

**VILLAGE OF CROTON ON HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS MEETING
THURSDAY, JANUARY 11, 2024**

PRESENT: Christine Wagner, Chairperson
James Tuman
Daron Weber
Rocco Mastronardi

ABSENT: Doug Olcott

ALSO PRESENT: Ron Wegner, Assistant Engineer P.E.
Mayor Pugh, Village Trustee Liaison

1. CALL TO ORDER:

Chairperson Wagner called the Zoning Board of Appeals Meeting to order on January 11, 2024 at 8 p.m.

2. OLD BUSINESS:

a) Oroszlany, Peter, Owner--41 Harrison Street-Located in a RB 2-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 2 Lot 22. Request for a front yard variance from Village Zoning Code Section 230-40B and a height variance from Village Zoning Code Section 230-40A(1)(a) for a proposed 4-car garage.

PRESENT: Peter Oroszlany, owner
John Power, owner

Chairperson Wagner asked Mr. Power to briefly summarize the application from the previous meeting. Mr. Power stated that they were returning after a site visit (held on January 6, 2024) for a proposed detached garage that required 2 variances. Mr. Power stated that the 1st variance request was for the proposed structure to be closer to street than the primary structure and that the 2nd request was for a height variance to allow for ample storage above (attic area). Mr. Power explained that the new garage would be set back further from the front property line than the existing garage. The Board asked Mr. Power how much further back the garage would be in comparison to the existing garage. Mr. Power stated it would be approximately 9-10 feet further back from.

Chairperson Wagner asked the Board if they had any outstanding questions for the applicants. They did not and noted that the site visit was very helpful in gaining a better understanding of the lot in reference to the request.

Chairperson Wagner stated that the hearing was left open and asked if anyone from the public wanted to be heard on the application. Hearing no comment, Chairperson Wagner then closed the public hearing.

The Board 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.

The Board agreed that the garage would help to improve the condition of the property and would not have a negative impact on the near-by properties.

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

The Board discussed that the location of the garage could be pushed back from the street but in doing so it would cause a lot of disturbance of earth. The possibility that the structure could be built to solely house cars (without storage above) which would eliminate the need for a height variance was also discussed. However, the Board agreed that these alternative approaches would present issues such as extensive disturbance of earth and would not fully meet the desired outcome.

3. The requested variance is 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. Tuman made a motion to grant a variance for an accessory building (garage) nearer to the street than the principal building and a height variance of 8.5'ft for a 4-car garage seconded by Mr. Mastronardi. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Tuman, yes, Mr. Mastronardi, yes, Mr. Weber, yes, Chairperson Wagner, yes (Mr. Olcott, absent).

b) Dillon, Matthew, Owner—100 Young Ave—Located in a RA-5 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 13. Request for a variance from Village Zoning Code Section 230-40H(1) for a fence over 4 feet in height and more than 50% solid in a front yard.

PRESENT: Matthew Dillion, owner

Mr. Dillon began by summarizing his application that was left open from the December 2023 meeting. Mr. Dillon stated that he had made a request for a variance for a 4'ft solid fence because his property is on a corner lot and even though it appears to be his backyard, it is technically his front yard which sits closer to Young Ave. Mr. Dillon explained that what initiated the request for a solid fence in the front yard. The applicant share that they had been working with a dog trainer for a year because the dog gets very

excited when it sees other dogs so the trainer suggested zip tying a solid tarp to the existing chicken wire type fence to create a screen. Mr. Dillon stated that it was a lot of zip ties and was also very unsightly therefore he felt a solid fence would be a better solution. Mr. Dillon expressed that fence would be more beneficial to the dog, their small child as well as be more aesthetically pleasing. While the original request was for a 4'ft solid fence in the front yard along Young Ave and one 6'ft fence panel to match the existing fence, it was recommended by the Board at the previous meeting that Mr. Dillon to come up with an alternative fence solution as they did not support the idea of 4'ft solid fence in the front. With that recommendation, Mr. Dillon stated he was now requesting a 3'ft solid fence with a 1ft lattice top.

Mr. Dillon then referenced the site visit from the Board that took place on January 6th 2024, where he felt they were able to see that the fence would not be blocking the site line on the corner and that the fence would be a part of a larger effort to "clean up" the front sloped area of the property.

Chairperson Wagner asked the Board if they had any additional thoughts on the application. The Board noted that the 3ft solid fence with the 1ft lattice top was a more reasonable request and a great improvement from what had been presented at the December meeting. Chairperson Wagner then turned the meeting back over to the public asking if anyone wanted to be heard on the application. Hearing no one, the public hearing was closed.

