

Village of



Croton-on-Hudson

Engineering Department
Stanley H. Kellerhouse Municipal Building
One Van Wyck Street
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Zoning Board of Appeals **Application (ZBA)**

Received

(Form # Eng-§230-160)

MAR 21 2024

Engineers Office

(Revised 06 2017)

Application Date: 03/20/2024

Application #: 20240133

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: 2 Lot: 26

Property Location (street address): 379 South Riverside Ave, Storefronts 1-3

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): Retail storefront - Bakery

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: O'Keefe First Name: Susan & Chris MI: _____

Company: Baked By Susan Inc.

Address: 379 South Riverside Ave.

Address: _____

Phone #: 914 862 0874 Cell #: _____ E-mail: bakedbysusan@gmail.com

Property Owner: ☐ Same As Above

Last Name: _____ First Name: _____ MI: _____

Company: M&S Iron

Address: 379 South Riverside Ave.

Address: _____

Phone #: [REDACTED] Cell #: _____ E-mail: _____

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.
- 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.
 - If a recent sale of the property has taken place, please submit proof of ownership.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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): _____

Description of variance requested:

~~Returning to the ZBA Board at their suggestion as found in the ZBA May 29, 2019 decision, seeking an amendment based on actual use. This is not a "New Application" as we are returning and accepting the ZBA offer to seek an amendment.~~

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard			
Front Yard	N/A		
Rear Yard			

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:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
- Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- Whether the requested area variance is substantial;
- Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
- 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:

Please see attached..

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes ☐ no

If so, give date: 05/29/2019

Description of previous variance:

~~ZBA May 29, 2024 final decision, please see attached~~

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:

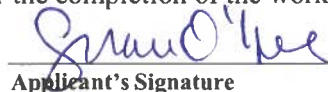
Answer Questions (1-5):

- | | | |
|--|---|--|
| 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.

Baked By Susan, Inc.

Applicant's Name (please print)



Applicant's Signature

03/19/2024

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☐ Denied

Fee: \$

375.00

Date paid: _____

3/21/24

Rec'd by: _____

SC

March 18, 2024

We were recently contacted by the Village Manager on March 18, 2024 that upon review it was determined that we are in violation of your May 8, 2019 ZBA decision. As a result a directive / order of action has been issued by the Manager to the Engineering Department to issue "code violations" if not quickly resolved. So within the stated 60 days of such a notification, we are seeking a resolution with this Board on this issue.

We are returning to this Board, as provided for in the May 8, 2019, decision that "The applicant can seek an amendment to the variance after they see what the traffic patterns in the area are." As such, Post Covid and with normal traffic patterns well established, we are seeking said amendment.

Specifically, Baked by Susan is asking for the removal of Stipulation # 1., which states "Baked by Susan Inc purchase from the Village and provide to their employees seven (7) special parking permits for the Village's South Harmon Parking Lots or for the South Riverside Avenue parking spaces in front of Shoprite, and continuously renew the special parking permits."

We respectfully request from the Board that this requirement be removed given the following facts:

- Actual and normal traffic patterns have been developed and established in the area.
- Original Variance was for the expectation of "7 additional off street parking spaces required for the expected 28 seats inside the business". Actual seating configuration is 20 seat inside the business.
- At the time of the May 8 2019 decision, all "On street" parking within the area was limited to a 1 hr. max time limit. Since that time, all the parking within the area has been changed to a 4 hr max time limit. This has proven to be sufficient as most employees work 4 hr shifts.
- Actual employee working shift patterns, on any given shift, have no more than two cars parked on the street, most times only one.
- Since opening, there have been no signs of congested parking on Benedict Street or within the area, indicating that on-street parking has not been impacted beyond the several cars parked at any given time on the street during the day.
- The original solution by the Board was not a valid solution as it only allowed for a part-time parking solution in any given year since The Blaze event precludes parking the proposed spots for 3 months out of a year. And at the time of the decision, no safe passage was available from the other areas proposed to our Business Location (no sidewalks cross walks were in place).
- Given the aforementioned limitations, The Village then made available 4 parking passes to the Business for its Benedict Ave Parking Lot. Up until this point, our usage on average has been utilizing only 2 of those available passes.
- A large portion of our employees are local and either walk, bike or take the bus to work they do not drive cars.
- Having Stipulation #1 for the operation of our business, now that actual data can be reviewed vs the theoretical data used at the time of decision, has proven that it is not necessary and clearly not warranted as no parking issues have been present.

- To impose the requirement would be an unwarranted financial hardship imposed on the business as actual data shows the passes are not needed and would go unused but yet required to be paid for regardless of useage.

Respectfully yours, Baked By Susan Inc,