approval of the variance to allow for the larger landing and roof over the landing for each of the units.

Ms. Stephens asked if there was adequate parking and Mr. Macdonald added that it was a tough street on which to park. Mr. Jorge said each unit will have 3 off street parking spots (1 being the garage of each unit).

Ms. Stephens then asked if the units were going to be rental units, to which Mr. Jorge replied in the affirmative.

Chairman Davis then asked Mr. Sperber for confirmation of the size of the variances being sought which were not indicated on schematics included in the application package. Mr. Sperber explained that a 6.92-foot (rounded up to 7-feet) side yard variance and a 13.87-foot (rounded up to 14-feet) total side yard variance was being sought for each of the two 2-family houses and that these measurements were shown on the site layout plan included in the application package. Mr. Sperber added that the Planning

Board had issued a preliminary subdivision approval last night (8/13) and was comfortable with the drawings.

Chairman Davis then opened the hearing to the public. He stated that neighbor notices had been sent out and no comments had been received by the Board. He then closed the hearing when no one stepped forward.

A motion was then made by Chairman Davis, with respect to each 2-family house, to grant a side yard variance of 7-feet and a total side yard variance of 14-feet for the construction of porticos on the side entrances of each dwelling, 7-feet in width and no more than 11-feet in length, as located in the site layout plan submitted to the Board.

4. APPROVAL OF MINUTES:

Ms. Stephens wanted it noted that neither Village Liaison had been present at tonight's meeting.

Mr. Levitt made a motion to approve the amended minutes of the July 17, 2013 Zoning Board of Appeals meeting. The motion was seconded by Mr. Macdonald. The motion passed 4 - 0 in favor.

5. ADJOURNMENT:

The meeting was adjourned at 9:05PM.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals