

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
July 9, 2014

PRESENT: Seth Davis, Chair
Doug Olcott
Rhoda Stephens
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Alan Macdonald
Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of July 9, 2014 was called to order at 8:00 P.M.

2. OLD BUSINESS:

- a) **Boulos, John** - 32 Piney Point Avenue. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 44. Request for variance to erect retaining wall(s) greater than 6.5 feet in height (accessory structure) for off-street parking, nearer to street on which the principal building (proposed new single-family house) fronts than such principal building and a height variance for the same retaining wall. (Continued to September 10, 2014 meeting).
- b) **Franzoso, Mark** - 34 Piney Point Avenue. Located in a RA-9 District and designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 45. Request for variance to erect retaining wall(s) greater than 6.5 feet in height (accessory structure) for off-street parking, nearer to street on which the principal building (proposed new single-family house) fronts than such principal building and a height variance for the same retaining wall. (Continued to September 10, 2014 meeting).

With the consent of the applicants, the Boulos and Franzoso applications will be continued to the September 10, 2014 meeting due to the fact that the Board had requested more information.

3. NEW BUSINESS:

- a) **Ghegan, John** – 54 Young Avenue. Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 43. Request for a front yard variance for a new front vestibule.

Mr. Ghegan, who was present tonight, had come before the Board on November 10, 2010 for the same variance which had been granted but has now expired. Although 3 of the Board's members had heard the application back in 2010, Chairman Davis asked for a brief description for the benefit of the newer Board member. Mr. Ghegan said that when he opens his front door, the cold air enters directly into his living room and causes issues with his thermostat. He would like to construct a front entry vestibule to rectify the situation and the proposed project would require a 2-foot, 3-inch front yard variance. He was unable to proceed with the project back in 2010 but is now ready to do so.

A letter of support from Peggy Weiss, residing at 60 Young Avenue, was submitted along with the application.

Chairman Davis said the application would be treated as a completely new application and with no questions from the Board, he opened the hearing to the Public. With no one stepping forward, the hearing was closed. Chairman Davis remarked that this application was an easy one back in 2010 and was an easy one now.

Mr. Olcott made a motion to grant a 2-foot, 3-inch front yard variance for a new vestibule in front of the house as presented in the application. The motion was seconded by Ms. Wagner. The motion passed with all 4 members voting in favor.

- b) Armster, Sven, Agent for Mark & Tiffany Papish – 108 Truesdale Drive.** Located in a RA-25 District and designated on the Tax Maps of the Village as Section 79.10 Block 1 Lot 7. Request for variances to enclose an existing legal carport (accessory structure) whose location is less than 5 feet from the front and side property lines, and projects nearer to street on which the principal building fronts than such principal building, and requires a height variance.

Mr. Armster was present at tonight's meeting. He submitted 2 letters of support at the meeting from neighbors on either side of the property. The letters were from Ed Riely of 110 Truesdale Drive and Mark Digiugno of 102 Truesdale Drive (there is no 104 or 106 Truesdale Drive). He used drawing and photo displays (the same ones submitted with the application) to illustrate the proposed project. The project entails enclosing an existing legal carport whose current location is less than 5 feet from the front and side property lines and projects nearer to the street than the primary structure. The resulting garage would also require a height variance; the height in the front would increase from 6 feet, 9 inch to 7 feet, 8 inch. He said that variances had been granted for the existing carport in 1969. The plan was to make the garage more in keeping with the house with the use of mostly red cedar siding.

Ms. Wagner asked why the applicants wanted to enclose the carport. Mr. Armster said one reason was for security purposes; that there was a lot of foot traffic along Truesdale Drive. Another reason was a lot of snow blowing into the garage in the winter and a lot of leaves blowing in during the fall.

Ms. Stephens asked why it was necessary to raise the height and Mr. Armster replied that 6 feet, 9 inch was almost too low for a garage door.

Chairman Davis explained that although variances had been granted in 1969 for the location of the carport, the variances were required now because converting the carport to a garage was increasing its non-conformity. He further explained that the height increase was a new request and was not a consideration in the 1969 variance.

