

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
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Zoning Board of Appeals

Application (ZBA)

RECEIVED
MAR 04 2025
(Form # Eng-§230-160)

Engineers Office

(Revised 05 2024)

Application Date: 3/4/25

Application #: 20250097

Type of Application: ☒ Area ☐ Special Permit ☐ Appeal ☐ Interpretation ☐ Use ☐ Fence

NYS SEQOR (§617) Actions:

- ☐ **Type I -** Submit long EAF and CAF
☐ **Type II -** Not subject to SEQOR (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: 68.14

Block: 3

Lot: 8

Property Location (street address): 339 Grand St

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: Franggi First Name: Adriana MI: _____

Company: _____

Address: 339 Grand St Croton-on-Hudson NY 10520

Address: _____

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

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 Please note the application **fee is non-refundable** even in the event the application is withdrawn.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): 230-406

Description of variance requested:

Requesting a side yard variance of 11ft and a back yard variance of 15.5ft to enclose the existing pavilion as a sun-room.

A side yard variance of 11ft and a back yard variance of 15.5ft to build the pavilion were granted on January 28, 2025 for the construction of the attached pavilion.

(can use separate paper if necessary)

	Required setbacks:	Proposed Setbacks:	Variance Requested:
Side Yard	15ft	4.16ft <u>4.00ft</u>	11ft
Total Side Yard			11ft
Front Yard			
Rear Yard	20ft	5ft	15.5ft <u>15ft</u>

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:

Please attached

(can use separate paper if necessary)

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.

Adriana Franggi

Applicant's Name (please print)

Applicant's Signature

Date

3/4/2025

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: \$

375.⁰⁰

Date paid:

3/4/25

Rec'd by:



Have any previous area variance applications been made?

☒ yes ☐ no If so, give date: 1/28/25 & 3/12/08

Description of previous variance:

Resolutions Attached

1/28/25 - Attached Pavilion

3/12/08 - 2nd Story Addition

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:

Adriana & Julio Franggi

339 Grand St Croton-on-Hudson, NY 10520

3/4/2025

1 - Enclosing the existing attached pavilion would not produce an undesirable change or become a detriment to nearby property on account to the finishes and materials to match the existing dwelling as well as the use of this area will be personal within the rear of the property.

2 - The benefit that we seek is to extend the usage of our patio beyond the short summer and this can only be achieved with the requested variances comparably to the variances granted on January 28, 2025 for building the attached pavilion.

3 – The side yard variance requested is 11ft of the 15 ft required and 15.5ft of the 20ft required in the rear yard.

4 – The requested variance would not change the essential character of the neighborhood due to the concealed location at the rear of the property.

5 – The enclosed pavilion is a self-created with reference to the only possible location of the pavilion in the small lot.

We thank you for your consideration

RESOLUTION

NOTICE IS HEREBY GIVEN THAT, **Adriana Franggi, Owner-**, has applied to the Zoning Board of Appeals of the Village of Croton-on-Hudson for a side yard and a rear yard variance from Village Zoning Code Section 230-40G for an attached pavilion on an existing small lot. 339 Grand Street, is located in a RA-25 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 68.14 Block 3 Lot 8.

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 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 self-created.

NOW, THEREFORE, BE IT RESOLVED, that a side yard variance of 11 ft and a rear yard variance of 15.5 ft for an attached pavilion on an existing small lot be **GRANTED** subject to the following conditions, and further finds the variance granted herein is the minimum variance necessary and adequate.

Motion: Mr. Mastronardi

Second: Mr. Weber

Vote: AYES 4 NAYS 0 (Mr. Tuman, 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.

1/28/25

FINAL

RESOLUTION

Julio & Adriana Franggi, have applied to the **Zoning Board of Appeals** of the Village of Croton-on-Hudson, for a front yard and side yard variance with respect to a proposed 2nd story addition.

The property, at 339 Grand Street., is located in a RA-25, District and is designated on the Tax Maps of the Village as Section 68.14 Block 3 Lot 8.

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

There will be no undesirable change to the character of the neighborhood or detriment to nearby properties.

There were no objections from the neighbors.

The proposed variance will not have an adverse affect on the physical or environmental conditions of the neighborhood or district.

NOW, THEREFORE, BE IT RESOLVED, that the application is hereby **Granted** as follows:

Waitkins – Made Motion to grant a nine foot front yard variance and a three point eight foot side yard variance with the condition that all of the exterior siding will be consistent.

Stephens – Second the Motion

Vote – 4-0 – Waitkins, Stephens, Riedy, Olcott

3/12/08

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.

Village of

Croton-on-Hudson



Building Department
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Tel: 914-271-4783
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Certificate of Occupancy

20250020

DATE ISSUED: 02/13/2025

Application No.: 20240316

Application Date: 06/26/2024

Bldg. Permit No.: 20240084

Bldg. Permit Date: 09/16/2024

Location: 339 GRAND STREET

Parcel number: 068.14-003-008.00

Subdivision:

Lot #

THIS CERTIFIES that the improvement located at premises indicated above, conforms substantially to the approved plans and specifications heretofore filed in this office with application for building permit dated as indicated above, pursuant to which Building Permit was issued, and conforms to all the requirements of applicable provisions of the law. The improvement and use for which this certificate is issued:

Description of improvement: CONSTRUCTION OF A 14' by 24' ATTACHED PAVILION (GAZEBO)

Building use: 1-FAMILY

This certificate of occupancy is issued subject to any Special Permits or Variances issued.

Special Permit: NONE

Date Issued:

Variance: SIDE YARD & REAR YARD VARIANCES GRANTED

Date Issued: 1/28/25

This certificate is issued to:

Owner: FRANGGI JULIO

339 GRAND ST, , CRTN-ON-HDSN, NY 10520

with the following conditions:

1. This certificate of occupancy may be revoked if it has been determined that fraud and/or deceit were used to hide defects in the work or non-compliance with applicable codes, rules and regulations, or that the certificate of occupancy was issued in error.
2. This certificate does not in any way relieve the owners, or any other person or persons in possession or control of the premises, building or any part thereof, from obtaining such other permits or licenses as may be prescribed by any codes, rules and regulations for the uses or purposes for which the building or premises is designed or intended; nor from complying with any lawful order issued with the object of maintaining the premises or building in a safe or lawful condition.
3. No change or re-arrangement in the structural parts of the building, or in the exit facilities, shall be made and no enlargement, whether by extending on any side or by increasing in height shall be made, nor shall the building be moved from one location to another, until a permit to accomplish such change has been obtained from the Building Inspector.
4. Any change in the nature of use of any parcel of property or extension or change in the present area of use or change in the access from the parcel of property to a street or streets for which a change of use or access permit is required under Section 86-9H of the Village Code or the continuance of any such change of use or access effected after May 18, 1964, shall require a new certificate of occupancy.
5. If a sign/symbol designating a residential structure with: truss type construction, pre-engineered wood construction and/or timber construction was required by 19NYCRR Part 1265, then the property owner shall be responsible: for maintaining the sign/symbol and promptly replace any sign/symbol affixed to an electric box when change or modification is made; for promptly replacing the sign/symbol if it is removed or becomes damaged, faded, worn or less conspicuous to firefighters responding to a fire or emergency at the residence; keeping the sign area clear of plants, vegetation and obstructions that may hide or obscure the sign/symbol or otherwise cause it to be less conspicuous to firefighters or first responders responding to an emergency.

Ronald Wegner, P.E., Asst. Village Engineer/Asst. Building Inspector