

Village of



Croton-on-Hudson

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

Received

FEB 14 2025

Engineers Office

(Form # Eng-§230-160)

(Revised 05 2024)

Application Date: 2/4/2025

Application #: 20250042

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: 67.2

Block: 3

Lot: 12

Property Location (street address): 155 Grand Street

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: _____ First Name: _____ MI: _____

Company: Brook St Commercial LLC

Address: 15 Warren Road, Croton on Hudson, NY 10520

Address: _____

Phone #: [REDACTED] Cell #: _____ 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. Please note the application **fee is non-refundable** even in the event the application is withdrawn.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): 230-34

Description of variance requested:

Requesting a total of 3 variances for the construction of a new single family home on a vacant lot (with an existing garage that has a previously granted variance).

- 1) A variance for a 3-story house where 2 1/2 stories are permissible.
- 2) A total side yard variance where 20'ft is required and only 16.2ft is provided
- 3) A variance for the lot width as 50ft is required and 44.3 ft provided

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard			
Total Side Yard	20 ft	16.2 ft	3.8 ft
Front Yard			
Rear Yard			
Lot Width	50 ft	44.3 ft	5.7 ft
Other	2.5 Stories	3 Stories	0.5 Stories

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:

See attached

(can use separate paper if necessary)

Have any previous area variance applications been made?

☒ yes ☐ no If so, give date: 9/24/2024

Description of previous variance:

The previous owner was granted (2) side yard variances from Village Zoning Code Section 230-40 (A)(1)(B) for an existing detached garage on lot 12. SEE ATTACHED.

See attached for Resolution

2. Special Permit

Village Code Section(s):

Special Permit Description:

Explanation:

N/A

(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:

N/A

3. Appeal

Village Code Section(s):

Description of administrative decision or order (include copy):

N/A

(can use separate paper if necessary)

Date of decision or order:

Explanation of reason for appeal:

N/A

(can use separate paper if necessary)

4. Interpretation

Village Code Section(s):

Description of proposed project or improvement:

N/A

Explanation/describe request:

5. Use Variances

Village Code Section(s): _____

Existing Use of Property: N/A

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.

Brook STREET Commercial

Applicant's Name (please print)

Applicant's Signature

Date

2/4/25

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: 2/4/25 Rec'd by: SLC

Project Narrative

To: Village of Croton-On-Hudson Zoning Board of Appeals
From: Colliers Engineering & Design
Date: February 4, 2025
Subject: Project Narrative- 155 Grand Street
Project No.: 24012219A

Colliers Engineering & Design has prepared the attached Zoning Board Application documents, which include a Preliminary Site Plan for the existing tax lot 67.20-3-12. The Tax lot is located at the south-west corner of Grand Street and Bayview Terrace in the Village of Croton-On-Hudson. The total lot area is approximately 5,611 square feet, and is currently developed with an existing gravel parking area, retaining walls, and garage. The lot currently serves as a parking area for 153 Grand Street, which abuts the project to the south-west.

The proposed development involves the construction of a three-story single-family home. The proposed home will have gross footprint of 1,009 square feet and 2,481 SF of habitable area. Additional site improvements include utility connections, land grading and retaining walls, 5 proposed parking spaces, and modifications to the road alignment along Bayview Terrace.

Tax lot 67.20-3-12 is located in the village RB zoning district, where the use is permitted by right. However, the project proposes three area variances as described below:

	Required	Proposed	Variance
Lot Width (feet)	50	44.3	-5.7
Side Yard Setback (feet)	20	16.2	-3.8
Building Height (stories)	2.5	3	+0.5

To support the project's request for an area variance, the applicant has evaluated the five criteria to evaluate the potential detriment to the health safety and welfare of the neighborhood or community they are as follows:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;*
 - The requested variances would not produce an undesirable change to the character of the neighborhood. The requested area variances including side yard setback, lot width, and building height are common to the area and Grand Street. Additionally, project abuts a private drive and another three-story building owned by the applicant.
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*
 - The existing geometry of the lot is limiting and would potentially render any project conforming to the zoning code unviable as the building would be very thin and unmarketable. Therefore, the applicant is seeking an area variance for the project.
3. *Whether the requested area variance is substantial;*
 - The lot width variance is for 5.7' of the 50' requirement = 11%
 - The Side yard variance is for 3.8' of the 20' requirement = 19%
 - The building height variance is for 0.5 stories of the 2.5 story requirement = 20%

Based on the above calculation that requested variances are not substantial.
4. *Whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district;*
 - The requested variances are in kind with other existing structures within the neighborhood and along Grand St. therefore there will be no adverse impact to the physical or environmental conditions of the district or neighborhood.
5. *whether the alleged difficulty was self created which consideration shall be relevant to the discussion of the ZBA but shall not necessarily preclude the granting of the area variance.*
 - The requested variance is self created because the current lot is vacant. It is our opinion that in order to create a viable project the requested variances need to be obtained.

We look forward to further discussing the project and the requested variances with the board at the next zoning board of appeals meeting.

RESOLUTION

NOTICE IS HEREBY GIVEN THAT, **Aron Lindholm, Owner**, has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for (2) side yard variances from Village Zoning Code Section 230-40 (A)(1)(B) for an existing detached garage. The property, **153 Grand Street** is located in the RB 2-Family Residential District and is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 67.2 Block 3 Lot 12 & 13.

This proposed action is considered a Type II Action under the State Environmental Quality Review Act (SEQRA) therefore, no Negative Declaration is required.

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.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance;
3. The requested variance is not substantial;
4. The proposed variance 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 not self-created.

NOW, THEREFORE, BE IT RESOLVED, that a South side yard variance of 0.72'ft and a North side yard variance of 3.21'ft for an existing detached garage be **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Mr. Weber

Second: Mr. Mastronardi

Vote: 3- AYES 0- NAYS (Chairperson Wagner, absent, Mr. Olcott, absent)

Condition(s):

1. That, 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".
2. That, the variance is granted based on the plans and other documents submitted in support of the application.

9/24/24