



Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
Croton-on-Hudson, NY 10520-2501
Tel: 914-271-4783, Fax: 914-271-3790

Zoning Board of Appeals Application (ZBA)

RECEIVED (Form # Eng-230-160)

AUG 14 2023

Engineers Office

(Revised 6/6/2017)

Application Date: AUGUST 1, 2023

Application #: (Village Use) 20230385

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

NYS SEQOR (§617) Actions:

☐ Type I - Submit long EAF and CAF

☒ Type II - Not subject to SEQOR (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 68.13 Block 3 Lot 22

Property Location (street address) 34 PARK TRAIL

Zone: Residence (1 family) ☐ RA5 ☐ RA9 ☒ RA25 ☐ RA40 ☐ RB (2 family) ☐ RC Multiple Residence ☐ RA60
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/Vender

☐ Attorney ☐ Engineer ☐ Architect ☐ Other: _____

Last Name: ALVAREZ First Name: ALBERTO MI: _____

Company: CONCEPTS OF LANDSCAPE INC.

Address: 123 COLABAUGH POND ROAD

Address: CROTON ON HUDSON, NY

E-mail: CONCEPTSOF Cell # 914 720 1052 Office #: _____ Fax #: _____

Property Owner: ☐ Same As Above LANDSCAPE@HOTMAIL.COM

Last Name: ALVAREZ First Name: ALBERTO MI: _____

Company: CONCEPTS OF LANDSCAPE INC.

Address: 123 COLABAUGH POND RD - CROTON ON HUDSON NY

Address: _____

Home/Office #: _____

Cell # (914) 720 1052

E-mail Conceptsoflandscape@
hotmail.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 ATTACHMENT C
AREA AND BULK REGULATION

Description of variance requested: VARIANCE SOUGHT FOR EXISTING
NON CONFORMING LOT RAZZ ZONE
EXISTING NON CONFORMING

(can use separate paper if necessary)

	Required setbacks:	Proposed Sethacks:	Variance Requested:
Side Yard	<u>20/50</u>	<u>23.5</u>	<u>0</u>
Total Side Yard	<u>50</u>	<u>71.5</u>	<u>0</u>
Front Yard	<u>40</u>	<u>100</u>	<u>0</u>
Rear Yard	<u>30</u>	<u>25</u>	<u>8'4" *</u>
LOT AREA	<u>25,000</u>	<u>19,136</u>	<u>\$,364</u>
		<u>* DENIES VARIANCE REQD</u>	

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:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 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:
SITE & FOOTPRINT ARE EXISTING AND WILL REMAIN.
HEIGHT OF BUILDING IS INCREASED 28'-0" ± MAX

(can use separate paper if necessary)

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

Description of previous variance: N/A

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): _____

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: _____

(can use separate paper if necessary)

5. Use Variances

Village Code Section(s): ~~230 REGULATIONS~~ 230 ATTACHMENT C (21-23)

Existing Use of Property: ~~RESIDENTIAL SINGLE-FAMILY~~

Proposed Use of Property: ~~RESIDENTIAL SINGLE-FAMILY~~

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:

(USE VARIANCES -- continued)

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: _____

RESIDENCE CAN ONLY BE ADDED ONTO
WITH SECOND FLOOR LOFT. SETBACKS AND
FOOTPRINT ARE EXISTING AND WILL REMAIN.

(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: NONE

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.

ALBERTO DIVINEZ

Applicant Name (please print)

[Signature]
Applicant's Signature

7/30/23
Date

Note: According to Section 230-164(E), "Unless work is commenced and diligently prosecuted with 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 Section 230-164(E) for up to a two year period.

I request a 2 year period to commence work ☐ yes ☐ no

(Below 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: _____

Date: _____

- ☐ Approved
☐ Denied:

Decision Type: _____

Date: _____

- ☐ Approved
☐ Denied:

Fee: \$ 375.⁰⁰

Date Paid: 8/15/23

Rec'd by: [Signature]