

VILLAGE OF CROTON-ON-HUDSON, NEW YORK
ZONING BOARD OF APPEALS MEETING MINUTES OF JANUARY 9, 2002

MEMBERS PRESENT: Donald Sapir, Chairman
Rhoda Stephens
Paul Rolnick
Tom Szoboszlai

MEMBERS ABSENT: Ruth Waitkins

ALSO PRESENT: Joseph Sperber, Code Enforcement Officer

The meeting came to order at 8:00 P.M.

The Chairman of the Board announced the location of fire exists to all in attendance of the meeting.

HEARINGS:

Christina Ranjan, Warren Road, Section 67.10 Block 1 Lot 14.01. Located in a RA-40 District. Request for a total side yard variance with respect to the construction of a new one-family dwelling.

Norman Sheer, Attorney, represented the applicants Dr. Kane Ranjan and Christina Ranjan.

Page -2-
ZBA Minutes
1/9/02

Sheer- My client's property is located at the western end of Warren Road. Section 230-33 of the Zoning Code requires a total side yard of 80 ft. and one side yard of 30 ft. When the Board visited the site you must have noticed the steep slopes.

The applicant submitted a topographical map for the Board to review.

Sheer - The map shows that the elevation up on the Warren Road side is approximately 122 ft. and at the western end near the tracks there are steep slopes that drop approximately 72 ft. We also have issues with respect to side yards. When the property was subdivided the building envelope was moved to the west so it would comply with the zoning regulations. We also had to conform to the Steep Slopes Law. The plan that is shown on the Subdivision Plot Plan (copy submitted for the record) was to show that it could be built within the constraints of the zoning regulations. It did not prohibit the owner from seeking a variance from the side yard.

Sapir - Assured members of the public who were in attendance of the meeting, that they would have an opportunity to see the submissions also.

Sheer - (Referring to plans) - The color orange indicates the building envelope agreed upon by the Planning Board. Outlined in yellow are the elevations (11 ft.) that brought us here for this application. There is a drop of approximately 20 ft., which amounts to approximately 2 ? stories. That is a long walk. We propose to build a slightly larger house. Even if this variance is granted we will still have two steps to go. We will need an Environmental Site Plan and Planning Board approval. If we can raise the elevation of the house to 1,400 sq. ft., that will take us up to the parking lot. This is not a proposal with the maximum benefit that the "Ranjan's" would like to achieve, but this at least holds the thirty-foot side yard permitted in the Code. This is a tough lot in terms of shape and terrain. We have restrained the amount of variance that we are requesting. We are not asking for that much of a change. We have received a letter from Mrs. Connie Corry and Mr. Lieberman who are in opposition of this application. I am sure the Board has questions of me. The letter states that the "Ranjan's violated the Law with respect to the removal of trees. Joseph Sperber, Code Enforcement Officer, went through the Code and the Code states that trees 6 inches to eight inches abreast cannot be removed. So, we have determined that the removal of small trees did not violate this Code.

Sapir - The letter that you are referring to, is that the letter dated January 3, 2002, from Connie Corry and Arnold & Anda Lieberman?

Sheer - Yes.

Page -3-
ZBA Minutes
1/9/02

Sapir - Are you also in receipt of the letter from the Planning Board Chairman, dated January 7, 2002 and a memorandum from the Planning Board Members dated January 9, 2002, which states that the Planning Board Members unanimously recommend that this variance not be granted?

Sheer - Acknowledged receipt

Sapir - Is it possible for the applicant to build a house on the existing site plan envelope?

Sheer - Yes.....

Szoboszlai - What is the design of the proposed house? Do you have a design to show us?

Sheer - No.

Szoboszlai - Depending on the design, you may be able to keep the existing envelope.

Rolnick - Were the Ranjan's a party to this subdivision approval?

Sheer - No.

Sheer - Whether we build the house in the proposed location or the location the Planning Board proposed, we are still on a steep slope.

Discussion followed over plans.

Sapir - What is the principal purpose or the sole purpose of this variance request? Is it so the applicant can have a functional garage for this house?

Sheer - No. There will be no garage. There is 116 ft. to the parking area.

Sapir - What is the hardship?

