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April 19, 2022

**Village of Croton on Hudson
Engineering Dept.
Stanley Kellerhouse Municipal Bldg.
One Van Wyck St.
Croton on Hudson, NY 10521**

**Re: Application to Zoning Board of Appeals
Area Variance
Porteus Property
25 Harrison St.
TM – Section 68.17, Block 2, Lot 26.2**

To Zoning Board Chairman & Zoning Board Members,

Attached please find an application to your Zoning Board of Appeals for two area variances on a parcel of property located at 25 Harrison St. that the owner, Greg Porteus, looking to subdivide, which will create the need for these variances.

The variances requested are for a lot width of 37.5 ft. where 50 ft. is required, necessitating a 12.5 ft. variance.

The second is for a side yard setback, where 20 ft. total is required, the applicant can only provide a total of 13.5 ft. requiring a 6.5 ft. variance.

These are for lots which have not yet been created as we have not yet appeared before the Planning Board to formally subdivide the parcels.

We would very much like to be placed on the next available ZBA agenda to discuss this application with the Board.

If there is additional information required, please do not hesitate to reach out so that we can provide that information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alfred A. Cappelli, Jr.', with a stylized flourish at the end.

Alfred A. Cappelli, Jr.
Architect

AAC/dc
Enc.

**APPLICATION TO THE
VILLAGE OF CROTON ON HUDSON
ZONING BOARD OF APPEALS
FOR A
USE VARIANCE
FOR
25 HARRISON STREET
SECTION 68.17, BLOCK 2, LOT 26.2
OWNER: GREG PORTEUS**

**AS PREPARED BY:
ALFRED A. CAPPELLI, JR., ARCHITECT
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**Porteus
25 Harrison St.**

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Village of



Croton-on-Hudson

Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783
engineering@crotononhudson-ny.gov

Zoning Board of Appeals **Application (ZBA)**

(Form # Eng-\$230-160)

APR 19 2022

Engineers Office

(Revised 06 2017)

Application Date: 04/19/2022

Application #: 20220221

Type of Application: ☒ Area ☐ Special Permit ☐ Appeal ☐ Interpretation ☐ Use ☐ Fence

NYS SEOR (\$617) Actions:

- ☐ **Type I -** Submit long EAF and CAF
☒ **Type II -** Not subject to SEQR (area variances for 1, 2 and 3 family homes and lot line variances and individual setback variances) EAF & CAF not required
☐ **Unlisted -** Submit short EAF (long EAF may be required) and CAF

Other Involved Agencies: ☐ Village Board ☐ Planning Board ☐ Other: _____

Property Information: Section: 68.17 Block: 2 Lot: 26.2

Property Location (street address): 25 Harrison Street

Zoning District ☐ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☒ RB (2 family) ☐ RC Multiple Residence
Limited Office ☐ O-1 ☐ O-2
Commercial ☐ C1 Central ☐ C2 General ☐ Gateway overlay
Other ☐ LI Light Industrial ☐ WC Waterfront ☐ WD Waterfront Development

Current Use: ☐ 1 Family ☐ 2 Family ☐ 3 Family ☐ Multi Family ☒ Vacant Lot
☐ Commercial/Other (description): _____

Applicant Information: (if other than owner, supply a letter from the property owner authorizing application)

☐ Owner ☐ Tenant ☐ Contractor/Vendor
☐ Attorney ☐ Engineer ☒ Architect ☐ Other: _____

Last Name: Cappelli First Name: Alfred MI: A

Company: Alfred A. Cappelli, Jr., Architect

Address: 23 Diddell Rd.

Address: Wappingers Falls, NY 12590

Phone #: 845-632-6500 Cell #: [REDACTED] E-mail: acappe2102@aol.com

Property Owner: ☐ Same As Above

Last Name: Porteus First Name: Greg MI: _____

Company: Porteus & Son

Address: 136 Cedar La.

Address: Ossining, NY

Phone #: _____ Cell #: [REDACTED] E-mail: [REDACTED]

General Application requirements:

1. Forms & fees: This completed application plus seven (7) copies (total of 8) plus eight (8) copies of the supporting documentation shall be submitted by the applicant, accompanied by the applicable fee. Electronic version (pdf, jpeg, other) of all documents must be submitted with the application. Appropriate photographs of the property and surrounding properties should be submitted.
2. Content of submission: Application shall fully set forth the circumstances of the case, accompanied by a proposed plan showing the size and location of the lot, a site plan showing location of all buildings and proposed facilities, including access drives, parking areas, landscaping and streets. Each application shall refer to the specific provision

of the chapter and the interpretation that is claimed, details of the variance that is applied for and the grounds on which it is claimed that the same should be granted, or the use for which the special permit is sought.

3. Drawings, elevation plans, and surveys must reflect what is existing and what is proposed and **must be submitted at the time of application**. Failure to do so may result in your application being deemed incomplete.
4. If a recent sale of the property has taken place, please submit proof of ownership.
5. If you are in contract to purchase, please submit a **notarized letter** from the current owner stating that the applicant has his/her permission to file on his/her behalf and applicant is not the owner.
6. Applications **must** be submitted **21 days** prior to the date of the hearing in order to meet **required** deadline dates for Legal Noticing. ZBA meetings/hearings are usually held on the 2nd Wednesday of each month at 8 PM.
7. If the application is approved by the Zoning Board of Appeals and a building permit is needed, a separate application for the building permit will need to be submitted.
8. Appeal: shall be taken within 60 days after the filing of any order, requirement, decision, interpretation or determination by filing with the administrative official and the ZBA, a notice of appeal specifying the grounds of appeal and relief sought.
10. Stay upon appeal: an appeal shall stay all proceedings in furtherance of the action appealed from, unless it is determined that the stay would cause imminent peril to life or property, in which case, proceedings shall not be appealed other than by a restraining order which may be granted by the ZBA or by a court of record on application.

1. Area Variances

Village Code Section(s): 230-314

Description of variance requested:

Lot width of newly created lots will a 37.5 ft. ~~where~~ where 50 ft. is required

Side yard setback requires a total of 20 ft. for both sides (8 ft. min.) and can only provide 13.5 total

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	8 ft. / 12 ft.	8.0 ft. / 5.5 ft.	6.5 ft.
Total Side Yard	20 ft.	13.5 ft.	6.5 ft.
Front Yard			
Rear Yard			
Front Yard Lot Width	50 ft. required	37.5 ft. provided	12.5 ft

The ZBA shall take 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 a grant. To be considered:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.

Provide additional information for all five factors above:

1. two smaller homes would be more in character with the neighborhood than one large duplex
2. there are no alternatives other than leaving the lot as it is
3. variance is not substantial as there are many undersized lots in the village
4. see #1 above
5. variance request is self created

(can use separate paper if necessary)

Have any previous area variance applications been made? ☐ yes ☒ no If so, give date: _____

Description of previous variance:

2. Special Permit

Village Code Section(s): N/A

Special Permit Description: _____

Explanation:

(can use separate paper if necessary)

Have any previous special permit applications been made? ☐ yes ☐ no If so, give date: _____

Description of previous special permit:

3. Appeal

Village Code Section(s): N/A

Description of administrative decision or order (include copy):

(can use separate paper if necessary)

Date of decision or order: _____

Explanation of reason for appeal:

(can use separate paper if necessary)

4. Interpretation

Village Code Section(s): N/A

Description of proposed project or improvement:

Explanation/describe request::

5. Use VariancesVillage Code Section(s): N/A

Existing Use of Property: _____

Proposed Use of Property: _____

No use variance shall be granted by the ZBA without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. **These four criteria must be satisfied:**

1. Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. Alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. Requested use variance, if granted, will not alter the essential character of the neighborhood.
4. Alleged hardship has not been self-created.

Provide additional Information for all four factors above:

(can use separate paper if necessary)

Have any previous use variance applications been made?

☐ yes☐ no

If so, give date: _____

Description of previous use variance:

Answer Questions (1-5):

- | | | |
|--|---|--|
| 1. I have submitted required number of copies + documentation. | ☒ yes | ☐ no |
| 2. Drawings, elevation plans & surveys have been submitted | ☒ yes | ☐ no |
| 3. All required application information has been provided | ☒ yes | ☐ no |
| 4. Proof of ownership, if applicable, has been provided | ☐ yes | ☒ no |
| 5. Digital files of all documentation have been submitted | ☒ yes | ☐ no |

I certify that the above information is accurate, and I am the property owner or authorized by the owner to file this application on their behalf and that I will indemnify and hold the Village harmless against any damage or injury that may be caused by or arise out of any entry onto the property in connection with the processing of the application, during construction or performance of the work or within one year after the completion of the work.

Alfred Cappelli, Arch. f/ Greg Porteus

Applicant's Name (please print)


Applicant's Signature

04/19/2022

Date

Note: 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."

For larger projects, a request can be made for a variance from §230-164(E) for up to a two year period.

I request a 2 year variance:☐ YES☐ NO**FOR VILLAGE USE ONLY:**Is lot an existing small lot? ☐ yes ☐ no**Note:** If yes, lot area, lot depth and lot width exceptions are granted under Village Zoning Code 230-40G

Decision Type: _____

Decision Type: _____

Date: _____

Date: _____

☐ Approved☐ Approved☐ Denied☐ DeniedFee: \$ 325.00Date paid: 4/20/2022Rec'd by: JD

Porteus
25 Harrison Street

PROJECT NARRATIVE

Property Location:

The subject parcel is a vacant property located on the north side of Harrison Street. Tax Map – Section 68.17, Block 2, Lot 26.2

Property Description:

The subject parcel is 75 ft. wide and 140 ft. deep for a total of 10,500 sq. ft./0.24 acre. The parcel's topography slightly increases upward from the street level. The zoning of the property is RB.

Neighborhood:

The neighboring properties are a mix of single-family and two-family homes, mostly older, with the exception of a recently constructed two-family duplex immediately to the east.

Property's Recent History:

This property and the parcel to the right (east), once consisted of three individual lots.

It was then that the previous owners approached the Village and Planning board, to re-divide the property and instead of having the property yield three, single-family homes, the then owner presented two lots which would hold a two-family duplex on each newly created lot for a total of four residential units.

One of the duplexes/two-family homes was constructed recently, yielding this vacant lot, the subject parcel for which the applicant is seeking a variance.

Applicant Intent:

It is the applicant, Greg Porteus' intent to create two separate lots out of what was created from what we'll call the duplex lot.

Although not unattractive, Mr. Porteus feels the size and scale of the duplex recently constructed overwhelms the neighborhood, with most of the other homes being much more diminutive in size.

And, although Mr. Porteus, as of right, could build a duplex of similar size and scale that currently exists will compound the out of context size, scale and type of home that would be out of character for the neighborhood.

That is why Mr. Porteus would like to split the lot, creating two smaller single-family homes. The number of units will not be increased, as the duplex would yield two residential units, as would the two single-family units.

Again, the intent is to construct housing within the context and scale of the neighborhood, which Mr. Porteus is successfully completing on another project on Wells Ave. in the Village.

That being said, in splitting the lots, it would create the need for several variances.

Although minimum lot size and most other elements can be met, the lot width minimum cannot be met as only 37.5 ft. is provided where 50 ft. is required, necessitating a 12.5 ft. variance.

And the second variance would be for one of the side yard setbacks.

The Bulk Regulation suggests a minimum side yard on any one side to be 8 ft. with a total of both sides being 20 ft., only 8 ft. one side and 5.5 ft. can be provided on the other side for a total of 13.5 ft. requiring a 6.5 ft. side yard variance.