Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
December 9, 2015

PRESENT: Rhoda Stephens, Chair
Peter Lavery
Alan Macdonald
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Doug Olcott
Village Board Liaison

1. **CALL TO ORDER:**

The Zoning Board of Appeals Meeting of December 9, 2015 was called to order at 8:00 P.M.

Chairman Stephens began the meeting by welcoming the newly appointed Board member, Mr. Peter Lavery, and welcoming Mr. Sperber back from his absence.

2. **NEW BUSINESS:**

a) **McLaughlin, Wendy – 62 Penfield Avenue.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 30. Request for total side yard variance for a proposed new entry portico on the side of the house.

Ms. McLaughlin was present with her architect, Gary Yates. She presented the application, explaining that she was seeking a total side yard variance for the construction of a portico over the side porch entrance to the house which has always been her primary entrance to the house. The enclosed front porch will also be renovated at the same time to allow for more habitable space and requires no variance.

Ms. Wagner asked if Ms. McLaughlin will still be able to drive up to the side entrance and Ms. McLaughlin said she would; that side of the house has pavement all the way to the back of the property. Ms. Wagner followed up by asking why she did not want to have the entrance in front of the house and Ms. McLaughlin said that the entrance has always been on the side while living there and she prefers it that way.

Chairman Stephens asked if there was another entrance to the house and Ms. McLaughlin replied that there was another entrance at the back of the house.

Mr. Macdonald asked if the Applicant had thought about putting the side entrance on the other side of the house. Mr. Yates replied that they had not because the driveway was on that side of the house.

Chairman Stephens then opened the hearing to the public and with no one stepping forward the public hearing was closed. Chairman Stephens then asked the Board members for their thoughts.

Mr. Macdonald said he had no problem with the request. Ms. Wagner said since the entrance already exists on the side of the house, she had no issue with the request and Mr. Lavery said it was more of a question of approving the addition of the portico rather than the location of the entrance.

Ms. Wagner made a motion to grant a 3.3-foot total side yard variance for the construction of a portico over the existing side entrance. Mr. Macdonald seconded the motion and the motion passed 4-0 with all members present voting in favor.

b) **Varghese, Thankachen – 105 Mount Airy Road.** Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.09 Block 4 Lot 17. Request for side yard variance and total side yard variances for a proposed 2-story addition consisting of a 2-car garage and expanded dining room and a variance for an existing roof overhang.

Mr. Varghese was present along with his engineer, Mr. Hernane de Almeida. Mr. de Almeida distributed some additional aerial topographical photos of the Varghese property and surrounding properties and then proceeded to present the application. He said he was hoping to legalize the existing non-conformities and obtain the variances for the proposed addition. He first spoke about how the lot was configured. He said the existing residence sits in the middle of the lot and has existing large overhangs which are an integral part of the house's design. The lot is extremely rocky and has a lot of stone. The house sits at the top of the lot (some 40 feet high) and about 217 feet from the road. The closest house is about 250 feet away. There are trees that also block the house from the neighbors.

Mr. de Almeida continued to say that the proposed addition falls in line with the existing overhang. The original survey showed more space between the property line and the house and Mr. Varghese needed to get a new survey which then required reducing and reconfiguring the proposed addition to what was presented tonight. Mr. Varghese currently has no garage and the addition of the garage and a dining room would greatly improve his living conditions along with a straight-run staircase that would allow for easy movement of furniture up and down stairs.

The requested side yard variance is 16.9 feet and the requested total side yard variance is 12.1 feet for the proposed addition. The requested variance for the existing roof overhang on the south side of the house is 10.3 feet.

Mr. Sperber wanted to inform the Board that the Village Engineer had determined that the property qualifies as an existing small lot with different side yard setback requirements than a typical RA-40 lot.

Ms. Wagner had questions with regard to the overhang variance and with the aid of the drawings on display Mr. de Almeida clarified the overhang variance request.

Mr. Lavery asked about the location of the septic system. Mr. de Almeida said that they had made inquiries about the septic system to the Westchester County Dept. of Health and the County replied that they had no information; however, he believes that it is located on the west side of the property and the builder on the project had a drawing to back that up (as did the Building Department's property file).

Mr. Macdonald asked where the pipe for the septic system comes out of the house and Mr. de Almeida said it comes out from the back of the house.

Mr. de Almeida summed up by saying that the logical choice for the addition was chosen after having looked at different options. The best possible choice with the least impact to the neighbors was selected. The neighbors will not see the addition and the addition will match the existing exterior. Due to the fact that the house was built prior to current zoning code and purchased by the Applicant recently, the situation was not self-created. He also said he didn't think it was a substantial request.

Ms. Stephens asked that Mr. de Almeida restate the variances that were being requested. He did so by asking for a 16.9-foot side yard variance, a 12.1-foot total side yard variance and a 10.3-foot roof overhang variance.

Mr. Macdonald then asked whether the vacant lot between the property at issue and his neighbor's lot with the house on it was a buildable lot. Mr. de Almeida said it was owned by the same neighbor about 250 feet on the right and was a buildable lot, but to do so would mean overcoming many obstacles. The lot has a stream running through it and has a lot of rock outcrop.

With no other questions from the Board, Chairman Stephens opened the hearing to the public. No one stepped forward to speak, so the Chairman closed the public hearing and asked the Board members for their thoughts.

