

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

Application for Accessory Apartment Permit

(Form # Eng-\$230-41)

(Revised 12 2022)

Application Date:

11/13/23

Application #:

20230556

Property Information:

Section:

67.10

Block:

2

Lot:

6

Property Location (street address):

Zoning District (check one): ☐ RA-5 ☐ RA-9 ☐ RA-25 ☐ RA-40 ☒ RA-60 ☐ RA-5 ☐ RB ☐ WDD

Property Owner:

Last Name:

Weinstein

First Name:

Gerald & Martin

MI:

Trust/Corporation/LLC:

Address:

1334 Albany Post Road

Address:

Croton on Hudson, NY 10520

Phone #:

Cell #:

E-mail:

Type of Ownership: Check one type of ownership below and complete information:

☒ Sole Ownership

☐ Joint Tenancy

☐ Tenants in Common

☐ Tenancy in the Entirety

Does the owner of the types listed above reside in one of the dwelling units as their primary residence?

YES ☐ NO ☐ If yes, please provide documentation and complete the following:

Owner Information (same as above):

Last Name:

First Name:

MI:

Address:

Address:

Phone #:

Cell #:

E-mail:

☐ **LLC or Corporation: does the majority owner of the membership interest or share interest reside in one of the dwelling units as their primary residence?** YES ☐ NO ☐

If yes, please provide documentation showing that the member or shareholder residing in the dwelling is the owner of the majority of the membership interest/share interest in the LLC or Corporation that owns the premises and complete the following:

Majority Owner Information:

Last Name:

First Name:

MI:

Current Address:

Address:

Phone #:

Cell #:

E-mail:

☐ **Trust: does the Beneficiary or Grantor reside in one of the dwelling units as their primary residence?**

YES ☐ NO ☐

If yes, please provide Trust documentation showing that the individual below is the beneficiary or grantor and complete the following:

Trust Grantor or Beneficiary Information:

Last Name:

First Name:

MI:

Address:

Address:

Phone #:

Cell #:

E-mail:

The granting of permit for Accessory Apartment is a Type II Action under SEQR.

Please answer the following:

Is this application for an existing accessory apartment? YES ☒ NO ☐

Number of existing dwelling units on property. 2

Is this building a single-family detached dwelling? YES ☒ NO ☐

Is there an existing Professional Office or Bed & Breakfast in the dwelling? YES ☐ NO ☒

Is the required survey of the property attached? YES ☐ NO ☒

Are required scaled floor plans for the entire dwelling showing the proposed accessory apartment attached? YES ☐ NO ☒

What is the square footage of the entire habitable floor area of the existing single family detached dwelling? 1560 (variance issued in 2/27/05)

What is the square footage of the habitable floor area of the accessory apartment (400 sq. ft. min., 750 sq. ft. maximum or no more than 33% of habitable floor area of the dwelling)? Yes (1560 sqft all per variance)

Are any additions to the single-family dwelling proposed? YES ☐ NO ☒

If additions to the dwelling are proposed, are the required scaled plans (floor plans and elevation plans) for the addition attached? YES ☐ NO ☒

If an addition is proposed, does the building maintain the character and appearance of a single-family dwelling? YES ☐ NO ☐ NA (elevation views of the existing building with the proposed addition shall be provided along with pictures of the existing building)

Does the accessory apartment have a separate entrance not observable from the street? YES ☒ NO ☐

Is there a single entrance with a foyer or hallway to the two dwelling units? YES ☐ NO ☒

Is the residence currently connected to the Village's sanitary sewer units? YES ☐ NO ☒ (WCHD approved septic system)

Number of existing off street parking spaces (min of 3 required). 5

Does the off-street parking need to be expanded to satisfy the 3 required off street parking spaces? YES ☐ NO ☒ If yes, show proposed additional off-street parking on survey or site plan. Note: in RA5 zoning district, expansion of off-street parking is not permitted.

Does the lot size conform to the requirements of the zoning district in which the lot is located YES ☒ NO ☐ if no has a variance been granted by the Zoning Board of appeals. YES ☐ NO ☐ NA ☒

Requirements/conditions

- o Planning Board Approval (please contact Planning Bd. Secretary for meeting dates)
- o Approval runs with the property owner.
- o Scaled floor plans with floor areas labeled shall be submitted
- o Please be advised that written notification by the Village will be given to property owners within 100 ft. of subject property prior to the Planning Board meeting.
- o Owner must occupy at least one of the dwelling units as their primary residence.
- o Approval will become null & void within ninety (90) days of any of the following events:
 - death of all property owners
 - change in residence of all property owners who were residing in the house when permit was granted(Note: The Planning Board may grant a 90-day extension for good cause)
- o Only one (1) accessory apartment per property containing a single-family detached dwelling
- o No accessory apartment shall be permitted on premises with a Professional Office or Bed & Breakfast use
- o Accessory apartment permitted only within the main structure
- o Habitable floor area shall be no less than 400 sq. ft. and no greater than the lesser of 750 sq. ft. or 33.3% of the habitable floor area of the dwelling.
- o The building shall maintain the character and appearance of a single-family dwelling.
- o If the premises are not served by the Village sewer system, Westchester Co. Dept. of Health approval required.
- o Please be advised that all necessary documents must be submitted (8 copies and PDF) and fee must be paid prior to review by the Planning Board.

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.

Martin Weinstein
Applicant's Name (please print)

Martin Weinstein
Applicant's Signature

11/08/23
Date

Corporate/Trust Name (please print)

Authorized Signature & Title

Date

FOR VILLAGE USE ONLY:

Fee \$ 250

Fee Paid (date): 11/14/23

Received by: KS

APPROVED BY: _____

TITLE: _____

DATE: _____

Account review: ☐ (zero Bal)

☐ (other)

Date: _____

PB Notice date: _____

Meeting date: _____

Approval date: _____

RESOLUTION

Gerald Weinstein, has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for an area variance from Section 230-41(H) (K) with respect to a proposed accessory apartment within a proposed accessory building and habitable floor area within an accessory apartment.

The property, at 1339 Albany Post Road, is located in a RA-40 District and is designated on the Tax Maps of the Village as Section 67.10 Block 2 Lot 6.

A public hearing having been held after due notice, this Board, based on the hearing, the application, and after viewing the premises and neighborhood concerned, and after much deliberation and extensive weighting of factors, and in the interest of retaining one of the few large tracts of land in its pristine state, finds for the applicant, as follows:

This single parcel of approximately 18 acres of land has been owned by a series of owners since the 1920's. Today, the property is owned by Gerald Weinstein, his brother, and his brother's wife.

It is one of the few large parcels of land within the Village, and is nearby the Brinton Brook Sanctuary property of the Saw Mill River Audubon Society.

The benefit sought by the applicant cannot be achieved by any other method.

The hardship is self-created. However, if the applicant and his brother were to subdivide the property to allow for the construction, an additional septic system would be needed and there may be further disturbance to the natural environment.

There will be no undesirable change to the character of the neighborhood.

There were no objections to the application.

The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant's proposal creates the least amount of disturbance. There will be no trees removed.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **GRANTED** as follows:

Riedy – Made Motion to Grant the application as follows:

1. Variance from Section 230-41(H) with respect to accessory apartments being permitted only within the main structure.
2. Variance from Section 230-9(A)(2) to allow 2nd detached dwelling on one lot as an accessory apartment.

(continued....)

3. Variance of 810 sq. ft. is granted from Section 230-41(K) with respect to habitable floor area in order to permit a 1,560 sq. ft. accessory structure.
4. Variance from Section 230-40(A)(1)(a) of the Village Code with respect to Height requirements to allow the proposed accessory building to be 18 feet 7 inches in height.
5. Variances are granted contingent upon further approvals from the Village Board and Planning Board.

Rolnick – Second the motion.

Vote: 3-0 – In Favor – Riedy, Rolnick, Stephens

7/27/05

According to Section 230-76 (D), "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."

FINAL

On motion of TRUSTEE Steinberg, seconded by TRUSTEE Kane, the following resolution was adopted by the Board of Trustees of the Village of Croton-on-Hudson, New York:

WHEREAS, Local Law No. 1 of 2005 transferred the authority for issuing special permits for accessory apartments from the Planning Board to the Board of Trustees; and

WHEREAS, on July 27, 2005, the Zoning Board of Appeals issued a variance to Gerald Weinstein to allow a separate, detached building to be considered for an accessory apartment at 1339 Albany Post Road; and

WHEREAS, Gerald Weinstein then applied for a special permit to the Village Board for a detached accessory apartment at 1339 Albany Post Road; and

WHEREAS, this matter was referred to the Planning Board for a recommendation; and

WHEREAS, at the August 15, 2005 Regular Village Board Meeting a Public Hearing was called to be held on September 19, 2005, this meeting was duly noticed in the Village's official newspapers, and neighbors within 200 feet were notified of this Public Hearing, and

WHEREAS, the Village Board has received the evaluation from the Planning Board recommending the issuance of this special permit based on certain factors such as:

- The detached accessory apartment will be located on an 18-acre parcel
- There will be no tree cutting in the proposed location
- There will be no blasting of sub-surface rock
- The proposed structure will be located approximately 1,560 feet from the nearest property line

NOW, THEREFORE BE IT RESOLVED: the Village Board of Trustees hereby issues the special permit for a detached accessory apartment at 1339 Albany Post Road to be valid for a period of three years from the date of this resolution,

AND BE IT FURTHER RESOLVED: that the applicant must return to the Planning Board for a Minor Site Plan review,

AND BE IT FURTHER RESOLVED: the applicant must apply for a renewal of the special permit not later than three months before the expiration of this special permit,

AND BE IT FURTHER RESOLVED: that upon the application of the renewal of the special permit the property will be subject to an inspection by the Village Engineer,

AND BE IT FURTHER RESOLVED: that if this property is sold before that time the new property owners must meet the age requirements of the accessory apartment law or the permit will become invalid.

September 19, 2005

Village of Croton-on-Hudson, New York
Appeal for a Variance
Appeal for Determination

To the Zoning Board of Appeals:

Appeal is hereby taken from the strict application of the 1979 Village of Croton-on-Hudson Zoning Law, and a variance/determination is hereby requested in accordance with Article XII of the Zoning Law.

Location of Property:

Address: 1339 Albany Post Road

Zoning District: RA - 40

Section: 67.10

Block: 2

Lot: 6

Has any previous appeal been made? If so, give date and determination.

None

Give relevant section and paragraph of Zoning Law:

Paragraph 230-41

Statement of Facts – Reason for Appeal

1. Paragraph 230-41, Section H:

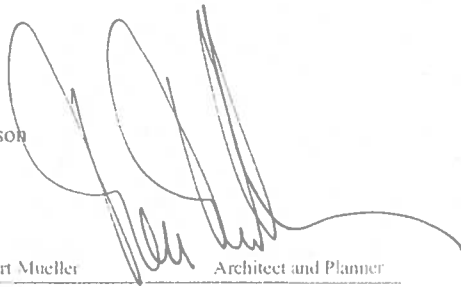
Variance sought to detach accessory apartment from main structure to a separate accessory apartment building

2. Paragraph 230-41, Section K:

Variance sought to increase detached accessory apartment building from allowed 750 square feet habitable floor area by 810 square feet to a total of 1,560 square feet.

The existing main structure measures an area of 6760 square feet.

Fee: \$125.00 payable to the Village of Croton-on-Hudson


Rene Robert Mueller Architect and Planner
Applicant or Agent

5778 Mosholu Avenue

Mailing Address

Riverdale, NY 10471

Note: Ten (10) copies of this appeal must be filed together with ten (10) copies of all supporting documentation including survey or sketch sufficient to describe the relief being sought, where appropriate.

Supporting Documentation

1. The application must be filed with **ten (10) copies** of your appeal, together with **ten (10) copies** of all supporting documentation including survey, drawings, elevation plans, etc., that are sufficient to describe the relief sought.
2. Please be specific with respect to the type of variance you are requesting and give **exact** measurements with respect to the size of the variance you are requesting.
3. Drawings and Surveys must reflect what is existing and what is proposed.
4. Please be certain to give all information requested on application.
5. **Incomplete applications will not be accepted.**

Section 7-712-b, 3(b)

Area Variances

Five Factors for Consideration:

1. Whether undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of an area variance.
2. Whether the benefit sought by the applicant can be achieved by some other 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.



WEINSTEIN COTTAGE



1339 ALBANY POST ROAD
CROTON ON HUDSON
NEW YORK 10520



APPROVED
PLANNING BOARD
CROTON ON HUDSON, N. Y.
DATE 9/27/05
COMMISSIONER - *None*

**FINAL
CONSTRUCTION DOCUMENTS**



