

October 14, 2015

RESOLUTION

Dino Tsagarakis, Agent for Rakis Inc. has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for renewal of a Special Permit under Code Section 230-51(C) and Code Section 230-52(B) for the existing parking lot (Section 79.09 Block 1 Lot 52) on Bungalow Road.

Whereas, the property, at **215 S. Riverside Ave. & Bungalow Road**, is located in a RA-5 and a C-2 District and is designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, and 54;

Whereas, renewal of a special permit is a Type II action under Chapter 116 of the Village Code;

Whereas, the ZBA previously granted time-limited special permits to this applicant for these and contiguous parcels also owned by the applicant for, inter alia, parking in properties zoned residential, all of which will expire on 11/14/15;

Whereas, the Applicant has complied with the all the conditions set forth in the last permit renewal granted by ZBA Resolution dated 11/14/12; and

Whereas, a public hearing having been held after due notice, the ZBA has reviewed the application, viewed the premises and neighborhood concerned, and heard testimony from the Applicant;

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

Motion: A motion was made by Mr. Macdonald to grant the renewal of the Special Permit under Code Section 230-51(C) and Section 230-52(B) for the existing parking lot on Bungalow Road for a term of 5 years with the conditions set forth below.

Second: Mr. Olcott seconded the motion.

Vote: 3 – 0; Acting Chairman Stephens, Mr. Macdonald, and Mr. Olcott all voting in favor.

Conditions:

1. Applicant shall maintain the lawn area of the unimproved parcel at 6 Hudson Street and continue its maintenance until such time as a residence is constructed or the property is sold.
2. The residential lot at 6 Hudson Street shall not be used for parking incidental to commercial use of the Diner (215 S. Riverside Avenue) or other businesses, thereby maintaining its residential status.
3. The special permit granted herein shall be renewable at the end of 5 years upon the condition that the 6 Hudson Street lot be maintained without violation.
4. The vegetation in the area behind the curb on Bungalow Road, for a distance of approximately 70 feet east of the entrance to the parking lot, shall be cut regularly to provide clear sight distance for vehicles exiting the lot onto Bungalow Road.

Date: 10/14/15

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".

November 14, 2012

RESOLUTION

Peter Tsagarakis/Rakis Inc. has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for renewal of a Special Permit under Code Section 230-51(C) and Code Section 230-52(B) for the existing parking lot (Section 79.09 Block 1 Lot 52) on Bungalow Road.

Whereas, the property, at **215 S. Riverside Ave. & Bungalow Road**, is located in a RA-5 and C-2 Districts and is designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54.

Whereas, renewal of a special permit is a Type II action under Chapter 116 of the Village Code.

Findings:

A public hearing having been held after due notice, the ZBA has reviewed the application, viewed the premises and neighborhood concerned, and heard testimony from the applicant and from owners of neighboring properties;

The ZBA previously granted time-limited special permits to this applicant for these and contiguous parcels also owned by the applicant for, *inter alia*, parking in properties zoned residential, all of which expired on 11/09/12, but which expiration did not take effect due to the timely submission of applicant's renewal application and the Board's decision, made at the meeting held on October 17, 2012, to adjourn the determination on the application until the meeting that took place on November 14, 2012;

Applicant is also the owner of property at 6 Hudson Street, a contiguous parcel located in a residential zone, for which no application is currently before the ZBA or any other Village agency;

Applicant demolished the house located at 6 Hudson Street and placed soil, seed, and mulch on the lot to establish a lawn as required by the demolition permit;

Applicant has previously applied to the Village Board of Trustees and Planning Board to change the zoning designation for 6 Hudson Street from residential to commercial use, and the application was denied;

Without benefit of a valid special use permit, Applicant has in the past permitted the parking of motor vehicles incidental to commercial use on the 6 Hudson Street lot, which use is not permitted in a residential zone.

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

Motion: A motion was made by Ms. Stephens to grant the renewal of the Special Permit under Code Section 230-51(C) and Section 230-52(B) for the existing parking lot on Bungalow Road for a term of 3 years with the conditions set forth below.

Second: Ms. Schuyler seconded the motion.

Vote: 5 - 0; Chairman Davis, Mr. Macdonald, Mr. Olcott, Ms. Schuyler, and Ms. Stephens all in favor.

Conditions:

1. Applicant shall keep the gate separating the Diner lot (215 S. Riverside Avenue) and the west side lot line of 6 Hudson Street locked at all times.
2. Applicant shall reseed and maintain the lawn area of the unimproved parcel at 6 Hudson Street and continue its maintenance until such time as a residence is constructed or the property is sold.
3. The residential lot at 6 Hudson Street shall not be used for parking incidental to commercial use of the Diner (215 S. Riverside Avenue) or other businesses, thereby maintaining its residential status.
4. Applicant shall post a maintenance bond or equivalent for the landscaping in an amount and with a term acceptable to the Village Engineer. The bond or equivalent shall be submitted to the Village Engineer within 30 days.
5. The special permit granted herein shall be renewable at the end of 3 years upon the condition that the 6 Hudson Street lot be maintained without violation.
6. Applicant shall implement the proposed site plan (Drawing No. SY-1R, dated 4/21/10 and revised 11/3/11) and the proposed landscape plan with planting notes (Drawing No. L-1, dated 11/3/11) as it relates to landscaping with the exception of the guard rail removal and the planting of landscaping in that area of which shall not be required.

