

ZONING BOARD OF APPEALS FACT SHEET

ZBA Member Assigned: Piccolo Hill

CASE NO.: 2023-7

Name of Applicant: **Andrea Colucci**
Owner: **Same**
Address of property: **169 Watch Hill Rd.**
SBL: **Section 44.19 Block 1 Lot 14**
Prior ZBA Case No.: **2021-10**
Zone: **R-40**
Lot Size: **35,964 sq. ft.**

Request: Zoning Code Chapter 307-17 Accessory Structures total area shall not exceed 50% of the principal building.

Staff Comments:

The office of Code Administration and Enforcement received an application for a building permit on 5/11/2023 for a proposed pool deck at the above referenced residence. The Office of Code Administration and Enforcement denied the request on 5/31/2023. The Zoning Board previously granted a variance for accessory coverage when the pool was originally constructed by Case 2021-10 (*D & O attached*)

Applicant is requesting a variance from the following chapter of the Town of Cortlandt Zoning Code: *307-17 Accessory Structures total area shall not exceed 50% of the area of the principal building*. Principal Dwelling = 2,186 sq. ft. $2,186 \times .50 = 1,093$ sq. ft. permitted. Total accessory structures requested = 2,870 sq. ft.

Accessory structures existing/proposed are:

- 1,347 sq. ft. existing barn
- 32 sq. ft. equipment pad
- 570 sq. ft. pool
- 921 sq. ft. proposed deck
- 2,870 sq. ft.

<u>REQUIRED</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>PERCENT</u>
1,093 sq. ft. of accessory structures	2,870 sq. ft. of accessory structures	1,777 sq. ft.	162%

SEQR: TYPE II – No further compliance required



TOWN OF CORTLANDT
DEPARTMENT OF TECHNICAL SERVICES
CODE ENFORCEMENT DIVISION

Michael Preziosi, P.E.
Director – D.O.T.S

Martin G. Rogers, P.E.
*Director of Code
Enforcement / D.O.T.S.*

Town Hall, 1 Heady Street
Cortlandt Manor, NY 10567
Main #: 914-734-1010
Fax #: 914-293-0991

Town Supervisor
Linda D. Puglisi

Town Board
Richard H. Becker
Debra A. Costello
James F. Creighton
Francis X. Farrell

Andrea Colucci
169 Watch Hill Road
Cortlandt Manor, NY 10567

May 31, 2023

Re: Proposed Pool
169 Watch Hill Road
Tax ID 44.19-1-14

Andrea Colucci:

I am in receipt of your Building Permit Application received May 11, 2023 for Proposed Pool Deck at the above referenced premises.

I must deny this request under the following chapter of the Town of Cortlandt Zoning Code: Section 307-17. Accessory Structures total area shall not exceed 50% of the area of the Principal Building. Principal Dwelling = 2,186 SF. $2,186 \times .50 = 1,093$ SF. Total Accessory Structures = 2,870 SF. 132% is proposed. Request for a variance from the Code is required. It is noted a variance was granted previously for the Pool for Accessory SF in 2021.

The Zoning Board of Appeals application shall be completed online. If the application is deemed complete additional instructions will follow and then the project will then be placed on the agenda for the next available Zoning Board of Appeals meeting.

Additional information may be required upon subsequent reviews. Technical comments for the submission may be issued separately. If you have any questions or comments please feel free to contact me by email or at 914-734-1010.

Sincerely,

Martin G. Rogers, P.E.
Director of Code Enforcement
Department of Technical Services

