

October 31, 2023

Members of the Zoning Board of Appeals,

I am seeking approval for a variance on an existing shed.

The shed, located in the rear yard, has been on the property since 1984. It is an already established part of the neighborhood and has not produced an undesirable change or become a detriment to nearby properties.

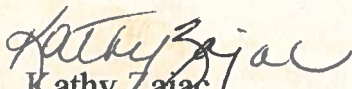
We would like to keep our shed for storage purposes. Removing the shed would eliminate our storage area for any outdoor power tools, such as lawn mowers, garden tools and outdoor living furniture.

The variance area requested is 3.33 feet and located in the rear yard.

The shed is contained to the 71 Melrose Avenue property in the rear yard. The proposed variance will not affect the neighborhood. The shed is already an established building and will not have a negative impact in the neighborhood.

The shed was built in 1984 when my father-in-law, Joseph Zajac, Sr., owned the house. He built the shed therefore, it was not self-created.

I thank you for the opportunity to present this information for your consideration.


Kathy Zajac

Applicant

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

Received

Application (ZBA)

NOV 03 2023

(Form # Eng-§230-160)

Engineers Office

(Revised 06 2017)

Application Date: 11/3/23

Application #: 20230510

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: 79.5

Block: 4

Lot: 31

Property Location (street address): 71 Melrose Ave

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: owner's spouse

Last Name: ZAJAC

First Name: KATHY

MI: B

Company:

Address: 19 WOODMONT ROAD PINE BROOK NJ 07058

Address:

Phone #: 973 227 2647 **Cell #:** 973 214 4508 **E-mail:** IZAJAC1@optonline.net

Property Owner:

☐ Same As Above

Last Name: ZAJAC

First Name: Joseph + Sharon

MI:

Company:

Address: 19 WOODMONT ROAD PINE BROOK NJ 07058

Address:

Phone #: Same as above

E-mail: 7

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): 230-40A (1)(B)

Description of variance requested:

Shed is less than 5' from lot line

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard	<u>5 feet</u>	<u>1.67 feet</u>	<u>3.33 feet</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:

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 cover letter

(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.

Kathy Zatac
Applicant's Name (please print)Kathy Zatac
Applicant's Signature10/31/2023
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: \$ 375.00 Date paid: 11/3/23 Rec'd by: SO



630543405DED001U

Westchester County Recording & Endorsement Page

Submitter Information

Name: Kenneth Pregno Agency Phone: 914-739-8293
Address 1: 2 South Division Street Fax: 914-739-0832
Address 2: Email: kpa@kpafile.com
City/State/Zip: Peekskill NY 10566 Reference for Submitter: Acc - Zajac lrr trust to Zajac - 71 Melrose

Document Details

Control Number: 630543405 Document Type: Deed (DED)
Package ID: 2023022300172001001 Document Page Count: 3 Total Page Count: 4

Parties

☐ Additional Parties on Continuation page

1st PARTY 2nd PARTY
1: KOVAROVIC BARBARA - Individual 1: ZAJAC JOSEPH Jr - Individual
2: BARBARA ZAJAC IRREVOCABLE TRUST - Other 2: ZAJAC SHARON - Individual

Property

☐ Additional Properties on Continuation page

Street Address: 71 MELROSE AVE Tax Designation: 79.5-4-31
City/Town: CORTLANDT Village: CROTON-ON-HUDSON

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$125.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$10.00
Total Recording Fees Paid: \$200.00

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number: 1999

Mortgage Taxes

Document Date:
Mortgage Amount:
Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: \$0.00

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 09/12/2023 at 08:46 AM
Control Number: 630543405
Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

MODICA-SNOW & PANCOTTI, ESQS.
104 GRAND STREET

CROTON ON HUDSON, NY 10520
Attn: DANIEL PANCOTTI, ESQ.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made as of the 1st day of March, in the year 2023

BETWEEN

BARBARA KOVAROVIC, residing at 71 Quaker Bridge Rd., Croton-on-Hudson, NY 10520, as
Trustee of THE BARBARA ZAJAC IRREVOCABLE TRUST, 71 Melrose Ave., Croton-on-Hudson,
NY 10520

party of the first part, and

JOSEPH ZAJAC, JR., 19 Woodmont Rd., Pine Brook, NJ 07058 and
SHARON ZAJAC, 6 Magnolia Ave., Gloucester, MA 01930, as tenants in common

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----Ten (\$10.00)-----
----- dollars paid by the
party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of
the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being
in the

See Schedule A Attached

BEING AND INTENDED TO BE THE SAME PREMISES AS CONVEYED IN DEED DATED 7/9/2020
AND RECORDED 7/17/202 IN THE WESTCHESTER COUNTY CLERK'S OFFICE IN CONTROL
#601883889.

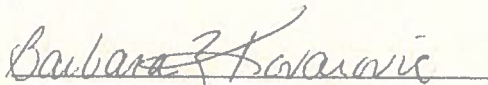
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and
rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the
party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said
premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will
receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied
first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the
improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it
read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:


BARBARA KOVAROVIC, Trustee

SCHEDULE A

All that certain plot, piece or parcel, situate and being in the Village of Croton-on-Hudson, Town of Cortlandt, State of New York, known and designated as block 142, lots 1, 2, 3, and 4, as shown on map entitled "Plan of lots called Harmon, surveyed for Wood, Harmon & Co.," made by Lewis T. Haney, CC & S., dated 1907 and filed February 5, 1908 as map no. 1776 in the office of the Clerk of the County of Westchester.

Reserving unto the seller herein the right to connect to the sanitary sewer of the Village of Croton-on-Hudson, New York, located on lot 4 of the premises herein sold.

Subject to a twelve foot easement heretofore granted to the Village of Croton-on-Hudson, New York by the party of the first part.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 1 day of March in the year 2023,
before me, the undersigned, personally appeared BARBARA KOVAROVIC, personally known to me or proved to me on the basis of satisfactory evidence to be the individual who name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

Daniel Pancotti
Notary Public, State of New York
Reg. No. 02PA6185162
Qualified in Westchester County
Commission Expires 05/25/2024

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

State of , County of , ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year 2016, before me the undersigned personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

(signature and office of individual taking acknowledgment)

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year 2023,
before me, the undersigned, personally , personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

*State of , County of , ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the day of in the year 2016, before me the undersigned personally appeared , personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

(signature and office of individual taking acknowledgment)

**Bargain and Sale Deed
with covenant against Grantors Acts**

Title No.

Accom Pancotti

THE BARBARA ZAJAC IRREVOCABLE TRUST

TO

ZAJAC

SECTION 79.5

BLOCK 4

LOT 31

COUNTY OR TOWN: WESTCHESTER

ADDRESS: 71 Melrose Ave., Croton-on-Hudson, NY 10520

RETURN BY MAIL TO:

Daniel Pancotti, Esq.
MODICA-SNOW & PANCOTTI, P.C.
104 Grand Street
Croton-on-Hudson, NY 10520