

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, JUNE 24, 2025**

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

ABSENT: Doug Olcott

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE

1. CALL TO ORDER

Chairperson Wagner called the meeting of June 24, 2025 to order at 7:01pm

2. NEW BUSINESS

a) Steven Baranowski, owner-21 Glengary Road-Located in a RA-40 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.9 Block 4 Lot 23. Request for (3) variances to allow for an accessory structure less than 5 ft from a property line, nearer to the street than the primary structure, and in a front yard setback from Village Zoning Code Sections 230-40(A)(1)(b), 230-40(B), and 230-33A for an existing shed (accessory structure).

PRESENT: Steven Baranowski, owner

Mr. Steven Baranowski introduced himself to the Board and explained that he was seeking a Certificate of Occupancy and a variance to legalize an existing shed that had been on the property prior to his ownership. Mr. Baranowski stated that he had owned the property for 16 years.

Mr. Wegner, Assistant Village Engineer stated that a prior variance had been granted for the primary residence, and at some point, thereafter, the shed had been constructed. He noted that the shed was located less than 5ft from the property line and was on the same plane as the house, though the road was skewed in relation to the property.

The Board observed that the property survey showed two sheds, but confirmed that one had since been removed. Mr. Wegner verified this during a prior inspection and presented a street view photograph. Mr. Wenger noted that based on the plot plan, the shed appeared to have been larger in the past. He also presented an aerial view showing the lot lines.

Mr. Baranowski explained that he was preparing the property for sale and discovered the issue during that process.

The Board asked for more information about accessory structures in front of the house. Mr. Wegner referenced Village Code, which states that no accessory building shall project nearer to the street than the

principal building. Therefore, needing an additional variance. When the applicant was asked if he had received any complaints or heard from neighbors, Mr. Baranowski responded that he had not.

Chairperson Wagner opened the public hearing, with no comment from the public, Chairperson Wagner then closed the hearing

The Board discussed and agreed that granting the variance would not result in an undesirable change to the character of the neighborhood nor cause a detriment to nearby properties, considering the shed had existed for many years without any negative impact. The board discussed that the shed was partially screened by trees and was not clearly visible from the street due to the lot's orientation and vegetation. Furthermore, no members of the public spoke at the hearing, and no neighbor complaints were received, indicating no concern about the structure's continued presence. The Board found that the benefit sought by the applicant legalizing the shed and obtaining a certificate of occupancy could not be achieved through any other feasible means. Mr. Baranowski explained that the shed was present when he purchased the property approximately 16 years ago, and he had assumed it was legally permitted. Given the shed's age and placement on the lot, relocating it was deemed infeasible and unnecessarily burdensome. The Board acknowledged that demolition would provide no meaningful benefit. The Board acknowledged that the requested variances were substantial in numerical terms. However, members agreed that the shed's longstanding presence, limited visibility, and lack of negative impact on adjacent properties made the degree of relief acceptable under the circumstances. The shed appeared to be largely on the same plane as the house, with the perception of being forward influenced by the road's alignment, rather than actual encroachment into the front yard. The shed had not caused any known drainage, grading, or aesthetic concerns. Its existing foundation and vegetation buffer further reduced any potential environmental impact. It was again noted that, Mr. Baranowski did not construct the shed himself; rather, it existed prior to his purchase of the property therefore the difficulty was not self-created.

The 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 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 not self-created.

MOTION: Mr. Tuman made a motion to grant a side yard variance of 3.9 ft, a variance allowing an accessory structure nearer to the street than the primary structure, and a front yard variance of 5.3 ft for an existing shed (accessory structure) Seconded by Mr. Weber. The motion was carried by a vote of 4-0. All in favor. Roll call: Mr. Tuman, yes, Mr. Weber, yes, Chairperson Wagner, yes, Mr. Mastronardi, yes. (Mr. Olcott, absent).

b) Jared Kemink, owner-16 Wayne Street-Located in a RB 2-Family Residential District and is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 14. Request for a fence (height) variance from Village Zoning Code Section 230-40H(2) for a proposed fence taller than 6 feet in height in a rear yard.

PRESENT: Sarah Kemink, owner

Mrs. Kemink introduced herself to the Board and explained that her husband, Jared, was unable to attend due to a work obligation. She submitted a letter of support from a neighbor and proceeded to describe their request for a variance to install an 8-foot fence along the rear of their property, which backs up to a gas station currently undergoing construction. Mrs. Kemink noted that the workers on the commercial site often look over the existing 6-foot fence, compromising their privacy. The new 8-foot fence would replace the existing one and extend along the rear property line, including a small section shared with the neighbor on Benedict Blvd. Although the applicants attempted to contact that neighbor multiple times for a signature, they were unable to reach anyone at the residence.

Chairperson Wagner inquired whether the proposed fence would be visible from South Riverside Avenue. Mrs. Kemink responded that from their windows, they could see directly into Baked-by-Susan, and that the taller fence would significantly improve their privacy and believed the gas station lowered the visual impact of the fence from South Riverside Ave. The applicant stated that the current fence was installed about five years ago and needed replacement. When the Board asked about plantings as an alternative, Mrs. Kemink explained that any landscaping would need to be on the gas station's property, and the cost would be prohibitive.

Chairperson Wagner opened the public hearing, with no comment from the public, Chairperson Wagner then closed the hearing.

The Board then discussed and reviewed the 5 Factors.

The Board noted that the property was in a unique situation due to its proximity to multiple commercial uses on South Riverside Avenue. Mr. Mastronardi stated that the request was understandable given the circumstances. The Board also referenced a previous variance granted to the gas station in 2021 for a shed. It was clarified that the proposed fence would be 8 feet tall along the rear lot line and then taper down to 6 feet on the sides. When asked about neighboring fences, Mrs. Kemink stated she believed the neighbor had a standard white vinyl fence. The Board members agreed that the fence would be largely out of view from the public right-of-way and acknowledged that the visual intrusion from adjacent commercial properties justified the increased height along the rear of the property. The Board also shared an understanding that the adjacent lot may be developed in the future, further increasing the need for screening.

The Board agreed that the fence was limited to the rear yard, which abuts a commercial gas station rather than a residential neighbor. The Board acknowledged a letter of support was received from the adjacent neighbor (residential), and no objections were raised during the public hearing. The Board agreed the increased fence height in the rear yard would not have a negative impact on the character of the neighborhood or on nearby properties. The Board discussed if there was another approach in achieving the desired outcome. The Board discussed the applicant explored planting vegetation as a privacy hedge but found that approach unworkable due to limited space, high costs, and the fact that suitable plantings would have to be located on the commercial property itself. The Board also agreed that the applicant's choice to taper the fence down along the sides was seen as a mitigating factor that demonstrated a reasonable and restrained design approach. In terms of environmental or physical impacts, the Board found none. The new fence would replace an existing structure and does not involve any disturbance the environment. While the Board acknowledged that the need for increased privacy is technically self-created, arising from the applicant's decision to live next to a commercial use, it also recognized that

recent changes, such as visible construction activity and workers on the gas station roof, created unusual factors conditions not anticipated under normal residential circumstances. The Board agreed the variance request was substantial, but was appropriate and justified given the specific context and location of the property.

The 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; one with a delayed result that reduces the usability of the small yard (plantings).
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 fence height variance of 2’ft for a solid fence over 6’ft in height in a rear yard. Seconded by Mr. Weber. All in Favor. The motion was carried by a vote of 4-0. Roll Call: Mr. Mastronardi, yet, Mr. Weber, yes, Chairperson Wagner, yes, Mr. Tuman, yes. (Mr. Olcott, absent).

c) Rosa Patino, owner-173 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 68.17 Block 4 Lot 34. Request for a side yard variance and a rear yard variance from Village Zoning Code Sections 230-41(B) for a proposed accessory cottage and for a side yard variance and total side variance from Village Zoning Code Section 230-34 for a proposed deck and addition to house.

PRESENT: Edward Iamiceli, Representative

Mr. Iamiceli introduced himself to the Board as the representative for the property owner, Rosa Patino (not present). Mr. Iamiceli shared that the homeowner was seeking several variances for her property, which was located in a RB (Two-Family) Zoning District. It was noted that although the district permits two-family homes, the subject property is currently a one-family residence, which had been confirmed by an on-site inspection conducted by Mr. Wegner, Assistant Village engineer. Mr. Iamiceli explained that the proposed project required several variances which included removing an existing shed structure in the rear yard but keeping its foundation and partial cellar for use to construct a new, detached cottage to be used as an ADU. Mr. Iamiceli explained that the plans utilized the shed’s existing footprint, which sits approximately 2 feet from the side yard line, where 8 feet is the required setback. He further explained the new cottage would be modestly larger, increasing from approximately 350 square feet to 561 square feet,

and would have a height of 11.6 feet at its highest point, slightly taller than the existing 10-foot shed. Mr. Iamiceli added that the slope of the roof would remain modest to maintain a low visual profile.

In addition to the ADU, the applicant also requested variances for two small additions to the primary structure. The first was a proposal to square off an 11-foot by 1-foot jog in the southeast corner of the home, and the second involved expanding the rear of the house to enlarge the kitchen and add a small 6'x10' deck. These additions fall within the footprint of a previously granted side yard variance from 1989 and do not further encroach beyond what was already approved. On the second floor, two new rooms are proposed, potentially to be used as a home office or playroom, though the final use was still undecided by the owners.

Without any further questions from the Board, Chairperson Wagner opened the public hearing.

Mr. Lyle Scalzo of 175 Maple Street came forward to address the Board in support of the application. Mr. Scalzo shared his property abuts Ms. Patino's and expressed his strong support for the project, noting that it would not affect his property and praising the homeowner's efforts to restore and maintain the residence.

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

The Board discussed and reviewed the 5 Factors:

The Board agreed that the proposed project (additions and cottage) would not cause an undesirable change to the character of the neighborhood nor create a detriment to nearby properties. It was noted that letters of support were submitted by adjacent neighbors, and Mr. Scalzo, a direct neighbor spoke strongly in favor of the proposed project. The Board agreed that the low-profile design, use of existing foundation (for the cottage), and scale-appropriate footprint were agreed to be staying with the character of surrounding neighborhood. The Board discussed the notion that relocating the accessory dwelling unit to a more conforming location might theoretically be possible but such changes would significantly reduce usable yard space and undermine the applicant's intent to reuse the existing shed foundation and cellar, which the Board felt was a sustainable and thoughtful approach. Therefore, it was found that the benefit sought could not be obtained by any other method that would be practical or reasonable. The Board then discussed and agreed that while the side yard variance from 8 feet to approximately 2 feet was could be considered substantial, the Board recognized that the impact would be minimal. The shed's placement had long existed without issue, and the proposed new structure would remain in a similar location, buffered by existing vegetation and topographical features. The Board also noted that the lot's pre-existing nonconformities, including a prior variance granted in 1989, further contextualized the request. Lastly, the Board concluded that the proposed project(s) would not have an adverse physical or environmental impact. The Board agreed that the need for the variance was not self-created due to the lot's narrow width and existing conditions which created inherent limitations, and it was noted that applicant demonstrated effort to design both modest and functional improvements.

The 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, but as a package it is reasonable to obtain the desired benefit.
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: Chairperson Wagner made a motion to grant t a side yard variance for an accessory cottage of 8’ft and a side yard variance of 2.42 ft and a total side yard variance of 5.33ft for a proposed deck and addition to the primary structure. Seconded by Mr. Mastronardi. All in Favor. The motion was carried by a vote of 4-0. Roll Call: Chairperson Wagner, yes, Mr. Mastronardi, yes, Mr. Weber, yes, Mr. Tuman, yes (Mr. Olcott Absent).

3. APPROVAL OF MINUTES

Chairperson Wagner made a motion to approve the minutes of the June 24, 2025 meeting with noted edits. Seconded by Mr. Tuman. All in favor. The motion was carried by a vote of 4-0 (Mr. Olcott, absent).

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:58pm.

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