

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, DECEMBER 16 2025**

PRESENT: Christine Wagner, Chairperson
Daron Weber
Jim Tuman
Doug Olcott
William Goldsmith

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE
Stacey Natchler, Village Board Liaison

1. CALL TO ORDER at 7:02 p.m.

2. NEW BUSINESS

a) Joseph Arnow, architect, representative for Noelle Sirico & John O'Brien, owners—21 Elmore Ave—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 a total side yard variance from Village Zoning Code Section 230-33A for a proposed rear shed dormer addition.

PRESENT: Joseph Arnow, architect
Noelle Sirico & John O'Brien, owners

Mr. Arnow introduced himself to the Board as the architect representing John O'Brien and Noel Sirico, the owners of 21 Elmore Avenue.

Mr. Arnow stated that the existing house was a one-and-a-half-story dwelling. The proposal is for a rear dormer addition to increase headroom and usable space. The addition would also enlarge an existing bedroom and allow for a full bathroom.

The applicant explained the home was originally constructed in 1950 and at the time was governed by the 1931 Zoning Code, at which time it complied with zoning requirements. He added It is located in RA-5 residence district.

In November 2001, the Zoning Board of Appeals granted a west side yard variance due to the chimney encroachment. At the time of construction, the building complied with the 1931 code, which allowed a chimney exception of 18 inches.

Mr. Arnow explained that after 2001, the zoning code was amended to require a 20-foot total side yard setback. And that the existing primary structure currently has 17.4 feet total side yard setback which is non complaint, therefore they were requesting a 2.6-foot total side yard variance (for the structure as it exists). It was importantly noted that the proposed dormer does not increase any front, rear, or side yard encroachments beyond what already exists. Noting from a structural standpoint, the most efficient approach is to build on top of the existing exterior walls. Because those walls already have nonconforming setbacks, the variance is necessary.

Mr. Arnow added that they studied the surrounding neighborhood and found that several one-and-a-half-story homes nearby have added dormers. He used 25 Elmore Avenue as an example stating it had a front dormer. And that their proposed design is consistent with neighborhood character.

Mr. Arnow expressed their stance that: The variance is not substantial There will be no adverse environmental or neighborhood impact. That the hardship was not self-created

The Board then asked the applicants questions.

The Board asked for confirmation that the dormer would not block any river views from neighboring properties. Mr. Arnow confirmed that was correct stating it was a shallow-pitch roof at the rear and it would not be visible from the front. Mr. Arnow stated did not anticipate any impact on views. The Board agreed that any alterations would trigger a variance. The Board then asked if because of the post-2001 side yard requirement, any addition would require a variance, correct? Mr. Arnow responded. "Yes." Elaborating that any modification to the structure would require compliance with current zoning, which is why they were present requesting the variance for the proposed addition.

The Board then confirmed that the applicant would not be increasing the degree of nonconformity Mr. Arnow stated that was correct.

Chairperson Wagner then opened the public hearing. With no one being heard, the public hearing was closed.

The Board then discussed and reviewed the 5 factors.

The Board agreed that granting the requested area variance did not produce an undesirable change in the character of the neighborhood nor created a detriment to nearby properties, as the proposed rear dormer was consistent with other one-and-a-half-story homes in the area that had added dormers and did not increase any existing yard encroachments or visibility from the street. The Board further discussed and agreed that the benefit sought by the applicant (additional headroom and functional living space), could not be achieved by any feasible method other than granting the requested variance, as any modification to the existing nonconforming structure required compliance with post-2001 zoning regulations. The requested 2.6-foot total side yard variance was not substantial, as it related solely to an existing condition and did not increase the degree of nonconformity. Additionally, the Board found that the proposed dormer did not have an adverse effect on the physical or environmental conditions of the neighborhood, including impacts to river views, light, or air. While the hardship was determined to be technically self-created, the Board noted that the need for the variance resulted primarily from zoning code changes adopted after the dwelling was lawfully constructed, making the hardship unavoidable.

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 a 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 total side yard variance of 2.6 ft for the construction of a rear shed dormer addition. Seconded by Chairperson Wagner. All in favor 5-0. Roll Call: Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Olcott, yes, Mr. Weber, yes, Mr. Goldsmith, yes.

b) Norm Jansa, of Westchester Modular Homes Construction Corp., representative for Rosanne MacDonald, owner—43 Riverview Trail-Located in a RA25 1-Family Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 2 Lot 11. Request for a variance from Village Zoning Code Section 230-40(B) to allow for a proposed accessory structure (cottage) nearer to the street than the primary structure and for a height variance from Village Zoning Code Section 230-40A(1)(a) for a proposed pre-fabricated accessory structure (cottage).

PRESENT: Norm Jansa, Westchester Modular
Roseanne MacDonald, owner
Annette Forte, daughter of owner

Norm Jansa of Westchester Modular Homes Construction Corp. appeared before the Board as the representative for the owner, Rosanne MacDonald, for the property located at 43 Riverview Trail.

Mr. Jansa explained to the Board that the proposed project requiring a variance involved removing an existing, long-vacant accessory structure and replacing it with a new (proposed) accessory dwelling unit. The applicant further explained that the primary residence is set back approximately 45.7 feet from the street, while the proposed ADU would be located approximately 24 feet 5 inches from the street, requiring a front-yard setback variance of approximately 21 feet 2 inches. In addition, the zoning code permits a maximum accessory structure height of 15 feet, whereas the proposed structure (cottage) would have a height of 18 feet 3 inches, necessitating a height variance of 3 feet 3 inches. And were therefore requesting variances to permit the proposed accessory dwelling unit (cottage) to be located closer to the street than the primary residence and for to allow a height increase for the proposed pre-fabricated accessory structure. Mr. Jansa noted that the property was located on a dead-end street with limited

visibility from neighboring properties and significant privacy. He further explained that the topography behind the proposed location was extremely steep, making construction further back on the lot impractical due to the need for excessive excavation and foundation work. The applicant further noted that rebuilding in the existing location would minimize disturbance (environmental impact) to the site.

Ms. Forte addressed the Board and stated that the purpose of the cottage was to allow her to live on the property to support her mother, who has lived in the Village for more than 15 years and was recently widowed. Ms. Forte explained that she is currently constrained by the terms of her apartment and could not move into the main house due to pets. She further stated that the existing cottage had not been occupied since approximately 1986 and was delapidated and unsafe, emphasizing that any replacement would be a substantial improvement to the property.

During Board discussion, it was noted that the existing structure was estimated to be approximately 12 to 13 feet in height. The proposed cottage would have a larger footprint but would remain compliant with the maximum 800 square feet permitted under the ADU regulations and would contain one bedroom and an office. Mr. Jansa explained that the additional height was requested primarily to allow the roof pitch to match the primary residence, avoid a box-like appearance, and provide functional interior and storage space. Board members questioned whether alternative designs could comply with the height requirement, and Mr. Jansa acknowledged that other designs exist but reiterated that the proposed design best achieves architectural consistency with the main house. Ms. Forte and Ms. MacDonald emphasized that matching the roof pitch and overall appearance was important for neighborhood compatibility and for the functional need of storage.

Chairperson Wagner opened the public hearing. Stacey Nachtaler, serving as the Board of Trustees liaison, came forward to ask questions regarding parking and site design (marked gravel area). Mr. Jansa and Ms. MacDonald explained that the property has a large existing driveway capable of accommodating multiple vehicles and that no street parking would be required. A proposed gravel area was described as optional and intended primarily to allow vehicles to pull closer to the front steps for unloading groceries. The Board noted that detailed review of parking and site layout would occur during the Planning Board review process.

Hearing no further public comment, the hearing was closed.

The Board discussed precedent for height variances related to accessory dwelling units, aesthetic consistency with primary residences, and neighborhood impacts. Board members noted that the property was located at the end of a cul-de-sac and that the existing accessory structure has long been considered an eyesore. Chairperson Wagner observed that, given the steep topography behind the structure, relocating the ADU further back on the lot would be impractical and potentially impossible. The Board agreed that the proposal was designed to “tuck in” appropriately and minimize visual impact on the neighborhood.

The Board then reviewed the five factors.

The Board discussed and agreed that granting the variances would not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. In fact, it was agreed that replacing a dilapidated, unoccupied structure with a well-designed, code-compliant ADU would improve the appearance of the property and maintain neighborhood character. The Board also considered the reported verbal neighbor support and the property’s location on a dead-end street.

The Board acknowledged that the benefit sought by the applicant could potentially be achieved without a height variance, the proposed height allows for architectural consistency with the primary residence,

avoids an unattractive box-like design, and provides necessary interior functional space and storage, while remaining within the 800-square-foot limit. Furthermore, the Board found that the front-yard setback variance was substantial; however, the impact was mitigated by the existing placement of the structure, the unique topography of the lot, and the limited visibility from surrounding properties. The Board concluded that the proposed variances would not have an adverse effect on physical or environmental conditions in the neighborhood, as the project avoids additional excavation, does not require street parking, and utilizes existing site conditions. Lastly, the Board acknowledged that the difficulty was self-created, as the need for variances arose from the applicant's proposal; however, this factor alone did not outweigh the other considerations supporting the application.

The Board determined the Five 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 and in fact will be an improvement.
2. The benefit sought by the applicant can be achieved by a method other than the requested variance; in terms of height, but the proposed structure provides aesthetic consistency and storage and the structure is within the 800 sq ft requirement.
3. The requested variance is substantial in terms of the structure (cottage) being in the front of the primary structure but mitigated by the location and topography.
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 a variance to allow for a proposed accessory structure (cottage) nearer to the street than the primary structure and for a height variance of 3ft 5 inches. Seconded by Mr. Olcott. All in favor 5-0. Roll Call: Chairperson Wagner, yes, Mr. Olcott, yes, Mr. Tuman, yes, Mr. Weber, yes, Mr. Goldsmith, yes.

c) Discussion Item-Review Zoning Board of Appeals Rules & Procedures

Chairperson Wagner led the discussion on reviewing the Board's Rules & Procedures. After review and discussion the key changes were as follows:

- Remove fixed meeting date/time language
- Clarify meeting scheduling flexibility
- Remove liaison references (not applicable)
- Clarify adjournment procedure (by Chair)
- Reorganize minutes documentation section

MOTION: Chairperson Wagner made a motion to approve the amended Zoning Board of Appeals Rules & Procedures as discussed. Seconded by Mr. Olcott. All in favor 5-0. Roll Call: Chairperson Wagner, yes, Mr. Olcott, yes, Mr. Tuman, yes, Mr. Goldsmith, yes, Mr. Weber, yes.

3. APPROVAL OF MINUTES

Chairperson Wagner made a motion to approve the Minutes of October 28, 2025. Seconded by Mr. Tuman. All in favor (5-0). Roll Call: Chairperson Wagner, yes, Mr. Tuman, yes, Mr. Olcott, yes, Mr. Goldsmith, yes, Mr. Weber, yes.

Prior to adjournment, Mr. Wegner, Assistant Village Engineer and Board members thanked Chairperson Wagner for her time and dedication to serving as the Chair of the Zoning Board of Appeals.

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:39 p.m.

Respectfully Submitted,

Stefanie Correale
Secretary to the Zoning Board of Appeals