

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, MAY 27, 2025**

PRESENT: Christine Wagner, Chairperson
Daron Weber
Jim Tuman

ABSENT: Doug Olcott
Rocco Mastronardi

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE

1. CALL TO ORDER

Chairperson Wagner called the meeting of May 27, 2025 to order at 7:01pm

2. OLD BUSINESS

b) 368 S Riverside LLC, Owner-368 South Riverside Ave-Located in a C2-General Commercial District and Harmon/South Riverside Gateway Overlay District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 1 Lot 71. Request for a variance from Village Zoning Code Section 230-20.3B (3)(a)[2] to have a dwelling unit on a second floor but in an existing detached building instead of the primary building, for side and rear yard variances from Section 230-35 for a proposed 2nd story addition on the existing detached building, and for a variance request for a 2-year period to commence work from Section 230-164(E).

PRESENT: Joe Lippolis, 368 Riverside LLC-owner

Chairperson Wagner called the meeting to order and welcomed attendees to the May 2025 meeting of the Croton-on-Hudson Zoning Board of Appeals. She noted that there was one, open item on the agenda, an regarding the property at 368 South Riverside Avenue. The application concerning the proposal to expand an existing cottage from a one-story studio to a two-story, one-bedroom unit. This item had been held over from the previous meeting to allow for a site visit by the Board, which all members confirmed had taken place.

The Board clarified that the structure was currently a studio, based on a previous variance granted, and that the new variance request was to construct a second floor, thereby converting it into a one-bedroom unit. Chairperson Wagner confirmed this with the applicant, who affirmed that the proposal was accurately described.

It was further noted that if the cottage were attached to the primary residence, a variance might not have been necessary. However, because the structure was detached, and due to the setback requirements, a variance was required. The applicant, Mr. Lippolis, was requesting a variance to allow a

residential unit on the second floor of an existing detached structure rather than within the principal structure, side yard and rear yard variances for the proposed second-story addition, variance allowing a two-year period to commence construction.

Chairperson Wagner asked the applicant whether they were requesting a two-year period to commence construction instead of the standard one year, and if there was a specific reason for the extension. Mr. Wegner, Assistant Village Engineer, explained that a special permit was required and the applicant would need to appear before multiple boards for re-approval due to the proposed modifications.

Chairperson Wagner also noted that the special conditions associated with the previously granted variance should still apply.

As clarified during the April 22, 2025 meeting, the applicant previously obtained variances in 2021 to legalize the cottage, originally a converted garage, as a residential use. At the time, that approval was granted under the condition that the structure not be expanded—a condition now necessitating renewed variance review for the proposed addition.

The proposed design includes the removal of the original roof and the construction of a new second floor within the same footprint. The overall structure would remain well below the maximum permitted height of 35 feet. The total interior space would increase from approximately 475–480 sq ft to 950 sq ft, creating a one-bedroom unit.

The applicant confirmed that the exterior walls were replaced due to termite damage, not expansion, and the open building permit was associated with ongoing structural repairs. Mr. Lippolis stated that parking would remain as previously approved, with one designated space for the residential use.

Chairperson Wagner then asked if anyone from the public wanted to be heard on the application.

Michael Mamone of 19 Young Ave came forward from the public to address the Board.

Mr. Mamone identified himself as a nearby property owner and expressed concerns about the pace and nature of recent development in the Village. He emphasized the Board's role in preserving community standards. Mr. Mamone asked for clarification regarding the special permit. It was confirmed that the existing permit pertained to the original structure and would need to be revised if the current variance were approved.

Mr. Wegner, Assistant Village Engineer noted that the renewal/approval of a special permit would be handled by either the Village Board or the Planning Board.

Mr. Mamone stated that in the past, development was subject to clear limits, but he felt that such constraints were no longer enforced in the Village. He voiced frustration with what he described as uncontrolled development. He recounted growing up on Benedict Boulevard and referenced his memories of the area, including the former music store. He now resides on Young Avenue.

Mr. Mamone also expressed concerns regarding access to the cottage. He described the rear access as a narrow passageway only 81 inches wide—6 inches of which he claimed belonged to the neighboring property—making it, in his view, unsuitable for vehicle access. He argued that it functioned more as a walkway than a driveway, and that relying on it was problematic.

He questioned the need for expansion, noting that the structure already had over 500 square feet of space, which he believed was already sufficient for a one-bedroom unit. He added that 3–4 individuals could legally occupy a one-bedroom, which could lead to increased vehicle use. Mr. Mamone warned that if additional cars from the development used municipal parking spaces, it could result in spillover issues. He emphasized that the Board's decisions affect the neighborhood and stated his belief that its role was to act as a safeguard.

Mr. Mamone's allotted time concluded. Chairperson Wagner thanked Mr. Mamone for his input.

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

The Board then discussed and reviewed the 5 Factors:

The Board found that the proposed addition would not cause a significant visual or functional change. The cottage is largely hidden from view and buffered by existing commercial structures, including the adjacent firehouse. The structure is not visible from the street, as confirmed during the site visit. The second-story addition is modest and maintains the footprint and character of the building. The Board discussed that because the existing structure is detached from the primary commercial building, and residential use in a detached structure requires a variance, the benefit sought (a functional one-bedroom unit) cannot be achieved without the requested relief. Reconfiguring the existing space or attaching the structure would not be viable or consistent with the approved site layout. The Board acknowledged that the variances requested—particularly for the yard setbacks—were agreed to be substantial in numeric terms. However, in the context of a pre-existing, non-conforming structure with no proposed expansion of footprint, and consistent with prior variances granted in 2021, the Board found the substantiality to be mitigated. Furthermore, there was no evidence presented of environmental harm. The construction is taking place within the same footprint, and no significant site disturbance is expected. The addition would remain within height limits and should not affect drainage or light access. No other residents spoke in opposition. The Board concluded that the hardship was self-created, as the applicant chose to pursue an expansion beyond the originally approved residential structure. However, self-created hardship does not preclude granting a variance when the other factors weigh in favor.

The Board determined the 5 Factors as follows:

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;
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 side yard variance of 4 ft, a rear yard variance of 8.3 ft and a variance to have a dwelling unit on a second floor for a 2nd story addition on the existing detached building and a variance for a 2-year period to commence work. Seconded by Chairperson Wagner. The motion was carried by a vote of 3-0. All in favor. Roll call: Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Weber, yes. (Mr. Olcott, absent, Mr. Mastronardi, absent).

Furthermore, the motion was granted subject to the following conditions:

1. That, the variance is granted based on the plans and other documents submitted in support of the application.
2. That, according to the variance granted work must commence within (2) years of the date of the granting of the variance or such variance shall become null and void.
3. That, the owner shall keep the alleyway clear for means of ingress and egress.
4. That, the single parking space to the right of the residential structure be reserved for residential use only.
5. That, the variance granted for the residential parking space occupies one of the two on-site commercial parking spaces approved by the Planning Board.

3. APPROVAL OF MINUTES

Chairperson Wagner made a motion to approve the minutes of the April 22, 2025 meeting with noted edits. Seconded by Mr. Weber. All in favor. The motion was carried by a vote of 3-0 (Mr. Olcott, absent, Mr. Mastronardi, absent).

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:22pm.

Respectfully Submitted by,
Stefanie Correale
Secretary to the Zoning Board of Appeals