Sheer - We do not have to prove hardship. We are maintaining the minimum side yard of 30 ft. The Code allows this for one side yard. "Total" side yard requirement is 80 feet. We have placed the house in an area that allows a side yard of 30 ft. This proposal is nothing unusual.

Page -4-
ZBA Minutes
1/9/02

Sapir - Is there any other hardship other than the applicant not being able to build the house he designed?

Sheer - The house on the site plan is a small house. The applicants would like to build a larger house.

Sapir - Was the applicant aware of these restraints prior to purchasing?

Sheer - There is nothing to prevent him from requesting a variance.

Sheer - There is an error in the application and the elevation plans. The original plans shows 116 ft. to the driveway and the proposed house down to 96 ft.

Stephens - Did you say that you would have "two" side yards of 30 ft. each?

Sheer - In order to put the house that we are proposing within the building envelope the house would have to be much smaller. It would make no sense to place the house within the approved building envelope.

Sapir - Do you have any plans of the proposed house that we can see?

Sheer - If you want something like that we can adjourn until next month so we can provide you the information. It will be a three-bedroom house that is the restrictions of the Health Dept. We are not asking for more bedrooms, nor could we ask for more than three. There will also be a living room, dining room, kitchen, family room and two and one half baths.

Szoboszlai - Has the applicant already purchased the property?

Sheer - Yes. This past summer.

Szoboszlai - Were there any conditions on the purchase of the property?

Sheer - No.

Sapir - Anyone else like to be heard?

Mitchell Baker, Attorney, 1 North Lexington Avenue, White Plains, N.Y., - I represent Connie Corry, 25A Warren Road, I am going to have my client speak about the adverse affect this will have to the property to the north. In looking at the five factors the requested area is

Page -5-
ZBA Minutes
1/9/02

Substantial. They are requesting a 25% variance. This is something you need to consider. Whether it is self-created, is a factor the Board needs to consider, and whether he knew what was allowed when he purchased the property. I think he should have known what he was purchasing. I hear that he wants to build a larger house.....

Sapir - I believe he wants to build a smaller house.

Baker - We request a design of the type of house that the applicant proposes to build. I have heard nothing regarding this issue. I would like to ask Douglas Corry, Mrs. Corry's Son, to speak to you about the adverse affect this house will have on their property.

Douglas M. Corry, 7 Birch Road, Avon, Connecticut - I am listed on the Deed as property owner of 25A Warren Road. It seems that by the Planning Boards own letter of recommendation, that they spent a lot of time on what was feasible and what was not feasible. It also appears that there was prior knowledge and information of this to the public. The applicant had prior knowledge of this before purchasing and for them to now come before this Board and request a change it does not constitute a hardship. As Mr. Sheer suggested, a lot of people come after the purchase to request changes. Perhaps, but in this case there was prior knowledge. It was known prior to purchasing the property. The view to and from the Hudson will be impacted by the neighbors on each side of this property.

Sapir - Can you tell us how the view will be impacted?

Mr. Corry - In the fall you can see up and down the river, through the trees. By placing a house in that line of sight, we will no longer have that view. If the building envelope as proposed by the Planning Board is maintained, it will have less of an impact. If it is not maintained we will be looking at a house instead of the Hudson River. If the house is located as the applicant proposes, we will be looking directly into their house.

Sapir - How much of the view would you lose?

Mr. Corry - The whole back of the house looking south. We could be further impacted by the final design and cutting of more trees.

Sapir - How can the cutting down of trees make your view less?

Mr. Corry - Because, the trees are being cut in order to situate the house. It is how the house would sit that would make our view less. If the house were to be located as the Planning Board agreed, we will be looking over the roof of the house. If the location is moved up where the applicant proposes to move it, we will be looking at a house. The

Page -6-
ZBA Minutes
1/9/02

planning Board went through a great deal of trouble to prepare a building envelope and they took into consideration the steep slopes, septic, well, etc., and I feel their decision should be respected.

Sapir - Is there any other way your property will be affected other than the view?

Mr. Corry - We are also concerned with the impact this will have on our well.

Discussion followed over plans.

