

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, January 28, 2025**

PRESENT: Christine Wagner, Chairperson
Daron Weber
Doug Olcott
Rocco Mastronardi

ABSENT: Jim Tuman

ALSO PRESENT: Daniel O'Connor, Village Engineer, PE
Len Simon, Village Board of Trustees Liaison

1. CALL TO ORDER

Chairperson Wagner called the meeting of January 28, 2025 to order at 7:01pm.

2. OLD BUSINESS

a) Natarajan, Velmani, Owner--1 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 23. Request for a fence variance from Village Zoning Code Section 230-40(H) for an existing fence over 4'ft in height and more than 50% solid in a front yard.

PRESENT: Velmani Natarajan, Owner
John Power, Architect

Chairperson Wagner stated the Board and applicant were continuing the discussion conducted at the site visit at 1 Wells Avenue on January 11, 2025. The applicant, Mr. Natarajan thanked the Board for visiting.

Chairperson Wagner stated that while at the site visit, they discussed moving the fence back to be code compliant and asked Mr. Natarajan if he moved the fence back to the 15ft mark, would there be enough clearance to walk comfortably past the basement egress window well that sticks out on that side. Mr. Natarajan stated it would be tight adding that as the Board saw the property slopes down so it also would limit usable space. Mr. Natarajan added they would essentially be covering up the window and would most likely not have adequate walking space. Mr. Natarajan added that if they had to move the fence back it would be an additional cost and create a loss of privacy but if the Village said they have to do it, they would be obliged. Mr. Natarajan stated that rather than spend the money on the expense of moving the

fence, he would rather spend the money on greenery and plantings to camouflage and screen the fence from the street.

Chairperson Wagner asked if there were other questions from the Board. Mr. Olcott shared that he visited the site on his own, a week later and noted that from inside the backyard, the fence in its current position and height does help to block the view to the CVS parking lot and the view of the commercial area nicely.

Chairperson Wagener then opened the public hearing. No one from the public came forward to be heard.

The Board asked for clarification regarding the applicant's options and if they were to physically move the fence back to a permissible setback or spend money on plantings to create screening. Mr. Mastronardi posed the question if the Board was deciding for Mr. Natarajan or if it was the Board's inclination to grant the requested variance for the fence at its current location.

Chairperson Wagner stated that she felt there would be no additional benefit to the fence remaining in its current location other than the cost the applicant would accrue in moving it. Chairperson Wagner stated the 15ft would be tight so that the applicant would most likely be looking at a 1- or 2-foot variance request just to create a comfortable passage around the egress well of which the Board may be more comfortable with but did not think they had the correct numbers at the moment to make a decision.

Mr. O'Connor, Village Engineer explained that the fence's current distance from the outside of the egress well to the front property line was 6 ft, therefore if the fence would be moved back to the 15ft mark he believed the applicant would probably have a little over five feet of clearance between the egress well and the fence based on the current plan. Mr. O'Connor shared that standard sidewalks were generally 4 feet; therefore 5 to 5.5 feet would be plenty of walking space.

Chairperson Wagner posed the question, asking the Board if they would be open to Mr. Natarajan moving the fence back to allow for some clearance but lessening the variance request (setback) and if that would be something they would be willing to vote on. The Board agreed it would be an option they were open to.

Chairperson Wagner stated that they would leave the public hearing open and asked Mr. Natarajan and Mr. Power provide a revised plan prior to the next meeting scheduled for Tuesday, February 25, 2025 and let them know where or not 5 feet would be enough clearance and if not, the Board would call the applicant back with a revised application, amending the request to a lesser variance. The applicant understood and agreed they would let the Board know.

3. NEW BUSINESS

a) Franggi, Adriana, Owner--339 Grand Street-Located in a RA-25 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.14 Block 3 Lot 8. Request for a rear yard variance and side yard variance from Village Zoning Code Section 230-40G for an attached pavilion on an existing small lot.

PRESENT: Adrianna & Julio Franggi, Owners

Ms. Franggi introduced herself and her husband, Mr. Franggi to the Board and stated they have lived at 339 Grand Street since the 1980's and that they run a small, local landscaping business and that she works part-time in the Engineering Department.

Ms. Franggi explained to the Board that she submitted a building permit application for a detached pavilion in her backyard, and the permit was issued and construction proceeded. Ms. Franggi further explained that the original plan intended for the pavilion to not be attached however it was then constructed attached to the house unbeknownst to her and therefore was now at the ZBA requesting variances to allow for the structure to remain as-built. Ms. Franggi further explained that it was preferred to have it attached and made more sense. The Board asked for clarification if the pavilion was or was not part of the original variance that was granted on the property.

Ms. Franggi stated the previous variance was granted for a different construction project (an addition/enclosure of front porch).

Mr. O'Connor spoke, providing context to the application and request. Mr. O'Connor explained that what was originally approved was a detached accessory structure of which had a 5-foot setback requirement therefore no variance was needed as the plan showed it 6 ft 1 inch from the side, and the back property line was little over 7 ft. Mr. O'Connor further explained that the original approved plan was more than a 5 ft setback however once the structure was attached to the house it became a part of the primary structure, and then it was built attached (not according to the approved plans) so it then required a setback variance along the side and rear yard that is why the applicants were requesting an 11 ft and a rear yard variance of 15.5 ft . Mr. O'Connor stated the house kind of straightens with the structure and that it made sense as to why the pavilion was attached as it created protection from elements and would make the structure sturdier.

The Board reviewed the letters of support and asked if both neighbors were on the east at the corner of Dailey Drive & Grand Street. Ms. Franggi stated that letters were submitted from the neighbors at 2 Dailey Drive and 337 Grand Street of which was the property located directly east (next door) to 339 Grand Street.

Chairperson Wagner then opened the public hearing. One member from the public came forward to address the Board.

Karilyn Anderson,
41 Grand Street

Ms. Anderson expressed frustration that while two of the nearby neighbors submitted letters of support, that Mrs. & Mr. Franggi did not ask her or share about the pavilion and need for a variance.

Ms. Anderson stated that there were 3 immediate neighbors that abut the Franggi's property (not just 1 immediate neighbor) which included the neighbor in the rear with the pool. Ms. Anderson felt that they may be impacted by the pavilion. However, it was noted that the neighbor was not present at the meeting to express opposition to the project. Ms. Anderson concluded by stating her main point was that she felt there should have been a variance application filed prior to the construction of the pavilion.

Hearing no further comment, Chairperson Wagner closed the public meeting.

Chairperson Wagner then opened the application to the Board for discussion. The Board stated that they felt Mr. O'Connor's explanation of why the pavilion was attached to the primary structure and need for the variance was helpful.

The Board discussed and 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 that the 1 foot making it attached or detached to the house would not have a negative impact on nearby properties and they had received letters of support from 2 neighboring properties.

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

The Board agreed that with the pavilion already constructed and attached to the house as well as the desire for it to be more structurally sound and provide protection from the elements, it would be difficult to achieve by a method other than the requested variance.

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. Mastronardi made a motion to grant a side yard variance of 11ft and a rear yard variance of 15.5ft for an attached pavilion on an existing small lot. Seconded by Mr. Weber. All in favor. The motion was carried by a vote of 4-0 Roll Call: Mr. Mastronardi, yes, Mr. Weber, Yes, Chairperson Wagner, yes, Mr. Olcott, yes, (Mr. Tuman, absent).

4. APPROVAL OF MINUTES

The meeting minutes were approved with noted edits.

Chairperson Wagner made a motion to approve the minutes of the November 26, 2024 meeting. Seconded by Mr. Olcott. All in favor. The motion was carried by a vote of 4-0 (Mr. Tuman, absent).

5. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:23pm.

Respectfully Submitted by,

Stefanie Correale
Secretary to the Zoning Board of Appeals