

**VILLAGE OF CROTON ON HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS MEETING
WEDNESDAY, OCTOBER 11, 2023**

PRESENT: Christine Wagner, Chairperson
Jim Tuman
Daron Weber
Doug Olcott

ALSO PRESENT: Ronald Wegner, PE, Assistant Village Engineer

ABSENT: Rocco Mastronardi

1. CALL TO ORDER

Chairperson Wagner called the Zoning Board of Appeals Meeting to order at 8:00pm.

2. NEW BUSINESS

- a) *Levine, Jonathon, Owner-6 Kuney Street—Located in a RA-25 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 3 Lot 36. Request for a Floor Area Ratio (FAR) variance from Village Zoning Code Section 230-33A for a proposed 2nd-story on existing foundation.*

PRESENT: Lance Amato, Architect
Jonathon Levine, Owner

Mr. Levine introduced himself to the Board stating he was the owner of 6 Kuney Street and that he is looking to do an extension of his home. Mr. Amato then introduced himself as the architect for the proposed project. The Board asked the applicants to explain why they are before the ZBA for the proposed extension. Mr. Amato stated that they will be adding a floor (2nd story addition) on the existing foundation. Mr. Amato further explained that they will not be expanding the footprint of the house, so it will essentially be a box over a box and that the additional square footage would then exceed the allowable FAR of .2. Mr. Amato then noted that for the application they utilized the property card which had the square footage of the first floor at 940 square feet but since the submission of the application, they re-measured the 1st floor which was actually 860 sq ft therefore the total square footage would be 2,269 which would revise the variance request to .011 not .04. The Board then noted that the setback would then be .211. The Board asked for clarification on the total square footage. The applicant noted that the total included a finished basement.

Mr. Amato then provided the Board with 5 letters of neighbors' support.

Chairperson Wagner asked the Board if they had additional questions for the Board. There were none. The public meeting was then opened to the public hearing. With no one being heard from the public, Chairperson Wagner closed the public hearing and opened the meeting to the Board for final comments.

The Board then reviewed and discussed 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.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance.

The Board discussed and agreed that they do not have the space to expand the house out and therefore, going up is the only feasible option.

3. The requested variance is not substantial.

The Board discussed and agreed the FAR variance request is fairly minimal.

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.

MOTION: Mr. Tuman made a motion to grant a .02 FAR Seconded by Mr. Olcott. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Tuman, yes, Mr. Olcott, yes, Chairperson Wagner, yes, Mr. Weber, yes, (Mr. Mastronardi, absent).

b) Cook, Terrie, Owner-14 Mount Green Rd-Located in a RA-9 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.2 Block 1 Lot 19. Request for a front yard variance and side yard variance from Village Zoning Code Section 230-33A for an existing structure (residence).

PRESENT: Terrie Cook, Owner

Ms. Cook introduced herself to the Board and stated that her family had been at the property since 1949 and that they are trying to get all their “ducks in a row” because Ms. Cook’s mother is 106 years old and they will eventually have to sell the property. Ms. Cook stated that for the existing home, they had been granted previous variances but in looking at the property closer, they found out they needed additional variances. Ms. Cook shared that when they built the house in 1949, they always thought the property line was where the fence posts were but then learned that the property line is set in (in front of the fence posts). Ms. Cook referenced the survey provided to the Board and noted that in looking at the front yard area, the property line appears to be where the hedge is. Ms. Cook then explained that the property is in the shape of a V and therefore what appears to be the front yard, is not really the front and

explained that if you took the V out it would be ok. Ms. Cook then stated that however, with the V, as the house sits on the lot, they need a 2'ft side yard variance as well as a 14'ft front yard variance.

The Board noted that the applicant is not proposing anything new to be done to the property and in 1949 variances were granted and whoever built the house did not know where the property line was.

Chairperson Wagner then opened the public hearing. There being not comment from the public, the hearing was closed.

The Zoning Board of Appeals reviewed discussed and 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 this is a “clean-up” case, it has existed since 1949 with no complaints and therefore will not be a detriment to nearby properties or have a negative impact on the neighborhood.

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

3. The requested variance is not substantial.

The Board agreed that the front yard variance of 14'ft may be considered substantial in terms of percentage but would not consider it visually substantial.

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.

MOTION: Mr. Olcott made a motion to grant a front yard variance of 14'ft and a side yard variance of 2'ft for an existing structure Seconded by Mr. Tuman. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Olcott, yes, Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Weber, yes, (Mr. Mastronardi, absent).

c) Beyrer, Colleen & Brendan, Owner-19 Wells Ave-Located in a RA-5 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.8 Block 8 Lot 36. Request for a side yard variance from Village Zoning Code Section 230-33A and for a total side yard variance from Village Zoning Code Section 230-33A for a proposed front porch addition.

PRESENT: Brendan Beyrer. Owner

Mr. Breyer introduced himself to the Board as the owner of 19 Wells Ave. He stated that he is looking to do an addition of a front porch that slightly wraps around one side of his house. Mr. Beyrer explained that his lot is a very odd lot and is in the shape of a pizza slice, further explaining that on the left side is the neighbor's shed which creates a notch in the property line. Mr. Beyrer noted he provided a letter of support from that neighbor for the project to the Board as that is the side where the variance is needed.

Mr. Beyrer shared that someone down the street in their neighborhood did a similar addition and that they are essentially copying it. Mr. Beyrer stated that the main reason for the addition is because they have a daughter with special needs and as the staircase exists, it is very difficult for her to get up and down to access the front/street. Mr. Beyrer further explained that the new porch would provide a covered area where their daughter can wait for the bus and provide easier access to the street for her. Mr. Beyrer stated that the new staircase would have two rails and would be easier for their daughter to go up and down.

The Board asked the applicant what the significance of the "shed" was. Mr. Beyrer explained that in looking at the survey, the shed is at the edge of the square of the property and that is where the property goes in and out and one of the main reasons, they need the variance. Mr. Wegner, Assistant Village Engineer, added that when looking at the aerial photo, it looks like a shed but it is really a garage and explained that at some point the lot line was adjusted. Mr. Beyrer added the lot line was adjusted before they bought the property and that they have lived there for 10 years.

The Board understood and noted that where the cut out is or the "notch" in the property from the neighbor's garage is what creates the the issue with the side yard setback.

The Board asked what the purpose of having porch on that side. Mr. Beyrer responded stating that they must do it on that side (which gets them into that one-foot area) because the driveway is located on the other side. Mr. Breyer added that the neighbor put up the fence up that is somewhat in their yard. His understanding his property is about 2'ft over.

The Board then asked if the applicant considered altering the design at all to not have to have the variance. Mr. Beyrer said that if the side of the porch was pushed back (not flush with edge of the house), aesthetically they felt it would look off and would not be an ideal waiting area for the bus (for their daughter) and felt that the closer the porch was, the more beneficial it would be.

Chairperson Wagner then opened the meeting to the public. There being no comment from the public, the public hearing was closed. Chairperson Wagner asked the Board if they had enough information to plan on the application, they stated they did.

The Board then discussed 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.
2. The benefit sought by the applicant can be achieved by a method other than the requested variance.

The Board discussed and agreed that the applicant does need to wrap the porch on the side but eliminating it would not achieve the desired benefit.

3. The requested variance is substantial; in terms of total side yard but is mitigated by the topography and what else is along the property line.
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.

MOTION: Mr. Weber made a motion to grant that a side yard variance of 1.2'ft and a total side yard variance of 4.26'ft for an addition of a front porch Seconded by Chairperson Wagner. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Weber, yes, Chairperson Wagner, yes, Mr. Tuman, yes, Mr. Olcott, yes (Mr. Mastronardi, absent).

3. APPROVAL OF MINUTES

Mr. Tuman made a motion to approve the September 13, 2023 minutes, seconded by Chairperson Wagner, the motion was carried by a vote of 4-0. Roll Call: Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Olcott, yes, Mr. Weber, yes. (Mr. Mastronardi, yes, absent).

4. ADJOURNMENT

There being no further business to come before the Board, the meeting was duly adjourned at 8:32 pm.

Respectfully Submitted by,

Stefanie DeMattia
Secretary to the Zoning Board of Appeals