

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 **Application (ZBA)**

(Form # Eng-§230-160)

(Revised 06 2017)

Application Date:

1/16/24

Application #:

20240023

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: 78.8

Block: 7

Lot: 7

Property Location (street address): 18 Old Post Road South

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): Ice Cream Store and Office Building

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: **MOIR** First Name: **LISA** MI: **J**

Company: **MG's Homemade LLC DBA The Blue Pig**

Address: **181 Maple Street Croton, NY 10520 (physical Address)**

Address: **165 Upper Hargrass Rd. Putney, VT. 05346 (winter mailing address)**

Phone #: Cell #: **914-400-5384** E-mail: **Ljmswe@optonline.net**

Property Owner: ☐ Same As Above

Last Name: **Franzoso** First Name: **Mark and Jessica** MI:

Company:

Address: **33 Croton Point Ave**

Address: **Croton-on-Hudson, NY 10520**

Phone #: **914-271-4572** Cell #: E-mail: **mark@franzoso.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

Description of variance requested:

Variance to eliminate four off-street parking spaces

*three * there never were 4 spots *
John Grant's drawing was wrong on 4/22/14
parking spot # 4 was never big enough to be a parking space*

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard			
Rear Yard			
Parking Spaces	3 / parking spaces	0 parking spaces	3 / parking spaces

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.

Applicant's Name (please print) _____

Applicant's Signature _____

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: \$ 375⁰⁰Date paid: 1/24/24Rec'd by: SC

December 10,2023

Zoning Board of Appeals
Village of Croton
One Van Eyck Street
Croton on Hudson, NY 10520

To Whom it May Concern,

My name is Lisa Moir, and I am the sole owner of The Blue Pig ice cream at 121 Maple Street Croton-o-Hudson. Mark Franzoso has been my landlord for the past 14 years, and he is the owner of the property. I have been in close contact with Mark, and he supports this request.

I am writing to request a variance pertaining to parking at 121 Maple Street.

Upon purchasing the ice cream business in March 2010, there were 3 off street parking spaces on site, used for customer parking. In reviewing the files, it appears the off street parking spots were added when an application for residential use was granted in 1982 (for the adjoining building lot). The three off-street parking spaces were a contingency of the variance at that time. Since 1982, the 3 parking spaces have been used by residential renters and later, when the rental units were vacated, by customers.

In May of 2020, in the midst of COVID, The Blue Pig abandoned the 3 customer parking spaces that were on-site to accommodate a mandated spaced patio. In doing so, it created three parking spaces in front of the patio on Maple Street that are available to ALL residents/customers/visitors.

It would be very easy for The Blue Pig to simply remove the basic patio fence, and return the parking spaces to the previous configuration. But at this time, I feel I must put in writing, my own strong feelings about doing so.

Much has changed in the village of Croton since I purchased the ice cream store in 2010. The amount of traffic has greatly increased on Maple Street, and even more-so since the COVID outbreak. The speed of the drivers, the amount of traffic, and the type of commercial traffic (AAA carting etc.) have made the intersection of Maple and Old Post Rd. VERY busy and at times dangerous.

Placing the 3 parking spaces back onto the property, would mean that customers would have to BACK UP into oncoming traffic - to then go north/south on Maple. The visibility of doing so is limited(especially seeing the cars turning Right at the light from the upper village (Old Post) onto Maple). Time to BACK UP is limited too, because the lines of cars at the lights has grown longer, giving little space/patience for cars coming in/out of spaces. Currently, the off street parking, has allowed drivers to glance in their rear view mirror, look for an opening , and then pull out smoothly onto Maple Street. For the safety issues alone, I am requesting the variance be granted at this time.

When I was approached by the village a few weeks ago to address this issue, I wrote a similar letter expressing my concerns. I even mentioned speaking with the village police department, as I know they are aware of the congestion on these streets. Please feel free to contact me if you have any further questions. I can be reached at 914 400 5384.

Sincerely

Lisa Moir



ENGINEERS OFFICE
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street, 2nd floor
Croton-on-Hudson, NY 10520-2501

April 23, 2014

Ms. Lisa Moir
MG's Homemade DBA The Blue Pig
121 Maple Street
Croton-on-Hudson, New York 10520

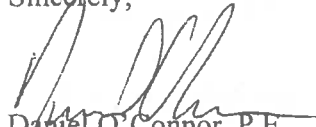
Dear Ms. Moir:

At its regular meeting on April 22, 2014, the Planning Board of the Village of Croton-on-Hudson approved the application for an Amended Site Plan Application for the construction of a pergola over the patio area and the installation of a freestanding sign and the waiver of the requirements for the freestanding sign. The conditions for this Amended Site Plan application are stated on the attached resolution.

Please also be reminded that you will need to apply for a building permit to commence work.

If you have any questions, please don't hesitate to call me at 271-4783.

