

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)

AUG 12 2022

Engineers Office

(Revised 06 2017)

Application Date: 8/12/22

Application #: 20220414

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: 67.19 Block: 2 Lot: 8

Property Location (street address): 15 FINNEY FARM ROAD

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: SENA First Name: KENNETH MI: M

Company: _____

Address: 15 FINNEY FARM RD

Address: CROTON ON HUDSON NY 10520

Phone #: 917-885-8496 Cell #: 917-885-8496 E-mail: KMSENA@GMAIL.COM

Property Owner: ☐ Same As Above

Last Name: SENA First Name: KENNETH MI: M

Company: _____

Address: P.O. Box 632

Address: LITCHFIELD CT 06759

Phone #: 917-885-8496 Cell #: 917-885-8496 E-mail: KMSENA@GMAIL.COM

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): 230-33 -A AND 230-40-A.1.a

Description of variance requested:

area variances for minimum side yard and for accessory structure maximum height.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	30 ft minimum	12.6' exist. main bldg.	17.4'
Total Side Yard	80 ft	225.35'	none
Front Yard	50 ft	73.4 ft	none
Rear Yard	40 ft main / 5 ft acc	44.8' main / 24.83 ft a	none
Height	35 ft main / 15 ft a	19' main / 20' access	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:

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: _____

August 19, 1968, for a kitchen extension in the north side yard, variance was mentioned in minutes but documents were not found.

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?

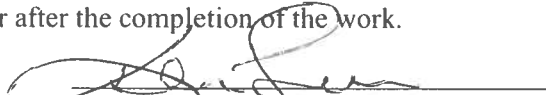
☐ yes ☐ no If so, give date: _____

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.

KENNETH M. SEMA
Applicant's Name (please print)
Applicant's Signature8-12-2022
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: 8/22/22 Rec'd by: 

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; **THE PROPOSED PROJECT WILL REPLACE AN EXISTING SWIMMING POOL AND PATIO, AT OR ABOUT THE SAME LEVEL THE EXISTING POOL PATIO WAS PREVIOUSLY ON. THE SIZE OF THE PROJECT IS ALSO APPROXIMATELY THE SAME FOOTPRINT SIZE. WE FEEL BY PLACING THE NEW PROJECT IN THAT LOCATION THAT IT LENDS ITSELF NO IMPACT ON VIEW OR ANY OTHER POTENTIAL OBSTRUCTION TO THE NEIGHBORHOOD.**
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; **THE PLACING OF THE PROJECT WHERE THE EXISTING POOL AND PATIO WAS LOCATED REALLY IS THE ONLY PLACE THAT WOULD ACCEPT SUCH A STRUCTURE, NOTING THAT THE REMAINDER OF THE PROPERTY IS QUITE STEEP IN SLOPE.**
3. Whether the requested area variance is substantial; **THE MINIMUM SIDE YARD REQUEST IS A FACTOR THAT HAS EXISTED TO WHERE THE EXISTING HOUSE WAS CONSTRUCTED AND SHIFTING THE BUILDING TO GET AN ADDITIONAL 31 FT. FROM THE OTHER SIDE YARD SO THAT THE COMBINED CAN BE 80FT, WOULD PUSH THE BUILDING INTO AN AREA THAT WOULD NOT ALLOW FOR THE DRIVEWAY ACCESS THE GARAGE LEVEL AND MAKE IT VISIBLE IN THE FRONT YARD.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; **WE FEEL THAT THE BUILDING WILL NOT IMPACT THE AREA BUT ALLOW THE RUNOFF TO BE SLOWED DOWN BY THE RETAINING WALLS AND ROOF CAPTURE.**
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.

YES, WE HAVE DECIDED TO CREATE A POOL/RECREATION/ GARAGE SPACE FOR THE FOLLOWING REASONS.

1. **THE EXISTING BUILDING ITSELF IS ONLY 1300 PLUS SF. WITH OUT EVEN A SINGLE CAR GARAGE. THE HOUSE IS IN NEED OF A PROPER GARAGE, AND AFTER EXPLORING PLACING GARAGE STRUCTURES IN THE FRONT YARD AND NOT HAVING AN IMPACT ON THE NEIGHBORS VIEW THE DECISION WAS MADE TO CREATE A 3 CAR AREA BELOW THE POOL AND PATIO.**
2. **THE EXISTING POOL AND PATIO WERE IN EXTREME DIS-REPAIR AND THAT COST WOULD HAVE BEEN TREMENDOUS TO REVITALIZE. BY BUILDING AN ADDITIONAL STRUCTURE IT WOULD ADD NEEDED VALUE TO THE PROPERTY.**
3. **SINCE THE POOL AND PATIO ARE AT A LEVEL BEING 5 FT BELOW THE BASEMENT LEVEL OF THE EXISTING RESIDENCE, IT WAS QUITE IMPRACTICAL TO ACCESS THE FACILITIES, BATH, KITCHEN, FROM THAT AREA. THAT IS HOW WE DECIDED TO CREATE A POOL HOUSE WHERE PEOPLE CAN EASILY ACCESS THE FACILITIES, BE ABLE TO GET OUT OF THE SUN BUT STILL ENJOY THE POOL AND BE ABLE TO GRAB A COLD DRINK OR GLASS OF WATER.**
4. **THE EXISTING POOL EQUIPEMENT WERE LOCATED VISIBLY IN THE FRONT YARD. NOW THAT EQUIPMENT WILL BE HOUSED INSIDE AT THE GARAGE LEVEL.**

Village of Croton-on-Hudson, New York



Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson,
NY 10520

(914) 271-4781-2
FAX (914) 271-2836

February 3, 2003

TO WHOM IT MAY CONCERN:

**Re: Sec. 67.19 Block 2 Lot 8
(Formerly #57-222-7B)
15 Finney Farm Road**

Mayor
ROBERT W. ELLIOTT

Trustees
GEORGIANNA K. GRANT
DEBORAH Y. McCARTHY
GREGORY J. SCHMIDT
LEO A. W. WIEGMAN

Manager-Clerk
RICHARD F. HERBEK

Treasurer-Deputy Village Clerk
ROBERT T. REARDON

Attorney
SEYMOUR M. WALDMAN

Engineer
Daniel O'Connor, P.E.
271-4783

Please be advised that our records indicate that the original improvements to the above-captioned premises were constructed in 1951 or thereabouts. We have no record of a Certificate of (Conformity) Occupancy for the original improvements and this letter will serve in lieu thereof. see c.o.

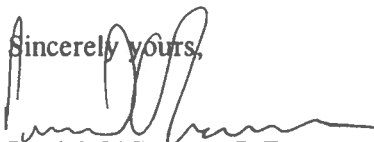
Based on a survey prepared by W.A. Slater, P.E. & L.S. dated June 12, 1968, we have ascertained that, with respect to the original improvements, the side yard setback of 17' on the north westerly side of the property does not conform to the requirements set forth in the 1931 Zoning Law in effect at the time of construction, nor does it conform to the requirements of our present zoning law. In 1968, the owner of the property sought a variance from the Zoning Board of Appeals to enlarge the existing kitchen. In the August 19, 1968 Zoning Board minutes in which this matter was discussed, there is mention of a variance "in effect, as the existing property is non-conforming." (See attached.) Having reviewed on microfiche the minutes of Zoning Board meetings from 1948 to 1968, we have been unable to find the actual resolution of the Zoning Board of Appeals granting such a variance. Based on the file record of the August 19, 1968 meeting, the property is considered legally non-conforming.

Be advised that Certificate of Occupancy #2152 (attached) was issued for a solar hot water heating system pursuant to Building Permit #1566. Certificate of Occupancy #3388 (attached) was issued for the construction of an in-ground swimming pool pursuant to Building Permit #2526.

Be it further advised that Building Permit #3872 (attached) dated November 4, 1996 for the construction of a shed has expired. If the shed was built, the property owner will have to re-apply for a Building Permit in order for the Certificate of Occupancy to be issued.

Be it further advised that the existing one-family use is a permitted use in the RA-40 One-Family Residence District in which located.

Sincerely yours,


Daniel O'Connor, P.E.
Village Engineer

DO/smm
att.

~~VILLAGE~~ OF
CROTON-ON-HUDSON, N.Y.

NOTICE FROM VILLAGE CLERK

TO PROPERTY OWNERS ABUTTING AND WITHIN 200 FEET:

Pursuant to Article Nine, Section 9.3 of the Zoning Ordinance of the Village of Croton-on-Hudson, N.Y.

PLEASE TAKE NOTICE of Public Hearing before the Board of Appeals of the Village of Croton-on-Hudson, N.Y. in relation to the following Notice which will be published in the CROTON-CORTLANDT NEWS, the Official Newspaper of the Village:

NOTICE OF HEARING BEFORE BOARD OF APPEALS

NOTICE is hereby given that David Disich has appealed from the strict application of the Zoning Ordinance for variance to construct an addition to a dwelling which will encroach on a required side yard. The property on Finney Farm Road is located in an RA-40 District and is designated on the Tax Maps as Section 57, Block 222, Lot 7B.

A PUBLIC HEARING on the merits of this appeal will be held before the Zoning Board of Appeals on the 14th day of August, 1968 at 8 P.M. at the Municipal Building, Croton-on-Hudson, N.Y.

DATED: July 25, 1968
Croton-on-Hudson, N.Y.

JOSEPH A. ZERELLO
Village Clerk-Administrator

July 29th, 1968

JOSEPH A. ZERELLO