

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
April 13, 2016

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

ALSO PRESENT: Joe Sperber, Assistant Building Inspector

ABSENT: Doug Olcott
Trustee Ann Gallelli, Village Board Liaison

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of April 13, 2016 was called to order at 8:00 P.M.

Chairman Stephens started the meeting by stating that the Village Liaison, Trustee Gallelli, was attending a special meeting tonight but was hoping to attend tonight's meeting at some point.

2. OLD BUSINESS:

- a) **Schneider, Heike, 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 waiver from Village Sprinkler Systems Code Section 193-2A for a required sprinkler system in the proposed building addition.

Mark Aarons, Attorney for Adam Anfiteatro who is the owner of ABM Real Estate Management Corp. and the business, Hudson View Automotive Services Inc., located at 15 North Riverside Avenue, was in attendance tonight to present the application. He began by distributing photos and documentation to the Board. He said the Applicant is seeking a waiver of the required sprinkler system for the proposed addition of 784 square feet on the southerly side of the building. He and his client said they believed there would be no risk to people or property with the lack of a sprinkler system after having assessed the risk.

Six photos were presented of the interior of the existing structure and the exterior of the structure where the addition will be located. Mr. Aarons used the photos to illustrate that the structure is made of non-flammable brick and steel with easy egress bay doors and to illustrate that there are no other structures nearby. The documentation included estimated costs and bids for the installation of a sprinkler system in the proposed addition which reflected an estimated cost of approximately \$32,000.

He explained that the rest of the structure would remain without a sprinkler system, no one would be in the building overnight, there were no other structures close by, they were contemplating installing a fire alarm monitoring system, and again, that the brick and steel building is non-flammable. They concluded that no one would be at risk at any point in time and it would be an economic burden to ask the Applicant to install the sprinkler system.

Chairman Stephens then opened the hearing to the public. Arthur Roosa, of Farrington Road, stepped forward. He said he had served in the Fire Department close to 30 years in every position, including Fire Chief, and is now serving as Deputy Fire Chief. He emphasized that he was here tonight to speak as a private citizen. He mentioned he was also a customer of Hudson View Automotive Services.

He said that having found out that the proposed addition as well as the existing structure are of total masonry construction, he can say that it will not burn and is considered fireproof. He said that there is no point in installing a sprinkler system in a masonry structure. He also pointed out that the premises are just 2 blocks from the firehouse and a firetruck could be on the premises in less than 3 minutes. He said that with masonry construction, the risk is limited. He said Mr. Anfiteatro is a small business owner trying to expand his business and we need to support small business owners.

Mr. Anfiteatro added that the roof is made of concrete with metal truss and there is no second story.

As a result of reviewing the photos, Mr. Macdonald asked if fire exit signs are required on the exit doors. Mr. Roosa answered, saying that they are required, and then Mr. Anfiteatro said he would make sure they are installed.

Chairman Stephens asked if there were fire extinguishers on site and Mr. Anfiteatro replied that once a year a fire company comes in and inspects and stamps the extinguishers. He said all 5 extinguishers are up to code including the one upstairs.

Chairman Stephens then asked what would happen, with multiple cars on site during the day and overnight, should a gasoline fire break out. Mr. Roosa answered that water would be the last thing you would want to use on a flammable liquid; it would spread the fire. The use of foam would be the desired treatment.

Mr. Sperber stated that fire extinguishers have fire retardants.

Mr. Anfiteatro added that the use of water would not be beneficial in such a situation.

Mr. Lavery asked whether strict adherence to Village Code requiring a sprinkler system could potentially cause a hazardous situation in the event of a fire. Mr. Aarons and Mr. Anfiteatro concurred.

With no one else stepping forward to speak, Chairman Stephens closed the hearing to the public. She then asked all the Board Members whether each thought he or she could vote impartially on the application. Each member said he or she could do so. Then Chairman Stephens asked the Board for its thoughts.

Ms. Wagner expressed support for the application feeling that it would cause an undue economic hardship and that adherence to the Code would result in an unintended negative objective. She said she also appreciated the fact that cost estimates had been submitted.

Chairman Stephens said she had felt that at the last meeting, the application was really not complete and was missing little things. She said she realizes now that a sprinkler system could potentially cause more harm than help.

Mr. Lavery said he felt strict adherence to the Code would defeat the intended purpose of the Code.

Mr. Macdonald asked Mr. Sperber whether the Code specifies a water sprinkler system. Mr. Sperber said it does not and that a foam system would satisfy the Code.

Mr. Roosa added that foam systems are only used on pumps and not on repair bays.

Mr. Anfiteatro concluded the discussion by saying that the greatest risk on the premises is not loss of life but property and he would do whatever he could if the loss of life were at risk and not property.

Ms. Wagner then made a motion to waive the requirements of Village Sprinkler Systems Code Section 193-2A with respect to the proposed building addition with 3 conditions: 1. a fire alarm system be installed 2. the creation and/or maintenance of fire exit doors be upheld 3. lit fire exit signs above all fire exit doors be installed.

Mr. Lavery seconded the motion and the motion passed with a vote of 3 to 1. Chairman Stephens, Mr. Lavery, and Ms. Wagner all voted in favor and Mr. Macdonald voted in opposition. Mr. Olcott was absent.

3. NEW BUSINESS:

- a) **Kraft, Alan – 52 Melrose Avenue.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.05 Block 4 Lot 7. Request for side yard variance and total side yard variance for an existing enclosed side porch entry on the west side of the house.

Mr. Kraft presented the application to the Board. He said he is seeking a variance for something that was existing before he purchased the property and before the prior owner purchased the property.

Chairman Stephens asked for confirmation that Mr. Kraft was seeking a 2.57-foot side yard variance and a 4.57-foot total side yard variance for the existing enclosed side porch entry on the west side of the house. Mr. Kraft confirmed it. Then Chairman Stephens asked Mr. Kraft if it would cause him a hardship if the application were to be denied. Mr. Kraft said it would because he wouldn't be able to sell the property which he is trying to do or he would have to tear it down.

Chairman Stephens followed with another question as to what the distance is between Mr. Kraft's house at the side porch entry and the adjoining property. Mr. Kraft was unsure but Mr. Sperber offered the answer, saying the distance is greater than 14 feet.

Chairman Stephens asked how long the structure was in existence and Mr. Kraft said it was at least 15 years.

Mr. Macdonald asked how the entry room is being used currently and Mr. Kraft replied that it is an entrance and a small office.

Mr. Kraft said he purchased the property in 2006 in response to Ms. Wagner's inquiry as to when the property was purchased.

Chairman Stephens wanted it noted that there were letters of support in the application documentation from the neighbors on both sides of the property – 42 Melrose Avenue and 52 Melrose Avenue.

The hearing was opened up to the public and with no one stepping forward, Chairman Stephens closed the hearing.

Mr. Lavery made a motion to grant a 2.57-foot side yard variance and a 4.57-foot total side yard variance for the pre-existing side porch entry which existed prior to the Applicant's ownership of the property. Chairman Stephens seconded the motion. The motion passed 4 to 0 with all Members present voting in favor of the application.

4. APPROVAL OF MINUTES:

Mr. Macdonald made a motion to approve the amended minutes and resolutions of the March 9, 2016 Zoning Board of Appeals meeting. The motion was seconded by Mr. Lavery. The motion passed 4 – 0 in favor.

5. ADJOURNMENT:

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

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals