

DRAFT FILED: 10/19/09
FINAL APPROVAL: 11/10/09

VILLAGE OF CROTON-ON-HUDSON, ZONING BOARD OF APPEALS
MEETING MINUTES OF OCTOBER 14, 2009.

MEMBER PRESENT: Rhoda Stephens, Acting Chairman
Doug Olcott
Roseann Schuyler
Alan Macdonald

MEMBERS ABSENT: Kathleen Riedy, Chairman

ALSO PRESENT: Joseph Sperber , Asst. Bldg. Inspector
Ian Murtough, Village Board Liaison

Rhoda Stephens, Acting Chairman – Announced the location of fire exists to all in attendance of the hearing.

HEARINGS:

Jorge Peralta, 31 Old Post Road North. Located in a RA-5 District and is designated on the Tax Maps of the Village as Section 67.20 Block 3 Lot 30. Request for a variance from Section 230-9(10)(c)(1) & (2) of the Village Code with respect to an existing above-ground swimming pool. (adj. on 9/9/09)

Stephens – The Board is in receipt of a letter from Maria Modica Snow, stating that she will be representing the applicant and requested an adjournment of the hearing until December.

The Board unanimously agreed to adjourn the hearing until the December meeting.

Richard Charney, 66 Nordica Drive. Located in a RA-25 District and designated on the Tax Maps of the Village as Section 79.10 Block 1 Lot 11. Request for a front yard variance with respect to the removal of an existing carport and a proposed two car garage and a side yard variance for the side deck.

Sid Sholman, Architect for the applicant. – For the record, the agenda for this evening has included the office space. The plans have been revised and the office space has been omitted from the plans.

The accessory structure is proposed to be in the front as opposed to the rear yard. It is the same variance measurements that were approved from the 1950's. We will be removing the carport and replacing it with a two car garage that will be approximately 22 ft. x 22 ft. The plans that were submitted at the first hearing showed the garage attached to the primary structure. We are no longer pursuing those plans. This new application is for a detached garage. An additional variance is needed for the side deck. We are asking for two less intrusive variances than what was proposed last month. The variance that is being requested for the garage is for the location of an accessory structure being located in the front as opposed to the side or rear yard. According to Section 230-40 (B) of the Village Code.

Stephens – It will be 6.22 ft. from the front yard setback?

Scholman - Yes. The existing and the proposed?

Olcott – It will all be within the existing footprint except for the deck?

Scholman - Correct. There is an existing fence that will remain.

Schuyler – The last time you were here we discussed the appearance of the garage. Will it be the same stonework as the existing stonework?

Scholman – Yes. I believe we are changing the sides to cedar and it will be similar to the residence. The entire garage will not be stone.

Stephens – Any other questions? Anyone else like to be heard?

There was no reply.

Hearing Closed.

Olcott – Made Motion to grant the application as submitted for a front yard variance of 6.22 ft. to allow relief from Section 230-40(b) with respect to an accessory building projecting nearer the street than the primary structure. The Board further grants a 2.3 ft. front yard variance with respect to a proposed deck and according to plans submitted.

Schuyler – Second the Motion

Vote: 3-1 – In Favor – Stephens, Olcott, Schuyler
Against – Macdonald

Variance Granted.

Arthur Schneck, 4 Prickley Pear Hill Road. Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.15 Block 1 Lot 21. Request for a side yard variance with respect to new proposed deck to replace existing deck.

Richard Sobelson – I am representing Mr. Schneck. We work together in the same law firm. He and his wife are elderly, in their mid 80's and they were unable to attend this evening. They are requesting a variance for a proposed new deck that will be replacing an existing deck. They have lived in this community close to four decades. They are in deteriorating health and can not walk up the steps to the house or on the property any more. They received a violation for the deck. They are proposing to remove the old deck and build a new one. They will be using the same footprint as the existing deck. It will be 18 ft. from the property line. The same measurement as the exiting deck.

Schuyler – Is there already a variance in place for the existing deck?

Sobelson – There is no variance in place.

Macdonald – Were there permits issued for the existing deck?

Sobelson – They were not able to find any in file.

Sperber – We have a Certificate of Occupancy for the house and swimming pool. But, the original plans are not stamped. They do not show the deck as part of the original structure. But, that happens. They may have added it for whatever reason after they got the Certificate of Occupancy for the house or it could have been constructed at the same time as when the house was constructed. I could not tell you.

