

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS
TUESDAY, JANUARY 20, 2026**

PRESENT: James Tuman, Chairman
Doug Olcott
Daron Weber
Bill Goldsmith
Ethan Lewis

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

1. CALL TO ORDER at 7:01p.m.

Chairman Tuman called the Zoning Board of Appeals meeting to order at 7:01 p.m.

The Chairman stated that two items had originally been scheduled; however, the applicant for 52 Mount Airy Road had requested an adjournment to the February 17, 2026 meeting. The request was submitted late afternoon via email on January 20, 2026. Accordingly, the application would not be heard that evening.

Members of the public present for the 52 Mount Airy Road matter asked whether there would be any movement on the project prior to the next meeting. The Board responded that there would be no action related to the request before the Zoning Board of Appeals. The Board explained that the Zoning Board review is the first step in a multi-step approval process that will take time. The Board further noted that there were existing permits for previously approved work on the property; therefore, some construction activity unrelated to the pending Zoning Board application could occur.

Additional concerns and requests were raised regarding site activity, including tree removal and potential permit requirements as well as site visit of neighboring properties, including 48 Mount Airy Road. The Board stated that it would be premature to comment or conduct a site visit without a formal application before it. The Board indicated that no decisions would be made until the application was before the Board where a public hearing would then be opened.

2. NEW BUSINESS

a) Norm Jansa, of Westchester Modular Homes Construction Corp., representative for Rosanne MacDonald, owner—43 Riverview Trail—Located in a RA25 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 230-41(G) to allow for an accessory structure (cottage) with access observable from the street.

PRESENT: Norm Jansa, Westchester Modular
Roseanne MacDonald, owner

Annette Forte, daughter of owner

Mr. Jansa, representative for Ms. MacDonald stated that this was their second appearance before the Board regarding the proposed detached cottage (ADU) of which received approved variances on December 16, 2025. Mr. Jansa explained that the Engineering Department after further review reached out and advised that the front door access (as shown on original plans) should not be located on the façade facing the street. He added that the request for the variance to allow for access to be street-facing was not part of their original application heard in December 2025, as they did not know at the time it was necessary. Mr. Jansa noted that they had interpreted the zoning code to prohibit only an accessory apartment attached to a primary residence from having a street-facing entrance, and did not believe that the restriction applied to a detached accessory dwelling unit (ADU) or cottage. However, as noted by the department they were present to request a variance to allow the ADU's front door to remain on the street-facing façade.

The applicant stated that the structure was a detached cottage, not an attached apartment; that precedent existed within the Village of ADUs with street-facing doors; and that the proposed configuration avoided door-facing-door conflicts. The applicant further stated that placement of the door on the side would be impractical due to site constraints, including topography, existing mounds used for garbage receptacles, and three large propane tanks serving a generator. It was added that relocating the door would require additional excavation and grading and would create functional and safety concerns.

Mr. Tuman asked for clarification regarding whether the code's reference to access applied generally to accessory structures or specifically to accessory apartments.

The Board confirmed that the design showing the door facing the street had existed on the plans submitted for the December meeting and that no changes had been made since that submission. The Board acknowledged that the prior approvals granted by the Board included a height variance and a variance to allow for accessory structure (cottage) to be closer to the street than the primary structure and that the door placement issue had not been specifically addressed at that time.

The Board noted aesthetic considerations, site constraints, safety concerns, and consistency with neighborhood character. Members agreed that relocating the door to the side would appear awkward and could create functional and safety issues given the proximity of propane tanks and site grading constraints.

Chairman Tuman opened the public hearing. There being no comments from the public, the hearing was closed.

No additional questions were raised.

The Board then discussed and reviewed the five factors.

The cottage had previously received height and setback variances, and the door placement as shown on plans previously submitted to and reviewed by the Board. The street-facing entrance was consistent with residential design in the area and would not alter the scale, mass, or use of the structure. The Board further found that the entrance location would not generate additional visual impacts beyond what had already been approved. The Board agreed that although the door could physically be relocated to the side of the structure, they agreed that doing so would not be practical and would create aesthetic and functional issues. Further acknowledging that the side of the cottage contained garbage receptacle mounds and propane tanks and that relocating the entrance would require additional excavation and grading due to the topography limits and would place the entrance near mechanical equipment. The Board determined that such relocation would be awkward in appearance and potentially raise safety concerns. Therefore,

while technically feasible, alternative placement of the front door (access) would not reasonably achieve the benefit sought by the applicant without significant drawbacks.

The Board then discussed and agreed that the variance was not substantial. The request involved only the placement of a door on a detached accessory cottage and did not involve additional square footage, increased height, or further setback encroachment beyond what had already been approved. The overall footprint and bulk of the structure remained unchanged. Furthermore, The Board agreed that the proposal did not involve additional disturbance of land beyond what had already been approved in December. In fact, it was decided that requiring relocation of the door could necessitate further excavation and grading. The approved placement minimized site disturbance and avoided interference with existing site features. Lastly, the Board acknowledged that the difficulty was self-created in that it arose from the applicant's design and interpretation of the zoning code.

The Five Factor were determined as followed:

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 would not be aesthetically pleasing.
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. Olcott made a motion to grant a variance to allow for an accessory structure (cottage) with access observable from the street. Seconded by Mr. Goldsmith. All in favor 5-0. Roll Call: Mr. Olcott, yes. Mr. Goldsmith, yes. Chairman Tuman, yes. Mr. Weber, yes., Mr. Lewis, yes.

Prior to the next order of business, there was additional public inquiry regarding the 52 Mount Airy Road application scheduling.

Members of the public inquired about scheduling concerns due to school vacation conflicts.

The Board explained that application timing is dependent on the applicant's submission and the regular meeting schedule. The Board noted that it would be unusual for a matter of this complexity to be resolved in a single meeting and that a site visit is likely once a formal application was heard.

The Board further explained that once opened, the public hearing would remain open across meetings if necessary. It was also mentioned that community members would have opportunities to speak at future meetings. Written, submitted comments would be placed on record.

3. APPROVAL OF MINUTES

Mr. Goldsmith made a motion to approve the Minutes of December 16, 2025. Seconded by Mr. Weber. All in favor (5-0). Roll Call: Chairman Tuman, yes, Mr. Olcott, yes, Mr. Goldsmith, yes, Mr. Weber, yes.

4. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 7:23 p.m.

Respectfully Submitted,

Stefanie Correale
Secretary to the Zoning Board of Appeals