

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 05 2024)

Application Date: 10/4 - Revised 11/8/24

Application #: 20240521

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: 67.16 Block: 1 Lot: 14

Property Location (street address): _____

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: SCHNEIDER First Name: HEIKE MI: A

Company: HS-ARCHITECTURE

Address: 515 CROTON HEIGHTS ROAD

Address: YORKTOWN HEIGHTS, NY 10598

Phone #: [REDACTED] Cell #: [REDACTED] E-mail: HEIKE@HS-ARCHITECTURE.COM

Property Owner: ☐ Same As Above

Last Name: CLEMENTE First Name: ASHLEY MI: _____

Company: _____

Address: 163 OLD POST ROAD NORTH

Address: CROTON-ON-HUDSON, NY 10520

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

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. Please note the application **fee is non-refundable** even in the event the application is withdrawn.
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): §230-33, INCLUDING §230 ATTACHMENT C

Description of variance requested: **The existing 1-story ranch-style house is non-conforming as per the area & bulk schedule for the property district RA-40. The proposed 2-nd floor addition will not change existing non-conformity. We are requesting a a 4.2' side yard variance(1) , a 11' front yard 1 variance(2) and a 24.2' front yard 2 variance(3).**

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	30' _____	25.8' _____	4.2' Side Yard _____
Total Side Yard	80' combined _____	N.A. _____	
Front Yard 1	50' _____	39' _____	11' Front Yard 1 _____
Front Yard 2	50' _____	25.8' _____	24.2' Front Yard 2 _____
Rear Yard	40' _____	N.A. _____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

Please provide a detailed response to all five factors above:

1. No undesirable change will be produced. We are proposing a modest 2nd floor addition.
2. We are staying within the existing footprint in order to minimize the requested area variance. There was no other way to get additional living space for his parents to move in that would not have required an area variance.
3. It has not changed from the original variance request when the residence was first built in 1960.
4. No, it will not have an adverse effect. On the contrary the appearance of the residence and the value of the property will be significantly improved.
5. No it was not self-created. The existing residence is legally non-compliant

(can use separate paper if necessary)

Have any previous area variance applications been made? ☐ yes ☐ no If so, give date: _____

Description of previous variance:

My client has not asked for a prior variance but we know that the previous owner had gotten a variance for his deck in 1989.

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.

Heike A. Schneider R.A.

H. Schneider

9-30-24

Applicant's Name (please print)

Applicant's Signature

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☐ DeniedFee: \$ 375.00 Date paid: 10/4/24 Rec'd by: SC

letter is accurate. This could have been submitted to us in advance so that we could have given it to our planning consultant in advance of this meeting.

Chairman: Our options are to turn you down, to accept your application as presented, or to get further information and have you come back with further information.

MOTION BY DICKEY AND SECOND BY WAITKINS TO GRANT APPLICATION AS REQUESTED.

VOTE: YES--DICKEY, WAITKINS, STEPHENS
NO--REISNER, SHEER

DONALD AND MARY FAGAN--163 OLD POST ROAD NORTH--RA-40, SECTION 57, BLOCK 222, LOT 8-Z--VARIANCE FROM THE REQUIREMENTS OF THE ZONING LAW FOR FRONT AND REAR YARD SETBACKS IN CONNECTION WITH THE PROPOSED CONSTRUCTION OF A DECK

RA-40 District requires one side yard of 30 feet and two of 80 feet and you are going to wind up with 17 feet on one side and 26.46 on the other side. Right now you have 25 and 26.46. You want to build a deck. This is a sloping site. At one end it is only about one foot high to three feet high on the other end; that is the slope of the land.

Hatzmann letter of June 2, 1989 stated that they have no objection to the application. Mrs. Guisdi, next door neighbor, spoke and stated that they also have no objection.

MOTION TO APPROVE A REDUCTION FROM 30 AND 80 TO 17 AND 26.46 FOR A TOTAL OF 43.46 MADE BY DICKEY AND SECONDED BY WAITKINS.

VOTE: UNANIMOUS

RESOLUTION: FAGAN--SECTION 57, BLOCK 222, LOT 8Z

Donald and Mary Fagan have applied to this Board for a variance from the requirements of the Zoning Ordinance for front and rear yard setbacks in connection with the proposed construction of a deck. This property, at 163 Old Post Road North, is located in an RA-40 District, and is designated on the Tax Maps of the Village as Section 57, Block 222, Lot 8Z.

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

irregularly shaped piece of property. The property is practically triangular in shape. In order to enjoy use of the property, applicant wishes to build a deck at the rear of the house. Because of the shape of the property, this 12 x 20 foot deck projects into the front and rear yards. There is no other practical area to place the deck. The house is in an RA-40 zone which requires a front yard of 50 feet and a rear yard of 40 feet. Applicant has a rear yard of 17 feet and a front yard of 26.46 feet. The deck is an attractive addition to the house.

The Board finds that applicant has demonstrated sufficient practical difficulties because of the shape of the property and therefore, a variance is GRANTED to reduce the front yard to 26.46 feet at the point where the deck ends and also the rear yard to 17 feet also at the point where the deck is built.

J. KIRK DAVIS--50 OLD POST ROAD NORTH--RA-5, SECTION 37, BLOCK 216A, LOT 22--VARIANCE FROM THE REQUIREMENTS OF THE ZONING LAW FOR FRONTAGE ON A "PUBLIC STREET IMPROVED TO THE SATISFACTION OF THE PLANNING BOARD" TO PERMIT A 3-LOT SUBDIVISION.

Chairman Sheer will step down on this matter and Mr. Dickey will chair.

Michael Sterlacci, is representing Mr. Davis. Section 8.1.2--must have frontage on an improved Village street for building lots. Property is in an RA-5 zone. Both lots meet all the requirements; water and sewer available. Only item that this Board can comment on is the access to the property over an easement.

No comments from public wishing to speak in favor of application.

Opposed to the application: John McKean, 21 Terrace Place. Four major problems: proposed subdivision does not conform to the neighborhood, the proposed subdivision is an improper use of the land, adds to the density causing unreconcilable health and safety problems, and no EIS has been submitted. This is an historic intersection on Old Post Road North and Terrace Place. It contains the oldest house in Croton. Topography of the land: development will compound serious drainage problems which exist on Old Post Road North and Terrace Place. Significant flooding occurs on property