Cc: Chris Kehoe, Town Planner

Support argument and documents for Zoning Board Appeal: My husband and I will be attending a Zoning Board meeting on June 22, 2023 to support our appeal to build a deck around our pool in our yard. The pool currently lies within the fence required for safety and is surrounded by dirt, grass and rocks. We would like to build a deck around the pool level with the top of the pool to cover this area. Currently, the pool is semi sunken in the ground and building a deck will bring everything to one level. We have a young son and another on the way, and a deck will make the pool much safer for our two children in the future, allowing them to walk around and get in and out of the pool easily- the photos will show this. It will also improve the aesthetic and value of our home. We live on a very old parcel of land that happens to have a home and barn built in 1777 on the property. The 250-year-old barn is the reason we are over the limit of built space in our land. We love this barn and don't want to tear down such a beautiful, historical building that is in such great shape, but we would also like the opportunity to make this home our own and improve it for the better- this is why we need this zoning approval. We live on a hill away from all of our neighbors, and the pool, yard, or proposed deck are nowhere near any neighbors. The deck and pool are up against a hill covered by trees and do not come remotely close to any other neighbors' homes or yards. The space around the pool can be used for no other purpose as it is narrow and inside of the pool safety fence and decorative walls. I have attached images to show the area we would like to cover with a deck. You can see that it is very unattractive and too narrow to be used for anything else. A patio or pavers would ultimately be unable to be used for this purpose because we cannot backfill around the pool and put any pressure on the decorative wall the fence is built on, so the deck is our only option and there is no other method we can use to make this space usable. Building this deck will cause no adverse impacts on the physical or environmental condition of the land or neighborhood. This is the last part of our home pool that needs to be done to make it this outdoor space functional so that it may be used by our family for years to come. Please review attached photo which show the pools, walls, fence and lounge area we are asking permission to build on, and please consider this appeal.

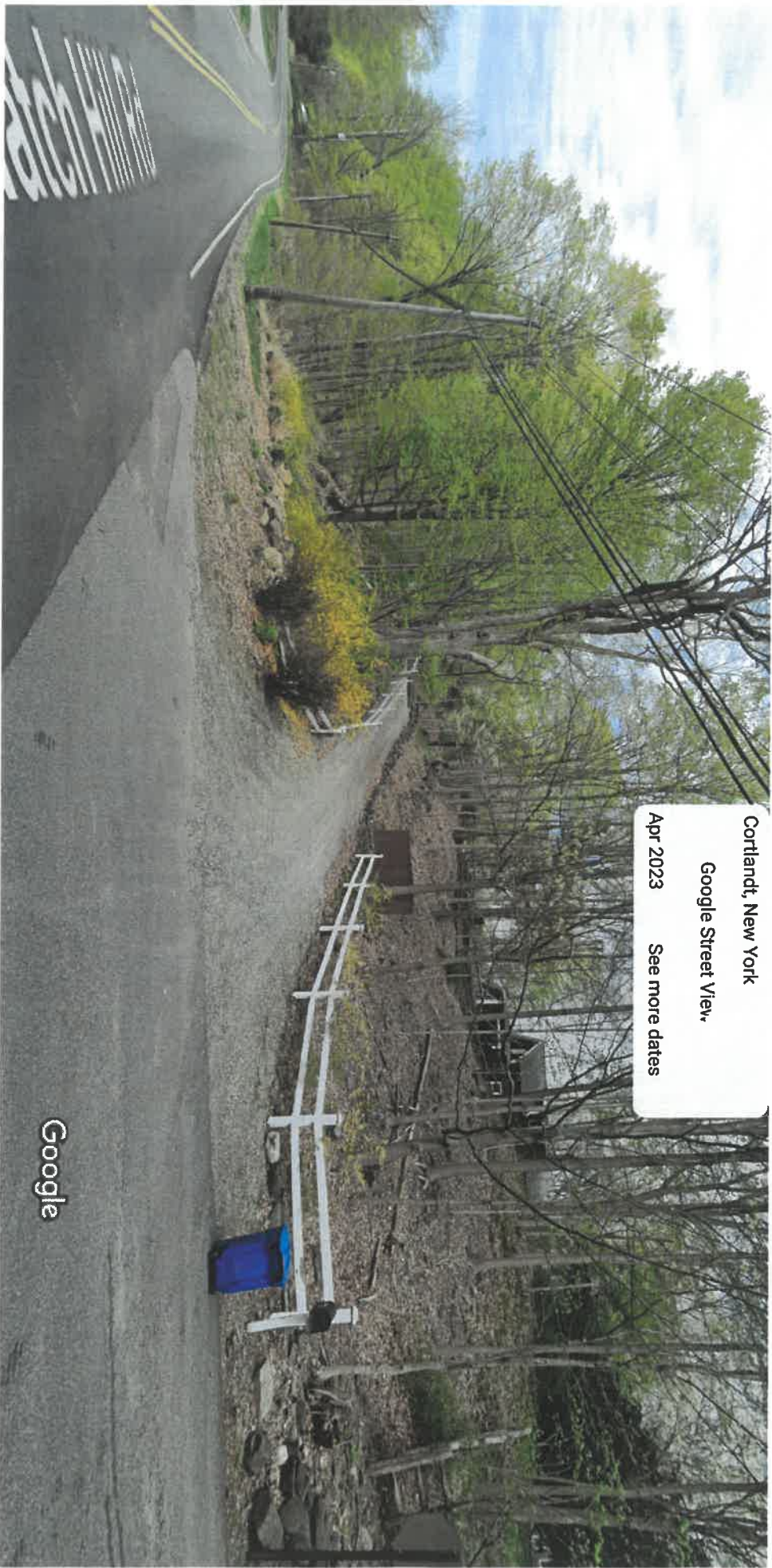


Image capture: Apr 2023 © 2023 Google

← 169 Watch Hill Rd

All

Street View & 360°



1: 1,125



187.5
0
93.75
187.5 Feet
Map produced by: user

Disclaimer: "The information contained in this data is NOT to be construed as a "legal description". The Town and its consultants do NOT provide any guarantee of accuracy or completeness and will NOT be held liable for any damages or losses due to its use."



Town of Cortlandt

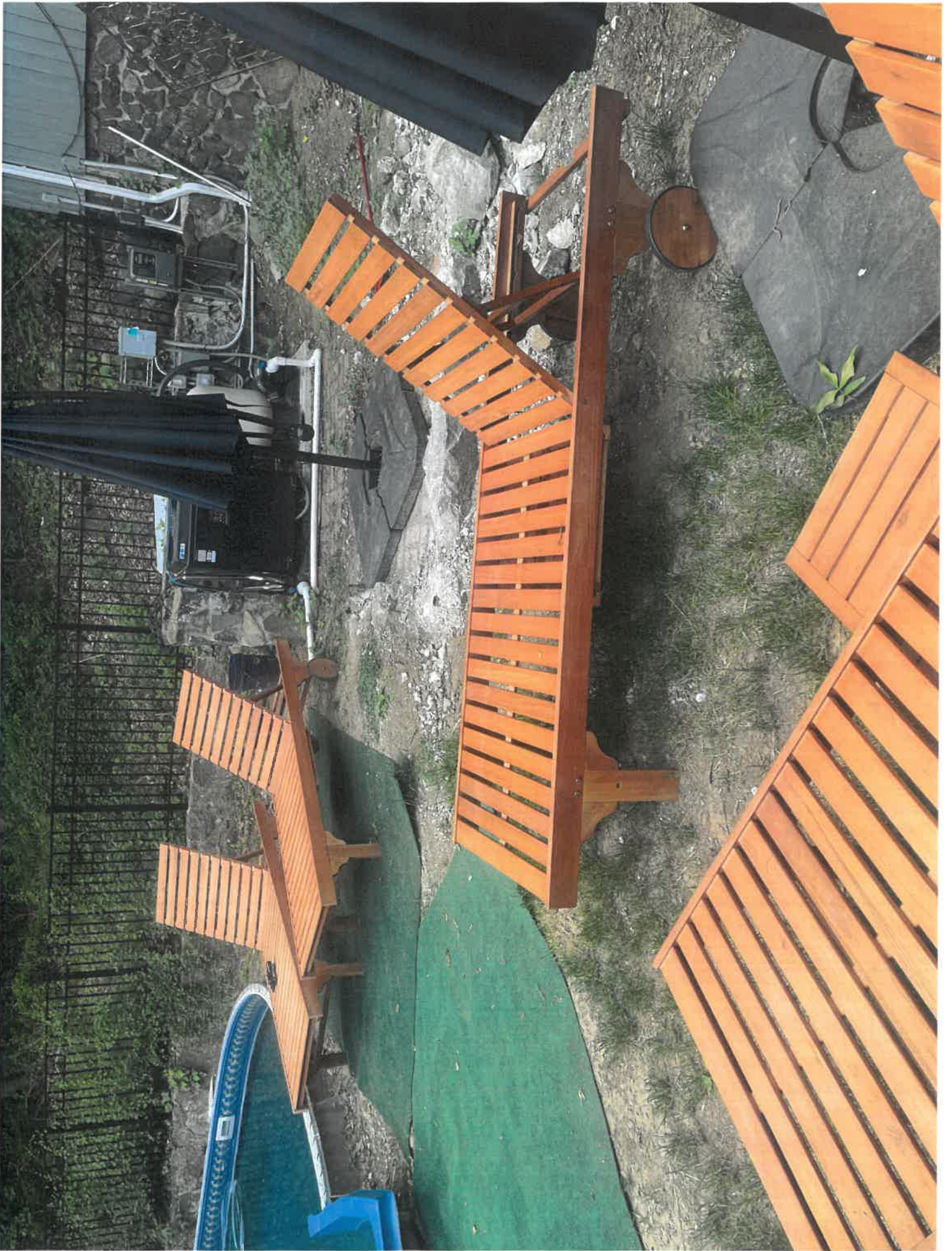
Legend

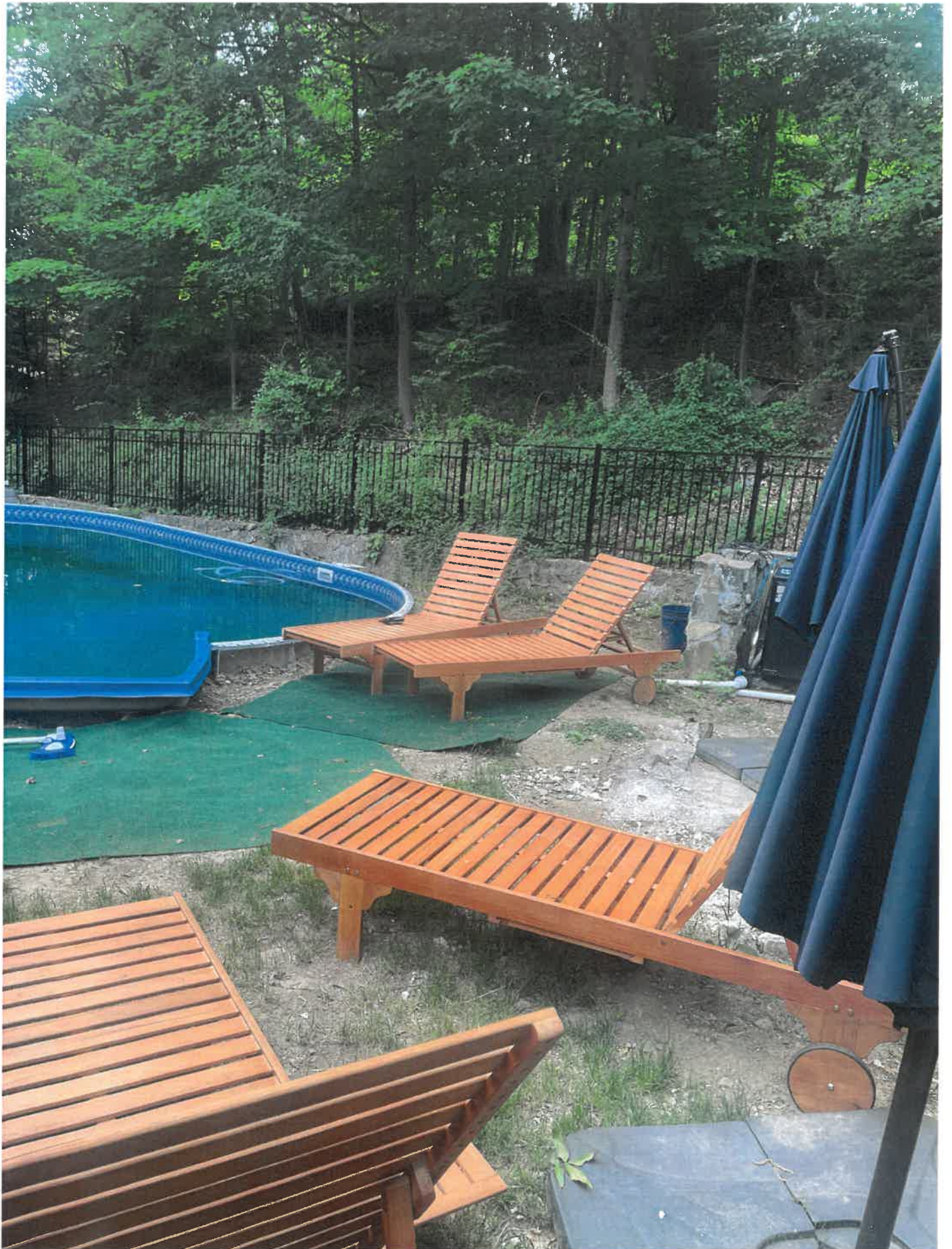
- Parcels
- Road Labels

Notes









Z O N I N G B O A R D O F A P P E A L S

Town of Cortlandt
Westchester County, New York

D E C I S I O N & O R D E R

Petitioner: **Andrea Colucci** Case No. 2021-10
Address: 169 Watch Hill Rd.
Location of Property: **Same**
Tax Map Designation: Section 44.19 Block:1 Lot: 14
Present Zoning: R-40
Nature of Petition:
 Use Variance Area Variance Interpretation
 Special Permit

Describe Specific Request: An area variance for total area of accessory structures exceeding 50% of the area of the principal dwelling for a proposed pool. Principal Dwelling = 2,186 sq. ft. $2,186 \times .50 = 1,093$ sq. ft. permitted. Total Accessory Structures proposed = 1,973 sq. ft. An area variance of 890 sq. ft. is required.

Board Members

Present: **Adrian Hunte**
 Chris Beloff
 Frank Franco
 Cristin Jacoby
 Tom Walsh
 Benito Martinez

Absent: **David Douglas**
 Wai Man Chin

The above-referred to Petition, having been duly advertised in The Croton Gazette, the official newspaper of the Town of Cortlandt in the issue published the week of 8/5/21 - 8/11/21, Town Board Resolution No. 153-88 having been complied with and the matter having duly come to be heard before a duly convened meeting of the Board on the following date, 8/18/21 at the Town Hall, 1 Heady Street, Cortlandt Manor, New York, and all of the facts, matters and evidence produced by the Petitioner, by the administrative official and by interested parties having been duly heard, received and considered, and due deliberation having been had, the following Decision and Order is hereby made:

The Zoning Board of Appeals has taken into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board makes the following findings:

1. No undesirable change will be produced in the character of the neighborhood and no detriment to nearby properties will be created by the granting of the area variance. The existing accessory

building coverage is mainly due to a prior to zoning 1,347 sq. ft. barn located on the property. The pool is proposed in an open lawn area of the subject property which is located up a long driveway and not visible from Watch Hill Road.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. The 1,347 sq. ft. barn has existed on the site, according to the owner, for over one-hundred years and is an important structure that contributes to the character of the property. The barn would need to be removed in order for the pool to be constructed without a need for a variance.
3. While the request appears substantial there is currently, as a preexisting condition, a 1,347 sq. ft. barn on the site. The proposed pool adds an additional 594 sq. ft.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The location of the proposed pool does not require the removal of any trees, is not visible from Watch Hill Rd. due to the characteristics of the subject property and the applicant is proposing drainage structures to ensure there is no additional run-off caused by the construction of the pool.
5. The alleged difficulty is partially self-created as the applicant seeks to construct a 594 sq. ft. pool. However, the existing accessory structure coverage is made up primarily made up of a 1,347 sq. ft. barn. In total the facts and application of the five factors merit the granting of this request.

Applicant is hereby GRANTED an Area Variance totaling 890 sq. ft. of additional accessory structure square footage to permit the construction of a 594 sq. ft. pool on the subject property. As a further condition of this approval, the applicant must obtain a building permit and any other required permits

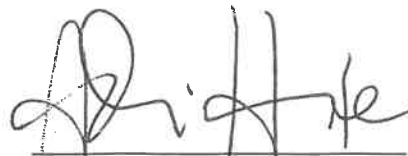
This is a Type II application under SEQRA. Therefore, no further compliance is required.

NOW THEREFORE, Petition is granted and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Town of Cortlandt and all other agencies having jurisdiction.

Adopted: August 18, 2021
Cortlandt Manor, New York
Date filed: August 23, 2021



Chris Kehoe, AICP
Clerk, Zoning Board



Adrian Hunte
Acting Chair, Zoning Board