Schuyler - The deck existed at the time when they purchased the house?

Sobelson - Correct .

Sperber – The house was built in 1969 and they purchased the house in 1970. If they made changes to the original plans they would have needed to come in to apply for an amendment and if necessary they would have been advised to come for a variance.

Stephens – Would the setback requirements be the same for that time period.

Sperber – I think the setback requirements were the same as now.

Stephens –You're requesting a 12 ft. side yard

Sobelson - Yes.

Stephens – Will you be retaining the beautiful pillars ?

Sobelson – Yes.

Macdonald – How did you realize they needed a variance?

Sperber – Because their fire alarm went off and the Fire Inspector went out and he took photos and it was clear that either the deck had to come down or be replaced.

Schuyler – The new deck will not exceed the footprint of the original deck? You're not extending it in anyway?

Sobelson – We will only be adding some extra support columns.

Discussion followed over pictures.

Sobelson – The new columns will be steel and they are keeping the existing stone columns.

Stephens – How many will be steel?

Sobelson – There are four existing ones that will stay and four new steel ones that will be added with footings underneath.

Sperber – Let me clarify something that I said before. The deck was part of the original plans. So the Certificate of Occupancy that was given included the deck and everything else that was on the plans. But, the New York State Code was definitely not the same standards as today with respect to balusters' and safety issues.

Stephens – Any other questions?

Deborah Moehring, 1225 Albany Post Road – I just wanted to attend the meeting tonight to understand the changes that will be made to the deck and the variance that was being requested.

Stephens – Are you satisfied with what you have heard this evening?

Moehring – Yes.

Sobelson – So, it was conforming at the time?

Sperber – I do not know what the requirement was in 1969.

Stephens – But, the Certificate of Occupancy was given at the time the deck was built. So, it had to meet the requirements at the time. The deck will have the same footprint as the existing deck and it will have four additional columns.

Sobelson – Correct.

Stephens – Anyone else like to be heard?

There was no reply

Hearing Closed.

Schuyler – Made Motion to approve the application as submitted for a 12 ft. side yard variance to replace the existing deck using the same footprint as the original deck and with the following condition:

There will be no storage underneath the deck without providing screening.

Olcott – Second the Motion

Vote: 4-0 – All In Favor – Schuyler, Olcott, Stephens, Macdonald

Variance granted.

Respectfully submitted,

Janice Fuentes
ZBA Secretary
10/14/09

RESOLUTION

Richard Charney, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard variance with respect to the removal of an existing carport and a proposed two car garage and a side yard variance with respect to a proposed deck.

The property, at 66 Nordica Drive, is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 79.10 Block 1 Lot 11.

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

The applicant made significant modifications to address the Board's concerns.

The benefit sought by the applicant can not be achieved by some other method due to the topography of the land.

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

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

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

Olcott – Made motion to grant the application as submitted for a front yard variance of 6.22 ft. to allow relief from Section 230-40(b) with respect to an accessory building projecting nearer the street than the primary structure. The Board further grants a 2.3 ft. front yard variance with respect to a proposed deck and according to plans submitted.

Schuyler – Second the Motion

Vote: 3-1 – In Favor – Stephens Olcott, Schulyer
Against – Macdonald

Variance Granted.

10/14/09

According to Section 230-164 (E)), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

RESOLUTION

Arthur Schneck, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a Side yard variance with respect to a proposed new deck to replace existing deck.

The property, 4 Prickley Pear Hill Road, is located in a RA-40, District and is designated on the Tax Maps of the Village as Section 67.15 Block 1 Lot 21.

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

The original deck was built with the original structure. The applicant is replacing the original deck to eliminate safety violations. The proposed deck will be an improvement and will be stabilized with extra columns for added safety.

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

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

The benefit sought by the applicant could not be achieved by any other method.

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

Schuyler – Made Motion to approve the application as submitted for a 12 ft. side yard variance to replace the existing deck using the same footprint as the original deck and with the following condition:

There will be no storage underneath the deck without providing screening.

Olcott Second the Motion

Vote: 4-0 - All In Favor – Schuyler, Olcott, Stephens, Macdonald

10/14/09

According to Section 230-164 (E), “Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.

