

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: 5/21/24

Application #: 00240239

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: 078.08 Block: 008 Lot: 058.00

Property Location (street address): 17 Beekman Avenue

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): _____

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: Sena First Name: Matthew MI: _____

Company: _____

Address: 17 Beekman Avenue

Address: Croton-on-Hudson, NY 10520

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

Property Owner: ☒ Same As Above

Last Name: _____ First Name: _____ MI: _____

Company: _____

Address: _____

Address: _____

Phone #: _____ 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.

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): _____

Description of variance requested:

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	_____	_____	_____
Total Side Yard	_____	_____	_____
Front Yard	_____	_____	_____
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:

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:

(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): 230-164 F

Description of proposed project or improvement:

Please see attachment.

Explanation/describe request::

Please see attachment.

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.

Matthew Sena

Applicant's Name (please print)

Applicant's Signature

05 / 21 / 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: \$

250.00

Date paid:

5/21/24

Rec'd by:

sc

Attachment to Form # ENG 230-160 in relation to filing for Interpretation by Sena, Matthew at 17 Beekman Ave.

4. Interpretation

Village Code Section(s): 230-164 F

Description of proposed project or improvement:

We are appealing the interpretation of the above referenced Village Code, in relation to fees for an area variance application that was not reviewed by the Zoning Board. This statute, in its reference to the “disposition of the Zoning Board,” implies that there has been a review by the Zoning Board but does not address how applications that are withdrawn prior to any review or significant administrative work should be treated, both in general and with respect to fees.

Explanation/describe request:

A decision has been made by an administrative official that application fees for our withdrawn application are not refundable according to section 230-164 F of the Village Code (see additional attachment). Due to the fact that the Village Code does not specify how fees are treated when applications are withdrawn and, as we interpret, seems to address situations wherein there is a disposition by the ZBA, we believe that our fee - which we understand to be meant for administrative work related to the application (filing, notifications, etc) - be refunded. For additional context the original application was filed on 3/15 for the 4/11 ZBA meeting; it was withdrawn on 3/26. There were no public notices or hearings for the application. We therefore request that our original ZBA Area Variance application fee of \$375 and the \$250 Interpretation Application fee both be refunded.

Thank you.



Matt Sena <mattsena@gmail.com>

Zoning Board of Appeals Fee**Bryan Healy** <bhealy@crotononhudson-ny.gov>

Fri, Apr 26, 2024 at 3:12 PM

To: Carrie Sena <carriesena@gmail.com>

Cc: Matthew Sena <mattsena@gmail.com>, Dan O'Connor <doconnor@crotononhudson-ny.gov>

Hi Carrie:

Thanks for reaching out and I hope you are doing well also. I discussed this refund request with Ron and Dan, as well as the Village Attorney. Unfortunately, the Village Code is clear that application fees filed in connection with special permits, use variances and area variances are not returnable (see [Section 230-164\(F\)](#)). Further, the Code does not provide for any appeals process in this section, as it does in other sections, which has led us to conclude that the Village Board is not empowered to waive this provision. I'm sorry I don't have any better news to share.

Sincerely,

Bryan T. Healy

Village Manager

Village of Croton-on-Hudson

1 Van Wyck Street, Croton-on-Hudson, N.Y. 10520

914-271-4848 / bhealy@crotononhudson-ny.gov

<http://www.crotononhudson-ny.gov/>

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DISCLOSURE NOTE

Any email sent or received through the Village of Croton-on-Hudson email system may be monitored in the normal course of Village business, may be released to the public under the New York State Freedom of Information Law, and is subject to discovery proceedings in legal actions.

From: Carrie Sena <carriesena@gmail.com>**Sent:** Friday, April 26, 2024 1:00 PM**To:** Bryan Healy <bhealy@crotononhudson-ny.gov>**Cc:** Matthew Sena <mattsena@gmail.com>**Subject:** Zoning Board of Appeals Fee

CAUTION: External sender.

Hi Bryan,

I hope you are doing well. My husband and I were notified today by the Village engineer that the \$375 application fee associated with our application for an area variance will not be returned to us. We have questions about this, as the application materials never made it onto the Zoning Board's agenda due to Ron advising us of an easement on our property that would make the request for an area variance a non starter.

We are hoping to understand more about this decision, as it is a substantial amount of money.

Thank you for your time and feedback on this matter. And, please let me know if there is someone else whom I should contact with this inquiry.

Sincerely,

Carrie Sena