

**DRAFT FILED: 3/23/10**  
**FINAL APPROVAL: 4/14/10**

**VILLAGE OF CROTON-ON-HUDSON, ZONING BOARD OF APPEALS MEETING MINUTES**  
**OF MARCH 10, 2010.**

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

ALSO PRESENT: Joseph Sperber, Asst. Bldg. Inspector  
Daniel 'Connor, Village Engineer

Meeting came to order 8:00 P.M.

Davis – Announced the location of the fire exits to all in attendance of the hearing.

**HEARINGS:**

**Jerry Kugler & Leah Ross Kugler, 6 Giglio Court. Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.16 Block 2 Lot 31. Request for a side yard and total side yard variance with respect to a proposed Addition/Renovation to existing house.**

Kugler – (Presented a pre-fabricated model for exhibit). When the house was built it was placed on the most level portion of the property, because the property was uneven.

Stephens – When the house was originally built in 1972, there was a previous variance granted. At the time a Motion was made to grant a 13 ft. variance to lot width with the condition the house conforms to all other issues of the Zoning Ordinance.

Kugler – It is detached from the house by six feet. Not sure what was granted because it measures thirty one feet and has a combined total of slightly over 80 feet and slightly over 50 ft. on the other side. It has a 50 ft. setback from the front yard. So, I am confused.

Stephens – It was the Lot Width that was granted for the previous variance on September 13, 1972. At the time the Board claimed it was granted because “the topography of the lot provided a hardship “.

Kugler – One month ago we purchased the house because we were in love with the view of the Hudson River. The master bedroom is located below the highest level. The living room, dining room, and kitchen are below and a deck is on the back.

Kugler – Discussion followed over pictures - This is the view from our bedroom now (referring to pictures). If we were able to build the bedroom up a bit this would be the view that we would get (referred to pictures). The view is a big motivating factor to have the bedroom in that area. We also thought if we do that how would it affect the neighbors? One neighbor lives adjacent to us. The garage and the house appear to be attached, but they are detached, only by a few feet. We are proposing to build the addition on top of the garage because it is least obstructive to our neighbors, view of the river. This (referring to exhibit) is the existing condition of the height of the garage. The proposed addition would not obstruct any of their view. Looking at Giglio Court, this is the house.

Referring to pictures, the applicant described the location of the neighbor’s house and stated how it would affect and not affect the neighbors.

Kugler -The existing is the larger house on the right side of the picture. The “Holzer” neighbor has no problem with us building on top of this (referring to plans). They are already looking at the side wall of the house and we are not getting any closer. The total side yard is still 61 ft. and the Zoning Requires 30 ft. and the combined total we are within 61 feet. We do not affect this neighbor (referring to pictures). The other neighbor, we have preserved the neighbors view from the garage area by building over the garage.

Stephens – The staircase you are proposing will have access to the main portion of the house only?

Kugler - It will connect the garage and it will be used to go all the way down to the deck and from the bedroom we will be able to go down to the garage as well.

Peter Cole, Architect, for the applicant. The only thing that I can add has to do with the statistics and the numbers on the application. If they are alright I will move on.

Stephens – What is the exact amount of variance you are requesting?

Cole— There is the issue of one side yard and a total side yard setback. The existing side yard is 31.8 ft. and the proposed will be 20 ft. A side yard of 80 ft. is required. We are requesting a 10 ft. Side yard variance. The existing total side yard is 82.6 ft. and the proposed will be 51.8 ft. The minimum required is 50 ft. We are asking for a total side yard variance of 29 ft. With respect to the five criteria's, we believe there will be no undesirable change because the architectural design, size and scale, will blend in with the other houses in the neighborhood. We are adding approximately a total of 700 sq. feet, with stairs and steps. The total square footage will be approximately 3,200 sq. ft.

Schuyler – After the renovations what are you proposing to use the lower level for?

Kugler – It will become an office for my wife and the other will be guest bedrooms. There are three existing bedrooms now. We will maintain two bedrooms on the lower level.

Schuyler - There is an issue of the variance being substantial.

Cole – It is but, this is a very odd shaped lot and this is the only way they can construct it and have less of an impact and less of a variance. If you look at what the Code tries to accomplish with the side yards from the two houses that would be the 51.8 ft. you are looking at between the two houses.

Davis – There are letters from the neighbors on 3 Giglio Court and 4 Giglio Court, who are most affected.

Cole – We are not changing the existing grades. There will be no impact on the environment or neighborhood. It is not self created. It was already an odd shaped lot. They really have no other choice because of the topography.

Macdonald - These plans have no floor or roof elevations. It is hard to see what it would look like. I would like to see the site drawing to see how it affects the neighbors.

Discussion followed over plans.

Kugler – The two houses can not see each other and they can not see over us and one house is way down below us. This is the only house that can see over us (referring to pictures) and who can see any view at all. This picture (referring to pictures) was taken from their deck looking down over our house.

Macdonald – But, that is a picture of what it looks like now. We have nothing that indicates what it will look like after the changes are made.

Discussion followed over plans and references to what is being proposed.

Stephens – I think what Mr. Macdonald is saying is that this approval will be based upon whatever plans you have submitted and there is certain information missing from the plans you have submitted.

Mr. Kugler – Referred the board to a model he had brought to the meeting so they could view it as three dimensional.

Discussion continued over the proposed height and how it will affect the neighbors from each angle.

Kugler - The existing trees are already taller than the proposed height. We can make the drawing as you requested and it can show evidence of the tree lines back to here (referring to plans and pictures). We will be happy to do it.

Macdonald – These drawings that were submitted are not showing elevations.

Kugler – The high point is no higher than the existing chimney which you can see in the pictures that I have submitted.

Discussion followed over plans and pictures.

Sperber – In terms of the height, that would be reviewed during the building permit application process. There are certain height limitations he would need to comply with.

Schuyler – Does the addition over the garage make it a three story house?

Cole – No, because, it is measured from the street.

Kugler – If we stay as of right we would be forced to stay over this (referring to model) and as of right the neighbors would have problems. Then we would be ok, but it would cause the neighbors greater problems.

Davis – Any other questions?

There were no other questions.

The Board unanimously agreed to adjourn the hearing until next month (April 14, 2010), in order to give the applicant time to submit revised plans showing the elevations of the proposed construction.

Hearing adjourned until April 14, 2010.

**Peter Tsagarakis/Rakis, 6 Hudson Street, & 215 So.Riverside Ave. & Bungalow Road are located in a RA-5 & C-2 Districts and are designated on the Tax Maps of the Village as Section 79.09-1-52, 53, 54, & 55. Request for a Special Permit pursuant to Zoning Ordinance Section 230-52(B), with respect to Lots #52 & #55 for the purposes of commercial parking lot usage on residentially zoned lots. The applicant is also seeking an area variance from Zoning Ordinance Section 230-49(c) to allow the removal of a metal guard rail between lots, #52 and #53 to allow vehicle access between the residential and commercial zoned lots in furtherance of its proposed amended sit plan.**

Gerald Klein, Esq. and Edward Gemmola, Architect, represented the applicant.

Gemmola – Submitted a “Hand-out” to the Board that he had received from Daniel O’Connor, the Village Engineer.

Gemmola – The applicant has been before the Planning Board and the Waterfront Advisory Commission. In terms of comments from the Planning board, we have addressed the handicap ramp and we are relocating the garbage to the rear with a masonry enclosure. He has been using the parking area in the vacant lot that was residential. The house was demolished a couple of months ago. It was originally an ingress and egress to the house. We are proposing to close that off and continuing the existing stone wall and continue a chain link fence along the top of the wall. I have not been there lately, but I assume the area is closed off. We are proposing employee parking in the rear. This is a one way ingress (referring to plans). It will not be used to go out, because the site distance to the corner makes it dangerous to go out of.

Schuyler – How are you configuring the signage so people will know it is a one way only? Will you just put up a sign that says “No Exit”?

Gemmola – Yes.

Stephens – But, the ingress can be from Rte. 9 as well as Bungalow Rd.

Gemmola – No, just Bungalow Road. The main entrance will stay and will remain as it is. Bungalow Road will be an entrance only.

Macdonald – East of Bungalow Road, will you have grading to increase the site distance?

Gemmola – ( Referring to plans) It is steep here. It is an entrance only. If it was an exit it would cause a problem with limited site distance coming out. Only safety wise it is a factor.

Schuyler – If someone were to go and enter into that section of the lot, what would happen?

Macdonald – Suggested placing more vegetation in that area to prevent that from happening.

Gemmola – That is a valid point. So any suggestions you may have, we are willing to address them. We still have the egress from the diner so, if someone wanted to go back this way (referring to plans) you still have the benefit of that too.

Schuyler – If you are still proposing to remove the guard rails, why do you need the entrance at all on Bungalow Road?

Klein – The thought would be that people coming on Bungalow Road and making a right on Riverside, it might be preferable that they could enter directly to the rear of the parking lot.

Gemmola – In terms of the variance for the removal of the guard rail, and the Special Permit to have commercial parking in a RA-5 residential Zone has lapsed.

Stephens – How many parking spots are there?

Gemmola - 11 spaces in that area and we landscaped and there is an existing wall and the Planning Board has asked for enhancements to the face of the existing stone. If the Zoning Board has any other comment the Planning Board would like to hear them.

Stephens – The stone wall is on the uninhabited lot?

Gemmola – It is right on the property line of the residential lot and there is an area that was failing and it was replaced with a stone wall. The residential property has a wall that is a solid fence on the east side of the wall.

Macdonald – Did you prepare an existing and a proposed plan?

Gemmola – It would be easy to do. We have not added the comments from the Waterfront Advisory Committee to add another catch basin here (referring to plans). We felt that we would go back to the

Planning Board before preparing it on the plans, because the Planning Board may have other recommendations.

Macdonald – This grading plan does not have the existing contour lines and proposed contour lines for grading for the proposed construction.

Discussion followed over plans.

Macdonald – Also, on this map (referring to plans), it says the drainage is clogged. Has the drainage been cleaned down there?

Gemmola – It might have been at the time they put the stick in to get the invert that there was some sediment. I think that notation was noting they did not put an invert for that.

Davis – That is something you usually see on the plot plan.

Stephens – The proposed retaining wall, will it have an impact on the steep slope?

Gemmola – Yes. It is noted as the shaded area on the drawing. On drawing SY-1- it is shown 10% steep slopes in excess of 20%, 13,821 sq. ft. in excess of 20%, 13,821 sq. ft. x 10% = 1,321 sq. ft.

Stephens – Are there trees to be removed?

Gemmola – No. The existing wall is here and the grade is actually flat here (referring to plans). It is relatively flat in this area (referring to plans).

Discussion followed over plans and areas that will be undisturbed.

Macdonald – The stone veneer on the retaining wall looks like it is stucco on the face.

Gemmola – Yes. We will provide details. The new wall will have to be detailed and show brick face. We are waiting for all the Engineer's comments and I am sure that will be part of it.

Stephens – The number of parking spaces for the guests to the diner will remain the same?

Gemolla – the original proposal was 38. We actually have 54 spaces. We increased it.

Stephens – But, 11 spaces will be for employees only? Was that part of the calculation?

Gemmola – Where the existing piece is, yes, but not sure it was for employees at that time.

Olcott – There is one additional handicap space?

Gemmola –Yes, one and there will be a total of three. There were two handicap spaces previously. There are actually four spaces, but not all are handicap spaces.

Macdonald – On the lighting plan you show lighting from 9.6 ft. candles, maximum to 9.0 ft. candles.

Gemmola – I did not bring the lighting plan with me. They wanted to get the plan down as close as possible.

Discussion followed over the Boards plans for lighting.

Macdonald – And on the handicap area you have 0 ft. candles?

Gemmola – That is the lighting that exists now.

Macdonald – You are not proposing any?

Discussion followed over plans.

Macdonald – And this area in the front area is that showing zero as well?

Gemmola – We will take a look at that also.

Davis – You are asking for a Use Variance for the main parking lot and a variance to remove a guard rail between the Bungalow Road lot and you are asking for the continuation of a Special Permit for that property?

Klein – I think the Special Permit takes care of all of that.

Davis – So, it is a three step process. At this point let us open the hearing up for comments from the public. First, for the record, we have had numerous items from the neighbor's in the way of correspondence that will be made as part of the record.

The Board asked the public that was present at the hearing if they had any questions or comments.

Charles Henley – 7 Hudson street. My wife told me that two Board Members came by. I am confused about the location of the property lines between 6 & 8 Hudson Street, properties. One cuts into the back of 8 Hudson Street.

Discussion followed over plans and the location of the property lines.

Henley – Tsagarakis also owns 8 Hudson Street. At 8 Hudson Street it is a rectangular lot and the way the lot is cut it goes back into the rear yard of 6 Hudson Street, where the abandoned car is. It looks like a perfect rectangle, but if you actually go to the site it looks different.

Gemmola – This area will be a green area (referring to plans). This (referring to plans) will be part of the diner property in the commercial zone, so there will not be any parking in this particular area.

A neighbor (Dorien – 2 Elm Street) – Expressed concern too.

Dorien – 2 Elm Street - I also do not think some of these pictures accurately represent 6 Hudson Street and what is going on there.

Schuyler – For the record can you tell us what you observed?

Neighbor – From what I understand it was a run down rental house. Not, sure of the history. What is there now is nothing. There was no allowance made for building another house. Basically, the intention was to provide a space to hold a parking lot. In some areas it is only one foot off and the kids jump over it and use it as a skate board ramp. There is an area that comes up on Hudson Street, where there is a masonry wall and there is a gap and kids come in and out of it. There are abandoned cars. I think those cars belong to the employees. Last week there was a thin chain that went across it, but there was no real effort to cut down the number of cars parked there. I think this is considered to be “Lot #55”.

Olcott – Correct.

Neighbor – My issues are with 6 Hudson Street and the current lot is a source of blight. There are six and sometimes more cars on the weekends parking in that lot. It is just used as an employee parking lot. He does not always park there himself. He usually parks on Rte. 129 and the corner of Elm Street. That is where he parks. Other issues I have, have to do with Real Estate value in the community. This is not

helping any. One neighbor had a problem that was documented by his real estate broker with respect to the character of the neighborhood. Right now we have an incomplete neighborhood. The original plan was that there were supposed to be houses there. The house was torn down and it was his decision not to re-build. There are also safety issues with respect to parking and no signs, etc. We do not even have a sidewalk in that area. We also have a blind mother that lives in the area and also a disabled boy in the neighborhood. There is no social value towards having this as a parking lot. I believe there is no parking shortage. There is parking on Riverside Ave. across from Dom's Service Station and in the Croton Commons parking lot where there are always at least fifteen parking spaces that are never filled. There is no sign in his parking lot stating that there is additional parking across the street. So, there is no real need for parking. You are being asked for approval for additional parking, but the restaurant is not expanding its size. So, what is the need? Yet, we are going to be expected to absorb the extra cost for this. Mr. Tsagarakis was once trying to have a larger parking area for expanding. He never made that investment anyway. He essentially was doing what he should not be doing by violating the Village Zoning Laws by parking there anyway even though he knows it is an issue. He also owns 8 Hudson Street. I do have some recommendations. I strongly hope you deny the 6 Hudson Street variance. I would like to see the village take a stronger issue with the zoning here. I do not know of any violation issued by the Village Engineer's Office for this. Even though it is obvious that he is in violation. Enforcement is the key. Mr. Tsagarakis history is not good. He is not a good neighbor by looking the other way. We need to coerce him into doing the right thing. With respect to the fence, make it a condition that he has to make some sort of improvement on 6 Hudson Street. I do not want to see it become just another parking space, but to be restored as a residential lot. If he does not want to do that he may want to consider selling it to someone who might want to put a house there.

Macdonald – When did you purchase your house?

Neighbor – July of 2008.

Macdonald – What has changed since you purchased your property?

Neighbor – Nothing. I was wise to the fact that there was some uncertainty with 6 Hudson Street after being there awhile. So, I went in with some comfort that it would be rightly utilized.

Neighbor – Stated that he and his family have lived in the neighborhood for 77-100 years. When that house was first purchased it was clean and when Tsagarakis purchased it, it went to hell. All he wanted was the property.

Harold Lockwood- 11 Hudson Street – When the house was taken down there was a Site Plan Approval. There was supposed to be trees planted. I do not know what happened to the site plan I went to the Engineer’s office no one knows where it went. But there is, still no trees. The big issue is the community looks like it is falling apart. The first thing you see is the diner and the parking lot. Even if you go ahead and give him this variance and he puts trees in, there is a fifteen foot barrier that he has to put in between the street and the parking lot. If he puts those on each street he does not gain these parking spaces he loses them and ends up with the same parking spaces he has. Then before you know it, everyone on Young Ave. that backs up onto a commercial property will be coming to you to say they also want a parking lot. Once you do it for one person and you do it in a RA-5 Zoning District, you will have difficulty denying it to anyone else.

Davis – Just to clarify, we are talking about the Hudson Street Address for a Special Permit.

Lockwood – Yes. If he is going to use it he can not cut it down or re-grade it. If he uses it he has to use it as is, because if you give him the variance everyone else will want to do the same.

Davis – It is not a variance - he is requesting a Special Permit.

Lockwood – But, he has to leave it as it is. Correct?

Davis – I am not sure.

Lockwood – If every year he ends up with a new Special Permit then what do we end up with?

Neighbor/Calcutti – 10 Hudson Street – I have watched that diner go in and they put the main lines in on Hudson Street. We have a stone wall and barb wire fencing. How about beautifying Hudson Street. He seems to be able to do whatever he wants. That is my opinion.

Matty Mozzor – 1 Ridge Rd. – My property abuts it on Bungalow Road. I have a couple of questions as to what you are going to do with the small lot when you remove the guard rail and what is going on with the retaining wall and steep slopes?

Discussion followed over plans.

Gemmola – (Referring to plans) This wall is being pushed back to here (referring to plans) approximately 700 feet.

Alan – Will you be landscaping?

Gemmola – Yes. There will be screening along Hudson Street and all along here (referring to plans).

Discussion followed over plans and the location of screening and how the screening will impact the Mozzor property.

Gemmola – We are not taking anything down.

Mozzor – It is my understanding that the guard rail that was put there was to demark the residential and commercial area. If that guard rail is removed, I would feel the entrance on Bungalow Rd. should be closed off. Having to drive onto that road on a daily basis by car or by bicycle is very dangerous, because of the curve and the hill slopes. I am not in favor of having that entrance left open or having the guard rail removed. Ridge Road has very loose soil ,so I am concerned. It will be difficult excavating in that area of the hill. It will cause undue settling. My house is very old. I can look down on it. So, I am concerned about appropriate controls being put into place so it is a limited access area. I support keeping that area residentially zoned.

Macdonald – From your back yard you can see that guard rail and parking lot?

Mozzor – In the winter I have a view of the parking lot and the diner and I can always tell what the specials are from the odors.

Gemmola – In terms of the first gentleman that spoke, Mr. Henley, we are proposing to close the existing opening and continuing a wall and adding landscaping with a fence and some grading. The existing wall was separating the residential area and the diner so it was similar with what was between the existing house and residents. Both walls were failing. So, we are trying to address the landscaping and screening and we will have more on the lighting. The grading is not excessive. We are here for your recommendations. If the Board feels it needs to be closed, I will respect your comments.

Davis – I was not on this Board the last time you were before it. I noticed from minutes of that meeting that you were to make some suggestions with respect to the neighbor's comments at that meeting.

Gemmola – This is my first meeting. It is an eyesore as it is now. This car (referring to pictures) will not be there. On the site plan they are proposing that it will be a planted area.

Davis - I take it that the neighbors that are here are not satisfied with these changes?

Every neighbor who was present and who spoke at the meeting stated – “No”.

Schuyler – Regarding 6 Hudson Street, I did realize there was parking there. Currently, under what law is that being used as a parking lot?

Klein – I do not know. How many are there?

Schuyler – Six and an abandoned car, was there yesterday.

Klein – If it is something that is beyond what is allowed, it should be addressed.

Schuyler – The Bungalow Rd. Section of the Parking Lot, when did the prior Special Permit expire?

Klein – In the early 1990’s

Schuyler – Why was it not renewed then?

Klein – I do not know. I can only suspect, it might be something he did not keep track of and I agree he should have applied for an extension. I was not here with him a few years ago, only the last year or so. I suggested that we take the necessary steps to deal with the issues.

Davis - I am still a little foggy as to what you are asking for with the Special Permit. It says you are looking for a Special Permit according to Section 230-52(B) of the Village Ordinance. Maybe I have the wrong Code here.

Klein – I will write you a note with respect to that issue. I do not have the Code here.

Sperber - It also continues onto page 230-76 and continues briefly onto page 230-77.

Davis – I’ve got it. So, you are saying this becomes a lot divided by a boundary due to a merger?

Sperber – Referred Mr. Davis to Section 230-52(B) of the Village Code.

Davis – But, we are talking about one lot.

Sperber – If you go to the top of page 230-77, with respect to parking spaces and loading berths it states “...provided no such parking space shall be located in any residential zone.” The applicant is basically asking for a Special Permit to allow parking from a commercial spill over to a residential zone.

Davis – I do not see how that section applies to it at all. Not on either Bungalow Road or Hudson Street. It is hard to see what happened in 1990, because there were so many changes.

Schuyler – If the guard rail was meant to de-mark the two different districts that this Code does not apply.

Davis – So it seems, they are asking for a variance.

Calcutti – When they put in that guard rail it was to stop the traffic from the playground area. Because, at the time there was also skating in the area.

Davis - It was specifically to de-mark the two specific lots, when I was on the Planning Board. We granted a Special Permit because it was used for parking in a RA-5 Zone on Bungalow Road. That is a separate lot and 6 Hudson Street is separate.

Olcott – So, if the special permit does not apply to 6 Hudson Street according to you, then why does it apply to the other lot?

Davis – Before I would even consider acting on it either way, I would like this clarified. If we view the whole thing as a whole lot then Section 230-52(B) does apply.

Gemmola – I would have to take a look at the Zoning. I have no answers for you. I was not involved then. I would need to see the history of it.

Davis – My question is what are you asking us to do and under what Sections of the Code?

Olcott – It is important for us to know if this is a use variance, or a special permit.

The Board unanimously agreed to adjourn the hearing until the additional information is supplied.

Davis – We need to reserve our judgment on this now. I do not think we need to open up this hearing for comment again, although the public may have other questions, once we get the other information

we have requested. We need to take into consideration the character of the neighborhood and protecting commercial and residential zones and the required weight of the equitable interest we have in the law as to how we evaluate zoning application. I would have to say that there seems there is a lot the applicant would have to overcome, which I do not see you doing at this point. It is partially a matter of listening to the comments of the neighbors, which I have been listening to since 1980, and how we are going to operate our Comprehensive Plan and/or Ordinance in the Village. So, I think you should think about that. Mr. Macdonald, had points about the lighting and grading. We definitely need clarification.

Klein – At the very beginning there was mention of submissions. I do not know if there were any recent submissions but, I would like the opportunity to review them or be able to respond.

The Board agreed to have copies of the submittals sent to the Attorney so he will be able to respond to them.

Neighbor – We have been at this one for one year. The engineer has not had any information. I believe they are waiting for a decision of the Board before they make any final enforcement. I wonder if there is something you can do as a body to force the Village Code to be enforced, so this is not continually tarnished by continued violations with respect to parking.

Davis – You have the whole staff of the Village Engineers Office here now and they have heard you.

The Board unanimously agreed to adjourn the hearing in order to give the applicant time to submit the additional information requested. Hearing adjourned until April 14, 2010.

**Nathan & Andrea Aviram, 40 Lounsbury Road. Located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67,16 Block 2 Lot 36. Request for a side yard variance with respect to a proposed extension of a porch.**

Nathan Aviram – We are requesting a side yard variance for the extension of our porch. We have oil tanks that are housed adjacent to our entryway and are hoping to build a deck over the oil tanks.

Schuyler – This will be attached to the existing porch?

Aviram – Yes. We are just extending the existing porch.

Davis – It will be on the up hill side of the property?

Matt Carol – I will be the builder.

Macdonald - It is 3.7 ft. off the property line. Does the house have a variance already?

Olcott – (To Mr. Sperber, Asst. Bldg. Inspector) – Is there any record of a variance?

Sperber – A Certificate of Occupancy was issued for the re-construction of the house. I can check the property record card. It could have been built prior to 1931. They had no zoning regulations then.

Macdonald – So, this variance should be for the whole structure or just for the deck area?

Schuyler – Without knowing if it was built prior to code, we will not have the answer to that question.

Sperber – I will go back and check.

Davis – it was built in 1962.

Mrs. Aviram – Yes. It burnt down and was re-built in 1965.

Sperber – No. That was an addition onto the original structure. It was not a re-build.

Macdonald – Under the existing deck, what is under there now? Can you stand under it?

Aviram – No. There is a retaining wall and the oil tanks block that space. If there were no oil tanks you could crawl under there.

Macdonald – Where is the fill line and the vent system for the tanks?

Ms. Aviram – I spoke to the oil company and they said as long as they had some access for oil fill, it would be OK.

contractor – One way is to extend the fill just to the side of the deck or to build a latch.

Macdonald – The oil tanks have a vent pipe too?

Contractor – It is open underneath.

Macdonald – Once you put the deck over it, it will not be open.

Aviram – But, there will be spaces.

Stephens – Venting issues will be taken care of by the engineer's office.

Contractor – If the oil company recommends it, we can have the venting go to the outside as well, or whatever the building department recommends.

Sperber - The property record card indicates the house was built in 1963. They applied for a building permit in 1959 for a storage shed and the existing use of the property was residential. So, the card is wrong. We have no pre-date letter. We may need to research to see if it was built prior to 1931 to determine if it was built prior to zoning. It appears to me that because there is a Certificate of Occupancy and permits have been granted someone along the way determined it was either legally non-conforming or conforming to 1931 zoning regulations. That is something we can research.

Davis – It probably does not matter. Either they already have a variance or are legally non-conforming.

Macdonald - These are existing tanks, right?

Mr. Aviram – Yes.

Macdonald – Do you have any plans of screening?

Aviram – No. To the left where the oil tanks are will be the extension and we will put a pergola top.

Davis – Anyone else like to be heard?

There was no reply.

Hearing Closed.

Olcott – Made Motion to Grand a side yard variance of 7ft. according to plans submitted.

Schuyler – Second the Motion

Vote: All In Favor - Olcott, Schuyler, Davis, Stephens, Macdonald

Respectfully Submitted,

Janice Fuentes  
ZBA Secretary  
3/10/10

## RESOLUTION

**Nathan & Andrea Aviram**, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a side yard variance with respect to a proposed extension of a porch.

The property, at 40 Lounsbury 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 36.

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

The existing exposed oil tanks are alongside the entry way on the exterior of the existing porch. The proposed extension of the porch will hide them.

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

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.

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

Olcott – Made Motion to Grand a side yard variance of 7ft. according to plans submitted.

Schuyler – Second the Motion

Vote: All In Favor - Olcott, Schuyler, Davis, Stephens, Macdonald

3/10/10

**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.**