

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
January 14, 2015

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

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of January 14, 2015 was called to order at 8:00 P.M.

2. NEW BUSINESS:

- a) **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 expand an existing legally non-conforming 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.

Before Mr. Armster's presentation began, Mr. Sperber distributed a memo he had written to the Board which clarified the variances being sought. Mr. Armster explained that the original project had been before the Board in July and that the same variances were being sought. The project to enclose the legally non-conforming carport has changed in that the depth of the carport is being expanded by 1 foot and the width expanded by 4 feet, 6 inches to accommodate a stairwell. Mr. Armster had a model of the proposed carport for the Board's viewing.

Ms. Stephens asked if there would be a raised roof and Mr. Armster said there would not. Mr. Armster added that with the interior stairs, as opposed to the previous plan, it would be a much shorter distance and safer for the homeowners to reach the house from the carport.

Chairman Davis asked the Secretary for the minutes from the July 9, 2014 meeting (when the project was first seen by the Board) which she then retrieved and distributed to the Board. Chairman Davis said that by implication, the 1969 variance to legalize the carport had in effect granted a variance to allow the location of the carport nearer to the street

than the principal building. He added that because the footprint of the revised proposed enclosed carport will be different, all variances including that implied variance for the location will need to be considered.

In response to Mr. Macdonald's questions, Mr. Armster said that the carport roof will appear flat but will have a 1/8" to 1/4" per foot pitch and will have a natural red cedar color.

The hearing was then opened to the Public and with no one stepping forward to speak, Chairman Davis closed the hearing.

Mr. Olcott made a motion to grant a 3-foot, 6-inch height variance, a 3-foot side yard variance, and a 3-foot front yard variance to expand the existing legally non-conforming carport (accessory structure) and a variance from Section 230-40B for the carport's location to project nearer to the street on which the principal building fronts than such principal building. The motion was seconded by Ms. Stephens. The motion passed with all 5 members voting in favor.

- b) Gemmola, Edmond, Agent for 205 S Riverside Ave LLC – 205 South Riverside Avenue.** Located in a C-2 District and a Gateway Overlay District and designated on the Tax Maps of the Village as Section 78.12 Block 3 Lot 6. Request for variances to alter an existing free-standing sign whose height and sign area exceed code restrictions.

Mr. Gemmola explained that there has been a change of use for the property from an auto repair service which also sold gasoline to a convenience store that also sells gasoline. Due to the change of use, it has been determined by the Engineering Department that a different height limit now applies to the existing free-standing sign. Village Code limits the sign to a height of 10 feet. A signage area limit of 40 square feet on each face of the sign is also required. Mr. Gemmola is seeking a variance from the height and area restrictions to alter the sign which would be kept in its present location. He said that he felt that granting the variances would cause no hardship with regard to the factors of consideration when weighing the benefits involved.

A discussion by the Board followed with regard to the Engineering Department's determination that the property's use now fell under a different Village Code restriction.

Chairman Davis stated that he was not sure whether he agreed with the Engineering Department's interpretation but since an area variance is also needed for the sign, the Board would consider both variances to be safe.

Chairman Davis then opened the hearing to the Public. With no one stepping forward to speak, he then closed the public hearing.

A motion was made by Chairman Davis to grant a 7-foot, 6-inch height variance and a 6.1-sq. ft. area variance for a free-standing sign in its existing location as shown on the

Site Location Map included in the application. Ms. Stephens seconded the motion. The motion passed with a vote of 5 to 0 with all members voting in favor.

- c) **Kussa Corporation – 370 South Riverside Avenue.** Located in a C-2 District and a Gateway Overlay District and designated on the Tax Maps of the Village as Section 79.13 Block 1 Lot 70. Request to consent to Village Board acting as Lead Agency for the environmental review of the application for a special permit for a mixed occupancy building.
- d) **Croton Enterprises LLC – 440-460 South Riverside Avenue (ShopRite).** Located in a C-2 District and designated on the Tax Maps of the Village as Section 79.17 Block 2 Lot 2. Request to consent to Village Board acting as Lead Agency for the environmental review of the application for a special permit for expansion of retail store.

Chairman Davis stated that with regard to the two applications referenced above, the Village Board has declared its intention to act as Lead Agency and has invited the Zoning Board as an involved Agency to consent. Chairman Davis then explained that any involved agency has the right to declare its desire to be the Lead Agency and that if the Zoning Board had an overbearing interest to be the Lead, it could state so. He also said that any comments or recommendations are also welcome.

The Board agreed that it would be reviewing the environmental impact of the proposed projects and would defer any comments.

Ms. Stephens added that she will want to voice her opinion on the 370 South Riverside Avenue application with regard to the height of the building and parking.

Mr. Olcott asked whether the Village Board could approve the application(s) subject to ZBA variance(s). Chairman Davis replied in the affirmative.

Chairman Davis then made a motion with respect to the 370 South Riverside Avenue application and the 460 South Riverside Avenue (ShopRite) application that the Zoning Board of Appeals agrees to the Village Board serving as Lead Agency and that the Zoning Board requests it be given the opportunity to review and comment on any draft findings or recommendations under SEQRA. Mr. Olcott seconded the motion. The motion passed with a vote of 5 to 0 in favor.

3. APPROVAL OF MINUTES:

Mr. Olcott made a motion to approve the amended minutes and the resolution of the December 10, 2014 Zoning Board of Appeals meeting. The motion was seconded by Ms. Wagner. The motion passed 5 - 0.

Ms. Stephens wanted it noted that the Village Liaison was absent from tonight's meeting.

4. ADJOURNMENT:

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The meeting was adjourned at 9:09 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals