

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, Fax: 914-271-3790

Zoning Board of Appeals

Application (ZBA)

(Form # Eng-230-160)

SEP 08 2023

Engineers Office

(Revised 6/6/2017)

Application Date: 9/8/23

Application #: (Village Use) 20230426

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 067.20-001-019.00 Block _____ Lot _____

Property Location (street address) 14 Mount Green Rd. Croton-on-Hudson

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: Cook

First Name: Terrie

MI: A.

Company: _____

Address: 14 Mount Green Rd. Croton-on-Hudson

Address: _____

E-mail: terrie@nyehotmail.com Cell #: 480/208-2018 Office#: _____

Fax #: _____

Property Owner:

☒ Same As Above

Last Name: _____

First Name: _____

MI: _____

Company: _____

Address: _____

Address: _____

Home/Office #: _____

Cell #: _____

E-mail: _____

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

Description of variance requested:

See cover letter

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	12'	10'	2'
Total Side Yard			
Front Yard	25'	11'	14'
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:

(can use separate paper if necessary)

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

Description of previous variance:

See attached

(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: _____

(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.

<u>Terrie Cook</u>	<u>Terrie A Cook</u>	<u>9/8/23</u>
Applicant Name (please print)	Applicant's Signature	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: _____

Decision Type: _____

Date: _____

Date: _____

☐ Approved

☐ Approved

☐ Denied:

☐ Denied:

Fee: \$ 375⁰⁰

Date Paid: 9/8/23

Rec'd by: SD

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): _____

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:

To Members of the Zoning Board:

Attached is the Resolution of Appeal from the Board of Appeals, Croton, dated July 19, 1948.

This allows for a variance for:

- The front yard of 26 feet deep instead of 40 feet.;
- The side yard of 15 feet instead of 25 feet and
- The rear yard of 15 feet instead of 25% of the depth of plot

The rear yard is in compliance.

Currently the front yard is 11 feet--out of compliance by 14 feet.
The side yard is 10 feet--out of compliance by 2 feet.

	Required Setback	Existing	Variance Requested
Front Yard	25 feet	11 feet	14 feet
Side Yard	12 feet	10 feet	2 feet

The house was built in 1949. We were under the impression the front yard was bordered by Mount Green. When Mount Green was widened a few years go, we saw the survey which showed a huge triangle of land starting at the driveway and up to the northeast corner of the property as belonging to the town. We believe this was to allow for the water value. (Copy of Survey dated July 6, 1978 attached.)

As with most properties back in "the age" a lot of the property lines were defined as a hedge or fence, etc. Which is what happened in the side yard. We still have the posts of the fence, which we assumed was our eastern border. From the survey, the property line is in front of the posts.

I believe this covers the five necessary factors listed on page 2 of the Application.

We respectfully request these variances are approved.

Terrie Munson Cook

*Send to
M. J. Munson
ask for
a full plan*

BOARD OF APPEALS
VILLAGE OF CROTON-ON-HUDSON

WESTCHESTER COUNTY, NEW YORK

Resolution On Appeal

BURLIN MUNSON JR. having appealed to this Board from a
determination of the Building Inspector denying application for
permit to erect a residence having a front yard 26 ft. deep,
instead of 40 ft., side yards of 15 ft. instead of 25 ft. and a
rear yard of 15 ft. instead of 25% of the depth of plot

on the premises known as Mt. Green Road Ave.
St.
Croton on Hudson, N.Y. in Sheet 35 Block 221 on lots 5 and 6
located in an A District as shown on the Building Zone Map;

~~and due public notice of a hearing having been given,~~
~~for the ----- day of~~
19- , and the applicant having appeared by Allan Mac Dougall
in support of said application and no one
appearing in opposition, and after due consideration it appearing to
the satisfaction of this Board that said appeal can be granted
— conditionally — without detriment to the health, safety, morals,
comfort, convenience or general welfare of the community, and that
the use applied for is a reasonable one for the premises involved;
that practical difficulties and unnecessary hardships would result
in carrying out the strict letter of the ordinance, and that by grant-
ing said appeal the spirit of the ordinance will be observed, public
safety secured and substantial justice done,

RESOLVED THAT BURLIN MUNSON JR. is hereby authorized to
erect a residence in accordance with plans and application filed
with the Building Inspector.

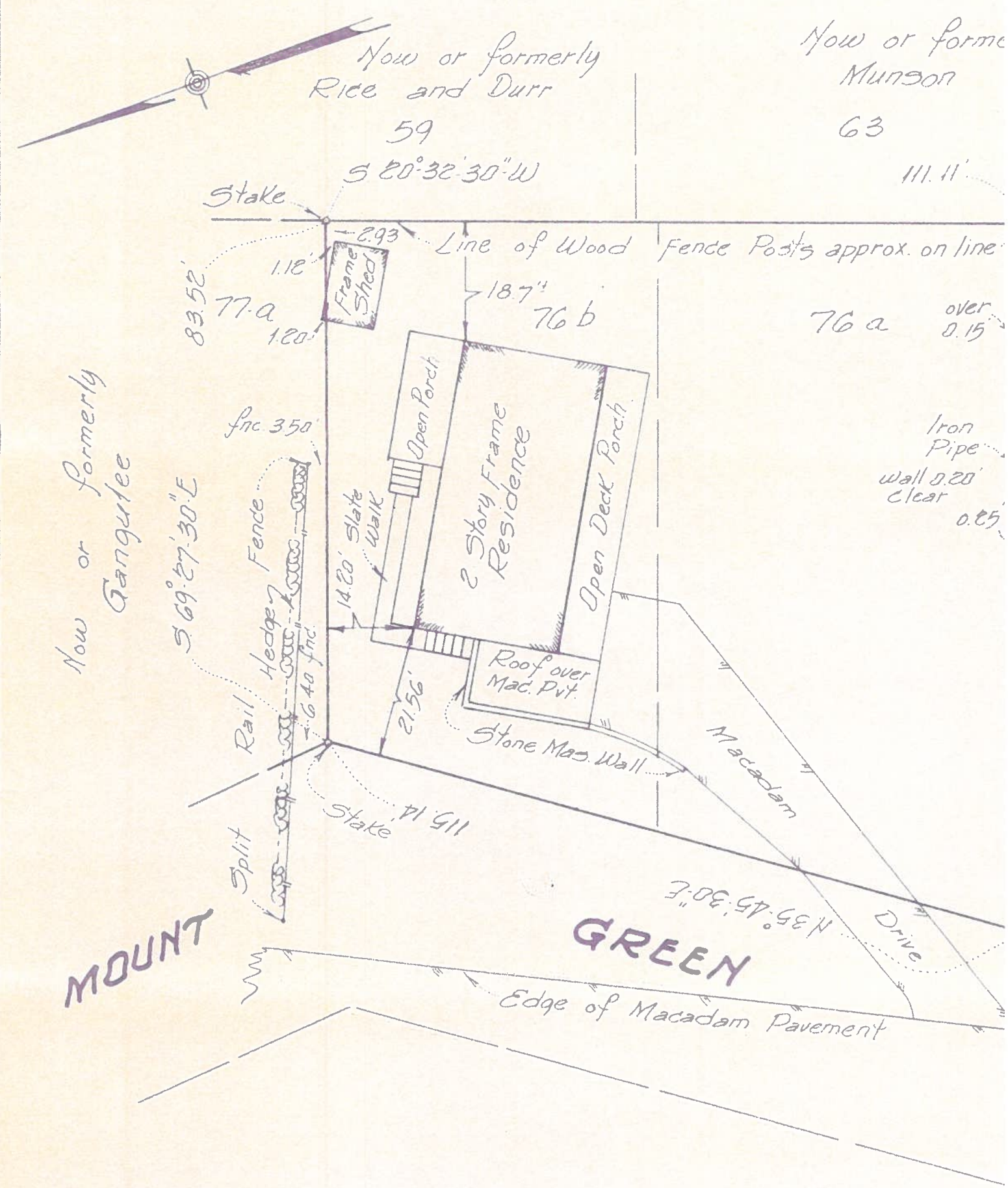
DATED July 19, 1948 19

BOARD OF APPEALS OF CROTON-ON-HUDSON

Ernest Holcombe
Chairman

I hereby certify the above to be a full, true and correct copy of a
resolution duly adopted by the Board of Appeals of the Village of
Croton on Hudson on the date above mentioned three
members of the Board being present and concurring.

Alan Mac Dougall
Secretary



SURVEY OF PROPERTY
SITUATE IN THE
VILLAGE OF CROTON-ON-HUDSON
TOWN OF CORTLANDT
WESTCHESTER CO., N.Y.
PREPARED FOR
VERA MUNSON
SCALE = 1" = 20'

Certified to the Westchester County
Savings and Loan Association

To USLIFE Title Ins. Co. of N. Y.: It is hereby
certified that this survey was prepared in
accordance with the existing Code of Practice