

**VILLAGE OF CROTON-ON-HUDSON
ZONING BOARD OF APPEALS
DRAFT MINUTES OF TUESDAY, MARCH 17, 2026**

PRESENT: James Tuman, Chairman
Ethan Lewis
Matt Berger
Patrick Turner, Alternate

ABSENT: Bill Goldsmith
Doug Olcott

ALSO PRESENT: Ron Wegner, Assistant Village Engineer, PE
Len Simon, Village Board Liaison
Jeanette Koster, Associate Village attorney

1. CALL TO ORDER

At 7:03pm Chairman Tuman stated before beginning the meeting the Board would be entering into an advice of counsel. The Board exited the meeting room. The Board and counsel returned at 7:17pm. At that time Chairman Tuman called the meeting to order. He announced the public hearing for 52 Mt. Airy Rd remained open and then invited the applicant forward to share about new materials submitted.

2. OLD PUBLIC HEARING

a) 52 Mt Airy Rd, LLC, owner--52 Mt. Airy Road—Located in a RA25 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.17 Block 1 Lot 3. Request for (2) lot area variances from Village Zoning Code Section 230-33A for a proposed subdivision.

PRESENT: Kory Salomone, Attorney Zarin & Steinmetz
Andrew Cortese, Owner
Michael Mastrogiacomo, P.E.

Chairman Tuman invited the applicant's team to present additional information. Mr. Salomone, Attorney with Zarin & Steinmetz, introduced Mr. Cortese, applicant and Mr. Mastrogiacomo, engineer, and turned the discussion over to Mr. Mastrogiacomo regarding site grading and design updates. The Board reviewed the proposed house height, noting the requirement of a maximum of 2.5 stories or 35 feet, measured from the front grade to the average height between the eave and peak. It was discussed that the basement/parking level is at elevation 250, with the roof peak approximately at elevation 286. Mr. Mastrogiacomo explained that height is calculated from the average front grade and confirmed that adjustments would be made to ensure compliance. He acknowledged the structure may sit slightly above the rear property line but referenced renderings showing the house fitting into the natural slope, adding that roof pitches remain under development and the final height may be reduced.

Chairman Tuman reviewed the applicant's submission letter and questioned the conclusion that tree removal would have no significant environmental impact. Mr. Salomone stated that removal of approximately 30 trees is typical for single-family home construction and emphasized that the project does not involve clear-cutting. Chairman Tuman challenged the lack of environmental analysis. Mr. Mastrogiacommo responded that, based on experience, the site would be improved with a comprehensive replanting plan designed to benefit the environment, though the Board expressed skepticism that proposed hardscape improvements would outweigh existing natural conditions. Mr. Lewis asked whether the project could be designed to reduce the number of trees removed. Mr. Mastrogiacommo explained that tree removal is necessary to properly grade the site, stabilize slopes, and implement drainage improvements, and that mitigation plantings are included.

The Board further questioned the house placement and long driveway resulting from the subdivision layout of which could create unnecessary environmental impacts. Mr. Mastrogiacommo stated that house placement was driven by zoning setbacks and site constraints, including the location of an existing septic system. Mr. Cortese added that the front portion of the lot is narrow, making it difficult to site the house closer to the road. The Board suggested that an alternative subdivision layout or repositioning of the house could reduce driveway length and tree removal, even if additional variances were required. Mr. Salomone reiterated that the current plan seeks minimal variance relief; however, the applicant acknowledged that the house location could be reconsidered.

The Board then discussed steep slopes and retaining walls, with Chairman Tuman noting that some walls appear to be approximately 10 feet or more in height. Mr. Mastrogiacommo explained that the walls were designed to minimize fill and disturbance, and that relocating the house forward could reduce their size. Mr. Cortese noted that the rear placement was intended to minimize variance requests, but agreed that adjustments could be made.

Regarding stormwater management, Mr. Mastrogiacommo stated that the system was designed to meet 100-year storm standards, utilizing drywells, stormwater chambers, and pre-treatment measures. He explained that maintenance would generally involve annual inspection, with debris captured in upstream structures. The Board also discussed the potential use of permeable materials to reduce runoff, with the applicant indicating that hardscape design is still being finalized. In response to a question about relocating the house forward, Mr. Mastrogiacommo indicated that stormwater infrastructure requirements would likely be reduced, though final design would depend on code compliance.

Chairman Tuman concluded that significant uncertainties remain, particularly regarding environmental impacts, grading, drainage, and site design, which are more appropriately addressed by the Planning Board.

MOTION: Chairman Tuman made a motion to refer the application to the Planning Board for environmental review and recommendation. Seconded by Mr. Lewis and approved unanimously (4-0). Roll Call: Chairman Tuman, yes, Mr. Lewis, yes, Mr. Berger, yes, Mr. Turner, yes. (Mr. Goldsmith, absent).

The public hearing remained open, and Chairman Tuman stated that public comments would continue to be accepted for the record while the application proceeds to the Planning Board. Mr. Salomone agreed that further review would allow refinement of the house placement. Chairman Tuman then invited the public forward to speak on the application. The following members of the public came forward to speak in opposition of the application:

Ed Ward, 55 Quaker Bridge Road

Mr. Ward read a memo submitted by Stuart Greenbaum and Karen Sevell, who were unable to attend. The memo (statement) objected to the application and argued that it was improperly classified as a Type II action under SEQRA to avoid environmental review. He contended that because the project involved the creation of a new lot and construction of a new residence, it should instead be treated as an Unlisted Action requiring full SEQRA review. He further requested that the Board retain an independent engineering consultant due to the

project's environmental and technical complexities. Additional concerns were raised regarding potential impacts on nearby properties, including structural risks from blasting, changes to neighborhood character, and misleading characterization of the variance as minimal. He concluded that the application is incomplete and should be denied based on the lack of necessary studies and the potential for significant adverse impacts.

Gabriella Mirabelli, 21 Mountain Trail

Ms. Mirabelli argued that the applicant failed to meet the legal standard for granting variances, stating that a hardship must be unique and not self-created. She asserted that purchasing a nonconforming lot with the intent to subdivide does not constitute a valid hardship and emphasized that the applicant's proposal is a business decision rather than a necessity. She urged the Board to deny the application.

Reuben Daley, 67 Mt. Airy Rd S

Mr. Daley spoke about the ecological impacts of the project, emphasizing the importance of mature trees for habitat and stormwater management. He criticized the proposed replanting plan as insufficient, noting that non-native or young trees cannot replicate the environmental benefits of mature trees. He highlighted the role of existing trees in supporting local wildlife and urged preservation of the site.

Vincent Cohan, 8 King Street

Mr. Cohan expressed concern about neighborhood character and precedent. He referenced prior statements by the applicant and questioned their commitment to the community. He noted the increasing number of trees proposed for removal over time and emphasized the importance of trees for slope stability. He characterized the hardship as self-imposed and requested denial of the application.

Orly Daley, 67 Mt. Airy Rd S

Ms. Daley described visible impacts from recent tree removal, stating that the site had already been significantly altered. She expressed concern about the cumulative removal of 50–60 trees and the long-term environmental effects. She also referenced the importance of the area's natural environment to local families and children.

Ashley Steele, 56 Mount Airy Rd S

Ms. Steele spoke about the historic character of the neighborhood and her family's long-term residency. She emphasized the significance of the area's architectural history and natural environment, including wildlife and mature trees. She expressed concern that the proposed subdivision would disrupt the character and quality of life in the neighborhood and urged denial.

Shari Trewin, 25 Mountain Trail

Ms. Trewin urged the Board to deny the application, stating that her property had already been negatively impacted by a prior variance approval. She echoed concerns about adherence to zoning rules and the precedent of granting additional variances.

Dan Cayer, 40 South Mount Airy Rd S

Mr. Cayer referenced video evidence submitted to the Board showing flooding conditions in the area. He expressed concern that additional tree removal would exacerbate drainage issues and increase flooding risks for neighboring properties. He questioned why surrounding homeowners should bear the impact of the proposed development.

David Steele, 56 Mount Airy Rd S

Mr. Steele reiterated concerns from prior meetings, emphasizing the loss of natural habitat and neighborhood character. He stated that the property is unique within the area and that the proposed development is inconsistent with surrounding homes. He expressed concern that neighbors would bear the long-term impacts.

Mike Knaggs, 71 Mount Airy Rd S

Mr. Knaggs acknowledged the Board's efforts and referenced his own experience complying with tree

removal regulations. He questioned whether the same level of scrutiny had been applied to this application and suggested that alternative site designs, such as relocating the house, should be more thoroughly considered.

Claire Hilbert, 60 Mount Airy Rd S

Ms. Hilbert discussed the historic significance of the neighborhood, noting the age of homes and the unique character of the area. She expressed concern that the proposal fails to account for the site's historical and environmental context and described the application as inconsistent with the area's character.

In response, Chairman Tuman and Board members explained that many of the issues raised required detailed technical and environmental review more appropriately conducted by the Planning Board. It was clarified that while the Planning Board would provide a recommendation and may serve as lead agency for environmental review, the Zoning Board of Appeals would retain final authority on the variance request. Ms. Koster further explained that the referral would allow for a more comprehensive record and ensure that all relevant factors, including environmental considerations, were properly evaluated before a final determination was made. Village representatives also confirmed that professional consultants, including engineers and other experts, would be involved in the review process and that applicable local laws, including the tree preservation law, would be enforced.

Additional questions from the public addressed issues such as liability, oversight of arborist recommendations, and procedural steps moving forward. The Board reiterated that the application remained under review, that no final decision had been made, and that further public input would be accepted as the process continued.

The public hearing remained open, and the application was formally referred to the Planning Board for further review and recommendation.

3. NEW PUBLIC HEARING

a) Joseph Arnow, architect representative for Meredith Korn, owner--59 Sunset Drive—Located in a RA5 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.05 Block 3 Lot 18. Request for side yard, total side yard, and lot width variances from Village Zoning Code Section 230-33(A) for a proposed 2 ½ story rear addition.

PRESENT: Joseph Arnow, Architect
Meredith Korn, Owner

Mr. Arnow introduced himself to the Board as the representative for Mr. & Mrs. Korn, applicants. He stated that they were seeking side yard, total side yard, and lot width variances in connection with a proposed 2.5-story rear addition and new deck. Mr. Arnow explained that the existing home, built in 1929 prior to current zoning regulations, was nonconforming with respect to side yard setbacks. He stated that the proposed addition is located at the rear of the property and would not be visible from the street, and that the design seeks to integrate with the existing structure while maintaining consistency in architectural appearance. He further noted that the roofline at the rear would be lower and that neighboring properties are set at a sufficient distance to mitigate impacts.

Chairman Tuman asked what could be constructed as-of-right, and Mr. Arnow responded that a smaller addition of approximately 3.3 feet could be built but would not align with the existing structure. Chairman Tuman noted that the deck could potentially be reduced. Ms. Korn explained that the property had previously been part of a larger parcel that was subdivided, and that the adjacent property owners, who sold them their home, had no objection to the proposal. Mrs. Korn added that a variance had previously been granted in 2013.

The Board clarified that the project would expand the rear of the home to create a larger kitchen, with an added bathroom and bedroom above, resulting in an approximate increase of 615 square feet.

With no further questions from the Board, Chairman Tuman opened the public hearing.

Bernard Yozwiak of 64 Sunset Drive spoke in opposition, stating that he lives diagonally across from the property and had previously been denied a similar variance. He expressed concern that the proposed addition, particularly as shown in the renderings, would obstruct his existing view of the Hudson River. He suggested that the addition could be narrowed or that the roofline could be altered to reduce its visual impact. He also inquired about potential tree removal and raised concerns about traffic and parking conditions near the intersection of Lexington Drive and Sunset Drive. In response, the applicant stated that no trees would be removed and that driveway conditions would remain unchanged, noting that widening or altering parking was not feasible.

Mr. Arnow acknowledged design constraints, stating that the proposed layout is already tight and that further reductions or alterations to the roofline or building width would compromise the functionality of the interior spaces. He discussed potential modifications to the roof design with the Board and the neighbor but indicated that such changes would be limited. Mr. Lewis clarified that the primary variance request pertains to the left side yard and noted that some construction could proceed as-of-right, though the total side yard requirement necessitates relief.

Steve Krisky of 49 Sunset Drive spoke in support of the application, stating that such rear expansions are typical in this zoning district due to narrow lot conditions. He noted that similar variances have been granted in the past and that the proposal is consistent with neighborhood development patterns. He also addressed prior comments regarding traffic, attributing visibility issues at the nearby intersection to existing landscaping rather than the proposed project, and characterized the application as reasonable for a growing family.

With no additional comment being heard, the public hearing was closed upon a motion by Mr. Lewis, seconded by Mr. Berger, and approved unanimously by a vote of 4-0.

During Board deliberation, members discussed the three requested variances and expressed general comfort with the application, though Mr. Berger indicated a desire to further assess potential impacts on river views. Chairman Tuman stated that a site visit would be conducted within the following weeks to better evaluate the conditions, after which the Board would reconvene to consider the application and render a decision. The applicant noted that any redesign to reduce height or alter the roofline would increase costs and may not achieve the intended functional layout, and reiterated that as-of-right construction could still impact neighboring views. The Board agreed to continue its review following the site visit before rendering a final decision.

4. APPROVAL OF MINUTES

Mr. Berger made a motion to approve the Minutes of February 17, 2026. Seconded by Mr. Tuman. Vote 3-0. (Mr. Olcott, absent, Mr. Goldsmith, absent, Mr. Turner, recused).

5. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:24 p.m.

Respectfully Submitted By,

Stefanie Correale
Secretary to the Zoning Board of Appeals