The Board 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.

The Board discussed their previous concerns about the request and the importance of how fence laws are enforced in the Village however they noted that corner lots often present a unique challenge in that their back/side yards are partially in the front yard. Therefore, the Board agreed that a 3'ft solid fence with a see-through top was a fair request, would be less offensive and would not have a negative impact on the neighborhood.

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

The Board discussed if plantings could be used to create a privacy screen however it was agreed that with the slope it would be challenging to achieve solid coverage. The Board agreed that the applicant could possibly utilize an alternative method but that it would not be as aesthetically effective.

3. The requested variance is not 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. Mastronardi made a motion to grant a variance for a fence that is 4'ft in height 3ft in height (solid) 1'ft top lattice). Seconded by Mr. Weber. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Tuman, yes, Mr. Mastronardi, yes, Mr. Weber, yes, Chairperson Wagner, yes (Mr. Olcott, absent).

3. NEW BUSINESS

a. Lewis Roane, Architect, representing Marjorie & Vincent Deprez (owners)—34 Morningside Drive—Located in a RA-9 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.9 Block 6 Lot 33. Request for side yard, front yard, and rear yard variances from Village Zoning Code Section 230-33A as well as for a variance from Village Zoning Code Section 230-53A(1) for enlarging a non-conforming use for a proposed addition and rear deck to an existing 3-family house.

PRESENT: Lewis Roane, Architect

Mr. Roane introduced himself to the Board as the architect for the proposed project at 34 Morningside Drive and that he was representing the owners, Mr. & Mrs. Deprez. Mr. Roane stated they are seeking a front yard variance to allow the owners to build up for an addition. Mr. Roane explained they were looking to use the existing foundation wall and to build up from the existing footprint. He shared with the Board that the addition would allow for 2-bedrooms upstairs while and would extend the living area as well.

The Board noted that the applicants had been before the Board 2 years prior and were granted several variances but that the project for those variances were never started. Mr. Roane stated that the variances were granted to a previous architect for a more expansive project that included expanding sideways adding a large carport, expanding back with a large retaining wall that included decks and a complete internal reconfiguration of the floor plans. Mr. Roane shared that a major difference in the designs is with the front roof line, elaborating that the original roof above the first floor was more sloped toward the street but because they would now like to build up, it will change that line and view from the street. Mr. Roane stated that while staying within the existing footprint the structure would have a greater presence just by the nature of it being 2-stories but added it would not be wider as they are not adding out as in their previously proposed project. Mr. Roane shared that they explored alternate designs to attempt to minimize the impact but it would have required a complete reconfiguration of the ground floor which would be costly. Mr. Roane further explained that with the current proposed addition, the bulk of the work would be contained within the addition keeping it more cost effective by limiting the bulk of the work within the addition adding that the new stairs are all in the new construction area rather than reframing the whole lower level just to accommodate stairs

The Board briefly reviewed the previous variances granted and noted that the proposed plan and design was a completely different project than what had been originally presented to the Board 2 years ago. Mr. Roane agreed that it is a very different project and shared that when Mr. & Mrs. Deprez had the previously approved design priced out for construction, it completely blew their budget and required that they go back to the drawing board, hence their new application.

Chairperson Wagner noted that there were several letters of neighbor support provided to the Board but asked Mr. Roane if they had heard any negative comments from the neighbors. The applicant stated that they did not receive any negative feedback. The Board further noted that the variances being requested were far less extensive than those previously granted.

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

The Board 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.

The Board agreed that while the structure may be taller in height, it is not any closer to the street and that the work to the structure would be an improvement to the neighborhood. The Board reiterated that there was only neighbor support and no opposition.

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

The Board discussed that given the topography of the lot (steep slope) it would not be possible to extend out there for adding up is the most feasible option.

3. The requested variance is 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. Weber made a motion to grant a side yard variance of 10'ft, a front yard of 15'ft and a rear yard variance of 2'ft and a variance allowing the expansion of a non-conforming use. Seconded by Chairperson Wagner. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Tuman, yes, Mr. Mastronardi, yes, Mr. Weber, yes, Chairperson Wagner, yes (Mr. Olcott, absent).

4. APPROVAL OF MINUTES

Chairperson Wagner made a motion to approve the November 8, 2023 and the December 13, 2023 meeting minutes with minimal edits. Seconded by Mr. Weber. All in favor (Mr. Olcott, absent).

5.ADJOURNMENT

The meeting was duly adjourned at 8:34 p.m.

Respectfully Submitted by,

Stefanie Correale
Secretary to the Zoning Board of Appeals