Mr. Armster said that from the rear there was quite a drop. He added that another reason prompting the project was that the concrete floor of the carport is failing. He pointed out that the converted garage would sit in the same footprint as the existing carport.

Ms. Wagner asked if the appearance would be similar with dark wood and Mr. Armster replied in the positive.

Chairman Davis opened the hearing to the public and no one stepped forward to speak so the hearing was closed.

Mr. Olcott made a motion to grant a 3-foot side yard variance, a 3-foot front yard variance, and a 3-foot, 6-inch height variance to enclose the existing legal carport. The motion was seconded by Ms. Stephens and the motion passed with a vote of 4 to 0 with all members voting in favor.

- c) **Schupack, Deborah and Dias, Patrick** – 16 King Street. Located in a RA-25 District and designated on the Tax Maps of the Village as Section 68.17 Block 1 Lot 67. Request for side yard variance and total side yard variance for a one-story addition and new deck and new porch.

Ms. Julie Evans, Architect, presented the application for Ms. Schupack and Mr. Dias who were also present tonight. She displayed the photos and drawings in the application package to help describe the application. The proposed project was a one-story addition along with a new deck and new porch. Ms. Evans said that a side yard variance and total side yard variance were being sought tonight for the addition and deck. She said the house is on an existing small lot and is undersized for its zoning and that King Street is a “quirky” street to begin with. The addition entailed a mud room and vestibule to the east and a great room and dining room to the south. The proposed great room would follow the line of a variance granted in 1990; the proposed mud room and vestibule are within the side yard setback; and the proposed deck would require a variance. The addition would add 500 sq. ft. bringing the new total of the house to 1400 sq. ft. She said she felt the project would not change the street at all.

Mr. Olcott asked why a front yard variance (for the porch) was not needed. Mr. Sperber explained that as per Zoning Code Section 230-40E(3), the code allows an average to be taken of the front yard setbacks for existing dwellings within 300 feet on the same side of the same street.

Mr. Dias then submitted 4 letters of support from neighbors. They included Mark and Paula Chamberlin residing at 10 King Street, Mary Gilligan residing at 21 King Street, Barry Donaldson residing at 14 King Street, and Susannah Johnston and Vinny Cohan, residing at 8 King Street.

In reply to Chairman Davis' question, Mr. Sperber said that a prior variance had no bearing on tonight's application. Chairman Davis then opened the hearing to the public. With no one stepping forward, the hearing was closed.

Mr. Olcott remarked that although the variances being sought might seem substantial, the location of the addition would have minimal impact and that the addition itself was relatively modest.

Ms. Stephens added that visually the neighbors would not be affected.

This was followed by a motion made by Ms. Wagner to grant an 11-foot side yard variance and a 14-foot, 6-inch total side yard variance for the proposed one-story addition and new deck. Ms. Stephens seconded the motion. A vote was taken and the motion passed with all 4 members in favor.

- d) Barnes, Jonathan, Contract Vendee** – 170 Grand Street. Located in a RB District and designated on the Tax Maps of the Village as Section 68.17 Block 4 Lot 45. Request for side yard variance and total side yard variance for a proposed new one-family house.

Jonathan Barnes came forward to present his application. He gave background information about the property. He said the house burned down last winter. Originally the lot at 170 Grand Street along with the lot at 168 Grand Street had been one lot. They were subsequently split into 2 lots. The resulting lot at 170 Grand Street ended up pie-shaped. The house had been granted variances. Mr. Barnes said he did not plan on building the new one-family house on the same foundation but was proposing to move the house back about 30 feet which would put the front of the proposed house in line with the front of the house at 172 Grand Street. With the proposed plans, the new house would seek to maintain the 1.21-foot side yard setback and a total side yard setback of 4.57 feet (a little less than the previous one). The plan would allow for off-street parking and some landscaping in the front. It would also allow light to show through at 168 Grand Street.

