VILLAGE OF CROTON ON HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS MEETING
WEDNESDAY, JUNE 8, 2022

PRESENT: Jim Tuman, Acting Chairman
Doug Olcott
Rocco Mastronardi
Daron Weber

ABSENT: Christine Wagner

ALSO PRESENT: Ronald Wegner, PE, Assistant Village Engineer
Len Simon, Village Board Liaison

1. **CALL TO ORDER:**

Acting Chairman, Mr. Tuman, called the Zoning Board of Appeal meeting to order at 8:03p.m.

2. **OLD BUSINESS**

a) **Porteus, Greg, Owner—25A&B Harrison Street-- Located in the RB Two-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 2 Lot 26.02. Request for a side yard variance, a total side yard and a lot width variance from Village Code Section 230-34 for the subdivision of a lot to build two single-family homes.**

Present: Mr. Greg Porteus, Property Owner
Mr. Alfred Cappelli, Architect

Acting Chairman Tuman began the meeting by stating that at the last Zoning Board meeting held on May 11, 2022, it was requested for the applicant(s) to return with a revised design for the proposed homes located at 25 A&B Harrison Street. Mr. Tuman also stated that the public hearing had remained open. Mr. Cappelli, Architect, began by stating that last month he and Mr. Porteus presented a site plan where there was noted discussion with the neighbors about parking concerns. Mr. Cappelli stated that there were specific concerns from the neighbor's house (23 Harrison Street) located adjacent to Mr. Porteus' lot. It was requested by the neighbors at the previous meeting that the placement of the proposed houses be pushed back on the lots. Mr. Cappelli shared that they in fact pushed the houses back even further than what was discussed at the Zoning Board meeting held on May 11, 2022. Mr. Cappelli also stated that at the last Zoning Board meeting, it was discussed how the site plan came before the architectural design and that the footprint was slightly larger than the new, current design. Mr. Cappelli explained that the plan being presented at this meeting, June 8, 2022, reflects the exact site plan and footprint to be built. Mr. Cappelli stated that plans shown at the meeting on June 8, 2022 are a true depiction of the size and scale of the houses, the placement of the houses, as well as with the driveway configurations. Mr. Cappelli stated that he also tried to illustrate how many off-street parking spaces they could create for each unit. Mr. Cappelli shared that there will now be three additional off-street spaces (in the extended

driveway) plus a garage which creates a total of four off-street parking spaces per unit. Mr. Cappelli then summarized the reasons why Mr. Porteus is applying to the Zoning Board for variances, explaining that a few years ago an approved duplex lot was created at 25A&B Harrison Street but that Mr. Porteus is looking to split the lot to create two single-family units. Furthermore, Mr. Porteus is requesting 3 variances: a lot width variance of 37.5'ft, a side yard variance and a total side yard variance.

The Board noted that the neighbors were not present at the current meeting and asked the applicants if they had shared the new, revised plan with the neighbors. Mr. Cappelli stated that the plan was shared with the next-door neighbor, Mr. Schulze of 23 Harrison Street. When the Board asked if Mr. Schulze was happy with the plan, Mr. Cappelli responded by stating that he would have liked Mr. Schulze to be present at the meeting to go on record as being pleased with the redesign. However, Mr. Cappelli shared with the Board that it is his understanding that Mr. Schulze expressed satisfaction to Mr. Porteus when shown the new plan.

Mr. Cappelli shared with the Board that the original length of the houses was 50'ft long by 24'ft wide; with the redesign the garage is offset and with the front porch and the houses are now 44'ft long by 24'ft wide. The Board noted that the plan presented at the meeting is the exact plan to be built with the small porches.

Mr. Cappelli then explained that they "flip-flopped" the garages so that they are now on the outside of the property lines (the garage will be adjacent to Mr. Schulze's property) and the front porches now sit side-by-side on the interior of the proposed lots. Mr. Cappelli shared that this plan is more indicative of what they will present to the Planning Board. Acting Chairman Tuman, summarized that the applicant needs three variances including a side yard variance, a total side yard variance, and a lot of width variance. Acting Chairman Tuman then asked the Zoning Board if they had any additional questions for the applicant.

With no further questions from the Board, Acting Chairman Tuman turned to the public for further comment. Hearing no comment from the public, the public hearing was closed.

The Board stated they were satisfied with the adjustments made by Mr. Cappelli and Mr. Porteus and that the greatest concerns regarding parking had been addressed. The Board expressed appreciation for the applicants' effort in revising the plan, stating it was admirable they considered and accommodated the neighbors' concerns including privacy, sunlight considerations, side door access, and parking.

MOTION: Acting Chairman Tuman made a motion to grant a side yard variance of 2.5'ft, a total side yard variance of 6.5'ft, and a lot width variance of 12.5'ft. Mr. Olcott seconded the motion, carried by a vote of 4-0 (Chairperson Wagner, absent). Roll Call: Mr. Tuman, yes, Mr. Olcott, yes, Mr. Weber, yes, Mr. Mastronardi, yes (Chairperson Wagner, Absent).

The Board then reviewed the Five Factors:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance.

The Board discussed and agreed that with the adjustments and accommodations made by Mr. Porteus and Mr. Cappelli, the neighbors are satisfied and that there will be no negative impact on the neighbors and neighborhood.

2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance.

The Board discussed that Mr. Porteus wanted to build 2 single-family homes and the neighborhood also much preferred the 2 single-family homes be built as opposed to a duplex. Therefore the 2 separate lots with variances is the only possible approach to achieve the desired outcome.

