

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
February 11, 2015

PRESENT: Seth Davis, Chair
Alan Macdonald
Rhoda Stephens

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Doug Olcott
Christine Wagner
Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of February 11, 2015 was called to order at 8:03 P.M.

Chairman Davis explained that under the Law for a variance to be granted the majority of the Board needs to vote in favor. With only 3 members present tonight that would mean that all 3 members in attendance need to vote favorably to grant any variances. The applicants were given the opportunity to hold their variance requests over to the next meeting to try to present their applications in front of a full Board. Both applicants decided to go forward tonight.

2. NEW BUSINESS:

- a) **Russo-Bowser, Laura, Contract Vendee – 46 Thompson Avenue.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.09 Block 2 Lot 33. Request for side yard variance for an existing deck.

Ms Russo-Bowser said she is a single mom who has lived in the Village for quite a while and is selling her house on Glengary Road in a couple of weeks and intends to purchase the home at 46 Thompson Avenue. She said she did not know all the details regarding the variance for the existing deck which had been granted in 2011. [Secretary's Note: A side yard variance of 7.65 feet was granted on May 11, 2011 for the existing deck to accommodate the medical condition of Mrs. Hirsh (the current owner) with the condition that "the variance shall remain in effect only as long as the current owners continue to occupy the house as their primary residence".] Ms. Russo-Bowser said she doesn't want the current owners to take down the deck and that the neighbor directly affected by the deck (the neighbor adjoining the property on the side of the deck) has no objection to the deck. She also said that it would be difficult for her to deal with the expense of taking down the deck.

Mr. Macdonald said that he felt it had been made clear back in 2011 that the deck would need to be removed before the house were to be sold.

Chairman Davis pointed out that if the Applicant had read the minutes from the 2011 hearing she would have understood that he and Mr. Macdonald had strong opposition to the variance but had voted for the variance due to the specific hardship presented by the current owners and that under normal circumstances the Board would not have voted in favor of the variance. The cost of removal of the deck had also been discussed back in 2011 and it had been suggested that it could be part of the purchase price negotiations when it was time to sell. Chairman Davis said he also had safety concerns with regard to the variance and would not be able to vote for the variance.

In response to Mr. Macdonald's inquiry, Ms. Russo-Bowser said she had signed a contract and had put a deposit down on the house. Chairman Davis suggested that she read the minutes from the 2011 meetings and show them to whoever is representing her in the purchase of the property.

Ms. Russo-Bowser then left the meeting but before she left Mr. Sperber gave her a copy of the minutes and resolution from the May 11, 2011 meeting and the minutes from the September 14, 2011 meeting.

- b) Schneider, Heike, Architect for Klaus & Ilse Schreiber – 1 Bayview Terrace.** Located in a RB District and designated on the Tax Maps of the Village as Section 67.20 Block 3 Lot 11. Request for rear yard variance for a 1-story addition.

Ms. Schneider presented the application for Mr. and Mrs. Schreiber. She said they were requesting a 7-foot 11-inch rear yard variance for a one-story addition. She said that the addition was only feasible for the side of the house indicated in the plans and that the square footage of the house would increase slightly to 1450 sq. ft.

Chairman Davis asked if the house predated Village Zoning and Ms. Schneider replied in the affirmative. Chairman Davis then added that the house is in compliance with all other setbacks.

Ms. Stephens asked when the house was built and Ms. Schneider replied that it had been built in 1920.

Chairman Davis asked if the stone wall in the rear was at the property line and who is the property owner on the other side of the stone wall. Ms. Schneider said the stone wall was indeed at the rear property line and after a short discussion it was determined that the property on the other side of the stone wall is part of Mount Airy Woods.

Chairman Davis then asked if there were any buildings close to the subject house. Ms. Schneider replied there was not. Chairman Davis followed up with a question as to why the Schreibers wanted to build the addition. Ms. Schneider explained that the present

house is barely 1200 sq. ft. and that the Schreibers would like more room; they plan to enlarge the master bedroom and make the house a full 2 bedroom house.

Mr. Macdonald asked if the addition will match the existing house. Ms. Schneider said that the existing vinyl siding on the house is good quality and they would probably match it. She then showed the Board a layout and picture of the proposed addition.

Chairman Davis then opened the hearing to the public and Mr. Albert Naples, a next door neighbor, stepped forward. He said he thought the land behind the Schreiber house was "green space". The Board reaffirmed that the land behind the house was part of Mount Airy Woods owned by the Croton Housing Network. It was then confirmed by the Secretary that the Croton Housing Network had been sent the legal notice. Ms. Schneider assured Mr. Naples that he would see no changes from his property and then showed him the project drawings.

With no one else stepping forward to speak, Chairman Davis closed the public hearing. Chairman Davis then said that the house is small and that the proposed project is for a minor change. He said that everyone who needed to be noticed had been noticed and that the plans looked good.

Ms. Stephens then made a motion to grant a 7-foot 11-inch rear yard variance for a one-story addition. Mr. Macdonald seconded the motion, and the motion passed 3 to 0 with all members present voting in favor.

3. APPROVAL OF MINUTES:

Ms. Stephens made a motion to approve the amended minutes and the resolutions of the January 14, 2015 Zoning Board of Appeals meeting. The motion was seconded by Mr. Macdonald. The motion passed 3 - 0.

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

4. ADJOURNMENT:

The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals