

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, JULY 22, 2025**

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

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE
Maria F. Slippen, Village Board Trustee

1. CALL TO ORDER

Chairperson Wagner called the meeting of July 22, 2025 to order at 7:02pm

Chairperson Wagner stated that an application for 49 Van Wyck Street was noticed however the variance request was being amended and that the application would not be on the evening's schedule and we would be heard at a later date. With that, the first application was called forward.

2. NEW BUSINESS

a) Joseph & Nancy, owners -46 Old Post Road North--Located in a RA-5 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.08 Block 5 Lot 1. Request for a front yard variance and side yard variance from Village Zoning Code Section 230-33 to legalize 1949 and 1979 additions to the primary structure.

PRESENT: Joseph Carlisle & Nancy Larsen, Owners

Mr. Carlisle, introduced himself to the Board stating he was requesting front and side yard variances to legalize two longstanding additions to his home. The additions needing legalization were from 1949 and another from 1979 (both done prior to Mr. Carlisle's ownership). The additions were flagged during a property file review conducted by the Village Engineering.

Mr. Carlisle explained that a "deep dive" into the property's building records during a title search (for the sale of the property) revealed that the 1949 first-floor addition had been constructed without a required variance or Certificate of Occupancy (CO). Additionally, a second-story dormer addition in 1979 received a building permit and CO but lacked the necessary front yard variance. Assistant Village Engineer Mr. Wegner provided additional historical context, stating that the original 1949 addition had been revised after its initial zoning denial due to side yard encroachment. Although the modified plans were approved and a building permit issued, a CO was never granted. Furthermore, in 1979, the second-floor addition

was completed and received a CO, but somehow it was missed and no variance for the front yard setback was ever granted or recorded. Mr. Wegner confirmed that zoning regulations have not changed since the time of construction and recommended slightly increasing the requested side yard variance to 3 feet to account for an overhang on the second floor.

The Board clarified that the front yard variance needed was approximately 9 feet and the side yard encroachment amounted to 8.3 feet, which they agreed to round to a 3-foot variance for consistency. It was confirmed that the original structure itself did not require any variance and that the needed variances were only pertaining to the later additions. When asked, Mr. Carlisle also confirmed they had made no structural changes to the house during their 35 years of ownership.

Chairperson Wagner asked the Board if they had any additional questions for the applicant. With none, Chairperson Wagner opened the public hearing.

Mr. Matthew Schuerman of 53 Old Post Road North came forward and spoke in support of the application. He noted that his wife, Meredith Phillips, had submitted a letter of support as well. Mr. Schuerman, a neighbor and friend of the applicants, emphasized that the additions had existed for over 75 years and had never caused any issues for residents in the area. He also pointed out that the home sits on a hill, which minimizes any visual impact or privacy concerns related to the additions. He concluded by stating that the neighborhood was not negatively impacted by the current existing structures and felt that the variances should be granted.

With no further comment, Chairperson Wagner thanked Mr. Schuerman and closed the public hearing.

The Board then discussed and reviewed the 5 Factors and expressed satisfaction with the documentation and explanations provided. They found that the requested variances would not result in an undesirable change to the character of the neighborhood and that the benefit sought by the applicant could not be achieved through any other feasible method. The Board agreed the variances were not substantial, would not create adverse environmental or physical impacts, and were not self-created, as the additions predated the current owners' occupancy.

The 5 Factors were determined:

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 front yard variance of 9 ft and a side yard variance of 3 ft for the legalization of 1949 and 1979 additions to the primary structure. Seconded by Mr. Olcott. All in Favor. The motion was carried by a vote of 5-0. Roll Call:

b) Rob Luntz, architect, representative for John & Kerry Whelan of Switch Inc Electrical Contractors—25 North Riverside Avenue--Located in the C-1 R (A) Riverside Commercial District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.08 Block 3 Lots 63 & 64. Request for a rear yard variance from Village Zoning Code Section 230-35 for a proposed second story addition to an existing commercial building and for a variance request for a 2-year period to commence work from Village Zoning Code Section 230-164(E).

PRESENT: Rob Luntz, Architect

Mr. Luntz, architect, introduced himself to the Board and stated he was representing his clients, John & Kerry Walsh. Mr. Luntz explained that his clients have owned and operated their business, Switch Inc at 25 North Riverside Avenue for approximately 20 years and were long-time residents of the Village of Croton-on-Hudson. He stated that due to their need for additional space, they were proposing a second-story addition to the existing commercial structure. However, the zoning district (C-1R) required a 30-foot rear yard setback, which made a good portion of the lot non-buildable under current zoning standards. Mr. Luntz emphasized that this setback requirement would significantly limit their ability to expand the space without seeking a variance.

Mr. Luntz referenced the renderings and plans provided to the Board to help illustrate the site constraints. The plans showed that, if the building were constructed today in compliance with the zoning code, it would need to be pushed to the front of the lot, and only a small area would be buildable. Mr. Luntz explained that the existing rear portion of the building, which was currently being used as a garage at grade, was part of the structure they wished to build on top of. The proposed second story would be placed over the existing office space, and to help mitigate the visual and spatial impact, the applicants proposed taking away from the existing 14-foot ceiling height, reducing it so that they would only be adding approximately 5-feet to the building's total height.

The Board asked for clarification on the building height. Mr. Luntz explained that currently, the building stood at 15 feet 1.5 inches and the proposed height would be 20 feet 6 inches. Mr. Luntz then referenced the renderings comparing the existing and proposed elevations, showing a modest five-foot increase. Additionally, in the rear garage area, a green roof was shown. It was stated that the parapet in this section would be extended by about two feet, further improving the rear elevation while integrating the overall design. Mr. Luntz noted that this change is intended to be a good-faith effort to benefit the neighbors uphill from the property. He also clarified that while the site had been granted variances in the past (primarily for parking), none of them related to building bulk or height. It was noted that the building was originally constructed in the 1950s, at a time when zoning regulations were different, and current calculations showed no new parking variances were required. This was confirmed by Mr. Wegner, Assistant Village Engineer.

Board members confirmed that the proposed height increase was limited to approximately 5-feet and acknowledged that the proposed design was sensitive to the neighborhood context. It was noted that, under current zoning, the applicants could theoretically build a fully compliant structure further forward on the lot up to 35 feet tall, but it would likely be more visually intrusive. Therefore, the applicant's choice to maintain the existing footprint and pursue a variance for rear yard nonconformity instead of adding bulk at the front was presented as the less disruptive alternative.

Chairperson Wagner then opened the public hearing.

Nancy Heppner of 9 Bank Street came forward to speak. Ms. Heppner expressed general concern about the proposed second floor's potential impact on river views from her property and those of her neighbors. Ms. Heppner acknowledged that zoning laws have changed in recent years and admitted she was unsure if her concerns were directly relevant to the variance being requested. She specifically noted the house at 6 Bank Street, immediately adjacent to the applicant's building, was owned by Pete Constantini, who is currently in a care facility. Ms. Heppner shared that his daughter, who lives out of town, was now the legal property manager. Though they have been in touch with her and she expressed concern, no formal comment had been submitted to the Village from 6 Bank Street. Ms. Heppner reiterated her concerns about the view impact but stated that, given her location further up the hill, the impact might be more significant to her neighbors than to herself.

Chairperson Wagner responded by clarifying that the variance request relates to the rear yard setback, specifically because the existing garage is too close to the neighboring property line. It was explained to the public that the applicants could, as of right, build a conforming structure further forward at 35 feet tall without needing a variance, which might result in a more imposing structure. However, what was being proposed is a lower, more context-sensitive addition that would require the variance due to the preexisting nonconforming rear yard.

Katherine Ryder, owner of 7 Bank Street, then came forward to speak in support of her neighbor's concerns. Ms. Ryder said that any addition would impact her river view, particularly from her front porch and living room. She noted that the houses along Bank Street were built over a century ago (her own home dates to 1909) and expressed her thought that they were designed with intentional spacing and elevation to allow for airflow and light between them. Ms. Ryder expressed concern that adding 5 feet to the neighboring building could negatively affect air circulation, especially for the first-floor windows of 6 Bank Street, stating it could create a "tunnel effect" between the two buildings. She questioned whether the environmental and airflow impacts on 6 Bank had been fully considered and urged the Board to take them into account. Ms. Ryder emphasized that the owner of that home was unable to speak for himself, but felt his interests should still be taken into consideration.

After hearing the public's comments, the Board agreed that a site visit would be appropriate to better understand the visual and spatial implications of the proposed addition. It was suggested that the applicants install a story pole or a vertical stick (painted red or otherwise marked) on the roof to indicate the proposed new height, as a more practical alternative to balloons. The site visit would give the Board a better sense of the project's visibility from neighboring properties, particularly those on Bank Street. The public hearing was left open, and it was stated that the Board would coordinate with the applicant and the Village Engineering Office to schedule the site visit for a future date, likely in August. The application is expected to return to the agenda in September for further discussion and possible decision.

Members of the public were advised that no new formal notices would be mailed, as the application was already legal notice but updates regarding meeting dates and agendas could be found on the Village website or by contacting the Engineering Office directly (after the conclusion of the meeting the Board decided to hold an August meeting which was posted on the Village Website calendar).

3. APPROVAL OF MINUTES

Chairperson Wagner made a motion to approve the minutes of the July 22, 2025 meeting with noted edits. Seconded by Mr. Tuman. All in favor. The motion was carried by a vote of 4-0 (Mr. Olcott, abstained).

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:41pm.

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