3. The requested variance is substantial.

The Board agreed that the requested variances are substantial.

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

The Board discussed and agreed that the re-designed homes, with parking accommodations, would not negatively impact the conditions of the neighborhood.

5. The difficulty alleged by the applicant was self-created.

It was unanimous that the difficultly alleged by Mr. Porteus was self-created as he could have built the approved duplex plan without requiring a variance.

3. NEW BUSINESS

a) Pettersen, Brian, Owner--34 Franklin Avenue—Located in the RA-9 District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 4 Lot 49. Request for a side yard variance from Village Code Section 230-34 for a 2-story addition of a garage and bedroom.

Present: Lou DeMasi, Architect
Brian Pettersen, Owner

Mr. DeMasi introduced himself to the Zoning Board and shared that his client is looking to create a 2-car garage with additional living space of a primary bedroom above the garages. He stated that because the house is not perpendicular to the side yard property line, they are requesting a variance to make it symmetrical in shape for the garage; this part of the addition would infringe on the side yard setback. Mr. DeMasi explained that they are seeking the variance for a very small corner of the lot, stating it is required to have a 12'ft setback but with the addition, it will need a 9’ft setback. Mr. DeMasi noted and showed the Board (with submitted photographs) that there are many houses in the neighborhood that have

similar designs with the garage on bottom and living space above. Mr. DeMasi stated that the proposed design, being similar to that of the neighbors' house is keeping with the characteristics of the neighborhood.

The Board asked Mr. DeMasi to explain why they chose to put the addition on the opposite side as opposed to where there is an existing driveway. Mr. DeMasi explained that they chose that location because the garage works better when it is level with the 1st floor of the house making it easier to enter and exit. Mr. DeMasi further explained that the existing garage will be abandoned, the space will then be filled in and the existing driveway will be removed. Mr. DeMasi reiterated that it is a matter of convenience to have the garage at the same level as the 1st floor. The Board clarified that the existing garage is underneath the living space. Mr. DeMasi confirmed and stated the current garage is very small and hard to get into. Mr. DeMasi explained that the new garage would be larger, easier to access, and allow for a larger car and storage for children's toys. Mr. DeMasi explained they would be adding a primary bedroom above the new garages and that the house currently has 2 bedrooms with a small office space, so the addition would create more storage and living space. Mr. DeMasi stated that the addition is approximately 700sqft, of which does not include the new garage square footage because that will be an unheated, non-living space. The Zoning Board pointed out that the house is slightly askew because it was not built at street level and agreed that creating a garage at street level makes sense.

Mr. DeMasi stated that he also feels it is not a large variance request because it is only a small portion of one corner of the lot where the variance is needed.

Acting Chairman Tuman asked if the Board had any additional questions for Mr. DeMasi. With no further questions from the Board, Mr. Tuman opened the public meeting for comment.

Henri Omer of 30 Franklin Avenue spoke. Mr. Omer introduced himself and stated that he is the neighbor located next to where the proposed addition will be built. The Board clarified that Mr. Omer is the neighbor who would be directly impacted by the variance. Mr. Omer confirmed and shared with the Board that there is an approximate 2'ft drop between his property and Mr. Pettersen's property where the land is held back by a timber retaining wall. Mr. Omer was present at the meeting to ask if the addition would have any impact on the timber retaining wall. Mr. DeMasi responded to Mr. Omer's concerns stating that the addition is far enough away from the retaining wall that they would not be touching the wall and there would be no disturbance. The Board asked Mr. Omer if other than his question about the wall, if he is okay with the addition. Mr. Omer responded by saying that his only question/concern was only regarding the potential impact on the embankment and retaining wall. Another member of the public (from audience) asked about construction hours. Mr. Wegner, Assistant Engineer explained there are restricted construction work hours in the Village. Mr. DeMasi added that the project will start after a building permit is issued and hope to start within 2 to 3 months. The Board then encouraged the neighbors and Mr. Pettersen to have open communication during the construction of the project regarding noise and work hours.

There being no further comment from the public, Acting Chairman Tuman closed the public hearing.

Mr. DeMasi concluded by sharing with the Board that he did try a different location and design for the garage and bedroom addition but the current, proposed location was the best and most feasible design to achieve the design.

The Board then reviewed the 5 Factors:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance.

The Board discussed and agreed it is a minor variance request and the addition would be an improvement to the neighborhood. It was also agreed that it is a small house with a proposed modest addition. The Board determined it would not have a negative impact on the neighbors and neighborhood.

2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance;

The Board noted that if they were to shrink the design, they would not be able to create the desired storage and living space needed. Furthermore, the Board agreed that another design would not allow for a 2-car garage at street level which makes a lot of sense to want, making it the right plan.

3. The requested variance is no**t** substantial;

The variance is a small area variance needed in the corner of the lot.

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

5. The difficulty alleged by the applicant was self-created.

The board agreed that the difficulty was self-created.

MOTION: Mr. Olcott made a motion to grant a side yard variance of 3'ft for the addition of a 2-car garage with living space above, Mr. Mastronardi seconded the motion. All in favor 4-0 (Chairperson Wagner, Absent). Roll Call: Mr. Olcott, yes, Mr. Mastronardi, yes, Mr. Tuman, yes, Mr. Weber, yes.

4. APPROVAL OF MINUTES

Acting Chairman Tuman deferred the approval of the May 11, 2022 minutes to the next scheduled Zoning Board of Appeals meeting when Chairperson Wagner will return.

5. ADJOURNMENT

There being no further business to come before the board, the meeting was duly adjourned at 8:26 p.m.