

DRAFT FILED: 9/20/05

FINAL APPROVAL: 11/9/05

VILLAGE OF CROTON-ON-HUDSON, N.Y. ZONING BOARD OF APPEALS  
MEETING MINUTES OF SEPTEMBER 14, 2005

Members Present: Kathleen Riedy, Chairman  
Rhoda Stephens  
Ruth Waitkins  
Witt Barlow

Members Absent: Paul Rolnick

Also Present: Joseph Sperber, Code Enforcement Officer

Meeting came to order at 8:00 P.M.

#### APPROVAL OF MINUTES:

The Chairman of the Board announced the location of fire exits.

#### HEARINGS:

**John Gochman, 10 Piney Point Ave., Located in a RA-9 Zoning District and designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 30. Request for a rear yard variance with respect to a proposed addition over an existing screened-in porch.**

Gochman – I am requesting an appeal for a variance for a proposed addition of a room over an existing porch, which is two hundred sixteen square feet. The porch was constructed in 1962. In 1971 we had two children and we decided to screen the porch in and it required a variance and we received it in 1971. The requested variance at that time was only 12 ft. We are using the same footprint to construct the addition over the porch. It will not exceed the footprint of the porch. It will actually not be more than the height of the original building. It will be two hundred sixteen square feet within the footprint of the existing porch. There is construction going on at Franklin Ave., which is to the left of us. To the right of us there was an addition built a couple of months ago. We are not changing the character of the neighborhood. There are a lot of existing houses on Franklin Ave. to the back of our property, which have been granted variances for much

larger additions than the one I am requesting. The requested variance is not substantial it is only twelve feet. Putting a roof over the porch has no impact on the physical or environmental condition of the neighborhood. On the left side of the house there are many trees, which cover a lot of the area and in the back is a fence and on the right side we have a lot of landscaped land that goes towards the next house that goes seventy feet to the other side. The reason we are asking for the variance is that when we purchased the house it had three small bedrooms upstairs. We have grown with our family. We now have a grown daughter with two children and a son and his wife. We are now cramped for space. We have one bedroom with a double bed and one single bed and we have to put people in the basement on a futon. We made an application for a building permit to convert a closet into an additional bathroom so we could have the facilities for the extra people. We are not anywhere near the minimum floor area ratio. It is a very small house.

Barlow – Are you looking for a twelve foot or eleven foot variance? On the plans it looks like eleven feet.

Gochman – The plans were prepared by a consulting engineer. He came up with twelve feet.

Barlow – He shows the addition twelve feet deep and with another nineteen feet you need only eleven feet, but if you are not sure you might want to ask for twelve feet.

Sperber – To be on the safe side ask for twelve feet.

Gochman – The old variance was granted for twelve feet. I have documentation from 1971.

Barlow – But the drawing implies....I think you are right to ask for twelve feet.

Gochman – We are located in a RA-9 District and the only deficiency is in the rear yard.

Sperber - And you are not changing the footprint?

Gochman – No.

Stephens - And the roof will follow the same lines as the existing roof?

Gochman – Yes.

Stephens – When was the house built?

Gochman - 1940

Sperber – Since he was already granted a variance I was not sure if it would be required again for the addition, so I was not sure if the new addition would be considered as extending the degree of non-conformity, since he was not changing the footprint of the porch that already had a variance.

Stephens – He is just following the existing footprint.

Barlow – If he were to build up he would be increasing the degree of non-conformity. I think it is a fine addition. There is nothing behind the house but the garage and there is no other place to build it.

Riedy – But, the Village Attorney’s position was that because it was legal in the 1040’s it will remain legal now even thou the regulations have changed.

Sperber – There was some lack of other requirements that would be encroachments by today’s standards, but they did not apply, they were not being affected by this variance.

Waitkins - Will there be a bathroom installed?

Gochman – No there is one already. The back of the house has a window and we will break through the window and have the room surround the doorway, but the bathroom will remain in the same place.

Riedy – The first floor will remain a screened in porch with no heat and you are building a room on top of it, correct?

Gochman –Correct. We only use the porch in the summer and the second floor will be a combination of a bedroom and studio for my wife.

Barlow – Is there anything preventing him from later heating the porch and making it part of the rest of the house?

Sperber – Only if they exceed the floor area ratio. The variance they are requesting now is without changing the character of the original one, so the variance would also apply.

Barlow – So with this variance you could winterize the porch if you wanted to?

Gochman - The character of the porch is such we want it opened. No need to winterize it.

Sperber – Even if they did winterize the porch they still would not even be close to the minimum floor area ratio.

