

**VILLAGE OF CROTON-ON-HUDSON
ZONING BOARD OF APPEALS
DRAFT MINUTES OF TUESDAY, SEPTEMBER 15, 2026**

PRESENT: James Tuman, Chairman
Matt Berger
Doug Olcott
Bill Goldsmith
Ethan Lewis

ALSO PRESENT: Patrick Turner, Alternate Zoning Board Member
Ron Wegner, Assistant Village Engineer, PE
Len Simon, Village Board Liaison

1. CALL TO ORDER at 7:03 p.m.

2. NEW PUBLIC HEARING

a) Matthew Robinson, owner—8 Newton Court—Located in a RA-25 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.10 Block 2 Lot 4.21. Request for a front yard variance from Village Zoning Code Section 230-33A for an existing gazebo and a variance from Village Zoning Code Section 230-40(B) to allow for an existing accessory structure (gazebo) nearer to the street than the primary structure.

PRESENT: Matthew Robinson

Mr. Robinson, introduced himself to the Board and stated that he was present to request two variances for an existing gazebo located in the front yard of the property, closer to the street than the primary residence. Mr. Robinson noted that his wife was unable to attend because she was presenting at the Caring Committee.

Mr. Robinson stated that the gazebo had been in place for more than 13 years and was constructed during their ownership. He shared that he and his wife have lived at the property for 22 years. He explained that the residence was completely demolished following a house fire on May 7 of the previous year, and the gazebo was the only structure remaining from the fire. He noted that the gazebo held significant sentimental value for his wife and that they wished to retain it.

Mr. Robinson acknowledged that a building permit had not been previously obtained for the gazebo, explaining that he had not realized a permit was required at the time of construction. He stated that permits had been obtained for other improvements to the property, including the kitchen, plumbing, bathroom renovation, and retaining wall. He further explained that resolving the variance application was necessary to obtain the Certificate of Occupancy for the reconstructed home.

Ron Wegner, Assistant Village Engineer identified the two requested variances as: a variance to permit an accessory structure to be located closer to the street than the primary residence and a front-yard variance of 11.8 feet.

During discussions, the Board asked about the gazebo's distance from the street and the property line. It was clarified that the 28.17-foot measurement shown on the plans was to the property line and that a grass strip between the curb and property line was located within the Village right-of-way. The Board also confirmed that the house was being reconstructed on the existing foundation.

The Board then asked if the applicant had neighbor support. Mr. Robinson explained that he had obtained signatures from the neighbors around his driveway, who had a view of the gazebo. He stated that neighbors behind the property who could not see the front of the house were not included. He offered to obtain additional signatures if needed.

Chairman Tuman asked if the Board had further questions. No additional questions were raised. With that, Chairman Tuman opened the public hearing. Hearing no comment, the hearing was closed.

The Board then discussed and reviewed the 5 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, particularly given that the gazebo had existed for more than 13 years. The applicant also submitted a signed petition from neighbors with a view of the gazebo indicating their support for the existing structure.

The Board felt that the benefit sought by the applicant could not be achieved by another method, as the applicant was seeking to legalize the existing gazebo in connection with the reconstruction of the residence and to resolve the outstanding zoning issues necessary to obtain the Certificate of Occupancy and return to the home.

The Board acknowledged that the requested variances were substantial, including the 11.8-foot front-yard variance. However, the Board noted that the degree of impact was mitigated by the gazebo's low-profile, one-story design and its long-standing presence on the property.

The Board members indicated that granting the variances would not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

One Board member noted that the applicant had constructed the gazebo without obtaining a permit, while another observed that the nonconforming condition was associated with the property rather than necessarily created by the current owner. The Board acknowledged that a self-created difficulty does not preclude approval of a variance. A Board member also expressed concern about granting variances for structures constructed without permits and noted uncertainty as to whether the gazebo would have been approved had the application been submitted before construction. However, it was also noted that the support of the affected neighbors weighed in favor of approval, while expressing concern about the potential precedential effect of the decision and acknowledging that each application must be considered on its own merits.

The Board determined the 5 Factors as follows:

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. Olcott made a motion to grant a variance allowing an existing accessory structure (gazebo) nearer to the street than the primary structure, and a front yard variance of 11.8 ft for the existing gazebo. Seconded by Mr. Lewis. All in favor. 5-0 All in favor 5-0. Roll Call: Mr. Olcott, yes. Mr. Lewis, yes. Chairman Tuman, yes. Mr. Berger, yes., Mr. Goldsmith, yes.

*b) **Eric Berger, owner—215 Cleveland Drive**—Located in a RA-25 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.10 Block 1 Lot 4. Request for front yard, side yard, and total side variances from Village Zoning Code Section 230-33A for an existing sunroom and attached storage shed.*

PRESENT: Eric Berger, owner

Mr. Berger, Board member recused himself on record as he is a relative of the applicant. Patrick Turner, alternate member, sat in his place.

Chairman Tuman asked the applicant to state his name and explain the requested variances. Mr. Berger appeared before the Board and stated that he was requesting variances for an existing storage shed and sunroom. He explained that he had purchased the property approximately four months earlier and was seeking three variances: an individual side-yard variance, a front-yard variance, and a total side-yard variance. Mr. Berger also submitted a letter of support from a neighbor at 212 Cleveland Drive.

In response to questions regarding the history of the property and the age of the structures, Mr. Berger explained that the shed and sunroom did not appear on the most recent plans available, which dated to approximately 1990. No additional plans or records of the construction were available. He explained that the property had been purchased as-is through a reverse-mortgage, bank-owned transaction. Board Members discussed the unusual circumstances of the purchase and noted that existing, unapproved structures are often brought before the Board when properties are sold.

Ron Wegner, Assistant Village Engineer clarified the requested variances, explaining that a 6.2-foot front-yard variance was required for the existing sunroom, which projects from the front of the house. He further explained that the side-yard variances resulted from the existing structures attached to both sides of the house. The minimum side-yard requirement on one side was identified as eight feet, and the combined side-yard measurement was 45.6 feet, resulting in a requested total side-yard variance of 4.4 feet. The Board confirmed its understanding of the requests.

Mr. Berger confirmed that all of the structures were existing and that he was not proposing any new construction. He was unable to establish the age of the shed and sunroom, noting that they were not depicted on the 1990 plans and that a neighboring property owner could not provide further information.

He explained that the shed was attached to the house and functioned as a storage room or storage garage rather than a freestanding accessory structure.

The Board discussed the lack of construction records and the condition of the property, which appeared to have been abandoned for some time. Mr. Wegner stated that the structures would require inspection. Although an initial visual review had been conducted, the remaining portions of the house were undergoing renovation, and further work on the shed and sunroom could not proceed until the variance matters were resolved. In response to questions about verifying the foundation, Mr. Wegner explained that additional investigation might be necessary to determine the existing conditions.

The Board was advised that approval of the requested variances would not constitute approval of the existing structures by the Building Department. Mr. Wegner confirmed that building code compliance and any necessary approvals would be addressed through the permitting/ plan approval process. When asked whether the enclosed space would be habitable, Mr. Berger clarified that the shed was intended solely for storage.

The Board also discussed neighborhood support for the application. Mr. Berger confirmed that the submitted letter of support was from a neighbor across the street at 212 Cleveland Drive. He stated that the neighbor at 217 Cleveland Drive was also supportive but had not provided a written letter. Mr. Berger identified 217 Cleveland Drive as the property to the right when facing the house from the street and 213 Cleveland Drive as the property to the left. He further clarified that he owned and resided at 213 Cleveland Drive and was therefore in support of the application.

Chairman Tuman then asked if there were any further questions for the applicant. With there being no further questions, the public hearing was opened. Hearing no comment from the public, the hearing was closed.

The Board then discussed and reviewed the 5 Factors.

The Board determined that granting the requested variances would not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties, particularly given that the existing conditions had been in place for a significant period of time. The Board noted that the applicant was seeking to legalize the existing structures and improve the property, which had potentially been an eyesore. The Board also noted that the neighboring property owners most likely to be affected had been heard from (the applicant's) and that no members of the public had commented in opposition.

Regarding whether the benefit sought could be achieved by another method, the Board noted that the applicant was seeking to legalize the existing house and structures rather than construct new improvements. The Board discussed the alternative of removing the existing structures and observed that doing so would not necessarily be a desirable outcome.

The Board acknowledged that the requested individual side-yard variance was significant, although the total side-yard variance was considered less significant. Board members agreed that the substantial nature of the requested variance was mitigated by the structure's low-profile, one-story design. The Board also noted that the existing storage area was not habitable space.

The Board discussed and agreed that granting the requested variances would not adversely affect the physical or environmental conditions of the neighborhood. In reaching this determination, the Board considered that the application involved existing structures and that the storage area was not used as habitable space.

The Board discussed whether the difficulty was self-created. One Board member observed that purchasing a property generally involves accepting its existing conditions, while another noted that the nonconforming portion of the structure had not been created by the current applicant. The Board also discussed that the nonconforming condition runs with the property rather than the individual owner. The Board acknowledged that a finding of self-created difficulty would not, by itself, preclude approval of the requested variances. After deliberation, the majority felt it was not self-created.

Therefore, the Board determined the 5 Factors as follows:

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 substantial; however, is mitigated by the fact that the structure(s) are 1-story with a flat roof.
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. Olcott made a motion to grant t a side yard variance of 12’ft, a total side yard variance of 4.4 ft and a front yard variance of 6.2’ft for an existing sunroom and attached storage shed. Seconded by Chairman Tuman. All in favor 5-0. Roll Call: Mr. Olcott, yes. Chairman Tuman, yes., Mr. Lewis, yes, Mr. Turner, yes., Mr. Goldsmith, yes. (Mr. Berger-recused).

c) Snilsberg, Thor, owner-- 98 Hastings Ave.—Located in a RA-5 Residence District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 3 Lot 5. Request for the re-approval of a side yard variance and total side yard variance from Village Zoning Code Section 230-33A for a proposed extension of a front porch. Request for side yard and rear yard variances from Village Zoning Code 230-40(A)(1)(b) for alterations to an existing non-conforming accessory structure (detached garage) as well as a variance request from Village Code Section 230-164E for up to a 2-year period to commence work.

PRESENT: John Power, Architect

Chairman Tuman introduced the application for 98 Hastings Avenue. The applicant was not present; however, John Powers, the project architect, appeared on the applicant’s behalf. The Board reviewed the application, which included several components: a request to renew previously granted variances for a front-porch modification and a new variance request involving modifications to an existing garage. The Board noted that the front-porch variances had previously been approved twice for a one-year period and had expired before the owner could undertake the work. Mr. Powers confirmed that the applicant was requesting a two-year time frame to commence work. Mr. Wegner confirmed that the garage proposal was designated as “Part One” of the application and the front-porch renewal as “Part Two.”

Mr. Powers presented the proposed garage modifications, explaining that the existing garage was located approximately 3 feet from the rear and side property lines, where a five-foot setback was required. The

proposal involved modifying the roof to increase its slope, with the ridge reaching the permitted maximum height of 15 feet. Mr. Powers explained that the existing garage was already nonconforming and that raising the roof would increase the degree of nonconformity, primarily toward the rear of the structure. The proposed improvement also included extending the front portion of the garage, which would comply with the required five-foot setback, and converting the space to a recreational area that could include a bathroom. Mr. Powers clarified that the variance request primarily concerned the increased roof height within the existing nonconforming setbacks.

In response to questions regarding the garage's history, Mr. Powers stated that he was uncertain when it had been constructed. He referenced a 1981 survey depicting a bump-out at the rear of the garage that had since been removed. The Board discussed the setbacks of neighboring garages, noting that some appeared to be located closer to property lines than currently permitted. Mr. Powers presented a survey of the neighboring property to the right and explained that the surrounding garages appeared to be generally aligned. The Board discussed whether the structures may have been constructed under an earlier zoning requirement.

Mr. Powers stated that the existing garage ridge above the driveway measured approximately 141 inches, or just under 12 feet. He explained that the proposed roof modification would provide additional interior ceiling height and potentially some attic storage toward the rear. The recreational space could include a television, exercise equipment, etc. Although a bathroom was proposed, Mr. Powers explained that the existing foundation and slab were not designed for fully conditioned living space. The existing wall heights would remain unchanged, with the primary modification involving the roof. He also noted that the structural details, including support for the new ridge and the additional loads associated with insulation and sheetrock, would need to be further developed.

The Board asked why the applicant was requesting two years to commence the previously approved front-porch work. Mr. Powers stated that he did not know the specific reason. He explained that the porch project dated back to approximately 2021 and that the applicant was also considering additional work.

Following the applicant's presentation, Chairman Tuman opened the public hearing. No members of the public commented, and the public hearing was closed.

During the Board's discussion, the Board expressed support for renewing the previously approved front-porch variances but raised concerns regarding the proposed garage modifications. In particular, the Board discussed whether the proposed bathroom, including a shower, could affect the future use of the structure. Board Members acknowledged that the bathroom itself was not the primary variance issue and that the principal concern was the increased height and bulk of the garage within the existing nonconforming setback. It was noted that raising the roof could increase the structure's visibility and potential impact on neighboring properties.

Mr. Powers confirmed that the proposed ridge would not exceed the permitted maximum height of 15 feet and that no height variance was being requested. He referred the Board to Sheet A4 of the architectural drawings, which illustrated the existing roofline and the proposed increase in roof height. He explained that the walls would remain approximately 3 feet from the property lines, but the taller roof and associated wall area would increase the encroachment within the required setback. A modest roof overhang of approximately eight inches was also discussed.

The Board expressed concern regarding the potential impact on the neighboring property directly behind the garage, noting that the neighboring property's usable yard was located immediately behind the structure. One Board member requested a letter from that neighbor indicating whether they supported the proposal. The Board also requested letters of support from adjoining neighbors and expressed a desire to

conduct a site visit to better evaluate the proposed modifications and their relationship to surrounding properties.

The Board discussed whether to consider the renewal of the front-porch variances separately from the garage request. However, because both matters had been submitted as one application, the Board determined that it would be preferable to consider the application as a whole following the site visit and receipt of additional neighbor input if needed. Chairman Tuman therefore tabled the application pending a site visit and further information. Chairman Tuman stated that the applicant would be contacted regarding availability to schedule.

3. REVIEW AND APPROVAL OF CONFIRMATORY DRAFT RESOLUTION *from June 16, 2026 Interpretation of Village Zoning Code § 230-9.1(A)(10)(f): Keeping Domestic Animals.*

The Board reviewed the Confirmatory Draft Resolution regarding the interpretation of Village Zoning Code § 230-9.1(A)(10)(f), Keeping Domestic Animals, which was also included in the June 16, 2026 draft meeting minutes. There were no comments.

MOTION: Mr. Olcott made a motion to approve the resolution, which was seconded by Mr. Goldsmith. The motion was carried unanimously, with a vote of 5-0.

4. APPROVAL OF MINUTES

Mr. Olcott made a motion to approve the Minutes of June 16, 2026. Seconded by Mr. Goldsmith. All in favor (5-0). Roll Call: Chairman Tuman, yes, Mr. Goldsmith, yes, Mr. Berger, yes. Mr. Goldsmith, yes, Mr. Olcott, yes.

5. ADJOURNMENT

There being no further business before the Board, the meeting was duly adjourned at 8:11 p.m.

Respectfully Submitted,

Stefanie Correale
Secretary to the Zoning Board of Appeals