

Chapter 230. Zoning

Article XIV. Zoning Board of Appeals

§ 230-162. Powers and duties.

The Zoning Board of Appeals shall have all the powers and duties prescribed by law and by this chapter, which are more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any power of said Board that is conferred by law:

- A. Interpretation. On appeal from an order, requirement, decision or determination made by an administrative official or on request by any official, board or agency of the Village, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of such local law and may decide any of the following questions:
- (1) Determination of the meaning of any portion of the text of this chapter or of any condition or requirement specified or made under the provisions of this chapter.
 - (2) Determination of the exact location of any district boundary shown on the Zoning Map.
- B. Special permits. The Zoning Board of Appeals shall have the power to grant special permits for commercial district signage, as set out in § 230-44P(4)(a)[4]. On application and after public notice and hearing, the Zoning Board of Appeals shall authorize the issuance by the Village Engineer of special permits for any of the uses for which this chapter requires, in the district in which such use is proposed to be located, the granting of such permits by the Board of Appeals. In authorizing the issuance of a special permit, the Board shall take into consideration the public health, safety and welfare and shall prescribe appropriate conditions and safeguards to ensure the accomplishment of the following objectives:
- (1) All proposed structures, equipment or material shall be readily accessible for fire and police protection.
 - (2) The proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - (3) In addition to the above, in the case of any use located in or directly adjacent to a residential district:
 - (a) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residential districts or conflict with the normal traffic of the neighborhood.
 - (b) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not

Select Language ▼

Village of Croton-on-Hudson, NY
Wednesday, May 15, 2024

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§ 230-164. Zoning Board of Appeals procedure.

The powers and duties of the Zoning Board of Appeals shall be exercised in accordance with the following procedures:

- A. Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public to the extent provided in Article 7 of the Public Officers Law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent and failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
- B. Notice of hearing; property owners. The Zoning Board of Appeals shall not grant any appeal for a variance or issue any special or temporary permit without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the Village at least 10 days before that date of such hearing. In addition to such published notice, the Zoning Board of Appeals shall cause notice to be given of the substance of every appeal for a variance and of every application for a special permit, together with notice of the hearing thereon, by causing notices thereof to be mailed by postal card or other means at least 10 days before the day of said hearing to the owners of all property abutting that held by the applicant in the immediate area, whether or not involved in such appeal or application, and all other owners within 200 feet, from the exterior boundaries of the land involved in such appeal or application, as the names of said owners appear on the last completed assessment roll of the Village; provided, however, that in the case of variance applications for fences, sheds or walls, notices shall only be required to be mailed to owners of properties immediately abutting, and directly across the street from, the exterior boundaries of the land involved in such applications. Any or all of the notices required by this section shall be issued by the office of the Village Engineer, provided that due notice shall have been published as above provided and that there shall have been substantial compliance with the remaining provisions of this subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance or issuance of any special or temporary permit pursuant thereto.
[Amended 3-6-2017 by L.L. No. 1-2017; 9-20-2021 by L.L. No. 10-2021]
- C. Notice of hearing, Westchester County and regional councils. Ten days' notice by mail shall be given in accordance with the provisions of §§ 277.61 and 277.62 of the Westchester County Administrative Code, as such sections may from time to time be amended or superseded, in all cases where notice is required thereby. If applicable, the Zoning Board of Appeals shall mail notices of the hearing at least five days before the hearing to the state park commission having jurisdiction over any state park or parkway within 500 feet of the property affected by the appeal. The notice shall be accompanied by a full statement of the proposed action, as defined in § 239-m of the General Municipal Law.
- D. Notice of hearing, Planning Board. At least 10 days before the date of any public hearing, the Secretary of the Zoning Board of Appeals shall transmit to the Secretary of the Planning Board a

copy of any appeal or application, together with a copy of the notice of such hearing. The Planning Board may submit to the Zoning Board of Appeals an advisory opinion on said appeal or application at any time prior to the public hearing.

- E. Unless work is commenced and diligently prosecuted within one year of the date of the granting of a variance or special permit, such variance or special permit shall become null and void.
- F. Application requirements, forms and fees. All appeals and applications made to the Zoning Board of Appeals shall be in writing and on forms prescribed by the Board and approved by the Planning Board. Ten copies of the application and supporting documentation shall be submitted by the applicant, accompanied by a fee in an amount set from time to time by resolution of the Board of Trustees.^[1] The Zoning Board of Appeals may, in its discretion, return to the applicant part or all the fee paid by him or her in the event that his or her appeal under § 230-162A, Interpretation, hereof is partially or wholly successful. The fees filed in connection with applications under § 230-162B, Special permits, or § 230-162C and D, Use variances and Area variances, shall not be returnable regardless of disposition of the case by the Zoning Board of Appeals.

[1] Editor's Note: The current fee resolution is on file in the office of the Village Clerk.

- G. Application requirement; content of submission. Each appeal or application shall fully set forth the circumstances of the case. Each application for a special permit shall be accompanied by a proposed plan showing the size and location of the lot, a site plan showing the location of all buildings and proposed facilities, including access drives, parking areas, landscaping and all streets within 200 feet. Every appeal or application shall refer to the specific provision of this chapter and shall exactly set forth, as the case may be, the interpretation that is claimed, the 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.
- H. Time frame of decision. The Zoning Board of Appeals shall decide upon the appeal within 62 days after the hearing. The time within which the Zoning Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
- I. Recording and filing of decisions.
- (1) Every decision of the Zoning Board of Appeals shall be recorded in accordance with standard forms adopted by the Board and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the resolution shall be filed in the office of the Village Clerk within five business days. The decision shall be filed by case number, together with all documents pertaining thereto, under one of the following headings:
 - (a) Interpretation,
 - (b) Special permits.
 - (c) Variances.
 - (2) The Zoning Board of Appeals shall notify the Village Engineer and each member of the Board of Trustees, the Chairman of the Planning Board of Croton-on-Hudson and the Municipal Clerk of any affected municipality given notice of hearing as set forth in § 230-164B of its decision in each case.
- J. Compliance with SEQRA. The Zoning Board of Appeals shall comply with the provisions of the state environmental quality review act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes Rules and Regulations.
- K. Rehearing. Any member of the Zoning Board of Appeals may make a motion to hold a rehearing on any order or determination of the Board not previously reheard. A unanimous vote of all members of the Board then present is required for such rehearing to occur. The rehearing is subject to the same notice provisions as the original hearing. Upon such rehearing, the Board may reverse, modify or