Date: 11/14/12

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".

May 12, 2010

RESOLUTION

Peter Tsagarakis/Rakis Inc., has applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for the following special permit:

Request for a ZBA Special Permit under Code Section 230-52(B) to allow the location of accessory parking spaces for a commercial use (Croton Colonial Diner, Tax Lots 79.09-1-53 & 54) on a lot (Old Harmon Subdivision Lot #99), part of Tax Lots 79.09-1-52 & 53 divided by a district boundary (C-2/RA-5).

The property is located at 6 Hudson Street, 215 So. Riverside Ave. & Bungalow Road, and is located in a RA-5 and C-2 Districts which are designated on the Tax Maps of the Village as Section 79.09 Block 1 Lots 52, 53, 54, & 55.

A public hearing having been held after due notice, this Board from the application and after viewing the premises and neighborhood concerned, finds:

Findings:

1. The applicant has agreed to provide screening including the planting of evergreens in order to create a visual buffer for the neighbors so there will be less un-desirable change to the character of the neighborhood.
2. Applicant will provide benefits, including improvement of traffic flow through the lot, provision and maintenance of adequate parking, and the construction of a handicap access ramp, which could not be achieved by any other method.
3. The proposed Special Permit will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The proposed plans will actually improve the current conditions. Handicapped parking spaces will be maintained and a handicapped ramp will also be installed. Safety issues have also been addressed with respect to ingress and egress.
4. Although the situation is self -created, the need to make the restaurant on the property more accessible to patrons with disabilities is clear and must be addressed.
5. Improvements along Bungalow Road will be implemented by the removal of the sidewalk and the installation of a stone wall with landscaping between the strips of the wall and the curb.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows and with the following conditions:

Davis - Made Motion to Grant the application according to plans submitted and according to Sheet SY-S-1 of the plans, and with the following conditions:

Page -2
ZBA Minutes
5/12/10

- a) All employee parking shall be located in the Hudson Street parking area (Lot 55), which shall contain at least six (6) employees parking spaces.
- b) For safety purposes and to prevent ingress/egress to/from Hudson Street to/from Lots 54, 53, & 52, a new masonry wall will be constructed, with decorative wrought iron fencing installed on top of the new masonry wall and the existing wall.
- c) A landscaping plan will be provided for permanent screening using evergreens to act as a visual barrier for the neighbors.
- d) Neighbor friendly Lighting will also be provided throughout the parking lots. Proper maintenance of the fence/wall, visual barrier using evergreens, and lighting, will be the responsibility of the property owner.
- e) The Special Permit will be for a term of three (3) years, after which time an application for renewal shall be made to the Zoning Board.
- f) No further accessory uses will be permitted on any adjacent properties.
- g) The garbage container and disposal will be relocated according to plans submitted and will be enclosed and screened.
- h) The Zoning Board defers all conditions on the removal of the sidewalk and landscaping along Bungalow Road, which involves village owned property to the Planning Board.

The Zoning Board of Appeals states that its vote to grant the Special Permits sought in the application is based on the ZBA's belief that the proposed site plan and plans for use presented by the applicant represent an improvement over the unimproved lot and illegal use of the lot as a commercial parking lot.

However, the Special Permits are subject to certain conditions:

- (A) The term of the Special Permits granted is three years. The ZBA has so limited its grant of these Special Permits because the ZBA wishes to use such time to determine whether the specially permitted use is required, and whether it creates an undesirable change in the character of the neighborhood or a detriment to nearby properties.

Page -3
ZBA Resolution
5/12/10

- (B) The ZBA specifically states that it does not consider this vote as a precedent, and all interested parties are hereby on notice that, in the event that the conditions in granting the Special Permits (as set forth in the ZBA's Resolution) are not met, that the ZBA will not hesitate to deny any application for their extension.

Olcott - Second the Motion

Vote: 5-0 – In Favor – Davis, Stephens, Olcott, Schuyler, Macdonald,
5/12/10

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.

RESOLUTION

WHEREAS, Rakis Inc. (Peter Tsagarakis) has submitted an application to the Planning Board of the Village of Croton-on-Hudson, New York for an Amended Site Plan Approval for a parking lot expansion at the Croton Colonial Diner located at 215 South Riverside Avenue. The subject properties associated with this project are designated on the Tax Maps of the Village of Croton-on-Hudson, New York as Sec. 79.09 Blk. 1 Lots 52, 53, 54, 55 & 56; and

WHEREAS, the Planning Board has determined that the proposed project is an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board declared its Intent to Act as the Lead Agency for this application at their meeting of June 23, 2009 and circulated its Notice of Intent to the Involved and Interested agencies on June 24, 2009; and

WHEREAS, no Involved agencies responded in opposition to the Planning Board's acting as the Lead Agency for this application.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Village of Croton-on-Hudson, New York declares itself the Lead Agency for the proposed application by Rakis Inc. (Peter Tsagarakis); and

BE IT FURTHER RESOLVED, that, as required under SEQRA, the Planning Board would review the Full Environmental Assessment Form (FEAF) and make a determination as to whether to issue a Negative or Positive Declaration for this application.

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

Chris Kehoe, Chairman
Mark Aarons
Fran Allen
Vincent Andrews
Robert Luntz

Date: July 14, 2009