

79.13-2-26

5/8/19

RESOLUTION

WHEREAS, Baked by Susan Inc., has submitted an application to the Zoning Board of Appeals of the Village of Croton-on-Hudson, New York for a variance from Code Section 230-51A for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business. The property is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 26.

WHEREAS, the Zoning Board of Appeals has determined that the Proposed Action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and, in accordance with its review of the variance application, is the Lead Agency for this action; and

WHEREAS, on March 13, 2019, the Zoning Board of Appeals referred this application to the Waterfront Advisory Committee (WAC) for a recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and on April 25, 2019, the WAC recommended to the Zoning Board that the Proposed Action be found consistent with the LWRP; and

WHEREAS, the Zoning Board of Appeals has reviewed the Short Environment Assessment Form (EAF), dated March 16, 2019, and the Coastal Assessment Form (CAF), dated March 16, 2019, submitted along with other application materials; and

WHEREAS, based on the WAC's recommendation of consistency with the LWRP, and the Zoning Board's review, the Zoning Board determined that there will be no significant adverse environmental impacts resulting from the Proposed Action and issues a Negative Declaration; and

WHEREAS, the Zoning Board hereby determines that the Proposed Action complies with and is consistent with the policies, standards and conditions set forth in the Village's LWRP for the reasons set forth in the Coastal Assessment Form, Environmental Assessment Form, and the Negative Declaration which has been issued in connection with the Proposed Action and all of which are incorporated herein by reference, and in accordance with the recommendation of the Village's Waterfront Advisory Committee.

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

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance with conditions as specified.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance;

3. The requested variance is substantial;
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district with conditions as specified.
5. The difficulty alleged by the applicant was self-created.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals of the Village of Croton-on-Hudson, New York approves the application submitted by Baked by Susan Inc. and grants a variance for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business, as shown on the Floor plan, dated March 7, 2019, and additional Zoning Board of Appeals application materials, and subject to the following conditions:

1. That, 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.
2. That, per the memorandum dated April 15, 2019, from the Village Manager, the Village can issue employee parking permits for some of the spaces located along South Riverside Avenue in front of Shoprite but these spaces are not valid during the evenings of Blaze events effectively all of October and November beginning at 5 p.m.
3. That, no interior table seating be available after 5 p.m.

A motion was made by Mr. Olcott and seconded by Mr. Simon, and the motion carried in favor by a vote of 3-1.

Vote: Ayes 3 Nays 1 (Mr. Aarons)

Date: May 8, 2019



79.13-2-26 5/29/19
Condition # 3
Removed

RESOLUTION

WHEREAS, Baked by Susan Inc., had submitted an application to the Zoning Board of Appeals of the Village of Croton-on-Hudson, New York for a variance from Code Section 230-51A for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business. The property is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 26.

WHEREAS, the Zoning Board of Appeals previously determined that the Proposed Action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and, in accordance with its review of the variance application, declared itself Lead Agency for this action; and

WHEREAS, on March 13, 2019, the Zoning Board of Appeals referred this application to the Waterfront Advisory Committee (WAC) for a recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and on April 25, 2019, the WAC recommended to the Zoning Board that the Proposed Action be found consistent with the LWRP; and

WHEREAS, the Zoning Board of Appeals previously reviewed the Short Environment Assessment Form (EAF), dated March 16, 2019, and the Coastal Assessment Form (CAF), dated March 16, 2019, submitted along with other application materials; and

WHEREAS, based on the WAC's recommendation of consistency with the LWRP, and the Zoning Board's review, the Zoning Board previously determined that there will be no significant adverse environmental impacts resulting from the Proposed Action and issued a Negative Declaration on May 8, 2019; and

WHEREAS, the Zoning Board previously determined that the Proposed Action complies with and is consistent with the policies, standards and conditions set forth in the Village's LWRP for the reasons set forth in the Coastal Assessment Form, Environmental Assessment Form, and the Negative Declaration which has been issued in connection with the Proposed Action and all of which are incorporated herein by reference, and in accordance with the recommendation of the Village's Waterfront Advisory Committee.

WHEREAS, after a public hearing on May 8, 2019, the Zoning Board granted a variance for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business, subject to the following conditions:

1. That, 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.

2. That, per the memorandum dated April 15, 2019, from the Village Manager, the Village can issue employee parking permits for some of the spaces located along South Riverside Avenue in front of Shoprite but these spaces are not valid during the evenings of Blaze events effectively all of October and November beginning at 5 p.m.
3. That, no interior table seating be available after 5 p.m.

WHEREAS, Baked by Susan has submitted an application to the Zoning Board to request the removal of Condition #3 of the variance granted on May 8, 2019, and a public hearing having been held after due notice, this Board, after reviewing the application and additional information on the availability of on-street parking after 5:00 p.m., employee schedules and closing times for local businesses, and viewing the premises and neighborhood concerned, finds:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the removal of condition #3 of the variance issued on May 8, 2019.
2. The benefit sought by the applicant cannot be achieved by a method feasible for the applicant to pursue other than the removal of condition #3 of the variance issued on May 8, 2019.
3. The removal of condition #3 is not substantial.
4. The removal of condition #3 will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The difficulty alleged by the applicant was self-created.

WHEREAS, based on the above, the Zoning Board hereby removes condition #3 of the variance granted for off-street parking on May 8, 2019.

Mr. Olcott made a motion to remove condition #3 of the variance granted for off-street parking on May 8, 2019, seconded by Mr. Simon, and the motion carried all in favor by a vote of 5 to 0.

Date: May 29, 2019