Sincerely,



Daniel O'Connor, P.E.
Village Engineer

cc: Mark Franzoso

Mayor
Leo A. W. Wiegman

Trustees
Ann H. Gallelli
Maria Slippen
Kevin Davis
Andrew Levitt

Village Manager
Abraham Zambrano

Assistant Village Manager
Janine King

Village Treasurer
Sandra Bullock

Village Engineer/Building Inspector
Daniel O'Connor, P.E.

Asst. Building Inspector/Assessor
Joseph Sperber

Fire Inspector
Peter Anfiteatro

RESOLUTION

WHEREAS, on April 22, 2014, the Planning Board held a public hearing on an Amended Site Plan application for **MG's Homemade DBA "The Blue Pig"**, hereafter known as "the Applicant." The subject property, owned by Mark Franzoso, is located at 121 Maple Street (Tax Parcel Address: 18 Old Post Road South) in the C-1 General Commercial Zoning District and designated on the Tax Map of the Village of Croton-on-Hudson as Section 78.08 Blk. 7 Lot 7; and

WHEREAS, the proposal is for the construction of a pergola over the patio area and the installation of a freestanding sign and the waiver of the requirements for the freestanding sign; and

WHEREAS, on April 16, 2014, the Visual Environment Board (VEB) reviewed the application, and provided comments to the Planning Board; and

WHEREAS, the Planning Board reviewed and discussed said comments from the Advisory Board of the Visual Environment (VEB) on April 22, 2014; and

WHEREAS, the Planning Board, per Section 230-44(q), determined that compliance with the requirement that the building be at least 25 feet from the curb line for a free standing sign to be allowed would cause a hardship, and therefore, the Planning Board waived the requirement; and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA); therefore, no Negative Declaration is required; and

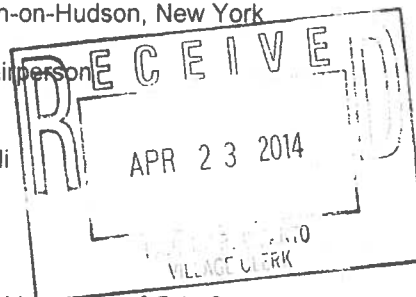
NOW, THEREFORE BE IT RESOLVED, that the Amended Site plan application as shown on the submitted drawings dated April 4, 2014, and the plans for the "12 X 12 Timber Frame Pergola" designed by Timber Frame Headquarters (©2012), be approved with the following conditions:

- 1) That the pergola be located so that it meets the required setback of a minimum of 10 feet from the rear property line.
- 2) That the freestanding sign not extend over the sidewalk.
- 3) That the freestanding sign not be more than 10 feet above the ground.
- 4) That the No Parking and other signs be relocated as determined by the Village Engineer and the Department of Public Works.
- 5) That, as recommended by the Advisory Board of the Visual Environment, the wood sign posts be the same untreated lumber as is used for the pergola, and that all timber framing be sealed to retard decay.

In the event that this amended site plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of Croton-on-Hudson, New York

Robert Luntz, Chairperson
Bruce Kauderer
Steve Krisky
Rocco Mastronardi
Richard Olver



Motion to approve by Mr. Olver, seconded by Mr. Krisky, and carried by a vote of 5 to 0.

Resolution accepted at the meeting held on April 22, 2014.

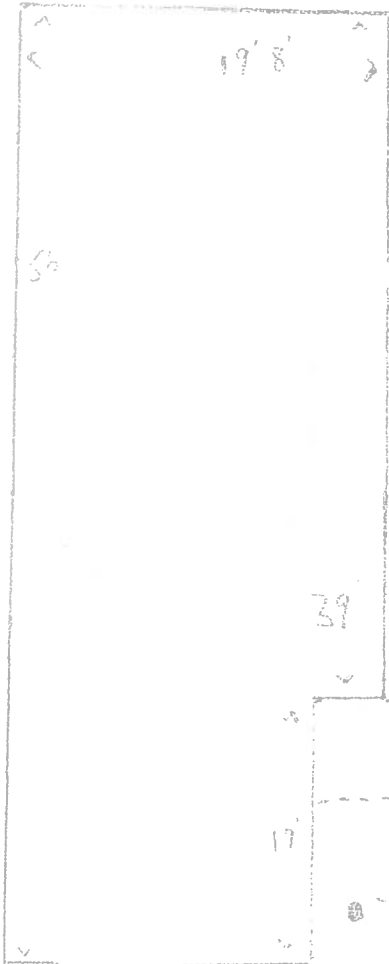
Received

APR - 4 2014

Engineers Office

80'

WIRE
FENCE



12x12
TIMBER
FRAME
PERGOLA

APPROVED

PLANNING BOARD

VILLAGE OF CROTON ON HUDSON, NY

PLAN NUMBER:

DATE: 4/22/14

CONDITIONS: yes

17'

①

②

③

4 PARKING
SPOTS

④

58'

18'

MAPLE ST.

1" = 10'

Side view

Front view

