

Village of Croton-on-Hudson
Zoning Board of Appeals Meeting of
December 14, 2016

PRESENT: Rhoda Stephens, Chair
Alan Macdonald
Doug Olcott
Christine Wagner

ALSO PRESENT: Joe Sperber, Assistant Building Inspector
Trustee Ann Gallelli, Village Board Liaison

ABSENT: Mark Aarons

1. CALL TO ORDER:

The Zoning Board of Appeals Meeting of December 14, 2016 was called to order at 8:00 P.M.

2. NEW BUSINESS:

- a) **Anfiteatro, Adam – 15 North Riverside Avenue.** Located in a C-1 District and designated on the Tax Maps of the Village as Section 78.08 Block 3 Lot 62. Request for reissuance of variance from Village Code Section 230-53B(1) for a proposed building addition housing 2 repair bays.

Mr. Anfiteatro was present at the meeting to ask for the renewal of the variance that had been granted by the Zoning Board on December 9, 2015. He said that due to time constraints and not having received bids in time, the variance had expired. He said nothing had changed from the original plans that had been previously submitted.

Chairman Stephens asked if the Board had any questions and Mr. Macdonald brought up the issue of fire safety systems. Ms. Wagner interjected that the exit signs were part of the sprinkler system variance granted on April 13, 2016 and that the requirement for the signs was part of that variance and was still in effect.

Chairman Stephens then opened the hearing to the public and with no one stepping forward, she closed the public hearing.

Ms. Wagner then made a motion to renew for another year an area variance that will alter the legally non-conforming structure in order to construct a building addition to house 2 automobile repair bays as described in the materials submitted and to accept that Section 230-53A(1) of the Village Code does not apply and that the new construction is subject to compliance with all applicable fire codes. Mr. Olcott seconded the motion. The vote was 4 to 0; Chairman Stephens, Mr. Macdonald, Mr. Olcott, and Ms. Wagner all voted in favor.

- b) Diorio, Kimberly – 137 Benedict Boulevard.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 3 Lot 35. Request for total side yard variance for a proposed second floor rear dormer addition.

Chase Diorio, Kimberly Diorio's husband was present at tonight's meeting to answer the Board's questions. He said that the proposed dormer is on the second floor and extends along the existing house lines.

In response to Chairman Stephens' inquiry, he said it will require a 2.7-foot total side yard variance.

Ms. Wagner asked if any additional windows are being added and Mr. Diorio responded in the negative.

Chairman Stephens opened the hearing to the public. No one stepped forward to speak and the hearing was closed to the public.

Mr. Macdonald then asked if there were any other previous variances on the house and Mr. Sperber replied that a side yard variance on the west side of the house had been granted in 1951 and a side yard variance on the east side of the house as well as a rear yard variance for the garage had both been granted in 2007. Mr. Sperber also added that the proposed dormer does not go beyond the existing roof line.

Chairman Stephens made a motion to grant a 2.7-foot total side yard variance for the proposed second floor rear dormer addition and the motion was seconded by Ms. Wagner. The Board granted the variance with a vote of 4 to 0. Chairman Stephens, Mr. Macdonald, Mr. Olcott, and Ms. Wagner all voted in favor.

- c) Corvinus, Richard – 25 Cleveland Drive.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 79.13 Block 2 Lot 82. Request for height variance for proposed 2-car garage (accessory structure).

Mr. Corvinus was present at the meeting to explain the application. He said he is seeking a height variance for the 2-car garage which is an accessory structure. The additional height would allow for storage space which is limited in the house. The change to the garage would also provide for a small office space; he said he works from home a couple of times a week.

Chairman Stephens asked for confirmation that he is seeking a 5-foot height variance and Mr. Corvinus said that is what he is asking for but that it would probably end up requiring less. She then followed up with a question as to whether there were plans for heating or plumbing in the space and Mr. Corvinus said there were no such plans.

Mr. Corvinus then said that he had surveyed his neighbors to see if there were any objections and he said there were none and submitted 7 letters of support from these neighbors to the Board. The neighbors included in the letters were:

- Anthony Farano of 27 Cleveland Drive
- Kristin Anderson and Rob Jagodzinski of 28 Devon Avenue
- Robert Sparling of 38 Devon Avenue
- Majorie Anderson of 23 Cleveland Drive
- Gregg Dollinger of 29 Devon Avenue
- Laurie Vara of 34 Cleveland Drive

Chairman Stephens opened the hearing to the public. The hearing was then closed when no one stepped forward to speak.

Mr. Olcott made a motion to grant a 5-foot height variance for the proposed 2-car garage (accessory structure) in the rear of the property as described without heating or plumbing and as otherwise described in the materials submitted. Mr. Macdonald seconded the motion. The vote was 4 to 0; Chairman Stephens, Mr. Macdonald, Mr. Olcott, and Ms. Wagner all voted in favor.

- d) Mishkal, Vered, Agent for Jonathan Liss – 8 Barton Place.** Located in a RA-5 District and designated on the Tax Maps of the Village as Section 78.08 Block 5 Lot 54. Request for rear yard variance to extend an existing rear deck.

After Chairman Stephens announced the next application, the Secretary notified the Board that she had received an email from Ms. Mishkal requesting that the application for 8 Barton Place be carried over to January's meeting. Chairman Stephens' said the Board would carry it over but opened the hearing to the public.

Mr. Marc Shenfield, residing at 4 Hamilton Avenue, stepped forward to speak. He said he had looked at the application at the Engineering Office and was opposed to the application as presented in the plans. He said his home is adjacent to 8 Barton Place and that the current deck is hardly visible but the new deck would be dramatically more visible (triple in size) and would extend to the property line; it would dramatically alter his view from his back yard. He said his house is 141 years old and he has lived in it for 42 years. The primary attraction of his house is the view. He said the new deck would compromise his view and privacy. He continued to say that he spoke to the owner and subsequently with the Architect who said they would address his concerns but he wanted to be on record as very opposed to the current application.

Both Chairman Stephens and Ms. Wagner said they would like to view the site from Mr. Shenfield's home. Mr. Shenfield said they were welcome to do so. Mr. Macdonald suggested that Mr. Shenfield bring photos taken from his property to the next meeting.

Chairman Stephens said the public hearing would be kept open and the application carried over to the next Board meeting.

- e) **Murphy, Andrew and Magram, Jeanne – 120 Scenic Drive West.** Located in a RA-25 District and designated on the Tax Maps of the Village as Section 67.10 Block 2 Lot 5. Request for lot width variances for two proposed parcels of a proposed 2-lot subdivision.

Ron Wegner, of Cronin Engineering, was in attendance to present the application. Mr. Murphy was also present. Mr. Wegner gave a brief overview of the project explaining that it started off as a rezoning of the property (which is in a subdivision) to residential which is what surrounds the property. The intent was to take down the office building located on the property and create 2 residential properties similar to those in the neighborhood. The office building has already be removed. The benefits of the application would be that the property would be more in line with the neighborhood and there would be a large reduction in the impervious area. He displayed the Subdivision map and said that the majority of the properties in the Subdivision have lot widths in the 90s (feet). He continued to say that the lot width is a function of where the house is placed on the lot. He is asking for a 15-foot variances for some flexibility on where to place the houses on the lots, which is referred to as house siting. He said what is proposed is well in character with the neighborhood. There is a lot of non-compliance in the Subdivision with regard to zoning because the Subdivision is a cluster subdivision. He said he could put together compliant layouts for the two lots but they would not be in character with the neighborhood. The lots would have zigzag lot lines and it would present problems should the owners want fences erected. Also, the houses would be pushed more forward than what is proposed and would be more detrimental to the environment.

Mr. Wegner then took questions from the Board. In response to Mr. Macdonald's inquiry, he said that the proposed application was only zoning non-compliant with regard to lot widths.

Ms. Wagner asked Mr. Sperber if other properties in the Subdivision were far beyond compliant, but Mr. Sperber could not say definitively. Chairman Stephens added that the neighborhood had been built out a long while ago. She then asked if the Applicant is prepared to start immediately. Mr. Wegner said it was pretty close to commencement and added that the application had been seen by the Waterfront Advisory Committee and was deemed compliant with its policies. It has also been before the Planning Board and that Board is awaiting the ZBA decision on the variance(s) before final subdivision approval.

The hearing was opened to the public and then closed when no one stepped forward to speak.

Ms. Wagner remarked that she thought the proposed plan was thoughtful and reasonable.

Ms. Wagner then made a motion to grant a 15-foot lot width variance for Lot #1 and a 15-foot lot width variance for Lot #2 of the proposed 2-lot subdivision for the construction of a house on each lot as substantially shown on the materials submitted. Mr. Macdonald seconded the motion. The vote was 4 to 0; Chairman Stephens, Mr. Macdonald, Mr. Olcott, and Ms. Wagner all voted in favor.

f) Kind, Lee, Agent for William & Suki Quarless – 1 Indian Summer Drive.

Located in a RA-40 District and designated on the Tax Maps of the Village as Section 67.14 Block 3 Lot 18. Request for variance from Village Zoning Code Sections 230-40B and 230-40A(1) for a proposed retaining wall greater in height than 6.5 feet (accessory structure) that will not be located in a side or rear yard and projects nearer to the street on which the principal building fronts than such principal building.

Lee Kind and Adam Thyberg, both from the Neave Group, were present tonight on behalf of Mr. & Mrs. Quarless. Mr. Thyberg spoke about the application. He started by saying that the Applicant is seeking a variance from Zoning Code Sections 230-40B and 230-40A(1) which restrict accessory structures (in this case the retaining wall) from being placed in front yards. The purpose of the retaining wall is to create a level lawn area. He said he had letters of support for the project which he distributed at the meeting along with an aerial view of the subject property and neighboring properties. The letters were from the following neighbors:

- Richard Ceccatti, 1 Arrowcrest Drive
- Simon Stanaway, 2 Arrowcrest Drive
- Therese Suarez, 2A Arrowcrest Drive
- Shamoan Atique, 4 Arrowcrest Drive
- Carl Pernicone, 7 Arrowcrest Drive
- Lori Corbett, 9 Arrowcrest Drive
- John Barry, 11 Arrowcrest Drive
- Robert Hiney, 15 Arrowcrest Drive
- Jeffrey Blazek, 2 Indian Summer Drive
- Dan Cerulli, 3 Indian Summer Drive
- James Marcus, 4 Indian Summer Drive
- Amanda Chung, 5 Stephanie Lane

Mr. Thyberg said that what is being proposed is the only option for a reasonable play area. The lot is a corner lot with two front yards and if the lot were not a corner lot the retaining wall could be considered in a side lot and no variance would be needed. Evergreen trees will be planted along the retaining wall and the wall will have a positive environmental impact by improving water flow and directing more water into the infiltration system.

Mr. Macdonald asked what is the distance between the wall and the property line and Mr. Thyberg responded with 16 feet. Mr. Olcott asked if the average height of the wall is 13

feet and Mr. Thyberg responded that 13 feet was the highest point but the average height was only 6 feet.

In response to Chairman Stephens' inquiry, Mr. Thyberg said the trees were only for screening purposes and the wall is enabling them to level the area.

Ms. Wagner then asked, if by building up some of the area, would they be blocking anyone's view. Mr. Thyberg said it would not and mentioned again that they had spoken to the neighbors and no one had a problem with the plan.

The Board then discussed what the wall would actually look like with Mr. Thyberg and Mr. Kind. They showed the type of block that will be used and said that a fence would sit on top of the wall to enclose the pool on the property.

Mr. Macdonald then went into a discussion with Mr. Thyberg and Mr. Kind about the existing wall on the property and whether it was weight-bearing and whether it would be certified by an engineer. Mr. Kind said it was not a load bearing wall currently and that it would not receive any load from the new retaining wall but he said that if the Board had concerns over the existing wall, they would rebuild it and get it certified.

In response to Chairman Stephens' inquiry, Mr. Kind also added that the owners planned on maintaining the outside wall as well as keeping up the landscaping on the property.

Chairman Stephens then opened the hearing to the public and with no one stepping forward she then closed the hearing.

Mr. Olcott made a motion to grant the requested variances from Village Zoning Code Sections 230-40B and 230-40A(1), as described in the materials submitted, for the proposed retaining wall greater in height than 6.5 feet (accessory structure) that will not be located in a side or rear yard and projects nearer to the street on which the principal building fronts than such principal building and that the footing elevation of the new retaining wall will be lower than the bottom of the existing rock wall on the property. The motion was seconded by Chairman Stephens and the vote was 4 to 0 with Chairman Stephens, Mr. Macdonald, Mr. Olcott, and Ms. Wagner all voting in favor.

3. OTHER BUSINESS:

- a) **Harvey Theron, Director of Club Operations for Hudson National Golf Club Inc. – 40 Arrowcrest Drive.** Referral from Village Board for approval of Village Board to act as Lead Agency for application for an amended special use permit to construct a 12 room cottage building for overnight guests and caddy/cart storage building.

There was no one present at tonight's meeting representing the application but the Board reviewed the materials submitted and discussed the application. Chairman Stephens then

made a motion agreeing to the Village Board serving as Lead Agency for the application. The motion was seconded by Ms. Wagner and the motion passed with a vote of 4 to 0.

4. APPROVAL OF MINUTES:

Chairman Stephens made a motion to approve the amended minutes and resolutions of the November 9, 2016 Zoning Board of Appeals meeting. The motion was seconded by Mr. Olcott. The motion passed 4 to 0 in favor. Chairman Stephens, Mr. Macdonald, and Mr. Olcott, and Ms. Wagner all voted in favor.

5. ADJOURNMENT:

The meeting was adjourned at 9:50 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Zoning Board of Appeals