

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, SEPTEMBER 30, 2025**

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

ABSENT: Doug Olcott

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE
Maria Slippen, Village Board Liaison

1. CALL TO ORDER

Chairperson Wagner called the meeting of September 2025 to order at 7:02pm

2. OLD BUSINESS

a) 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
John Whelan, owner

Mr. Luntz, the architect representing property owner John Whalen, stepped forward. Mr. Luntz explained that their application remained the same as previously submitted. They were requesting approval to add a modest five-foot second story to the existing commercial structure to make it suitable for Mr. Whalen's business operations.

Mr. Luntz explained that the current building layout could no longer accommodate the business's needs hence seeking to expand the building. He explained that the additional materials submitted for the September 30th meeting showed what could be constructed "as of right" under current zoning regulations. Mr. Luntz explained that essentially a three-story, zoning-compliant building approximately 91 feet long, 26 feet wide at one end, 16 feet at the other, and about 5,800 to 6,000 square feet in total was permissible.

Mr. Luntz emphasized that this by-right alternative would be far more impactful on neighboring properties than the modest addition currently proposed. He noted that the existing building predated the current zoning overlay, which created hardships for the property. Without relief, it would be nearly impossible to make improvements that complied with modern zoning standards.

He also shared that Mr. Whalen had already purchased another property in Cortlandt for his business but would still like to pursue this project. Mr. Luntz explained that if the variance to expand is not granted, Mr. Whelan might have to sell the property, and a new owner could potentially proceed with a much larger, more intrusive build allowed by zoning.

A Board member asked about the rear yard setback for the alternative zoning-compliant plan. Mr. Luntz responded that it would be 30 feet from the property line. When asked whether the existing rear structure could remain, he said it likely could, depending on floor-area-ratio (FAR) compliance.

The Board also asked about potential use of the property. Mr. Luntz said that it had not yet been decided and would depend on market feasibility. He stated it could possibly be commercial space on the first floor with apartments above. It was noted that such development would still require Planning Board review and approval.

Chairperson Wagner then turned the meeting over for public comment. It was stated for the record the hearing had remained open from the previous meetings.

The following members of the public came forward to be heard:

Catherine Ryder of 7 Bank Street spoke first. She reminded the Board that Mr. Whalen's building was constructed before the current zoning code and would not be permitted in its current form today. She opposed the addition, arguing that it would block her neighbor's porch, obstruct views, reduce light, and devalue nearby homes. She expressed concern that if the variance were approved, future owners might eventually build something much larger, as had happened elsewhere in Westchester County.

Laura Constantini, 6 Bank Street, who lives directly behind the property also spoke. She said she respected and liked Mr. Whalen but believed the addition would decrease her property value as well as her privacy, particularly affecting her back porch and interior living spaces.

Alicia Anfiteatro, owner of a neighboring business and resident of 1 Michaels Lane, spoke in favor of the project. She said the plan was modest and consistent with previous variances granted in the area, including one for her own property. She noted that historically, many buildings along Route 9A had been three stories tall before highway construction, and she felt that the proposed design would improve the streetscape of Riverside Avenue. Although she sympathized with neighboring residents, she did not believe the 5 ft increase would significantly impact them and thought it would ultimately benefit the community.

Ed Riely of 110 Truesdale Drive also commented, stating he had no personal stake in the issue but observed that Riverside Avenue was increasingly being redeveloped with taller mixed-use buildings. He predicted that the site would eventually be developed as housing regardless of the outcome and suggested that the applicant consider offering rooftop decks or similar accommodations for neighbors whose views might be affected.

In response to the public comments, Mr. Luntz clarified that the project did not propose building directly at the property line. Further explaining that the existing 1-story garage would remain in place and serve as a buffer between the new addition and the adjacent home. The proposed five-foot second story would be set back the full width of that garage. To make the view more attractive, the applicant proposed adding a green roof over the garage area rather than leaving exposed asphalt. When asked if the proposed height could be reduced, Mr. Luntz explained that five feet was the minimum needed to maintain reasonable ceiling heights, lighting, and space for mechanical systems.

After all comments were heard, Chairperson Wagner closed the public hearing.

The Board discussed and reviewed the Five Factors.

The Board agreed that the project would cause some negative impact on nearby properties, particularly 6 Bank Street. They noted that the applicant could pursue a compliant design instead, though it might result in a larger or taller structure. They found the request to be substantial but did not see any significant environmental harm and acknowledged that the finished building could aesthetically improve the site. The hardship, they agreed, stemmed from the zoning overlay applied to an older, preexisting building.

The Board members discussed whether granting the variance might prevent a more intrusive future development or whether it would simply postpone it. Some believed denying the request could lead to a larger, by-right project, while others emphasized that their decision had to adhere strictly to the legal criteria for granting variances. Ultimately, a motion was made to approve the variance for the five-foot second-story addition and a two-year window to begin construction. The motion failed, and the variance was denied.

The 5 Factors were determined:

1. An undesirable change in the character of the neighborhood and/or 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 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. Weber made a motion for a rear yard variance of 28.67ft for a 2nd story addition to an existing commercial building and a variance for a 2-year period to commence work. Seconded by Mr. Tuman, the motion was denied by a vote of 1-3. Roll Call: Mr. Weber, no, Mr. Tuman, yes, Mr. Mastronardi, no, Chairperson Wagner, no. (Mr. Olcott, absent).

3. NEW BUSINESS

a) Ann Reibel, owner--99 Mount Airy-Located in a RA-40 1-Family Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.13 Block 1 Lot 3. Request for a variance nearer to the street than the primary structure from Village Zoning Code Section 230-40(B) for the legalization of an existing shed.

PRESENT: Ann Palm-Reibel, owner
Janet Brand, Realtor

Ms. Palm-Reibel appeared before the Board to request a variance related to a shed on her property. She explained that she and her late husband had owned the home for many years, but she has since moved to a smaller one-bedroom house following his passing. Ms. Palm-Reibel stated was now preparing to sell the house and was how the issue with the shed was discovered.

The applicant explained that the variance request was for the location of a shed as it sits closer to the street line than the house (primary structure). Ms. Palm-Reibel's friend and real estate agent, Ms. Brand, also spoke, explaining that the current shed replaced an older, dilapidated one that had been on the property for many years. They were uncertain why the original shed had never been permitted but that the replacement shed (existing) was built roughly ten years ago by Ms. Palm-Reibel's late husband.

The Board reviewed the plans and surveys and confirmed that the shed was in the same location as the old one. It was noted that the placement was restricted by the property's topography, that the area behind the primary structure is wooded, hilly, and included a pond, making relocation difficult. It was stated that the shed sits on an elevated area that levels with the driveway to prevent water runoff and erosion.

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

The Board reviewed and discussed the 5 Factors.

The Board found that granting the variance would not produce an undesirable change in the character of the neighborhood nor create a detriment to nearby properties, as the shed is small, screened, and minimally visible from the street. The Board determined that the benefit sought by the applicant could not be achieved by another feasible method because of the lot's terrain and environmental constraints. The requested variance was not substantial, given the scale and position of the shed relative to the property and surrounding uses. The Board further found no adverse physical or environmental effects resulting from the structure's location. Although the condition was deemed self-created in a technical sense, since the shed was replaced without a permit. The Board concluded that this factor alone did not outweigh the others, all of which supported approval.

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 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 variance allowing an accessory structure nearer to the street than the primary structure for an existing shed (accessory structure). Seconded by Chairperson Wagner and carried by a vote of 4-0. Roll Call: Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Mastronardi, yes, Mr. Weber, yes (Mr. Olcott, absent).

b) Raymond LoGiudici, owner-41 Whelan Ave-Located in a RA-5 1-Family Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 3 Lot 47. Request for a side yard and rear yard variance from Village Zoning Code Section 230-40(A)(1)(b) for a proposed shed on an existing cement pad.

PRESENT: Raymond LoGiudici, owner

Mr. LoGiudici, a 28-year resident of the property, appeared before the Board seeking approval to replace an existing 8x10-foot vinyl shed with a new 10x12-foot wooden shed on an existing concrete pad nearer to the property line than allowed. Mr. LoGiudici described the current shed as old and unsightly, that sat on the concrete pad approximately 0.5 feet from the rear property line and 1.3 feet from the side, both within the required setbacks.

Mr. LoGiudici proposed to reuse and slightly expand the existing concrete pad to support the new, larger shed, which would decrease the setbacks. He explained that removing or relocating the pad would be a significant and unnecessary expense, especially given the layout of the corner lot and existing landscaping. The new shed would be constructed of wood and stand about one foot taller than the current shed, reaching approximately nine feet in height.

In support of the application, Mr. LoGiudici submitted letters from neighboring property owners, including 103 Oneida Avenue and 37 Whelan Avenue, expressing no objections to the proposed structure. He also confirmed there had been no prior variance related to the shed, only one from 1996 concerning the main house.

The Board reviewed submitted materials, including the survey map and plans, and discussed the shed's position relative to the property line and nearby fencing. It was noted that the shed would be about two feet from the fence, with neighboring homes situated approximately 50 feet and 5 to 6 feet away on either side.

Chairperson Wagner opened the public hearing. With no members of the public speaking, the hearing was closed.

The Board then discussed the application and reviewed the 5 Factors.

The Board agreed that the requested variances would not produce an undesirable change in the character of the neighborhood, as the wood replacement shed would be more aesthetically consistent with surrounding homes and screened by fencing. The benefit sought by the applicant could not be achieved by a feasible alternative without significant expense or loss of functional yard space. The Board agreed the variance was not substantial, as the change improved existing setbacks and involved only a small accessory structure. The proposed project would not have any adverse physical or environmental effects, since drainage and grading would remain unchanged. Finally, the Board acknowledged that the condition was self-created, as the original shed had been placed without a permit, but found this factor outweighed by the others supporting approval.

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 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. Mastronardi made a motion to grant a rear yard variance of 3.7ft and a side yard variance of 4.5ft be granted for the construction of a shed (accessory structure) on an existing concrete pad. Seconded by Mr. Tuman and carried by a vote of 4-0. Roll Call: Mr. Mastronardi, yes, Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Weber, yes (Mr. Olcott, absent).

c) Joseph Arnow, architect, representative for Peter & Lisa Overmyer, owners—19 Irving Avenue—Located in a RA-5 1-Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.9 Block 2 Lot 23. Request for side yard, total side yard, and front yard variances from Village Zoning Code Section 230-33A for the legalization of an existing chimney and proposed 2nd story addition as well as a side yard variance from Village Zoning Code Section 230-40A(1)(b) for a proposed carport.

PRESENT: Joseph Arnow, architect
Peter Overmyer, owner

Mr. Arnow, architect for Peter and Lisa Overmyer, introduced himself to the Board. Mr. Arnow explained the application and design that proposed to square off the front of the house with a small addition, add a full second story with an attic, and construct a detached carport on the west side. Mr. Arnow noted a new front portico and a replacement rear-yard shed were also shown; both conformed to setbacks and did not require variances.

The house had been originally permitted around 1950 (no certificate of occupancy was found), and the applicants and staff treated it as ruled by the 1931 zoning code (District C, now RA-5). Based on a 1967 survey, the Board noted longstanding nonconformities: a front yard of 14 feet 10 inches (about two inches short of the 15-foot requirement, then and now) and an east-side chimney that projected approximately 25 inches, leaving that side yard short of the 8-foot requirement. Current code measured the chimney face; the 1931 code allowed only an 18-inch chimney encroachment, so the condition had also been nonconforming at the time. It was further noted that the total side-yard requirement in current code also was not met; the 1931 code did not require a combined total.

Mr. Arnow stated that proposed second story would be on the existing wall lines and that the front infill would continue the existing façade line and required only approximately a half-inch of additional front-yard relief to square the face. The detached carport was shown as roughly 10 feet 8 inches wide on the west side, with a full 5-foot side-yard variance that would place the carport roof edge at the property line (i.e., a zero setback). The applicants argued that several nearby homes were two stories, that garages across the street reduced exposed driveway area, and that the adjacent home at 80 Radnor Avenue sat about 45 feet from the shared lot line behind a tall fence, limiting visual impact. Mr. Arnow stated the carport would have open sides and gutters to manage runoff; snow-shedding and roof pitch were discussed.

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

The Board then reviewed and discussed the 5 Factors.

The Board generally found the house additions to be consistent with neighborhood character and largely an “upward” expansion over existing nonconforming lines, with minimal impact and no opposition. Several members expressed concern about the carport’s zero side setback and the precedent it could set; while the fence and neighbor’s distance mitigated visibility, members characterized the carport request as substantial and preferred neighbor input for any structure at the line.

Chairperson Wagner separated the vote for the requested variance.

The Board determined the 5 Factors for the proposed addition to the house:

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 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 not self-created.

MOTION: Mr. Mastronardi made a motion to grant a side yard variance of 2ft, a total side yard variance of 3.1ft and a front yard variance of 0.3ft be granted for an existing chimney and construction of a 2nd story addition. Seconded by Mr. Weber. The motion was carried by a vote of 4-0. All in favor. Roll call: Mr. Mastronardi, yes, Mr. Weber, yes, Chairperson Wagner, yes, Mr. Tuman, yes. (Mr. Olcott, absent).

The Board determined the 5 Factors for the carport:

1. An undesirable change in the character of the neighborhood and/or 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 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 5.0 from Village Zoning Code Section 230-40A(1)(b) for the construction of a carport seconded by Chairperson Wagner. The motion was denied by a vote of 2-2. Roll Call: Mr. Mastronardi, yes, Chairperson Wagner, no, Mr. Weber, yes, Mr. Tuman, no.

The Board did not grant the side-yard variance. The vote was 2–2 with only four members present. It was noted that because it was Mr. Mastronardi’s last meeting and the vote tied, Chairperson Wagner stated the carport portion of the application would need to be completely re-heard before a reconstituted Board, with full re-notice. Further noting that the applicants could proceed with the building permit application for the house but would need to return to the ZBA to be re-heard solely for the carport if they wish to keep the existing proposed plan.

d) *Peter Schuyler, attorney, representative for Marlene Galazin, owner—12 Hunter Place-Located in a RA5 1-Family Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.8 Block 4 Lot 23. Request for side yard, total side yard, and front yard variances from Village Zoning Code Section 230-33A for the legalization of an existing front entryway and side addition as well as the legalization of an existing deck and a side yard variance from Village Zoning Code Section 230-40A(1)(b) for the legalization of an existing shed.*

PRESENT: Peter Schuyler, attorney

Marlene Galazin, owner

Mr. Schuyler, attorney for the applicant Ms. Galazin, appeared before the Board to request several variances for her property located on Hunter Place. Before addressing the specifics of the application, Mr. Schuyler submitted letters of support from adjacent neighbors at 14 Hunter Place and 11 Hunter Place and reported that the owner of 10 Hunter Place, the immediately adjacent neighbor, had verbally expressed support as well. He also corrected the record regarding Ms. Galazin’s residence at the property, clarifying that she had owned and occupied the home since 1979, not 40 years as initially indicated.

The applicant was seeking to legalize pre-existing conditions associated with the primary structure and a small shed. Specifically, Ms. Galazin requested variances for side yard, total side yard, and front yard setbacks to legalize a single-room side addition and a modestly projecting enclosed front entry. Of which

both had existed since before her purchase of the property. Additionally, she sought a side yard variance for a small shed as described was located on the steep downslope side yard near a tall retaining wall. It was stated that the lot was narrow and steeply graded, and there was no garage or practical alternative location for the shed. Mr. Schuyler explained that an older shed on the lower yard had been removed years earlier.

Mr. Schuyler provided historical context for the property, noting that early 20th-century subdivision maps showed “walk” strips that the Village never accepted. A portion of Ms. Galazin’s home extended onto one such strip. Prior to the COVID-19 pandemic, Ms. Galazin obtained a court decision for title to that portion of the land via adverse possession. The Board confirmed that this title issue had since been resolved and that the relief being sought pertained solely to zoning setbacks.

Chairperson Wagner opened the public hearing. With no comment, the hearing was closed.

The Board discussed and reviewed the five factors.

The Board found that the requested variances would not result in an undesirable change to the character of the neighborhood. The additions to the house had existed for approximately 50 years without issue, and the shed, set behind the house near a high wall, was minimally visible from both the street and neighboring properties. The Board concluded there were no feasible alternatives. Legalizing the existing home conditions without a variance would require partial demolition, and relocating the shed would be impractical due to the lot's steep terrain and narrow configuration. Furthermore, while the variances were numerically substantial, the Board weighed the context and long-standing nature of the house’s conditions, as well as the negligible visual and spatial impact of the shed. The Board discussed and found no evidence of adverse physical or environmental impacts resulting from the variances. Lastly, they agreed that the difficulty was not self-created for the primary structure, as the conditions predated the applicant’s ownership and involved cured title complications. However, the shed variance was considered self-created, though mitigated by significant site constraints and minimal impact. The Board acknowledged the support letters submitted.

The Five 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 self-created.

MOTION: Mr. Mastronardi made a motion to grant a side yard variance of 6.8ft, a total side yard variance of 10.3ft, and a front yard variance of 1.3ft be granted for the legalization of an existing front entryway, side addition and for the legalization of an existing deck as well a side yard variance from Village Zoning Code Section 230-40A(1)(b) for an existing shed. Seconded by Mr. Weber. The motion was carried by a vote of 4-0. All in favor. Roll call: Mr. Mastronardi, yes, Mr. Weber, yes, Chairperson Wagner, yes, Mr. Tuman, yes. (Mr. Olcott, absent).

4. APPROVAL OF MINUTES

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

Chairperson Wagner postponed the approval of the August 26, 2025 minutes, until a quorum with Mr. Olcott would be present.

Before adjourning the meeting, Chairperson thanked Mr. Mastronardi for his years of volunteer service on the Board.

5. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 8:48pm.

Respectfully Submitted By,

Stefanie Correale
Secretary to the Zoning Board of Appeals