

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)

JUN 22 2022

Engineers Office

(Revised 06 2017)

Application Date: June 17, 2022

Application #: 20220365

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

NYS SEQR (§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: 78.8

Block: 6

Lot: 37

Property Location (street address): 104 Grand Street, Croton-on-Hudson NY 10520

Zoning District ☐ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☐ RB (2 family) ☐ RC Multiple Residence
Limited Office ☒ O-1 ☐ O-2 ☐ Riverside ☐ C-1R(A) ☐ C-1R(B)
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): office on ground floor with owner living on second floor

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: Pancotti First Name: Daniel MI: _____

Company: Modica-Snow & Pancotti

Address: 104 Grand Street, Croton-on-Hudson

Address: _____

Phone #: 914-271-9595 Cell #: N/A E-mail: dan@modicasnowpancotti.com

Property Owner: ☐ Same As Above

Last Name: Snow (Modica-Snow) First Name: Richard (Maria) MI: _____

Company: N/A

Address: 104 Grand Street

Address: Croton-on-Hudson

Phone #: [REDACTED] 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): Zoning Section 230-9.1A(10)(b)[1]

Description of variance requested:

See attached

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard			

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:

See attached.

(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): _____

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): _____

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): _____

Description of proposed project or improvement:

Explanation/describe request::

5. Use Variances

Village Code Section(s): _____

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.

Daniel Pancotti
Applicant's Name (please print)


Applicant's Signature

June 22, 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: \$ 350.00 Date paid: 6/22/2022 Rec'd by: PK

ADDENDUM TO ZONING BOARD APPLICATION

A variance is requested to allow the second floor of 104 Grand Street to be rented out as a residential apartment after the current owner moves out. Currently, the property is configured as a law office on the ground floor, which has been in operation in this location since 2009. The law firm is a local practice focusing on proving estate planning advice largely to a local and elderly population, and real estate services, primarily located in Croton-on-Hudson. Maria Modica-Snow and her husband currently live upstairs but would like to move out. Currently zoning would permit the second floor to be used as office space only since the ground floor has long been occupied by Maria Modica-Snow as her law office (and the law firm of Modica-Snow & Pancotti since 2014). A variance is requested to allow the upstairs to be rented out as a residential 2 bedroom apartment. The apartment is currently configured as residential and much of the space is a large kitchen and full bathroom. There is currently demand, and a need for, residential apartments in Croton-on-Hudson. The second floor will be easier to rent, and will rent for more money, if rented out as residential. Further, current zoning allows for the building to be rented out as all office space, a 2 family home or a single family home, but not mixed use (unless it used by the owner). I, Daniel Pancotti, am interested in purchasing the building from the current owner and continuing the law practice in this building, but it will be difficult to do so if I cannot rent the second floor as residential. I understand the vacancy factor can be quite high for second floor office space and the rents would be lower than residential.

For that reason, I request an area variance, including permitting the building to be used under Section 10(b)(1) to permit use by a "tenant" thereon instead of a "resident" thereon.

To address the five factors that are considered for an area variance:

1. There will not be an undesirable change in the character of the neighborhood. Rather, status quo will be maintained as the second floor will continue to be used as residential, which is what it is designed for. Also, many of the other neighboring properties, which are zoned O-1, are currently being used for residential purposes.
2. There is not currently another method for permitting a residential tenant to live upstairs other than seeking a variance, or me moving in upstairs, but the apartment is only 860 square feet and is too small for me and my family.
3. The variance is not substantial because it is just preserving status quo and bringing needed residential apartments to Croton-on-Hudson, while also making it financially more possible for a long-standing law firm to purchase the building and continue to serve Croton-on-Hudson residents.
4. There will not be an adverse impact on the physical or environmental conditions for the reasons stated above.
5. The difficulty is not self-created because the home was built in a way that lends itself to its current use, as there is no kitchen on the first floor, and there is a kitchen and full bathroom in the apartment on the second floor. I cannot move into the apartment upstairs because it is too small for me and my family.

June 18, 2022

Dear Village of Croton-on-Hudson,

I am writing to confirm that I have authorized Daniel Pancotti to submit a zoning board application for a variance to permit mixed-use at 104 Grand Street, Croton-on-Hudson, NY 10520.

Thank you.

DocuSigned by:

Richard Snow

F34C588E87374B3...

Richard Snow

DocuSigned by:

Maria Modica-Snow

5F55FDF5CA88484...

Maria Modica-Snow