Ms. Wagner said she didn't have many concerns because there was no one from the public at the meeting tonight objecting and that the overhang is existing and is already relatively close to the property line.

The owner, Mr. Varghese, then added that although the house is aesthetically pretty it is currently not really practical. He said that he and his wife are both in the medical profession with different work shifts and that the changes proposed would make their lives a little easier.

Mr. Lavery then made a motion to grant a 16.9-foot side yard variance, a 12.1-foot total side yard variance, and a 10.3-foot variance for the existing roof overhang on the south side of the house. The motion was seconded by Ms. Wagner. The motion passed with a vote of 4 to 0 in favor.

c) **Aarons, Mark, Agent for ABM Real Estate Management Corp. – 15 North Riverside Avenue.** Located in a C-1 District and designated on the Tax Maps of the Village as Section 78.08 Block 3 Lot 62. Request for variance from Zoning Code Section 230-53B(1) for a proposed building addition housing 2 repair bays.

The owner of ABM Real Estate Management Corp. is Adam Anfiteatro and he is also the owner of the business, Hudson View Automotive Services Inc., that is located at 15 North Riverside Avenue. He was present at tonight's meeting along with Mr. Aarons who is counsel for Mr. Anfiteatro with regard to both ABM Real Estate Management Corp. and Hudson View Automotive Services Inc.

Before the application was presented, Mr. Lavery wanted to disclose that he is a regular customer of Hudson View Automotive Services Inc. and had also recently brokered a real estate transaction where Mr. Anfiteatro was the purchaser. Ms. Wagner also disclosed that she is a customer of Hudson View Automotive Services Inc. When asked by the Chairman, both Mr. Lavery and Ms. Wagner said they felt they could be objective with regard to the variance request.

Mr. Aarons then presented the application. He began by explaining that Mr. Anfiteatro had purchased the property in 2001 and 3 months after the purchase the Village modified the Zoning Code whereby Mr. Anfiteatro's property changed from being located in a C-2 District to a C-1 District and which resulted in the business becoming a non-conforming use.

He went on to say that Hudson View Automotive Services is a respected business in the community. Mr. Anfiteatro is a hard worker who puts in 70 to 80 hours of work each week. Although the business is successful, there is a shortage of repair bays. This shortage does not allow for quick service repair, impeding quick turnarounds especially for quick jobs such as oil changes and tire rotations and makes it very difficult for all repairs to be made indoors.

He said the use of the property is already established and that Section 230-53A(1) of the Village Code does not come into play. The proposed addition for the additional repair bays requires an area variance from Section 230-53B(1) and does not require proof of financial hardship. He then addressed the five factors of consideration that the Board usually addresses in these matters. He said the addition would not change the aesthetics of the neighborhood, that there was no other place to build the addition, that the request would result in a building enclosure of less than 29% of the existing interior square footage, that repairs would be made indoors, and that the situation was not self-created in that the purchase of the property and lease agreements were entered into prior to the zoning change which made the existing use non-conforming.

Mr. Aarons added that the proposed addition would allow for more repairs during the cold weather months. He said during the cold weather, customers can end up looking for service outside the Village which would result in less revenue for the Village. He also passed out additional photos to the Board to illustrate that the addition would not affect anyone's view.

Chairman Stephens asked whether the sign on the building would be extended. Mr. Anfiteatro replied that it would be relocated to the south side of the building and that he would still need to go before the Planning Board for a site plan review. In response to Chairman Stephens' follow-up question about additional lights, he said he would probably need additional lighting. He said the addition will extend the building about 26 feet, and then Mr. Aarons added that the addition will conform in all other ways.

Ms. Wagner asked about the parking spots with regard to the addition. Mr. Anfiteatro said the addition would allow him to bring more cars inside and thereby less cars would be sitting on the lot.

Chairman Stephens asked whether there have ever been any complaints about noise. Mr. Anfiteatro said there had not been any complaints; that most of his work is diagnostic which is not very noisy.

The hearing was opened to the public and with no one stepping forward the hearing was then closed.

The Board then discussed the application. Mr. Lavery said he thought that safety would be improved with the addition because the movement of cars in and out of the building would be lessened. Chairman Stephens said she thought it would not increase the amount of work taking place but would result in the repair work taking place indoors rather than outdoors. Ms. Wagner said she was concerned about the neighbor to the back of the property. Mr. Macdonald said there is a need for more repair bays in Croton with the closing of other repair services in the Village.

Ms. Wagner then made a motion to grant an area variance that will alter the legally non-conforming structure in order to construct a building addition to house 2 automobile repair bays as described in the materials submitted and to accept that Section 230-53A(1) of the Village Code does not apply. Chairman Stephens seconded the motion. The motion passed with a vote of 4 to 0 with all members present voting in favor.

3. APPROVAL OF MINUTES:

Mr. Macdonald made a motion to approve the minutes and resolution as written of the October 14, 2015 Zoning Board of Appeals meeting. The motion was seconded by Chairman Stephens. The motion passed 3 – 0 in favor; Mr. Lavery abstained from voting.

Ms. Stephens informed the Board that Trustee Ann Gallelli was the newly appointed Village Liaison to the Zoning Board and that she plans to attend the meetings but she was informed too late about tonight's meeting to attend.

4. ADJOURNMENT:

The meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals