DRAFT FILED: 1/26/10

FINAL APPROVAL: 3/10/10

VILLAGE OF CROTON-ON-HUDSON ZONING BOARD OF APPEALS
MEETING MINUTES OF JANUARY 13, 2010

MEMBERS PRESENT: Seth Davis, Chairman
Rhoda Stephens
Doug Olcott
Roseann Schuyler
Alan Macdonald

ABSENT: Joseph Sperber, Asst. Bldg. Inspector

Meeting came to order at 8:00 P.M.

Rhoda Stephens, Acting Chairman – Announced the location of fire exits to all in attendance of the meeting.

Rhoda Stephens, Acting Chairman - Welcomed Seth Davis as the newly appointed Zoning Board of Appeals Chairman.

Seth Davis – Thanked Ms. Stephens and the Board for their warm welcome and stated that he was Chairman to the Planning Board in the past and it was good to be back working with a wonderful set of colleagues.

The meeting was then turned over to Mr. Davis, as the new Chairman of the Zoning Board of Appeals.

HEARINGS:

Susan & Richard Sammon, 2 Fox Road, Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.16 Block 2 Lot 14. Request for relief from Section 230-40(A) (1) with respect to the location of an accessory building and Section 230-40(B) with respect to an accessory building projecting nearer the street than the principal building.

Susan Sammon – 1 Fox Road - I have submitted the architectural plans and a survey of the property. We built the garage eighteen years ago. There is a parking area next to the garage and we now want to put a roof over it to create a carport. The garage sits in front of the house. We need a variance from Section 230-40(A) (1) and Section 230-40(B).

Sammon – We did the construction of the garage and office space in pieces. (Referring to survey) – We built the first part of the garage first and within one year we built the second part

that does not have a garage under it. It is an elevated second room. Everything was done with a Building Permit and a Certificate of Occupancy.

Stephens – There is no heat?

Sammon – There is electric heat.

Alan – Both are for One Fox Road?

Sammon – If you look at our property as it is shown on the survey, Lounsbury Road does not exist. There is a paper road that looks like it goes behind us. At one time our deed had our property listed as 1 Fox Road but when they did not build that road they changed the address to 2 Fox Road. That's what is on our tax bill. We have lived there for over twenty years.

Davis – The application is for two variances and the application in 1994 was for one.

Schuyler – In 1991 you constructed the two story garage. Correct?

Sammon - Correct.

Schuyler – And in 1994 you built the other structure with nothing underneath.

Sammon – Yes.

Schuyler – Will you be expanding over the carport?

Sammon – There is a slope that comes down to about four feet. We have no intentions of expanding it.

Stephens – The back portion will be open?

Sammon – Yes. It is just to keep the snow off the car. You will be able to see through it. There is a little bit of rock in the back area of it.

Stephens – And the foundation is ……

Sammon – The architect feels they can put anchors and bolts in.

Stephens – (Referring to plans) the architect shows that the foundation goes down below grade. I think that is enough support and the height will be no more than seven feet six inches.

Sammon – We had the roof come down so it is almost flat.

Macdonald– Why did you not want it attached to the existing roof?

Sammon – My husband thought there would be more open space and it would blow in.

Macdonald– I thought with a steeper pitch it would look better.

Davis – I would think he would want some sort of a slant to keep the snow off it.

Sammon – We followed the line between the first and the second floor for esthetic purposes.

Stephens – If we gave you the variance you are requesting and decided to put as a condition that the height would not be more than seven feet six inches would you be agreeable to that? That is what is on the plans.

Sammon - Yes. That is on the low side.

Olcott – suggested the wording to be "according to plans as submitted".

Stephens – There really is no other place for them to put this.

Schuyler - No they cannot go on the side with the stairs. There is no other place.

Schuyler– Out on the street area, in front of your home, there are fir or pine, trees …..

Sammon – They are Evergreen trees.

Schuyler - Did you plant them there?

Sammon – Yes. We had hemlocks and they got so straggly we decided to plant the evergreens.

Davis – The way you are situated, it is like all these variances are required because of the necessity to front on a road that you do not really front on (paper street).

Sammon – Correct.

Davis – Anyone else like to be heard?

There was no reply.

Hearing closed.

Respectfully submitted

Janice Fuentes
ZBA Secretary
1/13/10

RESOLUTION

Susan & Rick Sammon, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for relief from Section 230-40(A) (1) with respect to the location of an accessory building and Section 230-40(B) with respect to an accessory building projecting nearer the street than the principal building..

The property, at 2 Fox Road, is located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.16 Block 2 Lot 14.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties. The existing fir trees provide adequate screening.

There were no objections from the neighbors.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

The requested area variance is not substantial.

The alleged difficulty was not self created.

The benefit sought can not be achieved by some other method due to the topography of the land. A previous Variance that was granted on September 11, 1991, with respect to height and the location of an accessory building, runs with the land. At that time the Board stated in the resolution that it found "the unique topography of the property makes it impossible for the applicant to construct the garage in any other location on the property."

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Stephens – Made Motion to grant the application as requested for relief from Section 230-40 (A)(1) with respect to the location of an accessory building and Section 230-40(B) with respect to an accessory building projecting nearer the street than the principal building and according to plans submitted.

Schuyler – Second the Motion
Vote: All In Favor – Stephens, Schuyler, Davis, Olcott Macdonald
1/13/10

According to Section 230-164 (E)), "Unless work is commenced and diligently prosecuted within one (1) year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.