Barlow – What kind of siding will you use?

Gochman – The existing house is stucco. Did you see the cube area with the bathroom downstairs, it is a rust color?

Sperber – Is it clapboard?

Gochman – Maybe so. We tried to get it same as the right side of the house.

Any other questions.

Riedy – Have any of the neighbors contacted the village office?

Sperber - Not that I am aware.

The ZBA Secretary informed the Board that there were no negative responses to the Legal Notices that were sent to the neighbors.

Hearing closed.

Barlow – Made Motion to grant a 12 ft. rear yard variance according to plans submitted.

Riedy – Second the motion

Vote – 4-0 in favor – Barlow, Riedy, Stephens, Waitkins

**Raymond D'Alvia/Agent for General Splice, 1 Niles Rd., & Grand Street (Niles Rd. & Rte. 129). Located in a RA-25 District and designated on the Tax Maps as Section 68.14 Block 5 Lot 4 & 5. Request for an extension of a variance that was granted on 7/10/02 & 11/13/04.**

D'Alvia – The application is for a special use permit and a mail order business for the assembly and manufacturing of parts. The business has actually been in existence for thirty five years and prior to that the building was used as a nickel plating business. The use is not offensive. There is nothing stored outside and there will be no undesirable change to the character to the neighborhood. No one has ever complained at the hearings. There is no other way for the applicant to conduct his business and will have no adverse affect on the neighborhood or district. It is self-created, but it has been there since the 1950's.

Stephens - This variance was granted for five years?

D'Alvia – Yes.

Waitkins- Is this business in a residential district?

D'Alvia - Yes. If you remember the Fred Niles Nickel Plating Business was always there.

Riedy – Can I go through the chronology of this? Some of it is not clear. A variance was granted on July 10, 2002, for the extension of a Special Permit and that expired on December 31, 2004 and subsequent to that on November 13, 2002, there was a request for an amendment of condition #5 of the Previous July 10, 2002 Resolution and the Business is General Splice. Correct?

D'Alvia - Yes. Mr. Milano passed away in the interim and no one made an application to extend the variance. Mrs. Milano is now running the business and wants to extend it. She was the Vice President of the business, but she is now the President. The son also helps out with the business. I do not think he is an officer of the business he just helps out.

Riedy – Does the fact that the special permit already expired change the procedure here?

D'Alvia – If you look at the Resolution of 1999 they extended that special use permit just to make it legal.

Riedy – So the application is for a special permit that would expire on December 31, 2009?

D’Alvia - Correct.

Barlow – Is the business solely for the manufacturing and selling of conveyor belts? That is what was in the original resolution or are you asking for something else?

D’Alvia – No. You can leave it at that. That is what they are doing now.

Riedy – The July 10, 2002 Resolution, item # 1 would change to read .....”the previous July 10, 2002 variance for a special permit expired on December 31, 2004 and this variance if granted will expire on December 31, 2009 and all other conditions will remain the same and in addition we would also include item number three of November 13, 2002, where it states the Special Use Permit is limited to the “Business” and not the “owner”.

D’Alvia – Correct.

Riedy - Any other questions?

Hearing closed.

Waitkins – Made Motion to grant a five year extension of the Special Use Permit that was granted on 7/10/02, which shall expire on December 31, 2009, and according to the conditions stated in the 7/10/02 and 11/13/02 Resolution.

Riedy – Second the Motion

Vote – 4-0 – In Favor – Waitkins, Riedy Stephens, Barlow

**Hans Van Ness, 25 Grand Street, Located in a RA-5 District, and designated on the tax Maps of the Village as Section 78.08 Block 5 Lot 65. Request for side yard and rear yard variance with respect to a proposed addition.**

Van Ness - My application is not substantial. I applied to the Zoning Board of Appeals about 1 ½ yrs. ago for a kitchen extension to the north of the residence and to expand the northwest corner and to install a deck beside the kitchen. I am now requesting to change the plans to allow the deck to extend the full length of the kitchen. I highlighted the plans to show the proposed deck that will extend approximately 4 ft. on the northwest corner. I am also requesting you to allow the first two steps leading up to the kitchen to go farther north and there is a deck on top of the kitchen. The original plan shows the railing going across the kitchen from east to west. I am asking to move that railing out another 4 ft. to be in line with the kitchen. It does not change the profile of the building. I believe the exact footage of the variance is 4 ft. I think my neighbor wrote a letter in favor of the application.

Sperber – The first variance that was granted was a rear yard variance in addition to that variance you need a rear yard variance of 2.33 ft. The total variance including the variance already granted would be 6 ft.

Discussion followed over survey

Stephens – So there will be a space of 2 ft. from the ground to the lower deck.

Van Ness – Yes. The ground slopes a little. The height of the deck is 19 in.

Stephens – I am just thinking of safety reasons to have screening to prevent animals or children from crawling under it.

Van Ness – If you want to require screening that would be appropriate. I would agree to that.

Riedy For the record the Board is in receipt of a letter from Janet Mainiero and Thomas Peyton of 33 Grand Street in support of the application.

Riedy – Any other questions?

There was no reply.

Hearing closed.

Stephens – Made Motion to **GRANT** the variances based on the Board's interpretation that this is a property with two side yards and one front yard and one rear yard. The two side yards being the west and east sides in which the following variances are granted:

According to a 1.25 ft. side yard variance and a rear yard variance of 3.67 ft. which were granted on June 9, 2004 and a rear yard variance of 2.33 ft., for the proposed addition, which will amount to a total rear yard variance of 6 ft. which includes the 3.67 ft. that was granted on 7/9/04 and 2.33 ft. granted for this application.

This variance is also granted according to plans submitted.

Screening below the lower deck will be maintained at all times.

Riedy – Second the Motion

Vote – 4-0 – all in Favor – Stephens, Riedy, Waitkins, Barlow

Respectfully submitted,

Janice Fuentes  
ZBA Secretary  
9/14/05

## RESOLUTION

John Gochman, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a rear yard variance with respect to a proposed addition over an existing screened-in-porch.

The property, at 10 Piney Point Ave., is located in a RA-9, District and is designated on the Tax Maps of the Village as Section 79.13 Block 4 Lot 30.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood.

The neighbors who will be affected did not object to the application.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**NOW, THEREFORE, BE IT RESOLVED**, that the application is hereby **GRANTED** as follows:

Barlow – Made Motion to grant a 12 ft. rear yard variance according to plans submitted.

Riedy – Second the motion

Vote – 4-0 in favor – Barlow, Riedy, Stephens, Waitkins

9/14/05

## RESOLUTION

General Splice/Milano, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for an extension of a Special Use Permit granted on 7/12/02 and 11/13/02.

The property, at 1 Niles Rd., is located in a RA-25 District and is designated on the Tax Maps of the Village as Section 68.14 Block 5 Lot 4 & 5..

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood.

The neighbors who will be affected did not object to the application.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**NOW, THEREFORE, BE IT RESOLVED**, that the application is hereby **GRANTED** as follows:

Waitkins – Made Motion to grant an extension of the Special Use Permit for a period of (5) years with the following conditions:

- 1.) On the basis that the previous Special Use Permit expired on December 31, 2004, this Special use Permit shall expire on December 31, 2009 and the Special Use Permit is limited to the “business and not the owner”.
- 2.) The use is for a mail order business in conjunction with the approved use of manufacturing & assembly of conveyer belt fasteners.
- 3.) No expansions are permitted.
- 4.) The hours of business will be 9:00 A.M. to 5:00 P.M., Monday thru Friday.
- 5.) No more than eight (8) persons employed on the premises.

Stephens – Second the Motion

Vote: 4-0 – In Favor – Waitkins, Stephens, Riedy, Barlow

9/14/05

## RESOLUTION

Hans Van Ness, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, request for a side yard and rear yard variance with respect to a proposed addition.

The property, at 25 Grand Street, is located in a RA-5 District and is designated on the Tax Maps of the Village as Section 78.08 Block 5 Lot 65.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

Neighbors who will be affected did not object.

There will be no detriment to the neighborhood or environment.

The variances requested are not substantial.

**NOW, THEREFORE, BE IT RESOLVED**, that the application is hereby **GRANTED** as follows:

Stephens – Made Motion to **GRANT** the variances based on the Board's interpretation that this is a property with two side yards and one front yard and one rear yard. The two side yards being the west and east sides in which the following variances are granted:

According to a 1.25 ft. side yard variance and a rear yard variance of 3.67 ft. which were granted on June 9, 2004 and a rear yard variance of 2.33 ft., for the proposed addition, which will amount to a total rear yard variance of 6 ft. which includes the 3.67 ft. that was granted on 7/9/04 and 2.33 ft. granted for this application.

This variance is also granted according to plans submitted.

Screening below the lower deck will be maintained at all times.

Riedy – Second the Motion

Vote – 4-0 – all in Favor – Stephens, Riedy, Waitkins, Barlow

9/14/05