

Village of **Croton-on-Hudson**



Engineering Department
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Zoning Board of Appeals **Application (ZBA)**

Received

(Form # Eng-§230-160)

JAN 22 2024

Engineers Office

(Revised 06 2017)

Application Date: 01/22/2024

Application #: 20240033

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: 79.13 Block: 1 Lot: 74,75+83

Property Location (street address): 352 South Riverside Ave

Zoning District ☐ RA5 ☐ RA9 ☐ RA25 ☐ RA40 ☐ RB (2 family) ☐ RC Multiple Residence
Limited Office ☐ O-1 ☐ O-2 Riverside ☐ C-1R(A) ☐ C-1R(B)
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): Restaurant

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: Zhao First Name: Xiaohong MI: _____

Company: Ameriland Brook LLC

Address: 30-05 Stratton St

Address: Flushing, NY 11354

Phone #: 718-878-6295 Cell #: 646-201-6853 E-mail: amerilandbrooknyc@gmail.com

Property Owner: ☐ Same As Above

Last Name: Jiang First Name: Lijuan MI: _____

Company: Spring Come LLC

Address: 352 South Riverside Ave

Address: Croton-on-Hudson, NY 10520

Phone #: 718-300-0006 Cell #: 917-975-6596 E-mail: msn1314msn@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): 230-35, 230-20.3B3(a)[3], 230-20.3B3(b)[3], 230-20.3B3(c)[1]

Description of variance requested:

230-35: side and rear yard variances

230-20.3B3(a)[3]: 100% of apartments are two-bedroom units

230-20.3B3(b)[3] Front yard setback

230-20.3B3(c)[1] store front glass area

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	0' or 10'	3'	7' ? sc
Total Side Yard			
Front Yard	15'min-20'max	12'-1" (Building)	2'-11"
Rear Yard	0' or 10'	3'	7' ? sc
Front Yard	15'min-20'max	7'-9" (canopy)	7'-3"
Glass Area	60%	~25%	~35%

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:

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.

Lijuan Jiang L I JUAN J I A N G
Applicant's Name (please print)[Signature]
Applicant's Signature01/22/2024
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: \$ \$450.00Date paid: 1/23/24Rec'd by: SC

325 SRA Zoning Board of Appeals Application

5 Factors:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties:

The proposed mixed-use building with five apartments and one commercial tenant space is an allowable special permit use in the C-2/Gateway Overlay zoning district. A special permit from the Village Board has been received and site plan approval from the Planning Board has also been received. The proposed 3-story building is an infill development between the Samurai Restaurant and the Harmon Deli and will improve the streetscape of the Harmon commercial area. A rendering of the proposed building is included in the application documents.

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 proposed three-story building is being designed to have its front façade line up with the front façade of the existing building. The existing building is setback approximately 10 feet to 12'-1" setback from the front property line. The property was located in a C-1 zoning district before 2001 which required no front yard setback and is currently located in a C-2/Gateway Overlay zoning district. The underlying C-2 zoning district requires a 10-foot front yard setback however the Gateway overlay zoning district requires a front yard setback between 15 feet and 20 feet for new buildings and a front yard setback between 10 feet and 20 feet for existing buildings in order to be eligible for an FAR of 0.8. The proposed building has a minimum setback of 12'-1" for the building and a 7'-9" front yard setback for the canopies. The proposed building also lines up with the front of the adjacent building (Harmon Deli) to the south and the canopies line up with the canopies on the existing building.

The required side and rear yard setbacks are zero feet or ten feet. A zero-foot setback is used when buildings are built on the lot line which would allow an adjacent building to be built also on the lot line, so the two buildings appear to be attached with no space between the buildings. The existing Harmon Deli building is located approximately 0.9 feet from the lot line so building the proposed building on the lot line is not feasible in this case since the 0.9-foot setback for the Harmon Deli would create issues with maintenance of the building, etc. The building could be located 10 feet from the property line which would provide sufficient space for an access drive to the rear of the building. However, this is not needed since the property is located on a corner lot and access to the rear of the building and property is provided from Clinton Street. The proposed 3-foot setback to the side and rear property lines provides for a walkway around the building for access and maintenance. The building will have a fire sprinkler system and fire-rated exterior

walls in compliance with the Building Code of NYS. The 3-foot setback also allows a certain percentage of windows to be installed in accordance with the Building Code of NYS.

Five two-bedroom apartments are being proposed. The zoning code requires that not more than 50% of the apartments be two-bedroom units. The proposed building would have three additional bedrooms over what is allowed by the zoning code. The two bedrooms have an occupancy of five people total per the Property Maintenance Code of NYS based on their size. If they were combined into a single larger bedroom the occupancy of the one larger bedroom would be six people or one additional person per apartment. The two separate bedrooms provide additional privacy and will not increase occupancy of the apartment.

The glass area for the first-floor commercial premises is approximately 25% verses the required 60% area of the store front. The windows on the street level façade of the front of the proposed building are designed to match the windows on the street level façade of the front of the existing building. The 60% transparent glass requirement was to facilitate visibility into the building's first-floor commercial premises and a retail streetscape look. The proposed design of the building carries over the design of the existing building with similar exterior treatment including window heights and arched canopies. The zoning code for the gateway overlay zone was modified in 2012 to also allow a complete multi-family building with no commercial/retail space.; this type of building would not have a front façade with 60% glass.

3. Whether the requested area variance is substantial:

The side and rear yard setback increase of zero feet to 3 feet is not considered to be substantial.

The front yard setback of 12'-1" for the building and 7'-9' for the canopies is not considered substantial given the location of the existing building to the north and south of the proposed building.

The variance for not more than 50% of the apartments be two-bedroom units is not substantial based on the above discussion.

The proposed 25% transparent glass area may be a substantial variance however the design maintains sufficient visibility into the commercial premises and also maintains the retail streetscape appearance of the building.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

No adverse effect or impact on the physical or environmental conditions in the neighborhood or district is anticipated. The site to be developed is part of the lot that the Samurai Restaurant is located on. The area to be disturbed is a flat grass area between two buildings with no trees or other mature vegetation. There are no wetlands, watercourses, or steep slopes on or adjacent to

the area to be developed. The infill three-story building, as shown on the rendering, will enhance the Harmon business district area by improving the streetscape.

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 variance:

The alleged difficulty was partially self-created. The existing side yard setback of the Harmon Deli was not self-created. The existing front yard setback of the existing building (Samurai Restaurant) was not self-created.