Sapir - To Mr. Corry - Would you permit the Board to come to your house to view the site from your property?

Mr. Corry - Yes.

Connie Corry , 25A Warren Road- My son does not live at this address anymore, in the event of my death, he will inherit the house. Mr. Ranjan approached me on several occasions prior to the purchase of his property to try and get me to agree to him changing the original plans. At the time of the original Site Plan Approval the Planning Board assured me that I would hardly see this house. I feel that what the applicant is proposing now is an invasion of my privacy.

Sapir - They have a right to build, so your privacy will be invaded.

Mrs. Corry - This new proposal will bring the house up to such a point that we will be looking into each others windows and my neighbor's privacy will be invaded even more. When this property was originally sub-divided I was not given enough time to put this to thought. I had no one to consult. I am a widow. When I became aware of this sub-division it was too late. I have lived in my house for 45 years. I love my house. The Planning Board went to a lot of trouble to make this envelope a suitable building lot for all concerned. Mr. Ranjan came to me on several occasions to see if I was amenable to a variance and his house coming closer to mine. I told him "ask me anything, but don't ask me that, and he asked me what I would think of him building a garage. Prior to purchasing this property the applicant was fully aware, not only of what he was buying, but also of the objections his neighbors on both sides had.

Sapir - How adversely impacted will you be as opposed to the smaller 2,800 sq. ft. house

Page -7-
ZBA Minutes
1/9/02

Mr. Lieberman, 17 Warren Road - The larger house that the applicant is proposing is a whole other building on the property. We have no problem with what was approved by the Planning Board. Now, instead of looking at a roof I will be looking at a one and one half story house. As far as the neighborhood.....

Sapir - Exactly how will you be adversely impacted, compared to how you will not be impacted, if he builds according to the approved site plan?

Lieberman - His house will be much closer to mine. I will have no privacy and my view will be impacted.

Sapir - With respect to the privacy issue and the orientation of the rear of your house, what rooms will be impacted in your home?

Lieberman - The kitchen and dining room is one big room. We spend most of our time in this area of the house.

Sapir - Can screening be planted? Would that maintain your privacy without restricting your view?

Lieberman - No. You have to see the property.

Sapir - Would you agree to the Board conducting a site visit at your house?

Mr. Lieberman - I would welcome a site visit.

Lieberman - With respect to market value, they purchased during this market . We have a petition from every house on Warren Rd. and Briggs Lane., stating that their homes will be at risk for change with respect to market value. This variance request is certainly a hardship that was self-imposed. The applicant was completely aware. He speaks of having a three-bedroom house. We all know that a closet can easily be made into a room and raising the elevation will disturb our view.

Sheer - Mr. Lieberman's house has no windows only a door on that side.

Lieberman - That is not true. I have two big windows.

Sheer - The Planning Board has requested that Northern White Pine trees be planted. This is a requirement that my client has to comply with, so that will affect the view anyway.

Page -8-

ZBA Minutes
1/9/02

There is at least 120 ft. between whatever is being built and the "Ranjan and Corry" house. The "Corry" house is at an elevation of 120 ft. We are requesting 104 ft.

Rolnick - Can your client float some balloons so we can see what the height elevation will be?

Sheer - It is a matter of locating the exact location to fly these balloons. We are not a surveyor. We would have to get someone to locate the corners of the house accurately. This could take at least a couple of weeks.

Rolnick - The height requirement for the pine trees is 4 ft. - 10 ft. on center.

Szoboszlai - That is for the benefit of the "Corry's" not "Ranjan".

Sheer - Yes. That is why that was imposed.

Sapir - Are there any other questions?

Mrs. Corry - I want it clear that those trees were imposed by the Planning Board. I did not request them.

Sapir - The Board agrees to adjourn the hearing for a site visit.

Mr. Lieberman - My house is the house that is most impacted by the plans. When you mark the site I suggest you mark both the corners of the house shown on the Site Plan envelope and the new location of the proposed house. The original Site Plan proposed envelope had the house facing the river and there was not much impact. The new proposed house is being turned at an angle. I want you to be able to see exactly what is going on.

Sapir - We would also like to see where the roof is going to peek.