Mr. Barnes submitted 10 letters of support from neighbors. They included:

- Lorraine Swiecicki, of 161 Grand Street
- Joseph Maio, of 159 Grand Street
- Mesras Carchipollo, of 168 Grand Street
- James Leon, of 168 Grand Street
- Scott J. Lakis, of 171 Grand Street
- Kara Balemian and Nigel Spencer, of 180 Grand Street
- Rana Fahre, of 151 Grand Street

David Childs, of 168 Grand Street
Loretta & Eugene Parrotta, of 2 Mount Airy Road
Emily Mulhall, of 158 Grand Street.

Chairman Davis said that if the Applicant was planning to build the house on the existing foundation, he would not need to come before the Board.

Ms. Wagner then asked what would be the size of the new backyard. Mr. Barnes said it would be about 60 feet. He added that the plans called for pushing the front of the house back 30 feet and extending 56 feet beyond the original back of the house. He also said he planned on adding good screening.

Mr. Olcott asked if the photo of the front elevation in the application package was really what Mr. Barnes planned to build. Mr. Barnes said it was just a visual aid to give the Board an idea of what he was planning but that he hoped to get as close as possible to the photo.

Chairman Davis then opened the hearing to the public. Nick Scutari, the next door neighbor who resides at 172 Grand Street gave his objections to the proposed project. His driveway and porch are on the side of his property adjoining 170 Grand Street. He said the new house's location would be directly in front of his porch and he would lose his privacy. He also said that emergency services have had difficulty in the past accessing back areas of the property at 170 Grand Street and he has suffered damage to his fence and damage to the family's cars due to ashes from the past fire. He feels that moving the house back 30 feet would only make the situation worse.

Both Mr. Sperber and Chairman Davis said that they did not think moving the house back 30 feet would have an effect on the safety of the residents, but Chairman Davis did feel there would be a visual impact to Mr. Scutari from the proposed house. He also wanted Mr. Scutari to be aware that Mr. Barnes could build a narrower house or push the house back even further on the lot as well as building on the same foundation without the need for variances. Mr. Scutari said he had no problem if the house were to be built on the existing foundation.

Mr. Olcott suggested that the Board could request additional landscaping for screening purposes or it could be required as part of the Planning Board's site plan approval. He also asked Mr. Barnes if it were possible to change the house plans a little. The proposed house is 2300 sq. ft. with 4 bedrooms and 2 ½ baths. Mr. Barnes replied that it would be tough to spend money for an architect's services without the variances being granted first.

With the materials submitted the Board was having difficulty determining how Mr. Scutari would actually be impacted. Chairman Davis said he would be reluctant to vote for the variances at present in light of Mr. Scutari's strong objection. Ms. Wagner expressed the same opinion.

Ms. Stephens said if the vote were to be taken at present, it would probably be 2 to 2 and that would mean the variances would be denied.

Chairman Davis said he would like to see if Mr. Barnes and Mr. Scutari could work out a compromise. He again stressed to Mr. Scutari that Mr. Barnes could build on the existing foundation or could possibly build a house more objectionable without the variances. Chairman Davis said he would like to continue the application to the next meeting.

Mr. Olcott suggested Mr. Barnes come back with a basic site plan or he could present different scenarios with the hope then one would work for both parties. He said it would be great to have the off-street parking but the goal would be to build a house with less of an impact on Mr. Scutari.

Ms. Wagner then suggested a site visit to Mr. Scutari's property which Mr. Scutari said he would welcome. The Board agreed that if Mr. Barnes planned to pursue the variances at the next meeting, the Board would make the site visit prior to the meeting. Mr. Barnes was in agreement and said he would inform the Board of his plans.

4. APPROVAL OF MINUTES:

Ms. Stephens made a motion to approve the amended minutes and the resolutions of the June 16, 2014 Zoning Board of Appeals meeting. The motion was seconded by Ms. Wagner. The motion passed 4 - 0.

5. ADJOURNMENT:

The meeting was adjourned at 9:50P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals