

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, MARCH 13, 2025**

PRESENT: Christine Wagner, Chairperson
James Tuman
Doug Olcott
Rocco Mastronardi

ABSENT: Daron Weber

ALSO PRESENT: Ron Wegner, Asst. Village Engineer, PE
Maria Slippen, Village Board of Trustees Liaison

1. CALL TO ORDER at 7:05

Chairperson Wagner called the March 13, 2025 meeting to order at 7:05 pm and welcomed everyone to the rescheduled February 25, 2025 Zoning Board of Appeals meeting. Chairperson Wagner thanked the applicants for their patience and understanding as the meeting had to be postponed due to member availability and sickness issues. Chairperson Wagner then stated there were two items on the agenda and would go in order of the agenda.

2. NEW BUSINESS

a) Franzoso, Mark, owner—133 Maple Street-Located in a RB 2-family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.20 Block 1 Lot 4 (and 5). Request for a height variance from Village Zoning Code Section 230-40A(1)(a) for a proposed addition to an existing garage.

PRESENT: Mark Franzoso, Owner

Mr. Franzoso introduced himself to the Board and stated he was requesting a height variance that would be required to create storage space above the garage. Chairperson Wagner stated that the existing garage was a 2-door garage and that the addition would add a bay, increasing it to a 3-door garage, building it out to the right side. It was further clarified that the addition would extend out to the right and up to create the storage space. Mr. Franzoso stated he had met all other setback requirements, including the rear and side yard setbacks, and therefore he was solely asking for a height variance of 5 ft to create storage that would run the entire length of the garage. The Board asked what the current ceiling height was. It was estimated to be less than 9 ft. Mr. Wegner, Assistant Village Engineer, stated the ceiling height was about 6 to 6.5 ft.

Mr. Franzoso explained he was looking to make it 2 ft shorter than its existing height but still needed the height variance for 5 ft because they were altering the structure.

The Board asked what the existing rear setback was. Mr. Wegner confirmed it was zoning compliant at 5 feet.

Chairperson Wagner asked Mr. Franzoso if he had explored any other options for storage. Mr. Franzoso stated that he felt the storage above was the best storage option possible. The Board asked if the applicant had received neighbor support. Mr. Franzoso stated he had not spoken to neighbors personally but knew that legal notices had gone out and no one was present at the meeting to speak against the application. Mr. Olcott asked Ms. Correale, secretary to the Board, if any complaints had been received. Ms. Correale stated that no letters or calls in opposition had been received.

The Board asked Mr. Franzoso what was behind the garage on the neighboring properties. Mr. Franzoso stated they were all backyards. The Board inquired about the topography of the lot. Mr. Franzoso stated it was flat and expressed that he did not think the addition would negatively impact the neighbors, stating all the lots were very sizable.

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

Mr. Melvin Ramos
123 Olcott Ave.

Mr. Ramos stated he had been a resident of the Village for 23 years and was a local real estate agent. Mr. Ramos stated (regarding the neighbors being aware of the proposed project and request) that he believed Mr. Franzoso's application had been properly legally and publicly noticed and it had not received any opposition and thought that should be noted.

The Board discussed the lack of input from the surrounding area and questioned if a site visit should be scheduled. It was discussed and agreed that the application had been noticed and there was no response or opposition from the neighboring lots, and with the images provided, felt a site visit was not necessary. The Board felt comfortable with the fact that there were a lot of lots in the 200 square foot noticing area and that no one had responded.

Hearing no further comment from the public, Chairperson Wagner closed the public hearing.

Chairperson Wagner opened the application for discussion and it was agreed that there were no neighbor complaints, no issues with neighboring lots, and the height would not negatively impact neighbors' views (such as with the river).

Based on the information presented, the Board found that the proposed addition met all setback requirements and that the requested height variance was reasonable given the intended use for storage. There was no opposition from the public or neighboring property owners, and the Board determined that the addition would not negatively impact the character of the neighborhood or the views of surrounding properties. Therefore, the Board concluded that the request for a height variance was justified and appropriate under the circumstances.

Board determined 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.
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. Tuman made a motion to grant a height variance of 5ft for an addition to an existing garage. Seconded by Mr. Mastronardi. All in favor. The motion was carried by a vote of 4-0 (Mr. Weber, absent). Roll Call: Mr. Tuman, yes, Mr. Mastronardi, yes, Chairperson Wagner, yes, Mr. Olcott, yes (Mr. Weber, absent).

b) Brook St Commercial LLC, owner-155 Grand Street-Located in a RB 2-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.20 Block 3 Lot 12. Request for a lot width variance, total side yard variance, and variance for stories from Village Zoning Code 230-34 for a proposed new single-family home.

PRESENT: Luke Hilpert, attorney
Joe Thompson, architect
Connor P. McCormack, P.E.

Chairperson Wagner invited the next applicant forward and noted that, in addition to the application and accompanying plans, a packet of neighbor support had also been received.

Mr. Hilpert began by introducing himself as the applicant's attorney and stated he was representing Mr. Napolitani and Ms. DePalma as members of Brook St LLC. Mr. Hilpert noted that the applicants were local business owners and had completed several renovations and improvements around the Village, including the old Grand Stand Building and the Tavern. Mr. Hilpert stated that the proposed project was similar to the new homes that had been approved, granted variances, and built on Harrison Street by Mr. Greg Porteus. Mr. Hilpert then introduced Mr. Joe Thompson, architect, and Mr. Connor McCormick, engineer for the proposed project. Mr. Hilpert noted the packet of neighbor support provided to the Zoning Board and stated that none of the approached neighbors had refused to sign—only one wanted to

hold off until speaking with her neighbors, and after doing so, she also signed the letter in support of the proposed new single-family house.

Mr. Hilpert explained that the property was currently a vacant, usable lot and his client was seeking three variances to build a new single-family home. Mr. Hilpert stated they were looking for a lot width variance, a total side yard variance, and a variance for 0.5 stories. Mr. Hilpert turned the application over to Mr. Connor McCormick, engineer for the project. Mr. McCormick described the existing conditions of the vacant lot and provided a description of the location on Grand Street, stating that it was directly across the street from the firehouse. Mr. McCormick stated the lot was 5,611 square feet, zoned RB, and partially developed with an existing garage and retaining wall. Mr. McCormick stated they were looking to construct a single-family residence with a floor square footprint of 1,009 sq ft and a habitable living area of 2,481 square feet, with a garage unit underneath and a second-floor walk-out in the rear. Mr. McCormick described the existing lot, which he stated sloped from the street back to the rear of the property but was generally uniform. Mr. McCormick added that there were two proposed off-street parking spaces shown and one in the garage. Mr. McCormick addressed the specifics of the variance request, stating that they were seeking a lot width variance of 5.7 ft, a total side yard variance of 3.8 ft, and a variance for 0.5 stories for a new single-family home. Mr. McCormick used the submitted drawings to illustrate where and why the variances were needed for the side and total side yard, as the lot tapered and narrowed as it moved to the rear of the property. Mr. McCormick stated they had tried looking at other designs, but due to the lot topography, most likely any proposed project would have required variances to build based on the geometry of the lot.

Mr. Joe Thompson, architect, then stepped forward to review the design specifics. Mr. Thompson spoke about the desirable, walkable neighborhood and stated they had designed what they felt was modest architecture fitting with the character of the neighborhood. Mr. Thompson stated that the design included gabled forms and two-over-two windows and added that despite the height, they felt the forms and massing on that streetscape made the most sense. Mr. Thompson stated that there was a one-foot height difference from the neighboring structure (31 feet), and the proposed house was 32 feet, which was height compliant; it was that the number of stories read as a three-story structure as opposed to a two-story. Thompson further explained that while building code would qualify it as a two-story structure, Zoning code qualified it as a three-story structure. Mr. Thompson stated that while the lot was “dimensionally challenged,” they felt that the construction of the proposed house would be an improvement to the area and that the design was a productive use of the lot.

Chairperson Wagner asked the Board if they had any questions.

The Board asked if the proposed house height was 31 feet. Mr. Thompson stated the neighboring building was 31 ft in height and that the height of their structure was 32 ft from the lowest point of grade to the midpoint of the roof; considering that, the height was 32 feet. The Board challenged that statement and wanted to know what the height was to the peak of the roof. Mr. Thompson stated that the height to the peak was approximately 39 feet. The Board noted that the height of the building to the left looked the same and asked why that was. Mr. Thompson explained that because they had a gabled roof, the height was diminished in perspective and believed that the gabled roof was in keeping with the character of the neighborhood, as many of the houses on Grand Street had the same type of roofline. Mr. Thompson noted that while they could diminish the peak of the roof, it would lessen the architectural appeal of the building. Mr. Thompson stated that the house, as it was proposed, was a modest three-bedroom home with

approximately 2,000 square feet of livable space, so to remove that by pulling the roof form down an entire story would compromise the already modest space.

Chairperson Wagner asked for clarification on the habitable area, as it was previously stated that the square footage was approximately 2,400 square feet. Mr. McCormick corrected himself, stating that he had included the square footage of the garage, which was not livable space. Mr. Thompson added that without the garage, the livable space was approximately 2,000 square feet, which was a modest size home for a family. The Board asked what was located behind the little window at the peak, noting that it was what made it look like a three-story home. Mr. Thompson stated it was unfinished storage in the attic, stating the window was added so it would not be a blank form. There was then discussion between the Board and Mr. Thompson regarding what was considered the basement and whether or not it was referred to as a cellar. Mr. Thompson stated that the first-floor walk-in level would be considered the basement, as it would be over 51% below grade, given the average grade plane across the property. Mr. Thompson pointed out on the renderings what would then be considered the first floor, second floor, and unfinished attic level.

The Board sought a better explanation as to why it was not considered a three-story structure. Mr. Wegner, Assistant Village Engineer, stated that the Village would consider it from street view. Mr. Thompson addressed the Board, stating that from a Zoning code perspective it was considered a three-story structure, pointing out that level 1 (walk-in basement), 2 (first-floor living space), and 3 (second-floor living space) hence the need for the variance for the level. The Board asked the height of the basement ceiling above grade; Mr. Thompson stated it would be less than four feet above grade from the average grade plane—starting at zero and reaching 10'6".

Chairperson Wagner noted that the lower level would be considered a story, as it would be determined from the view from the street; therefore, whether or not it was defined as a cellar or a basement was irrelevant. It was further explained that what faced the street and what the perspective was from the street would define the levels.

The Board asked about the windows on the side adjacent to the neighboring building. Mr. Thompson noted there were windows, but the Board noted that the structure was also owned by Brook Street Commercial LLC. Mr. Tuman asked if there were any fire code issues with the windows and distance to the neighboring property. Mr. Wegner stated it met fire/building code.

Chairperson Wagner asked how the neighbors in the rear of the property might be impacted and further noted that, with the grading of the lot, if viewed from the back it would still look like a 2 to 2½-story home. Mr. Thompson confirmed and showed an image of the rear elevation, stating that from the rear it appeared as a two-story home.

The Board noted that, in terms of the required variances, the side yard was for the most part compliant, but that it was the total side yard that was more of an issue and that the need was mostly due to the corner in the rear of the lot. Mr. Wegner stated for clarification that if variances were granted, then the next step would be for Planning Board approval, but it would be a moot point if the proposed house setbacks were not granted.

The Board asked if any other design options had been considered. Mr. Thompson stated that, from a bulk perspective, it was as compact as possible and the only design option to bring a desirable-sized home to the market, adding the width was only 24 ft, and if the height were brought down, it would decrease

livable space and have a less desirable aesthetic. Mr. Thompson stated an option would have been to reduce the number of bedrooms from three to two, but that would not be desirable for a family and would decrease the desirability of the house. One Board member suggested eliminating the garage. Mr. Thompson responded by stating that they felt if there were no garage, more cars would be parked in an open area in front of the home, making it appear more like a parking lot and not a nice look for the center of the Village. Mr. McCormick added that the garage was designed to hide a parking space by tucking it inside the structure.

Chairperson Wagner then opened the hearing to the Public.

Mr. Napolitani introduced himself to the Board as the gentleman proposing the project (owner). Mr. Napolitani stated he had hired his team to represent him but felt it was important to reiterate some points. Mr. Napolitani explained that Mr. Thompson was the architect who designed the two new houses on Harrison Street, where the lot had been subdivided and variances granted to allow for their construction. Mr. Napolitani shared that the design of his proposed house was almost identical to the Harrison Street houses, apart from the stairs coming down in the front, so he was confused as to why those homes were approved with the garage. Mr. Napolitani stated that, other than having the 38 stairs coming down from the middle level in the front of the house, the houses were essentially the same, but he added that he did not find that design appealing for the proposed house as it would be in the center of the Village. Mr. Napolitani further explained that was why they had moved the entry door to the side and, therefore, when entering from that door, there were interior steps up to the main level. The applicant again stated that if the stairs were coming down in the front exterior, it would not be as appealing, which is why they put the door on the side and the garage unit underneath. Mr. Napolitani reiterated that he had made sure to go around and speak to all the neighbors to get their input and see if they had any issues or suggestions with the proposed house and that there had been no opposition, only support. Mr. Napolitani concluded that he had lived in the Village for 60 years and, over those years, had done several projects and improvements in the Village. Mr. Napolitani explained he had done his due diligence and worked with the Village Building Department to understand what would work best on the lot. The applicant further noted that the proposed house was only 24 feet wide when the average home was 30 feet wide.

Mr. Klaus Schreiber
1 Bayview Terrace

Mr. Schreiber stated he resided at 1 Bayview Terrace, the house directly behind the vacant lot located at 155 Grand Street. He shared that Bayview was a private road and, when the houses were sold off years ago, it had never been determined who owned the road and, to this day, no one apparently owned the road. Mr. Schreiber stated that he would be the property most impacted by the build, and he had no real objection to the proposed project. Mr. Schreiber stated that it would impact his view of the firehouse, which was “a mixed blessing.” Mr. Schreiber only asked for clarification on the width of the road (driveway).

Mr. Napolitani stated that it was 18 ft and the road (driveway) would be close to the house. He wanted to make sure there would be room for a car and stated that, other than that question, he had no objections.

The Zoning Board ruled on 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; but would make it less usable.
3. The requested variance is substantial in total.
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 lot width variance of 5.7ft, a total side yard variance of 3.8ft and a variance for 0.5 stories for a new single. Seconded by Chairperson Wagner. The motion was carried by a vote of 3-1. Roll Call: Mr. Olcott, yes, Chairperson Wagner, yes. Mr. Mastronardi, yes, Mr. Tuman, no, (Mr. Weber, absent).

3. APPROVAL OF MINUTES

The minutes of January 28, 2025 were tabled for approval.

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 8:01 p.m.

Respectfully Submitted by,

Stefanie Correale
Secretary to the Zoning Board of Appeals