Lieberman - We discussed this with the "Ranjan's" before they purchased the property and we told them we would not agree to a variance.

The Board agreed to adjourn the hearing until the next meeting on February 13, 2002, in order to conduct a site visit.

Hearing adjourned.

Page -9-

ZBA Minutes
1/9/02

Luke Brehm, 2 Reinhardt Lane, Section 68.17 Block 1 Lot 64. Located in an RA-25 District. Request for a side yard and rear yard variance with respect to a proposed second story and deck addition to a one-family dwelling. (adjourned last month 12/12/01)

Brehm - My hearing was adjourned to give the Board time to see if we actually needed a variance. The Board was to get in touch with the Village Attorney to see what his interpretation of the Code was with respect to increasing the degree of non-conformity.

Rolnick - The attorney's interpretation was, if there is a pre-condition which would require a variance under current zoning and no variance is in affect it would require a variance. If you already had a variance under current zoning then you would not need a variance.

Brehm - I would like to see some case law with respect to this. I know members of the Board came to the site and I am sure they could see why I wanted to go up instead of building out.

Pictures were submitted for the record.

Brehm - In order to build out we would need to take off the deck that was built last year. It cost me \$4,000.00. There are boulders and rocks in the area and some are in the current foundation. It would cause problems matching foundations up.

Sapir - What would the cost difference be from building out to building up?

Brehm - \$110,000.00 dollars, that is almost twice as much. We also have plantings we would need to remove and a mimosa tree. Taxes would be higher.

Joseph Sperber, Code Enforcement Officer, Assessor - Taxes would be calculated more in terms of square footage.

Brehm - We would also need new plans. We already paid for the plans for the second story. There was also an issue with respect to pictures my neighbor submitted and the addition affecting the sunlight. The sun rose at 7:13 A.M. that day. There is a picture I submitted and you can see the shadows. There is a progression of photos that show up to 8:45 where the sun is not touching my neighbor's property at all. By 8:15 it is almost behind my house.

Page -10-
ZBA Minutes
1/9/02

Stephens - These pictures were taken from what angle?

Brem - My house is on the east. The property slopes up and I am standing in my front yard. The middle photo shows my neighbors house and all those leaves are my tree. It is a very large maple tree that totally shades my neighbor's yard.

Discussion followed over pictures.

Brehm - I have lived in Croton all my life (45 years). I have lived in this particular house 18 years. Two bedrooms, living room and one bath is my entire house, as it is now. My daughter likes the area. Our house even with the addition will still be smaller than any other house in the neighborhood.

Brehm submitted a tax map drawing of lots in the area and their sq. footage. Lot number 71 just got a variance, so my property will not be out of character of the neighborhood.

Rolnick - Have you considered building out the back instead of up?

Brehm - The back is all rock and on the side is also rock. I am sure you saw that when you visited the site.

Rolnick - What about the front?

Brehm - That is also rock and disturbing the rock could be a problem too. In the front area there is also an area that slopes and there is a stonewall that is about two ft. high.

Sapir - There are people here that want to be heard in opposition. I was not present at last months meeting. Our minutes were not available for me to review, so if we were to vote tonight. In order to vote you must have three members of the board to vote in favor of your application. One member of the board that was here last month is not here tonight. I would like to give the applicant an opportunity to postpone the hearing until next month in order to allow time to review the application and minutes.

Brehm - I would rather have an adjournment.

Sapir - Anyone else like to be heard?

Mrs. Dunay - 32 Mt. Airy Road - The Brehm's house/property is adjacent to my back yard.

Page-11-
ZBA Minutes
1/9/02

Sapir - Your house is 1,528 sq. ft.?

Dunay - I am the smallest house. We purchased the house in 1993. It is a Sears Roebuck historical house. I would like my back yard to be private. We did achieve that with time and money. I did not show up at the last meeting. I thought I would have my house sold by now and I would not have to deal with this problem. I need to look out for my own financial benefit. I oppose it because my privacy will be taken away and it will be difficult because of the size of my back yard to get evergreens. We planted a variety of plants to fit in that area. Now, with an addition that high, we will not be getting anything that tall and wide.

Sapir - If we do request screening, it will be imposed as a condition to the applicant, not you. It will not be your expense.

Dunay - OK. We could agree to that. When I am looking at his home that addition will be like having three stories, because my first story is level with his basement.

A drawing was submitted to the Board for review.

Sapir - I am not sure what you are proposing to show with this drawing. Is it what the Brehm addition will look like and your pool?

Dunay - Yes.

Discussion followed over drawing submitted.

Dunay -The character of the neighborhood and the homes are charming. It seems everyone is building big homes on small pieces of property and they are saving none of the integrity. We are trying to sell and the realtors originally thought we could get \$350,000.00 and we had to lower it to \$329,000.00. We are now down to \$315,000.00 and the Brehm's now want to build a second story addition. I am sure if they do, that the value of my house will go down even more.

Sapir - Anyone else like to be heard?

Chris Zahariandis - 32 Mt. Airy Road - The problem with Mr. Brehm is he has almost one acre. We have one eighth of an acre. With a second story Mr. Brehm's house will be right in my back yard when I open my door. In the front we have no privacy because of Mt. Airy Road. The only privacy we have is our small back yard. If he is allowed to go up one more floor, we will have no more privacy. We are on one eighth of an acre. They

Page -12-
ZBA Minutes
1/9/02

can easily build the house differently. I can have no porch and no privacy in my back yard.

Kathleen Riedy, Attorney, 285 Grand Street - I am appearing on behalf of Mary Bullet and Mary Philips, who is in opposition of this application. My comments will be to supplement the December 12th submission to the Board. I would like to direct the Board's attention to the opposition in the way of letters submitted to the Board tonight with respect to the sunlight. By way of clarity to describe the Philip's location on the plot plan, the Philips property is located on Lot #63. Her lot faces the easterly direction and the basis for the opposition by Mrs. Phillips is that by the Board permitting a variance, Mr. Brehm will construct a second story that will block light and air to the Philips property and will disturb privacy, peace, and enjoyment of her back yard.

Reidy - For the record: Four letters were submitted to the Board:

1/9/02 - Memrie Kelly, 116 Westminster Drive,
1/7/02 - Betsy Joslyn Mitchell, 7 King Street,
1/8/02 - Cassandra Morgan, 35 Riverview Trail,
1/9/02 - Susannah Johnston & Vincent Cohen.

Sapir - We also have a letter from a Laura Seitz, 2 Brook Trail, in opposition.

Brehm - I do not have a copy of that letter.

A copy was given to Mr. Brehm

Reidy - These five letters are from people that reside nearby Mrs. Philips. Johnson and Cohen of 8 King Street - (Lot #70) - In addition to expressing concern of loss of light, privacy, and air to Mrs. Philips home, each of these letters address the issue of the negative impact to each of these neighbors. With respect to sunlight and privacy, I saw the photos Mr. Brehm circulated tonight and I would like you to look at them along side the photos that were submitted on 12/12/01. It is clear that their home as it exists today casts a shadow and no doubt an addition will create even more of a shadow from the impact of the construction of a second story. It will be a very significant impact to the shadow on her property.

Page -13-
ZBA Minutes
1/9/02

Sapir - Trees grow shadows, all kinds of things grow shadows.

Reidy - Right now you can only see the roof line. In one picture you can see the roofline peeking over the fence in Mrs. Philips yard. On 12/12/01, we suggested that there were other alternatives to expanding Mr. Brehm's home that will not have an impact on the Philips property. Although this will be more expensive to him, this proposed addition will be a negative impact to the value of Mrs. Philips' home, privacy and quality of life. Mrs. Philips' has two tenths of an acre and Mr. Brehm has one third of an acre. Mrs. Philips has a tiny garden that she enjoys and we ask the Board to deny this application because of the negative impact on her garden.

Reidy - Take a look at the plan that was submitted in support of the application. What we are looking at is one window on the second floor and a back deck that may or may not be moving forward. Even though there is only one window, we would contend there was a loss of privacy. Mrs. Philips would like to speak.

Mrs. Philips - 34 Mt. Airy Road - My major point is that this addition does not affect my privacy, it eliminates it. A condo would give me more privacy. I will not have the privacy of a high-rise with a little porch.

Sapir - Is there any screening the we could provide?

Philips - It would have to be a 15 ft. tree. He has an old house and it is already in violation of zoning.

Roland - What if 15 ft. trees were planted?

Philips - If I could preserve my privacy, but I do not think you could do that. There is all rock in that area. I would also lose light.

Sapir - We could impose screening as a condition. Tell us about your garden.

Philips - I have a rock garden, roses and day lilies that require sun and I have hibiscus that require sun. I have been gardening for years, it is my way of getting rid of the stress of being a writer.

Rolnick - What if the second floor had no windows and no deck?

Page -14-
ZBA Minutes
1/9/02

Philips - I will still be looking at a big lump, this big thing. Our yards have always been very private and I have already lost the privacy on one side of my yard in the last few months.

Brehm - The houses mentioned are over 50 ft. from my house. There is no way the shadows from my proposed house could reach that far. If you go to their Exhibit C-2 and C-1, these trees all fill in (referring to the changing of the seasons). She can see nothing when that happens. If I were to choose evergreens or some other bush, I would not need a permit to do that and it would block out her sun and air and that would be all year long. She could not do anything about that.

Sapir - Are Mary Bullet and Mary Philips the same?

Philips - Yes. I am a Widow.

Sapir - Anyone else like to be heard?

There was no reply.

Sapir - Announced to all in attendance of the hearing that the hearing will be adjourned until next month. Anyone that came forward tonight will not need to come to the next meeting again, unless you have something new to add to your comments. Any concerns that have been expressed here this evening will be recorded in the minutes and will be taken into consideration when we deliberate.

Brehm - I would just like to point out that the letters that were submitted this evening against my application are from neighbors that do not even live close to my property.

Mrs. Dunay - What kind of information should I give my potential buyers. They have signed a contract, but are not aware of this situation.

Sapir - I cannot advise you on that. You would need to speak with your attorney.

Hearing adjourned.

Page - 15-
ZBA Minutes
1/9/02

Joseph Harris, 4 Cedar Lane, Section 79.13 Block 4 Lot 55. Located in a RA-9 District.
Request for a front yard variance with respect to a new addition.

Gary Yates, Architect, 62 Cleveland Drive, represented Mr. Harris - The Harris's want to build a garage to replace the carport that is existing, so they have an entrance directly from the garage into the house and an addition on the second floor for a photography studio. Because of the way the single story house is spread out and because of a garden area in the rear, you would be disrupting the esthetics of the garden if the addition were to be place anywhere else. The proposed addition will encroach six and one-half feet into the required setback.

Sapir - What will happen to the area where the carport is presently?

Yates - Referred to plans. The existing carport is not wide or long enough to be enclosed.

Sapir - How much closer to the road will the garage be with respect to any other house? I was not able to see the property (Site Visit) because your application stated Cedar Avenue instead of Cedar Lane. How quickly will they want to start construction?

Yates - By spring.

Sapir - Having not seen the sight, I would not vote and you would need three people to vote in your favor to have your application approved. Your odds of getting a variance diminishes with less Board Members. If you want, we can vote with only three members voting, but I will abstain from voting because I was not able to visit the site.

Rolnick - Have you considered building straight up?

Yates - The existing house has cathedral ceilings and it would ruin the esthetics of the house.

Sapir - We can close the hearing tonight or we can adjourn until the next meeting.

Yates - Requested to adjourn until next month.

Rolnick - What is the height of the addition?

Yates - Twenty-four feet at the highest point. I kept the addition in character with the rest of the existing house.

Page -16-
ZBA Minutes
1/9/02

Rolnick - What is the current roof peak height?

Yates - 19 ft.

The hearing was adjourned.

Catherine Riedel, 11 Lounsbury Road. Section 67.20 Block 1 Lot 14.01. Located in a RA-40 District. Request for a total side yard variance with respect to the construction of a new one-family dwelling.

Stephen Riedel - 11 Lounsbury Road - The drawing has been modified. Referring to plans - The corner is now 25 ft. and over on the upper left side where it says garage it is 24 ft. On the north elevation on page 9 of 13, as you can see, we are not changing the first floor. Where it says "north elevation" no part of the addition is changing the actual footprint, but because of a 2 ft. cantilever we are requesting a 7 ft. variance at the northwest corner. I wish to amend the application. We are located in a RA-9 District, not a RA-5 District.

Application amended.

Sapir - What room will you be adding?

Riedel - Two bedrooms, large living room and over the garage there will be an attic and storage space.

Rolnick - How much of an area will be in the existing house?

Riedel - There is a breezeway that will be enclosed. We are adding on roughly 2,000 sq. ft.

Sapir - What is the need for the additional living space?

Page -17-

ZBA Minutes
1/9/02

Riedel - The desirability of bringing our house up to what the modern market is. It will increase the value and make our property more comfortable to live in.

Sapir - Is this being done for the purpose of selling your property?

Riedel - No. It is being done so we can live comfortably for years to come.

Rolnick - What is the hardship without the cantilever?

Riedel - We are trying to give the new bedroom the same amount of space as the first floor and also to include a laundry area. The laundry room is currently in the basement.

Sapir - Anyone else like to be heard?

Mr. Morrison, 6 Mt. Green Road - My house is behind his. My concern is that I want to maintain the same level of privacy as I currently have. We have a pool and we now have privacy. I was about to put up a 6 ft. fence for privacy. Now I find out a second story is proposed to be added. It will have a direct line of looking down to my pool. We will have no privacy, even if I put up a fence. Right now we have 7 ft. from the first level that affords us some privacy. With the additional height we will have no privacy.

Sapir - Are you looking for screening for the summer only?

Morrison - No. I want privacy all year round. When I am not working I do not want to be seen. I do not want to hold him up from construction, but as it stands now, I meet the minimum setback requirements and now this is an additional 5 ft. I can read the word "FEDER" on the back of his air conditioning unit. I am just basically requesting to keep and protect my privacy.

Discussion followed over plans with respect to the location of Mr. Morrison's pool and the location of the proposed addition.

Sapir - Suggested the two neighbors, Mr. Morrison and Mr. Riedel meet to discuss alternatives or suggestions for landscaping that may help with the privacy issue.

Riedel - It will slow me up. I would like to meet some sort of agreement tonight. Our properties are about 75 ft. apart now. I do not know what might give him privacy from second story windows. That might be a sizeable hedge.

Page -18-
ZBA Minutes
1/9/02

Sapir - When I have a neighbor come here and his neighbor is requesting an exemption from setbacks that the Village thought was reasonable, if I were to vote in favor of your application I would make sure that he was very well protected. I suggest the two of you go and discuss this issue and come back next month with a mutual agreement.

Riedel - I have a time factor where I have a break in March

Sapir - Our next meeting is the third Wednesday of February.

Mr. Riedel agreed to adjourn the meeting until February in order discuss screening, etc., with his neighbor Mr. Morrison.

Riedel - If I do not have the cantilever how will that alter my variance request? Would I still need a variance?

Sapir - According to Seymour Waldman, Village Attorney, you will need a variance since it is pre-existing without a variance.

Hearing adjourned until February.

DISCUSSIONS:

RE: Kieran Murray, Mt. Airy Road
Request for the ZBA to vacate their 10/10/01 decision with respect to
"Existing Small Lots" that was filed on 10/19/01

The Board was in receipt of a letter that was written by Wayne H. Spector, Attorney, at the suggestion of Seymour Waldman, Village Engineer, requesting the application be withdrawn and the Zoning Board of Appeals withdraw and rescind their determination as to whether or not the property qualifies as an "Existing Small Lot"

Page -19-
ZBA Minutes
1/9/02

After Deliberations the Board made the following decision:

Szoboszlai - Motion to Vacate the Zoning Board of Appeals decision dated 10/10/01 and filed on 10/19/01, to withdraw the application for interpretation with respect to the property being owned individually and separately.

Rolnick - Second the Motion

Vote: 3- In Favor - Szoboszlai, Rolnick, Sapir,
1 - Opposed - Stephens

After further deliberations the Board requested a hearing be held and noticed with respect to this matter on February 13, 2002.

Respectfully submitted,

Janice Fuentes
ZBA Secretary
1/09/02